

<p>1 Thursday, 20 July 2017 2 (10.30 am) 3 Welcome by THE CHAIR 4 THE CHAIR: Good morning, everyone. I am Alexis Jay and 5 I am the chair of the Independent Inquiry into Child 6 Sexual Abuse. I am sitting today with the other panel 7 members of the inquiry: Ivor Frank, Professor Sir 8 Malcolm Evans and Drusilla Sharpling. 9 Welcome to Day 18 of the public hearings of the case 10 study into child migration programmes which is part of 11 the inquiry's investigation into protection of children 12 outside the UK. 13 Today, we will hear witness evidence from a number 14 of people. We will begin with a read statement from the 15 Right Honourable Sir John Major. That will be followed 16 by hearing evidence from the Right Honourable 17 Mr Gordon Brown, followed by Oliver Cosgrove, David Hill 18 and finally Norman Johnston of the International 19 Association of Former Child Migrants. 20 Ms Hill, are there any issues before we begin? 21 MS HILL: No, chair. My learned friend Mr Wassouf will read 22 the evidence of the Right Honourable John Major. 23 THE CHAIR: Thank you. 24 MR WASSOUF: Thank you. Good morning, chair. I will be 25 reading two witness statements given by</p> <p style="text-align: center;">Page 1</p>	<p>1 Health have also been asked to review their files to 2 identify any material relating to my knowledge and 3 involvement in these matters. I have been shown all the 4 material identified and base my witness statement on 5 that material. Frankly, I have little or no independent 6 recollection of these matters after so long a period. 7 "The files show that the earliest reference to the 8 child migrant programmes in which I was involved is 9 a written answer by me on 14 July 1993 to the question 10 of David Hinchliffe MP. I exhibit the Hansard extract 11 of that written answer as JM/1." 12 Chair, it might be useful to pause there and bring 13 up JM/1, which is INQ000539_001. That should be on your 14 screen now, chair, and you can see the question from 15 Mr Hinchliffe at the top of the page and the answer at 16 the bottom. I will let you read that in your own time. 17 The witness statement goes on, chair, to describe it in 18 the following terms: 19 "In it, I confirmed that I was aware that there were 20 allegations of physical and sexual abuse of a number of 21 child migrants some years ago in Australia, but that any 22 such allegations would be a matter for the Australian 23 authorities. I stated that I was not aware of any 24 allegations involving the British authorities or claims 25 against them for compensation. I stated that I had not</p> <p style="text-align: center;">Page 3</p>
<p>1 Sir John Major KG CH. They are not very long, chair, so 2 I will be reading them in full, but pausing to take you 3 to relevant documents where necessary. 4 THE CHAIR: Thank you. 5 First statement of the RT HON JOHN MAJOR KG CH (read) 6 MR WASSOUF: The first witness statement of Sir John Major 7 KG CH: 8 "I, Sir John Major KG CH will say as follows:- 9 "I was Prime Minister from 28 November 1990 to 10 2 May 1997. 11 "I have been asked by the Independent Inquiry into 12 Child Sexual Abuse about the extent of my knowledge, 13 during my time as Prime Minister, of the child migration 14 programmes and of allegations of sexual abuse associated 15 with them. 16 "I understand that the Cabinet Office Knowledge and 17 Information Management team have searched the following 18 files in order to identify material relevant to this 19 request: Australia, New Zealand and Canada policy files; 20 Home Affairs policy files; Health policy files; files 21 relating to Prime Minister's Questions; the Cabinet 22 Minutes and Papers; and the Ministerial Committee on 23 Home and Social Affairs from 1991-1997; and those 24 relating to my meetings with David Hinchliffe MP. The 25 Home Office, Department for Education and Department of</p> <p style="text-align: center;">Page 2</p>	<p>1 raised the question of child migrants with the heads of 2 Australia, New Zealand or Canada -- presumably because 3 I understood that the Secretary of State for Health 4 would be contacting the Australian authorities. 5 I confirmed that the Child Migrants Trust had received 6 funding of £25,000 from the Department of Health that 7 year and that any future applications would be 8 considered by the Secretary of State for Health. 9 Cabinet Office have been unable to identify any briefing 10 to me relating to this answer. 11 "On 17 September 1993, I held talks with the 12 Australian Prime Minister. I have been shown a list of 13 26 briefs with which I was provided in advance of that 14 meeting. One of those briefs was on child migrants, and 15 I exhibit that briefing as JM/2." 16 It won't be necessary to take you to that, chair. 17 We will see a briefing shortly, in the context of 18 the supplementary statement: 19 "The briefing refers to the fact that the 20 Parliamentary Under-Secretary for Health had written to 21 the Australian Minister for Immigration and Ethnic 22 Affairs to open a dialogue with the Australians aimed at 23 determining the scope for possible further assistance to 24 the Child Migrants Trust. That is the action to which 25 I referred in my response to David Hinchliffe on</p> <p style="text-align: center;">Page 4</p>

<p>1 14 July 1993. I have no knowledge of what occurred as 2 a result of that correspondence. The briefing contained 3 no specific reference to allegations of sexual abuse. 4 I have been shown the Cabinet Office minute of my 5 discussions with the Australian Prime Minister and there 6 is no record that this matter was discussed. 7 "On 2 November 1993, at Prime Minister's Questions, 8 David Hinchliffe MP asked me if I was aware that 9 Margaret Humphreys had been awarded the Order of 10 Australia medal for her work with child migrants. 11 I replied that I was not, but congratulated her on the 12 award. I advised that the government's concern was to 13 ensure that child migrants were able to make contact 14 with their families, and that any concern about the 15 treatment of children in another country is essentially 16 a matter for that country. I exhibit the question and 17 response as JM/3." 18 I think it would be useful to bring that up, chair, 19 which is INQ000541_001, which is now on your screen. 20 You can see the question from Mr Hinchliffe at the 21 middle of the page and the Prime Minister's response at 22 the bottom. The very last line, chair, is the line to 23 which Sir John refers, which reads as follows: 24 "Any concern about the treatment of the children in 25 another country is essentially a matter for the</p> <p style="text-align: center;">Page 5</p>	<p>1 it was forwarded to the Department of Health. I have no 2 reason to believe that either the letter or the 3 submission would have been brought to my personal 4 attention. 5 "I am aware that in 1992 and 1995 several letters 6 from members of the public and from MPs on behalf of 7 their constituents were sent to me concerning the child 8 migrant programme. Again, in accordance with usual 9 practice, these letters would have been forwarded to the 10 Department of Health as the lead department to respond. 11 Cabinet Office have found no records to suggest that 12 I had any involvement in any response, nor would I have 13 expected to have done so." 14 At paragraph 10, Sir John continues: 15 "I have been shown a letter dated 29 January 1996 16 addressed to me from Joan Taylor, trustee of the Child 17 Migrants Trust. I exhibit that letter as JM/6." 18 For the record, that's INQ000544: 19 "I have been shown a letter in identical terms to 20 Stephen Dorrell, then the Secretary of State for Health. 21 Both letters request an urgent meeting to discuss the 22 issues raised. Cabinet Office have found no record of 23 any meeting between me and the Child Migrant Trust and 24 I have no recollection of any such meeting. 25 "The above represents the entirety of records</p> <p style="text-align: center;">Page 7</p>
<p>1 authorities in that country." 2 Sir John's statement continues: 3 "The Cabinet Office have not identified any briefing 4 to me in advance of David Hinchliffe's question. 5 "I am aware that on 22 November 1993, 6 David Hinchliffe secured an adjournment debate on the 7 issue of child migrants. I attach the Hansard report of 8 the debate as JM/4." 9 I will read the reference for JM/4 into the record, 10 but it won't be necessary to bring it up. It is 11 INQ000542. 12 "The Parliamentary Under-Secretary of State for 13 Health responded on behalf of the government and the 14 Cabinet Office have not identified anything that 15 indicates I had any involvement in the preparation of 16 that response. 17 "I have been shown an undated letter to me from the 18 Chairman of the Australian Select Committee into Child 19 Migration seeking submissions from the British 20 Government. I exhibit that letter as JM/5." 21 Again, I will read the reference into the record. 22 That is INQ000543. 23 "It appears from a stamp on that letter that the 24 writer was informed that the letter had been forwarded 25 to the appropriate government department for reply, and</p> <p style="text-align: center;">Page 6</p>	<p>1 identified of my knowledge of this matter and I have no 2 recollection of any other relevant matters." 3 Chair, that concludes the first statement of 4 Sir John Major. 5 Second statement of the RT HON JOHN MAJOR KG CH (read) 6 MR WASSOUF: I will read the supplementary statement of 7 Sir John Major, which is dated 14 July 2017: 8 "I, Sir John Major KG CH will say as follows: 9 "This statement is provided in response to a request 10 dated 5 July 2017 of the Independent Inquiry into Child 11 Sexual Abuse for a supplementary witness statement for 12 the purpose of clarifying four questions raised by the 13 Child Migrant Trust. 14 "I will endeavour to assist where I can. However, 15 sympathetic as I am to the concerns of the Child Migrant 16 Trust, I wish to make clear that I have almost no 17 recollection of the events and circumstances upon which 18 I am asked to comment (which occurred over 20 years ago) 19 and I am reliant upon the information contained in the 20 documents provided to me in the circumstances set out in 21 paragraph 3 of my witness statement of 27 June 2017, 22 together with a small number of additional documents 23 provided by the inquiry on 10 and 13 July 2017. 24 "Question 1: did I, or persons in relevant 25 departments of HMG, commission research, request advice</p> <p style="text-align: center;">Page 8</p>

<p>1 or take other steps in order to ascertain the extent of 2 the British Government's legal obligations in respect of 3 former child migrants?"</p> <p>4 The answer begins at paragraph 3, chair: 5 "The Inquiry will be aware from my earlier witness 6 statement dated 27 June 2017 (paragraphs 4, 6 and 7 and 7 exhibits JM/1, 3 and 4) of the responses I and the 8 Parliamentary Under-Secretary of State for Health 9 provided to parliamentary questions and debate in 1993, 10 which state that allegations of abuse in another country 11 were a matter for the authorities and agencies of that 12 country.</p> <p>13 "In addition, contained within the material made 14 available to me is a 10-page briefing dated 15 24 September 1996 prepared for a meeting between the 16 Parliamentary Under-Secretary of State for Health and 17 the Australian Select Committee on Child Migrants on 18 1 October 1996, which I exhibit as JM/7."</p> <p>19 It is worth pausing here for a moment, chair, and 20 bringing that up. That is INQ000720_001, please. If we 21 could go to INQ000720_004. At paragraph 3, you can see 22 there, chair, that it reads: 23 "It is important to resist the temptation to apply 24 modern standards and values when considering a policy 25 that dates back more than a century. The government</p> <p style="text-align: center;">Page 9</p>	<p>1 country. The briefing also states that the 2 UK Government does not consider itself responsible for 3 cases in which the scheme failed to live up to its 4 objective of offering the prospect of a better life. 5 I have no reason to believe that this briefing was 6 brought to my personal attention while I was in office 7 and I am not aware of any other commissioned research, 8 requested advice or other steps to ascertain the extent 9 of the British Government's legal obligations in respect 10 of former child migrants."</p> <p>11 The second question is as follows: 12 "What steps had been taken by HMG prior to 13 14 July 1993 in order to satisfy itself that allegations 14 of physical and sexual abuse did not involve the British 15 authorities?"</p> <p>16 The answer is at paragraph 5 of Sir John's 17 statement. It reads: 18 "I can only answer for the period from 19 November 1990. I am not aware that there were any steps 20 taken prior to 14 July 1993, and my response to the 21 parliamentary question, exhibited as JM/1, simply 22 records my understanding and belief at the time that 23 there were no allegations of physical and sexual abuse 24 involving the British authorities." 25 The third question is as follows:</p> <p style="text-align: center;">Page 11</p>
<p>1 does not, therefore, consider itself in any way 2 responsible for the proportionately small number of 3 cases in which the scheme failed to live up to its 4 objective."</p> <p>5 We thought that, in light of the evidence that we 6 heard yesterday, it was important to bring that to your 7 attention, chair. And over the page, if I may, at 8 paragraph 7, there is a further statement of policy in 9 1996 which reads as follows: 10 "The schemes were sanctioned by parliament under 11 successive governments, none of which dealt directly 12 with individual cases. The government does not, 13 therefore, consider itself in any way responsible for 14 the proportionately small number of cases in which the 15 scheme failed to live up to its objective. Furthermore, 16 as regards any former child migrants visiting the UK to 17 contact their families, the normal social security rules 18 will apply to them."</p> <p>19 Thank you. We can take that down. Sir John's 20 statement continues: 21 "The briefing sets out the legal basis of the Child 22 Migration Scheme and it can be seen that the position of 23 the British Government remained as stated in 1993, 24 namely, that any concerns relating to the treatment of 25 children in another country is a matter for that</p> <p style="text-align: center;">Page 10</p>	<p>1 "In February 2010, Prime Minister Gordon Brown 2 offered former child migrants a national apology. What 3 factors do you consider prevented HMG from making such 4 an apology and/or initiating an inquiry into the 5 government's responsibility for the sexual abuse of 6 former child migrants during your tenure as Prime 7 Minister?"</p> <p>8 The answer is at paragraph 6, and it reads as 9 follows: 10 "As the Inquiry will be aware, I held the position 11 of Prime Minister between November 1990 and May 1997, 12 and the apology by Prime Minister Gordon Brown was 13 provided almost 13 years after I left office. Without 14 knowledge of the events and circumstances between 1997 15 and 2010, which culminated in the provision of 16 the apology in 2010, it is difficult to suggest factors 17 which prevented an earlier apology from being made. 18 From the documents provided to me, I note that the 19 Australian Select Committee was considering the issue of 20 child migration in late 1996 ..."</p> <p>21 Those are exhibits JM/5 and JM/7: 22 "... and it may be that ongoing investigations and 23 inquiries by that Committee and other similar bodies had 24 a bearing on the issue. I am unable to suggest any 25 additional potential factors."</p> <p style="text-align: center;">Page 12</p>

1 The fourth question, chair, reads as follows:
 2 "In retrospect, do you consider that HMG could have
 3 approached the issue of child migration differently
 4 during your premiership? For example, could HMG have:
 5 "1. Dedicated greater time or resources to
 6 understanding and responding to the concerns raised by
 7 former child migrants?
 8 "2. Provided the CMT with greater funding and
 9 support?
 10 "3. Accepted earlier, as it now does, that its
 11 participation in the child migration programmes was
 12 wrong and that it had some measure of responsibility
 13 towards children sent abroad pursuant to them?"
 14 The answer appears at paragraphs 7 and 8 of
 15 Sir John's statement and reads as follows:
 16 "The full extent of my knowledge of the funding and
 17 support provided by government to the Child Migrant
 18 Trust and other voluntary organisations is contained
 19 within the limited documents made available to me. In
 20 these circumstances, I am unable to provide a response
 21 to questions of the type set out at 4.1 and 4.2 above.
 22 To do so, I would need to know the full extent of
 23 the funding provided to the Child Migrant Trust and
 24 other voluntary organisations supporting the issue of
 25 child migration over the period of my government and

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1 balance that against other competing interests for the
 2 finite amount of public funding and resources available.
 3 The limited information available to me is inconsistent.
 4 I note that the briefing exhibited at JM/7 refers to
 5 cumulative funding of £85,000 provided to the Child
 6 Migrant Trust by 1996/97, whereas the letters of
 7 John Bowis, dated 7 February 1995, exhibited as
 8 JM/8 ..."
 9 For the record, those are INQ000721:
 10 "... suggests a larger sum of £145,000 over the same
 11 period. Beyond this observation, I regret I am unable
 12 to assist further. With regard to example question 4.3,
 13 I am unable to expand upon the answer provided in
 14 paragraph 6 above.
 15 "As is evident from my original and supplementary
 16 statements, very little information on this issue was
 17 referred to me, personally, during my time as Prime
 18 Minister. I therefore have no informed opinion or
 19 knowledge to offer. Nonetheless, I hope the written
 20 material exhibited to my statements and the responses
 21 I have been able to give will prove helpful, both to the
 22 Child Migrant Trust and the Inquiry."
 23 That concludes the evidence of Sir John Major,
 24 chair.
 25 THE CHAIR: Thank you, Mr Wassouf.

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1 MS HILL: Thank you, chair. I call, please, the Right
 2 Honourable Dr Gordon Brown.
 3 THE RT HON DR GORDON BROWN (affirmed)
 4 Examination by MS HILL
 5 MS HILL: You are the Right Honourable Dr Gordon Brown, but
 6 I think you are content to be referred to as Mr Brown;
 7 is that right?
 8 **A. Absolutely, yes. People say other things about me.**
 9 Q. Mr Brown, you were, as we all know, I'm sure,
 10 Prime Minister from 2007 to 2010 and, prior to that, you
 11 were Chancellor of the Exchequer and you have been an MP
 12 for many years. You have helpfully provided the inquiry
 13 with a witness statement -- for reference,
 14 INQ000545_001 -- and is this right, in the course of
 15 that witness statement, Mr Brown, you have answered some
 16 specific questions that were put to you by the inquiry
 17 in advance?
 18 **A. Yes, indeed. Yes.**
 19 Q. I will, if you are content with this, simply take you
 20 through some of the questions that you were asked and
 21 ask you to give some of the answers that you have
 22 provided. Can you help us, please, first of all, with
 23 whether, as Chancellor, you were involved with the
 24 British Government's submissions or response to the
 25 Commission of Inquiry into Allegations of Child Abuse

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1 set up in Queensland, Australia in late 1998?
 2 **A. No, and I think I should put that in context, that it**
 3 **came to me as an issue in 2007 to 2010. There had been**
 4 **a Health Committee Inquiry in 1998 and a report had been**
 5 **done, but it was only in these years, these later years,**
 6 **that I came to be told of the scale of the problem --**
 7 **130,000 child migrants -- the huge violation of human**
 8 **rights, and we were dealing here with the loss of**
 9 **identity, the loss of family, the loss of a sense of**
 10 **belonging; something equivalent, you might say, to**
 11 **a modern form of government-induced trafficking. We**
 12 **knew then it had gone on for many decades unchecked and**
 13 **had continued until the 1970s. But all of this was not**
 14 **known to me, as Chancellor or as Prime Minister, until**
 15 **it was brought to my attention in detail after I became**
 16 **Prime Minister.**
 17 Q. Just for completeness, then, I think you were asked some
 18 questions about whether you had any involvement in the
 19 government's response to the Health Select Committee or
 20 the government's decision not to issue a public apology
 21 after the report. I think your evidence is that you had
 22 no involvement --
 23 **A. No, it never came to me.**
 24 Q. -- directly in those decisions. Thank you.
 25 Help us, please, then, with your meeting with

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1 David Hinchliffe and other MPs in June 1999 and what you
 2 learnt from that?
 3 **A. Well, in the issues that you are dealing with as an**
 4 **inquiry, I can't say I learnt anything that is relevant**
 5 **to the inquiry.**
 6 Q. Because --
 7 **A. I think learned about -- so the inquiry is clear about**
 8 **where we are, I think we have got to divide this into**
 9 **two separate issues. The first was just what**
 10 **I mentioned: the urgent desire to secure an apology and**
 11 **some form of family, you know -- people coming together**
 12 **as families again, family restitution, if you like, for**
 13 **the remaining persons who had been child migrants who**
 14 **had never been in touch with their family, who didn't**
 15 **know, in some cases, what family existed, and this was**
 16 **the pressing issue.**
 17 **It is only after 2010 that I have become aware --**
 18 **and I wrote to the inquiry about this -- of both the**
 19 **existence of a high level of abuse, that this happened**
 20 **in a number of countries, that it happened in some cases**
 21 **in Britain before the children left the country, in some**
 22 **cases it appears it happened during the time that they**
 23 **were in transit to the new country, and this opened**
 24 **a completely new dimension to this whole issue that we**
 25 **were not aware of -- perhaps should have been, but were**

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1 **not aware of -- before 2010, and it is a different order**
 2 **of problem.**
 3 **So the apology of 2010, I want you to be clear,**
 4 **dealt with only half of the story. I personally added**
 5 **a reference when I spoke to the migrants in**
 6 **2010, February, to what I said were stories that I had**
 7 **been given of sexual abuse, but I had no evidence of any**
 8 **standing that I could go on, but I did add it because**
 9 **I was worried that this may be something that should**
 10 **have been dealt with at a later stage.**
 11 **But it is only since 2010 that someone like me has**
 12 **become aware of both the scale, the geographical scope**
 13 **and the long lastingness of this problem of abuse,**
 14 **undetected, unchecked, unreported on.**
 15 **Now, you, as an inquiry, must look at why people**
 16 **like me were never told, why departments in government**
 17 **may have had some information but it wasn't transmitted,**
 18 **but you are dealing with a completely different order of**
 19 **problem that the apology does not cover in 2010, which**
 20 **I believe you have now got to look at, and it raises for**
 21 **me issues about the duty of care.**
 22 **The first issue about people being transmitted to**
 23 **other countries -- transported against their will and**
 24 **without their proper knowledge of what was happening is**
 25 **dealt with in the apology, but the second issue that is**

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1 **as serious, and perhaps more serious, about the**
 2 **individuals concerned is not dealt with in the apology.**
 3 **In my view, it leads to the question of whether the duty**
 4 **of care that the government or successive governments**
 5 **should have had in relation to these children was**
 6 **properly transacted; whether, of course, in the**
 7 **countries to which they went the authorities should be**
 8 **held responsible; and it does for me raise the issue of**
 9 **compensation.**
 10 **In 2010, the issue was restoring family links. That**
 11 **was the central thing before large numbers of people who**
 12 **were very old eventually died: they wanted to be**
 13 **reunited with their families. The money was made**
 14 **available so they could be reunited with their families.**
 15 **The issue at that time was not compensation; the issue**
 16 **was reuniting families. The issue now, I am afraid,**
 17 **because of the evidence we now have, and I hope that you**
 18 **will be able to draw more of it together to get some**
 19 **more dimensions of the scale of the problem, the issue**
 20 **is whether the duty of care that the United Kingdom**
 21 **Government did have a responsibility for people who had**
 22 **been born in Britain that we had sent abroad as**
 23 **a country, whether that duty of care was carried out,**
 24 **and, if not -- which I believe it to be the case, and**
 25 **you are dealing particularly with people who were**

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1 **abused, but, if not, what compensation should be**
 2 **provided, and I hope that you will bring a government**
 3 **minister to this inquiry to answer why, now that**
 4 **evidence has been made available after 2010, the**
 5 **government has not changed its position on this issue,**
 6 **because I believe it should and they should be offered**
 7 **compensation and a scheme should be drawn up to make**
 8 **that possible.**
 9 **You know that in Australia that is now being done**
 10 **and you know in Northern Ireland it has been**
 11 **recommended. I think you now have a duty to look at**
 12 **those people who were abused and what can be done.**
 13 **I have a duty, and others have a duty, to look at all**
 14 **the child migrants and to see, even in cases where there**
 15 **was not sexual abuse proven, even in these cases,**
 16 **whether the duty of care was not properly carried out.**
 17 Q. Mr Brown, I am sorry to cut across you a little bit.
 18 Can I take you a little bit back in the history just to
 19 understand some of the logistics?
 20 **A. Of course. But I hope the inquiry understands the**
 21 **dimensions of this problem that we now know about are**
 22 **different from what we knew before 2010.**
 23 Q. I would like to take you through, if I may, some of
 24 the background to the apology --
 25 **A. Absolutely, absolutely.**

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1 Q. -- just so that the inquiry, which has heard evidence
2 about a whole range of topics, understands your evidence
3 about the background to the apology.
4 I think you have explained that you met with
5 David Hinchliffe and some other MPs as far back as 1999
6 but you don't recall the issue of sexual abuse being
7 raised at that point. It appears from your evidence
8 that the next time this became an issue for you was
9 about 2008. So a couple of years before the apology,
10 when you met then with, I think, Kevin Barron MP, the
11 chair of the Health Select Committee. Is that right?
12 **A. I did meet Kevin Barron and there may have been other**
13 **people there at this meeting. Again, I think we have to**
14 **be clear that the emphasis was almost entirely about**
15 **reuniting families and about an apology. I think I do**
16 **answer in detail there what I recall of that. I think**
17 **it should be emphasised to the inquiry that what the**
18 **Child Migrants Trust was asking for, what Kevin Barron**
19 **was asking for, what previous Health Select Committees**
20 **were emphasising, what the Department of Health was**
21 **focusing on, was both an apology and money to be**
22 **provided so that families could be reunited urgently,**
23 **because I think there are now only 2,000 child migrants**
24 **who are said to be alive. The figure would have been**
25 **higher in 2008/2009, but it was urgent that these**

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1 **families had the chance to be reunited and that was an**
2 **expensive thing to do and money should be provided.**
3 Q. Doing the best you can to recollect the period of time
4 leading up to the apology, I think you have provided the
5 panel with evidence that you were given, I think, some
6 flavour of the experiences of child migrants because
7 that led you to have a broad understanding of the sort
8 of things they were describing; is that right?
9 **A. Yes. I think I'm right in saying Kevin Barron sent me**
10 **papers for the meeting, which included some short**
11 **personal statements.**
12 Q. I think we can pull those up briefly, if we may.
13 INQ000549_005.
14 **A. Yes.**
15 Q. I think we can scroll through --
16 **A. I think there was 11 short summaries.**
17 Q. Several short summaries you can see there.
18 **A. I think nine are entirely about physical and emotional**
19 **problems arising from forced migration; two do mention**
20 **sexual abuse. But I'm not aware that this was actually**
21 **mentioned in our conversation.**
22 Q. If you go just briefly, Paul, to the next page, so the
23 chair and panel can see, Mr Brown refers to a range of
24 issues being discussed here. There is some mention of
25 sexual assault, but there is mention of much more

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1 physical abuse-type incidents as well. I think that's
2 what you are summarising; is that right?
3 **A. Yes. I think you have to remember, there were 130,000**
4 **children who had been migrated. We were dealing with**
5 **this huge number of people who had never had any**
6 **satisfactory redress simply for this act of removal.**
7 **That was obviously the main emphasis of what we were**
8 **discussing, and whether we could reunite the families.**
9 **It is very difficult, I think, now, given what we**
10 **know about both the scale and the existence of sexual**
11 **abuse, to think of these conversations being almost**
12 **exclusively about the migration issue. But that was**
13 **what people were concerned about, and that is what**
14 **people wanted redress for.**
15 Q. That's understood, Mr Brown, as far as your evidence is
16 concerned. I think we are just quite keen to try to
17 establish what has been known and when by the government
18 through the decades.
19 **A. Yes. If I may say so, the issue is not what I knew,**
20 **because I knew very little and was given very little**
21 **information on this. As I said, myself, I added this**
22 **reference in 2010. The issue is what was known within**
23 **the civil service or what was known with reports that**
24 **were coming from Australia and elsewhere that was not**
25 **disclosed to ministers or was not thought to be**

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1 **important enough to be raised as a public issue, and**
2 **I think that's where your inquiry may pay some dividend**
3 **in examining this. I know you had the Department of**
4 **Health yesterday, but I can't help you as much on this**
5 **as perhaps some of the officials who were dealing with**
6 **these issues at the desk at the time.**
7 Q. Just a short point, though: part of the history that you
8 have helped us with in your witness statement is that
9 you are aware that some testimony was given to the
10 Health Committee by a range of former child migrants.
11 Can we just pull up, please, INQ000554_025. I think
12 some of these testimonies is the sort of thing that you
13 were also provided with, just so that we can understand
14 what you were given. You explain this at paragraph 7 of
15 your witness statement, that going from internal
16 page INQ000554_025 through for about eight or nine
17 pages, you were given some further accounts of, as you
18 say, child migration experiences that included a range
19 of allegations. Is that right?
20 **A. Yes. I think we are, again, talking about two cases.**
21 **I may be wrong about this, but I don't recall reading in**
22 **detail anything other than the slightest of information**
23 **about this. It may be that it was in the papers and**
24 **buried in the papers, but, you know, this was not the**
25 **central issue of any meeting that I held and the**

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1 **briefing papers were actually about other things.**
 2 Q. Help us, then, please, with the answer you have given to
 3 this question: when was the first time that the idea of
 4 giving a national apology was suggested to you?
 5 A. **This came out of discussions, obviously, with the**
 6 **Department of Health and my discussions with Kevin Rudd,**
 7 **the Prime Minister of Australia. The first time that**
 8 **I saw this, I felt we had to do something that was very**
 9 **different from what had previously been done. Some**
 10 **things come to you as papers and you look at them and**
 11 **say, "Well, we will deal with that. We will deal with**
 12 **that".**
 13 **When I first realised the numbers involved and what**
 14 **had actually happened, this violation of human rights,**
 15 **which, as I say, was a government-enforced form of human**
 16 **trafficking, I knew immediately that we had to do**
 17 **something.**
 18 **Then we had to look at what could be done and,**
 19 **therefore, there was a discussion about an apology,**
 20 **there was a discussion about the family restoration**
 21 **fund, there was a discussion about what else could be**
 22 **considered. But I certainly made the decision that we**
 23 **had to do something significant. But it was, I have got**
 24 **to emphasise, on the issue of forced migration.**
 25 Q. What was the immediate impetus for giving the apology at

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1 the time that it did get given by yourself?
 2 A. **Well, we wanted consultation, obviously, and had**
 3 **consultation with the Australian Government. The**
 4 **Australian Government were thinking of a more general**
 5 **apology for abuse, if I remember rightly. They had also**
 6 **dealt with the problem of the minorities in Australia,**
 7 **the Aborigines, Aboriginals, and how they had dealt**
 8 **badly with them in the past. So Australia wanted to**
 9 **move, and so did we.**
 10 **Kevin Rudd and I had very good relationships. We**
 11 **had talked about it quite a lot at meetings we had had,**
 12 **about how we would go about this. Eventually, our**
 13 **apology came after theirs, but it was no more**
 14 **significant, I think, because it was us, Britain, who**
 15 **had been responsible for initiating this policy of**
 16 **sending people abroad and it was us who had continued**
 17 **with this policy despite the evidence that it was -- it**
 18 **should have been changed.**
 19 Q. You explain in your witness evidence at paragraph 10
 20 that much of the credit, you say, falls to the Child
 21 Migrants Trust and its chief executive and to the
 22 International Association of Former Child Migrants, to
 23 David Hinchliffe and Kevin Barron, for their commitment
 24 to this cause?
 25 A. **Yes.**

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1 Q. Do you mean by that that they were influential in
 2 raising awareness of this issue?
 3 A. **They had first brought this to the attention of both the**
 4 **Department of Health or the Home Office -- perhaps, in**
 5 **the first place, with the Department of Health -- and**
 6 **they had brought it -- it had come through them to me.**
 7 **I cannot emphasise enough that I do not believe that we**
 8 **would be sitting here today looking at this particular**
 9 **aspect of abuse had it not been for the work of**
 10 **Margaret Humphreys and the Child Migrants Trust and for**
 11 **the fact that Select Committees had been prepared to**
 12 **look at this when there were other issues that they**
 13 **could have looked at at the time.**
 14 **So we do owe a debt of gratitude that this came to**
 15 **people like me who had to make a decision because of**
 16 **the work that they had done in making us aware of this.**
 17 **I just want to emphasise this: I obviously was in touch**
 18 **with the Child Migrants Trust during the period before**
 19 **2010 and, when I made the apology in 2010, I consulted**
 20 **them and in fact I feel that I probably added the words**
 21 **about sexual abuse having talked briefly to**
 22 **Margaret Humphreys. I can't remember exactly all the**
 23 **detail of that.**
 24 **But it was the Child Migrants Trust and**
 25 **Margaret Humphreys who alerted me after 2010, not**

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1 **before, but after 2010, that there was a different**
 2 **dimension to this, and that's why I wrote to the**
 3 **chairman of the inquiry and that's why I raised the**
 4 **issue that I felt that this issue had not been properly**
 5 **dealt with, that the inquiry and the apology -- sorry,**
 6 **the apology was only half the story and that we had to**
 7 **delve into what had really happened and we had to**
 8 **consider what we did about what was a failure in the**
 9 **duty of care.**
 10 **Of course the major failure is in Australia and in**
 11 **Canada and in other places where the abuse actually**
 12 **happened. But it was a failure generally of the duty of**
 13 **care on the part of us in sending people without knowing**
 14 **and following and monitoring what had happened to them,**
 15 **and, of course, I then found that there were cases of**
 16 **abuse within Britain before these children had been sent**
 17 **abroad, and I think you have now got detail of that, and**
 18 **I have read stories that have been given to me by**
 19 **migrants on this, and of course there was an issue about**
 20 **sometimes the children in transit, that there were**
 21 **questions to be asked and answered about that.**
 22 **So my dealings with the Child Migrants Trust were**
 23 **almost entirely before 2010 and the department on the**
 24 **issue of forced migration. It is since 2010 that I and**
 25 **others, I believe, have been aware -- made aware of**

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1 **the scale of the problem that we are now discussing in**
 2 **this inquiry, and it is to your credit that you are**
 3 **looking at this in detail, but I do think you have**
 4 **a duty to delve into where the failures were in**
 5 **government, but also you have got to consider, in my**
 6 **view -- and I make this as a plea to you -- a scheme of**
 7 **redress that should be available to all those who were**
 8 **abused. But in my view, probably because the duty of**
 9 **care was not carried out properly, it should be**
 10 **available to all the remaining child migrants who are**
 11 **still alive.**

12 Q. Can I just take those two parts of your evidence
 13 separately, please, if I may? Dealing first with your
 14 contact with the Child Migrants Trust at around the time
 15 of the apology. I think you explain -- is this
 16 right? -- in your witness statement that they were
 17 influential in the decision to go ahead with the
 18 apology; is that right?

19 A. **Indeed, yes.**

20 Q. And you had a sense from Department of Health officials
 21 that they believed that the focus at that point should
 22 be on an apology rather than financial reparation; is
 23 that right?

24 A. **There is no doubt that that was the pressure and the**
 25 **preference, and I don't think we can rewrite history to**

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1 **say anything else. The focus was on the families being**
 2 **reunited. The injury was the violation of the human**
 3 **rights of these children who had been denied a proper**
 4 **identity, denied a family life, denied a sense of**
 5 **belonging. These terrible violations of human rights.**
 6 **That was the focus. That is why the issue was a family**
 7 **restoration fund, and perhaps not other things that you**
 8 **might think might have been discussed at the time, like**
 9 **individual compensation. The issue was, how quickly**
 10 **could we get the families to be reunited, given all the**
 11 **difficulties of the information being found and then the**
 12 **journeys being conducted, and then the cost of doing so,**
 13 **some people having to come with carers, for example.**
 14 **So giving compensation at that time was not as**
 15 **relevant as making available all the costs for a family**
 16 **to be reunited with travel, carers sometimes, other**
 17 **expenses involved for people to meet together. So that**
 18 **is what the issue was.**

19 Q. In terms of the timing, is this right, that you make the
 20 point in your witness statement at paragraph 13 that
 21 your decision to apologise was taken before
 22 16 November 2009 and was not in response to the
 23 Australian announcement?

24 A. **Definitely.**

25 Q. But you did coordinate with the Australian Government

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1 about what they were going to say and do?

2 A. **Yes, definitely. Our decision was made before. I mean,**
 3 **the nature of what we would say was discussed between**
 4 **obviously November and February, when we did it, but we**
 5 **were determined to go ahead. I mean, as I say, the**
 6 **minute I realised how serious the problem was, I was**
 7 **clear that we had to take action. We were in the middle**
 8 **of a global financial crisis, and we were dealing with**
 9 **other serious issues, obviously, but this to me was**
 10 **essential, having seen what had actually happened.**

11 Q. You make the point, I think, in your witness evidence
 12 that your apology -- we will come to look at it in
 13 a moment -- was to all former child migrants who went to
 14 Australia, but also to the other countries that you
 15 understood children had been migrated to. Is that
 16 right?

17 A. **Yes, and I think this has got to be understood, that**
 18 **while the contact we had was mainly with Australia, the**
 19 **evidence of course was large numbers of people going to**
 20 **other countries, Canada in particular, we had stories of**
 21 **people sent there; I think Zimbabwe was another issue;**
 22 **I think the last child migrant had gone, obviously, to**
 23 **Tasmania; we were dealing with South Africa as well.**
 24 **So, yes, it was for all -- I think the figure would**
 25 **roughly be about 130,000 over the period of time, and**

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1 **I think the last migrant went in 1973.**

2 Q. You, I think, have alluded to the fact that there was
 3 some planning around the logistics of the apology -- is
 4 that right? -- there was careful thought to how it would
 5 happen and how the event would be conducted. Is that
 6 fair?

7 A. **Yes, I think for an apology to be significant, it had to**
 8 **be made in the House of Commons so that it was the**
 9 **country, through parliament, making the apology. But**
 10 **I don't think the apology would have meant enough to the**
 11 **migrants unless we had invited a large number of them to**
 12 **be present.**
 13 **So I decided that we would give two speeches: one to**
 14 **the House of Commons and one to the migrants themselves.**
 15 **It was a very moving occasion when I met the migrants.**

16 Q. For completeness, please, could I just bring up the text
 17 of your statement?

18 A. **To the Commons or to the migrants?**

19 Q. To the Commons. It is INQ000555_052?

20 A. **I have about ten versions of it before it was finally**
 21 **agreed.**

22 Q. It is actually at the very back of the bundle I think we
 23 gave you, but we can put it on screen for you, and the
 24 panel can, of course, read it in its own time. But you
 25 have set out there, at the top of that page, I think,

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1 your comments that you made to the House, and then, can
 2 we also look separately, please, as I think you said, at
 3 the speech you gave, which is at INQ000555_041.
 4 **A. Yes. This is direct to the migrants themselves, and**
 5 **aware of the very special nature of the day that they**
 6 **were being addressed directly by me.**
 7 Q. Mr Brown, just a short question. We have other versions
 8 of this speech that you gave, including some others that
 9 say they are a transcript. Does this document that's on
 10 the screen at the moment look to be the document that
 11 you would have spoken to?
 12 **A. I don't always speak from notes, and I sometimes**
 13 **improvise, but I do believe that I was pretty careful**
 14 **that day to read what was the official text.**
 15 Q. If we go over the page, do we see that you have
 16 specifically referred in the second paragraph down:
 17 "Many of your stories speak of cruelty and neglect;
 18 of the physical, sexual and emotional abuse in uncaring
 19 and brutal institutions ..."
 20 **A. Absolutely.**
 21 Q. That is the specific reference that you make there to
 22 sexual abuse?
 23 **A. Yes, this is what I referred to earlier, that I had**
 24 **added this, I think, after talking to Margaret Humphreys**
 25 **of the Child Migrants Trust, but certainly after reading**

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1 **some of the material in the days before.**
 2 **This was not in the original draft.**
 3 Q. You have provided the inquiry, if they wish to look at
 4 it, with details of the draft as they came to fruition
 5 in your final speech?
 6 **A. If you want that, yes, it is there.**
 7 Q. We are grateful to you for providing as much material as
 8 you have.
 9 For completeness, can I also just bring up while we
 10 are here the apology from Kevin Rudd, the Australian
 11 Prime Minister, that we see at INQ000552_015?
 12 **A. I don't think you have given it to me, have you? Have**
 13 **I got it?**
 14 Q. I think it came in the material we were provided with
 15 perhaps by your staff. Just so the panel have on record
 16 that apology that was given --
 17 **A. Okay.**
 18 Q. -- I think slightly before the apology that you gave.
 19 **A. Okay.**
 20 Q. Thank you. The panel can read that in due course.
 21 Just coming back to your witness evidence, if I may,
 22 Mr Brown, you have explained how it was that you came to
 23 make the apology. Did you have any sense of
 24 understanding why government had not made any apology
 25 prior to the one that you made?

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1 **A. That nobody had taken it up in the way that it would**
 2 **have to have been done for it to be an official apology**
 3 **by government. I mean, it is a very unusual thing to**
 4 **do. We have apologised to a number of people,**
 5 **particularly in relation to prosecutions against gay**
 6 **people; we have apologised for those who were shot as**
 7 **deserters when they were suffering from psychological**
 8 **disorders during World War I. But it is a rare thing**
 9 **for the government to do and, to be honest, I think it**
 10 **does need someone within the government, whether it is**
 11 **the Prime Minister or one minister, to be determined**
 12 **that this is done. I was certainly anxious that we did**
 13 **what we could to rectify what I clearly believed was**
 14 **a gross violation of human rights.**
 15 Q. It might be said, Mr Brown, that a lot of
 16 the information that set out the reality of
 17 the conditions in which children were kept in
 18 institutions in Australia is in the National Archives
 19 and has been there for many years, so it could be said
 20 that that was all material that could have been accessed
 21 by government prior to your apology. What would you say
 22 in response to that suggestion?
 23 **A. I think you should look at what happened and I think you**
 24 **should decide whether there was a failure, or how it**
 25 **happened.**

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1 **Clearly, I was not made aware of this material.**
 2 **Clearly, other ministers were not aware of this**
 3 **material. But clearly, there were people within the**
 4 **machinery who must have known more than we did, and**
 5 **perhaps should have drawn it to our attention.**
 6 **Now, I don't think your inquiry is really about**
 7 **according blame, but I think if you understand why the**
 8 **issues of sexual abuse were not raised with me in any**
 9 **meaningful way, then you will understand, perhaps, why**
 10 **we need to do more to rectify or remedy the abuse that**
 11 **was experienced by so many of the child migrants.**
 12 Q. From the contact that you have had with Dr Humphreys and
 13 child migrants, did you have a sense, though, of
 14 frustration at the delay that was perceived to have been
 15 at the hands of the government in accepting
 16 responsibility for what had happened?
 17 **A. Not between 2008 and 2010, when we were working together**
 18 **to try to do something.**
 19 Q. I mean more in the period prior to then. Did you have
 20 a sense of frustration?
 21 **A. If you look back on the history of this, and the Child**
 22 **Migrants Trust and the work it did for many decades,**
 23 **then you will realise that more should have been done.**
 24 **On the one hand, you have internal government**
 25 **documentation that might have been made available, which**

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1 wasn't, but seems to have been quite limited but was
 2 available, and this needs to be unearthed. There was
 3 a failure. Equally, at the same time, you have this
 4 information coming from independent sources or from
 5 a new trust, a new organisation, outside government that
 6 were pressing us to action.

7 Clearly, the Health Select Committee thought it was
 8 a problem in 1998 when they visited -- I think they
 9 visited Australia, didn't they? Certainly Kevin Barron
 10 and his committee were active in pushing this forward.

11 But the two things probably hadn't quite come
 12 together. One, the private information now available to
 13 government from the outside; and, two, the government
 14 files that should have been looked at more closely,
 15 I believe, at the various times when civil servants had
 16 it drawn to their attention that there may be a problem.

17 I think we have got to be clear. There were some
 18 prosecutions in Australia, but nobody ever brought to
 19 me, "Here is a complaint that has been made to the
 20 Department of Health by a child migrant". I mean,
 21 I can't recall anybody saying, "Here is a court case
 22 that you should look at. I have got these letters from
 23 child migrants". So the level of discussion of this
 24 before 2010, if you don't have letters, if you don't
 25 have court cases, if you don't have documentation, is

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1 bound to be minimal.

2 I mean, the information coming to you is bound to be
 3 far less than it should have been.

4 I just repeat: it is only after 2010, probably in
 5 the last two or three years, that we have come to know
 6 how serious the problem is. I think we have got to ask
 7 now, why, when more information became available in
 8 these years, not enough has been done.

9 Q. You have explained how, for completeness, in addition to
 10 the apology there was an ongoing commitment to funding
 11 the CMT. You have set out for the panel information
 12 about the family restoration fund, about which we heard
 13 more information yesterday. Help us then a little bit
 14 with your evidence about events since the apology. You
 15 have taken a continued interest in this topic; is that
 16 right?

17 A. I met the Child Migrants Trust. I have been visited by
 18 one family and had letters from others. I have
 19 obviously followed what the Child Migrants Trust have
 20 said. I have followed, obviously, your inquiry. I have
 21 asked for more information from the Department of Health
 22 and from the -- within government, and I have been given
 23 it. I have also seen and read some of the case studies
 24 that have been provided by the Child Migrants Trust.

25 I am shocked that we are here now in a position in

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1 2017 where we now know that the apology was only half
 2 the story, and we have yet to do something to remedy and
 3 to deal with the consequences of what is the other part
 4 of the story, which is as significant, perhaps more
 5 brutal: the abuse of so many hundreds and perhaps
 6 thousands of children, something that -- children who
 7 have been forgotten, children who have, even as adults,
 8 seemed invisible for most of these years, who now need
 9 to know that we are taking action to deal with redress
 10 for the injuries they have suffered.

11 Q. In the final part of your witness statement, Mr Brown,
 12 you have given some evidence that I think is on
 13 a particular point about the suggestion that some
 14 children were abused sexually in this country and were
 15 migrated to conceal the fact that they had been sexually
 16 abused. You have referred to a suggestion that
 17 Australian charity leaders came to Britain and
 18 hand-picked children with a view to sexual abuse and
 19 that some may have even been abused on the journey.
 20 Where has that information come to you from?

21 A. This has come to me from the Child Migrants Trust, but
 22 it is not just rumour and hearsay, they have shown me
 23 statements of people who have said exactly that. I hope
 24 that you can investigate that further, because, yes,
 25 I am referring to the duty of care. Where people were

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1 abused in Australia or New Zealand or Canada,
 2 prosecutions should have happened in these countries,
 3 and obviously didn't. But where people were abused in
 4 the United Kingdom, there is an additional duty, on our
 5 part, to have investigated this and to have prosecuted
 6 where it was possible to do so.

7 So this is, of course, a special -- an additional
 8 duty on the United Kingdom. If children were being
 9 abused before they were sent to Australia or elsewhere,
 10 if they were being abused in transit, if people were
 11 coming from Australia to select children, all these
 12 issues that have been raised by migrants themselves
 13 should be investigated.

14 Q. What do you consider should be done now to assist those
 15 child migrants who remain alive?

16 A. The apology has got to be followed by action to give
 17 some redress. Now, there are probably only around 2,000
 18 child migrants who are still alive. I could not
 19 estimate what number of these would either state -- or
 20 we know were abused in the way that your inquiry is
 21 charged to examine. My view is that these cases and
 22 these abuses are so serious that we have a duty to offer
 23 some form of redress.

24 I have been impressed by the fact that the
 25 Australian authorities have now created a national

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1 scheme, and that is for people who were abused. There
 2 are figures about the money that they will make
 3 available, and in some cases substantial, for the scale
 4 of the abuse, but I am also impressed that the
 5 Northern Ireland Inquiry has recommended that action
 6 should also be taken for what are essentially British
 7 citizens, people who were born in Northern Ireland and
 8 were sent from Northern Ireland. I think there are
 9 probably only 200 or so of them and they have
 10 recommended there should be a flat rate payment for all
 11 child migrants, irrespective of what level of abuse or
 12 whether there was abuse, and a higher payment, if
 13 I understand it right, for those who were abused.
 14 I don't think we can do anything less than that.
 15 I hope that your inquiry will feel able, even if the
 16 scope of it does not include all child migrants, to
 17 recommend that there should be redress, compensation of
 18 some kind for those who were abused, whether in this
 19 country or out of this country. The Irish figure is
 20 20,000 for all. My own view is, given the passage of
 21 time and given the age of those people who were child
 22 migrants who may have been abused, it would be easier
 23 and probably fairer, given that the duty of care is what
 24 we are talking about also here, that a flat rate payment
 25 be made to everyone who is still alive, either to enable

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1 them to do things like visit the country, but also as
 2 some form of redress.
 3 So while it is outside the scope of your inquiry,
 4 I believe, to recommend about the duty of care and
 5 generally for people who were not abused, that is what
 6 I would favour. But certainly I hope that you would be
 7 in a position to make recommendations about those people
 8 who, in my view, require compensation for this failure
 9 of the duty of care.
 10 I hope you will bring to the committee a government
 11 minister to answer what the position of the government
 12 is at this stage, because enough is known by the
 13 government for it to make a decision on this issue of
 14 compensation, so that you are in line with what the
 15 government may be thinking, and I would fail to
 16 understand, if, at the end of the evidence you are
 17 receiving from me, and from others, about the abuse that
 18 happened, you have not called a minister -- not just an
 19 official; a minister -- to look at -- to be told what is
 20 the government's position at this stage on these issues.
 21 I hope that's what you will consider.
 22 Q. If it is right, Mr Brown, that the archives do contain
 23 a lot of information that illustrates now what in fact
 24 was happening to those children, do you think there has
 25 been a delay by the government in accepting

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1 responsibility for what happened?
 2 A. I have tried to look at what is now available from the
 3 archives. I mean, there is a reference to 1948, a note
 4 that was given then. The references are pretty sparse,
 5 from what I know, so I think, before you can make up
 6 your mind about that, I think you have got to have as
 7 full a check of the government archives as possible.
 8 What I have seen is very limited references to this.
 9 Some of it hearsay --
 10 Q. I am putting perhaps a more --
 11 A. -- some of it hearsay. So I think you have got to do
 12 that check. Before I saw that information, I wouldn't
 13 be able to give you a judgment.
 14 Q. That is what the panel has been engaged in a lot of over
 15 the last few days.
 16 A. I understand that. I welcome the fact you are doing
 17 that.
 18 Q. If it is right that there is a lot of material in those
 19 archives that has been available for a long time, do you
 20 think the government has delayed in accepting
 21 responsibility for what happened to child migrants?
 22 A. You're talking now about the sexual abuse of child
 23 migrants and not generally about the forced emigration
 24 of child migrants. I would have to see all the evidence
 25 that is available, and I haven't seen it. But clearly,

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1 there was a failure, and that failure leads to where we
 2 are today. But now that we know that there was
 3 substantial abuse, and you may wish to measure the scale
 4 of it in terms of the numbers affected, but we know its
 5 geographical range, we know now that it went undetected,
 6 or at least unchecked, for many, many years.
 7 This seems to me -- and you will have more evidence
 8 than I on this -- as probably the biggest national
 9 sexual abuse scandal, bigger than what people have
 10 alleged about Savile, bigger than what people have
 11 alleged about individual children's homes, bigger in
 12 scale, bigger in geographical spread, bigger in the
 13 length of time it went undetected.
 14 I am shocked about the information that I have seen,
 15 but it is information I have seen, sadly, since 2010 and
 16 not before it.
 17 MS HILL: Chair, those are all the questions I have for
 18 Mr Brown.
 19 A. Thank you.
 20 THE CHAIR: Thank you, Ms Hill.
 21 Questions from THE PANEL
 22 MR FRANK: Thank you, Mr Brown, for your very clear
 23 exposition of your view. In addition to compensation,
 24 which you have asked us to do look at, and you can be
 25 sure that we will, as an issue, you will recall that at

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1 least one country, a small country, in addition to an
 2 apology, established a permanent memorial for victims of
 3 the child migrant programme, before your apology,
 4 I think the Government of Malta did that.
 5 **A. The Government, sorry?**
 6 MR FRANK: Of Malta.
 7 **A. Of Malta, yes, okay.**
 8 MR FRANK: Do you have a view about whether that is
 9 something that you would be recommending as part of
 10 the significant difference that you would wish to see
 11 made in respect of the redress for child migrants?
 12 **A. I think the priority has got to be following on the**
 13 **apology by dealing with the part of the story that you**
 14 **are discussing. So the priority has got to be**
 15 **understanding that this happened and the scale of it,**
 16 **compensation for those people who were directly**
 17 **affected, recognition that the duty of care was not**
 18 **discharged properly. When we sent these children**
 19 **abroad, we still had a duty of care for people who were**
 20 **born in the United Kingdom. I think the compensation**
 21 **issue is probably now more important to the remaining**
 22 **survivors, if you like, who were trafficked.**
 23 **I do think that a national memorial raises difficult**
 24 **issues: one about where, because these children made**
 25 **their lives in other countries, not in the**

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1 United Kingdom; what is the nature of this memorial, is
 2 it going to say that there is an apology for these
 3 people? That would be fine, but what is it trying to
 4 achieve? It is important, in my view, to do for the
 5 living what we can do, and then I think these
 6 discussions about sort of physical memorials, I have got
 7 to say, are less important.
 8 **If there was a demand for it, I think we should look**
 9 **at it, but I have never had anybody apply to me or to --**
 10 **any of the papers I have seen in reading for the**
 11 **inquiry, I have never seen this demanded.**
 12 MR FRANK: Thank you.
 13 THE CHAIR: There is a further question from Sir Malcolm.
 14 PROF SIR MALCOLM EVANS: Thank you, Mr Brown. Could I ask
 15 you, you have said on a number of occasions, if I have
 16 understood you correctly, that you took the initiative
 17 in suggesting the insertion of comments concerning
 18 sexual abuse into the apology in the statements that you
 19 made in 2010. I was just wondering if you could say
 20 a little as to why you decided to take that initiative,
 21 given, if I am understanding you correctly, these were
 22 not being suggested or being called for by others at the
 23 time, and whether, in doing so, you met with any
 24 resistance to that suggestion?
 25 **A. I can't say there was resistance, but remember what**

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1 **I referred to was not that we had concrete, documentary,**
 2 **statistical evidence of this. What I referred to was to**
 3 **try to understand those people who were with me that**
 4 **day, and it was a very moving occasion. I was trying to**
 5 **put in my head what these people who were there, some**
 6 **for the first time in the United Kingdom, were thinking,**
 7 **and I felt I had to recognise that we had received**
 8 **stories of a number of different sorts of things that**
 9 **had happened to these people, and this was one of them.**
 10 **It wasn't because I knew that there was statistical**
 11 **evidence that X per cent of the migrants had been**
 12 **abused. It was that this was part of the story that**
 13 **I had to recognise.**
 14 **So I wasn't putting it in because I knew anything**
 15 **more than I have told you at the time, and I certainly**
 16 **didn't know what I know now, and perhaps it was**
 17 **foresight, but it certainly wasn't because I had a paper**
 18 **before me saying, "You must recommend that something be**
 19 **done about this". I did not know the scale of**
 20 **the problem. I did not know whether it was a small**
 21 **number of cases or a large number of cases. I did not**
 22 **know whether it was one country or many countries. What**
 23 **I knew was that one or two of the stories had referred**
 24 **to this, and I felt it was only right, for the sake of**
 25 **completeness, to refer to that. I do want you to**

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1 **understand that the situation since 2010 is completely**
 2 **different, that we now -- partly, I believe, because**
 3 **2010 released some of the people from the bondage or**
 4 **from the worries that they had about speaking about this**
 5 **before the apology was made. It gave them more**
 6 **confidence to speak out. I think more people then came**
 7 **forward, and certainly that seems to have been what**
 8 **happened with the Child Migrants Trust and the evidence**
 9 **that they brought together.**
 10 **So the situation after 2010, partly because people**
 11 **felt they could talk about it, I think, gave us this new**
 12 **evidence and this new picture that you now -- it has**
 13 **fallen upon you to comment on and to act upon and, if**
 14 **I am right, the numbers might suggest, but certainly the**
 15 **geographical spread and certainly the length of time**
 16 **that this went unchecked, make it the worst of**
 17 **the scandals that we are dealing with. It seems to me**
 18 **that you will want to investigate the compensation**
 19 **points that I have raised and perhaps have been raised**
 20 **by many other people as well.**
 21 PROF SIR MALCOLM EVANS: Thank you.
 22 MS HILL: Mr Brown, I have been asked to clarify one issue
 23 with you, if I may.
 24
 25

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1 Examination by MS HILL (continued)

2 MS HILL: To the best of your understanding, the wording of

3 the apology, did the CMT have some involvement in

4 agreeing the wording of it?

5 **A. Definitely they had an involvement in writing it, yes,**

6 **and commenting on it. I can't say definitively that**

7 **they had a veto, no. But there was consultation**

8 **throughout.**

9 Q. Thank you.

10 **A. I will be honest with you: I just cannot remember the**

11 **exact timings of this, but I inserted it probably after**

12 **talking to people, or herself, Margaret Humphreys, but**

13 **probably after talking to people who had been talking to**

14 **her about what we should say when we had all the**

15 **migrants together.**

16 They didn't want, in my view, us to emphasise that

17 day that they had been abused. That was not what they

18 wanted. What they wanted was a recognition that they

19 had been unfairly treated by being removed from the

20 country. So, you know, they were not appearing before

21 me as an audience that were people that I was telling,

22 "You have been abused and we are going to do something

23 about it". We were saying to them, "You have been

24 unfairly treated. Your rights have been violated. Your

25 right to a family, your right to identity, your right to

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1 belonging", these essential human rights had been

2 violated and that's what we wanted to emphasise to them,

3 that they were part of a community and they had been

4 excluded from it unfairly.

5 I think that's what they wanted, and I was very keen

6 to think, well, what would the apology mean to people if

7 we were able to say that, "You have this right to

8 a family life and you have this right to an identity and

9 you have this right to a sense of belonging. We are

10 trying to do something now to repair the damage that was

11 done, although it is impossible to repair it

12 completely". That's really what I was saying.

13 I don't think, if on that day – perhaps on another

14 day, if people had had more information, we could have

15 referred to these other issues, but that's not, in my

16 view, even what was wanted on that day, and it wasn't

17 the occasion for that. But it was right, in my view, to

18 mention that there was a whole series of problems they

19 had been confronted with, including sexual abuse, that

20 we had been made aware of in stories that had been told

21 to us.

22 It is this distinction between, if you like, being

23 told that there may have been a problem here or there

24 but no court cases that we were drawn attention to; no

25 letters coming; no pleas to me to sort of include this

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1 in the statement, other than just the discussions with

2 the Child Migrants Trust, and the scale of what we now

3 know since and the statements that I saw recently that

4 I had never seen before 2010, and that's why the child

5 migrants issue has, in a sense, gravitated from being an

6 issue about this fundamental violation of human rights

7 through being sent out of the country, sometimes at the

8 age of 3, against your will, being told that your

9 parents were dead when they were alive. These were

10 terrible, terrible things that we were being told and we

11 were giving an apology for, and now we know that there's

12 another dimension to this that is so big that it has got

13 to be investigated, as you are doing in full, but there

14 has got to be some way that redress is provided for

15 those people who have suffered in that way.

16 I come back to this duty of care, that the

17 United Kingdom Governments, whether these people were

18 now citizens of other countries, had still a duty of

19 care because it had – we, or these governments, had

20 sent people abroad without consultation with them or

21 their families and we still had a duty of care to have

22 made sure that they were properly protected and properly

23 safeguarded. Successive governments failed in that duty

24 of care and we continued to send people to these

25 countries until 1973, if I'm right, without ever having

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1 properly exercised that duty of care. That is a source

2 of shame and something that has to be not only

3 recognised, as we couldn't do so properly in 1973 when

4 there was – in 2010, when there was sexual abuse, but

5 now we know how much the problem did exist and how it

6 went undetected, I think, you know, you are in

7 a position to do something about it. That is why

8 I applaud the work that you do as an inquiry, wish you

9 well in the completion of this work and hope that you

10 will focus, in a sense, on the present and what can be

11 done about it and not just on looking at what you have

12 got to do, of course, the past and how this happened.

13 MS HILL: Thank you, chair. Chair, those are, I think, all

14 the questions for Mr Brown. If you are content to

15 release him, there is one other matter we need to deal

16 with before the break.

17 THE CHAIR: Thank you very much, Mr Brown. The panel and

18 I appreciate your attendance in person at this inquiry.

19 **A. Thank you very much. I hope you will call a government**

20 **minister.**

21 **(The witness withdrew)**

22 MS HILL: Chair, there is one short matter I have been

23 invited to address you on and raise with you and that

24 relates to some of the evidence that you heard last week

25 from the Children's Society. You will remember the

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<p>1 evidence of Mr Reed from the Children's Society. The 2 solicitors for the Children's Society have asked me to 3 place on record a couple of clarifications of 4 the evidence that he gave. 5 Firstly, he gave some evidence to the effect that 6 one of the case papers that had been obtained that 7 included reference to sexual abuse had been provided to 8 the Australian Royal Commission, the ARC. In fact, what 9 he meant by that was the Australian Resource Centre, not 10 the Australian Royal Commission. So that is one 11 clarification that needs to be made. 12 Secondly, he also referred to an individual referred 13 to at paragraph 6.9 of the experts' 14th addendum and 14 said that the Children's Society had not identified that 15 individual in its case files. In fact, what I am 16 instructed to put on record is that what he meant to say 17 is that the individual has been identified, the case 18 file has been reviewed, but it does not contain any 19 allegations of child abuse. 20 Finally, Professor Constantine gave some evidence on 21 11 July about CM-A2 and suggested that CM-A2 had been 22 migrated by the National Children's Home. In fact, 23 CM-A2 was a Children's Society child. For completeness, 24 I am asked to place those matters of correction on the 25 record by the Children's Society, so I am content to do</p> <p style="text-align: center;">Page 53</p>	<p>1 MR OLIVER JOSEPH COSGROVE (recalled) 2 Examination by MS HILL 3 MS HILL: Mr Cosgrove, you will remember you have already 4 sworn or affirmed. During this part of your evidence, 5 Mr Cosgrove, I would like to adduce, please, the aspects 6 of your witness statement, for the panel's reference, 7 that begin at paragraph 85. During the part 1 hearings, 8 Mr Cosgrove, we adduced a lot of evidence by way of 9 background, about your migration and about your 10 allegations of abuse. So I am dealing only, in this 11 part of your evidence, with allegations about things 12 since your period of migration. Are you with me? 13 A. Certainly. 14 Q. Help us understand about the VOICES group. What would 15 you like to tell the chair and panel about that? 16 A. VOICES was an acronym for Victims of Institutional -- 17 something, I forget now, Institutional Violence or 18 something, I will call it. 19 Q. You have given the full name, if it helps, you, Victims 20 of Institutionalised Cruelty, Exploitation and Support? 21 A. There it is, yes. It was mainly set up by an ex-primary 22 school principal who had written a book about one man's 23 experiences at Bindoon. He'd published a magazine 24 roughly once every two to three months and it was very 25 polemically written, but it was designed to bring --</p> <p style="text-align: center;">Page 55</p>
<p>1 that. 2 There is one other short matter that arises out of 3 the evidence that you will remember from Mary Gandy 4 a couple of days ago. I took her to various parts of 5 her witness evidence that dealt with, if you remember, 6 the issue of whether or not direct recruitment visits 7 were acceptable or not, and I took her through several 8 parts of the minutes that addressed that. In fact, one 9 of the documents I took her to -- it is from within her 10 evidence at paragraph 41(h) -- was an internal letter 11 addressed to the priest in question, and is not 12 necessarily, therefore, an England and Wales document. 13 So I am asked to correct that. I hope that puts that 14 matter slightly more clearly than in the evidence. 15 Chair, those are the only matters to address you on 16 perhaps before our break. 17 THE CHAIR: Yes. We'll take a break now and reconvene at 18 12.05 pm. 19 (11.50 am) 20 (A short break) 21 (12.05 pm) 22 MS HILL: Chair, I would like to recall Oliver Cosgrove, who 23 I see is here at the table. 24 25</p> <p style="text-align: center;">Page 54</p>	<p>1 Q. I think, Mr Cosgrove, you need to speak a little more 2 loudly. People are having trouble hearing you? 3 A. VOICES was a group that wrote very polemically in 4 a magazine every two to three months and was trying to 5 lobby to get a Parliamentary Inquiry, and what have you, 6 to look into the matters of child sexual abuse in 7 Christian Brothers institutions in Western Australia. 8 There was no formal representative organisation, it 9 was merely one or two people who sat around and -- 10 although it did have a constitution. But it was mainly 11 just to write a magazine and to lobby. 12 Q. Tell us a little bit, then, about how it was in 1989 the 13 Christian Brothers responded to allegations of abuse 14 that were made? 15 A. The Christian Brothers were hostile to VOICES. When 16 I joined VOICES, I didn't know that they had been having 17 meetings with VOICES, but those meetings were a failure 18 eventually. VOICES continued to write polemically and 19 the Christian Brothers then started responding, saying 20 things like, that our allegations were a sham and they 21 were untrue and they started pointing -- having articles 22 written in The Record newspaper, which is a Catholic 23 newspaper, and they would point selectively to documents 24 from the Child Welfare Department or they would get 25 people -- they would brief parliamentarians to make</p> <p style="text-align: center;">Page 56</p>

1 **statements in the record, and they would imply that we**
 2 **were, I think the phrase de jour is "trying it on".**
 3 **So they were very hostile to VOICES and very evasive**
 4 **and defensive.**
 5 Q. Sorry, Mr Cosgrove, let's pull up one of those accounts
 6 you have exhibited to your witness statement, OJC15. It
 7 is INQ000018_002. Just so the chair and panel can see
 8 the sort of thing I think you are talking about. That
 9 is a newspaper article, I think, if we scroll in on the
 10 date, from July 1989. Is that right?
 11 **A. Yes, that's from The Record, which is the official organ**
 12 **of the Archdiocese of Perth.**
 13 Q. We can see, just by way of example, if you scroll down
 14 under the initial bold text, Brother Faulkner, who is,
 15 I think, then the provincial superior -- is that
 16 right? -- of the Western Australia, possibly also
 17 Southern Australia, Christian Brothers?
 18 **A. Yes, the Holy Spirit Provincialate.**
 19 Q. He is quoted as saying:
 20 "It is a pity the positive experiences are not
 21 being recorded also', Brother Faulkner said."
 22 Throughout the report -- the panel can read it --
 23 there are references to certain inspection reports from
 24 the migration period. The italicised text, I think, in
 25 the second column, quotes an inspection report from

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1 Bindoon in 1949, for example. Do you see where it says
 2 there is an inspection report of Boys' Town, Bindoon,
 3 and there are quotes there from it. Is that the sort of
 4 press reporting that you are talking about, Mr Cosgrove?
 5 **A. Yes. They didn't report on the other inspection reports**
 6 **from Bindoon and Castledare and Clontarf which showed**
 7 **that the places were absolute slums.**
 8 Q. You explain, I think, in your witness evidence that the
 9 Christian Brothers acknowledged the abuse in 1993.
 10 Let's just look briefly at the apology that you have
 11 exhibited at OJC16, please, which is INQ000019_002. We
 12 can see there that there is a statement from the
 13 Christian Brothers of Western Australia. I think you
 14 can date this from the top as July 1993. The chair and
 15 panel can read that, but certainly there is a section of
 16 "Our findings" on the left, and then, on the left-hand
 17 side, further down, "Our apology".
 18 How did you react to that apology, Mr Cosgrove, and
 19 what else do you want to say about it?
 20 **A. At the time, I was quite pleased with the apology.**
 21 **I had seen two drafts before that was printed.**
 22 **I thought that it was a fairly good apology. It did**
 23 **talk about unreserved -- the apology being unreserved**
 24 **and we didn't get the usual mealy-mouthed and**
 25 **weasel-words apologies that we invariably see, that**

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1 **start off with the word "If", so this was fairly good.**
 2 **What I didn't like was eventually to learn that the**
 3 **Christian Brothers had had a policy of not recording in**
 4 **their provincial documents instances of child sexual**
 5 **abuse. They then decided they would deal with those**
 6 **matters at provincial level and in a verbal way. This**
 7 **information came to us through the Royal Commission.**
 8 **So the joy of receiving the apology was not**
 9 **unalloyed.**
 10 Q. Tell us a little bit, please, about your report to the
 11 Western Australian Police in 1993?
 12 **A. I went to the Western Australian Police Child Abuse Unit**
 13 **and I laid a complaint against Brother Murray, the**
 14 **details of which the inquiry has heard earlier.**
 15 **I didn't sign the statement, because I wasn't asked to**
 16 **sign it. I was told that it would be typed up and sent**
 17 **to me for signing, but it was never done.**
 18 **The Child Abuse Unit, on 20 July, sent me --**
 19 Q. This is 1994; is that right?
 20 **A. In 1994. They rang me to tell me that they had sent**
 21 **somebody to Adelaide to interview Brother Murray, and he**
 22 **declined to answer any questions. I was later told that**
 23 **there was a DPP decision not to prosecute him through**
 24 **the lack of corroborating evidence.**
 25 **I say here that I felt let down and cheated by the**

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1 **police investigation, because I wasn't informed of**
 2 **the progress or given any details of how it was going.**
 3 **Brother Murray was simply allowed not to answer any**
 4 **questions, which was his right, of course, but the**
 5 **feeling was that there was no fervour in the police**
 6 **investigation.**
 7 Q. That was the feeling you had, you mean, Mr Cosgrove?
 8 That was your feeling, was it?
 9 **A. That was my feeling, yes.**
 10 Q. What do you understand about any convictions of
 11 Christian Brothers for sexual abuse perpetrated at
 12 child-migrant-related institutions?
 13 **A. For the child migrant institutions, there was only one**
 14 **Christian Brother convicted, and that was Brother Dick.**
 15 **There was an earlier one, in 1919, Brother Carmody,**
 16 **Frederick Carmody, but there were no child migrants**
 17 **there at the time.**
 18 **So in total, up until that time there, in**
 19 **Western Australia there had been the sum total of only**
 20 **two Christian Brothers who had been prosecuted and**
 21 **convicted.**
 22 Q. For completeness, I think your understanding is that
 23 Brother Dick was convicted in the early '90s for
 24 unlawfully and indecently assaulting boys under the age
 25 of 14 at Castledare between 1 January 1960 and

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1 31 December 1965 and was sentenced to three and a half
 2 years' imprisonment. Is that your understanding?
 3 **A. He was sentenced to three years on -- yes, that's right.**
 4 Q. Tell us a little bit, then, please, about the
 5 Christian Brothers Ex-Residents Service, the CBERS
 6 service.
 7 **A. CBERS was set up by the Christian Brothers as a response**
 8 **to the allegations we had been making, and it was**
 9 **typical of -- I think of what the -- a lot of the church**
 10 **organisations had been offering. They call it practical**
 11 **assistance or practical reconciliation.**
 12 **CBERS offered a counselling service, it offered sort**
 13 **of collegiality where ex-residents could sit around and**
 14 **talk to each other, and what have you, and I suppose**
 15 **that's fine, but I found that when I went to CBERS'**
 16 **counsellor, I was -- I won't say the name of the chap,**
 17 **but the first thing he told me was that he'd been at**
 18 **the novitiate, the Christian Brothers' novitiate, and he**
 19 **was training to be a Christian Brother for some time.**
 20 **Then the next thing --**
 21 Q. This is the person who was a potential counsellor for
 22 you; is that right?
 23 **A. Yes. The second time I saw him, he said, "Well, Oliver,**
 24 **you are a well-read man. You should go down to the Down**
 25 **To Earth Bookshop in Hay Street and get one of these**

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1 **self-help books". I then thought that this was hardly**
 2 **counselling at all, it was -- I was being fobbed off.**
 3 Q. How many sessions did you have overall with the CBERS
 4 service?
 5 **A. I can recall two sessions. I don't think I had any**
 6 **more, but I recall two.**
 7 Q. So one was with the person who trained as
 8 a Christian Brother and the other was with somebody
 9 else?
 10 **A. No, the same person.**
 11 Q. The same person?
 12 **A. Yes.**
 13 Q. You explain in your witness statement at paragraph 94
 14 that, after those sessions, you started to see a private
 15 psychologist for a while, which helped. Is that right?
 16 **A. Yes.**
 17 Q. Did you find that more useful than the CBERS service you
 18 had received?
 19 **A. Eminently more suitable.**
 20 Q. Tell us, please, a little bit about the Slater & Gordon
 21 class action?
 22 **A. Slater & Gordon offered to take the case on a no-win,**
 23 **no-fee basis. When they took up the case in about 1996,**
 24 **they were made an offer of 5 million. But I understand**
 25 **through the Royal Commission that the ambit claim was --**

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1 **I think it was either 20 million or 25 million, but it**
 2 **was knocked down to 5 million.**
 3 Q. That's a figure given to you in around 1996, I think the
 4 claim having started in 1993. Is that right?
 5 **A. Yes. I was not impressed with either the amount nor the**
 6 **recitals of the deed that we were asked to sign. I in**
 7 **fact wrote to John Gordon and asked him if we could get**
 8 **it changed, because in the recitals there was**
 9 **specific -- we were asked to sign specific disclaimers**
 10 **that the brothers had any liability and knew of**
 11 **the complaints of abuse. I felt that that was**
 12 **dishonest.**
 13 Q. You explain in relation to that piece of litigation that
 14 you didn't provide a formal witness statement. But you
 15 have provided, I think, the inquiry with a psychiatric
 16 report that was submitted on your behalf; is that right?
 17 **A. Yes.**
 18 Q. You received some form of financial settlement from that
 19 overall settlement pot, if I can call it that. Is that
 20 right?
 21 **A. Yes.**
 22 Q. Your understanding, I think, without going into the
 23 detail of how much you received, is that the offer of
 24 AUD5 million -- is that right? -- was to be shared
 25 between 200 victims or so and also includes the legal

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1 costs. Is that correct? Is that your understanding?
 2 **A. Yes.**
 3 Q. Is there anything else from paragraph 98 of your witness
 4 statement that you want to tell us about that
 5 litigation? You have mentioned being upset at having to
 6 sign the element of the deed about no liability, and so
 7 on. Is there anything else that you want to say about
 8 that?
 9 **A. Yes. I thought that -- and the brothers rightly relied**
 10 **heavily on the statute of limitations at the time. They**
 11 **needn't have. I thought they may have exercised a right**
 12 **to waive the limitation, but they didn't.**
 13 **There has been a bill introduced through the Western**
 14 **Australian parliament to amend the liability -- the**
 15 **statute of limitations in respect of child sexual abuse,**
 16 **but it hasn't been debated fully yet. But there is one.**
 17 Q. Tell me, then, a little bit about what you have
 18 understood about Brother Coldrey's research?
 19 **A. Brother Coldrey was commissioned by the Holy Spirit**
 20 **Provincialate to write a book, a history on the four**
 21 **institutions in Western Australia. The book was called**
 22 **"The Scheme". He also wrote several monographs about**
 23 **various aspects of child migration. He wrote one about**
 24 **Bindoon, he wrote one about Brother Keaney, he wrote one**
 25 **about consents of parents. He wrote several of these.**

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1 Q. You have provided the panel, Mr Cosgrove, with one of
 2 the documents that Brother Coldrey prepared because it
 3 has an extract in it that I think you wanted to bring to
 4 their attention. It is INQ00023_002. It is from
 5 a document headed "Child migration consent of parents to
 6 their children's emigration: the legal and moral
 7 dimension". There was something in the middle, I think,
 8 of that page that you wanted to draw out. I don't know
 9 if we can turn it around on the screen so it can be
 10 read.
 11 **A. Yes. I used the terms "malicious" and "false" here.**
 12 Q. Wait until the document is up. It is a little hard to
 13 read. If you look at what Brother Coldrey has written,
 14 have you extracted, on the white text, some text that
 15 talks about, "children who were the offspring of
 16 prostitutes who had no [or occasional] interest in them,
 17 and one (at least) prominent former child migrant
 18 crusader in Western Australia whose father was
 19 a Scottish priest; his mother [was] the former's
 20 housekeeper and ... neither mother nor father wanted to
 21 know him", or something like that. Why have you drawn
 22 that to the panel's attention?
 23 **A. First of all, I thought it was an ad hominem attack that**
 24 **was uncalled for.**
 25 Q. Because you believe it relates to you?

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1 **A. Yes. Secondly, I wanted to know why he knew about my**
 2 **father and my mother and I didn't, or before I knew.**
 3 Q. You can take that down, I think, now.
 4 Do you describe, at paragraph 98 of your witness
 5 statement, that you now understand that his book "The
 6 Scheme" did not fully describe the incidents of sexual
 7 and physical abuse at the institutions in question? And
 8 we have heard evidence about the separate report,
 9 I think the "Reaping the Whirlwind", report. Do you
 10 know now about that?
 11 **A. Yes, I knew about the "Reaping the Whirlwind" report**
 12 **when Slater & Gordon took up the court case.**
 13 **Hayden Stephens, the solicitor, showed me some elements**
 14 **of it. He showed me the part where the archbishop went**
 15 **out to Highgate Christian Brothers College.**
 16 **I also had Richard Guilliat, a journalist from the**
 17 **Sydney Morning Herald, who wrote to me and he sent me**
 18 **copies from the New South Wales Supreme Court transcript**
 19 **where this -- extracts of these were read into the**
 20 **evidence, and then the secret report -- or the "Reaping**
 21 **the Whirlwind" secret report was then suppressed by an**
 22 **order of the Supreme Court and never emerged until the**
 23 **Royal Commission.**
 24 Q. You describe, I think, at paragraph 100 of your witness
 25 statement, this. You say that coming to terms with what

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1 has happened to you has been made more difficult by some
 2 of the Christian Brothers' responses. Just please help
 3 the chair and panel understand what you mean by that?
 4 **A. They claimed that our claims -- they said that our**
 5 **claims were malicious and false, and clearly they**
 6 **weren't, as evidence we have seen in the Royal**
 7 **Commission. We have seen the visitation reports in the**
 8 **Royal Commission where these -- where the brothers'**
 9 **actions have been described and alluded to by visitors**
 10 **from the executive of the Christian Brothers. We have**
 11 **seen the findings of the Royal Commission, and they have**
 12 **stated clearly that the brothers' executives have in**
 13 **every decade from the 1990s onwards known that -- they**
 14 **have known about the child sexual abuse that has been**
 15 **occurring.**
 16 **So, clearly, when they were saying that our claims**
 17 **were false and a sham, they were wrong, and**
 18 **Brother Coldrey, in a magazine called Alpha, said that**
 19 **we were lining up -- just lining up for compensation.**
 20 Q. Tell the chair and panel a little bit, then, please,
 21 about the Towards Healing process?
 22 **A. I didn't have much to do with the Towards Healing**
 23 **process.**
 24 Q. Tell us a little bit about what you understand it was?
 25 **A. Sure. It was an assessment process set up by the**

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1 **Catholic Bishops' Conference to deal with child sexual**
 2 **abuse matters within the church, and it was the response**
 3 **of the church to have people hear the complaint of**
 4 **a plaintiff and then make a judgment and offer**
 5 **compensation.**
 6 **I must say that there was an exception by one of**
 7 **the ordinaries of the church at the time, the Archbishop**
 8 **of Melbourne, Cardinal Pell. He did not join the**
 9 **Towards Healing process. He had what he called the**
 10 **Melbourne Response. It sounded like something from the**
 11 **Melbourne Cup horserace.**
 12 **The Melbourne Response was his unique way of dealing**
 13 **with child sexual abuse within the Archdiocese of**
 14 **Melbourne.**
 15 Q. Tell us what that was?
 16 **A. I don't really know how it differed, because I didn't**
 17 **read that much about it, but most people tended to say**
 18 **that it was a lesser model. But I'm not qualified to**
 19 **say.**
 20 Q. When do you understand the Towards Healing process was
 21 in operation? We can probably tell that from other
 22 documents. But can you remember roughly in the
 23 chronology of your recollection of these various events?
 24 **A. No, I can't.**
 25 Q. Did you play any direct role in it? Did you participate

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1 in it?

2 **A. I did write to the Archbishop of Perth.**

3 Q. Is that a letter to Archbishop Barry Hickey at

4 paragraph 102 of your evidence?

5 **A. That's the one, yes.**

6 Q. You arranged a meeting, I think, with him as a result of

7 that letter --

8 **A. Oh, no, archbishops arrange meetings with you.**

9 Q. Apologies again. Can you tell us, then, please, about

10 what happened at that meeting?

11 **A. We talked about my complaint, the burden of which was**

12 **that I was sent out as a 4-year-old, and I showed him**

13 **documents at the time that indicated that there was**

14 **policy of the Australian Government that people not be**

15 **sent out at such an age. He agreed, and he said that he**

16 **would like to offer a \$10,000 settlement on the matter.**

17 **It wasn't a formal agreement or anything. It was -- and**

18 **it was a personal cheque, and I can't offer a copy of**

19 **the letter or the cheque in evidence, but he did send me**

20 **a cheque for that amount.**

21 Q. That was a personal cheque from him that was mailed to

22 you after the meeting; is that right?

23 **A. Yes.**

24 Q. Is it correct that, really, the focus of that meeting

25 was more about your concerns about the broad issue about

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1 you being migrated at the age you were, not, in fact,

2 about sexual abuse?

3 **A. No, it wasn't about sexual abuse. It was about the**

4 **matter of sending children out at such a young age, or**

5 **me in particular.**

6 Q. Tell us a bit, then, please, about the redress scheme in

7 Western Australia?

8 **A. The Western Australian Labour Government set up the**

9 **redress scheme in 2008, I have got written here. At**

10 **first, it had a maximum payout of \$80,000 for those who**

11 **had been abused in Western Australian childcare**

12 **institutions.**

13 Q. Taking that briefly in stages. Is this right, that this

14 was a Western Australian scheme that was open to anybody

15 who had been a child in state care in that state? It

16 wasn't limited to child migrants; is that right?

17 **A. No, it was anybody who was -- and it still is in**

18 **existence -- abused in state care, yes.**

19 Q. You tell us a little bit in your witness evidence about

20 your application for that. Tell us a little bit more

21 about that, please, in your evidence?

22 **A. It was a fairly long application, it was 14 pages. You**

23 **had to provide details, extensive details, of your**

24 **presence in the institutions, how you managed to get**

25 **there, how long you were there, when you were**

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1 **transferred, and things like that.**

2 **I must say that they did provide counsellors to**

3 **assist people in doing that. And then you had to detail**

4 **the sexual, physical and emotional abuse that you**

5 **endured. At the end of it all, they assessed what you**

6 **wrote and made sure that the details of your presence in**

7 **their care were correct. And then they made a decision**

8 **according to -- I think it was four levels of**

9 **seriousness of the abuse.**

10 Q. Let's just look briefly, we have got your application

11 form -- perhaps we don't need to turn that up -- at the

12 assessment decision, it is INQ000026_002. We see there,

13 I think, that, as you have indicated, Mr Cosgrove, your

14 eligibility requirements had been checked, so if you

15 look, there is a provision under section 2 and section 3

16 that confirms that you have satisfied the scheme about

17 your identity and the fact that you were -- I think

18 there is reference here to dealing with whether or not

19 you were in state care. But if you go over the page,

20 you can see there have been checks about which homes you

21 were in for which years and that those have been

22 verified, you can see at 4 and 5. Then is the

23 conclusion at paragraph 7 that the history has been

24 satisfied as far as they are concerned? But over the

25 page, the assessment decision focuses there on your

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1 allegations of abuse. Is that right?

2 **A. Yes.**

3 Q. Broadly, the scheme operates by an assessment officer

4 called a senior redress officer's assessment, and they

5 categorise, I think at paragraph 13, that the assessment

6 is that it supports that the abuse and neglect suffered

7 by Mr Cosgrove is in the very severe range as compared

8 to other applicants. Then I think, over the page, it is

9 therefore determined that you are an appropriate person

10 to receive redress. Is that right?

11 **A. Yes.**

12 Q. Your understanding, I think, without going into details

13 of what you received, is that there were different

14 categories, is that right, of compensation paid

15 depending on that assessment process?

16 **A. Yes.**

17 Q. Tell us, then, please, about how you found that process

18 in terms of satisfaction? We can take that down,

19 I think, now.

20 **A. It was a shambles.**

21 Q. Why do you say that?

22 **A. They dealt with the matter -- cases on a -- they**

23 **selected them randomly, literally randomly. It wasn't**

24 **done in order of receipt, or anything like that. There**

25 **was no physical manifestation of the redress personnel**

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1 or office, or anything like that. If you had
 2 a complaint or a query or anything about your case, you
 3 were just given a phone number and you would be --
 4 a disembodied voice would say something like, "You will
 5 be contacted later".
 6 The delay in assessing the applications was
 7 considerable. It was about 18 months, I think, in my
 8 case.
 9 Q. Did you feel it had provided you with justice?
 10 A. Oh, not justice, no. It was just a -- I think I said it
 11 was just an expression of regret with a few digits added
 12 to it.
 13 Q. You said here:
 14 "It did not provide any answers. It provided
 15 a generic apology with numbers attached to it."
 16 You have provided the check list that we have looked
 17 at.
 18 Tell us, then, please, next about the role of
 19 Irdi Legal and what they did?
 20 A. Mr Gus Irdi was the principal lawyer of Irdi Legal. One
 21 of the Christian Brothers in the Royal Commission,
 22 Brother McDonald, told the Royal Commission on the last
 23 day of case study 11 that the Christian Brothers
 24 regretted the way that they had handled the previous
 25 matter of recompense or compensation, and that he had --

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1 the Brothers had agreed to look at the compensations
 2 paid, relook at them, and if the matter was felt to be
 3 dealt with insufficiently, they would increase the
 4 amount of money paid if they thought that the matter
 5 wasn't properly dealt with.
 6 Q. You have provided some correspondence that indicates
 7 a willingness by the Christian Brothers to re-examine
 8 those settlements.
 9 A. Yes.
 10 Q. Did that result in any increased compensation to you?
 11 A. Yes, it did.
 12 Q. How did you feel about that?
 13 A. I was not unhappy about it. It was better than nothing.
 14 Q. You have provided some documentation, a limited amount
 15 of documentation, dealing with the broadcasting of
 16 the "Leaving of Liverpool" documentary, which I think we
 17 will perhaps hear a little bit more about tomorrow.
 18 Have you provided a certain amount of information
 19 indicating -- pull up this document, please, and you can
 20 perhaps help the panel with why you have provided this.
 21 It is INQ000030_002. This is just a short document you
 22 have provided. I think we have others of a similar
 23 nature. It is from Brother Coldrey, but it sets out at
 24 (a), does it, that the Christian Brothers here, through
 25 Brother Coldrey, were aware of the publication of

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1 the "Leaving of Liverpool"? What is it you seek to draw
 2 from this? You have provided this to the panel. Is
 3 there anything in particular you want to highlight from
 4 here?
 5 A. Yes. What I want to indicate here is the level to which
 6 the Christian Brothers had been responding to our
 7 claims, in VOICES and in the press, and if you have
 8 a look at (b), it talks about a statement in the
 9 Legislative Council -- that should have been Assembly --
 10 Mr Phillip Pental MLC, a past student. He made a debate
 11 in -- and Derek Thomson, he was an old boy of
 12 Castledare, he interjected --
 13 Q. Tomlinson, I think it is.
 14 A. Tomlinson, yes. They used parliament to debate the
 15 claims that we were making in the Christian Brothers
 16 child sexual abuse case, and you will see there
 17 Brother Coldrey says that both of them received a great
 18 deal of material from Westcourt to get themselves
 19 informed on the issues. Westcourt is the headquarters
 20 of the Christian Brothers Holy Spirit Provincial in
 21 Western Australia, or it was at the time.
 22 So the Brothers clearly had the ear of people to
 23 lobby as well.
 24 Q. Tell the chair and panel, then, please, a little about
 25 your involvement with the Royal Commission in Australia?

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1 A. I gave evidence at the Royal Commission in two hearings.
 2 The Royal Commission had two levels of hearings. They
 3 had the private session, where you sat in with two
 4 Commissioners and told your story, and there was no
 5 cross-examination or anything, and then I had the formal
 6 hearing in which I was -- I gave a public statement.
 7 Q. You have provided the transcripts of your evidence in
 8 the witness statement you gave, and we don't need to go
 9 to those details because we dealt with those perhaps in
 10 part 1. Tell us, please, about your response to the
 11 findings of the Australian Royal Commission in the case
 12 study about the Christian Brothers, your response to
 13 that?
 14 A. I found that the Christian Brothers -- the findings on
 15 the Christian Brothers were quite significant. It
 16 talked about them -- their obligations which they had
 17 neglected.
 18 Q. I will pull up the ones you have summarised in your
 19 witness evidence, INQ000001_015. You have highlighted
 20 some of the findings you found appropriate to refer to
 21 in your witness evidence. So (i) and (ii) at the foot
 22 of this page, please. The findings, summarised, were
 23 that the Christian Brothers were obligated to provide
 24 for the children in their care and educate them:
 25 "This was not done properly in all cases. Many of

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1 the children did not have any real education and instead
 2 were put to physical labour.
 3 "(ii) the visitation reports focused on the
 4 community of the brothers and the finances and religious
 5 observation of each brother, not on the welfare of
 6 the children."
 7 **A. I found that particularly galling.**
 8 Q. Tell us a bit about why that was?
 9 **A. For an order of teaching brothers to have not**
 10 **concentrated on the welfare of the children, for an**
 11 **inspector to come from provincial headquarters and do an**
 12 **annual inspection, like Ofsted, to concentrate mainly on**
 13 **the finances and the brothers and not to concentrate on**
 14 **the welfare of the children, I found that galling.**
 15 **They did comment on some of them; I'm not saying**
 16 **that they didn't, on all of them. But the main thrust**
 17 **of each visitation report was dealing with the**
 18 **observance of the rule at the house, rather than on the**
 19 **people upon whom the focus of the house should have**
 20 **been.**
 21 Q. They were visitation reports from within the Brothers'
 22 order; is that right? Is that what you understand?
 23 **A. Yes.**
 24 Q. We can look at the report if need be. Briefly, over the
 25 page, you set out some more elements of the Royal

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1 Commission's findings that the panel perhaps have heard
 2 about already through the experts, that the state
 3 authorities played a limited role. This contributed to
 4 the lack of access that the boys had to adults outside
 5 the institution to whom they may have disclosed their
 6 conditions, including the abuse.
 7 The panel can perhaps read the remainder of these
 8 findings, but it did include reference to the range of
 9 allegations of sexual abuse that the panel have heard
 10 and, perhaps more pertinently, you see under 5(i) and
 11 5(ii) the panel's findings we have heard about already
 12 that deal with sexual abuse, that the Brothers'
 13 Provincial Council had knowledge of these allegations
 14 from 1919 to the 1960s and had failed to manage the
 15 institution so as to prevent that abuse. How did you
 16 feel in response to these findings?
 17 **A. Vindicated.**
 18 Q. And I think very positive, you say?
 19 **A. Quite, yes.**
 20 Q. Dealing then with your contact with the British
 21 authorities and British Government, I think you did
 22 provide some evidence to the Health Committee; is that
 23 right?
 24 **A. Yes. Yes, I did.**
 25 Q. Then tell us what else you want to say at 111 and 112 of

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1 your statement, please, about the Christian Brothers and
 2 the Australian Government's responses to your
 3 allegations. Is there anything else you want to say
 4 about that?
 5 **A. No, I found that the Australian Government responses**
 6 **were not dissimilar to the British Government responses,**
 7 **in that the Australian Government people said that it**
 8 **wasn't -- it wasn't a matter for them. Like the English**
 9 **government, they said it was a matter for the Australian**
 10 **Government. Sometimes you got response --**
 11 Q. Let's just bring up OJC26 that you refer to,
 12 INQ000030_001. This is the extract from an MP's
 13 observation to the parliamentary assembly in 1993 that
 14 I think you refer to. INQ000030_002, please.
 15 I don't know if we can see from that document
 16 a point that you wish to make on it. Forgive me. We
 17 have gone back to that. That is a wrong reference.
 18 I will sort that out over the break. I am sorry,
 19 Mr Cosgrove.
 20 **A. Is this the one about the children being unwanted?**
 21 Q. No, I have a reference here INQ000030, but that is
 22 obviously a wrong reference. Let me address that over
 23 the break. I have got it from the index but I can see
 24 that I need a different document.
 25 Tell us, then, please, more broadly, Mr Cosgrove,

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1 about the research you have done and the material that
 2 you have tried to assist the panel with in terms of
 3 historical material?
 4 **A. I did quite a bit of research into this matter. I went**
 5 **to the State Records Office in Western Australia. I got**
 6 **a lot of information from them through having a look at**
 7 **their files.**
 8 **I must say that, until the passage of the Freedom of**
 9 **Information Act, that was very difficult. You had to**
 10 **apply for permission to get to the files, which had**
 11 **a 100-year restriction on them. I got some files to**
 12 **look at. When the Freedom of Information Act came in,**
 13 **that was easier.**
 14 **I also looked into the deaths of various of the boys**
 15 **at Christian Brothers institutions. There were more**
 16 **deaths in those institutions attributed to fractured**
 17 **skulls than to any other cause. Someone elsewhere has**
 18 **suggested that many of the deaths were due to motor**
 19 **vehicle accidents, but that's not so. I have the death**
 20 **certificates and the death certificate numbers which**
 21 **give the cause of death. There was no coronial inquiry**
 22 **into any of these deaths. These were violent deaths at,**
 23 **I will call them industrial sites, because children were**
 24 **being worked.**
 25 **I did a lot of research for the various**

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1 **parliamentary committees that are around the place, and**
2 **I also -- I gave evidence to the WA Select Committee.**
3 Q. Yes.
4 **A. I gave a verbal presentation to the committee. I also**
5 **made a written submission to the House of Commons Health**
6 **Committee.**
7 Q. You have provided the inquiry with all of those
8 documents. I think we have plenty of those submissions.
9 Have you found it helpful to you to spend some time
10 doing this research?
11 **A. It kept me off the streets.**
12 **No, I did find it helpful. I was able to tell my**
13 **newly found family what had been going on, and that was**
14 **quite useful. They didn't believe that a nation could**
15 **organise such an event like that.**
16 Q. Just going back, if I may, to your OJC26. I did have
17 the right reference, I'm reminded. I should have gone
18 to the third page of it. It is actually that
19 parliamentary extract that we have already looked at.
20 I think the point you made is that that is an
21 example of people speaking in parliament about these
22 issues. Do you want to pull up that again: it is
23 INQ000030_003.
24 You reference this in paragraph 112 of your witness
25 statement. Do you want to pull out anything from what

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1 Mr Pental says there? You can see the phrase at the
2 top, about how he describes --
3 **A. I'm not going to be hauled into the tower for**
4 **parliamentary privilege, am I?**
5 Q. I don't believe so. This is, I think, from an
6 Australian parliamentary debate.
7 **A. Oh, well, we don't have standards.**
8 Q. I'm afraid I don't know what their rules are, but even
9 if they have the same rules, I think you can adduce this
10 for the fact of what is said in the debate. I hope
11 that's correct. I'm not giving you legal advice or the
12 inquiry but I think that is probably a fair assumption.
13 **A. Mr Pental said:**
14 **"My point continues to be that, not only did Britain**
15 **not want their children and Malta not want theirs, but**
16 **also they ended up in Western Australia and not even the**
17 **state here wanted them. Therefore, one of the principal**
18 **places they could end up in was Catholic institutions,**
19 **and of course there were other churches and non-church**
20 **bodies who took those children in."**
21 Q. It goes on to say:
22 "I, for one, have heard from dozens upon dozens of
23 people who have no complaint."
24 **A. Certainly.**
25 Q. And gives example of that. Is that the point, partly,

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1 that you wanted to draw out?
2 **A. Yes, and I mention too that -- he mentions too that**
3 **people there said that they didn't have proper love or**
4 **affection, and things like that. I just thought that it**
5 **was something that he needn't have said. I mean, you**
6 **know, the British didn't want us, the state didn't want**
7 **us, the only people who did want us was the Catholic**
8 **institutions, and they took in people from children's**
9 **courts as well, so ...**
10 Q. Just a few more questions, if I may, Mr Cosgrove, before
11 our break, just for completeness.
12 You have also provided this panel with some
13 historical documents that you have obtained in the
14 course of your research, which I understand the experts
15 have been provided with, but just to adduce through you
16 some of the sort of material that you have given to the
17 inquiry, can I pull up, please, INQ000007_004.
18 This is the sort of document that you have located.
19 It is a document from the Christian Brothers. It is to
20 do with the agreement, I think, reached about the
21 capital contribution for the Tardun school. Is that
22 right?
23 **A. Yes. This comes from the Dominions Office. It is**
24 **a very poor reproduction that was in the State Library,**
25 **from the Australian Joint Copying Project. But it**

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1 **was -- there are copies of the National Archives' files**
2 **in Perth in Western Australia, and this is some of**
3 **the stuff that I found very useful.**
4 Q. Next, please, just briefly, INQ000010_002. This,
5 I think, is another contemporaneous document. Again, it
6 is pretty hard to read. But this looks to be a memo
7 from Mr Heyes, who I think we understand to be an
8 immigration official, from August 1953 about the
9 selection of child migrants; is that right?
10 **A. Yes. Tasman Heyes was the secretary of the Immigration**
11 **Department.**
12 Q. You have also provided, I think, INQ000011_002. This is
13 described, if you see in the letter, as a policy in
14 connection with the handling of migrant children in this
15 state, so this, again, I think is a Western Australia
16 document. But if you look over the page -- the panel
17 may wish to read this document -- this is a Child
18 Welfare Department policy in regard to migrant children
19 which references, for example, under 4 that the
20 custodian takes full responsibility for the care and
21 upbringing of each child in accordance with the
22 provisions of the child welfare Act and regulations;
23 that officers of the department continue to visit the
24 institutions at regular intervals to ensure that the
25 standards of accommodation, food and amenities are

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1 maintained; the review committees consisting of officers
 2 of the department and representatives of the custodian
 3 authority continue to meet annually to review those
 4 children who have attained the age of 14 years and
 5 upwards to plan out their future vocations?
 6 **A. Could I interpose here?**
 7 Q. Yes, of course.
 8 **A. That section 6 did not apply to Tardun because of**
 9 **the isolation. The committee did not sit in relation to**
 10 **Tardun. The principal's recommendation sufficed.**
 11 Q. I see. So is there anything else from this document
 12 that you wish to draw to the panel's attention?
 13 **A. Yes. This document was written by the delegate to the**
 14 **Minister for Immigration. He had the power under the**
 15 **Immigration Guardianship of Children Act.**
 16 **The various voluntary organisations that brought**
 17 **child migrants to Australia, they had to, under the**
 18 **immigration guardianship regulations, sign an indenture**
 19 **with the delegated guardian in which they agreed to**
 20 **certain -- handle children in certain ways, and this was**
 21 **the delegated -- the minister's delegate -- his way of**
 22 **telling the voluntary organisations how child migrants**
 23 **were to be treated.**
 24 Q. Do we see at paragraph 11 that officers of
 25 the department -- that must be the child welfare

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1 department -- are to check from time to time on the
 2 progress of children who have left the institutions? Do
 3 you recollect that happening in your case?
 4 **A. No.**
 5 Q. Over the page, at 15, regular conferences are to be held
 6 between officers of the Child Welfare Department and the
 7 custodian authorities for the purpose of solving minor
 8 problems which may arise from time to time. Do you know
 9 anything about such meetings taking place relating to
 10 you or the institution where you were?
 11 **A. I know that there was one held just before the arrival**
 12 **of Mr John Moss. I don't know of any others. I didn't**
 13 **see any others from the state archives that I searched,**
 14 **but I can't say that I had a comprehensive search.**
 15 Q. From the limits of what you do know?
 16 **A. Yes, I don't know of any others.**
 17 Q. Then I think just two more documents you have
 18 highlighted for the panel that you have exhibited to
 19 your witness statement. I think we may have already
 20 come to this in the part 1 hearing. INQ00012_002.
 21 You have referenced there some child welfare
 22 regulations. I think we looked at this in your part 1
 23 evidence, because I think you highlighted under
 24 section 19 over the page what the rules were about
 25 corporal punishment -- is that right?

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1 **A. Yes.**
 2 Q. As set out in these regulations. These are the
 3 Western Australia regulations. I think they may have
 4 been highlighted on the original. That's what you bring
 5 to the panel's attention?
 6 **A. Yes.**
 7 Q. You have provided some extracts, I think, from
 8 inspection reports. Just one example, I think, that you
 9 have drawn to the panel's attention, INQ00013_002.
 10 Again, apologies, I think we may have looked at this in
 11 the part 1 hearing, but you drew this to the panel's
 12 attention I think because in this extract at the top on
 13 the left-hand side -- is this right? -- there is
 14 reference to:
 15 "One brother, Brother O'Doherty, solely is
 16 responsible for the authorisation of any punishment.
 17 A punishment book is kept, no entries [in it]. Brother
 18 O'Doherty explained that the boys in such an age group
 19 under his care do not get into serious trouble.
 20 Therefore, punishment considered [various] enough to
 21 record does not occur."
 22 What institution does this relate to, Mr Cosgrove?
 23 **A. This relates to Castledare.**
 24 Q. What do you want to draw from it to the panel's
 25 attention?

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1 **A. I think I mentioned in my part 1 evidence that I was**
 2 **beaten at least three times a week at Castledare. That**
 3 **remark there is addressed in a Child Welfare Department**
 4 **report on Castledare, and they have taken the Brothers'**
 5 **word that none of us ever get beaten. Not only that,**
 6 **they have taken the Brothers' word that only one person**
 7 **does the beating -- sorry, has the responsibility for**
 8 **any beating that may have occurred, and that was him.**
 9 **Every brother in the place beat us. Every brother**
 10 **in the place beat us every week. And there was nothing**
 11 **in the book.**
 12 Q. You have explained, I think, in your witness evidence
 13 that you, yourself, have given various interviews, you
 14 have written some articles for the media, and you made
 15 submissions I think to this inquiry before you were
 16 recognised as a core participant.
 17 I hope that covers all of the topics in your witness
 18 statement, Mr Cosgrove. Is there anything that I have
 19 missed or anything else that you would like to say?
 20 **A. May I make a statement, a summative statement?**
 21 Q. If you wish. You will, of course, have the right to
 22 make a closing statement, but if there is any further
 23 evidence you would wish to give?
 24 **A. Oh, no, I have no other, except for what I would like to**
 25 **say here.**

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1 Q. Is this some new evidence you wish to give about
 2 a particular topic? I think if you wish to give some
 3 evidence, then feel free, if it is relevant to the
 4 panel's terms of reference?
 5 **A. To do with the child deaths?**
 6 Q. I'm not sure what you are thinking of saying.
 7 **A. Could I consult with Mr Khan, please?**
 8 MS HILL: Just bear with me a second, chair.
 9 **A. Sorry.**
 10 MS HILL: I think, Mr Cosgrove, Mr Khan's understanding is
 11 that you will have the right to make a closing
 12 statement, and I think what you have got in mind is more
 13 in the manner of a closing statement than evidence. But
 14 the chair and panel may have some questions for you.
 15 THE CHAIR: No, we have no questions, Mr Cosgrove. Thank
 16 you very much for your witness evidence today.
 17 MS HILL: Thank you, chair, that concludes his evidence.
 18 (The witness withdrew)
 19 THE CHAIR: We will now take a break and reconvene at
 20 2.00 pm.
 21 (1.00 pm)
 22 (The short adjournment)
 23 (2.00 pm)
 24 MS HILL: I recall, please, David Hill.
 25

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1 MR DAVID HILL (recalled)
 2 Examination by MS HILL
 3 MS HILL: Mr Hill, you took the oath or affirmation at the
 4 beginning of the part 1 hearings and that continues to
 5 apply to the evidence you give today, as I'm sure you
 6 will understand.
 7 **A. Yes.**
 8 Q. Can I ask you to turn up paragraph 16 of your first
 9 witness statement, INQ000042_004, please. Can we scroll
 10 in on paragraphs 16 and 17, because you didn't give this
 11 evidence, Mr Hill, during the previous hearings.
 12 Is this right, that, very broadly, what you have
 13 done there is set out information that you have obtained
 14 from your own archive research about a certain number of
 15 individuals against whom you understand allegations of
 16 sexual abuse have been made? So Mr Beauchamp and
 17 Mr Newbury are ones that you provided documentation
 18 about; is that correct?
 19 **A. That's correct.**
 20 Q. You have also said there that there were rumours that
 21 the aftercare officer, Mr Phillips, was sacked because
 22 of -- it says here "he left Fairbridge abruptly" and
 23 there were rumours he had been sexually abusing both
 24 boys and girls?
 25 **A. But in addition to rumours, in the case of both Newbury**

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1 **and Phillips, there was multiple corroborating evidence**
 2 **from former Fairbridge children that they had been**
 3 **abused by both.**
 4 Q. Those are people that you have heard accounts from more
 5 recently; is that right?
 6 **A. Yes, and in fact I have referred to a number of them in**
 7 **the book that I wrote.**
 8 Q. You also referred there to a Mr Woods against whom you
 9 understand allegations have been made; is that right?
 10 **A. Yes, on a number of occasions.**
 11 Q. In your book, is one of the issues that you raise about
 12 Mr Woods, without perhaps naming the person who has made
 13 these allegations, that one female child migrant
 14 remembered bringing him a cup of tea in bed in the
 15 morning and said that he customarily slept in the nude
 16 and was completely unabashed when the trainee girl came
 17 into his room and she suggested, I think, to you in your
 18 book that she wouldn't go into his bedroom and he would
 19 call out for her to bring it in, bring his cup of tea
 20 in. Is that right?
 21 **A. That's correct.**
 22 Q. Tell us, please, what you say at paragraph 17 about your
 23 ability to research this sort of information?
 24 **A. Well, the files, which has been dealt with at the**
 25 **inquiry since, I had limited access to the files of**

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1 **Fairbridge in Sydney. The New South Wales Fairbridge**
 2 **Foundation. They give me access to some boxes of**
 3 **miscellaneous papers, which were very valuable to me but**
 4 **very limited. I was hit with the 100-year and 75-year**
 5 **rule when I tried to access documents of Fairbridge UK**
 6 **at Liverpool University.**
 7 **Most of the evidence that I gathered of the sexual**
 8 **abuse of Fairbridge children came from the Fairbridge**
 9 **children themselves. Initially, very few. As I have**
 10 **said in the statement -- and everybody is finding this,**
 11 **the Australian Royal Commission as well, that it can**
 12 **take decades before people start revealing their**
 13 **experience of sexual abuse, victims of sexual abuse, and**
 14 **it tends to be longer in cases where the perpetrator is**
 15 **a person of authority, in a position of authority, over**
 16 **the children.**
 17 **When I was researching the book, there were only**
 18 **initially four or five kids. Then, for the second**
 19 **edition of the book, some more came forward. We made**
 20 **a documentary and more came forward. Eventually, in the**
 21 **court case that we won 18 months ago, over 160 former**
 22 **Fairbridge children were successful in their claims of**
 23 **sexual abuse. But it snowballed from a very small**
 24 **start.**
 25 Q. Pausing there, in your book, again without naming

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1 individuals, at pages 182 onwards, I know of the last
 2 edition, perhaps even the earlier edition, not the new
 3 version of your book, these pages, I think, have been
 4 made available to the core participants. But you have
 5 given, in that part of your book, several different
 6 summaries of accounts of sexual abuse, so just to
 7 summarise them without pulling them up, please, there is
 8 one female former child migrant I think who gave
 9 a witness statement who talked about Mr Phillips?
 10 **A. Yes, her evidence was read in part 1.**
 11 Q. Yes.
 12 **A. She was, I think, 14 and she was assigned to work in**
 13 **what was called Gloucester House, and to look after**
 14 **Mr Phillips and his wife and daughter. She was**
 15 **regularly sexually abused and we heard her evidence in**
 16 **part 1 of these hearings.**
 17 Q. Just to give the chair and panel a flavour of some of
 18 the other accounts that you have obtained, because these
 19 are people, I think, who haven't given evidence in
 20 part 1, you refer to one person who alleged, as
 21 a 5-year-old, being sexually abused by Mr Newbury, who
 22 was at that time the garden supervisor?
 23 **A. Yes, and she was repeatedly sexually abused after that.**
 24 **She says that she was first sexually abused by Newbury**
 25 **in the garden sheds when she was 6. She was eventually**

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1 **raped, until when she was about 10, by her half-brother,**
 2 **at Fairbridge. She's also the little girl we have heard**
 3 **about who had her head held down the toilet, when she**
 4 **was six, to cure her of bed wetting.**
 5 Q. In your book you have quoted her as saying that
 6 Mr Newbury said to her that "I couldn't go and tell
 7 anyone". Well, he says, on her account, "You tell and
 8 you get it worse" and so it is for that reason she
 9 didn't report it. Is that what you understand she told
 10 you?
 11 **A. She did tell me that. Not only that, when I interviewed**
 12 **her, this is 45 years later, she hadn't even told her**
 13 **partner, and it was the first time she had told anybody**
 14 **when she told me.**
 15 Q. There is another female child migrant you refer to in
 16 your book who describes arriving in 1939, being
 17 transferred to Fairbridge in 1944, and she says in your
 18 account:
 19 "I won't mention the man's name, but I was sexually
 20 abused at 16 at Fairbridge. I thought it was the law of
 21 the place. There was nowhere to go because they
 22 wouldn't believe you."
 23 Is that another account that you have received?
 24 **A. Yes. In fact, she and the other woman that is bracketed**
 25 **with her first publicly claimed sexual abuse when they**

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1 **were both 75 years old. That's how long it took them to**
 2 **talk about it.**
 3 Q. You have mentioned, I think, already, one of the male
 4 former child migrants who has made allegations in
 5 relation to Governor Slim. You deal with him in the
 6 book as well. Finally, you refer to I think one other
 7 male former child migrant, who recalls, I think, being
 8 molested by an older boy and spoke to you about that; is
 9 that right?
 10 **A. Yes. Correct. The Lord Slim one is interesting because**
 11 **I didn't include it in the original edition of the book**
 12 **because I only had the allegation from one former**
 13 **Fairbridge boy, and he didn't want to put it on the**
 14 **record. He waited until I had finished typing our**
 15 **interview. And I thought that wasn't enough. It was**
 16 **only subsequently that two others came forward with**
 17 **exactly the same story, that I finally included it in**
 18 **the later editions of the book.**
 19 Q. I think in a later part of your book you refer to one
 20 other former Fairbridge girl giving evidence to you that
 21 she had been sexually abused by Mr Newbury:
 22 "I was 11 or 12. I find it hard to talk about. He
 23 used to grab you and run his hands all over you. It was
 24 disgusting."
 25 Is that another account that you were given?

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1 **A. Yes.**
 2 Q. I think you have mentioned in your book -- again, we
 3 don't need to name this person, but you have described
 4 one of the other, I think, garden supervisors who was
 5 somebody who would, you say at page 146 of the book,
 6 grab the boys' genitals as a sick joke and that made you
 7 all feel dirty and uncomfortable. Do you remember that
 8 account?
 9 **A. Yes, and I include it in my witness statement. I was**
 10 **one of the victims of that.**
 11 Q. Turn now, please, if I may, to a different topic that
 12 you address in your witness evidence at page 12,
 13 internal numbering. So it is INQ000042_012, please,
 14 which is where you are asked to give details about where
 15 you believe institutional responsibility for the child
 16 sexual abuse that you have described properly lies.
 17 Tell us, please, what you say about that topic?
 18 **A. Sorry, what paragraph number?**
 19 Q. It is paragraph 53 and onwards. This is your evidence
 20 as to whether or not there is institutional
 21 responsibility within Australia or within Britain?
 22 **A. I think both. What I have said in my witness statement**
 23 **was, in relation to the institutions in Australia, the**
 24 **Fairbridge Foundation of New South Wales, the**
 25 **New South Wales State Government, who were delegated the**

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1 responsibility of our care, and the Australian Federal
 2 Government, because the Minister for Immigration was
 3 legally our guardian, all three were institutions that
 4 were responsible for the welfare of the children and all
 5 three were defendants in the legal case brought by
 6 200-odd Fairbridge children into -- well, it went for
 7 nine years, but it was wound up in 2015.

8 I also think that the British Government and the
 9 UK Fairbridge Society, who were not part of the legal
 10 action, are both responsible for failing to take
 11 sufficient care to protect the children of Fairbridge.

12 Q. You have referred in your witness evidence to a range of
 13 documents that you have provided the panel with.
 14 Although you describe the limits of your ability to
 15 access the archives, in fact you have been ultimately
 16 able to access a certain amount of Fairbridge material.
 17 You have set out in your witness statement your
 18 understanding about, for example, the black list from
 19 1956 and the fact that children sailed to Fairbridge
 20 shortly after that black list was imposed?

21 A. Yes. I think this is one of the really great betrayals
 22 of the British Government. Under a lot of pressure, and
 23 we have heard this from the expert witnesses, there was
 24 growing concern here in the UK from the late '40s, post
 25 Curtis, post the Children Act in 1948, and some of

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1 the protests about the child migrant schemes were very
 2 public, and in 1956, the British Government sent
 3 a fact-finding mission to Australia that investigated
 4 26 child migrant centres that were operating in
 5 Australia at the time.

6 As a result of those investigations, on returning to
 7 London, the government drew up what they called a black
 8 list of institutions that they said were not fit for
 9 children, and went as far as suspending the approval of
 10 16 Fairbridge kids who were -- we were all corralled in
 11 a beautiful old home in Knockholt in Kent and there were
 12 16 children ready to sail and Fairbridge was advised
 13 that the British Government wasn't going to authorise
 14 them going.

15 Then, as a result of well-documented civil servant
 16 files --

17 Q. I think the experts have dealt with this to some
 18 degree --

19 A. Yes.

20 Q. -- and you have provided some of this similar material?

21 A. Yes.

22 Q. But I think you reference this in your statement because
 23 I think you --

24 A. What they did is quietly tore up the black list and
 25 allow hundreds more -- those 16 children and hundreds

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1 more, some as young as 4 years of age, including me, to
 2 go to an organisation that had been blacklisted and
 3 condemned as unfit for children.

4 I must share this with you. Not only did they take
 5 no steps to change Fairbridge at the time, but they
 6 allowed Fairbridge to go on marketing -- of course,
 7 Fairbridge was increasingly at the time -- I only
 8 learned this much later -- being effectively boycotted
 9 by child welfare professionals. So they were appealing
 10 direct through local newspaper advertisements, and they
 11 had 72 honorary secretaries spread around the UK that
 12 would come to homes like ours, poor families, promising
 13 opportunities that single parents couldn't provide, and
 14 one of their brochures -- I must share this with you --
 15 said, "In Britain", and they gave us this brochure:

16 "In Britain, many thousands of children, through
 17 circumstances and the bad environment in which they are
 18 forced to spend formative years of their childhood, are
 19 deprived of opportunity of happy, healthy and sound
 20 upbringings and are allowed to go to waste."

21 They said of Fairbridge:

22 "They can exchange bad and cheerless homes set in
 23 drab and murky surroundings of the backstreets for
 24 a clean and well-kept home, good food and plenty of it,
 25 and fresh air, sunshine and a myriad of interests and

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1 beauties of the countryside. Here they are given love
 2 and care which many of them have never known."

3 They were allowed to continue, despite the black
 4 list and the condemning of the institutions, to continue
 5 marketing directly to parents. We were in total
 6 ignorance. We believed all that, along with hundreds of
 7 other families as well.

8 Q. Can I come now to some more evidence that you have given
 9 about the issue of the links between the
 10 UK Fairbridge Society and Molong. Do you remember that
 11 issue is one that you address?

12 A. Yes.

13 Q. I don't know if you can go to your third witness
 14 statement, please. INQ000563_004. This is
 15 paragraph 21, I think, Mr Hill, of your third witness
 16 statement and onwards. You're responding there,
 17 I think, to a suggestion in the witness evidence from
 18 Mr Haynes that Molong was entirely separate from the UK
 19 Fairbridge Society?

20 A. This is another preposterous lie from Fairbridge.
 21 Haynes, to say that -- to lodge three different
 22 statements alleging the same thing, that UK Fairbridge
 23 had no control, that Fairbridge in Molong was
 24 independent after 1947, is absolutely preposterous, and
 25 what I have included in the witness statement is

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<p>1 a copy -- there was a new agreement negotiated 2 between -- 3 Q. Let's just go over the page, please, to paragraph 26 4 where you deal with this. This is a new agreement that 5 you refer to, going back to 1947; is that right? 6 A. Yes. 7 Q. December 1947. It is an agreement that you have located 8 between UK Fairbridge and Fairbridge Molong? 9 A. And significantly, this quote is from the minutes of 10 the UK Fairbridge Society. 11 Q. Which I think you have also provided as a document, but 12 you just summarise the part of it here that you rely on? 13 A. Yes. 14 Q. Tell us what you draw from that extract from the 15 document in question, Mr Hill? 16 A. The agreement -- it says: 17 "The agreement follows the general lines of 18 the Canadian agreement. Thus London can direct the 19 policy under which the board of governors manage the 20 school and look after the children." 21 I go on in paragraph 27 to say that a similar 22 resolution was passed by the New South Wales board, 23 which I have since seen -- since February/March I now 24 have access to the minutes of Fairbridge in 25 New South Wales. In their minutes, on 29 October 1947,</p> <p style="text-align: center;">Page 101</p>	<p>1 Supreme Court exactly the same thing, that 2 New South Wales had no control over Fairbridge, it was 3 all London. They said -- 4 Q. Bring up the next page, the end of your paragraph 29. 5 I think you quote from the judgment, do you, in the 6 indented part of that text? 7 A. Yes -- no, this was in evidence, that they say as the 8 third defendant -- they were the third defendant, the 9 New South Wales Fairbridge Foundation, along with the 10 Federal Government in Australia and the State 11 Government. 12 Q. This summarises, does it, their position had been -- 13 this is the Australian part of Fairbridge -- that it had 14 no control in relation to the care, supervision, welfare 15 and education of the children. Is that what you 16 understand this to say? 17 A. Yes. Exactly the same argument that the Fairbridge UK 18 Society was saying: "No, it was all Australia". And 19 here we have Australia saying, "No, it was not us. It 20 was all London". 21 Q. Moving then forward in time, please. You have given 22 some evidence -- that was the 1947 agreement and events 23 thereafter. But you have also given some evidence, 24 I think, about events in 1951 and around the 25 Moss Report. Can I ask you to deal with that now? It</p> <p style="text-align: center;">Page 103</p>
<p>1 they acknowledge this new agreement would be drawn up 2 between the London Committee and the New South Wales 3 Committee, recognising the overall authority of London. 4 Q. Is this right, that in some of the documents that you 5 have drawn to the panel's attention that I think we have 6 been through with the experts, you have given examples 7 of the London part of Fairbridge becoming aware of and 8 involved in decisions to dismiss principals of schools? 9 A. Yes, including -- the agreement was quite explicit; that 10 London always had the power to hire and fire the 11 principal. In fact, when, in 1940, it was the local 12 Fairbridge board in Sydney that sacked Beauchamp, there 13 were protests that they went beyond their powers. Of 14 course their defence was, it was too serious a matter 15 and they had to take action. 16 As late as 1965, the UK Fairbridge Society dismissed 17 the long-serving Principal Woods without any 18 consultation with Sydney. 19 What I find really interesting about this attempt by 20 Haynes and the UK Fairbridge Society to say, "It had 21 nothing to do with us. It was all the Australian end of 22 the chain", that pathetic attempt to pass the buck was 23 also used by Fairbridge New South Wales very recently in 24 the New South Wales Supreme Court case that I have 25 mentioned. They said to the New South Wales</p> <p style="text-align: center;">Page 102</p>	<p>1 is your second witness statement. If you just turn that 2 up, please. I'm not sure we need to go to your 3 statement on the screen. 4 A. No, I have the statement, thanks. 5 Q. Just tell us briefly -- I think this is a summary, is 6 it. This statement is a very short statement where you 7 draw to the attention of the panel a document that you 8 have located since writing your first statement that you 9 think is something that they should be made aware of; is 10 that right? 11 A. Yes, it was that we have relied in the expert witnesses' 12 accounts and others on a lot of the archival material. 13 In 1953, there was a report by Moss about the 14 institutions, and I found in the federal -- Australian 15 Federal Department of Immigration files an account of 16 a meeting between the Federal Department of Immigration 17 and the New South Wales Child Welfare Department who 18 were the state instrument responsible for overlooking 19 Fairbridge, and the director of the New South Wales 20 Child Welfare Department made the comment which was 21 included in the minutes of the meeting. His name was 22 Hicks. Mr Hicks said his conversations with Mr Moss, 23 who was out there inspecting these child migrant 24 centres, had been cordial. He understood that Mr Moss 25 would recommend a number of Catholic institutions in</p> <p style="text-align: center;">Page 104</p>

<p>1 New South Wales on which decisions from the UK had been 2 delayed. He said that Moss was not impressed with 3 Fairbridge, Molong, but had given him the impression 4 that the only report made would be watered down. I just 5 thought that that was extremely relevant. It goes, 6 again, to the perceived political clout possessed by 7 Fairbridge above and beyond any other child migrant 8 operator.</p> <p>9 Q. Can we look, please, at that part of the document that 10 you have drawn to the panel's attention: INQ000155_007, 11 please, which I think is page 5 of a memo -- we will 12 come to the first page in due course, but it is 13 from August 1951. Under the heading "D. General", 14 Mr Hicks, who I think we know is from the Child Welfare 15 Department, the director of it, is saying here his 16 conversations with Mr Moss had been cordial, he 17 understood that Mr Moss would recommend a number of 18 the Catholic institutions in New South Wales on which 19 decisions from the UK had been delayed. He said Moss 20 was not impressed with Fairbridge Molong, but, as you 21 say, had given him the impression that any, I think it 22 is, report made would be watered down. That's what you 23 have relied on here?</p> <p>24 A. Yes.</p> <p>25 Q. Drawing out some other points from this memo, if we go</p> <p style="text-align: center;">Page 105</p>	<p>1 A. Correct.</p> <p>2 Q. Over the page, please, where there is more focused 3 discussion, perhaps, on the Fairbridge schools. Under 4 the heading "Fairbridge Farm Schools": 5 "Mr Hicks said that in his opinion the numbers at 6 Fairbridge were now getting to a stage where staff 7 handling was becoming difficult -- this primarily due to 8 staff shortages. 9 "He said Fairbridge arrangements at Molong were 10 below the modern standards of childcare. They were 11 carrying on in a Kingsley Fairbridge tradition. When he 12 last visited the home, there was not a chair in the 13 establishment, all forms. The eating arrangements were 14 not satisfactory. The cottage mother had crockery and 15 a tablecloth, the children did not. Mr Hicks said it 16 was allegedly a cottage system at Molong but this was 17 not so. There were cottages but they were much bigger 18 than is the modern practice. There were no married 19 couples in charge of the cottages, only cottage mothers. 20 Boys therefore lacked male supervision which was very 21 necessary." 22 Then there is discussion about whether more cottages 23 were going to be built later on in the memo. Is this 24 something you saw when you looked at this memo?</p> <p>25 A. Yes. Incidentally, Fairbridge went ahead and built</p> <p style="text-align: center;">Page 107</p>
<p>1 back to INQ000155_003, we can see this is an informal 2 discussion between Mr Hicks -- the top of the page, 3 please -- director of the Child Welfare Department and 4 Mr Challoner of the Child Welfare Department with the 5 person who signs the memo, which I think is 6 a Mr Metcalfe, who is the child migration officer, who 7 is an immigration official, as far as you understand it. 8 Is that right?</p> <p>9 A. Yes.</p> <p>10 Q. This sets out quite a lot of things that are being 11 discussed in the meeting. One can see briefly, under 12 the heading "A" if we scroll in on that, please, there 13 is discussion about the supervision of the Big Brother 14 movement, which I know relates to older children. But 15 it says, the last paragraph here: 16 "According to Mr Hicks, the Big Brother movement has 17 advised on occasions that a lad has left his employment 18 and address is unknown. The Child Welfare Department 19 had suggested in these cases that the parents should be 20 contacted with a view to securing the address of their 21 son, but apparently the Big Brother movement is lax in 22 this matter." 23 So it refers there to the Child Welfare Department 24 trying to take some action about children not being 25 supervised in that programme. Is that fair?</p> <p style="text-align: center;">Page 106</p>	<p>1 those cottages and they were never filled.</p> <p>2 Q. The question I think is asked -- this might be relevant 3 for the panel. Mr Metcalfe asked, it says -- that's the 4 immigration official asks -- why the Child Welfare 5 Department had not brought their dissatisfaction to 6 notice so that Fairbridge might have been informed that 7 government monies would not be available unless the 8 project met child welfare requirements. Mr Hicks said 9 that the government monies were not for the actual 10 cottages for the children, but for other related work. 11 He said he would have felt insecure about telling 12 Fairbridge that they should not build these cottages 13 when the money was their own or had been donated. 14 I don't know if you draw anything from that, 15 Mr Hill?</p> <p>16 A. No. They managed to get donations from a big pastoral 17 company to build four new cottages in the early 1950s. 18 That's what he's referring to.</p> <p>19 Q. A few other points over the page. There is a whole page 20 given over to the discussions about Fairbridge: 21 "Mr Hicks was not enamoured of the present 22 principal, a Mr Woods, who incidentally does not see eye 23 to eye with the headmaster at the Molong State School 24 regarding educational arrangements." 25 Were you aware of that potential issue, Mr Hill?</p> <p style="text-align: center;">Page 108</p>

<p>1 A. Yes, because Fairbridge, despite the promises to the 2 poor children here in Britain that they would be given 3 educational opportunities at Fairbridge in Australia 4 that they couldn't possibly afford here, we were 5 virtually, all of us, obliged to leave school at 15 6 because we had to run the farm. We were largely 7 self-sufficient in the production of food. We killed 8 our own sheep, we milked our own cows, we baked our own 9 bread, we grew our own fruit and vegetables, and so on. 10 There were only five adult male farm supervisors, so all 11 of the work was done by 15-year-old and 16-year-old 12 "trainees" we were called. 13 I wrote a whole chapter in the book on that because 14 Fairbridge insisted the kids leave school when, often, 15 a local teacher or a local school principal would argue 16 that the kids should be allowed to stay on at school 17 longer. 18 Q. That's the tension that you understood this reflected? 19 A. That's what I understand this to be about. 20 Q. Taking the rest of this relatively briefly: 21 "Mr Hicks said he did not want to give the 22 impression that conditions at Molong were bad; it was 23 just that they were not up to the standard at other 24 homes and in child welfare establishments. It did not 25 matter so much about the facilities, which were not the</p> <p style="text-align: center;">Page 109</p>	<p>1 It records it in this way: 2 "I was on boss's duty one day when the Child Welfare 3 came calling. I remember this joker measuring the 4 dormitory, counted the beds and decided it would never 5 do to have that many beds in such a small space. 6 Mr Woods asked what was the reason. The guy said it had 7 to do with each child having X amount of space. Woods 8 showed the guy the open windows on the three sides of 9 the dormitory, and this guy nearly had a heart attack 10 when he was told that the windows were never closed." 11 That's the one account you got? 12 A. The one account, yes. 13 Q. You also described, I think, in your book an account of 14 visits from the New South Wales Council of Fairbridge to 15 the school? 16 A. Yes. 17 Q. You describe there that the visits were quite 18 carefully -- you say quite staged: 19 "The cottage gardens had months of preparation, the 20 village received weeks of sprucing up. We were all on 21 our best behaviour. Sheets were put on the table to 22 give the impression we normally had tablecloths. Rather 23 than the usual mutton, we had wonderful dishes that we 24 would not see again until the same time next year." 25 One of your accounts given by a former child migrant</p> <p style="text-align: center;">Page 111</p>
<p>1 best, but the 'cottage system' was not being carried out 2 properly. 3 "... Mr Henry, chairman of Fairbridge Society, 4 Sydney, was amiable, but resented anything that may be 5 regarded as 'butting in'. Inspections of the Molong 6 home had in the main been 'conducted tours'. 7 "Mr Metcalfe explained that in all other states, 8 inspections of the homes of voluntary organisations 9 regularly took place. Fairbridge Pinjarra was inspected 10 quite often. There had been no repercussions of any 11 moment." 12 There is discussion then further about the issues 13 about inspecting the Fairbridge schools? 14 A. Just on inspections, there was only one case which 15 I wrote about in the book where any Fairbridge kid ever 16 remembered seeing an inspector from Child Welfare, and 17 since part 1 of the inquiry, I have gone back to a host 18 of former Fairbridge kids to say, "Did you ever recall", 19 prompting their memory, and apart from that one case, 20 nobody can ever remember, myself included, ever seeing 21 somebody from the Child Welfare Department on the farm. 22 Q. You give a reference in your book -- page 76 of your 23 earlier book -- to this issue. You simply say one of 24 your accounts you received from a former child migrant 25 described an inspection by the Child Welfare Department.</p> <p style="text-align: center;">Page 110</p>	<p>1 is that "We" -- this is a quote: 2 "... became unwitting partners and members of 3 world's biggest con. As their dust was still settling, 4 the tablecloths went, the meat went, the cloths and 5 shoes went and so did the glow and the smiles." 6 Does that reflect your understanding of 7 the inspections by the council? 8 A. Very much so. 9 Q. Finally just on your document, the next page, please, 10 you see, I think at the top of that page, Dr Barnardo's 11 Homes: 12 "Mr Hicks said he was reasonably satisfied with 13 conditions at Barnardo's Homes. He said he had received 14 full cooperation from the new manager, a Mr Kirkpatrick. 15 He mentioned that Mr Kirkpatrick was keen on boarding 16 out children as much as possible, but the Executive 17 Committee did not favour the idea. The fracas at 18 Barnardo's some months back, when some of the lads were 19 alleged to have assaulted the superintendent, has been 20 settled satisfactorily." 21 There is a further reference on the foot of that 22 page to the standard of the children. It says: 23 "By and large Mr Challoner and Mr Hicks agreed the 24 standard was satisfactory and that selection overseas 25 was creditable. They felt, however, that voluntary</p> <p style="text-align: center;">Page 112</p>

1 organisations in the UK could be more careful in initial
 2 screening."
 3 Is there anything else, I think, from that memo that
 4 you want to draw out for the chair and panel?
 5 **A. No. Look, just on the question of screening, there**
 6 **doesn't appear to be any evidence to me, or very little**
 7 **of it, that anybody was screened out of Fairbridge.**
 8 **They took just about anybody.**
 9 Q. That's your understanding of how --
 10 **A. That's my understanding.**
 11 Q. -- the criteria operated in practice, is it?
 12 **A. You know, the only case I heard of somebody being**
 13 **knocked back, there was a guy at Fairbridge before me,**
 14 **his name was Eddie Baker, and his younger sister was**
 15 **stopped at the last minute because she had dark skin and**
 16 **she didn't qualify under the white Australia immigration**
 17 **policy. But that's the only case I came of where they**
 18 **screened somebody and stopped them going. That was an**
 19 **Australian immigration issue, not Fairbridge.**
 20 Q. Thank you, Mr Hill. Turning, then, to the final part of
 21 your historical evidence, please, INQ000563_001, where
 22 you give evidence about the arrangements made between
 23 the government and Fairbridge after 1957. Just by way
 24 of summary, is this what you say -- I think go over the
 25 page to paragraph 5 -- that there was a new agreement

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1 reached in 1957 that set out certain expectations of
 2 what would happen at the schools? And you give evidence
 3 to the panel about whether they were, in your
 4 experience, complied with. Is that right?
 5 **A. Yes. This I didn't know about until it was provided by**
 6 **the inquiry. I was unaware of this. This is after the**
 7 **1956 blacklisting. It seems that the British Government**
 8 **did persist and reached a formal agreement -- this was**
 9 **another betrayal by the British Government. They went**
 10 **as far as forcing Fairbridge into a formal agreement to**
 11 **bring Fairbridge Farm Schools in Australia up to date**
 12 **with modern child welfare standards, and --**
 13 Q. Pause there, Mr Hill. Is what you have done at
 14 paragraph 5 -- I'm just seeing if we can bring up the
 15 original document. Perhaps for now, paragraph 5, you
 16 summarise what you understand are parts of that
 17 agreement from July 30, 1957?
 18 **A. Yes.**
 19 Q. So it deals with the staff being, as far as possible,
 20 persons with knowledge and experience of childcare
 21 methods, children should be assimilated into Australian
 22 life, as far as possible take part in the normal life of
 23 the community, wherever possible to be with foster
 24 parents, not to be held back between leaving school and
 25 entering employment, not to be used as, effectively,

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1 I think what you are saying, cheap farm labourers but
 2 found proper jobs and an adequate standard of comfort
 3 and amenity introduced. That's your summary of an
 4 agreement that we see elsewhere in the paperwork that is
 5 perhaps a little hard to read. We can pull it up, but
 6 I'll just give the reference for now. It is understood
 7 to be PRT000028_009. We can bring it up later if we
 8 need to. Your evidence in your witness account is about
 9 whether or not those standards were, as far as you could
 10 see, implemented; is that right?
 11 **A. Yes. After this, 18 months after this, I was at**
 12 **Fairbridge for the best part of three years --**
 13 Q. Forgive me. Just pause there for a minute. Sorry,
 14 carry on, Mr Hill. Sorry to cut across you. I think
 15 you were just about to say you were at Fairbridge for
 16 the best part of three years after this agreement. Tell
 17 us --
 18 **A. After this agreement.**
 19 Q. -- what you want to say about whether you saw it being
 20 complied with?
 21 **A. Before I do, I think it is important to point out that**
 22 **the formal agreement made it clear that ongoing British**
 23 **Government funding of Fairbridge child migration**
 24 **depended on Fairbridge implementing these reforms.**
 25 **In the time that I was at Fairbridge and my**

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1 **knowledge after I left at the end of 1961, none of these**
 2 **reforms, none of them, were introduced. The British**
 3 **Government funding continued. In fact, it was increased**
 4 **around 1960 to record levels.**
 5 **So, far from the British Government saying to**
 6 **Fairbridge, "You failed to implement these. You don't**
 7 **get the money", they allowed Fairbridge to ignore the**
 8 **reforms and yet continued to subsidise and increase the**
 9 **subsidy to Fairbridge.**
 10 Q. Just tell us in a little more detail, please: did you
 11 see evidence, for example, of staff being people with
 12 knowledge and experience of childcare methods or
 13 qualified to look after children?
 14 **A. No. In all the time I was at Fairbridge -- we had**
 15 **a German couple, a woman -- she was university educated.**
 16 **I think, to my knowledge, she was the only tertiary**
 17 **qualified person ever to work at Fairbridge. Certainly**
 18 **none of the cottage mothers that I knew had any**
 19 **qualifications at all to be anywhere near children.**
 20 Q. What about the proposition that children should be more
 21 assimilated into local Australian life?
 22 **A. As I pointed out in the witness statement, at primary**
 23 **school age -- the children at Fairbridge continued to be**
 24 **geographically and socially isolated from the local**
 25 **community. Primary schoolchildren rarely left the farm.**

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1 **Once a month, on a Sunday, we would be taken in to the**
 2 **Anglican Church in Molong, which was about four miles**
 3 **away. The secondary schoolchildren, until the age of**
 4 **15, were bussed in and out of Molong for school each**
 5 **day. The bus would be waiting for us after school and**
 6 **we'd be bussed back to Molong. Occasionally, on**
 7 **a Saturday afternoon, we would play sport in Molong or**
 8 **a bit further away in the city of Orange. But**
 9 **otherwise, the children rarely left the farm.**
 10 Q. I think you have -- just taking it relatively briefly,
 11 please, if I may -- given evidence that you didn't see
 12 any evidence of children being fostered out by
 13 Fairbridge and, in fact, your understanding from some of
 14 the documents is that that was thought not to be what
 15 Fairbridge did?
 16 **A. I can say pretty emphatically, even though this was**
 17 **absolutely central to the reforms the British wanted, to**
 18 **move away from the large institutions to foster care,**
 19 **nobody was ever fostered out by Fairbridge. The**
 20 **chairman of Fairbridge, when he was given -- Fairbridge**
 21 **in New South Wales, when he was told by the UK about**
 22 **this agreement, he simply said in relation to foster**
 23 **care, "We do not do this".**
 24 **He went on to say, in his opinion, people only want**
 25 **to foster or board out a child to get as much work from**

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1 **the child as is legally possible. There were no**
 2 **Fairbridge children, to my knowledge, fostered out in**
 3 **the entire history of the Fairbridge scheme, even though**
 4 **that was the single-most prominent reform sought by the**
 5 **British Government.**
 6 Q. Pausing there, can I bring up the remainder of your
 7 evidence on this topic, just to take it relatively
 8 shortly, INQ000563_003. Just scroll in on this.
 9 I think your shorthand for understanding that proper
 10 occupation should be found for children between leaving
 11 school and entering employment, where you have referred
 12 to "cheap farm labourers" earlier, I think that is what
 13 you say actually happened; is that right?
 14 **A. Yes, and Fairbridge refused, in New South Wales, to**
 15 **implement that reform, because they needed the children**
 16 **because it was cheap labour. As they say here --**
 17 Q. Paragraph 13?
 18 **A. Paragraph 13, yes. As they say here, if they lost that**
 19 **labour, it would mean abandoning the orchard, the**
 20 **vegetable garden, the dairy, the fowls and perhaps pigs.**
 21 Q. Just taking it briefly, you go on at 15, I think, to say
 22 that you didn't see any improvement in the comfort or
 23 amenity of the furniture, and you quote the findings
 24 from the fact-finding mission of 1956. Just -- the
 25 panel can read this, I'm sure, in due course. But over

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1 the page, please, paragraphs 16 to 20, you refer to the
 2 fact that the numbers of the cottages remained high,
 3 that brothers and sisters were still separated. They
 4 were not always put in adjacent cottages; is that right?
 5 **A. That's correct. I mean, the one proposal they did agree**
 6 **with, they wouldn't combine brothers and sisters in the**
 7 **same cottage. They said it would cost too much for**
 8 **bathrooms and so on. They did agree to put boys'**
 9 **cottages adjacent to girls' cottages, but that didn't**
 10 **change either. The girls' cottages were on the eastern**
 11 **side of the village and the boys' were on the west.**
 12 **They didn't change them at all.**
 13 Q. A few other points of detail, if I may, just shortly
 14 from your book before we move to some more recent
 15 events. In your book, you refer to one account -- is
 16 this right -- it is at xiii of your preface to this
 17 edition. You gave an account there about Matron Guyler
 18 or Guler, I'm not quite sure how to say her name?
 19 **A. Matron Guyler.**
 20 Q. She was somebody who had run the Knockholt house in
 21 Kent; is that right?
 22 **A. Yes, we all remember her with affection, because we all**
 23 **came from poor families and we were put in**
 24 **John Howard Mitchell House in Knockholt in Kent. It had**
 25 **been donated by the mother who lost a son in the Second**

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1 **World War and --**
 2 Q. I'm sorry to cut across you. The relevance of
 3 the evidence that you give about her is not so much what
 4 happened at Knockholt, but --
 5 **A. Why it is relevant is because she was the one that**
 6 **filled our heads with the great dreams of Australia.**
 7 Q. Yes.
 8 **A. She had never seen it. It was when she came to**
 9 **Australia --**
 10 Q. That's the part I would like you to tell the chair and
 11 panel about. You have given an account in your book,
 12 I think, of her then visiting one of the institutions,
 13 visiting Molong later in life; is that right?
 14 **A. She came to Molong, Fairbridge when I was there.**
 15 Q. Yes.
 16 **A. Yes.**
 17 Q. What do you describe her telling her son later on about
 18 this visit?
 19 **A. After the first edition of the book came out, he**
 20 **contacted me to say that she was in a nursing home**
 21 **somewhere near Ascot. He said she was in her 90s and**
 22 **she had never recovered from the visit to Fairbridge.**
 23 **She wanted somebody -- he wanted somebody to go and**
 24 **assure her it wasn't her fault.**
 25 Q. I will perhaps help you with this, Mr Hill, if I may.

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1 She described to her son -- I think you record what her
 2 son told you, that she was horrified by what she saw at
 3 Molong:
 4 "Really she only saw the surface. What she did see
 5 were cold, hungry and unhappy children. All the new
 6 clothes that they had when they left England were gone,
 7 the cottage was dirty, the cottage mother defensive.
 8 The thing that most affected my mother [he says] was the
 9 look in one of the children's eyes. I don't know if it
 10 was a boy or a girl, but my mother told me that she
 11 never saw such a pleading look and it went straight to
 12 her heart."
 13 You describe, I think, in the book how, although his
 14 mother was by then 98 years old, what she had said was
 15 she still talks of her horror at what Fairbridge allowed
 16 to happen in Australia and she felt guilty, it says
 17 here, I think, that she was feeling that she was to
 18 blame for having sent the children there, if you like?
 19 **A. Yes.**
 20 Q. Is that a summary of what you understood from her?
 21 **A. Yes, or from her son.**
 22 Q. You have referenced also in your book something to do
 23 with Dorothy Watkins about whom we have heard. Just
 24 very briefly, page 65 in your book, I think you
 25 recollect a boy -- perhaps let's not give his name --

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1 child migrant writing to her and asking to go back to
 2 Cornwall?
 3 **A. Yes.**
 4 Q. What do you understand the response to that was?
 5 **A. He was on the same party as me, on the same ship as me.**
 6 **He was a year older. He was terribly unhappy and he**
 7 **knew that Dorothy Watkins had organised for him to go**
 8 **and he wrote to her saying how upset he was with**
 9 **Fairbridge and it is nothing like she said it would be.**
 10 **She wrote to the principal of Fairbridge Farm at Molong,**
 11 **who called Billy over and told him to get his act**
 12 **together --**
 13 Q. Pause there, Mr Hill.
 14 **A. Sorry.**
 15 Q. Just carry on, Mr Hill. Just briefly, what do you
 16 understand was the reaction to the letter from
 17 Ms Watkins?
 18 **A. Woods told him to behave himself and get his act**
 19 **together and stop writing letters like that.**
 20 Q. You have described elsewhere in your book various
 21 occasions when other people came to visit Fairbridge,
 22 including, for example, talking about the local
 23 Methodist minister visiting Fairbridge and describing it
 24 as a dreadful place. Is that something that you
 25 understood from your accounts that you have been given

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1 or the research you have done?
 2 **A. I found that reference in one of the miscellaneous**
 3 **papers in the New South Wales Fairbridge office in**
 4 **Sydney.**
 5 Q. Did there come a time when your mother came to visit
 6 Fairbridge?
 7 **A. Yes. She followed us out and we got back together when**
 8 **we reached school-leaving age. Because she was**
 9 **uneducated, unskilled, and she wanted to take us out**
 10 **straight away, but there was no way she could care for**
 11 **us. She was distraught -- in fact, ironically, my**
 12 **brothers and I had to reassure her we were okay. She**
 13 **was muttering that this was something out of**
 14 **Oliver Twist. She kept on saying, "This is something**
 15 **out of Oliver Twist, this is terrible". That was the**
 16 **end of Fairbridge, incidentally. They couldn't get**
 17 **enough kids so they changed it to what they called the**
 18 **One Parent Scheme, where they allowed -- you still had**
 19 **to be poor, you had to come from a broken family, but**
 20 **they allowed a single parent to follow the kids out**
 21 **because they couldn't recruit enough kids.**
 22 **The recruitment of kids to Fairbridge, because of**
 23 **the effectiveness of the boycott by Child Welfare**
 24 **professionals, was going down in the 1950s, so they**
 25 **introduced this new rule -- because they regarded**

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1 **parents as failed, and they didn't want the parents**
 2 **anywhere near the place, but they couldn't get the kids,**
 3 **so they offered what they called the One Parent Scheme**
 4 **in 1958, where the kids came out, we were treated the**
 5 **same as other Fairbridge kids, but a single parent could**
 6 **follow them out, and that's what my mum did, and as soon**
 7 **as the parents saw the place, that was the end of it.**
 8 **They couldn't get their kids out quick enough.**
 9 Q. For completeness on this topic, Mr Hill, you have also
 10 described other parents visiting the school. You have
 11 described one other parent visiting the school with
 12 a two-day visit. One of the fathers said the children
 13 were treated far more badly than he himself had been
 14 treated as a prisoner of war. One of the parents said,
 15 "I wouldn't leave my kids if I had somewhere else to
 16 leave them". Is that something else you have recorded
 17 here?
 18 **A. Yes, and there was a pattern.**
 19 Q. I would like to turn to some more recent events, please,
 20 if I may, just to conclude your evidence. You have
 21 given a certain amount of evidence in your witness
 22 statement about your efforts to access the archive.
 23 I think you have referenced the difficulties that you
 24 had in doing so. You were present in the hearing,
 25 I think, when Mr Haynes gave his evidence, and you were

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1 shown, I think, a memo of a discussion that appears to
 2 have been initialled -- do you remember this? -- by
 3 somebody whom Mr Haynes thought was a Mr Beevor. That's
 4 a note of a conversation with you that's initialled
 5 "ARB"?

6 **A. Yes.**

7 Q. To take it shortly, this is the one where there is
 8 reference to:

9 "I mentioned I had been on the board since the early
 10 70s. Perhaps unfortunately, I suggested that it's
 11 legally the same entity. I stress my interests were
 12 solely to protect damage to the reputation of
 13 Fairbridge."

14 I think historically you had thought this
 15 conversation was between you and Gil Woods?

16 **A. But I had the same conversation with Woods, who said the**
 17 **same as Beevor, who said the same as Nigel Haynes**
 18 **yesterday. They all said that their principal concern,**
 19 **rather than the truth coming out, was to protect the**
 20 **reputation of Fairbridge's ongoing fundraising efforts**
 21 **here in the UK.**

22 Q. You have seen, I think, now, some of the documents that
 23 you wouldn't have seen at the time about Fairbridge's
 24 internal approach to your book. Do you want to make any
 25 observations on the documents that you have now seen

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1 about what was being discussed within Fairbridge before
 2 your book was published?

3 **A. I said in my opening comments the other day that**
 4 **Fairbridge have lied, and continue to lie, and deny**
 5 **responsibility for what happened at Fairbridge. We saw**
 6 **that with Haynes' evidence. All it's done is confirm**
 7 **the dishonesty of Fairbridge that has now continued for**
 8 **decades and continues right up to Haynes' testimony**
 9 **before this inquiry. I think his testimony was an**
 10 **insult to all of us. I think it was an insult to the**
 11 **inquiry, and it was dishonest, and deliberately**
 12 **dishonest.**

13 I mean, you put to Haynes evidence where he, on the
 14 one hand, says he was aware of allegations of abuse in
 15 my book, and then says there was no record and he wasn't
 16 aware of any abuse.

17 Q. Mr Hill, you will have an opportunity to make a closing
 18 statement. I am just asking if there is anything else
 19 you wish to say about the documentation that you have
 20 seen. Perhaps you have covered that?

21 **A. Only this, that I am gratified -- you see, I only had**
 22 **bits -- because of the denial of access to all of**
 23 **the archives, both here in the UK and Australia, I only**
 24 **had some of the jigsaw pieces, but all of the documents**
 25 **that have been produced by this inquiry have validated**

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1 **everything that I put in the book. So I am frankly**
 2 **gratified with the additional information.**

3 Q. Finally, please, INQ000042_016. You deal there with the
 4 Slater & Gordon litigation. I think you set out, is
 5 this right, that you understand ultimately around 215
 6 former child migrants were part of a claim. I think you
 7 reference the fact that you were not part of the claim
 8 but you became involved, I think, in supporting some of
 9 those who were, in attending the hearings, and so on.
 10 You indicate that you spent -- I think you attended most
 11 of the more than 25 hearings, go over the page, please,
 12 between 2009 and 2015. What is your overall view about
 13 how that litigation was conducted by the New South Wales
 14 Fairbridge Foundation and the two parts of government
 15 that were the defendants?

16 **A. Disgraceful. They spent nine years bogging it down in**
 17 **technicalities. Ten Fairbridge kids died, ten of**
 18 **the complainants, while this was in the court. There is**
 19 **a lesson there that Gordon Brown was trying to give the**
 20 **inquiry this morning: the Fairbridge kids are dying. If**
 21 **there is any justice can be done, it's got to be done**
 22 **soon.**

23 Q. You have, I think, with the Australian Royal Commission,
 24 put in quite detailed submissions about the difficulties
 25 of litigation?

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1 **A. Yes, there has got to be an alternative to civil**
 2 **litigation. We were nine years in the court. It cost**
 3 **millions of dollars. Slater & Gordon, who represented**
 4 **the kids on a no-win, no-fee basis, and most of**
 5 **the kids, unlike the experience, I know, in**
 6 **Western Australia, most of the Fairbridge kids were**
 7 **happy with the way Slater & Gordon ran it. But**
 8 **\$5 million of the damages went to pay their legal costs**
 9 **over nine years, as the three defendants bogged it down**
 10 **on technicalities. I have made two submissions to the**
 11 **Australian Royal Commission dealing with the sexual**
 12 **abuse of children, and I would like to make the same**
 13 **point here: you have got to provide an alternative to**
 14 **civil litigation. It's not fair. It's too long, it's**
 15 **too costly. Too many people are dying.**

16 Q. Part of the outcome of that litigation, as well as the
 17 settlement of the claims in financial terms, was that an
 18 apology would be provided to the former Fairbridge
 19 children, and I think we adduced that in part 1. You,
 20 I think, were involved in asking for the apology to come
 21 from the New South Wales Premier; is that right?

22 **A. That's correct.**

23 Q. In your final witness statement, you address the topic
 24 of what can be done now for the victims of abuse. This
 25 is at INQ000563_006. You have just talked about your

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1 views on the need for a redress scheme. I think you say
 2 at 32 that your view is:
 3 "The best outcome for child migrants who were abused
 4 is that the institutions responsible accept their
 5 responsibility ... Child migrants should not be forced
 6 to litigate to obtain this. Rather, it should be given
 7 humanely and in a sensitive way, as part of a robust
 8 out-of-court redress scheme."
 9 Do you want to just draw out the three elements that
 10 you refer to here in your witness statement?
 11 **A. Yes. First, that the institution seeking to give**
 12 **redress should give a full apology in which the**
 13 **institution responsible for the abuse is frankly**
 14 **accepted.**
 15 **The institution should make an offer to provide**
 16 **support and counselling, should the child migrant wish**
 17 **for this.**
 18 **Thirdly, the institution should make monetary**
 19 **payment to the child migrants.**
 20 **For reasons I have included in the statement, it is**
 21 **going to be incomplete if any of those three features**
 22 **are missing.**
 23 Q. You say, I think, at paragraph 35, why it is you regard
 24 each of these elements as obvious?
 25 **A. "The necessity of each element is obvious when one**

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1 **considers the absence of any of them. A financial**
 2 **payment and funding for counselling, in the absence of**
 3 **a frank apology, has an unfortunate appearance of 'hush**
 4 **money'. An apology and a financial payment, without the**
 5 **offer of ongoing psychological support, might feel like**
 6 **the institution is absolving itself of its ongoing**
 7 **responsibility. An apology and an offer of counselling**
 8 **might feel like mere words, without being accompanied by**
 9 **a monetary payment. Put another way, each of these**
 10 **three elements powerfully reinforces the others. An**
 11 **institution best shows that it accepts its**
 12 **responsibility for the abuse of child migrants by**
 13 **accepting its responsibility to provide all three**
 14 **elements of redress. That is how redress will be truly**
 15 **meaningful for a child migrant."**
 16 Q. Finally, for completeness, you were asked to give some
 17 high-level evidence, if you like, about your
 18 understanding of the sort of figures for compensation
 19 that were settled in the Fairbridge Farm School claim.
 20 You obviously aren't aware of the detailed payments made
 21 to everybody. But broadly, what do you understand are
 22 the sort of figures that were received by people?
 23 **A. I didn't have the individual case files. That's**
 24 **confidential between the claimant and the lawyers. But**
 25 **the global figure was -- the payout was AUD24 million.**

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1 **That would be, give or take, £12 million.**
 2 **There were, I think, 215 child migrants. 160 of**
 3 **those included sexual abuse. After 5 million was taken**
 4 **for legal fees, they split the other \$19 million. So**
 5 **the average payout was just under \$90,000 each. I do**
 6 **know, because a lot of the kids told me what they'd got,**
 7 **the more serious ones, which usually involved children**
 8 **who were sexually abused at a very young age and were**
 9 **repeatedly abused through their childhood at Fairbridge,**
 10 **got the largest payouts, and they would have been over**
 11 **a quarter of a million, some of them. The lesser ones,**
 12 **which did not involve sexual abuse, but other forms of**
 13 **abuse, I know some who got as low as 30,000. But the**
 14 **average was just under 90.**
 15 Q. Thank you, Mr Hill. One final question, please, and it
 16 is my fault. Please bring back up INQ000155_008.
 17 I don't know if you can help with this or not, but can
 18 you scroll in on the handwritten entry at the bottom of
 19 this memo. Can you remember, Mr Hill, whether this
 20 handwritten entry was already on the memo when you saw
 21 it? It is not something you have written on?
 22 **A. No, that's part of the -- that's 16 August 1952.**
 23 Q. It looks to be 16/8. The memo date is 8 August. This
 24 is perhaps something that's been written on. It looks
 25 as if the initials are "RM", which looks to be

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1 Mr Metcalfe. Is that what you think appears to be the
 2 case?
 3 **A. Yes, it looks like a similar signature to the one above.**
 4 Q. It might be "RH", the child welfare officer, Mr Hicks.
 5 I don't know which one it is, but it seems to say
 6 something like:
 7 "Molong appears to be the weak [something] in
 8 New South Wales. I feel it should be thoroughly
 9 inspected before there is a breakdown there", perhaps.
 10 Does that seem to be right? It is hard to read,
 11 I know. We are doing the best we can. It seems to say
 12 "Apparently [something, something] department are afraid
 13 to take any action?"
 14 **A. I'm afraid your guess is as good as mine.**
 15 Q. It is, but that's not something you have written on?
 16 That was on the memo when you found it?
 17 **A. That was on the memo when we found it, yes.**
 18 MS HILL: Thank you, Mr Hill. Chair, those are all the
 19 questions I have for him.
 20 THE CHAIR: Thank you very much, Mr Hill.
 21 (The witness withdrew)
 22 MS HILL: Chair, unless there are any questions from the
 23 panel, perhaps we can take our afternoon break?
 24 THE CHAIR: Yes, until 3.15 pm. Thank you.
 25 (3.00 pm)

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1 (A short break)
 2 MS HILL: Thank you, chair. I call, please,
 3 Norman Johnston.
 4 MR NORMAN JOHNSTON (affirmed)
 5 Examination by MS HILL
 6 MS HILL: You are Norman Johnston; is that right?
 7 **A. That's correct.**
 8 Q. Mr Johnston, I am talking relatively loudly because
 9 I know you have a little trouble hearing, but if you
 10 can't hear me, please let me know?
 11 **A. You will be the first to know, thank you.**
 12 Q. You are here to help the chair and panel with evidence
 13 because you are the president of the International
 14 Association of Former Child Migrants and their Families;
 15 is that right?
 16 **A. That's correct.**
 17 Q. You, yourself, are a former child migrant; is that
 18 correct?
 19 **A. I am.**
 20 Q. You have given the chair and panel a lengthy statement
 21 that's been prepared, I think, by yourself, but also
 22 with input from Desmond McDaid, who is secretary of
 23 the Association, and also a former child migrant, and
 24 also you have been assisted by committee members
 25 Marcelle O'Brien, from whom we heard in the part 1

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1 hearings, and also somebody called Tony Costa; is that
 2 right?
 3 **A. That is correct, thank you.**
 4 Q. The views that you have expressed here in your statement
 5 you say are on the basis of having also consulted a wide
 6 range of former child migrants, and you speak for them
 7 as well; is that right?
 8 **A. Thousands of them, yes.**
 9 Q. Tell us, please, a bit about what the Association's
 10 origins were. This is paragraph 3 of your witness
 11 statement, if that helps?
 12 **A. It goes back many years. We first heard of the arrival**
 13 **of the Child Migrants Trust -- namely,**
 14 **Margaret Humphreys, arriving in Australia, we, as very**
 15 **vulnerable, frightened people at that time had no voice.**
 16 **We were spread throughout the continent of Australia for**
 17 **that matter. We'd heard that this lady from Nottingham**
 18 **had arrived and was trying to locate families in**
 19 **Great Britain for former child migrants. Some of us got**
 20 **together and formed an advisory panel for**
 21 **Margaret Humphreys and the Child Migrants Trust to**
 22 **advise her and also to let other child migrants know**
 23 **that this facility was coming online and that there**
 24 **finally was a voice and an organisation that we could**
 25 **relate to, get help from and hopefully achieve something**

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1 **that everybody else has taken for granted normally, the**
 2 **rights of having a family.**
 3 Q. Perhaps we can pull up on the screen, please,
 4 Mr Johnston, your witness statement, CMT000481_001.
 5 Scroll in on paragraphs 4 and 5. Can you see
 6 paragraphs 4 and 5 on the screen, Mr Johnston? Do you
 7 see you explain that the CMT provides vital, specialist
 8 services "to restore our families and identities and
 9 help our recovery from childhood institutional abuse,
 10 [but] our campaign for justice required an allied but
 11 separate organisation to pursue goals of recognition,
 12 justice and reparation for all former child migrants."
 13 That is how the Association came to be formed; is
 14 that right?
 15 **A. That has been the heart and soul of our work.**
 16 Q. Your objectives, at paragraph 5, are to promote the
 17 interests of former UK child migrants and members of
 18 their families, particularly by seeking justice,
 19 professional independent specialist services and redress
 20 from governments and agencies involved and by promoting
 21 greater awareness of the consequences of child
 22 migration; is that correct?
 23 **A. Our role was made particularly difficult because gaining**
 24 **the trust of former child migrants and convincing them**
 25 **that they should come and get the help that was**

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1 **available through this independent source, the Child**
 2 **Migrants Trust, took a little bit of doing, but slowly**
 3 **and surely, they began to -- or we began to believe that**
 4 **at last there is an organisation that is now going to**
 5 **help us, and the numbers just started arriving. From**
 6 **that point of view, we remained as an advisory panel to**
 7 **the Child Migrants Trust until we then decided to form**
 8 **the Association.**
 9 **This took place in 1997, when the numbers had**
 10 **increased to some 600 in a fairly short space of time.**
 11 **By that time, we were beginning to be bogged down with**
 12 **administration, we didn't have the wherewithal or the**
 13 **expertise to be able to run such a big organisation. So**
 14 **by waxing in, so to speak, with the Child Migrants**
 15 **Trust, who took over some of our administrative -- or**
 16 **assisted us with some of our administrative**
 17 **requirements, we then dropped the concept of charging**
 18 **fees, et cetera. Most of our child migrants couldn't**
 19 **even afford the fees for membership anyway, even at \$25**
 20 **a head per year. It just wasn't a practical thing.**
 21 **So we ensured, by mailing out to all former child**
 22 **migrants that were listed by that time, all information**
 23 **relevant to where they can come to, phone numbers that**
 24 **they could contact the Child Migrants Trust for**
 25 **assistance or advice and, since that time, our numbers**

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1 **have grown and we now use the database for the Child**
 2 **Migrants Trust for all our correspondence.**
 3 Q. Go over the page, please, just by way of summary and
 4 scroll in, please, on paragraph 6. That summarises,
 5 does it, what your requests have been to governments
 6 over the years since the Association's formation. Just
 7 tell us a little bit more about those, please?
 8 **A. From day one, we have always advocated that a judicial**
 9 **inquiry was probably the level we would need to be able**
 10 **to get fair justice for what has happened to thousands**
 11 **of British children that were sent to Australia and then**
 12 **abandoned.**
 13 **We have received a number of inquiries, up until**
 14 **now, but none with the authority that we needed to be**
 15 **able to pursue our claim and our case for recognition**
 16 **and for justice. I mean, just basic justice is all we**
 17 **have ever sought to try and get from the governments for**
 18 **the folly of this migration scheme that both the**
 19 **Australian and British Governments colluded together to**
 20 **impose on thousands of children that had no voice.**
 21 Q. You say under the second bullet point that your
 22 objective has been to secure long-term secure funding
 23 for the independent specialist services of the Child
 24 Migrants Trust?
 25 **A. It's been appalling. For a number of years now, the**

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1 **Child Migrants Trust was even denied funding in trying**
 2 **to assist us to find our families and, at that stage,**
 3 **the numbers of former child migrants that were coming in**
 4 **for help were increasing dramatically. It was at that**
 5 **time it was decided funding was to be stopped. The**
 6 **criminal act of that was that, in that time, in those**
 7 **years, parents, mothers and fathers, were dying, and**
 8 **some of the kids that could have been reunited with**
 9 **families have gone back to visit graves. I mean, that,**
 10 **in essence, is all that achieved.**
 11 Q. We heard some evidence yesterday that there has been
 12 funding in place for the Child Migrants Trust in more
 13 recent years, hasn't there?
 14 **A. Oh, yes.**
 15 Q. But your campaign is to, is this right, make sure that
 16 is secure and longer term; is that right?
 17 **A. It needs to be long term. It cannot be one year here,**
 18 **two years there. It is just impossible for people to**
 19 **plan any meaningful link with a child migrant community**
 20 **that's bursting at the seams to get back to their**
 21 **families. We still have child migrants in Australia**
 22 **that, at 70 years of age, 75, still haven't found**
 23 **families. There are some that don't even know that**
 24 **there is a facility through the Child Migrants Trust**
 25 **that they can hopefully find some link, whether it is**

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1 **a brother, sister, aunty, uncle, mum, dad, who knows.**
 2 **We know of child migrants meeting their mothers when**
 3 **their mother was 90-odd years old, you know. There is**
 4 **always hope. Every time funding was reduced or stopped**
 5 **by the Trust, that hope just went down the drain. It**
 6 **was such a positive thing for us to be able to rely on**
 7 **the possibility of getting over and for what has been**
 8 **accepted by everyone else as a normal lifestyle, we are**
 9 **taking this as being something out of this world. "We**
 10 **have a mother". "I have a brother". "I can't believe**
 11 **it". I mean, this is us, at 70 years of age, saying to**
 12 **the people of England, we were denied the whole lifetime**
 13 **of family, of love, of care. It just -- it beggars**
 14 **belief, as was expressed by the British Health Select**
 15 **Committee when they came across and did their inquiry.**
 16 Q. The remaining three bullet points, please, of your
 17 paragraph 6, you also have campaigned around the
 18 continuation of the family restoration fund, to allow
 19 families to be reunited; is that right?
 20 **A. What a wonderful innovation that was. Many former child**
 21 **migrants have had closure. I don't like to use that**
 22 **word. But it means the same thing. They have had**
 23 **closure to whatever degree they found it to be helpful.**
 24 **Some, it was an elative experience; others, maybe not so**
 25 **much. But in their minds, at long last, they belonged**

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1 **somewhere. Somebody knew them. You know, a sister, an**
 2 **aunty. From nothing here, to being told as a child,**
 3 **a five/six/seven-year-old child, "Your parents are dead.**
 4 **Your country doesn't want you anymore. You are here as**
 5 **a last resort, so toe the line." Such was the brutality**
 6 **of the instruction we were given.**
 7 Q. You have also referenced here campaigning around
 8 national apologies and around reparation and redress.
 9 Dealing first with national apologies, you have talked
 10 in your witness statement about the apology about which
 11 we heard from former Prime Minister Gordon Brown this
 12 morning, and you describe that as "truly a precious
 13 moment, acknowledgement by our country". Is that how
 14 you felt about the apology?
 15 **A. The International Association has always held the**
 16 **British Government responsible for all the terrible**
 17 **things that happened to thousands of British children**
 18 **through the child migration scheme. Child migration was**
 19 **the policy of the British Government. It began with**
 20 **them, it was their fault. Over the lasts few day, we**
 21 **have heard damning evidence, evidence that the British**
 22 **Government sent us to places that they knew were not**
 23 **safe for children. I want the British public to know**
 24 **that.**
 25 **We all heard the words of Gordon Brown today, and**

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1 **I felt so encouraged that, at last, here is somebody who**
 2 **really listened to us, who really understands our pain**
 3 **and knows where the responsibility lies. I believe he**
 4 **was saying, "Act now, before more of us die".**
 5 Q. Can I turn now to a few more questions about the detail
 6 of the work that you have been engaged with. You
 7 I think have a base within each of the CMT's offices in
 8 Australia and the UK. You have received some external
 9 funding, I think, from the Australian authorities; is
 10 that right?
 11 **A. That is correct. In recent years, the Federal**
 12 **Government of Australia has allocated us a grant of**
 13 **AUD25,000 per year for our administrative costs and**
 14 **communications between our organisation, the Child**
 15 **Migrants Trust and the child migrant community:**
 16 **mail-outs, postage, and so forth. It covers essentially**
 17 **what we need to do and has been very helpful.**
 18 Q. You say, I think, in your witness statement that you
 19 have been involved with the establishment of the first
 20 UK memorial to former child migrants in Nottingham in
 21 2007. You were consultants on the museum exhibitions in
 22 the UK and Australia, including the 2010 exhibition on
 23 child migration in Westminster Hall, and the more recent
 24 exhibition at the Museum of Childhood. Is that right?
 25 **A. Every major activity involving child migration, the**

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1 **Association has been a major part. It was heartening to**
 2 **attend the formal opening of the monument in**
 3 **Nottinghamshire County Council. It was cathartic, to**
 4 **say the least, for those of us who attended, to know**
 5 **that here was the conscience, if you like, of**
 6 **the country.**
 7 **At that stage, we had received very little**
 8 **assistance from other areas, other than the funding that**
 9 **the Child Migrants Trust received through the**
 10 **Nottinghamshire County Council, Sir Dennis Pettitt,**
 11 **a great stalwart of the Association and the Trust;**
 12 **Joan Taylor, a Member of Parliament of**
 13 **the Nottinghamshire County Council. All huge supporters**
 14 **of the child migrant cause and the need to get these**
 15 **kids back to their mums and dads. It was just such**
 16 **a desperate thing for them. And the effort that they**
 17 **alone put in with the support of the Nottinghamshire**
 18 **County Council was extraordinary.**
 19 Q. You have explained, I think, for example, Mr Johnston,
 20 is this right, that they provided financial support so
 21 that you could attend and be involved in the New Orleans
 22 Congress on Child Migration in 2002; is that right?
 23 **A. What an event that was. The experts that came from all**
 24 **over the world to attend that Congress and the**
 25 **resolutions that came from that Congress have also**

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1 **helped the future development of both the CMT -- not as**
 2 **great as we would have liked it to have occurred, but**
 3 **nonetheless it was helpful and, from our perspective, we**
 4 **were able to get our voice into the wider community**
 5 **about the futility of migrating under-aged children to**
 6 **foreign countries. It would take me a month of Sundays**
 7 **to sit here and tell you how it felt for me. I am**
 8 **a child migrant. I know how it felt. It was**
 9 **a disaster, to say the least. I am still coming to**
 10 **terms with my childhood, something that I didn't really**
 11 **have. It was taken off me. It was removed. Because**
 12 **that happened, I lost my future as well, because the**
 13 **lack of education, the lack of -- so many things were --**
 14 **it just created so many obstacles for me to advance as**
 15 **a normal person in life and I'm one of thousands that**
 16 **this happened to because of the migration scheme.**
 17 Q. Just a few more questions, Mr Johnston, about the work
 18 the Association has done. You have, I think, perhaps to
 19 summarise it in this way, given considerable input to
 20 media work around the child migration issue. You have
 21 prepared articles I think for the CMT newsletter and you
 22 have made written submissions to the various inquiries
 23 that have taken place to date. Is that right?
 24 **A. That is correct. You know what is so frustrating about**
 25 **this whole thing? We are saying the same thing.**

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1 **30 years ago, we raised the same issues that we are**
 2 **talking about now. Are we to wait another 30 years? We**
 3 **just can't come to terms with why it has taken so long**
 4 **for justice to be given to former child migrants and the**
 5 **destruction of their lives.**
 6 Q. Broadly, Mr Johnston, one of the objectives that you
 7 have lobbied around is around a request for a full
 8 judicial inquiry on child migration itself, and you have
 9 expressed the view, I think, in your witness evidence
 10 that this inquiry, because it is focusing on sexual
 11 abuse, is only looking at one aspect of the child
 12 migration issue. Is that right?
 13 **A. Thank you for raising that issue, because it has been**
 14 **a great bone of contention for a great number of former**
 15 **child migrants. You see, when we were dumped in the**
 16 **institutions throughout Australia, we were all**
 17 **brutalised, many went on to be sexually abused, but the**
 18 **thing was, every one of us was groomed by these -- by**
 19 **the -- I can speak openly of them, the Christian Brother**
 20 **organisation. The fear that was engendered in every**
 21 **soul that went through those institutions left them so**
 22 **vulnerable to any of the paedophiles there, and there**
 23 **were many, to just click their fingers -- and I hate to**
 24 **use that expression, but I can't think of a decent word**
 25 **to use -- whereby the child would do whatever the**

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1 **brothers' bidding might be.**
 2 **To limit an inquiry into those that did succumb to**
 3 **sexual abuse is a bit unfair, we felt, in regards to**
 4 **every child that had been brutalised to the point where**
 5 **they might have been fortunate that they weren't the**
 6 **ones selected that night, they weren't the ones who were**
 7 **taken out of their beds and carried to the**
 8 **Christian Brother's room for a night's entertainment,**
 9 **they weren't the ones that were sodomised down at the**
 10 **piggery, they weren't the ones that were brutalised and**
 11 **sexually abused in the offices and wherever else, that**
 12 **mental –**
 13 Q. Does it remain, Mr Johnston, one of the objectives of
 14 the Association to secure a full judicial inquiry into
 15 the totality of child migration? Does that remain one
 16 of your objectives?
 17 **A. It remains our objective, and, as much as we very much**
 18 **appreciate this inquiry, the thing we feel is that**
 19 **Australia and Great Britain got together to arrange our**
 20 **deportation. Why can't they get together to fix the**
 21 **problem they created? If they can't do that, why cannot**
 22 **we have a United Nations inquiry into what happened to**
 23 **us? If it happened to one child today in Great Britain,**
 24 **there would be absolute outrage. But because it can**
 25 **happen to thousands of former British child migrants**

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1 **some time ago, it just doesn't seem to worry people so**
 2 **much. How the people of England were kept unaware of**
 3 **our plight is amazing. The cover-up. I mean, do you**
 4 **know, a lot of us were actually carried aboard ship**
 5 **asleep. We don't know whether we were drugged or given**
 6 **sedatives to do that, but the little ones, in the dead**
 7 **of night, we were whipped out of the country and, when**
 8 **we came to the next day, or the day after, in my case,**
 9 **we were at sea. There was no land around and here was**
 10 **me, I'd been told Australia is just down the road and**
 11 **around the corner. Three days later, I am in the middle**
 12 **of the ocean, heading to some place called Australia.**
 13 Q. Can I take you, please, to a paragraph in your witness
 14 statement, CMT000481_005, just to try to summarise,
 15 perhaps, some of these lobbying efforts you have made.
 16 You say at 14.7 and onwards that you have hundreds of
 17 documents to show your continual lobbying to the
 18 government in pursuit of your objectives over the past
 19 20 years. Some letters have gone unanswered. There
 20 have been welcome moments of recognition and engagement,
 21 though, by past Prime Ministers Blair, Brown and
 22 Cameron. You express the view, at paragraph 14.8:
 23 "... it is nothing short of a national disgrace that
 24 many former child migrants have gone to their graves
 25 without adequate help to find their families or any

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1 explanation for why they were selected for deportation
 2 and a stolen childhood of degradation and abuse."
 3 Over the page, the panel can perhaps read this
 4 section of your witness evidence, but do you summarise
 5 there the various significant moments, perhaps, in your
 6 campaign, so you mention the statement by the former
 7 Prime Minister John Major in 1993, the outcome of
 8 the Health Select Committee Inquiry report which
 9 resulted in a statement of regret by the
 10 Secretary of State for Health, and then you refer to the
 11 full apology by Gordon Brown's administration in 2010.
 12 You also summarise difficulties that the Child Migrants
 13 Trust has had over funding for the period of time when
 14 that wasn't secured.
 15 Over the page, and, again, the panel can perhaps
 16 read this, you reference a discussion with the British
 17 High Commissioner in Canberra in 2005. Do you want to
 18 address what was said at that meeting?
 19 **A. You're asking me to say something that will take me**
 20 **a week to explain in detail. I will try.**
 21 Q. Perhaps just very briefly, I'm sorry to cut across you,
 22 but what was the message that you were given by the
 23 British High Commissioner, effectively, at the end of
 24 that meeting? You deal with it at 14.16.
 25 **A. That was an eye-opener and a complete shock to myself**

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1 **and Harold Haig, who was our long-term secretary at that**
 2 **time. We were invited to bring our grievances to the**
 3 **British High Commissioner in Canberra, and we arrived**
 4 **there. We were ushered into her parlour, I think it was**
 5 **called. When we arrived there, everyone else that was**
 6 **there was ushered out. There were no minute takers,**
 7 **there were no recorders. And I thought, being a formal**
 8 **meeting, there should be some sort of minutes taken for**
 9 **this. That was our surmise.**
 10 **But in a very short space of time, we were**
 11 **confronted by a very frank, "Why should the British**
 12 **Government be concerned about you?" And I recall Harold**
 13 **and I looking at each other, thinking, "Crikey, what are**
 14 **we in for here?"**
 15 **We tried to give the message to the High**
 16 **Commissioner about the lack of support we were getting**
 17 **from Great Britain, what we needed in regards to help to**
 18 **find our families, and we were -- the old adage goes, we**
 19 **were given the short shank, or whatever the terminology,**
 20 **short shrift.**
 21 **One thing I will say, even though her departing**
 22 **words to us after about 15 minutes --**
 23 Q. Are they the words we see at 14.16?
 24 **A. Yes, they are.**
 25 Q. The words used were:

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1 "You will have a very long wait. The British
 2 Government are waiting for you all to die."
 3 **A. That's correct.**
 4 Q. Is that what you recollect being said in 2005?
 5 **A. That's almost verbatim what was said. But what I would**
 6 **like to add is, that was the first truthful thing we'd**
 7 **actually heard from the British Government, that they**
 8 **are waiting for us all to die. We could relate to that**
 9 **because of the time factors and obstacles and**
 10 **opportunities that were missed in earlier years by the**
 11 **British Government to resolve and help us get back to**
 12 **our families. Not that that was the be all, end all of**
 13 **what we needed. I mean, our lives were already down the**
 14 **gurgler, in the main, as far as our potential was**
 15 **concerned, but to belong is really something that**
 16 **everyone takes for granted, and we never had that. We**
 17 **never had the belonging. We were islands in our own**
 18 **right. We wanted the British Government to help us**
 19 **resolve that issue, and we didn't get that help, and the**
 20 **truth of the matter came out through the British High**
 21 **Commissioner in Canberra.**
 22 Q. I think you say later on, Mr Johnston, that you wish to
 23 give full credit where it is due. There clearly was
 24 then the apology in 2010, which you describe as
 25 a refreshing moment of truth and recognition:

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1 "The exhibition on child migration held in
 2 Westminster Hall was the first time the truth was in
 3 stark evidence in our country and the responses from the
 4 public confirmed our view that nobody who cares for
 5 children could tolerate what was done to us."
 6 You make the point that the apology -- and then you
 7 also say this:
 8 "The post-apology developments of the family
 9 restoration fund and the approved funding for the CMT
 10 have made a real difference."
 11 So you give credit, you say, where credit is due.
 12 Is that fair?
 13 **A. It has made an enormous difference to the lives of many,**
 14 **many hundreds of former child migrants that had almost**
 15 **given up hope of ever finding a relative, close or**
 16 **distant. As I mentioned earlier, some even took great**
 17 **pride in being able to go back and visit the graves of**
 18 **their mothers, because they were just too late to get**
 19 **back there in time, because of other problems that had**
 20 **preceded the years before.**
 21 Q. I think you make the point there, perhaps we can bring
 22 up 14.19, CMT000481_007. At 14.19, what you say there
 23 is that although those things have made a real
 24 difference, "there were no cultural or educational
 25 initiatives to build a lasting understanding of our

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1 experience and help learn the lessons from the past.
 2 There was complete refusal to consider issues of
 3 redress, or more importantly a judicial inquiry to
 4 determine what was needed. Government decided itself
 5 they had done enough."
 6 Does that remain your position?
 7 **A. It does. Honestly, I cannot believe -- if the British**
 8 **people, the people of Great Britain, ever knew what was**
 9 **happening to us back in the late '40s, right through the**
 10 **'50s to the early '60s, they would never have condoned**
 11 **what their government was doing, let alone learning of**
 12 **what did happen to us once we got to the other side of**
 13 **the world. The people didn't know about it. I think,**
 14 **to a large degree, they still don't know or understand**
 15 **the child migration policy of what happened to their**
 16 **children.**
 17 I mean, take, for example, the public funding that
 18 was done throughout those earlier years, early post-war
 19 years: funding to get sufficient money for some of these
 20 agencies to round up these children and deport them.
 21 The terrible thing is, because it was public funding and
 22 national, throughout Great Britain, mothers and fathers
 23 of some of the very children that were being deported
 24 were putting money in those tins without knowing that it
 25 was their children they were sending off. It just --

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1 **I go back to the British Health Select Committee when**
 2 **I say it beggars belief that these circumstances existed**
 3 **and how well covered up this whole thing was. It was**
 4 **a dreadful, dreadful mistake.**
 5 Q. You describe one further incident in your witness
 6 statement, Mr Johnston, shortly after the UK 2010
 7 apology. Did there come a time when it was proposed
 8 that the Queen would visit Clontarf, I think. Tell us
 9 a little bit about that, please?
 10 **A. I don't want to say too much about that other than the**
 11 **disgust I felt when Her Majesty was taken through the**
 12 **very halls of infamy that myself and hundreds of other**
 13 **former child migrants were brutalised, sodomised. There**
 14 **is no doubt Her Majesty was not aware of what that**
 15 **institution was before she was led through it. We were**
 16 **never given the opportunity to be present because we**
 17 **certainly would have let her know what she was walking**
 18 **into. There is so much more I could say about that, but**
 19 **it just hurts too much to know that that was the extent**
 20 **of ignorance about what happened to us, that Her Majesty**
 21 **didn't know.**
 22 Q. You have been asked questions about whether you can
 23 assist with how institutions responded at the time to
 24 any allegations of child sexual abuse. Have you said
 25 this -- perhaps we can bring up CMT000481_011 and scroll

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1 in on 17.2 and 17.3. Do you just make the point in
 2 response to that suggestion that many of the child
 3 migrants, you say:
 4 "We were sent to well-established paedophile rings."
 5 You go on to say:
 6 "Who would you tell, when every day of our young
 7 lives was about surviving in a world of terror and
 8 loneliness?"
 9 You go on to say we do not have any information
 10 about the responses of institutions to contemporaneous
 11 allegations because allegations were not made in
 12 general. Is that what you understand the position to
 13 be?
 14 **A. It is exactly the position, and it is one where the**
 15 **organisation of Christian Brothers managed to keep it**
 16 **contained within their own little structures. We**
 17 **honestly -- when they were caught --**
 18 Q. Do you want to just move on, perhaps --
 19 **A. When they were caught out, they were simply moved to**
 20 **another institution where they carried on their vile**
 21 **activities.**
 22 Q. Mr Johnston, I don't want to make this distressing for
 23 you. Perhaps we can move on --
 24 **A. No, I'm okay. It's just segments of it that really**
 25 **bring back so much -- problem for me. Because I know**

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1 **a lot of the children this happened to.**
 2 Q. You have dealt elsewhere in your statement a little bit
 3 further down, please, with what you have seen as far as
 4 the deporting agencies, as you describe them at 17.4, in
 5 terms of their public relations strategies and their
 6 accounts that are given to the public about their role.
 7 Do you want to just say briefly what you say about that?
 8 **A. I'm not sure --**
 9 Q. I think we can pull up, please, 17.4 and 17.5, where you
 10 have expressed a view at 17.4, I think, about some
 11 deporting agencies. You say this, I think, "moving
 12 begrudgingly into public relations strategies which
 13 minimises their full involvement". Do you want to
 14 address that?
 15 **A. Yes, I do. It has been shown beyond doubt that these**
 16 **atrocities have occurred. The churches' apologies**
 17 **alone, the nations' apologies, the agencies' apologies,**
 18 **all stress to us the fact that they now concede these**
 19 **terrible things happened.**
 20 **Since then, the likes of the various inquiries have**
 21 **been struck up, and the evidence that has gone to these**
 22 **inquiries has been so overwhelming that even the**
 23 **agencies and the religious and nonreligious**
 24 **organisations have finally conceded that, "Oh, we can't**
 25 **get out of this".**

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1 **We have tried to take them to court, only to find**
 2 **the finances of the Catholic Church, for example, were**
 3 **overwhelming and they were able to throw QC after QC in**
 4 **their defence, and we couldn't stack up against it, and,**
 5 **needless to say, nothing eventuated.**
 6 **But it got to the point where even they had to**
 7 **concede, and from that point on, the apologies began to**
 8 **manifest and, rather than them being helpful to any**
 9 **great degree, they began commiserating with us,**
 10 **something we are not familiar -- not used to doing, and**
 11 **very hard for us to just accept that this is what they**
 12 **were doing, but they were minimising, if that's a word**
 13 **I can use, they were minimising their involvement**
 14 **because it happened so long ago, "It wasn't us".**
 15 **We quite concede that, but it was your organisation,**
 16 **it was your predecessors. If the right thing had been**
 17 **done 30 years ago, 75 per cent of the culprits could**
 18 **have been brought to court and made answerable for what**
 19 **happened.**
 20 Q. Help us, please, with what you say at 17.7. Can you
 21 just give that evidence and then we will move on to
 22 a different topic, please, Mr Johnston. Do you want to
 23 address what you say there about secondary abuse?
 24 **A. We have been open and honest with every aspect of**
 25 **the evidence we have attempted to give to every tribunal**

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1 **and hearing that we have attended.**
 2 **We have not given the British Government any doubt**
 3 **as to their role in this atrocity. Instead of help, in**
 4 **general, instead of recognition, which we are beginning**
 5 **to see now, we had obstacles put in our way, we had**
 6 **denials, we had everything we could have lived without.**
 7 **Had our evidence been acted upon earlier, a lot more**
 8 **of our parents would have met their children. We were**
 9 **denied the right to be able to go back and meet**
 10 **families.**
 11 **This ties in with the lack of funding for the Child**
 12 **Migrants Trust in the earlier years, because they were**
 13 **very limited in what they could do, but what they did**
 14 **was wonderful for those that they were able to do it**
 15 **for. It was absolutely magic.**
 16 **By denying us that right and that opportunity, that**
 17 **we considered to be secondary abuse, along with other**
 18 **aspects of secondary abuse that we have suffered since**
 19 **leaving the institutions.**
 20 Q. Mr Johnston, you have addressed separately in your
 21 witness statement the legal routes that you have
 22 followed. You say, "Each time we have been thwarted".
 23 As well as perhaps what you have already explained, you
 24 refer there to a European Court of Human Rights decision
 25 that was unsuccessful. You say, though, that "legal

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1 routes have never been our preferred route. We have
 2 come before our government in sadness rather than
 3 anger."
 4 Is that what you have said in your witness evidence?
 5 **A. Unfortunately, that is the situation most of us feel.**
 6 Q. You have then helpfully set out for the panel, and you
 7 have provided to the inquiry, the various submissions
 8 that were made to the UK Health Select Committee, and
 9 you make the point at 19.3 that the government accepted,
 10 as you say, some of the recommendations, but did not,
 11 you say, implement recommendations around a judicial
 12 inquiry, a national memorial and a compensation scheme,
 13 and instead of a national apology, a statement of regret
 14 was offered by the Secretary of State for Health.
 15 The panel can look at what those recommendations
 16 were, but do you want to address what you say was the
 17 adequacy of the response to the Health Select Committee?
 18 **A. Another wonderful opportunity governments had to resolve**
 19 **the issue of child migration. It was lost again.**
 20 **Look, there is no doubt the financial implications**
 21 **of any form of reparation to the lives of the children**
 22 **that were destroyed over many years. The number of**
 23 **chances they had to resolve the issue -- it is quite**
 24 **incredible that the information that is now available to**
 25 **tell our story -- I don't like referring to "our story",**

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1 **because it is not a story, it is a fact of what**
 2 **happened. But these were opportunities where something**
 3 **more positive and more stringent and more effective**
 4 **could have been done and, instead, denial, bureaucracy,**
 5 **call it what you will, was put in place and that**
 6 **opportunity went missing, as most others did.**
 7 Q. I think you have summarised that, and, again, the chair
 8 and panel can look at the recommendations and the
 9 response.
 10 You have referenced there, I think, the travel fund,
 11 which lasted, as we heard I think yesterday, for a short
 12 period of time, for three years; and you have referenced
 13 elsewhere the larger fund that's been made available
 14 more recently; is that right?
 15 I think you have already talked about the family
 16 restoration fund. Is there anything else you wish to
 17 say about that in terms of what you say should happen in
 18 the future?
 19 **A. The family restoration fund is a lifeline to the**
 20 **remaining numbers of the child migrant community. From**
 21 **roughly 7,500 children that were deported in the**
 22 **post-war years, there are probably about 2,000 or so of**
 23 **us left. That gives us an opportunity to be able to**
 24 **reunite with the family once in a while. It is not an**
 25 **everyday thing.**

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1 **We were denied years and years -- decades. For**
 2 **decades of our lives, we were denied the right to be**
 3 **with family. We simply ask for an opportunity to be**
 4 **able to get back to say hello to our family, see how**
 5 **they're going, let them know we are part of them, and**
 6 **they let us know in no uncertain terms.**
 7 **I mean, the care and love they show for us is**
 8 **something we are not familiar with, and it's taken us**
 9 **a bit of adjusting to learn how, in our own way, to give**
 10 **it back, because we don't know how to give it in the**
 11 **first place because it was never something of our**
 12 **smaller lives that we were ever introduced to. In its**
 13 **place, instead of the love and care that everyone has**
 14 **taken for granted, we had this regime of cruelty,**
 15 **brutality, deprivation, and, sadly, that stayed -- we**
 16 **can't take that away. We can't just remove that little**
 17 **bit and put something nice in there. We have had to**
 18 **grow up with that, and that's become part of our ethos,**
 19 **and we can't -- it is very difficult to adjust to, and**
 20 **it is something that's not easily understood.**
 21 Q. Is it your view that the funding for the family
 22 restoration fund, which had I think initially been
 23 scheduled to end in 2007, funding provides a much-needed
 24 resource that should continue?
 25 **A. It was a lifeline. It needs to remain a lifeline for**

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1 **whatever length of time it's needed to operate. I plead**
 2 **with this inquiry to at least don't allow that to --**
 3 **don't allow that to go away. It is a Godsend.**
 4 Q. We did hear some further evidence about that yesterday.
 5 Can I just pull up, to deal with a few more topics,
 6 please, the issue of redress that you addressed on
 7 page 14 of your statement, CMT000481_014.
 8 You have talked there about a judicial inquiry to
 9 examine the merits of compensation, at the top of
 10 the page, and how that would avoid two serious charges:
 11 first, that the government was marking its own homework
 12 and acting as both judge and jury; secondly, that it
 13 lacked the courage to confront its own failures or those
 14 of vested interests which wished to avoid scrutiny or
 15 accountability.
 16 By way of summary, do you indicate that there has
 17 been inconsistency across Australia in terms of redress
 18 because there have been different redress schemes
 19 depending on different states; is that right?
 20 **A. That's correct, yes.**
 21 Q. You have made the point that the Christian Brothers
 22 compensation was considered by the Royal Commission.
 23 You say little has been learnt.
 24 "Child migrants had to meet with the apologists who
 25 once more became their own actuaries and at times we

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1 understand bartered the amounts of compensation."
 2 But you go on to set out -- perhaps the panel can
 3 read this in due course -- in 19.17 and 19.18:
 4 "The process of redress is one we hope this inquiry
 5 will seriously address. It requires several key ethical
 6 values which underpin what should be a transparent
 7 process which removes the powers dynamic from the
 8 abuser."
 9 You set out, I think, at 19.18 what you say a robust
 10 redress process should include; is that right?
 11 **A. It was scandalous the way the perpetrators were kept in**
 12 **the position of power when it came to resolving the**
 13 **issues of paedophilia, child abuse, sexual abuse. It**
 14 **was they that told us what they will give us, how they**
 15 **will dispense it, and they decided what level each**
 16 **payment would be. It is just amazing the power that**
 17 **these people still hold today that they can do that.**
 18 I go back to the period when I spoke of
 19 a British-Australian judicial inquiry that would have
 20 eliminated a lot of the state problems. Five of
 21 the states held a redress, all with different criteria,
 22 different amounts of compensation.
 23 In fact, in Western Australia the \$80,000 that was
 24 first preferred by one government, that government
 25 was -- a new government came into power and immediately

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1 halved it. That's the child migrant. That's the value
 2 of who we were.
 3 Q. You say, I think, that the new government cut the
 4 Western Australia maximum to \$45,000 --
 5 **A. That's correct.**
 6 Q. -- and you have said that that "showed a disgraceful
 7 devaluing of our worth by the government with
 8 a consequent loss of confidence in the process and
 9 outcomes".
 10 I think you have made the point also in your
 11 evidence -- is this right? -- that in New South Wales
 12 there has been no state redress scheme. So civil
 13 litigation is the only route open to those former child
 14 migrants, with all the complexity that that involves.
 15 Is that what you have also said?
 16 **A. Sadly, New South Wales has dragged the chain, so to**
 17 **speak. But the adequacy of redress throughout Australia**
 18 **has not been very good. However, with the Royal**
 19 **Commission findings now, that might turn around. I'm**
 20 **not sure how that's all going to unfold.**
 21 Q. Pull up by way of summary, please, the end of your
 22 witness statement at CMT000481_017. I hope I have
 23 pulled out from your evidence, Mr Johnston, the main
 24 themes that you wanted to reflect on, but the panel can
 25 perhaps read the summary of your witness statements

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1 here, where you set out some concluding remarks.
 2 Is there anything else that you would like to say to
 3 the panel in terms of evidence?
 4 **A. I mentioned at the start that it would take me a month**
 5 **of Sundays to be able to express everything and the**
 6 **outrage that I feel thousands of British children have**
 7 **had to live through all their lives. They have not been**
 8 **able to adjust to society. In fact, many have not been**
 9 **able to ever fit into society. They didn't know how to.**
 10 **They became reclusive, they became recidivist prisoners**
 11 **because of their need to steal.**
 12 They went to their governments for financial help
 13 when they lost their jobs only to be told, "You're an
 14 illegal immigrant. You don't have any birth
 15 certificate. You don't have a passport. If you come
 16 back to us, you'll be deported". Where does that leave
 17 a 16/17/18-year-old who has just started work? These
 18 are just some of the obstacles that we faced in trying
 19 to make our way.
 20 It is no wonder it's taken so long for us to be able
 21 to become a cohesive body, because we spent so much of
 22 our lives just trying to find out who we were and where
 23 we fitted in life and society. It was just one trauma
 24 after another.
 25 Then when we started having our own children, for

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1 those of us who managed to do that -- and there were
 2 a lot more didn't marry, for whatever reasons, I leave
 3 it to your imaginations. Many of us who did marry, the
 4 marriages failed because of our inability to do the
 5 right thing. We take generally great responsibility for
 6 that happening, because we just didn't know how to
 7 behave, how to react, how to be a parent.
 8 But those of us who have children today, they are
 9 the reasons why we are still alive, and that's a fact.
 10 If my children weren't here, I don't think I would be
 11 here, quite frankly, because there was nothing else,
 12 until the Child Migrants Trust found my brother in
 13 Edinburgh.
 14 I don't want to go into my individual story, but
 15 I am one of thousands where the Child Migrants Trust has
 16 gone beyond the call of duty and found impossible
 17 situations and analysed them, got the families together
 18 and resolved many an issue.
 19 You know, it is just unbelievable what could have
 20 been done had funding been made available in the years
 21 gone by. Instead of the 1,000/2,000-odd who have been
 22 able to be reunited, it would have been a whole lot
 23 more, and a whole lot more of us would still be alive
 24 today had some effort been made by the British
 25 Government to monitor -- I mean, think about it. We

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1 were not even given Australian citizenship. Why not?
 2 We were deported to Australia. We weren't migrated. We
 3 were deported. We arrived there. We had no papers, no
 4 ID, no birth certificate. My name was altered, as was
 5 my date of birth, as were hundreds and hundreds of other
 6 child migrants: all changed.
 7 Q. Mr Johnston, as far as your evidence is concerned about
 8 support and reparations, have I tried to pull out the
 9 main things that you are saying, looking forward, you
 10 suggest still need to happen?
 11 You have talked about funding for the CMT, you have
 12 talked about the family restoration fund, you have
 13 talked, I think, about compensation. I think you have
 14 talked about a judicial inquiry.
 15 Is there anything else that you think you would like
 16 to place before this panel?
 17 A. I would like to say to the panel, thank you for
 18 listening to me, and, secondly, to please keep in mind
 19 that an apology without a level of reparation to give
 20 sincerity to that apology is not worth the paper it's
 21 written on. Thank you.
 22 MS HILL: Chair, those are all the questions I have, unless
 23 you or the panel have any questions for Mr Johnston.
 24 THE CHAIR: No, thank you, we have no further questions,
 25 Mr Johnston. Thank you very much for your evidence this

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1 afternoon.
 2 A. Thank you, madam chair.
 3 (The witness withdrew)
 4 MS HILL: Chair, that concludes the evidence for today.
 5 THE CHAIR: Thank you. That concludes our session today of
 6 the hearing and we will reconvene tomorrow. Thank you
 7 very much.
 8 (4.07 pm)
 9 (The hearing was adjourned until
 10 Friday, 21 July 2017 at 10.30 am)
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