



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*

---

<b>Applicant:</b>	John Wells
<b>Date of Birth:</b>	REDACTED 1944
<b>Application:</b>	05001
<b>Date Application Received:</b>	18 May 2009
<b>Date of Statement:</b>	17 May 2011

---

#### **BACKGROUND**

1. John Wells lodged an application with Redress WA on 18 May 2009<sup>1</sup> 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, and the Departmental Predecessors to the Department for Community Welfare and the Anglican Diocesan Council religious organisation at Hillston.

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

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

2. Mr Wells has provided evidence of his identity and was over 18 years of age at the time he lodged the application.<sup>2</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 Wells was in State care.
4. Mr Wells states he was a resident at Coolgardie Convent, St Mary's from 1951 until 1952, from 6 or 8 years of age, at Castledare from 1953 until 1954, from 8 years of age, at Clontarf from 9 to 11 or 12 years of age, and at Hillston from 14 to 15 years of age, for a period of 6 months.<sup>3</sup>

---

<sup>1</sup> Table ID # 7082 on Table of Applicants authorised to submit application after 30 April 2009.

<sup>2</sup> Fol ID 1, Reference refers to Redress WA file.

<sup>3</sup> Fol AP 21



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

5. Redress WA researchers have verified Mr Wells's placement at Castledare from 25 January 1952 until an unspecified date, from 7 years of age, at Clontarf from 16 February 1957 until an unspecified date, from 12 years of age,<sup>4</sup> and at Stoneville from 6 April 1960 until 8 June 1960, and from 13 June 1960 until an unspecified date, from 15 years of age.<sup>5</sup>
6. No records have been provided to verify Mr Wells's placement at Coolgardie Convent, St Mary's.

**Conclusion**

7. On the evidence available I am satisfied that John Ferguson Wells was in the care of the State of Western Australia as a child privately placed in regulated and subsidised facilities for various periods of time from 25 January 1952, until, according to Mr Wells's self-report, approximately October 1960.<sup>6</sup> I am further satisfied that John Wells was resident in subsidised facilities at Castledare and Clontarf, which were operated by the Christian Brothers religious order and at Hillston, which was operated by the Departmental Predecessors to the Department for Community Welfare and the Anglican Diocesan Council religious organisation.<sup>7</sup>
8. I am satisfied that John Ferguson Wells was in the care of the State and that he is one and the same person as John Wells who has made an application for a Redress WA *ex gratia* payment. Mr Wells 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 Wells has made statements of abuse and 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 Wells'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 Castledare.<sup>8</sup> 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.
11. Mr Wells 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

---

<sup>4</sup> Fol PL 1

<sup>5</sup> Fol PL 3 and 4

<sup>6</sup> Fol AP 21

<sup>7</sup> Schedule 2 of the Redress WA Guidelines lists Castledare and Clontarf under the Catholic religious organisations (Christian Brothers religious organisation) as facilities subsidised by the State, and Hillston as a Departmental facility jointly managed with a private agency.

<sup>8</sup> Fol AP 7



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

information available to prove specific incidents of abuse or neglect. It is likely however, that Mr Wells was abused and neglected.

12. On the basis of the relevant statements extracted from Mr Wells's application, the material assessed by the Senior Redress Officer and other related material, I am satisfied that it is likely that Mr Wells 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 Wells 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 Wells from receiving a Redress WA *ex gratia* payment.

**DECISION**

15. I am satisfied that John Wells 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.



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

**Internal Member:**

**Internal Member No 8**

\_\_\_\_\_

**Date: 17 / 5 / 2011**

**Independent Review Panel:**

\_\_\_\_\_

**Date: / / 2011**

**(Approved)**

05001