CARE LEAVERS AUSTRALASIA NETWORK

CLAN is a National, Independent, Peak Membership Body which supports, represents and advocates for people who were raised in Australian Orphanages, Children's Homes, Foster Care & Other Institutions.

"Pedophile's get leniency in court. Where is the leniency for those who were abused as children?"

- *Tony, 53, from VIC*

Royal Commission Submission

Consultation Paper

Criminal Justice

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Consultation Paper: Criminal Justice

CLAN would like to thank the Royal Commission into Institutional Responses to Child Sexual Abuse for the opportunity to respond to this consultation paper. CLAN would like to commend you for addressing the very important issue of Criminal Justice. Although your paper states that many of the negative experiences you have heard occurred from earlier periods of time in history on to the early 2000's, we believe that the accounts we are hearing on a day to day basis are proving otherwise. While the majority of victims we deal with have experienced historical abuse, the criminal justice system is still responding in a similar manner. That is, a number of Care Leavers are only now reporting their abuse and thus some are going on to have their cases prosecuted. For many of those that CLAN have supported through this process, the system has overwhelmingly failed them in one way or another. Whether it be in the reporting stage, the responses of the police or DPP's office to their alleged abuse, failures throughout the prosecution, or being let down in the sentencing or post sentencing phase, the system has not been ideal for Care Leavers who are trying to navigate it. We hope that by reading this submission you will gain a greater understanding into the areas of the criminal justice system that are needing improvement so that ALL Care Leavers have access to justice for the abuse the suffered.

Issues with Reporting abuse

For many Care Leavers, reporting abuse is an extremely difficult task. Not only is it psychologically and emotionally draining but the physical task of trying to answer specific questions and details about events which occurred in childhood can be a daunting one. This situation is easily compounded when Care Leavers are reporting to police who have no understanding of the Care Leaver experience and who do not understand the psychological difficulties created by child abuse and the limitations on an adult's memory who is suffering from Post-Traumatic Stress Disorder. Police who present as insensitive and uneducated concerning the above issues then contribute to a re-traumatisation of the Care Leaver. It is evident from many Care Leavers we have supported to report their abuse that many police officers need additional training in this area.

Furthermore, CLAN also see the need for police to be trained in Care Leaver's history regarding the child welfare system and historically, the police department's role in it. Many Care Leavers have difficulties reporting their abuse or dealing with police because of their past history with police officers. For many Care Leavers their dominant memories of police either involve police removing them from their families, or of police picking them up for absconding from Orphanages Children's Homes &Foster Care and returning them into the hands of the abusers. No questions asked.

There are also various accounts from Care Leavers about police brutality on some occasions when they were picked up after absconding. For many Care Leavers these memories are so pervasive they can be too difficult to overcome. The lack of trust in police and the fear of authority is too deeply ingrained in many Care Leavers to challenge. Therefore, it is obvious to CLAN that police need greater training in dealing with Care Leavers because of this unique history.

This also begs the question as to whether ordinary police officers should be the ones taking statements or if any allegation of child abuse is made should it be immediately referred to either a child abuse specialist unit or a historical crimes specialist unit (obviously depending on when the crime occurred). We are hopeful that since this Royal Commission has been underway police officers and those in charge of professional development have given more attention and understanding to the need to be trained and informed about both Care Leaver and historical child abuse issues. If not we strongly recommend that ALL police officers who will take statements of alleged child abuse be given mandatory training in the above issues.

CLAN are also aware that another issue which creates difficulty for those wanting to report their abuse is the recommendation that they attend the police station closest to where the abuse occurred. For many Care Leavers this is beyond difficult, it may be impossible. Many Care Leavers are elderly, sick, suffer from a physical or psychological disability, or have consequently moved interstate or overseas. This requirement or recommendation places an added hurdle in the way of many Care Leavers who upon hearing this say it is all too difficult and give up on their quest for justice.

CLAN also recommends that whenever a Care Leaver or other victim of childhood abuse comes forward to make a statement, that it be given with someone there as a support person. It can be incredibly distressing and upsetting for someone reliving their abuse and not only do they require emotional assistance while making a report but they also require assistance after the fact in recalling what was said and what the next steps are as this information may not be processed properly at the time and many Care Leavers forget what is supposed to happen. Having a support person there not only lends that emotional assistance but gives the individual another set of ears and someone to remember what else was said and what the next steps are in the process. This also highlights the importance of follow up from the police after the initial report is made to give the Care Leaver the important information regarding where to from here.

Concerning other types of reporting that does not necessarily involve the victim of the crime, CLAN have a few comments. With regards to mandatory reporting, this is initially given to the local child welfare department in most states with some exceptions.eg DOCS,FACS, Dept of Child Protection, DHHS, Families SA.

Therefore, the reports are vetted to begin with as to what the local child welfare department believes is important or poses an immediate risk to a child. Whilst CLAN understand the resourcing issues that most child welfare departments face, it is evident that over the years a number of reports have slipped through the cracks. Unfortunately, these are the cases that most of the time we find out after it is all too late that someone has made a report that was never followed up on and now that child is either dead or in a serious condition. CLAN itself has had to carry out mandatory reports also, and whilst we held a strong belief that a child was being harmed (thus carrying out the process of mandatory reporting) the local child welfare department, NSW DOCS, did not feel the same way. We hold great hopes that these children do not one day become the same statistic of it being all too late by the time child welfare decide to act. In saying this we feel that it may be a possibility to report certain crimes (or belief in crimes) to the police directly instead of going through child welfare. This may take the route of blind reporting if child welfare has failed to act or if the person reporting believes it is something that needs police investigation.

The other difficulty with mandatory reporting to child welfare departments is that if the abuse has occurred to a child in the care of the department this gives rise to a potential **conflict of interest.**

Therefore mandatory reporting of child abuse should always be made to the police in the first instance.

CLAN also believe that mandatory reporter's identities should not be held confidential if they are needed to give evidence at a trial. Whilst it may be important or in some cases in the best interests of the victim or others surrounding the case to keep the mandatory reporters identity confidential, if the mandatory reporter is needed to give evidence at trial etc, their identity obviously needs to be revealed and should not be an impediment to a full and thorough prosecution.

Blind reporting is also a process that CLAN feels should continue for the sake of best practice and in the best interests of justice. CLAN does not believe however that blind reporting should be a standard practice for current children in care or concerning child abuse in the general population. If a child is abused and someone else in a position of authority is aware then this information should be passed on to the police in full. CLAN feels that blind reporting should only be a practice confined to use in historical crimes, or where the victim is no longer a child and therefore has made a decision themselves not to report their abuse.

Blind reporting where information is given about the offender and the circumstances surrounding the abuse can be invaluable to the investigation and perhaps prosecution of other crimes that the offender may have also committed. It can also be helpful in keeping other children and the broader community safe from a perpetrator that may otherwise go undetected.

Lastly, when discussing the issue of offences for NOT reporting, CLAN do believe that this is an extremely useful tool in encouraging everyone in society to protect children and to have the child's best interests at heart. Unfortunately, sometimes the only way to ensure that the right thing is done is through the threat of a penalty or punishment.

While this legal obligation may be treated discretionally by the DPP's office depending on the circumstances, having some legislation enforcing the concealment of a crime as a punishable offence will do more to assist children and other vulnerable persons than if it didn't exist.

Police and DPP Responses

CLAN is aware that in the last 16 years that we have been supporting and advocating for Care Leavers, there is a general reluctance to charge and prosecute historical crimes. We understand that there is an increased difficulty in prosecuting these crimes due to the time factor but it many cases Care Leavers have been turned away with no hope of seeking the justice they are entitled to. Care Leavers are often told that it was too long ago or that there is not enough evidence. As you have outlined in your paper, there seems to be a presumption from many police and DPP's that in crimes where the only evidence can be the victim's word, there is an expectation that there should be more. This sort of illogical reasoning needs to stop, and perhaps DPP's and those working with them,

also need to undergo training regarding historical crime especially that concerning child abuse and the particular features of these crimes which are unique challenges that SHOULDN'T affect willingness to prosecute.

After reading your paper CLAN is also more aware of the fact that many DPP's may be wary of having costs awarded against them and the police if the trial is unsuccessful. CLAN finds it deplorable that this can be done. It is the state's job and therefore the job of the DPP and police to attempt to achieve justice for true victims; this should not be hindered by the threat of costs having to be paid. This only works to counter the objective of putting historical sex criminals behind bars and not only will it prevent justice being attained for victims but it also creates the possibility of more criminals on the streets because the DPP thinks there is a chance they may not succeed. The fact that this is even possible is completely unbelievable and needs to end immediately.

CLAN are curious to know if there have been any cases in any Australian jurisdiction where costs have been awarded against the DPP and police department.

With regards to the police and investigation of crimes, CLAN believes that there needs to be more proactive work and thinking outside the normal processes that they would generally pursue.

CLAN often has limited interactions with police departments who are investigating crimes. Some more than others use CLAN as a resource, but many don't. CLAN has many members who may be victims, witnesses, or who may be able to corroborate events. Yet we rarely hear from police (bar a few) asking for assistance or our involvement. Whilst we have had regular contact with the Victorian SANO taskforce, and have had somewhat limited liaison with the NSW Police, we have only received one email/contact from the QLD police in our 16 years of operation.

Please Refer to Appendix A for a table outlining each state's police involvement with CLAN. Later in this paper CLAN will speak about a Tasmanian case involving Kennerley Boys Home and numerous victims of a paedophile. This investigation took over 8 years to conduct and CLAN did not receive one contact to see if we had the details of anyone who may be a victim/witness of the same crimes.

Police need to start using advocacy groups such as CLAN as the invaluable resource that we are. Alternatively we are unaware of any good reasons by various police departments not to source witnesses to crimes in Orphanages and Children's Homes. There are often state wide call outs for people who serve as witnesses to a crime or who may know something to assist police, yet this has never happened in the case of many, perhaps because the case is not high profile enough. CLAN believes that if police used alternate resources like us, it would assist and hasten their investigations.

Another issue that CLAN has seen is prevalent with both the police and DPP is often a lack of communication once an individual has made a statement or once charges have been laid. The whole process can be extremely re-traumatising for Care Leavers, but when they feel they are not being updated regularly or are left out of the loop it can be even more difficult. For some there is not just a lack of communication but NO communication sometimes over periods of a year or more.

Indeed, there have been convictions in some cases of historical abuse where the perpetrators have pleaded guilty and victims have not even been informed of this by police. Many of our members have made a statement and then hear nothing more for months or even years as to what is happening with an investigation etc. This leaves many feeling in a constant state of angst, concern, depression and often hypervigilance. Police and those working with the DPP's office need to understand the psychological toll making a statement and undergoing this process can take on Care

Leavers and other victims. It is not okay for them to leave victims hanging on and waiting for crumbs of information. Communication about cases should be conveyed in easy English language .

CLAN is also concerned that victims do not receive enough support throughout the court process. Earlier this year, CLAN's CEO was in REDAC in a courthouse and found a Care Leaver who was the victim in a court case sitting all on his own with no support. He had not been informed by the REDA police or DPP's office of any support agencies such as ours, he had also been to the Royal Commission and had not been given our details to support him. This victim was sexually used by a female cottage worker REDACTED

Police and the DPP's office need to be aware of various support services for Care Leavers and other victims so that they can refer on appropriately and ensure that all victims get the emotional support they need in a highly distressing time. Also that they are referred to Care Leaver informed services.

In some instances, those who have made a statement are told by the police after a significant amount of time that nothing can be done. They may only be given a small amount of details, or no reason at all as to why their case cannot progress. Often Care Leavers are given a throwaway line or are referred to Victims Services with no chance of attaining justice for crimes committed against them and no adequate explanation either. For example, a Victorian CLAN member made a statement to the Victorian SANO taskforce alleging sexual abuse by a nun and another male. The nun was found to have died and the police said they have not identified the male.

In the letter this Care Leaver was sent they were merely told **"Due to the available information, police are unable to take the matter further"** (please find letter attached - Appendix B). There is no comprehensive explanation of the 'available information', or of the police's efforts to identify the male perpetrator, or what steps they have taken to investigate this case. A letter with this written in it, is not acceptable, and is not an adequate explanation for a victim seeking criminal justice.

Similarly, CLAN also believe that all victims are entitled to know if their perpetrator has died, instead of finding out via other means. As in the example above the police had informed this Care Leaver that his perpetrator had died as due course of the investigation. In some circumstances this information is not passed on.

Another of our members **"T" only found out his perpetrator John Maria Beyer had died when listening to a Royal Commission Public Hearing on the Salvation Army in September last year.**

There needs to be a register similar to the sex offender one which states if the offender is alive or deceased.

CLAN are also aware of some cases where DPP's have either dropped a case in its entirety or have downgraded charges often not to the best interests of the victim.

One of our members had her perpetrator charged as a child, and then later on the charges were dismissed. This was only found recently in a request for files from REDACTED pertaining to her case as she is taking on a civil suit. There was NO mention of the court case REDACTED REDACTED

This member has no more information other than this as to why the charges were dismissed at court. When questioned on these decisions it has been our experience that there is a hesitation to provide adequate reasons. This is not acceptable to Care Leavers and other victims as they deserve reasoning as to why they won't experience the justice that they deserve.

CLAN have an example from one of our members who was threatened with charges herself if she kept pursuing the DPP to go ahead with her case

(Please see Appendix C). This is not a reasonable or acceptable response to ANY Care Leaver or other victim of abuse.

DPP Complaints and Oversight Mechanisms

It is obvious that there needs to be some sort of complaints or oversight mechanisms for appealing decisions made by the DPP's office. For many Care Leavers, the hope of justice lives and dies in the hands of the DPP's office. Unfortunately, as addressed in the section above, many DPP's may not always have justice at the forefront of their considerations. When DPP's unfairly assess how much evidence they feel SHOULD be available as opposed to the reality of a child abuse case, and when they are more concerned with their win/loss record, or the threat of paying costs, justice for Care Leavers and other victims may not play a role in the decision making process.

When this happens, Care Leavers and other victims have no one to turn to, no one to fight for them , and no one to keep the DPP's office in check. Without a complaints or oversight mechanism, the DPP's office is free to carry on making decisions that are not in the best interests of justice or the community. In order for any system to work in the best interests of the community as a whole there needs to be transparency and accountability. This will not happen if they have no one to answer to.

As evidenced in the example in the previous section concerning the CLAN member who was threatened with charges by the DPP, there was no one for her to

a) appeal the dismissal of her case to, and b) report the unconscionable conduct of the DPP in threatening a victim who is just trying to obtain justice for herself because no one else is.

CLAN strongly recommends the introduction of a complaints and oversight mechanism that is external to the DPP's office.

We do not feel that it should take the form of an appeal through the court system, rather a separate tribunal whose sole responsibility it is, is to keep the DPP in check by hearing complaints, conducting reviews of decisions and by publishing this information for all to be aware of.

Child Sexual Abuse Offences

Firstly, CLAN would like to address the fact that we feel ALL child abuse should be covered in this section, and that all child abuse offences need to be dealt with.

Concerning the offence of persistent child sexual abuse, whilst it has been a good effort on the behalf of various states to acknowledge the difficulty in proving numerous incidents of child sexual

abuse it does not address the difficulty many have in recalling sufficient detail to prove at least one incident of sexual abuse. It is vital that the law and those working within it understand the child's experience of abuse and why such difficulties exist with recalling particulars of an event.

Children often have trouble recalling dates, names and places simply due to their age and brain capability. However, when a child is being abused and is traumatised there are a number of both psychological and physical responses which occur in a child's body that makes it even more difficult to recall specific information that they are unaware of the importance. There needs to be sufficient education of those who make the law, those who work within, and those in the community who serve on juries so as to understand the complexity of this as an issue. Whilst the persistent child sexual abuse offence makes it easier for those who were abused numerous times over a long period of time it doesn't help to establish one or two instances of the crime if the child has difficulties remembering. We do believe that the rules of evidence and other legislation need to recognise these difficulties and that there needs to be more education for all those working within the legal system including juries who are on a child abuse case.

Furthermore, if any legislation is adopted to address these concerns it should most definitely be applied retrospectively, as should the persistent child sexual abuse legislation in all states.

CLAN strongly believes that ALL states need to adopt broader grooming offences which extend beyond the grooming of the child to the grooming of family members which we know has played a huge role in subsequent sexual abuse. Whilst we understand the difficulties in prosecuting broader grooming offences if no sexual abuse has taken place, having these offences there enables police, and the DPP's office to take sexual predators out of the community before they do progress to the act of sexual abuse. All those who deal with children including parents and families should be aware of the signs and dangers associated with grooming in order to protect children. There are many ways to groom a child and the psychological damage that this can inflict should be a punishable offence. Once again, the law needs to adapt itself to secure justice and to protect children and the broader community. It is not in the best interests of the child to NOT have grooming offences available merely because these are more difficult to prosecute and this should always be the first and foremost consideration.

CLAN also believes that there is a necessity for 'Person of authority' and concealment offences. As mentioned above, psychological damage is something that needs to be considered, and when a person of authority who is entrusted with the welfare or best interests of a child, abuses that child the psychological damage can be irreparable. This is considered an aggravating factor for a reason and as such it should rightfully be given its own offence.

Those who work in positions of authority with children need to be held to a higher standard as they are members of society who have been entrusted to care for the welfare of children, when this is broken it is difficult to ever go back. Also, those who are employed in these roles need to understand their obligations and their duties and why it is such. If they cannot understand this, then they should not be employed in these roles to begin with.

Obviously, CLAN is also in support of abolishing any remaining limitations periods. Both civil and criminal limitations periods should be removed for ALL child abuse offences, not just sexual abuse. The damage that ANY child abuse can do to a person is extensive and often many have not been able to recover. The physical and psychological damage of ALL types of abuse can last a lifetime and affect a person in all areas of their life. This sort of damage should be addressed by the courts and these victims need a chance to have some justice done for them. Unfortunately, many Care Leavers

have died before limitation periods were removed and they never had the opportunity to have their abuse addressed. We do not want this to be the outcome for the Care Leavers who are in the care system today.

CLAN strongly recommend that ALL jurisdictions adopt legislation which makes third parties and institutions criminally responsible in some way for the abuse of children.

It is our job as a community to protect those who are more vulnerable than ourselves including children. As we stated earlier in our submission, the NSW offence of concealing a serious indictable crime should not be repealed as individuals need to be held responsible for doing the right thing and for protecting those in our community who may not be able to protect themselves. Whilst it may not be an offence which is enforced all the time depending on the circumstances, it's mere existence guides society about what the right, moral, and expected thing to do is. In circumstances that endanger children this needs to be something that is enforced.

Failure to report and failure to protect offences should be introduced nationally, and this should apply at both an individual and institutional/organisational level.

Unfortunately, there have been too many instances in Australia both historically and recently where individuals and institutions have favoured to cover up the abuse of a child rather than do something to protect them.

We have recently seen the case of Tiahleigh Palmer, a 12 year old girl who was in the QLD foster care system. REDACTED REDACTED

In cases like these where foster carer's are selected and paid to care for a child they need to be held to a greater standard.

CLAN asks why the Qld Dept of Child Protection put a 12 yrs old girl into a foster family who had 2 adult sons. ?

REDACTED

It is not good enough for those who are accessories to this sort of crime to be charged with perjury or perverting the course of justice, they need to be charged accordingly for NOT protecting the child they were entrusted to look after.

Similarly, CLAN are all too well aware of other cases where institutions have behaved negligently which has led to child abuse in the child welfare system.

For example, one of our members who is currently in gaol had it written in his REDA State Ward File (which CLAN personally delivered and has a copy of) that he **'is living with a paedophile on** REDACTED

Surely this being written on a state ward file shows negligence and criminal culpability on behalf of the Department - REDACTED

Any subsequent child abuse committed by this paedophile on this child should be the joint responsibility of the REDA Department of Child Welfare who knowingly placed him in this man's care or did nothing to remove him from this man's care.

Another case we are aware of which is more recent is one of a six year old boy who drowned in his foster carers pool due to inadequate supervision

(http://www.courts.qld.gov.au/data/assets/pdf_file/0005/373091/cif-A-20150527.pdf).

The coroner's report from May 2015 not only lists inadequate supervision by the foster carer as a potential cause, but also the fact the QLD Department of Communities, Child Safety and Disabilities had placed nine children in the care of these foster parents, with the foster mother supervising 8 foster children on the day the drowning occurred, limiting her attention.

Surely these sorts of incidents warrant charges laid against the institution for third party responsibility. While this sort of incident is a tragic accident there were also things that should be foreseeable, and placing this many children with burnt out foster carers is not ideal and should not be deemed as acceptable.

CLAN is also aware of a case in 2012 where a foster father was charged with sexually abusing his foster daughter (http://www.smh.com.au/nsw/abused-while-in-care-is-no-care-at-all-20130915-2tsto.html).

The foster father killed himself in gaol while awaiting trial and the foster daughter will never get an opportunity of achieving justice.

Moreover, two years prior to this occurring, the NSW Department of Family and Community Services had received a complaint from a former foster child who complained that this man acted inappropriately with all the girls who were in his care and had done things which made this girl feel uncomfortable. NSW FACS investigated this complaint, concluded that it was one word against another and left all the children in the care of these foster parents, for another girl to be continuously abused one year later.

Circumstances like these call for Institutions like the various Departments of Child Welfare in all states to be held criminally accountable for their poor judgement calls which result in the abuse or death of a child.

Issues with Prosecutions

If Care Leavers do manage to overcome the hurdles of making a police report and having charges laid against their perpetrator, the next difficult step is the actual prosecution and trial. This can be a very overwhelming and distressing process but this is often compounded by a number of issues. Firstly, there are often huge delays between the actual charging or committal hearing of the perpetrator compared to when the trial begins. This means that Care Leavers are left waiting in a constant state of anxiousness and hypervigilance. A speedy trial is of benefit to everyone involved in the process however the system does not seem able to keep up.

CLAN is aware of a case in Tasmania involving Kennerley Boys Home (Billings, 2016, The Mercury).

T**he police investigation took over 8 years before the perpetrator Lloyd Arthur Masters was charged with twenty counts of various sexual abuses**.

Now that he has been charged the victims are forced to wait a number of months before the initial hearing. The perpetrator is now 82 and in ill health. CLAN hope that the 8 year investigation combined with the wait for the initial hearing is not leaving it too long for these victims to achieve some sense of justice.

Whilst CLAN cannot comment on the intricacies of the system we do believe that something needs to change in this process to ensure there are not such long delays before a trial goes ahead especially in child abuse cases. The delays are burdensome to all parties and often places extra costs at the hands of the taxpayer.

Additionally, CLAN are aware of some cases where a case has been prosecuted yet all the complaining victims have not been found to take part in the trial.

In the more recent case of Brother William Houston in Victoria, the first victim to come forward was Mr Geoff Fitzpatrick in the 1990's (Please see Appendix ?).

More men from St Augustine's Orphanage Geelong came forward in 2013 to report their crimes committed by Brother Houston.

Houston's trial went ahead earlier this year , and William Houston was found guilty and sentenced to prison

At the end of the court hearing CLAN asked the DPP where was Mr Fitzpatrick , as he was the 1st man to report William Houston to the police, both Office of the DPP and Victorian Police replied " he couldn't be found.!"

CLAN was able to locate Mr Fitzpatrick's wife through a lawyer who assists Care Leavers and subsequently found out he died earlier this year after a battle with cancer in Victoria!

Victorian Police need to explain what avenues of searching they undertook to locate Geoff Fitzpatrick.

Mr Fitzpatrick never got to have his abuse addressed in a trial against Brother Houston and therefore never had justice sought at trial in his name. This case highlights the importance of the police in locating victims and witnesses

Police should have to fulfil a number of steps or perhaps a checklist in searching for victims or witnesses. This needs to be done so that the police are answerable to the DPP and their superiors and can account for their efforts. This needs to be addressed so that future victims do not miss out.

CLAN also believe there have been cases in which the case was not dealt with to its full potential due to inexperience on the behalf of the prosecutor. It is our contention that any case involving child abuse should never have an inexperienced prosecutor dealing with it. One of our members 'E' had her charges downgraded to indecent assault and a police prosecutor who was inexperienced took the case.

In the trial the perpetrators wife labelled E a 'slut' even though 'E' was a child at the time and this statement was never challenged. For E to have to listen to language like that about herself and not have it challenged was very distressing to her.

Another point which is relevant and also exacerbated by the delays is that of communication with the Care Leaver/victim/ complainant in a case. Many Care Leavers we speak to are often left upset and disillusioned with the system because they have no idea what is happening in their own case.

They go for long periods of time with no information as to the status of the case, the date of the hearing or support in preparing for the hearing.

One of our members 'N' had his perpetrator charged which also resulted in him being charged and placed in an institution. Since then it has become apparent that there was a 15 page discontinuance document that N had never been made privy to and therefore had been unaware as to what happened in his case. N had also liaised with the REDACTED police who were not able to obtain N's state ward file, yet CLAN applied and receive his file.

Upon looking further into N's case all CLAN have been able to find in a TROVE search was that his perpetrator had been previously charged with theft. The fact that someone could be unware decades later as to what happened when they were a victim of a crime is an atrocity.

Many Care Leavers have been put in touch with relevant victims' services in some states but again the communication isn't always forthcoming and may only be when there is new information. Most Care Leavers tell us that even if nothing new is happening, a phone call regularly to inform them that there is no new information can be quite comforting. It is the reality of the situation for those who work in the legal profession that they are dealing with people, not just an abstract case, therefore it needs to be understood that part of their job is in liaising with and talking to the victims they are working to seek justice for.

CLAN have also unfortunately heard many stories about the difficulties with evidence. These difficulties not only comprise of the enormous task placed on the victim to give evidence and be cross examined on this, but also of the prosecution and defence's treatment of evidence. Firstly, we have heard on many occasions that prosecutors have discussed the lack of evidence in cases with Care Leavers. As mentioned in your paper and discussed earlier in this submission it is very rare in child abuse cases that there is an abundance of evidence, especially when the case is historical. Child abuse by its very nature is often something carried out privately, secretively, and involves psychological manipulation of the victim and sometimes others around them to remain secretive about what is going on. There is often no more than the word of the victim against the perpetrator and in circumstances like these nothing more should be expected.

Secondly, it can be an extremely harrowing experience for a victim to give evidence at trial, let alone child abuse victims who suffer from unique psychological characteristics.

There has been a push in Scotland to make sure NO child has to give evidence in court or wait for court dates and for all evidence and cross examinations to be pre-recorded (http://www.heraldscotland.com/news/147 91149.display/).

The Royal Commission in its report on Specialist Prosecution Units and Courts https://www.childabuseroyalcommission.gov.au/getattachment/9465428b-498b-4007-be10-c66c991c282c/Specialist-Prosecution-Units-and-Courts-A-review-o has noted that in South Africa

child witness intermediaries are used when child witnesses are giving evidence. CLAN believes that care leavers giving evidence as adult witnesses should be afforded similar supports.

CLAN firmly recommends that there are processes put in to place such as this which makes the experience of giving evidence an easier one and which extends beyond children to all vulnerable victims.

Having ALL evidence recorded will help to lessen re-traumatisation if the evidence is needed again in an appeal etc. or even if the victim dies in the meantime. Having the option of having evidence pre-recorded or via CCTV is a good start to enable the victim to also feel safer in their environment. Having witness intermediaries will also lessen the trauma of giving evidence for all vulnerable witnesses. As previously mentioned we also advocate for greater training of legal professionals including judges, lawyers and those who are serving on the jury in child abuse cases about the psychological characteristics of child abuse victims. There is a common misconception which is often played upon by defence barristers that someone should or would be able to remember all the details of such a traumatic event when this is not always the case. Often the defence barrister is able to discredit the victim when asking them specific details of events of the abuse or even asking them to recall other events surrounding the abuse. The memory of a child needs to be better understood by all involved especially how trauma can impact one's memory as well.

There should then be limits as to how a victim of child abuse is cross examined by the defence and the types of questions they can ask.

In regard to the issues of joint trials and tendency and coincidence evidence, CLAN believe that in some cases joint trials have resulted in better outcomes for many Care Leavers who otherwise would not have had a trial based upon their individual abuse. As stated earlier there can be quite a few difficulties with evidence of child abuse and sometimes it is only the word of one against the other. However, when a number of individuals come together who share similar experiences and evidence it is harder to dismiss the claims as a one off or a child who may be making something up.

A CLAN member recently had a case against one of his perpetrators Robert Burnett (Cooper, 2016, The Age). Burnett faced 14 separate trials for his crimes, and unfortunately for our member 'T' and one other state ward, the jury was unable to reach a verdict concerning the offences against them (Please find the letter in Appendix D).

Perhaps if this was a joint trial instead of all being held separately the case would have been viewed in a different light. More consideration needs to be given to allowing joint trials in these circumstances in ALL jurisdictions and the rules of evidence should be changed to ensure that alleged perpetrators are not afforded the benefit of trials being severed except in exceptional circumstances. (See Jury Reasoning in Joint and Separate Trials of Institutional Child Sexual Abuse: An Empirical Study May 2016
https://www.childabuseroyalcommission.gov.au/getattachment/b268080d-599a-4d44-a9c5-c3f8181bae96/Jury-reasoning-in-joint-trials-of-institutional-ch)

Sentencing Issues

CLAN believes that there are a number of issues which fall under the category of sentencing or are related to sentencing that need to be addressed in order for the criminal justice system to work more effectively.

Firstly, the issue of bail, whilst it comes at the start of the process is an issue involving sentencing and the prison system. CLAN feels that judges award bail too easily to defendants when the risk of them harming another child in the community is too large to ignore.

Letting a defendant out in to the community whilst awaiting trial gives them the opportunity to reoffend, perhaps one last time before their trial .

CLAN is unsure as to why the leniency in awarding bail and perhaps judge's consideration on the overburdened prison system and tax payer money.

However, surely the first consideration needs to be the safety of children and other individuals in our community.

It is our contention that anyone charged with serious offences involving child abuse should be automatically remanded, and if not anyone who pleads guilty should definitely be automatically remanded, once again proving the need to make the system more expedient for everyone involved. **CLAN is aware of the case of Anthony Peter Freedendaal, a 76 year old Australian man who has just been found in South Africa after managing to leave the country whilst on bail in 2011 (Evans, News24, 2016). Freedendaal had been facing 15 cases of indecent assault, five charges of persistent sexual offences with a child, and four cases of sexual intercourse with a child in Australia. Unfortunately, being out on bail not only gave Freedendaal the opportunity to flee to another country but also the ability to reoffend which he did. He was arrested in South Africa in 2014 and charged with sexually abusing three boys and five girls in Capetown. The idea that an offender such as this was granted bail to begin with is ridiculous, but it also exemplifies the danger in letting defendants like these out on bail.**

The second issue that CLAN has with sentencing is the often lenient nature of sentences for crimes committed against children.

Judges should always remember that any abuse of a child can change their life forever; some feel that there is only a shell of them left surviving and a part of them has been taken forever with the abuse they endured.

Sentencing offenders to a couple of years in prison or even non custodial or shorter sentences is by no means a fair or just consequence. Many victims of child abuse also end up committing suicide struggling to live with the consequences of their abuse, these are factors never considered when a perpetrator is sentenced. Instead judges are guided by historical sentencing for historical crimes, even though they know better by today's standard and still also believe that a person's prior good character entitles them to be sentenced to a lesser term**.**

In an article CLAN found on Trove in 1928 entitled 'Assaults on Children' the author wrote the following:

"The leniency of the sentences usually imposed does not suggest the existence of a high moral tone, but an indifference to children. It suggests that if the victim were an adult an outcry would result. Why is it in the opinion of some much less serious to commit a sexual offence against a child than an adult".

Unfortunately, not much has changed over the decades that have passed and lenient sentencing for child abuse cases as well as other sexual offences is still all too common. Whilst much research has been done into the effects of child sexual abuse, the law does not seem to have developed with it and the ridiculous notion of sentencing in line with historical standards is archaic.

Just recently Marist Brother Darcy John O'Sullivan was sentenced to just six years in gaol after being convicted of 22 historical child sex offences and molesting a dozen boys. In the sentencing, the judge said the "sentence does not represent an appropriate sentence for such offences if committed today" (Kembrey and Kirkwood, 2016, The Border Mail). The fact that the law has not been altered to allow sentencing to reflect the nature of the crime rather than the sentencing standard of the time the crime was committed is deplorable.

In 1977, [REDACTED] had a five year gaol sentence overturned even after he plead guilty to [REDACTED] ranging from buggery, attempted buggery and indecent assault. Some of the victims of his abuse were from [REDACTED] where [REDACTED] frequently visited and took boys home, or out with him for periods of time. In the judge's ruling it is noted that the defendant was contrite, he had tried to get help for his problem and that he wanted to spare embarrassment and distress to his victims leading him to plead guilty. The judge also said that the original sentence was only to serve as a deterrence to other offenders because this offender did not deserve a gaol sentence. Instead this offender was let out on parole and had conditions of treatment and not associating with children imposed on him. The fact that this is the type of historical sentence given, and is in line with the societal view of the time, is hugely questionable as to why our current legal system believes it should sentence historically. This needs to be overturned immediately.

In 1980 Peter John Stoddart was given an 18 month suspended sentence and a three year good behaviour bond for the attempted buggery of a 13 year old boy (1980, The Canberra Times). Many of us would look at this today and be thankful that times have changed, but knowing that this was the norm of sentencing means that it is still taken into account in sentencing today. In this case the judge also said that all that was working in this man's favour was his previous good character. The notion that anyone's previous good character should be taken into account for a more lenient sentence is laughable and a disgusting outcome for many victims who have had the unfortunate experience of dealing with the perpetrator's 'bad character'.

Similarly, in 2008, a judge sentenced Henry Alexander who worked in a nursing home and was convicted of raping an 85 year old resident who was suffering with dementia, to just six months in gaol (Hadfield, 2008, Herald Sun). He was given a three year sentence with two and a half years suspended. The judge believed that the offence was not sexually motivated (despite it being rape) and stated that he was comfortable the offender did not have a psycho-sexual disorder. Moreover, he also claimed that the perpetrators PREVIOUS GOOD CHARACTER, as well as the fact that the victim suffered from dementia and the effect of the crime on her would not be fully known were legitimate reasons for the lenient sentencing. It seems that the most vulnerable in our society like children and the elderly are the least advocated for by our justice system as they are not able to articulate as well as other adults in our society the effect a heinous crime has had

upon their lives. The judge's comments in this case are beyond laughable and this sentence should have been reviewed.

Sentences aren't just there to punish the offender but they are also there to deter future perpetrators and to reflect society's general attitude towards the crime.

Sentences like these do NOTHING to obtain justice, it does NOTHING to deter other offenders, and it also says that the sexual abuse of our most vulnerable means NOTHING to our society.

Unfortunately, having no prior charges seems to have become a get out of jail free card that all offenders are using when convicted of a crime. Judges have previously shown unnecessary leniency toward first time convictions which ultimately result in recidivism in a large number of offenders

In a recent trial in South Australia a foster father changed his plea midway through his trial and pleads guilty to sexually abusing his foster daughter who was aged between eight and ten at the time of the abuse (Prosser, 2016, ABC News). The little girl has now developed 'multiple personalities' according to the newspaper article and will obviously be severely scarred for life. The perpetrators lawyer has asked the judge for leniency in sentencing because the offender had been a productive member of society for most of his life. The fact a person has 'been good up until now' particularly when this may just mean that nothing further is known at that time, is not a legitimate reason for a more lenient sentence.

Earlier this year two men were arrested in Victoria for possessing child pornography, they were later extradited to NSW for the RAPE OF A 10 MONTH OLD BABY GIRL (Noble, 2016, Daily Mail Australia). One of the men was the baby's father, the other his boyfriend. The boyfriend remarked that they "did not have enough time to do everything we wanted". This case is abhorrent, it is disgusting, and aside from the fact that child pornography was found simultaneously, there is no mention of previous convictions. If these two men had been productive members of society with prior good character would they also be given a lenient sentence?

The legal system needs to urgently overhaul the way it considers sentencing and it must be remembered that there is a first time for all offending and in many cases is followed by future offending. Furthermore, for many offenders we only know that it is their first conviction, not necessarily their first offence, we just may not be aware of it. We are also aware that the pattern of behaviour in sexual abuse shows that many perpetrators have admitted to offending numerous times before they have been caught, however the nature of sexual abuse means that many victims do not come forward.

When considering sentences like these, many victims would wonder why they would bother to put themselves through the trauma and distress.

Similarly, it also seems to be a convenient excuse for leniency when the offender is now elderly and in ill health. We have heard it all too often in historical cases (as the offenders are usually now elderly) that they face a more lenient sentence due to these 'mitigating circumstances'. As our member Tony is quoted on our cover page "Paedophiles get leniency in court, but where is the leniency for children". Tony's sentiment came after he found out that the perpetrator who was found not guilty of crimes against Tony, but was convicted of others was asking for a more lenient sentence due to health issues

In a similar case, Robert Buckley was also convicted of sex offences against children and worked as a public servant in Hillside Boy's Home in Wheelers Hill VIC. Buckley was originally sentenced to 3 months in gaol but this was downgraded to two months due to his age and health. Paedophiles have had the luxury of getting away with their crimes for decades, and have lived in our society causing harm to innocent children, why should sentencing be more lenient when they have been able to get away with their crimes for so long?

CLAN also take issue with the somewhat lenient sentencing of female perpetrators. It seems to be a widely held myth that women don't perpetrate child sexual abuse where our experience tells us very differently. Whilst we have no official statistics it seems to be the case that cases against women are far rarer than that against men. Furthermore it seems that when there is the prosecution of a female perpetrator, that the sentence is often more lenient than what is given to their male counterparts.

Linda Joyce Vale was only recently sentenced to 12 months in prison for sexually assaulting a 15 year old boy who was in her care at the Catherine McAuley Centre in Wembley, WA, over a period of 8 months in 1984. Vale who is now 66 and was charged with four different offences, despite her being found guilty and denying committing the crime Vale received a lenient sentence. Details of this case were difficult to access as it was not comprehensively reported on, rather a very short article mentioned the case in the West Australian in 2015 of the charges. The verdict was not published. CLAN subsequently had to write to two different departments in Western Australia to find out the outcome of this case and we are still wondering whether Vale has been placed on the sex offender registry in WA. She will be eligible for release on 20th Nov 2016.

Similarly, it was recently revealed that it was the elite Sydney Grammar in which a female teacher was charged with indecent assault and six counts of sexual intercourse with a person under her care (Koob, 2016, The Australian). The perpetrators name has not been published and we hope to see that this case is prosecuted to the full extent of the law and leniency is not given because it is a female perpetrator.

Another aspect of the sentencing process that CLAN takes issue with is the reduction in sentence if the defendant pleads guilty, even if it is half way through, or towards the end of their trial.

While CLAN understands the importance of having some sort of sentence reduction in order to expedite the process and to provide an incentive for those who are guilty to avoid a trial, we do not believe that the same courtesy should be shown if they decide to plead guilty once a trial has commenced

On Friday, 21st October, Sydney dance teacher Grant Davies was sentenced to 24 years in gaol with a non- parole period of 18 years. Davies was charged with multiple child pornography and child sexual abuse offences against nine different children. The judge stated that in sentencing she had to take into account the 'late and negotiated pleas of guilty and the discount to which you are entitled by reason of them' (Casben and Blumer, 2016, ABC News). REDACTED

REDACTED

REDACTED **If a defendant does not plead guilty before the commencement of a trial, they SHOULD NOT BE ENTITLED TO A SHORTER SENTENCE.**

All this system currently does is allow perpetrators to roll the dice, re-traumatise their victims, waste tax payers dollars, and decide half way through whether they think they are going to win or not.

This system does not encourage offenders to tell the truth at the outset, rather hold off until they know the outlook of their trial. This behaviour should not be rewarded.

Lastly, CLAN would like to state that we do not agree with cumulative sentencing. Each Care Leaver and other victim is entitled to their perpetrator serving a particular sentence in gaol dedicated to their offence. It should not work in the perpetrators favour that they committed similar crimes that could be prosecuted and sentenced at the one time so as to designate concurrent sentences. The idea that currently concurrent sentences are preferred serves no one but the offender. It may cost more tax payer dollars in the long run, but when that perpetrator offends against someone the tax payer cares about, this will not be at the forefront of the community's mind.

Appeal Processes

As stated earlier, it is essential that children and adult victims of child abuse are given the option to pre-record all their evidence or give their evidence through a witness intermediary. In the case of trial delays, and appeals later on, these vulnerable victims shouldn't be made to re-live something they find incredibly difficult and traumatising that they have already done. An appeal should not disadvantage the victim or lead to further re-traumatisation. Furthermore, there should also be practices in place which limit the effect an appeal can have on the victim who is trying to move on with their life.

Another aspect of appeals that CLAN feels needs to be remedied is the fact that there is very limited scope that the prosecution has in being allowed to appeal against a verdict. The prosecution should be given the same rights of appeal as the defence against both a conviction and a sentence. If an appeal is made frivolously than this should be the only case in which costs can be awarded against the prosecution if they fail.

This should help to limit unnecessary appeals, and ensure that the victim has the same rights as the defendant.

Post Sentencing Decisions

CLAN must admit that the ability for offenders to get parole and thus be released back in to the community seems all too easy in a number of cases. **In recent times, especially in Victoria the ability of those on Parole to reoffend has been in the spotlight. Namely the cases of Jill Meagher, Sarah Cafferkey, Rachael Betts, Joanne Wicking, Evan Rudd, and Douglas Phillips. In all of these Victorian cases the perpetrator had a history of violent offending, some of them had been convicted of murder and had already been sentenced to life imprisonment.**

Others were convicted of numerous sexual offences and had been given lenient sentences. Something all these offenders had in common was that they had been released on parole deemed not to be a current threat to the community. REDACTED

REDACTED

In a case where the offender who was out on bail, Sean Price killed a 17 year old girl at random and who had a history of violent and sexual offences including against a child, the judge said that the principle of Mercy kept him from sentencing Price to life without Parole.

Many of these offenders have been given multiple chances and have been shown 'mercy' multiple times yet continue to reoffend. There needs to be a point in sentencing where mercy does not apply anymore and instead the best interests of children and of the community are placed first. Sometimes cases should never get to the parole Board because they should not have been granted Parole to begin with. There needs to be serious and urgent reform by all jurisdictions to limit the amount and type of offender who is eligible for parole, especially when serving a life sentence.

In NSW in 2012 the NSW State Parole Authority ordered the release of Terry John Williamson the 'Bulli' rapist. He was convicted of 19 charges relating to sexual assaults of nine women, a five year old girl and an eleven year old boy. He received a sentence of 24 years and served 22 years before he was released on Parole. In 2014 the NSW government argued that Williamson spend another five years under supervision after submitting that they still believed Williamson posed a significant risk to the community. Psychiatric reports labelled him as having a medium to high risk of reoffending, and spoke about him suffering from a number of conditions including sexual sadism. Whilst it is positive the NSW government have fought for him to spend more time under supervision it is not comforting for the community that someone labelled a significant risk and likely to reoffend is free in our society.

Instances like these highlight the inadequacy of the sentence to begin with, in this case Williamson has received a little over one year per charge.

Furthermore, it highlights the Parole Authority's hastiness in releasing offenders and their reluctance to not grant parole before a sentence expires.

Unfortunately, these cases are not new. **In 1944 Ronald Morgan was sentenced to death for the murder and sexual assault of a seven year old girl (1977, The Canberra Times). The sentence was later downgraded to life in prison, and after serving 25 years he was released on parole under conditions of 'prerogative mercy'. In 1977 Ronald Morgan was once again charged and convicted**

of fifteen charges of sexual assault offences against children under the age of 10. For these charges Ronald Morgan was sentenced to a measly ten years in gaol. The idea of 'mercy' for these sorts of offenders and the unfortunate repercussions that it holds means that there are many victims in our society both alive and dead who should never have had the chance nor opportunity to be a victim in the first place. If the justice system played its role properly these offenders would not have been out on Parole to begin with or would have sentenced properly initially.

In the event offenders are released on parole there needs to be other conditions put in place to limit the chance of reoffending.

Apart from the supervision orders, CLAN feel that all those released on Parole for violent and sexual offences especially against children should be subject to electronic monitoring. Furthermore, the general restrictions such as sex offender registration should be completed and all agencies working with children need to adhere to the Working with Children Check. CLAN do support Derryn Hinch's concept that a National Child Offender Registry is made public so that individuals in the community are able to find out if anyone coming into contact with their children are on this registry.

There are also renewed calls for convicted paedophiles to be banned from travelling overseas. CLAN supports no passports for paedophiles as we firmly believe that restrictions need to be imposed for the welfare of children everywhere.

Alarming statistics have shown that a quarter of offenders on the National Child Offender Register who travelled overseas have visited Denpasar. There has been a sharp increase in Child sex Tourism and although Australia has vowed to crackdown on this and to charge anyone caught abusing children overseas in line with Australian law, only one offender has been charged under this. If Australia cannot monitor and ensure that our citizens are not abusing children overseas then paedophiles should be banned from travel completely.

CLAN would also argue that paedophiles be unable to leave the jurisdiction they were charged in due to the inadequacy and inconsistency of child protection measures across different states. CLAN are aware of the ease in which many paedophiles that Care Leavers were abused by were able to travel and commit further crimes interstate.

The Link Between Care Leavers and the Criminal Justice System

CLAN is aware of a significant link between Care Leavers and over-representation in the prison system. We have many members who have contacted us from various gaols around the country, requesting assistance, support, advocacy, and their records. CLAN is also aware that many of our members have been in prison in the past.

After some research the only statistic CLAN was able to find was from 1945 which stated that 60% of the inmates in the Victorian prison system was made up of those who had spent time in a Children's Home or Orphanage (Please find article attached – Appendix E). More currently the Australian Women's Weekly have quoted that one third of the women in prison have been in

foster care (Weaver, 2015). In the US, a limited study was done in 2012 which found that 80% of the prison population had at one stage spent some time in foster care. Similarly in an US study carried out in 1999, almost half of women inmates and one tenth of male inmates identified as having been physically or sexually abused before their imprisonment (CASA, 1999). CLAN firmly believe a lot more research needs to be conducted to understand just how many Australian Care Leavers have come into contact with the criminal justice system as offenders who are currently or have in the past served a prison sentence.

Matthew Johnson, the man who infamously killed fellow Barwon Prison inmate Carl Williams in 2010, had a history of being in foster care as a young child as well as youth training centres from the age of fifteen. Similarly, Bronson Blessington, one of the teenagers who brutally raped and murdered Janine Balding also spent time in a NSW Boys Home and was sexually abused as a child. It is clear that there is a link between those who have been in care and those who have or are currently in prison.

The last men hung in W.A. S A and Victoria had all been in Orphanages and boys Homes.

Also" 35 violent deaths linked to school for Killers" Tamworth Boys Home, NSW or The Institution for Boys, Tamworth, later renamed Endeavour House. (See Appendix H).

We are sure the Royal Commission is aware through its work with inmates that there are many who have been abused in the child welfare system that are currently in gaol. This link needs to be explored so that both preventative and treatment measures can be introduced for this vulnerable group of offenders.

We have in the past recommended that more support and early intervention for those leaving care may assist to address this issue, if some of these future offenders can be addressed and treated before they offend it will save the tax payer millions of dollars.

However, we also need to think about how to best treat and support these offenders once they end up in the prison system.

CLAN attempt to do this by supporting inmates in the same manner we would support others in our organisation. We advocate for inmates, obtain their records, provide telephone counselling and face to face advocacy at other times also. Inmates are eligible to be members of our organisation and are entitled to the same benefits of membership namely receiving the newsletter.

We have however had difficulties with the South Australian Corrections Department who has currently banned inmates from receiving our newsletter due to its content. We have been attempting to provide support to a number of inmates at Port Lincoln Prison but this is made incredibly difficult when we are unable to give them the support of our newsletters and other CLAN members (See Appendix F). Even though South Australian inmates have been receiving our newsletter for many years, it was decided earlier this year that due to the fact it speaks about child abuse it cannot be received (Please find letter attached – Appendix G). CLAN find this remarkable considering no other state has this view, and that up until recently it didn't seem to bother those in the corrections Department of South Australia. It is also a double standard as it is only the prisons which are state run such as Port Lincoln who have imposed this ban on our material, whereas privatised prisons REDACTED **have no issue with this.**

CLAN feels that inmates need all the support and encouragement they can get who have had the unfortunate past experience of child abuse and of a childhood in the child welfare system. CLAN are

attempting to provide methods of support and rehabilitation for these inmates before they are released back into society.

If they are not allowed materials such as our newsletter how are they going to start the process of rehabilitation and addressing their particular issues?

CLAN would again like to thank the Royal Commission Into Institutional Responses to Child Sex Abuse for the opportunity to comment on this issues paper, and for addressing these important issues. CLAN hope that you are able to use our recommendations and information to inform changes to our current criminal justice system to ensure ALL Australian Care Leavers have access to justice.

Finally CLAN would like to see the establishment of a legal aid service for Australian Care Leavers based on the model of the Aboriginal Legal Service!

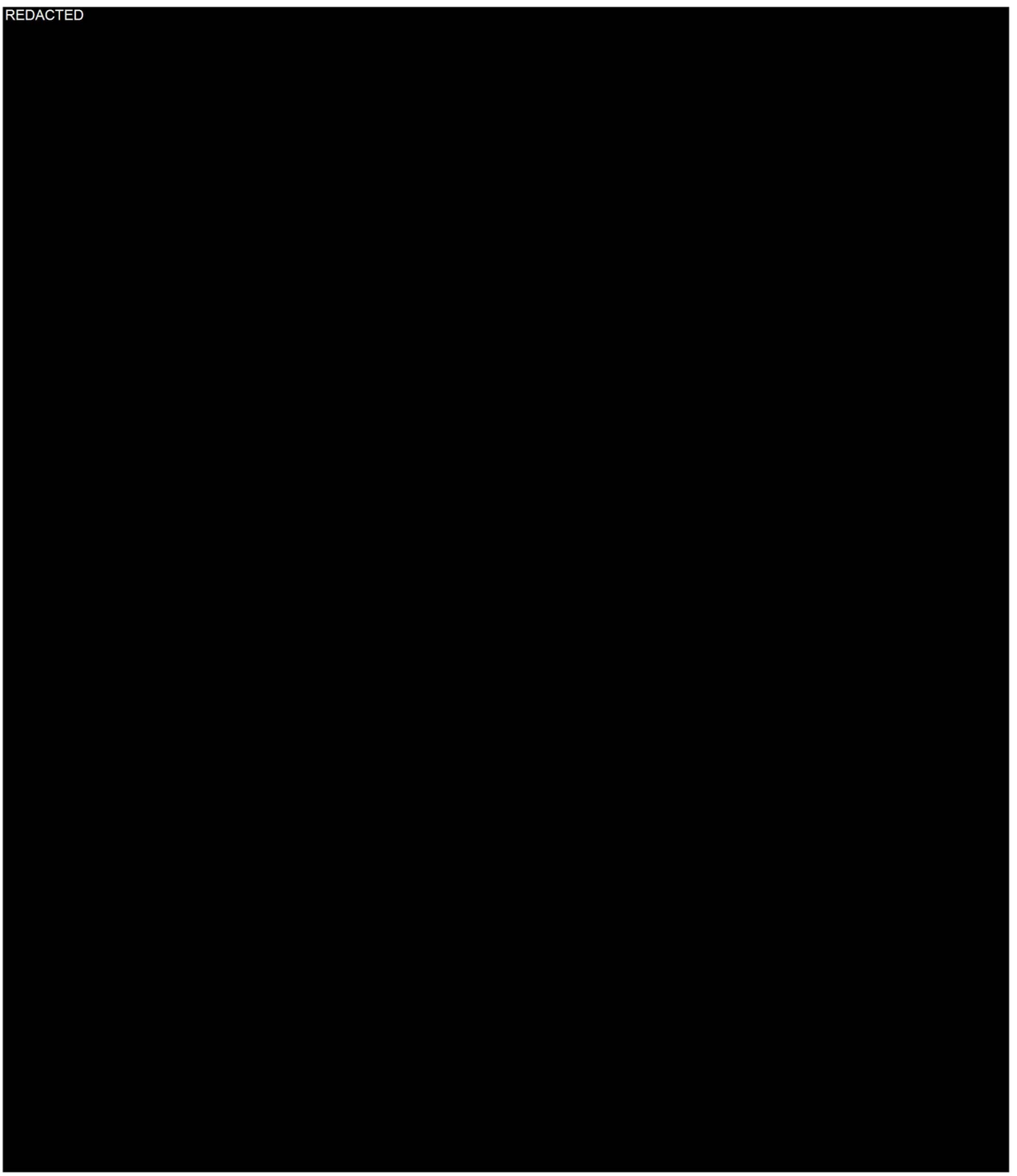
Appendices

Appendix A

POLICE CONTACT WITH CLAN

State	Contact with CLAN
NSW	YES
VIC	YES
QLD	FIRST CONTACT IN 2016
TAS	NO
SA	NO
WA	NO
NT	NO

Appendix B



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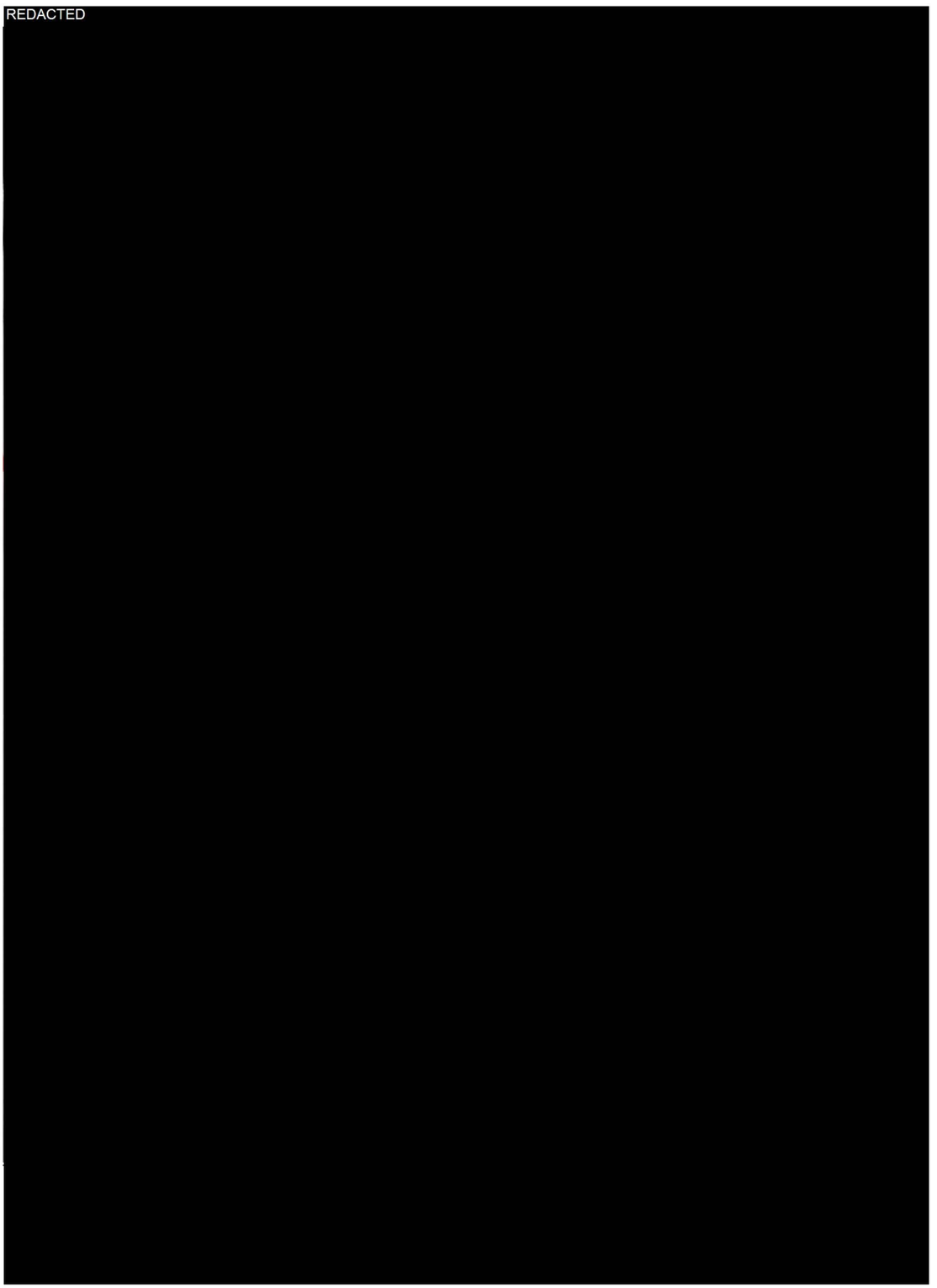

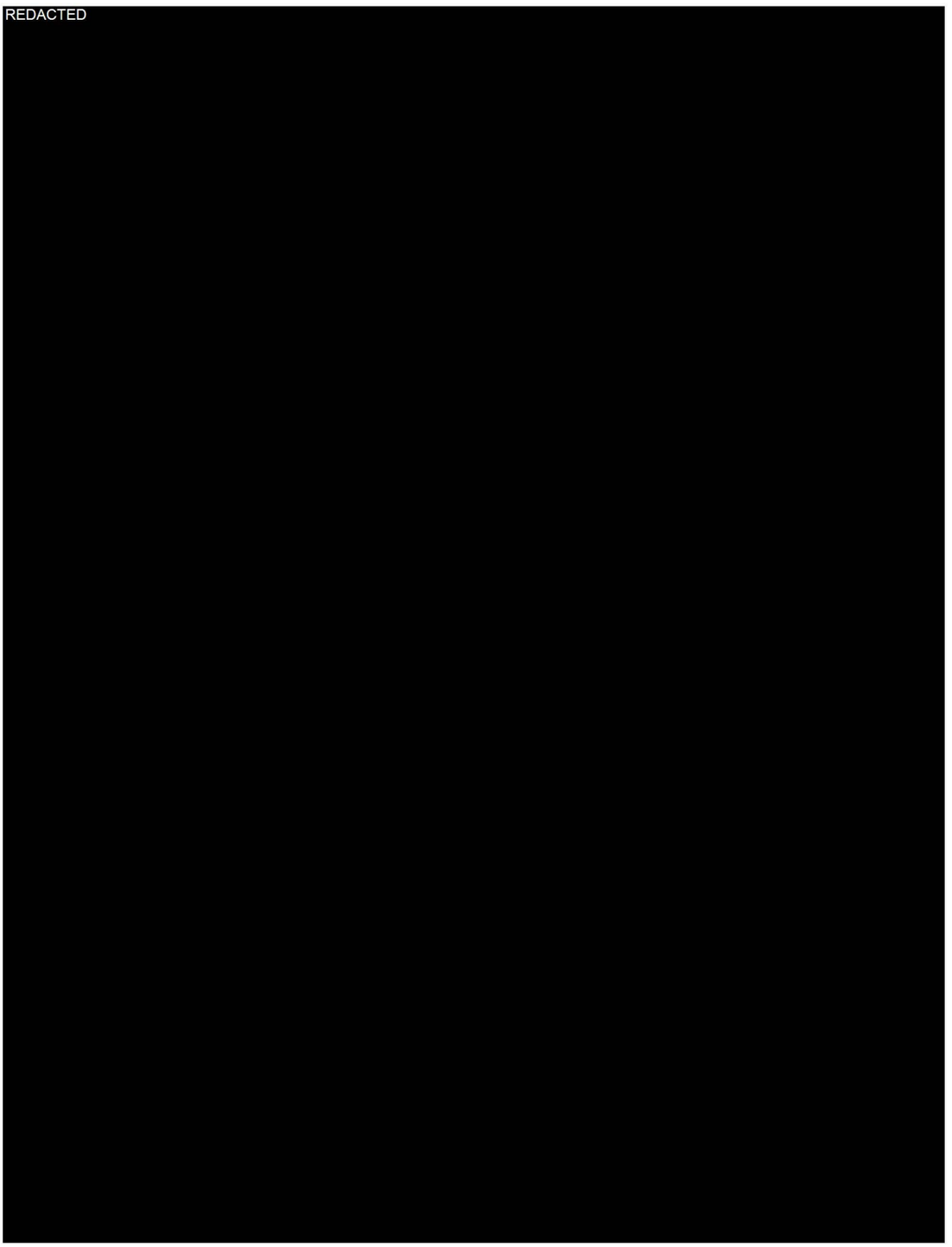
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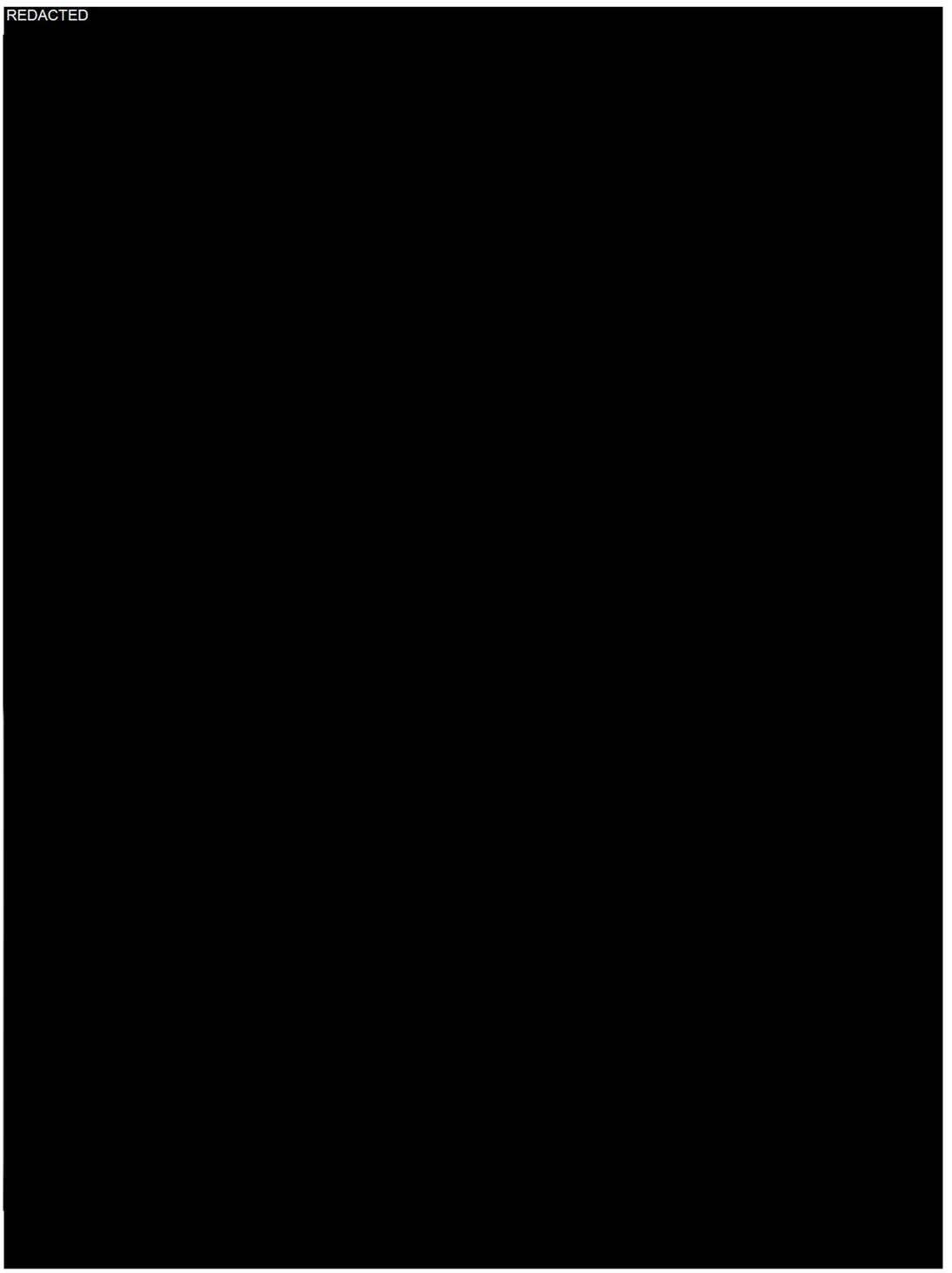
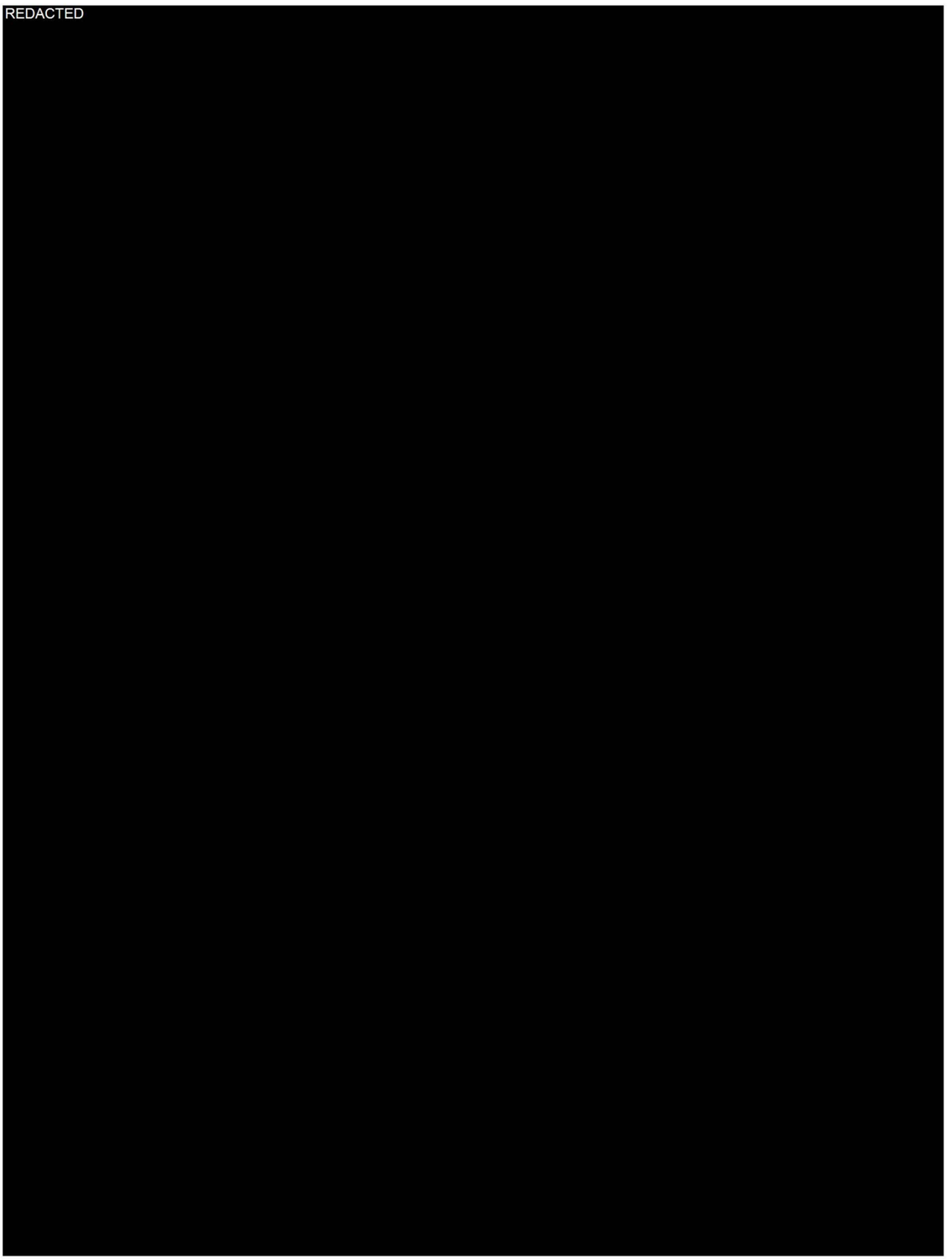


Appendix D



Appendix E

IN AND OUT OF THE DOCK

A Study of Crime in Victoria—Its Causes and Punishment

This is the first of five articles dealing with the incidence and treatment of crime in Victoria. The writer was for some years an official of the Supreme Court and is at present an associate of a leading Victorian Judge. He has devoted a number of years to the study of crime in Victoria, and the material in these articles is the result of personal observations, access to official documents, and discussions with the authorities most closely concerned with the problems.

By GEOFFREY BENNETT

SINCE the intention of these articles is to discuss in broad outline the factors which commonly breed crime in our community, they will not attempt exhaustively to dissect the causes of all criminal actions in an endeavour to explain the impulse behind every crime. There will inevitably be specific exceptions to every proposition put forward—because human nature varies with each individual, and because circumstances are rarely duplicated, any general explanation of human conduct must of necessity be open to the criticism that it does not apply in particular cases.

However, there are conditions which precede and accompany lawless acts so often as to overstrain coincidence, and give strong reason for considering them to be factors contributing towards crime. The character and personality of every man is the result of the impact of all manner of outside influences — environmental, psychological, and physical, and one of the functions of this series is to show some of the circumstances which help to determine which of us will keep the law and which of us will break it.

It is the object of these essays to indicate those factors which most commonly lead to anti-social behaviour. It is, however, by no means their purpose to discuss the theory of "free will" or otherwise—that being a matter for moral philosophy, not criminology. But, quite apart from the deterministic doctrine of man's irresponsibility for his actions, and setting aside for the moment the subject of criminal lunacy, it must be accepted that, while for most people it would be an effort to commit a crime, there are others who find it equally difficult not to do so. As an extreme example, the *cause celebre* of Arnold Sodeman may serve to illustrate a criminal tendency which did not amount to actual insanity.

Sodeman, it will be remembered, was convicted of murder in 1935, despite a strong defence based on the ground of insanity. Unsuccessful appeals were lodged in every possible court, including the Judicial Committee of the Privy Council in England, but the death sentence was ultimately carried out. The circumstances of the Sodeman murders —there were several of them — were of great psychological interest, for in every instance those circumstances were the same. In each case, after drinking heavily, the murderer had strangled his victim, and then gagged and bound her; tying her hands behind her back. There was no financial or other obvious motive to explain these actions, but the hereditary background of the man provided a credible explanation.

Sodeman's paternal great-uncle died insane. His paternal grandfather, who also died in an asylum, had frequently almost strangled his wife, and had repeatedly beaten her violently while in the grip of insane rage. As a lad Sodeman, the murderer, had witnessed or heard of these happenings. Here we find the strangling obsession, plus demented, uncontrolled violence.

The characteristics of the grandfather were also to be found in the

father were also to be found in the father, who, before his death in Mont Park Mental Hospital, had been subject to terrible fits of rage, during which he would flog his wife and children unmercifully. Before beating the children he would sometimes tie their hands behind their backs. Again maniac rage and unrestrained brutality are present, this time joined with the binding of the hands, which reappeared in Arnold Sodeman, the son.

THE character of Arnold Sodeman bore little superficial resemblance to that of his forebears. He was a good father and a kind husband. At the age of 19 years he was sent to Castlemaine Reformatory — not for violence, but for passing valueless cheques. In 1920, shortly after his release from Castlemaine, he held up and shot the stationmaster at Surrey Hills, and was returned to prison until 1926. Neither of these crimes was of the violent, demented type, but it is noteworthy that in each case Sodeman had been drinking before he committed the offence.

Sodeman's first obsessional act was in 1928, when he commenced to strangle a little girl whom he had met in the street. Before injuring the child he realised what he was doing and released her. After that time he made at least six attempts to strangle children, three or four of which attempts were successful—there is some doubt about Sodeman's guilt in one case. In every instance he was under the influence of liquor, and with trivial verbal modifications, his description of each crime or attempted crime was the same: "Something came over me, and I took her by the throat."

This man was predestined by his heredity to mental and psychological abnormality, and, in view of the characteristics of the father and grandfather, it would have been surprising had his obsession been other than a violent one, though this, of course, does not necessarily imply homicidal tendencies. True it is that when sober he was not a violent man, but when he had been drinking, hereditary lunacy, plus his grandfather's and father's brutality, plus the effect of alcohol on his own defective brain, made a combination of influences which defied control.

Sodeman's appeals against his conviction failed because, although he was abnormal, he fell short of the standard of insanity required by the law as laid down a century ago in McNaghten's case: "In order to establish a defence on the ground of insanity it must be clearly proved that at the time of committing the act the accused was labouring under such a defect of reason from disease of the mind as not to know the nature and quality of the act he was doing, or, if he did know it, that he did not know he was doing what was wrong." Sodeman's was a case of a compulsion psychosis, not of dementia. He knew what he was doing; he appreciated the implications of his deeds; but he was unable to control his impulse to commit them.

The autopsy carried out after Sodeman's execution revealed diseases of the liver, spleen, and kidneys and several distinct brain abnormalities.

THE foregoing case is clearly an extreme example, and it is not suggested that the ordinary criminal is impelled by a compulsive obsession. However, the lawbreaker is abnormal. He is unbalanced in his attitude towards life, and that abnormality is often due to a psychological or a cerebral flaw which in many cases amounts to mental derangement. In America some years ago intelligence tests of 834 delinquent boys revealed that only 15.6% of them were of normal mental capacity. Following these tests the authorities in charge of Sing Sing Gaol carried out an examination of all the convicts in their charge at that time. This inspection showed that 59% of the prisoners deviated from normal average mental health, while "18.9% were inferior or psychopathic to such a degree as to render their adaptation to the ordinary requirements of society extremely difficult, if not impossible." It was also revealed that a further 12% were suffering from recognised diseases of the brain.

These figures mean that about 72% of the convicts in one of America's largest prisons were, to some extent, mentally abnormal, if not actually insane. The mental twists of the criminal are tremendously varied, and are the effects of all manner of circumstances. Social and economic inferiority may develop a per-

or circumstances. Social and economic inferiority may develop a persecution complex resulting in wanton damage to property, assaults, and even murder, and unwise discipline of "problem children" can have the same psychological effect. An apparently pointless criminal slander may have its basis in the sexual frustration of the offender. Imposition and fraud may spring from unchecked deceitfulness in children. Assaults, both common and sexual, are often the result of domineering habits deliberately built up to hide a raging sense of inferiority. Mussolini was an outstanding example of this. Being deeply conscious of his physical and cultural shortcomings, he developed a facade of superiority and power that eventually almost convinced himself. Mussolini led a nation, "Scarface" Al Capone led a gang; but the force which drove both of them to violent brutalities in an effort to convince everyone of their superiority was the same old inferiority complex of which we hear so much.

With the necessary exception of absolute insanity, it cannot be asserted that there is *one* cause of any crime. Criminal behaviour, like all other behaviour, is what Professor Morris calls "a continuously growing pattern of activity, drawn by the interplay of many forces within and without the criminal person." *Many forces*, that is the important point. For every man the combination is unique and their effect upon him is unique. Thus, when it is said that unemployment, poverty, mental defect, and the like cause crime, the statement is only partly right. If unemployment hits a particular man in just the right circumstances it may be the determining factor in causing him to commit a felony, but if the same unemployment came unaccompanied by those identical concurrent circumstances, or if the circumstances eventuated without the unemployment, the man would not become a criminal.

CONSIDER the influence of poverty in the light of the foregoing statement. Poverty has two main effects. A positive psychological one and a more negative one. The psychological result of want is to develop either a persecution complex, which can turn into an active resentment psychosis, or it may found a broken-spirited passive acceptance of inferiority. The degree to which these characteristics are developed, of course, varies infinitely with the individual. Their intensity may be great, or so slight as to be almost entirely submerged in other traits—perhaps purposeful ambition in the one case, or quiet content with small blessings in the other.

The negative effect of deprivation is that children brought up amidst squalor, vice, and wretchedness lack the opportunity of rising to any great heights of mental or moral development. Professor Morris in his book *Criminology* puts it this way: "When human beings are packed together like rabbits in a warren in ill-lighted basements and sweltering attics; when young children, unable to sleep, roam the streets at night; when good and evil make their home within the same flimsy tenement walls, there is little reason to hope that children will become or men and women remain civilised."

This is terribly true. Having regard to the awful slums which are permitted to exist in every capital city in Australia, the wonder is that any child living there could become other than a wild beast preying on the society which has given him less than nothing. And yet, to their infinite honour, the overwhelming majority of the people in these areas become and remain good citizens. Which is clear if somewhat negative proof that poverty is only one of the contributing causes of criminal behaviour.

VICTORIAN gaol records show that 60% of convicted men come from homes broken by divorce, separation, or by death. Obviously these separations cannot be rightly blamed in every case, since a percentage of parents, whether living together or not, would be likely to breed criminal children. But the figures are still significant. Another important fact, leading to the same conclusion, is that 60% of convicts, and not wholly the same 60% just mentioned, spend their childhood in orphanages or similar institutions. Good homes are our strongest pro-

orphanages or similar institutions. Good homes are our strongest prophylactic against crime. Those men whom the community is forced to regard and treat as predatory animals—the assaultive, brutal, unmoral gangsters—almost invariably come from broken or unhappy homes. The anti-social conduct of most of these offenders has, fundamentally, a psychological basis. During their early years they have found life almost unbearably hard, and people utterly callous and unsympathetic, and in consequence they have built up a savage resentment complex, and an idea that possession and power are life's primary objects, and that kindness, common decency, and self-control are weaknesses.

In a number of cases which have come to the writer's notice a criminal life has been the only logical consequence of the offender's boyhood environment.

Closely connected with the question of the psychological bases of crime is the study of the ductless glands. This science, known as endocrinology, is of the utmost importance in the consideration of crime, particularly of those crimes with a sexual origin. If the pituitary gland lacks certain secretions known as gonadotropic hormones, sexual impulse is entirely absent; if, on the other hand, the supply of these stimuli is too generous, the person becomes an uncontrollable sexual maniac. Exhibitionism, indecency, some forms of cruelty, and criminal assaults usually have their fundamental origin in an overstimulated pituitary gland.

Much crime is committed by persons of subnormal intelligence. A 20-year survey of case histories of Victorian convicts, compiled by the Inspector-General of the Victorian Penal Department, Mr Akeroyd, shows that mental deficiency among convicts is 13 times as great as among ordinary citizens. These men may be subnormal because they have never been encouraged to think or reason for themselves, or they may suffer from thyroid deficiency.

The thyroid gland secretes a substance containing iodine and called thyroxin. The quantity of iodine is infinitely small, but it makes all the difference between idiocy and genius. An overdeveloped thyroid gland produces a nervous, alert, and probably excitable person with an equally quick mind, but if the gland releases a few milligrams less iodine than it should the result is mental deficiency to the point of imbecility. With the balance of normality so finely adjusted, it is little wonder that there are men who, though far from insane, do not react to life in an ordinary acceptable way.

BROADLY speaking these articles attempt in some measure to explain the fundamental origins of criminal impulses, but they do not seek to stimulate sympathy with the ordinary criminal. As a general rule, such an attitude is a mistaken one. Thousands of good citizens have had just as much encouragement to become criminals as have those who succumb to their worst instincts. The position obviously is different in respect of such men as Sodeman, or with any other "compulsive" criminal, for these men cannot control themselves, though they may strive to do so with all their might. In the interests of the community and of themselves they *should* be locked up where they cannot do any harm, but they do *not* deserve punishment. However, excluding the mentally deranged class, the lawbreaker knows he is acting wrongly, and is well aware that he has alternative honest means of living. He deliberately chooses the easy but wrong way, and so fully earns the censure of the community.

The purpose of this essay, therefore, is not so much to excuse the criminal as to indicate the causes of his criminality. If we understand the forces which generally lie behind unsocial acts, we are in the position to remove those influences, and check their results before they develop. It is very necessary to punish crime when it occurs, but it is far more necessary and desirable to prevent that crime from occurring, or when it has been committed from recurring.

Appendix F

12 December, 2014 10:50AM ACDT

Port Lincoln prisoners abused as children in care offered support

By Eloise Fuss

Prisoners who faced trauma and abuse growing up in state care are being urged to access support and not take their stories of suffering "to the grave".

CEO of Care Leavers Australia Network (CLAN), Leonie Sheedy, last week identified 27 men at the Port Lincoln Prison who had grown up in care, and said this correlation was not a rare occurrence.

"The shift from orphanages, boys homes and foster care to adult jail is staggering," said Ms Sheedy.

"Don't collect your $200 when you get out of being a state ward at 18, just move straight into the jail system."

Ms Sheedy said it wasn't uncommon for the half a million Australian children who were raised by an institution or care system to move unsupported into society, ill-equipped for adult life, and consequently move into crime.

"We were never ever slowly introduced to the outside world," she said.

"You were sent a letter saying you were no longer a state ward at 18, don't forget to make a will and go off and live your life in society - good functioning families don't do that to their children."

Ms Sheedy said simple challenges of not having basic life skills, like how to bank or tell the time, combined with lingering grief and trauma from their childhood and a distrust of government and institutions.

"No wonder the running race into adult jails occurred."

Travelling to the Port Lincoln prison, Ms Sheedy aimed to inform prisoners who had grown up in care that they could also access support and a voice.

"If they have grey hair I use the word orphanage, if they have lighter hair I say boys homes, and if they're young, in their 30s, I say juvenile justice or foster care.

"I think many of them are just amazed that people understand this history".

Ms Sheedy said due to a lack of support prisons can be reluctant to "open up this can of worms" about what happened to inmates who grew up in care, but she hopes to see this change.

"For the very limited time that I had with them I encouraged them to write their stories, and within the first five minutes of talking to these men they have the title.

"One young man, he's about 30, and he said 'the unsolved mystery of why we were taken away', he still doesn't know.

"Another guy said to me, 'I think I've been through every foster parent in South Australia'."

For those who additionally suffered sexual abuse in these institutions, Ms Sheedy aimed to make prisoners aware they were not excluded from the Royal Commission into Institutional Responses to Child Sexual Abuse.

"It can help them by being believed and validated, if the highest office in Australia believes their story and they are treated very respectfully and they get a chance to be heard.

"I say to all the oldies, 'don't take this story to the grave because it won't do anybody any good in the coffin'."

But as the Royal Commission wades through many sexual abuse inquiries, Ms Sheedy warns prisoners they will have to face up to another burden of their childhood: waiting.

"Children who grow up in homes had to wait for everything, imagine 100 people all trying to survive on a daily basis, children can't even bear to wait in a family home of three.

"Their waiting is just triple to what a care leavers waiting is on the outside, and so the message for the prisoners is, I have to say 'they will get around to seeing you'."

Appendix H

File ref: CEN/16/0911
Our ref: MD/MR

Government of South Australia
Department for Correctional Services

Statewide Operations

Level 2
400 King William Street
DX 147

GPO Box 1747
ADELAIDE SA 5001

Tel: 08 8226 9060
Fax: 08 8226 9226

www.corrections.sa.gov.au

31 August 2016

Ms Leonie Sheedy OAM JP
Care Leavers Australian Network (CLAN Inc)
PO Box 164
Georges Hall
NSW 2198

Dear Ms Sheedy

I refer to your letter of 28 July 2016 in which I understand that you are seeking approval from the Department for Correctional Services (DCS) to provide the CLAN newsletter to prisoners in South Australia (on a bi-monthly basis).

The Department can certainly recognise the value of the support that CLAN provides, and I would agree that prisons may accommodate individuals who could benefit from advocacy from your organisation. However, given your newsletter refers in part to criminal behavior, in particular offences of a sensitive nature, as well as naming perpetrators, it may not be appropriate material for general circulation within a custodial setting. As you would appreciate, DCS must be mindful of any potential security, privacy and victim's issues when determining what documents are made available to prisoners.

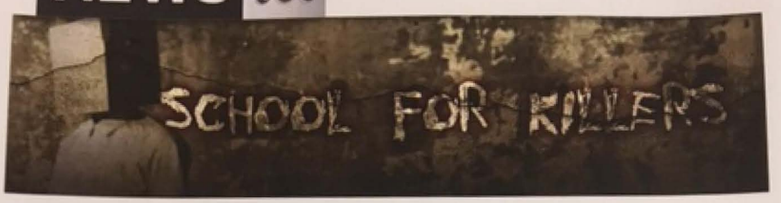
The Department would however be willing to assess other forms of CLAN publications that might be more suitable for distribution. To this end, you are welcome to send further documents for my consideration at the above address.

In the interim, I thank you for your enquiry.

Yours sincerely

MICHAEL REYNOLDS
DIRECTOR OPERATIONS
The Department for Correctional Services

NEWS



35 violent deaths linked to 'school for killers'

By Geoff Thompson, ABC News Online Investigative Unit

Updated Wed 14 Dec 2011, 6:30pm

More than 35 violent deaths in Australia have been linked to men who attended the same, often brutal, boys' home when they were teenagers, an ABC investigation has confirmed.

Fifteen of these deaths led to convictions for either murder or manslaughter.

The Institution for Boys, Tamworth was established in 1947 as a place of punishment for boys aged 15 to 18 who absconded from other boys' homes.

It was attended by some of Australia's most infamous killers and criminals, including Arthur Stanley 'Neddy' Smith, George Freeman, Kevin Crump, James Finch, Archibald McCafferty and Billy Munday.

The ABC has interviewed six former inmates who, while they did not go on to commit serious offences, all agreed that time spent at the boys' home in Tamworth could turn someone into a killer.

"It gave you the killer instinct," said 67-year-old Bob McCluland, who was sent to Tamworth for five months in 1962.

"Anyone crossed you, you'd just cut their throat," he said.

Described as a "concentration camp", "Alcatraz" and comparable to "a prisoner of war camp during WWII", the institution was once a colonial jail where prisoners were flogged and hanged.

Once transferred there, boys were not allowed to speak to each other or look at each other, and slept alone in brick-walled cells which were freezing in winter and oppressively hot in summer.

They had steel buckets for toilets and the only light came through an iron-barred hole.

Alleged punishments included beatings, food deprivation, isolation, pushing heavy sandstone blocks across the floor and inmates being forced to walk around with cardboard boxes on their heads.

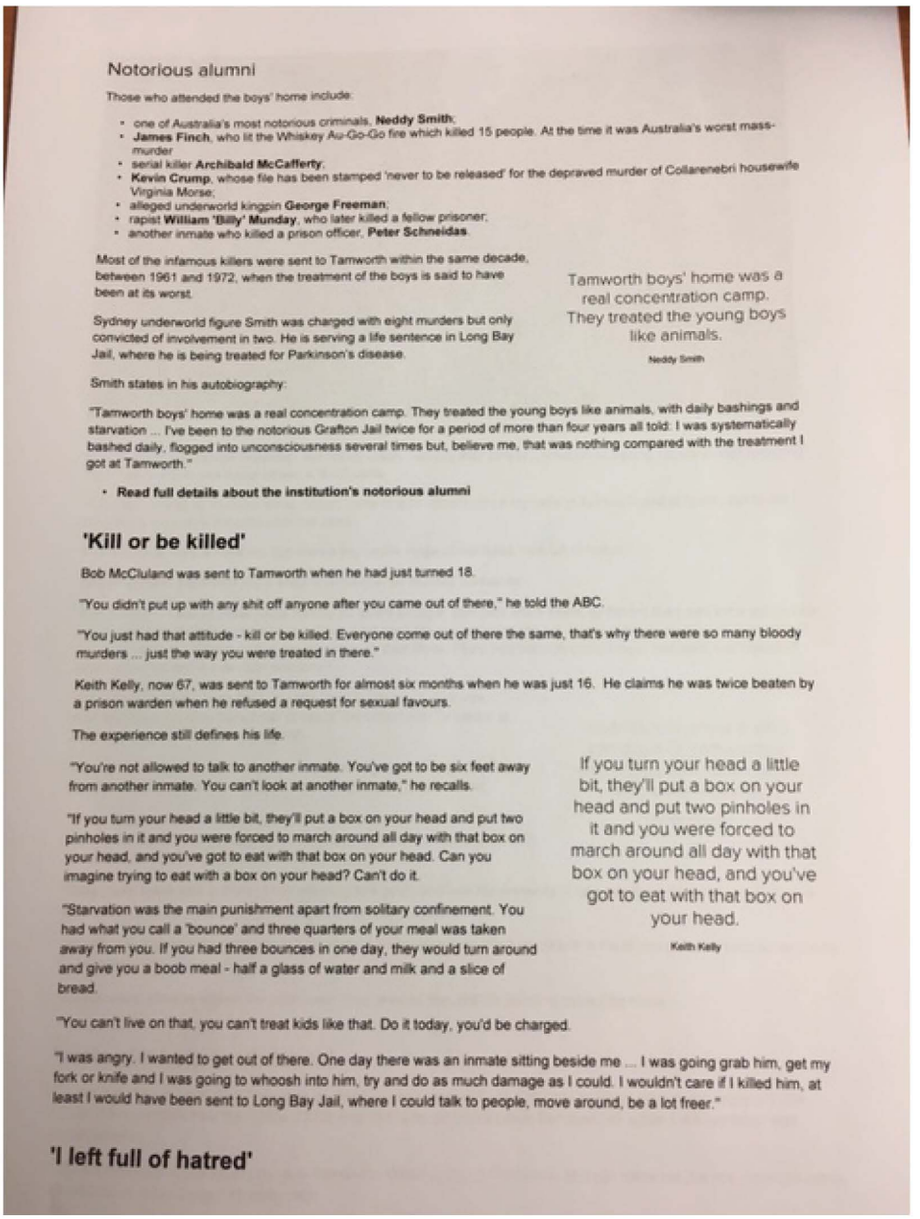
> It gave you the killer instinct. Anyone crossed you, you'd just cut their throat.
>
> Bob McCluland

The Institution for Boys, Tamworth was later renamed Endeavour House* and some communication between inmates was permitted. A spate of inmate suicides finally forced its closure in 1989. The building is now used as an adult prison.

The legacy of the Tamworth boys' home continues to ricochet around the walls of Australia's prisons, where so many of its alumni have ended up - often for committing violent crimes.

The ABC has obtained a full list of those who attended the institution following a freedom of information request to the NSW Department of Family and Corrective Services. Because of privacy concerns, the surnames of the inmates were redacted.

However, a process of cross-checking first names against dates of birth has confirmed that when they were aged around 17, many of Australia's most notorious criminals went through what has also been described as the worst detention facility in Australia's post-colonial history.



Notorious alumni

Those who attended the boys' home include:

- one of Australia's most notorious criminals, **Neddy Smith**;
- **James Finch**, who lit the Whiskey Au-Go-Go fire which killed 15 people. At the time it was Australia's worst mass-murder
- serial killer **Archibald McCafferty**;
- **Kevin Crump**, whose file has been stamped 'never to be released' for the depraved murder of Collarenebri housewife Virginia Morse;
- alleged underworld kingpin **George Freeman**;
- rapist **William 'Billy' Munday**, who later killed a fellow prisoner;
- another inmate who killed a prison officer, **Peter Schneidas**.

Most of the infamous killers were sent to Tamworth within the same decade, between 1961 and 1972, when the treatment of the boys is said to have been at its worst.

Sydney underworld figure Smith was charged with eight murders but only convicted of involvement in two. He is serving a life sentence in Long Bay Jail, where he is being treated for Parkinson's disease.

Tamworth boys' home was a real concentration camp. They treated the young boys like animals.

Neddy Smith

Smith states in his autobiography:

"Tamworth boys' home was a real concentration camp. They treated the young boys like animals, with daily bashings and starvation ... I've been to the notorious Grafton Jail twice for a period of more than four years all told: I was systematically bashed daily, flogged into unconsciousness several times but, believe me, that was nothing compared with the treatment I got at Tamworth."

- **Read full details about the institution's notorious alumni**

'Kill or be killed'

Bob McCluland was sent to Tamworth when he had just turned 18.

"You didn't put up with any shit off anyone after you came out of there," he told the ABC.

"You just had that attitude - kill or be killed. Everyone come out of there the same, that's why there were so many bloody murders ... just the way you were treated in there."

Keith Kelly, now 67, was sent to Tamworth for almost six months when he was just 16. He claims he was twice beaten by a prison warden when he refused a request for sexual favours.

The experience still defines his life.

"You're not allowed to talk to another inmate. You've got to be six feet away from another inmate. You can't look at another inmate," he recalls.

"If you turn your head a little bit, they'll put a box on your head and put two pinholes in it and you were forced to march around all day with that box on your head, and you've got to eat with that box on your head. Can you imagine trying to eat with a box on your head? Can't do it.

"Starvation was the main punishment apart from solitary confinement. You had what you call a 'bounce' and three quarters of your meal was taken away from you. If you had three bounces in one day, they would turn around and give you a boob meal - half a glass of water and milk and a slice of bread.

If you turn your head a little bit, they'll put a box on your head and put two pinholes in it and you were forced to march around all day with that box on your head, and you've got to eat with that box on your head.

Keith Kelly

"You can't live on that, you can't treat kids like that. Do it today, you'd be charged.

"I was angry. I wanted to get out of there. One day there was an inmate sitting beside me ... I was going grab him, get my fork or knife and I was going to whoosh into him, try and do as much damage as I could. I wouldn't care if I killed him, at least I would have been sent to Long Bay Jail, where I could talk to people, move around, be a lot freer."

'I left full of hatred'

INFOGRAPHIC: Boys line up at the Institution for Boys, Tamworth. (Courtesy: Family and Community Services)

Billy Munday and George Freeman - like Neddy Smith - identify their time at Tamworth as among the worst experiences of their lives and one which guaranteed a life of crime.

In his autobiography, Munday wrote: "When I take time to reflect now on my days in Tamworth and what they did to me, I can almost lay blame there for what I've done.

"I came out of there a hardened but scared boy on the verge of manhood. I left full of hatred."

This anger later translated into a sadistic worldview, as Munday confesses:

"Sometimes ... I would cruise parks looking for lovers sitting in their cars. We'd sneak up behind them and put a gun to their heads and take them to some hide-out. Then we'd bash the guy and rape the girl. I used to tell them after we finished that we were going to kill them, just to see the looks on their faces. There had been so many times I had been that scared of death, I just wanted to see *their* reactions."

The alleged Sydney crime boss, the late George Freeman, who was dramatised as the grey-haired star of one of the Underbelly TV series, is also damning of Tamworth in his book.

He was there in 1952, before inmates reported regular bashings. However, he says his introduction to the place was being king-hit by an official.

"When it came to psychological pressure on young minds, I think the Tamworth boys' home was probably the toughest, most damaging institution I ever saw the inside of," Freeman writes.

I don't know anyone who came out of Tamworth in those days who didn't go on with a life of crime.

George Freeman

"They could break kids in there. They would torture your mind with the pressure. It was mindless discipline, unproductive and cruel.

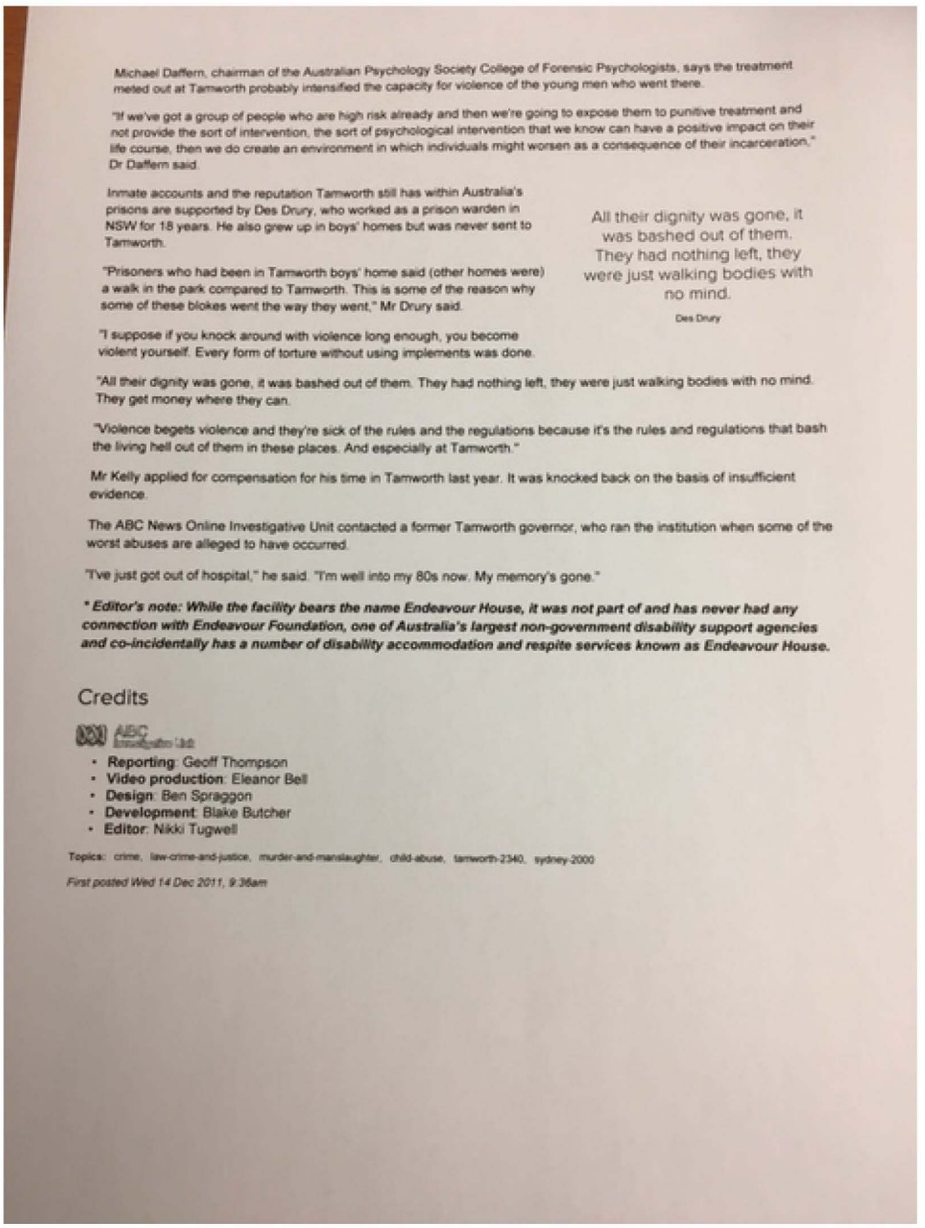
I don't know anyone who came out of Tamworth in those days who didn't go on with a life of crime. It was them or us. It had to be to survive.

"All Tamworth did was ingrain the bitterness. They created the ultimate finishing school for crims."

'Violence begets violence'

Former inmates who attended Tamworth around the same time as Keith Kelly say beatings were commonplace in the 1960s. While inmates from the 1950s, 1970s and 1980s report less abusive treatment, all agree the experience was dehumanising.

"You are never the same when you go to Tamworth. When you go to Tamworth and you come out you are never the same. It's just one of those things," Mr Kelly said.



Michael Daffern, chairman of the Australian Psychology Society College of Forensic Psychologists, says the treatment meted out at Tamworth probably intensified the capacity for violence of the young men who went there.

"If we've got a group of people who are high risk already and then we're going to expose them to punitive treatment and not provide the sort of intervention, the sort of psychological intervention that we know can have a positive impact on their life course, then we do create an environment in which individuals might worsen as a consequence of their incarceration," Dr Daffern said.

Inmate accounts and the reputation Tamworth still has within Australia's prisons are supported by Des Drury, who worked as a prison warden in NSW for 18 years. He also grew up in boys' homes but was never sent to Tamworth.

"Prisoners who had been in Tamworth boys' home said (other homes were) a walk in the park compared to Tamworth. This is some of the reason why some of these blokes went the way they went," Mr Drury said.

"I suppose if you knock around with violence long enough, you become violent yourself. Every form of torture without using implements was done.

All their dignity was gone, it was bashed out of them. They had nothing left, they were just walking bodies with no mind.

Des Drury

"All their dignity was gone, it was bashed out of them. They had nothing left, they were just walking bodies with no mind. They get money where they can.

"Violence begets violence and they're sick of the rules and the regulations because it's the rules and regulations that bash the living hell out of them in these places. And especially at Tamworth."

Mr Kelly applied for compensation for his time in Tamworth last year. It was knocked back on the basis of insufficient evidence.

The ABC News Online Investigative Unit contacted a former Tamworth governor, who ran the institution when some of the worst abuses are alleged to have occurred.

"I've just got out of hospital," he said. "I'm well into my 80s now. My memory's gone."

**** Editor's note: While the facility bears the name Endeavour House, it was not part of and has never had any connection with Endeavour Foundation, one of Australia's largest non-government disability support agencies and co-incidentally has a number of disability accommodation and respite services known as Endeavour House.***

Credits

ABC

- **Reporting**: Geoff Thompson
- **Video production**: Eleanor Bell
- **Design**: Ben Spraggon
- **Development**: Blake Butcher
- **Editor**: Nikki Tugwell

Topics: crime, law-crime-and-justice, murder-and-manslaughter, child-abuse, tamworth-2340, sydney-2000

First posted Wed 14 Dec 2011, 9:36am

References

MELANIE KEMBREY and IAN KIRKWOOD. 2016. *Paedophile Marist Brother jailed for six years | The Border Mail*. [ONLINE] http://www.bordermail.com.au/story/4186486/paedophile-marist-brother-jailed-for-six-years/?cs=2452. [Accessed 17 October 2016].

Trove. 2016. *09 Feb 1980 - Sentence suspended, man gets bond - Trove*. [ONLINE] http://trove.nla.gov.au/newspaper/article/137014431?searchTerm=Sentences%20for%20buggery&searchLimits=. [Accessed 17 October 2016].

The Advertiser. 2016. *The Advertiser*. [ONLINE] http://www.adelaidenow.com.au/news/national/the-foster-father-charged-over-tiahleigh-palmers-murder/news-story/c1359f1eb41eeef07cadb6fdc1b06501. [Accessed 17 October 2016].

Trove. 2016. *03 Sep 1928 - Assaults on Children - Trove*. [ONLINE] http://trove.nla.gov.au/newspaper/article/129170276?searchTerm=Sexual%20assaults%20on%20children&searchLimits=. [Accessed 18 October 2016].

Trove. 2016. *01 Jun 1977 - Murderer jailed for assaults 15 SEXUAL OFFENCES - Trove*. [ONLINE] http://trove.nla.gov.au/newspaper/article/110848341?searchTerm=Sexual%20assaults%20on%20children&searchLimits=. [Accessed 18 October 2016].

'Bulli rapist' Terry John Williamson to spend another 5 years under supervision - ABC News (Australian Broadcasting Corporation). 2016. *'Bulli rapist' Terry John Williamson to spend another 5 years under supervision - ABC News (Australian Broadcasting Corporation)*. [ONLINE] http://mobile.abc.net.au/news/2014-07-03/bulli-rapist-to-spend-another-5-years-under-supervision/5570346?pfmredir=sm. [Accessed 20 October 2016].

Mail Online. 2016. *Victoria men charged with 'raping a baby girl' extradited to NSW to appear in court | Daily Mail Online*. [ONLINE] http://www.dailymail.co.uk/news/article-3678206/Two-men-50-charged-raping-baby-girl-extradited-Victoria-appear-court.html. [Accessed 20 October 2016].

Herald Sun. 2016. *No Cookies | Herald Sun*. [ONLINE] http://www.heraldsun.com.au/news/victoria/six-months-for-rape-of-85-year-old/story-e6frf7kx-1111115910832. [Accessed 20 October 2016].

MSN News. 2016. *76 year-old man arrested in pollsmoor for sex crimes in australia*. [ONLINE] https://www.msn.com/en-za/news/other/76-year-old-man-arrested-in-pollsmoor-for-sex-crimes-in-australia/ar-AAijaFc. [Accessed 21 October 2016].

Herald Scotland. 2016. *Children to be spared anguish of going to court (From Herald Scotland)*. [ONLINE] http://www.heraldscotland.com/news/14791149.display/. [Accessed 27 October 2016].

Perth now. 2012. *Call for child sex offenders to be banned from travel.* Perth Now Online. http://www.perthnow.com.au/news/western-australia/call-for-child-sex-offenders-to-be-banned-from-travel/story-e6frg143-1226389873067. [Accessed 21 October 2016.]

Former foster father 'ashamed' of abusing child in his care, court hears - ABC News (Australian Broadcasting Corporation). 2016. *Former foster father 'ashamed' of abusing child in his care, court hears - ABC News (Australian Broadcasting Corporation)*. [ONLINE] http://mobile.abc.net.au/news/2016-09-05/foster-father-admits-to-child-abuse-partway-through-trial/7815944. [Accessed 21 October 2016].

The Sydney Morning Herald. 2016. *Abused while in care is no care at all*. [ONLINE] http://www.smh.com.au/nsw/abused-while-in-care-is-no-care-at-all-20130915-2tsto.html. [Accessed 22 October 2016].

Queensland Courts. 2015. *OFFICE OF THE STATE CORONER FINDINGS OF INQUEST*. [ONLINE] http://www.courts.qld.gov.au/__data/assets/pdf_file/0005/373091/cif-A-20150527.pdf. [Accessed 21 October 2016].

Grant Davies: Sydney dancing teacher sentenced for child pornography and sex abuse - ABC News (Australian Broadcasting Corporation). 2016. *Grant Davies: Sydney dancing teacher sentenced for child pornography and sex abuse - ABC News (Australian Broadcasting Corporation)*. [ONLINE] http://mobile.abc.net.au/news/2016-10-21/grant-davies-sydney-dance-teacher-sentenced-child-pornography/7953554?pfmredir=sm. [Accessed 22 October 2016].

The Mercury. 2016. *Former Kennerley worker accused of sex crimes. The Mercury*. [ONLINE] Available at: http://www.themercury.com.au/news/tasmania/former-kennerley-worker-accused-of-sex-crimes/news-story/19ed6fe1cef9dc2da5f74a5fd6f3541b. [Accessed 22 October 2016].

Australian Women's Weekly. 2016. *What life is really like inside a women's prison | Australian Women's Weekly*. [ONLINE] http://www.aww.com.au/latest-news/crime/what-life-is-really-like-inside-a-womens-prison-20702. [Accessed 22 October 2016].

Tom Allard. 2016. *Locked up for life*. [ONLINE] http://www.smh.com.au/interactive/2016/locked-up-for-life/. [Accessed 23 October 2016].

The Age. 2016. *Meet the man who murdered Carl Williams*. [ONLINE] http://www.theage.com.au/victoria/meet-the-man-who-murdered-carl-williams-20110929-1kzc6.html. [Accessed 23 October 2016].

Justice Study: Prior Abuse Reported by Inmates - National CASA - CASA for Children . 2016. *Justice Study: Prior Abuse Reported by Inmates - National CASA - CASA for Children* http://www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.5525017/k.5115/Justice_Study_Prior_Abuse_Reported_by_Inmates.htm. [Accessed 23 October 2016].

Armarillo Globe News. 2012. *Statistics suggest bleak futures for children who grow up in Foster Care*. [ONLINE] http://m.amarillo.com/news/local-news/2012-06-24/what-comes-next#gsc.tab=0. [Accessed 24 October 2016].

ABC News. 2016. *Sean Price jailed for life for murder of Melbourne schoolgirl Masa Vukotic - ABC News (Australian Broadcasting Corporation)*. [ONLINE] http://www.abc.net.au/news/2016-03-18/sean-price-sentenced-over-murder-of-masa-vukotic/7256730. [Accessed 26 October 2016].

Care Leavers Australasia Network. 2016. *Old, sick Salvos worker abused seven boys, seeks jail term that's not 'crushing' -*. [ONLINE] http://www.clan.org.au/news/post/?s=2016-10-26-old-sick-salvos-worker-abused-seven-boys-seeks-jail-term-thats-not-crushing. [Accessed 26 October 2016].

Koob, SFK, 2016. Sex accused teaches at top school. *The Australian*, 26 October 2016. 3.