



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*

Applicant:	Clifford Walsh
Date of Birth:	REDACTED 1944
Application:	01425
Date Application Received:	24 February 2009
Date of Statement:	1 November 2010

BACKGROUND

1. Clifford Walsh lodged an application with Redress WA on [24 February 2009](#) 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 Walsh has provided evidence of [his](#) identity and was over 18 years of age at the time [he](#) lodged the application.¹

Residence in State Care

3. 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 Walsh was in State care.
4. Mr Walsh states [he](#) was a resident at [Castledare for a period of 2 weeks in 1954 and Bindoon from 1954 to 1961](#).² Redress WA researchers have verified Mr Walsh's placement at [Bindoon from 7 August 1954 to 9 February 1961](#).³
5. There is no historical record or reference to Mr Walsh's time at Castledare. Mr Walsh does not allege any abuse or neglect at Castledare.

Conclusion

6. On the evidence available I am satisfied that Clifford Raymond Walsh 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](#)

¹ Fol ID 1, Reference refers to Redress WA file.

² Fol AP 29

³ Fol CM 4



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Australia on 7 August 1954 until reaching 21 years of age on 24 November 1965.⁴
 I am further satisfied that Clifford Raymond Walsh was resident in a subsidised facility at Bindoon, which was operated by the Christian Brothers religious order.⁵

7. I am satisfied that Clifford Raymond Walsh was in the care of the State and that he is one and the same person as Clifford Walsh who has made an application for a Redress WA *ex gratia* payment. Mr Walsh 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

8. 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 Walsh 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

9. Mr Walsh states that he was physically and sexually abused at Bindoon.⁶ The treatment described by Mr Walsh 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

10. Mr Walsh 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 Walsh was abused and neglected.
11. On the basis of the relevant statements extracted from Mr Walsh's application, the material assessed by the Senior Redress Officer and other related material, I am satisfied that it is likely that Mr Walsh suffered abuse and neglect whilst in State care.

ASSESSMENT OF ABUSE AND/OR NEGLECT AND HARM AND LOSS

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

⁴ 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.

⁵ Schedule 2 of the Redress WA Guidelines lists Bindoon under the Catholic religious order as a facility subsidised by the State.

⁶ Fol AP 7 - 10



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PREVIOUS COMPENSATION PAID BY STATE GOVERNMENT

13. 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 Walsh from receiving a Redress WA *ex gratia* payment.

DECISION

14. I am satisfied that Clifford Walsh is an “eligible” person under the Redress WA Guidelines.
15. 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.

Notes

1. This decision is made in accordance with the *Redress WA Guidelines*. It is part of the process by which the Western Australian Government is endeavouring to address the consequences of abuse and/or neglect that was suffered by some children whilst in State care. The offer of an *ex gratia* payment is an expression of regret and is not intended to represent full reparation.
2. No right of reply has been provided to any individual or organisation against whom or which abuse and/or neglect has been alleged.
3. In assessing applications Redress WA did not have regard to the circumstances which resulted in a person being placed in care.
4. The assessment was made solely for the purpose of Redress WA and not for any other purpose.



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Internal Member:

Internal Member No 3

Date: 01 / 11 / 2010

Independent Review Panel:

Date: / / 2010

(Approved)

01425