



Government of **Western Australia**  
 Department for **Communities**  
**Redress WA**

### STATEMENT OF ASSESSMENT DECISION

Made under the authority of the Government of Western Australia  
 pursuant to the *Redress WA Guidelines*

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<b>Applicant:</b>	<b>Gordon Grant</b>
<b>Date of Birth:</b>	<b>REDACTED</b> 1933
<b>Application:</b>	<b>00305</b>
<b>Date Application Received:</b>	<b>20 August 2008</b>
<b>Date of Statement:</b>	<b>19 October 2010</b>

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#### **BACKGROUND**

1. Gordon Grant lodged an application with Redress WA on 20 August 2008 and is seeking a Redress WA *ex gratia* payment for the abuse, neglect and pain and suffering he states he experienced in the care of the State of Western Australia under the auspices of the Christian Brothers religious order at Bindoon.

#### **ELIGIBILITY REQUIREMENTS FOR DETERMINING A REDRESS WA *EX GRATIA* PAYMENT**

##### ***Identification and Lodgement of Application***

2. Mr Grant has provided evidence of his identity and was over 18 years of age at the time he lodged the application.<sup>1</sup>
3. Mr Grant states that his name was changed to Nigel Fitzgibbon by the nuns in the orphanage at Cardiff when his catholic mother was killed in a bombing raid in London. He was then moved to another orphanage in Swansea. Mr Grant states that the nuns changed his name and moved him to hide him from his protestant father.<sup>2</sup> There are no historical proceeds available to support this claim.
4. There are some historical records that state he changed his name to Gordon Grant in 1954. However it is not apparent if this was necessary if his name was not legally changed to Nigel Fitzgibbon from his registered birth name of Nigel Gordon Grant initially.

##### ***Residence in State Care***

5. To be eligible for a Redress WA *ex gratia* payment under clause 5(1)(b) & (c) of the Redress WA Guidelines, the applicant as a child must have resided in State care in the residential situation in which they allege abuse and/or neglect occurred. This requires evidence that Mr Grant was in State care.

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<sup>1</sup> Fol ID 1, Reference refers to Redress WA file.

<sup>2</sup> Fol AP 113 and 111



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6. Mr Grant states he was a resident at Bindoon from 1947 to 1951, from 13 years of age.<sup>3</sup> Redress WA researchers have verified Mr Grant's placement at Bindoon from 22 September 1947 to 9 September 1951, from 13 years of age.<sup>4</sup>

**Conclusion**

7. On the evidence available I am satisfied that Nigel Fitzgibbon was in the care of the State of Western Australia as a child migrant under the *Immigration (Guardianship of Children) Act 1946* (Cth) from the date of his arrival in Western Australia on 22 September 1947 until reaching 21 years of age on 25 September 1954.<sup>5</sup> I am further satisfied that Nigel Fitzgibbon was resident in a subsidised facility at Bindoon, which was operated by the Christian Brothers religious order.<sup>6</sup>
8. I am satisfied that Nigel Fitzgibbon was in the care of the State and that he is one and the same person as Gordon Grant who has made an application for a Redress WA *ex gratia* payment. Mr Grant therefore meets all the eligibility criteria to be considered for a Redress WA *ex gratia* payment under the Redress WA Guidelines.

**IS THE ABUSE AND/OR NEGLECT ESTABLISHED?**

**Statements of Abuse and/or Neglect**

9. To be eligible for a Redress WA *ex gratia* payment, under clause 5(1)(a) of the Redress WA Guidelines, there must be a sufficient connection between the alleged abuse and/or neglect, and the care provided by the State. Mr Grant has made statements of abuse and/or neglect and the impact this has had upon him and this has been assessed by a Redress WA Assessor.

**Relevant Issues**

10. Mr Grant states that he was hit with a heavy stick on his bare buttocks by Brother Keaney in the poultry feed shed and verbally abused for no apparent reason.<sup>7</sup> Mr Grant also states that he was hit in the face by Brother Keaney for no apparent reason and also verbally abused.<sup>8</sup>
11. Mr Grant also states that he was sexually abused by Father Eugene Perez who coached Mr Grant to pose naked for him so that Father Perez could sculpt: during these sessions Father Perez would fondle the genitals of Mr Grant and the buttocks in the guise of altering the position of Mr Grant to make his pose more suitable for sculpting. At this time on one occasion at least Father Perez masturbated Mr Grant.<sup>9</sup> In addition Mr Grant states that he was sexually abused by Brother Marques who fondled the genitals of Mr Grant and his bare bottom.<sup>10</sup>

<sup>3</sup> Fol AP 18

<sup>4</sup> Fol PL 2

<sup>5</sup> Under the *Immigration (Guardianship of Children) Act 1946* (Cth), guardianship of child migrants was delegated, by instrument of delegation, to the State of Western Australia. The State was the natural guardian of child migrants, to the exclusion of the parents or other guardian, from the time the child arrived in Western Australia until the child reached 21 years of age, or until the child left Australia.

<sup>6</sup> Schedule 2 of the Redress WA Guidelines lists Bindoon Boy's Town under the Christian Brothers religious order as a facility subsidised by the State.

<sup>7</sup> Fol AP 15

<sup>8</sup> *Ibid*

<sup>9</sup> Fol AP 16

<sup>10</sup> *Ibid*



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12. The treatment described by Mr Grant may be considered to be beyond what was an acceptable standard of punishment at the time. In addition, sexual abuse in any form is unacceptable and criminal.

**Conclusion**

13. Under clause 4(b) of the Redress WA Guidelines, I am unable to consider Mr Grant's circumstances regarding any misappropriation of wages, including the non-payment of wages, for times he says he was forced to undertake hard, manual labour and chores at Bindoon.<sup>11</sup> I note that it was common practice throughout institutions of the time to engage children in regular chores, which ranged from domestic cleaning and cooking to farm work. However the type of work and the amount of work described by Mr Grant was well outside the normal range of such chores.
14. Mr Grant has provided a detailed account of abuse he suffered. There are no historical or medical records or other information available to prove specific incidents of abuse or neglect. It is likely, however, that Mr Grant was abused and neglected.
15. On the basis of the relevant statements extracted from Mr Grant's application, the material assessed by the Senior Redress Officer and other related material, I am satisfied that it is likely that Mr Grant suffered abuse and neglect whilst in State care.

**ASSESSMENT OF ABUSE AND/OR NEGLECT AND HARM AND LOSS**

16. The Senior Redress Officer's Assessment supports that the abuse and neglect suffered by Mr Grant is in the very severe range as compared to other applicants.

**PREVIOUS COMPENSATION PAID BY STATE GOVERNMENT**

17. There is no known criminal injuries compensation award or other compensation paid that is related to the same abuse and/or neglect the subject of this application that would currently preclude Mr Grant from receiving a Redress WA *ex gratia* payment.

**DECISION**

18. I am satisfied that Gordon Grant is an "eligible" person under the Redress WA Guidelines.
19. For the purposes of an assessment under the Redress WA Guidelines the extent of the abuse and/or neglect and any injury, harm or loss has been assessed in the very severe range.

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<sup>11</sup> Fol AP 14



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**Internal Member:**

**Internal Member No 4**

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**Date: 19 / 10 / 2010**

**Independent Review Panel:**

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**Date:        /        / 2010**

**(Approved)**

00305