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2 December 2008

Elton Humphery
Committee Secretary
Community Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600



Response to inquiry into implementation of recommendations of the Lost Innocents and Forgotten Australian Reports

Dear Sir,

The Fairbridge Foundation is the successor to the Fairbridge Farm Schools of New South Wales Inc.

The Fairbridge Farm School at Molong, NSW, received British child migrant children between 1938 and 1958. After that date British children who came to Australia under the One Parent and Two Parent schemes and a small number of Australian children lived at the farm until it was closed in 1973.

The Fairbridge Foundation was established in 1976 with money which remained after the sale of the farm. The Foundation has not had direct care of children but holds the records of children who lived at the Farm School.

Recommendations of the Lost Innocents Report.

REC. 14,15,16 - the Foundation has always made records available to former child migrants under guidelines developed in consultation with the Old Fairbridgians Association, the representative body. A large number of 'old Fairbridgians' have accessed their records under the terms of "Access to information from Fairbridgians personal files", a copy of which is enclosed herewith.

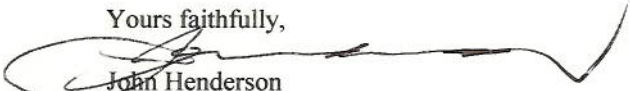
REC. 31 - the Foundation on behalf of the former Fairbridge Farm School has acknowledged that, despite the good intentions of those involved, child migration schemes may have lead to some children experiencing hurt & ill-treatment.

REC. 32 - in 1974 the Kingsley Fairbridge Memorial Reserve was established on the Mitchell Highway east of Molong. The land was donated by the Farm School and is maintained by Cabonne Shire Council with funds provided by the Fairbridge Foundation. The centre piece of the Reserve is a cairn on which are plates which record a little of the history of the Farm School & the children who lived there. At the base are plaques struck in memory of those Old Fairbridgians who gave their lives in the service of Australia.

Recommendations of the Forgotten Australians Report.

As stated above, some British children who came to Australia with one or both parents, lived at the Fairbridge Farm School as well as a small number of Australian children. The same guidelines for the release of information apply.

Yours faithfully,


John Henderson
Secretary

FAIRBRIDGE FOUNDATION – SYDNEY

ACCESS TO INFORMATION FROM FAIRBRIDGIANS PERSONAL FILES

1. PREAMBLE

The personal files of the children who migrated through the Fairbridge Society, London, from the British Isles were residentially cared for and under the control of the Fairbridge Farm Schools of New South Wales are held in the office of The Fairbridge Foundation (Incorporated) ACN 000 038 353 at Suite 809 Trust Building, 155 King Street, Sydney, New South Wales.

It is planned, when it is no longer advantageous to the Fairbridgians concerned or practical for the Fairbridge Foundation to retain these files, to have them placed in the Mitchell Library, Sydney, or other Government Archival Repository for safekeeping.

2. OBJECTIVES

- i To protect the rights and records of each Fairbridgian in keeping with the New South Wales Privacy Act 1988 and amendments, November 2000 and the and the Federal Privacy Act, 1988
- ii To provide information from the files to person/persons entitled to access under the guidelines contained in this document

3. DEFINITIONS

- i Fairbridgian.

1.

A British Child Migrant who emigrated from the United Kingdom to Australia under an agreement between the United Kingdom and Australian Governments and was resident at the Fairbridge Farm School, Molong, New South Wales between 1938 and 1973.

This also includes children originally resident at the Northcote Children's Farm School, Bacchus Marsh, Victoria and were subsequently transferred to Fairbridge, Molong, in December, 1944.

ii. **Fairbridge Farm Schools of New South Wales.**

Which has been succeeded by the Fairbridge Foundation (Incorporated).

iii. **The Fairbridge Society - London. U.K.**

This Company became The Fairbridge Drake Society and is currently operating as Fairbridge in London, England.

4. **PROCEDURES**

A person seeking information from a Fairbridgians file must do so in writing.

To authenticate the right to be given the requested information the letter must be accompanied by evidence of the persons entitlement to such information.

Acceptable evidence must be in one of the following formats :-

- i. A certified copy of a **Birth Certificate, Passport** or current **Driver's License**. Such certification to be effected by a **Registered Justice of the Peace** or **Qualified Person** legally permitted to witness Government Documents i.e. Passport Applications.

- ii. A Statutory Declaration witnessed by a Registered Justice of the Peace declaring the relationship to the person from whose file information is sought.

Applications are to be sent to The Secretary, Fairbridge Foundation.

a) **Whilst the Fairbridgian is alive.**

- i. No person, other than the Fairbridgian, shall have access to information from the Fairbridgians personal file whilst the Fairbridgian is alive with exception to genealogical and or medical records.

ii. **Genealogical Records**

A sibling of the Fairbridgian may be given genealogical information upon written request and sound reason to access such information.

iii. **Medical Records**

A qualified and registered Medical Practitioner treating the Fairbridgian or bloodline relative will be given medical information upon written request for same.

b) **After the death of the Fairbridgian.**

Bloodline and Common Law relatives may be given access to information from the Fairbridgians personal file after death subject to the following guidelines :-

- i. A relative of a Fairbridgian is defined as a person who is a bloodline relative, sibling, or the spouse/common law spouse at the time of the Fairbridgians death.

If a Fairbridgian died without having a spouse or issue, information from the Fairbridgians file may be given to a brother or sister only of the deceased.

- ii. If during the Fairbridgians lifetime the contents of the Fairbridgians personal file had been supplied to the Fairbridgian the file will remain closed to bloodline relatives and siblings for a period of fifty (50) years. For records of a genealogical or medical nature Clauses 4a ii and iii will apply.
- iii. If the Fairbridgian, whilst alive, has not requested or received the contents of their file, information contained therein will be made available thirteen months after the Fairbridgians death as hereunder :-
 - a) All first generation bloodline relatives, ie , children of the Fairbridgian or siblings.
 - b) One second generation bloodline relative from each branch of the Fairbridgians family ie grandchildren of the Fairbridgian.
The information would be given to the first applicant from each branch, Other applicants from each branch would be referred to the person in their Branch who has been provided with the file contents.
 - c) Third and subsequent generation bloodline relatives will not have direct access to the Fairbridgians files. Information will need to be accessed through 4b iii b above.
- iv. Genealogical and Medical Records under 4b can be accessed under clauses 4a ii and iii above.

5. EXCEPTIONS

- i. It is recognized that under Federal and or State Law, Officers of the Crown may have to be given information from a Fairbridgians personal file.

- ii. Any request for information not covered in these procedures will be referred to a General Council Meeting of the Fairbridge Foundation for consideration and determination.
- The decision of Council will be provided to the inquiring applicant in writing.

6. EXCLUSIONS

No other person, including bona fide researchers, or scholars, shall have access to a Fairbridgians personal file.

7. AMENDMENTS

Alterations and or amendments to this procedure must be approved by majority vote at a General Council Meeting of the Fairbridge Foundation.

8. INTERPRETATION

The Chairman and one other Councillor of the Fairbridge Foundation will adjudicate on all requests for information covered in this procedure.

9. EXPIRATION

The arrangements and procedures set out in this document shall remain in force whilst the said Fairbridgians Personal Files are retained by and under the control of The Fairbridge Foundation Incorporated.

As amended and approved : 19th April 2005