ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

Public Hearing - Case Study 30
(Day C093)

County Court of Victoria
250 William Street, Melbourne, VIC

On Wednesday, 26 August 2015 at 9.30am

Before
The Presiding Member: Justice Jennifer Ann Coate
Commissioners: Mr Robert Fitzgerald AM
               Mr Andrew Murray

Counsel Assisting: Dr Peggy Dwyer
THE PRESIDING MEMBER: Good morning, Dr Dwyer.

DR DWYER: Good morning, Your Honour, we're missing a few people at the Bar table but I understand we'll commence this morning, I'll just wait for the witness to get settled.

The first witness this morning is Ms Eileen Slack, and when she's ready, I call Ms Eileen Slack to the witness box.

THE PRESIDING MEMBER: Thank you.

Dr Slack, just before you take a seat, do you wish to take the oath or the affirmation?
A. The affirmation please.

<DR EILEEN NEWTON SLACK, affirmed: [9.31am]

THE PRESIDING MEMBER: Take a seat right where you are, please, and you've got somebody supporting you, you've got a seat provided there for you. Thank you.

<EXAMINATION BY DR DWYER:

DR DWYER: Q. Dr Slack, could you please tell the Royal Commission your full name?
A. Eileen Newton Slack.

Q. You've provided a statement which is dated 6 August 2015; correct?
A. Correct.

Q. Is the information in that statement true and correct to the best of your knowledge?
A. Absolutely.

Q. You've been asked to provide the statement of course because, for a significant period of time, you were at Winlaton Girls Home as the deputy and then the superintendent of that training centre; correct?
A. That's correct.

Q. You were recruited from America, and so I wanted to start by asking you some questions about your role in the American facilities.
You say in your statement that from July 1971 to
around September or October 1976 you were the
superintendent of Chalkville, Alabama State Training Centre
for Girls. Was that an institution that was similar to
Winlaton?
A. Yes, very similar.

Q. Did that institution have within it both wards of the
state who were removed from their parents because they were
suffering from neglect, as well as children who were
detained because of criminal offending?
A. Yes, we had both.

Q. What training did you do prior to your work at the
Alabama State Training Centre that would equip you to deal
with that?
A. I was a teacher in primary school, a year; I was a
teacher in a secondary school, two years; I was a teacher
in the university, teaching child development.

Q. And you came in fact to be published in the area of
youth in criminal justice, relating to youth behaviour; is
that right?
A. Yes.

Q. Because of your academic interests?
A. Academic interests, and also, after I got my doctorate
from Columbia University, I took a few months off trying to
figure out what I wanted to do with all that training and
what kind of program I wanted to work in, and by
happenstance I was at a dinner and I was chatting with a
woman next to me, it was a dinner for superintendents and
lawyers and other people in corrections, and in the small
talk she said to me that she was going to retire, and so,
to continue the small talk, I said to her, "What are you
retiring from?" And she said, "The Chalkville State
Training School For Girls", and I said, "Oh, that's
fascinating". I said to her, "I bet I could do that job", and
she said, "What did you say"? I said, "I bet I could
do that job because I worked with teenagers for so
many years", and she said, "I'll be calling you". So I
gave her my telephone number thinking that she might or
might not follow through but she did.

Q. What was your PhD in, Dr Slack?
A. Doctor of education, Columbia University.
Q. Did your PhD focus on youth education?
A. There was some courses that we did with youth development and also courses with management of institutions, not exactly institutions but larger programs, and we had specialists come in talking to us, maybe somebody would have a chair in some specific aspect of management. In Columbia you can have a core set of courses and then you can pick and choose what you wanted, so I would pick and choose, you know, courses that developed an individual and also how to care for and understand large institutions.

Q. Dr Slack, was that State Training Centre for Girls in Alabama run on a model of control and authoritarian respect modes?
A. Exclusively, exclusively authoritarian.

Q. Is that, when you arrived it was run in that way?
A. Are we still talking about Chalkville?

Q. Yes, Chalkville, and when you left as well?
A. All lock-up, all lock-up.

Q. Even children who had been wards of the state?
A. Yeah. I can't quite recall what they were called at that time, but there was, anybody who came in, if there was a bed, that's where they went.

Q. They went into a locked up facility?
A. Locked up and timber, fire-prone place, all locked in. The Birmingham News about a month before I arrived, this program, Chalkville, had been condemned by the Fire Department, and told in the Birmingham News and anybody who wanted to listen, that this program in Chalkville, if a fire started in any one building, these persons could not net get out and they would all die.

Q. Were there behavioural difficulties, when you arrived, for the girls at Chalkville?
A. Oh, yes. Chalkville was 95 per cent black and there were very few black persons on the staff, and I was coming down from New York City as a white woman with a doctorate, and the staff who were mainly white wanted to make sure that I wasn't going to stay.

Q. Did you try to implement any programs for the girls to address those behavioural issues while you were in
Chalkville?
A. Absolutely, absolutely. We introduced programs of schooling, we introduced - and it was ongoing when I came but I certainly strengthened it - foster grandmothers program, and we introduced a small group, interaction on each one of the sections, and in the meantime I was trying to get to the Fire Department and ask them what was needed to be done in order to make sure that this program was safe.

Q. I'm going to ask you shortly about the triad program that was introduced at Winlaton; was that a program that you introduced previously at Chalkville?
A. Yes, yes, guided group interaction and programs of working closely with individuals through the staff, working closely with the young people, and yes, there were many programs that had to be introduced in Chalkville.

Q. Was triad a program that you yourself designed?
A. I worked together with my husband. The triad group, small group, guided group interaction was a program that was coming into being in about 1971, Highfields, New Jersey. It was designed in a way that the individual young men sat in small groups and they talked about their issues, their problems, trying to identify problems, and it was working in Highfields.

Q. I'll take you, as we move forward in the evidence, to the policy manual that sets out what triad was trying to achieve and how it was structured, but in very simple terms at this stage, the concept of having three people within a triad, one person who has a problem, one person who is an ex who used to have the problem, and a moderator who either hasn't got the problem or had it so long in the past that it's no longer an issue for them, that's the three-way model of triad; is that right?
A. Yes, those are the three roles that we're looking for and trying to identify.

Q. And triads can be practised within a group setting, so it's not just the three people sitting down, it might be 15 people with the three people amongst them?
A. Yes, and that's a triad.

Q. Or a number of triads within a group of say 15?
A. Yes, or many - we used to call them mini-triad which could occur with three persons with one in each of those
roles.

3. It's modelled, if I may say, on the 12-step program, which is internationally seen as a model for rehabilitation - I'm talking about Alcoholics Anonymous and the other 12-step programs.

8. Q. That triad concept was designed by yourself and your husband, Dr Charles Slack; is that right?
A. That's right.

Q. Was the first time that that was used, in Chalkville, or had Dr Charles Slack used it elsewhere to your knowledge, or had you used it elsewhere?
A. Charles had used it when he was in New York City working for, I can't quite recall what he was working for, but he was trying to understand gang group behaviour in New York City, this would be around the 1970s. What he was discovering was that, if he had a young male who was recovering or responding to anti-criminal attitudes, he would use that individual side-by-side with him in order to try to help others who were going off the rails badly.

Q. And so, you and Dr Charles Slack thought that that model might be useful for a whole range of other problems that children were experiencing who were in institutions?
A. Absolutely. He was invited to give the - I think this was around maybe 1971-1972 - he was invited to give that concept at Harvard seminar in medicine, and it seemed to me, and to both of us, that we were moving into area to get a rehab program that would be responding to youth and very strongly show some success, not overnight, but some success, yes.

Q. I'll come back to triad as it was practised at Winlaton, but I'll come now to your move to Australia in 1976. You were actually recruited, as you set out in your statement, by a personnel officer from the Victorian Welfare Department?
A. That's correct.

Q. He had to make quite an effort to recruit you over a period of time; is that right?
A. I'd say about six months of him calling me in Alabama and saying that, Australia really needed somebody who had experience in working in an institution, and that was about the extent he would say, and then he would call me again and it would be about 9.30 at night - this happened over
the course of about, I'd say maybe about five or
six months, and every time the phone would ring around 9.30
at night my husband would look at me and I'd look at him
and I'd say, "I think this is that fellow from Australia",
and sure enough it was he calling me and saying, "We really
want you over here as the superintendent, because the
current superintendent is being transferred out of the
current position he's in and we need someone of your
calibre and training", and I said, "No, thank you".

Q. Do you know how the Department had come to hear of
your work?
A. I never really asked, but I would have assumed,
because Dr Charles and I, we were - when we would have
something - excuse me please.

Q. Sure.
A. When we thought that there was something that we
wanted to write about, he and I would publish materials or
go into journals, like Journal of Correctional Psychology,
or they approached Charles about writing for Psychology
Today. It takes - this was I think, I don't know, maybe
1973 - it takes three to break a habit. So, if you had a
smoking challenge and you wanted to quit, or if you had a
weight challenge and you wanted to quit, it was written up
in the style for the general public in Psychology Today.
So we did have through the years quite a few articles that
both he and I felt - he more than I because he was more
academically inclined and I was more practical, hands-on,
doing the work.

Q. This concept of triad, where you had a person, an ex
and a moderator - a person with a problem, an ex and a
moderator, was that something that you and, if I may call
him Dr Charles --
A. Sure. In Alabama they called him Mr Dr Charles and I
was Mrs Dr Charles.

Q. I'll stick with Dr Charles. Is that something that
you and Dr Charles thought, triad, was appropriate for
smoking and --
A. Yes, across the board, yes.

Q. And weight loss?
A. Absolutely, and I said heavy drinking, or intractable
behaviours, something that, I suppose we say emotions,
certain emotions were bothering us or the persons we were
guiding, and maybe the person was on marijuana or heavier
drugs and was giving some indication that they wanted to
change.

Q. So, someone with a drug problem, for example, may be
assisted by hearing from somebody who used to have the drug
problem in circumstances where you also had a moderator,
the triad system?
A. Absolutely, absolutely. Well, in the 12-step programs
people would come together and try to discuss - I can't say
anything about what their particular issues were, because
there's a tradition of confidentiality - but the person in
the group would be, if it were with alcohol, you know, they
would be coming there in order to gain some help with a
drinking problem and others were invited to give their
experience, their strength and their hope.

Q. For the person with the problem, was it a part of that
therapeutic understanding that they had to take
responsibility for their problem?
A. Yes, absolutely, and taking responsibility meant
understanding what it was that started you into that path
which led to many persons' self-destruction, if we're
talking about adults; and the same thing if we're talking
about youth, the language would be different, but the
purpose was the same - how do we try to understand, how is
it that you're here with us in Winlaton and how can we
assist you to understand how you can stay out of a place
like this, and how you can recover and live in the
community.

Q. And also, what role the child might have played in
getting themselves into trouble or developing the problem;
is that correct?
A. Yes, which of course included often the lack of
parental control and often the lack of maybe a really
solidly caring hospice.

Q. Again, I'll return to triad, but I want to cover what
Winlaton was like when you first arrived. At paragraph 12
of your statement you say this:

I commenced my employment with the
Department in October 1976. I continued in
that employ until 1991. Upon my arrival at
Winlaton in early October 1976 I stepped
into an institution beset by riots. There
were buildings across the facility
experiencing frequent fires, staff
continuously reporting being physically
assaulted by residents, and frequent
physical assaults between residents.
Morale was low and it appeared to me that
little was being done to address these
issues.

A. Could you tell me where you're reading from?

Q. I'm reading from paragraph 12, Dr Slack. It's up on
the screen, but you just tell us what's easier for you, to
read from, the screen or the written page, whichever's
easiest for you.
A. I would think the page.

Q. Paragraph 12. What I just read to you was your
reflections on arriving at Winlaton.
A. Yes.

Q. It was suggested by Dr Owen, when he gave evidence, so
the superintendent who was there at the time you arrived,
that your reflections were somewhat of an exaggeration,
that the place wasn't quite as bad as that. What would you
say about that?
A. Well, we were both in that same setting, and I'm not
certain how he would not have observed how the
circumstances were terrible; I don't think I was
exaggerating one bit.

Q. Do you recall that soon after your arrival you wrote a
memorandum to Mr Owen which set out some of the problems
that you saw?
A. Yes, I do remember.

Q. Can I have on the screen so that you can review this,
this memorandum of 16 December 1976, STAT.0630.001.0039.
It's behind your statement at ES-4.

In any event, Dr Slack --
A. I don't have that yet.

Q. I'll wait until that comes on the screen. What did
you see to be the main problems for Winlaton?

MS RANDAZZO: Pardon me, Your Honour. Just so to assist
my client and Counsel Assisting, Dr Slack has the hard copies of the annexures to her statement. This is annexure D, so that she can certainly refer to the hard copy.

DR DWYER: Thank you for that.

Q. Dr Slack, what were the main problems that you saw at Winlaton when you first arrived?

A. I'll give you what I recall. It was my personal work when I was there when I first arrived to move around the institution and to have a breakfast with the youth, have a lunch with the youth, have a meal at night-time with the youth, and it wasn't just to get a meal, it was to get a sense of how the youth were interacting with the officers at the time, what kind of food was being given to them, and so, that kind of involvement I felt was really important.

Okay now, the first evening that I went - now, granted, there wasn't another strange person, other than I, sitting at the meal; the young woman was in the kitchen and getting plates of spaghetti and she brought out the plates of spaghetti for the young women sitting around the table that I had sat down, I just came in with no fanfare and sat down at an empty chair at a table. After all of the young women were served, I observed that they were all watching until she served the plate of spaghetti to me, and as she put it down, she said, "I want you to know I have just spit firmly into this plate", and I thought to myself, well, quickly, this is going to be one of the first tests, so I looked at her and I said to her, and out loud enough so everybody could hear, "I'm sure this will taste a lot better" and then I started to eat.

Q. I take it from that story, that you observed behavioural problems and antagonism from the girls towards the staff?

A. And people - well, if it was - in that particular instant it was certainly toward me, but that would not be anything different.

THE PRESIDING MEMBER: Sorry, Dr Slack. We have that document that Ms Randazzo referred to in our annexures, it's ES-4. I'm quite happy for you to take Dr Slack directly to it and ask Dr Slack whether or not that document is in fact her view too.
DR DWYER: May it please the court.

Q. Then I'll take you straight to this document, ES-4, if that could come up on the screen. I believe you have it as annexure 4 if it's easier for you to read.

You list a number of problems in your memorandum to Dr Owen. I'll just go through these:

*Effective programs which rehabilitate delinquent females.*

So they appear to be desirable for Winlaton and not present at the time you arrived. There was a need for the reduction of the necessity for group and individual lock-up and there was a need for efforts to lower the boiling point of the whole institution, reduce the frequency of major crises, reduce damage due to fire, breakage, vandalism, eliminate sexual assault, lower absconding figures and improve the physical safety of the staff and their morale. Does that accord with your memory of the difficulties for Winlaton?

A. That's how I saw them, absolutely.

Q. What was the issue in relation to sexual assault at Winlaton when you arrived?

A. It was, if it were happening, if it were happening, it would have been in the evenings. It might have been - well, I'll go back a sec or two. It was probably about maybe a month or so, a youth officer was, through her Victorian VPSA, had complained to the VPSA representative for the institution that she had been sexually assaulted by the youth.

Q. What was VPSA, Dr Slack?

A. Victorian Public Service Association, I think those are the initials, or Service Association, a union.

Q. Who was it that made the complaint?

A. The youth officer had made a complaint through her union to the superintendent that she was in a situation where the teenagers had surrounded her, the teenagers on the Goonyah section had surrounded her, and they had lifted her shirt and were mocking her panties and making very foul sexual remarks about her, and she plus other youth officers had decided that they were not going to accept this kind of behaviour. There were 30, and I conservatively try to
remember 30, but I think it was more than 30, that they
were saying they were not going to continue doing their
work as youth officers unless something was done to stop
this kind of assault, youth on the youth officers.

Q. As you set out in your statement, when you found out
about that, you thought, if that's happening to the
officers, what must be happening to these girls; is that
right?
A. Yes, that's correct.

Q. Apart from that reflection, given that you've written
in this document at attachment D, or 4, that one of the
issues was the need to eliminate sexual assault, were you
aware of any sexual assault between the girls, or were you
imagining that that might be a possibility as a result of
what had happened to the staff member?
A. I had not personally been told or personally been
aware, but the attitude of these young women, first of all
toward each other, was total disrespect, they would push
each other around. My impression was that, if they were
able to do this in broad daylight and be violent with each
other, and consider it some kind of fun or something
humorous with the adults, they certainly, by implication, I
did not know, but by implication that something else might
be happening in the institution.

Q. In paragraph 25 of your statement you say:

In later years I found it necessary to meet
with the principal youth officer each and
every morning when I first arrived at
8.30am to be informed of the events
overnight.

A. That's correct.

Q. Why did you find it necessary to do that?
A. With my experience in Chalkville, and I had been a
consultant every now and again to other programs with
prison, adult prisons, night-time and showers and passing
each other at night-time in the corridors could have been
times for sexual play, sexual activity and sexual
exploitation of younger residents.

Q. At any time while you were at Winlaton did you receive
any report of sexual abuse by either staff towards
residents --
A. No.

Q. -- or from one resident towards another?
A. No. I don't think I was a dreamer, it's just, I did not get any formal reports.

Q. In spite of the fact that you were aware of it as a possibility --
A. Yes.

Q. -- that residents might sexually abuse each other, no report was ever made to you about that?
A. No.

Q. When you were in Chalkville, was there ever a report to you about one resident sexually abusing another?
A. No.

Q. Did it occur to you as any possibility while you were at Winlaton that a staff member, male or female, might sexually abuse a child resident?
A. May I have that question again, you're talking about Chalkville or Winlaton?

Q. Winlaton?
A. May I have it again.

Q. Did it occur to you that a staff member at Winlaton might sexually assault a child?
A. Absolutely, sure.

Q. Did you ever receive a report of that happening?
A. No.

Q. When you arrived at Winlaton you became aware that some of the girls were being given Depo-Provera, the contraceptive medication. Was that happening at the time you arrived, as soon as you arrived?
A. I would say, yes.

Q. So it wasn't introduced after you arrived, it was already in use?
A. I think, yes, absolutely.

Q. You expressed your concern about its use for the girls?
A. I had read in, I can't remember where, but that in the United States that they had banned it as a contraceptive, and of course the bells and whistles went on for me, and the question to myself was, how come it's being used here?

I knew that the one of the reasons was that they felt the individuals were promiscuous on the outside and they felt that this was a legitimately used contraceptive. I started by saying to them - by saying to anybody who would listen to me - because I met with the medical people every Friday. For the length of the time that I was in the institution I met with the medical people every Friday for an hour, same time, probably like 12-1 or something like that, asking them, you know, "Could you tell me please who's on Depo-Provera and I'd like you to know that I think it's a dangerous contraceptive". It was like I was beating a drum - drum, drum, drum - asking them to look into this and I felt I wasn't getting anywhere.

Q. Do you recall discussing that issue with Dr Owen?
A. No. I was a deputy superintendent, and there was agitation between the two of us; you know, not severe, but every now and again - not every now and again, once, he came into my office and he said that - I'm being distracted for just a bit, because may I mention that I was supposed to come in as the superintendent and when I arrived there from America I was the deputy?

Q. Yes, you set that out in your statement so we have that information, thank you.
A. Okay, so here I am, and at one point he said to me, he came into my office and he said to me, "When I call a meeting at 8.30, I don't want to see you getting up at about 5 to 9", because the triad group went 9-10, he said, "I don't want to see you getting up and walking out". And I said, "I was brought over from the United States in order to help get this organisation into shape and one of the ways that I'm trying to do it is through small group, triad group, and I haven't come 14,000 miles to have somebody tell me, yourself included, that I am not to go over there and continue my work". And he said to me, "This is what I'm telling you you've got to do", and I started to smile, looking at him I started to smile, and he said to me, "Wipe that smile off your face".

Q. I appreciate that there was that conflict between you and Dr Owen in the way that you're describing; do you
recall a conflict in relation to the use of Depo-Provera?
A. Oh, I'm sorry. Conflict that only I have?

Q. Did he disagree with you?
A. I didn't discuss it with him.

Q. I'm just going to show you an example of your concern in relation to Depo-Provera, it's at ES-11,
STAT.0630.001.0067. It's an annexure that you will have from 16 August 1979 but it will also be on your screen.
A. Thank you.

Q. Do you see that that is a memorandum to the director of Family and Adolescent Services from August 1979?
A. Yes.

Q. It in summary raises your concerns about Depo-Provera, notes in the second paragraph that you do not endorse the use of Depo-Provera as a contraceptive?
A. Okay, may I see the second paragraph please. Thank you.

Q. It's annexure L to your statement but I don't need to take you to it in any detail, other than in fairness to you to note that this is an example of you expressing your discontent with the use of Depo-Provera; correct?
A. Yes, and it's also, if you notice please, I am speaking also and giving copies to Margaret Donagan, because my management style was to not take a position on something that was going to affect another staff without them knowing what position I was taking.

Q. You note in this letter that you were concerned about the side-effects from the drug.
A. Absolutely.

Q. You were aware that it was not being used in America because of the risk of the side-effects for the girls?
A. Absolutely.

Q. You were aware that it was not an approved drug for general use in Australia?
A. Yes, because I wrote, in time okay, I wrote to the Australian Health Department. I thought to myself, I must be on the wrong track here, and I wrote to the Australian Health Department, the therapeutic branch, and I asked them the same question and they came back, the first letter that
came back, I can't recall when I started to do this, but it was early in the piece, and the letter came back saying that, in very unambiguous terms, that Australia does not allow the use - something to this effect - of Depo-Provera as a contraceptive.

Q. Were you concerned also with the lack of formal consent being obtained from the girls or their guardians?
A. Yes.

Q. Are you able to estimate what percentage of girls were using Depo-Provera at Winlaton when you arrived?
A. No; no, I cannot.

Q. Is it fair to say that, in spite of your concerns, medical staff at Winlaton were still keen to push the use of Depo-Provera?
A. Yes, yes, absolutely, and so was the person who was my deputy of classification, and you heard from her yesterday.

Q. So, Marilyn Minister was also keen to use Depo-Provera for the girls?
A. As I recall, I think she had no objection at all.

Q. Do you say that their interest in the use of it for the girls was because they had a view that the girls were promiscuous in the weekends when they were let out for weekend leave?
A. That's correct.

Q. What did you think of that view?
A. I thought that it was an easy answer to a very complex situation, and there were other means - maybe they were not as, according to the medical people, as effective, maybe would take more time for a medical person to explain, maybe the use of a diaphragm with sperm or foam, I don't know what it was, but they didn't - it was deaf ears.

Q. And you disapproved of the girls being treated in that way?
A. Absolutely.

Q. I note, the Royal Commission will have access to numerous letters that you wrote expressing your concern about Depo-Provera, I'm not going to take you to each one.
A. Okay.
Q. I will ask that this letter come on the screen, DHS.3134.001.0079. If you just bear with us, Dr Slack, this is a letter of Dr Kenneth Waldron to you dated 9 February 1983. Do you remember Dr Kenneth Waldron?
A. No, I don't. This letter is coming up?
Q. Yes, it will. Do you see that that letter notes:

Dear Dr Slack. Thank you for enclosing the letter from the assistant Director-General of the therapeutic goods branch Of the Department of Health in Canberra.

I am well aware of your concern regarding the use of Depo-Provera at Winlaton. Early last year both Dr Tony Krins and myself spoke about the use of Depo-Provera and basically our conclusion was that it was a very safe and reliable drug for girls who found other methods of contraception unsuitable.

He goes on to note that Depo-Provera has been widely used over the past 10 years and confirming that he had no difficulties with it.

Do you recall your interactions with medical staff?
A. At Winlaton?
Q. Yes.
A. Oh, absolutely.
Q. Do you recall being in conflict with them for a long period of time over the use of Depo-Provera?
A. Well, the conflict was such that I would have to make my position clearly known and listen to their objections, but I had written to my brother-in-law, Dr Warner Slack at Harvard, and he had worked with - talking about this Depo-Provera use, and he had worked with a couple of respected endocrinologists, or I think that's the right term, who were doing all kinds of research, but they said that this drug Depo-Provera was unsafe for use.

Q. Dr Slack, the Royal Commission will have access to what is termed a "Guardianship Services Manual" which has been prepared by the Department of Community Welfare Services in Victoria and is dated September 1984. Do you
recall that manual?
A. No.

Q. Do you recall receiving any Department policy in relation to the use of Depo-Provera?
A. No.

Q. For the benefit of the Royal Commission and my learned friends - actually I'll put this up on the screen so you can see it. There's a section relating to medical consents, DHS.3002.381.0181. For the record, that's from the policies tender bundle part B, Historical Document Policies, volume 1 of 1.

I'm about to show you this policy that came out in 1984, Dr Slack.
A. Okay.

Q. Which notes in relation to the use of Depo-Provera, letter (c):

Depo-Provera is classified as an experimental drug because its effects on the human body have been insufficiently tested and evaluated. It is imperative that the young person for whom it is prescribed understands this, together with the drug's known advantages and possible disadvantages.

Before proceeding with the administration of Depo-Provera the following procedures are to be followed:

That included:

Ensure that the young woman has explored all contraceptive alternatives;

[getting] the young woman [to] read and sign the informed consent ... form.

And seeking the parents' consent on that form, noting that:

The Department has the authority to override the parents' wishes if that was in...
the young person's interests.

The final note refers to copies of the form being placed on the ward and regional files. Does that trigger any memory for you of a departmental policy that came out in 1984?

A. Not at all.

Q. Do you recall doing any work with the Department or within Winlaton about the development of a consent form?

A. No. I think, in reference to that question, I was not in the loop if there were discussions about Depo-Provera, because they knew where I stood.

Q. Because they know where you stood?

A. Yes, absolutely.

Q. Did you feel that people within Winlaton were trying to silence you about being outspoken about Depo-Provera?

A. I never got the impression that they thought they could.

Q. As the superintendent, did you feel that you had the authority to stop the use of Depo-Provera for girls?

A. No, no.

Q. Why not?

A. It was an issue for the Health Department, and they told me in no uncertain terms that I was stepping outside my lines of authority and it would be, in so many words, not something that I should concern myself with.

Q. I ask that you have a look at this document. I'll just put it on the record, DHS.3002.326.0008_R. This is a consent form that relates to a particular child. The reason I'm showing it to you is just to ask you whether or not you have seen a consent form of this fashion at all during your time at Winlaton.

A. It's going to come up on the screen?

Q. In fact, I'll hand you a paper copy so that you can see that. I ask that it not come up on the screen actually, it's a consent form relating to [KATHERINE X] so perhaps not necessary. In terms of the form itself, have you seen it?

A. No.
Q. Thank you, Dr Slack, you can put that to one side. In paragraph 49 of your statement, in relation to the issue of Depo-Provera which you set out in some detail --

A. Will that come up on the screen?

Q. Your statement? It can do, yes, paragraph 49, otherwise please feel free to look at it in paper form.

You note there:

I still have in my possession a large box of documents relating to the issue of Depo-Provera. These documents began to be brought forward, prompted by me and concerned others, in the late 1970s.

Do you have with you in the witness box or here at the Royal Commission the documents that you retained in relation to the issue of Depo-Provera?

A. No, and I'll tell you why, if I may?

Q. Please.

A. Every time I made an attempt, and I think it started around 1976-1977, I don't remember what, maybe 1978, every time I made an attempt, either it was with the Department or with persons outside the Department, or with - I think there's even a note to the Director-General, and then of course to the Australian Health Department, every time I did that I put a copy of it in my files and I put another copy in my - I had a tiny office, I rented a flat for my husband and me on the grounds, so I had two copies, and I always had a strong opinion that at some point this topic is going to hit the fan, and I have boxes - there is no way I could bring anything, I had boxes, I have boxes of information and I tried to get this looked at more closely, tried to understand the risks, and I got nowhere.

Q. Are they documents that you would be happy to share with the Royal Commission if we asked you?

A. Oh, sure.

Q. Did you retain a copy of any of the files of residents relating to Depo-Provera?

A. No.

Q. Were you concerned that any of the documentation in relation to Depo-Provera would be destroyed by anybody from Winlaton?
A. No, I didn't have that impression, because they all felt it was safe.

Q. When you left Winlaton on compassionate leave in 1991, I think it was --
A. Yes.

Q. -- did you ask anybody to remove any records from Winlaton in relation to Depo-Provera?
A. No.

Q. So, to the best of your knowledge, any records in relation to Depo-Provera should still be retained on ward files or medical files?
A. Oh, I would think so, yes.

Q. Did you become aware, when you first arrived at Winlaton, of any issue relating to intrusive medical examinations of residents?
A. When I would be walking around every now and again a youth, you know, I would be listening with two or three different ears, I would hear somebody complaining about the fact that she felt it was unfair, or she wouldn't say intrusive, but "haven't they got a nerve", and she wouldn't put it in those words either, but it was that kind of, they were talking among themselves.

I had a certain rapport with them, and I think I respected that rapport and I think they did too, to speak freely when I was moving around.

Q. So, what did you hear from any of the residents about the medical examinations?
A. Something to the effect that, you know, it was just invasive and - they wouldn't be saying "it lowers my dignity", they would say "they have an F'n-C nerve; that's all I knew about it.

Q. You can feel free to use any of those words in the Royal Commission if you think that it's necessary for us to understand what the girls said.
A. Okay. That's "fucking cunt".

Q. So some of the girls obviously expressed to you, in that language, that they were pretty disgusted with what was happening to their bodies?
A. Every now and again they would.
Q. Were they because of intrusive medical examinations by --
A. That's what I would have assumed.

Q. By staff at Winlaton, by medical staff at Winlaton?
A. I can't remember.

Q. Do you recall finding out that the girls were subjected to strip-searches and/or internal searches after they came back from weekend leave by staff?
A. Never heard that that was going on, no.

Q. Do you recall the issue of contraband being a problem for girls who had been on weekend leave?
A. Yes.

Q. Did you find out about a policy of what staff were to do about checking girls for contraband when they came back from weekend leave?
A. I didn't want them - I mean, if it were happening, I didn't want them invading or, you know, trying to find out through the vagina if anything were hidden, and I can't recall making it that clear that I objected to that kind of activity, but I certainly, when I was talking to the nurses, nobody ever mentioned that that was happening.

Q. Dr Slack, I'm going to take you to some policies shortly. Were you aware of a policy from 1974 which was updated in 1980 that related to Winlaton, and a further update in 1987? Were you involved in updating the Winlaton policies in 1980 or 1987?
A. 1987 I was, yes. By "the policies", you mean the manual instruction?

Q. Yes.
A. Yes.

Q. But you weren't involved in the 1980 update?
A. I don't remember being involved in that one, no.

Q. Did you read the 1980 or 1974 model, the manual?
A. I would look in it at times; I didn't have a thorough read of it, no, it was one of my failings, I did not do that.

Q. Can I ask that this page of the manual be put up on
the screen, DHS.3004.001.0105.

This is a page from the 1980 manual. The first subheading is, "Sentenced Girls Working Out". The second subheading, if you scroll down that page, you will see there the words, "Returns from leave":

On return from leave, the girl is to be searched before being allowed to return to her section. On return to section the senior youth officer, or a youth officer in the absence of a senior, is to informally discuss the leave with the girl ...

Do you recall that girls who were sentenced and working out had to be searched when they came back in?
A. I am looking at it and it said:

On return from leave, the girl is to be searched before being allowed to return to her section.

What I understood by "search" was, is she carrying anything, is she trying to sneak something in that might have been under her armpits et cetera; so I - this is only - I never saw this happen but I would imagine it would have been a very soft pat-down of the individual.

Q. Did you become aware that girls were searched when they came to Winlaton for the first time?
A. I would say they were, yes.

Q. Did you become aware that any of the girls were strip-searched?
A. No, no.

Q. Would you have thought in any circumstances that that would have been appropriate?
A. No, no.

Q. I would rather have had some - within the section there might be an indication that somebody had been able to take a drug; I would rather have that as a problem and try to work with that problem rather than have persons strip-searched and that indignity.

Q. I'm going to read to you some of the evidence of [BHE]
when she came into Winlaton in 1971. She was there until 1977, but when she first came in you were not there. I'm going to read to you this evidence and see if you've got a comment on it.

She says at paragraph 13:

When I arrived at Winlaton I was immediately strip-searched. I had to stand over a mirror naked with my legs open and my arms out while an officer felt me all over. The officer checked in between my legs and my bottom and under my arms and [breasts]. They even looked inside my mouth. I understood that they were checking to see whether I had any cigarettes or drugs on me. I was terrified and felt embarrassed. It was degrading.

Would a search of that nature ever be appropriate for a teenage girl entering Winlaton?
A. It would be appropriate for no one.

Q. What would you have done had you found out about that going on when you were deputy or superintendent?
A. First of all, I would try to check that that was actually the case. Okay, was this really happening? And, if it was, I would take a position on it and saying that, this is going to stop.

Q. When you were superintendent, that's something that you could have stopped had you found out about it; correct?
A. Mm-hmm, absolutely.

Q. At some stage while you were at Winlaton you became aware that some of the residents were being subjected to intrusive medical examinations by police as a result of an offender being charged with carnal knowledge; is that right?
A. In the first part of your question, you're saying I would be aware of that?

Q. Do you recall being aware?
A. No.

Q. I'll just show you this document, it appears to reveal your concern about that issue. It's DHS.3126.001.0007.
What I'm showing you is a memorandum dated 26 May 1978 from yourself to Bruce Anderson, who was then the supervisor of classification and treatment. Do you recall Mr Anderson?

A. Oh, yes, and I don't see that on my screen yet. Is that coming up?

Q. It should be coming up there now.

A. Okay, I got it.

Q. Do you see there, there's a note at "item 4":

Ms Minister raised her concern about the procedure of girls being examined by the police doctor to gain evidence in carnal knowledge cases.

A. Could you tell me, is this a letter from me or from Ms Minister?

Q. It's a memorandum from yourself to Mr Bruce Anderson.

A. Thank you.

Q. Do you recall becoming aware of that issue?

A. No, I don't recall, but if it's over my signature, I would have known it at the time.

Q. I'll show you this letter, DHS.3126.001.0003. It's a letter of 21 August 1978.

That is a letter to Mrs Yolanda Klempfner, the coordinator of Women's Affairs at the Premier's Department.

A. Did I --

Q. If you scroll down to the bottom of that, you'll see the signature.

A. Okay.

Q. This is not a letter from yourself, it is from superintendent Owen.

A. Okay, good.

Q. If you come back up to the beginning of that, there's a note there that:

Dr Eileen Slack has informed me of your
request that I write to you in respect to
the following question:

"Are youthful offenders subjected to
vaginal examination and/or questioning on
past sexual activity? If so, in what
circumstances?"

Dr Slack, that letter appears to reflect a concern
that you had and that you'd be discussing with Dr Owen
about intrusive medical examinations for girls?
A. And I think it says that Marilyn Minister had raised
it with me, yes.

Q. But you yourself don't recall any issue about that
now? You just need to answer yes or no. You don't recall
any concern about that now?
A. I do not.

Q. That can come off the screen. Dr Slack, one of the
issues that you raised very early on with Dr Owen when you
came to Winlaton was the use of lock-up or cells for girls.
Is it the case that you thought that that punishment was
being used inappropriately for children?
A. Yes.

Q. Did that change in any respect over the period of time
while you were superintendent; that is did the cells come
to be used less infrequently?
A. Yes.

Q. Were you responsible for implementing any change in
the use of the cells?
A. Not directly, but I think that the triad groups, the
daily sitting around and talking about issues, talking
about problems - the first part of the group was, "Please
let's get the group started, let's remember what we say
here, let it stay here, will someone give an example of how
she has helped someone", and then we would go around the
group and then, "Will someone give an example of how she's
been helped", so all of this.

Q. I want to give you an opportunity to talk about triad
shortly.
A. Okay.

Q. But just for the moment can I concentrate on this
issue of cells. You've clearly identified that as a
problem when you first came in 1976.
A. Sure.

Q. It was thought to be inappropriate by you to be
locking children up in cells for periods of time?
A. Sometimes the youth was out of control.

Q. But it must have occurred to you that that punishment
was being overused?
A. Yes, definitely overused, yes.

Q. Did you become aware at any stage while you were
superintendent that girls were routinely being taken to
lock-up situation when they arrived for a few weeks?
A. "When they arrived for a few weeks". I don't recall
that when they arrived they would go into lock-up, no.

Q. Do you remember the section Winbirra?
A. Yes.

Q. What was that section for?
A. Remand.

Q. Remand?
A. Yes.

Q. Do you recall that girls who were taken into care,
even in the 1980s, spent some time in remand before they
were released into the general section?
A. Yes.

Q. Was that deemed to be appropriate in your view?
A. Did you say that they were locked up for a long time
in remand?

Q. For a matter of days or weeks?
A. That would be terrible, no. I was not aware of that.

Q. What would you think about that, on hearing about it
now?
A. I think it would be horrifying for a young person to
be, you know, first of all coming from the court or coming
from the police to Winbirra and then being put into a
lock-up situation for a long period of time; I think that
would be terribly destructive.
Q. Do you agree with me that even days would appear to be a very long period for a child?
A. Yes, absolutely.

Q. I want to read to you the evidence of [BDF]. She recalls a period of admission to Winlaton in January 1987, so a decade after you commenced.
A. Okay.

Q. She says at paragraph 28:

On my arrival at Winlaton I recall being taken straight to a cell. I believe that I spent a couple of weeks in Winbirra before being transferred to Leawarra Hostel which was a more open section of Winbirra. I recall that I was in a cell on my own most of the time that I was in Winbirra.

How do you feel about hearing that evidence?
A. Disturbed and - I want to say disgusted.

Q. The Royal Commission has heard about the weekly meetings that took place, case meetings which I'll come to shortly, which were attended by the deputy superintendent, for the most part you were there, Ms Minister. You didn't attend those meetings, is that correct?
A. No. Every now and again I would go in just to get a sense of how it was going and how Ms Minister was guiding the various people who would come in, sit around the table. Many times she had about 10 or 11 people sitting around the table including the young woman and her allocated youth officer from Winlaton.

Q. What staff meetings did you attend on any regular basis at Winlaton in order to be kept informed?
A. I'll start with the deputies, met with them as I mentioned before every Friday for an hour at least. The principal youth officer, I would meet in that individual's office, maybe as I recall, maybe once a week but sometimes every two weeks, but it was more than that.

The next layer would be the chief youth officers, I met with them; I was either meeting with them, as I recall, in a group, small group, the principal with the three chiefs or, if they wanted me to attend, they would give an invitation for me to be there if they were discussing
something that was of interest or bothering them.

The next layer - and what I was trying to do is that, the layer above, in terms of management, would be participating in the next layer, so the senior youth officers would have - I'm thinking, I think it was once a week, might have been once every two weeks, I'm uncertain at this point - but it was like a participatory management, in which I would participate - not every single meeting did I participate in, but I did it regularly enough to get a sense of what their issues were.

Q. Would you expect those meetings to have given you a sense of the major problems that staff were encountering?
A. Absolutely, absolutely.

Q. Would you have expected that any incidents of sexual abuse that were reported by other residents would be told to you at one of those staff meetings?
A. Oh, I would have absolutely expected it.

Q. Do you recall throughout the 1980s a period of serious overcrowding at Winlaton?
A. May I just go back a minute to the previous part of this meeting structure?

I also guided individuals in taking minutes of these meetings, and sometimes when I wasn't able to get to a particular meeting, as a matter of routine these minutes would be going past my desk and I would read them as quickly as I could, so I was trying to get, if I couldn't get there, I was trying to get it from a piece of paper what was happening.

Q. In that way, you thought you were being informed of the major difficulties at Winlaton?
A. Yes, I thought I was being informed.

Q. During any period from 1976-1991, did Winlaton experience overcrowding?
A. Yes, there was a period of overcrowding.

Q. Did that affect the way in which staff could supervise children, day and night?
A. It was the way in which I kept asking for additional staff to include, get more staff on board during those heavy populated times, and also, that the officers would be
careful in who was going to be sharing a room if we were running out of rooms.

Q. Did you ask for extra staff?
A. Oh, yeah.

Q. Because you became aware that there was a problem with the supervision of children during the day and at night?
A. Yeah, absolutely, absolutely. I can't recall exactly when I was doing all that, but I certainly was always asking for additional resources.

Q. Do you recall a male guard, or guards, being employed to assist with security at Winlaton?
A. Mm-hmm.

Q. Would they be called in at night-time?
A. They were on duty at night-time.

Q. What was the duty that they had at night-time?
A. They had to move around the sections and check for fire, smoke, anybody trying to break in. In time, one of them asked if he could have a dog, it was a pet of his, and that dog would sleep during the day and then on a leash would walk around in case there was somebody who was trying to break in.

Q. Were the guards expected to have any particular supervisory role for girls?
A. No, no, absolutely not.

Q. Some sections were more open than others at Winlaton, but there were many sections where the girls were actually locked into their rooms at night; correct?
A. Yes.

Q. If a child wanted to go to the toilet, what would you have expected to be the procedure?
A. The procedure was not something that I thought was a good procedure; they'd have to bang on the door, get somebody's attention and I would say to the staff, "Keep moving around the hallways and, if you hear somebody knocking on the door, get down there". But at night-time, if someone wanted to go to the bathroom I would also say to them, "Alert" - they called it "60", because it was the telephone number at the time and it never lost that name, "To call 60 and make sure that they know that you're going
down to open the door for someone to go to the toilet".

Q. So that is, the staff members were instructed about that?
A. Yes.

Q. But for a girl to go to the toilet who was locked in her room, she just had to bang on the door and wait for a staff member?
A. Yes.

Q. You had concerns about that, didn’t you?
A. Yes, yes, I was talking to officials about it, but I wasn’t getting anywhere because of the finances, it would be really important to try to get some kind of electrical system in each room, so that if the youth wanted to do this, because her banging on the wall, and then the youth would say to me, "You know, this makes me fucking angry that somebody’s waking me up banging on the door to take a piss", or however she would say it. And I said, "Yeah, I understand and I just don’t have money to have some kind of an electrical system set up".

Q. There was no electronic buzzer at any stage while you were at Winlaton?
A. No. No, no, this building was built in about 1956.

Q. Did you have concerns that girls who were in Winlaton, as a result often of neglect or abuse that they had experienced, having committed no crime, were locked in a room at night as if it was a prison?
A. Yes.

Q. How did you feel about that during your time as superintendent?
A. I felt it was like a necessary thing so that persons at night-time would not move into somebody else’s bedroom and sexually assault them.

Q. Did you give thought at the time to, part of the rationale for locking girls in was to keep them safe from sexual harm?
A. Absolutely.

Q. I’m going to read to you the evidence of [BDB] again who was in Winlaton in 1987. She recalls at paragraph 34:
At night-time I recall having to beg to go to the toilet and then being taken to the toilets by a male guard with a dog. He then watched me while I went to the toilet.

Was that ever brought to your attention?

A. Horrifying. Horrifying, no. Heard about it at this Royal Commission.

Q. And when you heard about it, you thought it was horrifying, in your words?

A. Yes.

Q. That was never drawn to your attention by any of the staff members?

A. No.

Q. Why was it that a male staff member, a male guard, would have been taking that child to the toilet?

A. I can't tell you, it is so inappropriate and awful.

Q. Is it possible that the male guard was called in by a staff member because they were so short-staffed?

A. It could easily have happened.

Q. And that was [BDF], I may have said the wrong acronym - [BDF].

I'm going to come now to triad which you have discussed briefly previously. In the 1980 Manual of Instruction for Winlaton Youth Training Centre, there is a section on triad. I think you said earlier that you didn't have any part in the production of this manual. Would you have at the very least written a section on triad therapy?

A. If I may see it, I could probably --

Q. Could I ask that it comes up on the screen.

DHS.3004.001.0084. For the benefit of my learned friends, this comes from policy tender bundle part A, Historical Institution Policies, volume 2 of 2.

Dr Slack, there are three pages in this 1980 manual on triad therapy.

A. That definitely looks like something I wrote, and also, the typing looks familiar. That sounds strange, but that's the kind of typing that, we had one of these.
Q. Nobody else would be typing up the section on triad therapy, would they?
A. No.

Q. That sets out the three-pronged approach to triad therapy that we've previously discussed?
A. Absolutely.

Q. It notes that:
At Winlaton (five days per week)
compulsory group meetings of trainees are
guided by one or more staff.
A. That's correct.

Q. "The goals of triad groups", and there's five listed:
to identify individual problems; to work on
alternatives to behaviour identified as a problem; to overcome brooding about or
keeping silent about problems; to help each other when we have discovered ways to solve
a problem; to help the individual to make it in his/her surroundings with a
healthier, more responsible integration of the human self.
Definitely written by me.

Q. That last goal reflects again the issue you talked about earlier of the importance of the individual taking responsibility for their problem.
A. Mmm.

Q. There's a note that:
The group begins promptly with a student moderator asking the members to share with the group if they have helped another person, or have been helped by others during the past 24 hours or so.
A. That's right, and may interrupt you?
Q. Please.
A. When I would sit in groups and other youth officers
would sit in groups, we became part of the group at that time, okay. So that, "Please give an example of how you have helped another person", because I wanted the youth to know, or get the clearest message that everybody has problems and everybody can help others, so that, if we're trying to care for each other, we're not walking around through the organisation as if we're above having difficulties, so we would ask, "Who has helped somebody?"

Then we would ask, we would go around the group and then we would ask, "Would you please give an example of how you have been helped".

Because it always occurred to me that, just coming from my own life, that many times I had been helped and had just passed it on as a given, but when I started to acknowledge at different times in my own life how I've been helped, the comfort that it gave me and then in my summation that kind of comfort would also be experienced by these young women who were talking about caring and helping and being helped, instead of just being passed around all the time.

Q. The role of the student moderator was always one that was intended to be used in triad groups?
A. Mm-hmm, side-by-side with an officer.

Q. The student moderator would call for at least three group members to identify their problems?
A. Yes.

Q. And then a vote would be taken as to which young people's problems would be dealt with in that particular group; correct?
A. Yes. And when I would be doing the training I would tell the officers to watch out for scapegoating.

Q. So, you trained a number of other officers to run the triad sessions?
A. Mm-hmm.

Q. So you yourself would not be present at every triad session, would you?
A. No, it would not be possible, no.

Q. Were the triad group therapy sessions recorded?
A. Mm-hmm, yes, and we tried to encourage the recording to be done by a student. In other words, awareness of
whatever the problem was decided to be discussed, talking about acceptance, did others have this problem in the area and, if we could locate somebody within the group who used to have that kind of problem and now has stopped.

Q. Would they be recorded electronically, on a tape?
A. Oh, no, no, no, it was like a little group book. The whole effort was to try to have these young women in the group take turns writing, because sometimes they did not - they would say, if I were in the group with me they'd say, "I don't want this job because I don't know how to spell", and then I'd say, "Who wants to help so and so spell in this little group book?"

Q. Were the minutes of the triad sessions kept in any particular place?
A. The meeting book would have gone back to the section, would have been in the office of the section.

Q. Do you know where those meeting books are now, of triad sessions that were held?
A. No. When I was in the United States on compassionate leave in the 1990s I got a message through the person who was holding - when I was in the United States, a person held my power of attorney, and I got a message from the power of attorney that, "Eileen, you are being transferred to head office and you are not to return to Winlaton", and that's how that unfolded.

Q. So, did you take any of the materials relating to triad therapy when you left?
A. Uh-huh.

Q. Do you know why you were transferred to head office at that time?
A. I think there were a couple of reasons: one was, at that time the Government - first of all, there was a large vocal group who kept saying to everybody, and rightly so because they had their reasons, I thought, if somebody is not complaining against the work that I'm doing, it doesn't seem very normal or natural, so I had a lot of people complaining what I was trying to do and they were complaining that this place should be closed.

Q. Were they complaining about the triad therapy sessions?
A. Everything, uh-huh. And also, the second reason was,
the government at the time, I can't quite remember who was in government at the time - full stop, I don't know who was in government at the time, and they had some kind of a budget deficit and they were going to sell; that's just, that's kind of like supposition on my part because I was in the United States making second-guesses. They were going to sell this land, close the place down and they needed the money.

Q. Dr Slack, what complaints did you become aware of about triad therapy?
A. It was intrusive, people were being scapegoated, individuals were being forced to list their problems, people were pretending they had fewer problems than the reason why they were sent to the Winlaton area, and that it was a joke.

Q. When did you first hear of those complaints, or was it continuous right through the 1980s?
A. I heard more, I guess it was toward the mid-1980s, and it probably came about because I was out - every now and again I was out on invitation to speak to certain groups about Winlaton, and I would ask the Goonyah section - I'd say to the officers, "I would really like to take the young women with me". Suppose the group was women against violence, okay, and they would send an invitation to me, could I come out and speak to this group and I would take a young person with me. And that appeared to be like a big deal - first of all, they were going to get out of what they called "the hole", that was Winlaton, they were going to get out for the day and they were going to be with the superintendent, big deal, big deal. I wanted them to know that I not only trusted them to be out with me, and so did their officers trust them to be out with me, but that both of us were going to be saying how this institution is helping, okay.

Q. So, Dr Slack, who made the complaints about triad therapy, was it staff within Winlaton, or was it external bodies after you spoke out about the program, or both?
A. Mainly external bodies, but every now and again somebody was saying to me "I'm having trouble running a group".

Q. Did the residents themselves ever express their concern about triad to you?
A. They would call it "a fucking waste of time".
Q. Did the staff members ever say to you, "Look, this is bad because children are being scapegoated or bullied or harassed in these meetings"?

A. No.

Q. What was the scapegoating that you heard about?

A. They would get into a group and figure out how to side-track any attention to themselves and pick on somebody and say, "It's your turn, you haven't spoken about what's bothering you, it's your turn".

Q. Did that concern you, that the groups were being used to pick on some of the residents?

A. Absolutely. The training was done for a group. I trained when I first came there, I can't remember about how long, maybe it was two years with teachers over in the school and with youth officers who were free to attend; I did that for about two years or so. But I had the deputy superintendent of programs in there with me, so I was training him at the same time. It was my expectation, if there were trouble, when I met them on Friday, they would be mentioning the trouble.

Q. So, Dr Slack, did the concerns about scapegoating cause you to reflect on triad and change it in any way?

A. It made me realise that the training had to be more intensive with the youth officers to pick up that as a problem, to identify it and ask, you know, who else was picked on, who else has been picked on, that kind of thing in the group.

Q. But it didn't cause you to think triad shouldn't be used any longer?

A. Oh no, no, no, it was a model, a model of caring that came out of the 12-step programs and I never weakened in terms of realising, through my own experience, that this was a very important and effective rehabilitation program that started, the 12 step program started in 1935.

Q. I'm going to read to you the evidence of [BDF] about her experiences of triad. [BDF], when she was a child at Winlaton, was subject to sexual abuse.

A. Was this person there when I was there?

Q. Yes, she was, she was there in 1987.

A. Okay.
Q. She was sexually abused by a child within her
dormitory accommodation where she shared accommodation, she
was also sexually abused during movie nights at Winlaton
which I'll ask you about shortly, and she was sexually
abused in the yard.

She was asked about her experience of triad, she noted
that it was compulsory, and her memory of it was that she:

... be placed in a room with a group of
girls and it would circle around the table
and we'd have to declare a good deed that
we'd done within the last 24 hours and then
we'd all have to declare a bad deed that
we'd done within the 24 hours and then it
would go on to discuss someone's individual
problem.

Do you remember that?
A. Only that I heard the young woman when I was sitting
here say it. The first part was not correct.

Q. It's possible, isn't it, that one of your trainees
adapted the program?
A. Yeah.

Q. So that they were asking the children one good thing,
one bad thing they've done?
A. Yeah, that's what - I couldn't imagine how that
switcharoo came about, because I was asking, how have you
helped somebody and how have you been helped.

Q. She recalled you at Winlaton but could not recall any
direct contact with you. This is her memory of the triad.
She was asked:

Can you tell the Royal Commission what that
eriepier was like for you of going into a
room and being expected to come up with one
good thing and one bad thing that you did?

She said:

To me it was horrible.

When she was asked why she said:
I felt that these groups actually exposed me to more harm. One of the first things that you discuss is your reasons for being there, and I didn't have a clue why I was there, so when I voiced that within the group, I was instantly attacked, I was labelled a liar, I was labelled as someone who was in denial and that went on with my peers.

She said that the other girls labelled her a liar and that had implications for her outside the group session. She was called a liar. She believed that that ostracised her from other girls.

She was asked:

Was there anything about the group session that helped you to deal with the abuse that you were experiencing?

She said:

Quite the opposite.

She was asked:

Would you feel comfortable talking about the abuse?

She said:

No.

How do you feel about that evidence of that child's experience of triad?

A. It saddens me. I listened to that here in the room. It not only saddens me, but it would have - I would have believed her, I would have believed her, that she was having that terrible experience there, and had I heard about it in some way, I would have been down talking to her and to the staff and to the youth officers as to, you know, how was this going on that it can be happening in such a destructive way.

Q. Did you expect that children who were subjected to
Q. Sexual abuse would feel comfortable in the triad setting revealing that?
A. No, no, I didn't feel that they would reveal it.

Q. A problem list was developed for triad, wasn't it?
A. Yes.

Q. To try and give children an idea of the problems they may discuss?
A. Mm-hmm.

Q. That was revised continually over time?
A. Mm-hmm.

Q. That's an exhibit in these proceedings, but I'll hand you a revised copy from 3 May 1982. The problem list ranged from relatively minor things, like being bitchy, starting arguments.
A. Yes.

Q. To much more serious feelings of sexual feelings, thinking you're in love with somebody of the same sex and mixed up feelings; agreed?
A. Yes, or in love --

Q. So children were encouraged to speak about a whole range of issues, some of them deeply personal and emotionally conflicting; correct?
A. Mm-hmm.

Q. Did you give any thought to the fact that that might be very difficult and in fact traumatising for some children?
A. Yes, when I was working with the training of the officers, I would say to them, "Each young woman here has an allocated youth officer, and the allocated youth officer, that is the person that try to gain the trust of the young woman, and see if there are issues that she would feel comfortable talking with you", and that was my focus: if the young person has something that was really of a sexual nature, that she would be talking to her allocated youth officer if she felt uncomfortable talking about it in the groups.

Q. Did you think it was appropriate that the triad principle of the child taking responsibility for what was happening to them was appropriate where they reported
something of a sexual nature?
A. May I have that again?

Q. The triad principle that we've talked about this morning, that it was important for the child to take responsibility for their problem, did you think that that was also appropriate if part of their problem was being sexually abused or experiencing sexual feelings?
A. I would think that the young person would be hesitant to talk 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 to begin with that there might be, yes.

Q. One of the issues on that triad list, if you have a look at it now - I'll just get the exhibit number - it's on screen as I understand it, it's exhibit 29 from the supplementary general tender bundle.

One of those issues, Dr Slack, at No.43 is "Sexual":

Thinking you are in love with someone of the same sex and it's hassling your mind.
Thinking you are in love with someone of the opposite sex and it means trouble.

A. Yes.

Q. Given that that was on the problem list, could you foresee a difficulty with a child being expected to expose their own responsibility for that?
A. Yes, but there were individuals who would - all I can say is that, I never experienced anybody saying, if we all look at No.43, "I'd like to talk to you about my sexual problem".

Q. The Royal Commission has heard evidence of a significant number of children at Winlaton who were the victims of being raped by a member of their family when they were at Winlaton. So, Ms Minister said that during her period at Winlaton, from the 1970s through 1992, she came to know of over 100 children who had been the victim of incest from their father - she used the term "incest". Was that something that you were aware of?
A. No.
Q. Would you have expected Ms Minister, as your deputy, to discuss with you a child who had been the victim of - I'll use her term - incest?
A. Yes.

Q. Why would you have expected that to have been drawn to your attention?
A. The seriousness of it, the absolute awful seriousness of the problem.

Q. So does it shock you to know that there were hundreds of girls at Winlaton over her period of time who were the victims of incest?
A. Yes.

Q. Would you have thought it appropriate to tackle the subject of incest in a triad therapy meeting?
A. I wouldn't have thought it inappropriate, but I didn't know that it had happened.

Q. You knew that at least one of the children had been the subject of sexual abuse by her father, didn't you?
A. Mm-hmm.

Q. Sorry, you need to answer "yes" so we can capture that.
A. Yes.

Q. Did you think that that particular child was a one-off case?
A. No. No.

Q. Is it your evidence that that's the only child you can remember ever becoming aware of who had been a victim of sexual abuse by her father at Winlaton?
A. I'm sorry to tell you, yes.

Q. Do you recall now your discussion with that child in the concept of triad therapy? Sorry, that was a clumsy question.

Do you recall now your discussion with that child about her sexual abuse?
A. Yes.

Q. Do you recall that that took place during a triad
hearing or a mini-triad?
A. It would be a mini-triad I think.

Q. What was a mini-triad?
A. It would involve the young woman and her allocated youth officer, and it would be extremely sensitively set up between - they would be talking to each other first before they were in a triad, and I wouldn't expect it to be then going to a triad group meeting at all.

Q. The mini-triad is referred to in the 1987 manual which I don't need to take you to, but for the benefit of my friends and I'll put it on the record so it can be referred to later, at DHS.3127.002.0036, the 1987 manual is in the policies tender bundle, part A:

Mini-triads are referred to as "special triad grouping" called at any given time to accomplish a particular purpose, that is, to improve staff/resident dialogue, to assist a resident to express herself in appropriate ways, to control self-damaging or disruptive acts.

So would a mini-triad just include the three people, the ex, the person with the problem and a staff member?
A. Sometimes a mini-triad, yes, that would be the ideal.

Q. You recall talking to this particular child who had been raped by her father and was discussing this in a mini-triad?
A. Yes.

Q. You've watched the DVD, "Winnie Girls", that was produced and played in the Royal Commission; correct?
A. Mm-hmm.

Q. So you've had an opportunity to review your discussions with this child?
A. I'm sorry, what do you mean "I had an opportunity"?

Q. You've seen recently footage of you discussing this child's case?
A. Yes.

Q. What you say, I'm reading from a transcript that we've made. You're referring to the child and you've previously
said that she had this problem with her father, you say:

And I know that she has had in the past a problem of, um, having sex with her father.

And you ask the child:

What was the first idea that you had that maybe this wasn't, um, something that you should be doing?

What do you think about that terminology now, when you --
A. Terrible.

Q. Why?
A. It would be embarrassing for the individual, to start with; it's insensitive, as a second point; inappropriate.

Q. Do you agree that you have framed that, in discussing it with the child, as if it's a problem that she has?
A. Mmm, that she has, yes.

Q. Rather than the problem being that she was being raped by her father?
A. Yes, absolutely.

Q. You go on to say:

The child says, well, I didn't really know until I was 13 what he was doing.

And you say:

And how did that make you feel when you found out that it was wrong and that maybe dad had been doing something to you that, you know, maybe either he didn't understand what he was doing or maybe he couldn't help himself. How do you feel about dad?

What do you say?
A. Inappropriate, insensitive, kind of talking to this young person, yes.

Q. Why would you say at that time that.
... maybe dad had been doing something is
to you that, you know, maybe either he
didn't understand what he was doing or
maybe he couldn't help himself?
A. I was making a terrible mistake.
Q. Do you agree that that language appears to excuse the
father for what --
A. Yes, horrifying.
Q. The child goes on to say:
... um, I was always doing it just saying
no, I don't wanna. In the end he would
just get into bed and after that there was
no way I could stop him.
You go on to say:
Did you always remember saying no or were
there times when you used to say yes.
A. Terrible.
Q. Why?
A. It's pointing a finger at the child.
Q. Wasn't that part of the philosophy of triad?
A. Not to hinder and not to harm, no. Do no harm.
Q. Do you agree that the use of triad in those
circumstances was inappropriate?
A. I was - my behaviour was definitely inappropriate,
yes.
Q. And that the suggestion in that conversation, that the
child was some way to blame for what had happened was --
A. Horrifying, mmm.
Q. You go on to say that when the child explains that she
couldn't resist him physically that he would get on top of
her. You say:

    How did you feel?
And the child says:
I feel guilty about it.

You said:

For what reason? Do you think that maybe you had sexually attracted him by something you'd done or said?

A. That question is terrible, I'm embarrassed to death to think that I was acting like that.

Q. Do you think that it reflected a view that you had at the time, that a child was in some way responsible for an incestuous --
A. I must have at that time, as I think that film was 1977; horrifying.

Q. Do you actually remember having that view, of incest, that it was in some way different to a rape by a stranger, less serious perhaps?
A. No, no. I must have had that - excuse me: yes, I must have had that view which I regret terribly today.

Q. Can you tell the Royal Commission, did it reflect a view that you think was endemic at Winlaton?
A. That the view at that time was endemic? I would only be guessing.

Q. Do you recall other people at Winlaton, staff members, expressing a view --
A. No, no, no.

Q. Do you agree that the conversation you had with that child at that time would have made her feel like she was to blame for the incest?
A. I hope not, but it may have.

Q. And you agree that that would have had the effect of traumatising her about what had happened, or may have had that effect?
A. It may have had that effect, mmm. I began that - when I saw that video I began, I think, by saying, "I'm sitting here with someone who's had incest and I am - that we're friends". So I must, I don't recall all the details, but I must have spoken to her at length just to gain her trust in some way to come and be there with me.
Q. I'm not suggesting you didn't like the child; what I'm suggesting to you is, the conversation you had, had the effect of blaming the child for what was happening to her, and you agree with that, don't you?
A. It may have, absolutely. May I continue?

Q. A further, more appropriate, way would have been to say to her, "It's been my experience" - I mean, if I could go back and start over with that situation - "it's been my experience in working with persons who have had incestuous experiences themselves, that they have thoughts and feelings that are filled with self-doubt, shame, guilt, rage", and I would have approached the young person saying, "Have you experienced any of this", instead of pointing a finger and implying or asking if she were the reason for this situation.

Q. Dr Slack, on the screen you will have seen a particular young person speaking, or an adult at the time she was on screen, and it's following a discussion of triads. There's a note on screen:

Triads was a compulsory program aimed at rehabilitating inmates.

That's correct, isn't it?
A. Do you want me to look at something?

Q. No, I'm just reading this to you.
A. Could I have it again?

Q. There's a note on the DVD screen that you saw prior to discussion of triads. It says:

Triads was a compulsory program aimed at rehabilitating inmates.

And that's correct, isn't it?
A. Yes.

Q. What the Royal Commission knows now is that many of those who were participating in triads were the victims of sexual abuse. You say to the Royal Commission, you were not aware of that at the time?
A. I was not.
Q. I'm going to ask you to listen to the voice of one of the people that speaks on the DVD, she says:

Yes, I remember triads, because we actually did triads in remand. So I remember, like, it must have been one of the first, um, groups that you did, you know, and I remember listening and I remember, um, you know like, that the bottom line was that, whatever had happened was your fault.

That's the way that that young person experienced triad.
A. And, is that implied that I was in that same group?

Q. Not necessarily. I'm just telling you, that's the way that young person experienced triad, and that's consistent, isn't it, with the discussion that you have with the child who's been the victim of incest; that in some way you're supposed to ask the child to accept the fault of what's happened to them?
A. What's coming out in that is not my position at all.

Q. But that was completely misguided, wasn't it?
A. Absolutely.

DR DWYER: Your Honour, I note the time.

THE PRESIDING MEMBER: We'll take the mid-morning break now for 20 minutes, thank you.

SHORT ADJOURNMENT

DR DWYER: Q. Dr Slack, before the break you gave evidence of you running some triad groups and also training other staff members so that they could run them in your absence. Is that correct?
A. Yes.

Q. Did you run a triad group on a Wednesday night?
A. Yes.

Q. Was that a particular triad group or was it just one that you --
A. We called it advanced triad group in which we were - excuse me - we were inviting persons, maybe from Narcotics
Anonymous or Alcoholics Anonymous, or programs that were working with individuals who were in the process of recovery to come to the institution and be the ex, the person in the group who used to have the problem and now does not, okay, because recovery is very lengthy. But sometimes this individual who would come from the community to the advanced group would be a person who knew the nuances of recovery and might have been in a 12-step program herself.

Q. Was that the only involvement of community members in triad, or were community members invited to be involved in another way?
A. One of the things that I think assisted with some of the programs that we were doing in Winlaton was the Winlaton Community Support Group, and that was a group of individuals who came into the institution maybe on a weekend when they knew that the young woman would not have company, and maybe they would arrange for a rock group to come in and perform for the young people in residence, or they would suppose - we set up a boutique so that the young persons, if they didn't have any clothes to go home and look like they felt comfortable in the clothes, or if they were going out for a job interview, we had a boutique and the persons from the various fashion industries would bring clothes into our boutique.

I was out there trying to lift the profile of Winlaton, that is what we were trying to do, and people were responding to it, the community was responding to it. So you had a facility that had an awareness that these young women were going back into the community and so we were trying to bring a bit of the community into the organisation.

Q. I want to move to the topic of the policy and procedures relating to child sexual abuse. When you arrived, there was a Winlaton manual, is what I'm referring to for a policy, dated 1974. Do you recall that there was nothing in that 1974 policy about sexual abuse?
A. I never read the 1974.

Q. The policy, we know, was revised in 1980. You agreed with me before the break that you would have written the section relating to triad.
A. Yes.
Q. Do you recall now whether you would have wrote the remaining sections in that 1980 manual?
A. I don't remember, no.

Q. The 1980 manual contains a process for grievance hearings and serious incident hearings; do you remember those hearings taking place?
A. Yes, absolutely, yes.

Q. Did you have any role in developing the policy for grievance or serious incident hearings?
A. Yes. What year was this one that you're talking about?

Q. 1980.
A. Yes.

Q. Were they something that you actively introduced in your time there?
A. Yes, I thought it was a method of handling individual escalating problems in the organisation.

Q. Can I have on the screen, so you don't have to do anything, Dr Slack, DHS.3004.001.0118.

I'm going to show you the page relating to grievance hearings to start. Do you see there under "Procedural Steps":

The objective: to pride due process in a rational forum for examining the facts and stating the consequences for a major offence committed by a Winlaton trainee.

"Major offence" was defined to include striking a staff and setting a fire. Do you see that?
A. Yes, I do.

Q. That led to a formal grievance hearing taking place. If you have a look at No.9 on the grievance hearing:

Student's advocate (her allocated youth officer) has responsibility to see that the decision and consequences about ... the trainee are carried out. The Youth officer is to assist the superintendent in preparing a court report if charges are
pressed.

That action contemplated discipline for the trainee and the potential for the report to go to the police. Do you see that?

A. No, I don't.

Q. I'll just read to you No.9 again because it's covered by some writing:

Student's advocate (her allocated youth officer) has responsibility to see that the decision and consequences about the Winlaton trainee are carried out. AYO is to assist superintendent in preparing court report if charges are pressed. Court report is to include written statement of trainee about incident.

A. Yes, we're still talking about the grievance hearing?

Q. Yes.

A. Yes.

Q. And the grievance hearing was defined for two issues: a major offence which could be striking a staff or setting a fire. Do you remember grievance hearings being carried out?

A. For those two reasons, no.

Q. Do you remember ever a report being made to the police while you were superintendent about the actions of a child in striking a staff or setting a fire.

A. No.

Q. Go down the page to DHS.3004.001.0119. This is the serious incident hearing policy, it's for something different:

... the formal grievance hearing is reserved for the major incidents of assault on staff by a girl or setting a fire. The serious incident hearing can be set up to deal with serious incidents in which staff think that the behaviour of a trainee has endangered herself or others, or has damaged property. This would include
incidents such as vicious fighting between
girls, attempted drownings, sexual assault
and premeditated or continuous vandalism.

Do you recall that that was the first policy designed
under your watch for dealing with allegations of sexual
assault?
A. Yes.

Q. Do you agree that there's no provision under the
serious incident hearing for an allegation of sexual
assault to go to the police?
A. Yes, I see there's nothing written there.

Q. Do you know why those issues were treated differently,
so that an assault on a staff member might eventually be
reported to the police, but an assault on a child by
another resident, or a sexual assault of the resident would
not be contemplated for a report for the police?
A. When was this written?

Q. 1980.
A. I think that the 1987 Manual of Instructions would
have included it.

Q. Dr Slack, I'm going to come to that shortly, but in
relation to the 1980 one, do you know why there was no
contemplation that a report of sexual assault might go to
the police in 1980?
A. I remember an allegation that I handled of sexual.

Q. I'll come to - there's one allegation reported in your
statement, I'll come to that. Do you know why this policy
would have been written in a way in which there was no
provision for report of sexual assault of a child to go to
the police?
A. There was no information coming to me about sexual
assault.

Q. Do you know whether or not this serious incident
hearing for sexual assault contemplated sexual assault of
the residents by staff members?
A. It would include allegation, but I never heard of a
sexual assault.

Q. If you had heard of a sexual assault by a staff member
in 1980, would it have been appropriate for that to be
reported to the police?
A. Yes.

Q. Does that suggest that this manual was only
contemplating sexual assault between the residents, by a
resident on another?
A. Yes.

Q. So it wasn't even within the thinking of staff
members, including yourself, that a resident could be
sexually abused by staff?
A. I don't think it was outside the realm of happening,
but it wasn't, according to this person, happening.

Q. So there weren't any policies or procedures designed
to facilitate investigation of sexual abuse by staff?
A. Yes, if I had heard that that was occurring, there
would have been a serious incident hearing, yes.

Q. Do you agree that what this policy seems to reflect is
a lack of awareness as at 1980, of the possibility that
children might be sexually abused by staff members?
A. Yes, sad to say.

Q. You referred earlier to the 1987 policy. For the
benefit of my friends, this is in the policy tender
bundle part A.

Were you involved in revising the Manual of Guidelines
and Procedures in 1987?
A. Yes.

Q. As you mentioned to the Royal Commission, there is in
that manual a procedure set out for dealing with sexual
abuse; correct?
A. Yes.

Q. Why was it that a procedure was developed in 1987 for
dealing with sexual abuse of children?
A. I thought that there was something missing from that
policy and that I wanted it put in.

Q. If I could ask the operators to turn to page 113 of
that manual, which is DHS.3127.002.0143.

You will see the Winlaton manual come up on your
screen, Dr Slack.
A. Thank you.

Q. It's headed at paragraph 51, "Sexual Activity (Overt) in Winlaton, Policy". I'm going to go on and show you some other issues in relation to the policy. That notes:

   It is not Winlaton's task to take a moral stance for or against any sexual preferences. However it is Winlaton's task to ensure that all persons within the institution are protected from sexual advances or exposure to overt sexual behaviour. Overt sexual activity is not permissible in Winlaton. This ban applies to young women in care, staff, voluntary workers and visitors alike.

Do you recall any instruction from the Department prior to 1987 that policies such as this should be developed?
A. No.

Q. So it was your initiative to develop this policy?
A. Mm-hmm.

Q. Did it reflect the fact that you were becoming increasingly aware of the possibility of sexual abuse of residents?
A. Well, the community was - persons who came into Winlaton were coming from the community, and at that time there was a lot of sexual activity in the community, and I just wanted to make sure that the youth officers, all of us, especially Eileen, at least we had a policy in order to prevent it happening in Winlaton.

Q. You see at 51.3 there, sexual counselling and programs were available. They were made available from youth officers, social workers, psychologists, medical staff for any young woman who needs such assistance.

   In order for you to be aware that a young woman needed such assistance, it would have to be reported to you by one of the youth officers or other supervisors, wouldn't it?
A. Yes.

Q. Unless a young person reported it to you herself in triad or when you were walking around?
A. Well, it wasn't coming to me from triads.

Q. I turn over the page, or if that's scrolled down for you, 52.1 notes that a sexual assault allegation must be drawn to the attention of a manager. Was the manager you in those circumstances?
A. Yes.

Q. In all cases of alleged sexual assault, the manager of Winlaton must be advised as soon as possible by the chief youth officer of the section concerned.

And there was provision for written reports.
A. Mm-hmm.

Q. 52.2:

Once an allegation is made, a hearing is to be called by the officer in charge of the section or school at the earliest possible moment, involving the parties concerned and any witnesses, to ascertain whether the allegation is serious or trivial, based on misunderstanding or with mischievous intent.

A. Yes.

Q. Do you recall any such hearings being heard?
A. I called one.

Q. That was in relation to a staff member; is that correct?
A. Yes, and the accusation was perving.

Q. What was meant by "pervring"?
A. The young women would say to me that, by perving they meant an officer, a woman or a man, that when they were either undressing or when they were getting ready to go to bed, or when they were taking a shower, or when they were going to the toilet, or when they were doing anything, maybe shaving hair from their genitals, whatever it was, somebody was staring at them.

Q. In this particular instance it was a maintenance or
security worker; correct?
A. That was the allegation, yes.

Q. So you called a hearing, you told the principal youth
officer to inform privately your two deputy
superintendents, the principal youth officer spoke to the
man in question about what was happening, and you
informed him - the information was passed to him that you
would meet with him and an advocate of his choice from
amongst the Winlaton employees. You set this out at
paragraph 43.
A. Excuse me while I get it.

Q. Thank you. You note at paragraph 43 that the young
woman concerned and the youth officer making the initial
report were invited to attend?
A. Yes.

Q. The man had reservations about attending but he
eventually agreed to attend?
A. Yes.

Q. And the young woman was told she did not have to
attend if not required?
A. She had a choice, yes.

Q. At the hearing she didn't attend, but the description
of what had occurred was read aloud by her youth officer.
A. Yes.

Q. The male in that circumstance admitted to perving on
the child; is that right?
A. Yes.

Q. Do you recall what he said about it?
A. No.

Q. I'll read what you write about it:

The cited male in the situation admitted
his indiscretion as a once off mistake
(implying such a behaviour by him would not
happen again). To my knowledge this
behaviour never occurred again. I reminded
all present that the details of the hearing
were strictly confidential.
In that circumstance do you agree that the male there had admitted to an offence of indecently dealing with a child and perving on her in a sexual way?

A. An offence that would be criminal?

Q. Did you consider that he may have committed a criminal offence in those circumstances?

A. Well, when I listened to the description that the woman, the young woman had help writing up, she had help from her allocated youth officer because she needed help in writing it up, it didn't strike me that it was - he glanced in - something like this, I don't know, he glanced in at her and it startled her and she wanted to make sure the youth officer knew that it had happened; it didn't seem like anything that went on, or there was no touching, so I thought it could be handled by a serious incident.

Q. Dr Slack, what you write in paragraph 43 is:

The maintenance worker was said to have been glaring through the small inside window of the resident's bedroom as she was undressing.

Over the page, still in paragraph 43:

The male in this situation admitted his one off indiscretion as a once off mistake.

It appears, doesn't it, that what he admitted to doing was deliberately looking into the window to perve at the young woman as she was undressing?

A. Yes.

Q. Do you recall roughly the year at which you dealt with this incident?

A. No, I tried to remember and I didn't want to make up something.

Q. I take it from what you've said to the Royal Commission already, that you didn't give any consideration to reporting that matter to police?

A. That would be correct. I wanted to make - I wanted to let the staff know that the perving would be considered by me very serious, and that I wanted it to stop, and I also wanted the young persons and the staff to know that that kind of situation was not acceptable to me.

.26/08/2015 (C093)  C9647  E N SLACK (Dr Dwyer)

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Q. Did you have any concerns that that man was not a suitable person to be working at Winlaton, if he was perving on a girl while she was undressing?
A. As you ask me, yes.

Q. Does it reflect a different attitude in those days, at the time you were at Winlaton and dealing with this, to the gravity of a male staff member perving on a girl?
A. Yes, it was indicative of an attitude, and I'm sorry that I probably picked it up too.

Q. In relation to your preparation of the policy manual in 1987, did you have any support from other staff for the introduction of that reporting policy?
A. Yes, when I was talking to Dr Charles about it, I said that I wanted him to talk to youth officers and various ranks in the organisation, so that, with good input we would get that policy correct. He was saying, "Am I supposed to spell out what you're talking about in terms of inappropriate behaviour?" And I said, "Well, touching the breasts, inappropriate; fondling or touching or putting fingers into the vagina would be inappropriate".

Q. So was it Dr Charles who actually helped you to develop that policy?
A. Yes.

Q. Any other staff members at Winlaton who were involved in the development of that policy?
A. I can't remember exactly which ones, but I think I asked him to put - to give credit who had helped him with the entire documents, but I don't know who had helped on those areas.

Q. It was Dr Charles who actually wrote that policy for the inclusion in the 1987 manual; is that right?
A. With my input, yes.

Q. Dr Slack, I referred you before the break to the particular conversation you had with a child that was recorded and replayed on the DVD, Winnie Girls. That was a child who had been the victim of a rape by her father and you discussed that with her. In those circumstances, other parts of the tape that we have access to suggests that there was a report made to police in those circumstances.
A. Good.
Q. Do you have a recollection of that?
A. No, I do not, but I was relieved when I heard that.

Q. You have told the Royal Commission to date that you were unaware that there were hundreds of girls in Winlaton who had also been the subject of rape from their father?
A. Yes.

Q. One of the cases that you know about, as a result of the Royal Commission, is the case of [KATHERINE X] who, as you know, was in Winlaton in 1979 when you were superintendent; correct?
A. Yes.

Q. That was the first year that you had taken over as superintendent, or the second year?
A. 1979 would have been the first year; I think I was acting for a while.

Q. Have you read the statement of [KATHERINE X]?
A. Mm-hmm.

Q. Have you read the annexures attached to her statement?
A. Yes.

Q. You will be aware then, that for [KATHERINE X] there were a significant number of staff members at Winlaton who were aware that she had been raped by her father before coming into Winlaton?
A. Yes.

Q. And that he was an ongoing predator towards her?
A. Yes, he was, definitely.

Q. And that included Jennifer Lines, now Mitchell, one of her workers?
A. Mm-hmm.

Q. Michael Groome, a psychologist, and Marilyn Minister who was the deputy superintendent; correct?
A. That's right.

Q. Amongst others; agreed?
A. Yes.

Q. Did you ever find out that [KATHERINE X] was in that
situation?
A. No.

Q. You did not participate in these weekly case conferences --
A. No, I didn't, no.

Q. -- that the Royal Commission has heard about?
A. I would have expected to be told.
Q. You would have expected your deputy, Marilyn Minister, to --
A. Yes, absolutely.

Q. If you had been told that [KATHERINE X] was in care because she had been raped by her father, and then you heard that he wanted to visit her in Winlaton, what would your attitude have been?
A. I would have been very strong in my position that that was not to go ahead.

Q. As superintendent, you could have ordered that he not be allowed to visit; correct?
A. Yes, absolutely.

Q. And, would you have done?
A. Absolutely. He was not to - I think if I recall, he had two visits into the institution when I was reading that material, and I would have been absolutely livid and very clearly giving directions that he was not to come.

Q. What the Royal Commission knows about, is that there were at least two visits from [KATHERINE X]'s father; there may well have been more. What you will have read in the annexures is that, in May 1979, possibly 22 May 1979, a note taken that:


You read that?
A. Yes, I read it.

Q. How did you feel about that when you read it?
A. I felt that, the fact that he had come in and the fact that this young woman was visited by him was a real breach of our procedures to protect a young person.
Q. What procedure to protect? A written procedure, are you referring to?
A. It would be a written procedure, but also, I would have instructed - when I - I did not know that this was the case, but when I found out, when I - if I had found out, okay, I would have put a stop to the visits.

Q. Do you agree there's no written procedure that says a child who has been the victim of incest, then the father can't be visited by that child?
A. Yes, that's an omission.

Q. Do you also agree that it's just a matter of common-sense in the protection of a child that you would never allow the perpetrator of that offence to visit her at the detention centre?
A. Never ever. And at the back of the manual, as I remember it, we left some blank pages because it would have been, you know, my intention to revise it again and put that section in.

Q. Dr Slack, you will have read in the annexures a memorandum which is dated 13 June 1979 from Marilyn Minister to Michael Groome. She notes that [KATHERINE X]'s father phoned her the day previous to ask permission to visit [KATHERINE X] and permission was granted. Permission was granted a week after a visit in which the father's behaviour was noted to be "sensual, very close-knit and not normal father/daughter relationship". Do you accept that that was a gross breach of the duty of Winlaton to protect that child?
A. Absolutely, a gross breach.

Q. If you had found out about that when you were superintendent, would you have disciplined Ms Minister?
A. I would have been working with her to understand the whole situation, and in terms of discipline, I would have been asking her, person-to-person, "What was your thinking on all of this?" Because it certainly wasn't mine. And "What was your thinking? Did you consider that maybe I ought to be involved in this serious situation?" And Mrs Minister would be very cooperative and we had that kind of a relationship that I wouldn't be jumping all over her, but I would say I definitely was disappointed.

Q. Were you aware that Ms Minister had a particular...
attitude towards sexual abuse of children by their parents?
Did you ever discuss that with her?
A. No.

Q. [KATHERINE X] in her statement, which you've read, says this about that visit:

I felt like a robot that had stopped feeling and began self-harming again. To this day I still consider the day that my father visited me as one of the greatest betrayals of my life. His visit made me feel that there was nowhere to escape from him.

How do you feel about that, given that that happened --
A. Tragedy; a tragedy.

Q. If you had found out that Ms Minister had allowed [KATHERINE X]'s father to visit, in circumstances where he was then behaving inappropriately and in a sexual manner to her, would you have reported that to the police?
A. Yes. I would have had - this is in hindsight of source, but I would have taken an immediate - if I found out from Mrs Minister or from anyone that this was going on, I would have immediately said to them, "What I want is the information from the case file, the information from whatever my deputy superintendent of programs knew about it or Mrs Minister, the deputy superintendent of classification knew about it, and I would say to them - I would be jumping around saying, "Within an hour, please bring all this detail to my office".

Q. Would you have caused the police to be informed of his predatory behaviour towards his child?
A. Yes.

Q. What you will have discovered is that on 9 August 1979 what actually happened is that a letter signed by Jennifer Lines, and with Michael Groome's, not signature, but name written underneath it, a letter was sent to [KATHERINE X]'s father saying this, including these words:

You both seem to care very much for each other, but [KATHERINE X] has told us that your
relationship has been a sexual one for some
time and when she first came to Winlaton
she asked us for help in sorting out her
feelings about this.

It goes on to say:

None of us wants to make you feel bad but
we do want [KATHERINE X] to feel better about her
relationship with you.

In 1979, would you have deemed that to be an
appropriate letter to send to a father who was raping their
child?
A. No, totally inappropriate. I mean, absolutely awful.

Q. You're aware that [KATHERINE X] was allowed to have
home visits where she went to her mother's house.
A. Mm-hmm.

Q. Was there any risk assessment process in place?
A. Not that I know, not that I know.

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

Q. What we know from [KATHERINE X], from a file note at
KATHERINE X-19,
she reports to Michael Groome on 20 June 1979:

 Bad weekend. Father made sexual advances
 which she refused.

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

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 [KATHERINE X] 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.

Q. One of the other residents who's given evidence is [BHE], I've already taken you to some of her evidence, she was in Winlaton from 1971-1977. She reports being sexually abused by a staff member, Mr McIntyre. Did you recall Ross McIntyre?
A. Mm-hmm.

Q. Sorry, you need to answer "yes".
A. Yes, yes. I remember meeting him, I didn't have much involvement with him, but he would, you know, maybe come in and say "hello" or I would see him walking around the grounds and we would just wave.

Q. Did you ever receive a report of any sexual abuse by Mr McIntyre?
A. No.

Q. [BHE] also reports being sexually abused by girls in Goonyah on a number of occasions. She notes there are about 20 girls in Goonyah, they all had to share a room with another girl and she recalls sharing a room with a prostitute at some stage?
A. Was that in Leawarra?

Q. She was in Goonyah.
A. Goonyah, okay.

Q. She recalls that one day during the day one of the girls came into the room and sexually abused her. She felt helpless against them, she was too scared to dob them in afterwards because she knew there would be repercussions. Do you agree that that account, if you accept it, reflects the fact that there was inadequate supervision of the girls during the day?
A. Yes. Very, very much, terrible.

Q. Do you recall a culture where girls were getting themselves in further trouble if they were branded laggars
or dobbers, they were subjected to further abuse?
A. Yes.

Q. You can understand in those circumstances where that child would feel too scared to report the abuse?
A. Absolutely.

Q. How do you feel about that happening in Goonyah at that time in Winlaton?
A. Awful. I mean, I keep saying that, that I felt that it was awful, but it was more than that, it was just that it was just a terrible occurrence, horrifying occurrence, that any child would be subjected to this kind of behaviour and I'm sitting in, or standing around walking around and I'm ignorant of it. Hard to believe, but true.

Q. There's one further resident that I want to draw to your attention, you have probably read this already, Dr Slack. [BDF] was in Winlaton briefly in 1986 and again in 1987 for a period of around four months. She's the child who describes being locked up in Winbirra in a cell on remand.

She also describes sexual abuse by [BFG], her roommate. She describes sexual abuse on movie nights and sexual abuse in the yard. Do you recall movie nights being held at Winlaton?
A. Vaguely, yes. The youth would ask for, you know, could they have movie nights at least on a Sunday.

Q. You recall that the Goonyah girls were allowed to attend the movie nights?
A. Yes.

Q. Did you ever attend the movie nights?
A. No.

Q. Who was expected to supervise movie nights?
A. Youth officers from whatever section the young women came from.

Q. You will have read that what is described by [BDF] is nights where the Goonyah girls sat in the front row, on some nights after the lights were turned out she was physically taken down to the front row by some of the Goonyah girls, physically held down in a seat while some of the girls sexually abused her, consisting of fondling and
penetration?
A. Mmm, this is terrible, yes.

Q. That is horrific abuse for a child, isn't it?
A. Absolutely, but it also said that - I thought she said there were at least four officers. That was just, you know.

Q. She says there were about four staff members present in the room during those nights, and that would reflect a fundamental breach --
A. A fundamental failure, failure.

Q. She also discusses sexual abuse at Winlaton in the yard, one occasion when she was walking around the yard and was grabbed by three older girls from Winlaton, they pushed her in the wall of the swimming pool building and one of the girls held her shoulder while another girl penetrated her vagina with her fingers. That would have been extremely traumatising and damaging for that child, wouldn't it?
A. Absolutely, yes.

Q. It again reflects a fundamental failure of staff to provide --
A. To supervise, yes.

Q. -- supervision?
A. Yes, or if they saw that this was happening, that they would make sure that they had it stopped.

Q. Was one of the failures to supervise caused by a lack of adequate staffing?
A. That would be one reason, yes.

Q. Did you draw the lack of adequate staffing to the attention of the Department during your time as superintendent?
A. I was constantly doing that.

Q. On the occasions when you did that, were your pleas for assistance heard or met in any way?
A. No, they were not. Also, it indicated to me that, when I was reading it after the fact, that our training was remiss; I mean, four youth officers standing in the back of a room and this young woman being escorted by the Goonyah youth to the front - that's very out of order in what was
going on.

Q. What do you mean "out of order in what was going on"?
A. Where was the supervision? They're huddling in the back; that was the implication when she was writing.

Q. You expected more from your staff, didn't you?
A. Yeah.

Q. Did you at any stage ever actively ask staff how those movie nights were going, whether there were any difficulties?
A. No.

Q. Was there ever any issues drawn to your attention at any of the meetings that you had from staff?
A. No.

Q. Earlier before the break I was asking you about your understanding of the policy of girls being searched when they came back into Winlaton at times; you thought it would have been a soft pat-down?
A. Well, it would be like under the arms to see if they're holding something, that's all I mean, okay; nothing by the breasts, nothing by the genitals, nothing by the behind, okay, but were they just hiding something.

Q. That was your expectation of how those searches would be carried out?
A. Absolutely.

Q. Did you ever attend on any of those searches to see how they were being done?
A. No.

Q. There was nothing in the manual about making sure that the privacy of children was respected during those searches; agreed?
A. That would be an oversight.

Q. That would be an oversight?
A. Mm-hmm.

Q. Dr Slack, in your statement you comment on the protection of the residents. You note that you have been advised since the Royal Commission started of the sexual abuse of residents, including those three girls that I drew
your attention to.

A. Yes.

Q. You say you were shocked and devastated by that. You recognise that your ignorance of those issues is in some way due to a failure of the institution itself; is that correct?
A. And my own failure; the buck stops with me.

Q. In your statement you finish with two paragraphs, would you like to read those onto the record?
A. Sure, yes:

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 had 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's 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, I feel unable to express my horror and to express my deep shame that you experienced sexual assaults with me as your superintendent. As your superintendent, each and every one of you had the right to expect my protection.

Q. And the last paragraph, Dr Slack, or I can do that.
A. I don't mind.

Q. If you feel comfortable, please do.
A. I can go forward:

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 communication procedures up and down Winlaton were woefully inadequate. I am deeply sorry for
the pain my management inadequacies
inflicted on you. I will forever remain
acutely distressed, acutely distressed, in
the knowledge of the pain and the trauma
each of you endured while residents at
Winlaton.

DR DWYER: Thank you, Dr Slack. I have nothing further.

THE PRESIDING MEMBER: Mr O'Brien.

<EXAMINATION BY MR O'BRIEN:

MR O'BRIEN: Q. Madam, my name's O'Brien and I represent
[KATHERINE X].
A. Hello, Mr O'Brien.

Q. Good afternoon. I read, and of course my client also
has read your statement; do you understand that?
A. Yes.

Q. We are left with the view that you seem to think that
you made Winlaton somehow a better place. Is that your
view?
A. I can't take that view after I've listened to this.

Q. You say in your statement, I'm paraphrasing obviously,
that you came to a place which was obviously dysfunctional
and riotous; that's right?
A. That's correct.

Q. And you tried and endeavoured to do positive things
within its walls?
A. That's right, every single day.

Q. It seems from the statement that you've provided to
this Royal Commission that you think that a lot of what you
did was positive.
A. Not a lot, not when I listen - I sat through what
these women said.

Q. This statement was provided before you heard that
evidence, wasn't it?
A. Yes.

Q. So you'd appreciate, to the extent that it does reveal
that view, the view that you think you did something
positive at Winlaton, that's very hollow, those are very 
hollow words for young girls who were abused within 
Winlaton; you accept that, don't you? 
A. I accept that, yes.

Q. To the extent that you claim that you were a catalyst 
for positive change within that organisation, do you accept 
that they would have no - they would be quite within their 
rights to think that that was not the case? 
A. Mm-hmm.

Q. It's fair to say in your evidence today that you 
acknowledge gross failings by you -- 
A. Yes.

Q. -- in your superintendent role at Winlaton? 
A. Mm-hmm.

Q. Failings that caused untold misery for large numbers 
of girls who went through the institution; you accept that, 
is that right? 
A. Yes.

Q. You were asked about the number of children/girls who 
went through Winlaton who you knew to be sexually assaulted 
by inter-familial relations. Remember being asked that by 
Counsel Assisting? 
A. Yes.

Q. You said that you weren't aware of the numbers that 
others have given evidence about having gone through the 
place. 
A. Yes.

Q. Do you then disagree with the evidence of people like 
Marilyn Minister who've said that there were hundreds of 
girls in her time? 
A. Do I doubt her? No, I accept it.

Q. You've accepted also that there were no policies in 
place that dealt with those type of situations and how 
those girls would be managed? 
A. That's correct.

Q. In the case of [KATHERINE X], it is abundantly clear 
effective protection from her father was offered; is that 
right?
Q. Indeed, it seems she was exposed to his brutality and his abuse within the walls and confines of Winlaton itself; that's obviously what did take place?
A. Big breakdown, yes, terrible.

Q. In addition to that, it appears that you yourself did not become aware, not only of the large number of incest survivors who were coming through your institution, but also, you had no policy of being alerted to the fact that that was what was going on?
A. Well, I met weekly with the two classifications, the classification and the program deputy superintendents, and neither one of them raised that issue with me. My failure was, I did not ask the right questions of them.

Q. They didn't raise it with you?
A. No.

Q. And you didn't ask them about it?
A. No.

Q. You think that they ought to have raised those --
A. Absolutely. Absolutely, yes.

Q. Do you mean to say that, let's say in 1979, you expected your subordinates to relay to you those type of --
A. Absolutely, yes, yes.

Q. You say that because you think that you dealt with it then as a matter of utmost gravity?
A. Most sincere, yes.

Q. You say to the Royal Commission, do you, that you thought even then that that was the sort of information that ought be relayed up to you?
A. Absolutely.

Q. But you accept, do you not, that there was no procedure or policy that would ensure that you received that information; is that what you're saying?
A. Yes.

Q. Do you accept that your staff did not receive any guidance from you about how to deal with survivors of incest within Winlaton?
A. That's correct.

Q. That is, they didn't receive any guidance from you in how to deal with it in a manner which reflected the gravity with which you viewed it even at that time?

A. Yes, I was trusting that I would hear about it and, if I heard about it, I would have acted.

Q. Is it possible, madam, that in fact you didn't deal with it with the same sort of gravity that you say that you now think that you did?

A. Say that again please.

Q. Certainly. Is it possible that in 1979 you didn't deal with it with procedures, with policies, with expectations and guidelines with staff, because you didn't think it was as serious as you say that you do --

A. Had I known, had I known, I would have dealt with it with extreme seriousness.

Q. Can the witness be shown KATHERINE X-5 please. This is a document which was prepared by Brian Fitzgerald, a welfare officer and then responsible for the care by the Department of [KATHERINE X]. Do you recognise that document?

A. No.

Q. Can we go down to the bottom of that document please, and you will see the signature and name, "Brian Fitzgerald, welfare officer, 5 April 1979".

A. Yes.

Q. If we go back to the top then, it relays the events leading up to and subsequent admission of [KATHERINE X] to Winlaton Youth Training Centre on Saturday, 31 March 1979; do you see that?

A. No, it has - the picture has to be lifted further.

Q. You see at the very top of that screen there, that's what it sets out?

A. Beginning with "15/2/1979"?

Q. In the paragraph above that, I've just read that paragraph, you see "events leading up to" et cetera?

A. Yes, I see that.

Q. Then there's a chronology of events where she has been placed and then absconded from various hostels and homes?
Q. Then at the bottom of that page.
A. "31/3/1979", is that what you're referring to?
Q. That paragraph that's there now on the screen.
A. Okay.

Q. You can see that she absconded from Kildonan Teenage Unit on Friday March 30, 1979, there were some telephone calls made by her, indicating that she was with her father; that that was deemed problematic, you understand?
A. Yes.

Q. Then it appears that the Department arranged for the police to apprehend her and take her to Winlaton. You see that?
A. Yes, I do.

Q. You understand that that was the nature and set of circumstances that gave rise to her being placed in your care?
A. Yes.

Q. That wasn't an uncommon thing, was it; that a girl in her position would be placed in your care as a ward of the state?
A. It would not be uncommon.

Q. It was obvious, you'd accept from the material that you've examined now, that it was obvious not only to the Department but to Winlaton staff when she was received there, that she was the victim of sexual abuse at her father's --
A. Continuous, yes.

Q. At her father's hands?
A. Yes.

Q. One of the things that it appears you and your staff attempted to do with someone in her position was offer her, amongst other forms of intervention, offer her therapy with triad therapy, right?
A. That would have been offered to her, yes.

Q. To that extent, and I don't intend to ask you a lot of questions about the theory behind that type of therapy, you
understand, because Counsel Assisting's covered all of
that, all right.
A.  Mm-hmm.

Q.  Then if we put up KATHERINE X-7 please. You can see
it's a first term review dated 6 April 1979.
A.  Who has written this?

Q.  I was going to ask if you can identify that. Is that
a document that might have been prepared at Winlaton?
A.  Yes, not by me.

Q.  It has the name "C Hodges", do you recognise that
person or that name?
A.  That person may have been a youth officer, but I'm not
sure.

Q.  Catriona, C-A-T-R-I-O-N-A, Catriona Hodges?
A.  I don't recognise the name.

Q.  It's a first term review, so that might be the first
term when she was there at Winlaton; is that a possibility?
A.  Yes.

Q.  It seems to have been dated about a week after she's
been there within your facility; you accept that?
A.  Yes.

Q.  What it then goes on to say is that [KATHERINE X] is at
Winlaton for a couple of weeks as a result of having run
away from the unit:

There have been some questions of whether
the father was interfering with her
sexually - [KATHERINE X] says this was the [main]
reason for the arguments at home ...

You see all that?
A.  No, you've lost me in the paragraph, which one are you
on please, how does it start?

Q.  The first paragraph, just have a look at that first
paragraph?
A.  "[KATHERINE X] is at Winlaton for a couple of weeks".

Q.  Yes.
A.  That's what you read, yes.
Q. I want to take you to the next full sentence:

   It is felt that triad therapy will help
   [KATHERINE X] once she stops blaming everyone else
   for her problems instead of facing up to
   her own failings.

   You see?

A. I see it. It's blaming her.

Q. So this is a young girl who's been brought into your
   care because of concerns that the Department have about her
   contact being with her father when she should have been
   within a unit; you understand that?

A. Yes.

Q. Within a week it seems your institution's decided that
   she's going to be benefitted by triad therapy, that's the
   case, isn't it?

A. That's what they're saying there.

Q. That wasn't an unusual type of thing to occur in 1979,
   you would expect that somebody brought in in those
   circumstances they might benefit from some triad therapy;
   right?

A. Perhaps. It benefitted some, it did not benefit
   everybody, it had its weaknesses.

Q. It says next:

   At the moment she is not saying much in the
   therapy meetings but is exhibiting a lot of
   anger.

A. Where are you now please?

Q. That's the last sentence in that same paragraph.

A. Okay, got it.

Q. This is a place, certainly under your stewardship
   in April 1979, is it not?

A. April of 1979, yes.

Q. And you're expecting a state ward such as her, who's
   been apprehended essentially because of the incestual
   relationship that her father's having with her; that's
right, isn't it?
A. Yes.

Q. And you're expecting that she's --
A. No, I'm not expecting. This was a youth officer, I'm not expecting --

Q. Your youth officer is expecting that she's going to benefit from this therapy?
A. That would be correct; she would hope, I guess.

Q. Which was implemented during your reign at Winlaton, yes?

Q. And was the prominent and primary type of intervention offered at Winlaton in relation to problems and case management; correct?
A. It was an important program, yes, that we were trying to strengthen and make available to the young women, and they could choose if they're going to say anything or they're not going to say anything.

Q. That concept of choice is not relayed in that paragraph that I've just read to you, is it?
A. No.

Q. It is felt that it will help her; correct?
A. That's what this young officer was hoping.

Q. I'm suggesting that that was not only what this officer was hoping, but that was what your program, your triad program, was expecting to happen; right?
A. Yes.

Q. You would have expected her engagement in this program, wouldn't you?
A. 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.

Q. We've heard an audio from the Winnie Girls documentary; is that right?
A. Mm-hmm.
Q. Wherein you participate with a young girl from Winlaton in a mini-triad meeting; correct?

A. Mm-hmm.

Q. Where someone with almost identical difficulties to [KATHERINE X] has spoken to you in a triad meeting.

A. Mm-hmm.

MS RANDAZZO: Your Honour, I object to that, it was not a triad meeting; it was a mini-triad meeting, it was a very different sort of meeting with far fewer people, in fact only the three people and not with the other observers around, and that needs to be made clear, Your Honour, in my submission.

MR O'BRIEN: I'm reading the transcript, I did make that clear.

Q. You were participating in a mini-triad meeting with a girl in similar or even identical circumstances to those of [KATHERINE X]; right?

A. Right.

Q. So, how can you possibly give evidence to this Royal Commission today that it wasn't your expectation that would be to participate in these triad meetings, or therapy as is set out in this youth worker's statement?

A. He would have been speaking about the larger group. He would be talking about a group that would have maybe eight to 10 people in it, where she would be hesitant.

Q. Let's take it that what you say is correct; you wouldn't have expected it in 1979 that she would be in a large group situation; that's evidently what was planned and what was taking place, isn't it?

A. You mean, from the words of this youth officer?

Q. From the words of this youth officer and the evidence of [KATHERINE X] herself, that's what took place, isn't it?

A. What do you think my position on that would be? From what I've shared today?

Q. I'm investigating that of you, madam, I'm asking you whether it was expected that she would be giving her account of her problems in a group setting such as the ones --

A. No, I would not have --
Q. -- that she's said she did?
A. I would not have expected her to be doing that.

Q. And in the ones that set out in this document and others that she did; you didn't expect that?
A. Mmm.

Q. You were shown policy frameworks which talk about how triads were expected to work?
A. Mm-hmm.

Q. You were taken to a list of numbered types of problems and concerns that people could discuss?
A. Mm-hmm.

Q. Do you accept that there was in none of those documents, in not one of those documents, was there any prohibition on this type of problem being discussed at triad meetings?
A. There was no prohibition, what do you mean please?

Q. There was no guidelines or prohibition suggesting that it wasn't appropriate for young girls to discuss what was happening in sexual relationships with their father or family members?
A. No, no, there was no guideline on that, but I would be very hesitant to even think that some young women would be bringing up that, they just did not do it.

Q. You heard, did you not, the evidence of [KATHERINE X]?
A. Mm-hmm.

Q. You've read, I'm sure, a number of the annexures within [KATHERINE X]'s statement which show that she was bringing up these things at group meetings?
A. No, sir.

MS RANDAZZO: Your Honour, I go to the framework, pardon me a moment.

The evidence of [KATHERINE X], Your Honour, and unfortunately I don't have the page references, I've neglected to have it printed up. She certainly had no memory of bringing it up at triad meetings, and clearly when she was being asked about triad meetings, [KATHERINE X] was referring to the larger
group setting in which there would be a number of other
people involved.

I just --

THE PRESIDING MEMBER: What do you rely on, Mr O'Brien, for the basis for the question?

MR O'BRIEN: It comes in at paragraph 48 of her statements, directly under the heading, "Disclosure of sexual abuse at Winlaton", where [KATHERINE X] talks about therapy, a form of group behavioural therapy:

We got together in small groups and talked about any issues that we had at Winlaton. I remember that the triad therapy program was overseen by Eileen Slack.

I rely on that. Secondly, as a bundle of material from which the inevitable inference can be drawn are the personal reviews which form the annexures KATHERINE X-9, KATHERINE X-14, KATHERINE X-22, all of those talk about through in groups.

The inevitable conclusion, and of course I rely on instructions, but those documents themselves are the basis for the inference that there were such meetings, that they did take place and for the premise of the question.

THE PRESIDING MEMBER: But I understood the question was based on something that demonstrated that [KATHERINE X] was bringing up the issues at group meetings?

MR O'BRIEN: Yes, that's the question. I'm not insisting that this witnesses necessarily knew that, there might be an inference that's available that she did, but I'm not suggesting that to her, I'm simply suggesting that that was inevitably what was expected to occur and did occur. It's not only drawn from the document that's been recently referred to, KATHERINE X-7, but also, those very documents statement of [KATHERINE X] herself.

MS RANDAZZO: Your Honour, may I just briefly respond to that? I don't have any problem with Mr O'Brien asking questions about what the expectations were, what [KATHERINE herself felt her experience with the triad was.

I do draw the Commission's attention to the questions
that were asked of [KATHERINE X] specifically about whether she
talked about this in the triad, the group triad session,
and she certainly says at one stage, "I am not sure", and
then she's asked, "Do you remember it ever being discussed
at triad", and she says, "No, I don't".

The objection I take is to the premise that it was
actually disclosed in triad.

THE PRESIDING MEMBER: I understood that, and I understood
that was the objection, which is why I asked that question
of Mr O'Brien.

MR O'BRIEN: The question was asked of [KATHERINE X] by
Counsel Assisting, it seems at around transcript page 9163 or
thereabouts:

Did you talk about your father raping you
at any of those sessions?

The answer was:

I'm not sure.

That's that. Then --

THE PRESIDING MEMBER: So you're asking Dr Slack about her
expectation as to whether or not [KATHERINE X] would do
that?

MR O'BRIEN: Precisely.

THE PRESIDING MEMBER: Perhaps if you put the question in
those terms.

THE WITNESS: My expectation was --

THE PRESIDING MEMBER: Just a moment please.

THE WITNESS: Sorry.

THE PRESIDING MEMBER: If you ask the question in those
terms, Mr O'Brien.

MR O'BRIEN: Certainly.

Q. Dr Slack, the suggestion I'm putting to you is that,
there was an expectation, at least within Winlaton, even if
it wasn't your own, that girls who were survivors of incest
would be discussing those difficulties at triad meetings
and triad therapy; do you accept that?
A. This is one youth officer's minutes or notes; I would
not have expected, because of the sensitivity and the
gravity and the confusion that this young woman was going
through, that this would be - it would be not my
expectation that this would be brought up in group.

Q. Just before I leave that document, it is obvious, is
it not, that this youth officer had an expectation that
[KATHERINE X] would be assisted by triad therapy; correct?
A. That was that youth officer's expectation.

Q. I want to take you next then, if I can, to a document
at KATHERINE X-9. Ms Minister has given some evidence
Winlaton Classification/Review Personal Report Sheets; do
you see that?
A. Yes, I do.

Q. Are you familiar with this document - not with this
document, but these forms, sorry?
A. Yes. I knew they existed; they did not cross my desk,
they existed.

Q. Okay, very well. You see that this is that [KATHERINE
on 18 April, some three weeks or thereabouts after she's
been admitted to Winlaton, she's provided a Personal Review
Report sheet; you can see that, can't you?
A. Yes.

Q. If we go down through those headings where it says
that she's first asked if she wants to attend; it's then
asked what's going on in her life, heading No.2; heading
No.3, "What do you want to happen in your life", you see,
and then No.4, "State what you think: my most serious
problem(s) which I am working on in groups is/are (please
explain)"; do you see that?
A. Yes, I do.

Q. Then she says:

   My most serious problem is the relationship
   with my father. As my father has an
   emotional hold over me. He has forced me
to have sex with him.
You see that?

A. Yes, but I'm going up to, "My most serious problems which I am working on in groups", okay, it does not say that she did that.

Q. Right, okay, but you understand that it suggests, does it not, that those are the problems that she's working on in groups?

A. I can't answer how she was interpreting that, "My most serious problem that I am working on in groups".

Q. Are you seriously suggesting that she didn't relay these issues in group therapy?

MS RANDAZZO: Your Honour, I object to that question. How can she possibly be asked to speculate about that? That's an unfair question, in my submission, Your Honour.

MR O'BRIEN: Very well, I withdraw the question.

Q. You don't know whether she did or didn't divulge this type of information in group therapy, do you, you don't know that?

A. I would take a position, sir, that she would not do it.

Q. This document seems to suggest that she did; correct?

A. That document could have been totally understood by her; I suggest that it was not because she would not be inclined to discuss such a sensitive, painful issue as sex with her father.

Q. I'm suggesting, whether or not she was inclined to, I'm suggesting to you she was encouraged to?

A. I suggest you're incorrect.

Q. I want to take you to KATHERINE X-11 please. It's Personal Report Sheet, this time dated 8 May 1979. You can see that?

A. Yes.

Q. At about the middle of her stay at Winlaton; correct?

A. The middle of her stay in 1979. I'm not certain what the middle of her stay was.

Q. Anyway, she's at Winlaton at that date, on 8 May 1979; you accept that?
A. I do.

Q. Again, we go down to the fourth question, set of responses:

State what you think: my most serious problem(s) which I am working on in groups is/are (please explain).

And she writes, again, you can read that to yourself, but again she relays the difficulty that she has in dealing with her father essentially abusing her. Read it to yourself please.

A. I don't understand why it was all crossed off.

Q. It goes down into the next page, perhaps it can be --

A. Do you understand why it was all crossed off? I mean, what does that mean? Did she do it?

Q. I just ask you, if you don't mind reading it to yourself, and if it can be scrolled down please. There's a second page. You can see, again, she's spoken in this Personal Report Sheet about the relationship that she has with her father, who the staff at Winlaton know are raping her, is raping her?

A. She says - excuse me, do you have a question for me?

Q. You can see that that's what she's saying or the essence of what she's saying?

A. I asked for help. I didn't expect people to tell me to stop seeing my father. I asked for help.

I can only think that that was not in group, "I asked for help", even though it says:

I would think that she saw that as, what is your biggest problem, and she listed what she felt was her biggest problem.

Q. You are, I expect, speculating there, aren't you?

A. Yes.

Q. That's one possibility, isn't it, she raised it outside of group; correct?

A. Yes.
Q. Isn't another possibility quite open, given where this revelation has been documented, that it's also something she's raising in group therapy?

MS RANDAZZO: Again, Your Honour, that's still calling for the doctor to speculate about it. Clearly, the situation is that there were many possibilities, and one would have to concede any possibility is open, Your Honour.

THE PRESIDING MEMBER: Which is not really an objection to the question, Mr O'Brien, so I'll let you put it.

MR O'BRIEN: Thanks.

Q. You're suggesting in that answer that one possibility is that she's not raising it in groups, she's raising it other than in groups; correct?

A. Absolutely.

Q. I'm suggesting to you that there is obviously another possibility, another possibility, that that is one of the things she's raising in groups?

A. No, sir.

Q. You don't think that's a possibility?

A. It could be a possibility, we're all in this area of possibilities, yes, it could be a possibility, and I say it wouldn't have happened.

Q. You see, there are two other personal report sheets dated 22 May 1979 and 5 June 1979, again she raises in her own hand that very issue that she's discussing in groups; do you understand that's --

A. Not discussing in her groups, she's raising that question with someone.

Q. You accept, do you not, that the young girl that you're talking to in the audio recording at Winnie Girls is a girl suffering from incest?

A. In 1977, yes.

Q. And that's someone who you thought would be benefitted by a mini-triad intervention; correct?

A. With me, mm-hmm.

Q. And it has been recorded in that way?
A. With my type of questioning, which was not appropriate, which I have said.

Q. In fact, you've agreed that it was terrible?
A. Absolutely.

Q. But in 1977 when - do you remember that documentary being made about Winlaton with you?
A. No, I don't remember it.

Q. But it's fair to say that this was something, this type of intervention or therapy with this particular young girl was something you were quite proud of at that time?
A. “Quite proud of”. I was introducing it, I was introducing it, I was trusting and teaching and working my A-S-S off for people to understand 12 step programs, of which this was one, being introduced into a residential care.

Q. In the case of a girl who was a survivor of incest; right?
A. Whether she wanted to speak about it in a group was up to her.

Q. Well, not only was she speaking about it in a group, it was being audio recorded for the purpose of a documentary?
A. Excuse me, you are talking about the audio now, sorry. Do you mind starting again?

Q. Not only was she speaking about it in a group, this young girl on the audio recording --
A. Audio, okay, in 77.

Q. -- it was being recorded for the purposes of a documentary; yes?

MS RANDAZZO: Your Honour, I object to that question entirely. It was not being recorded for the purposes of the documentary being produced. The documentary wasn't produced until 2000, as I understand it.

THE PRESIDING MEMBER: Yes.

MR O'BRIEN: Q. It was being recorded for the purposes of communicating what you were doing to a broader audience?
A. I have very vague understanding of the purpose of it.
Probably, I was making it to be a, maybe a training program with her permission, and I never ever used it. As a matter of fact, I don't know how --

Q. Do you --
A. May I continue?

Q. Go ahead?
A. I don't know how, because when I was asked to - in the United States that I was not coming back to my desk at all, I was to report to 55 Swanston Street and not go into Winlaton again, everything was left there, and I did not use it as a training programme; maybe I instinctively thought it wasn't well done, which we now know it wasn't well done. I did not use it as a training program.

Q. But clearly, by the fact that you recorded it and for the purpose, it would appear, from your evidence then, it was designed as part of a training programme possibly, that you were confident that what you were doing was an effective type of intervention, surely?
A. I had the hope that, in speaking with this young woman, I would be of some assistance. I do not - I want to make clear, I do not know how that tape and my efforts with it, when I did not even use it, I do not know how that tape came into the hands of other people because everything that was in my office stayed there as far as I knew.

Q. You don't know whether [KATHERINE X] revealed in triad meetings that she was being sexually abused by her father, do you?
A. I do not know that, and I've taken a position that I don't think she would have done it; I could be wrong, but I do not think she did it.

Q. You have simply no idea.
A. Do you?

Q. I'm suggesting to you these documents suggest that --

MS RANDAZZO: Sorry, Your Honour --

THE PRESIDING MEMBER: You're just becoming argumentative now, Mr O'Brien.

MR O'BRIEN: Very well. I withdraw the question.
Q. You said when asked that the questions and answers that you had in your conversation with the young girl in that audio recording were terrible, inappropriate --
A. Insensitive.

Q. -- insensitive and had the effect of blaming the child.
A. Yes.

Q. Can I also ask that you accept that it was extremely damaging to the child?
A. She said it was. If you say it was.

Q. That it in fact had the real possibility of setting back any rehabilitation that they might have otherwise made?
A. Do you know that to be true?

Q. I'm suggesting to you that --

MS RANDAZZO: Again, Your Honour, I'm just concerned about the amount of time that Dr Slack has been in the witness box now, and this type of argumentative style of questioning really doesn't assist.

THE PRESIDING MEMBER: How much longer are you going to be, Mr O'Brien?

MR O'BRIEN: Maybe another 20 minutes or so.

THE PRESIDING MEMBER: We'll take the lunch break now and return at 2.

LUNCHEON ADJOURNMENT

THE PRESIDING MEMBER: Mr O'Brien.

MR O'BRIEN: Thanks.

Q. Dr Slack, can I take you to KATHERINE X-29 please. This document is headed, "Transfer Summary"; do you see that?
A. Yes, I do.

Q. Have you read this document before?
A. I read it probably about two weeks ago.

Q. Good, thank you. You will recall then that this is a
document which appears to have been written contemplating
the transfer of [KATHERINE X] from Winlaton to Hillview; do
you recall that?
A. Now that you've said it, yes.

Q. The author of the document, if you go down to the
bottom of the second page, is Brigid Beirne. Do you
recognise that name?
A. No, I do not.

Q. In the second-last paragraph on the first page, the
document talks about her time at Winlaton; do you see that?
A. Yes, she spent some time.

Q. In Winlaton, that's right. The second
paragraph reads:

She attempted to work through some of her
problems in triad therapy and identified
her confused, ambivalent sexual
relationship with her father as the main
problem area.

Do you see that?
A. I do.

Q. So again, can I suggest to you, it appears that
[KATHERINE X]
did participate in triad therapy and revealed that as a
problem area; do you accept that?
A. That's what it says there, yes. May I ask again who
wrote this?

Q. That was my question of you: Beirne, it appears.
A. Okay.

Q. I want to just take you to some of the evidence that
you gave Counsel Assisting in relation to the audio
recording that we've heard which was part of the Winnie
Girls documentary.

The audio records a question - this is on page 9633 of
the transcript - the audio records you saying to the girl
who'd revealed to you that her father was having sex with
her that:

Maybe dad had been doing something he
didn't understand or couldn't help himself.

.26/08/2015 (C093) C9678 E N SLACK (Mr O'Brien)
You remember you heard your voice saying that to this young girl?
A. Yes.

Q. You remember that Counsel Assisting asked you about your attitude to that now, having heard it?
A. Yes, that it was inappropriate.

Q. Counsel Assisting suggested to you that the language seems to excuse the father?
A. I thought so too.

Q. You agreed, and you said, "I was making a terrible mistake". Remember giving that evidence?
A. Yes, absolutely; insensitive.

Q. It was insensitive. Counsel Assisting later asked you about a letter that had been sent to [KATHERINE X]'s father. Do you remember being asked about that letter that was sent on 9 August 1979?
A. Only that I read it in here.

Q. And Counsel Assisting read it to you in evidence-in-chief earlier today; do you recall that?
A. Yes.

Q. She read a particular extract to you from that letter:

None of us want to make you feel bad but we do want [KATHERINE X] to feel better about her relationship with you.

A. I want that too.

Q. Do you agree that that conveys the same type of sentiment as the question that you asked that girl; in other words, that the language of the letter, as per the language of your question, both seem to excuse the father?
A. Could you show me where that would be, I would be gleaning from where you are? Are you in --

Q. KATHERINE X-27?

THE PRESIDING MEMBER: Not in that document, Dr Slack. Mr O'Brien’s talking about the letter that was written or signed by Jennifer Mitchell with Dr Groome's name on the bottom of it.
THE WITNESS: Okay. Would you mind repeating your question regarding that?

MR O'BRIEN: Q. Certainly. There's that letter on the screen. You've said that you read that letter, the letter was co-authored, it appears, by Jennifer Lines as she then was and Groome. You've read that?
A. I'm trying to remember; yes.

Q. You were asked about it by Counsel Assisting as well.
A. Mm-hmm.

Q. And you expressed some dismay that it had been sent.
A. Yes, yes, that's the part I remember the most.

Q. I'm suggesting to you that the language conveyed in that letter seems also to excuse the behaviour of the father; do you accept that?
A. As I remember it, yes.

Q. The letter also, I'd ask you to accept, reflects a lack of understanding of the gravity of incestual sexual abuse?
A. Yes.

Q. Obviously, the wording of that letter also underestimates and understates the impact of that type of sexual abuse on [KATHERINE X]; you accept that?
A. As I recall it, yes.

Q. When Counsel Assisting also asked you about that - I want to ask you about the audio again, the audio recording. The audio recording has you saying to this young girl in 1977:

Do you think that you may have sexually attracted him by something you've done or said?

Remember asking that of that girl in that audio?
A. Yes.

Q. Your answer was:

It's a terrible question, I'm embarrassed to death to think I was acting like that.
Do you remember that?

A. That I was reacting that way, that's right.

Q. Then Counsel Assisting asked you:

Do you think that it reflected a view that you had at the time, that a child was in some way responsible for an incestuous relationship?

A. I don't think I ever took that position, that a child was responsible.

Q. Do you remember being asked that question by Counsel Assisting earlier today?

A. I don't remember my answer, but it's clear in my head that I would not have been accepting.

Q. Your answer on page 9633 was:

I must have had at that time.

A. Well, my - the fact that I was so sure at that time is now certainly questionable by me. I understand --

Q. You were asked later on whether you thought that that view was prevalent or endemic at Winlaton, and you suggested it was not?

A. That Winlaton was - that Winlaton had a lighthearted understanding of child sexual abuse? No.

Q. That the view that was portrayed in that question, that that was, if you like, a --

A. It was like prevalent at that time?

Q. Yes, that that attitude was prevalent at the time at Winlaton?

A. I would say probably.

Q. What we know did happen for [KATHERINE X] is, of course, in late May 1979 she was visited by her father at the place; we know that that did happen.

A. If I had known, Mr O'Brien, that that was going to happen, it would not have happened.

Q. We know that there was a second visit on 14 June 1979,
A. If I had known, I would have stopped that visit.

Q. Thank you. And then, we know also that this letter in the most apologetic terms was sent to the father on 9 August 1979.

A. That's what I've been told.

Q. And we know also that Winlaton released on a home visit [KATHERINE X] to her mother and she was sexually assaulted - there was a suggestion that she was sexually assaulted by her father on 20 June 1979; we know that as well, don't we?

A. Had I known that, I would have stopped that visit.

Q. All of those things you accept did occur under your watch?

A. Absolutely.

Q. And you say that, had you known that those things were going to happen or planned to occur, that you would have organised - I think you said in your evidence earlier, for information to be called in relation to her case file to you?

A. If I knew that that was going to happen, I would have called the two deputy superintendents and asked them to please come to my office with this file because I am deeply disturbed that this is occurring with this young woman.

Q. Is it your evidence that you would then have disciplined in some way those staff responsible for arranging the visits?

A. I think I objected to the word "disciplined", it sounded like some kind of monster talking to my - to staff. I would have called them in and asked what they knew about the situation, what the files are about this situation, and I would have told them, "I am stopping this visit".

Q. Given that those things that I've just taken you through did occur --

A. Right.

Q. -- given that there was no policy and procedure in place at Winlaton in relation to this type of sexual abuse, and given that you've accepted that you had this attitude, it appears, that is relayed in that audio recording, do you accept that then under your watch at Winlaton there was an attitude which trivialised child sexual abuse of this
particular form, incestual child sexual abuse?

A. I find it hard to answer how all of these persons
would have been viewing this situation, but I do know my
own position. I never ever, ever would have been in or
have an attitude of trivialising sexual abuse or incest
with a young woman; a daughter.

Q. That these things occurred, that there's no policy in
place, suggests a real possibility, doesn't it, that either
your attitude was reflected amongst the staff that --
A. It could be, Mr O'Brien, that that's the case, but I
think I was guiding people to think on their feet and to
make decisions.

Q. Again, if it is the case, as it appears to be the
case, that [KATHERINE X] is involved in this type of
therapy, triad
therapy, then again that's another example of how the
place, the institution of Winlaton under your stewardship,
had the approach of blaming the girl for her position in
that relationship; you accept that?
A. I know what my attitude was, and I know that it was
one of respect for this young person and that this is not
just in hindsight, this is the attitude I took from the
time I started doing this kind of work in both countries,
that this young woman is to be protected and helped by
whomever comes in contact with her, and that this did not
occur is a source of deep sadness for me.

Q. My client has asked me to ask some specific questions
of you.
A. I couldn't understand you, what did you say?

Q. My client has asked me to ask some specific questions
of you.
A. Good, good.

Q. She says: do you accept that you breached your duty
to care for her by allowing visits by her father?
A. Absolutely.

Q. Do you accept that you breached your duty of care by
not acting against the father?
A. I did not know that this was happening.

Q. I'll ask the question again: do you accept that you
breached your duty of care by not having, let's say,
policies and procedures in place which would ensure that
the father was acted against?
A. I accept that in principle, but the fact that I did not know this was happening, I could not possibly have wanted to start writing a policy.

Q. Do you accept that the period of time that [KATHERINE X] was at Winlaton presented as an opportunity to protect her then and into the future?
A. Absolutely, yes, and I say that, if she is listening --

Q. She is.
A. -- I would say that that is exactly what my entire intention was, with you, [KATHERINE X], that you would be totally protected from harm.

Q. Do you accept that the effect of your actions and omissions was such - yours and the staff under you, was such that she was ultimately put at more risk?
A. Yes, and I deeply regret that.

Q. Do you accept that the acts and omissions by you and your staff caused an opportunity for intervention to be lost?
A. Yes, and that is another terrible understanding that I have both in my head and my heart.

Q. She wants you to understand that she considers her time at Winlaton a very formative moment in what came to be a very long-standing abusive relationship that she had under the hand of her father; you understand that?
A. I'd like to hear it again.

Q. And that she wants you to know, what's your response to this: she says, if you'd done your job, she wouldn't have had to go through the shit that she did; do you understand that?
A. Yes. Yes, if I had done my job, [KATHERINE X], if I had known that this was going to - that this was happening to you, and I did not take a position and tell you, [KATHERINE X], that I'm stopping this visitation, I definitely would be going to my grave with the fact that it was a dereliction of duty toward you and within myself, toward myself.

MR O'BRIEN: Thank you.
Anyone else? Mr Stanton.
MR STANTON: May it please the Commission.

<EXAMINATION BY MR STANTON:

MR STANTON: Q. Dr Slack, my name is Stanton, I appear on behalf of Marilyn Minister.
A. Yes, hello.

Q. I ask that Dr Slack be shown exhibit KATHERINE X-7, this is the first term review sheet. Do you remember being shown this document?
A. Earlier, yes.

Q. Ms Minister gave evidence at page 9474 that she wasn't aware of C Hodges and that that document may have been something that was done at the regional level and not something - she didn't recall it being part of the procedures at Winlaton. You'd agree that's possible, wouldn't you?
A. Totally possible, because Mrs Minister was very thorough.

Q. If I could take you to the third-last paragraph on that page, you will see it's written:

Catriona to find out when Winlaton will have their next review of [KATHERINE X] ... can't really make any plans about her until after that.

You accept, don't you, that the fact that the person named Catriona was to find out when Winlaton would have their next review would suggest it could well have been a document prepared outside of Winlaton?
A. Absolutely.

Q. Dr Slack, your evidence was that you were unaware of this particular situation that [KATHERINE X] to endure in terms of her father.
A. Yes.

Q. I take it from your evidence that, had you been aware of it, then you would have certainly spoken to Ms Minister about the situation?
A. Not only spoken to her, I would have spoken to her and to the deputy superintendent of programs immediately.
Q. I take it from the language that you used, that Ms Minister is someone who in your view was amenable to direction from you?
A. With consultation with me and with discussion and I was trying always with the staff to be open and to be honest with them and to show them my willingness to listen, but I would not be listening very long to the fact that this young person was going back to her family like that.

Q. You'd agree, wouldn't you, Dr Slack, that there would have been thousands of residents at Winlaton over the time that you were there?
A. Absolutely.

Q. You were aware that a significant proportion of the residents were wards of the state?
A. Yes.

Q. That they faced real issues in relation to their safety at home?
A. Absolutely.

Q. You realise that some of the residents were referred to the Children's Court Clinic who were particularly vulnerable in relation to some of the psychological or psychiatric issues they may have had?
A. Yes, absolutely.

Q. Your evidence was that, in all that time, despite there being thousands of residents, you were only ever aware of there being one example, or one person, one resident, who had an issue in relation to familial sexual abuse or incest or family rape?
A. And I, you know, I say to my - I mean, when I found this out, it was a matter of shock; it wasn't just, "Isn't that terrible", no, it was a matter of shock. Don't ask me why, it was just a matter of shock.

Q. Dr Slack, I want to suggest to you that, in circumstances where there were thousands of residents --
A. Yes.

Q. -- where there were a substantive - a high proportion of wards of the state because of danger at home, it must have dawned on you that there was a very real possibility that, as thought by Ms Minister, as thought by Dr Owen,
that a significant proportion of these residents had been sexually abused?

A. That it would have dawned on me? The answer is, no, it did not dawn on me. I regret that it did not dawn on me. If I had said something and asked the right questions, I would have become aware of that situation.

Q. It was part of your practice to read minutes of meetings?
A. Mm-hmm.

Q. Yet, do I take it from your earlier evidence, that that didn't include the records from the classification action sheets or the review action sheets?
A. That's correct. They did not pass my desk, no.

Q. Yet you describe yourself as the type of manager or superintendent who used to walk the grounds of Winlaton, who used to want to keep her ear to the ground?
A. I was not walking the grounds for exercise, I was walking the grounds to see and to hear and to watch and get a full understanding of what truly was going on, by eating with them at meals and talking to them and going into their rec room and sitting on the floor, which I might add usually smelled of urine, which would remind me to speak to my staff to get the rugs replaced.

Q. As someone who wanted to hear about the experiences of the young people, I suggest that the classification action sheets and the review action sheets would have been a particularly valuable resource to find out what was happening at Winlaton?
A. And I expected and was of the expectation, for want of another word, that if something like this came up, that I would be told in my meeting with the deputy, the two of them, but especially the deputy classification.

Q. Lastly, there were of course also the personal report sheets of the residents; are those documents --
A. They were not, no.

Q. Are those documents that you would have read?
A. No, they would not have passed my desk; they would have been Marilyn Minister's information and for the files and go to the TIF, which is the trainee information sheet, and these persons would be working with this information 100 per cent, and I was not. I did not expect to be
reading those situations; I was trying to keep my finger on
the atmosphere of the institution and whether or not these
young people were being cared for, and I find out that I
was not getting the information I needed and I do not put a
finger of blame to anyone except myself.

MR STANTON: Thank you, no further questions.


MS RANDAZZO: Thank you, Your Honour.

<EXAMINATION BY MS RANDAZZO:

MS RANDAZZO: Q. Just a few questions, Dr Slack. As you
know, I represent you.

Dr Slack, in your statement to the Commission you
describe the situation that you came into as one of mayhem
and riots. One of the other descriptions that you provide
was that it was a place where - and I'll get for you the
particular - that the girls were operating in an
environment of mistrust and - goodness me, I had it one
moment ago and now I've completely lost it.
A. Maybe intimidation.

Q. And intimidation, that's correct. Was that what you
found when you arrived at Winlaton?
A. 100 per cent accurate.

Q. Dr Slack, you've been asked many questions about
[KATHERINE X], but I want to ask you this: if you had had that
case, that serious case, brought to your attention from the
very outset, that is, from a time close to when [KATHERINE
X] went
to Winlaton, was first admitted to Winlaton, do you say
that you would have maintained complete and utter oversight
and control --
A. Yes, absolutely.

Q. I haven't quite finished the question.
A. Sorry.

Q. Over every aspect --
A. Every single aspect.

Q. -- of her treatment and decisions made in respect of
[KATHERINE X]?
A. Absolutely.

Q. So, if you had known about it, if it had been reported to you or if it had been brought to your attention from the outset, and during the course of her time there, a recommendation was made that she be permitted to go home to her mother on weekend leave --
A. No.

Q. -- would you as superintendent, with the power and authority, have overridden that decision?
A. Absolutely, would have taken them all on.

Q. In your oversight, if it became and would have become apparent to you had you ultimate oversight - discovered that the father was seeking permission to come to Winlaton into your institution to visit with [KATHERINE X], would you have used your power and authority as the superintendent to override any recommendation that he be permitted to do that?
A. I would have used every bit of my authority and my position as superintendent to absolutely make sure and positively make it happen that this man would not go into that institution of Winlaton.

Q. You've been asked some questions about Depo-Provera, and I'm not going to repeat any of the questions. It's fairly well documented and clear, I think to everyone, of your deep objection to the use of Depo-Provera.
A. Yes.

Q. But I do want to, if I can please, to just report from paragraph 46 of your statement.
A. Just a minute please, I'll find it. I have it.

Q. You describe there one particular meeting that you had with the medical and clinical staff at Winlaton, and that was in the very early days of you going to Winlaton, was it not, whilst you were still deputy superintendent; agreed?
A. I can't remember when - I guess it was when I was deputy. When I was writing this, it seemed early in the piece, yes.

Q. You described yourself as being a person who voiced your objections forcibly and confidently, knowing they were based on research conducted by several endocrinologists at Harvard Medical School and the Beth Israel Hospital?
A. That's correct.

Q. At the time you came to voice your objections to it, you did so with a fair degree of knowledge of the harm that Depo-Provera had; do you agree with that?

A. Yes.

Q. You had informed yourself about that?

A. I was as informed as I could be, because I was standing nose-to-nose with the persons from the Health Department and nose-to-nose with my own staff in the medical clinic.

Q. Do you recall this one particular meeting that you had with the clinical staff, and this is over on page 48, and I'll read this if I may.

A. This is No.48?

Q. Paragraph 48, I beg your pardon, the following page. You say:

I recall at one point during the meeting, the medical doctor sitting next to me, turned abruptly, faced me squarely and said words to the effect of, 'I want you to understand, Dr Slack, that you have overstepped your authority ... that you have absolutely no authority to advise anyone in Winlaton that the contraceptive Depo-Provera is to be questioned, nor its use with Winlaton young women'.

Do you see that?

A. Absolutely.

Q. And you have a vivid memory of that occasion, don't you?

A. Yeah.

Q. You go on and say:

I turned and faced him just as squarely and replied, 'Doctor, if, and when, you visit Winlaton YTC and discover that we are doing something harmful or dangerous to the young women under our care, I expect you to contact me immediately to advise me of your
concerns. I would not hesitate to look into it, with the express intention of stopping the harmful or dangerous activity. I would be listening to you and, with investigation, most probably would stop doing it'.

Do you recall saying words to that effect to that doctor?

A. 100 per cent. We were sitting very close to each other. It was a young physician. I had seen him coming in and out of the institution. He was working closely with the young women in Winlaton, and we were about a foot apart in terms of our eyes, and that's the ultimatum that he gave to me, and so I straightened up my body and I looked straight at him and I said those words to him, because I truly meant it; that if anyone sitting around that table, or anyone knew - knew something was going wrong in Winlaton, I would want to know about it, and I would want to know about it with all the details and with all the force that they could possibly bring to the issue, and then I would start the process immediately of finding out what was going wrong and try to resolve it. And we were this close and there was dead silence in the room and then I swung around back to where I was sitting and they went on with the rest of their meeting.

Q. You were ignored by that doctor, were you not?

A. It was a whole program of ignoring. I knew how to be ignored.

Q. One of the other aspects, I just want to move very, very briefly to some other issues about which you were very vocal. We've already heard about the medical examinations.

But one of the other issues that you found when you came to Winlaton was the use of tranquillisers for behaviour control; do you recall that?

A. Yes.

Q. You say that, when you arrived in Winlaton in October 1976, it was certainly your understanding that tranquillisers were still being used to control behaviour of residents.

A. Yes.

Q. You were vehemently opposed to that as well, were you
not?
A. Say that last part please? I was what?

Q. You were vehemently opposed to the use of tranquilisers to control behaviour?
A. Yes. As I remember it, as I remember it, every Friday I'd be at the office of the Sister who was there, and her work was really good, and so was the assisting nurse, there were - because I would hear from the youth, you know, something, "I got help with my itch on my body, I got help with" --

Q. Sorry, Dr Slack, I don't mean to cut you off, but I think if I can just return you to this issue of the use of tranquilisers --
A. I would ask them, "How many do we still have on these mood-altering drugs?", and it was my attempt to cut it back.

Q. You say this in your statement at paragraph 51 about it, I'll just read a short portion of it:

In my memory today I attempted to emphasise that the use of tranquilisers was not to become a regular practice at Winlaton ...

A. Excuse me, please, are you reading from the --

Q. Yes, I'm reading from your statement at paragraph 51. A. 51, okay, sorry, I didn't hear that. Would you mind starting again please.

Q. About halfway through you say this:

... in my memory today I attempted to emphasise that the use of tranquilisers was not to become a regular practice at Winlaton due to their damaging mental and psychological side-effects. I was also acutely conscious of the serious damage that could be caused to pregnant teenagers and their unborn children. It is scientifically demonstrated that tranquilisers are physically and emotionally addictive. Excessive use can cause death. A combination of tranquilisers and the sometimes contraband
drugs secretly brought into Winlaton could
lead to more permanent central nervous
system harm, especially brain damage,
seizures, rage and over time could even
lead to death.

A. Yes, that was my position.

Q. Was that your view at the time in the position that
you held?
A. Yes.

Q. And voiced?
A. Yes.

Q. Over the page, just very quickly, you say this at
paragraph 54:

I believe that during my time as
superintendent, particularly towards the
latter years, the use of tranquillisers and
other drugs to control behaviour decreased.
However, I am saddened that I did not
manage to eradicate it completely.

A. That's correct.

Q. When you left there in 1991, was it your understanding
that the use of tranquillisers in fact, albeit diminished,
was still taking place?
A. When I left, remember I had a year's leave,
compassionate leave, so that would have been around 1990
when I was still in the United States, so that was a
whole year, I don't know if anything would have changed,
but I would think - I'd only be --

Q. I don't want you to speculate. When you left,
whenever that was, you understood that, albeit diminished,
it was still being used?
A. Yes, I would say so.

Q. We've heard a bit about the tattoo removal program.
You were also instrumental, along with others, in
implementing that program?
A. It started, I believe, before I arrived, but what we
were able to do, because I encouraged the staff to go and
chase grants whenever they could, and through the schools
Commission, if I remember correctly, we were able to get a
grant in order to give funds to the tattooist to came in
once a week to help remove the tattoos.

Q. You have in your statement, and I won't ask you to
repeat it now, but certainly in your statement you
described that program in some detail?
A. Yes.

Q. In your statement it's described in some detail.
A. Yes.

Q. I might just move on, if I may please, to one final
matter and it's this: in late 1980 and early 1981 --
A. May I interrupt you please?

Q. Yes.
A. Is that one of these?

Q. This is in paragraph 59, I beg your pardon, of your
statement.
A. Thank you. Okay.

Q. May I say, just to be clear, because I'm not going to
take you to every part of your statement, you've described
in your statement some other initiatives that you were
actively involved in as well, such as for example the
removal of barbed wire from the premises; okay, so I'm not
going to take you to all of them, but they are detailed in
your statement?

THE PRESIDING MEMBER: And we've read the statement,
Ms Randazzo.

MS RANDAZZO: Yes.

Q. At paragraph --
A. Now, the barbed wire --

Q. That's alright, you don't need to go into that.
A. It was razor - listen to me - it was razor barbed
wire.

Q. Razor wire, thank you. At paragraph 59 of your
statement, do you have that?
A. Yes.
Q. You describe under the heading "Evaluation":

In late 1980/early 1981 Winlaton YTC undertook a self evaluation. This process took over a year to organise and implement but it ultimately took place.

You go on to describe a task force, members from the outside who were invited to Winlaton over the timeframe of a week to review/visit/ask questions/speak to youth et cetera, and they presented a report in March 1981.

No doubt, you would have seen that report at the time?

A. Yes, it was initiated in the school area, and I was asked, would I cooperate; I said, "Not only cooperate, I look forward to it".

Q. That report provided some guidelines for improvement in the future program development, in particular in relation to the schools; is that correct?

A. That's correct. Initiated by the school and guided by the school.

Q. As I say, you would have seen that report, you would have had a copy of that report?

A. Yes.

Q. But did you ever retain a copy of that report?

A. I have seen it --

Q. Or did you leave it at Winlaton when you left there in 1990?

A. There may - I can't recall that - there may have been an extra copy left there in my files some place, but I had no access to my files when they told me to go to Swanston Street.

Q. Can I get this clear if it's not already clear: when you left Winlaton in about 1990 some time on compassionate leave, that was to go over to care for your mother and your sister was unwell; just leave it at that for the moment.

Is that --

A. Okay. My sister was very unwell.

Q. -- (indistinct) is that right?

A. Yes, life-threatening.
Q. And that was the purpose for which you went over, but whilst you were there, you received a call saying that you were not to return to Winlaton, you were to go to head office when you returned; is that right?
A. Yes, that's correct.

Q. So you never went back to Winlaton after that, did you?
A. No, never stepped back into the door.

Q. You don't know what happened to any of the documents and other various things that you had in your office?
A. That's right.

Q. You didn't know what happened to those, and you certainly don't know what happened to any of the files of the residents?
A. That's correct.

Q. The audio DVD that you've been asked some questions about, you've made a number of admissions and concessions about the insensitivity.
A. Yes.

Q. And clearly inappropriate language --
A. Absolutely.

Q. -- that you used, and you acknowledged and accepted that that language may have had - or probably did have the effect of certainly making matters a lot worse for --
A. And I regret that, yes.

Q. And you regret that, clearly?
A. Absolutely.

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

Q. Dr Slack, finally, you read out - Counsel Assisting asked you to read out those last two paragraphs of your statement. It's been pointed out that you wrote that statement, or that statement was prepared, before you saw any of the statements of any of the survivors in this hearing.
A. Yes.

Q. And was clearly before you heard their evidence?
A. Absolutely.

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 sexual abuse, especially with [KATHERINE X], I went back to my 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.

My words to you, from my head, my heart and my spirit, is never give up on yourself, that this has happened to you, keep believing in yourself, because I believed in you when you were with us in Winlaton, and the fact that my administration and my supervision had so many flaws, any way that that hurt you, any, all of you who may be listening, any way that that hurt you in any way, I deeply regret it.

And I want to tell you one thing more: when this information slowly became part, over three weeks, of what I had not been aware of, I wept every single day. Now, this cannot compare to the tears that you have wept through the years of experiencing sexual abuse, by anyone, but I want you to know, I wept every single day, and sometimes it wasn't just tears flowing, it was weeping, so I seek your forgiveness, and those of you who are listening to me, find someone you trust and share little by little what you have experienced. Go into your heart and share it because, if you keep holding it within yourself, it will not only make you ill, but you will be creating your own living hell. Do this for yourself.

MS RANDAZZO: Thank you, Dr Slack, no further questions.

THE PRESIDING MEMBER: Re-examination, Dr Dwyer.

<EXAMINATION BY DR DWYER:

DR DWYER: Q. Thank you. Dr Slack, I think you said
earlier in response to questions from your counsel that you
would ask medical staff at regular meetings who's on
Depo-Provera; is that correct?
A. If I didn't ask each time I met them, I would be
asking frequently, yes.

Q. In that context, is it possible you were told that
[KATHERINE X] was one of those children who was on
Depo-Provera?
A. I cannot say for sure.

Q. Were you ever provided with documentation that was
entitled, "Gynaecological History" from the medical
faculty?
A. No.

Q. From the medical staff within Winlaton?
A. No.

Q. Did you ever ask to see any of the medical files of
any of the children?
A. No.

Q. Did you ever ask why the children were being placed on
Depo-Provera?
A. I may have - that sounds like a familiar one of my
questions; I may have asked it and was told that this was
an immediate safeguard from them becoming pregnant.

Q. Were you ever told that any of the children were
placed on Depo-Provera because there was incest within the
family?
A. Never.

Q. What would you have done if you had found out that
[KATHERINE X] was put on Depo-Provera at Winlaton in April
1979,
when the only sexual activity that was happening was a rape
by her father, according to the knowledge of staff?
A. I would have been raising the same kinds of question
because of the seriousness. I would know that these
medical people were also as interested in [KATHERINE X]'s
health as
I was, but we were coming from two different directions to
safeguard her.

Q. Do you agree that in circumstances where staff thought
that there was an ongoing risk of sexual abuse by her
father, it was wholly inappropriate to place a child on
contraceptive to ensure she was not getting pregnant on the
one hand, and yet not report that abuse to police on the other?
A. Yes.

Q. In response to a question from my learned friend, Mr O'Brien, to my right, you said you would not have expected [KATHERINE X] to have discussed incest in the larger group triad, because, I'm summarising, but you would think that issue was too complex and sensitive and difficult for a child like her to raise in the group therapy?
A. Yes.

Q. Do you agree that it would be inappropriate to expect a child who was that vulnerable, because she had been raped by her father and was at risk of it, to expect her to deal with that in group therapy?
A. I never expected, but I think that, for her to raise that, indicates some real strength of character in trying to understand her ambiguities.

Q. Do you accept that, in your training of staff, you did not instruct them not to discuss those issues in the large group?
A. Never, no.

Q. Was that a failure, do you think, or a shortcoming in your instruction of staff?
A. That I would be instructing them to not discuss it?
Q. Yes.
A. No, I never said to them "don't discuss anything". Whatever was pestering this young person, that they could have a choice to talk or not talk.

Q. But triad therapy in the way that it was set up for large group therapy was specifically designed for a range of issues where the child would take responsibility for their own behaviour?
A. Yes, absolutely.

Q. And staff were trained to expect the child to take responsibility for their own behaviour?
A. Yes, but not hammer them and not make them feel guilty.

Q. But in those circumstances it would be inappropriate, wouldn't it, to treat something like incest in the same way
Q. And so, it would be inappropriate to expect one type of training to be a catch-all or appropriate for all those different issues?
A. Yes.

Q. And inappropriate to expect it to be used for something as complex and damaging as sexual abuse?
A. Absolutely, yes.

Q. Ms Minister gave evidence that 90 per cent of children in Winlaton were wards, were there because they were in circumstances of neglect; do you agree with that?
A. Yes.

Q. Presumably, when children came in as wards of the state, they came with documentation that set out the reasons why they were taken into care.
A. Mm-hmm.

Q. Did you have a policy or process of reading through the documentation for the children that were admitted?
A. No, not for myself, but certainly for classification and review deputy.

Q. You delegated that role, did you, to the deputy, Ms Minister, who was there for most of the time?
A. Yes.

Q. To review those files and to understand for herself why each child had been brought in?
A. Absolutely, and if she felt - and I would have that expectation - if she felt that this was something that I ought to know, that she would be sharing it with me on our Friday meetings.

Q. Do you think that it was a failure in your system for the protection of children, as superintendent, for you yourself not to review the files?
A. Absolutely, big failure.

Q. On reflection, do you accept that it was problematic for triad therapy to be set up for groups of children where the moderator, including yourself on some occasions, did not understand the depth of the trauma that the children
who were participating had undergone?
A. That they would not understand, maybe; but if it were
brought up for me, I would have understood the depth of
that trauma.
Q. But on reflection, do you accept that it was
problematic for triad therapy to be introduced in Winlaton
in circumstances where you as the superintendent did not
understand the depth of the trauma that children had
undergone?
A. Yes.
Q. And, having read some of the children's reflections on
triad, is it fair to say this, Dr Slack: that the triad
program was well-intentioned?
A. Yes.
Q. But you now realise it had the effect of causing harm
to some participants who had suffered sexual abuse?
A. Yes. In small groups; small group, positive - in
small groups the research tells us that one-third would be
helped, one-third would not be helped, and one-third would
be totally indifferent to whether they were helped or not
helped.
Q. Dr Slack, I'm referring specifically to children who
had experienced sexual abuse, some outside of Winlaton and
in Winlaton, like [KATHERINE X]; some children who were
sexually
abused while they were at Winlaton either by a staff member
or by other children, I'm focusing on that group.
You've given evidence today that you had no idea that
children were being abused by staff or residents at
Winlaton?
A. Other than what I've shared today, that's correct.
Q. Other than what you've shared today, and you had no
idea of the circumstances of [KATHERINE X]. And triad was
rolled
out throughout Winlaton in circumstances where you had no
idea of that abuse.
A. That's correct.
Q. What we've heard from a number of survivors is that
they found triad traumatising; you accept that?
A. Yes, I heard it.
Q. So what I'm asking you to accept is that, although
that program was well-intentioned, it had the effect of
causing harm to some participants who were asked to go to
triad, when what they were actually experiencing was sexual
abuse?
A. Yes.

Q. It was put to you that there was no policy in place
for reporting up the chain to you as superintendent when a
staff member saw sexual abuse?
A. The message would have gone up the chain to the deputy
superintendent, either through the program or through
classification, but then it would get to classification for
sure.

Q. You had an expectation that the deputy superintendent
would have reported any sexual abuse to you?
A. Yes.

Q. But there was no policy in place for that prior to
1987, was there?
A. Correct, no.

Q. But in fact, in 1987 you did cause a policy to be
introduced so that that information would be fed up the
chain; correct?
A. Mm-hmm.

Q. Yes?
A. Yes.

Q. Finally, you mentioned razor wire; you caused the
razor wire to be taken down around Winlaton?
A. I think it may have started being taken down by the
previous superintendent, but I just kept talking about it -
this is when I thought I was going to be the superintendent
but when I got there, the deputy, and I believe that I
watched it coming down.

Q. You would have thought it should come down --
A. Yes.

Q. -- because it is totally inappropriate for children
who are detained by the state in institutions to keep them
safe when they have committed no crime to be locked behind
razor wire, isn't it?
A. Not only - yes, to that, but not only that, many times
they would try to abscond and they would take a blanket
with them when they saw the occasion to run away, throw a blanket over the barbed wire, shimmy up the wire and flip over and down onto the ground, it was a very dangerous thing they were doing, but to have razor wire there was just absolutely not on.

Q. Dr Slack, do you agree with me that it's little wonder that these children felt like they were being treated as criminals in circumstances where they were locked behind razor wire and locked in at night to sleep?

A. Yes, and I was trying to get that message to my Department heads whenever I could.

DR DWYER: Nothing further, thank you.

THE PRESIDING MEMBER: Thank you, Dr Slack, you are now excused.

THE WITNESS WITHDREW

THE PRESIDING MEMBER: Dr Dwyer, I'm not sure you actually formally tendered the statement of Dr Slack. I had, in anticipation that you would do that, given it a mark.

DR DWYER: Thank you, very much Your Honour.

THE PRESIDING MEMBER: I think it's 33.34.

EXHIBIT #33.34 STATEMENT OF DR SLACK DATED 07/08/2015

DR DWYER: While we are tendering, might I also tender the document DHS.3126 .001.0003, which is the letter to Ms Klempfner from Lloyd Owen.

THE PRESIDING MEMBER: 33.35.

EXHIBIT #33.35 LETTER TO YOLANDA KLEMPFNER FROM LLOYD OWEN

DR DWYER: Your Honour, the next witness is known to the Royal Commission as [BDA], and I call [BDA].

THE PRESIDING MEMBER: [BDA], do you wish to take the oath or affirmation?

A. Affirmation, thanks.

[BDA], affirmed: [3.10pm]
THE PRESIDING MEMBER: Thank you, take a seat where you
are, please.

<EXAMINATION BY DR DWYER:

DR DWYER: Q. Sir, you are known to the Royal Commission
as [BDA]; is that correct.
A. That's correct.

Q. You've prepared a statement for the Commission which
is dated 3 August 2015, it relates to your time as a child
at Baltara; is that right?
A. That's correct.

Q. If you feel comfortable, could I ask you to start at
paragraph 6 of your statement and read it onto the record.
A. "I was born in Dandenong, Victoria in 1977. Growing
up, I lived with my single mother and an older sister. My
mother remarried and her and my stepfather had a daughter
and a son.

My family home was unsettled and I felt unsafe most of
the time. I have memories of being physically abused by my
step-dad. Mum used to also physically discipline me when
she didn't know how to deal with me.

My step-dad was worse. He beat me with his fists and
sometimes used belts and kettle cords to hit me across my
body. I remember sometimes I was abused almost every day
for long stretches of time by my step-dad.

I was punished by my mum and step-dad because they
didn't know how to deal with me. I wet the bed a lot and
was ashamed and embarrassed of this, so I lied to my mum
and my step-dad and told them I didn't. They would punish
me with physical abuse.

I remember the abuse started in about 1984 or 1985,
when I was about 7 years old. The abuse became so frequent
that I remember there were days when I had kettle cord
whiplashes down my leg.

I went to school when I was a kid, but I was also
distracted and couldn't sit still to learn. Teachers told
me that I was capable of doing the work, but was
disruptive.
I remember when I was about 7 years old, I was at school when one of the older girls grabbed my hand and took me to a tunnel. She picked me out of the playground and said, "Let's go".

When we were in the tunnel, the older girl said to me "let's play a game". She undid my pants and then put my penis in her mouth. She also made me perform oral sex acts on her. This happened about two or three other times and stopped when I accidentally urinated in her mouth.

I never told anyone about this because I didn't know I was being abused and I thought it was a game. It was also something done in secret, so I never told anyone what was happening. This was the first time I was involved in any sexual incidents.

In late 1987, when I was about 9 years old, I had an argument with my step-dad and he told me that he wasn't going to feed me anymore. I believe he said words to the effect of, "When you come home from school, you're going straight to bed with no tea. You can starve".

I was so upset and thought that I was going to die from starvation, so at school that day I, I tried to commit suicide by hanging myself in the playground.

I remember a lot of people at the school were alarmed by this, and teachers and other kids were coming over to see how I was. I have been shown a case planning report that records this incident as occurring in October 1987.

My step-dad kept abusing me anyway, and I recall that one time after I attempted suicide, my step-dad belted me again and left more kettle cord marks on my leg. After this belting, I overheard my mum telling someone else that she had heard me scream at least 14 times.

I believe a report was made by one of my teachers, because I remember one day at school, I was taken by social workers and placed into respite care with another family.

I was admitted to the care of Community Services Victoria (the Department) in November 1987, shortly before my 10th birthday. The case planning report marked BDA-1 records that I was admitted to the care of the Department on 5 November 1987 for "being exposed".

.26/08/2015 (C093) C9705 [BDA] (Dr Dwyer)

Transcript produced by DTI Corporation
On 14 October 1987, I was placed into the care of foster parents, [BFL] and [BFM] through Peninsula Foster Care.

[BFL] and [BFM] had two kids of their own and a younger girl that they also fostered. I remember that I was given a lot more freedom in foster care and I wasn't abused. I attended a different school and stayed there for a few months.

On 23 February 1988, when I was 10 years old, I left foster care following an incident.

The day after the incident, I went to school, but never returned to [BFL] and [BFM]. I remember being collected by a social worker, whose name I cannot recall, who had a bag of my clothes. I was told what I did was wrong, but did not understand how or why. I was then taken to Baltara Reception Centre that day, that is, on 24 February 1988. I remember it being 1988 because I recall during my stay at Baltara, I was given a bicentennial coin.

When I arrived at Baltara, I recall speaking to the worker in words to the effect of: I said: "How long do I have to be here?" The worker replied: "We're still trying to find you a placement, it could be anywhere between six weeks and six months".

I understood this to mean that I would be living at Baltara until they found another foster family for me.

I ended up spending almost four months in Baltara, leaving on 15 June 1988.

On arrival at Baltara, I was scared. I was surrounded by lots of people and I felt overwhelmed by what was happening. I was taken around by an officer and shown where the linen closet was and where I could get pyjamas and clean sheets. I was also given a tour of Baltara. The officer may have told me what the rules were, but it was difficult to absorb all the information at the time. I was too distracted by other boys running down the hallways and making noise.

I don't recall being told who I could report incidents
to, but I remember being told that all the boys were about the same age as me and had been in similar situations. I later understood that Baltara was broken up into different segments relating to age and reasons for being there.

On arrival, I was placed in a section called Akora. Akora was an open section that let the boys have a bit of freedom.

I was placed in a dorm with about eight to 10 other boys who looked like they were about 12-14 years old. There was one boy who looked like he was about 16.

I recall that on my first night there, I was woken up by other boys who approached my bed. I believe they were the same boys I shared the dorm with. I remember the boys held their penises in their hand when they were approaching me. Some of them held me down on the shoulders.

One boy, who I recall was named [BFN], who looked 16 years old, put his penis near my mouth and said words to the effect of, "If you want to survive, you'll do as I say".

I remember the other boys encouraged [BFN], and one boy whose name I recall was [BFO] told me not to attract any attention. I think he told me that because there were officers patrolling the hallway at the time. [BFO] said words to the effect of, "If you tell anyone, we'll hold you down and tattoo you".

I was scared of what would happen to me, so I did what [BFN] told me to do, perform oral sex on him. He then told me to perform oral sex on all the other boys that surrounded my bed, but I don't recall doing it, because at the time one of the officers was heading down the hallway and we could see the flashlight shining and hear footsteps approaching, so the boys returned to their beds. I recall that after the footsteps and flashlights disappeared, there were further attempts by the boys to sexually assault me. I believe that the repeated attempts were encouraged by [BFN].

On this particular night, the night officer didn't check in on my dorm and I didn't make any noise to grab the officer's attention, because I was scared that the other boys would hurt me.
During my time at Baltara I saw that the officers patrolled the hallways at night to check on any misbehaviour. I don't recall whether there was any particular pattern to these patrols, but I remember times when officers made all the boys line up outside the dorms when they heard a noise or if other kids were acting up. The office for the night staff was down the hallway, far away from the dorm that I stayed in.

The next day I recall feeling alone. I never reported the abuse to anyone because I was scared of the boys. I remember I was seeing a counsellor, who I think may have been a child care officer, during my time at Baltara. I think her name may have been Tricia. However, I have never reported anything to her. Our discussions were about whether they had found me a new placement.

To the best of my recollection, I only recall one incident involving [BFN] on my first night at Baltara. However, I have been shown a document dated 1 June 1988 (some three months after being placed at Baltara), being a handwritten report on [BFN] prepared by Robert Urquhart, a child care officer in Akora.

The handwritten report states that Urquhart spoke to me in regards to [BFN] making a sexual approach towards me and that I told him that [BFN] would wait until night staff left the hallway and then climb into my bed whilst I was asleep and attempt to have intercourse with me. It also states that I didn't cooperate with [BFN] and that I told him to leave me alone. It is not correct that I was "in agreeance" with what was happening, I just did what I was told because I thought I'd be bashed up if I didn't.

The document also states that [BFN] approached me on two nights and that I had sexual relations with another boy in another dorm. The document also records a report made by [BFP], a boy I recall I may have shared a dorm with.

After seeing this document, it is possible that [BFN] abused me on more than one occasion and that the abuse lasted over three months. I don't remember speaking to [BFP] or Urquhart, but I recall that the abuse from [BFN] stopped when I was moved into another dorm. I don't know what happened to [BFN] after I left the dorm.

26/08/2015 (C093) C9708 [BDA] (Dr Dwyer)

Transcript produced by DTI Corporation
The document also states that the two dorms I was in, room 7 and room 8, were rooms where you could hear approaching footsteps of staff, which provided enough time for boys out of their beds to get back into their own beds. This was what happened on the first night I was abused and on other occasions.

It was a regular occurrence at Baltara for the boys to play silly games with each other.

I remember hearing rumours that the older boys played a game called "soggy biscuits", which involved all the boys racing to ejaculate on a biscuit, with the boy ejaculating last being forced to eat the biscuit. Sometimes the boys threatened me and told me I would have to participate in this game, but I never did. I was disgusted by the game and scared by their threats.

On another occasion, I was forced by two boys to play a game of skiing which involved me being in the middle of a bed with two other boys on either side of me who I had to masturbate.

I never reported these incidents to anyone, because I didn't know this was abuse.

I had weekly meetings with social workers and counsellors, but I never felt safe telling them what was happening. I just wanted to leave and find out when they would find me a placement. All the time, they kept saying "we're still trying to find something".

I eventually left Baltara on 15 June 1988 and went back to live with my mother. I was still under the care of the Department at the time. I understand from my mother that she was never told about the abuse that happened to me at Baltara.

At home, it wasn't too long until I was being physically abused again by my mum and step-dad. I hated being belted, so I decided to run away.

Between 1988 and 1992 I spent time living on the streets for periods of time and was also picked up and placed at many different institutions.

When I was living on the streets, my plans were to
stay in the city square where the homeless lived and hide away. Police eventually found me and returned me home. I kept running away from home because I didn't like being disciplined.

When I was at home, I was only there until something broke down again and then I was on the run again.

Police picked me up many times and always returned me home. When they picked me up, they rarely asked why I was running away, and they didn't seem to care about me. If the police did ask, I told them that I was running away because I didn't feel safe at home. I don't recall anyone at the Department speaking to me or asking me why I was running away. I felt they just thought I was a troubled kid.

While I was living on the streets I was exposed to physical abuse and committed crimes, such as stealing to survive. I started to drink and take drugs like some of the homeless people.

I made friends with a group of homeless people who were alcoholics. I followed them because they accepted me. However, I recall one time, I dropped the alcohol and they turned on me and beat me up for dropping their alcohol.

A few times, some men who I thought were innocent bystanders, saw me being physically abused and took me under their wing and gave me food or money. I was sexually abused by these men. I remember being forced to masturbate them or perform oral sex in exchange for food or money. On some occasions, I remember being followed into public toilets by these men where I was fondled and then given $20 afterwards.

I was vulnerable and thought I was being protected by a "friend" who cared, but they were paedophiles. I remember on some occasions some men threw money at me and said words similar to the following, "Don't tell anyone, and you'll be right".

I felt violated, and felt like I was a prostitute. At times, I was confused as to whether what I was doing was right or wrong or if I was to blame.

I felt like I had no one to turn to and no one
protecting me during this time. I couldn't turn to my family because I was being physically abused and I couldn't turn to the Department because I didn't know who I could speak to. The counsellors and social workers kept changing.

In between living on the streets, I was also in and out of various institutions during this time, though I never spent a great deal of time at any one institution as I kept absconding or was being transferred to another institution, or things, according to social workers, would be improving at home and I would be asked to try again.

I recall being placed in the emergency section at Minton for a short-term stay, Yallum for a short-term stay, the MTU (Medium Term Unit) for a medium term stay, Minton again for another short-term stay, the IPU (Interim Placement Unit) for a short-term stay, and Tally Ho Boys Home".

May I just add, for the boys homes, it was actually a residential home, not the actual village I believe they had.

Q. Okay, thank you.
A. "I remember that at most, if not at all of these institutions, I was subjected to some form of physical or sexual abuse.

For example, I recall that when I was in IPU I was forced to participate in mutual masturbation with other boys. Also, at Tally Ho, I recall a staff member giving me a massage near my crotch area.

For the most part, I never reported the abuse to staff. However, there were a couple of occasions that I reported that I told staff that I had been abused.

On one occasion, after I had received an inappropriate massage from a staff member at Tally Ho, I recall having a meeting with a staff member where I was told that that type of behaviour was inappropriate and the staff member had been spoken to.

On another occasion, at the IPU, I recall I told staff that I had an irritation on my penis from [absconding, not living on the streets as stated]. I remember being taken
to the doctor and was diagnosed with herpes. I was given a
cream to treat herpes but there was no follow-up.

All I remember was being told by people at the
institutions or social workers that I was putting myself at
risk. At that time though, I couldn't comprehend what they
were talking about and thought they were more concerned
about my drinking alcohol and taking drugs on the street.

I have been shown a document dated 20 November 1992,
indicates that I was missing since 17 November and that I
recently disclosed being sexually abused by a paedophile.
The Secure Welfare Report also lists goals for placement.
I don't recall any of the goals being implemented or
explained to me when I was ultimately returned to Tally Ho.

Another document dated 23 November 1992, being a
program plan prepared by Frank Preston, has been shown to
me. The program plan states that regular discussions will
be held with me to discuss the dangers of running away.
The document also states that "[BDA] will ultimately make
his own decision ... [BDA] will arrange his own placement
and direct some of his own life paths".

I cannot recall whether I had regular discussions with
Frank Preston or any other social worker assigned to me. I
acknowledge that at the time it was difficult for me to
comprehend the risks, but I was 14 years old and I was
confused about whether what was happening in my life at the
time was right or wrong.

On 7 September 1993, when I was 15 years old and
living on the streets, I was caught by the police for
stealing. I was committed to Turana Youth Training Centre
(Turana) as a result.

I absconded from care [once] over the next week and
was caught by police and returned for breaching bail
conditions.

I spent about two years on and off in Turana,
absconding [only the once, it says many times request] and
committing crimes, such as burglary and theft, when I was
on the streets. I was always picked up by police and my
sentence to Turana kept increasing.
When I arrived at Turana, I remember being told who I could see if I had any problems. However, I was always careful who I spoke to, because some of the officers were friends with some of the boys and it was in my experience that the boys knew things about me that only the officers would have known.

For example, I recall a boy teasing me about a crime I committed while on the streets. This was not information I told the boys. Only staff knew what crimes I committed when I was admitted to Turana. I felt that some of the staff members were passing information about me to the boys, which only they would have known. This made me feel like I couldn't trust the staff or report anything to the staff.

I was sexually abused many times while I was in Turana. I shared cells with other boys who jumped into my bed at night and masturbated me or forced me to masturbate them.

I remember on two separate occasions, I was sexually assaulted by two boys whose names I recall were [BFQ] and [BFR]. I remember that [BFR] approached me and asked me if I wanted to masturbate him and give him oral sex. I had nowhere to run and felt that I couldn't do anything to stop him, so I did what he asked.

I never felt protected at Turana and I felt that, if I didn't do what the boys asked me to do, I would be further abused. At that time, I was already being physically abused by the boys. I remember an incident where one of the boys said to me words to the effect of, "Do you like vinegar?" I said, "Yes, I don't mind vinegar". The boy grabbed a bottle of vinegar and told me to drink it. I was sculling the bottle, before another boy grabbed me and said, "Don't be stupid. They're trying to kill you".

I have been shown a document titled "Progress Notes" which contains handwritten notes from 7 September 1993 to 12 September 1995.

Although I can't recall specifically reporting the abuse to anyone at Turana, the progress notes contains an entry on 22 October 1993 that says I was not coping well in the section and that I was "getting sick of getting hidings from other kids". This was at the time I was getting
physically and sexually abused by [BFQ] and [BFR] and other boys.

The progress notes also contain an entry on 25 October 1993 that I was "still getting the odd knock from other trainees".

I have been shown another document dated 12 October 1993 which is a health referral form. The document states that I was assaulted by several boys on several occasions. A referral was also made to a MAPPS program. I don't recall what MAPPS was or being taken to a doctor.

I remember participating in a group program run by a male youth worker. We got together in a small group and were supposed to talk about any issues we had at Turana. I didn't feel comfortable talking about the abuse because some of the boys that had abused me were in the group.

I don't remember being separated from the boys that abused me. As far as I can recall, I continued being physically and sexually abused by other boys at Turana.

I don't recall reporting the further abuse by these boys because, when I reported anything to staff, I felt that they made me out to be the instigator and not the victim. I gave up reporting because I felt that I wasn't being believed.

I was in and out of Turana for two years. I believe I left Turana some time in 1994.

After I left Turana, I spent some time in Shepparton, Victoria. I committed some minor offences in Shepparton and appeared before the Children's Court a couple of times.

I then moved back to Melbourne, but it wasn't long until I started getting into more trouble with the police. This time, I was caught for stealing cars and driving unlicensed. I was sentenced on 11 September 1995 and sent to Turana for about a week. I was placed at Malmsbury Juvenile Justice Centre on 18 September 1995, when I was 17 years old.

Within the first few days of being at Malmsbury, I remember being physically abused by other residents and
verbally abused by a boy whose name I recall was [BFS]. [BFS] labelled me many names such as "dog", "rat", "give-up", "poof" and "gay" within the first few days, trying to get a rise out of me. I recall he was telling the other boys stories that I sexually abused a boy in a wheelchair. I remember being scared because I was new at Malmsbury and this made me upset and I started getting sick.

I reported the abuse to a staff member and recall that I told the staff member that I had been a victim of sexual abuse in the past. I cannot now recall what the staff member said or did in response, but it didn't stop the verbal abuse from [BFS].

I have been shown a document that appears to be the case notes of my time at Malmsbury.

An entry dated 21 September 1995 records that I reported the abuse by [BFS] to a staff member. The note states that follow up is needed and the outcome of the MAPPS program in 1993 will need to be followed up.

To the best of my recollection, I don't recall anyone at Malmsbury following up with me about the abuse by [BFS]. [BFS] continued to taunt me during my time at Malmsbury and I recall one time, he held his penis in his hand and said words to the effect of, "It's waiting for you" in front of the other boys.

I was eventually transferred from Malmsbury to Melbourne Juvenile Justice Centre and spent my 18th birthday there. In 1996 I was released and went back to live with my mum.

For a long time I didn't know that I could retrieve my ward files. It was not until I made an FOI request to obtain documents for an unrelated legal matter that I became aware that I could make a request for my ward files.

I asked my counsellor whether she could make an FOI request for my ward files on my behalf. I wanted these files because I wanted to know more about myself and my past for my own personal development.

I filled out and signed some basic forms and my counsellor submitted them on my behalf in early 2015.
Someone from the Department called for my consent to release the documents, which I gave verbally over the phone. They also wanted my mum's phone number so they could get her consent to release my ward files. This was frustrating because I didn't have those details and I felt that they could obtain those details themselves.

I received a bundle of documents about six weeks later.

When I reviewed the documents, there were many pages with information which were blacked out.

I was told over the phone by an employee at the Department that the reason the documents were blacked out was because the documents related to other people and it was blacked out to protect other people's information. I recall being told words to the effect of "some things you can have, other things you can't have".

I was concerned because sometimes I couldn't tell if a document was about me or someone else. In some instances, I couldn't even tell what the document was about because of the amount of information that was blacked out.

When I received the bundle of documents, the Department worker told me that it might be best to look at the documents with a counsellor because there was some pretty heavy stuff in there. However, I wasn't offered any services or support from the Department when they gave me my documents.

I was only provided with some of the my documents. I am still waiting for a second bundle of documents. I was told by a Department worker that it may take a while to produce the second bundle of documents because my assigned Department worker is on holidays.

I have suffered drug and alcohol abuse as a result of my physical and sexual assaults I experienced growing up. After Baltara, I was on the streets and I was exposed to alcohol and drugs, such as marijuana, speed and heroin.

I continued to take drugs while I was in care as a means to get away from the abuse and feel accepted by the boys so that they wouldn't abuse me.
Drugs have played a big part in my life. I recently started to realise that I want a better life for myself and that I don’t need to fall back on drugs to deal with the abuse.

Alcohol has also impacted me. I used to suffer from alcohol amnesia to wipe away the memories of the abuse and not remember anything. I don’t drink often now, as I want a better life for myself.

Social acceptance is a continuing issue for me. I never felt accepted at the institutions and felt that the boys targeted me because of this. Socially, I still cannot connect with people. I have limited friends because I feel I cannot connect with other people and have serious trust issues.

I have been anxious, depressed and socially awkward as a result of the sexual abuse. I find it difficult to find or keep a job and don’t have one at the moment. More recently, with counselling and support, I am gaining confidence and feel optimistic about my future employment prospects. I never received a proper education at the institutions, because I kept running away and acting out from the abuse, and this has affected my job prospects. It has also meant that I don’t know how to budget or plan my finances.

I am a single dad and look after my 7-year-old daughter. She has motivated me to get my life back on track. There have also been some other positive influences in my life, including my former partner, counsellors and friends who have helped me look at life in a more positive way.

Because of the abuse, I tend to be hypersensitive and overly cautious when it comes to parenting. I feel particularly uncomfortable with respect to discipline and attending to my daughter’s personal hygiene.

Despite all the impacts, I want a better life for myself and for my daughter.

I would like to see social workers and other allocated Department workers really engage with kids about what is happening in the institution, and not just focus on if or
when the kid will return home. If kids are able to just
tell their allocated workers what they know the worker
wants to hear, the worker is not doing their job.

I recently saw a program on television called "The
Pyjama Angels" which was designed to teach disadvantaged
children how to read and write. This sort of thing should
be played in institutions to teach children and give them
positive role models".

DR DWYER: [BDA], thank you.

THE PRESIDING MEMBER: Does anyone have any questions of
[BDA]? Mr Cahill.

<EXAMINATION BY MR CAHILL:

MR CAHILL: Q. If the Commission pleases. Cahill is my
name and, as you know, I appear for you.

You have told the Commission that at the age of 7 your
stepfather started beating you?
A. Yeah, correct.

Q. And you said that your mother was also physically
abusive to you?
A. Yes.

Q. You've made reference to a sister; is she older or
younger?
A. I have one of each.

Q. Your older sister, how much older?
A. Just by a year.

Q. What age was your mum when she had your older sister?
A. 16, I believe.

Q. So, 17 when --
A. She had me, yes.

Q. -- she had you. You've told the Commission that
in October 1987 you tried to take your own life at school.
A. That's correct.

Q. What did you do?
A. I grabbed a skipping rope from the classroom and
proceeded to hang myself on the soccer post out in the yard.

Q. Who found you?
A. I'd say, the awareness was raised by other kids, brought the attention to the teachers, and then the teachers came over and, yeah.

Q. It was also brought to the attention of the authorities, wasn't it?
A. I believe so, yes.

Q. You've told the Commission that your stepfather had said to you, prior to that, that you were going to starve.
A. Yes.

Q. You were aged 9 at that time, weren't you?
A. Yes, I believe so, yeah.

Q. Can you tell the Commission, what drove you to such a desperate point, that --
A. I believe I'd been threatened with such consequences before; I think it was probably the fact that I found out what the meaning of starvation meant and took it a bit further and thought it was more serious.

Q. Within a month of that, you were admitted to the care of the Department, weren't you?
A. Yes.

Q. As you've said, the records show that the basis for you being made a ward was described as you "being exposed"?
A. That's correct.

Q. After being with a foster family for a short time, you were taken to Baltara Reception Centre, you've said?
A. Yes.

Q. You were then aged 10, weren't you?
A. Yes.

Q. You've told the Commission that when you arrived at Baltara, you were scared?
A. Yes.

Q. The records show, and you are described as, "A small boy" at that time. What was it that made you feel scared?
A. Probably coming from a physically abusive background, and yeah, just the sheer numbers of the boys in the home; it was the first time I'd been in such an environment.

Q. You were put into a dormitory?
A. Yes.

Q. With boys who were the same age as you?
A. I believe they were all a bit older.

Q. A bit older?
A. Yeah.

Q. Were you told anything about the other boys --
A. No.

Q. -- that were in the dorm with you?
A. Not really, no.

Q. Have you subsequently come to learn that at Baltara at that time boys who had been made wards, for no fault of their own, and boys who were in trouble with the criminal justice system were kept together?
A. No, I didn't know anything like that, I thought we were all the same group.

Q. You've told the Commission that you were abused on the first night you were there?
A. From my memories, yeah.

Q. And by a boy had appeared older than you?
A. Definitely, yes.

Q. Was he bigger than you?
A. He was bigger, had the start of facial hair, and I know he was definitely older.

Q. He had the start of facial hair, did you say?
A. He had stubble and whatnot, yeah.

Q. You've since been shown records, haven't you, that a youth worker at Baltara had made a handwritten note of a conversation that he'd had with another Baltara boy and you?
A. Yes.

Q. That note records, doesn't it, that the other boy had
told the youth officer that he was worried about the boy
who had abused you hurting you further?
A. I believe so, yes.

Q. The note also records, doesn't it, that the youth
officer spoke to you?
A. Yes, it does.

Q. And you, according to the note, said that you're
worried but you didn't go into any detail, particularly
into any detail about it being sexual abuse, did you?
A. No, I don't believe I did.

Q. Was there a reason for that?
A. Just fear.

Q. Fear of who or what?
A. Fear of the boys, the numbers, you know.

Q. Indeed, if I can put it, the note records that the
other boy had said that he was worried about the boy who
had had been abusing you getting into your bed at night?
A. Yes.

Q. You're aware that the records indicate that there were
other incidents of abuse?
A. I am, yes.

Q. Perpetrated on you?
A. I am aware of that now, yes.

Q. But when you made your statement, and as you sit here
now, you can't remember?
A. No. Blocked those memories off.

Q. You've blocked them off?
A. Yeah, I'd say I have, yeah.

Q. You were in Baltara for about four months until you
were released; is that right?
A. That's correct.

Q. Then you describe initially going home and then a
period of around four years where you were between home and
living on the streets; is that right?
A. That's correct, yes.
Q. You've said that it got to the point where, in November 1992, the Department was preparing a program plan for you for your future; you told the Commission about that shortly ago from your statement.
A. Yes.

Q. And there was a note saying that you would make your own decision about your own future placement?
A. Yes.

Q. You were then aged 14, weren't you?
A. Yes.

Q. What did you do?
A. I suppose I started looking towards families and that I could trust in, through school friends and whatnot and, you know, felt comfortable being around with and thought they could take on the role of being my guardian.

Q. And did you find a family of some kids that you knew at school who actually took you in?
A. I did, yes.

Q. How long did you live with them for?
A. I'd say, around six months.

Q. And then, unfortunately, you got into trouble for stealing?
A. Yes.

Q. And you were picked up by the police?
A. Yes, something like that, yeah.

Q. You were then admitted to Turana?
A. Yes.

Q. So at aged 15, you find yourself in Turana?
A. I did, maybe even beforehand.

Q. Pardon?
A. Maybe even beforehand.

Q. Then you've described that in Turana you were abused by - sexually abused by two boys that you shared a room with?
A. I was, yes.
Q. You said that they got you to do things to them, and you did; why did you not - or why didn't you refrain?
A. Again, you're locked in your cells, you feel like there's no one to turn to; again, these two boys and these incidences, they actually befriended me whilst I was there and were probably my only friends in there and again felt I had no other options.

Q. Was there any adequate supervision to prevent their abuse of you whilst you were in Turana?
A. I dare say there would have been some sort of course, but how often that was implemented and followed through is another story.

Q. About two and a half months of your time in Turana, the records show that you absconded on 20 October 1993, don't they?
A. Yes.

Q. Indeed, you were picked up by the police the next day and returned to Turana, weren't you?
A. I was.

Q. You've read records, haven't you, about what youth officers had recorded at Turana when you were returned on 22 October 1993, haven't you?
A. I have.

Q. According to those records, when they spoke to you about the circumstances of your running away, you said that you weren't coping very well in the section that you were in and that you weren't happy, didn't you?
A. I did.

Q. You told them that you were sick of getting hidings from other kids, didn't you?
A. I did.

Q. You said that you'd rather stay in the slot because at least you'd feel safe there, didn't you?
A. At the time, yes.

Q. What was the slot?
A. The isolation, the time-out, lock-up, yeah.

Q. Was that solitary confinement?
A. It was, yes.
Q. Where you'd be alone?
A. Be alone in a room with no furniture, yeah, just empty cell.

Q. Ordinarily, boys were placed in the slot at Turana as a matter of discipline, weren't they?
A. They were.

Q. You have said that you have been receiving counselling this year?
A. I have.

Q. Has that been ongoing for most of this year?
A. It has, yes.

Q. You've said as a result of that, that you're gaining in confidence and feeling optimistic about getting work?
A. Most definitely, yeah.

Q. The counselling has helped you?
A. Yes.

Q. And is it ongoing - pardon me, would you like it to continue?
A. Yes, definitely; I feel I need it.

Q. Did your counsellor give you some assistance to obtain your departmental files?
A. They did, yes.

Q. Did you make an application?
A. We have, yes.

Q. What response did you get?
A. I got the response of - well, I got one bundle of paperwork. Apparently it's meant to come in three lots, and yet to see the other two.

Q. The bundle you received, can you describe what papers you received?
A. I received some paperwork from, yeah, my earlier childhood, as about Baltara days, to some things later in my teenage years. There are gaps in between where I know I stayed at institutions and that, and there's been no relevant paperwork to these institutions.
Q. Do you say that the Department had said you'd get more documents?
A. Yes.

Q. Have you received any more?
A. I haven't seen or heard of them - haven't heard anything from the Department for about two months.

Q. Growing up, did you know your natural father at all?
A. No.

Q. When did you first come to meet him?
A. The year 2000, I believe it was, when I was 21.

Q. Have you developed a relationship with him since?
A. I have, yes.

Q. Is he here at this hearing today to support you?
A. Yes, he is, he supports me here today, yes.

Q. Presently, you are a single parent?
A. I am.

Q. And you have a daughter?
A. I do.

Q. What age is she now?
A. 7.

Q. You were in a relationship with her mum for eight years?
A. Yes.

Q. What happened in 2013?
A. Unfortunately, her mother's lost her fight with life, had cancer of the brain and within five months, yeah, lost her.

Q. So, have you been bringing your daughter up yourself since then?
A. Yes, since August 2013.

Q. You've said that that's motivated you to get your life back on track, haven't you?
A. Definitely.

Q. Are you now doing your best to make a better life for her and you?
A. The best as I know it.

MR CAHILL: They're my questions, thank you.

DR DWYER: Nothing arising, Your Honour, but I tender [BDA]'s statement and the attachments to his statement.

THE PRESIDING MEMBER: 33.36.

EXHIBIT #33.36 [BDA]'S STATEMENT AND ATTACHMENTS DATED 03/08/2015

THE PRESIDING MEMBER: No-one else? Thank you Mr [BDA], thank you for your attendance at the Royal Commission and you're excused.

THE WITNESS WITHDRAW

DR DWYER: Your Honour, one of the documents from [BDA]'s statement that the Commission's grateful to receive is the first document which refers to the reason for why [BDA] was taken into care, and it refers to him being exposed, the simple words are "being exposed". The date of the meeting that relates to that is 25 May 1988.

We heard evidence yesterday from our expert that the terminology of "being exposed" wasn't used throughout the 1980s. I think the evidence was that in the 1970s that terminology stopped.

[BDA]'s documentation is one example where that clearly shows that's not correct. We're also grateful to be provided with documentation from Nell Butler, who Your Honour and the Commissioners will recall is the producer of the DVD that's been so helpful. Her documentation, which is dated 27 July 1989, relates also to a charge of "being exposed". She's kindly allowed me to tender that into evidence as a further example.

So, I tender that document.

THE PRESIDING MEMBER: 33.37.

EXHIBIT #33.37 DOCUMENTATION FROM NELL BUTLER DATED 27/07/1989

DR DWYER: Your Honour, I'm in Your Honour's and the
Commissioners' hands as to how we proceed this afternoon. There is one further witness available this afternoon, who is Grant Holland, and he worked within Baltara. Is the Commission prepared for me to call him?

THE PRESIDING MEMBER: We certainly are in a position to do so. I'll hear from anybody if that causes anyone a problem.

DR DWYER: Doesn't look like it, Your Honour. Then I call Grant Holland.

THE PRESIDING MEMBER: Mr Holland, do you wish to take the oath or the affirmation?

A. Yes, I do, the oath.

<GRANT HOLLAND, sworn: [4.04pm]

THE PRESIDING MEMBER: Thank you, Mr Holland. Replace the Bible and take a seat please.

<EXAMINATION BY DR DWYER:

DR DWYER: Q. Sir, could you please tell the Royal Commission your full name?

A. My name is Grant Vernon George Holland.

Q. You've provided a statement which is dated 16 August 2015?

A. I have.

Q. That relates to, amongst other things, your time working at Baltara?

A. Yes, it does.

Q. Is the information in your statement, sir, true and correct to the best of your knowledge?

A. Yes, it is. There's two tiny little issues: one is the start date, which is indicated as 1982. Upon reflection, I recall starting around my 21st birthday, so that must have been 1983. And in the document there's a referral to my current employment, one states it's a counselling agency and the other states it's a community welfare agency - it's a community welfare agency.

Q. Thank you.
THE PRESIDING MEMBER: So, with those corrections that document will be 33.38.

EXHIBIT #33.38 STATEMENT OF GRANT HOLLAND DATED 16/08/2015

DR DWYER: Thank you, Your Honour.

Q. Mr Holland, what you tell the Royal Commission in your statement is that in 1980, after you completed high school, you worked as a trainee clerk at the courts, and you had some involvement in the Children's Courts and from there you developed an interest in child welfare. Is that right?
A. That's correct.

Q. Shortly after that you started working as a child care officer for the State Government of Victoria. What training did you do to become a child care officer after high school?
A. Initially, none.

Q. What training did you do subsequently?
A. The process at that time was that you commenced employment on a probationary period but not a normal three months as people would probably guess happens these days with most jobs; you worked and at some point you were selected by senior officers to go on - the course wasn't called level 1, but it was a level 1 initial type child care course.

Q. When did you do that course?
A. That was probably around a year after I started.

Q. How long did that course go for?
A. My recollection is that you went to - because the shifts at Baltara were 12 and a half hour shifts, so you did some days on the course, some days back at work, you would do a week out on course and then a week back, so it was a bit disjointed but it wasn't long, it was probably only about a couple of months in total.

Q. Do you recall during that course any discussion of how to deal with allegations of sexual abuse of children?
A. I recall on one of the courses, it may have been the first course or the second course, that there was a speaker brought in and that speaker - there was a range of child care officers sitting around a training table with a whiteboard, and the speaker was quite controversial; there
are probably around 15 or so trainees, and the speaker
opened the course by stating some figures around sexual
abuse and stated that, you know, one in four women and one
in eight men would be sexually abused or have been sexually
abused, and started to count around the table and pointing,
one, two, three, four, one, two, three four, and a number
of people got extremely upset and a number of women
particularly were crying and left and there was a big
disaster with that training and it didn't proceed, so that
was my recollection of that.

Q. You said that was in the second course you did?
A. I can't recall if it was the first or second.

Q. You described a course that ran for a number of weeks,
the first course you did; were there similar courses that
you did that ran for a number of weeks?
A. Yes, there was two courses. So the first one was a
level 1 to get your permanency and then there was an
advanced course, which again came whenever you were
selected, it could be a year later or two years later to do
another course.

Q. Aside from that one speaker who you described
delivering some information which caused upset, was there
any discussion of how to deal with children if they were
the victims of sexual abuse or reported abuse?
A. There was some discussion, but I went on in
later years in the early 90s of my own accord to do a
social work course, which was professional training.

Your question asked about discussion; yes, there were
discussion, but if I look back on my training, I wouldn't
call it any training; it was some level of discussion, but
it was not advanced, it was not probably clinically
accurate at the time, it was discussion, that was it.

Q. I'll come back to that issue. In paragraph 7 of your
statement you write you were based at Baltara from 1982, we
know that should now be 1983, until you resigned in the
early 1990s, so you had a period of almost a decade at
Baltara?
A. Yes, and also some contact afterwards. In that time
was a time of change within the Department, so I also
worked within some other units within the Department so I
wasn't based at Baltara; I was based externally but would
visit Baltara and other residential units to help workers,
families, kids that had been released home, workers to deal with difficult kids and community unit schools, so it was a bit like an outreach team.

Q. The title "child care officer" for the State Government of Victoria changed to "youth and child care officer" shortly after you started; is that right?
A. Correct, yes.

Q. You use that term - if I can use the term, youth officer, in short.
A. Yes.

Q. You started on a probation period, you were given a permanent position after you competed the basic training course?
A. Yes.

Q. Towards the end of your time at Baltara you were promoted to the position of a senior youth officer?
A. Yes.

Q. That's when you were required to do the advanced course on child development?
A. It was prior to that, that I did that.

Q. During the advanced course on child development, was there any formal or professional training in relation to how to deal with child sexual abuse?
A. My recollection is that that we did some general broad topics but nothing at the level that was appropriate for that facility and that I received in social work and subsequent other training and learning that I've done.

Q. At any time during your decade at Baltara, did you receive any training that you consider was at an appropriate level of dealing with child sexual abuse?
A. No. I mean, I look - we're all looking back at the lens in time of what was current, and I'm sure it wasn't intended to give us deficient training, but it was deficient.

Q. When you started at Baltara, or at any stage up until the early 90s while you worked there, did you become conscious of a training manual that set out the steps to follow if a child complained of sexual abuse?
A. I don't recall that, no.
Q. You set out in your statement what Baltara was supposed to be set up for and the particular divisions within Baltara, and then what the actual reality was for you on the ground and for the boys. You say at paragraph 11, as you understood it, Baltara was established to cater for boys between the ages of 10 and 14 years of age.

A. Yes.

Q. In actual fact, it had some children who were younger and some children who were older; is that right?

A. Absolutely. The core group would be between 10-14, but it was absolutely not uncommon for 8-year-olds, 9-year-olds or 15 and 16, and I recall one time when I was a night officer there was a young man came in and he absolutely looked older but the police had brought him in in the middle of the morning and we subsequently found out later he was 21, but he looked quite young, yeah, so sometimes kids came in for a bit and no one knew their age or didn't have details on them.

Q. And those children might be mixed in a unit at night to sleep in the same room as children who were much younger?

A. Yes.

Q. You would have been in court for the evidence of [BDA], were you?

A. I was.

Q. So you understand that he reports being abused, to his memory, on the first night he was there by a child who seemed much older to him who had facial hair. From your evidence we understand entirely how that might have occurred.

A. Yes.

Q. The most senior position at Baltara, as you set out, was that of the manager, although you're not sure of the official title. Can you recall during that period of almost a decade, did the role of manager change over regularly or was there one particular manager for the whole time?

A. The roles of many people changed over. Some were static, but at those senior levels there were multiple changes. I do recall at one point working in the lock-up...
unit and a gentleman appeared, there used to be various
visitors of various occasions, there was no ID tags or
anything like that, and a gentleman appeared and was in the
officer's area, and I was young and quite naive, and I was
trying to do the right thing and I said "can I help you",
you know, "who are you?" And it was the superintendent or
the manager, and he'd been there for quite a while, so
sometimes there wasn't that contact and you didn't know who
was who.

Q. Were there some managers who were better at others at
engaging with more junior staff?
A. There were some fantastic managers who, although they
were based in the administration block, would come out
regularly, would come to see what's happening after the
kids went to the school units, would have dinner with the
kids in the mess dining room; they wanted to know what was
happening, they wanted to mix, they wanted to look at the
kids and see who's who, and you felt quite supported; there
were others who you rarely saw.

Q. Did you get the sense that there were some managers
who didn't appear to care about the children and their
welfare?
A. It's not for me to have a guess at whether they cared
or not; it would appear to me that their style of managing
was hands-off, but would not be able to do the job
effectively if they didn't have their eyes and ears on the
ground and saw what was happening. I don't know what their
motivation was.

Q. So there were some managers who did their role much
more effectively than others, is that fair?
A. Absolutely.

Q. In the chain of hierarchy you note the manager was the
most senior in the institution, and there was also senior
youth officers and a principal youth officer. Underneath
the manager, who was there in the chain of hierarchy? Was
there a deputy manager for example?
A. There was a range of administration or managerial,
what we call "the exec team", so there was a manager or
superintendent, there was deputy managers, there was senior
admitting officers who were involved with when children
came in, so they had their own office. There were other
senior officers in there doing other roles, there was a
principal child care officer, there was a big
administration block and there was lots of roles over there.

Q. What was the role of senior youth officer?
A. It would depend where they were placed.

Q. Did some senior youth officers stay connected particularly supervising the children?
A. Some senior youth officers were the senior of the unit. So you've already heard and seen in my statement, you might have a senior youth officer of Akora or Mawarra or Kinta or Warrawong, so they were in charge of that unit, whereas other seniors were over in the administration block doing a range of other roles.

Q. There were five residential sections at Baltara?
A. There were four on site and there was an off-site house called The Oaks and it was just a normal house down the street.

Q. There was a senior youth officer in charge of each of the five residential sections at Baltara?
A. Yes, and you also might have another senior who was there, so you might have a senior who was in charge of the unit, you might have a senior night officer who happened to have that rank, you know they had a pay rise or whatever it was that you got at that level, but they weren't in charge of the unit, they might just be a senior night officer or a senior youth officer but they weren't the person in charge.

Q. You've told the Royal Commission that while you were at Baltara you didn't become aware of any formal policy for reporting sexual abuse up the chain of command?
A. No, there was the incident reports. What I was alluding to was a specific policy regarding to sexual abuse are. So there were incident reports and that would encapsulate issues of sexual abuse.

Q. That's the issue I'm trying to clarify. There was no specific policy instructing staff who they were to report sexual abuse allegations to?
A. Not that I saw, it was part of the general incident report format and structure.

Q. In relation to the general incident report, do you ever recall any discussion or instruction at staff meetings as to how incident reports should be filled out where there
was an allegation of sexual abuse or where staff came across it?

A. There was various training over the years, and that would usually be a meeting in an office, and often this would come from the Community Services Victoria or DHS later, or Health and Community Services, it went different name changes. Sometimes they would change the structure of the incident reports, there'd be a meeting with youth officers to say this is the new format, this is how you fill it out, this is where it goes. It might touch on those issues. I don't recall it being separated out as a major issue, it was part of the range of issues that you would report.

Q. Mr Holland, I'm going to take you in your statement to where you recount various incidents of sexual abuse that you became aware of. Was it generally known in Baltara by staff that the issue of sexual abuse by one resident on another was a problem at Baltara?

A. Absolutely.

Q. Did the recognition of that problem change at all between 1983 and the early 1990s or was it always recognised as an issue?

A. My recollection is, it was always recognised. In each unit there were a number of children who came from families or other areas where sexual abuse had been an issue. There were a number of children who had issues in regards to sexual abuse, either offending or as a victim, and the general policies as far as possible was, they were tried to be filtered out through the various units, rather than have 15 or in the early days when it there were 20 kids in the unit all together, they were moved around, but again in my statement I've alluded to, that there was some work done to try and have the younger kids in a certain section; the kids with more disability or learning disorders in another facility, the older tougher kids in another facility. But the reality was, particularly in the early days, not so much in the late 1980s, but the early days it was sadly a numbers game and kids were coming through the door and wherever there was a bed, they were put.

Q. In your statement you set out the structure of Baltara, the four different sections within Baltara, Kinta, Mawarra, Akora and Warrawong.

A. Yeah.
Q. Each section accommodated up to 20 boys, and you also note that separate section off-site which was called The Oaks.

Kinta was a section on the top level of the two-storey building. What was that section supposed to be designed for?

A. Kinta was, I don't know what it was designed for, but Kinta housed the more older, tougher, rougher boys, but it had sexual perpetrators and sometimes a child would be put in there that had issues in another unit, or there was an antagonism between two children or whatever; we'll probably come to this, but there was often meetings we had about which kid are we going to move where, what's going to be best for them, what's going to be dangerous for them.

Q. Directly below Kinta on the bottom level of the building was Mawarra. What was that section for? A. Mawarra was a little bit of a mix, so less tougher, to use not a great word, but less tougher kids than Kinta, and a bit of a mixed group of kids.

Q. Theoretically Akora was a section that was designed to house boys who had physical or mental disabilities?

A. Technically there was a high percentage of those kids. I remember one boy in there had severe physical disabilities and mental health issues and I have no idea how he got there and stayed there for years, but that had the name and the nature of being a unit where you had kids like that sometimes, they were put there, but again, not every kid was like that in that unit. There was some kids that could be quite well suited to Kinta or Mawarra or the other unit, would be there just through numbers.

Q. So that meant that there were children who were vulnerable because of their physical or mental disabilities who might be mixed in with other children who were not?

A. There were children in every unit that were vulnerable.

Q. Do you accept that there were children who were vulnerable because of their physical or mental disabilities who might be mixed up with other children?

A. Yes, absolutely.

Q. Warrawong was the only high secure section?

A. Yes.
Q. Can you tell the Royal Commission about that?
A. It was a locked unit. The children were graded in
categories from 1, 2 and 3. Category 1 was high security
so they weren't allowed out; category 2 was less so, there
would be elements of trust that the kids would be given so
they'd go with an officer like me to get what's called the
hot box, which was dinner or lunch from the Turana kitchen,
or maybe a short out into the administration block to get
some paperwork, and that was category 2.

Then category 3, you could take some of those kids and
test them with regards to outings to the shops or something
like that, but always escorted, and the goal was to move
those kids from Warrawong to one of the open units.

Q. Those kids in Kinta, Mawarra, Akora and Warrawong, you
say all had the same sleeping arrangements, they were
shared bedrooms, most of them accommodated three boys?
A. That's my recollection, yes.

Q. Did some of those units accommodate more than three
boys?
A. In the early 80s when I first started there was
numbers issues, and sometimes we had to get mattresses and
put them on the floor because there was no beds, but that
changed in the late 80s.

Q. What you note in your statement at paragraph 27 is
that Baltara was particularly overcrowded in the
early-to-mid-1980s, and that there was also an influx of
boys over the Christmas holiday period.
A. Yeah, there was always, I think, during holidays a
move to try and move children out, but there was also an
influx at that time because of the nature of the law at
that time; it wasn't all kids on offences in, there was a
mixture of non-offenders, offenders, kids going to court
for criminal acts, kids on care and protection
applications.

We would get a range of families who, according to the
regional social worker, so the Department social workers,
their parents were unable to cope with those kids over
holidays and they'd be placed in Baltara for school
holidays and then literally picked up the day before school
if they had a school and back home.

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Transcript produced by DTI Corporation
Q. Did that cause particular difficulties in terms of overcrowding and mixing of children at Baltara?
A. That did, it was a very fluid group. There were some kids that were there for a long time, but there was a lot of movement as well, there was kids coming in and out and going all over the place.

Q. One final section which I haven't directed you to is down the road from Baltara, and that was supposed to house boys who had been convicted of sex offences; is that right?
A. Or maybe not convicted but have just a very, very strong pattern of sexual offending, and that was the unit those children that were - the Baltara assessors or staff or managers felt that were not capable of surviving in the bigger units or would offend in the bigger units, they were placed in The Oaks.

Q. Do we take it from your evidence to date that some of the children who might normally be placed in The Oaks were actually mixed in with the other sections because of overcrowding?
A. Yeah, and also some of the other children from the other sections were mixed in with The Oaks when The Oaks may have only had one child because the others had gone. If the other units were full they might move some down.

Q. What was the system for the supervision of those units at night?
A. The ideal was four. My recollection is that didn't often happen, it was usually three, but that at - so the shifts began 6.30 to 7, or 6.30am to 7 at night was the morning shift, so the last shift that would appear would be 10.30 at night. But often there was a youth officer who was sick or away or there was a roster, so your last person might have been the 8.30 to 9 person. It was not uncommon to be on your own as a night officer from 9 o'clock to 6am in the morning if your 6.30 person came early to handover, but that depends who it was.

Q. That meant that as a night officer you might be there on your own supposed to supervise up to 20 boys?
A. In the early days yes; in the later days - and I had done nightshift too - you're on your own at least from 10.30 but often earlier with 15 children in the later days and 20 in the early days.
Q. You note in your statement at paragraph 34 that during the nightshift there was a roving night senior youth officer on duty whose role it was to check in on the different sections during the night. Did that provide for effective supervision of the children?

A. No, and my understanding, that role wasn't to provide effective supervision for the children. The night officer was to come and check on you as an officer if you were doing a duty and sometimes would have a cup of tea with you and see how you were and what was happening, if there were any issues. If there was an issue, if there was an issue of risk or danger, they might hang around for a while. If there was a late admission and it was a kid who you knew was violent or something like that, they might wait and make sure everything's okay, but they weren't there to supervise the kids.

Q. So you say in your statement at paragraph 35:

In my view it was impossible for one staff member to supervise 20 boys in a diligent manner, particularly if there was an incident and one boy needed particular attention.

So if there was a particular incident, a child injured or wanting assistance, that would draw your attention away from the other boys?

A. Absolutely, and I mean that's not just confined to the nightshift, there were times in the day where you might have two, one might be away with a child at an external doctor's appointment or something, you might have two of you, or one kid might get hurt or something's happened so you're one out with whoever. So the night was worse and I think the risks were worse, and there was more people around generally in the institution during the day, but it was also the day you'd struggle to keep on top of 15 kids and know what they're all up to.

Q. Can you tell the Royal Commission how old you were roughly in 1983 when you started?

A. I was 21.

Q. So you worked there from when you were around 21 to 30?

A. Yep.
Q. 31. Did you feel a sense of fear or frustration that you weren't able to properly supervise the boys at night?
A. I did. I mean, the whole system was new to me; I fortunately came from, not privileged, but a contact, a family intact, and hadn't been exposed to some of the things, bar witnessing that in the courtroom in my previous job, of these young boys and the horrors that they'd been through, and so it was all new to me.

Q. Do I take it from that answer, that you didn't feel in any way properly equipped to try and deal with the extreme situation that you were placed in?
A. No.

Q. You're agreeing with me?
A. I am.

Q. Sir, you gave an answer earlier that indicated that you were aware that a number of the children in Baltara had experienced sexual abuse prior to coming into Baltara?
A. Yes.

Q. How did you become aware of that information?
A. There was a range of different ways: the file system, so when a young person came in the file systems were not coherent. Sometimes you would get a file from a region that might have a statement in it, a placement or a witness statement that would divulge that information around sexual abuse; sometimes there'd be nothing, the region would for whatever reason still hold the file, we would just have admission details which were basically bits of paper saying this young person went here, this child went there, nothing much. Sometimes the children disclosed to you, sometimes other officers knew of the background.

In my statement I talk about assignment officers, so you were assigned a certain number of kids, your job was to try and get to know them a little bit better and help them, and deal with issues, so sometimes it came from that. But in terms of a coherent system where you've got adequate paperwork, when a child came in to say, these are the issues or here's the plan or here's the things you need to work on, it was hit and miss; it was all over the place.

Q. What you say in your statement at paragraph 28 is that one factor that you saw as particularly problematic for Baltara staff making decisions about the placement of boys
was that sometimes they were not given any information as to why a boy had been admitted in the institution. It was your understanding that the Department received that paperwork, so that meant that youth officers could only rely on what they were told by the boys in relation to their reasons for admission. That was one reason why boys with serious criminal convictions might be placed with wards?

A. Absolutely. I recall one time a boy came in who's aged 14, and I remember him well. I only found out many, many weeks after he'd been there that he was placed there on a murder charge because the paperwork was, for whatever reason not put in his file, maybe we weren't to know, or I don't know, but we found out and it was a serious thing that we probably needed to know, along with so many other things that we probably needed to know to help these children better deal with their circumstances.

Q. Is it correct that that failure of the Department to inform you of those circumstances made it very difficult to keep the children safe?

A. I would absolutely agree with that.

Q. You note in your statement from paragraph 36 that through your time at Baltara, you say:

I observed or was notified of incidents of sexual and physical abuse between the boys on a reasonably regular basis.

Can you tell the Royal Commission about that?

A. Yeah, I'd highlight that the physical abuse was the major issue; that on a regular, absolutely regular basis, often boys will not divulge what happened, but you would know something's happened, you might see a mark, you might see a boy in tears, you might discover them in a games room or something, but the young person wasn't going to divulge, most likely out of fear, that someone had assaulted them either to get some food off them, to get some lollies that a visitor might have brought in or something, but it was an intimidating place at times.

I'm not big, but it might appear the boys were only 14, but there was some big young men almost, not quite, in there, and some of them had come from extremely violent families, and a lot of their problem solving resources were minimal and violence was one of the techniques.
Q. Were you conscious at the time that some of those children might be acting out patterns of violence that they'd experienced in the home?
A. Absolutely.

Q. Were you conscious at the time that it was not possible to keep the other boys safe from harm from these physical assaults?
A. I can't speak for everyone else, but the people I was aware of in terms of staff, you know, most of them cared, most of them tried to do things that would separate out; we would talk to the kids, we would talk to the offender, on both levels. If that wasn't working, we'd try and do the switch units and swap units, but sometimes it's a frying pan into the fire, if you moved one child to another unit, there was another offender in the other unit, whether it be physical or sexual, it was very difficult.

Q. Your evidence in relation to the failures of supervision at night suggest that the boys would be vulnerable to physical or sexual abuse at night?
A. Absolutely.

Q. You've estimated that incidents of sexual and physical abuse between the boys occurred or you found out about them on a reasonably regular basis.

How often do you recall finding out about incidents of sexual abuse or alleged sexual abuse?
A. There would be children that would disclose various matters to you or you would, you know, if you're on nightshift or even if not you might discover something, some kids in a compromising position, but trying to get the young people to confess or to say, or the offender to confess that he was doing something, or the victim to say yes, he did it, it was an intimidatory place, and it was very hard to get admissions, but you would clearly walk in and there had been sexual contact, there might be pyjamas down, might be in the middle of the night and another kid was in a completely different bedroom, you know, "what are you doing here, get back to your room, what's going on", there were other kids in the room, it was very difficult.

Q. In those circumstances, is it correct to note from your statement that more often than not there was a power differential between those boys involved?
A. More often than not, absolutely, yes.

Q. Did that concern you in relation to the safety of at least one of the children involved?

A. It always concerned me. So, if it was an immediate risk you would move a child out of that bedroom, you might again grab a mattress if there were no beds, move them into a bedroom that you knew held kids that weren't sex offenders or weren't at risk or weren't going to put a physical threat on a young person, you would write your incident reports, talk to your senior. The next morning you'd try and come up with a plan to say, well, what are we going to do? Where is this kid going to go? How are we going to deal with this?

Q. You say in your statement:

Over the years I witnessed and received allegations of abuse, both physical and sexual perpetuated by Baltara staff against boys.

A. Yes.

Q. So it wasn't just child on child, you also received information about Baltara staff against boys. Can you tell the Royal Commission about those incidents?

A. Yep. Probably the one I've stated in my statement there, when I was a little bit more senior and they would rotate you to various units, this is in The Oaks unit, there was a female staff member at a kitchen sink, there was some dishes being done, and there was a young person who was there, I opened like a hallway door which gave you great exact sight straight into the kitchen, and there was the young man who was grabbing the female staff member on the crutch, she had jeans on at the time, and I'm a bit like, you know, in shock, what's going on here. She wasn't moving away, she wasn't threatened, she wasn't moving at all, and it seemed to be a sexual interaction between those two.

When the young person became aware of my presence, he pulled away, so again, the first thing is, making everything secure, so I went and told another staff member in that unit that we need to keep an eye on this, we need to separate them, and reported that to my senior and to a senior above them.
Q. Did you report that as part of the formal complaint handling procedure or incident report?
A. Yes.

Q. That's also how you would deal with an allegation or if you saw it with your own eyes, of sexual abuse between residents?
A. Yes, the first thing is just making people safe, and then the second one is trying to follow the procedures that were in place for your incident reports and your follow up.

Q. Do you recall any occasion when there was a report to the police where there was, firstly, sexual abuse of one resident towards another?
A. I recall some secondhand knowledge of that, but it was an unusual situation in that you weren't allowed to ring the police; you had to do your incident report, that went to the senior of the unit who may or may not alter that or use whiteout to amend that category that you'd put on it, or ask you to rewrite it, or we're not sure where it went. That was then meant to go to the main administration block where one of the senior managers would, supposedly, or may or may not contact the police and investigate the matters.

You couldn't contact the police directly; the police wouldn't deal with you for a start - that had been tried. You had to go through the correct channels, but where it went from you upwards to the line, often you didn't know.

Q. And you didn't actually become aware of any complaint you escalated up the line eventually making its way to the police?
A. With that incident?

Q. With any incident of a child on child --
A. Sometimes you would have, rarely, but police would attend; you would hear either through the young person or someone else in the unit that that was about that incident that happened a week ago or two weeks ago, but it was very rare; usually, if the police attended it was for other matters, it wasn't those.

Q. Were you ever asked to do a report for the police about an incident of sexual abuse?
A. Not that I recall.
Q. In relation to this incident of a staff member sexually abusing a child, the female that you've referred to, you made a formal report about that?
A. Yes.

Q. And it was escalated up the chain as far as you were concerned?
A. Escalated and I escalated it again because I had grave concerns about the interaction between those two people and, you know, the young person, he was a big young man but he was only 14 and, you know, he had no idea what was going on and I don't know what the staff member was thinking, but there were problems and it seemed nothing was being done about it, so I kept raising it and raising it, but eventually I would get moved to another unit.

Q. Who was the most senior person within Baltara that you spoke to about that incident of abuse?
A. Would have been one of the chief child care officers, so above a senior, but that would cause enormous problems for workers, including myself, when you did that; you were in big trouble.

Q. What do you mean by big trouble, what were the ramifications for you speaking out about that?
A. If you didn't follow the hierarchy or if you felt you were unhappy with something, or you raised - look, I still think there's a major risk, the staff member's still in the unit, the kid is still in the unit, nothing's been done, it's been a week, there's something happening. Even if you're not sure there is, for safety purposes you need to separate them, that you would be punished in other ways, in terms of, your rosters or being put on nightshift or moved units. As I said, you know, I was moved away from that unit for a while for making that allegation, I felt.

Q. You were never asked to complete any sort of report for the police in those circumstances?
A. No.

Q. On another occasion you recalled that there was a staff member who had been recruited from the United States who you came to have grave concerns about in terms of their potential abuse of the boys; is that right?
A. That's correct.

Q. Sexual abuse of the boys?
A. Yep.

Q. What year was that staff member recruited, do you recall?
A. I don't recall, but it would have been mid-to-early 1980s; it was early on.

Q. What was it that gave you concerns that that staff member might be sexually abusing the boys?
A. A range of fellow youth officers, women and men, had grave concerns about his interaction with the children. Usually you had some knowledge of how a youth officer came to come to work at Baltara, you might hear some background; this gentleman was from America, was really difficult to get any background on him at all, but somehow he'd been recruited by the Department apparently and was a whiz-bang, I don't even know his title, a youth officer or social worker from America.

I recall he did nightshift and he did nightshift on his own even though was denied. He just had very physical interactions with children often and, you know, I never caught him in an extremely compromising position, but in a high risk and worrying compromising position; very physical and touchy-feely with the children, sitting on his lap, sitting on his knee. He had a really flash car, I don't know whether it was a Mustang or something, but it was a flash American car, he used to bring it in.

Sometimes the kids would wash the vans at Baltara, he often got kids to wash the cars and all the staff - many of the staff would worry, what's going on here, what is he giving them? Because we didn't see things exchanged. Sometimes if a kid washed your car you'd give him 5 bucks for washing your car or something, but we couldn't work out, there was just something very creepy about that guy, and his interactions with the kids were not right and many of us raised it and raised it and raised it.

Q. Who did you raise it with?
A. Same hierarchy. So you raised it with your senior first. You'd talk to your other youth officers, you encouraged them to raise it, then it would go again to the chief child care officers, then the principals. If you had an opportunity, there were some other odd positions in Baltara, but if you had an opportunity to make a comment to pass by them, you would do that too in the hope that they
would be able to join the dots together and say, look, there's so many people saying something's not right with this guy, we need to at least look into it.

Q. To the best of your knowledge and memory, how long were you raising concerns with senior staff about that staff member?
A. It would be at least two months.

Q. Did you feel like you were ostracised or punished in any way for agitating about those concerns?
A. Initially, yes, because when you continued to push that something's not right, but as concerns grew around the group of youth officers, and as subsequently when it was discovered what had happened and who he was, that one was okay.

Q. Because what you say in your statement is that management stuck by that man for many months?
A. Initially, they did.

Q. And you were chastised for raising the allegations with him because he had been recruited by the Department?
A. Initially, yes. It was, he's from America, he has great credentials, he's fantastic and you shouldn't be doubting him, but that changed when the media reports came out.

Q. How did those media reports come out?
A. One day this gentleman just stopped coming to work. We never got told, we don't know what happened. Then in the newspaper, I can't remember whether it was The Sun or The Herald at that time, there was an article about this gentleman and that he was a paedophile from America, he'd had convictions in America for paedophilia. Strange enough, he was a gun runner, he smuggled guns and machine guns and all this, big front page article, and there was a photo of this guy and his name, and the response, which I still recall now, was a statement from the Department to say that he was never alone with children, and I'm still upset about that, because he was.

Q. In what circumstances was he alone with children?
A. He did nightshift.

Q. And so, you're of the view that that man was recruited by the Department without any check having been done of his
criminal record?
A. I can't answer that, how the Department recruited him.

Q. But you discovered that a police check of that man revealed that he had in fact been convicted of sexual offences against children in the United States?
A. Yeah. Clearly at that time, I'm not an internet wizard, but whatever the case, the Department didn't do its checks on that gentleman.

Q. When you say a statement was released by the Department to say he had never been alone with children, where was that released?
A. That was in the newspaper report, and I haven't seen that newspaper report since, but it was in there and I remember reading it, and I remember the other youth officers showing it and saying, he was on night shift, he was the night officer.

Q. Do you know whether or not any process was ever undertaken to interview children to make sure that they had not been abused by that man?
A. I don't know.

Q. You set out in your statement, and we've discussed it, I've raised it with you to some extent, this policy and procedure for handling and responding to complaints at Baltara. In your statement you note that there were three categories of incidents, 1 being the most serious and 3 the least serious.
A. Yes.

Q. You say category 1 incidents were incidents that had the potential to attract some media attention or involve death, serious injury or possible criminal charges. Category 2 were serious incidents that may not attract media attention. Category 3 were for minor incidents.

Was there ever any instruction that allegations of sexual abuse against a child, or in fact where a staff member had witnessed that abuse, were category 1 serious incidents?
A. If there was a clear sexual abuse issue involving a young person, or staff member that had clear evidence, then there would be the understanding it would be category 1. But, as I said, some of the problems were the lack of evidence, the lack of admissions, that would make that
category filter between 1 and 2, so that was again, management would decide what that would be.

Q. So there was no clear instruction that sexual abuse complaints were to be dealt with as serious category 1 incidents?
A. Not all of them, no.

Q. What you say in your statement is that unfortunately there was not usually a response to these reports on any coordinated or systematic basis. So there were some occasions when a boy was removed to a different section as a result of incident reports, but some were never responded to?
A. Absolutely, many were never responded to and you would try other channels to say what's happened and what about this, and it depends on your chain of hierarchy. There was a lot of movement in all levels, but certainly those senior levels, so you would try to say, look, you know we submitted or I submitted that report a week ago, what's happened, what's going, is it reported to the police, is it? Sometimes you were just told, that's it, it's in, they're responsible for that now and you go back and do your stuff, do your work.

Q. Does that suggest to you a serious failure to have any proper policy in place to ensure that reports of sexual abuse on boys were acted on?
A. It does. I think they were inundated with reports on a day - you would go to work, there would be multiple reports per day, per officer, and it would have been impossible even for whoever was in charge of those at the end, in terms of auditing, where they went and how many came in and we never saw them again, we don't know where they went.

Q. You give an example of, in your statement you say, paragraph 50:

> It was not uncommon for a senior youth officer to instruct a youth officer not to submit an incident report or for them to advise the youth officer that they had submitted the report to the executive team only to later find out that they had not in fact done so. There were other occasions [you're aware of] when youth officers were
pressed by supervisors to water down an incident report to make the incident seem less serious or a report was returned and the category had been downgraded. Allegations of child sexual abuse were sometimes watered down and described as sexual experimentation.

You were asked to do that on a number of occasions?
A. Yes.

Q. And other staff confided in you that they were also asked to change their reports to supervisors?
A. Groups of staff confided in each other on various matters, and they were some, the frustration of this happened, particularly if the child involved was one of your assignment role children that you were responsible for - you were responsible for all of the kids, but in one sense more so for your assigned children so you felt really responsible and really let down because you were trying to protect them, you were trying to address those matters and you were getting blocked.

Q. What was going on there, that staff were being advised to downgrade the seriousness of sexual abuse allegations?
A. Again, I think you'd have to call other witnesses who did that, but if you're asking me my opinion --

Q. Yes.
A. -- it's that the process for these matters would require a proper investigation, would require police involvement, and so it should, that it was just all too hard and because it was so common in the units that it was better to put it just as sexual experimentation than let the youth officers try and just work it out and sort it out and hope that it doesn't happen, and it was all just too hard. I don't think they had the resources in place to deal with it properly. I don't know what the police was - maybe sometimes they did and the police said - you know, I don't know.

Q. Did you ever become aware of an allegation being reported to the police and not being acted on?
A. I recall some occasions where there was some serious incidents where the police were contacted, but it went no further, but that's a matter for the police, you know, maybe there wasn't enough evidence or the statements
werten't right or whatever, I don't know.

Q. In relation to these issues being downgraded, are you of the opinion that some senior staff were reluctant to go to the hassle of an investigation because they were overworked or under-resourced?

A. I'm of the opinion that most of the downgrading was that, if as a senior your unit had a reputation for having problems, then that reflected poorly on you and your promotional opportunities, so it was better to state that your unit was all running smoothly and there wasn't many incidents.

Q. Do you recall ever complaining to a staff member that your incident report had been downgraded in relation to a sexual assault allegation?

A. Yeah, I recall staff members and seniors saying that it's not appropriate.

Q. Who was it that you complained to, you or others?

A. Who as in name or who as in?

Q. No, what role could you complain to? Could you go directly to the manager for example?

A. No, so you always tried to work up through your levels, so you'd go to a senior or a chief or a principal, but again, if that wasn't happening, sometimes you would have to try and bypass and go - but to do that, there were big, as I said before, there's big consequences for that.

Q. Did you feel that, because staff were aware of the big consequences for speaking out, they then did not and that these issues - that senior staff got away with not investigating these issues properly?

A. I wouldn't blame all the senior staff, some senior staff were fantastic and tried their hardest. I don't know what resources were external to the management unit or what ties they had to the local police at the time, or whatever police were relevant; you know, we didn't get told that equation.

I just think that that was the culture, not from all, there were some people who tried their hardest and took a risk and wrote them as they were and complained when they were downgraded or told to, you know, put it down; and some people said, no, but you know, those that did certainly suffered in some ways, not as much as the victims of
course, but certainly suffered in terms of their career and their status at the facility.

Q. So for example they might not receive a promotion if they were seen to be somebody who spoke out about those issues?
A. They would absolutely not receive a promotion, and rosters would be changed and adjusted. And, you know, it was a big facility, there was a lot of - in the early days there was a lot of old school prison background officers there, so you were either in or you were out for some groups. That changed as time went on, but it was pretty old school in the early days.

Q. When did that start to change?
A. Mid-to-late 80s. There was some work done in America around de-institutionalisation and there was some enlightenment as to some of the issues that we’re talking about now, and there was a little bit more external pressure and external wisdom coming to bear on a very enclosed place that had been enclosed for quite a while.

Q. Mr Holland, do you feel that you were one of the staff members who was ostracised or not promoted as a result of speaking out about sexual assault incidents?
A. At times but, you know, absolutely, but that's not my motivation, I don't have a beef. As I said in my statement, there was some wonderful people within the Department in regional offices in the facility, senior and lower, but there was some systematic problems that were a terrible indictment on the way some of these children were cared for and dealt with.

Q. You note that infrequently social workers from the Department visited the boys at Baltara from time to time. Were there periods when that was more frequent than others during that decade that you were there or was it always fairly infrequent?
A. No, it depended on the social worker. I'm a social worker, but there were some wonderful ones who would come regularly, visit the young person. Again, I think there were social worker allocation issues in those days so some kids were unallocated. They were one of the issues that we really flew the flag, so to speak, again up through management, so that pushing them to try and contact the region, saying a young person hasn't had a worker, social worker from the region for a year, they've been stuck in Baltara for a year, they don't know what's going on or
where they're going. We all got very frustrated with that, but as I said, there were some great workers who were really pushing and trying for the kids, but the ones that were left with no one, or a worker that was maybe in a region that had too many kids and the Baltara kid was on the bottom of the pile, they weren't getting supported, they weren't getting dealt with, their issues weren't getting addressed.

Q. What you say in your statement is that many of the youth officers at Baltara were very disgruntled with the Department for that reason, and you are aware of many letters of complaint and phone calls being made from Baltara staff to the Department about boys that appeared to be forgotten?
A. Yes, so they were some of the times where we again in one sense broke the rules, so we would contact the regions directly, but we would get in trouble for that. But that would come after trying and trying and trying for months to get a worker to come and see a kid, and we might leave a message to say, look - and the young person might say too, "My social worker's such and such, can I ring him?" We'd say "yes", but sometimes we wouldn't get a return call.

Q. In your time at Baltara did you ever raise with anybody at the Department your concerns that you've expressed today about incidents of sexual abuse being downgraded?
A. The contact that I would have as a youth officer with the Department was usually only at a case planned meeting where usually there was a family member, a Department worker and a senior Department worker, where you would be usually either rubber-stamping or discussing the process for where that young person was going to go. So, we didn't have that - there was no place for us to leave the facility and go and have a meeting with the Department, whatever region it was. All our stuff had to channel through the administration area.

Q. And nobody from the Department ever sought out your views as to what was happening in Baltara or any difficulties?
A. Sometimes the workers that would come might raise an issue that a young person said their pocket money was short, or they were being picked on by another boy or something like that, so if we didn't know about it, often we did and we would talk about what the issues were and
what we were trying to do about it; if we didn't, we'd try
and address it.

Q. Would you fear from any repercussions from within
Baltara if you raised with the Department some of your
concerns?
A. That would be absolutely a no-go, if you went outside
that. In those days, probably unlike now, people are more
aware, and I'm aware of whistleblowers' protection, that
there may have been opportunities if you wanted to take it
forward that you would have some protection, but in those
days that would be the end of you, you would probably not
have a job.

Q. Sir, I've necessarily focused on the issues of sexual
abuse that children had experienced, but you also note in
your statement many other inappropriate and distressing
things that you witnessed in Baltara.
A. Yes.

Q. On one occasion by sheer luck you happened to catch a
boy in the shower area who was trying to hang himself; is
that right?
A. That's correct, that was in my first week.

Q. You say there was no counselling or follow-up for
either that child or for yourself?
A. No, it's only looking back now that I realise how
serious that is. At the time I was new to the facility,
new to everything. You know, that whole thing of a young
person trying to hang themself was pretty new to me,
physically seeing it. I thought it was strange, and
obviously I was affected by it and I was worried about the
young person, but there was nothing. And I did ask, you
know, what's going to happen, what's - you know, is someone
going to see him? Is anything, you know - and got told how
to do the incident report, but nothing happened, life just
went on.

Q. Did you witness any other incidents of boys
self-harming or attempting suicide while you were at
Baltara?
A. That was probably the most traumatic probably because
it was my first week and I recall it, but over many years
there were very serious incidents. There was cutting with
knives, self-cutting, there were sometimes children that
were able to access medications, so there was a few
overdoses. It was a pretty scary place at times, and there were some very troubled young people.

Q. Scary for you as a staff member?
A. Scary for everyone.

Q. So you can imagine how scary it was for those boys in there?
A. Absolutely.

Q. Sir, you note that on a number of occasions you saw Baltara staff deal very roughly with boys?
A. I did.

Q. You referred earlier to the authoritarian control model that was used for the boys when you first arrived.
A. Yep.

Q. Did you see staff deal roughly with the boys over the entire decade that you were there?
A. Yes.

Q. On one occasion you saw a staff member push a boy down a hill?
A. Yep, that was at the top of the Kinta, there was a concrete ramp, Kinta Hill, and it was a senior night officer, and there was a young boy who was a really difficult young fellow, but there are other methods to deal with that, but he opted, marched him out by his pants and there was a big grass hill and just threw him down the hill and he rolled down the hill.

Q. Did you make any complaint about that staff member at the time?
A. I made a complaint to the senior officer of that unit, and the senior officer of that unit, as it turns out, which I didn't know at the time, was best mates with the senior youth officer who performed that act, so ...

Q. So what happened to that complaint?
A. Nothing.

Q. On another occasion you witnessed an incident --

THE PRESIDING MEMBER: Dr Dwyer, I don’t want to cut you off and I certainly don't want to cut off Mr Holland, but I note the time.
DR DWYER: I'm literally five minutes away, I can either finish or come back tomorrow, a matter for Your Honour of course.

THE PRESIDING MEMBER: Let me just check.

MR CAHILL: I have some questions, if the Commission pleases.

THE PRESIDING MEMBER: I think we will finish now, I'm concerned that the staff have had a very long day, Dr Dwyer.

DR DWYER: As the Commission pleases.

THE PRESIDING MEMBER: So that will require you to return tomorrow, Mr Holland, and we'll recommence with your evidence at 10.

AT 5.01PM THE COMMISSION WAS ADJOURNED TO THURSDAY, 27 AUGUST 2015
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