

<p>1 Friday, 10 March 2017 2 (10.30 am) 3 Welcome remarks by THE CHAIR 4 THE CHAIR: Good morning. Again, for the benefit of those 5 not present yesterday and those not in the room, can 6 I introduce myself and the panel. I am Alexis Jay, and 7 I am the Chair of the Independent Inquiry into Child 8 Sexual Abuse. I am sitting today with Ivor Frank, 9 Professor Sir Malcolm Evans and Drusilla Sharpling. 10 Welcome to Day 9, the final day of the first 11 substantive hearing of the case study into child 12 migration programmes, which, of course, is part of 13 the inquiry's investigation into the protection of 14 children outside the UK. 15 Today, the inquiry will hear witness evidence from 16 our expert witnesses. Ms Hill, are there any issues you 17 wish to draw to our attention? 18 Housekeeping 19 MS HILL: Good morning, Chair and panel. There is one issue 20 simply to address before we hear further expert 21 evidence. 22 Chair, you will recall at the end of the evidence 23 yesterday there was some evidence given about access to 24 the Fairbridge archives. You will remember that there 25 was some evidence given and there were some questions</p> <p style="text-align: center;">Page 1</p>	<p>1 just to perhaps give the Chair and panel a flavour of 2 some of the brochures that you described yesterday as 3 advertising the child migration schemes. 4 Could I pull up, please, EWM000204_001. This, 5 I think, is a 1930 brochure; is that right, Professor, 6 according to the little note at the top of the document? 7 PROF LYNCH: Correct. 8 MS HILL: It looks like you have obtained this from -- 9 PROF CONSTANTINE: Actually, I found this document. It was 10 in the Liverpool archives that you were just referring 11 to. It is Barnardo's records. 12 MS HILL: I see. What we can see in the picture are 13 children with a Barnardo's party. It says: 14 "30,000 of the Barnardo family have been placed in 15 the dominions and are doing credit to the old country. 16 The picture shows a few of the party of Barnardo boys 17 off to seek their fortunes. They had just been 18 farewelled by the Prince of Wales and were getting 19 a word of good advice from the captain of the ship." 20 Is that right? 21 PROF CONSTANTINE: Correct. 22 MS HILL: EWM000205_001 is, I suspect, something else you 23 have also obtained, Professor. I don't know if this is 24 your handwriting as well. 25 PROF CONSTANTINE: It is my handwriting. It is the document</p> <p style="text-align: center;">Page 3</p>
<p>1 asked about that issue. 2 The inquiry understands, Chair, that the 3 Prince's Trust merged with Fairbridge in 2011 and took 4 over its assets and undertakings. As part of that 5 process, the trust assumed ownership of the Fairbridge 6 historical archive which is held in the University of 7 Liverpool special collections. We wanted it noted that 8 the Prince's Trust have cooperated with the inquiry, 9 cooperated fully with the inquiry, in respect of 10 requests for disclosure of material held within the 11 Liverpool archives relating to this case study and has 12 already provided the inquiry with a significant volume 13 of material from that archive which is being reviewed 14 for relevance, and disclosure to core participants of 15 the relevant material from that archive will begin 16 shortly. I just wanted to put that on record to perhaps 17 address some of the issues that emerged yesterday. 18 I will continue, then, please, with evidence from 19 the experts, from Professor Lynch. 20 PROFESSOR GORDON LYNCH (continued) 21 PROFESSOR STEPHEN CONSTANTINE (continued) 22 Questions by MS HILL 23 MS HILL: Can I begin, please, Professor, before we get to 24 the detail of chapter 4 of your report, just by bringing 25 up a couple of documents that you referred to yesterday,</p> <p style="text-align: center;">Page 2</p>	<p>1 I found in that same archive. 2 MS HILL: I think this was quoted in the evidence yesterday. 3 We see in the middle of this page 21,638 boys and girls 4 emigrated, 98 per cent are successful, cost only GBP10 5 per head, a good investment: 6 "May we choose a protege for you?" 7 Is that a similar sort of advert or brochure that 8 you see? 9 PROF CONSTANTINE: Yes. 10 MS HILL: It describes emigration as being "the final cure 11 for destitution": 12 "In many cases, also, the only sure way of 13 preventing these young people from drifting back to the 14 level from which they were rescued is by placing the 15 ocean between their past and their future." 16 Is that the sort of wording used? 17 PROF CONSTANTINE: Correct, yes. 18 MS HILL: Just a couple more examples, Professor, please, of 19 what you referred to yesterday as imagery suggesting 20 a transformation of the children. EWM000206_001, 21 please. I'm not sure which of you has obtained this 22 document, or if you can remember which one of you? 23 PROF CONSTANTINE: I can remember it vividly. I found it in 24 a junk shop, to be honest, and it is a Barnardo's 25 document. It does have these -- very commonly, they</p> <p style="text-align: center;">Page 4</p>

<p>1 used images, and you can see the one in the top 2 left-hand corner is "the street pariah", if you look on 3 this picture, and then, on that, the Canadian farmer. 4 So you can see the transition, this kind of visual 5 juxtaposition of the past and present is very common in 6 the advertising of the voluntary societies. 7 MS HILL: Finally, two more from the Fairbridge 8 documentation. EWM000202_001, please. This is, is it, 9 the "Seven ages of a Fairbridge boy" that I think you 10 have referred to? 11 PROF CONSTANTINE: That's correct, yes. 12 MS HILL: This, the panel can see, is presented in a visual 13 way. Do you have any observations to make about this, 14 Professor? 15 PROF CONSTANTINE: I think you can see here -- I assume this 16 is not the same child, but nevertheless, what you see is 17 the imagery taking it from -- the top left-hand corner 18 is the child to be rescued from some slum in the 19 United Kingdom, movement out via life on the farm, 20 growing up and then becoming prosperous and marrying and 21 having a child. So it is part of that whole life 22 transition. 23 MS HILL: Then, for completeness, please, EWM000203_001. It 24 looks to be the equivalent for a Fairbridge girl? 25 PROF CONSTANTINE: Indeed.</p> <p style="text-align: center;">Page 5</p>	<p>1 if we go back to the document we will find the right 2 part. EWM000249_005. 3 PROF LYNCH: The phrase there is: 4 "Destination is determined by the child's needs, but 5 in all cases the children are first admitted to 6 residential schools or homes in Australia before 7 arrangements are made, as opportunities occur later, for 8 placing in private families." 9 It was just an interesting phrase in terms of 10 the "placing in private families" as well, because that 11 was the experience -- it seems to be very few children 12 actually had that experience, for certainly long-term 13 foster care or adoption, I mean, not short breaks. 14 MS HILL: Thank you, Professor. I will go back now, please, 15 to chapter 4 of your report. All the references from 16 now on will be in chapter 4. That may assist the DTI 17 staff. 18 In chapter 4 of your report, Professor, I think what 19 you are seeking to do, is this right, is help the Chair 20 and panel understand as best as possible the 21 arrangements that were in place in respect of each of 22 the four countries to which child migrants were sent 23 after 1920? 24 PROF LYNCH: That's correct. I think there's something 25 useful actually about seeing the four different national</p> <p style="text-align: center;">Page 7</p>
<p>1 MS HILL: I think you have written a date on this one, 2 Professor, "1937", at the bottom? 3 PROF CONSTANTINE: That's correct, yes. 4 MS HILL: Then finally, there is one brochure that you refer 5 to at footnote 60 of your report. I will just see if 6 I can pull this up, please. EWM000249_009. This, 7 I think, is a brochure -- it is part of a brochure from 8 the Council of Voluntary Organisations for Child 9 Emigration; is that right? This is referred to at 10 footnote 60 of your report. 11 PROF LYNCH: Yes. I don't know if it is me. It may have 12 been me. It did come from me, didn't it? Yes, that's 13 right. 14 MS HILL: I think this is right, that the passage that you 15 flagged at footnote 60, if one goes down, I think it is 16 page 5 of the internal numbering, can we see a passage 17 that begins "Destination is determined by the child's 18 needs"? Can we see that passage? You said it was 19 internal page 5. Is that the correct reference? It is 20 footnote 60 of your report, page 56. 21 PROF LYNCH: Sorry, there aren't page numbers on the 22 original brochure. It is under the entrants for the 23 Catholic Child Welfare Council. 24 MS HILL: Can we scroll through that document and find the 25 right page, I'm sorry. It is internal page 5. Perhaps</p> <p style="text-align: center;">Page 6</p>	<p>1 contexts in comparison with each other, because that 2 actually helps us to understand how each of the systems 3 works. We will see there are also some considerable 4 gaps in our knowledge here as well. 5 MS HILL: Is this right, that of those four countries, 6 Australia has the slightly more complex set of 7 arrangements, whereas the other countries are more 8 simple because there was only one voluntary organisation 9 involved in each country? 10 PROF LYNCH: That's correct. I think with Australia, what 11 characterises Australia is partly the volume of children 12 obviously moving across Australia to the number of 13 organisations involved is greater, but also with 14 Australia, this is a more sustained national policy from 15 the Australian Commonwealth Government than we see in 16 any of the other national cases as well. 17 MS HILL: Perhaps let's turn to the more straightforward 18 countries, first, please, if that is all right. Let's 19 deal, first of all, with 4.4 of your report, which is 20 Southern Rhodesia. 21 Professor, is this right, that what is understood 22 about migration to the Fairbridge Memorial College in 23 Southern Rhodesia is that the rationale for the scheme 24 is understood. This was, I think you have described, 25 derived from what was considered to be a politically</p> <p style="text-align: center;">Page 8</p>

<p>1 urgent need to immigrate white stock into 2 Southern Rhodesia. 3 PROF CONSTANTINE: Yes. I think this is one of the -- 4 I looked in particular at the Southern Rhodesia case and 5 at the British Columbia case. Speaking first about the 6 Southern Rhodesia case, yes, indeed, the intention was 7 to migrate from the United Kingdom good white stock into 8 what, of course, was majority black African territory. 9 But the white regime in Southern Rhodesia was anxious to 10 increase its white stock, and this seemed to those 11 involved in London, when they set up the organisation to 12 send children to Southern Rhodesia, this seemed to be an 13 entirely appropriate service that they could provide. 14 What we know is that -- this is rather more recently 15 I discovered this, there was some doubt originally as to 16 how this was funded, but we have found an official 17 report by the Overseas Migration Board which in 1954 18 gives the terms on which this support to the 19 Memorial College was being effected. 20 The UK Government was paying half the cost of 21 the passages and of the rail fares from the UK for 22 children and escorts to Bulawayo, which is where the 23 Memorial College was set up. They were subsequently 24 paying a maintenance grant -- the UK taxpayer, through 25 the Commonwealth Settlement Act, was paying</p> <p style="text-align: center;">Page 9</p>	<p>1 for the Rhodesia Fairbridge Memorial Association, which 2 does the selection. It should be said that one of 3 the reports we will be referring to later on today, the 4 Women's Group on Public Welfare, does say that their 5 selection procedures were -- they approved of them. 6 There was some care taken about selection of these 7 children. 8 MS HILL: Turning then, please, to Canada and what's known 9 about the organisational background to the migration to 10 the farm school in British Columbia, we have heard about 11 the background of children being migrated to homes, but 12 this is the situation, is it not, that there was only 13 one school to which, latterly, children were migrated? 14 PROF CONSTANTINE: Yes. It's very unusual, because, as 15 I think has been established, the migration of children 16 to Canada had really been terminated in the 1920s. 17 Those were children being sent to live with individual 18 families, particularly on farms, but this was a proposal 19 that came from that very Anglophile section of Canadian 20 society in British Columbia. They were keen to 21 establish in British Columbia a farm school modelled 22 really on that which was well established in Australia, 23 Pinjarra was frequently referred to. It operates from 24 1935 until closed in 1951. There are some, in total, 25 329 children go to this farm school.</p> <p style="text-align: center;">Page 11</p>
<p>1 a maintenance grant of 10 shillings per week per child 2 until that child was aged 16. 3 In other words, it does conform to that which was 4 typical of the organisations sending children to 5 Australia. So there is nothing unusual about that. 6 MS HILL: What is also understood about this scheme, 7 although we may come to look at selection issues a bit 8 later on, is this right, that there was another 9 difference between this scheme and the other countries, 10 to the extent that there was a concern not to form what 11 you have described as a poor white class in 12 Southern Rhodesia. This was intended to populate what 13 might be described as the ruling class; is that right? 14 PROF CONSTANTINE: That was the intention behind it, 15 certainly, so that the children who were selected were 16 to be of, as it were, a higher class, that they should 17 certainly have educational qualities that could enable 18 them to obtain professional jobs or there were some 19 aspirations they might indeed become landowners and 20 farmers. 21 MS HILL: A separate body was set up, is this right, 22 specifically to establish the Rhodesia Fairbridge 23 Memorial College? 24 PROF CONSTANTINE: Yes, which has an ambivalent relationship 25 with Fairbridge in general. This is the London Council</p> <p style="text-align: center;">Page 10</p>	<p>1 What is less clear, because we lack, I think, as yet 2 the documentation on this, is how it was organised and 3 funded. We are assuming that it was funded under the 4 usual terms of the Empire Settlement Act. So I doubt 5 there was anything unusual about it in that respect. 6 Similarly, probably the transfer of guardianship from 7 the UK to -- probably, initially, to the Government of 8 Canada and then down to the provincial government of 9 British Columbia operated pretty much on the kind of 10 Australian model. Custodianship -- the expectation is 11 that custodianship would be devolved upon the head of 12 the Fairbridge Farm School, but we have had the 13 impression that the London organisation was keeping tabs 14 on what was going on as well. 15 MS HILL: I see. You also understood, is this right, that 16 the provincial child welfare branch had a role in 17 inspecting the school? 18 PROF CONSTANTINE: Yes. Bear in mind what we were saying 19 about the termination of the general migration of 20 children to Canada. The anxieties or disapproval, more 21 accurately, felt by some of the professional child 22 welfare people in Canada, there was a body of opinion in 23 Canada that was really quite suspicious of this 24 organisation, even the Canadian government was not 25 enthused about it. But one of the things that was</p> <p style="text-align: center;">Page 12</p>

<p>1 occurring was that the British Columbian provincial 2 government in its Child Welfare Department also had 3 people in there who were anxious to keep a close eye on 4 the operations of this organisation, and seem to have 5 carried out inspections and revealed some of their 6 anxieties. 7 They were emboldened to do this because there was 8 a licensing act passed in British Columbia which allowed 9 that same department to inspect all kind of child 10 welfare facilities in British Columbia, and it came 11 under the same brief, to license a place like Fairbridge 12 Farm School there. 13 MS HILL: I think, is this right, the report that we heard 14 evidence of yesterday that was written by Ms Harvey, is 15 that an example of that sort of inspection report? 16 PROF CONSTANTINE: That is what -- having seen that report, 17 that is exactly what one would expect to have read. 18 MS HILL: Is this also correct, in terms of the role of 19 the provincial government in Canada, that some funding 20 came from the British Columbia provincial government as 21 well as the UK central government? 22 PROF CONSTANTINE: Yes. In other words, again, the analogy 23 with Australia comes to mind. But it did give 24 a financial control and financial input and, therefore, 25 an inference of a practice. The financial subsidy</p> <p style="text-align: center;">Page 13</p>	<p>1 PROF CONSTANTINE: I can't recall anything quite specific, 2 but, again, I would imagine that that became part of 3 the same process. So health and education and qualities 4 would tend to be the things that would be monitored 5 before children were admitted. We do know there were 6 a large number of Fairbridge applicants that were 7 actually turned down. 8 PROF LYNCH: That's correct, yes. 9 PROF CONSTANTINE: They seemed to be quite strict about whom 10 they would admit to Canada under the terms of 11 the scheme. 12 MS HILL: Turning then, please, to New Zealand -- 13 PROF LYNCH: Just a final thing on Canada, which is, it is 14 a very unusual case, I think, in terms of how Fairbridge 15 operated there. One of the differences, I think, to the 16 Australian system is that the Prince of Wales Farm 17 School in British Columbia was funded partly out of 18 the highly-publicised fundraising campaign led by -- 19 well, in which the Prince of Wales had a high profile. 20 There is a full-page splash in the Times, at the time, 21 about this. 22 One of the effects of the high level of private 23 subscriptions to the farm school in British Columbia was 24 that initially, until -- for the first, I think, four 25 years of its operation, it actually resisted complying</p> <p style="text-align: center;">Page 15</p>
<p>1 begins in 1940, so there was always that opportunity 2 with the provincial government in British Columbia to 3 monitor and, if necessary, demand changes in the 4 operations of the institution. That's what they did 5 until the point came when even the organisers of 6 the Fairbridge Farm School in British Columbia thought 7 that they ought to move on from the practices of 8 Fairbridge and effectively close the school down. 9 MS HILL: Finally, in terms of other organisations' roles in 10 the scheme to Canada, is this right, that your 11 understanding is that the Fairbridge Society in London 12 was primarily responsible for selecting the children, 13 but that at Canada House there would have been some kind 14 of medical screening of the children? 15 PROF CONSTANTINE: Yes. It certainly was the Fairbridge 16 Organisation in London that was doing the selecting, but 17 Canada had always had, certainly since the end of 18 the 19th century, rigorous controls over whom they would 19 admit. So there was always that selection and control 20 inspection procedures before the children would be 21 admitted. 22 MS HILL: You have referred in your report to the 23 Canada House medical screening. Do you have any 24 understanding about an educational screening process 25 taking place?</p> <p style="text-align: center;">Page 14</p>	<p>1 with local welfare regulations compliance. It was only 2 when they actually had to start accepting provincial 3 government money that the inspection regime started. So 4 that would be somewhat different to Australia, where 5 usually written agreements would be in place with 6 residential institutions with the state authorities 7 prior to them receiving child migrants, certainly in the 8 post-war period. 9 MS HILL: Thank you. So turning now to New Zealand, please, 10 Professor. I think that is Professor Lynch, you are 11 going to deal with that in more detail; is that right? 12 PROF LYNCH: Yes. 13 MS HILL: Is this right, what you have said at section 4.2 14 of your report by way of summary, Professor, is that the 15 key distinctions between the New Zealand scheme and the 16 Australia scheme were firstly, as far as New Zealand was 17 concerned, there was only one voluntary organisation 18 involved, that's the Royal Overseas League? 19 PROF LYNCH: Yes. 20 MS HILL: That organisation's role appeared to have been 21 limited to advertising the programme and making the 22 initial selection of applicants. We will come to look 23 at that in a little more detail. 24 Secondly, that children who were migrated to 25 New Zealand were placed with foster carers, not in</p> <p style="text-align: center;">Page 16</p>

<p>1 institutions.</p> <p>2 Thirdly, that there was, as we will hear, this</p> <p>3 process by which migration had to be approved by the</p> <p>4 Bow Street Magistrates' Court. Are those the three key</p> <p>5 differences between the New Zealand organisational</p> <p>6 structures, if you like, or schemes, and the Australia</p> <p>7 schemes?</p> <p>8 PROF LYNCH: Yes, that's right. One of the implications of</p> <p>9 that is that the -- we can perhaps talk a little bit</p> <p>10 more about this shortly, but because there was no --</p> <p>11 this wasn't a scheme funded under the Empire Settlement</p> <p>12 Act, the funding arrangement was that the New Zealand</p> <p>13 Government would pay for the passage of children, and</p> <p>14 then, once the children were in New Zealand, they just</p> <p>15 received the kind of standard family allowance child</p> <p>16 welfare payments for their foster parents. There was</p> <p>17 actually no ongoing relationship with the UK Government</p> <p>18 and these children once they were overseas.</p> <p>19 MS HILL: Can you help us understand a little bit more,</p> <p>20 please, about how the Bow Street Magistrates' Court</p> <p>21 process worked? I think you deal with this in your</p> <p>22 further report. I don't know if it would help to bring</p> <p>23 up the applicable section. It is EWM000229_022, where</p> <p>24 you have given a little further detail about how this</p> <p>25 process operated at the magistrates' court.</p> <p style="text-align: center;">Page 17</p>	<p>1 contribute to the support of the child; and is satisfied</p> <p>2 that the person -- by a report from an appropriate</p> <p>3 person that the person to whom the child is being</p> <p>4 entrusted is a suitable person to take custody of that</p> <p>5 child and that the transfer is likely to be for the</p> <p>6 welfare of the child, giving due consideration to the</p> <p>7 wishes of the child, having regard to the age and</p> <p>8 understanding of the child.</p> <p>9 PROF LYNCH: That's correct. So we haven't seen any direct</p> <p>10 documentary evidence of the kind of materials that</p> <p>11 a Bow Street magistrate would have seen. But the</p> <p>12 implication here is that a report would have been</p> <p>13 prepared by the receiving -- the Child Welfare</p> <p>14 Department in the receiving country on the foster home</p> <p>15 to which an individual child was going to be placed.</p> <p>16 Actually, we understand that probably the details of</p> <p>17 the individual child would also be sent across to the</p> <p>18 Child Welfare Department and foster parents before the</p> <p>19 migration of the child as well.</p> <p>20 But also that there would have been some very clear</p> <p>21 requirement for the magistrate to be convinced of</p> <p>22 parental consent here. Again, the Women's Group on</p> <p>23 Public Welfare report talks about this in a bit more</p> <p>24 detail, where it's suggested that even for children born</p> <p>25 outside of marriage, there would be an expectation that</p> <p style="text-align: center;">Page 19</p>
<p>1 PROF LYNCH: That's right. We were actually initially made</p> <p>2 aware of this by quite a detailed discussion of this in</p> <p>3 the Women's Group on Public Welfare report that</p> <p>4 Professor Constantine will talk about later on today.</p> <p>5 The 1939 Adoption of Children Regulation Act,</p> <p>6 section 11 of that, required that any child who was</p> <p>7 being sent overseas for adoption -- or actually, the</p> <p>8 phrasing here, because the children in New Zealand</p> <p>9 weren't primarily sent for adoption, they were sent for</p> <p>10 fostering, but into the care of an individual overseas</p> <p>11 who was a British subject, which required, before they</p> <p>12 could be sent overseas, a licence to be granted by</p> <p>13 a police magistrate, which would, in practice, happen at</p> <p>14 the Bow Street Magistrates' Court.</p> <p>15 MS HILL: This section, if I have understood it correctly,</p> <p>16 although it referred to adoption of children, applied to</p> <p>17 children migrated into foster care as well?</p> <p>18 PROF LYNCH: That's correct. Possibly because it is talking</p> <p>19 about the child moving to the care of an individual</p> <p>20 rather than an institution.</p> <p>21 MS HILL: The conditions are (a) and (b), that the</p> <p>22 magistrate has to be satisfied that the application is</p> <p>23 made by, or with the consent of, every person or body</p> <p>24 who is a parent or guardian of the child, or who has</p> <p>25 actual custody of the child, or who is liable to</p> <p style="text-align: center;">Page 18</p>	<p>1 the birth parent would be consulted on their migration</p> <p>2 and give consent to that before migration.</p> <p>3 So I have to say there are hints in other archives</p> <p>4 that some other agencies didn't think the Bow Street</p> <p>5 magistrate's system was a particularly robust one.</p> <p>6 There is a hint in one of the files we've produced about</p> <p>7 the Royal Overseas League scheme to Australia where</p> <p>8 a Home Office civil servant is commenting that perhaps</p> <p>9 the Bow Street magistrate check isn't perhaps something</p> <p>10 that you could entirely rely on, and I have also</p> <p>11 recently just seen a document in the national archives</p> <p>12 of Australia where there is an indication that officials</p> <p>13 in immigration departments are suggesting that actually</p> <p>14 the Bow Street magistrate seems to be accepting the</p> <p>15 transfer of a child where actually the Australian</p> <p>16 authorities would like more checks being placed on the</p> <p>17 home that's receiving them. That seems to be</p> <p>18 particularly in the case of children who are being sent</p> <p>19 to the care of homes in Australia where the people who</p> <p>20 are receiving -- the foster parents who are receiving</p> <p>21 the child are actually temporarily resident in the UK</p> <p>22 and actually where the Australians would like more</p> <p>23 checks being done in Australia.</p> <p>24 So we can't necessarily assume it was a wholly</p> <p>25 robust system, but it was certainly another kind of</p> <p style="text-align: center;">Page 20</p>

<p>1 system of checks that existed for some children that 2 wouldn't have existed for children being sent into 3 residential care. 4 MS HILL: Is this right, that another distinction you have 5 drawn between New Zealand and the other countries is 6 that, as far as New Zealand was concerned, there 7 appeared to be more communication about the background 8 of the child sent to the receiving country; is that 9 right? 10 PROF LYNCH: That's right. I mean, this came up yesterday 11 in Dr Humphreys' evidence. We may talk again about this 12 shortly in relation to Australia. But there would be 13 a clear requirement for details about the child to be 14 sent to the receiving country, for those records to be 15 passed over, in a way that doesn't seem to have happened 16 consistently with children sent to Australia. 17 MS HILL: I think what you have said, for completeness, is 18 the New Zealand High Commissioner would receive a report 19 on the foster home to which the child was going and the 20 foster carers themselves would normally have been sent 21 a detailed case history of the child they were to 22 receive. I think you have observed that that reflects 23 the standards that would be expected at the time? 24 PROF LYNCH: That's what we expect the system to have been. 25 Whether it was always obviously adhered to in practice,</p> <p style="text-align: center;">Page 21</p>	<p>1 any selection panel. So that does seem to have been 2 a selection ultimately made by the Royal Overseas League 3 and the New Zealand High Commissioner. 4 MS HILL: Finally on the issue of the New Zealand schemes, 5 Professor, can you assist us with what is known about 6 the funding for the scheme and the relationship with the 7 Empire Settlement Act, if there is anything else you 8 wish to add on that? 9 PROF LYNCH: No. Just to reiterate the point that this 10 wasn't a scheme funded by the Empire Settlement Act. It 11 is a scheme that seems to have been set up initially 12 through a collaborative relationship between the Royal 13 Overseas League and the New Zealand Government. The New 14 Zealand Government paid for the passages. Then the 15 children, once in New Zealand, just received the 16 standard family allowance. So there was no ongoing 17 funding relationship with the UK Government. 18 MS HILL: That family allowance came from the New Zealand 19 Government; is that right? 20 PROF LYNCH: That's correct. 21 MS HILL: So no money coming from the UK Government at all? 22 PROF LYNCH: That's correct. 23 MS HILL: Can we turn now, Professor, to try to deal with 24 Australia, which is a little more complex, as you have 25 said.</p> <p style="text-align: center;">Page 23</p>
<p>1 but that's what we at least understand the system to 2 have been, yes. 3 MS HILL: What is your understanding, Professor, of the role 4 of UK central government in the New Zealand child 5 migration scheme? 6 PROF LYNCH: There's a degree of uncertainty about this. In 7 the evidence that was presented to the Health Select 8 Committee in the 1997/1998 report, I think my 9 recollection is that both the Royal Overseas League and 10 the New Zealand Government suggested that the 11 UK Government had had some role in the selection of 12 children. We have seen two national archives files, 13 I think, that refer to -- one from the Home Office and 14 one from the Commonwealth Relations Office about the 15 New Zealand schemes. I have to say, these are extremely 16 thin files, where there's no indication of 17 the UK Government having had that role at all. The 18 files are really just about the way in which the schemes 19 were publicised in New Zealand or about -- basic 20 information about the setting up and closure of 21 the scheme; no indication of any involvement of 22 the UK Government in between -- it would be -- it's 23 possible, but it's a little bit difficult to see what 24 the statutory role of the Home Office or Commonwealth 25 Relations Office would have been in terms of sitting on</p> <p style="text-align: center;">Page 22</p>	<p>1 Is this right, by way of a summary, that there was 2 a range of reasons why the relationships and the 3 structures involved in the Australia scheme are more 4 complex? There were a larger number of institutions 5 involved in sending children; central and local 6 government appeared to have been involved to a greater 7 extent. Is that right? 8 PROF LYNCH: That's right. 9 MS HILL: So those are two reasons why these relationships 10 are more complicated? 11 PROF LYNCH: That's right. Just the sheer scale of 12 the operation and the fact these were operating across 13 different states in Australia, each which operate in 14 slightly different ways in certain regards. 15 MS HILL: Do you also make the point in your report that the 16 volume of children, although you have talked about the 17 scale of the migration to Australia, still fell well 18 short of the 50,000 unaccompanied children which the 19 Australian Commonwealth Government had planned for 20 immediately after the war? 21 PROF LYNCH: Yes. Perhaps if I say a bit more about that. 22 In December 1944, the Australian Cabinet approved a plan 23 to bring 50,000 war orphans into Australia. The 24 government then set in motion planning for that. 25 Two things happened as a result of that. One was</p> <p style="text-align: center;">Page 24</p>

<p>1 that they clarified within about a year or so that 2 actually there simply weren't that many war orphans 3 available. They had a briefing back from the 4 British Government saying there were probably fewer than 5 3,000 war orphans in the UK and that, actually, the sort 6 of demand for adoption and fostering for these children 7 meant there was actually probably more demand than 8 children available. So that target was clearly found to 9 be not a realistic one. 10 MS HILL: And by some way. Remind us of the overall 11 understanding of the figures of children migrated to 12 Australia in this period? 13 PROF LYNCH: I think we are thinking around 3,200 actually 14 migrated. There is another aspect of that history we 15 can come back to when we think about funding and 16 residential institutions. 17 Even when the Australian Government recognised that 18 target as no longer realistic, they still had ambitions 19 for the level of migration to exceed the numbers that 20 actually migrated. In I think it is 1952, there is 21 a memo sent to the chief migration officer at 22 Australia House saying, "It is still realistic for us to 23 have 10 per cent of the 125,000 children indicated by 24 the Curtis Report as having been deprived of the normal 25 home life". So that kind of ambition carried through.</p> <p style="text-align: center;">Page 25</p>	<p>1 which you try to illustrate the various authorities 2 involved in the child migration schemes to Australia and 3 the particular roles of each of these organisations or 4 authorities; is that right? 5 PROF LYNCH: That's right, yes. 6 MS HILL: Perhaps you could take the Chair and panel 7 through, just briefly, what each of these institutions 8 did? 9 PROF LYNCH: It may be easier actually starting with the UK 10 Commonwealth Relations Office and then working from the 11 British side over to the Australian side. The UK 12 Commonwealth Relations Office was the primary department 13 that had direct administrative links into Australia in 14 relation to this programme. 15 MS HILL: Can we expand the box with the UK Commonwealth 16 Relations Office, perhaps? Thank you. 17 PROF LYNCH: Part of that responsibility was to obviously 18 administer the funding under the Empire Settlement Act 19 terms. The figures change at different points. I will 20 try -- rather than giving figures, I'll try to give them 21 for the early mid 1950s when a significant proportion of 22 British child migrants would have been overseas. That 23 would have meant a contribution to the passage costs to 24 Australia, an outfitting payment of GBP4 to provide 25 children with clothing and equipment prior to going to</p> <p style="text-align: center;">Page 27</p>
<p>1 Even in the late 1950s, we keep seeing the 2 Australian Government pressing for more children to be 3 sent, and a sense of the figures not reaching what they 4 were expecting. 5 MS HILL: You make the point, is this right, that overall 6 there was much larger child migration generally to 7 Australia, and the child migrants about whom we are 8 concerned, the unaccompanied child migrants, is this 9 right, made up less than 1 per cent of the children 10 overall who were migrated because large numbers were 11 migrated with their families? 12 PROF LYNCH: Exactly. Yes, that's right. I think one of 13 the things we note in the report is that in 1960 the 14 Department of Immigration commissioned a report on the 15 progress and assimilation of child migrants into 16 Australia which didn't mention the funded child migrant 17 schemes at all. It was primarily about children who had 18 migrated with their families. There is a sense that 19 whilst the Australian Government was still pressing for 20 higher levels of recruitment through the 1950s, possibly 21 by the 1960s they are beginning to accept this isn't 22 happening and the scheme has actually become a bit more 23 invisible. 24 MS HILL: Can I pull up, please, your table 2, 25 EWM000005_001. I think this is a diagram, Professor, by</p> <p style="text-align: center;">Page 26</p>	<p>1 Australia, and an ongoing financial commitment to pay 2 10 shillings a week towards the child's maintenance 3 costs on the basis that they would remain in residential 4 care during that period. I think, given the range of 5 evidence we have heard in these hearings, it is 6 significant to note that the assumption there is that 7 the child is remaining in residential care for the 8 purposes of education and training. That's what the 9 funding is being premised on. 10 Our understanding is that the institutions in 11 Australia would then provide a quarterly roll of 12 children actually resident in that institution in order 13 to claim that maintenance money back from the 14 UK Government. 15 The other part of that meant that, in addition to 16 approving individual children receiving that funding 17 through the Empire Settlement Act, also UK sending 18 organisations had to be approved as being suitable for 19 receiving and administering that Empire Settlement Act 20 funding. So that was a responsibility to have written 21 agreements with those UK-based organisations. 22 But a further implication of that was that the 23 Commonwealth Relations Office, usually through the High 24 Commissioner's Office, but through other ad hoc means as 25 well, had a responsibility for approving the residential</p> <p style="text-align: center;">Page 28</p>

1 institutions to which children were sent.
 2 Now, that appears to have happened in a more
 3 formalised way for institutions that were wanting to
 4 receive children after the resumption of child migration
 5 in 1947. There is some indication that there may have
 6 been a degree of acceptance that institutions that had
 7 started to receive children -- Fairbridge Pinjarra,
 8 Fairbridge Molong, some of the Christian Brothers
 9 residential institutions in Australia, it may have
 10 simply been a continuation of practice rather than new
 11 kinds of Curtis-compliant inspections taking place in
 12 order to approve those institutions. There may have
 13 been other, obviously, inspections that took place, but
 14 those initial approvals of institutions, it may not have
 15 happened for all of those institutions.
 16 MS HILL: Is what you are saying, effectively, that it was
 17 the UK Commonwealth Relations Office that would be the
 18 organisation or institution that was mindful of
 19 the standards of the institutions in question, because
 20 that would feed into this approval process that you are
 21 describing?
 22 PROF LYNCH: That was its formal role, yes. Then carrying
 23 on with the Commonwealth Relations Office, there was
 24 always this division of responsibility where the
 25 Commonwealth Relations Office had responsibility for the

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1 administration and oversight of these schemes, but
 2 obviously, then, with the 1948 Act, the Home Office had
 3 been given a key role in terms of childcare provision.
 4 So there is an ongoing contact between the Commonwealth
 5 Relations Office and the Home Office in terms of
 6 the standards of care that would be expected for child
 7 migrants overseas, again bearing in mind this
 8 recommendation in the Curtis Report that the care
 9 overseas should be comparable to that received in the
 10 United Kingdom.
 11 MS HILL: I think "that proposed in the United Kingdom",
 12 wasn't that the Curtis recommendation? Not that in fact
 13 being received, but that was what was being proposed?
 14 PROF LYNCH: Exactly.
 15 MS HILL: Let's look at the UK Home Office box on here. Is
 16 this right, that the second bullet reflects that, again,
 17 there was a role for the Home Office in assessing the
 18 suitability and the quality of the residential
 19 institutions to which migrants were sent?
 20 PROF LYNCH: We see examples of the Home Office receiving
 21 reports by the Commonwealth Relations Office but also
 22 I have seen an indication of a Home Office questionnaire
 23 being passed on to residential institutions in
 24 Australia. I can't recall if we have seen that
 25 questionnaire or how widely that was disseminated. That

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1 might be something we can try to track down a bit more.
 2 But it would have been mediated through the Commonwealth
 3 Relations Office. The Home Office had a more advisory
 4 role.
 5 When Professor Constantine talks about what happened
 6 around the Ross Fact-Finding Mission, that will
 7 demonstrate those relationships very well.
 8 Obviously the other key role for the UK Home Office
 9 was under section 17 of the 1948 Act and section 84 of
 10 the 1933 Children and Young Persons' Act, the
 11 approval --
 12 MS HILL: Was it 85 yesterday?
 13 PROF LYNCH: I think it is 84.
 14 MS HILL: We can check. The provision we heard about
 15 yesterday.
 16 PROF LYNCH: Yes. So to approve applications for migration
 17 for children either under fit person orders or who are
 18 in the care of local authorities.
 19 MS HILL: Perhaps logically, Professor, is this sensible, to
 20 move then to what Australia House in London would have
 21 done, because that appears to be about the final
 22 approvals and checks for the children to be migrated.
 23 So that is about the formal immigration status forms and
 24 the health and IQ checks we have heard about. Is that
 25 right?

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1 PROF LYNCH: Exactly. So working under the chief migration
 2 officer at Australia House, who would be a member of
 3 staff of the department of -- an overseas member of
 4 staff of the Commonwealth Department of Immigration.
 5 Australia House would have processed individual
 6 applications for children's migration. That would have
 7 involved the processing of the application form itself,
 8 the LEM 3 form that we have seen, but also the
 9 administration of health and IQ checks with that as
 10 well. We have also seen some documentation with that as
 11 well.
 12 There was another -- a missing bullet point here
 13 that I should have included, which increasingly,
 14 I think, is important to think about how the system
 15 worked, that the Australia House didn't simply
 16 administer applications for migration, it was also being
 17 encouraged by the Department of Immigration to recruit
 18 more children and to increase the numbers, both the
 19 quantity and quality of children being sent overseas.
 20 So one of the documents that I think we have
 21 provided for you is, in 1954, a Commonwealth Relations
 22 Office memo in which a Commonwealth Relations Office
 23 civil servant is noting a visit from Mr Lamidey, the
 24 chief migration officer at Australia House, saying that
 25 the Australian Commonwealth Government had sunk

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<p>1 GBP400,000 into improving and extending residential 2 institutions in Australia to receive child migrants and 3 the Australian Commonwealth Government weren't satisfied 4 with the quantity or quality of children being sent 5 overseas. 6 We can see both correspondence from the Department 7 of Immigration raising concerns about educational 8 standards and suitability of some children being sent 9 over to Australia, but also concerns about low numbers 10 as well and what the kind of blockages are in the 11 British system. 12 I think, and I will just raise this as a question at 13 the moment, if Australia House had a role both in terms 14 of administering applications for migration and also 15 effectively cheerleading recruitment for migration, it 16 would raise a question as to whether there is 17 a potential conflict of interest in relation to the 18 assessment of migration applications in terms of them 19 being in children's best interests. 20 I think that would be arguably a particularly acute 21 question in relation to children who have been sent from 22 the care of voluntary societies, where the LEM 3 form 23 that we have seen would really be the only 24 administrative bit of paper that would go through the 25 system before a child moves from this country to</p> <p style="text-align: center;">Page 33</p>	<p>1 Commissioner obviously had a much wider range of 2 responsibilities in terms of the maintaining of good 3 strategic relationships with Australia. So there would 4 be lots of other issues being managed through the UK 5 High Commissioner in terms of relationships with the 6 Australian Government at the same time as dealing with 7 these practical issues around child migration. 8 MS HILL: Moving then to the specific recall of 9 the Australian state government, that, as you have 10 indicated, provided partial funding for child migrant 11 residential care on a per capita basis. We will come to 12 talk a little bit more about capital grants, but just to 13 headline that for now, perhaps. And also had 14 responsibility for inspecting institutions and 15 monitoring individual child migrants until they reached 16 the age of 21. 17 PROF LYNCH: That's right. So take some of those issues, 18 under the 1946 Immigration Guardianship of Children Act, 19 which was specifically introduced with child migrants in 20 mind, the Minister of Immigration assumed 21 the guardianship of children, which was then delegated 22 down to state level authorities, who, it was assumed, 23 would be able to maintain a better watch on children in 24 practice, but the minister always retained that 25 guardianship. I think some former child migrants have</p> <p style="text-align: center;">Page 35</p>
<p>1 overseas. 2 If there is any kind of questions about that, the 3 rigour of that system, the processing of that through 4 Australia House, that would have potentially very 5 significant implications. 6 MS HILL: Is it logical then, Professor, to move to the UK 7 High Commissioner in Australia, perhaps to move around 8 your table, because this is then the UK Government 9 representative in Australia; is that right? 10 PROF LYNCH: That's right. So the UK High Commissioner's 11 office was really the primary point of contact for the 12 Commonwealth Government and interactions with state 13 government officials, in terms of both wider policy 14 about the scheme, but also about operational issues in 15 the management of this, including the approval of 16 individual institutions. 17 For example, William Garnett, who was a senior 18 member of the UK High Commissioner's office, we see his 19 name recurring as someone who was going out to do 20 different kinds of inspections. Sometimes, it would 21 appear in a kind of somewhat ad hoc troubleshooting way 22 when problems were appearing in particular institutions 23 as well. 24 It is worth, perhaps, bearing in mind again with the 25 Ross Fact-Finding Mission later on, that the UK High</p> <p style="text-align: center;">Page 34</p>	<p>1 talked about the indignity of having to write to 2 a government official for permission to be married if 3 they were married before 21. 4 MS HILL: Forgive me. We should have gone to the 5 Commonwealth Government first, because the logical step 6 is from the UK High Commissioner to the Commonwealth 7 Government in Australia and then to the government at 8 state level. 9 PROF LYNCH: Sorry, yes. 10 MS HILL: No, it is my fault. But the guardianship you were 11 describing is retained by the Commonwealth level of 12 government; is that right? 13 PROF LYNCH: That's right. 14 MS HILL: That's the National Government, effectively. 15 PROF LYNCH: The Minister for Immigration, that's right. 16 MS HILL: You have explained in this bullet point how the 17 Commonwealth Government also provided partial funding 18 for these schemes. 19 PROF LYNCH: That's right. In addition to the maintenance 20 funding provided by the UK Government, the 21 Australian Government -- Commonwealth Government also 22 provided a regular maintenance payment. But this wasn't 23 through the Department of Immigration. This was the 24 child endowment payment, effectively the family 25 allowance payment, which in the late 1940s was</p> <p style="text-align: center;">Page 36</p>

<p>1 7 shillings and sixpence in Australian money, and then 2 I think in the 1950s it went up to 10 shillings. 3 There was a regular payment that all children in the 4 care of voluntary homes would have received as every 5 other child in Australia would have received as well. 6 So there was that regular weekly maintenance funding. 7 We can perhaps talk about how that relates to UK funding 8 in more detail later on. 9 In addition to that, the Commonwealth Government 10 also provided their own outfitting and equipment grant 11 per child of I think it was five Australian pounds 12 equating to four British pounds. That might be 13 something of a question, bearing in mind evidence that 14 we have received, and other inquiries have received, 15 about children being given hand-me-down clothes on 16 arrival in Australia, and no shoes, as to what happened 17 in terms of that outfitting allowance from the 18 Australian Commonwealth Government. 19 MS HILL: Because that was per child? There was a specific 20 amount per child? 21 PROF LYNCH: Yes, when the child embarks to Australia, yes. 22 MS HILL: Do you finally make the point on this table that 23 the Australian Commonwealth, so the National Government, 24 in principle had an operational oversight of the way in 25 which residential care institutions were operating?</p> <p style="text-align: center;">Page 37</p>	<p>1 agency in Australia also varied across different 2 organisations? 3 PROF LYNCH: Yes, certainly in terms of monitoring, that 4 would have -- obviously, as we discussed yesterday, 5 organisationally there are different kinds of 6 relationship in terms of whether the receiving 7 organisation in Australia is actually kind of formally 8 part of the sending organisation or actually a different 9 body but which shares a denominational ethos. 10 MS HILL: I think the point you have made is, generally, if 11 there was some affiliation between the sending and 12 receiving institution, your understanding is there is 13 a greater level of communication about the child? 14 PROF LYNCH: I think that would appear to be the case, but 15 I think, probably, as we go into fuller disclosure of 16 documents -- one of the issues with our knowledge of 17 monitoring systems by voluntary organisations is that 18 a lot of our knowledge is based on what the voluntary 19 organisations themselves have reported back to previous 20 inquiries. So we haven't actually seen much by way of 21 direct archival evidence of that. 22 MS HILL: So you may be able to help us more on those issues 23 and generally on oversight issues and communication 24 issues in part 2? 25 PROF LYNCH: Exactly, yes.</p> <p style="text-align: center;">Page 39</p>
<p>1 PROF LYNCH: Yes, that's right. Obviously it depended to an 2 extent on the quality of information actually being 3 passed up from State Child Welfare and State Immigration 4 Departments. But, yes, it certainly had the formal 5 responsibility for that. 6 MS HILL: I think we can take that table down now, 7 Professor, and just deal with some of the other points 8 of detail in the remainder of the section of your 9 report. 10 Is this right, by way of a summary of what you have 11 talked about in terms of monitoring and reporting, and 12 we will come to deal with this in more detail in 13 section 8, but for now can we headline the issue in this 14 way, that the systems for monitoring and reporting back 15 on individual children seemed to vary across different 16 organisations? 17 PROF LYNCH: If we are talking about the voluntary 18 organisations, there seems to be -- our understanding at 19 the moment is that that appears to be, yes, considerable 20 variations in terms of regularity of feedback and, 21 indeed, whether any feedback was received on individual 22 children at all. 23 MS HILL: At all. Also, is this right, that generally the 24 extent of communication between the sending organisation 25 in England and Wales and the receiving institution or</p> <p style="text-align: center;">Page 38</p>	<p>1 MS HILL: Your view so far, is this right, based on 2 information that you have seen, is that one area that 3 seemed weak to you is the transfer of information about 4 the children, of specific information about the children 5 being migrated? 6 PROF LYNCH: Yes, that's right. This was an issue that came 7 up in Dr Humphreys' evidence yesterday. One of 8 the things that's quite striking is that three different 9 reports in the early to mid 1950s flagged this up as an 10 issue as well. The Moss Report, which was quite 11 positive about child migration, raised this as 12 a problem. There is a particular quote in the 13 Moss Report that -- where Moss says: 14 "I was told at one Church of England home that no 15 school reports or health certificates had been received, 16 even although requests had been made for them, and in 17 some cases, when they are sent, the name is different 18 from that by which the child is known." 19 This was also flagged up by the Women's Group on 20 Public Welfare report and in the Ross Report as well. 21 There is some suggestion that those problems seem to 22 recur with Catholics -- in relation to Catholic 23 receiving institutions in Australia and also in relation 24 to children sent by the Church of England Council of 25 Empire Settlement. But it is possibly not restricted to</p> <p style="text-align: center;">Page 40</p>

<p>1 them, from the comments that are made in these reports. 2 MS HILL: I see. What you have observed, I think, in your 3 report is that what was being noted was that children 4 were arriving with a lack of school reports, for 5 example, about them, but you have gone on to say that 6 also it was observed that many of the children had 7 arrived with no data at all other than their name, age, 8 next of kin and religion; is that right? 9 PROF LYNCH: That's right. One of the things being flagged 10 up in these reports as well is the obvious importance, 11 potentially, of a case history of a child being sent 12 over with them so the receiving institution has some 13 understanding of their previous experience, any kinds of 14 forms of trauma they have experienced, their family 15 background. There is a lot of discussion about how that 16 material would be appropriately handled in relation to 17 the child. 18 But there is an awareness that that information 19 would obviously be crucial to appropriate individual 20 care of the child overseas. 21 MS HILL: Is this right, that you have considered why there 22 might have been an approach of transferring a limited 23 amount of information about the child, and you have said 24 that that might have been part of an intention not to 25 hold back the child from their new life; is that what</p> <p style="text-align: center;">Page 41</p>	<p>1 concern, you have said, the views of the principals of 2 the institutions at Clontarf and Castledare, that that 3 sort of information about children was unimportant, was 4 unlikely to be of much interest or use to the children? 5 PROF LYNCH: Yes. I think that's been noted obviously with 6 concern in those notes as indicative of a lack of 7 appropriate sensitivity to children's emotional needs. 8 MS HILL: To conclude on this issue, you have said in one of 9 your later reports that there may have been an 10 intentional policy of withholding information about 11 children's past lives in some of the organisations? 12 PROF LYNCH: It is possible, yes. 13 MS HILL: You have also said this, I think, that, whatever 14 the rationale for that, in practice, you have said this, 15 the failure to transfer or pass on that information to 16 children or to those looking after the children, 17 presumably, was to contribute significantly to the sense 18 of loss of identity felt by many former child migrants? 19 PROF LYNCH: Yes. Dr Humphreys has spoken very well to that 20 already. 21 MS HILL: I think, Chair, in the earlier part of 22 the experts' evidence we went to the list of children's 23 homes in Australia that is set out at table 3. I'm not 24 sure we need to pull that up again. Forgive me, at 25 appendix 2 of your report. Perhaps we can look then at</p> <p style="text-align: center;">Page 43</p>
<p>1 you have understood might have been part of 2 the rationale for this? 3 PROF LYNCH: Yes. I think, when you think about that 4 perhaps in conjunction with the sending of children with 5 short birth certificates with limited parental 6 information on, it is possible that there was an ethos 7 in at least some organisations of giving a child what 8 they would understand to be a clean break and that, 9 actually, you were sending them overseas to have a fresh 10 start and actually sending all this information about 11 their past would actually be holding them back in some 12 way. 13 Just on this as well, I think one of the things that 14 I was really struck by, reading the Ross Report 15 confidential appendices, is that it was often 16 residential institutions in Australia that were actually 17 complaining about this and were saying, "Actually, we 18 are just not getting the information that we would have 19 expected from this". It is also striking that, I think, 20 the principals at Castledare and Clontarf said they 21 didn't really think it was that important anyway because 22 children never really worried that much about who their 23 families were. 24 MS HILL: Pausing there, I think you observed in your report 25 that the confidential Ross Report appendices noted with</p> <p style="text-align: center;">Page 42</p>	<p>1 table 3 that I think tries to illustrate as best as 2 possible the relationships between the different 3 organisations involved, and that is EWM000005_053. 4 The panel can perhaps look at this document, but 5 what you are trying to do on this table -- is this 6 right, Professor? -- is illustrate as best as you can 7 the broad relationships between the sending and the 8 receiving institutions? I think the Chair and panel can 9 see that? 10 PROF LYNCH: Yes. There are a couple of broader things 11 I could see -- I don't know if you want me to go through 12 some of these individual organisations as well. 13 MS HILL: I think the Chair and panel can see on here there 14 are some relationships between a sending organisation 15 and a receiving institution, but your evidence yesterday 16 I think was to the effect that these were not always 17 consistently applied and you have heard evidence about 18 people from one organisation in the UK being sent to an 19 organisation in Australia that perhaps doesn't tally 20 with the lines on this table; is that right? 21 PROF LYNCH: Yes, that's correct. That's a limitation of 22 our diagram here, I think. I think the complexity of 23 where children were sent, we are still discovering that 24 I think. There are, I think, very much gaps in our 25 knowledge still here as well.</p> <p style="text-align: center;">Page 44</p>

<p>1 For example, it's not been possible to access 2 archives for the Federal Catholic Immigration Committee, 3 it should be, rather than council, or Catholic Child 4 Welfare Council. So it would be very helpful to 5 understand a little bit more about the nature of those 6 sending/receiving organisations because that's quite 7 a complex history. 8 There is a third organisation in there, the Catholic 9 Episcopal Migration and Welfare Association, which we 10 are still trying to understand more about as well, which 11 seems possibly to have been a subsidiary of the Federal 12 Catholic Immigration Committee, I think, given that 13 Father Stinson is the director of that and also signs 14 off for the FCIC as well. There is quite a complicated 15 organisational relationship. It would be good to 16 perhaps bring more clarity to that in part 2. 17 MS HILL: The summary perhaps is we can look at this table, 18 we can look at some of these lines, but these are not 19 fixed-in-stone lines and universally applied; is that 20 right? 21 PROF LYNCH: It is a broad indication for the post-war 22 period. 23 PROF CONSTANTINE: I can add to it, it is pretty certain the 24 children being sent by a Catholic institution in the UK 25 would end up in a Catholic institution in Australia.</p> <p style="text-align: center;">Page 45</p>	<p>1 detailed budgets from individual state governments on 2 what it would actually cost to build a new generation of 3 cottage homes for these war orphans and then to staff 4 them with staff from Child Welfare Departments working 5 under the state governments. 6 One of the things that that establishes, and this is 7 talked about when the child migration schemes are set 8 up, is that actually that is simply too expensive to do. 9 The research of Marion Fox, which we have referred to, 10 I think, in our addendum, talks about this. 11 So to place children -- to create a new generation 12 of cottage homes that are run under the state system 13 managed by child welfare staff is too expensive, to 14 impractical. There aren't enough foster homes 15 demographically in Australia in a post-war context. The 16 other option then is to work with voluntary 17 organisations and then to build up their residential 18 institutions with additional capital funding. 19 So that is part of the kind of funding rationale for 20 the whole system. Sorry, then, to go back to your 21 specific question about the state funding, it may be 22 that if the panel would like us to look more at this, we 23 can certainly do this, because the implications are 24 quite complicated. But the levels of state funding were 25 significantly different. So, again, thinking about the</p> <p style="text-align: center;">Page 47</p>
<p>1 What you can't map on is Sisters of Nazareth, quite 2 where -- where they all ended up in 3 a Sisters of Nazareth place. It is likely but I think 4 you'd have to do lots of document alignment to actually 5 demonstrate that. 6 MS HILL: I would like to turn then to ask you a few more 7 questions, please, about the funding aspect of these 8 schemes. We are at page 53 of your first report, 9 please. 10 I think you have explained already, Professor, some 11 combinations of funding coming from the UK Government, 12 the Australian Commonwealth Government and the 13 Australian State Government. Is this right, that an 14 additional complexity is caused by the fact that the 15 individual Australian states provided funding at 16 different levels? 17 PROF LYNCH: Yes, that's right. Can I make a bridging point 18 before going into that in a little more detail? I don't 19 think it is particularly explicit from the way in which 20 we have written the report, and that's the issue of why 21 children ended up in residential institutions run by 22 voluntary societies in Australia in the first place. 23 So one of the things that happens after the 24 Australian Commonwealth Government decided to develop 25 their war orphans policy is that they actually request</p> <p style="text-align: center;">Page 46</p>	<p>1 1950s, in the state of Western Australia the state 2 government was paying a weekly maintenance payment of 3 1 pound 3 shillings and threepence, but then, on top of 4 that, the Lotteries Commission in Western Australia was 5 paying an additional 7 shillings and sixpence. 6 Mr Cosgrove was remembering lottery officials coming 7 around to undertake visits. 8 So that meant -- I'm going to really stretch my 9 imperial maths here. 10 MS HILL: I'm not even going to try. 11 PROF LYNCH: We are looking at, on top of the standard 12 financial contributions from the UK Government and the 13 Australian Commonwealth Government, in Western Australia 14 you've got -- it would be, oh, God, I think it is 15 1 pound 10 shillings and ninepence then, whereas in 16 New South Wales, certainly in the early 1950s, my 17 recollection is that the state contribution was 18 4 shillings and eightpence for maintenance payments per 19 week. 20 MS HILL: Quite a disparity between the different states, is 21 what you are saying? 22 PROF LYNCH: That's right. It looks like by 1954/1955, 23 children placed in Western Australia -- the whole 24 package of weekly maintenance funding would have been 25 about double that for a child in New South Wales.</p> <p style="text-align: center;">Page 48</p>

<p>1 Another complication, and this is really where it 2 goes into state level variations as well, in 3 New South Wales it appears, certainly until the end of 4 the 1950s, that the state government placed its state 5 wards in state welfare department-run homes. So it 6 didn't actually pay any subsidy to children placed in 7 voluntary homes. 8 So actually having a child migrant, if you were 9 a residential institution in Western Australia, that was 10 also receiving Australian-born children, it meant you 11 actually got a higher maintenance payment because you 12 got an extra state subsidy that the state wouldn't 13 normally pay you if you were receiving Australian-born 14 children. Does that make sense? 15 MS HILL: Yes. I think what you are trying to explain is, 16 in Western Australia, there might have effectively been 17 more money coming into the institution for the former 18 child migrant child than there would be for the 19 Australian-born child? 20 PROF LYNCH: This is something we needed to clarify better 21 in the original report. So actually, in Western 22 Australia, the amounts were equalised so that actually 23 the state reduced its contribution for child migrants to 24 the same amount as the UK Government was paying. So 25 actually the weekly maintenance payment for children,</p> <p style="text-align: center;">Page 49</p>	<p>1 for the children to have their possessions in lockers 2 and then you will see other large congregate 3 institutions where children are in massive dormitories, 4 sometimes with no lockers to actually keep personal 5 goods in at all. We think about the kind of -- some of 6 the testimony we have had about Christian Brothers 7 institutions in Western Australia. Obviously that's -- 8 I can't at the moment speak to what obviously -- whether 9 there were higher living costs in Western Australia 10 compared with other parts of Australia but it does 11 appear that Western Australia was comparatively -- well, 12 certainly better funded than other places in Australia. 13 MS HILL: What you have posited in your report is that this 14 potential disparity between levels of funding and the 15 quality of institution may reflect different financial 16 resources across an organisation or, possibly, you have 17 said, organisational decisions about whether to direct 18 the capital funding into their work with child migrants. 19 Is that right? 20 PROF LYNCH: Yes. Do you mean maintenance funding? Capital 21 funding -- 22 MS HILL: Sorry, per capita, not capital funding. I think 23 what you are saying is there is a certain amount of 24 money being made for the children, the former child 25 migrant, and you are questioning whether some</p> <p style="text-align: center;">Page 51</p>
<p>1 both Australian-born children and British child migrants 2 was actually the same in Western Australia. I think 3 that may be the case in Queensland, though the funding 4 was less good there. But in New South Wales that 5 wouldn't have been the case. 6 MS HILL: Is perhaps an also relevant point for the panel 7 that what you have observed in your report is, despite 8 Western Australia having, at least at some points, 9 a higher level of funding per child than 10 New South Wales, that some reports were particularly 11 critical of the quality of the institutions in Western 12 Australia, so there wasn't, you have said in your 13 report, necessarily a correlation between a greater 14 level of funding and a better quality of institution? 15 PROF LYNCH: No, that's right. Again, when you look at the 16 Ross confidential appendices and you see the description 17 of a Dr Barnardo's home in Burwood -- we may look at 18 that table later on with staff ratios and size of 19 institution later on, but essentially, a kind of small 20 cottage home which would go up to, I think, around 21 20 children with two or three members of staff there 22 which they go into and they find -- obviously we don't 23 really know about standards of care there. But they 24 find it quite a sort of pleasant environment in terms of 25 it being a home in a suburban area with kind of space</p> <p style="text-align: center;">Page 50</p>	<p>1 organisations actually spent all of that on the 2 children; is that right? 3 PROF LYNCH: Yes. It would be an issue that could be 4 thought about. When we look, for example, at the -- 5 when the Ross team went into Castledare, they found 6 about 120 children being cared for by four brothers. 7 Obviously there were background staff as well, but it 8 was the four teaching brothers who seemed to have main 9 responsibility. There may have been some religious 10 sisters involved in Castledare at other points, but the 11 Ross team didn't find them there then. I think we 12 worked out a staff to resident ratio of around 1:29. 13 When you are working on a capitation funding basis where 14 you are getting money per head of child, it would raise 15 questions about where the money went. I know that the 16 Ryan Commission looked at this in relation to 17 residential institutions run by Christian Brothers and 18 other organisations in Ireland as to whether capitation 19 funding had sometimes been used to fund core costs 20 within the organisation. 21 Perhaps just in terms of variations on that as well, 22 it is probably also important to recognise that the 23 conditions in homes would have also reflected the wider 24 financial situations of the receiving organisations as 25 well. For example, Fairbridge in the UK had a very kind</p> <p style="text-align: center;">Page 52</p>

<p>1 of strong fundraising setup, as -- I remember newspaper 2 articles about a Rembrandt painting being sold to raise 3 money for Fairbridge. Fairbridge had quite substantial 4 investments behind them. So reflecting a kind of more 5 aristocratic support base, it was able to have 6 a particular funding mechanism support around that. 7 That wouldn't have been perhaps so much the case in 8 more working-class Catholic areas in Australia, but -- 9 for receiving organisations, Catholic receiving 10 organisations in Australia, but there are also issues of 11 organisational priorities here as well that I think 12 after 1893 in Australia, no form of state funding was 13 available for private education, broadly. But one of 14 the implications of that was that to run a distinctive 15 Catholic education system not under the state education 16 system, that had to be entirely self-funding. Most 17 histories of 20th century Australian Catholicism that 18 I have read talk about that being a major drain on 19 financial resource for the Catholic church, that 20 actually a lot of the fundraising was going into 21 supporting the mainstream Catholic education system. 22 Whereas, if you look at Fairbridge, their 23 organisational priorities in the 1950s seemed to be very 24 much around expansion. So there is a discussion in 1955 25 I think we have included some of this in the -- I think</p> <p style="text-align: center;">Page 53</p>	<p>1 the view in your report that for some voluntary 2 organisations, because of the way the funding structures 3 operated, recruiting British child migrants might have 4 been seen as a valuable revenue stream that would 5 cross-subsidise their care of Australian-born children? 6 PROF LYNCH: It is quite a complicated issue. Obviously if 7 you -- 8 MS HILL: Perhaps we don't need to have too much of 9 the detail at this point. Is it just generally right to 10 understand that that might have been one way in which 11 child migration was looked at? 12 PROF LYNCH: In some states and at some times that could 13 have happened. But also the other financial -- 14 potential financial benefit for institutions was the 15 capital funding because that was exceptional. That 16 would enable institutions to draw down -- it was made on 17 the basis of a third contribution from the Commonwealth 18 Government, a third contribution from the state 19 government and a third contribution from the voluntary 20 institution. 21 MS HILL: So this is a further what you have described as 22 financial incentive, which is the ability to have money 23 available not only for the individual children, but to 24 have capital expenditure to build things, there was 25 funding for that?</p> <p style="text-align: center;">Page 55</p>
<p>1 in the main report or the second addendum with the 2 Overseas Migration Board, the Advisory Council to the 3 Commonwealth Relations Office. I have to say, through 4 a chair of the overseas board, who probably had a strong 5 connection with the Fairbridge Society, proposals were 6 brought forward to double the weekly maintenance payment 7 just for the Fairbridge Society and for the 8 Northcote Trust which worked with it, not for any of 9 the other organisations. 10 The civil servants in the Commonwealth Relations 11 Office note that Fairbridge seem to be pushing for this 12 so that it can increase their funding for more capital 13 expansion. So Fairbridge are wanting to build more farm 14 schools. There seems to be a suggestion that if they 15 can increase the weekly maintenance payment to children 16 that would enable them to build up capital reserves to 17 be able to do that. I think that would have been the 18 same time that Marcelle O'Brien was recalling sticking 19 bits of fatty meat in her underwear because it was 20 inedible, at the farm school at Pinjarra. So the 21 organisational priority there seems to have been around 22 expansion rather than necessarily improving standards of 23 care within the institution. 24 MS HILL: A few more points, please, Professor, on these 25 funding issues. Is this right, that you have expressed</p> <p style="text-align: center;">Page 54</p>	<p>1 PROF LYNCH: That's right, to renovate existing properties, 2 to extend them, which also then came with the 3 Commonwealth Government's expectation that child 4 migrants would be received by those institutions that 5 have received that, which might then tie an institution 6 into needing to recruit child migrants so as to not have 7 to pay the money back. 8 MS HILL: Applications for capital expenditure, you have 9 given one example, would be looked at. You have found 10 at least one example of an application for a capital 11 grant being refused because of concerns about the nature 12 of the organisation in question and the quality of that 13 institution; is that right? 14 PROF LYNCH: Yes, I think that's St Anne's Orphanage in 15 Liverpool in New South Wales. Marion Fox has done very 16 interesting work about that. 17 MS HILL: One final table you wanted to draw to the panel's 18 attention, table 4, please, EWM000005_056. The panel 19 can look at this perhaps as a summary, is this right, of 20 what you have tried to convey here. It is a fairly 21 complex web, but if the panel looks at this, the panel 22 can see the links between the different elements of 23 the England and Wales institutions and the Australian 24 institutions. Is that right? 25 PROF LYNCH: That's right.</p> <p style="text-align: center;">Page 56</p>

<p>1 MS HILL: This sort of reflects in a slightly different way 2 the boxes with the bullet points that we looked at and 3 the rest of your evidence about how these institutions 4 work together? 5 PROF LYNCH: Exactly. There is one issue that we haven't 6 covered yet, which I think is probably -- it may be very 7 important to understand how children came to be in 8 Australia and it may frame issues that we will think 9 about with part 2 as well, and that's actually how the 10 whole migration application system was administered from 11 Australia as well, if I can speak to that very quickly 12 as well. 13 So the state government responsibility in relation 14 to these schemes wasn't just with the Child Welfare 15 Department in terms of their monitoring and inspection, 16 it was also with State Immigration Departments which 17 were part of state governments but which through 18 Commonwealth migration officers, who were 19 Commonwealth Government employees based in the states as 20 well, would basically be the conduit through which state 21 immigration policy would then be -- there would be 22 a liaison with the Commonwealth Government around that. 23 One of the implications of this is that it was the 24 State Immigration Department who, if a residential 25 institution in Australia wanted to receive child</p> <p style="text-align: center;">Page 57</p>	<p>1 the first place, because there is some suggestion in 2 material we have seen that what happens is that the UK 3 sending organisation contacts the Australian 4 organisation and says, "We have got this number of 5 children ready for migration, so this is the number that 6 you need to request" and so that goes through. But it 7 is also possible that -- because I don't think names are 8 always attached to these applications when they are 9 made, that actually an application comes in for 10 a certain number of children which may then be about 11 institutional need in Australia, it may be about filling 12 places within Australia, where what happens then is that 13 children's names are attached to that quota at 14 Australia House. 15 MS HILL: So there is some lack of clarity as to where the 16 numbers were first initiated from; is that right? 17 PROF LYNCH: Exactly. Potentially, if we are thinking about 18 the selection of children issues of migration being in 19 the child's best interest has potentially a major 20 bearing on -- we will obviously look at selection issues 21 later on, but I think it is very important to understand 22 that administrative process in terms of how that may 23 have had a bearing on how a number of these issues 24 actually worked. 25 MS HILL: Thank you very much. Professor, those are all the</p> <p style="text-align: center;">Page 59</p>
<p>1 migrants, the State Immigration Department, usually in 2 conjunction with the Child Welfare Department, had to go 3 and undertake an inspection of that institution to 4 ensure that it was suitable to receive child migrants. 5 The primary reason why the State Immigration 6 Department had to do that was because -- I'm not sure 7 exactly how many, but certainly a significant 8 proportion, I would imagine, of the children sent to 9 Australia were sent under what would be described as 10 group nominations, where a residential institution would 11 send a request via State Immigration Departments to the 12 Commonwealth Immigration Department for a certain number 13 of children to be migrated to Australia, and we can see 14 sort of pre-war -- I haven't seen an example of 15 a post-war form with this, but pre-war forms, where 16 basically what you have is a request to the Commonwealth 17 Government for a certain number of children to be 18 migrated. The reason it takes that form is that it 19 becomes the mechanism by which the Commonwealth 20 Government approves its financial contribution towards 21 the passage of those children. 22 But what happens with that is that a group 23 nomination has a code, and children are then allocated 24 to that code as they move through Australia House. 25 The question here is where the numbers come from in</p> <p style="text-align: center;">Page 58</p>	<p>1 questions I had on chapter 4, which is about the time, 2 Chair, we would normally take our mid-morning break. So 3 could I suggest you take our 15-minute break now? 4 I think the shorthand writers would appreciate a break. 5 THE CHAIR: Yes. I have a couple of questions I would like 6 to put to Professor Lynch, especially on the funding 7 side. 8 Is there any evidence of a reporting mechanism on 9 a regular basis for the funding of these institutions? 10 PROF LYNCH: Yes. It would have had to have worked on that 11 basis. For the UK maintenance funding, as I mentioned 12 before, what the residential institution in Australia 13 would have to do would be to provide a quarterly roll of 14 the children who were actually enrolled at that 15 institution at that time. That would be passed back. 16 My understanding is that probably the funding was then 17 paid, on the basis of that roll, to the UK sending 18 organisation who would then transfer that money back to 19 Australia. 20 What the mechanism would have been for checking 21 children's residency in institutions for allocation of 22 the child endowment maintenance payment, I haven't seen 23 any documentation. But you would assume that the 24 governments would only administer this on the basis 25 of -- whether the information they got was correct or</p> <p style="text-align: center;">Page 60</p>

<p>1 not was another matter.</p> <p>2 THE CHAIR: That was my concern. The second question I have</p> <p>3 is about the potential split that you referred to, the</p> <p>4 use of the funding that had been made available,</p> <p>5 potentially between core costs of the institution, which</p> <p>6 may well be somewhere else, not even in Australia, and</p> <p>7 the actual spend on the children's -- to the children's</p> <p>8 benefit on an individual basis. Have you any examples</p> <p>9 of what the percentage split might be?</p> <p>10 PROF LYNCH: No. We would need to see -- you'd have to see</p> <p>11 accounts of organisations to judge that.</p> <p>12 There was some -- we can find the specific reference</p> <p>13 for this -- there is some indication in the</p> <p>14 "Lost Innocents" report, the Senate Community Affairs</p> <p>15 Committee Report, that the Australian Governments were</p> <p>16 aware of a degree of creative accounting within the</p> <p>17 Christian Brothers organisation. Perhaps one example</p> <p>18 I could mention with that, which is pertinent to a lot</p> <p>19 of evidence given by former child migrants in the</p> <p>20 hearing so far, is that the "Lost Innocents" report</p> <p>21 notes -- I think it is the 1949 memo between -- it would</p> <p>22 have been the Western Australian State Government and</p> <p>23 the Department of Immigration which is about the</p> <p>24 appropriate capital spending costs. I think it is on</p> <p>25 building work to be done at Bindoon.</p> <p style="text-align: center;">Page 61</p>	<p>1 THE CHAIR: Or, indeed, the institution's core costs.</p> <p>2 PROF CONSTANTINE: Indeed.</p> <p>3 PROF LYNCH: Or costs of other institutions run by that</p> <p>4 institution.</p> <p>5 MS SHARPLING: I wonder if you could help me with this: in</p> <p>6 your research, in particular in relation to the</p> <p>7 processes operating in the United Kingdom prior to</p> <p>8 migration, did you find any examples where a child was</p> <p>9 rejected for migration on the basis that consent had not</p> <p>10 been properly obtained?</p> <p>11 PROF CONSTANTINE: I think that is probably a question</p> <p>12 we will be addressing in part 2 in some detail.</p> <p>13 PROF LYNCH: This did come up as an issue with the</p> <p>14 Historical Institutional Abuse Inquiry, in their</p> <p>15 discussion of consent issues in relation to children</p> <p>16 sent by the Sisters of Nazareth, where it was -- not,</p> <p>17 I think, in their child migration module of the inquiry,</p> <p>18 but in another module they had come across children who</p> <p>19 said that there was potential for them to go to</p> <p>20 Australia but they couldn't go because families had</p> <p>21 refused. There are very complicated issues around</p> <p>22 consent and the wider --</p> <p>23 MS SHARPLING: I am simply asking whether, in your research,</p> <p>24 you came across any examples of that?</p> <p>25 PROF LYNCH: No. It is only through the Historical</p> <p style="text-align: center;">Page 63</p>
<p>1 What the Australian Commonwealth Government, if</p> <p>2 I recall correctly, is saying to the state government is</p> <p>3 that, "Actually, we shouldn't be paying all of those</p> <p>4 labour costs, because actually it is the children</p> <p>5 themselves who are doing the labour". So what they do</p> <p>6 is they actually reduce the amount they are going to</p> <p>7 contribute towards the labour then.</p> <p>8 There are two interesting implications of that, both</p> <p>9 in terms of organisational knowledge about the use of</p> <p>10 children's labour, but also the fact that the</p> <p>11 Christian Brothers, in the first place, actually seem to</p> <p>12 be trying to claim children's money -- unpaid labour as</p> <p>13 something they are actually trying to get capital</p> <p>14 funding for as well. I think that would probably be the</p> <p>15 clearest example.</p> <p>16 But often, if organisations are going to move money</p> <p>17 around like that, we might find it in their accounts,</p> <p>18 but it's -- yeah.</p> <p>19 PROF CONSTANTINE: Could I add a comment to that? If money</p> <p>20 is coming in for capital expenditure and money is also</p> <p>21 coming in for maintenance, it almost becomes an internal</p> <p>22 audit within the particular institution as to whether</p> <p>23 they keep these funds strictly separate or whether some</p> <p>24 of the money coming in for children's maintenance is</p> <p>25 being used for capital expenditure.</p> <p style="text-align: center;">Page 62</p>	<p>1 Institutional Abuse Inquiry, that's the only one I've</p> <p>2 seen reference to that, yes.</p> <p>3 MS HILL: Thank you, Chair, forgive me. I should have</p> <p>4 checked whether you and the panel had any questions.</p> <p>5 I am conscious the shorthand writers would appreciate</p> <p>6 a break, and I am sure they would appreciate the full</p> <p>7 15-minute break, if that is all right.</p> <p>8 THE CHAIR: We will take a 15-minute break. Thank you.</p> <p>9 (11.55 am)</p> <p>10 (A short break)</p> <p>11 (12.13 pm)</p> <p>12 MS HILL: Thank you, Chair. I would like to move on now to</p> <p>13 deal with the issues that are set out in chapter 5 of</p> <p>14 the report. I think, Professor Constantine, you are</p> <p>15 going to take the lead on this chapter of the report; is</p> <p>16 that right?</p> <p>17 PROF CONSTANTINE: That's right.</p> <p>18 MS HILL: By way of headline, is this right, what you have</p> <p>19 tried to do in this report is pull together, by way of</p> <p>20 an overview for the panel, the previous investigations</p> <p>21 and inquiries that have taken place into child migration</p> <p>22 issues, of which there are quite a few, but in</p> <p>23 particular to look at what has been reported about the</p> <p>24 incidence of sexual abuse of child migrants?</p> <p>25 PROF CONSTANTINE: That's right. That was the particular</p> <p style="text-align: center;">Page 64</p>

<p>1 focus, my responses to readings of the report.</p> <p>2 MS HILL: More generally, you are going to give evidence, is</p> <p>3 this right, about a change of reports that express</p> <p>4 concerns about the treatment of child migrants even if</p> <p>5 they don't touch particularly on child sexual abuse?</p> <p>6 PROF CONSTANTINE: Yes. I think it is important to</p> <p>7 recognise that even before the more recent inquiries had</p> <p>8 taken place, there had been doubts, reservations,</p> <p>9 criticisms of the practice of child migration while</p> <p>10 child migration was a progress in practice.</p> <p>11 MS HILL: Is this right, that your report begins with</p> <p>12 a report from 1875, because that does begin the historic</p> <p>13 context about which you are talking?</p> <p>14 PROF CONSTANTINE: Yes, that's correct.</p> <p>15 MS HILL: Could we pull up, please, the bullet point summary</p> <p>16 of the Doyle Report, which is at EWM000005_065. That is</p> <p>17 page 64 of your report, Professor.</p> <p>18 By way of background, what we are looking at here,</p> <p>19 is this right, is a summary of the findings of</p> <p>20 the report that were critical, and this is a report by</p> <p>21 Andrew Doyle who was, in 1875, president of the local</p> <p>22 government board; is that right?</p> <p>23 PROF CONSTANTINE: That's correct, yes.</p> <p>24 MS HILL: He presented a report to parliament, having</p> <p>25 visited Canada, and in particular appraised and assessed</p> <p style="text-align: center;">Page 65</p>	<p>1 page -- sorry, the numbers on this page, can you please</p> <p>2 take us through the ways in which Mr Doyle was critical</p> <p>3 of the treatment of child migrants in Canada at that</p> <p>4 time?</p> <p>5 PROF CONSTANTINE: Yes. One reason for flagging these</p> <p>6 things up, because I think we have already heard certain</p> <p>7 issues that crop up with respect to more recent child</p> <p>8 migrants, you can already identify here elements of</p> <p>9 concern have been raised as early as 1875. The very</p> <p>10 first one I think is an indication of that. Doyle</p> <p>11 refers to the lax and informal manner in which consent</p> <p>12 to emigration was secured from legal guardians. That's</p> <p>13 the first point.</p> <p>14 He compares the lack of consent to migration by</p> <p>15 children from voluntary refuge homes compared with those</p> <p>16 where approval for migration is conducted by magistrates</p> <p>17 and that's as required by the Poor Law institutions. So</p> <p>18 that duality of approvals, which goes right through to</p> <p>19 the end of the history of child migration, is already</p> <p>20 identified here as something that Doyle is concerned</p> <p>21 about.</p> <p>22 Then there is a number of criticisms he makes about</p> <p>23 the treatment of the children in the sending, conditions</p> <p>24 and care on board ships, the conditions that the</p> <p>25 children were receiving when they arrived in these</p> <p style="text-align: center;">Page 67</p>
<p>1 the child migration practices of Annie Macpherson and</p> <p>2 Maria Rye, who were active in the child migration</p> <p>3 movement to Canada.</p> <p>4 PROF CONSTANTINE: That's correct. Perhaps the important</p> <p>5 context is Andrew Doyle was a senior inspector on the</p> <p>6 local government board. The local government board is</p> <p>7 responsible for allowing to be sent children who are</p> <p>8 in -- it was local authority at that time -- Poor Law</p> <p>9 care, but a larger number of children were coming from</p> <p>10 voluntary societies, so he is looking at both streams.</p> <p>11 Indeed, in parts of the report, he makes a comparison</p> <p>12 between those two streams.</p> <p>13 MS HILL: That gives him the basis, does it, for conducting</p> <p>14 this inquiry? His background, particularly about those</p> <p>15 children who were coming from Poor Law institutions,</p> <p>16 that these were in the same institutions as children who</p> <p>17 weren't; is that right?</p> <p>18 PROF CONSTANTINE: That's correct. The children end up in</p> <p>19 the same kinds of places.</p> <p>20 MS HILL: I think it is probably not institutions by this</p> <p>21 point.</p> <p>22 PROF CONSTANTINE: No, that's right. They are going to</p> <p>23 family homes as members of families working farms,</p> <p>24 particularly in Ontario.</p> <p>25 MS HILL: If we look, please, at the bullet points on this</p> <p style="text-align: center;">Page 66</p>	<p>1 distribution centres in Canada from which the children</p> <p>2 will be sent out to particular homes. So he criticises</p> <p>3 the facilities at some of these distribution centres.</p> <p>4 The inadequate training, that children are</p> <p>5 unprepared for the life that they will be experiencing</p> <p>6 in these places. Either their lack of training before</p> <p>7 they go or their lack of training when they are actually</p> <p>8 at the distribution centres. So it comes to the</p> <p>9 children as a sort of raw experience when they arrive.</p> <p>10 There is also the concern that Doyle has --</p> <p>11 Annie Macpherson and Maria Rye are the two principal</p> <p>12 operators at this time -- the concern he has about how</p> <p>13 these homes to which the children will be sent have been</p> <p>14 selected, the amount of information that they have</p> <p>15 before they send the children out to them.</p> <p>16 This seems to him to be a critical matter. You need</p> <p>17 to know what the condition of the home will be before</p> <p>18 the children should be sent to them.</p> <p>19 There is then what he describes as the doubtful</p> <p>20 legal basis of some practice where children are supposed</p> <p>21 to be indentured, which effectively means as</p> <p>22 apprentices, and also those who are nominally adopted.</p> <p>23 He is not clear as to the legitimacy of the legal basis</p> <p>24 for either of those things. He quotes in his report one</p> <p>25 girl who is aged 16 and therefore has progressed, as it</p> <p style="text-align: center;">Page 68</p>

<p>1 were, from being a child migrant to being an employee, 2 and he asked the question of her, what does she 3 understand by "adopted"? And her rather sparky response 4 for a 16-year-old is, "Adopted, sir, that's when folks 5 get a girl to work for no wages", and that is going to 6 be an issue that continues through the history of 7 the child migration. 8 He's also concerned about the work obligations that 9 are placed upon so many of these children. Many of 10 them, remember, are really quite young. These are often 11 children below the age of 14. They are working hard as 12 servants, as domestic servants, and the poor rewards 13 they get, both financial and otherwise, for their 14 labour. 15 The implications of child migration he is already 16 spelling out as early as 1875, the limited education 17 which these children will be receiving because they are 18 effectively working in these farms, albeit as 19 youngsters, and he is concerned about the quality of 20 religious education as well as other education they are 21 receiving. 22 I think point 10 here from his report is rather 23 a comparison that he wishes to make between the quality 24 of the children sent out by Poor Law institutions, which 25 is superior to that of the quality of the children a</p> <p style="text-align: center;">Page 69</p>	<p>1 report here, he seems to be alert to the need to 2 safeguard children's sexual vulnerability. He expressed 3 particular concern about the case of, and here I quote, 4 "a girl of 11 or 12 in a room away from that of her 5 mistress, without fastening, opening to a lobby from 6 which were the rooms of two men, one hired harvest man 7 of whom the people know nothing except that he was ..." and Doyle quotes, "... 'a good farming hand'". 8 That is the only implication that there is a concern 9 about the potential sexual abuse of children. 10 MS HILL: There is, is there not, also a rather oblique 11 reference to girls being at risk and some losing their 12 characters that you have also flagged? 13 PROF CONSTANTINE: Yes, that tends to be after they have 14 moved on. So it is the aftercare aspect of this that 15 causes him also some further concern. 16 MS HILL: Is this right, that Doyle made clear in his report 17 his doubts about child migration generally and his 18 belief that the welfare of children in need might be 19 better effected in the UK institutions, the UK Poor Law 20 institutions? 21 PROF CONSTANTINE: That is exactly right. Again, it may be 22 expected from an inspector coming from the Poor Law to 23 actually think that control in the UK by Poor Law 24 officials over whom the local government board had 25</p> <p style="text-align: center;">Page 71</p>
<p>1 sent by the refuges, the misbehaviour of the voluntary 2 society children. I wouldn't place too much emphasis 3 upon that. That seems to be a bit of, "Our children are 4 better than your children". 5 More importantly is his concern about the inadequate 6 inspection and aftercare by the organisers of these 7 movements, and particularly the distribution by 8 Maria Rye and Annie Macpherson to the homes. 9 They are disbursed -- we are talking about big, big 10 distances in terms of the UK, and he thinks there is an 11 inadequate process of inspection and aftercare of those 12 children once they have been dispersed. It troubles him 13 further, this loss of contact that the voluntary homes 14 have, that the distribution homes have, over even the 15 whereabouts of these children, because they do move and 16 it is not seemingly being reported centrally. 17 So even the organisations that have sent the 18 children out, and the distribution homes, no longer know 19 where a large number of these children are. 20 I think it is worth just popping in here the point 21 about sexual abuse. There is nothing explicit about 22 that in his report, but later on we have reported that 23 Doyle does express concern -- there is one particular 24 case, because he does go to some of these homes and does 25 see the children. If I may just read out from our</p> <p style="text-align: center;">Page 70</p>	<p>1 direct supervision would be a safer way of looking after 2 the interests of children. 3 MS HILL: Is this right, that the response to Mr Doyle's 4 report by the local government board was that it was 5 taken seriously? 6 PROF CONSTANTINE: Yes, it was. 7 MS HILL: And although the Canadian Government sought to 8 reassure the UK Government by inspections it had carried 9 out, the local government board was not convinced by 10 those? 11 PROF CONSTANTINE: Yes, sufficiently not convinced as to 12 actually put a moratorium on the sending of children to 13 Canada from Poor Law institutions. It has no control, 14 to the same extent, over the voluntary organisations who 15 are really being enjoined to improve their game and 16 probably do, to a certain extent, manage rather better 17 their operations subsequently. 18 MS HILL: The moratorium lasted, you said, until 1887, until 19 Canada, having been pressured to do so by the 20 UK Government, introduced certain safeguards and 21 improvements; is that right? 22 PROF CONSTANTINE: Yes, it begins to actually make the 23 reports which the local government board wished to 24 secure. 25 MS HILL: After that, is this right, inspection and</p> <p style="text-align: center;">Page 72</p>

<p>1 aftercare of placements for the children did improve and 2 later on in that century some of the sending societies 3 trained the children, or prepared the children better, 4 but that there was still no British legislation 5 introduced to require the voluntary organisations to 6 have the magistrate's approval that you have described? 7 PROF CONSTANTINE: That's correct, yes. 8 MS HILL: We know, don't we, from your earlier evidence and 9 generally, that after this report the volume of child 10 migration to Canada did increase? 11 PROF CONSTANTINE: It does increase, yes. 12 MS HILL: Bring us, then, please, to the Bondfield Report in 13 1924. Is this right, that this was a report written by 14 the Labour government minister, Margaret Bondfield. She 15 led a British delegation on this issue; is that right? 16 PROF CONSTANTINE: Yes. I stress it is not particularly 17 a Labour government request. She is a Labour government 18 minister, but it is a panel. The issue has cropped up. 19 It will be a report to a Conservative administration. 20 MS HILL: Yes. The driver for the report -- is this 21 right -- was increasing concerns within Canada about the 22 child migration scheme? 23 PROF CONSTANTINE: Yes. I mentioned this earlier in the 24 giving of evidence, that there were concerns in Canada 25 about the quality of the children that were being sent</p> <p style="text-align: center;">Page 73</p>	<p>1 was concerned, albeit it did raise some issues? 2 PROF CONSTANTINE: Yes. On the whole, Bondfield and her 3 team were favourably impressed by the opportunities that 4 were available in Canada and by, to some extent, the 5 quality of the selection and of the transfer of children 6 overseas and of the care that they were receiving. On 7 the whole, they were supportive of that. 8 The report does contain criticisms of the quality of 9 the inspections that were needed. They wanted them to 10 be rigorous annual inspections. The figures don't add 11 up between the number of children and the number of 12 inspections carried out. Remember, these are children 13 dotted around Ontario, so they wanted more regular, 14 reliable annual inspections, and also -- 15 MS HILL: I think you have made the point, just on the 16 figures, that of the 3,613 children in 1922, it appeared 17 that only 2,555 had been the subject of an inspection of 18 some sort in that particular year. 19 PROF CONSTANTINE: That's correct, yes. 20 MS HILL: The Bondfield delegation felt that regular, close 21 and effective post-placement supervision was also 22 important to ensure the well-being of the children. So 23 made a point that it needed to be regular and effective 24 supervision of the children. 25 PROF CONSTANTINE: And that, of course, is a point that is</p> <p style="text-align: center;">Page 75</p>
<p>1 from the UK to Canada. It had been interpreted -- you 2 remember I referred to the eugenics ideas that these 3 children were somehow deprived children rather than 4 deprived. So there was a gathering body of professional 5 opinion that regarded these as inappropriate children to 6 bring into the UK. But in addition, there were the 7 objections that had been raised by Canadian trade unions 8 about the importation of what they regarded as cheap, 9 indeed unpaid, labour, therefore affecting their 10 position in the labour market. So that seems to have 11 persuaded the Canadian authorities to request such an 12 investigation and to which the Labour government 13 responded by appointing this particular panel of 14 inquiry. 15 MS HILL: Is this right, that there is no specific reference 16 to abuse of the child migrants, sexual or otherwise, in 17 the Bondfield report? 18 PROF CONSTANTINE: Again, there is nothing explicit. There 19 is a very brief reference to the report to girls needing 20 more supervision. That, I think, is an implication -- 21 in the Doyle Report about the greater vulnerability of 22 girls who, remember, are still being located into 23 private families, not into institutions. 24 MS HILL: Is this right, that the Bondfield Report was 25 generally a positive report, as far as child migration</p> <p style="text-align: center;">Page 74</p>	<p>1 repeated subsequently throughout the decades that are 2 going to follow. 3 MS HILL: Is this right, the report was also critical of 4 the quality of the assessment or the evidence that 5 assessed the suitability of the placements to where the 6 children were going, because the only requirement was 7 that a member of the local community had written 8 a reference to say that the family were suitable for 9 receiving a child migrant? 10 PROF CONSTANTINE: That's right. That kind of degree of 11 informality struck the Bondfield Committee as 12 insufficient. What you needed was an independent 13 inspector to go and inspect these places before a child 14 should be sent to it. 15 MS HILL: The report also noted that legal adoption of 16 the children and boarding out of the children for cash 17 payments was a fairly limited practice; that much more 18 common was the situation where a child was allocated to 19 a farm, worked on the farm in return for their keep and 20 was not paid a wage. 21 PROF CONSTANTINE: That's right. 22 MS HILL: Only children over 14 were paid anything but it 23 was banked by the sending society and held in trust 24 until they were 18 or 21? 25 PROF CONSTANTINE: Yes.</p> <p style="text-align: center;">Page 76</p>

<p>1 MS HILL: The report was especially critical of this 2 apparent use of children for labour, for underpaid or 3 unpaid labour, for too long and often when the children 4 were too young. 5 PROF CONSTANTINE: Yes, they were what they regarded as 6 damaging effects upon the child's education. We are 7 talking about children who, in the UK, would be 8 permanently in school. These children are having 9 a disrupted education because they are also unpaid hired 10 hands, if I can put it in those terms, on these farms. 11 Their education is really following a kind of 12 agricultural cycle as to when they are free enough to go 13 to school and it disrupts their education and, 14 therefore, damages their future career prospects. 15 MS HILL: Is this right, that it was recommended, therefore, 16 that only children over the school leaving age, 14, 17 would be allowed to be migrated to Canada? 18 PROF CONSTANTINE: That's right. 19 MS HILL: That was a rule adopted by the 20 Canadian Government, having been accepted by the 21 UK Government, and it was that that led to, effectively, 22 the ending of the child migration schemes to Canada, 23 save for what we will hear about the Fairbridge School? 24 PROF CONSTANTINE: That's correct, yes. 25 MS HILL: After that, as we have understood, no more</p> <p style="text-align: center;">Page 77</p>	<p>1 overseas should be the same as the ones we have in the 2 UK, but the ones we are aspiring to create in the UK, so 3 we are raising the bar, raising the standards. If the 4 child, for whatever reason, is deemed suitable to go 5 overseas, that child should receive an equivalent 6 quality of care as if they had stayed at home. 7 MS HILL: Scroll down, please, to 5.3.5 on that page, 8 Professor, to help you. Is this right, that in terms of 9 the mode of childcare, going to the very beginning of 10 this paragraph, Curtis indicated a preference for 11 adoption or foster care rather than residential care, 12 but recognised it would take a period of some 10 to 13 15 years for residential care to be gradually replaced 14 by adoption or foster care; is that right? 15 PROF CONSTANTINE: That's right. The emphasis on adoption 16 and foster care is to try to recreate a familial 17 background upbringing for every particular child in 18 need. So fostering and adoption would be the preferred 19 routes, but it would take time to develop that kind of 20 practice to absorb them all. 21 MS HILL: Is it your understanding that what Curtis was 22 actually saying was the presumption for child migrants, 23 or what should be the situation for child migrants, is 24 that they should generally be in an adoption or 25 foster-care-type setting?</p> <p style="text-align: center;">Page 79</p>
<p>1 children were sent to families but only to the 2 Fairbridge School in Canada? 3 PROF CONSTANTINE: Yes. 4 MS HILL: Turning then, please, to the Curtis Committee 5 Report about which we heard a certain amount when you 6 gave evidence previously. Just to summarise and remind 7 the panel, I think we already have looked, have we not, 8 at the key paragraph from the Curtis Report. Perhaps 9 I can just pull it up for reference, EWM000005_069. 10 This is paragraph 515, I think, of the Curtis Report. 11 This was a report conducted in 1946, or reported on in 12 1946, which, as you have said before, I think, 13 Professor, evidenced a quite substantial shift in 14 childcare practice generally but dealt in particular in 15 this paragraph with child migration. If we scroll to 16 the end of that paragraph, the recommendation about 17 which we have heard already was that it should be 18 a condition of consenting to the emigration of deprived 19 children that the arrangements made by the government of 20 the receiving country for their welfare and aftercare 21 should be comparable to those proposed in this report 22 for deprived children remaining in this country. 23 PROF CONSTANTINE: That's right. It is worth stressing the 24 last sentence, "proposed in this report". It is not 25 saying the conditions to which a child might be sent</p> <p style="text-align: center;">Page 78</p>	<p>1 PROF CONSTANTINE: That's correct. With also one 2 opportunity, which again is referred to in Curtis, if 3 the children are to be in any form of institutional 4 care, it should be no more than a cottage home 5 structure. That is trying to create a home which would, 6 again, replicate a normal family, although we are 7 talking about up to eight children, so a rather large, 8 normal family, but there would nevertheless be, within 9 such a cottage, an opportunity for the house mother to 10 understand the particular needs and qualities of each 11 individual child, and nurture those abilities and to 12 show the degree of affection and consideration which you 13 would expect a natural mother to have. 14 MS HILL: You have indicated in the report in the middle of 15 that passage that the intention was that if they were 16 going to be in a residential institution, as you have 17 said, it would be a cottage style on the model of 18 grouped or scattered homes, ideally with no more than 19 eight and certainly no more than ten to twelve children 20 in the care of a house mother who was able to give the 21 child individual care and attention as if they were 22 a mother of that child; is that right? 23 PROF CONSTANTINE: That's correct, yes. 24 MS HILL: The other features of the Curtis Report 25 recommendations that you have pulled out here are that</p> <p style="text-align: center;">Page 80</p>

<p>1 the cottage mother should take an interest in all of 2 the doings of the children; the children should be 3 integrated into their local community. 4 PROF CONSTANTINE: Yes. I think it is very important to 5 emphasise that: integration into the local community. 6 The children would be, as it were, in a house but 7 surrounded by other houses, as it were, and fully 8 integrated into the practices that ordinary children in 9 next door or wherever would be engaged. 10 MS HILL: "They should, therefore", it continues, "go to the 11 local primary or secondary school". 12 PROF CONSTANTINE: That's right. 13 MS HILL: Presumably with children who were not from the 14 institution from where they were? 15 PROF CONSTANTINE: Yes. 16 MS HILL: "Particular attention should be paid to ensuring 17 the children reach their maximum capacity at each 18 educational stage." 19 Can we flag that part, please, in the middle of that 20 passage to the end of that passage? It goes on to say 21 that they should be able to form the usual contact with 22 other children, including joining things like Scout and 23 Guides troops; they should go to other children's 24 houses, be allowed to ask them back, go to the swimming 25 baths and things like that; they could be expected to</p> <p style="text-align: center;">Page 81</p>	<p>1 and both sexes, as it already is in the public 2 assistance homes of girls and for boys of 14 and over. 3 We think that the time has come when such treatment of 4 boys in these homes should be as unthinkable as the 5 similar treatment of girls already is and that the 6 voluntary home should adopt the same principle." 7 Remember, what this is talking about is improving 8 best practice in England and Wales, and Scotland is 9 echoing this. Then it goes on. 10 MS HILL: We can scroll down to see the quote here. Does it 11 go on to say that part of the particular concern here is 12 that former child migrants, or child migrants as they 13 then were, were already at a disadvantage. Corporal 14 punishment may, albeit in other cases have a different 15 impact, may be potentially disastrous for a child with 16 an unhappy background and is liable to grave abuse. Is 17 that right? 18 PROF CONSTANTINE: As this paragraph goes on to say, not 19 only is there grave abuse of corporal punishment, but 20 rather insightfully, it goes on: 21 "We especially deprecate nagging, sneering, 22 taunting, indeed all methods which secure the ascendancy 23 of the person in charge by destroying or lowering the 24 self-esteem of the child. There are certain behaviour 25 difficulties, in particular bed wetting (enuresis) for</p> <p style="text-align: center;">Page 83</p>
<p>1 contribute to the chores but there should be no 2 exploitation of child labour. That was severely 3 discouraged, paragraph 485. 4 PROF CONSTANTINE: That's correct. 5 MS HILL: They should have access to an up-to-date library, 6 suitable toys and games and a wireless, and other 7 opportunities to pursue hobbies? 8 PROF CONSTANTINE: Yes. 9 MS HILL: Every effort should be made to enable the child to 10 remain in contact with any relatives they have unless 11 there is a basis for thinking contact would do them 12 harm. And corporal punishment should be entirely 13 prohibited for children of all ages and both genders 14 because of their particular vulnerability; is that 15 right? 16 PROF CONSTANTINE: If I may, can I develop that point about 17 corporal punishment? There is a long quotation about 18 this, but since it has cropped up so frequently in the 19 hearings here, I think it is worth -- before the 20 quotation, this is actually how that full paragraph 21 begins: 22 "We have given much thought to this question of 23 discipline and have come to the conclusion that corporal 24 punishment, ie, caning or birching, should be definitely 25 prohibited in children's home for children of all ages</p> <p style="text-align: center;">Page 82</p>	<p>1 which the punitive approach is in general inappropriate 2 and should be strongly discouraged ... our evidence is 3 that a combination of encouragement, small rewards for 4 improvement, and physical treatment as medically 5 advised ... will usually effect a cure in time, but that 6 punishment generally makes matters worse." 7 There's a statement of principle, I don't think it 8 could be clearer. 9 MS HILL: Is this right, that as far as that report is 10 concerned, its impact on child welfare generally was 11 profound in the UK. 12 PROF CONSTANTINE: Yes. It then becomes -- first of all, 13 because the Home Office is made responsible for 14 childcare in this country and the Home Office accepts 15 the principles of the Curtis Committee, the Home Office 16 is then, as it were, on a mission to raise the quality 17 of childcare in the United Kingdom but, by extension, 18 wherever children are sent overseas under the child 19 migration scheme. So it is a crucial statement of 20 principles which the Home Office accepts. 21 It is also important because it does lead to -- if 22 I may at this stage just refer to the way in which the 23 children's officers in local authorities are being 24 appointed. There is evidence, which we cited in our 25 addendum, about the number of child officers that are</p> <p style="text-align: center;">Page 84</p>

<p>1 being appointed. Already by 1948, something like 2 two-thirds of the county councils and county boroughs 3 that are responsible at local level are new 4 appointments. 5 We don't know anything about their previous careers 6 before they are appointed, but the Home Office has to 7 approve each and every one of these appointments. 8 So it is another way in which the new thinking is 9 being brought into the way in which the local 10 authorities will be operating. So that becomes, again, 11 a benchmark. 12 So when subsequently we're looking at as to why so 13 few children are being sent by local authorities 14 overseas, that I think needs to be borne in mind. It 15 goes from the Curtis Report to the Children's Act to the 16 Home Office and to the new appointment. 17 MS HILL: Is this right, that the next report you have drawn 18 to the panel's attention is from 1951, the Women's Group 19 on Public Welfare Report, and the indication you give in 20 your report about this is that this was given because of 21 a perceived need to review the practice of child 22 migration as a matter of social conscience? That was 23 the rationale for the report? 24 PROF CONSTANTINE: That's right. That is a phrase from the 25 report: a matter of social conscience.</p> <p style="text-align: center;">Page 85</p>	<p>1 qualified social workers with an understanding of 2 the emotional needs of children" -- emotional needs, not 3 just the physical needs -- "should be involved in 4 selecting children", and the committee should involve 5 people who understand children's needs and also have 6 first-hand knowledge of conditions in the receiving 7 countries. So a better-informed selection panel should 8 be involved. 9 The critical thing here, I think, is the principal 10 criterion should not be, and this is a quotation, 11 "whether the child is suited for emigration, but whether 12 emigration is best suited to his particular needs". So 13 it is not assessing a child in terms of its IQ, its 14 physical strength, anything like that, it is actually 15 saying, is this the only best route for this child? 16 MS HILL: It raises a number of other issues, is this right, 17 such as advising that separating brothers and sisters 18 and older and younger children should not occur, but 19 siblings should be kept together? 20 PROF CONSTANTINE: That's right. 21 MS HILL: There should be more preparation, again, for the 22 children before they are migrated, if they are going to 23 go. 24 PROF CONSTANTINE: Yes. 25 MS HILL: There were recommendations about training and</p> <p style="text-align: center;">Page 87</p>
<p>1 The people who were involved in the writing of this 2 report, they are, I think, also worth mentioning, it is 3 members of the National Association for Mental Health, 4 the Church of England Moral Welfare Council, the Women's 5 Liberal Federation, the Family Welfare Association, the 6 Young Women's Christian Association, and the British 7 Federation of Social Workers, and there's other evidence 8 that we have about that particular body and its push for 9 Curtis principles. 10 MS HILL: But this was a specific report, was it not, about 11 child migration in the light of the Curtis Report? 12 PROF CONSTANTINE: That's correct. And, indeed, of 13 the starting up of child migration once again. 14 MS HILL: If we can pull up, please, EWM000005_072, which is 15 your summary of the outcome of the Women's Group on 16 Public Welfare Report, you have made clear at 5.4.2 17 that, as the headline point perhaps for the panel, the 18 report did not argue for the prohibition of child 19 migration but it did strongly recommend changes if it 20 were to continue. 21 PROF CONSTANTINE: That's right. It is not recommending 22 absolute prohibition, but it is tightening the 23 expectations, the specifications, before you could 24 consider allowing the child to be sent overseas. It is 25 about evolving -- the phrase "urged that professionally</p> <p style="text-align: center;">Page 86</p>	<p>1 improving the number, I think, of those who are 2 accompanying the children? 3 PROF CONSTANTINE: Yes. 4 MS HILL: Again, there was a recommendation about 5 accommodating the children only in small cottage homes. 6 PROF CONSTANTINE: We see that taken over from the Curtis, 7 the small cottage home. If children are going overseas, 8 the small cottage home is where they should be 9 relocated. 10 MS HILL: Educating the child migrants alongside local 11 children to prevent them becoming institutionalised? 12 PROF CONSTANTINE: We hear so often about 13 institutionalisation of children. 14 MS HILL: Careful selection and training of the resident 15 staff in the institutions and of the aftercare officers? 16 PROF CONSTANTINE: In other words, that which is developing 17 in the UK should also be practised overseas. 18 MS HILL: Finally in this part of your report, making sure 19 that there was available to all parties, and maintained, 20 detailed records about each child before and after they 21 migrated; is that right? 22 PROF CONSTANTINE: That's right. It goes on, again 23 a quotation, "for the sending agencies cannot divest 24 themselves of responsibility for that child's subsequent 25 welfare".</p> <p style="text-align: center;">Page 88</p>

<p>1 MS HILL: Is this right, that again this committee, the 2 Women's Group on Public Welfare, flagged a concern about 3 the differential levels of scrutiny that were being 4 applied within the migration schemes? 5 PROF CONSTANTINE: That's right. Yes. There's concerns 6 about special licences for adoption and the legality of 7 the practice of fostering, the legal guardianship. They 8 are raising legal issues. It is not entirely 9 transparent where their concerns lie and what they wish 10 to see done about it. But they have an uncomfortable 11 feel that the level of making these decisions is not 12 appropriate for the needs of the children. There needs 13 to be careful scrutiny. 14 MS HILL: You say the report did not explicitly criticise 15 the concept of child migration, it contains no overt 16 references to child abuse of any kind but its 17 recommendations were pretty clearly in conformity with 18 what you describe as the insistent recommendations of 19 the Curtis Committee. 20 PROF CONSTANTINE: That's right, yes. It should be said, it 21 is not an official report, but it is reported as having 22 been published, it is reported in the Times. So it is 23 not a sort of secret report in any respect. Top people 24 take the Times and, therefore, some at least would have 25 been alerted to the publication of this report.</p> <p style="text-align: center;">Page 89</p>	<p>1 UK Government." 2 Is that right. 3 PROF CONSTANTINE: That's right. "Ignored" is probably too 4 strong. They are aware of it, but don't take action 5 about it. It fits into, as it were, the Home Office's 6 brief which is already trying to persuade those 7 conducting child migration, including the Commonwealth 8 Relations Office, to adopt similar kind of principles. 9 MS HILL: For completeness, if we pull up your later report 10 which deals with this aspect, EWM000229_006. You have 11 been asked a question why the report was not acted upon 12 What you have said in 5.4.5 of this report is that you 13 have used the raising that you had in the report because 14 you say at the second and third lines of this paragraph 15 "no evidence that the report had any direct influence on 16 UK Government policy or the working practices of 17 voluntary societies. If it had little influence the 18 reasons for that would need to be clarified further." 19 You have gone on to indicate, I think, later in this 20 report, that overall we need to try to understand 21 a little more about why it appeared to have little 22 influence on the consequences for child migrants; is 23 that right? 24 PROF CONSTANTINE: I think so, yes. What we can only do is 25 put it in the context of the ongoing conversation</p> <p style="text-align: center;">Page 91</p>
<p>1 Certainly in government. 2 MS HILL: Is this right, it was published in the Times, you 3 have indicated, at that time, a newspaper that would 4 have been read by those in the know. 5 PROF CONSTANTINE: Yes. 6 MS HILL: And in fact there was some response to the report 7 also published, is that right, by the Australian 8 Government? Was there not something in response to it? 9 PROF CONSTANTINE: The Australian Government is, of course, 10 largely disapproving of what is being said. 11 MS HILL: So produced some sort of rejoinder to the report; 12 is that right? 13 PROF LYNCH: I know they were aware of it. I haven't seen 14 the rejoinder. 15 MS HILL: But is this right, at 5.4.5 on the next page, 16 EWM000005_073, you make this statement: 17 "Had the report's recommendations been adopted by 18 government or child migration agencies, the result would 19 have brought future child migration work and the care of 20 children already sent overseas more into line with the 21 standards expected by the Curtis Report. But it is not 22 apparent that the report had any immediate impact on the 23 practice of child migration. Some of even its most 24 strongly urged recommendations seem to have been ignored 25 by those involved in child migration, including the</p> <p style="text-align: center;">Page 90</p>	<p>1 between the Home Office and the Commonwealth Relations 2 Office and the ongoing conversation between the 3 Home Office and, indeed, the voluntary societies, if 4 necessary, through the Commonwealth Relations Office. 5 They are trying to encourage people to adopt these 6 practices. 7 It is very difficult to identify quite what the 8 influence was or was not of this particular report since 9 it fits into a body of thinking which has started to 10 emerge during and after the war. So identifying one 11 report becomes much more problematic. 12 MS HILL: You have gone on to say it may have contributed to 13 some shift in opinion around child migration. You have 14 said further on that it is possible that more 15 professionally qualified personnel did become involved 16 in selection. It might be said that the idea of small 17 cottage homes became more favourably looked upon in 18 light of this report. But you say it would be 19 presumptuous, as you have said, to suggest there was any 20 causative link between this report and those 21 developments because there was clearly a wider 22 conversation going on. 23 You have said this in the final part of this 24 paragraph: 25 "... and certainly we can detect no obvious</p> <p style="text-align: center;">Page 92</p>

<p>1 progress, for example, in ensuring that detailed records 2 for each child could be kept and made available to all 3 parties. No progress was made on one of the major 4 recommendations ... that voluntary organisations ... 5 should not be subject to less scrutiny [than others]." 6 That issue is met, is it, with the answer that the 7 government never introduced the regulations that would 8 fill that gap? 9 PROF CONSTANTINE: That's right. 10 MS HILL: I'm going to move now, please, to the Moss Report 11 in 1953. Is this right, that John Moss had been 12 a Kent County welfare officer. 13 PROF CONSTANTINE: That's correct. 14 MS HILL: He was going to Australia as a retired person in 15 his own time and offered to do a report on the 16 institutions in Australia to which child migrants were 17 being sent? 18 PROF CONSTANTINE: That's correct. 19 MS HILL: He had been a member of the Curtis Committee and 20 of the Central Training Council On Childcare? 21 PROF CONSTANTINE: Yes. 22 MS HILL: Is that the basis for which you say that the 23 Home Office, perhaps knowing of his background, would 24 have expected, or could have expected, to receive 25 a critical report?</p> <p style="text-align: center;">Page 93</p>	<p>1 places than it should have been. 2 He comments upon the guidance which children are 3 receiving about their further employment when they leave 4 the home. So the kind of aftercare aspect of it. He 5 doesn't think they are particularly well served. 6 He regrets that there are still so many large 7 institutions, but there's a caveat about that criticism. 8 He wishes there were more small cottage homes, but his 9 view is that, at present, children who have been brought 10 up in an institution in the United Kingdom may well 11 adapt easy enough to an institutional life in Australia, 12 and that causes a certain raising of eyebrows in the 13 Home Office. 14 We mentioned before about how much information has 15 been passed from the sending institution to the 16 receiving institution. He thinks that that information 17 should be passed over but he thinks there is no reason 18 why the staff responsible for the immediate care of 19 the children should be informed. 20 MS HILL: So the cottage mothers or the house mothers. He 21 defends, does he, the practice of not allowing these 22 members of staff to read about the children they were 23 caring for? 24 PROF CONSTANTINE: Yes. His view seems to be it might 25 prejudice the carer against the child rather than the</p> <p style="text-align: center;">Page 95</p>
<p>1 PROF CONSTANTINE: Yes. They rather assumed, I think, he 2 was one of their own. 3 MS HILL: His tour took place between May 1951 4 and February 1952; is that right? 5 PROF CONSTANTINE: That's correct. 6 MS HILL: He again produced a report -- is this correct? -- 7 that did make certain criticisms of some of 8 the institutions he'd seen? 9 PROF CONSTANTINE: Yes. You can see in his reports certain 10 influences of the Curtis Committee and of 11 the Children's Act and, I assume, of his own experiences 12 as a county welfare officer. So he does criticise, for 13 example -- I have a list of things -- when he goes to 14 places like St Vincent's, Castledare, a Church of 15 England home in Queensland, he is quite critical of some 16 of the physical qualities of these places. He comments 17 about the ablutions, about the toilets, about the 18 physical structure and conditions inside these places. 19 He does notice and regrets the lack of trained 20 staff, bearing in mind again what Curtis had 21 recommended. There is a lack of trained staff. He does 22 wish there were more trained staff. He does comment 23 upon the isolation of a number of these institutions in 24 Australia, so that that kind of engagement with the 25 local communities is less easy to accomplish in these</p> <p style="text-align: center;">Page 94</p>	<p>1 information might help the carer to understand the needs 2 of the child. 3 MS HILL: He otherwise gave fairly complimentary 4 observations, did he, about the institutions he visited 5 and about the selection process and, in sum, in 6 conclusion, he insisted that for many children in 7 children's homes in the UK there were much better 8 prospects in Australia? 9 PROF CONSTANTINE: That's right, yes. 10 MS HILL: He referred obscurely, I think, to concerns that 11 some staff had raised about the practice of placing 12 girls in domestic servant situations over the age of 12; 13 is that right? 14 PROF CONSTANTINE: Yes. 15 MS HILL: There was a sort of vague suggestion perhaps of 16 a concern about the propriety of that process? 17 PROF CONSTANTINE: Yes. But it is a very brief reference. 18 Again, the innuendo is that girls are more vulnerable 19 than boys. 20 MS HILL: As you have said, that is as close as the report 21 gets to any suggestion of a risk of sexual abuse; is 22 that right? 23 PROF CONSTANTINE: That's right. While we're just on the 24 institutions, amongst those he thinks seem to be 25 operating successfully, a number have become notorious</p> <p style="text-align: center;">Page 96</p>

<p>1 in recent years. St Joseph's, Neerkol, about which we 2 will hear more in a moment, Clontarf Boys Town, Tardun 3 and Bindoon, Christian Brothers institutions in Western 4 Australia. Those he has remarkably little criticism of. 5 MS HILL: Help us understand what the response was to the 6 Moss Report by the Australian authorities? 7 PROF CONSTANTINE: The Australian authorities interpret this 8 as, generally speaking, endorsing their current 9 practice. I think we have recently been informed by one 10 of the core participants that, seemingly, Moss had 11 watered down his criticism of Fairbridge at Molong. So 12 it looks as if he'd been persuaded to tone down his 13 criticism of that by endorsing the Fairbridge School at 14 Molong. Generally speaking, the Australians are 15 I suppose quite relieved, knowing his background, about 16 the quality of care that they are offering as assessed 17 by him in this report. 18 MS HILL: Is this right, that you have explained your 19 understanding in the report that the chief migration 20 officer at Australia House used this report effectively 21 to urge the Home Office and Commonwealth Relations 22 Office to persuade local authorities especially to be 23 more cooperative, to be clear, about providing children 24 for the migration programmes? 25 PROF CONSTANTINE: Yes, that's right. We have already</p> <p style="text-align: center;">Page 97</p>	<p>1 Mr Moss's impressions and is not to be taken as 2 expressing the views of the Home Office; is that right? 3 PROF CONSTANTINE: That's correct. 4 MS HILL: Is this correct, that you have gone on to say that 5 the report made matters rather awkward for the 6 Commonwealth Relations Office, subject, as it was, to 7 pressure from both sides; is that right? 8 PROF CONSTANTINE: Yes, yes. 9 MS HILL: The lack of resolution of that situation led to 10 the setting up of the Ross Fact-Finding Mission that we 11 will come to hear about? 12 PROF CONSTANTINE: It certainly contributed quite strongly 13 to that next step. 14 MS HILL: Chair, there is a certain amount of evidence on 15 the Ross Report to adduce. I wonder if it would be an 16 appropriate moment to take the lunchtime break? 17 THE CHAIR: Yes. We will rise for an hour. 18 MS HILL: Thank you. 19 (12.58 pm) 20 (The short adjournment) 21 (2.00 pm) 22 MS HILL: Before we continue with chapter 5, 23 Professor Lynch, there is one document you indicated in 24 the earlier part of your evidence you would like to pick 25 up. It is the table of children to staff ratios at</p> <p style="text-align: center;">Page 99</p>
<p>1 mentioned that the local authorities with the new kind 2 of training and aspiration behind them are very 3 reluctant to do this, but Australia House hopes that 4 this report will allow them to put them leverage on the 5 local authority homes. 6 MS HILL: Is this right, that you know from documentation 7 from within the Home Office that his endorsement of 8 child migration as a child welfare practice troubled 9 some of those within the Home Office in the UK. 10 PROF CONSTANTINE: Indeed, yes. Some signs of that are in 11 the minutes at the time. Also, bear in mind this is not 12 published as a government paper. It is published by 13 HMSO but it is not endorsed as a document coming out of 14 the Home Office. 15 MS HILL: The head of the children's department, for that 16 reason, was concerned to make sure that, if or when the 17 report was published, no impression was given that the 18 Home Secretary was sponsoring the idea of child 19 migration; is that right? 20 PROF CONSTANTINE: That's right. 21 MS HILL: The chair of the Overseas Migration Board later 22 recorded that the Moss Report was never accepted by the 23 Home Office; is that right? 24 PROF CONSTANTINE: That's right. 25 MS HILL: It had been published as an independent record of</p> <p style="text-align: center;">Page 98</p>	<p>1 EWM000005_181. I think you referred to it briefly 2 yesterday, Professor Lynch, and wanted to come back to 3 it today. 4 Is this right, that this table helps us understand, 5 as we are talking now about the Ross Report, the staff 6 to children ratio that were found at the time of 7 the Ross Fact-Finding Mission that we will come to hear 8 about. Is that right? 9 PROF LYNCH: Yes. It is really just a snapshot. It is 10 based on the staff that Ross was indicating had direct 11 childcare responsibility for children, not background 12 staff. 13 MS HILL: If the panel look in the right-hand column, is 14 this right, one sees a range of ratios that go, one can 15 see, scrolling down, from 1:4, 1:5 up to 1:12, 1:13, and 16 over the page, EWM000005_182, a similar pattern, albeit 17 it looks as if, at the Castledare institution, there was 18 a ratio of 1:29.3 children. Is that right? 19 PROF LYNCH: That's based on, yes, the number of children 20 with just four teaching staff. 21 MS HILL: Professor Constantine, if I could come back now to 22 the details of the Ross Report, just to anchor this in 23 time, we are talking about a report in 1956, are we not? 24 PROF CONSTANTINE: That's correct. 25 MS HILL: The origins of that report, or the reason why it</p> <p style="text-align: center;">Page 100</p>

1 was commissioned, are -- I hope I summarise the history
 2 along these lines accurately -- that there was a need
 3 for a review because there was an interdepartmental
 4 government review about the terms of assisted passage
 5 schemes generally and about whether or not there was to
 6 be a renewal of child migration schemes. The outcome of
 7 that interdepartmental review was that child migration
 8 could be continued only if the Curtis principles were
 9 respected and therefore, as you have said, there should
 10 be comparability of treatment of the child migrants with
 11 those in this country. But the Overseas Migration Board
 12 opposed restrictions on child migration and insisted
 13 there was a fact-finding mission; is that right?
 14 PROF CONSTANTINE: That's correct, yes.
 15 MS HILL: The fact-finding mission was carried out by
 16 a group chaired by John Ross. It therefore becomes
 17 known as the Ross Report.
 18 PROF CONSTANTINE: Correct.
 19 MS HILL: He was the undersecretary at the Home Office
 20 responsible for the children's department who strongly
 21 supported the Curtis principles; is that right?
 22 PROF CONSTANTINE: That's correct.
 23 MS HILL: Tell us about the other two members of
 24 the delegation.
 25 PROF CONSTANTINE: Miss Wansborough-Jones was a children's

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1 officer at Essex County Council and, therefore, we would
 2 now rather expect that she had been persuaded by the
 3 Curtis Report and, by the implications of that, the
 4 Children's Act. So she might be regarded as somebody
 5 who might be supportive of seeing the Curtis principles
 6 applied.
 7 William Garnett was a former deputy British High
 8 Commissioner. Garnett has already been mentioned today
 9 as being involved in reviews in his capacity at the High
 10 Commission of some of the institutions in Australia.
 11 MS HILL: Specifically in relation to him, he is somebody
 12 who in Australia had been unwilling to approve certain
 13 institutions. Is that right?
 14 PROF CONSTANTINE: That's right, yes.
 15 MS HILL: Indeed, Miss Wansborough-Jones had been recorded
 16 in a memo in a meeting in June 1955 that you have
 17 referred to in your report as somebody who currently --
 18 who hadn't been persuaded of the merits of child
 19 migration by the OMB; is that right?
 20 PROF CONSTANTINE: That's correct, yes.
 21 MS HILL: The report produced was more than a collection of
 22 fact-finding exercises, wasn't it?
 23 PROF CONSTANTINE: Yes, indeed. It was making judgments,
 24 and that is -- it is the judgments that are being made
 25 which I think are most pertinent to this inquiry.

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1 MS HILL: In fact, as you have indicated in your report, is
 2 this right, it had been agreed by the government
 3 departments involved that the committee should be given
 4 a confidential directive to assess whether the care of
 5 child migrants in Australia did in fact match expected
 6 practice in Britain?
 7 PROF CONSTANTINE: It's always understood there would be
 8 a published report. A published report, I should have
 9 said, which would be a government White Paper, so that
 10 would be officially released for almost anybody to
 11 scrutinise. But there would be these confidential
 12 reports on particular institutions. In that respect, it
 13 was going beyond mere fact. It was making judgments.
 14 If I may just quote the line that's in 5.6.2. As
 15 the principle laid down:
 16 "The report is concerned with children from the
 17 United Kingdom. We [the Ross Committee] have thought it
 18 right to take account of childcare methods as developed
 19 since 1948 when the Children Act passed into law."
 20 So they're quite explicit about what they think the
 21 standards should be. That is in the standards that will
 22 be written into the official report.
 23 MS HILL: Let's bring up the conclusions that were reached.
 24 It is EWM000005_077. You have summarised the report
 25 helpfully for us. At the top of this page, we see,

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1 firstly, that the committee dismissed the notion that
 2 children who were already rejected and insecure would
 3 benefit from a fresh start.
 4 PROF CONSTANTINE: That's correct.
 5 MS HILL: Again stressed the need for children to be brought
 6 up in an environment as close as possible to living in
 7 their own home.
 8 PROF CONSTANTINE: Yes.
 9 MS HILL: Therefore, again recommending boarding out with
 10 foster parents or accommodation in small children's
 11 homes. There is an observation noting there was a body
 12 of opinion by this point in Australia that subscribed to
 13 similar principles with respect to Australian children.
 14 PROF CONSTANTINE: Yes.
 15 MS HILL: Is this right, the mission visited 26 out of 39
 16 establishments in Australia to which migrant children
 17 were sent. As the panel can see at 5.6.3 the reports
 18 were largely critical of the institutional character,
 19 the lack of homely atmosphere -- we can perhaps
 20 highlight the whole of 5.6.3 -- the separation of
 21 siblings, the lack of education and employment
 22 opportunities, the lack of training in childcare methods
 23 of the staff, little progress had been made with
 24 fostering it is said, the committee was also again
 25 concerned about insufficient information about the

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<p>1 children being sent from the UK, again, recommended the 2 idea of the consent of the Home Secretary being required 3 for voluntary society migration. But then at 5.6.4, 4 going on further down, you deal with the confidential 5 reports on each of the 22 institutions that were 6 inspected but not published. Is that right? 7 PROF CONSTANTINE: That's correct, yes. 8 MS HILL: The comments are complimentary in part, but most 9 you say are critical. 10 PROF CONSTANTINE: Indeed. 11 MS HILL: Help us, looking at 5.6.4, with the specific sort 12 of comments made about some of the institutions about 13 which we have heard. 14 PROF CONSTANTINE: This is a selection of the comments made 15 about particular institutions. For example, St Joseph's 16 orphanage in Sydney, this is the quotation: 17 "Deficient in comfort and amenities in which the 18 girls lead a restricted life." 19 The Dhurringile Rural Training Farm in Victoria: 20 "Isolated ... bare and comfortless." 21 Nazareth House in Melbourne: 22 "Anything approaching a home atmosphere impossible." 23 St Joseph's, Neerkol, which is going to crop up 24 frequently: 25 "Institutional upbringing in isolation from the</p> <p style="text-align: center;">Page 105</p>	<p>1 "A most unfavourable impression of the attitude of 2 the principal and of the regime described by him." 3 The United Protestant Home in Sydney: 4 "No real appreciation of the needs of individuals." 5 The Fairbridge Farm School in Pinjarra: 6 "The principal shows a lack of appreciation of 7 correct thought on childcare." 8 St Vincent's Junior Orphanage, Castledare in Western 9 Australia: 10 "Doubtful whether provision for even physical 11 welfare can be recorded as adequate. Anything in the 12 nature of individual treatment is clearly out of 13 the question." 14 Finally, St Joseph's Farm School, Bindoon in Western 15 Australia: 16 "It is hard to find anything good to say of this 17 place, which has the disadvantage of isolation, 18 unsuitable and comfortless accommodation, and 19 a principal with no understanding of children and no 20 appreciation of their needs as developing individuals." 21 MS HILL: Is this right, in terms of the actual experience 22 of the children in these institutions: it is not clear 23 from your analysis whether or not children would have 24 actually been spoken to by the Ross Fact-Finding 25 Mission?</p> <p style="text-align: center;">Page 107</p>
<p>1 outside world." 2 Methodist home in Perth: 3 "An unnecessarily restricted life." 4 Another in Magill: 5 "Old and dilapidated." 6 That relates to buildings, largely. Largely to 7 buildings. 8 MS HILL: Going over to the next page, is this right, at 9 5.6.5, you summarise particular comments made about the 10 attitude or the qualifications or the general quality of 11 the staff at particular establishments? 12 PROF CONSTANTINE: Yes. We have separated these out because 13 I think these have a particular bearing upon the staff 14 who are responsible for the children inside these 15 institutions. Dhurringile is here again: 16 "General attitude to the boys ... deplorable." 17 St Joseph's Home, Neerkol: 18 "The children appear to be regimented and to have 19 little opportunity for independent thought or action. 20 There seems nothing in this regime which can help 21 migrant boys and girls to make roots in a new country." 22 The Salvation Army Riverview Training Farm in 23 Queensland: 24 "Officers rigid and narrow in outlook." 25 St John Bosco's Boys Town in Hobart:</p> <p style="text-align: center;">Page 106</p>	<p>1 PROF CONSTANTINE: It seems that they were more likely to be 2 accompanied by members of the Australian team that is 3 with them. So it's not likely that they had private 4 conversations with the children. 5 MS HILL: Is this right, that you have made the point that, 6 although even in the confidential reports there is no 7 explicit reference to physical or sexual abuse, there 8 may well be reasons why children would not report that? 9 PROF CONSTANTINE: Yes. This is really based upon what has 10 emerged from later reports and, indeed, as we have heard 11 in testimony in this room, how many years go by before 12 former child migrants speak of the abuse, particularly 13 the sexual abuse, to which they have been subjected. 14 The Australian Royal Commission that we will come to 15 in due course say it takes on average 22 years before 16 people will speak out. 17 MS HILL: Is this right, that you have continued, I think we 18 can highlight, please, 5.6.7 in your report to say this: 19 "Because of political pressure from Australian 20 authorities still anxious to increase its white 21 population and from still active child migration 22 agencies and their supporters in the UK, the 23 Commonwealth Relations Office allowed receiving homes, 24 including some strongly condemned by the Ross Committee, 25 to again be approved and for subsidies to continue</p> <p style="text-align: center;">Page 108</p>

<p>1 against the wishes of the Home Office." 2 PROF CONSTANTINE: That's a judgment based upon quite a lot 3 of documentation. The context is -- as we have referred 4 to, is the wider political dimensions of this and the 5 attempts by the Home Office successfully to persuade the 6 Commonwealth Relations Office, but then the less 7 successful attempts of the Commonwealth Relations Office 8 to persuade the institutions in Australia to alter their 9 current practices sufficiently to meet what was now 10 expected by the Home Office based, again, upon the 11 principles of Curtis. 12 Can I just add, that is the last of the reports 13 contemporary with the practice of child migration. We 14 are not aware of anything post 1956 which deals with it. 15 Everything else is after the event. 16 MS HILL: Just before we leave that topic completely, you 17 were asked, I think, some particular questions about 18 those who may have exerted political pressure on the 19 Commonwealth Relations Office to allow certain homes to 20 continue to be approved despite the questions raised by 21 the Ross Committee report. I think you have made the 22 general point in your addendum report that this needs to 23 be understood in terms of a wider conversation between 24 government departments. But you have said that there 25 are certain specific individuals worth noting because</p> <p style="text-align: center;">Page 109</p>	<p>1 PROF CONSTANTINE: This is a member of parliament and the 2 migration body. 3 PROF LYNCH: That's right. He had previously been 4 a minister within the Commonwealth Relations Office and 5 seems to have been a conduit for the Fairbridge Society, 6 lobbying whilst chair of the Overseas Migration Board. 7 At the point of the Ross Fact-Finding Mission in 1956, 8 though, he was now a minister in the Foreign Affairs 9 Ministry and he makes direct representations to the 10 Home Secretary not to approve the recommendation of 11 the Ross Report, that all future child migration should 12 be subject to the approval of the Home Secretary. 13 There's an implication that there would be no way in 14 his ministerial role in a different department that he 15 would normally have known of a draft recommendation in 16 the Ross Report that hadn't been published yet. So 17 there is a suggestion that somehow that's been leaked to 18 him by that stage. 19 MS HILL: I think, Professor Constantine, you have included 20 that person as an example of somebody who may have been 21 lobbying for particular interests with background of 22 Fairbridge beyond his immediate role at that time as 23 somebody who was a minister within the government. 24 PROF CONSTANTINE: That's right, yes. His connections with 25 Fairbridge explain his interest in maintaining funding</p> <p style="text-align: center;">Page 111</p>
<p>1 they are significant actors in other matters of interest 2 in the inquiry, or because they illustrate individuals 3 lobbying for particular interests beyond their immediate 4 organisational role. 5 Can I pull up, please, EWM000229_028, where I think 6 you just give some examples of the particular 7 individuals that you have been asked about in terms of 8 political pressure at this point. There is 9 a Mr Wheeler, I am assuming Mr -- and Mr Dodds-Parker. 10 PROF CONSTANTINE: Yes. These are names that crop up in the 11 later correspondence about the Ross Report. RH Wheeler, 12 who is a major figure, of course, as the assistant 13 secretary within the Department of Immigration in 14 Australia, and that he is, because of his position, 15 essentially responsible for the review of 16 the residential institutions. He does go on the record 17 of really exonerating the conditions inside these 18 Australian homes. 19 I think the other person is -- 20 MS HILL: Pausing there, he later led the review that 21 supported the removal of the ban on child migrants being 22 sent to Barnardo's Homes; is that right? 23 PROF CONSTANTINE: That's correct. 24 MS HILL: Help us, please, with Mr Dodds-Parker and his 25 role.</p> <p style="text-align: center;">Page 110</p>	<p>1 for Fairbridge. 2 MS HILL: We have heard in your evidence from last week that 3 there was ultimately a decline in child migration and 4 the last child migrant I think was 1970, as far as you 5 know; is that right? 6 PROF CONSTANTINE: As far as we know. 7 MS HILL: For the panel and Chair's reference we might bring 8 up EWM000005_173, which is a very brief timeline. If we 9 look at that, it begins, as you have said, with some of 10 the history. It takes us through and over the page to 11 the Ross Report that we see at the foot of the second 12 page, 1956, and migration continues until, I think you 13 have said, for completeness, 1970, the last recorded 14 child migrant was sent by a child welfare officer in 15 Cornwall to Australia. 16 PROF CONSTANTINE: That's right. 17 MS HILL: We will also, I think, for the sake of 18 completeness, is this right, even if child migration 19 stopped at that point, the child migrants who were 20 already in situ largely remained in institutions where 21 they were? 22 PROF CONSTANTINE: Yes, it is a point I made before and 23 I think it is important to remember that these are 24 figures for children sent not for child migrants in 25 institutions. Subject to the age at which they were</p> <p style="text-align: center;">Page 112</p>

<p>1 sent, several years would have elapsed before they would 2 graduate from the institution into which they had been 3 placed. Child migrants are still a presence in 4 Australia for several years later. 5 MS HILL: Can I move then to the more recent understanding 6 of child migrants and, in particular, the sexual abuse 7 of child migrants insofar as what earlier previous 8 report have found. 9 Is this right, that you have dealt in your report 10 with the work of the Child Migrants Trust about which 11 the panel heard evidence yesterday because you have 12 summarised the role that that organisation has played in 13 bringing this issue to public attention, but also 14 because you have made the point that one of 15 the consequences of that organisation's work has been to 16 enable and support former child migrants in giving 17 evidence to various inquiries and in disclosing 18 allegations of sexual abuse that hadn't been made 19 before? 20 PROF CONSTANTINE: I think it is very important to recognise 21 that. As we have heard from Margaret Humphreys, the 22 work of the Child Migrants Trust has enabled former 23 child migrants to give voice to their experiences. 24 I think without those voices, you probably would -- and 25 the publicity which, again, Margaret Humphreys referred</p> <p style="text-align: center;">Page 113</p>	<p>1 the destination of child migrants brought into that 2 state and wanted to know what services were available to 3 them and what perhaps should be made available to them. 4 Is that right? 5 PROF CONSTANTINE: That's right. What has been happening is 6 that the Western Australian parliament and, therefore, 7 a Select Committee of it, has been set up in the light 8 of what has been heard and wishes to investigate further 9 and there are restrictions on what it can actually do, 10 but nevertheless it sets out the history of British 11 child migration to Western Australia and some of 12 the consequences that they are discerning in the 13 experiences of child migrants and actions that should 14 subsequently be taken. 15 MS HILL: It did that by collecting written and oral 16 evidence, including by visiting the UK. Is that 17 correct? 18 PROF CONSTANTINE: Yes. 19 MS HILL: And provided a general history of child migration 20 to Western Australian institutions, whereas you said 21 there had been 11 institutions to which child migrants 22 were sent? 23 PROF CONSTANTINE: That's right. 24 MS HILL: It identified, did it not, several significant 25 issues it felt still needed to be investigated, such as</p> <p style="text-align: center;">Page 115</p>
<p>1 to in articles, as in the Observer, we would not have -- 2 it took some time, but you will see, as we move on to 3 what is going to come next, which is a report of 1996. 4 But by 1996 children, former child migrants, are 5 speaking out and the Child Migrants Trust is preparing 6 them for giving testimony as, indeed, the 7 Child Migrants Trust itself is giving testimony to all 8 subsequent post-child-migration inquiries. 9 MS HILL: Thank you. Then is this a fair summary, 10 Professor, that in the next part of your report, what 11 you do is try to take the panel through chronologically 12 a series of reports, some of which might be focused on 13 a particular geographical area and some might be focused 14 on children more generally, but including child 15 migrants, and you are trying to pull out from each of 16 these what each of these reports has found about sexual 17 abuse issues; is that right? 18 PROF CONSTANTINE: That's correct, yes. 19 MS HILL: Turning first, please, to the interim report of 20 the Select Committee into Child Migration, the Western 21 Australia Report 1996. That was a report -- is this 22 right? -- focused on institutions in Western Australia? 23 PROF CONSTANTINE: That's correct. 24 MS HILL: The concern about that was that that particular 25 state wanted to understand the number, the origins and</p> <p style="text-align: center;">Page 114</p>	<p>1 issues around consent, separation from siblings, whether 2 or not letters to families had been withheld and whether 3 or not children had been untruthfully told they were 4 orphans; is that right? 5 PROF CONSTANTINE: That's right. 6 MS HILL: The general themes that emerged from the report 7 were around limited education, inadequate clothing, 8 unpaid hard labour, the lack of proper formal inspection 9 of the conditions in which the children lived, the 10 absence of aftercare and difficulties in poor 11 employment. Those were the issues that this report 12 identified; is that right? 13 PROF CONSTANTINE: Yes. 14 MS HILL: It also dealt with the range of damaging 15 consequences on former child migrants of their 16 experiences; is that right? 17 PROF CONSTANTINE: Yes. I think if I may just read out that 18 sentence, because it is echoed in so many of 19 the subsequent reports: 20 "It was stated that the deleterious effects of their 21 upbringing included difficulties in forming personal 22 relationships, marital and parenting problems, illness, 23 alcohol abuse, domestic violence, inability to hold down 24 a job, illiteracy and a lack of personal identity." 25 I would like to put a qualification on that. This</p> <p style="text-align: center;">Page 116</p>

<p>1 is not to assume that all child migrants suffered from 2 these conditions, but there was a significant number of 3 them who did, in the view of this committee, that it 4 should be further investigated. 5 MS HILL: Is this right, that this committee did 6 specifically identify the incidence of physical, 7 emotional and sexual abuse among child migrants? 8 PROF CONSTANTINE: That's right. So the three come out as 9 being issues: physical, emotional and sexual abuse. 10 MS HILL: It identified the issue of sexual abuse among 11 former child migrants or among child migrants as 12 a further line of inquiry that should be pursued; is 13 that right? 14 PROF CONSTANTINE: Yes. They were very anxious that this 15 particular issue should receive closer investigation. 16 MS HILL: Is this right, that this was the first report in 17 which explicit mention of sexual abuse of child migrants 18 was made? 19 PROF CONSTANTINE: That, I think, is correct, yes. 20 MS HILL: Tell us, please, a little bit about what happened 21 to that report. It was an interim report and I think it 22 was published; is that right? 23 PROF CONSTANTINE: It is indeed. 24 MS HILL: Tell us about the consequences of that report. 25 PROF CONSTANTINE: What is contained in the interim report</p> <p style="text-align: center;">Page 117</p>	<p>1 lobbying and David Hinchliffe is fully sensitive to this 2 request that a thorough investigation should be held in 3 this country. 4 MS HILL: Again, the report from this committee flagged 5 issues around consent, around children not being aware 6 of what had happened to their parents in a true way, 7 separation from siblings and suggested a deliberate 8 falsification of children's records; is that right? 9 PROF CONSTANTINE: Yes. It begins to sound familiar. 10 MS HILL: But is this also correct, that the supporting 11 evidence provides, again, accounts of emotional, 12 physical and sexual abuse that former child migrants 13 have provided? 14 PROF CONSTANTINE: Yes, if I can read out one quotation here 15 which comes from the report. It relates to institutions 16 run by the Christian Brothers, especially at Bindoon. 17 I quote the words of the report: 18 "It is impossible to resist the conclusion that some 19 of what was done there was quite exceptional depravity." 20 Then there is evidence of severe ill-treatment in 21 other places, at the Dhurringile place that has been 22 mentioned before. 23 MS HILL: Again, is this right, the committee noted the 24 consequences for many child migrants of their 25 experiences, and looked at what sort of services should</p> <p style="text-align: center;">Page 119</p>
<p>1 is a request that it be allowed to continue in the guise 2 of a Royal Commission, the reason being that 3 a Select Committee can only operate during the duration 4 of a particular parliament and an election was due to be 5 held. It was conscious that it -- it would have to be 6 laid down. It was conscious it wanted to continue with 7 the investigation. So it does request in the report 8 that it should be able to continue its work in whatever 9 other guise, and the Royal Commission is the one that is 10 mentioned, in order to produce a final report, having 11 investigated the issues that it has raised. 12 But we are not party to exactly why that was not 13 accepted by the parliament of -- the legislative 14 assembly of Western Australia and so there is no final 15 report. But it has flagged up the issues that we will 16 be seeing. 17 MS HILL: Moving then to the UK Parliament Health Committee 18 Report in 1998, is this right, that that was an 19 investigation that David Hinchliffe MP, the Health 20 Select Committee chair, had initiated in response to 21 a growing awareness of the child migration issue in this 22 country? 23 PROF CONSTANTINE: That's correct, yes. It's worth flagging 24 again, this is 10 years or so after the 25 Child Migrants Trust has been set up and it has been</p> <p style="text-align: center;">Page 118</p>	<p>1 be offered for child migrants. 2 PROF CONSTANTINE: Yes. I think it is important to 3 recognise that the title of this report is "The welfare 4 of former British child migrants". So it is basing its 5 recommendations on what these children have suffered and 6 what they are continuing to suffer from as a result of 7 their experiences. So what should be done to help these 8 former child migrants. 9 MS HILL: Those are issues we will come to look at in 10 further detail in part 2. 11 Is this right, there was then a debate on British 12 child migrants in May 1999; is that right? 13 PROF CONSTANTINE: That's correct. 14 MS HILL: Again, David Hinchliffe made recommendations 15 during that debate about funding for the 16 Child Migrants Trust and things of that nature; is that 17 right? 18 PROF CONSTANTINE: Yes. In other words, I think it is 19 reasonable to say what David Hinchliffe does is keep 20 this on the agenda. 21 MS HILL: There was then, I think, as we have already heard, 22 eventually an international conference on child 23 migration issues, but that comes rather later on in the 24 chronology; is that right? 25 PROF CONSTANTINE: That's correct, yes.</p> <p style="text-align: center;">Page 120</p>

<p>1 MS HILL: I think what you have said in your report is that 2 that international congress took place in 2002; is that 3 right? 4 PROF CONSTANTINE: That's correct. 5 MS HILL: Going back into the chronology, please, is this 6 right, and we will take, I think, these reports 7 relatively briefly, because you have described in your 8 report for the panel a specific report on Neerkol in 9 1998 and a specific report in Queensland in 1999, the 10 Forde Report? 11 PROF CONSTANTINE: That's right, yes. 12 MS HILL: Again, each of these was focused on particular 13 things. The Neerkol report, is this right, was 14 generated because of particular allegations of abuse at 15 St Joseph's Orphanage? 16 PROF CONSTANTINE: Yes. 17 MS HILL: Two men had been accused of the sexual abuse of 18 boys and girls. One had been charged with 40 offences, 19 the other with 69. About 60 people were seeking damages 20 from the Sisters of Mercy, the diocese of Rockhampton 21 and the state of Queensland and that's what triggered 22 this investigation; is that right? 23 PROF CONSTANTINE: That's right. The Queensland 24 Government's Children's Commission set out to carry out 25 an investigation but finds itself inhibited because of</p> <p style="text-align: center;">Page 121</p>	<p>1 the Queensland Government to check up on the quality of 2 the residences that are in Queensland and particularly 3 here in St Joseph's Orphanage. Bearing in mind that the 4 Ross Committee had already been very critical of Neerkol 5 in this report back in 1956, and what then happens is 6 that the -- we can see from the records that the British 7 High Commission -- which I think it is actually Garnett 8 who is going to be on the Ross Committee Report -- is 9 very doubtful about giving approval to the institution 10 at Neerkol. But that repeatedly the Australian 11 administrations, at central level and at state level, 12 accept that Neerkol is an acceptable place to which 13 British child migrants should be sent. 14 MS HILL: More generally I think you have been asked 15 a question in written form and I think to some degree by 16 a learned panel member this morning about whether or not 17 there were ever any refusals of applications for 18 approval. Can I ask, please, for EWM000229_029 to be 19 pulled up, which is part of one of your addendum 20 reports. 21 The fourth line down on this page, please, is this 22 what is said in your report: 23 "There is good evidence in the files in the national 24 archives of approvals being held up ... because of 25 critical reports by Garnett ... but having urged the</p> <p style="text-align: center;">Page 123</p>
<p>1 the court cases that are going on. So it is rather 2 limited in what it can actually do. But it does 3 rehearse the history of British child migrants moving 4 into the care of St Joseph's Orphanage at Neerkol. 5 MS HILL: For this inquiry's purposes, what you have 6 indicated is that it did raise questions about the 7 systems for supervision and monitoring of child migrants 8 in Australia; is that right? 9 PROF CONSTANTINE: Yes. It is able to dig into some of 10 the historical records and, therefore, does come to 11 a judgment about how St Joseph's Orphanage had ever been 12 given the tip that it would be acceptable as a place to 13 receive British child migrants. 14 MS HILL: Is this right, it also gave an insight into how 15 particular institutions came to be approved? 16 PROF CONSTANTINE: Yes. 17 MS HILL: Is that right? 18 PROF CONSTANTINE: Yes. 19 MS HILL: Can you perhaps just summarise very briefly for 20 the panel, particularly because a question was asked 21 about this process, what in particular this report has 22 told you about the approval process, just very briefly, 23 Professor? 24 PROF CONSTANTINE: Briefly, it required the Commonwealth 25 Immigration Department along with representatives of</p> <p style="text-align: center;">Page 122</p>	<p>1 Australian authorities and representatives of sending 2 societies and receiving homes to instigate improvements, 3 the Commonwealth Relations Office invariably gave 4 approval, often for political reasons and with grave 5 reservations following the Ross Report ..." 6 Is that right? 7 PROF CONSTANTINE: Yes, that's correct. In that domain, 8 a wider political agenda. There are specific concerns 9 about named institutions. 10 MS HILL: You go on to say: 11 "The only instance we know in which the Commonwealth 12 Relations Office suspended approval for sending child 13 migrants to a particular institution concerns the case 14 of Dr Barnardo's Homes in New South Wales in 1958." 15 PROF CONSTANTINE: That's right. Can I add something about 16 the original report about Neerkol? When they pick up 17 some of the documents that relate to the approval of 18 Neerkol, there is a line in 5.10.6 in which an official 19 from the Department of Immigration seems to be reminding 20 or informing the Premier of Queensland that the reason 21 why the Home Office in the UK required full reports is 22 because of, and I quote: 23 "The Home Office, by virtue of the powers given it 24 under the United Kingdom's Children's Act decides 25 whether British children may be allowed to settle in</p> <p style="text-align: center;">Page 124</p>

1 Australia and in what institutions. The aim is to
 2 ensure that child migrants will be settled under
 3 conditions as, if not better than, they enjoy in the
 4 United Kingdom."
 5 That's not strictly accurate. It is not the
 6 Home Office but the Commonwealth Relations Office and
 7 nobody has asked conditions of care in Australia to be
 8 better than in the United Kingdom, but at least it does
 9 indicate there is an alert here back in 1949 that they
 10 are aware in Australia of what the Children's Act has
 11 been saying, what the Home Office is asking to happen.
 12 MS HILL: Can we move on now briefly to the Forde Report
 13 which was, again, a Queensland State Government report.
 14 Is that right?
 15 PROF CONSTANTINE: Yes.
 16 MS HILL: The focus of that was to investigate whether there
 17 had been, or indeed still was, unsafe, improper or
 18 unlawful care or treatment of children in government and
 19 non-government institutions within that state. It was
 20 again triggered by claims of physical and sexual abuse
 21 going back decades; is that right?
 22 PROF CONSTANTINE: That's correct. This is not concerned
 23 solely with child migrants, it is about children in care
 24 more broadly.
 25 MS HILL: And goes beyond the one institution about which we

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1 have heard before; is that right?
 2 PROF CONSTANTINE: Yes.
 3 MS HILL: The committee heard testimony and made certain
 4 observations, did it not, as we see at 5.11.4,
 5 EWM000005_088. I think you have asked, Professor, for
 6 5.11.4 to be highlighted.
 7 PROF CONSTANTINE: Yes.
 8 MS HILL: The report again made findings about a poor
 9 understanding of the children's needs by members of
 10 staff; the inadequate training and poor support which
 11 staff had received; poor management and monitoring
 12 within the institutions and externally by government,
 13 and the underfunding by government of the places to
 14 which children had been sent. Is that right?
 15 PROF CONSTANTINE: That's right.
 16 MS HILL: Is that the Australian Government or the state
 17 government?
 18 PROF CONSTANTINE: That, I suspect, would be from both.
 19 MS HILL: From both?
 20 PROF CONSTANTINE: Yes.
 21 MS HILL: Would that include the UK Government at all?
 22 PROF CONSTANTINE: No, we're talking here about --
 23 MS HILL: Entirely Australian Government funding?
 24 PROF CONSTANTINE: Yes.
 25 MS HILL: Again, was reference made to the consequences of

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1 the emotional, physical and sexual abuse of those in
 2 these institutions?
 3 PROF CONSTANTINE: Can I just roll you back? I think the
 4 last sentence under (iv), "unchecked breaches of
 5 regulations", should be noted. There are regulations
 6 that are not being adhered to by the institution in
 7 Queensland. So it is in breach of Australian
 8 regulations and here it is identified.
 9 MS HILL: Is this right, if we go over the page, that there
 10 was an analysis of whether or not Neerkol was of
 11 a cottage homes design -- 5.11.10 -- and it was observed
 12 it was a substantial institution. During the 1950s, it
 13 says, when British children were in residence there,
 14 there were between 10 and 15 nuns caring for between 300
 15 and 400 children. One nun was responsible for 45
 16 children in the dormitory for older boys, another nun
 17 with a single assistant had charge of 94 girls. It was
 18 therefore overcrowded and understaffed. Of this, the
 19 children's department had been aware but had taken no
 20 action. Many recalled the abuse they suffered at
 21 Neerkol.
 22 PROF CONSTANTINE: That's right. This I stress comes out of
 23 the report made by Forde's team. So this is not
 24 ourselves looking at the documents. They have done this
 25 investigation. These are the figures they have come up

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1 with in terms of the staff and children ratio and the
 2 quality of the care.
 3 MS HILL: Is this right, that again there was a closed,
 4 unpublished element to the Forde Report?
 5 PROF CONSTANTINE: Yes. Again, because there had been court
 6 involvement, there was a closed report, which
 7 subsequently becomes released. I think what is released
 8 is, dare I say it, probably what you would have
 9 expected.
 10 MS HILL: If we can go, please, to the next page and take us
 11 through that very briefly. EWM000005_090, the closed
 12 report, 5.11.11. I think your headline is that you say
 13 that that closed report noted a litany of failures. It
 14 was sent to the minister, was ultimately published
 15 I think or released in 2000. It confirmed many earlier
 16 observations. It said only two of the 54 former
 17 residents who gave evidence had anything positive to say
 18 about the place. The State Children's Department
 19 inspections were known in advance and were conducted by
 20 untrained staff and, again, there were observations
 21 about the isolation of the institution, the closed
 22 culture and management practices which had suppressed
 23 the individuality of the children, not even recognising
 24 their birthdays, a climate of fear in the institution,
 25 staff insufficiently -- untrained staff, and continued

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<p>1 by making observations about educational standards being 2 lamentable, corporal punishment being excessive, 3 psychological abuse was common, and the discussion of 4 sexual abuse we will come to, perhaps dealing with it 5 when you have dealt with it in 9.1 of your report. 6 PROF CONSTANTINE: Again, if I can stress, bed wetters were 7 humiliated. In the light precisely of what the 8 Curtis Report said should not happen, it has been 9 happening in Neerkol. 10 MS HILL: Moving to the "Lost Innocents" report in 2001, 11 just help the panel please understand, is this a Senate 12 Community Affairs Committee report? 13 PROF CONSTANTINE: That's right. 14 MS HILL: Help the panel understand what that means in terms 15 of its significance compared to the other reports about 16 which we have heard. 17 PROF CONSTANTINE: This really is a report about Australia 18 rather than about a particular state. It is 19 particularly and only concerned with the experiences of 20 British child migrants. So we move back to the 21 specifics of the child migrant experience. 22 MS HILL: The context for this report, is this right, was an 23 earlier report about the treatment of "Australia's 24 Stolen Generation", the description given to indigenous 25 Australian children removed by force from their parents?</p> <p style="text-align: center;">Page 129</p>	<p>1 former child migrants. 2 MS HILL: Again, recognising the impact of abuse on the 3 former child migrants; is that right? 4 PROF CONSTANTINE: Yes. 5 MS HILL: 5.12.7, you make the point that stories or 6 accounts of sexual abuse were not new, having been 7 similarly recorded in books and reports, but the inquiry 8 did become aware of sexual abuse and assault allegations 9 being made at several different institutions; is that 10 right? 11 PROF CONSTANTINE: Yes. 12 MS HILL: You have given the figure here that of 13 the 207 public and confidential submissions received by 14 the inquiry from former child migrants, 38 recounted 15 episodes of sexual assault, 24 of those related to 16 Christian Brothers institutions in Western Australia, 17 Bindoon, Castledare, Clontarf and Tardun. These 18 accounts were described as horrendous. In some there 19 had been, it is said in the report, systemic criminal 20 sexual assault and predatory behaviour by a large number 21 of the brothers over a considerable period of time. 22 That was the finding of the report? 23 PROF CONSTANTINE: That's correct. 24 MS HILL: There was also a specific finding, was there not, 25 that, as a matter of concern, boys who had reported</p> <p style="text-align: center;">Page 131</p>
<p>1 PROF CONSTANTINE: That's right. 2 MS HILL: This was part of a series of reports, was it not? 3 PROF CONSTANTINE: Indeed. It starts with Australian 4 Aborigine children, then a British child migrants report 5 and then there is one called "Forgotten Australians", 6 which is actually about Australian children in 7 institutional care as well. I should have said that 8 Andrew Murray, who was himself formerly a Fairbridge boy 9 in Rhodesia, is instrumental -- hugely involved in all 10 those inquiries. 11 MS HILL: He was the senator, was he not, who chaired the 12 inquiry? 13 PROF CONSTANTINE: Yes. 14 MS HILL: You have explained in your report that this 15 committee received over 250 written submissions, 16 collected oral testimony from hearings across England, 17 Canada and Australia, and the published report covered 18 the history of child migration in general to Australia 19 before and after the Second World War and described many 20 of the issues about which we have heard and dealt with 21 a series of recommendations about what should be taken 22 to make amends and take other steps to improve the 23 position of former child migrants. Is that right? 24 PROF CONSTANTINE: Yes. Once again, it is not just looking 25 at the past. It is looking at what can be done for</p> <p style="text-align: center;">Page 130</p>	<p>1 abuse or assault were beaten by the brothers or abused 2 by the brother to whom they had complained and, even if 3 the assault was believed, the abuse was covered up. 4 PROF CONSTANTINE: Yes. That's the judgment of the inquiry. 5 MS HILL: This had been effected, it was found, it had been 6 suggested, because of strong connections between the 7 Christian Brothers and the police; is that right? 8 PROF CONSTANTINE: Indeed. That again, is in the report. 9 MS HILL: Is this right, for completeness, although we will 10 come to look at the way in which this report later had 11 various recommendations made that were followed through, 12 that there was, as part of the response to this report, 13 a formal public apology in Australia in November 2009 by 14 the then Australian Prime Minister, Kevin Rudd? 15 PROF CONSTANTINE: Yes. 16 MS HILL: After that, as we will later hear in further 17 detail, there was a UK apology on 24 February 2010. 18 PROF CONSTANTINE: Yes. 19 MS HILL: Bringing us more up to date, please, Professor, if 20 I may, with the last few recent reports, is this right, 21 that the Historic Institutional Abuse Inquiry in 22 Northern Ireland has looked at the issue of child 23 migration in one of its particular studies. 24 PROF CONSTANTINE: One module in a wider review of 25 institutional abuse in Northern Ireland.</p> <p style="text-align: center;">Page 132</p>

<p>1 MS HILL: Is this right, that you have observed within the 2 evidence given to the Northern Ireland inquiry that 3 there are accounts of sexual abuse from those former 4 child migrants from Ireland; is that right? 5 PROF CONSTANTINE: That's correct. From Northern Ireland. 6 MS HILL: Forgive me, from Northern Ireland. Some of 7 the themes that were described include not only abuse, 8 but concerns about separation from family, loss of 9 identity, matters of that nature, but 50 former child 10 migrants in Australia who had given evidence to the 11 inquiry overwhelmingly reported psychological and 12 physical abuse, often severe physical abuse, and 24 of 13 those had reported incidents of sexual abuse; is that 14 right? 15 PROF CONSTANTINE: Yes. It is worth reminding ourselves 16 about the figures. The best figures that seem to be 17 available are 131 children from Northern Ireland went to 18 Australia and, of those, 50 became witnesses in this 19 inquiry and of the 50, 24 of them report sexual abuse. 20 MS HILL: If we can pull up, please, table 6, just to give 21 the panel a sense of it, because I think, is this right, 22 we don't see the detail of this in the actual report, 23 this is in the underlying evidence that's been made 24 available that you have been through? 25 PROF CONSTANTINE: That's right. This is the evidence</p> <p style="text-align: center;">Page 133</p>	<p>1 particular, Professor, that you would like to draw to 2 the panel's attention? 3 PROF CONSTANTINE: Only just the 24 out of the 50. 50 4 witnesses, 24 gave these accounts. 5 MS HILL: We see some of the accounts are simply referred to 6 as "sexual abuse". You have referred to some in more 7 specific terms. We see HIA240 has specifically 8 described being gang raped at the age of 9 or 10 by five 9 Christian Brothers; is that right? 10 PROF CONSTANTINE: That's what the witness said. 11 MS HILL: You have tried to bring the panel up to date, 12 I think, by looking more recently at the report provided 13 by the Northern Ireland inquiry. But is this right, in 14 terms of its assistance in your evidence today, that the 15 Northern Ireland inquiry had a slightly different remit, 16 and, as you have said in your first report, its 17 inquiry's remit was limited to abuse experienced by 18 children while in Northern Ireland. So while it took 19 that evidence that you have summarised for the panel, it 20 didn't make particular findings about the abuse that was 21 reported in Australia? 22 PROF CONSTANTINE: That's right. Its findings relating to 23 abuse in Australia have been forwarded to the Australian 24 Royal Commission which was operating at the same time. 25 MS HILL: Is this right, that the Northern Ireland inquiry's</p> <p style="text-align: center;">Page 135</p>
<p>1 presented by the former child migrants. 2 MS HILL: EWM000005_096. This is an analysis that you have 3 done for the inquiry of those witnesses who gave 4 evidence to the Northern Ireland inquiry and you have 5 tried to summarise, on the right-hand side, the nature 6 of the sexual abuse those former child migrants have 7 described? 8 PROF CONSTANTINE: That's right. 9 MS HILL: We can see, for example, can't we, if we look 10 through it, incidence of abuse by older boys in 11 Northern Ireland and by nuns before leaving for 12 Australia. Some incidents of abuse on the boat to 13 Australia and then a significant number on your list of 14 incidents of abuse in Australia. Is that a summary? 15 PROF CONSTANTINE: That's correct yes, of boys and girls. 16 MS HILL: There are mentions made here in terms of 17 institutions of Clontarf, Tardun, I think it was 18 Dhurringile, quite a few allegations noted here, are 19 there not, about institutions? 20 PROF CONSTANTINE: Yes. 21 MS HILL: As you have indicated, there are allegations made 22 by both girls and boys and there are some, as we see, 23 mentions of abuse during holiday visits. Is that right? 24 PROF CONSTANTINE: That's right. 25 MS HILL: Is there anything else about this table in</p> <p style="text-align: center;">Page 134</p>	<p>1 findings were therefore focused on much more general 2 questions about things like consent and processes for 3 child migration much more generally? 4 PROF CONSTANTINE: Yes. It talks about systemic failures of 5 the Northern Ireland Government and of 6 the Sisters of Nazareth who were responsible for sending 7 the children out. Those were the systemic ones. Then 8 there are quite specific failings, as they would see it. 9 Not sending case histories, poor records being kept, or 10 at least records not adequate to be able to determine 11 whether children had been -- parents had given consent 12 for the child to be moved. So it makes difficult 13 judgments, is one of its views, about whether or not 14 parental approval had been given for these children to 15 be sent in all cases. 16 MS HILL: You have given us quite a detailed summary of 17 the report in your addendum. Is there anything else in 18 particular from the Northern Ireland report you would 19 like to draw to the panel's attention? 20 PROF CONSTANTINE: No, I don't think so. 21 PROF LYNCH: Possibly apart from the lack -- one of 22 the systemic failures with the Sisters of Nazareth was 23 specifically around monitoring processes. 24 MS HILL: Thank you. I think what you are perhaps referring 25 to is a specific finding -- the panel can no doubt see</p> <p style="text-align: center;">Page 136</p>

<p>1 this in due course -- that the Northern Ireland 2 Government had failed to fulfil its responsibilities for 3 ensuring that children in the care of voluntary 4 societies were treated in the same way as would be 5 expected for those under statutory care; is that right? 6 PROF LYNCH: Yes. 7 MS HILL: Failing to fulfil it, it describes, in fairness, 8 is a moral responsibility. 9 Turning then, please, to the Royal Commission in 10 Australia, the Royal Commission into Institutional 11 Responses to Child Sexual Abuse. This commission was 12 appointed in 2013 and is ongoing; is that right? 13 PROF CONSTANTINE: That's correct. 14 MS HILL: Its final report is expected in January 2017. 15 PROF CONSTANTINE: Was expected in January 2017. 16 MS HILL: Sorry, was. We are now, in fact, in March 2017. 17 Of course we are. 18 You have made the point here, is this right, that 19 Andrew Murray, the senator we have heard about before, 20 is one of the Commissioners on the Royal Commission. Is 21 that right? 22 PROF CONSTANTINE: That's correct. 23 MS HILL: This has a very broad remit, but has conducted 24 particular case studies, has it not, that are of 25 relevance to this case study?</p> <p style="text-align: center;">Page 137</p>	<p>1 structure of some of the environments. I think this 2 last one about having a physical environment in which 3 staff and children can be continually supervised is 4 really trying to avoid the situation I think we have 5 heard of in other places in other times in which 6 children can be discreetly moved away from the 7 observation of any other people. 8 MS HILL: The report went on to look at the reasons why 9 children may not report abuse; proposed that effective 10 protection might also require educating children in how 11 to recognise threat and avoid risk, and also made the 12 point that it is necessary for institutions to respond 13 effectively to reports of child sexual abuse. Is that 14 right? 15 PROF CONSTANTINE: Yes. 16 MS HILL: It looked at, as this case study will in due 17 course, a range of responses to the complaints that had 18 been made as well as redress schemes. 19 PROF CONSTANTINE: Yes. 20 MS HILL: You will come in due course, I think, when dealing 21 shortly with chapter 9.1 of your report, to tell us some 22 of the more detailed findings of the case studies, but 23 is this right, there are three separate case studies 24 that are of pertinence to this inquiry: one on the 25 Salvation Army Riverview Training Farm in Queensland;</p> <p style="text-align: center;">Page 139</p>
<p>1 PROF CONSTANTINE: That's correct. 2 MS HILL: The interim report was published in June 2014 with 3 testimony from 150 people in a second volume, again 4 dealing with their sexual abuse in a general sense. But 5 did one of the findings of the report -- I think we 6 perhaps can bring up, please, 5.14.5. EWM000005_098. 7 You have asked for 5.14.5 to be highlighted, one of 8 the interim report recommendations. The report says 9 this: 10 "... that more study is needed to understand 'what 11 creates a perpetrator' but it also concludes abuse was 12 more likely to take place in institutions in which the 13 culture and managerial practices did not give the 14 protection of children a high priority. Hence the 15 importance of education and training, of screening 16 before employing, of leadership and governance to create 17 the right culture, and of institutions having a physical 18 environment in which staff and children can be 19 continually supervised." 20 Is that the conclusion of this interim report? 21 PROF CONSTANTINE: Indeed. We can see from this, this is 22 a report which certainly draws upon historical evidence 23 but is actually looking to prevent recurrence of sexual 24 abuse. It would require quite considerable changes in 25 the quality of staff and indeed of the physical</p> <p style="text-align: center;">Page 138</p>	<p>1 one on the Christian Brothers homes at Castledare, 2 Clontarf, Tardun and Bindoon; and one on St Joseph's 3 Orphanage in Neerkol. 4 PROF CONSTANTINE: That's right. 5 MS HILL: You have made the observation at the end of your 6 report that it is not likely that the UK Government or 7 churches or voluntary societies in England and Wales 8 which were involved in migration will respond publicly 9 until the final report is published, if at all. 10 PROF CONSTANTINE: That's right. 11 MS HILL: There is one other document, I think, Professor, 12 you were asked to look at when considering chapter 5 13 issues, if I can put them that way, and that's the 14 review of the report by Tuart Place. I might have said 15 that wrong. 16 PROF CONSTANTINE: Say it with confidence. 17 MS HILL: That doesn't mean it's right. Is this right, that 18 that organisation had submitted evidence to the 19 Historical Institutional Abuse Inquiry in 20 Northern Ireland? 21 PROF CONSTANTINE: Correct. 22 MS HILL: The organisation known as, and we have heard about 23 this, CBERSS, Christian Brothers Ex-Residents and 24 Student Services based in Western Australia had been 25 established in 1995 by the Christian Brothers as</p> <p style="text-align: center;">Page 140</p>

<p>1 a service to provide counselling and advocacy support 2 for ex-residents of Christian Brothers institutions and 3 is this right that the organisation became 4 CBERS Consultancy and then, is this right, in 2012 5 I think it became Tuart Place; is that what you 6 understand? 7 PROF CONSTANTINE: Yes. 8 MS HILL: Is this a summary, that the report that you have 9 been asked to look at that was provided to the 10 Northern Ireland inquiry summarised the experiences of 11 former child migrants as conveyed to that organisation 12 and the consequences of abuse and the key problems that 13 former child migrants faced as a result of their 14 experiences. Is that right? 15 PROF CONSTANTINE: That's right. I think what is being said 16 about the consequences we are now familiar with because 17 it really rather does repeat what has been -- the 18 conclusions of other investigations. 19 MS HILL: You have said at the end of your analysis of 20 this -- I will bring this up, please, finally on this 21 chapter -- EWM000229_033, that while the report 22 addresses a number of issues and sources that you have 23 addressed in your initial report, there are two parts of 24 it that you would question or modify. Can you tell us 25 what they are, please, Professor?</p> <p style="text-align: center;">Page 141</p>	<p>1 have any questions on those. It might be an appropriate 2 time to take a break between this and the next lot of 3 evidence. 4 THE CHAIR: A short break? 5 MS HILL: I think in light of the detail in 9.1, Chair, that 6 would be prudent. Perhaps we can just take until 7 3.00 pm. 8 (2.55 pm) 9 (A short break) 10 (3.02 pm) 11 MS HILL: Professor Lynch, is this right, I think you have 12 agreed to assist the panel in providing a summary of 13 the material that is set out at paragraph 9.1 of your 14 report in terms of giving to the panel an overview of 15 what is understood of the incidence of child sexual 16 abuse among former child migrants. Is that right? And 17 when they were child migrants. 18 PROF LYNCH: Yes. 19 MS HILL: In due course we will come back to look in more 20 detail at what you set out in the later parts of 21 chapter 9. 22 PROF LYNCH: That's correct, yes. 23 MS HILL: Is this right, that in the later parts of 24 chapter 9 you look at what is understood about 25 particular institutions in terms of findings or</p> <p style="text-align: center;">Page 143</p>
<p>1 PROF CONSTANTINE: I don't think we are quite clear as to 2 whether this is clumsy wording or whether there is 3 something more specific in mind. There is a reference 4 in the report to: 5 "It is clear that the abuse and neglect experienced 6 by child migrants in Australia was primarily the 7 responsibility of local authorities and individuals. 8 However, the agencies and statutory authorities 9 complicit in sending children to Australia failed to 10 implement a proper duty of care in regard to their 11 welfare and there was a clear breach of guardianship 12 duties." 13 It is really whether that phrase "local authorities" 14 means local authorities as we have been using the term 15 or whether they mean authorities that are local. 16 MS HILL: That's an issue around responsibility and 17 supervision, and so on, that we will come to look at. 18 Is the second a point of detail, perhaps, that the 19 report had claimed that the UK Government paid for child 20 migrants until they were 14, but in fact your evidence 21 is that it was until they were 16. 22 PROF CONSTANTINE: It is 16. It is a point of detail, but 23 not an unimportant one, given financial implications. 24 MS HILL: Chair, those are all the questions I have on 25 chapter 5 issues. I don't know whether you or the panel</p> <p style="text-align: center;">Page 142</p>	<p>1 observations of sexual abuse in reports on a particular 2 place? 3 PROF LYNCH: That are known to us at this time, yes. 4 MS HILL: What you are trying to do in this overview is give 5 a much more broad and general summary of 6 the understanding. 7 Tell us, please, in summary form, what is understood 8 about the allegations of sexual abuse that have been 9 disclosed in written and oral testimonies by former 10 child migrants? 11 PROF LYNCH: In terms of the accounts of sexual abuse, they 12 very much accord with the witness statements that we 13 have actually had already during the hearing so far. 14 Perhaps if I actually read out from section 9.1.1 of our 15 report. 16 MS HILL: We can bring that up if it helps, Professor, 17 EWM000005_145, please. 18 PROF LYNCH: If we start reading from about five lines down: 19 "Abuse has been alleged to have been conducted by 20 staff at residential homes, crew on ships, visitors to 21 residential homes, foster carers, employers and other 22 members of the local community. This has ranged from 23 single incidents of abuse to abuse undertaken by 24 a perpetrator over a number of years." 25 MS HILL: Pausing there, the summary you are describing here</p> <p style="text-align: center;">Page 144</p>

<p>1 is based on the information that you have had made 2 available to you from a range of records and reports we 3 have been through and is not necessarily based on the 4 evidence you have heard in these proceedings? 5 PROF LYNCH: No, this is prior evidence. Knowledge of 6 witness statements and also things people have said in 7 the media as well. 8 MS HILL: This summary is based on your understanding as 9 at December last year when you wrote this report? 10 PROF LYNCH: Exactly: 11 "Forms of abuse described include touching 12 children's genitals, masturbating children, forcing 13 children to masturbate or perform oral sex on the 14 abuser, masturbating against a child and attempted and 15 actual anal or vaginal penetration of children, 16 sometimes with external objects. Allegations have also 17 been made of forced sexual contact with animals. For 18 children in residential homes, abuse has been alleged to 19 have taken place in dormitories and staff bedrooms as 20 well as other areas of the home. Sexual abuse is often 21 described as having taken place in private, but 22 instances have also been reported where the sexual abuse 23 took place in the presence of other children. There are 24 reports of sexual assaults taking place between older 25 and younger children in some residential homes."</p> <p style="text-align: center;">Page 145</p>	<p>1 migrants were exposed to sexual abuse and that there 2 were many instances of sexual abuse in some residential 3 institutions; is that right? 4 PROF LYNCH: That's correct. 5 MS HILL: Again, as I say, although we will hear more about 6 it, is this right, that there have been a range of 7 redress schemes set up, particularly in Australia, and 8 there has been some attempts at both criminal and civil 9 claims or trials; is that right? 10 PROF LYNCH: That's right. Some would describe it as 11 a patchwork of redress provisions, so it depends on 12 which state and which receiving organisation a child was 13 sent to. It would depend on the amount and whether 14 redress is paid at all. 15 MS HILL: Although we will come to look at this in more 16 detail, your understanding is that the settlement 17 reached by the Fairbridge Foundation in respect of 18 former residents of Molong, you have described the 19 largest settlement of its kind for a civil action 20 concerning institutional child neglect and abuse, 21 including sexual abuse. 22 PROF LYNCH: That's my understanding, yes. 23 MS HILL: You have also flagged for the panel the 24 difficulties -- is this right? -- that have sometimes 25 occurred in prosecuting criminal allegations arising out</p> <p style="text-align: center;">Page 147</p>
<p>1 MS HILL: At the beginning of that paragraph you have made 2 the point that allegations of abuse have been made by 3 child migrants during their time in residential homes 4 before and after migration, on the journey overseas, 5 during holiday stays of a temporary nature, with foster 6 carers or in work placements after leaving residential 7 care. 8 PROF LYNCH: Exactly. 9 MS HILL: So in a range of settings. 10 PROF LYNCH: Exactly. I think probably in the evidence we 11 have heard already, we have learnt more about sexual 12 abuse of child migrants before they left for Australia 13 than we knew before. 14 MS HILL: Help us, please, with understanding what previous 15 reports have accepted about the incidents of sexual 16 abuse among child migrants? 17 PROF LYNCH: This has been accepted by the 18 Health Committee's 1997/98 report, "The Welfare of 19 Former British Child Migrants", the Forde Inquiry, the 20 Senate Community Affair Committee's report, 21 "Lost Innocents" and also individual case studies within 22 the Australian Royal Commission. 23 MS HILL: Although we will hear more about this in due 24 course, the broad proposition for today's purposes is 25 that those inquiries have accepted that British child</p> <p style="text-align: center;">Page 146</p>	<p>1 of sexual abuse from many years earlier. 2 PROF LYNCH: Yes. A range of issues seem to have arisen 3 there, from reluctance to prosecute individuals, claims 4 that an individual is now too elderly or infirm or 5 suffering from dementia to be able to proceed with the 6 prosecution. In cases of civil action, there have been 7 problems which relate to identifying the proper 8 defendant for civil action as well. This perhaps goes 9 a little bit back to the complexity of some of 10 the organisational relationships before that I alluded 11 to where it is actually a little bit difficult to 12 establish who has responsibility in certain contexts, 13 but also statutes of limitations applies variously in 14 different states in Australia and that has had an effect 15 on what action has and has not been able to proceed. 16 MS HILL: Is this right, that as at the time you wrote your 17 report last year, you were not aware -- and you may 18 still not be aware -- of any material from archives 19 about the sexual abuse of child migrants before they 20 were sent overseas or during their journeys? But is 21 this right, that you are now aware there has been some 22 evidence given of those sort of issues in these 23 proceedings? 24 PROF LYNCH: Yes, that's correct. 25 MS HILL: You have, I think, already referred to allegations</p> <p style="text-align: center;">Page 148</p>

<p>1 of abuse by crews on the voyages to Australia about 2 which we have also heard some evidence. Can you tell 3 the panel, please, a little bit about that? 4 PROF LYNCH: I think in that particular case, I'm just 5 looking at the footnote, the reference to that is one 6 individual in an oral history interview and, actually, 7 the specific details of that allegation I can't recall 8 at the moment. But that's one individual's recollection 9 of sexual abuse. 10 MS HILL: I think what you have referred to at footnote 229 11 of your report is some evidence of that nature in the 12 Northern Ireland inquiry and then you referred to an 13 interview being given by somebody to an oral history 14 project. Is that two separate examples of which you are 15 aware? 16 PROF LYNCH: I couldn't say, because the HIA witnesses are 17 anonymised. I think he was sent from England, so it 18 probably would be two different sources, yes. 19 PROF CONSTANTINE: Certainly the one from Northern Ireland 20 is in the list of Northern Ireland sexual abuse cases. 21 HIA296. Amongst all the other horrors, sexually abused 22 by crew on the boat to Australia. So sexual abuse in 23 Northern Ireland, on the boat and in Australia. 24 MS HILL: Help us, please, with understanding what you think 25 the significance is of the fact that you have not seen,</p> <p style="text-align: center;">Page 149</p>	<p>1 seen; is that right? 2 PROF LYNCH: That wouldn't be a surprise to us if there was, 3 yes. 4 MS HILL: Tell us, please, about your understanding of 5 the geographical spread of the countries to which 6 children were migrated of the allegations of sexual 7 abuse that have been made? 8 PROF LYNCH: Our most extensive knowledge relates to the 9 sexual abuse of child migrants in Australia, but we were 10 also aware before of at least one incident of sexual 11 abuse of a child migrant in Southern Rhodesia and 12 allegations of sexual abuse in Canada. In relation to 13 child migrants in New Zealand, there was a more general 14 reference to abuse in evidence presented by a former 15 child migrant organisation to the Health Committee -- 16 Health Select Committee Inquiry. But that would suggest 17 that there were incidents of sexual abuse in all of 18 the countries to which British child migrants were sent. 19 MS HILL: Pausing there, your understanding at the time you 20 wrote your report was that the allegations of child 21 sexual abuse in relation to the Fairbridge college in 22 Southern Rhodesia particularly took place in the context 23 of vacation placements for the children in private 24 homes. Is that right? 25 PROF LYNCH: That was an allegation of which I was aware</p> <p style="text-align: center;">Page 151</p>
<p>1 in the archival material you have been able to identify 2 and assess, evidence about the sexual abuse of child 3 migrants overseas? 4 PROF LYNCH: I think we certainly cannot assume that the 5 material that we have had access to would give us 6 a comprehensive view of that archivially. It is likely 7 that some material relating to that might be held on 8 individual case files that we wouldn't normally have 9 access to as researchers, but as I also mentioned 10 yesterday, access to organisational archives is 11 extremely uneven and it may be, with fuller disclosure, 12 we actually see a fuller account of -- 13 MS HILL: It may be that material generated by the powers of 14 this inquiry is more extensive than material you have 15 otherwise been able to access as academics? 16 PROF LYNCH: Exactly. Many of the cases we are able to 17 refer to later on in the section are precisely because 18 of the powers that were obtained by the Royal Commission 19 in Australia to compel release of archival material. 20 MS HILL: You have made the point in your report that, given 21 the kind of documents that the Australian Royal 22 Commission secured disclosure of, it is not 23 inconceivable that in due course there may well be 24 evidence in correspondence or minutes or other documents 25 from archives about sexual abuse that you haven't yet</p> <p style="text-align: center;">Page 150</p>	<p>1 before, although I understand other material may have 2 come to light since then. 3 MS HILL: Is this right, in addition to some of the evidence 4 that's been heard through witnesses, you have since been 5 provided with some extracts from some books written by 6 those who were child migrants to Rhodesia; is that 7 right? 8 PROF LYNCH: That's correct, yes. 9 MS HILL: Is this correct, that those books to some degree 10 have given you some understanding of particular 11 allegations of sexual abuse by former students at the 12 Rhodesia school? 13 PROF LYNCH: Exactly. Which would relate to -- well, an 14 incident of rape by one resident at that college against 15 another resident, and also allegations of rape by 16 another older resident who appears to have been groomed 17 by a particular member of staff in that institution 18 against whom other concerns around voyeurism, at the 19 very least, have been raised. 20 MS HILL: We can look at this in a bit more detail because 21 of the lack of other evidence made available about 22 Southern Rhodesia. Could you please be asked to look 23 at, first of all, INQ000176_001. This is a book that's 24 been written about experiences at the school. You see 25 in the middle part of page 136 there is reference to</p> <p style="text-align: center;">Page 152</p>

<p>1 a rape about which you have heard. 2 PROF LYNCH: That's right. 3 MS HILL: The references that are made later in this 4 chapter -- is this right -- can be summarised in this 5 way, that there was mention of a religious person at the 6 school, a padre; is that right? 7 PROF LYNCH: That's right. 8 MS HILL: And that, if you look in the top of 137, he was 9 revered by the headmaster and staff, but in the eyes of 10 this flock of young boys he was known as somebody who -- 11 well, it is written in this way, "had a craving for 12 a young penis"; is that right? 13 PROF LYNCH: That's right. 14 MS HILL: There was a boy, described as his 16-year-old 15 lover, who was working part time at the school; is that 16 right? 17 PROF LYNCH: That's correct. 18 MS HILL: Then what the writer of this book goes on to 19 describe is an incident between himself and this person 20 who was a part-time driver at the school. 21 PROF LYNCH: That's correct. 22 MS HILL: He goes on to describe over the page, at 23 INQ000167_002, an incident of a serious sexual assault; 24 is that right? 25 PROF LYNCH: Yes, it's a rape.</p> <p style="text-align: center;">Page 153</p>	<p>1 about Mrs Robinson, but nobody bothered." 2 Is that right. 3 PROF LYNCH: That's correct. 4 MS HILL: There is a description then at the top of 5 the following page of when the children returned home, 6 about the fifth line down: 7 "One thing I remember very well was padre's evening 8 calamine lotion calls, where we'd all lay on the bed in 9 his flat at the end of one arm of the building whilst he 10 walked up and down dabbing our sunburnt bums with pink 11 calamine lotion." 12 Is that right? 13 A. That's correct. 14 Q. Then there is a record of an interview with somebody 15 referred to as "Diddler Dean", which I think was 16 a nickname that had been given to this padre. It says 17 in the middle of the bottom part of this page: 18 "Do you remember that Padre Dean gave up being 19 a priest when he left Fairbridge in the early 60s and 20 went on to be a full time schoolteacher? He taught in 21 Northern Rhodesia but was had up in court, fined and 22 ordered to be deported after being caught in 23 a compromising situation with a 14-year-old boy." 24 PROF LYNCH: That's right. 25 MS HILL: That is to some degree an account of sexual abuse</p> <p style="text-align: center;">Page 155</p>
<p>1 MS HILL: The writer of this book goes on to say that the 2 understanding he has is that "the priest was still there 3 when I left the school, but years later I learnt he'd 4 been transferred to another school. It was there, as if 5 in answer to a prayer, that he was jailed for sexually 6 assaulting minors." 7 PROF LYNCH: That's correct. 8 MS HILL: In relation to another account, please turn up 9 INQ000177_001. I think, when you were talking, 10 Professor, about suggestions of voyeurism, is this 11 right, that you are deriving that from this book? 12 PROF LYNCH: That's correct. 13 MS HILL: This is, again, a book written about experiences 14 at the Bulawayo school, where, in the bottom left of 15 this page, we see reference to "padre": 16 "The padre would walk his entourage of favourite 17 boys down to the weir and would watch them while 18 swimming." 19 Is that right? 20 A. That's correct. 21 Q. "The boys would play and perform for his and their 22 amusement. Not wearing clothes was new to me, but 23 I soon got used to it and found that I liked it, and 24 still do. Mr and Mrs Robinson came to visit. Padre 25 said we could put the clothes on if we were embarrassed</p> <p style="text-align: center;">Page 154</p>	<p>1 given by boys at the school. Finally, INQ000178001, 2 which is an account written again about experiences at 3 the Bulawayo school. The female writer of this has 4 written this under the heading "Strange boyfriend": 5 "I had been asked by John a few days after I arrived 6 if I would be a certain boy's boyfriend (I don't 7 remember his name) and I naively agreed. Well, at the 8 party, the so-called boyfriend followed me to the toilet 9 and asked if he could come in. I was very upset (scared 10 actually) and said 'Go away'. Later, I told John to 11 tell him I didn't want to be his girlfriend anymore. He 12 was a randy little devil, acquired a bad reputation and 13 later did manage to rape one of the girls in the Scouts 14 hall while everyone else was watching a movie. He and 15 she were hidden underneath the table. I don't remember 16 what happened to him, but I do remember that it shocked 17 all the girls." 18 Is that right? 19 PROF LYNCH: That's correct. 20 MS HILL: Is it otherwise generally the case that your 21 understanding of the experiences of those children who 22 were migrated to Southern Rhodesia, New Zealand and 23 Canada is much more limited than it is of Australia? 24 PROF LYNCH: Yes, that's right, in part because 25 in Southern Rhodesia and Canada we are thinking really</p> <p style="text-align: center;">Page 156</p>

<p>1 about just one institution and also in part because, to 2 our understanding, there has never been a public inquiry 3 in New Zealand about any of these former child migrants 4 there. 5 MS HILL: Or indeed in Canada, this issue has not been 6 looked at in full, has it, I don't think? 7 PROF LYNCH: No, there has been no inquiry, to my knowledge, 8 of Fairbridge Farm School in Canada, no. 9 MS HILL: It is right, isn't it, that you have been 10 following the evidence that's been heard in this case 11 study and in due course will provide some further 12 comments about it. 13 PROF LYNCH: Exactly, yes. 14 MS HILL: Help us, please, with what you say at 9.1.6 of 15 your report, that with regard to Australia, where there 16 is a broader knowledge, you're currently aware of 17 reported incidents of sexual abuse in respect of 18 a certain number of institutions. Perhaps we can 19 beginning up that list; EWM000005_146. Take us, please, 20 Professor, through that list and your understanding 21 about it? 22 PROF LYNCH: Perhaps if we just note the presence and then 23 we can skip down on to the next page. If we note the 24 presence of St Joseph's Orphanage at Neerkol, of which 25 we have already heard a fair amount of information.</p> <p style="text-align: center;">Page 157</p>	<p>1 New South Wales; the Fairbridge Farm School, Molong, 2 New South Wales; the Fairbridge Farm School at Pinjarra, 3 Western Australia; the Mowbray Park Farm School, Picton, 4 New South Wales; Swan Homes, Perth, Western Australia; 5 the Dhurringile Rural Training Farm, Victoria; 6 Nazareth House in Camberwell in Victoria; and the 7 Padbury Boys' Farm School in Perth, Western Australia. 8 You also see a range of receiving organisations 9 listed in the brackets at the end, ranging from the 10 Sisters of Mercy, Christian Brothers, Salvation Army, 11 Fairbridge, Dr Barnardo's Homes, Presbyterian Church and 12 the Sisters of Nazareth and the Anglican Church in 13 Australia. 14 MS HILL: Is this right, that of course that list is based 15 on incidents of sexual abuse that were reported in 16 archives, oral histories, previous reports or published 17 accounts as at December 2016 that you understood? 18 PROF LYNCH: That's right. 19 MS HILL: There is a range of reasons, is this right, why 20 you say that list should not be seen as exhaustive, not 21 least because any incident of sexual abuse requires the 22 person to report it and there is a range of reasons why 23 people might not report sexual abuse; is that right? 24 PROF LYNCH: That's correct. I think in at least one 25 instance we could add another institution to this list.</p> <p style="text-align: center;">Page 159</p>
<p>1 Then we can skip down to the next page for the longer 2 list there. It is 16 institutions where, at the point 3 of writing this report in December, again, we were aware 4 of allegations of sexual -- and accounts of sexual abuse 5 of child migrants at these institutions taking place. 6 One qualification of that is that the Salvation Army 7 institutions that are listed in (vii), (viii) and (ix), 8 we know from the Royal Commission that very serious 9 incidents of sexual abuse took place at these 10 institutions and that these were institutions that were 11 approved to receive British child migrants, but we don't 12 know for certain that individual child migrants were 13 abused there. But there were systemic problems around 14 sexual abuse in these institutions. 15 MS HILL: For the transcript, please, Professor, can you 16 just read the list of institutions that you are 17 referring to at your 9.1.6? 18 PROF LYNCH: First we have St Joseph's Orphanage in Neerkol 19 in Queensland; then St Joseph's Orphanage, Subiaco in 20 Perth; Castledare Junior Orphanage, Western Australia; 21 St Vincent's Orphanage, Clontarf; St Mary's Agricultural 22 School, Western Australia, and that's Tardun; 23 St Joseph's Farm School, Bindoon; Riverview Training 24 Farm in Queensland; the Bexley Boys' Home, 25 New South Wales; Gill Memorial Home, Goulburn,</p> <p style="text-align: center;">Page 158</p>	<p>1 I think the Dalmar Home, we have received evidence of 2 through this inquiry, which isn't on that list. We 3 certainly don't claim this list to be exhaustive in any 4 way, in part because of the issues around -- the degree 5 of archival access we could have at this stage and the 6 possibility of being able to access other archival 7 material that would extend our knowledge of this. 8 But also because of issues around underreporting of 9 incidents of sexual abuse from child migrants as well, 10 and we go through -- 11 MS HILL: I think you set out a series of reasons why you 12 would actually expect these archived records to 13 underreport the incidents of sexual abuse. Please take 14 the panel through those four reasons, would you? 15 PROF LYNCH: That's right. I think the first three of these 16 have also been, I think, very clearly illustrated in 17 things the witnesses have said to this inquiry as well. 18 The first is that child migrants were often placed in 19 settings where they didn't feel able to make complaints 20 about sexual abuse or were punished for doing so. Even 21 in one incidence, I am aware from the Royal 22 Commissioner, a disclosure of sexual abuse actually 23 leading to a fresh act of sexual abuse on that person at 24 the point of disclosure. 25 A second reason was that complaints of sexual abuse</p> <p style="text-align: center;">Page 160</p>

<p>1 by children when they were made known to staff or people 2 with positions of responsibility were not necessarily 3 acted on in ways that would protect the child or would 4 provide any wider knowledge of that incident at all. 5 Thirdly, that child migrants wouldn't have the kind 6 of relationship with external inspectors that would 7 provide a relationship in which they would be able to 8 disclose abuse. 9 A former child migrant, to the Australian Royal 10 Commission, recalled, I think it was Bindoon, the child 11 welfare inspector coming into the classroom, saying 12 hello to the boys and then going out again and there 13 being no opportunity for individual disclosure. 14 A fourth reason, which I think will be something we 15 look at in more detail in part 2 of the hearings, will 16 be the systemic failings in monitoring systems with 17 various organisations in Australia. 18 MS HILL: Do you think it is overall fair to think that more 19 broadly the impact of the child migrant experience on 20 former child migrants may well make it very difficult, 21 even now, for former child migrants to disclose 22 incidents of sexual abuse? 23 PROF LYNCH: Yes. I think one of the -- I mean, if I speak 24 honestly and personally here, I find it nerve-racking 25 enough being an expert witness here and I can't imagine</p> <p style="text-align: center;">Page 161</p>	<p>1 PROF CONSTANTINE: I think we have covered the ground. 2 MS HILL: Chair, thank you very much. If those are all the 3 questions you have, perhaps the expert evidence would 4 conclude. 5 Chair, the evidence, therefore, for today, and 6 indeed for part 1, has now concluded. That is all the 7 evidence we propose to call or adduce in part 1. The 8 only observation I would just make in terms of procedure 9 is, as you have heard on various occasions throughout 10 the hearings, I have announced formally the de-ciphering 11 of particular individuals. All I wish to indicate is 12 that that work will continue to the extent that if the 13 inquiry receives further information to suggest that 14 somebody should be de-ciphered, then of course that 15 de-ciphering will take place. I think that is something 16 to be recorded, and obviously that is not a closed 17 process, and it falls to us more generally now, of 18 course, to prepare for the next hearings. 19 THE CHAIR: Thank you, Ms Hill. 20 As Ms Hill has indicated, that concludes the 21 evidence that the inquiry will hear in part 1 of 22 the case study in child migration programmes. The 23 part 1 hearing has provided an introduction to the 24 history of the child migration programmes and the 25 institutions involved and the nature of the allegations</p> <p style="text-align: center;">Page 163</p>
<p>1 what it would be like giving live witness testimony 2 about such traumatic experiences. I think when -- 3 MS HILL: Perhaps based more on your review of the reports 4 that have talked about the impact of child migration in 5 a general sense on people, on many people. 6 PROF LYNCH: Exactly. When you are building, I think, as 7 Dr Humphreys indicated again yesterday, on successions 8 of traumatic experiences, that may make disclosure of 9 sexual abuse even harder, I think. 10 MS HILL: Is this right, just by way of conclusion on your 11 evidence in this part of your report, that the 12 Australian Royal Commission has conducted very detailed 13 case studies in relation to certain institutions about 14 which we will hear more, and those in particular, as 15 I think we have heard, are St Joseph's in Neerkol, the 16 Christian Brothers institution and the Salvation Army 17 institutions about which we will hear. Is that right? 18 PROF LYNCH: Exactly. Yes, that's correct. 19 MS HILL: Chair, panel, those are all the questions I had in 20 relation to chapter 9.1. We will of course hear more 21 about the detail of chapter 9.2 in due course. Unless 22 you have any further questions for the experts at this 23 point? I should perhaps have asked 24 Professor Constantine, I assume you would have said if 25 there is anything else you wanted to add?</p> <p style="text-align: center;">Page 162</p>	<p>1 of sexual abuse which have been made by former child 2 migrants. 3 The focus of this case study is the question of 4 responsibility of institutions based in England and 5 Wales and their responses to allegations and evidence of 6 child sexual abuse. While, of course, the inquiry 7 cannot determine criminal or civil liability and will 8 not make factual findings about particular allegations, 9 we have been greatly assisted by all the witness 10 evidence we have heard in part 1. 11 The case study will now progress to part 2. The 12 part 2 hearing will begin on 10 July 2017 and will 13 continue for two weeks. It will focus on whether 14 institutions based in England and Wales took sufficient 15 care to protect children in the migration programmes 16 from sexual abuse; whether those institutions knew, or 17 should have known, of allegations or evidence of child 18 sexual abuse; and the response of those institutions to 19 the alleged sexual abuse of child migrants. 20 In the meantime, the inquiry's legal team will 21 continue to review incoming disclosure, including any 22 additional requests that the inquiry may make. A very 23 large volume of disclosure has been received and 24 reviewed already. Disclosure of documents will be made 25 to core participants in a number of tranches in advance</p> <p style="text-align: center;">Page 164</p>

<p>1 of the July hearing.</p> <p>2 We are grateful to all of the witnesses who have</p> <p>3 come to testify before the inquiry over the past two</p> <p>4 weeks and we are especially grateful to those former</p> <p>5 child migrants who travelled from Australia to tell us</p> <p>6 about their experiences of child migration and of sexual</p> <p>7 abuse and to those who testified by videolink from</p> <p>8 overseas, as well as those who consented to their</p> <p>9 evidence being read to us.</p> <p>10 We are aware how challenging and distressing this</p> <p>11 has been and we commend these witnesses for their</p> <p>12 courage in coming forward.</p> <p>13 We will hear from institutional witnesses in part 2,</p> <p>14 and with that I will draw the part 1 hearing to a close.</p> <p>15 We will hold a preliminary hearing on 9 May 2017 and we</p> <p>16 will reconvene on 10 July 2017 for the part 2 hearing.</p> <p>17 Thank you very much.</p> <p>18 (3.30 pm)</p> <p>19 (The hearing concluded)</p> <p>20</p> <p>21 I N D E X</p> <p>22</p> <p>23 Welcome remarks by THE CHAIR1</p> <p>24</p> <p>25 Housekeeping1</p> <p style="text-align: center;">Page 165</p>	
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<p>1</p> <p>2 PROFESSOR GORDON LYNCH (continued)2</p> <p>3</p> <p>4 PROFESSOR STEPHEN CONSTANTINE2</p> <p>5 (continued)</p> <p>6</p> <p>7 Questions by MS HILL2</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 166</p>	
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