



**Commission of Inquiry into
the Tasmanian Government's
Responses to Child Sexual
Abuse in Institutional Settings**

WITNESS STATEMENT OF PROFESSOR CASSANDRA PYBUS

I, Cassandra Jean Pybus of [REDACTED] in the State of Tasmania, author and historian, do solemnly and sincerely declare that:

1. I make this statement in a personal capacity.
2. I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

BACKGROUND AND QUALIFICATIONS

3. I was born in Hobart, Tasmania in 1947. I lived just outside central Hobart until my family relocated to Melbourne when I was 11. I returned to Tasmania in 1985, at the age of 38.
4. I have a Doctor of Philosophy (History), University of Sydney, 1968 to 1976.
5. My previous roles have included:
 - (a) Literary Editor, *Island* magazine, 1989 to 1994;
 - (b) Fulbright Professor, Georgetown University, Washington DC, 2001;
 - (c) Professional Research Fellow, Department of History, University of Tasmania, 2001 to 2005;
 - (d) Professional Research Fellow, Department of History, University of Sydney, 2007 to 2012;
 - (e) Visiting Professor, University of Texas, 2008 to 2009; and
 - (f) Leverhulme Professional Research Fellow, Kings College London, 2013.
6. I am presently self-employed as an historian and creative non-fiction author. I specialise in writing historical biographical narratives about people who have been marginalised and whose stories have not been shared, with a particular focus on Indigenous Australian history.
7. In 2001, I was awarded the Centenary Medal for outstanding contribution to Tasmanian and Australian literature and education. In November 2021, I was elected as a Fellow of the Australian Academy of the Humanities.

8. I am currently investigating issues regarding the theft of Aboriginal remains during the late 19th and early 20th Century. My most recent book, *Truganini*, winner of the National Biography Award 2020, speaks to this research in part.
9. My publications include:
 - (a) *Truganini: journey through the apocalypse* (Allen and Unwin, February 2020). *Truganini* was the winner of the National Biography Award (August 2021), and was shortlisted for the Nonfiction Book Award at the Queensland Literary Awards (2020), the Non-fiction Prize at the Indie Book Awards (2021) and the Biography of the Year Award at the Australian Book Awards (2021);
 - (b) *Enterprising Women: Gender, Race and Power in the Revolutionary Atlantic* (University of Georgia Press, 2015);
 - (c) *Many Middle Passages: Forced Migration and the Making of the Modern World* (University of California Press, 2007);
 - (d) *Epic Journeys of Freedom: Runaway slaves of the American Revolution and their global quest for liberty* (Beacon Press Boston, 2006);
 - (e) *Black Founders: The unknown story of Australia's first black settlers*, (UNSW Press, 2006);
 - (f) *The Woman who Walked to Russia: A writer's search for a lost legend* (Da Capo Press Inc, 2003);
 - (g) *American Citizens, British Slaves: Yankee political prisoners in an Australian penal colony, 1839 – 1850* (Michigan State University Press 2002);
 - (h) *Raven Road* (University of Queensland Press, 2001);
 - (i) *The Devil and James McAuley*, (University of Queensland Press, 1999), winner of the National Non Fiction award at the 2000 Adelaide Festival;
 - (j) *Till Apples Grown on an Orange Tree* (University of Queensland Press, 1998);
 - (k) *White Rajah: A Dynastic Intrigue* (University of Queensland Press, 1996);

- (l) *Gross Moral Turpitude: The Orr Case Reconsidered* (W. Heinemann Australia, 1993). This book was awarded the Colin Roderick Award in 1993; and
 - (m) *Community of Thieves* (Minerva Australia, 1991).
10. This statement is informed by my professional perspective as a historian and author. I also offer some personal reflections, as someone who was partly raised, and now resides, in Tasmania.
 11. To understand the culture and embedded practices surrounding institutions, children's rights and child sexual abuse in Tasmania today, it is necessary to begin by examining the state's origins and the development of its early institutions.
 12. Attached to this statement and marked **CP-1** is a copy of my curriculum vitae.

TASMANIA'S EARLY HISTORY

13. Tasmania is built on a colonial history where violence and brutality occurred, and human life was held in very low regard.
14. Tasmania was settled as a penal colony. The first convicts arrived in Tasmania for incarceration in 1803. England utilised Tasmania to imprison convicts until 1853.
15. From its inception, Tasmania was a carceral society. By this I mean it was a state founded on the punitive processes of criminalisation and control.
16. In addition to being a carceral society, Tasmania was a colony which was established without any regard to the rights of the Aboriginal population who were the owners of the land.
17. Colonialism gives people license to enslave and abuse others. A prime example of this is the genocide and active "extermination" of the Aboriginal population.
18. Another example is the brutality of penalties delivered in colonial Tasmania, where an offender would receive 1000 lashes for punishment and forced to live and work in appalling conditions in prisons such as Sarah Island.
19. Little value was placed on the lives of Aboriginal and convict children in early Tasmanian history. Records from the 1830s onward refer to Aboriginal and

convict children being put into orphan schools and then sent out to families and businesses as “apprentices” (in every sense as child slaves). While the records do not explicitly state that these children had been sexually abused, court and convict records display indicators that women and children who were sent out as domestic servants and apprentices experienced many forms of abuse, including sexual abuse. An exhaustive study of this history has been undertaken by Professor Lucy Frost whose book *The Convict Orphans* will be published by Allen and Unwin in 2023.

20. Young boys and Aboriginal children were often victims of abuse. The State did not exercise any active form of guardianship or care over these children.
21. Perpetrators of abuse would have been aware that their victims were disenfranchised people who had no method of recourse, and no one looking out for them. The records surrounding John Batman are a key example. Mr Batman kept young Aboriginal children as slaves and probably molested them.
22. There are also historical records of young Aboriginal girls being placed in the custody of British families. Often the families ran businesses such as inns, and the girls were placed as domestic servants. It is quite possible that these young girls were then exploited by both their masters and those who stayed at the inn.
23. While the above features of a colonial and penal society are not unique to Tasmania, they persisted in Tasmania for longer than in other Australian states. This is in part because Tasmania remained a penal colony for longer — for example, New South Wales ceased being a penal colony in 1840, 13 years earlier than Tasmania — and in part because of the way in which Tasmanian society developed over time, as discussed below.

THE DEVELOPMENT OF TASMANIAN SOCIETY AND INSTITUTIONS

Class divides and “old families”

24. A clear divide was enforced between “convicts” and “free settlers” from the time of colonial settlement. Convict families were often incarcerated over generations. Even after receiving their ticket of leave, many were treated nominally as convicts and were stigmatised. Former convicts did not intermarry with the free settler community. Their children were stigmatised.

25. Indeed, even into the 20th Century, there has been less intermarriage between people of the free settler and convict classes in Tasmania, compared to other states.
26. As a result, a significant proportion of the Tasmanian community in the 19th and 20th centuries, and still today, have experienced intergenerational trauma for example by virtue of being descended from an Aboriginal family or a convict family, where family members experienced slavery, imprisonment and abuse. I am not suggesting that the experience of convict families and aboriginal families are the same, as the scale of dispossession of land and cultural obliteration in Aboriginal communities is not comparable to the socio-economic deprivation of convict Australians. Along with this intergenerational trauma may come a distrust of authority — for example, the experiences of convict and Aboriginal families may lead to the belief that police and public institutions and authorities are not “on their side”.
27. The marked social division between free settlers, convicts and Aboriginal people into the 20th century emphasises the extent to which colonial culture persisted in Tasmania. This translated in the 20th century into a sense of there being a class elite. In Tasmania, there are many identifiable “old families”, who came as free settlers on grants of free land and have had generations of sons in politics and public office. Members of free settler families went to considerable effort in the 20th Century to keep their class separate from the “convict” class as revealed by the research of the Founders and Survivors project led by Professor Maxwell-Stewart.
28. By comparison, the classist division of convicts and free settlers in New South Wales and other former penal colonies was undermined by the influx of international migrants, who were skilled, educated and brought with them different ideas and histories, as well as money and business acumen. Where this occurred, social status began to hinge on wealth and corporate success more so than family status.
29. A similar influx of international migration did not occur in Tasmania. Historically, Tasmania has had less multicultural immigration, and more outward migration, than other jurisdictions. Tasmania was an extremely monocultural place in the early 1980’s and into the 21st century. As a result,

until quite recently, there have been fewer opportunities for cultural change propelled by external influences.

The influence of shame in Tasmanian society

30. There is an element of shame engendered by colonialism, the “convict stain” and the genocide perpetrated against the Aboriginal people of Tasmania. Tasmania’s violent origins are not so distant.
31. As a State, Tasmania has never come to terms with its history of colonialism and genocide in any fundamental way. This failure has resulted in a subliminal sense of shame — “you can’t say that”, “don’t talk about that”, “we don’t want to hear about that” — that has persisted over time.
32. Tasmania’s archives, which were closed to the public until the 1970s, have also been well laundered by elite interests in Tasmania. To some extent, this was because those in high public office did not want to acknowledge that they had convict ancestors. This has been well documented in numerous historical publications. The fact that the archives were kept closed, and were allowed to be laundered, is suggestive of a social belief that it is acceptable to conceal facts, events and histories in order to preserve one’s reputation and good standing.
33. The social response to the case of Sydney Sparkes Orr is an example of this culture of silence and suppression of evidence.
34. Orr was an Irish academic working as a professor of philosophy at the University of Tasmania in the 1950s. Complaints were made by two members of staff and two students regarding sexual misconduct and assaults allegedly perpetrated by Orr, who was summarily dismissed by the University of Tasmania. That decision was upheld by the Supreme Court of Tasmania, and by the High Court on appeal, on the basis of testimony from Ms Susanne Kemp.
35. There was a huge academic backlash against the University’s decision.
36. Kemp, a brilliant student, was later barred by the Student Union from re-enrolling and completing her studies. This occurred in disregard of the findings of multiple courts and Orr’s long record of sexually harassing female students.

37. I raised the Orr Case when I arrived back in Tasmania and was advised by the professor of history at the University of Tasmania in 1985, at the time that “we don’t talk about the Orr Case in Tasmania”. The University and Hobart Society was so deeply affected by the long scandal, and the decades when the University was under an academic black ban, that there was a complete suppression of the whole episode. My attempt to discuss the case was met with a visceral sense of shame.
38. When I published *Gross Moral Turpitude* in 1993, I received a similar response from Kemp’s own family. I believe that this was because the Orr case was still considered to be controversial, “dirty” and shameful. The family’s reaction surprised me, because the book had vindicated Ms Kemp and shown her to be a victim of sexual exploitation and a malign campaign by the academic establishment to destroy her reputation and future prospects.
39. This example goes to demonstrating how difficult it was to challenge institutions in Tasmania as late as the 1990s.

HOW TASMANIA’S PAST MIGHT INFORM THE WORK OF THE COMMISSION

40. To my mind, there is a relationship between the features described above and the matters that the Commission of Inquiry is examining. The persistence of colonial societal features – a well-entrenched elite, mistrust of authority within portions of the population, and a pervasive sense of shame – provide some explanation for the occurrence of child sexual abuse in Tasmanian institutions being unreported and unaddressed. In this environment, the silencing of disclosures and conversations about sexual abuse has been normalised over many decades.
41. Tasmania’s size is also relevant. Making a disclosure or report of institutional abuse, whether in the 19th Century, 20th Century or today, could well have complex interpersonal and professional implications. A potential discloser of child sexual abuse is likely to know someone who is in some way connected with or implicated in the abuse. Everyone up and down the chain from the alleged perpetrator would be concerned about the implications of a report, and taking action on a report, in terms of negative press, employment prospects and so on. This can create a fear of reprisal and a reluctance to take of proper disciplinary action at the institutional level. This environment helps to explain

why reports of child sexual abuse are not made or, if made, might go unaddressed.

42. In my opinion, implementing and maintaining reforms around how public institutions respond to child sexual abuse will require a well-resourced, specialist independent body, with sufficient powers to investigate complaints without influence from politicians and institutions. Independent oversight is critical. Such a body should be specifically charged with the duty of upholding the rights and the interests of vulnerable children, in particular those in the institutional care.

TASMANIA TODAY

43. Tasmanian society is now much more cosmopolitan than it was even 15 years ago. It has become an attractive place for others to emigrate. Demographic change in Tasmania has been a key driver of a shift in cultural attitudes.
44. In 2022, I think there is a huge openness in the community, and a greater desire to have difficult conversations and make recompense. I have seen this in the reception of my most recent book, *Truganini*. Readers have expressed shock at the violent nature of Tasmania's colonial history in relation to the genocide of the First People. I believe they would be equally shocked to know about the dark, suppressed history of vulnerable children in the state right up until 21st century.
45. This social appetite for change is being matched at a political level but perhaps not by the public service. The current Tasmanian Government is pushing for a shift towards reinvestment in Aboriginal recognition, culture and presence in the Tasmanian community. Political leaders appear more willing than their predecessors to examine, acknowledge and address difficult aspects of Tasmanian history.

I make this solemn declaration under the *Oaths Act 2001* (Tas).

Declared at

on 29.4.2022



Cassandra Pybus

Before me

