

Slater and Gordon Media Release

Former Fairbridge Farm residents secure landmark \$24 million settlement

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Former residents of Fairbridge Farm School at Molong in Central Western New South Wales have today confirmed a conditional settlement for injuries suffered as a result of institutional abuse.

After six years of legal action, the defendants have provisionally settled a claim for a combined \$24 million, which would be the largest compensation payment for survivors of mass child abuse in Australian legal history.

The class action was brought against the Fairbridge Foundation, the State of New South Wales and the Commonwealth Government and was the first of its kind in New South Wales.

Slater and Gordon Class Action Lawyer [Roop Sandhu](#) said the result marked a major milestone in the acknowledgement of institutional child abuse.

“Our clients have suffered a lifetime of serious physical and psychiatric injuries as a result of their time at Fairbridge,” Mr Sandhu said.

“They were all vulnerable children in need of care and protection, but instead they were subjected to horrific physical and sexual abuse, which in many cases has scarred them for life.”

Former Fairbridge residents Geraldine Giles and Vivian Drady acted as lead claimants on behalf of almost 150 other members of the class action, which commenced in December 2009.

Ms Giles welcomed the announcement, as the long-fought legal battle nears conclusion.

“No amount of money can take the flashbacks and memories out of my head,” Ms Giles said.

“But, the settlement shows that what happened at Fairbridge should never have happened and that we deserved better.”

Mr Sandhu said the agreement avoids an eight week trial, which was due to start later this year.

“Ms Giles and Ms Drady showed immense courage and fortitude in bringing this claim on behalf of others at a great personal and emotional toll,” Mr Sandhu said.

David Hill, a former Fairbridgian, wrote a book detailing the victims’ ordeals called The Forgotten Children.

“This is a good day. Nothing can undo the great wrongs that were done but at last we now have some acknowledgement of the terrible abuse the Fairbridge children suffered,” Mr Hill said

‘But let us remember it is also a sad day. Eight former Fairbridge kids have been denied justice because they died during the years this has been strung out in the courts.’

“If there is a lesson from this it is that the civil litigation process is not the way of bringing justice to the victims of child abuse.”

A settlement application has now been brought before the Supreme Court of New South Wales.

As part of that application a settlement scheme will be devised to assess individual compensation entitlements.

A court-approved process will be followed to notify former Fairbridge residents of the compensation fund.

Slater and Gordon acted on a no-win no-fee basis in this action.

The defendants continue to deny legal liability for the institutional child abuse that occurred at the Fairbridge Farm School, based on a statute of limitations defence.

Last month, Diedre Mulkerin, the Deputy Secretary of the NSW Department of Family and Community Services provided an open, full and unqualified apology to the child migrants who suffered abuse at Fairbridge Farm School. As part of the settlement, Fairbridge has also agreed to make a full and unqualified apology.

Mr Sandhu said while the apologies were long overdue, his clients felt they were heartfelt and genuine.

“It brought some of our clients to tears to finally have their abuse acknowledged through an apology”, Mr Sandhu said.

Ms Drady said the apologies meant a tremendous amount to her.

“I never thought I would hear those words and it’s my deep hope that no child will have to ask for such apologies in the future,” Ms Drady said.

Media background:

- Hundreds of children, some as young as four, were sent from their homes in England to the Fairbridge Farm School in Molong. The school opened in 1938 and closed in 1974.
- Many children suffered terrible sexual and physical abuse at Fairbridge Farm and have developed lifelong psychiatric and physical injuries as a result.
- The class action alleged the Fairbridge Foundation, the NSW Government and the Commonwealth Government allowed a system of institutional abuse to develop and persist at the Fairbridge Farm School over many decades.
- By law, guardianship of the children was given to the Federal Minister for Immigration who in turn transferred custodial responsibilities to the State of NSW Child Welfare Department.
- Class members make the following complaints:
 - Vicious assaults, including sexual assaults by members of staff;
- It was alleged the defendants knew the abuse was occurring but took insufficient action to ensure the safety of the children.
- All three defendants relied on a statute of limitations defence and continue to deny legal liability.
- The Deputy Secretary of the NSW Department of Family and Community Services has apologised to claimants. The Fairbridge Foundation has agreed to issue an apology as part of the settlement.