ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES

TO CHILD SEXUAL ABUSE

AT MELBOURNE

COMMONWEALTH OF AUSTRALIA

Royal Commission Act 1902 (Cth)

PUBLIC INQUIRY INTO

THE RESPONSE OF TURANA, WINLATON AND BALTARA, AND THE
VICTORIA POLICE AND THE DEPARTMENT OF HEALTH AND HUMAN
SERVICES VICTORIA (AND ITS RELEVANT PREDECESSORS)

FURTHER SUBMISSIONS OF COUNSEL APPEARING ON BEHALF OF DR.
EILEEN SLACK, FORMER DEPUTY SUPERINTENDENT AND
SUPERINTENDENT AT WINLATON, IN RESPONSE TO SUBMISSIONS OF
MARIlyn MINISTER, BDF AND KATHERINE X
Submissions of Marilyn Minister

1. Counsel appearing on behalf of Ms. Minister had the opportunity to cross examine Dr Slack and took up that opportunity by asking questions of Dr Slack during her time as a witness at the hearing on 26 September 2015. The transcript of that cross examination runs for 3 pages.\(^1\)

2. At no time during the course of the cross examination were any of the following matters put to Dr Slack;
   
   i. That she was “willfully blind” to the difficult familial circumstances of many of the residents,\(^2\)
   
   ii. That she sought to minimize her responsibility as Superintendent of Winlaton,\(^3\)
   
   iii. That she eluded her responsibility as Superintendent of Winlaton with regard to the management of residents,\(^4\)

   iv. That she was lying or impossible to believe as to her specific awareness of intrafamilial sexual abuse. Put simply it was never put to Dr Slack that “it would be simply staggering for the Royal Commission

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\(^1\) Transcript of E N Slack, C9685-9687 (Day 091)
\(^2\) Submissions of Marilyn Minister, pg 5, para 20
\(^3\) Submissions of Marilyn Minister, pg 6, para 23
\(^4\) Submissions of Marilyn Minister, pg 6, para 23
to accept that she was only ever aware of a single intrafamilial sexual abuse".  

3. Counsel appearing on behalf of Marilyn Minister, by referring to transcript pages C9686 commencing line 11 to C9688 ending at line 6, seems to be suggesting that these matters were “put” to Dr Slack in cross examination and that she was unable to adequately respond.

4. It is submitted that it is not open to the Royal Commission to draw any inference adverse to Dr Slack from the questioning of her by Counsel appearing on behalf of Ms. Minister.

5. It is submitted, quite to the contrary, that Dr Slack was pro-active in her endeavors to be aware and respond. Whilst admitting that she clearly fell short of her aim to ensure the safety of all residents, Dr Slack was a vocal and active objector to the use of Depo Provera and tranquilisers to control behavior. This is stark contrast to all other staff of Winlaton, including Ms. Minister, and the Department.

6. There is no evidence which could satisfy the Royal Commission that Dr Slack was:
   i. ‘wilfully blind’ in respect of any issues affecting the residents,
   ii. seeking to minimize her responsibility in any position she held at Winlaton,
   iii. eluding her responsibility for decisions with regard to the management of residents, or
   iv. was ‘lying’ to the Royal Commission.

5 Submissions of Marilyn Minister, pg 7, para 24
7. The weight of all of the evidence given by Dr Slack strongly leans to a finding that she gave of her very best at all times, and that her actions and demeanor in respect of serious issues such as the use of Depo Provera and tranquilizers is directly opposite to the person Counsel for Ms. Minister seeks the Royal Commission find she was.

8. It has been acknowledged in previous submissions\(^6\) that Dr Slack nonetheless accepts that ultimate responsibility for the inadequacies and failings of the institution rested with her. It is implicit in her agreement with Available Finding 30\(^7\) of Counsel Assisting that Dr Slack has made no attempts to shirk ultimate blame or responsibility for the failure to take adequate steps to ensure that there was proper supervision, management and oversight of staff to protect residents from child sexual abuse.

9. Accordingly, it is submitted that Available Finding 23 by Counsel Assisting as to the ineffectiveness of measures taken to ensure that the Superintendent was aware of reports of sexual abuse should be made.

10. It follows that Dr Slack agrees, and takes no issue with, the matters set out in paragraph 25 of the Submissions of Marilyn Minister.\(^8\)

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\(^6\) See: Submissions of Counsel Appearing on Behalf of Dr Eileen Slack

\(^7\) With the slight amendment proposed at pg 12, para 39 of above

\(^8\) Submissions of Marilyn Minister, pg 7, para 25
Submissions of BDF

11. Subject to the amendment sought by Counsel for Dr Slack at paragraph 39 of her Submissions, Dr Slack does not object to the tenor of Available Finding 30, as agreed with and supported by Counsel for BDF.9

Submission by Katherine X

12. Dr Slack agrees with the additional available finding sought by Counsel for Katherine X at paragraph 45. Dr Slack respectfully suggests that the words "to the Superintendent of Winlaton and" be inserted between the words "Katherine X" and "to the Victoria Police...".

13. Dr Slack accepted that Katherine X participated in triad therapy and that the weight of the evidence suggested that she was made to, or encouraged to, explore the issue of incest. However, Dr Slack also gave evidence that generally she would not have expected such issues to be discussed in triads and that such a forum would not have been appropriate to discuss incest.10

14. The additional finding sought by Counsel for Katherine X at paragraph 81 of his submission should be modified to include the words "some staff" rather than referring to "staff" which infers that the proposition is to be applied to all staff at Winlaton.

Carmen Randazzo SC

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9 Submission of BDF, pg 4
10 Transcript of E N Slack, C9632:19-20, (Day C093)