

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Inquiry into the handling of child abuse by religious and other organisations

Melbourne — 4 February 2013

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Witness

Mr B. Cherrie.

The CHAIR — Good afternoon, everyone. In accordance with the guidelines for the hearings, I remind members of the public gallery that they cannot participate in any way in the committee's proceedings. Only officers of the Family and Community Development Committee secretariat are to approach committee members. Members of the media are also requested to observe the media guidelines. I ask you all to now turn off your mobile phones while the proceedings are under way.

On behalf of the committee, I welcome and thank Mr Brian Cherrie for his willingness to appear before this hearing. All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act 2003, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. This hearing today is being recorded, and you will be provided with a proof version of the transcript. Following your presentation to the committee, committee members will ask questions relating to your submission and also your evidence provided today. Thank you again for being before us.

Mr CHERRIE — Thank you. It is not by accident that we have a Victorian inquiry and now a royal commission into child sex abuse in care. State governments have refused to inquire into this subject for decades, and it is almost a conspiracy to hide the truth. It is a deliberate ploy by this government to exclude state institutions from this inquiry to further hide the truth. Is the state government claiming that no sex abuse occurred in the 16 state institutions and that it only happened in institutions run by church and other organisations?

I first gave evidence 18 years ago in this same room to an inquiry into child rapes. I explained my story, and I asked that they set up a national database to keep track of paedophiles, and if they failed to do this, that they should tattoo 'paedophile' on perpetrators' foreheads. Paedophiles move around the world now and there are hardly any laws in place to stop them. They even travel overseas to participate in these evil acts. Can the panel make sure that laws are in place to stop anyone coming into the country, or leaving the country, who has been convicted of paedophilia?

I am a member of CLAN, and we have over 1000 members Australia-wide. We have been protesting in Melbourne once a month for five years for a redress scheme and a royal commission. As a matter of fact, we held a protest just this morning outside the office of the Attorney-General. I participate in about 20 Forgotten Australian Facebook groups throughout Australia, and the general consensus is that the Victorian and the Department of Human Services have hidden abuse and deaths in custody for decades.

DHS holds the records of all state wards, but some of these records have already been destroyed. They would know how many children vanished from institutions, both government and church and other organisations, because simply they would not have signed off their wardships. Why are all our church and organisation records still being held by them? They should all be relinquished and organisations forced to hand them over to the Public Record Office Victoria state archives. The panel needs to make DHS research this: how many of these disappearances have been reported to Victoria Police and the coroner? All deaths in care are supposed to be investigated by the coroner. What about the children who mysteriously disappeared and have never been heard from since? Have these cases been reported to the authorities?

DHS have not even bothered to keep our records in a satisfactory condition, according to a scathing Ombudsman report last year. Our personal records have been left in flood-prone and rat-infested warehouses. The Ombudsman staff found boxes with Tally Ho sex abuse files on state wards were marked for destruction. All these files are the evidence of crimes against children and should go to the special police investigation unit set up to assist this inquiry.

We talk about historical abuse, but those of us who have survived a tormented childhood still live with this trauma in our lives on a daily basis.

I was adopted from an orphanage into a family when I was two years old. I was continually physically beaten and emotionally abused until I was 10 years old, and then I was taken to the Children's Court in Melbourne, beside the Yarra River, and I was classified as uncontrollable and made a ward of state. I was then placed in the Gordon boys' home in Highett for a short time, and I have little recollection of what happened there. I do know that the male house parent that was in charge of me had been in Hitler's youth army and has had violence and

sexual allegations made against him. I was transferred to the Parkville home and then the Salvation Army Box Hill boys' home.

I was made to sleep in a dormitory with the doors locked, and the person who was supposed to care for me climbed into my bed and anally raped me. This went on over quite a period of time, perhaps two years, by the same person in the middle of the night. At the time I had no idea of what was happening. It is only when you grow into an adult that you realise the psychological damage that has been done. I still have suicidal thoughts and at one time ended up in the Alfred hospital from a drug overdose, and my heart stopped six times. I have been diagnosed with extreme sleep apnoea and I have been diagnosed with post-traumatic stress disorder. This nation cannot move on until these illegal, violent and sexual practices have been investigated properly.

I have with me today witnesses who were at the Salvation Army Boys Home and the Salvation Army Box Hill homes. Approximately three years ago I attended a protest outside a politician's office at Princes Highway, Noble Park, with 20 people. I discovered one person that had been at the Box Hill home for 10 years prior to me and another person that had been at the Box Hill home 20 years before me. It did not take too long to discover the fact that all three of us had been sexually abused over a period of 20 years. How could this at all be possible? Surely over a span of this time frame it must have been common knowledge amongst the staff at the Salvation Army Box Hill boys' home? Most of us were state wards.

Why wasn't the Victorian state government taking the proper steps to make sure that these crimes were not happening? How can the government still wash its hands of this and refuse to pay redress? I know two people who were at the Salvation Army Bayswater home who have multiple terrible scars on their hands and legs from beatings, and they had both told me that they were sexually abused and they have been paid out by the Salvation Army. One of them, by the way, is 67 years old, and after I had told him about the person that has the scars on his hands and knees he said, 'Well, look at what they did to me'. He rolled both pant legs up and he has scars that long — about 15 to 20 centimetres — on both knees. That is how violently he was beaten. He said he was beaten with a stick from a fruit box with nails in it.

Both of these people that have these scars have been paid out by the Salvation Army, but they haven't been paid out by the Victorian government. They refused. They were state wards, but the government refuses to settle with them. The state government just settled my claim after years of negotiation — I think it is about seven years — and a class action of 33 people who were state wards at the Salvation Army Bayswater and Box Hill homes. Even after hearing evidence by this panel of the times taken to report abuse — and this claim was only settled in the last three or four weeks — the defence the Victorian government lawyers still use, in my case last month, will still ride heavily on the seven-year statute of limitations, and they still insist on a silencing clause of amounts of money. Eighteen thousand dollars less \$5500 for legal costs for being a state ward and being repeatedly raped as a 10 and 11-year-old child.

There is no payment from the state government for many who went through the same things that I went through because they could not remember the names of perpetrators, even though the Salvation Army has paid them out. I was told if I did not accept this amount, I would be responsible for the other 32 claimants not getting anything. I was also told because if you add the \$18 000 to the \$45 000 that the Salvation Army paid me out five years ago, that that is all I would be getting anyway. A total of \$15 500 in legal fees because I am forced to use litigation, but at the same time the government is telling the media that we are treating cases on a case-by-case basis. It is very deceptive, and why would the government make me use expensive litigation lawyers?

Mr Brumby, when he was in office, stated to the media that he would deal with cases sympathetically and sensitively and expediently. Two days later he was before the media to explain why the government lawyers were demanding exact dates of abuse and witnesses. He claimed it was a misunderstanding and that he had instructed them to deal with cases properly. Who actually is paying these claims — both church and Victoria government claims — as I am led to believe that the state government solicitor-general has been paying some of the church claims? I have no direct evidence of this.

There have been numerous claims that children were beaten that bad in the Salvation Army home in Bayswater that children died. The homicide squad was at the Bayswater home approximately two years ago, and they dug holes with a backhoe and they were looking for bodies. They did not find anything. It was called Operation Dirham, and it relied on the memories, from decades ago, of various people. They have closed this investigation down now, but there are more modern ways the police forces can look for bodies, like ground thermal imaging

and cadaver dogs. I am not convinced that these investigations have been exhausted, and they should be. It is not hard to find out if any of these people have disappeared or not. They would not have signed off their wardships, they would have no tax files, no bank accounts, no Centrelink history et cetera.

At the Salvation Army apology in Canberra two years ago the Salvation Army closed the doors and would not let the press into the apology, but as soon as the apology was finished they opened the back doors and started doing a publicity stunt. Not once in the apology did they mention child rapes or sex abuse. A number of us went out the back door and told the world press the truth — the video links for this have been given to the panel secretariat and form part of my submission. Major Brad Halse, the spokesman for the Salvation Army, told the world press that, ‘We do not discuss how many claims or how much money has been paid out’. If all these organisations and churches hold the same view, then this government does not have a clue as to how many cases of abuse there are or how much has been paid out. There must be transparency from all government departments, churches and charities who have paid compensation redress for all victims of abuse.

I ask the panel to call in all the papers that pertain to abuse and question all these churches and organisations as to how many victims and what has and has not been paid out. When I was released from my wardship aged 18 years my girlfriend was 16 years old and a state ward. We had permission to share a flat from a social worker named Mrs McDonald. My girlfriend became pregnant with our first child while she was still a state ward. We got married soon after she turned 18 and was released from her wardship, and she was pregnant with our second daughter at that time.

At 51 I was put in touch with my half-sister after my birth mother passed away, and at 58 I was put in touch with my half-brother only after my birth father had passed away. There are so many people who were deliberately split up from their siblings as children and are still looking for their brothers and sisters. Everything should be done to unite these people. If churches and charities refuse to cooperate with this inquiry or tell lies in their evidence, then the charitable status of these organisations needs to be suspended.

The CHAIR — Thank you very much, Mr Cherrie, for sharing your experiences and stories with us. I will now ask Mr McGuire to ask the first question.

Mr McGuire — Thank you very much for your submissions and for your evidence here today. You raised that you do not think that all investigations have been completed, and that is about missing children who you are alleging may have been murdered. Just for the record, have you provided all your information to Victoria Police for investigation, or would you do that?

Mr Cherrie — No. A sheet on the story — the person who wrote the book with all the names on it — has been given to the secretariat for the panel to read. I am just a member of the public; the police are not going to tell me anything. Unless all those names are crosschecked with DHS — —

You see, most of them were state wards. If there is one name there that does not come up with bank records or tax records or whatever, you know they have vanished from the face of the earth. For Victoria Police to rely on memories from decades ago — and these people are quite ardent that kids were beaten that bad, that they were dragged away and never seen again — that should be followed through. There are other things to do than just to rely on memories from decades ago. There are cadaver dogs capable of finding bodies that have been buried for 100 years. There are ground thermal imaging techniques I know they can use. I am not an expert in this field, but I do not believe these things have been followed through fully — I really do not have the confidence in that.

Mr McGuire — I am just trying to establish — you have provided the secretariat with all the information you have, as best to your ability?

Mr Cherrie — Yes, there is a story there with all the names — there is a whole list of names.

Mr McGuire — Okay. What do you suggest should be the duty of care and the division of compensation, if you like, between the state and the third parties like the Salvation Army?

Mr Cherrie — Well, the Salvation Army had a duty of care, but so did the Victorian government. If we are wards of the state — if we are put in the duty and care of the state — the state cannot just wipe their hands of it. You know, you can give someone like the fallen police commissioner millions of dollars, and you cannot, you know — —

We have to fight screaming to get anything. The clergy, when they front up on abuse cases, they are given silks to represent them. Pell was asked just the other day what should victims do, and he said they can get legal aid. Where is the balance there? There is just no balance. I hope this panel is addressing these things.

Mr McGuire — Thank you.

Mrs Coote — Hello, Brian, nice to see you again. Could I just ask you about the redress issue? You gave us the YouTube connections, which are within your submission, you speak about the redress and you have given us a good example of it again today. I would be really keen to know how you see the redress here in Victoria and what suggestions we should make versus what your expectation is of the compensation and redress of the royal commission, because some of the organisations that you have spoken about are Australia-wide. Have you got any idea about what you are expecting from the royal commission along this redress-type of approach?

Mr Cherrie — Look, all these churches and charities enjoy the status of a tax-free environment. It is just such an imbalance; it is incredible. They need to get with the government and work out some form of figures. I have heard of terrible, terrible stories of people going through so much abuse and getting figures like \$1000 or \$12 000 for abuse that affects them for their lives. That is absolutely atrocious. From what I have read, I think the panel is looking into some of these things. This is why these people — these organisations and churches — need to be brought before this panel and be made to talk about what their settlements have been.

Mrs Coote — When you gave your example today you talked about it being an issue where you had to take a settlement because others would be affected by this, do you see that that is something that perhaps should be done across Australia and certainly within the charter of the royal commission?

Mr Cherrie — The 15 500 in legals. I have had to use a litigation specialist. They do not come cheap, and it drags on for years. I am sure you could find a way of breaking through this. I do not know if you can set a certain amount that the churches or governments pay up, but we are not going to stop our protests until we get redress.

Mrs Coote — And from CLAN's point of view, that is Australia-wide?

Mr Cherrie — I think so. I think the churches need to sit down and be forced to work it out with governments, either federal or state governments or whatever, but it has certainly got to be a better system than what we have got currently.

Mrs Coote — Thanks very much indeed.

Mr Cherrie — That is okay.

Ms Halfpenny — Thanks, Brian. I was going to mention that one of your suggestions is about the committee subpoenaing and getting records from organisations like the Salvation Army. As I understand it, letters have been sent out and it is going through that process, so it is looking at getting as many documents as it can.

Mr Cherrie — That is really good, because that is what needs to happen. They need to be accountable for how many cases? Who knows how many cases there are? I do not know. There could be any amount of cases and any amount of money.

Ms Halfpenny — Yes; it should be known. But what I was going to ask you about in terms of what you have been talking about is I noticed that in your first submission you mentioned how even when you settled with the Salvation Army, that the apology is all around this, so, 'If you think something happened, then we are sorry'. Can you explain a bit about that?

Mr Cherrie — I have sent the original copy to you. It says about three or four times in it, 'If you say what happened happened'. It still questions what happened, but there are just too many cases for it not to be irrefutable.

Ms Halfpenny — Has the Salvation Army done any of its own investigation to see how widespread it is and to encourage people to come forward?

Mr CHERRIE — I am sure they would know. I am sure they would know, but as their spokesman said, ‘We do not discuss how many cases or how much money has been paid out’. If all the other organisations take the same stance, no-one knows what has been paid and how many people, and they are all covered with silencing clauses. I have deliberately included all this information today under parliamentary privilege, because I want to try and expose what is going on here. They are all with silencing clauses, even the Victorian — —

I presume I am covered by — or I hope I am — parliamentary privilege by doing this. I hope I have outsmarted it.

Ms HALFPENNY — I am sure you have.

Mr WAKELING — Brian, thank you very much for your submission but also your participation. I know you have taken a lot of interest in this inquiry, and it is greatly appreciated. During the inquiry we have heard evidence from people who have dealt with the compensation process, particularly with the Catholic Church. I would be interested if you could provide an overview of the way in which the Salvation Army handled the process which led up to the settlement, and if you could perhaps take us through how that works.

Mr CHERRIE — I sent a big pile of papers probably a bit too late to you; it was on Thursday. The reason I brought the papers in to get copied was because I got an email that they wanted 15 copies of each and it was just too much, but I have sent you a big pile of papers. That should — —

The CHAIR — We have received those. Thank you.

Mr WAKELING — We have got that.

Mr CHERRIE — It should give you some idea of how the process is, and I have deliberately done that so you can try and juggle. Mine was actually in both cases done over the phone with my lawyer in the room with their lawyers negotiating, both with the state government and with the Salvation Army. There are a lot of people here. I know of lots and lots of people that had claims with the Salvation Army for severe abuse and sex abuse, and they do not get a state government claim because one used a different lawyer, a couple could not remember the names of their abusers — all sorts of things. I mean, we were little kids, you know?

Mr WAKELING — If I may ask, Brian, was there a face-to-face meeting which your lawyer may have been present at, but was there a face-to-face meeting with representatives from the Salvation Army to discuss the issues pertaining to your claim?

Mr CHERRIE — A face to face with me?

Mr WAKELING — Yes.

Mr CHERRIE — No.

Mr WAKELING — So everything was just done via — —

Mr CHERRIE — Everything was between the lawyers — —

Mr WAKELING — Between the lawyers?

Mr CHERRIE — the lawyer and the Salvation Army lawyers.

Mr WAKELING — Do you feel if you had had the opportunity to speak to someone directly about the matter that would have made a difference?

Mr CHERRIE — I was pretty disgusted. Part of the deal was the written apology, but the written apology in my view is ridiculous; it is just the way it is written. It is like doubting what happened, and there are just too many claims. The 33 in that class action is only a fraction of how many had claims with the Salvation Army for sex abuse and violence and what not. I know of another person that told me — and he is on a DVD that I have seen, and he was at Bayswater, and he said — —

I watched the DVD, and I talked to him about it, and he said, ‘Oh, yeah! I knew I was going to cop it’. He goes, ‘The Salvo was coming towards me with a piece of barbed wire doubled over. I knew I was going to cop it’.

Bayswater is a very isolated place, and there were just no checks and boundaries; they just got away with terrible abuse — terrible, terrible abuse.

Mr O'BRIEN — Thank you, Brian, for your evidence. I wanted to pick up perhaps from Ms Halfpenny's question. I note the documentation you have provided to us. Are you happy for me to read it?

Mr CHERRIE — Yes, yes; I am fine with it.

Mr O'BRIEN — It picks up what you said when they say on the third line:

I wish to express the Salvation Army's apology for the sexual and physical abuse which you say occurred.

Mr CHERRIE — Yes.

Mr O'BRIEN — It has got that qualification 'which you say occurred' on the end of it.

Mr CHERRIE — Yes.

Mr O'BRIEN — Could I ask — and I have asked this question to a number of victims and their families in relation to allegations, particularly in the Catholic Church and in other organisations — —

Perhaps what you are saying is the first thing that you would like to see — and that is why I am going to ask you if it is like what you would like us to pursue — is for not just a generalised, qualified statement of apology but rather a detailed account from the Salvation Army as to what happened and, as best they can, look back now on why it happened.

Mr CHERRIE — Look, the only reason I find that apology offensive is because it is obviously written by lawyers and because of that passage. If that passage was not in there, and it is in there are a number of times — but to me, that is absolutely offensive.

Mr O'BRIEN — Yes. And just to follow that on, there was a statement, and I am not asking you to say it was a great statement, but I note that there was some correspondence between your lawyers as to the terms of the apology. And I will not say that you were necessarily satisfied with it because you have given us the reasons you are not.

Mr CHERRIE — Okay.

Mr O'BRIEN — And I can understand that. But just in terms of your understanding of the Salvation Army's position, as it is now trying to deal with this issue, do you feel that it has satisfactorily, to your mind anyway, given a statement of account as to what happened with the abuse, perhaps subject to any victims who wish to remain confidential, and what they did to investigate it or otherwise prevent it from occurring?

Mr CHERRIE — Well, I went to the police twice. Now, the person that abused me used to drive us in a red Bedford truck with a green canvas canopy. He used to drive us to Burwood tech on a daily basis, and he must have had a Victorian drivers licence. I went to the person that ran the home. I went to see him in a retirement village — I will leave names out — and he confirmed the name of the person to me and to police. I told the police that I had been given information that this person had moved. Two Salvation Army people — this person and another person — went to Western Australia, and the person that abused me got caught and got imprisoned in Western Australia while working in another Salvation Army home. And I said to the police, 'Well, you're claiming you can't find him; what about this? Surely all you have to do is check this name under the police records in Western Australia'. And he replied, 'There'd be too many' — and he said the person's name — 'There'd be too many blah, blah in Western Australia', which is an absolute crock. I have been robbed. This happened many years ago. I have been robbed of perhaps catching and imprisoning a paedophile. You know, that is how I feel.

Mr O'BRIEN — I understand how you feel. I am sorry just to draw you back to my specific question, but I need to know where you want us to take this.

Mr CHERRIE — Yes, sorry.

Mr O'BRIEN — Would you like us to seek a statement from the Salvation Army, as best as we can, as to the details of what happened at the Bayswater boys' home and at the other institutions that you have referred to?

Mr CHERRIE — I think so, and not to have that clause in it. That clause is just — —

Mr O'BRIEN — So the apology should, with such a statement, be unconditional. It should be a statement of contrition or more like a confession.

Mr CHERRIE — This is what happened. Yes. They know.

Mr O'BRIEN — Do you understand what I mean?

Mr CHERRIE — Yes.

Mr O'BRIEN — More like a confession where they are actually saying this is what happened and these are the reasons — —

Mr CHERRIE — They know what happened. There are too many complaints. I do not know how many hundreds they have. I put in my submission. There were 200 at the Canberra apology. I have re-watched that; there were actually 300 people there.

Mr O'BRIEN — Well, you would like that number, for example — you have said that in your submission — of how many actual victims and what they have done.

Mr CHERRIE — Yes, how many people there actually were and how many they paid out might be a good start.

Mr O'BRIEN — Thank you, Brian.

Mr CHERRIE — Thank you.

Ms HALFPENNY — I was just going to ask another one which does not quite follow on, but it is about the government's role in institutions like at the Box Hill boys' home. To your recollection, did anybody employed by the government go to these homes and inspect them or check anything or follow any guidelines? Was there any sort of overseeing?

Mr CHERRIE — I cannot remember. I honestly cannot remember. I am sure they should have been doing their checks. It went on for too long that they could not have known what was happening. If it went on at Box Hill for, I claim, at least 20 years, how long — it was just continual. It was just continual.

If laws can be changed, if one child can be saved from abuse because this panel can change a law somewhere, I would be absolutely rapt. I would love that more than anything else. You know, you have got a massive job on your shoulders, and I really wish you all the best with it.

The CHAIR — Thank you very much, Mr Cherrie. Members of the committee do not have any more questions. You did make some remarks just then, but is there anything else that you would like to say to the committee before we conclude?

Mr CHERRIE — Yes. I would like the Victorian government to set up a redress scheme, and I would love to see Mr Pell's arse hauled in here. Thank you.

The CHAIR — Thank you very much for your time this afternoon. Your evidence has been most helpful, Mr Cherrie. Thank you again.

Mr CHERRIE — Thank you.

Witness withdrew.