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Inquiries into Truth

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Inquiries into Truth

In this lecture I enquire into the conditions that make it possible to have inquiries into truth. There is a very large field of issues here, a possibility of confusing my title, “Inquiries into Truth”, with long honoured exercises in philosophy. My concerns are more mundane – what is the consequence of inquiries into truth for the lives of people in closed institutions, those whose fate is constantly determined by the decisions of others?

Introduction – the case of Stuart

The film *Black and White*, released in 2002, dramatises an Australian story that was at risk of being forgotten. It recalls the story of events that led to the Aboriginal man, Rupert Max Stuart, being convicted for the rape and murder of an 8 year-old girl, Mary Olive Hattam; and of the successful campaign to save him from the gallows, though not from a long imprisonment which he tells us now was his opportunity for an education.¹ The film economises the history dramatically. It eliminates key players like the QC Jack Shand, elevates others like Rupert Murdoch while overlooking the fate of his editor Rohan Rivett, and doesn't mention the young Don Dunstan at all. It alludes only in passing to the compromised positions of key players like the presiding judge, Sir Mellis Napier, who just happened to be chief justice as well as one of three Royal Commissioners appointed to inquire into the case; and the senior investigating police officer, Det-Sgt Paul Turner, who just happened to be president of the Police Association of South Australia. *Black and White* savages to the point of caricature the disposition of the crown prosecutor, Roderic Chamberlain and, through the conflict with his wife over the case, highlights the divisions aroused in Adelaide at the time. Its account of police brutality, a version of noble cause corruption that is endorsed by Chamberlain in an intense passage of the film, will shake those raised on *Blue Heelers*.

Chamberlain wrote his own book about the case, as did Father Tom Dixon, Stuart's chaplain become ardent defender.² The humiliation of the anthropologist, Strehlow, his intellectual authority overreaching itself and undermined by legal cross-examination, forms a part of Barry Hill's absorbing biography, just published.³ The Stuart case gets an entry in the *Oxford Companion to Australian History*, though curiously not in the much larger *Encyclopaedia of Aboriginal History*. Its reinvention in film will send many back to the account by Ken Inglis, the original and most

influential account, published in 1961, reissued in the early 1970s, and now embellished with a wonderful epilogue, a reminiscence of the better part of a lifetime's involvement in a single case.

Does the passage of time help resolve the questions of truth that were at the heart of the case against Stuart in 1959? Inglis concludes after another 40 years, and after meeting Stuart for the first time in May this year, that he was still 'probably guilty' or, more formally, that his guilt was "not proven".⁴ Stuart's own answer to a question put to him before a camera ten years ago and reprised as the epilogue to *Black and White* – his own answer about his guilt or innocence – alludes to a reality that the past can never be recaptured as a self-evident truth: "Yeah, some people think I'm guilty and some people think I'm not. Some people think Elvis is still alive, but most of us think he's dead and gone".⁵ There are many witnesses to these events of more than 40 years ago and still we don't know what happened on that beach at Ceduna in December 1958.

Yet my subject is not the truth, but inquiries into truth. In this context I have a different kind of interest in the Stuart case. For it seems highly likely that as little as a decade before this, Stuart would not, could not, have benefited from such an acute scrutiny of his own fate. That may be too pessimistic. But campaigns resulting in inquiries into the outcomes of justice processes were rare before the 1950s. The circumstances of Stuart's case appeared all against him — an Aboriginal suspect, a savage rape and murder of a young girl, and a solidly entrenched political and judicial establishment in one of the three Australian states that retained the death penalty as a real option in sentencing. It is difficult, but necessary and part of the historian's task, to imagine a political context in which Don Dunstan was yet a young state Labor politician, some years from power, a committed abolitionist whose radio broadcasts on Stuart's fate provoked the Police Association into making a complaint to the Australian Broadcasting Authority. Not to be the last disappointed complainant, the police discovered that the ABA did not have much power, even if inclined, to intervene in such matters.⁶

There were on the other hand some things in favour of an inquiry into what appeared to be a miscarriage of justice in 1959. Inglis had already pointed out in 1959 that there had been an important inquiry into NSW Police use of confessional evidence in a murder case leading to the release of the previously convicted Frederick McDermott.⁷ Before this, to go back only to the 1930s, there had been such public criticism of police "third degree"

methods by the Victorian chief justice, that the police commissioner himself conducted a review of interrogation practices with a view to reform. There was a spate of challenges to confessional evidence in NSW in the mid-1950s, a Royal Commission in 1954 critical of police behaviour in interrogations, and a similar official inquiry in Tasmania in 1955. In the early 1960s Victorian judicial criticism of police behaviour prompted that state's solicitor-general to conduct an inquiry that concluded that police intimidatory tactics took place, as he judiciously put it, "more often than on occasional or isolated instances".⁸

South Australia was not isolated, it seems. Nor were its politics, intellectuals and press. There were recent intruders — Inglis was one. Norval Morris, who had helped found the Melbourne Criminology Department, was another — he had a particular interest in the uses (or rather uselessness) of the death penalty, on which subject he chaired a Royal Commission in Ceylon at this very time.⁹ As Inglis vividly narrates, there were other people from other states, constantly moving in and out of Adelaide as the case developed momentum (including the person identified by Inglis as Mr J.H. Wootten, representing the Australian Association for Cultural Freedom¹⁰, and the *Sydney Morning Herald* journalist Tom Farrell). The disposition of the press was vitally important — in Sydney the case against police in the early 1950s had been pushed by Frank Packer's paper, the *Daily Telegraph*, on more than one occasion.¹¹ Crime sold papers like it does TV news — but miscarriage of justice, especially when it can be linked to an attack on complacent and entrenched power, whether of the right or left, does just about as well it seems, whether for a Packer or a Murdoch.

We could extend the analysis at length. There were a lot of energies making up this historical moment in which a not quite ordinary event was escalated into a national cause, in which private lives became the focus of public inquiry. The cover blurb of the 1961 paperback edition of Inglis captures this dimension — and reminds us of the distance between then and now:

Only within a society with some real claim to be called free could such a case arise. Only in a country happier than most could the case become so nationally absorbing. To worry about the fate of one obscure man convicted of murder may appear to people living through the more recent history of Hungary and South Africa an enviable luxury. The line from a police state to Australia is long; but in the Stuart case one was reminded in all conscience

that free society is a precarious achievement, dependent as much on the absence of seriously divisive issues as upon allegiance to liberal principles among the holders of office.¹²

Alongside all those particularities that together made up this historical moment, there is I think another dimension that made such a case possible. That is the elementary fact of the public character of legal processes of the kind to which Stuart was brought. Typically such processes quarantine the truths that count for them. In legal trials only some kinds of facts, statements, contexts, become relevant for decision-making — become the “truths” that count. Such inquiries into truth can spill over into the public domain only when certain, typically unpredictable, but in hindsight, entirely plausible, conditions obtain. When arrested, not for the first time, Stuart was brought into a domain where his fate would for a time at least become public property, a matter of public knowledge, for those who wanted to know. Not all public institutions by any means have this character — and I want now to explore a different kind of case, in these same years, that became in the end a matter for an inquiry into truth. In this case as we will see, it becomes possible for a life to be lived subject to successive inquiries into truth — into the partial truths that are translated into decisions that shape and limit lives.

Another case – Vincent Roy Ryan

The last decade has brought a multitude of legal trials and commissions of inquiry that have disturbed the assumptions embedded in that 1961 blurb, with its allusions to Australia as a society with some real claim to be free and an absence of serious divisions. Legal judgments have unsettled long-standing assumptions about sovereignty and property title, provoking serious divisions. Human rights inquiries and associated legal cases have exposed the reality of unfreedom as part of the national history for many decades before this.

Before Mabo, before Wik, before *Bringing Them Home*, before the cases of Kruger and Cubillo and Gunner, there was the Royal Commission into Aboriginal Deaths in Custody. In one of the most sustained investigations ever conducted into the circumstances of ordinary people’s lives in Australia, the commission considered between 1987-1991 the cases of some 99 deaths. Individual reports on each death, together with national and regional reports, as well as papers on what became known as underlying issues, scrutinised the criminal justice system, but also the consequences of Aboriginal dispossession.

In contrast to the storm that has enveloped the *Bringing Them Home* Report, the earlier Royal Commission, which traversed much of the same ground, largely escaped such controversy. Of course there was political controversy, centred on the nature of governmental response to the recommendations, and the capacity to secure outcomes — and in some cases on the adequacy of the findings on individual deaths to the perceived facts of the case. But the effects of the Royal Commission on intellectual culture were muted. The culture wars of recent years were not a feature of the reception of the Royal Commission reports. While prisons and policing and their abuses have made popular copy since the eighteenth century, the truly awful subject matter of very many of the cases examined by the commission attracted little interest in the intellectual journals.

Did this relative indifference imply that this was a matter only for administrative and professional concern, that those cases did not really speak of some character in the country and its history? Perhaps indifference was also a reflection of the sober, legalistic genre of the reports, individual, regional and national — although there were exceptions such as that on the life and death of Malcolm Smith.¹³ Certainly one is struck in retrospect by the contrast with the provocative and challenging presentation of *Bringing Them Home*, with its embracing of the charge of genocide, compared to the earlier Royal Commission's more cautious conclusion.¹⁴

The story of Vincent Roy Ryan was one of those investigated by the commission. Like many of the deaths in custody cases, the immediate cause of Ryan's death at the age of 39, a heart attack on a football field at Rockhampton Prison in Queensland, seemed unexceptional. He was in the eighth year of a 12 year sentence — like Stuart, Ryan had been convicted for an offence involving a child, in this case a rape of a nine-year-old girl at a caravan park. The offence was brutal. It was also unusual in Ryan's history of offending, which was dominated by car stealing and petty theft.

Ryan's age at death placed him among an older group of those whose cases were investigated by the commission — their average age was 32. The heart disease which occasioned his death was not atypical — indeed diseases of the circulatory system were at this time the major cause of death of Aboriginal people in Australia.¹⁵ Investigating the death, the commissioner found evidence of poor attention to medical care that might have prevented the death, and lack of due process in the conduct of police inquiry and coronial investigation.¹⁶ But like the great majority of the deaths investigated,

that of Ryan was more of an order with those cases in which a life and early death was seen as a symptom of widespread Aboriginal disadvantage.

There was more than this, however, for disadvantage was expressed in Ryan's case as a particular effect of social policy. In investigating the case of Vincent Roy Ryan, the Royal Commission laid out the evidence that *Bringing Them Home* would bring to bear as a more comprehensive charge against government policy and administrative practice. For Ryan was a Queensland Aborigine, and so subject to a regime of government that exposed individual lives to interventions that were comprehensive in their control and often devastating, as in his case, in their impacts.¹⁷ Was separation a factor in his fate, and that of others investigated by the commission? The final reports cited Ryan as one of a number of cases in which child separation appeared to have had a "profound impact".¹⁸ "Who was Vincent Roy Ryan?", asked the commission's report.

The answer defies satisfactory explanation. What emerges from the available records is a picture of an individual, whom no one knew very well, who spent most of his life in an 'other culture', institutional settings, and who, arguably as a consequence of this, appeared to live a very marginal existence in terms of cultural, community, and interpersonal connections.

In such institutional settings Ryan's behaviour was repeatedly assessed as that of a person who was variously "mentally ill, of subnormal intelligence, a deviant and sociopath, and violent and dangerous".¹⁹ The deployment of these terms and their institutional effects repay historical examination, as we will see.

The circumstances of Ryan's upbringing and institutionalisation are reconstructed in the Royal Commission report through the marshalling of a great deal of archival evidence, as well as witness accounts. Like so many of the poor since the eighteenth century we know a great deal about Ryan's life because of the quantum of governmental interest in the administration of such lives. In the histories of those like Ryan we see sharply delineated the traces of a modern project of liberal government — to shape individuals into self-governing subjects, living and working in conditions of relative autonomy.²⁰ In administered lives, like that of Ryan, governmental interventions follow almost relentlessly on the signs of failure to meet the threshold steps to self-governing autonomy. In these lives, the words and

labels of administrative agencies are more than descriptors — they become active agents shaping possibilities. In Ryan's case they became definitive of the kind of background he came from — a life which institutions would first rescue him from, and then contain him, as a way of ensuring that he did not become in turn a danger to others. The ways in which these words operate, and the kinds of expertise that they presume, demand attention.

The core of the Royal Commission report on Ryan's background is its tracking of a life spent between Aboriginal settlements and state institutions. The place names are familiar — born on Palm Island, moved to Doomadgee, with his mother, stepfather and brother, returned to Palm Island, transferred to Woorabinda, before a life in the institutions of white man's society, first Westbrook Reformatory, then Brisbane (Wolston Park) and Ipswich Mental Hospitals, with intermittent release and minor offending before a serious charge of rape brought a long sentence, with his life ending in death on a football field at Rockhampton gaol.

Ryan's story was in great part one of separation from his mother, within the peculiar circumstances of total control by the state's Department of Native Affairs. As the commission reported:

Ryan was an institution child from the moment he was born. Because she was unmarried, his young mother (she was 17 years old) was required to live with her son in the women's dormitory [at Palm Island]. Ryan remained with his mother in the nursery section of the dormitory until he was of school age when he was transferred to the boys' dormitory where his mother had little to do with his upbringing. She needed the superintendent's permission to visit him.²¹

This supervised life continued when his mother and stepfather moved to the Doomadgee Mission in north Queensland in 1957.

At Doomadgee, Ryan and his half-brother, Thomas, were housed once again in a dormitory. They were not allowed to accompany their parents to Nardoo station where Olga worked as a domestic and Peter was a stockman. Olga recalled that she and Peter would return to Doomadgee during the Christmas vacation when the children were permitted to leave the dormitory for Christmas dinner to be with their parents.²²

In 1959, at the age of 13, Ryan was removed by the Department of Native Affairs back to Palm Island, at the request of the Doomadgee authorities. The Royal Commission found evidence that there was a deliberate decision not to inform his mother of this transfer — and conclusive evidence that she and her husband were twice refused permission by the Department of Native Affairs to transfer back to Palm Island where she could see him.²³ For the next decade Olga Callaghan would be only intermittently informed of her son's whereabouts, in spite of her repeated attempts to find out — attempts which are documented by the commission not simply through her own oral testimony 30 years later (which they did obtain) but through correspondence archived in the departmental records. She would be uninformed by authorities when he was removed first to Woorabinda Aboriginal Settlement in 1960, then to Westbrook Farm Home for Boys in 1961, and then to Brisbane General Hospital for psychiatric certification, before transfer to the Mental Hospital in 1962.

Ryan was in the mental hospital system from 1962 at the age of 17 until discharge at the age of 25 in 1970. The Royal Commission's appraisal of this period is dominated by two concerns. One is the evidence we have noted above of Ryan's mother's concern for the fate of her son — and the failure of state authorities to address her concerns. The second is doubt over whether Ryan should have been the subject of a psychiatric committal — an experience that signalled for the Royal Commission the vulnerability of "many Aboriginal individuals [who] are shunted from correctional to psychiatric institution in part because of very unclear diagnoses and in part because there do not appear to exist any alternatives." This vulnerability, highlighted in a report for the commission by a consultant psychiatrist, was seen to be accentuated for an Aboriginal youth "trying to come to terms with the often times arbitrary and oppressive institutional control which has existed on many Aboriginal communities".²⁴

The account of Ryan's history at Wolston Park, poignant as it is, nevertheless failed to document a central episode in that history. The reason it does so appears to be a simple one — the absence from the Royal Commission's sources of a crucial file that documents the politics of a psychiatric detention in the early 1960s. It is this file that enables us to reconstruct the context of Ryan's transfer just six months after his arrival at Wolston Park to the "Ipswich Special Hospital" — a transfer whose rationale is absent from the commission's inquiry, and so from its insights into the history of Ryan's life.

Ryan's transfer from Wolston Park to Ipswich Special Hospital was no routine matter. On 27 March 1963 Brisbane newspaper reports announced that the state Cabinet had considered a report on an incident in which a mental hospital inmate had allegedly struck a male trainee nurse. The Health Minister had mandated the patient's transfer to Ipswich. The unnamed patient was the seventeen year-old Ryan. What had he done to demand the involvement of the Health Minister and the attention of state Cabinet?

Ipswich Special Hospital, on a site which nowadays has been transformed into a campus of the University of Queensland, was in 1963 an institution principally for the "more serious grades of mental subnormality", the principal clinical activities involving "diagnoses, then nursing care and habit training".²⁵ There was another group, however, for which the hospital had catered for some time, namely "certain mentally ill prisoners". As explained by Basil Stafford, one of Australia's most senior mental hospital administrators and the Queensland Director of Mental Hygiene at the time, Male Ward 2 at Ipswich provided for the "treatment and control of dangerous and violent patients". These were made up of 3 groups: prisoners found of unsound mind by the Courts; prisoners found of unsound mind while serving a sentence; and prisoners whose sentence had expired but who remain of unsound mind.²⁶ Ward 2 had been established "as an administrative expedient only and until such time as a suitable facility could be established". Ryan was to spend over three years there.

Ryan had originally been admitted to Wolston Park (then known as Brisbane Special Hospital) on 6 October 1962. The background is almost wholly explained by the circumstances he had encountered at the Westbrook Reformatory, where his alleged indiscipline and his proclivity to escape made him unwanted cargo. Continuous assessment by staff of the Youth Welfare and Guidance Division during 1961-2 produced an account of a youth whose major failings included his deprived background, and his Aboriginality. The Royal Commission's 1991 report cited a psychiatrist disagreeing in 1961 with the Westbrook superintendent's view that Ryan was much like other troublesome inmates there. For Dr Nurcombe, by contrast:

In general he shows the conscienceless impulsivity common to many inmates but I feel to a greater degree than most since (a) the quality of upbringing in his childhood was even more appalling than in the worst of

- (b) he is duller than most
- (c) he is literally only partly detribalised.

There is nothing here to suggest psychiatric illness. The doctor's judgments were consistent with earlier psychiatric assessments that there was "... no indication ... of any specific psychiatric illness and his behaviour is probably the outcome of parental deprivation in childhood which is itself the outcome of the intermediate cultural status of his family".²⁷

In the institutional settings in which Ryan's life chances were being assessed these judgments constituted vital truths with real effects. Nurcombe's attribution of a "partly detribalised" status to Ryan defined him as one of those for whom tutelage under the protection system might still be required. It signalled also, one suspects, an intimation of primitive violence, unrestrained, un-governed emotional outbursts. *Its reference point was coincident with that earlier judgment about the "intermediate cultural status of his family".* If deprivation was at the heart of Ryan's case, associated with the status of his family, then we may conclude in a way that was not yet deemed possible in 1963 that responsibility could be directly attributed to the protection system in place in Queensland, and under which Ryan's childhood had been deeply affected.²⁸

In fact throughout Ryan's history at Westbrook and in his first year at Wolston Park his Aboriginality, his consciousness of his own colour and difference, was an issue for the authorities. An earlier debate at Westbrook centred on whether he required security detention or could be trusted to the open section. His release for work in the open area was on the condition that he be strictly supervised since he was regarded as a "potential trouble maker and likely to incite racial friction".²⁹ "Racial friction" seems also to have been at the heart of the incident leading to his removal to Ipswich in 1963 — as we shall see.

Westbrook also provided the context for Ryan first coming to ministerial notice. The Royal Commission report did not know, or did not acknowledge, the event, reporting simply that after a series of escapes and offences at large, "[t]he Westbrook authorities, with the endorsement of the State Children's Department and a panel of psychiatrists, reacted by placing Ryan in the Security Unit of Westbrook where he could be kept under weekly psychiatric observation."³⁰ That endorsement in fact took place at a conference with the Minister for Health and Home Affairs, Dr H. W. Noble

— a conference which made the decision for Ryan’s placement in security detention at Westbrook.³¹

In 1963 Brisbane Special Hospital was still one of Australia’s largest mental hospitals, admitting over 1,000 patients a year and with a daily resident population of about 1,600. It had been opened as the Woogaroo Asylum in 1865, and for most of its history had been better known as the Goodna Mental Hospital, after its outer suburban location, on the rail line between Brisbane and Ipswich. For 100 years it had also been Queensland’s main mental hospital, receiving patients from all over the state and its other institutions. By the early 1960s, following contemporary fashion, policy was to reduce the hospital population by a more targeted institutional provision, such as moving out senile aged inmates to general hospital annexes or to newly established “Eventide” homes.³² Memories of staff working there at the time confirm the picture of an institution that catered for many people who did not easily fit psychiatric categories. The evidence seems to suggest that Ryan was such a person.

As we have seen there had been lack of definition of Ryan’s psychiatric condition at Westbrook. The accounts given of his transfer to Brisbane Mental Hospital also make it clear that his “condition” was something other than psychiatric. Was he a “moron” as his later classifications would allege? The results of psychological testing by the Welfare and Guidance Clinics from 1961 were far from definitive. The Senior Medical Director of that Division summarised the case in March 1963:

This boy is of limited intelligence and his score on one testing was an I.Q. of 69. This may not be valid as there were difficulties on testing. He has a bad stammer and a rough, shambled appearance. He is usually surly and downcast in attitude. His unfortunate manner and appearance probably make him appear more defective than he really is.³³

The real reasons for Ryan’s continued detention were then spelled out:

Ryan has had a very poor upbringing and he caused considerable trouble at Palm Island at one time. As his offences have been of a sexual nature we always felt that there is a possibility he may molest a female if he is

allowed his liberty. We have felt that he has little control over his aggressive and sexual urges. Another point is that he is only partly detribalised.

The perception of Ryan as a sexual predator was a powerful influence on decision-making — and taken to justify his preventive detention in a psychiatric institution. There was some basis for this perception — but, as the commission showed, allegations of minor sexual offences had been tested in court on only one occasion and that in nothing more than the most perfunctory way.³⁴ These perceptions were also quite separate from the other, evidently more justified, reason for his referral from Westbrook for psychiatric assessment. This followed his reporting to the doctor that he had “heard voices in the evening which were apparently hallucinatory and gave him a strong feeling of fear”.³⁵ On that basis he was certified for admission to Wolston Park in October 1962.

The incident, just five months later, that sparked Ryan’s removal from Wolston Park to Ipswich, under state Cabinet mandate, was symptomatic of Ryan’s vulnerability, more than his aggression. With five other young male patients he escaped from the hospital on 4 February 1963. The incident quickly made its way to the press — by way, it was suspected, of their listening to police radio. Hospital escapes, like those from prison, mean trouble for their management — in the 1930s the *Goodna Hospital* superintendent had sought to limit media access to news of patient escapes, such was the sensation that the press aroused around such incidents.³⁶ In the case of Ryan and his colleagues, there was confused reporting over whether or not the escapees were dangerous. None of them in fact had committed a major crime, and none had been certified as dangerous when admitted to hospital.

Within a day, Ryan was recaptured with the others and returned to the hospital. As was the custom he was placed again in the Admission Ward. There followed a “scuffle” a short time later between Ryan and a male nurse, Jack Manning. Manning ended up with a black eye and suspected broken jaw. Prompted by the Hospital Employees Union Manning was interviewed by the *Telegraph*, an afternoon tabloid, which led with the headline “Escapee bashes Goodna trainee”, and a photograph of Manning’s black eye. The story almost pushed the paper’s lead of the day, the Queen’s arrival in New Zealand (“Queen exquisite in silk”), off the front page. A sub-heading to this sensational story highlighted an allegation by Manning that associated the un-named escapee with “threats to kill”.³⁷

Reports of the escape and the Ryan-Manning incident flowed from the superintendent's office to the Director-General of Mental Hygiene, Basil Stafford. His first concern was to defend hospital reforms which had resulted in a more open system. Tensions with the union were quickly evident — the medical superintendent, Dr Boyce, held a meeting with union representatives over security concerns and the trouble with violent patients. "At this interview", however, as he reported to Stafford, "it was agreed that the alleged unprovoked assault may not have been entirely unprovoked, and the Union was very concerned that the system of holding returned escapees for observation in Ward Male 7 allowed an incident such as occurred to occur". From the beginning Boyce was sceptical about the nurse, and suspicious of the union's role. He had an interview with Ryan. His report conveys his sympathies.

I have had an interview with Ryan.

He was pleasant, agreeable, straightforward and open.

He is a very black, Palm Island Native, healthy, active, and of good physique.

He spoke with a slight stammer and hesitation in speech but not in intent to reply.

His story was that he had been committed first to the Brook (Westbrook) some six years ago when he was 12, for misdemeanours; he had absconded and he had been released on parole.

On parole he worked for the Council, took lessons as an amateur boxer, and preferred boxing to manual labour and to station work. He also did silly things and found himself in the 'Brook' again; but no more of that now!

He knew Nurse Manning and was friendly with him before he ran away this time. Manning used to speak to him and give him cigarettes.

At the change of shift at about 2 p.m. he was on the verandah of 7 when Manning came through the door, appeared to be angry with him for running away – called him a 'Boong' and a 'black C –'.

Manning continued to come towards him threateningly and Ryan warned him to keep away or he would get hurt.

Manning slapped him on the face twice and when he made a third ['attempt' inserted], Ryan in self-defence parried the lead and cracked him just once.

Manning hit the cement with his forehead, and he was a mess.

While noting that he had not yet heard Manning's account, Boyce foreshadowed later official inquiry with his conclusion — "I have no reason whatever to doubt Ryan's story".³⁸

Boyce's attempts to contain the publicity were of little avail. On the same day he forwarded his report of this interview, the Acting Minister for Health and Home Affairs ordered an investigation into the escapes and the alleged assault. The inquiry was conducted by Dr Ross Patrick, then a Senior Health Officer in the department, later to become Director-General of Health in Queensland, together with an administrative officer from the department. Its focus was less on the escapes than on the Ryan-Manning incident. Interviewed by Dr Patrick, Boyce made clear his good impression of Ryan. He noted for example the trust that had been placed in Ryan, who had been placed on "parole" with a work gang known as the "Kelly Gang" — the two nurses on that gang had spoken of him as "pleasing and bright and of good behaviour and conduct". "Incidentally", he added for the benefit of Patrick, "on the Ryan man, you know the Dental Surgeon's Receptioniste (sic), she spoke to someone yesterday, not officially, to say what a blessed nice bloke. He is a nice kid."

What was Ryan's diagnosis, Boyce was asked. The reply was at odds with the ordinariness of his own impressions of Ryan — "High Grade Mental Deficient Borderline. Psychopathic Personality, meaning that his regard for morals and ethics are haywire". That classification was also at odds with the medical evidence available within the hospital. When asked about his treatment and prognosis, Boyce reported that "it is entirely a matter of how he is handled. There is no psychiatric reason for holding him here in my opinion". The only treatment he was getting was aimed at rehabilitation — the reason for his assignment to the Kelly Gang, a work team of patients who worked on the grounds. Boyce had to admit that he wasn't an expert on the patients since he was "tied up so much with administrative matters".³⁹

Boyce's vagueness about the psychiatric rationale for detention was confirmed by a doctor who had more direct responsibility. In the aftermath of the continuing disciplinary problems at Westbrook, Youth Welfare and Guidance had recommended Ryan be assessed by an EEG — the results suggested nothing of interest. Moreover, when interviewed by Dr Wright at the Mental Hospital after admission, Ryan had given an account of Westbrook that suggested a credible reason for his rebelliousness. "You weren't worried about him at all on his past history?", Wright was asked by Dr Patrick. "He has fought before", replied Wright:

But on most of the occasions I think he has been provoked, and this incident at Westbrook, he and another patient came at the same time, they were both interviewed separately and they both gave similar versions of being woken up constantly through the night for some infringement. He possibly had some justification, it is a pretty normal reaction if you are wakened up every half hour during the night.

Asked his opinion of Ryan's diagnosis Wright reported that "we actually never agreed on a diagnosis, probably psychotic is the nearest you could get. There was some theory of being a type of epileptic".⁴⁰ No reason was given to justify either possibility.

Ryan wasn't the only one of the escapees who seemed to be detained for something other than a psychiatric condition. A subject of some "minor police offences", 17-year-old Patrick M— had been working at the Salvation Army depot at Red Hill in Brisbane, when his probation officer told him he "was going for a drive" — the drive ended up at Ward 16 at Brisbane General, where he was certified and taken to the Mental Hospital. Asked about M—'s diagnosis during the escapes hearing, his doctor at Wolston Park said he had a "behaviour problem". Other records have his probation officer reporting him as "uncontrollable". His treatment was described by Dr Apel: "Occupational work outside of the ward was the main thing in order to bring him into line with as much outside life as possible on O.T. work, so that when he was leaving the Hospital he could re-enter the community".⁴¹

M—'s evidence was important for understanding the racial context of the Ryan-Manning incident. As we have seen, Ryan alleged that Manning had called him a "Boong" and worse. Words matter — but more important, how words are said, their intonation, and their context, matter.⁴² Ryan's nickname, according to his escapee mate Patrick M—, was "Boonga". They had tried to pinch a car from the Wacol Army Camp, said Morgan — "Boonga Ryan was driving it". "He didn't mind you calling him Boonga?", asked Dr Patrick. "No", replied M—, "it was a nickname, a lot of people call me 'Juvenile'".

The inquiry interviewed the nurse, Jack Manning. He had worked at the hospital for about six years and was still a "cadet". Manning denied verbal abuse in the moments leading up to Ryan hitting him. He said he didn't call

Ryan by his nickname but called him Ryan or Ray. He also said he used to get on very well with Ryan — he “always called me Jack” and “used to tell me about his troubles and when he came to Rockhampton from the Islands”. He had given him cigarettes, and lent him a biro. Ryan corroborated this account of friendly association — he called Manning “Jack” during his interview with Dr Patrick and even said “he’s the only mate I got here”. Manning admitted he had admonished Ryan when he saw him after the escape. Ryan had asked him for a smoke. Ryan experienced the admonishment as something else. When he came on shift that day, Ryan recalled of Manning, “he was in a bad mood”. “Was he wild with you because you ran away?” asked Patrick. “Yes”, said Ryan, “he said I’ve given you smokes and everything you want and now you run away, and he called me names”.

In Ryan’s view the name calling was provocation enough. Dr Patrick was unable to determine whether that provocation had occurred. But he reported to the Minister that Ryan during interview

admitted that other patients called him ‘Boonga’ and that he did not take exception thereto, but he did not accept with the same equanimity the appellation from members of the nursing staff.⁴³

Boyce, the superintendent, understood what Ryan meant. During Dr Patrick’s inquiries, another staff member commented on Ryan’s nickname: “That ‘Boonga’ business, he has never resented it”. Boyce’s immediate riposte reflected his sympathy with Ryan: “‘Boonga’ is different to ‘You Boong’”.⁴⁴

Like Max Stuart, the Arrente man who had escaped hanging in South Australia just three years before this, the young Ryan in the days before Westbrook had sought out an opportunity to make a name on the road, in his case with his fists. He told Dr Patrick he had won fights at the Stadium and had been in the Jimmy Sharman troupe for six months. “What would you like to do if you got out”, asked Patrick. “Start fighting again in the ring” said Ryan. His reputation was known, among patients and staff. But his colour was as much part of this reputation as was his fighting prowess. An exchange between Drs Patrick and Wright leaves all sorts of thoughts on the table.

Dr Patrick: Do you think on account of his colour the other fellows might have followed Ryan[?]

Dr Wright: He is the one with the record, he is the best with his fists.

Patrick needed to know whether Ryan was a leader, whether the escapes had been planned. Wright thought Ryan was a leader, in a culture in which, as he had commented earlier, “there are very few patients that have not been involved in fights”.⁴⁵

Colour was on a lot of minds, including Ryan’s. Manning, the assaulted warder, thought Ryan didn’t resent being called “Boonga” — “he used to even say ‘I am a big black man’. He used to really joke about it.”⁴⁶ Boyce, the superintendent, was already impressed by the credibility of this “very black, Palm Island Native”. He also noted for Stafford’s information that Ryan “appeared to be easily upset and sensitive regarding his skin colour”.⁴⁷ At Westbrook we may recall, Ryan had been under scrutiny as someone who was seen as “likely to incite racial friction”.⁴⁸ This was Queensland in the early 1960s — this was Australia before the Freedom Rides and the 1967 referendum.⁴⁹ Being coloured, being Aboriginal, marked one out. The testimony of one of Ryan’s escapee mates, M–, captured popular and official discomfort with the difference that colour made. Asked by Dr Patrick whether he had gone to school in Mitchell, “western country” as M– called it, he replied:

Pt. M–: Yes, what I learned there. There were 3 schools, the darkies one across the river, and then the State School and the Convent School.

Dr. Patrick: Have they still got the darkies school?

Pt. M–: No, they took it down and put it on to the State School, and the darkies go there now.

Dr. Patrick: And what do people think of that?

Pt. M–: The Police don’t like the darkies mixing with the white, they think it leads to bad ideas.⁵⁰

The police worried more about the bad ideas than the people did. We need to remember that police doubled as Queensland’s “Protectors” of Aborigines

during these years. Colour made a difference to Ryan's fate – it had determined the conditions of his separation from his mother, it contributed to his reputation for rebellion at Westbrook, and now in the Mental Hospital the difference between being called “Boonga” by his mates and abused as “You Boong” by a warder escalated his case once again to the highest levels of state decision-making.

Colour however was absent from public knowledge of the case. None of the press reports about the incident at Westbrook, the escape from Wolston Park, the assault on Manning, and Ryan's subsequent transfer to Ipswich, hinted at the possible identity of the patient — perhaps respecting protocol on the privacy of mental hospital inmates, a courtesy at one level, a guarantee of secretive governance on the other. Mental hospitals, like the state's Department of Native Affairs, operated without independent scrutiny of their decision-making, accountable only to the government of the day, and rarely if ever challenged in the courts. Ryan's multiple jeopardies by the age of 17 allowed his fate to be determined by fiat. His testimony in 1963 makes it clear he was very conscious of his position, much more so than suggested by his classification as “moron”. When Patrick asked whether he had seen Manning after Ryan had hit him, the latter responded: “Dr Barrett didn't give me a chance. He said ‘send to [Ward]14’ and I asked the Doctor what I was going there for, I had to do something”. Others had already suspected that Ryan had manipulated the medical system at Westbrook to get to the greater, perceived freedom of the mental hospital. Ryan's challenge to the doctor to justify a decision to send him to a locked ward reflected his status as an actor in a drama whose course he could little control.

Ryan's transfer from the relative freedom of Wolston Park to the closed ward at Ipswich was determined formally by the Director of Mental Hygiene, Basil Stafford. His decision seems difficult to understand except in the context of ministerial pressure and the attentions of State Cabinet, prompted by a media panic agitated by the nurses' union. Stafford's advisor at the hospital, the medical superintendent Boyce, had been openly sympathetic to Ryan, and sceptical of Manning's denial of provocation. The ministerial inquiry was itself unable to determine whether Ryan's assault on Manning was provoked or unprovoked, but was swayed in its view of the incident by reports of Ryan's Westbrook record — a record which at least one doctor at Wolston Park had considered explicable by the disciplinary system in practice at that notorious boot camp, subject of an official inquiry in 1961

while Ryan was there.⁵¹ Yet on 21 March 1963, a week before the Queensland Cabinet was to hear the Minister for Health report on the escapes, Stafford reported that he had arranged for Ryan to be transferred to Ipswich Male 2 Ward.

In justifying the decision, uncertainty was translated into definitive diagnosis. Patrick's inquiries had revealed that doctors differed, to a deep degree. In Stafford's memo, however, "Ryan is suffering from a mental disorder associated with mental deficiency which makes him the subject of violent behaviour episodes". Every statement in this sentence was unstable, lacking conclusive authority. The reliability of the IQ assessment by Youth Welfare and Guidance had been queried by the Division's senior medical director. Nobody at Wolston Park could agree on the exact nature of Ryan's "mental disorder", even whether he had one. The violent behaviour episodes included an incident at Westbrook that Dr Wright had reported as possibly provoked by the Westbrook system which a government inquiry had already found to be profoundly abusive; and the same doctor reported that almost all patients at the hospital were involved in fights.

Ryan "is of aboriginal blood", reported Stafford to the Minister, "is physically strong and well developed". The papers attached to Patrick's inquiry report described him as "Palm Is. Native retains some Tribal Customs" — although no evidence had been led in the inquiry on this matter and one suspects this was simply a gloss on Dr Nurcombe's earlier Youth Welfare and Guidance report that insisted Ryan was only "partly detribalised".⁵² Ryan's behaviour in the mental hospital was for Stafford a sign that he was "unsuitable for the open ward system that is functioning" there — a system he had sponsored himself, and to which Boyce was firmly committed. Boyce had told Stafford the day after the escapes and before the Manning-Ryan incident:

In my opinion the remedy [for escapes], as with open psychiatric hospitals elsewhere, is progressive improvement of living and occupational conditions for all patients, minimising their desire to run away and constant reassurance by medical, nursing, and all hospital staff that the concerted aim is to get them better and home again and that they will surely go home as soon as they are ready.⁵³

Boyce was an optimist, Stafford anxious about the public face of a system for which he was directly accountable to the minister, who was in turn

sensitive to page one stories about escapees from state institutions, even the ones being opened up. Ryan was caught in the middle. His removal to Ipswich security ward was just another step in an administered life. Its consequences for Ryan's immediate experience remain unknown – but we can confidently expect that he would have asked Stafford, as he had asked Dr Barrett, “what I was going there for, I had to do something”. He had done something — but was it enough to justify its consequences?

We started with the absence of this episode from the Royal Commission's account of Ryan's life and death. Access to the truths that inquiries make possible is constrained by many factors. Knowledge of this incident in Ryan's life would not have altered substantially the Royal Commission's account. Its elements are characteristic of other parts of Ryan's life — with perhaps one exception. State responsibility for actions of its officers is a contested matter issue in law and public policy. The high levels of discretion available to police and custodial officers, as well as public health officials and other professionals and their assistants, usually distance the state executive from such decision-making.

In Ryan's case however, and in a measure that was unknown to the Royal Commission, ministerial and State cabinet authority was invoked and informed. The Health Minister, Noble, was party to one interdepartmental conference that determined Ryan's allocation to security detention at Westbrook; and then, in March 1963, took the report and Stafford's actions resulting from the Manning-Ryan incident before Cabinet, announcing the fact (without naming him) of Ryan's transfer to Ipswich to a press conference after the Cabinet meeting. The effects of Ryan's unsought implication in high level political decision-making did not cease there. On the very day, 21 March 1963, that Stafford drafted his memo sealing Ryan's fate in Ipswich Ward 2, he drafted too a memo on the need for Queensland to have a “Security Patients' Hospital”. Its rationale was the difficulty his department faced in the light of Ryan's transfer, which emphasized, said Stafford, “the limitations of this Ward in regard to the treatment and control of dangerous and violent patients”. Before the end of that year Cabinet approval had been given for just such a facility to be built, the first in Queensland. It was a further step in Stafford's program for the devolution of psychiatric care and treatment into more specialised facilities.⁵⁴

The truth of the matter?

The public inquiries I have spoken of, with their attendant legal cases and reports make up an enormous, not to say costly, enterprise of governmental reflection on the past. They are symptoms of an era when it has become possible to confront more openly the realities of an ugly and disordered past. The contention over what constitutes valid evidence of such a past is of course at the heart of the symposium theme of *Proof and Truth*. More than that — the debates that swirl around the impact of inquiries and litigation have highlighted the contextual demands on the notion of truth itself.

The cause of truth is not much served by a simplistic opposition of the moral and the legal in ways that always affirm the higher value of the moral. In such contexts it becomes easy to conclude that law's failures reflect "lawyers' tricks to stop justice — definitions, intent, proof, evidence".⁵⁵ In the mouths of some others, for example police, such judgments have typically been used to justify "verballing" and other assaults on justice. Apprehending truth requires an appreciation of the institutional as well as discursive context of its production — understanding in fact why we have Royal Commissions as well as law courts, select committees as well as departmental reports, or art galleries as well as history journals.

I have sought to address the limited field of official inquiries, such as Royal Commissions, as well as internal administrative inquiries with their material outcomes. When governments appoint inquiries they try to quarantine truth. In the film *Black and White*, Louis Nowra puts into Premier Tom Playford's mouth the politician's cliché about never appointing a Royal Commission unless you know the outcome first. In reality, controlling the outcome is less certain. Terms of reference are carefully constructed to limit inquiry as well as to enable it. Yet, depending on circumstances, official inquiries do expand their scope of inquiry. Who would guess the ambit of Queensland's Fitzgerald Inquiry from its sober title, "Report of a Commission of Inquiry pursuant to Orders in Council"? The plural "orders in council" was precise — there were in fact three orders, the first two a month apart, the third a year later, that signalled authority to move from vice to police corruption to the very general area of "official misconduct or impropriety", resulting eventually in the prosecution and imprisonment of government ministers. The Deaths in Custody commission also expanded its scope — not without a struggle — from an investigation of how deaths occurred to an inquiry into "underlying causes" that enabled it to comment

on everything from land rights to health services, from alcohol regulation to genocide.

However able the investigators, the capacity of an inquiry to address its terms of reference is constrained not only by those terms but by a multitude of other factors that shape its course and reception. The Stuart case is an outstanding example of a case where truth remained in dispute, remained unresolved, but was above all politicised. Its course was enabled, though not determined, by the public character of criminal justice processes. Without the provocation offered to liberal opinion in South Australia by the threat of the gallows, it seems unlikely that Stuart would have benefited from much further attention in the wake of his conviction.

The contrast with the vulnerabilities of people in institutions is instructive. In Vincent Ryan's case, the opportunity for a public airing of his life's circumstances came only in the wake of his death. Like Max Stuart he did of course earlier face a serious criminal charge, resulting in a significant penalty — though Queensland had long dispensed with the gallows, the imminent use of which brought Stuart's case into the spotlight. Even the eventual post-mortem opportunity to scrutinise crucial events in Ryan's life story — events that had brought his fate at the age of 17 into the direct decision-making domain of the state political executive — was limited by the absence of a key file.

Looking back over that inquiry of 1963, conducted as an administrative exercise out of the public eye, we are reminded also of some counter-productive effects of the division of public and private in the administration of those whose lives are administered by others. Vincent Ryan was burdened in 1963 not only by his Aboriginality, a sub-citizen administered by the Department of Native Affairs, but by his age, and by his psychiatric certification. Public disclosure of his circumstances was possible only in the eventuality of him becoming a person charged with criminal offences. That possibility was avoided by his status as an administered person. What did it mean to be an administered person? Between 1961 and 1963 Ryan's life was one under intense supervision. His case was the focus of at least 5 state agencies — the Department of Native Affairs, Westbrook Reformatory, the Division of Youth Welfare and Guidance, Brisbane Mental Hospital, and the Queensland Police. In addition we can identify at least three other important decision-makers affecting his life chances, the Hospital Employees Union, State Cabinet, and the media. Perhaps noteworthy by absence were the Education Department, and the courts — highlighting the vulnerability of a non-citizen, an administered person.

Being an administered person rendered him at the mercy of the goodwill of institutional officers. As we have seen there was evidence at Wolston Park of quite a number who bore him that goodwill. Goodwill was not a value likely at his previous place of residence, Westbrook Farm Home for Boys, officially regarded now as in 1961 as an extreme example of “a culture of physical punishment and brutality”.⁵⁶ An administered life was Ryan’s fate — the product of historical decisions of far-reaching consequence for how people born of an Aboriginal mother would be treated in a complex of other state agencies.

In the reforms that post-enlightenment liberalism brought to social institutions, a respect for the privacy of those deemed in need of care, treatment or containment ended the public display of Bedlam’s inmates. Indiscriminate mixing of children with adults in prisons was frowned upon, leading to the creation of special purpose reformatories. These public institutions confined individuals on the authority of statements that constituted truths defining a state of being and potentiality. Managing those truths was the task of administrations, subject more often to the requirements of efficient management than to the obligations of duty of care. Without the benefit of structures allowing truth to become contestable, without advocates of their cause, the inhabitants of institutions like child reformatories and mental hospitals became victims rather than beneficiaries of the regimes of privacy.

It is against such a background that we must understand contemporary inquiries into truth. Few areas of social administration have escaped the scrutiny of official investigation in recent years — but none more so than those which had operated in a tutelary relation to their subjects. As governments come to terms with the changing conceptions of citizenship that have altered the entitlements of whole populations, such as Aboriginal people, or specific ones, such as the mentally ill or disabled, we can expect a continuing reappraisal of the truths that have determined lives, as well as the ways in which those truths are constituted, by which forms of expertise. In that course I suggest we also do well to recognise the importance of distinguishing the institutional and cultural contexts in which we speak of truth, as much as the ends we seek in proclaiming truth.

The role of the humanist as expert in these kinds of inquiries is, I suggest, not one of proclaiming moral truths as some kind of trump card against the lead of law or politics. Rather we can bring to the task the tools of the kinds of expertise that we do have, the application of research questions and

methodologies that can throw light into dark places. Some truths may be revealed in such work, but also and perhaps more importantly we aspire to understanding the material and discursive conditions that make those truths work in particular times and places. Such research can help us to understand Vincent Ryan's question to that doctor in 1963, "what I was going there for, I had to do something".

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Endnotes

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¹ As recounted in an interview on the ABC's *7.30 Report*, 31 Oct 2002; and see the account of his 1972 press interview with Stewart Cockburn while still in Yatala prison, in K. S. Inglis, *The Stuart Case* (Melbourne, 2002), pp. 341-42.

² These and other accounts in journalism and film are well documented in the 2002 epilogue to *Ibid.*

³ Barry Hill, *Broken Song: T.G.H. Strehlow and Aboriginal possession* (Sydney, 2002), pp. 542-597.

⁴ Inglis, *The Stuart Case*, p. 390.

⁵ *Ibid.*, p. 389 – and see the films *Broken English*, 1994; and *Black and White*, 2002.

⁶ Mark Finnane, *When police unionise: the politics of law and order in Australia* (Sydney, 2002), p. 177.

⁷ Inglis, *The Stuart Case*, pp. 64-65.

⁸ Mark Finnane, *Police and government: histories of policing in Australia* (Melbourne, 1994), pp. 85-88.

⁹ Inglis, *The Stuart Case*, pp. 53-54.

¹⁰ *Ibid.*, K.S. Inglis, *The Stuart Case*. (Parkville, 1961), pp. 86-88.

¹¹ See Finnane, *Police and government: histories of policing in Australia*, pp. 84-92, p. 168: the costs of the complainant Studley-Ruxton, whose case was the subject of a 1954 Royal Commission, were covered by Frank Packer's *Daily Telegraph*.

¹² Inglis, *The Stuart Case* back cover blurb of 1961 paperback edition.

¹³ Royal Commission into Aboriginal Deaths in Custody, Report of the inquiry into the death of Malcolm Charles Smith, (Canberra, 1989).

¹⁴ See Human Rights and Equal Opportunity Commission, *Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islanders and Their Families* (1997), pp. 266-75; Royal

Commission into Aboriginal Deaths in Custody, National Report, (Canberra, 1991), Vol. 5, sec 36.3.

¹⁵ See Nell Thomson and Norma Briscoe, *Overview of Aboriginal Health Status in Queensland*, Australian Institute of Health: Aboriginal and Torres Strait Islander Health Series No 4 (Canberra, 1991).

¹⁶ Royal Commission into Aboriginal Deaths in Custody, Report of the inquiry into the death of Vincent Roy Ryan (1990).

¹⁷ See Rosalind Kidd, *The way we civilise: Aboriginal Affairs - the untold story* (St Lucia, 1997); the more local impacts are well described in David Trigger, *Whitefella comin': Aboriginal responses to colonialism in northern Australia* (Melbourne, 1992) on Doomadgee, and Thom Blake, *A dumping ground: a history of the Cherbourg settlement* (St Lucia, 2001).

¹⁸ Eg Royal Commission into Aboriginal Deaths in Custody, National Report, Vol. 2, sec. 11.7.12.

¹⁹ Custody, Report of the inquiry into the death of Vincent Roy Ryan, p. 1.

²⁰ As argued for example in Nikolas Rose, *Governing the soul* (London, 1999); and for its relevance in the context of crime and punishment see John Pratt, *Governing the dangerous* (Sydney, 1997).

²¹ Custody, Report of the inquiry into the death of Vincent Roy Ryan, p. 9. On Palm Island see Dawn May, 'A punishment place', in *Australians 1938*, ed. Peter Spearritt (Sydney, 1987).

²² Custody, 'Report of the inquiry into the death of Vincent Roy Ryan', p. 11; for conditions at Doomadgee at this time see Trigger, *Whitefella comin': Aboriginal responses to colonialism in northern Australia*, especially the discussion of 'administrative authoritarianism' at the Mission in the 1950s, pp. 69-75.

²³ Custody, 'Report of the inquiry into the death of Vincent Roy Ryan', pp. 12-13.

²⁴ *Ibid.*, p. 67.

²⁵ *Annual Report of the Health and Medical Services of the State of Queensland, 1963-4*, Brisbane: Government Printer, 1964, p. 44.

²⁶ Queensland State Archives (QSA), TR1889/1, Memo of Director of Mental Hygiene, Basil Stafford, 21 Mar 1963.

²⁷ Custody, 'Report of the inquiry into the death of Vincent Roy Ryan', pp. 19.

²⁸ On the protection system in Queensland, its administration and effects see Kidd, *The way we civilise: Aboriginal Affairs - the untold story*, Blake, *A dumping ground: a history of the Cherbourg settlement* and Trigger, *Whitefella comin': Aboriginal responses to colonialism in northern Australia*. For the ideological and operational distinctions around 'tribalised' and 'assimilable' in the 1950s, see especially Anna Haebich, *Broken circles:*

fragmenting indigenous families 1800-2000 (Fremantle, 2000), Ch. 7 'Visions of assimilation', for the operation of these distinctions in the 1950s. On the varieties of custodial regimes and their differential impacts during and after this period, see Tim Rowse, *After Mabo: interpreting indigenous traditions* (Melbourne, 1993), Ch. 2, 'Lives in custody'.

²⁹ Custody, "Report of the inquiry into the death of Vincent Roy Ryan," p. 20.

³⁰ *Ibid.* p. 19.

³¹ *Ibid.* The Minister's attendance at this meeting is confirmed in Memo of Dr R. Patrick and S. Beedham, on investigation into the circumstances of escapes from the Brisbane Mental Hospital, Goodna [Feb/March 1963], QSA TR1889/1.

³² See eg *Queensland Parliamentary Debates*, 14 Sep 1960, pp. 311-12.

³³ Memo to D-G Health and Medical Services, 21 March 1963, QSA, TR1889/1.

³⁴ The circumstances of the two known incidents both involved Ryan attempting to molest white women, one the daughter of the Palm Island superintendent in 1960 and the second an unidentified woman at Woorabinda, as summarised briefly by the Royal Commission: 'On 14 March 1961 Ryan admitted entering the house of a White staff member in the early hours of the morning and touching the lower abdomen of one of the women asleep there. During the subsequent investigation of the incident, no secret was made of Ryan's alleged attempt to molest the daughter of the Palm Island superintendent some seven months previously - an accusation which as I mentioned earlier he did not admit and over which he was not charged, much less convicted.' Custody, "Report of the inquiry into the death of Vincent Roy Ryan," pp. 15-18.

³⁵ Memo to D-G Health and Medical Services, 21 March 1963, QSA, TR1889/1.

³⁶ QSA, A/31775, 35/746 – regarding police instructions not to report escapes to media.

³⁷ *Telegraph*, 6 Feb 1963, p. 1.

³⁸ Report of Medical Superintendent to D-G Health and Medical Services, 7 Feb 1963, QSA, TR1889/1.

³⁹ "Notes taken during investigation ordered by the Minister into escape of patients", (hereafter Patrick Inquiry transcript), pp. 1-6, QSA TR1889/1

⁴⁰ Patrick Inquiry transcript, p. 57, QSA TR1889/1.

⁴¹ Patrick Inquiry transcript, p. 26, QSA TR1889/1.

⁴² See eg Greg Denning, *Mr Bligh's Bad Language* (Cambridge, 1992).

⁴³ Memo of Dr R. Patrick and S. Beedham, on investigation into the circumstances of escapes from the Brisbane Mental Hospital, Goodna [Feb/March 1963], QSA TR1889/1, p. 4.

⁴⁴ Patrick Inquiry transcript, p. 52.

⁴⁵ Patrick Inquiry transcript, pp. 58, 57.

⁴⁶ Patrick Inquiry transcript, p. 50.

⁴⁷ Boyce to Stafford 7 Feb 1963.

⁴⁸ See n. 29 above.

⁴⁹ For the social and political climate see eg Ruby Langford, *Don't take your love to town* (Ringwood, 1988), Ann Curthoys, *Freedom Ride: a freedom rider remembers* (Sydney, 2002) and Marilyn Lake, *Faith: Faith Bandler, Gentle Activist* (Crows Nest, 2002).

⁵⁰ Patrick Inquiry transcript, p. 7. A 'school exclusively for Aboriginal children was established in the fringe camp' at Mitchell in the 1930s after white families in the town objected to Aboriginal children attending the local school: Blake, *A dumping ground: a history of the Cherbourg settlement*, p. 193.

⁵¹ On Westbrook see Custody, "Report of the inquiry into the death of Vincent Roy Ryan," pp. 18-20; and the more recent Forde Inquiry, "Report of the Commission of Inquiry into Abuse of Children in Queensland Institutions," (Brisbane, 1999), pp. 124-42.

⁵² See above, nn 27-28.

⁵³ Medical Superintendent to D-G Health and Medical Services, 5 Feb 1963, QSA TR1889/1.

⁵⁴ Memo of D-G Health and Medical Services, 21 Mar 1963, QSA TR1889/1; Cabinet Minute, 9.9.63 QSA Z/3739.

⁵⁵ Larissa Behrendt, "Genocide: the distance between law and life," *Aboriginal History* 25 (2001), p. 142.

⁵⁶ See "Report of the Commission of Inquiry into Abuse of Children in Queensland Institutions," p. iv.