

the uncounted

bolshy divas

The Uncounted

We are the Bolshy Divas – disability activists in the style of feminist masked avengers, exposing and discussing discrimination, unmet need and issues which affect people with disability and their families.

We use humour, art and passion to talk about the overlooked, the unfair and the subtext behind real issues which affect Australians with disability.

We are many – we rank amongst the almost four million people with disability, plus their families. We could be anyone – we are anywhere.

This public hearing submission to the Senate Inquiry is presented in conjunction with the Disability Clothesline, an anti-violence disability project that counts the numbers of people with disability who are neglected or abused. We will present forty examples which are illustrative of violence, abuse and neglect that occurs in a wide variety of settings and in many, many ways. This written companion piece details the evidence for this submission.

We know that institutional settings are perfect settings for abuse to happen, and that we are daily raped, neglected, assaulted or abused in secret places.

We are not counted in courtrooms, nor by police, nor in hospital waiting rooms. Our assaults and rapes and murders are dutifully catalogued along with the rest, but the numbers of victims with disability are not counted. We often have no Facebook page for the media to lift a photograph from, nor family who can mourn our loss. There are no public marches or night time vigils when we have been murdered or killed, even in the most horrific of circumstances.

Not all of us can speak out, and only a few of us can tell our stories. Sometimes, the Coroners are our biographers. We speak for those who cannot speak, we count those who have not been previously counted.

We bear witness to their stories and Australia's shame.

- Bolshy Divas

Wolston Park, Qld



1. **We bear witness** for Client 1, a 46 year old woman who was at the time of her abuse was only 24 years old. She was admitted to Prince Charles Hospital at the age of 4 years old and was moved to the Basil Stafford Centre, a government run residential facility in Queensland at the age of 11. Client 1 is described as being a woman who has an IQ of under 25, and stands 138 cm in height. She continued to live at the Centre until its closure. In 1986 it was discovered that she had been raped by a staff member and her pregnancy was not discovered until she was 20 weeks pregnant. A CJC review in 1992 documented numerous incidents of violence, sexual and other abuse and gross neglect, including the death of a man who choked after lack of supervision.

We bear witness for Client 1 and the other children, men and women who suffer and have suffered violence, abuse and neglect at the

Basil Stafford Centre and other Queensland institutions.

Queensland, like other states of Australia, have carried out a number of inquiries in violence, abuse and neglect in institutional settings. The Forde Inquiry admitted that Government was responsible for violence, abuse and neglect against people with disability living in institutional settings.

"Every one (of the Wolston Park survivors) silently screams for different reasons. They did IQ tests on us back then and mine was above average. I am not an idiot. I have more than most in my life, but I scream because I wanted to be a proof reader, I wanted to be an accountant and I look at myself and I never got ahead. And I know, I know ... I silently scream, I sometimes stand inside this room and inside I yell, because I could have done so much.

- Sandra Robinson

1. <http://www.cmc.qld.gov.au/research-and-publications/report-of-an-inquiry-into-allegations-of-official-misconduct-at-the-basil-stafford-centre>

Wolston Park Hospital

'Come clean on chambers of horrors, sufferers plead,
August 19, 2012, Amy Remeikis

<http://www.smh.com.au/national/come-clean-on-chambers-of-horrors-sufferers-plead-20120818-24fqx.html>



hostels and boarding houses

2. **We bear witness** for Shaneen Batts, Ilona Takacs, Dorothy Hudson, Ian Birks, Donald ManKellar and Mohammed Talet Ramzangroup, six people with psychosocial disability who died between 2009 and 2010 in the 300 Hostel in NSW from medical, institutional and systemic neglect. Thirty five residents were looked after by one staff member on the weekend with no first aid training and the owners were found to have been reducing services to residents to cut costs. 25 residents were forced to use a single shower and the residents were denied medical treatment.

We bear witness for Shaneen, Ilona, Dorothy, Ian, Donald, Mohammed and the many thousands of people living in boarding houses across Australia who are daily subjected to acts of violence, neglect and abuse.

Boarding houses are notorious havens of violence, abuse and neglect. The 300 Hostel was only one example - in NSW, the doors of the Grand

Western Lodge were prised open by advocates in a court room to hear about the lives of 48 residents. Residents who ‘played up’ were dosed by the boarding house owner, even though it hadn’t been prescribed for them. People were locked in the back of the boarding house, and many did not know how their financial affairs were managed.

Grand Western is one of 31 privately owned facilities licensed by the NSW government to provide accommodation and support for people with psychiatric and intellectual disabilities. There are hundreds of privately owned boarding houses and hostels across Australia, where people with disability and people with mental health conditions exist. Many are deprived of developmental safeguards and even of paid staff who care about their wellbeing. The culture of a ‘smoke for a poke’, where cigarettes are used as sexual currency, is well documented, and WA’s Council of Official Visitor’s annual reports document many substantiated cases of abuse in psychiatric hostels.

PLEASE NOTE REPORT MAY CHANGE AS INVESTIGATIONS CONTINUE

Date Reported	Date of Incident	Staff Reporting	Service	Region	Incident Category	Incident Type	Incident Details	Sentinel Event	Patient Status	Patient Name	Patient DOB	Patient ID	More Info Required	CP's Rec	
X	12.10.07	12.10.07	Graylands Hospital	NMMHS		Yes	Involuntary Inpatient		27 years		Yes	Patient refused to be woken breathing during a restraint procedure. Resuscitation commenced. Deceased.			Other
2/08/2006	29/07/2006		Fremantle Mental Health Service	SMAHS	Patient Care	Injury	Patient sustained a fracture of his right humerus during restraint.								
7/03/2006	4/03/2006	Office of the Minister for Health	Graylands Hospital - Frankland Centre	NMAHS	Patient Care		Forensic patient required restraint, and during struggle with staff, her arm was broken. Taken to SCGH for surgery. Contact with patient's mother attempted at the time, however could not be reached by Forensic staff. Contact has now been made.	Involuntary		24/12/1983		Frankland Unit			
18/04/2005	14/03/2005	Medical Director, RFDS	Halls Creek Hospital	WACHS	Patient Care	Transport issue	Patient had a respiratory arrest possibly secondary to antipsychotics and sedatives as delay in transportation as RFDS unable to get Police escort (waited in Hospital for 3 days).	Involuntary							
17/11/2004	16/11/2004	Medical Director, RFDS	Karratha Hospital	WACHS	Patient Care	Transport issue	129kg male had profound apnoea when sedated for transportation to Perth.	Involuntary						Advised of trial re Olanzapine wafers for sedation.	
NWMHS Nickol Bay Hospital			26 May 2004				was non compliant and became aggressive in the ED and required a large dose of sedation to be transported on RFDS on 07.05.04. Airway became obstructed and reversal agent given.	Yes on Form 1							
4/12/2006	6/07/2006	Medical Director, RFDS	Central West Mental Health Service	WACHS	Patient Care	Transport issue	Unable to transfer patient from Geraldton Hospital ED and therefore patient sedated. On arrival at Perth patient was obtunded and has aspirated.				13/01/1987				
22/12/2006	20/12/2006	Accountability	Graylands Hospital	NMAHS	Patient's Rights	Staff misconduct - alleged	Staff member allegedly held a pillow over a patient's face during restraint.	Involuntary							
03.10.07	03.10.07		Graylands Hospital	NMMHS	Alleged Aggression/Assault		Patient's arm was broken during a 'restraint'. This patient is a paraplegic.		Voluntary Inpatient		15.05.07				
17.03.08	18.03.08		Bentley Health Service	SMMHS	Alleged Aggression/Assault		Patient was restrained because of aggressive behaviour and during this procedure sustained injury to his nose and carpet burn to the side of his face.		Involuntary Inpatient		18.05.1988			Patients father has informed Camlington Police, Corporate Governance advised. Service undertaking internal investigation.	
01.04.08	30.03.08		Frankland Centre State Forensic	State-wide	Alleged Aggression/Assault		Patient allegedly sustained an injury (Fractured L. NCF) whilst being restrained following an aggressive incident on the ward.	Yes	Involuntary Inpatient		25.03.2008			CP has liaised with Corporate Governance.	
11.04.08	25.03.08		RFDS	WACHS	Transport issue		Patient to be transported for request 20.03 but unable to be moved for 2 days due to RFDS being overbooked. Unable to sedate safely as patient required ventilating. Diverted to SCGH with aspiration pneumonia, (oversedation of a mental health patient with complications)		Referral in progress	Colin K				Chief Psychiatrist has had videoconference with stakeholders from the WACHS and MHD and RFDS.	

3. **We bear witness** for Peta Doig, an autistic woman who was placed at the age of five into institutional care and then hospitalised permanently at Graylands Psychiatric Hospital. There are no available public records for Peta except the Coroner's report. Peta was refused exit from Graylands Hospital despite being funded as there were no services willing to take her. Peta had no family or connections in the community. Peta was sexually abused by other patients until she could no longer be physically examined and was repeatedly injured, suffering a fractured arm and a T7 crush fracture of the spine. Peta was repeatedly refused hospital treatment at Sir Charles Gairdner Hospital to treat routine illnesses and conditions. On Christmas Day,

she began screaming and she did not stop until 31 December, when she it was noted that she had been lying in her bed cradling her head in her hands. The hospital staff continued to give her sedatives and antibiotics, which did not work. On 3 January 2013, Peta stopped screaming and also stopped breathing. Her life support was turned off with the permission of the Public Advocate, her guardian. Peta Doig was 58 years old and had spent a lifetime in institutional care.

We bear witness for Peta Doig and the other men, women and children who spent a lifetime experiencing violence, abuse and neglect without being able to access the community or mainstream services.



solitary confinement

4. **We bear witness** for the unnamed child from an ACT school who was placed last month for seventeen days in a two metre by two metre cage inside a classroom, and also for the many thousands of Australian school children who are routinely caged and confined in 'time out rooms', 'withdrawal spaces', 'sensory rooms', 'quiet rooms' and other differently named physical areas where children are subjected to physical seclusion in school settings every day, including being locked in storerooms and cupboards.

We bear witness for that child and for all the other children who are subjected to solitary confinement and restrictive practices, imprisoned within school settings and refused access to a school curriculum.

In Australia, children with disability are routinely locked in 'time out' rooms, segregated in converted store rooms or cupboards and deprived

of access to the school curriculum.

NSW is one of the few states to implement rules around time out rooms - few other states have consistent guidelines. Parents are asked to sign a permission slip for 'time out rooms' to be utilised, which is the way most disability constraints are implemented when they breach restrictive practices guidelines.

Storerooms and cupboards with no ventilation or natural lighting and rooms with no door handle on the inside are often reported to be in use. In WA, there are reports of a 'pink padded cell' in one school, and a 'white padded cell with a peep hole' in another.

Children have also been reported to be excluded in 'caged areas' outdoors, tied to chairs and restrained and excluded in a number of ways in schools across Australia.



family violence

5. **We bear witness** for Kyla Puhle. Kyla was a 27 year old woman with cerebral palsy who lived at home in South Australia with her school principal mother and teacher father. Kyla was removed from her day programs and starved to death. Her parents withdrew food and hydration and left her in a bean bag alone and unattended whilst they went to work. Her body weighed 12 kilos when it was found and her father shot himself when he was arrested. The parents did not use all of their temporary respite accommodation and did not take up any other forms of care that they were entitled to. Angela Puhle was released on a suspended sentence, like many other parents who murder their children without charge or sentence

We bear witness for Peter Eitzen, Shellay Ward, Zahra Baker, Raul Lopez, Jason Dawes and the other children, men and women who have been murdered by family members and who have died from family violence.

There is great community reluctance to prosecute parents of children with disability who have murdered their children. Daniela Dawes received a good behaviour bond for murdering her son, Peter - Angela Puhle received a suspended sentence. The amount of support a family receives is generally irrelevant - the child or adult is regarded as 'a burden' and the murder a 'mercy killing'.

Family violence is common for disabled people. Last year, a WA father killed his 25 year old paraplegic son, Tyrone Honeywood. 48 year old Perth woman Janene Devine, who had multiple sclerosis, was starved by her husband - she weighed thirty kilos when found in 2007. Her husband served just six months in prison.

The message to the community is clear - the lives of people with disability are not valued. In the state where Kyla Puhle died, ill treatment of an animal - whether or not that ill treatment results in death - carries a maximum penalty of \$50,000 or four years in prison.



6. **We bear witness** for the unnamed 17 year old girl for whom the Northern Territory Department of Children and Families pushed having an abortion without her consent or knowledge. The girl became pregnant last year when she was within care at a government run secure facility in Darwin, Yirra House. Doctors refused to perform the abortion and advised the Department that they did not believe it was in her best interests.

We bear witness for the girl, her unborn child and the thousands of disabled Australian women whose reproductive rights are routinely dismissed.

The following is a quote from a recent submission by Women with Disabilities WA, on the subject of the sexual and reproductive rights of women with disability -

'The determination of capacity is inextricably linked to the exercise of the right to autonomy and self-determination. To make a finding of incapacity results in the restriction of one of the most fundamental rights enshrined in law, the right to autonomy. Yet millions of women with disabilities worldwide are stripped of their legal capacity, due to stigma and discrimination, through judicial declaration of incompetency or merely by a doctor's decision that the woman "lacks capacity" to make a decision.

'Incapacity' is very often used as a valid justification for violations of the sexual and reproductive rights of women and girls with disabilities. However, the CRPD clearly mandates States Parties to recognise that

persons with disabilities enjoy legal capacity on an equal basis with others and should be supported to exercise their legal capacity (CRPD Art. 12). This means that an individual's right to decision-making cannot be substituted by decision-making of a third party, but that each individual without exception has the right to receive the supports they need to make their own choices and to direct their own lives, whether in relation to medical treatment, family, parenthood and relationships, or living arrangements. The CRPD also requires respect for the evolving capacities of children (CRPD Art 3 and 7) and the provision of support for children with disabilities to express their views, and for these views to be given appropriate weight in the context of their age and maturity.

The UN Special Rapporteur [on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health], has recently clarified that States which use the law as a tool to regulate the conduct and decision-making of individuals in the context of their sexual and reproductive rights, represents 'serious violations of the right to health of affected persons and are ineffective as public health interventions'.

The right to participate in all decision-making processes that affect sexual and reproductive health and development is a basic right of all women, including women and girls with disabilities. Yet, more often than not, many women and girls with disabilities are excluded from participating in decisions that affect their lives on a daily basis, including as active partners in their own sexual and reproductive health care. They are further excluded and ignored in sexual and reproductive health policy, service and program development, including information and education resources.'

- The Sexual and Reproductive Rights of Women with Disabilities, Carolyn Frohmader, WWDA

hospitals



7. We bear witness for Stephen Moon, a twenty one year old autistic man from the ACT who died in 2003 of ventilator acquired pneumonia after having his wisdom teeth removed in a hospital. Stephen was intubated for seven days as part of a medical plan which stated 'because of Stephen's problems'. He was released immediately from the ICU after three days as part of a plan made by staff – it was stated in the plan that they 'recognised that he posed a significant risk to hospital staff'. The Coroner said, 'There were no facilities that could care for patients like Stephen, save for the custodial facilities of a prison, and there was no reason for him to have been ever placed in a prison'. Stephen was discharged in the ambulance bay into the care of non-medical disability care workers after being intubated after three days of anaesthesia. His support worker objected because of the risk, but were

unheard. Stephen died only a few hours later, at 7.30pm that night.

We bear witness for Stephen Moon and all the other patients with disability who have been discharged or treated inappropriately because there are no facilities for people with disability in public hospitals.

A common theme heard across states are issues for people in state care, where disability and health have MOUs or agreements which mean a person with disability receives no support in hospital. People with disability are commonly relinquished shortly after surgery to non medical 'care' without access to therapy or outpatient appointments. In hospital, there are few non nursing supports and a lack of advocacy and supports for people with complex care needs.

considered myself to be... absolutely livid. I couldn't believe what I was hearing, so I started raising my voice, and as Veronica kept at her point less explanation, I started shouting, and calling her swear words. So I turned around and ran out of the house, Veronica called the Police again, and when I got back Veronica told me that she rang the Police and asked them to come and have a talk with me.

The Police told me that it was not only Southern Junction Community Services (SJCS) policy that I was not allowed to shout and swear at staff but also that it was law not to shout and swear at anybody. I knew it was pointless trying to get through to anybody. So I went to bed without dinner, Veronica removed the TV and the hired videos from the TV room as punishment for speaking to her inappropriately. I knew no one would listen apart from my parents. I thought it was ironic that such a person would ever punish everyone instead of asking what had happen and trying to work out who the culprit was, she did not care.

I want you to do something about this little issue that has grown to a bigger more complex situation. If you agree with me, if you understand I would like you to make it rule that if such a situation ever arises again that the staff not punish both but ask what happened and judge who is incorrect. I would also like you to, if it is not too much trouble, talk to Veronica about the situation, although I wouldn't mind having a discussion with you first just to get my side of the story. I suggest you tell Veronica to judge us evenly next time rather than punish us first.

Your sincerely, Rowan Wheaton.

between the gaps

8. **We bear witness** for Rowan Wheaton, an eighteen year old boy who hanged himself in a care facility with a sock, suspended from a door handle in April, 2006, in South Australia. Rowan had been refused care at Emergency Departments and refused care because his mental health conditions were seen as part of his autism. Rowan's hospital file contained a list of instructions for emergency services workers and effectively blacklisted him from being admitted to hospital. Rowan was placed into care and wrote an 'incident report' about an incident where he was punished by having his television and hired videos removed for 'speaking to a staff member inappropriately'. Four days later, he hanged himself.

We bear witness for Rowan and the other 85% of autistic individuals with comorbid mental

health conditions who are unable to access care and appropriate psychiatric treatment because they are regarded as 'high functioning' or do not fit into a particular category.

Rowan's story is typical of that of many young people with autism spectrum disorders who also have a mental health condition. Autism is one of many disabilities for which comorbidity of mental health conditions are extremely common. There are a number of other disabilities, such as Down syndrome, which also report high comorbidities. A lack of accessible mental health services, combined with a lack of support to access residential accommodation and good support services, results in a high risk of suicide for many young people who do not receive good support and services. Adults with autism are nine times more likely to report suicidal ideation.

<http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0C-B0QFjAA&url=http%3A%2F%2Fwww.courts.sa.gov.au%2FCoronersFindings%2FLists%2FCoroners%2520Findings%2FAttachments%2F387%2FWHEATON%2520Rowan%2520Scott.pdf&ei=uEMIVbKxJKHxmAXO24LYAg&usg=AFQjCN-Fesupha31lkQanaO6308qox7laSw&bvm=bv.90237346,d.dGY>

<http://consumer.healthday.com/cognitive-health-information-26/autism-news-51/adults-with-asperger-s-syndrome-may-have-higher-suicide-risk-689117.html>



9. **We bear witness** for 18 year old Jack Sullivan, who died in the ACT in 2008 after drowning in the bathtub. Jack was admitted to a respite facility that, unknown to his family, had 'numerous allegations of physical, sexual and emotional abuse' recorded against them. Jack had severe autism and epilepsy and his care plan specified that he was not to be left alone near water. He was found dead and submerged in the water.

We bear witness for Jack Sullivan, Alice McTye and all the other men and women who drowned in care through institutional neglect.

10. **We bear witness** for Alan Negri, aged 61 – Joseph Richmond, aged 35 – Adrian Edmunds, aged 39 – Bruce Haw, aged 39 – Thomas Grant, aged 36 – Stanley Matthews, aged 42 – Peter Otis, aged 37 – Ronald Aldridge, 31 and Shayne Newman, aged 38, who died of institutional neglect in a fire at Kew Cottages in 1996.

A Community Visitor told the inquiry that on his last visit he had recommended that management call in the Fire Brigade to review their fire safety. No fire sprinklers were fitted. Nine of the 25 people in the institution died. A news report read, 'Imagine, if you can bear to, the terror of the 25 young people, all with intellectual and physical disabilities, in the dark and the billowing smoke, the roar of the flames and the roof falling in'.

We bear witness for Alan, Joseph, Adrian, Bruce, Thomas, Stanley, Peter, Shayne and Ronald and the thousands of Victorians who suffered documented violence, abuse and neglect at Kew Cottages from 1887 to 2008.

Violence, neglect and abuse at Kew Cottages til its closure is well documented in a number of public documents, including the Kew Cottages History Project.

<http://www.smh.com.au/federal-politics/searching-for-honest-answers-20120914-25xlf.html>

<http://www.kewcottageshistory.com.au/>

<http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0C-B0QFjAA&url=http%3A%2F%2Fwww.moirarayner.com.au%2Farticles%2F04humanr%2Fkewcotta.pdf&ei=FEgIVcu7M-6HAMwXj9oGYCA&usg=AFQjCNFWxhRwITBn62IR2flUeE8fVznF6g>



child protection

11. **We bear witness** for Gregory Evans, a current patient at the WA Quadriplegic Centre who is currently recovering from severe burns to 20% of his body after he was showered by a nurse. The hot water system failed and his scalded skin began to slip from his body. Greg has been hospitalised for some months now as a result of the injury and will have lifetime consequences. In 2014, a woman with autism and epilepsy suffered severe burns after being left in a hot bath at another government run residential facility in Adelaide.

We bear witness for Greg and others who have been severely injured because they have received poor care or have been living in outdated and dangerous residential facilities.

12. **We bear witness** for Shellay Ebony Ward, a seven year old autistic child from Hawks Nest, NSW, who was locked in a room and

starved to death by her parents, despite being a client of DoCS, despite being the subject of dozens of urgent reports, despite never attending school after pre-school. After 210 days, Shellay's risk assessment is completed and her file has been marked 'extreme risk'. After four days, Shellay died.

Her body was left in her boarded up and locked bare bedroom, on a mattress littered with faeces. We bear witness for Shellay Ward and the thousands of Australian children with disability who are suffering violence, abuse or neglect from their parents due to the failures of the Australian child protection system.

Children with disability are at heightened risk of family violence, neglect and abuse but are often less likely to be removed from families than other children.

13. **We bear witness** for Luke, one of the 39 long term patients at the Quadriplegic Centre, a Perth C class public hospital for those who cannot get disability funding, who had to wait for twelve years for someone to die before he was able to get up in the morning. The other 36 patients are routinely gotten up late in the day, usually past 12.30pm. They are generally in bed very early, between six thirty and seven thirty and if they have a bowel accident, they are showered and put to bed earlier. There is a high incidence of pressure sores and the conditions are outdated, poorly maintained and actively dangerous. Many 'patients' have been institutionalised at the Centre for over 50 years. There are currently 57 patients at the Centre, including six people under the age of 50.

We bear witness for those who are deprived of personal liberty at the Quadriplegic Centre and other public facilities, and others who are disconnected from disability care and support because they are living in public hospitals and classified as 'patients'.

14. **We bear witness** for Vaughn Rasmussen, a fifteen year old boy from Western Australia who died an agonising death after being sent home from two hospitals. The hospitals ignored the family's pleas for a scan of Vaughn's head to investigate whether his shunt was blocked, as they suspected. The Coroner found there were sufficient warning signs for responsible staff to identify and fix the shunt blockage and that Vaughn died of 'misadventure'. The family stated that Vaughn was treated differently because of his disability.

We bear witness for the Australians with disability who have died, suffered or become further disabled because of medical negligence and/or a reluctance to listen to caregivers and people with disability as the experts in their own lives and medical care.

15. **We bear witness** for Kate Bugmy, a 26 year old Aboriginal woman from Broken Hill, NSW, who died in 2007 of severe neglect. When she died, she weighed 36 kilos. Kate never received a lifter or hoist for moving in and out of bed or a pressure-relieving mattress. Her family was not advised of the dangers of untreated bed sores, her weight was not monitored and no checks were made between her leaving relief care and her presentation at hospital, when she was unconscious and dying. The Coroner said that almost nobody met their duty of care to Kate and that she was failed by a fragmented, badly under resourced, understaffed and uncoordinated system. Kate lived in a regional area with no access to advocacy.

We bear witness for Kate Bugmy and the many thousands of indigenous Australians with disability who are routinely deprived of access to services, including advocacy services.

16. **We bear witness** for the seven intellectually disabled children aged between six and thirteen who were assaulted in South Australia by a bus driver in 2011 and whose attacker was not prosecuted due to laws that said disabled victims could not adequately communicate what happened to them. All the children had intellectual disabilities. Buses in SA Education are now being fitted with CCTV and GPS technology from this year.

We bear witness for the thousands of intellectually disabled children and adults whose attackers go unpunished because our laws do not allow people with some disabilities to testify.

17. **We bear witness** for David Gitsham and the other 33 victims of South Australian bus driver Brian Perkins, who raped and sexually abused those children and an uncounted number of others during his employment at

https://www.youtube.com/watch?v=cHrDvR6A7_8

<https://www.themonthly.com.au/monthly-essays-anne-manne-ebony-girl-room-2248>

<http://www.smh.com.au/federal-politics/political-opinion/docs-failed-ebony-by-ignoring-all-rules-20091017-h2et.html>

<http://www.watoday.com.au/wa-news/missed-scan-causes-perth-teens-agonising-death-coronial-inquest-hears-20120709-21ql1.html>

[http://www.healthinfonet.ecu.edu.au/key-resources/bibliography?page=4&q=&q_exact=&q_author=&as_values_tagged_keyword=&sorter=year-DESC&health_topic\[\]=49&year_start=1840&year_end=2010&lid=20697](http://www.healthinfonet.ecu.edu.au/key-resources/bibliography?page=4&q=&q_exact=&q_author=&as_values_tagged_keyword=&sorter=year-DESC&health_topic[]=49&year_start=1840&year_end=2010&lid=20697)

<http://www.news.com.au/national/bus-driver-child-sex-charges-dropped/story-e6frfkp9-1226226658118>



school buses

St Ann's, a Catholic school. The abuse happened over a long period of time in the 80s and 90s, but the school and church did not tell the parents what had happened for many years. For years, David screamed himself awake and would get up in the middle of the night, screaming. His parents moved down to sleep in the garden shed. Other boys who were abused became aggressively sexual and others were sent to institutions.

We bear witness for David and other children and adults whose voices remained unheard because of professional cover ups.

18. **We bear witness** for Marlon Noble, an intellectually disabled Yamatji man from Geraldton, WA, who was charged in 2001 with several counts of sexual assault of two children, also with intellectual disabilities. He was nineteen. Two years later he was found 'unfit to stand' and he was jailed without charge. The charges were dropped and the two children and their mother now say nothing happened. Marlon

spent a decade in prison and was conditionally released in 2012. He must now stay in line of sight of a support worker for the rest of his life, despite never being convicted of a crime. He must also apply for permission from the state to stay anywhere other than his house, or leave his home town.

We bear witness for Marlon and the thousands of intellectually disabled Australians who are deprived of a fair trial and held without charge under discriminatory laws like the Mentally Impaired Accused Act.

19. **We bear witness** for the 17 year old boy who had his ten fingernails removed at Peat Island Hospital, NSW in January, 1981. An inquiry found that the conditions were 'deplorable', that abuse was rife, patients spent most of their days watching TV, lying, pacing or sitting, that locked seclusion rooms were still used 11 years after a recommendation to discontinue their use and that the toilets had no doors, seats or toilet paper.



detention centres

We bear witness for the thousands of men, women and children who were abused, neglected and killed at Peat Island from 1911 to 2010 and for the 300 patients who are buried in unmarked graves at Brooklyn Cemetery.

20. **We bear witness** for the 268 people with disability detained in Australian Immigration Detention and the 114 held offshore in regional processing centres, like Manus and Nauru, whose disabilities include amputation, dementia, developmental disability like autism and intellectual disability, hearing impairment, functional impairments like multiple sclerosis, vision impairment and conditions such as epilepsy. We bear witness for the 28 children with disabilities who are aged between 2 and 11 and who on average have spent 11 months detained, often in conditions which are appallingly in breach of human rights principles, inaccessible and unsuitable, and are routinely unable to access medical and

disability supports and services. A prominent health care practitioner said that in the regional processing centres there is sub optimal care for children with special needs and little to no allied health services available...we bear witness for the young woman with hydrocephalus who is currently inappropriately placed in a public mental health ward in WA and due to her pending asylum seeker status is not able to access the same services as other young people with disability. She is exceptionally vulnerable because of her intellectual disability. We bear witness for the people whose medications, assistance aids and equipment have been removed when arriving by boat and not replaced, including the loss and non-replacement of an unaccompanied child who then developed self-harming behaviours.

We bear witness for people with disability seeking asylum in Australia who are being abused, experiencing violence and neglect in both Australian detention and offshore processing centres.

21. **We bear witness** for the thousands of disabled Australians who were raped, murdered, tortured, neglected and abused from 1827 to 2000 at Willow Court (formerly Royal Derwent Hospital). In a report on the institution, it is quoted – “ we saw the children in M Ward and they were unkempt, dirty, and smelly and there was a general stench about the ward. We actually stepped over a child on the floor whom we knew. The child had been at the Quindalup Training Centre some six weeks before. The child had lost weight and its hair was so dirty it was matted. Another child was sitting on the floor with blood oozing out of its mouth. There were no toys around for the children to play with. When the Sister asked where the toys were she was told they were locked away because the children would break them...” Another quote says, “ .. They had me by the throat and I was bruised all up the side there and I was that sore I could hardly damn well walk and I had jeans on ... they we ripped off, and the buttons, there was only one button on and my bra were all showing you know. And when they got me across to A Ward I was thrown into a cell into a cell next to the visiting room, I was throw in there and left...”.

We bear witness for the thousands of Tasmanians who suffered abuse in institutions like Willow Court.

22. **We bear witness** for Michelle, a woman with a mild intellectual disability who fell pregnant when she was raped at the age of seventeen by her father. Her child was removed from her care immediately as it was considered that she would not be able to care for the child. As a woman with a relatively mild disability, she receives no disability care and support. Michelle sank into a deep depression from which she has never recovered. Parents with disability are up to ten times more likely than other parents to have a child removed from their care. The child was adopted to another state and Michelle’s parental rights were removed without discussion or her consent.

We bear witness for Michelle and all the other childless parents with disability whose parental rights have been removed.

23. **We bear witness** for Mary, a Tasmanian woman who resides with other intellectually disabled residents in a group home. Mary is routinely taken with other women ‘to get the jab’ – every woman in the group home is given a Depo-Provera shot to reduce the need for personal care by support workers. No risks of using the medication have been explained to Mary.

We bear witness for Mary and for the thousands of other Australian women who have both their reproductive rights denied and who have forced treatments and unnecessary interventions.

24. **We bear witness** for the 11 year old girl with Rett Syndrome whose sterilisation was authorised ‘without hesitation’ after an application was made by the young girl’s mother to prevent menstruation. The judge said, ‘Undoubtedly and certainly of significant relevance is that there are hygiene issues which must fall to the responsibility of her mother because Angela cannot provide for herself – the operation would certainly be a social improvement for Angela’s mother which in itself must improve the quality of Angela’s life. Angela was not given access to an independent children’s lawyer or advocate.

We bear witness for Angela, and every woman and girl who has had forced sterilisation inflicted upon them.

25. **We bear witness** for Kim Walker. Kim was institutionalised from the age of three years old, and told her story about living at Stockton, a large institution in the Hunter Valley, in 1970. She was then fourteen and there were 1200 residents. She said, ‘Bad things happened at Stockton. When you got upset, the staff would tie you to a chair that had leather straps for your legs, arms and body.



They lay the chair on its back so you would not fall forward if you rocked it. You might be left like this for a couple of hours. They also used straitjackets on kids and gave them needles to calm them down. If you played up at meal-times, the staff would take your food away and you had to watch the other children eat. When Kim was fourteen, a teacher asked if she had a sister and it was the first time she learnt that there was another member of her family. They lived in the same institution, and when Kim got out of Stockton she battled for years to get Lorraine out of Rydalmere, another institution.

We bear witness for Kim and Lorraine, and the other men, women and children who suffered violence, abuse and neglect at the Stockton Centre from 1910.

People living at the Stockton Centre are routinely deprived of independent advocacy. Although the NSW Government promised to devolve the Centre by 2010, there are still people living there and in some cases (this year) new people being admitted as short term or emergency accommodation.

26. **We bear witness** for Nathan, an autistic teenager who in 2009 was imprisoned in a juvenile justice centre in NSW with no disability care and support. More than 1000 children a day are locked in juvenile justice centres across Australia, many of them children with disability. Overcrowding has led to increased detainee on detainee assaults and increased self-harm rates - in 2007 in NSW, there were 187 co-detainee assaults, and by the first half of 2009, there were 258 assaults in NSW juvenile justice centres. Nathan was locked in his room for up to 18 hours a day and was beaten by other detainees on a regular basis, primarily because he was seen as ‘different’.

We bear witness for Nathan and the other children and young people with disability who are imprisoned, abused and neglected in juvenile justice facilities across Australia.

27. **We bear witness** for the five known victims of Peter Kasatchkow, a 58 year old Perth Maxi Taxi driver who raped or sexually

assaulted five women 33 times in 34 days in 2014. The last victim, unknown to Kasatchkow, was able to tell her story to her support worker and police, and the police checked the built in camera. The assaults of the four other women, who were intellectually and physically disabled, was detected only by the built in CCTV footage, they could not tell their stories. CCTV footage in WA is not regularly checked and is only accessed by police in case of taxi driver assault, there are legislative issues to do with accessing the data. It has a hard drive that is has a 12-18 hour lifespan and then records over itself. Prior to the 12-18 hour period over the 34 days, nothing was recorded. Kasatchkow had been driving for disability services for over four years and prior to that he had worked for the education department for 34 years. Support workers for the women who could not speak said that their behaviour had changed dramatically.

We bear witness for those five women and the uncounted others – for the profoundly disabled ten year old girl who was repeatedly raped by a Sydney taxi driver last year, who used to pick up the girl and other children from their schools in south-western Sydney – for the other children who are subjected to unsafe environments because they are deprived of access to safe school transport, and those others who have been raped by taxi drivers who drive disabled people.

Children with disability are not always able to catch country bus transport or be transported by mainstream services, especially if they have additional care needs or if they carry oxygen bottles. This puts them at risk if parents cannot choose drivers.

28. **We bear witness** for the 85 year old woman who was raped by 36 year old Henry Alexander when he was washing her at her Mount Eliza nursing home in 2006. He served just six months behind bars because the judge believed it was a 'spontaneous event'. We bear witness for the other three elderly

women raped and indecently assaulted at the same home in 2006, whose complaints were dismissed for two years. We bear witness for Marilyn Brewwin, who has an ABI and who was assaulted at the Millward residential care facility in Doncaster East. She was forced to repeat her allegation in front of the male carer who she alleged assaulted her. There was no medical examination, no contact with the police and no advice given to the family. We bear witness for the two female patients raped in 2010 and 2012 at the Unanderro Marco Polo nursing home.

We bear witness for the thousands of people with age acquired disabilities who have been and are currently neglected, raped and abused in residential nursing homes.

29. **We bear witness** for Sally, a woman with an intellectual disability who is not allowed to bring home men to her group home, because it is against the rules. Sally has unsafe sex with men 'like a dog under a tree' because she is deprived of having usual sexual relations with men and for the same reason cannot form relationships. Sally has been raped many times in public places as a consequence and rape has become a normal part of her life.

We bear witness for Sally and other men and women who are forced to have sex in public places because they are forced to live in congregate settings and sleep in single beds with no opportunity for usual sexual relations.

30. **We bear witness** for the unnamed 47 year old woman with a psychosocial disability at Joondalup Hospital, WA, who was repeatedly raped and sexually assaulted in 2012 by Timothy Buckby. On one occasion, he closed the door, kissed her, pushed his crotch against her and forced her to touch his penis. On another occasion, he covered her mouth with his hand, pushed her legs apart, moved her underwear and inserted his penis into her vagina. He also assaulted another woman at the same facility. Buckby has been banned from



practicing for seven years by the State Administrative Tribunal, but has not been charged in a court of law, despite the findings. The Nursing and Midwifery Board of Australia did not allege sexual assault and so the case has been treated as a professional misconduct allegation, as Buckby did not show up for the tribunal.

We bear witness for those women and for other women who have been raped and sexually abused in public hospitals by medical staff, and those whose rapes and assaults have been reduced to administrative error or acts of staff misconduct.

31. **We bear witness** for Jules Anderson, who bravely spoke out about abuse suffered at the hands of Yooralla group home worker Vinod Johnny Kumar. Kumar was jailed for 18 years in Victoria in 2013 for raping and sexually assaulting two profoundly disabled women, including Jules. He was also charged and convicted with a count of abuse of a male

resident. Despite rumours of the abuse, Yooralla continued to engage Kumar as a part time employee and rostered him on where he would be the only person in the residence. Kumar orally, anally and vaginally raped residents, inserted a pager into one resident's vagina and rang it, made offensive remarks and used emotional abuse and harassment, and threatened to kill one woman's pet.

Yooralla's staff were complicit in allowing this violence and abuse to occur by not taking action and listening to residents when they reported abuse. We bear witness for those too who were abused in other settings by staff of large service providers, including sheltered workshops like the one in which a client was abused at Yooralla.

We bear witness for Jules and those who told staff members that they were raped and abused, and were never believed.

<http://www.perthnow.com.au/news/western-australia/taxi-driver-peter-kasatchkow-jailed-for-rape-of-disabled-women/story-fnhocxo3-1227018001773>

<http://www.heraldsun.com.au/news/victoria/six-months-for-rape-of-85-year-old/story-e6frf7kx-1111115910832>

<http://www.perthnow.com.au/news/western-australia/perth-psychiatric-nurse-deregistered-for-sexual-misconduct-on-joondalup-inpatients/story-fnhocxo3-1227259020007>

- <http://www.smh.com.au/national/investigations/abusive-and-corrupt-staff-employed-by-yooralla-despite-warnings-leaked-documents-and-whistleblowers-claim-20141123-11s5wa.html>

- http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0C-CQQFjAB&url=http%3A%2F%2Fwww.apf.gov.au%2FDocumentStore.ashx%3Fid%3D97f6982a-818b-4cec-9380-7993079c66ef%26subld%3D299778&ei=EVAIVbWtE-TwmAWe0YGgBw&usq=AFQjCNEq_ol3sJ5EBG0EAc-d0URw3B9qX-w&bvm=bv.90237346,d.dGY



homeless and sick

32. **We bear witness** for Samantha, a 25 year old NSW woman who was locked in the garage for two hours in September, 2013 by staff members, forced to go to the toilet in a bucket and who suffered extensive bruising after being kicked by a staff member. The case never went to court because there were no witnesses. We bear witness for Samantha and the other men and woman who have had their liberty deprived by staff members who are supposed to support them.

33. **We bear witness** for Marie, a woman living in Western Australia who was admitted to hospital with a crush fracture to her neck. The staff at the institution said that she had fallen from bed after a seizure and that is how the injury occurred, but the family immediately suspected abuse from another resident. The suspected abuse was never investigated and Marie never received an examination for rape. She was refused medical care and support care in hospital, had to have major surgery to insert a 'cage' in her neck and suffered life changing consequences. Marie's family has

since moved Marie to another institution but have collected a large body of complaints against the Disability Services Commission for their treatment of their family member, which goes back to when Marie was institutionalised at age four. We bear witness for other people with disability living in government run institutional settings who do not have support in hospital due to intergovernmental agreements, which leave people with disability restrained and unsupported in hospital settings.

We bear witness for Marie and the other people with disability who were physically and sexually abused by violent residents in group homes, including three parents in Menai in Sydney's south whose children were physically abused by a violent resident who had been placed in their group home for emergency accommodation.

34. **We bear witness** for Noel Charlie, a man from Kiwirrkurra, who was forced to live under a tree in Alice Springs for more than a week after he was evicted from the only hostels avail-

able to patients from remote communities and was not provided with any alternative accommodation. Noel Charlie was evicted from the hostel after repeated warnings about smoking in his room and the hostel, a licensed provider of accommodation, evicted him. Noel Charlie has one kidney and is on dialysis and in February of 2015 was 'living under the tree, like a kangaroo or dog...no air conditioning, no cold water'. Noel Charlie says he only comes to this town to access dialysis and has lived in the bush all his life. Advocates say increasing numbers of people on dialysis are coming in for treatment and this is the last place many of them would see before dying. The rate of end-stage kidney disease is almost 20 times higher for indigenous people in very remote areas compared with non-indigenous people.

We bear witness for Noel Charlie and the other disabled Aboriginal people from remote and regional settings who are unable to access medical services on country or appropriate accommodation when they access medical treatment.

35. **We bear witness** for the thousands of children with disability who are being routinely abused and neglected by family members and alternative health practitioners who give them unproven and dangerous pseudoscientific treatments or withhold medical treatment in favour of unproven 'remedies'. We bear witness for the following children;

- Isabella Denley from Kew in Victoria, who was prescribed medications for her epilepsy. She was being treated purely with homeopathic medication when she died in 2002
- Michael James Little, 18 days old, who was killed after a naturopath advised against surgery for a congenital heart defect in 1999
- Gloria Thomas, 9 months, who died as a result of homeopathy being used because of sepsis as a result of an untreated skin infection from her eczema
- the unnamed disabled 11 year old child from Queensland who in 2006 had been

suffering from a heart infection for two weeks and whose father had given her a dietary supplement, Mannatech, in such quantities that she fell into a coma and now has reduced vision and severely impaired cognitive skills; and others.

We bear witness for the children who are given newer 'treatments' like Miracle Mineral Solution (MMS), containing sodium chlorite which is mixed with citric acid (i.e. orange juice) to make chlorine dioxide. Promoters are touting the solution as a cure for HIV, malaria, hepatitis, autism, acne, and cancer. We bear witness for those Australian children and adults who are being forced to use this product in bleach enemas or orally to 'cure autism' or other disabilities. The product is freely available in Australia and is touted as a cure for children with autism and those who have been vaccinated, despite the distributors being charged by both US and Australian authorities. It causes nausea, diarrhoea, and vomiting when used correctly.

We bear witness for the children who are given 'treatments' and 'therapies' such as chelation therapy, hyperbaric oxygen therapy, anti-inflammatory medications, colloidal silver, high dosage of nutritional supplements, and other dangerous and unproven therapies and treatments which cause illness and in some cases, death.

36. **We bear witness** for Amber, a 12 year old WA school girl who went to a school holiday program for children with disability in Western Australia last year and returned with a cut so deep to her vagina that she required eight stitches and several days in hospital. Although her mother took her to the hospital, police and the child protection unit investigated, nobody ever admitted accountability and the family is now too terrified to access respite. The hospital said that it was unlikely to be an accidental injury caused by a fall as Amber was wearing a continence aid at the time. Amber does not speak and could not tell police what had

happened.

We bear witness for Amber and for the other children who have been injured in school holiday programs for children with disability.

37. **We bear witness** for Mark, a 40 year old man with Prader Willi Syndrome who was tied to the bed to prevent him from removing his CPAP mask at night. The reason Mark was tied to the bed is that elbow splints, the less restrictive alternative, were 'not affordable' and not available off the shelf. He was routinely put to bed at 6pm because of the conflicting needs of the other residents in the group home where he lived and consequently was bored during the night. The family objected, to no avail, and it took a great deal of time and energy to finally have his restraints removed.

We bear witness for Mark and for the thousands of men, women and children who are routinely tied to beds and into chairs across Australia every day.

38. **We bear witness** for Caterina Montalto, a resident of the Arcare's Hampstead nursing home in Victoria. Caterina's husband was called in 2013 to say that she had passed away and that she had died of natural causes. He was not told til later that a 22 year old junior staff member had seen where Caterina had been found – she had fallen and drowned in the fish pond. Nobody talked, until the coronial hearing took evidence. From the staff who had been threatened with the sack if they'd spoken of her death. From a support worker given a plate of scrambled eggs as a 'bribe' to stop her talking. From a nurse who falsified a progress report. From a facility manager who fired the whistle blower the day after she told authorities.

We bear witness for Caterina and the other victims whose deaths and abuse have been covered up by staff in institutional settings, and also for those whistleblowers brave enough to

come forward in the absence of worker protections and whistleblower legislation.

39. **We bear witness** for the unnamed woman in a Queensland prison whose case was to be heard in a court which required a drive of several hours over a winding mountain road. The transport provided for her was a ute, and her wheelchair - with her in it unrestrained - was tied into the back. As a result of the ride she was flung about, fell out of her wheelchair and vomited. The response from police on arrival was "Why did you fucking do that? Clean it up!" We bear witness for the prisoners with HIV/AIDS who spend their final months in public hospitals shackled to beds, even when they are in the last stages of life.

We bear witness for that woman and those Australian men and women who are routinely deprived of supports, services and access in prisons around Australia.

40. We bear witness for the men and women who are unable to access justice or make complaints to police, including -
- the blind quadriplegic who was assaulted three times and who was pulled from her wheelchair and who was told 'don't bother calling us then' when she rang for help and said she could not visually describe her attacker

- The Deaf woman who was assaulted by her husband and who was then told by police that her husband, the alleged perpetrator, would be her interpreter

- The visually impaired victim of a sex crime who was told by police that it was her fault for letting the attacker into her home

- The Deaf victim of domestic violence who repeatedly had her complaints dismissed, with police citing high interpreter costs as one of the reasons

We bear witness for these people and the thousands of abused men, women and children who are failed by under resourced, inaccessible and inefficient police systems.

'Stories are medicine, they have such power, they do not require that we do, be, act anything, we need only listen'
- Pinkola-Estes

These are only forty of the many thousands of stories that will never be told, never be counted. We bear witness to these stories and to Australia's shame.
- Bolshy Divas, 2015

