ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES
TO CHILD SEXUAL ABUSE

AT MELBOURNE

COMMONWEALTH OF AUSTRALIA
Royal Commissions 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)

SUBMISSIONS OF AARON KERNAGHAN,
COUNSEL FOR MR ASHLEY CADD.
SUBMISSIONS ON BEHALF OF MR ASHLEY CADD

1. Mr Ashley Cadd is a former Youth Officer who worked at Turana. His work for the department covered the period 1968 to 1990.

2. With regard to the submissions of learned Counsel Assisting the Royal Commission, Dr Peggy Dwyer, we are instructed to submit that those available findings recommended therein are agreed to and adopted by Mr Ashley Cadd, in extenso.

3. In particular, reference is made to F1 which we submit is readily available upon the evidence, including that which falls from Mr Cadd’s oral testimony to the Royal Commission.

4. In a similar way we submit that the consequent findings necessarily flow from the evidence.

5. In particular, we are instructed to submit that the Royal Commission would be satisfied that sufficient evidence is available to support the available findings that pertain directly to Mr Cadd:
   a. F1;
   b. F2;
   c. F3;
   d. F12;
e. F13.

6. With regard to available finding F3, we submit that the Commission might give consideration to slightly enlarging that finding to include:

“During the period that David Green and Ashley Cadd were employed at Turana (1965-1990), the Department:

a) […];

b) […];

c) did not provide adequate support to the staff at Turana to implement supervision or care for residents.”

7. It is submitted that the evidence of Mr Cadd invites the conclusion that staff were left to their own devices when it came to the practice of supervision and care of residents. Their own solutions to problems lead directly to inconsistencies of approach in the supervision and care of residents from one staff member to another, permitted a lack of transparency as to how those practices were applied, and encouraged an environment in which individual staff practices, however eccentric or improper, could flourish with little to no oversight or even collegiate checking.
8. We are instructed to add that Mr Cadd has found the experience of giving evidence before the Royal Commission a salutary, sobering and inspiring one. In particular, he considers that the Royal Commission has afforded him an opportunity to speak of his work experiences publically and to be heard by an authority that is independent of the structures afforded by the institution that has been at various times, his employer.

9. In this regard, we are instructed to submit that the Royal Commission should consider recommending a standing inquiry with Royal Commission powers to provide modern Australia with an ongoing source of objective review and investigative power into institutional responses. Doing so will provide future generations to have a meaningful recourse to an independent reviewer and protective facilities for whistleblowing. In summary, we are instructed to submit that the Royal Commission ought become a continuing resource in contemporary Australian society.

10. The benefits of such an approach are found in the concept *non ducor, duco.* Those that are employed will always be in a weaker position to report misconduct than those who employ them. The Royal Commission has afforded citizens an opportunity to be leaders in an undertaking that seemingly has been avoided by the institutions that they work for. In that way, the Royal Commission may provide future opportunities for those who
are lead, to lead the way themselves without the need to work within an institution’s self-defined objectives and interests.

11. Finally, we are instructed to note Mr Cadd’s gratitude for the opportunity to give testimony to the Royal Commission and the unexpected opportunity it has provided to him to reunite with his family.

RESPECTFULLY SUBMITTED

FOR THE CONSIDERATION OF THE

ROYAL COMMISSION:

Aaron Kernaghan
Counsel for Mr Cadd

KERNAGHAN & ASSOCIATES LAWYERS
BRISBANE, November 6, 2015.