ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

Public Hearing - Case Study 17
(Day C45)

Supreme Court Building, State Square, Darwin

On Monday, 22 September 2014 at 10am

Before
The Chair: Justice Peter McClellan AM
Commissioners: Mr Robert Fitzgerald AM
Professor Helen Milroy

Counsel Assisting: Ms Sophie David SC
THE CHAIR: The Royal Commission is sitting today in the land of the Larrakia people, the traditional owners of the greater Darwin area. I acknowledge their deep spiritual connection with this land and sea country, and I would like to pay my respects to Larrakia elders, both past and present.

The Royal Commission has now conducted public hearings in each of New South Wales, Victoria, Queensland, South Australia and Western Australia. This is our first public hearing in Darwin. We will hold a public hearing in Tasmania towards the end of the year.

This hearing is concerned with the events which took place at the Retta Dixon Home, which was provided for Aboriginal children. It opened in 1946 and closed in 1980. Although the site remains, there is only limited physical evidence of the facilities once occupied by the children.

In recent years, many Australians have come to understand more about the lives of Aboriginal and Torres Strait Islander people than was previously the case. That knowledge has come from many sources. One in particular is the 1997 Bringing Them Home inquiry, conducted by the Australian Human Rights Commission, which is generally acknowledged as providing a wider community understanding of the impact of governments and institutions on the lives of many Aboriginal children.

The inquiry records the fact that from the late 19th century until the early 1970s, Aboriginal children were forcibly removed from their families and placed in institutions run by the State, religious organisations and charities, or adopted by non-Aboriginal families. Retta Dixon was one of these facilities.

The Human Rights Commission records that many indigenous children who had been removed from their families were cruelly treated. Many suffered physical abuse and sexual abuse. Recognised as the Stolen Generation, these impacts resonate today.

Since the Royal Commission began to engage with the general public in April last year, we have been mindful of the need to ensure that we honour the obligation in our Letters Patent to provide an opportunity for survivors of sexual abuse as children to have an opportunity to tell
their story. As I have mentioned on previous occasions, the Commonwealth Parliament amended the Royal Commissions Act to enable us to hold private sessions which provide an opportunity for survivors to speak with a Commissioner and talk of their childhood experience and its consequences for their lives. By this means, thousands of people will have the opportunity to tell their story and contribute to our work in both public hearings and the development of appropriate policy responses to systemic issues.

The Royal Commission began our engagement with the Australian community in April last year. As of last week, 827 Aboriginal people have contacted us. This represents 18 per cent of all the people who have made contact. Of the people coming to private sessions, 9 per cent are from Aboriginal communities.

Aboriginal people have already given evidence in public hearings. In particular, the Parramatta Girls Home public hearing received evidence from a number of Aboriginal witnesses. Many Aboriginal organisations and advocacy groups have engaged with the Royal Commission through submissions to issues papers and participation in round tables.

In June 2014 the Royal Commission delivered Aboriginal-focused private sessions in Broome and Kununurra in the Kimberley region of Western Australia. In July 2014 we hosted the Cherbourg weekend, which brought together 50 Aboriginal and Torres Strait Islander survivors to participate in a mix of private sessions and group forums supported by traditional cultural healing practices.

In May 2015, we will deliver private sessions for people from the Tiwi Islands. We have been working with elders on the island throughout this year. A number of Tiwi survivors have already registered for private sessions.

Apart from these activities, we have conducted community meetings and forums in Aboriginal communities in areas as diverse as Ballarat, Alice Springs, Central West New South Wales, Adelaide, Darwin, Geraldton, Tennant Creek, Brisbane, Canberra and Wagga Wagga. Many people have made contact with us following these occasions. We are also working with Aboriginal inmates in prisons across Australia to make sure they can get in touch with us to
share their story if they so wish.

To facilitate our work with Aboriginal and Torres Strait Islander people we have six Aboriginal staff and provide regular cultural awareness training for other Royal Commission staff.

I have previously emphasised that the Royal Commission must be selective in the choice of institutions which it considers in public hearings. This is true of all institutions, including those where Aboriginal children lived. However, the hearing in Darwin this week is an important chapter in our work with Aboriginal and Torres Strait Islander people.

Ms David?

MS S DAVID SC: If your Honour pleases, I appear as counsel assisting for the Royal Commission.

MR J LAWRENCE SC: May it please the court, I appear on the instructions of Mr Piper and with junior counsel Mr McIntyre for the following witnesses, and I appear as lead counsel. I will use the pseudonyms which have been granted in the proceedings to name them. They are: [AJA], [AKU], [AKV] and [AJW]. I also appear for Miss Lorna Cubillo and Ms Sandra Kitching.

THE CHAIR: Thank you, you have leave.

MR G GEORGIOU SC: May it please the court, I appear with my learned junior Ms Roussos on behalf of Kenneth Stagg, Veronica Johns and Kevin Stagg.

THE CHAIR: Yes, you have leave.

MR GEORGIOU: Thank you, your Honour.

MS F McLEOD SC: If the Commissioner pleases, I appear with my learned friend Ms Barrett on behalf of the Commonwealth, instructed by the Australian Government Solicitor.

MR M GRANT QC: May it please the Commission, I appear with Mr Currie for those who may loosely be described as the Northern Territory Government witnesses.
THE CHAIR: Thank you. No-one else? Yes.

MR M THOMAS: I am seeking leave at short notice, your Honour and Commissioners, in relation to the Reverend Trevor Leggott.

THE CHAIR: I will come back to you.

MS DAVID: May it please the hearing, the Royal Commission into Institutional Responses to Child Sexual Abuse now turns its attention to the Retta Dixon Home in Darwin, case study number 17. The Retta Dixon Home was established in 1946 and operated until 1980 as a home predominantly for indigenous children, as well as a hostel for young indigenous women. The home was situated in the centre of the Bagot compound on the Bagot Road Aboriginal Reserve on the outskirts of Darwin.

The Retta Dixon Home was run by the Aborigines Inland Mission, which I will refer to as "AIM", throughout the period of 1946 until 1980. AIM, a non-governmental interdenominational faith ministry, was established in 1905 by a woman called Retta Dixon. The organisation sought to administer to Aboriginal persons in isolated areas. It still operates today but has amended its name to Australian Indigenous Ministries.

Many of the children who lived at the home identify themselves as members of the Stolen Generation, that is, Aboriginal and Torres Strait Islander children who were forcibly removed from their families under Commonwealth Government policy between 1909 and 1969. Various laws which were in place at the time permitted the Commonwealth Government of the day to make Aboriginal persons wards of the State and to place children of mixed descent into institutional care. It was not until the late 1970s that the practice of placing Aboriginal children in large residential institutions began to change. It was this change in policy which eventually led to the Retta Dixon Home being closed.

Former residents of the home will give evidence of their experiences of sexual abuse while living at the home. The alleged perpetrators were house parents or other children of the home, some of whom were also allegedly sexually abused and sexualised by house parents themselves. Indeed, the experience of former residents at the Retta
Dixon Home is characterised by harrowing allegations of physical and sexual abuse by those entrusted to care for them.

In the 1960s and 1970s, numerous children came forward and complained of sexual abuse by house parents to other members of staff. As a result, two house parents were the subject of criminal proceedings.

In 1966, Mr Reginald Powell, a house parent, was charged with three counts of indecent assault of three boys. Mr Powell pleaded guilty to the charges and was sentenced to a bond to be of good behaviour for three years. He ceased working at the Retta Dixon Home after his arrest.

Another house parent, who I will refer to as Donald Henderson, was prosecuted for sexual offending against several of the children at the Retta Dixon Home in 1975 and again in 2002. In 1975, Henderson was charged with five counts of indecent assault on four boys. He denied the allegations and the charges never proceeded to trial. It appears four of the charges were dismissed at the committal and one charge was subsequently not proceeded with by the prosecution of the day.

Many years later, in 2002, long after the Retta Dixon Home had closed, Mr Henderson was again charged with numerous sexual offences against four complainants, all of whom had been residents at the home at the time of the alleged abuse. All of the offending was said to have occurred when Henderson was a house parent at the home. Henderson was committed for trial on the charges. However, the Office of the Director of Public Prosecutions ultimately declined to prosecute the case on the basis there was no reasonable prospect of conviction.

Consequently, Mr Henderson has never been convicted of any sexual offence relating to offending which was said to occur when he was a house parent at the Retta Dixon Home. He maintains his denial of those allegations.

This case study and this hearing will hear of the experiences of men and women who allege they were sexually abused as children at the Retta Dixon Home. Several of the former residents of the Retta Dixon Home will give evidence about those experiences. It is important to acknowledge
and understand that most of the children, now men and
women, who lived at the home were also members of the
Stolen Generation. It's important to understand that to
appreciate the full impact of the alleged sexual and
physical offending upon them. However, this case study
will not examine the circumstances and government policies
under which those children were removed from their parents,
except to outline the legislative framework under which the
Retta Dixon Home was established and children came to be
placed at the home. The hearing will instead focus on the
institutional response to sexual abuse allegedly committed
at the Retta Dixon Home.

The hearing will inquire into the response of the AIM
and the Commonwealth and Northern Territory governments to
allegations of child sexual abuse against a worker raised
by the residents of the Retta Dixon Home.

The hearing will also examine the response of the
Northern Territory's police force and prosecuting
authorities in 2002 to the formal report of allegations of
sexual abuse by Henderson. The case study will consider
the laws, policies and procedures now governing the
protection of children in out-of-home care in the Northern
Territory, what lessons have been learnt from Retta Dixon,
and examine what is currently considered good practice in
this area with a particular emphasis on the needs of
indigenous children.

Finally, the case study will inquire into the redress
scheme available to those former residents of Retta Dixon
Home who allege they were indeed victims of child sexual
abuse.

If I can now turn to the legislative framework under
which the Aboriginal children were forcibly removed from
their families and placed at the home to provide the
context in which the Retta Dixon Home was established and
operated and the Commonwealth responsibility for the home
and the children placed there.

The Commonwealth Parliament enacted the Northern
Territory Acceptance Act 1910 (Cth) which created a regime
for the administration of the Northern Territory until
self-government in 1978. The Act provided for the
appointment of an administrator for the Territory.
The Aboriginals Ordinance 1918 (Cth) provided for the appointment by the Administrator of what was referred to as the Chief Protector of Aboriginals. The Chief Protector was given the duty "to exercise a general care and supervision over all matters affecting the welfare of the Aboriginals and to protect them against immorality, injustice, imposition and fraud."

Significantly, the Aboriginals Ordinance 1918 also provided that the Chief Protector "shall be the legal guardian of every Aboriginal and half-caste child, notwithstanding that the child has a parent or other relative living, until the child attains the age of 18 years."

The Chief Protector was provided the power to enter premises and undertake the care, custody or control of any Aboriginal or half-caste if in his opinion it was necessary or desirable in the interest of the Aboriginal or half-caste for him to do so, or to cause any Aboriginal or half-caste to be kept within the boundaries of any reserve or institution or to be removed and kept within the boundaries of any reserve or Aboriginal institution.

The Commonwealth Department of the Interior was responsible for the administration of the Territory. The Department of the Interior established the Native Affairs Branch in 1939 which became responsible for Aboriginal welfare. In 1939, the title of Chief Protector of Aboriginals became Director of Native Affairs, but the functions of the role remained the same.

The Commonwealth's responsibility was broadened, with the introduction of the Welfare Ordinance 1953 (Cth). The Welfare Branch replaced the Native Affairs Branch and the position of Director of Welfare replaced Director of Native Affairs.

The Director of Welfare had legal guardianship over all persons who were declared by the administrator as wards. Any person could be declared a ward if that person had special needs. The Director of Welfare also had a general power to take a ward into custody and order that the ward be removed to a reserve or institution.

In 1964, the Social Welfare Ordinance (Cth) replaced that law. The Ordinance provided for, now, a Director of
Social Welfare. The legislation repealed any reference to wards, but the Director of Social Welfare retained a number of duties in relation to "persons who, in the opinion of the Director, are socially or economically in need of assistance".

From 1972, the Welfare Division of the former Territory Administration was transferred to the Department of Aboriginal Affairs, which existed until the Northern Territory's self-government in 1978.

So, in summary, it was as a consequence of this legislation and in accordance with earlier policies of assimilation that Aboriginal children were forcibly removed from their families and placed in homes such as the Retta Dixon Home.

If I can now turn to the establishment of the Retta Dixon Home. In 1912, the Chief Protector of the Northern Territory created the Darwin Aboriginal Compound. The compound was set up for the containment, control and protection of Aborigines. The Darwin Aboriginal Compound later became known as the Kahlin Compound and a children's home was set up within its boundaries.

In 1939, Aboriginal children at Kahlin Compound were moved to a new compound at Bagot called the Bagot Compound, and AIM began preliminary work with those children.

On 17 December 1947, the Northern Territory administrator declared the Retta Dixon Home as an "Aboriginal institution for the maintenance, custody and care of Aboriginal and half-caste children". The home was run by the AIM throughout the period of 1946 to 1980, under the direction of the superintendent. The superintendent was not a Commonwealth employee but was appointed by the Administrator of the Territory. Mrs Amelia Shankleton was the first superintendent of the home in 1946. She was replaced by Mr Mervyn Pattemore in 1963 and he remained in that position until the home was closed in 1980.

The Retta Dixon Home was situated in the centre of the Bagot Compound. A fence was erected to separate the home from the rest of the Bagot settlement.

The Retta Dixon Home generally housed between 70 and 100 children at any one time. Children were initially
housed in dormitory-style accommodation and they stayed at the home until they reached the age of 18 years. They attended local schools and received religious instruction and were required to attend church regularly.

In 1956, following reports of overcrowding, work commenced on new buildings and the new facilities were officially opened on 16 July 1961. The accommodation consisted of eight, six-bedroom cottages, which could house in total up to 80 children. Each cottage was staffed by house parents, often a married couple, and run autonomously, although under the general control and direction of the superintendent of the Retta Dixon Home. The staff at the home also organised for children to go on camping holidays to places leased by AIM, including Lee Point beach, Berry Springs and Coomalie Creek. These locations were isolated and would feature in later allegations of sexual abuse at the hands of house parents.

By the early 1970s, the number of children being cared for at the Retta Dixon Home was declining, and in 1973 one of the cottages was closed. In 1974 the home was devastated by Cyclone Tracy and five of the eight cottages were destroyed. About 50 children were temporarily sent interstate. Upon their return, the children were accommodated for 12 months at Batchelor, a town south of Darwin, and when four of the cottages were repaired, the children returned to Retta Dixon Home.

Changes to government policy in the late 1970s, moving away from institutional care in favour of placing children in the custody of individual families, led to the decision to close Retta Dixon Home. It was officially closed on 30 June 1980.

Nine former residents of the Retta Dixon Home will share their experiences of alleged sexual and physical abuse with the hearing.

First, Mrs Lorna Cubillo will tell the hearing of her experiences at Retta Dixon Home. She was forcibly removed from her family in 1946 or 1947 when she was seven or eight years old. She was taken to the Retta Dixon Home. Two missionaries, Mr and Mrs Walter, worked at the home. Mrs Cubillo will give evidence of the alleged sexual touching and physical abuse she says was inflicted on her by Mr Walter. She will say that she was too scared and
ashamed to tell anyone at the time, or indeed for many years later. She will describe the devastating impact of her time at the home on her marriage, family life, mental health and the loss of her culture.

Mr Walter was never charged with any criminal offence in relation to these allegations. He is still alive and has been notified of the public hearing.

Mrs Sandra Kitching will also give evidence about her experiences as a child and young adult at the Retta Dixon Home. She was made a ward of the State when she was two years old. She was then sent to the home with her siblings. She originally lived in a dormitory where older children were separated from younger children, boys separated from girls. However, when she was 12 years old, she moved into a cottage.

Mr Pounder was her house parent. Mrs Kitching will give evidence of the manner in which he says he used to watch her whilst she showered. She will describe the circumstances in which Mr Pounder is alleged to have sexually touched her. Mrs Kitching complained to the superintendent of the day, Mr Pattemore. She will give evidence that, as far as she was concerned, he did nothing. Mr Pounder was never charged with any criminal offence, and he has now died.

Mrs Kitching will give evidence of the impact of the alleged sexual abuse upon her life. She will speak of the loss of hope she suffered, the loss of opportunity she missed because of her lack of self-confidence.

We will then hear evidence from witnesses [AKU], [AJW] and [AKV] about their experiences while living at the Retta Dixon Home, and in particular, about the alleged sexual abuse they suffered at the hands of Mr Henderson.

[AKU] was placed in Bagot Reserve when she was a baby. Her brothers were also housed at the home. While she lived there, Mr Pattemore was the superintendent, she lived in a cottage with her brothers, and her house parents were Mr and Mrs Henderson.

[AKU] will describe physical beatings she says she received from Henderson, which caused her to be extremely frightened of him. She will describe the alleged sexual
abuse by Henderson which lasted from when she was five
years old until she was aged about 15. She will give
evidence that he came into her room at night, asked her to
follow him into his room and he would then sexually touch
her, on her version. She will also describe other
occasions at a swimming pool at the Retta Dixon Home when
Henderson bounced her up and down on his lap so that her
feet rubbed his genital area.

[AKU] will say she was too afraid to complain to
anyone at the time, in part because of the physical
beatings she says she endured from Henderson. She also
cannot recall anyone from welfare or the government of the
day checking on her or providing her with any opportunities
to speak about what was happening to her.

[AKU] will describe the devastating impact of the
alleged sexual and physical abuse on her mental health,
employment opportunities and the loss of her childhood.

[AJW] was placed at the Retta Dixon Home when she was
three years old. She stayed there until she was 12 years
old. She will say that she was subjected to physical
beatings and sexual abuse whilst she lived there. For many
years, she had no recollection of any sexual abuse.
However, when she was 26 or 27 years old and in hospital
for an operation, she saw reference to a document referring
to the fact that she had been sexually abused as a child.
She can now recall two distinct occasions of alleged sexual
contact with Henderson and she will describe those
occasions to the hearing.

[AJW] will also describe the devastating impact the
offending has had on her life.

Next, [AKV] will describe the experiences he had at
the Retta Dixon Home in 1966 or 1967, when he was six or
seven years old. He will describe the harsh environment at
the home, the physical punishment he says was inflicted
upon him by some of his house parents, and the alleged
sexual abuse he too suffered at the hands of Henderson.
He will describe the manner in which Henderson is said to
have sexually touched him.

[AKV] never reported the allegations to anyone at the
time, as he was frightened and he says he had been
physically beaten and intimidated by Henderson. [AKV] will
describe the terrible effect the alleged sexual abuses has had on his life.

The hearing will also hear from former residents Kenneth Stagg, Kevin Stagg and Veronica Johns. They are siblings and they were all placed in the Retta Dixon Home as young children. All will say they suffered or witnessed sexual abuse by house parents or other children living at the home. All will describe the impact of their time at the Retta Dixon Home on their lives.

Finally, witness [AJA] will tell the hearing of her experiences at the Retta Dixon Home when she was a very young child, including the sexual abuse she says she suffered from other children at the home. She will describe the impact the abuse has had on her life.

Mr Henderson is still alive and was notified of this public hearing.

Superintendent Pattemore is also still alive and he, too, was notified of the public hearing.

If I can now turn to the response of AIM. The allegations of sexual abuse by at least two house parents came to the attention of the superintendent of the day, Mr Pattemore. In 1966, Mr Powell was prosecuted and convicted of sexual offences relating to children at the home. Furthermore, the allegations of sexual abuse by Henderson were also brought to the superintendent's attention. In effect, it happened in this way: children told other house parents of alleged sexual offending by Henderson, the house parents then informed the superintendent, Mr Pattemore.

The Royal Commission will hear from two of those house parents who were informed of the allegations.

Lola Wall will give evidence to the Royal Commission. She will say that in 1973 she and her husband Norman Wall commenced work as house parents at the Retta Dixon Home. They remained house parents until the home closed. Lola Wall was told by some of the girls that Henderson had been sexually inappropriate with boys. She and her husband decided to report the matter to Mr Pattemore. She will give evidence that a Mr Collins of AIM headquarters came to the Retta Dixon Home. She was informed by Mr Collins that
there was insufficient evidence to take any action against
Henderson, and he continued to be a house parent.

Next, witness [AKR] will give evidence, or provide
a statement to the Royal Commission. She will say that as
a house parent from 1972 until 1978 she had contact with
Mr Henderson. [AKR] was told by some children that
Henderson had sexually abused other children. [AKR]
approached Norman Wall, Mrs Lola Wall's husband. She also
spoke directly to several of the children. She informed
Superintendent Pattemore, who told her that he would report
the matter to the police.

[AKR] will give evidence that she was not aware of any
guidelines at the time that set out the responsibilities in
respect of reporting child sexual abuse. She will also say
that there was a view amongst some house parents that the
matters should be dealt with internally and not reported to
the police.

However, in 1975, the allegations in respect of
Henderson were reported to police and he was charged with
a number of sexual offences. He was committed on one count
of indecent assault. However, the prosecutor ultimately
entered a nolle prosequi on that charge. Henderson was not
convicted of anything in respect of those allegations.
However, he was stood down from his duties at the
Retta Dixon Home and ultimately he did not return to the
home.

In respect of AIM, the Reverend Trevor Leggott is
AIM's current general director, and has been since 1996.
Reverend Leggott will give evidence that AIM's historical
organisational structure and policies are set out in the
old mission manual that was in effect until February 2004.
The manual described general operating principles but does
not refer to any guidelines or policies in respect of how
staff should respond to allegations of sexual abuse. He
has no knowledge of any material which documents or sets
out allegations of sexual abuse by AIM workers at the
Retta Dixon Home. However, he will say that much
documentation was destroyed in Cyclone Tracy.

AIM continues to operate today but has changed its
name to Australian Indigenous Ministries. The organisation
is currently an interdenominational Protestant and
Evangelical organisation which provides full-time workers
undertaking such work to Northern Territory indigenous communities. AIM maintains a number of ministries in the Northern Territory, including in Darwin, Katherine and Tennant Creek, although its registered office is in New South Wales. AIM is currently funded through voluntary contributions. It does not currently receive any government subsidy. AIM staff are self-employed, non-remunerated missionaries, although their expenses and wages are funded by donations.

AIM was originally provided financial assistance by the Commonwealth Government to operate the Retta Dixon Home. In 1952, the funding arrangements between AIM and the Commonwealth Government changed so that while the government continued to pay a subsidy for each child resident at the home, AIM was required to pay for rations and clothing for each child, except where a child's mother was working and could afford to pay.

The home was run by the AIM under the direction of a superintendent. The superintendent was not a Commonwealth employee but was appointed by the administrator of the Territory. However, there is some material which suggests the Commonwealth exercised some level of supervision of the home.

For example, the Commonwealth involved itself in matters relating to appointments at the home. So, on 2 November 1954, AIM wrote to the Acting Director of the Native Affairs Branch and indicated a Mr Walter was to be appointed as assistant superintendent of the home. On 24 November 1954, the Acting Director of the Native Affairs Branch suggested the AIM reconsider the decision. The Acting Director also noted that as the home was situated within the Bagot Aboriginal Reserve, the Acting Director was "required to give careful thought to the staffing of any organisation exercising control of any persons within the Reserve". On 15 December 1954, AIM wrote to the Director of Welfare to advise he would not press the appointment.

Also, on occasions, patrol officers and other Commonwealth officials would attend the home and undertake inspection and provide reports on a range of topics relative to the home, including housing conditions, food storage, preparation and consumption of food, health education, spiritual teaching and worship, employment
placement, recreation and social life, corporal punishment and staff and supervision. In this way, the Commonwealth can be seen to be exercising some supervisory role over the home.

There is no documentation which reveals the Welfare Division were made aware of the sexual offending by Mr Powell against three boys at the home for which he was convicted in 1966. Nor is there any material which suggests the Department of Aboriginal Affairs had any knowledge of the allegations or charges brought against Mr Henderson in 1975. There is no record of any response by the Commonwealth Government in their supervisory role over the Retta Dixon Home to allegations of sexual abuse.

If I can now turn to the police response to allegations against Mr Henderson. In 1998 a police investigation commenced into those allegations, that Mr Henderson had committed sexual offences against former residents of the Retta Dixon Home in the 1960s and 1970s. The process began with a complaint by a former resident of the home known as [AJB], which was made on 12 May 1998. The complaint related to events which had taken place in the 1960s when he lived at the home.

Detective Roger Newman assumed conduct of the investigation. He made inquiries as to the identity of other children who lived at the home while Mr Henderson worked there who may, too, have been the subject of sexual abuse by him.

During the course of the investigation, Detective Newman took statements from persons known as [AJD], [AJE] and [AKU], all of whom alleged sexual abuse by Mr Henderson while they were living at the home. A person known as [AJC] also provided a statement to police about his observations of Henderson sexually touching other children.

Detective Roger Newman will give evidence at the hearing about that investigation and the subsequent prosecution of Henderson. At the time of the Henderson investigation, there were no policies, guidelines or general police orders which specifically dealt with the investigation of historical sexual offences. Detective Newman was guided by a general order dealing with alleged sexual assaults. There was also considerable liaison with
the Office of the DPP throughout the investigation and charging process.

Detective Newman will give evidence that the investigation was a difficult one, because, in part, there was a marked reluctance by many former residents of the home to speak about Henderson. He will say many were frightened of Henderson and others felt shame when speaking of the sexual allegations against Henderson. Detective Newman spent much time building a rapport with those who had provided statements and Detective Newman will say that he believed they showed exceptional courage in speaking with the police and coming forward.

Detective Newman interviewed Henderson at the Caloundra police station on 6 March 2001. He did so before laying any charges on the advice of the Director of Public Prosecutions. Henderson made no admissions to the alleged offending and he requested an opportunity to obtain legal advice and then exercised his right to decline to answer any further questions.

In mid May 2001, Detective Newman then submitted a brief of evidence to be considered by the Office of the DPP. He will give evidence that he consulted with senior prosecutors at the Office of the DPP before laying any charges against Henderson.

On 4 June 2001 the police laid an information changing Henderson with 79 sexual offences and one count of assault occasioning actual bodily harm. Henderson was charged with 61 counts of indecent assault, four counts of buggery on a male, as it then was, and 20 counts of indecent assault on a female. The charges were laid under the relevant legislation operating at the time of the offending. The complainants were [AJB], [AJD], [AJE] and [AKU], all former residents at the home.

Detective Newman continued as the officer in charge of the investigation throughout the subsequent prosecution and committal proceedings.

The Office of the DPP in the Northern Territory assumed conduct of the committal proceedings which were heard before a magistrate on 5, 6 and 7 February 2002.

At the commencement of the proceedings, the Office of
the DPP elected to proceed with nine counts only. The charges relating to [AJB] were discontinued, as he had, in the interim period, died. It appears that the other charges did not proceed, as each complainant could not give evidence about a particular occasion in respect of each charge - that is, the charges were bad for a lack of particulars.

The complainants [AJD], [AJE], [AKU] and the witness [AJC] gave evidence at the committal. At the conclusion of the hearing, Mr Henderson was committed for trial on nine counts, along with a further six charges which were added by the magistrate to the original information. The remaining charges were dismissed.

A Supreme Court information was presented by the Office of the DPP charging Mr Henderson with the 15 counts upon which he had been committed.

A Supreme Court trial was listed to commence on 11 December 2002 and the matter was subsequently brought forward so that the trial was to commence on 9 December 2002.

On 11 November 2002, the Office of the DPP filed a nolle prosequi in respect of all charges. The charges, in effect, did not proceed to child. The Office of the DPP did so, it appears, on the basis that there was no reasonable prospect of conviction in accordance with guidelines issued by the relevant Act.

However, it was not until 27 November 2002 that Detective Newman or the complainants were informed by the Office of the DPP of their decision not to prosecute Henderson. On that date, Detective Newman, [AJE] and [AKU] met with a senior prosecutor at the DPP and were advised of the decision not to proceed with the charges. Detective Newman was unable to contact the complainant [AJD], so he was not advised of the decision.

Detective Newman will give evidence that it was the first time that he had been made aware of the decision not to prosecute Henderson. Indeed, he believed they were attending a meeting at the office to prepare the witnesses for trial. Detective Newman will give evidence that he was unhappy with the decision, as was [AJE]. He felt that he had let the complainants down.
During the course of this hearing, Mr Karczewski QC, who is the current Director of Public Prosecutions in the Northern Territory, will give evidence. In 2002 he held the position of the deputy director of public prosecutions. Mr Karczewski QC had no independent recollection of the conduct of the prosecution of Henderson. However, by reference to the materials and the Office of the DPP file, he will give evidence about why the charges against Henderson did not proceed to trial.

In 2002, the DPP concluded that there was no reasonable prospects of conviction primarily, it appears, because of the latent ambiguity in the majority of the charges. Effectively, the evidence revealed a multiplicity of offences with nothing to identify any one of them as the offence with which the accused was charged in any particular count. In that way, the charges were said to be bad for a lack of particulars. On that basis, Mr Karczewski QC is of the view that the correct decision was made to enter nolle prosequis and discontinue the proceedings.

Memorandums and minutes held within the Office of the DPP also refer to a proposed application to be made by Henderson's counsel for a separate trial for each set of offences relating to each complainant. There was also talk of an application for a permanent stay of proceedings. It is unclear whether such matters also contributed to the decision to enter nolle prosequis in respect of the charges.

Mr Karczewski QC, in concluding today that the Office of the DPP made the correct decision, also relies on the strong warnings it is said that the trial judge would have been required to give to a jury of the danger in convicting on the uncorroborated evidence of each complainant, largely because of the delay between the date of the offences and the date of the trial.

This public hearing will examine the reasons provided for why the charges did not proceed to trial in 2002 and the process by which that decision was made. The hearing will also consider the legislative changes which have occurred since 2002, which are said to, to some extent, meet the difficulties presented by an alleged victim who has been the subject of extensive sexual misconduct by
another and thereby cannot sufficiently particularise an
offence.

The sexual abuse allegedly inflicted at the
Retta Dixon Home occurred in the context of Aboriginal
children having been removed from their families and placed
in out-of-home care - that is, the Retta Dixon Home.

The hearing will consider some aspects of the current
laws, policies and procedures governing the protection of
children in out-of-home care in the Northern Territory and
what lessons can be learnt from Retta Dixon. The
Royal Commission will examine what is currently considered
good practice in this area, with a particular emphasis on
the needs of indigenous children.

Ms Simone Jackson, who is the executive director of
the Out of Home Care Division of the Northern Territory
Department of Children and Families will give evidence at
the hearing.

By way of background, until 1959, child protection in
the Northern Territory was subject to South Australian
legislation. Full responsibility for child protection and
child welfare in the Northern Territory did not pass to the
Northern Territory administration until the Child Welfare
Ordinance of 1959.

After self-government commenced on 1 July 1978,
a review was undertaken of child protection legislation.
In 1983, the Community Welfare Act came into force. The
Act moved away from the traditional criteria concerning the
placement of children in State care because they were
destitute, neglected, incorrigible or uncontrollable, and
instead referred to children as being in need of care. It
also mandated the reporting of suspected child abuse and
neglect. Significantly, the Act introduced the Aboriginal
Child Placement Principle, which prescribed that an
Aboriginal child should, as far as practicable, be placed
in close proximity to their family and community.

Between 2005 and 2011, there were two significant
reviews of child protection and child sexual abuse in the
Northern Territory. The reviews considered social policy
in the Northern Territory relating to Aboriginal persons in
remote communities.
First, the Northern Territory Inquiry Into the Protection of Aboriginal Children from Sexual Abuse was established by the Chief Minister in August 2006 to inquire into the nature and extent of child sexual abuse in remote communities and to identify better ways to prevent sexual abuse in communities. The report "Little Children are Sacred" was released on 15 June 2007.

The primary recommendations of the report included the establishment of a Northern Territory Children's Commissioner, enhanced employment screening and information sharing, the establishment of Family and Children's Services as a division, and the permanent establishment of the Child Abuse Task Force.

In December 2007, the Community Welfare Act was replaced by the Care and Protection of Children Act 2007 (NT).

There was then a second review which commenced in November 2009, when an independent board of inquiry into the Northern Territory child protection system was announced. The inquiry was conducted by an external panel of independent experts appointed by the Chief Minister. In 2010, the report "Growing them strong, together" was published. The report made 147 recommendations to improve the child protection system.

In January 2011, the Department of Children and Families was established as a stand-alone government agency responsible for child protection, out-of-home care and family support.

Currently, the Care and Protection of Children Act 2007 and regulations provides a mandate and criteria for taking children into care. The Act specifically refers to the Aboriginal Child Placement Principles, which again outlines the principles specific to placing Aboriginal children in care by recognising the role and importance of kinship groups, representative organisations and communities in promoting the wellbeing of Aboriginal children. It prescribes that an Aboriginal child should, as far as practicable, be placed in close proximity to their family and community.

Under the Act, all carers must hold a clearance notice, be capable of meeting the responsibility of
a carer, and be a fit and proper person to take care of
a child. The regulations significantly also require that
each mature person, that is, a person aged 15 years or over
residing with that individual, is also required to be a fit
and proper person to have daily contact with the child.

The Act also makes it a requirement that all children
entering care be provided with a copy of a charter of
rights for children and young people in care. Caseworkers
are required, as a matter of policy, to meet with children
in care at least once every month.

Further, in November 2013, an Out of Home Care
Division was created to provide centralised coordination
and accountability for services in the Northern Territory.
A placement unit was created to centralise placements by
a placement request form, and that form captured the
child’s subjective needs in an attempt to inform the
placement decision. In the Northern Territory, the
government manages and provides the majority of home-based
services. All general and kinship carers are recruited,
trained, assessed and supported by the Department of
Children and Families. In respect of kinship carers, the
assessment process has been extended to include all persons
who will have contact with the child or young person in
recognition of the fact that there may be more than one
primary caregiver.

It is only now when home-based placements are not
possible that the placement unit considers the short-term
option with a family day care educator or, as a last
resort, within a residential facility. These placements
are not assessed or monitored to the same degree as kinship
or foster carers, and as a result, the government is
transitioning away from this placement type.

Ms Jackson will also give evidence about the
recruitment process for carers and the training and
monitoring of carers.

She will also outline the current procedures for
responding to allegations of sexual abuse.

On 1 January 2014, legislative amendments gave the
Department of Children and Families the power to
investigate allegations that a child in care is likely to
be suffering harm, and that power included the power to
inspect a place and apply investigative powers.

Further, on 1 August 2014, the policy named "Responding to concerns about the safety of children in care" was implemented. The policy requires that any concerns about the safety or wellbeing of a child in care is now reported to central intake and an investigation case opened on the child's electronic file through which a whole department response is recorded. The policy also established an internal review unit responsible for the facilitation, coordination and monitoring of all investigations into those concerns.

Significantly, all substantiated matters are now reported to the Northern Territory Children's Commissioner, who is able to investigate, report and review the child's file to determine if the Department of Children and Families' actions are appropriate.

Dr Howard Bath is the Northern Territory Children's Commissioner and he will also give evidence at the hearing. He will explain the role and powers of the Northern Territory Children's Commissioner.

In summary, the Commissioner is not authorised to conduct an investigation aimed at establishing whether or not abuse or exploitation has occurred, as that is the role of the Department of Children and Families and, indeed, the police. The Commissioner examines the adequacy of the response of the relevant agency. The Commissioner can respond to a complaint or conduct investigations into the standard or adequacy of the service on his or her own initiative in the absence of a formal complaint. The Commissioner also monitors the way in which the department deals with alleged incidents of harm, including child sexual abuse, with a focus on the systemic approach to the issue.

Importantly, the office of the Commissioner also attends engagement activities with children in out-of-home care to provide an opportunity for children to hear about their rights and to give them the opportunity to make any complaint about their care.

Dr Bath, as the current Commissioner, is in a unique position to comment on the success of the Northern Territory legislation policies and procedures established.
with the aim of preventing or minimising child sexual abuse in out-of-home care.

He will give evidence that despite the Aboriginal Child Placement Principle, the Northern Territory has the lowest placement rate of Aboriginal children with Aboriginal carers in Australia. The reasons, he says, are thought to be complex and include the limited number of available Aboriginal carers for a relatively large number of vulnerable Aboriginal children and the challenging living circumstances of many Aboriginal people which impacts on their capacity to provide care. He will say that there are also difficulties with the recruitment of kinship carers and caseworkers in remote areas, combined with the problems of supervision and communication caused by that remote location.

Dr Bath will give evidence that he believes there is still a pressing need for a community visitor program which provides for regular visits to children in residential care settings so independent adults can advocate on their behalf. He believes that it would help address the reluctance of many children to make formal complaints. The visitor program was previously one of the recommendations of the board of inquiry.

Finally, Professor Muriel Bamblett has been asked to provide her opinion to the Royal Commission as to what is currently considered good practice in the provision of out-of-home care, with a particular emphasis on the needs of indigenous children.

Professor Bamblett has been employed as the chief executive officer of the Victorian Aboriginal Child Care Agency since 1999. She was also the co-chair of the board of inquiry in 2010 into the Northern Territory child protection system.

Professor Bamblett will give evidence that, in her view, the most successful approach to reducing institutional child sexual abuse is to reduce the number of children in out-of-home care. Therefore, in her view, policies and practices that reduce the rate of children in out-of-home care is critical.

Professor Bamblett will give evidence that kinship care is the most culturally appropriate placement option
for Aboriginal children. Further, to allow for
a sufficient number of kinship carers, having a criminal
record, in her view, should not automatically disqualify
a person from gaining a clearance. There needs to be some
discretion. As an example, young persons may have engaged
in criminal activities, but by adulthood be responsible
members of the community and an appropriate carers.

Professor Bamblett will say that of equal importance
is the provision of professional development and training
to ensure all staff are well versed in child sexual
development and indicators of child sexual abuse, targeting
and grooming behaviours of perpetrators. The training in
particular needs to be culturally relevant for carers of
Aboriginal children.

Professor Bamblett stresses the importance of an
adherence to the Aboriginal Child Placement Principle. She
is of the strong view that culture is a protective factor
and indigenous children are safest immersed in their own
culture.

Importantly, while the response to allegations of
child sexual abuse needs to have the safety of the child at
its focus, Professor Bamblett considers that there needs to
be an emphasis on prevention by providing a system which
avoids becoming ineffectual because of bureaucratic
considerations. In her view, the most effective way to
monitor good practice is with regular supervision and by
providing a solid culturally sensitive infrastructure of
supports and lines of reporting.

Finally, the hearing will consider the redress schemes
available to the former residents of the Retta Dixon Home
and, indeed, other alleged victims of child sexual abuse in
the Northern Territory. It is important to note that most
of the victims and survivors of the Retta Dixon Home have
not sought any form of financial compensation. Many have
also expressed a desire for non-pecuniary forms of
compensation, such as an apology, a memorial at the site of
the Retta Dixon Home, or counselling.

The schemes that are available as a matter of law are,
first, the common law as applicable in the Northern
Territory, which provides a civil cause of action for
intentional trespass to persons, including assault and
battery. For incidents occurring prior to 1 May 2003,
damages in such actions are assessed in accordance with ordinary common law principles. For incidents occurring after that time, damages are assessed in accordance with the Personal Injuries (Liabilities and Damages) Act 2003 of the Northern Territory. That Act makes certain modifications to the common law principles in relation to matters such as aggravated or exemplary damages, the discount rate for further pecuniary loss, the maximum award for non-pecuniary loss and the calculation of interest payable on damages.

However, the availability of a claim is subject to the provisions of the Limitations Act which provides that an action founded on tort is not maintainable after three years from the date the cause of action first accrued to the plaintiff. The three-year period may be extended following its expiry if the applicant can show the plaintiff's case was not ascertained until after the expiration of the limitation period, the action was instituted within 12 months after that time, and it is just in all the circumstances to grant the extension of time.

The Supreme Court of the Northern Territory appears to have not had occasion to rule on the limitation question in the context of an historical sexual abuse case.

Secondly, the Northern Territory has a statutory criminal injuries assistance scheme established by two Acts which commenced on 1 May 2007. Mr Shanahan, the chief executive of the Northern Territory Department of Attorney-General and Justice, will give evidence about the operation of the scheme. The scheme provides financial assistance and counselling services to victims of criminal offences. It appears that at least one complainant of sexual abuse at the Retta Dixon Home has made a claim for compensation under the scheme.

To date, on the materials, it appears that AIM has not provided any form of redress to any of the former residents at the Retta Dixon Home.

May it please the hearing, that is all I wish to say by way of opening.

THE CHAIR: Thank you, Ms David. We will take a very brief adjournment so that the media can rearrange themselves.
SHORT ADJOURNMENT

THE CHAIR: Mr Thomas?

MR THOMAS: Your Honour, to amplify the submission, it is --

THE CHAIR: Who do you seek leave to apply for?

MR THOMAS: The Reverend Trevor Leggott of the AIM.

THE CHAIR: Yes.

MR THOMAS: Leave is sought to appear for him during the course of this Royal Commission. He is, of course, a witness. The statement that he has made is brief. It is a one-page statement. It would be anticipated that there is a live question that there may be supplementary material which may be forthcoming in relation to it.

THE CHAIR: When you say "supplementary", what do you mean - that he can give further evidence?

MR THOMAS: In terms of further evidence emerging.

THE CHAIR: Is that to be put on paper?

MR THOMAS: Indeed, that would be the proposal, subject to speaking with counsel assisting.

THE CHAIR: Is someone taking steps to do that now?

MR THOMAS: I will endeavour to do that as soon as possible.

THE CHAIR: Ms David, what do you say?

MS DAVID: We would ask that be done as a matter of priority. We propose to call Mr Leggott tomorrow.

THE CHAIR: Do I grant leave?

MS DAVID: I would ask your Honour to grant leave.

THE CHAIR: All right. You have leave, Mr Thomas.
MR THOMAS: May it please the court.

THE CHAIR: Now, in terms of the evidence, we are now ready to proceed?

MS DAVID: We are, your Honour. There are a couple of matters beforehand. Could I ask your Honour to make one order in respect of not publishing material. That relates to a list of witnesses or persons named who have sought a pseudonym. Firstly, if I can provide your Honour with a proposed direction in respect of those persons and, secondly, a pseudonym list.

THE CHAIR: Very well. I will make the direction not to publish and also the direction in relation to the pseudonyms.

MS DAVID: Could I also hand up to your Honour a direction that your Honour has made this morning in respect of the witness [AKV] that parts of his statement not be published which relate to a person who has not been able to be informed of the hearing, and the material relates to hearsay material in respect of that person.

THE CHAIR: Very well. Is everyone, who should be, aware of the fact that that direction has been made aware?

MS DAVID: I have endeavoured to provide copies to counsel at the Bar table.

THE CHAIR: Yes. Steps should be taken to make sure that the press are aware of that.

MS DAVID: Yes, your Honour. And I understand Mr McConnell has an application to make in respect of the witness referred to as Henderson, or the person referred to as Henderson.

MR McCONNELL: Your Honour and Commissioners my name is McConnell. I seek leave to appear for the person named as Mr Henderson for the purposes of an application. The application is for the suppression of Mr Henderson's name in any reporting of the inquiry or in any publication of a report of the inquiry.

I understand, your Honour, the very high threshold that I must satisfy your Honour of, in that there is
a presumption in favour of the open administration of justice. I do submit, your Honour, two matters in the context of this particular matter. Firstly, this is not a prosecution of Mr Henderson, and so the matter falls into a different category to the traditional categories of cases in which suppression of criminal proceedings has been sought by the named --

THE CHAIR: As far as I understand it, if it be relevant, and I don't know whether it is, there is legislation that deals with the publication of the names of victims and of alleged perpetrators in relation to sexual assault matters in the Northern Territory; is that right?

MR McCONNELL: I wasn't aware of that, your Honour.

THE CHAIR: I understand there is. My understanding of that legislation is that there may be a prohibition or an obligation to suppress before a person is committed, but in relation to the name of the perpetrator, if committed, the Act no longer provides for the name to be suppressed.

MR McCONNELL: Yes.

THE CHAIR: What is the position of your client?

MR McCONNELL: Your Honour, I think it's likely that my client would fall into the category of someone whose name would have to be suppressed. I would like, therefore, an opportunity to go and examine that legislation and see whether that does apply and perhaps seek an interim --

THE CHAIR: Was your client charged?

MR McCONNELL: My client has previously been charged.

THE CHAIR: What happened to the charges?

MR McCONNELL: Those charges were not proceeded with on the basis of a nolle prosequi.

THE CHAIR: So the proceedings were brought to an end. The legislation is not going to apply then, is it?

MR McCONNELL: I am sorry, your Honour, but I didn't make myself familiar with that legislation before making this application.
THE CHAIR: It may have no relevance at all, but what else do you want to say to support the application?

MR McCONNELL: Your Honour, aside from what I say is the distinguishing feature here of it being a commission of inquiry as opposed to criminal proceedings against my client --

THE CHAIR: But you might find that that raises a higher bar for you.

MR McCONNELL: Yes. I would submit, your Honour, that the objects of this particular Royal Commission mean that the principle of open administration of justice is, in terms of the content of that, that less is required for open administration of justice in the sense that it is not necessary for my client to be named for the objects of the commission of inquiry to be met. What is important is that this Commission is examining the responses to allegations of abuse in the context of these institutions. It is not the commission of offences amounting to sexual abuse that is what the Commission is seeking to examine and, indeed, reach conclusions about. It is enough that there was an allegation or multiple allegations and responses are being sought in relation to --

THE CHAIR: It becomes somewhat artificial unless there are special circumstances for a discussion about the institution's response not to include the identity of the people who allegedly were the perpetrators. It becomes a somewhat artificial discussion, doesn't it?

MR McCONNELL: In my submission, your Honour, the Commission can proceed to conduct its inquiry knowing the identity of the alleged perpetrator for the purposes of the hearing and, indeed, there is no question over the correctness of the identity nor of the position that was being held by the person, and the suppression that I seek is not in relation to any reporting of the person's position at the time that these offences were alleged to have occurred; it is in relation to the person's name only.

THE CHAIR: So there would be public knowledge of his role inside of the organisation but not his name?

MR McCONNELL: Yes.
THE CHAIR: But that would be artificial in the extreme, wouldn't it?

MR McCONNELL: Your Honour, these events occurred something in the order of 40 years ago, allegedly, and while the role and the broad identity of the person involved in the role in the context of these hearings may be known to people who are affected by these events, that is not the same as someone alive today living in Brisbane having their name published in relation to these matters at this time.

THE CHAIR: You do realise that we have published the names of many alleged perpetrators now in the course of the Commission's work without any suppression.

MR McCONNELL: Yes. I don't have extensive knowledge of the work of the Commission, your Honour, but I am aware that there have been two reports published on the Commission's website, but in relation to both of those matters the alleged perpetrators had been tried and convicted in relation to the offences that are now reported, and that's, in my submission, an important distinction between those two cases and this case.

THE CHAIR: There are more coming where that is not the case - a number of reports are coming where that is not the case.

MR McCONNELL: I can't respond to that, your Honour.

My client has been the subject of criminal prosecution in relation to alleged offences on two occasions, and on neither occasion did those matters proceed to a conviction. To some extent, although it's not possible for me to say precisely to what extent, but to some extent it must be anticipated that the evidence in this hearing would cover the same allegations as were the subject of those proceedings.

The final matters which I wish to put to your Honour are that my client is now 78 years of age; my instructions are that he is unwell and has, in the course of the last few weeks, been admitted into a mental institution for problems with his mental health. I'm not able, your Honour, to provide any evidence in relation to that.
They are my submissions, your Honour.

THE CHAIR: Well, do you want to look at the legislation? Ms David, what do you want to say about the application?

MS DAVID: Your Honour, in my submission, the application should not be granted. In my submission, the principles of open justice apply more forcefully to a royal commission and there is nothing which has been put to your Honour which would justify departure from those principles.

Firstly, in my submission, it is not within the scope and purpose or terms of reference to determine whether or not the alleged offences did take place, and there will be no finding by the Commission in respect of that. Secondly, in my submission, the person has been put on notice quite extensively of this matter, and can I provide to your Honour a very brief chronology of that information and correspondence.

THE CHAIR: Yes.

MS DAVID: Thirdly, in my submission, in effect there is nothing that has been put to the Commissioners which would justify a departure from the approach that has previously been taken - namely, unless there are special circumstances, the person should be named. If your Honour pleases.

MR McCONNELL: Your Honour, I have had the opportunity to look at the legislation which your Honour referred to. It seems to me that my client could not fall within the definition of a "defendant" and so the protection doesn't apply.

THE CHAIR: Very well, Mr McConnell, I am not persuaded that there are any special circumstances which would obligate the Commission to take a different course to that which we have taken to date and, therefore, the application is refused.

We will take the morning adjournment.

SHORT ADJOURNMENT

THE CHAIR: Yes, Ms David?
MS DAVID: I call Mrs Lorna Cubillo

<LORNA CUBILLO, sworn: [11.55am]

<EXAMINATION BY MS DAVID:

MS DAVID: Q. Mrs Cubillo, did you provide a statement to the Royal Commission?
A. I did.

Q. Did you provide that statement on 29 August of this year?
A. I did.

Q. Can I ask that you be provided with a copy of your statement. Do you recognise this as a copy of your statement?
A. It is.

Q. I understand that you wish to read that statement to the Royal Commission.
A. I will.

Q. Can I ask that you do that now, and if you need a break, just simply ask for one --

THE COMMISSIONER: Q. Do you affirm or swear the statement to be true?
A. I have - I do, your Honour.

Q. It is true, is it?
A. The truth.

THE CHAIR: Thank you.

MS DAVID: Q. I would ask that you read the statement. A. "This statement made by me accurately sets out the evidence that I am prepared to give the Royal Commission Into Institutional Responses to Child Sexual Abuse. The statement is true and correct to the best of my knowledge and belief.

Where direct speech is referred to in this statement, it is provided in words or words to the effect of those which, to the best of my recollection, were used at the time.

.22/09/2014 (C45) C4805 L CUBILLO (Ms David)

Transcript produced by Merrill Corporation
My name is Lorna Cubillo and I was born in 1938. I am 76 years old. Cubillo is my married name. Before my marriage, my name was Lorna Nelson.

I was born on a cattle property called Banka Banka Station, which is north of Tennant Creek in the Northern Territory. My family lived and worked on the Banka Banka Station. My mother, Maude Nampijimpa, died when I was a very young baby. I was cared for by my mother's sister, Maisie, and my mum's mother, Alice, (Granny Alice). Until my teenage years I believed Maisie was my mother. I also had four uncles who were stockmen. I never met my father but I was told that he was the son of the First Minister of the Northern Territory. I loved living at Banka Banka with my family.

I was always well cared for. I was surrounded by my tribal family. Food was always in good supply and I regularly drank goat's milk, and ate vegetables, meat and bush tucker. I could speak two traditional languages, Walpiri and Waramunga.

During my childhood at Banka Banka my family and I lived in fear of white men. Because my father was white, I had lighter skin colour than the rest of my kin. I was hidden or painted up to disguise my lighter skin. Maisie and Granny Alice, in particular, were afraid I would be taken away from my family by white men. They were also afraid of being shot and spoke of massacres of Aboriginal men, women and children by whites. Whenever a truck came to Banka Banka, I would run into the bush and hide.

When I was about five years old, Granny Alice took me down to a creek. She was cooking bush yam when we heard horses approaching. Granny Alice had already smeared some soot from the billycan she was cooking with on my face and she told me to sit behind her.

Two men on horseback, Bill Harney and Barney McGuinness approached us. McGuinness crouched down and talked to me in my language and offered me some salt-dried meat. As I ate the meat, he took a little bit of water from the creek and wiped the skin on my leg. He could tell I was not a full-blood Aboriginal. This was the first time I heard the word 'half-caste'. As he spoke, Granny Alice tried to get up from the ground and grab me, but before she could stop them, I was passed up to Harney, who was
a patrol officer, and they took me away, leaving my
grandmother behind.

Patrol officers were employed by the government and
were responsible for taking half-caste Aboriginal children
from their families and placing them in institutions.

I don't know why I was taken away from my family at
Banka Banka Station. I was not told where I was being
taken. I was very scared and I cried and screamed. I was
originally taken to Telegraph Station, called Six Mile,
which was six miles from Tennant Creek. I had family
there, including Auntie Daisie and Auntie Mini. They were
my stepfather's sisters, but also related to my mother,
because she was married to somebody who was related to her.

Within a day or two of being taken to Six Mile, Maisie
and Granny Alice arrived. They had walked from Banka Banka
Station to Six Mile to see me. There were also other
half-caste children who were taken to Six Mile.

I don't know how long we were at Six Mile, but after
a while we were moved to Seven Mile, an Aboriginal
settlement run by the missionaries, Mr and Mrs Long. There
was a large Aboriginal community at Seven Mile.
Granny Alice was there, and Maisie would travel between
Seven Mile and Banka Banka where she worked. I was happy
enough in this environment being surrounded by my family.

From Seven Mile we were directed by the missionaries
to walk to Phillip Creek Mission. It was a long journey.
We walked for days. I went with Granny Alice, Maisie and
other relatives. Phillip Creek Mission was run by the
Aborigines Inland Mission (AIM) at the time. There was
a superintendent's house, and they had a vegetable garden.

At Phillip Creek, all the children, except the young
babies, were separated from their families. I lived in a
shed with the other half-caste children. This was the
first time I learnt that there was a difference between
half-castes and full-bloods. Granny Alice remained at
Phillip Creek, but I only saw her on a few occasions.
Granny Alice died whilst I was at Phillip Creek, but I was
not aware of that whilst I was there.

Maisie continued to travel from Banka Banka Station to
visit me. She also had to live outside the area reserved
for the children. I never understood why I was separated
from my family at night.

Conditions were very cramped. Three women and about
seven or eight children were made to sleep in a small
corrugated iron shed. We would sleep on the ground side by
side, boys sleeping in with the girls. Where the
full-bloods lived, the boys were separated from the girls.
Everyone was locked in about 6pm.

I wasn't too frightened at that time because I was
with relatives and I felt quite comfortable. I started
school and began learning basic English and maths and I had
family in my class. My teacher was Mr Colley, who was
a kind man. We were provided very basic clothing, usually
dresses made out of calico sacks.

Admission to Bagot. AIM records show that in 1947,
although I believe it was actually in 1946, a large truck
came right to the door of the shed at Phillip Creek. I was
about seven or eight or nine at the time - I didn't have an
age. Mr Penhall, a patrol officer, was driving the truck
and Ms Shankleton, a white lady, was in the truck with him.
Some of us children got into the back of the truck, because
we thought we were going on a picnic, on an adventure,
although there was a lot of crying and panic. I noticed
that only half-caste children were being put on the truck.
Auntie Rosie had a baby on her breast and she had a tussle
with Ms Shankleton, because she didn't want her baby to go.
There was a lot of screaming and carrying on. Auntie Rosie
gave her baby to me, because I was a relative, even though
I was only a small child myself. I had to look after the
little baby, whose name was Gwen.

Auntie Rosie threw herself on the ground, threw dirt
on herself, hit her head - I was frightened. People were
pounding their heads with yam sticks and were bleeding.
I'll never forget that. I think that my countrymen must
have known we were being taken away, not going on a picnic
like we had been told. We were all crying on the truck.
I still remember the day, the mothers chasing the truck
screaming and crying. They disappeared into the dust of
the truck.

We drove for two days and nights. We were sitting on
the back of this truck with no cover and we were exposed to
the elements. We were given cocoa and bread with jam to
eat.

We stopped at Dunmurra, a refuelling stop or something similar, to get some supplies. We also stopped at Katherine River, where we washed. I had to wash Gwen's clothes and re-dress her in the same clothes. I was never given any help looking after the little baby. There was a drum of water on the truck and I used to take a mouthful of water and dribble it into her mouth. That was all she had to eat for two days.

The further north we went, the more I worried about how we would find our way home. After we left Dunmurra, we were really, really scared. I had never seen such tall trees before and I was frightened of them. Later on, whilst living at Bagot, I tried two times to run away.

I was taken with the other children to a wartime evacuee site in Darwin I knew as 'Bagot'. I don't think I even cried. I think I was in shock. I still had the baby, Gwen, with me, but eventually somebody took her away.

Bagot was a mission also run by AIM. It was later to be known as the Retta Dixon Home. At some point in time I was told, I don't remember by whom, that we were taken from the AIM mission in Phillip Creek to the AIM mission in Darwin for educational purposes. Ms Shankleton was the superintendent of Bagot.

We lived in a dormitory-style building. For the first few months I lived in the dormitory, and then I was placed in an area at the end of this dormitory. It was a gaol house, with bars and everything. I stayed in the room with four other girls. They had these big keys and we were locked in at night. I presume it was for our protection.

I stayed in this dormitory until I was about 16. One of the girls, Ruth Dooney, had to go to the toilet in a bucket. A cousin of mine, Josephine, and I had to walk 150 metres to the big toilet to empty the bucket and clean it every morning before we even had a shower. Ruth used to have fits and was chained up with a dog chain to her bed because of the fits. She was fed with an enamel plate and cup, just like a dog, and often had bad chafing around her ankle where the chain would rub. We all got locked up, even when we were little children.
I missed my family badly. I remembered Maisie all the time. I would speak with the other kids taken from Phillip Creek about our relatives. I had no idea where Phillip Creek was. One time some kids from Phillip Creek came to Bagot Reserve for a visit for about three days. Bagot Reserve was a place where full-blood Aboriginals lived, right next door to Bagot. I would try to talk to my countrymen through the fence, or at church on Sunday, to find out about my family. I was flogged by Mr Stretton, a missionary at Bagot, when I was caught talking to them. He hit me about five or six times around the legs with a leather strap that was kept in Ms Shankleton's office. We always had chores to do.

We were workers there. Whenever the missionaries wanted jobs done there was always Lorna Nelson and Josephine Martin. I did my work and I got used to it, otherwise I would get strapped. Most of the strapping came from the male staff of AIM. Usually the strapping consisted of being hit with a belt across the back of the legs.

Josephine and I worked in the nursery. We used to boil the bottles and clean the teats. We also had to rinse out the soiled nappies that had been left all day, then rinse out the troughs and sweep the water into an open sewer. The smell was really bad.

I complained that it wasn't fair because it was the native missionary's job, but we would come home from school and the nappies would just be left there and the missionary wasn't to be seen, so we just had to do it. We then had to get cleaned up and ready for tea before the bell rang or we missed out on our tea and just had to stand there while everyone else ate.

That was our life. Later on I asked about why I had to do so much and take so much responsibility. I was told by Ms Shankleton, 'Because we knew you were capable.' We were treated differently to the kids who had parents at Bagot, but nobody ever asked us how we were. Nobody ever said, 'Thank you'.

I enjoyed life with the other kids at Bagot. We played games and had a group who played basketball. But if you stepped out of line the punishment was very harsh. We were sent to the male missionaries and flogged with...
a strap. Beatings happened a lot. Little things would get you into trouble, like speaking my language or being late for tea. Other punishments included being locked in your room without food. I got into trouble because I was a little bit defiant, but I used to think to myself, 'No, I'm not going to crack up and cry.' I cried on my own, away from them.

I went to school every day. I went to Darwin public school and high school. I did well at school and was dux of my primary school. I really liked some of the teachers, particularly Mr Waters, who was a lovely man. I only did one year of secondary school. I wanted to keep going to school but I was told I had to stay at Bagot and become a domestic servant working in the nursery, or in white homes in the district.

I won the AIM Mission Bible examination and was given the opportunity to study at Singleton Missionary College in New South Wales. Ms Shankleton asked me if God had spoken to me about going to Singleton College and becoming a missionary. I told her, 'No, he hasn't.' She went red in the face but didn't say anything. I just walked away. I deliberately didn't do so well at school after this.

We also had to go to church on Sundays. Church services consisted of Bible readings, hymns and preaching of damnation. We were raised with very rigid rules and we knew how to work. I knew that Mr Ryan, Mr Giese and Mrs Merlin worked for the Commonwealth Government. I think Mr Giese was the Director of Native Affairs, or whatever the department was. They came to Bagot on numerous occasions to visit whilst I was there. I recall Mr Giese visiting at least three times and Mr Ryan visiting at least twice. They would talk to Ms Shankleton in her office and would walk around looking at the place, inspecting it. They never talked to any of the kids. We would have to really clean the place and make sure everything was properly in place before they came.

In our dormitory, there was an area near the end that had two bedrooms and Mr and Mrs Walters and their child lived there. Mr and Mrs Walters were missionaries. Mr Walters' first name was Des and he worked in the Air Force. Mrs Walters was a lovely person. She taught me to cook and do many things. She was a nursing sister and taught me about puberty and sex. We got on really well and
I thought of her as a sister. I used to do some housework for them, cleaning, washing, ironing and tidying up.

Mr Walters was physically abusive. He flogged me that much that after a while it didn't hurt any more. I never cried, though, and because he was not winning, he turned the strap around and used the buckle. Sometimes he would hit me over the face and head and I would bleed.

As I grew older, I began to really love poetry and classical music. I used to sing in the school choir; in fact, I was the lead singer. I just got lost in the music. Mr Walters played the piano and used to sing the most beautiful hymns. I used to sit next to him and just loved to listen to him play. I was about 13 or 14 years old.

One day I was cleaning the Walters' house and Mr Walters came in but I didn't see him. I you was just starting to go through puberty. Mr Walters came up behind me and fondled my breasts. I was shocked but I was quick enough to duck under his arm and get out.

The next day I had to go to the Walters' place again to work. I went to Ms Shankleton and asked her if I could work somewhere else. I even told her I would work in the nursery and do all the dirty work. I was too scared of Mr Walters to go back there. She told me I had to work there but I refused to go back. I was flogged by Mr Walters twice with the strap for not turning up to help his wife.

I used to do my chores around Bagot, like chopping wood. One time I chopped two barrow loads of wood and Mr Walters came up to me but did not say anything. He just watched me. It was like I was being stalked and everywhere I went he was there. I always made sure that I had one of my own countrymen with me because I was that scared of him.

I stopped singing in church and would not sit next to Mr Walters any more. I would sit on Ms Shankleton's doorstep hoping she would ask me what was bothering me, but she never did. All she would is do is say, 'Lorna, if you haven't got anything better to do I will find you something to do.' I never told anyone about what happened.

I played in a basketball competition and Ms Shankleton would drive me to the games in her van with some of the other children and they would watch the game. One day Ms Shankleton said to me, 'Mr Walters is taking you there.
He is going to visit some patients in the hospital.' I was scared."

Can I pause for a minute, your Honour, because this incident happened in the night, and I didn't say that. It was after 5 o'clock.

"I got into Ms Shankleton's car with Mr Walters. I sat very quietly. I was very wary after what had happened at the Walters' house. After a while Mr Walters reached over and touched me on my upper thigh, not only my leg but the top of my leg, at the front of my skirt. I nearly froze. He was driving really fast. I wanted to just jump out of the car but I knew if I jumped out, I would have been seriously injured or killed. So I just moved over so he couldn't touch me. I was really shook up.

Mr Walters dropped me at the basketball court. We ended up winning the game and the championship and I got a medal for the best player, although Mr Fong Lim, our coach, picked up that there was something on my mind. There is no way that I would ever have told a teacher about what was happening at Bagot, though. I was too scared that it would get back to Mr Walters and I would just get another flogging.

After the basketball match Mr Walters wasn't there. I had every intention of walking back home instead of getting back into the car with him, but I saw Miss Woods, a teacher at my school, and Mr Fong Lim leaving the basketball game and I felt safe with them so I asked for a lift.

When I got home, Mr Walters accused me of running away. Mr Walters gave me the biggest hiding, hitting me with his belt, and I just thought, 'You can kill me. That's all right. But you are not going to touch any part of my body.' I was banned from playing basketball after this.

When I was about 14 years old there was a girl's camp for an Easter convention. On the Sunday, seven of us went for a walk to pick some wild plums. We knew that we were not allowed to go for a swim on the Sabbath, but it was so hot. I poured some water over my head and we had a quick drink. One of the girls told Mr Walters what we did and I alone was called out. He took off his belt and flogged
me. He hit me on my legs, hands and back. He hit me with
the buckle end of the belt and it cut me on the breast,
the nipple. I was bleeding. After a few days later
I had welts and a big black wound.

Mr Walters stopped hitting me to get his breath back
and I punched him with all my force. I hit him under the
diaphragm and he fell back and cut his arm. I knew
straightaway, 'I'm gone' so I bolted out of the tent. Me
and some of the other girls ran away. We were trying to
get back to Bagot through the bush. I thought I was going
to be in big trouble for hitting him, maybe even going to
gaol or be sent away as sometimes we were threatened with
being sent to a reformatory.

Later that night, Mr Kentish, another missionary from
Croker Island, was driving past and stopped. I told him
what had happened. We all jumped in his car and he drove
us back to Bagot, which was near where he lived. I knew
I was in big trouble, so Josephine and I hid near the chook
house for the night. Early the next morning we walked to
where my mum Maisie's daughter lived, who I met whilst in
Darwin. Her name was Polly Kelly and she lived with her
husband, Paddy Kelly, an Irishman who was well known to the
unions. I got taken to the welfare office and got checked
out by Mrs Merlin. I didn't tell about the abuse by
Mr Walters, but I did tell her that I hit a missionary.
Mrs Merlin would have seen some of my wounds from where
Mr Walters had flogged me. She told me that I could be
taken home. Mr Kelly drove me back to Bagot. I saw
Mrs Shankleton and I am pretty sure that Mrs Merlin had
rung her and told her I was on my way back. I expected to
be flogged again, but nothing happened other than being
sent to my room without tea. The other kids told me that
Mrs Merlin visited Mrs Shankleton just after I returned and
I thought she must have been coming to take me away, but
she left without me. I believe Mr Kelly was an important
person and, because of him, nothing happened to me.
I wasn't sent to Mr Walters for punishment after that.

Mrs Merlin, the welfare officer, did visit Bagot two
or three times whilst I was there. She saw Ms Shankleton
but she never spoke to the kids and nothing ever changed.
I believe it was convenient for the government to put us
kids in Bagot so they didn't want to raise any issues or
cause any problems with AIM.
I eventually took action against Mr Walters in 1996. In 1998, there was a trial in the Supreme Court in Darwin. It was really difficult for me to give evidence, but I did it for my countrymen. The charges related to the physical abuse I suffered. I never told the court or even my lawyers about the sexual abuse I suffered from Mr Walters. I was too ashamed. I think this is why we lost the case.

I am not aware of any other girls being sexually assaulted by Mr Walters. I also believe that Mrs Walters never knew about the abuse.

About 1955, Polly Kelly asked Ms Shankleton if I could go on a holiday to Berrima. Instead of going to Berrima, Polly took me to Phillip Creek to visit Maisie. We were there less than a day. When Maisie and I saw each other we both cried. I could not converse with her properly because I had forgotten my language. It was a very emotional meeting. Lots of people gathered around and Maisie thought I had returned for good, but I had to return to Bagot. I had asked Ms Shankleton if I could get a job, like maybe being a typist at a typing pool, but Ms Shankleton had always told me that I had to stay and work at Bagot in the "--

Q. If you look at the top of page 13, Mrs Cubillo?
A. Okay. "I had to stay and work at Bagot in the nursery. I knew of one vacancy at the hospital for trainee nurses, but when I asked Ms Shankleton about it she just ignored me. One day in 1956 I was sent out to Winnellie. I remember it being when I was 16, but I could have been 17 or even going on 18. There was a couple there who worked and had two little children under the age of two. I don't remember their names. I lived at their house and had to look after the children and do the housework. I didn't get paid for this work, but they were really nice people.

During this time I used to see Joe Cubillo and we liked each other. At one point, the couple I worked for told me they were moving to Perth and asked me to go with them. I didn't want to go to Perth. Joe came over one day and said to me, 'Get your things.' I went with Joe and we stayed with his foster parents, who were his auntie and uncle. Joe and I got married in 1957. I never went back to live at Bagot.

I have never sought victim's compensation. It is not
something I have ever considered. I would be interested in compensation, though, because of the cruelty that happened in Bagot and no-one would do anything about it.

I would also like an apology. I would like the government and AIM to say sorry for what they did to me. When I was married and my husband was being abusive, I actually took my first born baby to Ms Shankleton at Bagot and asked her to take my baby. I said, 'Ms Shankleton, can I leave my baby? It will be temporary, just until I find some accommodation', but she just said, 'You made your bed and you can lie in it.' Everyone at Bagot was getting ready to have lunch but I wasn't invited in. I asked if I could use the phone to call a taxi and she told me to leave the money on the table.

I have chosen to forgive Ms Shankleton and I used to send her a card and some money every Christmas saying 'I hope you have a wonderful Christmas, God bless you.' I have tried to get over what happened to me but I just can't get past it. When I left Bagot I was looking for somewhere to stay. I didn't want to be homeless. That's why I married Joe, for the security and to have someone to look after my kids. My marriage was very violent. Joe was an alcoholic. We had six children between 1958 and 1972. Throughout my married life I was forced to work to support my children. I had received no vocational training at Bagot, so I used to go around knocking on doors, doing washing, ironing and cleaning. Later, I got a job with a contract cleaning company, working at night and looking after my children during the day. I was working when I was pregnant, right up until the night I gave birth. I asked to be discharged the next day and went back to work that night with my new born baby. I had to work to try to make ends meet.

I have tried to re-establish contact with my Aboriginal community. All my family and friends from my childhood have passed on. It has been very difficult, because I have no language and they are a different generation. I feel like an outsider. I don't have a full understanding of the culture, life or the country. I have no say within the community and have not been included in land rights claims.

I am very sad about the loss of my culture. I have never been initiated in tribal ways. When I am with my
family I am very emotional and I still feel a great loss from the death of Maisie. Whilst I am welcomed by my family, I can never regain my losses.

My years at Bagot have caused me much distress. I do not feel I am capable of expressing and loving and affectionate relationship with my children."

Your Honour, I will just add to this. I have said here I do not feel I am capable of expressing a loving and affectionate relationship with my children. When I say that, I love my children, but it is just the way you hug and kiss them like their father did - I'm sorry I didn't do that.

"I was taken away from a loving family and placed into a loveless home. I was continually put down and told I was no good until I'd believe I was inferior to everyone else. I suffer from depression and do not sleep well due to flashbacks and bad dreams about being taken from Phillip Creek and my abuse from Mr Walters. I have only recently been able to talk to my family about what happened to me.

There needs to be better protection for children. They should have the opportunity to talk to welfare people and have a chance to raise things like abuse. Children should be given a chance to express themselves. We never had anything when we left Bagot. We had no money, no housing and no training. We didn't really know about life outside the home because all they taught us about was religion. We never got any assistance from the welfare department either. I was paying rent and working two jobs when I was an adult, just trying to get enough food. There needs to be a better system of ensuring people get help when they need it and that everyone is treated fairly."

Q. Mrs Cubillo, just one matter. In terms of your desired outcome from the Royal Commission, is there anything else that you want to add to what you have said in your statement? Is there anything else you would like to see come out of this Royal Commission?
A. Well, I don't want - your Honour, I would like a fair system. We were denied many things. I know it was a period of that time, we were to be seen and not heard, but there was so much cruelty and much more than what I've said here, your Honour, and I hope that never occurs again.
THE CHAIR: Yes.

MS DAVID: I have nothing further, your Honour.

THE CHAIR: Does anyone else have any questions?

MR LAWRENCE: If I could ask a couple of questions of Ms Cubillo?

THE CHAIR: Yes.

<EXAMINATION BY MR LAWRENCE:

MR LAWRENCE: Q. Lorna, that was very moving, especially what you said about your relationship with your family. Your son is here today, isn't he?
A. He is. He is the child that I gave birth to and went to work the next day.

Q. And he is here to support you during this?
A. Yes, he is. I asked my family not to be present at any time, but he chose to be here.

Q. Can I just ask you a couple of questions only about Ms Shankleton.
A. Mmm-hmm, yes.

Q. She's obviously a person that was very important in your life.
A. Well, she was.

Q. Your statement tells us that she was, in fact, on the truck that picked you up from Phillip Creek?
A. That's correct.

Q. When you were a wee girl?
A. That's correct.

Q. That truck drove you and the other part-Aboriginal people back up to Darwin?
A. There were 16 of us, initially 17, and one jumped off.

Q. And you had the infant from your Auntie Rose?
A. There were two other young children, but I had the baby, because she was a close relative of mine and it was my responsibility to take care of her when her mother wasn't there.
Q. And you managed to do that through that journey?
A. You do it - you have to do these things.

Q. You were able to feed her, through water, by putting it in your mouth and then transferring it --
A. I just took a pannikin from the back of the truck that was near the drum and just swallowed some water and dribbled it into her mouth and she even latched on to my lips to get it - this was her teat and she was trying to suck on it.

Q. That journey took you up here to the Top End. You say in your statement you were scared as a little girl because of the big trees that you saw on the side of the road.
A. I was. I was very scared. Banka Banka has huge grassland, like the prairies, and the bushes are very low, and the further north we went, the trees got taller and taller, and I really wanted to find my way home, but I knew I wouldn't be able to because of the height of the trees, I would be lost.

Q. And there was no-one on that truck to explain to you what those big trees were, was there?
A. No, not at all. We never got off the truck except to go to the toilet. We slept on it, we spent our entire two days under the heat of the sun and we were exposed to the elements, and we slept on the back of the truck.

Q. And that --
A. I'm sorry --

Q. You're right.
A. -- until we were lulled to sleep and I had a restless baby and there were also two other babies a little bit older than Gwen.

Q. That was an open truck?
A. It was an open truck.

Q. And Maude was okay, when you got to Bagot - the little baby?
A. I made sure it was okay.

Q. Gwen, sorry.
A. But when we got to Katherine, I had to wash her clothes, which were all slimy, in the sand, and squeeze it
out and put it back on her. That was all she had. She
didn't - she just had this top.

Q. So that was Ms Shankleton then. How old were you when
you were in that truck - about five?
A. Well, I got taken when I was about five from my
country, in Banka Banka. I think that place was Attack
Creek. We were removed - sorry, John, we were removed
during the war years, so it wasn't just being brought up
here in '46 - we were moved 100 mile radius off Tennant
Creek.

Q. I just want to ask you about Ms Shankleton again,
because in your statement, if you have got that, Lorna, and
I am looking at page 6, paragraph 26, it is where you tell
the Commission when you were first flogged. Paragraph 26.
A. Yes.

Q. That's when you tell the Commission that you were
flogged by that man Mr Stretton, who was a missionary - do
you remember that happening to you, Lorna?
A. On paragraph 26, where I said I missed my family
badly - is that the one?

Q. Yes, that's the paragraph. Maybe if you read that to
yourself. I just want to ask you about Ms Shankleton.
A. This incident occurred when our countrymen - we didn't
know that they arrived, your Honour. They came on a trip.
It was just by chance, Ms Shankleton's office was opposite
this big high fence and they were speaking our language, so
Josephine and I went over and said, "They're talking our
language." So we went over and managed to touch through
the fence and they tried to have a conversation, but
Ms Shankleton called us away, and the second time --

Q. I just want to clarify --
A. Okay.

Q. Am I correct in saying, Lorna, that you saw countrymen
through the fence?
A. I heard them before I saw them.

Q. You heard them. You went over and you were able to
speak language?
A. Well, I understood what they were talking about.
I still can understand some part of the language but
I can't put it together.
Q. Because your mother spoke about five or six languages, didn't she?
A. She did, and my brother spoke eight languages, and English made nine.

Q. And you were caught doing that and Ms Shankleton then sent you to the missionary to be flogged?
A. That's right.

Q. Is that correct?
A. Yes. Straightaway.

Q. And that was her role in Bagot - was to instill discipline for doing breaches such as that?
A. That's right.

Q. Now, the other thing I wanted to ask you about was, again, it is in your statement, and I will take you to that. It is page 7.
A. Yes, I have that.

Q. It is about that time when Ms Shankleton suggested that you might want to be a missionary - do you remember?
A. Yes, I do.

Q. Can I just ask you this, Lorna: you loved learning, didn't you?
A. I did.

Q. You loved education, didn't you?
A. I did.

Q. You loved gaining knowledge, didn't you?
A. I did. And still do.

Q. And you gained a lot of knowledge at school, didn't you?
A. I did. I had wonderful teachers.

Q. And one of the teachers you mentioned in your statement was Mr Waters, who is a well-known teacher here in Darwin.
A. There was Mr Walters, the perpetrator, but there is Mr Waters.

Q. Waters, yes. And he took a special interest in you,
didn't he?
A. He did. He told me I could do anything I wanted, but
he didn't know that that wasn't possible.

Q. And it wasn't possible because you were at Retta Dixon
Home?
A. That's right.

Q. And you knew that, didn't you?
A. I did.

Q. And so when Ms Shankleton suggested that one
possibility was that you could be a missionary, you said no
to her, didn't you?
A. Yes, because I won the top award for the Bible exams,
and I can still quote many Bible texts - extracts from
that, but I'm not going to, but I'm one of those people who
memorise things and it stayed with me for - to this very
day.

Q. And you said no to Ms Shankleton's suggestion because
you defied her, didn't you?
A. I did that to let her know that I had been hurt, and
I wanted her to feel my pain.

Q. And that was because you knew, despite your love of
learning, that you had no future other than being
a domestic or maybe even a missionary at most; would that
be right?
A. That is correct, and I refused to be a missionary,
because I thought it would have been hypocritical for me to
do this. I believe in God, but that is not what I wanted
to do.

Q. And, like Mr Waters, your teacher at school, you knew
you could do a lot more things than just be a domestic or
a missionary, didn't you, Lorna?
A. I did. But I didn't have the opportunity.

Q. Ms Shankleton, you say in your statement, used to
speak to the Commonwealth officers that visited - Mr Giese
and Mr Ryan?
A. That's right.

Q. Can we take it - and it is perhaps obvious - that you
would never have dreamt of reporting anything to
Ms Shankleton because of your relationship with her from
the time she took you from your home throughout your time at Bagot?
A. That's correct.

Q. You told us about coming to this very court, back in I think it was 1999, in this Supreme Court - do you remember when you did the case?
A. Yes.

Q. Which went for a long time?
A. It did.

Q. Did you speak to Ms Shankleton around about that time?
A. Ms Shankleton came to my house.

Q. In Darwin?
A. Firstly, let me just tell you the story. Barbara was doing research at Karu. I worked for the government in Centrepoint there. I worked - I got a job with the government through my own efforts, but Barbara was doing a research and I was hired to work as a consultant, and that was mainly to converse with my relatives about our life in Phillip Creek and later on at Bagot. It wasn't Ms Shankleton. Somebody had told her, so she came to my house. She had never been to my home - I have lived in that house for 48 years - prior to this. This would have been over 20 years ago.

Q. Did you talk with Ms Shankleton then about your experiences at Retta Dixon?
A. No, I did not.

Q. What did she talk about?
A. She was concerned about what we would say about her, so I got - I assured her that we weren't going to say anything about her.

Q. And this was in the court case that you were taking against the government?
A. Well, this was about - a story about the Retta Dixon at that time, and I didn't want to say anything negative about her. It doesn't matter what she did to me, I'm a loyal person.

Q. You have told us in your statement - you have described how the trees became different up here in the Top End and you were able to go back to country and see
your mother, or at least your Auntie Maisie - do you remember that experience?
A. She was my mother - the mother I knew.

Q. And can you tell the court how you felt, what you did when you saw the bush, the country that was there, that you went back to on that occasion?
A. Firstly, we made three stops before we got to Phillip Creek. We got off the truck at Banka Banka - this was Tuits Bus Service. It was a tourist or like a bus service, like Greyhound, in those days, and there was a mail drop-off, or something, at Banka Banka, and I just got off the bus because the door was open. Maisie and I got off - I'm sorry, Polly, and Polly asked if her mother there, but her mother wasn't there, and we went on to Tennant Creek and she wasn't there. And then we got a lift - we asked around, or she did, and we found a driver, who was driving water to Phillip Creek. His name - I think his name was Nugget Hampton, and we were able to get a lift with him to Phillip Creek to see mum.

Q. And what happened there?
A. We cried.

Q. And did you see the bush that was different?
A. I did.

Q. And did you touch it?
A. I did.

Q. What did you do, Lorna?
A. We hugged and cried. I'm sorry. We cried because we were happy.

MR LAWRENCE: That's all I have to ask you, Lorna. Thank you very much for coming today and giving your evidence.

THE WITNESS: Thank you.

THE CHAIR: Ms David, do you have any questions?

MS DAVID: No, I don't, your Honour.

COMMISSIONER FITZGERALD: Q. At the time of the court case here in Darwin, did AIM offer you any support?
A. No, they didn't.
Q. Did they at any stage offer you an apology?
A. No.

Q. Did at any stage they offer you any compensation?
A. No.

Q. And have they been in touch with you at any time since you have left Retta Dixon?
A. Not since I - hang on, Ms Shankleton came to my house.

Q. Not Ms Shankleton, but did anyone else from the organisation --
A. Well, she came with Ms Swan. The first thing they did is - we held hands, because my husband objected to them coming. He knew how I was treated. I just said, "Leave them be and I will speak to them." And we held hands and said a prayer before she said hello to me.

Q. Prior to this particular hearing by the Royal Commission, has AIM approached you to support you through this process?
A. No, they didn't.

COMMISSIONER FITZGERALD: Thank you.

MS DAVID: Can I tender Mrs Cubillo's statement.

EXHIBIT #17-1 STATEMENT OF LORNA CUBILLO DATED 29/08/2014

THE CHAIR: Does anyone want to ask any questions following Commissioner Fitzgerald's questions?

MR LAWRENCE: Nothing arising.

MS McLEOD: No questions, thank you.

MR GRANT: Not on our part, thank you, your Honour.

THE CHAIR: Very well. Mrs Cubillo, thank you very much for coming and sharing your story with us. You are now formally excused.

THE WITNESS: Thank you, your Honour.

<THE WITNESS WITHDREW>
MS DAVID: I call Mrs Sandra Joy Kitching.

<SANDRA JOY KITCHING, affirmed: [12.45pm]

<EXAMINATION BY MS DAVID:

MS DAVID: Q. Mrs Kitching, did you provide a statement to the Royal Commission dated 25 August 2014?
A. I did.

Q. Can Mrs Kitching be provided with this statement. Do you recognise this as your statement of that date?
A. It is.

Q. And have you had an opportunity, before coming to the hearing, to read that statement?
A. I have.

Q. And are there any changes that you wish to make to the statement?
A. No, not really.

Q. And can you say that it is an accurate statement of your recollection?
A. Oh, yes.

MS DAVID: If your Honour pleases, I tender the statement of Mrs Kitching of 25 August 2014

EXHIBIT #17-2 STATEMENT OF SANDRA JOY KITCHING DATED 25/08/2014

MS DAVID: Q. Mrs Kitching, I understand that you would like to read your statement to the Royal Commission?
A. I will.

Q. Can I ask that you do that now?
A. "This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give to the Royal Commission into Institutional Responses to Child Sexual Abuse. This statement is true to the best of my knowledge and belief.

Where direct speech is referred to in this statement, it is provided in words or words to the effect of those which were used, to the best of my recollection.
My full name is Sandra Joy Kitching. I was born in 1950 and I am 64 years old. I have also been known by the name Sandra Gifford, which was my married name.

I identify as being Aboriginal and as being a member of the Stolen Generation.

I currently live in Sydney, in New South Wales. I work part-time for a non-government organisation called the South West Child, Adolescent and Family Services, CAFS, as an Aboriginal family support worker. I work as a counsellor, support worker and caseworker.

I was born in Alice Springs, Northern Territory. My mum, Nellie Kelly, is from the Gurindji people and they lived in Wave Hill, Northern Territory. My father was Peter Kitching, who was a German person. I never met my father. I have seen a letter that my dad wrote to the Commonwealth Government asking if he could marry mum, but in those days it was very hard for an Aboriginal woman to be seen with a white man. Neither the white community nor the Aboriginal community would accept them, and the government wouldn't give you any support.

My mum had a total of 11 children. The first two, Elaine and Johnny, had different fathers, then Phyllis, myself, and Dennis all had the same father. After Dennis came Eddie, Jennifer, Jeanie, Nella, Raylene and Shelley.

When I was about two years old, I was taken from my mum and put into Bagot Settlement. Under the Welfare Act I was made a ward of the State and mum was told that because she was Aboriginal and had no job, she would be unable to get housing and unable to care for the children. There was no welfare back then. Mum didn't want to give us up, but the Commonwealth Government just took us. My mum was still living in Alice Springs, so I was taken a long way away from her.

I was put Bagot Settlement. Elaine and Johnny, Phyllis and Dennis were all put there too, but I didn't know if we were taken at the same time or not. Elaine was about 8 to 10 years older than me and Johnny was about 6 to 7 years older than me, and they went to a different part of the settlement for older kids, and I never connected with them. I was with my older sister, Phyllis Kitching. She was about one year older than me, and my younger brother,
Dennis, who was about a year younger than me. The boys stayed on the boys' side and I was with Phyllis on the girls' side, although she went into a different dormitory to me.

Bagot Settlement was a place for full-blood Aboriginal people in Darwin. It was run by Aborigines Inland Mission. There was a bit that was for half-caste and quarter-caste kids which was separated from the full-bloods by a big fence. I am mixed blood, so I went to that part of the settlement. It was a dormitory-style set-up and each building had about 20 kids. Older kids were separated from the younger kids, and boys were separated from girls. There were rows of beds with a little cupboard. On the wall opposite the beds was a place you could hang your clothes with a curtain you could pull across. It was good because if you got scared, you could jump out of bed and go and get in with one of your other friends or sisters. We loved being together, and because there was no separate rooms with doors, we all felt safe.

In my dormitory, we were supervised by two single women, Ms Spohn and Mummy Dinham. Ms Shankleton was the superintendent in charge of the whole half-caste part of the settlement. Another of the supervisors was Ms Clutterbuck. She looked after the nursery.

The full-bloods next door had more freedom than us half-castes. They got to go shopping; we didn't. We weren't even allowed to talk to the full-bloods. We only got to go to camps in the school holidays, and that was right out in the bush. The government didn't think they could do anything with the full-bloods, the traditional people, but us half-castes, we had brains so they thought they could beat the colour out of us and make us white. At least, that's the way I see it. That's why they took us from Alice Springs and put us in Darwin. They took all the Darwin kids and put them on Tiwi Island and they took us away from our land and our people.

My first real memory of Bagot Settlement was when I was about five years old and I started primary school. I remember catching the bus to Nightcliff primary school. After primary school I went to Darwin high school, I think, for a year before it was closed down. Then they built a new school in Nightcliff and I went there.
My mum had moved up to Darwin to follow us. She was living in a little ghetto called Stuart Park where lots of mothers used to live. They lived in corrugated iron buildings. She used to work in a laundry or she did some cleaning. My mum used to come and take Phyllis, Dennis and me out for the weekend. At first, it was once a month, but eventually it was once a fortnight. That's how I knew Dennis was my brother, when mum would take us out, because he was in the boys' section at Bagot Settlement, so I never saw him. We [sic] had to beg and beg Ms Shankleton to let her take us out" - sorry, I've - "We [sic] had to beg and beg Ms Shankleton so that we could go out and we used to throw tantrums and cry because we wanted to go with mum for the weekend, which should have been every weekend. Eventually she relented and let mum take us away for the weekend. Ms Shankleton used to come in and say, 'Right, you kids are going to see your mum this weekend, Friday night. So she's going to come and pick you up.'

Ms Shankleton also threatened us that if we misbehaved we wouldn't be allowed to go.

Mum would take us to places that the stupid missionaries wouldn't. We learnt from mum that you had to shop for your food, and she taught us about money, because we never had money. We would also go to the pub and watch people dance. We thought it was fun and we just dreaded going back every Sunday night. This happened every month.

On a Sunday when we got back, we were drilled by Ms Shankleton or one of the other adults, like, 'Where did youse go today? What did you do?' Phyllis and Dennis and me used to get scared and we'd be shaking and carrying on. We never told them the things we really did, we would just say we went and stayed at mum's place, or we went fishing. Phyllis and I would get together with the other girls in a huddle and we would tell the other girls where we went, tell them we had ice-cream. Sometimes, mum would buy a packet of lollies and I would sneak it in. Some of those kids were nine and 10 and 11 and never had a lolly. My older brother and sister, Johnny and Elaine, never came with us and I don't know why.

When I was about 12 years old the government decided to build a cottage home. The home was called Retta Dixon Home and it was a short distance up Bagot Road from Bagot Settlement. AIM ran Retta Dixon. There were seven cottages, and in the middle was the superintendent, who had...
a two-storey house. When we moved to Retta Dixon, 
Ms Shankleton went back to being a house parent and 
Mr Pattemore was the superintendent.

In the dormitory, we were all sisters, but then they 
decided to split us up into different cottages. It was 
a terrible idea. Each cottage had a foster mum and dad, 
called house parents - I didn't want that. I had my own 
mum. Phyllis and Dennis were not in my cottage. Dennis 
was in another cottage, but Phyllis had been sent away to 
an institution in Darwin. The house parents referred to it 
as the 'naughty girls' home'. It was a place called 
Essington House up near Molly Point, where the hospital 
was. That's the last time I saw her until I got out of 
Retta Dixon Home. I heard she was sent there because she 
became interested in boys. I was never told that she was 
being sent away from Retta Dixon.

I was put in cottage 1. Two of my house parents were 
a couple of single ladies, one, Sandra Garside, the other, 
Kathy Naden. They came from Singleton College, if I 
remember. They were kind of all right, but they used 
a cane a bit, just for little things, like if you didn't 
come home early. I had a bit of a fight about that. 
I went to Ms Shankleton and Mr Pattemore about the caning 
and said, 'This is ridiculous', but nothing happened. They 
either caned you on the hand or on the back of your legs. 
I only got caned once, on the hand, and it really, really 
hurt. After that I said to myself, 'No-one's ever going to 
do that to me again.' If someone went to cane me, I would 
say, 'Don't do it because I'm telling you, I'm going to hit 
you. You hit me and I'm going to hit you.' So I used to 
end up scrubbing the floors or doing the washing up for 
months. The other kids got caned, though.

When Sandra Garside and Kathy Naden left Retta Dixon, 
Mr Pounder, his wife Mary and their three kids came to be 
house parents at cottage 1. I was about 14 or 15 years old 
when Mr Pounder came. He was a big bloke and was very 
cruel. He would make us clean the whole house before 
school, washing up, laundry, hanging out the clothes, the 
laundry and mopping the floor. We complained that it made 
us tired for school, but he continued to make us do it. If 
we back-chatted him or complained to Mr Pattemore, he would 
chain us to the bed and leave us chained up until we were 
sincerely sorry for what we did. When you were chained up 
you couldn't sit properly or sleep and he would take off
our clothes, which was just the dress - I still had pants
on - so we could only be wearing our pants, like big
bloomers.

There was no lock on the bathroom door. When I had
a shower in the morning, Mr Pounder would barge in and he'd
pull me to him and sniff me and say, 'You didn't use soap.'
I would try to pull away and say, 'Hey' and I would be
trembling and shaking. He did it twice to me and I know he
did it to at least some of the other girls. We started
showering together and when he came in we would face our
backs to him. He tried to stop us showering together, but
I said, 'No, I don't care what you say. You're a terrible
person and you're disgusting.' And he would say, 'Yeah,
well Aboriginal people should use soap, and I'm going to
stand here and watch you.' I said to the other girls, 'We
need to go and see his wife, this is not on.'

Not long after, Mr Pounder went to church one day and
I got his wife and I pushed her up against the wall - we
shouldn't have done that. I said, 'You better tell your
husband to stop staring at us. It's not about soap, okay?'
She said, 'My husband will get on to you. You just leave
me alone.' I said, 'Well you tell him to leave us alone.'
She didn't do anything, so I ran up to Mr Pattemore and
tried to explain to him, 'You've got to help us, please
help us.' But he didn't do nothing. I got chained to my
bed all night for that. Us girls continued to shower
together.

Mr Pounder would make me go in his car with him
instead of catching the bus to school. He only did this to
me. I hated it, not going on the bus with everyone else.
I ran to Mr Pattemore and complained, 'Why is it that
everybody else is allowed to go in the bus and not me? I'm
frightened of this bloke. He's already perving at us, you
know, opening doors, standing there, watching us, thinking
we're not using soap - rubbish. You need to help me. I'm
not going to go into his car to go to school.' Mr Pattemore
did nothing.

When I was in the car, I would sit up in the front
passenger seat. Mr Pounder would try to put his hand on my
leg in a sexual way. He would say, 'Look, it's all right',
and I would say, 'Stop. Don't touch me.' Anyway, he would
touch me, and because I was right near the side of this
door, I remember getting up on my feet and sitting up right
over the other side, as far away as I could from him. He
would touch me every time I got into the car to go to
school. When I think back about that, I think I was lucky
that I used to not give in, because I wonder if he would
have maybe taken me to a side street or something and done
something. He just made me sick. I don't know if he did
it to any of the other girls.

A family of four came to Retta Dixon and lived in my
cottage. There was a little girl named Sandy, Cathy and
Barry Wardle and they were from Wave Hill, my country.
I didn't know that. They spoke their own language and they
couldn't speak English. They were so frightened and
scared, they cried all the time. Me and the other kids
used to try and comfort them and we would get into trouble.
The first time we all sat at the table, Mr Pounder put;
little Sandy in a high chair right next to me. She shook
and trembled and cried. I said, 'You need to get her out
of there, she doesn't understand what that chair is about.'
He said, 'One more word out of you and you will go to your
room.' I said, 'I don't care if I go to my room.' My
punishment for that was to spend the next week cleaning
around the edge of the skirting boards with a toothbrush
for being a smart-arse.

Mr Pounder kept feeding Sandy. He would hold her nose
and shove the food down her throat. This kid wasn't used
to eating cabbage and cauliflower and she'd be coughing the
food up and food would be coming out of her nose. I knew
I would get into trouble, but I couldn't help it. I stood
up and said, 'You are so cruel.' And he said, 'Right,
you're starting a riot here', and he put me in a spare
room, he chained me up and he took my clothes off me and
said, 'That's what Aboriginal people deserve.' I was so
scared.

Sandy didn't want Mr or Mrs Pounder to bath her.
She'd scream for us. I said, 'What are you doing to her?
Why?' Mr Pounder said, 'Right you can go back in', and he
chained me up again in my room.

Another time, Sandy was being fed again at the table
and she was coughing and crying. I saw her eyes and that
was it for me. I ran up to Mr Pattemore and said, 'You are
so cruel. You can’t see what that idiot is doing.' But
again nothing happened. I had to run away. I later found
out that Sandy died.
I was about 15 or 16 years old when I ran away from Retta Dixon to my mum's place in Darwin. I couldn't put up with it anymore. Sandy Wardle being abused, Mr Pounder, trying to touch me when I was in his car, all of the physical and emotional abuse that was occurring, it just got to be too much. Someone came to mum's place twice looking for me and I said to mum, 'Please, please, mum, don't, don't ever let me go back there again.' So when the AIM came to mum's, I hid in the cupboard or down the back in the long grass, and they never came back after that. They never came back. I'm not sure who it was that came looking for me, because I stayed in hiding. That was the last time I was in an institution.

When I actually got out of Retta Dixon, mum already had three other children and was living with a white man, my step-father. He was really, really nice. It was hard on mum when I turned up, and later on, Phyllis came and lived at mum's place, too. There was never much money but at least we were together.

So when I left Retta Dixon I just walked away, and because of that I didn't have any money or clothes. The hardest thing for my mum was to have to find us room, to have a bed and space for us. I had to share a bed with one of my sisters, but it was absolutely beautiful. I would rather that than anything.

I was in third year at high school when I went back to mum's place. I went back to school for about six months, but mum couldn't afford to have us all at home and no money coming in. So I went and got a job at the supermarket in Darwin packing shelves. The supermarket was called 'Tom's the Cheaps' back then. I can remember one day Mr Pounder came into the supermarket with his wife and kids. One of the kids was in a wheelchair and I went up to Mr Pounder and I spat at him and I said, 'What happened to him? I hope God punished you for what you did.' I know it was a bit cruel, but anyhow, that's how I felt.

Missionaries didn't teach you life skills. They didn't teach you about the outside world, they didn't tell you about boyfriends, about being pregnant. Nearly all of us got pregnant when we were still very young, though not at Retta Dixon, because we weren't even allowed to talk to boys. I never wanted that. There was no social security.
or dole back then, and we thought if you had a child they
would come and take it away, because that is what happened
to us.

I had four children, Darren, Stephen, Carlene and
Clinton. I had Darren when I was 19 years old. None of my
kids were taken from me. The Department of Community
Services (DOCS) never came near me. I still live with my
son Stephen in Sydney.

Eventually I went back to school. When I was in my
forties I did a Certificate III in Community Service. Then
I got a job with Karu, an organisation started up by
Aboriginals to recruit and train Aboriginal carers for
placement of Aboriginal children. Karu was under the
control of DOCS, which is now known as Family and Community
Services. At first I thought, 'Wow, this could be so
good.'

I worked for Karu for 11 years. I started off doing
placements of kids, but I'm glad I was not placed in that
kind of environment. Even when we placed children with
families we had recruited, FACS were always looking over
our shoulders, checking everything and making it difficult.
They never showed such interest when I was in Retta Dixon
and they never provided people for us to talk to.

I never reported the abuse to anyone other than
Mr Pattemore. There was no-one else to report to. No-one
ever said, 'If you have any issues, you come and see me.'
We wouldn't have known what was acceptable anyway. There
was no guide or standard to tell us what was allowed and
what wasn't. I wouldn't have trusted the authorities even
if they did speak to us, because they were all white
people.

I have never sought compensation. Retta Dixon was run
by the missionaries and they don't have any money, so what
would be the point? I would be interested in compensation,
because what happened to me in Retta Dixon really affected
my life. I see other cultural groups who arrive in
Australia getting compensation and money from the
government, and they didn't have to go through what we went
through, but I got nothing.

I felt I had a good life because I could bounce back
and be with my mum on weekends and sleep with her at night
and hug her. I didn't know where half the people went when they left Retta Dixon. I had no money when I left, no clothes, nothing.

I'm a strong person, I'm lucky. My brothers found it difficult when they had problems with their relationships. They thought they could just walk away, even when they had kids, because that's what they think you're allowed to do. I still have a strong connection with my brothers and sisters.

The worst part of it was that being in Retta Dixon left me without hope. I would have been interested in playing the piano, in having a career as a typist or as an air hostess. I got offered a job by the Trans Australian Airlines as an air hostess, but didn't take it. My sisters and I also got offered modelling jobs, but we didn't take it. We didn't have the self-confidence to do anything like that. That was the worst, missing out on so many opportunities in life, because Retta Dixon just gave us no hope, no life skills and no self-confidence to do anything.

If anything comes out of this Royal Commission, I would like to see the kids that are in care have someone that they can talk to, someone that they can trust and come and talk to them. Too many of the caseworkers don't care enough about the kids and what is right for them, but just go about doing their jobs. Sometimes, they are just the wrong people for the job. Aboriginal people, they can be the worst sometimes, because they've got too much hurt from what has happened in the past, particularly those like me who were taken from their families. Using kinship carers can be a good idea, but you need to keep an eye on it and you need to find the right ones.

Something else I don't understand is why didn't the government call my mum in and say, 'Look we can see that you've been coming to visit your kids for many years, and you're stable. Your kids can go home.' There is a strong view with families, Aboriginal families in particular, that you can never do anything to get your kids back. Families need to know that if they work hard they can get their kids back."

MS DAVID: Your Honour, is that a convenient time?

THE CHAIR: Well, are there any questions that anyone else
has of Ms Kitching?

MS McLEOD: No, thank you, your Honour.

MR GEORGIOU: No.

MR GRANT: No, thank you, your Honour.

MR LAWRENCE: I have quite a large number of questions.

THE CHAIR: Quite a large number. Well, we had better take the luncheon adjournment then.

LUNCHEON ADJOURNMENT

THE CHAIR: Yes, Mr Lawrence, you have some questions?

<EXAMINATION BY MR LAWRENCE:

MR LAWRENCE: Q. Sandy, are you fine, okay to go, continue?
A. Yes.

Q. I won't keep you long. I wanted to ask you a couple of things that you've covered in your statement but maybe not in as much detail as could be helpful and relevant to the Commission. Was your mother in an institution similar to Retta Dixon?
A. Yes.

Q. Which one?
A. Kahlin Compound.

Q. Are you aware of your mother's mother, as to where she came from and where she was brought up?
A. My mother's mother was also in the home, but as a cleaner, like did the laundry and stuff, so my mum was able to be with her as well.

Q. Your mother was Gurindji, though, which is down at Wave Hill?
A. Yes.

Q. I wanted to ask you about what you say in your statement - and I think it is paragraph 9, but it doesn't matter, I'm sure you remember better than anybody. You did tell this Commission, if I can use the term, that the
"part-Aboriginal" kids, of which you were one, were
actually worse dealt with than the full-flood Aboriginals
who were in Bagot outside the fence. Do you remember
that's in your statement?
A. Yes.

Q. You go on to explain in your statement how you are of
the view that the scheme was designed to basically get the
Aboriginal out of you, by whatever means, and the
full-bloods were left to their own devices outside the
fence, if I can put it that way. Do you follow that?
A. Yes.

Q. Do you agree with that, Sandy?
A. Yes.

Q. Would it be the case, having spoken to me and being
good enough to explain things, that there was an irony
there, because you in fact learnt a hell of a lot about
Aboriginal culture through that very fence by speaking to
countrymen and other Aboriginal young boys and girls from
other parts of the Territory?
A. Yes.

Q. And that was language, kinship, all kinds of aspects
of Aboriginal culture which you, in fact, were unaware of
before you were placed in Bagot in the part-Aboriginal
dormitory?
A. Yes.

Q. I want to ask you about Ms Shankleton, do you remember
her?
A. Yes.

Q. Did you feel in any way comfortable or able to be able
to report any of the abuses that you suffered or witnessed
to her?
A. No.

Q. And why would that be?
A. With my dealings in Retta Dixon, I didn't really have
much to do with her, like she was there, but she wasn't,
for me. Like, we knew that she was the superintendent,
but, yes, she didn't come around and talk to us or - even
when we were at church, Ms Shankleton had a few girls that
were her pets. There was two that we know of,
Ms Shankleton used to love them, and we could see that.
All of us could see it in the home. So I went to her once
or twice and I just - it's - yes.

Q. That's all right. Can you tell us a bit about if
there were any lectures given by the staff, the AIM staff,
including her, about religion and punishment, stuff like
that?
A. No.

Q. Did you ever receive lectures from the house parents
on the Bible and its teachings?
A. The Bible?

Q. The Bible.
A. Oh, my goodness.

Q. The Holy Bible?
A. Look, they frightened us so much. When we were in the
dormitory, I had my two sister girls that were either side
of me and they really didn't have family, so we were so
close to those two girls, and at night she would - she used
to rock herself to sleep and she'd jump into bed with us.
If someone was with me, she would try and go into the next
bed. She was absolutely terrified that Jesus would come
and take her and take her to hell.

Q. Did you see a lot of kids scared about going to hell
when you lived at Retta Dixon?
A. Yes. Most of the kids in there that got baptised did
it because they didn't want Jesus to take them away soon
and go to hell.

Q. What about you, Sandy, were you scared about going to
hell?
A. Yep.

Q. You were able to go and see your mum on the weekend?
A. Yes.

Q. And that was a good thing?
A. That was just beautiful.

Q. Would you say that that was part of the reason why you
were able to resist some of the authority that you
experienced when you were back in the Retta Dixon Home?
A. Mate, look, my mother was absolutely beautiful. She
cared about us. She taught us a lot of things. She made
us strong. She made me strong, my sister and my brother.

Q. And she taught you stuff?
A. Yes.

Q. She taught you right stuff?
A. Yes.

Q. She taught you how to protect yourself?
A. Yes.

Q. Would that maybe explain how you pushed over Mr Pounder's wife when you baled her up that day?
A. Well, when we went on the weekends, we would tell her, "Mum, you know when you take us to the pub on the Saturday, the missionaries, when we go home, Ms Shankleton, she makes us stand in the office, the three of us, and she points the finger and she goes, 'Now I want to know where exactly you've been.'" We told mum. Mum said, "Don't you dare tell her where you've been." I said, "I know, mum, because they say that you - that Aboriginal people are really bad, that we drink, we don't care about our kids." And I looked at my mum and said, "Mum, but you drink, but you're a happy drink [sic]. Why do they say that?" I'm confused why they used to say she was bad.

Now, when she took us for the weekend - and, yes, yes, we did go to the pub and, yes, we loved it - there was all the mothers there. All them children in the home, their mothers were there. They were beautiful, they were dressed up, they had make-up, they had earrings, and I'm like - this is the first time, you know - "But, mum, the missionaries said that you're not allowed to wear that lipstick. That's vanity. Wearing your hair up like that, that's vanity."

We weren't allowed to look in the mirror, you know? We never looked at ourselves. Mum said, "Yeah, well, you know what, they wouldn't have a clue."

So meeting all these aunties, and that - like, we used to sit there and we used to wonder, "Why are these people bad?" To me, they're all together, they love each other, they hug. We got to know who's mum, and we'd go back and say, "Your mum was there", or "This is what happened." And then what mum used to do is, on the - she used to get a table like this and it would be pushed up near the corner

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there and underneath she'd have blankets and pillows, so if we were tired she'd keep us there. She used to say don't you go anywhere else.

One day, [REDACTED] came to us, me and my sister Phyllis. He put his arm around us and he was smooching and trying to kiss us. We ran over to my mum and I said, "Mum, [REDACTED] is trying to kiss us and slurping all over us and he stinks." My mum got straight up, went over to him and said, "You listen here, you. Do not touch my children." So eight years old, I learned that that's not acceptable; you know?

Q. Also, you say in your statement that you got things like ice-cream and lollies and stuff like that when you were out on the weekend?
A. Yes.

Q. You'd sneak them back to Retta Dixon and share them with the other kids?
A. We did. There was another girl that was in there, [REDACTED], and her mum did the same.

Q. And, Sandy, I think you said in your statement - you were reading your statement out, and it might have been an error, it's at paragraph 14, when you said, "We begged to be allowed to go to mum's on the weekend." I think it was actually your mum that begged Ms Shankleton to allow you out; is that correct? She'd come to Retta Dixon and beg her?
A. She did, but we did too, because we thought a month seemed like a whole year, man. Like, we tried to say to her, "This is too long. Why can't we go this weekend?"

Like, we did the little shuffle and carry-on. She turned around and said, "If you keep carrying on like that" - like, it was hard to let your emotions out, because you'd be in trouble or you wouldn't go again. Then, when we left the office after seeing Ms Shankleton, my bigger sister, Phyllis - me and Dennis would just start crying, you know, like this is not right, but - yes.

Q. I gather initially it was once a month and then it was reduced, or increased, rather, to once a fortnight, which was good news for you?
A. After many years, when we were about 12.
Q. Let me ask you this: when you were there, then, getting weekends off every two weeks or every month, did you actually have an idea as to why you were separated from your own mother?

A. No.

Q. Can you tell the Commission this, if you can: do you know if your mother had any ideas as to why you, her daughter, didn't live with her all the time?

A. Look, I think after a while, when it started happening, I think our culture is very good at getting messages around. We didn't have phones, we didn't have anything like that, but I tell you what, when something was needed to be told, everybody knew. So the story spread. And so I think some people, some mothers said, "Oh, you know, the white man thinks that our colour, my colour, is - it's either liquorice, chocolate or caramel, but chocolate and caramel, our colours, they took us." They took us. And the story that we heard from all mothers, not just my mum, is that, "Oh, maybe you guys that are lighter, maybe youse have more brains, maybe you have a brain."

Q. That was the story.

THE CHAIR: Mr Lawrence, these are very important stories, but we need to be mindful of the Letters Patent which the Royal Commission has. I don't want to stop any account that is relevant to the institution, but I think we have to be careful we don't stray too far into other issues. I'd ask you to be mindful of that.

MR LAWRENCE: I will be.

Q. In your statement you talk about the dormitories being changed to cottages, and you said that was a bad idea?

A. It was terrible.

Q. Were you given any explanation by the authorities as to why, when you were moved into a house cottage, you were separated from your own siblings?

A. No.

Q. Because that happened, didn't it?

A. Yes.

Q. You have told us about asking for help or not asking for help from Ms Shankleton. What about Mr Pattemore, did
you feel that you had any chance of getting any assistance from him?
A. Well, after the first time I went there, I was hopeful that he would. I thought, well, you know, a big boss, who was white, maybe he could listen to us. But, no, he didn't. He did nothing. I cried. I grabbed him on the legs when I ran up there, because Mr Pounder chased me halfway, but I got up the stairs before him and I just literally grabbed him around the legs and I said, "You need to help me." And in comes Mr Pounder and it's like they have a few words and then he's - then they say, "You need to go back to your cottage and sort it out." I said, "No, I don't want to go back there." But, yes, you have to - yes.

Q. Following that, you were punished and chained up all night?
A. Yes.

Q. You in fact escaped from Retta Dixon.
A. Yes, what a fabulous day that was.

Q. And you know others that did as well, Sandy?
A. Yes.

Q. Quite a few?
A. Yes.

MR LAWRENCE: Thanks very much. Nothing further.

MS DAVID: No, your Honour.

THE CHAIR: Thank you, Ms Kitching, for sharing your story. You are now excused.

THE WITNESS WITHDREW

MS DAVID: If your Honour please, I call the witness [AJA]. There won't be a webcast in respect of this witness's evidence.

THE CHAIR: Is that in place, to make sure that happens?

MS DAVID: I understand that has been, your Honour.
<[AJA], sworn: [2.20pm]

<EXAMINATION BY MS DAVID:>

MS DAVID: Q. [AJA], did you provide a statement to the Royal Commission on 18 September 2014?
A. I did.

Q. Can the witness be provided with this document? Is that a copy of the statement that you provided to the Royal Commission?
A. Yes, it is.

Q. Have you had an opportunity to read through that statement before coming to the hearing today?
A. Yes, I have.

Q. Is it an accurate statement in terms of your recollection?
A. Yes, it is.

MS DAVID: I tender the statement, your Honour.

THE CHAIR: It will become exhibit 17-3.

EXHIBIT #17-3 STATEMENT OF WITNESS [AJA] DATED 23/08/2014

THE CHAIR: Do you know where it is in our papers?

MS DAVID: Tab 17, your Honour, in the supplementary bundle.

Q. [AJA], I understand you would like to read your statement to the hearing?
A. Yes.

Q. Could you do that now, please?
A. “This statement made by me accurately sets out the evidence that I am prepared to give to the Royal Commission into Institutional Responses to Child Sexual Abuse. The statement is true and correct to the best of my knowledge and belief.

Where direct speech is referred to in this statement, it is provided in words or words to the effect of those which were used, to the best of my recollection.
My full name is [AJA] and I was born in 1956. I am 58 years old." Do I have to say those --

Q. No, you don't. Skip paragraph 3 except for your date of birth and age?
A. "When I was born I lived with my mother and father in Darwin, and my older brother and sister. When I was two years old my mother gave birth to my younger sister, but my mother unfortunately died during childbirth. My father was 67 years old at the time. He tried to care for me, my older brother and sister. I don't know where my little sister was at the time but she had health concerns. She died later, when she was six months old. My father also sought help from friends to assist in looking after us. In 1958, when I was two years old, my older sister, younger sister and I were placed into care at the old Retta Dixon Home by my father. My brother came to Retta Dixon a year later.

When I was placed into the old Retta Dixon, the home was located on Bagot Road, Darwin. The superintendent of Retta Dixon was Ms Shankleton. I'm told that I was first placed in the nursery and then later the little girls' dormitory. I remember Ms Webb was the missionary responsible for my care in the dormitory.

In 1961 we moved to the new site for Retta Dixon, which was on the corner of Bagot Road and Totem Road. I was in cottage 7. Mr Pattemore became the superintendent at the new home.

There were house parents for each cottage. In my cottage, cottage 7, the house parent was Judy Fergusson. The numbers of children in cottage 7 varied from about 10 and 13. She was a very cruel woman and inflicted many cruel punishments. I saw other kids get the cane on the bottom or back of their legs. Often children would go to school with welts on the back of their legs.

As a child I used to wet the bed. Whenever I wet the bed I would get belted with the strap and I would be sent to bed early, straight after dinner. This punishment made me very anxious because I knew what would happen if I wet the bed.

Ms Fergusson got fed up with me continuing to wet the bed, so on one occasion, when I was about seven or eight
years old, she told the other children in my cottage that I was a baby for wetting the bed and that babies wore nappies to bed. That evening she gathered the other children, boys and girls, to watch her put a nappy on me. She made me take off my pants in front of everyone. I was humiliated and very sad. This memory still brings me to tears to this day.

Children who were old enough were tasked with chores for the week in the cottage. One time when I was about 10 or 11 years old, myself and another girl were on kitchen duties. Ms Fergusson had been out visiting another cottage parent and, when she returned, came to check the kitchen. We had not completed all the chores expected of us. Ms Fergusson came into our bedroom, woke us up, and sent us to the kitchen. The other girl was still half asleep, which annoyed Ms Fergusson, so Ms Fergusson picked up an old-style can opener that we had not put away. It had a sharp metal point and Ms Fergusson stabbed the girl on the upper hands numerous times, causing her hands to bleed where the skin had been pierced.

On another occasion, some of the boys from cottage 7 were in the kitchen looking through the cupboards, dipping their fingers into containers and licking their fingers. Ms Fergusson caught them and made them stand in a line whilst she put a teaspoon of whatever they had been tasting into their mouths and made them swallow it. One of the boys had a teaspoon of mustard powder put into his mouth.

We had to go to church a lot. The church was at Millner. We also went to Sunday school, Christian Endeavour, Scripture Union and Girl's Brigade. We said prayers at church and also before and after every meal. We received a lot of religious training and I had a very good knowledge of the Bible. I knew more about the Bible than I did about school work. The house parents said prayers regularly and would pray for our sins, but it seemed they did not pray for their own sins.

Whilst at Retta Dixon, I attended Nightcliff primary school. I went to high school in Woonona, New South Wales. I was good at spelling and composition writing, but I struggled with maths. It was very difficult to get help with school work and I don't remember ever doing homework. I was also a very shy and reserved child, which also caused me to struggle in the classroom. I completed my 4th year...
school certificate at Woonona but did not get good results. I believe that the lack of help with school work in my early years of schooling, and the lack of encouragement from Retta Dixon, adversely impacted upon my future education.

I was about five years old when I was subjected to sexual abuse at old Retta Dixon. Boys who were living at Retta Dixon around my age, and up to a few years older, began sexually interfering with me and did, on a few occasions, have sex with me. Some of the boys who were even older also tried to coerce me into having sex with them. This happened at various places on the site but not in the dormitories. The areas where it happened were away from the accommodation.

In 1961, when Retta Dixon moved to the new site, the sexual abuse continued. I recall one occasion when I was seven years old. At the time, the children in Retta Dixon were allowed to wander outside the grounds of the home. We were wandering through the bush at the back of Retta Dixon with a group of children. Another girl, who was five years old at the time, a 14-year-old boy and myself left the group to go back to the cottages. On the way back, the boy asked me to have sex with him. I said no and told him to ask the other girl. He insisted he wanted to have sex with me. Eventually I consented but I wasn't happy about it. This was in the bush area out of sight of the cottages.

On another occasion, when I was about 10 years old, I shared a bedroom with another girl two years younger. An older boy from another cottage came into our bedroom one night. Ms Fergusson was not there, but was visiting at one of the other cottages. The boy wanted to have sex with us but we refused. Eventually, he left.

I never reported the sexual abuse that was going on at Retta Dixon. I didn't even know that it was abuse at the time. I just thought it was normal behaviour and was part of life. I never discussed it with the other children and I don't know if any of the other girls were abused. I didn't even discuss it with my sister at the time and have only told her about it roughly six weeks ago.

Even if I had known that the abuse was wrong, I felt that there was no-one I could trust to report it to and I would have been too embarrassed and scared to do so.
anyway. I felt no-one would have believed and that I would have been punished for lying. Either way, I believe I would have been punished or ignored for reporting the abuse.

In 1967, my older sister was sent to live with a foster family in New South Wales. I cried for two days and could hardly eat. Ms Fergusson just told me to stop crying. She was not sympathetic at all. I grieved for my sister. I later found out from my sister that she was sexually abused by her foster father. In 1969 when I was 13 years old I left Retta Dixon and went to live at Petersham in Sydney as part of the Part-Aboriginal Education Scheme. I had been asked by Ms Fergusson about going to high school in New South Wales because I would get a better education. I agreed to go on the condition I could live with my friend from Retta Dixon who was already living in Petersham. The truth was that I wanted to get away from Retta Dixon.

I lived with a foster family in Petersham, Sydney, and attended Petersham Girls high school. I liked living in Sydney because we had much more freedom than at Retta Dixon and I was not punished. The foster parents were nice, and whilst we continued to go to church, it was far more relaxed than at Retta Dixon. I don't believe that this family was associated with the Aborigines Inland Mission or Retta Dixon in any way.

After a year, I was told that the foster family was moving and we would be going elsewhere to live. My friend moved to another suburb in Sydney, to a foster family that had other children from Retta Dixon. I was moved to a family living at Woonona in New South Wales and was the only foster child in their care. They were English and had two daughters who were younger than me. It was the first time I was the oldest child in a household. Before I moved there I had a brief holiday at my sister's placement at Morisset, New South Wales. I remember on one occasion her foster father came into our bedroom and fondled me under my sheets. He touched the back of my neck and my crotch. I said, 'Don't', and he stopped and left the room. He didn't try it again.

The family at Woonona lived in the same street as another lady who was the sister of Ms Fergusson. It was through this connection that they ended up being a foster
family. I believe Ms Fergusson organised this arrangement.

Whilst at Woonona I attended Woonona high school. I was scared when I started at the new school. I was the only child at the time who had visibly darker skin. If there were other Aboriginal children at the school, it was never made known to me. I felt really isolated and felt different and alone.

My foster family were kind to me. However, the father became too familiar with me. I was nearly 14 years old when I moved to their home and almost immediately the father started grooming me. He sexually abused me from just before my 14th birthday until I was 16 years old.

The sexual abuse did not involve sexual intercourse but did involve other sexual acts. He never ejaculated in my presence. Usually the abuse occurred if the foster mother was out, or in his den when I went to say goodnight. At the end of my first year at Woonona I asked if I could go back to Darwin for Christmas and the school holidays. I went back to cottage 7 at Retta Dixon for the school holidays. At the end of the holidays I asked Ms Fergusson if I could stay in Darwin, but I was told I had to return to Woonona. I was distraught. I screamed and pulled at my hair. Mr Pattemore also got involved and demanded that I return to New South Wales. The following morning I was forced to board the plane to Sydney. I never told Ms Fergusson or Mr Pattemore about the abuse in Woonona.

When I was about 15 years old I decided to kill myself. I bought a packet of 24 aspirin at the supermarket and swallowed all of them. I got very sick but didn't tell anyone what I had done. My foster mother thought I had food poisoning and took me to the doctor. I did not tell the doctor about the Aspirin or about the abuse.

When I was 16 years old I was in my last year of high school. My foster parents bought a property in Wilton, New South Wales, a small rural town. They did not want to disrupt my schooling so they arranged for me to stay with the next door neighbour at Woonona. The foster family would pick me up every Friday afternoon and take me back to Wilton for the weekend and school holidays.

Whilst living in New South Wales I was still under the control of the Northern Territory Welfare Department.
I remember a welfare officer coming to visit from Darwin and speaking with the foster parents. I saw the welfare officer, but I don't know who it was. I don't think the welfare officer spoke to me. Due to being so shy, I would not have reported the abuse to the welfare officer anyway.

After completing my schooling, I returned to Darwin for a holiday. I agreed to return to my foster family in New South Wales to enrol in, and complete, a secretarial course. I did return to New South Wales but could not settle. I was homesick and thought that since I had completed school there was no need for me to be in New South Wales. I had a big argument with my foster mother who accused me of being ungrateful. I also received a letter from Mr Pattemore encouraging me to stay in New South Wales. I couldn't stay, though, and returned to Darwin.

Several years ago my first foster mother told me that the reason Retta Dixon sent me to live in Sydney was that Retta Dixon staff were concerned that girls were going to get pregnant. I think that this shows that the staff at Retta Dixon probably knew that sexual activity was taking place but failed to protect the children from it.

In 1973 I obtained work in the public service in Darwin. I started working in the Department of Aboriginal Affairs when I was 17 years old. I am currently working in the Northern Territory Government and have worked for most of my life. I started studying a degree in social work some years ago.

The abuse and treatment whilst living at Retta Dixon and in foster care have greatly impacted my life. I never thought about it at the time, but being away from my family caused me to lose my Aboriginal identity and heritage. I knew my mother was Aboriginal and that she had family. At the time I never got to meet any of the family and my father never spoke much about them. When dad ever spoke about mum he would get upset, so I never asked questions because I didn't like to see him upset.

Retta Dixon was a Christian institution run by the Aborigines Inland Mission, and our whole lives revolved around getting a Christian education and discipline. We were never taught any life skills, taught about relationships or given advice or assistance in relation to
a career after school. As a result, I believe I was not properly prepared for life as an adult, and was robbed of opportunities due to a poor education.

I am angry at Retta Dixon for putting me in this situation. The sexual abuse I suffered was something that I had to grow up with, but did not really understand. I don't think that Ms Fergusson or any of the other adults at Retta Dixon did anything to look after the children and prevent the abuse from taking place. I never considered ever telling any of the missionaries at Retta Dixon because I had no trust or faith in any of them.

I have never reported the abuse to police or any other agency. I have always felt that it was just life and that I had no right to complain. I have always felt ashamed and blamed myself for what happened. I have bottled it up inside and feel that I have not dealt with the abuse in a healthy way, because I have normalised it. I don't understand why that is the case.

I have started to receive counselling this year and it has helped me understand my emotions and reactions to the abuse and has given me the strength to face it. I have never before had help to support me.

My whole life has been affected by the abuse I have suffered and by growing up in an institution where there was no love or care. I have difficulties with lack of confidence and low self-esteem, which has made me a shy and hesitant person. This has affected my personal and work relationships. I believe I have been a good mother. However, my suffering has affected my children, because my past has continually been with me. I wish these things had never happened to me.

I have never sought, nor received, any compensation for the abuse that I have suffered from being at Retta Dixon or in foster care. I am angry at Retta Dixon and believe they need to be held accountable.

Desired outcomes from the Royal Commission are for proper protection for children, proper and fair compensation, and to make sure that nothing like this is allowed to happen again."

Q. A couple of matters. [AJA], you say at page 9, at
paragraph 37 - you've told the hearing that you didn't think that the adults at Retta Dixon did anything to look after the children and prevent the abuse from taking place. Would you like to say anything about what, now, looking back in retrospect, would have helped prevent the abuse from taking place and would have helped you as one of those children?

A. Would it have helped me?

Q. What, if it had been present at Retta Dixon at that time, would have helped you?

A. I don't know. I truly don't know.

Q. Would it have helped you to have people associated with your family to come and visit you and ask you how you were?

A. My dad visited regularly.

Q. Did that assist you? Did that make things at all better?

A. It made things better for my dad.

Q. You also say in your statement to the Royal Commission that you have never sought any sort of redress or compensation.

A. No.

Q. What sort of redress or compensation would you like to see come out of this Royal Commission for you?

A. I'm not sure.

Q. Is there anything else that you would like to say to the hearing about how this has affected you or what you would like to see come out of this hearing for you?

A. I can't think on the spot.

Q. That's okay. If something does occur to you, you can always have an opportunity to tell the hearing about that.

A. Thank you.

THE CHAIR: Does anyone else have any questions?

MS McLEOD: No questions, Commissioner.

THE CHAIR: thank you, Ms [AJA], for coming and tell us your story. You are now excused.
<THE WITNESS WITHDREW>

MS DAVID: I call the witness [AKU]. She will also give evidence with the webcast off. She is indisposed at the moment.

THE CHAIR: What do you want us to do?

MS DAVID: Perhaps a short adjournment. I only ask for five minutes, because she is rather nervous about giving evidence and it might make it worse.

THE CHAIR: Very well, five minutes. Let us know when you're ready.

SHORT ADJOURNMENT

MS DAVID: I call [AKU] who is present.

<[AKU], sworn: [2.53pm]>

<EXAMINATION BY MS DAVID:>

MS DAVID: Q. [AKU], have you provided a statement to the Royal Commission?
A. Yes, I have.

Q. Is your statement dated 23 August 2014?
A. Yes.

Q. Can [AKU] please be provided with a copy of her statement? Have you had an opportunity to read that statement before coming to the hearing today?
A. Yes, I have.

Q. Is that an accurate statement of your recollection of events at Retta Dixon?
A. Yes, it is.

MS DAVID: If your Honour pleases, I tender the statement.

THE CHAIR: That will be exhibit 17-4.

EXHIBIT #17-4 STATEMENT OF WITNESS [AKU] DATED 23/08/2014

MS DAVID: Q. I understand you would like to read the statement to the Royal Commission?
A. Correct.

Q. Can I ask you if you could do that now?
A. "My name is [AKU]. I was born in 1958 and I'm 56 years old. I was born in Sydney to my mother. My father, I have never met. I have two brothers [AJE], who is two years older than me, and [AJM] who is one or two years younger than me, who is now deceased.

As a child I was always known as [REDACTED], yet my birth certificate says I am [REDACTED]. I was always confused about this, but I was told that my mum was with a man called [REDACTED] at the time I was born.

I was put into Bagot Reserve when I was a baby. I don't remember anything about this place. When they built Retta Dixon Home in 1962 I was moved there. Retta Dixon was a home for part-Aboriginal children run by Christian missionaries. My brothers [AJE] and [AJM] were also at Retta Dixon. I never learnt why I was put in Retta Dixon. When I was at Retta Dixon I was known as [REDACTED]. I lived at Retta Dixon until I was 17 years old.

Mr Pattemore was the superintendent at Retta Dixon. Retta Dixon had a number of cottages. Each cottage had house parents and about 10 to 12 kids. I lived in cottage 2 with my brothers. Our house parents were Don and Barbara Henderson. The other children living in cottage 2 were [AJO], [AJB], [AJN], [AJG], [AJH], [AJF], [AJI], [AJJ], [AJK] and [AJL]. Sometimes other kids came and went too.

Cottage 2 had four bedrooms. The Hendersons had one bedroom, the girls slept in another, and the boys slept in the other two.

The Hendersons never showed affection towards each other and they didn't have kids of their own. I grew up being very frightened of Don Henderson. He would beat us nearly every day, usually for little things. If we didn't hold our knife and fork properly, he would lean over the table and hit our hand with his knife or throw a tin cup at us. We had to eat everything on our plate and if we didn't he would belt us with a cane or his hand. I used to hate junket, a sweet pudding. On one occasion I vomited up the junket and Don Henderson made me eat up the vomit with the junket.
Barbara Henderson, his wife, would sometimes intervene on our behalf, but not very often. Sometimes you could see that Barbara felt sorry for us, but she was frightened of Don Henderson too. I got on well with Barbara, and as soon as I got home from school I would do everything possible to be with her. I would make her coffee, get biscuits, change the baby's nappy. I just wanted to be with her and keep away from Don Henderson.

I was so frightened of Don Henderson that I used to wet my bed at night until I was 12 years old. Everyone knew about my bed-wetting and I used to get teased about it all the way through primary and high school. Every time I wet the bed, Don Henderson would beat me with a cane on my hands or bottom, usually about five times. Sometimes he would beat me in the morning, but mornings were very rushed - getting dressed, having breakfast, getting ready for school. If he didn't have time in the morning, he would wait until after school. I knew I had it coming so I would think of ways to run away. But there was nowhere to run. I did not know anybody outside of Retta Dixon.

After I got home from school, Don Henderson would wait until I had finished my homework and then he would take me into his room. He had a barrel right near the door to his bedroom with all these canes of different sizes. He would get one of the canes and I would have to put my hand out and he would hit me with the cane. Sometimes, he would hit my hand on the upswing with the cane, which would cut my fingers. Sometimes he would cane me on the back of the legs or the back, somewhere where people couldn't see the marks. All the other girls at Retta Dixon wore short school uniforms, but I would have to have a long dress, down to the knee, and long socks to cover the marks.

When he was caning us, Don Henderson looked like he was in a trance. He would keep caning me until my hands were bleeding and I was screaming out in pain, hoping someone might hear me. Don Henderson also sometimes punched me or pulled my hair. On one occasion when I got home from school after wetting the bed, he made me put on a nappy and go into the lounge room with all the other kids. I was humiliated and everyone laughed at me. I was about 12 years old at the time. Barbara Henderson just sat there. She didn't do nothing. I thought she loved me but she didn't love me.
I went to Millner Primary School and then to Nightcliff High School. I loved school because I hated being at Retta Dixon with Don Henderson. I dreaded going home every day to see him. I also liked school because I got to meet all the kids from outside the home and I loved getting outside of Retta Dixon.

All the kids at Retta Dixon used to go to the Aborigines Inland Mission Church on Sabine Road. Mr Pattemore was the pastor at the church.

I remember when I was about eight years old the Hendersons told [AJE], me and [AJM] that our mum was coming to visit us. We all got dressed up and we waited for every bus. She arrived about 10am that morning but only stayed a little while. As she was leaving, she told us that she would come back later that day. I pleaded with her to take us with her, but she never came back. Barbara Henderson said to me, 'See, no-one loves you. That's why you're here. Your mother is nothing but an alcoholic Aboriginal woman and she's never coming back for you.'

I found my mother again when I was 21 years old. She had had more children and she had another family by then.

About 1970, when I was about 12 years old, a white family, the Pratts, came to Retta Dixon. They had two little boys of their own and wanted a little girl. I was fostered out and taken to Melbourne away from my brothers and the other people that I knew in the home. The Pratts were also Christians. Mr and Mrs Pratt were really lovely people, but I didn't assimilate and I couldn't understand why I couldn't have my brothers with me. I didn't adjust to the school that the family put me in and I was unhappy and started misbehaving. In the end they said I was uncontrollable and I was sent back to Darwin. I was with the Pratts for about a year.

When I got back to Retta Dixon, Mr Pattemore told me, 'You bring shame on this home. How dare you.' and he gave me the biggest beating ever with a cane. I was about 13 years old.

Barbara Henderson used to go out most nights of the week. She had St John's Ambulance one night, then school and prayer meetings. She seemed to be out of the house
about three or four nights a week. When Barbara was out, Don Henderson would come into one of the bedrooms. It seemed to me that Don Henderson liked to sexually abuse boys more than girls, because he mostly took boys in his room at night.

Don Henderson would come into my bedroom on nights when Barbara was out and say, '[AKU], come here', and I would have to get up and follow him into his bedroom. If I pretended I was asleep, he would come and pull the blankets back and tap me on the shoulder.

Don Henderson would lie on his bed on his back and face the mirror on the dressing table. He would have his shorts on but his penis and balls would be hanging out. Sometimes his penis was erect, and sometimes not. He would make me lie, face down, facing away from him towards the mirror. He would then put my feet on his penis and he would tickle my feet and make my toes wriggle against his penis and he would then become aroused. He had this little stick that he would tap with me and would use to lift up my nightie. He would continue to tickle my feet for about half an hour. I wouldn't look in the mirror, it was horrible.

Don Henderson started sexually abusing me from when I was about five years old until I was about 13 years old. It would happen, on average, about twice a week. On Sundays, Don Henderson and Barbara would take it in turns to go to church on Sunday night. When it was Barbara's turn, we all wanted to go with her, because if you stayed at home, that's when the sexual abuse happened. He wouldn't let us all go and he would choose who was allowed to go to church and who had to stay home.

When I was about 10 years old we got an above-ground pool put in the backyard of Retta Dixon. Don Henderson would sit in the pool and then myself and other children would stand on his lap. He would bounce us up and down so that our feet rubbed his penis. Sometimes his penis was inside his shorts but sometimes it was out. If we went on a picnic to Berry or Howard Springs he would do the same thing to me and the other kids, bouncing us up and down on his lap in the water with our feet rubbing his penis.

Don Henderson used to take the kids to the Darwin speedway every Monday night after school. We used to spend
hours cleaning the speedway. We would regularly see Don Henderson take one of the boys into the public toilets. I knew that he was sexually abusing them because my brothers told me what he did. They would stay in there for about half an hour.

Both [REDACTED] told me that Henderson used to sodomise them and that he sodomised some of the other boys at the chook pen at Retta Dixon and in his bedroom. [REDACTED] became an alcoholic because of the abuse and [REDACTED] appeared to be Don Henderson's favourite, and I believe he did more things to [REDACTED] than he did to the other boys.

Often around 6.30pm Don Henderson would disappear from the cottage. That was the time of the day when all the kids would have their showers. The boys had a different shower to the girls. Don Henderson had all these tyres stacked against the wall and he would stand on the tyres and look into the boys' showers through the window. He would also sometimes do the same at the girls' showers. Eventually Barbara put up curtains so he couldn't do it anymore, so I think that she knew about what her husband was doing.

When I was 12 years old, I accidentally slammed the car door. Don Henderson swung around and back-handed me across the face and broke my nose. My nose bled for three days until Barbara eventually took me to the old Darwin Hospital because my nose would not stop bleeding. Barbara told the doctor that I broke my nose when I fell out of a tree.

The last time Don Henderson abused me was when I was 15 years old. He took me into his bedroom, pulled my pants down in front of the mirror so he could see me. He bent me over and put my head between his legs and pushed my head right down so I was looking between my legs and I could see the mirror. He then beat me with a cane. He beat me for a long time. It seemed like eternity. He just kept beating and beating. I was trying to wriggle out of his legs and I was screaming. I could feel blood running down my legs. Eventually Barbara came in yelling, 'Don, Don, let her go.' He then let me go and kicked me like a dog in the back.

Barbara then took into the bathroom. I was bleeding badly and Barbara bathed my wounds. I asked her, 'Why?
Why did he have to do this to me?' Barbara kept saying, 'Everything will be all right. I'm so sorry. I'm so sorry.' I remember praying to God for God to take me away, but he didn't listen. I felt so degraded, ashamed and embarrassed. I said to Barbara, 'I want to get out of this home. I hate it here', and she said to me, 'You can't. You know you can't.'

That was the last time Don Henderson sexually abused me. I think he was worried I was getting to the age where I might tell someone, and he beat me as a warning not to tell anyone. He seemed to pick on the quiet, reserved kids who were less likely to tell anyone what was happening.

I know Barbara knew about the physical abuse, because she saw Don Henderson hitting us, but I don't think she knew that he was also sexually abusing us. Don Henderson always sexually abused us when Barbara was out or when no-one was around to see. I think that he thought that Mr Pattemore, or the other house parents, were never going to come and check what was happening as they never came to our cottage.

I never talked to anyone about the sexual abuse, not even the other kids. Don Henderson was a big, scary man and we were little kids. I was far too scared of him to tell anyone. I had only grown up in the home, so I didn't know any different. How would I know that what he was doing was wrong? I thought that what was happening to me must be what happened to all kids.

I don't remember anyone from the welfare or the government coming to Retta Dixon to check on how I was doing, and none of my teachers from school ever pulled me aside to ask. Maybe I could have told them what was happening to me at the home, but I think I was too scared of Don Henderson to tell them.

When I was about 17 years old I got a job with the Health Department as a typist. About this time I moved from cottage 2 to cottage 8. The house parents in cottage 8 were Mr and Mrs McDonald. I used to catch the bus to work outside Retta Dixon. When I was about 18 years old I left Retta Dixon and moved to Ross Smith Hostel in Parap, Darwin. I moved there with another girl from Retta Dixon.
When I was about 18 years old I was in Darwin and I saw Barbara Henderson working in an Opportunity Shop. I thought, 'That's Barbara Henderson.' I went up to her and said, 'I'd like to speak to you. I want to talk to you.' She said, 'Not now, not now.' I asked her, 'Why, why did you let these things happen to me?' She said, 'You have to get over it.' I was really disappointed in her when she said that.

When Cyclone Tracy came in 1974 we moved to Adelaide to continue working. I returned to Darwin after the cyclone. Later I moved to Melbourne with a couple of friends.

In Melbourne, I met [REDACTED]. He was a lawyer. We were married in 1979, I think, and were married for four years. We had a daughter together. He took care of me. He was very kind and gave me money, showed me things, took me to restaurants. He gave me a nice home to live in, but I couldn't give myself to him. I didn't know how to do it. I didn't know what love was.

I continued to be traumatised by my experiences at Retta Dixon. Every time someone called my name, it brought back all the memories. I hate that name. I'm not that little girl anymore. I wanted to be somebody else. One day my husband said to me, 'Why don't you change your name?' So I changed my name legally with my husband's help. That was 30 years ago and I have been called [AKU] ever since. It helps and no-one calls me [REDACTED] anymore. I'm not [REDACTED] anymore.

About 10 years ago I was approached by Roger Newman from the Northern Territory Police. He turned up at my house and asked me if I knew Don Henderson. He told me that one of the boys who was at Retta Dixon with me was dying of cancer and wanted to tell the authorities about what had happened to him at Retta Dixon. Roger was conducting an investigation and wanted to know if I would be prepared to go to court.

Initially I told him I was too ashamed and I didn't want to be involved but then I thought of my brother, who had passed away, and I thought, 'He hasn't got a voice anymore, I will do it for him.'

Don Henderson was eventually charged and the matter
went to court. It wasn't a trial. There was just his lawyer, our lawyer and the judge. Two boys from Retta Dixon gave evidence. After them my turn came. I was asked if I would like to face Don Henderson in court and I said, 'Yes.' I was asked, 'Who was it that did all these things to you?' I just pointed to Don Henderson and said, 'Yeah, it was him.'

Unfortunately, Don Henderson got off all the charges but I'm glad I went to court. I did it for my dead brother. He was sexually abused a lot by Don Henderson. He had a beautiful little heart and a beautiful personality. Mr Henderson went for the quiet ones that didn't have a voice, so I went to court and told our story.

I haven't had a relationship in the last 15 years. I find it very difficult to have relationships with men. I just spend all my time with my kids. I have been overly protective towards my kids. I always want to know where they are going and who they are going with. I have to meet the parents of their friends.

I suffer from depression. I get lonely and worry that no-one loves me, except my children. I worry that one day they will leave home and I will be on my own. As a result of the depression I turn to alcohol. I still have nightmares about what happened at Retta Dixon.

I had one daughter with [REDACTED] and then five other children. They still live at home or come and see me often. I am also a grandmother.

When I am at home with the kids I talk about what happened. I know they think, 'She always brings it up.' I try not to, but it scarred me for life. I can't just turn it off. You think the older you get, you can say to yourself, 'Stop it.' You can't. It affects the way you are. If I didn't have that childhood, I would be a stable person.

I haven't worked in over 10 years. I'm trying to get back into the workforce. I think working would be good for me. I'm doing a Certificate IV in Community Services. I would love to be able to help children. I can pick up on children who are abused because I've been there.

The physical, emotional and sexual abuse that
I suffered at Retta Dixon took my childhood away. I can't get that back. No amount of money can give that back to me. I would be interested in compensation, though, for the suffering that I have endured both whilst at Retta Dixon and after, as a result of growing up in Retta Dixon.

I would also like an apology from AIM and the missionaries who worked at Retta Dixon in recognition of what it has done to me and the other children who suffered in the home.

When I was in Retta Dixon no-one ever came to check on me. I think welfare should have checked on us. I would like to see welfare officers visit children every week and talk to each child on their own so they aren't too scared to talk about their feelings and what is happening.

I think that kids who have been involved in abuse should be able to bond, to get together and talk about what happened. I think that helps. So a process whereby people who have been victims can come together and bond would be good."

Q. [AKU], I just want to ask you a couple of questions, and that relates to the contact that you had with Detective Roger Newman many years ago. I think you say in your statement that he approached you from the Northern Territory Police. Do you recall that?
A. Yes, he did.

Q. Did you in fact provide a statement to Detective Newman?
A. Yes, I did.

Q. After you provided a statement to him, did you in fact go to court about what you said in your statement?
A. Yes, I did.

Q. That was in relation to Mr Henderson and the allegations of sexual abuse?
A. Correct.

Q. And you gave evidence at what was called a committal proceeding?
A. Correct.

Q. That wasn't in front of a jury, just in front of a
A. Yes, correct.

Q. And then, after that hearing finished, what did you understand would happen next?
A. I would have hoped that he would have been charged and to admit to what he did.

Q. After that hearing finished, did you see Detective Newman again?
A. Yes, he took me and my older brother up to the prosecutor's office, Glen Dooley and Colleen Burns, and he explained then that it would not be going any further. He wasn't getting charged and that was the end.

Q. Can I ask you about your understanding of things before you went to see Mr Dooley. Before you went to see Mr Dooley, what did you understand was going to happen when Detective Newman picked you up to go and see Mr Dooley? What did you think that meeting was about?
A. Just to let me know if he's going to get off or be charged.

Q. When was the first time you found out that the proceedings weren't going to continue against Mr Henderson?
A. Only when I was called to court.

Q. When you went to that meeting with your brother and Detective Newman, you went to the office of the DPP?
A. Yes.

Q. When you went there, can you recall what happened?
A. He just explained that his court case is not going to continue further, he's been let off.

Q. Did you have any knowledge or information about that before that meeting?
A. No.

Q. How did you feel about the fact that the charges weren't going to proceed to a trial?
A. I just thought, there it goes again, they don't believe us; they don't believe any of the children in the home.

Q. I'll just ask you to cast your mind back. Between the time that you went to court and gave evidence before a
magistrate and the time that you went to the meeting at the DPP, so during that period of time, did you have any further contact with the police or prosecution?

A. No.

Q. Did anyone ask you to provide any further statements or information?

A. No.

Q. Did anyone ask you for any further information about Mr Henderson?

A. No.

Q. After you were told that the charges weren't going to proceed against Mr Henderson, was there any further contact or follow-up with you after that?

A. No.

Q. I now want to ask you a few questions about another topic. Have you had any contact with AIM or any missionaries or people who work for AIM since this Royal Commission has been called?

A. No.

Q. Has anyone from AIM ever offered you any counselling or compensation?

A. No.

Q. Has there been any sort of contact at all with you, or any member of your family?

A. No.

Q. I think you say in your statement that you would be interested in some sort of redress for what you suffered at Retta Dixon?

A. What does that mean?

Q. Sorry, I'll rephrase it. You would be interested in some sort of compensation in respect of what you suffered at Retta Dixon?

A. Well, yes, money's not the issue, but you can never take away what happened, but maybe if they can admit that it did happen and stop trying to pretend it didn't happen, because it's affected all of us in all different ways.

Q. Putting aside financial compensation, would you like some sort of other acknowledgment about what happened?
A. Yes, for all of us to get together and bond together.

Q. Is there anything else that you would like to share with the hearing and the Royal Commission about how this has affected you and what you would like to see come out of this hearing?
A. Well, I don't think I've ever been really happy anyway - I'm mixed up - I'm very mixed up in the head. I always will be, I reckon.

Q. Is there anything else you would like to say about what you would like to see come out of this Royal Commission?
A. I think I stated there that I want every child, even now and in the future, for the welfare officers, anybody, just to go and check on every child and get them - let them speak, because that didn't happen with us. No-one came to see if we were all right, but I think now they have to follow everything up, look after every child.

MS DAVID: Thank you, I have nothing further.

THE CHAIR: Does anyone else have any questions?

<EXAMINATION BY MR GEORGIOU:

MR GEORGIOU: Q. Ms [AKU], would it be wrong to describe your response when you were told that the charges against Mr Henderson were going to be withdrawn as a happy response?
A. Was I happy?
Q. Yes.
A. No, I was angry and very upset.
Q. If anyone said that you were happy about the charges being withdrawn, that would be wrong?
A. Of course, yes. No, I was angry - yes, very angry.
Q. I just want to ask you about one other topic, if I may. Back in about 1992, do you remember ringing the police to report about the activities of Donald Henderson?
Q. Maybe I'll ask you some other questions to see if it assists your memory. Did you call the police back in about 1992 to inform them that you had seen Mr Henderson with
young boys hanging around the Anula shops?
A. Yes, that's right, yes.

Q. And you rang them because of your concern about him molesting young boys; correct? You went in and spoke to the police, didn't you?
A. I think I did, yes.

Q. You gave them an off-the-record statement; correct?
A. Yes.

Q. Did you ever hear anything further from the police after that?
A. No.

Q. Was the next you heard from them late in 1998/99 when you made a statement to Mr Newman?
A. Yep. That sounds right.

MR GEORGIOU: Thank you.

THE CHAIR: Anyone else?

<EXAMINATION BY MR LAWRENCE:

MR LAWRENCE: Q. You've told us you were angry when you were told the charges were going to be dropped against Don Henderson. So was [REDACTED]?
A. [AJE], yes.

Q. Just in relation to that, were you involved in giving any statements of evidence when Donald Henderson was prosecuted in 1975?
A. I can't remember.

Q. You can't remember that. Do you remember that happening at all?
A. No - only went to court that time.

Q. Just fairly recently, anyway --
A. Yes, with Roger Newman. That's the only time I went to court.

Q. Have you ever heard that he was taken to court back in 1975 as well, concerning abusing kids at Retta Dixon?
A. No, no-one told me.
Q. The police didn't mention any of that to you when they were speaking to you?
A. No.

Q. You, of course, were in cottage 2 where Don and Barbara were the house parents, and there were a lot of other kids there. You tell us who they were in your statement: [AJB] and [AJO], [AJN], [AJH] and [AJG], [AJI], and a family, [AJJ], [AKJ] and [AJL]. Do you remember those kids?
A. Yes.

Q. Another kid in that cottage was [AJF]?
A. Yes.

Q. Do you know [AJF]?
A. Yes, he's like a little boy to me. He calls me mum. [AJF].

Q. He's still living here in Darwin?
A. Yes.

Q. At Palmerston?
A. Well, Auntie Barbara Cummings went to see him a couple of weeks ago and said he wasn't well.

Q. Do you know what happened to [AJF]?
A. In the home?

Q. Yes.
A. When he come in the home, he was a little boy, and I would have been about 14 or 15 - I remember, because I used to bathe him and change his nappy, and Don Henderson was very cruel to him. Very cruel.

Q. Did you see that?
A. Yes, I seen him beating him. Then, when they moved out of the home, we went to visit [AJF] and [REDACTED] and a daughter [REDACTED], they adopted. They lived in Anula there, Snadden Street. I used to go around and visit Barbara Henderson and little [AJF] was there.

Q. It's the case, isn't it, that Don and Barbara actually adopted [AJF] from Retta Dixon, to live in their family home?
A. Yes.
Q. And that home you visited?
A. Yes.

Q. You saw [AJF] there?
A. Yes.

Q. Has he told you what happened to him when he lived in that home, [AJF]?
A. No, not since he has grown up, he hasn't told me the abuse, but I just imagine it, because what he did to us, he's going to do it to another little boy.

Q. How is [AJF] these days?
A. I don't know. Someone told me not well.

Q. Have you seen him recently?
A. No.

THE CHAIR: Mr Lawrence, I think we might have exhausted the topic.

MR LAWRENCE: Thanks very much.

COMMISSIONER FITZGERALD: Q. Just in relation to the police matter about 10 years ago, you were approached by the Northern Territory Police in relation to Don Henderson and you did the committal hearing. What supports were provided to you as a witness in that particular matter? Were you provided any supports by any government agency at that time?
A. No, just public prosecutors - Glen Dooley and Colleen Burns.

Q. Could you tell us, if you can, because it's of interest to us in terms of the criminal justice itself, did you find that experience satisfactory in the sense of the support you received from the DPP, the prosecution services?
A. Yes, I felt they did as much as they could for us.

Q. When the case was concluded, were you provided with any suggestions or recommendations as to counselling or other support that you might require, especially when the case is no longer proceeded with?
A. No, that was the end. And that was it.

COMMISSIONER FITZGERALD: Thank you.
THE CHAIR: Anything arising from that? No?

Yes, Ms David?

MS DAVID: I have nothing further, your Honour.

THE CHAIR: Thank you, Ms [AKU]. Thank you for coming and giving your evidence. You’re now excused.

THE WITNESS: Thank you very much.

THE WITNESS WITHDREW

MS DAVID: I call Mr Kenneth Stagg.

<KENNETH THOMAS STAGG, sworn: [3.28pm]

<EXAMINATION BY MS DAVID:

MS DAVID: Q. Mr Stagg, did you provide a statement to the Royal Commission dated 18 September 2014?
A. Yes, I did.

Q. If you can be provided with a copy of that statement. Mr Stagg, have you had an opportunity to read your statement before coming to the hearing today?
A. The other day I did, yes.

Q. Are there any corrections or alterations that you wish to make to it?
A. I’d just like to say something prior to reading the statement, if I could.

Q. Perhaps, first, if I could ask you, is the statement correct to the best of your recollection?
A. Yes.

MS DAVID: I might tender the statement first.

THE CHAIR: That will be exhibit 17-5.

EXHIBIT #17-5 STATEMENT OF KENNETH THOMAS STAGG DATED 18/09/2014

THE CHAIR: Is the web stream on?
MS DAVID: It should be on again now.

Q. Mr Stagg, I understand that you wish to say something before I ask you to read the statement?
A. Yes.

Q. With the glasses first.
A. Oh, there you are!

Q. Mr Stagg, what would you like to say to the hearing before you read your statement?
A. I'd just like to say that there's been a history throughout the establishment of this country of a failing by the various institutions belonging to the Crown, the Commonwealth, the various States and Territories in relation to the care of children placed in their custody and that it has had an effect, over time, to the detriment of the individuals and the families who have experienced some form of abuse whilst in the care of those who were charged with caring for families. And that's all I'd like to say for that.

Q. I understand that you would also like to read your statement to the hearing.
A. Sure.

Q. Can I ask you to do that now?
A. Yes.

"This statement made by me accurately sets out the evidence I am prepared to give to the Royal Commission into Institutional Responses to Child Sexual Abuse. The statement is true and correct to the best of my knowledge and belief.

Where direct speech is referred to in this statement, it is provided in words or words to the effect of those which were used, to the best of my recollection.

My full name is Thomas Kenneth Stagg, but I have always been known as Kenneth Thomas Stagg, or more simply as Kenny. I was born in 1959 and I am presently 55 years old.

I had an Aboriginal mother, who was living with my father, Kenny Stagg. I believe he is European. They weren't getting on, so he moved back to East Gippsland in
Victoria. My mother had a total of 14 children. I know some of my older siblings grew up on Melville Island and some spent time in children's homes.

I don't know if my father contacted welfare, or if welfare became aware that my mother had so many children she couldn't look after us all, but welfare then took us away from our mother. Veronica, Kevin and I were placed into the Retta Dixon Home. This is the second Retta Dixon Home on the corner of Bagot Road and Totem Road. I was about two years old at the time. My older sister, Veronica, was also in the home with us, and my younger brother, Kevin. I don't remember life before going to live at Retta Dixon. There were eight cottages at Retta Dixon of which seven cottages had children living in them. I think the eighth cottage was for some elderly parents. I lived in cottage 3.

Our cottage was looked after by a Ms Spohn and then by a married couple called the Goodchilds. Some of the house parents were cruel, some were kind, and some were abusive. Some would just take advantage of children, but they were all supposed to be Christians.

Ms Spohn was the cottage parent in cottage 3 for most of the time I was there. She was an elderly lady and she was generally kind. She taught me to cook and fold my clothes and to be organised, as my son can attest to.

The eight numbered cottages that made up of Retta Dixon were set up in a horseshoe shape facing Bagot Road. Cottage number 1 was on the city side of Bagot Road, and number 8 was on the Nightcliff side of Bagot Road. The superintendent's house was upstairs and in the middle of the horseshoe layout, this house faced the entrance of the homes. There was an exit from the horseshoe shape between cottages 4 and 5. The exit went out on to Totem Road. The laundry was on the left of the exit road and then there was a banana patch. Beyond the banana patch there was a sports oval. As you followed the exit around toward Totem Road, there were two cottages that Retta Dixon staff lived in. The first of these cottages was where the washing ladies lived. We called them auntie, but their names were Ruby Spry and Auntie Bessy Croft. The second cottage housed a man named something called Morkham, we called him 'Morky'. Morkham looked after hunting and mechanical issues at the home.
Following those two cottages, there was a garage and then the chook shed. Next to the chook shed was the exit to the grounds of Retta Dixon. The chook shed was out of sight from the main horseshoe formed by the eight cottages. The cottages faced away from the chook shed. I estimate that the chook shed was around 100 meet from cottages 4 and 5, which were the closest to the chook shed.

In general, I thought that Retta Dixon was quite good: in cottage 3, we always had clean clothes. Our clothes were folded and put away. We had clean linen, nice beds, a clean house. We would help out with the chores, doing the washing up and things like that. The food in our cottage was good too.

With regard to church and religion at Retta Dixon, we had to go to church every Sunday for the morning and evening services. We attended Sunday school on Sunday mornings and then the two church services. Sunday school was for about half an hour, and then we would join the main group for the morning church service for about another hour. The evening service was from about 6pm and was around an hour.

All together, we spent about 2.5 hours - I'm getting technical now - on Sunday in church-related activities. We had to pray before and after every meal. We learnt about the Bible in church in the boys' brigade during the week. We sang religious songs during this group. We were allowed to play on Sundays around the church services and Sunday school.

Discipline in Retta Dixon was quite strict. The favourite punishment was the cane. I got caned quite a bit for things like throwing rocks over the fence at cars. One time one of the other boys was picking on Kevin, my younger brother, so him and I had a fight. I think I beat him up, so he complained to a house parent. I was told to apologise, but I refused. I was sent to my room and, when I got in there, the house parent came in with a broomstick and started belting me. He hit me across the legs, the back, the backside, and he kept beating me until he broke the broomstick. I still refused to apologise.

The cottage parents generally had responsibility for disciplining the children in their cottage. If an incident
was severe, then the house parents would refer it to Mr Pattemore. Mr Pattemore would then discipline the children with the cane. I really only know about the cottage 3 punishments and cannot really say too much about what happened at the other cottages. The cottage 3 parents would generally punish us by sending us to bed early or "grounding us" (preventing us from leaving the cottage), or we would lose our play time.

The children, including me, were only sent to Mr Pattemore for more serious behaviour. As an example I mentioned earlier, I was sent to Mr Pattemore when I threw a rock over the fence, along with the other boys. Such things as running away, stealing, any type of incident that involved the public would result in a caning. We were always sent to Mr Pattemore and caned if there was any unfavourable interaction with the outside world. I suppose this was because such things may have damaged the reputation of Retta Dixon. Running away attempts were always punished by caning. Due to the sexual issues at Retta Dixon there was definitely more reasons for me to start running away from around age 9 or 10, probably earlier than that, but I'll just keep saying 9 or 10.

I don't think I got caned until I was about seven years old. From age seven and upwards, I was caned when I misbehaved. I believe I would have been caned by Mr Pattemore around two or three times a year. I felt this was a very harsh punishment at the time. It was very painful and humiliating. We could have been punished in other ways. Mr Pattemore was always busy with the cane at Retta Dixon.

When we boys were caned, the process was always that we had to pull our trousers down and we would then be caned on our bare bottom. We probably received about 12 cuts with the cane each time. Each cut would be very hard and would hurt a lot. It left marks on us. I was caned by Mr Pattemore for various behaviour. I can't remember what I had done each specific time to be caned. Caning was not done in public and was generally done in a room at the bottom of Mr Pattemore's house. I am not sure if the girls got the cane on their bottoms like the boys did, or only on their hands.

I remember that on one occasion myself and some other boys were forced by Mr Pattemore to smoke a cigar as
punishment for smoking. The boys and I used to cut pieces
of a locally grown plant and smoke it by lighting the cut
end. We were caught on one occasion and forced to smoke
this cigar in public as punishment. We were made to smoke
the cigar on the lawn in the middle of the horseshoe houses
in front of all the other children.

Sometimes the punishments were humiliating. We used
to go on camps to Lee Point where we would learn to swim,
chase bush fowl and play in the bush. I remember one night
we were having dinner in the big shed and I ate all my
dinner except the corn. I didn't like corn. One of the
house parents, Don Henderson, was determined that I would
eat it. He force fed me the corn in front of all the other
children at dinner. I was being made an example of.
I didn't eat corn for a long, long time after that.

It regularly happened that children were disciplined
in public as an example to the others. Children were often
told off in public when they had done something that was
deemed unacceptable. I can't remember the exact words
used, but I remember often being yelled at in public. The
telling off would be loud and I felt humiliated when it
happened to me. I think this was intended to embarrass the
children. When I was yelled at like this in public, I felt
subjugated and like a captive and like I had no free will.

I do not remember if I ever wet the bed myself -
I know I did - but I do recall that some of the other kids
did. Children who wet the bed were forced to wear nappies
for this.

During my time at Retta Dixon I ended up in hospital
once with a hernia. When I was about 9 or 10 years old,
I had an operation - here I go, 9 and 10 again - to repair
it and I still have a scar. I don't remember how I got it
or much about this at all. I only remember being prepared
for the surgery and that the nurse at the hospital made me
play boyfriend and girlfriend games with her.

The nurse would hold me and kiss me and touch me
inappropriately. I knew about sex already by this time
(from what went on at Retta Dixon) and so I remember that
when the nurse was shaving me it felt pleasurable and
I enjoyed it. The nurse was removed from the ward during
the time I was in the hospital. I think I was there for
about a week or two weeks. The nurse just disappeared
while I was there. I don't know what happened, but I think she was removed - something to do with how she was with me. I don't know her name or any details. I don't recall any physical injuries from sexual abuse at Retta Dixon.

There was a lot of sexual activity at Retta Dixon between all the kids. Everything I learnt about sex I learnt from the older children. I remember a 15-year-old girl saying to my younger brother, Kevin, and me, 'When I whistle out, you two boys come into the shower, into the bathroom.' So when she whistled out, we went in there, and she taught us about having sex. I think I was about 10 years old at the time, but more than likely I was much younger.

There was one boy who was always trying to root the other boys. His name was [AJD]. [AJD] was continually chasing the boys around. He was about 15 years old and I knew to be very wary of him. I think I was about seven or eight when this boy started pursuing me and this boy was only a couple of years older than me and the other boys in my cottage.

This boy lived with Don Henderson in the number 2 cottage. I think that this boy learnt this type of behaviour from his cottage, but of course I don't know that for sure.

I witnessed this fellow trying to have sex with other boys from my cottage, including [AJO] and [AJB]. I saw this fellow pestering them in the bathrooms often. That fellow would come in and try to have sex with us when we were trying to shower. This fellow would come into our cottage pretending he wanted to play, but he would actually follow us into the bathrooms and bother us for sex. This fellow also pursued all of us and attempt sex when we were playing out in the bush, or near the banana patch.

This fellow was never forceful or violent with me. He would generally get naked in the bush or in the showers and then try to push his penis into us. His penis was too big, so he couldn't get it to work, meaning go in. I often ran off into the bush by myself to try to escape this fellow and his attempts. I built a cubby house in the bush to try to get away from him.

I knew that girls were also being sexually abused by
the other boys. The boys would prowl around at night for
the girls. We could all hear them at night prowling around
the garden and it was common knowledge amongst us that the
boys would hide in gardens and under beds in the girls'
rooms, waiting for the girls. I never directly witnessed
any girls, though, being sexually abused.

I don't think that the house parents saw abuse
directly. I don't remember the house parents ever being
there when this boy was hassling myself and the other
cottage 3 boys. If the house parents did see or know, they
did not let on that they did.

I do not think the cottage parents knew about what was
going on. It wasn't openly talked about. I certainly
never reported it to the house parents, because I didn't
know to report it. I didn't know it was not normal in the
early years.

It changed the way I looked at girls and the
relationship I had with them. They became sexualised and,
instead of seeing innocent things, I started watching them
bending over, looking at their underpants and stuff like
that. We would also play boyfriend and girlfriend games.

One of the house parents, Don Henderson, was well
known amongst all the children as a molester. All the
children knew that Mr Henderson was doing terrible things
to the children in No. 2 cottage. No-one wanted to go to
No. 2 cottage.

Mr Henderson worked in the chook shed and looked after
the chooks. Every cottage had to send someone to the chook
shed for a chook or to get eggs for baking or for meals.
Kids from all the cottages were sent to the chook shed
often, at least once a week, as we needed chickens and eggs
in our meals. Mr Henderson taught us how to catch and kill
chickens and to collect eggs.

When I was in the shed, Mr Henderson grabbed me and
put me on his knees. He put his hand down and brushed it
over my genitals. He did this to me at least one time,
probably more. I remember I could feel that his penis was
hard through his pants. Mr Henderson was holding me and
I struggled to get free and I ran away. He might have done
this to me on other times. I am not sure.
I know Mr Henderson did this to the other kids too. It was common knowledge that he did the same thing to many children. He'd always try to get the children in the chook shed and he would start to grope them. We would all talk about it. Everyone knew that Mr Henderson was grabbing and fondling the kids that went to the chook shed. It was the boys and the girls - we all knew he did it to all the kids. I don't think Mr Henderson tried to abuse me anywhere other than the chook shed.

I avoided Mr Henderson as much as possible and didn't go near him. I think Mr Henderson was a mean and a cruel man. All the children thought of him as a bad man.

I'm pretty sure some of the boys were not able to get away and Mr Henderson raped them.

I don't know if Mr Pattemore knew about Mr Henderson or spoke to him about this. Mr and Mrs Pattemore had children who lived at Retta Dixon. I think the Pattemore children might have known about Mr Henderson, because all the children knew. My sister was good friends with the Pattemore girls. I do not know if the Pattemore children told their parents.

I do not believe that Mr Pattemore knew about the sex that was going on inside the home. Mr Pattemore certainly never talked to us about sex or abuse, or asked us any questions about it.

Schooling: We would get to school in the back of an old cattle truck. All the kids would pile in and we would be driven there.

Whilst at Retta Dixon I first attended Nightcliff Primary School up until about grade 5, and then Millner Primary School for grades 6 and 7. I then attended Nightcliff High School for years 8 and 9. I enjoyed school. I particularly liked English and enjoyed learning, although I didn't like maths. I couldn't see how it applied in life.

I do not think that the teachers at the schools knew anything about what went on at Retta Dixon. I don't think anyone told them. In those days, talking about sex was very taboo.
I was at Retta Dixon until around grade 7 and then I went to live with my aunt and uncle (my mother's brother) in Nightcliff. I went there after my mother died.

While I was at Retta Dixon, my mother used to come and visit about once a month. She would bring us some salty plums or other things. When she would leave, I just wanted to go with her. My siblings and I did not ever go out with our mother when she came to visit. We were not allowed to leave Retta Dixon with our mother.

When my mother attended, we would meet on the front verandah of the superintendent's house. We were allowed to spend about half an hour to an hour with our mother on the verandah. Veronica and Kevin would also meet with our mother on the verandah there.

I remember mother's last visit clearly, as I had really wanted to go out and spend some time with her, but I was not allowed to. Shortly after that last visit, my mother died.

My mother's death: I remember one day being told by staff at Retta Dixon that I needed to come to the hospital to see my mum. I wasn't told that my mother had died, just that I needed to go and visit her. I was about 12 years old at the time, I think.

I went with Kevin and Veronica to the hospital to visit our mum. When we got there, we were taken through the back door of the hospital. We were then shown a stretcher, and my mother's body was lying on it. There may have been a sheet over her. I don't remember who it was who took us there. I remember the person who took us said to us, 'That's your mother.' I said, 'That's not my mother. She doesn't look like that.' I just walked outside after that. I didn't believe that it was my mother.

I believe my mother had been beaten in a domestic violence situation, and she then had a stroke and died some time later.

Leaving Retta Dixon: Not long after my mother died, I was allowed to leave Retta Dixon with my siblings. I always wondered why they waited until after my mother died. I was very angry at the home for not releasing us
until after my mother had died.

I was placed into the care of my mother's brother and his wife, my Uncle Jamesy and Aunt Nanette. They already had seven kids, so when my sister, brother and I moved in, they had 10 children living in the one house. I think I was about 11 or 12 when I went to live with my aunt and uncle.

My siblings and I were initially taken off my mum because she drank, but then when we were released from Retta Dixon we were released into a home where the parents were drinking. I believe my uncle was an alcoholic, as was my grandfather and my eldest brother, who all lived with us there. Retta Dixon sent me to live there, but I had never met any of these people before my siblings and I were sent to live with them. None of these people had ever come to visit us or anything. They were strangers to us.

I am not sure of the reason for me leaving Retta Dixon, as usually kids were there until they had finished school. I know there was talk of sending me and another boy to Adelaide, but I really don't know much about that. I think sending me to Adelaide was considered, as I was starting to misbehave and become rebellious. I started to behave badly around the time of my sexual abuse.

Whilst living with Uncle Jamesy, I continued to go to high school. I went to Nightcliff High initially, but I started to get myself into trouble. When we were first at high school, my brother, Kevin, and I were both so excited to just experience normal society. It was our first time in the real world. By around year 9 I was already buying alcohol and drinking alcohol. By my third year of high school, Kevin and I were sent to St John's Catholic College in Darwin (St John's) because I was getting into too much trouble at Nightcliff High. I started at St John's in 1974. I believe I was sent to boarding school to try to help my behaviour.

St John's was a boarding school. Whilst I was there I realised one of the brothers, Brother [REDACTED], was coming in at night when the lights were off and he would sit down on the bed with one of the boys. After observing this for a while, I went out one day and I got drunk. When I got back to the college I spoke to Brother [REDACTED] and
said, 'I feel like killing you, because I know what you're doing. You're sneaking into the dormitory at night and you're mucking around with the boys. I know what's going on because I grew up in Retta Dixon. I know that sort of behaviour.' Brother [REDACTED] complained about me to who ever was in charge and I got expelled. They protected him. This was some time in 1974.

When I was living with my uncle and my aunt, it was very crowded. Sometimes I just wanted to have some space to myself so I would go out and wander around. I would then get into trouble from my auntie, so my uncle and aunt ended up saying, 'Look, you're going to have to go and find your own place.' I was around 14 years old, and after I got expelled from St John's I had to find my own place to live.

I went and stayed at a men's boarding house for one night only. This was around towards the end of 1974."

Can I add a little bit in here about this? At the men's boarding house, an alarm clock went off in my head, around midnight, woke me up, screaming, ran out of the bedroom, through the house, down the stairs, out to the main road, back to my auntie's house.

"They told me I could not stay with them anymore, and I didn't know where to go then, but I ran into the boy who used to sexually pursue us in Retta Dixon and another lady in Darwin. I went to stay with them for about a week or two weeks. This fellow had been at Retta Dixon with me. He did not bother me any more at that time, as he had a girlfriend. I was living with this fellow at the time Cyclone Tracy hit. That was pretty scary."

The men's boarding house where I did try to stay for that one night when the alarm clock went off in my head, that house was fine except for where my bed was. There was a big hole in the wall. Something had come through. If I had stayed there, I would have been dead. So that alarm clock saved me.

"I went to Adelaide after Cyclone Tracy, around early 1975. Darwin was destroyed by the cyclone. I started hitchhiking out of town by myself as nothing was left in Darwin. I ran into some family down the track, including my sister Veronica and my brother Kevin. We all drove in a
car together to Alice Springs. I flew from Alice to Adelaide on a government-sponsored flight.

When we got to Adelaide, Kevin was billeted with June and Dennis Luthie and my sister, Veronica, and her husband, Ian, as well as some other people and I were billeted with Pat and Cynthia House in Modbury Valley. These people were not family. They were people who had agreed to help with housing the refugees from Darwin after the cyclone.

I lived with the House family for a couple of months. I started school in Adelaide. I started year 11 in a high school, I think it was called Tea Tree Gully High. I schooled there until about March or April of 1975 and then I pulled out of school. So I finished up with my schooling around one-third of the way through year 11.

I got some work with a local in the timber industry, putting trusses on top of houses and building portable sheds. I saved a bit of money and I caught a bus back to Darwin in around August or September 1975. I know I was back in Darwin by Christmas in 1975. When I got back to Darwin I just lived all over the place. I squatted in various destroyed homes, Millner, Nakara, Alawa and in Nightcliff. No-one was left in Darwin; it was all deserted."

Leaving Adelaide, I had left my brother Kevin behind and I didn't realise it at the time, but it affected him badly. He needed his brother to be with him.

"Between around 1975 to 1990, I travelled around Australia, hitchhiking, just going from place to place. During my travels I met Liz McNiven and we had a couple of children together. No-one from welfare ever came to the home. If welfare officers had come to the home and had asked us what it was like there, I would have told them about it all. It would have been fresh in our minds then. I never saw any welfare officers come to the home and we were never asked what was happening.

I didn't ever think to tell any of the house parents about what was happening. I was so young when it all started and the sexual behaviour was so prominent that I never considered that it was wrong behaviour. I had nothing else to compare it to. I didn't know I was supposed to tell anyone about what was going on. We were
never given any education about this sort of thing. We
certainly never had any sex education or talks about
growing up, puberty, or any of that sort of stuff.

I don't know exactly when I realised that the sexual
behaviour at Retta Dixon was wrong. I think that during my
time at Retta Dixon I came to realise that it was not
right, gradually. The secrecy of it all made me realise
something was wrong. The children at Retta Dixon would all
talk about what was happening, and none of us liked it. It
upset us, and so we started to know that it was wrong.

There was always lots of secret business going on, and
we did know at some point it was wrong. I did not ever
think of reporting what had happened at Retta Dixon - not
when I was there, and not afterwards. No-one ever taught
us that we should report on people. We learnt what to do
from the Bible, and there was never anything we learnt in
the Bible about reporting to our cottage parents or anyone
else.

After I left Retta Dixon, I didn't think about
reporting anything either. I was trying to experience life
outside of the home and I wanted to excel in sports. I was
very focused on that. I tried to just ignore and forget
what had happened in Retta Dixon and move on.

The biggest issue I have had throughout life is not
knowing who I am. Family means a lot to me and I try to do
a lot for my family. I am not sure who my real father is
and it is hard not knowing and not being able to answer my
kids when they ask about their heritage.

When you're Aboriginal it is important to be able to
connect with your land and with your family. If you can't
show a connection, you are not involved in any decision
making, and you are shut out - stopped from being part of
that society.

As a result of the abuse, I started to misbehave and
rebel. That is why ended up being sent to St John's
boarding school. I was expelled from school for
confronting Brother [REDACTED] due to my belief that he was
assaulting boys there. I did not finish my schooling after
that.

I feel I have depression, but I have never sought help
for this and so have not been formally diagnosed. I do not
like to talk to people about things like this. I pretend
to be stronger than I am. I try to be happy, but I have so
much sadness on the inside. I mask my feelings and sorrows
about everything. I look after myself by keeping very
busy.

I have always smoked cigarettes. I was first
introduced to alcohol and marijuana at my auntie and
uncle's house when I left Retta Dixon. I abused substances
and smoked cigarettes. I believe I used substances to
block out the pain and shame of what had happened to me,
and to help me cope with life. I previously had a big
problem with drinking - probably from around 16 to 20, but
I do not drink anymore.

I have never sought or received counselling, and
I have never really talked about what happened to me before
with anyone.

I have never sought compensation, nor have I ever
sought an apology either from AIM or from the government.
I learnt in Retta Dixon that the Bible says not to take
people through the courts, just leave it up to God.

I would be interested in compensation if it was
offered.

I would like to see all the Retta Dixon sites
preserved. The history and the story needs to be captured
in a memorial so that it is remembered. I would also like
to see a children's playground built there so that the kids
can come and enjoy the place - maybe not a playground, it
might bring paedophiles, maybe some flowers, maybe be able
to collect bush fruits and learn about Aboriginal culture.

I would like to see new legislation or policy changes
to help people like me find out who their families are.
For me and others like me, this may mean access to low-cost
DNA testing so that we can find out who our European
fathers and relatives are.

Kids are able to connect to the internet so easily
these days. I am worried about my kids having access to
pornography on their mobile phones. It seems they are
becoming sexually aware at a really young age. We can't
deny them access to these things because they will just
rebel, but it needs to be managed and kids need to be protected. Kids need to have well-defined boundaries.

I think truancy officers could help, too - having people make sure kids go to school and get an education and are not able to just wander freely, getting into trouble. I want kids to be able to have a proper chance in life, to have a chance to have a good future and a happy, safe life."

Q. Just a couple of matters, Mr Stagg. Mr Stagg, in the late 1990s and early 2000, were you ever approached by any police officer or a detective about Mr Henderson?
A. No.

Q. During that time, where were you living in terms of State or Territory?
A. 1990?

Q. Late 1990s, early 2000.
A. Late 1990 --

Q. Yes.
A. -- 2000s, where was I? Broome, Fitzroy Crossing, Noonkanbah, Broome, Batchelor, Palmerston, Darwin, and then off to Adelaide.

Q. Had you been approached by a police officer about Mr Henderson, would you have been willing to provide a statement at that time?
A. Yes.

Q. Would you have been willing to come to court and tell a court about what you allege happened to you by Mr Henderson, at that time?
A. Yes.

MS DAVID: Thank you, I have nothing further.
THE CHAIR: Anyone else have any questions.

<EXAMINATION BY MR GEORGIOU:

MR GEORGIOU: Q. Mr Stagg, you lived with your brother and sister and other children in cottage 3; is that correct?
A. That is correct.
THE CHAIR: Mr Georgiou. We haven't told people on the net who you are and who you appear for.

MR GEORGIOU: I am sorry. My name is Georgiou and I appear on behalf of Mr Stagg.

Q. Mr Stagg, you have mentioned earlier in reading your statement that the house parents of No. 3 were Ms Spohn and the Goodchilds. During your period there, were there other house parents at No. 3?
A. There were.

Q. Do you recall any of their names?
A. No, no.

Q. Were the main ones there Ms Spohn and the Goodchilds?
A. Yes, I think so. Yes.

Q. At paragraph 10 of your statement, you speak about the ladies who did the washing.
A. Yes.

Q. You mentioned one of them was a Ruby Spry. Should that in fact be Ruby Shepherd?
A. Yes, thank you.

Q. Not Ruby Spry?
A. No.

Q. You've mentioned about the discipline at the Retta Dixon Homes being quite strict and you spoke about a house parent who took to you with a broomstick. Was it in fact Mr Pattemore who did most of the physical discipline at Retta Dixon Homes?
A. At Retta Dixon, yes.

Q. And his manner of doing the physical discipline was caning; is that correct?
A. Yes. He would never belt me with a broomstick or anything like that. It was just always a cane. That was another cottage parent.

Q. Did his physical discipline have any impact on your ability to relate to him?
A. No.
Q. All right. You mention in your statement at paragraph 17 that:

Due to the sexual issues at Retta Dixon, there was definitely more reasons for me to start running away from around age 9 or 10.

Did you run away often?
A. Yes.

Q. Are you able to estimate how frequently you would run away?
A. Probably a couple of times a year, at least.

Q. Were those times that you ran away due to the sexual abuse that was occurring to you?
A. Yes.

Q. You say in your statement that you're not sure how you got your hernia. Have you since thought further about the hernia?
A. Yes.

Q. Are you able to say now what you believe caused the hernia?
A. I believe the hernia was caused by carting a wheelbarrow around a horseshoe-shaped road on the inside of the cottages. We would have to pull up at every cottage and somebody from the cottage would bring their scraps out. These are scraps from food - not rubbish, just food scraps. So the food scraps would be dumped into the wheelbarrow and then we'd go to the next cottage and so on until we'd done all of them and then we'd wheel the wheelbarrow out to the exit road to Totem Road and across Totem Road to the Clark family's property where we'd deliver the scraps to the pigs.

Q. How often would you do that?
A. Once a week, at least. Yes, a lot of scraps - probably maybe even more times than once, but it was very heavy.

Q. I gather from what you said that the children often spoke about Mr Henderson's abuse; correct?
A. Yes.

Q. You spoke about it to each other?
A. Yes.

Q. And did you speak about the experiences to each other that you had with Mr Henderson?
A. (Witness nods head.)

Q. You never complained of that to any house parent; is that right?
A. No.

Q. You've said in your statement essentially that you didn't appreciate it was wrong.
A. Mmm.

Q. But that gradually you started to appreciate that it wasn't right.
A. Yes.

Q. Once you started appreciating that it wasn't right, was there any reason why you didn't complain to the house parents?
A. Because it was - I'd get into trouble. It was taboo. They didn't want to hear those sorts of things. We were naughty children.

Q. Was there a culture at the home of essentially children should be seen but not heard?
A. Yes.

Q. Was there also a culture that the disciplinarians would take the side of the house parents rather than the children?
A. Definitely.

Q. Did you experience that type of occurrence with Mr Pattemore?
A. Well, yes, because he'd believe the adults, but not us children.

Q. You remained at Retta Dixon until just after your mother's death; correct?
A. (Witness nods head.)

Q. If I suggested to you that your mother passed away in about April 1972, does that sound about right to you?
A. Yes.
Q. How old were you in April of 1972?
A. 1972? I think I would have been about maybe 12 or something. 1972? No, I would have been 13.

Q. You've said that when you left Retta Dixon you went to live with your Uncle Jamesy and your Aunt Nanette. So if you were about 13, or thereabouts, did any social worker or any worker speak to you about the fact that you were going to live with your uncle and auntie?
A. I don't recall anyone ever speaking to me about that.

Q. There was no discussion to you about who these people were?
A. No. I don't think I ever met them. I don't recall them coming to the home and saying, "I'm your uncle, I'm your auntie, and these are your cousins."

Q. Are you able to recall how it was that you got from the home to Uncle Jamesy and Aunt Nanette's?
A. No, I don't recall.

Q. Did you go alone, or did you go with your other siblings?
A. I don't recall.

Q. Did anyone come to check upon you once you were living with them?
A. I don't remember any welfare coming to talk to me at Uncle Jamesy's or Auntie Nan's.

Q. Have you, at any time, been spoken to by a social worker or a welfare officer concerning your time at Retta Dixon?
A. No.

Q. Is it the case that, essentially, you were one day living at Retta Dixon and the next you were at your uncle and auntie's?
A. Yes.

Q. You say in your statement that you haven't had counselling. Is there a reason why you haven't sought out counselling?
A. I don't like talking to people about that sort of thing.

Q. How do you find this experience of telling your story
to this Commission?
A. I find it beneficial for the children of the future.

Q. If counselling were offered to you as part of the redress scheme, would you avail yourself of it?
A. I would.

Q. I think it will follow from what you've said, but has anyone from the AIM contacted you prior to this hearing?
A. No.

Q. No-one has offered to you any assistance or counselling, should you require it?
A. No.

Q. Has the concept of financial compensation been discussed with you by anyone from AIM?
A. No.

Q. Have they contacted you at all?
A. No.

Q. Has any apology been offered to you?
A. No.

Q. From anyone?
A. No.

Q. Whether it be AIM or government?
A. No.

Q. You say in your statement that you would like to see the Retta Dixon site preserved. What is your understanding as to who owns the Retta Dixon site now?
A. Well, I believe that that Retta Dixon site has been taken over or passed into the hands of the Larrakia people and they care-take it. I'm not sure about Lee Point, who owns the lease for that anymore, and Coomalie Creek, well, the church - AIM, they have a community church camp grounds out there.

Q. That's at Coomalie Creek?
A. Coomalie Creek. So they produce profit from that and that will go into, like, ongoing church costs and things like that.

MR GEORGIOU: Thank you.
MS DAVID: I have nothing further.

THE CHAIR: Thank you, Mr Stagg.

THE WITNESS: There is one other thing I would like to say, if I may, your Honour.

THE CHAIR: Yes, certainly.

THE WITNESS: In regards to, like, for future testing of adults who need to work with children, with technology really, really good these days, the technology is that good that you can put things on people's fingers and it'll tell whether somebody is getting excited or their heart starts racing or their pulse, you know, starts acting erratically, changes in temperature. You can put - like you have touch screens and stuff today, and so if you had a touch screen at the bottom of something and a man's penis could be pressing against it while, you know, observing some pictures or sounds or something like that and if there's a reaction in the changes to the body, well, then, you'd certainly know that that particular person is not suitable for caring for children.

THE CHAIR: Thank you, and thank you for coming and telling us your story. You are now formally excused.

THE WITNESS WITHDREW

THE CHAIR: Ms David, that might be enough in the way of witnesses, or not?

MS DAVID: If it's suitable to the Commission, we might adjourn.

THE CHAIR: I think so. Is there anything you want to tender, though?

MS DAVID: I need to tender the tender bundle and the supplementary tender bundle.

THE CHAIR: I've got tender bundles 1 and 2 here. Is there another bundle?

MS DAVID: They've all been amalgamated. It is just that there are orders in respect of both. Can I tender them as
two discrete bundles?

THE CHAIR: So the tender bundle is comprised of two volumes; is that what it amounts to?

MS DAVID: Yes, your Honour.

THE CHAIR: Two volumes will be exhibit 17-6.

EXHIBIT #17-6 TENDER BUNDLE AND SUPPLEMENTARY TENDER BUNDLE

THE CHAIR: We will resume at 10 o'clock in the morning.

AT 4.28PM THE COMMISSION WAS ADJOURNED TO TUESDAY, 23 SEPTEMBER 2014 AT 10AM
yourself (4) - 4820:26, 4839:9, 4860:37, 4888:5
youse (2) - 4829:31, 4841:21