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SUBMISSION to LEGAL and CONSTITUTIONAL AFFAIRS COMMITTEE

Review of Government Compensation Payments

There is a unique difference between the circumstances of Australian children [Forgotton Australians] and former British child migrants who were in Australian institutions. This was recognised by the Senate Community Affairs Reference Committee holding separate inquiries into the two groups.

Individual State Governments were legally responsible for the welfare of Australian children in institutions within their State.

The Commonwealth Government was directly involved in the deportation of child migrants from their country of birth without their parents consent. The former Immigration Minister Arthur Calwell MP actively lobbied the British Government to have 50,000 children sent to Australia.

'Appropriate' children were actively selected on behalf of the Australian Government and then undertook medical screening at Australia House in London.

The Commonwealth Government, under the Immigration [Guardianship of Children] act 1946 was legally responsible for the welfare and guardianship of all child migrants under the age of 21 years who were not in the care of a parent or relative. *While the Immigration Minister delegated this responsibility to the appropriate Minister in each State, this did not alleviate the Commonwealth Government's legal responsibility for the welfare of Child Migrants. Unfortunately the Commonwealth Government failed to put in place legislation to regulate the activities of the agencies who controlled the institutions.*

The Commonwealth Government were legally responsible for the welfare of child migrants from the moment we arrived in Australia. *The Commonwealth Government failed child migrants in their duty of care by failing to implement strong*

measures of quality control to ensure minimum standards of care and protection for extremely vulnerable children.
The overwhelming evidence [written and oral] provided by child migrants to the Senate Inquiry makes it abundantly clear that the people who controlled some of the institutions throughout Australia used child migrants as 'Slave Labour' to the detriment of their health, welfare and education. Young children were forced to work in dangerous and unsafe environments. They were paid no wages. In Bindoon child migrants built their own prison. At some of the farm institutions children were removed from schooling before school-leaving age to work full time on the farm. It is also clear from the evidence provided that when child migrants were sent out to work at ages 14 – 15, that a large percentage of their wages was given to the Child Welfare Department to be banked – held in trust - and given to the child migrant when they reached the age of 21 years. Some child migrants said they had no memory of ever receiving any of this money - many stated they definitely did not receive any of this money.

The Western Australia Department for Family and Children's Services told the Senate Community Affairs References Committee Inquiry – ***" that it had received a number of inquiries about trust monies. It had 'searched diligently through the records' but 'the problem we have is that we keep financial records for only seven years, so all those records of paying out those children have disappeared".***

It is therefore impossible for child migrants to provide the necessary evidence to prove their case. The Senate Inquiry accepted the validity of this evidence because it was provided by child migrants who had never met; they were in different institutions in different States controlled by different agencies.

Senate Inquiry Report – Lost Innocence: Righting the Record – Page 89 – 4.67:
Some child migrants remained at the institution to work after leaving school. Again the problem of non-payment of wages arose.

"I left school in 1960 [aged 15] and worked in the kitchen for three years… I never saw any money when I was there. I was treated like one of the other orphans, and I slept in the dormitories with the other kids. I never got paid for those three years that I worked there…I did not know the reason for that. When I turned 21, I got a letter from…the mother superior at Neerkol at the time…that said, 'We have no money in trust for you for those years that you worked at Neerkol because you were a British migrant.'……

The Association urge the Committee to read the Senate Inquiry report 'Lost Innocents: Righting the Record' - Chapter 4: Institutional Care And Treatment; pages 86 – 98 which deals specifically with all of these issues.

There is NO Australian Government compensation scheme in place which would address these issues; or indeed the issues relating to our deportation without our parents consent, and the decades of pain and suffering from the loss [by lies and deception] of family; in particular our parents.

The current, and recent compensation schemes available to child migrants for their treatment within their particular institution, are the 'Redress Schemes put in place by some State Governments. Tasmania and Queensland Redress Schemes are completed. Western Australian Redress Scheme is in process.

The South Australian Government have indicated they will be putting a Redress Scheme in place. However, there has been no further announcement on this issue from the government.

The New South Wales and Victorian Government's in response to requests from the Association for similar Redress Schemes to be instigated in these States have been adamant in their refusal.

Child migrants in South Australia, New South Wales and Victoria have been denied any access to compensation for the horrific abuse they suffered in institutions within these States. This is a crystal clear case of discrimination.

The Federal Government needs to take a more active role to ensure that redress is not a postcode lottery – justice should not be dictated by arbitrary details such as which State you finished up in when you landed in Australia as a child migrant. Social justice requires active not bystander role by the Federal Government.

The Federal Government in response to the Senate Inquiry recommendations put in place a Travel Fund for child migrants to be reunited with family members. This Travel Fund was in place for a specific period of time. Unfortunately, those child migrants whose families were not found during this period missed out. Child migrants have described it as akin to winning the lottery. If your surname was 'Jones or Brown or Johnson' your chances of having your family found – and therefore obtaining funding for travel during this period was extremely limited. This again is a clear case of discrimination.

Conclusion

The Commonwealth Government failed child migrants in their legal duty of care as specified under the Immigration [Guardianship of Children] Act 1946. Their failure to put in place legislation to regulate the activities of the agencies who controlled the institutions child migrants were placed in – and their failure to ensure that child migrants were being adequately cared for is a clear case of defective administration

by the Commonwealth Government which has been detrimental for child migrants throughout their lives.

The Association believes that if we had been given the judicial inquiry we have always asked for, issues arising from the Commonwealth Government's direct involvement in our deportation, and legal responsibility for our welfare from the moment we arrived in Australia would have been addressed in relation to compensation.

Harold Haig
Secretary