

A Stolen Life

Aboriginal and Torres Strait Islander people are respectfully advised that deceased people are referenced in this publication.

For Bruce Trevorrow (1956–2008)



A Stolen Life

THE BRUCE TREVORROW CASE

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PREFACE

It was May 1994.

I had been working at the Aboriginal Legal Service of Western Australia (ALS) for only a few days when a senior lawyer handed me a file and said, ‘This is yours now.’

I sat at my desk and opened the manila folder. There was one typed page inside. It had the client’s name and address, followed by a few paragraphs of what appeared to be an abbreviated life history. I read that when the client was aged six, he had been separated from his parents and placed in a mission. He stayed there until he went to work on a farm at fifteen years of age. Life after that was filled with broken relationships and alcohol abuse.

I was unclear what to do with the file.

Another week went by before the chief executive of the ALS, Robert Riley, came to my office. He asked me to commence a project interviewing Aboriginal people who as children had been separated from their parents and placed in government-run receiving homes, in religious missions or with foster carers. This project turned into a two-year assignment of interviewing and collecting stories from over 500 people (I personally interviewed around 250 people) and writing two reports, *Telling Our Story* and *After the Removal*. These reports became the ALS submission to the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families.

Until that day when Rob gave me a thumbnail sketch of this history, I’d had no idea of this official government policy of removing Aboriginal children from their families. I am not proud of that fact, but I also wonder why this history was missing from my school curriculum.

When I moved into legal academia in 1997, I continued my research into what has become known as the ‘Stolen Generations’. I also completed a doctorate on guardianship law and the Stolen Generations. It was only natural that the *Trevorrow* case would attract my interest, though I had little knowledge of the case until hearing and reading about the verdict in the media. After reading the reported judgment, I knew I wanted to write a book about this

case. I wanted to bring the *Trevorrow* case, and with it the story of Bruce Trevorrow, to an audience beyond the legal academy and profession.

Researching and writing this book was a challenge for a number of reasons. One was the fact that I was dealing with a jurisdiction in which I did not reside. Another was that during the process I moved from legal academia to being a parliamentarian, which greatly reduced the time I could devote to the book. I spent nearly ten years working on this project, though never full time. There were many false starts and lengthy punctuations of the work gathering dust. I am pleased that I persevered. I hope you will be, too.

A NOTE ABOUT SOURCES, COURTROOM DIALOGUE AND REFERENCING

I interviewed many people (a list of those interviewed appears in the bibliography), but the South Australian State Solicitor would not approve my request to interview members of the State's legal team, although I do not know the reason for this refusal. This was disappointing, but I do not think it has negatively affected the narrative. As well as these interviews, I trawled through court transcripts, court pleadings, affidavits and legal judgments to reconstruct the story of Bruce's life and of the trial. I also referred to numerous secondary sources.

With regard to courtroom dialogue, I have taken counsel, witness and judge dialogue directly from the official court transcripts (which may in some cases be grammatically incorrect). In the narrative, I have at times referred to the conduct and thought process of Justice Gray. These references are my hypotheses and suppositions, based on my interpretation of all resources and information available to me. However, I need to make it clear that Justice Gray did not divulge to me his thought process or his views of counsel or witnesses; the same can be said of his staff.

Although I have done extensive research, I have kept referencing notes to a minimum. I have keenly sought not to interfere with the narrative flow of events by repeatedly referencing personal interviews or trial transcripts. For those interested, a glossary of legal terms and an extensive bibliography appear at the end of the book.

PROLOGUE

‘Bruce, old fella, I can’t make you better, but I can give you something to relieve the pain.’

The ‘old fella’ – he is all of fifty-one years old – tries to smile his gratitude. The smile does not make it to his lips.

‘For the pain or for the hurt?’ he wants to ask. ‘It’s in my heart,’ he tells the doctor wordlessly, ‘but not that broken-down pump that keeps me alive for no good reason. It’s in the other heart. That storehouse of memories that you can’t record with your stethoscope, that does not show as squiggly lines on a roll of paper. That’s where the hurt is, and neither you nor I can do a thing about it.’ It is too late for that. A lifetime too late.

He is not angry with the man who is trying earnestly to help him. He is too young to know about the pain that sears, that screams from the pages of *Bringing Them Home*, chronicling the hurt, the humiliation, the degradation and the sheer brutality of separating children from their mothers. Too young to know how personal is the suffering caused by the policy that Parliament apologised for just months ago. Too young to know about the price so many paid for this ‘deep assault on our senses and on our most elemental humanity’. Too young to know how deeply Bruce hurts.

It is winter and a cold wind whines around the hospital in Sale, a country town in the East Gippsland region of Victoria. The temperature could fall to as low as four degrees Celsius tonight; it could struggle to reach fifteen degrees tomorrow. This will not stop most of the townspeople from coming out to follow their local football team. Ordinary people going about their lives on an unremarkable day.

Inside Sale Hospital, Bruce knows in his heart – that other heart, where the memories are – that he will not be here to see that day. For the moment, he lies here with his memories. His heart – that other heart – should be home on Ngarrindjeri country on the banks of the Coorong waterway in South Australia. But it is not. That other heart is lost.

What did he do wrong as a baby to be taken from the mother he loved and from the father who toiled to make a home for his

family? Why did they separate him from his big sister? She called him 'Brucey' because she loved him. Why did they take him away from the people he loved?

His family is by his bedside but as he drifts into a twilight slumber, thanks to the young doctor's medicine, he is barely conscious of them. Perhaps he'll dream. He'll be with his Ngarrindjeri family, on the banks of the Coorong. His sister will be calling, 'Brucey'. Dad will be coming up the track from work and he, baby Brucey, will be nestled in his mother's arms.

It is half past four, Friday afternoon, 20 June 2008.

PART ONE

STOLEN

Chapter 1

BEFORE THE PAIN BEGINS

The little boy sits in his cot, staring with wide brown eyes at strangers passing by. The cot is like others in the ward at the Adelaide Children's Hospital. He is thirteen months old. Still a baby, just. But of the age when a baby wants to be noticed. Of the age when a baby first understands that, if they make the right sign, a person – the target of the sign – will respond with a smile.

But the passing strangers don't notice. Each is a target for some other love, in some other cot. Making just the right sign. Each target responds. The little sign maker gets their reward.

Not this little boy. There is no target for his love. But he does want to be noticed. Where are his targets? Why don't they come to see him?

Across the ward, a father, for a moment distracted from his own little daughter, as if divining the thoughts of the little dark-skinned boy across the way, realises with a vague disquiet that in all the days he has been visiting this ward, nobody has been to see this little boy. He feels a little stab of anger and speaks to a harried nurse. Why, he asks, does nobody visit this little boy? Don't his parents care, he wants to know. The nurse knows that, for little Bruce's parents, visiting is not a short drive from a nearby suburb – if they had a car, that is. Nor is it even a short tram or bus ride. They live in a shack at One Mile Camp, of which this man has probably never heard, near a town called Meningie on the Coorong. They have no relatives in Adelaide and no way of getting to the city. But she offers a polite, conversation-ending observation, 'It is not easy for them.'

Bruce is far too young to remember that he has been here before. He was transferred here ten days after his birth on 20 November 1956 at Queen Victoria Maternity Hospital. Born with neonatal sepsis, he was very small, underweight at five pounds three ounces. His delivery into the world was unremarkable, yet he cried continuously and his hydration was not good. It had been a difficult pregnancy for Thora, who suffered, as she did with all her

pregnancies, from severe pre-eclamptic toxæmia, a potentially life-threatening condition. Bruce was discharged after twelve days at Adelaide Children's Hospital. He had not put on much weight but otherwise was in good health.

At the end of 1956 the USSR performs atmospheric nuclear tests. It is a prelude of sorts to the British government in 1957 carrying out nuclear testing at Maralinga, exposing UK servicemen, Australian soldiers and civilians, and the Anangu people who live in the area, to radiation. The Anangu call it 'puyu' or 'black mist'. Other national events in 1957, both ephemeral and enduring, excite some and pass unnoticed by others, but each in some way contributes to the warp and woof of the fabric of Australian society. Patrick White publishes his award-winning novel *Voss*. A love story based on the disappearance of explorer and naturalist Ludwig Leichhardt, the novel is an indictment of British imperialism in the nineteenth century. In the entertainment world, television icon Graham Kennedy begins his career. Port Adelaide wins the SANFL premiership. Melbourne beats Essendon to become VFL premiers. St George wins the Rugby League grand final in New South Wales. Straight Draw triumphs in the Melbourne Cup and Lew Hoad becomes Wimbledon champion. To complete its tennis triumph, Australia beats the USA to win another Davis Cup title. And on 21 September, Mrs and Mr Rudd welcome the arrival of baby Kevin, whose life will fleetingly brush against Bruce's some fifty years later at Parliament House at the National Apology to the Stolen Generations.

For now, little Bruce Trevorrow has no idea of the significance of these events. His past few weeks have been eventful enough. He sits in his lonely cot in the middle of a busy ward, crying. He has nearly recovered from his stomach upset, bacterial gastroenteritis, that brought him to the hospital on Christmas Day. That is not why he is crying. He is crying for his mummy and for his daddy. He is far away from home, too far away from his mother's tender love, too far from his dad and his fun-loving older sister.

'Come on, Brucey. Come on, Bruce.'

Wide-eyed and beaming, Bruce places one baby foot in front of

the other. One wobbly baby step at a time, just as big sister Hilda has commanded. She is facing Bruce, matching her backward steps to his baby wobbles, and all the while holding his tiny fingers in her outstretched hands. Bruce knows Hilda will not let him fall. She is family. With baby instinct, he trusts her. Hilda is nine years old. Bruce has just turned one.

Thora looks on contentedly as she does some sewing repairs to the pocket of Frank's school shirt. Everyone calls Frank by his middle name, George. No one knows why; they just do. He is two years younger than Hilda. Then there is Tom, born in 1952.

Thora and Joe (particularly Joe – no one calls him Joseph) are fussy when it comes to school clothes. Joe demands that school clothes be neatly folded on the edge of the children's beds when they arrive home from school. School shoes have to be cleaned and polished. Joe collects suet from the local butcher shop for this purpose and makes the kids clean and polish them until they shine.

Joe and Thora are mindful that the family's shack – too basic even to be called a hut – must be as tidy and clean as possible. The welfare officers could appear without warning for an inspection. The camp residents call these unannounced welfare inspections 'raids on the camps'.

Only a few months back, at the request of the Aborigines Department, Sergeant Liebing, the officer in charge at Meningie Police Station, visited the family after Thora had left the shack to stay with some friends on the Coorong. She was away for a few weeks before returning to Joe and the family. After his visit Liebing wrote a report for the Aborigines Department about Joe's financial position. He noted that Joe had been working for W. Dollard and Co for some time and that his take-home weekly wage was twelve pounds, seven shillings. During periods when there was no work with Dollard, he tried his hand at fishing. The report notes that Joe had no reserves in a bank account and owned no property apart from the family shack at One Mile Camp and another at Three Mile Camp, where he had two dilapidated motor vehicles.

The family alternates between the two shacks. Sometimes the cars actually run. Money is tight but Joe and Thora do their best to care for their children. Thora is always on the lookout for sales and

often sends orders for clothing from catalogues she has collected. Free school supplies make things a lot easier, as do the rations of flour, sugar and tea. The ration tickets are available at the Meningie Police Station.

On this day, George and Tom are playing out the front of the shack at One Mile Camp, throwing stones into the swamp. It is the beginning of December; the days are getting warmer and longer, making playing outside more inviting. On this late afternoon, a cool sea breeze picks up from the Southern Ocean and blows over Lake Albert, part of the Coorong waterway, towards One Mile Camp.

They call it One Mile Camp because that's how far it is from the small town of Meningie, on the Princess Highway, 150 kilometres southeast of Adelaide and 300 kilometres from Mount Gambier, the South Australian town on the border of Victoria. Meningie, surveyed in 1866, was developed as a service centre for the surrounding pastoral properties and as a staging post on the main route to Melbourne. The town site on the shores of Lake Albert gained importance as a post for sailing and steam vessel transport, and for communication between other lakeside holdings and isolated sheep and cattle stations. Regular steam vessel travel on Lake Albert and the adjoining Lake Alexandrina slowed down after 1910 and came to an end by around 1930.

Thora's and Joe's families have strong connections with the Coorong area. Thora's parents, Rose Watson and Steve Lampard, both Aboriginal, have long resided in the area. Joe's white father, James Trevorrow, and his Aboriginal mother, Alice Walker, lived at Salt Creek, a small settlement on the Coorong.

Inside the shack, Hilda has tired of playing baby steps with her brother. They now sit on the sand floor that is covered with clean hessian bags, playing with spoons and cups. In a year or two, the sand will be replaced with pipeclay from the same swamp into which George and Tom are now throwing stones. The clay will be tamped to make a firm floor for the combined living and cooking room. There are also two large bedrooms, which in future years will have concrete floors. One of Joe's many cousins, who used to be in the Army, will help him lay the concrete. This is the family home. A three-roomed shack made of sheets of iron from 44-gallon drums

left in the area after roadworks were completed. Joe has flattened the drums to make the outside walls and roof. He has also used flattened drums to partition the rooms. Wheat bags and wool bales from Mr Dollard's sheep farm provide the interior walls. Joe has also built an outside toilet and bathroom.

Joe is a good worker. During the downtimes on the Dollard farm, he does a number of other jobs to provide for his family. He fishes with heavy nets and assists other fishermen with their nets. He lays traps for rabbits, which provide meat for his family and income from those rabbits he sells. Today Joe is working at Dollard's, which is southwest and within walking distance of One Mile Camp. Joe helps with fencing, burning off paddocks and other jobs on the farm.

He will be home soon. Hilda has done her homework. George doesn't have any and Tom has not yet started school. Thora has read a story to the boys. Mum and Dad are strict with homework. It has to be done, with Thora often assisting with the reading and writing. She also teaches Hilda how to sew and cook. Thora is a keen and good cook of any produce Joe brings home. She is also creative and resourceful. Even when the cupboards are low, she is still able to use what food is available to cook up a stew, and her damper is a reliable staple for the family.

Thora picks up Bruce and cuddles him as she feeds him a bottle of milk she has warmed up over the wood stove in the corner of the room. The shack has no electricity. Kerosene in old Salvital tins with wicks and candles supply the only light. Thora tenderly strokes Bruce's hair as he sucks on the bottle of milk. She looks into his eyes, talking softly and lovingly, 'Hi darling Brucey.' She bends over, gently kissing his forehead. 'Drink, drink sweetie. Help you grow.'

Thora loves this time, mother and baby together. Now approaching thirty years of age, at least twenty years younger than Joe, Thora has only a basic education but she knows, with a mother's instinct, how important this bonding time with Bruce is. She has done this before.

She moves him to shift his body weight onto her other arm. He takes a rest from sucking on the bottle and smiles at her. Wrapped

in the warmth of his mother's love, baby Bruce is conscious only of now. He does not know that, over the next few weeks, his life will change forever.

Nor does Thora or Joe.