

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

**Public Hearing - Case Study 11
(Day WA15)**

Level 18, Industrial Relations Commission
111 St Georges Terrace, Perth

On Wednesday, 30 April 2014 at 10.00am

Before The Chair: Justice Peter McClellan AM
Before Commissioners: Mr Robert Atkinson AO APM
Professor Helen Milroy

Counsel Assisting: Ms Gail Furness SC

1 MS FURNESS: Your Honour will recall that yesterday
2 your Honour was interested in the sentencing decision in
3 relation to Brother Dick, and we have located the Court of
4 Criminal Appeal decision. He appealed the initial
5 decision. I have copies of that, if I can perhaps hand
6 them up to the bench and to those interested.

7
8 THE CHAIR: Does it appear that he was sentenced in
9 relation to matters that were not the subject of an
10 indictment?

11
12 MS FURNESS: It is not as clear as that, unfortunately,
13 your Honour. Perhaps it might assist if I read parts of it
14 on to the record so that everyone is aware of what
15 happened:

16
17 *The applicant was presented in the District*
18 *Court of Western Australia on an indictment*
19 *containing 10 counts in similar terms,*
20 *namely, that on a date unknown between*
21 *1 January 1960 and [the end of] December*
22 *1965, at Wilson, he unlawfully and*
23 *indecently dealt with a person unknown,*
24 *a boy under the age of 14 years. He*
25 *pleaded guilty to each count.*

26
27 And he had earlier pleaded guilty in the Court of Petty
28 Sessions. The court says that:

29
30 *In the usual way, the depositions comprised*
31 *in the brief for the prosecution were*
32 *tendered and incorporated ...*

33
34 And the Crown prosecutor informed:

35
36 *... the sentencing Judge that the*
37 *complainants were unknown boys living in*
38 *the care of the Christian Brothers' Order*
39 *of the Roman Catholic Church at*
40 *Castledare ... During the years 1960 to*
41 *1965 [Brother Dick] ... was in charge of*
42 *a dormitory at Castledare. In relation to*
43 *counts 1 to 5 ... [he] went to the boys'*
44 *dormitory after lights out and there, under*
45 *the bedclothes under the boys' clothing,*
46 *fondled the genitals of five boys aged*
47 *about eight or nine. In relation to counts*

1 6 to 8, on three occasions, after lights
2 out, the applicant took a boy, aged between
3 eight and ten, to his room and there rubbed
4 his penis against the boy's anus. In
5 relation to the two remaining counts, on
6 two further occasions, [he] went to the
7 dormitory after lights out and placed his
8 penis in the mouth of a boy aged about
9 eight or nine who was asleep at the time.
10 [Brother Dick] was interviewed by police on
11 30 November 1993. He then admitted the
12 offences and made a written confessional
13 statement.

14
15 There was some dispute as to whether the admission was in
16 relation to a penis being on or in the mouth.

17
18 From the point of view of this Royal Commission, what
19 is also relevant is the description in the judgment of
20 Brother Dick's life. It says that he was 67 at the time of
21 sentencing and when he was 16 he had entered the
22 Christian Brothers as a novice. He became a lay brother
23 and in 1954 he was sent to the Tardun farm where he worked
24 as a farm labourer. He then went to Boys Town, again where
25 he worked principally on the farm, and then in 1960 he went
26 to work at Castledare and generally his main role was to
27 drive the orphanage's truck. But after school, he would
28 supervise the boys in sporting activities, et cetera. But
29 for some period of time, he supervised one of the two
30 dormitories, and it was while he was in that period of
31 supervision that that was when the offences were committed.

32
33 The Royal Commission will hear from two provincials,
34 one deputy provincial and one former provincial, in
35 relation to what work they have done to understand why
36 these offences were committed, but in relation to
37 Brother Dick, on his behalf, it was said that the work he
38 was required to perform was constant and unrelenting, he
39 had none of what might be regarded as normal recreational
40 outlets. The offences occurred at night, when he thought
41 the boys to be asleep - although, clearly, that didn't
42 count for those who were taken to his room.

43
44 The applicant, Brother Dick, for 1968 and 1969 was at
45 Bindoon and then went to Castledare in 1969, where he
46 remained until 1975, and he did various work for the
47 Christian Brothers until he retired in 1993.

1
2 The judgment records that he retired in November 1993,
3 just before being interviewed by the police, by which time
4 there had been an indication that the Director of Public
5 Prosecutions would not prosecute Christian Brothers or
6 former Christian Brothers in the State because there was no
7 corroboration in relation to offences which had been
8 allegedly committed by them.

9
10 Now, as your Honour and Commissioners are aware, the
11 Acting Director of Public Prosecutions will give evidence
12 on Monday in respect to such matters.

13
14 The applicant - that is, Brother Dick - made a plea
15 through his counsel for a non-custodial disposition.
16 However, he was ultimately sentenced by the sentencing
17 judge to an effective head sentence of three and a half
18 years.

19
20 The Court of Criminal Appeal refers to the sentencing
21 judge's remarks at page 7, and says that:

22
23 *Although the learned sentencing Judge did*
24 *not say so in so many words, it is quite*
25 *apparent that he formed the view that the*
26 *nature of the offences was such as to*
27 *require a term of imprisonment.*

28
29 The Court of Criminal Appeal believed that his Honour was
30 justified in reaching this view and said:

31
32 *The applicant's conduct constituted a gross*
33 *and flagrant breach of trust in relation to*
34 *young boys committed to the care and*
35 *protection of the Christian Brothers.*

36
37 And, further:

38
39 *[This] is not a case of an isolated*
40 *incident due to a momentary lapse. The*
41 *offences were committed against a number of*
42 *individual boys and they continued over*
43 *a significant period of time.*

44
45 The judgment records that it was urged upon the court
46 that it was not appropriate to sentence the applicant on
47 the basis of the community attitudes of today - "today"

1 being 1994 - and on the basis that the offences with which
2 the applicant was charged would be viewed under the
3 amendments to the Criminal Code, being far more serious in
4 1994 than then.

5
6 The Court of Criminal Appeal then said:

7
8 *It appears to us, however, that any change*
9 *in community attitudes has not come about*
10 *by reason of some changed view as to the*
11 *seriousness of the offences in themselves.*
12 *It has come about by reason of the*
13 *relatively recent realisation of the*
14 *prevalence of these offences within the*
15 *community, a fact which has long been*
16 *concealed.*

17
18 I tender that decision.

19
20 THE CHAIR: We will make the reasons for decision of the
21 Court of Criminal Appeal exhibit 11-13.

22
23 **EXHIBIT #11-13 REASONS FOR DECISION OF COURT OF CRIMINAL**
24 **APPEAL RE BROTHER DICK DELIVERED 10/11/1994**

25
26 MS FURNESS: Thank you, your Honour. I call Ted Delaney

27
28 <EDWARD PATRICK DELANEY, sworn: [10.11am]

29
30 <EXAMINATION BY MS FURNESS:

31
32 MS FURNESS: Q. Would you tell the Royal Commission your
33 full name and occupation?

34 A. Edward Patrick Delaney, and I am retired.

35
36 Q. What did you do before you retired, Mr Delaney?

37 A. I was an investment broker.

38
39 Q. You have made a statement to assist the
40 Royal Commission?

41 A. Yes, I have.

42
43 Q. And you have a copy of that with you?

44 A. Yes, I do.

45
46 Q. Are the contents of that statement true and correct?

47 A. Yes, they are.

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MS FURNESS: Thank you. I tender the statement.

THE CHAIR: That will become exhibit 11-14.

**EXHIBIT #11-14 STATEMENT OF EDWARD PATRICK DELANEY
DATED 11/04/2014**

MS FURNESS: Q. Mr Delaney, I invite you to read your statement beginning at paragraph 4 and if you wish at any time for me to take over, I am happy to do so.

A. "My mother was raped and fell pregnant with me. She was disowned by her family and had to care for me on her own. She had no money so she put me in a home, run by Barnardos. My mother worked for Barnardos, in another childcare area, and on weekends she would come to see me.

My mother later told me that she came to see me one weekend and I was gone. She told me that she hadn't signed any papers nor given permission for me to be sent away. Instead, she was told, 'I'm sorry, but he's somewhere on the way to Australia.' There was nothing that she could do.

I was five when I was sent from England to Australia. On my arrival in Australia I was sent to the Presentation Sisters At Kellerberrin for a period. I was then sent to Castledare and then on to Bindoon.

When I was seven I went to Castledare. I spent three years there. My memory of Castledare is vague. I was happy there at first, because there were nice ladies in the kitchen who smiled at me. I was glad to be around them.

I was transferred to Bindoon when I was nine. I went via Clontarf for two days. I cried for weeks, because I had to leave behind other kids who had become my substitute family. I was a very sensitive little boy. I felt scared and intimidated by the rough and angry treatment that the brothers showed me. The brothers had no sympathy for me and threatened me that if I did not stop crying I would get a beating.

Bindoon was hot and horrible. I felt in despair and like I could not go on. At the age of nine, I started to think about killing myself. I began thinking through plans of how I could do it. I decided on a plan, but it went

1 wrong. I thought that if I ventured out onto a rope and
2 swung high above the riverbank, I could throw myself into
3 the water and drown, because I couldn't swim.
4

5 I went through with the plan but I missed the river
6 and hit a tree root. It went right through my lip. I was
7 found dazed and shocked and was taken to the infirmary.
8 I stayed in the infirmary for a few days.
9

10 When I was about 10 or 11, Brother Doyle broke my
11 fingers on both my hands by belting me repeatedly with
12 a leather strap. It was five-ply leather and it had
13 hacksaw blades sewn into it. I still have a deformity
14 because of this incident.
15

16 At the age of 12 or 13, I ran away. I got caught.
17 I ran away to my 'holiday family' in Perth, but they
18 brought me back and took me to Brother Doyle's office.
19 Brother Doyle pulled down my pants and flogged me very
20 hard, mainly across my backside. I had cuts and bruises
21 that lasted for weeks. I could not sit down for two weeks.
22 When the boys and I had showers, you could always tell who
23 had been beaten by Brother Doyle because you could see the
24 marks.
25

26 I tried to run away again, around six months later,
27 but Brother Doyle sent some boys after me and they dragged
28 me back. I received another belting. I was in a very,
29 very poor mental state, with little hope for my future.
30 I just wanted to die.
31

32 I was first sexually abused at Bindoon when I was
33 12 years old. I remember Father William called me into his
34 room to offer me lollies. Father William dropped the
35 lollies into my pocket and then reached for them, feeling
36 me up as he did so. This only happened once. I would not
37 allow it to happen again.
38

39 When I was 13, I was first sexually abused by Brother
40 Parker. I remember Brother Parker telling me quietly to go
41 up to his room, get undressed, and lay face down on his
42 bed. Brother Parker would approach me anywhere on the
43 grounds of the orphanage and say this to me. It never
44 happened at night, it was always during the day. During
45 the day, the other brothers were occupied on the farm or at
46 the orphanage. The boys were also occupied. At night,
47 there would be other brothers around.

1
2 After Brother Parker approached me and told me what to
3 do, I would have to wait for him maybe for 15 or
4 20 minutes. Then he would come in, strip off and 'treat me
5 like a woman'. He used olive oil as a lubricant and raped
6 me anally. It happened a lot. I remember the smell of the
7 oil. He would push his hand under me and try to jack me
8 off but I never responded. I was terrified of what would
9 happen if I did not cooperate. This happened at least once
10 a month for over 18 months.

11
12 Except as I explain below, I didn't tell anyone what
13 was happening with Brother Parker. He treated me like his
14 'pet' and I got special privileges. I was allowed to open
15 at cricket games and I got easier jobs from Brother Parker.
16 I remember him telling me I was his number one boy.
17 I began to feel like Brother Parker cared about me, even
18 though I hated what he did and felt disgusting. I also
19 thought maybe I was special and it was something special
20 I could do for him because he picked me, out of all the
21 other kids. I later began to see how I had been used and
22 abused.

23
24 When I was about 13 years old, I went to confession
25 and confessed to Father William that Brother Parker was
26 sexually abusing me. I didn't use those exact words, but
27 I think I said something like, 'I wish to confess that one
28 of the brothers is having sex with me and he is treating me
29 like a woman.' Father William asked me who, and I said
30 'Brother Parker.' Father William said, 'Did you
31 participate?' And I said 'No'. Father William told me to
32 say three Hail Marys and pray, and I would be forgiven.

33
34 It was not until later I found out that a priest
35 cannot divulge what you tell them in confession.
36 I realised that if I went to confession and confessed
37 again, it was not going to do any good. So I never
38 bothered telling Father William again.

39
40 Brother Parker left Bindoon when I was around 15.
41 I just woke up and Brother Parker was gone. I remember the
42 day that Brother Parker left being called into
43 Brother Doyle's office. He asked me something like, 'Tell
44 me what Brother Parker did to you', and I did.
45 Brother Doyle said to me, 'Brother Parker has been to me
46 and told me what he's done and because of his actions he is
47 no longer going to be here. He has been sent to Tasmania.

1 I do not want you to talk about this to anybody ever again,
2 okay, because the matter has now been dealt with. If
3 I hear that you've told anybody, you'll be punished.'

4
5 I never told anybody because I was scared I would be
6 punished. I was just relieved that Brother Parker had
7 gone.

8
9 As I got older and bigger, I started to feel more
10 confident and safer and I felt I could stand my ground.
11 Then, an incident happened. I got a lolly from the tuck
12 shop. I had no money but I had earned 'credit' for showing
13 people around Bindoon. Brother Doyle accused me of
14 stealing the lolly and took it off me and threw it to the
15 ground. I refused to cower and told him I would not be
16 having any dinner and refused to go to the dining room.
17 Brother Doyle sent two big boys to bring me in, but I still
18 refused to eat. Brother Doyle became incensed at my show
19 of defiance and screamed at me that I would be going to his
20 office. I knew this meant I would be going for a belting.

21
22 Something in me just broke. I pulled a knife and held
23 it to Brother Doyle's throat and yelled at him, 'If you
24 ever touch me again I will run this through your throat.'
25 The two boys grabbed me and got the knife from me, but
26 nothing happened and Brother Doyle never bullied me again.
27 At the orphanage, we used to have knives because of the
28 snakes.

29
30 The food at Bindoon was dreadful. We resorted to
31 stealing what we could find in the pig bins. The porridge
32 we received had weevils crawling in it. It was grey,
33 lumpy, flavourless and overcooked. It was like glue or
34 mortar. I can remember fried stale bread that was as hard
35 as hell. We had kangaroo tail soup, which was boiling
36 water with a kangaroo tail stuck in it. I felt hungry all
37 the time and depressed by the crap they fed me. We grew
38 fruit but it was for sale, not for the kids, so we had to
39 resort to stealing it whenever we could. I ate raw eggs
40 I was so hungry.

41
42 Today, food is a big issue for me. I have a lot of
43 phobia relating to food. It is hard for me to enjoy
44 a night out in a restaurant with friends or family. I have
45 to have all the lights on so I can see what I am eating, in
46 case it is off or has vermin. I am obsessive and difficult
47 with the many aspects of the way food is cooked, the way it

1 tastes and smells, and the way it is presented and served.

2

3 I did not receive a decent education. When I was 13
4 I was pulled out of school full time and I got no more
5 classroom education. I was made to work in the dairy with
6 the chickens and other farm labour. Up until this time,
7 I was almost never in school anyway. I was driving
8 a tractor when I was 13, and soon after I was driving
9 a semitrailer.

10

11 When I was 14, I was put to work building 'Our Lady's'
12 grotto, with a Yugoslav worker. I fell off the top on to
13 a pile of rocks and really hurt myself. I remember crying
14 with pain but the supervising brother just told me to 'shut
15 up and get back to work'. For two weeks I cried with the
16 pain and finally when we were staying at Moore River (the
17 Christian Brothers' holiday home) I was crying so much
18 I was taken to the Royal Perth Hospital. It was discovered
19 that I had a broken arm and a broken leg. I was patched up
20 in plaster and brought back.

21

22 When I was 15, I was ploughing the paddocks one night
23 at about 1am. I had been doing this for a few hours, and
24 found I could not move my legs. I could not operate the
25 brake or the clutch. I turned the motor off and had to
26 fall off, I could hardly move. I had to crawl back to the
27 main building, which was about 1.5 kilometres away.
28 I crawled and hurt myself, dragging along the ground.
29 I was crying in fear. The brothers just put me to bed for
30 a few days. I was screaming in pain from my joints and all
31 over my body. The brothers did nothing to help me.

32

33 Eventually, I was taken again to the Royal Perth
34 Hospital. It turns out I had rheumatic fever. I was there
35 in hospital for five months. No-one ever called or visited
36 me. Finally, Brother Dawe came, just when I was going into
37 rehab to start walking again. Within three days of being
38 sent back to Bindoon I had a relapse and had to be sent
39 back to hospital. I spent another four or five months
40 there. I had no visitors. By that time, I had gotten used
41 to being there, though, and I enjoyed the food and the
42 female company and the attention from the nurses. It was
43 the first time I ever felt cared for, apart from my
44 betrayed fantasy about Brother Parker.

45

46 I left Bindoon when I was 16. Like most boys, it had
47 been arranged that I would be sent to a farm to provide

1 cheap labour. But, within a few weeks, I was sent back to
2 Bindoon. I was not useable. I could not work on the land
3 because I was too frail. I was sent to a boarding house in
4 Perth. It was the most dirty, filthy place you can
5 imagine. It was full of rats. I got a job and with my
6 first pay I bought rat traps.

7
8 In my time at Bindoon I was never seen by the welfare
9 department.

10
11 When I was 19, I left Western Australia. I wanted to
12 leave all those rotten memories in that rotten place.
13 I did not want to run into anyone from the orphanage.
14 I moved to Melbourne.

15
16 The legacy of Bindoon has been with me every day of my
17 life, since I left aged 16.

18
19 I have suffered debilitating and severe headaches and
20 migraines every day directly related to the anxiety and
21 stress of my experiences, and also due to the effects of
22 the physical violence I endured, including the numerous
23 blows to my head. I can remember the many occasions when
24 the brothers would twist my ears and drag me across the
25 room by my ears. The pain was excruciating. I have taken
26 pain killers regularly, for decades.

27
28 I was raped and physically abused over an extended
29 period of time as a youngster. I learned to forever fear
30 and to keep my guard up and not to trust people. I learnt
31 to always be suspicious of people's harmful intentions and
32 I learnt to hide my emotions. To survive, I became
33 hardened inside. I was hurt and neglected and I did not
34 receive the due care and attention you need as a child.
35 I did not know how to nurture and to love myself and to
36 love others. I saw the world as a harsh and dangerous
37 place and I carved out a small, safe world to live in.
38 I learnt to keep my memories locked away. I learnt to
39 bottle up the shame and guilt. It is never easy for me and
40 my anger can be triggered when I least expect it. I have
41 to be vigilant to be on the lookout for emotions that can
42 come cascading out that could put me or others in danger.

43
44 It was not until I was aged 40 that I found out
45 details of how I came to Australia, and about my family in
46 England. I was sitting down with my daughter, who at the
47 time was about 13, and we saw a program, 'The Leaving of

1 Liverpool', with Margaret Humphreys. After seeing the
2 program, my daughter wrote the phone number down and she
3 said, 'Dad, I might have a grandmother or grandfather on
4 your side.' I said 'No', and that I was an orphan. My
5 daughter persisted, and so I rang Margaret Humphreys and
6 gave her all of my information. My wife and I later got
7 a phone call from Margaret Humphreys saying that I had
8 living relatives in England. I had a mother and three half
9 brothers. I was asked whether I wanted to make contact
10 with them and I said yes. I understand the same happened
11 to them - that is, they were asked whether they wanted
12 contact from me, and they said 'yes', too.

13
14 Margaret arranged a meeting with my family and I flew
15 over to London. I paid for all of my travel and expenses.
16 When I arrived at London, Margaret met me at the railway
17 station. She took me to Brighton and made sure I had
18 accommodation and an open ticket in case things didn't work
19 out. Margaret brought me in to the room and introduced me
20 to my family. She waited outside. After about half an
21 hour, talking to my family, I felt very comfortable.
22 I went out to Margaret and said to her that everything was
23 okay.

24
25 I stayed in Brighton for several days. I was in a
26 hotel at first, and then my mother asked me to move into
27 her flat with her. I stayed with her for the last four to
28 five days, together with my three half brothers. The first
29 thing my mother did when she opened her purse was to show
30 me a photograph of me in a pusher when I was about four
31 years of age, and she had been carrying it around with her
32 in her purse. That was probably one of the most emotional
33 moments I have ever had in my life.

34
35 The Australian Government later paid for my wife and
36 children to go across to England and spend time with my
37 family, which we did. This was before Redress WA. The
38 government had a fund and anyone who had relatives in
39 England could get money to go across and see their family.
40 The government paid for the flights and accommodation for
41 one week.

42
43 I never told my mother that I was abused as a child.
44 I did not think it was appropriate to do that at her age.
45 I did tell my half brothers.

46
47 I believe that Margaret Humphreys deserves a medal.

1 As I explain above, she provided me with an incredibly
2 personal level of service. As well as the service she
3 provided to me which I explained above, Margaret got from
4 my mother a card and a letter, and gave them to me before
5 leaving Australia. She is fabulous.
6

7 I never reported at the time the sexual and physical
8 abuse I suffered, except to Father William. Brother Doyle
9 told me that if I did, I would get a belting. And who
10 would believe me?
11

12 When I was about 18, I went to the police in Perth at
13 Mount Lawley. I said to the police that I had been
14 sexually abused at the orphanage. I was told by the police
15 that if I continued on with this conversation I would be
16 charged. They did not believe me.
17

18 No amount of money could compensate me for the sexual,
19 physical and mental abuse that I have endured. I believe
20 the Australian and British Governments have a lot to answer
21 for regarding the atrocities committed against me.
22

23 The Slater & Gordon class action was a joke.
24

25 I heard about the class action from the Child Migrants
26 Trust. They told me about the Slater & Gordon thing.
27 I called Slater & Gordon and they said there was a meeting
28 that was going to happen. I went to the meeting. I do not
29 remember when the meeting was. It was in Melbourne.
30

31 As soon as I walked into the meeting, I felt
32 depressed. There were 15 to 20 other victims in the room,
33 all old boys. I could not handle the way these people were
34 talking. They were very negative. It was not to my
35 liking. I said, 'Whatever you abide by, I'm happy to go
36 along with, but I can't stay here and be involved.' I was
37 told that the church had made an offer, and that was the
38 only offer on the table. If I did not take the offer,
39 I would get nothing. If I did take the offer, that was the
40 end of it. It was only around \$3,000. For what we went
41 through, I felt this amount was an insult.
42

43 I stayed for a little while at the meeting, but not
44 for long. I did not ask any questions but I listened to
45 the questions the others asked. They were like, 'Is this
46 all?' And Slater & Gordon said, 'This is the final offer.'
47 I said, 'This is disgusting. I am leaving.' They said,

1 'If you want money, you have to sign this document.'
2 I signed the document, and I left.

3

4 I am sorry that I signed the document. I think we
5 should have the opportunity to revisit this litigation now.
6 To shut us up, we had to sign a document that said we could
7 not make any further claims against them. I think that was
8 wrong. I got no chance to read the document before
9 I signed it and no-one explained it to me. I did not
10 really understand the details of the settlement. It all
11 seemed to happen quickly. I was not told the amount that
12 Slater & Gordon took.

13

14 The amount of money I received was totally pathetic,
15 given what I went through.

16

17 I felt like Slater & Gordon were not fighting for us,
18 they were just fighting for their own commission. Slater &
19 Gordon did not care about us. I could see this from their
20 attitude. We were kids who had been abused. I think they
21 felt that we were a lower class of person. What they
22 explained to us was total rubbish. They made us feel like
23 second class, or made me feel like a second-class person.
24 In my opinion, I was forced to sign the document because of
25 their attitude. I felt disgusted.

26

27 Redress WA was the first time I had ever spoken openly
28 about the abuse that I had suffered. I was put in contact
29 with them through the Child Migrants Trust. I went to the
30 Child Migrants Trust a couple of times, to be interviewed
31 by Redress WA. This happened to me over a one- to two-week
32 period. It was the first time I went into detail about the
33 abuse I suffered, although not full details. I am not sure
34 exactly when this happened, but it was well after the
35 Slater & Gordon class action.

36

37 A public statement came out, about Redress WA, which
38 I saw, and which said you would get \$5,000 to \$45,000. It
39 was going to be \$90,000 but it was reduced, I think because
40 there were too many people. I submitted an application
41 form to Redress WA and a statement in support of my
42 application. I have been provided with a copy of the
43 Notice of Assessment Decision. It took around 18 months
44 for me to get any money, and I received an amount of
45 \$45,000.

46

47 I am a mentally strong person and I have found the

1 experience of retelling my story has actually helped me.
2 I feel satisfied that I have been able to prove the
3 Christian Brothers wrong. One of the brothers, when I left
4 Bindoon, said to me, 'Delaney, you'll never be anything in
5 life.' I took this as a challenge, I educated myself, and
6 have gone on to lead a successful life. I was able to cope
7 well with the Redress WA process. I tend to cope with
8 things well, although I do get upset whenever I see
9 children or adults hurt, like on TV. The one part of the
10 Redress WA process that helped me was having the second
11 interview. At the first interview, it was the first time
12 I had talked about my experience to anyone in detail. The
13 interview went for a couple of hours and the guy I was
14 talking to said, 'Let's call it quits and finish it next
15 week.' Having the week gave me time to think over and
16 I realised there were things I had forgotten. I think when
17 I left the orphanage I blocked out some memories. So it
18 was helpful to me to have a break and to come back for
19 a second interview."
20

21 I just want to say, which isn't here, that it is very
22 hard to bring out stuff that you have held for 50 years.
23 It is a long time to go back and think about the things
24 that happened to you.
25

26 "I am aware generally of the apology by the church in
27 the 1990s. I think it was too little, too late.
28

29 I have recently made contact with the Victorian Police
30 who have taken a statement from me concerning the abuse
31 I suffered.
32

33 I would like to say to the Royal Commission that
34 Margaret Humphreys and the Child Migrants Trust should be
35 given all the support they can get. What Margaret is doing
36 is absolutely marvellous.
37

38 I would also like to be able to send a letter to the
39 Pope saying that priests and brothers should be allowed to
40 marry. I believe this would solve a lot of problems.
41 Also, I would like to see greater scrutiny of the people
42 who are allowed to go into the Catholic Church."
43

44 Q. Mr Delaney, you have a question that you would like to
45 ask of the church.

46 A. I would like to ask - well, why were we never, ever
47 looked - when we were in the orphanage, why were we never

1 looked at by the government; why were we never - even after
2 leaving the orphanage, why were we never checked up, to see
3 how we are? We were never - the brothers controlled
4 everything. We were never given an opportunity to give
5 a voice to anyone outside there, and I believe that the
6 Australian Government neglected their responsibility to
7 find out. They dragged us from a country, with the
8 permission of the British Government, they dragged us here,
9 they placed us there to make this a bigger country, and
10 then they don't care about us. I want to know why.
11 I would like to know why.

12
13 MS FURNESS: Thank you, Mr Delaney. I have nothing
14 further.

15
16 THE CHAIR: Does anyone else have any questions?

17
18 MS NEEDHAM: No, your Honour.

19
20 MR O'SULLIVAN: No, thank you, your Honour.

21
22 THE CHAIR: Thank you, Mr Delaney. Thank you for coming
23 and telling us your story. You are now formally excused.

24
25 **<THE WITNESS WITHDREW**

26
27 MS FURNESS: I call Gordon Grant.

28
29 MR CUOMO: Your Honour, if I may announce an appearance?
30 My name is Cuomo. I appear for Mr Grant. I have
31 previously been granted leave by your Honour.

32
33 THE CHAIR: Thank you.

34
35 **<GORDON GRANT, affirmed: [10.50am]**

36
37 **<EXAMINATION BY MS FURNESS:**

38
39 MS FURNESS: Q. Would you tell the Royal Commission your
40 full name and occupation?

41 A. Gordon Grant, and I am a retired war pensioner.

42
43 Q. Mr Grant, you have prepared a statement to assist the
44 Royal Commission?

45 A. Yes.

46
47 Q. You have a copy of that with you?

1 A. Yes.

2

3 Q. Are the contents of that statement true and correct?

4 A. Yes, true.

5

6 MS FURNESS: Thank you. I tender that statement.

7

8 THE CHAIR: Yes, Mr Grant's statement will be exhibit
9 11-15.

10

11 **EXHIBIT #11-15 STATEMENT OF GORDON GRANT DATED 11/04/2014**

12

13 MS FURNESS: Q. I invite you to read your statement,
14 beginning at paragraph 4.

15 A. Thank you. I have to state, at first, that this
16 statement was prepared by a lawyer, Guy French, and it was
17 done in a bit of a hurry, because we had to get the
18 document to the Royal Commission. And, therefore, when
19 I read the statement the next day, there was two or three
20 minor amendments which had to be made. And that is the
21 situation. So I have corrected the amendments, and --

22

23 Q. Perhaps if you can tell me what those amendments are.

24 A. Oh, God.

25

26 Q. Are they additions?

27

28 THE CHAIR: Q. Do you remember, Mr Grant, which
29 paragraphs need to be amended?

30 A. Oh, no, because it is 25 pages.

31

32 Q. Why don't we just take you through it, and when you
33 come across something that needs to be amended, you can
34 tell us what the amendment should be. Is that all right?

35 A. Yes.

36

37 MS FURNESS: Q. You also have some additions, I think,
38 that you have written on the statement.

39 A. I do, most definitely.

40

41 THE CHAIR: Q. I think if you just read the statement
42 and then we will come to the amendments that you want to
43 make in due course.

44 A. All right. My name is Gordon Grant. My date of birth
45 is 25 September 1933.

46

47 I was born in Wales to an Irish Roman Catholic mother

1 and a Scottish Protestant father. When I was an infant
2 I was placed in a girls orphanage in Cardiff after my
3 parents' marriage failed. I had been given the name "Sonny
4 Jim". I was later moved to another orphanage, after I had
5 been baptised at St Alban's Catholic Church in Splott.
6 I went to a boys' orphanage in Swansea called Nazareth
7 House, about two months later.
8

9 Now, I have to just make this - at the age of two
10 years, the infants were taught and were now compelled to
11 stand up and salute the nuns, whenever a nun entered a room
12 or passed you in a passage, and you also had to attend
13 Sunday masses - in Latin, of course - and benediction
14 Sunday night.
15

16 Although I was named Nigel Gordon Grant at birth,
17 I was called "Sonny Jim" at the girls orphanage in Cardiff
18 and I was later given the surname Fitzgibbon, which was my
19 mother's maiden name, to try and keep me hidden from my
20 father. At the age of six years, three times a week, I and
21 two other boys worked in the laundry cleaning babies'
22 nappies.
23

24 I didn't have any contact with any members of my
25 family during that time I was at Nazareth House. My mother
26 had died in the bombing blitz in London during World
27 War II. I became a ward of the State under the care of the
28 Sisters of Nazareth. I endured a harsh life of discipline
29 by the nuns. Some of them were very vicious and cruel.
30

31 Years later, I was informed that my father,
32 Robert Grant, a plumber in Cardiff, was paying the nuns
33 16 shillings a week for my care.
34

35 I was sent to Australia as part of the Child Migrant
36 Scheme in August 1947. I travelled with 214 boys aboard
37 the ship the Asturias. I arrived at Fremantle on
38 22 September 1947. I was 13 years of age at the time.
39

40 When we arrived, we were met by Senator Dorothy
41 Tangney. She handed each of us an orange. I wished it was
42 a banana, we all had diarrhoea, eating oranges all the way
43 from Port Said.
44

45 We also met the Deputy Prime Minister and Minister for
46 Immigration, Arthur Calwell, who shook my hand, "Welcome to
47 Australia, Sonny, the great land of opportunity." He had

1 a very gruff voice.

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1 bins for food scraps, which I found degrading.

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The priests, brothers and nuns were well fed in comparison to the boys. They received well-cooked meals prepared by a Spanish Benedictine nun, Sister Hildegarde. We used to try to avoid the nuns seeing us scavenging for food scraps from the pig bins.

Working conditions.

Brother Paul Francis Keaney was responsible for a massive building program when I was at Bindoon. Boys were used to provide labour and work on the building sites, including many who were under 14 years of age, which meant that they didn't receive any primary schooling, except for repeated catechism lessons.

I worked in the kitchen when I first got to Bindoon, and I was also involved in work such as milking the cows and picking vegetables from the garden. However, when I was older, I ended up working on the building sites as well. I found the work very hard. We were also required to do bush clearing late in the evening, to clear the land.

The building practices were also unsafe. For example, we used improvised scaffolding and substandard materials and tools. I wasn't given any protective clothing, such as boots or gloves, or anything to protect me from the sun. Cement burns between our fingers and between our toes were quite common, as well as being sunburnt to our faces.

If certain government officials appeared at any building site, Brother Keaney would often stop work on the site and send the boys away. I recall being sent down for a swim in the creek during one visit.

Brother Keaney often referred to us as "malingerers" and "schemers". Brother Keaney often verbally abused and insulted us while we worked, which made me fear him. He used profanities and blasphemous language, saying that we were the "scum of the earth", the "descendants of whores", and the "camp followers of Cromwell's Protestant armies who had invaded poor old Ireland". "The lot of you are scum."

Brother Keaney also subjected the boys on the building sites, including me, to physical abuse, using a leather strap, heavy stick or his boots or fists. At times, you

1 had to drop your trousers, "Now lift up your curtain", and
2 then we would get flogged.

3
4 The first time I met Brother Keaney I was waiting to
5 go into a classroom for religious instruction. He called
6 out to me to approach him in the dining room - the only
7 other person who might have been present in the dining room
8 was an Aboriginal woman, Rosie, through an opening in the
9 door.

10
11 When I approached Brother Keaney, he said to me, "What
12 do you want to be when you grow up?" I looked at him. He
13 was a huge man, and I said, "I don't know yet, brother",
14 and without warning, he slammed his clenched fist into my
15 face and I was knocked backwards along the cement floor.
16 He had broken my nose and it started to bleed before I got
17 up from the floor.

18
19 Brother Keaney then called me back again and asked,
20 "What do you want to be when you grow up?", and I quickly
21 replied, "I want to be a poultry farmer." I said this
22 because at the orphanage in Wales we had poultry. He said,
23 "Get the fuck out of here and down to the farm with those
24 chooks." He then hit me across the back of the ear with
25 his strap, which he always carried with him, causing me to
26 bleed. I ran from the dining room. My nose was bleeding
27 and blood was pouring down my clothes. I went and lay on
28 a small hill and held my nose until the bleeding stopped.

29
30 On another occasion when I was a year older, I was at
31 a building site. Brother Keaney approached me from
32 behind - and I didn't expect it - and without warning, he
33 thrust with brutal force a sporting stick (the kind of
34 stick that you see people using at horse races - you open
35 it up, it's got a double handle and you sit on it, it has
36 a sharp steel point which can be thrust into the ground).
37 I screamed. The sharp metal point caused me serious injury
38 and bleeding. I still have vivid recollections of that to
39 this day. It is a wonder I didn't die of peritonitis.

40
41 Brother Keaney wasn't the only brother who physically
42 abused me at Bindoon. Brother O'Neill was another. But
43 Brother Keaney was the worst.

44
45 Coming from the institutional background in Wales,
46 I accepted that punishment would be hard at Bindoon. In
47 fact, I expected the conditions to be reasonably harsh, as

1 I had received a bit of a warning from an Irish nun who
2 said to me: "Wait until you get under the
3 Christian Brothers when you get to Australia." However,
4 I was shocked at the extent of brutality regularly
5 inflicted on me and the other boys at Bindoon. Living in
6 the orphanage in Wales was purgatory, but at Bindoon,
7 particularly under the regime of Brother Paul Francis
8 Keaney, it was a living hell.

9
10 Brother Keaney was sadistic, perverted and a deviant.
11 He used the excuse that he had to remove my trousers, but
12 because of the snide comments he made, he seemed to derive
13 pleasure when he applied the strap or the stick to my bare
14 buttocks.

15
16 These types of floggings were sometimes given
17 privately and in public in view of other boys. He often
18 stated that we all suffered from an inferiority complex.
19 Is it any wonder?

20
21 I was sexually abused by other brothers during my time
22 at Bindoon, but Father Eugene, I think, was the worst.
23 Father Eugene was a Spanish Benedictine monk from
24 New Norcia. I was sexually abused by Father Eugene.

25
26 These monks were resident priests for Bindoon, which
27 was about 25 miles from a monastery in New Norcia.

28
29 Father Eugene Perez was an artist and a sculptor. He
30 had studied for six years in Sydney to be a sculptor. He
31 invited me up to his room in the tower one day. He seemed
32 to be quite pleasant. He said to me, "Religious statues
33 are very innate objects and a real artist does require live
34 subjects." He said he wanted to make a statue of me,
35 which I was pleased about - wow, a statue of me? I had
36 seen statues of Jesus and Mary and Joseph lots of times,
37 and St Patrick and St Teresa at the orphanage in Wales.
38 Oh, dear. Yes, he had a blanket on the table and he said
39 he would try to make this a leisure scene - sunglasses,
40 books, a ball, et cetera. Father Eugene gave me my first
41 glass of wine, which I liked. It was a semi-sweet sherry.

42
43 Father Eugene asked me to remove my clothing, except
44 my shorts. I was wearing no underpants. He then pulled my
45 shorts further down so that the top of my genital region
46 was exposed. He said he wanted to see not just my torso
47 but "further down". At this point in my life, I was on the

1 verge of puberty and I was just developing pubic hair.
2 Wow.

3
4 Anyway, he wanted to draw full sketches of my body,
5 front and back. Father Eugene started to sketch me and he
6 said, "You know, there are things that you must get to be
7 aware of, such as wet dreams." I didn't know what a wet
8 dream was. I had never heard of them. He said, "They are
9 nocturnal emissions." He said, "You have to be prepared
10 to experience what that means, what it is. Otherwise, it
11 would be a terrible shock to you." He proceeded to explain
12 in detail what wet dreams were. He then said, "I want to
13 now draw the back of you as well." At this time, my shorts
14 were almost off and my buttocks were visible. He wanted to
15 draw and sketch the natural curves of my buttocks. But he
16 stated, "You could become an Adonis." I didn't know what
17 an Adonis was. I did not know that meaning. I now drank
18 my second glass of wine, which I liked. I was soon on my
19 third glass of sweet sherry.

20
21 Father Eugene said, "You'll cope well with what I am
22 telling you. I want you to relax in a semi-prone
23 position." He started fondling me, I got an erection and
24 Father Perez applied some cream to my genital region and
25 started to masturbate me. Although I knew what an erection
26 was, I had never been masturbated before - not even by
27 myself. And it was a shock to me. I was on the verge of
28 ejaculating and I jumped up, grabbed my shorts and a towel
29 and I felt shocked. As I was quickly leaving the tower,
30 I was feeling dirty and guilty. As I was leaving the
31 tower I called out, "You Spanish pig." Two days later,
32 Father Eugene gave me a gift, which was a Catholic missal
33 book written by a Jesuit priest. He said, "This is a gift
34 for you, you know, what you gone through, and this is
35 a gift to strengthen your faith." I threw the prayer book
36 into a pig bin.

37
38 Father Eugene had tried to sexually abuse me again on
39 another occasion. I was very confused. He was a priest.
40 As a boy in the care of the nuns at the Welsh orphanage,
41 I was told that priests were men of God and were good and
42 they did not commit sins.

43
44 I recall on one day that Brother Marques, who was an
45 ex Tardun institution boy, asked me to go up and make his
46 bed in his room on the first floor level of the tower. On
47 the third day, Brother Marques said he wanted a mosquito

1 net put up, because there had been a plague of mosquitos.
2 I stood on the chair to put up the net and Brother Marques
3 held my legs. However, before I had finished putting it
4 up, Brother Marques placed his hands in my pants. He
5 placed one hand sort of up my backside, and with the other
6 hand he grasped my genitals. I just about had a fit.
7 I said, "I'm leaving", and I ran down the stairs.
8

9 There were attempts of other sexual abuses I had
10 experienced elsewhere, but nothing as dramatic as this
11 happened, or what Father Eugene had done to me.
12

13 Brother McGee, the Brother Superior at Bindoon, was
14 coming out of the brothers' toilet area as I came running
15 down. He asked me, "What are you doing up there?" I told
16 him that I had been making Brother Marques's bed for him
17 for the past three days but that he was interfering with me
18 and I didn't want to go up there again.
19

20 I never went back up to Brother Marques's room because
21 he was removed from Bindoon within 24 hours and I think he
22 was sent to the boys orphanage at Tardun.
23

24 Brother Marques was an ex Tardun boy.
25

26 Brother Marques was replaced by Brother Angus, who
27 came from Clontarf or Tardun. He also tried to sexually
28 abuse me.
29

30 On one occasion, I had suffered badly from mosquito
31 bites and my face and lips were swollen. I could hardly
32 see. Brother McGee said he thought I had had a bad
33 reaction from mosquito bites and told me to stay in bed all
34 day. Nobody else came to see me. I had no lunch. I was
35 very hungry.
36

37 That night, while Brother Wise took the rest of the
38 boys down to the hall after tea for boxing, I was in the
39 dormitory on my own. Then Brother Angus came into the
40 dormitory. He seemed to have been out in the farm on
41 a tractor all day, because he had red dust on his ears. He
42 sat down on my bed and started to talk to me. He said, "
43 You know, you've got beautiful skin." He said other things
44 and then I felt his hand creeping under the blankets
45 towards my genitals. Luckily for me, another boy - he
46 hated boxing; he got a bloody nose - came running into the
47 room, and he interrupted Brother Angus in what he was

1 doing.

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I know that I wasn't the only boy sexually abused by Brother Angus. A boy who used to work down in the vineyard told me that Brother Angus was very keen on what we now call French kissing. He used to put his tongue into the boy's mouth. This went on to other details, which the boy was too shy to go into. But Brother Angus gave him a pair of rosary beads, because Brother Angus' little hobby at night-time was making rosary beads. Some of them were very colourful.

So this boy, in due course - an Irish lad - had been given three pairs of rosary beads by Brother Angus. This boy was an 11-year old Irish boy.

Brother O'Neill also attempted to sexually abuse me. We had a film projector at Bindoon. One day Brother O'Neill said to me, "I want to show you some colour cartoons and then show you how to operate the projector." While Brother O'Neill was doing that, he touched his body up against mine. I felt his erection against me and he took my hands, but I made an excuse saying, "I have to go to the toilet, I think I've got diarrhoea." That was a good defensive action on my part.

On another occasion one November I remember, because of the heat and the mosquitos, having difficulty sleeping. Brother O'Neill came to my bed and said, "You're having difficulty sleeping" and he gave me a couple of tablets to sleep.

Then, I woke up later and found a dark figure by my bedside. It was Brother O'Neill. I think he was trying to take me to his room. I sat up and I said I had to go to the toilet to get away from him.

I know that Brother O'Neill sexually abused other boys. We had three dormitories which had interlocking archways but no doors on them. I was located right on the corner, where the doorway was, and I would see Brother O'Neill occasionally passing by taking a boy to his bedroom during the night.

Brother Douglas Boulter was Australian born and an ex Clontarf boy. Boulter was another person who tried to sexually abuse me. He was a carpenter, and a good one at

1 that. We were making door frames or something similar in
2 the workshop and he asked me questions about a boy who I
3 knew and he made the comment to me that that boy was a very
4 sweet boy. This made me very wary of Brother Boulter.
5 Then, after lunch, he tried it on with me, by brushing up
6 against me, but I just walked away from him. "I think I've
7 got diarrhoea." I had to go to the toilet.
8

9 Although I was aware other boys were being sexually
10 abused, most didn't talk about their experiences. My
11 feeling is that most, like me, didn't say anything to each
12 other because of the shame, humiliation, guilt and
13 embarrassment, and the feeling of uncleanliness. However,
14 I also felt that there was something of a common
15 understanding amongst the boys of what was going on.
16

17 Other than when I told Brother McGee about what
18 Brother Marques did to me, I didn't complain to anyone
19 about the sexual abuse. I didn't trust the brothers, and
20 I felt that there was no-one else I could turn to.
21

22 Brother Keaney was well connected to government
23 officials in Western Australia as well as Catholic
24 businessmen. The WA Police Commissioner, a man called
25 John Doyle, was a regular visitor to Bindoon and he would
26 stay overnight. During the visits, they wouldn't speak
27 with any of the boys or do anything about the fact that the
28 boys were working on building sites when they should have
29 been in school. When I worked in the kitchen I used to
30 have to load up the visitors' cars with produce from the
31 kitchen, such as racks of lamb, rabbits, eggs and cream,
32 for them to take home.
33

34 If a boy ever ran away from Bindoon, which they
35 sometimes did try to, the police would be on the lookout
36 for the boy. Very few boys ever got away.
37

38 I never reported my experiences to the police. I felt
39 unable to do so because of Brother Keaney's connections
40 with the Police Commissioner and the Commissioner for
41 Lotteries. I forget his name. I also didn't think anyone
42 would believe me if I complained. I didn't report any
43 abuse to the Child Welfare Department. I didn't feel like
44 they were an authority and I thought, "Who's going to take
45 any notice of me anyway, or complain."
46

47 I left Bindoon in 1951. I later joined the army and

1 served with distinction for 24 years, including in
2 North Borneo, and Vietnam twice.

3
4 When I first joined the army, I had to have a medical,
5 and the doctor looked at me. He saw my papers and he said,
6 "How did you get your nose broken - playing Rugby Union?"
7 He knew I was from Wales, and Wales is a place for playing
8 rugby.

9
10 After I got out of the army, I returned to Perth, 1982
11 or 1983. Someone alerted me to the fact that half of the
12 homeless persons in Perth were child migrants. Many of
13 them were known to The Salvation Army. So I conducted
14 a survey with another lad named Richard Kenny, who had also
15 been 10 years on the streets. He knew his way around.

16
17 During the survey in Perth and Fremantle, we
18 encountered 27 ex Bindoon boys, or institution boys, living
19 rough. Many of them had claimed they had little education,
20 they had been sexually abused, and many of them were
21 alcoholics. They slept in places such as under bridges or
22 at the back of buildings, including churches, where often
23 there was a porch, for shelter. This made me think we've
24 got to do something about this.

25
26 I contacted a journalist by the name of Andre Malan
27 and told him of my experience at Bindoon. That is a copy
28 of the heated article that was written by Andre Malan after
29 he interviewed me. It's called, "The Nightmare at
30 Bindoon". He had to cut out a lot of details I gave him.
31 He said, "They won't believe you." I said, "Why not?" He
32 said, "These are monks. They took final vows of poverty,
33 chastity and obedience." I said, "They broke them lots of
34 times." So it wasn't given too much mention in there.

35
36 Before I left the army, I was 10 years in the rank of
37 a warrant officer, a regimental sergeant major. Some
38 officers used to hide behind trees when they saw me coming,
39 waving my stick, "What are you doing?" Anyway, I enjoyed
40 army life.

41
42 After this article came out, it caused a lot of
43 controversy in Perth. I made lots of enemies, including
44 officers from the Catholic Police Association. My phone
45 was bugged, my house was bugged by lots of people - now,
46 I think, and I believe, the lawyers from Slater & Gordon,
47 Andre Malan - had my phone bugged as well.

1
2 I became involved with the Child Migrant Friendship
3 Society, a group that was founded in 1989 to assist former
4 child migrants to reunite with their families and to obtain
5 counselling in relation to their experiences in Australia.
6 Although the Christian Brothers, through Brother Gerald
7 Faulkner, the Provincial in WA, gave some financial
8 assistance and advice, I felt we were still being snubbed.
9

10 I did have several contacts with Brother Faulkner
11 later, when I reported and requested, "You've got to do
12 something about the child migrants' bush cemetery at
13 Bindoon." I said, "I couldn't find it at first, it had
14 been covered up with twigs and broken branches of trees."
15 There was four child migrants buried there. Two of them
16 have no names on their graves, and there were three other
17 people buried there, farm labourers.
18

19 Later, six child migrants' mortal remains were buried
20 at the bush cemetery, Bindoon.
21

22 I was in contact with a Brother Barry Coldrey, who was
23 a historian, and he had been asked to write the
24 Christian Brothers' history about the four
25 Christian Brothers institutions. I recall meeting
26 Brother Coldrey in Melbourne and I gave him a copy of "The
27 Bindoon File", which was written by an ex Bindoon boy,
28 Lionel Welsh. It was published by a small-time publisher,
29 Bruce Blyth. He was pleased to get this book.
30

31 I told Coldrey I was not happy that he,
32 a Christian Brother, was being contracted to write
33 a history on the Christian Brothers institutions. I also
34 complained, in writing, to the Brother Superior, whatever
35 his name was. He responded to me, the Brother Superior.
36

37 In 1991 I was elected as the first president of a new
38 group called VOICES (Victims of Institutionalised Cruelty,
39 Exploitation and Supporters), which I had founded, not
40 Bruce Blyth, but I had to recognise him as being co-founder
41 because he did publish the VOICES journals.
42

43 So Bruce Blyth became director of VOICES and later on
44 he became dictator of VOICES. He had me expelled from the
45 very organisation that I had founded, plus two other
46 executive committee members of VOICES.
47

1 As part of that meeting with Brother Faulkner, I also
2 complained to him that the statue of Brother Paul Francis
3 Keaney should be removed from Bindoon. He said, "We didn't
4 put it there." I said, "Nor did we." But it was Keaney's
5 cronies, the wealthy Catholic business people in Perth, who
6 put the statue there for him. The statue had a small boy,
7 in shorts, looking like a street urchin, in a way, and
8 there was Keaney with a manuscript in his hand - it should
9 have been a pick handle - and he had his hand on the
10 shoulder of this boy. I felt awful about that. But the
11 statue was not removed by Brother Faulkner; the head of the
12 statue was decapitated by Lionel Welsh, the author of "The
13 Bindoon File".
14

15 Anyway, I had disagreements with this fellow,
16 Bruce Blyth. He was pushing for a judicial inquiry into
17 the four institutions. I said to Bruce that there were
18 other institutions where kids died and were badly treated.
19 I said, "Go down to the Karrakatta cemetery," and in the
20 paupers' section of the Karrakatta cemetery there was
21 a white stone monument, it was limestone, actually, and
22 there were four plaques on it. I looked at it, and there's
23 all these names of girls, all females, and I counted 145
24 names on that monument. No dates of birth. No dates of
25 death. And then, up the top was a little plaque which
26 stated, "In loving memory of the Sisters of the Good
27 Shepherd".
28

29 Now, those of you who may have heard of the Magdalene
30 laundry in Ireland would know what I am talking about, that
31 these girls worked seven days a week and they did the
32 laundry for the exclusive hotels in Perth, the boys'
33 boarding colleges, Aquinas and elsewhere, and they worked
34 hard.
35

36 So I felt bad about all of this. Therefore, I agreed
37 that something must be done about helping these homeless
38 boys on the streets of Fremantle and Perth. So I arranged
39 a meeting with Archbishop Barry Hickey, with Bruce Blyth
40 and another boy, John, who had gone to Tardun as a private
41 student and was sexually abused at Tardun in the 1970s.
42

43 When we went to the archbishop's palace in Perth, we
44 were met by the archbishop and a Jesuit priest,
45 Father Walter Black, who was the vicar general of the Perth
46 Archdiocese. Archbishop Hickey said, "I don't want to hear
47 anything about the strap-happy brothers." He said, "I know

1 all about that," but he said, "I want to tell you that my
2 own elder brother, who was a pupil, a private pupil, at the
3 Christian Brothers boarding college, St Patrick's in
4 Geraldton" - he said he was sexually propositioned and
5 harassed by a Christian Brother. I said later to
6 Bruce Blyth, "Hell, this bloke's a priest and an
7 archbishop, and he is telling us this." I found out later
8 with some investigations on my part that the brother, who
9 had been expelled from the Order, within 24 hours had got
10 a job at the juvenile section of Fremantle prison. Wow, he
11 was in his glory, I think, or he would be.
12

13 Oh dear. So around about this time, I started writing
14 correspondence to various people and I raised with
15 Brother Faulkner again that the statue of Brother Keaney
16 had to be removed. They refused. But they did change its
17 location from the forefront of the college buildings to the
18 back of the buildings.
19

20 I continued to write to Brother Coldrey, but with
21 hesitation, and I did not give him too much information.
22

23 Now, a bit of a shock for some of you, I am sure you
24 won't be bored. This is a correct statement from me.
25 A boy, he was an ex Castledare boy, Clontarf boy and
26 Bindoon boy and for seven years he was the victim of sexual
27 abuses by several Christian Brothers and a Benedictine monk
28 at Bindoon. This boy was indeed very good looking, blue
29 eyed, blonde haired, and very ruddy skin. So he had a nice
30 complexion. It was Bruce Blyth, former director of VOICES,
31 who in early 1995 had become the dictator at VOICES, but
32 Bruce Blyth was impressed with this boy and Bruce Blyth had
33 many contacts with the media and he wanted this boy to be
34 on one of the local channels on television and tell
35 everything, and the boy did.
36

37 He was assured he would be getting full compensation
38 of \$250,000 from Slater & Gordon. But it never happened.
39

40 This boy was a very tragic case. He did go on
41 television, and the neighbour next door to where his wife
42 was living, she called up, "Quickly, put the TV on, your
43 husband is on television." He did go into a lot of graphic
44 details about his experiences at these three institutions.
45

46 Unfortunately for him, when he got home, his wife was
47 absolutely furious. She said, "You didn't tell me about

1 your experiences at these institutions." He said,
2 "I couldn't." They had both been married twice before.
3 This was his third marriage.
4

5 She said to him, "I'm horrified. Absolutely
6 horrified." She snapped at him. She said, "You're a
7 faggot, a poofter. You are no longer in my life. You can
8 sleep in the back room until things get sorted out for
9 yourself. And don't you ever touch any of our three sons,
10 ever." He was mortified. He had expected some sympathy
11 from his wife.
12

13 He lasted there for three months. He had to cook his
14 own meals. And he left there and went to a one-bedroom
15 unit at Victoria Park. He had worked for a large company
16 for 16 years, a building construction company. And he just
17 never forgot those words, "Faggot", being yelled at him by
18 his wife. He then went, got counselling and was put on
19 prescription drugs, including the addictive drugs, Valium
20 and Ativan.
21

22 I called around to see him. I thought: God, I don't
23 think you're going to last long. He stopped going to work
24 and, sure enough, it happened. He committed suicide.
25 I didn't go to the Christian Brothers to ask for assistance
26 to pay for his funeral. He was broke, but his workmates
27 and the company he worked for, they all put in money to pay
28 for his funeral. After all, he had, you know,
29 superannuation coming, and it would go to his estate.
30 I went to the funeral with about a dozen of his workmates.
31 Bruce Blyth didn't attend that funeral, but his wife did
32 send some flowers.
33

34 There were other boys who tried to commit suicide, or
35 did commit suicide. I tried twice to commit suicide.
36 Large quantities of vodka, prescription drugs and orange
37 juice just don't mix, because you are going to spew up
38 sooner or later, and if you became unconscious and nobody
39 came round to find you, certain death was going to occur.
40

41 Oh, dear. So this person had no hope of getting any
42 compensation, nor his estate, and I think - I don't want to
43 say any more on that, but it affected me very badly.
44

45 It was suggested I go and see a psychiatrist,
46 Dr James Fellows-Smith, who also handled ex Vietnam
47 veterans for their problems. Again, I was put on drugs.

1
2 I have made submissions to the Senate Inquiry into
3 Child Migrants and I wrote two letters and I was
4 interviewed by Senator Andrew Murray. I think he was quite
5 a sympathetic man. He's an ex child migrant, too. But he
6 went to Rhodesia at the age of three years of age. So he
7 was fortunate. He didn't go to any of the institutions in
8 Rhodesia.

9
10 I was also a part of the class action by Slater &
11 Gordon. It went on for so long. At one stage, I wondered
12 whether I should go and see another lawyer, but I had no
13 money. Bruce Blyth was heavily involved in the settlement
14 of the class action. He had told me and others that we
15 would each get \$250,000 each; some would get much less,
16 \$200,000. Of course, it never happened. I had no faith in
17 the lawyers, and I had met Slater & Gordon a couple of
18 times. I did not have a very good opinion of him.

19
20 So eventually, I think it was in 1995 or 1996, letters
21 were sent out to various people that they would be called
22 up at this hotel, in groups, and they would then be spoken
23 to by the lawyers. Peter Gordon was on one side, in a
24 small sort of a lecture room there, and the other fellow,
25 Hayden Stephens, was there. And on the chair was these
26 large quantities of documents. There were five pages in
27 each document - legal jargon, which half the blokes didn't
28 understand. And these lawyers were urging these guys to
29 accept that, "You are all going to get \$2,000 each. Some
30 of you will get \$25,000 each, others maybe \$15,000, \$10,000
31 each." This dismayed these boys. And it went on for three
32 days.

33
34 I wasn't invited up there, but I went up there, and
35 there was disillusion. And Bruce Blyth was there, and he
36 was looking sort of in despair in a way. After all, he had
37 been telling them about these big payouts. He also did
38 tell me that the lawyers, between them - the
39 Christian Brothers lawyers and Slater & Gordon - they would
40 get \$6 million in legal costs from the Christian Brothers.

41
42 I went up there and I saw this situation and these
43 guys were looking lost and they were going to Bruce Blyth
44 and he said, you know, "You will have to speak to the
45 lawyers."

46
47 Most of these guys had never spoken to a lawyer. Some

1 did when they went for their divorces, of course. And
2 I spoke to both these lawyers and I thought, well, bugger
3 it, what do I do? I was in debt, so I accepted \$10,000,
4 and I signed the document. That was it.

5
6 Many of these guys were pensioners, out of work,
7 didn't have anything. So they accepted the lousy \$2,000
8 that they got on behalf of Slater & Gordon, or on behalf of
9 the Christian Brothers.

10
11 I also did receive, from the Sisters of Nazareth, who
12 had come out from England to interview me and other boys
13 who had been very badly abused at their orphanages in the
14 UK. They had 53 Nazareth Houses in the UK, seven in
15 Australia, one in New Zealand and one in Oceania, Samoa,
16 and they were quite big back then, opening up one more in
17 America. So these Sisters of Nazareth - Sister Elizabeth
18 was the senior nun and they listened to me, and I said, "I
19 know there is a class action in England against your
20 religious Order. There's over 500 victims. I've come to -
21 I'm involved in this class action." To put this short,
22 they offered me \$25,000, but I reminded the Sisters of
23 Nazareth that my father, who was a plumber in Cardiff, was
24 paying them 16 shillings a week for my upkeep for 12 years,
25 and that later on I found out from the head of the Child
26 Welfare Department in Perth, Mr Maeder that the
27 Christian Brothers at Bindoon were receiving 16 shillings
28 a week for my care over three years. How do you think
29 I felt?

30
31 So they increased the amount of \$25,000 to \$35,000.
32 They said they couldn't give any more, because that was the
33 absolute limit. Okay. And I signed the deed.

34
35 I did approach Redress WA. That was getting a lot of
36 publicity, and of course I made submissions to them.
37 I couldn't tell them everything because the staff there
38 were mainly females and it was unpleasant stuff for them to
39 have to read or to listen to. And, in due course, I got
40 \$45,000, like most of the others.

41
42 Of course, it should have been \$80,000. But there was
43 such a big, what I would call, explosion, more people
44 wanting this money, mainly the Aborigines - I know that,
45 because their lawyers were up and down the country getting
46 them to sign on for the \$45,000. A lot of these Aborigines
47 ended up in Clontarf for very brief periods, because their

1 fathers were in prison. And when they came out, they went
2 back to their families. And all was finished, thank God.

3
4 Therefore, you know, I have very mixed feelings
5 about - it was taking so long, all of this.

6
7 Of course, I was reminded occasionally that there were
8 more suicides that were occurring amongst these survivors
9 of the institutions.

10
11 My experiences - I can never, ever get over it.
12 I have had deep depression and even now, at the age of 80
13 years of age, I rarely get two hours of sleep at
14 night-time, because I get all these flashbacks coming from
15 my childhood, the orphanage in Wales, and Bindoon.

16
17 It affected my chances, because I had no formal
18 education, of getting a commission in the Australian Army -
19 an officer's commission. And I have been told that by the
20 recruitment officer, "If you had a better or formal
21 education, you could have applied for and would have been
22 given an officer's commission."

23
24 And then the other thing that played on me for a long
25 time - because we would be reminded that this great
26 benefactress, Catherine Musk, had left land and moneys,
27 40,000 pounds, to help put poor boys on their own farms at
28 Bindoon. Of course, it never happened. Half the property
29 was sold to the Australian Army for about a quarter of
30 a million pounds. That land today is worth \$30 million,
31 because the army has got a large barracks there, which can
32 accommodate over 1,000 troops. As well, there are rifle
33 ranges, helicopter pads, there are lecture rooms, there is
34 the quartermaster's stores - everything that you would want
35 for training of army reserve and other regular army troops
36 there.

37
38 So, you know, I could say more, but that's where I'm
39 going to finish. We are owed more than just an apology
40 from the Christian Brothers. We are owed a fair
41 compensation. And I'm going to read something very
42 particular, and I do want the Commissioners to take notice
43 of this recommendation, and I hope it will be in your
44 report: That there should be a meeting of three members of
45 the group that I am with down at Tuart Place in Fremantle
46 as well as with a lawyer and we should meet with the
47 Christian Brothers and their lawyers.

1
2 There are four separate issues that must be resolved,
3 and hopefully, you know, with some satisfaction, that there
4 will be a final resolution and what I would say, closure.
5 That's what we want. That's what the Christian Brothers
6 would want.

7
8 So I'm referring to four issues that must be brought
9 to their attention by the Commissioners. That is this: we
10 have heard the name of Brother Dawe many times at this
11 Royal Commission. There is a swimming pool at Bindoon and
12 it is named in honour of the great Brother Dawe, who was
13 a truck driver as well as a notorious paedophile. I want
14 the name Brother Dawe removed from that swimming pool,
15 which has been dedicated to commemorate him at Bindoon.

16
17 I also want, as I said, genuine reconciliation with
18 the Christian Brothers and, of course, closure.

19
20 There is at Bindoon the mortal remains of Brother Paul
21 Francis Keaney. We want those remains taken up and his
22 mortal remains, whatever is left of them, to be reinterred
23 at the Christian Brothers' plot at Karrakatta. I went
24 there last week and I counted 79 Christian Brothers who are
25 buried there. With [VL], we counted 14 Christian Brothers
26 who are buried there, and they were all repeat offenders.
27 They were notorious paedophiles at these four institutions.
28 I want the remains of Brother Paul Francis Keaney removed
29 from Bindoon. There is no place for them now. The
30 agricultural college is a co-educational college. It has
31 140 students there. It has about 40 Aboriginals there, and
32 they get millions of dollars from the Federal Government
33 and the State Government.

34
35 So if that is done, Keaney's bones will be with his
36 mates at Karrakatta cemetery, and in regard to the
37 marble-top tombstone, that can go down to the piggery. The
38 pigs will find a use for it, I'm sure.

39
40 The other thing is this: I believe honestly that
41 perhaps instead of giving individual compensation payments
42 to each of the fellows, that the Christian Brothers should
43 make available a grant of half a million dollars to the
44 group down at Fremantle. We go there three days a week.
45 There is 134 of us go there, three days a week, and we get
46 very good professional counselling as well as other
47 services. That place should be open five days a week. The

1 average age of the boys, men that go there, is around about
2 73, maybe a couple a bit younger, to 80 years of age. And
3 if we get this grant from the Christian Brothers,
4 hopefully, it will last for six or seven years, and that
5 that place will then function for five days a week. It has
6 to be done. We are running out of funds.

7
8 And, of course, there are individuals like myself who
9 believe that we should get some compensation from the
10 Christian Brothers and for the very reason, in my case,
11 that for three years, the Christian Brothers were receiving
12 16 shillings a week from my father, who was working as
13 a plumber in Cardiff, and, of course, I got no education.
14 I was involved in enforced child slave labour for the four
15 years I was at Bindoon.

16
17 If those wishes of mine are heeded and strong
18 recommendations are made by you, the Commissioners, and it
19 is acted upon, then I will be grateful, and all of us will
20 be grateful, because it has led to final closure.
21 I thank you.

22
23 MS FURNESS: Thank you, Mr Grant. I have no questions.

24
25 THE CHAIR: Does anyone else have any questions?

26
27 MS NEEDHAM: No, your Honour.

28
29 MR O'SULLIVAN: No, thank you, your Honour.

30
31 THE CHAIR: Mr Grant, thank you for coming in and telling
32 us your story. I am sure those who are here representing
33 the Christian Brothers have taken notice of what you had to
34 say, and the Commissioners will certainly think carefully
35 about the matters that you spoke to us about.

36
37 THE WITNESS: Thank you.

38
39 HIS HONOUR: Thank you. You are now formally excused. We
40 will take the morning adjournment.

41
42 **SHORT ADJOURNMENT**

43
44 MS FURNESS: Your Honour, I call Maria Harries, tab 16 of
45 volume 1.

1 <MARIA HARRIES, sworn: [12.16pm]

2

3 <EXAMINATION BY MS FURNESS:

4

5 MS FURNESS: Q. Would you tell the Royal Commission your
6 full name and occupation?

7 A. Maria Harries. I don't know what my occupation is.

8 I'm sort of semiretired. I work for myself. I'm an

9 Associate Professor at the University of WA in the School
10 of Population Health and an Adjunct Professor in Social
11 Work and Occupational Therapy at Curtin University.

12

13 Q. You have provided a statement to assist the
14 Royal Commission?

15 A. Yes, I have.

16

17 Q. Do you have a copy of that with you?

18 A. I do.

19

20 Q. Are the contents of that statement true and correct?

21 A. They are.

22

23 MS FURNESS: I tender that statement.

24

25 THE CHAIR: Where did you say it is?

26

27 MS FURNESS: Tab 16, volume 1, is where I hope it to be.
28 Commissioner Milroy says it is.

29

30 THE CHAIR: I don't have numbers.

31

32 MS FURNESS: I have been told there is a volume 4 of
33 witness statements, and there are white markings on the
34 side, and it might be 16, with the witness's surname.

35

36 THE CHAIR: Yes. Okay.

37

38 MS FURNESS: I tender that statement.

39

40 **EXHIBIT #11-16 STATEMENT OF PROFESSOR MARIE HARRIES**
41 **DATED 22/04/2014**

42

43 MS FURNESS: Q. You are a member of the Truth, Justice
44 and Healing Council?

45 A. I am.

46

47 Q. In what capacity are you a member of that council?

1 A. I'm not sure that I understand.
2
3 Q. Are you there in a personal capacity or are you there
4 because of a position you hold?
5 A. I'm assuming it's - I'm there in a personal capacity,
6 but because of my experiences in relation to the men and
7 women who have been abused previously - if that makes
8 sense. Does that --
9
10 Q. So you don't understand you are there representing an
11 organisation, as it were?
12 A. No, no.
13
14 Q. You are there in your own capacity?
15 A. I am.
16
17 THE CHAIR: Q. I take it you were invited to join?
18 A. I was.
19
20 Q. By whom?
21 A. I think the first contact came from Francis Sullivan,
22 and then I spoke, I think, to Barry after that, so it came
23 direct from Francis Sullivan.
24
25 MS FURNESS: Q. Is it a paid position, professor?
26 A. No, but we do get sitting fees.
27
28 Q. By "sitting" you mean attending meetings?
29 A. That's right.
30
31 Q. Just turning to your statement, if you have a copy of
32 it there - it is also on the screen - am I correct in
33 understanding from your statement that the organisation
34 which you headed for the best part of a decade is called
35 the Christian Brothers' Ex-Residents' Services - is that
36 right?
37 A. Yes, past tense - it was called, yes.
38
39 Q. What position did you hold in respect of that service?
40 A. I set it up in I think 1994/1995 at the invitation of
41 the Christian Brothers. So I was, I guess, the director,
42 and I was chair of the management committee.
43
44 Q. Director and chair of the management committee?
45 A. Yes - I was a director, I guess you would call me, and
46 the chair of the management committee.
47

1 Q. Was that a full-time position for you?
2 A. Oh, good lord, no.
3
4 Q. What part of your time did it take up?
5 A. Trying to explain this to the university was hard. As
6 much as I could afford in terms of time from teaching and
7 research. But we had a management committee meeting, look,
8 I think once a month. In the early times it was weekly,
9 obviously, as we were setting it up. Sometimes, it would
10 take two days a week. Sometimes, it was a few hours
11 a week.
12
13 Q. Had you done any work in relation to the
14 Christian Brothers prior to that?
15 A. No.
16
17 Q. That was your first involvement?
18 A. Yes.
19
20 Q. With that Order?
21 A. Yes.
22
23 Q. Had you worked with any other arm of the Catholic
24 Church prior to that?
25 A. Worked with an arm - I'm just trying to think.
26
27 Q. I use "arm" very loosely, professor; you understand
28 that?
29 A. Yes, I'm trying to think - I don't think I did. In
30 the very, very early time, when I first graduated in 1968,
31 I think that is the only time I was employed by - and
32 I wasn't employed, I was a volunteer - by the then
33 Father Hickey, I think he was called, and we were involved
34 in sorting out the development of the then - what was
35 called the Catholic Family Welfare Bureau. That was in
36 1968. I think that's the only time, but I could be wrong,
37 because it is a long time ago.
38
39 Q. How did CBERS come to be set up?
40 A. I received a call from Brother Gerry Faulkner, who
41 I didn't know, and Brother Tony Shanahan - he wasn't on the
42 phone - and they asked if they could come and see me at the
43 university. I didn't know what about. They just said they
44 wanted to talk to me about a proposition.
45
46 Q. What was your position at the university at that time?
47 A. I think I was then, probably, senior lecturer in

1 social work and social policy at the university, but I had
2 just finished conducting a review into the rape and murder
3 of a three-year-old child in foster care by another young
4 man in foster care, and I was also, I think, acting chair
5 of the Coordinating Committee on Child Abuse in WA, and so
6 they had said to me it was that expertise that they thought
7 was necessary in terms of doing what they then asked me to
8 do, which was to think about whether I would be prepared to
9 set up an independent organisation.

10
11 Q. Independent from whom?

12 A. Independent from the Christian Brothers. Now, they
13 gave me, at that time - and I don't have a copy any more -
14 the report of the ISERV Committee that had met, in which
15 that recommendation was made.

16
17 Q. Now, perhaps if we can just have on the screen
18 paragraph 11 of your statement. You note there in
19 paragraph 11 that in October 1993 the Christian Brothers
20 had commissioned a panel of independent experts to take
21 submissions from interested parties and to profile the
22 needs of former students of Christian Brothers WA
23 institutions, and that panel was called ISERV - that's the
24 acronym you referred to earlier?

25 A. Mmm-hmm, that's right.

26
27 Q. If we can turn over to paragraph 12, that report
28 recommended the consolidation and extension of the services
29 which had already begun by the Christian Brothers with the
30 establishment of a helpline facility - that was all before
31 your time?

32 A. Yes.

33
34 Q. And the recommendation that was relevant to the work
35 you were to do was that the Christian Brothers implement
36 their proposal to establish an independently managed fund
37 to service the needs of ex residents?

38 A. Yes.

39
40 Q. Now, in terms of "independently managed", were you
41 told as to what that meant and why that was part of the
42 job?

43 A. I don't remember what they actually said, but my
44 understanding from the very beginning was that whatever
45 I was doing had to be, and had to be seen to be, totally
46 and completely separate and independently managed, so that
47 whatever I did was - the only bit that was their business

1 was the money. My business would be establishing something
2 for the men and women who, by that time, they were very
3 clearly - Gerry Faulkner was very clearly distressed, as he
4 talked to me, they were very clearly wanting to meet -
5 wanting to acknowledge and meet the needs of these
6 horrifically damaged men and women.

7
8 Q. Why was it necessary that it was independent, as you
9 understood it?

10 A. Again, as I understand it, I was told at the time -
11 I was warned at the time that this wouldn't be easy:
12 (a) because - there had been a lot in the newspapers by
13 this time, by the way, so I kind have should have known -
14 there was a lot of antagonism to them, understandably; that
15 an organisation called VOICES wouldn't believe what we
16 might be doing.

17
18 Q. Was independent of the Christian Brothers?

19 A. Pardon?

20
21 Q. You said that "VOICES wouldn't believe what we might
22 be doing" - is that sentence to be ended with "was
23 independent of the Christian Brothers"?

24 A. That what we were doing was actually authentic and
25 meeting the needs of men and women in the best way
26 possible, rather than being an arm of the
27 Christian Brothers, I think. So I was certainly warned
28 from the very beginning it wouldn't be easy, and they were
29 right.

30
31 Q. What did you do in terms of structuring the
32 organisation to ensure the independence you were told
33 needed to be there?

34 A. Gerry Faulkner handed me the recommendation from
35 ISERV - and I always forget the acronym; the Independent -
36 whatever it was called, the group that made the
37 recommendation.

38
39 Q. The Independent Services For Ex Residents and Victims?

40 A. That's right. He asked me: (a) if I would be
41 prepared to do the work; (b) would I be prepared to develop
42 some terms of reference for that work that would enable me
43 to set up an organisation which could ensure independence
44 from them. So he and Tony Shanahan gave me responsibility
45 for establishing the terms of reference.

46
47 Now, I had had to do the terms of reference for the

1 previous inquiry I had undertaken with Kate O'Brien,
2 a barrister that I worked with then, and so I agreed to do
3 that and went straight to my professor at the time and
4 said, "Help me prepare some terms of reference". So
5 I prepared them and sent them to the brothers.
6

7 Q. There are terms of reference set out in paragraph 16
8 of your statement. Without taking you to each of those,
9 what my question was primarily directed at was what did you
10 do, as part of the structure, to ensure independence,
11 leaving aside the very many other things you did to ensure
12 services were available?

13 A. Yes. The main thing we did is say we would report
14 only on finances.
15

16 Q. Report to the Christian Brothers?

17 A. To the Christian Brothers. That we would report
18 quarterly, and I wrote that in, that we would report
19 quarterly. They didn't ask that, but I felt that. And so
20 at that early stage, Professor Plowman wasn't engaged with
21 me, but he and I talked a lot about how we set up
22 a management structure. So the reporting was only on
23 financial basis and on nothing else. So that was the
24 primary independence.
25

26 The second independence was they would have no contact
27 with our organisation at all physically, where we were
28 situated. So they would not come to us at all.
29

30 Thirdly, the only communication that would be
31 established between anyone working with us - and that was
32 with what we then called CBERS - and them, was through me.
33

34 Q. Your position, again, was?

35 A. I was chairperson, I guess, of the --
36

37 Q. Was there any person or persons who were employed
38 full-time to manage the organisation?

39 A. Not initially.
40

41 Q. So you were the person effectively setting it up and
42 running it, initially?

43 A. I was. But I had a lot of help.
44

45 Q. From people who were employed or volunteers?

46 A. Oh, no, we employed people later. But the other point
47 I made to the brothers is I couldn't do it on my own, and

1 we would need a management committee. They had said that
2 anyway. And so they asked me what sort of skills I needed
3 on the management committee, and with the greatest respect,
4 I said, "I don't want a lawyer", because a number of -
5 there was a lot of legal stuff happening around at the
6 time, and a number of the men and women were already
7 feeling really frightened, so I said I wanted somebody with
8 professional skills and I wanted somebody with management
9 skills.

10
11 Q. So there was no-one on the management committee who
12 was a Christian Brother?

13 A. Oh, lord, no.

14
15 Q. Or represented the Christian Brothers?

16 A. No, it wouldn't have even entered anybody's mind to do
17 that.

18
19 Q. Coming back to paragraph 16, where you set out the
20 terms of reference, which is essentially what you were
21 going to achieve - that's right?

22 A. Yes.

23
24 Q. The third dot point is:

25
26 *To provide avenues for dialogue for those*
27 *interested in reconciliation.*

28
29 Do you see that?

30 A. Yes.

31
32 Q. Who were you seeking to reconcile?

33 A. In the ISERV report that I was given, a number of the
34 men - and mainly they were men - who had talked to the
35 ISERV committee and the helpline, had said that they
36 wanted - Gordon Grant called it "closure". This was
37 20 years ago. They were ageing and they wanted to find
38 some peace into the future. So one of the big issues for
39 ISERV was: how do these men and women find a way forward
40 to live the rest of their lives with some sort of peace?
41 So they were a large group of the reconciliation. So it
42 was reconciliation for them with whatever had happened to
43 them. And the other bit of that was, as I had already
44 said, VOICES was very present in this, and I think the
45 Slater & Gordon case - it may or may not have been started;
46 I know it was at least thought about. So there was a lot
47 of agitation around.

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So there was reconciliation about the past for the men; there was reconciliation with the brothers, if that's what they wanted to do; there was reconciliation with their families, if they wanted to do that. So there was a whole sense of finding some peace.

Q. And that included reconciliation with the Christian Brothers for those who desired it?

A. And a number of them - a number of them, during the ISERV discussions and helpline, had talked about that.

It's actually really important, if I could just say, that one of the challenges we had in being independent was that a number of these men had very - strong relationships? - had a lot of contact with the Christian Brothers at the time. So whilst I kept the organisation independent, a number of the men and women - I mean, this was their family, you know? These were the men that they had grown up with. So they would talk to --

Q. Certainly where they lived.

A. It was where they lived, but, you know, they called it their family. So one of the difficulties we faced is that sometimes, the Christian Brothers knew things that I hadn't told them, because the men had contact with them. So nothing is ever that neat, is what I'm trying to say.

Q. So, coming back to how you ensured independence, there was a management committee that did not have a representative of the Christian Brothers on it; there were quarterly meetings with the Christian Brothers in respect of financial matters?

A. Absolutely.

Q. And there was no contact between the Christian Brothers and the organisation, save through you?

A. No, except - and our meetings quarterly were at Westcourt. So we went to --

Q. What's Westcourt?

A. Sorry, Westcourt was the administrative centre for the Christian Brothers in Manning. So I and I think, as I remember, those other members of the management committee went to Westcourt every quarter, generally with the senior counsellor who was working for us.

1 Q. So the management committee as a whole would go to the
2 quarterly meetings; is that right?

3 A. I think so.
4

5 Q. Perhaps if we can just turn to an annexure to your
6 statement which has 0029 at the top, it is about a third of
7 the way in, in terms of volume, but it will come up on the
8 screen. You refer to this agenda in your statement as
9 being a typical meeting attended by the Christian Brothers;
10 is that right?

11 A. Yes.
12

13 Q. I notice at the top it says "CBERS Management
14 Committee Meeting". Is it the case that it was
15 a management committee meeting or is it a quarterly meeting
16 to discuss with the Christian Brothers matters of finance?

17 A. That's interesting. It is a management committee with
18 whoever was there from the staff - who would have been the
19 senior counsellor, generally, and the Christian Brothers.
20 And the Christian Brothers were usually at that time,
21 Gerry Faulkner and Tony Shanahan.
22

23 Q. Is this the agenda of a quarterly meeting with the
24 Christian Brothers in order for financial matters to be
25 discussed or is it a management committee meeting?

26 A. I think it is a - I think it is a quarterly meeting.
27 Could we just go down a bit? I mean, I know I have seen it
28 before.
29

30 Q. It is attached to your statement, professor?

31 A. Yes. I knew I had seen it before.
32

33 Q. Just go back up to the agenda, if we can?

34 A. Yes, no, it is definitely a quarterly meeting.
35

36 Q. It is a quarterly meeting?

37 A. Yes. Christian Brothers didn't come - I am sorry,
38 Gail. The Christian Brothers never came to our other
39 meetings.
40

41 Q. The evidence you gave earlier was that one part of the
42 independence was to report quarterly on financial matters
43 and nothing else?

44 A. The financial matters - I think I also said in my
45 statement on any particularly relevant things like the
46 evaluations that we had undertaken and what - and really
47 importantly, for me, and us, was what the men were telling

1 us about the services we were developing. So we would talk
2 in general terms about the stuff we were doing, where we
3 needed to go and what the men were telling us we needed to
4 be developing and what that might cost.

5
6 Q. In order to get direction and guidance from the
7 Christian Brothers?

8 A. No, in order to tell them what we wanted to do,
9 because we needed money to do it.

10
11 Q. So if you look at the agenda, under "Management
12 Committee Report" there are four items, none of which are
13 financial, in terms of --

14 A. Well, they are.

15
16 Q. None of which are financial in the terms of reporting
17 on financial matters. You would agree with that?

18 A. Absolutely. Excuse me, if I say they are all relevant
19 to the finance and to the management of the organisation.

20
21 Q. But the Christian Brothers weren't involved in the
22 management of the organisation?

23 A. Well, they were in terms of - we - David Plowman's
24 membership of the management committee came up, because
25 there had been, if I can give you - am I going - is that
26 all right, if I just explain this? It looks like it is not
27 relevant, but I am trying to explain its relevance.
28 David Plowman's membership --

29
30 Q. Relevance to the financial situation; is that right?

31 A. Relevance to the financial and the integrity of the
32 organisation. So the integrity of the organisation was
33 absolutely crucial. David Plowman's membership of the
34 management committee came up because a couple of the men
35 had said, "We are really worried having an ex child migrant
36 on the management committee, because they are going to hear
37 all of the stuff about us." That was really important for
38 us to address with the Christian Brothers, because I had
39 said to them, "I really need David Plowman's membership on
40 there, but we have got to make it very clear to the men and
41 to you that we will not hear the names of any men on that
42 management committee. That is, their personal details will
43 never come to us. What comes to us are the broad issues."
44 So these four items were all items that were relevant, in
45 fact, not just to the finances but to the integrity of the
46 organisation. Does that make any sense?

47

1 Q. Well, if we can turn then to the minutes of the
2 meeting, which is the next document, these are the minutes
3 of the meeting the agenda of which we have just noted - do
4 you see that?
5 A. Yes.
6
7 Q. It is clear from this meeting that Brother Faulkner
8 and Brother Shanahan were present?
9 A. Yes.
10
11 Q. And they represented the Christian Brothers?
12 A. Mmm-hmm.
13
14 Q. And the management committee report is outlined and
15 discussed - do you see that under number 2?
16 A. Yes.
17
18 Q.
19 *Discussion on Child Migrants Trust tensions*
20 *with CBERS.*
21
22 A. Mmm-hmm.
23
24 Q. Is that what you were just referring to?
25 A. No, no. That was a different issue.
26
27 Q. What was that in reference to?
28 A. Look, totally understandably, very few people
29 believed, when we were setting the organisation up, that we
30 could be set up independently of the Christian Brothers,
31 and it had been made very clear to me by - and I can't,
32 sorry, remember the name of the gentleman at the time, from
33 the Child Migrants Trust, that they would not be supporting
34 us and would not be encouraging the men to have any contact
35 with us, because they didn't believe that we were
36 independent of the Christian Brothers.
37
38 So one of the things I needed to talk to the brothers
39 about was how we were going to manage that, because the men
40 were saying it was compromising them. That's the best
41 I can say. I needed them to know that we were fighting -
42 the very fight that they had told us we would fight with
43 VOICES, we were fighting with other people, which was about
44 our integrity. I don't like my integrity being impugned.
45
46 Q. If you just continue down, number 2, there is 2.4,
47 "Issue of reconciliation as part of the whole process of

1 reunification" - do you see that?
2 A. Yes.
3
4 Q. That included reconciliation with the
5 Christian Brothers for those who wished it?
6 A. For those who wished it. "As part of the whole
7 process of reunification" - that also related to
8 reconciliation with families. The term "reunification" was
9 used - it is an odd term, because reunifying men in
10 Australia with families in the UK and Malta is barely
11 reunification. It is kind of a meeting. So how we
12 supported them to reconcile with their past was part of
13 that conversation. I have to say to you, I don't remember
14 this meeting, so I'm assuming. That's what - I'm reading
15 that. I don't remember every nut and bolt of this meeting.
16
17 Q. Just before we come back to further matters on this
18 page, a large part of what CBERS was set up to do was to
19 provide counselling for former residents?
20 A. Mmm.
21
22 Q. And provide counselling through counsellors engaged by
23 CBERS?
24 A. The two things were counselling and reunification.
25 They were the two. Both of those, yes.
26
27 Q. Just go back to my question?
28 A. Sorry, yes.
29
30 Q. Provide counselling through counsellors engaged by
31 CBERS?
32 A. Either employed by CBERS or external to CBERS,
33 contracted.
34
35 Q. So paid by CBERS, either as an employment arrangement
36 or a consultancy arrangement?
37 A. Yes, we contracted psychiatrists and psychologists
38 externally.
39
40 Q. What happened when there were ex residents who said to
41 you, "We need counselling but we don't want it through you;
42 we don't want it through your employees or those that you
43 are paying. We want it separately." How was that handled?
44 A. We offered that from the beginning. It was an
45 interesting question from the beginning, because we knew -
46 and - can I divert for a minute? I haven't told you
47 something really important that I need to tell you.

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Q. Just stick with the question for the moment, if you wouldn't mind, professor. How did you handle those requests from ex residents who wanted counselling but not counselling as part of CBERS' funded arrangement?

A. We would say to them, "You need to meet one of the counsellors here" - and it was usually the senior counsellor - "Which is really about establishing that you are an ex resident, that you are actually who you say you are, and get sufficient details to be able to refer you to someone." That was a significant quality assurance for us. We had a list of men - mainly men, and some women - psychiatrists or clinical psychologists who we had, in a sense, advertised for, we had looked for, who were known to be able and credentialed to be able to deal with these men and women.

We would then say, "Would you go and see X?" They would go and see X or Y and arrange, in the first instance, six - up to six meetings. Then we would get a report from that person saying, "This person needs more", or - you know, "another six" or another whatever it was.

Q. Was it the case that an ex resident could come to you and say, "I want you to fund my counselling by someone not associated with you." Could that happen?

A. Well, they could have, yes. They could have. But we would still need to see them.

Q. I understand that. You'd need to see them and assure yourself that they fell within the class you were funding, but then they could go and find their own counsellor and you would pay for it?

A. They could. But we had to make sure that it was a decent counsellor. We couldn't suggest they go and see somebody who, you know, did head massage and --

Q. I'm not suggesting that you suggested it - tell me whether this happened: they came to you and said, "I have my own counsellor. Please pay for it." Did that happen?

A. It would, but, again, I reiterate, we wouldn't accept just anybody. It had to be somebody who had some credentials.

Q. Who you approved?

A. Yes, generally a quality assurance issue, yes.

1 THE CHAIR: Q. But do I understand, it did happen - you
2 did approve people and people had their own counsellors?
3 A. Yes, we did. What we didn't do - what we didn't do -
4 is people came to us with a bill later and said, "I've been
5 counselled for the last two years and I want you to pay
6 this." We didn't do that.

7
8 MS FURNESS: Q. Regardless of who the counsellor was?
9 A. Yes.

10
11 Q. Just coming back to the document on the screen, if you
12 would come down to 2.5(f), this is a reference to "CBERS
13 are not enthusiastic to assume a financial assistance
14 program but there are benefits in not splitting assistance
15 between CBERS and the Christian Brothers." Now, I know you
16 don't remember this meeting, but from reading that, is that
17 sufficient for you to explain to us what the issue was?
18 A. Yes, it's sufficient to explain, because I remember
19 the quandary we had. When I set up CBERS, I made it very
20 clear that we were a counselling and reunification service;
21 we weren't about supplying money and sorting out money.
22 That was not our job. Because it contaminated the very
23 world that we were trying to work with. And so a lot of
24 the men were, at this time, going to the Christian Brothers
25 for money and coming --

26
27 Q. By "money" you mean a cash payment?
28 A. Cash payments - well, no, not just cash payments;
29 payments of bills for things. And that had been happening
30 for some years. So I just said, when I set up CBERS, "You
31 can keep doing that as long as you like, but I'm not going
32 to get involved in finances. It contaminates things."

33
34 What had happened at this time is that the men were,
35 in counselling, explaining some of the difficulties they
36 were having financially.

37
38 Q. How did you know that?
39 A. Because the counsellors would tell us that. They
40 would say, you know --

41
42 Q. So the counsellors had a reporting-back process to
43 you?
44 A. The counsellors reported - this was a graded
45 organisation. We started two days a week, we ended five
46 days a week, and so in the first instance, we didn't have
47 a lot of staff. But the frontline staff reported

1 throughout to the senior counsellor, who was generally
2 a clinical psychologist, who always reported to us in terms
3 of the issues that were being raised, so that we as
4 a management committee could deal with them.

5
6 One of them was this financial issue. That is, the
7 men were going to the brothers for help - not that they
8 wanted to go to the brothers for help all the time, but
9 that's where they would get it; and a lot of them had done
10 it for a long time. Then they were coming to counselling
11 and talking about a financial need. The counsellors were
12 not allowed to communicate with the Christian Brothers -
13 that was a no-no. So we were being asked, as the
14 management committee, if we could financially do the
15 supporting, rather than sending these men back and
16 forwards. That's what this refers to, "Could you please
17 start thinking about doing some financial assistance as
18 well." And it made sense.

19
20 Q. How was it resolved?

21 A. We agreed to do it. We agreed. The counsellors were
22 saying we needed to do it. It wasn't going to compromise
23 their integrity. It was compromising their integrity and
24 it was disturbing the men to have to go to the
25 Christian Brothers --

26
27 Q. So how did it work in practice?

28 A. We were - after this, a sum of money was allocated by
29 us - I mean, how long is a piece of string? I can't even
30 remember what sum we suggested, if we had, you know,
31 \$50,000 or \$20,000 or something. These weren't large sums
32 of money. These were things like, "My car's broken down",
33 "I don't have a fridge", "My son's school fees" - I don't
34 remember. But they were relatively small, and that's why
35 I thought we could manage them, and the counsellors thought
36 we could manage it.

37
38 Q. So the system that applied, then, was that an
39 ex resident would come to you, be happy to see one of your
40 counsellors, and, during counselling, may indicate they had
41 a need that could be met by a financial payment?

42 A. Mmm-hmm.

43
44 Q. And the counsellor then had a discretion to determine
45 whether that need should be met from your funds?

46 A. I think - yes, I suppose --

47

1 Q. Is that right?
2 A. Yes, I think so.
3
4 Q. It didn't come back to the management committee?
5 A. Oh, good lord, no, no.
6
7 Q. So there must have been a financial discretion that
8 they had, within a certain amount of money, they could give
9 them some money, otherwise it had to go further up the
10 line - is that how it worked?
11 A. Look, I'm fairly sure - we're talking 20 years ago and
12 my brain isn't as good as it used to be. I'm fairly sure
13 nothing came to the management committee unless it was out
14 of the ordinary. And when I say "out of the ordinary",
15 I don't even know what I mean by that. But I suspect - the
16 sort of endless difficulties that these men and women had,
17 that there were times when - for example, it might have
18 been, you know, "My son's school fees" - I don't know. But
19 I imagine a counsellor would say, "My goodness, this is
20 something I should deal with" - I'm imagining that, but
21 I don't know if I can pinpoint it.
22
23 Q. From 2006, Towards Healing came into play and the
24 Christian Brothers was part of that scheme - that's right,
25 as you understand it?
26 A. Yes, I understand that anybody - any of the
27 organisations were, yes. We weren't --
28
29 Q. But you were working with the Christian Brothers as
30 part of this CBERS scheme, weren't you?
31 A. I wasn't working with them. They were paying me, but
32 I didn't - I didn't get involved - we didn't get involved
33 in Towards Healing.
34
35 Q. No. Let me go back to my question.
36 A. Yes.
37
38 Q. At this time, 1996 ongoing, Towards Healing came into
39 effect. You understood that?
40 A. I did.
41
42 Q. Did CBERS have any role in assisting people with
43 making applications to Towards Healing?
44 A. CBERS always encouraged the men who came to us - it
45 was one of our policies. One of our policies was we would
46 encourage the men to get whatever help they could, wherever
47 they could get it: if they needed to take criminal action,

1 take criminal action; get compensation, get compensation;
2 be part of a Slater & Gordon, Towards Healing - absolutely
3 everything was possible.
4

5 Q. But did your counsellors help them make application to
6 Towards Healing? Was that part of their job description?

7 A. They did. They did. Originally, they did.
8

9 Q. Did it change?

10 A. It did.
11

12 Q. Why?

13 A. Oh, sorry, I'm not sure quite what changed. We
14 encouraged the men to go there and a number of the men had
15 gone there anyway. And some of the counsellors were
16 assisting some of the men to go there. And what I hadn't
17 explained earlier, your Honour, is that from the beginning
18 of CBERS, we were in the hands of advice from the men and
19 some women. So we set up an advisory group of men, from
20 the very beginning, who would tell us what they thought we
21 should be doing.
22

23 So this group - at one point a couple of these men on
24 the advisory group came to see me and said they were really
25 worried about the counsellors that we had being mixed up
26 with Towards Healing and giving very confusing messages to
27 the people they were representing; that they were no longer
28 being counsellors, but they being advocates, and they were
29 being agitating advocates.
30

31 They asked - they said that they thought that it was
32 making it very difficult for them, for the men, to make
33 a distinction between whether the person they were with was
34 a counsellor or an advocate who was taking the men down
35 a legal path.
36

37 So I met with the senior counsellor at the time, who
38 I think - and we had a number - was a clinical psychologist
39 by the name of Patrick Howard, I think, at the time, and
40 a couple of the counsellors, and I can't remember who they
41 were. We had a very lengthy discussion about how you could
42 be both an advocate pushing somebody in a certain direction
43 and a counsellor supporting them - and there is a lot
44 written about this in texts everywhere.
45

46 Q. But the organisation had an advocacy role as well as
47 a counselling role, didn't it?

1 A. It did have an advocacy role, and we encouraged that.
2 But the advocacy - it got to the point where the men were
3 feeling uncomfortable about the level of advocacy that was
4 happening.
5
6 Q. By the counsellors or more generally?
7 A. By the counsellors - not by the organisation itself.
8
9 Q. So did the organisation, outside of the counselling
10 services, provide a role in assisting people to make
11 applications to Towards Healing?
12 A. Sorry, could you say that again.
13
14 Q. Did the organisation, outside of the counsellors and
15 the counselling role, assist men in making applications or
16 complaints to Towards Healing?
17 A. We encouraged them to do it. We helped them prepare
18 the work. We stopped at that stage going with them, but we
19 ensured that there was somebody with them who was always
20 with them. So that was managed by Towards Healing and, to
21 some extent, by us. I can't remember who I spoke to at
22 Towards Healing at the time, to just make sure that if
23 these men went there, they had somebody to support them.
24 But they didn't have a CBERS counsellor at that stage.
25
26 Q. So the change you referred to earlier was a change
27 from the CBERS counsellor assisting them in the application
28 and attending the facilitation to still assisting them -
29 either the counsellor or someone else at CBERS - but not
30 attending the facilitation?
31 A. Encouraging them and assisting them, but not
32 attending.
33
34 Q. So that was the change you referred to earlier?
35 A. Yes, as far as I remember. I say that's as far as I
36 remember. I keep thinking I don't remember everything.
37
38 Q. Certainly. If we can just come back to your statement
39 at paragraph 21 - it will come up on the screen. You note
40 there that at the commencement of CBERS you identified that
41 the service had a potential former child migrant clientele
42 numbering approximately 1400.
43 A. Mmm-hmm.
44
45 Q. That's about 1995, we're talking about, isn't it?
46 Then you said that as the services operated expanded, the
47 clientele expanded to include Australian-born ex residents?

1 A. Yes.
2
3 Q. So it was the case it was originally just child
4 migrants?
5 A. I think - it was, although some Australian-born ex
6 residents were still there. We didn't exclude the
7 Australian-born, but it suddenly occurred to us that we
8 weren't actually - and it was an Australian-born member of
9 an institution who said to us, "Why aren't you looking
10 after the Australian-borns better?" And it suddenly
11 occurred to us that it wasn't there, but we still met their
12 needs if we could. So we started advertising that.
13
14 Q. You refer in paragraph 22 to the abuse that had been
15 suffered, and then, in paragraph 23 you refer to it as
16 a "pastoral service". Perhaps I have spent too much time
17 with Towards Healing, professor, but "pastoral", to me, has
18 a specific religious overtone.
19 A. Yes, that's interesting. I've never seen it as having
20 a religious overtone, but then, you know, I've been
21 involved in counselling in schools and State schools and
22 it's called a pastoral service, and that's in a State
23 school. So --
24
25 Q. It doesn't have that connotation to you?
26 A. I have to tell you, I wrote this, so --
27
28 Q. It is your statement, professor?
29 A. It is not only my statement, I actually would have
30 written this, so at that stage, we did our own - I sat at
31 my computer typing this sort of stuff up. So it is my
32 words. But, no, it had no religious connotations. It
33 still doesn't have a religious connotation to me.
34
35 Q. And at the end of that paragraph you speak about
36 everyone approaching it should be treated equally and in a
37 confidential manner. So that is confidential within the
38 organisation, but not to the Christian Brothers?
39 A. Well, confidential in relation to everything.
40
41 Q. Well, the counsellors did report to the management
42 committee?
43 A. Yes, but never - they didn't report names of anybody.
44
45 Q. But they reported aspects of what was told to them?
46 A. Well, very little - I mean, it was issues that were
47 emerging, not people.

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Q. You indicate further in paragraph 24 that the services were not means tested?

A. Mmm-hmm.

Q. And then further, in paragraph 25, that it didn't matter whether the person was in litigation, going through Towards Healing or any other compensation a person had received?

A. Mmm-hmm.

Q. Given the expanded service you referred to earlier, when you took on dealing with people wanting amounts of money, how did you reconcile payments made through your service, in circumstances where the person may or may not have been receiving payments from the same funder - that is, the Christian Brothers - in other means?

A. We didn't.

Q. You didn't?

A. Didn't ask them.

Q. That wasn't an issue for the Christian Brothers in funding it?

A. No, never. Never. We made it very clear from the beginning, we didn't - we accepted people on the basis of their need and we honoured their history and we were bearing witness all the time to the terrible experiences they have had, and that they were believed. They were all fundamental philosophical points that we had. So there was no engagement around whether or not you had had any money from anyone - certainly not from the Christian Brothers.

MS FURNESS: Thank you. I notice the time, your Honour.

THE CHAIR: Yes. Very well, we will take the luncheon adjournment.

LUNCHEON ADJOURNMENT

1 **UPON RESUMPTION**

2
3 MS FURNESS: Q. Perhaps if we can have paragraph 32 of
4 your statement, professor. Before lunch, I asked you some
5 questions in relation to counselling and you indicated that
6 a person could attend a counsellor of their own choice
7 approved as being suitable, in terms of their competence,
8 by CBERS; is that right?

9 A. That's right.

10
11 Q. Under paragraph 32 you note that people in that
12 category were offered 12 sessions of external counselling?

13 A. That's right.

14
15 Q. How did you come up with the figure of 12 sessions?

16 A. I don't know, but I do know that it's a common one
17 these days, so we might have prepared the way. It was six
18 sessions and six sessions, and it's just a number that is
19 often used in counselling, even by Medicare at the present
20 time, so I don't think they took notice of us, but -
21 I don't know.

22
23 Q. In the event that the external therapist recommended
24 that there be a need to extend those, you would then pay
25 for further counselling?

26 A. Yes.

27
28 Q. In 12 cycles, as it were?

29 A. I don't know that we went to 12 - I don't think we
30 went to multiples of 12.

31
32 Q. Is it your experience with men in this situation -
33 that is, former residents of these institutions who had
34 been abused in one or more ways - that their need for
35 counselling was generally ongoing?

36 A. For a number of them, it was. For a number of them,
37 they chose to get a different form of counselling, come
38 back to CBERS, for example. For a number of them, they
39 continued counselling - they were clinical psychologists or
40 psychiatrists they went to, and a number of those men and
41 women saw the men or women for extended periods - years -
42 on Medicare only, so we juggled with the best ways of doing
43 it for the men - and women.

44
45 Q. In paragraph 37 you say that within two years you
46 believe that CBERS had proved itself as trustworthy. Is
47 that two years from 1995 to 1997 you're referring to?

1 A. Yes.
2
3 Q. In that period of time the settlement was reached in
4 relation to the class action.
5 A. Yes.
6
7 Q. Do you think that had any effect on the way in which
8 you were perceived by those using your services?
9 A. No idea.
10
11 Q. You did notice that there was a change in people's
12 attitudes towards you over that period of time, or at the
13 end of that period of time?
14 A. It was fairly dramatic fairly quickly. So we started
15 it as a two-day service, not knowing how many people, and
16 being told that people wouldn't come to us, and within six
17 months we had to go a full-time service. So in the first
18 six months men were coming through the door at a rate we
19 couldn't cope with. By the end of two years, it was very
20 clear - the men were telling us - there were always going
21 to men some men who wouldn't trust us, but we were trusted;
22 the men were telling us that.
23
24 Q. You say in the next paragraph that during the period
25 1994 to 2005 you had some 528 individuals registered?
26 A. That's right.
27
28 Q. And that's the period of operation of CBERS, isn't it?
29 A. That's right.
30
31 Q. Coming over to the 2005 review of CBERS, which you
32 deal with at paragraph 42, and then in paragraph 43, why
33 did you seek a review?
34 A. We had regular reviews - every year we reviewed
35 ourselves; we had an evaluation done by an external
36 evaluator. But one of the reasons we were particularly
37 keen to have a review then was the counsellors were noting
38 a significant decrease in the numbers of men who were
39 wanting counselling, but a significant number of the men
40 and women who were dropping in to have coffee, to have a
41 chat, to do their literacy, whatever else we were doing,
42 and as I mentioned earlier, there was an advisory group of
43 men throughout the time and they said to us, "We need
44 something different." Remembering that this is the time
45 that the Senate Inquiry was occurring and the whole face of
46 Forgotten Australians was changing.
47

1 Q. The outcome of the review was what?
2 A. Was that they wanted a - the review was done by a
3 Creating Communities group, Alan Tranter, who consulted
4 with a number of the men and women. They said they wanted
5 two things. They wanted a place to call their own, a
6 newsletter; they wanted to join much more broadly, not just
7 with the men and women from the Christian Brothers
8 institutions, but with their from their colleagues from
9 Fairbridge and other organisations, and at the same time,
10 they didn't want to lose the opportunity for counselling.
11
12 Q. What did the review result in?
13 A. It resulted in closing CBERS and - well, we
14 recommended to the Christian Brothers, and it was then at
15 that time - my brain - Province Leader, I've forgotten his
16 name.
17
18 Q. You recommended and it was accepted?
19 A. I recommended - well, it was reluctantly accepted by
20 them, because they - I was told and we were told that it
21 was really important that these men would continue to need
22 counselling, perhaps, and so was there some way they could
23 continue to support that, and we then recommended that
24 CBERS be closed and if they wanted to set up individual
25 counselling for the men, that was fine, and that's what
26 they did.
27
28 Q. There was a drop-in centre called Tuart Place that was
29 established. Was that done with Christian Brothers' funds?
30 A. No, that came much later - much later.
31
32 Q. So in terms of after CBERS closed in 2005, how were
33 the Christian Brothers' funds used in respect of
34 counselling as far as you are aware?
35 A. The men - I was really opposed to what the men
36 decided, actually, but you do what the men want, because
37 you owe them that. So they wanted it to be called
38 CBERS Consulting, and the brothers contracted a private
39 counsellor, who had been working at CBERS as a counsellor,
40 through her own business, to run the counselling - provide
41 the counselling for the men and women, and at the same time
42 I think the other bit of that was to have a newsletter,
43 because they wanted this newsletter, it was really
44 important, and to continue the social events which had been
45 very much part of the life of CBERS. So a number of things
46 happened there and I left in 2005.
47

1 Q. Since 2005, have you done any work in this area - that
2 is, for former residents of Christian Brothers institutions
3 in Western Australia?

4 A. I now sit on the board of Tuart Place. But in 2005 -
5 I suppose it's a long answer; it's not, it's a short
6 answer - I devoted my time to the Alliance for Forgotten
7 Australians which emerged from the Senate Inquiry, and so
8 I, with Laurie Humphreys, who was one of the men who
9 advised us for the last how ever many years, worked much
10 more closely doing that and setting up a Western Australian
11 organisation called Forgotten Australians Coming Together.
12 That ended up being Tuart Place.

13
14 Q. Who funded that organisation?

15 A. FACT was initially funded - the Alliance for Forgotten
16 Australians funded the launch of that organisation, of
17 FACT. Lotterywest then funded a business plan for us and
18 then approved the business plan and agreed to continue
19 funding for a short term. Lotterywest doesn't fund for a
20 long term. Then the Western Australian Government agreed
21 to fund the remainder, so it's now funded by Lotterywest
22 and the Western Australian Government.

23
24 MS FURNESS: I have nothing further.

25
26 THE CHAIR: Does anyone else have questions?

27
28 MR O'SULLIVAN: No, thank you, your Honour.

29
30 <EXAMINATION BY MS NEEDHAM:

31
32 MS NEEDHAM: Q. Professor Harries, as you know, my name
33 is Jane Needham and I'm representing the Truth, Justice and
34 Healing Council and the Christian Brothers in this hearing,
35 and you've given some evidence today about the various
36 roles which you've played in the response by the
37 Christian Brothers and others to the plight of men,
38 including the men we've heard today.

39
40 You were asked some questions about the role of the
41 Truth, Justice and Healing Council, and you gave an answer
42 which encapsulated some of your understanding of your
43 position on that council.

44 A. Mmm.

45
46 Q. Are you able to assist the Commission with the role of
47 the council itself, relating to the Royal Commission?

1 A. I can. When Francis Sullivan rang me I think, to
2 paraphrase, I said to him, "Francis, I don't need this, but
3 if the role of this council is to help be absolutely and
4 honest and open into the future and acknowledge the past,
5 I owe it to the men and women whose stories I've heard for
6 the last 45 years, to help contribute to that." So the
7 major role of the council, as I see it, is a bunch of men
8 and women with extraordinary skills around me who are
9 determined to make sure that we honour the past and work
10 with the Royal Commission to make things better.

11
12 Q. And you understand, do you, that part of your role
13 there is to use your expertise and experience with the
14 Forgotten Australians and child migrants?

15 A. Absolutely. They absolutely sit on my shoulders all
16 the time.

17
18 Q. You've given a brief history of CBERS. I'd just like
19 to take you through that in a more linear way. In October
20 1993, the CBERS panel was commissioned by the
21 Christian Brothers. Did you have any involvement at that
22 point?

23 A. With ISERV, no.

24
25 Q. When ISERV delivered its recommendations in 1994 to
26 the Christian Brothers, is that when you first became aware
27 of that panel, the ISERV panel?

28 A. I'm assuming in my brain I must have known it because
29 it was in the media but, no, it was the first time I had
30 actually confronted it.

31
32 Q. You mentioned that you were contacted by the then
33 Provincial, Gerry Faulkner?

34 A. That's right.

35
36 Q. What did he, in particular, ask you to do?

37 A. He asked me if I would - he handed me the document and
38 asked me, and he was with Brother Tony Shanahan at the time
39 and asked me if I would be prepared to set up the
40 independent service as it was recommended. They left the
41 document with me and said they would contact me again.
42 I can't remember how much later they contacted me again.

43
44 Q. Were there any constraints put upon you at that time
45 as to the borders of your role?

46 A. No.

47

1 Q. Were you given any indication of how that independent
2 panel was to be funded?
3 A. Yes, I was told it would be funded by the
4 Christian Brothers completely.
5
6 Q. The first step I think you said was the recommendation
7 for terms of reference. You set those out in paragraph 16
8 of your statement. Did you have any difficulty with the
9 Christian Brothers in having the terms of reference which
10 you recommended accepted by them?
11 A. Not at all.
12
13 Q. How did the planning process, once the terms of
14 reference had been accepted, get under way?
15 A. Well, the terms of reference were accepted -
16 I accepted them on the condition that there was a team of
17 people I could work with. Two other people were suggested
18 to me by the Christian Brothers. I thought they were a
19 terrific skills set.
20
21 Q. If I could stop you there. In paragraph 19 you say
22 that that was Dr Paul Carman?
23 A. That's right.
24
25 Q. What were his qualifications and expertise and why was
26 he appropriate?
27 A. He was a paediatrician and he had been working with
28 the child sexual abuse unit at the Princess Margaret
29 Hospital and had been on the ISERV committee previously.
30 So he knew the stories of the men and women - mainly men.
31
32 Q. The other one was Professor David Plowman?
33 A. He was professor of the Graduate School of Management
34 at the University of WA and somebody I had had contact with
35 in terms of management ideas, obviously, and he was also an
36 ex resident of Tardun.
37
38 Q. As far as you knew, were they independent from the
39 Christian Brothers in the way they operated as part of the
40 board of management?
41 A. Totally.
42
43 Q. If we can just go back to the implementation of the
44 terms of reference. I think you said they were implemented
45 on 31 January 1995. You also sought, in the planning
46 stage, input from what you refer to as a "reference group
47 of ex residents". Firstly, how were those people chosen?

1 A. I didn't choose them. The old boys - the four
2 institutions, in some form or another, had associations.
3 These men had gathered together in various ways. So they
4 often had spokespeople for each of them and they had been
5 very articulate during the ISERV time, I understood, so
6 these men emerged, and we had committed ourselves at the
7 beginning to being advised by the men. That was a
8 condition for me - it was absolute. I didn't know this
9 group of men and I needed their information and their
10 history and their understanding. So these men who came
11 forward were the men who were prepared to speak to us.
12

13 Q. Did they tell you things that you expected to hear?
14 Did they fulfil your expectations of what they wanted, or
15 did they come up with things that you hadn't initially been
16 considering?

17 A. I think I was in shock for most of the first couple of
18 years. No, they had very different views, contradictory
19 views, exciting views, terribly tragic stories, and so it
20 was kind of managing the diversity.
21

22 Q. I think you have a document in front of you entitled
23 "Policy/Procedure Manual". Perhaps I could hand out copies
24 of that document. Can you tell the Commission, while we're
25 waiting for it to go up, what that document is?

26 A. Yes. Well, I'd never set up an organisation before
27 this, so I first met with David Plowman -
28 Professor Plowman and Dr Carman with a whiteboard in -
29 I think it was actually at the university because we didn't
30 have a place to call our own yet, and we whiteboarded what
31 we might need to do in order to set up the service, and
32 this - as far as I remember - these are the final or
33 penultimate copy of that, which I typed up.
34

35 Q. Before we go to the content of that, did you have any
36 similar services out there upon which you could draw for
37 inspiration?

38 A. Absolutely none.
39

40 Q. Were you aware of any other service like that that
41 existed for this group or other groups?

42 A. Absolutely none.
43

44 Q. So you were starting from the ground up?

45 A. Absolutely.
46

47 Q. If you just go to that document, the first heading is

1 "Travel". Why was travel important?
2 A. Travel had been mentioned by the ISERV committee as
3 crucial for these men to go back to either Malta or UK the
4 to reunify - that was the term - with their families, so
5 travel was absolutely on the agenda. I don't know why it's
6 first.
7
8 Q. Then there's "Relationships with Christian Brothers"
9 and the independence from them "in all but funding".
10 A. Absolutely.
11
12 Q. Was that something that was important to you at the
13 outset?
14 A. It was important to them and it was important to me
15 and it was important to the men and it was important to the
16 management committee. In fact, none of us would have been
17 there if it had been any other way.
18
19 Q. Did it remain one of the planks of CBERS throughout
20 the time you were involved?
21 A. Always.
22
23 Q. If I could ask you to wait until I finish asking the
24 question, because it all needs to be taken down. Thank
25 you. "Relationships with other bodies: VOICES and Old
26 Boys", was that a real issue for you at that time?
27 A. Yes.
28
29 Q. When 3.1 "Need to be governed by respectful
30 interactions", how did you put that into practice in the
31 operation of CBERS?
32 A. One of the first things we did was set - I've taught
33 ethics for many years, so we set up a set of principles
34 that we all had to live by, and the first one of those was
35 respect, and that respect had to be for everybody,
36 regardless of how angry, upset, disturbed they were, and
37 when we got a call, as we often did, from very angry other
38 services, our absolute commitment was you respect the
39 person - they are angry, upset, for all the reasons you
40 would be, so those principles - that was how it was shown
41 and that was how it was monitored.
42
43 Q. 3.4 refers to transparency in relation to the
44 relationship with the Christian Brothers. Was that
45 something that found its way from the planning stage into
46 the implementation of the terms of reference?
47 A. It was actually central - we owed it to the men, so it

1 was absolutely central throughout.

2

3 Q. Point 4 relates to counselling. I think you've
4 already said to my learned friend Ms Furness that
5 counselling was one of the immediate issues that was put
6 forward as part of the rationale for CBERS. 4.1.1:

7

8 *Wherever possible, counselling will be*
9 *provided by the CBERS counsellor.*

10

11 Do you see that?

12 A. Yes.

13

14 Q. I think you said in your statement that where that was
15 not the choice of the men, they were assisted in finding
16 external counsellors or continuing with external
17 counsellors; is that right?

18 A. That's right.

19

20 Q. I think you've also said that often the professionals
21 whom they saw would keep seeing those people after the
22 initial relationship was established on a Medicare basis,
23 so it wasn't at a cost to men?

24 A. That's right.

25

26 Q. In practice, however, how often was it - I'm not
27 asking for numbers but just a relationship - that clients
28 of CBERS chose external as opposed to the internal
29 counselling?

30 A. Not a lot, but I don't know the numbers.

31

32 Q. Did that surprise you?

33 A. Yes.

34

35 Q. "Confidentiality" is point 5. I think you've already
36 spoken to the Commission about the confidentiality aspect
37 related to both the management committee and the content of
38 the counselling. You were asked some questions about how
39 issues raised in counselling were fed back to the board.
40 Would you like to assist the Commission a little more with
41 how confidentiality was maintained through that process of
42 reporting of the issues which were important to the men?

43 A. This was one of the early mistakes we made, and that
44 is that we were so determined to keep absolutely everything
45 so confidential and not a name mentioned that I said, and
46 it was my recommendation, that we take the men or women who
47 came and number them, so if the first one was number 1, the

1 second one was number 2. Quite understandably, we got real
2 kickback about that, because that's how they felt that they
3 had been treated previously, so it didn't work. This is a
4 very good example of how the men quickly told me exactly
5 what I got wrong. So we didn't use names at all. The
6 counsellors kept their own records, we had no access to
7 those records. They never reported in terms of names,
8 ever. That was really crucial. It became less crucial
9 over time, interestingly enough - for the men - but that's
10 how it stayed.

11
12 Q. Did you sometimes discover who the men were with
13 particular issues by their own feedback to you?

14 A. That was the biggest - another big problem. I think
15 I've referred to it earlier. The men - these men were my
16 colleagues, they were not my clients. They were clients of
17 counsellors. So I had lots of contact with the men
18 individually. They would ring me or run into me in the
19 street and they would tell me what was happening. So
20 I would learn about how well or otherwise they were going
21 from what they said to me, and I would get phone calls in
22 the middle of the night saying, "Could you" or "Would you"
23 or "How come" - that was my world.

24
25 Q. You were asked a question by Ms Furness about the
26 amount of time you spent in your role as the chair of the
27 management committee. Did you consider these phone calls
28 as being part of that time that you spent?

29 A. No.

30
31 Q. Were they extra?

32 A. Tragically I think for my family, CBERS was my life
33 for far too long.

34
35 Q. That was about a period of 10 years?

36 A. Yes.

37
38 Q. Do you still maintain those relationships you formed
39 during that time - some of them?

40 A. Absolutely, yes.

41
42 MS NEEDHAM: Your Honour, I will want to tender that
43 document. I don't know whether I should do it now or
44 later, or through my learned friend.

45
46 MS FURNESS: I'm happy for my friend to tender it now.

47

1 MS NEEDHAM: It is the Policy/Procedure Manual.

2

3 THE CHAIR: That will be exhibit 11-17.

4

5 **EXHIBIT #11-17 POLICY/PROCEDURE MANUAL FOR CBERS**

6

7 MS NEEDHAM: Q. Going to paragraph 17 of your statement,
8 you mentioned that within a period of about eight months
9 when it was established in the end of January 1995 it went
10 from a two-days-a-week to a five-days-a-week service; is
11 that correct?

12 A. That's right.

13

14 Q. How quickly did that increase in demand come about?
15 Were you flooded on the first day or was it a gradual
16 increase?

17 A. No, we certainly weren't flooded on the first day. We
18 had quite a lot of work still coming from ISERV, because a
19 number of the men - we had a link with the helpline. There
20 was with a woman, and I can't remember her name, Anne Blair
21 I think, who had kept on some of the counselling work, and
22 so some of the men continued to work with her and that was
23 separately funded, nothing to do with us. A number of the
24 men wanted to come, not a lot, and it was those men telling
25 other men that actually led to the increase, I understand.

26

27 Q. You say in paragraph 18:

28

29 *The Christian Brothers gave a mandate to*
30 *CBERS to expand from a 2 day a week service*
31 *if there was an increase in demand.*

32

33 And clearly, you say, by October 1995 there was. With whom
34 were you dealing, as the chair, in the Christian Brothers
35 in seeking an expansion of that funding?

36 A. It would have been Gerry Faulkner and/or Tony Shanahan
37 but I suspect Gerry Faulkner. We suggested the two-day
38 service, they didn't. We were asked, "How long do you want
39 to be open?", and I said, "I have no idea what the demand
40 is going to be. Let's start with two days."

41

42 Q. Did you receive any pushback when you suggested that
43 there needed to be a further expansion of the service?

44 A. Absolutely not.

45

46 Q. How was, initially, that request and, later, other
47 requests for increased funding met by Brother Shanahan and

1 Brother Faulkner or any other members of the
2 Christian Brothers with whom you dealt?

3 A. I think relieved, but always - I never had any
4 pushback, no. It surprised me. I used to say to them,
5 "Are you ever going to argue with me?", but they didn't.
6

7 Q. Effectively, did you receive the funding that you
8 needed at all times?

9 A. Always.

10
11 Q. You say from paragraph 21 onwards that you had
12 identified the child migrants as being your clients but
13 later expanded to service, if you like, the other
14 ex residents of the institutions including Australian-born
15 and former State wards. You set out in paragraph 2 a
16 number of the things that we've heard evidence of in the
17 last few days - the kind of damage, abuse, which had been
18 suffered by these men. Did those issues suffered by the
19 residents - the ex residents - cause particular challenges
20 for the CBERS service?

21 A. They provided huge challenges for the men and women
22 themselves. I've been involved in this sort of work for
23 45 years and I've worked with men and women who have been
24 sexually abused as children all of that time. There is no
25 one situation that is identical to another. The total
26 abandonment that these men and women experienced at the
27 loss of their families and identity was so fundamental to
28 in any way engaging in any trusting relationship, so just
29 plain dealing with the fact of the horrific loss of
30 country, self, identity parents - anything - and everyone
31 was individual.
32

33 So one of the first things we learned - we knew and we
34 also relearned - was that there was no "one size fits all".
35 Every single person had a different story, and, yes, some
36 of those stories overlapped. So the complexity of holding
37 men in these early times - and women; we must not forget
38 the women - the men and women at that time, knowing that we
39 needed to provide for their individual needs, we needed to
40 provide for their collective needs, we had no idea where we
41 were going in terms of what they were going to tell us they
42 wanted - we had counsellors who were terrific counsellors,
43 but we're talking 20 years ago when post-traumatic stress
44 disorder was only emerging as a concept. So we were
45 growing the capacity of people, of counsellors, to do work
46 that other people, most other people, hadn't done. So it
47 was a learning. And so much of that learning came from the

1 men - so much of the learning for us came from the men
2 themselves, and the women.

3

4 Q. The reference group you spoke of at the beginning of
5 the planning process, that continued, did it, throughout --

6 A. They never let go. They were very present. Even in
7 the middle of the night they would ring.

8

9 Q. Going down to the services that were offered, you were
10 asked some questions about the fact that CBERS was a
11 pastoral service and you were asked whether that had a
12 religious connotation or not. Could you expand upon your
13 earlier answer to the effect that you didn't see it as
14 having a religious background and what you see the word
15 "pastoral" as meaning?

16 A. I think I mentioned earlier my background in the
17 educational world - I did a review of the pastoral services
18 in WA a couple of years ago. "Pastoral" actually refers
19 historically to the concept of a shepherd, so it is
20 shepherding, looking after. I use that term as a
21 preference to "counselling", because we weren't just
22 counselling; we actually were looking after a group of men
23 and women who hadn't been looked after, and so this became
24 their place. They often used to treat it like home.
25 They'd come in and have a cup of tea and coffee.

26

27 So for me, "pastoral" meant all of the things that go
28 along with being a shepherd, a carer, et cetera.

29

30 Q. In paragraph 26 of your statement you talk about
31 CBERS' policies and procedures, and the key needs of former
32 child migrants as advised by the men and women. Again,
33 I come back to your earlier answers about the services you
34 provided being suggested by the men and women who were the
35 clients. Were there, in looking after those needs, some
36 unexpected areas which the men and women told you you could
37 be operating in?

38 A. Endless individually and also collectively. They
39 would tell the counsellor or they would sometimes tell me
40 or the reference group would tell us. There were things
41 like, absolutely inevitably, and very early, funerals; very
42 early, literacy was a huge issue; computer skills came up
43 very quickly; the needs of their children; the needs of
44 their partners; the needs for educational opportunities.
45 So it was an ever-growing - and different for all of them,
46 but some things similar.

47

1 Q. So you didn't have a package of services you offered
2 to each and every person?

3 A. No - totally individual.
4

5 Q. The list in paragraph 28, is that an exhaustive list
6 of the areas which were dealt with by CBERS, or is it a
7 general outline of the areas in which you most usually
8 worked?

9 A. It's a general outline, and within all of those, so
10 many other things that were included. For example, once
11 reunification happened - I don't like that term - but once
12 the men had returned, a great idea that they came up with
13 was, "Well, what next? How do we stay in contact with our
14 families?" So we asked what was a way that we could do
15 that, and they suggested paying for their telephone calls
16 to the UK and Malta, and we thought what a great idea. So
17 hidden in there are those much more idiosyncratic needs
18 they came up with.
19

20 Q. Then (c) and (d) relate to information and family
21 tracing services, records and photographs. Did the
22 Christian Brothers assist with those in any particular way?

23 A. Did they assist with them?
24

25 Q. Were you aware of any services offered by the
26 Christian Brothers in relation to provision of information
27 and pictures and the like?

28 A. They gave us anything we wanted. I was just looking
29 at that and thinking one of the requests from the men very
30 early was photographs, and so - I can't remember the name
31 of one of the former child migrants who organised that
32 fairly early, accessing - this is really crucial to men and
33 women who have no history. You know, it never occurred to
34 me before they told me that, so it was a very early one
35 that they then connected with the Christian Brothers about.
36

37 It was also at this time that Debbie Rosser -
38 Dr Debbie Rosser, who joined the management committee when
39 David Plowman left has a particular skill around historical
40 material, and she worked with the then Auditor-General and
41 others to develop Find - Find and Connect - sorry, it is
42 not Find and Connect, a methodology for accessing records
43 where they were in WA. It was a huge success for us all in
44 terms of tracing people's records of their own lives.
45

46 Q. Moving along to paragraph 31, you say that the CBERS
47 services were open to all.

1 A. Yes.

2

3 Q. At some point you say that they were not means tested.
4 In the document which has just been tendered,
5 exhibit 11-17, paragraph 1.5 refers to means testing.

6 Would you be able to assist the Commission as to why, if
7 means testing was being considered at the outset, it didn't
8 find its way into the final provision of CBERS services?

9 A. This is another very difficult one. A number of the
10 men - you know, the men have different histories, but they
11 also have very different lives. A number of the men had
12 done very well and a number of the men, as we have heard,
13 had done appallingly badly. The suggestion by some people
14 in the advisory group was that we should be not advantaging
15 people who were doing really well, that we should be
16 considering putting whatever funds we had to the people who
17 hadn't done well.

18

19 The Christian Brothers had wanted us to "no means
20 testing, just, for goodness sake help". So we were caught:
21 do I take the advice of some of the men - and there were
22 not a lot of them; it was just a small group - and in the
23 end we just, as a management committee, said, "No, it's not
24 acceptable to means test," so that's why.

25

26 Q. To your knowledge, were any of the services ever
27 unable to be delivered because of funding constraints?

28 A. If we'd asked for more - I don't think we ever went
29 that far that we would have been rejected. We were never
30 rejected for anything.

31

32 Q. I am sorry, I didn't hear that last part.

33 A. We were never rejected for anything.

34

35 Q. In 2005, you say from paragraph 42 on of your
36 statement, the calls on the service were lessening. Was
37 that to a significant degree?

38 A. Very much.

39

40 Q. You undertook the review in 2005. Just before we go
41 to that, I think you said there were annual reviews of the
42 service?

43 A. Yes.

44

45 Q. Who conducted those annual reviews?

46 A. We contracted somebody from - mainly - either
47 independent consultants or from the universities to do

1 those.
2
3 Q. So nobody connected with the Christian Brothers,
4 again?
5 A. Never.
6
7 Q. And the service you sought in 2005 was Mr Tranter of
8 Creating Communities. Again, was he aligned to
9 Christian Brothers in any way, to your knowledge?
10 A. Not at all.
11
12 Q. His review included - can you tell me what the review
13 did include?
14 A. What he did - this is consulting work that is often
15 done internationally about how you grow services for
16 communities of people. So he met with a number of the men
17 and the women who we had met with, and with some others.
18 I don't know if he met with the Christian Brothers -
19 I doubt it but he might have. And he organised, or we
20 organised, a large meeting - it was one of the university
21 colleges, and we brainstormed what we should do now, how we
22 should go, what he had heard, and the very strong
23 suggestion - Kevin Ryan was there from the
24 Christian Brothers. The very strong suggestion was that
25 what the men and women wanted now was a place to call their
26 own, more control of their own services, more closure.
27 These men were ageing and wanting to find some solace, so
28 it was recommended we close CBERS, but that they would put
29 more work - and this was funded by CBERS by the way - put
30 more work into developing some sort of drop-in centre at
31 some sort of location.
32
33 Q. After CBERS closed, some of the services operated by
34 CBERS, I think you said, continued through CBERS
35 Consulting; is that right?
36 A. I think we need to be very clear. The services didn't
37 continue. CBERS closed, and then the brothers contracted a
38 counsellor independently to do whatever they then thought -
39 they, together, wanted to do. But it wasn't a continuation
40 of CBERS, except that the men were very clear that they
41 didn't want to lose this CBERS notion. It had been a good
42 support to them, so they wanted it to be called CBERS
43 Consulting or consultancy or whatever.
44
45 Q. That was Dr Philippa White?
46 A. Dr Philippa White, yes.
47

1 Q. I think she's kept on with some of the things that
2 happened through CBERS like the newsletters?
3 A. She did, yes.
4
5 Q. Was that an important part of the initial CBERS
6 service?
7 A. For the men, the connections - you know, these are men
8 who have lost all their connections in early life. When
9 you form connections, these connections are huge - it was
10 absolutely essential to them they don't lose them.
11
12 Q. This is something I should have asked about earlier.
13 I think one of the other things that CBERS provided was
14 biannual gatherings - is that right?
15 A. Yeah. Part of being open, at all times, was that
16 whenever there was a major event, whenever we had an
17 evaluation, whenever we needed some input from the men, we
18 would hire one of the colleges at the University of WA and
19 we would have either a barbecue or a Devonshire tea and the
20 men and the women and their partners, families if they
21 wanted to, would come. We would present what was
22 happening, ask questions, get information from them, and it
23 happened regularly. I can't say it happened every year
24 twice a year - sometimes once a year, sometimes twice.
25
26 Q. Was that important not only a feedback basis but also
27 a social basis for the men and women?
28 A. Hugely important. The Devonshire teas were absolutely
29 important - not for me.
30
31 Q. When CBERS closed was there in contemplation the kind
32 of service now offered by Tuart Place?
33 A. That was Laurie's dream.
34
35 Q. "Laurie" being Laurie Humphreys?
36 A. Yeah, Laurie Humphreys was one of the advisers from
37 the beginning. He was the man who would ring me in the
38 middle of the night and say, "I've got an idea." And at
39 the closure of CBERS he was very present and very
40 influential, actually, because he wanted a drop-in centre
41 for the men and the women. So Tuart Place, as it is now,
42 is what Laurie and I hoped for in 1995, but it took us a
43 long time to get there.
44
45 Q. CBERS' closure was, in effect, the suggestion of the
46 men and women themselves who used the service; is that
47 right?

1 A. Yeah, very much so. Can I add - do you mind if I add
2 something? This coincided with the Senate inquiries. So a
3 lot of focus was now going on to the broader membership -
4 adults who had been in the care system rather than child
5 migrants. These connections were happening. It still
6 worried us, so we advertised a lot during that last few
7 months. We put ads in the local paper in case we had
8 missed anybody, but there was no increase. I think, in
9 retrospect, a lot more attention was going on to the
10 national Forgotten Australian agenda.

11
12 Q. You've mentioned the Senate Inquiry. Did the Senate
13 Inquiry mention its assessment of the CBERS service?

14 A. It did, yes.

15
16 Q. What did it say?

17 A. It said we were best practice model in Australia.

18
19 Q. I'd just like to ask you another couple of questions.
20 Generally, when looking at your history with CBERS, can you
21 tell the Commission what worked well about the service?

22 A. I knew you were going to ask this question and
23 I haven't prepared for it.

24
25 Sitting here, I think what worked really well from the
26 beginning was the principles we set from the beginning
27 about what was important, and core to that was that this
28 was being driven by the men and women themselves. So that
29 caused endless difficulties, but it was absolutely
30 essential in terms of maintaining our integrity and
31 honouring the men's experience. That worked well.

32
33 The second thing that worked really well is it was so
34 fantastic having David Plowman there, because he was such a
35 good management and industrial thinker. It was fantastic
36 having a paediatrician there who understood so well the
37 impacts of early abuse, sexual abuse in particular, on
38 adult people. So the constellation was terrific. I think
39 most things worked really well.

40
41 Q. Did the independence from the Christian Brothers work
42 well?

43 A. It worked fantastically for us. It was never a
44 problem, ever. For us, never.

45
46 Q. What would you say to the Commission didn't work about
47 that service, if anything?

1 A. You can always think retrospectively. I think the
2 question I was asked earlier about the longer-term
3 counselling needs - I think if I was doing it again now
4 I would have been much more aware of what I now know - what
5 I knew then but didn't know well enough - and that is that
6 men and women come to a place of peace. There is never any
7 closure. You cannot ever get back the life you lost but
8 you come to a place of peace and when people come to a
9 place of peace they feel okay. I knew that that place of
10 peace - and we would say - "Things will disrupt you again,
11 and we're here."

12
13 What I don't think we were prepared for enough then
14 was how dramatically regular were the disruptions. Some of
15 those disruptions were actually things like senate
16 inquiries, this Royal Commission - very important things
17 but they are times of huge disruption. So the time of
18 peace is short-lived. If there was one thing that I could
19 go back and redo it would be acknowledging that much more
20 strongly - that I now know.

21
22 Q. You gave some evidence at the beginning that you
23 weren't aware of any similar services when you were setting
24 up. Are you currently aware of anything similar that has
25 been set up --

26 A. To CBERS?

27
28 Q. To CBERS?

29 A. No, I'm not aware of any similar one to CBERS.

30
31 Q. What about to Tuart Place?

32 A. Look, I think CBERS and Tuart Place, I think they
33 deserve iconic status. Tuart Place is the only Forgotten
34 Australians-delivered service in Australia. It is run by
35 the men and women for the men and women. There are two
36 similar ones but they are differently auspiced. One was a
37 model for us, actually, the Queensland one, Esther - it is
38 not called Esther House; it is out of Esther House - and
39 Open Place in Victoria, but they are auspiced by larger
40 organisations.

41
42 Ours is Forgotten Australians Coming Together
43 Incorporated, and is effectively the management committee
44 for Tuart Place.

45
46 Q. Just finally, did you hear Mr Grant's evidence this
47 morning?

1 A. I did.
2
3 Q. Did you hear him suggest that Tuart Place should be
4 open five days a week?
5 A. I did.
6
7 Q. What do you think of that suggestion?
8 A. I think it would be terrific.
9
10 Q. Did you hear his suggestion that it should be done
11 with donations from the Christian Brothers?
12 A. I did.
13
14 Q. Do you have a view about that?
15 A. Yeah, I do. It would compromise us hugely. One of
16 the biggest troubles Tuart Place has had is convincing
17 anyone, despite the fact it's managed by the men and women
18 for the men and women, that it is not connected to the
19 Christian Brothers. The moment we get money from the
20 Christian Brothers we just buy into this relentless
21 narrative that has exhausted me for 20 years, and that is
22 that we're run by the Christian Brothers. The Christian
23 Brothers have been outstanding in their contribution, but
24 they have never run the service; they have never organised
25 me. In accepting - I can't remember what Gordon Grant
26 actually suggested - however much money --
27
28 Q. Half a million dollars, I think.
29 A. -- we would be right back where we have fought not to
30 be. Isn't that a paradox?
31
32 MS NEEDHAM: It is. I have no further questions.
33
34 **<EXAMINATION BY MS FURNESS:**
35
36 MS FURNESS: Q. It might be a paradox, but it might also
37 be a case of what others perceive with whatever knowledge
38 is available to them; isn't that right?
39 A. Absolutely.
40
41 Q. You wouldn't deny those with a strong view about the
42 Christian Brothers, because of their experience, believing
43 that a funded counselling body by the Christian Brothers
44 would be something that they would be concerned about,
45 would you?
46 A. Not at all. I fully understood that, fully understood
47 that.

1
2 Q. The perception is, in some cases, as important as the
3 reality, isn't it
4 A. Yep.
5
6 Q. Can I just have 11.17 on the screen for a moment?
7 This is the document you were taken to, professor, your
8 policy and procedure manual in the early days. You have
9 that in front of you, I think. It's not that document.
10 It's another document you might have in front of you, but,
11 nevertheless, it's on the screen. Do you see on the second
12 page, at the bottom, under the heading of "Who deals with
13 contentious issues", number 7, do you see that?
14 A. Mmm-hmm.
15
16 Q. 7.1 is concerned with lines of responsibility within
17 the organisation?
18 A. Within and outside.
19
20 Q. And "outside" being including the Christian Brothers?
21 A. Yes, anything, anybody.
22
23 Q. But including the Christian Brothers?
24 A. Absolutely, yeah.
25
26 Q. And 7.2, on what issues does there need to be a joint
27 approach - do you see that?
28 A. Yes.
29
30 Q. That's joint between the Christian Brothers and the
31 management committee?
32 A. No. That was around the management committee and the
33 members of the staff - members of staff - and the
34 Christian Brothers. So the joint approach was at what
35 stage does the - remember what I said is that the
36 management committee, I was the conduit to the
37 Christian Brothers. The management committee was the
38 conduit below. I stopped - there was no connection between
39 the counsellors and the Christian Brothers. There was also
40 minimal connection between the management committee and the
41 counsellors. I and the senior counsellor were that. We
42 were trying to work out at all times who should say what to
43 whom. The joint approach, in this instance, was around
44 what was happening with external organisations.
45
46 Q. But the joint approach was the joint approach between
47 the management committee and Christian Brothers?

1 A. No.
2
3 Q. Who was the other --
4 A. One of the joint approach issues we were dealing with
5 at this time was both VOICES and the Child Migrant Trust.
6 So the joint approach was at what stage do I, as chair,
7 meet with who ever the senior counsellor was going to be,
8 and talk with VOICES' Bruce Blyth or whoever was there from
9 Child Migrant Trust. So there were lots of joint issues -
10 there were four players, really. There was the
11 Christian Brothers, the management committee, the
12 counsellors and the men. So when I talk about "joint
13 approach" we're talking about all those four.
14
15 MS FURNESS: Nothing further, your Honour.
16
17 THE CHAIR: Q. Professor, you've had a very significant
18 role, obviously, in all of these issues. Has your capacity
19 to speak with survivors been affected in any way by being a
20 member of the Truth, Justice and Healing Council?
21 A. Your Honour, I raised that, because I was on the
22 Alliance for Forgotten Australians from its inception, and
23 when I was invited to join the Truth, Justice and Healing
24 Council, I talked with my colleagues at the Alliance for
25 Forgotten Australians and they were very happy with the
26 fact that I was there, and their indication was it wouldn't
27 interfere with my role there at all and they would tell me
28 if it did.
29
30 Similarly, here, it's named as a conflict of interest
31 on Tuart Place. If they are worried about it at all
32 they'll tell me and they've accepted that.
33
34 Q. Is the answer to my question that it hasn't affected
35 your capacity to speak to survivors?
36 A. Sorry, your Honour, no.
37
38 Q. That suggests, if your understanding is correct, that
39 there is a capacity for someone who has a real and public
40 connection to the church to contribute to the welfare of
41 survivors; is that right?
42 A. I would hope so - yes.
43
44 Q. Well, I'm leading you somewhere else, you see.
45 A. Okay.
46
47 Q. I don't know, it hasn't been discussed, but let's

1 assume that the Christian Brothers were prepared to provide
2 money to maintain Tuart Place, or indeed any other
3 facility, but wished to do so in a way which was
4 identifiably independent of the brothers in terms of the
5 management or guidance of such an organisation - do you
6 understand?

7 A. Yes.

8

9 Q. It would be a great pity, if they were prepared to do
10 that, that matters couldn't be structured so that they
11 could, wouldn't it?

12 A. Absolutely.

13

14 Q. Would it not be possible to do it through the means of
15 a donation to an independent foundation which itself had no
16 connection with the Christian Brothers but which was then
17 responsible for the management of the moneys given to it?

18 A. That's one of the things we have toyed with, an
19 independent foundation, previously, because it's not just
20 the Christian Brothers, it's the other religious; not just
21 Catholic religious but other religious. And, your Honour,
22 it has been so difficult. To try to hold the integrity and
23 the independence of this organisation, any smell of anyone
24 else being there, any religious being there, has
25 jeopardised our future.

26

27 Q. Again, can we come back to my question.

28 A. Sorry.

29

30 Q. If you set up an independent foundation - and,
31 plainly, if it's right that your role with the council
32 hasn't compromised your capacity to speak with survivors,
33 there must be other people like you in the community - is
34 it not possible to contemplate an independent foundation
35 which is made a grant, if the Christian Brothers were
36 prepared to do it, which then cuts, and publicly cuts,
37 itself off from the Christian Brothers and is responsible
38 for administering that foundation?

39 A. Yes.

40

41 Q. Do you see there being any significant impediment to
42 that being done?

43 A. Your Honour, the only impediment is perception. How
44 we manage that perception is the only impediment.

45

46 Q. I understand that.

47 A. No, I don't see any problem with that.

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Q. You see, you're managing your perception quite well apparent. That must be so, mustn't it?

A. I'm managing my perception?

Q. The way you are perceived, given your role with the council, you must be managing well?

A. Your Honour, there are people who don't like me and there are organisations that don't like us, and we have managed that by saying, as Gail Furness said, "Yes, I expect that there will be people who can never trust. That is just the reality." But we've managed as best we could, and I think we've done well.

Q. Am I going totally down a blind alley by raising the question of an independent foundation or not?

A. No, definitely not.

THE CHAIR: Is there anything arising from that?

MR O'SULLIVAN: No, thank you, sir.

THE CHAIR: Thank you, professor, you are formally excused.

<THE WITNESS WITHDREW.

MS FURNESS: Your Honour, I call Emma White.

<EMMA LOUISE WHITE, affirmed: [3.01pm]

<EXAMINATION BY MS FURNESS:

MS FURNESS: Q. Would you tell the Royal Commission your full name and occupation?

A. Yes. Emma Louise White. Currently the Acting Director General for the Department for Child Protection and Family Support.

Q. In the State of Western Australia?

A. Yes.

Q. You've prepared a statement to assist the Royal Commission, Ms White?

A. Yes, I have.

Q. Do you have a copy with you?

1 A. Yes, do I.

2

3 Q. Are the contents of that statement true and correct?

4 A. Yes.

5

6 MS FURNESS: I tender that statement.

7

8 THE CHAIR: Exhibit 11-18.

9

10 **EXHIBIT #11-18 STATEMENT OF EMMA LOUISE WHITE**
11 **DATED 17/04/2014**

12

13 MS FURNESS: Q. Ms White you've held your current
14 position since 29 March this year?

15 A. Correct.

16

17 Q. You've been employed in the department since January
18 2005?

19 A. Correct.

20

21 Q. What are your primary qualifications in?

22 A. I have a Bachelor of Social Work with Honours from
23 Curtin University.

24

25 Q. You've worked in the department in childcare
26 protection positions, be they supervisory or otherwise?

27 A. Correct, both frontline services and also in more sort
28 of executive management roles in an oversight capacity.

29

30 Q. While clearly not being, yourself, involved in the
31 work of the department some decades ago, you have sought to
32 discover within your department whether or not there was
33 anyone with knowledge of the events that are of concern to
34 this case study?

35 A. That's correct.

36

37 Q. What were the results of those inquiries?

38 A. That we certainly had no-one currently working within
39 the department, nor could we ascertain anyone living still
40 outside of the department that had perhaps retired, so we
41 were unable to locate anyone to assist us.

42

43 Q. Did you seek to locate any records that you might have
44 still held relevant to the period in question - that is,
45 the 1940s to the 1960s?

46 A. Yes. I directed our director of information services,
47 Marie Waldeck, to canvass what records were available,

1 including HR records and similar, and the earliest record,
2 in terms of HR records, the human resource records, we
3 could find was 1974, I believe.
4

5 Q. Are there any inspection records still in existence in
6 your department from the 1940s to the 1960s?

7 A. No, there weren't.
8

9 Q. The policy, I take it, was that after a certain period
10 of time such documents would have been destroyed?

11 A. As I understand it, yes.
12

13 Q. You weren't surprised that you couldn't find those
14 records?

15 A. Not entirely, no.
16

17 Q. But you did - and we're grateful for your exercise in
18 this regard - have a look at some of the inspection records
19 that we had obtained during the course of the Royal
20 Commission's investigations.

21 A. Yes, I have.
22

23 Q. And you also turned your mind to the laws that were in
24 place at the relevant time. If I can just draw your
25 attention to paragraph 27 of your statement, the
26 legislation that was in force in the period of time that
27 we're interested in was the Child Welfare Act 1947.

28 A. Yes, correct.
29

30 Q. You indicate in paragraph 27 the purpose of its
31 enactment, and that includes "protection, control,
32 maintenance and reformation of neglected and destitute
33 children". The terminology used is clearly very different
34 from the terminology that your department operates under
35 today?

36 A. Yes, it is.
37

38 Q. You say in paragraph 28 that the four institutions or
39 orphanages that this case study is concerned with were
40 subsidised government institutions, and it was that
41 characteristic that made them amenable to the legislation

42 A. As I understood it, yes.
43

44 Q. So the children that resided in there, because there
45 was government funding for the institution, therefore came
46 under the provisions of the child welfare legislation?

47 A. Correct.

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Q. And, therefore, the provisions in that Act that called for inspections, and the like, were relevant to them, because they were within an institution that was subsidised?

A. Yes.

Q. Its character as a Christian Brothers institution had nothing to do with the fact your department, as it then was, had a role to play?

A. Yes, that's correct.

Q. You note in paragraph 30 that the powers and obligations imposed on the then department were discretionary in nature, and those obligations include the site visits and the institution inspections. That's right?

A. Yes.

Q. Were you able to find out, in the inquiries you conducted in order to prepare this statement, the circumstances in which that discretion was exercised - that is, when it was decided to go and inspect and why?

A. I certainly couldn't locate any policies or procedures that outlined how that discretionary power would be exercised. I drew some observation or conclusions from my own review of the records that the Commission provided to do with the inspections, which was that they appeared, from those inspections, to be quite ad hoc in nature, and certainly at the direction of the minister, as such, rather than predetermined criteria setting out time frames, et cetera. So that was from my observations and review of the records that the Commission provided.

Q. Let's just have a look at some of those, if we can. Can we go to tab 4 of the tender bundle. These aren't the easiest to read. This seems to be an inspection report from November 1947. We can gather that from the second page of the document, but we don't need to go to that page. You can see from the beginning that the inspection report was carried out by somebody including the "Under Secretary for Lands and Immigration"?

A. Yes.

Q. And the "Assistant Under Secretary for Lands". That would have been in conjunction with the secretary of what was the predecessor to your department?

A. Yes.

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Q. So we can tell from that that the inspection was carried out at a very senior level?

A. Correct.

Q. Because today you would have caseworkers who would generally carry out visits to children in care?

A. Yes. However we also have senior staff who continue to visit out-of-home care arrangements also.

Q. From the second paragraph we understand that the visit was made unannounced?

A. Mmm-hmm.

Q. And is it the case that your visits, these days, are generally unannounced, or are they based on a prepared and known schedule?

A. In reality, it's a combination of both - mostly scheduled, practically, but can be unannounced. It depends on the intent of the visit. A child protection worker wanting to access or visit with a child in care they have responsibility for might be more impromptu, but a more formal evaluation or monitoring of the out-of-home care facility if I could say that would be more scheduled.

Q. You could see the importance of attending unannounced from time to time?

A. Indeed, yes.

Q. From this report, it seems that the concern was with the cleanliness and physical environment in which the children were being kept; you would agree with that?

A. Yes.

Q. However, in addition, there was reference to educational needs. If we can look at the second page, which is 0172, the last paragraph, do you see at the paragraph numbered 3 there is reference to the reply from the secretary of the department to the Roman Catholic Archbishop of Perth:

I have no doubt when I next visit in 3 or 4 weeks time, there will be a decided improvement along the times I wish, and more particularly in the educational facilities.

1 It continues to say that when the author visited Bindoon on
2 the 29th of, presumably, October 1947, the educational
3 facilities for the boys were negligible. It goes on to
4 say:

5
6 *I think you will agree, as Minister for*
7 *Education, that boys of school age being*
8 *brought out from England under the Migrant*
9 *Scheme must at least be given a chance to*
10 *be decently educated.*

11
12 A. Yes.

13
14 Q. So one of the purposes of the visits was to determine
15 whether there were any educational needs being met at the
16 institutions. Is that a fact that you are concerned with
17 currently when you visit children in out-of-home care -
18 their educational needs?

19 A. Yes, indeed. In fact, our legislation requires quite
20 formal care planning, on an annual basis, reviewed
21 quarterly, that focuses specifically into educational
22 needs. The important thing, as I read these records, we do
23 planning - assessment and planning - to meet the care of
24 children, particularly their educational needs, on an
25 individual, child-by-child basis rather than an aggregate,
26 institutional basis.

27
28 I think I've said in my evidence that the report sort
29 of lacks comment on the welfare of the children, and by
30 that I mean the welfare and well-being of individual
31 children.

32
33 Q. It's more institutionally focused?

34 A. Correct, some observations broadly about concerns that
35 we've just read, but quite different from that
36 individualised approach for welfare and well-being concerns
37 of children today.

38
39 Q. I'll come later to more detail about what you do
40 today. For the purposes of understanding the contrast,
41 I ask you these questions now.

42 A. Thank you.

43
44 Q. If we can then turn to 0177, at the final paragraph on
45 that page there is reference to the conditions of the
46 environment as well as the individuals. Then it notes that
47 the institution office cannot recommend that any more boys

1 be admitted to the institution until such time as an
2 improvement is made in the general standard of clothing and
3 cleanliness and better facilities for education provided.
4 Do you see that?

5 A. Yes.

6

7 Q. So, again, is that another indication as to the focus
8 of the inspection visits in the 1940s?

9 A. Yes, that's how I interpreted it.

10

11 Q. Can I just turn your attention to tab 20. This is one
12 of the last inspection reports in the period of time we're
13 concerned with. This is a Child Welfare Department visit
14 in May 1956 to Tardun.

15 A. Yes.

16

17 Q. Do you see that?

18 A. Yes.

19

20 Q. That's referred to as the "second visit". By this
21 time there is reference to the number of staff, the number
22 of students, and the number of trainees. Do you see that?

23 A. Yes, I do.

24

25 Q. As well as what's referred to as the "working boys"?

26 A. Yes.

27

28 Q. You can see from this inspection visit, a decade or
29 more since the first one, there has been a change in the
30 structure of the reporting of the visits.

31 A. Yes, I would say so.

32

33 Q. This is, indeed, more structured and there are
34 criteria set out against which they report their
35 observations?

36 A. Yes, I would agree.

37

38 Q. So the inspection on this occasion considered not only
39 who was there, but the state of the kitchen, the dining
40 room, the dormitory, the ablutions area, and then there is
41 reference to "health", can you see that on that page in
42 front of you?

43 A. Yes, I do.

44

45 Q. They say:

46

47 *Health generally is good.*

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There is not reference to individuals, as you've described, but it seems to be a broad observation of the people they were able to observe. Would you agree with that?

A. Yes, and physically observe, as I understood.

Q. And one death is recorded.

A. Yes.

Q. Just staying with the death for the moment, if there is a death of a child in foster care now, what happens?

A. In the first instance, the Coroner's Court issues a statement to the department regarding the circumstances in which the child passed away. There is an ombudsman who conducts a child death review quite independently from the department. We assist other departments; other services who have had contact with that child or young person will also be required to provide information. And then after some time all children, in accordance with the Act, actually go through a coroner's inquiry, if they have been a child in care.

Q. So external to your department there is an ombudsman review and there is a coronial inquiry?

A. That's correct. And we also, as a department, internally, through our specialist case practice unit, will conduct an independent or an internal review of the practices and situations or circumstances of that child's death, which may include speaking with staff, speaking with other professionals. So it's a parallel - quite a similar process, but it is more immediate, if there are issues that need to be responded to more immediately than some of the external processes and review that are undertaken.

Q. The external processes would be largely concerned with systemic issues?

A. It's both - it's both individual to that child and their care arrangements and their life circumstances quite broadly and the department's - our department, Child Protection and Family Support - the quality in which we have met our obligations to that child to provide care and support to that child, and that might be the care or the out-of-home care circumstances. So it's systemic and individual.

Q. Is the ombudsman's report into individual deaths or accumulated deaths made public?

1 A. No.
2
3 Q. Has that been a matter that's been agitated in Western
4 Australia?
5 A. From time to time there are various public discussions
6 about that. There are some provisions, as I understand it,
7 under the legislation the ombudsman works under, that they
8 can do some of their own direction reviews, the results of
9 which are made public, recommendations of which are made
10 public. Some of the sensitivities, both for the family and
11 carers, et cetera, I think, are taken into consideration
12 regarding release of information for a child that was in
13 care.
14
15 Q. But you could publish a de-identified report setting
16 out the circumstances of the death and any reasons to be
17 learnt from it?
18 A. That would be one consideration, one possibility.
19
20 Q. Does your department have a view as to whether such
21 matters should be publicly reported?
22 A. The department's view is always trying to temper and
23 grapple with the anxiety-driven nature of our work. Child
24 protection and child protection matters and care for
25 children in State care are of importance to the whole
26 community and as diverse as the community is, the opinions
27 that exist how that could be done or should be done, there
28 can be a lot of criticism, rightly so, it's welcomed, by
29 the public around our practices, some of which is made
30 without all the information, some of which can be quite
31 alarming, evoke unnecessary fear, I think, at times.
32
33 Q. This would be one way of providing more information in
34 the public domain, wouldn't it?
35 A. I think one school of thought would certainly agree
36 with that. I think we would need to really consider how
37 that might be done, to whose benefit, and to what degree
38 publicly how that might be shared. Other jurisdictions
39 around the world do that. I'm thinking about Britain in
40 particular. And, again, there's some, I think, quite well
41 documented and established sort of benefits and unintended
42 consequences of --
43
44 Q. New South Wales does it as well?
45 A. Correct, yes.
46
47 Q. In fact, it's tabled in Parliament in New South Wales.

1 A. The child death reviews, mm.

2

3 THE CHAIR: Q. The public knowledge through that process
4 acts as a discipline upon the agency responsible for the
5 children, doesn't it?

6 A. I think that plays a very important role in that.

7 I think some of the connected impacts of that are quite
8 risk averse practices within the department, within
9 practitioners that do the work. That can be

10 counterproductive to good outcomes for children and
11 families. These are the inherent dilemmas, I think, that
12 we certainly have as a jurisdiction, that others have had
13 as they have made and come to those decisions.

14

15 MS FURNESS: Q. Just coming back to the document on the
16 screen, in addition to health, there is reference to
17 clothing, recreation, building extensions, and under the
18 "General" heading there is reference to the author having
19 spoken to a number of the children. Do you see that?

20 I take it that what your current officers do whenever they
21 visit is to make sure that they, in language known to your
22 department, sight the child?

23 A. Yes, certainly when they visit. However, I would add
24 that it's a requirement that child protection workers - and
25 in fact the practice - that they have contact with young
26 people that are in out-of-home care arrangements in all
27 sorts of places in the community both in the actual
28 facility itself but also in independent places, perhaps of
29 the child's choice - it could be a school - in a range of
30 settings and circumstances, both on their own, one on one,
31 and as I read this it was more - I couldn't really conclude
32 if that was speaking with a group of children in a hallway,
33 or in fact quite separate, or outside, or on a one-on-one
34 basis. Certainly the requirement is that we do a
35 combination of all those things.

36

37 Q. It's more likely that if there was a disclosure to be
38 made, it would be made on one-to-one basis rather than a
39 group setting.

40 A. I think it's safe to say that's the general
41 experience. However, some young people disclose in the
42 company of a trusted sibling, friend - in fact, they may
43 tell the sibling first, who then facilitates contact with
44 the adult. It's a range of circumstances, but generally.

45

46 Q. Which is why you need to communicate with children in
47 a variety of ways in order to accommodate all different

1 ways in which a disclosure might be made?
2 A. Yes, and certainly support and equip professionals and
3 community members as broadly as possible to understand and
4 pick up I think when disclosure may be occurring, could
5 occur, so a range of people in the community generally are
6 attuned to the experience of child abuse and in fact their
7 role if a child was to disclose.

8
9 Q. In your statement you also indicate matters were quite
10 different back in the 1940s, 1950s and 1960s compared to
11 now in terms of not only attitudes but also laws. For
12 example, in paragraph 37, if we can have that --

13
14 THE CHAIR: Just before we leave this document, can we
15 scroll it back. There is a reference to the training of
16 children for farm work.

17
18 MS FURNESS: That's on the first page.

19
20 THE CHAIR: "With the expectation they will be allotted a
21 farm of 2,000 or 3,000 acres of land". Do we know if that
22 ever happened?

23
24 MS FURNESS: The evidence the Royal Commission has to date
25 is that none of the men who have given evidence were given
26 that. Certainly one of them sought it in one form or
27 another. This is a document that's authored by the Child
28 Welfare Department rather than the Christian Brothers.

29
30 THE CHAIR: Nevertheless, the indication there is
31 consistent with the evidence we've had.

32
33 MS FURNESS: Yes. It's a matter that we'll take up with
34 the Christian Brothers in due course.

35
36 THE CHAIR: Yes.

37
38 MS FURNESS: Q. Coming back to paragraph 37 of your
39 statement, you note that while there were limited child
40 employment laws which existed in WA prior to the 1940s,
41 there has been a gradual shift. Is it the case from the
42 inquiries that you've made that, at the time that this case
43 study is concerned with, primarily the mid 1940s to the
44 early 1960s, the age of legal employment was indeed closer
45 to 12 years of age?

46 A. Yes. I would add, though, my inquiries perhaps don't
47 exhaust all material available on that matter.

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Q. You also note in paragraph 38 that there have been major developments in the department's policies in relation to disciplining children --

A. Yes.

Q. -- in residential care.

A. Yes, I did.

Q. Currently, there are now provisions in the legislation under which your department works that deals with such matters?

A. Correct.

Q. Can I then come to your current practices. If we can start, firstly, at paragraph 10 under the heading of "Background", in paragraph 12 in particular you refer to providing therapeutic residential care for children in out-of-home care, which is comprised of home-based, facility-based care and independent living. I take it that the orphanages that this case study is concerned with would call under the heading of facility-based care were they to operate today?

A. Yes. However, there are no comparable facilities that operate today.

Q. Do you have any institutional care, in the sense of residential care for more than one child living outside a family structure in Western Australia?

A. Yes, we do.

Q. How many such institutions do you have of that nature?

A. We have 36.

Q. What sort of care do they provide?

A. There are a couple of different options of care that we would include in facility-based care - a family group home. Some jurisdictions, as you would have heard about, would actually refer to them in the latter, being home-based care, but in the State of Western Australia they are considered part of our out-of-home care facilities suite. They are live-in carers.

Q. Do I understand that there might be three or five or six or more children living in the one environment with a paid carer looking after them?

A. Yes, or in fact not paid as such, but a volunteer

1 general carer that have been assessed with other supports
2 in place. We have a four-child limit in those particular
3 facilities. On occasion, there is a fifth child that
4 requires a submission through to our executive director,
5 accommodation care services, and generally because it's a
6 larger sibling group or in fact there are a certain set of
7 circumstances that require it, that it would be in the
8 child's best interest and benefit to go from our limit of
9 four to five.

10
11 Q. How did you determine a limit of four?

12 A. In 2007, when the Prudence Ford review was tabled,
13 that really set the most recent agenda of reform in
14 out-of-home care. The key to that was around moving from -
15 really grounding all our activity, everything that we do,
16 in terms of our practices, our understandings, our
17 policies, our interaction with children and family needed
18 to be built from the need to have a therapeutic base in
19 which to provide all care, so --

20
21 Q. And it's child-focused, I take it?

22 A. Absolutely. There are a range of aspects to that
23 statement. However, a key to that, of course, is the
24 number of children. Prior to that, we had facilities that
25 had 15, 16, 20 young people and children at one time, where
26 of course your ability to provide that one-on-one tailored
27 therapeutically-informed care of course was at times
28 compromised, it was more difficult. So at that time four
29 children, very representative of more of a family home,
30 stable, the same carers where possible would live and
31 become the parents or substitute parents, so to speak,
32 within that facility. There is another type of facility in
33 that group which is a staff model. There are fewer of
34 those staff models across the State. Certainly in our
35 regional locations we have - if it's helpful, we have 17
36 districts, nine of which are outside the metropolitan area.
37 Five of those have a staffed model of care, and we also
38 have some in the metropolitan area.

39
40 Q. Does that involve still the maximum of four children
41 living in the one environment?

42 A. The preference is four and in the metropolitan area
43 it's mostly four. On occasion, for short periods of time,
44 it may go to five or six and certainly in the regional
45 locations there is a built-in extra capacity for extra
46 staff to accommodate some more children, where required.
47 I'm thinking about more isolated areas such as Halls Creek,

1 Roebourne, where there might be an overall community
2 capacity to actually accommodate numbers of children in
3 care for periods of time, so we do allow and support
4 slightly higher numbers in those circumstances.

5
6 Q. When you say it's staff-based, is it an employee of
7 the department that lives in that environment with those
8 children?

9 A. In those circumstances they are employees of the
10 department. They don't live in. They operate on a shift
11 basis.

12
13 Q. 24-hour shift?

14 A. 24-hour shift basis, correct. We have other staff -
15 paid staff - that are attached to those particular
16 facilities. For example, psychologists, we have a ratio in
17 the metropolitan area of one to eight children, so one
18 psychologist to every eight child in care --

19
20 Q. Is that in theory or in practice?

21 A. Mostly in practice, absolutely. We also, on
22 occasions, have purchased those services when we have been
23 unable to deliver them ourselves, and certainly in the
24 regional areas it's a slightly higher ratio, and due to a
25 range of issues, mostly to do with recruitment of those
26 professionals in more remote locations, we have a dual
27 system operating whereby we have a district psychologist
28 that does a range of services for all children in care, not
29 just the out-of-home care facility, and we have a
30 specialist group of senior psychologists and senior
31 practice development officers that are based in Perth, but
32 in fact their services are deployed in an outreach sense to
33 those regional locations.

34
35 Q. Coming back to the more facility-based care that you
36 have today, you've given us two examples where generally
37 there are four children living either in circumstances of a
38 traditional foster carer, or with a rostered staff member,
39 are there any other residential care facilities or
40 facility-based institutions?

41 A. Yes, there is, the third being secure care. It is one
42 facility. It's the most different of facilities. The
43 facility is for highly troubled young people.

44
45 Q. Challenging behaviours, I think they call it.

46 A. Challenging behaviours, a range of mental health
47 concerns. Generally the key criteria and experience of

1 those young people is safety to themselves and others.

2

3 Q. They would be even more vulnerable, wouldn't they,
4 children in that category?

5 A. I think in some respects, absolutely.

6

7 Q. What do you do in terms of the facility that they are
8 in to recognise and deal with that vulnerability?

9 A. That's quite a different approach. We've got a
10 multi-disciplinary team that is employed by the department
11 in partnership with the Health Department, also in the
12 Education Department, whereby we've got specialist care
13 workers, but also psychologists, time of paediatricians,
14 time of psychiatrists, teachers, nurses.

15

16 Q. Are they monitored at a more frequent level than other
17 children by the department?

18 A. Yes. It is probably important to note here that the
19 stay in that facility, or the length of time, is 21 days,
20 with the possibility of an extension of a further 21 days
21 as a maximum.

22

23 Q. Do you need a court order?

24 A. Not in all circumstances. You can get a court order
25 from the Children's Court, or in fact some administration
26 processes, depending on the circumstances of the child. If
27 a child is in provisional care, it's most certainly the
28 Children's Court.

29

30 Q. In paragraph 14 of your statement you say that
31 currently 4,223 children were in care of the department and
32 9 per cent were in residential care. Residential care
33 includes the facilities we've just been talking about?

34 A. Yes.

35

36 Q. Does it include other facilities, or just those?

37 A. Just those.

38

39 Q. That 9 per cent, has that been a fairly standard
40 percentage, or has it varied much over the years, to your
41 knowledge?

42 A. Over the years it's actually reduced. Again, if
43 I compare Western Australia to other jurisdictions, we
44 include the family group home, as I mentioned earlier, so
45 in fact that per cent would be lower, I suppose, if it
46 was - depending on how you count, so to speak, in terms of
47 what's facility-based and what's carer-based. It's

1 certainly going down.

2

3 Q. In terms of the policy of your department, is it to
4 decrease the number of children in that type of care?

5 A. I think the intent is to decrease. Our policy
6 position and practice is trying to match the best placement
7 or best care arrangement for the individual child. We have
8 a range of options available to us and on a child-by-child
9 basis it is about understanding their circumstances,
10 understanding the best pathway in out-of-home care
11 circumstances they can take balanced with, at that
12 particular time, what options are available - short term
13 and some of the longer term plans that we make with
14 children and their families.

15

16 Q. Can I turn your attention to paragraph 43 of your
17 statement. You note there that the inspection reports that
18 you've seen, and I've taken you to two of those, could be
19 classified as a log audit or an environmental review rather
20 than a comprehensive progress report. Do you see that?

21 A. Yes, I do.

22

23 Q. You indicate the procedures that would apply today.
24 Firstly, in paragraph 47 and onwards, you talk about child
25 protection workers and care providers. Do you see that?

26 A. Yes.

27

28 Q. That's reference to the screening and checking process
29 that your workers go through as well as those who are
30 foster carers of children in care?

31 A. Correct.

32

33 Q. You talk in paragraph 49 about the three weeks of
34 mandatory training in relation to residential care staff.
35 Again, that's those people looking after the 9 per cent of
36 children that are in the facilities we've discussed.

37 A. Yes. In that instance, yes.

38

39 Q. Do they have different training, by which I mean extra
40 training, from other workers in relation to the work they
41 do?

42 A. Correct. They do --

43

44 Q. Why is that in place?

45 A. Because some of the work that they do in out-of-home
46 care is very specialist and specific to working in that
47 particular setting and caring for children in a

1 facility-based arrangement. They do some of the similar
2 modules and training aspects that our child protection
3 workers do. It's important that they understand our
4 responsibilities and obligations under the Act and a range
5 of other practices to do with children in care generally,
6 but very specifically they are the direct carers for those
7 children in a day-to-day sense, which requires a suite of
8 other understandings and skill sets than, say, a statutory
9 child protection worker that performs the case management
10 function. So I am thinking it may be helpful to understand
11 the very particular knowledge about the experience of
12 trauma as a result of various types of abuse as an example
13 - deep understandings of child development issues,
14 nutrition, et cetera, things that you would expect that you
15 would need to know to meet the daily needs of a child and,
16 yeah, some of which are front and centre and certainly
17 shared by child protection workers, but they are performing
18 a different role and have a different function in that
19 young person's life.
20

21 Q. In paragraph 55 you say that each child in the care of
22 the State is assigned a child protection worker as their
23 case manager.

24 A. Yes.

25
26 Q. And that that worker is responsible for, on average,
27 12 children.

28 A. Correct.

29
30 Q. Is that the stipulated number in your policies and
31 procedures that each worker should have?

32 A. We have an industrial order in place in Western
33 Australia which stipulates the workload management
34 framework. That particular order cites 15 as the maximum.
35 However, in some circumstances, with approval, it can be up
36 to 18, and 12 would be the average across the State, which
37 I've included. There are also provisions in that
38 particular workload management order to decrease and
39 increase the number of children in care that that case
40 manager may manage really in accordance to the complexities
41 and demands and circumstances of the children that they are
42 responsible for.
43

44 Q. The experience in New South Wales has been that while
45 there are numbers allocated as to how many children a child
46 protection worker should be responsible for, in practice
47 the numbers are very different. That's not the case in

1 Western Australia?

2 A. Definitely not. We have a monthly reporting and
3 review process of in fact the workload management policies
4 and procedures. It's automated in our case management
5 system. It's reviewed by executive and, in fact, provided
6 to the union.

7

8 Q. At paragraph 57 you say that the minimum standard
9 contact is once every three months for a child protection
10 worker with a child that they are responsible for. Again,
11 is that a standard contact in writing and is it one that is
12 also provided in reality?

13 A. The minimum standard enshrined in the legislation and
14 our policies absolutely in reality would be the minimum
15 standard. I would suggest, though, in some circumstances
16 it's more. It really depends on the circumstances of the
17 child. A lot of children that are in relative care, as an
18 example, may have been cared for by their relatives and in
19 fact from birth effectively, or certainly from a very early
20 age, we have a minimum standard. The child protection
21 worker would still be very involved, but the need for that
22 involvement may be slightly different as opposed to a child
23 that perhaps is more isolated, more disconnected from
24 family. We would really need to take - really, a
25 child-by-child basis, the contact is really determined on
26 the circumstances of that child, the current situation, so
27 it is ever changing, but that's the minimum standard.

28

29 Q. You refer to each child's case plan containing a
30 safety plan and the safety plan being based on the signs of
31 safety framework. Can you explain what that is?

32 A. Yes. The signs of safety framework is our child
33 protection framework. For Western Australia it sets out a
34 range of principles, disciplines, and tools that child
35 protection workers that work with families and children are
36 driven by. It's an evidence-based assessment and planning
37 tool. It also provides tools such as the safety plan that
38 we're talking about, very prescribed ways to collect
39 information, to make sense of that information, and to make
40 determinations based on that information to do with child
41 need, child risk, harm, and safety. It can be very
42 particular at a point in the life of the department's
43 involvement to do with a particular safety concern, or in
44 fact is also used more broadly for ongoing planning. Part
45 of the signs of safety framework is a range of tools really
46 designed to enhance and increase child participation both
47 in the frequency but also in the quality. For example, we

1 have a words and pictures tool, which is designed, as the
2 name suggests, that depending on the age and stage of the
3 child, the level of comprehension, that we would, as the
4 department - and the child protection workers generally do
5 this, although sometimes the psychologists might - work
6 with that child to describe information, develop the story
7 of why they are in care and also often, and certainly it's
8 our standard and goal, that families are involved in that,
9 so children have a very deep sense of their current
10 circumstances. It's designed and driven by principles of
11 absolute honesty, open transparency. So that's an example
12 of one of the tools. So it really is the framework in
13 which all our work with families and children is designed.

14
15 Q. In paragraph 97 of your statement you refer to
16 unaccompanied humanitarian minors who come into care.

17 A. Yes.

18
19 Q. You say there you recognise the additional support
20 they may require. These children, the unaccompanied
21 humanitarian minors, come to care by what means?

22 A. There is three or four ways in which they can come
23 into care of the department. Generally, it is the practice
24 today where there are child protection concerns, I think
25 inherent to the experience of unaccompanied minors is they
26 have experienced all sorts of trauma --

27
28 Q. Are you talking about refugees generally?

29 A. Yes.

30
31 Q. Solely refugees?

32 A. Solely refugees and, obviously, managed and delivered
33 by the Commonwealth. We are a delegation, or our
34 department, the CEO of our department can be delegated to
35 provide services and they are very small numbers, and the
36 not for community services sector often provide the
37 specialist both at home care support and other specialist
38 services that the children may require.

39
40 Q. Can I now turn to monitoring of children in
41 out-of-home care. You deal with this from paragraph 116
42 onwards.

43 A. Yes.

44
45 Q. Can you just tell what the acronym "FMD" stands for?

46 A. Facility management division.

47

1 Q. That's within your department?
2 A. It's actually through building and works. No, it's
3 external to our department. Although we have functions
4 within our department to do with our capital and resources
5 that we upkeep, but the faculty development - the faculty
6 management division is external.
7
8 Q. "Faculty" or "facility"?
9 A. "Facility", sorry
10
11 Q. So the facilities management department undertake
12 regular visits to check the physical environment. That's
13 one form of monitoring children in out-of-home care?
14 A. That's specifically the physical environment, yes.
15
16 Q. I understand that. What's the system for complaints
17 being made by children in out-of-home care about their
18 circumstances? How are those complaints, firstly, made and
19 then dealt with?
20 A. There's a range of ways that that occurs.
21
22 Q. Let's use sexual abuse as an example. If a child in
23 out-of-home care wanted to raise a disclosure or an
24 allegation, what is available to them today?
25 A. They can make contact primarily with - there's a range
26 of options, I suspect, that they would consider. The child
27 protection worker, which is external from the actual
28 facility, through the child advocate process and service.
29 Again --
30
31 Q. Just let me stop you there. I understand the child
32 protection worker who visits with a minimum of three
33 months. The children's advocate, does that person, or does
34 that office visit children in out-of-home care?
35 A. Yes, they do, and they are available to meet with
36 those children in a facility outside the facility in a
37 range of circumstances independent from the child
38 protection districts and --
39
40 Q. So disclosure might be made on a visit, or it might be
41 made by the child if they have such knowledge and access of
42 contact in the advocate?
43 A. Yes, by telephone, by email. I think sort of
44 technology has opened up a range of different things. We
45 have children often texting or using a range of forums. We
46 also have a Viewpoint electronically-based system, which
47 I provided quite a bit of information on for the

1 Commission. That is a self-paced interactive
2 computer-based process or sort of program that the
3 children --

4

5 Q. So a child could access through the internet Viewpoint
6 and then provide any information that they wished to --

7 A. And are prompted to do so.

8

9 Q. And are prompted. And that information would then go
10 to someone in your department?

11 A. Yes, that goes to a senior person in the department
12 for review within a 24-hour period.

13

14 Q. How are children in out-of-home care told about
15 Viewpoint?

16 A. Through a range of functions, depending on the age of
17 the young person. As a child comes into care, they are
18 provided with a range of written material, but of course
19 that doesn't really suit children. However, on a
20 one-on-one basis by the child protection worker, certainly
21 the carers and residential care staff are really central to
22 that, because, as you would appreciate, coming into care is
23 incredibly confusing, very traumatic, and there's a lot of
24 information and change all at one time. So the young
25 person needs to be given and afforded those opportunities
26 and given that information regularly throughout their time
27 in care. So this would occur, for example, at the care
28 plan process, at the quarterly visits by the child
29 protection worker in a range of ways and really tailored to
30 that individual child, their age, et cetera.

31

32 Q. Do you have any community visitor schemes in Western
33 Australia that operate in relation to children in
34 out-of-home care?

35 A. Yes, we do. We have independent visitors. Primarily,
36 they visit what we've described earlier as secure care and
37 the residential care facilities.

38

39 Q. So that's the fourth way in which --

40 A. And the Children's Commissioner, I should add, also
41 from time to time visits the out-of-home care facilities.

42

43 Q. Is it a core part of a Children's Commissioner's job
44 to visit the facilities?

45 A. No, not a core part as such.

46

47 Q. There are four, possibly five, avenues for a child to

1 make a disclosure if they wanted to.
2 A. Yes. We also have mandatory reporting arrangements in
3 Western Australia whereby teachers, nurses, doctors,
4 midwives are mandatory reporters of sexual abuse and are
5 provided support and training so they are well equipped to
6 take those disclosures. Children in care disclose
7 information to people they trust primarily, and that person
8 could be --
9
10 Q. It could be a mandatory reporter?
11 A. It could be all sorts of people, as it were, yes.
12
13 Q. The mandatory reporting legislation in Western
14 Australia is proposed to be extended to further workers; is
15 that right?
16 A. Yes, that's correct.
17
18 Q. That hasn't happened yet?
19 A. No, it's in the process. Drafting instructions are
20 currently under way.
21
22 Q. Once a disclosure is made through any of the means
23 we've discussed, is the practice or requirement in Western
24 Australia that that disclosure be given to particular
25 agencies?
26 A. Yes. In all instances of disclosures that suggest a
27 criminal act - sexual abuse in all circumstances is a
28 criminal act - so the Western Australian police are advised
29 of that. We have provisions with the Health Department.
30 If a sexually transmitted disease has been detected, then
31 that information is also exchanged between our agencies
32 throughout that process.
33
34 Q. Is the ombudsman involved at this stage if there is
35 such a disclosure?
36 A. No, not if it's a disclosure.
37
38 Q. So who is responsible for investigating such a
39 disclosure?
40 A. Of child sexual abuse, primarily it's the department
41 in partnership with the Western Australian police.
42
43 Q. Do you have something similar to a joint investigative
44 response team?
45 A. Yes. We have a service called Child First, which is
46 co-located with the Western Australian police child abuse
47 squad that's independent from our child protection

1 officers --

2

3 Q. Is health part of your team?

4 A. They are not co-located but we have arrangements in
5 place whereby they are obviously part of those
6 investigative processes, particularly when forensic
7 evidence is part of the inquiry.

8

9 Q. What role does your ombudsman play, if any, in respect
10 of child sexual abuse investigations?

11 A. On a child-by-child case-by-case basis, they don't
12 have a formal role as such. They do have provisions, as
13 we've noted, to make investigations at their own direction.

14

15 Q. They generally need information before they can do so.
16 Is there anything that's mandated to go to the ombudsman in
17 relation to allegations of child sexual abuse?

18 A. No.

19

20 Q. Has there been consideration to the ombudsman having a
21 broader role in WA?

22 A. Not formally, as I understand. However, oversight of
23 both allegations of abuse in out-of-home care services
24 generally occupy an ongoing debate and continuous
25 improvement program about how best to balance that, how
26 best to realise ongoing achievement of standards and, you
27 know, good outcomes for children in care. So it's
28 certainly an ongoing dialogue as we have evolved, and will
29 continue to evolve, to do with out-of-home care and
30 responding and supporting children who disclose sexual
31 abuse.

32

33 Q. If we can just turn to paragraph 126 of your
34 statement, you refer there to the department having adopted
35 the Complaints Management Policy and Procedures. Are we to
36 understand that that is a particular set of policies and
37 procedures that are adopted elsewhere other than just the
38 department?

39 A. When the department adopted what we refer to as the
40 Complaints Management Policy and Procedures, we considered
41 a range of other processes that exist across other
42 government departments, other jurisdictions. I would
43 suggest, although I've referred to it here as our
44 internal --

45

46 Q. I see. So it's not as though somebody came up with it
47 and you've adopted it. This has been tailor-made for your

1 organisation and the work you do?
2 A. Yes, although based on a range of inquiries to do
3 with - we've adopted, as you'll read, it's a tiered
4 approach I suppose in terms of complaints. So if people
5 are unsatisfied at various points or outcomes, there is a
6 next step, the final one being complaint directly through
7 to the ombudsman. The ombudsman receives copies of all
8 complaints and outcome reports and recommendations at what
9 we call our tier 2 process, and then of course they
10 themselves, if it's useful to understand, do the third tier
11 of that complaint. So they have got the information that
12 the department has already collected, the assessments that
13 have already been made, and that is provided to the
14 ombudsman, and they themselves, their office, does an
15 independent review of that complaint.
16

17 Q. Following an allegation of sexual abuse regarding a
18 child in out-of-home care, what action is taken against the
19 foster carer if they are the subject of the allegation?

20 A. They are subject to an instant investigation by our
21 duty of care unit, which is not part of our child
22 protection districts. It's staffed by senior experienced
23 specialists and sits within our directorate in head office
24 that has all the integrity screening and misconduct
25 functions and the complaints function. They may do a range
26 of activities as part of that investigation, but primarily
27 speak with the carers. They may speak - collect
28 information directly through the police, through health,
29 other ways that they collect that information to make those
30 determinations.
31

32 Q. Is it the case that the person against whom the
33 allegation is made, if it's a foster carer or a person in
34 that situation, that they have children in their care
35 removed from them?

36 A. That's considered on a really case-by-case basis -
37 certainly, the severity of the allegation - the parallel
38 process, it's important to understand, is the district
39 automatically and instantly conducts a safety and
40 well-being assessment with the child directly, what's been
41 the impact, what supports are required. So they take a
42 focus on the child, whereas the duty of care unit
43 investigates the conduct, the allegations and competencies
44 of those carers. So if it's quite serious, or in fact the
45 negative impact on the child is apparent, certainly they,
46 the child, will be instantly removed, and that does occur
47 quite regularly when those circumstances come up.

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Q. Is there an appeal process for carers?

A. Yes, there is.

Q. An administrative decision-making process, I take it?

A. Yes, but also carers can access, and do access, the tiered complaint system that I talked about previously, which includes the ombudsman.

MS FURNESS: Thank you, Ms White. Thank you, your Honour.

THE CHAIR: Does anyone else have any questions?

MS NEEDHAM: No.

MR O'SULLIVAN: No.

THE CHAIR: Thank you for helping us with the work you are doing. You are now formally excused.

<THE WITNESS WITHDREW

MS FURNESS: I note the time, your Honour.

THE CHAIR: 10 o'clock.

MS FURNESS: The witnesses tomorrow are the partner from Carroll & O'Dea and the partner from Slater & Gordon, in the reverse order, who were involved in the class action.

THE CHAIR: Very well. 10 o'clock tomorrow

**AT 4PM THE COMMISSION WAS ADJOURNED TO
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