PART A: GENERAL RESPONSE TO CHILD SEXUAL ABUSE AT RETTA DIXON HOME

1. Words, employed in the form of an apology, no matter how heartfelt and no matter how fulsomely they are expressed, cannot hope to ameliorate greatly, the pain and the suffering and the destruction of innocence, that was the lot of the victims of the sexual abuse inflicted upon them at Retta Dixon Home (hereafter RDH).

2. It is easy to assemble words in the form of an apology, and in so doing to construct what amounts to a series of platitudes; it is an altogether different matter to inject into words genuine compassion, meaning and understanding- and to deliver action.

3. A.I.M. must tread a path that endeavours, as best it can, to mitigate the harm that has been done to the victims; this objective must be pursued in all conceivable ways, the first of which requires the delivery of an apology. Reverend Leggott delivered such an apology during the course of his evidence at this Royal Commission. It is adhered to with absolute conviction. It was made with full acknowledgement of the brutal damage caused by the sexual abuse of the children that occurred at RDH.

4. It is obvious that the child sexual abuse that was inflicted upon the victims at RDH infringes, in an utterly fundamental way, the message of Christ and the law of the Northern Territory. The betrayal of trust of children in the circumstances as they occurred in this matter strikes at the heart of the ethos of A.I.M.. The abuse of the weak, and, as this inquiry demonstrates, the weakest of the weak; the youngest, the quietest, the shy- those least able to defend themselves, strikes at the very heart of the message of Christ, whose message was directed to the emancipation of
the weak, the vulnerable, and the dispossessed. The fact that these crimes were committed in this context is for A.I.M. a devastating blow to it and to all who worked honourably on its behalf.

5. It remains an affront to the ethos of A.I.M., and to the fundamental precepts of a civil society, that the principal perpetrator of the sexual abuse inflicted upon the victims in this matter, remains at liberty today, and was never convicted of any offences arising out of the abuse that he inflicted upon countless children in the 11 years that he worked at Retta Dixon Home. This is an utter disgrace. Donald Henderson has, through his conduct, perpetrated abuse of the worse possible kind upon children (other than killing them). This conduct was not only sinful but criminal. Donald Henderson richly deserved and deserves to be tried and punished for his crimes. His crimes have heaped shame and a stain upon A.I.M.’s name, which may be permanent; but it not that which is the central legacy here - it is the tragic consequences of the abuse that he perpetrated upon the young and innocent victims.

6. A.I.M. does not and did not challenge the word of the victims who gave evidence at the Royal Commission enquiry. A specific decision was made not to cross-examine them; to do so served no purpose, and moreover, if cross-examination had occurred, it would only have worsened the pain suffered by the victims.

Reverend Leggott’s evidence in summary

7. Reverend Leggott accepted that A.I.M. had a duty to the children in its care to protect them from harm and that it had failed in its responsibilities to them.¹

8. Reverend Leggott did consider the question of overall responsibility of A.I.M. for the sexual abuse that occurred and was uncertain of its position.² It is submitted that this is entirely tenable. He is not a lawyer. The matter is legally complex.

9. Reverend Leggott provided a full apology in the second statement that he made to the Royal Commission. This occurred after he had, for the first time received legal advice in this matter, which occurred comparative late in the lead up to the inquiry hearing. The apology was comprehensive and genuine.

¹ Transcript Royal Commission: 30 September 2014, pages 5623 and 5624.
² Ibid, page 5623
10. Reverend Leggott has fully considered the question of financial compensation, insurance and their consequences. This is addressed in the Redress section of this submission.

11. Reverend Leggott has raised in his third statement a key matter, which goes to the heart of a key matter in this inquiry: the question of re-institution of criminal proceedings against Donald Henderson. This is addressed in detail later.

12. Reverend Leggott’s evidence regarding his lack of knowledge about the past history of abuse prior to hearing evidence from this Royal Commission (other than some limited hearsay evidence) is perfectly credible. His evidence in this regard was not subject to any real question regarding the honesty or integrity of his evidence.

PART B: SPECIFIC RESPONSE TO CHILD SEXUAL ABUSE ALLEGATIONS THAT WERE REPORTED TO THE POLICE AND/OR THE SUPERINTENDENT OF RETTA DIXON HOME

(1) the Kitching complaint to the Superintendent, dated (approximately) 1964

13. Ms Kitching’s evidence implicated a house parent at RDH named Mr Pounder. Mr Pounder is now dead. She said that when Mr Pounder was her house parent that he would chain children to their beds as a form of punishment. In addition, he barged into the shower and sniffed her and told her that she had not used soap, and then stayed and watched her shower. Ms Kitching confronted Mr Pounder’s wife, who was also a house parent, and told her to keep her husband away from her. She said that on the occasions that he drove her to school, Mr Pounder touched her on the leg in a sexual fashion. Ms Kitching said that she complained to Mr Pattemore who, she said, did nothing. She said that there was nobody else to complain to.

14. Mr Pattemore did not give evidence in this inquiry. He is now 92 years of age. He had provided a statement on 21 May 1998 4 that was for the purpose of other legal proceedings and not this Royal Commission. That statement, which is an exhibit in this matter, did not address the allegations of Ms Kitching. On 2 March 1999 Det Sgt Roger Newman spoke to Mr Pattemore. This was for the purpose of the investigation that concerned the allegations that coalesced into the 2002 indictment. 5 Det

3 Ms Kitching’s statement is Exhibit 17-002, STAT.0325.001.0001_R. See para 19-30
4 AG.RDH.01.0007.0001_R
5 See Mr Newman’s statement, Exhibit 17-015, STAT.0336.001.0007__R.
Sgt Newman said that his recollection of this conversation was that Mr Pattemore stated that he did not have any knowledge of Mr Henderson committing offences against children whilst he was Superintendent of Retta Dixon Home, nor was he aware of any complaints against Mr Henderson. Det Sgt Newman said that Mr Pattemore said that he did report to Police a matter that concerned a Mr Reg Powell and that he recalled that this occurred in about 1975. Det Sgt Newman thought that Mr Pattemore appeared “vague and confused”. Det Sgt Newman added that Mrs Pattemore, wife of Mr Pattemore, said that any more interviews might cause a nervous breakdown. No further interview of Mr Pattemore (by the Police) occurred.

15. It is submitted that Mr Pattemore clearly was confused. As will be seen from the matters below, he has confused the Powell prosecution of 1966 with the 1975 date of the Henderson prosecution of that year. Furthermore, he forgot the significant role that he played in the 1975 Henderson prosecution, which is specified below. In any event in regard to Ms Kitching’s allegation in regard to Ms Pounder, no rebuttal is made in this regard. Clearly, the internal complaint procedures operating at that time were inadequate, as was Mr Pattemore’s response. This will be elaborated upon in due course in respect of subsequent matters.

(2) the Powell prosecution of 1966

16. The precise details of how this matter was reported to police are not clear from the materials produced to the Royal Commission. What is clear is that there were three victims who were children at RDH. Secondly, the conduct in question was alleged to be indecent assault of each of them that occurred between 1 January 1966 and 23 February 1966. What is important is that there is clear evidence that is supplied from police documents at the time, which shows that the then Superintendent, Mr Pattemore, stated to police that Mr Powell was a house parent at RDH and that Mr Pattemore spoke to a victim about why he ran away from RDH on 14 February 1966. This victim and another said that Mr Powell had been “pulling at their privates”. On 24 February 1966 Mr Pattemore made a written statement to police in which he said that after speaking to the boys, he spoke to Mr Powell who denied it. He said that he accepted Mr Powell’s explanation. However, the day before, Mr Powell made a written statement in which he made admissions to the police. This occurred after he was interviewed by police on the same day and made admissions to them. He was then charged on 24 February 1966 with indecent assault.

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6 Ibid, paragraph 54
7 Ibid, paragraph 56.
8 AJX, AJY, AJZ
9 See NT.0013.001.0034_R in particular
10 NT.0013.001.0011_R
11 NT.0013.001.0021
concerning the three boys. Within one week, that is, on or by 2 March 1966, he was committed for trial to the Supreme Court where he subsequently pleaded guilty and on 23 May 1966 was released upon entering into a recognizance for a period of three years.  

17. It follows from this that the matter was clearly reported to Police at a relatively early stage in proceedings. It is not clear by whom but it is probable that it was somebody in authority at RDH. There is no indication that Child Welfare authorities were involved in this matter. It is of significance that Mr Powell, before he denied any culpability when he spoke to Mr Pattemore, made admissions both in police records of interviews and in a written statement to the police, which was followed up by his exit from RDH. Consequently, despite the comparatively primitive nature of the system at the time early police intervention as well as the cooperation of Mr Powell was critical in not aggravating the harm occasioned to the victims.

Observations on the prevailing culture regarding the reporting of child sexual abuse at this time

18. However, it must be acknowledged that the practice of reporting child sexual abuse at this time, and indeed through the entire period of RDH’s existence, was entirely lacking. There was:

- No protocol in place for reporting of child sexual abuse (by victims) to RDH staff.
- There was no training in place for RDH staff in relation to the detection of child sexual abuse.
- There was no protocol in place for mandatory reporting of any allegation of child sexual abuse to the police (of course this was not the law at the time).
- There would appear to be only very irregular visits by social workers or child welfare workers to RDH, from at least the early 1960s onwards. The absence of correspondence in this regard would tend to indicate that given the probable absence of regular social workers attending at RDH, that it is highly likely that the children did not feel that there was any outsider to whom they could readily complain.  

- There was no protocol in existence between the Police force and child welfare authorities regarding the reporting of child abuse allegations and the handling, in a sensitive fashion, of the investigation by police of those allegations.
- There would appear to be a prevailing culture throughout RDH and the entire Australian society especially in the 1950s and 1960s whereby children as a general rule were “seen and not heard”. This

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12 NT.0013.001.0012_R. See also NT.0013.001.0003
13 Mrs Lola Wall, in her statement, at paragraph 19 refers to occasional visits by Welfare officers. Mrs Wall arrived at RDH in March of 1973
ethos, would appear to be particularly paramount in the setting of a Children’s Home such as RDH, especially in the period in question.

(3) the (Kevin) Stagg complaint to the Superintendent of the (probable) late 1960s or early 1970s.

19. Kevin Stagg said in evidence, inter alia, that he was abused by Mr Henderson at RDH from the age of 7\[14\]. Mr Henderson came up from behind him in the chook sheds, pulled his pants down, and raped him. On other occasions Mr Henderson would take him on his old truck and fondle his genitals.

20. This conduct is particularly horrendous.

21. Mr Stagg said that he tried to tell Mr Pattemore about being forced to sit on Henderson’s lap but Mr Pattemore did not believe him.\[15\] Mr Stagg added that he tried to tell Mr Pattemore a number of times about the sexual abuse by Mr Henderson but he was caned for lying.\[16\]

22. Again, like all victims’ allegations in this case, they are not disputed. It is highly regrettable that Mr Pattemore did nothing. This is especially so as he acted promptly, as will be seen, in the 1975 prosecution. But he did not in regard to the Kevin Stagg allegations. It is submitted that the absence of proper protocols combined with the prevailing ethos to which reference has been made, was a key operating paradigm that facilitated not acting on the reporting of Mr Stagg’s abuse.

(4) the 1973 reporting by Mrs Wall (and Mr Wall) of possible sexual misconduct by Donald Henderson

23. Mrs Wall gave evidence at this Royal Commission and said, in accordance with her statement\[17\], that six weeks after she arrived at RDH,\[18\] some girls at RDH told her that Henderson was behaving inappropriately with some of the boys.\[19\] She spoke to her husband about it. He said some boys had spoken to him. Together they reported the matter to the Superintendent, Mr Pattemore. A short time later the AIM mission secretary arrived at RDH. His name was Mr Arthur Collins. She said that she was later informed that Mr Collins had decided that there was not

\[14\] Exhibit 17-0010, Statement of Kevin Stagg, STAT.0331.001.0001_R
\[15\] Ibid paragraph 24.
\[16\] Ibid paragraph 29
\[17\] Exhibit 17.0013. STAT.0333.001.0001_R
\[18\] She arrived at RDH in March 1973
\[19\] Ibid, paragraph 20
enough evidence against Donald Henderson to take any action. She said that she did not know if the matter was reported to the police or if the police were spoken to. She said that Donald Henderson continued to be a house parent. She said that she was very watchful in relation to the children in her house around him. She said that he could be overbearing. She added that she did not know the names of the children allegedly the victims of abuse. She agreed that if one of her own (biological children) had have alleged to her that he or she was sexually assaulted by Henderson that she probably would have rung the police in addition to contacting Mr Pattemore.

24. Mrs Wall also noted that at the time that she worked at RDH that:

- She received no training either in working with children or generally prior to working or whilst working at RDH
- She was not required to submit to a police clearance or record check.
- She received no instructions from any AIM handbooks on arrival at RDH.

25. It is submitted that Mrs Wall did her best to act appropriately in the context of the particular culture then operating at RDH. She reported the matter to Mr Pattemore. She understood that she was required to do no more. She had received no training. She did her best to protect the children under her direct care from Henderson. It is acknowledged that she said that she would probably have reported the matter to police if her own child had complained. That is understandable as a mother; it is submitted that her explanation as to why she didn’t report it in the circumstances that confronted her at the time is, it is submitted, entirely tenable.

(5) the 1975 prosecution of Donald Henderson

26. In 1975, AKR, a house parent then living in temporary accommodation at Batchelor with children from RDH, was informed by some children
that Donald Henderson had sexually abused other children at RDH. This was the first time that AKR had heard of such an allegation. AKR was 
"absolutely devastated" by this information. AKR spoke to another house parent, Mr Norman Wall, about this matter. AKR also spoke directly to several of the children about it. She added that she “wanted to get all of my children away from Donald Henderson as quickly as I could”. AKR spoke to the Superintendent of RDH, Mr Pattemore about the allegations. She said that he appeared to be upset by the allegations. She said that Mr Pattemore said that he would report the matter to the Police. AKR said in evidence at the committal hearing that was conducted in this matter that after the allegations were raised she refused to have any contact with Donald Henderson.

27. Either by or on 8 September 1975, contact was made with the Police by, it would appear, Mr Pattemore, in relation to the allegations specified above. Details of the complaint to AKR were specified and noted by the Police at that time. Detectives from the Darwin C.I.B. then interviewed Donald Henderson on 11 September 1975. Henderson made no admissions to the allegations and stated on numerous occasions that, in regard to the specific allegations, he would prefer to exercise his right to silence on the basis of legal advice. Police charged him with seven indecent assault offences relating to five victims (AJT (age 14, two offences), AKP (age 5, one offence), AJS (age 9, two offences), AKN (age 9, one offence) and finally AJW (female child, age 7, one offence).

28. Donald Henderson resigned from RDH on or about 12 September, 1975.

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26 AKR’s statement, op cit, para 25.
27 Ibid, para 25.
31 Ibid, para 29.
32 See p 142 committal hearing transcript, NT.0014.001.0059_R
33 See CIB Running Sheet dated 8 September 1975, NT.005.001.0340_R
34 Criminal Investigation Branch
35 See RDH.008.001.0564_R and other interview exhibits associated with this document.
36 See Record of interview RDH.0008.001.0551_R and Record of interview RDH.008.001.0554_R
37 See Record of Interview RDH.0008.001.0555_R
38 See Record of Interview NT.0014.001.00375_R, Record of Interview RDH.008.001.0566_R and page 3 of the committal hearing transcript dated 1 December, 1975.
39 See Record of Interview NT.0014.001.0373_R
40 See Record of Interview RDH.0008.001.0564_R and also page 3 of the committal hearing transcript, dated 1 December, 1975.
41 Committal hearing transcript, page 13
29. A committal hearing occurred in respect to this matter on 1 and 2 December 1975. The Magistrate determined that the charges were not to be heard together. The prosecutor then decided to proceed in respect to the charge concerning AKP first. Donald Henderson was committed for trial in respect to this charge, which was the subject of a Nolle Prosequi that was filed in court, it would appear, on 3 February 1976.

30. It is submitted that the committal hearing that occurred in this matter suffered from the following problems:

(i) The child victims were forced to give evidence in person in the courtroom. The evidentiary process in existence today would not permit the victims to do so, but would instead require each victim to participate in a child forensic interview (CFI), which would be videotaped prior to the committal hearing. Upon tender of the CFIs at the committal hearing it would be expected that the matter would be committed to the Supreme Court for trial.

(ii) Despite the fact that one of the victims, AKO, clearly had a problem with reading the English language, no attempt was made nor even any discussion conducted to assist him in relation to securing the services of an interpreter to assist the child.

(iii) Despite the very young age of the victims, AKP in particular, being only five years of age, there was no effort made or even a question raised about assisting any of the victims and AKP in particular, by permitting the child to give evidence behind a screen. AKP was left in tears on two occasions when giving evidence, which it is submitted, adversely affected him and probably prevented him from giving a full account of the matter. It is noted that a much older child, AJT (age 14), specifically stated that he was frightened of Henderson at the time of giving evidence.

(iv) No Witness Assistance Service was in existence at the time, which left the victims in a highly vulnerable position, given the context as specified above.

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42 See the transcripts of the committal proceedings at NT.0014.001.0090_R and NT.0014.001.0006_R
43 See page 9 of committal hearing transcript.
44 See page 10 of the committal hearing transcript.
45 NT.0014.001.0003_R. Note that the document in the tender bundle immediately prior to this document, NT.0014.001.004, which is a backsheet, with the name “Nolle Prosequi” specified upon it, is undated.
46 See committal hearing transcript, day one, at page 86 to 97 of AKO’s evidence.
47 See committal hearing transcript, 1 December 1975, at p 46 and day two at p 139.
48 See committal hearing transcript, p 59.
(v) The absence of CCTV facilities left the victims completely exposed when giving evidence.

(vi) A considerable time was expended in the hearing considering whether AKO was a hostile witness under the law then operating. This today would be irrelevant given the application of s 38 of the Uniform Evidence Act, (which is in force in the Northern Territory).

(vii) The evidence of AKR, which appeared to partly pertain to complaint, appeared to be circumscribed, at least compared to the details that she, by inference, supplied to police, which were specified in the CIB running sheet, dated 8 September 1975.

(viii) The Magistrate and prosecutor who heard the committal hearing failed to address the other offences that the accused was charged with, after they had dealt with the charge that concerned AKP. There is nothing in the committal hearing transcript or indeed any of the other materials that were supplied to the Royal Commission to determine what happened to these charges. This is particularly remarkable given that AKR gave credible evidence of complaint from AJS that went directly to the allegation of anal rape upon AJS at Tortilla Flats.

(ix) In relation to the Nolle Prosequi that was filed in this matter there is nothing on file or in any of the materials that were supplied to this Royal Commission inquiry to indicate why a Nolle was filed in this matter. Nor is there any material concerning who was involved in this process or whether the victims and police were consulted. Nor is there any indication as to who was actually in charge of the prosecution office at that time. This lacuna is important as there was an abundance of evidence that corroborated the complainant AKP as well as the evidence from Mr Wall that Henderson, when confronted with the allegations, had said that he may have done foolish things with the boys, but denied things with the girl.

Summary of committal hearing process in 1975

31. It is submitted that the committal hearing process suffered from very serious deficiencies that by today’s standards rendered it close to a shambles. The fact that the sole charge that, it would appear, was

49 See p 139-147 of the committal hearing transcript.
50 Committal hearing transcript, 2 December, 1975 at page 140.
committed for trial was ultimately terminated for no known reasons adds to its shambolic character. The fact that it is not even clear what precisely happened to the six charges that concerned the victims other than AKP reinforces the view that the victims were treated with scant regard. It is submitted that this occurred largely because the court standards of the time in terms of the treatment of victims in regard to matters of this type were utterly different and inadequate compared to today. By today’s standards it is submitted that the treatment that the victims received in the prosecution of this matter was exceptionally poor.

Relevance of prosecutorial inadequacies to A.I.M.’s response

32. The deficiencies of the committal hearing and the termination of the prosecution and disappearance of relevant to A.I.M.’s present position in two ways. Firstly, if there had have been a proper committal hearing and trial, there would, it is submitted, have been a reasonable prospect that Donald Henderson would have been convicted in respect of the charge that concerned indecent assault of AKP. In regard to the other victims it is, with one exception, not possible to say, on the basis of the evidence delivered at the committal hearing, if there would be a reasonable prospect of conviction in regard to the allegations against them, as they were called to give evidence in a corroborative capacity in relation to the allegation of indecent assault of AKP. The one exception is AJT who also gave evidence, in a plausible fashion, of sexual misconduct committed upon himself. 51 There would appear to be a reasonable prospect that Henderson would have been convicted in respect to AJT’s allegations at least. 52 It follows, that if convictions had have occurred that this would have, to some extent, ameliorated the harm that Henderson had caused due to justice being served at a relatively early stage, (from the perspective of today). The fact that 27 years went by before a flawed prosecution occurred (in 2002) would not have struck the victims anywhere near as hard, if a quarter of a century before, Henderson had have been convicted of sexual abuse of RDH victims. Furthermore, if Henderson had have been convicted in the 1975 prosecution this would, it is submitted, rendered the success of any subsequent prosecution more likely, through the probable confidence that it would have engendered in other victims (who may have been motivated to approach the Police for the purpose of instituting a prosecution) as well as the reasonable possibility of utilising the evidence gathered in the 1975 prosecution, for similar facts purposes, in regard to subsequent prosecutions. It is noted

51 See page 48 of the committal hearing transcript.
52 See page 48 of the committal hearing transcript where AJT said that Henderson had AJT’s foot against Henderson’s genitals whilst they were in bed.
that in the Dooley memorandum dated 24 September 2002\textsuperscript{53} Prosecutor Dooley observed that:

“this is a matter that has a very high profile here in Darwin amongst the old Darwin families, particularly those of Aboriginal descent. The victims (and their supporters) were very pleased Henderson was committed and do not have high expectations for the trial. They were amazed he was committed. They seem to think he was ‘above the law’, understandably so, given his role in their lives.”

33. Mr Dooley's observation, it is submitted, was entirely accurate. It is submitted that the shambles of the 1975 prosecution produced the victims’ perception of Henderson's being invulnerable. Convictions in 1975-6 would have destroyed that perception.

\textit{AKR's role in the 1975 prosecution}

34. Secondly, AIM's own role, which was effected by the house parent (AKR) and the Superintendent, in the 1975 prosecution, was, it is submitted, impeccable. It was AKR who immediately notified the Superintendent on hearing the information that she received from the children. It was AKR who immediately protected her children from having any contact with Henderson. It was AKR who was “absolutely devastated” by the matter. It was AKR who did not for a moment doubt the word of the children. It was also AKR who spoke to the police in, it would appear, detail. Further, it was AKR who gave evidence in the witness box against Henderson. In that regard she delivered, inter alia, complaint evidence when she said that AJS said to her that “Uncle Don had been rude to him at Tortilla Flats, he put his thing up my bottom”.\textsuperscript{54} Finally, it was AKR who, it would appear, did not speak to Henderson again. This is important. Not for a moment did AKR do anything else other than the right thing. She acted entirely appropriately. This is particularly so given that she said that she was not aware of any guidelines at the time that set out her responsibilities in respect of reporting child sexual abuse.\textsuperscript{55}

35. There are two disturbing aspects of AKR's evidence. The first is her reference to going out with Barbara Henderson in 1975, and a child named AKO begging them not to go out.\textsuperscript{56} She added “Some other kids said the same”. AKR said that she didn't understand this at the time. In hindsight she said that she believed AKO was afraid of being abused by Henderson in their absence. This is clearly a critical matter that appropriate training in this area, it had have occurred, would have driven home to AKR what this conduct meant- at the time

\textsuperscript{53} RDH.0008.001.0592_R
\textsuperscript{54} Transcript of committal proceedings, 2/12/1975, page 140
\textsuperscript{55} Statement of AKR, paragraph 41.
\textsuperscript{56} Statement of AKR, paragraph 34
36. The second matter is AKR’s evidence that in 1975 at the time of the court case against Henderson, a person named Margaret Clark who had been a house parent before AKR said to AKR\(^{57}\) after AKR had mentioned the Henderson case, that “We knew about that, it was going on for years”. It was not known who the “we” referred to: it is a chilling observation because it is a clear indication that at least one house parent had known about this conduct, yet by inference had failed to report it. This raises the real question of whether there had to some extent been a culture of silence operating at that time, at least in some circles to the obvious detriment of the victims.

*Mr Pattemore’s role in the 1975 prosecution*

37. Furthermore, AKR said that Mr Pattemore said that he would contact the police. Mrs Lola Wall, another house parent, said that Mr Pattemore reported the matter to police.\(^{58}\) The evidence is clear that police were aware of the details of the matter at least as at 8 September 1975. Given that the offence period in relation to the AKP matter was, at the latest, 5 September 1975, it is clear that within a matter of days after the offences occurred that the police were contacted. This is to the credit of Mr Pattemore and to AKR. In addition to this Mr Pattemore gave evidence against Henderson in the committal proceedings. Amongst other things, he said that Henderson had tendered his resignation on about 12 September 1975.\(^{59}\) It was he that spoke to Henderson shortly after been advised by AKR of what she had heard. It was Mr Pattemore who spoke to AJT and asked him about the matter. Mr Pattemore said in evidence that he then spoke to Henderson.\(^{60}\) Mr Pattemore said that Henderson said to him “I don’t know what you are talking about”.\(^{61}\) Mr Pattemore said that he then said to Henderson “Surely I don’t have to got into the sordid details”\(^{62}\). This was followed by a further denial.\(^{63}\) Mr Pattemore then said that he did specify the details to Henderson at this point.\(^{64}\) Mr Pattemore recalled that Henderson said “I wouldn’t do that to a little girl”\(^{65}\) Mr Pattemore said that he said to Henderson that “You should think seriously of tendering your resignation from Retta Dixon Home”.\(^{66}\)

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\(^{57}\) Statement of AKR, paragraph 35
\(^{58}\) Statement of Mrs Lola Wall, Exhibit 17.0013, STAT.0333.001.001_R, paragraph 25.
\(^{59}\) Committal hearing transcript, page 13
\(^{60}\) Committal hearing transcript, page 17
\(^{61}\) Committal hearing transcript, page 14
\(^{62}\) Committal hearing transcript, page 14
\(^{63}\) Committal hearing transcript, page 15 and 16
\(^{64}\) Committal hearing transcript, page 16
\(^{65}\) Committal hearing transcript, page 16
\(^{66}\) Committal hearing transcript, page 17.
Mr Pattemore later agreed, in cross examination, that he may also have said that “if you don’t resign you will be dismissed”.67

38. Mr Pattemore did not give any helping hand to Henderson when he gave evidence in the witness box. Mr Pattemore said that Henderson’s conduct had not always been satisfactory.68 Mr Pattemore disagreed with the proposition, when it was put to him in cross-examination, that Henderson got on “too well with the children”69 or took their side.70 Mr Pattemore said that frequently he would go looking for Henderson and he couldn’t find him.71 Mr Pattemore said that in the past, specifically about three72 years before, he had asked Henderson to resign because of “his attitude, his arrogance and his refusal to obey.”73 Mr Pattemore said that he said to Henderson before he went on furlough about two years before, when Henderson did not accept the offer to leave, that “you either leave or come back with a different attitude”. Mr Pattemore added that he “felt sorry for the man”. 74 He noted that at the time of his resignation Henderson, who was not in receipt of a wage, received an allowance of $17.50 per week.75

39. In summary, there is nothing in Mr Pattemore’s evidence at the 1975 committal hearing, which suggests any indication on his behalf to cover up for Henderson. To the contrary, the evidence suggests that Mr Pattemore was glad to see the back of Henderson and gave truthful evidence in the witness box, which was generally speaking adverse to Henderson.

Mr Wall

40. Another Retta Dixon Home house parent gave evidence in the 1975 committal hearing. This was Mr Norman Wall. It was Mr Wall who said that when he and Mr Pattemore confronted Henderson and put the allegations to him, Henderson did admit to engaging in some “foolish behavior” with boys, but denied that he done anything involving a girl.76

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67 Committal hearing transcript, page 23
68 Committal hearing transcript, page 19
69 Committal hearing transcript, page 19
70 Committal hearing transcript, page 20
71 Committal hearing transcript, page 21
72 Mr Pattemore later appeared to suggest that it was two years. See page 24 of the committal hearing.
73 Committal hearing transcript, page 24
74 Committal hearing transcript, page 25
75 Committal hearing transcript, page 20. Average weekly earnings for a full time male worker as at September 1975 was $157.70: Australian Bureau of Statistics. Given that Henderson’s allowance was 11% of the weekly male wage in Australia, his motivation for working at Retta Dixon Home was clearly not financial gain.
76 See Committal hearing transcript, page 29-30.
The 2001-2 prosecution of Donald Henderson

41. Mr Henderson was the subject of a prosecution in 2002 that fell apart not long before it was due to go to trial.

42. It is not necessary for A.I.M. to enter this debate other than to say this: clearly the evidence adduced in this inquiry points to a fundamental failure by the DPP and, specifically, the General Counsel to follow the guidelines of the DPP. The matter ought to have been prosecuted at trial for the reasons that have been specified by, inter alia, Senior Counsel Assisting, Ms David SC. Through the failure of that prosecution, this has, it is submitted, increased the pressure upon A.I.M., that would otherwise have reduced, if the key other institution in this matter, which was the prosecution authority, had have acted appropriately and proceeded to trial.

Available Findings re Response of AIM to Allegations of Child Sexual Abuse by Residents

1. Prior to 2013, AIM did not have guidelines or procedures in place on how to respond to allegations of child sexual abuse for persons working at RDH.

2. During the period of RDH's existence AIM did not have a training system in place that dealt with the detection of child sexual abuse.

3. During the period of RDH's existence AIM did not have vetting procedures in place concerning checking upon the criminal history of house parents (or indeed any workers) at RDH.

4. The prevailing culture that applied at the time of RDH's existence was affected significantly by an overriding paradigm that children were to be seen and not heard.

5. The absence of welfare authorities, in any form, and in particular in the form of formal notations or records being made at key times such as the 1975 prosecution of Henderson and its aftermath, as well as the 1973 complaints by the Walls and its aftermath, is striking. If the materials that were produced to this enquiry are a reliable indication, they were mostly entirely absent. This added to the prevailing culture of neglect of children.

6. Regarding the Kitching allegation of about 1966, Ms Kitching did advise Mr Pattemore that she had been sexually assaulted but he did not contact the police, nor did he remove Mr Pounder from RDH.
7. Regarding the Powell prosecution of 1966, Police were notified soon after these allegations were concerned by RDH. Mr Powell admitted these allegations to police very soon after the matters were drawn to his. Mr Powell was then charged with three indecent assault offences, pleaded guilty and was the subject of a three year recognizance. He resigned from RDH soon after these allegations were raised.

8. Kevin Stagg was raped by Donald Henderson in the chook sheds; his sexual abuse commenced at the age of 7. He complained to Mr Pattemore about being forced to sit on Donald Henderson's lap on an old truck. Mr Pattemore did not believe him. Furthermore, Mr Stagg tried to tell Mr Pattemore about being sexually abused; he was caned for lying.

9. Mrs Wall and Mr Wall notified Mr Pattemore that they had received accounts from some children at RDH that Donald Henderson had abused them. Mr Collins, the secretary of AIM, who was based in Sydney, came to Darwin. He determined that there was not sufficient evidence for the matter to go any further and the matter was dismissed. Mr Henderson continued working at RDH.

10. In 1975 Ms AKR received information from some children at RDH at Batchelor that Donald Henderson had sexually assaulted them. She took immediate action and soon after reported the matter to Mr Pattemore who also, after speaking to Mr Henderson, reported the matter to police. Police then charged Mr Henderson with indecent assault offences that concerned four boys and one girl. Donald Henderson was committed for trial in respect to one allegation. This was after a decision was made by the prosecutor to restrict the committal hearing to one charge, in respect to which the matter was committed for trial. It was the subject of a Nolle Prosequi, shortly thereafter for unknown reasons. It is not known what become of the six other charges that concerned the four other victims. Clearly AIM is not to blame here. Its workers, AKR and Mr Pattemore acted entirely appropriately.

11. In 2002 Donald Henderson was due to face a trial. This failed to occur. The appropriate findings are specified, in respect to the role of the DPP at page 48-49 of Ms David SC’s submission; and in respect to Detective Newman at page 42 of her submission. It is important that Det Newman did not contact AIM about this matter. AIM cannot be criticised regarding the fact that it did not play a role in this prosecution.

PART C: THE COMMONWEALTH'S ROLE IN RETTA DIXON HOME
43. The Commonwealth’s role has been outlined in detail by Counsel assisting, Ms David SC. A.I.M. does not cavil with it, however it seeks to highlight certain matters. A key matter, at the outset, though is that the Commonwealth accepted that the children who were removed from their parents under Commonwealth legislation and placed in an institution like RDH were effectively under the guardianship of the Commonwealth, who had a general responsibility to all children in, relevantly, RDH. Further, the Commonwealth accepted that it had responsibility for the care, welfare, education and advancement of those children and that a Commonwealth official was the legal guardian of the children. This situation prevailed until the Northern Territory gained self-government in July 1978.

44. Firstly, it is important to emphasise that there is no reference in any document produced by either the Commonwealth or indeed by the NT government to child abuse or contractual arrangements with AIM.

45. Secondly, the RDH Superintendent was, it is noted, not a Commonwealth employee, but was appointed by the Administrator of the Territory. There were of course only two Superintendents during RDH’s existence.

46. Thirdly, A.I.M. does not dispute the essence of the available suggested findings, which Counsel Assisting has specified at page 27 of her submission. However, it would appear that from the early 1960s that the extent to which the Commonwealth actively involved itself in supervisory activities at RDH reduced dramatically. The last Superintendent, Mr Pattemore was appointed in July 1962. Welfare officials or indeed any Commonwealth officials visiting and reporting on the activities of RDH from that point were minimal. The controversy regarding corporal punishment appeared to reach its zenith in the late 1950s/early 1960s and then appeared to no longer be prominent. AKR said that in her time at RDH (1972-78) she had no recollection of a welfare officer visiting the children.

47. Regarding the response of the Commonwealth to allegations of Child Sexual Abuse by Residents, this is specified at paragraphs 130-132 of Ms David SC’s submission. In short, Ms David SC notes that the documents that were produced did not indicate that the Welfare division of the Commonwealth Govt was aware of the offending by Mr Powell in 1966. Nor did the documents indicate that the Department of Aboriginal Affairs of the Commonwealth Govt had knowledge of the Henderson charges of 1975. Indeed, the documents that were produced did not indicate that

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77 See pp 19-27 of Counsel Assisting’s submission.
78 Royal Commission transcript, 24 September 2014, page 4994
79 See paragraph 82 of Mr Pattemore’s statement. Exhibit AG.RDH.01.000.001_R
80 AKR statement, exhibit 17: 0012, paragraph 24.
the Commonwealth Government had any knowledge of the allegations of child sexual abuse.

PART D: OUT OF HOME CARE IN THE NORTHERN TERRITORY

48. A.I.M. no longer runs children's homes in the NT or elsewhere. Hence this discussion is not relevant to A.I.M. to A.I.M's activities today. Nevertheless, A.I.M. endorses the recommended findings that have been specified by Ms David SC in this regard.

PART E: REDRESS

49. Senior Counsel Assisting the Royal Commission, Ms David SC, has at a point in her submission immediately after paragraph 273 of her submission stated that an available finding in regard to the question of redress is that “Except for the public apology given during Reverend Leggott's evidence, AIM has not provided any form of redress to any of the former residents at the RDH”.

50. In fact, there are numerous matters, which are specified below, some of which have occurred since Reverend Leggott gave evidence which addresses this area. It is vital to have regard, in particular to Reverend Leggott's third statement, was formulated on 12 November, 2014.

(1) the question of securing admissions or a confession from Donald Henderson

51. Reverend Leggott has specified in his third statement that he approached Donald Henderson and had a meeting with him to see if admissions might be made to child sexual abuse committed upon victims of RDH. This was done for the specific purpose of, if those admissions were made, placing the matter in the hands of the police. The NT DPP was advised of this course after it occurred. Admissions were not made by Henderson but they might have been, either at the time of the meeting between Rev Leggott and Henderson or in the days following it. Regrettably, this did not occur; if it had have, it is submitted that this would have been probably the only way in which criminal proceedings could have been re-instituted against Henderson. Rev Leggott's efforts in this regard were, it is submitted, a noble effort for the greater good and testament to the fact that he was prepared to deliver actual action on behalf, in effect, of the victims. Reverend Leggott’s third statement was delayed in the hope that
there might be a further meeting between him and Henderson. Regrettably, this did not occur.

(2) Public apology

52. Reverend Leggott has referred to a National Apology being delivered, the terms of which are attached to his third statement. The terms of this are self-evident. It is a comprehensive, far ranging apology. The fact that it is national in scope is reflective of the fact that AIM is a multi-state organisation.

(3) Counselling services

53. The National Apology specifically refers to the Anglicare counselling service that is currently available, relevantly, to RDH victims who approach it in the Northern Territory. Paragraph 24 of Rev Leggott’s third statement makes clear that this service is available to be used. Mr Shanahan, the CEO of the Department of Justice has specified in his evidence the availability of this service. The NT Government has no issue with this.

54. In addition to this, again at paragraph 24 of his third statement Rev Leggott states that he would be prepared to meet victims in a suitable forum on a one-on-one basis. This, again is reflective of the genuineness of AIM’s position.

(4) Financial compensation

55. Contrary to what was put by Senior Counsel Assisting this Royal Commission, the question of financial compensation for the RDH victims has been considered by Rev Leggott. He stated in his evidence and his statements that whilst AIM does have financial assets, most of which was real estate that was not easily sold as they were subject to strict conditions that restricted sale. The two properties that could be potentially sold, one being at Humpty Doo and the other at Springwood, are required for organizational purposes. Specifically, Reverend Leggott said that the property in Springwood was used as an operating centre for NSW. It was a three bedroom house, which he valued at about $340,000. He said that the Humpty Doo property was a training centre for the entire Northern Territory. He said if they were sold, he didn’t know how AIM would be able to sustain the work that it currently does. He said that, if it were possible, he would be interested in co-operating

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81 Exhibit 17-36 – this was AIM’s financial statement dated December 2013
82 Royal Commission transcript, 30 September 2014, page 5638
83 Ibid
84 Ibid
85 Ibid
with a Commonwealth financial package, although he said that he was concerned that any such effort not appear to be tokenistic, due to the relatively limited financial resources of AIM.\(^{86}\)

56. AIM does not receive funding from the government. It relies on donations in the main and voluntary work. It is not, compared to many religious organisations, wealthy. It certainly is tiny compared to an organization such as the Roman Catholic Church. Its annual income according to Rev Leggott’s evidence was about $120,000 to $150,000 per annum.\(^{87}\)

57. AIM did, in order to determine the state of its position in relation to compensation, commissioned a solicitor to look into the question of the records kept at the State Library in Sydney for the purposes of determining if an insurance policy exists, and if so the efficacy of it. The result is that an insurance policy has been found, but it is highly doubtful for a range of reasons that it would be of any use to the victims of RDH.

58. AIM would certainly be prepared to enter into round table discussions concerning the question of the establishment of a national redress scheme in this area. This has been suggested by Mr Georgiou SC and Ms Roussos in their submissions to this Royal Commission. This is a sensible initiative that demands exploration. For the reasons that are specified at paragraphs 104 - 112 of their submission.

59. In regard to demonstrating its bona fides in this regard AIM will seek to determine the latest valuation of its Humpty Doo and Springwood properties.

(5) The future of AIM

60. Reverend Leggott stated in evidence that he saw the longer term objective of AIM as being to encourage and support indigenous people to take charge of their own affairs in AIM; he saw the future of non-indigenous people in AIM, such as himself as, ideally not necessary.\(^{88}\) He stated that on a constant basis he was involved with indigenous people in isolated areas of Australia and that that he had dedicated a couple of decades of his life to working for and with Aboriginal people.\(^{89}\)

61. The fact that Reverend Leggott placed AIM’s historical records (excluding those that were lost in Cyclone Tracy), in archives at the Mitchell Library in Sydney is important. It is indicative of the fact that rather than to hide anything associated with AIM’s past, he did the opposite. This transparency is commendable and important.

\(^{86}\) Ibid, page 5640
\(^{87}\) Ibid.
\(^{88}\) Ibid, page 5636
\(^{89}\) Ibid.
62. It is apparent that the reputation of AIM is crucial to its continued existence. It is possible that the consequences to AIM of the abuse that occurred at RDH and the Findings of the Royal Commission will permanently destroy its reputation. Reverend Leggott is dedicated to the principle that he will do all in his power to ensure that does not occur; to that end genuine redress is integral to AIM's future.

Suggested Findings regarding redress:

1. AIM has made real efforts at delivering redress in this matter.

2. Reverend Leggott delivered a meaningful Apology in his evidence; it is indicative of AIM's bona fides in this regard, that the apology is to be delivered nationwide.

3. AIM will do what it can to direct those seeking counselling (who are victims of abuse sustained at RDH) who may approach it, to approach the Anglicare sponsored counselling service presently set up to deal with those victims. This is a practical way of dealing with the matter of counselling.

4. It is understandable why Rev Leggott said, on behalf of AIM, that for financial reasons, which flow from its small size, that it cannot provide financial compensation to victims. Consistent with this practical reality, which was predicated upon operational necessity, is why AIM cannot sell the Springwood and Humpty Doo properties as they are necessary for it to run the organization on its present lines. Rev Leggott’s evidence that the other properties are not easily saleable is accepted.

5. AIM has demonstrated that it is committed to the task of clarifying its financial position in regard to its capacity to pay compensation. To that end its search for an insurance policy was important. However, it is apparent that the policy that was found is highly unlikely to be of any assistance to the RDH victims.

6. Reverend Leggott’s efforts at seeking to gain an apology from Donald Henderson in a meeting with him at his home constituted a laudable and creditable effort to gain admissions for the purpose, if they were made, of re-instituting a criminal case against Mr Henderson. Given the reality of Henderson having never been convicted; the desire of the RDH victims for this objective, if it could be gained, is obvious and the Reverend’s efforts were commendable. This is illustrative of the genuine efforts made by AIM now to seek to assist the RDH victims.
7. The desire that Rev Leggott suggested of AIM to ultimately become an entirely indigenous run organization is noted. Clearly, AIM has every incentive to engage fully in the Redress process not only because that is the decent thing to do but because, from its perspective, it must do it.

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12 November 2014