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# CHILDREN IN STATE CARE

## COMMISSION OF INQUIRY

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**ALLEGATIONS OF SEXUAL ABUSE AND  
DEATH FROM CRIMINAL CONDUCT**

Presented to the South Australian Parliament  
by the Hon. E.P. Mullighan QC  
Commissioner





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**Children in State Care and Children on APY Lands**

**Commission of Inquiry  
South Australia**

Office of the  
Commissioner

Level 1  
33 Franklin Street  
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31 March 2008

His Excellency Rear Admiral Kevin Scarce AC CSC RANR  
Governor of South Australia  
Government House  
Adelaide

Your Excellency

In accordance with section 11 of the *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004*, I present my final report of the Children in State Care Commission of Inquiry.

Yours sincerely

A handwritten signature in black ink, appearing to read 'E.P. Mullighan'. The signature is fluid and cursive, with a prominent initial 'E' and a long, sweeping tail.

The Hon. E.P. Mullighan QC  
Commissioner

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# Preface

Nothing prepared me for the foul undercurrent of society revealed in the evidence to the Inquiry; not my life in the community or my work in the law as a practitioner and a judge. I had no understanding of the widespread prevalence of the sexual abuse of children in South Australia and its frequent devastating and often lifelong consequences for many of them.

Some witnesses previously had not been able to say what had happened to them. An elderly woman, who had been in State care as a child, said early in her evidence: 'Who is ever there for frightened little girls in cupboards? Now *you* are there because you give me a voice and I wanted to say that.'

Witnesses gave various reasons for not disclosing; and talked of the benefit of at last being able to do so. According to one witness: 'You get told so many times not to say anything and someone suddenly says, "I want to hear what you have to say".'

Some of the witnesses had always wanted to tell. One said: 'I never forgot nothing because I knew one day, through all I went through, that one day I would get a voice out there, out in the world, because virtually, when I got brought up in the homes and taken away at six, it was virtually, I didn't know, the world was shut out to me'.

Before the Inquiry I had no understanding that people who had been abused felt fear, guilt, shame and responsibility, which contributed to their silence. One woman said: 'I felt ashamed and believed it was my fault'. A man whose life collapsed in his middle years gave up a comfortable existence and went to live in a cave. When he heard of the Inquiry he made the approach: 'I thought that perhaps for the first time in my life somebody would be willing to hear my pain'. A young woman expressed the view: 'I feel very empowered by coming here and doing this'.

I was not prepared for the horror of the sexual cruelty and exploitation of little children and vulnerable young people in State care by people in positions of trust and responsibility, or the use of them at paedophile parties for sexual gratification, facilitated by the supply of drugs and alcohol.

I had no understanding that, for many people, a consequence of having been sexually abused as a child was the loss of a childhood and an education.

The hearings were of considerable benefit to the people making disclosures, who expressed the importance of

having been believed by someone 'in authority'. One elderly woman gave evidence in the presence of one of her six children. That night the children discussed at length what had happened and a daughter later told me: 'We had always felt sorry for our mother; now we feel proud of her'.

A considerable body of evidence was received about runaway children and their sexual exploitation over many years. Some were children in State care. Many were sexually exploited and prostituted themselves in public and private places. I had no knowledge of the fear, isolation and loneliness of the children living on the streets and the means by which they survived.

Some witnesses expressed their reasons for giving evidence to the Inquiry.

One man told me: 'I've had days where I just wanted to give it all away and I just hope that this [coming to the Inquiry] will end it'. A young woman said she hoped that her evidence will help police apprehend current abusers '... before they do it to another person'.

Undoubtedly, in disclosing what had happened to them, people were affected in various ways. Some felt relief, gratitude, a sense of closure, respected, believed or being included.

It must be acknowledged that because of the nature of the Inquiry, most witnesses gave evidence about sexual abuse and deaths of children in State care. However, many people also gave evidence about positive aspects of out-of-home care of children. There was also a considerable body of evidence about the dedication of foster and other carers and the quality of upbringing they provided to children in State care.

While the full extent of the sexual abuse of children in State care can never be known, it is possible that the people who gave evidence to the Inquiry are the tip of the iceberg.

As the Inquiry progressed I soon felt a deep sense of privilege and responsibility at having been entrusted with the disclosures of people's most painful memories. I observed their selflessness and courage in sharing their stories as part of their process of healing, but also their desire to assist in some way to prevent future sexual abuse of children in State care.

**The Hon. E.P. Mullighan QC**  
**Commissioner**

# Acknowledgments

The extensive work undertaken by the Inquiry has been possible only because of the efforts of the Counsel Assisting, the Project Manager and the staff.

Ms Angel Williams was the Project Manager throughout the Inquiry and effectively managed its establishment, staff, budget and facilities. She also contributed to the completion of the report, particularly relating to the statistics of the Inquiry and the chapter relating to records.

Ms Liesl Chapman of counsel worked extensively as the senior investigator of the section of the Inquiry investigating deaths of children in State care, and in other roles, until she was appointed Counsel Assisting the Inquiry in June 2007. She remained in that role until the completion of the Inquiry and of this report, to which she made an invaluable contribution. Ms Chapman organised and managed the substantial work of all the investigators.

In all there were 57 members of staff, although not all at the same time, and some worked on a part-time basis. There were substantial difficulties for many of the staff due to the nature of the work. At all times they supported people approaching the Inquiry and treated them with respect, courtesy and understanding, which assisted them to disclose sexual abuse. The task of handling, storing and maintaining the integrity of the many thousands of files and other records was undertaken efficiently and effectively.

Most of the people approaching the Inquiry were assisted in practical ways by the witness support staff and, where necessary, put in contact with appropriate services and assistance.

Two psychologists at different times provided valuable assistance to staff as needed. Judith Cross, the Chief Executive of Relationships Australia (SA), was appointed by the Minister to assist the Inquiry as a person with appropriate qualifications and experience in social work

and social administration. She met periodically and extensively with me and provided valuable assistance to the Inquiry.

It is appropriate to acknowledge the contribution of the media. Wide publicity was given to the Inquiry at various times, which informed the community about its work. Many people were encouraged to approach the Inquiry as a consequence of this publicity.

At all times the Inquiry received the support of the Government and the Opposition in the Parliament and of other Members—in particular the Minister for Families and Communities, the Hon. Jay Weatherill MP, and, at the outset of the Inquiry, the then Leader of the Opposition, the Hon. Rob Kerin MP, the Speaker of the House of Assembly, the Hon. Peter Lewis MP, and the Shadow Minister for Families and Communities, Isobel Redmond. All supported and provided assistance to the Inquiry during its establishment. As Shadow Attorney-General, Ms Redmond has continued her support of the Inquiry on behalf of the Opposition.

**The Hon. E.P. Mullighan QC**  
**Commissioner**

# Terms of reference

## Schedule 1

### 1 Interpretation

In this Schedule –

**child in State care** means a child who was, at the relevant time, a child who had been placed under the guardianship, custody, care or control of a designated Minister or another public official, or the former body corporate known as the *Children's Welfare and Public Relief Board*, under a relevant Act;

**designated Minister** means a Minister responsible for the administration of a relevant Act;

**relevant Act** means the *Children's Protection Act 1993* or a corresponding previous enactment dealing with the protection of children;

**sexual abuse** means conduct which would, if proven, constitute a sexual offence.

### 2 Terms of reference

- (1) The terms of reference are to inquire into any allegations of–
  - (a) sexual abuse of a person who, at the time that the alleged abuse occurred, was a child in State care; or
  - (b) criminal conduct which resulted in the death of a person who, at the time that the alleged conduct occurred, was a child in State care, (whether or not any such allegation was previously made or reported).
- (2) The purposes of the inquiry are –
  - (a) to examine the allegations referred to in subclause (1); and
  - (b) to report on whether there was a failure on the part of the State to deal appropriately or adequately with matters that gave rise to the allegations referred to in subclause (1); and

- (c) to determine and report on whether appropriate and adequate records were kept in relation to allegations of the kind referred to in subclause (1) and, if relevant, on whether any records relating to such allegations have been destroyed or otherwise disposed of; and
  - (d) to report on any measures that should be implemented to provide assistance and support for the victims of sexual abuse (to the extent that these matters are not being addressed through existing programs or initiatives).
- (3) The inquiry is to relate (and only to relate) to any conduct or omission occurring before the commencement of this Act.
  - (4) The inquiry need not (but may, if relevant) relate to a matter that has been the subject of the Review within the meaning of the *Child Protection Review (Powers and Immunities) Act 2002*.
  - (4a) The inquiry may relate to a matter that has been the subject of the commission of inquiry under section 4A.
  - (5) The person conducting the inquiry must not purport to make a finding of criminal or civil liability.

**Explanatory note**

Reference is made to ‘the department’ throughout this report. At March 2008, Families SA is the name of the division of the Department for Families and Communities that is responsible for the care and protection of children in State care. The term ‘the department’ is used to include the present department and its predecessors, which have undergone several name changes during the period covered by the Inquiry. See Appendix G for a list of the changes.

# Summary

During the Children in State Care Commission of Inquiry, which started in November 2004, 792 people told the Inquiry that they were victims of child sexual abuse while living in South Australia. The 406 males and 386 females made 1592 allegations dating from the 1930s to the present against 1733 alleged perpetrators. Many told the Inquiry it was the first time they had disclosed the sexual abuse, and many said it still affected them as adults. Their evidence reflects surveys and studies conducted around the world in the past 30 years, which show that child sexual abuse is widespread, the reporting rate is low and the effects can be devastating and lifelong.

The alleged victims believed they were, or could have been, in State care at the time. There are valid reasons for the uncertainty: they were generally babies or children when placed to live in institutions, with foster families or in other care arrangements; they were often not told why; they were not aware of the legalities concerning the placement; and they did not have records of their childhood.

The Inquiry had to determine how many of the 792 people were children in State care when the alleged abuse occurred. It was not an easy task. It required interpreting the terms of reference (see page IX), researching the legislative history of the *Children's Protection Act 1993*, and requesting and reading thousands of government and non-government records relating to the alleged victims and their places of care.

The Inquiry interpreted its terms of reference to mean that a child in State care was a child who had been placed under the guardianship, custody, care or control of the Minister, a public official or the Children's Welfare and Public Relief Board (1927–66) as a result of a court order; an order by the Minister, CWPRB or Aborigines Protection Board (1934–63); or a written agreement between the child's parent/guardian and the Minister.

After researching relevant records, the Inquiry found that 533 people did not come within the terms of reference.

Some had been placed in State care at periods in their childhood, but the alleged sexual abuse occurred outside this time. Many had lived in care, including foster care, with some involvement from the Department of Families and Communities or its predecessors (see explanatory note, opposite), but there was no court order or written agreement as per the Inquiry's interpretation of State care. Records obtained by the Inquiry revealed that parents had also privately placed their children in institutions or foster care, often with the involvement of non-government organisations. Although the allegations of these witnesses have not been published, their evidence has not been ignored. It has added significantly to the Inquiry's knowledge about the prevalence, seriousness and long-term effects of child sexual abuse, different places of care, and the workings of the child protection system during the past 65 years.

Using available records, the Inquiry found that 242 people—124 males and 118 females—were children in State care at the time of the alleged abuse. They made a total of 826 allegations against 922 alleged perpetrators. Their allegations are individually summarised in chapter 3. Most of these people, 124, were aged 41–60; 25 were older than 60; and 16 were younger than 18. Forty-four were of Aboriginal or Torres Strait Islander descent. Twenty-two had a disability.

The Inquiry could not determine if a further 17 witnesses were in State care at the time of their alleged abuse. This was due to either a lack of records or uncertainty about the legality of placements due to the historical actions of the Aborigines Protection Board in placing children contrary to legislation, as found by the Supreme Court in *Trevorrow v. State of South Australia* (No 5) (2007). Their allegations are also individually summarised in chapter 3.

The allegations of 20 people who were not in State care, but who had been placed in non-government institutions with people who were in State care and came forward to the Inquiry, are also included in chapter 3. Their evidence of

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child sexual abuse in those places of care tends to confirm the evidence of people who were in the terms of reference.

The Inquiry considers that the publication of each person's allegations is important for several reasons. It is an acknowledgment of the personal courage required to speak about their experiences; it is a significant contribution to the history of South Australia; and it is a forceful and compelling message about the vulnerability of children in State care and the need for reforms to ensure they are protected from sexual abuse and, if that fails, that their allegations receive an appropriate response.

The Inquiry believes that many adults who were sexually abused as children in State care have not come forward. Evidence received referred to other children in State care, particularly in large congregate care, who were also sexually abused. Research of records revealed names of other people who allegedly were sexually abused as children in State care, but did not come forward.

The Inquiry also received 924 names of children to investigate in order to determine whether any had died from criminal conduct while in State care (see chapter 5).

## The Inquiry's approach and conduct

In its early stage, the Inquiry developed an awareness campaign, which included outreach programs for groups that could be disadvantaged in gaining access, or coming forward, to the Inquiry, namely Aboriginal, elderly, young and disabled people and prisoners.

The Commissioner conducted the hearings of 496 alleged victims of sexual abuse and 266 general or expert witnesses. Some people had more than one hearing. There were 809 hearings, which resulted in 46,500 pages of transcript. In addition, 448 individuals and organisations corresponded with the Inquiry or made a written submission in regard to child sexual abuse and/or the child protection system, but did not have a hearing.

In order to investigate the allegations of sexual abuse and deaths of children in State care, the Inquiry requested 5880 records, which resulted in the receipt of 33,300 files. Despite this large volume, sometimes very few or no records in relation to alleged victims were available.

The Inquiry employed a total of 57 staff, who worked at various times during its three-year life.

## Sexual abuse of children in State care

Evidence to the Inquiry established how vulnerable these children were when placed in State care. Many said they had already experienced sexual, physical or emotional abuse in the family home; witnessed violence and alcoholism among adults; suffered the effects of poverty, including transience; or been neglected by parents for various reasons, including mental illness. Some said they developed behavioural issues as children, including being difficult to control, absconding or committing minor crime. Their vulnerability arising from the effects of such abuse made them prime targets for perpetrators when placed in a care and protection system that was deficient in its knowledge, understanding and recognition of child sexual abuse. Of the transition from an abusive family home to State care, one witness told the Inquiry that he could 'understand the State stepping in, but in that sense I was basically taken out of the frying pan and thrown into the fire'.

The Inquiry heard that, having been placed in State care, often by a court order that would expire at the age of 18, many children were moved between different types of care. For example, until the 1970s the main forms of care were institutional (large congregate care in children's homes) and foster care. Some witnesses were placed in different institutions, had more than one foster placement and, if they absconded or committed a crime, also spent time in a secure care facility. This movement, combined with their dislocation from the family home and, often, separation from siblings, only served to increase their sense of isolation and vulnerability. Witnesses said:

*We might not have had the ideal family, but we had my family.*

*I just wanted my mum. I wanted mum. I didn't want to live with somebody else.*

*To put a child in State welfare, in a home—make sure they have more contact with other siblings as much as possible because the heartache, the heartbreak and to wait so long [to be reunited with siblings] is devastating.*

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Evidence given to the Inquiry demonstrates that the alleged sexual abuse occurred in every type of care from the 1940s onwards, including institutional care (large congregate care in government and non-government homes up to the 1970s), smaller group care (cottages, hostels and youth shelters from the 1960s to early 1980s), residential care units (admission, assessment and community units from the 1970s to the present), foster care (placements with other families from the 1940s to the present), family care (placement on probation to live at the family home from the 1940s to the present) and in secure care facilities (from the 1950s to the present).

There were 133 people who said they were sexually abused in more than one placement.

In regard to institutional care, the Inquiry heard allegations from 114 people who said sexual abuse was perpetrated by staff members; older children living at the institution; visitors, including family members; professionals, such as doctors; and outsiders, including strangers, school bus drivers, a hospital employee, carers at holiday placements and carers' family members, friends and neighbours. Some witnesses spoke about a pervasive culture of child sexual abuse in the large congregate care environment:

*You got to the stage where you thought [sexual abuse] was just part of the norm; keep your mouth shut, otherwise you were worse off than everybody else.*

Sixty-two people placed in secure care, 49 placed in smaller group care and 18 placed in residential care units said they were victims of child sexual abuse perpetrated by staff; older male residents; volunteers; visitors to the cottages and units; fathers; family friends; acquaintances including male relatives of friends and friends of friends; and male strangers including men in a police cell.

The Inquiry heard from 103 people who alleged they were sexually abused in foster care by foster parents, their sons, other fostered children living in the home, boarders, relatives and friends of foster parents, and outsiders including a teacher, taxi driver, camp worker, student social worker, priest, neighbours and strangers.

Thirty-four people who were children in State care but on probation and living in the family home told the Inquiry their alleged abusers included birth parents, step-parents, partners of parents, other relatives, family friends and outsiders, including a doctor, local community group leader, community centre worker, regular driver, acquaintances and strangers.

'Outsiders' included paedophiles who targeted and exploited the children in State care when they absconded from their placements. The reasons given for absconding varied, and included escaping from sexual abuse at their placement and being lured by the promise of money, cigarettes, drugs, alcohol, food, shelter or clothes in return for sex. A witness said:

*This social group absorbed people like myself, and you would be passed around between them, and paid ... they were wanting sex, I was paid for it, and everyone went their own ways.*

Many former children in State care told the Inquiry they did not disclose the sexual abuse when they were children for various reasons, including being told by the perpetrator not to, a fear of repercussions, a sense they would not be believed, not having anyone to confide in, dependency on the perpetrator, and feelings of shame and self-blame.

Witnesses said:

*I'm five and a half years old. I'm terrified—you know, scared shitless—and there's this bloke [the perpetrator] threatening to bloody kill me.*

*They had a thing in there if you were a telltale, you suffered for it. You'd really get bashed up and everything else to go with it.*

*I didn't feel that I could actually go to somebody and say because then I'd just be classed as a liar, troublemaker, something. I'm just a welfare child.*

*You couldn't complain. Who do you complain to?*

*[I] didn't have anyone else to rely upon. It's the hand that feeds you and puts a roof over your head, so you have these conflicting thoughts even as a youngster.*

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*I was ashamed to tell anyone what happened.*

*You feel as though it's your fault it's happening. You can't understand why it's happening. You don't sort of blame the people that's doing it to you. You seem to blame yourself.*

Most of the people who said they disclosed the sexual abuse as children were not believed. One witness said a staff member responded to his allegation of sexual abuse with 'Oh, bullshit, you little liar'. Other witnesses said:

*Oh, I was the worst in the world. I was a liar. I was a lazy gin. I was only saying these things because I didn't want to work.*

*I don't know at what point I started telling my welfare officer, and she basically said I was a liar.*

Some witnesses had never spoken about their allegations until their hearing at the Inquiry.

*I've wanted to, all my life. I've wanted to tell.*

*I thought perhaps for the first time in my life somebody would be willing to hear my pain.*

*Thank you for listening to my story ... I've never really told anybody about it.*

*Thank Christ I've got that out of my system, you know. I've had good friends over the years, I've had good wives and good partners, and I told them nothing.*

Many witnesses told the Inquiry about the effects of child sexual abuse on them as adults:

*I was always angry [about] what happened to me ... It ruined my life, as far as I'm concerned.*

*But it was still in my head, and so I still had the nightmares, I still had the horror.*

*I just wish it had never happened, that's all. That's all I've got to say. I don't think people realise how much it really plays on your mind. It's not so bad when you're in your 20s but, you know, you get older and it plays on your mind a lot. It still does ... I reckon it's a lot worse.*

## Response of the State and recommendations

Based on the evidence of the alleged victims who came forward to the Inquiry, it is apparent that in the past 65 years the State has failed to protect some of the children in its care from sexual abuse. Lessons must be learnt from this. The former children in State care have demonstrated their commitment to reform by giving evidence to the Inquiry about their own traumas—a process they hope will ensure that children are better protected in the future. Some witnesses said:

*I've got no axe to grind. I'm not here to grind axes. I'm here to make sure it doesn't happen again to any kid.*

*This is why I am sitting here today, so it doesn't happen [to children in the current system].*

*I think it's good that it's told so that it doesn't happen to other people.*

*I'd like that nothing like this happens to any other kids, for a start, because I've got grandchildren.*

*It's got to stop so it doesn't happen to other kids like me.*

The evidence shows a need for the government to implement strategies to prevent the sexual abuse of children in State care, to provide an environment to encourage those children to disclose, and to respond appropriately when a disclosure is made.

Six months before the Inquiry began, and in response to the Layton review, the South Australian Government released its *Keeping them safe* reform agenda for the State's child protection system. During the life of the Inquiry, the government released parts of the reform agenda relating only to children in State care—*Rapid response – whole of government services for children and young people under the guardianship of the Minister* (October 2005) and *Keeping them safe – in our care* (September 2006). The reform agenda is a significant development in child protection policy and a sign of positive change and goodwill. However, considerable

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resources are required to achieve the reforms necessary to protect children in State care from sexual abuse.

The Inquiry heard evidence to suggest that the State's child protection system, like its counterparts elsewhere in Australia, is in crisis, largely because of poor past practices. The number of children being placed in care has increased; there is a shortage of foster carers and social workers; children tend to be placed according to the availability of placements rather than the suitability; and serviced apartments, motels and B&Bs are used for accommodation because there is no alternative. Such a system cannot properly care for an already vulnerable group of children, let alone protect them from perpetrators of sexual abuse. More resources must be made available to deal with the crisis, as well as to implement necessary reforms for the present and future.

The Inquiry endorses the government's establishment in 2004 of the Guardian for Children and Young People (GCYP), whose statutory role is to promote the best interests of, act as an advocate for and monitor the circumstances of children under the guardianship or in the custody of the Minister, as well as provide advice to the Minister on the quality of their care and any systemic reforms. During the past four years, the GCYP has introduced some important practical methods of communicating with children in State care, which are crucial to the prevention and detection of sexual abuse. Several of the Inquiry's recommendations build on measures that have been established by the GCYP in the protection of children in State care from sexual abuse.

## Prevention

There is a need to implement strategies aimed at preventing the sexual abuse of children in State care.

Early intervention is one form of prevention. It focuses on recognising warning signs that families may be at risk and, if possible, taking action to keep them together. Many witnesses at the Inquiry endorsed this approach. Indeed, the government, in *Keeping them safe – in our care*, states its policy to support early intervention strategies. The Inquiry endorses the government's establishment of five

children's centres for this purpose at Enfield, Elizabeth Grove, Hackham West, Wynn Vale and Angle Park, and its commitment to build a further 15 across South Australia.

The education sector also plays an important role in the early detection and prevention of child sexual abuse. The government has updated its mandatory notification training, and a refresher course is required every three years for teacher registration. It also funded the development by the Australian Childhood Foundation in partnership with the National Research Centre for the Prevention of Child Abuse and the Indigenous Health Unit at Monash University of a targeted training program, SMART (strategies for managing abuse-related trauma), which has been attended by hundreds of education workers. Evidence received by the Inquiry referred to the challenge of developing refresher courses. The Inquiry recommends that SMART training be ongoing and include updated refresher courses.

A crucial part of prevention is to educate children in State care about protective behaviours. In 2007, the Department of Education and Children's Services announced that it had been updating its child protection curriculum as part of the broader *Keeping them safe* agenda. Called *Keeping safe*, it is due to be implemented in schools in 2008. However, evidence to the Inquiry demonstrated that children in State care often have disrupted schooling and miss out on learning these skills. The Inquiry recommends that the protective training currently being taught by the Second Story Youth Health Service to some children in State care be reviewed and delivered to all children in State care at their residential or secure care facility.

Providing child-safe environments is also an important element of prevention. There is now a national register of sexual offenders, the Australian National Child Offenders Register (ANCOR), operated by the CrimTrac Agency. All states and territories have enacted legislation to ensure that the register receives and provides up-to-date information, nationwide. The aim of the South Australian legislation is to 'protect children from sexual predators by preventing such people from engaging in child-related work'. This includes work that involves contact with

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children in juvenile detention centres, residential facilities and foster care. All government organisations are required to check whether applicants for such work have a criminal history.

In the non-government sector, it is mandatory only for schools to do a criminal history check on job holders and applicants. Organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or partly for children are merely required to establish policies and procedures to maintain child-safe environments. The Inquiry recommends amendments to legislation to require all non-government organisations involved in child-related work to do criminal history checks before engaging anyone to do child-related work.

Evidence to the Inquiry shows that the empowerment of children is essential for the prevention of child sexual abuse. In her submission, the Guardian for Children and Young People (CGYP) said that ‘arguably the most fundamental and significant change we can make is to listen to and act on what children and young people have to say about their lives in care’. Part of this involves encouraging meaningful participation by children in decision-making and changing community attitudes.

The GCYP told the Inquiry that the Youth Parliament in 2006 resulted in the passing of a Bill for a charter of rights for children in State care and the Inquiry recommends that the South Australian Parliament endorse the charter. The Inquiry also recommends the establishment of a Youth Advisory Committee, which would be appointed by the GCYP and consist of children and young people currently and formerly in State care to advise and assist her; and the establishment of a Minister’s Youth Council consisting of children and young people currently and formerly in State care, to directly consult with and advise the Minister for Families and Communities. The Inquiry established its own Young People Advisory Group to ensure that a strong voice for children and young people in care was heard and reflected in this report.

The Inquiry recognises that the empowerment of children in State care with disabilities is more complex and for this reason recommends that a specialist position be created in the GCYP office to address individual and systemic advocacy for such children.

Children can be empowered only if the community is educated about, and accepts responsibility for, child sexual abuse. The Inquiry recommends the development of a public awareness campaign on child sexual abuse—its prevalence, existing misconceptions, perpetrators’ tactics, services for victims, and treatment for offenders.

Stopping offenders is also a major part of prevention. The Inquiry heard evidence about the important role of treatment programs for young sexual offenders and also adult offenders, both in custody and living in the community. The Rehabilitations Programs Branch, Department for Correctional Services, is responsible for providing treatment to sex offenders in custody. Although the treatment program has permanent funding, evidence to the Inquiry raised concerns that it is available only at Yatala and Port Augusta prisons and only has resources to treat offenders in the last two years of their sentences. The Inquiry recommends the expansion of the program so all child sex offenders may participate at any stage of their sentences.

## Someone to tell

In light of the evidence to the Inquiry that many adults did not disclose sexual abuse when they were children in State care, it is important that strategies are in place to promote such disclosures. In particular, evidence to the Inquiry from former and current children in State care emphasised the need for a trusted case worker in their lives.

*Keeping them safe – in our care* sets out a policy of ‘connected care’, which involves building a ‘care team’. Such a policy must not, however, negate the need for every child in State care to have an allocated case worker. In May 2004, the government acknowledged that not every child in State care has been allocated a case worker and the GCYP told the Inquiry this is still true in 2007. Evidence to

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the Inquiry indicates that the government finds it difficult to recruit and retain social workers, some of the reasons being heavy workloads, insufficient professional support and supervision, and an increase of inexperienced workers. This issue has been a concern since the 1960s, and was most recently addressed in the Layton report in 2003. Since then, the Inquiry has heard consistent evidence from former and current children and young people in State care about the importance to their protection of having regular contact with a case worker. The Inquiry recommends that the requirement for every child in State care to have an allocated case worker and regular face-to-face contact with that worker be formalised in *Keeping them safe – in our care*. Also, sufficient resources should be allocated to recruit and retain qualified case workers and ensure there is appropriate professional development and training on child sexual abuse issues.

The provision of suitable and stable placements and appropriately trained residential and foster carers is also important to promoting the disclosure of sexual abuse by children in State care. Many foster carers showed their commitment to the care of children by giving the Inquiry a significant amount of evidence about deficiencies in the current system. The increased number of children being placed in State care and the continuing shortage of foster carers show that significant resources need to be allocated to provide placements that will protect children.

Carers are among the most important people in the lives of children in State care; for many, taking on the role of immediate parent. As part of the need to promote the disclosure of sexual abuse, the Inquiry recommends that residential and foster carers receive training that addresses child sexual abuse. Because of the increased vulnerability of children in State care with disabilities, which may be the result of reduced cognitive and emotional judgment and communications skills, lack of education about appropriate sexual behaviour and a reliance on others for intensive personal care, the Inquiry recommends a special training program for all carers of these children.

There are now real challenges about ‘getting it right’ for Aboriginal children in State care because of the mistakes of past governments in removing these children from their families. Aboriginal children are over-represented in the child protection system: in *Keeping them safe – in our care*, the government reported that Aboriginal children make up 23.9 per cent of children in care but only 3.2 per cent of the population. Evidence to the Inquiry also included differing views about the Aboriginal child placement principle and/or its implementation. To focus on ‘getting it right’ for Aboriginal children in State care—and protecting them from sexual abuse while in that care—the Inquiry recommends the creation of a specialist position in the GCYP office to ensure focused systemic advocacy for these children.

## Responding to disclosures

The Inquiry heard consistent evidence from alleged victims of child sexual abuse that when they did disclose as children they were generally not believed.

The Department for Families and Communities’ Special Investigations Unit (SIU) currently handles allegations of sexual abuse of a child in State care against a carer, staff member or volunteer. Under its guidelines, the SIU must refer an allegation of sexual abuse to police within 24 hours and to conduct its own investigation in direct consultation with the police. The Inquiry considers that the Guardian for Children and Young People should have a role in this process as an independent advocate for the child: to monitor the State’s response to the allegation, the progress of the complaint in the criminal justice system and the appropriateness of the child’s placement and therapeutic care. (In some cases, the GCYP may be satisfied that the child has his or her own advocate of choice.) This would require legislative amendment to the role of the GCYP. The Inquiry believes it should also be mandatory for the Department for Families and Communities chief executive or the Commissioner of Police to notify the GCYP when a child in State care makes an allegation of sexual abuse. The Inquiry also recommends various legislative amendments to entrench the independence of the GCYP.

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Evidence to the Inquiry from former and current children in State care establishes the need for an independent body to investigate any complaints from a child about the response to his or her allegation of sexual abuse. As one alleged victim told the Inquiry, there was no organisation ‘to investigate my complaint properly that operated separate and independent and run away from under the direction and control of the Minister’. The Health and Community Services Complaints Commissioner (HCSC Commissioner) was established in 2005, with a child protection jurisdiction coming into effect in July 2006. The HCSC Commissioner has jurisdiction to receive, assess and resolve complaints about child protection services, and legislation enables that to be done independently. The Inquiry considers that the HCSC Commissioner holds an important statutory office that provides an independent complaints investigation and reparations process, which was not available to former children in State care. However, the current legislation does not permit a child under 16 to complain directly to the HCSC Commissioner. The Inquiry recommends legislative amendment to enable all children in State care to make a direct complaint, the implementation of a public awareness campaign about the role of the HCSC Commissioner in child protection, and that the role include the title of ‘Child Protection Complaints Commissioner’ when performing this function.

Many of the witnesses who told the Inquiry they did disclose sexual abuse when they were children in State care said the response was not only dismissive, but also punitive. All the evidence was in favour of an appropriate therapeutic response when a child in State care alleges sexual abuse. The Inquiry heard evidence from Child Protection Services (CPS) that despite additional funding from the *Keeping them safe* reform agenda, the majority of child victims are not receiving treatment. CPS submitted: ‘We haven’t even reached 30 per cent treatment levels across the State for children who have been abused’. The Inquiry heard that CPS has focused on treatment of children in State care during the past few years, but its program is full. Evidence to the Inquiry established that the existing provision of therapeutic services to children by the CPS, Child and Adolescent Mental Health Services

(CAMHS) and Yarrow Place—the lead public health agency responding to adult (16 years and above) rape and sexual assault in South Australia—is both highly professional and well regarded. However, those services need to be reviewed so counselling and therapy are provided to more children and young people in care, in both metropolitan and regional areas, as well as to estimate the resources required to achieve an appropriate level of response.

The Inquiry also heard evidence that the role of a carer when a child in State care has alleged sexual abuse is crucial, but can also be challenging. A witness said: ‘Trying to get some resources to provide not just support, but actual therapy, for the foster parents has been a big challenge’. The Inquiry recommends the provision of therapeutic support for relevant carers when a child in State care makes a disclosure of sexual abuse.

Evidence was also given about the response of the criminal justice system to allegations of child sexual abuse in general and the positive changes during the past four years to the structure of South Australia Police, as well as increased training for police officers, aimed at providing an appropriate response to victims. The Inquiry was made aware of the long and increasing delays in getting cases to trial because of a backlog in the criminal courts. Such delays have a particularly significant impact on the ability of children to give their best evidence, and the Inquiry recommends that the Criminal Justice Ministerial Task Force, established by the Attorney-General to try to address the backlog, gives special consideration to cases of child sexual abuse and develops measures to prioritise those trials.

Submissions and evidence were received about the use of restorative justice as an alternative to the criminal justice system in cases of child sexual abuse. Some submissions expressed significant reservations about this concept and some were in favour of having available an alternative approach. The Inquiry recommends that a panel of appropriately qualified people be formed to consider and establish a model for restorative justice in regard to complaints of child sexual abuse.

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## Children in State care who run away

Evidence was given to the Inquiry by former children in State care, departmental employees and police about the sexual exploitation of children by paedophiles who operate in Adelaide. The State Government has been aware of this practice since the 1980s. In particular, the department has been grappling with how best to protect children in State care who abscond from their placements and tend to run to these abusers. A former staff member of a residential care unit told the Inquiry:

*They would disappear for two or three days at a time. They would come back looking like a lost, bedraggled dog, dirty, filthy, hungry ... sometimes with cigarettes, sometimes with new shoes.*

Former children in State care told the Inquiry about the 'very close-knit community' at known haunts around Adelaide and that it was 'very easy to make money'. They were taken to parties attended by men and children at private houses that involved sex, drugs and alcohol. A professional endeavouring to provide therapeutic care for these children in State care today said:

*You can do all the talking, protective behaviours, interventions, and all of those things fail. They're too superficial. Because every time they run and there's reinforcement, be it a dollar or a new pair of sneakers or a skateboard, you have lost whatever therapy you have done leading up to that.*

The problem still exists. In July 2007, the department identified 16 children living in residential units as frequent absconders, who are considered to be at high risk from sexual exploitation.

The Inquiry heard evidence about intensive therapeutic care programs in Victoria and the United Kingdom, which include therapeutic secure care as a last option for children in serious danger. As a result, the Inquiry recommends that a secure care therapeutic care facility be established as part of *Keeping them safe – in our care*.

## Supporting adults who make disclosures of child sexual abuse

Many of the people who told the Inquiry they were sexually abused while children in State care said they still suffer the long-term effects, including difficulty to disclose the abuse even as adults. Despite this, they wanted the State (as their childhood parent) to know what had happened, listen and take action to protect all children in State care.

Some people said the State Government should acknowledge and apologise for the pain and hurt suffered by children in State care in the past because of sexual abuse.

*It's really up to, I guess, whoever is in power today ... but a sense of recognition of what happened would be helpful.*

*I've been hurt and that apology, a genuine apology, is extremely important to me, because it would help relieve some of the grief that sits there to this day.*

*I would just like someone to say, 'Sorry'.*

The Inquiry recommends that the government acknowledge and apologise for the pain and hurt caused in the past as a result of the sexual abuse of children while they were in the care of the State.

During the past eight years, Tasmania, Queensland and Western Australia have established mechanisms for *ex gratia* payments and/or the provision of services for adults who suffered abuse while in State care. The Inquiry recommends that a task force be established in South Australia to closely examine the interstate redress schemes, to receive submissions from individuals and relevant organisations on the issue of redress for adults who were sexually abused in State care, and to investigate the possibilities of a national approach to the provision of services.

The Inquiry also recommends that the government continue to provide free counselling for former children in State care who were victims of sexual abuse. The

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department's Post Care Services does not provide therapeutic counselling and refers people to non-government services that are already overstretched. During the course of the Inquiry, the government established Respond SA, which was run by Relationships Australia (SA) for all adult victims of child sexual abuse. It operated a telephone helpline, face-to-face counselling, workforce development, research and advocacy. The Inquiry recommends the continuation of a specialist service such as Respond SA provided by an organisation independent of government or church affiliation that has never provided institutional or foster care.

The allegations of 170 people were referred to the Paedophile Task Force (PTF) for investigation, at their request. Many people made allegations against more than one offender. It is important that these allegations are not seen as a lesser priority in the criminal justice system because they are 'historical'. The PTF, the Office of the Director of Public Prosecutions, the Legal Services Commission and the courts need to receive sufficient resources to investigate, prosecute, defend and conduct trials concerning the allegations of child sexual abuse arising from this Inquiry in a timely manner.

## Deaths of children in State care

The Inquiry received 924 names of children alleged to have died while in State care, including 831 from different sources in the department, 76 from witnesses to the Inquiry, 16 from the Inquiry's research of records on other matters and one from State Records South Australia. The Inquiry had to investigate—by requesting, retrieving and reading all relevant records—whether those children were in State care at the time of their death and whether any of the deaths were the result of criminal conduct. The Inquiry found that 391 children had died while in State care, the earliest in 1908.

The Inquiry identified three main areas of concern.

The first was that the department was unable to provide a single list of children who had died while in State care. It

provided the Inquiry with eight lists from different sources, giving a total of 831 names. There was considerable overlap in names and errors in recording basic information, such as double recording of one death under slightly different names. One person recorded as dead was alive. The Inquiry also found that many children listed were never in State care (for example, had only received financial assistance from the department) and some had died after being released from State care. After accounting for those matters, the Inquiry identified from available records that of the names on the departmental lists, 421 children had been in State care and 377 had died while in State care.

The second concern was that the department had no records of the deaths of 16 children who had died in State care. Thirteen of those deaths came to the Inquiry's attention only because of evidence given by witnesses, and three were revealed by the Inquiry's research of unrelated records on other matters.

The third concern was that when the department did record the death of a child in State care, a common notation on the child's State ward index card was simply 'released – died'. Among departmental client files it was rare to find a record of the cause of death, let alone the circumstances. If the cause or circumstances were recorded, there were no details about the source of that information. To find out, the Inquiry researched records from the State Coroner and the Office of Births, Deaths and Marriages (BDM). For some deaths, the Inquiry was left simply with a stated cause on a BDM certificate, which supplied no information about the circumstances of the death.

The Inquiry recommends that the department creates an electronic database to centrally record information concerning children who die while in State care. It must also maintain paper files that record the date of death, the official cause, the circumstances (including the source of that information), whether the State Coroner held an inquest and, if so, a copy of the finding.

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The Inquiry investigated 15 allegations of criminal conduct linked to the deaths of children in State care.

One of those allegations, referred to police in 2003 and raised in State Parliament, was that a child had been murdered at St Stanislaus House at Royal Park in the 1960s. The Inquiry received a report from police on its investigation, which concluded that the allegation was not substantiated. The Inquiry considered that the police investigation was thorough.

The Inquiry found that there was nothing to substantiate allegations of criminal conduct in relation to a further four deaths—those of three teenagers in State care from drug overdoses and of a fourth teenager who set fire to herself.

Another death had a link to alleged criminal conduct in that it involved the suicide by a girl in State care after she made allegations of sexual abuse against her foster father. In relation to the death of a baby girl, the Inquiry considers it inappropriate to make a determination, given the currency of the matter.

The Inquiry found that eight deaths of children in State care were caused by criminal conduct. One boy was murdered at Kaniva in 1990 but no-one has been arrested. Two girls were killed in the 1970s when as pedestrians they were hit by a car driven by a man who was convicted of causing their deaths by dangerous driving. A boy died in a fight in the 1960s, and the offender was convicted of manslaughter. A three-year-old girl in State care was killed in the 1960s by a youth in State care who pleaded guilty to manslaughter. A baby boy who was placed in State care and on probation to live with his mother, was killed by her in the 1960s in a murder-suicide. In the 1950s, a boy was killed when hit by a car; the driver, a youth, was convicted and sent to secure care until the age of 18.

The Inquiry was unable to determine the cause or circumstances of 20 deaths of children in State care. In 15 cases this was because available records in South Australia from the department, the State Coroner and BDM lacked sufficient information; in four cases because the State Coroner had not been able to determine the cause; and, in one case, because a police investigation is continuing to verify evidence that a girl was found hanging at Vaughan House in the 1970s.

# List of recommendations

**For a discussion of recommendations 1–41, see Chapter 4.1, ‘State response to sexual abuse of children in State care’.**

## 1 RECOMMENDATION 1

The SMART (strategies for managing abuse-related trauma) program should be ongoing, with the development of updated, refresher professional development seminars and collaborative practice forums.

## 2 RECOMMENDATION 2

That the self-protective training being taught by Second Story be reviewed to ensure that it covers the *Keeping safe: child protection curriculum* developed for teaching all children in schools and is adapted to target the specific needs and circumstances of:

- children and young people in care generally
- Aboriginal children and young people in care
- children and young people in care with disabilities.

That such self-protective training is then delivered to children and young people in State care at their residential or secure care facility.

## 3 RECOMMENDATION 3

That the application of section 8B of the *Children’s Protection Act 1993* be broadened to include organisations as defined in section 8C.

That consideration is given to reducing or waiving the fee for an organisation applying for a criminal history report in order to comply with section 8B.

That a criminal history report be defined as a report that includes information as to whether a person is on the Australian National Child Offender Register (ANCOR).

## 4 RECOMMENDATION 4

That the *Children’s Protection Act 1993* be amended to require organisations to lodge a copy of their policies and procedures established pursuant to section 8C(1) with the chief executive and that the chief executive be required to keep a register of those policies and procedures.

## 5 RECOMMENDATION 5

That Families SA, as part of the screening process of employees, carers and volunteers, obtains information as to whether or not that person is on the Australian National Child Offender Register (ANCOR).

## 6 RECOMMENDATION 6

That Families SA extends its screening processes to cover known regular service providers to children and young people in care with disabilities, such as regular bus or taxi drivers.

## 7 RECOMMENDATION 7

That the *Charter of rights for children and young people in care* be the subject of legislation in South Australia.

## 8 RECOMMENDATION 8

That the *Children’s Protection Act 1993* be amended to provide for a Youth Advisory Committee, established and appointed by the Guardian for Children and Young People. The committee would consist of children and young people currently or formerly under the guardianship or in the custody of the Minister. Membership should include an Aboriginal person/s and a person/s with a disability.

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## RECOMMENDATION 9

That a Minister's Youth Council be established to directly advise the Minister for Families and Communities. Council members must be children or young people aged 12–25 years currently or previously under the guardianship or in the custody of the Minister. The membership must include an Aboriginal child or young person; a child or young person/s with a disability; and a youth adviser to the Guardian for Children and Young People.

## RECOMMENDATION 10

That resources be allocated to ensure that the participation of children and young people on the Youth Advisory Committee appointed by the Guardian of Children and Young People (see recommendation 8) and on the Minister's Youth Council (see recommendation 9) is not limited by financial barriers.

## RECOMMENDATION 11

That there be a special position created in the office of the Guardian for Children and Young People to assist the GCYP in addressing s52C(2)(b) of the *Children's Protection Act 1993* and ensuring that both individual and systemic advocacy is provided for children with disabilities in care.

## RECOMMENDATION 12

That an extensive media campaign be implemented to educate the community about child sexual abuse—its prevalence, existing misconceptions, perpetrators' tactics, services for victims, and treatment for offenders—and highlight that child protection is a community responsibility.

## RECOMMENDATION 13

That the Sexual Behaviour Clinic of the Rehabilitation Programs Branch, Department for Correctional Services, be expanded so that all child sex offenders may attend the program while in custody and at any stage of their sentence.

## RECOMMENDATION 14

That the following be formalised in, and implemented as part of, the *Keeping them safe* reform agenda:

- Every child and young person in care has an allocated social worker
- Every child and young person in care has regular face-to-face contact with their allocated social worker, the minimum being once a month, regardless of the stability or nature of the placement
- The primary guiding principle in determining the workload of each social worker is quality contact between each child and young person in care and their social worker, which includes face-to-face contact at least once a month and the ability to respond within 24 hours if contact is initiated by the child or young person.

As part of implementing the above, it is recommended that:

- Sufficient resources are allocated to recruit and retain qualified social workers
- Emphasis is placed on the professional development and support of social workers including –
  - The reduction of team sizes to a maximum of seven or eight, to increase the capacity for better supervision of social workers and their own professional development
  - Mandatory training in supervision for all social workers employed in supervisory roles
  - The introduction of a system of registration or accreditation for social workers, which requires ongoing professional development and training.

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## 15 RECOMMENDATION 15

That the training of social workers by Families SA in regard to child sexual abuse be reviewed to include:

- what constitutes child sexual abuse
- that it is a crime and a breach of human rights
- its prevalence in family and other contexts
- statistics on different perpetrator groups
- the tactics that perpetrators use to secure silence
- the abuse of power inherent in child sexual abuse
- that perpetrators are solely responsible for the abuse
- that children, by definition, are incapable of giving informed consent to sexual abuse
- that children should be able to tell trusted adults about any abuse to which they are subjected
- what others can do if they suspect that a child is at risk (for example, reporting to police or Families SA)
- that child sexual abuse is a community issue requiring vigilance and appropriate responses
- how to respond to a disclosure
- understanding the dynamics involved in disclosure (for example, a child disclosing has usually identified some quality in the confidant that they can trust – people who have been abused are often very attuned to ‘reading’ people’s likely responses)
- understanding needs beyond mandatory reporting protocols and requirements (that is, the needs of the person or child who has been subjected to child sexual abuse)
- listening to children and young people
- empowering children and young people
- caring for a child or young person who has been sexually abused
- the role of the Guardian for Children and Young People generally and specifically as an advocate for a child in care who has been sexually abused
- the role of the Health and Community Services Complaints Commissioner as an independent investigator.

Input in regard to the content of the program and its delivery should be received from current and former children and young people in care and professionals working in the area of child sexual abuse.

The training program should be mandatory for all social workers.

## 16 RECOMMENDATION 16

That adequate resources are directed towards:

- ensuring that no child or young person ever needs to be placed in emergency accommodation such as serviced apartments, bed and breakfast accommodation, hotels and motels
- placing children and young people according to suitability of placement rather than availability
- the recruitment and retention of foster carers including providing adequate support (such as respite care) and ongoing consultation
- accommodating a maximum of three children in residential care facilities.

## 17 RECOMMENDATION 17

That Families SA and relevant stakeholders develop relevant training programs about child sexual abuse for all carers of children and young people in care (foster, relative/kin and residential carers).

That the programs be developed in consultation with current and former children and young people in care, and professionals working in the area of child sexual abuse.

The particular training programs must address aspects of child sexual abuse, including:

- what constitutes child sexual abuse
- that it is a crime and a breach of human rights
- its prevalence in family and other contexts
- statistics on different perpetrator groups
- the tactics that perpetrators use to secure silence
- the abuse of power inherent in child sexual abuse

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- that perpetrators are solely responsible for the abuse
- that children, by definition, are incapable of giving informed consent to sexual abuse
- that children should be able to tell trusted adults about any abuse to which they are subjected
- what others can do if they suspect that a child is at risk (for example, reporting to police or Families SA)
- that child sexual abuse is a community issue requiring vigilance and appropriate responses
- understanding the dynamics involved in disclosure (for example, a child disclosing has usually identified some quality in the confidant that they can trust— people who have been abused are often very attuned to ‘reading’ people’s likely responses)
- understanding sexual abuse of children and young people in care with disabilities and the difficulties of disclosure
- identifying and understanding cultural issues relating to supporting disclosures by Aboriginal children and young people in care
- listening to children and young people
- empowering children and young people
- understanding needs beyond mandatory reporting protocols and requirements (that is, the needs of the person or child who has been subjected to child sexual abuse)
- caring for a child or young person who has been sexually abused, taking into account the need for a therapeutic response and understanding their vulnerabilities
- protective behaviours for carers
- the role of the Guardian for Children and Young People generally and specifically as an advocate for a child in care who has been sexually abused

- the role of the Health and Community Services Complaints Commissioner as an independent investigator.

The training program should be mandatory and accredited.

There should be a system of registration/accreditation of carers with registration being contingent on completion of this training; and the completion of updated training programs on this topic every three years.

### 18 RECOMMENDATION 18

That there be mandatory specialist training for all carers and potential carers of children and young people with disabilities in State care, which includes the topics referred to in Recommendation 17 as well as particular issues concerning the prevalence of sexual abuse of children and young people with disabilities; prevention of sexual abuse of children and young people with disabilities; assessing behaviours as indicators of sexual abuse; supporting disclosure and responding to disclosure.

### 19 RECOMMENDATION 19

That there be a specialist position created in the Office of the Guardian for Children and Young People to assist in carrying out the guardian’s functions pursuant to section 52C *Children’s Protection Act 1993* in relation to Aboriginal children and young people under the guardianship or in the custody of the Minister.

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## RECOMMENDATION 20

That the practice guidelines of the Special Investigations Unit (SIU) be amended to include specific guidelines concerning notifications and investigations of alleged sexual abuse of children and young people in care.

In regard to notifications, it is recommended that the guidelines include requirements for mandatory notification of sexual abuse allegations by SIU to South Australia Police and the Guardian for Children and Young People immediately or within 24 hours, depending on the urgency of the circumstances.

In regard to SIU investigations, it is recommended that the guidelines include requirements for:

- a strategy discussion between SIU and SA Police before the start of any SIU investigation, with the GCYP given prior notification of the discussion and invited to attend
- a written record signed by SIU and SA Police of the strategy discussion, outlining any actions to be taken by each, with a copy provided to the GCYP within 24 hours
- SIU to only take action in accordance with what was agreed in writing at the strategy discussion
- SIU to take no action that would prejudice a police investigation or potential prosecution. In particular, the SIU must not speak to the child, alleged perpetrator, potential witnesses or other potential complainants without seeking, and then gaining, approval in writing from SA Police
- the GCYP to be kept informed by SIU and SA Police of the progress and outcome of the investigation. Both SIU and SA Police to provide the GCYP with information concerning the investigation on request and to respond within 24 hours to any request by the GCYP for information regarding the investigation.

## RECOMMENDATION 21

That there be a review of therapeutic services to children and young people provided by Child Protection Services, Child and Adolescent Mental Health Services (CAMHS) and Yarrow Place Rape and Sexual Assault Service.

The review should include the:

- services' ability to provide counselling and therapeutic services to children and young people in care
- structures required to increase the number of children and young people to whom counselling and therapeutic services can be provided, in both metropolitan and regional areas
- resources required to achieve an appropriate level of response, that is, the provision of counselling and therapeutic services to at least 60 per cent of children and young people who have been abused. Child Protection Services and CAMHS should receive a significant allocation of resources to increase their ability to provide such a level of response.

## RECOMMENDATION 22

That therapeutic support is made available for the relevant carers when a child or young person in care makes a disclosure of sexual abuse.

## RECOMMENDATION 23

That the *Children's Protection Act 1993* be amended to add a function to the Guardian for Children and Young People, namely to act as an advocate for a child or young person in State care who has made a disclosure of sexual abuse.

That in accordance with section 52B of the Act, the GCYP is provided with sufficient staff and resources to accomplish this function.

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## RECOMMENDATION 24

That it be mandatory for the chief executive of the Department for Families and Communities or Commissioner of Police to notify the Guardian for Children and Young People when a child or young person under the guardianship or in the custody of the Minister makes an allegation of sexual abuse. (Also refer Recommendation 20.)

## RECOMMENDATION 25

That Families SA's new C3MS (Connection client and case management system) include a separate menu for allegations of sexual abuse of a child in State care, which would collate the names of all such children.

That the system include a separate field in relation to each child in State care, which is dedicated to recording any information about allegations of sexual abuse, including when that information had been forwarded to the Guardian for Children and Young People.

## RECOMMENDATION 26

That consideration is given to changing the name of the Guardian for Children and Young People to avoid confusion with the role of the Minister as legal guardian of children and young people placed in State care.

## RECOMMENDATION 27

That section 52A of the *Children's Protection Act 1993* is amended to delete section 52A(5)(f), powers of removal of the Guardian for Children and Young People, and replace it with provisions similar to the powers of removal relating to the Health and Community Services Complaints Commissioner and Employee Ombudsman.

## RECOMMENDATION 28

That the *Children's Protection Act 1993* be amended to expressly refer to the independence of the Guardian of Children and Young People; that the GCYP must represent the interests of children and young people under the guardianship or in the custody of the Minister; and that the Minister cannot control how the GCYP is to exercise the GCYP's statutory functions and powers—subject to section 52C(1)(f).

## RECOMMENDATION 29

That the *Children's Protection Act 1993* is amended to allow the Guardian for Children and Young People to prepare a special report to the Minister on any matter arising from the exercise of the GCYP's functions under the Act. The amendment should require the Minister to table the special report in parliament within six sitting days of receipt.

It should be expressly stated in the Act that the Minister may not direct the Guardian to change the contents of the report.

## RECOMMENDATION 30

That the *Children's Protection Act 1993* is amended to provide the Guardian for Children and Young People with powers to obtain information *from any person* in connection with the GCYP's functions under the Act. This power should be coupled with a penalty for failure to comply. It should also be an offence for a person to persuade or attempt to persuade another by threat or intimidation not to provide information.

There should be general provision making it an offence to obstruct the GCYP.

It is recommended that the amendment be modelled on similar provisions to those of section 47(2)–(6) and sections 78–81 of the *Health and Community Services Complaints Act 2004*.

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## RECOMMENDATION 31

That the *Health and Community Services Complaints Act 2004* be amended to allow all children and young people to make a complaint directly to the Health and Community Services Complaints Commissioner.

## RECOMMENDATION 32

That the child protection function of the Health and Community Services Complaints Commissioner be promoted by permitting the Commissioner to adopt an additional title as 'Child Protection Complaints Commissioner'. This should be enacted in the *Health and Community Services Complaints Act 2004*.

That within a reasonable time after the delivery of the Inquiry's report to the Governor, there be a public awareness campaign concerning the role of the HCSC Commissioner to receive complaints from people (including current and former children and young people in State care) about child protection service providers.

## RECOMMENDATION 33

That an amendment to the *Health and Community Services Complaints Act 2004* provides that a relevant consideration for extending the two-year limit in the child protection jurisdiction is that the complaint arises from circumstances since the launch of the *Keeping them safe* reform agenda in May 2004.

## RECOMMENDATION 34

That the Criminal Justice Ministerial Task Force gives special consideration to the backlog of cases of sexual abuse involving child complainants and developing measures to prioritise the listing of those trials.

## RECOMMENDATION 35

That the Criminal Justice Ministerial Task Force, or another committee specially established for the purpose, develop appropriate guidelines to ensure that trials involving child complainants of sexual abuse are fast-tracked.

## RECOMMENDATION 36

That specialist training is undertaken by police, prosecutors, defence counsel and the judiciary in regard to working in the criminal justice system with (child) victims of sexual abuse who have a disability.

## RECOMMENDATION 37

That a panel of appropriately qualified people be formed to consider and establish a model for restorative justice in regard to complaints of child sexual abuse made by victims.

## RECOMMENDATION 38

That the South Australian Government makes a formal acknowledgment and apology to those people who were sexually abused as children in State care.

## RECOMMENDATION 39

That the South Australian Government fund a free specialist service to adult victims of child sexual abuse (while in State care) as was provided by Respond SA.

That the service is provided by an organisation that is independent of government and church affiliation, and has never provided institutional or foster care. That the organisation employs practitioners specially trained in the therapeutic response to adult victims of child sexual abuse.

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## RECOMMENDATION 40

That a task force be established in South Australia to closely examine the redress schemes established in Tasmania, Queensland and Western Australia for victims of child sexual abuse; to receive submissions from individuals and relevant organisations on the issue of redress for adults who were sexually abused as children in State care; and to investigate the possibilities of a national approach to the provision of services.

## RECOMMENDATION 41

That the Paedophile Task Force, the Office of the Director of Public Prosecutions, the Legal Services Commission and the courts be allocated sufficient resources to investigate, prosecute, defend and conduct trials concerning the allegations of child sexual abuse arising from this Inquiry.

**For a discussion of recommendations 42–48, see Chapter 4.2, ‘Children in State care who run away’.**

## RECOMMENDATION 42

That the provision of therapeutic and other intensive services for children in State care who abscond as envisaged in *Keeping them safe – in our care*, action six: ‘Children with complex care needs’, be implemented and developed as a matter of urgency and be adequately resourced.

That a group of care workers with suitable training and experience for such intensive therapeutic services be established and assigned to work on a one-on-one basis with children in State care who have complex needs and frequently abscond from placements.

That a specialist team be engaged to examine the benefits of establishing a specific therapeutic intervention program in South Australia that identifies, assesses, assists and treats children at high risk, similar to those in place in Victoria and the United Kingdom.

## RECOMMENDATION 43

That a secure care therapeutic facility to care for children exhibiting behaviour placing them at high risk be established as a last-resort placement.

That the Minister appoints a panel of suitably qualified persons to select and design the secure care therapeutic facility and determine the therapeutic services to be provided.

## RECOMMENDATION 44

That a missing persons protocol between the South Australia Police local service areas and the Department for Families and Communities be implemented in all regions where residential care facilities are located (including transitional accommodation houses).

That a contact officer be established in each SA Police local service area where residential care facilities are located (including transitional accommodation houses) to facilitate the development and implementation of the missing persons protocol and to facilitate the flow of information concerning children and young people who frequently abscond and are ‘at risk’ of sexual exploitation.

## RECOMMENDATION 45

That the South Australia Police computer system (PIMS) create separate fields to record if a child is in State care, and if a child is ‘at risk’ due to frequent absconding, to enable that information to be readily available.

That the SA Police local service areas and Missing Persons Unit maintain specific files about children in State care who are considered to be ‘at risk’ due to frequent absconding. The files should contain information about each time a child absconds, including where he or she has been located.

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## 46 RECOMMENDATION 46

That section 16 of the *Children's Protection Act 1993* be amended to provide for a more general power to recover children in State care by deleting the requirement of a reasonable belief as to 'serious danger' and inserting a lesser standard such as 'a risk to the wellbeing of the child'.

- the child's last place of care
- the name of the child's last carers
- the date of death
- the cause of death (as initially advised to the department)
- the circumstances of the death (as initially advised to the department)
- the source of initial advice about the cause and circumstances of death
- confirmation that the death was reported to the State Coroner and when
- if an inquest was not held, the cause of death as found by the coroner and when that finding was made
- if an inquest was held, the cause of death as found by the Coroner's Court and when that finding was made
- if an inquest was not held because of a criminal prosecution, the name of the investigating police officer and the outcome of the criminal prosecution.

## 47 RECOMMENDATION 47

That the following offences be created:

- (1) Harboursing a child in State care contrary to written direction.
- (2) Communicating with a child in State care contrary to written direction.

The legislation should provide for a written notice to be served on a person with a presumption that, upon proof of prior service, the offence is committed if the child is found with that person.

## 48 RECOMMENDATION 48

That the South Australia Police undertake an operation in relation to Veale Gardens and other known beats to detect sexual crimes against children and young persons in State care, apprehend perpetrators and develop further police intelligence.

**For a discussion of recommendations 48–51, see Chapter 5, 'Deaths of Children in State care'.**

## 49 RECOMMENDATION 49

That the Department for Families and Communities creates a central database of children who die while in State care as part of C3MS.

The database should contain:

- the child's name and date of birth
- when the child was placed in the custody or under the guardianship of the Minister; or the details of the voluntary agreement

## 50 RECOMMENDATION 50

That where a child dies in State care, the Department for Families and Communities maintains a physical file, which contains:

- information about when the child died and in what circumstances, including reference in the file to where the information has come from
- information from the State Coroner as to whether an inquest is to be held
- the coroner's finding as to cause of death
- a copy of the coroner's reasons in the event that a coronial inquest is held.

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## 51 RECOMMENDATION 51

That the South Australian Government provides financial assistance to a family member of any child who dies in State care to enable that family member to be legally represented at a coronial inquest into that child's death.

**For a discussion of recommendations 52–54, see Chapter 6, 'Keeping adequate records'.**

## 52 RECOMMENDATION 52

That departmental client subfiles have a 105-year retention period.

## 53 RECOMMENDATION 53

That the Department for Families and Communities implements an appropriate electronic document and records management system (EDRMS), including file tracking, to appropriately manage paper and electronic records, including client and administration files. The EDRMS should interface with C3MS.

## 54 RECOMMENDATION 54

That the Department for Families and Communities continues with the discovery and consignment listing of any records relating to children in State care held permanently at State Records of South Australia or at other temporary storage providers where the department is the agency responsible.

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## Chapter 3 Allegations of sexual abuse

*Then he started kissing me, and before I knew it I was on the floor being raped against my will. I was a virgin. I became pregnant to this lad. I kept it quiet from the welfare department because they would have taken my baby from me and kept me as a ward of the State until I was 21, so I told no-one. I got married to someone that I didn't love. I was trapped.*

She claims to have suffered emotionally as a result of the abuse and generally from her time at The Pines:

*I have nightmares ... I suffer from claustrophobia. I have a degenerative bone disease due to never getting proper food, milk, cheese. I have chronic arthritis, tinnitus, hearing loss, and a heart condition.*

### Salvation Army Boys Home (Eden Park), 1900–82

#### History

From 1900–82, Eden Park—the name by which the Salvation Army Boys Home at Mount Barker was commonly known—provided care for the boys deemed the most vulnerable in society. Boys at Eden Park were commonly referred to in historical records as ‘uncontrollable’, ‘sub-normal’ or ‘severely emotionally disturbed’.

The home was proclaimed as a private institution that could receive State children in December 1900,<sup>33</sup> when it was known as the Boys Probationary School. The Salvation Army had offered to take over the government’s Boys Reformatory, but the State Children’s Council (SCC) preferred that the Army take responsibility for two new ‘probationary’ institutions for boys and girls. These were to house children who the council believed required ‘discipline’ and ‘training’ such as habitual truants. The department was at different times closely involved in utilising, supervising, licensing, funding and advising

on Eden Park’s development throughout the period it operated.

Eden Park was a farm property of about 53 hectares in the Adelaide Hills near Wistow. The boys’ dormitories and officers’ accommodation were in the main building, a 17-room stone mansion. Outbuildings provided a school and recreation rooms as well as punishment cells. After it was proclaimed, the Boys Probationary School at Mount Barker was run by the Salvation Army and staffed by its officers. However, the institution was ‘absolutely under the control of the Council’ and subject to the same ‘supervision and authority of the secretary’ as the government’s own industrial school and reformatories.<sup>34</sup>

The property was a working farm, but only limited agricultural training was provided to residents. Generally, boys performed tasks such as milking, wood chopping and other general work. The CWPRB transferred boys from the Industrial School to Mount Barker for ‘bad’ conduct; boys at the Reformatory who displayed ‘good’ conduct could also be transferred there. The home took in children placed privately by their parents or referred by other non-government agencies.<sup>35</sup> Members of the CWPRB inspected the institution regularly and, in turn, the Salvation Army reported regularly to the board.<sup>36</sup>

The probationary school operated in this way until it was abolished as a private institution for the reception of children in State care in January 1945.<sup>37</sup> The separation between the government and the institution occurred as a result of allegations of sexual abuse at the home during 1940 and 1941.

The management style and culture of the home, as well as some individuals and particular practices, became the subject of complaints and inquiries. Investigations revealed an ongoing reliance on physical punishment at the home and a culture of older boys taking advantage of younger boys.

<sup>33</sup> *State Children Act 1895* defines a private institution as ‘an institution or establishment for the detention, maintenance, reformation, training, employment of destitute or neglected children, established and maintained by private persons’. Under section 22 ‘The Governor, on the recommendation of the Council, may proclaim any private institution as an institution for the reception, detention, maintenance, education, employment and training of State children; and thereafter such institution, until abolished as by this Act provided, shall be under the supervision of the Council’.

<sup>34</sup> SCC annual report 1901, p. 4.

<sup>35</sup> CWPRB annual report 1940, p. 10.

<sup>36</sup> See entries in CWPRB minutes for confirmation of this.

<sup>37</sup> SRSA GRG 29/6/1941/263, CWPRB acting chairman to the chief secretary, 10 Jan. 1945; draft of extract for *The Government Gazette*, 25 Jan. 1945, p. 85.

### 3.1 Institutional care

The first incident of 'indecent conduct' at Eden Park appearing in CWPRB records occurred in September 1940 and involved a staff member and three boys. Given the 'gravity of the offences', the staff member was arrested, tried and jailed, and the boys were committed to the reformatory at Magill.<sup>38</sup> Two months later the CWPRB referred to another incident and 'urged' the probationary school superintendent to 'exercise such supervision' as to ensure similar incidents could not occur.<sup>39</sup>

However, six months later, police arrested another employee of the home for 'acts of gross indecency'.<sup>40</sup> The CWPRB recorded its concern at 'action pending against several boys for sexual offences', and recommended that 'serious consideration ought to be given to the propriety of leaving the boys in the institution at present'.<sup>41</sup> The CWPRB secretary reported that 'the moral tone of the home is such that I feel convinced steps should be taken to remove the present wards of the department from that environment'.<sup>42</sup>

In January 1941, the Salvation Army replaced Eden Park's entire male staff, including the superintendent. It 'assured the department that steps would be taken to see there was no repetition of the wrong practices'.<sup>43</sup> In August the CWPRB met representatives of the Salvation Army to enquire into the 'cases of sodomy and indecent conduct' at the school. The board was concerned that the most recent perpetrator had been able to take 'advantage of the opportunities provided to him to indulge in acts of the most revolting indecency'. The perpetrator had himself reported

homosexual practices to the officer in charge of the home, but no action had been taken.<sup>44</sup> The CWPRB resolved that, while 'aware of the good work done in the past years at the Boys Probationary School' it would recommend the institution be closed.<sup>45</sup> All State children were removed between September and November 1941,<sup>46</sup> however Eden Park did not have its licence removed until January 1945.<sup>47</sup> Eden Park continued to care for children placed privately.

In 1950 the institution again came under the supervision of the department. The department visited and inspected Eden Park after amendments to sections 188 and 189 of the *Maintenance Act 1926–1937*, which provided that all children under seven in 'benevolent institutions' were to be visited and thereby supervised by the CWPRB.<sup>48</sup> Departmental officers inspected Eden Park about every four months, recording notes on living conditions and staffing arrangements.<sup>49</sup> The CWPRB secretary advised the department's inspector:

*Try not to embarrass the superintendent and if possible work in harmony with him. Anything that may be wrong will be dealt with by this department and not by you.*<sup>50</sup>

Inspectors' reports from the 1950s describe the home as 'pleasing' and 'well run' and the boys as 'happy'. However, the home's night supervision was described as 'passive'.<sup>51</sup> In 1959, after reports of a 'dark punishment room' surfaced, the CWPRB requested the inspector to undertake 'discreet inquiries about the segregation room

<sup>38</sup> SRSA GRG 29/124, vol. 13, CWPRB minutes, (minute 713), 3 Oct. 1940; GRG 29/6/1941/263, CWPRB chairman to under-secretary, 24 July 1941, in 1. 'Boys Probationary School, Mount Barker report on various inmates', 2. 'Reqq. additional staff at Industrial School and Boys Reformatory, Magill'.

<sup>39</sup> SRSA GRG 29/124, vol. 13, CWPRB minutes, (minute 720), 21 Nov. 1940.

<sup>40</sup> SRSA GRG 29/6/1941/263, CWPRB chairman, to under-secretary, 24 July 1941.

<sup>41</sup> SRSA GRG 29/124, vol. 13, CWPRB minutes, (minute 751), 17 July 1941.

<sup>42</sup> SRSA GRG 29/6/1941/263, 1. 'Report on various inmates', 2. 'Reqq. additional staff'.

<sup>43</sup> *ibid.*, 1. 'Report on various inmates'.

<sup>44</sup> *ibid.*, Crown Solicitor to Attorney-General, 6 Aug. 1941, in 1. 'Report on various inmates'.

<sup>45</sup> SRSA GRG 29/124, vol. 13, CWPRB minutes special meeting, (minute 755), 7 Aug. 1941.

<sup>46</sup> *ibid.*, (minute 764), 2 Oct. 1941 and (minute 771), 20 Nov. 1941.

<sup>47</sup> See documents on file SRSA GRG 29/6/1941/263 and CWPRB minutes, 21 Aug. 1941 and 11 Jan. 1945.

<sup>48</sup> *Maintenance Act Amendment Act 1950*, s. 189.

<sup>49</sup> SRSA GRG29/6/1954/4, Inspection reports on 'Visitation by Inspectors of Salvation Army Boy's Home Mt Barker'.

<sup>50</sup> *ibid.*, CWPRB secretary to Miss DM Bannear, 4 Mar. 1954.

<sup>51</sup> *ibid.*, see various reports, Mar. & July 1954 and Aug. & Dec. 1958.

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and for how long children are placed in it'.<sup>52</sup> The welfare officer discussed 'behaviour problems' with the superintendent, but was 'unable to obtain any direct admission from the superintendent that boys are locked in a dark, dingy room'.<sup>53</sup> It appears from records that the matter was not pursued.

In 1961 a departmental probation officer reported on the home in response to a spate of absconding. After inspecting the home and consulting with the superintendent, the officer concluded that while Eden Park suffered overcrowding and lack of supervision, the institution was 'sound for any boy who would not require any great or persistent supervision'.<sup>54</sup>

In 1963 'allegations of misconduct of a serious nature towards boys at this home' were again raised. A departmental supervisor of institutions reported that a female domestic assistant had been

*... disturbed and distressed at night by sudden violent screams from boys in their dormitories. In the morning she has found, it is alleged, that some boys' sheets are blood-stained. The portions of the sheeting so stained, she claims, strongly suggested sexual malpractices towards some of the boys.*<sup>55</sup>

The assistant had complained to 'those in charge' but had been told boys were 'only having nightmares'. The staff assistant suspected that 'some staff member could be interfering with the boys' or that 'boys of perverse habits' were responsible. The CWPRB passed the information to the police, but police inquiries were 'inconclusive' and 'no further action was taken'.<sup>56</sup>

From 1965, with the proclamation of the Social Welfare Act, Eden Park was required to apply for a licence because

it accommodated more than five children under 12.<sup>57</sup> Licensing also made the home subject to regulations under the new Act.<sup>58</sup> A 1968 report commented that the superintendent was 'a little too authoritarian in his attitude toward the boys in the home'. However the officer also noted that on other visits he had found 'the boys have enjoyed warm relationships with the members of the staff they have direct contact with'.<sup>59</sup>

In 1970 the department became aware that a former Eden Park staff member had approached solicitors because he was 'gravely concerned about some aspects of the home'. The allegations concerned a small 'lock-up room' with no light or windows that was used for punishment, and a staff member who regularly carried a leather strap he 'used as a matter of routine on the children'.<sup>60</sup> A field officer investigated and found the allegations to be 'substantiated' although 'exaggerated'. The assistant senior welfare officer highlighted the 'unsatisfactory' selection of staff and recommended that the home undergo 'careful reassessment and reorganisation'.<sup>61</sup> The Minister for Social Welfare, in his reply to the solicitors who had passed on the concerns, wrote:

*I can assure you and your client that, despite the fact that the children at the home are not under the control of the Minister, every care will be taken to ensure and protect their welfare.*<sup>62</sup>

After the passing of the *Community Welfare Act 1972* licensing requirements for children's homes became more rigorous. Positive changes were noted in inspections of Eden Park, attributed to increased funding and the retirement of the long-term superintendent, who had been described as old-fashioned and inflexible.<sup>63</sup>

<sup>52</sup> *ibid.*, memo, 18 Sep. 1959.

<sup>53</sup> *ibid.*, report from welfare officer MC Wilson, 20 Aug. 1959.

<sup>54</sup> *ibid.*, report from probation officer attached to memo, 3 Oct. 1961.

<sup>55</sup> *ibid.*, supervisor of institutions to CWPRB secretary, 13 July 1963.

<sup>56</sup> *ibid.*, handwritten note on supervisor of institutions to CWPRB secretary, 13 July 1963 & CWPRB chairman to Salvation Army, 17 Sep. 1963.

<sup>57</sup> See *Maintenance Act Amendment Act 1965*, s. 162(a).

<sup>58</sup> Regulations under the Social Welfare Act 1926–1965.

<sup>59</sup> SRSA GRS 4164, file 14/6/1, Eden Park Boys Home (Salvation Army) Mt Barker (Wistow), welfare officer to assistant senior welfare officer, 18 Apr. 1968.

<sup>60</sup> SRSA GRG 29/6/1954/4, Johnson & Johnson solicitors to Minister for Social Welfare, 19 May 1970.

<sup>61</sup> *ibid.*, assistant senior welfare officer to deputy director Social Welfare, May 1970.

<sup>62</sup> *ibid.*, Minister of Social Welfare to Johnson & Johnson, 26 June 1970.

<sup>63</sup> SRSA GRS 4164, file 14/6/1, inspection report, 2 July 1970.

### 3.1 Institutional care

In the later 1970s, with the closure of many large congregate-style institutions, accommodation at Eden Park was restructured to provide care for boys in smaller units. By 1976, the home had been divided into three units of 12 boys each—Aroona, Barmera and Coorong—each with its own bathroom and lounge facilities. A residential care worker supervised each unit.<sup>64</sup> Staff were advised that:

*Many boys coming into the home have been exposed to some grave moral behaviour and therefore the [residential care worker] should be alert to new boys coming into the home, listening to boys' conversation, checking their language, and gestures, and also to be alert to boys ganging up for bullying or sexual behaviour.*<sup>65</sup>

In 1981 the department observed continuing deficiencies at Eden Park. They included the home's physical isolation, which restricted children's access to family and the community and the fact that staff methods and the overall management style were 'geared to discipline and efficiency' rather than the needs of each child. Many of the boys regarded admission to the home as 'a punishment for bad behaviour' and, because most children were referred to the home by outside agencies, it had largely become 'a dumping ground for problem children'. In particular, it was reported that some older boys were unmanageable and had 'a destructive influence on more vulnerable boys'.<sup>66</sup>

In May 1982 the department conducted a review of Eden Park. After inspecting the institution and interviewing Salvation Army authorities, the inspection team concluded that the program at Eden Park was 'highly unsatisfactory'.<sup>67</sup> Concerns regarding parental access and staff quality were raised. One month after this report was written, the social worker at Eden Park informed the Eden Park Special School principal of her suspicion that three

boys had been 'victims of sexual abuse'.<sup>68</sup> The principal reported this to the Eden Park superintendent and the incident was reported to the department. The boys concerned were placed elsewhere and the department questioned Salvation Army authorities about supervision in the dormitories at night. It was found that once residents were settled there was 'no adult in the immediate vicinity of the dormitories'.<sup>69</sup>

Further allegations were made regarding the use of 'punitive measures' for disciplining boys at the home in late 1981.<sup>70</sup> As a result, the department outlined 'major concerns' with Eden Park to its superintendent. These included the 'punitive and controlling philosophy of care' and 'limited supervision at night'. The department stated that it

*... considered that the overall philosophy of care is based on a staff philosophy that reflects emphasis on control and punishment rather than more modern and appropriate styles of managing difficult children.*<sup>71</sup>

In the same month the Salvation Army advised the department that it intended to close Eden Park. It stated that there was 'no present need for this service' and that 'there is a change in the pattern of child-care which we must recognise'.<sup>72</sup> The home was closed on 31 December 1982.

#### Allegations of sexual abuse

The Inquiry received evidence from 18 PICs who alleged sexual abuse at Eden Park. The allegations spanned 1940 to 1982; some concerned repeated abuse by the same perpetrator, while others were single instances.

The allegations ranged from gratifying a prurient interest (for example, the humiliating practice of making boys stand

<sup>64</sup> Salvation Army Territorial Archives & Museum, Melbourne, Mt Barker Boys Home (Eden Park) Sth Aust., 'The Eden Park Boys Home Mt Barker' and 'Eden Park Home for Boys – Residential Childcare Workers Brief', undated.

<sup>65</sup> Residential Childcare Workers Brief, undated.

<sup>66</sup> SRSa GRS 4164, file 14/6/1, RCCAC secretary to deputy director general, 29 Sep. 1981.

<sup>67</sup> *ibid.*, Dept of Social Security, Review of operations, subsidies section, 4 May 1982.

<sup>68</sup> *ibid.*, Suspected rape: report on action taken by Eden Park Special School.

<sup>69</sup> SRSa GRS 4164, file 14/6/1, RCCAC secretary to director Central Northern Region, 17 Aug. 1982.

<sup>70</sup> *ibid.*, RCCAC secretary to director general, 19 Oct. 1982.

<sup>71</sup> *ibid.*, Residential and Foster Care assistant supervisor to Eden Park superintendent, 17 Nov. 1982.

<sup>72</sup> *ibid.*, Salvation Army Territorial Social Services secretary to director general, 26 Nov. 1982.

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naked as a punishment) to fondling and kissing, forced oral sex and anal rape.

Most allegations were against staff members and some were against other boys at the home. In two cases, the alleged perpetrators were from outside the home and in one case the perpetrator is unidentified.

Of the 18 PICs, five were placed in State care by a court or under an administrative order by the department. The remainder were placed by parents, by referral from government or non-government agencies, or by unknown sources without an order placing them in State care.

Their evidence of family life before going into care was typified by problems including fighting parents, broken marriages, alcoholism, domestic violence and sometimes sexual abuse. One PIC recalled:

*It all changed on a rainy night somewhere in the Adelaide Hills ... our mother and father were in the front of the car yelling and arguing. And then my mother got out of the car and I never seen or heard her again.*

Some of the PICs who alleged they were sexually abused at Eden Park said they had been given the impression before their arrival that it would be a camp-like farm environment. Most said they had little idea what to expect.

One PIC recounted the moment when he was told of the decision to send him to the home.

*The conversation was along the lines, 'Your father and I, we've decided to go travelling around Australia and as you're the last one home, that causes a problem, so we've arranged for you to go to a lovely place in the country where you can live there, you know, there's cows and there is this, that and everything else'.*

Most of the PICs said life at Eden Park was harsh, regimented and often violent. One PIC described it as a scary place for a young child. Another said daily activities were 'routine, strict, and almost like ... a jail sort of thing, but for kids'. A third PIC described the home as 'like a

concentration camp with the worst kinds of punishments' and remembers 'crying for days and days just wanting to be out of that place'.

PICs gave evidence that they were required to perform hard physical work on the rural property adjoining the home, in addition to going to school. One PIC recalled his difficulty in coping with both the physical and schoolwork: 'I don't think I learned anything because I was milking cows seven days a week plus whatever chores I had to do'.

All 18 PICs spoke of boys being physically punished by staff, with one describing physical punishments by one officer:

*He used to bash us all bad. He'd lose control and start sweating and just bash you until you just dropped on the ground and cowered ... they had, like, a round, batony-type thing that they used to carry in their pocket.*

Another PIC recalled his initial impressions of Eden Park:

*As we drove up the driveway we got our first shock of things to come. I was nine, nearly 10, and as I looked out to the yard I saw two Salvation Army officers in full uniform chasing an older boy around a yard. At first I thought it was a game until I realised they were beating him with bell-shaped batons and strapping him when he slowed or stumbled ... my heart went in my mouth and I thought, 'Where in God's name are we?'*

### Abuse by multiple perpetrators

A PIC who lived with his mother after his parents separated was aged 10 when placed in State care during the 1940s after he truanted from school and committed offences. He was soon transferred to Eden Park. He had previously lived at the Salvation Army Boys Home at Kent Town, where he also alleged he was sexually abused—although not in State care at that time, he was known to the department.

Department records show the PIC was at Eden Park for eight months before being transferred for 'misconduct'.

### 3.1 Institutional care

He alleged three people sexually abused him there. He recalled that two men in their 20s lived at the home in separate quarters and, as part of the boys' punishment, the superintendent 'would deliberately put you in there so that they could carry on with you'. The PIC said he was put in the room with these men on two occasions and one of them raped him: 'I started, you know, singing out'. He reported the incident to his parent, who informed his welfare worker, 'but nothing happened, once again'.

The PIC also alleged he was sexually abused by the wife of one senior staff member: 'She'd play around with me and get me into bed and get on top of me and I was terrified'. He had been frightened that the woman's husband would find out and harm him.

The PIC also gave evidence that an older boy regularly attempted to get into bed with him and 'do things'. He said that as a result of the instances of sexual abuse he absconded from the home several times.

The department's file for this PIC relates to his placements and transfers and does not record any complaint of abuse. No records have been received from the Salvation Army in relation to him.

One PIC born in the early 1950s alleged multiple incidents of sexual abuse by staff members, other resident boys and unidentified visitors to the home.

Records show the PIC was placed in State care by a court in the early 1960s for attempted larceny subsequent to his time at Eden Park. The only record received from the department is a SWIC relating to placements in the early 1960s. There were no records to show that he was in State care during his time at Eden Park in the 1950s. The Salvation Army informed the Inquiry it has been unable to locate any record of him.

The PIC told the inquiry he was placed at Eden Park when he was about five and remained there for seven years. He alleged that when he was about 10 he was sexually abused and anally raped by a staff member on several occasions:

*I used to give him oral sex and then he would blow all over me and urinate all over me. I used to stink. Nobody would come near me because of what he used to do to me.*

He said the staff member beat him, made him carry a heavy ball and chain and also

*... used to come and just turn your custard upside down and take the plate away and we had to eat it off the table, or he'd put it on the floor and make you get on your hands and knees to eat it off the floor.*

The same man continued to abuse him over a long period and on one occasion, in 'the lock-up' at the home: 'He chained me, put padlocks to me, took me to the saw bench, chained me up over the saw bench, and raped me'.

The PIC alleged he was sexually abused by a second staff member, who forced him to masturbate him and then urinated on him.

He also alleged two unknown men raped him when visiting the home one Christmas. The men took him to the hay shed, where 'they tied me up and raped me over the barrel, over the bales of hay'.

The PIC also told the Inquiry that on separate occasions three older boys at Eden Park forced him to masturbate them.

He said he told his father about some of the sexual abuse and that his father confronted the officer in charge of the home, but nothing was done. The only record received from the department was the PIC's SWIC; no records have been received from the Salvation Army. In the absence of such records the Inquiry could not verify that a complaint was made, whether it was recorded or what, if anything, was the response.

Following his time in State care the PIC has spent time living on the streets and been in jail. He told the Inquiry the sexual abuse has affected his marriage: 'I was too wild, still am. Mentally I'm—I can't hack marriage. I just can't. I just can't.'

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**A** PIC alleged sexual abuse at Eden Park in the mid 1970s when he was about 10. He told the Inquiry he was sexually and physically abused by his father before going into care. Records indicate the PIC was placed at Eden Park as a result of a Child Guidance Clinic referral. The Inquiry did not receive any records to show that he was in State care at this home.

The PIC gave evidence of harsh conditions at Eden Park, including physical and humiliating punishments. He said he began wetting his bed, was placed in a special dormitory for bed-wetters and faced further punishments, including ‘the strap, standing outside all night, getting ... all your hair cut off, getting the cane’. He recalled that on one occasion his head was shaved in front of all the other boys, who were told the punishment was ‘because I was a dirty little piggy that wet my bed and this is what happens to dirty little piggies’.

He said the first instance of sexual abuse was at a camp arranged and managed by the staff at Eden Park. A staff member sexually assaulted him in a tent. He pulled down the PIC’s pants and performed oral sex on him, then told him: ‘That’s how I want you to do it to me’. The PIC said he then tried to do it to the staff member but twice was told that ‘I done it wrong’. The staff member said he was going to punish him. The PIC said the man then took him down to the river and anally raped him. ‘He told me if I did tell anyone, that I’d be fucked up and I’d disappear like a little boy’.

The PIC says he reported the rape to a staff member, who said he would look into it, but nothing was done. Two or three weeks later, while he was watching television with other boys, the abusive staff member collected him and forced him to perform oral sex.

He also alleged another Eden Park employee anally raped him in a cellar and, later, in a shed at the home. He said he was too scared to resist and too frightened to report the abuse, although he did tell his grandmother but is unsure whether she took the matter further.

The PIC told the Inquiry that while at Eden Park he stayed with a man during a holiday period. After they had been swimming and returned to his house, ‘I was having a

shower, and he came in halfway through my shower and escorted me to the bedroom ... He had sex with me’. The PIC said he reported the incident to a staff member at Eden Park but ‘I was told I was nothing but a troublemaker and a liar, and that if I persisted I’d be punished’.

The Inquiry did not receive any records from the Salvation Army to verify whether reports were made, recorded or responded to in relation to these allegations. Files have been received from the department but, apart from confirming the PIC’s placement at Eden Park under recommendation from the Child Guidance Clinic, no reference is made to sexual abuse.

The PIC was placed in State care when he was 12 and alleged he suffered further sexual abuse during placements at Lochiel Park Boys Training Centre and Brookway Park.

### *Abuse by staff*

**A**n Aboriginal man born in the mid 1950s alleged staff sexually abused him while he was placed at Eden Park in the late 1960s.

Records received from the department show that just before his 13th birthday the PIC was charged with offences and placed by a court in State care until he turned 18. Eden Park was the first of his many placements and he remained there for nine months. The PIC said Eden Park was

*... a very bad place, very evil place and that’s the word that I put it—very evil. Although it was under the Salvation Army it wasn’t a very friendly atmosphere.*

The PIC alleged a staff member bent him over a table, caned his bare bottom and then, while rubbing his bottom, the man exposed his penis and masturbated: ‘I seen him a couple of times sort of underneath my armpit and he was playing with himself’. The PIC said the abuse happened more than once. He also alleged that another staff member sexually abused boys:

*A few times he got us in the shower, three or four of us at a time there, just so we would rub ourselves in front of him to—for us, even though we were young people, you know, he used to touch us, like, on the*

### 3.1 Institutional care

*penis and make sure we got an erection. I can still remember there he used to put his mouth around our penises, you know ...*

After his release from Eden Park the PIC was placed in foster care for several months. He said he told his foster parents about some of the incidents of sexual abuse but was unaware whether any action was taken as a result.

The PIC later spent time at other government homes and secure institutions. No records were received from the Salvation Army. The records received from the department do not record allegations of sexual abuse.

Of his time at Eden Park, the PIC said: 'That really destroyed a lot of me, you know'.

**A** PIC who gave evidence about Eden Park in the 1960s told the inquiry he was the victim of violence in the family home, became disruptive at school and was expelled. He said his parents separated, he had a poor relationship with his stepmother, and his father took him to a non-government home when he was in primary school. A record has been received from that home confirming his presence there when he was 10. The PIC said he spent some time with his family and then in other non-government homes before going to Eden Park in the mid 1960s when he was about 13.

No records have been received from the department or the Salvation Army. The Inquiry did not receive any records to show that he was in State care while at Eden Park.

The PIC alleged he witnessed and suffered violence inflicted by staff at Eden Park and described the punishment as 'floggings', saying one Salvation Army officer used his belt:

*He'd start on your legs until you went down. You'd go down and your legs would go down behind you and once you went down then he would start on your back and just keep on lashing and lashing and lashing ... the welts you had after a belting like that, you were black and blue.*

He alleged an officer at the home repeatedly sexually abused him, initially when he awoke in his bed to find the man fondling his penis and subsequently at various places

at the home and also when they travelled to Adelaide on occasions.

The PIC told the Inquiry the officer's sexual abuse escalated and one evening he anally raped him. When he protested he was warned not to tell anyone. The next day the officer put him into a drum of liquid fertiliser and

*... hosed me down like a dog ... I threatened to tell. I didn't know who I was going to tell because I had no-one to tell, but I was going to run away and just get the hell out of there.*

He said he did not report the sexual abuse:

*It was my dark secret. It was something I didn't tell anybody. Once it started to happen I was more in tears and more upset and I used to lie awake and cry at night and I was going worse at school than what I'd ever gone. I was going backwards.*

**A** nother PIC said he was from a broken home and was sent to an orphanage when he was in primary school. A year or so later he was sent to Eden Park:

*I just remember one night we—like, we were at the orphanage and then the next minute we're in a dormitory at Eden Park; didn't even know where we were. We were taken at night time.*

No records have been received from the department or from the Salvation Army about the PIC's placement at Eden Park. The Inquiry did not receive any records to show that he was in State care while at Eden Park.

The PIC told the Inquiry physical punishments were common at Eden Park, but one staff member took a particular interest in him and was kind and affectionate, hugging and kissing him:

*He gave me all the attention. He promised to take me out of there. I had to meet him at the workshop area after dark. I'd be waiting for him to come. I just—didn't know back then, but I just liked the attention I was getting.*

He said the staff member told him to keep their meetings secret. The man later took him to live with him and his family in another State, where he had been transferred. Initially, he said, he enjoyed family life but soon after they

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moved the staff member started to sexually abuse him:

*He started coming in my room and—you know, the kissing and the cuddling. Then it started—he reckons it was sex education ... I'd have to take my pyjamas off and I just felt uncomfortable. After a while—the last thing I remember was I rebelled against him and he bashed me out the front of the—they had a white garage, I remember. I remember my nose was pouring blood and I got sent back to Adelaide.*

The PIC said he returned to Eden Park, where he remained until he was 15. On his return he suffered violent physical punishments and on one occasion absconded.

He said he did not report the sexual abuse. He told the Inquiry he still suffers from the effects of the abuse and struggles to show affection:

*I get really uncomfortable when I get hugged ... I'm told I don't show emotions or empathy, but I had to suppress that when I was in the boys home because I didn't want to get hurt.*

**A**nother PIC who alleged sexual abuse at Eden Park during the 1960s had been under the supervision of the Department of Aboriginal Affairs.

The Inquiry has not received any records from the Salvation Army or any records that he was in State care while at Eden Park. Some records have been received from the department, including a letter from the director of Aboriginal Affairs to the Child Guidance Clinic confirming the PIC's presence at Eden Park.

The PIC had previously been at Colebrook Home, which was run by the United Aborigines Mission, where he alleged he was sexually abused by a carer and by older boys.

He told the Inquiry an Eden Park staff member sexually abused him when he was a teenager. He alleged the perpetrator made him strip naked on several occasions and once locked him in a shed and beat him with a strap. He remembered that his mouth felt dirty but he could not recall precisely what happened.

The PIC said he had sex with other boys at Eden Park:

*It was a sexual relationship. It was just for sex. I don't know how it started or where it came from. There was a couple of other boys but I don't know their names. We just used to just go and have it off, you know.*

He had his own way of coping with a difficult childhood: 'I used to have an imaginary world growing up. Dungeons and dragons stuff, you know. It was my escape from reality.'

He said that when he left Eden Park he was placed at the Salvation Army Boys Home at Kent Town, where he alleged he was also sexually abused.

**A**PIC who had an unsettled family life was at Eden Park in the early 1970s. He told the Inquiry his father, a heavy drinker, had been violent towards him.

He said that a departmental worker visited him months before he was placed at Eden Park. He told the worker about his father's physical violence 'in front of my mother and father ... and they denied it, of course'. He said that his mother then sent him to youth camps where he said he was sexually abused by a male carer eight times over four weekend camps.

He said his behavior at home and at school deteriorated, and he insisted to his mother that he did not want to keep attending the camps, although he did not tell her about the sexual abuse because the man had threatened him. The man told him: 'If you say anything no-one will believe z you, and if you say anything I'll just tell them that you did it to me'.

The PIC told the Inquiry he was then placed at Eden Park from the age of nine. No records have been received from the Salvation Army. Some records have been received from the department and, while they mention he was at youth camps and Eden Park, there is no mention of the legal basis for these placements. The Inquiry did not receive any records to show that he was in State care during his time at Eden Park.

### 3.1 Institutional care

Of Eden Park, the PIC recalled that he was told:

*I'd be going up to a place where there would be horses, there would be a farm and it would be a more stable place for me to live for a while. That's how he described it and he told my mother that she had no choice. She either let me go or I'd be taken off her.*

The PIC alleged he was heavily caned at Eden Park. On one occasion, staff members physically punished him for making a comment considered blasphemous; the wife of one staff member was 'kicking me so hard that her shoe fell off'.

On several occasions, he said, one staff member punished him physically and then kissed, cuddled and comforted him. The man then fondled him, rubbing his genitals and asking him to do the same to him.

He reported the physical and sexual abuse to a welfare officer, he said, but no action was taken. No records have been received from the Salvation Army to verify whether the complaint was made or recorded, or the nature of any response.

The PIC gave evidence that the sexual abuse has affected him in a number of ways. He does not like to be touched or hugged and at times has become suicidal and spent time in psychiatric care:

*It was devastating, because the abuse that I'd suffered—I felt ashamed. It had obliterated my confidence. I felt dirty and I felt as though I had to go around with this secret that I had to hide all the time. I feel uncomfortable about [sexual contact]. I'm the sort of person that doesn't really like to be touched, unfortunately. I find it hard to hug people or have people hug me. I really like my own space.*

Another PIC who alleged sexual abuse at Eden Park during the 1970s told the Inquiry his parents separated when he was about seven and he was sent to an Anglican Church home and then to Kennion House. No records have been received from the Salvation Army, and the only records from the department relate to the PIC's teenage years, when he was placed in State care, and not

to his placement at Eden Park. The Inquiry did not receive any records to show that the PIC was in State care while he was at Eden Park. The PIC alleged he was sexually abused at Kennion House and Eden Park.

He recalled that his stepmother assured him Eden Park was 'a lovely place in the country'. He said that as a teenager at Eden Park, he was required to perform difficult physical work and staff inflicted heavy physical punishments. He recalled being put in an isolation cell, which was 'a stone room about four feet by four feet', and said boys would be sent there 'for two or three days at a time'. He also alleged he was assaulted by a staff member while working in the sawmill,

*... because maybe I wasn't carrying a big enough load—a sufficient enough load as what he considered—he was angry, he picked up a lump of timber, threw it at me and hit me in the side and broke my ribs.*

The PIC alleged that another officer at Eden Park sexually abused him on several occasions in a shed and a barn, forcing him to masturbate the man and be masturbated, and perform oral sex.

In a further incident, the same officer allegedly cornered him in a room, fondled him and then anally raped him. The PIC said he suffered anal injuries and severe pain. He disposed of his underpants, which were stained with blood. Another officer found them and punished the boys collectively in an attempt to get the owner of the pants to confess.

The PIC told the Inquiry he has felt shame and guilt ever since he was abused. He was too frightened to tell anybody about the incidents so no report was made. He described his time at Eden Park as

*... like living in a war zone, and it's hard to put into words the constant heightened awareness of fear that you didn't know who the next threat was coming from or where it was coming from.*

He said he still suffers the effects of the physical and sexual abuse:

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*One thing, and I've had to do it over the years, is get out of the habit of when I walk into a room I make sure I know where the exits are and make sure they're clear.*

A PIC born in the late 1950s was placed at Eden Park when he was about nine after his parents' marriage broke down. He had previously spent some time in another orphanage where, he said, he had been relatively happy. As records have not been received from the Salvation Army or the department, the basis for his placement at Eden Park is unclear. The Inquiry did not receive any records to show that the PIC was in State care when he was at Eden Park.

The PIC told the Inquiry he was specifically assigned to a particular staff member at Eden Park. He was required to perform domestic chores at the man's private residence under the supervision of his wife, including scrubbing floors, cleaning the kitchen, preparing firewood, tending the vegetable garden and working with beehives. He said he worked every day except for Saturday afternoon and Sunday.

The PIC recalled physical punishments and other punishments, including solitary confinement in a lock-up: 'I have been in there a few times. You couldn't lay down. [Officer's name] put me in there for a couple of days once when I ran away.'

He told of a humiliating incident where an officer punished boys for having a pillow fight:

*He came down and turned on all the lights, made us all get out in the passage, strip off—or strip off first before he took us out into the passage. I used to hate that. I still cover myself now and I'm a full-grown man ... then he walked up and down blowing [a fan] at our genitals.*

He also alleged he was stripped naked by the officer on other occasions, including as punishment for bed-wetting: 'I wet the bed in the wing once and was transferred to "wet-bedders". He'd strip me and march me over there.' He did not report the incident.

The PIC said he has suffered as a result of traumatic experiences at Eden Park:

*I've always struggled in relationships because I just—I don't know, feeling like—if the kids fall over, I just say, 'Get up. You'll be right.' I don't run up there and cuddle them.*

### *Abuse by staff and other residents*

An Aboriginal PIC gave evidence about alleged sexual abuse at Eden Park in the 1960s. Born in the late 1950s, he said he was removed from a large family when he was 15 months old and had almost no contact with his siblings or other family members for many years.

Department records show the PIC was under the supervision of the Department of Aboriginal Affairs, which placed him in foster care at 15 months. There was no record of an administrative or court order placing him in State care.

The records suggest problems including bed-wetting developed in the foster home in the mid 1960s and the PIC was referred to the Child Guidance Clinic. As a result, he was sent to Eden Park when he was nine, staying for more than four years. The Inquiry did not receive any records to show he was placed in State care while at Eden Park.

The PIC recalled that he cried on his first day at Eden Park and was physically punished. He alleged that not long after arriving he was anally raped by six boys aged about 16 to 18. The PIC told the Inquiry he reported the matter to a staff member, who 'flogged the shit out of—he flogged me and then threw me in a little cupboard under a set of stairs'. The PIC said he then told the staff member he was bleeding from the anus but was called a liar: 'He rubbed my face in the poo and the pee and then belted me for that, for being dirty'.

The PIC alleged that from this time on and for about the next four years the same staff member sexually abused him, raping him in the dormitory at night and then rewarding him by giving him marbles. He also alleged he was raped by the staff member in the big hall and occasionally in the lofts in the dairy. The PIC told the Inquiry

### 3.1 Institutional care

he did not report the abuse to the department: 'I was frightened of the welfare and I didn't know how to tell my mum'.

At 13 he returned to live with his mother, before being charged with offences and placed in State care by a court for two years, which was later extended by two years. He was placed in hostel accommodation.

The PIC told the Inquiry that after spending years in care he was glad to regain his sense of Aboriginality: 'I missed 12 years of it and I liked being a Nunga'.

**A** PIC was initially placed in State care under a three-month care and control order in 1980 when he was nine, and was in State care under further longer-term orders for various periods until he turned 18. His parents had separated and his mother was unable to manage him. The PIC said, and departmental records confirm, that his mother physically abused him and sought his removal from the family home.

At an early stage, the PIC was at the Northern Region Admission Unit where, he said, older girls touched him in a sexual way:

*Not as in I was raped or anything ... it's just I think one of those kind of experiences that guys and girls maybe do—you have ... I just think it was nothing bad.*

Departmental records show the PIC's young age when he arrived at the unit appears to have been of concern to a staff member, who was

*... a little reluctant to have [the PIC] there ... as he was only nine years and there had been a certain amount of trouble tonight amongst the older members of the unit.*

After a few days the department and Child Guidance Clinic placed the PIC at Eden Park, where he remained for 18 months until the early 1980s. He was subsequently in numerous homes, including Smith Street Cottage, Slade Cottage and the Southern Region Group Home. The PIC told the Inquiry he was sexually abused in all four placements.

Although the three-month care and control order ran out during his placement at Eden Park, records show the boy was in constant contact with and under the supervision of the department.

The PIC said Eden Park was an intimidating environment like a concentration camp, with the worst kinds of punishments. He remembers crying for days and days, just wanting to be out of the place but unable to do anything about it:

*... the staff were strict and they weren't nice people. They actually thought they were the army. It was the Salvation Army, they're meant to be Christian people.*

He alleged a Salvation Army officer sexually abused him at Eden Park on about three occasions. The first time, he said, the officer took him from his bed to the television room, where he was required to polish the man's shoes. The PIC said he rebelled using foul language and was then physically punished and raped by the officer. The following day he noticed bleeding from his anus. He said he told a schoolteacher at the home, and thinks he was taken for medical treatment at Mount Barker—but he did not tell the doctor how the injury had been caused because he was too embarrassed.

The PIC alleged that on a second occasion he remained behind gardening as a punishment while other children went to their families' homes. He said the officer again took him to the television room where he masturbated himself and made him participate. He did not report this incident.

He said that on a third occasion when he was in his dormitory alone he awoke to find a man bending over him and penetrating his anus. The PIC said he did not clearly see the man but testified that he had the same sound and feel as the officer who had previously sexually abused him. He told the Inquiry he did not report this incident

*... because of the punishments and everything I'd have after it. Like, I wasn't just being raped; after that it was made sure that I wasn't near any other people for four days. I was up the back, either having to do hay baling—like, you know, at the age I*

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*was, lifting hay bales that virtually weighed as much as three people, having to throw them inside a truck—or ripping blackberry bushes out around the sewerage pit.*

He wondered at the time whether the carer of his unit knew ‘stuff was happening to me’, because this man used to take him for drives and ‘he knew about me being taken to the doctor. He was asking me who and I was denying it, saying, “Look, nothing’s happened to me”, rah-rah-rah’.

Salvation Army documents and departmental files received by the Inquiry do not mention the alleged abuse by the officer. The Inquiry made enquiries of medical facilities in the Mount Barker region, but was unable to locate any records relating to the PIC.

The PIC also alleged he was anally raped by a bigger, older resident in the television room at Eden Park:

*He just jumped on top of me and held me down. My pants was pulled down and he done what he wanted to do ... It started off sort of like a play-fighting act. Sort of jumped on me and everyone was play fighting, and then it just sort of turned to what it turned to.*

Salvation Army and departmental records show the older boy was also alleged to have raped another boy around this time; and when that abuse was disclosed to authorities, an investigation occurred and the alleged perpetrator was removed from Eden Park.

A departmental document reveals that the headmaster at Eden Park provided a written report about the other boy’s rape allegation. It is not evident from the records available whether this alert in relation to alleged sexual abuse of the other boy occurred before or after the alleged abuse of the PIC.

### **Abuse by other residents**

**A** PIC born in the early 1960s alleged he was sexually abused at Eden Park between the late 1960s and the mid 1970s. The PIC told the Inquiry he was placed at Eden Park when he was about nine because he had become ‘very antisocial’ and was getting into fights at school. The

Inquiry did not receive a record of a court order placing him in State care until he was 15 and had left Eden Park.

The only record received from the Salvation Army appeared to be an admission register showing the PIC was admitted (the place of admission is not recorded) in the late 1950s, which pre-dates his birth. Substantial client files have been received from the department, including a document from the Salvation Army that reveals the PIC was admitted to Eden Park at the age of nine because his mother was not coping with him and also on doctor’s advice.

The PIC told the Inquiry he witnessed a lot of violence by staff toward boys and said physical punishments were inflicted on him regularly: ‘There was a lot of public floggings. People that had been recaptured from running away, people that had been fighting amongst each other.’ Boys were sometimes placed in a ‘lock-up’, and staff often beat boys on the bare hands with

*... a leather strap, like a razor strap of black leather. If you gave way on doing that and refused to do that, it was, sort of, grabbed by the elbow or the shoulder and whacked around the back of the arse or legs.*

According to the PIC, one staff member was particularly brutal: ‘He used to froth at the mouth. He was a real psycho.’ Another popular punishment was to make the boys run around the basketball court ‘until we dropped’. At night boys were made to stand outside in the cold: ‘You were stripped down to your jocks and you stood out on the front lawn out the front of [officer’s name] place’. The PIC also alleged he saw a staff member lift a boy by the ankles and place him, head first, into a drum of cow manure.

He told the Inquiry he was sexually abused by older boys at Eden Park:

*I was raped within days of being there ... by the older kids ... sometimes two, three times a week, sometimes even more. It all depends what took their fancy you know; whose fancy—they took of you, you know. Sometimes there were three or four involved.*

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The PIC said the abuse continued until he was about 13 and better able to defend himself.

He said that at 15 he left Eden Park and soon got into trouble with the police. He was caught stealing, went to court, was placed in State care until 18 and lived in two government institutions.

During his teenage years, he said, he spent a lot of time on the streets and performed sexual favours for men at parties and homosexual beats around Adelaide for money. He used drugs and alcohol.

The PIC said he believes the sexual abuse has had long-term affects on his life: 'It's made me very promiscuous'.

Departmental records show a PIC was first placed in State care under a three-month administrative order when he was three years old in the mid 1970s. At this time the PIC's mother was in hospital and his father was away from home. The records show that when he was 6½ a court found he was neglected and placed him in State care again for three years. Towards the end of that order, when he was nine, he was placed at Eden Park. The order expired while he was at Eden Park and when he was 10 another court order was made placing him in State care until the age of 18 because he was 'in need of care'. The PIC alleged sexual abuse at Eden Park and also at a subsequent placement at Kennion Cottage, Ferryden Park.

The PIC was placed at Eden Park in the early 1980s when he was nine and stayed for about one year. He was in State care when he first arrived at Eden Park. He said he believed he was about four years younger than the other boys there, and recalled the daily activities as 'routine, strict and almost like ... a jail sort of thing but for kids'. The PIC said he has blocked out many memories of unpleasant times at Eden Park. Records show a departmental worker regularly visited him.

The PIC does not have a clear memory of the sexual abuse he alleged occurred at Eden Park. He told the Inquiry he believes he was forced to perform oral sex and was anally raped by two older males on several occasions and over a period of time. He thought he received medical

attention and that one of the perpetrators was removed from the home.

Documents from the Salvation Army show the PIC reported allegations of sexual abuse to a staff member, who reported the matter to his superiors. The matter was also reported to the local police. The records show the PIC was to be interviewed by police, but when they visited Eden Park he was not there; an employee had taken him to a rape crisis centre. It is also noted that another boy at the home had also made allegations against one of the suspected perpetrators.

The Salvation Army documents include a departmental officer's report to his director-general, in which the officer stated that the PIC was interviewed by an officer from Eden Park; the two alleged perpetrators were sent home; police were notified; and the PIC was taken to the rape crisis centre. The report also notes that boys were left unsupervised for periods during the day and, except for periodical checks, there was no adult in the immediate vicinity of the dormitories.

There is no indication in the report whether there was any follow-up investigation or action by the Salvation Army, police or the department. Police have not located any records in relation to these allegations.

Records were received from a hospital Sexual Assault Referral Centre confirming that an Eden Park staff member presented the PIC for a medical examination. The records note that the PIC made allegations of sexual and physical abuse by older boys at the home. They state that he alleged the boys had forced him to perform oral sex and threatened him with a knife. The notes on file also record that the PIC said he was scared to return to the home and that a departmental officer was notified by telephone of the alleged abuse.

In addition, while substantial client files have been received from the department, the documents relating to the alleged sexual abuse, as provided by the Salvation Army, were not located on these files. The Inquiry found only one brief handwritten note relating to the allegations.

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Documents on the department's file reveal that the PIC was placed in foster care soon after the incident but no reason is given. The records refer to the breakdown of the Eden Park placement but do not say why it failed. They make no reference to the alleged sexual abuse of the PIC.

**A**nother PIC to allege sexual abuse at Eden Park during the 1980s was under the department's supervision but no records were received to show he was in State care. The PIC's parents divorced when he was very young. He was placed at Eden Park for just under a year during his middle primary years and believed he was there because his mother couldn't cope with him.

Departmental records show that just before his ninth birthday the Child Guidance Clinic referred the PIC to Eden Park because he was considered uncontrollable. A register received from the Salvation Army shows he was at Eden Park for just over 10 months.

The PIC considered Eden Park 'a scary place for a young child'. He said that in addition to going to school during the day, boys were required to perform chores, mostly cleaning. He recalled a strict regime with a lot of punishment, including physical punishment:

*You got caned for your bed not being made properly; your shoes not being shiny enough; your locker not being tidy enough ... I was frightened the whole time I was there.*

The PIC told the inquiry that smaller and bigger boys were housed in the same areas and that some of the older boys were sexual predators. He alleged he was anally raped by two older boys and forced to perform oral sex on many occasions. He said one of the older boys would hold him down while the other raped him, and that they would take turns. He recalled yelling in vain for help, and did not report the assaults for fear of retribution: 'I was just confused ... I was dominated so I couldn't speak out. I was bashed and threatened so I was in fear.'

The PIC told the Inquiry that on one occasion a staff member became aware of the sexual abuse but did nothing:

*I recall one morning being in bed with an older lad and a staff member walked in and sort of seen what was going on and said to cut it out and shut the door and walked out.*

No records other than a register naming the PIC have been received from the Salvation Army, thus the Inquiry is unable to check on what appears to have been an inadequate response by a staff member to an incident of sexual abuse.

The PIC told the Inquiry that after leaving Eden Park he lived with his mother and suffered violence from her partner. In this period, he said, 'I just went off the rails more'. He started to commit crimes and said he has spent time in adult prisons: 'I'm angry at myself. I'm angry at the people that did what they did to me'.

### *Abuse by unknown perpetrator*

**A**PIC who alleged sexual abuse in the 1950s at Eden Park told the Inquiry he was placed at the home when aged about five because his mother had become ill. No records were received from the department or the Salvation Army. The Inquiry did not receive any records to show that he was placed in State care.

The PIC told the Inquiry he was at Eden Park for about three or four months and was sexually abused by an unknown man. He recalled that over some weeks the man regularly entered his room at night while he was crying and fondled him.

The PIC said he was confused as a result of the abuse because 'you just couldn't differentiate between what was love and affection and caring and, I guess, wanting to have a father and things like that'. He said he did not report the abuse because

*I was too scared to, and with the—I guess the day-by-day ridicule and that sort of stuff, you just couldn't talk about it anyway.*

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He also said that when he was aged eight to 11 and outside of care he was sexually abused at home by friends of his mother and by his older brother.

As a consequence of the abuse, he said, he felt confused about his sexual identity as he grew older and even attempted suicide.

One PIC who was born in the late 1960s recalled his mother taking him to Eden Park in a taxi when he was about nine:

*She turned around and walked back to the taxi—I don't know—and I was waving goodbye and she wouldn't turn around and wave goodbye or nothing to me. She just kept walking.*

The PIC has vague memories of something happening to him at the home when he was in a room with three men; he thinks he was drugged and sexually abused by Salvation Army officers. He told the Inquiry his mother removed him from the home about one year later.

The Inquiry has received some records from the department but these do not relate to the PIC's time at Eden Park. It did not receive any records to show that he was in State care at that time. No records were received from the Salvation Army.

#### Abuse by outsiders

A PIC alleged abuse at Eden Park by a visiting priest in the 1970s. He was born in the early 1960s; his parents divorced when he was two and his mother then took over his care.

The PIC said that before being placed in State care he was sexually abused by the local Catholic priest when he was about six:

*I recall at Sunday School, after Sunday School, him seeing me there and talking and paying me a lot of attention, which I liked, and I remember being fondled—just fondled outside my clothes ... in my genital area, and then I remember on a couple of occasions having my genital area exposed and him playing with me there.*

The alleged sexual abuse continued and escalated to the point where, the PIC said, the priest took him to a country town and anally raped him. He recalled: 'It was like he loved me and God loved me and I was special ... he was the only man who paid that kind of attention to me'. As a result, he did not tell anybody about the abuse.

When the PIC was 10 a court placed him in State care until 18 as a result of break and enter offences, according to his SWIC. He was sent to Windana Remand Home for a short period and then placed at Eden Park.

The PIC told the Inquiry the same priest who had sexually abused him visited him at Eden Park several times. On each of those visits he was taken for a drive and there would be fondling and, on at least one occasion, anal penetration. The PIC said he was told he was special and that the priest was doing it because God wanted him to.

He said he did not report the abuse to the authorities at Eden Park or the department. Other than a SWIC, no client files have been received from the department and no records have been received from the Salvation Army.

The PIC has committed numerous criminal offences as an adult, mainly involving property and dishonesty. He expressed a desire to rehabilitate and took various courses while in custody to improve his education. With the assistance of the Inquiry, the PIC faced a victim of one of his crimes in a restorative justice session.

Although none of the sexual abuse was reported at the time, the PIC told the Inquiry that in about 1990 he made a report to an official from the Catholic Church and the Department of Correctional Services. Documents received from the South Australian Police confirm that such a report was made and indicate they declined to investigate the matter further as the report was made when there was a statute of limitations applicable to sexual offences.