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Senator Murray for Senator Bartlett for the inquiry	AD, Western Australia
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Senator Paul Calvert	LP, Tasmania
Senator Grant Chapman	LP, South Australia
Senator John Cherry*	AD, Queensland
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Senator John Tierney	LP, New South Wales
Senator John Watson	LP, Tasmania
Senator Sue West	ALP, New South Wales

*for matters relating to family and community services

LIST OF ACRONYMS

ACMF	Australian Child Migrant Foundation
C-BERS	Christian Brothers Ex-Residents and Students Services
CCWC	Catholic Child Welfare Council
CEMWA	Catholic Episcopal Migration and Welfare Association
CLAN	Care Leavers of Australia Network
CMC	Catholic Migrant Centre
CMFS	Child Migrant Friendship Society Inc
CMSAG	Child Migrants' Sending Agencies Group
CMT	Child Migrants Trust
CSSS	Community Settlement Services Scheme
DIMA	Department of Immigration and Multicultural Affairs
FaCS	Department of Family and Community Services
IAFCM&F	International Association of Former Child Migrants and Their Families
ISS	International Social Service
JLG	Catholic Church's Joint Liaison Group on Child Migration
NAA	National Archives of Australia
NCH	National Children's Homes
NCVCCO	National Council of Voluntary Child Care Organisations
PHIND	Personal History Index
SAAP	Supported Accommodation Assistance Program

PROLOGUE

This report describes a very sorry chapter in Australia's history. It is a story which has to be told and in so doing, exposes the role of both the British and Australian Governments in bringing child migrants to this country. The British and Australian Governments entered into agreements for the migration of children to Australia. The Australian Government was the legislated guardian of the children but then transferred responsibility for their care to State Governments. In turn, the State Governments transferred responsibility to receiving agencies.

The responsibility was transferred, but in many cases the duty of care and protection was not. While some child migrants have made positive comments about their time in institutional care, many others can only recall childhoods of loneliness, great hardship and privations. While under the custodianship of receiving agencies, there was a complete disregard for the needs, the safety and wellbeing of many child migrants.

State Governments were unable or unwilling to ensure the protection of the children and the Committee received evidence of shocking physical and sexual abuse and assault perpetrated by those charged with their day-to-day care.

Australian authorities ignored changes in childcare arrangements developing in the United Kingdom and many child migrants were placed in barrack-style institutions, isolated from the general community. Connection with family was severed or actively discouraged by carers. Without those connections, children lost their personal identity, culture and country.

The report notes the two dominant concerns of child migrant witnesses were their loss of identity and their need to have the opportunity to tell their story, be heard and believed.

This report recognises that while some former child migrants have prospered in this country, have successful relationships with partners and children and never lost contact with family, many others are not in this position. The report illustrates the consequences of emotional deprivation and abuse in childhood, and the struggle such children face as adults to cope and contribute and to live fruitful and constructive lives.

The cost both human and economic, of treating our children as described in the report is great. Equally grave, the damage done is passed on to subsequent generations.

The child migrants have told their story. This report stands as a tribute to them all: for those who had the courage to speak to the Committee; for those who have contributed to the Australian community over many years; and for those who have not survived. But perhaps the most significant monument to former child migrants is that by telling their stories for this report, child migrants have ensured that this will never happen again.

RECOMMENDATIONS

Chapter 1

Recommendation 1: That the Commonwealth Government urge the State and Territory Governments to undertake inquiries similar to the Queensland Forde inquiry into the treatment of all children in institutional care in their respective States and Territories; and that the Senate Social Welfare Committee's 1985 inquiry be revisited so that a national perspective may be given to the issue of children in institutional care.

Chapter 2

Recommendation 2: That British and Maltese former child migrants be treated equally in accessing any of the services currently provided or as recommended in this report, including access to travel funding.

Chapter 3

Recommendation 3: That the Commonwealth Government establish the means to accurately determine the numbers of child migrants sent to Australia during the 20th century to assist in determining the level of support services and other assistance needed for former child migrants.

Chapter 5

Recommendation 4: That in accordance with the *Statutes of the Most Excellent Order of the British Empire*, the Commonwealth Government initiate the process for Francis Paul Keaney's membership of the Most Excellent Order of the British Empire to be cancelled and annulled.

Recommendation 5: That the Commonwealth Government continue to provide funding for at least three years directly to the Child Migrants Trust to ensure that the specialised services of tracing and counselling are provided or accessible to former child migrants living throughout Australia.

Chapter 6

Recommendation 6: That the Commonwealth Government urge the British Government to continue financial resources for the National Council of Voluntary Child Care Organisations (NCVCCO) for the retention and expansion of the Child Migrant Central Information Index.

Recommendation 7: That the Commonwealth Government urge all State Governments to establish a comprehensive signposting index similar to that established by the Western Australian Government.

Recommendation 8: That the Commonwealth Government urge all State Governments to co-operate to establish a national index of child migrants.

Recommendation 9: That the Commonwealth Government urge State and Territory Governments to publish directories of information to assist all former residents of children's institutions to access records similar to the directories published by the New South Wales and Queensland Governments.

Recommendation 10: The Committee recommends that a national group of all receiving agencies, other relevant bodies and Commonwealth and State Governments be established to develop uniform protocols for accessing records and sharing information relevant to former child migrants, their families and descendants and to coordinate services for former child migrants.

Recommendation 11: That the National Archives of Australia be provided with sufficient funding to ensure continuation of the program of digitising its records relating to child migration.

Recommendation 12: That the National Archives of Australia liaise with the Genealogy and Personnel Records Section of the National Archives of Canada in relation to the technology, protocols, processes and procedures the Canadians have implemented to facilitate access to their records for former child migrants and their descendants.

Recommendation 13: That the Commonwealth Government provide at least three year funding to those agencies engaged in dedicated tracing in the United Kingdom to assist former child migrants to locate their families, based on applications by agencies undertaking that work.

Recommendation 14: That all organisations holding records pertaining to former child migrants make these records available to former child migrants or their authorised representative immediately and unconditionally.

Recommendation 15: That where any organisation holds primary documents, including birth certificates, relating to any living former child migrant without their express permission, former child migrants be entitled to recover that document from the holding organisation.

Recommendation 16: That all sending and receiving agencies be required to extend access to their records to descendants of former child migrants.

Recommendation 17: The Committee recommends that the Commonwealth Government:

- confer automatic citizenship on all former child migrants, with provision for those who do not wish to become Australian citizens to decline automatic citizenship; and
- that a special ceremony conferring citizenship be conducted for former child migrants.

Chapter 7

Recommendation 18: That the Commonwealth Government urge the United Kingdom Government to extend its contribution to the Child Migrant Support Fund for at least a further three years beyond its anticipated end in 2002.

Recommendation 19: That the Child Migrant Support Fund be supplemented by funding from the Australian Government, State Governments and receiving agencies; and that this funding comprise:

- (a) a Commonwealth Government contribution of \$1 million per year for three years initially;
- (b) a combined contribution from State Governments of \$1 million per year for three years initially; and
- (c) a contribution from receiving agencies, and that this be funded by a levy or other means on receiving agencies not currently providing travel assistance, in proportion to the number of children placed under their care as a result of the child migration schemes during the 20th century.

Recommendation 20: That the eligibility criteria for access to the Child Migrant Support Fund be broadened to:

- (a) permit visits to family members and other relatives, including aunts and uncles, cousins, nephews and nieces; and for other related purposes, such as visits to family graves;
- (b) be available for all former child migrants, including the Maltese and those who may have undertaken previous visits at their own expense;
- (c) provide for two further visits but with a reduced level of assistance, limited to the payment of airfares and associated travel expenses;
- (d) provide, in exceptional circumstances, travel funding for a spouse, child or other person as an accompanying carer; and
- (e) be subject to no means-testing requirements.

Recommendation 21: That the Commonwealth Government, together with other stakeholders, undertake a review of its participation in the Child Migrant Support Fund after three years to determine the adequacy of funding from Australian sources for the fund and the extent of continuing demand for travel from former child migrants.

Recommendation 22: That, should the Child Migrant Support Fund not be extended by the United Kingdom Government, the Commonwealth Government establish a separate Australian travel scheme to assist former child migrants to visit their country of origin, and that this scheme be funded by contributions from the Commonwealth, State Governments and receiving agencies as detailed in Recommendation 19; and that the scheme have a broad set of eligibility criteria as detailed in Recommendation 20.

Chapter 8

Recommendation 23: That, to ensure that choice in counselling services remains available to former child migrants, the Commonwealth Government urge agencies and other State Welfare Departments providing counselling services to maintain those services and expand them where necessary.

Recommendation 24: That the Commonwealth and State Governments in providing funding for boarding house and supported accommodation programs recognise the housing needs and requirements of former child migrants.

Recommendation 25: That the Department of Health and Aged Care commission a study into the aged care needs of former child migrants; and that Commonwealth funding be directed into areas of need identified in that study.

Recommendation 26: That the Commonwealth Government urge the British Government to ensure that former child migrants living permanently in the United Kingdom are not disadvantaged in gaining access to income support payments following termination of the Social Security Agreement with the United Kingdom.

Recommendation 27: That the Commonwealth Government provide a prospective one-off grant of \$10,000 to former child migrants wishing to return permanently to the United Kingdom or Malta who can prove that they will permanently relocate in those countries.

Recommendation 28: That the Commonwealth and State Governments widely publicise the availability of remedial education services and associated adult education courses to child migrants and child migrant organisations.

Chapter 9

Recommendation 29: That the Commonwealth Government urge the Attorney-General of Western Australia to urgently review the recommendations of the Law Reform Commission of Western Australia Report on Limitation and Notice of Actions with a view to bringing the Western Australian law into line with other Australian jurisdictions.

Chapter 10

Recommendation 30: That the Commonwealth Government issue a formal statement acknowledging that its predecessors' promotion of the Child Migration schemes, that resulted in the removal of so many British and Maltese children to Australia, was wrong; and that the statement express deep sorrow and regret for the psychological, social and economic harm caused to the children, and the hurt and distress suffered by the children, at the hands of those who were in charge of them, particularly the children who were victims of abuse and assault.

Recommendation 31: That all State Governments and receiving agencies, that have not already done so, issue formal statements similar to those issued by the Western Australian and Queensland Governments and the Catholic Church and associated

religious orders to former child migrants and their families for their respective roles in the child migration schemes.

Recommendation 32: That the Commonwealth and State Governments, in conjunction with the receiving agencies, provide funding for the erection of a suitable memorial or memorials commemorating former child migrants, and that the appropriate form and location(s) of such a memorial or memorials be determined by consulting widely with former child migrants and their representative organisations.

Recommendation 33: That the Commonwealth Government support and promote international initiatives that facilitate the sharing of professional best practice, and that ensure uniformity of protocols relating to work with former child migrants and their families.

CHAPTER 1

INTRODUCTION

Terms of reference

1.1 On 20 June 2000, the Senate, on the motion of Senator Andrew Murray, referred the issue of child migration to the Committee for inquiry and report. The terms of reference were varied by the Senate on 7 September 2000 to read as follows:

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.

1.2 The Committee was originally to report to the Senate by 14 May 2001. This was subsequently extended to 30 August 2001 to allow the Committee to fully examine the evidence and extensive research material gathered during the inquiry.¹

Background to the inquiry

1.3 Throughout the 1980s and 1990s, a growing number of concerns about the welfare of children who had been, or were still, in institutions and other child care arrangements were investigated. In 1985, the Senate Standing Committee on Social Welfare tabled a report on children in institutional and other forms of care – a national perspective. State reports prepared during this period on aspects of children in care included:

- New South Wales: Report to the Minister for Health and Community Services from the committee established to review substitute care (1992); the report by Cashmore, Dolby and Brennan on systems abuse (1994);
- Victoria: Family and Children’s Council, review of the redevelopment of protective services for children in Victoria (1990);
- South Australia: Position Paper from the Department of Family and Community Services, *Breach of duty: a new paradigm for the abuse of children and adolescents in care* (1995);
- Western Australia: Department of Community Welfare report, *Children in limbo: an investigation into the circumstances and needs of children in long term care in Western Australia* (1981);
- Tasmania: Legislative Select Committee report on child and youth deprivation (1984);
- Queensland: Report from the Commission of Inquiry into Abuse of Children in Queensland Institutions (the Forde Commission) (1999).²

1.4 During this period, details of the history of a unique group of children who had been in care in Australia were gradually coming to light. That group was child migrants from both Britain and Malta. A number of books were published on child migration, its history, the impact on the lives of former child migrants and the stories of individuals who were migrated to Australia, Canada and New Zealand including: *Lost Children of the Empire* by Philip Bean and Joy Melville (1989), *Empty Cradles* by Margaret Humphreys (1994) and *Orphans of the Empire* by Alan Gill (1997). Child migration was also the topic of the television documentary *Lost Children of the Empire*, broadcast by the ABC in 1989 and the mini-series *The Leaving of Liverpool*,

1 Senator Murray, upon whose motion the matter was referred to the Committee of which he is a member, declared on several occasions his special interest in this inquiry as a former child migrant from Fairbridge, Bulawayo, Southern Rhodesia (now Zimbabwe).

2 See <http://www.qld.gov.au/html/fordeinquiry/inquiryreport.html>

broadcast by the ABC in 1994. These publications led to a growing awareness and understanding of the history and issues surrounding child migration.

1.5 In June 1996, the Western Australian Legislative Assembly appointed a Select Committee into Child Migration. The Committee was established to investigate and report on child migration to Western Australia between the early 1900s and 1967. A major aim was to inquire into and report on the action necessary to assist former child migrants in the tracing of their family history and research, the tracing of relatives and reunification with them. The Select Committee also investigated other aspects of the child migration schemes including their history, the agencies involved in emigrating children, the institutions child migrants were sent to, the role of all governments in promoting and supporting the schemes and their impact on people's lives.

1.6 In November 1996, the Select Committee tabled an interim report. The report noted that 'the establishment of this Committee was the culmination of a growing awareness by the community that child migration did occur and was a policy actively promoted by various governments. This Committee was also a tacit acknowledgment by the Parliament of Western Australia that some measure of responsibility was owed to these people.'³ With a State general election imminent, the Parliament did not take up the Committee's preferred option of continuing the inquiry through the establishment of an Honorary Royal Commission.

1.7 In 1997, the UK House of Commons Health Committee, chaired by David Hinchliffe MP, commenced an inquiry into aspects of child migration, a subject which it stated 'until recent years has received shamefully little attention'. The Committee noted that until the establishment in the United Kingdom of the Child Migrants Trust in 1987,⁴ individual former child migrants had no organisation to represent their interests or co-ordinate activities. They were widely dispersed and often lacked any means of gaining access to opinion-formers or the media.

1.8 The UK Health Committee took evidence between November 1997 and June 1998. The Committee travelled to Australia and New Zealand in the course of its inquiry and heard evidence from many former child migrants. A number of former child migrants also travelled to the UK to give evidence to the Committee. Organisations from Canada also travelled to the UK to attend the inquiry.

1.9 The UK Health Committee reported in July 1998.⁵ The report contained seventeen recommendations to the UK Government, which responded to the

3 Western Australian Legislative Assembly, Select Committee into Child Migration, *Interim Report*, 1996, p.2.

4 The Child Migrants Trust is an independent, professional social work agency that works on behalf of all former child migrants to find information about their childhood, search for their family, provide counselling and support reunions. The Trust has established operations in the UK and offices in Melbourne and Perth. The Trust and its operations are further discussed in Chapter 5.

5 House of Commons Health Committee, *The Welfare of Former British Child Migrants*, HC 755, Session 1997-98. Also see:
<http://www.parliament.the-stationery-office.co.uk/pa/cm199798/cmselect/cmhealth/755/75502.htm>

recommendations in December 1998.⁶ The Health Secretary accepted the Committee's main recommendations, offered sincere regrets on behalf of the Government and acknowledged that forced migration was misguided. The Government established a support fund of £1 million over three years to help those unable to pay for their first visit to the United Kingdom to meet close family members and a central database of information held in the UK to help former child migrants to trace records and establish links with the past.

1.10 The Australian Government's response to the British Government response to the recommendations of the House of Commons Health Committee's report was publicly released by the Minister for Immigration on 27 January 2000.⁷ The Australian Government response was produced after consultations with State and Territory Governments. The response noted that there were differing views on the significance of various issues canvassed in the response and that State and Territory Governments may pursue certain issues independently, or bilaterally, with the British Government.

1.11 The response noted that the 'Australian Government agrees with the British Government, that all those involved in the child migration schemes, and the organisations currently assisting former child migrants, should work together to produce practical outcomes to improve the welfare of former British child migrants'.

1.12 During the late 1990s there had been a number of calls from different groups and individuals for an independent national inquiry into child migration to Australia. The International Association of Former Child Migrants and their Families, in particular, has been vocal in calls for a full judicial inquiry to thoroughly investigate all aspects of child migration policy and the treatment of children in the receiving institutions. The International Association suggested that a judicial inquiry would uncover a lot more about child migration and may have the effect of bringing to justice those responsible for inflicting the worst suffering on child migrants.⁸

1.13 Calls for a joint or select parliamentary committee inquiry were also being made at this time. The outcome of these calls was for the issue to be referred to this Committee on 20 June 2000, with the comprehensive terms of reference as listed earlier. The Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs, Senator Kay Patterson, indicated to the Senate that the Government opposed the matter being referred to the Committee as the issues had already been extensively covered in the British inquiry and by inquiries conducted in Australia by State Governments. Further, the Government's views on an inquiry as well as on other matters canvassed in the motion were outlined in the Australian response to the British response to the House of Commons inquiry.

6 *The Welfare of Former British Child Migrants*, Government Response, Cm 4182, The Stationary Office.

7 See <http://www.minister.immi.gov.au/general/child1.htm>

8 *Committee Hansard*, 26.3.01, pp.558-60.

1.14 Senator Patterson noted that successive Australian Governments had sought to help former child migrants deal with the consequences of their experiences through financial assistance to the Child Migrants Trust and by assisting them in other ways such as to access their records through the National Archives of Australia and the waiver of citizenship fees. State and Territory Governments had also provided counselling and health services, which are also available to the general population.⁹

1.15 In December 2000 the Queensland Government released the closed report on Neerkol and Karrala by the Forde Commission of inquiry into abuse of children in Queensland institutions. This report had been withheld until certain criminal proceedings had been finalised.

1.16 The Committee's inquiry clearly showed that issues associated with child migration to Australia had not been extensively covered and deserved the thorough Australia-wide attention the Senate inquiry was able to deliver.

Conduct of the inquiry

1.17 The inquiry was advertised in *The West Australian* and *The Canberra Times* on 16 September 2000 and through the Internet. Invitations were also sent to the Commonwealth and State Governments and other interested organisations and individuals. It was requested that submissions be provided by 15 December 2000, though the Committee continued to receive submissions throughout the inquiry.

1.18 Many of the submissions received by the Committee contained the most appalling stories of abuse and torment. A large number of the former child migrants wished to provide the Committee with these details but did not wish them to be published. As a result, the Committee received 99 confidential submissions, as well as 153 public submissions with most coming from former child migrants who wished to have their stories placed in an official record. It is hoped that the official recognition through this inquiry can play a part in the healing process for the hurt and distress suffered by all those who were victims of abuse. A list of the individuals and organisations who made a public submission to the inquiry is at Appendix 1.¹⁰

1.19 The Committee heard evidence on eight days during February and March 2001: Canberra (two days); Perth (two days); Melbourne, Adelaide, Rockhampton and Sydney. Unfortunately, the Committee was unable to invite to the hearings all those who wished to appear or to hold hearings in all major cities. The Committee tried to balance hearing as many people as possible with the time available for hearings and individual witnesses. In formulating its programs for the hearings, the Committee also endeavoured to hear from all major organisations with an interest in child migration, including State government agencies, receiving agencies and child migrant groups and as many individual former child migrants as possible. The Committee would like to

9 Statement, Senator Kay Patterson, Senate Hansard, 20.6.00, p.15215.

10 See Committee's website: http://www.aph.gov.au/senate_ca

reinforce the point that while it was not able to take oral evidence from all those who wanted to speak, their submissions were crystal clear.

1.20 In inviting individuals to give evidence to the Committee, the opportunity was given for witnesses to appear in private. Many accepted the Committee's invitation to do so. The list of witnesses who gave evidence at the Committee's public hearings is provided in Appendix 2. The transcripts of the public hearings can be accessed through the Internet at: <http://www.aph.gov.au/hansard/senate/committee/comsen.htm>

1.21 The Committee would like to express its deep appreciation to all those people who made submissions, provided additional material and information, or gave evidence to the inquiry. Many contributors went to considerable effort to find reference documents, to search out historical material and to follow up requests from the Committee for additional information. Their additional material and information proved invaluable to the Committee's inquiry

1.22 In particular, the Committee would like to acknowledge the contribution of former child migrants. For many, the writing of submissions rekindled the trauma of their time in care, their loneliness and despair and anger towards those in authority who did little or nothing to ensure that they received adequate care. Their giving of evidence reinforced for the Committee the courage of former child migrants who stepped forward and graphically recounted their childhood experiences and lifetime stories. Those stories were profoundly moving and a tribute to the survival of their human spirit.

1.23 The Committee was also personally touched by the stories of the support that child migrants have given each other and, in some notable cases, the healing effect arising from the love and care of spouses, partners and friends.

1.24 The Committee would also like to thank the staff of the Child Migrants Trust who provided assistance to some child migrants in the preparation of submissions and support to witnesses at hearings. Without their professional services, some former child migrants would undoubtedly have found the inquiry process and experience too traumatic to bear.

Perspectives of child migration

1.25 The child migration scheme is now universally recognised as having been fundamentally flawed with tragic consequences. Indeed, Barnardos Australia stated 'We have no hesitation in saying that it was a shameful practice, that it was barbaric, and that it was completely against any practices that we would currently uphold'¹¹ and NCH 'is firmly of the view that child migration was a major mistake and we now deeply regret having taken part in it'.¹² Many of the sending and receiving agencies now recognise that the effects of the Scheme were profoundly damaging to many of

11 *Committee Hansard*, 22.3.01, p.467 (Barnardos Australia).

12 Submission No.98, p.2 (NCH).

the children involved and that they now share a continuing moral responsibility to the well-being of the former migrant children affected by their experience in the agencies' care.

1.26 The evidence received by the Committee overwhelmingly emphasised the dark, negative side of child migration – the brutality of life in some institutions where abuse and assault, both physical and sexual, was a daily occurrence and where hardship, hard work and indifferent care was the norm. Living such negative experiences led some child migrants into a life of family and relationship breakdown and domestic violence, of crime and violence, and of substance abuse.

1.27 However, it must also be noted that this was not the description of life for all child migrants. As can be seen from Appendix 3, there were many institutions that received child migrants and the level of care provided varied between them. Evidence was received from former child migrants who had positive experiences as a result of migration. They sometimes acknowledged that their life was hard and the discipline was tough, but they felt that this was no different from what was acceptable at the time. There were those who reported receiving consideration and compassion from their carers, who provided the means for them to excel in life and who encouraged them to remain in contact with family overseas. Many former child migrants have had happy adult lives, raised families and been successful in a variety of fields, including business, trades, professional life, public life – some attaining high office in local government, while others have served with distinction in the military services.

1.28 Evidence was also received indicating that even within the same institution experiences were different. There were occasions when the same carer was praised by one child migrant and condemned by another; and where some children became the targets for the most base abuse while others report no knowledge of these acts occurring in the institution at the time.

1.29 The Committee acknowledges that child migration is a very emotive issue and that there is a diversity of strongly held views by individuals and groups. While the Committee is mindful that there were positive outcomes for many children from the child migration schemes, the overwhelming evidence of abuse and assault outlined in submissions and earlier reports must remain the primary focus, irrespective of what percentage of child migrants this involves. **The fundamental imperative for former child migrants of the recognition and acknowledgment of their past experience was constantly emphasised in evidence to the Committee.** As a result, the emphasis of the report necessarily is on the negative impact of child migration and how we can move into the future to help those who suffered from their experiences.

1.30 Loss of identity, a sense of belonging and the loneliness of being far from home affected all child migrants. Thus, even though the report contains recommendations directed to the support of the most damaged former child migrants, there are many other recommendations such as those dealing with identity through access to records, family tracing, travel and reunion that will assist all former child

migrants, their families and descendants who wish to access such information and services.

Delegation to the United Kingdom and Canada

1.31 Senators Rosemary Crowley, Sue Knowles and Andrew Murray received the Prime Minister's approval to travel as an official Delegation to London and Ottawa between 16-26 April 2001 to hold discussions with a range of groups and individuals involved with child migrants in the United Kingdom and Canada. The program of meetings undertaken by the Senators is in Appendix 2 and the report by the Delegation was tabled in the Senate on 9 August 2001.

1.32 The Senators gained important information and a valuable perspective on many of the issues under consideration by the Committee through meetings with representatives from government and non-government agencies, particularly the sending agencies. The Senators were especially pleased to have had the opportunity of meeting some parents and siblings of children migrated to Australia and hearing first-hand of the absolute joy and elation brought about by rediscovering family and reuniting under the travel scheme.

Australian children in institutional care

1.33 The Committee received submissions from Australian-born children who had been in institutional care. Although the terms of reference for this inquiry did not cover Australian-born children, many of them lived in the same institutions as the child migrants. Whilst they were not removed from their country and culture, many suffered the same abuse and deprivations as child migrants in these and other institutions. The Forde Commission's closed report on Neerkol amply demonstrated this point. These people possibly number in the hundreds of thousands and many of their stories are as traumatic and heart-rending as those of former child migrants. The Committee heard evidence on behalf of Australian children from the Care Leavers of Australia Network (CLAN) and received many submissions from Australian-born children who shared the experience of institutional care with former child migrants.

1.34 The Committee's terms of reference do not provide for it to make recommendations specifically directed at Australian-born children in institutional care. However, some of the recommendations relating to former child migrants will also benefit Australian-born children, particularly those regarding access to records.

1.35 The Committee would also like to draw attention to the evidence from the Broken Rites organisation. Dr Chamley stated that this report is but the second report of what should be a trilogy to be presented to the Parliament. The first was *Bringing them home*¹³, which detailed the horrendous treatment of Aboriginal and Torres Strait Islander children. The second is the Committee's report into the equally appalling and

13 Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, Human Rights and Equal Opportunity Commission, April 1997.

shameful treatment of child migrants. The third report should be about the plight of the many thousands of non-indigenous Australian-born children who suffered under institutional care.

1.36 Most of the Australian-born children in institutional care were wards of the state and therefore the responsibility of States, although there were exceptions including children under the care of the Commonwealth Repatriation Department. The Committee considers that it is time for other State and Territory Governments to take the lead from the Queensland Forde inquiry and the *Bringing them home* inquiry and recognise the needs of all children who were raised in Australian institutions. The Committee believes that a better understanding of how past adverse institutional treatment of children has detrimentally affected a proportion of those children is essential. This is particularly so with regard to the consequent negative future generational affects for society.

1.37 The Committee further considers that in the light of the evidence it has received during this inquiry, the Senate Social Welfare Committee's inquiry of 1985 should be revisited so that a national perspective may be given to this important issue. For too long what went on in child care institutions has remained a dark secret. It is time to recognise the rights and needs of this group, as well as former child migrants.

Recommendation 1: That the Commonwealth Government urge the State and Territory Governments to undertake inquiries similar to the Queensland Forde inquiry into the treatment of all children in institutional care in their respective States and Territories; and that the Senate Social Welfare Committee's 1985 inquiry be revisited so that a national perspective may be given to the issue of children in institutional care.

CHAPTER 2

CHILD MIGRATION TO AUSTRALIA DURING THE 20TH CENTURY

Child migration to Australia remains a poorly understood chapter in Australia's Commonwealth history. Myths, misunderstandings and deliberate deceptions are deeply woven into this sorry saga.¹

2.1 This chapter provides background information on child migration to Australia in the 20th century. It discusses British child migration policy and the factors influencing that policy in the United Kingdom in the late 19th and 20th centuries. This discussion places child migration to Australia in its wider historical context. The chapter also discusses the rationale for, and policies relating to, child migration in pre- and post-second world war Australia. Child migration from Malta is also discussed.

2.2 The background information in this chapter is in the form of a brief overview rather than a detailed history. A number of histories of migration schemes and institutions have been written from differing perspectives and some academic research has been undertaken utilising various records including those from the Australian Archives and the Commonwealth and Home Office records at the Kew Archive in London. The Committee has drawn together this historical overview from published sources and submissions provided to the inquiry.

2.3 Due to continuing community pressure, government records, as well as the records of agencies and institutions, are becoming more readily accessible. The availability of these records will enable the research and writing of a more detailed history of child migration to Australia. However, the Committee's task has been primarily to investigate, at a personal level, the impact on the children who were migrated from the United Kingdom and Malta under the various child migration schemes. This chapter provides the historical context within which the child migration schemes evolved and places the individual experiences of child migration in the context of that history.

Defining 'child migration'

2.4 The terms 'child migration' and 'child migrant' have been subject to various interpretations and meanings over time and definitional problems still persist today in attempting to define these terms.

2.5 One definition of 'child migration' refers to the term broadly as the dispatch of poor, abandoned, often illegitimate youth from orphanages, institutions and

1 Submission No.129, p.8 (IAFCM&F).

workhouses throughout the United Kingdom to overseas British colonies – later Dominions.²

2.6 Other definitions attempt to provide a more specific focus. Mr Alan Gill, author of a major study on child migration, for example, states that ‘child migration’, as commonly understood, refers to the group migration of *young* unaccompanied minors (that is, minors unaccompanied by, or not travelling to join, parents or a relative). ‘Young’ in this context is defined as children aged between 5 to 11 or 12 years at the time of their arrival in their new country. He refers to those of school leaving age, from the age of 14 years, as ‘youth’ migrants and ‘juvenile migration’ as an umbrella term encompassing both ‘child’ and ‘youth’ migration.³ Dr Barry Coldrey refers to child migrants as children in care and still of school age transferred from orphanages in the United Kingdom to orphanages in Australia for education and training before being placed in employment. Child migrants were usually 8-13 years of age on arrival in Australia, while many were younger. Dr Coldrey states that juvenile/youth migrants were typically young men aged 15-19 years of age, who had left school and had made their own decision to migrate or had made a decision to precede the rest of the family.⁴

2.7 The Department of Immigration and Multicultural Affairs (DIMA) defines ‘child migrants’ as children under 16 years of age who had been living in institutions in the United Kingdom and who were brought out to Australia under various schemes and who had no family ties or contacts in Australia.⁵ The Department noted that the term ‘child migration scheme’ has often been applied to a range of significantly different child, youth and family migration schemes, operating, at times concurrently, from the post war period to the early 1980s. The Department noted that children and youths migrated to Australia under a variety of schemes, some of which, like the Big Brother Movement, were voluntary and involved in the migration of youths (largely 16 years and over) to take up employment opportunities.⁶ Some organisations, notably Barnardos, took both ‘child’ and ‘youth’ migrants often leading to a blurring of the distinction between the different schemes. Under other schemes, such as the one parent and two parent schemes, children migrated in advance of, or accompanied by, one or both parents.⁷

2 Coldrey, BM, *The Scheme: The Christian Brothers and Childcare in Western Australia*, Argyle-Pacific Publishing, 1993, p.124.

3 Gill, A, *Orphans of the Empire: the Shocking Story of Child Migration to Australia*, Random House, Sydney, 1998, pp.4-5.

4 Submission No.15, p.36 (Dr Coldrey).

5 Submission No.42, p.6 (DIMA).

6 The Big Brother Movement was established in 1925 to provide British male youths with the opportunity to migrate to Australia for training and employment purposes. It was a voluntary scheme open to boys between the ages of 15 and 19 years.

7 Submission No.42, p.6 (DIMA).

2.8 The Western Australian Department for Family and Children's Services defines 'child migrants' in the context of Western Australia as children from the United Kingdom and Malta who were sent to that State between 1913 and 1968 unaccompanied by parents and under the guardianship of the Federal Minister for Immigration (in 1946), and the relevant State Department (after 1947), where a British, Commonwealth and State Government subsidy was paid.⁸ Prior to the enactment of Commonwealth legislation in 1946 State child welfare legislation and the general law covered custody and guardianship arrangements.⁹

2.9 In the context of this inquiry, the Committee uses the term 'child migrant' to refer to unaccompanied children generally under the age of 16 years who were brought to Australia from the United Kingdom or Malta under approved schemes during the 20th century. The Committee believes that it is important to draw a distinction between 'child' and 'youth' migration, because, as discussed later in this chapter, the higher figures sometimes claimed for 'child migration' are in fact including figures from a range of different child, youth and family migration schemes.

British child migration – an historical overview

2.10 British child migration spanned four centuries beginning in 1618 when the first group of destitute children were sent to Richmond, Virginia. The most intense period of emigration was from 1870 until the start of the World War I.¹⁰ Mr Gill stated that between 100,000 and 180,000 children were sent from Britain to the American colonies, Canada, Australia, New Zealand, Rhodesia, South Africa and the Caribbean from the 17th century to the mid-1960s.¹¹ Dr Coldrey notes that child migration was a policy of social engineering:

It was a social policy which involved the transfer of abandoned youth from the orphanages, homes, workhouses and reformatories of the United Kingdom to overseas British colonies – later to the self-governing Dominions. Once overseas, the children were placed with colonial employers – usually in rural areas. Often the children were placed in local institutions for preparation and training prior to employment. The care and removal of the children was undertaken by religious and philanthropic organisations...but with government approval and under the law as it then stood.¹²

8 This definition excludes children and young people who emigrated under other programs such as the One Parent Scheme, Big Brother Movement and the YMCA. These migrants were either accompanied by a parent, received on arrival by a parent, or emigrated under requisition or nomination systems. See Submission No.135, p.1 (WA Department for Family & Children's Services).

9 Submission No.42, p.15 (DIMA).

10 Coldrey, *The Scheme*, p.124. See also Coldrey, BM, '*...a place to which idle vagrants maybe sent*' – *The first phase of child migration during the seventeenth and eighteenth centuries*, Tamanaraik Publishing, March 2001.

11 Gill, pp.85-86.

12 Coldey, BM, *Child Migration to Catholic Institutions in Australia*, Tamanaraik Publishing, 1995, pp.1-2.

2.11 With regard to the first group of ‘child migrants’ little is known of the 100 children sent to Virginia in 1618, however, another group of 100 children were sent a year later. Mr Gill remarks that these early experiments in migration were evidently a success because the Virginia Company asked for more children to be sent. In 1622, the Council for New England put forward a similar request to the authorities in England. Little is known of the fate of the youngsters despatched to the American colonies. The American War of Independence (1775-83) ended the use of American colonies as a place to send children and new locations needed to be found¹³

Child migration to Canada, Rhodesia and New Zealand

2.12 By the mid 19th century, Canada had progressed to a rapidly developing farm-based economy and society. However, a shortage of farm labour was being felt that was slowing Canada’s development. With the social problems in England and the need for labour in Canada, the two Governments implemented the ‘Juvenile Farm Immigration Policy’. This agreement encouraged and permitted young English boys and girls to be sent to Canada to work on Canadian farms as labourers, in the case of boys, and domestics in the case of girls. The child migrants were generally placed in private homes in rural communities.

2.13 The use of child migrants to boost the numbers of a particular religious denomination in newly settled areas was also a motive. Mr Gill noted that:

Ontario wanted as many non-Catholics as possible to settle there, conscious of Catholic expansion in adjacent Quebec. Quebec, eyeing the influx, called in turn for child Catholics.¹⁴

2.14 In the beginning, the religious and charitable agencies sent generally poor children to Canada, however, over the years, a wider selection process was used to meet the ever increasing demand for labour in Canada. The program declined in the 1930s as the Depression deepened in North America.¹⁵

2.15 In 1925 the Canadian Government passed an interim law prohibiting the migration of children under 14 years of age. This arose out of concerns by Canadian child welfare experts that children from England, especially placed by Barnardos, were being placed without sufficient care or supervision in Canada. The Canadian ban was made permanent in 1928, though various exceptions were allowed.¹⁶

2.16 Barnardos UK stated that Barnardos tried to establish a strict system of vetting and inspection of the Canadian child placements:

13 Gill, pp.41-42.

14 Gill, p.529.

15 Submission No.53, p.1 (Canadian Centre for Home Children).

16 Gill, pp.57-58; Coldrey, *The Scheme*, p.126.

However, the children were seen only once a year by a Barnardo's worker and were in reality very vulnerable, located on remote farmsteads which were often cut off for months in winter. Living conditions were tough and the climate was harsh. All the children bore the stigma of being "home" children and were treated as outcasts. Luckier children became part of the family, but many were treated as little more than slave labour, and there were many cases of abuse and neglect.¹⁷

2.17 The Canadian Centre for Home Children also stated that 'upon their arrival in Canada the acceptance and treatment of children varied widely throughout the country... [however] research has shown that 66% of all former child migrants were abused in some form. This was either at the hands of the receiving homes or farms they were placed on'.¹⁸

2.18 Approximately 100,000 children were sent to Canada from 1869 to 1935. Home Children Canada noted that laws were relaxed to allow the last 76 boys to be sent to the Fairbridge Farm in British Columbia between 1945 and 1948.¹⁹

2.19 As Canada restricted the entry of child migrants, the various British agencies emigrating children turned their attention to Australia, Rhodesia and New Zealand.

2.20 In Rhodesia, the Fairbridge Society initiated moves towards the establishment of a farm school in Rhodesia in the mid-1930s. There was support from commercial interests in Rhodesia and from the Rhodesian Government, which saw white immigration as a means to sustain the racial balance of the country. This fitted in with the 'kith and kin' arguments of that country's leaders at the time. In 1946, the Rhodesian Prime Minister, Mr G Huggins, supported the Fairbridge scheme with a land grant and maintenance payments for the students at the College. The Fairbridge Society established the Fairbridge Memorial College with a hostel at Bulawayo having its own farm and near an existing school. It recruited children with the expectation that the parent or guardian would contribute to the child's maintenance costs. In contrast to other child migrants sent elsewhere, the British child migrants sent to Rhodesia were generally better treated and were destined to be overseers and managers not farm workers. Some 276 children attended the College from 1946 to 1956.²⁰

2.21 Child migration to New Zealand began in the 19th century, and continued on a small scale until World War II. New Zealand gave a temporary home to children evacuated from British cities under an arrangement between the New Zealand Government and Britain's Overseas Reception Board during World War II. The

17 Submission No.50, Barnardos UK Briefing, 'Child Migration' (Barnardos Australia).

18 Submission No.53, p.4 (Canadian Centre for Home Children). The same statistic was referred to by Home Children Canada in their submission No.122, p.21.

19 Submission No.122, p.9 (Home Children Canada).

20 Sherington, G and Jeffery, C, *Fairbridge: Empire and Child Migration*, University of Western Australia Press, 1998. pp. 182-85, 263, 266; Gill, pp.171-72.

presence of the evacuees influenced the Government to introduce a formal migration scheme for British children when peace returned. The scheme was introduced under the *Child Welfare Act 1948* (NZ). It operated between 1949 and 1954 and involved about 500 children, aged between five and about 15 years.

2.22 In contrast to Australia, the children brought to New Zealand were fostered rather than placed in institutions. Religious and charitable groups were not involved – the scheme taking children who were in the care of, or who had come to the notice of, local authorities and social workers in the United Kingdom. Most were still living with one or both parents, but in conditions regarded by the authorities as ‘unsatisfactory’. Relatively few very young children, that is five-or six-year olds were sent, and foster parents were arranged before the children left Britain. Often this was a relative of the parent or guardian.²¹

2.23 This migration scheme existed in conjunction with a parallel program to bring boys aged 15 years and above to work on the land, called the Flock House Scheme. Some 200 boys migrated under this scheme. A small number of older teenage girls were also brought out to work in nursing and similar ‘sought after’ occupations. Both the Flock House migrants and the child migrants were under the formal guardianship of the Superintendent of Child Welfare.²² Mr Gill noted that the fostering arrangements were not always successful and cases of abuse have been reported. A number of children had to be transferred to other families, and in a small number of cases to institutions, when relationships broke down. There were also some complaints that children were used as cheap labour.²³

2.24 The UK House of Commons Health Committee report stated that the limited nature of the New Zealand child migration scheme, and the fact that it appeared to have been better organised than some of the other schemes, ‘seems to have led to fewer cases of severe abuse’. The report noted, however, that evidence from some former child migrants indicated resentment at the way that they had been treated in New Zealand, and complaints were made regarding the lack of educational opportunities, their loss of identity, accusations of slave labour, and the anguish of not being informed of the location of siblings.²⁴

2.25 A number of common themes in relation to the treatment of child migrants emerge from the history of British child migration. For many child migrants sent to overseas British colonies and later the Dominions, once in their new country there was a depressingly common pattern of abuse and neglect. Child migrants were also used as cheap labour, suffered a loss of identity and sense of belonging, were lied to and about their family, and were stigmatised as outcasts in their new country. These themes are

21 Gill, pp..516-18.

22 Gill, pp..516-18.

23 Gill, p.518.

24 House of Commons, Health Committee, *The Welfare of Former British Child Migrants*, HC 755, Session 1997-98, ‘New Zealand’, p.2.

discussed in greater detail in the following chapters of this report in relation to child migrants sent to Australia.

Factors influencing child migration in the 19th and early 20th century

2.26 Child migration policy in the United Kingdom in the 19th and early 20th century was influenced by a variety of factors, including philanthropic, socio-economic and imperialist/racial considerations with the emphasis changing over the period.²⁵

2.27 From the beginning of the Victorian era, a major factor was a philanthropic desire to ‘rescue’ poor and abandoned children from destitution and neglect in Britain and send them to a ‘better life’ in the ‘healthy’ rural lifestyle of the underpopulated colonies. This was associated with a wish to protect children from ‘moral danger’ arising from their life on the streets of the urban slums of Britain – a life seen to be associated with poverty, theft, prostitution and begging. As Dr Coldrey has noted:

The choice appeared to be between begging, thieving, disease, prostitution and early death in the British Isles; or a healthy farming existence with good prospects for decent living on the rich farms of North America. It seemed an easy choice to make and justify.²⁶

2.28 Dr Stephen Constantine of Lancaster University also remarked that ‘the emigration to empire destinations of children “deprived of a normal home life” had been...a major child care strategy since the mid-19th century’.²⁷

2.29 The Department of Immigration and Multicultural Affairs observed that by the beginning of the 20th century:

British religious and benevolent institutions saw emigration as a means of creating opportunities for abandoned children. Many of the children sent abroad had been placed in institutions because they were illegitimate, a label which in those days... invoked social ostracism. It was thought to be in the child’s best interests to be thought of as an orphan rather than illegitimate, and to be given a fresh start in life in a new country.²⁸

2.30 Child migration was also seen as providing an economic benefit to Britain, as it relieved the burden on public finances of looking after these children. It was also seen as beneficial to the receiving countries – because child migrants were regarded as being potential members of a healthy and productive white workforce. Professor Sherington and Mr Jeffery noted:

25 The arguments in this section of the report have been drawn from a number of sources including the Report of the UK Health Committee, pp.2-3; Coldrey, *The Scheme*, pp.124-128; Sherington & Jeffery, *Fairbridge*, pp.xi-x-xii; Submission No.88 (Dr Constantine); and Submission No.42, pp.14-15 (DIMA).

26 Coldrey, *Catholic Institutions*, p.2.

27 Submission No.88, p.2 (Dr Constantine).

28 Submission No.42, p.14 (DIMA).

The peculiarities of the British child-saving movement's association with migration lay in the expansion of the white dominions of Empire and the need this created for labour. Although British child migrants were sent overseas from the sixteenth century the peak of child migration was from the late nineteenth to the early twentieth century. Many British child savers sought to rescue the children of the urban poor by transplanting them to become labourers and domestic servants on the farms and rural settlements in the expanding Empire.²⁹

2.31 The prevailing socio-economic conditions in Britain were also a factor in encouraging emigration. Conditions in towns and cities were worsening, especially after the 1840s. There was an influx of immigrants from Ireland arising from the famines and a reduction in the housing stock, leading to chronic overcrowding. Socio-economic conditions were exacerbated by the economic depression of the 1870s. Overcrowding was also a feature of the workhouses, and the Poor Law Guardians after the 1830s were permitted to send paupers, including children, abroad. Dr Coldrey described the conditions prevailing at the time:

The population was rising rapidly and it was an increasingly youthful population. This upward demographic trend was producing more able-bodied workers than even Britain's dynamic economy could absorb. Unemployment was rife, living conditions in the urban slums defied description. Housing was at a premium and the constant influx of immigrants from Ireland increased chronic overcrowding.³⁰

2.32 A further motive had racial overtones: the importation of 'good white stock' was seen as a desirable policy objective in the developing British colonies. Imperialists wished to 'invest' in the Empire through the settlement of the untenanted land of the colonies with immigrants from the UK. It was seen that young white colonists, in particular, would 'consolidate' the Empire and form a living link between the colonies and the 'mother country'.

2.33 In Britain, the *Poor Law Act 1850* made provision for the emigration overseas of the children of the poor who were under 16 years of age. Every application was supposed to be submitted to the Poor Law Board for approval and the children themselves were required by law to agree to the arrangement. There was a long history of children being sent overseas, usually as cheap labour, with the Parkhurst boys who were sent to Western Australia in the 1840s an example.³¹

2.34 The legislative basis for British funding of the child migrant schemes was the *Empire Settlement Act 1922* (UK), which permitted the UK Government to channel funds to non-government organisations in support of their migration work. The passage of the Act enabled British government funds for the first time to be available

29 Sherington & Jeffery, *Fairbridge*, p.xi.

30 Coldrey, *The Scheme*, p.125.

31 Submission No.135, p.4 (WA Department for Family & Children's Services).

to subsidise the fares and maintenance of children sent overseas by the voluntary societies. The Act empowered the British Government to cooperate with Dominion Governments in any scheme mutually agreed upon. In dealing with the administrative processes required for emigration to the Dominions, the British Government relied on existing Government and private organisations³²

2.35 The Government of the Republic of Ireland, unlike that of Britain, strongly disapproved of child migration and refused to participate in the practice. However, a large number of ‘British’ child migrants were, in fact, Irish. They were born to Irish mothers living in England, and in some cases Scotland or Wales, who, perhaps to avoid the stigma of illegitimacy, had gone to Britain to find a home for their child. They were also born to Irish mothers living in Ireland who subsequently went to England with their children. Many of these children were then sent to Australia from the institutions in which they had been placed. The Republic’s stance was based on the personal views of the Prime Minister, Mr E de Valera, who opposed child migration and migration in general as a solution to the new Irish State’s problems.³³

2.36 Before the Commonwealth’s involvement in child migration, which did not commence to any significant extent until after World War II, immigration matters were largely handled by the individual States’ own Immigration Departments. Each of the State Governments entered immigration agreements with the British Government under the Empire Settlement Act – primarily concerning subsidy agreements and numbers of immigrants. However, it appears that once details such as numbers of child migrants and financial subsidies were finalised between the state government and the sending agencies, the latter dealt mostly with the receiving agencies.

2.37 The loss of Canada as a destination and the outbreak of war in 1939 temporarily halted child migration from the United Kingdom.

Child migration to Australia

2.38 The rationale for child migration to Australia changed throughout the twentieth century. Prior to World War II child migration schemes concentrated on a system of providing rural farm training for boys and domestic skills for girls. With the advent of the Second World War this original rationale had far less significance with Australian Government support for child migration after 1945 resting essentially on the creation of the post-war immigration program with the aim of increasing Australia’s population.³⁴ At a time when Canada was restricting the entry of child migrants due to concerns over their care and supervision, and in Britain the attitude of government was less favourable to the idea of child migration, the Australian Government largely ignored these concerns and persisted in increasing their intake of child migrants.

32 Submission No.42, p.15 (DIMA).

33 Gill, p.546; Coldrey, *Catholic Institutions*, p.53.

34 Submission No.119, p.1 (Professor Sherington); Submission No.42, pp.8-15 (DIMA);

2.39 Professor Sherington of the University of Sydney stated that the original aims of the child migration policy were encapsulated in the intentions of the Fairbridge Society which established a farm at Pinjarra (Western Australia) in 1912 to provide training in agriculture for boys and domestic service for girls. This was a model followed by Barnardos and the original Roman Catholic child migration scheme, initiated before 1939. Professor Sherington argued that the model received support from the interwar British and Australian Governments because it fitted the purposes of Empire Settlement in the period 1919-39 and the specific aims of rural development in Australia. After World War II this original rationale was less significant even though many of the child migration schemes continued to provide training in rural and domestic skills.³⁵

Commonwealth-State responsibilities

2.40 The Commonwealth Government had only limited involvement with child migration until after World War II. Before this time, immigration schemes were largely handled by the individual States, each having its own Immigration Department.³⁶

2.41 In 1920, the Commonwealth and the States entered into a joint scheme in relation to migration, with the States' responsibilities being reception, settlement and after-care. The Department of Immigration and Multicultural Affairs stated that 'from the information available it appears that State/Territory child welfare legislation and the general law covered custody and guardianship arrangements for the children'.³⁷ There was no Commonwealth legislation governing the migration, settlement or guardianship of migrant children prior to 1946 until the enactment of the *Immigration (Guardianship of Children) Act 1946* which is discussed later in the chapter. While the Commonwealth did not legislate for child migration until 1946, from the first government-assisted child migration scheme (Fairbridge in the 1920s), the Commonwealth contributed a subsidy towards the cost of individual child migrants.³⁸ It was this subsidy that was to provide a significant incentive for the receiving agencies to promote child migration.

Pre-World War II migration

2.42 There was little organised juvenile migration (that is, child and youth migration) to Australia before World War I except for the Dreadnought Trust in New South Wales from 1911 and the Fairbridge Society in Western Australia from 1913.

35 Submission No.119, p.1 (Professor Sherington).

36 Submission No.135, p.9 (WA Department for Family & Children's Services).

37 Submission No.42, p.15 (DIMA). See also Submission No.135, p.1 (WA Department for Family & Children's Services).

38 Submission No.135, p.9 (WA Department for Family & Children's Services). In 1922 the WA and Commonwealth Governments each agreed to pay 5/- per child each week for each child at Pinjarra until the age of 14 years.

Both of these developments were essentially ad hoc, State-based initiatives.³⁹ In 1910, the Dreadnought Trust entered into an agreement with the NSW Government to bring British boys between the ages of 16 and 19 to be trained as rural workers.⁴⁰ The first party of Dreadnought Boys arrived in April 1911. This was the first government-assisted body of migrants to consist exclusively of minors. As noted above, they were older youths and not ‘child migrants’ as such. In 1913 the first group of 13 child migrants under the auspices of Fairbridge arrived in Western Australia. The work of the Fairbridge Society is discussed in chapter 3.

2.43 The First World War slowed the expansion of the Fairbridge project, and child migration was temporarily halted for the duration of the war. In 1920 all forms of migration resumed and special provision was made for young people by most States. Child and youth migration was – in overall migration terms – small-scale but nevertheless important, because for some sections of the rural community such labour was inexpensive and exploitable, and because the arriving young people did not compete in adult or urban labour markets for some years.

2.44 From the early 1900s, governments provided funding for child migrants arriving in Australia. In 1915, the Western Australian Government provided a subsidy of 4/- per week for each child at Pinjarra. The British Government matched this amount, together with monies for the purchase of additional land in 1919. The State contribution was increased to 6/- per week in 1916. In 1922, both the Commonwealth and State Government agreed to pay 5/- per week per child to age 14. The Commonwealth and State grants were reduced to 4/3 per week following the provision of financial support to Pinjarra under the 1922 Empire Settlement Act.

2.45 In 1930, the Commonwealth decided to end financial support for children at Pinjarra. This decision was reversed in 1931 but with the commencement of the Depression, the payments were reduced to 3/6 per week by both Governments.

2.46 With the establishment of Northcote in Victoria in 1937, the Commonwealth agreed to a maintenance grant of 3/- per child migrant (increased to 3/6 in 1938). However, the Victorian Government did not provide equal funding. The next year, with the establishment of Molong farm, both the Commonwealth and the New South Wales Governments provided maintenance grants. In 1938, the Christian Brothers were approved to recruit one hundred migrant boys and to receive funding similar to the Barnardo and Fairbridge schemes.⁴¹ In the same year, the Commonwealth and New South Wales Governments agreed to contribute towards the maintenance of approved children brought to New South Wales by the Presbyterian Church at a rate

39 National Archives of Australia (NAA), *Good British Stock: Child and Youth Migration to Australia, 1901-83*, Research Guide No 11, 1999, Ch 3. Mr Gill argues that young migrants were sent to the colonies – Canada and Australia – as early as 1908. However the precise arrangements and ages of the migrants are disputed. See Gill, p.55.

40 The Dreadnought Trust was established in NSW in 1909 to assist and support young men to emigrate from Britain to be trained as rural workers in that State.

41 Sherington, and Jeffery, *Fairbridge*, pp.261-62.

of 3/6 per child per week up to the age of 14 years with a maximum payment by the Commonwealth of £1,000 per annum.⁴²

2.47 Juvenile migration was popular within the broader Australian community whereas adult migration was less so. One source noted that juvenile migration:

...generated the “feel-good” factor. Unemployment was high in the 1920s and adult migrants were competitors for scarce jobs. Many working class people and the Labor Party were cool towards, or opposed outright, to immigration. However, it was harder to be opposed to the arrival of deprived youngsters brought by Fairbridge or Barnardo’s, and equally difficult to be bitter towards young men brought by the Dreadnought Trust or the Big Brother Movement or the churches, intended for rural work at low wages which few Australians wanted.⁴³

2.48 In 1921 the Sydney Millions Club sponsored the arrival of the first official group of Barnardos boys, whose average age was 16 years.⁴⁴ In 1923, the first group of Barnardo girls arrived in Australia. In the same year the Fairbridge Farm School was re-established at Pinjarra (Western Australia). Further details of the Barnardos scheme are discussed in chapter 3. In 1925 the Big Brother Movement was launched, although they generally took older youths. In the mid-1920s the organisations bringing out child migrants became increasingly ambitious in their plans. In 1925 the Salvation Army chartered an entire ship to bring migrant boys and some married couples to Australia.⁴⁵

2.49 Until this time the major emphasis among the charitable and religious organisations involved in juvenile migration had been on creating a ‘new start’ in a new country for school-leavers rather than for younger children.

2.50 Catholic Church interest in child migration commenced in the 1920s. Dr Coldrey suggested that there were a variety of reasons for this but the main emphasis was on maintaining ‘Catholic numbers’ against the Protestants. He added that:

There were seven non-Catholic organisations, such as Barnardos, Fairbridge, the Big Brother Movement and the Millions Club, bringing numbers of children to Australia; no Catholic agencies. Some Catholic boys and young men were coming under the auspices of Fairbridge or the Big

42 Letters from the Commonwealth Department of Interior, dated 27.4.38 and NSW Department of Labour and Industry dated 9.5.38, attachment, confidential submission.

43 NAA, *Good British Stock*, Ch 3, p.1.

44 The Millions Club was formed in Sydney in 1916. Its aim was to settle ‘a million farmers on a million farms’ in NSW and Victoria.

45 Gill, pp.56-57.

Brother Movement, and this appeared an affront to some Catholic leaders who felt they had no equivalent service to offer suitable Catholic youth.⁴⁶

2.51 In 1922 the Knights of the Southern Cross was established in order to promote the interests of Catholics and to counter perceived Masonic and ‘Orange’ influence in the community generally. One of the objectives of the Knights was the promotion of Catholic immigration. It was in Western Australia that the Knights moved to encourage child migration with the approval of the bishops and the assistance of the Christian Brothers, especially two prominent members of the Order in Perth– Brothers PA Conlon and FP Keaney. The success of the Fairbridge Farm School at Pinjarra provided a challenge to Catholics in Perth. They responded by developing their own farm school at Tardun, which was intended to train both Australian and British youths in farming techniques.⁴⁷

2.52 After extensive negotiations between British and Australian churchmen and the Australian, Western Australian and British Governments, Brother Conlon was eventually sent in 1938 to the UK to finalise arrangements to bring about 100 boys to Western Australia. Three groups of British child migrants – 114 boys in all – were brought to Christian Brothers’ orphanages in Western Australia in 1938-39. Dr Coldrey characterised Catholic child migration in the late 1930s as small-scale, privately organised, enjoying a small government subsidy; and motivated by sectarian and child rescue considerations.⁴⁸

2.53 In 1930, as the Depression deepened, almost all immigration to Australia ceased. Youth migration under the Dreadnought Trust and the Big Brother Movement was curtailed, however Fairbridge was permitted to continue its work bringing children to Western Australia and Barnardos to its home at Picton (NSW). There was almost a complete cessation of immigration for the next seven years.

2.54 By the mid 1930s, as noted earlier, Canadian restrictions on the entry of child migrants forced the various agencies emigrating children to turn their attention to other countries, including Australia.

2.55 In 1937, juvenile migration to Australia under the Big Brother Movement and the Dreadnought Trust recommenced. In the same year a second Fairbridge farm school was established at Molong (NSW) and the Lady Northcote Trust established a similar farm school at Bacchus Marsh (Victoria); and the Christian Brothers brought their first group of child migrants to Tardun (Western Australia). Two years later the outbreak of World War II terminated migration for the duration of the war.

46 Coldrey, *The Scheme*, p.126.

47 Coldrey, *The Scheme*, p.128. See also Submission No.54, p.4 (JLG).

48 Coldrey, *The Scheme*, p.128.

Post-World War II migration

2.56 Child migration policy in the post-war period was based on several objectives, partly humanitarian and partly in line with the larger objectives of the post-war migration program. The Department of Immigration and Multicultural Affairs noted:

The concept of rescuing “war babies” and underprivileged children from orphanages in war torn Britain and offering them a new life in Australia had popular appeal, and the fact that these migrants were children was thought to give them an advantage in being able to more readily adapt and “assimilate” into the Australian community.⁴⁹

2.57 Strategic and defence considerations arising from World War II also played an important part in the genesis for Australia’s post-war immigration policies, of which child migration was a part. The Department observed that:

Australia was a large, sparsely populated country with densely populated neighbours at its doorstep. “Populate or perish” was the slogan; mass immigration was seen as the solution. This policy had bipartisan support in Parliament, and wide community acceptance. The need to defend Australia’s shores against the possibility of invasion, a declining birthrate, and an urgent need for labour provided the justification for a significantly increased immigration program.⁵⁰

2.58 Dr Constantine also noted that from 1942 Australian concerns about national security and under-population ensured that child migration again featured strongly among ideas to boost immigration to Australia of preferably British ‘stock’.⁵¹

2.59 Economic factors also played a role. The Department stated that like other migrants, child migrants ‘would eventually supplement the labour force but would not immediately take jobs away from returning ex-servicemen. They were...also part of the larger immigration scheme aimed at massively increasing Australia’s population in the post war period’.⁵²

2.60 Even prior to the end of World War II the Commonwealth Government had been developing plans to bring large numbers of child migrants to Australia. On 19 October 1943, Dr HC Coombs, Director-General of Postwar Reconstruction, wrote in a memo: ‘the Minister [the Hon JB Chifley, Minister for Postwar Reconstruction] thinks we should plan for immigration of large numbers of children after the cessation of hostilities’.⁵³ The involvement of child migration in this program was considered at an interdepartmental committee on postwar reconstruction in 1944. In the context of

49 Submission No.42, p.8 (DIMA).

50 Submission No.42, p.18 (DIMA).

51 Submission No.88, p.2 (Dr Constantine).

52 Submission No.42, p.8 (DIMA).

53 Cited in Coldrey, *The Scheme*, p.130.

increased adult migration, the Commonwealth Government undertook to take every available opportunity to facilitate the entry into Australia of approved children from European countries. The Government had already approved in principle a plan to bring to Australia, in the first three years after the war, 50,000 orphans from Britain and other countries.

2.61 On 2 August 1945, the then Minister for Immigration, the Hon Arthur Calwell, in his first major statement on immigration policy referred to the Government's plan to bring 50,000 orphans to Australia during the first three years of peace. In his speech, Mr Calwell stated:

Pending the resumption of large-scale adult migration, the Government will take every available opportunity to facilitate the entry into Australia of accepted children from other countries. The Government has already approved in principle a plan to bring to Australia, in the first three years after the war, 50,000 orphans from Britain and other countries that have been devastated by the war. Discussions on the details of this plan are proceeding with the States, and we hope soon to reach a stage where the full possibilities of the scheme can be properly assessed.⁵⁴

2.62 This program of child migration was the most specific immigration program to emerge from the war years. Australia's post-war immigration program – for both adults and children – formally came into effect on 31 December 1946. However, it soon became evident that the target of 50,000 war orphans could not be reached. The belief that the war had created a greater number of orphans in Britain was soon dispelled. Other European governments also proved unwilling to send children as they considered that it was their own responsibility to care for the homeless and orphaned, and their countries also needed rebuilding after the war.

2.63 The plans for child migration were made in consultation with the State Governments. It was decided that as far as possible the Commonwealth Government would rely on private organisations such as Barnardos, Fairbridge and the religious organisations, to promote child migration. Neither private fostering nor adoption of child migrants was favoured, partly for legal reasons as the death of the parents of refugee children might be impossible to determine.⁵⁵

2.64 On 20 August 1946, a conference of State Premiers gave specific attention to child migration. The conference expressed the hope that child migration should be on as broad a scale as possible, under the auspices of 'approved voluntary migration organisations'. According to the conference resolution: 'It was agreed that the Commonwealth should continue to be the sole authority in respect of migration activities overseas, and should accept financial responsibility for the recruitment, medical examination and transportation of all assisted migrants'. It was agreed in principle that the States should carry out the function of reception on arrival in

54 House of Representatives, *Debates*, 2.8.45, p.4914.

55 Submission No.42, p.18 (DIMA).

Australia, and also that of looking after the migrants' accommodation needs, but in practice this was passed to the voluntary agencies.⁵⁶

2.65 In 1946 a new assisted passage scheme was approved in which 'assisted' adults could travel to Australia for £10, and certain categories of migrants, such as child migrants would travel free. The Immigration Minister, Mr Calwell also announced a schedule of priorities for assisted migrants. There were 11 categories, with child migrants at the head of the list.

Legislative basis for post-war child migration

2.66 In 1946 the Empire Settlement Act, discussed earlier, was reactivated and the British Government, in partnership with the Australian Government, entered into agreements with each of the sending agencies. The agreements prescribe child migrant numbers and financial contributions agreed by the governments, and the powers of the UK Secretary of State to approve all immigration. The British Government was responsible through the Secretary of State to regulate and oversee the schemes.

2.67 The voluntary societies and sending agencies were responsible for the administration of the schemes. They were required to provide information to the UK Secretary of State for his authorisation to migrate children. However, 'it appears that in practice they dealt with all decision making processes and procedures in relation to the selection of children, consents and migration arrangements'.⁵⁷ The Committee notes that the British Government effectively 'out-sourced' the task of child migration to the charities and religious organisations. Dr Constantine has noted that agreements were signed with the voluntary societies in 1947 and were repeatedly renewed. He has argued that these renewals were among the occasions when the merits of child migration as a welfare strategy in general and of Australian child care institutions in particular were officially debated.⁵⁸

2.68 The legislative basis in Australia for post-war child migration was the *Immigration (Guardianship of Children) Act 1946* (IGOC Act). As noted previously, prior to 1946 the Commonwealth Government had not legislated for child migration. The IGOC Act placed legal guardianship in the Minister for Immigration for child migrants when they arrived in Australia until the child reached the age of 21 years. The intention of the Act was to enable uniformity in regard to legal guardianship of the children.⁵⁹

56 Gill, pp.64-65.

57 Submission No.135, pp.8-9 (WA Department for Family & Children's Services).

58 Submission No.88, p.6.

59 Submission No.42, p.20 (DIMA). DIMA provided further advice on the definition of 'guardianship'. The Department stated that a guardian in relation to a child is 'a person with the right to make decisions about the long-term needs of the child, as opposed to the day to day care of the child...The Immigration (Guardianship of Children) Act modifies the traditional role of a guardian. The Act does not define guardian, so the ordinary understanding of that word, as discussed above, must be taken as the proper meaning. However, in ascertaining legal obligations and liabilities by the Act, it must be recognised that

2.69 Clause 6 of the Act stated that:

The Minister shall be the guardian of the person, and of the estate in Australia, of –

- (a) every evacuee child; and
- (b) every immigrant child who arrives in Australia after the commencement of this Act, to the exclusion of the father and mother and every other guardian of the child, and shall have, as guardian, the same rights, powers, duties, obligations and liabilities as a natural guardian of the child would have, until the child reaches the age of twenty-one years or leaves Australia permanently, or until the provisions of this Act cease to apply to and in relation to the child, whichever first happens.

2.70 The Act made further provision for the delegation of these powers. Subsection 5(1) of the Act enabled the Minister to delegate his functions and powers as guardian:

...to any officer or authority of the Commonwealth or of any State or Territory of the Commonwealth all or any of his powers and functions under this Act (except this power of delegation) so that the delegated powers and functions may be exercised by the delegate with respect to the matters or class of matters, or the child or class of children, specified in the instrument of delegation.

2.71 The Minister delegated his powers as guardian of child migrants to State welfare authorities shortly after the legislation was enacted. The Department stated that it was ‘not intended that the Commonwealth exercise direct control over the migrant children, but that State Authorities should assume that role’. Indentures were made between the delegated State Government welfare officials and voluntary organisations in which the organisations agreed to bear the responsibility for the care and welfare of the children placed under their care. The statutory scheme established by the IGOC Regulations:

...envisaged that the State authority would be primarily responsible for the supervision of the welfare and care of child migrants. The local State authority was likely to have better knowledge of the rights, powers and responsibilities of guardians and custodians under child welfare legislation and a better understanding of local conditions. In addition to this, officers of the State authority dealing with child welfare matters on a regular basis were

the legislation does in some ways modify the traditional role of a guardian. For example, the Act envisages delegation of the powers and functions of the Minister to State welfare authorities; and together with the regulations, the legislation provides inspection and other powers to State welfare authorities to supervise custody, and envisages that the State authority would be primarily responsible for supervision of the welfare and care of children covered by the Act. See Submission No.42, Additional Information, 9.4.01, pp.11-12 (DIMA).

better equipped to deal with these matters than the staff of the Commonwealth Immigration Department.⁶⁰

2.72 The Western Australian Department for Family and Children's Services described the operation of the system in Western Australia. After the Commonwealth Minister for Immigration delegated his powers to the Western Australian Under Secretary for Lands and Immigration in 1947,⁶¹ indentures were drawn up between the custodians (the receiving agencies) and the guardian, dealing with the respective responsibilities for the care of migrant children. Under the terms of the indenture each custodian agreed to '(1) bear all responsibility for the care and welfare of the children (2) not remove them from the place specified without consent, and (3) in all things comply with the provisions on its part relating to such children and contained in the *Immigration (Guardianship of Children) Act 1946*, and in the *Child Welfare Act 1907-41* and the regulations made thereunder and amendments thereto'.⁶² At the same time, the Child Welfare Department agreed to assume an inspectorial role over child migrants, to assist the Lands and Immigration Department in fulfilling its responsibilities.

2.73 Some submissions argued that as the custodian (the receiving agency) agreed to bear 'all responsibility' for the care of the children, this meant that the primary responsibility for the subsequent maltreatment of children under their care belongs to those to whom the children were entrusted – those who were there in the institutions and those who supervised them. Professor Sherington stated that:

The vast majority of child migrants arrived in Australia under the age of twelve. The child migration societies had thus effectively assumed a duty of care until the child migrants reached the age of majority at twenty-one. This moral if not legal obligation appears to have been enforced by governments on an intermittent basis.⁶³

2.74 *The Children Act 1948* (UK) gave the UK Secretary of State the legal power to control the emigration arrangements made by the voluntary organisations. Under the Act, local authorities could arrange for the emigration of children in their care. The Act provides that a local authority may, with the consent of the Secretary of State, procure the emigration of any child in their care; and that the Secretary of State shall not give his consent unless satisfied that emigration would benefit the child and that suitable arrangements have been, or will be made, for the child's reception and welfare in the country to which he is going; that the parents or guardian of the child

60 Submission No.42, pp.20-21 (DIMA). Copies of the 1946 instrument of delegation signed with each State and an example of an indenture are appended to the submission.

61 Guardianship of migrant children was transferred from the WA Lands & Immigration Department to the WA Child Welfare Department in 1952.

62 Cited in Submission No.135, p.6 (WA Department for Family & Children's Services). See also Submission No.146, Additional Information, pp.4,6 (Queensland Government).

63 Submission No.119, p.3 (Professor Sherington).

have been consulted or that it is not practicable to consult them; and that the child consents.⁶⁴

2.75 In the post-war period the main receiving agencies for child migrants were Catholic Church agencies, Fairbridge, Barnardos as well as some Protestant Churches. A number of organisations did not operate child and youth migration schemes as they had prior to World War II. The Dreadnought Scheme ceased bringing out British youths and the Salvation Army confined its activities to single adults or people, including children, travelling with or coming to join families (see also later discussion of the Salvation Army in chapter 3).⁶⁵

2.76 Child migration did not resume until 1947 with the arrival of boys for the Christian Brothers institution at Bindoon (Western Australia). In the period 1947 to 1950 a number of Catholic women's religious orders – notably the Sisters of Mercy and the Poor Sisters of Nazareth – entered the field of child migration. In 1951 Barnardos opened a new home, 'Greenwood', at Normanhurst (New South Wales) with both boys and girls in residence, which was intended to keep brothers and sisters together. By 1952 most of the 'caring' organisations were also looking after Australian-born children. Barnardos was the exception – concerning itself exclusively, until the 1960s, with youth migrants from the United Kingdom.

Financial arrangements

2.77 With the recommencement of child migration in the post World War II period, it was again agreed that maintenance payments would be shared by the participating Governments (British, Commonwealth and State). Payments were made for all children to the age of 14 years and for those still in school, up to the age of 16 years. All States agreed to pay 3/6 per week. The Commonwealth's maintenance payment was replaced by child endowment of 5/- per week which had been introduced in 1941 (increased to 7/6 and then 10/-) for all children resident in Australia aged under 16 years.⁶⁶ It was also agreed at the 1948 State Conference on child migration, that the State would provide child migrants with a clothing and pocket money allowance, and a wage subsidy upon leaving care, commensurate with the assistance given wards.⁶⁷ The Commonwealth also agreed to pay an equipment allowance if the child was under 14 years at the date of sailing to Australia.⁶⁸

2.78 Professor Sherington and Mr Jeffery noted that by 1953 there were considerable differences in State maintenance payments. Western Australia at that date was contributing £1.3.3 per child per week while Victoria was contributing 6/-

64 Cited in Submission No.15, p.42 (Dr Coldrey).

65 Gill, p.68. Mr Gill notes, however, that a small number of child migrants, travelling independently, were sponsored by the Salvation Army (see Gill, p.78).

66 Sherington & Jeffery, *Fairbridge*, p.262.

67 Submission No.135, p.13 (WA Department for Family and Children's Services).

68 Submission No.42, p.22 (DIMA).

per week and New South Wales 4/8 per week. These State differences remained in place throughout the next decade.⁶⁹

2.79 The Western Australian Department for Family and Children's Services provided the following detailed information on maintenance payments. In 1948 payments to child migrants up to 16 years were summarised as:

Commonwealth child endowment	10/- per week
State subsidy	3/6 per week
British Government subsidy	6/3 per week
Lotteries Commission	3/- per week
Total	£1.2.9 per week

In 1963 payments were:

Commonwealth child endowment	10/- per week
State subsidy	15/- per week
British Government subsidy	£1.5.0 per week
Lotteries Commission	10/- per week
Total	£3.0.0 per week⁷⁰

2.80 The Queensland Government provided the following information from Annual Reports for 1954-55 and 1956-57 for payments for child migrants under 16 years of age:

Commonwealth child endowment	10/- per week
State subsidy	12/6 per week
British Government subsidy	12/6 per week
Total	£1.15.0 per week

Where a child was still attending secondary school at 16 years of age, the State increased the payment to 25/- per week and payments from the other Governments ceased.

2.81 The Queensland Government noted that in 1954-55 the amount paid by the State Government to denominational homes for each State ward was 25/- per week. In addition to this amount, child endowment of 10/- per week was received for each child, making a total of £1.15.0 per week, the same amount received by the institution for each child migrant. In all instances, the cost of medical and dental treatment of the children and of school requisites was defrayed by the State, which also paid half the cost of buildings, extensions, repairs and other capital items.⁷¹

69 Sherington & Jeffery, *Fairbridge*, pp.262-63.

70 Submission No.135, pp.14-15 (WA Department for Family and Children's Services).

71 Submission No.146, Additional Information, p.4 (Queensland Government).

2.82 In 1950, the Maltese Government agreed to pay a 10/- sterling maintenance subsidy per week until the age of 16 years.

2.83 While the Commonwealth Government and the relevant State Governments contributed to the support of child migrants, the funding arrangements for the church and charitable institutions caring for children generally varied across the country. Institutions received child endowment payments from the Commonwealth from 1941, but in New South Wales and South Australia, for example, maintenance payments were not paid by the State to voluntary child care institutions for Australian-born children. Dr Joanna Penglase has stated that in effect the institutions in New South Wales were run on the 19th century model, relying on charity and endowments. Thus 'private donations, bequests and fund-raising appeals were a major source of income for most Catholic Homes, and even an important factor in their survival since the Diocese itself rarely funded the Homes within it'.⁷²

2.84 The poor financial situation of some New South Wales institutions was also illustrated by Dr Marion Fox's research on St Anne's at Liverpool where in 1951, 'the orphanage administrator was instructed by her superior that economies such as reducing the children's supply of meat and sugar were to be discontinued'.⁷³

2.85 Following intense lobbying by the Association of Child Caring Agencies (established in 1958 for the express purpose to address the issue), the New South Wales Government commenced payments for children in voluntary child care institutions in 1961. However, these children had to be made a state ward. The requirement for wardship was eliminated in 1965.⁷⁴

2.86 Dr Fox stated that post war the Catholic bishops sought capital funding from Government for all new buildings and equipment and for the extension of existing buildings to house child migrants. In return, the Church would guarantee to accommodate the children for at least ten years.⁷⁵ In 1946, the Commonwealth and States agreed each would pay one-third of capital expenditure for Commonwealth approved projects to accommodate migrant children. Dr Fox observed that 'this was a major concession for Catholic orphanages in New South Wales which otherwise received no capital grants'. Dr Fox also noted that :

With governments paying all transport expenses for children, passages expenses for escorts, and a small equipment allowance for each child under the age of fourteen, Simonds [Coadjutor Archbishop of Melbourne] advised the bishops in October 1946 that they had won at least twelve 'generous concessions'. Notably, they would retain full control of buildings which

72 Penglase, J, *'Orphans of the Living': The Home Children NSW 1939-1965*, Ph.D thesis, Macquarie University, 1999, pp. 196, 197.

73 Fox, M, 'British Child Migrants in New South Wales Catholic Orphanages', *History of Education Review*, Vol.25, (2), 1996, p.8.

74 Penglase, p.152.

75 Fox, p.4.

received government grants and would not be required to repay grants unless buildings were used for other purposes. Writing to Calwell [Commonwealth Minister for Immigration] in March 1946, Conlon had acknowledged the Minister's need for caution to ensure that concessions made to the Church could apply equally to all voluntary agencies.⁷⁶

2.87 In Western Australia, Brother Keaney sought funding for extensive work at Bindoon. This was not without disagreements—evidence indicates that the Commonwealth Government had concerns about the cost of the building projects at Bindoon and that it was known to Commonwealth officials that much of the labour was provided by children at the institution.⁷⁷ In New South Wales applications for government capital funding for two new Catholic orphanages at Cowper and new buildings at Liverpool were not approved. The Murray-Dwyer and Monte Pio orphanages received a joint capital grant of £10,000. An extensive building project began at Monte Pio in expectation of additional funding. This was not approved because officials believed that even with extensions, accommodation remained inadequate and indeed Child Welfare reduced the approved number of Australian children in the home by twenty.⁷⁸

2.88 Ms L Williams in her study of child migration to Tasmania also noted the benefits of capital grants for institutions. The Church of England Clarendon Children's Home had, in 1946, proposed to build a set of small cottages. However, 'due to financial difficulties this idea had been shelved, and was only revived in the early 1950s, when involvement in child migration allowed the Home to utilise financial incentives being offered by the federal and state governments to participate in the scheme'.⁷⁹ Documents also indicate that State and Commonwealth capital funding was proved for Swan Homes. In 1949, both Governments agreed to contribute £5,990 each towards the building of Lee Steere House (Western Australia).⁸⁰

The Catholic Church and post-war migration

2.89 After the Second World War the Catholic Church became the largest single sponsoring agency bringing child migrants to Australia.⁸¹ As noted previously, prior to this time, Catholic Church involvement in child migration was small-scale. By the end of World War II, meetings of the Catholic hierarchy in Australia were discussing the possibilities for post-war migration, including child migration. This took place in

76 Fox, p.4.

77 From National Archives RecordSearch - Letter from the Western Australian Department of Lands and Survey to the Commonwealth Department of Immigration, dated 20.2.51, K403/3 W59/87, pp.70-71.

78 Fox, pp. 8-9.

79 Williams, L, "'Good British Stock': British Child Migration to Tasmania after 1945", *Tasmanian Historical Studies*, Vol 5, no.1, 1996, p.160.

80 Submission No.42, Additional Information, Attachment J, 9.4.01, p.4 (DIMA).

81 This section of this chapter relies on several sources including Coldrey, *The Scheme*, pp.133-139; NAA, *Good British Stock*, Ch 3, Part 14; Gill, pp.71-75.

the context of the Commonwealth Government's strong support for immigration in the wake of the war.

2.90 In 1946, the Australian Bishops explored the possibilities of bringing large numbers of children to Australia:

The Australian Catholic Bishops Conference arranged with the Christian Brothers to allow Brother Conlon to accompany Archbishop Simmonds to Europe in April 1946: Simmonds to explore the possibilities of bringing out large numbers of war orphans from devastated continental Europe to Australia, and Conlon to arrange a lift of British child migrants to the Tardun scheme. The Immigration Department funded the exercise.⁸²

2.91 Dr Coldrey noted that 'Catholic Church leaders – late arrivals on the Australian juvenile migration scene – responded to government policy with the fervour and dedication of recent converts'.⁸³ For example, Archbishop Prendiville of Perth wrote to Cardinal Griffin in London in July 1945 offering to take 2 500 British orphans into Western Australian Catholic orphanages during the first eighteen months of peace. In 1947 the first post-war group of child migrants arrived in Australia.

2.92 Mr Gill noted that while the Catholic initiatives in this area were explained as responding to a humanitarian need 'inevitably some saw it as a sectarian exercise' and he noted that correspondence of the period suggested an awareness by several religious bodies of the role orphan children could play in 'a denominational numbers game'. Before leaving for Europe, Archbishop Simmonds sent a letter to all the Bishops of Australia giving an account of his intentions. A copy of the letter was sent to Superior-General of the Christian Brothers in Dublin, whose assistant wrote to a colleague that:

This letter [from Simmonds] reveals a scheme much more comprehensive than bringing out a few hundred migrant children and the object is to increase the Catholic population in Australia as well as to save Catholic children from losing their holy faith and from being drawn into the Protestant current that will flow into Australia.⁸⁴

2.93 Some Protestant groups in Australia also expressed alarm at the apparent partiality shown by the Catholic Church in the selection of immigrants.⁸⁵ However, the Protestant Churches displayed an awareness of the role child migration could play in 'keeping up' numbers with the other denominations. Mr Peterkin, Director of the Anglican Homes for Children (Western Australia), recounted a meeting in 1946 of the heads of denominational institutions responsible for child care in Perth to ascertain whether they wished to receive child migrants. After the other denominations had

82 NAA, *Good British Stock*, Ch 3. See also Submission No.54, p.4 (JLG).

83 NAA, *Good British Stock*, Ch 3.

84 Cited in Gill, p.72.

85 Gill, pp.71-74.

offered to take various numbers of child migrants he recounted a meeting with the Anglican Archbishop of Perth:

When I said that the Church of England couldn't do anything about child migration because our enrolment was at capacity, he [the Anglican Archbishop] fiercely replied: "Peterkin, don't you ever say that the Church of England can't do anything about anything". He was in fact most hostile that we were not co-operating, and eventually it was decided between us that, provided help with the erection of buildings was forthcoming, we would offer places for fifty child migrants a year'.⁸⁶

2.94 Some evidence to the Committee also argued that a motive for the Catholic Church in promoting child migration was monetary gain.⁸⁷ Child labour was used for laundries, child nurseries, commercial contracts, construction, clearing and farming – all with government subsidies. These subsidies, coupled with the income from these activities, provided the means for the religious orders to exist and to be self-sufficient. Dr Fox noted that the Catholic Bishops did not make their institutions available to take child migrants without first gaining concessions from governments – 'public funding towards capital works and children's maintenance provided a pragmatic reason for participation in the [child migration] program'.⁸⁸ The Catholic Church, in particular, gained financially from an increase in the value of its property holdings. Broken Rites stated:

Clontarf and Bindoon started off as bare ground. I understand that Bindoon was a 17,000-acre property given to the Christian Brothers and boys worked as slaves to create and turn that into a capital asset which must be worth millions in terms of the upgrading of the land, its farmability, the buildings that were put there. There were no wages paid to any of these children. They created the capital asset for the Catholic church and the Catholic church maintains the benefits of having that capital asset.⁸⁹

2.95 These issues are discussed further in chapter 5.

2.96 The Australian and British Governments in the light of Brother Conlon's highly personalised, semi independent advocacy for migration requested the Catholic Church to place its immigration organisation on a more formal basis. In 1947 the Federal Catholic Migration Committee was launched and Catholic Migration offices were opened in the capital cities. The arrival of over 300 child migrants in Western Australia in 1947 filled the available spaces in Catholic institutions and over the next three years few children arrived under Catholic auspices. The Catholic authorities, however, made strenuous efforts during the years 1950-56 to recruit additional child

86 Peterkin, AR, *The Noisy Mansions: The Story of Swanleigh 1868-1971*, Swanleigh, 1986, pp.105-106.

87 *Committee Hansard*, 15.3.01, pp.254,267 (Broken Rites); Fox, pp.2-5, 13.

88 Fox, p.13.

89 *Committee Hansard*, 15.3.01, p.254 (Broken Rites).

migrants for Catholic institutions around the country, however, most went to Western Australia.⁹⁰

2.97 In the United Kingdom, Catholic migration was operated through the Catholic Child Welfare Council (CCWC). The Council argued in its submission to the inquiry that throughout the period of migration of children to Australia it appears that the representatives of the Catholic hierarchy in Australia were by-passing the Council and going directly to the children's homes run by Catholic religious orders in the United Kingdom to recruit children for migration. The Council highlighted a case in point when in November 1953, 114 children from England and Wales were sent to Australia without the knowledge of the Council. The complaints of the CCWC were finally addressed in 1954 when it was agreed by the Australian Catholic Migration Committee that all negotiations about the migration of children were to go through the Council.⁹¹ Child migration under Catholic Church auspices, however, ended in 1956.

Role of the United Kingdom and Australian Governments

2.98 While some submissions emphasised the active role of the Australian Government in seeking child migrants from Britain in the post-war period, other evidence suggests that the United Kingdom Government played a much more significant role than previously imagined.⁹² The Western Australian Select Committee noted that during discussions with UK Government officials, those officials pointed to the 'the minimal and insignificant role played by the [UK] government at an official level in child migration'. However, the Western Australian Committee argued that a number of archival documents and the 1956 Ross report (a fact finding mission sent to Australia from the United Kingdom to collect information on the arrangements for the reception of child migrants in this country) 'lead us to a different view...which indicated that in many cases, the UK Government involvement was significant. Indeed, this involvement may even go to approvals of individual children by the Secretary of State for the Home Department'.⁹³

2.99 The Western Australian Committee reported that:

From what we know now of the selection process of children in the United Kingdom, it would appear confirmed by the Ross Report that each child selected while under the care of a local authority in the UK could not have

90 NAA, Ch 3, Part 14, p.2.

91 Submission No.51, Attachment 1, p.4 (CCWC).

92 See Submission No.132, p.2 (CMT) for arguments concerning the 'active role' of the Australian Government. See also Submission No.129, p.13 (IAFCM&F); *Committee Hansard*, 22.3.01, p.513 (Professor Sherington).

93 Western Australian Legislative Assembly, Select Committee into Child Migration, *Interim Report*, 1996, p.40.

been migrated without the specific approval of the Secretary of State, one of the top three cabinet ministers.⁹⁴

2.100 The Western Australian report, citing the Ross report, indicated that after 1947, although grants for capital expenditure were not given by the United Kingdom Government towards new or existing institutions, the United Kingdom Government's 'approval was required before a new establishment could be brought into use for the reception of unaccompanied children'.⁹⁵ The Ross report also noted that assistance towards the costs of children's passages to Australia was given by the United Kingdom Government. Moreover, capitation payments were made towards the cost of maintaining UK children, under the age of 16 years, in an approved institution.⁹⁶ The report of the UK Health Committee acknowledged that 'voluntary agencies received the encouragement and financial backing of successive British governments and of successive governments of the receiving countries'.⁹⁷

2.101 In 1947, Mr Calwell outlined the formal procedures for admittance of children from the United Kingdom, underlining the respective roles of the various governments and receiving agencies. Mr Calwell stated that:

..all action must be taken within the framework of the free and assisted passage arrangements made between the UK and Commonwealth governments and the procedural and other arrangements decided upon at the Premiers Conference in August [1946] in relation to the immigration functions of the Commonwealth and the states... Before the children can be shipped [to Australia] (a) The Catholic authorities in Australia must give details of the Homes in which the children are to be accommodated; (b) The United Kingdom representative in Australia must be satisfied that the accommodation and other facilities provided for the children are suitable in every respect; (c) After the above, Catholic authorities must then submit group nominations on Form LEM 3...(d) After acceptance, Australia House will arrange for medical examination and final selection.⁹⁸

2.102 The evidence suggests that the child migrants sent to Australia from the United Kingdom, especially in the immediate post-war period, were often the most deprived children in UK institutions. While some evidence suggests Australian officials had little choice in accepting these children due to the lack of a larger 'pool' of British children available for migration at that time, other evidence suggests that attitudes and practices in the United Kingdom also played a part in the type of children available for migration. There was also the expectation in Australia, at least in the mid to late 1940s that the children to be sent to Australia would be 'war

94 WA Interim Report, p.40. See also Coldrey, BM, *Child Migration: Consent of Parents to their Children's Emigration*, Tamanaraik Publishing, 1996, pp.34-35.

95 Cited in WA Interim Report, p.41.

96 Cited in WA Interim Report, p.41.

97 Report of UK Health Committee, para 14.

98 Letter from Mr Calwell to Brother Conlon, 23.1. 47, cited in Coldrey, *Catholic Institutions*, p.82.

orphans’, whereas in practice this was not the case – while many were abandoned or illegitimate the vast majority were not orphans.⁹⁹

2.103 In the United Kingdom, the 1945 Curtis Committee report into the care of children, which provided the basis for post-war British child care services stated that children of ‘fine physique’ and ‘good mental equipment’ should be kept in the United Kingdom; for such young people ‘satisfactory openings can be found in this country’. The report stated that child migration should remain a placement option for certain especially deprived children ‘with an unfortunate background’ for whom a start in a new country could be ‘the foundation of a happy life’.¹⁰⁰ Dr Coldrey stated that once the recommendations of the Curtis report were accepted by the UK Government in 1947, child migration was advocated only for seriously deprived children, not the ‘elite’ of the institutions. Dr Coldrey noted that ‘the Australian Government wanted as many child migrants as could be obtained; they had to take those they could get. It was not the case that “we will take only the best”’.¹⁰¹ The Curtis Committee report is discussed later in this chapter.

2.104 Dr Coldrey also stated that within individual homes and orphanages in the United Kingdom ‘there was understandable pressure on harassed administrators to send their problem children to Australia. This occurred in many cases; not in all’.¹⁰² These ‘problem’ children were often disruptive or troublesome children that the institutions had difficulty in coping with or disciplining or were seen as less intelligent than the other children in the institution. In March 1952, Fr Nicol, of the Federal Catholic Immigration Committee, referred to ‘some of the convents [in the past] submitting their problem children for emigration’.¹⁰³ There was also some evidence that agencies, because of their lack of funds, saw child migration as a means of concentrating scarce resources on children in need in the United Kingdom. Barnardos noted that ‘financial restrictions on agencies like Barnardos meant that child migration enabled more children in the United Kingdom to be assisted’.¹⁰⁴

2.105 Concerns were raised in Australia regarding the overall standards of child migrants sent from the United Kingdom. At a Conference of Commonwealth-State Immigration Ministers in May 1949, two years after the arrival of the first post-war group of child migrants, the Western Australian Minister complained of the poor health and educational standards of child migrants from the United Kingdom sent to that state. In December 1949 a report was prepared by Mr J McCall of the Education Department of Western Australia on the educational standards of migrant children in Catholic institutions in Western Australia. The report noted the low level of

99 Submission No.129, p.15 (IAFCM&F).

100 Cited in Coldrey, *Catholic Institutions*, p.75.

101 Coldrey, *Catholic Institutions*, p.82. See also Submission No.15, p.55 (Dr Coldrey).

102 Coldrey, *Catholic Institutions*, p. 91.

103 Cited in Coldrey, *Catholic Institutions*, p.93.

104 Submission No.50, p.2 (Barnardos).

educational attainment of this group of children and recommended that that the selection of child migrants from the United Kingdom ‘be such as to ensure that groups contain at least the usual distribution of intelligence’.¹⁰⁵

2.106 The Commonwealth Minister assured the Ministers’ Conference that the question of the stricter supervision in the selection of child migrants from the United Kingdom would be taken up with the Chief Migration Officer at Australia House in London. In August 1949, the Chief Migration Officer responded to these concerns stating that ‘almost without exception [the recent child migrants] came within the category of “deprived” children and together with other disrupting circumstances could not be expected to be on a par with Australian children’. The Commonwealth Department’s comment in relation to the ‘deprived children aspect’ was that Australian children in institutions ‘also probably lack a normal home life’ and as it was two years since the children arrived from the United Kingdom that ‘they should have settled down by now’.¹⁰⁶ In January 1950 the Secretary of the Commonwealth Department advised the Chief Migration Officer in London to ensure that in future, child migrants sent from the UK are ‘of normal average intelligence’.¹⁰⁷ Dr Coldrey, noting the problems of obtaining ‘suitable’ children, suggested that officials at Australia House took those child migrants that were ‘available’ at the time.¹⁰⁸ Dr Coldrey contends that ‘the critical reality was that few children were available for immigration. Australian authorities – at all levels – were slow to come to terms with changing British care policy towards deprived children’.¹⁰⁹

Changing UK attitudes to the care of children

2.107 As noted above, during and immediately after World War II there was a concerted effort within Australia to boost immigration to Australia of preferably British migrants, including child migrants. Dr Constantine noted, however, that in the United Kingdom, the studied effects of wartime evacuation and family separation confirmed the more widely publicised view in official and professional circles of the importance of stable child-parent relationships for the psychological well-being of children. These conclusions led to a questioning of the appropriateness of child migration as a child care practice.¹¹⁰

2.108 In 1945 the United Kingdom Government appointed the Care of Children Committee (the Curtis Committee) to report on the care of children. The Committee took the conventional natural family as the unit most conducive to the well-being of

105 Cited in Submission No.54, Additional Information, 23.4.01, p.2 (JLG).

106 Commonwealth Department of Immigration, *Cabinet Submission*, 6.5.49.

107 Letter from Mr T. Heyes, Secretary of the Commonwealth Department of Immigration to the Chief Migration Officer, Australia House, London, 6.1.50.

108 Coldrey, *Catholic Institutions*, p.81.

109 Submission No.15, p.55 (Dr Coldrey).

110 Submission No.88, p.2 (Dr Constantine). See also Coldrey, *Child Institutions*, pp.57-60; Submission No.42, p.19-20 (DIMA).

children. The emphasis they placed on the psychological and not just the physical needs of children was indicative of an important shift in professional child care thinking in Britain. In its conclusions, the Curtis Committee emphasised that local authorities and voluntary societies caring for children ‘deprived of a normal home life’ should attempt to replicate the ‘natural family’ as far as possible in child care practice. The Committee concluded that the emigration of children in care should remain open for those with ‘an unfortunate background’ and who ‘express a desire for it’, with the important caveat that the treatment of children sent overseas should not be less satisfactory than the care which they should receive in the United Kingdom. The recommendations of the Curtis Committee were accepted by the United Kingdom Government in March 1947.¹¹¹

2.109 Dr Constantine argued that the recommendations of the Curtis Committee, the views of the Home Office, and changed perceptions of children’s needs altered ‘best practice’ in Britain. The priorities became, if possible, to support children with their natural parent(s), and failing that to secure adoption or boarding-out of children with foster parents. Where children were to be retained in institutional care, the preferred ‘institution’ was to be a small group of children, looked after by a married couple, living in ‘scattered homes’, that is, ordinary houses indistinguishable from others in the neighbourhood. If, as a less desirable option, distinctive institutions were to be operated, these should allow children in small groups of different ages and both sexes to be looked after by a trained house ‘mother’ in purpose built ‘cottage homes’. Far less acceptable were large ‘barrack’ institutions, especially those in which children slept in dormitories and dined in large groups. It was also seen as important that children should not be gathered into single-sex institutions. Siblings should not be separated. Contact with other relatives and friends should be retained. Conventional socialisation should occur by arranging for children, if possible, to attend normal state schools and to be involved in local sports and club activities.¹¹²

The Moss and Ross reports

2.110 Two major investigations into the situation of child migrants were conducted by British government officials in the 1950s. These led to the publication of two reports – the Moss Report in 1953 based on John Moss’s visit in 1951-52; and the Ross Report in 1956 based on a UK official fact finding mission.

2.111 Mr Moss was a member of the Curtis Committee and Kent County Welfare Officer. His visit, at the request of the British Home Office, was to assess the quality of care available to British child migrants in Australian institutions. The Moss Report had much to say in favour of several Australian institutions, and its thrust was to recommend child migration as a suitable child welfare strategy. Nevertheless, as Dr Constantine points out, Curtis principles still guided the necessary reforms that John Moss sought to encourage. Assessing some institutions, he was critical of their

111 Submission No.88, pp.3-4 (Dr Constantine).

112 Submission No.88, pp.3-4 (Dr Constantine).

accommodation and facilities and of their isolation, expressed concern about single-sex establishments, and drew attention to a lack of trained staff. He was keen to see more effort to encourage integration of children with the wider community and wanted to see more use of employment and vocational guidance services. He also urged the societies to abandon barrack-like institutions in favour of cottage homes, boarding-out of more children, or the promotion of adoption as an option.¹¹³

2.112 The other inquiry, the Ross Committee, was a fact finding mission led by John Ross as part of the decision making process for renewing subsidies under the Empire Settlement Act, which were due to expire in 1957. Mr Ross was Assistant Under-Secretary at the Home Office. The Ross Committee attacked the very principle of child migration. They dismissed the argument that deprived children were naturally those who would most benefit from a 'fresh start'. In their view it was 'precisely such children, already rejected and insecure, who might often be ill-equipped to cope with the added strain of migration'.¹¹⁴

2.113 The Ross report also criticised the nature of institutional care in Australia. Of the 26 establishments visited by the Committee, 11 were barrack-type, 8 were cottage-style homes, and 7 were houses or groups of houses. The report criticised the institutional nature of many of the establishments. Moreover the report noted that not all staff in these institutions had 'sufficient knowledge of child care methods', and it expressed regret that there was no specialised scheme of training in child care work in Australia. Especially in the larger establishments, the report stated that there was a lack of a 'homely atmosphere' and too little privacy. Even some cottage homes lacked the mix of children by age and gender characteristic of families. The report noted that evidence of the separation of siblings indicated a failure to grasp the importance of family-focussed child care. The report was critical of the lack of educational and employment opportunities made available to the children. Finally, the report noted that the isolation of several establishments and the lack of contact between children and the local communities inhibited the process of assimilation into Australian society. The report especially singled out five institutions for special condemnation – Dhurringle, Bindoon, St John Bosco Boys' Town, Magill, and Riverview Training Farm, though Mr Ross privately informed Home Office colleagues that 'others could easily have been condemned' but extreme criticism was limited due to 'considerations of practical politics'. The report also noted that some boys and girls were being exploited as cheap labour. Dr Constantine noted that the report 'left no doubt that existing practices should be much overhauled if child care migration were to continue to deserve official British endorsement and further funding'.¹¹⁵

2.114 The Australian government would not agree to the publication of the Report in its first version until Australian officials had visited the institutions. In July 1956 an

113 Moss, J, *Child Migration to Australia*, HMSO, London, 1953.

114 Ross, J, *Child Migration to Australia: Report of a Fact-Finding Mission*, HMSO, London, 1956, p.73.

115 Submission No.88, p.15 (Dr Constantine).

inquiry was conducted by the Prime Minister's Department, but shortcomings were only detected at Dhurringle and Bindoon and minor improvements suggested. The Australian inquiry concluded that 'in view of [this], it is felt that there is no justification for your government to take any action to cause even the temporary deferment of child migration to Australia'. In the United Kingdom, the Commonwealth Relations Office recorded that 'as we feared, the Australian authorities focus only on material things like bathrooms and carpets, and ignore what has been said about atmosphere and management'. A UK Home Office official minuted that the Australian report 'confirms my view that Australian and UK thinking on child care matters is poles apart'.¹¹⁶

2.115 Dr Constantine concluded that it was 'abundantly clear' that the particular practice of child migration after 1945 was considered by most child care professionals in Britain as at best unnecessary and at worst – unless the Curtis Committee caveat was followed – damaging.¹¹⁷ Dr Constantine added that the politics of child care ensured that the caveat was dishonoured:

The voluntary societies in Britain had inherited traditions, reputations and allies, and neither the Home Office nor the Commonwealth Relations Office faced up to confrontation. Even the dependence of the voluntary societies upon British taxpayers' subsidies was not employed as a sanction to insist upon changes in the treatment of British child migrants. Instead British officials attempted to "educate" Australia.¹¹⁸

Conclusion

2.116 The Committee believes that the Commonwealth Government's policy of child migration in the post-war period reflected the values of the time and was well-intentioned. However, this policy is now regarded to have been seriously flawed. The policy had obvious serious and long-lasting deleterious impacts on the lives of many former child migrants.

2.117 The Committee notes that the original intention of the post-war immigration policy was based on a number of motives including humanitarian concerns, and was also in line with the need to increase Australia's population. The idea of rescuing underprivileged children from orphanages in war-ravaged Britain and offering them a new life in Australia had particular popular appeal. At the time it was thought that migrant children would be the 'best migrants' – more readily adaptable than adults, and easier to integrate into the wider Australian community. However, evidence to the Committee indicated that the children sent from British homes and orphanages were amongst the most socially deprived in the United Kingdom at the time and that their backgrounds were not as originally envisaged by the Australian Government.

116 Submission No.88, p.18 (Dr Constantine).

117 Submission No.88, p.23 (Dr Constantine).

118 Submission No.88, p.24 (Dr Constantine).

2.118 The Committee considers that the policy of child migration cannot be seen other than in the context of its time and with regard to the practices of the time, especially the emphasis placed on the institutional care of children, which judged by today's standards is an outmoded practice, and detrimental, in many cases, to the welfare of children in care. This aspect of removing children from the United Kingdom under government and private migration schemes needs to be seen separately from the subsequent treatment they endured in Australian institutions by those who had direct charge of them. However, both aspects contributed to the harsh outcomes for the children in care.

2.119 The Committee also believes that the roles and responsibilities of all governments involved in child migration need to be recognised. While the Australian Government played a significant role and must accept its responsibility for the consequences of those policies, the role of the British Government in facilitating and providing financial support for the schemes was fundamental. The Committee considers that it should be recognised that without the co-operation of the British Government, the child migration schemes could not have operated.

Child migration from Malta

2.120 Between 1950 and 1965 some 310 Maltese children – 259 boys and 51 girls were sent from Malta to Australia (see Appendix 6 for further details), although child migration, a long-standing feature of British social policy, had no long-standing roots in Maltese society. In Maltese society comprising large, extended close-knit families the 'abandoned child' hardly existed. However, most Maltese were poor, their families were large, and the pressure of population on resources meant that the Maltese, from at least the 19th century, were an emigrant people.¹¹⁹

2.121 Child migration from Malta was a marginal feature of Maltese emigration in general, with adult migration playing a much larger role. Child migration was first mooted in the 1930s when the Christian Brothers through Brother Conlon, negotiated with the Catholic Emigration Society (UK) regarding the emigration of child migrants from Catholic institutions in the United Kingdom to the Brothers' institutions in Western Australia. Some Maltese Catholic leaders in Australia were anxious for Maltese children in institutions to be included in the scheme. In 1938, Brother Conlon negotiated a draft agreement with the Maltese Government to take some 20 boys annually from institutions and poor families in Malta to Western Australia. However, the agreement was not implemented immediately and the war postponed further consideration of child migration.

2.122 World War II had a devastating effect on Malta, and in its wake, and in the midst of a population explosion in the country, the Maltese Government encouraged tens of thousands of its citizens to emigrate. In February 1950 a formal agreement between the Maltese Government and the Catholic hierarchy in Australia was signed

119 Coldrey, BM, *Child Migration from Malta to Australia: 1930s to 1960s*, Tamanaraik Publishing, 1992, p.i.

with Australian Government approval regarding child emigration from Malta.¹²⁰ The Agreement provided that ‘the [Maltese] Minister shall undertake all the general administrative work in Malta connected with the said scheme including the selection of the children under the control of the Maltese Government and their approval by the Australian Government and the Australian Catholic Church Immigration Authorities prior to embarkation for Australia’. The Agreement also provided that the Catholic Immigration Committee ‘undertake that the training of the children admitted to the Institutions under this Agreement shall be of the kind that shall fit them for life in Australia’.¹²¹

2.123 The first Maltese child migrants arrived in Western Australia in April 1950 and were placed in Christian Brothers’ institutions, according to their ages and perceived level of academic potential. Thereafter, groups of 10 to 20 young unaccompanied migrants arrived each year until the mid-1960s.¹²²

2.124 Most of the child migrants were male and almost all were placed in Catholic institutions in Western Australia. The majority were not orphans but came from large families that found it difficult to cope after the war while some were from single parent families. Initial selection was made by calling for volunteers. Medical and academic tests were then applied and final selections made by Australian migration officials in Malta. Parents were often encouraged by the Catholic clergy to permit their children to migrate.¹²³

2.125 Submissions emphasised that there were significant differences between the experiences of child migrants from the United Kingdom and from Malta. In the case of Maltese child migrants, families were often involved in the migration of children. One submission noted that in ‘most cases a parent or parents were involved in the decision to come out here. Their consent was given on the understanding that they were sending us here to get a better education and with the hope of returning to Malta qualified in some field or other’.¹²⁴ C-BERS noted that although the circumstances of their migration were different, the Maltese child migrants ‘did experience family dislocation – often with similar effects’, such as the impact of separation and isolation from family members.¹²⁵

120 The Agreement was signed by Fr WA Nicol, the Australian Catholic Bishops agent for migration in London representing the Australian Catholic Immigration Committee and the Hon. JJ Cole, Minister of Emigration and Labour in the Maltese Government.

121 Coldrey, *Child Migration from Malta*, Appendix 5, ‘Child Settlement Agreement between the Catholic Hierarchy in Australia and the Malta Government’.

122 Coldrey, *Child Migration from Malta*, pp.i-ii,15.

123 Submission No.7, Attachment 1.

124 Submission No.45, Additional Information, 4.5.01, Appendix 2 (C-BERS). See also Submission No.7, p.1.

125 Submission No.45, p.3 (C-BERS). See also Submission No.7, pp.1-2.

2.126 Maltese child migrants have also had a relatively higher level of family reunification than former UK child migrants. C-BERS estimated that at least 45 per cent of Maltese former child migrants were reunited with their families who subsequently become resident in Australia, and another 5 per cent returned to Malta – thus in total some 50 per cent of Maltese former child migrants were reunited with their families.¹²⁶ C-BERS noted, however, that while many of these children were the ‘first wave’ of a subsequent family reunion ‘we are now finding that the impact of separation has often had effects on the family unit that have been irreparable’.

2.127 C-BERS also noted the need for both UK and Maltese former child migrants ‘to experience the culture and ambience of the place where they spent their early childhoods’ and that this factor should not be underestimated.¹²⁷ As noted in chapter 7, C-BERS has funded a number of reunion trips for former Maltese child migrants for travel back to Malta. However, former Maltese child migrants are ineligible for funding under the UK travel scheme.

2.128 Evidence to the inquiry highlighted a number of concerns of former Maltese child migrants:

- many former child migrants have been given confusing information concerning their rights to Australian citizenship and their rights to British citizenship (as Malta was a British colony at the time of the child migration schemes);
- the child migrants worked at institutions, such as Bindoon, with no remuneration – as a consequence of this work – which took the place of education – many Maltese child migrants never learned to read and write and so remained illiterate;
- a number of Maltese child migrants, like the British child migrants, were abused in a number of ways at the institutions – one former Maltese child migrant noted ‘the sexual and physical abuse that I suffered instead of my education’¹²⁸;
- some Maltese migrants did get help from families and from the institutions, while others did not – ‘this has set up a strong feeling of unfairness’;
- Maltese child migrants were often made to stop speaking and using their own language in the institutions;
- some claimed that the names of some Maltese migrants are not on the PHIND index;
- the Maltese Government had an important role in the migration scheme – ‘however, the Maltese government has never publicly accepted any responsibility’; and

126 Submission No.45, Additional Information, 4.5.01, p.4 (C-BERS).

127 Submission No.45, p.3 (C-BERS).

128 Submission No.7, p.2.

- former child migrants from Malta wish to be known as pioneers ‘who can hold their heads up high’.¹²⁹

2.129 The needs of former Maltese child migrants were identified as follows:

- clarification about their ‘rights as Maltese/British citizens’;
- a chance to live in their country of birth;
- a formal apology from the government(s) involved in the child migration schemes;
- counselling that is freely available;
- a half-way house in Malta for returning former child migrants;
- financial support – ‘monetary compensation’ for the traumas suffered while in the institutions;
- ‘liaison links’ with the Maltese government;
- support for literacy and numeracy classes;
- less restrictive travel assistance arrangements;
- an ‘interface’ between Maltese former child migrants and their families and governments; and
- urgent attention to these needs as due the increasing age of the child migrants ‘we are running out of time’.¹³⁰

2.130 These issues and concerns are discussed in the following chapters of the report.

2.131 The Committee believes that the British and Maltese child migrants suffered equally in the institutions and should not be differentiated in their rights to access any services provided to former child migrants.

Recommendation 2: That British and Maltese former child migrants be treated equally in accessing any of the services currently provided or as recommended in this report, including access to travel funding.

129 Submission No.45, Additional Information, 4.5.01, pp.2-3 (C-BERS). This information is from comments received at a forum of former Maltese child migrants held in Perth to discuss the needs of former Maltese child migrants in response to this inquiry. See also Submission No.7, pp.1-3.

130 Submission No.45, Additional Information, 4.5.01 p.3 (C-BERS).

CHAPTER 3

THE SENDING TO AUSTRALIA

We left the U.K. from Tilbury Docks...Little did I realise the magnitude or the implications of the decision made by the British Government to deport us, this would be the last time that I would see my mother.¹

3.1 This chapter discusses some of the factors relating to the process of sending the child migrants to Australia. A number of organisations and religious orders were involved in child migration to Australia. The children chosen came overwhelmingly from institutions in the United Kingdom. An important question concerning who gave consent for the children to be sent was raised during the inquiry. Finally there has been debate over the actual numbers of child migrants sent to Australia during the twentieth century.

Agencies involved in child emigration

3.2 The main organisations involved in child migration to Australia during the 20th century were Barnardos, Fairbridge and a number of Catholic religious orders. A number of Protestant Churches and the Salvation Army were also involved, albeit in a smaller way.

3.3 Prior to 1939 almost all the child migrants arrived under the auspices of Barnardos and Fairbridge. As noted previously, after the Second World War, the main receiving agencies for child migrants were Catholic Church agencies, Fairbridge, Barnardos as well as some Protestant Churches. The role of Fairbridge and Barnardos was significantly reduced in the post-war period, whereas the Catholic Church played a more significant role in child emigration.

Barnardos

3.4 The most well-known of the late 19th century scheme's was run by Dr Barnardo, an evangelical philanthropist and social reformer who was born in Dublin and who moved to London in 1866. He supported schemes to send children from the slums of London to rural areas of England and also to the colonies.

3.5 From the 1880s until 1930, Barnardos sent some 20,000 child migrants to Canada. By comparison, Barnardo's involvement with Australia was small scale. In 1871 a family of three children rescued from London's slums was sent to live with a family in Australia. In 1883, an unofficial group of older Barnardo's boys arrived in Fremantle. Barnardo's Homes extended their field of operations in Australia in a systematic way after World War 1.

1 Submission No.4, p.1.

3.6 Barnardos initially sent children to the Fairbridge Farm School in Western Australia and subsequently established its own model farm school at Mowbray Park, near Picton (New South Wales) in 1929. The boys were trained as farm labourers, the girls as domestic servants, while accommodation was on the cottage principle. During the pre-war years, in particular, Barnardos child migrants:

...were seen as additions to the workforce rather than as children who required schooling. There was a rule, strictly applied, that boys work on the land and girls work as domestics. It was introduced early in the century as a condition of migration. Basically it was to avoid industrial unrest if Barnardos Boys (and presumably Girls) were to compete for jobs with unionised people in the cities.²

3.7 In 1946, in preparation for the renewal of child migration, the clause requiring boys to work on the land and girls to be placed in domestic service, was removed from the Barnardos charter. All children were given a choice of occupation within their vocational skills and interests. Mr Alan Gill noted that although abolished on paper, at least for girls, the old rule continued in practice much as before.³

3.8 In 1947 the first post-war group of Barnardo's Homes children arrived in New South Wales. In 1950, Greenwood, a property at Normanhurst (NSW) was purchased. Boys and girls were to be trained on the same property, a departure from previous practice.⁴ In 1956, Barnardos adopted a policy of establishing small, family-group homes, and in 1964 its services began to be reoriented towards caring for Australian-born children. By 1967 the last party of seven child migrants arrived in Sydney. In the 1950s Barnardos Australia was a branch of Barnardos UK; it was subsequently incorporated in New South Wales and in 1996 became a separate organisation from Barnardos UK. Barnardos UK now licenses the Australian group to utilise the name.⁵

Fairbridge

3.9 Kingsley Fairbridge, the founder of the Fairbridge Society was born in 1885 in South Africa. He was a philanthropist whose aim was to provide deprived children from the slums of Britain with a sense of self-worth, and the training and farming skills necessary for life in rural areas of the British Empire.

3.10 In 1912 with the assistance of the Western Australian Government, in the form of a land grant, he established a Farm School at Pinjarra to accommodate and train underprivileged British children in farming techniques. The first group of 13 child migrants arrived in Western Australia in 1913. In 1915 the Western Australian

2 Gill, A, *Orphans of the Empire: the shocking story of child migration to Australia*, Random House, Sydney, 1998, p.121.

3 Gill, p.122.

4 Gill, pp.114-16; National Archives of Australia (NAA), *Good British Stock: Child and Youth Migration to Australia, 1901-83*, Research Guide No.11, 1999, Ch 3, Part 12.

5 From discussions with Barnardos UK and Submission No.50, Appendix 2 (Barnardos).

Government agreed to provide a subsidy of 4/- per week for each child at Pinjarra, which was subsequently increased to 6/- per week in 1916. After 1913 the ensuing years 'saw a desperate struggle for survival as World War I separated Fairbridge from his Oxford support base and diverted attentions elsewhere'.⁶

3.11 At the conclusion of the war, Mr Fairbridge went to London to rekindle enthusiasm in the project and seek British Government support. One study noted that 'his arrival was opportune as immigration was re-commencing, imperial unity was in vogue, and convinced imperialists such as Lord Milner and L S Amery were dominant at the Colonial Office'.⁷ He expanded the scheme in the 1920s and obtained funding from the Commonwealth, Western Australian and British Governments. Under the *Empire Settlement Act 1922* (UK), the Overseas Development Board granted Fairbridge a substantial subsidy to purchase a new property at Pinjarra (Western Australia) and develop its facilities. In 1922 the Western Australian Government and the Commonwealth Government each agreed to pay 5/- per child per week for children to the age of 14 years. Barnardos Homes cooperated with Fairbridge in sending children, and the farm school was intended to take 300 children at a time. By 1924, cottage homes for 200 children had been built, and a school was provided and staffed by the Western Australian Government.

3.12 Mr Fairbridge died in 1924, but under his successors, the Fairbridge system matured. Moves to increase the numbers at the Pinjarra Farm School from 200 to 300 children were given an impetus in 1927 with an Agreement made between the UK Secretary of State for Dominion Affairs and the Child Emigration Society in which provision was made for the maintenance of children sailing to Australia beginning in 1932. By 1932, the Farm School was receiving government subsidies from the Commonwealth, State and British Governments. The Commonwealth and the State were each contributing 3/6 per head per week and the British Government was providing 5/- per week for each child.⁸

3.13 The Fairbridge system involved small group homes under cottage mothers; primary education at local state schools until the age of 14 years; one year to 18 months training in farm work followed by placement in first jobs with boys as farm labourers and girls as domestic servants. One study noted that the principle of 'girls to domestic service, boys to farms' became anachronistic even during the 1930s – 'yet Fairbridge management clung to this principle until after World War II. There were tensions between Fairbridge, Western Australia and the parent body in London – also unresolved until well after the war. However, the Fairbridge mystique remained strong and the ideal still inspired'.⁹

6 NAA, Ch 3, Part 10.

7 NAA, Ch 3, Part 10.

8 Western Australia Legislative Assembly, Select Committee into Child Migration, *Interim Report*, 1996, pp.29-30.

9 NAA, Ch 3, Part 10.

3.14 In 1937 a second Fairbridge Farm School was established at Molong, near Orange in New South Wales. The Molong farm school was largely developed and operated with Australian funds, in contrast to Pinjarra which was funded and operated from the United Kingdom. The first British child migrants arrived in 1938 and between then and 1959 a total of 545 children passed through the Farm School. Thereafter the Farm School took in child migrants who were accompanied to Australia by a sole parent and, in the later years, before closing in 1973, children who had come to Australia with both parents.¹⁰

3.15 The Northcote Farm School, based on Fairbridge principles, was established at Glenmore, near Bacchus Marsh, Victoria, in 1937. The Farm was established as a result of a bequest by Lady Northcote, an admirer of Kingsley Fairbridge and his Farm School initiative. The Northcote bequest was invested in England by a group of trustees which included as chairman Earl Grey, a former Governor-General of Canada – ‘a firm imperialist with whom Fairbridge had discussed his plans’.¹¹ In 1936 a wealthy pastoralist, William Anglis, gifted a farm at Glenmore for the project. The Australian Government agreed to provide 3/- per child maintenance per week, while the British Government agreed to contribute 5/- sterling per week for each child up to the age of 14 years.

3.16 Although the Northcote Farm was established independently of Fairbridge it soon developed a close relationship with the Fairbridge Society, with the Society agreeing to select and send children from Britain to the farm school.¹² Professor Sherington and Mr Jeffery noted that Earl Grey approached Fairbridge in July 1935 seeking assistance and advice – ‘as a result the Society agreed to select and send out children for a charge of £30 per child. For this return the Society would also receive and keep reports on individual children and represent the Northcote Children’s Farm in any enquiries and correspondence. In effect, Fairbridge became the arm of Northcote in Britain’.¹³

3.17 After World War II, the Fairbridge schools continued to receive child migrants but by even the early 1950s ‘their management could see the “writing on the wall” for the farm school movement. Fewer children were available every year. In view of this situation, Fairbridge experimented with the so-called “One Parent” and “Two Parent” schemes to widen their catchment pool’.¹⁴

3.18 Small Fairbridge family homes were established at Tresca (Tasmania) and Hagley (Tasmania) and survived until the early 1970s. However, one study noted that ‘the rapidly changing times had made any scheme of child migration anachronistic.

10 Submission No.43, p.1 (Fairbridge Foundation).

11 Sherington, G and Jeffery, C, *Fairbridge: Empire and Child Migration*, University of Western Australia Press, 1998, p.164.

12 Sherington & Jeffery, pp.164-66, 262.

13 Sherington & Jeffery, p.166.

14 NAA, Ch 3, part 10.

Fairbridge – by adapting remained in the field longer than other child migration bodies, but social trends could be resisted only for so long. The end came in 1973’.¹⁵

Catholic Church agencies

3.19 There were three principal Catholic religious orders associated with child migration in Australia – the Christian Brothers, Sisters of Mercy and the Poor Sisters of Nazareth. The Christian Brothers were founded in 1802 in Ireland, by a former businessman, Edmund Rice. After the death of his wife he established an order of religious brothers for the education of poor boys.

3.20 In Australia, the Christian Brothers managed four Western Australian Catholic orphanages – Clontarf, Castledare, Bindoon and Tardun – which received child migrants, initially in 1938-39 and in larger numbers after 1947. As noted previously, Catholic interest in juvenile migration in Western Australia was associated with the founding of the Knights of the Southern Cross in Perth in 1922 as a Catholic counterpart to the Freemasons Lodge. One of the Knights’ objectives was increasing Catholic migration to Western Australia, and more specifically child migration.

3.21 The Sisters of Mercy, which were founded in 1831 in Ireland, took a number of child migrants into their orphanages at Goodwood (South Australia), and Neerkol, near Rockhampton (Queensland). The Poor Sisters of Nazareth, which were established in London in 1851, cooperated with the Christian Brothers in sending many of the boys in their care in English institutions to the Christian Brothers’ orphanages in Western Australia. They took a number of girls from Britain into their home – Nazareth House – at Geraldton (Western Australia) after World War II.¹⁶ Other religious orders receiving children, albeit on a smaller scale, were the Daughters of Charity, Sisters of St Joseph, Marist Brothers and the Salesian order.

Church of England

3.22 Church of England involvement in child migration began during the 1920s when various prominent figures within the Church in Australia encouraged assisted immigration. The Church of England had commenced migration work before the passing of the Empire Settlement Act – in 1921 it sponsored 174 persons to Australia, many of them ex-servicemen, and large numbers of boys for farm work soon followed. In Queensland, Canon D J Garland managed schemes for both adults and farm boys, while the church in NSW was assisting some 700 immigrants by 1925.¹⁷

3.23 After World War II the Anglican Church was not heavily involved in juvenile migration. Fairbridge, the Big Brother Movement and Barnardos were the main groups involved in the migration of Protestant youths in the post-war period. However, a number of children were brought to the Swan Homes near Perth (Western

15 NAA, Ch 3, Part 10.

16 NAA, Ch 3, Part 14.

17 NAA, Ch 3, part 15.

Australia).¹⁸ In 1947 Swan Homes was approached by the Commonwealth Government to place British child migrants in the institution with the British and Australian Governments agreeing to pay for their maintenance. Swan Homes agreed to this arrangement as the Commonwealth Government committed to the provision of capital funding to erect the necessary buildings to house the children as Swan Homes at that time did not have sufficient accommodation. By 1953, Swan Homes was caring for 211 children, 142 boys and 69 girls. A total of 350 children were sent to Swan Homes between 1947 and 1960.¹⁹

Methodist and Presbyterian Churches

3.24 The Methodist and Presbyterian Churches were only involved in child migration in a relatively small way. The Methodist Church's involvement in child migration began in 1938-39 when some 37 children were sent from the National Children's Homes in the UK to the Northcote Farm School.²⁰ Between 1950 and 1954 some 91 children emigrated in small parties to Australia and were accommodated in four Methodist homes – the Methodist Home for Children, 'Dalmar', in Sydney (New South Wales), the Methodist Home in Cheltenham (Victoria), Methodist Children's Home, Magill in Adelaide (South Australia) and Methodist Girls' Homes, 'Mofflyn' in Perth (Western Australia).²¹

3.25 The Presbyterian Church administered a home 'Dhurringile' at Tatura (Victoria) and received child migrants sent by the Church of Scotland. The first 29 boys arrived in 1950 and for a few years some 50 boys were in residence. Thereafter, the numbers declined and the home closed in 1964. The Church also operated the Burnside Orphan Homes at Parramatta (NSW).²²

Salvation Army

3.26 In the 1920s the Salvation Army was involved in efforts in helping especially poor young people move out of the crowded British cities to new opportunities in the Dominions – mostly in Canada and Australia. The scheme applied to youths aged 14 to 19 years. On arrival in Australia work was guaranteed on farms which had been selected by the Army. The scheme was especially focussed on Queensland with the Army establishing a special training camp at Riverview near Brisbane to give boys training in farming. Between 1908 and 1914 the Salvation Army had directly assisted some 50,000 adults and children to emigrate to the Dominions – however, separate figures for Australia are not available.²³

18 Submission No.56, p.2 (Swanleigh).

19 Peterkin, AR, *The Noisy Mansions: The Story of Swanleigh 1868-1971*, Swanleigh, 1986, pp. 105-110; Submission No.56, pp.1-2 (Swanleigh).

20 NCH was established in England in 1869 by a Methodist Minister, Dr Thomas Stephenson.

21 NAA, Ch.3, Part 17.

22 NAA, Ch.3, Part 18.

23 Gill, p.197.

3.27 The exact nature of the Salvation Army's involvement in child migration after World War II is unclear. Mr Gill stated that while the Army arranged the migration of thousands of children to join parents or guardians, and in some cases, to be adopted, it did not formally participate in the Government-endorsed post-war child migration scheme. However, Mr Gill argues that there were exceptions – in New South Wales, British children brought out by the Army joined Australian children at the Salvation Army's Bexley Boys' Home and Arncliffe Girls Home. Two country homes at Goulburn (for boys) and Canowindra (for girls) served the needs of children of high school age. Older youths attended the Riverview Training Farm School at Ipswich (Queensland). Child migrants also attended 'Seaforth', in Gosnells (Western Australia).²⁴

3.28 One study stated that the Salvation Army 'was not involved with child migration, strictly defined, after the war' noting that fewer than 100 'youth migrants' were sent to Riverview during the 1950s.²⁵

Institutions receiving child migrants

3.29 Appendix 3 lists the institutions receiving child migrants in Australia. It is compiled from a variety of sources, and every effort has been made to ensure that it is a comprehensive listing of the institutions receiving child migrants over the course of the 20th century. The list also includes some institutions that were licensed to receive child migrants but do not appear to have received any child migrants.

Consent to migration

3.30 In the course of the inquiry, many former child migrants complained that they were sent to Australia without their parent's consent. One former child migrant stated:

There is document after document showing details of my life. There is not one document that shows where my mother agreed to my being firstly deported out here and there is not one document to show that she agreed to my being adopted. There is no document that shows her signature to say that she agrees to those two items I have just mentioned.²⁶

Deception of parents and children

3.31 Some parents did give consent to migration, but there is evidence that they were told that their children would be fostered and would have a 'decent life'. One mother wrote 'I was told it would be a very good move for them with better prospects than staying in England...letting them go to Australia was the hardest thing I have ever had to do in my life but I believed it was the best thing for them'.²⁷

24 Gill, pp.199-200.

25 NAA, Ch. 3, Part 16.

26 *Committee Hansard*, 15.3.01, p.172.

27 Submission (Confidential).

3.32 The NCH noted during its discussions with the Committee in London that an examination of its records showed that parental consent was requested and that in many cases the parent said ‘no’. NCH conceded that parents were often unaware of the full ramifications of giving consent, with some now admitting they signed thinking it was in the best interest of the child who could be repatriated if unhappy.

3.33 There was much evidence that pressure was put on parents to consent to adoption, similarly believing that they would be giving their children a new life with a family and opportunities that they could not provide. Many former child migrants indicated that their parents had given consent to adoption within Britain but did not agree to migration to Australia. Parents were very shocked to find that their children had been sent to Australia.

As a young unmarried mother at the beginning of World War II, starving, jobless and ill, [my mother] had surrendered her sickly infant daughter to the good Sisters of Charity, never to see her again. Her only comfort had been in the knowledge that her baby had been adopted by a good Catholic family. The hurtful deception, however well-intentioned was the source of great stress in her latter years and went a long way to hindering any chance of us sharing any mother/daughter relationship.²⁸

3.34 Others did not agree to adoption, rather the parent had sought only a temporary placement in an institution until they could come back and claim their child. These parents expected to come back to get their children once they were ‘on their feet’, but instead had their children stolen away from them. One former child migrant discovered that her mother, on trying to reclaim her, had been told that she had been adopted to America. The mother’s telegram demanding that the adoption be halted was on the file. The child migrant stated that ‘it was all a lie anyway—I remained in England for another five years’ and was then migrated without her mother’s knowledge or consent.²⁹ The Committee heard other cases where parents were told that children had been adopted when in fact they remained in institutions in the United Kingdom for some time before leaving for Australia.

3.35 The Committee also heard of cases where relatives of the child in care had actively sought to prevent migration but the child was still migrated:

...my Aunt Mary found out that I was to be sent to Australia and got in touch with the Sisters at Nazareth House to object to my being sent to Australia. I was given a thrashing because my Aunt had found out and blamed for getting in touch with her.³⁰

In one particularly distressing case, the mother of a child being emigrated went to a train station to remove her child from the train. The nuns in charge forcibly restrained

28 Submission No.97, p.4.

29 Submission (Confidential).

30 Submission No.64, p.2.

the mother. The child migrant recalled how he thought he was going on a holiday and called out ‘will you be here when I come back mum?’ He stated that ‘these words still haunt my mum to this day, fifty years on’.³¹

3.36 In a further case, a divorce court ruled, against the wishes of the mother, that the children of the marriage should be migrated. The former child migrant noted ‘there was absolutely no thought given to the effect that separating children from their mothers would have on everyone concerned, then and for the future’.³²

3.37 There were also many complaints that the head of the institution gave consent rather than a parent who was still alive and who should have been consulted about their children’s migration:

[The immigration form] was signed by a Sister Bonaface on behalf of the Catholic Church. It is clearly a document which is false. The fact that I had other brothers and sisters living in other orphanages: somewhere someone should have investigated the fact. What has clearly happened here is that no-one at that stage bothered to see who was being brought from England. No-one checked on family background, it was just a matter of ‘Hand up if you want to go to Australia.’ If you put your hand up you went. I did not see this document until 1992.³³

3.38 Many witnesses also provided similar stories of being asked if they wanted to go on a holiday to Australia. They were told that there were kangaroos in the street and that you could put your hand out of the window to pick fruit from a tree. The children were given no indication that Australia was a great distance away and that they would not be returning to Britain.

3.39 Professor Sherington and Dr Coldrey have both considered the question of gaining parental consent for the migration of children. Professor Sherington noted that the issue of consent is ‘one of the more controversial issues associated with child migration’.³⁴ Dr Coldrey stated that ‘the idea that parents were treated shabbily or worse by charitable agencies, ignores the law as it stood, and the chaotic poverty-stricken world of the urban underclass from which the child migrants were dispatched’.³⁵

Children placed in care

3.40 In Britain, prior to the establishment of the welfare state, families in crisis often sought help from charitable societies or churches rather than have children

31 Submission (Confidential).

32 Submission No.120, p.2.

33 *Committee Hansard*, 16.2.01, p.90.

34 Submission No.119, p.2 (Professor Sherington).

35 Coldrey, BM, *Child Migration: Consent of Parents to their Children’s Emigration: The Legal and Moral Dimension*, Tamanaraik Press, 1996, Forward, p.2.

placed under compulsion in workhouses or state orphanages under the Poor Law. Barnardos UK, for example, indicated that children were committed to Barnardo's custody under the *Children Act 1908* (UK) but the majority of children were given into Barnardo's care directly by their family.³⁶

3.41 The children were committed to care because of a number of circumstances. Most commonly, many children were placed in care because they were illegitimate or abandoned. In Britain, many Catholic homes for unmarried mothers were managed by the Sisters of Nazareth or attached to Diocesan 'Crusades of Rescue'. Mothers also had their babies at Father Hudson Homes in the Midlands and Mersyside. When the babies were born, their mothers normally made the children available for adoption. Mothers often came from other parts of the British Isles, including Ireland, to have their babies in secret and then later returned home with the baby left behind. Barnardos also stated that in some cases children were abandoned in public places soon after birth and placed in its care.

3.42 In other cases, children were placed in care because of a change in circumstances in their families: one of the parents may have died or deserted the family and the remaining parent, often the mother, was unable to cope with balancing the need to work and raising the children on their own. The Committee also heard of a case where the mother was forced to choose between her keeping her children and remarriage.

3.43 Both Professor Sherington and Dr Coldrey stated that on many occasions the societies and orphanages had simply lost all contact with parents. Professor Sherington noted that the organisations then formally or informally assumed the role of *in loco parentis*. Dr Coldrey has written that sometimes the mother who had left a child in the care of the Church would return for the child when her situation improved, but often the visits by the mother became more infrequent and the child was 'abandoned – deserted for all practical purposes' and migration to Australia seemed the best option.³⁷

Regulation of migration

3.44 Barnardos UK stated that 'despite being a part of state policy, child migration schemes operated by charities were subject to very little regulation'. In relation to the legal requirements for child migration, under the Poor Laws of the 19th century, children could be migrated with the consent of the Poor Law Board and the consent of each child before two Justices of the Peace. Under the *Poor Law Amendment Act 1930* (UK), 'orphans' or 'deserted children' could be brought before two Justices of the Peace to give their agreement to their migration.³⁸

36 Submission No.50, Attachment 'After Care Service' (Barnardos).

37 Coldrey, *Consent of Parents*, p.40.

38 Coldrey, *Consent of Parents* p.41.

3.45 With the resumption of migration post war, Dr Coldrey stated that until the proclamation of the *Children Act 1948* (UK), emigration was carried out under the old procedures based on the *Custody of Children Act 1891* (UK) which ‘implied a right in the voluntary agencies to dispose of children apparently abandoned’. Evidence to the Committee indicates that this ‘apparently abandoned’ discretion was loosely used. Apart from this legislation, the voluntary agencies sought the consent of parent(s) if available or relied on:

- consent of the child given before two Justices of the Peace (under the Poor Laws); or
- the consent of parents given when the child was first placed in the institution that is in the paper signed by the parent (for example admission documents to Barnardos from Thomas Barnardo’s time contained a clause relating to child migration. These were signed by parents on a child being received into Barnardo’s care, thus giving consent for children to be sent overseas if the charity thought it appropriate); or
- the consent of the parent(s) given to have the child adopted where adoption had proved impossible and the carers felt that something had to be done.³⁹

3.46 The voluntary agencies often relied on the helplessness of many parents from lower socio-economic backgrounds to counter what they regarded as a superior authority.

3.47 The *Children Act 1948* referred to in chapter 2 sought to regulate the voluntary agencies and local authorities in arranging for the emigration of children in their care. The Act enabled a local authority, with the consent of the Secretary of State, to procure or assist in procuring the emigration of any child in their care. In this event, the Secretary of State had to be satisfied that parents or guardian were consulted and if this was not possible that the child, if old enough, consented to migration. The Act also empowered the Secretary of State to make regulations ‘to control the making and carrying out by voluntary organisations of arrangements for the emigration of children’. No such regulations were promulgated.

Consent to migrate

3.48 Professor Sherington suggested that migration without the consent of parents was more common amongst the child migrants arriving in Australia prior to 1939 than after 1947 when government regulations in Britain made the practice more difficult. There is evidence that parents did indeed consent to migration and in some cases, such as in the case of the Fairbridge Society, from the inception of the scheme in 1912 parents enrolled their own children with the Society. After 1947, more than half the children arriving through the Fairbridge Society had been enrolled with the Society by

39 Coldrey, *Consent of Parents*, pp.46-47.

their natural parents.⁴⁰ Another group of child migrants whose parents did give consent were those children from Malta.⁴¹

3.49 As Dr Coldrey has noted, in some instances, the agreement by parents to the adoption of their child was taken by institutions as agreement to migration. The Committee received evidence that some parents had agreed to adoption but at no time were they informed that ‘adoption’ could in fact mean migration to Australia.

3.50 In other cases, parents agreed to migration by signing admission documents which contained a clause relating to child migration. Barnardos noted that as many parents could not read, there were cases where parents believed that their children had been migrated without their knowledge. After World War II it became Barnardo’s practice to write to a child’s family seeking explicit consent for a child to be sent to Australia.⁴² Professor Sherington noted that Barnardos had informed the British Government in 1954 that more than two-thirds of parents consulted had refused consent to emigration and as a result Barnardos had only sent to Australia about 2 per cent of the potential pool of children.⁴³

3.51 There is some evidence of institutions attempting to find parents before children were migrated. Professor Sherington indicated that the files of the Fairbridge Society hold evidence that efforts were made to find parents but without success. The Catholic Children’s Society (Westminster), formerly the Crusade of Rescue, submitted to the West Australian Select Committee into Child Migration that extant records show that attempts were made to locate relatives prior to migration with a number of letters returned as the whereabouts of the addressees were unknown.

3.52 Professor Sherington commented that in the cases where parents were not directly involved or consulted, Fairbridge ‘seems to have relied on the opinion of the home from which the children came and assumed often that all contact had been lost with the parents’.⁴⁴ However, Professor Sherington noted that ‘on other occasions, there is no doubt that efforts were made to ‘protect’ children from their past particularly if their mothers were unmarried when they were born’. Professor Sherington concluded that the relationship between parents, their children and institutions were complex and depended on a number of circumstances. Further, ‘there were also different views about children and childhood and the roles and rights of parents in various schemes of child migration’.⁴⁵

40 Submission No.119, p.2 (Professor Sherington).

41 Submission No.54, p.13 (JLG).

42 Submission No.50 Attachment (Barnardos).

43 Submission No.119, Additional Information 24.4.01, p.1 (Professor Sherington).

44 Submission No.119, Additional Information, p.1 (Professor Sherington).

45 Submission No.119, pp.2-3.

3.53 In relation to Catholic migration, Dr Coldrey stated that ‘the handling of the consent of parents during the 1938/39 emigration to the Tardun scheme was meticulous’. During preparation for the migration of the boys, parents were traced so that they could give their consent, and in other cases approval was obtained from a Magistrates Court to emigrant children whose legal guardian could not be contacted.⁴⁶ For a group of girls migrated to Neerkol in 1951, the Home Office noted that consent by parents was obtained for nine of the 24 girls and for the other 15 parents were untraceable and consent had been given by the de facto guardian.⁴⁷

3.54 Dr Coldrey commented that ‘there is no doubt that the societies sought the signature of the parent on the Emigration Form, if possible; or a recent letter from the parent(s) approving of the planned departure of their child’. However, there ‘were many perfectly good reasons why a parent’s signature was not on the appropriate form, even though the parent or guardian had given permission for the emigration; or given permission to the Home Manager(s) to deal as they thought appropriate when disposing of a child’. Dr Coldrey argued that the actual consent forms may not have been signed by parents but the guardians had done so on receipt of a letter from the mother giving consent or where the consent was given to a third person, such as the local priest, acting on behalf of the guardian.⁴⁸

3.55 The Catholic Child Welfare Council (CCWC) provided an analysis of data it held which shows that of the 1,149 Catholic children migrated to Australia, consent by birth parent(s) was given in 229 instances (20%). In 920 (80%) cases, CCWC stated that it was unknown whether or not consent was given as the documentary evidence remains unfound.⁴⁹ A study of National Children’s Homes records indicated that out of 91 children sent to Australia between 1950 and 1954, a parent or guardian signed 67 consent forms.⁵⁰

3.56 A further matter that was raised in evidence was the giving of consent by the child migrants themselves. As already noted, consent by a child to migrate could be given before two Justices of the Peace. It is unclear from the evidence if authorities believed that asking children if they wanted to go to Australia for a holiday was compliance with this requirement. However, many former child migrants believe that they were deceived into giving consent by stories of great adventures in Australia. One former child migrant commented ‘the selection process was more like selling the idea to a group of lonely children who would grasp at any idea of change and adventure. What a cynical manipulation of young lives!’⁵¹

46 Coldrey, *Consent of Parents*, pp.45-46.

47 Coldrey, *Consent of Parents*, p.51.

48 Coldrey, *Consent of Parents*, pp.40, 47-48.

49 Submission No.51, Attachment, p.6 (CCWC).

50 Submission No.135, p.9 (WA Department for Family and Children’s Services).

51 Submission No.97, p.1.

3.57 Former child migrants also questioned the ability of young children to give consent to migration. One former child migrant argued:

it beggars belief that the authorities at the time believed that children, some as young as five years of age, could make an informed decision on a matter of this nature...[Church authorities] enticed these gullible children with the fables and fanciful lies that were spouted. Bear in mind that this was done shortly after these same children had been exposed to five years of continuous bombing and war. Combine this with the privations brought about as a consequence of the wartime rationing of food and one would have to question the morality of this selection procedure.⁵²

Conclusion

3.58 Evidence provided to the Committee indicates that for some children, parental consent was received and indeed in some cases parents actively sought placement of their children in the migration scheme. However, there is evidence that some parents who did consent, only did so because they were assured that their children would be better off in Australia, that there were greater opportunities for them and that they would be well cared for. While organisations may have had good intentions, they misled parents and in some cases badgered parents until they gave up their children.

3.59 Some children may have been sent directly contrary to their parents' wishes, however, most children were sent without parental consent. Undoubtedly, for some this was because institutions had lost contact with parents. In other instances it is clear that the whereabouts of parents were known and their views were not sought or were even rejected. The Committee considers this to be a further example of the incompetence and fraudulent actions of sending agencies as noted in the conclusion to this chapter.

Numbers of child migrants sent to Australia

3.60 There has been continuing debate over the exact number of child migrants sent under the various child migration schemes to Australia in the 20th century. While substantial numbers were sent to Australia it is obviously important to establish as comprehensively as possible the actual numbers sent, not least because the extent of resources and services that need to be directed to addressing the particular needs of former child migrants depends on establishing the size of the potential target group.

3.61 The Canadian experience shows that the impact of child migration on that country's population was substantial. Approximately 100 000 children were sent to Canada from 1869 to 1935. The impact of child migration for Canada can be gauged by their descendants who now number 3.5 million or approximately 12 per cent of the Canadian population.⁵³ The Committee's discussions in Canada emphasised the

52 Submission (Confidential).

53 Submission No.53, p.1 (Canadian Centre for Home Children).

importance of this point as these descendants are now trying to overcome difficulties in discovering and accessing records and pursuing issues of identity. In Australia's case the numbers of child migrants sent to this country was considerably less, with the impact on future population numbers likely to be less marked.

Numbers during the 20th century

3.62 It is difficult to establish with any degree of accuracy the total numbers of child migrants sent to Australia in the course of the 20th century. The Committee received different figures from a variety of sources, often covering different time periods. The difficulty in establishing precise numbers is indicative of the general problem of the lack of records and varying sources of data, and is arguably symptomatic of the imprecision with which the migration schemes operated. Table 3.1 shows in summary form the numbers of child migrants sent to Australia as provided in submissions to this inquiry and in other sources, including academic researchers in the area. Comprehensive information showing numbers of child migrants provided from these and other sources is at Appendix 4.

Table 3.1: Numbers of child migrants sent to Australia

Source	Time Period	Numbers	Reference
Mr Gill	1912-late 1960s	30 000	Gill, <i>Orphans of the Empire</i> , p.86
National Council of Voluntary Child Care Organisations (NCVCCO)	1920 - late 1960s	7 446	Submission No.55 (NCVCCO), p.5
Child Migrants Trust (CMT)	1920 - late 1960s	7 000 + (based on NCVCCO data)	Submission No.132 (CMT), p.7
Department of Immigration and Multicultural Affairs	1912 - 1961	6 500 (3 500 pre-war; 3 000 post-war)	Submission No.42 (DIMA), pp.15,17
Professor Sherington	1912 - late 1960s	6 000 (approx half pre-war; half post-war)	Submission No.119 (Professor Sherington), p.1
UK Health Committee	1947-1967	7 000 - 10 000	UK Health Committee Report, para.13
Dr Coldrey	1947-late 1960s	3 000-3 500	Submission No.15 (Dr Coldrey), p.38
Dr Constantine	1947-1965	3 170	Submission No.88, Additional Information, 25.3.01, (Dr Constantine), p.2

3.63 Evidence received by the Committee show that estimates of the total numbers of child migrants sent to Australia over the course of the last century range from 6,000 to 30,000. As the table shows, Mr Gill estimates the numbers of child migrants at 30,000. Mr Gill advised that this figure was his ‘best estimate’ based on his research of the numbers of child migrants.⁵⁴ Lower estimates are provided by other organisations. The National Council of Voluntary Child Care Organisations (NCVCCO) estimates the numbers of child migrants from 1920 to the late 1960s at 7,446. The Child Migrants Trust (CMT) also cites a figure of over 7,000 (based on NCVCCO data).⁵⁵

3.64 The Department of Immigration and Multicultural Affairs (DIMA) indicated that approximately 6,500 child migrants arrived in Australia from the beginning of the 20th century to the early 1960s (3,500 pre-war, 3,000 post-war).⁵⁶

3.65 Professor Sherington cites a similar figure of 6,000 (for the period 1912 to the late 1960s). He advised that his estimate of the numbers of child migrants was based on pre-war figures of approximately 3,200 (comprising 1,500 children under the auspices of Fairbridge, 1,600 Barnardos children and 100 Catholic child migrants) and approximately 3,000 post-war child migrants.⁵⁷

3.66 Professor Sherington argued that estimates of the numbers of child migrants sent to Australia have often been ‘exaggerated’:

If you look very closely at unaccompanied child migrants from 1912, when the schemes began...from 1912 to the late 1960s my estimate is that it was in the order of 6,000. The 10,000 figure that has often been thrown around since about 1947 is because when Margaret Humphreys and others wrote the *Lost Children of the Empire* they looked at statistics which often did not draw a distinction between child and youth migration. If you count things like the Big Brother Movement, yes, the numbers are greater. But the number of unaccompanied children under the age of 14 is approximately 6,000.⁵⁸

Numbers of post-World War II arrivals

3.67 The Committee also received varying estimates of the numbers of child migrants arriving in Australia in the post-World War II period, ranging from 3,000 children to estimates as high as 10,000 children. As Dr Stephen Constantine noted:

54 Personal communication with Mr Gill, 20.8.01.

55 Submission No.132, p.7 (CMT). ‘Child migrants’ are defined in the submission as children who were sent to Australia at an age below the school leaving age.

56 The pre-war figure was based on the numbers of children sent to Barnardos, Fairbridge and Catholic institutions. See Submission No.42, pp.15,17 (DIMA).

57 Submission No.119, Additional Information, 26.6.01 (Professor Sherington).

58 *Committee Hansard*, 22.3.01, pp.519-20 (Professor Sherington).

Because of imperfect record keeping, the numbers of children in care sent to Australia between 1947 and 1967 are not easy to calculate. The figures of between 7,000 and 10,000 which appear in Health Committee, *Third Report*, 1998, paragraph 13, are based on memoranda prepared by the Department of Health (CM129) and the Child Migrants Trust (CM13A). The fragility of these estimates is evident from [the Committee's] *Minutes of Evidence*.⁵⁹

3.68 DIMA stated that Departmental records indicate that in this period the number of children sent from institutions in the United Kingdom to institutions in Australia 'is unlikely to have exceeded 3,000'.⁶⁰ This figure excludes, however, the 310 Maltese child migrants sent to Australia in the post-war period. Most of the UK children arrived in the late 1940s and early 1950s with the numbers declining sharply after the mid-1950s and virtually tapering off by the early 1960s. The Department estimates that there were 2,878 children under 16 years of age arriving in Australia between 1947 and 1961 (see Appendix 4 for further details).

3.69 Other researchers have cited similar figures. Dr Coldrey stated that after World War II, some 3,000-3,500 children came to Australia as child migrants, mostly from the UK, but also some 300 children from Malta.⁶¹ Dr Constantine estimates that 3,170 children were sent from Britain in the post-war period. With the addition of the 310 Maltese child migrants to Dr Constantine's total (3,170, plus 310) the total number (3,480) would be similar to Dr Coldrey's upper estimate.⁶² Professor Sherington argued that there is 'general agreement' amongst scholars that about 3,000 child migrants arrived in Australia in the period 1947-1965.⁶³

3.70 The UK Health Committee report, however, cited a substantially larger estimate of the numbers of child migrants. The report states that from 1947 to 1967 between 7,000 and 10,000 children were sent to Australia. A further breakdown of these figures is, however, not provided in the report.⁶⁴ In evidence to the Health Committee, the UK Department of Health stated that 'well under 10,000 children went to Australia in the final period of migration from 1947 to 1967'.⁶⁵

59 Submission No.88, Additional Information, 25.3.01, p.1 (Dr Constantine).

60 Submission No.42, p.7 (DIMA). DIMA refers to 'child migrants' as those children under the age of 16 years who had been living in institutions in the UK and who had no family ties or contacts in Australia and who were brought to this country under various schemes in the post-war period.

61 Submission No.15, p.38 (Dr Coldrey).

62 Dr Constantine's figures are based on official UK records of child migrants who were subsidised by the British Government and sent to Australia by voluntary societies from 1947-65. The table does not include 'juveniles', classified as aged 15 years and over who were not 'in care' and who were migrated by the Big Brother Movement and the YMCA. See Submission No.88, Additional Information, 25.3.01 (Dr Constantine).

63 Submission No.119, Additional Information, 26.6.01 (Professor Sherington).

64 House of Commons, Health Committee, *The Welfare of Former British Child Migrants*, HC 755, Session 1997-98, para. 13.

65 House of Commons, Health Committee, *Minutes of Evidence*, Department of Health, CM129.

3.71 The Department also made a similar point arguing that while some sources have placed the number of child migrants as high as 10,000 this is probably a better estimate of the total number of children and youths under the age of 21 years migrating under various child, youth and family migration schemes over the period. Some schemes, such as the Big Brother Movement were voluntary schemes and involved the migration of youths (largely 16 years and over) to take up training and employment opportunities. Under other schemes such as the one-parent and two-parent schemes, children migrated in advance of, or accompanied by, one or both parents.⁶⁶

3.72 As noted above, Dr Constantine also remarked on the ‘fragility’ of the estimates in the UK report⁶⁷ by referring to the evidence from the UK Department of Health before the Health Committee. The UK Department stated that:

...the number of children who went to Australia in the period from the war is relatively small. **I guess something like 7,000.** That is small both in the context of people getting assisted passages as families going to countries like Australia, and also small in the context of children that were in public care at the time... **We entirely accept that 7,000 or 10,000** or even 2,000 or 1,000 children would be a matter of great seriousness; and we entirely accept our part in the inheritance of responsibility for them **whatever the numbers** and whatever the period in which their emigration occurred.⁶⁸

Numbers of child migrants by receiving agencies

3.73 Evidence received by the Committee relating to the number of children by receiving agency also varies. Over the course of the 20th century Barnardos, Fairbridge and the Catholic religious orders were the largest receiving agencies. In the pre-war period, Barnardos and Fairbridge were the largest single receiving agencies whereas in the post-war period, Fairbridge and the Catholic religious orders were the largest single agencies. Other groups, such as Barnardos and certain Protestant Churches were also involved in the post-war period.

Barnardos

3.74 Barnardos Australia stated that 2,340 Barnardos children arrived in Australia between 1921 and 1938; there was no child migration during World War II and diminished activity between 1947 and 1964, when 444 children arrived. Most of the children sent after the war arrived in the 1940s and 1950s, with 86 children being sent

66 Submission No.42, pp.6-7 (DIMA). See also *Committee Hansard*, 6.2.01, p.10 (DIMA).

67 Submission No.88, Additional Information, 25.3.01 (Dr Constantine).

68 House of Commons, Health Committee, *Minutes of Evidence*, 20.5.98, pp.5-6.

in the 1960s.⁶⁹ Dr Constantine estimated a similar number of children (457) sent by Barnardos in the post-war period.⁷⁰

3.75 Between 1921 and 1965 Barnardos Australia stated that they migrated a total of 2,784 children to Australia. These children were all sent to NSW. Barnardos advised the Committee that:

We have been informed previously by Barnardos U.K. that a further 409 children who were in the care of Barnardos in the U.K. were migrated to Western Australia under the child migration scheme before the war. However they migrated under the auspices of the Fairbridge child migration scheme and we have no records of these children here in Australia. No Barnardos children migrated under the child migration scheme to Western Australia after the war.⁷¹

3.76 Barnardos UK cite different figures on the total numbers sent to Australia – stating that 2,784 children emigrated between 1883 and 1965. While there appears to be some contradiction between their respective figures, Barnardos UK advised that 442 children emigrated after World War II – a similar number to the Barnardos Australia figure. Barnardos UK also refer to 501 boys being sent to Western Australia in 1883, before the official child migration scheme started, though Barnardos Australia has indicated that they have no records in Australia of any children who migrated prior to 1921.⁷²

Fairbridge

3.77 Table 3.2 indicates that Fairbridge sent a total of 2,301 child migrants in the period 1912 to 1960. The table shows that of the total numbers of child migrants most were sent in the pre-war period (1,471 pre-war, 830 post-war). Of these, the largest group was sent to Western Australia, especially in the pre-war period (1,175). Fairbridge WA argued that Fairbridge was the largest receiving agency under the various child migration schemes in the pre-war period.⁷³

69 Personal communication with Barnardos Australia, 6.7.01. See also Submission No.50, Briefing Paper 'Child Migration' (Barnardos).

70 Submission No.88, Additional Information, 25.3.01 (Dr Constantine).

71 *Committee Hansard*, 22.3.01, p.467 (Barnardos Australia); See also Submission No.50, p.1; and Additional Information, 22.6.01, p.1 (Barnardos).

72 Submission No.50, Additional Information, 22.6.01, p.1 and Briefing Paper, 'Child Migration' (Barnardos).

73 *Committee Hansard*, 16.2.01, p.125 (Fairbridge WA).

Table 3.2: Numbers of Fairbridge child migrants

<i>Pinjarra (WA)</i>	
1912 - 39	1175
1949 - 60	346
<i>Sub-Total</i>	1521
<i>Northcote (VIC)</i>	
1937 - 39	161
1948 - 58	112
<i>Sub-Total</i>	273
<i>Molong (NSW)</i>	
1938 - 39	135
1947 - 60	364
<i>Sub-Total</i>	499
<i>Tresca (TAS)</i>	
1952 - 54	8
Total	2301

Source: Sherington, G, and Jeffery, C, *Fairbridge: Empire and Child Migration*, University of Western Australia Press, 1998, pp.264-66.

3.78 Fairbridge played a major role in child emigration to Western Australia. The Western Australian Department for Family and Children's Services observed that prior to World War II, some 1,290 child migrants had been sent to Western Australia and of these 1,174 had been sent to Fairbridge. The Western Australian Department also noted that during the operation of the child migrant schemes Fairbridge received the highest number of children (a total of 1,520) of all the child migrant schemes in Western Australia.⁷⁴ Sizeable numbers were also sent to New South Wales (499) and Victoria (273).

3.79 The Committee raised the issue of the apparent discrepancy in the numbers of child migrants Fairbridge received in Western Australia. Fairbridge WA stated that it received 1,200 child migrants from 1913 to 1959. The Western Australian Department stated, however, that Fairbridge received 1,520 child migrants over the same period (1,174 pre-war, 346 post war) – a difference of some 320.⁷⁵ Fairbridge conceded the Department's figures were probably more accurate. Fairbridge WA stated:

74 Submission No.135, p.2 (WA Department for Family and Children's Services).

75 Submission No.135, p.2 (WA Department for Family and Children's Services). The Department's figures are also confirmed by the figures cited by Sherington & Jeffery, *Fairbridge*, p.264.

The figure pre-war does match Fairbridge figures to what Family and Children's Services has. There is some discussion and discrepancy about the figure post-war of the other 300 in terms of who is defined as a child migrant and who is not. Some of those figures post-war, in our discussions you would include some of those as child migrants. So more than 1,200 would probably be more accurate.⁷⁶

3.80 This discrepancy in the figures in this instance highlights the difficulty of establishing accurate figures of the number of child migrants and raises particular concerns when the receiving agency's records are less accurate than other data collected, in this case by a government department.

Catholic religious orders

3.81 The Catholic Church's Joint Liaison Group estimated that 1,355 child migrants were placed in Catholic institutions in Australia in the 20th century. Of these, 1,045 came from Britain (and Ireland via Britain) and 310 from Malta. A further breakdown of these figures by country of origin and State of destination is provided in Appendix 5. The Catholic Child Welfare Council (CCWC) in the United Kingdom provided figures that indicates that 1,149 child migrants were sent from the United Kingdom over the same period (see Appendix 4 for further details). The CCWC data exclude figures on Maltese child migrants.⁷⁷

3.82 The child migrants were placed in institutions owned and operated by religious orders, except for the Murray Dwyer home in Newcastle, which was owned by the Maitland diocese, although staffed by the Daughters of Charity.⁷⁸

3.83 While the figures from these sources differ, the Liaison Group indicated that it was 'reasonably confident' with the accuracy of its figures and it provides a more comprehensive set of data as it includes figures on both UK and Maltese child migrants. The Liaison Group pointed out that the discrepancy between its figures and the CCWC of about 100 is between the number of UK child migrants – 1,045 (Liaison Group estimate) and 1,149 (CCWC estimate).

3.84 The Liaison Group indicated that the main reasons for the discrepancies in the figures are that:

- some of the children on the CCWC list did not come to Australia under specifically approved child migration schemes;
- others were sponsored by the religious orders but actually travelled with families;

76 *Committee Hansard*, 16.2.01, p.126 (Fairbridge WA).

77 CCWC is a federation of Catholic Children's Societies, diocesan social welfare agencies and some religious congregations providing social care services for children and families in need in the UK.

78 Submission No.54, p.6 (JLG).

- there are a number of duplications on the CCWC list; and
- in some cases the children did not actually travel to Australia.⁷⁹

3.85 The Liaison Group estimated that Catholic child migration accounted for some 18 per cent of the total child migration to Australia in the 20th century.⁸⁰ Based on its data sources, the Liaison Group estimated that some 64 per cent of the migrant children were aged between eight and 12 years, with an average age of 9.5 years, when they were sent to Australia.⁸¹ Of the estimated 1,355 UK and Maltese child migrants, 984 were boys (73 per cent) and 371 were girls (27 per cent). The vast majority – 1,095 (81 per cent) were sent to Western Australia. The bulk of Catholic child migrants came in the late 1940s and early 1950s. For further details see Appendix 4.

3.86 In addition to data provided by the Liaison Group, CCWC provided extensive data on UK child migrants *only* sent to Australia under Catholic Church auspices in their submission to this inquiry. This data is less comprehensive than the data from the Liaison Group in terms of coverage as it excluded Maltese child migrants, and this explains the discrepancy in this data compared with the previously discussed data from the Liaison Group. Further details are provided in Appendix 4.

3.87 In summary, the CCWC data relating to UK child migrants sent to Catholic institutions *only* indicate that:

- the average age of children sent to Australia was 9.4 years, with the majority of the children between the ages of 5 and 13 years;
- 69 per cent of the children were boys and 31 per cent were girls;
- consent by birth parent or parents was given to the migration of children in 20 per cent of cases; in 80 per cent of cases it is unknown whether or not parental consent was provided;
- sending agencies – the vast majority of children were sent to Australia by the Poor Sisters of Nazareth; and
- receiving agencies – over half of all children went into the care of the Christian Brothers (52 per cent); 20 per cent to the Sisters of Mercy and 13 per cent to the Poor Sisters of Nazareth.

Other organisations

3.88 Data available on the numbers of child migrants received by other Christian Churches and the Salvation Army is more limited. The data show that over 400 child

79 Submission No.54, Additional Information 29.5.01, p.2 (JLG).

80 Based on 1 355 Catholic child migrants out of an estimated total of 7 500 child migrants. See Submission No.54, p.4 (JLG).

81 *Committee Hansard*, 16.2.01, p.103 (WA Christian Brothers Province Archivist).

migrants were placed under the care of the Church of England in the post-war period; in excess of 90 children came under the care of the Methodist Church and over 80 by the Presbyterian Church. Up to 100 children were under the care of the Salvation Army. Further details are provided in Appendix 4.

Data on numbers by State

3.89 Professor Sherington stated that over the period 1912 to 1967, most child migrants were sent to Western Australia but all Australian States received some children, with relatively large numbers going to New South Wales and Victoria.⁸²

3.90 DIMA stated the majority of the child migrants sent to Australia prior to World War II were sent to institutions in Western Australia and New South Wales.⁸³ Professor Sherington stated that approximately 1,275 child migrants were sent to Western Australia, 1,735 to NSW and 160 to Victoria pre-1939.⁸⁴ The Western Australian Department for Family and Children's Services stated that 1,290 child migrants were sent to Western Australia prior to World War II.⁸⁵

3.91 In the post-war period, most child migrants were sent to Western Australia, with substantial numbers also going to New South Wales and Victoria. Professor Sherington and Mr Jeffery estimated that 961 child migrants were sent to Western Australia in the period 1947-53, with 521 going to NSW and 232 going to Victoria. The Western Australian Department estimated that 1,651 children were sent to Western Australia under the post-war child migrant schemes.⁸⁶ Further details and data from State Governments/Departments on numbers of child migrants are provided in Appendix 4.

Conclusion

3.92 While it is difficult to give precise figures for the numbers of child migrants sent to Australia, the Committee believes that, on the basis of the evidence received between 6,000 and 7,500 child migrants were sent to Australia during the course of the 20th century. Of this number, some 3,000 to 3,500 child migrants were sent in the pre-World War II period and between 3,000 and 3,500 in the post-war period. Figures showing that upwards of 10,000 child migrants emigrated in the post-war period would appear to overestimate the number of child migrants sent during this period, although this figure probably reflects total child and youth migration.

3.93 The Committee notes the appalling inaccuracies and discrepancies in the data on the numbers of child migrants by Governments as well as the receiving and

82 Submission No.119, p.1 (Professor Sherington).

83 Submission No.42, p.3 (DIMA).

84 Submission No.119, Additional Information, 26.6.01 (Professor Sherington).

85 Submission No.135, p.2 (WA Department for Family & Children's Services).

86 Submission No.135, p.3 (WA Department for Family & Children's Services).

sending agencies. The Committee suspects that this goes far beyond the imperfect record keeping characteristic of the time and at worst amounts to gross incompetence at best. The evidence indicates, on the part of sending and receiving agencies, that this was due to deliberate fraud or criminal neglect. Parents were lied to as to the fate of their children, and children were lied to with respect to their origins, parents and status. To say that in some circumstances children were stolen from their parents and their country is not putting it too strongly. When it is considered that in the case of child migrants sent to this country under the auspices of the Catholic Church from the United Kingdom that in up to 80 percent of cases it is unknown whether parental consent was given, there emerges a picture of total disregard of the rights and feelings of both parents and children – a feature symptomatic of the overall operation of the child migration schemes. Such a pattern of systemic incompetence and abuse cries out for redress, which is addressed in detail in the succeeding chapters of this report.

3.94 The Committee believes that more work needs to be done on establishing precise numbers involved in child migration during the 20th century so that the level of resources and services required to address the needs and aspirations of former child migrants can be determined and properly addressed.

Recommendation 3: That the Commonwealth Government establish the means to accurately determine the numbers of child migrants sent to Australia during the 20th century to assist in determining the level of support services and other assistance needed for former child migrants.



Former child migrants hold vigil outside Melbourne hearing

CHAPTER 4

INSTITUTIONAL CARE AND TREATMENT

I lost my childhood. I lost my confidence, my right to live without fear.

4.1 This chapter moves on to the story of the child migrants after they arrived in Australia. It deals with term of reference (a) that posed the questions whether any unsafe, improper, or unlawful care or treatment of children occurred in government and non-government institutions responsible for the care of child migrants: and whether any serious breach of any relevant statutory obligation occurred during the course of the care of former child migrants.

4.2 The major inquiries that have examined child migration to Australia all commented in the strongest possible terms on the care and treatment of the children in institutions. The UK House of Commons Health Committee reported that:

These children were placed in large, often isolated, institutions and were often subjected to harsh, sometimes intentionally brutal, regimes of work and discipline, unmodified by any real nurturing or encouragement. The institutions were inadequately supervised, monitored and inspected.

[The Committee concluded]

What we have heard from former child migrants, and the accounts they have given us in writing, leave us in no doubt that hardship and emotional deprivation were the common lot of child migrants, and that cases of criminal abuse were not infrequent.¹

4.3 The Interim Report of the Western Australian Select Committee into Child Migration and the Closed Report of the Commission of Inquiry into Abuse of Children in Queensland Institutions both report significant levels of child abuse. The strong inference is that in Australia, to a greater or lesser extent, the institutional treatment of children in care was profoundly unsatisfactory.

4.4 The abuse suffered in institutions in Australia was in direct contrast to the memories for many, though certainly not all, of life in British orphanages. Numerous submissions referred to happy childhoods and the affection shown by staff; and of being warm, well-fed, properly clothed and medically checked. As one witness emphasised 'we were NEVER, NEVER physically or mentally abused, which is contrary to what was part of the reasoning behind the Child Migration Scheme'.² However, for many others, their memory of the time in British institutions was one of hardship, deprivation and regular beatings, and of being lied to.

1 House of Commons, Health Committee, *The Welfare of Former British Child Migrants*, HC 755, Session 1997-98, paras 13 and 73.

2 Submission No.68, p.3 (Goodwood, SA).

4.5 The Committee understands that for many child migrants their experiences in the Australian institutions were positive and that they have proceeded to lead happy and prosperous lives. The Committee recognises that an inquiry such as this was unlikely to attract these people because the whole subject is not such an issue for them.

Abuse in institutions

4.6 As noted above a number of reports have referred to the abuse or assault of children in many institutions. The large number of submissions and evidence received by the Committee graphically illustrated the disturbing extent and level of abuse and assault inflicted upon many child migrants. The evidence indicated that abuse occurred over many years, though with differences appearing between institutions and even from one period to another in particular institutions. A strong connection has been seen between escalating forms of abuse in an institution. ‘Severity, violence, physical abuse, sexual abuse; these were on a continuum. The more severe the regimen the more likely the prevalence of sexual abuse.’³

4.7 Broadly speaking, the abuse and assault referred to in evidence fell into three categories – sexual, physical and psychological, and occurred in many forms including:

- Sexual assault – children experienced the humiliation and degradation of criminal sexual assault including extreme pain associated with sexual penetration and rape. Sexual assault was perpetrated by a range of persons including priests at the institution, members of families to whom children were sent on holidays or to work, workers at the institution, regular visitors to the institution, and also in some institutions by other older children. Children who were sexually abused and assaulted referred to their shame, about carrying this guilt around for a lifetime and never being able to confide in a family member, any detail of their childhood or adolescent experiences.
- Physical assault – children experienced physical pain, fear and terror resulting from beatings, including beatings which then and now would justify criminal charges. Beatings were often with specially made leather straps, belts, canes, pieces of wood or other weapons. Some beatings were viewed as lawful punishment by the institutional authorities, though clearly very often such discipline was excessive. Complaints were made of indiscriminate bashings that often led to physical impairments later in life. Brutality was endemic at some institutions and at times descended into what can only be described as torture.
- Depersonalisation – many migrant children made reference to their becoming totally depersonalised in their childhood. Their names were changed, they were lied to about the existence of their parents, possessions were removed, gifts and

3 Coldrey, BM, ‘Caring and Corruption: Church Orphanages and Industrial Schools’, *Studies*, Vol 89, No.353, Spring 2000, p.9.

letters were not passed on, and they were referred to by number and not by name. Children learned to keep their heads down and so reduce the likelihood of a random beating by a brother, nun or lay carer. A lifetime lack of self esteem resulted from such actions leaving a yearning for identity and connection.

- Psychological abuse – was manifested through deliberate, sustained cruelty and emotional deprivation. Constant reference was made to the lack of individualised care and attention, with disparaging and insulting comments about identity being common. Psychological trauma evidenced itself most frequently in high incidences of bed-wetting. Children from several, geographically separated institutions referred to the consequences of bed-wetting in terms of embarrassment, physical beatings and public humiliation in front of their child peers. Bed-wetting flashbacks have plagued mature adults. Many child migrants spoke about the feeling of exile and isolation and the yearning for close contact with a protective, human figure.
- Work practices – daily chores, especially in rural institutions, were so exhausting or time-consuming that children were too tired or had insufficient time for education. Some children were forced to undertake arduous and unsafe manual labour as part of construction work at the institution. Many submitted that wages earned when they were placed in work never materialised and they are still deeply aggrieved.
- Education – educational standards were so limited or virtually non-existent that some child migrants have progressed through life with minimal literacy skills. This educational deprivation has led to lifetime effects, especially for employment prospects and adopting itinerant job habits.
- Food and clothing – children were inappropriately clothed for the extreme Australian conditions, often cold, often lacking footwear. Children were not provided with adequate protective clothing to undertake the physical labour they were expected to perform. In many institutions there was a common experience of being constantly hungry and of being aware the nuns and brothers in charge of them always had better quality food. Scavenging and stealing food was reported as a common practice at some institutions.
- After-care – the provision of after-care services was often very poor. Constant reference was made to leaving an institution and being dumped into the alien environment of an unknown community without any experience of that community; about having poor social skills, limited life skills apart from a survival instinct, and little in the way of material and financial resources.

4.8 These forms of abuse or assault are detailed below by using the words of the child migrants as much as possible. While different forms of abuse were widespread between institutions, the Committee acknowledges that not every form of abuse occurred in every institution.

Depersonalisation

4.9 This process began upon arrival with evidence that migrant children were fingerprinted as they left the ships in Fremantle and Geraldton.⁴ Many former migrant children referred to the small number of personal possessions they had brought from Britain being removed from them on entry into the orphanage, including money, toys and clothing – ‘We had nothing of our former lives’. At some institutions gifts or other personal items children may have received while on holiday or from people who had befriended them were often removed and generally not returned, even on their departure from the institution. One submission recounts that when a new matron arrived an old cupboard was discovered to contain watches, rings, bracelets, necklaces, pendants, unopened letters and other addressed papers. ‘Now I knew what happened to our belongings that were taken from us.’⁵

4.10 Contact with their former life in Britain was deliberately prevented, ostensibly to allow ‘a new start’. Letters from family, relatives and friends in Britain were destroyed or withheld from children, in some cases being found in personal files many years later.

There was no effort at all to reunite children and parents; in fact, the reverse was the case. When I was 14 and started to work, which meant moving from the Home to the Hostel, I was given a bundle of letters from my mother. These had been written over the eight (8) years I had been there, in the meantime I had thought that my mother did not love me and did not want me back.⁶

4.11 The process of depersonalisation through the crushing of individual identity was further entrenched by names being changed and by referring to children by numbers. Even clothing was tagged with the child’s number and not their name.

We were made to feel we were not human. We were not called by our names. We were numbered... Everything we wore was numbered.⁷

Our clothes were numbered and we were not a name just a number. Any names we were given were terrible racist taunts.⁸

Individual birthdays were not recognised, and evidence was given that children were often unaware, in some cases until adulthood, of their correct date of birth, and even of their correct name. Some child migrants referred to these tactics as reminiscent of stratagems employed in concentration camps and in the Gulag.

4 Submissions No.129, p.22; No.36, p.1.

5 Submission No.23 (Barnardos, Burwood, NSW).

6 Submission No.82, p.2 (St Johns, Canterbury, Vic).

7 *Committee Hansard*, 21.3.01, pp.372-3 (Neerkol, Qld).

8 Confidential submission No.87 (Clontarf, WA).

4.12 The rigid separation of sexes that occurred in many institutions resulted in the separation of brothers and sisters, causing considerable distress at being unable to maintain any ongoing sibling relationship that sometimes continued into adult life. Siblings were sent to different institutions, often in different States, thereby losing contact for the rest of their childhood. In some cases as a result the separated siblings' relationships were permanently damaged and never recovered even when reunited. Evidence was also given of instances where children were not aware that they had siblings at the same institution, or if they did, were never encouraged to be a family unit.

4.13 A sense of abandonment and not belonging was reinforced in the children through constant derision and abuse, by being repeatedly told that family or country did not want them, or that their parents were dead or had been killed in the war, and that Australia was their last chance. Deception over the existence of parents and family was common in both catholic and non-catholic institutions.

4.14 Based on the evidence it has received, the Committee cannot but agree with the UK Health Committee's comment that:

The level of deception, the deliberate giving of wrong information or withholding of information, the policies of separating siblings, all make it very hard to accept that everything was done simply for the benefit of the children. It indicates an abuse of power and a disregard for the feelings of the mothers and children, and it was certainly felt as such by many former child migrants.⁹

Sexual assault

4.15 The accounts of sexual assault while in the care of institutions are undoubtedly the most serious form of criminal abuse perpetrated against the child migrants. Boys and girls were subjected to sexual assault in a variety of forms while in the care of a number of institutions. The Committee heard stories of boys being subjected to explicit sexual acts such as fondling and genital touching, of being forced to perform oral sex, of being repeatedly sodomised, and of girls being assaulted and raped.

4.16 Sexual assault as a child has the most damaging impact throughout life. Abused children often develop personal problems of lack of trust and confidence, anxiety, depression and suicidal tendencies, and an inability to establish and maintain personal relationships. Sadly, many of the personal testimonies of sexually abused child migrants refer to such impacts upon their lives. A particularly unfortunate impact is that a proportion of children who are sexually abused may themselves become child molesters and pederasts as adults. The Committee heard evidence that a number of sexually abused child migrants had as adults suicided and that a small number had been jailed for sexual offences against minors.

9 Report of UK Health Committee, para.45.

4.17 The stories of sexual abuse provided in the evidence to the Committee were not new. They have been recounted in earlier books and reports. The UK Health Committee was so moved by these accounts that it reported:

It is hard to convey the sheer weight of the testimony we have received. It is impossible to resist the conclusion that some of what was done there was of a quite exceptional depravity, so that terms like 'sexual abuse' are too weak to convey it.¹⁰

4.18 The Committee notes from the evidence it received the allegations of regular sexual assault involved children in the care of only a small number of institutions. It is very important to recognise this point. Of the 207 public and confidential submissions received from individual child migrants, 38 recounted episodes of sexual assault. All but 14 of these, almost two-thirds, were from the Christian Brothers institutions in Western Australia – Bindoon, Castledare, Clontarf, and Tardun.¹¹ Of the other 14, only 10 institutions were named though some of the assaults involved incidents occurring outside the institution. Of the 38 submissions reporting assault, all but 4 occurred between 1947 and 1963 with the vast majority in the late 1940's to mid 1950's.

4.19 A particularly disturbing aspect of institutional culture reported in a few submissions was bullying and sexual assault by older boys against some younger boys or new arrivals¹², sometimes encouraged by their teacher supervisors. Again, the spectre of concentration camps was raised with evidence given of the use of 'trusties' in these institutions.

The Christian Brothers: Bindoon, Castledare, Clontarf and Tardun

4.20 The accounts of sexual abuse and assault at these four institutions are horrendous, supporting and amplifying the UK Committee's description of 'quite exceptional depravity'. The stories from the ex-residents of Bindoon, Castledare, Clontarf, and Tardun provide an account of systemic criminal sexual assault and predatory behaviour by a large number of the Brothers over a considerable period of time. Evidence was given of boys being abused in many ways for the sexual gratification of the Brothers, of boys being terrified in bed at night as Brothers stalked the dormitories to come and take children to their rooms, of boys as 'pets' of the Brothers being repeatedly sodomised, and of boys being pressured into bestial acts.

4.21 The Committee received evidence that boys who reported abuse or assault were beaten by the Brothers or abused by the very Brother to whom they had

10 Report of UK Health Committee, para.51.

11 The Committee discusses elsewhere in the report the 1993 legal action brought by some 220 former residents of Christian Brothers homes seeking damages for physical and sexual abuse (though not all were former child migrants).

12 For example Submission No.87, p.12 (Bindoon, WA). Dr Coldrey comments in *The Scheme*, Argyle-Pacific Publishing, 1993, pp.389-393, on teenage sexual activity based on visitation and other reports.

complained. Some boys ran away to escape the abuse, but when caught, police or lay people did not believe them - usually due to the aura of the cloth. While not being believed was a terrible experience, even worse for the children was when they were believed and still sent back to the institution and the matter was covered-up. In Western Australia it was most likely that the strong connections between the Christian Brothers run institutions and the police with links to the Knights of the Southern Cross (as discussed in chapter 2) meant that there was 'a closed system' with little likelihood of such complaints being either believed or examined.¹³ For many abused children there was an overwhelming sense of powerlessness with nobody they could turn to.

4.22 Sexual abuse and assault of children within these institutions was referred to by Dr Coldrey in *The Scheme*, his history of the Christian Brothers in Western Australia. In the book he wrote that 'there is very strong evidence that five Brothers were multiple offenders', though they were not named and four were dead. He also referred to six Brothers who admitted an offence with a teenage boy.¹⁴ When the book was published in 1993 it was strongly criticised by many former child migrants as a 'whitewash'.¹⁵

4.23 However, Dr Coldrey understood that the level and extent of sexual abuse by Brothers was on a much larger scale. He subsequently expanded his account in a monograph *Reaping the Whirlwind: A Secret Report for the Executive of the Christian Brothers – Sexual Abuse from 1930 to 1994*. Extracts from this document were read in the New South Wales Supreme Court in December 1994 during the case that had been brought against the Christian Brothers. The reports of these extracts appear to be all that exists in public of this document, as even Dr Coldrey has indicated that he does not have a copy now and that it 'seems to have disappeared off the face of the earth'.

4.24 The most serious revelations from the document concerned the existence of 'sex rings' at Bindoon and Castledare. It is reported that in *A Secret Report* Dr Coldrey wrote:

What I mean by the term 'sex underworld' or 'sex ring' in the province is that monks doing the wrong thing with boys...are collaborating with one another in their activities. They know one another are acting against the rule and assist and cover for each other. In the orphanages they may have shared the same boys...

Paedophile brothers would tell other brothers which boys were vulnerable – they would share information – if one boy complained to one brother about the sexual abuse of another brother, he would be silenced or intimidated – and it went on more or less as a conspiracy and this conspiracy has been

13 Mr Alan Gill refers to this as 'clannishness' in *Orphans of the Empire*, Random House, Sydney, 1998, pp.351-2.

14 Coldrey, *The Scheme*, p.393

15 Dr Coldrey had been commissioned by the Christian Brothers to produce the history, and as such the people who commissioned it had editorial rights.

detailed – it is very clear that these complaints went as far as the Archbishops office.¹⁶

4.25 The research and publication of material by Dr Coldrey exposing the predatory sexual activities of members of the Catholic Church apparently made the Church hierarchy so uncomfortable that he was pressured from the highest levels – Rome – to remove material from the Internet and cease the publication of reports on the subject.¹⁷

4.26 Brothers who sexually abused migrant children have been named in previously published books and material. The names recurred in the submissions and evidence before the Committee. To date only Brothers Philip Carmody (1920), Gerard Dick (1994) and Fabian Jordan have been before the courts and successfully prosecuted. Most of the other named Brothers have since died either during or before prosecution could be launched. Brothers ‘Pop’ Angus, Col Beeden, Doug Boulter, Con Campbell, Serenus Cooke, Matt Dawe, C Fricker, Hubert Hansen, Sal Marques, LH Murphy,¹⁸ C O’Neill, BS Smith, and Matt Thyer have also been accused with a ‘good deal of precision and accuracy’¹⁹ as perpetrators of sexual abuse and assault. Others named by a number of witnesses were Brothers Bruno Doyle, FP Keaney, PC Mohen and GP Moore.²⁰

4.27 The Christian Brothers were ‘very insistent that the abuses were not known to those who controlled the institutions’ when they appeared before the UK Health Committee. This claim was moderated in the Catholic Church Joint Liaison Group’s submission to the Committee by stating that ‘we are now also aware that in some cases...sexual abuse occurred...It seems that these abuses did not come to the notice of the supervising authorities, be they congregational, diocesan, federal or state’.²¹ Yet reference is made in *The Scheme*, using the Church’s own records, of knowledge by the Brothers’ Executive in Melbourne, Provincials and Superiors.

4.28 The Committee considers that, based on the personal testimonies given in evidence and like the UK Health Committee, it cannot accept this argument. Evidence is available to warrant further criminal investigation and action. The Committee

16 Submission No.15, p.16 (Dr Coldrey) copy of document *The Secret Report which damned the Christian Brothers*. See also Gill, pp.480-84 and Submission No.95, pp.26-7.

17 *Committee Hansard*, 15.3.01, pp.227-8, 231-2. The Joint Liaison Group confirmed the Vatican’s request that Br. Coldrey withdraw work posted on the Internet, though ‘we are not aware of what reasons, if any, were given for this action’, Submission No.54, Additional information 23.4.01, p.3 (JLG).

18 LH Murphy was committed for trial in 1998 for sexual offences against boys in the WA orphanage system, but in early 1999 was declared unfit to plead on grounds of advanced age and mental/physical decline.

19 Submission No.15, Additional Information 19.3.01 (Dr Coldrey).

20 This is not a complete list of those named in submissions, only those with multiple references. The numbers alleged to be involved in sexual abuse at these institutions is much larger than this list.

21 Submission No.54, p.11 (JLG).

discusses previous court actions and the impact that the Statute of Limitations has in undertaking legal action in each Australian jurisdiction later in the report.

Other Institutions

4.29 The incidents of sexual abuse or assault of children in care at other institutions described in submissions covered a range of other Catholic and non-Catholic institutions. The major difference in the nature of the abuse, compared to the four Western Australian Christian Brothers' institutions, was the lack of systemic abuse perpetrated by a number of carers at the same institution. In nearly all the descriptions provided to the Committee, the abuse or assault was mostly by a single perpetrator or was a single incident.

4.30 In most instances the abuse occurred outside of the institution, or if at the institution not by those directly responsible for the care of the children at that institution. The evidence indicated that the sexual assault was more individualistic and opportunistic. Submissions referred to abuse by Brothers at a high school attended by the child, by a gardener and by a handyman working at the home, by a carer who regularly visited the home, by a known church visitor, and of the rape of girls who had started working.

4.31 It is highly likely that in a couple of cases involving girls in their mid to late teens assaulted or raped when they were working outside the institution, their innocence and worldly naivety as a result of their upbringing in an orphanage made them more at risk of attack.²²

4.32 While sexual abuse in some of these cases may not have been by a staff member as was the case with the Christian Brothers, the children were still at the time the responsibility of that institution. The institutions named in submissions were Murray Dwyer, Newcastle; Goodwood, SA; Salesians, Tas; Dhurringle, Vic; Fairbridge, Molong and Pinjarra; Barnardos, Normanhurst; Magill, SA; St Vincents, Westmead; and Melrose, Parramatta. The Committee accepts that this list is anecdotal but equally it is unlikely to be exhaustive.

4.33 The Forde Commission recorded that 'a number of former [Neerkol] residents reported sexual abuse from a range of persons: members of foster families to whom they were sent on holidays, male workers at the orphanage, regular male visitors, and priests stationed at the orphanage'.²³

4.34 The Committee also received evidence of sexual activity at other institutions. In May 1958 the Superintendent at Barnardos, Mowbray Park, Picton discovered that

22 Dr Marion Fox has noted that NSW Child Welfare social workers who dealt with teenage pregnancies of unmarried girls and the adoption of their babies commented on the way 'the young people were seeking affection' and criticised the religious staff 'for keeping the children isolated in the institutions and failing to prepare them for transition to work and society'. Submission No.148, p.4 (Dr M Fox).

23 Commission of Inquiry into Abuse of Children in Queensland Institutions, (Forde Commission), *Closed Report*, 1999, p.4.

there was ‘serious sexual perversion and malpractice’ occurring between boys and staff, chiefly at the Farm School, but also between some employers when the boys were placed with them. A report was prepared for the New South Wales Director of Child Welfare, police were called and within a month the then Minister for Immigration, Mr AR Downer, personally banned the arrival of further parties of Barnardos boys into Australia until the affair had been resolved. Barnardos sent its senior staff from London. Subsequently, eight adults implicated in the systemic abuse were tried and convicted. The ban was lifted in August 1958. It appears from the records, that in this case, the Australian authorities and Barnardos took quick and decisive remedial action.²⁴

Physical assault

4.35 The incidence of criminal physical assault on children appears to have been much more widespread than sexual assault. Beatings were commonplace. While it is argued that beatings as punishment was much more acceptable then as a disciplinary measure than it is now, it is clear that many beatings were far more excessive and brutal than simply a disciplinary measure even by the standards of the time. The Committee also heard evidence of indiscriminate assaults that were not related to discipline. It appears that some institutions or religious orders allowed, even encouraged, sadistic and excessive punishment. Systemic beatings designed to break down the will and subjugate the child migrants again draw parallels to stratagems used in concentration camps.

4.36 Punishment was often excessive:

- ‘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 taking 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?’²⁵
- ‘The nun in charge pounded into the dormitory brandishing a very thick strap. She stripped me naked and proceeded to savagely flog me, showing no mercy. She was like a woman gone mad, cruelly beating me until she had crushed and shamed me. The pain was unbearable and I had been humiliated beyond imagination. To be stripped for all to see, at 15 years of age, was horrendous.’²⁶
- ‘We were forced to witness in the dining room the sight of a boy being held over a chair with his shorts around his ankles and his bare backside totally exposed

24 Submissions No.15, p.76-80 (Dr Coldrey); No.42, Additional information 9.4.01, p.1 and Attachment C (DIMA); and No.50, p.3 (Barnardos).

25 *Committee Hansard*, 21.3.01, p.407 (Tardun, WA).

26 Submission No.68, Additional Information 22.3.01, p.3 (Goodwood, SA).

while the Colonel gave him 10 of the best with a heavy leather strap, as an example to the rest of us to behave ourselves according to his rigid code’;²⁷

- ‘The usual method of discipline was belting the boys around the legs with a string of keys and many times the boys who were hit were left with bleeding legs’;²⁸
- ‘For any misdemeanour, no matter how slight, I wasn’t just belted but flogged, with a genuine leather strap’;²⁹
- numerous accounts were given of being locked up in very dark environments such as small cupboards or underneath dormitories, making some children claustrophobic – ‘to this day I can not tolerate being in a room with a closed door’.

4.37 Punishment for running away was also brutal in many instances:

- ‘After being caught I was made to bend over and cop six of the best with the side of a broken hockey stick, specially prepared for this purpose. This went on for 2 weeks non-stop every morning. I was only 10 years old.’³⁰
- ‘I can recall every girl being rounded up from their beds to go into the hall to watch two girls get a caning within an inch of their lives, because they had the guts to run away.’³¹

4.38 Archival documentary evidence has shown that the Christian Brothers in Western Australia did not keep any records of punishment, a requirement under State law. It is likely that other institutions in other States breached similar State laws.

4.39 Physical criminal assault through excessive beatings, often indiscriminately, with a variety of weapons was reported as occurring across a broad number of institutions. On-going health problems have in some instances been attributed to these assaults. Examples of such assaults described to the Committee included:

- ‘...caused me injury on one occasion by hitting me over the head with a steel potato masher, she split my head open, I still have the scar. I suffer from epilepsy and my doctor has put forward the possibility that it was caused by this particular trauma.’³²
- ‘I was vomiting up bile which stained my bedclothes. Even though I could barely move, I was flogged while still in bed, then made to get up and wash the

27 Submission No.130, Additional Information 20.3.01, p.3 (Northcote, Vic). Similar punishment was reported at Bindoon, Clontarf, WA; Dhurringile, Vic; Goodwood, SA; Pinjarra, WA.

28 Submission No.94, p.2 (Magill, SA).

29 Submission No.58, p.1 (Northcote, Bacchus Marsh, Vic).

30 Submission No.73, p.1 (Fairbridge Molong, NSW).

31 Submission No.138, p.1 (St Josephs?, WA).

32 Submission No.141, p.2 (Tresca, Tas).

sheets. They dried, leaving a stain, for which I was flogged again. I was so sick, I defied the nun and went back to bed. Eventually the nun realised how ill I really was...'³³ After being taken to hospital it was discovered the child had a perforated appendix requiring an emergency appendectomy.

- 'He went into one of his rages. He got stuck into me with his fists and during the beating I fell or was pushed onto the pumping machine. The belts that were driving the machine caught me under the armpit. I had lacerations and burns and was unable to put my arm down properly for 3 or 4 weeks.'³⁴
- '...another time one of them smashed me so hard around the left ear and jaw the blow knocked me off the chair I was sitting on, and to this very day I have trouble with the left jaw and ear.'³⁵
- 'I was up-ended with no clothes on in the river up to my arm pits and the Brothers would hit the soles of my feet which would make me cry out, and I would end up near drowned from the river water.'³⁶

4.40 The Committee received descriptions of a variety of the weapons and implements with which children were physically and criminally assaulted. They included:

- straps made to the individual specifications of brothers at Clontarf consisting of 2 or 3 layers of best leather about 4cms wide and 45cms long with bandsaw blades and lead pellets sown into them;³⁷
- fists and feet, a variety of straps, heavy walking sticks, horse whips, broom handles, bamboo and other canes, pieces of wood and sticks, cricket bats and stumps, a string of keys, and electric and telephone cords.

Psychological abuse

4.41 Related to the issue of depersonalisation was psychological abuse practised in a variety of forms. Many witnesses stated that they felt denigrated and ashamed by disparaging references to their background, status and families. The destruction of individual self-esteem appears to have been a deliberate policy with comments such as the following being repeated constantly:

- 'as a little girl I was told daily how bad I was, how stupid, how worthless';³⁸
- 'we were from the gutter and that is where we belonged and where we would end up';³⁹

33 Submission No.19, p.1 (Neerkol, Qld).

34 Submission No.60, p.6 (Bindoon, WA).

35 Submission No.23, p.2 (Burwood House, NSW).

36 Submission No.125, p.1 (Castledare, WA).

37 Submission No.95, p.15.

38 Confidential Submission No.14 (Goodwood, SA).

- ‘the main abuse was psychological. “You’re no good.” You will never be any good.” “You will amount to nothing”, that sort of thing’;⁴⁰
- ‘thoughts they instilled in me then I still carry with me today ie – feelings of being worthless, useless, unlovable and unequal to other people’;⁴¹
- derogatory expressions such as: ‘Sons of whores’, ‘scum of the English Empire’, ‘pommy bastards’, and references to their parents as ‘sluts’ and whores’.

As the Forde Commission noted, such statements heightened feelings of worthlessness and were particularly harmful to children whose self-image tended already to have been damaged by other life events. Such scars still persist for many child migrants.

4.42 The ‘pommy bastards’ comment, though with an emphasis on ‘bastard’, was indicative of a strong sectarian element in the treatment of some children in Catholic institutions. The brothers and nuns with Irish backgrounds were especially brutal in their exercise of Irish feelings towards the English.⁴² One former migrant noted the irony that although he had come from an orphanage in England, he was actually Irish. However, other nationalities including the Maltese were also subjected to derogatory and racially based remarks.

4.43 Deliberate embarrassment of children, sometimes as part of a punishment and in front of their peers, had a profound and long lasting impact on many. Strapping of bare backsides in front of other children, bed-wetters being made to stand with soiled sheets over their heads, shaving or cutting off hair, making children sit on chairs on top of desks in classrooms were some examples cited to the Committee of how children could be humiliated. Girls reported being humiliated going through puberty:

It was the same with our periods...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... 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...How could you have any dignity when it was just all thrust aside.⁴³

4.44 Many of the former migrant children reported that they learned to keep their heads down to reduce the likelihood of a random beating. ‘I learned to survive most of the time by staying out of the way and not being noticed’ – such virtual denial of existence being the ultimate result of psychological abuse and depersonalisation.

39 Confidential Submission No.50, p.3 (Fairbridge Pinjarra, WA).

40 Submission No.75 (Northcote, Bacchus Marsh, Vic).

41 Submission No.71, p.1 (Dr Barnardos, Normanhurst, NSW).

42 *Committee Hansard*, 21.3.01, p.383 (Neerkol, Qld).

43 *Committee Hansard*, 21.3.01, pp.373-4 .

What is the truth? The fact is that we were nobodies, only corporate identities in an era of cultural conditioning, robots to the agendas of others. From birth, survival was best preserved if one hid in the mass and not draw attention to oneself. This happened unconsciously without realisation. Fear born of various brutalities produced a lifestyle of habit that made future living very frightening.⁴⁴

4.45 The psychological impact that their childhood experiences have had upon their lives was dramatically yet simply illustrated by the language used in many submissions. Terms such as transported, deportation, exported, chosen like cattle, human cargo, abandoned, interned, incarceration, slave labour, penal servitude, inmates, concentration camp, and finally released recurred constantly in the submissions of the child migrants.

Bed wetting

4.46 The Forde Commission reported that a practice particularly harmful to children's self-esteem was that of humiliating them for bed-wetting. The Committee received evidence that this practice was widespread and not restricted to Neerkol.⁴⁵ There was a consistent pattern of children who wet the bed being made to stand, in front of other children, with the soiled bed sheet over their head. Other punishments for bed-wetting included making children sleep on wet mattresses, sleep with a potato sack under them and a potato sack over them on the floor of the verandah, being put into freezing showers, and having been made as adolescents to wear nappies. These practices, together with daily beatings as a further response to bed-wetting, increased the child's anxiety at bedtime and resulted in the creation of a long term cycle of anxiety and bed-wetting in some of the children involved.

4.47 The Committee received evidence that the Christian Brothers had their own 'grotesque methods of treatment' involving crude electric shock machines being attached to the boys' genitals during the evening.⁴⁶

Secondary abuse

4.48 The Child Migrants Trust reported that many former child migrants who returned as adults to the agencies in whose care they had been placed seeking records and information about themselves and their family background were denied access to their personal records or told that they did not exist. The Trust suggested that these experiences, which severely disadvantaged child migrants and prevented them from searching for their families, could be termed 'secondary abuse'. According to the Trust, the act of returning to these agencies for help was described by many as 'humiliating and the trigger for anxiety and fear', while child migrants suffering from

44 Submission No.93, p.2 (Padbury Farm School, WA).

45 Forde Commission, *Closed Report*, p.4. Other institutions included Bindoon, Castledare and Clontarf, WA; Goodwood, SA; Nazareth House, Geraldton, WA.

46 *Committee Hansard*, 15.2.01, pp.37, 40 (Clontarf, WA). See also Submission No.95, pp.12-13.

post traumatic stress disorder reported ‘a resurgence of symptoms at the point of their renewed contact with the organisation linked to their trauma’.⁴⁷

4.49 The Committee has noted in the chapter on the search for identity that most of these agencies have been much more open in recent years in providing information and access to records to former child migrants, though there is still a long way to go. The Trust has indicated that this is a complex issue that they intend to explore at the proposed International Congress on Child Migration to be held later in 2001.

Food and clothing

4.50 The Committee received considerable evidence about the inadequacy of the quality and quantity of food provided to the children. The most noticeable aspect was the complete lack of nutrition in their diet, such as fresh fruit and vegetables.

Going without food as punishment was of no great worry, as hunger was part of our lives, quite often the food was not very palatable, or there was not enough to eat, or it was just plain stale.⁴⁸

The food was appalling, flavourless, overcooked, inedible.⁴⁹

4.51 Numerous accounts were given of children always feeling hungry, of rummaging through food scraps for the pigs, and of stealing fruit and vegetables from the gardens. Comparisons were made between the quality of the children’s food with that of the staff – ‘a favourite job was clearing the Brothers’ dining area as you often were able to eat their scraps’.

4.52 The Committee also received considerable evidence of inappropriate and poor standards of clothing to meet the harsh Australian environment, especially in winter. In some institutions children wore uniforms and ‘yard’ clothes at play (khaki shorts, a rough shirt, no underwear, no shoes), while in others they were provided with ‘old hand me downs’ or there was no designated clothing with the children having to draw from a pool each day. The Committee heard stories of footwear being provided on the days welfare inspectors came to visit.

4.53 A particularly disturbing aspect was the accounts of inadequate or lack of protective clothing and footwear for children doing hard labour on work farms or building sites.

We were not provided with any protected clothing, such as boots, and this resulted in the boys suffering from many foot injuries and other ailments, which also included cement and lime burns, to our fingers, but also to our

47 Submission No.132, p.32 (CMT).

48 Submission No.4, p.2 (Burwood House, NSW).

49 Confidential submission No.25 and Submission No.36, p.2 (Bindoon, WA).

feet, particularly between the toes. We also did suffer from severe sunburns to our faces, and to other parts of our body.⁵⁰

Working conditions

4.54 The arduous nature of the work forced to be undertaken as children while in institutions and in outside employment was constantly raised by witnesses.

4.55 Much of the evidence provided harrowing descriptions of small children undertaking adult tasks – clearing land, building, looking after livestock – while at the same time trying to participate in the little education that was offered. While such hard physical labour was not undertaken at all institutions, most institutions required inmates to at least perform daily housekeeping and general operational chores.

4.56 From the evidence, the Committee has identified the main areas of work performed by former child migrants:

- daily chores of either a basic or excessive nature;
- full-time work at the institution before school-leaving age;
- work undertaken in the construction of buildings which formed part of the institution by children of all ages;
- commercial work undertaken either at the institution or in commercial operations run outside the institution;
- work at an institution following completion of education;
- work outside of an institution after the completion of schooling.

4.57 The various forms and degrees of this work undertaken by the very young through to the age of 21 led to numerous complaints ranging from utilising small children as slave labour, sapping physical and mental energy to the detriment of education, being forced to work in dangerous and unsafe environments leading to the very real prospect of accidents, the lack of payment of wages, and the disappearance of trust monies held for former child migrants by child welfare departments.

Types of work performed by child migrants

4.58 The arduous routine of the daily chores required of the children living in institutions, including the very young, was constantly raised. Comments such as these were common:

- ‘We were worked to the bone, long hours, wood cutting in bare feet...We were always exhausted, hungry and cold, with no love or physical affection shown... Basically we were a juvenile workforce at the beck and call of any adult that needed anything to be done’.⁵¹

50 Submission No.36, p.3 (Bindoon, WA).

51 Submission No.58, p.1. (Northcote, Bacchus Marsh, Vic)

- ‘I may have been 11½ or 12 years but I was still young when I began this routine. Up at 6.00am to work in the laundry Mondays and Thursdays. In the kitchen and the nun’s refectory on other days. We had to go to mass at 8 am then to school and after school I had to do the ironing. 100 uniforms, 100 pinnies and 100 day dresses, sometimes I ironed up until 9.00 pm’.⁵²
- ‘From seven to about ten years of age I cleaned basins and toilets. I helped dress smaller girls, I did their hair and tidied their dorm. I was always late for school. From the age of ten or eleven I was on nursery duties, and if I wasn’t working in the nursery I was either washing or ironing...The whole place was run on child labour. Unpaid terrorised child labour’.⁵³
- ‘I, for one, worked up the nursery with two other girls...We girls did all the work like dressing, bathing, feeding, and putting babies on pots. The children that were from 2-5 could feed themselves. Yes, we had babies in cots and we bottle-fed them too and cleaned up. The Sister that was there didn’t do much at all, just supervised. We girls worked very hard, even got up throughout the night to the babies. Not only did I work up at the nursery, I also worked in the convent laundry. This was before and after going to school’.⁵⁴

4.59 Dr Penglase, in her study of the NSW Catholic Homes, argued that ‘work in these Homes goes beyond “doing chores”: it has an ideological underpinning to do with a belief in the corrective, constraining and time-consuming function of work...Meaningless and demeaning chores...were also used as punishment’.⁵⁵ The Committee received an example of work as punishment from one former child migrant who recalled scrubbing the floor of the toilet block with a toothbrush.⁵⁶

4.60 At some of the farm homes children were removed from schooling before school-leaving age to work full time on the farm.

Somewhere between my age of 12 and a half and 13 years of age I became a full time worker on the farm. I received no further schooling from that time on as I was working full time on the farm...

My workday would commence at 4.00am and I would finish many hours after dark. My duties were to work in the vegetable garden, the piggery as well as general farm work which included long days of ploughing the fields. I also had to look after the dairy herd, cleaning fields, collecting

52 Submission No.72, pp.4-5. See also Submission No.68, Attachment, p.3. (Goodwood, SA)

53 Submission No.20, pp.9-10 (Neerkol, Qld).

54 Submission No.16, p.5 (Neerkol, Qld). Evidence was also given that girls as young as 12 at St Josephs, Subiaco, were put on night duty in the nursery to look after 36 babies aged 7 days to 18 months – Submission No.83, pp.1-2.

55 Penglase, J, ‘Orphans of the Living’: The Home Children NSW 1939-1965, Ph.D thesis, Macquarie University, 1999, pp.214-15.

56 Submission No.64, p.3 (St John Bosco, Tas).

firewood...These were long and hard hours, which caused me great distress...I was truly a young *child slave*.⁵⁷

4.61 At Bindoon and other institutions land was cleared and heavy construction work was undertaken, usually with little concern for safety, where young boys were used to build the facilities required at the institution. The working conditions were hard and dangerous and as noted earlier boys often lacked protective clothing, such as boots, resulting in foot and hand injuries as well as cement and lime burns.

It was mid summer in the West Australian bush when we were forced to work on building sites...Building works were a priority, education a poor second. We had to climb scaffolding, carry up loads of bricks. There were many accidents, children falling off the scaffolding, bricks and rocks falling on children from above, children falling down from heat exhaustion. There were many accidents – safety was not a consideration.⁵⁸

4.62 Another submission recalled the work on the Clontarf swimming pool carried out by children who moved earth by hand and shovelled soil into bags which were carried up rickety and dangerous planks.⁵⁹ At Tardun, boys cleared land, planted wheat and provided labour for construction of facilities. Many believe that those working unpaid on such projects ‘worked as slaves’.⁶⁰

4.63 One former child migrant at St John’s Anglican Boys Home in Melbourne stated that on weekends they renovated cabins and made improvements to properties owned by the institution: ‘we were told that these two properties were going to be holiday places for the children of the home but that never happened in my time and I eventually heard that they had been sold after we renovated them’.⁶¹

4.64 Hard labour was not confined to the boys:

My sister and I went to the black hole of Subiaco, St Josephs Girls Orphanage. At the age of 9 I was a brickies labour, carry cement, and carrying bricks, 8 at a time. If I spilt the cement or couldn’t carry eight bricks because my arms were sore, I was flogged.⁶²

4.65 Broken Rites argued that this work ‘had the effect of creating assets of capital value for the religious orders that housed them’. The assets built up were of

57 Confidential Submission No.11, p.2 (Fairbridge Pinjarra, WA).

58 Confidential Submission No.25, p.4 (Bindoon). Mr Alan Gill refers in *Orphans of the Empire*, p.356, to an old newsreel now with the National Film and Sound Archive showing construction work by scantily clad, barefoot boys ‘many who look no more than 10 or 11’ and of photographs depicting ‘boys atop flimsy scaffolding like construction workers in a third world country’.

59 Submission No.95, pp.31-32.

60 *Committee Hansard*, 15.3.01, p.251 (Broken Rites); Submission No.36, p.2.

61 Submission No.82, p.1.

62 Submission No.83, p.1 (St Josephs, Subiaco, WA).

substantial value, with Broken Rites pointing to Clontarf and Bindoon which ‘started off as bare ground...and boys worked as slaves to create and turn that [Bindoon] into a capital asset which must be worth millions in terms of the upgrading of the land, its farmability, the buildings that were put there...We have seen it time and time again, not just with Christian Brothers but with non-child migrants who developed farms. One was at Lilydale which was sold, to become a golf course, for \$3 or \$4 million.’⁶³

4.66 There was also evidence that work of a clearly commercial nature was undertaken at institutions.

The strings and tags were for the Metro Meat Company. The strings were cut so long. There were 80 strings to a bundle, and it took 13 minutes to do a string. Sister Clare set the quota. I used to get 20 bundles a day and a box of tags. That is 1,600 tags. I would be up till 1 o’clock in the morning getting my punishment finished, because if you did not, you got belted. The punishments would go on—strings and tags went on for nearly 4½ years. The strings used to go in our fingers and make blisters. We would sit up on the bathroom floor to keep ourselves awake because the tiles were cold. When I asked the nuns, ‘Hey, that was child labour. I want to be paid for that,’ one of the nuns, Anne Gregory, said, ‘We were told that sister bought records for you to dance to with that money.’ I said ‘We could have bought the whole record company.’ That money, I was told, was used to buy a big industrial laundry.⁶⁴

Young migrant girls also worked in the commercial laundries run by religious orders. One witness has wryly noted that by the age of 12 years she could work the big pressers and the huge industrial washing machines in the laundry.⁶⁵

4.67 Some child migrants remained at the institution to work after leaving school. Again the problem of non-payment of wages arose.

I left school in 1960 [aged15] and worked in the kitchen for three years...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...I did not know the reason for that. When I turned 21, I got a letter from...the mother superior at Neerkol at the time...that said, ‘We have no money in trust for you for those years that you worked at Neerkol because you were a British migrant.’ 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.⁶⁶

63 *Committee Hansard*, 15.3.01, p.251 (Broken Rites).

64 *Committee Hansard*, 22.3.01, pp.533-34 (Goodwood, SA).

65 Submission No.124, p.1.

66 *Committee Hansard*, 21.3.01, p.349 (Neerkol, Qld).

4.68 Another submission cited comments by the Western Australian Child Welfare Department in 1946 that the interests of boys who had come to Western Australia in 1938 and 1939 were not safeguarded; instead of being found outside employment they ‘had been retained in connection with building operations for which in the main no wages have been paid them’.⁶⁷ Dr Marion Fox also noted that several girls worked at Thurgoona without wages which ‘the nuns described as training’.⁶⁸

4.69 Many examples were provided to the Committee of the type of employment undertaken by young child migrants after leaving institutions. For many young male child migrants, it was a case of leaving one poor and, at times, brutal existence for another. Many worked long hours, in inappropriate settings with little contact with welfare authorities. For female child migrants, there are many examples of girls, after completing their education, being placed in domestic situations and in commercial laundries run by religious orders.

4.70 Many witnesses complained of the poor or unpaid wages and the loss of trust monies when placed in outside employment. One former child migrant was employed in the late 1950s at a farm where he had to get up at 4.30 am and was responsible for milking between 50 and 120 cows. He was then required to clean equipment, feed the pigs before breakfast at 9.30 am. Other tasks filled in his 15 hour day, six and a half days a week. He was paid £4 per week, but stated that he rarely saw the money and had to ask for pocket money for clothes and other needs.⁶⁹ Others had similar stories:

From Padbury Boys Farm School I was sent to a farm...I was 16 yrs of age. The conditions were very poor and I worked from daylight till dark. Holidays I never got. I was never paid wages and if I was the money was sent to the Child Welfare Dept. Later I found out that 10 shillings was paid to the Child Welfare Dept to keep for you until we turned 21 yrs. And then it was £1-0-0 taken out...Where is the money now? And why was it never paid to us? when we turned 21 yrs.⁷⁰

My job was to look after [the children] and do the housework as well. This continued for a period of about eighteen months before I was sent back to the orphanage because they got into financial difficulties. I asked where my pay was and was told that they looked after me, I was originally told that I would be paid for that work but got nothing.⁷¹

67 Quoted in Submission No.95, p.33.

68 Submission No.148, Attached Article, British Child Migrants in New South Wales Catholic Orphanages’, *History of Education Review*, Vol 25, (2), 1996, p.12 (Dr M Fox).

69 Confidential Submission (Dhurringile, Vic).

70 Submission No.14, p.2 (Padbury Boys Farm School, WA).

71 Submission No.62, p.1 (Thurgoona, NSW).

Government financing of capital work - Bindoon

4.71 Evidence from archive documents indicates that Governments knew that boys in institutions were working without pay on building projects. Postwar, the Commonwealth and States provided financial assistance for buildings for the use of migrant children. The Western Australian Department acknowledged in a letter to the Commonwealth that senior boys were labouring on the facilities at Bindoon without pay. The letter is also enlightening as to the value placed on that labour:

As you are aware from previous reports the Senior boys at the Institution are employed on building construction receiving no wages therefore the cost to the Authorities for paid labour would be much less than the estimate of the Architects.

Taking all the facts into consideration, the State Government has agreed to contribute one third of the cost of Material (£30945) and one third of 50% of the estimated labour costs. This States contribution would therefore be one third of £46,417 or £15,472.⁷²

4.72 In a report of the inspection of Bindoon on 12 August 1952, the inspecting officer stated in relation to the building at Bindoon, ‘as you know, Brother Keaney’s methods are to say the least unorthodox, and I feel that great difficulty will be experienced by him to produce receipts for much of the material used’.⁷³ The Commonwealth made its final payment in 1957.

Wages while training at institutions

4.73 The payment of wages for trainees in institutions, generally those 14 to 16 years of age, was an area of concern for child welfare authorities from the early 1920s until the early 1950s. Dr Coldrey stated in *The Scheme*⁷⁴ that the particular issue of payment of wages was a sticking point during negotiations between Child Welfare officials and the Church over the development of Tardun in 1929. Tardun eventually agreed that the boys would be paid pocket money while they ‘trained’. When Clontarf boys were sent to Bindoon for work experience, they were to be paid pocket money. Dr Coldrey stated that during Brother Keaney’s first stay at Bindoon (1942-44) none of the boys were paid but Brother F Doyle apparently paid the older boys a regular wage during his time in charge at Bindoon (1945).

72 From National Archives RecordSearch - Letter from the Western Australian Department of Lands and Survey to the Commonwealth Department of Immigration, dated 20 February 1951, K403/3 W59/87, pp.70-71; see also pp.35-36 - Letter from the WA Department to the Commonwealth Migration Officer. Following the letter of 20 February 1951, a valuation of the buildings at Bindoon was undertaken by the Commonwealth and State Public Works. The cost of materials was valued at £10,432-10-0 and payment was recommended on a two-thirds basis - £6,955-0-0, and the cost of labour was valued at £10,432-10-0, less 50% allowance for the students’ labour, leaving a subsidy payment of £3,477-10-0.

73 From National Archives RecordSearch, K403/3 W59/87, p.45.

74 Coldrey, *The Scheme*, pp.366-76.

4.74 Dr Coldrey noted that during the postwar migration period the indenture agreements did not mention wages to be paid to the child migrants while in training. He commented that ‘in view of the parlous financial condition of the Catholic Homes during the war years, it is fair to say that no agreement would have been signed had wages been demanded for the young arrivals while they were training’.

4.75 One former child migrant disputed this view of the indentures submitting that the indentures were ‘nothing like contemporary apprenticeship indentures...but were merely an agreement between the custodian of the child and the Minister’s delegate...To equate the indentures...with apprenticeship indentures invites the absurd proposition that child migrants became indentured labour from the moment of their arrival on Australian shores.’⁷⁵

4.76 In 1948 an inspection of Bindoon by Child Welfare officers found that large numbers of boys were employed on the buildings and it was suggested that the boys over school age should be paid a wage. Brother McGee, then in charge, did not agree. The matter was taken up by Child Welfare which stated that ‘the time has arrived when we must put the question of their [the trainees] wages on a proper basis as is done at the Swan Homes’.⁷⁶

4.77 After Brother Keaney returned to Bindoon he ignored the suggestion by Child Welfare. Dr Coldrey commented that Brother Keaney could have paid the older boys ‘something. He chose not to do so. In this decision, the weight of evidence is clear that he did the wrong thing, and exploited the labour of the post sixteen year-olds between 1949 and 1951.’ At this time there was also an investigation of the apprenticeship scheme run at Bindoon. Brother Keaney stated to officials that the scheme would be recognised by the Arbitration Court as part of an apprenticeship. However, the Building Trades Apprenticeships Advisory Committee noted a number of problems.

4.78 The Department of Immigration and Multicultural Affairs (DIMA) also commented on the payment of wages. The Department noted that ‘there was recognition by the Commonwealth and State governments that the youth who were trainees or apprentices in the Homes should receive appropriate award wages from the Institution’.⁷⁷

4.79 Other evidence provided indicated the level of concern by Western Australian Child Welfare officials. In 1949, the WA Child Welfare Department stated ‘that no boy over the age of 14 years is attending school [at Bindoon], and yet subsidy has been paid for all lads under the age of 16 years on the presumption that they were attending school’. In further correspondence in 1949, the Acting Secretary of the Department remarked:

75 Submission No.86 Additional Information, p.22.

76 Coldrey, BM, *The Scheme*, p.373. The Inspection report is reproduced in Submission No.42, Additional Information, Attachment H (DIMA).

77 Submission No.42, Additional Information, p.5 (DIMA).

Although I realise that if these recommendations are carried out the Institution will be deprived of a considerable amount of labour, I am afraid that if something is not done to rectify the present position both this Department and the Bindoon authorities will leave themselves open to a charge of exploiting child labour.⁷⁸

4.80 The issue of wages was canvassed in two reports from 1950 and 1952. A 1950 inspection report on Bindoon recommended the level of wages that trainees should receive and that all boys 16 years of age and over, employed as agricultural workers, be paid wages on the scale of the General Farm Workers' Award. The report also recommended that Commonwealth Savings Bank Trust Accounts with the Secretary, Child Welfare Department as trustee, be set up for each boy employed as was done for wards of the Department. Many witnesses believed that this was done, but many have since complained they were never paid. The 1952 report provided the policy on child migrants and wards in institutions in respect of employment and education, including wages to be paid to children who were trainees, as well as the policy on how long children were to remain in school and the length of traineeships.⁷⁹

4.81 In its submission, the DIMA concluded that in general, from 'the archival records examined, it appeared that the issue of wages was a particularly contentious one, at least as far as some Catholic authorities were concerned'.⁸⁰

Work to financially support institutions

4.82 The Forde Commission reported that 'one of the consequences of low levels of funding and staffing was that many institutions relied on the labour of children to maintain their functioning'.⁸¹ This situation was certainly not confined to Queensland, although the level of funding varied from State to State and over the decades.

4.83 From 1941, Commonwealth child endowment was paid at a rate of 5/- per week, for all children resident in Australia aged less than 16 years. Prior to this time, the Commonwealth had agreed to pay maintenance for child migrants in care (mainly Barnardos, Fairbridge and the small number brought to Western Australia under the pre-war Catholic arrangement). The State Governments (Western Australia and New South Wales) also provided maintenance payments.

4.84 In relation to children other than child migrants in institutional care, most States provided some funding to voluntary organisations for their care. In New South Wales, voluntary care organisations did not receive State Government funding until 1961, resulting in many of the institutions being 'run on a shoestring'. Dr Joanna Penglase in her study of home children in New South Wales found that many homes

78 Quoted in Submission No.95, p.35.

79 Submission No.42, Additional Information, Reports at Attachment E, p.5 (DIMA).

80 Submission No.42, Additional Information, p.5 (DIMA).

81 Commission of Inquiry into Abuse of Children in Queensland Institutions (Forde Report), *Report*, May 1999, p.79.

in that State operated, before 1961, on financial arrangements similar to those of nineteenth century institutions: on charity and endowments. Dr Penglase noted the extent to which children were used as domestic labour and commented that there was a view that children's labour was a justifiably available resource and that this view prevailed in many institutions.⁸²

4.85 Dr Coldrey has written that if extra monies were needed in the Christian Brother's institutions, it was sought through donations, fund raising drives and 'naturally, what the property could produce partly from the labour of the children. There was little money for wages. It was presumed that the children would labour towards their own upkeep'.⁸³ On the farm schools boys and girls were required to contribute through milking, planting, harvesting and other farm work. The Forde Commission commented in relation to Riverview Training Farm (though it could also apply to many others), 'clearly the question arises as to whether the boys were needed more for the operation of the institution than the Home was needed to care for them'.⁸⁴

Outside employment, wages and trust monies

4.86 The primary concerns raised about employment placements outside the institution were the payment of lower than award wages or no wages and the access to trust monies accumulated through outside employment.

4.87 Dr Marion Fox noted that in rural labour and domestic work, exploitation was rife. The case examples quoted earlier show that exploitation of those in rural labour and domestic situations was not limited to New South Wales. Wages were often low or non-existent. For example, a former Clontarf resident considered that in Western Australia 'the Catholic Welfare's main concern was to provide a cheap, powerless labour force for catholic farmers and supporters of the Christian Brothers'.⁸⁵

4.88 Dr Fox's study does illustrate that concerns were held by welfare officers about rural placements and the exploitation of migrant children:

- in 1953, a 13 year old boy was placed on a farm earning pocket money but no wages. The Department complained that the boy was being exploited as cheap labour. The Catholic Family Welfare Bureau arranged for the boy to be introduced to a 'prospective employer' who sexually molested the boy and abandoned him;
- in 1955, despite a recommendation by welfare officers that a child should be placed in private home, the boy was transferred to another institution and then placed on a dairy farm where he earned £1 per week and his keep. The industrial

82 Penglase, pp.196, 213.

83 Coldrey, BM, *Child Migration and the Western Australian Boys Homes*, Tamanaraik Publishing, 1991, p.35; see also *Committee Hansard*, 22.3.01, p. 493 (JLG).

84 Forde Commission, *Report*, p.81.

85 Submission No.96, Additional Information, 16.2.01.

award at the time exceeded £8 and the Department maintained that even if the boy needed a Slow Workers' Permit, the boy should earn more than the wage agreed on his behalf.⁸⁶

4.89 In some States trust or other savings accounts were established for child migrants, as was done for wards of the State, when they left an institution to take up employment.⁸⁷ From at least the 1920s, trust accounts were part of the formal service agreements that were signed by employers (usually farmers in Western Australia). The children were generally paid a wage, half in cash and half banked by Child Welfare. In evidence, many former child migrants claimed that they did not receive, or could not remember receiving, monies held in trust.

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.⁸⁸

I was told that my employer would send back to Northcote 50% of what I earned, this money would be paid into a bank account...This in fact is what did happen but I cannot remember ever receiving any balance that should have reverted to me.⁸⁹

4.90 The Western Australia Department for Family and Children's Services advised that it had received a number of inquiries about trust monies. It had 'searched diligently through the records' but 'the problem we have is that we keep financial records for only seven years, so all those records of paying out those children have disappeared'. Money not collected was transferred to Treasury whose records had also been checked but 'we cannot prove that we have given them the money but we cannot prove that we have not given them the money'. Trust monies should have been provided when the child turned 21, went to work or married. The Department stated:

[I] find it hard to believe that the issue of money was not dealt with, because in the extant records that I have seen, there is a lot of procedure and there are a lot of guidelines about what you need to follow up and what you are supposed to do. The blue cards indicate that those things were done. I would have to say—without proof, but just from the information I have discovered

86 Submission No.148, Attached Article, p.10 (Dr M Fox).

87 The Queensland Department of Families reported that trust accounts were maintained for State children, but not for child migrants. It added that trust accounts were, in effect, forced savings and were arranged when a child was employed. The Department concluded 'it does not seem that the Department had any statutory authority to require compulsory savings by migrant children, and hence no trust accounts were held for them'. Submission No.146, Additional Information, p.4 (Queensland Government). The South Australian Department of Human Services advised that some files indicate that wages were paid by employers and placed in bank accounts. Board was deducted and child migrants were required to ask permission to make a withdrawal from their account. Submission No.127, Additional Information, p.2 (SA Department of Human Services).

88 *Committee Hansard*, 21.3.01, p.437

89 Submission No.130, p.3.

in reading the extant records—that that also was a procedure that was followed through.

...Unfortunately the trail is cold and we have no signatures.⁹⁰

4.91 The Joint Liaison Group also noted difficulties with records:

The child welfare records are very patchy indeed. A whole lot of records were destroyed back in the 1950s. Our own records are uneven—there are some there—so exactly how the thing was administered, where money went, why kids were not caught up with when they turned 21 to receive this money when they came of age, I do not have any clear cut answers to that.⁹¹

Exploitation of children in work

4.92 There is little doubt in the Committee's mind that many children were deliberately and callously exploited within institutions. While at the time most children in families would have undertaken daily chores, the work required in some institutions went far beyond chores. Indeed, many small migrant children carried out the work of adults. In some cases this work was done in very hazardous situations: quarries, building sites, and commercial laundries. At the same time government and society expected that they would be receiving an education.

4.93 In some instances, the amount of work undertaken was the result of financial imperatives. Poorly funded institutions required the hard labour of children to make ends meet. It was also the result of an ideological view that children should work to contribute to their upkeep. This view also saw hard work as a punishment and a control mechanism.

4.94 The Committee also considers that former child migrants were exploited in outside employment, especially those placed in rural and domestic work. Ample evidence was provided supporting the view that some child migrants placed in outside employment were not paid the same level of wages as other employees or in some cases, paid no wages at all. Accommodation was basic, sometimes being a barn or shed. There was a lack of or minimal aftercare on the part of the receiving agencies and by many State welfare officials. There appears to also have been a lack of attention paid to the access to trust monies by former child migrants.

4.95 Many witnesses called for compensation for work undertaken while in institutions and for lost wages from outside employment. Former child migrants also wanted the return of trust monies not received from State welfare departments. These issues are discussed in the next chapter on reparations.

90 *Committee Hansard*, 16.2.01, pp.168-70 (WA Department for Family and Children's Services).

91 *Committee Hansard*, 22.3.01, pp.494-95 (JLG).

Education

4.96 The arduous nature of the work required of the children impacted adversely on their education. Many submissions referred to the time taken in performing daily tasks curtailing the time available for education or of being so exhausted that education suffered. Often children would be late to school as a result of their daily chores and would be punished – ‘You could never speak up about why you were late because of the fear’.

4.97 Formal education was often minimal and in some cases non-existent for children below minimum school leaving age, as they were expected to work. As noted earlier, the 1949 McCall report on the educational standards of migrant children in Western Australian Catholic institutions found that many had arrived with low levels of education. With limited resources, little or no effort was expended to improve these educational levels. The Committee heard many accounts of children who struggled educationally not being given any remedial assistance but just being put out to work. This practice was contrary to the policy of both the Child Welfare and Immigration Departments that all children were to remain at school on a full time basis until the end of the year that they turned fourteen and one half.⁹²

4.98 In the rural institutions and farm schools, particularly Fairbridge, the overriding objective was to train the boys for a life as farm workers and the girls for domestic service. Formal education did not have a high priority, as it was not related to learning the farming and domestic skills that were perceived to be required for these occupations in life. However, Fairbridge Molong was given as an example of where children who showed potential were encouraged by being able to attend Orange High School and if sufficient educational standard was reached to progress to tertiary study including at Hurlstone Agricultural College.

4.99 Education was often informal with large class numbers and a mixture of ages:

- ‘School was a non issue – about 100 children aged from 6 to 12 with one teacher in one room’;⁹³
- Children were taught in classes in a single large classroom. The teaching regime seems to have been based on punishment and humiliation of children who made errors. Children were hit with the cane or a steel-edged ruler and made to wear a dunce’s cap.⁹⁴

4.100 The Forde Commission noted that a common complaint by witnesses was of their inability to learn because their minds felt paralysed with apprehension. Left-handed children were compelled to write with their right hands and were punished for

92 Submission No.135, Additional Information 9.4.01, Attachment E (WA Department for Family and Children’s Services) – Copy of 1952 policy in relation to migrant children and wards in institutions in respect to schooling and employment.

93 Confidential submission No. 23 (St Josephs, Lane Cove, NSW).

94 Forde Commission, *Closed Report*, p.5.

failing to do so. Again, the Committee received evidence that the practice was not restricted to Neerkol.

As a left-handed child the nuns tried to force me to write right-handed. I was forced to hold my left hand out, palm facing downwards and was hit across the knuckles with the edge of the ruler. I just couldn't write with my right hand and eventually they gave up but in the meantime my life was made a misery and my self-confidence was non-existent.⁹⁵

4.101 For many of the migrant children the illiteracy resulting from inadequate or lack of education has remained a severe handicap throughout life. A number of the submissions received by the Committee graphically illustrated this disadvantage. For many their poor educational standard has severely limited their employment potential with consequent economic detriment.

The denial of our rights to a basic educational standard can simply be seen as another example of the appalling neglect and deprivation suffered by child migrants.⁹⁶

After-care

4.102 Most of the migrant children were turned-out of institutions at 16 years of age as young, worldly naive, vulnerable teenagers, though welfare departments remained responsible for them until age 21.

4.103 Minimal attempt was made to ensure that work or accommodation placements were suitable, with the result that many drifted between jobs and some attracted the attention of the law. The Committee repeatedly heard of the problems with after-care and of the lack of support provided upon leaving an institution. In some instances where children were placed in remote farms, they were subjected to physical and sexual abuse no different to the institution they had just left. For many their wages were paid into a trust account until they turned 21. As discussed earlier, there were numerous reports that this money was never provided.

4.104 Constant reference was made in evidence to feelings of complete abandonment, of being desperately lonely and isolated, of being cut adrift in a world they were totally unprepared for and had no understanding of.

...I still felt completely alone, a nobody without a future, feeling completely worthless and unloved. I was actually homeless, in every sense of the word and stateless to boot; and given no choice in life. No one gave me any guidance or direction or basic support or love. All these are fundamental to any child growing up.⁹⁷

95 Submission No.28, p.1 (St Joseph's? WA).

96 Confidential submission No.81 (Castledare/Clontarf, WA).

97 Submission No.120, p.1 (Tresca, Tas).

Aftercare was a joke! Once you left the orphanage they washed their hands of you, leaving you to entirely fend for yourself.⁹⁸

4.105 For numerous reasons many former child migrants sought security by returning to an institutional life. Many joined the defence forces, serving with distinction in Korea, Malaya and Vietnam – ‘Joining the Australian army gave me a feeling that I was joining a family’. Some have commented on the irony of having undertaken National Service or served overseas on behalf of Australia when they were not even Australian citizens. Service life proved to be a positive for many with adult education and apprenticeships, and training for life eventuating from their army or service experiences.

Deaths at institutions

4.106 The Committee received evidence that a number of child migrants had died while in the care of institutions. While these included serious vehicular accidents, occasioning death and life-long injury, and drowning in a farm dam, the cases of six boys who died at Tardun, Bindoon or Clontarf between 1943 and 1958 were specifically raised with the Committee.⁹⁹

4.107 Concern was expressed that although the death certificate for each case contained a statement by the coroner as to the cause of death it appears that none of the deaths was further investigated by a coronial inquest.¹⁰⁰ Four of these boys died from fractured skulls. In one instance the fractured skull was alleged to have been sustained from a fall from a balcony at night.

4.108 Correspondence from the Western Australian Attorney-General’s Chief of Staff in November 2000, cited in evidence, indicated that ‘the records relating to those deaths had been destroyed. There had not been any record of any request for the Coroner at the time to conduct an inquest...There is no evidence that the guardians of these child migrants had at any time made any attempt to inquire into the violent deaths of child migrants’.¹⁰¹

4.109 The Committee considers that the lack of coronial inquest and the history of cover-up of other assaults leads to the conclusion that from the stated cause for these deaths in Western Australia, there should as a minimum be some suspicion concerning the events surrounding at least one of them.

4.110 The Committee is astounded at the apparent lack of investigation undertaken at the time, but concedes that with the passage of years and the destruction of records it is unlikely that pursuit of the cases would now produce conclusive results.

98 Submission No.111, p.1 (Bindoon, WA).

99 Submission No.95, pp.20-21. Submission No.36, Additional information, 1.12.00.

100 *Committee Hansard*, 15.2.01, pp.51-3; 26.3.01, p.558 (IAFCM&F); 22.3.01, p.539.

101 Submission No.86, p.3. See also *Committee Hansard*, 16.2.01, pp.158-9 (WA Department for Family and Children’s Services).

4.111 The Forde Commission in its Closed Report outlined the situation in respect to a number of former residents of Neerkol who it was believed had died in mysterious circumstances.¹⁰²

Long-term effects of abuse

4.112 Lack of identity, lack of family to turn to, lack of training in basic social and life skills, and lack of confidence and self esteem as a result of years of physical and mental abuse and criminal assault have led to a diversity of problems being experienced in adult life.

4.113 The most commonly referred to problem has been in establishing and sustaining relationships, from an inability to maintain a basic social life due to a lack of social skills to an inability to trust others and themselves sufficiently to form close personal relationships and share emotions.

I should have been given more information and experiences in social life, I should have been told what to expect. The heavy dosage of religion, poverty, purity and humility really did affect my mental attitude to life.¹⁰³

Many former child migrants have remained single, with some describing their life as that of a loner.

4.114 The separation and divorce rates among former child migrants appear to be very high. Those who have married and had families have described difficulties with parenthood resulting primarily from a lack of parental guidance and knowing no other form of upbringing than that which they received:

As a result of not having a role model while rearing my own children, I found it more difficult than most parents. If I had reared my children like I was brought up, I would have ended up in jail and having my children removed from my care.¹⁰⁴

4.115 Even those who have built durable, strong, happy marriages have indicated that their marriage has been affected as a legacy of their childhood experiences. Demonstrating affection can be difficult, especially to their own children, as is learning to think how decisions will impact upon others after a life of thinking how decisions affect the self. As parents, anger and resentment grew due to their inability to provide a family history or full identity to their own children, for example drawing up a family tree is often given as a school project.

4.116 An aspect that became noticeable for the Committee was how very important a caring and understanding partner or spouse was for a child migrant. Sadly, the

102 Forde Commission, Closed Report, pp.8-9.

103 Submission No.101, p.4 (Castledare/Clontarf, WA).

104 Submission No.19, p.3 (Neerkol, Qld).

Committee heard of cases where a spouse or partner could not empathise with the child migrant's experiences and profound unhappiness inevitably resulting.

4.117 In many cases former child migrants have had great difficulty in holding jobs or maintaining long-term employment.

4.118 Other long-term effects resulting from their childhood experiences have been described for the Committee. They include:

- clinical depression and anxiety requiring medication and counselling – some diagnosed as experiencing Post Traumatic Stress Disorder;
- uncontrollable, often explosive anger leading to outbursts of violence including domestic violence;
- alcohol and other drug abuse;
- reluctance to trust others, especially those in authority; and
- resorting to petty crime.

4.119 A particularly depressing impact relating to the long-term effect of their experiences as children has been the high level of suicide among child migrants. A number of submissions and witnesses spoke of the suicide of family and friends who had never been able to cope with the traumas of their childhood. It is often difficult to quantify the level of suicide, particularly when death certificates, for example, record accident or overdose as the cause of death. However, the Committee believes that the anecdotal evidence that it received would indicate that the suicide rate of child migrants is well above the Australian average.¹⁰⁵

Factors contributing to neglect and abuse

4.120 The level of abuse and assault described in this chapter is totally indefensible. Under any understanding of what constitutes civilised behaviour, especially in relation to the care of children, the treatment of child migrant children in Australian institutions will remain a very dark aspect of this country's history.

4.121 A number of factors have been identified as giving rise to the risk of abuse in institutions, and have been particularised in relation to some. However, the consequences of these risks to child welfare should have been apparent at the time and acted upon by the responsible agencies and organisations. The fact that they were not, ultimately led to the levels of abuse suffered by a great many of the migrant children.

4.122 Some institutions used for child migrants were also correctional, with child inmates who had committed crimes or were on remand. Bindoon, for example, 'was gazetted to receive and train juvenile delinquents. It also acted as a place to which

105 Submission No.57, Additional Information 15.5.01, p.8 (Broken Rights). See also Submission No.148, p.4 (Dr Fox); *Committee Hansard*, 15.3.01, pp.191, 262.

boys could be sent who had committed offences, but not been through the courts...Bindoon was the-end-of-the-line institution for catholic boys at risk.¹⁰⁶ Hardly a welcoming environment, yet one to which child migrants were sent!

4.123 The Forde Commission took evidence from a number of the nuns who had worked at Neerkol. Their comments could equally relate to many of the institutions about which the Committee received evidence as being responsible for the worst excesses of abuse. The Forde report identified the following factors as contributing to the risk of abuse at Neerkol:

- physical isolation of the institution depriving its occupants of any real opportunity to integrate into the local community. Isolation inevitably gives rise to a closed community with a culture of its own;
- the lack of funding needed to provide a level of resources that would enable children to be cared for in physical conditions of reasonable comfort by carers who were not over burdened;
- the workload of individual nuns, particularly those in charge of the nursery and the children's dormitories, was unremitting and arduous;
- staff-child ratios were grossly inadequate for the provision of care and attention to individual children;
- there were nuns who were not by nature suited to working with children. Their vow of obedience gave them no choice but to go where directed. The lack of aptitude or enthusiasm for dealing with children was compounded by overwork, lack of resources and the rigour of life in an isolated, harsh environment; and
- management practices were such as to suppress individuality. Some of the nuns who gave evidence to the Forde Commission spoke of feelings of intimidation and powerlessness as junior members of the Order.¹⁰⁷

4.124 This last point possibly provides a more general understanding (though certainly not excusable) as to the reasons why when children raised the problems of abuse with staff they trusted, there appeared to be a reticence by the staff member to take issue with their superiors.

4.125 Dr Coldrey has also written about the unsuitability of staff and inappropriate mix in Catholic institutions:

It is now clear, that in general, the Religious Congregations tended to place their least qualified personnel on the staffs of the children's homes. Moreover, on occasion, they used the Homes to hide ageing, difficult, odd or mentally unstable members, at a time when the congregations could not afford specialist care for old, retired or mentally ill brothers or sisters.

106 Coldrey, *The Scheme*, p.389.

107 Forde Commission, *Closed Report*, pp.1-2, 7-8.

In the Catholic institutions, congregate care was the norm and staff gender balance was not usual. In Boy's Homes, men held all, or almost all, the key roles; the reverse in the institutions for girls...In Catholic care, religious brothers found themselves caring for small boys, a role for which they had neither training nor aptitude. The risks of physical and sexual abuse were heightened.¹⁰⁸

4.126 The verbal abuse referred to earlier based on the child migrant's background is also reflective of a prevailing culture that regarded the children with these backgrounds as sinful and deserving of unremitting cruelty and harshness precisely because of their illegitimacy and origins.

4.127 The Committee received many comments from child migrants who felt betrayed by non-offending staff who were aware of abuse happening in an institution but took no action. The child migrants perceived such people as equally guilty as those perpetrating abuse. One of the residents of Neerkol submitted:

If those nuns were so unhappy that they took all their anger and frustration out on us kids, why didn't they ask to be moved. We had no choices. We had nobody. We didn't ask for their anger to be put onto us. Why didn't they have the backbone if they weren't happy to make some changes to their lives?¹⁰⁹

4.128 It was not just the Catholic institutions that had staff unsuited to caring for children. The Committee received evidence in relation to a number of non-Catholic institutions concerning the calibre of staff. Lack of trained staff was raised, with one commenting that because only 'board and keep' plus a small allowance was paid 'most of the people attracted to the job were failures or odd-balls in society'.¹¹⁰

4.129 Some of the cottage parents at Fairbridge homes appear to be a good case in point. Recollections of life at Fairbridge farm schools varied dramatically with the central role of the cottage parent being crucial. A former Fairbridge Molong resident described this to the UK Health Committee:

The seeming contradictions between those who look back with affection to Fairbridge and those who are still suffering seems to me to be caused by this simple fact: "IT ALL DEPENDED WHO YOUR COTTAGE MOTHER WAS".

As there were many different cottage mothers over the decades obviously this must be taken into account when one former child gives a glowing positive report and another responds with a curled lip.¹¹¹

108 Coldrey, BM., 'The Child Migration Controversy: A survey and analysis of the debate over child migration and residential care in Australia, 1987-2000', *The Australasian Catholic Record*, Volume 78, No.1, January 2001, p.67.

109 Submission No.20, p.19 (Neerkol, Qld). See also *Committee Hansard*, 21.3.01, p.383.

110 Confidential Submission No.82 (Northcote, Bacchus Marsh, Vic).

111 UK Health Committee, Unpublished Memoranda, CM205.

Prevailing norms

4.130 Much justification for the treatment of the migrant children has been based on an argument that the care of the child migrants needs to be understood within the context of prevailing norms about childhood and children. Social mores and social standards have changed since the time of these events. This argument contends that corporal punishment was commonly used as a form of discipline throughout Australian schools until the 1970s, the lack of training in or understanding of child care and development applied as much to those caring for child migrants as to many Australian parents, and that making children work at an early age could be understood in terms of the aims of the original child migration schemes to provide young migrants with rural or domestic skills and training.

4.131 Similarly, it can be argued that in the 1940s many parents agreed to the migration of their under-privileged children to ensure they received greater opportunity in life than by staying in Britain. These parents would have considered that they had the best interests of their child at heart. However, the Committee has received evidence of parents who were denied visiting rights to their children and of parents who fought to have their child remain in Britain or who were deliberately misled into believing that the child had been adopted into a good family in Britain. This denial of rights and of sending children secretly to Australia without their parents knowledge is essentially stealing them away from their home and family.

4.132 The Committee considers that the many accounts it received of excessive and unwarranted criminal physical and sexual assault go way beyond anything that could conceivably be argued as normal for the time. Alan Gill commented similarly:

I think the “context of the time” argument is often misused. There is an assumption, for instance, that the children in these orphanages and institutions received “six of the best” and the occasional belt around the ear, which “is what we all got at that time”. Such statements are misleading. The punishments meted out at many of these establishments amounted to physical abuse, which would have been as wrong in 1949 as in 1999. Likewise, sexual assault is totally indefensible.¹¹²

4.133 The ‘it is illegal now and it was illegal then’ argument has been put forcefully by Broken Rites:

It should be recognised that at the time that child migrants were being "cared" for in so many institutions, the sexual assault of children was not sanctioned in any educational system in Australia, child labour was not permitted in law, slavery had been abolished, public beatings and floggings were no longer carried out in either the criminal justice system or in the

112 Submission No.2, p.2 (Mr A Gill).

military and minimum standards of working conditions, hours of work and wages had already been established for working adults.¹¹³

Conclusion

4.134 Evidence to the Committee indicated the disturbing extent of physical, sexual and psychological abuse that was inflicted upon child migrants over a number of years, although with differences between institutions and even from one period to another in a particular institution. Many of the stories of abuse recounted to the Committee were graphic and horrendous in detail. Abuse took many forms including excessive beatings as punishment and other indiscriminate physical assaults using specially made weapons, sexual abuse including sodomy and rape, psychological and other forms of emotional abuse including depersonalisation, arduous and exploitative work regimes, limited educational opportunity, inadequate food and clothing, and poor after care.

4.135 It has been argued that the care and treatment of migrant children needs to be understood within the context of prevailing norms about childhood and children. The Committee discounts this argument and considers that the many accounts it received of excessive and unwarranted assault and sexual abuse go way beyond anything that could conceivably be argued as normal for the time. Such actions were illegal then and they are illegal now.

4.136 While many child migrants were fortunate not to have suffered from the level of the abuse outlined to the Committee, those who did often carried the scars through adult life. The lack of identity, and lack of confidence and self-esteem resulting from years of physical and mental abuse, have led to a diversity of problems including an inability to establish and maintain personal relationships, marital difficulties, depression and anxiety, and alcohol and other drug abuse. The Committee believes that, based on the anecdotal evidence it received, an especially tragic outcome of these problems has been a suicide rate of child migrants well above the Australian average.

113 Submission No.57, p.5 (Broken Rites).

CHAPTER 5

RESPONSIBILITY AND REPARATIONS

Australian and British Governments and other agencies including the church now have an obligation to fulfil and it is not too late to do so. These 'ruling bodies' must have worked in unison when arrangements were being made to deport these children in the first place.¹

5.1 This chapter discusses issues of responsibility for the child migrants in this country and the role of both government and non-government bodies in the care of child migrants. The chapter goes on to discuss the measures of reparation available to child migrants for the abuses suffered and the responsibilities for providing and funding the relevant services. The support services and assistance provided by the Child Migrants Trust and other groups helping child migrants is also discussed.

Role and responsibility of governments and non-government bodies

5.2 As noted in chapter 2, the *Immigration (Guardianship of Children) Act 1946* placed legal guardianship in the Minister for Immigration for child migrants from the time they arrived in Australia until the age of 21 years. However, provision within the Act enabled the Minister to delegate his functions and powers as guardian to State welfare authorities. Indentures were then drawn up between the State welfare authorities and the receiving agencies (the custodians) detailing their respective responsibilities for the care of migrant children.

5.3 The difficulties with these arrangements in determining responsibility for providing care for migrant children was demonstrated in New South Wales. While guardianship was delegated to the NSW Director of Child Welfare, there was concern as to who should have custodianship of the catholic children. Eventually, it was agreed between representatives of the governments and the Bishops that the Director of the Federal Catholic Immigration Committee, a priest who spent much of his time in the UK, should be the custodian of children in NSW Catholic orphanages. Guardianship and custodianship were complementary responsibilities. One researcher has indicated that the Department of Child Welfare, on behalf of the guardian, 'was frequently critical of the manner in which the custodian undertook his responsibility to individual children'.²

Visits and inspections

5.4 Provisions existed for regular, usually six monthly, inspections of the institutions and more frequent visits to monitor the welfare of children, though the

1 Submission No.84, p.2.

2 Submission No.148, p.3 (Dr M Fox).

periods varied between the States and over the years. Once the migrant children left the institution and moved into work, often in their mid-teens, welfare was to maintain regular contact until the child turned 21.

5.5 The recollections of child migrants varied significantly over the extent and scope of the inspections and visits that were undertaken. Some have no recollections of visits – ‘we never saw any of these so-called guardians’, ‘they never came and asked if we were alright’. Others remembered visits, but of them being carefully stage-managed with special arrangements put in place. The children were not allowed to talk one-on-one with the visiting welfare officers – ‘people would visit and all the boys would be made to sit in the classroom so the visitors got a good impression’, ‘I have memories of occasional inspections by unknown officials as brief, superficial and with no opportunity to speak or ask questions’.

5.6 The Committee also heard of children being given good clothing and footwear for the day (it was collected after the visit was over) so as to make a favourable impression for visitors and of children even being sent away on picnics on visiting day.

5.7 The regularity of visits and the concern shown by welfare officers after children left homes and were placed in work also appeared to vary considerably.

The only time I had a meal at the house was when the welfare officer called to see how I was. He had a drink with the boss, never spoke with me and only spoke with the boss.³

Other migrant children reported having regular contact with a welfare officer, though the calibre appeared to vary considerably between the States.

5.8 Child Welfare Departments were often overloaded during this period. The Western Australian Department for Family and Children’s Services submitted that in 1953-54 new procedures were introduced which incorporated an ongoing case history recording system and compulsory quarterly reporting for children in care. However, despite these improvements, ‘planning focussed on the child in his/her placement rather than the child, plans were always for the immediate future and planning was of an erratic standard. Welfare officers were under-resourced, over loaded with cases, poorly trained and generally ill equipped to undertake the sole responsibility for planning for the needs and future lives of children.’⁴ As noted later in the chapter, the Forde Commission described a similar situation in relation to the Queensland Department.

3 Submission No.78.

4 Submission No.135, Part 2 – pp.13-14 (WA Department for Family and Children’s Services). By 1959 the Department’s field staff included only 2 psychologists, 5 welfare officers and 5 district officers.

5.9 Many institutions provided no after-care, effectively leaving the children to fend for themselves upon leaving the institution. The Western Australian Department wrote to the Commonwealth Department of Immigration in February 1959:

The trouble is that neither the Catholic nor the Anglican Church has an after-care Officer in this State, and in consequence nearly all follow-up work is carried out by Officers of this Department. We pointed out the necessity for such an Officer in letters to both Archbishops on 26.7.57 but unfortunately nothing came of our recommendations in this regard.⁵

5.10 According to some submissions agencies in other States had by the mid to late 1950s made an effort through the appointment and work of after-care officers.

5.11 Commonwealth and State archival records do contain copies of inspection reports, a number of examples of which were provided to the Committee. Copies of individual welfare reports that have been accessed by some migrants in their search for identity have also been shown to the Committee. The quality and standards of some of these reports also appear variable.

5.12 The UK Health Committee was ‘appalled at the apparent lack of proper monitoring and inspection’ of the large institutions, commenting that although the prime responsibility for the neglect of checking procedures was with the State governments concerned, ‘the sending agencies might have been expected to have investigated more thoroughly the conditions in which the children were living’.⁶

5.13 In a comment reminiscent of that by the UK Commonwealth Relations Office in reaction to the Australian Government’s response to the 1956 Ross Report noted in chapter 2, the Department of Immigration and Multicultural Affairs (DIMA) advised the Committee that:

From the sample of archival records examined, it appears that authorities and institutions at the time placed greater importance on the physical living conditions of the children than on psychological or emotional factors.⁷

5.14 The Committee is wary that it has only seen a selection of the records available from various archives⁸ and concedes the Department’s comment noting ‘that the archival records available only provide ‘snapshots’ of events over a long period of

5 Submission No.135, Appendix 37 (WA Department for Family and Children’s Services).

6 House of Commons, Health Committee, *The Welfare of Former British Child Migrants*, HC 755, Session 1997-98, para.47.

7 Submission No.42, Additional information 9.4.01, p.3 (DIMA).

8 Submissions No.42, Additional information 9.4.01, pp.7-9 and Attachments H-P (DIMA); No.54, Additional information 23.4.01, Appendices F-H (JLG); No.127, Additional information 7.8.01 (SA Department of Human Services); No.135, Appendix 19 (WA Department for Family and Children’s Services). Some digitised reports and other reference documents have been accessed from the National Archives website at www.naa.gov.au/The_Collection/recordsearch.html

time rather than a complete, comprehensive history of child migration to Australia'.⁹ However, while some examples of inspection reports provide a generally good impression, the Committee believes that the level of information contained is rudimentary and generally many of these documents are superficial in character. The Committee considers that in many instances, based on the documentary evidence available to it, the level of inspections undertaken and the consideration of the welfare of the children in the institution appear to have been at best basic and often deficient.

Adequacy of institutional funding

5.15 A specific issue relating to the institutions and their capacity to deliver appropriate levels of care was the adequacy of the financial support provided to the organisations and institutions that received child migrants. This is a difficult issue for the Committee to assess based on the evidence it received.

5.16 Dr Barry Coldrey has stated that the contribution by government in 1947 was about half what it cost to keep a child in a home,¹⁰ though he has also noted that 'since the agencies who arranged the emigration of the children and their care in Australia were voluntary, they did not expect, and did not receive full funding from governments'.¹¹ However, one former child migrant wrote that in 1957 approved institutions in Western Australia were receiving a total of 52/3 per child per week and commented 'If the basic wage, which was designed to keep a family with a non-working wife and two children, was then about 12 pounds, it can be seen that an allowance of about 20% of that sum was quite generous. It certainly should have provided adequate food and clothing for the children'.¹²

5.17 Dr Marion Fox stated that the Catholic schools and institutions in New South Wales were facing serious financial and staffing constraints 'yet the bishops actively sought the additional burden of deprived British children'. Dr Fox examined correspondence between the Catholic Immigration Committee, London, and nuns at St Anne's, Liverpool during 1951. Not only were the nun's reservations about taking in child migrants dismissed, the advantages of capital funding were noted. Further, it was stated that 'the payment for maintenance is very good and well worthwhile as an income'. Indeed, the Director of the New South Wales Child Welfare Department was of the view that orphanage authorities were seeking migrants at the expense of Australian children.¹³

9 Submission No.42, Additional Information 9.4.01, p.1 (DIMA).

10 Coldrey, BM, *Child Migration and the Western Australian Boys Homes*, Tamararaik Publishing, 1991, p.35.

11 Submission No.15, p.44.

12 Submission No.95, p.25.

13 Submission No.148, Attached article, 'British Child Migrants in New South Wales Catholic Orphanages', *History of Education Review*, Vol 25, (2), 1996, pp.2, 8-9 (Dr M Fox).

5.18 Dr Fox concluded, that ‘there is no reason to doubt that Catholic bishops in the early postwar years regarded child migration as a work of national importance deserving their cooperation...Public funding towards capital works and children’s maintenance provided a pragmatic reason for participation in the program’.¹⁴

5.19 Other witnesses also raised questions about funding. Broken Rites stated:

...why were these kids starving? I wonder if there was actually cross-subsidisation going on, that there was in fact money coming in under the child migrant scheme of X and some other money coming from the state government for the support of state wards of Y, but there is this other group of children who were illegitimate, not able to be supported by their families. They were added to the pool and the money was just spread out. So what might have been considered to be adequate and match the costs of the day was not in fact available because there were so many other children in the system.¹⁵

Conclusion

5.20 Based on the available evidence, the Committee was not able to draw a definite conclusion on the adequacy of the payments made by governments for the support of child migrants in institutional care, but notes that generally, during the child migration era, funding for institutions in most States was poor. For example, the Forde Commission noted the underfunding of institutions in Queensland. In New South Wales and Western Australia there is also evidence of financial difficulties of homes run by church and other organisations.

5.21 Various questions remain unanswered. Did underfunding lead organisations to place more child migrants in homes as a source of revenue? Was there cross-subsidisation in institutions between funding for child migrants and Australian-born children? Was work by children required to fund their upkeep? Were profits made? The evidence suggests that these scenarios in combination with others are probably accurate. Such actions would have been to the detriment of not only former child migrants but also an Australian-born child in care: poor food; inadequate clothing; and basic accommodation were the norms of institutional life for many children.

Duty of care

5.22 Much has been written and spoken as to the failure in the duty of care that allowed such appalling levels of physical and sexual abuse and assault to continue unchecked over a lengthy period of time in a number of institutions. Why did children not complain or report abuse to other staff? Why did other staff who must have been aware of the level of abuse not go to their superiors? Accounts vary in trying to answer these questions, with a number of factors being influential.

14 Submission No.148, Attached article, p.13 (Dr M Fox).

15 *Committee Hansard*, 15.3.01, p.267 (Broken Rites).

5.23 As commented on earlier, fear was a driving element for the children in some institutions. To speak out on any issue would simply attract further beatings. A similar attitude also affected staff in some institutions with the Forde Commission's reference to nuns at Neerkol speaking of feelings of intimidation and powerlessness as junior members of the Order. An authoritarian and hierarchical structure reinforced obedience, particularly when coupled with a domineering and brutal personality such as Brother Keaney at Bindoon.

5.24 In respect of the Catholic institutions the powerful aura of the clergy was fundamental. The veneration of the clergy was so great that children lived in awe and if they spoke of abuse to outsiders they were not just not believed but damned for 'telling stories' against the 'servants of God'. As the Forde Commission remarked, the prevalent attitude of unwillingness to accept that a man in the position of priest could behave improperly and the refusal to entertain such complaints, 'undoubtedly exposed the children at Neerkol, as with children in other Catholic orphanages, to the risk of abuse'.¹⁶

5.25 However, some complaints were made. Dr Coldrey discussed in *The Scheme* instances from his research using various church and state records of sexual abuse allegations being reported. Even so, the Brothers' conduct was rarely investigated with any vigour by their Provincials or Superiors with the denial by an accused Brother always being accepted against the word of the child migrant. One example was the allegation against an unnamed Brother as a consistent abuser at Bindoon and Clontarf in the 1950s. Dr Coldrey wrote that 'it is possible to say that the weight of allegation against Brother R. is substantial and he appears to have abused his position in the institutions in the postwar period. Moreover accusations against him were never investigated properly.'¹⁷ The consistent references by Dr Coldrey to the lack of thorough investigation of complaints during these postwar years are a damning indictment of the Church and its agencies in their duty of care to the child migrants.

5.26 A further argument as to the inaction of superiors to adequately investigate the allegedly few complaints that they received was to protect the reputation of the institution and prestige of the Church. As noted earlier, the incidence of sexual abuse and the numbers of Brothers involved was significant at these institutions.

5.27 In addition to the knowledge and concealment of criminal assault by the superiors in the Catholic Church, submissions outlined stories of concealment and cover-up by the police, by health personnel and by State authorities. The Committee received stories of children with markings from being assaulted, ending in hospital and having their condition described as the result of accidents or other events so that no follow up action was taken.

16 Commission of Inquiry into Abuse of Children in Queensland Institutions, (Forde Commission), *Closed Report*, 1999, p.5.

17 Coldrey, BM, *The Scheme: The Christian Brothers and Childcare in Western Australia*, Argyle-Pacific, 1993, p.396.

5.28 While much evidence referred to disbelief and inaction on reported abuse, the Committee did receive some examples of instances where action was taken to remove staff following complaints, though these were usually through the intervention of a third party and certainly appeared to be the exception to the rule. The examples included:

- a former Fairbridge resident who wrote that a number of staff were dismissed for inappropriate behaviour to the children – sexual, physical and emotional;¹⁸
- the Mother in charge of Goodwood was moved after children complained during a visit by the Archbishop of being thrashed.¹⁹

5.29 It is argued that to have allowed such abuse and assault as outlined in chapter 4 to have occurred, to have allowed an environment to develop that allowed such abuse to continue is a clear failure in duty of care to the migrant children. It appears that in some instances, irrespective of the indentures, the agencies running the institutions were given far too much autonomy by the State welfare departments. In this respect the agencies that ran the institutions and the State welfare departments that permitted such activities to continue unchecked are equally at fault.

5.30 The federal government shares in this responsibility of not taking positive action to protect the welfare of the migrant children when negative comments were known. The cursory manner with which the investigation of the 1956 Ross Committee Report was undertaken, as described in chapter 2, provides an example.

5.31 Argument has been forwarded that Government supervision of the post World War II migration schemes was so relaxed that the religious orders and institutions were effectively controlling the migration of the children. It is an object lesson in misplaced trust as evil and cruel carers cynically and deliberately abused that trust. For example in 1953 it was discovered that representatives of the Catholic hierarchy in Australia were going directly to the children's homes run by religious orders in the UK to recruit children for migration to Australia. Children were being sent to Australia without the knowledge of the Catholic Child Welfare Council and thus bypassing the proper procedures for obtaining approval before a child was migrated.²⁰

5.32 The UK Health Committee had also noted that:

A recurrent feature of child migration schemes seems to have been lack of effective monitoring of the children's welfare by either the British Government or the sending agencies. The post-War schemes, particularly to Australia were excessively permissive.²¹

18 Submission No.152 (Fairbridge, Molong).

19 *Committee Hansard*, 16.3.01, p.125 (*in camera*).

20 Submission No.51, Enclosure 1, p.4 (CCWC).

21 Report of UK Health Committee, para.22.

5.33 While guardianship may have been delegated to the State departments, the Commonwealth Minister's ultimate responsibility was clearly acknowledged by the then Minister for Immigration, Mr AR Downer, in June 1958. This related to the incident of 'serious sexual malpractices' between 'certain staff and boys' at Barnardos, Picton, referred to earlier in the chapter. Mr Downer wrote to the Manager of Barnardos in NSW:

The law will take its course in this matter, but, as legal guardian of the children, I must be personally concerned in seeing that they are adequately protected from all influences disastrous to their character.²²

5.34 The Western Australian Department submitted that:

It is difficult to clearly determine the roles and responsibilities of the British, Australian and State governments, together with the sending and receiving agencies.

5.35 The Committee has received considerable documentary evidence from archival records, in addition to the anecdotal evidence of the former child migrants, clearly demonstrating a failure in their duty of care by those involved at all levels with the child migration schemes. The inadequate levels of monitoring and buck-passing of responsibilities appeared endemic at all levels.

5.36 Dr Marion Fox, in her study of British child migrants in NSW Catholic orphanages, has noted that multiple administrations in Australia and Britain led to communication problems with orphanage authorities often failing to report children's transfers, even those requiring change of guardianship between Ministers in different States. Dr Fox further pointed out:

Centacare, successor to the Catholic Family Welfare Bureau, has acknowledged the lack of coordination between Australian and British Church officials, their poor administration, and the bypassing of formal procedures by Federal Catholic Immigration Committee personnel. Moreover, no Catholic agency independent of the religious Orders which conducted orphanages monitored their conditions.²³

5.37 Dr Fox's study did record that some positive actions were taken, finding that in 1952 Child Welfare officials withheld approval for several orphanages as suitable for child migrants for a number of reasons and stated that they believed 'that their British counterparts would consider some girls to be overworked and exploited'.²⁴

5.38 The Catholic Church's Joint Liaison Group on Child Migration (Joint Liaison Group), after noting the British and Australian governments' involvement in

22 Submission No.42, Additional Information 9.4.01, Attachment C (DIMA).

23 Submission No.148, Attached article, p.7 (Dr M Fox).

24 Fox, p.8.

authorising and regulating arrangements for child migration, the State governments' responsibility for the legal guardianship of the children and the mandated supervisory responsibility to the institutions in which the children were cared, concluded:

It therefore seems axiomatic that responsibility for child migration was a shared one. Hence we firmly contend the task of responding to the consequences of child migration is also to be shared among all participants: the British Government, the Australian Federal and State governments and the sending and receiving agencies.²⁵

5.39 The Committee concurs with this conclusion, which was also reflected in the conclusion of the UK Health Committee:

We regard the circumstances now faced by many former child migrants as the collective responsibility of all the governments and agencies involved in the schemes.²⁶

5.40 In addition the UK Committee thought it 'incumbent on the British Government to accept additional moral responsibility for what happened since it passed the enabling legislation'. They further concluded:

We consider that the present British Government should accept responsibility for its predecessors' past involvement, in collaboration with other parties, in child migration. Given this involvement, we believe that the Government is under a moral and legal duty to display concern for the welfare of former child migrants and to offer them meaningful practical assistance. This will lead the way to a just conclusion to a sorry episode in British history.²⁷

5.41 The Committee is of the view that the same argument applies equally to the Australian government. The Federal government of the day was responsible for the post World War II scheme and accepting children for migration through its officials at Australia House. Documents show that, irrespective of the delegation of guardianship to State welfare bodies, the federal government remained involved in the welfare of children to the extent that in 1958 the then Immigration Minister effectively acknowledged that ultimate responsibility resided with the federal Minister.

Western Australia – Christian Brothers and the Catholic Church

5.42 The operation in Western Australia of the indentures made between the State Welfare department and voluntary organisations whereby the organisations would

25 Submission No.54, p.3 (JLG).

26 Report of UK Health Committee, para.92.

27 Report of UK Health Committee, para.94.

bear responsibility for the care and welfare of children placed in their care, albeit with the Welfare department having an inspectorial role, is discussed in chapter 2.²⁸

5.43 While this inquiry is concerned with the impact of the migration schemes on all child migrants in all institutions in Australia, the four Christian Brothers institutions in Western Australia stand out as the most culpable in their duty of care in relation to the physical and sexual violence that occurred within them. The evidence of numerous child migrants placed under the care of the Christian Brothers constantly referred to one central figure, Brother Keaney. The Committee is wary of singling out one individual, however, it feels obligated to make reference to Brother Keaney.

Brother Keaney

5.44 Brother Francis Paul Keaney was born in Ireland in 1888, emigrated to Australia in 1912 and joined the Christian Brothers in 1916. By 1919 he was a junior staff member at Clontarf. He served a number of terms as principal including at Clontarf 1936-41 and at Bindoon 1942-44 and 1948-54. Brother Keaney is portrayed as possessing a strong, domineering personality, yet capable of being exceptionally charming to outsiders.

5.45 Brother Keaney's domination and control at Bindoon involved practices that alienated the Catholic hierarchy. Dr Coldrey wrote in *The Scheme* that the Provincial Council were tired of Brother Keaney's 'persistent tendency to disregard their directions; only his popularity with the W.A. public kept him in office'.²⁹ Reports and memos from Commonwealth and Western Australian archival sources show a continuing disregard at meeting Welfare requirements in caring not just for child migrants but other children in his institution.

5.46 The extensive construction work undertaken at Bindoon led to the moniker 'Keaney the Builder' of which he was apparently quite proud. However, there was a much darker side to the building program in terms of human involvement. Brother Keaney's approach to the building program was described by Dr Coldrey:

Of course, to Keaney, the building program *was* their education, for those boys over the primary school age...from being a necessity and a work experience programme the buildings became an obsession.³⁰

This obsession resulted in the boys being relentlessly driven with a lack of protective clothing and footwear (as noted earlier) in an unsafe working environment of primitive and inadequate equipment and scaffolding where the risk of accident was not just considerable but a reality.

28 See also Submission No.135, Part 1 - pp.4-11 and Part 2 – pp.5-8 (WA Department for Family and Children's Services).

29 Coldrey, *The Scheme*, p.398.

30 Coldrey, *The Scheme*, p.321.

5.47 Mr Alan Gill wrote in *Orphans of the Empire* that ‘many were injured; [he] was given the names of two who received spinal injuries, two who suffered broken limbs and another who suffered serious head injuries. All are now invalid pensioners.’ The Committee also received evidence from child migrants of injuries resulting from accidents due primarily to unsafe working conditions and physical exhaustion.³¹

5.48 However, it is for the allegations of physical assault and sexual abuse that Brother Keaney has been condemned. As early as 1940 the Child Welfare department conducted an inquiry into allegations that Keaney was over-punishing boys at Clontarf, though there had been isolated complaints in the department’s files before this major investigation. Yet the claims of Brother Keaney’s involvement in brutal physical assault and sexual abuse continued at Bindoon through the late 1940s and early 1950s to such an extent that he has been referred to as ‘totally evil’.³²

5.49 Mr Gill has argued that ‘claims of physical abuse perpetrated by Keaney are so numerous that, even if only ten per cent were true, he would be quite unfit for any form of contact with children’.³³

5.50 A statue erected at Bindoon of Brother Keaney created considerable controversy and was subsequently removed due primarily to pressure from former child migrants.

5.51 Brother Keaney received an OBE – Member of the Most Excellent Order of the British Empire – in 1953. The citation read in part ‘in recognition of distinguished services rendered in the interests of school boys and youths including migrant boys...Brother Paul, assisted by no more than two expert tradesmen and the Bindoon boys, has been personally responsible for the construction of the administrative, educational, dormitory and refectory blocks’.

5.52 The Committee considers that in the knowledge that has now come to light of Brother Keaney being a particularly brutal person in his treatment of boys under his care and that in relation to his building program, young children were exploited and subjected to unnecessary risk of accident due to unsafe work equipment and practices, the OBE should be cancelled and his appointment annulled.³⁴

Recommendation 4: That in accordance with the *Statutes of the Most Excellent Order of the British Empire*, the Commonwealth Government initiate the process for Francis Paul Keaney’s membership of the Most Excellent Order of the British Empire to be cancelled and annulled.

31 Alan Gill, *Orphans of the Empire*, Random House, Sydney, 1998, p.356,

32 *Committee Hansard*, 15.3.01, p.195; 22.3.01, p.538; Submission No.36, pp.2-3.

33 Cited in Submission No.15, p.6 (Dr Coldrey).

34 Such an action is not unprecedented as former Queensland Police Commissioner Terence Lewis had a knighthood and other imperial honours cancelled in 1993.

The Catholic Church

5.53 Child sexual abuse and assault within the Catholic Church is not something that can be readily swept under the carpet, although this appears to have been what was attempted in the cases involving child migrants. The Catholic Church has an unenviable reputation of attempting to suppress and avoid liability in cases of abuse. When legal action has been taken, if it is unavoidable they have settled out of court.

5.54 Historically, the church has been in denial rather than confronting the reality of abuse. The Committee received information from Broken Rites, and is aware of other documents, that catalogue the number of Catholic and non-Catholic priests, educators, child care workers and others from a variety of orders who have been tried and found guilty of sex crimes against children.³⁵ The Committee discussed with Dr Coldrey and the Joint Liaison Group recent research by Richard Sipe an ex-Benedictine monk who has investigated the extent of sexual abuse and sexual problems in the Church in the United States.³⁶

5.55 The Joint Liaison Group advised that the Catholic Church in Australia has produced a document *Towards Healing* outlining principles and procedures to be followed in responding to complaints of abuse against personnel of the Catholic Church of Australia, including sexual, physical and emotional abuse.³⁷

5.56 In April 2001 a report by Lord Nolan on sexual abuse in the Roman Catholic Church in England and Wales was published. This report followed widespread allegations of wrongdoing by the clergy, belated accusations by victims, evidence of cover-up and the conviction of 21 priests for offences against children in four years. The Nolan Committee made sweeping recommendations largely in line with guidelines adopted for others in regular contact with children – teachers, youth workers and sports instructors.

5.57 *The Times* noted that the Church ‘had already committed itself to accepting and implementing the advice it was given’, following ‘years of denial and misguided attempts to conceal embarrassing incidents’. The paper commented:

Society now takes an uncompromising line over the lasting damage done by child abuse; where this occurs in a situation in which intimacy, trust and vulnerability are integral to the priestly calling the revulsion is the more profound and the damage greater...only the most rigorous steps and penitent acknowledgment of past evil can lift this shadow from the priesthood.³⁸

35 Submission No.57, Additional information 15.5.01 pp.1-5 (Broken Rites); Eros Foundation, *Hypocrites: Evidence and statistics on child sexual abuse amongst church clergy, 1990-2000*, April 2000.

36 *Committee Hansard*, 15.3.01, pp.226-7 and 22.3.01, pp.488-90.

37 *Committee Hansard*, 22.3.01, p.490.

38 *The Times*, comment, 18.4.01, p.15.

Queensland - Neerkol

5.58 The Forde Commission reported on the role and responsibility of the State Children's Department in relation to Neerkol.

5.59 Under the Queensland *State Children Acts 1911* the Director of the State Children's Department (and its various departmental successors) became guardian of State children or as they later were, children under Care and Protection. 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 the Bishop 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.

5.60 Section 49(1) of the State Children Acts required all State children to receive a minimum of one visit every three months from an officer of the Department to ascertain whether any apprenticeship or work agreements in respect of them had been fulfilled and that their 'treatment, education and care' was satisfactory. The regulations required inspections of receiving institution at least once per month. However, while a State Children's inspector (later District Officer) was stationed at Rockhampton, few former Neerkol residents recalled having been spoken to by an inspector and it appeared that inspectors visits to the Home were usually anticipated, and preparations were made by way of extensive cleaning and improving of the Home's appearance.

5.61 Similar comments were repeated to the Committee in the submissions and evidence of former Neerkol residents and indeed in relation to many other institutions throughout Australia.

5.62 The Forde Commission concluded that there was seemingly no real interest on the part of the Departmental inspectors in exploring the conditions in which children in the Home were living. Rather, in a context where the orphanage was underfunded and understaffed, the attitude was that the nuns deserved congratulation for their difficult work, and ought not to be challenged in any way.

5.63 On the other hand, the fact that the ratio of staff to children at Neerkol was grossly inadequate must have been apparent to those in charge of the Department. For example, during the 1950s, between 10 and 15 nuns cared for between 300 and 400 children at the Orphanage. External help was seldom engaged, except in the form of farm labour. Enquiry would have revealed, for instance, that in the nursery, a single nun with only the help of two fourteen-year-olds was looking after 25 to 30 babies and toddlers. Notwithstanding, the Department continued to place children at Neerkol, without regard to its capacity to provide proper care for the numbers it was receiving. The Department must also be said to have failed in its obligations to the children at Neerkol in its failure to make any attempt at maintaining family relationships.

5.64 The Forde Commission considered that while it did not appear that the staff of the State Children's Department in its office in Rockhampton had any training in their role, and it was clear that they were considerably overworked, it was unfair to criticise their performance as individuals. What could be justly criticised was the failure of the Department to ensure that staff with training in child care and protection were employed in its Rockhampton office, with appropriately qualified staff not arriving until the late 1970s. This fact represented an indifference to the Department's obligations to regional children, manifested over decades.

5.65 The consequence of that indifference was that no attention was given to the needs of individual children; no sufficient scrutiny of the circumstances in which the children were kept took place; and no opportunity was given for children's complaints to be heard. Worse, the evidence was that when some children did attempt to complain of abuse to departmental officers the response was disbelief and anger; and in some instances the complaint was relayed to the nuns, resulting in further reprisal. The State failed in its care of the children of which it was, through the Director of the Department, guardian.³⁹



Former Neerkol girls at the Rockhampton hearing

Conclusion

5.66 The Committee was informed that in relation to the child migration scheme after World War II a formal process of devolution of responsibility for child migrants occurred with the Federal Minister delegating guardianship to the States, who in turn

39 Forde Commission, Closed Report, pp.9-10.

indentured the religious orders and other agencies to provide custodial duties. To monitor the migrant child's welfare and ensure that the institutions provided a satisfactory caring environment, a series of inspectorial regimes were included within the devolved responsibilities.

5.67 Accounts by child migrants of visits and inspections that were undertaken are quite varied, with a general view that such visits were carefully staged managed and the children were not allowed to talk one-on-one with visiting welfare officers.

5.68 The Committee has seen a selection of inspection reports from various national, State and agency archives about different institutions around Australia. However, while some examples of inspection reports provide a generally good impression, the Committee believes that the level of information contained is rudimentary and generally many of these documents are superficial in character. The Committee considers that in many instances, based on the documentary evidence available to it, the level of inspections undertaken and the consideration of the welfare of the children in the institution appear to have been at best basic and often deficient.

5.69 The Committee considers that duty of care has been lacking in two fundamental areas in relation to child migrants and the migration schemes.

5.70 Firstly, the implementation of schemes providing for the removal of children from their home countries and families to be sent thousands of miles around the world, resulting in the destruction of identity and sense of belonging.

5.71 Secondly, not just that horrendous levels of physical, sexual and emotional abuse and assault was allowed to occur, allegedly undetected, while the migrant children were in care, but also that such abuse was able to continue unchecked over so many years.

5.72 The Committee concludes that these failures of duty of care and the unfortunate circumstances in which many former child migrants now find themselves is a shared responsibility between the British, Australian and Australian State governments, and the sending and receiving agencies. All have played a part in the tragic outcomes of these possibly well-meaning, but ultimately fundamentally flawed, schemes. However, the individual responsibility of those who were actually in charge of the children must never be understated.

5.73 The Committee believes that the responsibility for responding to the consequences of the schemes for the former child migrants and their families must also be shared among all participants. Some governments and agencies have already committed themselves to the provision of services and assistance. It has not been enough. The remainder of this report addresses areas in which the Committee believes further action is required.

Measures of reparation

5.74 Part (e) of the Committee's terms of reference require the Committee to examine 'measures of reparation including, but not limited to, compensation and rehabilitation by the perpetrators'.

5.75 In the preceding chapters, the Committee has identified the main abuses suffered by many former child migrants. Former child migrants argued that reparation should be made for:

- physical, sexual and emotional abuse;
- loss of family and identity;
- deprivation of liberty;
- loss of opportunity through the lack of education;
- use as slave labour;
- loss of wages and trust monies; and
- denial of access to documents.

5.76 The Committee considers that former child migrants deserve recognition for these abuses that they endured and the life-long affects of those abuses. In the next section the Committee considers how former child migrants can be provided with the means to overcome these past traumas with assistance to live a more fulfilling life.

Providing measures of reparation

5.77 There was much discussion in evidence on the means by which reparation for these wrongs could be made. A variety of mechanisms were canvassed and ranged from the provision of services to monetary compensation. Some former child migrants stated that no amount of monetary compensation could give them back their lost childhoods and families, but 'we cannot turn the clock back – as much as we would all wish, this cannot happen. However, these sentiments, while true, should not be used as an excuse to avoid the just payment of compensation'.⁴⁰

5.78 Many former child migrants supported the provision of services which they saw as a tangible measure to improve their lives:

it is the measures put in place by Government to help and assist those in need that most positively contributes to our recovery from the trauma of a shameful and appalling part of our history.⁴¹

40 Submission No.129, p.42 (IAFCM&F).

41 Submission No.123, p.5.

compensation can come in different forms but the most important thing in my life now is to know who I am, where I came from and who I should belong to.⁴²

5.79 International Social Service (ISS) indicated that for some child migrants, services, in particular travel, ‘would be likely to ease their sense of injustice, and assist them to proceed towards further self-healing’. ISS also indicated that while it was not clear from its contact with former child migrants what measure of reparation would be most acceptable it had received requests for payment for a funeral, travel to visit graves and support to visit cousins or nieces and nephews.⁴³ The Child Migrant Friendship Society (CMFS) also pointed to the provision of services as a means of reparation for former child migrants and suggested that a funeral fund be established and retirement and aged care be provided, and provision for a permanent tribute to child migrants be made.⁴⁴

5.80 Other witnesses spoke about monetary compensation:⁴⁵

British and Australian governments should set up a fund in order to compensate people who feel that a financial benefit would alleviate their grievances. The sum of money would depend on the situation that the person is in. Some people would not want any money at all.⁴⁶

I do not believe there is enough money to compensate me for what I have been through, but at least an attempt should be made.⁴⁷

Another former child migrant stated that substantial monetary compensation should be paid and that anything under \$20,000 would be ‘very disappointing’.⁴⁸

5.81 The International Association argued that large numbers of child migrants have suffered and many are under financial stress keeping contact with their families when they are reunited, ‘a lump sum compensation payment would go a long way in alleviating this stress. It would give former child migrants the opportunity to have a more peaceful and positive future with their families’.⁴⁹

5.82 The establishment of a tribunal to investigate claims for compensation was supported by both the International Association and the Child Migrants Trust. Some former child migrants also supported this idea with one arguing that ‘a tribunal should

42 Submission No.22, p.2.

43 Submission No.48, p.7 (ISS).

44 Submission No.44, p.9 (CMFS).

45 See for example, *Committee Hansard*, 15.2.01, p.61.

46 Submission No.101, p.4.

47 Submission No.37, p.4.

48 *Committee Hansard*, 15.2.01, p.54.

49 Submission No.129, pp 42,43 (IAFCM&F).

be established for those who can demonstrate hardship and loss through their migration experience'.⁵⁰ While another former child migrant stated that compensation should be 'not just for myself but for my kids and for my family in England who have suffered so needlessly because of Government policies like Child Migration'.⁵¹

5.83 During the inquiry, receiving agencies and Government also put their views on reparation and compensation. The Fairbridge Foundation stated that it did not believe that any reparation or monetary compensation in any form should be paid to former child migrants. Instead, counsellors or advisers should be available for those in need to direct and follow up on their specific needs.⁵²

5.84 Barnardos stated that all children, child migrants or not, deserve proper restitution where they are the victims of abuse. Barnardos suggested that in New South Wales the Victims Compensation Board could be widened to include all children who had been victims of abuse including this form of 'systems abuse'.⁵³

5.85 The Joint Liaison Group indicated that it considered that any genuine apology implies 'measures of reparation' and that the Catholic Church's response to the needs of former child migrants comprises 'measures of reparation'. Catholic religious orders have, to date, funded services including counselling (about \$1 million), access to information (about \$70,000), services through the Child Migrant Centre in Perth (about \$105,000), tracing services in Britain (£50,000) and travel to Britain for former child migrants (over \$1 million).⁵⁴ The provision of these services are discussed at length in later chapters.

5.86 The Joint Liaison Group stated that monetary compensation corresponding to degrees of suffering or hardship 'is difficult to support' because it was not clear if the majority of former child migrants were interested in compensation, rather they needed information, access to family tracing and counselling. They argued that 'trying to quantify people's suffering and hardship, or finding ways to allocate a sum of money as compensation is unwieldy, potentially divisive and largely arbitrary'. Any further financial resources available, particularly from governments, ought to go into services and into needs-based 'rehabilitation' including therapy, medical treatment, and education services.⁵⁵

5.87 In Western Australia reparation measures undertaken by government have included the apology made by the Legislative Assembly in October 1998 and initiatives including the establishment of the Former Child Migrant Referral Index,

50 Submission No.126, p.5.

51 Submission No.73, p.2.

52 Submission No.43, p.6 (Fairbridge Foundation).

53 Submission No.50, p.7 (Barnardos).

54 Submission No.54, p.13 (JLG).

55 Submission No.54, pp.17-18 (JLG).

funding for the provision of counselling services, assistance to access information and trace families, and support for the Child Migrants Trust.⁵⁶

5.88 The Queensland Government stated that in response to the Forde inquiry's recommendations on compensation and reparation, it had contributed \$1 million to the establishment of the Forde Foundation. The Foundation is to provide financial assistance for the purchase of goods and services that aid in self development and the improvement of quality of life for children who had been in residential care in Queensland, including former child migrants. For matters of individual compensation, the Government stated that it has encouraged former residents to pursue these through normal legal channels.⁵⁷

5.89 The Commonwealth Government's position on compensation was stated in its response to the British Government response to the House of Commons Health Committee report: that matters of support and practical help with tracing family members is of greater significance to child migrants than compensation. This position was further developed by the Department of Immigration and Multicultural Affairs which stated that the Commonwealth Government's general approach is that this type of response, that is offering support services to those who need them, is the most appropriate 'measure of reparation'. Further that :

The Commonwealth Government's general policy on compensation is that it makes payments only where it has a legal obligation to do so, or in limited, exceptional circumstances, which it is considered do not apply here. This has been a longstanding position of successive governments.

The Government does not believe that blanket compensation is either appropriate or even possible, given that the circumstances of each case vary. Where consideration is given to issues of compensation, relevant past standards and practices would also need to be acknowledged in that consideration.⁵⁸

5.90 Commonwealth Governments have provided funding of over \$800,000 to the Child Migrants Trust since 1990 for specialised counselling and tracing services. The National Archives of Australia also provides access to records of interest to former child migrants.

5.91 The Department also commented on the possible establishment of a tribunal to provide compensation for lost wages. The Department stated that 'if it were a matter of federal jurisdiction, you cannot establish a tribunal that is exercising judicial powers other than a court... You would have to look at the nature of the powers that you wanted the tribunal to exercise, and such like, to determine whether or not it were

56 Submission No.135, p.15. (WA Department for Family and Children's Services).

57 Submission No.146, p.3 (Queensland Government).

58 Submission No.42, pp.41-2 (DIMA).

something that would have to be adjudicated in a court or whether it is something that could be adjudicated in a tribunal.’⁵⁹

Funding measures of reparation

5.92 Many witnesses expressed strong feelings about who should fund measures of reparation with most considering that both government and church and charitable organisations should provide reparation:

- ‘I think the Australian Government should compensate [my brother] Michael and others like him for the consequences of its failure to protect him and provide a proper education’.⁶⁰
- ‘the church should acknowledge its contribution to the human suffering of former child migrants. It should provide substantial compensation to help fund the appropriate level of services to realistically meet their needs’.⁶¹

5.93 The International Association of Former Child Migrants & their Families noted that one of the largest sending agencies was Fairbridge, but it ‘offered nothing to former child migrants – no funding of services. The International Association respects the decision by the Fairbridge Board to avoid any involvement in professional services – but that does not absolve them of their responsibility to provide resources to deal with the tragedy and loss they played a part in.’⁶²

5.94 Broken Rites suggested that, in relation to unpaid wages from which church organisations profited, ‘an Australian Government, through the Department of Foreign Affairs...must pursue this case on behalf of child migrants with the Vatican’.⁶³

5.95 The Committee concurs with the view that responsibility for the child migrant schemes and for the care and supervision of children is shared. As already discussed earlier, the British, Australian and Australian State Governments, and the sending and receiving agencies all have played a part in the tragic outcomes of these possibly well-meaning, but ultimately fundamentally flawed, schemes.

5.96 The Committee believes that the responsibility for responding to the consequences of the schemes for the former child migrants and their families must also be shared among all participants. Unfortunately while Government and some sending and receiving agencies have recognised their responsibility and are already providing services to former child migrants, others are yet to respond or to respond adequately. Some organisations told the Committee the provision of more extensive services were beyond their financial means.

59 *Committee Hansard*, 6.2.01, p.24 (DIMA). A more detailed response provided in Additional Information.

60 Submission No.110, p.2.

61 Submission No.28, p.3.

62 Submission No.129, p.37 (IAFCM&F).

63 *Committee Hansard*, 15.3.01, p.251 (Broken Rites).

5.97 The Committee discusses the services already provided by agencies in later chapters. However, the services provided by the Fairbridge Foundation in New South Wales and Fairbridge WA Inc are limited mainly to the access to records. Fairbridge WA Inc. also manages a grant/loan fund for educational, medical and domestic needs for former child migrants. The fund stood at \$40,000 in February 2001. This was set up as a ‘parting gesture’ when the Fairbridge Society ceased its activities at Pinjarra in the early 1980s.⁶⁴ According to the Western Australian Select Committee into Child Migration, the farm property at Pinjarra was sold on 2 March 1983 to Alcoa for \$US2,016,000 with Alcoa agreeing to lease the village to Fairbridge for a nominal rent. A deed of transfer was effected between Fairbridge UK and the Perth Board of Fairbridge WA and Fairbridge WA Inc in October 1984. Endowments were agreed to for Fairbridge WA Inc.

5.98 The Select Committee estimated that ‘together with the sale of the Mandurah land and the farm clearance sale, a sum in excess of \$3 million was realised, indicating that over \$2.7 million’ went to Britain. Professor Sherington stated that the proceeds of the sale were repatriated to Britain in accordance with the 1948 Fairbridge Farm School Act.⁶⁵ However, the Select Committee stated it was not clear, despite the Act, ‘if the property could be properly sold by the UK section of Fairbridge and the proceeds used in the United Kingdom’.

5.99 The Select Committee also suggested the possibility that the proceeds of the sale should have gone to the same society with the same objects that sold the farm. ‘But in fact went to an entirely different body, similar only in name and to be used for different purposes than that for which the money was originally obtained’ as the currently existing Fairbridge UK did not change its objects until 24 March 1983.⁶⁶

5.100 The Fairbridge Farm School at Molong closed in 1973. The property was sold and the Fairbridge Foundation was set up to administer the funds from the sale and from investments held by the Farm School at that time. The Memorandum and Articles of Association of the Fairbridge Foundation provide for the organisation to distribute each year, by way of donations, the money accumulated to charitable organisations within New South Wales which have their sole or primary aim, the care and well-being of underprivileged children.⁶⁷ In the mid 1970s, the Northcote Trustees sold part of the farm school site at Bacchus Marsh in Victoria and gifted the village to the Victorian Government.⁶⁸

64 *Committee Hansard*, 16.2.01, p.122 (Fairbridge WA).

65 Sherington, G and Jeffery, C, *Fairbridge: Empire and Child Migration*, University of Western Australia Press, 1998, p.243.

66 Western Australia Legislative Assembly, Select Committee into Child Migration, *Interim Report*, 1996, p.63-66.

67 Submission No.43, p.1 (Fairbridge Foundation).

68 Sherington and Jeffery, p.243.

5.101 The Committee was also provided with evidence that assets controlled by other Church organisations including the Catholic and Anglican churches were built through the efforts of former child migrants and Australian-born children in their care. These have been sold for substantial sums of money or are still retained for the benefit of the organisation.

Conclusion

5.102 There are many practical difficulties in establishing a tribunal. Tribunals often result in complex and expensive legal proceedings which would only add to the distress of many former child migrants. The Committee does not support the establishment of a tribunal to award compensation. The Committee considers that those former child migrants who wish to pursue monetary compensation for injury should have the opportunity to do so through the courts. This is discussed later in the report.

5.103 The Committee considers that the most appropriate means of compensating former child migrants for their experiences in institutions in Australia and for the loss of their families and homeland is through the provision of services. Such services should be open to all former child migrants and would provide real benefits to many people. They can be tailored to suit individual needs and can be provided in a straightforward way. For many former child migrants such services are essential to their recovery from past trauma and for their future well-being.

5.104 The Committee acknowledges that Government and some receiving and sending organisations are already providing a range of services for former child migrants. These services have provided a great deal of benefit for former child migrants. However, the Committee considers that more still needs to be done, particularly to assist former child migrants to trace their families, to travel to the United Kingdom to reconnect with those families and in the provision of counselling services. The services already provided and the improvements to the services still required are discussed in the following chapters.

5.105 Further, the Committee considers that funding of the services it has recommended should not be left solely to Government. The Committee acknowledges that some religious orders and sending and receiving agencies have provided substantial funding for services. However, there are other agencies which have been less than forthcoming with funding and the provision of services. The Committee is not persuaded by arguments that they do not have the means to provide additional funding. Evidence is available that assets have been sold for substantial amounts and funds transferred overseas in some cases.

5.106 All parties involved in the child migration schemes bear responsibility. They now have to ensure that reparation is made to former child migrants through the funding and provision of services. They have not only a moral obligation but also a direct responsibility.

Child Migrants Trust and other support groups

5.107 Submissions and witnesses pointed to the valuable support services provided by the Child Migrants Trust and the funding needed for it to continue this work, and the services and assistance provided by other groups which support child migrants.

The Child Migrants Trust

5.108 The Child Migrants Trust is based in the UK. It was established in 1987 as an independent social work agency working with former child migrants. It has developed considerable knowledge and expertise in the areas of childhood abuse and its impact on children, on adult lives and relationships and subsequent generations.

The Trust's work in Australia

5.109 In Australia, at the present time, the Trust has offices in Perth and Melbourne. It has one director, one senior social worker, two social workers (one in Perth and one in Melbourne), an administrative officer in Melbourne and a part-time administrator in Perth. In Britain the Trust employs a family researcher, a project evaluator and two full-time social workers and two administrative officers.⁶⁹

5.110 In evidence the Trust noted that the caseloads of each of its social workers in Perth and Melbourne was in excess of 300 clients. Trust records sighted by the Committee indicate that it has some 700 active clients across Australia. However, there were still areas in Australia where it had large numbers of clients and did not have a permanent presence. For example, the Trust stated that in Queensland there are more than 100 clients and there was quite a long waiting list for services.⁷⁰ There was also unmet demand in Sydney and the Trust indicated that it was committed to developing its service in both Sydney and Brisbane.

5.111 The restriction to two offices in Australia with one social worker each, not only limited the Trust in the services it provided, but also created administrative problems such as leave coverage and restricted flexibility of services provided to clients. The Trust indicated that it only occasionally used outside counsellors for specific situations. The Trust stated that its preferred option was to have four offices in Australia with two social workers each and appropriate support staff. The Trust would also like to have sufficient travel funds so that visits to regional centres could be made on predictable regular basis 'that would allow us to work in with other agencies in those centres as well'. These centres included Rockhampton, Townsville and Geraldton. There was also a need to continue visits to Tasmania.⁷¹

5.112 The Trust indicated that at the present time, that funds transferred from the UK to Australia funded visits to regional areas of Australia. As the UK Government

69 *Committee Hansard*, 26.3.01, p.576 (CMT).

70 *Committee Hansard*, 26.3.01, p.575 (CMT).

71 *Committee Hansard*, 26.3.1, pp.578, 579 (CMT).

does not allow the transfer to Australia of money that they provide for services in the UK, the money transferred had to come from individual charitable donations.⁷²

5.113 The Trust also indicated that it provided services for Maltese former child migrants. This group of former child migrants had additional needs relating to specific cultural family background issues, reunion travel and the impact of childhood trauma.

Funding of the Trust

5.114 From 1990 the Commonwealth Government has provided funds to the Trust in Australia. These funds are provided through the Community Settlement Services Scheme (CSSS) formerly known as the Grant-in-Aid Scheme administered by the Department of Immigration and Multicultural Affairs. The Department noted that the priority for CSSS grants is to fund community organisations to deliver settlement assistance to refugees, humanitarian entrants and migrants.

5.115 CSSS funding has been provided to the Trust every year since 1990. The funding allocated to April 2001 was \$1,017,223 with the actual funds paid being \$828,565. The Department noted that the difference between the allocation and funding was due to:

- 1990-98: past funding formula under which payments were only made for the number of days a funded position was occupied;
- 1999-present: payments are made against Work Plans and Milestones, with performance criteria. This sometimes leads to payments below the Service Agreement grant value being made.

5.116 The grants have subsidised the Trust to provide the following services to former child migrants in Australia:

- retrieval of personal information and family history;
- family tracing;
- support for reunification with families; and
- specialised counselling.

5.117 Funding has been provided for the Trust's Melbourne office since 1990 and for the Perth office for the period between 1995-96 and 1999-2000. Funding for the current national grant of \$120,000 has been provided for:

- the continuation of some casework;
- development of strategies to improve former British child migrants' access to mainstream services; and

72 *Committee Hansard*, 26.3.01, p.580 (CMT).

- improving the capacity of relevant mainstream services to respond appropriately to the needs of this particular segment of their clientele.

5.118 The Western Australian Government supports the Trust by the provision of subsidised travel, accommodation and office costs; office equipment and funding grants totalling \$106,100 and an annual funding grant of \$64,000.⁷³ The Western Australian Lotteries Commission has also provided grants totalling \$51,000 to the Trust.⁷⁴

5.119 The South Australian Government, in 2001, provided a grant of \$30,000 over three years to the Trust to extend its work in South Australia. The grant will provide funding for three or four visits a year to South Australia.

5.120 The Trust indicated that it had been unable to access funding in Queensland through the Forde Foundation for establishment of an office in Brisbane.

5.121 The Trust also receives funding from the British Government. In 1999, the British Government increased funding for the Trust to £500,000 over three years for tracing and counselling. As already noted, this money cannot be applied to services in Australia.

5.122 Nottinghamshire County Council has also provided the Trust with funding of over £560,000 over 14 years, and was a prime source of funds for the original establishment for the work of the Trust.

5.123 The Trust recommended to the Committee that it ‘needs a secure and moderately substantial funding base in Australia to enable the agency to develop and complete its specialist humanitarian family reunion service’.⁷⁵ The Trust also provided the Committee with an outline of why continued funding was of importance:

that it is for family reunifications and alongside that the counselling that is required to go with that. It is not just about finding families; it is about how we bring those families together and what is needed to do that to bring about good family relationships that are going to be meaningful and go on and develop. It is about finding families, reunification and the vital skilled counselling work that needs to go on both, not just at this end, but in the UK as well primarily.⁷⁶

5.124 The Trust indicated to the Committee that it had concerns for its continued funding under the CSSS arrangements and constantly having to reapply for funds.

73 Submission No.135, p.18 (WA Department for Family and Children’s Services).

74 *Committee Hansard*, 16.2.01, p.162 (WA Department for Family and Children’s Services).

75 Submission No.132, p.46 (CMT).

76 *Committee Hansard*, 26.3.01, p.577 (CMT).



The Child Migrants Trust at the Canberra hearing

5.125 The Department stated, in relation to funding issues, that the grant provided to the Trust funds some casework, ‘while at the same time encouraging the Trust to develop strategies to improve former child migrants’ access to mainstream services as well as to improve the capacity of mainstream service providers to respond appropriately to the needs of former child migrants’. The Department concluded that if this occurred, then more former child migrants will be assisted throughout Australia because mainstream services will be better equipped to assist them. Other organisations receiving CSSS grants were adopting a similar approach. The objective, stated the Department, ‘is to focus limited resources on working with mainstream service providers to help them respond more effectively to the needs of diverse clientele’.⁷⁷

5.126 Other witnesses also expressed concern about the level of funding for the Trust. The International Association recommended a Federal/State funding package for a four-year period with built-in review and evaluation. The Association indicated that there needed to be security of funding.⁷⁸

C-BERS and other Church services

5.127 The Christian Brothers Ex-Residents and Students Services (C-BERS) was established in early 1995 in Subiaco, Western Australia. It replaced the previous interim Helpline and Advisory Panel which had been established in 1993 to investigate the needs of former child migrants who had been residents in Christian Brother’s child care facilities.

77 Submission No.42 Additional Information, 9.4.01 p.1 (DIMA).

78 Submission No.129, p.39 (IAFCM&F). Many submissions also supported increased Trust funding.

5.128 C-BERS provides services to men and their families from all over Australia. Its counselling services have recently been extended to females cared for by the Sisters of Mercy. The Congregation of Christian Brothers funds C-BERS. From 1995 to 2000 it received \$1,334,961 from the Christian Brothers. It receives no financial support from government agencies.

5.129 Since its establishment, C-BERS has provided overseas reunion travel to 237 ex-residents and carers and 7 trips within Australia. These trips are arranged through C-BERS or the Child Migrants Trust but are wholly funded by C-BERS. Travel is not means tested, nor is it dependent on men finding family in the country of origin. In addition, C-BERS provides counselling services, both in Perth and throughout Australia.⁷⁹

5.130 The Sisters of Mercy and the Poor Sisters of Nazareth have also provided funding of over \$100,000 for travel and counselling.⁸⁰

5.131 The Joint Liaison Group added that the Christian Brothers, Sisters of Mercy and Poor Sisters of Nazareth have contributed approximately \$105,000 to maintain the services for former child migrants at the Catholic Migrant Centre (CMC) in Perth. The operations of the Centre have also been part funded through the Department of Immigration and Multicultural Affairs' Community Grants Program since CMC's establishment in 1985. The Centre assists former child migrants locate family and relatives.⁸¹

5.132 Counselling for former child migrants is provided through functionally independent agencies, for example C-BERS, and is also occasionally provided through the Catholic Church's Centacare network or via a referral to another counsellor acceptable to the former child migrant.

5.133 The Joint Liaison Group noted that these Church organisations and agencies have not been able to access Commonwealth or State Government funding to support their activities or initiatives. The Liaison Group went on to state:

The resourcing of such initiatives by the Catholic agencies involved is just and appropriate. What is not appropriate or just is the absence of any government involvement in such services and the inherent unfairness of functionally independent agencies being discriminated against in accessing funding for their specific programmes as compared with the Child Migrants Trust.⁸²

79 Submission No.45, p.2 (C-BERS).

80 Submission No.44, p.4 (CMFS).

81 *Committee Hansard*, 6.2.01, p.18 (DIMA).

82 Submission No.54, p.13 (JLG).

In evidence, it was also added that ‘freedom of choice in where child migrants are able to access services is important’.⁸³

International Association of Former Child Migrants and Their Families

5.134 Former child migrants and their families and partners in Britain or country of residence, and former child migrants’ children, grandchildren and partners may apply for full membership of the International Association of Former Child Migrants and Their Families. Persons who support the aims and objectives of the Association are welcome to apply for associate membership.⁸⁴

5.135 The main aims and objectives of the International Association are:

- to express and promote the common interests of former child migrants world-wide;
- to educate and raise issues relating to the needs of former child migrants and their families with governments, state agencies and non-governmental agencies;
- to raise funds to assist former child migrants in necessitous circumstances and who satisfy criteria established by the Child Migrants Trust to be reunited with their families; to finance issues of importance for former child migrants and their families; to make donations to the Child Migrants Trust;
- to convene international conferences in conjunction with the Child Migrants Trust, and to arrange and provide for or join in arranging and providing for the holding of exhibitions, congresses, meetings, lectures and seminars;
- to establish and distribute twice yearly (when circumstances permit) *International Focus*, to keep members informed on developments and issues pertaining to former child migrants and their families world wide;
- to accept gifts and borrow or raise money for the purposes of the Association on such terms or such security as shall be thought fit, and to procure contributions to the Association by personal or written appeals, public meetings, etc; and undertake fundraising activities and seek appropriate grants.⁸⁵

Child Migrant Friendship Society of Western Australia

5.136 The Child Migrant Friendship Society of Western Australia was established in 1982 by a group of former child migrants in Western Australia to provide an infrastructure of mutual support to former child migrants. The Society was legally constituted as an incorporated body in 1988 with the aim of providing help and relief from suffering, helplessness, distress, misfortune, poverty, destitution and emotional disturbance to child migrants, and also by assisting them wherever and whenever

83 *Committee Hansard*, 22.3.01, p.503 (JLG).

84 Submission No.129, p.3 (IAFCM&F).

85 Submission No.129, p.2 (IAFCM&F).

possible. A further object of the Society is to direct child migrants or their families to qualified counsellors.⁸⁶

Conclusion

5.137 In coming to conclusions about the funding requirements of the Child Migrants Trust, the Committee is mindful of four significant underlying factors: child migrants have suffered long term trauma and have very specialised needs; child migrants are ageing and their parents, if still alive, are very old so that there is an urgent need for tracing and reunion to be carried out expeditiously; the funding for the Child Migrant Support Fund will cease in 2002; and the knock-on generational effects are considerable and will continue to need attention.

5.138 The Committee considers that the Child Migrants Trust has the support of many former child migrants. It has a strong track record in providing services of a high quality. There were also concerns expressed about the need for choice in service provider for former child migrants. The Committee considers that there are other agencies which do provide that choice.

5.139 In relation to Commonwealth Government funding, the Committee notes that the Commonwealth has provided funding to the Trust for the last ten years, through a specialised grant program within the Department of Immigration and Multicultural Affairs. However, the Trust considers that the funding has not enabled it to provide the level of service required by former child migrants. There were also some concerns expressed by the Trust about the continuation of funding by the Department of Immigration and Multicultural Affairs past this year. The Committee considers that because the Community Settlement Services Scheme aims to provide settlement assistance programs, it may not be the most appropriate way of funding the Trust. The Committee considers that the Commonwealth should continue to provide funding for at least three years directed specifically to the Trust, based on a proposed budget referring to identifiable need and with appropriate accountability mechanisms.

5.140 In relation to funding by State Governments, the Committee notes that only the Western Australian State Government provides significant funding for the Trust. South Australia provides some limited funding for the Trust to visit Adelaide to provide services. Other States do not fund the Trust, although New South Wales has recently announced funding of \$60,000 for one year to International Social Service for family tracing and counselling services.

Recommendation 5: That the Commonwealth Government continue to provide funding for at least three years directly to the Child Migrants Trust to ensure that the specialised services of tracing and counselling are provided or accessible to former child migrants living throughout Australia.

86 Constitution and By-laws of the Child Migrant Friendship Society of W.A. (Inc.).

CHAPTER 6

THE SEARCH FOR IDENTITY

After 53 years of loneliness, these people, like a lighthouse in the desert, shone that light through my heart and said 'You have an identity.' My heart was filled with happiness for the first time in my life.¹

The only gripe I really have is 'why didn't they tell me I wasn't an orphan and that I had a family all along?'

6.1 For many former child migrants the greatest hardship was loss of identity. Many witnesses told the Committee that not knowing who they were was the hardest for them to bear, harder than all the abuses. The sense of dislocation and not belonging, of loss of family and of emptiness has had a profound impact on their lives and on the lives of their partners and children.

...former child migrants have spent their entire lives feeling lost or separated and even abandoned. From my own point of view I have lived my life with a hole at the centre of my being.²

6.2 The loss of identity also has practical implications for former child migrants. It has meant difficulties in obtaining passports and other documentation. There were many reports of the humiliation of being unable to obtain a birth certificate before marriage. As well, important family medical histories are unknown.

The simple questionnaires necessary to borrow money, obtain a passport or join the local golf club ask for personal details. Date and place of birth, nationality, mothers maiden name—simple questions that most child migrants cannot answer. And so there is a tendency to avoid any situation that requires this kind of information... We have become invisible citizens.³

6.3 The need to know where they came from, why they were sent to Australia, and to contact surviving relatives in the United Kingdom and elsewhere has prompted many to embark on a search for their identity. Unfortunately, for some, that search has not been successful, even after decades of effort. One former child migrant who is still to find his family stated that 'one of the factors that has haunted me all my life is not knowing who I am'.⁴ For those who have been able to find family the experience has been truly significant:

1 Committee Hansard, (in camera).

2 Submission No.126, p.4.

3 Submission No.126, p.3.

4 Submission (Confidential).

The Child Migrants Trust got my birth certificate for me and that made a difference straight away because for the first time in my life something became certain...I felt for the first time I was a real person, not just pretending or guessing.⁵

The child of a former child migrant recalled her father's reaction to receiving family birth certificates:

Dad was simply blown away by the very fact that he had a family and had done so for his entire life. He looked at me and said 'I have to learn new words now like Mother, Brother, Sister'. I looked at him strangely and he said I have never used those words before, and it made me realise the enormity of the situation and just how much the rest of us take for granted.⁶

6.4 The search is also increasingly urgent as former child migrants are ageing and their parents, if still alive, are now very old. Unfortunately, some former child migrants have found their families, only to discover that their parents had passed away just months before the discovery. One former child migrant told the Committee:

the reunion with my father's sister in Belfast, while it was devastatingly beautiful, it may not have happened, and the urgency is that because it happened to me I want these other boys and girls—now men and women—to enjoy that reunion that I experienced, which was something I thought impossible in my 59th year.⁷

6.5 The Child Migrants Trust (the Trust) also noted:

Child migrants who present to the Trust describe an increase in their desperation to find their families as the years advance, linked to their own ageing and the dwindling possibilities that their parents may yet be found alive.⁸

6.6 The Committee notes that many former child migrants have been helped by the Child Migrant Trust in the search for their families. The Trust has built up significant expertise in tracing. Often tracing is a long and difficult process with Trust officers liaising with sending and receiving agencies to tracking down old records, sifting through birth, deaths and marriage registers and finally locating lost family members. Other agencies also provide tracing services: C-BERS through the Catholic Child Welfare Council UK, NCH, Barnardos UK and the Salvation Army. However, past attitudes to family contact, record keeping practices and the falsification of records has made the tracing of many families enormously difficult.

5 Submission (Confidential).

6 Submission (Confidential).

7 *Committee Hansard*, 15.2.01, p.62.

8 Submission No.132, p.16 (CMT).

Attitudes to family contact

6.7 There is overwhelming evidence that negative and obstructive attitudes toward family contact by those caring for child migrants contributed to the breakdown of contact between the migrant and their families. These attitudes are still contributing to the many problems faced today by child migrants attempting to locate families.

6.8 Many children were told that they were ‘orphans’ and that they did not have any living family when this was not the case. One former child migrant noted ‘we accepted this completely. Many decades later the true facts would emerge despite the contrived silence by the relevant authorities’.⁹ In fact, some former child migrants have found that their parents were contributing to their upkeep after being supposedly killed during the war.

6.9 For many child migrants who believed authorities and thought they were orphans, the adverse impact on their ability to find their families has been profound. Thinking that there was no one to be found, they did not commence their search for many years:

Their lies prevented me from searching for my family after I left the home. I had been told I had no family...I was told there was nobody to look for. Their deception cost me my identity and any chance at a family life, I had to invent myself and then live with confusion for decades.¹⁰

6.10 The Department of Immigration and Multicultural Affairs (DIMA) suggested that the practice of telling those in institutional care that they were orphans, when in fact one or both parents were alive, ‘appears to have been common in institutions in both the United Kingdom and Australia at that time [1940s and 1950s] in relation to children who were illegitimate’. The motive suggested was that this avoided the stigma associated with illegitimacy, ‘it was thought better for the child to be seen as an orphan rather than as illegitimate, while at the same time it protected the privacy of the unmarried mother’.¹¹

6.11 The Department also stated that the importance of maintaining contact with family outside the institution was poorly recognised and added that during this era, Australian children in institutions were given little information about their families, including siblings, and contact was not encouraged. The Department pointed to the Forde Inquiry which noted that the *Queensland State Children Act 1911* (repealed in 1965) imposed severe restrictions on a parent attempting to gain access to a child committed to the care of Child Welfare. Similarly, in Britain there were restrictions on

9 Submission No.96, p.4.

10 Submission (Confidential).

11 Submission No.42, pp.10, 33 (DIMA); see also *Committee Hansard*, 15.3.01, p.245 (Dr BM Coldrey).

visits by family and there was evidence that a permit from church authorities was required to visit a child in institutional care.¹²

6.12 There was a general view that children removed from families should be given a ‘new start’. A former child migrant provided the Committee with evidence from his own file which contained the comment that ‘it would be better for the boys to emigrate and have a chance to grow up without full knowledge of the reasons why their parents are unable or unwilling to care for them’.¹³ The lack of empathy, sympathy and understanding of this very human need for knowing the truth of their circumstances is quite startling. Evidence to the Committee is that when child migrants do find out the truth, although some are condemning of their family, much more often they are forgiving.

6.13 The Catholic Church’s Joint Liaison Group on Child Migration (Joint Liaison Group) supported the Department’s views:

Informing child migrants of the existence or whereabouts of parents or siblings was not a normal part of child care practices in earlier times. The logic of child migration was to give children a new start in life, and to that extent, the system was predicated on children not knowing and not needing to know, about their family origins, which were often seen as ‘shameful’ because of illegitimacy, poverty or abandonment. In the 1940s and 1950s, there was little emphasis in social policy on supporting families in need or keeping families together in such circumstances.¹⁴

6.14 However, one former child migrant countered this argument, stating that ‘it appears that while maintaining privacy considerations as the requirement for secrecy, the idea that we were going to a “new” life appears to have been an excuse for laziness and in some cases complete negligence [regarding record keeping]. But in the rush to give us a new life – what was our real life has been lost, in some cases forever!’.¹⁵

6.15 Evidence provided by Western Australian Department for Family and Children’s Services indicated that there were some efforts to provide information about child migrants to their parents. One example provided was a letter written in 1943 in response to an inquiry by a parent in Britain through the Western Australian Agent General in London. The children were at Tardun and the parent complained that there was no response to the letters sent to Australia.¹⁶

12 Submission No.87, p.10.

13 Submission No.87, p.8.

14 Submission No.54, p.14 (JLG).

15 Submission No.126, p.3.

16 Submission No.135, Appendix 23 (Department for Family and Children’s Services WA).

6.16 However, even when parents were being informed about the wellbeing of their children, the children were not always informed of their parents' inquiries. They did not know of their parents' interest and some were appalled to find, many years later, that the institution had kept this from them and that in some cases parents had contributed financially to their upkeep while in institutional care.¹⁷

6.17 There was evidence that correspondence was not passed on to children in institutions. A former child migrant stated, 'I never received any mail from my grandparents. Because of this I felt abandoned by them. I believe that the Brothers actually intended to sever our ties with our relatives'.¹⁸ In fact, there was evidence that letters from parents and relatives sent during the child migration era were filed and never passed to the children. These letters were subsequently found on the files in the late 1980s and 1990s.¹⁹

6.18 The Committee received evidence that some child migrants remained in contact with their families in the United Kingdom.²⁰ The Fairbridge Foundation, for example, stated that correspondence with relatives overseas was encouraged and there is evidence of this on files.²¹ The NCH also stated that many children it sent to Australia had remained in contact with family members.²²

6.19 The Moss Report (1952) indicated that correspondence between child migrants and family was allowed at Catholic institutions, if it was established that this was desirable. Children at Northcote were also expected to write to parents or relatives regularly. The Report noted that 'the whole question as to correspondence between children and their parents requires careful treatment and is a matter on which there must often be consultation between the organisation in Australia and the organisation in Britain'.²³

6.20 There were also examples of families being reunited when parents migrated to Australia. The Catholic Children's Society also noted that a small number of children were reunited with their parents during the operation of the scheme as a result of parents joining them in Australia; the child not settling in Australia and the authorities considering it appropriate to send the child back; and parents requesting that the child be returned.²⁴ However, in some cases parents attempting to travel to Australia to be reunited with their children, or having them returned to Britain, were obstructed by authorities at various levels. One mother travelled to Australia and stayed for four

17 Submission No.33, p.1.

18 Submission No.87, p.8.

19 See for example, Submission No.4, p.2; Submission No.23, p.2.

20 See for example, Submission No.3, p.1; Submission No.38, Attachment, p.3.

21 Submission No.43, p.3 (Fairbridge Foundation).

22 Submission No.98, p.3 (NCH).

23 Moss, J, *Child Migration to Australia Report*, Her Majesty's Stationary Office, 1953, p.24.

24 Submission No.135, p.10 (WA Department for Family and Children's Services).

years looking for her children. She found one child but not the other. Tragically, after being found by her lost daughter through the Salvation Army, she passed away ten days before her daughter was due to fly to Britain.²⁵

6.21 As a result of these attitudes and practices, many former child migrants lost contact with family and many thought that they had no family. They believed that their families had abandoned them or did not want them or that there was no one to be found. As a consequence many did not attempt a search for their families until many years after arriving in Australia.

6.22 The aspect that especially angers the former child migrants is not just that they were deceived as children but that information on family was deliberately withheld for many years. It was not just they who missed knowing their mothers, fathers, brothers, sisters, nieces, nephews, aunts and uncles, but also their children who could have had a grandparent and other family members. The Committee heard at first hand the anguish that this has caused:

What I would like to do first is to show the committee a photograph and the only link I have with my mother, who has passed on. She passed on five months or six months prior to my finding out that she had been alive all these years...It is not very easy to express the mental anguish that I went through when I was told that my mother had been alive all these years. To try and put it into words, to say to you that this is how I felt, is quite devastating. Then I found out that there was no good reason as to why I should not have been told that my mother was alive all these years. Why was I told that she was dead? Why was I told that she had been killed during the war? All I have left is this photograph and a death certificate to say that she died of old age. As a son I feel I had a right to have known my mother.²⁶

6.23 When former child migrants did attempt to locate records, what little could be found was often withheld, adding to the anguish of many child migrants.

Record keeping practices

6.24 To the distress of many former child migrants, there is very little information available about their childhoods:

Despite many attempts, all I have been able to obtain of my records is just 2 pages and these are not even close to being accurate.²⁷

...to this day, the only paper I have regarding my childhood history is a photocopy of the ships logbook documenting my name, age, religion and an identification No. which I must add my name and religion had been changed as I found out later when I found my family. This only reason I knew where

25 Submission (Confidential).

26 *Committee Hansard*, 15.3.01, p.171.

27 Submission No.39, p.1.

I originally came from was because I remembered, not because anyone in authority told me.²⁸

6.25 Information about former child migrants may be held by a number of organisations: the institution in which they lived before coming to Australia; the sending agency; the receiving agency; the Commonwealth Government; and, relevant State Governments. The Committee has identified a number of factors which impact on the amount of information available today about an individual: the amount of information originally available; the record keeping practices of individual organisations; and survival of physical records over the years.

6.26 The Committee was told that files sent with child migrants should have included a birth certificate, baptismal certificate, health report and some school reports. However, the details on files were not always complete. One former child migrant noted that her file had lacked the name of her mother or father, did not show a place of birth and the date of birth was incorrect. The former child migrant eventually found these details when she received a copy of her birth certificate.²⁹

6.27 The Western Australian Department for Family and Children's Services also noted that family background information was scant and in many cases non-existent. There were gaps in the information accompanying child migrants and inadequate immigration processes. For example, correspondence between 1939 and 1940 illustrated the Department's repeated efforts to gain birth certificates for a group of children at Tardun. The certificates were not sent with the children and it took one year to receive them from Britain.³⁰

6.28 The Joint Liaison Group noted that 'rarely did any useful information regarding schooling or social background, even institutional history, arrive with the child'.³¹ The 1956 *Report of a Fact Finding Mission* (Ross Report) also reported that some institutions complained about the unsatisfactory selection of children and the failure to furnish information about the children.

6.29 In some cases, that information was not even available from Britain. For example, there were cases of children having been abandoned by their mother, leaving the barest or no information.³²

6.30 The quantity and quality of information retained to the present time by institutions and government departments in Australia varies. One former child migrant described the record keeping on the part of some organisations as 'almost beyond

28 Submission No.74, p.1.

29 Submission No.147, Attachment.

30 Submission No.135, pp. 7-8, Appendix 22 (WA Department for Family and Children's Services); see also *Committee Hansard*, 16.2.01, p.95 (Christian Brothers' Archivist).

31 Submission No.54, p.14 (JLG).

32 Submission No.46, p.4 (ACMF).

belief. There would be more documentation kept on the importation of a case of wine into Australia than in many cases was kept on the migration of a child'.³³ Another former child migrant found that 'the National Children's Home in the UK has supplied to me the records they have held since 1943. On the other hand the Methodist Homes have no records available'.³⁴

6.31 The Christian Brothers' Province Archivist, Mrs Mathers, noted that most Catholic institutions in Australia held very few records on former child migrants. School reports and medical information were not retained. Mrs Mathers stated that this was not unusual and noted that the education department in Western Australia currently recommends the destruction of student records seven years after a student turns 21. Mrs Mathers added that the Western Australian Child Welfare Department:

...maintained a card system which tracked where the children were... There should be dates, places and where they were living. There should be information on those cards as to whether there were any medical conditions or major medical treatment that occurred. Under the legislation there is actually quite strictly prescribed the type of records that the guardian, the authority who was delegated the guardianship, had to keep.³⁵

6.32 However, the Western Australian Select Committee noted that prior to 1965, a child migrant's personal file was retained for five years after the person turned 21 and then was destroyed.³⁶

6.33 The South Australian Department of Human Services stated that the Department's files on individual child migrants contain only minimal information: 'many of those are inspector reports or notes by workers or receipts—that sort of administrative documentation—rather than the sort of documentation we keep these days, which talks about the child's story'.³⁷

6.34 The Queensland Department of Families also stated, in relation to the files of former child migrants at Neerkol, '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'.³⁸ In New South Wales, the Department has retained the card index for former child and youth migrants between 1947 and 1961. There are also files relating to pre-war migration.

6.35 Birth certificates and baptismal certificates are of vital importance to the search for family. Mrs Mathers advised that birth certificates for post-war child

33 Submission No.126, p.3.

34 Submission No.94, p.3.

35 *Committee Hansard*, 16.2.01, pp. 92-93, 95.

36 Western Australian Legislative Assembly, Select Committee into Child Migration, *Interim Report*, p.44.

37 *Committee Hansard*, 16.3.01, p.292 (SA Department of Human Services).

38 *Committee Hansard*, 21.3.01, p.424 (Qld Department of Families).

migrants should have been included in their immigration selection documents which were sent by the Commonwealth Immigration Department to State Welfare Departments. In Western Australia, Family and Children's Services have originals or copies of most birth certificates for post-war child migrants. However, Mrs Mathers indicated that immigration selection documents for any of the child migrants who went to Tasmania or for the majority who went to Queensland have yet to be located.³⁹

6.36 The baptismal certificates of some Catholic children were also included with their immigration documentation. The Joint Liaison Group indicated that the Catholic Migrant Centre in Perth has baptismal information in 40 per cent of its files and Centacare in Adelaide has baptismal information on 72 per cent of former child migrants who were cared for in South Australia.⁴⁰

6.37 Some organisations are able to provide former child migrants with more than just written records. For example, Barnardos has photographs of most children as they were taken into care, at the time that they were migrated to Australia and, in some cases, on arrival in Australia. They also have a fairly complete photographic record of children going back to 1867.

6.38 Other factors have also contributed to the difficulties in locating information. For example, in some cases records of children in Catholic institutions were the responsibility of the diocese, not the religious order running the institution, or else the records passed to the diocese once the children left the institution. Records were also not well kept or had not survived the passage of time.⁴¹ Records have been lost when organisations and institutions closed. The Committee was advised that some records held by Salvation Army (UK) were destroyed by bombing during the war.⁴² Although Barnardos (UK) has over 300,000 files, some early records were kept in large ledgers which have been destroyed either through fire or by being eaten by mice.⁴³

Attitudes to the release of information and impact on tracing

All my life I wanted a mother and a father and a family and never stopped looking.⁴⁴

6.39 Entrenched attitudes to the reunion of children with families and the release of information to former child migrants over the decades have impacted adversely on tracing efforts by many former child migrants.

39 *Committee Hansard*, 16.2.01, p.99.

40 Submission No.54, p.14 (JLG).

41 Submission No.54, p.14 (JLG).

42 Submission No.48, p.3 (ISS).

43 *Committee Hansard*, 22.3.01, p.467 (Barnardos).

44 Submission No.37, p.2.

6.40 Although some former child migrants did not lose contact with family, for others there appears to have been very little effort to assist children to know their families or to reunite with families either while in an institution or in the years immediately following their discharge from the institution:

No efforts were ever made, to my knowledge, by the authorities or staff at Northcote to trace any of mine, or anybody else's relatives, whether they be parents, uncles, aunts... In retrospect, I believe they were locked into a mode of thinking towards the maintenance of keeping families apart in order to justify their roles and *raison d'être*.⁴⁵

6.41 The Western Australian Department reported that there is 'scant historical information available to determine efforts made during the operation of the child migration schemes to reunite or assist in the reunification of child migrants with any of their relatives'.⁴⁶

Restricting access to records and information

6.42 This lack of assistance was outward evidence of the prevailing view regarding migrated children: that they needed to start a new life; and that some had to be 'protected' from what was regarded as traumatic information. There was also a view that third parties had to be protected. This attitude has continued right up until recent years. There was, and still is, the view that records were the property of the organisation and therefore were not available to the child migrants or their descendants. The Committee received many examples of the unwillingness of agencies to release their records:

- 'The files were secreted away, in a manner that suggested that there was something to hide. Creating the impression that the files contained some deep and dark secret to which only they had access'.⁴⁷
- 'I went to England in 1970 to find my parents, or find my mother, who I had not seen since 1946. I went to National Children's Home, because they were my only contact and they were not interested, they brushed me off. Yet I had sold my house, sold everything to go over to find out who I was'.⁴⁸
- 'I do recall there being numerous excuses why his requests were rejected, in particular, that all the records which would have been stored at Somerset House had been destroyed in the blitz of World War two. I was to find out later that this is not the case'.⁴⁹

45 Submission No.76, p.2.

46 Submission No.136, p.10 (WA Department for Family and Children's Services).

47 Submission No.92, p.2.

48 *Committee Hansard*, 16.3.01, p.325.

49 Submission No.85, p.1.

- ‘I asked the “powers that be” about my family on many occasions and was always told the same story “there is no one left”...I have since found that had I gone to the home in which I had been born and knocked on the door, my mother would have answered it: She had been in the same home for 50 years’.⁵⁰

6.43 The Committee was also provided with an example of a deliberate attempt to destroy records so that no contact with families could be made. A former child migrant who had lived at St John’s Anglican Home in Melbourne stated:

I did not even know my real name until I was 32 years of age...This Birth Certificate I found by coincidence among heaps of personal papers on the floor of the Chapel at St John’s Home on a chance visit to Melbourne from Newcastle 14 years after I left there. Mr Willis, the Hostel Superintendent had told us he was going to destroy all our records so no one would be able to pry into our lives. Unfortunately this included us.⁵¹

6.44 For some, the necessity to contact the sending agency to obtain records was a barrier to access. They had no wish to contact their former carers because of unresolved feelings about their time in institutions.⁵² One former child migrant stated:

I have never wanted to go near the orphanage again or to come into contact with the Order of Nuns whose ideas of discipline and rearing were barbaric and ignorant.⁵³

The International Association of Former Child Migrants and their Families (the International Association) also stated:

While these agencies that had the care of these children retain those records, these former child migrants have to go back to those agencies. It is a big problem for a child migrant to have to go back to an agency that perpetrated a lot of the misdeeds on them. It is very difficult, and when you do go back you want to get out of there as quickly as possible.⁵⁴

6.45 Former child migrants also found that their records were not kept in one place, they had to go from agency to agency, with varying degrees of success. Often success appears to have depended on the attitude of the individuals controlling access to records. Many also found that key records were held in the United Kingdom. Many former child migrants did not have the means to travel to Britain to continue their search or to try channels such as private investigators to help in their search for family. There appears to have been more disappointments than successes for those

50 Submission No.65, p.1.

51 Submission No.82, p.2

52 Submission No.48, p.5 (ISS).

53 Submission No.124, p.3.

54 *Committee Hansard*, 26.3.01, p.564.

searching for family and many former child migrants gave up their attempts to access records.

Changing attitudes to information release

6.46 By the mid 1980s, attitudes to re-establishing family ties began to change. Legislative and policy changes of Governments around Australia reflected the community's acknowledgment of the importance of family. Children who had been adopted received the right to obtain information about their adoption and Freedom of Information legislation opened access to personal information.

6.47 Some former child migrants were able to at last access more information.⁵⁵ Unfortunately, a number of organisations continued to maintain the entrenched view of earlier years for some time:

Some years later I contacted the Catholic Migrant Centre in Perth. I telephoned them every month for two years. My hopes were raised. They did nothing...No files, brick walls, platitudes but the situation remains the same. I'm not talking about Australia or Britain in the 60s – I'm talking about Perth in the late 80s. And the cover up goes on and on.⁵⁶

In 1987 I was informed by the Perth Catholic Migrant Centre...that I had a mother...They refused to give the name and address of my mother.⁵⁷

6.48 The Committee was also provided with details of one case where the Uniting Church denied that there were any records and then, in 1995, attempted to tie the release of records with a requirement to sign an indemnity freeing the Church from any liability.⁵⁸

6.49 The Committee was told that problems with access were not confined to Australia. Many seeking information about their births or time in institutional care in the United Kingdom were greatly disappointed at receiving no assistance:

I have been to Ireland twice. I went last year to Ireland and I went to the hospital I was born in and I said to the man at the hospital, 'I want to see the original records.' He said, 'I'm not going to show you anything.' How can you win? You have no hope; you cannot win...I went back to Derry. The nun said, 'You couldn't have been here because your name's not in the book.' You know, I am a nobody.⁵⁹

6.50 The impact of privacy legislation was also raised as a restriction on the ability to access information. It was stated that there is an increasing pre-occupation with

55 See for example, Submission No.68, p.2; Submission No.92, p.2; Submission No.114, p.1.

56 Submission No.123, p.3.

57 Submission No.96, p.4.

58 Submission No.77, p.1.

59 *Committee Hansard*, 15.2.01, p.58.

considerations of personal privacy which is being increasingly formalised in ‘data protection’. A further problem identified was that there is a marked difference in the application of privacy considerations in Britain and Australia:

What is seen as appropriate disclosure in one country is seen as inappropriate and therefore obstructed or even proscribed in the other... These problems operate most viciously against children (including former child migrants) who through no choice of their own were born ex-nuptial, and who in consequence experience much difficulty in obtaining identifying information and subsequently tracing their birth fathers, whose names by law in the great majority of cases cannot even appear on their original birth certificates due to the legal presumptions of an evidentiary nature concerning birth certificates.⁶⁰

6.51 Many organisations are now providing greater assistance to former child migrants. The Committee notes that the NCH is particularly helpful in assisting former child migrants and child migrants have praised the work of NCH’s Child Migrants Adviser in tracing families.⁶¹ Migrants have also sought the assistance of organisations such as the Child Migrants Trust. The Trust has built up an enviable reputation for its ability to search out family and re-unite former child relatives with lost relatives and many sought out its help. Other organisations also recognised that there was a need to provide services to former child migrants. Barnardos children, for example, had the right from the mid 1970s to look at their files. A specific officer was appointed in 1983 to work with former child migrants. Other organisations also began to assist former child migrants with tracing. The Catholic Child Welfare Council (UK) and Barnardos (UK) all provide tracing services for former child migrants. These services are discussed below. Private individuals are also more aware of what is available and how to access information.⁶²

6.52 Unfortunately, the practices of the past have lead many former child migrants to doubt that all information in the hands of organisations is being provided. Many only received information following the intervention of another party, such as the Child Migrants Trust, and in one case provided to the Committee, by threat of legal action:

I was in England in 1976 when my father died, I did not know where to contact him. I was there again in 1981 when my mother died, and I did not know where to go for contacts. I went to the orphanage in England in 1970 and said, ‘I’d like to see where I came from,’ and they said, ‘There are no files here.’ That was not true, they had our files there and they would not

60 Submission No.121, p.6.

61 Submission No.103, p.2.

62 See for example, Submission No.150 which provides a succinct account of the tracing process.

give them. It was not until I threatened them with a legal suit in 1995 that they gave me my file from the orphanage in England.⁶³

...[my files] were sent to me by mail in 1988... firstly I received a file which was photocopied material some of which was illegible, so I applied to have my original files sent to me, much procrastinating and reason for this not being allowed, Barnardo's Australia saw fit to release my original file... this file contained so much more information than the first one... I am still not sure that my file is complete, they can tell me it is but after being lied to so many times one's trust in people diminishes.⁶⁴

6.53 Many former child migrants are also angry that after being told initially that there were no records, they have found years later that this had not been the case:

Over a period of 45 years I failed to penetrate the code of silence regarding the two McFadden children. I was denied access to my documentation re my migration. Deceit, denial and cover ups it would appear were the policy. Lies galore. Numerous requests for my birth certificate after reaching age 21 were turned down. All efforts to access my files failed... Only in 1991... was I handed a yellowing birth certificate which had deteriorated in some Govt. records office in WA. WHY?⁶⁵

After many, many requests between the years 1962 and 1982 and continued denials that any family existed, I was finally handed a small packet of 4 documents one of which clearly showed the names of four older sisters and a younger brother... In 1999, I was contacted by the Child Migrants Trust and handed a file of some 50 documents (copies) some of which have been in the hands of Catholic Church officials either at Neerkol or Rockhampton years before.⁶⁶

6.54 Former child migrants also feel that although there is now much greater access to records, information should have been provided earlier and that it is too late for some to make full use to find families and to re-establish a relationship with them:

It is my view that access to the individual records at the time of the releases of inmates out of the care of Barnardos and into the community would have enabled many to make the effort at that time, had they wished, to contact their relatives. As it transpired, many were given their files only recently and in most cases far too late for them to make contact with close relatives.⁶⁷

63 *Committee Hansard*, (in camera).

64 Submission No.4, p.2.

65 Submission No.90, p.2.

66 Submission No.29, pp.2-3.

67 Submission No.92, p.2.

I also learnt that had the British Government released their National Insurance Data to the Child Migrant Trust earlier, I surely would have found my mother whilst she was still living. This information was only released too late for a reunion!!!⁶⁸

6.55 Unfortunately, for some former child migrants even long-term effort in searching for families has resulted in little success. One former child migrant stated that she had been looking for her family for over forty years.⁶⁹ Another stated: ‘I have not found my family. I first tried in 1965 and the Child Migrants Trust have been trying for the last 11 years. I have been to Ireland twice’.⁷⁰ The son of a former child migrant wrote ‘sadly twenty seven years later I am no closer to identifying [my father’s] parents than he was at the time of his death. I have managed to access a meagre few documents which only add to the despair of receiving no co-operation or assistance in the search’.⁷¹

Falsification of information

Trying to trace records is impossible, you need a surname. The passenger list shows me with two surnames and my brother with two other surnames. Our dates of birth have been changed and we are told all the records were destroyed in a fire.⁷²

6.56 Some former child migrants not only pointed to the lack of information, but also to information that was inaccurate or indeed false. Evidence was received that revealed that names and dates of birth of some former child migrants had been deliberately changed. One former child migrant stated that he found out his real name when he was 16 years old, while another indicated that he did not know his real name until he was 32 years of age, ‘our names were changed to create confusion and obstacles’.⁷³

6.57 Names were often changed for quite arbitrary reasons: “‘We’ve got a Margaret, you can be a Hazel’”, and that is what you had to answer to because you had hazel eyes or whatever’.⁷⁴ The International Association stated that at Clontarf, Western Australia, during the 1950s, boys inquiring about their age and their family backgrounds were lined up against the fence and given birthdays from consecutive

68 Submission No.114, p.1.

69 Submission No.62, p.2.

70 *Committee Hansard*, 15.2.01, p.58.

71 Submission No.85, p.2.

72 Submission (Confidential).

73 Submission No.39, p.1; Submission No.82, p.2.

74 *Committee Hansard*, 22.3.01, p.465 (CLAN).

days of the month. Many of its members learned later in life that they were up to three years older than they had been told.⁷⁵

6.58 The impact of changes to names and birth dates can be devastating to the search for relatives and the accessing of birth certificates. One former child migrant told the Committee that he had written letters to Somerset House to get a birth certificate but because of his incorrect birth date ‘the reply was the same all the time, no you were not born in England’.⁷⁶

6.59 The Child Migrant Friendship Society told the Committee:

That very fact...has made it incredibly difficult for this group of people to trace family, because they can’t, for a start, get a birth certificate...[a former child migrant] went over and her name was ‘Edna Mary’; she came back ‘Mary Elizabeth’. Now, a reporter happened to find her mother, and they reunited—she didn’t know anything about it. She had had a detective working on it, but there was no ‘Edna Mary’, because she was in fact registered as ‘Mary Elizabeth’. And that is not just one isolated case; that’s everywhere—and false birth dates.⁷⁷

6.60 Other examples of falsification of records were provided to the Committee. One former child migrant provided the Committee with copies of two pre-immigration medical examination reports. They show not only an incorrectly spelt surname, but also that as a child of six he had been allowed to sign on himself. The child migrant also signed a second report one year later. However, he did not have any memory of signing the documents and wryly noted his vastly improved handwriting and that at six and seven he could spell his name while at 14 years he was illiterate.

6.61 The Western Australian Department of Family and Community Services commented that it was not aware of any misleading information from the British Government or sending agencies adding very few records came with the children.⁷⁸ The Department also responded to a 1989 report by Margaret Humphreys of the Child Migrants Trust to the UK Social Services Committee which talked of ‘the calculated deception’ undertaken by Australian and British organisations in withholding and/or giving incorrect information to child migrants about their antecedents and to families abroad about their children. The Department indicated that:

The only documentation found on departmental records referring to the withholding of information is a letter from the Commonwealth Immigration Department referring to ‘long’ and ‘short’ birth certificates, the latter giving the child’s name and date of birth only. If the ‘long’ certificate showed that

75 Submission No.129, p.28 (IAFCM&F).

76 Submission No.107, p.2.

77 *Committee Hansard*, 16.2.01, p.89 (CMFS).

78 Submission No.135, Additional Information, 7.6.01, p.3 (WA Department for Family and Children’s Services).

the child was adopted or had only one parent's name, the issue of the certificate was to be deferred and the matter referred to that office.⁷⁹

6.62 In response to the question of falsification, the Department of Immigration and Multicultural Affairs stated:

It comes to the fact that, as I said before, many of these children were already in institutions. From the point of view of Australian immigration, a child was identified by what I might call the sending agency. Whatever that sending agency said the child was called, and whatever details were provided, were accepted for immigration purposes...They probably travelled on a document of identity that allowed them to travel from Britain to Australia without the need for passports to be issued at all. So we are dealing with the kind of documentation that would turn into a kind of manifest or a list of passengers on a particular ship, received in Australia by someone who was expecting that list of people. The hard part of your question is how to get beneath those flaws in the documented system and reunite people. Again I would have to say that is an area in which the Child Migrants Trust claims, and deserves to claim, some successful expertise. Exactly how, I cannot say.⁸⁰

6.63 The Department noted that the Commonwealth had taken steps to ensure that children were correctly identified and that the age of children could be proven. For example, when Western Australian officials raised concerns in 1948 about lack of birth certificates and incorrect information, a request was made through London that birth certificates be forwarded to migration officers in the States.⁸¹ The Department concluded 'It appears that whenever documents provided for the child migrants were discovered to be inadequate or incorrect, and the matter was brought to the Commonwealth's attention, the Secretary for Immigration took the matter up with relevant authorities in the UK'.⁸²

Access to records

They talk about record access and tracing, but we are not aware of any records available...They talk about records, but we cannot find any. We have tried all the different sources and we are told that we can go to the state government, only to be told, 'All your records have been burnt, there are none available.' We visit our home country to pursue records and are told by

79 Submission No.135, p.10 (WA Department for Family and Children's Services).

80 *Committee Hansard*, 6.2.01, p.21 (DIMA).

81 The Committee notes that in approving payments for equipment allowance introduced post-war, Commonwealth officials appear to have sighted some birth certificates of child migrants to ensure that they were eligible for the allowance, eg under 14 years of age on date of embarkation. In some records viewed by the Committee, Immigration officials queried the names and dates of birth supplied by receiving agencies. It appears in some cases that early in the post war migration period, information from baptismal certificates was provided, rather than birth certificates. See National Archives of Australia, RecordsSearch, files K403/3 W59/89; PP6/1 1948/H/1826.

82 Submission No.45, Additional Information, pp.4-5 (DIMA).

the sisters, 'There are no records here, we don't have any records.' It has become very frustrating for us when people say, 'Look, there are records there, you have access to them', but we can't find them.⁸³

Records held in Britain

6.64 The following is an outline of some of the sources of information available to child migrants in Britain. A comprehensive guide to sources of records, including current contact details, is provided in Appendix 5 of this Report.

6.65 Both the British Government and sending agencies now recognise the need for former child migrants to have access to their records. As a result of the House of Commons Health Committee Report, the British Government requested that the National Council of Voluntary Child Care Organisations (NCVCCO) establish and manage the Child Migrant Central Information Index.

6.66 The computerised Index comprises details of 17,136 child migrants who went to Canada, Australia and New Zealand. The details were provided by Barnardos, Middlemore Homes, The Children's Society, NCH and Catholic Child Welfare Council (CCWC). The Salvation Army did not contribute to the Index as it informed NCVCCO that it no longer held child migrant records. Details from the Western Australian Referral Index are also included. The Committee was advised in London of the difficulties in compiling the index due to the disbandment of some smaller agencies and the problems of locating their records if they still existed, and that much information required for the fields in the index had not been included in the original hand-written records of many agencies.

6.67 The Index is a signposting service; that is, it indicates what records may be available, who holds those records and how to access them. It does not hold the actual records. Only former child migrants, their parents, siblings and nominated representatives of child migrants are eligible to use the Index.

6.68 NCVCCO suggested that the Index had the following limitations:

- eligibility criteria for those who are permitted to use the Index are restrictive and do not allow descendants to access the Index;
- the data is not complete, for example, there is no information from the Salvation Army or other examples of child, youth or family migration;
- it does not contain details of child migrants prior to 1920 although sending agencies have indicated that they do have records for this period;
- it is restricted to government assisted schemes;
- the inclusion of information from other Australian States would improve the Index;
- funding was only provided to maintain the Index for three years, from April 1999 to March 2002.⁸⁴

83 *Committee Hansard* (in camera).

6.69 The Committee was advised during discussions in London that the narrow focus of the Index with its limited number of fields of information was the result of the original brief being too specific. As a consequence of the limitations, especially the restrictive access criteria, usage of the Index has been limited primarily because former child migrants already know the information it contains. It was suggested to the Committee that if the information in and access to the Index remain in their current form, then the Index will have much greater use for the next generation. The NCVCCO noted that inquiry trends were illustrating this with many general inquiries from libraries and second generation Canadians.

6.70 The Committee was told that there is a need to determine if the current format and sole purpose to be used as a list was the appropriate future direction for the Index or whether its information fields should be expanded and the Index developed so as to enable its greater use as a research tool with wider eligibility for access.



Committee members meet with representatives of the NCVCCO and its Steering Group in London

6.71 The British Government indicated in its response to the UK Health Committee report that all policy files in the UK are already available publicly or to bona fide agencies assisting in family reunification. The British Government also indicated that it did not intend to change legislation regarding privacy and believed that sensitive personal information should be divulged only with consent.

6.72 The Catholic Child Welfare Council (CCWC) holds records for many, but not all, Catholic child migrants. CCWC stated that individual agencies or religious orders, which looked after child migrants, may hold some records. Many of these records contain 'very scanty' information. A database containing both historical information and details of recent contacts has been compiled. In 1992, CCWC set up a central service with funding from the Poor Sisters of Nazareth and the Christian Brothers.

Child migrants are provided assistance with accessing their own and other records; tracing of living relatives; and support and counselling. The Joint Liaison Group stated that this service has continued to be supported by church funds up until the present and the tracing service is extensively accessed by the Child Migrants Trust on behalf of its clients.⁸⁵

6.73 Barnardos UK has a vast and complex system of some 370,00 records dating back to 1867. Barnardos also holds 20,000 additional records of children emigrated by other agencies which are no longer in existence. Barnardos UK spends £1 million per year on its after care services. The service provides information on family background and help with tracing relatives. Since 1985, the After Care section has dealt with some 4,000 requests for personal information and access to files from former child migrants or their relatives in Canada and Australia.⁸⁶

6.74 NCH provides a comprehensive service for former child migrants who had been in its care. It provides original documentation from care files, photographs and school reports. As well, tracing and counselling services both in Australia and in Britain are provided through its Child Migrants Adviser. NCH has made contact with 82 of the 129 people it sent to Australia.⁸⁷

Australian records

6.75 The following is an outline of some of the sources of information available to child migrants in Australia. A comprehensive guide to sources of records, including contact details, is provided in Appendix 5 of this Report.

6.76 Australian Government records pertaining to child migrants are held by the National Archives of Australia (NAA). The Archives holds information about government policy and administrative practice on child migration, including the activities of services organisations and churches that sponsored children. The Archives also holds records that contain personal information about some child migrants and the families they left behind.

6.77 In 1999, the Archives published a comprehensive research guide to assist former child migrants access relevant records. The guide, *Good British Stock: Child and Youth Migration to Australia*, authored by Dr Barry Coldrey provides an overview of child migration, outlines sources of information in the Archives and provides references to other material in State archives and the organisations sponsoring child migration. Former child migrants are not charged by the Archives for consulting material held in the Archives in order to clarify their identity and origins.

85 Submission No.51, pp.2-4, (CCWC); Submission No.54, p.15 (JLG).

86 Submission No.50, Attachment (Barnardos).

87 Submission No.98, p.4 (NCH).

6.78 The Archives has also provided the Child Migrants Trust with access to all nominal rolls for ships or flights that carried child migrants and to the lists of all organisations that looked after child migrants during this period.

6.79 During the inquiry, a number of matters concerning the records held by the Archives were raised. The first involved various ‘documents of identity’, including birth and baptismal certificates, that form part of the immigration documentation for individuals that may be held by the Archives. Photocopies of these are available to former child migrants but the originals are retained by the Archives. It was suggested that the originals should be made available to former child migrants as these were ‘personal property’.⁸⁸

6.80 The Archives advised that the records have formed an integral part of the administrative record of the Government and Archives considers it appropriate to treat them as Commonwealth records. The Archives advised that the transfer of ownership of Commonwealth records to private individuals involved a number of policy issues which ‘have the potential to set precedents that may be difficult for the Archives or individual controlling agencies to sustain across a broad range of cases’. Firstly, records held could be either national archives which are ‘held in trust for all Australians’ or temporary value records. The Archives stated that it would consider authorising the transfer of records of temporary value but in doing so the Archives would have to consider two further policy matters: identifying parties with legitimate interests; and, setting precedents for the transfer of other Commonwealth records. The Archives concluded:

In outlining these issues concerning the transfer of records it is not the Archives intention to thwart the legitimate desires of former child migrants to know their history. Nonetheless it is essential to indicate some of the complexities associated with transferring ownership of records to private individuals, whether child migrants or other legitimate interest groups. Such a policy could be pursued under the Archives’ existing legislation but it would significantly compromise the integrity and purpose of the Commonwealth’s archival collection.

The Archives considers that its existing access policy can satisfy both the individual and collective need for information relating to child migration. This policy includes making photocopies, high quality photographic images or digital images of records available to any member of the public who requests them.⁸⁹

6.81 The other major area of concern was access to records held by the Archives. It was noted in evidence that many records of interest to former child migrants are not held in the State in which the institution was situated. For example, files held by the Archives in Canberra relating to Catholic homes in Western Australia contain items

88 *Committee Hansard*, 16.2.01, p.99.

89 National Archives of Australia, letter to the Committee, dated 11 April 2001, p.4.

such as inspection reports which are of interest to former child migrants. Records may only be accessed through the Archives' reading rooms in the capital city where the record is located in order to safeguard the record. Photocopies of records may be purchased for 50 cents per page. It was argued that records may be inaccessible because of distance and because of cost. It was suggested that photocopy charges could be reduced or waived for all former residents of institutions, including child migrants, requesting copies of records or that records relating to child migration and homes be digitalised.⁹⁰

6.82 The Archives stated that to reduce or waive the photocopy charges 'may lead to further requests from other persons documented in records in the Archives collection. This would have significant resource implications for the Archives'. In regard to digital copying, the Archives noted that it was trialing a digitisation on demand service whereby a researcher can request that a digital copy of a specified record be loaded to the Archives [RecordSearch](#) database allowing that record to be viewed on the Archives website. The Archives indicated it would:

- examine the 34 key files listed in the Personal History Index guide and those not already available for public access would be examined to determine whether they are suitable for public release, the Archives will then make a digital copy of those suitable for release. The Archives would aim to finalise this task by June 2001; and
- when preparing work programs for the coming financial year, consider whether further records about child migration, particularly those listed in *Good British Stock: child and youth migration to Australia* can be programmed for digitisation.

6.83 The Committee notes that the Archives has already examined and digitised some of the key files listed in the Personal History Index guide. These are now available through the Archives RecordSearch database and provide a valuable source of information. However, these records relate only to Catholic institutions. The Committee considers that all records relating to the child migration scheme should be digitised.

State Government Records

6.84 State governments have also responded to the need to provide information under their control to former child migrants and other children in their institutional care.

6.85 In Western Australia, the Department for Family and Children's Services, with support from nine receiving agencies, has developed an index, the WA Former Child Migrant Referral Index, to identify all former child migrants who came to Western Australia from Britain and Malta from 1913 to 1968. The Department stated

90 Submission No.47, pp.1-2 (Trustees of the Christian Brothers in WA).

that when it made its submission to the UK Health Committee inquiry it did not have accurate figures for the number of children who came to Western Australia as child migrants. However, Departmental files contained information on post World War II child migration and church and other agencies also held information. The Department sought and received the co-operation of the receiving agencies to establish the Index and protocols for use of the Index by agencies and to whom it is made available.⁹¹

6.86 The Index lists 2,941 former child migrants. The Index acts as a signposting service and contains the following information: name; alias; date of birth; date of arrival; ship; placement; and location of records. The Department used internal resources to establish the database at a total cost of \$20,000. Since its launch in October 1999, there have been 720 requests for information.

6.87 The Department also noted that, following protracted discussions with representatives of the British Government, ‘front end’ information providing the name of the sending agency and the location of records currently held in the UK has been received by the Department.

6.88 A special unit in the Department has been established to assist former child migrants to access information and trace families, and to provide support and referral to other services for independent advice, practical assistance and counselling. This unit makes all its records available to former child migrants, including the release of original birth certificates.⁹²

6.89 The South Australian Department of Human Services waives fees for former child migrants but noted that the information may be decades old and ‘records were not kept in those days with a view to helping people to put their stories together’. In evidence, the Department stated that a departmental officer provided assistance to people adopted in the United Kingdom who are now living in Australia and that the skills and knowledge built up were also used to find the families of former child migrants.⁹³

6.90 The South Australian Department also acts as an intermediary between former child migrants and the Catholic Church. On a case by case basis, it has requested and received files from the Church. It has not received all the files that the Church holds.⁹⁴

6.91 The New South Wales Department of Community Services, through its *Connecting Kin* project, has provided details to assist former residents of homes in New South Wales to locate both Government and non-government agency records. The Department is also establishing a database from its records. The New South Wales Immigrants Index will hold the information now held on 3,860 cards of child

91 *Committee Hansard*, 16.2.01, pp.152-53 (WA Department for Family and Children’s Services).

92 Submission No.135, p.18 (WA Department for Family and Children’s Services).

93 *Committee Hansard*, 16.3.01, pp.284, 287 (SA Department of Human Services).

94 *Committee Hansard*, 16.3.01, p.314 (SA Department of Human Services).

and youth migrants from 1947 to 1961. This Index will contain information including name, date of arrival, name of ship, sending and receiving agency and name of parent (usually mother). The Department will also appoint a Designated Official in the Adoption Services Branch to assist former child and youth migrants. A Website is planned and the Department hopes to examine further its pre-war files.⁹⁵

6.92 On 20 December 2000, the New South Wales Government also approved funding of \$60,000 for one year to provide counselling and family-tracing services to former child migrants. These services will be provided through International Social Service.

6.93 The Queensland Government has produced a guide, *Missing Pieces*, which provides information about the records of departmental institutions and those operated by church and voluntary groups. *Missing Pieces* provides a description of departmental files and access and contact details. For each institution, both government and non-government, a brief historical summary is provided, with access and contact details.

6.94 Following the Forde Inquiry, the Department of Families, Youth and Community Care established a counselling and support service for former residents of Queensland Institutions. The Aftercare Resource Centre (ARC) provides face to face and toll free telephone counselling. ARC also provides advice regarding access to individual records, documents and archival papers.

6.95 The Victorian Department of Human Services provides the following support to all Victorian former child migrants through its Adoption Information Service:

- information regarding procedures for records searching, both in Victoria and in the United Kingdom;
- short term counselling on grief and separation issues;
- assistance in understanding the information in retrieved, historical records;
- pre and post reunion counselling.

6.96 Victoria's Archival Services has processed all relevant Victorian Government records into sequential order by policy file/client name. All client names have been entered into the Archival Services database to enable quick retrieval and matching to boxed records.

6.97 The Adoption Information Service will help former child migrants apply under the Freedom of Information Act for access to their departmental files. If these records show that a person was placed with a specific non-government organisation, Archival Services can contact that organisation, on behalf of the former child migrant,

95 Personal communication with the Committee.

to assist in locating any relevant records held by that organisation. This support is offered on a case by case basis. Freedom of Information fees do not apply.

Non-government Organisations

The Child Migrants Trust

6.98 The Child Migrants Trust does not hold original records but has provided tracing and counselling services in Australia since 1988. The Trust employs a family researcher in the UK and has built up considerable expertise in tracing families.

Catholic Church Organisations

6.99 The Personal History Index (PHIND) is a computerised index which gives details of the location of records held in Australia for former child migrants who arrived and were placed in Catholic homes between 1938 and 1965. The PHIND was funded and sponsored by religious orders and Diocesan agencies that received children from the United Kingdom and Malta. The index is available through 11 licensees in South Australia, the Australian Capital Territory, Queensland and Western Australia.

6.100 The Christian Brothers' Archives in Perth holds material from the four Christian Brothers institutions in Western Australia. These mainly consist of admissions files. The Catholic Migrant Centre in Perth holds over 900 personal files relating to former child migrants between 1938 and 1965.

6.101 The Australian Catholic Social Welfare Commission has compiled a national directory of records of Catholic organisations caring for children separated from families. The directory, entitled *A Piece of the Story*, lists all known centres run by organisations of the Catholic Church across Australia that provided residential care for children outside the family. The directory provides, for each centre, contact details and information about access and the type of records available.

Fairbridge

6.102 The Fairbridge Foundation New South Wales holds all the files for the farm school at Molong. Some records are incomplete, for example, some do not contain birth certificates. Protocols for accessing files have been established. No one other than the Old Fairbridgian has access while the Old Fairbridgian is alive. Access by relatives is then available. A relative is defined as a person who is child, spouse or common law spouse of the Old Fairbridgian.⁹⁶

6.103 Records of the Fairbridge Farm School, Pinjarra, are lodged with the Battye Library in Perth. A member of the Fairbridge Board administers access to records and

96 *Committee Hansard*, 22.3.01, p.447 (Fairbridge Foundation).

pertinent documents are made available to the child migrants or the immediate family of the child migrant.⁹⁷

Barnardos

6.104 Barnardos also holds the files for each of the child migrants it received. Since the mid 1970s copies of the files have been made available to child migrants. Information on the files includes unedited admission histories. Barnardos indicated that the files did not always contain a birth certificate but in such cases it did everything possible to obtain copies from the Records Office in London. Barnardos UK provides tracing services, but it also uses the Child Migrants Trust, International Social Service, the Red Cross and the Salvation Army. Services are provided free of charge.⁹⁸

Outstanding access and tracing issues

The tracing is insufficient and inadequate. Even the fine program which is set up by C-BERS has very little information in it. It is stuff that we already know. There is nothing new. There is nothing that we can go to from there. So we really want to go to the next step and find out exactly whether there are records there, so that these people can find out who they really are. They are trying to put a picture together, but the facts that they have been given from the beginning are wrong, so they are just going on a wild goose chase.⁹⁹

6.105 The evidence indicates that much has been recently achieved in locating and improving access to records. However, a great deal is still required with witnesses pointing to a number of areas where improvements are needed including access to further funding, sharing of information, improvements in record keeping and improving access by former child migrants.

Additional funding

6.106 First and foremost, many witnesses emphasised the need for further funding:

There are so many child migrants like myself, still looking for family. The passing of time makes it worse, not better. We are running out of time. We need **more** help from the Australian Government **now!** Too many mothers, fathers, brothers and sisters are dying before they can be reunited.¹⁰⁰

6.107 It was noted that undertaking searches in the United Kingdom is of most significance for family tracing. Most former child migrants know their arrival

97 Submission No.136, p.2 (Fairbridge WA Inc).

98 *Committee Hansard*, 22.3.01, p.474. Detailed information about the files held by Barnardos UK is provided in briefing papers attached Submission No.50 (Barnardos Australia).

99 *Committee Hansard*, (in camera).

100 Submission No.22, pp.2-3.

information and the sending agency. What is now required is family information. However, it is expensive and time consuming to search out this information, but time is of critical importance in finding family. Former child migrants are ageing and with the British Child Migrant Support Fund due to cease in 2002 tracing needs to be completed so that all eligible former child migrants can access the fund for reunion travel.

6.108 The Child Migrants Trust indicated that the cost of an individual search ranged from £1,000 to £1,500.¹⁰¹ Barnardos UK spends £1 million per year on after care services, but even so some people have to wait some time to view their files. Barnardos UK stated that the level of funding of tracing services in agencies has to be weighed against serving needs in other areas.¹⁰²

6.109 Other agencies indicated similar concerns with funding. The CCWC's noted that its service is funded by the Sisters of Nazareth and the Christian Brothers 'but we cannot necessarily expect this funding indefinitely'. The Catholic diocesan agencies have no funding for the tracing work and the UK Department of Health has turned down funding for family searches 'on several occasions'. CCWC concluded that some Government funding should be made available both to sending agencies in the UK and receiving agencies in Australia to support and assist their work in family searches and reunions.¹⁰³

6.110 The Joint Liaison Group also called on the Commonwealth Government to make a stronger commitment to funding tracing services. The Liaison Group noted that 'so far the only official Australian involvement has been funding through the Child Migrants Trust. Other agencies are doing equally good work and offering professional services and it is contended that the Commonwealth support for these services is both needed and appropriate'.¹⁰⁴

6.111 Another problem identified was the magnitude of the task in the UK and that little is held in Australia that can be used to trace families. Tracing is often time consuming and difficult. In the UK, much of the information of interest to child migrants is not centralised. There is also a need for close liaison with the sending agencies and with churches. It was suggested that funds should be made available to bona fide agents to assist family tracing to expedite the work.¹⁰⁵

6.112 A further area of concern was the physical state of records. Although much work has been done in identifying the location of records, problems still remain in regard to the physical records themselves: records are in poor condition; they are not

101 *Committee Hansard*, 26.3.01, p.584 (CMT).

102 Submission No.50, Attachment (Barnardos).

103 Submission No.51, p.5 (CCWC).

104 Submission No.54, p.15 (JLG).

105 Submission No.44, p.6 (CMFS); *Committee Hansard*, 16.2.01, p.149 (C-BERS).

indexed; and they may be scattered across a number of agencies. Time and money is required to rectify these problems.

6.113 C-BERS also identified other gaps including that there is no ‘sending agency’ contact group in Malta and there is no funding that would support professionals to learn from each other.¹⁰⁶

6.114 C-BERS stressed the importance of the provision of choice of agencies for former child migrants and their families. Some former child migrants will not approach the Christian Brothers and others do not wish to use the Trust:

That is something that we, in Western Australia, and working with the Family and Children’s Services and the other receiving agencies, have been trying to ensure: that there is ample opportunity for choice for people in accessing helpful instruments in tracing, like the personal history index or the child migrant referral index, so that people can take the service that is most appropriate to their needs.¹⁰⁷

6.115 A matter of deep concern to many former child migrants was that access to records was still restricted and that primary records are still held by agencies. It was argued that there is need for open access to personal records by former child migrants or their nominated professional representatives. The International Association indicated that it wanted ‘the government to remove all records and documents relating to former child migrants, which are currently held by the church and charitable organisations, and place them with the Child Migrants Trust’. It noted that church and charitable organisations ‘have the power to control the release of these records and how the information within these records is provided and interpreted. They have the power to withhold or hide information and records if they are detrimental to the image they are now desperately trying to portray.’¹⁰⁸

6.116 Members of the CMFS also noted that many former child migrants would never travel back to their country of birth and argued that all records which are the property of former child migrants, held anywhere in Britain, should be copied and sent to appropriate authorities in Australia.¹⁰⁹

Sharing information

6.117 C-BERS raised two further important points with the Committee, first that there is no mechanism for sharing information with eastern State Government departments; and secondly, there is no integrated network of specialised service providers around the country.

106 Submission No.45, p.3 (C-BERS).

107 *Committee Hansard*, 16.2.01, p.139 (C-BERS).

108 Submission No.129, Additional Information 23.4.01 (IAFCM&F).

109 Submission No.44, Additional Information, p.4 (CMFS).

6.118 In evidence, the work carried out in Western Australia was held up as a model of what should be provided by other States. The Western Australian Department for Family and Children's Services has provided a leadership role for non-government agencies and has developed the Child Migrant Referral Index. The Index not only provides information on access to the records of the 2,941 former child migrants who came to Western Australia, but also contains vital information about British sending agency and location of records currently held in Britain thereby providing a comprehensive guide.

6.119 The Western Australian Department suggested to the Committee that there was no reason why there should not be a national index of every child migrant who came to Australia. However, in evidence it was noted that there was a lack of response from some other State Governments:

...I meet with my colleagues, heads of departments in the area that I operate in around Australia on a regular basis. On a regular basis I have the issue of former child migrants put on the agenda and on a regular basis nothing happens. So I do not think that there is the same enthusiasm and commitment in the other states to do something in this area. I think some of them feel that the issue was not as large in their states. I think some of them perhaps have taken advice from lawyers that this could end up costing a fortune so why get involved. I do not know how it can be achieved.

For us, it was not difficult and it was not an expensive exercise. The most difficult thing was making the decision to get the people together. Once that happened...it did not cost a lot of money. In the other states, I think basically the way it could best be achieved would be to get a political commitment to do something in the other jurisdictions.¹¹⁰

6.120 The South Australian Department of Human Services supported a national index. The Department suggested that the Community Services Ministers Advisory Committee would be the appropriate agency to take up such an idea.¹¹¹ Barnardos also noted the need for a national index.¹¹² A national index was also supported by former child migrants as it would help co-ordinate tracing. One former child migrant noted that while she was searching for family, her brother, unbeknown to her, was using another agency to do likewise.¹¹³

6.121 Other initiatives to improve the exchange of information and expertise have been developed. For example, the Receiving Agencies Steering Committee has been established in Western Australia. C-BERS informed the Committee that it had met with the Catholic Migrant Centre and the Child Migrants Trust to develop guidelines to facilitate as rapid as possible access to information and information sharing having

110 *Committee Hansard*, 16.2.01, pp.153, 164-65 (WA Department for Family and Children's Services).

111 *Committee Hansard*, 16.3.01, p.290 (SA Department of Human Services).

112 *Committee Hansard*, 22.3.01, p.476 (Barnardos).

113 Submission No.62, p.3.

regard for client confidentiality. As a result of that meeting, draft protocols had been developed for the exchange of information. C-BERS and the Trust also exchange knowledge about the experience before, during and after a reunion trip so that both services can provide better support for their clients.¹¹⁴

6.122 In Britain, the Sending Agencies Group was established in 1997 comprising of representatives of Barnardos, CCWC, The Children's Society, NCH, Catholic Children's Society (Westminster), Salvation Army, Fairbridge, Middlemore Homes, Fegan's Child and Family Welfare. This Group's objectives include:

- to provide a forum for the development and professional good practice relating to work with former child migrants and their families;
- to share information on the keeping of records and the use of information technology; and
- to develop working relationships with other agencies and organisations, both in the UK and overseas, currently involved in working with former child migrants and their families.

6.123 Committee members met with representatives of the Sending Agency Group in London. The Group submitted that whilst its agencies had established contact with a number of organisations and agencies, 'we have been very aware that professional work in the field of child migration has seen minimal sharing of professional practice and research'.¹¹⁵

6.124 Other examples were provided to the Committee of agencies co-operating in the development of databases and policy and practice. There was also contact with other agencies to discuss individual cases.¹¹⁶

Access to records by families of child migrants

6.125 There was recognition by former child migrants that the impact of the child migrant experience would not stop with them:

There are as many effects on former child migrants as there are former child migrants as each is an individual story with its own good and bad; but what is now evident is that there were effects on each of us that will last beyond our days...The ripple on the pond is travelling outwards and amplifying as each person it touches raises questions and issues such as nationality, identity, genetics and even inheritance rights that may shatter some families and widen the effects.¹¹⁷

114 Submission No.45, p.4 (C-BERS).

115 Submission No.52, p.4 (CMSAG).

116 Submission No.51, p.5 (CCWC); Submission No.98, p.4 (NCH).

117 Submission No.126, p.4.

6.126 The Committee received a number of submissions from the families of former child migrants which highlighted the importance of accessing records and the difficulties that many descendants have experienced. One submitter stated:

...I'm sure I'm not the only first generation child enduring the continuing problems of ascertaining information on behalf of deceased parents. Please be mindful that there is a new generation of secondary effected people coming up and need assistance also.¹¹⁸

6.127 The restrictions on the provision of information to only the child migrants themselves, for example the Child Migrant Central Information Index, creates significant difficulties for surviving children of deceased child migrants. Children of former child migrants are unable to access social and medical history information which may be of significant importance in identifying inherited medical problems. Restricted access also hampers their search for surviving relatives. But as one family member stated: 'We have a side that just has been taken from us. We need to be given help to piece together our family.'¹¹⁹

6.128 The families of former child migrants provided evidence of the difficulties that they have faced:

...the bureaucracy on many occasions stipulated that details would only be released to the child migrant him or herself. Begrudgingly I have managed to pierce this armour plating a couple of times, but even then I am suspicious that I have received edited versions of documents.¹²⁰

I wrote many letters to organisations in the UK that one of them would lend a hand in my search...But it seems there is a code of silence and as I am only a daughter in Law I have no rights.¹²¹

National Archives of Canada

6.129 During their visit to the National Archives of Canada, the Committee members met Marie-Louise Perron, Chief of the Genealogy and Personnel Records Section, and her staff who described the initiatives they have taken in relation to the records of Canadian child migrants – the Home Children.

6.130 The Committee was advised that the National Archives maintained regular contact with agencies and individuals interested in issues surrounding Home Children, and has participated with the British Isles Family History Society of Greater Ottawa in the development of the Home Children Database.¹²²

118 Submission No.85, p.2.

119 Submission No.69, p.2.

120 Submission No.85, p.1.

121 Submission No.69, p.1.

122 See http://www.archives.ca/02/020110_e.html

6.131 Information likely to be of interest about Home Children can be found in several types of National Archives records. Government records include the passenger lists for the period 1865 to 1935 that constitute the official record of immigration to Canada in that period. The names of child migrants who arrived in Canada can be searched in some on-line databases in ArchiviaNet.

6.132 The Home Children Database contains fields for data extraction determined by the nature of the records and the details necessary to identify an individual and locate the actual passenger list (eg name, age, sending agency, ship, arrival date and port, microfilm reel). This Database is continually being updated and is the most valuable tool for identifying the arrival information for Canadian Home Children.

6.133 The National Archives also holds a number of other nominal indexes and lists relating to juvenile immigration, with which staff can assist researchers trying to identify the date of arrival and sending agency for a particular home child. Titles of files relating to a particular Home or Agency can be searched in the Federal Government records database. Like the passenger lists, these microfilm reels may be viewed on-site or borrowed through inter-institutional loan.

6.134 The National Archives has received microfilm copies of the records of a few sending agencies, however, access is restricted by the donors due to the sensitive nature of the information they contain. In those cases, National Archives staff refer researchers to the organisation in the United Kingdom. An exception is the microfilm copies of the Middlemore records, which are open to the public in cases where the records are more than sixty-five years old.

6.135 Since most Canadian child migrants already know their arrival information and the sending agency, they do not need to contact the National Archives for a search for those details. However, inquiries that are received from former child migrants themselves (as opposed to inquiries received from descendants or relatives of child migrants) are handled with more extensive research, as such individuals would be quite elderly. Most inquiries are now from descendants and the National Archives receives dozens of inquiries per month from the children, grand-children and other relatives of home children who are working on their genealogy, a search of relevant indexes is made and clients are advised on how to access unindexed records.

6.136 After the discussions, the Committee was able to observe the accessing of detailed information and records from the National Archives databases and was very impressed with the technological capacity and simplicity with which such access could be achieved. As noted in the previous section, access to records by families is becoming increasingly important in Australia so the Committee considers that the Canadian initiatives are particularly relevant for future action in Australia.

Conclusion

6.137 Although some former child migrants were able to maintain contact with family and some were reunited after migration to Australia, for a very large number of former child migrants this was not the case. Agencies either did not know enough

information to provide an accurate identity for the child in their care or, for various reasons, chose to break the links between family and the child migrant. Despite the 1945 Curtis Report and changes to the attitudes of child care and the importance of the role of families in Britain, there was little understanding at the time in Australia, in receiving agencies and government organisations, for the need to maintain links with family.

6.138 There was also a generally held view that it was ‘better’ if child migrants had a new start and didn’t find out about their backgrounds, particularly in the case of illegitimacy. Letters were kept from children and child migrants were told (with malicious intent) that they were orphans. Appalling inaccuracies and discrepancies in record keeping are much evident: names were changed and birth dates were changed. Such practices go far beyond the imperfect record keeping characteristic of the time. The Committee considers that these practices amount to gross incompetence and lack of duty of care.

6.139 These views and practices impacted adversely on child migrants in two fundamental ways: first, because they were told that they had no family or that their families did not care for them they did not try to reunite with them until many years later; secondly, some agencies for many decades clung to the view that child migrants were better off not knowing their backgrounds and therefore offered little or no assistance to former child migrants seeking records, again causing many to give up their search in frustration.

6.140 While some organisations recognised from the mid-1970s the need to assist children who had been in their care, for example, Barnardos, many agencies did not do so until much later and until they were forced to in the 1990s. By this time, child migrants were ageing and their parents, if still living, were of a very advanced age. By this time also, records had been destroyed or were missing or were damaged; institutions were closed; and memories had faded.

6.141 These factors have added to the complexity of searching for family. It is a time consuming and expensive process but there have been successes. Organisations such as the Child Migrant Trust have developed the expertise to find missing documents and to track down families. There are many wonderful stories of reunions, but all too frequently there are stories of sadness and despair of former child migrants having missed the opportunity of reuniting with parents by a year, or only months.

6.142 We cannot overstate the importance of satisfying this human need. The search for family is at the heart of the provision of services for former child migrants. Without the knowledge of family and where they come from, former child migrants have no sense of an identity or where they belong. Without a birth certificate there are the practical difficulties of obtaining a passport and citizenship and of proving identity for other purposes. Without a birth certificate there is little hope of identifying parents or family.

6.143 The Committee considers that much has been done to assist former child migrants to find family, but time is running out and much remains to be done. The expertise built up and the knowledge gained must not be lost. The work already undertaken by NCVCCO in Britain needs to continue and to be expanded so that greater use can be made of the Child Migrant Central Information Index.

Recommendation 6: That the Commonwealth Government urge the British Government to continue financial resources for the National Council of Voluntary Child Care Organisations (NCVCCO) for the retention and expansion of the Child Migrant Central Information Index.

6.144 The Committee acknowledges that Victoria has developed a database to help retrieve files and that New South Wales is establishing an index. However, the Committee considers that it is imperative to establish databases with accurate and comprehensive information about all former child migrants who came to this country. The Western Australian Former Child Migrant Referral Index contains information from receiving agencies and more importantly, information from sending agencies. These need to be co-ordinated by the States so that the databases are compatible and to ensure ease of access on a national basis.

Recommendation 7: That the Commonwealth Government urge all State Governments to establish a comprehensive signposting index similar to that established by the Western Australian Government.

Recommendation 8: That the Commonwealth Government urge all State Governments to co-operate to establish a national index of child migrants.

6.145 The Committee has also noted that both New South Wales and Queensland Governments and the Catholic Church have published directories to assist former residents of children's institutions to locate and access their records. The Committee considers that all children who have been in residential care should be provided with such a valuable resource.

Recommendation 9: That the Commonwealth Government urge State and Territory Governments to publish directories of information to assist all former residents of children's institutions to access records similar to the directories published by the New South Wales and Queensland Governments.

6.146 The Committee considers that there needs to be greater co-ordination between Governments and agencies, and between agencies and between State Governments. There is a great need for all organisations holding records relating to former child migrants and all organisations involved in providing services for former child migrants to share information on keeping records and the use of information technology and develop protocols for accessing records and sharing information. The Committee notes the work undertaken in Western Australia by the Receiving Agencies Steering Committee and in Britain by the Sending Agencies Group in the development of services for former child migrants. The Committee considers that a national group should be established to provide a mechanism for the exchange of

ideas, to develop uniform protocols and to ensure as wide as possible access to records. Such a group should also provide a forum for the coordination of services for former child migrants.

Recommendation 10: The Committee recommends that a national group of all receiving agencies, other relevant bodies and Commonwealth and State Governments be established to develop uniform protocols for accessing records and sharing information relevant to former child migrants, their families and descendants and to coordinate services for former child migrants.

6.147 While the establishment of indexes is of great benefit, it has to be remembered that these databases are primarily signposting services, they do not contain records, rather they point to the agency where the records are or should be. It is then up to the agency to find the records and to release all information available to the former child migrants, unconditionally and freely.

6.148 The National Archives of Australia has provided a comprehensive guide to the records relating to child migration that it holds. Many of these records are held in Canberra and former child migrants have expressed concern about the difficulties of accessing these documents. The Committee notes that the Archives has improved access by digitising some of the records which relate to Catholic institutions. The Committee considers that the program of digitising should be continued and expanded so that all files relating to former child migrants are available on the Archives RecordSearch service.

Recommendation 11: That the National Archives of Australia be provided with sufficient funding to ensure continuation of the program of digitising its records relating to child migration.

6.149 The Committee also considers that the National Archives should liaise with the National Archives of Canada in relation to the procedures implemented in Canada to facilitate access to records for former child migrants and their descendants. During its visit to Canada the Committee was very impressed with the work being undertaken to improve access to records held by the National Archives of Canada.

Recommendation 12: That the National Archives of Australia liaise with the Genealogy and Personnel Records Section of the National Archives of Canada in relation to the technology, protocols, processes and procedures the Canadians have implemented to facilitate access to their records for former child migrants and their descendants.

6.150 It appears to the Committee that there are greater problems in accessing information held in Britain than in Australia. The records held in Australia do not always contain the necessary information for a search – they are more likely to only contain information about the child migrant from the time they arrived in Australia rather than family history. On the spot searching in Britain is required, as well as the co-operation of agencies holding records.

Recommendation 13: That the Commonwealth Government provide at least three year funding to those agencies engaged in dedicated tracing in the United Kingdom to assist former child migrants to locate their families, based on applications by agencies undertaking that work.

6.151 From the evidence, the Committee is aware that many agencies are now co-operating with both former child migrants and their representatives to provide vital information. However, the Committee is also aware that there are instances where co-operation is not forthcoming and that there is still a reluctance to divulge all information held on files. Sometimes this reluctance comes from a responsibility to a third party and sometimes, unfortunately it is because of a fear that the former child migrant will commence litigation.

6.152 The Committee considers that organisations have an obligation to make all information available to former child migrants. The Committee considers that no organisation has the right to withhold information from former child migrants, or if the child migrant is deceased their direct relatives or descendants, or any person who was in their care because of fear of litigation. Such actions are unacceptable and indeed, morally repugnant.

Recommendation 14: That all organisations holding records pertaining to former child migrants make these records available to former child migrants or their authorised representative immediately and unconditionally.

6.153 Many witnesses argued that primary documents such as birth certificates should be returned to former child migrants. The Committee considers that child migrants are entitled to receive these documents and that all agencies that hold such documents should return them.

Recommendation 15: That where any organisation holds primary documents, including birth certificates, relating to any living former child migrant without their express permission, former child migrants be entitled to recover that document from the holding organisation.

6.154 The Committee also considers that greater regard should be given to the needs of the descendants of former child migrants so that they can access more information.

Recommendation 16: That all sending and receiving agencies be required to extend access to their records to descendants of former child migrants.

Citizenship

6.155 Many witnesses raised questions concerning citizenship. Some former child migrants believed that when they arrived in Australia they automatically became Australian citizens. It was therefore a great shock to find that they were not and that the process of applying for citizenship was less than easy:

It was a very gruelling process for me because it took six months for them to clear me. I was accused of being a criminal and I got no apology whatsoever from the department concerned. I had to pay for the thing myself. This was back in 1993. The way I feel was that to become an Australian citizen should be the happiest day of your life—great, become an Australian citizen—but personally I did not see it that way, the reasons being that I was kicked off the roll because I was not an Australian citizen. As a child migrant I always thought that I was automatically an Australian citizen, and I got the shock of my life. I had just moved houses and the electoral roll people told me, ‘You’re off the roll.’¹²³

6.156 The International Association of Former Child Migrants and their Families expressed the view of many members:

We may have served in the Australian military and fought for Australia in Korea or Vietnam, or both; but when we wanted to claim social security benefits, **we were told we were aliens**, and if we couldn’t prove how we arrived in Australia we would be deported!¹²⁴

6.157 Some witnesses were bitter that they now had to apply for Australian citizenship.

It wasn’t the money so much, but I did feel very degraded...I did feel very sick about having to pay for something that I should have been entitled to in any event.¹²⁵

6.158 Others indicated that they did not wish to take out Australian citizenship with the CMFS noting that there was ‘a bit of animosity out there towards the past’.¹²⁶

6.159 The Committee’s attention was drawn to the problems for overseas travel. One former child migrant commented that obtaining a passport had proved to be a ‘nightmare’ for her:

The form I filled out could not provide the information required and was told that a passport couldn’t be issued because I wasn’t an Australian citizen so was sent to the British consulate at another location. More forms to fill out but was told there that I did not have the right information but to contact Canberra...after three weeks and more expense we got a British Passport but could not re-enter Australia as we were required to get a re-entry visa...I was tears in about this experience. This is what happens at most Government Departments when requesting everyday forms, employees just don’t understand that you don’t have the information required.¹²⁷

123 *Committee Hansard*, 16.2.01, p.77.

124 Submission No.129, p.20 (IAFCM&F).

125 *Committee Hansard*, in camera

126 *Committee Hansard*, 16.2.01, p.79 (IAFCM&F).

127 Submission No.62, p.2.

6.160 Other witnesses also highlighted the problem of visas:

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?¹²⁸

6.161 The International Association also provided the details of such a problem faced by one former child migrant, who tried to return to Australia from New Zealand. He had served in the Australian military but was told that he was not an Australian citizen and as he had no visa could not re-enter Australia.¹²⁹ The then Minister for Immigration responded to the former child migrant that his children living in Australia would have to sponsor him and ‘he could stay in Australia for two years, and the Australian Government would then consider him for citizenship’.¹³⁰

6.162 Some former child migrants may have automatically become Australian citizens. Australian citizenship was created by the *Australian Citizenship Act 1948* on 26 January 1949. Before that date, people living in Australia were either British subjects or aliens. Former British child migrants who had lived in Australia for the five years to 25 January 1949 automatically became Australian citizens on 26 January 1949. It is unlikely that child migrants who came to Australia after 26 January 1944 were Australian citizens unless at least one of their natural parents was an Australian citizen and/or the migrant had formally acquired citizenship.

6.163 In its submission, the Department of Immigration and Multicultural Affairs stated that ‘the acquisition of citizenship is often equated with a sense of identity and those child migrants who have sought Australian citizenship have received the full support of the Australian Government’. Not only does the Government provide information on citizenship and permanent resident issues specifically for former child migrants, from November 1995, no fees were payable for the granting of citizenship for those British child migrants who came to Australia between 22 September 1947 and 31 December 1967 under the British Child Migrant Scheme. There is also no fee for proof of residency in Australia.¹³¹

6.164 The Department noted that it has produced an information pamphlet in consultation with the Child Migrant Trust to assist former child migrants applying for citizenship. Former child migrants are directed to the Trust for assistance in locating

128 *Committee Hansard*, 21.3.01, p.437.

129 Information provided by DIMA indicates that British migrants were eligible to serve in the Australian armed services without being Australian citizens. Submission No.42, p.48 (DIMA).

130 Submission No.129, p.20 (IAFCM&F).

131 Submission No.42, pp.38, 49 (DIMA).

evidence of their sponsorship under the British Child Migration Scheme required with the application for citizenship. The Trust advised the Committee that ‘this significant improvement in the position of former child migrants is appreciated especially by those who argue that neither they nor their parents had any real choice over their status as immigrants’.¹³²

6.165 Some witnesses who had applied for citizenship following the changes to procedures in November 1995 reported that the process was now more straightforward.¹³³ However, the Child Migrant Friendship Society identified the need for more personal care from the Department for those experiencing difficulties with paperwork.¹³⁴

6.166 Some former child migrants suggested that Australian citizenship should be granted automatically to child migrants:

I have been in Australia over 50 years and I have to get a visa to come back to Australia every time I go away. I have not got an Australian passport, I am not an Australian citizen, I have done national service. It is something that should have been given to us, we should not have to apply for it.¹³⁵

May I recommend...a magnanimous gesture, which would cost the Australian taxpayer nothing would be to give all former child migrants automatic Australian citizenship.¹³⁶

6.167 Others, while supporting automatic right to citizenship argued that there should be an opt-out provision for those who did not wish to become Australian citizens.¹³⁷

6.168 The Department of Immigration and Multicultural Affairs responded to these suggestions and noted that:

Generally speaking, there is a principle with citizenship that governments have preferred people to apply for it on the understanding that that is the way an individual indicates that they want it. Generally speaking, Australian citizenship law has not automatically conferred citizenship on any individual, particularly if you do not know the individual’s circumstances. Any operation of law conferral of citizenship could actually adversely affect the interests of a person who did not want it. As a general principle, it is not normal for citizenship law to automatically confer citizenship. The approach that was taken to former child migrants in the 1990s when this was raised

132 Submission No.132, p.29 (CMT).

133 *Committee Hansard*, 16.2.01, p.79.

134 *Committee Hansard*, 16.2.01, p.78.

135 *Committee Hansard*, 16.3.01, p.325.

136 Submission No.40, p.2.

137 *Committee Hansard*, 26.3.01, p.565 (IAFCM&F).

was to change the legislation so that there was no fee applicable. So child migrants who wanted it had to indicate their intention to take out citizenship and complete the necessary forms. But, unlike other applicants for citizenship, there would be no fee.¹³⁸

Conclusion

6.169 The Committee considers that for many child migrants the conferring of citizenship is a significant step in regaining lost identity. Former child migrants have lived in Australia for many years and contributed to the community and to society generally. They often believed that they were automatically Australian citizens. Until 1984 those born in the UK or Ireland could enrol and vote without becoming Australian citizens. British migrants were also eligible to serve in Australia's armed services.

6.170 Former child migrants were very shocked and upset when they found that they were not Australian citizens. They were bitter that they had to apply and, before November 1995, had to pay citizenship fees. Many felt that this was extremely unfair, as they did not have any choice in their status as immigrants.

6.171 In the past, lack of documentation, such as birth certificates, has caused problems for former child migrants applying for citizenship, passports and visas. Recognition by the Commonwealth Government that former child migrants are a group who require special assistance with citizenship applications has helped former child migrants. However, the Committee considers that citizenship should be automatically conferred on all former child migrants who so desire. Those who do not wish to become Australian citizens should be able to decline the conferring of citizenship. The Committee also considers that there needs to be special recognition at the time that former child migrants become citizens and that their unique position in the Australian community should be recognised through a special ceremony.

Recommendation 17: The Committee recommends that the Commonwealth Government:

- **confer automatic citizenship on all former child migrants, with provision for those who do not wish to become Australian citizens to decline automatic citizenship; and**
- **that a special ceremony conferring citizenship be conducted for former child migrants.**

138 *Committee Hansard*, 6.2.01, p.3 (DIMA).

CHAPTER 7

TRAVEL AND REUNIONS

Distance is tyranny and money is the question, I cannot be with my mother.

7.1 Evidence to the Committee emphasised the importance of providing continuing funding for travel assistance to enable former child migrants to revisit their country of birth and be reunited with family and relatives.

Benefit of reunions

7.2 Submissions emphasised the positive effects that providing travel assistance has made to former child migrants' lives both in addressing their isolation and anger – of not knowing 'who they are' or 'where they came from' and their need for belonging and identity as part of a family.¹ The International Association of Former Child Migrants and their Families (the International Association) commented on the effects of family reunions in the following terms:

We have witnessed and experienced the effect that reunification has had on our members. It is amazing! It is like meeting a completely different person, a happy, confident, complete person. A person who now knows who they are and where they come from. A person who, after decades of not belonging, knows that they belong; knows that they are a member of a loving family, and knows that they were not an "unwanted street urchin" – or an orphan when they were deported.²

7.3 The Committee also received many heartwarming testimonials from former child migrants commenting on how the reunions had had a very positive effect on their lives. One former child migrant wrote in his submission to the inquiry that:

...they [the Trust] found my family and in February 2000 they flew me home for the most wonderful 3 weeks I have spent in my entire life.³

7.4 Another former child migrant stated that:

...as I have been to see my family in England 4 times in the last 5 years I have discovered the family I never knew I had and of the love and affection which I was denied of over the last 45 years.⁴

1 Submission No.129, p.34 (IAFCM&F); Submission No.46, p.3 (ACMF); Submission No.121, p.5.

2 Submission No.129, p.34 (IAFCM&F).

3 Submission No.78, p.2.

4 Submission No.70, p.1.

7.5 In a moving tribute a former child migrant appearing before the Committee stated that:

I would like to dedicate my session to my 88-year-old mother. I am 65 and I have only been with her for six weeks of my life.⁵

7.6 The Committee was able to hear first-hand from the parents and siblings it met in London the stories of absolute joy and elation at rediscovering family and being reunited as a result of the travel scheme. They were tempered however by feelings of bitterness and anger at having been ‘absolutely robbed’ during their lives. These meetings proved to be very powerful and moving occasions for the Committee.

7.7 International Social Service (ISS), who administer the UK travel scheme, reported the experiences of many former child migrants commenting that the reunions with family and relatives had ‘changed their lives forever’, others report that they ‘know who they are’ for the first time and feel at ‘peace’ with themselves.⁶

Current travel assistance arrangements

7.8 There are a number of arrangements in place for the funding of travel to assist former child migrants to be reunited with family members. The principal travel assistance funding is currently provided by the UK Government through the Child Migrant Support Fund and by the Christian Brothers in Australia through the Christian Brothers Ex-Residents & Students Services (C-BERS Services).

7.9 In addition, a number of other Catholic religious orders in the 1990s have offered financial assistance on an ad hoc basis to former child migrants to travel to their country of origin, especially to meet family members. The Sisters of Mercy in Perth made a major financial contribution to ‘the Sentimental Journey’, a trip back to Britain and Ireland by many of the female former child migrants who came under their care from Britain. The Poor Sisters of Nazareth and the Sisters of Mercy in Rockhampton have also offered travel assistance to former child migrants.⁷

7.10 The other receiving agencies do not fund travel to the country of origin for former child migrants for family reunions.⁸ Neither the Commonwealth nor State Governments, except Queensland, provide funding for travel assistance. In Queensland, the Forde Foundation provides assistance with family reunion costs to former residents of Queensland institutions, including former child migrants.⁹

5 *Committee Hansard*, 22.3.01, p.536.

6 Submission No.48, p.5 (ISS).

7 Submission No.54, p.16 (JLG).

8 Submission No.136, p.2 (Fairbridge WA); Submission No.43, p.4 (Fairbridge Foundation); Submission No.50, p.5 (Barnardos Australia).

9 Response to Forde inquiry, p.43; *Committee Hansard*, 21.3.01, p.416 (Qld Department of Families).

7.11 The Australian Child Migrant Foundation (ACMF) has previously assisted former child migrants to visit the UK as part of its family reunion program. The Foundation currently has no funds to continue with this program. The program operated by the Foundation provided a single return airfare, travel allowance and travel insurance. Counselling services were also provided on a needs basis to both former migrants and their UK families.¹⁰

Child Migrant Support Fund

7.12 The UK Government set aside £1 million over three years to fund former child migrants' reunions with relatives in the United Kingdom through the Child Migrant Support Fund. The Fund, which commenced operations in April 1999 and will continue until March 2002, was established as part of the response of the British Government to the UK Health Committee report into the welfare of former British child migrants. The Fund assists former British child migrants to reunite for the first time with close family members who qualify under the eligibility requirements from whom they have been separated since they were brought to Australia.

7.13 International Social Service (ISS), an international non-government, non-profit organisation, was contracted to operate the scheme on behalf of the UK Department of Health due to its expertise and independence in this area. ISS was established as an international migration organisation in 1924 and since that time has provided international casework services in many countries for a wide range of migration matters. The operations of the UK Fund are co-ordinated by ISS UK, with collaboration from ISS Australia and other ISS Branches concerned with UK former child migrants, including Canada and New Zealand.¹¹

7.14 To establish their eligibility, applicants to the Fund must meet the following criteria:

- the applicant was an assisted UK former child migrant (thereby excluding the Maltese from eligibility);
- the applicant can prove that he/she has a father/mother, uncle/aunt, or brother/sister living in the United Kingdom, who would welcome his/her visit;
- the visit to the United Kingdom is the first time that the applicant will meet the nominated relative since being sent to Australia; and
- the applicant's family income falls within certain income limits. The income limit is a fortnightly gross amount of \$A1,688.25 for single applicants or \$A2, 820 for a couple, with \$A36 added for each dependent child or student. A person on a full Australian pension would normally qualify.¹²

10 Submission No.46, p.3 (ACMF); *Committee Hansard*, 16.2.01, p.107,119 (ACMF).

11 *Committee Hansard*, 15.3.01, p.269 (ISS); Submission No.48, p.1 (ISS).

12 Submission No.48, p.3 (ISS); *Committee Hansard*, 15.3.01, pp.270-277 (ISS).

7.15 Successful applicants receive an economy airfare to the United Kingdom, all taxes and travel insurance, and assistance with travel from their homes to the airport of departure and from the airport of arrival to the address of their relative. An allowance for accommodation for up to 14 days is also provided. The rate of assistance vary if staying at a hotel in London, outside London or with relatives.

7.16 Reimbursement of the costs of passports and visas is provided where these costs have been incurred. The Fund also provides up to three hours of formal counselling post travel, if required.¹³ The average expenditure per person, including airfares and the accommodation allowance, is approximately \$A4,500.¹⁴

C-BERS Services – travel assistance

7.17 The Christian Brothers provides travel assistance as one of the services offered through the Christian Brothers Ex-Residents & Students Services, a service for former residents of Christian Brothers institutions in Western Australia. C-BERS is funded by the Christian Brothers but is operationally independent.

7.18 Access to travel funding is not means tested, nor is it dependent on men finding family in their country of origin.¹⁵ The eligibility for travel funding is detailed below:

- travel assistance is available for a once only trip to meet with family of origin and/or to visit the country of origin (where no family has been found);
- priority funding is provided for meeting with the applicant's family;
- assistance is provided for one direct economy return airfare from the major airport of the applicant's usual place of residence in Australia to the major airport close to his destination in his country of origin (assistance for travel during peak periods is not normally approved);
- a £700 allowance is provided towards living and other expenses associated with travel;
- in exceptional circumstances such as disability, funding may be provided for an accompanying carer;
- C-BERS must be satisfied that, as far as possible, due regard has been paid to issues of the psychological health and the safety of all individuals involved;
- financial assistance is provided once C-BERS is satisfied that all necessary preparation and planning has been undertaken, both with the ex-resident and

13 Submission No.48, pp.3-4 (ISS); Submission No.48, Additional Information, 5.6.01 (ISS).

14 Submission No.48, Additional Information, 5.6.01 (ISS); *Committee Hansard*, 15.3.01, p.270 (ISS).

15 Submission No.45, p.1 (C-BERS).

family members overseas; and that professional backup is made available, while overseas, to the ex-resident and family.¹⁶

Numbers assisted

7.19 ISS Australia has received over 400 inquiries over the last two years from former child migrants, and 234 of these people have gone on to submit an application to the Fund. Of the 234 applications in Australia for travel funding, ISS has submitted 214 to the United Kingdom for approval (after ensuring that the documentation etc is in order). The United Kingdom has approved 181 applications and rejected 22 applications. A further 16 applications have been withdrawn by the applicants for various personal reasons (figures as at May 2001).¹⁷

7.20 The Catholic Church's Joint Liaison Group (Joint Liaison Group) estimated that travel assistance to former child migrants by Australian Catholic congregations and organisations has been provided to over 250 former child migrants, involving expenditures of approximately \$1 million to date. More than 100 other people are currently either having their applications processed, or have had their applications approved and have yet to travel.¹⁸

7.21 C-BERS advised the Committee that it has provided travel funding to 211 ex-residents and 26 carers to the UK or Malta (as at April 2001).¹⁹ This number includes funded trips for 48 Maltese clients.²⁰ Expenditure on travel by C-BERS from 1995 to April 2001 was \$1,416,695.²¹

7.22 The Australian Child Migrant Foundation (ACMF) has assisted some 80 former child migrants to visit the UK as part of its family reunion program.²²

7.23 While these schemes have been welcomed by many former child migrants in that they have provided an opportunity for many ex-residents to return to their country of origin, the UK scheme in particular has been the subject of criticism during the inquiry.

16 Submission No.45, Additional Information, 22.5.01 p.2 (C-BERS).

17 Submission No.48, Additional Information, 5.6.01 (ISS); *Committee Hansard*, 15.3.01, p.270 (ISS).

18 Figures relate to the situation as at December 2000. C-BERS has provided more recent figures. See Submission No.54, p.16 (JLG).

19 Submission No.45, Additional Information, 22.5.01 p.1 (C-BERS).

20 *Committee Hansard*, 16.2.01, p.142 (C-BERS).

21 Submission No.45, Additional Information, 22.5.01 (C-BERS).

22 Submission No.46, p.3 (ACMF); *Committee Hansard*, 16.2.01, p.107,119 (ACMF).



Committee members meet Mrs Rose and Ms Sylvia Coulson, the mother and sister of child migrants who have all been reunited under the travel scheme, accompanied by Mr Ian Thwaites of the Child Migrants Trust

Limitations of the UK scheme

If as much care had been taken to obstruct me coming to Australia as to obstructing the funding for me to return to my birthplace, then things might have been different.

7.24 Evidence to the Committee indicated significant deficiencies in the United Kingdom's scheme, especially relating to the Fund's restricted eligibility criteria, the limited total funding and the limited time period over which it operates. One submission succinctly explained that the criteria were for many child migrants 'discriminatory, intrusive, insulting, restrictive, insensitive, invasive, intimidating, degrading and annoying'.²³ Much of these comments are directed against the personal and intrusive nature of the questions on the application form required to determine funding eligibility.

7.25 Submissions noted that the Fund's restricted eligibility criteria caused the most bitterness among many former child migrants ineligible to apply for travel assistance. The kinship test whereby a narrow range of eligible near relatives are recognised for the purposes of the Fund and the stipulation that the travel must be for a first time reunion with close relatives were cited as particularly restrictive criteria. The Child Migrants Trust (the Trust) stated that:

23 Submission No.118, p.6.

Applications are means tested, and involve only first time reunions with mothers, fathers, brothers and sisters, uncles and aunts. Visits to other relatives such as cousins, or to pay respects at a parent's grave, are ineligible for funding.²⁴

7.26 Submissions noted that former child migrants who were sent to Australia earlier in the pre-war period are especially affected by these limitations. As they tend to be older, their eligible close relatives are often dead, but they have nephews, nieces or cousins still living whom they would like to contact, and who may be their last remaining relatives. Having found their families, what matters most to these former child migrants is the opportunity to make contact with their remaining relatives and re-reclaim their identity.²⁵ That is not easily done in just one visit.

7.27 The effect of the restricted eligibility on former child migrants applying to travel was illustrated in evidence to the Committee. Swanleigh indicated that it had assisted 20 former residents in applying to the Fund yet only five applications had been accepted.²⁶ Barnardos indicated that while all those that the organisation had assisted with filling out applications had been successful, however, this was largely because applicants were made very aware of the criteria that applied to the Fund – ‘there might be a self-selection process there where those who do not feel that they would meet the criteria select themselves out from applying’.²⁷

7.28 Submissions also noted that many former child migrants feel bitterly disappointed at not being able to obtain support to at least visit their parents or close relatives' graves, because these types of visits are ineligible for funding. Evidence was also received that many former child migrants have made significant financial sacrifices to obtain the funds to visit the United Kingdom to search for and meet relatives and, as a result, now live in difficult economic circumstances. These people believe it is unfair that they cannot obtain any reimbursement for the funds they have expended or to be eligible for a further funded trip. They believe that the governments who brought them to Australia should assist them to return or reimburse them if they have already spent their own funds to meet family members.²⁸

7.29 C-BERS noted that a complaint of some former Maltese child migrants is that they had been given conflicting information about their rights to claim ISS funding for travel and reunification.²⁹ As noted previously, C-BERS has funded a number of reunification trips to Malta for clients to meet extended family.

24 Submission No.132, p.39 (CMT). See also Submission No.121, p.5.

25 Submission No.48, p.4 (ISS); Submission No.132, p.39 (CMT); Submission No.44, p.5 (CMFS).

26 Submission No.56, p.2 (Swanleigh).

27 *Committee Hansard*, 22.3.01, pp.469-70 (Barnardos).

28 Submission No.48, p.4 (ISS); Submission No.132, p.39 (CMT).

29 Submission No.45, Additional Information, 4.5.01, p.2 (C-BERS).

7.30 The exclusion of some former child migrants through the application of means testing applied under the Fund was also criticised during the inquiry. The view was strongly put that every child migrant, irrespective of their social status, is still a victim of the migration scheme and should be treated in the same way. Assistance to one section of child migrants to the exclusion of others was discriminatory and wrong. ISS observed that being excluded seems in the majority of cases to be felt as another deliberate rebuff from the United Kingdom Government. Regardless of the applicant's financial circumstances, ISS noted that 'it seems to exacerbate the deep sense of injustice felt by former child migrants in relation to their treatment by all governments involved'.³⁰ ISS (UK) advised the Committee that that the means test and other eligibility restrictions were due to the limitations of the amount of the original fund.

7.31 Evidence to the inquiry also raised the issue of the exclusion of former child migrants from Malta from accessing the UK travel fund.³¹ C-BERS noted that:

The ISS does not make funds or assistance available to Maltese former child migrants and this means their experience is inequitably treated when compared with persons from Britain. The only funding that we are aware of for this group comes through C-BERS, with individual, as-needs assistance from female religious orders.³²

7.32 The Committee was also informed that some former child migrants are not aware of the existence of the Fund and how to apply for assistance. The South Australian Department of Human Services reported that 'in a meeting that we had with the Child Migrants Trust we learned that some of the former migrants had trouble working out how they could access the travel fund'.³³ Barnardos Australia also expressed the view that the Fund had not been 'properly advertised'.³⁴

7.33 ISS commented on the funding limits within which the Fund operates:

I guess the overriding thing about the fund is it has finite dollars. It is £1 million and they expect the £1 million to be spent in three years...If the £1 million is not spent by then, I imagine that it is possible that they could say it can run on for another three months until the money runs out or something but, in terms of making major extensions to it, it is always that overriding situation that there is only £1 million to be spent.³⁵

7.34 Submissions emphasised the importance of prompt access to the fund because it is limited by time and in terms of available funding. The Trust noted that the fund is

30 Submission No.48, p.4 (ISS).

31 *Committee Hansard*, 16.2.01, p.141 (C-BERS).

32 Submission No.45, p.3 (C-BERS).

33 *Committee Hansard*, 16.3.01, p.299 (SA Department of Human Services).

34 *Committee Hansard*, 22.3.01, p.469 (Barnardos).

35 *Committee Hansard*, 15.3.01, p.273 (ISS).

expected to be fully subscribed, despite its very limited eligibility criteria, within its three year operating period.³⁶ The UK Department of Health confirmed with the Committee that the available funding will be totally spent.

Unmet need for travel assistance

7.35 While evidence to the Committee clearly demonstrated that the travel needs of former child migrants have not been met, the actual level of unmet need is difficult to determine, though some evidence to the Committee suggested that it may be considerable. ISS indicated that some 415 former child migrants had made inquiries about the UK travel fund to ISS – of these, 181 or 44 per cent had *not* gone on to make an application. ISS suggested that one obvious reason for this would be that they did not meet the eligibility criteria.³⁷ The level of unmet demand is illustrated in the case of Swanleigh where that organisation indicated that it had assisted 20 former residents in applying to the Fund yet only five applications had been accepted.³⁸

7.36 ISS (UK) advised the Committee that it had been trying to determine the full demand for the service in the future and believes that it would be for at least five years. ISS noted that an important question to determine is the extent to which all eligible former child migrants know of, and have applied to, the ISS for travel funding. ISS added that:

While we have had 415 former CM's directly contact us, there is a much larger number who would have heard about the [the Fund] directly from other related agencies, or by word of mouth, and we cannot capture those figures. Our major concern is that the [the Fund] will be wound up before all eligible former CM's have a chance to apply.³⁹

7.37 Barnardos suggested that the degree of unmet need may be understated as 'there might be a self-selection process there where those who do not feel that they would meet the criteria select themselves out from applying'.⁴⁰ Barnardos also suggested that some further 'filtering' may occur as some potential applicants may be persuaded not to apply because the organisation assisting them in their application feels that they would not meet the eligibility criteria.⁴¹

7.38 The operation of the C-BERS travel fund also indicated a degree of unmet demand for travel assistance. A former member of the C-BERS Management Committee noted that C-BERS underestimated the demand for the scheme:

36 Submission No.132, p.39 (CMT).

37 Submission No.48, Additional Information, 5.6.01, p.1(ISS).

38 Submission No.56, p.2 (Swanleigh).

39 Submission No.48, Additional Information, 5.6.01, p.2 (ISS).

40 *Committee Hansard*, 22.3.01, pp.469-470 (Barnardos).

41 *Committee Hansard*, 22.3.01, p.470 (Barnardos).

Obviously, as we got more and more into this, we saw that the needs were much greater than we had anticipated – if anything we actually shared almost a growth industry, not something that was going to be over and done with very, very quickly.⁴²

An Australian travel fund

7.39 Many submissions to the inquiry argued that the Commonwealth Government should establish a travel support fund.⁴³ This proposal was advocated as one way to address the need to widen the eligibility criteria for travel and family reunions.

7.40 Some groups proposed that State Governments should also contribute to the fund.⁴⁴ The Trust and the International Association argued that an Australian travel fund would complement the existing UK scheme which is due to finish in 2002.⁴⁵

7.41 Several submissions and other evidence commented on how such a scheme should operate, arguing that it should have much broader eligibility criteria than the UK scheme. The Child Migrant Friendship Society (CMFS) proposed that the scheme should provide for return airfares to Britain for all former child migrants and their partners/carers, as well as the provision of a daily allowance in the UK for two weeks. It was argued that such travel costs should be made available regardless of whether the individual had successfully traced family members, had previously travelled to Britain, or was able to fund a trip out of his/her own resources.⁴⁶

7.42 Submissions also commented on the frequency with which visits should be provided. The CMFS argued that the travel scheme should permit travel back to the UK every five years. The Society argued that:

The long-term impact of child migration cannot be appropriately addressed in a one-off visit to the place from which these children were sent. For these former child migrants, the locating of relatives, the developing of a sense of identity located to the place as well as to persons, the development of family relationships, is an on-going and complex undertaking that requires both time and serial opportunities.⁴⁷

7.43 The Australian Child Migrant Foundation, reflecting on the operation of their own travel scheme, argued that they came to the view that it was almost ‘a matter of

42 *Committee Hansard*, 16.2.01, p.118 (Professor Plowman).

43 Submission No.129, p.45 (IAFCM&F); Submission No.132, p.46 (CMT); Submission No.54, p.18 (JLG). See also Submission No.30, p.5; Submission No.37, p.3; Submission No.93, p.22; Submission No.110, p.2; Submission No.141, p.3.

44 See, for example, *Committee Hansard*, 16.2.01, p.72 (CMFS).

45 Submission No.32, p.46 (CMT); Submission No.129, p.45 (IAFCM&F).

46 Submission No.44, p.5 (CMFS).

47 Submission No.44, pp.5-6 (CMFS).

right' for people to be funded on at least one trip back to their country of origin.⁴⁸ Another submission argued that the travel fund should provide for at least three visits home as one visit is 'not sufficient' time to reestablish family ties.⁴⁹

7.44 The Committee sought evidence on the length of time over which the scheme should operate. The CMFS suggested that the scheme should operate for a minimum of 10 years. The Society argued that there may be many applications at the start of the scheme though 'that will probably slow down in five to 10 years, maybe even sooner'. The Society saw the need for the scheme to operate as 'fairly long term' as many former child migrants would want to visit the UK more than once and that 'we are asking that they all be given a reasonable number of trips'.⁵⁰

7.45 Some evidence also indicated the need for centrally located accommodation in the United Kingdom – in London, and possibly other cities, which would serve both as a drop-in centre and short term accommodation (up to four days), and in which counselling could be provided. The CMFS stated that:

For many former child migrants, the return to their home country, the contact with families and others connected with their childhood...produces high levels of stress, anxiety and pain. The availability of counselling and personal support is imperative at this time.⁵¹

7.46 Evidence also indicated that many former Maltese child migrants expressed the need for the establishment of a half-way house in Malta for returning former child migrants.⁵²

7.47 C-BERS noted, however, that some former child migrants would not want this type of service and that it is necessary to respect an individual's choice in this matter – 'a number of the men have family or have contacts or have places they want to go to and they just want to go there—they do not want an interim place'.⁵³ C-BERS added that 'we need to be very careful in that place, and if we have counselling, that it is... non-partisan; that we do not in any way have a place in which the men feel that there is a right or a wrong way of doing things'.⁵⁴

7.48 There was strong support in evidence to the inquiry that any new travel scheme should not be means tested. The CMFS argued that 'as such travel funds are not a welfare payment but a partial compensation for past practices, they would not

48 *Committee Hansard*, 16.2.01, p.116 (ACMF).

49 Submission No.126, p.5.

50 *Committee Hansard*, 16.2.01, p.81 (CMFS).

51 Submission No.44, p.6 (CMFS). See also *Committee Hansard*, 16.2.01, p.72 (CMFS).

52 Report on a forum of Maltese former child migrants. See Submission No.45, Additional Information, 4.5.01, p.3 (C-BERS).

53 *Committee Hansard*, 16.2.01, p.148 (C-BERS).

54 *Committee Hansard*, 16.2.01, p.148 (C-BERS).

appropriately be subject to any means-testing'.⁵⁵ The ACMF, drawing on its experience of operating a travel fund, was also opposed to means testing. The Foundation added that 'it would not be necessary to means test the majority in any case because so many people have actually fallen by the wayside. We were very, very compassionate about the way we ran our criteria and I do not believe that there was any necessity to means-test it'.⁵⁶ The Foundation stated that 'once you move into the means testing arena there are significant complications involved, not just matters of privacy but actually how you measure wealth, income and all the rest of it'.⁵⁷

7.49 In relation to funding of the scheme, the Joint Liaison Group argued that the Commonwealth Government should at least match the UK Government's contribution to travel assistance by making available the equivalent of £1 million sterling.⁵⁸ The Committee questioned the Liaison Group as to whether the introduction of a government-funded scheme would lead to a reduction in C-BERS funding for travel. The Liaison Group stated that this was not the case – 'we certainly want to help, and we want to go on helping with that'.⁵⁹

7.50 The Committee received little evidence as to the probable cost of introducing such a scheme.⁶⁰ As noted above, the CMFS argued that expenditures may be higher in the initial years of the scheme but may decline over time reflecting the fact that former child migrants represent an ageing cohort.⁶¹ The ACMF, reflecting on their experience of operating their travel fund, noted that many former child migrants with the financial means funded their own travel – 'so they were not prepared to actually come to us and take precious resources from us if they could afford it themselves' – and a similar pattern may occur with the establishment of any new scheme.⁶²

7.51 The Committee raised with the Department of Immigration and Multicultural Affairs the question of establishing a Commonwealth-funded travel fund. The Department responded by stating that if a travel scheme were to be funded by the Commonwealth Government 'we would obviously have to look at the technicalities of how funding would be provided' but that it would need to be funded differently from the way the Child Migrants Trust is currently funded.⁶³

55 Submission No.44, p.5 (CMFS). See also Submission No.25, p.2; Submission No.71, p.2; Submission No.82, p.4.

56 *Committee Hansard*, 16.2.01, p.109 (ACMF). See also *Committee Hansard*, 22.3.01, p.469 (Barnardos).

57 *Committee Hansard*, 16.2.01, p.116 (ACMF).

58 Submission No.54, p.18 (JLG). See also *Committee Hansard*, 15.3.01, p.278 (ISS).

59 *Committee Hansard*, 22.3.01, p.497 (JLG).

60 See, for example, *Committee Hansard*, 16.2.01, p.75 (CMFS).

61 Submission No.44, Additional Information, 26.2.01, p.2 (CMFS).

62 *Committee Hansard*, 16.2.01, p.109 (ACMF).

63 *Committee Hansard*, 6.6.01, p.22 (DIMA). For details on the funding of the CMT see chapter 5.

Supplementation for the UK scheme

7.52 In an effort to respond to the need for additional travel assistance for many child migrants, several submissions argued that the Commonwealth and/or State Governments should provide funding to ‘top-up’ the UK scheme. This proposal was advocated as an alternative to establishing an Australian fund and was seen as a more effective way to address the unmet need in this area and the need to widen the eligibility criteria for travel and family reunions.

7.53 ISS argued that the Australian Government should urge the United Kingdom Government to expand the eligibility criteria and match that with a ‘significant contribution’.⁶⁴ NCH also argued that the UK Government ‘should expand the fund in terms of its size and duration, in recognition of its obligation to the children it helped send abroad in former years’.⁶⁵ ISS, in supporting a widening of the Fund’s eligibility criteria, added that ‘we would need some support I think socially and governmentally in Australia to give effect to that because these criteria are across the network; they are not just criteria for Australia’.⁶⁶ The ACMF argued that the Australian Government should approach the United Kingdom Government to put the case for easing the eligibility criteria.⁶⁷

7.54 Some witnesses argued that the receiving agencies should contribute to a travel fund.⁶⁸ As noted above, the Christian Brothers and some other Catholic religious orders have provided travel assistance. The Fairbridge Foundation and Fairbridge WA stated that they did not have the financial resources to provide travel assistance.⁶⁹ Barnardos expressed a similar view stating that their budget was ‘very limited’ – ‘I do not believe that Barnardos in Australia would be able to afford the number of people that would apply’.⁷⁰ The Committee considers that the arguments of the receiving agencies in regard to their purported inability to provide travel funding are unconvincing and notes that in the case of Fairbridge WA some \$2.7 million was repatriated to Fairbridge UK in the 1980s. The Committee also notes that in Queensland, the State Government argued that the relevant churches should contribute to the Forde Foundation trust fund which has been set up to assist former residents of institutions in that State.⁷¹

64 *Committee Hansard*, 15.3.01, p.279 (ISS).

65 Submission No.98, p.5 (NCH).

66 *Committee Hansard*, 15.3.01, p.278 (ISS).

67 *Committee Hansard*, 16.2.01, p.108 (ACMF).

68 See, for example, *Committee Hansard*, 16.2.01, p.73.

69 Submission No.43, p.4 (Fairbridge Foundation); Submission No.136, p.1 (Fairbridge WA).

70 *Committee Hansard*, 22.3.01, p.469 (Barnardos).

71 Queensland Government, *Queensland Government Response to Recommendations of the Commission of Inquiry into Abuse of Children in Queensland Institutions*, August, 1999, p.43.

7.55 ISS noted that the UK fund will end within 12 months and while there has been some suggestion that most eligible former child migrants will have applied by that time:

We feel that that is not true; we still receive many calls...from people who have just heard of the fund, and we are very fearful that many people will miss the boat, so to speak. The fund will end before they know about it or before they have completed the time-consuming process to find their family members.⁷²

7.56 ISS argued that ‘an extension of the fund and an expansion of the fund in terms of its eligibility and what it offers in support would be a very cost-effective option for the Australian government’.⁷³ ISS suggested that the Australian Government’s contribution to the UK fund should be at least equivalent to the UK Government’s level of funding of the scheme, and noted that ‘it seems to us to offer both expediency and economy of scale savings to add to an existing fund and/or existing structure’.⁷⁴ ISS(UK) emphasised this point with the Committee in London believing there was a need for the Australian government to recognise its obligation and become involved, suggesting that a pooled fund would be the simplest mechanism.

7.57 The Committee questioned the ISS on possible problems in implementing this arrangement. ISS acknowledged some difficulties with the proposal because of the different jurisdictions involved but added that:

...there are other examples of cross-jurisdictional cooperation...where funds have been put together. I am sure also that it is not insurmountable. If the Australian government were to press for an expansion of the eligibility criteria and match that with a significant contribution, then I think that would be all to the good.⁷⁵

7.58 The Department added a note of caution:

The experience of the British government in administering that travel fund to date is...that it is seen immediately as too little, confined by time, confined by the criteria that had been adopted. I think that before any such supplementation from the Australian end occurred, we would need to be pretty precise on exactly what it was we were seeking to contribute to.⁷⁶

72 *Committee Hansard*, 15.3.01, p.270 (ISS). See also Submission No.51, p.6 (CCWC); Submission No.98, p.5 (NCH).

73 *Committee Hansard*, 15.3.01, p.270 (ISS). See also Submission No.48, pp.4,7 and Additional Information, 5.6.01, p.2 (ISS).

74 *Committee Hansard*, 15.3.01, p.278 and Submission No.48, Additional Information, 5.6.01, p.2 (ISS).

75 *Committee Hansard*, 15.3.01, p.279 (ISS).

76 *Committee Hansard*, 6.2.01, p.22 (DIMA).

7.59 The Committee, nevertheless, believes that there are several advantages in the Commonwealth and State Governments, in conjunction with the receiving agencies, providing funding to supplement the UK Child Migrant Support Fund. Providing supplementary funding would be simpler administratively than the Commonwealth establishing a new fund. It would also overcome the complexity of three separate funds potentially operating at the same time – the UK travel fund, the C-BERS travel scheme and a new Australian scheme. While the Committee believes that there would need to be a firm commitment from the United Kingdom Government to additional funding of its scheme past its anticipated closing date of 2002, the Committee believes that were the United Kingdom Government not to extend its travel fund, then the Commonwealth should establish an Australian travel fund funded by the Commonwealth, States and receiving agencies.

Improving coordination

7.60 The need for greater coordination amongst the various agencies offering travel assistance schemes was also raised in evidence.

7.61 The Joint Liaison Group argued that there was a need for Commonwealth and State Governments – ‘to get better coordination and get better cooperation amongst the different agencies in the field so that the available resources are used to good effect’.⁷⁷ The Liaison Group argued that there may be gaps in the provision of travel assistance at present – ‘you need to get people together, talk about where the gaps are in the services at the moment, formulate some reasonable guidelines and then use the resources that are available to the best effect’.⁷⁸

Conclusion

7.62 The Committee believes that there is a need to provide on-going travel assistance to give former child migrants the opportunity to visit their country of birth and be reunited with their families and relatives or to visit sites of importance to them. Contact with family is an essential ingredient of personal healing and dealing with ‘unfinished business’. The Committee acknowledges the support currently available through the UK Government’s Child Migrant Support Fund and through C-BERS Services and other travel assistance arrangements. Evidence to the inquiry suggested that many former child migrants have difficulty in personally organising travel and the formalities that go with restoring contact. Evidence to the Committee indicates that these schemes have provided often immeasurable benefits for many former child migrants especially addressing their need for belonging and identity. It is also obvious to the Committee that further assistance in this area is required.

7.63 While it is difficult to establish the extent of unmet need, evidence to the Committee clearly indicates that there is a substantial current demand and the probability that this demand will continue into the immediate future. The level of

77 *Committee Hansard*, 22.3.01, p.496 (JLG).

78 *Committee Hansard*, 22.3.01, pp.497-98 (JLG).

funding earmarked for travel assistance to date under the current arrangements – £1 million under the UK travel scheme and \$1.4 million under C-BERS – is clearly inadequate. For the level of unmet demand to be met, further expenditure of funding is a necessity.

7.64 The Committee believes that the Commonwealth Government should encourage the United Kingdom Government to fund the Child Migrant Support Fund for at least another three years beyond its expiry date of 2002; and that this Fund should be supplemented by funding from the Commonwealth and State Governments and the receiving agencies.

7.65 The Committee believes that the Commonwealth Government should contribute \$1 million per year for three years initially and the State Governments should provide a combined amount of \$1 million over the same period. The Committee strongly believes that the receiving agencies, not currently providing travel funding, should also contribute to the Fund and that this should be funded by a levy on the agencies in proportion to the number of children placed in institutions under their care as a result of the child migration schemes during the 20th century, or by other means. The Committee notes that the Christian Brothers provide travel funding through C-BERS and that they therefore would not be subject to a levy.

7.66 The Committee believes that the Child Migrant Support Fund should have broader eligibility criteria than is currently the case and that the Fund should permit visits to family members as broadly defined and other relatives, such as cousins. The scheme should not be limited to visits to only immediate family members. The eligibility criteria should also allow travel for other related purposes, such as visits to family graves.

7.67 The scheme should be open to all former child migrants, regardless of means, and be available for two subsequent visits, in addition to first time visits as is currently the case. The current provision in the Fund providing for the payment of return economy airfares to the country of origin as well as an allowance for accommodation of up to 14 days for first time visits should be retained. For second and subsequent visits, the Committee believes that the amount of travel assistance provided should be limited to the payment of airfares and associated travel expenses, such as travel insurance, with accommodation and other living expenses associated with travel to be provided by the applicant, their family or from other sources.

7.68 The Committee believes that former child migrants who have undertaken previous visits, either through funded travel assistance or travel that has been self-funded should not be precluded from claiming travel funding under the Committee's proposed scheme. The Committee believes that the Fund should provide, in special circumstances, for travel funding to be provided for an accompanying carer – either a spouse or child or other person.

7.69 The Committee believes that the Commonwealth, in conjunction with other stakeholders should undertake a review of its participation in the Fund after three

years to determine the extent of continuing demand for the scheme and the adequacy of funding.

7.70 The Committee, while strongly supporting the continuation of the United Kingdom's Child Migrant Support Fund considers that should the United Kingdom Government not extend the Fund, the Commonwealth Government should establish a separate Australian travel fund to facilitate family reunions and travel for other related purposes. The Committee believes that such a scheme should be funded by the Commonwealth and State Governments and the receiving agencies as detailed below; and that the scheme should have a broad set of eligibility criteria as detailed in the recommendations below.

Recommendation 18: That the Commonwealth Government urge the United Kingdom Government to extend its contribution to the Child Migrant Support Fund for at least a further three years beyond its anticipated end in 2002.

Recommendation 19: That the Child Migrant Support Fund be supplemented by funding from the Australian Government, State Governments and receiving agencies; and that this funding comprise:

- (a) a Commonwealth Government contribution of \$1 million per year for three years initially;
- (b) a combined contribution from State Governments of \$1 million per year for three years initially; and
- (c) a contribution from receiving agencies, and that this be funded by a levy or other means on receiving agencies not currently providing travel assistance, in proportion to the number of children placed under their care as a result of the child migration schemes during the 20th century.

Recommendation 20: That the eligibility criteria for access to the Child Migrant Support Fund be broadened to:

- (a) permit visits to family members and other relatives, including aunts and uncles, cousins, nephews and nieces; and for other related purposes, such as visits to family graves;
- (b) be available for all former child migrants, including the Maltese and those who may have undertaken previous visits at their own expense;
- (c) provide for two further visits but with a reduced level of assistance, limited to the payment of airfares and associated travel expenses;
- (d) provide, in exceptional circumstances, travel funding for a spouse, child or other person as an accompanying carer; and
- (e) be subject to no means-testing requirements.

Recommendation 21: That the Commonwealth Government, together with other stakeholders, undertake a review of its participation in the Child Migrant Support Fund after three years to determine the adequacy of funding from Australian sources for the fund and the extent of continuing demand for travel from former child migrants.

Recommendation 22: That, should the Child Migrant Support Fund not be extended by the United Kingdom Government, the Commonwealth Government establish a separate Australian travel scheme to assist former child migrants to visit their country of origin, and that this scheme be funded by contributions from the Commonwealth, State Governments and receiving agencies as detailed in Recommendation 19; and that the scheme have a broad set of eligibility criteria as detailed in Recommendation 20.



Committee members meet with Barnardos UK in London

CHAPTER 8

SERVICES REQUIRED BY FORMER CHILD MIGRANTS

There is too much discussion about what happened in the past and not enough focus on what needs to happen now...help is needed in the present.¹

8.1 This chapter deals with term of reference (c) (iii) that raises the issue of the effectiveness of measures by Australian governments and the receiving agencies to provide counselling or any other services that are designed to reduce or limit trauma caused by the removal of child migrants from their country of birth.

8.2 In addition to access to records and travel, which are discussed in the previous chapters, a number of other services required by former child migrants were discussed with the Committee. They were counselling, accommodation and aged care, social security entitlements and remedial education.

Counselling

Need for counselling

8.3 The need for counselling for former child migrants was discussed extensively during the inquiry. In particular specialist counselling was required to deal with the trauma of past experiences, to deal with the acute difficulties in forming and maintaining relationships, and social difficulties as part of the process of information disclosure when personal records are released, and pre and post family reunion.

8.4 For many former child migrants, living with both the displacement caused by child migration and the traumas of institutional life have resulted in long-term problems. As noted previously, these problems have included family breakdowns, clinical depression, post traumatic stress disorder and alcoholism. Broken Rites pointed to the long-term needs: they ‘have had psychiatric problems and substance abuse problems all of their lives, and their low income status has meant that for periods of 10 to 20 years they have never been able to get treatment. They have just accepted that that was what life was like...Understand that most of this has only broken in the last 10 years and so they have only had access to these things for, say, a decade.’²

8.5 The Catholic Church’s Joint Liaison Group on Child Migration (Joint Liaison Group) stressed that ‘counselling and more intense forms of therapy are often needed to assist former child migrants to address the various personal ramifications of their

1 Submission No.45, Additional Information, 4.5.01, p.2 (C-BERS).

2 *Committee Hansard*, 15.3.01, p.259 (Broken Rites).

earlier life, including institutional care, child migration and the transition from an institution to society'.³

8.6 Former child migrants provided the Committee with harrowing accounts of their distress including flashbacks of their time in institutional care. They talked of the difficulties they have with their families and every day life.

I have suffered from depression all my life and it's also a legacy from my childhood. My own children had to live with my rage and anger at times, I love them so dearly but when you have a black hole inside of you with so much pain in it, no one else is able to totally reach you or understand, how could they, that black hole is still with me today.⁴

I have never had a successful personal relationship, nor have I been able to give and receive love or show compassion to other people.⁵

I have talked about fear, but many of us, and me in particular, continue to suffer the horrors of memory. That is, seeing young boys—my mates—being flogged, punched and abused in manners that decent human beings would find offensive even to read about.⁶

I have been working on this document since 18 September and have had nightmares every night, waking bathed in sweat and feeling nauseous. I have put my wife as well as myself through hell to make this submission and hope something positive comes out of it.⁷

Even when I had to come before this committee to give evidence, every now and again they chase me around the bedroom in my dreams. I get belted all the time and I wake up and I think, 'Oh my god, I'm still here.' So when I get under pressure it comes back to me quite a bit.⁸

8.7 Evidence was also received about the process of the release of personal information. Agencies indicated that the records contained comments which would not be used today, and which could be 'either paltry; surprising; written in offensive language; and in other ways impact negatively on the recipient'.⁹ Counselling at this time was seen as necessary to help in coming to terms with this information. The importance of this process was recognised by most agencies, which either provide counselling through their own staff or seek help from suitably qualified professionals. Barnardos stated that when a file is provided, counselling is undertaken by Barnardos

3 Submission No.54, p.11 (JLG).

4 Submission No.71, p.2.

5 Submission No.66, p.2.

6 Submission No.123, p.3.

7 Submission No.87, p.15.

8 *Committee Hansard*, 15.2.01, p.57.

9 Submission No.45, p.2 (C-BERS). See also Submission No.54, p.11 (JLG).

as the file is read or Barnardos arranges for a reputable person in the local area to deliver the file and to provide counselling.¹⁰ The Fairbridge Foundation, Fairbridge London and NCH indicated that they directed recipients of information to counselling services.

8.8 However, the Child Migrants Trust (the Trust) stated that some agencies still take little account of the potentially damaging impact of providing information without counselling facilities. The Trust described how one former child migrant discovered that she had been adopted before migration to Australia. No counselling was provided and the former child migrant was devastated by the disclosure.¹¹

8.9 The discovery of information about identity can also have traumatic effects upon the child migrant's family. This can be particularly so for mothers who believed that their child had been adopted into a good family and was living in Britain and for siblings who are told late in life that they have full or half brothers or sisters living on the other side of the world.

The affect on my mother when she learned of my fate was devastating. She was overcome by guilt and self-blame.¹²

The Child Migrants Trust supported my mother with regular visits while she gradually came to terms with the pain and guilt of knowing that her son was never adopted and did not grow up in a loving family.¹³

8.10 The process of reunion with families is an integral part of the 'healing process' for former child migrants. However, reunions are highly emotional and traumatic times for both the reunion family and the child migrant. The Trust noted that 'separation from family and feelings of rejection and abandonment are strong and powerful. These feelings can hardly be separated from the family reunion experience'.¹⁴

8.11 The Trust went on to state, 'it is not desirable for families who have been separated for more than forty years to be reunited without the option of support from skilled professionals experienced in this delicate and specialised field of work'.¹⁵ The need for counselling to ensure a positive outcome for all parties was also supported by the Australian Child Migrant Foundation (ACMF):

In our experience, an important element in the process is that of locating parents, usually the mother, seeking a reunion, which usually entails travel

10 *Committee Hansard*, 22.3.01, p.470 (Barnardos).

11 Submission No.132, p.35 (CMT).

12 Submission No.97, p.4.

13 Submission No.110, p.1.

14 Submission No.132, p.18 (CMT).

15 Submission No.132, p.30 (CMT).

to the United Kingdom or to Malta, and, importantly, providing pre- and post- reunion counselling. Our experience suggests that in the absence of such counselling—and in particular in the absence of assent on the part of the parents to the reunion—the outcomes can leave former child migrants even more scarred than before the attempted reunion.¹⁶

8.12 The Foundation also stated that counselling pre-and post-reunion was of such significance that it should be a condition of any person being funded for reunion purposes. It was noted that ‘parents also had rights and they needed counselling in the sense to be able to come to a position of accepting that they were going to meet’.¹⁷

8.13 One child migrant told the Committee, ‘I was counselled before I went on the trip in 1997. It did help, but when I came back, that is when I fell to pieces—after the trip and when I met family I did not know I had. That is when I needed counselling but I had nowhere to go’.¹⁸ Another child migrant acknowledged the assistance provided by the Trust in post reunion counselling:

Mrs Humphreys has continued counsel in the post-reunion phase of this very exciting time of my life in which there has been emotional turbulence: elation at finding family; grieving at the loss of family life; anger at the scheme that separated me; the beginning of acceptance of what has been.¹⁹

8.14 The Christian Brothers’ Ex-Residents & Students Services (C-BERS) strongly supported the importance of post-reunion counselling and stated that it had found that the period of euphoria following a successful first meeting with family could quickly give way to depression over the small prospect of future visits and meetings. As a result, post-reunion counselling was a major feature of C-BERS Services.²⁰ Barnardos also indicated that there was an unmet need for counselling and indicated that it was looking at providing a more in-depth counselling service for former child migrants.²¹

8.15 C-BERS noted that the need for counselling had not diminished over time. The ‘treatment’ can be long-term and involve a ‘family counselling model’ as the effects tend to impact on the person’s subsequent family unit. One former child migrant stated that he had been receiving counselling for six years and ‘I can see no light at the end of the tunnel...It could be that this deep anger and the nightmares and the utter frustration of not being able to be in control might well stay with me for the rest of my life’.²²

16 *Committee Hansard*, 16.2.01, p.105 (ACMF).

17 *Committee Hansard*, 16.2.01, pp.109, 114 (ACMF).

18 *Committee Hansard*, 16.2.01, p.83.

19 Submission No.86, Additional Information.

20 Submission No.45, Attachment, p.1 (C-BERS).

21 *Committee Hansard*, 22.3.01, p.470 (Barnardos).

22 Submission No.44, Additional Information, 17.2.01, p.4 (CMFS).

8.16 C-BERS also noted that, given the Canadian experience, the children of former child migrants ‘commonly seek connection with the family of origin of their fathers and also often present with second generation problems which have as their source, the traumatic experiences endured by their parent’.²³

Specialised counselling services

8.17 Many former child migrants argued that specialist services were required. One explained:

Some people say it is worth it if you can get it. I have taken up being counselled by C-BERS. I have been counselled about once a month, on average, for nearly six years. My question is: where are the experts in this counselling? When does it stop? I go there and it is gut-wrenching to tell your story, you have a hell of a hangover from it, and I feel that you need real experts to do this counselling for child migrants. I think myself you have to go through it, you have to be a child migrant to understand what we went through. It is just hopeless.²⁴

8.18 The South Australian Department of Human Services stated that the lack of specialist counselling services exacerbated the problems faced by child migrants, ‘further adding to their despair and sense of powerlessness’.²⁵ Child migrants complained that when they went to general counselling services they were required to retell their stories and provide historical information. As a result:

some of the people described going to counsellors who, having heard the story for the first time, were very shocked and personally moved, and the person going to receive the counselling felt that they did not have the opportunity to receive proper counselling because the counsellor himself or herself was dealing with his or her reaction to the story.²⁶

8.19 The South Australian Department also acknowledged that individuals have diverse needs. The numbers of former child migrants in South Australia are only small, and having a generic service which was expected to meet the needs of all of them was not as important for the Department as ensuring that each individual referral was made to a service best able to meet individual needs. The Department concluded that ‘rather than some specific service for child migrants, it is important that there be a small range of people who have a good, solid knowledge of the history and the context and that every single referral that we make is made on an individual and personal basis, according to the needs of the person’.²⁷

23 Submission No.45, Attachment, p.2 (C-BERS).

24 *Committee Hansard*, 16.2.01, p.83.

25 Submission No.127, p.2 (SA Department of Human Services).

26 *Committee Hansard*, 16.3.01, p.295 (SA Department of Human Services).

27 *Committee Hansard*, 16.3.01, p.295 (SA Department of Human Services).

8.20 The JLG likewise commented that generic counselling services were not as effective as access to counsellors with some specialist knowledge and experience. The JLG noted that the take up rate of generic counselling offered by the Western Australian Department for Family and Children's Services was poor and that:

Former child migrants emphasise that the only people who can really understand what they have gone through are other migrants. For this reason, it often takes time for a counsellor to build rapport and to establish credibility with a former child migrant client. An understanding of the particular issues that arises from the child migration experience is important.²⁸

8.21 The International Association of Former Child Migrants and Their Families (the International Association) also indicated that counselling had to be done by a service experienced in dealing with former child migrants: 'preparing to meet your family after 50 years should not be done by letter or by sending reports to a State Government social worker who knows nothing about us or our families'.²⁹

8.22 Barnardos and C-BERS highlighted the problem of providing services to former child migrants in regional areas. C-BERS indicated that about a third of its clients live in regional areas or other States and that there was limited choice for people wishing to access specialised counselling services such as those it provides. In order to provide services to its clients, C-BERS offers telephone counselling and conducts a number of counselling sessions across Australia. It also contracts private providers if required and liaises with organisations such as Centacare.³⁰

8.23 Former child migrants emphasised to the Committee the importance of an independent counselling service and especially a service that they could trust.³¹ Some former child migrants are unwilling or strongly resist the opportunity to take up the offer of help from certain services as there was either a perception that they were not independent of the receiving agencies or that there was such a strong resentment at their treatment while in institutional care, they could not bear to be in contact again. One former child migrant stated 'I would never go back to the church for help, because that would be psychologically like going back to get another serve'.³²

8.24 Other witnesses indicated that there was a need for choice of services. Some former child migrants have sought assistance from receiving agencies and felt comfortable doing so.³³

28 *Committee Hansard*, 22.3.01, p.484 (JLG).

29 Submission No.129, p.34 (IAFCM&F).

30 *Committee Hansard*, 16.2.01, p.148; Submission No.45, p.2 (C-BERS).

31 *Committee Hansard*, 16.2.01, p.71 (CMFS); *Committee Hansard*, 26.3.01, p.556 (IAFCM&F).

32 Submission (Confidential).

33 Submission No.54, p.12 (JLG).

8.25 The Joint Liaison Group responded to the issue of the need for independent counselling services:

It must be recognised that this view of what constitutes ‘independent advice and counselling services’ creates a dilemma for those organisations that originally were receiving agencies for child migrants in Australia. On the one hand, if advice and counselling services are made available by Church organisations, they can be condemned as not ‘independent’. If such services are not provided, then the same organisations may be condemned for being indifferent to the needs of the former child migrants!

Past experience indicates it is quite possible to offer highly professional services funded by the religious orders and other organisations involved in child migration, particularly counselling, yet which remain functionally independent and maintain a high degree of professional integrity and service delivery.³⁴

8.26 One former child migrant commented in relation to C-BERS:

I found the service all right, but it took me a while to get to trust. I am dealing with an organisation that I had to know was impartial. I could never directly get involved with the Christian Brothers. In talking to some of the counsellors I am convinced that they are impartial. I have found the service reasonable but nowhere near as good for family searches as the Child Migrants Trust.³⁵

8.27 The Child Migrant Friendship Society (CMFS) put the view that the Commonwealth should ensure the availability of counselling services but it believed that the receiving agencies should share the responsibility with government for the funding of such services.³⁶ The International Association went further and stated that while governments and the church and charitable organisations should be responsible for funding the services, it did not want the agencies to provide the services, ‘as this would give them another opportunity to continue their control’.³⁷

8.28 C-BERS also pointed to the need for further funding and stated that ‘we see the child migration as an area that is inherently and constitutionally part of the Australian Government ambit and would like to see funding made available at that level’.³⁸

34 Submission No.54, p.12 (JLG).

35 *Committee Hansard*, 15.2.01, p.40.

36 Submission No.44, p.6 (CMFS).

37 Submission No.129, Additional Information, 23.4.01, p.3 (IAFCM&F).

38 Submission No.45, p.2 (C-BERS).

Counselling services provided to former child migrants

8.29 Counselling services are currently provided to former child migrants from a number of sources both non-government and government.

8.30 The Child Migrants Trust provides specialised counselling services in Perth and Melbourne. Instead of offices, the Trust has leased houses in order to provide a more conducive atmosphere for its work. For those living in other areas, the Trust may be contacted by telephone. For more intense counselling the child migrant is required to travel to either Perth or Melbourne, although the Trust also provides ad hoc counselling by having a staff member visit other locations. In response to the needs of South Australian former child migrants for the Trust's specialist services, the South Australian Government has announced that funding will be provided for a Trust counsellor to visit South Australia three or four times a year.

8.31 C-BERS advised that at June 2000 it had 393 clients on its books, of which 114 were 'active' with 25 per cent of active clients being 're-presenters', that is, clients who came back after an interval. During the March-June quarter 2000, C-BERS staff conducted 81 interviews for counselling for reunion travel, had 96 general counselling contacts and conducted 129 telephone counselling sessions. C-BERS described this as their normal workload.³⁹

8.32 In addition to providing counselling services to ex-residents of Christian Brothers' institutions, C-BERS is now providing services to female former child migrants who were in institutions run by the Sisters of Mercy.⁴⁰

8.33 The JLG indicated that about \$1 million has been spent by Catholic religious orders on counselling and related services. Such services are offered through functionally independent agencies (e.g. C-BERS), occasionally through the Church's Centacare network or via a referral to another counsellor acceptable to the former child migrant.⁴¹ In the UK, the Catholic Child Welfare Council also provides support and counselling services such as preparing and counselling family members in the UK before a family reunion.⁴²

8.34 Barnardos, through its After Care program, provides counselling and guidance services. Support for family reunion is provided through Barnardos UK. The Fairbridge Foundation does not employ counsellors but has a policy of providing counselling if an Old Fairbridgian requires it or before releasing files if the material to be released is distressing.⁴³ Fairbridge London does not have counsellors but uses a

39 Submission No.45, p.2 (C-BERS).

40 *Committee Hansard*, 16.2.01, p.73 (CMFS).

41 Submission No.54, p.13 (JLG).

42 Submission No.51, p.4 (CCWC).

43 *Committee Hansard*, 22.3.01, p.446 (Fairbridge Foundation).

qualified organisation such as the Child Migrant Trust.⁴⁴ Similarly, NCH stated that when a former child migrant sought information from records, they were asked to make contact with a social work or counselling agency local to them, so that the information could be conveyed through a suitably qualified person. In the UK, counselling is provided by the NCH's Child Migrants Adviser.⁴⁵

8.35 The British Government's Child Migrant Support Fund also provides for up to three hours counselling per eligible client in addition to the travel and the subsistence allowance.⁴⁶

8.36 Counselling services are also provided by State Governments. In Queensland, the Aftercare Resource Centre provides counselling and support to former residents of homes. It will fund counselling services for those former residents who live in rural areas and former Queensland residents living in other States. The Centre also offers general support to enable former residents to identify what their needs are so that they can be referred to the most appropriate service.⁴⁷

8.37 In Western Australia, counselling is offered through the Department for Family and Children's Services, but as has been noted, the take up has been small.

8.38 On 20 December 2000, the New South Wales Government approved funding of \$60,000 for one year to provide counselling and family-tracing services to former child migrants. These services will be provided through International Social Service (ISS).

8.39 The Victorian Department of Human Services, through its Adoption Information Services Branch, provides support to all Victorian former child migrants including short term counselling on grief and separation issues, assistance in understanding the information in retrieved historical records, and pre and post reunion counselling.

8.40 In South Australia, counselling is provided through the Department of Human Services although, as already noted, funding is now being provided to the Child Migrant Trust to visit South Australia for specialist counselling.

8.41 The Commonwealth funds specific counselling services through the Child Migrants Trust. In evidence, the Department of Immigration and Multicultural Affairs (DIMA) referred to the casework undertaken by the Trust:

The current grant continues to fund some casework, while at the same time encouraging the Trust to develop strategies to improve former child migrants' access to mainstream services as well as to improve the capacity

44 Submission No.43, p.4 (Fairbridge Foundation).

45 Submission No.98, p.3 (NCH).

46 Submission No.48, p.3 (ISS).

47 *Committee Hansard*, 21.3.01, p.418 (Qld Department of Families).

of mainstream service providers to respond appropriately to the needs of former child migrants. If the Trust is successful in such a program, more former child migrants will be assisted throughout Australia because mainstream services will be better equipped to assist them.

8.42 This approach of improving the responsiveness of mainstream service providers, is similar to that adopted with other organisations receiving CSSS grants. The objective is to focus limited resources on working with mainstream service providers to help them respond more effectively to needs of diverse clientele.⁴⁸

Conclusion

8.43 The Committee received evidence of the life-long impact on former child migrants that has arisen from their migration experiences: they felt rejection, abandonment, despair and loneliness. Many had been placed in homes where, at best, there was little attention to their emotional needs, and at worst, there were deeds of emotional cruelty, physical and sexual abuse and criminal assault. As a result some have suffered profound psychological, physical and social problems.

8.44 Many former child migrants have accessed information about their histories and families. This information may contain new and, at times, distressing details. Former child migrants have eagerly sought family reunions. However, such events impose significant emotional challenges not only for the former child migrant but also for the family being visited.

8.45 The Committee considers that there is a significant need for on-going counselling services to former child migrants. Of primary importance is the need for appropriate services. The traumas suffered are often complex, long-term and do not relate to just one event. As a consequence, in many cases services need to be delivered by specialist providers with an in-depth knowledge of child migrant issues. The Committee also notes that groups such as the Child Migrants Trust and C-BERS have built up extensive knowledge and expertise of issues facing former child migrants and the connections and backgrounds of the institutions they attended. This should not be lost.

8.46 The Committee strongly believes that there needs to be choice of specialist services provided for former child migrants and family members and descendants detrimentally affected. Evidence was received that some former child migrants would never seek help from a service in any way connected with the agency responsible for their traumas, while others indicated that they were quite content to do so and were satisfied with the support provided. The most important point is that former child migrants need to know that specialised counselling is available, and from where and by whom.

48 Submission No.42, Additional Information, 9.4.01, p.1 (DIMA).

8.47 The Committee, while acknowledging that the number of former child migrants in some States is small and that all former child migrants do not live in metropolitan areas, supports the provision of specialist counselling services. The effective provision of appropriate services to these former child migrants may be difficult and expensive, but they are necessary. The Committee's recommendation concerning funding for the Child Migrants Trust is in chapter 5.

Recommendation 23: That, to ensure that choice in counselling services remains available to former child migrants, the Commonwealth Government urge agencies and other State Welfare Departments providing counselling services to maintain those services and expand them where necessary.

Accommodation and aged care – now and in the future

8.48 The issue of suitable accommodation and aged care services for former child migrants was also raised with the Committee.⁴⁹ Some submissions indicated that a major problem faced by many former child migrants was that their poor literacy skills had restricted their access to anything other than low paid employment. This factor in turn has contributed to their poor housing status—with some homeless or highly marginalised and others in either high cost private rental accommodation or in the public housing sector.⁵⁰

8.49 Broken Rites stated that, for some former child migrants who are now in their 50s and 60s, housing is going to emerge as a 'major issue'. This is particularly the case for some who, often as a result of trauma preventing relationship development, have either never married or who have been living alone for a considerable time – as health problems begin to emerge these individuals often drop out of their usual social networks and some increasingly rely on rooming house-type accommodation.⁵¹

Accommodation needs

8.50 There is little data on the accommodation needs of former child migrants. One study that has examined this issue was an accommodation needs survey of former residents of Christian Brothers' institutions in Western Australia commissioned by the Christian Brothers in 1998. While the survey referred to former residents who were not exclusively child migrants, the majority of the men whose needs were being considered were former child migrants.⁵²

49 Submission No.44, p.9 (CMFS); Submission No.57, p.12 (Broken Rites).

50 Submission No.57, p.12 (Broken Rites); Submission No.44, Additional Information, 26.2.01, p.2 (CMFS); Submission No.44, Additional Information, 17.2.01, p.6 (CMFS).

51 Submission No.57, Additional Information, 15.5.01, p.6 (Broken Rites). See also *Committee Hansard*, 15.3.01, pp.254-55 (Broken Rites).

52 Clare, B, *Needs Survey – Accommodation Needs of Former Residents of Christian Brothers' Institutions in Western Australia*, May 1998; *Committee Hansard*, 22.3.01, p.485 (JLG).

8.51 The study found that the provision of housing was not perceived to be a major problem for a large majority of ex-residents who are coping well or well enough in the community, currently employed and are able to access mainstream services available to the community generally.

8.52 The group identified as most at risk was those former residents now in their 50s and early 60s who have lived transient lifestyles, experienced long-term relationship difficulties and who have significant health problems, often related to chronic alcohol abuse. This group was characterised as highly marginalised and prematurely aged. It was not estimated to be large in number – probably no more than 20 in the Perth area, although the figure is likely to be an underestimate because of the transience and ‘invisibility’ of this group.⁵³ These men now live in private boarding and lodging houses in the inner city of Perth, or in accommodation provided through the Supported Accommodation Assistance Program (SAAP) or Homeswest.⁵⁴

8.53 The study found that the needs of this highly marginalised group of former ex-residents ‘will continue to grow as they age’ and they will have less and less capacity to care for themselves into old age. The demand for services is therefore likely to increase for the next five-to-ten years.

8.54 The study remarked that the absence of a caring network is of particular significance to this group. The study also noted that the Maltese migrants who arrived in the 1950s and 1960s appear to have greater access to such a network because of the reunification of many boys with their families. As a result ‘it is less likely’ that this group will require services specifically designed for this particular group of men.⁵⁵

8.55 The study noted that at present there is an ‘adequate provision’ of accommodation services for marginalised, prematurely aged men in Western Australia. Both short and long-term options are available, with SAAP agencies able to provide crisis and interim accommodation and both private and public sector services able to meet the needs of this population group. However, the report noted that there is growing concern about the continued supply of this type of accommodation due to government funding priorities which have reduced the amount of funding available to non-government agencies working in the area.⁵⁶

8.56 The report stated that this marginalised group of men is generally below the target age group for hostel and nursing home care and are also unlikely to find ‘retirement village’ style care acceptable. Many are fearful of ‘institutional’ care of any sort because of their previous experiences, and professionals in the area argue for the development of small-scale units providing care for groups of four-to-six men with

53 Needs Survey, pp.12-14,17.

54 SAAP is a joint Commonwealth-State program that provides recurrent funding to over 1200 agencies that provide services and assistance to people who are homeless or in danger of becoming homeless.

55 Needs Survey, p.18.

56 Needs Survey, pp.18-19.

arrangements for similar small-scale hospice care when home care is no longer a viable option.⁵⁷

8.57 There are a range of schemes in Western Australia which make such arrangements feasible, for example, special housing programs available through Homeswest. However, the study noted that the lack of funds for staff, particularly outreach workers, pose significant difficulties in either accessing potential clients or servicing these semi-independent living options. The Child Migrant Friendship Society (CMFS) also noted that Homeswest was approached to supply a house so that former child migrants who were ‘in the gutter’ were assisted to ‘get on their feet’, but that this request was rejected because they did not meet the eligibility criteria.⁵⁸ Broken Rites argued that child migrants now in their 50s and 60s should have access to hostel-type accommodation and at an appropriate time be able to move to a ‘situation of greater and then full care’.⁵⁹

8.58 In relation to the situation of former child migrants already in public housing, Broken Rites raised the issue of the provision of their future housing needs through the structuring of compensation payments. They argued that it is important that where a person pursues a claim for financial compensation against an organisation, that the compensation should be constructed in such a way that a proportion of it can be used to assist the person to purchase their property. Broken Rites added that:

The cases that we have pursued... are where so many former child migrants we find have been living in publicly provided housing, but they do have an option to purchase the property. In this era of state governments getting out of building and constructing housing estates and putting in public tenants, they offer existing tenants the option to purchase the property. We believe that is the way to go.⁶⁰

8.59 Broken Rites also argued that where individuals have sought compensation payments, their housing needs have seldom been recognised by the charity or religious organisation in question. The sums of money paid to claimants ‘has rarely been sufficient to meet this need for housing’.⁶¹

Conclusion

8.60 The Committee believes that both the short-and long-term accommodation needs of former child migrants should be addressed. While there is little information on the overall housing situation and accommodation needs of this group, the limited evidence available to the Committee indicates a possible need for boarding house and

57 Needs Survey, p.19.

58 *Committee Hansard*, 16.2.01, pp.76-77 (CMFS).

59 Submission No.57, Additional Information, 15.5.01, p.6 (Broken Rites).

60 *Committee Hansard*, 15.3.01, p.257 (Broken Rites).

61 Submission No.57, p.12 (Broken Rites).

supported accommodation options for many of the more socially and economically marginalised former child migrants especially those now aged in their fifties and early sixties.

Recommendation 24: That the Commonwealth and State Governments in providing funding for boarding house and supported accommodation programs recognise the housing needs and requirements of former child migrants.

Future aged care needs

8.61 Evidence to the Committee emphasised that it was important to recognise the needs of former child migrants in the area of aged care, especially as they represent an ageing group. For example, the average age of former child migrants sent to Catholic institutions is now 60 years.⁶²

8.62 The Child Migrant Friendship Society (CMFS) stated that:

Aged Care is a priority for many. The question is “who is going to care for us?”. They wish nothing more than anyone else...Many have no home to sell, are alone and unable to care for themselves prior to the need for “high care”.⁶³

8.63 Submissions pointed to the need to have access to hostels and nursing homes, including priority access to these facilities.⁶⁴ The CMFS stated that:

It is possibly a matter of priority...because they are a former child migrant when the need arises for aged care...perhaps they [should] be a priority in whatever is available with regard to state government facilities. I do not believe that they are asking for added funding...but perhaps a priority entry.⁶⁵

8.64 Access to residential aged care facilities is based on an assessment of a person’s care needs by Aged Care Assessment Teams and payment of fees takes into account a person’s financial position. While all residents in these facilities have to contribute towards the costs of their care, how much they pay depends on their means. ‘Concessional residents’ are those residents with limited financial means and as such pay a ‘concessional’ level of fees. For example, full pensioners pay 85 per cent of their pension to the care facility to help cover the cost of their daily care needs and do not have to pay an accommodation payment if their assets are below a certain level. The Commonwealth pays an additional subsidy for concessional residents, and providers are required to set aside a certain number of places for them.⁶⁶ Many former

62 Submission No. 51, Attachment 1, p.4 (CCWC).

63 Submission No.44, Additional Information, 26.2.01, p.2 (CMFS).

64 *Committee Hansard*, 16.2.01, pp.77,85 (CMFS); *Committee Hansard*, 15.3.01, p.257 (Broken Rites).

65 *Committee Hansard*, 16.2.01, p.77 (CMFS).

66 Information provided by the Parliamentary Library.

child migrants with low incomes would probably qualify as concessional residents thus it would be difficult to give ‘priority’ access to this group in particular, over and above other groups who may also be socially and economically disadvantaged.

8.65 Evidence to the inquiry indicated that there needs to be a careful assessment of the type of residential aged care facility provided as many former child migrants are suspicious of ‘institutional-type’ facilities. One submission noted that ‘the thought of being in a hostel with very little of their pension left is horrifying. Independence and empowerment are taken from them once again’.⁶⁷ Barnardos also emphasised that it was important to consult with former child migrants on the most suitable form of aged care facility. The organisation noted that it was imperative to determine what particular system would enable former child migrants to have a comfortable retirement.⁶⁸

8.66 One suggestion put to the Committee to assist with the retirement needs of former child migrants was the construction of retirement villages.⁶⁹ Dr Coldrey and Mr Gill both suggested that a retirement village could be constructed in Western Australia funded by governments and agencies with its management charter arranged to favour priority residence by former child migrants.⁷⁰ Dr Coldrey added:

At the time I first made the suggestion or at least discussed it with a number of people...the Christian Brothers owned a very considerable amount of land between Aquinas College and the old Clontarf Orphanage. The idea was that a section of that land...could have been set aside for that. The idea was that the retirement village have in it a social centre, research centre and non-denominational chapel.⁷¹

8.67 The Christian Brothers advised the Committee that the idea of a retirement village is not under active consideration by the Order. The Christian Brothers noted a number of concerns with the option – ‘would all former child migrants want to live in such a setting with exclusively other former child migrants? Would this be a healthy and constructive way to go?’.⁷²

8.68 C-BERS also argued that ‘our inclination at the present time – and it is what we have said to the [Christian Brothers] province – is, rather than establishing obviously a little enclave of older former child migrants, that if they were going to do

67 Submission No.44, Additional Information, 26.2.01, p.2 (CMFS).

68 *Committee Hansard*, 22.3.01, p.472 (Barnardos).

69 *Committee Hansard*, 15.3.01, p.257 (Broken Rites).

70 Submission No.15, p.4 (Dr Coldrey); *Committee Hansard*, 15.3.01, p.222 (Dr Coldrey); *Committee Hansard*, 22.3.01, p.512 (Mr Gill).

71 *Committee Hansard*, 15.3.01, p.222 (Dr Coldrey).

72 Letter from the Christian Brothers to the Committee, dated 8.5.01.

anything it would be to fund some sort of community housing cooperative in conjunction with one of the providing agencies in Western Australia'.⁷³

8.69 The Christian Brothers argued that there were various resources in the general community relevant to the accommodation needs of older persons with limited economic means. The Brothers argued that a more realistic way to proceed would be for C-BERS to adopt the role of a referral and information agency that would assist men with needs in this area to access accommodation resources in the wider community. To this end C-BERS has undertaken to formulate a proposal along these lines with regard to accommodation needs.⁷⁴

Conclusion

8.70 The Committee considers that given the increasing age of former child migrants and, in many cases, their disadvantaged socio-economic situation there needs to be an assessment undertaken of the future needs of this group in relation to aged care services. The Committee further believes that any assessment should take into account any special requirements of former child migrants including possible alternatives to traditional residential care arrangements.

Recommendation 25: That the Department of Health and Aged Care commission a study into the aged care needs of former child migrants; and that Commonwealth funding be directed into areas of need identified in that study.

Social security entitlements

8.71 During the inquiry, a number of issues were raised in relation to the social security entitlements of former child migrants, especially in regard to those who have returned or wish to return to the United Kingdom.

8.72 The International Association argued that the Australian Government's decision not to pay pensions after February 2001 to former child migrants now permanently living in the UK to be with their families should be reviewed. The Association argued that this measure is 'grossly unfair' given that these people have spent their entire working lives paying taxes in Australia.⁷⁵ One submission also noted that 'if I leave Australia before I am of pension age I will lose my rights to an age pension even though I have worked and lived here for 50 years...I feel the Government should establish a concession for Former Child Migrants to be able to claim an age pension from England if they wish to permanently return home'.⁷⁶ Another submission argued that the Australian and United Kingdom Governments

73 *Committee Hansard*, 16.2.01, p.143 (C-BERS).

74 Letter from the Christian Brothers to the Committee, dated 8.5.01.

75 Submission No.129, p.41(IAFCM&F). See also Submission No.40, pp.2-3; Submission No.74, p.1.

76 Submission No.74, p.1.

should work together to ensure that former child migrants are not penalised in relation to their pension entitlements if they decide to return to the UK.⁷⁷

8.73 The Committee notes that the arguments stated above are based on a misunderstanding concerning the nature of the former Social Security Agreement with the United Kingdom and the specific features underlying the Australian social security system, where pension eligibility is based on certain residency requirements.

8.74 All payments made under the former Agreement, either in Australia or in the United Kingdom, will not be affected by the termination of the Agreement as transitional provisions in the Agreement protect the rights of current pensioners. Australian pensioners in receipt of indefinitely portable pensions, such as the age pension and disability support pension, who migrate to the United Kingdom; and Australian pensioners who are there temporarily will continue to receive indexed pensions under Australian social security law.⁷⁸ The Department of Family and Community Services (FaCS) also noted that permanent residents of the United Kingdom, including new migrants, are also able to apply for means-tested income support payments under UK domestic legislation for those in financial hardship. In the United Kingdom, these payments are, unlike the national insurance system, non-contributory, but require a person to meet a residency test.⁷⁹

8.75 The Agreement with the United Kingdom provided that the country where a person *permanently resides* takes responsibility for providing social security payments for that person. The Agreement with the United Kingdom therefore did not include provisions for former Australians residing in the United Kingdom to claim Australian benefits. The Department noted that permanent residents of the United Kingdom are not able to claim new Australian pensions, regardless of whether they had previously lived in Australia or not. The Department added that:

The Australian social security system is based on residence and only allows the grant of pensions to people who reside in Australia or in countries with which Australia has a social security agreement that allows for this. The Agreement with the UK was a “host country” agreement and did not allow for the grant of Australian pensions to people residing permanently there. This has not changed with the termination of the Agreement.⁸⁰

8.76 The Agreement with the United Kingdom was terminated because the UK Government refused to index its pensions paid in Australia. The Department stated that the United Kingdom Government consistently declined to include such a clause in its Agreement with Australia and its pensions paid into Australia were therefore ‘frozen’. This meant that UK pensioners in Australia increasingly relied on Australian

77 Submission No.126, p.5.

78 Letter from FaCS to the Committee, dated 21.5.01, p.2.

79 Letter from FaCS to the Committee, p.2.

80 Letter from FaCS to the Committee, p.2.

income support to ‘top-up’ their pensions at a cost to Australia of approximately \$100 million per year.⁸¹ The Australian Government was effectively subsidising the UK national insurance system as a result of the action of the United Kingdom Government. This was the reason why the Australian Government terminated the Agreement with the United Kingdom. The Department stated that ‘the Australian Government has signalled its preparedness to enter into a new agreement, provided this issue is addressed’⁸².

8.77 Termination of the Agreement will affect a certain number of former Australian residents living in the United Kingdom. It will affect former Australian residents who have never made any contribution to the UK national insurance system, by preventing them from using periods of Australian residence deemed under the Agreement to be contributions that allow access to the non-means tested contributory retirement pension.

8.78 It will also affect Australian residents who have contributed at least the minimum amount of contributions to gain access to a partial UK national insurance system pension. This usually involves contributing for 11 years. It will do this by preventing them from using periods of Australian residence to increase their contributory history and hence qualify for an enhanced or full retirement pension.⁸³

8.79 In relation to Australian residents migrating to the United Kingdom, the Department stated the UK Government has announced that it will protect the pension rights of people who have periods of Australian residence before 6 April 2001. The UK Government will ‘top-up’ the pensions of people with periods of residence in Australia before 6 April 2001 with an extra statutory payment if they would have received less than the full rate of basic pension.⁸⁴

Temporary absences

8.80 The issue of the payment of pensions and allowances during temporary absences overseas was also raised with the Committee. The International Association argued that social security arrangements should be reviewed to ensure that former child migrants currently receiving benefits are ‘not penalised for travelling to be reunited with their family overseas, as if they are going on a holiday...Rents still have to be paid and bills do not stop when we finally manage to return...to meet our families after a lifetime apart’.⁸⁵

81 Joint Standing Committee on Treaties, *Termination of the Social Security Agreement with the United Kingdom*, Report No 27, December 1999, p.8.

82 Letter from FaCS to the Committee, p.2.

83 Treaties report, p.11.

84 Letter from FaCS to the Committee, p.2.

85 Submission No.129, p.41(IAFCM&F). See also Submission No.132, p.4 (CMT).

8.81 FaCS responded to these concerns advising that all payments are portable for up to 26 weeks temporary overseas absence. Age pension and disability support pension (for people who are severely disabled) are payable indefinitely overseas. Disability support pension for those who are not severely disabled is portable overseas for up to 26 weeks. Wife pension is payable overseas for up to 26 weeks and indefinitely in the case of ‘entitled persons’.⁸⁶

8.82 The Department also noted that from September 2000, for the first time, ancillary benefits such as rent assistance and pharmaceutical allowance ‘are now portable for temporary absences of up to 26 weeks, assisting people who travel with ongoing costs in Australia’.⁸⁷

Other issues

8.83 Some submissions raised issues relating to enhanced pension entitlements and associated benefits. The CMFS argued that the United Kingdom Government should provide all former child migrants from Britain with a non-means tested pension in addition to any Australian pension currently received.⁸⁸

8.84 The International Association argued that relocation packages should be provided for former child migrants who wish to return permanently to the UK to live with their families.⁸⁹ One submission, commenting on their decision to move to the United Kingdom, stated that ‘that move cost me \$10,000 and the expense is a direct consequence of the child migration schemes’.⁹⁰

Conclusion

8.85 Evidence to the inquiry suggested that some former child migrants now residing permanently in the United Kingdom or intending to in the future, especially those under age pension age, may be disadvantaged in relation to access to income support payments. While the Committee did not receive evidence on the numbers likely to be affected, it considers that the Commonwealth Government should closely monitor this situation and urge the United Kingdom Government to review its social security arrangements, if cases emerge of former child migrants living in the United Kingdom being disadvantaged in gaining access to income support payments, as a consequence of the termination of the Social Security Agreement with the United Kingdom.

8.86 In relation to the payment of pensions and allowances for people temporarily overseas, the Committee considers that the current arrangements provide adequate

86 An ‘entitled person’ is defined as – a women who has been an Australian resident for a period of at least 10 years; and a women in receipt of a widow B pension. See letter from FaCS to the Committee, pp. 2-3.

87 Letter from FaCS to the Committee, p.3.

88 Submission No.44, Additional Information, 26.2.01, p.4 (CMFS).

89 Submission No.129, p.46 (IAFCM&F). See also Submission No.74, p.1.

90 Submission No.126, p.5. See also Submission No.74, p.1.

coverage to meet the needs of most former child migrants wishing to make overseas visits for reunion purposes. The Committee believes that what appears to be some confusion over entitlements could be overcome if information on access to benefits while overseas were to be widely disseminated to welfare services, former child migrants and child migrant organisations.

8.87 In regard to relocation packages, while the Committee did not receive extensive evidence on the numbers likely to be affected, it suspects that numbers would be few and believes that the Commonwealth Government should introduce relocation packages for former child migrants who wish to return permanently now or in the future to the United Kingdom or Malta to be with their families.

Recommendation 26: That the Commonwealth Government urge the British Government to ensure that former child migrants living permanently in the United Kingdom are not disadvantaged in gaining access to income support payments following termination of the Social Security Agreement with the United Kingdom.

Recommendation 27: That the Commonwealth Government provide a prospective one-off grant of \$10,000 to former child migrants wishing to return permanently to the United Kingdom or Malta who can prove that they will permanently relocate in those countries.

Remedial education

8.88 Some evidence suggested that there was a need for remedial education services to be provided to former child migrants. As noted in chapter 4, due to the lack of education received in many institutions, many former child migrants left the institutions with a serious lack of literacy and numeracy skills – which have remained with them throughout life. During the inquiry some former child migrants indicated that they would have liked to further their education in later life – some have succeeded, although others have indicated that they found further education too difficult for a variety of reasons, others have succeeded by pursuing further studies at their own expense.⁹¹ The International Association argued, however, that for many former child migrants who are now in their advanced years, it is too late—‘many cannot change...we would have preferred this to have happened 30 years ago’.⁹²

8.89 Even so, a range of services are currently provided. C-BERS provides adult education classes for ex-residents who wish to improve their reading, writing and other educational skills, such as, computer skills, although the take-up rate is not high. In the first course, initiated three years ago, eight men started the literacy course and six graduated. C-BERS noted that some dropped out ‘because they actually did not

91 *Committee Hansard*, 15.2.01, p.35; *Committee Hansard*, 15.2.01, p.54. A number of child migrants received remedial education from the Army.

92 *Committee Hansard*, 26.3.01, p.563 (IAFCM&F).

want to be doing this in a group; they wanted to do it individually. They were all at different levels'.⁹³

8.90 As a consequence of this initial experience, C-BERS now arranges courses tailored more to an individual's needs – 'we are now funding, on an as-needs basis, different literacy skills, educational skills to different individuals and it is much more individualised'. Courses are contracted with a providing agency, usually associated with a Technical & Further Education (TAFE) facility, though only three or four men are currently on courses. C-BERS noted that 'not only have they improved their literacy and numeracy skills, but they are now quite active on PCs and have the ability to use the Internet, and that has given them a totally new horizon altogether of which they can take full advantage'.⁹⁴ Fairbridge WA also manages a fund to provide financial assistance to former Fairbridge child migrants for educational, medical and other needs.⁹⁵

8.91 In Queensland, funding for educational expenses among other things is available through the Forde Foundation which has been established to meet the needs of individual former residents of institutions in that State.⁹⁶ In South Australia, the Department of Human Services indicated that it would organise literacy classes where this was a need identified by individual child migrants and that information about the literacy programs for adults in South Australia would be provided to the Child Migrants Trust.⁹⁷

8.92 The Committee raised the question of who should provide these services – individual service providers, such as C-BERS, or mainstream services. The Joint Liaison Group stated that an advantage of courses run by groups, such as C-BERS, 'is that people are with other people who may have gone through the same difficulty and perhaps feel the same inhibition or sense of shame about this area. Therefore, they may feel more comfortable in coming to this group and working on it there'. The Liaison Group conceded, however, that some people 'may not want to come to such a group and would prefer to do it in the general community'.⁹⁸

8.93 The Committee believes that, while the demand for remedial education services is uncertain, literacy and numeracy courses and associated adult education courses should be made available to former child migrants where they feel that they would benefit from such courses. The Committee further believes that the Commonwealth and the States should widely publicise the availability of such courses

93 *Committee Hansard*, 16.2.01, p.141(C-BERS).

94 *Committee Hansard*, 16.2.01, p.141 (C-BERS).

95 Submission No.136, p.2 (Fairbridge WA); *Committee Hansard*, 16.2.01, p.122 (Fairbridge WA).

96 Queensland Government, *Queensland Government Response to Recommendations of the Commission of Inquiry into Abuse of Children in Queensland Institutions*, August 1999, p.43; *Committee Hansard*, 21.3.01, p.416 (Queensland Department of Families).

97 *Committee Hansard*, 16.3.01, pp.296-97 (SA Department of Human Services).

98 *Committee Hansard*, 22.3.01, p.502 (JLG).

to child migrants and organisations associated with, or providing services to, former child migrants.

Recommendation 28: That the Commonwealth and State Governments widely publicise the availability of remedial education services and associated adult education courses to child migrants and child migrant organisations.



The International Association of Former Child Migrants and Their Families gives evidence at the Canberra hearing

CHAPTER 9

LEGAL ACTIONS AND LIMITATION PERIODS

The Catholic Church used their considerable influence to have the case heard in Western Australia where the Statute of Limitations was such that the case could not be heard. Such legal tactics by those responsible for the abuse and my loss of childhood only serve to heighten the negative impacts on my life and demonstrate the empty words of apology.¹

9.1 This chapter canvasses the legal options open to child migrants to pursue both criminal and civil actions arising from abuses suffered during their time in institutional care.

Legal options open to former child migrants

9.2 From the evidence the Committee received during its inquiry, it is clear that some former child migrants suffered criminal assaults both physical and sexual. At the time of the incidents, some children had no one in authority to report these crimes to and in some cases, when assaults were reported the children were not believed. One former child migrant noted:

Many did complain. Complaints were made to principals of institutions, to police and welfare workers when they escaped, to families who they spend weekends with and to employers when they had left the institutions. When returned to the institution after escaping, they were brutally flogged, sometimes publicly. And worst of all, no-one would ever believe them. No-one. This in itself was cruel.²

9.3 Another former child related an incident at Castledare:

He chased me across the paddock near Castledare with a piece of three by two. He caught me as I got through the fence and broke the piece of three by two on me. There were people building houses across the road who saw this. They rang up the child welfare department. The child welfare department came and got me the next day, and I have a document that says that I came in with an inch and a half split on my scalp. They asked me if this happened all the time. I said, 'It happens all the time,' and they just said they could not prosecute the brothers. They said, 'We couldn't take the brothers to court.' They knew that the children were getting beaten but were not prepared to do anything about it.³

1 Submission (Confidential).

2 Submission No.95, p.36.

3 *Committee Hansard*, 15.2.01, p.57.

9.4 The issue of pursuing legal remedies now, both criminal and civil, for these actions was raised in evidence. One of the concerns identified in the pursuit of civil proceeds for financial recompense was the implications of statutes of limitation.

Civil proceedings

9.5 Each Australian jurisdiction has a limitation statute setting out the rules governing the period of time in which a plaintiff must commence a civil proceeding. The prescribed limitation periods ranges from 3 to 6 years for tortious claims. An application to extend the limitation period may be made in all States and Territories. However, in Western Australia extensions are only possible in relation to asbestos claims. (A more detailed description of limitation periods is provided in Appendix 6.)

9.6 In the late 1990s at least two Australian jurisdictions reviewed their limitations statutes:

- Law Reform Commission of Western Australia – *Report on Limitation and Notice of Actions*, January 1997, and
- Queensland Law Reform Commission – *Review of the Limitation of Actions Act 1974* (Qld), Report No. 53, September 1998.

Both Law Reform Commissions made special reference to proceedings involving child sexual assault. The Queensland Law Reform Commission concluded that although adult survivors of childhood sexual abuse may, for reasons beyond their control be prevented from commencing proceedings within the general limitation period, such claims can be adequately provided for by the exercise of judicial discretion.⁴ The Western Australian Law Reform Commission recommended that there was no need to enact provisions dealing specifically with sexual abuse, or with sexual abuse by a person in a position of trust. The Commission considered that its general recommendations on extensions of limitation periods would ensure that plaintiffs in sexual abuse cases would not be unfairly defeated by the running of the limitation period and would make it possible for actions to be brought in Western Australia in circumstances in which they can be brought in other States, such as New South Wales and Victoria.⁵

9.7 In addition to civil proceedings for injury, proceedings to recover unpaid wages were canvassed in evidence. The Department of Immigration and Multicultural Affairs noted that such action would be subject to the exercise of the statutes of limitation. The Department also stated that most States have small claims tribunals or courts but that ‘the biggest impediment, is the time...The lack of evidence, people’s memory, the prejudice of the employer as well as the employee: those are the sorts of

4 Queensland Law Reform Commission, *Review of the Limitation of Actions Act 1974* (Qld), Report No.53, September 1998, p.160.

5 Law Reform Commission of Western Australia, *Report on Limitation and Notice of Actions*, Project No35, Part II, January 1997, p.238.

things that might be considered by a judge in determining whether to extend the time limitation. That is probably more significant for many of these things than just the normal jurisdiction of a small claims tribunal'.⁶ The Department's more detailed examination of this issue is provided in Appendix 6.

Criminal proceedings

9.8 In general, limitation statutes do not apply to criminal proceedings. Crimes acts and statutes dealing with summary jurisdiction usually set out the general time limits which govern those proceedings. The statutory period in which proceedings must be commenced differs between different offences and different jurisdictions. In general, a limitation period applies to minor or summary offences and a limitation period would not apply in the prosecution of indictable sexual offences. Further details are provided in Appendix 6.

Impact on actions

Criminal proceedings

9.9 Some criminal proceedings have been taken successfully against perpetrators. Broken Rites informed the Committee that in the past seven years, 79 former church members had been convicted of criminal activity mainly against children. These included some former child migrants. Those convicted included members of the Salvation Army and Anglican Church but the majority were members or former members of the Catholic Church.⁷

9.10 In Queensland, criminal prosecutions have been brought against alleged perpetrators of sexual assault which occurred at Neerkol in the 1960s. The Queensland Government stated 'prosecutions against Father John Durham have resulted in convictions which were overturned on appeal on technical grounds arising from instructions given to the jury by the trial judge. Moves for a new prosecution of Father Durham have resulted in a decision that he is no longer fit to plead.'⁸

9.11 While there have been successful prosecutions, former child migrants have found that criminal action does not always proceed. In September 1993, the Western Australian police announced that they were investigating complaints of alleged sexual abuse involving 18 (increased to 23) Christian Brothers. In November 1993, the Director of Public Prosecutions announced that no prosecutions would be instituted. The reasons given included 'the passage of time, "advanced years" of the persons accused, public interest, and (by inference) the unlikelihood of conviction'.⁹ One former child migrant told the Committee that:

6 *Committee Hansard*, 6.2.01, pp.24, 26 (DIMA).

7 *Committee Hansard*, 15.3.01, p.249 (Broken Rites).

8 Submission No.146, Additional Information, p.1 (Qld Government).

9 Gill, A, *Orphans of the Empire: the shocking story of child migration to Australia*, Random House, 1998, pp.757, 759.

I have attempted to lay assault charges, and not just assault but sexual abuse charges, on one Killer Doyle. After the failure of trying to get Murphy into court, because they claimed dementia, the DPP said the same thing was going to happen in the case of Doyle, so he said they were going to drop it. I pushed and pushed and pushed, because I was in Murphy's class...I only want the persons who damaged me. I was particularly annoyed because I could think of people like Doyle, and Angus is dead, and I could not do a thing about it. 'One at a time,' the person said to me. 'First Murphy and then Doyle,' and when the thing about Murphy failed, due to dementia or whatever they had claimed, they said they were no longer going to proceed with Doyle.¹⁰

9.12 Another former child migrant stated:

...we tried and we tried and we tried to get the police and the Director of Public Prosecutions to prosecute people, the Murphys and the Doyles and all the people that you have been hearing about. We tried and tried to get them to prosecute and they just point-blank refused. They were prosecuting people who were not Christian Brothers—there was a case at the time that we were trying to get Murphy prosecuted of an 87-year-old man who had abused his daughters...He was sent to jail, but when it came to Murphy, he was too old, and this was almost in the same month.¹¹

9.13 The failure of legal actions against perpetrators has resulted in much bitterness with one former child migrant declaring:

Change the laws so that filthy paedophiles and child bashers are brought to justice, and can't hide behind old age or frail health. They had no mercy on their victims. They deserve no mercy now, only justice. Statutes of limitations save paedophiles from facing justice.¹²

9.14 Broken Rites also told the Committee that some who had been abused in institutions were reluctant to approach the police:

My contact with a number of men is that when they have come out of the institution and they get into cars and start boozing they often run foul of the law as young men anyway—not all of them but a number of them. So they are very reluctant to go to the police even with a criminal matter. They just think it will turn on them. They are still carrying around this suspicion and this reverence for the organisation that sheltered the perpetrators.¹³

10 *Committee Hansard*, 15.2.01, pp.41-42.

11 *Committee Hansard*, 15.2.01, p.52.

12 Submission (Confidential).

13 *Committee Hansard*, 15.3.01, p.263 (Broken Rites).

Civil proceedings

9.15 Courts are able, in certain circumstances and for certain causes of action, to extend the limitation period. There is evidence that this has occurred in actions brought by children who had been in institutional care. In a case involving children in a Barnardos home in New South Wales, the judge made orders granting an extension of time for the plaintiff to bring an action and made a declaration that the limitation period had not expired.¹⁴

9.16 However, in Western Australia extensions to limitation periods only apply to asbestos claims. Evidence was received about the impact of limitation periods on actions brought against the Christian Brothers. In 1993 applications were made to the New South Wales Supreme Court to bring actions after the expiration of the limitation period. One witness noted:

We took the case to the Supreme Court in New South Wales, and the Christian Brothers fought...to get the case sent back to Western Australia, knowing very well that if it was sent back to Western Australia it would never be heard. The judge, Mr Justice Levine, ruled against the Christian Brothers. His words were that if the case was sent back our case would be, and I quote, 'dead in the water' and that the complainants 'forever could well be deprived even of the chance to seek a remedy. They could well be shut out.' We thought that we had won a great victory, that the case would be heard in New South Wales.

...the Christian Brothers appealed. The appeal was upheld by the appeals court. The case was sent back to Western Australia and, of course, that was it. It never even got off the ground because of the inflexible statute in Western Australia which meant that it could not be heard. It meant that those men were pressured to accept a settlement with the Christian Brothers, and many of those 200 got \$4,000 for years of the sort of treatments that you have heard about, the sexual abuse and all the other abuse they suffered. The most any of them got was \$25,000—I think there were about 30 who got \$25,000, and they were the ones who were considered to have been raped and brutally assaulted, the worst cases.¹⁵

9.17 In 1993, an application was also made to the Victorian Supreme Court on the basis that some of the former Western Australian child migrants now lived in Victoria. The defendant's application for a transfer of proceedings to Western Australia was successful. The Supreme Court of Western Australia held that the *Limitation Act 1935* (WA) applied.¹⁶

14 Submission No.50, Additional Information, 3.5.01 p.1 (Barnardos).

15 *Committee Hansard*, 15.2.01, pp.48-49.

16 Marfording, A, 'Access to justice for survivors of child sexual abuse', *Torts Law Journal*, 1997 (5) p.247.

9.18 Witnesses called for the statute of limitation to be changed in Western Australia, to allow the same possibility of extension as exists in other States.¹⁷ The International Association of Former Child Migrants & Their Families argued:

Changes should be made to the Statute of Limitation that presently permit the criminals who bashed and raped us in Australian institutions to dodge justice. This could be achieved through a short-term amnesty to deal with historical charges, or a permanent amendment to the legislation.¹⁸

9.19 In its report, the UK House of Commons Health Committee commented on the impact of statutes of limitation:

...we would expect the full weight of the law to be felt in cases where physical and sexual abuse against former child migrants can be proven. Courts should award the maximum possible damages when a conviction is obtained. We would like to see the Statutes of Limitation suspended in all cases related to the abuse of former child migrants.¹⁹

9.20 In its response to the British Government's response to the Health Committee report, the Commonwealth stated that 'neither State and Territory Governments, nor the Commonwealth Government has plans to alter their Statute of Limitations legislation'.²⁰

9.21 The Western Australian Department for Family and Children's Services indicated that there are no current plans to change the Limitation Act:

It would appear that any retrospective change to the Act would need to be treated with considerable caution both because of its effect on the general principle against retrospective legislation and its effect on the general principle of limitation periods in relation to individual cases. Any such legislation would also have to be carefully considered as it could lead to unfair results for those who have proceeded on the basis of the current provisions.²¹

9.22 The Committee has been told that there appears to be a continuing series of civil legal cases around Australia being prosecuted on a 'no win-no fee' basis as well

17 *Committee Hansard*, 15.3.01, p.222 (Dr Coldrey); *Committee Hansard*, 22.3.01, p.512 (Mr A Gill).

18 Submission No.129, p.41. (IAFCM&F).

19 House of Commons Health Committee Report of its Inquiry into the Welfare of Former British Child Migrants, paragraph 111.

20 Australian Government Response to the British Government Response to the Recommendations of the British House of Commons Health Committee's Report of its Inquiry into the Welfare of Former British Child Migrants, Recommendation: paragraph 111: compensation.

21 Submission No.135, p.15 (WA Department for Family and Children's Services).

as at least two Class Actions against particular religious orders.²² The Committee is unaware if any former child migrants are involved in these cases.

9.23 In evidence, Broken Rites also noted that there were also difficulties because of the cost of litigation and that the Catholic Church has been successfully able to argue that it is not a legal entity and that clergy are not employees.²³ Broken Rites also stated that when a civil action is initiated outside the Catholic Church's own processes:

then the game plan is to protect the church's estate and assets at any cost. Broken Rites is aware of a number of cases where the church has been prepared to pay massive legal costs in order to prevent the case ever going to a judgement, rather than meet the genuine needs of victims in a realistic way. Thus we have the record in Australia that no case seeking financial compensation for the psycho-social damage resulting from sexual abuse, has ever gone to a judgement in any court in Australia.²⁴

Conclusion

9.24 While some former child migrants do not wish to take civil action over incidents that occurred during their time in care, the Committee considers that there should not be legal impediments to those who wish to do so. The Committee has noted the comments of the Western Australian Department for Family and Children's Services. However, the Committee considers that the Western Australian Attorney-General should urgently review the recommendations of the Law Reform Commission of Western Australia Report on Limitation and Notice of Actions with a view to bringing the Western Australian law into line with other Australian jurisdictions.

Recommendation 29: That the Commonwealth Government urge the Attorney-General of Western Australia to urgently review the recommendations of the Law Reform Commission of Western Australia Report on Limitation and Notice of Actions with a view to bringing the Western Australian law into line with other Australian jurisdictions.

Settlements received by former child migrants from receiving agencies

Christian Brothers' settlement

9.25 In August 1993, legal action was begun in the Supreme Court of New South Wales against 21 respondents including the Commonwealth and Western Australian Government and Catholic Church defendants. Proceedings were eventually discontinued against all except the Christian Brothers. The plaintiffs were some 200 former students (mostly, but not all former child migrants) of the Christian Brothers' homes in Western Australia. They sought damages for physical and sexual abuse,

22 Submission No.57, Additional Information, 15.5.01, p.3 (Broken Rites).

23 *Committee Hansard*, 15.3.01, p.263 (Broken Rites).

24 Submission No.57, Additional Information, 15.5.01, p.4 (Broken Rites).

alleging neglect and failure in administration and supervision of the homes by the Christian Brothers' leadership.

9.26 The case involved some complex legal issues, including jurisdictional ones. While the Christian Brothers accepted that some individual Brothers had physically and sexually abused some of their students, they did not accept the accusation that there had been neglect or dereliction of duty at the level of the Order's administration.²⁵

9.27 In 1996 an out of court settlement was reached. The Christian Brothers contributed \$5 million, of which \$1.5 million went to legal costs. An independent trust was set up to administer the remaining \$3.5 million. Of that sum, a little over one-third was allocated in direct payments to certain plaintiffs who alleged sexual abuse and who could document serious psychological difficulties. The payments ranged from \$4,000 to \$25,000.²⁶ The rest of the funds are administered by the trust to provide a range of services and support to the plaintiffs including travel and counselling. While the Christian Brothers had reached a satisfactory, for them, settlement, it had been largely forced on them.

9.28 Mr Gill reported that in issuing details of the offer from the Christian Brothers, the legal firm acting for the plaintiffs, Slater and Gordon, pointed out the difficulties of proceeding further through the courts. These included the difficulties in the application for an extension of time under the New South Wales Limitation Act, the attempt by the Christian Brothers to transfer the proceedings to Western Australia where the claims would be statute barred under the Western Australian Limitation Act, whether the Christian Brothers today could be held accountable for the actions of their predecessors, and the time it would take to finalise the proceedings.²⁷

9.29 The vast majority of plaintiffs agreed to settle. The Western Australian VOICES organisation encouraged its members to accept the settlement but without any sense of gratitude. There remains some bitterness. One former child migrant stated that many felt betrayed by the out of court settlement and a justice system which proved unsympathetic to their plight.²⁸

Other settlements

9.30 Churches and charitable organisations have provided other settlements as a result of the commencement of legal action by victims and as a result of internal processes such as the Catholic Church's *Toward Healing* initiative. For example, the Christian Brothers had also made an out of court settlement with former residents of the St Vincent's Orphanage in South Melbourne. Part of the settlement involved a

25 Gill, A, *Orphans of the Empire*, pp.767, 778-82.

26 *Committee Hansard*, 15.2.01, p.49.

27 Gill, A, *Orphans of the Empire*, p.781.

28 Submission No.95, p.37.

confidentiality clause.²⁹ The Sisters of Mercy have also agreed to legal settlements with children who had been in their care.³⁰ The Salesians have made ex gratia payments of \$1,500 to some of those who had been in their care.³¹ In 2000, after mediation, Barnardos settled with the victims of abuse which occurred in one of its homes in the 1950s.³²

9.31 Broken Rites submitted that in relation to settlements, it supported the appointment of advocates for victims in their negotiations with churches and the provision of a community legal service which would specialise in these types of cases.



Mr John Hennessey at the Sydney hearing

29 Gill, p.784.

30 *Committee Hansard*, 22.3.01, p.484 (JLG).

31 Submission No.118, p.5.

32 Submission No.50, p.3 (Barnardos).

CHAPTER 10

RECOGNITION OF CHILD MIGRANTS

*Our existence needs to be acknowledged and the deprivation experienced needs acknowledgment.*¹

10.1 In response to term of reference (d), the Committee received considerable evidence arguing that there was a need for a formal acknowledgment and/or an apology by Australian governments for the human suffering arising from the child migration schemes. Evidence to the Committee argued that Australian governments and the receiving agencies should acknowledge their responsibility for the often deleterious and long-lasting impact of the child migration policy on the lives of many former child migrants.²

10.2 Evidence to the inquiry also indicated that there was a need to recognise the role of former child migrants and the important part that they have played in the nation's history. This issue is also discussed in this chapter.

The need for recognition

Defining acknowledgment and apology

10.3 Much of the evidence received argued for a formal apology to be issued by the Commonwealth and/or State Governments. Some evidence, however, suggested that an 'acknowledgment' of past practices would suffice.

10.4 Generally the evidence discussed the need for an apology or an acknowledgment in general terms; the terms 'apology' and 'acknowledgment' were often used interchangeably without being precisely defined; nor was there much discussion on how an apology should be worded.

10.5 The *Concise Oxford Dictionary* defines an apology as a 'regretful acknowledgment of fault or failure; assurance that no offence was intended; an explanation; or vindication', whereas to 'acknowledge', by contrast, is to 'agree to the truth of; own to knowing; take notice of; or recognise the authority or claims of'.

10.6 The Senate Legal and Constitutional Committee has noted in a recent report that 'an apology, by definition, is a "frank acknowledgment", by way of reparation, of offence given, or an explanation that offence was not intended, with "expression of regret"... By these definitions, an expression of regret may be seen as something less than an apology as it is only one aspect of a complete apology.' The report also defined an 'acknowledgment' as involving a public recognition that an event

1 Submission No.82, p.3.

2 See, for example, Submission No.50, p.6 (Barnardos); *Committee Hansard*, 22.3.01, p.530.

happened and ‘that this was the result of policy, as well as practice, and that these policies and practices created devastating consequences. In addition, acknowledgment involves an acceptance or responsibility for these policies, practices and consequences’.³

Apologies/acknowledgments to former child migrants

10.7 With the exception of Western Australia and Queensland, Australian Governments to date have been reluctant to formally apologise for Australia’s part in the child migration schemes.

10.8 The Commonwealth Government’s view was that it would be ‘inappropriate’ to make a formal apology ‘for well-intentioned past schemes which may have had unforeseen and unintended consequences in some cases, particularly when those schemes were arranged and administered in conjunction with a whole range of other government and private agencies.’⁴ The Department of Immigration and Multicultural Affairs (DIMA) stated that:

The Australian Government’s position on this issue as indicated in the Australian Government Response, agrees with that of the British Government, which, while offering sincere regrets to those who see themselves as scarred by the experience of child migration, agreed that the prevailing mood is to move forward positively and concentrate on improving support and assistance for those former child migrants who may need or want such services.⁵

10.9 The South Australian Government issued an official acknowledgment in February 2001 recognising the experiences of former child migrants. The acknowledgment was made on the occasion of the unveiling of a commemorative plaque dedicated to former British child at the South Australian Migration Museum. The statement read, *inter alia*:

Many of the former child migrants tell us that they suffered greatly as a result of their being sent to Australia...The Government of SA wishes to acknowledge that these experiences, though not intended by the schemes, may have occurred and been suffered by the child migrants.⁶

10.10 The full text of the acknowledgment is reproduced at Appendix 7.

10.11 As noted above, in Western Australia and Queensland formal apologies have been issued. In Western Australia, the Western Australian Legislative Assembly

3 *Healing: A Legacy of Generations*, Report by the Senate Legal and Constitutional References Committee, November 2000, pp.111-112.

4 Submission No.42, p.39 (DIMA).

5 Submission No.42, pp.39-40 (DIMA).

6 See Appendix 7.

passed a motion in August 1998 apologising to former child migrants. The statement read:

That this House apologise to the former child migrants on behalf of all Western Australians for the past policies that led to their forced migration and the subsequent maltreatment so many experienced, and express deep regret at the hurt and distress that this caused.⁷

10.12 In Queensland, the Forde Commission into the abuse of children in Queensland institutions recommended that the Queensland Government and the responsible religious authorities issue a formal apology to former child residents of Queensland institutions ‘acknowledging the significant harm done to some children in Queensland institutions’.⁸ In August 1999 the Queensland Government and the responsible religious authorities issued a formal apology that included the following statement:

We sincerely apologise to all those people who suffered in any way while resident in our facilities, and express deep sorrow and regret at the hurt and distress suffered by those who were victims of abuse.⁹

The full text of the apology is reproduced at Appendix 7. A copy of the apology has been distributed to, and is available for, former child residents of Queensland institutions including child migrants.

10.13 A number of Catholic religious congregations involved in the care of child migrants have also made formal statements of apology and regret. In July 1993, the Christian Brothers in Western Australia acknowledged that physical and sexual abuse took place in their institutions in Western Australia and published a statement of apology to former child migrants who had been in their care. The apology stated inter alia that:

the fact that such physical and sexual abuse took place at all in some of our institutions cannot be excused and is for us a source of deep shame and regret. Such abuse violates the child’s dignity and sense of self-worth... We, the Christian Brothers of today, therefore unreservedly apologise to those individuals who were victims of abuse in these institutions.¹⁰

10.14 In 1997, the Sisters of Mercy in Rockhampton and the Catholic diocese of Rockhampton also issued a public apology for abuses that occurred to children under

7 Submission No.135, p.14 (WA Department for Family & Children’s Services).

8 Queensland Government, *Queensland Government Response to Recommendations of the Commission of Inquiry into Abuse of Children in Queensland Institutions*, August 1999, p.41.

9 Apology cited in Submission No.146, p.4 (Queensland Government).

10 The statement of apology was published in *The Australian* and *The West Australian* on 3 July 1993. It is cited in Gill, A, *Orphans of the Empire*, Random House, Sydney, 1998, p.745. The full text of this statement of apology is in Appendix 7.

their care.¹¹ Also in 1997 an apology was made on behalf of the Catholic Church in Britain during a journey of former child migrants who participated in the *Sentimental Journey*. The Child Migrant Friendship Society (CMFS) stated that the apology ‘was an enormous help in the healing process that is essential to the emotional health of those who were so adversely impacted by this program’.¹²

10.15 In 1999, an apology was made by the Salesian Order and a plaque dedicated by a group of former child migrants at the former St John Bosco Boys’ Town in Hobart. A former child migrant from the Home stated that it was ‘an acknowledgment and recognition of the child migrants at Boys Town who through hardship and trying times were part of the history of the school. The word “sorry” to the English Migrants by the head of the Salesian Order capped off the dedication plaque’.¹³ The former child migrant stated, however, that ‘we hope [the plaque dedication and apology were] not signs of tokenism but a genuine attempt to reconcile the hurt and pain still suffered by these Child Migrants’.¹⁴

10.16 On 22 March 2001, at a public hearing of this Committee, the Catholic Church’s Joint Liaison Group on Child Migration (Joint Liaison Group) on behalf of the Australian Catholic Bishops’ Committee for Migrants and Refugees and the National Executive of the Australian Conference of Leaders of Religious Institutes, issued a public apology ‘to all those men and women who suffered because of their experiences as child migrants at Catholic institutions... We are painfully aware that some children suffered physical, sexual and emotional abuse, and this is a source of deep shame and regret for us. We are sorry that some of those vulnerable children who should have found care and protection on our Catholic institutions suffered abuse’.¹⁵ This apology is also reproduced at Appendix 7.

10.17 The Committee questioned the Joint Liaison Group as to whether the apology was made on behalf of the Catholic Church as a whole. The Liaison Group stated that ‘insofar as the Catholic Church was involved in child migration, the Catholic Church is apologising’. The Liaison Group added that:

I think you can assume it speaks on behalf of those agencies listed on the first page of our submission. The media release that has gone out today with the apology is headed “Catholic Church’s child migrant apology”. I think that for the man and woman in the street, **the Catholic Church has made a public apology**.¹⁶

11 Submission No.54, p.17 (JLG).

12 Submission No.44, p.44 (CMFS).

13 Submission No.118, p.3

14 Submission No.118, p.5

15 *Committee Hansard*, 22.3.01, pp.483-44 (JLG).

16 *Committee Hansard*, 22.3.01, p.504 (JLG) – emphasis added.

10.18 The Liaison Group noted ‘our statement of apology today reflects this group’s recognition that Catholic agencies have been a part of the failings of child migration schemes and a part of the harm done to individuals by these schemes’.¹⁷



Br Shanahan delivers the apology on behalf of the Catholic Church at the Sydney hearing

10.19 In the United Kingdom, the UK Health Committee report into the welfare of former British child migrants recommended to the British Government that ‘an apology is in order but think that the best acknowledgment would be for the British Government to take urgent action on the recommendations in this report’.¹⁸ The British Government’s response to the Committee’s report argued out that while the child migration policies were misguided they were conducted within the relevant laws of Britain and the receiving countries at the time. The British Government offered sincere regrets to those who saw themselves scarred by the experience of child migration. The Government agreed that the prevailing mood is to move forward positively and concentrate on improving support and assistance for former child migrants.¹⁹

Views on the need for an apology

10.20 The Committee received a wide range of views on the question of the need for an apology in the Australian context. Some evidence suggested the urgent need for an apology; other evidence argued that an apology to be effective needed to be

17 *Committee Hansard*, 22.3.01, p.485 (JLG).

18 House of Commons, Health Committee, *The Welfare of Former British Child Migrants*, HC 755, Session 1997-98, para. 118.

19 UK Government Response to the Third Report from the Health Committee, Session 1997-98, pp.2-3.

accompanied by practical measures of support and assistance; while other evidence saw little need for an apology.

10.21 As noted above, a large number of organisations and individuals argued for a formal apology by the Commonwealth and/or the State Governments. For example, the Joint Liaison Group argued that the Commonwealth Government should follow the lead of the Western Australian Government in making ‘a formal statement of Apology and Regret to former child migrants’.²⁰

10.22 Submissions arguing for an apology suggested that a formal apology by Australian governments is an essential part of the acknowledgment of the seriously flawed nature of the policy of child migration, and of the responsibility of the Commonwealth and the State Governments for the devastating effect of this policy on many individuals. The CMFS argued that such an apology ‘as well as being an acknowledgment of the responsibility of government, would promote emotional and psychological healing among those who have been most hurt by the impact of this policy’.²¹

10.23 The CMFS stated that a formal apology by the Australian Government ‘would acknowledge that what happened to these people as children was wrong, and that government(s) as well as other agencies failed to provide the protection, supervision, care and encouragement to which they were entitled’.²² The Society added that:

The Child Migration Policy was wrong in conception and, due to the dereliction of the duty of care and supervision to those in its care, government at the least permitted and in many cases abetted not only lack of care but actual and criminal abuse. The culpability of others does not, however, remove the culpability of Australian government(s).²³

10.24 The International Association of Former Child Migrants and their Families argued that the majority of its members wanted an apology. The Association noted that they ‘feel that if the injustices they have suffered because of the Australian Government’s role in the child migration schemes, and its failure to protect their human rights, are to be acknowledged and accepted; that an apology from the Prime Minister is vitally important’.²⁴

10.25 Submissions also suggested that an apology would assist in the healing and reconciliation process. The Joint Liaison Group stated that:

20 Submission No.54, p.19 (JLG). See also Submission No.44, p.7 (CMFS); Submission No.15, p.4 (Dr Coldrey).

21 Submission No.44, p.7 (CMFS).

22 Submission No.44, p.7 (CMFS).

23 Submission No.44, p.7 (CMFS).

24 Submission No.129, p.40 (IAFCM&F). See also *Committee Hansard*, 26.3.01, p568 (IAFCM&F)

There is no doubt that formal acknowledgment and apology has a role to play in the process of healing and reconciliation. A public apology need not imply compensation or other negative legal ramifications. It is true that an apology on its own can be seen as lip-service and mere words. However, an apology accompanied by action is certainly more meaningful than the actions alone, crucial as they are.²⁵

10.26 Dr Coldrey stated that an official apology ‘might assist some as part of a reconciliation process’ and is ‘important’ to certain former child migrants.²⁶ Mr Gill also noted that ‘I do not see it [an official apology] as opening the floodgates to fanciful and excessive compensation demands’.²⁷

10.27 Evidence also indicated that an apology would mean that the experiences of child migrants will at last be ‘believed’. A common theme in submissions to the inquiry was that child migrants most of all wanted to be ‘believed’ as adults – as they were not believed as children. Many former child migrants also indicated that it was vitally important that their experiences as child migrants be ‘believed’ by governments in particular. One former child migrant stated that:

Those in Government who minimise the damage of these schemes fail to live in the real world and act in a defensive way which adds further to our burden. Most child migrants live with raging anger at the injustice of our experiences. Be decent. Acknowledge the past – it’s part of Australian and British history.²⁸

10.28 Another former child migrant stated that ‘the Australian Government must try to right the wrongs and clear its conscience by at least admitting to what happened’.²⁹

10.29 Many former child migrants indicated that a formal apology was important to them as an acknowledgment of their past treatment and recognition of their ‘existence’. One former child migrant stated that ‘our existence needs to be acknowledged’.³⁰

10.30 Another submission noted that

I think that an official apology would be a good thing. Something along the lines of a recognition that a great wrong was perpetrated to a great many people.³¹

25 Submission No.54, p.17 (JLG).

26 Submission No.15, p.4 (Dr Coldrey). See also *Committee Hansard*, 15.3.01, pp.222,235 (Dr Coldrey).

27 *Committee Hansard*, 22.3.01, p.512 (Mr Gill).

28 Submission No.123, p.4.

29 Submission No.73, p.2.

30 Submission No.82, p.3.

31 Submission No.76, p.3.

10.31 Former child migrants also saw an apology as an acknowledgment to their parents of the ‘wrongs’ done to them.³² A former child migrant stated:

I was very happy to hear the Catholic Church offer an apology this morning, because a year ago I asked them for an apology on behalf of my mother. I was taking soil from her grave in Melbourne back to Ireland to bury in her ancestral plot... They did not do that. That would have meant a lot to me and it would have given closure. I could have told my mother that she could rest in peace.³³

10.32 Some former child migrants also saw an apology as an acknowledgment to their own families who in many cases have suffered and continue to suffer along ‘with’ the former child migrant. One former child migrant stated that an apology is needed ‘to parents still living who were never informed of what became of their children’.³⁴ One submission noted that ‘it must also be remembered that it is not only the former migrants who continue to suffer emotional distress. There is a “knock-on” effect and their partners and children are also likely to be deeply affected’.³⁵

10.33 Some submissions argued that the receiving agencies should also issue apologies for their role in the child migration schemes.³⁶ One submission, referring to the role of the Catholic Church, argued that ‘each of the religious Orders should acknowledge its role and make an apology in keeping with its particular failings. However, it was the Bishops who “signed up” for the scheme with governments. They chose and nominated the custodian for the child migrants. They failed to exercise proper responsibility and oversight of the scheme’.³⁷ One former child migrant from Molong demanded an apology ‘from the Fairbridge Society for the lies, and their sadistic, cruel, unlawful and unsafe treatment of young children entrusted to their care’.³⁸

10.34 Other evidence suggested that a formal apology without the provision of services and/or financial support is ‘meaningless’ and that any apology needs to be accompanied by practical measures to address needs. The International Association argued that ‘an apology on its own without any backup is a waste of time. An apology is a Pontius Pilate act and just a waste of time on its own...that is what a lot of members have said “Look, what is the use of an apology if nothing else is done?”’.³⁹

32 See Submission No.142, p.2; Submission No.114, p.3.

33 *Committee Hansard*, 22.3.01, p.530.

34 Submission No.142, p.2.

35 Submission No.148, p.4 (Dr M Fox).

36 Submission No.29, p.3; Submission No.73, p.2; Submission No.120, p.3; Submission No.141, p.3.

37 Submission No.148, p.5 (Dr M Fox).

38 Submission No.73, p.2.

39 *Committee Hansard*, 26.3.01, p.568 (IAFCM&F)

10.35 The Joint Liaison Group noted that any genuine apology implies ‘measures of reparation’.⁴⁰ The Liaison Group argued that any further financial support, particularly from governments, should be put into services for former child migrants in the areas of information, family tracing and contact, and counselling and other ‘needs-based’ rehabilitation services.⁴¹ Barnardos Australia also emphasised that the ‘most significant’ issue is the need for governments to provide reparation, that is, financial support for former child migrants, especially in the area of family reunions.⁴² The Australian Child Migrant Foundation (ACMF) argued that it was more productive to encourage governments, churches and receiving agencies to provide resources to assist former child migrants now rather than apportion blame. However, the Foundation noted that a ‘no blame’ policy did not absolve governments and the churches and agencies from accepting their responsibilities in relation to former child migrants.⁴³

10.36 Other evidence to the inquiry did not support the concept of a public apology. Broken Rites argued that an apology ‘would have no value at all. It does not change the situation of the person who is approaching 51 or 52 with still unresolved psychological problems, et cetera, in very precarious housing situations. An apology means nothing.’⁴⁴ However, Broken Rites, conceded that an apology accompanied by compensation ‘would start to mean something’.⁴⁵

10.37 Some former child migrants also argued that an apology was of little value. One former child migrant stated:

You can accept an apology, but you cannot forget...I know they tried their best to apologise and everything; we have got to accept that. But I always say it is too late.⁴⁶

10.38 Another former child migrant stated:

An apology I feel is not enough for the pain and suffering inflicted on me and other child migrants.⁴⁷

10.39 Some receiving agencies also did not support an apology. For example, the Fairbridge Foundation argued that an apology by the Commonwealth Government was ‘unnecessary and inappropriate’ and that it could find no reason why the present Australian Government ‘should apologise on its own behalf, or on the behalf of

40 Submission No.54, p.17 (JLG).

41 Submission No.54, pp.17-18 (JLG).

42 Submission No.50, p.6 (Barnardos).

43 Submission No.46, pp.5-6 (ACMF).

44 *Committee Hansard*, 15.3.01, p.264 (Broken Rites).

45 *Committee Hansard*, 15.3.01, p.264 (Broken Rites).

46 *Committee Hansard*, 21.3.01, p.359.

47 Submission No.9, p.6.

previous Australian Governments for anything which they have done in regard to the Fairbridge Farm School at Molong'.⁴⁸

10.40 Interestingly, the thinking appears to be quite different in Canada. The Committee was advised that the Canadian approach emphasises the merits of reconciliation as opposed to the polarisation that necessarily ensues from legal action, however justified. Home Children Canada indicated that the effect of a resolution passed at a 1992 reunion was that: 'We will never ask for retribution. We will never ask for restitution. We will never even ask for an apology! We are glad to be in Canada! We are proud to be Canadians! All we want is easier access to our records.'⁴⁹ This Canadian focus on identity and access to records rather than reparation and apology also came through in the Committee members' discussions in Ottawa.

Views on an acknowledgment

10.41 Some submissions argued that Commonwealth and State Governments, rather than issuing formal apologies, should issue an acknowledgment that past flawed child migration policies occurred and acknowledge the consequences, including the adverse consequences, of these policies. As noted previously, the South Australian Government issued an official acknowledgment this year acknowledging the experiences of former child migrants.

10.42 Evidence to the Committee emphasised the importance of governments acknowledging the hurt and distress suffered by many former child migrants as a result of the child migration schemes. Barnardos stated that:

...Government should acknowledge that child migration was a seriously misguided policy. It should be recognised as part of the acknowledgment that the policy of child migration was undertaken with "good intent". In that sense it is different from the "Stolen Generation" where the intent was "Assimilation", a now abandoned policy.⁵⁰

10.43 One former child migrant stated that:

The Australian and State Governments should formally accept responsibility and acknowledge their failures, which contributed to the human suffering of former child migrants.⁵¹

10.44 Another submission noted that:

We need our suffering and experiences acknowledged. Australian Federal and State governments should acknowledge that they had and still have a duty of care.⁵²

48 Submission No.43, p.6 (Fairbridge Foundation).

49 Submission No.122, p.5 (Home Children Canada).

50 Submission No.50, p.6 (Barnardos).

51 Submission No.28, p.3.

10.45 Another former child migrant expressed the view that:

It is very important that the government should acknowledge to the former Child Migrants that what occurred was very wrong and never should have happened.⁵³

10.46 The Care Leavers of Australia Network (CLAN), representing former state wards, argued that acknowledgment and recognition is a more pressing need for that organisation than seeking an apology. CLAN argued that:

We want acknowledgment that these things happened [in institutions]. They had terrible effects. To have your history recognised is so important. We all grew up completely unrecognised even as an entity, as a self. Then we were told our histories do not exist either. Acknowledgment is very important.⁵⁴

10.47 A former child migrant also noted that an acknowledgment was more important than an apology:

Acknowledgment that we do exist and are here and how we came to be here. An apology is not required, this would be meaningless and serve no useful purposes whatsoever. Acknowledgment of the personal suffering and deprivation and the long lasting effects our transportation, institutionalisation and secrecy about our families has had on us.⁵⁵

10.48 Another former child migrant also stated that there was a need to acknowledge the past:

it's part of Australian and British history. As we have to acknowledge our personal past, so must those involved in child migration acknowledge their failures to protect the most vulnerable in society.⁵⁶

10.49 The South Australian Department of Human Services also noted that, in relation to former child migrants, 'a formal acknowledgment of their experiences, losses and of the infringement of their rights would be seen as a way of ameliorating some of their suffering'.⁵⁷ The Department noted that the Minister of Human Services in launching the plaque at the South Australian Migration Museum commemorating former child migrants 'spoke, in effect, about an expression of regret about events'.⁵⁸ The full text of the acknowledgment is at Appendix 7.

52 Submission No.22, p.2.

53 Submission No.89, p.1.

54 *Committee Hansard*, 22.3.01, p.465 (CLAN).

55 Submission No.82, p.4.

56 Submission No.123, p.4.

57 Submission No.127, p.7 (SA Department of Human Services).

58 *Committee Hansard*, 16.3.01, p.289 (SA Department of Human Services).

Conclusion

10.50 The Committee strongly believes that the Commonwealth Government should issue a formal statement acknowledging its predecessors' role and responsibility in promoting the child migration schemes; and the impact that these schemes had on the lives of many former child migrants. The Committee believes that the statement should express sorrow and regret for the hurt and distress suffered by child migrants, especially those who were the victims of abuse and assault at the hands of those in the institutions who were in charge of them. The Committee believes that while the policies may have been well-intentioned they had, in many cases, unforeseen and unintended consequences.

10.51 The Committee believes that, as the child migration policies were arranged and administered in conjunction with State Governments and the receiving agencies, State Governments and receiving agencies, that have not already done so, should also acknowledge their respective roles in the child migration schemes and the significant harm done to many children in their care in the various institutions across the country.

10.52 The Committee believes that the symbolism of an acknowledgment is important in itself in recognising past wrongs and enables governments and the receiving agencies to accept their responsibilities for past actions in relation to the treatment of child migrants.

10.53 The Committee also considers that an acknowledgment would enable closure to be achieved for many former child migrants. It would also go some way towards promoting emotional and psychological healing so needed by child migrants – the innocent victims of these past policies. An acknowledgment would at last recognise that child migrants have been 'believed' – that their experiences, their traumas, their very existence do count and are accepted for what they are. Many child migrants expressed the view that while they may not have been believed as children, it is imperative that their experiences as child migrants in institutions be 'believed' as adults – especially by governments.

10.54 The Committee further considers that these acknowledgments must be made in conjunction with the other positive measures that have been recommended in this report to ensure that they are not regarded as merely empty rhetoric by child migrants.

10.55 The Committee shares the view of the House of Commons Health Committee that the best acknowledgment for former child migrants is to take urgent action in improving support services and other assistance for former child migrants who may need or want such services. The Committee believes that implementation of the recommendations in this report is a vital step in meeting the legitimate needs and aspirations of former child migrants and that after decades of silence their voices will at last have been heard by the Australian community.

Recommendation 30: That the Commonwealth Government issue a formal statement acknowledging that its predecessors' promotion of the Child Migration schemes, that resulted in the removal of so many British and Maltese children to Australia, was wrong; and that the statement express deep sorrow and regret for the psychological, social and economic harm caused to the children, and the hurt and distress suffered by the children, at the hands of those who were in charge of them, particularly the children who were victims of abuse and assault.

Recommendation 31: That all State Governments and receiving agencies, that have not already done so, issue formal statements similar to those issued by the Western Australian and Queensland Governments and the Catholic Church and associated religious orders to former child migrants and their families for their respective roles in the child migration schemes.

Recognition of the child migrant schemes and the role of child migrants in Australia

10.56 Submissions and other evidence recognised the need for a suitable memorial or other permanent tribute to be established to provide testimony to the part child migrants have played in Australia's history and to ensure that the experiences of those involved in the child migration schemes are recorded for future generations.

10.57 Evidence indicated a lack of recognition in Australia of the positive contribution that child migrants have made to the nation.⁵⁹ The Child Migrant Friendship Society, summarising much of the evidence received on this issue, stated that:

Child migrants came to Australia at the behest of others, and were subject to treatment that was in all cases less than what they deserved and was in many cases brutal... When they left the Australian receiving agencies, they did so without proper education, training or preparation. In the meantime, most had worked hard, often undertaking hard physical labour, to develop the institutions to which they were attached. Many have since struggled to find a fulfilling life journey. Some have gained considerable financial or public success. Many have established sound and effective family lives of their own. **All, despite the deception and abuse of power that brought them here, have helped to forge the reality of contemporary Australia. That contribution deserves acknowledgment.**⁶⁰

10.58 Fairbridge WA stated that:

One of the most pressing needs for child migrants in this country is a recognition of the contribution they have made to this country... There is very little attempt... made by the community to acknowledge and welcome

59 *Committee Hansard*, 16.2.01, p.123 (Fairbridge WA); *Committee Hansard*, 22.3.01, p.472 (Barnardos); *Committee Hansard*, 22.3.01, p.520 (Professor Sherington).

60 Submission No.44, p.8 (CMFS) – emphasis added.

to the Australian community the successes and the deeds and the contributions that have been made by child migrants.⁶¹

10.59 The International Association cited as an example of this lack of recognition, the situation of the Immigration Museum in Melbourne. While the Museum displays the history of immigrants from all round the world it does not record the history of child migrants or their subsequent contribution to Australia as a nation.⁶² One submission noted that an area within the Immigration Museum ‘should be provided to tell the story of the child migration issue, and the terrible things that were done to people by this infamous scheme’.⁶³ However, aspects of child migration are included in displays at the recently opened National Museum of Australia in Canberra and at the Fremantle Museum in Western Australia.

10.60 The International Association and the Child Migrants Trust argued that the Australian and UK Governments should provide financial and other support for the establishment of an appropriate Centre of Remembrance and Learning in recognition of former child migrants.⁶⁴ The Association stated that the centre would be a place where the history of child migration is recorded for future generations:

That can take the form of a building. It can be a building equipped and adorned with memorabilia. It can be historical. It can be on tape played through a video set-up. Again, this is for the experts to determine, but we do believe we need a centre of excellence to ensure that it is recorded that, firstly, this history did happen in this country and, secondly, that it never gets a another opportunity to manifest itself in the manner that it did.⁶⁵

10.61 Some groups representing child migrants suggested that a suitable memorial should be located in Canberra as a national memorial – as the child migration schemes were Commonwealth-sponsored schemes.⁶⁶ Other groups, however suggested that memorials should be located in the various States. The CMFS, among others, suggested that a memorial should be erected in Fremantle as it was the port of entry for most child migrants to Western Australia. The Society suggested that the memorial, cast in bronze, could depict a group of four or five children carrying only a small suitcase with an appropriate inscription attached to the memorial. Similar memorials could be erected in other states.⁶⁷ Another submission suggested that a

61 *Committee Hansard*, 16.2.01, p.123 (Fairbridge WA).

62 Submission No.129, p.42 (IAFCM&F).

63 Submission No.37, p.4.

64 Submission No.129, p.42 (IAFCM&F).

65 *Committee Hansard*, 26.3.01, p.566 (IAFCM&F). See also Submission No.10, pp.1-2.

66 *Committee Hansard*, 26.3.01, p.566 (IAFCM&F).

67 Submission No.44, p.9 (CMFS).

sculptured memorial should be erected in at least two locations in memory of child migrants.⁶⁸

10.62 Fairbridge WA informed the Committee that it is constructing memorials to child migrants at Pinjarra including a sculpture of Kingsley Fairbridge and a number of children as a memorial both to the founder of the Fairbridge scheme and the contribution that child migrants have made to Australia.⁶⁹ A plaque commemorating British child migrants who came to South Australia was recently unveiled at the South Australian migration museum. Members of the Committee had an opportunity to view this plaque while in Adelaide for the public hearing.



Senators Murray, Crowley and Tchen view the commemorative plaque at the South Australia Migration Museum

10.63 In Canada, a number of plaques have been erected at various sites throughout the country to commemorate the memory of Canadian Home Children (child migrants).⁷⁰ On 19 August 2001 the Canadian Government through its Ministry of Canadian Heritage unveiled an historical plaque at a former receiving home in Ontario as a tangible reminder that the story of Canadian Home Children was of national historical significance. In addition to Home Children and their families, representatives from sending and receiving agencies, support groups, government, the National Archives and ISS were in attendance. The opportunity was taken for all these groups and people involved with Home Children to meet as a conference and discuss

68 Submission No.36, p.6.

69 Submission No.136, Additional Information, 27.4.01 (Fairbridge WA).

70 Submission No.122, pp.16-17 (Home Children Canada).

mutual problems, policy, access to and availability of records in both Canada and the United Kingdom, and other relevant issues.⁷¹

10.64 Another area of activity commented on during the inquiry was the importance of collecting oral histories. The Child Migrants Trust stated that it has initiated a Oral History Project in Australia and in the United Kingdom arguing that it ‘is a vital component to ensuring the experiences of former Child Migrants and their families are not lost to us now, or in the future’.⁷² Both the Trust and the International Association argued that the Government should provide financial support so that the project may be completed.⁷³ The Committee notes that in relation to the recording of oral histories, the written submissions and transcripts of evidence to this inquiry will prove invaluable. In Canada, Home Children Canada has videotaped oral histories of home children to be donated to the National Archives of Canada.⁷⁴

10.65 The Committee was also informed of details of the First International Congress on Child Migration, organised by the Child Migrants Trust and the International Association to be held in the United States in 2001. It is proposed that the Congress discuss past and present practice and policy issues surrounding child migration. It is anticipated that the Congress will attract international experts, academics and practitioners from a variety of professions and disciplines, including law, psychiatry, social work and social policy. The Trust and the International Association argued that the Commonwealth Government should participate in this Congress and that funding be provided by the Government to assist participants in attending the Congress.⁷⁵

10.66 The Child Migrants’ Sending Agencies Group argued that an international congress organised and funded by governments involved in child migration is needed as ‘we have been very aware that professional work in the field of child migration has seen minimal sharing of professional practice and research’.⁷⁶ The Sending Agencies Group regretted that that the Congress organised by the Trust and the International Association will be held in the United States and not in Australia, Canada or New Zealand, which received the majority of child migrants. The Sending Agencies Group also stated that ‘we believe that the conference will not engage governments in the funding and facilitation of professional development’.⁷⁷ Members of the Group discussed with the Committee in London the format of an international conference. They envisaged that such a conference should be practice-based, to include workshops

71 Submission No.122, Additional Information, 25.8.01 (Home Children Canada).

72 Submission No.132, p.46 (CMT).

73 Submission No.132, p.46 (CMT); Submission No.129, p.46 (IAFCM&F).

74 Submission No.122, p.17 (Home Children Canada).

75 Submission No.132, p.46 (CMT); Submission No.129, p.46 (IAFCM&F); *Committee Hansard*, 26.3.01, p.587 (CMT). See also Submission No.123, p.5.

76 Submission No.52, p.4 (Child Migrants’ Sending Agencies Group).

77 Submission No.52, p.4 (Child Migrants’ Sending Agencies Group).

with practitioners, and to discuss uniform protocols in best practice for the delivery of services to former child migrants internationally.

10.67 The Committee believes that the Commonwealth Government should support international initiatives that aim to promote the sharing of professional best practice and uniformity of protocols in relation to work with former child migrants and their families. The UK Department of Health advised the Committee in London that it would give full support to an international conference, though not necessarily financial, and noted that an agenda was for the agencies and Trust to determine.

Conclusion

10.68 The Committee strongly believes that Australia must recognise the positive contributions that former child migrants have made to the nation. The Committee considers that as part of this recognition process, the Commonwealth and State Governments, and the receiving agencies should fund a suitable memorial or memorials commemorating former child migrants, their history and their contribution to Australian life. Such action would also be part of a tangible acknowledgment by governments and agencies of their roles in child migration to Australia.

10.69 The Committee believes that a series of memorials could be located around the country, with one established in Canberra as a national memorial and others in the various States, especially Fremantle, as it was the port of entry for most child migrants to Australia. The Committee also considers that the Commonwealth Government should consult widely with former child migrants and groups representing former child migrants with a view to establishing a suitable memorial or memorials.

Recommendation 32: That the Commonwealth and State Governments, in conjunction with the receiving agencies, provide funding for the erection of a suitable memorial or memorials commemorating former child migrants, and that the appropriate form and location(s) of such a memorial or memorials be determined by consulting widely with former child migrants and their representative organisations.

Recommendation 33: That the Commonwealth Government support and promote international initiatives that facilitate the sharing of professional best practice, and that ensure uniformity of protocols relating to work with former child migrants and their families.

Senator the Hon Rosemary Crowley

Chair

APPENDIX 1

LIST OF PUBLIC SUBMISSIONS, TABLED DOCUMENTS AND OTHER ADDITIONAL INFORMATION AUTHORISED FOR PUBLICATION BY THE COMMITTEE

- 1 Mr Michael Kenny (NSW)
- 2 Mr Alan Gill AM (NSW)
Supplementary information
 - Additional information dated 4.04.01
- 3 Mrs Mary Armstrong (WA)
- 4 Ms Junie Jackson (QLD)
- 5 Dr Mel Fisher (QLD)
- 6 Mr Derek Smith (WA)
- 7 Mr Joseph Azzopardi (WA)
- 8 No submission
- 9 Mr M O'Donoghue (WA)
Supplementary information
 - Additional information received at hearing 15 February 2001
 - Additional information received 15.03.01
- 10 Mr M McGuigan (WA)
- 11 Ms Jean Rawling (SA)
- 12 Mr Paul Price (SA)
Supplementary information
 - Additional information received at the hearing 16 March 2001
- 13 Mrs Claire Bridget Boyd (SA)
- 14 Mr Ken Stevens (WA)
- 15 Dr Barry Coldrey (VIC)
- 16 Mrs Monica Cosby (QLD)
- 17 Ms Nita McLaren-Brassey (SA)
- 18 Ms J V Gardner (SA)
- 19 Mrs Pauline Dougan (QLD)
- 20 Ms Theresa Whitfield (QLD)
- 21 Mr George D Campbell (NSW)
- 22 Mr Patrick McGowan (WA)
- 23 Mrs J M Reid (NSW)
- 24 Mr Alfred Thomas Sullivan (NSW)
- 25 No submission
- 26 Mr John Reddington (NSW)

- 27 Ms Flo Hickson (NSW)
- 28 Ms Eileen Evert (WA)
- 29 Mr George Wooding (QLD)
- 30 Mr Patrick Monaghan (WA)
- 31 No submission
- 32 No submission
- 33 Mr David Cox (NSW)
- 34 Mr Cliff Walsh (WA)
- 35 Mr Peter Blazey (NSW)
- 36 Mr Gordon Grant (WA)
Supplementary information
- Additional information dated 1.12.00
- 37 Ms Catherine Wallace (USA)
- 38 Mr Ian Johnson (QLD)
Supplementary information
- Supplementary submission dated 26.12.00
- 39 Mr Patrick Delaney (VIC)
- 40 Mr Malcolm Field (UK)
Supplementary information
- Supplementary submission provided at hearing 22 March 2001 dated 21.03.01
 - Additional information received following the hearing 22 March 2001 dated 19.04.01
- 41 House of Commons Health Committee (UK)
- 42 Department of Immigration and Multicultural Affairs (ACT)
Supplementary information
- Responses to questions following public hearing 6 February 2001 dated 9.04.01
- 43 The Fairbridge Foundation (NSW)
- 44 Child Migrant Friendship Society Inc (WA)
Supplementary information
- Additional information received following the hearing 16 February 2001 dated 26.02.01
- 45 Christian Brothers Ex-Residents & Students Services (C-BERS) (WA)
Supplementary information
- Additional information received following the hearing 16 February 2001 dated 4.05.01
 - Additional information dated 22.05.01
- 46 Australian Child Migrant Foundation Inc (WA)
Supplementary information
- Additional information dated 6.06.01

- 47 Trustees of the Christian Brothers in WA – Province Archivist (WA)
Tabled at public hearing 15 February 2001
- Information relating to PHIND provided at the hearing 15 February 2001
- 48 International Social Service – Australian and United Kingdom Branches (VIC)
Supplementary information
- Additional information received at the hearing 15 March 2001
 - Additional information dated 5.06.01
- 49 Country Women’s Association of WA (WA)
- 50 Barnardos Australia (NSW)
Supplementary information
- Additional information dated 20.04.01
 - Additional information dated following the hearing 22 March 2001 dated 3.05.01
 - Additional information dated 22.06.01
- 51 Catholic Child Welfare Council (UK)
- 52 Child Migrants’ Sending Agencies Group (UK)
- 53 Canadian Centre for Home Children (Canada)
- 54 The Catholic Church’s Joint Liaison Group on Child Migration (WA)
Supplementary information
- Additional information received at hearing 22 March 2001:
- Needs Survey - Accommodation needs of former residents of Christian Brothers’ institutions in Western Australia
 - Statement from the Joint Liaison Group on Child Migration on behalf of the Australian Catholic Bishops’ Committee for Migrants and Refugees, and the Executive of the Australian Conference of Leaders of Religious Institutes dated 22 March 2001
 - Media Release: *Statement of Repentance to mark the 2000th Anniversary of the Birth of Jesus Christ* dated 7 March 2000
 - *Towards Healing: Principles and procedures in responding to complaints of abuse against personnel of the Catholic Church of Australia, December 2000*
 - *A Piece of the Story: National Directory of Records of Catholic Organisations Caring for Children Separated from Families* by the Australian Catholic Social Welfare Commission and the Australian Conference of Leaders of Religious Institutions, November 1999
 - Responses to questions following public hearing 22 March 2001 dated 23.04.01
 - Additional information dated 8.05.01
- 55 National Council of Voluntary Child Care Organisations (NCVCCO) (UK)
Supplementary information
- Additional information dated 4.05.01
- 56 Swanleigh (WA)

- 57 Broken Rites (Australia) Collective Inc. (VIC)
Supplementary information
- Supplementary submission received at the hearing 15 March 2001
 - Additional information following the hearing 15 March 2001 dated 15.05.01
- 58 Mr John Alan Murray (VIC)
- 59 Mr Terence G Davis (QLD)
- 60 Mr James Patrick Fairley (QLD)
- 61 Mr D V Cocks (WA)
- 62 Ms Norah Breen (VIC)
Supplementary information
- Additional information received following the hearing 15 March 2001 dated 16.03.01
- 63 Ms Gina Osborne (SA)
- 64 Mr Christopher David Booth (UK)
- 65 Mr Sidney Henry Cutter (VIC)
- 66 Mr Patrick Jennings (WA)
- 67 Ms Isabel M Reynolds (VIC)
- 68 Ms Patricia Mary Carlson (SA)
Supplementary information
Additional information received following the hearing 16 February 2001 dated 19.03.01
- 69 Ms Marian Balaam (WA)
- 70 Mr John Merrigan (TAS)
- 71 Ms Margaret Ann Gallagher (NSW)
- 72 Ms Maureen Currie (SA)
- 73 Mr Alan Taylor (NSW)
- 74 Mr Martin Peter Hall (NSW)
- 75 Mr Richard J King (VIC)
- 76 Mr David Drake-Feary (VIC)
- 77 Mr Joe Thornton (VIC)
- 78 Mr Harold Phipps (NZ)
- 79 Mr Andrew Jones (TAS)
- 80 Ms Jean Cooper (WA)
- 81 Mr David Johnson (QLD)
- 82 Mr Iain Duncan Elliot (NSW)
- 83 Ms Sheila Mary Cahill Pearce (WA)
- 84 Ms Annie Spiers (UK)
- 85 Mr Garry James Annetts (WA)

-
- 86 Mr Oliver Cosgrove (WA)
Supplementary information
- Additional information received 21.05.01
- 87 Mr Brian A Hoare (WA)
- 88 Dr Stephen Constantine (UK)
Supplementary information
- Additional information dated 25.03.01
 - Supplementary submission received in London 19.04.01
- 89 Mr Geoffrey Allan Healy (WA)
- 90 Ms Margaret Gibson (VIC)
- 91 Mr Matthew Wedlock (NSW)
- 92 Ms Shirley Ronge (NSW)
- 93 Mr Ken J Pound (VIC)
Supplementary information
Additional information received at the hearing:
- Statement at hearing;
 - Extracts from:
 - *The Noisy Mansions* by A Roy Peterkin;
 - *Along the Canning*: compiled by FG Carden for the shire of Canning
 - *Women and Children First* by Victor H Wallace
 - Montage of photographs
- 94 Mr David Ross (NSW)
- 95 Mr Bruce Blyth (WA)
Supplementary information
- Additional information received following the hearing 15 February 2001 dated 17.02.01
- 96 Mr Peter Bent (WA)
Supplementary information
- Additional information received at public hearing 15 February 2001
- 97 Ms Phyllis Delores Capra (NSW)
- 98 NCH (National Children's Homes) (UK)
Supplementary information
- Additional information dated 19.05.01
- 99 Mrs A E Blowers (UK)
- 100 Mr Michael Blair (NSW)
- 101 Mr Brendan F McCloat (WA)
- 102 Mr Peter Allsopp (TAS)
- 103 Mr Cyril Ridgway (VIC)
- 104 Mr Michael Hogan (WA)
- 105 Miss Honoria Goldberg (QLD)
- 106 Mr Timothy O'Leary (VIC)

- 107 Mr Eddie J Butler (WA)
- 108 Mr Donald McLaughlin-Todd (WA)
- 109 Ms Louise Banham (UK)
- 110 Mr Michael Burke (UK)
- 111 Mr Jack Carvill (WA)
- 112 Ms Marguerita Donoghue (SA)
- 113 Mr Lionel P Welsh (WA)
- 114 Mr P Robinson (VIC)
- 115 Mr Michael Whatham (VIC)
- Supplementary information*
- Additional information received at the hearing 15 March 2001
- 116 Mr Peter Harman (SA)
- 117 Ms Margaret Sims (UK)
- 118 Mr Michael Harvey (TAS)
- 119 Professor Geoffrey Sherington (NSW)
- Supplementary information*
- Response to questions following public hearing 22 March 2001 dated 24.04.01
 - Additional information dated 26.06.01
- 120 Mr Gary Jones (SA)
- 121 Mr Daryl H Lightfoot (NSW)
- 122 Home Children Canada (CANADA)
- Supplementary information*
- Additional information dated 25.08.01
- 123 Mr Desmond P McDaid (WA)
- 124 Anonymous (VIC)
- 125 K J King (VIC)*
- 126 Mr Eamon Brown (UK)
- 127 South Australian Department of Human Services (SA)
- Supplementary information*
- Additional information provided at the hearing 16 March 2001
 - Responses to questions following public hearing 16 March 2001 dated 7.08.01
- 128 Nottinghamshire County Council (UK)
- 129 International Association of Former Child Migrants and Their Families (VIC)
- Supplementary information*
- Responses to questions following public hearing 26 March 2001 dated 24.04.01
- 130 Mr Graham Budd (VIC)
- Supplementary information*
- Additional information dated 16.03.01

-
- 131 Mr Perry Snow (CANADA)
- 132 Child Migrants Trust (WA)
- 133 Mr David Kindred (WA)
- 134 Mr Bruce Billson MP (VIC)
- 135 Department for Family and Children's Services (WA)
Supplementary information
- Copy of submission to WA Select Committee dated August 1996 received at hearing 16 February 2001
 - Responses to questions following public hearing 16 February 2001 dated 7.06.01
 - Additional information dated 28.05.01
- 136 Fairbridge Western Australia (WA)
Supplementary information
- Copies of Annual Reports and Fairbridge Newsletters received at public hearing 16 February 2001
 - Additional information following the public hearing 16 February 2001 dated 27.04.01
- 137 Mr Bryan Hartas (QLD)
Supplementary information
- Additional information dated 27.02.01
- 138 Ms Ann McVeigh (WA)
- 139 Care Leavers of Australia Network (CLAN) (NSW)
Supplementary information
- Additional information received following the hearing 22 March 2001
 - Additional information received 3.07.01
 - Additional information received 25.07.01
 - Additional information received 9.08.01
- 140 Mr Paul Bradshaw (WA)
- 141 Mr Paul Jones (SA)
- 142 Mr Ken Yeates (VIC)
- 143 Mr L J Munt (QLD)
- 144 Tasmanian Government (TAS)
- 145 Mr Paul Gatien (NSW)
- 146 Queensland Government (QLD)
Supplementary information
- Responses to questions following the public hearing 21 March 2001 received 26.07.01
- 147 Ms Margaret Carey (SA)
- 148 Dr Marion Fox (NSW)
Supplementary information
- Additional information received 30.03.01
- 149 Ms Patsy Weekers (QLD)

- 150 Mr Michael Stacey (UK)
151 Ms Carmel Montgomery (SA)
152 Mr Peter Bennett (NSW)
153 Ms Leonie Sheedy (NSW)
154 Mr Sydney Roy Baker (CANADA)
155 Mr Roy Stacey (UK)
156 Mr L T Nelthorpe-Cowne (UK)
Supplementary information
 - Additional information dated 18.06.01
- 157 Mr Bernard Brady (QLD)
158 Ms Jean Pringle (VIC)

*Submitted as an audio tape and deposited with the Committee

Additional Information

- Letter from Department of Family and Community Services dated 21.05.01
- Mr Brian Tennant - Information received at public hearing on 15.02.01 in Perth
- Mrs Ellen Circenis - Information received after public hearing on 16.02.01 in Perth dated 16.02.01
- Notes from meeting on Friday, 27 April 2001 at 2143 William Street, Vancouver, British Columbia, Canada
- Messenger Eastern Courier Newspaper - Article relating to Goodwood Orphanage dated 10.04.01
- Penglase, Dr Joanna, 'Orphans of the Living': The Home Children NSW 1939-1965, Ph.D thesis, Macquarie University, 1999 - Copy provided at public hearing on 22 March 2001 in Sydney

Correspondence from Wards of the State

The Committee also received 102 letters stating *inter alia*:

I want the Senate Committee members to understand that there are also Australian children, who, for a variety of reasons, were made Wards of the State in various parts of the country. As a flow-on from this, they too ended up in various institutions that were run either by a charity, a religious organisation or by a government agency. Others were children who were placed directly into the 'care' of a charity or religious organisation by a parent or other responsible person.

Some of these people were in the same institutions as the Child Migrants and many suffered the same treatment in these and other institutions. These people number in the thousands, their stories have never been told and some can barely read or write!

I realise that the Terms of Reference for the present Inquiry will not provide any opportunity for these Australians to tell their stories also, and to put their case to the Australian Parliament in respect of help, access to services, finding parents and siblings etc. However I hope that Senate Committee members realise that these people exist and that they too must be given the chance to tell their stories and to explain their situations.

APPENDIX 2

WITNESSES WHO APPEARED BEFORE THE COMMITTEE AT PUBLIC HEARINGS

Tuesday, 6 February 2001 at 4.00 pm, Parliament House, Canberra

Department of Immigration and Multicultural Affairs

Mr Peter Hughes, First Assistant Secretary,
Multicultural Affairs and Citizenship Division

Mr Graham Mowbray, General Counsel (Immigration),
Australian Government Solicitor for DIMA

Mr David Page, Assistant Secretary, Settlement Branch

Ms Lin White, Director, Settlement Policy and Planning Section

Thursday, 15 February 2001 at 2.55 pm, Hotel Grand Chancellor, Perth

Former Child Migrants

Mr Peter Bent

Mr Michael O'Donoghue

Mr Bruce Blyth

Mr Brendan McCloat

Mr Patrick Monaghan

Mr Anthony Costa

Mrs Hazel Goulding

Ms Margaret Humphreys, International Director, Child Migrants Trust

Mr Ian Thwaites, Senior Social Worker, Child Migrants Trust

Mr Derek Rushbrook, Counsellor, Child Migrants Trust

Mr Brian Tennant

Friday, 16 February 2001 at 9.00 am, Hotel Grand Chancellor, Perth

Child Migrant Friendship Society of WA

Ms Maureen Colgan, President

Mrs Maureen Circenis

Mrs Rosie Kruger

Mr Brian Hoare

Mr Lawrence Humphreys

Trustees of the Christian Brothers in WA - Province Archivist

Mrs Josette Mathers, Province Archivist and PHIND Administrator

Australian Child Migrant Foundation

Mr John Hawkins, Chair

Professor David Plowman, Executive Officer

Fairbridge WA Inc.

Mr Peter Kyle, Chairman of the Board of Governors

Mr Mark Anderson, Chief Executive Officer

Mr David Buck, Member, Youth Development Committee

Christian Brothers Ex-Residents & Students Services

Ms Maria Harries, Chair

Mr George Horton, Member, Management Committee

Dr Debra Rosser, Member, Management Committee

Department for Family & Children's Services

Mr Bob Fisher, Director-General

Ms Judith Anderson, Consultant

Mr Bill Budiselik, Executive Director

Mr John Priestley, Senior Information Officer, Family Information Records Bureau

Thursday, 15 March 2001 at 10.35 am, Downtowner on Lygon, Carlton, Melbourne

Former Child Migrants

Mr Peter Robinson

Mr Ken Pound

Mr Ronald Taylor

Mr Michael Whatham

Mr David O'Brien

Mr John Murray

Mr Ian Thwaites, Senior Social Worker, Child Migrants Trust

Dr Barry Coldrey**Broken Rites (Australia) Collective**

Dr Wayne Chamley, Treasurer

International Social Service – Australia

Ms Marilyn Webster, President

Ms Diana Carroll, Director

Friday, 16 March 2001 at 11.05 am, Adelaide Town Hall, Adelaide

South Australian Department of Human Services

Mr Ian Procter, General Manager, Family and Youth Services

Ms Cynthia Beare, Manager, Adoption and Family Information Unit

Ms Kay Goodchild, Social Worker, Adoption & Family Information Service

Ms Jeanette Lucas, Senior Social Worker, Adoption & Family Information Service

Former Child Migrants

Ms Patricia Mary Carlson

Mr Victor Carlson

Mr Peter Harman

Mr Paul Price

Ms Kay Goodchild, Social Worker, Adoption & Family Information Service

Wednesday, 21 March 2001 at 9.45 am, Centre Point Motor Inn, Rockhampton

Former Child Migrants

Mrs Monica Cosby

Ms Patricia Keleher

Mrs Patsy Weekers

Mrs Pauline Dougan

Mrs Theresa Whitfield

Mr James Fairley

Mr Terence Davis

Mr Brian Laing

Mr Ian Thwaites, Senior Social Worker, Child Migrants Trust

Department of Families, Queensland

Mrs Julie Anne Bray, Service Development Coordinator, Office of Child Protection

Ms Julieann Cork, Forde Contact Officer

Thursday, 22 March 2001 at 9.00 am, Furama Hotel Central, Sydney

Fairbridge Foundation

Mr John Kennedy, Chairman

Dr Ian Pollard, Councillor

Care Leavers of Australia Network

Dr Joanna Penglase, President

Ms Leonie Sheedy, Secretary

Barnardos Australia

Mr Bill Hoyles, Director, Youth Services and Aftercare

Mr John Ruffels, former child migrant and former Management Committee Member

Catholic Church's Joint Liaison Group on Child Migration

Br Tony Shanahan, Convenor

Mr Toby O'Connor, Member

Sr Daphne McKeough, Member

Mr Alan Gill

Professor Geoffrey Sherington

Former Child Migrants

Ms Peggy Rush

Mr John Hennessey

Mr Ronald Grant

Mr Ian Thwaites, Senior Social Worker, Child Migrants Trust

Monday, 26 March 2001 at 9.35 am, Parliament House, Canberra

International Association of Former Child Migrants and Their Families

Mr Norman Johnston, President

Mr Donald Coleshill, Vice President

Mr Harold Haig, Secretary

Mr Desmond McDaid, Committee Coordinator

Child Migrants Trust

Ms Margaret Humphreys, Director

Mr Ian Thwaites, Senior Social Worker

Ms Sue Bush, Senior Administrator Australia

**MEETINGS BY MEMBERS OF THE COMMITTEE AS A
DELEGATION TO LONDON AND OTTAWA**

Wednesday, 18 April 2001 - Venue: Australia House, London

His Excellency Mr Michael L'Estrange, High Commissioner, Mr David Ritchie, Deputy High Commissioner, Mr Hugh Borrowman, Counsellor, Political & Trade Policy Branch

International Social Service (UK):

Mr Peter Fry, Director, Mrs Lesley Austin and Mr Chris Platt

Department of Health:

Ms Melissa Simons, Policy Development Manager, Adoption & Permanency Project
Mr David Serrant

Thursday, 19 April 2001 - Venue: Australia House, London

National Childrens Homes:

Ms Caroline Abrahams, Director of Public Policy

Ms Olwen Haslam, Corporate Director

Ms Joan Kerry, representative

Fairbridge, Child Migrants Sending Agencies Group:

Lady Aileen Dodds-Parker

Mr Gilbert Woods, Company Secretary

Ms Dianna Scott

Dr Stephen Constantine, Lancaster University History Department

Barnardos:

Mr Roger Singleton, Chief Executive Officer
Ms Collette Bradford, Head of After Care
Mr Bob Cook, Principal Manager (Operations)

Mr Vernon Coaker MP, Chair, All-Party Groups - Child Migrants

Friday, 20 April 2001 - Venue: Australia House, London

National Council of Voluntary Child Care Organisations (NCVCCO):

Ms Erica De'Ath, Chief Executive
Ms Rizwana Shah, Child Migrant Project Administrator (NCVCCO)
Ms Joan Kerry, member of Steering Group
Mr Ian Thwaites, Child Migrants Trust and member of Steering Group
Ms Kathryn Hutton, Australian Desk Officer, Foreign and Commonwealth Office

Mrs Rose Coulson and Ms Sylvia Coulson**Catholic Child Welfare Council:**

Ms Patricia McGrogan, Director of Family Care Society (Northern Ireland) and Chair, Subcommittee on Child Migration
Ms Siobhan Clemons, Father Hudson's Society (Birmingham)
Ms Mary Gandy, General Secretary, Catholic Child Welfare Council

Mr Robin and Mrs Bernadette Evans**Mr Tony McHale**

Monday, 23 April 2001 - Venue: Australian High Commission, Ottawa

His Excellency Mr Greg Wood, High Commissioner

Discussion with Ms Majorie Kohli (via telephone)
Canadian Academic at the University of Waterloo

Discussion with Mr Greg Willoughby (via telephone)
Canadian Centre for Home Children

National Archives of Canada:

Ms Marie-Louise Perron, Chief, Genealogy & Personnel Records Section
Ms Mary Munk, genealogist

Observe accessing of information through electronic records

Venue: National Archives of Canada

International Social Service Canada:

Ms Agnes Casselman, Executive Director

British High Commission in Canada:

Mr Alan Campbell, Political Section
Ms Yvonne Rideout, Research and Visits Officer

Tuesday, 24 April 2001 - Ottawa

Canadian Federal Officials:

David Collins, Director, Northern Europe Division, Department of Foreign Affairs and International Trade

Patricia Birkett, Director, Citizenship Program, Citizenship and Immigration Canada

Susan Murdock, Manager, Government Action and Institutional Development, Canadian Heritage

Doug Sullivan, Senior Planner, Parks Canada

Venue: Australian High Commission

Senator Anne Cools

Mr Ian Wilson - National Archivist

Venue: Residence of the Australian High Commissioner

Home Children of Canada:

Mrs Kay Lorente

Venue: Australian High Commission

APPENDIX 3

LIST OF INSTITUTIONS RECEIVING CHILD MIGRANTS

This list of institutions includes those that received child migrants and those institutions approved to receive child migrants, that did not, as far as can be established, receive children under the child migration schemes.

It is compiled from a variety of sources – every effort being made to ensure that it is a comprehensive listing. A number of institutions changed their names over time and many subsequently evolved as institutions providing other child care or related services.

Institution	Location	Receiving Agency
<i>Western Australia</i>		
St Vincent's Orphanage, Castledare	Perth	Christian Brothers (RC)
Clontarf Boys' Town	Perth	Christian Brothers (RC)
St Mary's Agricultural School	Tardun	Christian Brothers (RC)
St Joseph's Farm & Trade School (later known as Bindoon Boys' Town)	Bindoon	Christian Brothers (RC)
Nazareth House	Geraldton	Poor Sisters of Nazareth (RC)
St Joseph's Orphanage, Subiaco	Perth	Sisters of Mercy (RC)
St Vincent's Foundling Home, Subiaco	Perth	Sisters of Mercy (RC)
St Joseph's Home	Kellerberrin	Sisters of St Joseph (RC)
Fairbridge Farm School	Pinjarra	Fairbridge
Swan Homes	Perth	Church of England
Padbury Boys' Farm School, Stoneville (a)	Perth	Church of England
'Seaforth' Home	Gosnells	Salvation Army
Methodist Girls' Homes, Mofflyn	Perth	Methodist
<i>New South Wales</i>		
Dr Barnardos Farm School	Picton	Barnardos
Dr Barnardos Girls' Home	Burwood	Barnardos
Dr Barnardos Boys' & Girls' Home 'Greenwood'	Normanhurst	Barnardos
Church of England Boys' & Girls' Home	Carlingford	Church of England
Fairbridge Farm School	Molong	Fairbridge
Methodist Home for Children, 'Dalmar'	Carlingford	Methodist
Burnside Presbyterian Orphan Homes (b)	Parramatta	Presbyterian
Monte Pio Girls' Orphanage (c)	Maitland	Daughters of Charity (RC)

Murray Dwyer Boys' Orphanage, Mayfield	Newcastle	Daughters of Charity (RC)
St Brigid's Orphanage	Ryde	Sisters of Mercy (RC)
St John's Orphanage, Thurgoona	Albury	Sisters of Mercy (RC)
St Joseph's Orphanage, Kenmore (c)	Goulburn	Sisters of Mercy (RC)
St Joseph's Girls' Orphanage	Lane Cove	Sisters of St Joseph (RC)
St Vincent's Boys' Home, Westmead	Parramatta	Marist Brothers
United Protestant Association Home, 'Melrose'	Parramatta	United Protestant Association
Arncliffe Girls' Home	Arncliffe	Salvation Army
Bexley Boys' Home	Bexley	Salvation Army
Canowindra Girls' Home	Canowindra	Salvation Army
Goulburn Boys' Home	Goulburn	Salvation Army

Victoria

Burton Hall Training Farm	Tatura	Church of England
St John's Home	Canterbury	Church of England
Dhurringile Training Farm	Tatura	Presbyterian
Methodist Home	Cheltenham	Methodist
Methodist Home for Children, Wattle Park	Burwood	Methodist
Nazareth House	Camberwell	Poor Sisters of Nazareth (RC)
Northcote Farm School, Glenmore	Bacchus Marsh	Fairbridge

South Australia

Methodist Children's Home	Magill	Methodist
St Vincent de Paul's Orphanage, Goodwood	Adelaide	Sisters of Mercy (RC)

Queensland

Riverview Training Farm	Ipswich	Salvation Army
St George's Children's Home (d)	Parkhurst	Church of England
St Joseph's Children's Home, Neerkol	Rockhampton	Sisters of Mercy (RC)
St Vincent's Children's Home (d)	Nudgee	Sisters of Mercy (RC)
Marsden Home for Boys (c)	Kallangur	Congregational

Tasmania

Clarendon Home for Children, Kingston	Hobart	Church of England
Hagley Farm School	Launceston	Fairbridge
St John Bosco Boys' Town	Hobart	Salesians (RC)
St Joseph's Orphanage (c)	Hobart	Sisters of Charity (RC)
St Joseph's Waterton Hall, Rowella (d)	Launceston	(RC)
Tresca House (b)	Exeter	Fairbridge

- (a) a branch institution of Swan Homes (Western Australia).
- (b) referred to in submissions as a receiving institution.
- (c) institutions approved to receive child migrants, but the inquiry received no evidence that child migrants were sent to these establishments.
- (d) cited by Mr Gill in *Orphans of the Empire*, but not other sources, as an institution receiving child migrants.

Source: Gill, A, *Orphans of the Empire*, Random House, Sydney, 1998, pp.89-90; Ross, J, *Child Migration to Australia*, HMSO, London, 1956, pp.79-80; Submission No.51 (Catholic Child Welfare Council), Attachment 1, p.9; Submission No.54 (Joint Liaison Group), p.5; and submissions to the inquiry.

APPENDIX 4

FIGURES ON CHILD MIGRATION DURING THE TWENTIETH CENTURY

Table 4.1: Numbers of child migrants sent to Australia

Source	Time Period	Numbers	Reference
Mr Alan Gill	1912-late 1960s	30 000	Gill, <i>Orphans of the Empire</i> , p.86
National Council of Voluntary Child Care Organisations (NCVCCO)	1920 - late 1960s	7 446	Submission No.55 (NCVCCO), p.5
Child Migrants Trust	1920 - late 1960s	7 000 + (based on NCVCCO data)	Submission No.132 (CMT), p.7
Department of Immigration and Multicultural Affairs	1912 - 1961	6 500 (3 500 pre-war; 3 000 post-war)	Submission No.42 (DIMA), pp.15,17
Professor Sherington	1912 - late 1960s	6 000 (approx half pre-war; half post-war)	Submission No.119 (Professor Sherington), p.1
UK Health Committee	1947-1967	7 000 - 10 000	UK Health Committee Report, para.13
Dr Coldrey	1947-late 1960s	3 000-3 500	Submission No.15 (Dr Coldrey), p.38
Dr Constantine	1947-1965	3 170	Submission No.88, Additional Information, 25.3.01, (Dr Constantine), p.2

Table 4.2: Numbers of child migrants: data by receiving agencies

Source	Time Period	Numbers	Reference
Barnardos	1921 - 1965	2 784 (2 340 pre-war; 444 post-war)	<i>Committee Hansard</i> , 22.3.01, p.467 (Barnardos Australia)
	1921-1967	3 000	Gill, <i>Orphans of the Empire</i> , p.116
	1929-1939	1 600	Submission No.119, Additional Information, 26.6.01 (Professor Sherington)
	1947-1965	457	Submission No.88, Additional Information, 25.3.01, p.2 (Dr Constantine)
Fairbridge	1912 - 1960	2 301 (1 471 pre-war; 830 post-war)	Sherington & Jeffery, <i>Fairbridge</i> , pp.264-66
	1912-1939	1 500	Submission No. 119, Additional Information, 26.6.01 (Professor Sherington)
	1947-1953	516	Sherington & Jeffery, p.231
	1947-1965	1 109	Submission No.88, Additional Information, 25.3.01, (Dr Constantine), p.2
Catholic religious orders	1938 – 1965	1 355 (110 pre-war; 1 245 post-war)	Submission No.54 (JLG), p.5; <i>Hansard</i> (JLG), p.482
	1938 – 1963	1 149*	Submission No.51 (CCWC), p.5
	1947-53	843*	Sherington & Jeffery, p.231

	1947-1965	946*	Submission No.88, Additional Information, 25.3.01 (Dr Constantine), p.2
Church of England	1947-1965	408	Submission No.88, Additional Information, 25.3.01, (Dr Constantine), p.2
Church of England (<i>Swan Homes, WA</i>)	1947-1960	350	Submission No.56 (Swanleigh), p.2
Salvation Army	1950-1960	91	Submission No.88, Additional Information, 25.3.01, (Dr Constantine), p.2
	1950s	less than 100 'youth migrants'	<i>Good British Stock</i> , Ch 3, Part 16
NCH	1937-1952	129	Submission No.98 (NCH), p.1
	1950-1952	92	Submission No.98 (NCH), p.1
Methodist Church	1950- 1954	91	<i>Good British Stock</i> , Ch 3, Part 17
	1950-1952	76	Submission No.88, Additional Information, 25.3.01, (Dr Constantine), p.2
Presbyterian Church	1950-1960	83	Submission No.88, Additional Information, 25.3.01, (Dr Constantine), p.2
	1950-1960	79	<i>Good British Stock</i> , Ch 3, Part 18

*Excludes Maltese child migrants

Table 4.3: Child and youth migration statistics: 1947-June 1961

Age on Arrival	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	Total
2	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
3	0	0	3	3	0	2	2	0	0	1	0	1	1	2	0	15
4	2	0	5	3	1	4	5	4	5	2	3	3	1	4	2	44
5	18	2	12	15	12	11	17	15	13	6	1	5	4	4	1	136
6	34	13	17	24	12	17	25	20	12	4	7	6	3	2	2	198
7	36	10	22	23	20	32	22	22	15	5	5	6	3	6	3	230
8	49	13	21	29	19	31	36	30	17	7	3	7	7	6	3	278
9	43	14	23	33	16	41	46	31	23	15	11	12	4	4	0	316
10	48	9	20	45	19	38	59	39	28	13	8	8	13	10	3	360
11	60	5	21	39	21	21	39	23	27	13	8	9	9	6	2	303
12	51	14	14	41	25	19	50	20	22	7	5	15	13	11	1	308
13	42	7	18	46	19	8	35	21	20	16	7	6	16	6	2	269
14	24	2	13	34	8	7	15	10	20	15	1	13	17	4	4	187
15	4	4	14	32	27	25	9	19	13	16	13	5	22	20	10	233
Sub-Total	411	93	203	367	199	256	360	254	215	120	72	97	113	85	33	2878
16	29	42	65	86	93	87	49	55	70	49	77	50	56	51	34	893
17	14	65	46	144	235	178	120	98	110	105	123	80	131	109	54	1612
18	0	0	1	6	10	38	43	20	46	31	43	49	103	130	61	581
19	0	0	0	6	10	12	2	1	0	0	2	4	43	32	11	123
20	0	0	0	0	0	0	0	0	0	0	0	1	0	0	2	3
Sub-Total	43	107	112	242	348	315	214	174	226	185	245	184	333	322	162	3212
Total	444	200	315	609	547	571	574	428	441	305	317	281	446	407	195	6090

Source: Submission No.42, p.45 (DIMA).

Table 4.4: Subsidised child migrants sent to Australia from the UK by voluntary societies: 1947-65

	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	Total
Catholic Church	334	28	18	84	14	134	184	82	34	15	1	2		4	5	2	2	1	2	946
Church of England	16	12	39	32	12	53	36	47	35	37	24	29	13	20	1	1			1	408
Barnardos	38	22	24	50	36	44	18	22	46	31	10		30	8	12	11	31	8	16	457
Fairbridge	51	65	39	109	73	57	54	52	63	24	36	42	56	24	46	60	38	95	47	997
NCH				65	8	1														76
Northcote		38	9	13	14	4	5	6	12	3	5	3								112
Church of Scotland				28	3	7	1	22	4	2	1	2		11						83
Salvation Army				7	1	23	7	12	5	12	5	12	4	1						91
Total	411	165	129	388	161	323	305	243	199	124	82	90	103	68	64	74	71	104	66	3170

Source: Submission No.88, Additional Information, 25.3.01 (Dr S Constantine).

STATISTICS ON CATHOLIC CHILD MIGRANTS FROM THE UK AND MALTA

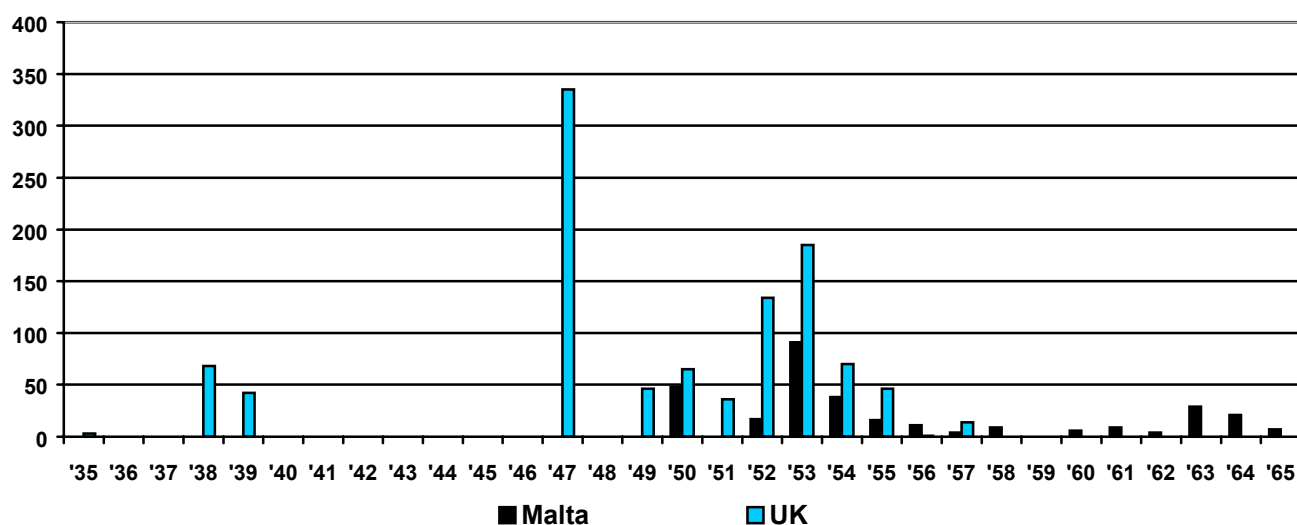
Table 4.5: Child migrants by country of origin

Country of Origin	Male	Female	Total
From U.K.	725	320	1,045
From Malta	259	51	310
Total	984	371	1,355

Table 4.6: Child migrants by State of destination

State of Destination	Male	Female	Total
WA	903	193	1,096
SA	-	53	53
QLD	11	37	48
NSW	31	35	66
TAS	39	-	39
VIC	-	53	53
Total	984	371	1,355

Figure 4.1: Numbers of child migrants by year of arrival and country of origin

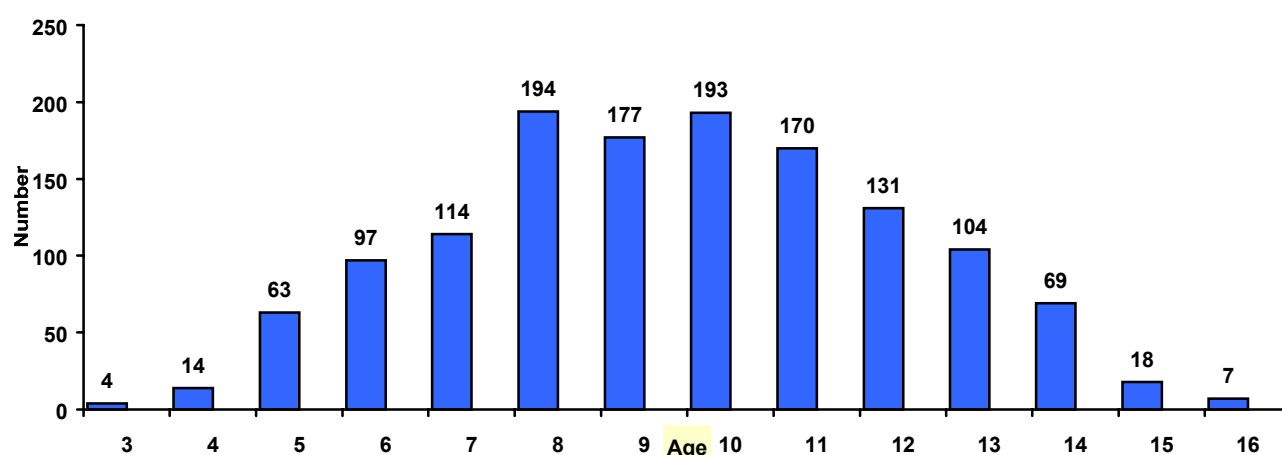


* Note: Three (3) children arrived with the Fairbridge Scheme in 1935 and were transferred to Tardun in 1942.

Table 4.7: Child migrants by diocese and initial destination

Diocese	Initial Destination	No. of Child Migrants
Perth	Castledare (Christian Brothers)	212
	Clontarf (Christian Brothers)	188
	St. Joseph's Subiaco (Sisters of Mercy - Perth)	103
	St. Vincent's Subiaco (Sisters of Mercy - Perth)	28
	Transfers from Fairbridge to Clontarf	3
	Bindoon (Christian Brothers)	245
Geraldton	Nazareth House Bluff Point (Poor Sisters of Nazareth)	94
	Tardun (Christian Brothers)	220
	Transfers from Fairbridge to Tardun	3
Hobart	Glenorchy (Salesians of Don Bosco)	39
Adelaide	Goodwood (Sisters of Mercy - Adelaide)	53
Melbourne	Nazareth House/ East Camberwell (Poor Sisters of Nazareth)	53
Sydney	Lane Cove (Sisters of St Joseph)	7
	Ryde (Sisters of Mercy - Parramatta)	6
Maitland	Murray Dwyer (Diocesan home staffed by Daughters of Charity)	31
Wagga	Thurgoona (Sisters of Mercy - Goulburn)	22
Rockhampton	Neerkol (Sisters of Mercy - Rockhampton)	48
Total		1,355

Source: Submission No. 54, pp.5-6 (JLG).

Figure 4.2: Age at emigration: British and Maltese child migrants sent to Catholic institutions in Australia 1938 - 1965

Source: Submission No.47, Additional Information, 16.2.01 (WA Christian Brothers Province Archivist).

STATISTICS ON MALTESE CHILD MIGRANTS
Table 4.8: Age distribution of Maltese child migrants

Age	Male	Female	Total
4	4	1	5
5	3	5	8
6	6	5	11
7	9	3	12
8	19	6	25
9	23	10	33
10	30	6	36
11	49	3	52
12	42	3	45
13	36	2	38
14	24	5	29
15	7	2	9
16	7	0	7
Total	259	51	310

State of Destination	
WA	303
SA	7

At a minimum 139 (45%) Maltese former child migrants left the institutions in Australia to go to their families who had become resident in Australia (often in another State), while another 15 (5%) returned to Malta, that is, 50% of Maltese former child migrants were reunited with families.

Source: Submission No.45, Additional Information, 4.5.01, p.4 (C-BERS).

**CATHOLIC CHILD WELFARE COUNCIL (UK) – STATISTICS ON CATHOLIC
CHILD MIGRANTS FROM THE UK**

Age

The average age of children sent to Australia was approximately 9.4 years, the youngest being 2 years and the oldest entrant on the original register was a 23 year old who was accompanying her younger sister. The majority of children sent were between the ages of 5 - 13 years, the Australian Catholic Church preferring younger children to be sent. The highest single percentage of children sent were 8 year olds with about half of all children aged between 7 - 10 years of age. There are 92 children for whom the date of birth/age is not given in records.

Table 4.9: Ages of children and numbers sent to Australia

Age	Number sent to Australia
2 years	1
3 years	3
4 years	11
5 years	55
6 years	84
7 years	100
8 years	163
9 years	143
10 years	154
11 years	114
12 years	85
13 years	62
14 years	40
15 years	20
16 years	9
17 years	8
18 years	4
23 years	1
Unknown	92
TOTAL	1149

Age of former child migrants as at December 2000

As can be seen from the table below, former child migrants are an ageing group, and have an average age of approximately 60.

Table 4.10: Age of child migrants (as at December 2000)

Age	Number
Unknown	161
47	1
49	1
50	4
51	11
52	21
53	39
54	38
55	63
56	82
57	90
58	61
59	85
60	59
61	69
62	36
63	55
64	56
65	47
66	38
67	25
68	9
69	13
70	19
71	13
72	18
73	18
74	10
75	5
76	1
92	1
Average (approx.)	60

Gender of children

Of the 1,149 children sent 795 were boys (69%) and 354 were girls (31%).

Consent to Migration

Consent by birth parent(s) was given to the migration of children in 229 instances (20%). In 920 (80%) instances it is unknown whether or not parental consent was given as the documentary evidence remains unfound.

Sender

An analysis of those sending children to Australia reveals that of the 1,149 children, 65.5% appear to have been sent by the Poor Sisters of Nazareth.

Destination

Over half (52.2%) of all children who migrated went to the care of the Christian Brothers. For 7.9% of all children CCWC has no record of their destination. Details of destinations are contained in the following table.

Table 4.11: Destination of children sent to Australia

Order/Institution sent to	Location	State	Number
FCIC	Brisbane	Queensland	1
Father Carroll		Total	1
Unknown	Rockhampton	Queensland	2
Father Leahy		Total	2
FCIC	Unknown	Unknown	2
Father Stinson		Total	2
East Camberwell/Nazareth House	Melbourne	Victoria	55
Nazareth House	Geraldton	Western Australia	84
Nazareth House	Ballarat	Victoria	1
St Joseph's	Ballarat	Victoria	1
Unknown	Unknown	Unknown	5
Nazareth Sisters		Total	146
St John Bosco's Boys' Town	Hobart	Tasmania	33
Salesians		Total	33
Murray Dwyer Memorial Home	Mayfield	New South Wales	31
Sisters of Charity		Total	31
Goodwood Orphanage	Adelaide	South Australia	47
St Joseph's Home, Neerkol	Rockhampton	Queensland	54
St Brigid's	Ryde	New South Wales	6
St Joseph's	Subiaco	Western Australia	80
St Vincent's	Perth	Western Australia	7
Thurgoona	Albury	New South Wales	22
Hostel (YCW)	Melbourne	Victoria	13
Sisters of Mercy		Total	229
St Joseph's	Kellerberrin	Western Australia	7
St Joseph's	Sydney	New South Wales	7
Sisters of the Sacred Heart		Total	14
Catholic Immigration Committee	Rockhampton	Queensland	1
Hostel (YCW)	Melbourne	Victoria	2
Tresca – Fairbridge	Western Tamar	Tasmania	2
Unknown	Unknown	New South Wales	86
Unknown		Total	91

Castledare Junior Orphanage	Cannington	Western Australia	171
Clontarf Boys' Town	Victoria Park	Western Australia	128
Quarantine		Western Australia	2
St Mary's Agricultural School	Tardun	Western Australia	113
St Joseph's Farm & Trade School	Bindoon	Western Australia	171
Unknown	Unknown	Western Australia	15
Christian Brothers		Total	600
OVERALL TOTAL			1149

Deaths

There were 13 deaths recorded either in the Register or in supporting correspondence. Two were girls who died within months of arrival. The remainder were boys, mostly in road accidents.

To the above deaths have been added additional details on the deaths of former migrants as adults. In total 34 former child migrants are known to have died at the time of this analysis (December 2000).

Source: Submission No.51, Attachment 2 (Catholic Child Welfare Council). The information is based on an analysis of data provided by the Child Migrants' Register, kept at the time, and other records in the United Kingdom and Australia. Data are current as at December 2000.

CHILD MIGRANTS – STATISTICS BY STATE

Table 4.12: Numbers of British child migrants sent to Australia – data by State: 1947-53

State/Organisation	1947	1948	1949	1950	1951	1952	1953	Total
<i>WA</i>								
Fairbridge			42	75	61	12	49	239
Catholic	334		4	36		53	164	591
Other	15	12	24	18	12	8	42	131
						Sub Total		961
<i>NSW</i>								
Fairbridge	28	42	20	34	12	30	28	194
Catholic				22		42		64
Other	38	22	24	65	36	33	45	263
						Sub Total		521
<i>VIC</i>								
Northcote		20	27	13	14	4	5	83
Catholic			15	16		6	30	67
Other				56	11	10	5	82
						Sub Total		232
<i>QLD</i>								
Catholic					36			36
Other				7	1	23	7	38
						Sub Total		74
<i>SA</i>								
Catholic			42	4				46
Other				16				16
						Sub Total		62
<i>TAS</i>								
Catholic						39		39
Other					6	2	1	9
						Sub Total		48
Totals	415	96	198	368	183	262	376	1 898

Source: Sherington, G and Jeffery, C, *Fairbridge: Empire and Child Migration*, University of Western Australia Press, Nedlands, 1998, p.231.

Western Australia

While unaccompanied child migrants had been coming to Western Australia under various schemes since the 1830's, the Fairbridge Society was the first government-assisted scheme.

Kingsley Fairbridge popularised the farm school movement, initially supported by a land grant from the Western Australian government and sponsorship from the Child Emigration Society of Oxford. The first group of **13** child migrants arrived in WA in 1913.

The Depression brought a halt to government assistance to immigration, apart from a small number of Fairbridge children.

Assisted immigration resumed in 1938 on a small scale. The Christian Brothers began their child migration scheme and in 1938 and 1939 some three groups of boys, **116** in all, sailed for WA to be educated and trained by the Christian Brothers.

Immigration ceased with the outbreak of WWII. By this time **1,290** child migrants had been sent to Western Australia, **1,174** of these to Fairbridge.

The Fairbridge Society, the Catholic Church, the Church of England and the Methodist Church, played major roles in post-war child migration to WA.

In 1947, the first post war child migrants (nearly 500) were sent to Australia, most of them (over 300) received by the Christian Brothers in WA. The Christian Brothers cared for children sent by UK Catholic agencies together with **300** Maltese child migrants. This Order operated four institutions that received child migrants, viz Tardun, Bindoon, Clontarf and Castledare. Throughout the years of Catholic child migration, the Christian Brothers received approximately **1140** children.

The Church of England Society (and Advisory Council) for Empire Settlement began its work with Swanleigh and in total arranged for the emigration of some **273** children to Swanleigh.

Fairbridge continued its work through the Child Emigration Society (Oxford) and the Children's Farm School Society of WA and received **346** post war child migrants. Fairbridge also received child migrants sent by Barnardo's. During the operation of its child migrant scheme Fairbridge received a total of **1520** children (1,174 pre-war and 346 post-war) - the highest number of children of all the child migrant schemes.

The United Kingdom National Children's Homes (Methodist Church) arranged for the emigration of only **8** children to Mofflyn.

In the period 1947 to 1950 a number of Catholic women's religious Orders - notably the Sisters of Mercy and the Sisters of Nazareth - entered the field of child migration.

Child migrants were initially sent to one of ten receiving agencies, viz Nazareth House (96), St Joseph's Leederville (110), St Vincent's (30), Tardun (220), Bindoon (244), Castledare (250), Clontarf (190), Mofflyn (8), Swanleigh (273) and Fairbridge (1,520). In total, **1,651** children emigrated under the post-war child migrant schemes.

Source: Submission No.135, pp.1-3 (WA Department for Family & Children's Services).

Queensland

The Queensland Government stated that a total of 125 British child migrants were admitted to two homes between 1950-51 and 1958-9:

St Joseph's Home, Neerkol	48
Salvation Army Home, Riverview	77
Total	125

Source: Submission No.146, p.1 (Queensland Government).

Tasmania

The Tasmanian Government provided statistics on the numbers of child migrants sent to Tasmania in the post-war period:

St John Bosco Boys' Town, Hobart (Roman Catholic): 1952	33 (37)*
Clarendon Children's Home, Kingston (Church of England): 1950-1960	18
Tresca House, Exeter (Fairbridge) :1958	13
Hagley Farm School (Fairbridge) :1952-55	9
Total	73 (77)*

* Numbers vary depending on data source

Source: Submission No.144, pp.1-2 (Tasmanian Government). The submission stated that 300 'child migrants' were sent to Tasmania from 1949-76, however, this number includes 161 children aged 15 to 17 years sent under the auspices of the Big Brother Movement and 54 children sent under the Fairbridge scheme whereby children migrated in advance of, or accompanied by, one or both parents.

APPENDIX 5

INFORMATION ABOUT AND ACCESS TO RECORDS OF FORMER CHILD MIGRANTS

COMMONWEALTH GOVERNMENT

National Archives of Australia

The National Archives of Australia holds many records which provide information of interest to former child migrants. The records include:

- immigration case files (usually known as migrant selection documents). These files commence in 1947 and contain a form (LEM3) completed in London or Malta, medical certificate, and occasionally a school report. Some files contain a birth certificate or extract although these were sometimes handed to State child welfare departments. There is a file for most individuals;
- ships passenger lists and ships nominal rolls. These files may also contain some particulars about the voyage, correspondence from and about passengers, news clippings and other items; and
- naturalisation files.

Archives records relating to individual child and youth migrants are essentially those concerned with their entry into Australia rather than the day-to-day care once they had arrived. Archives also holds a number of policy and administrative files which contain lists of names and other details of individual child or youth migrants. In some instances these may provide important material for genealogical research.

The Archives' Research Guide – *Good British Stock: Child and Youth Migration to Australia* – provides details of the relevant records (not only those of British children, but also files relating to Maltese children and those migrated through the Polish Jewish Relief Fund) held by the Archives, as well as a guide to other genealogical sources.

The Guide is available from the Archives or can be accessed at:

http://www.naa.gov.au/Publications/Research_Guides/Child_Migration/child_migration.html

Contact: National Archives of Australia
Queen Victoria Terrace
PARKES ACT 2600
Phone: (02) 6212 3600
Fax: (02) 6212 3699
e-mail: archives@naa.gov.au
website: <http://www.naa.gov.au>

National Archives of Australia Sydney
120 Miller Street
CHESTER HILL NSW 2162
Phone: (02) 9645 0110
http://www.naa.gov.au/publications/fact_sheets/fs147.html

National Archives of Australia Brisbane
996 Wynnum Road
CANNON HILL QLD 4000
Phone: 1300 886 881

National Archives of Australia Adelaide
11-13 Derlanger Ave
COLLINSWOOD SA 5081
Phone: (08) 8269 0121
Holds selected documents on most child migrants who came to South Australia, found in series D1989 under the name of the vessel of arrival.

National Archives of Australia Hobart
4 Rosny Hill Road
ROSNY PARK TAS 7018
Phone: (03) 6244 0101

National Archives of Australia Melbourne
Casselden Place
2 Lonsdale Street
MELBOURNE VIC 3000
Phone: (03) 9285 7999
Holds the selection documents for most child migrants to Victoria, located in series B4061 under the name of the vessel of arrival.

National Archives of Australia Perth
384 Berwick Street
EAST VICTORIA PARK WA 6101
Phone: (08) 9470 7500
Holds individual files of most post-war child migrants to WA, copies of passengers lists nominal roles & administration files.

National Library of Australia

The National Library holds microfilm records pertaining to the Fairbridge Society (Microfilm no.1841-1845), the Dreadnought Trust (Microfilm no.N120) and the Big Brother Movement (Microfilm no.196).

Contact: National Library of Australia
Parkes Place
CANBERRA ACT 2600
Phone: (02) 6262 1111
e-mail: www@nla.gov.au
Website: <http://www.nla.gov.au>

STATE GOVERNMENTS

WESTERN AUSTRALIA

Family Information Records Bureau WA Former Child Migrant Referral Index

The Department for Family and Children's Services has, in conjunction with Western Australian receiving agencies, established as index of former child migrants to Western Australia. The Western Australian Former Child Migrant Referral Index identifies all former child migrants who came to Western Australia from the UK and Malta from 1913 to 1968. There are 2,941 former child migrants listed on the index, which acts as a signposting service and contains the following information: name; alias; date of birth; date of arrival; ship; placement; and location of records. The Index also includes information from the UK, when available, including the sending agency and location and where any relevant records may be held.

Contact: Family Information Records Bureau
Family and Children's Services of Western Australia
PO Box 6334
EAST PERTH WA 6892
Free call: 1800 000 277

Library and Information Services of Western Australia JS Battye Library of West Australian History State Records Office of Western Australia

Library and Information Services of Western Australia holds files from Fairbridge, Pinjarra. For information on access see listing under Fairbridge, Pinjarra. The Library also has some records pertaining to Swan Homes in microform (admission and discharge records, 1868-1960) and a collection of photographs of Seaforth Boys' Home in Gosnells, 1929-1931.

The State Records Office holds records from the former Child Welfare Department, Immigration Department and Department of Lands and Surveys, Premier's Department and Crown Law Department which provides information of interest to child migrants, including some inspection reports of the homes.

Access to records of the former Child Welfare Department which contain client information is restricted. Permission from the Department for Family & Children's Services is required for viewing. Other records may also have access restrictions.

Contact: Alexander Library Building
Perth Cultural Centre
Francis Street
PERTH WA 6000
Phone: (08) 9427 3360
e-mail: info@liswa.wa.gov.au
Website: <http://www.liswa.wa.gov.au>
<http://www.liswa.wa.gov.au/battye.html>
<http://www.liswa.wa.gov.au/staterecoff.html>

NEW SOUTH WALES

NSW Department of Community Services

The Department of Community Services, under its *Connecting Kin* project, has produced a comprehensive guide to records to help people who were in institutional care search for their records. *Connecting Kin* contains extensive details of records of government and non-government agencies, where records are kept and how to access them. One section of the guide details government records pertaining to child migrants:

- Immigrant children's files 1947-76;
- Registers of arrivals and discharge of immigrant children, 1953-56, 1960-64;
- Files concerning the arrival of immigrant children sponsored by the Big Brother scheme, 1965-73;
- Returns of employment changes made by young persons sponsored by the Fairbridge Farm Scheme, 1968-69;
- Immigrant children's index [no date];
- Immigration nomination (Minor 'E') files, 1962-76.

These files are held by the State Records Authority of NSW. Permission to view or copy records containing details of individuals or families must be sought from the Department of Community Services.

The Guide is available at: <http://www.community.nsw.gov.au/document/ckguide2.pdf>

The Department is also establishing a database based on its card index. The NSW Immigrants Index will list 3,860 child and youth migrants who arrived in NSW between 1947 and 1961. The Index will include names of sending/receiving agency, ship and date of arrival and name of parent (usually mother's name). Records will also be microfiched. A review of pre-war files held by the Department is planned. A Website is also under construction.

The NSW Government has also funded ISS to provide tracing and counselling for NSW former child migrants.

Contact: Designated Official
Adoption Services Branch
Phone: (02) 9865 5906

State Library of NSW

The State Library may hold records of interest to former child migrants. The Library's website has links to major research resources for tracing family history in the UK.

Contact: State Library of NSW
State Reference Library
Macquarie Street
SYDNEY NSW 2000
Phone: (02) 9273 1313
E-mail: srl@slnsw.gov.au
Website: <http://www.slnsw.gov.au>

VICTORIA

The Department of Human Services Adoption Information Service and Archival Services

The Department of Human Services provides the following support to all Victorian former child migrants:

- information regarding procedures for records searching, both in Victoria and in the United Kingdom
- short term counselling on grief and separation issues
- assistance in understanding the information in retrieved, historical records
- pre and post reunion counselling.

This service is located within the Adoption Information Service.

Archival Services has processed all relevant Victorian Government records into sequential order by policy file/client name. All client names have been entered into the Archival Services database to enable quick retrieval and matching to boxed records.

The Adoption Information Service will help former child migrants apply under the Freedom of Information Act for access to their Departmental files. If these records show that a person was placed with a specific non-government organisation, Archival Services can contact that organisation, on behalf of the former child migrant, to assist in locating any relevant records held by that organisation. This support is offered on a case by case basis. No Freedom of Information fees apply.

Contact: The Duty Worker
Adoption Information Services
16th Floor
Transport House
589 Collins Street
MELBOURNE VIC 3000
Phone: (03) 9616 2822

Public Record Office of Victoria

The Public Record Office of Victoria holds relevant files at the Laverton Search Centre. The records include Child Migration files, 1924-70 and Children's Overseas Reception Boards files, 1940-46.

Access to the records may be provided by the controlling agency, the Department of Human Services.

Contact: Melbourne Archives Centre
Level 2, Casselden Place
2 Lonsdale Street
MELBOURNE VIC 3000
Phone: 1800 657 452
E-mail: ask.prov@dpc.vic.gov.au
Website: <http://www.prov.vic.gov.au/main/MACopen.htm>

State Library of Victoria

Contact: State Library of Victoria
328 Swanston Street
MELBOURNE VIC 3000
Phone: (03) 8664 7000
E-mail: webinfo@slv.vic.gov.au
Website: <http://www.slv.vic.gov.au>

QUEENSLAND**Department of Families, Youth and Community Care**

The Department has produced a guide, *Missing Pieces*, which provides information about the records of departmental institutions and those operated by church and community groups. The guide provides a description of departmental files, location, access details and contact details. For each institution, both government and non-government, a brief historical summary is provided. Details of records and access and contact details are included.

The Department intends to update the guide as additional records are located.

The guide can be accessed on the Department's website at:

<http://www.families.qld.gov.au/department/MissingPieces/index.html>

Contact: Administrative Release Team
Freedom of Information Branch
Department of Families, Youth and Community Care
GPO Box 806
BRISBANE QLD 4001
Freecall: 1800 809 078
Fax: (07) 3224 7050
Website: <http://www.families.qld.gov.au>

Aftercare Resource Centre

Following the Forde Inquiry, the Department established a counselling and support service for former residents of Queensland Institutions. The Aftercare Resource Centre (ARC) provides face to face and toll free telephone counselling. ARC also provides advice regarding access to individual records, documents and archival papers.

Contact: Aftercare Resource Centre
32 Thomas Street
WEST END QLD 4101
Phone: (07) 3255 2848
Freecall: 1800 501 560
Fax: (07) 3255 2258

Queensland State Archives

The Queensland State Archives holds records from the Immigration Department, Premier's Department and other Departments relating to child migration including escort reports and nominal roles for the voyages, orphanages and children's homes.

Contact: Queensland State Archives
435 Compton Road
RUNCORN QLD 4113
Phone: (07) 3875 8755
website: <http://www.archives.qld.gov.au>

State Library of Queensland

Contact: State Library of Queensland
General Information and Research Services
Level 2, Southbank Building, Queensland Cultural Centre
Cnr Stanley and Peel Streets
SOUTH BRISBANE QLD 4101
Phone: (07) 3840 7666
E-mail: srlenquiries@slq.qld.gov.au
Website: <http://www.slq.qld.gov.au>

SOUTH AUSTRALIA

Department of Human Services Adoption and Family Information Service

Individual Departmental files exist for most former child migrants. Access is provided through the Adoption and Family Information Service (AFIS). Support is available for those who wish to access the files. No fees are charged. AFIS has also developed a small collection of data and information about the British Child Migration Schemes.

The Department has purchased the Personal History Index (PHIND) as it contains records of child migrants to South Australia.

Contact: Adoption and Family Information Service
Department of Human Services
9th Floor, City Centre Building
11 Hindmarsh Square
ADELAIDE SA 5000
Phone: (08) 8226 6694

State Records of South Australia

Contact: State Records of South Australia
222 Marion Road
NETLEY SA 5037
Phone: (08) 8343 6800
E-mail: staterrecords@saugov.sa.gov.au
Website: <http://www.archives.sa.gov.au>

Mortlock Library of South Australia

The Library holds copies of newspapers with stories and photographs of arrivals from the *Ormonde*.

Contact: State Library of South Australia
North Terrace
ADELAIDE SA 5000
Phone: (08) 8207 7250
Website: <http://www.slsa.sa.gov.au>

TASMANIA**Department of Health and Human Services**

Child and Family Services can provide assistance for making Freedom of Information requests for access to files of the then Department of Social Welfare.

Contact: Child and Family Services
34 Davey Street
HOBART TAS 7000
Phone: (03) 6230 7650
Freecall 1800 001 219
Website: <http://www.dchs.tas.gov.au>

Archives Office of Tasmania

The Archives Office holds records from the Department of Social Welfare and State Immigration Office relating to child migrants. The Archives also holds the records of the Fairbridge Home at Tresca House, Exeter, Northern Tasmania. A guide to the records and how to apply for access are provided on the Archives website.

Contact: The State Archivist
Archives Office of Tasmania
77 Murray Street
HOBART TAS 7000
Phone: (03) 6233 7490
Website: <http://www.archives.tas.gov.au/guides-to-holdings/guide5.htm>

State Library of Tasmania

Contact: State Library of Tasmania
State Reference Service
2nd Floor, 91 Murray Street
HOBART TAS 2000
Phone: (03) 6233 7526
E-mail: library.srl@central.tased.edu.au
Website: <http://www.tased.edu.au/library/library.htm>

UNITED KINGDOM

Department of Health

The UK Department of Health has produced a leaflet called 'Former British Child Migrants'. The leaflet provides information about the Support Fund for children who were migrated from institutional care in the UK under Government assisted schemes and how to access personal records. Details of the Central Information Index kept by the National Council of Voluntary Child Care Organisations (NCVCCO) (see also below) are provided as well as a list of agencies in the UK, Australia, Canada and New Zealand which may be able to assist in accessing records.

Department's website has an information guide for former child migrants. The guide includes a list of agencies which may be able to provide help in accessing records as well as links to some Sending Agencies and the Office of National Statistics.

Contact: Family Policy Co-ordinator
Room 121 Wellington House
Department of Health
133-155 Waterloo Road
LONDON SE1 8UG
Phone: 020 7972 4086
Website: <http://www.doh.gov.uk/childinf.htm>

Public Record Office

The Public Record Office holds records concerning child and youth migration. Some relevant records are listed in the National Archives Guide.

Contact: Public Records Office
Ruskin Ave
KEW, SURREY TW9 4DU
UNITED KINGDOM
Phone: +44 181 392 5200
E-mail: enquiry@pro.gov.uk
Website: www.pro.gov.uk

UK Family Records Online

This is a UK family history portal that guides users to resources on the web. It includes information from the Public Records Office, the National Archives of Scotland, the India Office, National Library of Wales and the Family Record Centre. Topical links include census, migration, military records, adoption and parish registers.

Contact: <http://www.familyrecords.gov.uk>

NEW ZEALAND**Children, Young Persons and their Families Agency (CYPFA)**

The CYPFA holds a complete list of British children migrated to New Zealand and where they went after their arrival. It holds personal files related to individual child migrants for whom the Child Welfare Service of the then Department of Education acted as guardian.

Contact: Children, Young Persons and their Families Agency
PO Box 2620
WELLINGTON NZ
Phone: 918 9134
E-mail: stuartyoung002@dsw.govt.nz

MALTA**Emigrants Commission**

Contact: Emigrants Commission
Dar I-Emigrant
Castille Place
VALETTA
MALTA
Phone: 232 545

The Commission for Maltese Abroad

Contact: The Commission for Maltese Abroad
C/- Ministry for Education and Human Resources
FLORIANA CMR O2
MALTA
Phone: 231 385

National Archives of Malta

Holds some files relevant to child migrants. See the National Archives of Australia Guide.

NON-GOVERNMENT ORGANISATIONS

AUSTRALIA

Child Migrants Trust (CMT)

The Child Migrants Trust provides assistance to child migrants to be reunited with living relatives. The Child Migrants Trust employs a specialist to assist family tracing and specialist social workers to provide counselling for former child migrants and their families making their first contact.

Contact: Child Migrants Trust
5 Thomas Street
NEDLANDS WA 6909
Phone: (08) 9386 3605
Fax: (08) 9386 3695

Child Migrants Trust
228 Canning Street
NORTH CARLTON VIC 3054
Phone: (03) 9347 7403
Fax: (03) 9347 1791

Child Migrants Trust
28A Musters Road
WEST BRIDGFORD
NOTTINGHAM NG2 7PL ENGLAND
Phone: (0115) 982 2811
Fax: (0115) 981 7168
Website: http://www.nottscc.gov.uk/child_migrants

International Social Services

Contact: International Social Services
Level 2, 313-315 Flinders Lane
MELBOURNE VIC 3000
Phone: (03) 9614 8755
Fax: (03) 9614 8766

International Social Services
Suite 2, Level 7
189 Kent Street
SYDNEY NSW 2000
Phone: (02) 9252 7477

Catholic Church

Australian Catholic Social Welfare Commission (ACSWC)

The ACSWC has compiled a national directory of records of Catholic organisations caring for children separated from families. The directory, entitled 'A Piece of the Story', lists all known centres run by organisations of the Catholic Church across Australia that provided residential care for children outside the family. The directory provides, for each centre, contact details and information about access and the type of records available.

The directory may be accessed on the web at:

http://www.catholicwelfare.com.au/about_us/index.htm

Western Australia

Personal History Index (PHIND)

The Personal History Index gives details of the location of records held in Australia for former child migrants who arrived and were placed in Catholic homes between 1938 and 1965. A child migrant for the Index is a child who migrated under a recognised scheme authorised by the Commonwealth and/or State Governments. In the post-war years, it covers those children who arrived under Immigration Form LEM3 which was specifically for child migrants. With some exceptions, PHIND does not include youths who migrated under Assisted Passages or under the Immigration Department's Youth Migration category.

The PHIND was funded and sponsored by:

- the Congregation of Christian Brothers, Holy Spirit Province (WA & SA);
- the Poor Sisters of Nazareth
- the Sisters of Mercy Perth Congregation
- the Sisters of Mercy Goulburn Congregation
- the Sisters of Mercy Rockhampton Congregation
- the Sisters of Mercy Parramatta Congregation
- the Sisters of Mercy Adelaide Congregation and the Diocese of Adelaide
- the Salesians of Don Bosco
- the Sisters of St Joseph NSW Province
- Centacare Newcastle and the Diocese of Maitland-Newcastle.

The information recorded on the database includes:

- name;
- date and place of birth;
- parent's name (if known);
- age at departure;
- shipping details;
- name and location of sending order in the UK;
- destination order in Western Australia;
- initial residence, as well as any transfer between homes and schools;

- location of records for the child migrant, including medical, social, educational, baptismal and immigration records - as well as sources of any records available in the UK; and
- details about death, including date and cause of death and place of burial if known.

The guide to the PHIND also provides useful information on additional sources of information and the type of information available.

The database may be accessed by former child migrants and their families. Access can be gained through a number of agencies including C-BERS and the Catholic Migrant Centre.

Contact: The PHIND Administrator
C/- Christian Brothers
PO Box 1129
BENTLEY DELIVERY CENTRE WA 6983
Phone: (08) 9365 2800
E-mail: cbprov@iinet.net.au
Website: <http://members.iinet.net.au/~cbprov/phind.htm>

Christian Brothers' Ex-Residents' Services (C-BERS)

C-BERS can assist former child migrants of Christian Brothers' schools in obtaining information about family members and in seeking documents relating to family of origin. C-BERS has links with Catholic sending agencies in the UK. A photographic collection is available for viewing. In addition, C-BERS provides counselling services, support to family members, reunification services, support for adult education and assistance with citizenship issues.

C-BERS has provided assistance with the development of the Personal History Index.

Contact: C-BERS Services
12 Alvan Street
SUBIACO WA 6904
Phone: (08) 9381 5422
Free call: 1800 621 805
E-mail: cberss@iinet.net.au

Catholic Migrant Centre

The Catholic Migrant Centre holds over 900 personal files relating to former child migrants between 1938 and 1965. Files vary considerably in the amount of information they contain. The Centre is licensed to access the Personal History Index.

Contact: Catholic Migrant Centre
25 Victoria Square
PERTH WA 6000
Phone: (08) 9221 1727
Fax: (08) 9221 3793
E-mail: cmc@opera.iinet.net.au

Tardun Farm School (*also known as St Mary's Agricultural School*)
Castledare Junior Orphanage (*also known as St Vincent's Boys' Home*)
Clontarf Boys' Orphanage (*also known as St Joseph's, Clontarf Boys' Town*
***and formerly known as St Vincent's Boys' Orphanage*)**
St Joseph's Farm and Trade School

Contact: The Archivist
Christian Brothers' Holy Spirit Province
PO Box 1129
BENTLEY DELIVERY CENTRE WA 6983
Phone: (08) 9365 2813
E-mail: cbprov@iinet.net.au

Nazareth House, Bluff Point, Geraldton

Contact: Sister Superior
PO Box 3247
GERALDTON WA 6530
Phone: (08) 9923 1205
Fax: (08) 9923 2583

St Joseph's Girls' Orphanage, Subiaco
St Vincent's Foundling Home

Contact: The Congregational Leader
Sisters of Mercy, Perth Congregation
PO Box 74
WEMBLEY WA 6014
Phone: (08) 9382 1477
Website: <http://www.mercy.org.au>

South Australia

St Vincent de Paul Orphanage, Goodwood

Contact:
For access to records
The Director
Centacare Catholic Family Services, Adelaide
33 Wakefield Street
ADELAIDE SA 5000
Phone: (08) 8210 8200
E-mail: cfs@centrecare.org.au

Sisters of Mercy - Adelaide
Congregation Office
34 Angas Street
ADELAIDE SW 5000
Phone: (08) 8212 5456
E-mail: somercy@iinet.net.au

Victoria**Nazareth House, East Camberwell**

Contact: Sister Superior
Sisters of Nazareth
16 Cornell Street
CAMBERWELL VIC 3124
Phone: (03) 9830 5022

New South Wales**St Joseph's Girls' Home, Lane Cove, NSW**

Contact:
For access to records:
The Archivist-in-Charge
Sisters of St Joseph
Congregational Administration Centre
PO Box 1508
NORTH SYDNEY NSW 2059
Phone: (02) 9929 7344

Sisters of St Joseph
PO Box 1150
BURWOOD NORTH NSW 2134
Phone: (02) 9745 3444
Fax: (02) 9744 3040
E-mail: joswsw@werple.net.au

St John's Orphanage (also known as St John's Home), Thurgoona

Contact:
For access to records:
The Congregational Leader
Sisters of Mercy Congregational Centre
PO Box 221
GOULBURN NSW 2580
Phone: (02) 4822 2296

Mercy Centre Lavington
PO Box 440
LAVINGTON NSW 2641
Phone: (02) 6025 3869
E-mail: mercycctr@albury.com.au

St Brigid's Girls' Home, Ryde*Contact:*

For access to records:

The Archivist
Convent of Mercy
PO Box 2012
NORTH PARRAMATTA NSW 2151
Phone: (02) 9630 1106

Catholic Children's Home Enquiry Service
Centacare Catholic Community Services
9 Alexandra Ave
CROYDON NSW 2132
Phone: (02) 9744 7055

St Vincent's Boys' Home, Westmead

Contact: The Director
St Vincent's
PO Box 49
WESTMEAD NSW 2145
Phone: (02) 9635 5699

Murray Dwyer Boys' Home (*formerly the Murray Dwyer Memorial Orphanage and Mayfield Home*), Newcastle

Contact: The Director
Centacare Newcastle
PO Box 775
NEWCASTLE WEST NSW 2302
Phone: (02) 4979 1330
E-mail: chancery@mn.catholic.org.au

Diocese of Maitland-Newcastle Archives
841 Hunter Street
NEWCASTLE NSW 2300
Phone: (02) 4979 1100

Queensland**St Joseph's Home, Neerkol**

Contact: Congregational Archivist
Mercy Administration Centre
PO Box 1576
ROCKHAMPTON QLD 4700
Phone: (07) 4931 7490
E-mail: jmolloy@a1.com.au roksom@a1.com.au

Contact: Sisters of Mercy, Nudgee
St Vincent's Centre
125 Queens Road
NUDGEE QLD 4017
Phone: (07) 3267 7100

Tasmania

St John Bosco (also known as John Bosco Boys Town), Glenorchy

Contact: Father Provincial
PO Box 80
OAKLEIGH VIC 3166
Phone: (03) 9568 2025

Anglican Church

Western Australia

Swan Homes, Perth

Contact: Family Information Records Bureau
Family and Children's Services of WA
PO Box 6334
EAST PERTH WA 6892
Phone: (08) 9222 2662
Free call: 1800 000277

Library and Information Services of Western Australia also holds some records for Swan Homes, including admission and discharge records 1868-1960.

New South Wales

Church of England Boys' and Girls' Homes, Carlingford

Contact: Anglicare Child and Family Services Offices
19A Gibbons Street
TELOPEA NSW 2117
Phone: (02) 9890 6855

Victoria

St John's, Canterbury

Contact: Counsellor
Anglicare Adoption Information Service
Anglicare Western Victoria
41 Somerville Road
YARRAVILLE VIC 3013
Phone: (03) 9687 5200

Queensland**St George's Children's Home, Parkhurst, Rockhampton**

Contact: The Registrar
Anglican Diocese of Rockhampton
164 Musgrave Street
NORTH ROCKHAMPTON QLD 4701
Phone: (07) 4927 3188

Tasmania**Clarendon Children's Home, Kingston**

Contact: The Director
Clarendon Children's Home
8 Jerrim Place
KINGSTON BEACH TAS 7050
Phone: (03) 6229 5199

Uniting Church (formerly Methodist and Presbyterian)***Western Australia*****Methodist Girls' Home, Perth**

Contact: Family Information Records Bureau
Family and Children's Services of WA
PO Box 6334
EAST PERTH WA 6892
Phone: (08) 9222 2662
Free call: 1800 000 277

South Australia**Methodist Children's Home, Magill (later known as Lentara)**

Contact: General Manager of Services
Adelaide Central Mission
10 Pitt Street
ADELAIDE SA 5000
Phone: (08) 8202 5111

Victoria**Dhurringile Training Farm, Tatura**

Contact: Uniting Care Connection
5/115 Hawthorn Road
CAULFIELD VIC 3162
Phone: (03) 9530 0666

Methodist Home, Cheltenham
Methodist Home for Children, Wattle Park

Contact: Orana Family Services
 21-27 Hudson Cct
 MEADOW HEIGHTS VIC 3048
 Phone: (03) 9302 2700

Wesley Mission

Methodist Home for Children, 'Dalmar'

Contact: Wesley Mission
 Dalmar Child and Family Care
 3 Dalmar Place
 CARLINGFORD NSW 2118
 Phone: (02) 9804 7255

United Protestant Association of New South Wales Ltd

Melrose, Pendle Hill

Contact: The General Manager
 United Protestant Association of NSW Ltd
 PO Box 273
 WAHROONGA NSW 2076
 Phone: (02) 9487 1337
 E-mail: sydooffice@upa.org.au

Barnardos Australia

Dr Barnardos Farm School, Picton

Dr Barnardos Girls' Home, Burwood

Dr Barnardos Boys' & Girls' Home, 'Greenwood', Normanhurst

Barnardos Australia maintains files in Australia of information on child migrants pertaining to their time after arrival in Australia. These files are open to access by former child migrants or their immediate next of kin and a copy is provided on request. Barnardos also has an extensive collection of photographs which contains a fairly complete photographic record of children going back to 1867.

The After Care Program services include counselling, record retrieval of Australian and UK records, copying of records, obtaining certificates, provision of proof of arrival letters and assistance with reunion applications and welfare support.

Contact: Barnardos Australia
 After Care Services
 60-64 Bay Street
 ULTIMO NSW 2007
 Phone: (02) 9281 7933
 Fax: (02) 9281 0441
 E-mail: barnardosafter-care@bigpond.com

Fairbridge Homes

Western Australia

Fairbridge, Pinjarra, WA

All historic Fairbridge records, reports and documentation are vested in the Library and Information Services of WA. A list of items held is available through the LISWA catalogue. Access may be made to Fairbridge WA (Inc) or the Old Fairbridgians Association for access to these records and for copies of any pertinent documents to be made available to child migrants or the immediate family of the child migrants. The Secretary of the OFA is the only person authorised to access the records. Proof of eligibility must be provided before access is approved.

Contact: Fairbridge Village
South West Highway, Pinjarra
PO Box 173
PINJARRA WA 6208
Phone: (08) 9531 1177
Fax: (08) 9531 1210
Website: <http://www.fairbridge.asn.au>

Family Information Records Bureau
Family and Children's Services of WA
PO Box 6334
EAST PERTH WA 6892
Phone: (08) 9222 2662
Freecall: 1800 000 277

New South Wales

Fairbridge Farm School, Molong, New South Wales

The Farm School was closed in 1973. The personal files of the children who passed through the Farm School are in the custody of The Fairbridge Foundation, Sydney. Information includes personal details, and in some cases a Birth Certificate, where the child came from and information concerning of the activities of the child after coming to Australia. Information prior to this is usually limited to the address, where known, of the parent or parents at the time the child left the UK.

Access is limited to the Old Fairbridgian himself or herself. After the death of an Old Fairbridgian, his or her spouse and children can have access to genealogical and medical papers on his or her file. Access can be gained by application to The Fairbridge Foundation.

Contact: The Council Secretary
Fairbridge Foundation
Trust Building
155 King Street
SYDNEY NSW 2000
Phone: (02) 9232 3258

Tasmania**Tresca House, Exeter**

The files from the Fairbridge Society Home at Exeter are deposited in the Archives Office of Tasmania.

Contact: The State Archivist
Archives Office of Tasmania
77 Murray Street
HOBART TAS 7000
Phone: (03) 6233 7490
Website: <http://www.archives.tas.gov.au/guides-to-holdings/guide5.htm>

Victoria**Northcote Farm School, Glenmore, Bacchus Marsh, Victoria**

Contact: Mr Peter Meryrick
Secretary/Treasurer
Northcote Trust
11 Hermestead Road
ELTHAM VIC 3095
Phone: (03) 9439 2339

Salvation Army**New South Wales**

Contact: Special Search Service
Salvation Army Social Services Department
PO BOX A435
SYDNEY SOUTH NSW 1232
Phone: (02) 9211 2044
Freecall 1300 667 366

Queensland

Contact: Salvation Army Social Services Department
PO BOX A435
SYDNEY SOUTH NSW 1232
Phone: (02) 9211 2044
Feecall: 1300 667 366

Western Australia

Seaforth Boys Home

Contact: Family Information Records Bureau
Family and Children's Services of WA
PO Box 6334
EAST PERTH WA 6892
Phone: (08) 9222 2662
Free call: 1800 000 277

The Library and Information Service of Western Australia also holds some records including a collection of photographs, 1929-1931.

Burnside

Burnside Homes

Contact: Aftercare Coordinator
Burnside
PO Box 6866
PARRAMATTA NSW 2150

UNITED KINGDOM

Child Migrants Trust

Contact: Child Migrants' Trust
28A Musters Road
WEST BRIDGFORD
NOTTINGHAM NG2 7PL ENGLAND
Phone: (0115) 982 2811
Fax: (0115) 981 7168

National Council of Voluntary Child Care Organisations (NCVCCO)

As a result of the findings and recommendations of the House of Commons Select Committee report, the British Government announced that a computerised index to help former child migrants trace personal records would be created. NCVCCO maintains the database - the Child Migrant Index.

It contains basic information on child migrants taken from the records of known UK Sending Agencies for those child migrants who were sent to Australia, Canada and New Zealand on government assisted schemes between 1920 and the late 1960s. As at December 2000 the Index held details of 17,136 child migrants. Details have been provided by Barnardos, Fairbridge, Middlemore Homes, The Children's Society (TCS), National Children's Homes (NCH) and Catholic Children's Welfare Council (CCWC). NCVCCO also holds the Western Australian Referral Index that contains the details of 2,949 child migrants who were sent to Western Australia.

NCVCCO acts as a 'signposting service' towards the Sending Agency which may hold personal records. NCVCCO also offers advice on where personal or private records may be held and where help and support is available.

NCVCCO's home page provides a list of links to other organisations that may prove useful for former child migrants.

Contact: Child Migrant Central Information Index
NCVCCO
Unit 4, 80-82 White Lion Street
LONDON N1 9PF, UNITED KINGDOM
Phone: +44 20 7713 5937
E-mail: migrant@voluntarychild.org
Website: www.ncvcco.org/projects/childmigrant.htm

The Catholic Child Welfare Council (CCWC)

CCWC holds records centrally for many, but not all, Catholic child migrants sent to Australia. CCWC records held for each individual vary and may include migration papers, correspondence, brief details of reasons for migration, copies or originals of birth certificates/baptismal certificates, medical reports, school reports from the UK, progress reports on individual children from institutions in Australia.

Records may also be held by individual agencies or religious orders which looked after children in the UK. These records often contain very little information.

A database has been compiled on behalf of CCWC of all known former Catholic child migrants to Australia, containing both historical information and recent contact.

CCWC also provides assistance to former child migrants to access their own and other records and trace living family if possible. CCWC also provides support and counselling and in the UK.

Contact: St Joseph's Centre
Watford Way
Hendon
LONDON NW4 4YT
Phone/fax 020 8203 6323
E-mail: ccwc@compuserve.com

Catholic Children's Society (Westminster)

Contact: Catholic Children's Society (Westminster)
73 St Charles Square
LONDON W10 6EJ
Phone: 0181 969 5305
E-mail: childcath@aol.uk

Father Hudson's Society

Contact: Father Hudson's Society
Coventry Road
COLESHILL
BIRMINGHAM UK B46 3ED
Phone: 01675 463 187

Nugent Care Society (Catholic Care Liverpool)

Contact: 150 Brownlow Hill
LIVERPOOL UK L35RF
Phone: 10151 708 0566

Barnardos UK

Barnardos After Care Service provides information about child's background, help in tracing relatives and family reunions. For former child migrants living in Australia, files are compiled and sent directly to Barnardos Australia.

Original files have been destroyed but copies are on microfiche. There are also some records kept as volumes but some have been destroyed either through fire or pests.

Barnardos also holds 20,000 additional records of children emigrated by other agencies who are no longer in existence.

Contact: Barnardos After Care Centre
Tanners Lane
Barkingside
Ilford
ESSEX IG6 1QG
Phone: 020 8550 8822
E-mail: aftercare@barnardos.org.uk
Website: <http://www.barnardos.org.uk>

Fairbridge London

Historical records kept by the Fairbridge London are now lodged with the University of Liverpool Archive (see below).

Contact: Fairbridge
1 Westminster Bridge Road
LONDON WC1X 0JL
Phone: 020 7928 1704
Fax: 0202 7928 6016
E-mail: info@fairbridge.org.uk

The Children's Society

Contact: The Children's Society
Post Adoption and Counselling Research Project
91 Queen's Road
PECKHAM
LONDON SE15 2EZ
Phone: 020 7732 9089
Fax: 020 7277 5760
E-mail: Julia.feast@the-childrens-society.org.uk
Website: <http://www.the-childrens-society.org.uk>

NCH Action for Children

NCH has appointed a Child Migrants Adviser. The Adviser is seeking to make contact with former child migrants sent to Australia by NCH.

Contact: NCH Action for Children
85 Highbury Park
LONDON N5 1UD
Phone: 020 7704 7094
Website: <http://www.nchafc.org.uk>

Quarrier's Homes

Contact: Quarrier's Childrens Village
Bridge of Weir
RENFREWSHIRE
SCOTLAND PA11 3SA
E-mail: enquiries@quarriers.org.net

Middlemore Homes

Contact: 55 Stevens Avenue
Bartley Green
BIRMINGHAM B32 3SD
Phone: 0121 427 2429
E-mail: Middlemore@yescomputers.co.uk

Family Care Society

Contact: Family Care Society
511 Ormeau Road
BELFAST BT7 3GS
Phone: 02890 691 133

The Salvation Army

Deals with requests from UK residents. Other requests should, in the first instance, be sent to Salvation Army tracing services in Sydney.

Contact: The Salvation Army
101 Newington Causeway
LONDON SE1 6BN
Phone: 020 7367 4840
Website: <http://www.salvationarmyog.uk/familytracing>

Sydney Jones Library, University of Liverpool

The Sydney Jones Library holds records of Barnardo's Homes, the National Children's Homes (now NCH Action for Children), the Fairbridge and Liverpool Sheltering Homes. A list of relevant records is given in the National Archives guide.

Contact: The Department of Special Collections and Archives
Sydney Jones Library
University of Liverpool
PO Box 123
LIVERPOOL L69 3DA
Phone: +44 151 794 2696
E-mail: archives@liv.ac.uk
Website: <http://sca.lib.liv.ac.uk/collections/socialwork/home.htm>

NEW ZEALAND

British Child Migrants Society (NZ) Inc

The Society represents former child migrants in New Zealand and will act as an intermediary with the Children, Young Persons and their Families Agency for those former migrants who would prefer not to deal with the government agencies themselves.

Contact: 4 Royal Oak Drive
Lakemba Park
PALMERSTON NORTH
NEW ZEALAND
Phone/fax: 06 357 4956

OTHER SOURCES

Websites

The Website at <http://www.childmigrants.com> has been established by the brother of a child migrant sent to Australia. The site has links to other useful sites including NCVCCO, the UK Department of Health, UK Office of National Statistics and Public Record Office. The site also has a message page for individuals to leave comments and ask for information.

APPENDIX 6

THE STATUTE OF LIMITATION

Limitation periods¹

Civil proceedings

Each Australian jurisdiction has a limitation statute setting out the rules governing the period of time in which a plaintiff must commence a civil proceeding. However, the statutes do not cover the field. For example, some classes of action may be specifically excluded from the limitation statute², some actions may be governed by other legislation.

The general limitation statutes in each jurisdiction are:

- *Limitation Act 1985* (ACT): Actions for tortious claims must be commenced within six years. The extension provisions are similar to those in the Victorian legislation. They apply only to actions for personal injury. The only additional factor which must be considered by the court in deciding whether to allow an application for extension is the conduct of the defendant after the cause of action accrued to the plaintiff.
- *Limitation Act 1969* (NSW): Actions for tortious claims must be commenced within six years. However, personal injury actions accruing on or after 1 September 1990 must be commenced within three years. There are three sets of provisions in the NSW limitation legislation governing extension of the limitation period. One applies to causes of action for personal injury accruing prior to 1 September 1990; another applies to actions for personal injury accruing on or after 1 September 1990 and the third deals with actions for personal injury whenever arising, provided there was latent injury involved.
- *Limitation Act 1971* (NT): Actions for tortious claims must be commenced within three years. Extension provisions in the Northern Territory are very similar to those in South Australian legislation.
- *Limitation of Actions Act 1974* (Qld): Actions for tortious claims, where the damages claimed do not consist of or include damages in respect of personal injury, must be commenced within six years. Actions must be brought in three years for damages of negligence, trespass, nuisance or breach of duty (whether the duty exists by virtue of a contract or a provision made by or under a statute or otherwise) in which the damages claimed consist of or include damages for personal injury or for the injury resulting from the death of any person.

1 The information in this appendix has been derived from a number of sources: the Queensland Law Reform Commission report, *Review of the Limitation of Actions Act 1974*, Marfording, A, 'Access to justice for survivors of child sexual abuse', *Torts Law Journal*, (1997) 5, pp.221-54, the Department of Immigration and Multicultural Affairs, and the Department of the Parliamentary Library.

2 For example, criminal proceedings are specifically excluded from the *Limitation Act 1981* (NT), section 6(3)(b) and from the *Limitation of Actions Act 1974* (Qld), section 6(3)(a).

Extension of time for the commencement of an action can be given if a material fact of a decisive character relating to the right of action was not within the plaintiff's means of knowledge until some time after the commencement of the final year of the limitation period and there is evidence to establish the right of action apart from a defence based on the expiration of the limitation period.

- *Limitation of Actions Act 1936 (SA)*: Actions for tortious claims must be commenced within six years, except for actions for personal injuries where the application limit is three years. A court may extend the time for instituting an action; doing any act or taking any step in an action; and doing any act or taking any step with a view to instituting an action. An extension of time may be granted only if, in all the circumstances, it is just to do so, and provided one of two circumstances are met.
- *Limitation Act 1974 (Tas)*: Actions for tortious claims must be commenced within six years. A Court may extend the time for bringing a personal injuries action or a dependency claim for such period as the court thinks necessary, provided the extension does not exceed six years from when the cause of action accrued. The court must be satisfied that, in all the circumstances, it is just and reasonable to permit the extension of time.
- *Limitation of Actions Act 1958 (Vic)*: Actions for tortious claims must be commenced within six years, except actions for personal injuries consisting of a disease or disorder contracted by any person. In these cases, the limitation period is still six years, but time does not begin to run until the date on which the plaintiff first knew he or she had suffered the injury and that the injury was caused by the defendant. A court may extend the limitation period for an indefinite period, but only in respect of actions which include damages for personal injuries. The Court may grant such an extension where it is 'just and reasonable so to do'. There is no requirement as to ignorance of a material fact, and an applicant is not required to provide evidence establishing a prima facie case. There are a number of matters to be considered in deciding whether to grant an extension of time.
- *Limitation Act 1935 (WA)*: Actions for tortious claims must be commenced within six years. The only type of claim for which the limitation period may be extended is an action in respect of personal injury or death caused by the inhalation of asbestos.

In the late 1990s at least two Australian jurisdictions reviewed their limitations statutes:

- Law Reform Commission of Western Australia – *Report on Limitation and Notice of Actions*, January 1997, and
- Queensland Law Reform Commission – *Review of the Limitation of Actions Act 1974 (Qld)*. Report No.53, September 1998.

Limitation periods for civil proceedings and survivors of child sexual assault

A matter of ongoing concern has been the application of limitation periods in relation to victims of child sexual assault. Depending on the circumstances, the sort of civil action instituted by a survivor of child sexual assault might include an action in battery, assault, false imprisonment, negligence, breach of duty of care or breach of fiduciary duty. The type of action instituted by the plaintiff will affect what limitation period applies. Looking at the situation in each jurisdiction is further complicated because limitation statutes in each categorise civil actions and their limitation periods in different ways. For example, in Queensland, actions for damages in negligence, trespass, nuisance or breach of duty in respect of personal injury have a limitation of period of three years. In Western Australia the limitation period is four years for an action in battery and six years for all other tortious claims.³

Provisions in limitations statutes do enable the limitation period to be extended in some circumstances. For example the *Limitation of Actions Act 1974* (Qld) provides that the limitation period for an action based on a childhood injury does not start to run until the person has legally become an adult. It is also possible for a limitation period to be extended if the action is based on fraud ie where it is argued that the adult abuser fraudulently concealed the nature of the abuse. The Queensland Law Reform Commission considered how best to deal with claims relating to child sexual abuse or domestic violence in the context of limitation statutes and recommended that the issue should be dealt with as a matter of judicial discretion and not be the subject of special legislative rules.

Proceedings to recover lost wages

Existing legal redress

Taking existing avenues of legal redress first, the situation in Queensland, Western Australia and Victoria has been examined to indicate what options may be available and the issues that arise. In order to sue for unpaid wages, a claimant would be required to establish the elements of that claim, including the existence of a contract of employment. Relevant limitation statutes would provide a substantial hurdle. In the absence of particular facts to which the relevant laws can be applied, the following advice is indicative only.

Contract

In each of Queensland, Western Australia and Victoria, an action in contract must generally be commenced within six years. There are some, albeit limited, possibilities of extension of this period. If the cause of action accrued while the claimant was a child, then in each of those States an action must be commenced within six years of the claimant ceasing to be under the legal disability of being a minor. None of the other possibilities of extension appear immediately to be of relevance.

In short, it appears that an action in contract would generally be statute-barred.

3 A tort is a civil wrong.

Industrial awards

Assuming a child migrant was the subject of an industrial award in relation to his or her employment, the following appears to be the case. In Queensland, applications may be made for payment of unpaid wages within 6 years after the amount claimed became payable. In Western Australia, the same limitation rules apply as for actions in contract. In Victoria an action would have to be brought under the *Commonwealth Workplace Relations Act 1996*, which requires an employee to sue for recovery of unpaid wages within 6 years.

In short, it appears that an action under industrial relations laws would be statute-barred.

Criminal proceedings

In general, limitation statutes do not apply to criminal proceedings. Crimes acts and statutes dealing with summary jurisdiction usually set out the general time limits which govern those proceedings. The statutory period in which proceedings must be commenced differs between different offences and different jurisdictions. In general, a limitation period applies to minor or summary offences. The limitation period in respect of criminal matters does not affect the jurisdiction of the court but provides a good defence to the charge: *Parisiennes Basket Shoes Pty Ltd v Whyte* (1938) 59 CLR 369 at 376, 389; [1938] ALR 119. Further, the laying of an information within the limitation period is not an element of the offence: *Rabczynski v Morrison* [1988] WAR 71.

Criminal proceedings are generally commenced when an information, complaint or charge is laid before a magistrate or justice. The language of the statutes cited below varies in relation to how the commencement of proceedings is described and how the relevant offences are referred to—for example, in some jurisdictions references are made to summary offences, in other jurisdictions reference is made to simple offences, or expiable offences. Sometimes limitation periods apply according to the maximum penalties applicable.

What appears below is a summary of limitation periods that generally apply in relation to criminal offences. For particular criminal offences, other statutes may stipulate a particular limitation period that applies to that particular criminal offence.

Commonwealth

In general, section 15B of the *Crimes Act 1914* (Cwlth) applies to the limitation of criminal proceedings.

In the case of a prosecution against an individual:

- if the maximum penalty that can be imposed for an offence committed by an individual includes imprisonment for more than 6 months in the case of a first conviction – there is no limitation period
- in any other case – a prosecution must be commenced within one year of the commission of the offence.

In the case of a prosecution against a corporation:

- if the maximum penalty includes a fine of more than 150 penalty units (1 penalty unit=\$110) – at any time

- in any other case – within 1 year of the commission of the offence.

In the case of a prosecution against an individual for an offence of aiding and abetting⁴ an offence committed by a corporation:

- if the maximum offence that can be imposed on the corporation in respect of the primary offence includes a fine of more than 150 penalty units in the case of a first conviction – the prosecution can be commenced at any time
- in any other case – within a year after the individual has committed the (aiding and abetting) offence.

Section 15B(3) provides that a Commonwealth law can stipulate a longer time for the commencement of a prosecution for a particular offence.

New South Wales

Under section 56 of the *Justices Act 1902* (NSW) in the case of an offence punishable on summary conviction, an information or complaint must be made within 6 months, unless some other time is specified by the particular statute dealing with the offence.

Victoria

Under section 26(4) of the *Magistrates' Court Act 1989* (Vic) the time limit for commencing proceedings for a summary offence, unless otherwise provided, is 12 months after the date on which the offence is alleged to have been committed.

Western Australia

Under section 51 of the *Justices Act 1902* (WA) unless some other time is stipulated, the time limit for laying a complaint in the case of a simple offence⁵ is 12 months after the alleged offence. See also section 574(1) of the Criminal Code (WA).

Australian Capital Territory

Under section 31 of the *Magistrates Court Act 1930* (ACT) unless otherwise provided:

- where the maximum term of imprisonment is more than 6 months for a first conviction, the prosecution may be commenced at any time after the offence is committed
- where the maximum term of imprisonment does not exceed 6 months for a first conviction, the prosecution must be commenced within one year after the commission of the offence
- where the punishment is a pecuniary penalty and no term of imprisonment, the prosecution must be commenced within 1 year after the commission of the offence.

4 A secondary offence.

5 A 'simple offence' is defined in section 4 as any offence, indictable or otherwise, punishable on summary conviction by a fine, imprisonment or otherwise.

Northern Territory

Under section 52 of the *Justices Act 1928* (NT) if no time is specified in a particular statute creating the offence the complaint must be laid within 6 months from the date of the alleged simple offence.⁶

Queensland

Under section 52 of the *Justices Act 1886* (Qld), a complaint in the case of a simple offence⁷ or breach of duty⁸ must be made within 1 year from the time the offence was committed unless some other time is specified.

South Australia

Under section 52 of the *Summary Procedure Act 1921* (SA), unless otherwise indicated, a prosecution for a summary offence must be commenced:

- in the case of an expiable offence⁹ – either within 6 months from the date the expiation notice was given to the person or, if the expiation notice was not given to the person, within 6 months from the date of the alleged offence
- in the case of an offence that is not an expiable offence, proceedings for a summary offence must be commenced within 2 years from the date of the alleged offence.

Tasmania

Under section 26(1) of the *Justices Act 1959* (Tas) a complaint must be made within 6 months of the commission of the alleged simple offence¹⁰ or breach of duty¹¹, unless otherwise indicated in the relevant statute. However, notwithstanding this provision:

- if the matter could also give rise to an indictable offence and the person has been charged with the indictable offence within 6 months from the alleged commission of the offence (or other period specified in a statute dealing with that particular offence) – a complaint for a simple offence can be made within 12 months from the date the offence was alleged to have been committed

6 A ‘simple offence’ is defined in section 4 as an offence for which a person may be imprisoned or fined or both but does not include a minor indictable offence which can only be heard and determined in a summary way.

7 A ‘simple offence’ is defined in section 4 as any offence, indictable or not, punishable on summary conviction by a fine, imprisonment or otherwise.

8 A ‘breach of duty’ is defined in section 4 as any act or omission (not a simple offence or non-payment of a mere debt) on complaint of which a magistrate can order the payment of money or make an order for a person to do or not do an act.

9 South Australian statutes may provide that a minor offence can be expiated by payment of a fine after a person has been served with an expiation notice. An example of an expiable offence in South Australian law is a minor cannabis possession offence.

10 A ‘simple offence’ is defined in section 3 as any offence, indictable or not, punishable on summary conviction before a justice by a fine, imprisonment or otherwise.

11 A ‘breach of duty’ is defined in section 3 as any act or omission (not being a simple offence) on complaint of which a justice can make an order for the payment of money or for the doing or not doing of an act.

- if the matter giving rise to the simple offence could also give rise to an indictable offence and the person has been charged with the indictable offence within the relevant time and has consented to the making of the complaint – a complaint for a simple offence may be made against a person at any time.

Churches and sexual abuse

Generally speaking, if a church has corporate status – ie legal personality – it can be sued in contract or tort (ie civil proceedings).

If a church as corporate status and the relevant criminal procedure statute provides that a corporation may be found guilty of a criminal offence, then it may be able to be prosecuted. However, the ability of a corporation to be prosecuted will depend on whether there is an express or implied contrary intention in the statute. For example, there is disagreement about whether a corporation can be found guilty of some offences against the person – including sexual assault.

It is not suggested that it would be a simple matter for a church that has legal personality to be successfully sued or prosecuted. In relation to civil proceedings, for example, there may be problems with evidence, statutes of limitations or even identifying the appropriate incorporated entity.

Legal personality

The law recognises natural persons, corporations and others as having legal personality (being legal entities) – consequentially endowing them with legal rights and responsibilities. Legal personality involves the ability to own property, enter contracts, sue and be sued and to be prosecuted for a criminal offence in its own name (although there are limitations on criminal prosecutions of corporations). Because legal personality is a creation of the law, its content varies – for example, the legal personality attributed to a corporation differs from that attributed to a natural person. Some natural persons eg children and others lacking ‘capacity’ do not have all the attributes of legal personality.

The ability to sue or prosecute a church depends, in part, on how a church is established. There are various means of doing this, including:

- a church may be established as an unincorporated association. If this is the case, the church will have no legal personality that is distinct from that of its members and therefore there will be difficulties for a person who wishes to sue in contract or tort. A plaintiff in this situation would have to sue the members of the association.
- in all Australian jurisdictions churches can be incorporated as non-profit voluntary associations. Incorporation can occur under Associations Incorporations Acts in each State and Territory. Once a religious association has become incorporated it is a legal entity and can enter contracts; buy, sell & mortgage property and sue or be sued in tort in the name of the association.
- a religious association may also be incorporated under corporations law as a company limited by guarantee. The religious association then becomes a body corporate and can then hold property, sue and be sued.
- an incorporated or unincorporated trust. These trusts are established to manage real and personal property and vest the association’s property in trustees.

- a religious trust may be established by statute. Such a statute may establish a trust corporation which holds property in trust for the particular church. An example is the *Roman Catholic Church Property Trust Act 1911* (WA).

Civil proceedings

Churches have certainly been sued civilly in Australia. In *Taylor v. Trustees of the Christian Brothers; Reidy v. Trustees of the Christian Brothers* (1994) Aust Torts Reports 81-288, the plaintiffs were two child migrants brought from England to Australia who alleged that they had been subjected to physical and sexual abuse in Christian Brothers institutions and had suffered physical injury as a result. In this case, the defendants were:

- the Trustees of the Christian Brothers, a body corporate incorporated under the *Roman Catholic Church Community Lands Act 1942* (NSW). The trustees held land and possibly other property on behalf of the Congregation of Christian Brothers. The plaintiffs' statement of claim stated that the Trustees had control of the relevant institutions at the relevant time.
- Gerald Faulkner, the Provincial of the Holy Spirit Province. The statement of claim identified this person as the successor in title and law of the Provincial Superiors of the Congregation of Christian Brothers who managed and controlled the relevant institutions and relevant Christian Brothers' activities, and
- Barry James Hickey, the Roman Catholic Archbishop of Perth. The statement of claim alleged that this person was the successor in title and law of the Archbishop at the relevant time.

The claims appear to have failed for statute of limitations reasons.

Other cases have included *Trustees of Christian Brothers v. Cardone*, unreported, Supreme Court of the ACT, 20 June 1995 in which a former pupil of St Edmunds College, Canberra sued the Trustees of the Christian Brothers, a statutory corporation, for damages as a result of an injury he suffered at the school. In this case, the appeal court (the ACT Supreme Court) increased Cardone's general damages to \$50,000. The judgment for Mr Cardone amounted to \$283,488.34.

In February 2001, in *Hogan v. The Trustees of the Roman Catholic Church for the Archdiocese of Sydney & Fricot*, a NSW jury awarded damages of \$2.5 million. The plaintiff claimed that his right hand was permanently injured when he was strapped on 8 occasions on 16 March 1984 at St John's College, Lakemba. He sued the Trustees of the Roman Catholic Church and Denis Fricot, the discipline master. He claimed the punishment had been excessive and unreasonable and that the defendants had breached their duty of care to him.¹²

12 ' \$2.5m payout over school punishment', *The Age*, 15 February 2001. On 15 February 2001, the NSW Supreme Court (Wood CJ) granted the defendants a stay of execution pending their lodgement of an appeal.

The fact that a church has legal personality may still involve difficulties for a plaintiff who is seeking to identify the appropriate manifestation of that legal personality for the purposes of a civil action. For example, in *Archbishop of Perth v. 'AA' to 'DJ'; 'DJ' v. Trustees of Christian Brothers*¹³, the NSW Court of Appeal appears to have found that the claim against the statutory corporation of the Roman Catholic Archbishop of Perth established by the *Roman Catholic Church Property Act 1911* failed because the Act established the statutory corporation to hold and dispose of real and personal property and did not contemplate 'successory responsibility for tortious conduct of the type alleged'.¹⁴

Criminal proceedings

Criminal law has traditionally emphasised the idea of individual responsibility for criminal behaviour. Further, imposing the traditional criminal punishment of imprisonment on a corporation is problematic. The Gibbs Review of Commonwealth Criminal Law stated:

While a corporation is a legal person, it has no physical existence and can neither act nor form an intention, except through its directors or servants.¹⁵

Originally, corporations could only be held liable where a criminal offence was a strict liability offence—ie offences where no mental element was required. Since the early 20th century, however, Australian courts and legislatures have expanded the scope of corporate criminal liability.

It is now the case in a number of Australian jurisdictions¹⁶ that, unless the definition of an offence or its subject matter indicates otherwise, a corporation can be criminally liable as a primary offender for any offence. For example, at Commonwealth level, section 4B of the *Crimes Act 1914* (Cwlth) provides that, unless the contrary intention appears, a corporation can be found guilty of any offence including an offence which is punishable by imprisonment.¹⁷ Section 12.1(2) of the Commonwealth Criminal Code is worded similarly. However, most traditional crimes against the person will be found in State and Territory criminal law. In New South Wales, for example, the relevant provision is section 59(1) of the *Criminal Procedure Act 1986* which reads:

Unless a contrary intention appears, a provision of an Act relating to an offence applies to bodies corporate as well as individuals.

13 Cases involving claims of sexual and physical abuse perpetrated by the Christian Brothers in Christian Brothers institutions in the late 1940s and early 1950s.

14 BC9501687, unreported, 12 October 1995, per Cole JA at 22.

15 Review of Commonwealth Criminal Law. *Interim Report. Principles of Criminal Responsibility and Other Matters*, July 1990, p.293.

16 I have not checked the situation in all States and Territories.

17 Modern criminal statutes contain formulae for converting periods of imprisonment to fines.

It is immaterial how a corporation¹⁸ has achieved its corporate status. In the Victorian context Fox remarks:

It matters not how the entity acquired its corporate status. Included are companies created under the *Corporations Law*, associations incorporated under the *Associations Incorporation Act 1981*, cooperative bodies or societies established under the *Cooperation Act 1981*; corporate entities such as universities created by charter or incorporated legislatively; or organisations such as trade union or employers' associations given corporate status under the *Industrial Relations Act 1988* (Cth)...Even crown corporations may be subject to prosecution.¹⁹

'Liability is attributed to [corporations] through the conduct of employees or agents acting within the scope of their employment and the mental states of high managerial officers of the corporation.'²⁰

Corporate criminal liability for specific offences against the person such as sexual assault

Whether a corporation can be criminally liable for a criminal offence may be expressly stated or implied from the nature of that offence. While corporations may be liable for homicide²¹, it has been suggested that there are some offences against the person that cannot be committed by a corporation. An example that is sometimes given are sexual offences. While some commentators have taken issue with this view, they do suggest that the circumstances in which a corporation might be found guilty of sexual offences would be limited—this is because the relevant act must be within the scope of an employee or agent's employment before it can be attributed to the corporation. The following extract from *Howard's Criminal Law* might be useful

It may be thought that the natural limitations on the power to punish a corporation imply that there are some crimes, notably offences against the person, that a corporation cannot commit. There seems to be no warrant for this. No theoretical reason suggests itself why, if it can be within the scope of a managing director's employment to commit fraud in what he supposes are the company's interests, it should not equally well be within the scope of his employment to commit murder, or indeed any other offence, with the same object...A contrary intention [to making a corporation liable] may be express, as where an offence is defined in terms that require the principal offender to have some personal status that only an individual can possess; examples include bigamy and company code offences relating to corporate officers. A contrary intention may also be implied, a possibility sometimes governed more by individualistic presuppositions than by an assessment of

18 Of course, in general, ie unless provided for by statute unincorporated associations cannot be prosecuted but their members can be. Fox.

19 RG Fox, *Victorian Criminal Procedure 2000. State and Federal Law*, p.12.

20 *ibid*, p.12.

21 For an Australian case, see *R v. Denbo Pty Ltd* (1994) 6 VIR 157 (SC) where a corporation pleaded guilty to manslaughter.

corporate criminal capacity. Perjury and sexual offences, so it has been suggested, inherently require conduct of which only a human is capable. It is open to question, however, whether such an implication should be drawn. If a corporation is liable for unlawful homicide on the basis of a lethal act performed by a manager or employee then it is difficult to see why a corporation should not also be liable for perjury or rape on the basis of an act of perjury or rape committed by a manager or employee. The relevant act must be within the scope of employment before it can be attributed to a corporation, but that is a different issue.²²

This author notes that: ‘Although sexual offences would hardly ever be within the scope of employment, the possibility is not inconceivable, as where Vile Video Ltd engages in the business of performing actual rather than simulated sexual offences in order to enhance the realism of its films...’

Arguably, a different conclusion might be reached about other assaults—for example, physical assault.

22 B Fisse, *Howard's Criminal Law*, 5th ed, Law Book Company, Sydney, 1990, pp.608-9.

APPENDIX 7

TEXT OF APOLOGIES

This Appendix contains the statements of acknowledgment and apology referred to in chapter 10 from the following:

- *Congregation of Christian Brothers of Western Australia, July 1993;*
- *Queensland Government and Churches, August 1999;*
- *Government of South Australia, 23 February 2001; and*
- *Catholic Church's Joint Liaison Group on Child Migration, 22 March 2001.*

THE CHRISTIAN BROTHERS CHILD CARE INSTITUTIONS

**Clontarf (1901-1983), Castledare (1929-1983), Tardun (1928-1965)
Bindoon (1936-1967)**

A Statement by the Congregation of Christian Brothers of W.A.

INTRODUCTION:

In recent years, controversy has arisen over the treatment of children resident in the W.A. child-care institutions at Clontarf, Castledare, Tardun and Bindoon, especially during the 1940s and 1950s.

Some former students have made serious allegations of ill-treatment and abuse.

Other students of the same era claim such allegations are grossly exaggerated and are not representative of life in these institutions.

The following statement from the Congregation of Christian Brothers in W.A. seeks to put the events and circumstances of that time into proper context so that fair judgement can be made and to establish a basis for reconciliation with those who have been aggrieved.

OUR FINDINGS:

We have studied the allegations available to us, and we have made our own independent inquiries. The evidence is such as to convince us that abuses did take place, abuses that in some cases went well beyond the tough conditions and treatment that were part of life in such institutions in those days.

While the extent of the abuse appears to have been exaggerated in some quarters, the fact that such physical and sexual abuse took place at all in some of our institutions cannot be excused and is for us a source of deep shame and regret. Such abuse violates the child's dignity and sense of self-worth. It causes psychological and social trauma that can lead to lasting wounds of guilt, shame, insecurity and problems in relationships.

OUR APOLOGY:

We, the Christian Brothers of today, therefore unreservedly apologise to those individuals who were victims of abuse in these institutions.

We do not condone in any way the behaviour of individual Brothers who may have perpetrated such abuse.

In apologising, however, we entreat people not to reflect adversely on the majority of Brothers and their co-workers of the era who went about their work with integrity and deep regard for the children entrusted to their care.

Their work and dedication are reflected in the numerous students who, despite deprived backgrounds, went on to take their places as successful members of Australian society. We are deeply grateful for the very many expressions of thanks and support we have had from former students.

THE CONTEXT:

Between 1901 and 1983 some 4,000 boys, mostly orphans, child migrants and State wards, were cared for in Christian Brother institutions in W.A.

Most of the children who came to these institutions were from deprived backgrounds. Many were child migrants from the U.K. and Ireland, brought to Australia in a scheme initiated by the Commonwealth Government and with which several voluntary organisations, including the Australian Catholic Church, actively co-operated.

Conditions were tough, unnecessarily so by today's standards, but quite common in child-care institutions in those days. Resources were scarce, Government assistance was minimal, personnel were untrained in child-care and were often overworked, and specialist help was almost unknown.

For some boys their time in these centres provided them with the care, education and training which gave them their opportunity to make their way in life; for others it was an unhappy and hurtful experience.

We acknowledge the shortcomings in the child-care practices of those days and deeply regret the hurt that some children suffered, and whatever long-term suffering that may be attributable to their experience in these institutions.

We reject, however, the implication sometimes made that the later suffering or difficulties of some former residents can be blamed entirely on the time spent in our institutions.

Many factors can adversely affect the way people's lives turn out, and the boys concerned suffered more than their fair share before and after their time in our institutions, e.g.

- Experiencing little or nothing of ordinary family life and spending formative years in child-care institutions;
- Experiencing the turmoil and deprivation of war and its aftermath in Britain and Europe; and
- Meeting later hardships and disappointments as young adults trying to find their place in society.

Is it any wonder that such circumstances affected many of them for the rest of their lives?

Indeed, the courage and resourcefulness shown by many of them in the face of childhood deprivation must command our respect and admiration.

We cannot and do not excuse any abuse that took place in our institutions nor do we wish to minimise in any way the damage caused.

However, for those looking to apportion blame for such incidents the following must be borne in mind:

- The events took place mostly 30 to 50 years ago and many of the people named as accused, victims or witnesses, are dead or unable to be contacted. While the passage of time does not diminish the seriousness of the incidents, it does make it extremely difficult to uncover the full truth; and
- Regular inspections were made of these institutions by the Government agencies who had ultimate responsibility for the welfare of the children. There is no indication of generalised abuse in their reports.

LOOKING TO THE FUTURE:

We cannot change the past. We cannot take away the hurt. We can express our heartfelt regret for the failings of the past and we can, on behalf of our predecessors, beg the forgiveness of those who suffered.

Also, we can offer practical assistance to those who need it. To this end we are considering practical ways of offering assistance to those who are now suffering. To those who were adversely affected, we give our sincere commitment that we will do all that reasonably can be done to ease your pain by helping you with your present day needs.

We hope that a spirit of cooperation and reconciliation will mark our efforts to find mutually acceptable solutions to present problems.

We continue to welcome approaches from former residents of our child-care institutions who wish to share with us their concerns. Some may wish to speak to Br Pat O'Doherty on (09) 458 9693 (after hours); others may wish to contact one of the Brothers at our Province office on (09) 450 5311; others may prefer to contact Sister Tanya at Catholic Migration on (09) 221 1727.

Br Gerald Faulkner
On behalf of the Congregation of Christian Brothers
Perth W.A.

Apology

To Those Harmed in Queensland Institutions
during their Childhood

We the government and churches together welcome the report of the Forde Commission of Inquiry into Abuse of Children in Queensland Institutions.

We acknowledge that there have been failures with respect to the children entrusted to our care, despite all the good the Institutions did in the light of their day. The result has been a system in which some children have suffered maltreatment, and their social, emotional, and physical needs have been neglected.

We sincerely apologise to all those people who suffered in any way while resident in our facilities, and express deep sorrow and regret at the hurt and distress suffered by those who were victims of abuse.

We accept the finding of the Forde Inquiry that government under-funding and consequent under-resourcing was a significant factor in the failure to provide adequate services to children in care.

We are committed to establishing and continuing dialogue with victims of abuse in institutions to discuss the basis for providing appropriate responses. We acknowledge that discussions are well advanced between some parties.


We are committed to working together with victims of abuse in institutions to ensure the provision of appropriately coordinated services through the establishment of a "one stop shop", as recommended by the Forde Inquiry. This initiative will be integrated with church and government run services and processes for bringing about reconciliation with victims of abuse in institutions. The focus will be on providing victims with the most effective path to healing. We are committed to continuing to provide such services as long as they are needed.

We recognise the value of formal reconciliation experiences in healing the hurt some have suffered, and undertake to plan these in consultation with former residents.

We are committed to doing all we reasonably can to ensure that children in our care are not subject to abuse and neglect. Further, we are committed to ongoing review and improvement of our services to children and families.



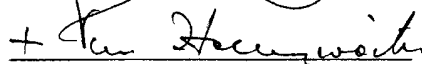
Peter Beattie MLA
Premier of Queensland



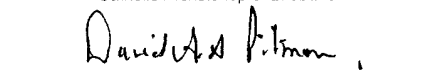
Anna Bligh MLA
Minister for Families, Youth and Community Care
Minister for Disability Services



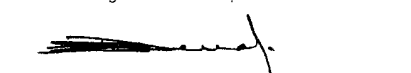
The Most Reverend John Bathersby DD,
Catholic Archbishop of Brisbane



The Most Reverend Peter Hollingworth,
Anglican Archbishop of Brisbane



Reverend Dr David Pitman, Moderator,
Uniting Church in Australia (Qld Synod)



Hillmon Buckingham, Commissioner,
Territorial Commander, Australia Eastern Territory,
The Salvation Army



Bill Gynther, President,
Baptist Union of Queensland



Reverend Peter Overton, Conference President,
Churches of Christ in Queensland

**Extract from the Speech by the Hon Dean Brown MP for the unveiling of the
British Child Migrant Plaque at the South Australian Migration Museum**

Friday, 23 February 2001

Official Acknowledgment

Many of the former child migrants tell us that they suffered greatly as a result of their being sent to Australia.

Many have told of experiences of physical, emotional and sexual abuse at the hands of people in whose care they were placed.

Many say they were told that they were orphans.

Many say they were launched into adulthood without formal documents, such as birth certificates or citizenship papers and without any idea of their heritage.

The resultant pain for the former child migrants is said to be enormous and has posed life-long challenges to them and their children and loved ones.

The Government of SA wishes to acknowledge that these experiences, though not intended by the schemes, may have occurred and been suffered by the child migrants.

At the same time, many of the former child migrants made an enormous contribution to the State of South Australia and have since demonstrated enormous courage and faith as they have worked to put the past behind them and move into a future with hope and optimism.

We trust that the Government can move positively into the future with them and play a role in assisting and supporting the former child migrants and improving services for them.

**A Statement from the Joint Liaison Group on Child Migration on behalf of
the Australian Catholic Bishops' Committee for Migrants and Refugees,
and the Executive of the Australian Conference of Leaders of
Religious Institutes.**

This Statement refers to the Australian Catholic Church's involvement in child migration, which began in 1938 and concluded in the mid-1960s, and which saw more than 1,000 children from Britain and 310 children from Malta brought to Catholic institutions in this country.

The Australian Catholic Bishops' Committee for Migrants and Refugees and the Executive of the Australian Conference of Leaders of Religious Institutes apologise to all those men and women who suffered because of their experiences as child migrants in Catholic institutions.

While we recognise that there were good intentions in child migration, there were also factors at work that often led to children's interests being subordinated to other considerations. For many men and women, the result has been a profound disruption and dislocation in their lives.

We are painfully aware that some children suffered physical, sexual and emotional abuse, and this is a source of deep shame and regret for us. We are sorry that some of those vulnerable children who should have found care and protection in our Catholic institutions suffered abuse.

At the same time, we affirm the many carers who served the children with integrity and generosity. There are many former child migrants who are today grateful for the care they received.

While acknowledging the shortcomings in the child care practices of those days which were not then known, we recognise that many of these were a result of the social and economic conditions of the times.

In offering this public apology, we commit ourselves to continue to assist the former child migrants who came to Catholic institutions.

March 22, 2001

APPENDIX 8

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