

Settled by the Honourable Justice David on 8/05/2009

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IN THE SUPREME COURT

CRIMINAL JURISDICTION

ADELAIDE

FRIDAY, 8 MAY 2009 AT 9.57 AM

BEFORE THE HONOURABLE JUSTICE DAVID

NO.SCCRM-08-301

R v WILLIAM JOHN KEITH ELLIS

HIS HONOUR IN SENTENCING SAID:

William Keith Ellis, you have been found guilty by verdicts of a jury of seven counts of the offence of buggery and six counts of the offence of indecent assault.

All of these offences took place in relation to four young men during the decades of the 1960s and the very early 1970s.

Your victims ranged in age from nine years to 15 years when the various offences were committed upon them. All of them were residents at the Eden Park Boys' Home in Mt Barker which was run by the Salvation Army. At the time of the offending you were employed there as a supervisor of these boys. Your victims are now men in their fifties and it would not be an exaggeration to say they have been permanently scarred, both by your offending and their time at the Eden Park Boys' Home.

It is important that I say something about the evidence that I have heard in relation to that home. The Salvation Army leased the property at Eden Park in the early part of the 20th century, and from that early date used it as a boys' home. They eventually bought the premises and occupied it until approximately 1983. On the evidence I heard and which was presented to the jury in this case, this was an horrific place by any standards, let alone modern standards.

There was evidence, I heard, of beatings, harshness and cruel incarceration by way of punishment of defenceless and vulnerable boys who were placed in the home mainly because they were seen to come from dysfunctional backgrounds. Add to that fact that four of them, who were subject to these charges, were sexually abused over a period of time by at least one supervisor, namely yourself.

It makes it difficult to understand how all this took place for an extended period of time virtually under the noses of the community of this State. The very existence of the Eden Park Boys Home and how it was run was a disgrace, and your behaviour sadly was very much part of that disgrace. Although, as the evidence has come out at trial, you were not alone in the cruelty that was perpetrated upon these young men.

The jury and I heard evidence from four very damaged people. I will not go into the detail of these offences for which you were found guilty, it is on the transcript of the trial for all to see, except to say that they involved anal intercourse when the victims were very young and indecent assaults of a most serious nature. They involved you using your position to bring about these

offences for your own gratification and they were committed in a context of either direct violence or threats of violence.

In relation to three of your victims, the offences for which you were found guilty were not isolated. Those three gave evidence, which I accept, of other like behaviour which was led by way of background. In fact, one of your victims gave evidence, which I also accept, of your sexually assaulting him something like one hundred times.

I make it clear that, of course, I am not sentencing you for offences for which you have not been found guilty, but the fact that there was evidence of other unlawful sexual behaviour towards three of these young men indicates that the offences with which you were convicted were not isolated.

I also cannot give you the benefit of any form of contrition, as you have continually denied your wrongdoing.

You are aged 76. You were born in Port Augusta. You appear to have no family alive. Both your brother and sister are deceased. I am told you left school when you were 14 years of age and worked in a shoe factory until you left in 1961. You then started work at the Eden Park Boys' Home as a supervisor employed by the Salvation Army. After about 10 years you left that establishment. You then worked for 24 years in an aged care home run by the Salvation Army known as Parklyn. After you retired you worked there as a volunteer for a couple of days a week.

I have reports and have heard evidence throughout the trial, and after the trial, in relation to your medical condition, which is not perfect but not unusual for a person of your age.

I accept that the inevitable term of imprisonment which I must impose for these grievous offences could well be a life sentence for one of your age. To a certain and limited extent I bear that in mind when sentencing. I remind myself the maximum sentence for buggery at the time was ten years and for indecent assault seven years.

I indicate I will impose one sentence pursuant to s 18A of the *Criminal Law (Sentencing) Act*.

The sentence of the Court is that you be imprisoned, as a head sentence, for 16 years. I set a non-parole period of 12 years. Both sentences are backdated to the date on which you were taken into custody, namely; Monday, 4 May this year.

ADJOURNED 10.08 AM.