



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

COMMUNITY AFFAIRS REFERENCES COMMITTEE

Reference: Child migration

THURSDAY, 15 MARCH 2001

MELBOURNE

BY AUTHORITY OF THE SENATE

INTERNET

The Proof and Official Hansard transcripts of Senate committee hearings, some House of Representatives committee hearings and some joint committee hearings are available on the Internet. Some House of Representatives committees and some joint committees make available only Official Hansard transcripts.

The Internet address is: **<http://www.aph.gov.au/hansard>**

To search the parliamentary database, go to: **<http://search.aph.gov.au>**

SENATE
COMMUNITY AFFAIRS REFERENCES COMMITTEE
Thursday, 15 March 2001

Members: Senator Crowley (*Chair*), Senator Knowles (*Deputy Chair*), Senators Bartlett, Evans, Gibbs and Tchen

Substitute members: Senator Murray for Senator Bartlett

Participating members: Senators Abetz, Brown, Calvert, Chapman, Coonan, Crane, Denman, Eggleston, Faulkner, Ferguson, Ferris, Forshaw, Gibson, Harradine, Harris, Lightfoot, Mackay, Mason, McGauran, O'Brien, Payne, Tierney, Watson and West

Senators in attendance: Senators Crowley, Gibbs, Knowles, Murray and Tchen

Terms of reference for the inquiry:

For inquiry into and report on:

Child migration to Australia under approved schemes during the twentieth century, with particular reference to the role and responsibilities of Australian governments and to the issues listed in the following paragraphs:

- (a) in relation to government and non-government institutions responsible for the care of child migrants:
 - (i) whether any unsafe, improper, or unlawful care or treatment of children occurred in such institutions, and
 - (ii) whether any serious breach of any relevant statutory obligation occurred during the course of the care of former child migrants;
- (b) the extent and operation of measures undertaken or required to assist former child migrants to reunite with their families and obtain independent advice and counselling services;
- (c) the effectiveness of efforts made during the operation of the child migration schemes or since by Australian governments and any other non-government bodies which were then responsible for child migration to:
 - (i) inform the children of the existence and whereabouts of their parents and/or siblings,
 - (ii) reunite or assist in the reunification of the child migrants with any of their relatives, and
 - (iii) provide counselling or any other services that were designed to reduce or limit trauma caused by the removal of these children from their country of birth and deportation to Australia;
- (d) the need for a formal acknowledgment and apology by Australian governments for the human suffering arising from the child migration schemes;
- (e) measures of reparation including, but not limited to, compensation and rehabilitation by the perpetrators; and
- (f) whether statutory or administrative limitations or barriers adversely affect those former child migrants who wish to pursue claims against individual perpetrators of abuse previously involved in their care.

WITNESSES

CARROLL, Ms Diana Mary, Director, International Social Service, Australian Branch.....	269
CHAMLEY, Dr Wayne, Treasurer, Broken Rites (Australia) Collective	248
COLDREY, Dr Barry (Private Capacity).....	221
MURRAY, Mr John Alan (Private capacity)	211
O'BRIEN, Mr David (Private capacity).....	202
POUND, Mr Kenneth John (Private capacity).....	180
ROBINSON, Mr Peter (Private capacity).....	171
TAYLOR, Mr Ronald (Private capacity)	192

THWAITES, Mr Ian, Senior Social Worker, Child Migrants Trust	171
.....	180
.....	192
WEBSTER, Ms Marilyn Jane, President, Council of Management of International Social Service	269
WHATHAM, Mr Michael (Private capacity)	202

Committee met at 10.35 a.m.

ROBINSON, Mr Peter (Private capacity)

THWAITES, Mr Ian, Senior Social Worker, Child Migrants Trust

CHAIR—I declare open this public hearing of the Community Affairs References Committee inquiry into child migration. This is very much a national inquiry with hearings having already been held in Perth and Canberra and also to be held in Adelaide, Rockhampton and Sydney.

The committee has received over 200 submissions nationwide from individual former child migrants who, through their life stories, have raised a whole range of issues for the committee to consider. Today's hearing will commence with a number of the people who provided submissions being invited to speak. The committee is particularly interested in hearing the views of former child migrants as to the types of assistance and services they believe should now be provided by government and other welfare and support agencies. Unfortunately it is not possible to ask everybody who provided a submission to speak to the committee. However, you may be assured that the many written submissions the committee have already received have assisted us in understanding, at least to some extent, the deep, personal issues involved with this inquiry.

Evidence in this session is being heard in public. However, evidence may also be taken in camera if any witness considers such evidence to be of a confidential nature. That really means that if you, Mr Robinson, or any other witness, want to change to in camera you can just ask us and we will give consideration to that request. I understand that you have seen a copy of the Senate procedures for the protection of witnesses and their evidence.

Mr Robinson—I have.

CHAIR—Thank you. Fire away, Mr Robinson.

Mr Robinson—Thank you. What I would like to do first is to show the committee a photograph and the only link I have with my mother, who has passed on. She passed on five months or six months prior to my finding out that she had been alive all these years. She was 89 years of age when she passed away. She had lived for some 50 years with a serious stroke that had struck her down early in her life. For all those years she was handicapped I was not aware that she was alive. It is not very easy to express the mental anguish that I went through when I was told that my mother had been alive all these years. To try and put it into words, to say to you that this is how I felt, is quite devastating. Then I found out that there was no good reason as to why I should not have been told that my mother was alive all these years. Why was I told that she was dead? Why was I told that she had been killed during the war? All I have left is this photograph and a death certificate to say that she died of old age. As a son I feel I had a right to have known my mother. Thank you.

CHAIR—Thank you, Mr Robinson.

Senator MURRAY—Mr Robinson, you say in your submission:

There are papers to show I was legally adopted and my name was changed, but there is nothing to show that my mother consented to me either coming to Australia or the adoption.

Mr Robinson—That is correct.

Senator MURRAY—Is it your belief, or do you have some reason to know, that she did not consent?

Mr Robinson—When the first application went in to find out about my earlier life—whether I had family and what have you—I received page upon page of documentation as to when I went in to home care, when I came out to Australia and all the years that I was living in the orphanage. There is document after document showing details of my life. There is not one document that shows where my mother agreed to my being firstly deported out here and there is not one document to show that she agreed to my being adopted. There is no document that shows her signature to say that she agrees to those two items I have just mentioned.

Senator MURRAY—You have no record of when you first went into an institution in England, have you?

Mr Robinson—I do have, yes.

Senator MURRAY—When did you go in?

Mr Robinson—In 1947.

Senator MURRAY—When were you born?

Mr Robinson—In 1942.

Senator MURRAY—So at the age of five you went in.

Mr Robinson—At the age of five.

Senator MURRAY—Do you know who put you in that institution?

Mr Robinson—My mother.

Senator MURRAY—She consented for you to go into the institution?

Mr Robinson—That is correct.

Senator MURRAY—Was she a single woman at the time?

Mr Robinson—I believe so.

Senator MURRAY—Did she, in consenting to you going into that institution, sign you away as a ward of the state? Do you know that?

Mr Robinson—The documentation does not show that.

Senator MURRAY—When you came to Australia, your submission says,

... I was sent to Methodist Children's Home, Cheltenham, Victoria.

that is at the age of eight—

Soon afterwards, I travelled to Merbein to a holiday family (Perryman). I formed a strong bond with this warm loving family whose son was about my age, and I spent all my subsequent school holidays with them (1951-1953).

So it was really just two years you were with that family. Is that right?

Mr Robinson—That is correct. It was during the holidays.

Senator MURRAY—What happened after that? Was there another holiday family?

Mr Robinson—No. There was a couple that wanted to adopt me and provisions were made for that adoption to take place.

Senator MURRAY—Were they a family without children?

Mr Robinson—They were.

Senator MURRAY—Your submission says your life with them was 'loveless, harsh and restrictive'.

Mr Robinson—That is putting it mildly.

Senator MURRAY—Are you saying they were abusive, or they beat you?

Mr Robinson—No. Mentally, yes.

Senator MURRAY—Why would people like that want to adopt a child?

Mr Robinson—I have heard of a couple of reasons. The adoptive father had a brother who was married and had two sons. That is one of the scenarios that was put to me in later years.

Senator MURRAY—Did you have to do menial work? Was it a home or a farm?

Mr Robinson—No, it was a private residence in Balwyn, in Melbourne here, but it was very restrictive. There were no outside activities.

Senator MURRAY—Are they still alive?

Mr Robinson—The adoptive mother has passed away and I could not say about the adoptive father. I do not know if he is still alive.

Senator MURRAY—So you lost touch with them once you grew up.

Mr Robinson—I lost touch with them—at age 16, I think I was—when I left their home. The last time I saw the adoptive father was when my adoptive mother died. No, that was the second to last time. The last time I saw my adoptive father was at the funeral of my only son. That was some 11 years seven months ago.

Senator MURRAY—I think you are the first witness before us who comes from the Methodist Children's Home in Cheltenham, Victoria. Can you give us a brief pen sketch as to what it was like in that institution.

Mr Robinson—The home at Cheltenham on the Nepean Highway was a large structure. The eating arrangements, the dining room arrangements were in a large room like a mess hall. The sleeping arrangements were large dormitories. My recollection is something like 20 to a dormitory. They were not called bedrooms; they were dormitories. For the ablution facilities you had to leave that room and go down a passageway and into an ablution block. It was all open. The schooling facilities were on the premises. My first introduction to the strap—

Senator MURRAY—What kind of strap?

Mr Robinson—The girth, belly belt that goes around a horse—that goes underneath a horse's belly—was the strap used for disciplinary purposes. You could cop that for anything from being late to not having clean shoes.

Senator MURRAY—On what parts of the body?

Mr Robinson—Mainly the hand. At Cheltenham it was on a large acreage, so there were paddocks to run around in and a creek ran through the property. That was a relief when you could get out there and go to play, so to speak, and catch frogs and that type of thing. But the actual building itself was quite a dank sort of place.

Senator MURRAY—The people who ran it, what were they? Were they lay people? Were they religious? Were they women or men?

Mr Robinson—My understanding is that they were with the Methodist Church. I could not say exactly whether they were—

Senator MURRAY—Men and women?

Mr Robinson—Men and women, yes.

Senator MURRAY—You said something which struck me as very strange and I would like you to clarify it if you could. In your submission you said:

I arrived in Australia in December 1951, after being arbitrarily chosen for deportation because my name was Peter.

What does that mean? Why were you selected because your name was Peter?

Mr Robinson—My recollection is—and keep in mind I was only eight—that there was a group of about 30 and I can recall being asked, ‘Would the two Peters like to go to Australia?’

Senator MURRAY—You might have been better off if you had been called Paul.

Mr Robinson—Yes. And of course I did not have a clue where Australia was. The Americans still don’t.

Senator KNOWLES—What would have happened if you had said no?

Mr Robinson—I would not be sitting here, would I?

Senator KNOWLES—No, but if you really did have the option.

Mr Robinson—I do not know.

Senator KNOWLES—Were people actually given the option? When you were asked that question, were they seriously giving people an option of going to this place called Australia?

Mr Robinson—At eight years old, I cannot honestly—

Senator KNOWLES—You do not recall whether there were others who said, ‘No, I don’t want to go.’

Mr Robinson—My understanding is that of the number of children that were at that orphanage in Sheringham, the two Peters are the only two—and I cannot swear by this; this is not in concrete—that ever came to Australia from that orphanage. I was speaking just recently with a fellow who was in that orphanage when I was there. He was on holidays here in Australia just a month or so ago, and I asked him that same question, ‘How many others came to Australia from that orphanage?’ and to his knowledge no others came to Australia, but there may have been.

Senator KNOWLES—You ask a few rhetorical questions in your submission: did children have any rights at all in those days? I think we would all probably agree that the answer to that was pretty much no, and that we are really dealing with a different climate today, of expectation, of law and all of those sorts of things. If the things that happened then happened today, you could just well imagine the outrage. But I think because it was not probably an intentional action in those days does not necessarily absolve anyone from responsibility. I am keen, therefore, to proceed to where you think we should be going as a nation in terms of dealing with people like you. I have read so many submissions and I have just been glancing through yours just to check, but it appears as though you have not been back to England at all to find your family?

Mr Robinson—I have.

Senator KNOWLES—Did I miss that?

Mr Robinson—I have omitted to put it in there. The first time I went back was in 1971. To do that trip I had to get a birth certificate. Well, let me put it this way: I wanted a birth certificate in the name I was given when I was born.

Senator KNOWLES—And there started a whole lot of other traumas?

Mr Robinson—They wouldn't give me that birth certificate here in Melbourne. Somebody suggested to me, 'You just write to Somerset House in England and they'll give it to you,' and four weeks, five weeks later this document arrived. There is a birth certificate in front of me. There is my mother's name and where I was born. Goodness gracious me, it was quite a revelation to me.

CHAIR—How old were you then, Mr Robinson?

Mr Robinson—In 1971-72 I would have been 30. But even up to that time, I believed that my parents had been killed during the war. I then read this document: mother's name, Mary Robinson. My father's name had been omitted. That started a few wheels turning in my head. I thought that I was born during the war. I used to think to myself, 'Some fella going off to war met my mother that night and, there you go, that's how I came to be.' I believe it was very close to an American air force base that was stationed in England there. I thought, 'My dad could even be an American.'

Senator KNOWLES—What happened in 1979 when you went back?

Mr Robinson—It was 1972.

Senator KNOWLES—In 1972, I am sorry.

Mr Robinson—It was a holiday trip.

Senator KNOWLES—You did not actually find any family members on that trip.

Mr Robinson—I did not even look.

Senator KNOWLES—When have you been back since?

Mr Robinson—In 1980.

Senator KNOWLES—Was there any connection there?

Mr Robinson—No. I was under the firm belief that I had no family.

Senator KNOWLES—Have you had any trips since then?

Mr Robinson—No.

Senator KNOWLES—That is what I thought, that you have not actually had a purpose-built trip, if you want to put it that way, to go back and find family.

Mr Robinson—Looking for family, no, or meeting family, no.

Senator KNOWLES—I notice at the end you are saying that you demand some acknowledgment of the injustice of what has transpired and you want the government to fund travel ‘to meet what is left of my family’.

Mr Robinson—Yes.

Senator KNOWLES—Have you sought to access the travel arrangements that the British government have put in place?

Mr Robinson—There is an application. I have made an application for assistance to travel back. There is other family. My mother’s sister, my auntie, died quite some time back, leaving four children who were my mother’s nieces. They are still alive. The youngest is 67, 68. The eldest is 71.

Senator KNOWLES—So how long ago did you put in that application?

Mr Robinson—It has only been in the last six months, I think.

Senator KNOWLES—What is the normal turnaround time for approval of such applications? I am glancing at Mr Thwaites who might be able to throw some light on it.

Mr Thwaites—Senator Knowles, I think if I could expand perhaps, the complication with Mr Robinson’s application to the British Government Support Fund is that the application before them is to meet with cousins. That actually falls outside the criteria.

CHAIR—Thank you. No further questions. We are actually terribly pressed for time.

Senator KNOWLES—Sorry. The remainder of that question was the turnaround time for the applications generally. Mr Robinson is slightly different but what is the general turnaround time?

Mr Thwaites—No more than four weeks, generally.

CHAIR—Are you also campaigning to have cousins included as eligibility criteria?

Mr Thwaites—It has been a concern that was raised from the very beginning.

CHAIR—And there is no softening of that yet?

Mr Thwaites—At this point, no.

Mr Robinson—What I would like to say with regard to the cousins is that, because of their mother's early death, their bringing up was then taken over by my mother. We are now in contact, and the letters that I have received from them have been addressed as 'Dear Brother.'

Senator GIBBS—You say your mother took over the rearing of your cousins. Was that after you came here to Australia, when you were actually in Australia?

Mr Robinson—Yes, and before I was here in Australia.

Senator GIBBS—While you were in the orphanage in England?

Mr Robinson—I am not quite sure. The details are sketchy, but I think it was before I came to Australia that she was looking after them, but then, as I say, she had a brain tumour. She went into hospital to have this tumour operated on and the surgeon's knife nicked a couple of nerves and it paralysed her all down one side. She was in that paralysed state for the next 50 years of her life.

Senator GIBBS—How tragic.

Mr Thwaites—That was the point that Mr Robinson went into care. He had been in his mother's care up until that point.

Senator GIBBS—When they sent you to this Methodist home, you say that the school was on the premises.

Mr Robinson—Yes.

Senator GIBBS—Were you actually properly educated, because most people were not.

Mr Robinson—The school house I think was typical of a lot of schools, especially country schools, where you had first, second, third, fourth, fifth, sixth grade all in the one room.

Senator GIBBS—But you went to school each day?

Mr Robinson—Yes. I was only at that children's home there for a couple of years and then the Orana establishment was opened in Elgar Road, Wattle Park. I was one of the first inductees at Orana, which was a cottage system. The schooling there was off site, it was not on site.

Senator GIBBS—But you would have only been there for three years and then you were adopted out. Is that right?

Mr Robinson—In 1954 I was adopted out, yes.

Senator GIBBS—How old were you—11?

Mr Robinson—I think it was 1954-55, yes.

Senator GIBBS—Did your adoptive parents send you to school and educate you properly?

Mr Robinson—Yes. I only went up to high school, up to third year. After the third year, as I think I have stated in my submission, I was told I was going to work.

Senator GIBBS—That is right, they sent you to a workplace. This is probably irrelevant, but the National Children's Home in Norfolk was a state institution, not a religious institution?

Mr Robinson—I do not know.

Senator GIBBS—Well, you would not, I suppose.

Mr Robinson—My understanding is that it was a religious institution but I am not sure. The carers there were all female. They used to wear black dresses with a white collar.

Senator GIBBS—Thank you very much.

CHAIR—For the record, can you help us there, Mr Thwaites?

Mr Thwaites—The National Children's Home, Senator, was a secular organisation that ran many children's homes throughout the United Kingdom.

CHAIR—Thank you. I understood both of you to say that once your mother had the bad surgery, failed surgery, that is when she gave you up for care.

Mr Robinson—Yes.

CHAIR—Was it after that she was caring for your cousins?

Mr Robinson—I am not a hundred per cent sure on that. I do have some documentation that indicates that she went across to Ireland. She was in England. She went across to Ireland. The cousins have indicated to me that she did look after them. I believe it was only for a few years, and I am not quite sure what happened after that. There is a reluctance on their part to tell me all—but I have been told that they then themselves were put in orphanages.

Senator GIBBS—They must have been rather older than you if the youngest one is 68. That is a good 10 years difference there.

Mr Robinson—Yes. My mother was in her mid-thirties when I was born, so she was not young, as such. That photograph was taken in 1948. But I am going to England in July of this year and I am hoping to find out a few more details.

CHAIR—Mr Robinson, thank you very much. We are terribly pressed for time so I have to have this brutal cutting off and moving to the next person. Thank you very much for your preparedness to come and give evidence to the committee.

Mr Robinson—Thank you.

[11.06 a.m.]

POUND, Mr Kenneth John (Private capacity)

THWAITES, Mr Ian, Senior Social Worker, Child Migrants Trust

CHAIR—Welcome. The committee has before it your submission. I understand that you have seen a copy of the Senate procedures for the protection of witnesses and their evidence.

Mr Pound—That is correct.

CHAIR—Would you like to now give us a brief opening statement and then we will move to questions.

Mr Pound—Before I do that, can I just give you a few things which may be of use to you folk. There is an article from the *Women and Children's First* written in 1947. There is quite an interesting article here about how the migrant system started in Australia, which is from the *Noisy Mansions*, and there is also—it's a lot of crap really—a history of the shire of Cannington where Clontarf and Castledare orphanages were. You would think they were writing about heaven instead of hell but, anyway, there it is for your perusal. You may not have seen something like this but I just thought it interesting. Before the Second World War, and after, they published books like this to try and inspire, I suppose, the adventure. It is called *The Boy of the Dominion*. This one actually is about Canada. There are about five books written on that sort of subject matter; propaganda by the charities and what have you.

CHAIR—Who wrote it, Mr Pound?

Mr Pound—If you know anything about children's books, it is quite a familiar name: Brereton, in 1905.

CHAIR—Just for the record, would you mind opening the frontispiece and tell us when it was published and by whom?

Mr Pound—That unfortunately you cannot tell, but being an expert on children's literature myself—

CHAIR—We will easily find it with that amount of information. Thank you very much.

Mr Pound—I would say that, from the vintage of the binding and everything else, it was printed before the war, maybe about 1905 and maybe also reprinted after the war which they did periodically.

CHAIR—Is that your name in the front page?

Mr Pound—No, this was awarded to some poor fellow who actually went to the Presbyterian Sunday School and was given it as sixth prize. That was usually a very good way of dating them.

CHAIR—It was indeed but I was just wondering whether you had been the lucky recipient of that book, Mr Pound.

Mr Pound—No. As a matter of fact I was never interested in books when I was a child. I was more interested in getting a bag of lollies.

CHAIR—As most children are.

Mr Pound—You can take this for your perusal. It looks like a ‘I love me’ gallery, but it is a mock-up of, and only part of, *This is Your Life*. You will find a lot of pictures here of the early days of what the orphanage looked like at the Padbury Boys Farm school in Stoneville, Western Australia.

CHAIR—Mr Pound, we thank you very much for those because we have got a lot of words but not near so many pictures.

Mr Pound—Exactly.

CHAIR—Thank you very much. Would you like to take a seat? Do not worry about the mike because it is designed to pick up your voice without you leaning forward or anything, so you just sit back, relax and tell us what you would like to.

Mr Pound—I appreciate that. You would have got earbashed a lot and you are going to in the future, I should imagine. But I want to bring up an aspect that you will not hear very much of.

CHAIR—Go ahead.

Mr Pound—Whatever happens out of the report, this is to me the real essence of what it is all about, and it is about healing me as a human being. This has been with me all my life and this is why, I suppose, without being arrogant, I am a little bit articulate in the things that I write. So because it is a very emotional thing to me, I would like to read what I want to say, if you do not mind.

CHAIR—Mr Pound, go right ahead. Take your time—in your own comfort.

Mr Pound—It is called ‘Orphans of the Living’. Orphans of the living may be the greatest of human grief, where maybe death is its liberation. We who mainly lived in mourning for phantom parents. Not all orphans, that is those not in institutions, but loved by family were more fortunate compared to us who were actually illegitimate, who became abandoned and hidden in the charity system, dead to compassion.

Being placed in infancy (unknowingly) started a separation which was to become a continuing desolation then, and of life now—65 years later.

If today I was singly abandoned, I would be offered love of a real home. In the pre-world of World War II and in the 50s thereafter, I was sent to a large orphanage to be bypassed and made dull of emotion, where our situational problems ceased to be individual, human and urgent. We then became numbers for administration and became obscured in the then era of welfare systems, which effectively insulated possible compassionate helpers—only for them to become committee members to help the charity run more efficiently. This was seen then as extra good citizenship. We became permanent victims of its tyranny.

As victims we were too young to comfort each other—we just did what we were told. True, we sustained daily living, but also the rounds of physical punishment; yes, everything was catered for—yet was worth nothing for, without love, life is pointless. You would all agree to that—or would you? It is a fact that those of us in long-term institutions were mostly illegitimate which numbered in the mid-sixties in the UK at the time to roughly 65,000 people.

Nowadays this child would be termed ‘love child’. In my day (1936), to be illegitimate was to be inferior, not deserving of love and emotional security in being wanted. A child legally of no-one. Not until 1964 could you become a priest, policeman or even, for that matter, a Freemason—neither could you inherit titles or property, and thus we were denied known ancestry, history and personality. Your destiny was mostly to embrace the brute called charity. In this era, to help single mothers would have been seen to be encouraging immorality. Then, as now, the charities were seldom challenged about the rectitude of their cause.

Bastardry today is no longer an issue, it is no longer a lawful description; nevertheless there is widespread prejudice in the moral majority. There is not a substitute, however progressive, for individual loving and caring—for without it you leave a legacy of future living in pain which we migrants only know so well.

The impermanence of not being wanted is the complete denial of what a home should be. Personally, my home was a home of hell patronage without heart.

I recently wrote to an ex-superintendent of my Australian farm school days who left to become a lifetime teacher, asking him why I was never allowed out on a monthly weekend with a parishioner family whilst in his charge. I did not get the answer to my question, but was told that to have treated us differently would have been seen as being soft. I had grown up in England and was used to being left out—for my number was 30, the last number in the orphanage of St Budoc’s, Falmouth, Cornwall.

On arrival into Western Australia I was trucked to the farm school to become one of six trainees, that is, workers at five shillings a month. My name is Pound. The superintendent often called me Tuppence—a put-down—causing laughter amongst my peers. If he was happy, I would be called Sixpence. I just happened to be the first new pommy to be ridiculed on my first Australian morning. I was verbally abused in front of all and was wrongly charged as being the worst boy on the ship. I soon woke up that my past terror was to continue in a new and strange land. Of the six trainees, I was the thinnest—the weed. I got the dirty jobs, ever excluded from the easy kitchen and weekly day trips to pick up the stores from our parent home at Middle Swan.

The farm school consisted basically of two ex-army looking galvanised lined sheds. One was mainly a dormitory and the other a kitchen/dining room which met the 20 boys' food needs. Staff consisted of a combined matron/cook and superintendent. It was 2,034 acres of mainly dense virgin bush.

I soon began to detest the place. Even before breakfast we had to work, mainly gathering buckets of green feed to later put through the hand chaff-cutter. I dreaded the frozen hands and feet. There was no cribbing for our buckets were checked.

Prior to the above, on rising from bed we all had to run up the gravel boy-made road. I sometimes cried, even at 14, for my stone bruised feet that pained me. To make matters worse, the last two had to go again. I was always one of them. In agony I reran with him running behind us, often treading on our heels, to keep his preferred speed.

After breakfast the schoolees walked to the bus stop. We lined up in working boots often with no socks, laboured hard till dinner and then till teatime. If I had been found to be lazy, after tea I could find myself breaking up rock for an hour—small enough to be used as blue metal to be used for the concrete fowl pens. Mostly I found myself allotted everlastingly to gathering wood with only a blunt axe to feed the wood box that fed the kitchen stove and the copper which was our means of hot water.

We made a sledge out of the old galvanised iron which we pulled through the frightening and prickly bush in the Australian heat or rain. This was sometimes interspersed with digging the dunny holes and burying the pans' contents. Apart from painting the huts, this was my everyday monotonous work. It was not taken into account that each time you went to find wood you had to go further afield. The wood box between each trip was nearly always empty and we would be abused to do it faster. It had to be filled by knock-off time or you kept at it. The other boys were given varied jobs and privileges to boot. I happened to be on five shillings; they were on 15 shillings eventually.

This treatment riled me but I was not aware of what this was doing to me. I was always in a continuum of being last—No. 30. I even had to wait for the other UK boys to get their belting before I sometimes got mine, like during the Saturday laundry parade. For nine years in the UK at Christmas, donated toys were spread out on two table tennis sized tables. We rotated selecting and picking one gift; we repeated this until they became exhausted. Never once did the format change, that is, to reverse and start with No. 30 instead of No. 1.

Every year my visual eyed gift was chosen by another. I was not aware of what damage this was doing to me in my long-term social outlook; I just at the time felt hurt.

CHAIR—Mr Pound, I am very sorry to interrupt. We are pressured for time. We all have this and we can read it and we can incorporate it into the *Hansard* record so the words are there.

Mr Pound—Very good.

CHAIR—Is it the wish of the committee that the remainder of the document be incorporated in *Hansard*? There being no objection, it is so ordered.

The document read as follows—

In Australia, nothing basically had changed. If this was an inquiry of U.K. Children's Homes, I could give a litany of horror stories—all done in so-called Christian Homes.

We did not have the encouragement of a real home or an accepting community from our pain, and their pain of personal confrontation to our plights—so neat and tidy, which withheld our individual caring. Not only that they deported us to continued abuse, when we thought we were on a Swiss Family Robinson adventure on the other side of the world.

We were that which was compromised and given a legacy of suffering emotional frigidity. We were used as a public display of pity rather than given the demanding personal expenditure of love and identification. We were the supply for the needs of the giver, not the recipient of wantedness and freedom of being anonymous children.

How often when I look back on my lost childhood, do I see middle aged committees that needed an interest, the born organiser/controller an outlet; the wealthy given gratitude for their donations noble. No amount of public or private charity can compensate for vanished parents. Homes are counterfeit homes. My need of love-time was being spent while experts carried on equivocating, sociologists designed their research papers and the charities in raising money—for what?

It is a fact that there was much specialist literature on deprived children yet so little was implemented whilst we kids, until the late 60s, waited in the wings and perished emotionally.

Charities prevent public acceptance of responsibility for action to prevent disinterested patronage, what a shame on our common humanity—its cruelty hidden in an oblivion of numbers. The curse of charity lies in its frequent assumption of superiority, even today it parades patronage, humiliation, chastises, condescends, perpetuating society's fashionable charity needs.

I ought to know for I lived or worked in them for 40 years out of my 65 years!

Some still like quoting “Suffer the children to come unto me forbid them not for such is the kingdom of heaven” and “But who so shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea”. Matthew Chapter 19 V 6. What a mockery over their believed 2000 year old words. The first Bastardy Act (1576) says that the burden of caring for illegitimate children is defrauding the relief of the impotent and aged true poor. We bastards then were filii nullius, i.e. children of no one, without rights—legal non-entities; their existence was an offence against not only Gods law, but mans law; and those who tried to help them were accused of condoning immorality and encouraging licentiousness.

The Poor Law commissioners (1832) reinforced the popular view that women were guilty of succumbing to temptation and men not be equally blamed. Its Amendment Act (1834) made it plain that unmarried mothers were alone responsible for their children. The Bastardy Act (1845) made the first maintenance order i.e. if a Justice had sufficient corroborative evidence as to who was the father. Maintenance orders were then up to 2/6, in 1872 5/-, 1925 £1, 1950 30/- and in 1960 50/- a week. Prior in 1841 the Court that the mother of a bastard girl had no valid claim for her custody.

The adoption act (1958) for the first time recognised that the presumed fathers view of his child's future and needs, be heeded to. The Legitimacy Act (1959) gave the unmarried father the right to custody and access, but not in strengthening his position in adoption cases: he was still unable to approve or veto the adoption of his natural child. Lord Denning (1964) rules that fatherhood was not an overriding consideration. On appeal ‘blood tie case’ the dissenting Lord Justice of the three felt good Christian living and education were more important. Now today i.e. (2001) the needs of the child must take precedence.

It is almost incredible that such simple wisdom should have taken so long to find expression in Law; reforms are often delayed for centuries by blinkered traditionalists and revengeful moralists. It took seven centuries of that proposed by the Church to make it possible for illegitimate children to become legitimate through subsequent marriage of their parents.

In (1234) the then Bishops asked the Barons and Earls to change English Law that these children be able to inherit. They replied in one voice, NO, otherwise to do so would encourage immorality.

Lord Justice Diplock maintained that in Law the words in it should be given—not use their popular meaning, but only legal meaning—so much for a more rational approach! There was then a dissenting view held that this present humanity will be the future cruelty. It was proven to be, in the extreme.

England's first Foundling hospital (1552) by 1756 had become reputable and would only accept legitimate children. In the same year Parliament granted them a subsidy on condition they admitted all children who came to their doors. This system was alleged to have debased standards so by 1761 admission became selective. Its founder Thomas Coram cum businessman/philanthropist extended their charity to provide training and apprenticeships—from my experience in 1950's—no doubt a cheap source of labour. One might ask whose futures were being life-guarded. One of its governors persuaded leading artists for art for public exhibition. It grew and so did the visitors and it became a fashionable morning lounge in the reign of George II—another example of blatant charitable fashion.

It later moved to Hertfordshire and closed down in 1954. It is now known as the Thomas Coram Foundation for Children and is centred in London. In 1968 it was still selective in as much as a child must be the mother's only illegitimate baby. One of the founding reasons was the appalling numbers who perished before they were a year old. Mothers ashamed and desperate left their babies to perish or at the doors of the church. With the terror of my U. K. home life I thought death more preferable—a few times too many.

From the 1830s there was a revival of 'Homes for the Fallen' (we still had them in the late 60s); each church vied for its program—its show-case and validation for existence. Even in 1848 an article criticising the absence of company-ordination between the efforts of the charities raised the question of that role the church should assume in the sphere previously left many to individual enterprise.

It still goes on today with the likes of the Salvation Army, Brotherhood of St. Laurence, The Smith Family, the Wesley Mission etc, etc, vying for money for their empires. Money is as tight as it ever was, but that does not stop the spending of nearly half a million dollars to raise a million.

Yes I've learnt a lot from my 40 years working in them. My own single-mindedness seldom endeared myself to fellow workers—more educated than I, who I called social welfare picnickers and career opportunists. I rest my case in that looking after over 400 unwanted aged people—most down on their luck over 24 years, that before they died they had some freedom, dignity and security which is what really counts. Myself an orphan, caring for the orphaned aged—how's that for irony?

One cannot 100% pour scorn on the evolutionary charity autocrats of the likes of William Booth, Dr. Barnardo—and the less so Kingsley Fairbridge, it is again ironic (and I have just about read a book of abuse by every Church charity and State body, of any period in time dedicated to children needing after care. I think to a greater part Sister Kate of Queens Park Children's Home, Western Australia in the mid 1930s-1946 was the most loved carer in childcare. It went to seed when she died and became later criticised by some of the inmates. I worked there voluntarily for 6 months in the late 50s. I only ever liked one superintendent in the last year of my 17 year imprisonment.

Even after the Second World War most homes were old fashioned in every way. Buildings and staff were criticised for being much too rigorous, imposing, unreasonable discipline and too much heavy work. We used to play at the notorious Catholic Clontarf Boys Home—at football. Even in my ignorance I felt the vibe of heartlessness and remember thinking—thank God I am in a C of E Home: you should see the blurb in the book 'Along the Canning by F. G. Carden 1968'. You would think it heaven when for many a hell.

In 1943 illegitimacy rose to a new (wartime) height. Not until then did the Ministry of Health in the 1963 New Children and Young Persons Act, hope to bring that every effort should be made to help the child in its home. Didn't the powerful voluntary bodies object to that! Thank God they did not win. The Ministry of Health and the voluntary bodies just had to work together and their authority was derived from the Children and Young Persons Act 1948 which was amended from time to time.

In 1952 the year after my deportation, protection of children under 17 became law U.K. The time had arrived for even the experts who rarely agreed, to become unanimous in their strong opposition to institutions with their biased procedures that were dead, useless and mechanical.

We were denied the pleasure of our mothers' delight which would have become our spiritual or emotional nourishment for intimacy, were put in an environment that emphasised bodily needs, some of us had our bodies used for staff needs.

In 1946 a report persisted the myth that institutional conditions are harmless for young tots. The Home began to have highly skilled specialised attention i.e. to physical health—(notice not love), which produced havens of hygiene and administrative tidiness. It was us unwanted who spent all Saturday morning polishing etc, the floors that reflected our sad faces for mainly weekend visitors—if you were so lucky—which we migrants never had.

Today at last we recognise that it is the ordinary good mother devoted to her infant that makes the most worthwhile contribution to humanity.

TLC (tender loving care) was still absent, living the artificial institutional life. I had never experienced the rich routines of every day life with a much loved adult. Without this bonding and learning I was unable to give and receive affection. This surely must be the most vile, the worst destructive cruelty, living a superficial sociality which often became sexually promiscuous behaviour—an attempt to create a personal worth—my own lovability. I became withdrawn, sad and fearful. I had given up, become easy to manage. I saw adults as powerful, strong, to be feared brutes, successful in crushing our creative possibilities and who had made us suffering robots.

At 17, I had had my temporary shelter, adequate physical care and been given the speedy discharge into the frightening new world which was on a remote country farm. The so-called moving with the times had never made my life less distressing. I was still suffering the lingering and wasteful traditions of multiplication of efforts of the dying voluntary charities and the new social worker boom.

A few of us became tall poppies; the 95% of us stayed as the lowest of weeds only in love can a child feel secure and confident to explore the real world. I beg you not to make distinction between what is more relevant. I need to say this and heal.

At 5 years of age I was more adaptable to institutional life. I developed a double standard of morals and an external obedience to regulations. I maintained an outward appearance of being together, conforming, whilst unaware of my inner turbulence, anger and impenetrable grief. When I left the Home, I was seen as nice and polite, but I was panicky and wanted to be back in my well known terror—i.e. I could not handle personal contact.

So restless was I, that I had 15 jobs in 5 years. I did not know how to do things for myself. My destiny was unknowingly to become an emotionally depriving parent—we paid the price of neglect. Many of us still live confined within a private world of loneliness and bitterness. I was white and British yet you threw me out without my family heritage. Australia could not wait to get its hands on us migrants to expand its charity empire-building and preserve itself from the possible fear of the 'Yellow Peril' occupation of its land. I was less physically punished but very emotionally and sexually abused.

I was first sexually abused in the U.K. Home at age 5 by a boy of 16, Boy B.—in the bed-wetting dormitory. What I did I do not remember exactly. I remember only the fear instilled into me that I would get my head bashed if I told anyone. In 1944 whilst taking a short cut through the footy oval, which was partly full of American troops, being talked into, by one of them, to oral sex him. The enticement of a rationed bag of sugar was too much to give up. I never completed the act, but I enjoyed a handful of sugar over two weeks, which I had hidden under the grandstand.

On board the Esperance Bay 'ship' bringing us out to Australia, I was talked into a month of sexual abuse with the naval officers' chief cook. Taken ashore at the Colombo then, Ceylon, abused on the foreshore there at 14, I soon knew how to get treated nicely and get sweets and icecream—mainly via his kitchen porthole. Every time he returned to Australia on the same ship, Mr. S used to visit us at the Home. Once at the seaside Home and a few times at the Farm School. He fiddled me in the back of the truck loaded with the other boys, returning home from church. It was dark so no-one could see. I had not experienced my sexual functioning by that time, then at age 15.

I was sexually abused by Mr. C., a Canadian who was the Farm School superintendent fill-in relief. He looked for any excuse to punish you. I remember I entered the dam to swim before the rest of the boys had arrived. My punishment at late age 15, was to drop my pants (I had no shirt on at the time and seldom wore underpants), and he gave me a talking to about why I was to be punished. I did not know then that he was perverting on me. I had to bend over his knee childishly, whilst he hit me on the rear lightly. He had his other hand placed right under my genitals which started to swell for it was sensitive to moving touch. I had to stand in front of him with my partial erection whilst he perverted again while giving me another talk. He had his favourite boys but until then, I was too dumb to know why. This happened to me in his staff quarters lounge room next to the dining room, as the boys were starting to eat tea. I never told anyone.

What did we do for recreation you might ask. We built cubbies and mutually masturbated separately with about 7 of the twenty boys. We all lied and said they were the first and only person I had ever done it with. Actually the guilt affected me more than the deed. It was a den of inappropriate behaviour. We did not have to say don't tell anyone for we knew it was or thought it was, the worst thing to do. How sick and ignorant you might say. Yet for us, it filled the void and gave us a misplaced pleasure, spoilt with guilt.

It was our way of feeling lovable, an unconscious attempt to feel good and liked. It was the only way it seemed that we could interact with another and feel close in any other form of bonding. It was a confusing time for me—guilt versus pleasure, the only form of love we thought then we knew. It was many years before I learnt to know the meaning of words like manipulation, exploitation. It was hard to overcome these urges later in life—for loneliness is so painful, frightening and true meaninglessness. We were neglected in most ways, the Home had dumb staff and couldn't be bothered to give us creative outlets.

My time now is spent being obsessed in finding my next of kin, to get close to my adult children, to see my father, even a photo. I want to visit my mothers grave to thank and forgive her—I then will be at peace. I like myself more now for I know I have never planned or knowingly wanted to hurt anyone. It has been important to say and write all this. There is so much more to be said. It is sad that we were unable ever to feel or give mature love.

I am content now in the main. At my age I don't care a damn what happens to me except wanting to go back to the country of my birth and see any of my folks. England and Australia owes me this. My work more than paid my fare and upkeep. I want my return fare and enough money to live there for two or three weeks and accessible cheap accommodation. Nothing flash.

If the Prime Minister thinks this is too much to ask for, then ask his wife, the mother of his children, to read this.

What does the Minister of Immigration really know of our plight? To bypass us is more of the past treatment. There's still a few of us left, needing reconciliation with our families—however remote it has been.

Anything the voluntary and state bodies can boast about falls well short in actuality of the lives of their cared for. Some of us lived another day, an extra day in jail and not too few of us ended our own lives in many forms. I have maintained my sanity not because of help from the Church, etc., but because of the wonder of nature that is unconditional in its integrity, availability and healing beauty.

I endorse the recommendations of the International Association of Former Child Migrants and their Families. Especially to speed up the work of the Migrant Trust.

I have just had a triple heart bypass. I have been on the 'Migrant Trusts' books for two years. I am not alone in this, if we aging migrants are not given help fairly soon we won't be around to go back—then again, we have only ever been an embarrassment.

This is further evidence in support of my earlier submission.

CHAIR—Could we turn to page 6—the information that is on pages 4 and 5 is terribly important, but it does not tell us so much about you; it is your wonderful homework and history—or even page 7 where we come back to the experiences you had. Would you mind doing that, Mr Pound?

Mr Pound—No, I would not mind doing that.

CHAIR—That will go into *Hansard*. Mr Pound, could we turn to the top of page 7. Are you prepared to read that onto the record.

Mr Pound—Right.

Senator KNOWLES—The whole document has been incorporated. Aren't we now going to duplicate?

CHAIR—You are right. I suppose what I would like to say, Mr Pound, is that, as Senator Knowles rightly says, it is now going to be in the *Hansard*. Would you mind if we now ask the senators to ask you questions?

Mr Pound—Yes.

CHAIR—Are you comfortable with that, Mr Pound, because I know you did want to read it, but we will now have it in the *Hansard*.

Mr Pound—Yes, very good. I am very interested in that, but I would like to just read the last couple of pages, if I may, which I think is very important. No, I am quite happy to go along with whatever you want, really, but I feel this is important, about the sexual abuse.

CHAIR—I think it is, too, Mr Pound. We have it all here anyhow. It will now be in the *Hansard*. Perhaps you would like to briefly tell us, rather than read it. But if reading is your way to tell us, you tell us your way, Mr Pound.

Mr Pound—I am quite happy to just go along with you folk in this respect, as long as it is going to get out. It is important for me to say it in one way.

CHAIR—Thank you very much, Mr Pound. I appreciate that. All those words will be on the public record because of today's hearing. If you feel happy for them to be on the public record, that is how it will be.

Mr Pound—Very good.

CHAIR—Thank you very much. Senator Knowles, would you like to ask a question.

Senator KNOWLES—Mr Pound, I thank you for this additional document on top of your original submission, because it certainly does give us a view of what you had to endure. I really want to come to the particular question about your return to England, and see what it is that you want to focus upon should you go back to England now. How many family members do you have there whom you really know you would be able to make contact with?

Mr Pound—The Child Migrants Trust are looking into this for me. I know I have two half-brothers. I do not know what it is, I just feel that I have something to do and I have to go to my mother's grave. You may not realise this, and there may not be very much to thank her for, but I want to thank her.

CHAIR—How did you find out where her grave was, Mr Pound?

Mr Pound—I was notified by my half-brother via the orphanage that my mother had died—63, I think.

CHAIR—In 1963, or she was 63 years old?

Mr Pound—No, she was 62. I think it is already written in my first submission, actually.

Senator KNOWLES—You will have to forgive us for asking some of the questions that are contained in the submissions. We are getting a bit boggle-eyed reading so many submissions, and just forget some of the detail of which belongs to whom. Just on the return trip, have you sought funding from the British government for such a trip yet?

Mr Pound—No, I have not.

Senator KNOWLES—Is there any reason why you haven't done that?

Mr Pound—It is because I am waiting upon the Child Migrants Trust to find something so I can work on it. As much as I would love to go and just see where I used to pick flowers and—

Senator KNOWLES—So you don't know the location of your half-brothers at this stage?

Mr Pound—No.

Senator KNOWLES—One of the things that concerned me was that on page 20 of your original submission you say you were seeking counselling which was 'non-judgmental of things that may affront widely-held decent views'. I was always of the belief that counselling, by virtue of its nature, was non-judgmental. Has counselling that is not of that nature been provided to you?

Mr Pound—Yes, a whole life of it from all the do-gooders, all the people that are actually there because they are out of the political system that we live under. We don't live in a world of compassion, we live in a world of intellect—dog eat dog. We know that. That is what history is all about—the chronological order of just nothing else but abusing each other in wars. I know this because, as a matter of fact, I do not even trust myself any more. I do not trust anybody and that is why, to me, it is terribly important that there is somebody who is not associated, because if you read this article, this is completely all about the tyranny of charities per se. Charities are actually cover-ups for me as a human being to show compassion to somebody. So what do we do? We escape, and we escape through organisations, which are all verbal crap anyway.

Senator KNOWLES—I am not really talking about organisations or charities as such, I am really talking about counselling that has been provided in various forms, including the Child Migrants Trust, which clearly is held in high regard by many for their non-judgmental counselling.

Mr Pound—Yes.

Senator KNOWLES—Have you not sought or received any such form of non-judgmental counselling, including from the Child Migrants Trust, which, as I say, seems to be held in such high regard among others?

Mr Pound—No, that is about the only organisation that I felt has actually got me to look at myself rather than projections of my past being revisited through my conditioning processes. Now, I do not know, I just feel that to be associated with anybody of a charity, of a charitable nature, to me is meaningless. Not only that, the whole pseudo-ness of somebody else helping somebody else—I mean, who is being analysed by what? It is the analyser and the analysed—same thing. Nobody can understand me, only through their own experiences, and so they are second-hand anyway.

The people who have helped me who I feel are counselling, are people who have compassion—not the educated, necessarily, but the people with a heart. And that is what we have lacked all our lives. I do not have faith anyway, but I do need somebody in an emergency when all around me is falling apart, because I know that when I go back to England I am going to see the place where I was homed, I am going to go to the place where I used to beg for mercy.

I will need somebody, most probably, just to save myself from myself, and that is what I want to do. I have to do this before I die.

I will need somebody like the Child Migrants Trust. At least they are not having some bloody pseudo cross hung up in front of me, which we were supposed to love. ‘Suffer the little children’? My God, they made us suffer all right. I have no time for the church. I do not have time for anybody who is organised, because love cannot be organised. The thing is that, whatever love is—which is beyond you and me in our limited conditions—it is something certainly that the mind cannot fathom. It is beyond qualitative and quantitative measurement. It is you and me being unconditioned, having compassion for each other. This is the essence of what this inquiry is about, to get healing for those of us who have gone through this. Money is very handy to get to England—

CHAIR—How did you find out about the Child Migrants Trust?

Mr Pound—I watched a film.

CHAIR—So it was after seeing that film?

Mr Pound—Yes. For years I used to try and advocate for other people, the oppressed and the repressed. I was like the voice crying in the wilderness until I heard of Margaret Humphreys and the Migrants Trust. There is a picture of me as a baby. It is a beautiful picture of a baby, and people used to say, ‘What a lovely looking child.’ They asked, ‘Who is it?’ They had for 60 years—who is some stranger? The only thing I can remember was what I did when I got out of the hands of the tyranny of the orchestrated and the self-invested so-called do-gooders, the carers.

CHAIR—What did you do, Mr Pound?

Mr Pound—What did I do?

CHAIR—When you got out of their hands.

Mr Pound—I went to a farm. I stayed there a couple of months. Then I worked in a nursery, for which I had a natural aptitude. Goodness gracious, I was the only boy in the orphanage that liked plants anyway, so I was called the pansy of the orphanage. I was supposed to have been a bit more masculine and be more interested in cricket bats and footballs; nevertheless, I was known by one or two elderly people outside as the little boy who loved flowers. So nature has been, to me, the healer. I have written:

Anything the voluntary and state bodies can boast about falls well short in actuality of the lives of their cared for. Some of us lived another day, an extra day in jail and not too few of us ended our own lives in many forms. I have maintained my sanity not because of the help from the Church, etc., but because of the wonder of nature that is unconditional in its integrity, availability, and healing beauty.

CHAIR—Mr Pound, you just said there that not everyone survived.

Mr Pound—No.

CHAIR—Do you know of people who killed themselves?

Mr Pound—Yes, I do. I know of kids that I have even cared for who have killed themselves in Australia.

CHAIR—These are other migrants?

Mr Pound—No, but I will say this: I have no first-hand knowledge because I have lost contact with everybody who I knew. Over the last few years I have been talking to some people and there is hardly a migrant that I have not talked to about that issue, because it is a very strong issue to me. Some of them have said that they have even known as many as seven migrants that have committed suicide out of the 21 people that I was talking to recently. Of the 21 people that came out to Australia, seven of them have committed suicide. I have no documentary proof of that, but you will find that, when we are partners in misery, a lot more truth is likely to come out because we have nothing to hide, and what have we to lose.

CHAIR—Quite. Mr Pound, as Senator Knowles has said, we are extremely appreciative of you being prepared to put onto the record the story of your pain and the story of your survival.

Mr Pound—Yes.

CHAIR—It is an extremely interesting story of how you have sought the history, sought the facts, and found a lot of poetry.

Mr Pound—Thank you.

CHAIR—We thank you very much for being prepared to come before the committee today.

Senator KNOWLES—Yes, thank you.

CHAIR—If there is ever anything further, Mr Pound, you can certainly feel free to contact the committee. Of course, as a witness you will be getting a copy of the *Hansard* so you can make sure that what you wanted to say is all there. Otherwise, you will be able to get in touch again.

Mr Pound—Thank you very much.

CHAIR—Thank you very much, Mr Pound.

[11.35 a.m.]

TAYLOR, Mr Ronald (Private capacity)

THWAITES, Mr Ian, Social Worker, Child Migrants Trust

CHAIR—Welcome. We have your submission before this committee. Your submission is confidential, and it will stay that way, but I am advised that you are prepared to speak on the public record.

Mr Taylor—Yes.

CHAIR—We thank you for that. I understand you have been given a copy of the Senate's procedures for the protection of witnesses and their evidence.

Mr Taylor—Yes.

CHAIR—Would you like to speak to the committee and then take some questions.

Mr Taylor—This all started long before I ever came to Australia. I was in an orphanage in England. My first sexual experience was when I was five to six years of age with a nun. At the orphanage where I was we had what they called levels, so up to seven years of age you stayed with the nuns because we had babies coming in. Then from seven to 11 you would go to the priests. Not long after my ninth birthday I was sodomised and raped by this one man—I do not know how many times—before I left England as a 10-year-old boy, thrown on a boat and sent out here to Australia.

In the meantime, while I was out here, my mother went to pick me up and they told her I had a good Christian burial. They told me I was now an illegitimate bastard, I had no relations, no friends, no nothing in England; they were all killed during the war. I would like to point out at this stage that was probably the only honest statement they ever made in their life, because when I went to England in 1997 to see my mum my father had passed away. I had two brothers and two sisters—half brothers and sisters—that I never knew existed. My mother never married my father and I was an illegitimate bastard, so for that I thank them. They knew more about me than I did.

On the boat everything went beautifully—no sexual experience, no harassment, no nothing. I thought I was in another world. When they told us we were going to the Christian Brothers, my opinion was that I would be going to a family that were Catholics. There would be a lad there, probably about 16, 15, to be my older brother, a Christian brother—Catholics. As soon as I came out here, my God, did we find out it was wrong. They threw us in the orphanage at Clontarf. I was only there for 3½ hours when Brother Doyle called me down and said to me, 'Have you ever seen a baby calf, a lamb?' and I said, 'No.' So he took me down to the dairy. I was only down there for about 20 minutes. The next thing I knew was he sodomised me; told me to suck his willy and everything. I refused. He gave me a hell of a belting, and then to make

sure there was no animosity I got another one. I cried for three or four days; blood all down my legs.

Even today—and I am nearly 73—every time I use my bowels I am always bleeding. I have been bleeding nearly all my life. They cannot do anything for me, nothing. I have been to doctors, I have been to hospitals; they cannot do a thing. There is too much damage. It has healed itself, but it has not healed to what you would call 100 per cent. After Doyle, when I was walking around crying, a guy by the name of Fricker turned around and said to me, ‘What’s wrong with you?’ and I said to him, ‘I’m bleeding.’ He took me up into his room. ‘Put cream on it,’ he said, ‘That will soothe it.’ That was all right for two days. The next thing I knew was he got stuck into me. Three days later, another one asked me, but I would not tell him. Being a pom I realised one thing: when to keep my great big mouth shut, because I knew what he was going to do, so I never told him anything.

I was only at Clontarf for about six or seven weeks and then they put me on a train and sent me to a place called Tardun. For the record, I would like to remind everybody that Tardun is a 680-kilometre journey from Perth. It is about 200 and something kilometres from Geraldton. It is inland, with five, six, seven, eight inches of rain a year if you are lucky and 40-degree temperatures. Here we are, white-skinned boys and none of us used to the sun. On the way up there was a guy on the train—I did not know he was; I found out later that it was Brother Fricker and one of our old boys, Bolton. The next thing I knew was he was playing around with the kid next to me. He was kicking, crying. I touched him. I will not mention his name, because the poor man is now in heaven. He passed away a few years ago. I hope you do not mind not mentioning his name. I wanted it on the record.

CHAIR—No, Mr Taylor. Absolutely.

Mr Taylor—Anyway, he turned around and told me what happened. I felt sorry for him. But then they stopped. We landed in Tardun. I was only in Tardun for about two weeks. Why they never started before, I do not know, but the next thing I knew was Fricker gets up to his dirty tricks again; three nights in a row, then nothing; four nights in a row, then nothing. Then Kerwick. Then they were fighting to see who could rape and sodomise me a hundred times and, believe you me, I am not bloody proud of that. My God, I have never felt so humiliated and degraded in all my bloody life.

But the thing was you were that brainwashed that if one of them never did anything to you at least once a week, I would cry like a baby. I thought I had done something wrong. They kept on telling you, from the time I got there until the time I left, ‘You asked for it. It’s your fault. You asked for it.’ How in the hell can a nine-, 10-, 11-, 12-, 13-, 16-year-old kid know what to do about asking for this? We had never been through this situation. We were not like the kids in the streets here—go across the road and get an ice-cream. We could never do any of that. We never mixed with other kids. We never knew what the swearwords meant. We never used them.

When we came out a lot of us were that wet behind the ears and we did not know a thing. The first girl I ever met I blushed like a bloody two-year-old; did not know what to do. That is how we were, because we had no contact with human beings outside. All we had were men and boys. Then the boys came down from Geraldton, from the battleship that was sunk, the *Corporate Cormorant*. They evacuated the boys and they went to Tardun. We had to give our

beds to these kids. We slept on palliasses on the floor under the bed. Those kids had come down for a job and there was a Brother Hanson. He was sly, always smiling, and he was one of the worst perpetrators there. Within two days I had him. By gee he was bad.

They used to get you and they would be like animals. Some took it very quietly, very gently. But others, no, they were like animals—‘I’ve got to have this. I might not have it tomorrow.’ You would bleed, you would scream; it did not make any difference. Half the time you did not even scream because you did not know it was happening. They would come around at night-time and pat you on the shoulder—‘It’s a very hot night, son. Here, have a drink.’ You thought it was water, lemonade. The next thing you would know you would wake up at half past 4 in the morning and they are getting you out of their bed and telling you, ‘Go back to your bedroom, son.’ If you went outside you were so disoriented you did not know where your bed was. So you went back and asked them and they would escort you.

You would go into the bedroom; there was only one. You would think there was only the one. When you woke up in the morning there could have been two, there could have been three. You did not know what they had done to you during the night. You did not have a clue. You could not even surmise. You only knew that something went wrong because you had pain, constant bloody pain. I can still feel it, even today. You never get over it. It is something you carry for the rest of your life. Unless people have had this happen to them, I do not want any of them to say to me, ‘I know what you’re going through,’ because they have not got a goddamn clue.

Not only them. I know who got to the first 100: Murphy used to grab me by the ankles and hold me upside down under what we called the 90-foot well. He did it because he said to me, ‘How old are you?’ I said, ‘I’m 12 in a couple of days.’ He said, ‘Huh, I’ll be bashing you around for a long time.’ I made one comment which I should not have made. I said, ‘One day I’m going to be old enough and big enough and I’ll put somebody else on your bum,’ and he gave me the best punch of all time; just about broke my nose, my jaw, held me upside down over the well. He dropped me and then he grabbed me. I screamed. I peed myself. What else could I do? He could have dropped me down there. Nobody knew I was there. My mother did not know, my father did not know; nobody. Nobody had a clue in the world. I was taken away without anybody’s permission. Nobody knew a goddamn thing. It was my stepmother that told me that.

She said my dad came down to pick me up when I was 10½. They told him I had a good Christian burial. They told me all my family were dead, bombed, blitzed during the war—‘I’m now an orphan, an illegitimate orphan.’ I said to them, ‘I don’t believe it.’ They said, ‘Why not?’ I said, ‘When your mother dies, you feel it here, in your bloody heart.’ I never felt anything. I got a big belting for my troubles. You do not talk back to them; never talk back to them. There was one little kid there who was a bit older than me. We were called the three musketeers. There were three of us. I was the smallest, he was the second smallest and Peter was the biggest. There was about three years difference in our ages. I was the youngest. They grabbed that kid. They threw him under a shower because he would not confess that he stole one egg, one lousy bloody egg. I turned around and said, ‘He didn’t steal it.’ ‘Maybe you did.’ I said, ‘No, I did not, but it wasn’t him.’

I still bear the scar today, right down there, where they grabbed him and threw him under a shower. I never knew what a hot shower was. I never knew there was such a thing as a bloody

bath; never had a bath in my life. Two-degree below temperatures did not make any difference; cold shower every morning, cold shower every night. We were not used to hot showers. They grabbed my little mate and threw him under the shower. They belted him. I said to them, 'Have you cut off his doodle? Look at all the blood.' He had blood all around his stomach. He said, 'I suppose you want it too, do you?' and he went whack, and as he did I put my hands down like that. I have a scar up here and I have another one just there. He hit me with a belt, a little kind of a belt he used to use. Do you remember the old fireman's belt that clips in like a scout's belt? They have two brass knuckles on the end. It was one of them—boom, boom. I have scars all over my body and God knows what else.

Another time I went to the church. When I woke up I was in a dirty mood because I used to pray that my eyes could change colour. I hated blue eyes. Every one of them—Murphy—'You've got lovely blue eyes. You've got a lovely white bum, you pommy bit of shit.' That was his way. Brother Hanson: 'How is my little blue-eyed boy today?' Brother Kerwick: 'Hello, little fair haired kid. How are you, mate? Did I tell you you've got lovely blue eyes?' That used to make me so mad and I used to pray. I used to bash them to try and make them brown, any colour, but I hated blue. It did not make any difference. I would wake up in the morning and cry like a baby. So I broke into the infirmary. I knew when I was sick—I suffered mastoids behind both ears; mastoids were as a result of a whack behind the back of the head that was given to me by a nun when I was only 6½, seven years old. It nearly made me deaf, but I had to go through all of that and all the other pain and suffering with the rapes and everything over there as well.

It is not only me. There were quite a few others. Brother Beeden was like an animal. Brother Cusack tied me up against a tree, a tree mind you. I went down to see one of our boys who was killed, was run over by a truck; a very dear friend of mine. Him and I were nearly the same age. He was an Aussie kid, and those Aussie kids got just as much bad treatment as what we did, and I want that on the record, too. We were not the only ones, those who came from England, Ireland, Scotland and Wales; they did it to the Aussie kids as well. They came from broken homes or their mum and dad were fighting in the war so they were sent there. Unless the parents came to visit them, that was it. If they wanted them, they wanted them. It was all the same. If they wanted you, you were gone; if they did not want you, you were as safe as the Bank of England. That was our way of thinking.

The big boss himself, the snowy-headed Irishman, the bloke they thought could be a saint: I told Archbishop Little, 'If you make this man a saint, you'll be the laughing stock of the world.' He was the third biggest paedophile throughout the whole system.

I had to stand in front of him with a flannel—a flannel, mind you—taking off his dirty, filthy, bloody blackheads, boils and all that shit while he has got his hand up playing around with my willy. He was just as bad as Cusack. He tied me down on a table and masturbated and masturbated and masturbated. I was 13 nearly 14. But unfortunately I had not matured. I was like a 10-year-old. I know what it is like. I have had masturbation sores for God knows how long. They took me down to the dairy to feed the lambs and next thing I know is they have got the bloody lamb sucking my willy. Hurt? Bumping his head and everything. Then they decided to get the calf and do the same thing. My testicles were that big and swollen I was in bed for three weeks.

While I was in there I grabbed a handful of tablets again. Again I swallowed them, only to be told I suffered with sunstroke. That was the third time from the age of 10 until I was 13, nearly 14, that I tried to commit suicide. And three times I bloody well failed and three times I was that mad.

CHAIR—Have you tried since, Mr Taylor?

Mr Taylor—Yes, in 1957 I had been painting a house down in Caulfield. They did not give me any education. I got my own. I went to grade 6 at school and flunked. They had me working in the cookhouse. In 1957 I got my own painting firm. I was doing a house opposite the Caulfield racecourse, stinking hot day. I went over to have a glass of beer. Then all of a sudden I just got up from the table and walked straight across the road. People would say to me what it is like. I can tell you what it is like. It is like a cloud. Something tells you you have to go through that cloud, there are greener pastures on the other side, but it could be an intersection, it could be an 800-foot drop. It could be anything so you go through it. A car hit me right on the backside. Two guys grabbed me. I hit one of them and told him to mind his own bloody business. I do not remember doing it; 10 minutes afterwards I was back in the pub having a glass of beer and eating my counter lunch, ringing up my wife to tell her I would be home in an hour and a half.

CHAIR—Mr Taylor, have you been able to keep any contact with the boys that were at Tardun?

Mr Taylor—I left Perth in 1949 and I vowed I would never return. I did not go back to Perth until 1993. The next time was 1998 for our 60th anniversary from deportation from our mother land to this convict country. Over there they call me an Aussie convict. Over here—I have been here 63 years, naturalised, and they still call me a Pommie bastard. I don't give a stuff. Names don't mean a thing to me; don't mean a thing.

CHAIR—Mr Taylor, that is a very powerful story.

Mr Taylor—I have masturbated horses. I have masturbated bloody dogs. My God, I know. I know. They even tried to make a bull have sex with me—a bloody bull—two of them. One died only recently. I wish to God we could have got him in court. We were that close. Then he passed away. That was Lionel Murphy, Hyacinth Murphy. You probably heard his name mentioned many a time. Go to Perth—even the guys up here, even where I went—no, he escaped justice but he will get his reward up there.

Senator MURRAY—Mr Taylor, in your story you went quickly over some names, some we are not familiar with. Those persons who are guilty of sexual abuse, can you slowly give us their names. I have written down here Brother Murphy.

Mr Taylor—Yes.

Senator MURRAY—I have written down here Brother Hanson.

Mr Taylor—Brother Hanson.

Senator MURRAY—Then I got a name I did not know.

Mr Taylor—Brother Fricker. I will give them out to you and you can write them down.

Senator MURRAY—Yes.

Mr Taylor—Okay, you have got Brother Fricker. You have got Brother Kerwick, Brother Doyle, Brother Angus, Brother Beeden, Brother Cusack—I know them all—Brother Howe.

Senator MURRAY—That is it?

Mr Taylor—As far as I can remember. There might be one or two others I might have missed. I do not know. Yes, Brother Keaney, a snowy-headed Irishman. The boss.

Senator MURRAY—Sexual assault.

Mr Taylor—My word. My word, he was just as bad as the rest of them and I am not the only one. I know one or two guys he got when I was up at Bindoon but they can write their own submissions.

Senator MURRAY—Mr Taylor, let me just repeat these names to make sure I have got them correctly: Murphy, Hanson, Fricker, Kerwick, Doyle, Angus, Beeden, Cusack, Howe, Keaney.

Mr Taylor—Yes.

Senator MURRAY—That is 10 names.

Mr Taylor—Yes.

Senator MURRAY—Thank you.

Mr Taylor—I only went to school and I only met about 14 or 15 of them and there were two of them—

Senator MURRAY—Were they all brothers or were some of them—

Mr Taylor—No, they were all brothers.

Senator MURRAY—And there are no other names. Now as to criminal assault—people who did not just punish you as you would understand punishment, six of the best or something, but criminal assault with straps, boots, fists and so on—

Mr Taylor—Yes.

Senator MURRAY—Can you give me those names, please.

Mr Taylor—Just about every one of them. You only had to look at them twice and they would want to know what you were staring at.

Senator MURRAY—Was there anyone, apart from these, who was guilty—

Mr Taylor—Yes, Douggie Bolton, who was one of the old boys.

Senator MURRAY—He was a student.

Mr Taylor—Yes. No, he was one of the old boys. He used to help the teachers.

Senator MURRAY—Okay, so was he a religious or lay assistant?

Mr Taylor—No, he was a lay assistant. He was studying for the religious order.

Senator MURRAY—Any others who did not perpetrate sexual assault but who perpetrated criminal assault?

Mr Taylor—Yes, I would say Brother O’Sullivan from Bindoon. About six foot six, skinny as a rake and when he hit you his hands were that big and, boy, could he hit.

Senator MURRAY—Any other names?

Mr Taylor—No, not really. All those ones that sexually assaulted me, I think I have had beltings from them on numerous occasions as well because they make you cower down. You plead for mercy and while you are pleading for mercy they stand over you. They hit you, they kick you, they bash you and then they laugh at you. Next thing you know they rape you. They seem to get pleasure out of it. They are deviants.

Senator MURRAY—Mr Taylor, your evidence has been that because you were a good-looking kid you were picked out. Were there other children who were picked out and then others who were left alone entirely?

Mr Taylor—No. Unfortunately I would be one of the youngest ones there.

Senator MURRAY—I asked you the question deliberately because the committee has had submissions and evidence from other Tardun children and they have not given the same evidence that you have. I wonder if some children were better treated than others and if some were picked out more than others.

Mr Taylor—I told you earlier that, if they fancied you, you were gone. If they did not fancy you, you were as safe as the Bank of England. Because one might do it to you or me does not mean to say he is going to do it to the next kid. No way.

Senator MURRAY—So that would account for different stories from different children.

Mr Taylor—Yes, from different kids. Now, you take Brother Murphy. There was a kid that worked with me in the kitchen. I was working in the boys' kitchen and he was working in the nuns and the brothers' kitchen. Yet Murphy always used to get him, always after lunch. Poor kid would go down to have a shower. I used to finish later than him because I had more people to clean up from in the kitchen. All he had was about half a dozen nuns and I suppose about 12 brothers. When I was at Bindoon there was only about 18 of us—12 or 14 kids there, only about 14 of us, and only about four brothers.

By the time I was leaving the school was gradually getting filled up with kids again but then there were more brothers coming in. So whatever some of these kids tell you, you have to remember I was there from 1938 onwards. These kids that are coming up now and giving a lot of evidence did not come out here until the migration scheme started again which was in 1947. It finished in the sixties. There were not only English kids coming out, there were Maltese as well and some of those kids went through hell.

I know that as a positive fact because my neighbour down the road from me works up here at Tullamarine Airport in customs. One of the guys that works for him was here—this guy's boss, a Maltese fellow. He came out from Malta in 1960 and was telling him stories. I said, 'The next time you see him, give him this.' I gave him a book called *Contact*. I did not want to because I had only been there for six weeks and I did not know anybody there, but he did. He rang me and cried like a baby. He said, 'I saw a photo of myself as a little boy'—the first time. You wonder.

Senator MURRAY—There are three main parts to the evidence we are getting: one is the story of the institutions, one is the story of how people have coped with their lives since and one, of course, is what we must try and do now to assist with matters. I just want to ask about the second part, how you coped with your life since. Having experienced these horrific things you did, you did however get married.

Mr Taylor—I got married.

Senator MURRAY—You had children.

Mr Taylor—Wait a minute—I did get married. I got divorced. A lot of them did; they could not hack it. I could not hack it. Anybody who put their arm around me, put their hand on me, even gave me a hug, I knocked them right out. I would tell them straight out, 'Don't put your hands on me, mate.' That is it. My first wife could not hack it. I was on the drink all the time. God knows how many times I used to come home drunk. You do not miss them until they are gone and they are out of your life. So then you carry on.

Then the bosses used to tell me what to do and I went mad at them. I used to change jobs. One year I had nearly 14 jobs—in one year—because somebody kept on telling me what to do, so I started my own business. I went to night school. I was 43—43 when I got my HSC. Not bad for a kid who went to school and went to grade 6 and flunked. I was 43. I started my own business and got remarried. My wife died four years ago this June of cancer. I was left with two kids. I have got grand-kids as well.

I am more lucky than some of the others that may come in here after me or even before me. They have got nobody. They have got no-one. I used to get phone calls from the guys over the

west saying, 'You're lucky.' They were crying their eyes out, saying, 'At least you know your family is still alive; you've got somebody. I don't know nothing about mine, nothing.' I said, 'It took the Trust over six years to find mine, mate—over six years. 'I was one of the lucky ones.' But then I was one of the youngest ones who came out here as well.

Senator MURRAY—Mr Taylor, did your first wife, your second wife and your children know about your personal history?

Mr Taylor—My first wife, no. My second wife, yes, that is why we were so compatible.

Senator MURRAY—Has it made it easier once—

Mr Taylor—It made it easier on the both of us, although some nights I would wake up screaming and some nights she would, because my wife did nine years in an orphanage run by the Sisters of Mercy. So I knew what she was going through and she knew what I was going through. She got sexually abused and physically and mentally abused, too.

Senator MURRAY—Where was the Sisters of Mercy institution?

Mr Taylor—My wife is dead.

Senator MURRAY—Just tell me the place. That is all I want to know.

Mr Taylor—Down at St Joseph's, down at Broadmeadows and then they transferred her from there to down at Box Hill. Her brother was sent to St John's. I do not know because I have never been there; I only found out about her brother being thrown into an orphanage up there because one day she mentioned it. I just said, 'Oh, yeah, another one.' I said, 'It never ends.' I would never be able to tell you—I do not know—how many lives those people have ruined from the inception right up until now. I bet London to a brick, while we are talking here, it would still be going on. That is my honest opinion.

Senator MURRAY—Mr Taylor, you have told us a terrible story but I want to thank you, because very few people could ever be so explicit about something that needs to be said.

Mr Taylor—I said the same thing to the House of Commons when they came out. I made a statement to *Voices* over in Western Australia and I have got every page signed by a JP—every page—with a statutory declaration. I have been booed, I have been laughed at. I have been abused on the phone. My wife was nearly run over by a car. 'There is that little old bastard who has got it against the Catholic Church. That's his missus.' How in the hell they did not hit her I have not the faintest idea. So we have been through hell. People say they have been to hell and back. Well, if they have been to bloody hell and back where have I been? Is there anything further? Is there?

CHAIR—We are pressed for time and I am very sorry about it, but on behalf of all of us here I think we want to second Senator Murray's words that we cannot do this inquiry properly or adequately without the generosity of people like you. It is a dreadful story and there is no doubt about it. That is in large part because of the way you tell it. The committee thanks you very much.

Mr Taylor—Thank you. I said the same thing on *60 Minutes*, too.

CHAIR—Thank you very much.

[12.07 p.m.]

WHATHAM, Mr Michael (Private capacity)

O'BRIEN, Mr David (Private capacity)

CHAIR—The committee has before it your submission. Before commencing evidence, could you please state your name for the *Hansard* record.

Mr Whatham—My name is Michael Whatham. Whether it is my true name or not, I am still not sure.

CHAIR—Who is the gentleman with you?

Mr O'Brien—I am David O'Brien

CHAIR—Are you here as a counsellor?

Mr O'Brien—Yes.

CHAIR—Could you please say that.

Mr O'Brien—I am here as a counsellor for Michael.

CHAIR—That is just so that we get it on the record. Thank you. I understand, Mr Whatham, that you have seen a copy of the Senate procedures regarding the protection of witnesses and their evidence.

Mr Whatham—Most definitely.

CHAIR—Would you like to now make a brief statement about your submission and then take some questions.

Mr Whatham—Yes. First off, I would like to thank the committee for their time and especially Andrew Murray for his effort. For only the second time in 50 years I feel as though at least we are being listened to. The first time was with the Child Migrants Trust and the second is here today. I was born mentally and physically disabled in England, and still am today. I was in 30 different institutions and living on the streets on and off. I never went to school and went through the full trauma that you have heard described. I was a genuine homes boy, what they called an homes boy.

In 1969 I found myself at an institution called Ellerslie. Throughout my early life I committed violence, bad violence, burning down houses with people in, stabbing and killing, without realising what I was doing. I could not walk straight, I could not talk straight. I managed to get myself a place, a job—I was very lucky—in a small country town. After the burnings I was put

in a remand home—it was a borstal. I was there for no other reason than that they did not know what to do with me. They put me in a foot of snow with no shoes and socks on and let all the visitors on the Sunday come in and see me like that while the other kids all had visitors.

I went through the full range of sexual, mental and physical abuse. I got severely bashed in there, so I decided to take my revenge out again. I burnt down the craft room with five or six people in. The building collapsed and I was severely dealt with. I have got no idea how many people either died or got severely hurt. I do know that people did die in that fire. I am a high-functioning autistic.

After that I was placed in an institution called Ellerslie and got myself a job. It was not really a job, it was a place where I personally realised I had some guts. I put all my troubles behind me and just wanted to try and get on in life. In November 1969 I was informed I was going to Australia, New Zealand, Rhodesia or Canada. I asked if I could come back for lunch and the answer was yes. I didn't have a clue. I did not know. I could not even find my way around the small country town. I could not find my way around an institution unless I had been there long enough to memorise it all.

In February of that year the people who I was working for offered to take me and give me a home, but the British government said no. In February of that year I was transported from Manchester to London airport. I was placed in the care of the Big Brother Movement for the plane out. I was isolated on that plane, told not to talk to anybody, and actually got lost in Zurich airport till they found me.

When I arrived at Darwin, a man came on with the spray and I jumped up to hit him because I knew no different. When I got down to Sydney airport I was taken to a room where I was left for several hours. Several gentlemen walked in, some wearing army uniform, and I was told that some were from the Army and some were from the Big Brother Movement and the New South Wales government. None of it made sense, and the next words to me were, 'You're fucking useless. What are we going to do with you?' and then I was left there again.

I was put into a taxi and made to pay the fare. They took the money off me and sent me out to 10 Clifton Avenue, Burwood, which was a Big Brother Movement home. Upon arrival there I saw no difference between there and many other institutions I had been in. After a few hours I realised it was worse. While the sexual abuse may have stopped—I had determined it would never happen again, or the physical abuse—the mental torture of that place and the Big Brother Movement treatment of me was unbelievable. The first thing they did was to empty whatever money I had and told me it was for medical benefits. Then they sent me to a place, a typewriter firm in York Street in the city. It took me nine hours to find that joint—nine hours—and when I got there it was closed.

I smashed a window to get in and I stayed there all night until they came to work the next day. Once again I was told by the boss there that I was fucking useless and a criminal for breaking the window. They said, 'Right, you've got a case now. You're here.' They gave me a little case and sent me into the big skyscrapers to clean typewriters. I could not even walk from one end of Lygon Street to the other. I couldn't read, I couldn't write, I couldn't talk. I couldn't walk straight, I couldn't tie my shoelaces. I lasted at that place for about 48 hours.

I finally found my way back to the boarding house where I was informed that I was not suitable for the Big Brother Movement. I have just been told by the Big Brother Movement that boys like myself were routinely sent back to England straightaway but I escaped the net; they don't know how. In the mess that night, a boy reached out to grab the salt shaker or something—all these other boys had come from families that were fairly normal, not institutionalised, not alienated—and I stabbed him, because in the institutions that was the only way I could even get a slice of bread at times.

The next morning, less than a week after being out here, I was told to go and live at the Cross. I did find my way to the Cross. I didn't know what else to do. I thought, 'I don't know what it is. I'd better go.' It was just like being back in the slums of Manchester in Salford, it was just like being in Piccadilly station with the drug addicts and the people. I was not there long when a drug addict put his hand up to me and I decided that no-one was ever going to touch me again. I laid into him and took his money. I am not proud of that. I am not proud of any of the violence I have committed in this country, but I am very lucky to survive.

I am very lucky that I had one phone number that was given to me by the man I used to work for. He was a Rotarian in North Sydney. A detective caught me one night—this was so that I could get money for food—laying into a queer on the Wall. I only had this one scrap of paper with the Rotarian's number on it. I have got no idea what month this was. The detective used his initiative and rang this number. It was around 3 o'clock in the morning. The Rotarian was there at the cop shop within an hour. He said, 'I don't know this gentleman but I've been told by the English Rotarian that he might ring if he gets into trouble.'

Within 48 hours of that, I found myself signing up for the Australian Army. I have the paperwork from the Army. After 25 years of arguing with the Army, they agreed that if I left them alone they would give me all relevant documentation. I could not read or write, and it was some government directive that they had to take me. I was lucky. I was placed into an operational unit. It was a very hard unit but it was a unit where dysfunctional boys like myself could get away with murder, literally. The violence that I used to use in my antisocial behaviour got so bad that after Cyclone Tracy my fellow members of the unit that I was in would not have a bar of me. My antisocial behaviour, my drinking, was just too bad. I was marched in some time after my 21st birthday and told, 'You are now 21. You're free. You can go.' I thought that meant I was out of the Army, so I went on a drinking binge for six weeks, and then found out that that was not the case.

In 1974 I was forced to get a passport, like a lot of servicemen were, and I was arrested, told I was illegal immigrant, how did I get out here, and how can you explain it. I did not know my birthday, did not know my real name. I used to wander around looking at people's houses from the street, wondering what's it like, what does a family do. And then I got pretty lucky, I guess. I decided to change my life around in about 1986. I had been ripped off by different publishers and different people with my writing, and I decided that the drinking and the violence was no good and had to stop, and I got lucky.

In the Army, in the same unit, was another child migrant, much older than me, by the name of John Daley. I watched him drink himself to death. I have watched five or six former child migrants, fellows from Bindoon, fellows from Clontarf—I helped one of them. I used to meet with him five mornings a week for about seven months in Melbourne in the Waterside Workers.

I was young, I was silly. I used to buy him methylated spirits and we would drink together. I would drink cheap plonk and he would drink the metho. He walked out under a tram and died.

I cannot begin to tell you what it feels like. As I said to the English Senate Select Committee, ‘Give me one reason why I shouldn’t kill any one of those politicians that were over here.’ I was told the Queen was in charge of me. I went looking for the Queen. Out here the New South Wales government still do not recognise me. The Big Brother Movement, only now that they know I am coming here, have told me yes, we were your receiving agency. I have got a 21-year-old daughter who thinks I am a criminal because in the first marriage when I was in the Army that is what was put about because I could not get a passport because I was locked up for six weeks on and off, because I could not prove anything and I was a serving soldier. In 1986 I got lucky and decided I had better change my life around.

A magistrate told me I could not keep taking the law into my own hands. In Prahran I went into a milk bar to get something. Because I could not count, because I have no feeling in my fingers and I am multiply disabled, I thought he had given me the wrong change and I argued with him and smashed the milk bar up. When I walked out of there a Salvation Army officer sat me down and explained, ‘What he means by this is that you’ve got to stop it.’ I immediately went on a drinking binge and about four weeks later changed my life around.

In 1988 I met my current wife, Barbara, and I found it very hard. Three years ago I was ready to burn the house we have, I was ready to create and commit major destruction. I was at the point of despair. I had got my birth certificates via the Child Migrants, and I was being told, ‘Yes, you are. It is true what you are saying.’ I was at the point of despair. Barbara and I could not cope any more. I was starting to get violent, to the stage where I would go and kill a harmless dog, one that I had had for seven years. I just cut its throat. I was violent to the stage where I would burn the house down, and anyone that was in it. I was violent to the stage where, if I was in Melbourne, and the tram conductor asked me for my tram fare, I would hit him.

No-one could speak to me, no-one could talk to me, because—once again—I was at the lowest point of depression and suicide. It was not real depression, because after all I have been through, I do not get depressed, but I was at the point of suicide, but not by taking my own life but by getting the police to do it for me after I had committed major violence. But through the love of Barbara, and through the few good people in life that I have met, and through the fact that this country had at least given me a safe haven, no matter how bad it was in those early years, I decided to go back and seek help. I met David O’Brien, the psychologist.

No amount of money, no amount of saying sorry, would ever remedy what I went through, and what the earlier people went through. What would remedy it is complete access to all records and files. I have just been told by the international social security that they have no record of me coming into Australia. They do not have a record of me leaving England. The Australian authorities still tell me, ‘We don’t have any form or thing to say who you are, where you are, how you got here.’ So all records need to be accessed. All the receiving agencies—all of them, even the governments that took into government homes kids like myself and other kids—need to be able to contribute financially to a fighting fund, whether it is administered by the Child Migrants Trust or some such body, so that every child migrant, and their families, has access to not just one psychologist or two psychologists in the state, but more that are trained, or have got sufficient experience to deal with the outpourings of emotion and grief.

I went to the Child Migrants Trust, and their worker, Colin Peach, kept telling me, 'You're a Big Brother movement, it's not right, you're not a child migrant.' In the end I went there because Barb and I were going to get married and I knew I did not have a marriage certificate, I could not prove anything. I knocked on the door, he came out, and I said to him, 'Look, I've got to see you,' and he said, 'I can't do it.' I went to hit him and he said, 'Just hold on a minute, I'll give you an appointment.' Now, I was lucky. I taught myself to read and write; I kept my ears to the ground and learned.

CHAIR—Mr Whatham, you are doing a splendid job there telling us what you think might be some steps in the right direction. Nothing can take away the history—

Mr Whatham—No.

CHAIR—but some things could be done, and you were saying access to all records—all records.

Mr Whatham—Yes.

CHAIR—And then all receiving agencies to pay into a fund so that all migrants and their families have access, and I think you had got as far as saying access to psychologists.

Mr Whatham—Access to psychologists.

CHAIR—Yes.

Mr Whatham—To make sure that all our medicals arising out of the institutionalisation are paid for, and that never again will a child migrant, like my wife and I and others, if they leave this country, be told that they cannot get back in.

CHAIR—Yes. Do you want access to contact family in the UK?

Mr Whatham—Yes, most definitely. I do have a sister who still today will not really talk to me because of the violence I committed. I have an uncle who I have very bad memories of when I was in England, and in phone conversations tells me that I was like my father, a black sheep. On the one hand, I am terrified of going back to England because, if I went back, there are still people there alive that I will want to front. On the other hand, I owe it to my wife and to every other child migrant who is a lot older than me as a general rule, and their families. I get child migrants coming to me where I live up in the country who cannot talk about it.

I do not know what this government wants. As far as I can tell, there have been many of us who have served in the forces and we have paid the price. To be alienated completely from society, to be alienated so much so that if I am in a crowd—that is when I first met Barbara—and somebody would bump me, I would hit them, I would knock them down—and not just knock them down, I would knock them down so physically so they would not get up and come again. At the moment I am just going for tests to a good neurosurgeon who has agreed to help me find out what the actual disability in the brain is.

Do you know what it feels like to sit here today and to finally understand that the Australian government are doing something? They are doing something. They have the power, more than the British government, and it is not going to take a lot. How many thousands of dollars have the child migrants paid in taxation? You know, it is not much to ask. You have grand kids and great-grand kids that do not understand. Every Christmas I do clown acts. Why? I do it free for kids because I never ever want to see kids go through what we went through.

I never ever want to have to be in a situation where I am stuck out in the middle of Western Australia with the Army, and I have to work every Christmas Day and every holiday because I have nowhere to go. My first leave I was forced to take. I was deposited in Sydney at 1 o'clock in the morning. I got changed out of uniform and rode the trains. I had nowhere else to go. New South Wales and Sydney I never ever want to see again. There is not one time, there is not one day, when I do not think, 'Who am I?' I look at my Army records now and I think, 'What does it take? What does it take for us to get the point of view across?' We are not asking for anything else but a fair go.

CHAIR—Mr Whatham, can I ask a couple of questions. How did you discover you had a twin?

Mr Whatham—In England I was in a cot in a nursery and there was always another kid around, and they would bring the bottle to me and I could not move or do anything and this other kid that was there, he would be given a bottle, and then they would pick him up. With me, the bottle was put in my mouth and if it fell, it fell, and that was it. Then later on I was always called Richard or Michael and wherever I went there would be confusion. I was having an operation one day—I had been severely beaten—and the man who came out to stop me from being severely beaten put me in a wheelbarrow and pushed me to the hospital. He died as he got me to the front gates. They were operating on me some time later and they put the mask on and called me Richard and I fought and fought and fought, so much so they did not carry through the operation.

Numerous times I have been called Richard but I was told in the remand home—after I burned down the place—by the remand home nurse that she had nursed me as a twin, and other people in the homes told me I was a twin. I have, even today, two different, conflicting files from the English government—not even files, just scraps of paper. My first year was not known; my first year, my correct birth date, and also now my sister is admitting I may have been a twin. She will not go any further than that, but I know I am one because of the constant confusion and my earlier life.

When I would have been about nine or 10 and there was some confusion as to which institution they were going to put me in that day. They used to put me in different institutions, tie me down on stretchers and keep me tied down for weeks on end in a dark room. In one institution there was a lot of confusion and they said, 'He's got to go from here because the other one's here.' They gave me a needle. They used to give me needles to restrain me and to keep me like a zombie. They gave me needles. When I got old enough to fight the needles, they would give me Lucozade that was drugged.

CHAIR—Was your twin like you, Mr Whatham?

Mr Whatham—No.

CHAIR—He wasn't into burning buildings and punching people?

Mr Whatham—No, he was able-bodied. He was mentally and physically like my sister.

CHAIR—Were you put in an institution from the time of your birth?

Mr Whatham—Yes. I was told all the time in England I was in care from the day I was born. I have two records. One shows I was there from the day I was born, the other one shows I was there from 1953. I went through a full range from Mongol school—

CHAIR—Yes, it says that here.

Mr Whatham—where they used to tie you up. Out here the Army, to their credit, used to isolate me all the time. When I got to the stage of being too violent for the Army, they would lock me up. In retrospect, as I say in the submission, I owe that unit and the men of that unit a great deal. I still see some of them today, and now they are willing to talk to me again; they say I am halfway human.

CHAIR—And are you, Mr Whatham?

Mr Whatham—Am I halfway human? I do not feel it.

CHAIR—Not your assessment?

Mr Whatham—Yes, I feel human, but I am still alienated. I look around here today. I cannot see properly. I listen to these stories and I know I went through exactly the same thing. For years I have been saying I have no records, I do not know how I got out here, I do not know why. Even today, without the help of a few good professionals, I would not be able to do the work I do. And why do I do it? Because I owe a debt to the few good people, and I owe a debt to this great country. But I owe a debt to the other child migrants and to their grand kids and their great-grand kids that are not going to be able to understand, and if through my poetry and my clown acts and the foundation I can do that, good.

CHAIR—Tell us a bit about the foundation, Mr Whatham.

Mr Whatham—I finally took a disability support pension in 1992. I had a four-year psychiatric term with a psychiatrist who had been in the Army, who actually did his PhD in the sixties in England. Part of his PhD was to look into institutionalisation, and pulling it down, and he remembered me. Before I met Barbara, I was in the process of getting myself some help. I agreed, after he told me that he knew me from before, to have weekly sessions to try and sort myself out. I agreed to do a three-year counselling course with him on the basis that if after the three years he told me I really was not suitable for normal work that I had been doing, and he could find out what was wrong, then I would take what he said, I would accept it, and I would set up a foundation to help kids and people.

After the three years, that was the assessment. The Commonwealth Rehabilitation Service had a year with me and then told me there was fucking nothing they could do. They just rejected me out of hand and said, 'You shouldn't do the things you do. You shouldn't talk, you shouldn't walk, you shouldn't write. You can't do what you're doing.' But they gave me permission so I moved up to Kerang, and that is what I do now. This year alone we have taken one 18-year-old youth who cannot read and write and, in the space of two months, I have got him reading and writing and he is now starting a dairy apprenticeship. He has been isolated himself a little bit, and through a few good professionals who are now placing kids like myself and other disadvantaged kids either back into TAFE or anything like that. Last year we did over 12, we were able to place over 12 at-risk youths, either into work or into further education.

CHAIR—How many people work with you, Mr Whatham?

Mr Whatham—David O'Brien is a nonpaid director of the foundation. My wife works with me, and my stepdaughter works with me, and that is about it. I do this out of a disability support pension.

CHAIR—If there was anything that you could provide to the committee about the foundation, I think we would find that extremely useful.

Mr Whatham—We can do that.

CHAIR—We are unfortunately out of time, Mr Whatham. I have to therefore finish this session of talking with you but I know I speak for my colleagues when I say I am blown away by your story. You may not know that you are fully human, Mr Whatham, but you are more than that. You are a monument to survival, and the committee thanks you extremely much for coming to give us your story, because it is quite unlike some of the others. You must be one of the last people who would qualify to be a child migrant to this country; one of the latest to arrive.

Mr Whatham—According to the New South Wales government, they still today tell me that I am not a child migrant, and that I was not a ward of the state, even though I have documents to prove I was a ward of the state.

CHAIR—You seem to be, according to the records, nobody's child.

Mr Whatham—Well, that is how I was, but I was used to it. But, as the saying goes in Australia, I wouldn't let the bastards put me down.

CHAIR—I think your generosity to Australia, and whatever it was that made you change your lifestyle in 1986, represents a remarkable journey, Mr Whatham. I think there will be other people besides this committee who would like to express our appreciation, for the evidence you have given us, but also for other young people who might come under your umbrella. You can say to them, 'There's nothing so bad that I haven't been there and done it, and it's okay, you can survive.'

Mr Whatham—Well, you wake up—every day is a good day, isn't it, and that's the bottom line.

CHAIR—That is a good way of looking at it, Mr Whatham—very generous.

Mr Whatham—Irrespective of what your politics are—I know you are all from different parties and that—I feel that this is a much better-run inquiry than the British inquiry. I honestly believe that while all of us—all child migrants—suffer from not knowing their own place, at least this country, to a large majority of us, is now home. But it takes years to do that. It takes years to accept that this is your home. It takes years to understand that individual people may not be responsible. The receiving institutions and the different state governments that received kids should be forced, along with the Big Brother movement, to account, forced to listen, forced to see the scars on our bodies, forced to live with the memories that we have.

CHAIR—One last question: you said you were a homes child.

Mr Whatham—Yes. It was a terminology used in England that described kids that were institutionalised. At Christmas time in other places where they used to try and get rid of you, you had nowhere to go, and it was the lowest of the lowest. In most institutions I was in, and foster homes, everyone had someone they could relate to. I was told at the age of five or six, ‘You’re going home to your mum and dad, brother and sister.’ I was taught to say one name, and that name was Dainty. I was told my name was Richard Dainty. Then I was taken to a place, dressed up in nice clothes, and told, ‘No, you’re name is Michael Whatham and your birthday is going to be on this date.’ Then I went to school, and the first day I went to school the teacher turned around and asked me my name. I tried to tell her the name I knew and I got such a belting—because she said, ‘No, that’s not your name’—that I tried to destroy the school, and the school was closed for nearly a week with the damage that I did.

CHAIR—Mr Whatham, as I say, it has been a remarkable journey that you have taken, and the committee thanks you very much indeed.

Mr Whatham—Thank you. I would like to give you just a copy of my book each, and that just explains a little bit more. Thank you for your time.

CHAIR—Thank you, Mr Whatham.

[12.45 p.m.]

MURRAY, Mr John Alan (Private capacity)

CHAIR—I understand you have seen a copy of the Senate's procedures for the protection of witnesses.

Mr Murray—I read it coming down in the train, yes. I got it yesterday.

CHAIR—If you would like to briefly make some comments, Mr Murray, there may be some questions from the senators.

Mr Murray—I think the last speaker has just about said everything I was going to say.

Senator MURRAY—You haven't been burning down schools as well, have you?

Mr Murray—We might even be brothers. You do not know, do you?

Senator MURRAY—I am still looking for the rest of my family.

Mr Murray—I lost one in Rhodesia.

Senator MURRAY—We will not go down that path, I think.

CHAIR—Tell us your story, Mr Murray, because there may be a lot of things that are similar, but we are discovering that there are critical points of difference each time, besides which you are Mr Murray.

Mr Murray—In what sense do you mean 'different'? You have my submission there.

CHAIR—Yes, we do, but you have agreed to come as a witness and we are very pleased to have you tell us your story.

Mr Murray—I thought I told my story there briefly, but it could take me—

CHAIR—No, that is fine, Mr Murray.

Mr Murray—It could take me some time if you wanted the whole story; it could go on for hours.

Senator KNOWLES—Mr Murray, I think it is interesting to note that you have been unable to access the British government travel fund, because—

Mr Murray—Because I did not have a mother, a brother, a father or a sister or whatever. Yes, that is right. My friend from Wangaratta had her fare paid to England plus two weeks'

expenses and I had to fork out my own. I had to go back to work. I am 73, by the way, but I had to go back to work to try and get my fare and expenses paid, which was quite a drag. As a matter of fact I was trying to contact relations who I had never met. I did meet some people when I was in England who were a nephew and my great-nieces and nephews. But I have a half-sister in England who I tried to contact but I had no information as to where she might be. That would have qualified me to have my fare paid and expenses for the fortnight; if I had found that half-sister. The lady I went over there with had two half-brothers who we both stayed with and that qualified her. But I was discriminated against on that line.

Senator KNOWLES—Sorry, I could not quite hear your answer about your half-sister. What was it?

Mr Murray—I tried to find the half-sister through my nephew, who I had never met before until last August, and I am still trying to find out through the Migrants Trust if possible. I had very little to go on though. But money can move mountains, as you already know. If the funds were available she could be tracked down. But if I had to do that just to get my fare paid over, I am not interested. I would like the Australian government to do something because I feel that the Australian government, being the receiver of the children, is just as guilty as the party that sent us out here.

Senator KNOWLES—What are you actually asking the Australian government to do? To pay your fare back or to—

Mr Murray—If possible, or do the same as the British government has done without discrimination.

Senator KNOWLES—I want to try and get clear in my mind what it is that you are seeking because most people, of course, need the assistance to locate their relatives.

Mr Murray—I need that, too.

Senator KNOWLES—To send someone on a trip over there can quite often be more soul destroying, if you want to put it that way, having to then return not having found who you are looking for.

Mr Murray—I would like someone this side—if some funds are made available in England through the Australian government, which the British government apparently is not prepared to do—to see if they can find my half-sister.

Senator KNOWLES—How long has the trust been looking for your half-sister?

Mr Murray—I think about 12 months, since last year or since I came back from England in the year 2000. Last August-September I came back.

Senator KNOWLES—One of the other things I wanted to discuss with you, Mr Murray, is the fact of your taking up the offer of citizenship. You say understandably, like many others, that you found you could not get back into the country.

Mr Murray—That is correct. I had a British passport in 1971-72 which was good for 10 years and when that elapsed I applied for a British passport last year, the year 2000. I had that. I also had my old passport which was cut on the corner—are you aware of that?

Senator KNOWLES—Yes.

Mr Murray—All right, cancelled—except the visa page. I was told by the department over the phone that was an entry back into Australia, yet when I tried to get back that was a different story. I have on tape—and I do not have to tell you how I got the tape—at home one department saying yea and the other department saying nay. Mr Ruddock's office here does not even know if I am a citizen or not. He thinks I might be, but he does not know. I would like to know from this committee, if possible, am I an Australian citizen or am I still a British citizen?

Senator KNOWLES—So you have never actually applied for Australian citizenship?

Mr Murray—I never applied for it. As I had a British passport in 1971 I did not think it was necessary. I think reading through the *Hansard* of the last lot in Western Australia, former child migrants do not have to pay for their citizenship. Is that correct?

Senator KNOWLES—No, there is a cost but it is one of the suggestions that has been put to the committee.

Mr Murray—That is in the last *Hansard*, yes. I did read that coming down. I tried to read it because I only got it yesterday in the mail.

Senator KNOWLES—A number of people have obviously—in order to clarify the situation for themselves—sought Australian citizenship, just to draw a line in the sand and say, 'Right, now I'm an Australian citizen.' That is why I asked the question as to whether you had actually sought Australian citizenship or not.

Mr Murray—No, I had not sought it at all. A very rude man out here at Tullamarine pulled me out and said I could not come back into Australia with that British passport.

Senator MURRAY—A Customs officer?

Mr Murray—Immigration. He was quite rude about it. He said I should have some documents. I said, 'Listen, I came out here in 1938 as a 10-year-old.' 'You must have something; you must have a passport, old passport or birth certificate or whatever.' I said, 'You're in a different world to me. I am not even going to entertain you.'

Senator KNOWLES—I cannot believe that someone—I am not disbelieving you, I just find it difficult to understand—can say to you—

Mr Murray—Can you imagine why I take things down?

Senator KNOWLES—Yes.

Mr Murray—Because of ‘he says’ and ‘I said’.

Senator KNOWLES—But to say that you could actually get back into the country on an expired, cut passport—

Mr Murray—They asked the relevant questions to me. I do not work for the immigration department. I am a participant. I asked them the question. They gave me the answer. I asked the relevant question, ‘Can I get back into Australia?’ and I described the passport, the old passport. They said, ‘Is the visa page cancelled?’ I said, ‘No, it’s not.’ It is still not cancelled.

Senator KNOWLES—So they did not ask you whether the passport itself was cut or not.

Mr Murray—Yes, they asked all those. I said, ‘The passport is cancelled. I have a new passport, a new British passport.’ This was in Melbourne. The phone call was made to Melbourne, I think it was, or if it was not, one was made to Canberra too. They told me that the passport, providing the visa page is not cancelled, is the permanent entry back into Australia. I cannot see what the big deal is. I have been here since 1938, right up until the year 2000.

Senator TCHEN—I think you are quite right, Mr Murray. You would have been told by the head office that way, but the person on the front counter probably had a different view.

Mr Murray—Probably had what?

Senator TCHEN—Probably has a different view, but I think you are quite right. Your legal position would have been that your visa would have been still valid.

Mr Murray—It would have been?

Senator TCHEN—Yes, I think so.

Mr Murray—That is right. I have it on tape that it is valid.

Senator TCHEN—Yes, I think so.

Mr Murray—Without giving names, I have a direct line to the immigration department, by the way, a phone number.

CHAIR—One of the things your comments made me realise is that we might have to consider some contact with Immigration to alert them and maybe there might even have to be a requirement for them to get informed about the status of people who do not have documentation. You would have thought by now that might have been something that Immigration was aware of, but you are clearly evidence that they seemed not to know it and the left hand was saying one thing and the right hand another.

Mr Murray—I asked them in Australia House whether they had heard of the steam engine. They were still in the steam age days there in Australia House in London. There would be

documentation in Australia House because I was photographed there and documented there in 1938 before I left.

CHAIR—The other thing you say in your document is that, ‘I was refused a return visa on my British passport and forced to pay £65 for an Australian passport which was issued to me without any documents at all.’

Mr Murray—That is right.

CHAIR—Where was that issued?

Mr Murray—In Australia House.

CHAIR—In London.

Mr Murray—In London, yes.

CHAIR—Did you say on your Australian passport that you were not an Australian citizen?

Mr Murray—I was never asked the question. I told them the relevant information, that I left England in 1938 as a child migrant under the guardianship of the federal government and I said, ‘All the documentation is there.’ You will not believe this, they would not accept my Victorian driver’s licence. He said, ‘All that tells me is that you can drive.’ I said, ‘It doesn’t tell you that at all.’ I said, ‘It has got my photograph and my name and address, but it does not say that I can drive at all.’ They would not accept it.

CHAIR—Your story is actually something that we have heard a number of times and that is that one of the biggest problems is access to records.

Mr Murray—Exactly. I rang the archives in Melbourne and Canberra, I think it was. I tried and tried to get information about myself which I am still waiting for. The only thing I got was a ship’s log with my name on it. I said, ‘That could be Tom, Dick or Harry from down the road.’ It has got my name on it, yes, but it does not prove who I am. Does it?

CHAIR—Well, it turns out, Mr Murray, that it may not. We have a lot of evidence that some of those ship’s manifests that came with the children were not accurate records of the child’s age or the child’s name or anything.

Mr Murray—It did have my name, John Alan Murray. Other children that I know I came out with, all their names were there, but it had other names that I do not know because they were private citizens.

CHAIR—One of the things that has become a very important feature for this committee is access to records and also, very clearly, that any number of those records were deliberately falsified.

Mr Murray—Possibly.

CHAIR—If you falsified a record, Mr Murray, there would be hell to pay.

Mr Murray—Exactly. It warns you on all the documents, doesn't it?

CHAIR—I'm sorry, what did you just say then?

Mr Murray—I said all documents warn you of that—misleading information and whatever.

CHAIR—That is right. But apparently a number of the documents accompanying the migrants to Australia were deliberately falsified.

Mr Murray—Yes.

CHAIR—So it is a matter of gravest concern for this committee and something we will be pursuing in other forums.

Senator MURRAY—Mr Murray, you might be aware, if you have had a look at the Perth transcript, that I have been pursuing a particular idea on citizenship. I must stress that the committee has—

Mr Murray—I remember that. It is towards the end there, is it not?

Senator MURRAY—Yes. The committee has not come to a view on that so I must stress that it is an idea that I am exploring at present but my idea is that we should consider the Australian government giving all child migrants the option. In other words, they can opt out.

Mr Murray—Opt out or they are in.

Senator MURRAY—Yes, but if they do not opt out they would be automatic Australian citizens. That would obviously get over the difficulties of finding documents and having to apply and all that sort of thing. If people did not want to be Australian citizens, then they could of course opt out. I just wonder what your reaction is to that idea, and I should add that one of the people I put this idea to said, 'Well, that will be fine providing it just wasn't a piece of paper that arrived in the post, provided that it had meaning and there was a ceremony and it was properly done.' What is your reaction to that?

Mr Murray—I would be quite in favour of that. As I said, I originally got my British passport when it was necessary before this citizenship came in in 1971 or 1972, I think it was. At that time I was working to get my fare over, 72 I was then, and I did not see the necessity of going to the bother of getting an Australian passport with all the rigmarole and whatever. I could not ring up because I was working; I had to get people to ring up for me. That is why I kept the British passport, and I cannot see what the problem is.

Senator MURRAY—Were you afraid that you would not be let back into Australia?

Mr Murray—Yes, I was actually.

Senator MURRAY—That would be a terrible feeling, wouldn't it?

Mr Murray—Actually I was bullied by two females and two males. Well, they tried to bully me, I will put it that way, and every time I got to my punch line I was cut off. I could not get the punch line out, you know, when you are trying to tell somebody. They would come in over the top of me.

Senator MURRAY—You were face-to-face or over the telephone?

Mr Murray—Face-to-face. It was two females from the start, and then another fellow came through from the other side of Australia House, wherever his office was, and then I finished around the other side of Australia House, and I was bullied into paying 65 pounds for an Australian passport, which I still have. I have an Australian passport and a British passport without identification.

Senator MURRAY—I am not Australian born and if I put myself in your shoes and I travelled outside of Australia and then suddenly I thought that I might not be allowed back in to my family, my home and all that sort of thing, it would put me into terrible stress.

Mr Murray—The last two days in London was designed to see the sights of London, which was absolutely thrown into chaos. We were 10 to 15 miles out of London where we had a room booked for the last two days, and it completely threw me into chaos, not so much financially because I did have the money, but it could have been spent on other things.

CHAIR—Absolutely.

Mr Murray—Which I was going to, but then when I had to pay 65 pounds and the fellow wouldn't accept my driver's licence as identification, I thought there is something screwy up in there in that bird nest—bird brain.

Senator MURRAY—Were you with your wife at the time?

Mr Murray—No, I am not married.

Senator MURRAY—So who were you with?

Mr Murray—It was a friend. She was in the same home.

Senator MURRAY—Was she stressed by all this as well?

Mr Murray—Crikey, yes, she was going berserk.

Senator MURRAY—Did she cry?

Mr Murray—Yes. She was trying to mediate between myself and these four people, which they would not let me say, so she butted in in the finish and tried to cool things off, because I get pretty stropic, I can tell you, when somebody tries to stand over me like that, when it was

unnecessary. By the way, we tried to get a visa through the computer Internet at Norwich, and they completely closed over; nothing. We got no information, got nothing. I was staying with the retired chief superintendent of the Norwich police while I was in Norwich for the last week. They come over here and they knew how to go about getting the visas and they put it through and they got no answer whatsoever from Australia House or whoever it was supposed to go to.

Senator MURRAY—Mr Murray, you must be careful saying something like that. You know that ‘A guest of Her Majesty’s government’ has a particular meaning.

Mr Murray—What are you referring to?

Senator MURRAY—You just said you were staying with the police. I have heard the odd person say that but they were actually not really staying with the police, they were locked up. I was just teasing you about it.

Mr Murray—No, that is correct. Actually he was here just six weeks ago with his wife.

Senator TCHEN—Do you still have the receipt for the 65 pounds, Mr Murray?

Mr Murray—I have not got the receipt but I have got the passport.

Senator TCHEN—Pity.

Mr Murray—I lost the receipt.

Senator TCHEN—I might be able to get it back for you.

Mr Murray—It was a piece of paper out of some machine. All the bits and pieces of paper I have were just completely a jumble at that stage, because I had it in a passport wallet and another wallet I have got here, and it just got lost in the process.

CHAIR—Mr Murray, we must finish now. I want to thank you very much for being prepared to come and give evidence to the committee. We cannot do a good report unless we have the good evidence, and you have particularly highlighted some points that others have touched on. Your story is different again and we very much appreciate the information you have given us.

Mr Murray—Thank you Madam Chair.

CHAIR—Do you have something further to say?

Mr Murray—Yes, there was one thing. Does this government support the Migrants Trust?

CHAIR—We are a Senate committee. We are made up of Labor, Liberal and Democrat.

Mr Murray—No, that was not the question.

CHAIR—No. We will then write a report which will be tabled in the parliament and then the government will respond to that report. I would just like to say to you and anybody else, and I have said this to others, but the virtue of a Senate inquiry is that the report will be tabled in the parliament and it belongs to the people. So a government response will happen at some time. If the government response is inadequate or never happens, then it is entirely proper for all of you who have a copy or can get a copy, to keep on using the report to lobby for an appropriate Australian government response. That is ahead of the game here, of course, because we of course are still taking evidence. We do not know what we are going to conclude in terms of recommendations, so we cannot anticipate what we will say or what the government response will be.

Mr Murray—I am sorry, but you misunderstood the question.

Senator KNOWLES—In answer to your specific question, the government does provide funding to the Child Migrants Trust.

Mr Murray—Is that that \$750,000 over 10 years?

CHAIR—I am sorry, Mr Murray, I got your question wrong.

Mr Murray—That is correct, yes, you did.

Senator MURRAY—Mr Murray, you should ask the Child Migrants Trust to give you exact details and their representative is here.

Mr Murray—I am only going on what I have read here.

Senator MURRAY—Senator Knowles is correct. Funds do come from the Australian government. Funds come from the British government to the migrant trust. Funds come from the Western Australian government, funds come from the Nottingham City Council. They do not come from the Victorian government and I do not think they come from any other state government. But that is the past. We will obviously attend to giving our recommendations—

Mr Murray—Yes, I was just going on the figure there of \$750,000, I think it was, over 10 years.

Senator KNOWLES—That is just the Commonwealth contribution, that is not including the states.

Mr Murray—That is what I am talking about. That is why I said does the Commonwealth assist the Child Migrants Trust financially?

Senator KNOWLES—Yes, it does.

Mr Murray—When I saw \$750,000 over 10 years I thought that was a pittance. By the way, I think it would be in your own interest if you could all go around there for a cup of tea

sometime. I am sure you would all be invited but you take your own chairs, whatever you do, and take your own tea and biscuits.

CHAIR—Thank you very much.

Mr Murray—I did speak to Harold and told him that I was going to ask that question. He does have the keys with him today if you would like to have a wander around the place and see how they fare. Thank you, Madam Chair.

CHAIR—Thank you very much, Mr Murray.

Proceedings suspended from 1.15 p.m. to 1.56 p.m.

COLDREY, Dr Barry (Private Capacity)

CHAIR—I welcome Dr Barry Coldrey.

Dr Coldrey—Although I am both a Catholic monk and a Christian Brother, I am appearing today as an independent person and anything I say cannot commit the Christian Brothers or the Catholic Church, so I got in early on that one.

CHAIR—What did you say, Dr Coldrey?

Dr Coldrey—I got in early. You have given me an early opportunity to make that comment. That is all, Senator.

CHAIR—Thank you, yes. The committee prefers all evidence to be heard in public but should you wish to give your evidence, part of your evidence or answers to specific questions in camera, you may ask to do so and the committee will give consideration to your request. The committee has before it your submission No. 15, together with a range of other information and documents you have just provided the committee today. We have received the documents today as confidential documents at this time. Do you wish to make any alterations to your submission?

Dr Coldrey—There are no alterations to the previous submission. I have requested the submission that you have just received to be confidential—in the sense of it not going on the Internet or being given to the media—because it names certain people and there are one or two pejorative comments in it, not exactly defamatory but pejorative. Consequently, I would prefer it stayed with the committee, but of course that is the committee's decision.

CHAIR—Thank you. I now invite you to make an opening statement and then field questions. Unfortunately, we are running a little behind time but I think we have a reasonable amount of time to hear from you, Dr Coldrey. Fire away.

Dr Coldrey—There is a difficulty with a person of academic interest who has been 10 years to 15 years with the topic. So I have got to remember to make my opening remarks as brief as possible. What further could be done to assist former child migrants? There I stress that I would hope the committee can visit, as it is planning to do, Canada to meet relevant people and the UK to meet relevant individuals and at least one or other of the committee to view the large corpus of material which was collected by the British Parliamentary Committee on Child Migration. That is in the House of Lords archives at Westminster and has easy access.

There are about 300 written submissions, some of them very detailed, that I would recommend be at least traversed. I had a look at them over two long mornings in early January of this year. I was overseas between October to late January, and that was one of the jobs I did have in mind. The point is that the committee's report in Britain was rather thin—not weak but rather thin—in view of the vast corpus of material which they took in. So I would recommend, if the general mood of the former child migrants is there, that your report be thorough, detailed, lengthy and may, if they wish, publish in a second volume their comments. I do not mean my

comments so much, because I have plenty of places to make my points on child migration and related issues, but many of the former child migrants might want it. So I would suggest a detailed report.

I would recommend that, if the government of the day can see its way clear, an official apology is important to certain former child migrants, while it is irrelevant to others. So I would recommend that an official apology, no matter how framed, be part of the recommendation. In Canada, either on Prince Edward Island or in Nova Scotia—and I do not know that part of Canada well at all—there is a Home Children Child Migrant Centre funded by the provincial government and funded by the provincial government under the tourist portfolio.

I am suggesting that if it resonates with anybody that this sort of centre be checked. The gentleman in charge is a Mr Greg Willoughby, and I am willing to provide Mr Humphrey with his addresses. I think in fact you do have his address in the system already, his email numbers and what have you. That could be a model for a response by the Australian government. Big money is not involved. The place is a minor tourist attraction and supported by the provincial government as a tourist attraction. That is not what the child migrants are thinking of, of course, but that is what the provincial government is thinking of.

There is a six-year limit in Western Australia on civil claims. That is out of touch with the rest of Australia, most jurisdictions. Under that, former child migrants in Western Australia cannot sue even in the sexual abuse cases. The technical term is just eluding me at the moment.

CHAIR—The statute of limitations.

Dr Coldrey—The statute of limitations should be changed in Western Australia to allow, as is possible in most other jurisdictions in Australia now, that those who believe they were molested many years ago or in other ways poorly dealt with may have recourse to the courts. Another possibility that has been tossed around over the last 10 to 15 years in Western Australia as something that could be done to assist former child migrants is a retirement village funded by governments and agencies. At the time I first made the suggestion or at least discussed it with a number of people and a suggestion was made, the Christian Brothers owned a very considerable amount of land between Aquinas College and the old Clontarf Orphanage. The idea was that a section of that land, prime real estate now, could have been set aside for that. The idea was that the retirement village have in it a social centre, research centre and non-denominational chapel, which might provide a place to register something for child migrants—a bit like Nova Scotia. But the Nova Scotia example is essentially a research centre and meeting place; it is not a retirement village or anything like it. Because of the certain pressure of time, any of these things can be fleshed out, any suggestions or whatever, with your secretary through email or whatever in the succeeding weeks, if you wish.

Another point I would like to stress is that there has been and will be much criticism of staff of the old institutions. Much of the criticism is justified and I am working on a paper at the moment called *The devoted, the deviant and the dull*, discussing the problems of staffing in traditional residential care. It is intended for an academic audience and would not be read by former staff, I would hope. But I do stress that it would be good, in my view, if somewhere in the report there is an acknowledgment of the dedication of those who did the right thing according to the lights of the time, who suffered in many ways, almost as much as the children

suffered, who were remunerated very modestly, whose hours were very long, whose training was negligible, whose background for the job was basic, to put it politely, but who did their best according to the lights of the time. I would like to see that acknowledged because they have often been bucketed because of the depredations caused by a significant and not infinitesimal minority of staff who did the wrong thing and sometimes did the wrong thing in a big way.

While I am not the official spokesman for the Christian Brothers, I would just stress that while the Brothers did have to be dragged kicking and screaming to make some sort of settlement—and we are talking now of issues that have gone on over 10 years—the actual arrangements hammered out in 1994-95 and still being put into operation in Western Australia, the raft of measures that was finally hammered out, are I believe something that the brothers do not have to be ashamed of. In fact, in many ways it is the governments—British, Western Australian and the national government—which have done very little. They have assisted Margaret Humphreys, and that is a good thing, but they have done relatively little for former child migrants. The agencies, as I said, did have to be dragged—and they were dragged against their will—by the pressure of the survivor groups, particularly the Voices organisation, and the contingency lawyers, who I once was opposed to but now I accept that poor people will not get justice from big corporations—and the churches or an individual church can act as a big corporation at times—without the pressure groups and the contingency lawyers.

But having said that, the Catholic agencies which are doing something are normally funded by the Christian Brothers, including in Britain. The Catholic agencies which are doing something in child migration matters to assist former child migrants in the UK are in fact, as far as I know, in every case being funded by the Christian Brothers Western Australia, which is in a good position to fund them, because when the bulk of land between Aquinas College and the Clontarf Orphanage came on the market it was worth a lot of money. Contrast that with the fact that properties at Bindoon and Tardun are not worth a lot of money—not at the moment anyway—because the land is not good enough. Having said those things, I am open to questions or you might direct me into areas in which you are interested.

CHAIR—Thank you very much.

Senator MURRAY—Dr Coldrey, I think it would be fair to describe you as one of the foremost researchers in this area of child migrants, along with people such as Alan Gill, Dr Sherrington, Margaret Humphreys herself. There are no other names who have done as much work in this area, are there?

Dr Coldrey—Sometimes under the pressure of questioning I might forget a name. For example, I got an email delicately from Alan Gill recently that in an article of mine a reference to his work had been omitted, and that was an oversight. So I might make an oversight. But I am one of the researchers in the area, and you have mentioned other key names.

Senator MURRAY—Dr Coldrey, today on the public record—and you can refer to the *Hansard* when it comes out—Mr Ronald Taylor detailed a number of brothers who were guilty, he alleged, of repeated sexual assault and rape. The following were the names: Murphy, Hanson, Fricker, Kerwick, Doyle, Angus, Beeden, Cusack, Howe and Keaney. Can you confirm from your own research that those names are in fact accurately described as persons who indulged in sexual assault and rape?

Dr Coldrey—I would have to check one or two of them, but as you read the list out the answer is yes. All of those, bar perhaps one, were almost certainly guilty of sexual assault. The only one to be dismissed from the Brothers—and I could provide evidence, though I have not brought it with me, of the canonical trial before he was dismissed during the war years in 1942—was Hanson. He was dismissed for assaults against boys at the Christian Brothers boarding school in Geraldton. The college is still there but I do not think there is Christian Brother participation in the college at Geraldton, but you are a senator from Western Australia.

There is vast controversy over the name Doyle because of his proven gross brutality. You understand that when I was investigator in Western Australia, no-one had any duty to answer questions by me. I was a little bit shy of even putting questions to anybody where I had reason to believe that they had done the wrong thing or could well have done the wrong thing. They did not have to commit themselves to me. I was never satisfied that Brother Doyle, who is still alive, had in fact molested anybody, but I know that some feel that he did. After all, the province leader of the time, Brother Faulkner, asked me for my opinion and I had to give my opinion as I saw it. I said that some of the things he had done would be considered molestation now and were gross and slightly revolting—I was brought up, of course, when you did not discuss certain issues in front of ladies and I feel a bit awkward. I will just summarise it. I will go home and think about providing the evidence for you through Mr Humphrey, perhaps, but virtually all those names are on internal lists.

There was some discussion in the case of Brother Doyle, unbeknown to him, that in three separate archives in Western Australia I found cases of gross brutality which had led to complaints and internal investigations. Having said that, as I say, I was never satisfied with the evidence that was presented to me to this date that he had actually molested somebody in the sense that Angus had or L.H. Murphy had or Hanson was proven by canonical internal church trial to have done.

Senator MURRAY—All right. Dr Coldrey, if you can keep your answers relatively short because of the time constraint.

Dr Coldrey—I am sorry about that.

Senator MURRAY—That is not a problem but I also do not want to prevent you qualifying your answers as you see fit. So just use your judgment. Those were persons named by a victim. You are under parliamentary privilege. Are there any former brothers who you know who are not on that list?

Dr Coldrey—I think there would be a number. The late Brother Boulter comes to mind. I am willing to check the lists again. I am not trying to hold back on names. After all, we have admitted about 10 or a dozen, but sometimes I am name challenged and this is one time. At the moment the only one that instantly springs to mind, apart from the ones you mentioned, was the late Brother Boulter that I accepted. There were crucial meetings back in 1992-1993 in which I named the abusers for the then Provincial Council of Western Australia, according to the lights that were available. Evidence which has come in subsequently, I admit to you, tends to widen the abuse rather than limit it, including, as I mentioned in this document that I have just submitted, that even still occasionally a colleague, often a very old man, will whisper over morning tea or in the corridor of, say, a retirement village some little point that he knew that he

could have told me any time in the last 10 or 12 years. So I will admit that the evidence coming in tends to widen rather than limit.

Senator MURRAY—The victim concerned outlined those 10 names. He said that all those 10 were also guilty, my paraphrase, of criminal assault—beatings and cruel punishment. I asked whether there were any others who were not involved in sexual abuse from whom he experienced or knew of as being guilty of criminal assault? One was the name Bolton, who was a lay assistant by his evidence, and another was Brother O’Sullivan. Those were two names who he did not name as being sexual abusers but certainly as abusers of children in a cruel sense.

Dr Coldrey—Of course he mentioned the name Bolton. I think he is Boulter, and I can say that it is quite possible that the late Brother Bolter was—

Senator MURRAY—Not Bolton?

Dr Coldrey—I cannot place a Brother Bolton, but I can place a Brother Boulter.

Senator MURRAY—He said it was Bolton, a lay assistant. Anyway, let’s leave it there.

Dr Coldrey—Yes. The name is unknown to me.

Senator MURRAY—The Western Australian Director of Public Prosecution, not the director himself but officers within the organisation, were at one time investigating these issues with a view to prosecution.

Dr Coldrey—Yes.

Senator MURRAY—Is it true that the officer preparing the prosecution was replaced at a crucial stage by a Jesuit trained lawyer and that subsequently the prosecution was ceased?

Dr Coldrey—In my private submission to you there is material relevant to this, which you will be able to read in due time, but in a general sense. When I arrived in Western Australia on 28 January 1991, I felt that I was like Spencer Tracy in *Bad day at black rock*. Are you aware of the film?

Senator MURRAY—Yes.

Dr Coldrey—I did feel that way within a few weeks, being a Victorian in Perth. The orphanages had a mystique. You might say, ‘That’s a bit hard to imagine,’ but I kid you not. There was a mystique about the orphanages in Western Australia, and that is the point of my private submission. It is, in a sense, my story of fending off, what parliamentarians are familiar with, stabs in the back and back-biting and hiding of material and so on and so forth. However, I could only say my impression was that there was an arrangement between somewhere in government at the time and my superiors that I would conduct the investigation, albeit certain stuff was being hidden from me, and the government of the day would accept that in lieu of a full public inquiry, which you now have but many years later.

CHAIR—Stuff hidden from you by whom?

Dr Coldrey—That is a good question. The archivist of the time is deceased. He was a man of strong character and determination and was perfectly capable of acting on his own. However, I have a hunch that he did not act on his own but I cannot prove that.

CHAIR—Your hunch says who was backing him?

Dr Coldrey—I would say that the executive of the time had arranged to hide certain material, not a lot—

CHAIR—Was the government hiding it or was the Catholic Church?

Dr Coldrey—I had meant on the side of the church organisation, I would say, but there was a sense—and I can only say that, senators—that there was an arrangement between church and state and that sort of thing to minimise, hide or whatever. On the side of the Director of Public Prosecutions—there are probably lawyers among you—there is the matter of state interest and costs, and it is possible that those who are deeply aggrieved may dislike the decisions made. Nevertheless, it is possible for church organisation of laymen, for example, the Knights of Southern Cross—though I felt I got great cooperation from the Knights when I needed it. The Knights, by the way, started the Tardun scheme which is associated with the Christian Brothers and so on. This is in the dim mists of the 1920s.

Senator MURRAY—Dr Coldrey.

Dr Coldrey—Yes. I am sorry, it is impossible to deal with these simply, but go on.

Senator MURRAY—I do not want to be rude but your answers are a little oblique. I want a specific answer. My question was: do you have any credible knowledge or information of whether the prosecution that was being prepared in Western Australia Director of Public Prosecutions office was interfered with as a result of church and state, perhaps, DPP interaction?

Dr Coldrey—I have no evidence directly, no.

Senator MURRAY—Do you know that the prosecuting lawyer preparing the case was replaced at a crucial stage of the investigation?

Dr Coldrey—I did not know that fact, no.

Senator MURRAY—I do not know what is fact either but that is what I have been told. I want to move on to one Richard Sipe.

Dr Coldrey—Yes.

Senator MURRAY—You probably can pronounce it better than I. He is an ex-Benedictine monk in the United States who is also a serious investigator in these areas.

Dr Coldrey—Yes, he is.

Senator MURRAY—Is he a credible person?

Dr Coldrey—As far as I know, he is 100 per cent credible. I am in touch with him on a weekly basis for some time. He is the expert on sexual abuse and sexual problems in the celibate church in the United States with a CV of writings which runs to about 10 to 15 pages, so yes. The only scintilla of a point I would make is that because he deals with the sick, the deprived or the depraved, perhaps there is a certain emphasis there. Within the Roman Catholic Church in America we are dealing with 60 million Catholics and 45,000 to 50,000 priests and so on, the numbers boggle. But he is totally credible, yes.

Senator MURRAY—I was pleased in my reading about his works to discover that between 93 and 94 per cent of all members of the celibate orders are not, in his opinion, involved in sexual abuse. However, he says that six to seven per cent are.

Dr Coldrey—Yes, that is right.

Senator MURRAY—Six per cent of 50,000 runs at 3,000 priests.

Dr Coldrey—Yes.

Senator MURRAY—I do not assume that you can transfer the same figures here, but six per cent in Australia I presume would mean several hundred at least. The purpose of my question is this: this committee has to attend obviously to the past and to how people are dealing with the past and to make recommendations as to how some amends can be arrived at. One of the things we should avoid, of course, is the 93 or 94 per cent of good clergy being damned by the bad ones but also the perpetuation of factions and rings who resort to these matters. That is the purpose behind my question. Is it your opinion that the church—I presume you cannot talk for all churches; you can only talk for yours—now has mechanisms to prevent persons who are deviant being in charge of or dealing with children?

Dr Coldrey—I cannot answer this quickly. The quick answer is, of course, that the church has been on a vast learning curve since the early nineties and even recently, within the last week or two, there has been the issue of yet another document *Towards healing* mark 2, which is attempting to tighten procedures yet again within the Roman church. But you are dealing with vast numbers of people. The situation is—for example—referred to in my document, not *Reaping the whirlwind*, which I do not have a copy of now and which seems to have disappeared from the face of the earth. But I do tell you in that private document—where it was left in London anyway—*Religious life without integrity*, which I have made available to the committee, in a panic situation when I received word from Rome requesting—and the letter from the cardinal is in the documents I have just submitted for you—

CHAIR—Requesting what?

Dr Coldrey—That it be removed from the Internet and used only discreetly within the church. It was removed, after 10 days warning to all my colleagues and contacts to get their copy off the Internet quickly.

CHAIR—Or what would happen?

Dr Coldrey—Nothing would happen. The cardinal's ire is distant from me but my superior general in Rome, Brother Edmund Garvey, has to deal with the sacred congregation, the Ministry for Religious Orders, on a regular basis and he wanted me to withdraw it from the Internet. Obviously, I do not mix with the cardinal, but we did withdraw it from the Internet. However, in case I received a direction to withdraw it from circulation in the 100 per cent, I sent the secretary—I think yourself, too—a copy, with the invitation to photocopy it for whomever. The figure of six per cent: my own research would tend to broadly base that.

Senator MURRAY—In Australia, you are saying?

Dr Coldrey—Yes, in a broad general sense. The precise research that Richard Sipe has done over 35 years in America does not exist in Australia. There is among those priests that are interested in the topic a sort of anecdotal sense that this would be a workable figure anyway. In the Western Australian orphanages the percentage, of course, was higher of those who molested.

Senator MURRAY—This week a person advised me of a particular incident in the United States where a Catholic priest was accessing child pornography on the Internet and this particular priest entertains boys in his room. The information came from a nun, in fact. What is particularly disturbing about this is that this priest had already been dismissed from a Catholic school because of similar problems and that his current actions are being allowed to continue unreported. That was, in fact, a feature of the old system: people would abuse, they would be found out, there would be complaints and they would be moved to another church and they would abuse again. Of course, the issue, as you know, is to get them out of circulation with children. I raise this with you, although it is a United States incident, to indicate that it may be that the church has not been on a fast enough learning curve, in America at least. Does that same danger exist here? Does the church, for whatever motive—or churches; I do not indicate it as just a Catholic problem—conceal these matters and allow people to carry on in these activities?

Dr Coldrey—The source of the information as far as you are concerned, Senator Murray, is that it was refracted from me about five or six days ago. About a week ago I received an email from one of the survivor groups in America. I thought at first it was a nun. It was in fact a lay lady working for the church in a particular parish who had written to this chap and he asked me for my opinion. Because of your work on this committee, I sent this to you and to other certain leaders in Australia. I gave this gentleman my opinion, which was, of course, that it was time for the lady to see an attorney because the pornography is on her computer which this priest is accessing in the parish house in the wee hours of the morning. So is the charge.

Of course, we are taking it that these are the facts. Using the wonders of email, we did track down the state—Pennsylvania—the Scranton diocese, the parish and they were making the last check on the priest and the lady. The general intention of the survivor group was to call the police or the FBI. They found a title connected with the priest and, to me, that identified his religious order but not to them. I have emailed the provincial of the religious order, suggesting that if this is all for real he should get into gear. That is where the issue is at the moment. You are right up to date with this. I only got the information about five or six days ago.

Senator MURRAY—My question is—and, again, it refers to the 93 or 94 per cent by these percentages who are good people; that they are not tainted by what is going on—in your opinion as somebody close to this issue and as a serious researcher in these matters, is the church in Australia alert enough at every level to this sort of thing, or are the old practices still going on?

Dr Coldrey—The church is alert at many levels much of the time, but you are dealing with large numbers of people and many decision makers at various levels across the country. In Australia you have perhaps 50 bishops, about 5,000 priests, et cetera. You only have to look at your telephone book under Catholic Church or Anglican Church—whatever. My feeling is that things have improved a lot. That letter was also sent through a wide range of Catholic bishops and yesterday afternoon I had a bishop on the line saying whatever about this, and so on. I think they would take that as a case which they would find hard to believe would happen in Australia without redress at the moment. They would find it hard to believe that it could drift on, as apparently it drifted on in the diocese of Scranton.

CHAIR—Dr Coldrey, isn't that the point? Have I not read very recently of priests being jailed or who are before the courts in Victoria, I thought, when they had moved from one parish to another and had continued practising the abuse of children within their care?

Dr Coldrey—These are historical cases that you are referring to.

CHAIR—No, very recent. They might have been doing it not too long ago. But I thought the point that Senator Murray was making was: can we have any comfort that the church is prepared to act much more expeditiously and then guarantee that these people are not put into another situation where they have access to a new population? I am not comforted by what I read about the Catholic Church priests in Victoria not too long ago.

Dr Coldrey—No. My word in private—which I am now making public—is the scene is still a bit patchy. That is a private opinion, by the way, and you can understand that I am not the flavour of the month with certain senior churchmen. But I am not in a position to know the vast scene. I stress that. There has been the learning curve, there has been a big improvement. But a certain gentleman, who I do not think should be named at this point—who is working for the Catholic Church in this area of not just the nice sounding document but getting action—has told me privately over the email within the last fortnight that there are still concerns about getting prompt, effective action. Again, the situation is that it is very prompt in some areas and perhaps a little more tardy in others.

Overall, I can tell you that that email which I deliberately did send to you, was sent to a large number of Catholic bishops and one of them, as I say, got in touch with me yesterday. I think the mood is that they are aghast that that sort of case, which apparently occurred, is occurring—hopefully, has stopped occurring literally within the last few hours. They would find that case shocking; where a bishop, a parish rector, and perhaps a provincial of an order—whom I know by the way and at whose monastery I have stayed, not all that long ago—could be so remiss. Granted that all the details are accurate, and we have to allow for that.

Senator MURRAY—Yes.

Dr Coldrey—I have an American attorney friend and he said to me he would be a little bit suss on one or two of the things in that statement. It read 100 per cent real for me and I have read countless allegations.

CHAIR—Isn't it true that we have a problem here, Dr Coldrey, of two things conspiring to lay one on top of the other? One is that we have the reticence of the Catholic Church to out this sort of behaviour amongst its monks, brothers and priests, and at the same time we have a society that still does not really know how to out child abuse?

Dr Coldrey—If you look at a telephone directory in your home state and look for 'Catholic church' you will start to get an impression that you are talking about a lot of people, particularly in Sydney, Melbourne and Perth, many of whom cannot bully the other one. The decision makers are many. One may be sharp as a tack on this matter and another somewhat lax. In general everybody has moved forward a good deal but the situation is still patchy, in my opinion. Overall, there has been, I would say, a vast improvement. Consequently, Australian bishops would like to think it would be hard to believe that the American example which came through the system within the last week could happen in Australia, that three decision makers—the bishop, the rector, the provincial, since the priest we think doing the wrong thing in Scranton is a religious order man—could all be sitting on their hands and letting this go on.

Senator MURRAY—Or they themselves, and they do not wish to make allegations against those persons. Of course, there is always the fear, as with corrupt police. If I could give an example: the corrupt policeman has a corrupt inspector above them and you go all the way up until you get to the commissioner of police, as happened in Queensland a decade or more back. I am not referring to a recent example.

Senator GIBBS—It has been cleaned up.

Senator MURRAY—But you get the point.

Dr Coldrey—Yes, I do.

Senator MURRAY—You are in some respects a whistleblower in that you have investigated areas which are sensitive to the church and have exposed a culture and practice, at least a concealment, which needed to be exposed. Have you felt that your life or property or person have been threatened over this time of investigation?

Dr Coldrey—I have certainly never felt in physical danger at any stage. The statement by Richard Sipe on denial is in the documents I have handed in and well worth studying, if I may suggest. It is nice and brief—in point form. Naturally, denial at every stage has been there and, sure, there have been attempts to railroad the investigator.

CHAIR—By the brothers?

Dr Coldrey—Within the organisation at times.

CHAIR—The seniors?

Dr Coldrey—Within the church generally.

CHAIR—The ‘church generally’ meaning who, Dr Coldrey?

Dr Coldrey—The church is many people. It is not a case of naming names.

CHAIR—We need something more specific. Bishops?

Dr Coldrey—No bishops have directly been in touch with me and certainly one bishop has—

CHAIR—Do you mean they sent someone around?

Dr Coldrey—He assured me I must battle on in these matters, no matter what. Take Western Australia, for example. I have said to you that when I was over there I felt like Spencer Tracey in the movie *Bad day at black rock*; an earlier generation saw that movie. The chap comes to find the truth, when people have fixed ideas and strong emotions within an organisation, as I found in Perth. I remember saying to one ex-senator I was friendly with over there—I think he was of the Liberal persuasion—‘If I need anywhere to bury documents, I hope your backyard is available. I do not trust any of the churchmen over here.’ That was off the top of my head at a meeting.

CHAIR—Great line on the record, Dr Coldrey.

Dr Coldrey—Yes, I realise I might have spoken a bit directly there. Am I getting it across? There is a difficulty in facing facts which are overpowering, which are threatening.

CHAIR—Dr Coldrey, the question was: did you ever feel under threat or were you physically attacked?

Dr Coldrey—No.

CHAIR—‘No, not physically but, yeah, they were coming to get me’? Were they coming from the Christian Brothers and the church side more than from the migrant side?

Dr Coldrey—Sure, yes. I took the attacks from the migrant side and Bruce Blyth and Voices as just par for the course. For example, you, as a Labor senator would take, as par for the course, attacks in parliament from, say, Senator Tchen as just part of his job as a Liberal senator.

CHAIR—We will not argue this one, Dr Coldrey, but in fact what you are saying to Senator Murray is that there was something fairly heavy-handed coming to you from the Christian Brothers senior and also from the Catholic church, meaning bishops in the area.

Dr Coldrey—Yes. When I was in London, certainly. A brother I knew well did arrive from Rome and seemingly one of his missions in England was to say, ‘Keep sending us these reports and you’ll never work again, you’ll never get another job again.’

CHAIR—So it actually came from Rome to you.

Dr Coldrey—Yes.

CHAIR—Right from the top.

Dr Coldrey—Yes. This was in 1995 or 1996.

Senator MURRAY—There are two points to this story from my perspective: one is those who wish to argue that these events took place long ago and do not occur in modern day—and I think your answer is that they do. The second issue I have been exploring with witnesses in submissions and in hearings—and in my readings in Canada—is: collusion between church and state in whatever form to conceal crime.

Dr Coldrey—Yes.

Senator MURRAY—What they said in Canada—and you will remember the famous instance which eventually rose to all the prosecutions—was that the head of police in the particular area, I think it was Newfoundland, the local Catholic officials with some power and authority, and the prosecutor's office and I think other government bodies all conspired to conceal rampant and horrifying abuse and eventually it came out and a lot of people were prosecuted.

Dr Coldrey—Yes.

Senator MURRAY—We have had allegations from witnesses that of course authorities, doctors, police and clergy knew that these things were going on in the Western Australian institutions and concealed it then. My question is really whether that concealment is still going on. That is why I asked you about why the DPP's office closed down a prosecution and why the Western Australian police closed down prosecutions when they were getting close to actually charging people and proceeding into the courts. That is why I wanted to know from you whether you had any inside information, or feeling or instinct that in fact that collusion had gone on and that crimes had been suppressed and people had been denied their rights to justice.

Dr Coldrey—I just have not got the evidence. The most I did say earlier, Senator, was that I had a sense from soon after I arrived in Western Australia of being the sort of odd man out on this and that there was some arrangement—I had no evidence, but that sense when you are living in the house—between my superiors, the archbishop and somewhere in government that I would conduct an investigation but in fact certain things were being hidden from me. I found some of the things that were being hidden in archives overseas, the duplicates, but some I never found. For example, the book of complaints was hidden from me.

Having said all that, it is possible. But, on the other hand, I recall that when I was backing off the case I was officially appointed—I'm not really a whistleblower. Between 28 January 1991 and 2 February 1998 I had appointments to investigate in varying and various ways, so I was not really just a whistleblower acting off—I had appointments. But it is a case of the person going beyond the appointment or not backing off and he is told, 'You have gone far enough, right. We do not want to hear any more.' But they did not terminate the appointment at that time. I have no hard evidence I can put before you, but certainly government officials arrived at

headquarters in Perth and I wondered at times why my boss did not go out and see them in their office, rather than they come and see him in his. Do you see what I mean?

Senator MURRAY—You are not obliged to answer this question but it would help me understand whether there are people supporting you within the institutions of the church. Given the fact that what you do is a bit thorny and unpleasant for lots of people, who pays your salary? Who pays for you to go overseas? Who looks after your financial needs now?

Dr Coldrey—Now? I am a member of the Christian Brothers, St Partrick's Province, Victoria and Tasmania and they pay my stipend. The financial arrangements—

Senator MURRAY—They have never threatened to cut it off?

Dr Coldrey—No. I think it is fair to say—this is getting really deep in—

Senator MURRAY—I want to know how much pressure you personally, as the only key researcher the church has got, have been under in this area.

Dr Coldrey—That is one reason why I pressed on. As one or two old religious colleagues encouraged me, if the corrupt—if it was possible to get me out of religious life I could find other sources to live on which many brothers of my age could not—

Senator MURRAY—Because you are an academic?

Dr Coldrey—No, not because I am an academic but reasons which I will not put on the record. Just take my word for this, right. Because of certain rules of how money can come in to a brother and not be used but can exist in trust for him if he ever left. So that is one of the reasons why I was willing to press on but in the—

CHAIR—Does that all mean, Dr Coldrey, that you were told that it was likely you would lose your stipend?

Dr Coldrey—No. It never went that far.

CHAIR—But something to that—

Dr Coldrey—But I thought ahead, if the game got that rough—and it never has—I am not as vulnerable as many would be. That is why I feel a certain duty to press on. The province pays my stipend—that is, the Christian Brothers pay my stipend. There has never been any real threat to that. When I went overseas the financial arrangements were a little unusual but validated. Of course when we are travelling we often get free accommodation and so on. I never paid for accommodation during those three months. It was a little bit touch and go at times and I have advised Mr Humphrey that I can assist you poor members of parliament perhaps, if necessary, when you are travelling over there how this might be arranged.

CHAIR—Thank you, Dr Coldrey. I call Senator Tchen.

Senator TCHEN—Dr Coldrey, firstly, I thank you for writing to me and drawing my attention to your evidence and availability. I am sorry I did not write back to you, but I was aware that you were being invited and I was not sure whether I should be encouraging people to give evidence in case it was seen as encouraging. But thank you for coming today and may I commend you on your courage, given your background—moral courage.

Also, you seemed to imply some concern about your private submission, that it might be pejorative to certain people and defamatory. I remind you that proceedings of this committee are privileged so there is no concern there. Also, as far as your opinions or recommendations are concerned, I think your recommendation that this committee should undertake overseas visits will be well received by the committee.

I start with one point which is not quite in your comments, but I will come back to that later. I understand the Christian Brothers and also the WA and Queensland governments have made formal apologies to the child migrants. What impact do you think such apologies have made on the former child migrants? I have to remind you that in the evidence I think the committee has heard so far I do not think a single individual witness had actually given any indication of their awareness, let alone interest, of the government's apologies. Organisations have made comments. Could you tell me what you think the impacts may have been on this, apart from the monetary aspects?

Dr Coldrey—Some former child migrants stressed that they would like an apology to put the record straight. The Christian Brothers did, as part of the settlement back in 1994-95, apologise. Whether individual child migrants remember that or were perhaps so bitter about the Christian Brothers, some of them, that they—

Senator TCHEN—No, it is the government's one.

Dr Coldrey—Yes. In that case the government has not got through, perhaps, that it did apologise in Western Australia. I was not aware of the Queensland one so much, but I was aware of the Western Australian case. Senator, the governments must do more to say than that is what they are doing. I have said I do not feel the governments have done as much for former child migrants as they could have done. Some would say neither has the church, but at least the church did eventually, often on the Catholic side, funded by the Christian Brothers—and by the Christian Brothers directly at times—do something. There are some, of course, who will not accept church money on principle. There is that side, too.

Senator TCHEN—My point, Dr Coldrey, was it seemed to me that the compensation or contribution made by whoever apologised—governments or organisations which tend to become the focus, rather than whether there have been acts of apologies. Because WA government's apology went through parliament, it was quite a formal procedure.

Dr Coldrey—Yes, it was.

Senator TCHEN—Yet it does not seem to have really solved any problems. I guess it is the money that solves problems. My question, coming back to that, is whether apologies in themselves would have any impact, because in your recommendation or in your opinion, the Australian government should make apologies.

Dr Coldrey—Yes, Senator.

Senator TCHEN—My question to you is: is that likely to have any real impact, the apology in itself?

Dr Coldrey—That is a good question. I am forced to say that I hear from many child migrants, ‘We want an apology.’ Others say, ‘It’s only words and we want something more tangible.’

Senator TCHEN—Yes.

Dr Coldrey—Remember, each of the child migrants has their own separate story and their own separate way of seeing things and so on. I agree that it may be, for many, that if the government apologises it just goes over heads and makes no impact. That is quite possible. But you would be aware from the evidence you have heard that some say an apology is important to them, or at least it turns up in much of the evidence I have heard over 10 or 12 years on this area.

Senator TCHEN—Yes, we heard that. What struck me was that in fact very few of these people who suggested that the Commonwealth government should make an apology actually referred to the fact that the WA government and Queensland government had made an apology and it made them feel better.

Dr Coldrey—Yes. By the way, I might challenge the committee or some academic who reads this—when the Christian Brothers were debating how to proceed back in 1993, my advice was that, for what it is worth, according to the perceptions of that year, if we lost big in the courts—‘we’ meaning the Christian Brothers—we should then sue the Commonwealth government and my research was that we could well win. I was then asked to look into this. Then the Christian Brothers decided to settle privately—and that is a whole story in itself—with about 200 of the former victims in Western Australia. About \$6 million was involved all together. Then I was directed off that point and have only done a bit of research since.

But it is my opinion, for what it is worth, that if the Commonwealth was sued over the child migration—and I’m not a lawyer, by the way; I worked for lawyers, but I am not a lawyer—on the face of it the buck stopped with the Commonwealth and the state governments, particularly the Commonwealth. The agencies were operating under the governments—admittedly very willingly and so on—and there is a beautiful statement which I gave to the lawyer: ‘Here is a statement by the head of the department of child welfare in Western Australia 1957: “We have been negligent over Bindoon”’ or words to that effect. The word ‘negligent’ is used: ‘We have been negligent over Bindoon.’ And, arguably, Bindoon was the worst—arguably.

CHAIR—Dr Coldrey, where would we find that statement?

Dr Coldrey—Give me time. I can provide it to your secretary.

CHAIR—We would very much appreciate that. Thank you so much.

Senator TCHEN—If I may go back to your opinions or recommendations, I notice one particular point that the schemes were legal.

Dr Coldrey—Yes.

Senator TCHEN—Can you explain why you say that. Do you mean to say that it is not the scheme that is the problem but the abuse of the scheme?

Dr Coldrey—Yes.

Senator TCHEN—The individual abuse or abuses?

Dr Coldrey—When I was in England in late 1991-92, the Mother General of the Sisters of Nazareth asked me to do, with other jobs, a study on her liability legally over child migration. So, as a historian, but working for lawyers and consulting lawyers, I did a study, and my study suggested to Mother that she had no liability in the sense that child migration was legal at the British end, to the best of my ability. That statement was sent to the Home Office and the Home Office in that beautiful British way of giving very little away—you know, Sir Humphrey Appleby style—gave me to understand, ‘Thank you very much, and we rather agree with you.’ Do you get the idea?

I said to the official I was dealing with—he is retired now—‘Well, you have high paid lawyers working for you. Run it past them.’ But he gave me to understand they would agree. And it is still my opinion, by the way, and I have seen lawyers for those on the other side advising their clients that this is the scene. My opinion is that in this country it was quite legal and the Commonwealth bears the full responsibility—the buck stops somewhere with the Commonwealth and state governments and they would be, if you like, sueable, but that is just a historian’s opinion, who has a smattering of legal knowledge because he had to work with and for church lawyers for some years.

Senator TCHEN—Thank you. Just quickly, Dr Coldrey, you also recommend a number of rather innovative ideas like the Home Children Centre a la Nova Scotia, or a retirement village in WA.

Dr Coldrey—Yes.

Senator TCHEN—Given that different child migrants may have different experiencea, and some of them in fact probably settled in Australia quite happily and have quite good memories—

Dr Coldrey—Yes, they did.

Senator TCHEN—would something like this, particularly something like a tourist attraction, be a generally good idea?

CHAIR—No, no. For the *Hansard* record, many voices from the audience are collectively saying, ‘No, no—no way.’

Dr Coldrey—Yes, that is right.

CHAIR—Thank you.

Dr Coldrey—For 10 years I was hearing from governments, ‘We are not prepared to spend much money.’ At a meeting I raised one of these issues and Phil Ruddock—I think it was him—said, ‘Like hell we are,’ meaning spending money. You get the idea? He said in that tone of voice, ‘Like hell we are.’ Child migrants are not the flavour of the month with everybody, so I have just put in these suggestions. One which apparently is big in Nova Scotia is not attractive to a number of former child migrants here, but it did not cost a lot of money and it is a minor tourist attraction. In that state it is being funded under the tourist portfolio, as I understand it.

Senator TCHEN—You were commenting on the previous Christian Brothers archivist in Perth.

Dr Coldrey—Yes.

Senator TCHEN—The committee received evidence from the current archivist. From memory, she says she works part time three days a week, and she now not only covers the Western Australia diocese but also comes all the way to Adelaide, I think.

Dr Coldrey—Sure, yes.

Senator TCHEN—Does that mean the Christian Brothers have downgraded the archive activities or have they destroyed most of their archives?

Dr Coldrey—No. In Western Australia the archives for the province is relatively small and probably—

Senator TCHEN—Yes, but they had a full-time archivist before.

Dr Coldrey—But he was a very senior man that would not come in every day. Josette Mathers I think is the person you are referring to. I think three days a week for a fit young lady would be fair enough for the size of those archives. As far as I know, nothing in the archives was exactly destroyed. I am not sure of that, of course. I made a comment earlier about certain matters being hidden. I did not mean destroyed. I just meant put under somebody’s bed or somewhere.

Senator TCHEN—Finally, Dr Coldrey, in your public submission, on page 3 you said:

THE CHRISTIAN BROTHERS MAY WELL FEEL THAT THEY HAVE DONE AND ARE DOING THEIR FULL SHARE TO ASSIST FORMER CHILD MIGRANTS—

and so on. That is not only capitalised but in heavy type and also underlined. Is that meant to be a sarcastic sort of comment or emphasis or actually you felt that way?

Dr Coldrey—I think I will try to put it this way, Senator. The Brothers eventually made a settlement with 200 former child migrants and other residents in Western Australia. Broadly the moneys involved were \$6 million for a private organisation, albeit in Western Australia a

wealthy one—\$6 million is not ridiculous. It would rate for a private organisation. So the Brothers raft of measures in Western Australia for those prepared to access them—and some would not touch the money if it came from the church, you see what I mean. But those prepared to access it would say, ‘That’s not a bad effort,’ and that is my point of view—it is not bad, even though I might disagree with Mr Bruce Blyth and his organisation on this. They have been quite friendly to Bruce on other matters—we agree to disagree on this one. That is not a bad effort.

The governments have not done as much, as I understand it, and I believe the governments’ responsibility comes first in this, according to my research, and the agencies come next. Admittedly, of course, Bruce would say for Voices that it was not the government ministers that raped the kids, if and when rape occurred, but still the buck has to stop somewhere, and in my opinion it stopped with the government of Western Australia and the Commonwealth.

CHAIR—I call Senator Gibbs.

Senator GIBBS—Maybe we could pursue that line, because before you said the church could actually sue the Commonwealth and would win. In a short answer, how do you base that? We have heard a lot of evidence from the children that they never knew of anybody who ever came to inspect the institutions. Is that the line you are going—

Dr Coldrey—No.

Senator GIBBS—No. Okay. You tell me.

Dr Coldrey—Senator, no, the institutions were inspected ad nauseam, and if the children did not know—well, I suppose they did not know these adults appear and they go into offices, but these—

Senator GIBBS—But that is not inspecting the children, is it?

Dr Coldrey—No, inspecting the orphanages. Well, they inspected the orphanages according to the routines of that time. But a number of government departments in Perth were interested. The way things were arranged, as many as six departments, Commonwealth and state—four, five, six departments—were entitled. Moreover, for the officials it was a great day out. Tardun was an overnight stay, Bindoon was a nice day out—wined and dined and this sort of thing. Other places involved a nice day out. So inspecting institutions for the officials was an ‘in’ thing. There are reports galore, except they do not get to perhaps what we would now call the nitty-gritty because they only looked for what was appropriate at that time, and if the children would not speak up and could not speak up and say, ‘Look, so-and-so did this and so-and-so did that’—

Senator GIBBS—They could not, could they? They would be beaten to death for it.

Dr Coldrey—They could not, but you cannot blame the officials on that point.

CHAIR—It is terribly interesting to have your contribution. It is not on the record and it is making it difficult, but Senator Gibbs is about to ask the question: why?

Dr Coldrey—Why?

CHAIR—Why couldn't the officials ask the children?

Dr Coldrey—At that time, Senator, as I understand it—and I have written a paper on the perceptions of child abuse in the public arena—at that time sexual abuse was simply not discussed. While there were occasional cases, even in Western Australia, sexual abuse was not discussed. It is very likely that it never crossed anybody's mind who came to the institution from a government department to even pursue that matter. As far as I know, it would not have even crossed his mind—or her mind because Dr Strang, a lady doctor from the health department, came a good deal.

Senator GIBBS—Because they are brothers—

Dr Coldrey—Sure.

Senator KNOWLES—But it was also taboo in those days.

Dr Coldrey—That is right.

Senator GIBBS—And of course if you belonged to the church you were brought up that your priest was God and the nuns were wonderful and you did not question. But, apart from the sexual abuse—and we have heard a lot of dreadful stories and people are extremely brave in telling us—we have also heard that they were dreadfully underfed, that they had very few clothes, that they had no shoes. To any sensible person who actually went out to inspect an orphanage and saw kids with hardened, broken feet—obviously from never wearing shoes—and boys with no underwear, for God's sake, that must have been fairly obvious, and those kids must have been dreadfully skinny. From what I have read and from what we have been told of the food that they were given, I am surprised they actually got to adulthood.

Dr Coldrey—Yes. With respect, Senator, these are areas where I may have to part company with some—and I have been a fairly strong critic. At the time in that context in outback towns in Western Australia youngsters at primary school did not wear shoes often—there is a good case. In 1958 a lad was returned to Britain to his mother on request and his mother insisted that he then had to wear shoes but he did not want to. Underpants: well, you can call that at the time a middle class sort of covering it all up twice type of thing. I think this is explained a bit by the wear—

CHAIR—The norm at the time—

Dr Coldrey—The norm at the time.

CHAIR—The norm at the time would have been that down the road children would have been in a different state of dress. It was not covering it up twice. They would have their knickers and underpants on. They would have had shoes. They would have had a warm jumper when it was very cold.

Dr Coldrey—Sure.

CHAIR—And I think Senator Gibbs's question bears further examination. Let us forget the taboos on sexual abuse. What were these officials doing if they could not see from just looking that these children were underfed and underclothed?

Dr Coldrey—Why couldn't they, would be a question you would have to research. I will tell you one thing that will assist you in your inquiries a bit, though I do stick with what I have said, Senator: there was a Mr Bulley—that was his name, Mr Bulley—who inspected the orphanages during the forties a good deal. He had a run-in at Clontarf Castledare in about 1940 over corporal punishment. The principal, the late Brother Keaney, was overpunishing—and he certainly was. Brother Keaney is best thought of as the stereotype of the Irishman, not the real Irishman but the stereotype. That is the boon companion with his own age group but at times goes berserk. Do you get the idea? Like the stereotype of the mad Irishman. That is the best understanding. If he were in this position with you, and at the time the equivalent group, he would have charmed you.

Senator GIBBS—Absolutely.

Dr Coldrey—Absolutely.

CHAIR—No, he would not have, Dr Coldrey. Some of us are sceptical from centuries ago.

Dr Coldrey—Sorry, yes.

Senator GIBBS—He would have if we did not know what we know about him now.

Dr Coldrey—Yes, that is right. Anyway, on a radio program I made reference to then subsequent reports approving the institutions. After the radio program I got a ring from an old lady identifying herself as Mr Bulley's widow. She said, 'I am Mr Bulley's widow. He is deceased.' This is 1992 or something, you see. She said, 'He never approved of these places but he had to write this material,' or something like this. That is the gist of what she said.

CHAIR—Who for?

Dr Coldrey—The department. The department expected a fairly rosy and neutral report because Brother Keaney was such a popular figure in Western Australia.

Senator MURRAY—Rubbish.

Dr Coldrey—I am sorry, but the evidence of the forties into the early fifties is that he was an icon.

Senator GIBBS—In the general public side because they knew nothing about what was going on.

Dr Coldrey—Not to those who suffered under him, perhaps, but I am saying to the public out there he was an icon. If you have studied my book *The scheme*, you will see the Christian Brothers executive wanted to remove him from office and it was, for practical purposes, impossible to do so because of his popularity with the Catholic leaders of Western Australia and many Protestant friends of theirs.

Senator KNOWLES—If I can just add to that as a Western Australian, what Dr Coldrey is saying is quite true. Brother Keaney was held up as something that was just quite amazing. I was a child and I knew of Brother Keaney. I did not know what he was up to in the darkness of night or any other time. So therefore what Dr Coldrey is saying is quite right.

Senator GIBBS—I can believe that because a lot of people have been held up as wonderful people and then we have found out exactly what they are years later.

CHAIR—J. Edgar Hoover comes to mind.

Senator GIBBS—Obviously it was a cover up, wasn't it, between the department, the Catholic Church and everybody involved basically? From what I have read and from the submissions, if people did show up they were wine and dine, as you said, and they left with produce.

Dr Coldrey—Yes.

Senator GIBBS—But of course the kids never ate any of this wonderful produce that they would go away with. I have a real problem here because why on earth did they starve these poor kids to death and beat the living hell out of them and not educate them? Isn't that the Catholic philosophy, 'Let's educate these kids into the Catholic Church and we've got them for life and they go out and breed more, and we're building up this great Catholic society?' Isn't that against all the teachings of the church? What sort of people are these? The church must have known.

Dr Coldrey—Senator, with respect, I know the difficulties. They are vast topics, I am trying to grip it as best I can. First of all, the standard of living of poor people—and we are in a world of poor people—was different and lower. On the matter of food, frankly, there is a good deal of evidence that, on the one hand, in certain places at certain times the food was light, as in Bindoon about 1947, as long as Brother Keaney was around. But in general there is a sense of the children growing in the glorious Western Australian sun and the brilliant Australian food. That is often referred to in the documentation both that this would happen and was happening. This is in the documentation. Each will have to answer for himself: they were miserable little people when they arrived, and in our brilliant Western Australian sun and in our magnificent food they grew into straight men and women.

CHAIR—We have to come to the end of our time, Dr Coldrey.

Senator GIBBS—Just a last question. I know in your writings you have said that the church knew what was going on in the 1920s. Why didn't the church do something about these paedophiles, these absolute monsters that were put in charge of children—and that is all they can be described as, disgusting monsters and paedophiles?

Dr Coldrey—Senator, in the case of Hubert Hanson, in which the canonical trial details are still extant, allegations were made. They were followed up and the end result was that he was dismissed. Many of these paedophiles you are speaking about, certainly people like Murphy—I studied Murphy in great detail. Take L.H. Murphy, one of the worst paedophiles the brothers probably ever had by the sound of it. I have studied all the internal documentation that I can find, which was a fair bit, and I have listened to the folk memories of older brothers, and the gist of it is that headquarters, during the years when he was abusing between the early forties into 1956 until the allegations of 1956, did not know or there is no evidence that they knew. Then there was an allegation and they thought that was the first case. Do you see what I mean? That is what they thought.

CHAIR—Dr Coldrey, in your own submission on page 17 you say:

According to Coldrey there was a pattern of sexual abuse within the Christian Brothers' Australian congregation from 1920 and maybe earlier. In 1935 an Australian brother wrote to Dublin: 'If we do not take a determined stand with regard to this matter, we are bound to have numerous scandals in the near future.' His comment was to prove prophetic.

Dr Coldrey—Yes. That is my statement. The point being that headquarters did not share that information very far and of course the problem was that they treated cases as discrete and separate when they came to them and rarely discussed them as a problem needing an overall solution.

CHAIR—We have to move along, Dr Coldrey. I am terribly sorry. I suspect there are about 5,000 questions and maybe we will have to put them on notice or ask you if we could have some further comment later. I have just got a couple I wanted to ask you.

Dr Coldrey—Certainly, Senator.

CHAIR—In your article *The child migrant controversy* you indicated:

The religious congregations tended to place their least qualified personnel on the staffs of the children's homes. Moreover, they used the homes to hide ageing, difficult, odd or mentally unstable members.

Dr Coldrey—Yes.

CHAIR—Can I ask you to take this on notice because of the time?

Dr Coldrey—Yes.

CHAIR—What evidence do you have of the extent of this practice in Australia?

Dr Coldrey—I have not exhausted the extent of it, but it is fairly clear this is part of the critical problem, and that is why I say I am working on an academic article to discuss this problem. Its punchy headline is *The devoted, the deviant and the dull*. I have not quantified it yet but this is a key problem area right across the scene, but of course my emphasis is on the Roman Catholic side. You can understand that it is not a matter that is easy to discuss within Catholic circles, except at a fairly academic level, because of the risk of hurting people's feelings. But it is very clear that they were used as old folk's homes and for people with, say, an

alcohol problem or just perhaps classed as odd, which is a matter of opinion but I think sometimes one knows what one means.

CHAIR—Psychiatric institutions too, Dr Coldrey.

Dr Coldrey—That's right, yes.

CHAIR—Do you know if there has ever been any action taken by the Christian Brothers order against brothers accused of neglect or abuse?

Dr Coldrey—In the case of sexual abuse, granted that the allegation is made, believed and followed up, there were rough and ready but could be effective procedures called the canonical trial in church law. The only one that applies in the Western Australian orphanages case concerns Hubert Hanson in 1942. He must be deceased because he has never surfaced in the last 10 or 12 years anyway. But you have to have an allegation made, then hopefully followed up. And, as I state in the material you have, Senator, sometimes they were followed up effectively and, I am sorry to say, sometimes in those days they were not followed up effectively because there was this tendency to believe, 'Of course, the problem of so-called credibility'—when I joined, when I came out to the mission there were a few rules of thumb. I know it will sound offensive but one of them was that young brothers were told, 'Never trust an orpho.'

Senator GIBBS—'Never trust a what'?

Dr Coldrey—'Never trust an orpho' was one of the little rules of thumb we were sometimes given when we arrived out on the mission to work.

CHAIR—This is actually a shorthand statement of the culture of the Christian Brothers.

Dr Coldrey—I would say that it was. It wasn't an official policy but you know how people share in groups, in cultures, 'Look, this will guide you a bit. Okay, mate, you're going to St Vincent's Orphanage. Right, never trust one of them.' You know, don't trust their word. That does not mean to say that anyone necessarily followed that—they make their own decisions.

CHAIR—If you were a young Christian Brother going to an area and you were told that by somebody, it had to have got some credence amongst the brothers. We have to press on. Do you know how many Christian Brothers and others in positions of care for child migrants have been charged or convicted in relation to abuse of former child migrants in Victoria and in Australia?

Dr Coldrey—In the document I have just submitted an hour or so back to Ms Christine McDonald, I list off all those who had been convicted and asterisked the ones that you were referring to. There are not as many as you might have thought.

CHAIR—You said you thought that Nazareth House would be able to sue. As I understand it, they would not be liable. You said if a case were to be brought against Nazareth House they would be found not to be liable.

Dr Coldrey—As I understood it, I provided to Mother General, I recall, and she was absolutely delighted. She made her delight known in a practical way; the only person within the church who has paid me extra for these sort of things. My advice to her was, for what it is worth—check it, and it went to the Home Office. They would not be suable in the sense that child migration was legal and they were acting legally.

CHAIR—Can we have a copy of that advice, Dr Coldrey?

Dr Coldrey—Yes. I must not have sent it in. I am sorry, I will.

CHAIR—It is amongst the material. No, that is all right. In your opinion, have you commented on the fact that the Nazareth home plus a number of others—but let us stick with this one—falsified documents? That is to say, they deliberately signed that so-and-so's mother was dead or that they were orphans and, in some cases, even changed the names of the children, denied that they had any other brothers and sisters. Does your legal opinion include the consequences of deliberately falsifying documents?

Dr Coldrey—My opinion at the time was that all these things appear to have happened but it would be difficult to sheet home, because at the point in time when Sister Mary Magnolia, we will say, signed the document she may well have not known where the mother was—ergo the mother is dead for all practical purposes.

CHAIR—Dr Coldrey, you and I know that that might be what some smart person in a court would say, but it does not excuse Sister Mary Magnolia.

Dr Coldrey—I know a nun would have a go at me for sometimes using that term like Sister Mary Magnolia or Sister Mary Petunia for a nun.

CHAIR—Whatever—those nuns in legal responsibility for children, dealing with documents that had to be processed, on behalf of the British government, falsified them. They actually falsified the documents. There is no getting away from the fact that they lied, signed legal documents with the wrong facts. Did your opinion go to the fact that these people were falsifying documents?

Dr Coldrey—No. My opinion was, and is, that in the rough and ready times of the late forties, particularly, many cases—by the way, some things I say could be hurting even one of the panel, I realise, and believe me, I do not mean to do so either in front of me or before me, I am just answering as best I can—

CHAIR—Sister Mary Magnolia can speak for herself, Dr Coldrey. We appreciate your point.

Dr Coldrey—I am just saying that I think some honourable senators are not aware how tough the world was in those days, particularly in Roman Catholic circles, when illegitimacy cast a slur on mother and child. I am not sure if it is well known that many of these child migrants, by the way, were conceived in Ireland in fact and run out of the country by—

Senator GIBBS—By the Catholics.

Dr Coldrey—So many of these British child migrants were in fact conceived in Ireland. I got that fact clear in about 1991.

CHAIR—Dr Coldrey, what about people at the time lying on official documents?

Dr Coldrey—But they did not know.

CHAIR—Dr Coldrey, they did. They had mothers come around with letters for the children. Even if it is only one—

Dr Coldrey—It is.

CHAIR—and we know it is more than one, sometimes those people signing those documents deliberately falsified them.

Dr Coldrey—I would say that that did happen and it should not have happened. These things cannot be answered quickly, Senator.

CHAIR—In 1940, if you were a young boy or a young girl who lied in your school exam or if you actually falsified any other document, you probably would have done time—

Dr Coldrey—Oh—

CHAIR—I would have thought. We can examine the records of who got into the hulks. If you did not address that, Dr Coldrey, that is fine. I certainly think it is an issue of such importance that I want to take it up with attorneys-general about false uttering and what have you. It is extremely odd to the committee that people in the highest authority, representing the care of children, could lie in documents and then those documents be used by the British government to ship children to Australia on a manifest or a bill of lading—children with wrong names, denied their parentage, and so on. They are false documents; they were deliberately falsified. It would seem to us a matter of concern. If your opinion did not go to that, Dr Coldrey, I appreciate that, and we will take it up with other people, unless you would care to meditate on it.

Dr Coldrey—I would like to comment on it, Senator, but time runneth out. I still think these issues are worth pursuing and that would have occurred at times. May I say, with respect, there has been no mention yet—not one word until I brought it up a minute ago—of the whole problem of illegitimacy. It is not that every child migrant was illegitimate, though nearly all the Roman Catholic ones were. Child migration is bound up with illegitimacy. It does not mean that every child was, but it is bound up with old attitudes to illegitimacy.

CHAIR—I take the point.

Dr Coldrey—You have a term ‘orphan’ and that conjures up a child with no parents, but in the way the term is used in documents at this period it can mean that—it can just mean a child on welfare. As an old brother said to me, ‘You mean no money, not no parents,’ and at times that was the point. The parent bit was, as it were, irrelevant. The parent had disappeared. I am

sorry to say fathers come out terribly in this—the father is virtually never in the picture. One organisation said, ‘Mother not seen for three years—child abandoned.’

CHAIR—‘Mother trying to see child—letters left, not passed on.’ I will accept your side, Dr Coldrey, but we have had evidence from others that there is another story.

Dr Coldrey—Sure.

CHAIR—We do not know what percentage—as I say, we will have to follow that up—but mothers not seen for three years—we accept and understand that. We all know the history of illegitimacy and mothers being required to abandon their children.

Dr Coldrey—Yes.

CHAIR—But we have also heard evidence to the contrary: of mothers who sought their children and were denied access, of letters written and not delivered, of children who were told they were orphans and that their parents were dead when that was not the case.

Dr Coldrey—This has happened.

CHAIR—If your opinion did not go to that, perhaps you may like to give us a thought about it. Otherwise, we will take it up with other legal opinions.

Dr Coldrey—I am saying, Senator, by all means pursue this. If you can help people by so doing, please do so. I am trying to explain the context—that what you see is not quite in these cases. You have, however, brought in one other big point. Child care workers at that time did make decisions such as: ‘That woman is not worthy to have this child.’ You say this is criminal or the men might say bastardry or something, but these sorts of decisions were made: ‘This letter is not to be passed on to John.’ The idea of the unworthy parent was still around in the literature, in the thinking. It disappears through the forties and into the fifties—gradually disappeared. But the idea of the unworthy parent and the child should be taken away from them was in.

CHAIR—We have to finish. Some of us have read Dr John Bowlby and his views on what was good for a child, particularly in post war England.

Dr Coldrey—Yes.

CHAIR—We do know that the world has changed, Dr Coldrey, but we also know that somewhere along the line one of the great things we have to do is examine the consequences for the child migrants.

Dr Coldrey—Sure.

CHAIR—Those child migrants were not only denied their country and their culture but denied their parents many times when those parents were alive.

Dr Coldrey—Sure they were.

CHAIR—The tragedy for many is that all these years later, having found that their parents were alive, some children were not able to find their parents before their parents died. We do have to finish there. Thank you very much for your contribution in this area and for toughing it out this afternoon.

Dr Coldrey—Thank you very much.

CHAIR—We may invite you back for some further information. Thank you very much, Dr Coldrey.

[3.33 p.m.]

CHAMLEY, Dr Wayne, Treasurer, Broken Rites (Australia) Collective

CHAIR—The committee welcomes Dr Chamley. The committee prefers evidence to be heard in public but should you wish to give your evidence, part of your evidence or answers to specific questions in camera you may ask to do so and the committee will give consideration to your request. We have before us your submission No. 57. Do you wish to make any alterations to that submission?

Dr Chamley—No alterations to that submission. I wish to inform the committee that I have presented a supplementary submission today.

CHAIR—Thank you very much. I now invite you, Dr Chamley, to make some remarks and then field questions. I will do my utmost to get you time justice.

Dr Chamley—Thank you. First of all let me lodge an apology on behalf of two colleagues, Mrs Chris McIsaac and Mrs Jackie Ivers. We met yesterday for luncheon to go over this and they both phoned me this morning with what sounds like symptoms of minor food poisoning. Fortunately I chose the risotto and so I am able to be here.

Senator MURRAY—You are under privilege. You can actually name the restaurant.

Dr Chamley—It was actually in Lygon Street, so I won't say any more. The situation is unfortunate. On behalf of Broken Rites we would also like to acknowledge the excellent work of Mr Humphrey and the members of the secretariat who responded immediately to inquiries we made, followed up on things that we were seeking all the way through this. It was a thoroughly professional job on their part.

CHAIR—That is very much appreciated, Mr Chamley. The senators appreciate our secretariat, but it is also very nice to have that appreciation reinforced. Thank you. We appreciate that.

Dr Chamley—As we stated in our submission, our organisation is a non-profit advocacy organisation. We have been operating for some eight years and we have had contact with some 1,200 people across Australia. Many of them have experienced all or parts of their childhood in institutional settings, including about 50 child migrants. We have acted on behalf of, advocated for and advised about 10 former child migrants. Our experience has been one of dealing with the hierarchy of particularly religious organisations, not so much the charities that received child migrants but the religious organisations because there were so many received into the care, so-called, of the Catholic church. It was on the basis of our experience in dealing with the hierarchy that we put this submission together.

We have made a number of recommendations based on experience. I just want to restate a point we made in our submission—that is, when your committee reports, the Australian parliament will have received the second report in what we believe is a trilogy. The first report

was the Stolen Generation report, *Bringing them home*, which detailed the horrendous treatment of members of the Aboriginal community children. The second report will detail the horrendous treatment over a period of time of child migrants. We believe there is still a third report to be made to the Australian parliament and that will hopefully be about some 100,000 Australian-born children who in many settings had the same experiences as the child migrants. I am not in any way downgrading the experiences of the child migrants. I am saying that the Australian people need to know that there is yet a story to be told, and we hope that might be taken on board in whatever way you formulate recommendations.

I have detailed what we actually do. We receive complaints about alleged instances of physical, psychological or sexual abuse. We provide advice to callers about their rights. That really comes down to their ability to pursue two things: one to pursue a criminal, which in this setting involves the Victorian police, and the other is to pursue the organisation that we believe harboured the perpetrator, or perpetrators, and to seek support in the way of counselling services and, in some cases, to seek financial recompense.

If victims wish to pursue a criminal pathway, we often make arrangements for them to meet with police and make statements to the police. We publish a newsletter about two to three times a year. It has a readership of about 1,200 members. We offer a group of people who will accompany persons in meetings with solicitors, church hierarchy, police, church officials, government officials, et cetera. We respond to media inquiries. We hold two or three meetings a year just to try and sort out some of the more difficult cases. We carry out public speaking engagements and we liaise with comparable organisations in some states of Australia. We do that on a budget of about \$6,000 a year, so we do an enormous amount in our voluntary capacity.

CHAIR—Where do you get the \$6,000 from, Mr Chamley?

Dr Chamley—It comes from donations made when people get their newsletters. We have a flyer at the bottom and they will often send a cheque for \$10 or \$50 or whatever.

CHAIR—Thank you.

Dr Chamley—We did the tally of the numbers yesterday. In terms of criminal prosecutions, over the past seven years 79 persons have been convicted of criminal activity in courts throughout Australia. I would say 90 per cent of these persons have been, at the time or formerly, members of the Catholic Church, although that is not exhaustive. There have been members of the Salvation Army, members of the Anglican church, but the majority appear to come from the Catholic Church. I might move to the response to the terms of reference.

CHAIR—Just before you do that, just to clarify that evidence you were giving then, Mr Chamley, they were prosecutions in Victoria—

Dr Chamley—No, throughout Australia.

CHAIR—for paedophiles.

Dr Chamley—Invariably paedophilia, yes.

CHAIR—So they were not specifically related to child migration.

Dr Chamley—Some of them have been, yes.

CHAIR—Of course, but those figures were actually across Australia—

Dr Chamley—That is the sum total, yes.

CHAIR—Over what period?

Dr Chamley—Over seven years.

CHAIR—There were 79 successful prosecutions.

Dr Chamley—Yes.

CHAIR—Do you know how many were brought and were not successful?

Dr Chamley—I do not know the answer to that. We could follow that up for you.

CHAIR— Of those 79 successful prosecutions, the large majority were from the Catholic Church.

Dr Chamley—They were.

CHAIR—Priests, brothers or both?

Dr Chamley—Priests and brothers. So far no nuns have ever been criminally prosecuted.

CHAIR—Thank you very much, Mr Chamley. I just wanted to get that clear.

Dr Chamley—We felt we were not able to respond to every term of reference in this hearing. The reason for that is none of the persons who put the submission together, fortunately, had the experience of being a child migrant and we did not feel that we could really portray the direct experiences of being a child migrant. We could respond, we believed, to some terms of reference on the basis of our experience in trying to help child migrants and seeing the sort of obstacles which were often put in their way. So we restricted our response to the terms of reference.

The first one we responded to was this question of the safety of workplaces. We have listed that there is clearly documented evidence that places were not safe, be they the Christian Brothers orphanages and the boys working on building sites or, in the case of women, women as girls who were made to work in laundries operated by orders of nuns. They were commercial laundries; they were not doing the laundry for the local orphanage. They were doing the laundry for the orphanage, the local Catholic hospital, private hotels owned by Catholic families. These girls were often working—from our meetings with them—a 10-hour day on a Saturday. There

were industrial accidents, girls being burnt by steamers and getting locked in drying rooms—that sort of thing.

Unfortunately—and we make a case in our supplementary submission—the experiences of women, by and large, have not been reported. The senators may have picked up a lot more through the conduct of this inquiry and that is excellent, but there is very little recorded information and publicly available information about the experiences of women. I am aware that the ABC will put to air within a month a dedicated program about the experiences of girls working in these laundries. It will be done by the ABC social sciences part of Radio National. I make you aware that will go to air soon. The ABC sent journalists here and we arranged for them to meet with a couple of women—one who was a former child migrant and another who was not a child migrant but both worked in laundries.

Because we responded to this matter of unsafe work we believe that it draws us, and hopefully some child migrants, into the matter of unpaid wages. We believe there is a major case in Australia for these people to pursue the fact that they worked as slaves. We have a history in this country unfortunately of bringing in the Kanaks to work on sugarcane farms and bringing in British children to work as slaves. The work they did had the effect of creating assets of capital value for the religious orders that housed them.

Clontarf and Bindoon started off as bare ground. I understand Bindoon was a 17,000-acre property given to the Christian Brothers and boys worked as slaves to create and turn that into a capital asset which must be worth millions in terms of the upgrading of the land, its farmability, the buildings that were put there. No wages were paid to any of these children. They created the capital asset for the Catholic Church and the Catholic Church maintains the benefits of having that capital asset. We have seen that time and time again, not just with Christian Brothers but with non-child migrants who developed farms. One was at Lilydale which was sold, to become a golf course, for \$3 or \$4 million.

It was the same with the girls. The girls were working essentially in commercial laundries. No wonder they could do the laundry for a lower cost when they were not paying any wages. We have made a case—and we urge the senators to look at this recommendation—that we believe an Australian government, through its department of foreign affairs, or whatever it happens to be called at the time, must pursue this case on behalf of child migrants with the Vatican.

It has got to be done at the national level, as it has been done for the slaves of the Nazis, between the Federal Republic of Germany and the persons who were making profits on the basis of that slavery. These things will not be pursued by state governments. It is a case of a sovereign government working with another sovereign state on the basis of the accumulation of capital assets that the slaves produced. If we have a church which claims to be one holy catholic and apostolic church and has contributions of Peter's pence and every other thing that goes on, then that church—for example, the Vatican—is the end point for the capital assets of the organisation. We would urge that an Australian government has got to pursue a claim with the Vatican. It is not going to be easy, but we are going to be running hard on this outside to make sure that whatever government it is starts to get the message.

If victims wish to pursue a criminal pathway we often make arrangements for them to meet with police and make statements to the police. We publish a newsletter about two to three times a year. It has a readership of about 1,200 members. We offer a group of people who will accompany persons in meetings with solicitors, in meetings with the church hierarchy, in meetings with police, church officials, government officials, et cetera. We respond to media inquiries. We hold two or three meetings a year just to try and sort out some of the more difficult cases. We carry out public speaking engagements and we liaise with comparable organisations in some states of Australia. I should say we do that on a budget of about \$6,000 a year, so we do an enormous amount in our voluntary capacity.

CHAIR—Where do you get the \$6,000 from, Mr Chamley?

Dr Chamley—It comes from donations made when people get their newsletters. We have a flyer at the bottom and they will often send a cheque for \$10 or \$50 or whatever.

CHAIR—Thank you. Sorry to interrupt you.

Dr Chamley—We did the tally of the numbers yesterday. In terms of criminal prosecutions over the past seven years there have been 79 persons convicted of criminal activity in courts throughout Australia. I would say 90 per cent of these persons have been, at the time or formerly, members of the Catholic church, although that is not exhaustive. There have been members of the Salvation Army, members of the Anglican church, but the big numbers appear to come from the Catholic church. I might move to the response to the terms of reference.

CHAIR—Just before you do that, just to clarify that evidence you were giving then, Mr Chamley, they were cases prosecuted in Victoria—

Dr Chamley—No, throughout Australia.

CHAIR—Throughout Australia, for paedophiles.

Dr Chamley—Invariably paedophilia, yes.

CHAIR—So they were not specifically related to child migration.

Dr Chamley—Some of them have been, yes.

CHAIR—Of course, but those figures were actually across Australia—

Dr Chamley—That is the sum total, yes.

CHAIR—Over what period?

Dr Chamley—Over seven years.

CHAIR—Seven years, there were 79 successful prosecutions.

Dr Chamley—Yes.

CHAIR—Do you know how many were brought and were not successful?

Dr Chamley—I do not know the answer to that. We could follow that up for you.

CHAIR—Right. Of those 79 successful prosecutions, the large majority were from the Catholic church.

Dr Chamley—They were.

CHAIR—Priests, brothers or both?

Dr Chamley—Priests and brothers. So far no nuns have ever been criminally prosecuted.

CHAIR—Thank you very much, Mr Chamley. I just wanted to get that clear. You were going on to say—

Dr Chamley—We felt we were not able to respond to every term of reference in this hearing. The reason for that is none of the persons who put the submission together, fortunately, had the experience of being a child migrant and we did not feel that we could really portray the direct experiences of being a child migrant. We could respond, we believe, to some terms of reference on the basis of our experience in trying to help child migrants and seeing the sort of obstacles which were often put in their way.

We restricted our response in terms of reference, but the first one we responded to was this question of the safety of workplaces. We have listed that there is clearly documented evidence that places were not safe, be they the Christian Brothers orphanages and the boys working on building sites or, in the case of women, women as girls who were made to work in laundries operated by orders of nuns. They were commercial laundries. They were not doing the laundry for the local orphanage. They were doing the laundry for the orphanage, the local Catholic hospital, private hotels owned by Catholic families. These girls were often working—from our meetings with them—10 hours a day on a Saturday. There were industrial accidents, girls being burnt by steamers and getting locked in drying rooms and that sort of thing.

Unfortunately—and we make a case in our supplementary submission—the experiences of women by and large have not been reported. The senators may have picked up a lot more through the conduct of this inquiry and that is excellent, but there is very little recorded information and publicly available information about the experiences of women. I am aware the ABC will go to air within a month on a dedicated program about the experiences of girls working in these laundries. It will be done by the ABC social sciences part of Radio National. I make you aware that will go to air soon. The ABC sent journalists here and we arranged for them to meet with a couple of women, one a former child migrant and another who was not a child migrant but who both worked in laundries.

Because we responded to this matter of unsafe work we believe that it draws us and hopefully it will draw some child migrants into the matter of unpaid wages. We believe there is a major case in Australia for these people to pursue the fact that they worked as slaves. We have a

history in this country unfortunately of bringing in the Kanakas to the sugar canes and bringing in British children to work as slaves. The work they did had the effect of creating assets of capital value for the religious orders that housed them.

Clontarf and Bindoon started off as bare ground. I understand Bindoon was a 17,000-acre property given to the Christian Brothers and boys worked as slaves to create and turn that into a capital asset which must be worth millions in terms of the upgrading of the land, its farmability, the buildings that were put there. There were no wages paid to any of these children. They created the capital asset for the Catholic church and the Catholic church maintains the benefits of having that capital asset. We have seen that time and time again, not just with Christian Brothers, with non-child migrants who developed farms. One was at Lilydale which was sold, to become a golf course, for \$3 or \$4 million.

It was the same with the girls. The girls were working essentially in commercial laundries. No wonder they could do the laundry for a lower cost when they were not paying any wages. We have made a case and we urge the senators to look at this recommendation. We believe an Australian government, through its department of foreign affairs, or whatever it happened to be called at the time, must pursue this case on behalf of child migrants with the Vatican.

It has got to be done at the national level, as it has been done for the slaves of the Nazis, between the Federal Republic of Germany and the persons who were making profits on the basis of that slavery. These things will not be pursued by state governments. It is a case of a sovereign government working with another sovereign state on the basis of the accumulation of capital assets that the slaves produced. If we have a church which claims to be one holy catholic and apostolic church and has contributions of Peter's pence and every other thing that goes on, then that church—for example the Vatican—is the end point for the capital assets of the organisation. We would urge that an Australian government has got to pursue a claim with the Vatican. It is not going to be easy, but we are going to be running hard on this outside to make sure that whatever government it is starts to get the message.

Senator KNOWLES—How would you quantify that?

Dr Chamley—I think you can quantify it in terms of the minimum being comparable wage rates for comparable farm workers or whatever at that time, CPI indexed to the present time. It will be substantial amounts of money. There is no doubt that some boys were working 20 to 30 hours a week on these sites for periods of several months a year. Not only that, but because they were working in this way, many of these boys and girls—now men and women—did not get an education. So they have carried the legacy of this in terms of their failure to get an education.

In the supplementary submission, the two things that people say to us time and time again are: 'I wish I could read and write,' and, 'I'm now 50 and I wish I was more secure than I am,' and it comes down to their housing. You have this cycle where they failed to get an education. Because they could not read and write—child migrants—many of them were only able to get low-paid jobs. Therefore, they did not get sufficient income to acquire secure housing and, along the way, they carried the overtone of psychological breakdown, psychiatric problems, substance abuse, et cetera. This is a reinforcing sort of system that goes on here, which finally casts these people at age 50 to 55 or whatever in the circumstance that they are in.

Organisations like the Child Migrants Trust rightfully seized on the need for persons to be able to link with their families because their mothers, their sisters, brothers, were reaching ages at which there was an increased likelihood that they would be found to be deceased. We believe things need to be done for the child migrants themselves in these two areas of gaining reading and writing skills—just to be able to read the paper comfortably. I cannot ever forget a man telling me that he was able to win a payment following a criminal case through the victims of crime compensation fund in Victoria. One of the things he was able to do was to spend money to learn to read and write and for the first time ever he could read his children's school reports. I remember weeping that night when I recalled what that experience must have been like. We can all read and write and read our family stories. This man had never been able to do that with his own children, and it was a very moving experience.

Senator KNOWLES—In relation to that, Dr Chamley, C-BERSS have offered ongoing education as part of their apology in recognising that there was a very grave lack of education. But I understand that the uptake of that has not necessarily been fantastic, that quite often there are many who feel that it is 'too late, too hard, can't be bothered'. I can empathise with that. Given what you have just said, is there a way around that? I think what you are saying is that it is particularly important for people to be able to communicate in this day and age, but I do not know how we overcome that barrier of 'too hard, too late, who cares? I don't'.

Dr Chamley—I have limited experience of C-BERSS, although I do work with some of the counsellors on behalf of some of these men. Maybe there is a false picture created by just looking at Western Australia, because there was such a fracture amongst these men during the course of the litigation that was tried against the Christian Brothers. There were major falling outs. A group of 350 men who had a fair degree of camaraderie began to break up. Still there are groups who do not speak to other groups, I understand. Our experience in the eastern states is that this matter comes up time and time again.

Senator KNOWLES—By and large, those who have taken up the offer of C-BERSS have really only utilised the travel and the counselling. So it is not as though a lot of them have rejected the offer outright and said, 'We don't want to know about it because of our bad experience with the Christian Brothers.' It just seems to stop that one point short of where they then agree to take up the offer of the education. I do not know what other success stories there might be throughout Australia which will demonstrate that there is a better formula for attracting people to the basics.

Dr Chamley—I do not know of one. It may be something that the Senate can use its resources to speak to—

Senator KNOWLES—Are you able to point us in any direction where we might find such a source?

Dr Chamley—We will certainly try.

Senator KNOWLES—It would be interesting to know if there is some formula that will attract people into that, not to make them into Rhodes scholars, but to give them the day-to-day experience.

Dr Chamley—Just to be able to read comfortably.

Senator KNOWLES—You have touched on this briefly, too. One of the things that I could not help but note throughout your submission is that you refer to the Christian Brothers—and these are my words, not yours—as the main offenders, but little reference is given to the Sisters of Mercy. Yet some of the evidence that we have received is also pretty horrific on that score.

Dr Chamley—Yes.

Senator KNOWLES—Is there any reason that your emphasis is on the Christian Brothers?

Dr Chamley—It is that very little of the stories of women have been recorded.

Senator KNOWLES—It is the weight of evidence that you are reflecting.

Dr Chamley—Yes. Our experience has been that men have been more likely to come forward because they have heard from one in their network, another child migrant, that we have been able to help him. Women feel very exposed. It is a direct reversal of a lot of the gender differences. Men will often carry around other matters and stew on them and women will be prepared to discuss it amongst their own women friends. But there have been a very small number of women child migrants coming to us, not a large number that we have been able to help and deal with anyway. It is for that reason that we hope things like the ABC radio program and various other things will encourage women to start thinking about pursuing their rights. There is an organisation that has been set up in Sydney called CLAN, which is looking very promising for women up there.

Senator KNOWLES—Are you actively seeking women to come forward?

Dr Chamley—We do not seek them. We simply have a phone number and they contact us. Invariably a person will contact us, making some allegation and we will pick up two or three contacts which will name the same alleged abuser, so we begin to pick up a pattern. We always ask, ‘Do you want to pursue a criminal case here? If you do, we’ll tell you how to go about it.’ We make them aware of the process that is available through the church. I think it is just natural that it is focused on the Christian Brothers because they were forced to respond—they were forced in the media; they were forced into a quasi court case, I call it, where they pulled every trick in the book to skip out but finally had to negotiate a settlement. Women collectively have not yet—and I say ‘not yet’—been able to do that. My bet is that a large number of women former child migrants do not even know now that there is a church process available to them.

Senator KNOWLES—I think there are many who choose not to come forward, too. The whole thing is just too painful for them to be able to relive and retell, and relive and retell. I have to say personally that I find it nothing short of remarkable that so many men are able to relive and retell it as often as they have. We were talking earlier about the literacy problem. The other reference that you made in your submission was to housing. We have already received evidence in Perth that there is an obvious demand for housing for a number of the reasons that you have mentioned—lack of money, lack of ability to earn money, lack of roots that people have been able to put down. What form of housing do you think your suggestion should take and at whose cost?

Dr Chamley—The cases that we have pursued—and I am about to finalise one in the next couple of weeks—are where so many of former child migrants we find have been living in publicly provided housing, but they do have an option to purchase the property. In this era of state governments getting out of building and constructing housing estates and putting in public tenants, they offer existing tenants the option to purchase the property. We believe that is the way to go—that where a person pursues a claim for financial compensation, that that compensation is constructed in such a way that a large amount of it will assist the person to purchase the property. In Western Australia the rentals that are being paid by the public tenant are on a percentage basis, accredited for that purpose also.

Senator KNOWLES—But what about those who are either too old or infirm or mentally unstable maybe to be able to live on their own and they need some form of supported accommodation? In that circumstance, what form of accommodation would be ideal, from your feedback, and at whose cost? Is it a claim against the church?

Dr Chamley—We are always of the view that members of the church were the perpetrators and that is where the buck stops. All this argie-bargie about the government's responsibility—the fact is that paedophiles and the brutal nuns were members of religious orders. They were the ones who were beating the tripe out of the kids. I want to read this statement we made in our submission. The Catholic Church submission No. 54 says, 'The treatment of these children was comparable to the standards of the time.' Without even knowing that they had written that, I wrote in my submission on page 5:

It should be recognised that at the time that child migrants were being 'cared' for in so many institutions, the sexual assault of children was not sanctioned in any educational system in Australia. Child labour was not permitted in law. Slavery had been abolished. Public beatings and floggings were no longer carried out in either the criminal justice system or the military, and minimum standards of working conditions, hours of work and wages had already been established for working adults.

These kids got all of that. It was not the government that was doing it.

Senator KNOWLES—What form of accommodation? Are you thinking about retirement villages?

Dr Chamley—It could well have to come to that.

Senator KNOWLES—Or nursing homes or whatever, and having a rapid access system through the accreditation process?

Dr Chamley—That is right. It will have to come to that. We make a point here about these long-term needs. Again, I hate always speaking on behalf of the men but our experience has been mainly with the men. Problems with substance abuse, with mental ill health, et cetera, do not go away and they still operate in networks—and the women may work in networks as well—in that they are a group of men who have kept together by phone contact and going to the footy and whatever. The women may do it also—I do not know.

Over time they start to spin out of the circle because their health and their wellbeing does not allow them to be maintained in the circle, and they invariably end up in rooming houses. That is in Victoria. And I think their dignity demands that there ought to be something better than that.

It may be that there has to be a contract with a provider of respite services, as there is for persons with severe intellectual disabilities, where there is a succession of accommodation and care and attention that is available to these people.

Senator KNOWLES—We have had a substantial amount of evidence about specialised counselling. What is your assessment of the current counselling that is available? Do you see a need for further resources to be made available?

Dr Chamley—Our experience has been that the counselling has always been made available, and promptly but, at the end of the day, it does not change the housing status of the person. They still cannot read or write. They still have problems of alcohol abuse, et cetera. So one wonders whether it is the right sort of counselling. But it is a field that I am not professionally exposed to. You can see that it must be a good money ticket in some ways for private providers of counselling, not that they are not genuine about counselling, but this group of persons have such substantial psychiatric/psychological problems based on their childhood experiences that it is never going to go away.

Senator KNOWLES—It is difficult to find counselling where one size fits all, to be able to then solve all of those problems, as opposed to trying to isolate the problems that can be solved.

Dr Chamley—My personal observation is in three cases: where you can fix up the housing it is like lifting a curtain off the person.

Senator KNOWLES—Yes.

Dr Chamley—These are men living alone but who still have a circle of friends and they have a dog and whatever. Once you stabilise the housing, then a lot of this constant pressure that they are under dissipates.

Senator KNOWLES—That is actually so for many people in society, isn't it?

Dr Chamley—Yes.

Senator KNOWLES—So we are not just talking about isolating child migrants in that category.

Dr Chamley—No.

Senator KNOWLES—A lot of people do not have security of housing.

Dr Chamley—There is another facet to this; that is, we believe where child migrants or others pursue successfully a financial settlement of some sort, in a number of cases the person is not able to—again, they are men—admit that he is not able to manage the money. Therefore, there ought to be some trust set up where at least until the property is purchased the money can be housed. But what goes on in the negotiations—these are nonlitigious negotiations—is that a final figure is settled, a deed of release is shoved under the person's nose immediately, the money arrives, the church does not want to know anything about it from that point on, and we

are scrambling around working with social workers to try and at least shore it up until we can get the housing thing sorted out so—

Senator KNOWLES—So it does not end up in the Crown Casino.

Dr Chamley—Yes. Unfortunately, the Christian Brothers did operate a trust over in Western Australia which I believe has just been abolished. So whatever comes out of the woodwork—for the men who were not part of the Slater and Gordon case and still pursue claims, there is no trusteeship available to them unless they go to the Public Trustee, but then they have to pay big fees.

CHAIR—Senator Murray.

Senator MURRAY—Thank you, Madam Chair. Dr Chamley, I might have missed this in your earlier remarks, but are you a medical doctor?

Dr Chamley—No. I am an endocrinologist, but I do not practise medicine—just research.

Senator MURRAY—How did you get into this field?

Dr Chamley—I was brought up in a Christian Brothers school also and had a number of experiences. At age 51 my brain shut down. Part of that was triggered by what had gone on as a child. I lost the ability to read and write. I had no sense of smell and no sense of colour. I did not know where I was. I did not know left from right. It has taken me six years to climb out of the hole. After about a year I was actually interested in counselling and phoned Broken Rites. As I regained my health, I decided there were other people worse off than me and maybe I ought to start doing a bit for them.

Senator MURRAY—I have heard of a number of these instances of late onset of post-traumatic stress disorder. I have heard a number of these cases. In fact, one was outlined to me recently of a very capable military person who has been used worldwide as a bodyguard for highly important personages who suddenly fell apart on a bus in Brighton because of sudden triggers which set it off. He was in his late forties. Is that a feature of people that Broken Rites see, that they suffer from post-traumatic stress disorder or late onset of that?

Dr Chamley—The odd one. Certainly there is the occasional person where there is this immediate sort of rush that happens in mid-life, but most of them, as I have got to know them and whatever, have had these psychiatric problems and substance abuse problems all of their lives, and their low income status has meant that for periods of 10 or 20 years they have never even been able to get treatment. They have just accepted that that was what life was like. It is not until we have had more modern psychiatry and better drugs and things, and then they hear about counselling. Understand that most of this has only broken in the last 10 years and so they have only had access to these things for, say, a decade.

CHAIR—Most of these people, too, are strictly not psychiatric.

Dr Chamley—No.

CHAIR—Psychological disorders, certainly, but not psychiatric.

Dr Chamley—Yes.

CHAIR—Yet quite often the only place they are referred is to the psychiatric institutions. It is not really pertinent, I suppose, but I might just interpolate. I was talking to a bloke who had had the same kind of collapse and he said that he had never heard the word ‘counsellor’, did not know what it meant or how to get counselling. It took him a number of years before he decided to follow it up, and then he discovered he did not know where to go to get it. People said it is out there. It is interesting to me—and I have worked in that area—that so many women have found much more ready access to counselling, usually through community health centres but guys have not found those kinds of networks of support at least partly because they have been in the workforce and partly because it is not a manly thing to do.

Dr Chamley—Yes. Their counselling has often been alcohol. They have had a long relationship with alcohol and it is driven by these childhood experiences.

CHAIR—That is an interesting comment.

Senator MURRAY—In your submission on page 2 you said:

We have been contacted by more than 1,500 persons in Victoria alone, including 70 to 80 child migrants.

Dr Chamley—Yes.

Senator MURRAY—As a rough average—and I am sure it does not work out like that—that is 200 persons a year. That is a terrific workload for an organisation which just has \$6,000 of income.

Dr Chamley—That is right.

Senator MURRAY—What interested me was you said ‘including 70 to 80 child migrants’, which means, I assume, that most others are not child migrants and are either Australians who have been in institutions and experienced the same problems or kids out of ordinary families who have experienced these problems as well.

Dr Chamley—There are those, and there are women who have had children fathered by a priest. There are consenting relationships or quasi-consenting, whatever they were, where the mother cannot get support for the child. There have been women raped by clergy—there are quite a number of them. So it is not just persons institutionalised, although that is a big number, but it is people out in the street who have had adverse experiences.

Senator MURRAY—When you put together the trilogy, if you like, the numbers who went through the institutions from the Stolen Generation group, numbers who went through the institutions in the child migrant group and the number who went through the institutions from the Australian-born group, you are starting to move towards 200,000 people.

Dr Chamley—That is correct.

Senator MURRAY—When you realise that those 200,000 people impact upon large numbers of other people—violence by some, abusive behaviour by some, substance abuse by some, criminal behaviour by some, and all those things have detrimental effects on their families. You can see that the ripple effects of this might well affect, say, a million people in Australia. It therefore means that if this committee can lead itself to some conclusions which lessen that, you do a lot to address stress and unhappiness and discontent and dysfunction in our society.

Dr Chamley—Yes.

Senator MURRAY—There is a temptation on one side of it to minimise the amount because that then makes it easy—you can find money for 2,000—but on the other side of it we also need to be cognisant of that.

Dr Chamley—Can I respond to that?

Senator MURRAY—Yes. I have raised that deliberately because your trilogy approach draws you to those sorts of conclusions.

Dr Chamley—There is a recent report which I have not seen. It is a study done of persons who were raised in institutions in New South Wales. The costs are already being met by the community: 30 per cent of the prison population in New South Wales is represented by people who came out of care; 95 per cent of the women prisoners in New South Wales had the experience of abuse; 80 per cent of the women prisoners in New South Wales had the experience of sexual abuse. No wonder they are on heroin and everything else, because the consequences of these sorts of things are not picked up. So the community is paying for it now. It is paying whatever it is per day to keep a person in prison. I think this committee is presented with a real opportunity maybe to formulate a few circuit-breakers, to make the state Premiers realise that there has got to be bipartisan collective effort on this. There has got to be reconsideration of some aspects of community services provision, because the community is paying for it now through prisons.

Senator MURRAY—If I may add to your point, the same study has not been done in Western Australia, but there has been a study of persons of Aboriginal origin in the criminal system there. Nearly a quarter, I think, of the prison population are of Aboriginal origin, and the vast majority of them have a connection to the Stolen Generation.

Dr Chamley—We have yet to see—apart from the women coming out and demanding their rights—those members of the Aboriginal community who were no doubt abused on mission stations. We have not seen that yet. That will be another wave. We will finally get a government that is prepared to say sorry and is prepared to address the problems of the Stolen Generation. We will then see the next wave of girls who were molested in foster homes and boys and girls who were molested on mission stations and out in the backblocks. That is yet to happen.

Senator MURRAY—Let's move on a little. We have identified dysfunction, substance abuse and crime, as consequences of these things. One of the consequences of course has been suicide. Of your 1,500 contacts over seven years, has Broken Rites kept a record of suicide?

Dr Chamley—No. We do know of suicides occurring. It is a terrible tragedy, and sometimes these people do not have family, et cetera, and the death occurs and we go to the funeral or we speak to their closest friend or their one remaining relative, but they drop out of the system. So we do not have those records.

Senator MURRAY—Would it be an impossible task to get a snapshot of what it looks like? Let me put it into context so you understand. The committee is getting a fairly good feel of numbers involved. There is some quite good expert evidence as to total number of child migrants, particularly the Western Australian submission, which I would recommend to anyone here to read. It is a useful one from Family and Children's Services. We are getting a fair idea of the number of people who were not given education. We have a fair idea of the number of people who were assaulted and so on. But the instances of suicide as a consequence of this or specific things like substance abuse are hard to put a finger on. That is why I am interested in that.

Dr Chamley—Maybe there is one way we could approach it. These are not child migrants, but we deal with a fairly large community of men who were 'cared for' by the St John of God order, and they are all in their fifties. They are a very strong network. I know there have been many suicides amongst that group. If you are prepared to just take a cameo—that here is yet another line of the institutional framework and for this population the likely suicide numbers were X—we could track that for you.

Senator MURRAY—I am reluctant to ask you this. Only do it if you think it would be worth while, given your other priorities and especially given the voluntary nature of your organisation. But if you were able to give us a snapshot—this committee will conclude its report in May or June, so you have a month or two to do it—it would be helpful.

Dr Chamley—We would do it in the next two or three weeks.

Senator MURRAY—Moving on to my last line of inquiry, I have been surprised that one of the lines of criminal legal action that has not been pursued, it seems, is the line of criminal assault. It seems to me from the evidence we have heard that systematic, systemic, generalised brutality with fists, boots—

Dr Chamley—Straps, truncheons, pieces of wood, fence palings—you name it.

Senator MURRAY—Yes, the list is endless of the weapons used. This type of brutality would be much easier to prove than other instances. Have you any experience in Broken Rites as to whether people within your organisation have wanted to pursue that or have tried to pursue it and failed?

Dr Chamley—It is a good question and I can answer it. There are certainly persons who have contacted us who have wanted to pursue it but invariably they do not have the resources to go to litigation anyway. I would like to make the senators aware of the two big hurdles for any person trying to litigate, particularly against the Catholic Church, and it is for that reason we suggest that there ought to be consideration given to a community legal service which was dedicated in this area, because I think there are two areas of law that really have to be tested if we are to get down to a realistic meeting of the long-term needs of child migrants and of others.

One is that the church has successfully been able to argue that it is not a legal entity—and the path is littered with the bodies of dead solicitors and QCs who have tried to get through that in maybe 30 cases, which eventually have settled. There has not been a single case which has come to judgment by a judge or a jury in all of Australia on sexual abuse. The second one is that where the perpetrator is clearly identified and is alive at the time of the case, the church has been able to argue that he is not an employee and the case collapses, whereas a lay teacher is—and that was the case in New South Wales just recently, two or three weeks ago, where \$1.7 million or something was awarded to a fellow who had been strapped. That was the first time a jury has even awarded anything. Why that case got through was that it was an employee of the church. If you wear a Roman collar you are not an employee in law. That is what is successfully argued. I believe both of them can be tested but of course there are not the resources to do the testing.

Senator MURRAY—Let me go in a different direction from that. My assumption is this: if I lay into you and beat you senseless and you go to the police station maybe a year later and say, ‘I want to lay a charge,’ if they decide there is sufficient evidence for the charge to proceed, they take over the prosecution and costs and your job is to provide the information and to turn up to give evidence. In these instances, although they are in some cases many decades old, why aren’t child migrants—regardless of whether people are employees or not—simply going to the police station and asking that criminal charges be laid for criminal assault?

Dr Chamley—I do not know why. My contact with a number of men is that when they have come out of the institution and they get into cars and start boozing they often run foul of the law as young men anyway—not all of them but a number of them. So they are very reluctant to go to the police even with a criminal matter. They just think it will turn on them. They are still carrying around this suspicion and this reverence for the organisation that sheltered the perpetrators.

Senator MURRAY—So the fear of the church and the fear of the police actually prevents them using the institutions of justice.

Dr Chamley—Yes.

Senator MURRAY—In the same way that Voices and Broken Rites and Slater and Gordon and others have acted on behalf of others, have they not thought it useful to pursue these people for criminal assault—in other words, go to the police station and do it for them and with them and guide them through it? It is a bit like Al Capone. As you know, he was caught for tax. If somebody had got Killer Doyle for beating the blazes out of children, it would at least be a step forward, even if they could not get him for sexual abuse.

Dr Chamley—To my knowledge it just has not been done. A little facet of that: I mentioned in my submission that the Catholic Church had set up this process in 1987 called Towards Healing. Three weeks ago they put out a press release about the new version of Towards Healing, and it is only in this new version that it makes the process available now for persons who experienced physical and psychological abuse. The initial process was only available to persons who were making allegations of sexual abuse. If it was anything else, you did not even get in the door! That would have concentrated that sort of mindset also, and the same mindset carries over to the criminal justice system.

Senator MURRAY—You see, far more common as a complaint to us is beatings and cruelty. They are far more common than sexual abuse.

CHAIR—You read out that very powerful paragraph on page 5, which states:

It should be recognised that at the time child migrants were being ‘cared for’ in so many institutions that sexual assault was not sanctioned, beating, et cetera, and child labour was not permitted under law.

Other people have told us that this was also a prevailing attitude at the time, that children were treated in institutions, Catholic and non-Catholic, in this same way. Do you concur with that? Not to say it is legal at all, but it was not confined only to Catholic institutions.

Dr Chamley—No, I concur with that, but it seems to me that the experiences of Barnardos, and what is the other, the British—

CHAIR—Fairbridge.

Dr Chamley—Fairbridge—was one of being required to perform heavy physical work, farm labour on the part of a 14-year-old, not the same range of total abuse of the person’s rights and getting into what you are saying of the physical abuse, et cetera.

CHAIR—We have certainly had evidence that some of those children in other than Catholic institutions have been denied their just wages, that they were certainly flogged, that they were publicly beaten, that it was child labour in effect or slavery and so on. The question of the amount of sexual assault may be an issue of difference, but I think the degree of difference about the other dimensions is much less.

Dr Chamley—There is a fair bit of that recorded in the Ford inquiry report not only to these charitable organisations but to institutions operated by the government of Queensland.

CHAIR—What value do you put on an apology?

Dr Chamley—Me or speaking on behalf of persons?

CHAIR—Speaking on behalf of Broken Rites.

Dr Chamley—It would have no value at all. It does not change the situation of the person who is approaching 51 or 52 with still unresolved psychological problems, et cetera, in very precarious housing situations. An apology means nothing.

CHAIR—An apology with housing adjustments, compensation?

Dr Chamley—Then that would start to mean something.

CHAIR—We have had people for an apology; we have not had any people powerfully against it, I suppose, but others feel it is an important part. You note here at page 9 of your submission:

Indeed, there have been cases in Melbourne where conciliation has occurred and an offer of financial compensation has been made without a single piece of paper ever passing between the parties. Thus there are no records of anything ever having occurred or being responded to.

This, as I read you, raises a concern for you?

Dr Chamley—Yes, the system operates—and I was the advocate in three of these. There is not a single record left anywhere that anything took place, because if these matters of the church not being a legal entity and the perpetrator not being an employee do not stand up at some future date, pieces of paper might be damaging.

CHAIR—Mr Chamley, I also think that, given the importance of no records to many of the child migrants, it is also under the no record system, too, that it is a worry. Consequential payment is a separate issue, but the no record is a major concern for these people about other issues, so I am interested in your comments there. I am interested, too, in this line that you have quoted on page 10 from Mr Justice Frank Vincent of the Supreme Court of Victoria, who says:

The fact is when a decision, a sentence, is imposed, the power of the state—the community—is exercised in relation to an individual. I perceive the state as having a non-delegable responsibility for all that happens as a consequence of the exercise of that power—

That would seem to me to run counter to your claim that it should stay with the perpetrators. Could you just spell that out a little because there are some people who could suggest that there is a case to be made, firstly, against the state who took over the care of children responsibility and, secondly, against the Commonwealth when the immigration minister signed off with the British government for the care of those children.

Dr Chamley—I thought long and hard about putting that in and I decided to put it in because I think it relates more to the non-child migrant persons who were put into institutions, where they were legally made wards of the state and therefore the state made a number of decisions, but the child migrants had no status in law. What were they? You were asking a previous speaker about false records. As I read it, despite the De Valera government saying they would not have a bar of a child migrant scheme between Ireland and Australia, the Irish-born children were moved across to England under falsified papers and put on the boats, like cattle. They had no status in law.

CHAIR—The status in law is an interesting point but we certainly have seen documents where the Minister for Immigration of the day, Arthur Calwell, signed into his responsibility the delegation and care which was then delegated to the relevant state minister, which was then delegated to the institutions.

Dr Chamley—To the receiving organisation, yes.

CHAIR—And I would have thought there might be a lot of hours arguing that sentence in the High Court, Mr Chamley. I must say I very much appreciate that you put it in there. I am very clear that this is not a legal committee. We may indeed seek further legal opinion about it, but it would seem to me that we would need to be clear what the range of liability is, not what the restrictions of liability might be, if I could put it that way. There is clearly a case that the perpetrators have a particular responsibility but then, as the Christian Brothers have done, have

owned a responsibility for those people in their care. It may be that they did not have to but it would seem to suggest that in the end they copped it—they did have a liability. I would have thought that at some stage someone is going to push this against such a claim as Justice Frank Vincent from the institution to the state and from the state to the Commonwealth.

Dr Chamley—Yes.

CHAIR—And we are here on behalf of an Australian government perspective.

Dr Chamley—Yes. Understand that reference 17 is an article about Justice Frank Vincent in the *Age*. These words are not from a judgment or an opinion by the justice. They are his view of what he believes should go on, on the basis of his life as a judge, right?

CHAIR—Yes.

Dr Chamley—But they are interesting words.

CHAIR—However, it would at least seem to suggest that that was one strain of thought, and it may well be that a judge who thinks that out of a court may want to think it inside a court.

Dr Chamley—Yes.

CHAIR—At least you could suggest that he is pointing the way for somebody to think that within a court.

Dr Chamley—Yes.

CHAIR—I also want to thank you very much for reference dot point No. 8. I love inquiries for taking me where I never thought I would like to go, and this is the papal delegate at the Valladolid inquiry in 1550:

This inquiry followed the Pope's receipt of numerous and serious complaints about the treatment of indigenous people by Spanish plantation owners in the New Americas. A papal delegate was appointed to hold an inquiry into the question of whether the Indian had a soul. His finding was that each did have a soul and that meant that slavery was no longer sanctioned by the Pope and so slavery became focused upon the black races in Africa.

Dr Chamley—And the reason why was that the economies of Portugal and Spain were going to collapse unless they could get slaves from somewhere else.

Senator MURRAY—And a core tenet of the apartheid doctrine was that blacks were without souls.

Dr Chamley—Yes.

CHAIR—A convenient application of the papal understanding. I must say that all inquiries take me into realms I had not thought to go, but I had not quite thought we would be backing up to the 16th century, but precedent does take a long time to develop. We must finish there, Dr Chamley. Thank you very much indeed. You want to make one last point.

Dr Chamley—I would ask for a table to be provided to each senator.

CHAIR—Yes.

Dr Chamley—Can I just raise two matters?

CHAIR—Yes.

Dr Chamley—They are in my supplementary submission and they follow on from the previous speaker. From the various organisational submissions, I looked at these numbers. My question is: where did all the other child migrants go? We have a range from fewer than 3,000 on behalf of the Department of Immigration and Multicultural Affairs, a range of 3,000 to 10,000 from the UK House of Commons report, as persons who left the shores of England and Malta and whatever, yet the organisations that receive them can only account for 5,090. There seems to be something way out of whack.

CHAIR—As you just mentioned about the Spanish government of the time, Dr Chamley, perhaps economics had something to do with it.

Dr Chamley—And the second one is this matter of wages. You do not have it yet, but on page 4 of my supplementary submission you will see in *Empty Cradles* Humphreys mentions that an amount of seven shillings per week was given per child for the support of these children. In Bruce Blyth's submission on page 25, he says that in Western Australia 52s 3d per child per week was given and in Queensland the figure was probably about 25 shillings. There is another set of data from the Catholic Child Welfare Council UK which talks about 252 shillings per boy per week.

I raise this because I think there is this question—and it was raised by Senator Tchen and Senator Gibbs: why were these kids starving? I wonder if there was actually cross-subsidisation going on, that there was in fact money coming in under the child migrant scheme of X and some other money coming from the state government for the support of state wards of Y, but there is this other group of children who were illegitimate, not able to be supported by their families. They were added to the pool and the money was just spread out. So what might have been considered to be adequate and match the costs of the day was not in fact available because there were so many other children in the system.

Senator MURRAY—There is an alternative, because the books have not been examined.

Dr Chamley—That is right.

Senator MURRAY—The alternative is the money was siphoned off back overseas to Rome.

Dr Chamley—Thank you.

CHAIR—I am terribly sorry to close you out very quickly. It is just all too important and we have to move very quickly to the International Social Service. Thank you very much indeed, Dr Chamley.

Dr Chamley—Thank you.

[4.41 p.m.]

CARROLL, Ms Diana Mary, Director, International Social Service, Australian Branch

WEBSTER, Ms Marilyn Jane, President, Council of Management of International Social Service

CHAIR—I welcome representatives from the International Social Service. The committee prefers all evidence to be given in public but should you wish to give your evidence, part of your evidence or answers to specific questions in camera you may ask to do so and the committee will give consideration to your request. The committee has before it your submission No. 48. Do you wish to make any alteration to that submission?

Ms Webster—There are no alterations to the submission, Madam Chair, but we would like to make some additions, and that is a copy of the International Social Service Australia brochure, a copy of the International Social Service International brochure, a copy of the UK Department of Health guidelines for the British child migrant travel fund and a copy of the International Social Service Australian Branch child migrant with paged documentation.

CHAIR—Thank you. Would you like to make a brief comment to your submission? We may have to get further information from you, but I would particularly like you to say on the record what it is that you want to say.

Ms Webster—I would very much like to provide some context for the work of International Social Service in this area.

CHAIR—That would be great.

Ms Webster—Then Diana will speak directly to some components of the submission.

CHAIR—Thank you.

Ms Webster—International Social Service has been established in some form in Australia since the 1930s when we had a correspondence, and we became firstly legally incorporated in the 1950s. International Social Service itself was established as an international migration organisation in 1924 following the severe dislocations in Europe after World War I and since that time has provided international casework services across country boundaries for all forms of migration matters. That is the background to how we became involved with International Social Service and the British child migrant scheme. I would like to say that we are in receipt of a DIMA community services settlement scheme but that is not devoted to our work with British child migrants; it is devoted to settlement services for migrant groups that are of less than five years standing in Australia. So we have the experience of both recent migration issues and long-term issues in relation to migration. That is all I have to say and I will ask Diana to address the points of the submission.

Ms Carroll—Amongst our work at International Social Service today we are just here as administrators of the fund that was set up by the UK Department of Health and the child migrant support fund—and their brochure is one of the handouts we have given you. While we think this is a very good scheme, we also feel that it is limited by very specific eligibility criteria set out by the UK Department of Health, and it is also limited by what support it can offer to former child migrants. It also has a finite life span which is the end of March next year. I think at our Web page there is a simpler summary to tell you about eligibility for the fund and what it offers.

It is important, when I know you have had a lot of testimony from former child migrants themselves and their support groups, that we do not claim to have seen a representative sample of former British child migrants. We are aware that we are only in contact with those who know of the fund and who choose to contact us to inquire about the fund. We have had over 400 inquiries in the last two years, and 220 of those people as of today have gone on to submit an application to the fund. Some common themes did emerge and that is what forms the basis of our submission, but we are aware that it is a once removed view rather than our direct experiences.

The main thrust of our submission was in relation to point B of the terms of reference, and we are of the view that, despite this fund, there is still an unmet need in service provision to former child migrants, and we urge the Australian government to address that. We feel there is a particular need for counselling, for better access to records and especially for resources for family tracing, which is a very big part of the job and they have to do that before they are eligible for this fund.

The fund will end in 12 months time and some quarters suggest that it is well and truly known and anyone who was interested would have applied. We feel that that is not true; we still receive many calls, including some yesterday, from people who have just heard of the fund, and we are very fearful that many people will miss the boat, so to speak. The fund will end before they know about it or before they have completed the time-consuming process to find their family members. We believe that an extension of the fund and an expansion of the fund in terms of its eligibility and what it offers in support would be a very cost-effective option for the Australian government. Thank you for listening to us and for reading our submission. We would be happy to answer any questions you may have.

Senator GIBBS—What is an average calculation per person of sending somebody back to the UK?

Ms Carroll—There are two costs. The cost is actually in terms of what the person receives in terms of airfare and they have up to 14 days subsistence. The average cost of that would be about \$A4,500.

Senator GIBBS—So their airfare is paid in total.

Ms Carroll—Paid in total, yes.

Senator GIBBS—We have heard from previous witnesses that the accommodation of course is extremely expensive over there, and you allow 14 days accommodation. How much per day is that?

Ms Carroll—We do not allow it. The UK Department of Health does, but there are actually three different rates that might be used, and it depends where the person is staying. If they are staying with a relative or if they are staying at a B&B, there is a different rate, and the rate is changed. The UK Department of Health has been very open to increasing the amount in Australian dollars as the dollar has plummeted against the pound.

Senator GIBBS—How does it work? Does it work that the department pays the actual accommodation or are they given a travel allowance?

Ms Carroll—Usually they are given a travel allowance. In terms of the airfare, being a charity we know very well how to stretch the dollar as far as possible, so we have the lowest possible deal that we can get, and we have a special deal set up with Qantas and BA. A person can choose to go to their own travel agent or through their own choice of airline and we will give them the money into their bank account of what we would have paid if we had bought it directly through our agent.

The normal situation is we work out where the person is staying, how long they will be away, and there are extras if they are travelling from a regional city to a capital city to get to the UK and also from wherever they land in the UK. We give them train fare or something like that to get to the town where their family lives. But that is all added together, and a 14-day subsistence allowance, and the normal procedure is we work out what that is on the current exchange rate and pay it into their bank account at least two weeks or more before they leave on their trip.

Senator GIBBS—So the 14 days is the cut-off period. There is no more than 14 days.

Ms Carroll—That is right.

Senator GIBBS—A few of the witnesses have said they have not gone over to actually meet their family; they have actually gone over to try and find their family.

Senator KNOWLES—No, they have to be eligible. They have to have found the family before they go.

Ms Carroll—Yes, there are no payments retrospectively even though a lot of people ask for that.

Senator GIBBS—So there is no allowance for people who actually are looking for their family.

Ms Carroll—No.

Senator GIBBS—They are on their own if they do that sort of thing.

Ms Carroll—They are not on their own to look for the family, they do have assistance from the Child Migrants Trust, for example, to help them trace their family. But if they went on the trip they are certainly on their own financially.

Senator GIBBS—I realise that, but costwise.

Ms Carroll—That is right. We have had requests from people, for example, who want to visit the grave of their parents and that is also not covered by the fund. So it is really a first-time meeting with a specified family member.

Senator GIBBS—Is there a support mechanism over there for them?

Ms Carroll—Yes, there is some level of support mechanism but our submission has focused on the fact that it is really an administration fund and its criteria is quite bureaucratic in some ways in terms of assessing whether someone meets the criteria. Within that, because it is the International Social Service in the UK as well who is working with us, and we have a lot of experience with working with people in similar situations as this. We are offering as much assistance as we can to people but we are not actually funded to do that, and resources can only go so far.

Senator KNOWLES—How many people actually blow the money before they leave or during the time that they are there and they run out of money?

Ms Carroll—I do not know any cases of anyone who has blown the money before they have left. No, I do not know of any cases. Certainly people have longer trips and that is the typical situation, that after the 14 days they stay on and it is at their own expense. We have had a couple of cases of people missing planes because they cannot read the signs, and we have had a few crisis calls about that when people are left in Singapore and have not got their connecting flight back home and so on. I think a lot of the people are people who have very limited means and it is means tested to be eligible to begin with. We do worry that the money does not go as far as it might but we have not heard of anyone at all blowing the money on something else.

Senator KNOWLES—You detail in your submission the shortcomings of the scheme. Certainly we have heard that in evidence. Are you aware of any amendments that have been proposed?

Ms Carroll—No. We have tested the criteria a little bit. For example, we have had a case where someone had actually met their mother, not knowing she was their mother, and only for five or 10 minutes on a previous trip when they were in the UK, and we have had various testings of grey areas of the case, but no, there has not been any significant new criteria added to it.

Senator KNOWLES—And there is nothing in the pipeline at the moment?

Ms Carroll—No, not that I am aware of.

Ms Webster—There is the amendment for the counselling services.

Ms Carroll—That is a good point. Since our submission there has not been a change. A more recent extension to the fund was included in our submission that very recently they have allowed for up to three hours counselling per client to be included in addition to the travel and the subsistence allowance.

Senator KNOWLES—On arrival or prior to departure?

Ms Carroll—It can be either.

Senator KNOWLES—How about counselling the other family members?

Ms Carroll—It is not included at all in this fund.

Senator KNOWLES—From whom do they get counselling?

Ms Carroll—I cannot answer for all of them but here in Australia, for example C-BERSS, who I am sure you have heard testimony from, and the Child Migrants Trust. We are working on a daily basis with staff from those two organisations and they are often doing counselling with the clients.

Senator KNOWLES—But those back in the UK are the ones I am really thinking of, the ones with whom the reunion is going to happen, so they do not have someone turning up on their doorstep, ‘Guess, what I’m your son,’ or ‘I’m your daughter.’

Ms Carroll—There is not counselling as such but there is definitely liaison. In terms of this fund, it is always checked and contact is made. So when we submit an application from Australia to the UK, or they got it from New Zealand or Canada or wherever, they actually in a way verify the situation and make contact with the family and do ask those questions, as to whether they have met them before and would they be willing to receive them if they are coming to visit, and things like that. They are doing it by way of a verification but it is not offering extensive counselling to the family, by any means.

Senator KNOWLES—Even though you administer the system, are you not in a position to recommend any amendments to it on criteria, for example, whether it is means testing or eligibility of extended family members beyond those who might have predeceased the child migrant?

Ms Carroll—I guess the overriding thing about the fund is it has finite dollars. It is £1 million and they expect the £1 million to be spent in three years, and that is the basis that they have set the time span of the fund. If the £1 million was not spent by then, I imagine that it is possible that they could say it can run on for another three months until the money runs out or something but, in terms of making major extensions to it, it is always that overriding situation that there is only £1 million to be spent.

Senator KNOWLES—Do you know how the budget is going at the moment? Are you kept informed of that, out of the total amount?

Ms Carroll—No, I am not. I could only make a guess that in Australia perhaps it has cost a little bit less per person because our dollar is in the doldrums, but I do not know the overall picture. We submit our quarterly financial statements to the UK Department of Health but we do not get overall pictures back from them.

Senator KNOWLES—The airlines have also been quite cooperative in terms of the difference between peak and low seasons as well?

Ms Carroll—I am sure we have a very competitive rate throughout the year.

CHAIR—Who pays you?

Ms Carroll—Who pays us? For this work? We have an administration fee that we get from the UK Department of Health for this part of that work.

CHAIR—I presume your cheque does not come from the UK each month.

Ms Carroll—It is transferred directly into our bank account from the UK.

CHAIR—I am glad I asked. How much of the £1 million is going to go on fares or are any of the administrative costs of ISS coming out of that money?

Ms Carroll—The administrative costs are coming out of the £1 million for each of ISSs in the various countries who are assisting it, and about 20 per cent or less of the fund is on administration costs.

CHAIR—But administration cost does not include your salaries?

Ms Carroll—It is up to us, I guess, as to how we direct the funds to some level, but it includes part of two different staff members' time who are involved in the administration of the fund. You are looking at me blankly.

CHAIR—It is a little bit late in the afternoon. This is getting a bit hard for me. How do you work out which half of which person is who?

Ms Carroll—It is related to people's position descriptions, and we have two staff members who have point 5 of their time to work on the child migrant fund.

CHAIR—So that is one salary, effectively, is it? Is two halves equal to one?

Ms Carroll—That is correct, and we also are allowed to charge part of our communications costs of phone, fax and things like that to the fund as well.

CHAIR—Okay. ISS is an international non-government, nonprofit organisation contracted by the UK Department of Health to administer it. Everything comes from the Department of Health to ISS? They are your route to government?

Ms Carroll—For this particular fund, that is right.

CHAIR—What does ‘collaboration from ISS Australia’ mean? Is ISS Australia a thing or just a subplot of ISS UK?

Ms Webster—We are a separately incorporated organisation and we are engaged in a network arrangement but we are not part of ISS UK.

CHAIR—But you get your money from the UK?

Ms Carroll—From the UK Department of Health for this fund. So the UK Department of Health has subcontracted out this fund with ISS UK as the lead contractor and the overseeing contractor, and ISS Australia, ISS New Zealand, ISS Canada, ISS South Africa, all—

CHAIR—Does ISS Australia go direct to the Department of Health and not through ISS UK?

Ms Carroll—No, we submit our documentation to ISS UK.

CHAIR—And that is presumably the case for Canada and New Zealand?

Ms Carroll—I imagine.

CHAIR—I note your comment about the failure of the duty of care towards the former child migrants. Where do you think the responsibility for that failure of duty of care lies: with the immediate carers, with the institutions, with the state or federal governments?

Ms Webster—Madam Chair, as you rightly referred to in your questions of the previous witness, it is a very complex legal situation. I guess by rights the Minister for Immigration has first bite at the guardianship of the children, and under some circumstances that was formerly delegated to the state governments and there were varying arrangements on behalf of the state governments with the private care providers. The whole understanding of guardianship and custodianship has changed over the years, and so the place at which that responsibility might be rested has probably also changed. I must say that I do agree with those comments that were attributed to Mr Justice Vincent earlier, and quite clearly—and indeed I have seen references on state files myself under a former role—state governments have some responsibility.

I am not sure whether light can be thrown on where the legal responsibility lies by the Baby Kajal incident, but there might be some useful purpose in referring to that dispute between the Commonwealth and the state over the guardianship of a child that entered Australia for the purposes of intercountry adoption in the late eighties, and that may in fact assist.

CHAIR—Can you remind us of the name of that?

Ms Webster—Baby Kajal. There is no wider reference to the case than that. It was always referred to as the Baby Kajal case.

CHAIR—Thank you for that. I suppose people would say this is a complex legal matter. For most of us it seems to be a very straightforward legal matter and it is the courts and the people taking the for and against within the courts who introduce the complexity. On the face of it, it would seem you are responsible and you delegate the responsibility, a fairly straightforward chain of command, but I thank you for your comments on that.

You say in New South Wales the non-retention of most overseas ward files—you comment on the destruction of all pre-1955 medical and social history, adoption-related files by the New South Wales Department of Community Services.

Ms Webster—Yes. Our understanding is that those files were destroyed and that presumably came about under the way the British child migrant files were managed as part of adoption files, but that varied between the states. In Victoria they were managed as state ward files.

CHAIR—I think at some other stage I might find out the difference between adoption files and state ward files. I can see it is stretching the brain at this time of the day. Do you know why the New South Wales department destroyed those files?

Ms Webster—No, not directly, other than that one can make the presumption that once any kind of guardianship or adoption was finalised it was deemed to be a permanent arrangement and references to original identity were destroyed.

CHAIR—You seem to be saying in what you were just commenting then, Ms Webster, that this is not the same pattern between the states. Not all states have destroyed their files that are relevant.

Ms Webster—No, that is right.

CHAIR—Thank you. Senator Murray,

Senator MURRAY—Just for your assistance, Madam Chair, you probably know it, but there was a recent New South Wales parliamentary report on the adoption situation in New South Wales, which deals with the history of that.

CHAIR—Thank you for that, Senator.

Senator MURRAY—Is this scheme administered under legislation or is it administered under a general vote available to the Department of Health?

Ms Webster—I am afraid I do not know that.

Ms Carroll—We can find that out and give you the answer.

Senator MURRAY—The reason I ask is I would assume if it was under a general vote that there would be discretion to vary the eligibility, whereas obviously if it is legislation you have got to go back to parliament and get an amendment, which was the point that Senator Knowles

was pursuing, but at a quick glance at your material I could not see reference to an act. Perhaps you would let the committee know.

Ms Carroll—This might not be the answer to your question. It just says in the front of this that it was set up as part of the UK government's response to the report by their parliamentary select committee for health, and that is all, so I do not know if an answer will follow from that.

Senator MURRAY—I might be wrong, but it is my belief that in the budgetary process that goes through the British parliament there are general votes which the departments then allocate, so there might be votes for health and education or matters or charitable matters up to a certain amount, which are not specific line items approved by parliament. I might be wrong, so it would be helpful if you could let us know.

Ms Carroll—We can find that out.

Senator MURRAY—That is all I have, Madam Chair.

CHAIR—Thank you. In filling out this form—the sort of form that would make me think I would not be bothered to apply—do you accept that if an Australian is a full pensioner that they are eligible, or do they have to still fill out the forms on all these other bits and pieces?

Ms Carroll—We still have to find out their other means of income as well, but usually someone who is on a full Australian pension would qualify.

CHAIR—I suppose we could leave questions about this. We have had a number of people who have said that they are just outside the eligibility criteria, particularly in terms of modest income but not modest enough, so they are not eligible for the assistance, and that if they are looking for certain people—for example, the only relatives left in this world are their cousins, first cousins, very immediate—they are not eligible for assistance either. I thought Senator Knowles was asking you this before, but maybe I misunderstood. Can you make recommendations? Can you ring up and say, 'Look, 80 per cent of our inquiries are about contacting cousins therefore we recommend that the eligibility criteria change'? First of all, how many applicants are for cousins?

Ms Carroll—It would be very hard to give an informed answer on that because so many people receive the information and it is quite straightforward. They may very well say, 'Oh, I've only got a cousin,' and they do not apply. So it is hard to know who is not applying to you. But certainly we have had people who have made inquiries, got the forms from us and then said, 'It's unfair because I already met my mother once.'

CHAIR—So what do you do, then? Have you actually asked the UK government to expand its criteria?

Ms Carroll—No, we haven't.

CHAIR—Would you consider that?

Ms Webster—We certainly would consider that. There have been discussions, and you will see that we are in fact, in the context of our submission, supportive of a wider range of criteria.

CHAIR—This committee may conclude that it should make such a recommendation. I do not want to pre-empt that it will, but I am just interested in whether you would say, ‘This is outrageous because lots of people would be eligible in terms of their income but the only family they have don’t fall within the criteria of immediate family, so we recommend that you must broaden the criteria.’

Ms Webster—We would certainly support some widening of the criteria. We would need some support I think socially and governmentally in Australia to give effect to that because these criteria are across the network; they are not just criteria for Australia.

CHAIR—I see.

Senator MURRAY—Without being critical—it is a slightly bureaucratic response—I think you could have a look at their *Hansard* record and your own experience. Obviously anyone designing such a system cannot foresee the consequences, and I am sure the secretary would be happy to send you the *Hansard*. Generally, you would be able to pick up the comments people are making and perhaps you can shortcut our approach.

CHAIR—Yes. Whose criteria are they—British government’s or the Department of Health’s?

Ms Webster—The UK Department of Health, as we understand.

Ms Webster—Our understanding is they were submitted by ISS UK to the UK Department of Health.

Senator MURRAY—But with experience, of course, people may now have the discretion to adjust them.

CHAIR—Would you recommend or do you suggest that the Australian government should provide funding for the scheme? If so, how much?

Ms Webster—We have not had the opportunity to canvass that.

CHAIR—Come on, Ms Webster, you can do better than that. Are you going fifty-fifty? Do you reckon Australia should be in there fifty-fifty?

Ms Webster—I do, because clearly the understanding of the program was that Australia benefited by virtue of having strong, young people of British stock join our society. That is quite clear in the letters on the files that I have had access to. I think as such then the kind of contribution that the Australian government should be making is at least equivalent to the UK.

Ms Carroll—If we had double the resources—for example, a lot of the concerns that we have are that people do not want to fill in a form, or it is hard for them or they can’t. People do have a lot of concerns. For a lot of people who go, it is the first time they have ever been

overseas. They have fears about that, notwithstanding all the emotional concerns they have about meeting their families for the first time. Then they come back and they have all that to deal with as well. We would really like to do this job much better and doubling the resources would actually help us support people properly during the process—before and after.

CHAIR—Should the Commonwealth and the state governments put in money in your preferred world or only one level of government? Should the Australian funding, Commonwealth and/or state, be in a separate fund so that people would be able to access as an alternative to ISS or should it all be in one bucket?

Ms Webster—I have already stated that I guess at a policy level ISS would support contributions from both Commonwealth and state. There is a mutual responsibility there through the delegation of guardianship. In terms of the bucket, I think one of the strengths of the Australian situation is that there are a number of organisations providing services to the British child migrant population and that means they are able to approach the organisation they feel is most suitable to their needs.

CHAIR—Do you work closely with those other organisations?

Ms Carroll—Child Migrants Trust and C-BERSS we would be speaking to on the phone at least once a day, every working day of the year.

CHAIR—When you are providing information you might actually say to people, ‘Look, in your situation you would probably be better to go there. We will talk to them and see,’ et cetera. Do you lobby on behalf of people who are not eligible under you but who might go elsewhere?

Ms Carroll—A little bit, but often the flow of traffic is the other way—C-BERSS might be working with someone and help them to submit their application and explain the process and then with Child Migrants Trust it probably goes both ways. We get the first call and we say, ‘Look, the Child Migrants Trust can help you trace your family and then come back to us.’

CHAIR—Do you anticipate, or could you anticipate, that there might be a difficulty of getting Australian Commonwealth government money under the Department of Health criteria from the UK?

Ms Webster—I would anticipate that, just because of the multiplicity of governmental levels and governments involved in coming to agreement. But there are other examples of cross-jurisdictional cooperation, I am sure, where funds have been put together. I am sure also that it is not insurmountable. If the Australian government were to press for an expansion of the eligibility criteria and match that with a significant contribution, then I think that would be all to the good.

CHAIR—Ms Webster and Ms Carroll, thank you. If you could find an example of that without spending 10 hours on the Internet, the committee would appreciate it. I can imagine the Australian government sitting at estimates answering questions from tedious senators who say, ‘Please explain, account for where all those Australian dollars have gone, sucked into the bowels of the UK.’ I think that might be a very exciting little criteria.

Ms Webster—I do not minimise the difficulty of it and I think that is why the British government chose ISS, with its international network, to deal with the issue.

CHAIR—Thank you very much. Thank you to all the witnesses.

Committee adjourned at 5.16 p.m.