

Broken Rites

(Australia) Collective Inc. _____

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Dear Mr. Humphrey,

Thank you for the opportunity to make this submission to the **Inquiry into Child Migration** that is being conducted by the Senate Community Affairs Reference Committee. Our organisation has acted in an advisory and advocacy role to a number of persons who were brought to Australia as child migrants.

The role of Broken Rites in relation to child migrants has been somewhat specialised. Members of our organisation have usually been approached by individuals who, at the time of contact, were making allegations about their childhood experience(s) of either sexual, physical or psychological abuse. Our organisation has then acted in as advisory and/or advocacy role, often working closely with the individual over a number of years. At all times it has been a decision of the victim(s) to pursue criminal or civil litigation, or to enter a non-legal process which has been set up by a particular religious or charitable organisation.

I hope that our submission to this important Inquiry will be of benefit to the Senators who are on the Committee.

Representatives of Broken Rites will be willing to appear and give evidence at any public hearing next year and to provide further written information or clarification should this be required.

Yours sincerely,

Chris McIsaac
President of Broken Rites.

Submission to the Senate Inquiry into Child Migration.

Broken Rites Australia, PO Box 163, Rosanna, Victoria 3084.

"Do you think I've got any family? Cousins, anybody. I'm not fussy. Anybody. They told me that my parents were dead. Do you think that's true?"

"I don't know, but I can find out. I'll need your help."

"How can I possibly help you? I don't know anything about myself. Until I married, I didn't even have a birth certificate. I felt so ashamed." (1).

Broken Rites applauds the holding of this Senate Inquiry and considers that a national inquiry into this matter is long overdue. We recognise that the Senate's Community Affairs Reference Committee will report to the Australian Parliament and that its Inquiry follows on from the British Health Select Committee's Inquiry into the Welfare of Former Child Migrants. A Report of this Inquiry has already been presented to the House of Commons (2). **Members of Broken Rites are disappointed that this Inquiry has come about only after, and maybe because of, the Inquiry by the British Health Select Committee.**

The Context of the Senate Inquiry.

The experience of our organisation causes us to point out that when the Report of this Senate Committee Inquiry is made public, the Australian Parliament will in effect have received the second volume in what should be a trilogy. It is a trilogy about a period of approximately fifty years when Australian governments, charities, Christian religious organisations and some local authorities encouraged, participated in and/or sanctioned a range of schemes that implicitly exploited children. Such schemes were directed at Aboriginal, European- born Caucasian and Australian- born Caucasian children.. The first volume in the trilogy is the *Stolen Generation Report, 'Bringing them Home'*. (3).

The Child Migrant Schemes depended upon agreements between the British and Australian governments (Commonwealth and States). The schemes were able to be implemented then, through agreements between respective sovereign governments and a number of charities and religious organisations that were prepared to sanction and to participate in the schemes. Governments and participating organisations then conspired for decades to suppress and withhold information about the operations on the schemes and the fate and the whereabouts of these innocent citizens. Those persons most directly affected by these conspiracies were the child migrants, their siblings and their parents, in particular every mother of a child migrant.

1. In "Empty Cradles" by Margaret Humphreys AO. An interview with an English Child Migrant, P14.

Background about Broken Rites.

Broken Rites is a voluntary organisation that plays an advocacy and advisory role to persons who have or may have experienced physical, psychological and /or sexual abuse by either clergy, religious or church employees.

Our organisation receives no financial support from any government and we rely entirely on voluntary donations. Members of Broken Rites carry out the following activities:

- Receive complaints about alleged instances of sexual, physical or psychological abuse.
- Provide advice to callers about their rights.
- Arrange for victims to make statements to police.
- Publish a Newsletter (2-3 issues per year) which is distributed to about 1200 readers
- Accompany victims to meetings with solicitors, police, officials of the churches. and/or persons working on behalf of any particular church or charitable organisation.
- Act on behalf of victims, as advocates in conciliation meetings and negotiations over compensation.
- Respond to media enquiries.
- Organise and hold 2-3 informal, social functions each year for victims to attend.
- Attend court cases.
- Carry out public speaking engagements.
- Liaise with relevant organisations and persons in other states.

Over the past seven years we have been contacted by more than 1500 persons in Victoria alone (including 70-80 child migrants), and the organisation has played a significant role in bringing about 60 paedophiles before the courts to face criminal charges. Members have also acted in an advocacy and support role to persons who have sought financial compensation and/or access to services.

The Child Migrant Experience - An Overview.

Senate Committee members should be aware that many of the persons who were brought to Australia as child migrants are now and the parents and grandparents of Australian citizens.

There has been a steady output of television and print media material that has informed the Australian public of the experiences of many of these child migrants. While some individual's experiences may have been positive, the experiences of many child migrants, who were placed into institutions after they arrived in Australia, were not so. We can predict that in the course of this Inquiry, Senate Committee members will receive very personal stories from and hear from former child migrants. Broken Rites has heard many of these stories beforehand. They are graphic and recount appalling acts of deprivation, exploitation, brutality and depravity that were carried out by "carers" against innocent

innocent children who were transported thousands of kilometres from their biological parents, other adult kin and friends as well as their own social and cultural heritage and their familiar surrounds. They are stories about denial, on the part of some religious and other charitable organisations, of any responsibility to recognise basic human rights.

They are stories also about denial of a responsibility to raise children in an environment where there was little love, care and protection from sinister elements within and outside and denial by some organisations that participation in a particular scheme was being driven by considerations of self-interest and clericalism, as much as compassion and humanitarian concerns.

These are also stories of a gross misuse of authority, on the part of States and sovereign governments in first legislating and then entering into these schemes. This was followed by an appalling failure by the same governments to act at the time in the administration of a proper regulatory role. They are stories of a secondary failure by governments to provide proper and appropriate services to these child migrants during any part of their adult lives.

In this submission we cannot and will not present childhood stories. We will at times refer to published, personal accounts of either the first-hand or related experiences of some child migrants or the experiences of other Australian children who were in the same places, at the same times, as child migrants. We hope that individual members of the Senate committee will take the time to read some of these accounts. Instead our submission will focus upon some common experiences of some child migrants when each attempted to seek help and/or justice for crimes that were committed against them. It will also outline to the Senate Committee difficulties encountered in claims for compensation under common law for pain and suffering because of the negligence of the charities and religious organisations that participated in and profited from the schemes. Accordingly, this submission responds to some of the Inquiry's terms of reference only. Specifically the Terms of Reference A, E and F are addressed.

Response to the Terms of Reference.

- 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.*

There are several implied questions in these two terms of reference and each of the questions can be answered in the affirmative. Child migrants were certainly required to work in unsafe conditions in situations where migrant boys were put to work on building sites and migrant girls were required to work in laundries.

Broken Rites is aware of several recent reports, books and at least two theses which document how boys and girls were treated improperly and there are also recorded instances where the treatment of children was unlawful. A substantial amount of evidence of unlawful treatment comes from the number of former child migrants who have made allegations about their sexual abuse while in institutions. In nearly all cases, these allegations have been against a male. From the records that Broken Rites has, the majority of alleged offenders have been clergy and members of religious orders within the Catholic Church in Australia. Amongst the religious orders, the Christian Brothers stand out for the number of alleged offenders who have been identified amongst its members. Sadly, the number of religious who have been convicted for criminal activity understates the extent of this past abuse and there are a number of factors that can explain this.

Unsafe Work.

"We built that bloody place. We built it with our bare hands".

"What place?"

"Bindoon. We built Bindoon. We mixed so much cement the dust burned our feet and the sores on our knees and hands. We were slave labourers. Have you been there? Have you seen it?.....Bindoon was like a building site. There was rubble and rock everywhere. We had no shoes. We worked in our bare feet everyday. Winter and Summer. We built that bloody place for them. We ate brick dust with our breakfast." (4).

Some of the best documentation about British and Maltese child migrants working in unsafe working conditions can be found in publications about the Christian Brothers "orphanages" in Western Australia (1,5,6). Specifically the institutions are Bindoon, Castledare, Clontarf and Tardun.

A lack of safety provisions can be judged by the fact that between 1943 & 1958, five boys died in accidents at Tardun and Bindoon and others sustained seriously injuries such as finger amputations, broken limbs, spinal injuries and lime burns (5). Indeed, not one was followed by any form of inquest (5). Pictorial evidence of unsafe conditions is also available, particularly photographs taken during the construction of Bindoon (1).

There is a noticeable lack of published information about the work required to be done by girls in institutions and their respective working conditions.

Information given to members of this organisation suggests that girls were required to work in three main activities. These were kitchen duties, detailed cleaning of churches and chapels and various work done in laundries.

4. In "Empty Cradles by Margaret Humphries, p.23 &45.

In some of the larger Homes for Girls that were run by Catholic nuns, a laundry usually operated. Thus all of the linen and clothing etc. used in the Home was cleaned on site. Some of these laundries appear to have operated on some sort of commercial basis where laundry from outside of the Home would also be handled.

Working conditions in some of these has been described as dangerous with girls being required to work heavy machinery. There are also reports of girls being required to work a full Saturday and working at times, under conditions of extreme fatigue.

There is another aspect to this question of work being required to be done by children. It is the matter of unpaid wages and this matter is argued later in this submission.

Improper Treatment.

"For lunch you would sometimes get one baked bean in a sandwich". (7)

A consideration of the matter of improper treatment will, no doubt, draw differing and sometimes contradictory views, explanations and accounts to be put to the Senate Committee. Organisations that operated the institutions in the past may argue that such consideration needs to be related to the attitudes and accepted practises of the time. Broken Rites does not consider that we have the depth of knowledge to be able to make detailed analyses.

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 labor 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 military and minimum standards of working conditions, hours of work and wages had already been established for working adults.

As a consequence of interviews and conversations with many, many adults who had been either institutionalised child migrants or Australian-born children in these same institutions at the same time, some personal reactions emerge time and time again. Most of our contacts had the experience of growing up in a Catholic- run Home or Orphanage.

- People speak about being deceived about the existence of their parents.
- People speak about the feeling of isolation and the yearning for close contact with a protective, human figure; of longing to be hugged and held and comforted.
- People speak about the common experience of being constantly hungry and of being aware the nuns and brothers in charge of them always had better quality food.

- People speak of their resorting to stealing in order to get food to satisfy their hunger.
- People speak about their about their exile and about their experience of child slavery.
- People speak of their continuing problem of bed-wetting as a child, and of the consequences in terms of embarrassment, physical beatings and public humiliation in front of their child peers. A common experience for girls was to be stood in front of a class, each with the wet sheets placed over the head of the bed wetter. This practise appears to have been a "norm" in several, geographically separated institutions!
- People speak of seldom being able to react spontaneously when in the presence of their adult carers. This state of mind developed as children witnessed, and sometimes experienced, outbursts of rage and temper by individual carers. Children learned to keep their heads down and so reduce the likelihood of a random beating by a brother, nun or lay carer.
- People speak about the childhood experience of extreme pain, fear and of terror as a result of beatings with specially made leather straps, belts, canes and pieces of wood.
- People speak about the childhood experience of extreme pain associated with sexual penetration and rape.
- People speak of their becoming totally de-personalised in their childhood, as a way of dealing with repeated sexual abuse.
- People speak about leaving their Institution and being dumped onto the edge of some community without any experience of that community; about having poor social skills, no life skills apart from a survival instinct, and little in the way of material and financial resources.
- People speak of life-long problems with uncontrolled anger, clinical depression, alcohol abuse, petty crime and an inability to trust and form intimate relationships.
- People who were sexually abused speak about their shame, about carry this guilt around for a lifetime and never being able to confide in a family member, any detail of these childhood or adolescent experiences.

Unlawful Treatment.

"When truth goes forward, it is often fragile and alone. Falsehood on the other hand can have many friends".

Bartholome de la Casis. (8)

Usually Broken Rites' first contact with a former child migrant has come about with the person in question contacting the organisation to report a past experiences of sexual or gross physical abuse. Most of these contacts have occurred only after public exposure of the whole child migration saga following such TV programs as "The Leaving of Liverpool" and " Lost Children of the Empire".

For most of the persons contacting Broken Rites and reporting past sexual abuse, the alleged abuser has been a male. From the hundreds of cases that the organisation has become involved with, about 90% of alleged perpetrators have been religious brothers and priests as well as diocesan priests.

In the case of former child migrants, most boys were the victims of the Christian Brothers Order. Where abuse of a girl has been alleged, the perpetrator has often been a priest who visited a Home to perform pastoral duties. Women have more often reported experiences of harsh beatings, false imprisonment, isolation and being assigned to extensive periods of hard physical work, for what must have been trivial misdemeanours and even typical child behaviour. Some women have reported molestation and attempted molestation by males after they were moved out of a Home and put into a foster care situation.

Church Responses to Victims of Sexual Abuse.

It is worth drawing the attention of the Senate Committee to our organisation's experience of the Anglican and the Catholic Church's reaction and response when victims have sought justice.

The Anglican church has clear processes for dealing with allegations of this nature although compliance with these processes has at times been less than satisfactory. In most cases however the Anglican Church has responded immediately in terms of arranging to hear allegations. The person making allegations, received clear documentation of the process to be followed and was encouraged to bring a non-lawyer advocate.

This is in contrast to the Catholic Church where response mechanisms have already passed through a few phases.

The response of the Christian Brothers Order to the exposure of the widespread and systematic sexual abuse of boys who were in their orphanages in Western Australia has been documented (9). For this, the Australian community must recognise the courage of victims (including former Child Migrants) and their families, the tireless voluntary work of persons in the non-government organisation VOICES and the dedication and integrity of journalists, editors and producers in the print and electronic media.

Allegations about abuse began to be made by members of VOICES as early as 1990. The Order's initial response was one of denial. Its first public admission took the form of an apology published in the national press in 1993. Shortly after this admission, the then religious Head of the Order in Western Australia stated on a national TV program that nine or ten Christian Brothers had performed unlawful and indecent acts upon boys (10). Another Christian Brother and historian Dr. Barry Coldrey, in an interview with the "West Australian" newspaper, had intimated that some child migrants were already sexually perverted when they had arrived in Australia (11).

This same Dr. Coldrey was then requested to investigate and report internally on the matter to the Brothers' executive. Another panel, set up by the order, reported that 32 staff at the four institutions had been accused of some form of abuse.

In a secret report Dr. Coldrey's indicated that the Christian Brothers had known for years about such activities going on in their orphanages (12). This secret report identified the existence of rings of paedophile within the Order who had been in the practise of informing each other about which boys in their care were sexually vulnerable. Boys were simply passed on from one paedophile to the next! It is interesting to note that as recently as 1998, the Order of the Christian Brothers has officially denied any knowledge of existence of such paedophile rings (13).

This same pattern of initial denial and latter a limited admission has also been experienced by persons making allegations of their being abused by nuns (14).

Action by the Catholic Bishops of Australia.

The Senate Committee members need to be informed about how the Catholic bishops of Australia have responded, in terms of process, to these claims by so many baptised Catholics and non-Catholics. Broken Rites has been a close observer.

Briefly, despite independent investigation of the child migration schemes beginning in the mid eighties and cases of abuse being reported time and time again in the media from about 1987 (15), it was not until 1996 that the Australian Conference of Bishops released its official and public document "**Towards Healing**" (16).

This document outlined a process which from that point, the bishops claimed, was to be followed throughout the Catholic Church, as its response to persons making allegations of sexual abuse by its members and/or employees. "Towards Healing" outlines a set of principles and procedures to deal with complaints about sexual abuse. It emphasised the need for a compassionate response by the church towards the victim and one that was to be fair and just. It also requires the church to enter into immediate dialogue with a victim.

There is no information available about the numbers of persons who have sought justice through the "Towards Healing" process. Furthermore Broken Rites has only anecdotal information as to whether the outcome has been a satisfactory one for a victim. We are aware of the fact that there is appears to be a continuing series of civil legal cases around Australia being prosecuted on a "no win - no fee" basis as well as at least two Class Actions against particular religious orders.

The Catholic bishops of Australia should have realised from Day one that their dealing with this issue was going to require vigilance on their part, otherwise victims would lose trust in their new and publicly promoted approach.

15. "Reaping the Whirlwind.....Sexual Abuse from 1930 to 1994." By Brother Barry Coldrey. The existence of this secret report was exposed in the NSW Supreme Court in 1994.

16. "Towards Healing - Principles and Procedures in Responding to Complaints of Sexual Abuse against Personnel of the Catholic Church".

Two warning signals were already there. First, the Bishops claimed publicly that "Towards Healing" and the processes that were outlined within it, were to apply across the whole Catholic Church in Australia. However the Jesuit Order did not agree to be bound by it. Second, even while the Catholic bishops were working through the details of this document and its processes, the Archbishop of Melbourne (Dr. Pell) was setting up his own and a separate process to deal specifically with complaints of sexual abuse and misconduct by priests in the Melbourne Diocese!

The experience of Broken Rites, when working alongside of victims who are seeking compensation through the "Towards Healing" process is that the processes lack transparency and they are not always followed. Furthermore, there have been cases involving individual bishops and also religious orders where those representing the bishop or the particular Order have not been compliant with the processes. **Indeed there have been cases in Melbourne where conciliation has occurred and an offer of financial compensation has been made, without a single piece of paper ever passing between the parties. Thus there are no records of anything ever having occurred or being responded to.**

Another major deficiency is the fact that **these processes continue to be essentially internal ones**. This means that the administration of, and operations of the process are invariably being carried out by persons who are known to and have then been appointed by the Catholic Church. **Thus the power relationship between the Church and a victim is being maintained** This has often been further exacerbated by the fact that those representing the Church will often have been briefed by a lawyer or will bring a lawyer to the negotiating table. Victims have seldom been able to afford this provision for themselves. Where a settlement has not been reached, then the victim has been faced with two options, either cease with the attempt to seek compensation or move towards making a claim in the courts.

Senate Committee members should be aware that although many victims have gone to civil litigation against the catholic church, there has not been one case in Australia where a final judgement and determination has been brought down in a court. The practise of the Church has been to defend these cases by every means possible and in this way try to wear the claimant down. Cases have finally been settled before getting to a court.

A number of victims have commented on this situation, observing that the various arms of this Christian church have been prepared to pay massive legal costs in order to prevent any case ever going to a judgement, rather than meet the genuine needs of victims in a realistic way.

E. *Measures of reparation including, but not limited to, compensation and rehabilitation by the perpetrators.*

"The fact is, when a decision, a sentence, is imposed, the power of the State - the community, is exercised in relation to an individual.....I perceive the State as having a non-delegable responsibility for all that happens as a consequence of the exercise of that power."

Justice Frank Vincent of the Supreme Court Of Victoria. (17)

The experience of Broken Rites in its advocacy role, has allowed us to make a number of observations and in the context of this inquiry, we feel qualified to make some suggestions in relation to Term of Reference "E".

We believe that the Senate Committee must consider three matters here. They are:

- A real need for better and more independent processes that would allow child migrants, who have been sexually abused, to seek compensation.
- The setting up of appropriate mechanisms, so that these former Child Migrants are paid for the work that they did as children.
- The setting up of services that recognise long term needs.

We consider that the present response of the Catholic Church in Australia to victims of sexual abuse is flawed. There are a number of factors that have contributed to this.

- At times, the head of a religious order or an individual bishop has not been willing to comply with the overall process.
- The process is controlled at every step by the church itself and many victims are very uneasy at having to have further association with the same Church.
- Few victims have been able to pay for legal representation. Furthermore a number have had very poor reading and writing skills and have found this sort of negotiating very difficult without the presence of an advocate.
- Some women have been particularly disadvantaged in the process where a priest is the alleged abuser. Here, the victim is usually confronted with an all-male party on the other side of the table.
- Church representatives still appear to be unwilling to recognise that victims are often damaged for all of their life.
- The experience of Broken Rites, when advocating alongside of victims is that Church really wants the negotiations to be short. Compensation is therefore offered on a take it or leave it basis.

Unfortunately no figures are available on the overall numbers of child migrants who have been able to obtain financial compensation for past abuse.

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Senate Committee members need to be aware that their appears to be disquiet about the Church's processes and response to the issue amongst Australia's catholic bishops too. Speaking at the Synod of Oceania in Rome in 1998, Bishop Geoffrey Robinson from Sydney, appealed to the Vatican to act on the matter of sexual abuse by clergy and religious to review all attitudes to power and authority within the Church (18).

Need for Improved and Independent Processes.

In respect of this matter, Broken Rites wishes to propose the following:

- We believe that there is a **need for an independently assessment of processes** that have been set up by religious organisations in particular. Such an assessment must be broad enough so that an a judgement can be made about the independence of a particular process as well as each organisation's compliance with its own processes
- We believe that the charities and religious organisations, that were involved with the Child Migrant Schemes and institutionalised these children, **must be made to comply with equal opportunity requirements, in respect of each organisations representation in any process.**
- Because some victims of sexual abuse have not been treated justly when they have sought compensation through Church-established processes, we believe that **an appeal mechanism must be established, that is independent of the respective Church.**

Meeting claims for unpaid wages.

There is a significant number of former child migrants who were required to work in Institutions during their childhood. Essentially they worked as child slaves. Brief details of the work done and the working conditions of the children, has already been given in this submission and in other publications (1,2,6,9). The Senate Committee may already be aware that under the agreements reached between sovereign governments (and involving state governments), money was provided for the upkeep of each child.

Broken Rites is not privy to all of the details of these financial arrangements., it has been revealed however that for children being brought to Australia immediately after World War 2, the total contribution by governments amounted to seven shillings per child per week(19). This paltry sum seems extraordinary when it is considered that the cost of keeping an English child in a parish poor house in 1870 was 4s7p (20)! Is it any wonder that Child Migrants were subjected to Dickensian conditions in Australia?

We believe that the Senate Committee should attempt to determine whether this amount would have been adequate for the times for the upkeep of the children. We have to question the adequacy of the financial support and this matter raises the possibility that this was a factor contributing to the fact that so many children were required to work within the Institution where they were being raised.

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If this is so, then these **people have been dealt a grave injustice as a consequence of government policy failure and fiscal ineptitude.** We believe that this is a matter which must be addressed in the course of this Senate Inquiry. We are not suggesting that an Australian government must bear the full cost of recompensing former child migrants for unpaid wages. Indeed, we are of the view that former migrants should be able to make claims for these unpaid wages from the charities and religious organisations that obviously profited from the work done.

What must be recognised is that in working child migrants in this way, the charities and religious organisations did in fact generate revenue and in some cases a substantial capital assets were developed. These assets are either still owned and being used or they have been sold for profit by the charities and religious organisations concerned.

The Senate Committee would already be aware of financial settlements being reached by persons who worked as slaves during World War 2 for the Nazis and the industrial war machine of Germany. We understand that these settlements have involved the government of the Federal Republic of Germany as well as businesses that profited at the time. **Resolution of this matter may require that an Australian government, through its Department of Foreign Affairs, enter into direct negotiations with the Vatican on behalf of former Child Migrants.**

Recognising victim's long term needs.

There are some long-term need which are identified tie and time again by many former child migrants and others who have experiences abuse. These are, the wish to gain better reading and writing skills and the need for secure housing. For many, their lack of literacy and writing skills has meant that during their working lives, they were always in low-pay jobs. This limitation has then contributed to their housing status and many have been in either private rental or public housing for long periods of time. Where individuals have sought compensation payments, this need has 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.

We believe that this is an issue that must be considered by the Senate Committee. While we have no reliable data, we believe that there is a significant financial consequence for governments, both state and national. The intransigence of some charities and religious

organisations means that many of these people will have to continue in public housing for the remainder of their lives.

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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.

"Any nation that does not look after all of its children, does not deserve to be called a nation."

Nelson Mandela. (21)

Our experience with child migrants who were abused is that they have been treated in the same manner as all others when seeking redress. Some generalisations about these experiences of the church-established processes are already detailed. There are other factors that can act as barriers when a victim decides to go to civil litigation. Cases have been unable to proceed because of the statute of limitations in Western Australia and in Queensland. In other cases, the victim has simply not had the resources to track down an alleged abuser.

We wish to make the following proposals.

- We believe that without legal representation in the actual process, many victims are disadvantaged. Child migrants should therefore have **access to legal aid**.
- In order to get an appropriate outcome as well as an adequate settlement, victims need access to professional assistance at the pre-negotiation stage. Therefore we believe that there is a need for a **dedicated community legal service** that would be located in on the eastern seaboard and which would specialise in these sort of cases.
- We believe that the Commonwealth Attorney General should approach the Attorneys General in the states and Territories seeking their agreement that Child Migrants have access to official records without having to resort to Freedom of Information provisions and without having to pay fees.
- Our experience in working as advocates alongside many victims is that the outcome for the victim has usually been better than in cases where a victim has gone through a negotiating process alone. In light of this, we believe that there needs to be government funds made available to meet the expenses of an advocate. At the present time this work is done on a voluntary basis and victims can miss out simply because the advocate cannot take time off work etc. to attend meetings between the victim and church officials.

Concluding statement.

In this submission an attempt has been made to present to the Senate Committee a series of observations and to relate experiences that have been drawn from people who have been prepared to act as volunteers and have been able to assist persons who have made serious allegations about sexual abuse by members or employees of various religious organisations.

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These accusations have always been troublesome to the Christian churches in particular. At the same time, it has to be acknowledged that these experiences have ruined the lives of many victims including former child migrants.

While the experiences of many men is now well documented, there is a scarcity of information about the treatment and the later experiences of many women. There is even less information about how these experiences affect other persons who happened to become children of the abused victim.

Although this information is lacking in detail at the present time, we suspect that there may be a number of family situations where the initial acts of abuse have triggered a cycle in which the victim and subsequent family members have been marginalised for significant periods in their lives. On top of this, these people have not achieved the right start in life, in material terms, and as a consequence that have had to become significant users of government services.

This sequence of events following the initial abuse is not recognised by most of the hierarchy of the Christian churches and so a significant shifting of cost occurs with the Commonwealth government having to meet much of this.

WAYNE CHAMLEY.

Submission prepared on behalf of the Broken Rites Management Committee.

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3. "Bringing them Home" The Human Rights and Equal Opportunity Commission- Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families.
4. In "Empty Cradles", p.107.
5. "Counting the Cost - Christian Brothers and Child Care in Australian Orphanages" by Bruce Blyth. Publ. B & P Press, 1999, p.30
6. "When Innocence Trembles - The Christian Brothers Orphanage Tragedy " by Kate Davies. Publ. Angus and Robertson, 1994.
7. In "Empty Cradles" Statement to author by Mr. George Wilkins a former English Child Migrant, p. 68.
8. Frere Bartholome de la Casis - in a statement to the Papal Delegate at the Valladolid Inquiry in 1550. This Inquiry followed the Pope's receipt of numerous and serious complaints about the treatment of indigenous people by Spanish plantation owners in the New Americas. A Papal Delegate was appointed to hold an inquiry into the question of whether the Indian had a soul? His finding that each did have a soul meant that the slavery of these people was no longer sanctioned by the Pope and so slavery became focused upon the black races in Africa.
9. "In the Shadow of the Cross" by Bruce Blyth. Publ. B & P Press, 1999.
10. *ibid.* pxiii.
11. In "Empty Cradles", p285/6
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17. Interview with Justice Frank Vincent, Judge of the Victorian Supreme Court. The Age, 1998
18. ABC Radio News 25/11/98.
19. In "Empty Cradles" p.306
20. In "The Great Wave - Price Revolutiuons and the Rhythm of History" by David Hackett Fischer. Publ. Oxford University Press, 1996. P170.
21. Statement by Nelson Mandela at the Rally for Reconciliation, held in Melbourne in September, 2000.

