COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

COMMUNITY AFFAIRS REFERENCES COMMITTEE

Reference: Child migration

WEDNESDAY, 21 MARCH 2001

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SENATE

COMMUNITY AFFAIRS REFERENCES COMMITTEE

Wednesday, 21 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, 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

Committee met at 9.43 a.m.

COSBY, Mrs Monica Helena (Private capacity)

KELEHER, Mrs Patricia (Private capacity)

WEEKERS, Mrs Patsy (Private capacity)

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, Melbourne, Adelaide and Canberra and also a hearing to be held in Sydney tomorrow. 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 primarily involve evidence from a number of the people who provided submissions—they 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 that they believe should now be provided by government and other welfare and support agencies.

Unfortunately, it was not possible to invite all of those people who provided submissions to be able to speak with the committee. However, you may be assured that the many written submissions that the committee has already received have assisted us in understanding the deep personal issues involved with this inquiry. Evidence in this session is being heard in public. However, evidence can also be taken in camera if any witnesses consider such evidence to be of a confidential nature. That means that, if you want to give any evidence in camera, you can ask the committee and we will consider that, but this is a public hearing.

Welcome. We have a submission from Mrs Monica Cosby, but you have been joined by the other two ladies. I understand that you have all seen a copy of the Senate procedures for the protection of witnesses and their evidence.

CHAIR—I also understand, Mrs Cosby, that you wanted to say some things to start with. Can I ask you to start by making those comments now?

Mrs Cosby—Yes. I was at the orphanage here for about 3½ years, and I was the subject of cruelty, lack of schooling and watching cruelty and not being able to do anything about it—with other children. I went to school for about a year and a half at Neerkol. All I ever learnt was a bit of sums because they couldn't be bothered with me because I wasn't a learning type of child. I hated school because all I did was get whacked and whacked, so it frightened me off it altogether.

Then a state chap came out to see me for about five minutes, and I asked him if I could leave school because I could not cope with it. He said that I'd have to stay at the orphanage until I was about 16. Within that five minutes that is what we got in, and then they shoved me up to the nursery to work.

CHAIR—Who was this man you were speaking to?

Mrs Cosby—The state fellow, Mr Patterson. I only saw him about five minutes that particular day. Other than that I've never seen him again. Then they put me up in the nursery. It wasn't very pleasant up there. We had a nun up there who was very cruel.

CHAIR—What was her name?

Mrs Cosby—Sister James, now deceased.

CHAIR—Tell us a little bit about that, Mrs Cosby.

Mrs Cosby—She would whack the littlies as they got out of bed, even though they were only about this high—about two year old—take them by the arm and whack into them for wetting the bed. And then in spring, summer, autumn or winter it was shoving them on the pots at about one or two in the morning and dragging me and others out of bed to get them up. But she never did a thing. And feeding babies and all that. She was very cruel where feeding children went, lying them on the lap, whacking them to swallow their food and half choking. And then she'd get stuck into another girl and me. You can't mention names, can you?

Senator MURRAY—Yes you can, Mrs Cosby.

CHAIR—You can.

Senator MURRAY—If it is staff, you should. If it is people you were with—

Mrs Cosby—People that worked with me, yes.

Senator MURRAY—Just be careful in case they do not want to be mentioned.

CHAIR—You are covered by protection if you say anything at this hearing.

Mrs Cosby—I do not think Molly would mind me saying anything, because we know exactly how it ran. I will never forget the day a baby died there. The kids were left in the care of us while the nun went up to lunch. The nun said to us to keep an eye on this baby. It had been at the orphanage only about 24 hours. When we went and checked the bubby, the bubby was dead. I raced up to the convent and the nuns were all sitting at the table having a meal. We did not know what death was in those days, but we knew something was wrong because the baby was bluish. I raced up there to tell the nuns, and the nun who was in charge, Sister James, came out. She used to carry two flasks to take hot water over there for morning or afternoon tea, whichever it may be. As I was running up the stairs to greet her, she just opened the two flasks and wham, straight across both cheeks—no explanations, no nothing. We were real slaves out there.

CHAIR—You raced up to tell her—

Mrs Cosby—I raced up to meet her to get the flask off her, but instead she just opened her arms up and wham. She would pull us out of bed by the hair to get the kids out of bed.

CHAIR—Did you rush up to tell her to come quickly; the baby was sick?

Mrs Cosby—Yes. As a matter of fact I ran into the nuns' dining room.

CHAIR—What happened then?

Mrs Cosby—I ran round the other way to run up the stairs to meet her coming down from the convent. I said, 'I will take your flask'. She was a very cruel nun, there is no doubt about it. She just whacked me straight across the face with the two flasks.

CHAIR—This would have taken some precious time before you got back to the baby.

Mrs Cosby—That was on her way coming down, yes.

CHAIR—What happened after that? The baby was dead?

Mrs Cosby—The baby was dead. I remember her with the tubs of water reviving it. I thought that that was the way they did it in those days, but I panicked because I did not know what she was doing. She was putting it in warm water and cold water to revive it and that sort of thing. I was screaming at her and everything because I did not know what she was doing.

CHAIR—Did the little baby revive?

Mrs Cosby—No, the little baby died.

CHAIR—You were going to tell us something about Molly at that time.

Mrs Cosby—Molly and I were working there together. She was quite cruel to Molly and me. Three times I went up to the presbytery where the priest was and reported the cruelty to the babies and he would just say, 'Go back to the nursery', which meant, 'Go and do your work.'

Senator MURRAY—What was his name?

Mrs Cosby—Father Anderson.

Senator MURRAY—Is he still alive?

Mrs Cosby—He is deceased too.

CHAIR—How old were you when you came out here?

Mrs Cosby—I think I was 12½. Then I think I came out when I was 13½ to nearly 14 to work up in the nursery. There was a lot of cruelty in there. As a matter of fact, in my opinion, she was not fit to be a nun. I am sorry to say that.

CHAIR—I do not think you should apologise at all, Mrs Cosby. You just take your time.

Mrs Cosby—It all comes back to you, things you do not forget.

CHAIR—Feel free to tell us, because this committee has a terrible job asking people to recall things that are very painful for them. But we are extremely appreciative when you do put those things on the record for us with your submission and the things you tell us, because then we can write a report that does not mince words or fool around with the truth. If you want to just take a breath, and if there are other things you would like to tell us, the committee would be pleased to hear them. Would you like me to speak with Mrs Keleher and Mrs Weekers while you draw breath for a minute?

Mrs Cosby—Yes.

CHAIR—Mrs Keleher, tell us what you would like to say.

Mrs Keleher—I agree. Sister James was not the only cruel one. There was a nun we used to call Jumbo. She frightened me. She had one green eye and one brown eye, and she was very cruel. It was nothing for her to knock you against the wall for missing a word. For instance, we used to form a horseshoe around the class and we would have to read. When it was my turn, I could see this big word and I knew I was not going to get it, so I jumped it. She yelled out to me.

She used to call us two Polly, which was a terrible word—the two Pollys. She said, 'Polly, what did you do wrong?' It was terribly funny. The kids used to laugh at you, even though she was ridiculing you. I was so ashamed. I just did not know the word. She called out and asked me to say it, and I did not know and then she said, 'Look at Polly. The train is going to run over her lip.' Everyone laughed; kids do. I suppose I was very naughty, so I pulled my lip right out.

I did not see any more because she came charging down. I am telling you, I reckon she was six foot and this wide. She came and she knocked me fair against the wall and down I went. I remember waking up in the domestic science room. She gave me an orange. I was going to write a book, 'The power of the orange', because I went downstairs and there was nothing of that orange left by the time I got to bottom steps. We all claimed it. I will never forget that, and I will never forget her cruelty.

They used to get issued with great big lots of canes, all stuck together and wired up. I honestly think she took great delight in unrolling what was about 10 or 12 canes in a roll and she would take them out and put so many away. Towards the end of the cane issue—they must have been issued with them—she used to sit there. They would split after a while because all day and all night it went. They used to have these tiny little tacks, not like tacks today. They were tiny little brown ones with heads about the size of a pin. She would get it and she would tack the cane together.

One day she came around and walloped me one right there. If you have got cane marks or even sores, there was really no-one to go to. The bigger girls sometimes would doctor you up. She came one day, and it had festered. She said, 'What's that, Polly?' Really excited, I said to her, 'You did that.' Sometimes you got really rebellious and you got her. She took me outside again and she bathed it. I think she was a schizo—what I know now—because she was very nice to me and she gave me a vegemite drink. For one instant of a second I really liked her.

CHAIR—How old were you when you could not read the word?

Mrs Keleher—I was in grade 4 or 5. It was the middle. There was a big school.

CHAIR—So you were about nine or 10?

Mrs Keleher—Yes. There was 8, 7, 5, 6 and 4 all in one big room, right down to grade 3. So you saw everything. I was in grade 4 or 5.

Senator MURRAY—What year was it?

Mrs Keleher—Year? I came out when I was five.

CHAIR—In 19—?

Mrs Keleher—In 1951.

CHAIR—So this might have been about 1959 or 1960?

Mrs Keleher—No, earlier than that.

Mrs Weekers—I was 11 in 1956, so you would have been seven.

Mrs Keleher—I was in grade 5 or 6. I would say I was in grade 5.

Senator MURRAY—What was the proper name of this Jumbo person?

Mrs Weekers—Sister Assumpta.

Senator GIBBS—When you were there, do you know if there were a lot of children or a few children—

Mrs Keleher—I do not know at that time. Probably—

Mrs Cosby—There would have been about 500, I reckon. Between 300 and 500.

Mrs Keleher—In that class, I think there were only about 20.

Mrs Weekers—Yes, it was a normal-sized class like they have now.

CHAIR—There were lots of little children.

Mrs Keleher—Yes.

CHAIR—They would have been Australian-born little ones?

Mrs Keleher—Yes.

CHAIR—And you were, effectively, unpaid labour looking after them. Were you ever the children in the nursery?

Mrs Keleher—No, I used to do the laundry though. Three of us used to do the laundry.

CHAIR—At what age?

Mrs Keleher—In grade 5. We used to get up at five. I liked the laundry. We never went to mass for those two days. There was this kind nun in the bakery who used to give us brody and syrup.

Mrs Weekers—Sister Lucy.

Senator MURRAY—What was the kind nun's name?

Mrs Keleher—Sister Lucy. She was at the bakehouse. She was beautiful.

CHAIR—What is a brody?

Mrs Keleher—It is a crust. You always picked under for them. On a Wednesday and a Saturday we used to change our clothes. We would all meet in the recreation room after rosary of a night and put our clothes in the middle, and the nun would flick the stick and sort them out. Then we would have to soak them in the baths. They had about 10 baths down in that recreation area. They were soaked.

We used to get up at five. I did not mind it; I just thought it was part of it. There was that little reward of not going to mass that day and the brody. We used to rinse all the stuff out, even in the middle of winter. It would be dark and cold, and we had no shoes. We used to squeeze all the stuff out and take it in the sheets and drag it. It was a fair hike; it was a long way. There were three of us. There was Rosy Duck, Daphne Brennan and me. We did the laundry, right up until I left. In the afternoon, all the children would gather the clothes off the long lines.

CHAIR—Who hung them out?

Mrs Keleher—We did. I will never forget Father Anderson riding up on his horse when we got the hoists. I didn't know how to hang them out. He got off his horse and showed me how to hang the clothes off the line. I would rather the long ones. I was getting pretty twisted around the hoist. That was probably getting towards the end of my time at Neerkol.

Senator MURRAY—Mrs Keleher, you say you were beaten with these canes?

Mrs Keleher—Yes.

Senator MURRAY—On what parts of the body were you beaten?

Mrs Keleher—Anywhere.

Senator MURRAY—The head?

Mrs Keleher—No, I don't think it was the head.

Senator MURRAY—The back?

Mrs Keleher—Oh, yes, everywhere.

Senator MURRAY—The buttocks? Legs?

Mrs Keleher—They had a habit of lifting your skirt up and boom, boom, boom. I didn't like that. I didn't like that in front of the boys at all.

Senator MURRAY—Were you beaten on the chest?

Mrs Keleher—We were thumped.

Senator MURRAY—Were you hit with a fist?

Mrs Keleher—Yes, I was knocked out. I went down the hall.

Senator MURRAY—Were other children hit with a fist by these nuns?

Mrs Keleher—Yes, quite a few, especially the big nun.

Senator MURRAY—So any part of your body, front or back, except for the head. Is that what you are saying to me?

Mrs Keleher—She must have been aware of where I was going to land, against the wall.

Senator MURRAY—How many times would someone be beaten?

Mrs Keleher—As I said, it was a great big room and it happened every day.

Senator MURRAY—If they were beating you, would it be one stroke or six strokes?

Mrs Keleher—Quite a few.

Senator MURRAY—Let me explain to you why I am asking you these questions. In law, at the time, there were very strict laws established as to how children could be punished. It was clearly established in law. So it is important for us to know in what respects that was ignored.

CHAIR—What they were doing was a criminal offence. That is the point Senator Murray is making.

Mrs Keleher—Now I know it is, but at the time it was the norm. When I passed the scholarship I went to the Range College. I never saw another cane, but they were the loneliest

two years of my life because I missed the children. There were no letters. They had fruit days and I got none. It was the loneliest two years of my life. I really missed the kids.

CHAIR—Can we come back to that in one minute? I want to finish the point that Senator Murray was making, which is very important. He point is that, while beatings were the normal practice—and everyone tells us this story—in that institution, it was breaking the law. It was a criminal offence at that time. It was not the norm in law. That is one of the points we have been pursuing—to establish that these sorts of beatings were not within the law, even way back then when they might have been standard practice. We really do need to make that clear. I have a problem. Would you hold your information about that college? I want to get Mrs Weekers to say a few words and then we can come back. Don't let me forget, Mrs Keleher. Senator Gibbs would also like hear what you can tell us about the number of children who were then when you were.

Mrs Weekers—I came out from England when I was five. I was the youngest of the 22 that came out in the first group.

CHAIR—In which year was this?

Mrs Weekers—We arrived in February 1951. I do not remember any of the trip or even arriving there. The only memory I have is from photos that I have now. I have no memory of coming out. I know that Monica and Molly used to be in charge of us. I remember hanging onto her. I did not want to let her go when we had to part from one another. She went to the big girls' dormitories and we went to the little girls' dormitories. I wrote a submission to the Leneen Forde inquiry. I have a copy of it. If you want it as a submission, you are most welcome to have it.

CHAIR—We would welcome it, and thank you very much.

Mrs Weekers—There are a few points I have highlighted a little. I started off by introducing myself and how long I was at Neerkol. I was five in 1951, and I left in 1963 when I was 18. I left school in 1960 and worked in the kitchen for three years. This is one of the items that I have mentioned. I have also sent photos of my life at Neerkol to the Leneen Forde inquiry too. I thought I would just show you that.

CHAIR—We would love to see those.

Mrs Weekers—I have only six photos, and they indicate how it was for me when I was there. There are a couple of nice, happy items there. You are most welcome to have a look at them. I did not pass a scholarship in 1960; I sat for it but I did not pass so I had to stay there for the three years. I worked at the kitchen for three years. They were not bad years—I quite liked them—but I never saw money when I was there. I was treated like one of the other orphans, and I slept in the dormitories with the other kids. I never got paid for those three years that I worked there, which I have mentioned here. I did not know the reason for that. When I turned 21, I got a letter from Mother Regis, who was the mother superior at Neerkol at the time. I was living in Biloela. She sent me a letter that said, 'We have no money in trust for you for those years that you worked at Neerkol because you were a British migrant.' I thought that was a bit strange. I got a bit upset about it. I am actually sorry I never kept that letter because that would have been

good evidence. I am sure it is on the records there that, because I was a British migrant, I was not entitled to any money at all. I left when I was 18 with £25 and a port full of old clothes. It was the last time I saw them. I do not think they ever followed up what happened to me. I went to the family of the man who is now my husband. They have proof that it really did happen. I had to make my own life. As it turned out, I was with a good family and they looked after me. So I was very fortunate. That was one of the items I picked out.

I was very fortunate. I was like Patsy, always getting into trouble at school. I used to cry when I had to go to school, because I had a fear of the teachers. I had Sister Assumpta, who was mentioned, for three years, not two years, because I was put back in grade 4. I was more terrified at the time I was under her care. But I could sing, and I used to go into the eisteddfod every year. I have got proof on the freedom of information files of how successful I was. So I guess I was one of those fortunate ones because I could sing, and I was able to excel in it. I have often thanked the music teacher who taught me singing. She is still in Rockhampton. She keeps reminding me how good I was. I guess that was one of the benefits that I have achieved over the time that I was at Neerkol. They taught me how to sing and I was able to achieve it.

Senator GIBBS—Was that at Neerkol you learned to sing?

Mrs Weekers—Yes. I started coming into Rockhampton to sing when I was nine. I was absolutely amazed when I saw in the files how young I was and how I achieved my singing abilities.

Senator GIBBS—How did that come about? Did one of the nuns hear you singing? Did they actually teach you music?

Mrs Weekers—Not playing the piano or anything, just singing. They used to send boys and girls into Rockhampton. Patsy would have known because she was one of those who used to sing against me.

Mrs Keleher—I came third.

Mrs Weekers—Every year we came into Rockhampton to the Rockhampton eisteddfod and competed in choirs, in singing and, I think, in poetry—which I never was very good at because I could not learn the English side of it. That was one of the achievements that I had: I could sing. And I could play basketball. I was very fortunate that I was always in a basketball team and achieving there.

Senator GIBBS—So that would have enabled you to mix with people from the outside.

Mrs Weekers—Not really. We were really always stuck together.

CHAIR—Were you beaten, Mrs Weekers?

Mrs Weekers—Oh, yes.

CHAIR—What did you do to get a beating?

Mrs Weekers—As Patsy said, if you could not learn or if you did not know something, you were beaten. I have said in the letter here—you can have this copy—that it was very cruel. I have mentioned three nuns; one is still alive, which I did not mention. The other nun was a Sister Anslem, who was actually in charge of the boys. One of the nuns used to bring Sister Anslem over—and she knew how to use the cane a lot better—and beat the girls because they wet the bed and things like that. I said that I was one of the fortunate ones, I did not wet the bed, so I never got those sorts of hidings. It was mainly school that I feared most.

CHAIR—Who were the nuns? What is the name of the one who is still alive?

Mrs Weekers—Am I allowed to mention it?

CHAIR—Yes.

Mrs Keleher—Sister Anne Marie. She was very cruel.

CHAIR—When you say she was particularly cruel, what—

Mrs Weekers—Mainly because if she could not handle belting the kids, she would bring over this other nun who was in charge of the boys, and she would assist her in finishing it off for her. They would work together.

Senator MURRAY—Who was the other nun?

Mrs Weekers—Sister Anslem.

CHAIR—There was Sister Anslem, Sister Anne Marie and—

Mrs Weekers—Sister Assumpta. They are the nuns that I have mentioned in there. It was very bad with Sister Anslem. When I was living in Biloela, I was working in a motel, in the reception, and my sister-in-law came to me and said, 'I've got a sister here who would like to say hello to you.' I said, 'Who is it?' She said, 'Sister Anslem.' I took off out of reception and let my husband go and talk to her. I was just so fearful. I could never face that nun, ever, after I left Neerkol, because of the cruelty that she had over the children. I am sure all my friends here would vouch for that. And yet she really was not in charge of the girls. The other nun used to bring her over and they would work together.

Senator GIBBS—Exactly how many nuns were there at Neerkol?

Mrs Weekers—I think about 14 or 15.

Mrs Cosby—Some lived at the convent, and they would come down. They were in charge of the dining room and the nursery.

Senator GIBBS—Were they all cruel and vicious?

Mrs Cosby—There were some nice ones, but they were just as bad as the others because they would not stick up for you.

Mrs Weekers—There were some lovely nuns.

Mrs Cosby—They were too frightened to do anything about it.

Mrs Weekers—There was one nun who taught me singing. She was there the whole time I was there from 1951, and she left in 1963. She taught grades 7 and 8 scholarship and she took us for the singing. She was lovely. There was only one incident I had when she really belted me. I must have deserved it, I know that. I have talked to her about it. She can't remember the incident, but I said I must have deserved it. That was the one incident that I can remember.

Senator GIBBS—What was her name?

Mrs Weekers—Sister Mercia. Sister Mercia was the one who taught me singing. She taught me in grades 7 and 8, and she was a very good teacher, even though I could not learn—I was not able to do my scholarship.

Senator GIBBS—Sister Mercia wasn't in the habit of beating the kids up?

Mrs Keleher—Yes, she was. 'Pinkstick' we called her.

CHAIR—Why Pinkstick?

Mrs Keleher—Because she would get the boys to get a stick off the tree and then paint it and wallop you one.

Senator GIBBS—Paint it?

Mrs Keleher—She was the one who used to lift the skirts up and belt the daylights out of you. I told her one day, 'I'm a big girl now and I really don't fancy you lifting my skirt up in front of the boys and standing us in the sun.'

Senator GIBBS—What did she say to that?

Mrs Keleher—That was the day I was sent out of the class all day. I lost the plot; she lost the plot. Patsy doesn't remember it, but I remember it very well. I was never hit after that. I kind of lost the plot. She had us all lined up, and she was going to clout us all one. I just got the stick, broke it in half and said, 'You'll never hit me again.'

Senator GIBBS—Good on you.

Mrs Keleher—I was sent outside. Little lunch came. After little lunch I went in the class and she said, 'There's somebody in this class that shouldn't be here. Get out. The rebel again—outside.' Lunchtime I went back in, and it was somebody else. After school—the kids did not have far to go; it was just off the verandah—she got me and said, 'You're a brazen hussy. Look at you.' But after that she was very nice to me. I just explained to her that I could not take any

you.' But after that she was very nice to me. I just explained to her that I could not take any more hitting in front of the boys and lifting your skirt. We were growing up; we were 14. She lost the plot, I lost the plot, I broke the stick and I shoved it down. She did not even hit anyone else. I think that might have been when she conformed, Patsy, because she realised that I just went to pieces. She even gave me sandwiches off Father Anderson's table. She said, 'Come here. I've got something for you.' I think she understood that I was going to pieces.

I blame the system because some of those nuns were there for as long as we were. Today I do not think that should happen. If a new nun came we really flocked around her. And if they were very kind—I saw a nun with tears in her eyes who never, ever lasted long at Neerkol. They tried a couple of times to bring her back. Her name was Sister Adrian. She was like the Madonna to me—she used to have tears—I mean, Our Lady. She was so kind—her arms. She was wonderful.

Senator GIBBS—But she could not stay.

Mrs Keleher—But she would never last. She never coped. She would come back—and oh, wow—but never last.

Mrs Weekers—There were some lovely nuns.

Mrs Keleher—They were there too long, and they got into a rut.

CHAIR—Our terrible problem is that we have three wonderful witnesses and we are running out of time. Would you mind if I now asked Senator Murray if he would like to start some questions?

Senator MURRAY—Mrs Cosby, I am going to ask you some questions which are important ones. I want you to think carefully about your reply. You have told us how a child died at the orphanage—at the institution. Did a number of children die in the time you were there?

Mrs Cosby—That is the only child that died while we were there.

Senator MURRAY—Did that child die as a result of negligence on the part of the nuns?

Mrs Cosby—That child was at the orphanage for only 24 hours. It was a new baby that came in. We were asked not to touch the child or touch the belongings because we did not know what was wrong with it. That was by the nun at the nursery. That is all we knew. When the nun went up for her lunch, she asked us to watch the baby. That was definitely the only child that died while I was at the orphanage.

Senator MURRAY—When the child died, did the authorities take an interest? Did the police or someone from the coroner's office come?

Mrs Cosby—I can remember two men in dark clothing came out in a car like a Humber. The baby was dressed and laying on Sister Peter's bed. They put it in a little box and then carried the little box out to the Humber. That is all we knew of the baby. It went in the car.

Senator MURRAY—With regard to children being kept in the nursery in the institution, did any of them develop disabilities or problems because they were not properly treated?

Mrs Cosby—There was a funny thing that used to happen from babies being on the pot. Little things used to come out of them, from their behinds, and you would have to push them back in. That is a fact.

Senator MURRAY—So the intestines came out?

Mrs Cosby—Whatever it was. We did not know at the time. But that was from being on the pot for so long.

Senator MURRAY—What age were they put on the pot?

Mrs Cosby—From about two years on. They had little babies on bottles. We used to feed them and bathe them and everything.

Senator MURRAY—Were those children in cots picked up regularly, or were they left to lie all day?

Mrs Cosby—They were not left to lie all day. They were taken down to what I called the dome. What is that thing they had?

Mrs Keleher—The rotunda.

Mrs Cosby—I used to call that the dome. They used to be in there all day. There was no fencing or anything to let them get out and play in the yard; otherwise they would have had to have constant care. So they used to be locked in there and they were made to sleep in there.

Senator MURRAY—Was there somebody minding them when they were in there.

Mrs Cosby—We used to go down and watch them. The nun that was there—she weighed a tonne; I was only little, of course—never used to bother. She just used to go off in a room and we would look after the kids.

Senator MURRAY—Would these children be changed when they soiled themselves?

Mrs Cosby—Yes.

Senator MURRAY—So they were kept clean?

Mrs Cosby—They would have their nappies changed or their little knickers changed or things like that. But they were still just locked in that rotunda.

Mrs Weekers—Here is a photo of the rotunda where the children used to spend a fair bit of the time. I have got a photo album here full of photocopies of how Neerkol was in our day.

Senator MURRAY—I want to know from you—and you are mature women now, and you know the difference—whether the standard of care was sufficient or whether there was neglect or abuse of little children.

Mrs Cosby—The littlies were abused. They got whacked if they wet the bed. The nun would pick them up by one arm and put them on the floor. As a matter of fact, the babies automatically knew where to go, just like that. There was no telling them where the potties were. They knew automatically.

Senator MURRAY—They were kept clean. They were fed and they were exercised?

Mrs Cosby—They were fed.

Senator MURRAY—And they were exercised?

Mrs Cosby—Yes. They just played in the rotunda.

Senator MURRAY—Did they have toys or anything to play with?

Mrs Cosby—They did not have that many from what I can remember. There were a few, but not that many.

Senator TCHEN—There were many children there, some of whom were British migrants. Were you treated differently from the other children?

Mrs Keleher—No.

Senator TCHEN—The same way?

Mrs Cosby—Yes.

Senator TCHEN—Did you have to do extra work?

Mrs Keleher—No.

Mrs Cosby—I worked!

Mrs Weekers—We were treated like an orphan, like anyone else who was there.

Mrs Cosby—I worked pretty hard.

Mrs Keleher—Some got the yucky jobs and some got the good jobs.

Mrs Weekers—But it did not matter whether you were a migrant.

Mrs Keleher—I think that was the pattern. It was helping to keep the place tidy, scrubbing the schools and things like that. To me it was the norm.

Senator TCHEN—Mrs Weekers, you said that, after you left the orphanage and after you worked in the kitchen, you got a letter from the mother superior to say that because you were a British migrant you were not going to be paid. You said you were a little upset about that. Were you expecting to be paid?

Mrs Weekers—I suppose this letter came as a big surprise to me. I did not think I was entitled to it.

Senator TCHEN—The letter implied that if you were an Australian you would have been paid?

Mrs Weekers—Now that you say that, I have seen freedom of information files from other workers who worked there. One worked in the nursery. Against her signature were the amounts that she was paid every week. When she got married at 19—before she turned 21—she went to the state authorities and asked whether she could have her money that was put in trust for her. She has proof that she had enough money to buy a car when she married at 19. In these results from the eisteddfod, every time my name is mentioned I have 'migrant' written behind it, which means that we must have been treated as migrants in some shape or form. Why would they mention 'migrants' every time? Some were boarders, and some were from the state, yet every time we were mentioned, 'You're a migrant.' We were treated as migrants.

Mrs Cosby—They lacked in the explanation of things to you.

Mrs Weekers—I was disappointed after hearing that—that was only a few years ago that I did get that letter—I got absolutely nothing for those three years that I worked.

Senator TCHEN—Thank you for giving us that information. We certainly should follow that up.

CHAIR—We have had evidence from other places that the British migrant children —who were mixed up with the Australian orphans or children who were abandoned or children of single parents; a very similar story but they were Australian born—were called things. They were abused for being British, or they were sometimes called Pommy bastards and other things.

Mrs Weekers—Yes.

CHAIR—You were called those things?

Mrs Weekers—Yes.

Mrs Keleher—I was quite proud of the fact. It did not worry me at all.

Mrs Weekers—I did not actually mind.

Mrs Keleher—'I'm different from you' sort of thing. It is the old saying that sticks and stones may break our bones.

CHAIR—You are all extremely marvellous. I do not know whether to cry or laugh.

Mrs Cosby—We are good fighters. Put it that way.

Mrs Keleher—You had to be a bit of a rebel to survive. You had to be tough.

Mrs Weekers—You had to be a bit tough.

CHAIR—I would never have detected it, Mrs Keleher!

Mrs Weekers—I told my children at a very young age that I ran away with eight other girls from Neerkol. I would have been about 15—in grade 8. We reached Rockhampton and the police went to my husband's family—because I used to go to them every year—to see whether I was there. They saw us walking down East Street having great high jinks. We were taken back to Neerkol and we were reprimanded, never to do it again, but it was no big issue.

Senator GIBBS—Does that mean it was not a big issue?

Mrs Keleher—My children thought that that was so funny.

CHAIR—Were you beaten?

Mrs Weekers—No, we were not beaten because we ran away.

Senator GIBBS—It is very interesting. It seems that you left Neerkol at 18. Was that the norm?

Mrs Weekers—Yes. I think it might have been. They must have been still in charge.

Senator GIBBS—We have heard from other witnesses that they left their institution at an earlier age. 'Goodbye, thank you, you are 15—out the door.' But everybody left Neerkol at 18.

Mrs Keleher—Monica left earlier.

Mrs Cosby—How I left the orphanage—I will have to be honest with you. With all the cruelty that went on up in the nursery—and the nun used to belt Molly and me too at the same time. She got me up against the timber, the fingers in my mouth, and slapped me backwards and forwards. Of course, I was getting a big girl, and I always reckoned her just deserts were coming one day, so I got her and knocked her flat on the ground. The next thing was they whizzed me out. I was a danger to Neerkol—but no explanation—and I left.

Senator GIBBS—Where did you go? Where did they whizz you out to?

Mrs Cosby—They put me at Bethany home. At that time, they were telling me I was going into a reformatory. I remember that as plain as anything.

Senator GIBBS—How old were when you knocked the nun down?

Mrs Cosby—I was still working up the nursery. I would say I would have been 14½ or something like that.

Senator GIBBS—When were you let out of the other institution?

Mrs Cosby—Bethany?

Senator GIBBS—Yes.

Mrs Cosby—I was in that many jobs, love. It is all written down in my files. They just pushed me from one place to the other.

Senator GIBBS—So unless you were a dangerous person to society, like you—

Mrs Cosby—Do I look dangerous?

Senator GIBBS—You were unfortunate enough to be kept at Neerkol until you were 18; you were probably lucky to get out.

Mrs Cosby—I think I was less than 18 when I left Neerkol.

Mrs Weekers—I do not know whether that was the norm.

Mrs Cosby—No. We always thought we were on the state until we were 21, but we found out that we were not on the state until we were 21. We were under sponsorship of something. Is that right?

CHAIR—That is a very interesting question, Mrs Cosby, and it is one that we have to pursue. According to some evidence, the immigration minister took responsibility for the guardianship of the British migrant children and then passed that guardianship to the relevant state minister. Then the state minister passed a custodianship—at least, that is what it is says in Queensland—to the senior person in, for instance, in your case, Neerkol. What that all means exactly is still something we have got to get clearer about. The other thing is that it seems that a lot of people were supposed to be in the care of the state until they were 21.

Mrs Cosby—Yes, exactly.

Mrs Weekers—I know the Aussies were.

Mrs Cosby—They had everything down in my files right up until I was 21—even married. I couldn't believe it when I got those files. Don't talk about it; they are disgusting.

CHAIR—How did you get the files?

Mrs Cosby—Through freedom of information. They had me down as mentally retarded. They had me down as trouble and a bloody big problem. I thought, 'Blimey, I wasn't that

wicked when I was a kid. No way in the world.' I was just the type of child most probably they detested. I wasn't an angel, but I mean—

CHAIR—But you were labelled.

Mrs Cosby—Exactly. I was labelled.

Mrs Keleher—The same ones got it.

Mrs Cosby—I was a reject from the time I was born. I always say that. I was rejected here and rejected there. I got to Neerkol and they still did not want me, so they shoved me out. That is how it goes.

CHAIR—Have you made contact with your family?

Mrs Cosby—Yes, with my mother.

CHAIR—All three of you have?

Mrs Keleher—No.

CHAIR—Not you, Mrs Keleher.

Mrs Keleher—No. I have only just found out—two years ago—that I have got a brother even.

CHAIR—After the Forde inquiry, the Queensland government created the Forde Foundation to provide financial assistance to children in institutions. Can I ask all three of you: have you been made aware of what assistance the government is providing, following that inquiry?

Mrs Weekers—I have had paperwork on it, but I just feel that I am not entitled to it, so I do not even go and do it. I just feel I am not entitled to it. I have not said that I was physically or mentally abused and all that garbage. I have not written that in there, so they would not class me as being mentally affected by it all. So I would feel that I am not entitled to any of that.

Senator MURRAY—You do not think that being beaten in the way you were was physical abuse?

Mrs Weekers—I do say in the letter that I was physically abused, and I know of physical abuse. But sexual abuse, secret burials and all that—I said, 'I know nothing about that.' I've said my piece and that is it. I do not feel I am entitled to anything.

Mrs Cosby—When they say to me, 'You are entitled to this, you are entitled to that,' the only thing that knocks me back a bit is wanting to know if my mother did sign me over to come to Australia, but I am not game to ask her. We read in a book that only two parents of children who were sent to Neerkol, out of 48 children, gave consent for them to go to Australia. I think that, if

my mother had signed for me to go, I was not actually pushed to come here. It is a very complicated question for me to ask her, because she will not tell anything.

CHAIR—Do all three of you know about the apology by the Queensland government?

Mrs Weekers—Yes.

Mrs Cosby—Yes.

CHAIR—What has that apology meant to each of you, if anything?

Mrs Cosby—You can accept an apology, but you cannot forget. That is how it is. It is a thing that happened and they cannot renew it all now. They were too cruel, that is it. I know they tried their best to apologise and everything; we have got to accept that. But I always say it is too late.

Mrs Weekers—I did not apply for compensation from the nuns either, because I felt that I was not entitled it. They brought the best out in me, so why should I feel that I am entitled to compensation?

Mrs Cosby—I feel as though I am entitled it.

Mrs Weekers—I look too much at the ability that I had with the singing, and the rest I sort of drown out. I know I was definitely treated like the next person.

CHAIR—Do you know where to go to find out whether or not you are eligible for any assistance?

Mrs Weekers—No.

CHAIR—Each of you might want to check with Mr Thwaites here to find out who you should contact to find out whether or not you are eligible. It does not have to be Ian, but before you say, 'we're not', or 'we won't', it might an idea to find out who you should speak to, to find out more about it.

Mrs Cosby—I reckon I am entitled to something out of it for the way I was treated and made to work. I was thrown from one place to the other.

CHAIR—That is very interesting for the committee too. If there is a foundation and money has been set aside, but people like you do not quite know whether you are eligible or who you should speak to, that is an important point for this committee to note. If there is to be any kind of follow-up, it has got to be the sort of follow up that makes people comfortable about finding out about it, and they have got to be informed about where to go. You are saying to the committee, 'We don't quite know who we should talk to about whether or not we are eligible.' Am I reflecting you accurately there?

Mrs Weekers—Yes. The only thing with me is that maybe I would like to follow up why I was not paid for those three years.

CHAIR—I wondered, Mrs Weekers, and I was going to come back and talk to you about that.

Mrs Weekers—I have got proof in my files that I was there for those years, and I know I was in the kitchen for the three years until I was 18. I was 15 when I did a scholarship, which I did sit for. The rest of the time I was in the kitchen. That is the only thing that I would like to follow up.

CHAIR—A number of people have raised with us that they were promised wages and they have never seen any of that money. I do not know the terms of the Forde Foundation, but I certainly do believe that those are the questions that you could usefully pursue on your own behalf. Certainly this committee will be interested to know. There was one other thing, Mrs Keleher: after Neerkol, you went to a—

Mrs Keleher—A college.

CHAIR—And it was a very lonely time.

Mrs Keleher—Yes, it was.

CHAIR—Where was that college?

Mrs Keleher—In Rockhampton—the Range College. If you passed your scholarship, you went there.

Mrs Weekers—That was like a reward.

CHAIR—What did you do there?

Mrs Keleher—Sub-junior and junior. I tried hard to get out, and that is how I got out.

CHAIR—For being successful, you found yourself very lonely with none of your mates around.

Mrs Keleher—I was in a boarding school. These other children had parents who used to visit them. The days that the letters were handed out, I got none. The fruit days, I had none. You were a Neerkol girl and you were made to feel it too. There were two things we were good at: basketball and singing. They would ask, 'Are there any Neerkol girls here?' As soon as the sub-junior started, your hand went up. I really did not want to put my hand up but I did, because they knew. But those were the loneliest days of my life, because I had nobody. They had parents, I had nothing. I did not even get a letter, and I got no fruit on fruit days. I did not like not having fruit. Then you went back on the holidays to Neerkol, or sometimes they put you out with people for holidays.

CHAIR—Have you continued to play basketball?

Mrs Keleher—No. I did after I started nursing. I used to play in Mackay.

CHAIR—And that is now called netball?

Mrs Keleher—Yes, the Australian rules. I will give Father Anderson his due: he was a marvellous coach and an absolutely a wonderful man.

Mrs Weekers—We looked up to him as a father figure, there is no doubt about that.

CHAIR—But when you complained to him he did not do anything about it?

Mrs Weekers—Monica found that; we never found that. When we used to go into the eisteddfod, he used to come and give us money before we would go. I remember distinctly—

Mrs Keleher—See what I mean? Some got it and some did not. Some got help and some didn't.

Mrs Weekers—I would be sitting next to the mother superior, and she would say, 'What have you got in your hand?' I would have a shilling that Father Anderson gave me. She would say, 'I'll look after that', and I never saw it after that. So I never got it to spend.

CHAIR—We have to say that the time has run out, and we have to make sure that all these things properly get back to you, Mrs Weekers, and thank you for your letter. I also want to say that, while you were giving your evidence, some people in the audience were nodding in sympathy and I particularly want to thank them. Their names are not on the record, but it is a kind of reinforcement—we do not need to have a reinforcement—of just how true and how widespread this cruelty in Neerkol was. I want to thank the audience, but I particularly want to thank you three. This is no easy thing, to remember those really painful memories. As I have said to other witnesses, the committee will only be able to write a report that is as good as the evidence we get. So we are very appreciative of you taking the time to swallow once again and to come and tell us. We thank you, and we also congratulate you on being such survivors. Can I just ask: have you thought of writing a book?

Mrs Cosby—I have often, but I am not intelligent enough to do it. That is my upbringing again.

Mrs Keleher—It is the comedy. It was hilarious, because we used take the nuns off too, don't worry about that. And every one of us knew which nun they were talking about.

CHAIR—I think you should seriously go away from this committee knowing that you have given us a lot, but one tiny little thing we could give in return is to say that you have got wonderful energy, great generosity, you are marvellous survivors and, under all that pain, there is a fantastic streak of humour. So do not overlook it. It would go awfully well on paper.

Mrs Keleher—Oh, yes. I would rather remember the comedy of it all and get on with my life. I would hate for my children to start crying about their background.

Mrs Weekers—Yes. There is a newspaper cutting on us three, and you are most welcome to keep that too. Fifty years in Australia.

Mrs Keleher—Yes, we are happy to be Australians.

Mrs Weekers—We are happy to be Australians, yes. You are most welcome to keep that; I brought it along.

Senator GIBBS—And you have been friends all this time.

Mrs Weekers—Three of us live in Rockhampton.

Mrs Cosby—We all see one another, we keep in touch. We go to bingo and it keeps us going.

CHAIR—Australia should be so lucky.

Senator GIBBS—I play bingo myself.

CHAIR—Thank you all very much.

Proceedings suspended from 10.44 a.m. to 10.55 a.m.

DOUGAN, Mrs Pauline (Private capacity)

WHITFIELD, Mrs Theresa (Private capacity)

CHAIR—Welcome Mrs Dougan and Mrs Whitfield, and I also welcome Mr Ian Thwaites from the Child Migrants Trust. The committee has before it submissions from both of you—submission 20 from Mrs Whitfield and submission 19 from Mrs Dougan. I understand that you have seen a copy of the Senate procedures for the protection of witnesses and their evidence.

Mrs Whitfield—Yes.

CHAIR—I invite both of you to make some comments and then perhaps take some questions from the senators.

Mrs Dougan—In my submission I named just a few separate incidents. Mind you, that is only a very minute part of my life out there. I could not put into writing just how bad it really was. I would much prefer to do that by facing somebody and telling them exactly how it was and how it was just so brutal—and it just went on. The cruelty just went on non-stop, day after day, year after year, morning and night. Even in bed at night you were not safe from the floggings. It was just unbelievable. It is something you cannot forget, and it scars.

CHAIR—Can you tell us the names of the people who mainly did that?

Mrs Dougan—The main perpetrators were Sister Anslem, Sister Assumpta, Sister Patrice and Sister Anne Marie.

Mrs Whitfield—She is known as Sister Marie Anne now, I think. She has changed her name slightly so we do not recognise her. I think you will find that is correct, that she does not go as Anne Marie as we knew her, she goes as Marie Anne or something now, so just query that.

Mrs Weekers—She is Anne Marie Kinnane.

Mrs Whitfield—They used to all have saints' names when we knew them, and now they are going back to their own names that they had before we joined the nunnery.

CHAIR—Mrs Dougan, can you tell us briefly about this, to my mind, unusual episode, and that is when you were very sick with appendicitis.

Mrs Dougan—As you most probably heard, we had to go to church every single day, and you never, ever defied them, you just did as you were told. But this particular morning I had been vomiting bile. I am grown up now and I know what it was; it was bile and I was extremely weak. It tried getting out of bed and I couldn't, so I stayed in bed and I did not go to church and I did not go to breakfast. I was missed at the breakfast table. The nun who was in charge of us at the time came up to the dormitory to see where I was and why I was not at the meal table. I told

her I was sick, and she looked down at my sheets and saw these big yellow-greenish stains. So I was flogged. During this flogging, my appendix ruptured, I believe.

Senator MURRAY—Where were you beaten?

Mrs Dougan—Anywhere and everywhere.

Senator MURRAY—Were you lying on your back when you were flogged?

Mrs Dougan—I was lying down, yes.

Senator MURRAY—On your front or on your back?

Mrs Dougan—Side, front, back—any way I could to get away from it. I suppose once you copped too much in the front you would turn your back. I do not know. I cannot remember.

Senator MURRAY—So it was continual beatings with this cane.

Mrs Dougan—Yes. And she made me get out of bed, with these big heavy calico sheets, and go down to the laundry and wash them. I took them down there and I did the best I could, but I was just so sick and so weak and so sore—I was in a lot of pain.

Senator MURRAY—Who was the nun who did this?

Mrs Dougan—Oh, what was her name—

Mrs Whitfield—Sister Anne Marie.

Mrs Dougan—Yes, it would be. It was 1956. Anyway, I went to the laundry and, as I said, I did my best to wash my sheets, but I was so weak I could not get all the stain out. So I hung them out to dry and hours later, when they were dry—and I was still terribly ill, still vomiting bile—she made me go down and get the sheets off the line, of course, and remake my bed. And she saw that they were still stained. No, my appendix ruptured in the second hiding—that is right. When my sheets dried she saw that they were stained when I went to put them on the bed, and she gave me another flogging because the sheets were stained.

During that flogging, I let out an ungodly scream. I said, 'You are killing me.' Well, she just stopped and next thing she realised how ill I really was. Sister Constance, who was in charge of the nursery and happened to be a nursing sister, was called. They called an ambulance and I was rushed to the base hospital. I was in there for 10 weeks. I had to learn to walk again. The kids were all offering up masses and everything for me, because I was nearly dead. Then I came back to the orphanage and I was in bed for another six weeks after that. So I was 16 weeks altogether off with my appendix.

Senator GIBBS—How old were you then?

Mrs Dougan—That was 1956 and I am now 58.

Senator GIBBS—Work out when you went there, and then we can—

CHAIR—You were born in 1943, it says.

Mrs Dougan—Yes, so I was 13.

Senator TCHEN—What happened after that?

Senator MURRAY—Before you move on to what happened after, you stated you were twice flogged brutally. That would have left welts, bruises and marks. So when you went to the hospital they would have seen welts, bruises and marks.

Mrs Dougan—The doctor asked me what had happened to me.

Senator MURRAY—Yes, and what happened?

Mrs Dougan—I said, 'The nun flogged me.' I told him straight out. And the doctor's name, I still remember to this day, was Dr Gray. I do not know whether that doctor is still alive today.

Senator MURRAY—Did he report the matter to the police?

Mrs Dougan—I do not know.

Senator MURRAY—You were not interviewed by the police?

Mrs Dougan—No.

Senator MURRAY—So the doctor concealed a flogging of a young woman at this orphanage?

Mrs Dougan—I do not know. I do not know what happened after that. But the doctor did ask me how I got the marks on me, and I said that the nun flogged me because I could not wash my sheets properly.

Senator TCHEN—Mrs Dougan, I would like to follow that one up. When you were in hospital you would have had your dressing changed, and other people would have seen it—nurses and other doctors. No-one else asked you any questions?

Mrs Dougan—No. But I know I thoroughly enjoyed that time in hospital. It was just wonderful, and I was spoilt rotten.

Senator TCHEN—What happened after you went back to the orphanage? Were the treatments continued?

Mrs Dougan—I was in bed for another six week.s

Senator TCHEN—After you got out of bed, did the nuns treat you the same way as they did before?

Mrs Dougan—Yes.

Senator TCHEN—They went back to the same routine?

Mrs Dougan—Yes, eventually; oh, yes.

CHAIR—Did you get flogged again?

Mrs Dougan—We were flogged all the time, for anything. Whispering was enough to get you a—

Senator GIBBS—I noticed in your submission you said you were whispering in the dormitory after lights out, and then you were sent to the boxing ring?

Mrs Dougan—Yes.

Senator GIBBS—The boys' boxing ring?

Mrs Dougan—Yes, and we were made to don boxing gloves and fight the boys. Literally.

Mrs Whitfield—They would tell the boys to get in the ring with you. They were learning boxing at the time, with two men who used to come out from Rockhampton. One had two boys there, daily, and they were learning. So that was the norm. So it was boxing time. We spilled cocoa, and we were all assembled around the room and the forms that we used to sit on were put in a ring, and then Sister Anslem would say, 'Bell, belt Gillon.' They had to, because they had to do as they were told. A boy was a boy, and they were just like us. When they said, 'Jump up', you jumped. It was the same with the children.

CHAIR—Mrs Dougan, you were answering a question to Senator Gibbs. Tell us your—

Mrs Whitfield—I am sorry.

CHAIR—No, that is fine. But keep going on the boxing ring. What happened?

Mrs Dougan—We were made to don boxing gloves and fight the boys, and they were flogged if they wouldn't fight us. The young fellow that I was supposed to fight was a little bit keen on me, and he would not fight me. So that poor kid copped a flogging.

Senator GIBBS—In other words, this is not like a fair type of contest where you were taught to fight too.

Mrs Whitfield—No.

Senator GIBBS—I ask that because my father taught me how to fight when I was young.

Mrs Whitfield—No, gosh no.

Senator GIBBS—He wanted me to be a boy, but that did not matter, he taught me all the boy things anyway. So they actually had to physically punch you, and this was part of your punishment.

Mrs Dougan—Yes.

Senator GIBBS—That is absolutely bizarre.

Mrs Dougan—After a flogging our pyjamas were pulled down and we had our bums flogged.

Senator GIBBS—In front of them?

Mrs Dougan—Yes.

Senator MURRAY—You were a growing woman at this time. So you would have been hit on the chest as a young growing woman.

Mrs Whitfield—It did not make any difference.

Mrs Dougan—It did not make any difference to them.

CHAIR—In the last line of this paragraph you say:

The boy who was to fight me would not, so Sister Anslem flogged him until she herself dropped to the floor exhausted.

Mrs Dougan—Yes. I do not think she could lift her hand any more. She was so exhausted.

Mrs Whitfield—If they said something, you did it.

Mrs Dougan—She was just so exhausted from flogging that poor kid and me.

Senator GIBBS—Was there anybody else around when this happened?

Mrs Dougan—Only the kids, none of the other nuns.

Mrs Whitfield—Nobody in authority. We were way down the other end of the orphanage. The nuns at the convent had no idea what went on in the dormitories, and no-one dared tell. We were given a demonstration and a girl nearly choked in front of us. And we stood there with our hands behind our back, petrified. The girl, who worked at the convent, told Sister Lucy, who was a little sweetie, 'Our Easter eggs were taken off us.' That was the only year that we got Easter eggs donated to the home. Once again, we got double blasting because of this cocoa business. We had been down the creek and we had nothing to drink. When we came back to the home, because naturally kids will be kids, and we were not supervised, it was first in, first

served, like it always was. If you could get an extra piece of bread, you snatched it. The boys were in it too, but somehow the girls always got the punishment.

We were assembled and, as I said, there was the Easter egg business. We were not allowed to eat them at the table, and we thought, 'Fair enough, they don't want us to make a mess in the dining room.' So we all came out with our Easter eggs and, of course, the next thing we were rushed into the recreation room, had to put our Easter eggs on the form, and then the boys were allowed to come and get them. Then we had to sit and watch them eat our Easter eggs. That was worse than getting a hiding, because food to us was survival. We used to eat pig wheat, we were so hungry. We would go down to the paddock and pick up grass and sit down and eat it, we were so hungry.

Senator GIBBS—Are you saying that the boys were favoured—

Mrs Whitfield—Slightly. They had a lot more activities.

Mrs Dougan—I think it was because they had outside interests.

Mrs Whitfield—That is why. The girls did not have that.

Mrs Dougan—I believe the railway workshops used to donate a portion of their pay and it used to go into sport, but it was for the boys. They had men from the Railway Institute—

Mrs Whitfield—I cannot remember the other guy, but one had two boys there. His name was Daley. He had two boys there at the home and so he contributed. They used to teach the boys cricket, boxing and football and take them for walks for jujus and things like that. We only went for walks—

CHAIR—What is a juju, Mrs Whitfield?

Mrs Whitfield—They are like a little apple that used to grow wild around Rockhampton. When they were green they were called jujus and when they over-ripened they were called—excuse the expression—snotty gobbles. It is not a very nice expression, but we loved them and, as I said, you ate everything you could lay your hands on.

CHAIR—I am glad I asked.

Mrs Dougan—It is an Australian native fruit, Aboriginal.

Mrs Whitfield—We went for a picnic once. They used to have the creek that was on the home, and then there was another time they would take us over the highway. There was another area where there was water and they would take us occasionally there for so-called picnics. If you were punished, your picnic was sitting there darning socks while everyone else enjoyed themselves, but we all went through that sort of stuff and that was neither here nor there.

Senator GIBBS—Sorry to interrupt you but you say men from outside would come in and teach the boys cricket, football or whatever, other things?

Mrs Whitfield—All these activities, yes—mainly these two more so than a whole lot of others.

Senator GIBBS—There were only nuns at Neerkol: is that right?

Mrs Whitfield—Yes, that is right.

Senator GIBBS—All nuns?

Mrs Whitfield—All nuns—and then they had the working men. Most of them were from Neerkol that had just got old and left school. They were made keep the dairy and the piggery going and tend the fields and things. They owned all the property from north, south, east and west, so I suppose they had about five working there. They had one big guy who was there for years, Mr Tom Pattle. He was in charge of driving the car and the trucks. He used to take the nuns in and out because they never drove cars in those days, so he was more or less in charge of the boys. Then there was another chappie, Paul Kelly. He was an alcoholic anyway, but he was able to milk the cows and do his chores regardless of what he drank. They had their own quarters at the back of the institution.

Senator GIBBS—Did you intermix at all?

Mrs Whitfield—No way in the world; it was a no-no. When you belonged to the small boys' dormitory, the small girls' dormitory or the big girls' dormitory you had your separate places and you dare not go from one area to another. You did not mingle.

Senator GIBBS—How often did this boxing treatment go on?

Mrs Dougan—It only happened once.

Mrs Whitfield—No, it did happen later on after we left there. This episode was just a one-off but, as I said, they were supposed to teach the boys to be gentle with women, and here they are putting them in the ring to smash our faces up for their own amusement. As I said, we had no idea of boxing. These boys were learning. I remember the boy. I had watched it and they made these boys hit you until you were literally screaming and crying your eyes out.

Senator GIBBS—That is disgusting.

Mrs Whitfield—I thought, 'Well, bugger it. If I am going to get punched in the face, he is going to cop one too,' because I was a bit of a livewire, so I put the gloves on against Mervyn Bell, who was about three years older than me. I was trying to do what I saw everyone else do, and I am there with the gloves and he is there. The next thing I went like this, and I only got this far, and the next thing his fist came in my face.

Senator GIBBS—That is because you were not fast enough; it has got to be fast.

Mrs Whitfield—My legs were like this, the tears were running down my face and I do not think I connected one punch to him because I was only punching mid-air. And he is there

knock, knock, knock until I was bawling, and I could hardly stand up, and then she said, 'That is enough, out you get' and then two more got in.

Mrs Dougan—Next.

Mrs Whitfield—Until she went though the whole caboodle.

CHAIR—Where were you up to in your question, Senator Gibbs?

Senator GIBBS—I think I have lost track so someone else can take over.

Senator MURRAY—Mrs Dougan, you were criminally assaulted and it was a situation of criminal negligence, which could have resulted in your death. When you left the institution you were adult enough to understand these were crimes. Did you ever think of going to the police and laying charges?

Mrs Dougan—No.

Senator MURRAY—Why not?

Mrs Dougan—We were brought up in fear and you just did not do anything like that. You did not make waves.

Senator MURRAY—Were you afraid of the police?

Mrs Dougan—We were afraid of everybody. We did not trust a soul in the world.

Senator MURRAY—Did this doctor who asked you about what had happened to you ask you whether you wished to press charges?

Mrs Dougan—No.

Mrs Whitfield—We were orphan kids; we were not asked things like that.

Senator MURRAY—Mrs Dougan, have you ever tried to get your hospital records under freedom of information?

Mrs Dougan—Yes. But they are not available. They were burnt.

Senator MURRAY—They burnt them?

Mrs Dougan—From way back—or they have been destroyed, anyway.

Senator MURRAY—Do you know that? Do you have a piece of paper that says that?

Mrs Dougan—No, but I worked for the hospital and made inquiries myself. I worked for that hospital for 13 years.

Senator MURRAY—This instance with you: do you know if any other kids in your time were treated in a similar manner and their life was put in danger?

Mrs Dougan—I do not know. I am only speaking from what happened to me. I remember everything that happened to me. I do remember that a lot of cruel things happened all around to just about everybody, but I do not remember specific incidents, no. You tend to remember just what happened to yourself.

Senator MURRAY—Yes, I understand. But when people are saying mass for a child who is likely to die, I wonder if there were any other instances which you recall where masses were being said for other children.

Mrs Dougan—No, I do not.

Senator MURRAY—Is there a cemetery out there?

Mrs Dougan—Yes. There used to be when we were out there, because we used to take walks to the cemetery.

Senator MURRAY—Were there numbers of children, or just a few graves?

Mrs Dougan—About eight graves.

Mrs Whitfield—No more than 10, anyway.

Senator MURRAY—And are there any records of who is buried there or why they died and whether they were—

Mrs Dougan—I do not know.

Mrs Whitfield—People came and went there. We did not know—

Mrs Dougan—I can remember once asking how they died and I was told they had drowned or something in a flood.

Mrs Whitfield—A lot could go on there and you would not know anything about it. It was such a big place.

Mrs Dougan—That orphanage was situated in such an ideal situation.

Mrs Whitfield—We were totally isolated.

Mrs Dougan—Nobody was around to hear your screams or anything.They could not have put that place in a better position—from their point of view. You know, it was 14 miles perched up on a hill, way out in the bush. Nobody could hear you screaming.

Mrs Whitfield—And even when we went on holidays to the people in Rockhampton who would take you for holidays at Christmas time for a couple of weeks, you did not talk about the cruelty and the nuns, because you wanted to look forward to going there the following year. If you made waves, 'goodbye, Charlie', that is the end of it. You are not going—

Senator MURRAY—Let me just finish with Mrs Dougan, please. We will come to you a little later. Have you kept in contact with other members who were at the institutions?

Mrs Dougan—We had a couple of reunions and I went up with them, and a few months back Patsy and Monica came to visit me at home, which was wonderful. It was glorious.

Senator MURRAY—There has never been any discussion amongst you about the possibility of taking action against these nuns for their treatment of you?

Mrs Dougan—No.

Senator MURRAY—Or against the church?

Mrs Dougan—No.

Senator MURRAY—If a government agency were to do that, would you be—

Mrs Dougan—I would put my hand up first.

Senator MURRAY—You would be willing to give evidence?

Mrs Dougan—Yes.

Senator MURRAY—Has there been any discussion as to whether this kind of criminal activity is still capable of being pursued by the police?

Mrs Dougan—No.

Senator MURRAY—None at all.

Mrs Whitfield—It is too long ago. They are not interested. You have got to have evidence. I mean, without money you cannot do anything. That is what I was told all of my life.

Senator MURRAY—The difference with a criminal case, of course, is that the police prosecute it. You do not have to put your money up. That is all I have, Madam Chair.

Mrs Dougan—There is one other point I made in there which I have not heard brought up today yet. How would you put it? We were made to feel we were not human. We were not called by our names. We were numbered. And the girls were separated into big girls and small girls. And the small girls were number 1, 2 and however many there was, and the big girls were numbered X1 to X—however many there were.

Senator MURRAY—And did you wear a number?

Mrs Dougan—No, it was on all our clothes.

Senator MURRAY—Like the Jews and the Star of David, you had a number put on.

Mrs Dougan—Not on everything.

Mrs Whitfield—On our clothes.

Mrs Dougan—Everything we wore was numbered. We are all adults in this room aren't we? When I was approximately 13—I cannot even remember what I did—I think I spoke while we were having singing. I asked the boy next to me, 'What did she say?' I do not know what influence Anslem had with Sister Mercia; however, I have since found out that she told Mercia to tell her if any of us misbehaved and she would punish us. Well, her punishments were just something to behold. As one punishment—I do not know whether this happened to other girls but it happened to me—my number was crossed off my underclothes and my name put on, which was most unusual, and my knickers were given to the boys in my class to wash, and I was in grade 8. Now, how the heck can anybody think up a punishment like that?

CHAIR—You were menstruating?

Mrs Dougan—Yes.

Mrs Whitfield—It was pretty sick sometimes.

Senator GIBBS—That's sick.

Mrs Dougan—The boys used to handle our underclothes, and they would look to see who had poopied their pants or something.

Senator GIBBS—They were allowed to handle your underclothes?

Mrs Whitfield—Yes, they were allowed to handle your underclothes, and they could tell by your number—

Mrs Dougan—This was for punishment. They did not know your number and my number was crossed off, my name was put on my pants and they were given to the boys—because the boys' washing and the girls' washing were done separately—to wash.

Mrs Whitfield—It was the same with our periods. We were given half a dozen calico cloths. We had no sexual education. But when we were about 11 we were all in a room and told that if you do not bleed once a month there is something wrong with you—that was the end of subject.

Senator GIBBS—That was it.

Mrs Whitfield—I can still remember it as if it were yesterday. I went into the loo and it was 'Oh, shivers; I'm alright; I'm healthy; I'm bleeding.' So then you went to the head girl and you were issued with a half a dozen pieces of calico cloth, and that had to do you, year in, year out. You washed them every month. The boys could tell who had their monthlies, because the clothes line was right next to the recreation rooms, which were side by side. The clothes lines were side by side. The boys would be saying, 'Gillan's got her'—we did not know of words like 'periods' and things that—'Gillan's bleeding this week'. All these sick—there was no privacy. How could you have any dignity when it was just all thrust aside. And this was how they were you know, just like the boxing with the boys.

CHAIR—Mrs Whitfield can you tell me about that episode—I am sorry, Mrs Dougan, did you want to say something further?

Mrs Dougan—I as going to relate my sexual education to you.

Senator GIBBS—Okay, please do.

CHAIR—I think the committee would have to hear that, Mrs Dougan, yes.

Mrs Dougan—My sex education consisted of a calico belt with a tab here and a tab at the back. You fold it in there like that and fold that there and you fold this over. This gets pinned to that side and this gets pinned to the other side, and you do that once a month. That was it.

Senator GIBBS—There was nothing else?

Mrs Dougan—Nothing else. That was my sex education. We were not told anything about what was happening to us or anything. Before I even had this knowledge imparted to me, I got my periods and I did not know anything about them. I could not imagine how a person could bleed from there.

Senator GIBBS—You probably thought you were dying.

Mrs Dougan—I thought I was dying. So, when I copped hidings after that I used to console myself and say, 'They may as well kill me now because I am dying anyway.' And that is how I consoled myself when I copped hidings after that.

CHAIR—How long before you found out?

Mrs Dougan—I ended up by telling a girl by the name of Carol Jones. By this time I think I had had them three times. They were not regular at first, and I think it was about the third time I bled when they decided they had better get all 14-year-olds together.

Mrs Whitfield—And that is when we were issued our half a dozen pieces of cloth.

Senator GIBBS—You did not go to the nuns when this first happened?

Mrs Dougan—No. I was too frightened. I did not know what was happening.

Mrs Whitfield—It was like asking for a slice of bread—you would have probably got your ears slapped.

CHAIR—Mrs Whitfield, can you tell us a little bit about the long saga of your ulcerated leg?

Mrs Whitfield—It started at the age of 11. We had gone down to the creek, as we often did, and we were playing chasey and I got a cut. To this day I do not know why I was not sent to the nursery. Normally, if you had something wrong with you, you were sent to the nursery to have it treated. When we came out from England we were smothered in mosquito bites that ended up being sores. So for weeks us English kids had to go to the nursery and have the sores treated. I think that was my first experience in that home of learning a little bit of fear or insecurity. When I developed this bad leg, Anslem, who was in charge of the big boys—Anne Marie had the girls and Anslem had the big boys—for some reason took it on herself to deal with my leg. For a few weeks it was terrible. I used to be so frightened in that place. You dared not go to school late, you dared not misbehave or go late to the dormitory. For many years there were many times when I had to sort of do a juggling act. I would not go to school late too often, but I got belted every time anyway. If I did not get my leg treated in the morning, I was literally thrown over the bed in the boys dormitory, my dress was pulled up, my knickers pulled down and the bamboo stick hit was across my body. They used to inundate me with so many chores. I was a worker virtually from the first couple of years I arrived from England.

CHAIR—Your leg was bad for years, wasn't it?

Mrs Whitfield—Yes. It started at 11 years of age. I saw my first doctor when they took me to Springsure. They wanted me to go to Springsure to work.

CHAIR—How old were you then?

Mrs Whitfield—I was going on 16.

CHAIR—So you had this ulcerated leg for something like five years.

Mrs Whitfield—Yes. They sent me to the Royal Brisbane Hospital just the day before. I have a record here that says, 'This girl is getting a plaster on her leg. She has had an ulcerated leg for five years but she is being put on the train to go to Springsure to work for a convent of 17 girls, wash and polish a two-storey home—

CHAIR—Stick with the leg, Mrs Whitfield.

Mrs Whitfield—I am telling you about it. We had to go to this home. The leg got so bad. I worked all this time in this convent with a broken down leg. I walked to the hospital every day to have it treated. I never got a lift to the hospital or anything. The leg got so bad that they hospitalised me. The nun who got me out there, Patrice, who used to be at Neerkol, said, 'You came here to work, not to convalesce, but we will give you a week.' They did not come near me the whole week I was in the hospital. They left me there for 12 days. Then she came to the hospital and expected me to resume duties at the convent. The doctor wanted to keep me at the hospital because the leg was just starting to heal. The next thing I found myself with my bag packed and on the train back to Neerkol. I was no good to them any more: you were there to

work—nothing else. I had that bad leg all that time and, because I could not do my chores, I was just thrown back as if I was a piece of nothing. That was the cause of my breakdown. I had put up with this from the age of 11. One afternoon I had not got my leg treated and I was bathing it. Here I was, bathing my leg in a bucket that was never sterilised. We scrubbed the verandahs with it. We cleaned the floors with it. These people were supposed to have had nursing experience. That afternoon she slapped my face because the water was cold. She said, 'I said hot water.' She got a boy to get the water from the urn. I screamed and I begged, but that leg went in that water. From then on I had an open wound. She had burnt all the skin on my leg. I had that bad leg until I left that home, even when at Springsure.

CHAIR—So they kept trying bits and pieces—bits of ointment and bits of plaster?

Mrs Whitfield—Everything. I never went to a doctor. I never had an aspro. When the leg got so bad, they did allow me to stop going to school.

CHAIR—Did you ask anybody about it?

Mrs Whitfield—There was no-one to go to. You didn't go to the nurse, you didn't go to the convent. I told you the demonstration they gave us when one girl told another nun about the Easter eggs. They would get you at night-time. They would drag you out of bed and belt you if you wenty and spoke to anybody. There was no-one to speak to.

CHAIR—So you just had to put up with this ulcerated leg for five years.

Mrs Whitfield—I used to work all through that home, and every one of those nuns would have seen me year after year with that leg. There were times I worked in the big boys dormitory and they would see me lug tea-chests of clothes with my leg still in bandages, lugging boxes and stuff. Nobody said, 'Are you all right, are you in pain?'

CHAIR—You eventually got some plaster put around this leg and the smell of that was so bad.

Mrs Whitfield—That is right; that was when I was doing nursing duties.

CHAIR—Who cut the plaster off?

Mrs Whitfield—Sister Agatha—no, wait on. There was Constance and Agatha. Constance was the early one I worked with at the nursery when I was still going to school, and Agatha is the one who used to keep me sitting all night in a chair for her to treat my leg. If I fell off to sleep in the chair, she would just go to bed and I would find myself sitting in the chair all night. She would say, 'If you cannot stay awake for me to treat your leg, bugger you, I am not going to.'

CHAIR—Who cut the plaster off, Mrs Whitfield?

Mrs Whitfield—Constance.

CHAIR—Did she have plaster shears?

Mrs Whitfield—No, they just had the big scissors that they used to cut it off. She did not put it in plaster there, not when the leg got smelly. She had it in bandages that she just kept on for the month. She put it in bandages, heavy bandages, and she would not remove the bandages for a month. She left them on for a month. I used to work at the nursery with her, and no-one used to be able to smell the leg. It was only when we come together at church. I would be kneeling in church and the stink was—

CHAIR—Where was the ulcer, on the front or the back?

Mrs Whitfield—I have got some photos here of the thing. It was in the front here, and down my shin.

CHAIR—It has healed completely?

Mrs Whitfield—No, it has never healed. I have had trouble all my life with it. It heals, but I have ended up having five operations over the years for my legs.

CHAIR—Skin grafts?

Mrs Whitfield—No, I have never had a skin graft. When I was at Blackall there was a doctor very interested in doing skin graft, but when I got married I went to a flying doctor by the name of Mr Harry Ottie, a very well-known surgeon, and he advised me, 'Theresa, do not ever allow anyone touch that leg'—I had already had one big operation when I left the orphanage—'because you will end up a cripple.' He said that if I had anybody tampering with it again, 'You will end up a cripple because the operation was not done the way it should have been to benefit you having anything else done.'

CHAIR—Is that documented in some hospital?

Mrs Whitfield—All I was able to get were my hospital records from Springsure. I went from Neerkol to Springsure by the doctor writing to the doctor in Springsure, going up to my appointments when I was working at the convent, and then a stay in the hospital.

CHAIR—This is a five-year, at least, ulcer on your leg.

Mrs Whitfield—And never seeing a doctor. The only time I saw a doctor was when they were going to transfer me to Springsure to work for them. I was still working for them at the convent, and then they dragged me back, and I smuggled a letter to a lady that used to take me in on holidays.

CHAIR—Yes, that is written in this submission on page 15. It is pretty moving. And when she came to take you out you were not allowed to go.

Mrs Whitfield—That is right. They had promised me. And unbeknown me—you have to understand—when I went back there, I thought that was my lot. The only chance of freedom

was at Springsure. I loved it there. The work did not worry me because I was used to it, but there was the abuse they had done to me all those years, and now I am suffering again through no fault of my own. I happened to be sent back there. They had told me I would end up losing my legs and nobody would want me, and I would spend my life there. I would have killed myself many years before that. Only the fear of hell stopped me.

CHAIR—You described very powerfully how something snapped and you said, 'Right, this is it.'

Mrs Whitfield—What happened was that they stopped me from going on holidays once I had turned 15, because they said I was now a working girl, so holidays were out for me. You were not good enough to go visiting friends; you were there to work. 'Mrs Sheedy', they said, 'why don't you get somebody else?' They said, 'Well, we want Theresa and if we can't have Theresa we don't want anybody else.' I was 15 years of age out working at this stage, working in the orphanage. When they dragged me back from Springsure, I wrote a letter and I got the schoolchildren at the convent to post it for me because I was not allowed to leave the train, because I used to travel back to the home.

CHAIR—I hate to interrupt, Mrs Whitfield, but we are running out of time. I really feel this is awful because, in a way, it would be better to let you tell it in your own words. I hope you will forgive me for cutting across you, but I want to move on. We do have that, and much of it and it is very, very powerfully written; you should certainly write a book. I want to go on to where you got very angry. That was too much for them so they called the Department of Children's Services district officer.

Mrs Whitfield—Holbeck.

CHAIR—He arranged, under his ward of the state of Queensland responsibilities, to have you transferred, but what he did do was to recognise that your leg needed to see a doctor.

Mrs Whitfield—Yes.

CHAIR—So, finally, you got to the Royal Brisbane Hospital.

Mrs Whitfield—Yes, but they lied to me. They told me I was going to go to the Royal Brisbane. What happened there was that this woman, they had given her permission—

CHAIR—So you went to Mitchelton, not actually to the Royal Brisbane Hospital?

Mrs Whitfield—I went to Mitchelton instead. Welfare came and picked me up. They said I was going to the Royal Brisbane Hospital, and it was not until the lady picked me up and I found myself in this huge building, and I thought, 'Funny hospital, where's all the patients and the doctors and everybody?' There was just nobody. Then, when the mother superior came—

CHAIR—When did you get your leg fixed? Was that with Mother Veronica?

Mrs Whitfield—Yes, with Mother Veronica.

Senator MURRAY—That was at the Royal Brisbane Hospital?

Mrs Whitfield—That was at the Royal Brisbane Hospital. By the time the Welfare had known about my leg. This was the first time the Welfare knew about my leg, so they intervened and they sent a doctor out to Neerkol to look at the leg and they said, 'This girl needs specialist treatment, and there's no specialist treatment like this in Rocky so she'll have to go to Brisbane.' I was told from when they said, 'Pack your ports,' and I said, 'Please, get me to a hospital.'

Senator MURRAY—Mrs Whitfield, we are short of time and there are some really important things you are developing here. You were in hospital twice, and the welfare department knew about it. You were in Springsure for 12 days and you were in Royal Brisbane for six weeks, and the welfare department knew about it. Did you tell the doctors and the nurses in those two hospitals—

Mrs Whitfield—Excuse me, the Welfare did not know I was in hospital at Springsure—that is on my freedom of information; I did not know that.

Senator MURRAY—Let me go with the question: did you tell the doctors and nurses at those two hospitals how you had got your leg and the treatment you had been subjected to?

Mrs Whitfield—Yes.

Senator MURRAY—And they did nothing about it?

Mrs Whitfield—No. Because I remember when I was waiting to go into the hospital to have the big operation, I got really frightened because I was left in a room on my own and I thought, 'Oh God, they're going to cut it off; they're going to cut it off.'

Senator MURRAY—You are telling us that these doctors and nurses concealed criminal negligence—

Mrs Whitfield—Yes; they did nothing.

Senator MURRAY—and treatment in which you could have lost your leg, and they did nothing about it?

Mrs Whitfield—That is right.

Senator MURRAY—They did not go to the child welfare department, they did not go to the police—are you telling us that?

Mrs Whitfield—When I was at Springsure, they did not even know I had left. I saw nobody at Springsure. It was arranged by the nuns at the convent that I go to Springsure because I was a good worker.

Senator MURRAY—Mrs Whitfield, it is an important that we get an answer.

Mrs Whitfield—No. I never saw Welfare at this stage. It was not until they brought me back from Springsure, back to Neerkol, after they dug me out of the hospital there, that within two weeks I broke down when they refused to allow me to go out to Mrs Margaret Anderson.

Senator MURRAY—Mrs Whitfield, I am asking the question this way because I want it on the record: did the nurses and doctors conceal what had happened to you?

Mrs Whitfield—Yes. They knew—it said the Springsure convent—that I was a worker there, a domestic for the sisters and who to get in touch with—who was next of kin, the mother superior of Springsure, but I had not been to Welfare by then. It was not until, apparently, on my freedom of information where Mr Holbeck says, 'I went to see Theresa at Springsure, but the sisters told me that she is back at Neerkol because she is going to receive treatment for an ulcer she has got.' And there was no mention about five years at Neerkol with this broken down leg.

As for my schooling, they can prove I was in school in about 1957 but I was really out working—I wasn't even in school. I was 12 years old in my last year of school. I was out on the verandah with two other girls. My schooling was so bad that they did not even bother teaching me, and I begged to leave school.

CHAIR—We are desperately short of time and we cannot do justice to the witnesses so we hope we have got an accurate flavour. We do have from both of you a story of extremely bad abuse. Unlike most of the other witnesses, your particular abuse also featured physical injury: appendicitis and peritonitis from a ruptured appendix and a leg ulcer that was encouraged to get worse or stay—

Mrs Whitfield—And abused by every sister that I had anything to do with.

CHAIR—Over five years or more. I do not believe that if we stayed here for three hours we could do justice to any one of your stories or to your memories. I want to thank you very much because—

Senator MURRAY—Madam Chair, there is one other question. On the record, I would like to record the fact that, in my view, the evidence from these two witnesses indicates a criminal conspiracy to conceal a crime on behalf of those people who knew about this. What I want to ask you is this: Maureen O'Regan, who was a social worker, wrote in a letter dated 7 January 1998:

Theresa was beaten, burned and ridiculed as a child and young girl. She and other children were threatened that they would be killed if they ever spoke of what went on.

Can you on the record indicate whether these threats of killing children were made occasionally or regularly, or were they just part of the language that these people used?

Mrs Whitfield—In this particular case, it was a girl who had, as I said, told about the Easter eggs. We were assembled—

Senator MURRAY—Do not go into the story. What I want to know is: was this a one-off occurrence or were children regularly threatened?

Mrs Whitfield—We knew that we could disappear. It was always a fear of mine, as I said in my submission. I always worried about the graveyard.

Senator MURRAY—Was it once that they threatened you with death?

Mrs Whitfield—To hear it verbally from her mouth, yes. It was when she had her hand around Peggy's throat. We were standing around the room with our hands behind our backs and she had her by the throat and she said, 'Anybody who repeats anything that goes on around here, I will kill you.' That girl was fighting to keep her hands away. She had her by the throat and was shaking her in front of us, and we stood there petrified.

CHAIR—Mrs Dougan, is that evidence the same for you?

Mrs Dougan—No. We were threatened all right, especially at times of fetes and things like that. If anybody asked us whether we liked it out there or anything like that, we were to say, 'Yes, it is wonderful' and what have you.

CHAIR—I have a last couple of questions—I thought that I had finished but I have not. After the Forde inquiry, the Queensland government created the Forde Foundation to provide financial assistance to children in institutions. Have you been made aware of that?

Mrs Whitfield—I knew that there was some kind of assistance. But as for the kind of assistance that they are offering—like going to psychiatrists and things like that—I survived the best way I could, using my own—

CHAIR—Have you actually made contact with this institution?

Mrs Whitfield—No, I have not gone into that.

CHAIR—Do you think that there would be any point in making contact?

Mrs Whitfield—I do not know how I would benefit. My main problem is what is going to happen to me a few years down the track, because I have been told that I am going to lose my legs anyway. My legs are in such a mess. I get thrombosis; I have got just about everything wrong with my legs.

CHAIR—If we could find the information for you, would you be interested in making contact with these people to find out what sorts of things they offer?

Mrs Whitfield—Yes, please.

CHAIR—I have no idea whether you will be eligible for assistance or not, but it would seem to me that you are saying that you have not found out whether you are.

Mrs Dougan—No.

Mrs Whitfield—No, not as far as I know.

CHAIR—You would not know where to go?

Mrs Dougan—No.

Mrs Whitfield—No.

CHAIR—We certainly said to earlier witnesses that it might be something that Mr Thwaites could help you with, that you should know. There has to be somebody in Queensland who can provide you with the name of someone you could speak to about what the Forde Foundation provides and what the criteria are for eligibility.

Mrs Whitfield—It is very hard sometimes. We have to wait to see what is going on with the investigations and find out where to go. We have to wait until it comes from England.

CHAIR—It will not be coming out of UK. No, this is the Forde Foundation in Queensland, set up by the Queensland government.

Mrs Whitfield—I see. So there is someone in Brisbane that we can go to.

Senator GIBBS—It is the minister who will tell you. The minister's department will tell you.

Mrs Whitfield—What about someone in the child welfare or something?

CHAIR—Yes. There is somebody in the department who is the source of information who would be able to provide. There is a lady in the back of the room who could actually provide the information. She is Julieanne Cork, Forde Contact Officer, Office of Child Protection, c/o Brisbane. We will get the other contacts later. That information is on the record. You and anybody else in this room who is interested now know there is a person you can speak to. The first thing to ask would be: what is this; tell us about it? It seems to me that a lot of you know that there is a thing, but you have not found out what it might be able to do by way of help for you. Finally, have you been aware of the apology by the Queensland government?

Mrs Dougan—I wasn't. I know somebody said it was a public one, but I do not get the paper every day so—

Senator GIBBS—It was a while ago

CHAIR—It has not been brought to your attention.

Mrs Whitfield—We got the apology from the nuns.

CHAIR—You had an apology from the nuns?

Mrs Whitfield—We got the apology from the nuns.

CHAIR—How did they do that?

Mrs Whitfield—We forced the issue. It wasn't until we started meeting them face to face.

CHAIR—Was it a public apology in the newspaper?

Mrs Whitfield—Yes, I think it was.

CHAIR—We are now again over time; I am terribly sorry. I think it is important that you know there is a place where you can take this further. There has been some pretty graphic and shocking information.

Mrs Dougan—Just as an observation and possibly an explanation as to why we were so badly treated, most of the nuns were Irish and there is this Irish hatred of the English.

Senator GIBBS—That is right.

Mrs Dougan—And I believe most of it stemmed from this hatred that is bred into Irish people.

CHAIR—Did they say that? Did they ever call you—

Mrs Dougan—No, but we realised that as we grew up.

Mrs Whitfield—But the worst thing is they hated being at Neerkol.

Mrs Dougan—They did.

Mrs Whitfield—They hated being at Neerkol because they were separated from the main body of nuns.

Mrs Dougan—In 1985 after one of the reunions, five of us went to the Mater Hospital to see this Sister Patrice. She was lying in bed, quite sick. At first she denied any knowledge of ill treatment at Neerkol and, of course, none of us were going to let her say that. So we just pressed the point—more so Theresa. Anyway, after a while she broke down and she told us that they themselves were actually in punishment. They were sent out to Neerkol as punishment because they were frisky Irish girls that the old fuddy-duddies could not control. So they were sent out to Neerkol for punishment.

Mrs Whitfield—But still that was no excuse for it.

Mrs Dougan—I know, as you said to her.

Mrs Whitfield—As I said to Patrice, you joined the nunneries at your own request—that was your vocation. You went there as adults. We were children who were born under circumstances out of our control. We had nothing; we had nobody. You could have made decisions and changed that. If you were so unhappy at Neerkol and the nunnery, you could have got out, but you chose instead to take out your anger and your frustration and to treat us like we were just nothing. We were liabilities that you had to put up with, so we suffered the consequences of it.

CHAIR—I have to stop you again; I am so sorry. It is actually very difficult, because it has not been an easy session for both of you—it has been a very hard story.

Mrs Whitfield—When I think about it, I have got nothing but detestation and anger for that lot.

CHAIR—Mrs Whitfield, we do not mind the strengths. We want the evidence. And I have said to others that our report will depend on the strength and the amount, the breadth, if you like, of evidence that people send us. We thank you both very much for your written submissions and for what you have said here today. I will conclude there and ask our next witnesses to come up, because we are behind time. Thank you very much.

[11.51 a.m.]

FAIRLEY, Mr James (Private capacity)

CHAIR—I welcome Mr James Fairley. The committee has before it your submission. I understand you have seen the Senate procedures for the protection of witnesses and their evidence.

Mr Fairley—Yes.

CHAIR—Thank you, Mr Fairley. What would you like to tell us? We have got your submission here, so if you would like to talk to any of those points or if you would just like to give us some highlights, whichever, please start.

Mr Fairley—Over the years, it has been very disturbing to find out what happened to us as children. It will take years. When you think back to what happened to you and why—we do not even know why; we cannot answer that. I was taken away from Nazareth House in Scotland, and I was transported to what I considered to be hell, namely, Boys Town, Bindoon. In Scotland, we were fed, we were clothed, we were kept warm in a lovely fair climate there, we went to school, and nothing like this took place until we came to Australia. Anything we had, or any ability we might have had, went out the window.

All those boys were treated just the same, regardless of what country they came from. We all had hard work to do, and the schooling was very minimal, because the labour work that had to be done there was considered the top priority. You have to understand the buildings that we did had no lifts or anything like there is today. There were no machines then to dig trenches for the foundations. This work was all done by the boys with picks, shovels and crowbars. All the rocks had to be carried up ramps to the second floor. The boys carried all that. There were Christian Brothers with sticks, two of them, just wandering around. If you looked like you were lagging behind, they would urge you on, 'Come on, come on,' to keep you going. You worked hard all week. Like one of the ladies said, because someone took something from her, that is one thing they had.

We had pictures once a week. That was for doing hard work. And if you had misplaced something or had done something wrong during that week, you were locked up in a back room while everybody else watched the movie. Not only that, but you got strapped. I did say in the submission that three of the Christian Brothers were the terrors of that school: Brother Moore, Brother Dick and Brother Dawe. Each one of them had their own ways of punishing. One had a leather strap about so long and it was specially made so thick. He did not hit you just on the hand. His went up the wrists, and those wrists would swell like that. Brother Dick was a nutcase. His face would go tomato red. He would flog you with fists, which he did to me on about three occasions. One was so bad, that was on the dairy. I am certain, when I think back years later, that he set that up himself. I just walked into the dairy that time when the milk was going, and he was right behind me, as if he knew. The more I think about it, the more I am convinced he was waiting for someone to walk in. And I happened to be that bunny. He flogged the hell out of me in that separating room, and that time I fell onto the pumping machine. Those

belts that drive that machine tore under my arms. I was like that for more than a month before I could put it down.

These torments and punishments went on for eight years. I also copped beatings from the bigger boys. I was seven years old when I went there. In that novel that Alan Gill wrote, one Christian Brother said that no child under 10 years went to Boys Town, Bindoon. My brother and I were living proof: I was seven and my brother was not quite nine. I was probably the youngest boy there for the first two or three years. I became a prime target for these bullies—not only the Christian Brothers but also the bigger boys. When I came to Australia as a seven-year-old, I was never known to wet the bed, but after four weeks at this place I wet the bed and it went on right into my teenage years—embarrassing as it was. It took such a long time for that embarrassment to go. But these were the sufferings that we put up with, and I witnessed a lot of it in that school.

CHAIR—Thank you very much. Have you been able to contact your family?

Mr Fairley—I have. I was reunited with my family in 1982—not through any organisation; I simply went there on my own on a holiday. I was working at the railway in Townsville at the time and I took a holiday overseas to see if I could find someone. It took me nearly a fortnight. I found a young sister-in-law there. I did not know that I had another brother. I knew I had two sisters. I was very surprised. My mother had married again some time in the 1950s and had another name. I asked my sister-in-law, 'Is my mother still alive?' She said, 'Yes.' Even today my mother is still alive. I talk to her on the phone. The chances of me ever getting back there again to see her are remote.

In 1998 I went back again. I did a documentary for the BBC, authorised and organised by Alan Gill, the author of *Orphans of the Empire*. He organised it, and I was with them over there for the first fortnight doing camera work. Until then my mother never knew what took place at Boys Town, Bindoon. When they heard about it the whole family broke down. I did not tell them anything when I first met them. It was getting quite tiring trying to tell people about my younger days. Nobody would believe what we were saying. All I can say is that these people, dressed in black and with crosses, were hiding behind the cloth and Boys Town, Bindoon, being situated 60 miles north of Perth, was out of sight and out of mind. You were completely under the control of these Christian Brothers. How they were allowed to be in that organisation is beyond me. They must have picked up all the rabble of Christian Brothers and shoved them in that place, because we copped the lot. I kid you not, this was shocking. It was my worst eight years ever.

It was hard trying to live with people after I ran away and escaped from that place. It was not easy to live with other people. Even now I have quite a time trying to handle it. It is because I am just somehow different—that is how we were all treated. It may have been all right for some of the boys, but I guarantee you that most of them have suffered like me right through life. It just never worked—whatever it is they tried to do. I do not blame the British government for what they did. They probably thought they were doing the right thing. They had no idea what was laying behind those walls when we got out here. It was kept under cover for so long. I did a video tape. I have brought it with me and I thought we might have time to see it. When Margaret Humphreys interviewed a certain priest in a church there, he himself expressed that he could not understand how it went unnoticed for so long.

Senator MURRAY—You mentioned that Brother Dawe and is it Killer Doyle—

Mr Fairley—We called him 'Honk'—Brother Dawe.

Senator MURRAY—This is Dawe, who is different—

Mr Fairley—D-A-W-E, yes.

Senator MURRAY—Mr Fairley, we believe you. We have had a long series of ex kids from those institutions who have confirmed the treatment that you experienced. As you know, that institution had numerous instances of criminal assault, sexual assault, cruelty, abuse, starvation, lack of education—an appalling situation. Was there any brother there who was ever kind to you or ever stood up for the children that were being flogged?

Mr Fairley—There were a couple of Christian Brothers there who were not as bad as the rest. At least you could stand and talk to them. With these bad ones we had to run around corners to get away. We did not want to be seen in the vicinity. A couple do come to mind. There was Brother Parker. He was not a bad fellow. He would look after the vineyards and so forth. He was not too bad. But the question was asked of me in 1998 when I went back to Boys Town at Bindoon to visit after all these years. Nowadays the Christian Brothers do not organise the boys and girls there. It is called Keaney College. It is to do with agriculture. They now have a young man and a young lady who do the tutoring for the children, to organise them. When someone asked me the same questions you asked, I said, 'Yes, there were.' But you cannot tell me that these people were not educated enough or were too dumb to see what was going on around them. They did not lift a hand to do anything about it. They never helped, which means that if the other people are guilty of it these people sure are just as guilty as they are. They saw it but did not stop it.

Senator MURRAY—You would have guessed from my previous questioning that we are trying to build up a portfolio, if you like, of views on these things. One of the issues I want to get on the record and to understand is why people like you, once you were an adult, did not consider reporting these matters to the police, because, of course, even at the time these actions were against the law.

Mr Fairley—True, but we had no idea of what law was. We had no idea. Even as a young teenager I was in and out of court all the time. I did not have time to think about what you just said. We had nowhere to go, nobody to answer to, and no-one would answer for us.

Senator MURRAY—Were you ever visited by doctors to check on your health and that sort of thing?

Mr Fairley—There were doctors who came up on the odd occasion. I do remember a couple of epidemics of some kind. I cannot remember what it was, whether it was measles, mumps or whatever. For some reason it never caught onto me. I was always running around. I never got into that, but all the other boys were in bed. Doctors and nurses came up. They could not take 200 boys down to the hospital, so they did it all there. Doctors would come up to take tonsils out of the boys. They did it all there.

Senator MURRAY—Do you think the boys ever told them or showed them bruises from beatings?

Mr Fairley—I doubt that very much. I do not recall any. I think fear was the name of the game there. We were totally under their control, and they frightened us into submission as young children. We were afraid of these people—I kid you not.

Senator MURRAY—This is a very well-written submission, Mr Fairley. Were you educated sufficiently to be able to do this or did you have to get—

Mr Fairley—I wrote it out myself, but then I had to get someone else to rewrite it for me in a proper manner, because I am not a very good writer. I learned how to read myself by picking up books and by getting dictionaries. When I do write letters I am not as good and clear as that. I got that recopied by a friend.

Senator MURRAY—So you can confirm the same evidence we have elsewhere: that the children at this institution were not properly educated?

Mr Fairley—A handful of boys were picked out. Some inspector came up there to check on all the boys as far as education levels were concerned. There were some boys—about 20, if I remember—who were on a higher level than most of us. They were then sidetracked and went to a certain school to be taught by Brother Ryan. They escaped all this hard labour.

Senator MURRAY—If somebody from the welfare department came to inspect, would these boys be trotted forward as good examples of what the institution was doing?

Mr Fairley—I do not recall anything like that actually happening. I really could not say.

Senator MURRAY—What I am looking for is whether there was any deceit in terms of particular children.

Mr Fairley—The only thing I could see deceitful about it was that any letters that we received from overseas at any time were usually opened and intervened and I believe most of the letters that we sent overseas did not even get there. I asked my mother about it. She could hardly read. I was trying to tell her what was happening there at the time. I wanted to go back to Scotland as a young boy. I was so afraid there.

Senator MURRAY—Mr Fairley, are you able to confirm that boys were subject to sexual abuse at that institution?

Mr Fairley—I do not really know. I could not say yes for sure, but we do know that certain Christian Brothers had certain friends or teachers pets, as they might call them. They were seen coming out of Christian Brothers' rooms. But, as to the actual events, I could not categorically tell you.

Senator MURRAY—But, if you were sleeping in dormitories, you would know that some boys would leave the dormitories at night, wouldn't you?

Mr Fairley—Yes. But as to what happened behind other closed doors, I really could not say. I never actually saw anything. Of course, we realised later on what homosexuality was and what goes on. I could say, yes, it went on, but I do not know.

Senator MURRAY—Did the Christian Brothers come through the dormitories and take children from their beds?

Mr Fairley—I never saw it. I was probably asleep. I never saw that.

CHAIR—Was it talked about?

Mr Fairley—I do not recall. I think we were too preoccupied with the heavy work and other sorts of things to be worried about it. If it was happening, it would have been a trifling matter to us. There were a lot of other activities there that we were more afraid of than anything else.

Senator GIBBS—I would just like to follow up on Senator Murray's question about the boys being visited by doctors or nurses. We are talking about the fifties here, aren't we?

Mr Fairley—I was there in 1948.

Senator GIBBS—During the fifties here in Queensland nurses would actually come to schools to inoculate you because it was the law that everybody had to be vaccinated.

Mr Fairley—I do recall that on a couple of occasions there was some sort of thing like that.

Senator GIBBS—So they would have come out there to vaccinate you?

Mr Fairley—I was vaccinated in Britain before I came out anyway. I do not know. I think the inoculations—whatever they were—happened on a couple of occasions.

Senator GIBBS—I am assuming the law was the same in Western Australia because there was a thing about vaccinations—and rightly so. When they came to the school they would actually inspect you. They would look for bruises and for different things. They would look down your throat.

Mr Fairley—A doctor came out there on a couple of occasions and did that. But whether there were any bruises on anybody at the time, we do not know.

Senator GIBBS—But there must have been. From what we have heard, the beatings—

Mr Fairley—I would say they probably got there at a time when there were no bruises—when you were beaten and bruised and battered, no-one seemed to be there—and it was all beaming and everything was right. The police were told a lot of things. Boys ran away on quite a few occasions and they would have told police about this brutality. The police did go there but nothing was ever done.

Senator GIBBS—It just seems very strange to me, and I know to other members of the committee. Obviously they did not beat all the boys at one particular time, but the beatings seemed to go on all the time.

Mr Fairley—There was a lot of it, believe me.

Senator GIBBS—When people like doctors came, they must have seen something wrong.

Mr Fairley—They must have seen something—that is right. I agree with your point of view, but I cannot remember whether there was any one complaint or anything like that. I cannot recall.

Senator GIBBS—In your submission you mention a Brother Dawe who picked your brother up by the ears.

Mr Fairley—By one of the ears. My brother was a pretty big boy then.

Senator GIBBS—He lifted him off the ground and caused damage to the side of his face.

Mr Fairley—He caused very serious damage to the side of his face and all the muscle tissue inside his ear. He absolutely knocked him over.

Senator GIBBS—When he went to hospital for the series of operations, did the medical staff at the hospital inquire how this happened to him?

Mr Fairley—I really do not know. I honestly could not tell you. We were too young. We do not know whether they talked to the Christian Brothers or not. Even if they did behind our backs, the Christian Brothers would have told them a whole heap of bull anyway. They would not confess to things like that if they were trying to hide behind the cloth.

CHAIR—How old was your brother at the time?

Mr Fairley—I was about eight, so he would have been just over 10. This happened a couple of years after I arrived there. I was only seven. He would have been about a good 10-years old by then.

Senator GIBBS—So your brother never told you whether the doctor asked how this happened?

Mr Fairley—He never told me anything. I should imagine some inquiry would have taken place, but I do not know whether Jack, my brother, ever knew that himself. They would have talked behind closed doors. Nothing ever came of it. I found out later that, left unattended, my brother could well have died from that.

Senator GIBBS—Has he suffered over the years because of that, or was it totally restored?

Mr Fairley—I think it is fairly well restored, because he joined the Army at the age of 17 and he did 20 years in the Army. If there was anything wrong with him then, they did not notice it.

Senator GIBBS—They get fairly good medical attention in the Army.

Mr Fairley—That is correct, yes.

CHAIR—Did he have to have more than one operation?

Mr Fairley—Yes, he had a few. Brother Doyle was the one who informed me of the last one, and because I felt a sense of loneliness and started to cry, he threatened me, 'If you start crying like a baby, I will get a stick and whack you,' and I was afraid that he would. As far as I was concerned, he would have. He was such a brute. He was not a Christian Brother; he was a thug.

Senator GIBBS—When your brother was being lifted by the ear off the floor—

Mr Fairley—I was not there at the time it happened, but that is why he went to hospital.

Senator GIBBS—Did they act immediately? Obviously your brother would have been screaming.

Mr Fairley—I do not think so. I think he was quite sick for about a week or more before it was realised.

Senator GIBBS—Brother Dick, whom you say flew into rages and was the nut case—

Mr Fairley—He was the one who beat me on a couple of occasions, He is the one I just described.

Senator GIBBS—Are they still alive?

Mr Fairley—I do not think so, but I read that Brother Dick was tried and convicted because of his cruelty. I think it is in Alan Gill's book, the *Eye of the Needle* or in one of the books I read. He cried in the box when they were sentencing him. Someone else had laid a charge against him.

Senator GIBBS—He cried?

Mr Fairley—He was left crying there.

Senator GIBBS—Tough luck for him!

Senator MURRAY—He was convicted for sexual abuse.

Mr Fairley—Was he? I thought it was for brutality.

Senator GIBBS—For paedophilia.

Mr Fairley—So there you are, he was both—a sadist as well.

Senator TCHEN—Thank you for coming along, Mr Fairley, and for sharing your experiences with us. I am sure it is not pleasant for you, but it will be helpful to us. Let me ask you very quickly about some things that perhaps you were not directly involved in. When you were injured, Brother Dick attacked you in the dairy, and you said you could not put your arm down for a month or more: did you receive medical care?

Mr Fairley—No. In the nun's surgery they kept putting ointment on it all the time until eventually it healed itself.

Senator TCHEN—Was there anyone dispensing medical care? Were you visited by doctors or nurses?

Mr Fairley—Not unless there was an epidemic of some kind. There was a doctor who came up once or twice—I cannot recall; something like that—and I think he checked all the boys over, as you asked before.

Senator TCHEN—If there was serious injury, they were sent away?

Mr Fairley—If there was anything serious, he would have noticed it.

Senator TCHEN—But they were sent away, like your brother was—and no question asked?

Mr Fairley—No questions asked.

Senator TCHEN—Is your brother still alive?

Mr Fairley—My brother lives in Brisbane.

CHAIR—I want to follow a couple of things. First of all, I suppose what you are telling us is that no visit from a doctor happened while you were unable to put your arms down because of the—

Mr Fairley—All my treatment was just by one of the nuns in what we called the little surgery.

CHAIR—But no inspector or doctor came out?

Mr Fairley—No. I just recall walking up to Brother Quilligan and I told him what took place. And that is as far as it goes.

CHAIR—What did he say?

Mr Fairley—Very little. I cannot recall anything significant. I just told him what happened. Whether he had a chat with this nut case, Brother Dick, and whether he had something to do with that, I do not know.

CHAIR—So you reported this accident to Brother Quilligan.

Mr Fairley—Yes, he was the head brother.

CHAIR—As far as you know, nothing followed from that.

Mr Fairley—Nothing transpired.

CHAIR—You were not offered any special treatment?

Mr Fairley—No.

CHAIR—What did you say to Brother Quilligan?

Mr Fairley—I walked up and showed him the bruise. I was beaten about the face and I was bruised.

CHAIR—And under your arms.

Mr Fairley—By this time the blood had started to congeal and dry there. By the time I got to him I was crooked like this. When I showed him what had happened, he said, 'Go to the sister and get it fixed up.' Whether he had a talk to Brother Dick about it, I do not know.

CHAIR—Did you notice any change in Brother Dick after that?

Mr Fairley—He was a bit dubious afterwards, but no worries about it.

CHAIR—He did not stop being fierce to you?

Mr Fairley—Not really. When it healed and so forth, it was not much later, we had another tussle. The third time he came at me, I ended up running away, picking up stones and throwing it at him. I remember conking him a good one right in the side of his head. To me that was a victory. The same Christian Brother as I have described there, with one of my friends. This young boy came out on the ship with us—young Philip McNamara. That same nut case had that boy's arm right up around his head screaming. It took another Christian Brother to come along and restrain him. We all stood there dumbfounded. This Christian Brother was about to tear the arm off this boy's shoulder.

CHAIR—Who was the brother who came along to help him?

Mr Fairley—I think his name was Brother Tuppence (Brother Tuppin)—strange name as it is.

CHAIR—I will resist any comment. I could be flippant.

Mr Fairley—I get a bit of a giggle there.

CHAIR—You tell us that Brother Tuppence (Brother Tuppin) and Brother Quilligan had, with different incidents, an idea of how fierce and vicious this brother was. It was almost like a conspiracy of silence.

Mr Fairley—That is right. Brother Dawe was just as bad. He just grabbed you by the scruff of the neck. He would simply pull your pants down and hit you with a big stick. He would bruise you that bad you would be battling to sit down for a week. You would be all bruised.

Senator MURRAY—Describe the stick to us.

Mr Fairley—Any stick he could pick up. There was not just one stick. He did not have any speciality.

CHAIR—It was not necessarily a smooth cane.

Mr Fairley—No, anything he could pick up off the ground and lash into you. It was not a punishment of some kind. It was a flogging.

CHAIR—You said the boys sometimes ran away and were picked up by the police. They would explain to the police, tell the police?

Mr Fairley—To my knowledge, they did tell them what took place and what happened. We saw the police have a little talk with the Christian Brothers where the office is, but we never heard any results. We did not know what went on. Everything just goes quiet for a little while, and bit by bit it picks up again.

CHAIR—The charges were never laid against the brothers?

Mr Fairley—No Christian Brother was ever charged while I was at Boys Town, Bindoon.

CHAIR—As far as you know, the police would never have reported this? It is not a fair question, I suppose, because you were pretty little at the time.

Mr Fairley—We knew nothing about the running of things. The Christian Brothers were just in charge of everything. We were out of sight and out of mind. There was no-one there to speak on our behalf.

CHAIR—The really powerful thing you are telling the committee is that the head brother and another brother both knew. There was obviously some knowledge amongst the brothers themselves.

Mr Fairley—They all knew. In my opinion, they all knew. They could not be there all that time and not know what was going on around them. The ones who were quiet did nothing to curb the situation. They would not stand in.

CHAIR—Secondly, a lot of the boys ran away and told the stories of beatings and violence to the police—

Mr Fairley—They told the police and people even after they left school. I tried telling a lot of people those stories there.

CHAIR—Who did you tell?

Mr Fairley—I told the people I used to live with. I used to work on a few farms when I was a young boy. I would tell people about it. A couple of times, when I was arrested on some juvenile offence, I even told the police about it. They were interested in the orphanage because we had no parents. We had nothing to back us up. We used to tell them those stories. They would just shake their head and walk away. No-one ever took up the pen, wrote something down and gave it to someone of importance. No-one ever did.

CHAIR—So the first person you found who wrote anything down was Mr Gill?

Mr Fairley—Yes. When I found out about that book, I wrote to him. I had no knowledge of the child migrant thing until 1998. It is only in recent times that I gave my name and address and became part of the organisation.

CHAIR—Mr Fairley, thank you very much.

Senator TCHEN—In your time in Bindoon, was there more than one Brother Doyle?

Mr Fairley—Relating to what?

Senator TCHEN—To your knowledge, was there ever more than one Brother Doyle in Bindoon?

Mr Fairley—As far as names go?

Senator TCHEN—Yes.

Mr Fairley—No, there was just the one Brother Dawe. Brother Doyle was at Clontarf.

Senator TCHEN—That is why I got confused, thank you.

CHAIR—Mr Fairley, thank you very much. As you have said pretty powerfully, telling this story is no easy thing for you. The committee is enormously assisted by your contribution. I think you understand the points that Senator Murray and Senator Gibbs are trying to—

Mr Fairley—There is one thing I would like to put down. When I was doing the documentary over in Britain, anytime the director would ask questions, I would answer them. At the end of the documentary, he politely said, 'Jim, you haven't said any different from these other people.' I had not seen any of those boys for years. He said, 'There's got to a lot of truth in that.'

CHAIR—It is a shocking thing to suggest that maybe you sat down and wrote all of this—that you just made it up. Absolutely we know you did not. There is no way you could produce this stuff—just make it up. Time and time again, from people who have not rung each other or talked to each other, the information comes out exactly the same. It is absolute corroboration of your story. The further point that you have just made is that people in the community did know and did not do anything. Mr Fairley, that is a tough call to finish on, but I thank you very much. I have to say that you must be some sleuth—you took yourself to Scotland and in a couple of weeks found some family. It was very impressive.

Mr Fairley—It is a shame that I can only talk to my mother on the phone these days. I could never afford to go back there if she was going die or to go to her funeral. I would just have to say, 'Goodbye, Mum.'

CHAIR—Have you applied for any of the funding that might assist you with contacting your family?

Mr Fairley—No. From what I gather, the funding would not be sufficient, not today. You could not take an Australian dollar over to Britain today. It was bad enough when I went back in 1998; I lost a lot of money because of the exchange rate. Now I just cannot afford it.

CHAIR—Mr Fairley, thank you again. If there is anything further you want to provide to the committee, we would always be pleased to hear it, but we do thank you very much for coming today.

[12.24 p.m.]

DAVIS, Mr Terence (Private capacity)

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

Mr Davis—Yes, I have, thank you.

CHAIR—I also welcome Mr Ian Thwaites from the Child Migrants Trust. Mr Davis, would you like to tell us some things about your story? We have your submission here. Would you like to highlight some of the points that you would really like the committee to know.

Mr Davis—Firstly, my submission is selfish and I only spoke by myself, not the overall topics this inquiry is addressing. I hope to be more forthcoming, but how the hell can you be! I would like to comment on written submissions as opposed to oral renditions. Written submissions are subject to spelling, grammar, chronological order and written expression. In other words, the brain is working overtime on correctness. Also the written word can be indicative of a poor education—

Mr Thwaites continued reading the statement as follows—

—thus the shame for the lack of ability—so I will not write. The verbal presentation is from the heart and can be prompted, thus more information can be gathered and be relative to topics under review. I do not know whether the large majority of witnesses you address are those who have sent written submissions. If that is so, you may be missing the stories of the people you most need to hear.

A friend of mine downloaded the evidence of the Senate meeting and the Perth meetings from the Internet. Having read those minutes prompted me and advised me on how to prepare myself for this meeting. I realised how fair dinkum you are, how much is involved and how important it is for a resolution to all issues concerned. I have mentally prepared answers to questions you asked previous witnesses at the Perth meeting, so I am now happy to answer any questions you may wish to ask.

CHAIR—Thank you very much, Mr Davis. What I can say about submissions is that, if I get the meaning, if I can get the sense of what is being said, it is an okay submission. So don't you fret on that. I have to say, though, that you make a powerful point about education. And if we go by previous hearings, I am sure Senator Gibbs will ask those questions in a little while. Would you like us to ask you questions rather than let you speak?

Mr Davis—Yes, I have got a couple of little prompt notes here, and if you don't ask the questions on it I may mention them later on. If you like you can ask any questions on anything that I have submitted, or anything about the whole kit and caboodle.

Senator MURRAY—Mr Davis, I first wish to make a statement. What we have heard and read has brought many tears to our eyes too, but I had tears of pleasure about your son.

Mr Davis—Yes.

Senator MURRAY—He is obviously a good fellow. For those in the audience, I will just read it:

My son was serving with the Australian Army in Cambodia when this happened. He was over the moon for me with the revelation. On return to Australia and home he insisted on paying my fare to England as I could not afford the fare. He has never asked for it and insists I never repay it. All I ask is that I repay my wonderful son.

That is good to know you have got that pleasure. Let's talk about the nuns in Southampton first. Your notes—I have got here your statement that they are 'cruelest people I have ever come across'. Further on you say, 'Later on, of course, I knew no hugs or well-dones but knew lots of floggings.' Were those nuns in Southampton English nuns? Where did they come from?

Mr Davis—Oh, they would be English or Irish. They were English, yes. I would rather emphasise more on Australia, maybe this meeting concerns itself with England as well. I don't know.

Senator MURRAY—One of the things we are trying to discover is whether there was a culture of cruelty—

Mr Davis—There was a culture of cruelty all right.

Senator MURRAY—or whether it was individuals only. There is a remark here that I do not recall having come across elsewhere, but I think it is an important one because the committee has had to deal with a great deal of lies and deceit expressed to us by child migrants about their backgrounds and so on. But this remark is interesting.

CHAIR—Can you reword that, Senator Murray, because I do not think you mean to say that the child migrants were lying to the committee.

Senator MURRAY—No.

CHAIR—Could you just make it clear.

Senator MURRAY—I will just make it clear that the child migrants have given us much evidence of lies and deceit to which they were subjected, but I have not seen this comment before:

I remember being moved from orphanage to orphanage, just me and one nun. I went from Southampton to Cardiff, Wales, to another place I can't think of right now, on to Warder Castle in Wiltshire then to Melchet Court in Romsey Hants. I now believe this to be an effort to lose me in the system. You see my father married a non Catholic so they would not want me to ever go back to him.

Do you have an understanding that they actually wished to wipe out your past and make it impossible for you to reconnect with your family?

Mr Davis—Yes. Since then I have, through the Child Migrants Trust, got some literature that would confirm something along those lines—names of parents and information about siblings

completely left out. It would appear that the Catholics were more concerned about whether you were baptised when you came out here to a strange place than whether you had been inoculated against some horrible disease. On the baptismal form that was apparently sent back to the brothers here, there was no mention of the mother's name, the father's name or anything along those lines. Those lines were left blank.

Senator MURRAY—The reason I am pursuing this in your case is that, if it was a deliberate policy, it is of great concern. Sometimes you would suspect that the people of those times would use the excuse that children were illegitimate or that it would not be good for them to know about their background, but in your case your mother died of pneumonia when you were 18 months old and your father remarried, so there was no assumed stigma to your background. You say that this was simply a policy to make it impossible for you to reconnect?

Mr Davis—I would say so. That is my view; I cannot prove that.

Senator MURRAY—It would be interesting to establish from perhaps the Catholic historian whether it was a deliberate policy. Perhaps we could put a question on notice on that basis, Madam Chair.

The last question I want to ask you about is this question of wages. We have had much evidence that people should have been paid wages for work they did and that they were not. As you know, that is theft. I will quote the part of your evidence which refers to this:

At age 15 we either left off schooling to work the farm or very few would go to a Catholic boarding school in Geraldton ...

Later on you say:

We all worked very hard for 2 years till we left the orphanage. There was a mention of £5 going into our bank books.

I assume that is £5 a week?

Mr Davis—No. I just remember the £5—that is all. I do not know whether it is £5 for the whole two years.

Senator MURRAY—You also said:

We even signed specimen signatures for our bank books.

Do you remember which bank?

Mr Davis—No, I don't.

Senator MURRAY—You also said:

I know I never received any bank book when I left and would bet for certain no other boy did. I think the term is 'SLAVE LABOUR' ...

If you were meant to receive money and you were not given it, somebody stole it. Do you know whether any of the—

Mr Davis—I do not think that we were meant to be given money, so how could it be stolen? I am not trying to defend them, but I am just trying to make—

Senator MURRAY—The question I want to ask is: do you know whether any boys were paid for work they did?

Mr Davis—No, none of the boys were paid. When we were going to school, there would be a trip to Tardun, a little railway siding about 10 miles from the orphanage or thereabouts. They used to take us there and give us sixpence each or something like that, and we would spend it in the little shop.

Senator MURRAY—On these farms you worked on, were you given clothing, work boots or anything to get by on in terms of clothing, or were you just given food and a bed?

Mr Davis—We wore a shirt, shorts—and that is all.

Senator MURRAY—Bare feet?

Mr Davis—Bare feet. When we went to work outside on the farm—I went there in 1947, at 13, I was schooled for two years at 15, I left school and went to work on their farm, not on other people's farm.

Senator MURRAY—We have had allegations of sexual abuse as well as criminal assault at Tardun. As a child were you aware of incidences of that kind going on?

Mr Davis—No, not in my time. I do not know what time you are referring to, but in my time were no incidences of sexual abuse—that I knew of. There is an inference there with a boy by the name of Kevin Glasheen. Has his name ever come up? He went over the balcony. I slept two beds away from him but I did not know what occurred.

Senator MURRAY—I am glad you mentioned that. Is there any record of the police or anybody—

Mr Davis—No police came for that particular incident. There was a doctor who came out, possibly to give a death certificate.

Senator MURRAY—Did the boy jump or was he thrown?

Mr Davis—I was asleep. I definitely could not tell you that. All I knew was that the next morning Kevin Glasheen was dead.

Senator MURRAY—There were no witnesses to it whatsoever?

Mr Davis—Not to my knowledge. The boys never spoke about it.

CHAIR—No gossip at all?

Mr Davis—No gossip.

Senator MURRAY—And no coronial inquest, to your knowledge?

Mr Davis—I would say not.

Senator GIBBS—You do not think he could have committed suicide?

Mr Davis—Oh, no. He was a livewire. He was a good lad. He was one of the speedy boys around the place. He could run, fight, box and everything. He was good. He had no reason to kill himself. Cor, stone the crows.

Senator MURRAY—He could have been murdered?

Mr Davis—That is heavy. That is heavy. No. But I do not think he was a sleepwalker. We never had incidences of sleepwalking. The rail was close to the beds. I slept on the same verandah; I was two beds down. The beds are this high and very shortly up above that is the cement railing supported by posts, which somebody could fit through or go over.

CHAIR—But in all those years that you were there, nobody else ever did.

Mr Davis—Once anything is finished in an orphanage, you never bring it up again. You never think about it because you are too worried about what is going to happen next.

CHAIR—But no other child fell over the balcony?

Mr Davis—No.

CHAIR—Nobody else ever went over the balcony, despite sleeping in those beds, night after night, in the same place. Nobody ever went over the balcony?

Mr Davis—Nobody went over the balcony again. I have got a sneaking suspicion that they fixed it up. Although, I was watching a *60 Minutes* thing, and I even taped it. It showed the back of that area where the boy went over, and it looks the same today as it did then. So I guess they had not put any protection.

Senator GIBBS—Thank you. That is very interesting. You were at Tardun?

Mr Davis—I was at Tardun.

Senator GIBBS—Was the school on the premises or outside the premises?

Mr Davis—The brothers taught us.

Senator GIBBS—Okay. I notice that you say that some went to boarding school.

Mr Davis—That was in Geraldton. It was a Christian Brothers college in Geraldton. If they were really bright they got sent on to there.

Senator GIBBS—So they sussed out the bright ones and they were educated there.

Mr Davis—Yes, but there would not be too many. There may be two or three a year. That would be about it.

Senator GIBBS—Senator Murray has basically covered most of the questions I was going to ask. But I do notice that, when you were working, you say that you suffered from sunburn, which I can understand, and gammy eyes.

Mr Davis—Bung eyes.

Senator GIBBS—What sort of bung eyes?

Mr Davis—Flies, the old Australian salute—we learnt that pretty fast.

Senator GIBBS—Did the boys develop sores around the eyes, infections in the eyes?

Mr Davis—Not really, no.

Senator GIBBS—What about the food? Was the food of a poor—

Mr Davis—Food at Tardun was pretty fair.

Senator GIBBS—It was okay.

Mr Davis—Yes, I am not standing up for them, but I did not have a hard time at Tardun. I had my hard time in England; Tardun to me was quite good.

Senator GIBBS—Yes, I notice in your submission you say that, in comparison, Tardun was good.

Mr Davis—Yes, it was good in my time, not in any subsequent time or when there might have been a change of brothers, or anyone else.

Senator GIBBS—Have you contacted the Christian Brothers at all?

Mr Davis—No, I am sorry I am—

Senator GIBBS—I can understand that; do not feel sorry. It is just that we have been told that the Christian Brothers themselves are trying to help people connect with families, but you would not dream of even contacting them?

Mr Davis—I have got a postscript here on a letter from the Child Migrants Trust:

It was great to hear from you what a worthwhile reunion—

in that sort of vein—

P.S. You may also like to discuss with me a retrospective application for return airfare though a Panel in Western Australia that is receiving applications on behalf of the Christian Brothers.

Having read your previous meetings that were passed down from the Internet for me, that would be C-BERSS, or some name like that, would it?

Senator GIBBS—Yes.

Mr Davis—The letter went on:

The Trust would verify your request to the Panel and as in all cases coming to our attention where verification is sought by the Panel, ask you to consider obtaining legal advice before accepting the return airfare from the Christian Brothers.

That is pretty heavy, isn't it? Why should you have to get legal advice before you can accept something back? Never mind! However, it would appear on further discussion with Colyn Pietzsch that I was ineligible, because when I went over to England my good son lent me money. I did not have to go to the bank to borrow it.

Senator GIBBS—So that made you ineligible?

Mr Davis—That made me ineligible.

Senator GIBBS—Because somebody gave you the money?

Mr Davis—Yes, my son.

Senator GIBBS—I know it was your son, but it could have been anybody, couldn't it?

Mr Davis—It could have.

Senator GIBBS—It could have been a friend or anybody. What I am saying is, it was not your money and it was not money that you had. It was money that was given to you, so that seems a pretty weak excuse for ineligibility.

Mr Davis—That is right.

Senator GIBBS—Thank you.

Mr Davis—There is one thing that I feel very strongly about. This country is my country; I apportion no blame to Australia. The people who should be paying are those bloody Catholic hypocrites. They are the ones who should be brought to justice, and I mean justice.

Mrs Whitfield—Are we ever going to see that though? Can you tell us?

CHAIR—Please, we cannot get it on the record if you speak from the back. We note the comments, thank you.

Senator TCHEN—Mr Davis, can I say to you there is nothing wrong with your written submission. If I could write as well as you do, I would be quite happy.

Mr Davis—I was educated in the Army.

Senator TCHEN—Certainly, you are right. Your verbal submissions were moving. Can you tell me, Mr Davis, what year you left Tardun?

Mr Davis—In 1951.

Senator TCHEN—You have included in your submission a letter from the Catholic Child Welfare Council in which they refer to some sort of records about you, prepared by a Father Stinson in 1952, which indicated that, at that time, 'Terence'—that is you—'was in trouble with the police and had absconded from six different jobs.' Is that true?

Mr Davis—That is a total lie—a total fabrication.

Senator TCHEN—And that would have meant that you would have got into trouble when you left six jobs within one year.

Mr Davis—That is right.

Senator TCHEN—And who is Father Stinson?

Mr Davis—I do not know but, having read your minutes, his name was mentioned in Perth.

Mr Thwaites—Father Stinson was employed by the Catholic Episcopal Migration in Western Australia, and he made a number of trips to the United Kingdom to recruit children for migration.

Senator TCHEN—So basically he has put something on record which is totally untrue?

Mr Davis—I am wondering—I have not seen a copy of that letter, and I doubt that I ever would. I should imagine something like that would have been destroyed by them.

Senator TCHEN—This letter says that, in 1993, they discovered the existence of an adverse report on you. So, in 1993, was that report still there?

Mr Davis—No, not in 1993. That was in 1952.

Senator TCHEN—No, the report was dated 1952 but the letter referring to this report was dated August 1993.

Mr Davis—Sorry, yes. That was when the Migrants Trust started giving me things.

Senator TCHEN—Yes.

Mr Davis—But I can tell you something that may be a clue to that—that is, when I left Tardun the Christian Brothers got me a job in Guildford, on a dairy farm. I was not particularly enamoured of the job. I had been milking cows at Tardun for so long that I was sick of it. I wanted to do other farm labouring work, so they got me a job with a guy by the name of Bailey in Beverley in Western Australia. He was a little brutal towards me. He tried to hit me one time and I got him down and I thrashed the living daylights out of him—because you learn that in an orphanage; you learn how to look after yourself. Anyhow, as I was giving him his duly earned thrashing I was giving him my notice as well. He said, 'No, you are sacked,' and I said, 'No, this is my notice.' A short time after that, I was working away in the paddock—because of the week's notice—and I noticed a car on the side of the road. That car sat there for about three hours and then somebody came across to me and said, 'Are you Terry Davis?' I said, 'Yes I am.' He said, 'I have been watching you working. You've been diligent there for two hours non-stop and I don't see how anyone could call you a bludger.' He said, 'That is what Mr Bailey has referred to you as, and he is dissatisfied with your service.' That guy was from the child welfare department, and he took me away from the Catholic system and got me employment with non-Catholics. So about that time is possibly when that letter was written.

CHAIR—Were you ever employed in a confectionary factory?

Mr Davis—Never.

CHAIR—It is bizarre, isn't it?

Mr Davis—Yes.

CHAIR—It is extremely wrong.

Senator TCHEN—Mr Davis, you also said that after you left Tardun you went to the Catholic Migration Centre to find out your background.

Mr Davis—I did.

Senator TCHEN—Would have been in about 1952?

Mr Davis—Yes, that would have been about 1952.

Senator TCHEN—And they couldn't give you anything?

Mr Davis—Not couldn't—

Senator TCHEN—They would not give you anything?

Mr Davis—They said they did could not give out that type of information. I asked them if they could tell me something. I firmly believed and understood that my parents were dead, that they were killed by a bomb. However, I went to them to see if I might have aunts, uncles,

cousins, or something like that—some sort of a connection. It gets pretty lonely once you leave the orphanage. I said, 'Can you tell me something? Have I got any aunts, uncles or anybody like that?' He said, 'We do not give out that sort of information because you might not like what you hear.' The inference was so strong that I took it to heart. I thought I must have been illegitimate. Consequently, I never again spoke about my family or my childhood—until these people gave me that. That absolutely kills me. I sat and cried and cried and cried—that people could do that to you! That is criminal. I am sorry.

CHAIR—Please do not apologise, Mr Davis.

Senator TCHEN—But they were holding information. The Australian Army was able to get information from them.

Mr Davis—Of course, they were. I have got information from them.

CHAIR—I have just a couple of questions. You said that, on weekends, you were involved in road building. Was that road building within the property or outside of it?

Mr Davis—Within the property. It was a vast property—about 60,000 or 80,000 acres. On the weekends we would go out and dig up the gravel pit. We would put the gravel into heaps and the trucks would come along and pick it up. The other boys would shovel it off and the grader would do the grading.

CHAIR—You say with extreme powerfulness: 'In my case, it is hard to determine what is or is not harsh treatment.'

Mr Davis—I was brought up with it.

CHAIR—You have read about what other people have said, like sexual assaults and excessive bashings. But you have just told us that at the orphanage you learnt to be handy in your own defence.

Mr Davis—There were other boys in the orphanage bigger and better than me.

CHAIR—I see. So mainly you learnt to stand up for yourself against the other boys?

Mr Davis—I did.

CHAIR—Not against the brothers?

Mr Davis—I stood up against them on the odd time, and I got a few floggings for it.

CHAIR—Did you get flogged?

Mr Davis—I sure did.

CHAIR—What sort of thing led to a flogging?

Mr Davis—There was one little prank that a mate and I got up to. They used to have straps, which have been described to you. We went down to the workshop and got a hacksaw and put little nicks all the way along the strap about an inch apart, so that when he picked it up it went like that, and I just could not help but laugh. He asked, 'Who was responsible for this?' The whole class would have been in trouble, so I owned up. I was sent to get a stick in place of that. I went out and picked up a little dead bit that would break as soon as it would touch my hand, but that was not good enough. So he borrowed another strap. I was feeling pretty tough at this time, and I vowed and declared that if he hit me I would not cry. Six, six—no tears, and I am talking real hits. Six, six—no tears. Six, six, six, six—the tears were almost there—and then whack, whack across the head because I would not cry. Gentle people, aren't they?

Senator GIBBS—Which brother was this?

Mr Davis—Brother Thomas. Apart from that, everyone reckoned he was a saint, but he could sure use the strap.

CHAIR—Presumably you got some other floggings?

Mr Davis—Fairly regularly, yes. If you did the wrong thing in school, you would get a finger on the back of the head. It just about penetrates your skull. I do not know whether it was excessive or not. I do not know what is generally allowed.

CHAIR—Let me assure you, Mr Davis: six of the best was always called six of the best. Six of the best was not six, plus six, plus six, plus six, plus six around your head.

Mr Davis—He was angry.

CHAIR—He was not angry; he was way over the top.

Mr Davis—He was.

CHAIR—That is called criminal assault in anyone's language. That is not a normal flogging.

Mr Davis—That is right.

CHAIR—I do not know what a normal flogging is; it is probably a contradiction in terms. A fragile line is very powerful: 'I find it hard to determine what is or is not harsh treatment.' When you can tell me that description of what happens for breaking a strap, I can understand why, in a climate of violence, what is or is not harsh becomes a bit of a puzzle.

Mr Davis—I probably deserved it for doing that to the strap.

CHAIR—You may have deserved a punishment, Mr Davis, you did not—

Mr Davis—It is a feeling that you get; it is what you were brought up with.

CHAIR—That is right, but you did not deserve to be criminally assaulted. That amount of punishment, I believe, would qualify for criminal assault. I think that is the evidence that is coming to this committee over and over. I think that line of yours is so important, of the many things that are written here that are as powerful as your words. We have been told that there was a climate—the witnesses this morning said, 'That was the norm.' But what was called the 'norm' in an institution was actually illegal under state laws at the time. It was not allowed under the law to flog and bash boys and girls and babies in institutions, but it happened.

Senator MURRAY—Mr Davis, could you let me know which of these Christian Brothers were at Tardun at the time you were there? Carmody?

Mr Davis—No.

Senator MURRAY—Murphy?

Mr Davis—No.

Senator MURRAY—Boulter?

Mr Davis—No.

Senator MURRAY—Marques?

Mr Davis—No.

Senator MURRAY—Angus?

Mr Davis—No.

Senator MURRAY—Hansen?

Mr Davis—No.

Senator MURRAY—Dawe?

Mr Davis—No.

Senator MURRAY—Thyer?

Mr Davis—No.

Senator MURRAY—Jordan?

Mr Davis—No.

Senator MURRAY—Cooke?

Mr Davis—No.

Senator MURRAY—Dick

Mr Davis—No.

Senator MURRAY—Smith

Mr Davis—No.

Senator MURRAY—Beeden?

Mr Davis—No.

Senator MURRAY—O'Neill?

Mr Davis—No.

Senator MURRAY—Campbell?

Mr Davis—No.

Senator MURRAY—Fricker?

Mr Davis—No.

Senator MURRAY—Thank you.

CHAIR—You were there earlier on, weren't you, Mr Davis?

Mr Davis—I was there from 1947 to 1951. I was so upset by all of this when I found out that they had been lying and cheating and carrying on the way they had that I wanted to take them to task. I went in and sought legal aid. I was told by legal aid that I was not eligible, and the reason for not being allowed was because I owned my own home and because I was working.

CHAIR—Too rich.

Mr Davis—But you can imagine how much legal aid you would need to take on buggers like these.

CHAIR—Who did you particular want to take on?

Mr Davis—Sorry, I should not swear.

CHAIR—A perfectly useful word.

Mr Davis—The Catholic church.

Senator MURRAY—Some of them were.

Mr Davis—I do not blame the Australian government at all. Maybe they were a little bit lax in monitoring these places. This is my country and I love Australia and I love the Australian government, but I hate those people who lied and cheated to me.

CHAIR—The Christian Brothers apology, the Christian Brothers fund, the Christian Brothers assistance to pay for people to go overseas and make contact with their family, none of that—

Mr Davis—None of that slipped through. I never knew they apologised, except just now, since your committee mentioned it here. I never knew that they apologised. The Migrants Trust might have mentioned it over the phone—or something along those lines as well.

CHAIR—That is interesting. We have heard about apologies from other places—for example, the Queensland government apology which was not able to reach or did not reach all the people to whom it was particularly relevant. I think it is important that we know that you did not know that the Christian Brothers have admitted a lot of responsibility and have done a lot to try to compensate and apologise.

Mr Davis, your pain is clear. I would like to thank you very much indeed for coming and giving us the words—both said and written. You are right: it makes a very different addition to our inquiry. I have said to other witnesses that we will write a report that is so much the richer for the stories that people like you have been prepared to come forward and tell. It is remembering a time that is very painful and harsh. We do not like to visit that on people, but we are very appreciative that you would be bothered to do that for us. So we thank you.

Mr Davis—I would like to have it on record that I would hope that the British government are well satisfied with our replacements. They sent a whole bunch of us out and now they have a whole bunch of Pakistanis, Indians and West Indians. I hope they are well satisfied.

CHAIR—Mr Davis, you had some notes with a couple of prompts. Have all those prompt points been covered? I remember you said, 'I might want to just—

Mr Davis—Just that another burden on us—if you would like to call it a burden: my sister died in 1999, and I could not go over there to see her. My brother is sick and he is dying. I cannot go and see him. I could sell up and what have you, but I have loyalties to my family here as well. So I cannot beggar them just for my satisfaction of going over to my brother's deathbed. So that is another thing we have got. Another thing that we have got is the distance—they took us too far away. We talk about the lost generation here in Australia, but at least they are still in Australia.

Senator GIBBS—They should not have taken you anywhere—that is the thing.

Mr Davis—That is right. I am sorry.

CHAIR—Mr Davis, my thanks again on behalf of the committee. There is no need to apologise. It is precisely that kind of powerful contribution that makes this committee's task easier.

Proceedings suspended from 1.04 p.m. to 1.42 p.m.

BRAY, Ms Julie Anne, Service Development Coordinator, Office of Child Protection, Department of Families, Queensland

CORK, Ms Julieann Maree, Forde Contact Officer, Department of Families, Queensland

CHAIR—Welcome. 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.146. Do you wish to make any alterations to the submission?

Ms Bray—No.

Ms Cork—No.

CHAIR—I just remind departmental officers that you are not required to answer questions on advice you may have given on the formulation of policy or to express a personal opinion on matters of policy. Can I now invite you to make an opening statement and then field questions from senators?

Ms Bray—I would just like to briefly thank the inquiry for the opportunity for the Queensland government to make a submission. We also like to assist wherever we can. Julieann and I have experience with the Forde inquiry and will be able to offer more detailed information about that. We do not necessarily have direct information that specifically applies to the British child migrants other than in the context of the wider Queensland situation, but we will take on notice any question that we are unable to answer today.

My contact with the Forde inquiry was in relation to the government response to the inquiry, both while it was being undertaken and subsequently. Julieann is the Forde contact officer and is involved in a number of different initiatives that we are undertaking. I am not sure how much information you would like about the Forde inquiry—whether you would like some background about that. You already have the reports, so you may not need them.

CHAIR—As we have the reports, we are probably more interested in what has followed since; in particular, the questions that emerged this morning that maybe people do not know how to contact you, that you exist, or, if they do contact you, that that is exactly what they are doing.

Ms Bray—We were going to begin with Julieann talking a little bit about the services that are available. If we do that, you could ask questions about any other things that you need to know about that.

Ms Cork—In the course of that, I will also try to address those issues that were raised this morning about the information getting out to former residents as well as the terms of reference for the Forde Foundation, which seem to be unclear.

Following the Forde inquiry, there were 42 recommendations. Recommendations 2, 3, 37, 38, 39 and 40 related to the redress of abuse and neglect of the past. Recommendations 2 and 3 looked at the information provision for former residents, primarily information about themselves or the institutions that they were residents of. The government has created a special branch within this department's freedom of information section which deals exclusively with requests from former residents. Of the 48 former residents who were British child migrants, I know we have had 19 contacts for their records through the freedom of information branch, and those have been provided.

In addition to that, the area has coordinated, contacted and worked closely with the church services and non-government institutions to try to coordinate the information that is available about individuals and institutions. The department, in conjunction with these institutions, has since produced a directory called *Missing Pieces*, which will shortly be released. It contains the information that we have to date on all the records and material available for former residents, as well as information on how to access this information. It also contains more generic information about the history of those institutions. People seem to be quite interested in that. So that covers recommendations 2 and 3.

Recommendation 37, the recommendation requiring a public apology, has been of some interest here this morning. It was released shortly after the government response in August 1999, and it was a collaborative apology which involved the churches and the government. Some former residents have returned that apology to the department and to government, saying, 'No, this isn't what we wanted. This doesn't redress our past abuses.' Additionally, we have had some former residents say, 'No, this is important to us. This is a public statement.' So I think there are mixed feelings around the apology. It is important to remember, I suppose, that the way we access—and the strategies we have used to access—the former resident communities to let them know what services are available is following the Forde inquiry. The inquiry wrote to the former residents who provided information and evidence and asked them if they would like to go on a mailing list. It said that that mailing list would be kept confidential by our minister and that it would be used to mail information to them about the ongoing implementation of recommendations and the development of services that relate to them. So the first mailing list started to be generated following the inquiry. That mailing list continues. In conjunction with the key services, we ask them to advise people of the mailing list and of the fact that people can be added to that mailing list all the time. That is an important thing for people to know here today.

The minister produces a regular newsletter which talks about the development of services. So it is a good way, I suppose, for people to know what is going on, although we realise it is not the only way. Today, some of the people have told the committee that they have got some paperwork, and I think that means what they have received through the mailing list. So we know there are a number of other strategies that have to be used to advise former residents of what is available, including advising agencies that we think are working with, and have probably always worked with, former residents. For example, community health centres, Centrelink, child-care services, our departmental officers, corrections and adult mental health services have identified that they work with large numbers of former residents.

CHAIR—Outpatients departments?

Ms Cork—Hospitals, yes. So it is trying to, I guess, tap into the networks that former residents have already been accessing and to give them that information. We do realise though, and I think today has reinforced it for me, that something we have to build on and have to be doing continually is trying to access the former residents and to continually provide the information about the services that are available. That is something that is being continually developed.

CHAIR—Just briefly on that point, there are not too many Neerkol migrants to contact, are there, apart from children in institutions? If we are talking about the British migrants, there are not too many.

Ms Cork—No. Our records show that a total of 48 went to Neerkol and some of those have returned to England.

CHAIR—So that is 50 letters? Do you reckon you could cope with that?

Ms Cork—We don't know—

Ms Bray—A challenge for the department is that a lot of people who have been in children's institutions and detention centres—the Forde inquiry had a span across detention centres as well—do not want to have contact with the department and do not want the department to know where they are. We have had to use the minister's mailing list as the way for people to say that they do want to have contact and they do want to receive that information. That is one of the barriers to doing that. We do not have all those 48 addresses.

CHAIR—And another barrier that has become very clear to members of the committee is that some people will never, ever darken a Christian Brothers door—

Ms Cork—Or a department door.

CHAIR—and other people think the Mercy nuns could be hung out to dry. The fact that time has passed and there are different nuns and different brothers softens the blow not at all. So I guess you have an awful business of trying to get information, but at the same time you have to respect privacy. In what way have you been most successful in getting information to the people who most want it?

Ms Cork—I do not think one particular strategy has been better. I think we have found that you probably have to have a variety of ways of getting information out. In relation to the Neerkol people, there was a very active group and I imagine some the people here today will know of the Neerkol Action Support Group. That is closed now, or it is not operating as a support group any more. It had a lot to do with prompting the inquiry. We are in contact with the key people who formed that group who are former residents. They are good in terms of that actual network as they talk to each other and advise each other of what is going on. In addition to that, we have tried to maintain very close relationships with the professional standards committee here in Rockhampton who have ongoing contact with former residents of Neerkol in terms of giving their social worker information about the government response and what is going on there.

CHAIR—A professional standards committee?

Ms Cork—Yes.

CHAIR—Covering what, standards of abuse?

Ms Cork—Professional conduct, so misconduct prevention and responses to it.

CHAIR—A professional standards committee; so is it health people mainly?

Ms Cork—No. It is part of the Catholic Church. It is their response to allegations of abuse.

CHAIR—So there is a professional standards committee established by the Catholic Church of Queensland?

Ms Cork—The one in Rockhampton is perhaps run by this order, the Sisters of Mercy.

CHAIR—The Mercy nuns?

Ms Bray—Yes, they are here.

CHAIR—If you can speak loudly, we may get it—tell us.

Mrs Dougan—How would such an organisation expect us to trust them to help us after what they have done to us?

CHAIR—That is a very powerful question. I suspect *Hansard* got that question? You will even be able to source that. Thank you very much, but I must say I thought that was going to be information for our question. I must say though that the back rows are not on mike for Hansard at the moment so we have to just make sure we get it right. Sorry, back to you, Ms Cork.

Ms Cork—That is okay.

CHAIR—The professional standards committee—we will have to follow that one up. I do not know about that one.

Ms Cork—We can provide information about that.

CHAIR—That will be really useful, thank you. Have you finished what you want to say? Does Ms Bray want to say more?

Ms Cork—In terms of the recommendations, there are three more, and one of them includes the Forde Foundation. Recommendation 38 was about a reconciliation process, and that is ongoing. The initial response was about having a one-off event and that churches would take responsibility for their specific institution. A committee monitors the implementation of the recommendations. That committee is made up of a range of stakeholders from the ex-resident community, academics and professionals who have been involved with the care of children over

the years. They identified that that recommendation was not being implemented. The department has taken some leadership in that. We have realised and former residents have told us that reconciliation is not a one-off event; it is something that happens over time. It is about rebuilding relationships that have become estranged because of abuses that occurred in the past. There have been a variety of activities that have happened around that and will continue to happen.

Recommendation 39 was on the question of compensation and reparation. The main activity that the Queensland government has been involved in is the establishment of the Forde Foundation. The Queensland government established this foundation as an independent legal trust. It has its own trustee, is administered by the public trustee and has an appointed board of advice that includes two former residents, Mrs Leneen Forde, the former commissioner of the inquiry, and four other community representatives, including an indigenous representative. That foundation was established with $1 million capital, with the capital generating income which is to be distributed. This is an important point in terms of what was said earlier this morning about people not knowing whether they are eligible. The people who are eligible to apply to the foundation are anyone who has formally been in care in the state of Queensland or been a former resident of a Queensland institution, which includes child migrants. The first application round was advertised in December. That round prioritised family reunions and education and training. The distribution round is not quite finalised, but I understand that a number of people were assisted with costs associated with family reunion. The recent election also saw an additional $1 million being committed through an election promise to that foundation. Recommendation 40 is about the development of services for former residents.

CHAIR—Just before you move on, I have been cleverly handed the book which I think is the one you are dealing with. On recommendation 39, under the heading 'Action', the book says:

> The Sisters of Mercy and Rockhampton Diocese of the Catholic Church has settled over 70 civil claims for compensation made by former residents of Neerkol. The Government to date has not entered into negotiations with victims of abuse.

Does that mean that the Forde Foundation is working with the Sisters of Mercy in Rockhampton?

Ms Cork—No.

CHAIR—That is just to note that this is happening as well?

Ms Cork—Yes. They are separate.

CHAIR—If a person were a migrant at Neerkol would they be eligible to talk to you as well as to, say, the Sisters of Mercy?

Ms Cork—Accessing an out-of-court settlement with one of the religious authorities or accessing civil or criminal compensation through the legal system does not exclude someone from accessing the Forde Foundation.

CHAIR—There is no financial restriction such as that if you were a millionaire now you would still be eligible for assistance—

Ms Cork—It is not means tested.

CHAIR—through the Forde Foundation?

Ms Cork—That is right.

CHAIR—Anybody who was in an institution, be they child migrant or not, would be well advised to know about you and maybe talk to you about what assistance they might be able to get?

Ms Cork—That is right.

CHAIR—They may decide they do not want any, but you are telling us that it is open to anybody who has been in an institution.

Ms Cork—Yes, in relation to the terms of reference of the Forde inquiry—children's institutions that were licensed under the specific acts related to the department.

CHAIR—But essentially over the period—

Ms Cork—Over the period 1911 to currently.

CHAIR—Currently?

Ms Cork—Because it is a perpetual trust, it includes children who are currently in care as well.

CHAIR—Does this trust expect to get a $1 million per annum, or will it get to an amount?

Ms Cork—It has had one-off $1 million non-recurrent establishment, and another one-off $1 million non-recurrent grant was pledged in recent elections.

CHAIR—I am just a bit confused about a perpetual trust with non-recurrent funding.

Ms Cork—They are not distributing the capital; they are distributing the income from the capital. The interest that the capital generates is what is distributed.

Senator GIBBS—So that is the interest on the $2 million?

Ms Cork—That is what it will be.

Ms Bray—I think it was set up in the hope that the churches and the community sector could also donate money to the trust.

Senator GIBBS—Have the churches donated anything that you know of?

Ms Cork—Not that I am aware of.

CHAIR—Recommendation 40?

Ms Cork—That is the service provision recommendation for former residents. There are two main services at the moment. I will start with the Aftercare Resource Centre, which is a service funded to provide counselling and support to former residents. It is set up in such a way that it can access brokerage funds—so, for former residents living outside Brisbane who cannot access this service directly, funds can be brokered for a counsellor of their choice or a support service of their choice, within negotiation, within their local region.

CHAIR—Does that means that the fund would pay for counselling for somebody in Adelaide to go to an Adelaide counsellor?

Ms Cork—Yes.

Senator GIBBS—Say that somebody in Emerald or somewhere like that cannot get to Brisbane and they broker to the local counsellor, psychologist or whatever, can that be a private psychologist or counsellor?

Ms Cork—Yes.

Senator GIBBS—When we were in Adelaide they talked about people who were going to counsellors and had to tell their story all over again. This seems absolutely bizarre to me. Surely if you were having counselling you would go to the same person. So they can go to private counsellors?

Ms Cork—Yes, it can be. The idea would be to get the best fit between the client and the counsellor. If the after-care resource service knew of a public service that had certain expertise they might use a public service, but generally it is private services that they are accessing.

Senator GIBBS—Thank you.

CHAIR—Are there other points you would like to comment on?

Ms Cork—That service also has a 1800 number and can provide a service throughout Australia to former residents. They also look at general support, which allows former residents to identify what their needs are and they can then be referred to the right service or they can work with them on those specific needs. So it is not just counselling. I realise that counselling is only one response to the needs of former residents.

CHAIR—Where do I find this 1800 number?

Ms Cork—It is on the back of a newsletter. I can give it to you.

CHAIR—If I am down there in Adelaide, or I live in Western Australia now, how will I know about you?

Ms Cork—I think that is the ongoing issue about how we get information out to former residents. It is about developing links with services that we would already be accessing from residents.

CHAIR—Are you tick-tacking with the other state governments? Between Queensland and Western Australia—which is probably out the front, I am not sure—you have done some excellent things at the state level. The South Australian government is also. I cannot really speak accurately of what is happening in the other states, but would your information be available to anybody going to the department in South Australia?

Ms Cork—We recently met with South Australia, who came to speak to us about the Forde Foundation. They are very aware of what we are doing and have our information.

CHAIR—What about WA?

Ms Cork—We have had some contact with WA, yes, and they would have our information. And recently we have had more contact with New South Wales.

CHAIR—It just seems to me that a lot of people are finding an entree into all these 'years later' services through the state department, whether it be community services or whatever.

Ms Cork—That makes sense, yes.

CHAIR—The other group is the Child Migrants Trust, of course; but I think a lot of people are looking—as in your case with the Forde Foundation—through the state services. I presume all this information is available through the Child Migrants Trust?

Ms Cork—We have met with Ian, from the Child Migrants Trust, so the trust is aware of the foundation and the services that we are developing.

CHAIR—Okay.

Ms Cork—There is another service—a support and advocacy service—the Esther Trust. It was established prior to the inquiry and receives ongoing funding through our department. Essentially, it has established a network for former residents, which is a way for former residents to support and know and meet with each other, as well as a way for them to continue a dialogue with government about their needs and the implementation of recommendations. In addition to that, it also provides support for former residents in terms of processing complaints, such as complaints with individual churches and complaints with government.

CHAIR—Is it focused on migrants?

Ms Cork—No. All the services we provide are broadly for former residents. Child migrants as a group being former residents are able to access those services.

CHAIR—Why would you keep the Esther Trust? Why would you not subsume it under the Forde Foundation?

Ms Cork—At the moment, the Forde Foundations' role is about grants administration. It is a legal trust—that is just the way it has been set up. The Esther Trust is providing actual services to clients.

Ms Bray—The Esther Trust was not set up by the department. It was already there before the inquiry started. It has links through to the church and it was set up in relation to services and support to people who have been abused in a power type relationship, for example, by priests and by other members of the religious. That is its origin.

CHAIR—When was it established?

Ms Bray—I do not know its full history. It is a community agency that has been there for quite some time that the department has chosen to fund so that it can provide services to this particular group.

Senator GIBBS—How much money does the department put into the Esther Trust?

Ms Cork—I am not confident of the exact amount, but I can provide that to you.

Senator GIBBS—Apart from the department—I know it is an independent trust—who else puts money into it? Do the churches put money into it?

Ms Cork—Is this the Forde Foundation?

Senator GIBBS—No, the Esther Trust.

Ms Cork—Previously, the trust was receiving money from the churches.

Senator GIBBS—Which churches?

Ms Cork—The Catholic church and a number of individual parishes provided money towards the trust's funding.

CHAIR—So from a church?

Ms Cork—Yes, I guess.

CHAIR—We need to be clear because 'church' might mean Catholic or Anglican or Uniting et cetera. So this is a Catholic church organisation?

Ms Cork—That is right.

Senator MURRAY—The Chair mentioned Western Australia. I think it would be useful, if you have not seen it, to get a copy of the submission from the Western Australian Department of

Family and Community Services and to look at the *Hansard* record, because the department has done work on setting up a tracing index which would now be much easier for other states to duplicate. After signing a memorandum of understanding with each of the receiving agencies in WA—I think eight bodies were involved—the department got the agencies to agree to provide their records. Then the department locked into the UK records—there is a memorandum of understanding between the WA and the UK governments—and the result is that there are nearly 3,000 names, as I understand it, on an index which gives all the details necessary for initial tracing. It seems a very useful service.

Ms Cork—Is that the PHIND index?

Senator MURRAY—No. This is the department's index. The PHIND index is the C-BERSS outfit. It is a very fine piece of work. I recommend that you contact the department. The Director-General there has driven it. I note that on page 3 item (f) you say:

Former child migrants have the right to seek criminal compensation from any person who is convicted of assaulting or abusing them.

But the fact is they have to be convicted. You go on to say:

There is no limitation period applying to criminal compensation.

It might be beyond your brief, but I would appreciate it if, on notice, you could ask your Attorney-General's Department, if you do not have it, to provide the committee with information on what are the limitations in terms of child migrants pursuing criminal and sexual assault—in other words, going to be police and laying charges for events which, in most cases, happened many decades ago.

Ms Cork—Do you mean the limitations in terms of the burden of evidence?

Senator MURRAY—I gather that you listened to the evidence today. You would have understood that we have established that most child migrants—in fact nearly all—did not appreciate that they could have laid charges once they became adults. They did not lay charges, and to this day have not laid charges, yet numbers of people who are guilty of criminal and sexual assault, sometimes of the most horrific kind, are still alive. Should they be brought to justice? The only way they can be brought to justice is through the action of the state, either through police investigation or the DPP.

Ms Cork—Following the Forde inquiry, a number of matters were handed over to the police, and a number of those have been pursued through the DPP. Perhaps that is information I could provide to the committee.

Senator MURRAY—That would be very useful.

Ms Bray—The Forde inquiry started those actions. I would want to take on notice the result of any of those actions.

Senator MURRAY—It would be very useful for us. Although neither this committee nor the parliament has any power over the states, if we were able to indicate what a state has done and that it has been more successful, perhaps what has been in other states would provide a useful benchmark for us, so I would appreciate that.

The next issue runs on from that. By virtue of their education and, sometimes, their psychology, because of the experiences they have had in institutions, child migrants themselves are quite often not capable of pursuing issues at law—they do not have the money or confidence, and they have a fear of authority and so on. There is the question whether the Queensland government has ever considered taking representative action on behalf of child migrants who were criminally or sexually assaulted as a class in institutions in Queensland; namely, acting as a vehicle for achieving reparations. In most states, as I understand it—and perhaps in Queensland—the authorities have simply said to child migrants, 'Over to you; you find a bunch of lawyers to pursue it,' but that often means civil not criminal litigation. The two are separate: one is to punish; the other is to get recompense. I wonder whether representative action has been considered by the Queensland government.

Ms Bray—We will take it on notice.

Senator GIBBS—I know how the Forde Foundation works, but is there any form of help—I will not call it compensation—for people who actually want to go back to England to find their parents, or any other member of their family?

Ms Cork—There are probably a number of services that can sometimes link together to work with individuals. The Aftercare Resource Centre can provide people with some support in terms of searching records, and even some small amount of financial support to help with that process. I imagine that generally they refer people to the Child Migrants Trust.

Senator GIBBS—I believe that the church, or particularly the Catholic church, should actually cough up quite a bit of money to assist these people or indeed give them their fares to go over there. To your knowledge, do the churches actually put money into anything other than the Esther Foundation?

Ms Cork—I am aware that the Professional Standards Committee in Rockhampton provides a service that has, over the years, included some financial support for former residents of Neerkol.

Senator GIBBS—A lot of the people who have come before us do not want a bar of the church—and that is understandable—and so they do not want to approach them in any way. If they were to seek money to go overseas to be reunited a member of their family, could departmental officers approach the organisation in Rockhampton on their behalf?

Ms Cork—It is a possibility. There is a central contact number—which again is a 1800 number—and the person on that number can explain what services are available in the community. If people contacted the department we would be more inclined to refer that individual to, say, the Aftercare Resource Centre or even the Esther Trust, and they would advocate on behalf of the former child migrant with either an individual church or with the Professional Standards Committee.

Senator GIBBS—That is actually what I was interested in: whether or not somebody would advocate on their behalf so that they do not have to have any contact personally with the church. Even though they do not want to have the contact—and I can understand that—I do not see any reason why they should not get the money out the church, because the church owes. That is my personal opinion, anyway.

Ms Cork—In saying that, while our services would work with former child migrants we cannot guarantee the outcome in terms of negotiating with a third party.

Senator TCHEN—What do you see as the state child welfare department's role, particularly in relation to the British migrant children and also generally to state wards, throughout the period of both sides of the Second World War?

Ms Cork—So you are not speaking currently. I understand that you are referring to the time of the child migrant scheme.

Senator TCHEN—You can extend it to the current time, but I think we all have a fairly good idea what today's fashion is—say before 1965?

Ms Bray—I think the Queensland government's response to the inquiry admits that a number of things happened that should not have happened, and that it had a responsibility in relation to that. I am not sure if that answers the question.

Senator TCHEN—Yes, all right.

Ms Bray—The government had a duty to those children.

Senator TCHEN—The reason I asked is that, throughout the evidence we heard from the former child migrants, there seemed to be a notable absence of interest from state departments.

Ms Bray—Or monitoring by the government and that has been identified in the Forde inquiry report and acknowledged in the government's response.

Senator TCHEN—Is that a general thing? Does that apply right through the ward-of-state situation—other children as well?

Ms Bray—Yes. Around that time, there were inspectors of orphanages. I have an inaccurate memory of the number of regions, but there were possibly three or five regions in Queensland, so there would have been three or five inspectors of orphanages for the whole of Queensland, for thousands of children. So their role was to visit once or twice, as an example. They were not able to provide the sort of monitoring that could have helped to prevent some of the abuses that occurred.

Senator TCHEN—In Queensland, what were they inspecting? We heard evidence from South Australia and possibly also from Western Australia—I cannot remember now. They seemed to focus more on inspecting the buildings rather than the children.

Ms Cork—In the Forde report there is evidence from former residents which indicates that was the case. Certainly it was their impression that many of them never saw an inspector or a district officer,. They felt that institutions were aware of when they were having their inspections and monitoring, and people would scrub the place the up and prepare for that. Very rarely did a district officer or an inspector have the opportunity or the inclination—I am not sure—to speak to children individually and certainly speak to them about the care that they were receiving and accept complaints from them.

Senator TCHEN—Again, perhaps it is a case of whether you have come across reference of this in records or in previous inquiries. Particularly with regard to the migrant children, there is another question of whether the federal government and the minister for immigration actually had guardianship and whether it has been delegated down to the state departments. I think in Western Australia there was a clear acceptance that the delegation had gone from Commonwealth to state first and then the state delegated further. However, I am not sure whether in Queensland there was direct delegation from the minister to, say, the church. Was there any record of that? If that did happen, does that cause—

Ms Bray—I think we should take that on notice. We could not say specifically.

Senator TCHEN—Perhaps you could take something else on notice in relation to evidence we heard today from Mrs Whitfield. In her submission, she actually provided a sample of a letter she wrote to Mr Holbeck, a child welfare officer. I think she obtained a copy of the letter under the freedom of information legislation. Therefore, I assume there is a full file in existence. Firstly, from your knowledge, are the files with the department regarding British migrant children complete? In other states we have found that some files were destroyed as a matter of practice and some files were just not found.

Ms Cork—I understand that of the 48 files that should be in existence, there are two that have not been located. The information that is available on those files varies significantly from file to file and that relates to the record keeping practices of the time not being uniform and archival practices not being uniform.

Senator TCHEN—In Mrs Whitfield's case, I was wondering whether you could take it on notice and perhaps provide the committee with a summary or an account of the response on file made by Mr Holbeck after he received the letter from Mrs Whitfield.

Mrs Whitfield—I was to conduct myself in a proper manner—that is what it says in what I received under freedom of information.

CHAIR—Please do not speak from the back, Mrs Whitfield, because we will not get it on the record.

Mrs Whitfield—Sorry, I keep forgetting we are on tape.

CHAIR—Message is received.

Senator TCHEN—Could you give us a summary of the various steps taken as reflected in the files, the sorts of responses that were put on file and the analysis or interpretation of the

child welfare officers of that particular complaint, because I think it might give us some idea of how a case is treated in that environment.

Ms Bray—This does not really answer your question, but it is likely that Mrs Whitfield would have received most of that information if it was on file—

Senator TCHEN—Yes, I know. She did not provide it to us, but it would help the committee to get some idea of how a complaint, once it had reached a child welfare officer, was dealt with—the method of dealing with it.

Finally, some evidence was given about payment for work. The question is whether there was any payment at all. One witness said to us that she received a letter from the church to say that she did not have any money in the trust because she was a migrant. One assumption is that, if she was not a British migrant, she might have been paid. Can you find some records on that?

Ms Cork—It probably relates to the relationship between the state government's delegated role with child migrants, the role of the Commonwealth government and the role of the diocese that accepted custody of the young people and children. Our records department have done a search on the 48 child migrants, and it appears that there are no trust funds or trust accounts for these 48 young people.

CHAIR—Where did you look, Ms Cork?

Ms Cork—They would have looked through the Auditor-General's office, they would have looked through departmental records—

CHAIR—Did you look in the files of the Catholic church, the Mercy nuns or the institution?

Ms Cork—I do not believe that they would have looked there.

Ms Bray—We would have been looking for trust funds that the department was required to set up. That would be different to a trust fund that the church may have set up.

Senator TCHEN—In that case, if there weren't any state trust funds, could you throw some light on why there weren't any? Children are children—if the state had legislative responsibility to establish a trust fund for Australian children in their care, the same care must necessarily exist for other children, unless they have formally passed it on to someone else.

Ms Bray—Just to clarify this—and we will answer it more fully—there would have been, in many of the institutions in Queensland, children who were not under the care of the department. That set-up no longer existed when they implemented the Children's Services Act in 1965, but prior to the act people could approach an institution and the child could go there in a direct relationship between the parent or carer and the institution. I suspect—and we will check this—that they also would not have had trust funds created for them. So, while it does seem quite discriminatory that these people did not have trust funds, it may have been more to do with the guardianship relationship rather than the fact that they were British migrants.

Senator TCHEN—Yes, I understand that. But it seemed to me that the British migrant children came out here not as individuals but as people for whom the government took some sort of responsibility, which—however transferred—still existed. So if you could find some background on that, I think it would assist the committee in understanding the situation.

Senator GIBBS—Just to follow up on what Senator Tchen was asking: to your knowledge, would the state government have paid any money to the church organisations that were running the orphanages?

Ms Bray—They paid for the children in the institutions, but we would have to take on notice the question as it relates to the British child migrants. We would have to check the numbers and how many were paid for.

Senator GIBBS—From what we have been told, apparently the British government did pay a certain amount of money per child, and the Commonwealth government paid a certain amount of money per child. I do not know whether the Commonwealth paid it directly or whether it was paid through the state governments. I was wondering if the state government actually paid a certain amount of money per child also. If you could find that out for us, it would be interesting. A lot of the children have said that the food was poor, the conditions were dreadful, there was very little clothing, and all that sort of thing. It seems to me that for many years somebody has made quite a fortune out of these kids, using them as slave labour and virtually starving them to death when money was actually available for their care.

CHAIR—Page 9 of your submission, which is confidential from the closed report—it is a bit complex, but I would be pleased if you could stay with us— says:

> Under the relevant legislation (the *State Children Acts 1911* and the *Children's Services Act 1965*), the Director of the State Children's Department (and its various departmental successors) became guardian of State children or as they were later were, children under Care and Protection, or Care and Control, orders. The *Children's Services Act 1965* specified a duty in the Director to use his powers and the Department's resources to further the best interests of the children in his care. The Director also became guardian of the British migrant children as a result of the delegation by the Commonwealth Minister of Immigration of his powers and functions as guardian under Section 6 of the *Immigration (Guardianship of Children) Act 1946*. Custodianship of those children, however, was given to Bishop Tynan of Rockhampton by a delegation under Section 7 of the same Act, in contrast to the position of State children for whose custody the superintendent of the institution in which they were placed was responsible.

That makes it clear enough to me that the arrangement between the British government and the Australian government was through the Commonwealth minister—I suppose he is only a Commonwealth minister—for immigration, who had effectively assumed guardianship of the children who were coming out here, and he then passed those powers and authorities to the relevant state minister. Then it says:

> Custodianship of those children, however...

I was wondering if you could take on notice the difference between guardianship and custodianship—it is not at all clear to me—as that would help us in our deliberations. It does seem to suggest, though, that that guardianship role, as I read this paragraph, applies effectively back as far as 1911 with the State Childrens Acts. It says:

> Under the relevant legislation ... the Director of the State Children's Department ... became guardian ... or as they later were ...

My reading of that—I could be wrong—is that guardianship effectively was covered by the State Childrens Acts 1911, so it is not 1965. If you could check that for us, too, that would be helpful. On page 10 of this report it says—

Ms Bray—Excuse me, we are not quite sure—

CHAIR—I am sorry, this is the confidential closed report.

Ms Bray—Of the Forde inquiry?

CHAIR—It is the Commission of Inquiry into the Abuse of Children in Queensland Institutions, Neerkol and Karrala.

Ms Bray—Sorry, I was confused whether it was our submission.

Ms Cork—It was a document that we supplied.

CHAIR—You sent it in your submission. I am sorry, in ordinary parlance, you sent it, it is your submission—thank you—but it is not your Queensland department.

Ms Bray—I just could not find it.

CHAIR—On page 10 of this confidential document, and I am presuming I am reading the bits—it is no longer confidential.

Senator GIBBS—No, not now.

CHAIR—I have not read anything that might betray any privacy. It is a public document.

Ms Bray—It was held while some criminal proceedings were taken, and it is now public.

CHAIR—Thank you. I am always nervous when a document has slapped on it 'confidential' in big black letters. On page 10 it says:

> It does not appear that the staff of the State Children's Department in its office in Rockhampton had any training in their role, and it is clear that they were considerably overworked. Given those circumstances, it is unfair to criticise their performance as individuals. What can be justly criticised, however, is the failure of the Department of Children's Services (as it became in 1965) to ensure that staff with training in child care and protection were employed ...

There is probably an element of truth to that, but true dinks, you would have thought that the individual who went out and had a look at these places—I heard an interjector say that they devoted themselves to having cups of tea; that may not be accurate, but it was certainly a comment made—would have found something that witness after witness describes here. 'The children were beaten black and blue.' 'The children were beaten and left with terrible marks and weals.' 'The children were taken to hospital and seen by doctors.' 'The children were picked up by the police.' This evidence was here. How come, overworked or not, this person did not see those things?

I suppose this is called rehashing old history—and it is fairly well covered in this report—but I find it a bit unusual that you conclude it is not fair to criticise the individual. I certainly believe the state department deserves criticism. But the concern of most of the witnesses has been that, when as little people they had somebody who was supposed to speak to them and protect them, they could not rely on that person to do so—not 'the department' but that person who was the department for them. I suppose that is not a question—do you care to comment?

Ms Bray—Only to repeat what I said before: that they are the words of the inquiry. We included them in our submission to give you a full understanding of the work that had come before.

CHAIR—Yes. Going to another point that is of interest to us, the statute of limitations, on page 3 of your submission—not your accompanying enclosed document—you say:

There is no limitation period applying to criminal compensation.

Is that the case across the country? Is it just Queensland law?

Ms Bray—I do not know.

CHAIR—It goes on to say:

Any action for civil damages against individual perpetrators of abuse previously involved ... is subject to a three year limitation period from the date the person became of age—

what is that—21 or 18?

or from the date they became aware of the connection between their injury or condition and the actions of the perpetrator.

Could you provide further clarification or get the appropriate person to give the clarification for us? I do not know what 'became of age' means. If there is a three-year limitation from the time people become aware of a connection between their state of injury and the perpetrator—for example, if somebody turns up at this inquiry and understood like they never understood before that Sister X was a perpetrator of violence—do they have three years from today in which to proceed with a possible claim?

Senator MURRAY—That is a similar question to the one I have already given you on notice. A key consideration is whether that three-year limitation is absolute or whether it may be overturned by a judge on application. It seems to be the practice in some states that a judge may decide the limitation.

CHAIR—Was the apology formalised by the Queensland parliament?

Ms Bray—It was signed separately to that and tabled in parliament.

CHAIR—How has the apology been drawn to the attention of former child migrants?

Ms Bray—In the ways we have already described. There was a lot of press at the time in relation to it. We have a regular newsletter that goes out to the minister's mailing list, and it was provided there. The apology was sent to everyone who was on the minister's mailing list. It is made available in a lot of other places. Julieann may be able to speak more to that.

CHAIR—Is it on the Net?

Ms Cork—No. I don't think the apology itself is on the Net; information about the apology is. We still have apologies available to distribute to people who were not aware of it at its initial distribution time.

CHAIR—One of the things that fascinates me about this inquiry is that it is based on the challenge of Queensland, where you are more dispersed as a population. I suppose Western Australia might say that their child migrants were widely dispersed out of Perth, but there was a sense—

Senator MURRAY—But they never remained there; that is the difference here. People 600 kilometres north of Perth just never remained there.

Senator GIBBS—Yes. More people live in Perth than outside it. In Queensland more people live outside the capital than in the capital.

CHAIR—I am very appreciative of all this help. I understand it, and it is actually getting me to the question. One of the problems I have picked up on visits to Queensland is the challenge of trying to deliver the department's services to so many communities, as compared with my own state of South Australia, for example, where there is nothing like the same number of fairly significant-sized populations.

As a result of the Forde Foundation, has the department had to increase the number of people who are working for it? Are there new ways in which you are addressing this question of making sure the resources are where the people need them—in Rockhampton, in this particular case?

Ms Bray—Are you speaking in relation to ongoing child protection service delivery or delivery to former child migrants?

CHAIR—I am following our terms of inquiry—child migrants.

Ms Cork—The Forde Foundation is a separate trust. It has a secretariat. It has access to the same information strategies as we do, plus it is required to advertise in state and national newspapers every time it advertises a funding round. Then it administers the funding round centrally in Brisbane and distributes from there.

CHAIR—It is based on Brisbane?

Ms Cork—Yes.

CHAIR—But we are in Rockhampton. It is a long way.

Ms Cork—It provides a statewide and national service by having a 1-800 contact—a toll-free contact. The foundation has not really been set up to give a face-to-face service. It is only advertising funding rounds twice a year, and it is processing applications through a voluntary board and then distributing those. The other services are more critical, I think, to how we try to provide statewide and national services, because former residents are all over the country, and they are providing counselling and support. We have tried to do that by offering a brokerage service, so funding can be used in people's localities, and by providing 1-800 contact numbers. We have tried, for reconciliation events, to create memorabilia, booklets and things about what is going on in Brisbane. We send those out to former residents across the country so they can see what other people have done, read their poetry, and look at the pictures of events.

We have tried to create a photographic exhibition that has been contributed to by former residents, and we are going to try and get that to tour regional areas where former residents are. One consideration is Rockhampton. It is a challenge, and those are things we have done so far. I think it is also reasonable to say that the number of staff associated with providing what is called, for want of a better word, 'after care services'—services to people formerly in the care of the state or former residents—has increased as the workload has increased.

We are also looking at developing and implementing a peer support service, and hopefully that will start in the new financial year. That will be a model to support and train former residents to provide support to other former residents.

CHAIR—Do you know of the very recent announcement by the South Australian Minister for Human Services, Dean Brown—in response to requests from the child migrants themselves—of $30,000 over three years to assist the Child Migrants Trust people to come from Victoria to Adelaide on designated days so that child migrants who want to make contact do not have to go to Victoria? The fund will assist the Child Migrants Trust people to be available in Adelaide for appointments. Do you know of this, and would you consider doing something like that too?

Ms Cork—I was not aware of the recent announcement from South Australia and I am interested to hear about that. I guess in terms of service development we would consider that.

CHAIR—In which case you might find it very interesting—if you have nothing else to do, but read what is in the *Hansard*—to look at the *Hansard* of our session with the South Australian government. What reporting mechanisms existed, do you know, between the state and the Commonwealth? Did the Queensland government ever have to report to the Commonwealth government on the care and management of the child migrants?

Ms Bray—We will take that on notice. We would need to look at our records in relation to that.

CHAIR—Did the Queensland government ever have any direct relationship with the UK in seeking migrant children to come here or was it all through the Australian government?

Ms Bray—Again, we will have to take that on notice.

CHAIR—There is a considerable demand for financial assistance for people to contact family and in particular to go and see them. Ringing up the family is one thing, but eyeballing them is terribly important. Do you believe it is a responsibility of the state government to contribute to that sort of funding?

Ms Bray—We will take that on notice. We do not want to speak for the state government.

CHAIR—Numbers of people have argued with us about the importance of a travel fund and that the Australian government should introduce or establish one pretty much parallel to the British government one. I guess the question is: do you believe the state governments should have a contributory role in that? Again, it is probably the same question, although slightly different, for you on notice. Are there any other questions, colleagues?

Senator GIBBS—In your submission you mentioned that a certain number of boys were sent to the Salvation Army home at Riverview. I am interested because it is the next suburb to me. I live at Redbank. You have never been able to place any of those people?

Ms Cork—No.

Ms Bray—No.

Senator GIBBS—And they have never come forward?

Ms Bray—No.

Ms Cork—We spoke to services before coming here to see if they had been contacted by anybody identified as having been at Riverview and a child migrant and they said they have not had any contact. Our freedom of information of branch has not had any contact from any of the 77 young men. The thought is that they were all over the age of 15 and that they came, received training and were promptly placed in employment. Perhaps there is a thought that maybe they do not see themselves as child migrants because they were youths. It is uncertain.

Senator TCHEN—Maybe the Salvation Army has done a good job.

Senator GIBBS—That is what I'm saying.

CHAIR—There was another group of migrants who came who were I think 15-plus and they were actually seen not so much as child migrants, but as youths of a different sort of order. They actually had parents and families that they stayed in contact with.

Senator GIBBS—No, they were not. They were actually migrants, but maybe the Salvation Army did not abuse them or mistreat them. They simply went out and assimilated into the community.

Ms Cork—They seemed to only be there for a very short period of time from the information we have received—for three to six months, while they were receiving their training.

Senator GIBBS—Okay, so it was basically training and then out to work?

Ms Cork—Yes. It was previously licensed under an act which enabled it to be called an industrial school.

Senator GIBBS—I am just wondering if that is where they have the old people's home today? I think it might be; I am not sure.

Ms Bray—I think it was called Alkira. It was a children's home and it did come under the terms of reference of the Forde inquiry. We would have to read it to see if there is any mention in relation to that residential home.

Senator GIBBS—Thank you very much.

Senator MURRAY—I am glad to discover this attachment is not a confidential report. I will declare a bias right at the outset. I am of the view that, in Western Australia, people who are capable of systemic rape and horrific beatings, and people in this state who are capable of flogging a child ill with a burst appendix in bed are capable of anything—so understand my bias. The commission did comment in their report on suspicious deaths, and they have come to conclusions on a number of them. On one I thought, without casting any aspersions, that the commission might be slightly naive—that is, the death of Eileen Pavlovich. She seems to have been registered as having died of gastroenteritis. But you can never be sure about what was put on death certificates those days as the cause of death. We even know today that people die of AIDS in Africa, and that is not what appears on the death certificate.

There is one case in the report which I think is straightforward, and that is a drowning in the creek. My questions to you are—and you will probably need to take them on notice: what was the legislation covering coronial inquiries at the time, and why was a coronial inquiry not carried out in the case of this death? My expectation is the law at the time would have described that as an accidental death. But I would have expected an accidental death would have been investigated by a coronial inquiry. So perhaps you can explain what the law was surrounding that and whether any of those other instances of deaths ever had a coroner at least determine whether or not there should be a coronial inquiry.

Ms Bray—We will take those on notice and get back to you.

CHAIR—On page 3 of your submission under '(d) The need for a formal acknowledgment and apology' you say:

Recommendation 37 of the Forde inquiry required the Queensland Government and responsible religious authorities to issue a formal apology.

The last sentence says:

In public statements relating to treatment of children in these institutions the Government continues to refer to the finding of the Inquiry as fact.

Ms Cork—Meaning?

CHAIR—That is exactly right: meaning what?

Ms Cork—Meaning that when the Queensland government talks about the findings of the inquiry, they support the findings of the inquiry—the findings being that large numbers of children and young people in institutions experienced abuse and neglect.

CHAIR—Have you found it in any way useful to distinguish between child migrants in institutions and other children?

Ms Cork—I guess it is useful. We recognise that the child migrant group are a subset of the larger former resident group. I think the approach we have taken to service delivery has been, in a lot of ways, about not discriminating. Providing services broadly without people having to identify as someone who was abused or someone who was not abused or someone who was in a specific home or was not in a specific home or someone who was a child migrant or not a child migrant is the approach we have taken to providing services—not asking people to identify as being members of any specific subcategory, but that they have lived in a residential institution or have been part of the state system, and then they can access the service.

CHAIR—We have had a lot of evidence that migrants feel that they not only lost their families—and in many cases were lied to about their family's existence, and certainly were lied to about their own status—but also their country and their culture. One woman, for example, wanted to know whether there were still daffodils in London. It is an image you could imagine a little girl left with and it was all she had for the next X number of years. Does the department distinguish between child migrants and other residents on the grounds of whether they have suffered a loss of culture, that they are that much further away from home?

Ms Cork—We acknowledge the specific circumstances and issues for child migrants, and in Queensland's case, specifically British child migrants. Certainly, our Aftercare Resource Centre is aware that this is a subgroup with a different set of issues, and therefore responds to people as individuals.

CHAIR—Thank you very much for coming to this hearing, for making the journey and also for taking all of those questions on notice. We do not expect theses by way of answers, rather we are looking for dot points in the guts of the answer. I think it has been extremely useful that you have been here on the same day as so many people who have been witnesses from their own experience. It is a possible contact between the child migrants, their families and the department, and that will only reinforce the work that you are trying to do.

It seems that the Queensland government recognised that there was a major disaster in terms of institutional care. It has gone about an inquiry to address that—including the child migrants' challenges—and does not appear to be looking to avoid the consequences of that inquiry. Indeed, you are looking, as I understand you to say, to make sure that everybody who is eligible for services and assistance gets it. I think it has been constructive for you to be here on the same day as the witnesses, and we thank you very much.

Senator MURRAY—I support what you have just said with just one quote from page 10 of that no-longer-confidential report:

The State failed in its care of the children of which it was, through the Director of the Department, guardian.

Nothing more can be said than that.

CHAIR—And Queensland owns that. Thank you very much.

[2.59 p.m.]

LAING, Mr Brian, (Private capacity)

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

Mr Laing—Yes.

CHAIR—Thank you. I also welcome Mr Ian Thwaites back to the table. Please commence.

Mr Laing—As you would notice from my submission, I spent a fair amount of time at Fairbridge. Before I even got to Fairbridge, I lived in a couple of places in England, especially with relations. My father was in the armed forces and my mother was doing whatever she did, so I was in a couple of homes. I lived in Scotland with my Granny Laing, and the latter part of my childhood, from five to nearly 11-years-old, was spent living with my grandmother on my mother's side with her 13 kids—which was a happy family. For some unknown reason a woman came along and saw me one day and took me down to some agency and gave me an education test. Then the next thing I knew I was on a train with a mob of children heading south, down to London. We waited around there for a while and then we were shipped out to Australia.

While I was over in England, I went to Guerney P. Junior Grammar School. I was in my last year. In June 1951, I would have left there and gone to a high school at the age of 11. Coming out here, we had to do a couple of tests. I passed the exam. There were two exams on a board—this exam and that exam—and we were told to pick whichever exam we could do. So I picked the farthest one. Apparently I was not supposed to do that because it was not for my age. I was supposed to do the other one. I passed the exam but, because of my age of 11, I was too young to go to the high school. At the age of 11, I was still at the state school level. So I was put two years and two classes back to my age group.

Between that time and 12- or 12½-years-old, we had to take time off school to go and work up at the pig and poultry farm for a week or down to the vegetable gardens and the orchards or go out and bring hay in. Further along in my education, when they decided to send me to the high school, I went to Pinjarra Agricultural High School. That consisted of one week at school for education and one week to be educated on the practical side. But, somehow or other, school diminished and you spent longer and longer time on the farm. Therefore, I might have shown up at school a couple of times—two or three times a year in the finish—but most of the time I was working on the farm.

The cottages were made up of about 12 or 13 boys. We all had to do chores in the house. We all took turns. Whether you polished the lounge-room floor or did the laundry or whatever, you all had to do it whether you were a small kid or a big kid. We used to have to take it in turns in cooking the breakfast, which consisted of porridge one day and bread and milk the next—and that was your breakfast. Everybody used to go down to the dining hall to have their lunch and tea. Then we would go back. During the working times, we did not have any shoes. We had shorts and a shirt. We did not even get shoes to go to church on a compulsory march on a

Sunday morning. You had specific jobs to do in the cottage and, even though you were out on the farm site, if those jobs were not done, you had to do them when you came home from work.

We got up at four o'clock in the morning to get the cows in—in bare feet in the frost, jumping from paddy to paddy to keep your feet warm—and finished milking the cows at about eight o'clock in the morning. When you got home, if the cottage mother was in a good mood she had your breakfast set aside for you; if you upset her you did not get it. Then you had to go back to work until lunchtime. After lunch you had to go down and saddle up the horse again and go out and get the cows in. You would come home, dog-tired, about 8 o'clock at night after you had finished. I came home one day and the cottage mother had a rubber hose—X amount long—and she was thrashing one of the kids. I took it off her and I threatened to belt her with it—it is a pity I did not. When I got home from work that night, the principal and the vice-principal were there—and, boy, did I get a hiding for threatening the cottage mother!

Senator MURRAY—What were the names of the principal and the vice-principal?

Mr Laing—The principal at the time was Mr Ball and the vice-principal was Mr Brain. I was not allowed to give an explanation as to why I threatened the cottage mother; I was just told that I should not do it, and I was given the strap. One held me and one hit me.

CHAIR—Who held you?

Mr Laing—Mr Brain held me and the principal hit me with the strap.

Senator MURRAY—Can you describe the strap to us, please?

Mr Laing—It was just an ordinary belt strap—about so thick. Whack! Whack! Whack! I was told not to threaten the cottage mother again.

Senator MURRAY—You showed us what size the strap was but, for the *Hansard* record, are you saying that it is an inch thick?

Mr Laing—Just a normal strap.

Senator MURRAY—Like a belt?

Mr Laing—Yes.

Senator MURRAY—Okay.

Mr Laing—I was rebellious. I came home one night fairly early. I had a bath and I could not find my clothes. All I could find was my pair of pyjamas. I was told that I had been a nuisance for the day, that I had been a bad boy, and I was not going to have a feed. Unknown to her—I was a bit more presumptuous than her—I stuck my pyjamas on and I walked all the way down through the farm to the dining hall to have my meal. When I got back I got into trouble for going down there.

As far as the orphanages go, we were slave labour. There were kids who went to Pinjarra High School. I probably would have had a better education, but I think they were looking for a weak mind and a strong back to do the labouring. After I left the orphanages, I tried to make a go of it at work on Marron sheep station, where they put me under Doug Craig until I was 21. He kind of taught me and he was fairly good. In 1958 I got a form for compulsory national service—you people probably remember it. The form asked for a parent's or a guardian's signature. I was only 18, so I had to leave the farm, go into town and find a government department and—like somebody who would say to his dad, 'Can you sign this for me?'—ask them to give me permission. For every activity until I was 21, I more or less had to go to the department and say, 'I'm changing my location; this is where I am going to now'. You had to give the department your location for every farm if you changed addresses—which I did not. I waited until I was 21. I stayed with Doug Craig until I was 21.

We had to send so much of our money back to Fairbridge for a trust. I honestly cannot tell you if I ever received that money. I cannot remember getting it and I cannot remember seeing it. If I did get it, I might have mistaken it for something else. I cannot remember getting it. Having come to Australia as a three-year-old, four-year-old or 11-year-old, as I stated on a slip of paper which I gave you this morning, and having become a ward of the Australian government and having grown up in Australia, I cannot understand at the moment why people in their 60s, 70s, 80s and 90s who, for some unknown reason leave Australia and go for a trip or come back, all of a sudden find out they have to ask for a visa because they are not an Australian citizen. How can you tell someone who came here as a kid, a three-year-old, who has been an orphan for 16 years and who has spent the rest of his life in Australia—and probably even fought for Australia—that he is not an Australian citizen?

CHAIR—That is a very good question. A number of people have raised this very bizarre contradiction with us.

Mr Laing—And the other thing I put on my card is 'a window of opportunity'. It is on the bit of paper I gave you. It says:

It is my belief that a window of opportunity for investigating issues such as those raised in the child migration matter should be extended to at least 4 years. By this, I mean that in investigating matters such as abuse in institutions, you need to look at the systematic abuse that was suffered by children over the extended period of time.

Current investigations tend to look at an isolated incident with an individual offender. My experience suggests that there is rarely an individual offender, but several offenders over an extended period of time. The system encouraged this sort of behaviour, where a child was 'handed-down', so to speak, from one offender to his/her replacement, and so on.

I believe that to fully understand and deal with the issue of abuse in institutions, it needs to be investigated from this perspective.

CHAIR—Thank you very much.

Senator MURRAY—For clarification, have you got your written submission there with you?

Mr Laing—Yes.

Senator MURRAY—On the bottom of page 3, the second last sentence says:

I had been given no details about my family by the orphanage and told lies by my parents.

Should it be 'by' or should it be 'about'?

Mr Laing—Like I said, I left England at the age of 11. I had spent five years with my grandmother and her family—in other words, with my mother's family. I knew all my relatives. What Fairbridge did not tell me I already knew. Later in life, as Ian would tell you, it came out that there is a dark secret that we do not know anything about. My Uncle Jim in Australia asked me if I remembered Patricia. I happened to say, 'Yes, I know her very well.' A few years later, he asked me again. I said, 'Yes, I've just been talking to her on the phone.' He said, 'I'm not talking about my sister Pat, your auntie; I'm talking about your sister Pat.' I said that there were only two of us in the family—there was me and there was my sister Margaret, and Margaret is now deceased. He said, 'Next time you're talking to your Uncle Harry in England, ask about Patricia.'

So I asked him. He said, 'Patricia?' I said, 'I'm not talking about your sister; I'm talking about mine.' The phone went dead. He got back on, the subject was changed and I got three birth certificates in the mail—one for me, one for my sister Margaret and one for Patricia E. Laing. Since then, I have talked to Ian Thwaites and the trustees. I do not know what the big secret was in those days or what happened, but the family will not talk about it. The Child Migrants Trust cannot find a trace of her at the moment, but they are still looking. It is not that I had another sister, because I have lived alone all my life—

CHAIR—Mr Laing, you seem to suggest in your submission that these lies were told to you by your mother and father.

Mr Laing—When I was sent out here, my grandmother was going to adopt my sister and me. The people that took me out reckoned that they never knew where my father was, so my father was never consulted. I presume that my deceased mother might have had pressure put on her to sign.

CHAIR—Do you know if she signed?

Mr Laing—I do not know.

CHAIR—We have also had evidence that sometimes it was claimed that mothers had signed but they had not.

Mr Laing—I have got no evidence of whether she signed or not.

CHAIR—I am sorry to have interrupted your questioning, Senator Murray.

Senator MURRAY—I thank you for your intercession, Madam Chair. The reason I am asking these questions, Mr Laing, is that they are a reminder to us that not only is specialist counselling necessary because of the particular difficulties people have with their institutional life and, of course, their former family circumstances but also specialised tracing authorities are necessary—authorities, such as the Child Migrants Trust, that can research and find these things. That is why I was grateful for the chair's intercession, because the question for me is:

are you still trying to find the truth about your being here? Are you dealing with the Child Migrants Trust to try to establish that?

Mr Laing—Yes. The Child Migrants Trust is trying to fit together my jigsaw so that I have a life, so that I know where I tie in. I am only one part of the jigsaw; another part of the jigsaw is deceased and we have part of the jigsaw floating around somewhere. I do not know if my mother signed the papers for me to come out here. None of the family, except for my Uncle Jim, has ever referred to my other sister. On those grounds, I do not know why my mother never told me and why I had to find out this way. I was never told anything by Fairbridge, except that it says in the file that she was adopted out. I have been supposedly adopted out to Australia. I had a sister who was supposedly adopted out. The sister that is deceased was staying with the grandparents.

CHAIR—Where was your other sister adopted out? Was she adopted out to Australia?

Mr Laing—We do not know.

CHAIR—I see.

Senator MURRAY—Is this Margaret or Patricia?

Mr Laing—This is Patricia.

Senator MURRAY—Did Margaret die in England?

Mr Laing—Yes, Margaret died in England in 1975.

Senator MURRAY—You say in your submission that you married and have a happy marriage, but that your circumstances have often made it difficult. I will use your words:

Unfortunately my marriage is really affected as a legacy of my Fairbridge experience.

Mr Laing—Yes, because if you wanted to get on in the places and you wanted to do it then you had to make a decision on your own for yourself, and that is the way you faced life.

Senator MURRAY—Have you had children?

Mr Laing—I have children. I have even taught them to think for themselves.

Senator MURRAY—Do they know your background?

Mr Laing—They know my background, and you can see it has also rubbed off on them.

CHAIR—What has?

Mr Laing—My upbringing, my solitary. I have had no compassion ever shown to me as I was growing up. On the same side of it, I can walk up and see a person—a son or a daughter—

is injured and I will pick them up and take them to the doctor. 'See the doctor, you're injured' and I will pick them up and take them to the doctor. 'See the doctor, you're fixed.' If you have a problem, I will go and fix it, but you ask me to show compassion and love to them kids and I do not know how to. They have been brought up in—a reflection of my life has been built up into them, and that is how they have grown up.

Senator MURRAY—That is a really important point that the committee is exploring: the generational effects. If you like, you have the parents' generation with all of their troubles and then the kids go off to these institutions. Their generation is affected, and then they have kids and their generation is affected. Is it your belief the principal effect is emotional for the children?

Mr Laing—Yes. They have grown up, I suppose, in my mirror image.

Senator MURRAY—Are they alert to your knowing that that is a problem?

Mr Laing—I do not think so. They know about my background, but we have never sat down and discussed it.

Senator MURRAY—But you have just expressed it so clearly to us. You have said, 'I can fix a problem but I can't easily show love and compassion.'

Mr Laing—Yes.

Senator MURRAY—Have you ever said that to them? Are you able to say that to them?

Mr Laing—No, because I do not know what it is.

Senator GIBBS—Surely your wife would take a totally different attitude though. Most mothers are loving, and kiss and cuddle their children.

Mr Laing—I will put it this way to you. I have been married over 30 years. I was in an institution. I looked for another institution to live in, so I joined the Army and did 20 years in that institution. I got out and I joined the public service. I am still married, but it is an institution. In other words we live together and we are still married, but beyond that you could not call it a marriage.

Senator MURRAY—This might be very difficult for you to answer. We have accepted, I think, as a committee—that is my understanding of my colleagues' remarks—that specialist counselling is necessary for your generation. The question for us is whether specialist counselling is necessary for the next generation?

Mr Laing—I think so in some cases.

Senator MURRAY—Would it be appropriate, for instance, in your children's cases? Or, if ever somebody suggested that to them, do you think it is likely they would say, 'Get lost. It is nothing to do with us'?

Mr Laing—Under that opinion, yes, they would.

Senator MURRAY—So whilst it might be available those who need it might not access it. Is that what you are saying?

Mr Laing—That is what I am saying.

Senator TCHEN—My question is not as penetrating as Senator Murray's. I note with interest your comment that some time ago you wrote to the adoption authorities in England and Scotland asking for information about your family and they wrote back to say that if either or both parents were alive then no information can be given out without their consent.

Mr Laing—That is right.

Senator TCHEN—How long ago was that?

Mr Laing—That is going way back. It was not long after that that I got in touch with child migration. How long have we been going on this case—about nine years?

Mr Thwaites—Since 1994.

Senator TCHEN—Have the British authorities changed their requirements?

Mr Thwaites—No, they have not. But the difficulty is that Mr Laing's sister's birth certificate is not annotated with the information that his sister was actually adopted. We have the Fairbridge case notes stating that she was adopted, but it does not appear to be a legal adoption.

Senator TCHEN—It appears that Mr Laing was not legally adopted either. As he described it, he was kidnapped.

Mr Thwaites—My comments are in relation to conducting a search for his sister.

Senator TCHEN—Can the British authorities be persuaded to be more forthcoming in cases like this?

Mr Thwaites—I do not think there is anywhere to go with that search. We have information from an agency that Mr Laing's sister was adopted, but there is no evidence that she was. Therefore, there is nowhere to go to seek records. There are no records being withheld, as far as we can tell.

Senator GIBBS—Do you think it was not a legal adoption? Was it more of a privately arranged adoption?

Mr Thwaites—That is the line we are pursuing at the moment. There are some developments, and we hope that there may be some outcomes in the near future. It is appearing that it may well be a private arrangement so that it did not go through the courts.

Senator GIBBS—Is that lawful in Britain?

Mr Thwaites—It was common practice.

Senator GIBBS—Was it registered?

Mr Thwaites—In a situation where an informal foster care arrangement drifted on in time, a child might have taken the name of the people who were caring for her. There could also be other situations—and there may be here—where there was quite a deliberate concealment of identity for reasons that at this point are not clear.

CHAIR—Mr Laing, do you keep in touch with any of the other boys from Fairbridge?

Mr Laing—Not really.

CHAIR—None at all?

Mr Laing—No.

CHAIR—Never met any or gone back there?

Mr Laing—I have never been back there. The last time I saw a bloke was when I was in the Army. When I joined up in 1963 I ran into a Richard Figg, who was going through Kapooka at the same time as me. I never kept in touch with him. I have never been home to Western Australia since I left there in 1963. I have more or less kept to myself. I have tried to forget the place. I know I can never forget it; it was a part of my life. Unless somebody brings it up again, I do not even generally talk about it.

CHAIR—That is why we thank you, like I have thanked all the witnesses today. To come before this committee means that you have made yourself think about things that you are trying not to remember. I thank you very much on behalf of the committee. If you have got nothing further to say, we now close this session of our hearings in Rockhampton.

Committee adjourned at 3.29 p.m.