



**OMBUDSMAN
TASMANIA**

**REVIEW OF CLAIMS OF ABUSE
FROM ADULTS
IN STATE CARE AS CHILDREN**

FINAL REPORT – PHASE 2

Tasmanian Ombudsman

June 2006

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FOREWORD

In July 2003, the Minister for Health and Human Services, the Hon David Llewellyn MHA, asked the Ombudsman to conduct an independent review of claims from adults (ie people aged 18 and over on 11 July 2003), regarding abuse suffered as children in the care of the State. Under what became known as Phase 1 of the Review:

- Claimants were given the opportunity to tell their story, and offered immediate counselling;
- Each claim was assessed to determine whether, on the balance of probabilities, the abuse occurred; and
- The Ombudsman made recommendations to the Department of Health and Human Services (DHHS) on each claim, including assisting claimants to gain access to their Departmental files.

Some 6 weeks after the Review commenced the Premier, the late Mr Jim Bacon, announced that *ex gratia* payments of up to \$60,000 would be available to further assist claimants with their healing, and appointed Mr Peter Cranswick QC as the Independent Assessor.

The original concept of the Review was a healing process and an opportunity for adults who claimed abuse in State Care as children to tell their story and be believed. The Ombudsman's Review Team determined whether, on the balance of probabilities, there was substance to the claim.

The Ombudsman, Mrs Jan O'Grady, reported to Parliament on Phase 1 of the Review in November 2004. Her report included a recommendation that the Government continue to receive claims, and this was accepted. As a consequence, Phase 2 of the Review commenced in December 2004.

The original concept of the Review was maintained during Phase 2, but additions to the process in Phase 2 at the request of the Government, were the signing of a Statutory Declaration that the information provided was true and correct to the best of the claimant's belief and knowledge, permission for a police check of prior convictions and the sealing of an audio tape of the interview in the presence of the claimant. Interviewers also asked the claimants why they had delayed in the lodgement of their claim until Phase 2.

Access to free counselling continued to be offered at the time of making a claim, and again at interview.

The opportunity for claimants to lodge claims was closed on 30 June 2005, and the Ombudsman's review of eligible claims concluded on 30 June 2006.

Phase 1 of the Review received 364 claims, of which 247 were accepted as eligible. Phase 2 of the Review received 514 claims, and of these 423 were accepted.

In total 878 claims were received, with 670 accepted as eligible.

The conduct of such a review was a long and exhausting process, and many people deserve commendation. In particular I'd like to acknowledge –

- Firstly and most importantly, those who displayed the courage to come forward with their stories – both those leading to the establishment of the review, and those making their claims;
- The State Government for its response, and ongoing support;
- The DHHS Review Team for their research and advisory support, and for following through on the Ombudsman's recommendations;
- The Independent Assessor and his team;
- Tasmania Police for their cooperation and advice on matters referred to them;
- State Archives for their valuable assistance in records management and all the others who have contributed administratively, including the Hobart Corporate Centre; and
- Last but not least, the hard work and dedication of the Ombudsman Review Team – there were many highs and lows during the Review process, but ultimately they have found it a gratifying experience, and I congratulate them on a job well done.

My substantive involvement has been very much at the end of this process, but I have been saddened by the claimants' accounts of the abuse suffered, and the effect it has had on their lives. For the Ombudsman's office this Review chapter is now closed, and I hope that the majority of claimants will feel this too, and that this process has assisted them in moving on with their lives.

RICHARD BINGHAM
ACTING OMBUDSMAN

30 June 2006

1. STATISTICAL PROFILE OF CLAIMANTS

In Phase 2 of the Review the Ombudsman received 514 claims. Of those claims, 91 or 18% were ineligible.¹

Of the 423 eligible claimants:

- 287 (68%) were males and 136 (32%) were females;
- A total of 30 claimants identified as indigenous Tasmanians;
- 13 claimants were British Child Migrants;
- 8 Risdon Prison inmates were interviewed; and
- 2 claims were incapable of determination, and were referred back to the DHHS for further investigation.

The oldest claimant was 82 and the youngest 22.

- 67% of claimants were born before 1959 (aged between 47 and 82);
- 23% were born between 1960 and 1969 (aged between 37 and 46);
- 9% were born between 1970 and 1979 (aged between 27 and 36); and
- 1% were born between 1980 and 1985 (20 to 26).

Table 1: Age distribution of claimants

YEAR OF BIRTH	NO. OF CLAIMANTS	MALE	FEMALE
1920 - 1929	2	1	1
1930 - 1939	28	21	7
1940 - 1949	89	66	23
1950 - 1959	164	113	51
1960 - 1969	96	64	32
1970 - 1979	36	19	17
1980 - 1985	8	3	5
TOTAL	423	287	136

¹ Age(3), withdrawn (10), private placement (54), deceased (3), adopted (3), uncontactable (4), not in State care (6), no records (1), enquiry only (2), did not attend 3 scheduled interviews (1), no case to answer (4).

2. PLACEMENT OF CLAIMANTS

2.1 Institutions, Receiving Homes and Approved Children's Homes

Receiving Homes (Rec homes) were intended primarily for the accommodation of children pending more permanent placement and for children in transit.

Institutions serving the whole State (Dep Inst) were specialist facilities designed to meet the needs of a specialised group of children for whom the resources of foster homes and Approved Children's Homes were inadequate. These institutions were regarded as training institutions with the task of rehabilitating the child/young person back into the family home.

Approved Children's Homes (ACH) were homes certified under Section 15 of the *Infant's Welfare Act 1935* or approved under Section 10 of the *Child welfare Act 1960*. They were operated by churches or voluntary organisations and accepted Wards of the State from the Department. The children remained under the guardianship of the Director of the day, but some of the functions were delegated to the controlling body of the Home.

Table 2 shows the Departmental Institutions, Receiving Homes and Approved Children's Homes that were specifically named in Phase 2 of the Review, and the number of claimants who reported incidents of abuse in them. It should be noted that approximately 40% of claimants had 2 or more placements²

Table 2: Institutions, Receiving Homes and Approved Children's Homes named by claimants

MANAGER	PLACEMENT	NO. OF CLAIMANTS	PLACEMENT TYPE
DHHS	Abermere	10	Rec home
	Argyle St	2	Rec home
	Binnowee	1	Rec home
	Casablanca	7	Rec home
	Cornwell	3	Rec home
	Eastville	4	Rec home
	Gilburn	1	Rec home
	Glynhyfryd	1	Rec home
	Kanangra	2	Rec home
	Kiah	2	Rec home
	Lismore	1	Rec home
	Malmesbury	5	Rec home
	Mardon	1	Rec home
	Miroma	3	Rec home
	Monomeeth	1	Rec home

² See below at table 4.

MANAGER	PLACEMENT	NO. OF CLAIMANTS	PLACEMENT TYPE
DHHS (cont'd)	Mosley	2	Rec home
	Omaru	2	Rec home
	REEVE HOUSE	2	Rec home
	Rochebank	8	Rec home
	Summerhill	2	Rec home
	Ashley Home for Boys	117	Dep Inst
	Wybra Hall	126	Dep Inst
	West Winds Boys' Home	8	Dep Inst
	Weeroona Girls' Training Centre	28	Dep Inst
Salvation Army	BARRINGTON BOYS' HOME	34	ACH
	Maylands Girls' Home	16	ACH
CATHOLIC CHURCH	Mt St Canice (Magdalen Home)	24	ACH
As above	Boys' Town (Savio College)	10	ACH
As above	St Joseph's Orphanage/Aikenhead House (later St Joseph's Child Care Centre)	14	ACH
Churches of Christ	BETHANY CHILDREN'S HOME	4	ACH
Church of England	Clarendon Children's Home	9	ACH
As above	Roland Boys' Home	5	ACH
Community Board of Management	Kennerley Boys' Home (later Kennerley Children's Home)	44	ACH
As above	Northern Tasmanian Home for Boys (also known as Glenara Children's Home)	15	ACH
As above	Glendel Children's Home	2	ACH
As above	Launceston Girls' Home	9	ACH
As above	Hillcrest Children's Home	2	ACH
As above	Tresca (Fairbridge Society)	6	ACH

2.2 Other institutional placements named by claimants

Some claimants had placements in other institutions that did not come under the jurisdiction of the then Department of Social Welfare.

Table 3: Other institutional placements named by claimants

MANAGER	PLACEMENT	NO. OF CLAIMANTS	PLACEMENT TYPE
Community Board	Sunshine Home	3	Holiday Home
Salvation Army	Elim	2	Institution
Mental Health Services	St John's Park Hospital	1	Institution
Mental Health Services	Lachlan Park (Royal Derwent Hospital)	10	Institution
Prison Services	HM Risdon	5	Institution

2.3 Foster care placements

- 104 or 25% of the total eligible claimants had spent some time in foster care.

3. REPORTING OF ABUSE BY CLAIMANTS

3.1 Type of abuse

This table reflects the percentage of eligible claimants alleging physical and/or sexual and/or emotional abuse. (The incidences of alleged abuse are not reflected).

Table 4: Distribution of type of abuse reported by claimants

TYPE OF ALLEGATIONS	NO. OF CLAIMANTS	PERCENTAGE
Physical	379	89%
Sexual	189	45%
Emotional	410	97%

3.2 Number of claimants alleging abuse in more than one placement

Many claimants had more than one placement, often two or three separate placements.

- 59 or 43% of female claimants alleged abuse in 2 or more placements; and
- 116 or 40% of male claimants alleged abuse in 2 or more placements

Table 5: Number of claimants alleging abuse in more than one placement

	MALE	FEMALE
2 placements	72	30
3 placements	31	25
4 placements	10	3
4 plus placements	3	1
TOTAL	116	59

4. CURRENT PLACE OF RESIDENCE

341 or 81% of claimants reside in Tasmania. 82 or 19% are now living interstate.

Table 6: Current place of residence

CURRENT RESIDENCE	NO.	PERCENTAGE
Tasmania	341	81%
Victoria	32	7%
NSW	5	1%
SA	15	3.5%
QLD	20	5%
ACT	2	.5%
WA	8	2%
TOTAL	423	100%

5. REFERRALS TO TASMANIA POLICE

36 cases have been referred to Tasmania Police for further investigation.

6. SUMMARY OF THE OUTCOMES SOUGHT BY CLAIMANTS

The following are the most common outcomes requested by claimants from their participation in the Review:

- Transcript of the interview;
- Apology;
- Acknowledgement that the abuse occurred;
- Access to Departmental files;
- Counselling;
- Assurance that today's system prevents the type of abuse that the claimant suffered; and
- To tell their story and be believed.

The Independent Assessor assesses all eligible claims for the *ex gratia* payment offered by the Government and capped at \$60,000.

PHASE 2 REVIEW TEAM

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