

**Committee Secretary  
Senate Legal and Constitutional Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia**

## **Submission to Senate Review of Government Compensation Payments**

7 June 2010

This submission is lodged for the consideration of the Senate Legal and Constitutional Committee by me and on behalf of my constituent Mrs Sandra Betty Radford (nee Redburn). Sandra is illiterate due to the lack of access to education during her childhood resulting from her placement by unknown persons with a woman and her defacto partner who abused and ill treated her and other children over many years during the 1940's through to the 1960's.

Sandra has confirmed with me that she gives her consent to provide this submission as a public document in its entirety and she is aware that this means much of the following information will be made public for the first time. I have read this entire document to Sandra and she has confirmed that all details are accurate and truly reflect her personal experiences.

In addressing the Terms of Reference for the Committee I wish to focus on the administration and effectiveness of current mechanisms used by the State of Tasmania to provide discretionary payments in special circumstances, namely the state statutory schemes relating to children in care.

To highlight the matter I wish to raise, I will be relating a portion of Sandra's story to illustrate the challenges and frustrations that she and those who have sought to assist her have faced as we have sought to achieve recognition of the appalling abuse she suffered. This submission also raises the issues related to the lack of appropriate care she received during her childhood and early adult life, but also seeks a mechanism to provide some compensation for Sandra as a mechanism to recognise the impact of these experiences and to provide support to her in her life now, as she faces ongoing health challenges, both physical and psychological, as a result of the abuse she suffered as a child and young woman.

Sandra does have an excellent memory of the events of her early life and amazing recall. This may result in part from the fact that she is illiterate and unable to record her memories in other ways. The events described below have been collaborated by others, thus enhancing the credibility of her memory.

### **Summary of Sandra's childhood and early adult years**

Sandra has experienced a very tragic upbringing and is a victim of horrific physical, sexual and psychological abuse as a child when she was placed by unknown persons with a foster mother as a very young baby. She has no knowledge of who her parents are, where she was born or her true date of birth.

As stated, Sandra's date of birth is uncertain and the likely date of birth that would have been provided for records purposes would most likely be 18/10/47, however this may not be correct. Sandra has also been given possible dates of 28/10/47, 18/10/49 and 28/10/49. The Registrar of

Births, Deaths and Marriages has been unable to trace a record of birth for Sandra using these dates and a number of possible surnames that have also been provided to him.

Sandra was placed with a foster mother as a young baby and was known by the foster mother's surname. The foster mother is known to have been married but she had separated from this man before or around the time that Sandra came to live with this family. Sandra has no recollection of ever meeting this man. Subsequently her foster mother had a number of male acquaintances before entering in to a defacto relationship with another man, which lasted throughout Sandra's time with the foster mother. This man was responsible for much of the physical, emotion and sexual abuse that Sandra and other children in the household were subject to.

The foster mother initially had a property in Breadalbane (it is believed she was the land lady of a pub) before moving with Sandra to Prospect and subsequently to Golden Valley in Meander when Sandra was a young child. The foster mother also had several of her own and other foster children with her over the years, including two who are known to have been neglected and removed from her and taken in to State care on 7 August 1953, while Sandra was living with her. No investigation appears to have been undertaken in to the welfare of Sandra or the other children in the foster mother's care at that time even though the lack of care for the children living with her was well known and notified by the school principal. It was reported that other children, possibly up to ten in number, lived in this household at different times.

Formal records relating to Sandra have been difficult to trace and those that have shed little light on her situation. The foster mother did have a property at Prospect and Sandra was admitted to and attended Prospect Primary School, now know as Summerdale Primary, from 1 February 1955. School records show that Sandra left the school sometime in 1956 (manual record is unclear) and was to transfer to Meander School. Registration and attendance records for Meander School show that Sandra never attended that school. This accords with Sandra's recollection that she did not attend school after the age of about 6 years. It would appear that the Education Department failed to make enquiries about the school attendance of Sandra and other children living with them when they did not attend Meander School as planned.

There were five biological children of the foster mother who were older than Sandra, some of whom had left home prior to moving to Meander and over the years a number of other foster children, some of whom remained with the family for some years, lived with the family.

The foster mother, her estranged husband and her defacto partner are all now dead. Her defacto did not live with her full time until she moved to Meander, but was a regular visitor to the step mother's house. Sandra believes that the house in Meander belonged to the defacto partner as both he and her foster mother lived in the house following moving to this area. This man was murdered in 1972, it is believed he was murdered by a former ward of the State.

The foster mother refused to give Sandra information as to her real name, family or actual date of birth. She died in 1971. To date, in spite of extensive searching of records and other means of investigation, Sandra parentage and actual date of birth remain unknown.

During the years Sandra lived with the foster mother she was subjected to continual and horrific sexual, physical and physiological abuse and neglect (as were the other children in household). Sandra experienced an unimaginable existence, some of which (although much of the graphic detail is not recorded here) is outlined below to provide an insight to what her life was like:

- Sandra was denied an education, not attending school from the age of around 6 years. She always felt ashamed particularly due to her lack of education and illiteracy.
- She and the other children were instead made to work on the family properties at Prospect, Meander and Golden Valley as slave labour.
- She and a foster sister took to sleeping out in the street at night because many nights the defacto partner would return home from his work of collecting rags and clothes drunk and fighting and abuse the children.
- Sandra slept on a hessian bag filled with ferns with old coats as her blankets. She can recall the discomfort of ferns poking into her as she tried to sleep and fleas.
- Her work included dragging wood from the bush on a sheet of tin, milking cows, keeping pigs, chickens and sheep.
- The farm had no fences so the cows had to be milked where they stood. Sandra would tie a rope around the cow's neck and then wind the rope around her arm to keep it held firmly against her while she milked it. On one occasion the cow bolted and Sandra was dragged by her arm through paddocks and down the road, and amongst other physical injuries her shoulder was pulled out of its socket and badly damaged. She received no medical attention for the injury and has suffered from pain and a limited range of motion of the joint in her shoulder ever since. This has improved to a degree after having a shoulder replacement in 2009.
- At night they were sent out to steal potatoes and other vegetables to feed the family and the animals. When the neighbours lights went out they would herd the animals in to neighbour's paddocks to eat the crops.
- The children 'lived' in a shed at the rear of the house and were rarely permitted to enter the house. Sandra and the other children were regularly forced to live in the bush for days, frightened to come out as the defacto partner "was going to shoot them if 'the welfare' came looking for them or neighbours 'found out'". Sandra regularly had a gun held to her by this man as he threatened to shoot her.
- When her foster sister was removed by welfare services, the sexual abuse Sandra was subjected to increased – she describes it as happening "all the time". He also committed acts of bestiality with the animals on the farm.
- When one of Sandra's foster brothers was about 8 years old, he ran away and was missing for 5 days. Sandra was sent to look for him and found him in an old bath, shivering, starving and nearly dead, covered in his own excrement. Later some of his toes 'fell off' due to frost bite and gangrene, which Sandra had been trying to treat. Sandra nursed him back to health, and no medical care or attention, other than that general care provided by Sandra, arranged or provided. Her foster mother and her defacto had forced Sandra to build a bonfire ready to burn his body if he died, so that they would not have to explain his death.
- One of Sandra's foster sisters stole food from a workman's lunch box and got into trouble. A female neighbour took her to the welfare department and she was subsequently made a ward of the state and removed from the foster mother. No further

follow up of the other children occurred even though many were aware of the conditions in which the children lived and subsequently the abuse continued at an increased level with Sandra being regularly beaten by her foster mother and her defacto partner.

- Sandra walked approximately 20km to the Deloraine Police Station to report the abuse that was happening to her. She spoke to Sergeant Harris and Constable Blair but it appears they did not investigate any of her claims and returned her to her foster mother and told her not to do it again. (I have been unable to access any police records related to this or any of the other events at this time.)
- Eventually Sandra told her foster mother of the sexual abuse she was being subjected to. Her foster mother “belted her, bashed and assaulted her and banished her outside to live with the animals”.
- Sandra ran away and acquired a job with accommodation at the Deloraine Hotel, but did return ‘home’ on occasions on her days off. Her foster mother forcibly took her wages and used the money to purchase food and clothes for the other children. This was the first time many of them have ever owned gumboots for example. The family was becoming increasingly violent towards Sandra. She was now also being sexually abused by her step brother, who is also now dead.
- Sandra travelled to Burnie in an attempt to get away from the abuse and acquired a job at the Club Hotel. However she had no change of clothes to wear for work and so resorted to what her foster mother had always made her do and stole some from a clothing store in Burnie. She stole underwear and stockings as she did not have any to wear. She was caught and charged by the Police.
- Sandra was found guilty of the above charge and she was sentenced by the court, on a bond, to reside at a girls children’s home run by the Catholic diocese in Hobart for twelve months.

### **Sandra’s experiences at the Girl’s Home in Hobart**

Sandra’s life at the Girl’s Home was a harsh existence, where she worked very hard and was expected to participate in all activities such as basketball. She was not provided with the opportunity to describe or talk about her previous life experiences and therefore did not receive any understanding or consideration of her circumstances. She did not receive any nurturing or emotional or psychological care that could have identified her mental and physical health needs, even though she attempted to talk to some of the Sisters or Auxiliaries at the facility. No-one ever had time for her to do so.

Sandra worked long hours in the home’s laundry by day and at a residential home for the elderly at night, caring for aged, incontinent residents many of whom suffered from dementia. Sandra was between 15 and 17 at the time, depending on the accuracy of the dates of birth with which she has been provided. Sandra had to walk to and from the residential home unaccompanied late at night from Sandy Bay to Tarooma and often felt scared during this time.

As a result of the sexual abuse she received, unbeknown to Sandra who was uneducated in all areas, Sandra was pregnant when she arrived at the home. According to the Order who operated the home, pregnant girls were not cared for at this facility and as no one, including Sandra, was aware of her pregnancy, she received no antenatal care or consideration of her condition in the

work or activities she was required to participate in. Sandra was often physically abused by the other girls for 'being slow and uneducated' or when she didn't want to participate in sport in the latter stages of her pregnancy. Therefore she always had to participate regardless. Sandra was concerned about what was happening to her as she noticed she was becoming larger, in spite of not having a lot to eat, but no one commented on this to her or even appeared to notice.

Actual events surrounding the birth of her baby differ slightly in the recollection of some of the Sisters who recall the event (on recent questioning by the Provincial Leader of the Order), however, this discrepancy only relates to the time of night the baby was born. Sandra has a clear account of what happened.

Sandra recollects she played basketball that day as normal. She also worked much of the day in the laundry. That night she was in much pain and did not wish to eat the evening meal. She remained in her dormitory while the other girls went down for their evening meal. She recollects that she was locked in the dormitory alone. Sandra had no awareness that she was in labour, she was only aware of the severe pain she was experiencing. The girls would always go downstairs for their evening meal at 5pm and return at 9pm to go to bed. Sandra gave birth alone during this time (though some of the Sisters have a recollection that it was later in the night after the other girls had returned to the dormitory). Sandra remembers hearing the baby cry.

The staff recollect that she did indeed play basketball that day but recall that a girl came and knocked on the door of one of them at night to bring them to Sandra. One staff member recollects dragging a mattress out on to the landing for her while another recollects that the girls were locked either in or out of the dormitory so they could not see what was happening.

The Sisters have stated that an ambulance was called and that Sandra was admitted to the Royal Hobart Hospital (RHH). I have been unable to access medical records related to this admission in spite of seeking searches of the archived records. I believe searches are continuing. I have also sought ambulance records in an attempt to discover whether the baby was also transferred to the (RHH) with Sandra. The birth of Sandra's baby, a boy, was registered on June 1<sup>st</sup> 1966 as being born at this facility on May 31<sup>st</sup> 1966, by the hospital clerk. Sandra did not see him at all since the birth and has no idea what happened to him. Sandra's memory is a little hazy about events at this time following the birth and I suspect that she may have been administered some sedative drugs such as were often used during childbirth at this time that would have a negative impact on her memory and recall.

Records at the home noted she had been admitted to hospital due to "miscarriage". No medical record of the baby's death, medical certificate or death certificate has been located. There is no record anywhere in the burial or cemetery records that would suggest that the baby boy died. It is clear that he was alive at the time of birth. None of the staff at the home can recollect what happened to the baby. Hospital records are silent on the matter. There are no adoption records at all that could relate to this baby boy. To this day Sandra has no idea of what happened to her baby. It is possible this baby boy was 'farmed out' to a family who were seeking to adopt a baby as this was, although illegal, a practice that did occur at this time in history.

Sandra did not receive any form of counselling or explanation of what had happened and returned to the home from hospital a few days later, where she resumed her usual routine of hard work and nothing further was said. A few days later Sandra was sent to look after the children of a local family for two weeks as the mother was away, possibly sick. She took them to and from school, prepared their meals and cleaned the house. Every day she remembers crying because of

her emotional state. Sandra's description of her experience at this time suggest that she was suffering with post natal depression.

Sandra was sent to work in a couple of other local businesses up until when she was discharged from the home in 1967 (a year longer than the Court Order had determined). She left the home with no knowledge of what had happened to her son and with the lack of anywhere else to go, returned to the home of her foster mother.

Sandra started dating her now husband in 1967. She had a son with him in 1968 prior to their marriage. On one occasion when visiting her foster mother with her newborn son she was terrified that her step mother would take this baby away from her as she threatened to take him and give him to one of her own children who had only had daughters. Sandra married her husband and father of her son in 1969, hoping that this would ensure her foster mother would not take him away from her. Sandra and her husband later had a daughter.

**Her foster mother died of cancer in 1971 and the defacto was murdered in 1972. Sandra and her husband brought a young girl that her foster mother had been fostering when she died to live with them.**

### **Seeking answers and support**

Over the years Sandra has asked herself repeatedly why no one came for her and her foster brothers when her foster sister was removed by the Child Welfare Department. She remembers the shame she felt as a little girl while living at Meander because she did not go to school. She wonders why the police officers did not help her when she went to them. She wonders why the Education Department did not follow up on what had become of this family when they failed to attend school at Meander when the history of child abuse was known to the Education and Child Welfare Departments. It has taken until very recently for Sandra to even begin to discuss these matters with others.

A foster sister and foster brother have received compensation under the *Forgotten Australians* program for children who suffered abuse while in State Care. This compensation was payable to them as compensation for the abuse these poor children suffered in State Care following their removal from this family.

Sandra craves answers to the questions of her parentage; who and where is her family; when was she born; why and how did she come to be fostered by this family. And she wonders every day what happened to her son – was he adopted out, did he die? Why are there no records of him?

Sandra has been helped and supported in recent times by a close friend. Her husband, while aware of the abuse she suffered, has not been informed of the birth of her first baby. Her other two children have been told nothing of what her childhood was like for her. Sandra is aware that publication of this as a public document does mean that they could access this submission and read about her early life and has confirmed that she is aware that this could occur.

### **Problems with the current mechanisms**

Sandra has been endeavouring to make some of her own enquiries to find some answers to the above questions but has been hampered by the lack of records or access to records, bureaucracy and her illiteracy. This has left her ill equipped to make the persistent and detailed enquiries

necessary to dig in to the past and obtain the information she needs. Sandra approached me in January 2010 for assistance and I now have an extensive file related to the investigations I have undertaken on her behalf, many of which are ongoing.

Upon hearing her story I was determined to assist her and we have been successful in locating and a copy of the birth certificate for her baby, school admission records and Burnie court records. A memorandum relating to the removal of two other foster children from the foster mother has also been discovered. We have also been in touch with the organisation that now oversees records from the girl's home and through staff that worked there at the time have been spoken to and have been able to support Sandra's story. My enquiries on her behalf continue to help her find answers to her questions and also be found eligible for compensation for the terrible abuse that she suffered.

Sandra's own application has been ruled ineligible at this stage as there are no records to demonstrate that she was placed with her foster mother by the State. The lack of a birth certificate has also proved a barrier, though this seems to have been now overcome as a barrier. I have sought legal advice regarding the implications of the Court Order in placing her in the care of the State, even though she was not made a 'Ward of the State'. This matter is, I believe, being considered currently by the independent assessor.

However, this claim will only relate, if successful to the abuse Sandra suffered during her time at the institution in Hobart. I believe that the Department's of Education and Child Welfare may have both failed in their duty to act to protect Sandra and other children living with this family, when both departments were well aware of the abuse children had suffered at the hands of this woman. The current scheme does not appear to allow this matter to be considered, a matter I will pursue as more information becomes available.

I believe that the above description clearly demonstrates that the administration and effectiveness of current mechanisms used by the State of Tasmania to provide discretionary payments in special circumstances, namely the state statutory schemes relating to children in care, are lacking and ineffective for some claimants in a number of ways:

- Proving eligibility for claimants puts great onus on the claimant to provide sufficient information for records to be checked and verified.
- The absence of evidence, such as a birth certificate, can prevent a claim from proceeding despite all reasonable attempts to provide one have failed.
- Failure to recognise that in many cases claimants were too young to be aware of some of the details surrounding their care and circumstances.
- The current mechanisms make the assumption that records are traceable and complete.
- Archival records are very difficult to trace, if available at all, and are necessary to provide evidence to support many of these claims.
- A failure of the relevant department to act does not appear to be considered in the mechanism of seeking support for children who were abused but not taken into State care.

Whilst Sandra's case does present some specific challenges and unique circumstances, I am informed that aspects of her experience were not unknown to have occurred in other cases. The fact that all of these events occurred to one person, I suspect, and actually hope, that this was not a common occurrence. I accept that these challenges will not be present in all cases or in all circumstances, but I suggest that where they do occur, this can hinder the pursuit of legitimate claims.

The many hours spent searching for records, documents and any other evidence or information to seek to discover who Sandra is, how she came to be placed with this family, why she was not removed, what happened to her first born son and what can be done to support her now and into the future, has produced some positive outcomes and actions. However, I believe that the current mechanisms could be improved in the areas lists above. These barriers, in cases such as this, need to be removed or meaningfully considered to facilitate the process of achieving recognition and acknowledgement of this experience and appropriate compensation as a part of that process.

I further submit that there does not appear to be a clear avenue for redress in cases of a failure of the Child Welfare or Education Departments to act and would appreciate it if this issue also be considered as a part of this enquiry.

Hon Ruth Forrest MLC

**INDEPENDENT MEMBER FOR MURCHISON**