

Brian Cherrie Submission to the Church and Charitable Institutions Inquiry by the Victorian Government 2012

Firstly I would like to make clear that this is a **PUBLIC SUBMISSION**. and the reason for this is that I have lived a shameful life and carried this shameful guilt for 50 years, and I refuse to accept blame for it any longer. And I refuse to hide what happened to me. My story must be told.

My story

My name is Brian Cherrie and I was living in the Salvation Army's boy's home in Box Hill from the years 1962 until 1966. While I was living there I was sexually abused by a worker named [REDACTED]. I believe that [REDACTED] was approximately 30 years old at the time, and worked for the Salvation Army as a supervisor in the home. He would also drive the truck to take us to school therefore he would have had a Victorian Licence.

[REDACTED] sexually abused me from the ages of 10 to 12 years old, on numerous occasions. The abuse would always occur when I was sleeping in the dormitory, when [REDACTED] would get into my bed in the middle of the night. I was 10 years old when [REDACTED] first anally penetrated me, I was too young at the time to realise what was even happening. But as you get older, the psychological damage from the self blame and self shame comes through. Over the years I tried to numb the pain with alcohol and drugs, but this was only ever temporary. In my adult life I have been diagnosed with Post Traumatic Stress Disorder and Severe Sleep Apnoea and I struggle with this every day. The first person I told was my brother, when I was about 40 years old, after watching a documentary on Child Abuse.

Approximately 18 years ago (May 1995), I gave evidence at the Parliament of Victoria Crime Prevention Committee Enquiry into sexual offences against children and adults. I stated to the panel that if they failed to set up a National database for paedophiles that they needed to tattoo paedophile across the abusers foreheads so that they could be identified and shamed. My evidence was taken in camera and therefore a record exists somewhere in detail.

In November 2010, the Salvation Army made a public apology at Old Parliament House, Canberra, approximately 200 people attended, and the Salvos gave us \$200 each towards the cost of attending.. Whilst they were making the apology, they locked the World Press Out, and afterwards they opened the back door and spoke to the press. In my opinion they were attempting to gloss over or cover up the seriousness of what had happened to the many victims in their care. However, many of us went out the back and told the World Press representatives what really happened: severe physical bashings, rapes and neglect.

Not once did the Salvos Apology mention Child Sexual Abuse or Child Rape, but they have paid out lots of cases, and they do know about it, but refuse to acknowledge it. Part of my submission that the inquiry panel need to look at the "Salvation Army apology"," videos" on Google and you will see grown men telling in detail their dramatic stories of their abuse.

I went to the Police twice regarding the abuse I suffered. The first time I reported was at Box Hill Police station in 1994. The Police officer that I spoke to would not take my statement. After I gave evidence at the Parliamentary Inquiry, the Police contacted me and took a statement from me. I told them that I had information that [REDACTED] and another person from the Box Hill Boys home were both sent to another Salvation Army Boys Home in Western Australia, where [REDACTED] was caught molesting another child and was imprisoned. These same Police officers later told me, that they could not find any information on [REDACTED]. I asked them "how can that be? All you have to do is check the Police records in Western Australia for [REDACTED]", to which he replied "there would be too many [REDACTED] in Western Australia". Surely he would have had a car license. I also went to see Major Broadstock at the Salvation Army Inala Retirement Village at [REDACTED]. He was the Manager of Box Hill Boys Home and also at sometime the manager of the Bayswater Boys Home. He told me he had no knowledge of my claims and I was told by the police they also spoke to him.

The Box Hill and Bayswater Children's homes were absolutely notorious for beatings and child rapes. The spokesman for the Salvation Army at the Canberra public apology Major Brad Halse stated "We don't discuss how many cases of abuse, settlements or details of any cases". This person needs to be summoned to the Inquiry Panel and made to disclose these figures of how many claims and the amounts and how they came to these amounts.

The Victorian Government Panel needs to ask the Salvation Army "How many cases of rapes and abuse they have paid out?. How much they have paid out. How did they work out the amounts to pay claimants. How did they work out that \$45,000 less \$10,000 for legal fees, was fair compensation for the repeated rape of a 10 year old child, who was in their care. I was a State Ward, why doesn't the Government know all these figures already or do they? and if they don't, why don't they. There were many places like this that were covered in the Forgotten Australian Senate report, thousands of people abused, raped and neglected. I will tell you why no one wants to know, because no matter which way you look at it, nobody wants to pay Redress, its all about the money.

Part of my agreement with the Salvation Army was to receive a written apology. The written apology says all the way through it, "if you say what happened to you, happened to you" and it says that several times, so even in their written apology, they are still denying what really happened.

The Inquiry should subpoena the legal papers from the Salvation Army lawyers to understand their workings, and follow up all the claimants in regards to the crimes committed against the children, and individuals, Boards of Management and Institutions and Churches responsible. Each person in the chain of command that knew of, authorised and condoned the repeated abuse of children at these Homes needs to be held responsible, and prosecuted accordingly. The Inquiry should subpoena all the records held by the all the lawyers for ALL the Church and Institutional Childrens Homes and other homes. Only then can the perpetrators be traced across the different Childrens Homes and Institutions where they got access to children.

In my opinion, if you multiply that by all the churches and charities, if they all hold that view, that they don't discuss the outcomes of the claims brought against them, then the Government have no idea of how prevalent or the extent of physical or sexual abuse took place in these organisations.

In the Box Hill and Bayswater Children's homes there were hundreds of people that have made claims of physical, sexual abuse and neglect. The panel needs to subpoena all the Salvation Army records from all their homes and all documents held by their lawyers for all cases of abuse in these homes.

Government response

When Ted Ballieu announced on TV that he finds child abuse abhorrent, why then would he set up what seems to be a Clayton's inquiry. only recently , Justice Frank Vincent QC, was appointed to help with the inquiry. Up until then, the people on the inquiry panel had no legal expertise with less than 2 years Parliamentary experience. Andrea Coots (who is on the inquiry) has stated in Parliament that "Do we want to put more people who have been so traumatised through yet more trauma, more hope perhaps, unjustified hope to find these records in order to be able to approve that they were in a certain place and a certain time, therefore get reparation. Is that.....being sought here today. I think that this is leading people to false hope and leading them to spend valuable time that they could spend getting on with their lives and living fruitful lives".

How can people have any chance of restitution or have dates for evidence if they are not entitled to their ward files? Andrea Coots also stated "I look at the fact that in my own electorate we have the largest numbers of Holocaust survivors who went through the more excruciating circumstances and came to Australia because it is a safe haven. The mind is a very powerful and cruel tool. What is happening to those holocaust survivors is they grow old and develop dementia as they are reliving it all over again. Is having another report into the reasons, the outcomes and the problems associated with the holocaust going to make their lives better. I do not think so." In my opinion I believe she is saying "don't even bother having an Inquiry". These statements are all recorded in Hansard.

When the inquiry was first announced, it was touted as being a Parliament inquiry into the handling of abuse allegations by religious and other organisations. After this, it was quickly changed to a Parliament Inquiry into the handling of abuse and allegations by religious and other NON-government organisations. There were over 120 church and organisation children's homes in Victoria and there were about 16 state run children's homes. Is the Government claiming that there was no abuse in the state run children's homes? I find this ridiculous and insulting.

Due to this confusion, I believe that the submission date should be extended to allow people who are confused by the ruling changes, to make their submissions. The ruling should revert back to include Government Organisations.

Also, the Committee does not have the power to compel people/organisations to give evidence, and I find this appalling. With the prevalence of childhood sexual abuse in churches and other organisations, and the recent ADF sexual abuse claims, the only way to clear these matters up is to have a full Royal Commission into child abuse.

Shortly after this, the Victorian Ombudsman released a report on the condition of Victorian ward files and that they had been kept in flood prone and rat infested warehouses. The Ombudsmen staff also found boxes marked "to be destroyed" which contained Police reports, children's Police statements of allegations of child sexual abuse at the Tally Ho Boys home. I believe the Department of Human Services has been given 3 years to sort our files out properly.

When John Brumby was in power, he stated that he would "deal with all cases sympathetically and sensitively on a case by case basis". Mary Woolbridge has also stated that they will deal with cases "on a case by case basis". Not long after Brumby's statement, reporters asked him why the Governments solicitors were demanding exact dates and witnesses to child abuse. He then went on to say that he had instructed the Government solicitors to deal with these cases properly. I went to my local MP Geoff Shore (Frankston) approximately November 2011, and he was supposed to write to Mary Woolbridge about my case. I have called his office several times with no response. I have only just received a letter from him saying he has forwarded my letter to Mary Woolbridge, about ten months later.

My claim has been in for years and years, and recently there was an article in the Herald Sun that the Ballieu Governments lawyers will have a meeting with Angela Sdrinis (lawyer for the class action) there are 33 people in this law suit, from the Salvation Army Bayswater and Box Hill boys Homes., The horrors that occurred in these places was systematic over a long period of time and abhorrent.

The Attorney General Robert Clarke and Mary Woolbridge Minister for Human Services and the Premier Ted Ballieu have ALL stated that "we will treat these cases on a case by case basis". Victoria and NSW are the only States that do not have a Redress Scheme, we have a place called Open Place and they will not give us funds for health or anything. Why doesn't the Government sort this out so it can be over, and I can begin to move on with my life? Even John Brumby the previous Premier stated 'He will deal with our cases sympathetically and sensitively, on a case by case basis. Two days later, he was before the Press, explaining that Government lawyers were demanding exact dates and witnesses to Child Rapes and Abuse. He then stated that he will rectify this immediately and treat cases expediently. That was 4 or 5 years ago. My case is still outstanding, and has been with the lawyers for more than 7 years. Why do we all have to go through this expensive litigation process? After everything we have already been through.

Over the years when I have tried to take this further, I have been told by lawyers that the Government and the churches try to hide behind the statute of limitations. I am currently in a class action along with 32 people to sue the Victorian Government for the abuse that happened in the Box Hill and Bayswater boy's homes. The Victorian State Government gave

apologies to the Forgotten Australians who were abused and neglected in Children's Homes, and the Federal Government also apologised to Forgotten Australians. Before they did this, they had inquiries of which lots of people put in submissions. Victims making these submissions have to keep reliving the events, dredging up the torment of their childhood abuse. A lot of us that were abused, were Forgotten Australians, or did grow up in children's homes, and we were wards of the state, and the Government had a duty of care to make sure that we were looked after properly and not abused and neglected. Approximately 3 years ago the Salvation Army paid me \$45,000 for my abuse, of which \$10,000 went to lawyers fees. What a joke. This amount for ruining my life. When I was 17, I attempted suicide by drug overdose, and I ended up in the Alfred Hospital and my heart stopped 6 times. I am lucky to be alive from this incident and many other hair raising episodes. I had self destructive behaviour, which in the long term cost the Government a small fortune.

This compensation amount from the Salvos is an appalling amount for the abuse and the psychological damage it has caused in my life.

I have just received a letter from Medicare to state that any counselling that I have received for my abuse must be taken out of my class action (if I am given a payout). I have a friend who was molested by her father at age 5, removed and placed in care. She received a bill from Medicare before her case was settled, for twice the cost of her settlement amount.

The Government, like the churches, when they reach these settlements, very cleverly include a silencing clause. This needs to stop; nothing is more disgusting than "We will pay you to be silenced".

The State Government cannot deny that they don't know of the plight of Forgotten Australians. The Community Affairs Reference Committee Senate Report, Forgotten Australians August 2004 is full of the most appalling cases of child abuse and neglect.

I am a member of CLAN and we have been protesting on the steps of Parliament House and outside the offices of DHS and the Attorney General, for redress for Forgotten Australians, once a month for the past 5 years. The co-founder of CLAN is currently in New York and just made a submission to the United Nations Committee against Torture for the Abuse and Neglect of Forgotten Australian endured in State and Church childrens homes. I know many Forgotten Australians that just find it too hard to put a Submission in, either from poor health or elderly, or no accessability to a computer, some have never learnt to read and write. Some have acute nightmares recurring if the start to talk about what happened to them. Many have physical and emotional scars that are as bad as any memoirs of children in the wartime..

How many children died in institutions?

Were these deaths referred to the coroner?

How many suicides are there from people that were in the Bayswater and Box Hill homes?

How many suicides from all people that were in all homes?

These are questions that the enquiry panel need to ask and answer.

Missing children

Rod Braybon's book "Salvation" names three children that he believes were physically abused so severely that these children were in fact murdered. I personally have spoken to someone who has told me that they had seen a skeleton at the Bayswater Boys Home whilst he was residing there and he has also told me that he had been to the Bayswater home to meet with the Homicide Squad on two occasions. He told me that another boy came running out of a cave as white as a ghost. He asked what was wrong and he was that disturbed that he could not answer. He then went into the cave and saw a skeleton of a boys body. It was a cave or a hollow where they used to store the flower bulbs that they grew. The person that told me he saw a skeleton at the Bayswater Home is on a DVD that is publicly available, where he states "I knew I was going to cop it, the Salvo was coming towards me with some barbed wire folded over in two". I will know whether the panel has taken this serious or not as I have the name and phone number of the person.

I have written to Victoria Police, who I believe were out there a few years ago with a back hoe called Operation Dirham. I have received a letter from Detective Inspector Bernie Edwards (Homicide Squad) to say that the investigation has been completed and will not be investigated further **at this time**.

I wrote to Victoria Police and asked them if they have cadaver dogs, they informed me that they do not. Cadaver dogs are capable of smelling the scent of a dead person up to 80 years ago. I believe that cadaver dogs have never been used at the Bayswater Salvation Army Home.

It is not hard to test the names from Braybon's book to find out if they have vanished off the face of the earth. They would have no bank accounts, no tax returns, no medical records, no dental records, no voting records etc. If you want to understand the level of violence that was used at these homes, Google "Salvation Army apology", and watch some of the videos. I personally know of 2 people aged in their late 60's who have lots of physical scars on their bodies from the Bayswater Boys Home. These 2 people have never met one another. One has scars on his knees and hands; the other has scars approximately 8 inches long, on both knees. Both of these people had successful claims in with the Salvation Army for physical and psychological damage.

I have just written to the Office of Police Integrity to ask why Cadaver dogs have never been used at this site, and to ask for the Operation Dirham to be reopened. Allegations brought to this Inquiry need to be followed up by the Police and the Coroner.

I have been at a protest in Noble Park where there were 2 other people that had been in the Box Hill home, one 10 years prior to me and the other 20 years before me. There is a span of 20 years of child abuse, told to me by those people. I have also written to the Coroner and told them that they have a Duty of Care to hold a Coronial Inquiry into children that died in care at the Bayswater Boys home. The Coroner has virtually brushed me off and told me that

the allegations had been investigated by Sergeant Peter Trichias of the Homicide Squad and he has told them that there is no evidence to substantiate them. Unless the records of those boys have been cross checked with the health/dental etc records properly, I believe it should be investigated further.

I am planning to write to the Ombudsman, to make sure that this process has been done properly. Justice needs to be done for ALL the victims of Institutional Abuse in Victoria, not just for a few survivors who happened to have enough corroborating evidence and the resilience to go through a lengthy legal process.

Sentencing perpetrators

When a child is abused, the ramifications are overwhelming, and they have to deal with the impacts of their abuse for the rest of their adult life. Sentences of these perpetrators should reflect this. These Charitable Institutions that are responsible for this systemic abuse, need to have their Charitable Status removed. 'In God's Name' isn't a licence to commit atrocities on Australian children, tax free, no questions asked, any excuse accepted, never to be investigated by the Police, always to be believed in Court, always respected, above the law, above suspicion, holier than thou and endlessly funded by the Government to the tune of billions of dollars a year. This has to stop.

Stalking and the internet

If they don't get this right, and have the laws set in place for these predators that trawl the internet, our children will continue to be at risk so much more than in the past. This is a major concern and the resources and money needs to be put in place to help stop this vile practice. There need to be laws in place that it is an offence to go online under a false name or register a false age.

The Working with Children Check

I believe that the process of obtaining a Working with Children Check needs to be changed. The current system is that the Department of Justice do their checks and make their decisions on whether a person is issued with a Working with Children Check. There have been many instances where individuals have been refused a Working with Children check by the Department of Justice, and they have appealed to VCAT and the original decision has been overturned. These people were refused their Working with Children checks for valid reasons. They should not be allowed near children. A recent example is the article in the Herald Sun titled "Bad mum okay for kids". This is where a woman admitted to smoking marijuana and stabbing her son. She was refused a working with children check, appealed to VCAT, and the initial decision was overturned. The panel need to look at all these cases that VCAT have overturned and look at a way that this cannot happen as there are many cases.

There is also a case of an indigenous person interstate who forged his working with children check for a senior position to work with children and when he was caught there were allegations that he had molested children and he was found in the possession of child

pornography images. There need to be laws in place with serious consequences for forging or altering a Working with Children check.

It is my suggestion that the Working with Children check card be hologramed and must be sighted. Furthermore, the actual plastic they are made of is very brittle and can break in half.

I have talked to staff that are dealing with victims and they are concerned about the first couple of weeks where people may be able to work before they are given their official working with children check. It needs to be pre-requisite, rather than a procedure after employment.

I wish to appear before the panel to give further evidence. Brian Cherrie [REDACTED]
[REDACTED].