



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>	John Hennessey
<b>Date of Birth:</b>	<b>REDACTED</b> 936
<b>Application:</b>	01811
<b>Date Application Received:</b>	12 March 2009
<b>Date of Statement:</b>	25 November 2010

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#### **BACKGROUND**

1. John Hennessey lodged an application with Redress WA on 12 March 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 Hennessey has provided evidence of his identity and was over 18 years of age at the time he lodged the application.<sup>1</sup>

##### ***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 Hennessey was in State care.
4. Mr Hennessey states he was a resident at Bindoon Boys' Town from 11 years of age from 1947 to an unspecified date.<sup>2</sup>
5. Redress WA researchers have verified that a John Michael Hennessey arrived in Australia on 7 November 1947 and was transferred to Bindoon.<sup>3</sup> There is no date in the available records confirming when Mr Hennessey was discharged from Bindoon.

##### ***Conclusion***

6. On the evidence available I am satisfied that John Michael Hennessey was in the care of the State of Western Australia as a child migrant under the *Immigration*

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<sup>1</sup> Fol ID 4, Reference refers to Redress WA file.

<sup>2</sup> Fol AP 32

<sup>3</sup> Fol CM 1 & 2 and PL 4 & 5



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**Redress WA**

(*Guardianship of Children*) Act 1946 (Cth) from the date of his arrival in Western Australia on 7 November 1947 until reaching 21 years of age on 20 March 1957.<sup>4</sup> I am further satisfied that John Michael Hennessey was resident in a subsidised facility at Bindoon, which was operated by the Christian Brothers religious order.<sup>5</sup>

7. Although there are no conclusive historical records confirming when John Michael Hennessey left Bindoon, I am prepared to accept his self-report, that he left Bindoon at 16 years of age to become a painter and decorator.<sup>6</sup> It was common practice for children to be placed from Bindoon into work settings, from around 14 to 16 years of age.
8. I am satisfied that John Michael Hennessey was in the care of the State and that he is one and the same person as John Hennessey who has made an application for a Redress WA *ex gratia* payment. Mr Hennessey 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 Hennessey has made statements of abuse and/or neglect and the impact this has had upon him and this has been assessed by a Senior Redress Officer.

### *Conclusion*

10. Under clause 4(b) of the Redress WA Guidelines, Redress WA is unable to consider Mr Hennessey's circumstances regarding any economic loss, including the non-payment or misappropriation of wages, for times he says he was forced to undertake hard, manual labour and chores at Bindoon. 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 work described by Mr Hennessey including working on building sites without shoes, working without proper scaffolding or any safety measures with insufficient food and for long hours,<sup>7</sup> appears to be unreasonable and excessive treatment.
11. Mr Hennessey has provided a detailed account of the abuse and neglect he suffered whilst in State care. 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 Hennessey was abused and neglected.
12. On the basis of the relevant statements extracted from Mr Hennessey's application, the material assessed by the Senior Redress Officer and other

<sup>4</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>5</sup> Schedule 2 of the Redress WA Guidelines lists Bindoon under the Christian Brothers religious order as a facility subsidised by the State.

<sup>6</sup> Fol AP 20

<sup>7</sup> Fol AP 17



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

related material, I am satisfied that it is likely that Mr Hennessey suffered abuse and neglect whilst in State care.

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

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

**PREVIOUS COMPENSATION PAID BY STATE GOVERNMENT**

14. 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 Hennessey from receiving a Redress WA *ex gratia* payment.

**DECISION**

15. I am satisfied that John Hennessey is an "eligible" person under the Redress WA Guidelines.
16. 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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**Internal Member:**

**Internal Member No 3**

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**Date: 25 / 11 / 2010**

**Independent Review Panel:**

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**Date: / / 2010**

**(Approved)**

01811