

NCH's Submission to the Senate Community Affairs Reference Committee Inquiry into Child Migration

Introduction and Context

1. NCH is pleased to have the opportunity to submit written evidence to this Inquiry. We have read the terms of reference carefully and are responding to the best of our knowledge and belief. As suggested, we have answered only those questions about which we have something to say of relevance to the Committee's task.

2. Today, NCH is one of Britain's major children's charities. We operate about 450 community based projects for children at risk and in need and their families, and for vulnerable young people, across the country.

3. NCH was formerly known as "the National Children's Home and Orphanage" and was established by a Methodist Minister, Dr. Thomas Bowman Stephenson, in 1869. Within a few years of its foundation the charity became involved in child migration to Canada.

4. The charity's participation in child migration to Australia came later and never reached pre-First World War levels. In total, NCH was responsible for the migration of 129 children to Australia. These children were sent in two main groups:

37 children were sent to Northcote Farm School, Bacchus Marsh, Victoria in 1937-9; and

92 came to children's homes run by the Methodist Church Agencies in Sydney, Melbourne, Adelaide and Perth and a Barnardos home in Sydney in 1950-2.

5. NCH's involvement in child migration then ceased and never resumed.

6. NCH Committee minutes from 1949 show that the criteria used for selecting children to be sent to Australia in 1950-2 were that the children should be:

- between the ages of 7 and 10
- in good health with no specific "physical defects"
- in good mental health, without "problems" of any kind
- adaptable and enterprising, likely to make a go of the opportunities in Australia
- ones whose parents or guardians who wished them to emigrate
- able to be sent from England without further dislocation of family ties
- with no prospect of returning home to their family and with little or no contact with them
- ones who themselves wanted to go.

7. NCH records show that the reasons for the charity's involvement in child migration in 1950-2 were largely the same as those that prompted the charity's participation in the 19th century: namely, an honestly held belief that the children's prospects would be better in a "young country". The British Government and the leaders of British sending agencies such as NCH also appear to have felt a sense of obligation towards Australia. Since Australia had sent some of its young men to fight and die in defence of Britain and its Empire during the Second World War there was a feeling that we should repay our moral debt to Australia through child migration.

8. Based on a recent review of our records, it is clear that child migration to Australia in the post-war period was a “joint enterprise” between the Governments of Australia and Britain, and the sending agencies such as NCH. In our view, this means that we have a continuing moral responsibility – although not a legal duty - towards the former migrants, and the ways in which NCH is now seeking to act on this are explained later in this submission. A further consequence is that we believe that Governments in both countries also now have a shared responsibility to respond to the former child migrants’ needs.

9. Although many of the surviving people whom NCH sent to Australia as children appear to agree that they benefited from opportunities that would have been denied them had they stayed in Britain, they also often have a continuing and profound sense of loss – particularly of family. For this reason, NCH is firmly of the view that child migration was a major mistake and we now deeply regret having taken part in it.

10. Having made our overall position clear we will now turn to the Inquiry’s Terms of Reference about which we believe we can legitimately comment.

NCH’s Response to relevant Terms of Reference

11. *in relation to Government and non-Government institutions responsible for the care of child migrants:
whether any unsafe, improper or unlawful care or treatment of children occurred in such institutions,*

12. To the best of NCH’s knowledge and belief no unsafe, improper or unlawful care or treatment of children occurred in the establishments to which they were sent in Australia by the charity, *with a single, important exception*. One of the 129 children whom NCH sent to Australia has recently alleged that he was sexually abused by another boy resident in the same children’s home there. As far as we are aware, no other incidents of abuse occurred. However, one cannot rule out the possibility that further allegations may be made in the future.

13. When NCH sent the children to Australia in 1950-2 they were accompanied by three members of NCH staff, to provide some continuity for the children and to help ensure their welfare. The intention was that the staff should remain for three years, although one returned early. There is evidence from some of their reports that they found the standards of child care in Australia to be poorer than those they were used to in the UK. However, they did not suggest that the children’s treatment was “unsafe, improper or unlawful”.

14. A further issue also needs to be taken into account. About twelve of NCH’s former child migrants, both men and women, from more than one establishment, have spoken about being physically chastised by the staff looking after them in Australia. Our understanding is that corporal punishment was a recognised and regulated means of disciplining children at the time, in Britain and Australia. However, some of the incidents that have been described go beyond what we believe would have been regarded as acceptable, according to the standards of the day. It is therefore possible that the treatment these people received as children was “improper”, even if it wasn’t “unlawful”.

15. *whether any serious breach of any relevant statutory obligation occurred during the course of the care of former child migrants*

16. The allegation of sexual abuse cited above, if proven, could, in our view, constitute a breach of statutory obligation on the part of the Australian State concerned.

17. Our understanding is that NCH relinquished all its legal duties with respect to its child migrants once they arrived in Australia. Under section 6 of the Australia Immigration (Guardianship of Children) Act 1946 all migrant children became Wards of State on their arrival, with the Minister as their official Guardian. Section 7 empowered a State to make a receiving agency, which was deemed suitable, a child migrant's legal custodian. Under the Act these legal duties endured until a child became 21, unless s/he left Australia at an earlier age.

18. *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*

NCH's practice from the 1950s until 1998

19. As has already been explained, one of the selection criteria for children being sent to Australia in 1950-2 was that they should have no prospects of returning home to their family and no risk of further dislocation to family ties. In other words, these were children who were already perceived – rightly or wrongly – to have no prospect of being cared for by their families. However, it was recognised that the children sent to Australia might not settle and NCH established a fund to pay the fare of any child who wanted to return. In the event, no child returned under this fund.

20. In the years following their migration, many former residents of NCH kept in touch with staff and children remaining in Britain. Some wrote accounts of their experiences in the charity's "Old Boys and Girls" newsletter called "Our News". Many retained contact with family members. When enquiries were made NCH seems to have responded in a constructive – if somewhat limited - way. A recent review of all the files relating to the 129 children sent to Australia through NCH has found no evidence of information being deliberately withheld or denied. In some cases where contact was lost, family members were re-contacted.

21. In more recent years, any former child migrant enquiring directly about records was asked to make contact with a social work or counselling agency local to them, so that sensitive information could be conveyed through a person suitably qualified and experienced in this work. NCH was also always happy to co-operate with the Child Migrants Trust whenever it approached us on behalf of a former migrant.

More recent developments in NCH's services to former child migrants

22. NCH gave evidence to the British House of Commons Select Committee on Health's Inquiry into the Welfare of Former Child Migrants in 1998. The Inquiry's recommendations prompted NCH to review its policies and practices towards former child migrants, as a result of which the charity decided to take a more pro-active approach to the promotion of their welfare, principally by appointing a Child Migrants Adviser.

23. The aims of this time-limited (2 year) post are to:

- make contact with as many former child migrants sent to Australia by NCH as possible to seek their views about the services needed by them
- respond to those needs by developing and offering the services requested
- identify social work agencies in Australia which could offer ongoing support to former child migrants, if they ask for it.

24. It is important to emphasise that NCH continues to be happy to co-operate with the Child Migrants Trust if former child migrants prefer to be represented by them, rather than working directly with our own Child Migrants Adviser, Ms. Joan Kerry, who is also highly experienced in this field. The notion that former child migrants should have a choice over the agency from which they receive a service was an important element in the Select Committee's recommendations and NCH is committed to respecting this at all times.

25. So far Ms. Kerry has been able to make contact with 82 of the 129 people sent to Australia through NCH. She has been told of a further 14 who are no longer alive. 50 asked for copies of their care records and 23 requested a family tracing service. Some were aware that their parents' deaths had been the reason for their admission to the care of NCH in the 1930s and 1940s. They asked for details of where their parents were buried and photographs of their parents' graves.

26. NCH has now established a comprehensive service for those former child migrants who have requested it, providing original documentation from care files, photographs and school reports, as well as a tracing and counselling service for all involved, both in Australia and in Britain. To date, 50 of NCH's former child migrants have asked to work with Ms. Kerry.

27. Ms. Kerry was concerned that former migrants should be able to receive on-going support, if they require it. To this end, she initially made contact with the agencies which had received them, ones now governed by the Uniting Church, (UCSA). Unfortunately, a positive response was not forthcoming. Some no longer offer counselling, while others expressed the view that support should *only* be provided through an independent agency such as the Child Migrants Trust, thus offering former migrants only this option with no choice of an alternative. NCH believes that such an arrangement does not accord with the notion of choice, so Ms. Kerry has made contact with other agencies in Australia which have now agreed to offer support to NCH's former migrants, if they request it.

28. Ms. Kerry has been able to visit Australia three times between September 1999 and August 2000. Her work has not only been in the field of access to files, but has also included a counselling service both in Australia and in Britain. Through her efforts, 21 former child migrants have now been reunited with close family.

29. NCH is keen to learn lessons from the past and has recently made a video about the experiences of the charity's former child migrants. 20 of them take part on the video and speak directly about their experiences, including their feelings about the long term impact of child migration on them. The video formed part of a presentation by NCH at the conference of the International Forum for Child Welfare (IFCW) held in Sydney in August 2000. We would be happy to send the Inquiry a copy, if this would be helpful.

30. *The effectiveness of efforts made during the operation of the child migration schemes or since by Australian Governments and any other non-Governmental bodies which were then responsible for child migration to:*

inform the children of the existence and whereabouts of their parents and/or their siblings reunite or assist in the reunification of the child migrants with any of their relatives, and 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.

31. We have already explained the efforts made in these respects by NCH during the operation of the child migration schemes. The procedures developed were minimal and it would seem that this was because it wasn't appreciated at that time that these were issues that needed to be addressed. Between the mid-1950s and the late 1990s, NCH always attempted to respond positively to requests for information from its former child migrants, but only if approached by them. The charity did not offer a tracing or reunification service. Over the last two years NCH has, in our view, developed a comprehensive service in these respects. The charity is also committed to ensuring that its former child migrants will continue to be able to exercise a choice over the agencies from which they can access support in the future, once our time-limited Child Migrants Adviser post ends.

32. Although we are pleased about the services we have recently developed for former child migrants, this does not in any sense overcome our sense of sadness about our involvement in child migration. As one of the charity's former migrants has commented, NCH's actions are also open to the criticism that they are "too little, too late": it should not have taken an Inquiry by the House of Commons Health Affairs Select Committee to have spurred us into action.

33. At this point it is appropriate for us to comment on the work of the Child Migrants Trust, since it is clear that without their efforts, that Inquiry would almost certainly not have taken place. More generally, this organisation is largely responsible for having kept the issue on the political agenda in Britain. Over many years the Trust has also offered a much valued, independent service for former child migrants.

34. The British Government responded to the Health Affairs Select Committee's Inquiry report in a relatively positive way, establishing a trust fund over three years to help former migrants to make a "first contact" visit home. Unfortunately, this fund is over-subscribed and the application criteria so restrictive that it seems to us that some very deserving applicants (not necessarily from NCH) have been denied help. We believe that the British 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. We were, however, pleased that following that Inquiry, the British Government reaffirmed its support for the Child Migrants Trust. In our evidence to the Inquiry we had called for the Trust's statutory funding to be increased.

35. We do not feel in a position to comment extensively on the effectiveness of the efforts of Governments in Australia in these respects. We know that the Child Migrants Trust receives some funding from them. We welcome this and hope that one of the outcomes of this Senate Committee's Inquiry will be to increase and stabilise the Trust's funding, as happened following the House of Commons Select Committee's Inquiry in Britain. More generally, we believe that it is incumbent on the Governments of Australia to discharge their obligations to former child migrants, just as it is for the Government of Britain and for sending agencies such as NCH. We hope that the Senate Inquiry will encourage co-operation between agencies in Australia and Britain and between both Governments so that former child migrants will feel that their voices are being heard and their needs met.

36. *the need for a formal acknowledgement and apology by Australian Governments for the human suffering arising from the child migration schemes*

37. This is not something about which NCH can or should extensively comment, except to say that it became clear during the House of Commons Health Select Committee Inquiry that the issue of an apology – particularly on the part of the Governments concerned - was an important one for some former child migrants.

38. *measures of reparation including, but not limited to, compensation and rehabilitation by the perpetrators;*

39. The use of the word “perpetrators” suggests that incidents of abuse are what are particularly being referred to here. NCH believes that any person who has been abused as a child should have the right to justice and reparation, within the laws – both civil and criminal – pertaining in the relevant jurisdiction.

40. *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*

41. NCH has no knowledge of this.

A handwritten signature in black ink that reads "Deryk Mead". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Deryk Mead
Chief Executive
NCH..