

ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE**CASE STUDY 17 – THE RETTA DIXON HOME**

Commonwealth of Australia

STATEMENT OF PAULA GONZALEZ

On 25 September 2014, I Paula Gonzalez of 4 National Circuit, Barton in the Australian Capital Territory, say as follows:

1. I am the Principal Legal Officer, Commonwealth Representation (Royal Commission), Attorney-General's Department (Commonwealth). I have worked for the Attorney-General's Department since December 2012. I have been a Commonwealth public servant since 1999. My previous work as a Commonwealth public servant has been with the Office of the Australian Information Commissioner, the Department of Human Services and the Australian Human Rights Commission.
2. In my current role I am responsible for the coordination of the Commonwealth's engagement with the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission). This includes in relation to its role as a party to Case Study 17 into the Retta Dixon Home (the Home).
3. This statement made by me accurately sets out the evidence that I am prepared to give to the Royal Commission. The basis of my knowledge is set out on the face of this my statement.

Commonwealth record-keeping in the period 1942-1980

4. I have no personal knowledge of Commonwealth record-keeping standards in the period 1942-1980. However I have read chapter 2 of the Australian Law Reform Commission's Report *Australia's Federal Record: a review of the Archives Act 1983*, Report No 85. It sets out a history of the development of the archival function of the Commonwealth over this period. Annexed to my statement and marked PG-1 is a copy of chapter 2 of the ALRC report.
5. Paragraph 3.1 of the ALRC report states:

Until 1984, the Commonwealth archival function was managed entirely by administrative decision. Most decisions about the management of older Commonwealth records were made by the Commonwealth Archives Office (from 1974 Australian Archives) itself or by its parent department. Occasionally, major decisions on policy issues such as public access to records were made by the Cabinet.



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Commonwealth record keeping now

6. The archival resources of the Commonwealth are now managed under the *Archives Act 1983*. That Act, among other things, establishes the National Archives of Australia (the Archives) and makes it an offence to destroy records unless permitted by law, or by the Archives, or in accordance with normal administrative practice.
7. The National Archives of Australia put in place a records disposal freeze in relation to Commonwealth records of possible relevance to the Royal Commission on 31 January 2013. This suspended any records disposal authorities in place and effectively required Commonwealth agencies not to destroy or otherwise dispose of Commonwealth records until further notice. This will have preserved records still in existence at that time, through to the present day. A copy of that records disposal freeze is annexed to my statement and marked **PG-2**.
8. The Archives has a search tool which enables the public to undertake a keyword search of its holdings. That tool enables the identification of files based on those keyword searches, as well as individual records which have been catalogued by the Archives. Additionally, Commonwealth agencies can approach the Archives directly for 'official access' to records and the Archives provides Commonwealth agencies with access to hard copy records through this process.

Obtaining documents relevant to this Case Study

9. On about 22 May 2014 I was informed by Tony Giugni, solicitor assisting the Royal Commission, that the Royal Commission was proposing a case study into the Home.
10. On receiving this information I then directed my staff to commence a search for documents relevant to the Royal Commission's inquiry into the Home. This work commenced on 2 June 2014. The period between 22 May 2014 and 2 June 2014 was spent by my staff identifying possible avenues of enquiry for relevant records.
11. Over the course of the period late May through to early July 2014, my staff made a number of enquiries and conducted a number of searches for records relating to the Home between 1946-1982, including in relation to any allegations or claims of child sexual abuse at the Home. These searches included a review of files held by the Commonwealth departments and agencies whose functions had any connection with Indigenous or welfare affairs or the Home, including past inquiries, as well as the National Archives of Australia.
12. More specifically enquiries were made with the following agencies:
 - 12.1. Department of the Prime Minister & Cabinet (PM&C), which currently has policy responsibility for many indigenous affairs functions. Current records relating to those functions which were previously held by other agencies will have been transferred to PM&C following the 2013 election in accordance with usual machinery of government practices. On about 2 June 2014, AGD requested that PM&C carry out internal searches for potentially relevant records including records relating to the Home, the Aborigines Inland Mission or AIM, Bagot Reserve, the Cubillo and Gunner litigation or Ms Lorna Cubillo (the search

parameters). On about 12 June 2014 PM&C advised it had conducted searches for records and produced a list of 102 files for review by AGD. Those files were then reviewed by AGD staff.

- 12.2. Department of Social Security, which has administrative responsibility for a number of programs delivered to Indigenous Australians. On about 12 June 2014 PM&C advised that it had consulted DSS on the searches it had undertaken and that DSS search results had been included in the response provided by PM&C.
- 12.3. Department of Infrastructure and Regional Development, which has a role in advising the Commonwealth Government on matters relating to the Northern Territory. On about 5 June 2014 AGD requested that the Department undertake searches of internal records using the search parameters. The Department advised that 25 documents had been identified but that 20 were held by NAA and the other 5 had been previously destroyed in accordance with archival practices. As such, no relevant files were identified.
- 12.4. Attorney-General's Department, which may have had records relating to previous legal claims. A search of the agency's recordkeeping systems was performed using the search parameters. On about 2 June 2014 a search of the agency's recordkeeping systems was performed. Searches include examining departmental electronic databases, including legacy metadata for Territories Administration from when AGD had that function. AGD reviewed 8 possibly relevant files but no relevant documents were identified.
- 12.5. Department of Health, which has functions relating to indigenous health initiatives which the Commonwealth is involved in. On or about 30 June 2014 AGD requested a file list from the Department after it had undertaken a search for relevant files. AGD assessed the file list about 16 July 2014 and determined that it had nothing likely to be relevant.
- 12.6. The Australian Government Solicitor (AGS) - for files relating to the Cubillo and Gunner v Commonwealth litigation in 1998-2001. This search was undertaken on the basis that relevant documents may have been collected together for the purpose of that proceeding, which involved evidence about the Home. The AGS recovered approximately 260 boxes of documents in response to this request. With the assistance of AGS staff, my team manually examined the contents of those 260-odd boxes.
- 12.7. The Australian Human Rights Commission (AHRC) - for documents collected in relation to previous inquiries such as *Bringing Them Home*. I recall asking the AHRC to run a search through their electronic file management system for the search parameters in addition to looking at material from previous enquiries. AGD obtained one document for review but determined that it was not relevant. Subsequently the AHRC advised that all other records in relation to the Bringing them Home inquiry were already held by the Archives.
- 12.8. National Archives of Australia – for historical records transferred to the Archives. The request to the Archives in June 2014 covered the search parameters. In

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addition, in July 2014 my staff asked the Archives to also consider NT Administration Annual Reports from 1965 to 1982, Child Welfare Council Reports from 1960 onwards and Annual Reports of the Welfare Branch (NT Administration) Between 1961 and 1970. Relevant documents were obtained through this search and held for production to the Royal Commission.

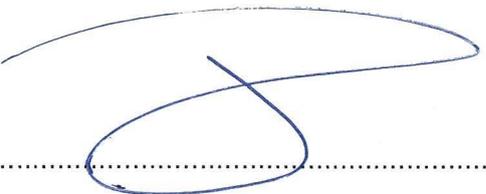
13. On 1 July 2014 the Commonwealth was served with notices to produce CNP401 and CNP408. My team continued reviewing documents and identifying which documents fell within the terms of the notices to produce.
14. The Commonwealth responded to those notices to produce in three tranches on 14, 17 and 22 July 2014.

Historical records – Territory functions

15. I am aware from my discussions with officers of the Northern Territory Government and the National Archives of Australia in the context of the Royal Commission that upon the Northern Territory achieving self-government in 1978, the Commonwealth Government handed over to the Northern Territory Government certain records. Those records related to functions in the Northern Territory previously performed by the Commonwealth and now to be performed by the Northern Territory Government. I understood the Northern Territory would also be served with a notice to produce relevant to Case Study 17.

Signed at Darwin in the Northern Territory

Before me:



Solicitor

