

**Joint Select Committee on Implementation of the National Redress Scheme
Submission from David Hill, former Fairbridge child migrant
August, 2021**

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SUMMARY

1. There is widespread appreciation among former Fairbridge children of the offer of the Australian governments to step up as funders of last resort, following the withdrawal of the Prince's Trust offer to provide the funding so that Fairbridge Restored could sign up to the National Redress Scheme. However, there is also considerable disappointment because it appeared that:
 - (a) Fairbridge was now being let 'off the hook',
 - (b) the Prince's Trust appeared to have turned its back on Fairbridge victims having earlier pledged to assist Fairbridge Restored to contribute to the National Redress Scheme, and
 - (c) Australian taxpayers were now being left to foot the bill.
2. Since the Australian governments announced they were to provide funding of last resort to the NRS it has been learned that the administration of Fairbridge Restored has been extended till September 2022 and the Prince's Trust has reiterated its intention to provide FR with funds for the compensation of former British child migrants who were abused at Fairbridge Farm Schools.
3. Fairbridge Restored has more recently (August 2021) confirmed it now intends assessing the number of Fairbridge children who might be abuse claimants and developing criteria for assessing claims, which will be funded directly to victims with money provided by the Prince's Trust.
4. Fairbridge Restored has also confirmed they will consider claims for reimbursement from governments in Australia who have paid redress as 'funders of last resort' to Fairbridge abuse victims.
5. The decision of the Prince's Trust and Fairbridge Restored to assess Fairbridge claims separately from the NRS creates an element of duplication and an additional degree of complexity. It is recommended that the Prince's Trust and Fairbridge Restored should be approached again and asked to create a legal entity that could participate in the National Redress Scheme – rather than operate a separate scheme.
6. The situation for Fairbridge abuse victims is now more confusing and former Fairbridge children need clarity as to whether they should lodge claims with the National Redress Scheme or directly with Fairbridge Restored, or both. It is therefore recommended that the Australian Government seek to hold further discussions with the administrators of Fairbridge Restored as soon as possible with a view to clarifying how their proposed scheme will operate.

BACKGROUND

1. Of the five institutions responsible for the operation of Fairbridge Farm Schools in Australia four have admitted they failed to adequately protect the children, have apologised and agreed to pay financial compensation. The four are the British Government, The Australian Government, the New South Wales Government and the Fairbridge Foundation of New South Wales. (The British Government made an ex gratia payment of £20,000 to all surviving British child migrants following a report into the sexual abuse of child migrants by the UK Independent Inquiry into the Sexual Abuse of Children in 2018. The Australian Government, the New South Wales Government and the Fairbridge Foundation of New South Wales collectively paid \$AU24 million compensation to abuse survivors at Fairbridge Farm at Molong following a New South Wales Supreme Court settlement in 2015.)
2. The UK Fairbridge Society, which merged with the Prince's Trust in 2012, is the only key institution that has not yet agreed to pay redress to victims of abuse. The UK Fairbridge Society was the leader of British child migrant operators. It created the first child migrant centre in Australia (Pinjarra in 1911), was the biggest operator and operated for the longest period (till 1980).
3. In 2017 the UK Independent Inquiry into Child Sexual Abuse was highly critical of the UK Fairbridge Society for failing to provide the migrant children with adequate protection from sexual abuse. (<https://www.iicsa.org.uk/publications/investigation/child-migration>)
4. Following the Australian Royal Commission in 2017 UK Fairbridge was one of many organisations that was expected to contribute to a national redress scheme and pay redress to the victims of sexual abuse.
5. The fact that Fairbridge ceased to be a separate entity when it merged with the UK Prince's Trust in 2012 was addressed by the Royal Commission. The Commission had recommended, and the Australian Government agreed, that: 'where the institution in which the abuse is alleged or accepted to have occurred no longer exists but the institution was part of a larger group of institutions or where there is a successor to the institution, the group of institutions or the successor institution should fund the cost of redress'.
6. The Prince's Trust initially pledged it would provide Fairbridge with the funds to participate in the NRS. In May 2020 the Prince's Trust announced to the media: 'The Prince's Trust is providing Fairbridge with funds, to give victims and survivors the opportunity to make claims, and it is also our hope that Fairbridge will sign up to the Australian redress scheme (<https://www.theguardian.com/australia-news/2020/may/17/children-sent-uk-australia-hope-abuse-redress-princes-trust-payments-fairbridge>).
7. The Prince's Trust has a moral obligation to help the victims of childhood abuse, having admitted it had had some awareness of allegations about Fairbridge when the two organisations merged in 2012. In July 2017 its CEO Dame Martina Milbourn told the UK IICSA inquiry that at the time of the merger the Prince's Trust was 'aware of the issues' (of media reports of abuse of child migrants) and, 'perhaps in hindsight, naively, we accepted what we were told.' (<https://www.iicsa.org.uk/key-documents/1620/view/public-hearing-transcript-12th-july-2017.pdf>)
8. In September 2020 the Prince's Trust advised that the legal entity of Fairbridge Restored that it had created was incompatible with the requirements of the Australian Redress Scheme. In

September 2020 Ms Chris Laverty, an administrator of Fairbridge Restored, gave the reasons to the Joint Committee on the Implementation of the National Redress Scheme:

‘Unfortunately, the legislation which set up the scheme sets out criteria which organisations involved and looking to join must achieve. Chief amongst those criteria are that organisations must provide evidence of funding to meet the financial liabilities and that organisations must agree to participate until 2028, when the scheme will end. As you can appreciate, the scheme criteria and the administration legislation are in direct conflict’.

9. Creating Fairbridge Restored and putting it immediately into administration could not satisfy the requirements of the NRS and was never going to work. Of the 500 organisations that have now signed up to the NRS Fairbridge Restored is the only one that has decided to create this type of legal structure.
10. In October 2020 the Australian Prime Minister Scott Morrison ‘named and shamed’ Fairbridge (and three other organisations) in Parliament for failing to sign up to the National Redress Scheme. Describing their conduct as ‘reprehensible’ he said: ‘We are finalising the further sanctions the Commonwealth will place on institutions who continue to not join, including withdrawal of their charitable status’. (Hansard 22 October 2020)
11. On 21 March 2021 and with the withdrawal of Fairbridge Restored, the Australian Federal Government (and the State Governments of NSW, Victoria, WA, SA and Tasmania) agreed to become ‘funders of last resort’ and provide money to the National Redress Scheme so that abuse survivors of Fairbridge could have their applications progressed’ (<https://ministers.dss.gov.au/media-releases/6861>).

[Fairbridge operated large Farm Schools in Western Australia and New South Wales and smaller ones for a relatively short time in SA and Tasmania. A similar but separate school was operated by the Northcote Trust in Victoria].

12. The DSS Minister’s office explained that ‘Recognising that neither the Prince’s Trust nor FRL will join the scheme.....survivors who experienced abuse in Fairbridge institutions should no longer have to wait to access redress and agreed to become funders of last resort’.
(<https://ministers.dss.gov.au/media-releases/6861>)
13. On 25 February 2021, and almost a month before the Australian governments agreed to provide funding as a last resort, Fairbridge Restored was granted an extension of its administration for eighteen months until 5 September 2022. (<https://www.thegazette.co.uk/company/00176613>). I can find no evidence that the Prince’s Trust or Fairbridge Restored advised the Australian governments that it was seeking the extension, or that the extension was granted.
14. On 5 June 2021 Simon Major, the Group General Counsel and Company Secretary of the Prince’s Trust claimed to me that the failure of Fairbridge Restored to join the NRS was largely the fault of the Australian Government:
The Prince’s Trust and its board of Trustees are also very frustrated by the time it has taken to find a solution, and the obstacles that have been placed in its way. We have worked tirelessly for over two and a half years to try to bring this to a conclusion, we have been in regular dialogue with a wide range of parties, including the Australian Government Solicitor, the DSS, the Joint Committee on Implementation of the National Redress Scheme, Fairbridge and the Old Fairbridgians’ Association of Western Australia. Sadly the inaction of the

Australian Government has been the principal cause of this delay, details of which we provided as a written submission to the Joint Committee on Implementation of the National Redress Scheme, and which I attach to this email for your information. Consequently you would be inaccurate to conclude that The Prince's Trust has not taken all reasonable steps.

In his email to me of 21 July 2021, Simon Major repeated that the delay to the provision of funds by the Prince's Trust to Fairbridge Restored 'is due to the inaction of the Australian Government.'

15. As I understand it, since the administration of Fairbridge Restored was extended there have been no further discussions between the National Redress Scheme and either the Prince's Trust or Fairbridge Restored.

16. The decision to extend the life of Fairbridge Restored provides a renewed opportunity for the Prince's Trust and/or Fairbridge Restored to contribute to the redress of Fairbridge victims of abuse.

17. Also, on 5 June 2021 Simon Major confirmed to me the intention of the Prince's Trust to provide redress to Fairbridge children:

'The Trust's primary concern was, and still is, to ensure that the former child migrants of Fairbridge receive some redress. This was never limited to Fairbridge joining the National Redress Scheme because, as I have mentioned previously, the Scheme is limited to those who suffered sexual abuse. It was hoped that Fairbridge could join the National Redress Scheme as ONE avenue by which claimants of Fairbridge could seek redress. Unfortunately that has not been possible but it will still be possible for all claimants to seek redress directly from Fairbridge'.

Further, on 21 July 2021, Simon Major advised me that Fairbridge Restored, as per UK administration law, 'will determine the amount of assets' the company has 'before advertising for clients/creditors to apply' and 'the process will start with the administrators publicly advertising for claims, which will also include details of what the process is.' However, it will be a challenge to establish the rules and procedures for such a scheme, invite applications, complete the assessments and make payments all before September 2022.

18. In August 2021 an Administrator of Fairbridge restored Chris Laverty confirmed to me that Fairbridge Restored was currently:

- (a) 'pressing for funds...with which to provide a dividend to accepted claimants, and
- (b) Identifying 'criteria for [Fairbridge] claimants'. Laverty subsequently advised that she thought the process could be completed in six months.

19. Fairbridge Restored has also confirmed they will consider claims for reimbursement from Governments in Australia who have paid the NRS as 'fundors of last resort' for Fairbridge abuse victims. ('As we are aware of certain states within Australia having raised the point that where compensation has been paid by those states to individuals already that they would expect to be a creditor in the Administration and indeed, those states have issued contribution proceedings in the Administration then under UK insolvency law it is possible for those government bodies to submit claims for determination by the Administrators alongside other claimants').

Attachment 1 - The Fairbridge Children

About three thousand children were sent from Britain to Fairbridge Schools in Australia from 1911 to 1980.

The Original Scheme. The overwhelming majority of children were poor and removed from their parent or parents in the UK. The typical child was eight or nine; the youngest were four years old. Very few reunited with their families in Britain and only very rarely did parents manage to go to Australia. Most of the children who were part of the original scheme spent eight or more of their childhood years at Fairbridge.

The children who were part of the original scheme tended to stay the longest, were the least protected, most vulnerable and the most abused.

The 'One Parent Scheme'. In 1958 and with child migration falling out of favour in the UK Fairbridge announced its 'One Parent' scheme whereby children would still be sent unaccompanied to Australia but a single parent would be allowed to follow them out.

The 'Two parent' or 'Family' Scheme. With the failure of the 'One Parent Scheme' to sufficiently bolster numbers of child migrants Fairbridge introduced the "Two Parent" or 'Family' scheme in the early 1960s. The new scheme allowed families migrating to Australia to travel out together and the children would then be placed in a Fairbridge home while the parents found jobs and secured accommodation. Under this scheme the children usually stayed with Fairbridge only a matter of months (and sometimes weeks) rather than years. The children who came out under the 'Family' scheme tended to be at Fairbridge for the shortest period, were less vulnerable and less abused.

Australian Children. By the early 1960s and with Fairbridge numbers in serious decline the larger Fairbridge homes in WA and Molong began taking Australian children (both indigenous and non-indigenous). Most of these children were from broken or dysfunctional homes and placed at Fairbridge by the local child welfare authorities. These children did not tend to stay beyond the minimum school leaving age so were not able to participate in the farm production.

It is estimated that there are about 400 surviving Fairbridge child migrants. Of these around two hundred went to Pinjarra and a slightly lower figure went to Molong.

Attachment 2 - The Fairbridge Schools

Pinjarra, Western Australia (1911-1980) was the first and largest Fairbridge School which took a total of about two thousand children. Pinjarra was largely controlled and managed by the Fairbridge Society in the UK. Most of the children were unaccompanied and their parents did not follow them to Australia.

The old school is now a 'youth charity focusing on the development of disadvantaged and youth at risk'.

Molong, New South Wales (1938-1974) was the second largest Fairbridge School and took nearly one thousand child migrants. Molong was established by the New South Wales Fairbridge organisation which shared the control and management of the school with the UK Fairbridge Society. Like Pinjarra, most of the children were unaccompanied and their parents did not follow them to Australia. The old village is now largely a ruin.

Fairbridge purchased and operated two small, single dwelling centres for a limited period in South Australia and Tasmania.

'Tesca', near Exeter in Northern Tasmania (1958-80) took a total of only 67 children between 1958 and 1978. Thirteen were unaccompanied migrants who were later joined by a parent that followed them out. The remainder travelled to Australia with parents and stayed at Fairbridge while their parents sought employment and housing. Tesca is now a West Tamar Council community centre.

Drapers Hall in Crafters, South Australia operated between 1962 and 1981. It is believed a total of less than one hundred children passed through the centre. All the children travelled to Australia with their parents as part of the Fairbridge 'Family' scheme and stayed a relatively short time while their parents arranged employment and accommodation. Drapers Hall is now a private home.

[The Lady Northcote Farm School in Bacchus Marsh, Victoria (1937-1958) had a close relationship with Fairbridge but was independently owned and operated by the Northcote Trust. A total of 273 unaccompanied child migrants were sent there during its twenty years of operation]

Attachment 3 - David Hill

In 1959 twelve year old David Hill sailed with his two brothers to Australia as an unaccompanied child migrant to Fairbridge Farm School at Molong in New South Wales where he spent almost three years.

In 2007 he published a book about his experience and the experiences of other child migrants titled *The Forgotten Children: Fairbridge Farm School and its Betrayal of British Child Migrants*. In 2009 he worked on a documentary titled *The Long Journey Home*, which was broadcast nationally on ABC TV. In 2017 he was a 'Core Participant' and witness to the UK Independent Inquiry into Child Sex Abuse investigation of the sexual abuse of British Child migrants. He is currently finishing writing a further book on the subject which is being published by Penguin Random House, to be released early in 2022.

David Hill's research revealed there was widespread abuse of children at Fairbridge Farm Schools. At the request of the UK Independent Inquiry into Child Sex Abuse he was asked to estimate the incidence of sexual abuse of the children at the Fairbridge School he attended at Molong. Based on the interviews he conducted with former Fairbridge children and other research data he put the figure at around 60%. Based on the similar factors that prevailed at Fairbridge at Pinjarra in Western Australia and other British migrant centres that then operated in Australia at the time (i.e. poor staff and poor staff selection, geographic isolation, powerlessness of children, lack of effective supervision and official oversighting) Hill said he would be surprised if the incidence of sexual abuse at other centres was significantly different. At some of the Catholic boys' homes the incidence of sexual abuse may have been higher.