

Abuse at Bribie Island

'Mum, is this ever going to happen to me again?' ...'Well, I hope it's not... I'm going to spend the rest of my life for as long as it takes to make sure that you are safe and other people like you.'¹

- 4.1 The Committee received shocking evidence of physical, sexual and psychological abuse of residents at a respite and rehabilitation care facility operated by Care Independent Living Association Inc (CILA) at Bribie Island in Queensland and oversighted by the Queensland Government. Some of the evidence relating to this matter was received by the Committee on a confidential basis.

The Peter Rowe case

- 4.2 The Committee received a considerable amount of evidence in relation to Peter Rowe, a former resident of the Bribie Island facility. Peter has Downs Syndrome and communicates via a communication board due to a lack of speech. Peter was placed at the facility by his parents as a remedy for the isolation he was experiencing:

We lived out west – we were on a sheep property out west – and so, because Peter was isolated, we would send him into respite because he needed socialisation and he needed company.²

1 Mrs Betty Rowe, *Transcript of Evidence*, 18 June 2004, p. 1804.

2 Mrs Betty Rowe, *Transcript of Evidence*, 18 June 2004, p. 1803.

- 4.3 The evidence indicated that Peter Rowe was assaulted and sexually abused at the Bribie Island facility by two staff members in 2001, and that he suffered considerable physical and psychological trauma as a result. Peter's parents told the Committee of his distress upon first returning home from the facility:

my son when he first came home said to me, 'Mum, is this ever going to happen to me again?' He speaks on a communication board; he has no speech. I said, 'Well, I hope it's not.' But he was so traumatised that I could not say to him, 'I can't protect you yet, Peter; I can only hope I can protect you.' So I said to him, 'But I'm going to spend the rest of my life for as long as it takes to make sure that you are safe and other people like you.'³

- 4.4 The evidence further indicated that the psychological trauma suffered by Peter is still ongoing.

- 4.5 Peter's parents also told the Committee of the shadow that the abuse of Peter has cast on the future prospects for his care:

since finding out what happened to Peter at Care, our lives are just upside down. We have lost complete trust. We are frightened, along with Peter, to put him anywhere. We do not want to die because we do not know what is going to happen to him because we do not have any answers yet.⁴

- 4.6 The Committee is utterly appalled at the mistreatment of Peter while he was at the facility. It is a shameful episode of an individual in a highly vulnerable position being abused and victimised quite unspeakably.

Further abuse of residents and operational negligence

- 4.7 In addition to the case of Peter Rowe, the Committee heard further evidence on the public record of abuse of residents at the Bribie Island facility. Mrs Kay McMullen, a Registered Nurse who was employed by CILA at the facility from May 2002 to June 2003, detailed the following shocking incidents of resident abuse:

The behavioural management was unreal. They were often denied food and had cold showers. They held someone down to cut their fingernails, using half-a-dozen people, until their

3 Mrs Betty Rowe, *Transcript of Evidence*, 18 June 2004, p. 1804.

4 Mrs Betty Rowe, *Transcript of Evidence*, 18 June 2004, p. 1803.

fingers bled. Buckets of water were thrown over them. They had chillies put in their mouths. The Adult Guardian has also agreed with this. They were deprived of sleep. There was emotional and physical abuse. There was hitting residents with a broom handle and a fly swat. There was intimidation and harassment and there was extreme verbal abuse. Residents were often locked in their bedrooms and were often publicly humiliated in front of other people. The treatment for head lice was fly spray. The residents were often tied to chairs and toilet seats. One boy, who was an amputee who had been in a car accident and who was still going to school, often had his leg removed and he would have to crawl. The withholding of meals and food and water was a very common abuse. There was sexual abuse as well.⁵

4.8 Peter Rowe's father related an instance of a paralysed boy being publicly humiliated:

There was a boy there... who was completely paralysed except for his thumb. He came out of a shower room completely naked on his bed and he was wheeled through the whole set-up. ...Through the living room in front of four young DSQ carers—women, DSQ caseworkers. Nothing was done. We never heard anything about that. How is that for humiliation? That boy came off the trolley a couple of times to my knowledge—fell off, on the ground. They did not care about it.⁶

4.9 Mrs McMullen also informed the Committee of operational negligence and financial mismanagement at the facility:

when I did commence work I found that there was no accountability. The residents' files were often missing or there was very little information. Medications were not in Webster packs; they were strewn everywhere. I found that there was no handover when I would go into work. To commence work, I would not even know how many residents were on site at the time. There was never a daily shift report written

5 Mrs Kay McMullen, *Transcript of Evidence*, 18 June 2004, p. 1801. Food deprivation and physical abuse or residents were also noted in separate evidence to the Committee: *Exhibit 139*.

6 Mr Justin Rowe, *Transcript of Evidence*, 18 June 2004, p. 1809.

and there were no incident reports. There was also financial mismanagement.⁷

Conduct of Queensland Government authorities

4.10 The Committee understands that a number of complaints concerning abuse at the Bribie Island facility and another care establishment were made to a key Queensland Government agency, Disability Services Queensland (DSQ), but that the complaints were not addressed. The Committee was told that, in the case of the Bribie Island facility, complaints had been made about the treatment of residents from 1999 onwards.⁸ It was suggested that:

the department's complaints function... requires considerable attention due to the long periods of not having complaints addressed.⁹

4.11 In relation to Peter Rowe's case, the Committee was told that there was a lack of effective oversight of the Bribie Island facility by DSQ.¹⁰ The Committee understands that DSQ was apparently negligent in properly supervising the facility and indeed ceded government funds allocated to Peter Rowe to the facility management. The Committee was astounded to learn that this transfer was effected solely by a document containing the signatures of the facility manager and Peter Rowe himself. The Committee was further informed that, subsequent to this transfer, the use of the allocated funding for Peter's communication therapy was stopped by the facility management.¹¹

4.12 The Committee also understands that both DSQ and another Government agency, the Department of Families, were continuing to recommend the referral of residents to the Bribie Island facility as late as 2002.

4.13 The Committee was informed that visits to the facility were made by the Community Visitor, a Queensland Government program which aims to safeguard the rights and interests of those with impaired capacity by conducting visits to facilities and identifying areas of

7 Mrs Kay McMullen, *Transcript of Evidence*, 18 June 2004, p. 1800.

8 Mrs Kay McMullen, *Transcript of Evidence*, 18 June 2004, p. 1802.

9 Mrs Gail Torrens, *Transcript of Evidence*, 18 June 2004, p. 1799.

10 Mr Justin Rowe, *Transcript of Evidence*, 18 June 2004, p. 1804.

11 Mr and Mrs Rowe confirmed the information in paragraphs 4.6 and 4.9 with the Committee.

concern. The Committee was told however that these visits were ineffectual.¹²

- 4.14 The Committee was advised that the Adult Guardian, a Queensland Government statutory officer with the responsibility of protecting the rights and interests of adults with impaired capacity, was given incident reports in 2003 detailing abuse of residents at the Bribie Island facility.¹³ The Committee was told that the Adult Guardian agreed that some of the incidents of abuse detailed at paragraph 4.3 above had taken place.¹⁴

Conclusions

- 4.15 The evidence received by the Committee revealed shocking abuse and operational negligence at the CILA care facility on Bribie Island. Put simply, the whole matter is an outrage. The Committee was pleased to learn that the facility is no longer receiving residents or respite referrals which attract Federal funding, and that the matter is under investigation by the Queensland police with multiple charges being brought against some former staff.¹⁵
- 4.16 The Committee was particularly dismayed by the case of Peter Rowe. Peter's parents gave the Committee a number of pieces of creative work done by Peter. These works, consisting of poetry and paintings, are an important means of communication for Peter and they reveal a perceptive, intelligent and sensitive personality. It is a tragedy that what should have been a positive and beneficial experience for Peter Rowe at Bribie Island was instead a terrifying ordeal.
- 4.17 On the evidence, the Committee is drawn to the conclusion that there was a deplorable lack of effective monitoring and oversight of the Bribie Island facility by the relevant Queensland Government authorities. The inaction of DSQ in relation to the complaints made against the facility and other care establishments, the negligence displayed by the DSQ in respect of Peter Rowe, and the continued recommendations of both the DSQ and the Department of Families to refer residents to the Bribie Island facility as late as 2002 are particularly reprehensible.

12 Mrs Kay McMullen, *Transcript of Evidence*, 18 June 2004, p. 1803; Mr Justin Rowe, *Transcript of Evidence*, 18 June 2004, p. 1806.

13 Mrs Kay McMullen, *Transcript of Evidence*, 18 June 2004, p. 1802.

14 Mrs Kay McMullen, *Transcript of Evidence*, 18 June 2004, p. 1801.

15 Mr Justin Rowe, *Transcript of Evidence*, 18 June 2004, p. 1808; Mrs Kay McMullen, *Transcript of Evidence*, 18 June 2004, p. 1801.

- 4.18 The Committee notes that there is no accreditation system in place for respite and rehabilitation care facilities in Queensland. Peter Rowe's father stated that an accreditation system similar to that put in place for aged care facilities by the Committee Chairman when she was Commonwealth Minister for Aged Care is 'the only way' forward.¹⁶
- 4.19 The Committee is of the view that an accreditation system for respite and rehabilitation care facilities in Queensland along the lines of the system introduced by the Commonwealth for aged care is necessary to ensure that incidents such as those at Bribie Island are not repeated. The Commonwealth should gain a commitment from the Queensland Government within the framework of the Council of Australian Governments to introduce such a system.

Recommendation 5

- 4.20 **The Committee recommends that the Commonwealth gain a commitment from the Queensland Government within the framework of the Council of Australian Governments to introduce an accreditation system for disabled care facilities similar to that introduced by the Commonwealth for aged care.**
- 4.21 In view of the evidence reviewed in this Chapter and throughout the Volume as a whole, the Committee also believes that public sector agencies and authorities in Queensland should be subject to stringent audit processes. The Committee notes that, under section 80 of the Queensland *Financial Administration and Audit Act 1977*, the Queensland Auditor-General may conduct audits of the performance management systems of Queensland public sector entities. The Committee understands that this audit capability is not as far-reaching as the performance audit power that is available to the Commonwealth Auditor-General.¹⁷ The Committee believes therefore that the Queensland Auditor-General should be given a comparable power to conduct performance audits.

16 Mr Justin Rowe, *Transcript of Evidence*, 18 June 2004, p. 1807.

17 See Parts 2 and 4 of the Commonwealth *Auditor-General Act 1997*.

Recommendation 6

- 4.22 The Committee recommends that the Commonwealth gain a commitment from the Queensland Government within the framework of the Council of Australian Governments that the Queensland Auditor-General be given the power to conduct performance audits of Queensland public sector entities comparable to the performance audit power available to the Commonwealth Auditor-General.**

Hon Bronwyn Bishop MP
Chairman
August 2004