



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:	James McGregor
Date of Birth:	REDACTED 1941
Application:	00175
Date Application Received:	30 June 2008
Date of Statement:	20 May 2011

BACKGROUND

1. James McGregor lodged an application with Redress WA on 30 June 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 Castledare and Clontarf.

ELIGIBILITY REQUIREMENTS FOR DETERMINING A REDRESS WA EX GRATIA PAYMENT

Identification and Lodgement of Application

2. Mr McGregor 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 McGregor was in State care.
4. Mr McGregor states he was a resident at Castledare from 1949 to an unknown date, from 7 years of age, and at Clontarf from 1949 to unknown date, from 10 years of age.² Mr McGregor also states that he was at Nazareth House in Subiaco from 1947 to unknown date from 5 years of age³.

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

² Fol AP 258

³ Fol AP 257



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5. Redress WA researchers have verified Mr McGregor's placement at Castledare on 7 November 1947 to July 1952 when he was moved to Clontarf and stayed until February 1957⁴ when he left for Christian Brothers in Geelong.
6. Redress WA researchers have also verified that James Albert McGregor arrived in Western Australia on the *SS Ormonde* as a child migrant on 7 November 1947.⁵
7. The Applicant states his complaints at Castledare and Clontarf.⁶

Conclusion

8. On the evidence available I am satisfied that James McGregor 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 7 November 1947](#) until reaching [21](#) years of age on [2 November 1962](#). I am further satisfied that James Albert McGregor was resident in subsidised facilities at [Castledare and Clontarf](#), which were operated by the [Christian Brothers religious order](#).^{7 8}
9. I am satisfied that James McGregor was in the care of the State and that [he](#) is one and the same person as James McGregor who has made an application for a Redress WA *ex gratia* payment. Mr McGregor 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

10. 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 McGregor 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

11. Under clause 4(b) of the Redress WA Guidelines, Redress WA is unable to consider Mr McGregor's circumstances regarding any economic loss, including the non-payment or misappropriation of wages (if any).
12. Mr McGregor 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 McGregor was abused and neglected.

⁴ Fol [NO 1-2](#)

⁵ Fol [CM 3](#)

⁶ Fol [AP 257](#)

⁷ Schedule 2 of the Redress WA Guidelines lists [Castledare and Clontarf](#) under the [Catholic religious organisation](#) as facilities subsidised by the State.

⁸ 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



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

ASSESSMENT OF ABUSE AND/OR NEGLECT AND HARM AND LOSS

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

PREVIOUS COMPENSATION PAID BY STATE GOVERNMENT

15. 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 McGregor from receiving a Redress WA *ex gratia* payment.

DECISION

16. I am satisfied that James McGregor is an "eligible" person under the Redress WA Guidelines.
17. 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 7

Date: 20/5/2011

Independent Review Panel:

Date: / / 2011

(Approved)

00175