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)

SUBMISSIONS OF COUNSEL APPEARING ON BEHALF OF DR. EILEEN SLACK, FORMER DEPUTY SUPERINTENDENTT AND SUPERINTENDENT AT WINLATON, IN RESPONSE TO SUBMISSIONS OF COUNSEL ASSISTING
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Introduction

1. This Submission is made in response to the submission made by Counsel Assisting in Part 3 of the written submissions.¹

2. Counsel Assisting submits that there are a total of 28 available findings relating to Winlaton YTC.²

3. No objection is taken to any of the relevant available findings sought by Counsel Assisting apart from F30. However, this submission will address some of the matters raised by Counsel Assisting in an effort to elaborate and assist the Royal Commission.

4. This Submission will also specifically respond to the matters raised in Counsel Assisting’s Submission under the heading ‘Acknowledgment by Dr Eileen Slack’³ and in particular available finding F30.

5. Available finding F30 is expressed in the following terms;

   During the period that Dr Eileen Slack was Superintendent of Winlaton (from the late 1970s to 1991), she did not ensure that there was adequate supervision, management and oversight of staff in place to protect residents from child abuse. ⁴

¹ Submission of Counsel Assisting (‘SCA’), Part 3, Winlaton YTC - commencing at page 53
² Available Findings F15 – F42 inclusive
³ SCA, p94
⁴ SCA, p95
Evidence of Dr Eileen Slack

6. Dr Slack provided a 22 page sworn statement together with 15 annexures to the Royal Commission.5

7. Dr Slack’s lengthy statement was supplemented by oral evidence which ran over the course of several hours6 on Wednesday 26 August, 2015. Dr Slack was questioned extensively by Counsel Assisting as well as by Counsel appearing on behalf of BGD7, Counsel appearing on behalf of Marilyn Minister8 and by her own Counsel.9

8. In both her statement and the course of her oral evidence, Dr Slack acknowledged and admitted to the existence of both systemic and personal failings during her time at Winlaton YTC.

9. In her statement, Dr Slack acknowledges her own personal failings thus;

   Despite my best efforts, it is now apparent that my “policies” and communication procedures up and down Winlaton were woefully inadequate.10

10. As an example of this, during questioning by Counsel Assisting, Dr Slack accepted that her own ignorance of the sexual abuse occurring during movie nights at Winlaton was due to both the failure of the institution itself and her own failings.11

11. Dr Slack acknowledged this by stating “the buck stops with me”.12

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5 Exhibit 30-34, Statement of Dr E N Slack (Day C093)
6 From approximately 9.30am to 3.30pm including mid-morning and lunch break.
7 Transcript of E N Slack, C9659-C9684 (Day C091)
8 Transcript of E N Slack, C9685-C9688 (Day C091)
9 Transcript of E N Slack, C9688-C9697 (Day C091)
10 Exhibit 30-34, Statement of Dr E N Slack, para 62 (Day C093)
11 Transcript of E N Slack, C9658:4-8 (Day C093)
12 Transcript of E N Slack, C9658:8 (Day C093)
12. During questioning by Dr Slacks’ Counsel, Dr Slack continued to acknowledge her own failings during her tenure at Winlaton, accepting ultimate responsibility for the wrongs occasioned to the residents. However, Dr Slack also expressed her nonetheless bona fide and good intentions at all times.

Q. Was it your intention to harm them in any way at that time?
A. Absolutely not; never has it been my intention to harm those persons, those young people brought into Winlaton, never, never.13

13. Dr Slack apologized to the former residents of Winlaton. Her apology formed part of her statement and was sincere and genuine. It should be noted that her apology preceded both a reading of the statements of the survivors and hearing the oral evidence of the survivors.14 Dr Slack stated;

On 4 August 2015, when advised that sexual abuse of residents had occurred during my time as Superintendent of Winlaton I was shocked and devastated. I have not at this stage been made aware of the details of such sexual abuse as experienced by the five young victims named in the Royal Commission correspondence to me. However, I accept that it occurred and have no excuse for my ignorance. My ignorance is inexcusable. Whilst my words and thoughts are inadequate I want to sincerely apologise to each and every victim of this insidious and inhumane abuse. I feel unable to express my horror and deep shame that you experienced sexual assaults with me as your Superintendent. As your Superintendent, each of you had the right to expect my protection.

I live now with the regret and guilt of having failed you and your loved ones.
Despite my best efforts, it is now apparent that my “policies” and

13 Transcript of Dr E N Slack, C9696:36-40 (Day C093)
14 Transcript of E N Slack, C9696:42-47, C9697:1-4 (Day C093)
communications up and down Winlaton were woefully inadequate. I am sorry for
the pain my management inadequacies inflicted on you. I will forever remain
acutely distressed in the knowledge of the pain and trauma each of you endured
whilst residents at Winlaton.15

14. During questioning by her Counsel, Dr Slack stated;

Q. Having now heard the evidence of the survivors, is there anything more that
you would like to say to them?
A. I want you to know that when I heard about your abuse, especially with
[BDG], I went back to my home and I sat down right then and there and I wrote
how I felt because I said to myself, I want this down on paper now because, if I’m
to go through all these steps, I may – my whole reaction may soften, and I didn’t
want that to happen, because I did in my heart and my head and my spirit take
100 per cent responsibility for the pain inflicted on these young persons.16

15. Dr Slack also gave considerable evidence (led in the main by Counsel Assisting) of the
many well intentioned initiatives she implemented, whilst still acknowledging the many
shortcomings and failings of same.

16. Dr Slack gave powerful evidence of her continued objection to the use of Depo Provera
and tranquillisers. Her objections fell on deaf ears, but she never wavered in her
determination to eradicate these harmful and detrimental practices. Her well documented
and vocal advocacy against these practices is clear evidence of her giving of her best and
being always well intentioned, whilst now acknowledging the measures she took were
inadequate, and fell short of bringing about the desired outcomes.

15 Exhibit 30-34, Statement of E N Slack at paras 61 & 62.
Transcript of E N Slack, C9658:10-47, C9659:1-6 (Day C093)
16 Transcript of E N Slack, C9697:6-16 (Day C093)
Triad Therapy

17. Triad therapy was introduced to Winlaton by Dr Slack very soon after she arrived at Winlaton in October 1976. It was a group therapy program modelled on the 12 step programs internationally recognised as models for rehabilitation, such as, for example, Alcoholics Anonymous.\(^\text{17}\)

18. The program was developed by Dr Slack and her husband, Dr Charles Slack in the United States in the early to mid 70s.

19. The concept and idea behind triad therapy was explored with Dr Slack during her evidence.\(^\text{18}\)

20. Dr Slack was reminded of the section on triad incorporated in the revised 1980 Manual of Instruction, and recognised it as a policy written by her.\(^\text{19}\)

21. There were two forms of triad therapy used at Winlaton – the larger setting where a number of residents would “observe” the three persons in a “role”, and the mini triad which involved only the three persons in a “role”.\(^\text{20}\)

22. It was acknowledged by Dr Slack in the course of her evidence that despite the aim of the program being one of helping the residents to help themselves, she did not expect residents would feel comfortable talking about sexual abuse in that setting. She stated;

Q. Did you expect that children who were subjected to sexual abuse would feel comfortable in the triad setting revealing that?

A. No, no, I didn’t feel that they would reveal it.\(^\text{21}\)
23. Dr Slack elaborated further by stating;

A. I would think that the young person would be hesitant to speak about their sexual problems.

Q. Did you anticipate, in any sense, that there would be a discussion of sexual problems?

A. Alerting the youth officers that there might be, yes.22

24. During questioning by Counsel for BGD, it was put to Dr Slack that she would have expected BGD to engage in the triad program. Dr Slack did not agree with this puttag stating:

"Not if I knew her background, not if I knew how she was being sexually assaulted by her father; I would not be expecting that in this triad group program that this woman would feel comfortable to talk about this sexual interference with her by her father."23

25. Whilst Dr Slack did implement and endorse the triad program, she also recognised that for many residents the experience was traumatic, whilst some considered it “a fucking waste of time”.24

26. Whilst in hindsight it is clear that for many residents group triads were at best a waste of time and at worst a source of pain, trauma and harm, there were many residents who also benefited from it, as evidenced by the return of residents to participate in the role of the person who once had the problem and no longer had it.

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21 Transcript of E N Slack, C9629:47 –C9630:1-3 (Day C093)
22 Transcript of E N Slack, C9631:9-15 (Day C093)
23 Transcript of E N Slack, C9666:36-42 (Day C093)
24 Transcript of E N Slack, C9626:47 (Day C093)
27. Dr Slack agrees with the sentiments expressed in F29 by Counsel Assisting as statements of fact. However, Dr Slack takes issue with paragraph 525 preceding in so far as it is asserted that triad therapy was “completely misguided”.

“Winnie Girls” and Katherine X

28. During evidence a portion of the documentary Winnie Girls (recorded in 1977 shortly after Dr Slack commenced) was played to Dr Slack. Dr Slack can be heard to be speaking with an incest victim/resident. As submitted above, Dr Slack acknowledged the inappropriate language used by her during questioning by Counsel Assisting, Counsel for BGD and by her own Counsel.

29. In particular, Dr Slack went on to acknowledge the terminology used by her as “terrible”, “embarrassing for the individual”, “insensitive” and “inappropriate”. Dr Slack admitted that she was making “a terrible mistake”.

30. However, Dr Slack did not agree that pointing the finger at the child or blaming the child for the abuse was “part of the philosophy of triad”.

31. It is noted that the sexual abuse by the father of the young woman in this recording had been reported to Police.

32. All Counsel questioned Dr Slack about this recording on the basis that the recorded conversation occurred during a mini-triad group. Indeed, Dr Slack herself agreed it must have been a mini-triad setting. However, upon reflection, Dr Slack believes that this is unlikely to have been such a setting. There is no reference to the third person who would be in the role of the person who had the problem and no longer has it. Dr Slack believes

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25 SCA, p94, para [525]
26 Transcript of E N Slack, C9633ff (Day 093)
27 Transcript of E N Slack, C96364:14-18 (Day C093)
28 Transcript of E N Slack, C9635:6 (Day C093)
29 Transcript of E N Slack, C9635:26-30 (Day C093)
30 Transcript of E N Slack, C9648:40-C9649:3 (Day C093)
that if such a person were present that person would have been identified (not by name) by her.31

33. Dr Slack does not suggest this excuses the language used by her or her behaviour towards the young incest victim, and maintains in hindsight she nonetheless acted completely inappropriately.

34. Dr Slack gave evidence that she did not recall Katherine X albeit she was Superintendent at the time.

35. Significantly, Dr Slack gave evidence that the case of Katherine X had not been brought to her attention.32 Dr Slack was unaware that Katherine X’s father was being permitted to visit Katherine X in Winlaton, and stated that had she been made aware of it she would not have allowed it to occur.33

36. Dr Slack gave evidence that she would have expected her Deputy Superintendent to inform her of Katherine X’s situation,34 but nonetheless responded;

   Q. Do you agree that there was an oversight in the care of children?
   A. Major, major oversight.35

37. Reports of sexual abuse by Katherine X’s father were reported to, and documented by, Michael Groome. Dr Slack, on the issue stated:

   Q. Would you have expected a report to go to Police?
   A. Yes.

31 If necessary, Dr Slack would be prepared to provide a further sworn statement to this effect.
32 Transcript of E N Slack, C9653:27-45 (Day C093)
33 Transcript of E N Slack, C9650:14-29; C9689:14-24 (Day C093)
34 Transcript of E N Slack, C9650:4-12 (Day C093)
35 Transcript of E N Slack, C9653:23-25 (Day C093)
Q. In those circumstances?

A. Absolutely.

Q. Where it was very obvious, wasn’t it, that this child was continuing to be sexually abused by her father?

A. And I believe she was calling for help.

Q. Was that ever drawn to your attention at the time?

A. No.

Q. Wasn’t that an oversight in the hierarchy of complaint reporting?

A. Absolutely.

Q. Do you accept that, because staff did not act to protect [BGD] at Winlaton, that facilitated the abuse continuing for many, many years?

A. Yes, and I really regret that that young woman had to experience that.36

Available Finding in respect of F30

38. It is respectfully submitted that in light of this evidence the Royal Commission find as follows;

Dr Eileen Slack was not made aware of the situation in respect of Katherine X. Had she been made aware, Dr Slack would have maintained complete authority, control and close oversight of the case. In particular Dr Slack would have:

a. Not permitted home visits,

b. Not permitted the father to visit Winlaton,

c. Reported the disclosed abuse to Police.

36 Transcript of E N Slack, C9653:33-47 – C9654:1-7 (Day C093) (emphasis mine)
Available Findings by Royal Commission as to oversight and protection by the Superintendent at Winlaton – F30

39. Counsel Assisting seeks a finding as to the lack of oversight and protection of the residents by Dr Slack in her term as Superintendent of Winlaton (1979 -1990). Whilst Dr Slack does not object to such a finding, it is respectfully submitted that available finding F30 be amended to;

   During the period Dr Slack was Superintendent of Winlaton, despite her best efforts and good intentions, she failed to take adequate steps to ensure that there was proper supervision, management and oversight of staff in place to protect residents from child sexual abuse.

40. Further to the above finding, Dr Slack respectfully submits the following finding is open to be made:

   Dr Slack implemented measures and programs intended to combat the many issues that beset Winlaton and to improve the overall functioning and protection of residents. Dr Slack was at all times well intentioned and acknowledges that nonetheless, the measures and programs implemented by her failed to ensure the paramount aim of the Institution, i.e. the protection and wellbeing of the residents.

Other Available Findings as submitted by Counsel Assisting

41. Dr Slack does not object to the wording or content of the remaining available findings as submitted by Counsel Assisting.

Carmen Randazzo SC