A. Introduction

1. This is the Royal Commission’s 30th case study and is the fourth public hearing to be held in Victoria.

2. The public hearing will bear witness to the experiences of men and women who resided at one of the following Victorian state run institutions between the 1960s and the early 1990s:
   a. Turana Youth Training Centre (‘Turana’);
   b. Winlaton Youth Training Centre (‘Winlaton’); and
   c. Baltara Reception Centre (‘Baltara’).

3. A description of these institutions will be given shortly.

4. The public hearing will examine the responses of these institutions and their staff members to allegations of child sexual abuse during this period, and also the response of the State of Victoria, including the Victoria Police and the Department of Health and
Human Services (and its relevant predecessors) to allegations of child sexual abuse of former residents at youth training and reception centres.

5. During the public hearing, 10 former residents will give evidence of the physical and sexual abuse they suffered while they were placed at Turana, Winlaton and Baltara between the 1960s and early 1990s.

6. I anticipate that these former residents will give evidence that as children they were sexually abused, some by institutional staff members, some by social workers from various predecessors to the Department of Health and Human Services, and a number by other child residents. For ease of reference, and because of the various name changes, I will refer to the Department of Health and Human Services and its predecessors, as the ‘Department’.

7. The Royal Commission has been contacted by over 200 former residents of state run institutions including Allambie Reception Centre, Hillside Boys Home, Pirra Girls Home and Royal Park Depot.

8. In the time available to the Royal Commission, it must carefully select those institutions which are the subject of public hearing. It is not possible to examine every institution in a public hearing. Nor is it possible to call as public witnesses, all those who have or who are currently providing accounts of their experience of sexual abuse as children in these three institutions.

9. All of those who come within the terms of reference of the Royal Commission will be provided the opportunity to be heard by the Royal Commission, most of which will be done in private sessions or by written accounts sent to the Royal Commission. A number of the 200 former residents referred to have already been heard in private sessions.

10. Many of the survivors who will give evidence over the next two weeks will describe their experiences of being processed in, or transferred to, other institutions, in addition to Turana, Winlaton and Baltara. For example, some survivors will say that they were initially taken to Allambie Reception Centre, which was the main reception centre for children in Victoria, before being transferred to Turana or Winlaton.
11. Most survivors will give evidence that they did not disclose the abuse to anyone at the institutions. They are expected to give reasons such as feelings of guilt, punishment, fear of being labelled a ‘lagger’ or ‘dobber’, and a belief that they would be disbelieved.

12. Some survivors will give evidence that they disclosed sexual abuse to institutional staff members, social workers of the Department and/or the Victoria Police, but were not believed or were punished or received a response that did not protect them from the abuser.

13. In relation to the response of institutions and their staff members to allegations of child sexual abuse during this period, the past policies and procedures of the State of Victoria, and in particular, the Victoria Police and the Department, will be examined in this public hearing.

14. I anticipate that the Royal Commission will learn that there were experiences common to a number of witnesses. They include:

a. children being charged and placed in institutions because of parental neglect or for reasons including, what was termed, ‘being exposed to moral danger’;

b. placement of children admitted to the care of the State in institutions that also served as correctional facilities for juvenile offenders;

c. children feeling as though they were being processed through various institutions;

d. children being forced to strip on initial placement at an institution or on return from absconding or weekend leave;

e. children being forced to undergo intrusive medical examinations including checks for venereal diseases, often concealed as ‘hygiene inspections’, and being forced to take contraceptive pills prior to temporary leave;

f. lack of supervision of institutional staff members, facilitating abuse by other residents; and
g. the presence of barriers to reporting abuse, including a fear of being blamed or punished, labelled a lagger, or not being believed.

15. The Royal Commission will hear evidence about the current policies and procedures of the State of Victoria in relation to children and young people in youth justice centres today.

16. Some of the institutions the subject of the public hearing were previously considered in an inquiry by the Commonwealth Senate Community Affairs References Committee. It examined the experiences of people in residential out of home care, foster care and homes for people with disability and juvenile detention, and was directed towards all forms of abuse and neglect, including physical, emotional and sexual.

17. The report titled ‘The Forgotten Australians – A report into Australians who experienced institutional or out of home care as children’ was released in August 2004 and is publicly available (‘Forgotten Australians Report’). The Forgotten Australians Report made a number of recommendations that has been brought to the attention of the Royal Commission, but that will not be considered in this public hearing.

18. The scope and purpose of this public hearing is to inquire into:

   a. The experiences of former child residents at Turana Youth Training Centre (Turana), Winlaton Youth Training Centre (Winlaton) and Baltara Reception Centre (Baltara) between the 1960s and early 1990s.

   b. The responses of Turana, Winlaton and Baltara and their staff members to child sexual abuse of former child residents of Turana, Winlaton and Baltara between the 1960s and early 1990s.

   c. The past and current policies and procedures of the:

      i. Victoria Police; and

      ii. Department of Health and Human Services Victoria (and its relevant predecessors)
in relation to children and young people in youth training, reception and youth justice centres in the State of Victoria.

d. Any related matters.

B. The institutions being examined in this public hearing

Turana

19. In 1880, the Victorian Government opened an observation, treatment and classification centre for children called the Royal Park Receiving Depot for Girls and Boys in Parkville ('Royal Park Depot'). The Royal Park Depot was the only state run establishment directly managed by the Department until the mid-1950s.

20. The Royal Park Depot consisted of a series of cottages with an adjoining farm. It was designed to provide short-term care for up to 60 children. The Department’s Annual Report for the years 1939-1943 set out the functions of the Depot as

... primarily as a clearing house for wards of the Children's Welfare Department and the Department for Reformatory Schools in their various movements to and from institutions, foster homes and employment.

21. The Royal Park Depot also functioned as a hospital, committing children who were found to be suffering from disease, malnutrition or other illnesses.

22. Over time, the numbers of children grew, with some children becoming long term residents. This included ‘hard to place’ adolescents and children with intellectual disabilities.

23. In 1955, the Royal Park Depot was renamed the Turana Youth Training and Remand Centre. Following the name change, Turana was progressively stripped of its functions with the original buildings used exclusively for adolescent boys.

24. Turana was the only reception centre for children committed to state care until 1961, when the Allambie Reception Centre became the main reception facility.

25. Turana was run by a Superintendent, who was the most senior person responsible for the day to day running of the institution. The Superintendent was supported by a
Deputy Superintendent, Principal Youth Officer, Chief Youth Officers, Senior Youth Officers, Night Senior Officer and Youth Officers.

26. The major functions of Turana were to provide:
   
a. reception care for boys over the age of 14 who were awaiting a court decision on protection applications or post-Court planning;

b. open, medium and high security facilities for remanded and sentenced youth aged 15 to 17 years;

c. an adult classification centre to provide classification and transit for youth aged 17 to 21 sentenced to a youth training centre; and

d. short-term accommodation for youth aged 17 to 21 on short sentences.

27. By 1957, Turana had 14 sections with capacity for 265 children and young people, catering for different categories of children. The sections included ‘Poplar House’, ‘Quamby’, ‘Coolibah’, ‘Sunnyside’ and ‘Gables’. In 1960, there were approximately 350 children in residence at Turana.

28. Poplar House catered for boys who were deemed to be emotionally unstable or presented a serious risk to themselves or the community.

29. Quamby catered for both wards and youth trainees that were deemed to require closer supervision.

30. Sunnyside and Gables were the only open sections at Turana and were aimed at getting boys ready to return to the community.

31. Coolibah was a training program for older boys with youth training sentences. The aim of the program was to develop independent work habits and increasing socialisation by providing leave to work and family, leading to work release.

32. Overcrowding was a serious problem throughout the 1950s. At times, over 300 children were held at Turana which equated to over 3,000 children and young people a year.
33. From the 1960s, in an effort to ease overcrowding, the government opened new reception and youth training centres and children’s homes throughout Victoria.

34. In 1964, a remand and classification centre was opened, which facilitated segregation of boys waiting for court appearance and those awaiting classification. Those sentenced to time in a youth training centre would be placed in ‘Classification A’ awaiting a decision regarding where they would serve their sentence. Boys who were not under sentence would be assessed based on current and past offences, school and work records and family history and a decision made as to whether they be placed in the training centre area of Turana, another centre or in the community.

35. By the mid-1970s, the Department noted in its Annual Report that the boys coming into Turana presented as security risks, more so than they did in the past and that the physical conditions at the centre had deteriorated to the point that they were ‘inadequate’ for dealing with boys who presented such risks.

36. A task force set up in the 1980s noted that many of the boys had ‘extremely limited knowledge in the area of sexuality and human relationships’.

37. In 1992-1993, a redevelopment project took place at the Turana site. In 1993, the Melbourne Youth Justice Centre opened on the site of Turana.

**Winlaton**

38. The Winlaton Youth Training Centre at Nunawading was established by the Children’s Welfare Department and first commenced operation in August 1956. Winlaton was established to reduce overcrowding at the female remand section of the Royal Park Depot.

39. Winlaton was the only statutory institution in Victoria for young women aged between 14 and 21 years, although some younger females were admitted to Winlaton because they were deemed to present severe management problems or persistently ran away from non-secure facilities.
40. Data obtained from the Department’s annual reports from the period 1964 to 1989, show that the majority of girls placed at Winlaton were wards of the State, and were not placed at Winlaton as juvenile offenders.

41. The centre was required to provide care, treatment, assessment and custody for wards of the State and young females sentenced to serve a period of detention. Winlaton also had remand facilities for young females under 17 years of age prior to their appearance in a Children’s Court. It was both a remand and reception centre as well as a training centre.

42. By 1983, Winlaton was run by a Superintendent, assisted by two Deputy Superintendents. Reporting to the Deputy Superintendents and Superintendent was a Principal Youth Officer. Below the Principal Youth Officer, were three Chief Youth Officers, assisted by Senior Youth Officers, Second-in-charge and Youth Officers.

43. Winlaton provided accommodation for up to 45 girls in three sections or cottages, which comprised Winlaton proper: ‘Goonyah’, ‘Karingal’ and ‘Warrina’. The sections were designed to segregate girls in their various stages of training and also to avoid mixing newly admitted girls, with girls who had almost completed periods of training.

44. Goonyah was a maximum security section that catered for older and sentenced girls. Girls awaiting appearance in court also resided at Goonyah. It is described as the punishment section for Winlaton.

45. Karingal was an open, medium security section for girls that were deemed to have continued behavioural problems or for girls who had unsuccessful community placements.

46. Warrina was also an open, medium security section that was divided into two sections. Newly admitted girls awaiting classification were placed in the east end. Classified girls awaiting further placement resided in the west end.

47. Each section was designed to accommodate 15 girls in single rooms. By 1957, Winlaton was overcrowded, with up to 60 girls in sections designed for 45 people.
48. During 1979 and 1980 there were between 60 and 90 girls.

49. In 1959, a remand centre known as ‘Winbirra’ and a hostel called ‘Leawarra’ were established by the Department on the same property.

50. Winbirra segregated girls who had not yet been admitted to the care of the Department from admitted girls at Winlaton. Leawarra was mainly used as a halfway house for those girls who were employed but still required some supervised care.

51. In September 1991, Winlaton was renamed the Nunawading Youth Residential Service and became a mixed-gender facility. It accommodated males and females the subject of youth residential orders, but continued to provide for young women aged 14 to 21 who had been detained on youth training centre orders. Males and females were accommodated separately, as well as sentenced and remanded offenders.

52. In 1993, lower than expected numbers of both male and female clients at the Nunawading Youth Residential Service led to a decision to relocate the centre to the former Baltara site. That site then became known as the Parkville Youth Residential Centre.

**Baltara**

53. The Baltara Reception Centre commenced operation in October 1968 in the former ‘Parkside’ section of Turana.

54. Baltara was a remand centre for boys in the 10-15 years age group. It also acted as a reception centre, to which male wards at that age were admitted for study and classification, with the objective of determining a programme of treatment or care based on needs and the children’s home to which they should be transferred.

55. Initially, Baltara comprised four sections each accommodating about 20 to 25 boys. A fifth section was added during 1969/1970. The sections were: ‘Parkside’, ‘Kinta’, ‘Mawarra’, ‘Warrawong’ and ‘Akora’.

56. Parkside was a security and remand section and was deemed for more high risk boys. It also was used as a remand centre for boys awaiting court appearances.
57. Kinta was an open section of the centre holding wards who could not be easily placed in available government and non-government homes.

58. Mawarra was a short term treatment section. Wards spent up to three months in this section and those making good progress were home released or moved on to other forms of care.

59. Warrawong was built as a security unit but was used initially as a short term placement unit for easy to place children waiting for transfer to other types of care.

60. Baltara was initially under the overall control of the Superintendent of Turana. It had its own Officer-in-Charge, who was the Deputy Superintendent at Turana.

61. In 1991, residents from Baltara were moved into residential and reception units in the community.

C. Former residents

62. The Royal Commission will hear from nine former residents, each of whom will give evidence of being sexually abused as a child while at Turana, Winlaton or Baltara. The Royal Commission will also hear from another former resident in relation to the response of Winlaton and the Department to reports of her being raped.

63. I anticipate that the Royal Commission will hear evidence from some survivors that they frequently absconded from the institutions in order to escape the abuse and avoid further abuse. Some survivors will say that they disclosed the abuse to the police, but were not believed, and in some instances, were physically abused by the police.

64. Some survivors will also say that when they absconded from the institution and were picked up by the police, the police never asked why they were running away, but simply placed them back at the institution.

65. Assistant Commissioner of the Victoria Police, Stephen Fontana, is expected to tell the Royal Commission that in the 1960s, children who absconded from institutions could be arrested and placed in gaol. He is also expected to say that the investigation of a sexual
assault against a child at a youth training or reception centre, was historically treated in
the same manner as the investigation of any other crime.

66. Survivors are also expected to say that there was a lack of supervision and oversight at
the institutions, which facilitated abuse by other residents. Some survivors will say that
youth officers stayed in the office and did not supervise the children. Others will say
that there was only one youth officer at night to supervise and look after children in
sections, with some sections holding 50 or 60 children.

67. The Royal Commission will hear evidence from the Secretary of the Department of
Health and Human Services, Varughese Pradeep Philip, of the policies and procedures
in place at Turana, Winlaton, Baltara and the Department in handling and responding
to child sexual abuse during the 1960s to early 1990s. He is also expected to give
evidence about how the institutions and the Department responded to children who
absconded.

68. I expect that each survivor will speak about the impact of the abuse on their lives and
the Royal Commission will hear that the impact of child sexual abuse is ongoing. Several
survivor witnesses will give evidence that they continue to suffer from nightmares,
mental health issues, anger management issues, intimacy issues and lack of social
acceptance and education.

69. Some survivors will say that as a result of the abuse they suffered as children, they
turned to substance and alcohol abuse and attempted suicide on multiple occasions.

Turana

70. The Royal Commission will hear evidence from four former residents that were sexually
abused at Turana.

71. In 1962, at the age of 15, Norman Latham was deemed ‘likely to lapse into a career of
vice and crime’ and made a ward of the State. He is expected to tell the Royal
Commission that he was sexually abused 19 times by two senior officers at Turana,
named Douglas Wilkie and Eric Horne. The Royal Commission has made a number of
enquiries to locate the whereabouts of Mr Horne. These enquiries have confirmed that Mr Horne is deceased.

72. I anticipate that the Royal Commission will hear evidence that Mr Wilkie threatened to send Mr Latham to the high security section of Turana, if he told anyone about the abuse. He is expected to say that Mr Wilkie told him that ‘If you say anything, you’ll end up at Poplar House’.

73. Mr Latham will tell the Royal Commission that he absconded from Turana to escape the abuse by Mr Wilkie and Mr Horne, and reported the abuse to the Victoria Police who took him back to Turana and told Mr Horne what Mr Latham had said.

74. Mr Latham is expected to say that later that night, Mr Horne said to him ‘I told you not to say anything’ and raped him in the infirmary at Turana.

75. In 2013, Mr Wilkie was charged with offences relating to the sexual abuse he allegedly perpetrated on Mr Latham while a resident at Turana. Committal proceedings were heard over 3 days – on 29 July 2013 and 26 and 27 August 2013 – after which Mr Wilkie was committed by a Magistrate for trial.

76. In 2014, the case was discontinued by the Victorian Director of Public Prosecutions (DPP) four days before the trial was to commence because an opinion was formed that there were ‘no reasonable prospects of conviction and it was not in the public interest’. Mr Wilkie was interviewed by police on two occasions and denied the allegations put to him concerning Mr Latham. I note that the decision of the DPP to discontinue the proceedings against Mr Wilkie will not be pursued in any detail in this public hearing. This Royal Commission is not concerned with matters of proof concerning specific incidents of abuse. Rather, it has a mandate to bear witness to the stories of sexual abuse survivors and is focused on the institutional response to child sexual abuse.

77. Joseph Marijancevic is expected to tell the Royal Commission that he was abused by two officers at Turana in 1965. He will state that the first occasion occurred at the age of 15, when Mr Marijancevic was physically abused and raped by a Youth Officer named Michael Monaghan, in a broom closet at Turana. The Royal Commission has made a
number of enquiries to locate the whereabouts of Mr Monaghan. These enquiries have confirmed that Mr Monaghan died in 2011.

78. Mr Marijancevic is expected to give evidence that Mr Monaghan took him to an isolation cell after the rape and called him a ‘dirty little pig’. There, he was visited by the Superintendent of Turana, Ian Cox. The Royal Commission has made a number of enquiries to locate the whereabouts of Mr Cox. These enquiries have confirmed that Mr Cox died in 2008.

79. Mr Marijancevic is expected to say that he told Superintendent Cox that ‘the screw hit [him] and hurt [him]’ but he was not asked any questions to establish what had happened. Mr Marijancevic was kept in isolation overnight and let out in the morning. He was not taken to the nurse or the medical clinic for treatment of his injuries, nor did Superintendent Cox follow up with him.

80. Mr Marijancevic is expected to tell the Royal Commission that after this incident, he absconded from Turana multiple times because he was scared that he would be punished further and assaulted. On one occasion when he absconded, he told a police officer ‘I ran away because they hurt me’. The police officer beat Mr Marijancevic and took him back to Turana.

81. I expect that Mr Marijancevic will also tell the Royal Commission that he was abused by another officer at Turana. The officer said to him ‘It’s important not to say anything or you’ll get in trouble. You won’t get to see your brother again if you tell’. Mr Marijancevic did not report the abuse.

82. I expect BDB to say that in 1965, as a 14 year old, BDB was repeatedly sexually assaulted by an older and larger boy who slept in the same dorm at Turana. BDB is expected to say that one night, BDB banged on the door of the dorm room and yelled to go to the toilet to avoid the nightly visit from this boy. BDB was escorted to the toilet by an officer named ‘Mr Jones’ who said ‘You just sit with me. We’ll wait for him to go to sleep.’ Following a number of attempts to identify and locate Mr Jones, the Royal Commission has been unable to confirm his whereabouts prior to his hearing.
83. BDB will say that Mr Jones then exposed his genitals to BDB and asked BDB to touch them. BDB did not report the abuse, because there was a culture in Turana that laggers would get a beating.

84. The Royal Commission will hear evidence from Robert Cummings that he was sexually assaulted by an older boy he shared a cell with at Turana in 1971 when he was 16 years old.

85. Mr Cummings is expected to give evidence that he disclosed the abuse to an officer, known as a ‘screw’ who said to him ‘It’s only happening because of your homosexuality’ and ‘You need to be cured’. Mr Cummings is expected to tell the Royal Commission that he was then taken to Royal Park Hospital, an adult mental facility, where a doctor told him that ‘You’re here because you’re a homosexual and we’re going to cure that with electric shock treatment’.

86. Documents obtained from the Department indicate that Mr Cummings initially asked for a referral to the clinic and that he was prepared to continue the treatment. Mr Cummings is expected to give evidence that at no time did he agree to the treatment. Other documents indicate that Mr Cummings ‘expressed considerable disquiet’ about the treatment and ‘even expressed the opinion that if this was the form of treatment likely to be provided then perhaps he would prefer to stay as he was’.

87. Mr Cummings is expected to tell the Royal Commission that when the other boys at Turana found out about the treatment, he became a target, was labelled ‘bum boy’, and was repeatedly abused by other child residents. Mr Cummings does not recall any ‘screws’ being around when this happened.

88. Mr Cummings is expected to say that when he disclosed this further abuse to the doctor, the doctor said ‘Well, we will need to up your dosage of electricity’. After that, Mr Cummings decided not to disclose any further abuse.
Responses of Turana to reports made

89. During the time period examined, Ian Cox was the Superintendent of Turana and is alleged to have received reports of child sexual abuse by some survivors. As mentioned earlier, investigations by the Royal Commission reveal that Mr Cox died in 2008.

90. The Royal Commission will hear from Mr Thomas Verberne in response to the sexual abuse of Mr Cummings. Mr Verberne was employed as a psychologist at the Parkville Psychiatric Unit in the 1970s and was involved in the treatment administered to Mr Cummings for his ‘homosexual behaviour’ while he was a resident at Turana.

91. In the absence of institutional witnesses of Turana who responded to specific allegations of child sexual abuse, the Royal Commission will hear evidence from two former employees, Ashley Cadd, who was employed as Youth Worker at Turana in the period 1968 to 1990, and David Green, a former Assistant Superintendent at Turana in 1966 and Superintendent during the period April 1968 to mid-1970.

92. Both Mr Cadd and Mr Green are expected to give evidence about the policies and procedures in place at Turana during the late 1960s and early 1970s. They are expected to say that during this time, there was a Manual of Instructions for Turana (‘Turana Manual’).

93. Mr Cadd is expected to tell the Royal Commission that there were no specific policies in the Turana Manual for handling incidents of child sexual abuse at the time he commenced at Turana in 1968. During the next twenty two years he remained at Turana, the Turana Manual was revised once, but none of these revisions included a policy on how to handle incidents of child sexual abuse.

94. Mr Green is expected to tell the Royal Commission that the most critical role at Turana was that of the Chief Youth Officers. He is expected to say that the Chief Youth Officers bridged the divide between the Youth Officers that had day to day contact with the boys, and the Superintendent, Deputy Superintendent and Principal Youth Officer.
Winlaton

95. The Royal Commission is expected to hear from five survivors that were residents at Winlaton. Four of these survivors are expected to say that they were sexually abused at Winlaton by social workers and other residents. One survivor is expected to say that, while she was a ward of the State, she disclosed to staff members and social workers of the Department that she had been raped by her father. During her time at Winlaton, those staff members and social workers allowed her father to visit her at Winlaton and allowed her to return home for leave.

96. I anticipate that BDC will give evidence that she was sexually abused by three female residents in a day room at Winlaton. The day room was visible to staff members through a shared window, but BDC is expected to say that she does not ‘think that the staff could have seen or heard what was happening’.

97. BDC will give evidence that she ran away from Winlaton many times because she was scared of the older girls and the staff. Whenever she was returned to Winlaton after running away, she was subjected to an intrusive medical examination by a doctor nicknamed ‘Dr Finger’. She recalls being told to place her legs in a stirrup, while the doctor examined her vagina. One examination took 35 minutes.

98. BDC is also expected to tell the Royal Commission that she was also regularly strip searched by the staff at Winlaton. This occurred every time she returned from a visit or appointment away from Winlaton. She was made to stand in a line and was forced to strip naked. Sometimes a staff member put a mirror between her legs to see if there were cigarettes hidden inside of her vagina.

99. In 1971, at the age of 15, BHE was arrested by the police and charged with ‘being exposed to moral danger’ because she was found wandering around Geelong and was sent straight to Winlaton.

100. BHE is expected to tell the Royal Commission that upon arrival at Winlaton, she too was immediately strip searched and forced to stand over a mirror naked, while an officer felt her all over. She will say that male officers performed these searches on occasions
and that this experience was terrifying, embarrassing and degrading. She was also subjected to intrusive venereal disease checks.

101. BHE is also expected to say that she was kissed and fondled by a social worker, Ross McIntyre, while at Winlaton. After reporting the abuse to a staff member, she was accused by the staff member of lying and making it all up.

102. I anticipate that BHE will give evidence that she was sexually abused by other girls on a number of occasions while in Goonyah, the maximum security section of Winlaton. She never reported the abuse to anyone for fear of not being believed and being beaten for being a lagger. BHE will give evidence that during some of these occasions, there were only three staff members supervising the girls and half the time they were in their office.

103. Karen Hodkinson was also sent to Winlaton for being ‘exposed to moral danger’ as a 14 year old in 1974. Ms Hodkinson is expected to tell the Royal Commission that within a few weeks of arriving at Winlaton, she was also taken to a clinic where she was made to sit in a chair, with her legs in stirrups, while she was examined internally.

104. Ms Hodkinson will give evidence that she was groomed by a social worker, Paul Yew, who bought her chocolate and took her on day leave, before sexually abusing her. Following a number of attempts to locate Mr Yew, the Royal Commission has been unable to confirm his whereabouts prior to his hearing.

105. I expect Ms Hodkinson to say that Mr Yew kissed her and touched her under her dress. When Ms Hodkinson told the officer in charge, Florence Baxter about the incident, Mrs Baxter slapped Ms Hodkinson across the face and referred to her as a ‘dirty little lying bitch’. Following a number of attempts to identify and locate Mrs Baxter, the Royal Commission has been unable to confirm her whereabouts prior to this hearing.

106. I expect Ms Hodkinson to say that she was then locked up in a cell in Goonyah for a couple of days where she had to sleep on the floor.

107. Ms Hodkinson is expected to say that Mr Yew continued to visit her regularly and he continued to sexually abuse her. She did not report the further sexual abuse, including a rape, because she felt that she would be punished and sent back to Goonyah.
108. BDF is expected to tell the Royal Commission that she was placed under the care of the State on ‘irreconcilable differences’ because her mother didn’t want her anymore. At Winlaton, she was sexually abused by older girls on numerous occasions, including a girl that she shared a room with, and girls from Goonyah during a movie night. She is expected to give evidence that staff were present during the movie night and would have been able to see what was happening.

109. The Royal Commission will hear that BDF never reported the abuse to staff members because she thought that the abuse was part of living at Winlaton and that she has never reported to the police because of a lack of trust.

110. The Royal Commission will also hear from BGD. BGD was 15 years old in 1979, when she was placed at Winlaton. By this time, BGD had already disclosed to social workers of the Department that her father was raping her. While at Winlaton, BGD had repeated discussions with her social workers and Michael Groome, a staff member of the Children’s Court Clinic about her father raping her. She is expected to say that staff members gave her regular contraceptive injections and that during one of these visits, she disclosed that she had been raped by her father. Documents obtained from the Department show that BGD completed numerous personal report sheets disclosing the abuse.

111. Despite these disclosures, BGD is expected to say that Winlaton allowed her to stay with her mother for weekend visits, which allowed her father to access her. She is also expected to say that Winlaton authorised her father to visit her at Winlaton and was left with her unattended. During this visit, he threatened BGD and told her to ‘keep your fucking mouth shut’.

112. Documents obtained from the Department refer to Mr Groome meeting with BGD’s mother and grandparents and discussing the rapes, without BGD’s permission. A social worker from the Department and Mr Groome also wrote a letter to BGD’s father, without her permission, to inform him that they knew about the rapes. The letter states that BGD told them that her relationship with her father ‘has been a sexual one for some time and when she first came to Winlaton she asked for help in sorting out her feelings
about this’. The letter also states that ‘none of us want to make you feel bad, but we do want [BGD] to feel better about her relationship with you... I guess we all hope you see this letter in the same light’.

113. BGD was raped by her father for 27 years. She gave birth to four children fathered by her father and suffered two miscarriages. She is expected to give evidence that she felt the Department protected her father and his feelings, and held her partially responsible for the rapes.

Responses of Winlaton and the Department

114. The Royal Commission will hear evidence from a number of witnesses regarding the disclosures of rape made by BGD. The Royal Commission will hear from Brian Fitzgerald, the allocated regional caseworker for BGD from early to mid-1979, including during her time at Winlaton. He is expected to give evidence about the Department’s involvement with BGD during this period, and how he responded to disclosures of rape by BGD.

115. The Royal Commission will also hear from Jennifer Mitchell (formerly Jennifer Lines), a welfare officer at Winlaton, who received disclosures of rape from BGD. Ms Mitchell is expected to speak about her, and the Department’s, involvement in handling the disclosures of rape by BGD.

116. I also expect that the Royal Commission will hear evidence from Michael Groome, who worked at the Children’s Court Clinic from 1976 to 1986. Documents obtained from the Department show that he saw BGD on a number of occasions while she was a resident at Winlaton and received disclosures of rape.

117. The Royal Commission will also hear evidence from two former employees of Winlaton, Marilyn Minister, who was employed as a Deputy Superintendent at Winlaton in the 1970s and 1980s, and Eileen Slack, who was employed by the Department during the period 1976 to 1991 as a Deputy Superintendent and then Superintendent at Winlaton.

118. Ms Minister is expected to give evidence of the policies and procedures at Winlaton in handling and responding to incidents of child sexual abuse. She is also expected to give evidence about her involvement relating to BGD.
Ms Slack will give evidence that she became the Deputy Superintendent at Winlaton in late 1976. She is expected to tell the Royal Commission that she ‘stepped into an institution beset by riots’ and ‘mayhem’. Ms Slack was later appointed Acting Superintendent and then Superintendent. She is expected to give evidence about the policies and procedures in place at Winlaton, including the Winlaton Manual of Instructions. She will also give evidence about the policies and procedures she developed as Superintendent.

It is expected that Ms Slack will also give evidence about the administration of the contraceptive drug Depo Provera, the use of tranquilizers for behaviour control and the implementation of a tattoo removal program.

**Baltara**

The Royal Commission will hear from BDA, a former resident at Baltara who is expected to say that he was sexually abused by older residents at Baltara in the dormitories at night.

Documents obtained from the Department indicate that Robert Urquhart, an officer at Baltara, was aware of the abuse and discussed the abuse with BDA. The documents also records that the dorms were rooms where you could hear approaching footsteps of staff, which provided enough time for the boys to get back into their beds. BDA will give evidence that he never felt safe telling anyone about the abuse.

A few years later, BDA was placed in Turana where he was again subjected to sexual abuse by other boys. Documents refer to institutional staff members at Turana being aware that BDA was ‘assaulted by several boys on several occasions’ and that he was referred to a specialist program.

BDA did not feel comfortable talking about the sexual abuse because some of the boys that abused BDA were in the same specialist program. BDA does not recall being separated from the boys that abused him and I expect that the Royal Commission will hear that he continued to be physically and sexually abused by other boys while at Turana.
Responses of Baltara

125. The Royal Commission will hear evidence from a former employee at Baltara, Grant Holland, who was employed in various roles at Baltara during the period 1980s to early 1990s, including a Child Care Officer, Senior Child Care Officer and Unit Manager.

126. Mr Holland is expected to tell the Royal Commission that during his association at Baltara, he witnessed and received complaints of child sexual and physical abuse on a weekly basis.

127. Mr Holland will give evidence that overcrowding was a significant issue at Baltara. I expect Mr Holland to give evidence about the supervision arrangements at Baltara and how the institution handled incidents of child sexual abuse.

Redress

128. The Royal Commission will hear evidence from former residents about their experiences applying for redress from the State of Victoria and any payments that they received.

129. The Royal Commission will shortly release a final report on Redress and Civil Litigation.

130. In these circumstances, this case study will hear the experiences of those former residents who applied for redress, but will not examine the issue of redress in any detail in this public hearing.

Records

131. Many survivors will also tell the Royal Commission about their experiences in obtaining, from the Department, records that comprise their ward and client files while they were residents at the institutions.

132. The Royal Commission will hear from some survivors that the retrieval process was time consuming and documents were often provided in tranches, not in chronological order.

133. Some survivors will also say that the records they received were not complete and that in some instances the Department informed survivors that records had been destroyed. BDB is expected to say that she received a letter which stated ‘for clients of Turana with a birth year prior to 1967, a decision was made by the institution to destroy all client
files when the ward attained 21 years. None of these client files survived and consequently were never transferred to this Department for archiving’.

134. Mr Cadd is expected to tell the Royal Commission that shortly after he commenced employment at Turana in 1968, he recalls seeing a staff member tearing up files related to boys who had turned 21 years old.

135. The Royal Commission will also hear evidence from some survivors that many records received, were heavily redacted, making it difficult to tell what the document was about.

136. Mr Cummings is expected to tell the Royal Commission that his records ‘had a lot of blanks in it’ and ‘didn’t tell the truth of what had actually happened’.

137. Mr Marijancevic will tell the Royal Commission that when he received his file, large sections were blacked out. He was told by the Department that these documents contained personal information relating to other persons. He is also expected to tell the Royal Commission that the redactions were inconsistent and that in some documents, names were blacked out, but in others, names appeared.

138. The Royal Commission will hear evidence from the current Chief Information Officer at the Department, Stephen Hodgkinson. Mr Hodgkinson’s evidence is expected to cover the current Department policies and procedures in relation to:

   a. location and management of archived records;

   b. requests and release of records to former residents of these institutions;

   c. redaction of information contained in records of former residents;

   d. communication with applicants;

   e. reviewing decisions in relation to release of records and redaction of information; and

   f. training of Departmental staff regarding retrieval and release of records.
D. History of child welfare and youth justice in the State of Victoria

1864 - 1954

139. The Neglected and Criminal Children’s Act 1864 (Vic) was the first piece of legislation in Victoria that defined situations in which a child could be removed from parental care.

140. That Act provided for the establishment by the Governor in Council of industrial schools for ‘neglected’ children, and reformatory schools for convicted juvenile offenders.

141. ‘Neglected’ children were defined in that Act to include any child found wandering about with no home or settled place of abode, and any child whose parents state they were unable to control.

142. Initially, a single department was responsible for both ‘convicted juveniles’ and ‘neglected children’ as they were then known. In 1887, separate departments were established to administer the two groups of children removed from parental care.

143. Both groups of children were known as ‘wards of the department’, a term that was introduced in 1887.

144. The age at which a juvenile offender could be placed in a reformatory school, juvenile school or youth training centre, changed over time. Generally children under the age of 17 could be placed at a reformatory school.

145. Juvenile offenders were under the guardianship of the matron or superintendent of the reformatory school to which they had been committed.

146. From 1887 to 1954, children other than juvenile offenders were placed in various facilities depending on their circumstances. Charitable orphanages cared for abandoned children whose parents were dead or could not be found, and foster care (where possible) or children’s homes cared for neglected children.

147. Despite the distinction in the legislation between juvenile offenders and neglected children, during the period 1887 to 1954, neglected children found to be leading what
was termed an ‘immoral or depraved life’ could be committed to a reformatory school, despite not having committed an offence.

148. During this time, although the State of Victoria had power under the legislation to establish and run institutions for the care of children, all institutions were run by charitable and religious organisations, with the exception of the Royal Park Receiving Depot for Girls and Boys, which was a state run institution.

Legislative changes in 1954

149. In 1954, the introduction of the Children’s Welfare Act 1954 (Vic) (‘1954 Act’) placed the responsibility and administration for ‘neglected children’ and ‘convicted juveniles’ with one government body, that being the Children’s Welfare Department. That Department underwent a number of name changes over the years following legislative reforms, which had the effect of passing responsibility for child welfare and youth justice to new or renamed Departments.

150. During the relevant period under examination, it was also known as the Social Welfare Branch, the Social Welfare Department, the Department of Community Welfare Services, and the Department of Community Services.

151. The Department of Health and Human Services Victoria remains responsible for the administration of both groups of children today.

152. From 1954, the Victorian government began to take responsibility for direct service provision in child welfare along with the development and enforcement of standards for the provision of services by the non-government sector. Between the 1950s and the early 1990s, there were over 30 institutions established by the State of Victoria to operate as facilities to care for children and young people, including children and young people of indigenous background who had a relatively high rate of admission to State care.

153. By the 1960s, the State of Victoria had power to establish the following types of institutions:
a. Reception centres
b. Remand centres
c. Youth training centres
d. Children’s homes

154. Reception centres were institutions for the accommodation and maintenance of children or young persons admitted to the care of the Department, taken to or placed in these centres under legislation, or in respect of whom protection applications were made. These centres were designed to provide short term care to children before they were sent to a longer term placement, usually a foster home.

155. Remand centres were centres for the detention of young persons awaiting trial or sentence or transit to or from a youth training centre, children’s home or children’s reception centre.

156. Youth training centres were institutions for the care and welfare of young persons committed to detention pursuant to legislation, or young persons admitted to the care of the Department who in the opinion of the Director-General were in need of special supervision, social adjustment or training.

157. Children’s homes were institutions for the care and welfare of children or young persons admitted to the care of the Department. While usually smaller than orphanages and industrial schools, they adopted similar dormitory models where children were divided according to age and gender.

158. The main institutions established by the State of Victoria during this time, included:

a. Turana
b. Baltara
c. Winlaton
d. Allambie Reception Centre
e. Pirra Girls’ Home

f. Hillside Boys Home

159. Between 1954 and 1970, the Director of the Department became the guardian of children and young people who were deemed to be in need of care and protection, as well as juvenile offenders. From 1970, the Director of the Department was the guardian of children who were deemed to be in need of care and protection, but only had legal custody over children who were committed as juvenile offenders.

160. The 1954 Act replaced the term ‘neglected child’ with the term ‘child in need of care and protection’. Children could be deemed in need of care and protection for reasons such as being ‘exposed to moral danger’ or if the child was ‘likely to lapse into a career of vice or crime’.

161. As with previous legislation, under the 1954 Act, only the police and the non-government Society for the Prevention of Cruelty to Children (later known as the Children’s Protection Society) had the power to take children into care for the purpose of making a protection application.

162. In relation to juvenile offenders, the Children’s Court Act 1956 (Vic) (which was later renamed the Children’s Court Act 1958 (Vic)), introduced a number of sentencing options for young persons convicted of a criminal offence, including detention in a government institution.

163. Juvenile offenders under the age of 15 could not be sentenced to detention, but could be committed to the care of the Department for up to two years. Juvenile offenders aged 15 and above could be sentenced to detention for up to two years.

164. The Children’s Court Act 1956 (Vic) also established a Children’s Court Clinic to provide physical, psychiatric and psychological assessments of children found to have committed an offence or to be in need of care and protection. It is noted that the view at the time, was that juvenile delinquency was best understood as a psychiatric syndrome.
165. From the 1960s and during the time period examined, the Department began to employ social workers to work with the families of children in care. This was said to have reflected the growing knowledge about child development and the benefits of children retaining contact with their families.

166. The separation of children and young people deemed in need of care and protection from juvenile offenders was not always clear. Children in need of care and protection could be placed and committed to a youth training centre, if, as mentioned earlier, the child was found to be in need of ‘special supervision, social adjustment and training’. This is despite the child not having committed an offence.

167. Similarly, a juvenile offender found to be in need of care and protection could be admitted rather than committed to the care of the Department. The legislation also allowed for wards of the State to be returned and admitted to the care of the Department if convicted of an offence.

168. Academic historian Shurlee Swain, who has researched extensively on the treatment of women and children, has written that during this period,

... children were left powerless within the system and were placed where beds were available, moved when institutional efficiency demanded, cut off from kin whom the authorities judged as neglectful, and all too often left with no-one to whom they could turn for support as they navigated their way into adulthood.

**Process of de-institutionalisation**

169. During the 1970s and 1980s, there was a significant decline in the number of state wards as a result of the introduction of Commonwealth Government payments for single parents and the end of the practice of parents placing children voluntarily into children’s homes.

170. A Committee of Enquiry into Child Care Services was conducted in 1975-1976. The report of the Committee, referred to as the ‘Norgard Report’, noted that the system of child welfare in Victoria was largely the same as it had been under the 1864 Act.
171. The Norgard Report recommended a number of changes to the system, including making admission to care a last resort. The *Community Welfare Service Act 1978* (Vic) was passed, shifting the focus to:

   intervention where there was maltreatment of a child by a guardian, such as ill-treatment, abandonment, inability or unwillingness to exercise supervision, or the absence of a guardian due to death or incapacitation, and removed grounds based on the child’s behaviour.

172. A comprehensive review of the Victorian child welfare system was undertaken from 1982 to 1984 by a committee chaired by Dr Terry Carney, with the report and recommendations published in 1984. This review established the current structure of children and family welfare services in Victoria and the legislation governing this system.

173. The committee recommended that the responsibility for intervention in relation to children should lie exclusively with the state government and that the Children’s Protective Society no longer be authorised to undertake investigations into child protection matters. Based on this recommendation, in 1985 statutory functions were transferred from the Society to the Department of Community Services for the first time.

174. By 1989, the *Children and Young Persons Act 1989* (Vic) (‘1989 Act’) provided for separate services for children and young people on protective orders and youth offenders in custody.

**1989 - 2005**

175. The 1989 Act established separate divisions in the Children’s Court of Victoria (a Criminal Division and a Family Division) to create a complete separation of hearings in regard to criminal and child protection matters.

176. The process of de-institutionalisation during the 1970s, 1980s and early 1990s saw the closure of institutions, such as Turana, Winlaton and Baltara. Allambie was the last large state run residential institution to close in 1990.
177. The broader process of de-institutionalisation also saw the remaining children’s homes and psychiatric institutions closed. Youth training centres were also gradually scaled down, closed and redeveloped.

178. Between 1949 and 2003, it has been estimated by the State of Victoria there were nearly 48,000 children who became wards or were placed on custody or guardianship orders.

179. The Royal Commission will hear evidence from an academic, Professor Allan Borowski, who has particular expertise in the societal views concerning the welfare and protection of children and young people between the period 1960s and early 1990s.

180. Professor Borowski will give evidence about the historical context of youth justice in Victoria, as well as the legislative framework (including legislative reforms) governing children and young people during the 1960s and early 1990s.

E. Current laws

181. The introduction of the Children Youth and Families Act 2005 (Vic) (‘2005 Act’) marks the latest major legislative change regarding child protection and juvenile offending in Victoria. The 2005 Act promotes a therapeutic approach to child protection and management, and overtly recognises the rights of the child.

182. Like the 1989 Act, the 2005 Act recognises the distinction between children and young people in need of care and protection, and juvenile offenders. This separation is reflected in the facilities provided by the State of Victoria.

183. Home based care, including foster and kinship arrangements, and smaller residential services are used for children in need of care and protection.

184. This is now referred to as out of home care services and has been the subject of previous public hearings held by the Royal Commission, including:

   a. The 24th public hearing held by the Royal Commission in two stages in March and June this year, which enquired into current practices in out of home care.
The first stage of this hearing examined the policies and practices of those agencies, Australia wide, which provide care for children who have been placed away from their primary caregivers for protective or other family welfare reasons.

b. The second stage of this hearing heard evidence from care leavers, representatives of organisations which provide advocacy, support and therapeutic services to children in out of home care and care leavers and, government oversight and monitoring bodies including Children’s Guardians, Public Advocates, Children’s Commissioners and Ombudsmen.

c. The Royal Commission heard evidence from the Victorian Department of Health and Human Services, the Commission for Children and Young People and the Victorian Ombudsman in that public hearing.

185. Children and young people involved in the criminal justice system are supervised by the Department of Health and Human Services, and youth justice centres have been established to provide facilities for these children and young people.

Youth justice centres

186. Part 5 of the 2005 Act contains the youth justice legislative framework. The 2005 Act provides that the State of Victoria may establish corrective services, including:

a. Remand centres for the detention of children awaiting a court hearing;

b. Youth residential centres, which provide special direction, support, educational opportunities and supervision; and

c. Youth justice centres.

187. The 2005 Act also sets out the sentencing options available for juvenile offenders, which include youth justice residential centre orders and youth justice centre orders.

188. There are currently two youth justice centres in operation in the State of Victoria:

a. Parkville Youth Justice Precinct; and
b. Malmsbury Youth Justice Centre.

189. According to the most recent data, there were 148 young people (141 males and 6 females) in youth justice centres in the State of Victoria on an average day in 2013 to 2014. In addition, approximately 1,210 young people aged 10 and over were under youth justice supervision on an average day.

190. The data also reveals that in 2013 to 2014, 88 percent of young people under youth justice supervision were supervised in the community, and the remaining 12 percent were supervised in a youth justice facility.

191. The Royal Commission will hear evidence from the Victoria Police and Department of Health and Human Services about the current operation of youth justice centres in Victoria.

192. Assistant Commissioner of the Victoria Police, Stephen Fontana is expected to give evidence on the current policies and procedures in place within the Victoria Police in relation to handling and responding to child sexual abuse at youth justice centres in Victoria. He is expected to give evidence on the various structural, practice and cultural reforms made by the Victoria Police.

193. The Secretary of the Department of Health and Human Services, Varughese Pradeep Philip is also expected to give evidence on the current landscape of the youth justice system in Victoria. He is expected to speak about the current policies and procedures of the Department in handling and responding to child sexual abuse and programs available for the treatment of children and young people who experience abuse prior to, and while in, custody.

F. Witnesses

194. It is expected that twenty-three witnesses will be called to give evidence.

195. The survivors who will give evidence are Norman Latham, Joseph Marijancevic, BDB, Robert Cummings, BDC, BHE, Karen Hodkinson, BDF, BGD and BDA.
196. Witnesses from the various institutions being considered who will give evidence: Thomas Verberne, Ashley Cadd, David Green, Brian Fitzgerald, Jennifer Mitchell, Michael Groome, Marilyn Minister, Eileen Slack and Grant Holland.

197. Stephen Fontana, Assistant Commissioner of the Victoria Police, Stephen Hodgkinson, Chief Information Officer at the Department, and Varughese Pradeep Philip, Secretary of the Department will give evidence.

198. Professor Allan Borowski, academic in juvenile crime, justice and corrections at La Trobe University, will give expert evidence at this public hearing about the historical context of youth justice in Victoria, as well as the legislative framework governing children and young people during the 1960s and early 1990s.

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