

<p>1 Friday, 21 July 2017 2 (10.30 am) 3 Welcome by THE CHAIR 4 THE CHAIR: Good morning, everyone. I am Alexis Jay, the 5 chair of the Independent Inquiry into Child Sexual 6 Abuse, and I sit with the other panel members of 7 the inquiry: Ivor Frank, Professor Sir Malcolm Evans and 8 Drusilla Sharpling. 9 Welcome to Day 19 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, the inquiry will hear from 14 Dr Margaret Humphreys from the Child Migrants Trust and 15 later from Professor Lynch and Professor Constantine, 16 who are our expert witnesses. 17 Ms Hill, are there any matters to deal with first? 18 MS HILL: Chair, not any matters of which I am aware, so we 19 can proceed to hear Dr Humphreys' evidence. 20 DR MARGARET HUMPHREYS CBE, OAM, HON MA, LLD, CQSW (recalled) 21 Examination by MS HILL (continued) 22 MS HILL: Dr Humphreys, you have given evidence already in 23 the part 1 hearing, so you remain under the affirmation 24 or oath you took then, which I am sure you understand. 25 By way of remainder, chair, there is a list of</p> <p style="text-align: center;">Page 1</p>	<p>1 evidence in broadly chronological order, if I may, in 2 terms of the history of migration and the documents you 3 have provided about that and then moving to the more 4 recent events? 5 A. Yes. 6 Q. That may mean jumping around between your statements, 7 but I will try to do the best I can -- 8 A. Can I just say something? Mr Hill, Mr Johnston and 9 Mr Cosgrove are here this morning. They are all three 10 former child migrants, and it is a privilege to follow 11 them from yesterday. Thank you. 12 Q. Can I ask you to turn up, then, please, page 13 of your 13 first witness statement, which deals with the issue of 14 the ability or likelihood, perhaps, of former child 15 migrants reporting abuse at the time. I would like to 16 deal first with that topic, please. That begins at 17 paragraph 68 of your first witness statement. Can you 18 give the panel the evidence you wish to draw to their 19 attention on that topic? 20 A. This is reporting abuse -- 21 Q. Yes. 22 A. -- yes, on 68? I think I have covered it quite well, 23 actually, in this submission, but -- as it really talks 24 about how difficult it is to disclose abuse at any time 25 with anybody. We have seen here that the conditions --</p> <p style="text-align: center;">Page 3</p>
<p>1 topics for Dr Humphreys' evidence that has been sent out 2 to all core participants. 3 Dr Humphreys, you gave a certain amount of evidence 4 in part 1. Just to orientate the panel, is this right, 5 since the part 1 hearings, you have provided a second 6 witness statement -- 7 A. That's correct. 8 Q. -- on the basis of the reading you have been able to do 9 of the disclosure you have had between the part 1 and 10 the part 2 hearings? 11 A. That's correct, yes. 12 Q. I think, in fairness, you made clear in your second 13 witness statement that, at the time of preparing that 14 statement, you had not, by that point, been able to read 15 and digest everything? 16 A. That's correct. 17 Q. But you had written a statement based on what you had 18 read at that point? 19 A. Yes, that's right. 20 Q. I think the second witness statement that you provided 21 was dated about two or three weeks ago, the end of June? 22 A. That's right. That's correct. 23 Q. So if you have read anything since then, no doubt you 24 will let us know. 25 I will do the best I can, Dr Humphreys, to take your</p> <p style="text-align: center;">Page 2</p>	<p>1 we have heard about that over the last few weeks, the 2 conditions in some of the institutions where child 3 migrants were sent to didn't lend itself at all to 4 reporting abuse. When you're in an institution where 5 there is bullying, where there is abuse of power and 6 where you have no-one, no visitors, no-one coming to see 7 you, no home, under those conditions I think we would 8 all understand that it is very terrifying to talk about 9 abuse and to share that with anyone, and for child 10 migrants who tried to share with the authorities, with 11 the police, they were often beaten, they say, and taken 12 back to the institution in a worse state than when they 13 ran away. So I think I have covered that fairly well in 14 this section. 15 Q. You also refer in your witness evidence to what you see 16 to be the role of the reputation of the churches and the 17 charities in this aspect of your evidence? 18 A. Well, I think we have heard around some of those issues 19 over the last two weeks, and in other people's 20 statements. I think, perhaps, I'd like to follow it 21 this way: most of the charities, the churches and the 22 voluntary sector who were involved in child migration 23 had -- and it's been spoken about here in evidence, very 24 eminent, well-connected trustees, those on the board. 25 But I have to say, in 30 years of working with child</p> <p style="text-align: center;">Page 4</p>

1 **migrants and working with their families too, I'm not**
 2 **aware of any situation where any patron, anyone on the**
 3 **board, saved a child. I think that's got -- I think**
 4 **that's very relevant to today, too, to look at those**
 5 **issues.**
 6 Q. Have you also said -- perhaps we can just bring up the
 7 relevant page of your first witness statement, please.
 8 It is CMT000361_014. I think you have also said this,
 9 is this right, at paragraph 71, that your view is that
 10 this reputational issue that the churches and charities
 11 perhaps enjoyed, this good reputation, may have blinded
 12 the wider community to hearing what child migrants were
 13 saying and meant that their allegations were rarely
 14 believed?
 15 **A. Well, I think that's correct then, and I think it's**
 16 **partly correct now too.**
 17 Q. You have referenced, I think, several examples that you
 18 have given of occasions when child migrants did report
 19 matters to the police or to "the lady from the Welfare".
 20 Just help us with what you've said about that in your
 21 witness evidence?
 22 **A. Is that on 74? I'm sorry, I'm just having difficulty**
 23 **finding it.**
 24 Q. Not at all. In paragraph 71, I think, you refer to one
 25 account you were given about a child migrant who did

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1 report abuse to "the lady from the Welfare", so
 2 described.
 3 **A. Yes.**
 4 Q. Remind us what you say at 71 about how that was
 5 responded to?
 6 **A. Yes. I mean, this is about a child who reported abuse**
 7 **to the Welfare, a Miss Sanderson, whom I may well talk**
 8 **about later. The child went to tell her he was being**
 9 **abused and was told to wait in Brother Doyle's office.**
 10 **Miss Sanderson didn't return at all to talk with him and**
 11 **left him in a situation with the person who he felt --**
 12 **who he identified as abusing him. I think that's just**
 13 **another incident, isn't it, where a child's got no-one,**
 14 **trying to turn to somebody in authority, somebody there**
 15 **to help and support, and was left lonely and isolated to**
 16 **deal with it on his own.**
 17 Q. I think, for completeness, your understanding is that
 18 Brother Doyle then flogged that boy, rather than dealt
 19 with the allegation?
 20 **A. Yes.**
 21 Q. Help us then with the examples you have given, please,
 22 at paragraph 73 of accounts you have been given from
 23 former child migrants, of their attempts to report
 24 matters to the police?
 25 **A. Yes, I think I have referred to that earlier, where**

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1 **children had been very severely beaten, had run away**
 2 **from the institution. We have to remember, these**
 3 **institutions are quite a long way out of a city. It**
 4 **takes quite something for a child to run away into the**
 5 **unknown and to seek the comfort, really, of a police**
 6 **officer and be believed, only to be disbelieved and**
 7 **taken straight back to the institution concerned, and**
 8 **then John Hennessey has spoken many, many times in the**
 9 **past about the public beatings, in front of all the**
 10 **other children, for running away. It was used, really,**
 11 **to say, "Let that be a lesson to you all". John spoke**
 12 **about that very eloquently many, many times.**
 13 Q. Thank you, Dr Humphreys. Can I move then, please, to
 14 a section of your evidence that in your initial witness
 15 statement begins at paragraph 77. Perhaps you can just
 16 turn to that heading. Perhaps just keep a hand, please,
 17 in paragraph 77, that page, because the panel can see,
 18 I think, that you have set out here a fairly lengthy
 19 section of your witness evidence that deals with a lot
 20 of the historical material around what you describe here
 21 as "early warnings, missed opportunities", and the
 22 panel, I think, can see that this runs in your first
 23 witness statement right through to paragraph 119, so it
 24 goes through to page 24. It is quite a lengthy section.
 25 You had gone, I think, in that section, through the

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1 chronology of documentation that you, within the Child
 2 Migrants Trust, have obtained over the years, from the
 3 1940s right through to the 1950s. You have set out,
 4 I think, material that the experts have now addressed in
 5 some detail?
 6 **A. Yes.**
 7 Q. It is an area of the evidence that perhaps is now better
 8 understood through the oral evidence?
 9 **A. I think so.**
 10 Q. The panel can, of course, read what you have said here,
 11 but you sort of come back to this issue, if I may, in
 12 your second witness statement.
 13 Do you want to just briefly address the extent to
 14 which your understanding, as set out in your first
 15 witness statement about this topic, has moved on, has
 16 changed, has not changed? Do you see what I mean? You
 17 set out your understanding before you had the
 18 disclosure --
 19 **A. Yes.**
 20 Q. -- what do you say now is your belief on this issue?
 21 **A. I think, as we say, "All roads lead home", and we say**
 22 **that for two reasons: all roads lead home because the**
 23 **British Government were responsible for child migration;**
 24 **and all roads lead home because this is where the child**
 25 **migrants' families and communities are. So that is why**

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1 **we have headed it in that way, to help us remember that**
2 **there are two roads that lead home here.**
3 **I think the expert witnesses have really outlined**
4 **much of the evidence that we have given in this chapter,**
5 **so I think we have covered it fairly well, and I am very**
6 **happy for that to stay as is, if everyone else is.**
7 Q. I see. The panel can take your section there in that
8 first witness statement as read.
9 Then look, please, if you would, at your second
10 witness statement, CMT000516_002. Just for
11 completeness, I think we specifically asked you,
12 Dr Humphreys, in your second witness statement, to see
13 if you had anything further to add in light of the
14 documentary disclosure you'd received. I think you say
15 this at paragraph 4 in your second witness statement:
16 "The disclosure that I have seen thus far only
17 reinforces [the] points", that you have made before.
18 You draw out three particular areas. Do you see that at
19 paragraph 4? You refer to the standards of the day; to
20 knowledge of sexual abuse; and to what you call child
21 trafficking, in your headings?
22 **A. Yes.**
23 Q. Taking those one by one, and you address them in your
24 witness evidence, is there anything in particular you
25 would like to draw to the panel's attention from your

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1 section in your second witness statement on standards of
2 the day? Because I think what you do there is give
3 a slightly more -- a different historical narrative,
4 perhaps, based on more material that you have seen?
5 **A. Yes, absolutely.**
6 Q. What would you like to draw out from the "standards of
7 the day" section?
8 **A. I think the standards of the day, of course, is an issue**
9 **that's on the table at the moment in very different**
10 **ways. But I think, you know, let's just get to the**
11 **point here: the standards of the day. When was it ever**
12 **the standards of the day to rape children, to abuse**
13 **children in this way? Whenever was that the standards**
14 **of the day?**
15 Q. You have referred, I think, at paragraph 8 to standards
16 from the international human rights documentation around
17 the need for protection of children. You have gone
18 through, in your witness evidence, the issues around
19 1956 in particular?
20 **A. Yes.**
21 Q. Do you want to address the panel at all on that in your
22 evidence?
23 **A. I think I have made it fairly clear here in the**
24 **evidence --**
25 Q. This is paragraph 10, please.

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1 **A. -- that the principles that enshrine the 1948 UN Charter**
2 **for the rights of children.**
3 Q. At paragraph 10, you deal with, in particular, I think,
4 the post-Ross period, from 1956?
5 **A. Yes. In many respects, all of these are absolutely lost**
6 **opportunities, aren't they? I think we have gone**
7 **through some of that and said, "Look, here were all the**
8 **opportunities to save these children and none of them**
9 **were taken and very few of the regulations were**
10 **applied". In a sense, that's what we are setting out**
11 **here.**
12 **I note that from the evidence on behalf of**
13 **the government by Mark Davies, he opened by saying that,**
14 **for every child, there is an abuser; for every abuser,**
15 **there is usually an organisation behind them. I would**
16 **like to add to that statement, and probably it is right**
17 **to add to it here: for every child migrant, there was**
18 **a mother, for every child migrant, there was a father as**
19 **well.**
20 Q. You have drawn out, I think, some themes that the panel
21 have heard a little bit about already from the experts,
22 in particular about the need for monitoring. You say
23 that that, on your reading of the documents, is
24 established historically, and you have talked about the
25 black list about which we have heard. Is there anything

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1 else that you wish to say about that?
2 **A. I think we have heard a lot about the black list. We**
3 **have heard the consequences and felt the pain of those**
4 **people that were sent after the British Government**
5 **realised -- were told, and I think they were told, that**
6 **these homes were not suitable at that time for young**
7 **children.**
8 Q. I think we can scroll in, please, on your paragraphs 14
9 and 15 on the next page. At the end of paragraph 14,
10 you reference the fact that, as we have heard, after the
11 decision was taken not to implement regulations, it was
12 instead a system of voluntary compliance, if you like,
13 or advice to the sending agencies, and you describe
14 that, I think, as, at best, "toothless 'voluntary'
15 agreements". Is that how you view them?
16 **A. Absolutely. They had no bite, did they? They didn't**
17 **protect any of our children.**
18 Q. At paragraph 15, to put this perhaps more into the
19 context of the child migrants with whom you are most
20 familiar, you have made the point at 15 that after 1956
21 your understanding is that 846 children were migrated.
22 So you have made the point that those were children
23 migrated after this black list process; is that right?
24 **A. Yes. They are the children who really should not have**
25 **been sent.**

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1 Q. You have named, I think, of the witnesses we heard in
 2 part 1, Marcelle O'Brien and Ted Delaney as being two of
 3 those, CM-A5 and CM-A19 as well?
 4 **A. Yes.**
 5 Q. Is there anything else on that topic you want to say, or
 6 are you content, as well, for the panel to read in
 7 slower time, perhaps, these sections of your evidence?
 8 **A. Yes, I think I'm -- I think we have covered them quite**
 9 **well, in some detail, in the report.**
 10 Q. Turn, then, to your second section, under paragraph 17,
 11 please, which is where you address the issue of
 12 contemporaneous knowledge of sexual abuse. It is quite
 13 a short section. What, in particular, do you want to
 14 draw to the panel's attention under that heading?
 15 **A. I think it stands very much as it is in this report, and**
 16 **the contemporaneous knowledge of sexual abuse that -- we**
 17 **have looked quite closely at that, haven't we, and we**
 18 **have heard evidence around that.**
 19 **I think this stands as.**
 20 Q. You do draw out, I think, in paragraph 18 part of
 21 the expert evidence about the UK Government's inspection
 22 regime.
 23 **A. Yes.**
 24 Q. Is that something that you have mentioned in your
 25 statement for any particular reason? Do you want to

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1 make any observation about that?
 2 **A. I think we are saying that the inspection, of course, we**
 3 **have heard and we have read that it was extremely**
 4 **inadequate, and that's all we can say about it:**
 5 **inadequate, and, really, in some cases, non-existent,**
 6 **which just left these children, our children, so**
 7 **vulnerable at that time in their lives. We can see all**
 8 **the way through this that their vulnerabilities were,**
 9 **just from their testimony alone, excruciating.**
 10 Q. Your final topic under this section of your witness
 11 evidence, please, is under the heading "Child
 12 trafficking" on page CMT000516_006, paragraph 22. You
 13 address here, I think, in your evidence some of
 14 the findings from the Australian Royal Commission. What
 15 points do you want to make to the panel about this
 16 topic, Dr Humphreys?
 17 **A. I think that Mr Brown dealt with some of these issues**
 18 **yesterday, didn't he, and he referred to child migration**
 19 **being equivalent to child trafficking. I think some of**
 20 **the evidence that we have seen around selection, around**
 21 **people coming from Australia here to select children,**
 22 **and I think one of the things that we have learnt**
 23 **through this inquiry and through the disclosures and**
 24 **through, of course, the remembrance of the child**
 25 **migrants themselves, has been that I think it is**

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1 **absolutely clear, much clearer now, that there was**
 2 **knowledge that some of the institutions were, quite**
 3 **frankly, paedophile rings. I think that's been made**
 4 **much clearer through this particular inquiry.**
 5 **Shockingly, we are learning, shockingly, that that**
 6 **was known. I mean, it just beggars belief, doesn't it,**
 7 **that that was known and the children kept going? And**
 8 **being selected in this way: people from another country**
 9 **coming here, visiting children's homes, selecting**
 10 **children for deportation, and now we learn that it was**
 11 **known that these organisations were groups of**
 12 **paedophiles and had been known for a long time. So we**
 13 **were sending them into high-risk situations,**
 14 **regulations -- what regulations there were weren't**
 15 **carried out. I think we would categorise that now as**
 16 **child trafficking.**
 17 Q. Just for completeness, just taking that slightly more
 18 specifically, you reference at paragraph 23 that there
 19 has been some evidence, in terms of knowledge, if you
 20 like, of the Christian Brothers in particular, there has
 21 been some expert evidence about Brother Conlon and his
 22 knowledge of what was going on in the
 23 Christian Brothers, and there is perhaps less clear
 24 evidence elsewhere. So there is clear evidence that's
 25 been given by the experts on that topic. So just be

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1 a little bit careful about "we knew" or "they knew" or
 2 whatever.
 3 **A. I do relate it to this, and I say that, certainly to**
 4 **Brother Conlon, we have heard evidence around that, so**
 5 **yes.**
 6 Q. I think, as far as the panel's evidence is concerned,
 7 you have provided -- at your footnote 23, you have given
 8 MH77 and MH78 I think for the panel to look at. We can
 9 perhaps bring up the first of those. It is
 10 CMT000518_001, which is the first of those letters. It
 11 is 5 June 1947 letter from Mr Wheeler. That references,
 12 I think, these visits, is that right, from
 13 Brother Conlon?
 14 **A. Yes.**
 15 Q. You have then, I think, provided a second memo, which is
 16 your MH78, CMT000519_001, which I think is the document
 17 from December 1946. Is that right?
 18 **A. That's right.**
 19 Q. I'm trying to find the reference that you quote in
 20 paragraph 23?
 21 MS WEERERATNE: CMT000012.
 22 MS HILL: Forgive me. I have brought up the wrong document.
 23 These documents are dealing with the fact of the visits,
 24 I think, the document at 23, CMT000012_001. That's what
 25 you quote at paragraph 23, isn't it? Can we scroll in

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1 on that and find the passage that Dr Humphreys has drawn
 2 out at her paragraph 23, please, which is:
 3 "DM referred to recent cases ..."
 4 Can we find that? Thank you. Just to put that into
 5 context, I think this is a communication from 1942 from
 6 Brother Conlon; is that right? It says:
 7 "DM referred to recent cases as alarming to danger
 8 of publicity. He said that PS was involved in similar
 9 cases in Geelong ... He spoke of the necessity of
 10 warnings in the novitiate and of letting the novice
 11 master know something of these happenings ... I came
 12 away with the feeling that we do not fully realise the
 13 seriousness of the cases that we have had before us."
 14 Why have you drawn that out to the panel's
 15 attention, Dr Humphreys?
 16 **A. I think that it actually gives some evidence to this**
 17 **statement, doesn't it, clearly, and I thought it was**
 18 **relevant. You know, they're already saying here, aren't**
 19 **they, that it is alarming. "Alarming", the danger of**
 20 **publicity; the danger of publicity is alarming.**
 21 Q. Sorry, carry on, Dr Humphreys.
 22 **A. Shouldn't we be having the child at the heart of all we**
 23 **do?**
 24 Q. Just scroll back out from that quote, please. I think
 25 this is -- it is rightly pointed out to me here that

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1 this letter is from Brother Conlon. So I think that
 2 quote is quoting a letter sent to him from someone else.
 3 That's the point, isn't it?
 4 **A. Yes.**
 5 Q. From Mr McCann, at the top. Do you see that,
 6 "J McCann"?
 7 **A. Yes, I do. I'm sorry, I couldn't see that before.**
 8 **I see that, yes.**
 9 Q. Is there anything else on this topic that you wish to
 10 say to the panel? I have brought up those documents
 11 that are the footnoted references, but I think you have
 12 dealt with this in your witness evidence?
 13 **A. I have.**
 14 Q. Is there anything else that you want to say?
 15 **A. No, I don't think so.**
 16 Q. Can I move now, please, to a different topic, which is
 17 going back to your first witness statement. Again, I'm
 18 sorry, but I am trying to take it relatively
 19 chronologically. You deal from paragraph 120 on in your
 20 witness statement -- it is CMT000361_024. Just moving
 21 now to more recent events, Dr Humphreys, what you are
 22 dealing with here is your understanding of how it is
 23 that government and the institutions involved in child
 24 migration have come to talk about child migrants. You
 25 are dealing with much more recent events now?

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1 **A. Could you lead me to the page number on that, please?**
 2 Q. Sorry, it is internal page 24. It should be on the
 3 screen in front of you as well?
 4 **A. "Response of government and institutions"?**
 5 Q. Yes.
 6 **A. Yes.**
 7 Q. I think you are dealing here with the section of your
 8 evidence about the way in which this issue, if I can
 9 call it that, has come onto the public radar or into
 10 public knowledge. Do you see what I mean? What would
 11 you like to say about that?
 12 **A. Well, I think it's fairly obvious by this inquiry that**
 13 **it's taken a very long time, indeed, for us to start and**
 14 **really fully understand the consequences and the extent**
 15 **of child migration.**
 16 **The Trust has been working in this area for**
 17 **30 years, and I would say it has taken 30 years to get**
 18 **here to this inquiry. So in some ways, it speaks for**
 19 **itself. I think that Mr Brown yesterday talked very**
 20 **movingly about the nation's apology in 2010, and, you**
 21 **know, two decades or more to reach the point where there**
 22 **was an acceptance, rather than, I suppose, a denial in**
 23 **many respects that this had happened, and the**
 24 **consequences for the child migrants, their families,**
 25 **were devastating.**

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1 Q. Can I ask you to look in particular, please, at page 25.
 2 It is CMT000361_025. You have said in your evidence at
 3 paragraph 123 that at an earlier stage, after the CMT
 4 was founded in 1987, you attempted to liaise with
 5 a number of organisations, including the government, to
 6 discuss concerns and consider what could be done for
 7 former child migrants:
 8 "At that time [you say, at the top of the next
 9 page], a number of positive outcomes could have been
 10 achieved. There were solid grounds for ... hope. These
 11 were critical years when parents of child migrants were
 12 still very much alive."
 13 You have expressed in your witness evidence here
 14 that, despite exhaustive efforts by the CMT, and the
 15 International Association, from whom we heard yesterday,
 16 and others, your view from your witness evidence is that
 17 the UK Government missed every opportunity over decades
 18 to acknowledge the truth about the child migration
 19 policy and provide effective support for former child
 20 migrants and their families.
 21 Just scroll out and look at the whole page. Do you
 22 want to pull out anything in particular from there as
 23 far as why it is you say there has been a delay in the
 24 government accepting, if you like, its role in this
 25 programme?

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1 A. I suppose I could perhaps answer it in two ways, really,
 2 which fits into the statement itself. The evidence that
 3 has been given to this inquiry, as we know, is shocking.
 4 If that had happened just to one child, there should
 5 have been an inquiry. But this happened to hundreds of
 6 children. I am sad to say that the response was slow.
 7 In that response, because it was slow, because there was
 8 an element of denial, I think, that this could have
 9 happened, many former child migrants were prevented from
 10 meeting their families, their mothers, their fathers.
 11 Continually, we were telling the government and others
 12 every day counted. I can remember doing numerous radio
 13 and television interviews which all started with, "Every
 14 day counts in the life of a child migrant", and yet
 15 another opportunity was lost.
 16 Child migration is peppered with lost opportunities,
 17 and I hope this inquiry will throw some light itself on
 18 why that has occurred.
 19 Q. More specifically, Dr Humphreys, perhaps the panel can
 20 read this, do you set out at 124 of your witness
 21 statement the occasions on which you say there have been
 22 observations made that have not in fact engaged with the
 23 issues in full? Just to try to summarise it, I hope,
 24 fairly, you make the point there have been several
 25 parliamentary questions raised by David Hinchliffe and

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1 others, there have been adjournment debates and things
 2 of that nature. You say, though, I think, at the end of
 3 your paragraph 124, that despite repeated letters to
 4 ministers and officials about these issues, there was
 5 a delay in engaging with them?
 6 A. Absolutely. I mean, you only have to look at the
 7 funding of the Child Migrants Trust for a start.
 8 I mean, it was absolutely pathetic in the early days,
 9 when there was so much hope. It beggars belief.
 10 Q. You have provided to the inquiry, I think, through your
 11 exhibits -- just bear with me a second. We don't
 12 necessarily need to pull them up. The panel can have
 13 a look at them. But through your exhibits -- perhaps
 14 let's pull up one of them to anchor it in time, your
 15 MH62, please. Just bear with me a second. Which is
 16 CMT000423_001. I think that's your letter to the
 17 Prime Minister John Major from 1992. Let's have a look,
 18 please, at that letter.
 19 Is this where you tried to draw to his attention
 20 particular issues about the CMT and in particular about
 21 the work that you were hoping to do? Just perhaps let's
 22 scroll out from the letter so we can see a little bit
 23 more of it, please. Just look at the first paragraph.
 24 Just try to help remember what you were trying to
 25 achieve by this letter, by way of example?

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1 A. I am talking about an application for funding for
 2 reuniting child migrants with their family and we are
 3 expressing a view quite strongly here that the
 4 government aren't taking up their responsibilities
 5 towards these children and, as you can see from this
 6 letter, I set out very clearly what our funding
 7 situation is.
 8 Now, I was alarmed -- I have to say, I was alarmed
 9 that Mr Major did not come to this inquiry and help us
 10 understand, because if we are to move on with child
 11 sexual abuse and to really understand it, these sorts of
 12 issues are very important, and I was very disappointed
 13 that he didn't attend this inquiry and take a more open
 14 and learning response to this.
 15 The consequences of this were dire for child
 16 migrants at that time, were dire.
 17 Q. Let's just take this in stages, Dr Humphreys, if we may.
 18 Let's just deal with the evidence that you give about
 19 this letter. Do you provide this in your witness
 20 statement at 124 as an example of the letters that you
 21 have written over time?
 22 A. Yes, I do. Yes, I have been very careful to ensure that
 23 all Prime Ministers were made aware of the suffering
 24 today -- not just yesterday, but today -- and the need
 25 of former child migrants and their families. So, yes,

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1 it's an indication of informing those that could have
 2 changed the scenario.
 3 Q. Let's just go to the next page, I think, of this letter.
 4 I don't think that's the end of it, is it? Just scroll
 5 in, please, on the last few paragraphs. I think this is
 6 how you left matters in that letter, just so we can
 7 understand it. You're essentially asking for a further,
 8 more positive engagement with the government, if you
 9 like. Is that fair?
 10 A. Yes. Absolutely.
 11 Q. When you have referred in your witness statement at 124
 12 to various other exhibits that we could look at, but
 13 perhaps it is not necessary to bring them all up, your
 14 exhibits 62 through to 68, are they further examples of
 15 correspondence either from you or from Joan Taylor,
 16 trying to engage with various MPs, people like
 17 Kenneth Clarke MP and others you have named in that
 18 paragraph?
 19 A. Yes. We were desperately trying to help really educate
 20 and inform those who could have changed the situation,
 21 could have changed it quite positively in the early
 22 days.
 23 Q. I think you have already expressed -- is this fair,
 24 Dr Humphreys -- a frustration at the responses that you
 25 received to those letters, or indeed the lack of

Page 24

1 response on occasion. Is that right?
 2 **A. Yes, I think it is fair to say that (a) it was very**
 3 **frustrating and (b) had long-lasting consequences for**
 4 **child migrants and their families.**
 5 Q. As far as Mr Major is concerned, I think, in fairness,
 6 whether or not he attends to give evidence is not
 7 necessarily his decision but more a matter for the
 8 inquiry, but your evidence about the contemporaneous
 9 position is that he was one of the people to whom you
 10 tried to reach out and engage with. He disappointed you
 11 in his response; is that right?
 12 **A. I think it is very fair to say that. There was an**
 13 **opportunity there to help and to recognise the plight of**
 14 **child migrants and their families at that time. So**
 15 **I think it is fair to say, yes, it was extremely**
 16 **disappointing.**
 17 Q. You have repeatedly, I think, been -- perhaps just pull
 18 up, please, 126. It is page CMT000361_025 of
 19 Dr Humphreys' witness statement. You have quoted there,
 20 just by way of a summary, some of the sort of responses
 21 you have received that have led to this frustration; is
 22 that right?
 23 **A. That's right, yes.**
 24 Q. You have extracted, I think, at 126, either from the
 25 parliamentary statements or from the letters that you

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1 have received, indications of what the government's
 2 position was, either that any ill-treatment of
 3 the children was a matter for another country; the
 4 government did not consider itself responsible; there
 5 was a very different social climate; or that the CMT
 6 should seek funding from elsewhere?
 7 **A. Yes.**
 8 Q. Those are the sort of responses, are they, that you
 9 express as frustrating?
 10 **A. Yes, I think so. They are quite evident in the**
 11 **responses from government, yes.**
 12 Q. Then I think summarising your evidence on this topic,
 13 please, at the top of the next page, page 26, you deal,
 14 I think, there with your overall view at paragraphs 127
 15 and 128. Do you want to address that in your evidence,
 16 please?
 17 **A. Well, I think I have really outlined in the statement**
 18 **many of the still outstanding areas that haven't been**
 19 **dealt with, haven't been met, and although the apology**
 20 **in 2010 was highly significant, and Mr Brown spoke about**
 21 **that yesterday, and indeed that has had, in my view and**
 22 **that of my colleagues, very lasting, positive**
 23 **consequences from that. But we needed immediately to**
 24 **have had a post-apology strategy for the future of**
 25 **the Trust and future of services for child migrants, and**

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1 that seemed to be very clear.
 2 **Look, the apology, the nation's apology, was seen as**
 3 **the start, not the end; the start of reconciliation, the**
 4 **start of real acknowledgement, and all of us saying,**
 5 **"What can we do to help? What do we need to do? How**
 6 **long have we got to do this in? What is really needed?"**
 7 **So the apology and the Family Restoration Fund,**
 8 **which came with the apology, has been more than useful,**
 9 **more than helpful, and I think that child migrants**
 10 **generally would testify that it was an immediate**
 11 **practical measure that was long overdue and has brought**
 12 **much healing and contentment to those families, but it**
 13 **was just the start, and here we are, 2017, 2010 the**
 14 **apology, and the child migrants ask for something that**
 15 **really should have been given, in my view, was truth and**
 16 **justice. You know truth, and we all know that, has an**
 17 **important part to recovery, a very important part for**
 18 **recovery from childhood abuse. All they asked for at**
 19 **that time, 2010, was truth and justice, and here we are,**
 20 **2017.**
 21 Q. Can I move on to a few more points of detail about that
 22 issue --
 23 **A. Yes.**
 24 Q. -- because you have given quite a bit of evidence in
 25 your written statements about support and reparations

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1 and redress and matters of that nature --
 2 **A. Yes.**
 3 Q. -- which you know the panel is considering. Can I ask
 4 you to turn up internal page 30 of your first witness
 5 statement, which is CMT000361_030.
 6 **A. Sorry, which page? I'm sorry.**
 7 Q. It is internal page 30 of your first witness statement.
 8 It will be brought on screen for you.
 9 **A. Thank you.**
 10 Q. It is the section on funding, Dr Humphreys. We have
 11 heard a certain amount already from Mr Davies about the
 12 funding of the CMT. But do you want to pull out any
 13 particular themes from your written statement about your
 14 evidence on this?
 15 **A. Well, I hope we have moved on through this inquiry with**
 16 **Mr Davies. I think that Mr Davies, on behalf of**
 17 **the government, said this week that they accepted that**
 18 **child migration was wrong. I think that was clearly --**
 19 **my understanding is that that was accepted. I think**
 20 **that's a huge move forward.**
 21 **I hope, and I set out here very clearly in many**
 22 **respects what is needed now, and I think that -- I have**
 23 **really set out where we need to move to and where we**
 24 **have moved from. I think this sets it out. I think, as**
 25 **I said, and I repeat, my understanding is that, on**

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1 **behalf of the government, Mr Davies accepted that there**
 2 **were many opportunities lost and therefore I am assuming**
 3 **from that that we do accept a degree of responsibility.**
 4 Q. Thank you. Just for the panel's reference, I think your
 5 155 through to 164 is evidence that you wrote some time
 6 ago, and it sets out some historical issues, perhaps,
 7 over difficulties with funding, and you explain to the
 8 chair and panel here how there had been some issues
 9 around funding, how Nottinghamshire County Council
 10 provided some support and you set out how the funding
 11 regime was put in place. They can perhaps read that in
 12 their own time. Is that right?
 13 **A. Yes, I think so, but I would like to comment here about**
 14 **the role of Nottinghamshire County Council. It is very**
 15 **clear that this was an issue for central government, and**
 16 **within those early days, and I think we all know county**
 17 **councils, very difficult times with their budgets,**
 18 **stepped up, came forward, for what they thought would**
 19 **be, at the very most, two years, really, while we helped**
 20 **the government understand what the child migrant schemes**
 21 **were about, their consequences and what we considered**
 22 **then and now to be their responsibilities.**
 23 **During those years, they really -- it pains me to**
 24 **say this -- turned their back and left it, really, to**
 25 **a local authority who wasn't involved in child**

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1 **migration, who responded quickly to the humanitarian**
 2 **issues --**
 3 Q. Just perhaps --
 4 **A. -- when the national government really failed at that**
 5 **point.**
 6 Q. Just remind the panel in particular, what did
 7 Nottinghamshire County Council provide?
 8 **A. I think we have given a report on that, but essentially,**
 9 **at that --**
 10 Q. Perhaps we can summarise it and do it this way,
 11 Dr Humphreys. The panel can bring up the report. They
 12 do have it as an exhibit to your most recent statement.
 13 It is CMT000520_001. I think it is your exhibit 79,
 14 which the panel can read in due course. This is
 15 a statement, I think, isn't it, from Joan Taylor, who is
 16 chair of the trustees of the Child Migrants Trust, but
 17 I think was originally Nottinghamshire County Council;
 18 is that right?
 19 **A. Yes, that's correct.**
 20 Q. That's a four-page report that the panel can read. But
 21 just help us in summary with what it was that
 22 Nottinghamshire did over the years?
 23 **A. Okay. Well, I was a senior social worker in child**
 24 **protection working for Nottinghamshire. They seconded**
 25 **me to work and to develop this project. It was to be**

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1 **a short-term secondment. I think I was probably the**
 2 **longest secondment ever in living history. I think it**
 3 **was about 15 years in total before the government took**
 4 **up their responsibilities.**
 5 **So you can imagine, a local authority would be**
 6 **pressurising government to take up its responsibilities,**
 7 **but it took that length of time. So they seconded me**
 8 **for 15 years and did many other things as well. They**
 9 **funded and brought about the first international**
 10 **congress on child migration ever. That commitment was**
 11 **about learning the lessons of the past, helping to**
 12 **expose the long-term consequences of abuse. So they**
 13 **played more than a pivotal role into where we are today;**
 14 **an absolute pivotal role. So without that -- and I say**
 15 **this: without that support, without that humanitarian**
 16 **response from a local authority, who, as I said, had no**
 17 **responsibility for child migration, I think the question**
 18 **from that was, "Well, what would have happened?" What**
 19 **would have happened?**
 20 Q. You can see, just by way of example, at the foot of this
 21 page, that Ms Taylor explains in this witness statement
 22 how she tried to raise funds to build up the resources
 23 of the CMT, by writing to every Social Service Committee
 24 chair in the country trying to get some funding for the
 25 Trust.

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1 **A. Yes.**
 2 Q. And over the page, receiving many responses stating how
 3 supportive other councils were of the efforts of
 4 Nottinghamshire:
 5 "Without exception, they made clear that they saw
 6 the issue as being the responsibility of central
 7 government."
 8 So only two authorities contributed; is that right?
 9 **A. Yes, out of 90 local authorities. I don't think**
 10 **Cornwall was one of them, by the way.**
 11 Q. One of the ones providing the money?
 12 **A. I don't think they were.**
 13 Q. She has set out in her account that you have provided
 14 further evidence that the panel can read about
 15 additional matters of assistance, as you have indicated,
 16 over the years, helping with the helpline, I think,
 17 after the "Leaving of Liverpool" documentary, things of
 18 that nature?
 19 **A. Yes, that's correct.**
 20 Q. She has made a point, I think, at the top of her page 4,
 21 CMT000520_004, that, in addition to helping the panel
 22 understand the role of Nottinghamshire directly, she is
 23 trustee and now I think chair -- is that right --
 24 **A. That's correct.**
 25 Q. -- of the Child Migrants Trust?

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1 **A. Yes.**
 2 Q. She has set out there the difficulty with the logistics
 3 of the funding regime and has alluded to difficult
 4 situations "because we very rarely receive confirmation
 5 of any funding prior to the start of each financial
 6 year. Occasionally, it's not been until late May
 7 or June that we are advised of the funding for that year
 8 which has created stress for the organisation". Do you
 9 want to address that at all?
 10 **A. I think it is just really tough, isn't it, when you**
 11 **can't plan a service with some sense of financial**
 12 **security for a group of people like child migrants and**
 13 **their families. I think what Joan Taylor is saying is**
 14 **absolutely right. It was very difficult to be in**
 15 **governance and responsible for governance within this**
 16 **project. You have to be totally committed to its goals**
 17 **and its outcomes. Fortunately for me, and fortunately**
 18 **for the child migrants, we have a governance team that**
 19 **are totally committed to the outcomes and live and work**
 20 **with this risk all the time, that, will we be funded?**
 21 **It is a great strain. They take that strain with**
 22 **responsibility and with commitment and dedication.**
 23 Q. Can I take you now, please, to the part of your first
 24 witness statement where you deal with the CMT's role in
 25 other inquiries. We will deal with that first and then

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1 perhaps come back to some of your more recent evidence
 2 about the future and what you say needs to happen. It
 3 is page 32 of your initial witness statement,
 4 CMT000361_032, please.
 5 You have provided evidence there, I think, that the
 6 CMT has sought to engage with a range of inquiries and
 7 has sought, I think, to support child migrants in giving
 8 their accounts to these inquiries; is that right?
 9 **A. Yes.**
 10 Q. If we can go over the page, please, to CMT000361_033,
 11 help us also with the role that you have played in
 12 helping former child migrants access their records and
 13 things of that nature?
 14 **A. Well, I think the --**
 15 Q. Forgive me. Let me put a slightly more focused
 16 question. You have talked about the engagement of
 17 former child migrants with the institutions, if you
 18 like, that migrated them.
 19 **A. Yes.**
 20 Q. Can you give us some evidence about that, please?
 21 **A. I think in the early days, and to some extent the issues**
 22 **of records have been resolved by, I think, fairly good**
 23 **working protocols with agencies who hold the historic**
 24 **records that hold the key to a past. Of course, if you**
 25 **hold the records and you hold the information, then**

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1 **records are power. So we have had long discussions and**
 2 **protocols are in place for access to records. So**
 3 **I think that issue, probably following on from the**
 4 **Health Select Committee, has been resolved.**
 5 Q. You have talked, I think, in your witness evidence,
 6 paragraph 170 -- let's scroll in on 170 to 172, please.
 7 You have made a similar point, I think, at 170 about the
 8 imbalance of power issue, and you have dealt with it
 9 there, in the context, I think, of a particular redress
 10 programme run by the Catholic Church, the
 11 Towards Healing programme. Do you want to give some
 12 evidence about that, please?
 13 **A. I think that that programme was mainly in Australia, and**
 14 **my colleagues, very skilled colleagues, worked very**
 15 **closely with child migrants who have been abused in**
 16 **care, particularly in Australia. It was a really**
 17 **difficult, painful experience for many, probably not**
 18 **all, but many, many child migrants. I think to go**
 19 **back -- we have seen here -- we saw in the first public**
 20 **hearings here where there were such traumatic responses**
 21 **in this very room to triggers from the past. Now,**
 22 **that's something that's very real and not imagined. So**
 23 **triggers from the past with children, now adults, who**
 24 **have been severely abused are with them forever. That**
 25 **is what they tell us, that is how they feel. Often, the**

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1 **power of the perpetrator, whether that be an**
 2 **organisation, an individual, is still within their**
 3 **heads, and we have to be very, very mindful of that in**
 4 **any measures of redress and restitution.**
 5 **So to go back to the organisation where your abuse**
 6 **occurred and the child migrants over many, many years,**
 7 **they were frequently told by people, who, as adults,**
 8 **there is still fear in some cases, "You are here" -- and**
 9 **I remember one so clearly, "You are here taking my**
 10 **pension, after all we did for you".**
 11 **Now, I don't think I want to comment any more on**
 12 **that. I don't know how we call that redress. I don't**
 13 **know how we call that reconciliation. But I think we**
 14 **can call that secondary abuse, whether intended or not.**
 15 **I am not saying that this was intended. I am saying**
 16 **this is what occurred. That's just one example.**
 17 **We could cite many more.**
 18 Q. Did you have a sense from that particular programme,
 19 albeit I know we have heard that that's run in
 20 Australia, that some of the former child migrants --
 21 I think you have said this -- reported that they felt
 22 coerced to accept the minimal amount of redress through
 23 a "take it or leave it" attitude that, you have said
 24 this, belies the title of that scheme. What did you
 25 mean by that, Dr Humphreys?

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1 **A. I think I'm reflecting how the child migrants felt at**
2 **that time, and for some still feel that. From that**
3 **perspective, from that encounter, I don't think we could**
4 **describe that as healing and reconciliation. For some**
5 **child migrants, they have certainly felt and expressed**
6 **it privately in a therapeutic sense and in public, as to**
7 **be hurtful, insulting and abusive.**
8 **I think that leads us, doesn't it, to say that**
9 **redress, reparations, also need to have a degree of**
10 **independence, and it needs to be very, very mindful of**
11 **the long-term, traumatic impact of child abuse, and that**
12 **really, hopefully, really, some of those issues that we**
13 **talk about here need to be addressed in a far more**
14 **considered and compassionate way.**
15 Q. You have gone on, I think, Dr Humphreys, to deal with
16 a slightly different point, but perhaps a related one,
17 about the use of litigation, the use of civil claims in
18 the courts, to achieve damages or redress on behalf of
19 former child migrants.
20 Tell us a little bit about your experience, please,
21 in the Slater & Gordon litigation in Sydney about which
22 we have heard?
23 **A. Yes, we have heard about that, and I'm certainly not an**
24 **expert on that. I can talk about its impact.**
25 Q. Just talk perhaps about -- you have explained in your

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1 witness statement the particular impact it had on you.
2 You weren't directly involved in the litigation, but
3 tell us about what happened to you as a result of that
4 litigation?
5 **A. Okay. I'm sorry, I was somewhere else. Yes. Of**
6 **course, I think it's been said that that was a very**
7 **difficult time indeed, particularly in**
8 **Western Australia, where, for the first time, a small**
9 **group of child migrants were bringing action against, in**
10 **this respect, the Christian Brothers. I was working in**
11 **Perth in Western Australia at that time, working alone,**
12 **and this was the first time, I think, that these issues**
13 **were being brought before the courts. I think that was**
14 **the very first time.**
15 **So there was a whole range of issues. Life for the**
16 **Trust at that time was, I have to say, very difficult**
17 **indeed. But, more important than the difficulties for**
18 **the Trust at that time are the difficulties of course**
19 **for the child migrants, who I saw and met with when they**
20 **returned from Sydney, and, quite frankly, they were in**
21 **such a forlorn state, and I think we heard from**
22 **Mr Cosgrove yesterday and from others the outcomes of**
23 **those hearings.**
24 **But was it a difficult time? Was it a difficult**
25 **time for me professionally and personally? Absolutely.**

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1 Q. The panel can read, Dr Humphreys, the accounts you have
2 given about receiving a subpoena, I think, for your
3 records, and you have explained at paragraph 173 --
4 perhaps the panel can just read that -- the particular
5 experiences that you had that you are referring to,
6 I think.
7 Tell us a little bit more, please, about why it was
8 your perception is that the former child migrants
9 returned from the settlement of that claim so -- I think
10 you said "forlorn", did you?
11 **A. Yes.**
12 Q. Help us with what you mean by that and why were they
13 forlorn? What were they concerned about?
14 **A. I think, from what I remember at that time, there was**
15 **a huge fear. We have to remember that child migrants,**
16 **alone and in their own community, had lived with this**
17 **for years, and this was a very fearful time, a time**
18 **when, were they going to be believed or disbelieved?**
19 **That's a really worrying prospect for anybody that's**
20 **been abused.**
21 **I thought, and I was recorded at that time, that**
22 **I wasn't at all confident that the seven or eight people**
23 **that had gone there would survive it -- would survive**
24 **it.**
25 Q. You have referenced, I think, the understanding you have

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1 of the amounts of damages that were awarded, somewhere
2 between £1,000 or £12,500.
3 **A. Yes.**
4 Q. The reference you have also given is that the Brothers
5 issued an apology in 1993. Did the former child
6 migrants whom you spoke to about that give you any view
7 themselves about the adequacy of that process?
8 **A. I think they thought that everything was stacked against**
9 **them at that point, that they hadn't been really**
10 **believed, they hadn't been really heard, and it left**
11 **a lingering feeling of distrust and -- distrust, I must**
12 **say, too, within the legal system.**
13 **So I think, did it do anything to help the**
14 **position -- change the position from fear? I don't**
15 **think that it did that at all. Of course, we have heard**
16 **evidence as well that the settlements were very, very**
17 **low indeed, in terms of the crime, and it was generally**
18 **not a positive experience.**
19 Q. Now bring up, please, some further evidence you have
20 given the panel, just to give the panel a sort of
21 high-level understanding of some of the Australian
22 redress schemes that have been set up within Australia.
23 Can I pull up, please, CMT000361_034. Because you have
24 set out there at paragraph 176 to the end of the page
25 the three state schemes that you have understood have

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1 been set up in Australia. We are going to hear a little
 2 bit more evidence about this from the Australian Royal
 3 Commission's findings on these issues. But just by way
 4 of a headline, you have referred to the schemes in
 5 Western Australia, Tasmania and Queensland. Your
 6 understanding is that these were schemes that focused on
 7 all care leavers, not just those who were child
 8 migrants; that the Western Australia scheme had the most
 9 child migrant applicants because it received half of all
 10 the children that were sent to Australia?

11 **A. That's correct.**

12 Q. You have referenced again, I think, something we have
 13 heard evidence about already, that the maximum of
 14 \$80,000 was reduced to \$45,000 following a change in the
 15 government; is that right?

16 **A. That's correct.**

17 Q. Your understanding is that most -- is it most of
 18 the former child migrants received the maximum level of
 19 that payment?

20 **A. That's my understanding.**

21 Q. The Tasmania and Queensland schemes covered a much
 22 smaller proportion of child migrants and provided, you
 23 understand, average payments of \$35,000 in Tasmania; is
 24 that correct?

25 **A. That's correct.**

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1 Q. You have also referenced the fact that within Australia
 2 similar maximum amounts have been offered by the
 3 faith-based redress schemes organised by the
 4 Catholic Church in Australia since 1997, and you say
 5 that they have been the subject of much criticism
 6 concerning the lack of due process, which issues have
 7 been fully debated by the present Australian Royal
 8 Commission.

9 Do you have anything to add on whether that issue
 10 that you allude to there of a lack of due process has
 11 had any particular impact on the former child migrants
 12 that you assist?

13 **A. I think the impact of the process has been varied, but
 14 for many people, they have found that the process lacked
 15 independence, that levels of compensation were almost --
 16 I think the word that was used to me "bartered".**

17 Q. You are talking here in particular about the specific
 18 faith-based redress schemes --

19 **A. Yes.**

20 Q. -- not so much the state-level ones, but these are the
 21 Catholic-Church-organised ones, are they?

22 **A. I'm talking about the response of the agencies to the
 23 situation that they, too, find themselves are. These
 24 are very, very complex situations, and people may do
 25 things that they believe are for the right reasons, but**

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1 **I think that any -- any areas which are to do with
 2 compensating a lost childhood in all its many respects
 3 requires a great deal of thought and most certainly
 4 independence at every single level of the process, and
 5 I say, recently -- I met a gentleman recently who had
 6 been through a process in Western Australia with an
 7 independent lawyer, and I think that this related to the
 8 Christian Brothers, if I remember rightly. I will come
 9 back to you on that because I don't want to say it
 10 relates to someone and it doesn't, a particular
 11 organisation, so I would like to come back to you on
 12 that. But his words to me, following that experience
 13 with an independent lawyer with him, was that he was
 14 "made" to face the abusers, as an organisation, not the
 15 individual, but as an organisation; he said to me that
 16 he ran out of the room, his wife was with him, and his
 17 words, quote, were to say, "I felt I had been raped
 18 again". That was pretty recently.**

19 **The following day, he was admitted to hospital with
 20 a major coronary condition. He had a heart attack. He
 21 feels strongly that that was brought on -- clearly, he
 22 was unwell before, but the crisis was brought on by the
 23 trauma and the stress of that encounter, an encounter
 24 which, I must say, should be designed to bring some
 25 healing and relief, and that was the outcome of that.**

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1 **So we can't permit that to happen to anybody. We
 2 have to learn from that. They are the risks.**

3 Q. Finally, I think, on this topic, Dr Humphreys, you have
 4 referenced the New South Wales litigation about which
 5 I think we heard from Mr Hill in evidence as well.

6 **A. Yes.**

7 Q. Where you understand a significant number of former
 8 Fairbridge child migrants received compensation.
 9 I think on that you make the point that several had died
 10 before the claim was resolved; is that right?

11 **A. Yes.**

12 Q. Because it ran for several years?

13 **A. Yes. This is happening all the time, isn't it? I mean,
 14 Mr Hill referred to that in his evidence, and I can say
 15 I have had a telephone call this morning to say a former
 16 child migrant died during the night. His wife rang the
 17 office this morning and said, "Look at the significance
 18 of that. We have lost him today, of all days".**

19 Q. You have gone on in your witness evidence, Dr Humphreys,
 20 to set out the various inquiries that you have given
 21 evidence to over the years. You have given evidence to,
 22 as we have heard, I think, the Northern Ireland Inquiry,
 23 the Australian Royal Commission, you made a submission
 24 to the Victorian Redress Consultation. You obviously
 25 were involved in the UK Health Select Committee. So all

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1 these different inquiries. I'm afraid I jumbled them up
 2 in order there, but you have made submissions to all
 3 those different inquiries?
 4 **A. Yes.**
 5 Q. You have provided the inquiry with quite a few of those
 6 different submissions and reports that you have put in.
 7 Can you deal now, then, briefly, with your evidence
 8 about the government response to the Health Select
 9 Committee? If it helps you, this is internal page 36,
 10 paragraph 189 and onwards in your evidence. There were
 11 17 recommendations, I think, made by the UK Health
 12 Select Committee. Help us with what your view is on the
 13 way in which those recommendations, insofar as they bear
 14 on sexual abuse issues, were implemented?
 15 **A. Of course, the UK Health Select Committee was really the**
 16 **start of having this issue before parliament, so it is**
 17 **significant. The recommendations they made, in our view**
 18 **and the views of the child migrants at that time, didn't**
 19 **go far enough. But I would say that, if you like, their**
 20 **terms of reference, the way that they dealt with this,**
 21 **was -- I think David Hinchliffe has said recently that**
 22 **they didn't have the resources to do the kind of**
 23 **in-depth inquiry that this really required. So it made**
 24 **a move, it certainly made a move on records, the Trust**
 25 **funding was increased and there was --**

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1 Q. Just pause there for a minute. Dr Humphreys, I'm sorry
 2 to cut across you. Chair, an issue has arisen that we
 3 might just benefit from a few minutes' reflection on.
 4 I see we are fairly close to our mid-morning break, so
 5 I wonder if that might prove an appropriate moment?
 6 THE CHAIR: Yes. Thank you, Ms Hill, we will return at
 7 11.50 am.
 8 MS HILL: There is no secret about this. I am just
 9 concerned to consider some of the evidence you gave
 10 about Mr Hinchliffe's views about the Parliamentary
 11 Committee.
 12 **A. I'm sorry. Have I broken parliamentary privilege or**
 13 **something?**
 14 MS HILL: Can the feed for this particular point be
 15 terminated now, chair, just while we address that
 16 particular point?
 17 THE CHAIR: Yes, I will make that.
 18 MS HILL: And there should be no reporting of the last few
 19 minutes' worth of evidence, in the usual way. Chair,
 20 could you just make that direction before you rise?
 21 THE CHAIR: I thought I just did that. There is to be no
 22 reporting of the last few minutes of evidence.
 23 (11.37 am)
 24 (A short break)
 25 (11.55 am)

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1 MS HILL: Thank you, chair. Dr Humphreys, just in terms of
 2 that last part of your evidence, as I am sure you know,
 3 there are certain legal principles in play that mean
 4 that this enquiry won't examine the workings of
 5 a Parliamentary Committee. But I think what you were
 6 trying to address is the extent to which the
 7 recommendations made by that Committee have been
 8 implemented by the government and your view on that.
 9 **A. Yes.**
 10 Q. So can we pick the evidence up at that topic, please?
 11 **A. I think I can probably say no more than that. The**
 12 **recommendations that were made have, by and large, been**
 13 **implemented by the government. One of**
 14 **the recommendations that had a lasting impact and**
 15 **changed the scenario for many was the protocol access to**
 16 **records.**
 17 Q. You have made some points, I think, in paragraph 189 of
 18 your witness evidence -- perhaps you can just turn that
 19 up.
 20 **A. Could you give me the page, I'm sorry?**
 21 Q. It is internal page 36. CMT000361_036. Although, as
 22 you say, there has been a protocol around access to
 23 records, and so on, you have in paragraph 189 expressed
 24 some reservations about the extent to which these
 25 recommendations were complied with. Do you want to

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1 address that in your evidence?
 2 **A. I think I talk at 190 that there was an apology that was**
 3 **recommended. I think that speaks for itself, really.**
 4 **I have outlined the outcome of the Select Committee and**
 5 **its recommendations and how that's certainly improved**
 6 **the situation, I think.**
 7 Q. Yes.
 8 **A. That's fair to say.**
 9 Q. I think you have made some points that you perceive to
 10 some degree the recommendations have been implemented in
 11 a diluted way. So funding was increased but not, you
 12 say, to the level that would have enabled full service
 13 for the CMT to provide. The travel fund was only for
 14 a limited period at that time?
 15 **A. Yes.**
 16 Q. The apology I think at that time, at the time of
 17 the Health Select Committee, was a statement of regret
 18 rather than an apology; is that right?
 19 **A. Yes, that's correct.**
 20 Q. You have then moved on, I think, in your evidence to
 21 deal with quite a bit of evidence about what you believe
 22 is needed today, in separate parts of your witness
 23 evidence.
 24 **A. Yes.**
 25 Q. Can I ask you first to turn up, please -- in fact, no,

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1 let's deal with a little bit more about what has
 2 actually been provided before we get to your section on
 3 the future. It is CMT000516_007. It is your second
 4 statement, Dr Humphreys, and page 7 of your second
 5 statement. You were asked a question by the inquiry
 6 about what support and reparations have been
 7 specifically provided to the former child migrants who
 8 have complained of sexual abuse, and so you were asked
 9 to focus on that particular question rather than the
 10 support for former child migrants generally. Are you
 11 with me?
 12 **A. Yes, I am.**
 13 Q. Just summarise for the panel what you set out there?
 14 **A. Are we looking at paragraph 26?**
 15 Q. Yes.
 16 **A. Certainly in 26 and 27, I am referring mainly to**
 17 **Australia, to the work of the Australian Royal**
 18 **Commission into institutional responses to sexual abuse,**
 19 **and I say it very clearly here, that that inquiry has**
 20 **provided funding to the Trust, very helpful funding,**
 21 **which has enabled us to provide support for former child**
 22 **migrants in actually giving their testimony and**
 23 **preparing many of their statements. I have to say that**
 24 **that has been quite traumatic, too, for many child**
 25 **migrants, to keep revisiting a past, a painful past, but**

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1 **they see the necessity of this process to achieve some**
 2 **recognition and some justice.**
 3 **I talk about that. The private sessions, of course,**
 4 **that are offered by the Royal Commission in Australia**
 5 **have been invaluable, and have almost been therapeutic**
 6 **in itself. I can't stress that enough, actually.**
 7 Q. You have said at paragraph 68 that your service model
 8 aims to respond effectively to those people who have
 9 experienced serious, unresolved trauma, including, but
 10 not exclusively, childhood sexual abuse. You summarise,
 11 I think, at paragraph 29, the ways in which your
 12 particular service meets those needs. Is that right?
 13 **A. Yes, that's right. This is a social work agency and**
 14 **this is what social workers do in many parts of**
 15 **the world and in many projects.**
 16 **I talk very much about how the counselling, how the**
 17 **therapeutic relationship, is bound by the search for**
 18 **identity and family and belonging, but within the**
 19 **context of child migration there is this issue, of**
 20 **course, of social justice, and our experience would be**
 21 **that, without all those components coming together,**
 22 **unless they come together, it reduces very much**
 23 **recovery, and somehow also impacts on family --**
 24 **restoring families as well. But the work is an integral**
 25 **part of the therapeutic, of the finding and locating in**

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1 **a sensitive manner families, and family reunification,**
 2 **alongside in this particular context, of course, social**
 3 **justice. They go side by side.**
 4 Q. I think you draw out a couple of key features of your
 5 service that you wish to draw to the panel's attention,
 6 that those who work within your service are trained in
 7 social work, they are specifically able to deal with
 8 issues around historic trauma. You mention, I think,
 9 the safe and non-institutional environment in which you
 10 operate.
 11 **A. Yes.**
 12 Q. Over the page, your statement of agency values, which
 13 puts a premium on the factors that you set out there;
 14 the ability you have to travel to meet former child
 15 migrants, if need be, in person; and the fact that you
 16 do not charge for the services you provide. Is there
 17 anything else that you wish to say about that and its
 18 ability to meet the needs of victims of sexual abuse?
 19 **A. I think that covers it. I mean, it's**
 20 **a trauma-sensitive, of course, approach. One of the key**
 21 **values that underpin this work, of course, is**
 22 **independence, and I think we have spoken about that and**
 23 **I refer to it in my statement. I think that Mr Davies,**
 24 **on behalf the government, in his evidence,**
 25 **I understand -- correct me if I am wrong, I understand**

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1 **he accepted that independence was important, and**
 2 **particularly important with historic abuse of children.**
 3 Q. You have set out, I think, later on, on that page, your
 4 evidence under the heading "Redress", where I think you
 5 deal firstly with historic issues around funding for the
 6 CMT. But you allude, I think, do you, at paragraph 37
 7 to a recurrent challenge around whether the CMT should
 8 charge for its services. Do you want to talk about
 9 that, please?
 10 **A. Is that paragraph 37 of the second statement?**
 11 Q. It is, yes.
 12 **A. I think we saw some of the response to the government**
 13 **over this issue in some of the disclosed documents.**
 14 **I think I can say with some confidence that CMT would**
 15 **never charge for its services. How could we and how**
 16 **would we, under these circumstances? So that is**
 17 **a value. We don't charge for services, and we will not**
 18 **do in the future. I'm fairly sure of that.**
 19 Q. But is what you are drawing to the panel's attention at
 20 paragraph 37 that it is often a topic that is raised
 21 with you by government about whether you can charge for
 22 your services?
 23 **A. Continually, it is a conversation that we talk about**
 24 **a lot. I think that Mr Davies said that charging for**
 25 **services would be wrong. I think he said that in his**

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1 evidence, under these circumstances. But of course,
 2 government are always looking for ways to reduce their
 3 funding to the Trust. I think if the trustees were
 4 speaking here, I probably can say this, at an annual
 5 review every year we are asked to find funding
 6 elsewhere. It is a constant: "Find your funding
 7 elsewhere". I think the resistance, in some respects,
 8 of the trustees to that, and the response is usually
 9 unanimous, is to say, "Well, where from, when people
 10 tell us this is the responsibility of the government?"
 11 Q. Has the CMT made efforts to locate other sources of
 12 funding from other charitable bodies and things of that
 13 nature, though?
 14 A. Yes, we have.
 15 Q. You have reminded the panel, I think, at paragraph 35,
 16 that during the time when funding was much more limited
 17 for the CMT, you say that during that seven-year period
 18 from 1987 to 1993 only one payment of £20,000 was made.
 19 At that time, the CMT received over 1,000 requests for
 20 services. So there is that historic issue still there;
 21 is that right?
 22 A. Yes, that's right. Isn't that shocking? Isn't that
 23 truly shocking, under these circumstances, and at that
 24 time, when there was so much hope for child migrants and
 25 so much hope for their mothers and fathers too? They

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1 are not represented here in this inquiry. There was so
 2 much hope for mothers looking for their children at that
 3 time.
 4 Q. May I turn now to the evidence that you have given about
 5 what you believe should happen in the future. Can I try
 6 to address that, as best I can, through the various ways
 7 in which you have dealt with this in your witness
 8 statements.
 9 First of all, please, page 37 of your first witness
 10 statement, CMT000361_037?
 11 A. Sorry, just tell me the page again?
 12 Q. Page 37 of your first witness statement.
 13 A. Thank you.
 14 Q. You have got a heading there, Dr Humphreys, which we
 15 will perhaps just go through that section briefly,
 16 because then you amplify these points, I think, in your
 17 second witness statement. You say at 193 --
 18 A. Is that "Doing the right thing"?
 19 Q. It is exactly that. Your heading, as you have said:
 20 "What is needed today", "Doing the right thing".
 21 You have said that after the apology there was an
 22 expectation that truth and justice would follow. You
 23 have referenced there what you describe as a failure to
 24 deliver a coherent post-apology strategy. Is that what
 25 you believe has happened?

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1 A. Yes. Yes, I do believe that's happened. I believe that
 2 the intentions were very honourable, very sincere, at
 3 the time of the apology, most certainly, but we failed
 4 to go on to have, as I say, a very coherent policy about
 5 the future, about the legacy issues. This isn't an
 6 issue that requires a cut-off date. The consequences of
 7 this policy are enormous.
 8 Q. You have drawn a comparison there, I think, with the
 9 Australian strategy. What would you like to say about
 10 that, Dr Humphreys?
 11 A. I think there's a difference, and I don't usually make
 12 comparisons between Australia and Britain on any of
 13 these issues, and I don't really want to dwell on that
 14 now. We should all be doing the very best we can, even
 15 at this late stage, and there is an urgency, but there
 16 are quite -- as we can see, quite different responses
 17 here. I have laid out what some of those responses are.
 18 Q. You have suggested here, first of all, under 194:
 19 "Former child migrants remain convinced that only
 20 a full judicial inquiry will do justice to the
 21 complexity and serious nature of the scandal of child
 22 migration."
 23 I think, as we heard from Mr Johnston yesterday,
 24 that's a desire that his International Association share
 25 as well?

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1 A. Yes.
 2 Q. Is there anything else that you wish to say about that?
 3 A. Look, I think I would say that the Trust supports the
 4 child migrant community and the International
 5 Association, in calling very strongly for an independent
 6 inquiry into child migration. There are many issues
 7 that the child migrants themselves feel need to be
 8 addressed and very quickly indeed. For the child
 9 migrant community, as very welcome as this inquiry is,
 10 and it most certainly is, it is limited in its terms of
 11 reference. I think that's why Mr Johnston
 12 particularly -- and he is supported by the community of
 13 child migrants in asking for an independent judicial
 14 inquiry, and we support that.
 15 Q. Help us, then, with your evidence about financial
 16 redress and what you say should happen?
 17 A. I think Mr Brown talked about financial redress
 18 yesterday and compensation, didn't he? I think that
 19 these are very complex issues, and reparation and
 20 redress and compensation, they are all part of the same
 21 package. There is not one thing on its own will work.
 22 It needs quite a complex, integrated, coherent strategy
 23 around all of these things, and most of them, of course,
 24 are legacy issues, and that's really what we are failing
 25 to acknowledge at the moment, the nature of the legacy

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1 **issues.**
 2 Q. You have made the point, I think, that to date the UK
 3 has not included financial redress as part of its
 4 package of support, although in Australia a national
 5 redress scheme is planned for 2018. You have described
 6 the current financial redress provision as "rather like
 7 a patchwork quilt". Is that partly because it depends
 8 on which state you were migrated to if you were a former
 9 child migrant and, indeed, which agency managed your
 10 migration?
 11 **A. Yes. I think it is very hard to pull all of this**
 12 **together, and all the agencies and governments alike**
 13 **that are responding to historic abuse, and particularly**
 14 **historic sexual abuse, are finding that these are very,**
 15 **very complex issues and require a lot of thought.**
 16 Q. Can I pick this topic up, please, in your second witness
 17 statement, CMT000516_009, where you deal, just briefly,
 18 at the foot of that page with the topic of individual
 19 redress.
 20 You say:
 21 "The CMT considers that there is an urgent need for
 22 a redress scheme in this country ..."
 23 Just go over the page, please. You support the
 24 International Association on this issue, that the level
 25 of compensation should reflect the long years of

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1 suffering and hardship suffered by former child
 2 migrants. You have expressed this view, that as well as
 3 the serious nature of the criminal sexual abuse, the
 4 denial by the government and agencies over many years
 5 has compounded the suffering and distress caused by
 6 their actual deportation and abuse. Redress payments,
 7 therefore, should reflect the degree and totality of
 8 the injury caused. Just as the sexual assaults were of
 9 a very serious nature, it is reasonable to expect
 10 a substantial rather than a token level of redress
 11 payment.
 12 Is there anything else that you would like to say
 13 about that topic?
 14 **A. I don't think so. I think we have laid it out quite**
 15 **clearly.**
 16 Q. You do make the point, I think, at the end of 39, that
 17 "recommendations on redress which isolate sexual abuse
 18 from other forms of abuse would again lead to a partial
 19 form of redress for child migrants". What do you mean
 20 by that?
 21 **A. This inquiry is dealing with sexual abuse, and I think,**
 22 **from the evidence of the child migrants, and the**
 23 **professional evidence that's been given -- provided,**
 24 **should I say, we can see, and we know that child sexual**
 25 **abuse, under these circumstances, on this scale, they**

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1 **don't operate in isolation from physical abuse.**
 2 **Therefore, we are looking at three strands of abuse that**
 3 **have lifelong consequences. It is the sexual abuse and**
 4 **the violations, of course, and Mr Brown spoke about**
 5 **that, too, yesterday, the human rights violations; the**
 6 **emotional abuse; and physical abuse. All really go**
 7 **together, and particularly under these circumstances.**
 8 **So, yes, I think that it is quite fragmented to look**
 9 **at one aspect of abuse, as serious as it is -- and, of**
 10 **course, we are all learning through all of this and**
 11 **gaining more specialism in these areas, but what about**
 12 **the children who aren't able now, as adults, to come**
 13 **before this inquiry and who have suffered brutality on**
 14 **a scale that I think we haven't heard of outside of war.**
 15 **I remember a Labour MP saying these are war crimes**
 16 **without a war.**
 17 Q. Can I scroll in on a section of your witness evidence
 18 where you have dealt in brief terms with the legal
 19 redress that's been sought in the UK. Just taking this
 20 relatively briefly --
 21 **A. Yes.**
 22 Q. -- you have described there that attempts have been made
 23 since the early 1990s to assist former child migrants in
 24 their search for justice. You have described the
 25 attempts to obtain legal redress through civil

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1 litigation in this jurisdiction and noted that the
 2 Health Committee had observed how difficult obtaining
 3 justice through the courts was; recommended that the
 4 government consider child migrants in their review of
 5 legal aid and, indeed, you have offered evidence to
 6 suggest that you don't know whether that did in fact
 7 happen and that you believe that the limitations
 8 provisions and on Legal Aid need to be looked at in the
 9 context of child migrants; is that right?
 10 **A. That is right. I mean, time limitation has effectively**
 11 **barred the child migrants from seeking justice in the**
 12 **way that you have described. So I do think,**
 13 **particularly in cases of historic child abuse,**
 14 **particularly sexual abuse, the time limitation period**
 15 **needs to be reviewed.**
 16 Q. Finally on that topic, over the page at 45, please,
 17 CMT000516_011, you have made the point that if cases do
 18 go to court, it is important to make sure child migrants
 19 are treated with dignity and are not retraumatised.
 20 Help the panel, with the example you have given, to
 21 perhaps understand what you mean there.
 22 **A. I'm sorry, can you tell me which page this is on?**
 23 Q. It's page 11 of your second witness statement,
 24 paragraph 45 at the top. This is about when cases do go
 25 to court, your evidence about people being retraumatised

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1 in cross-examination?

2 **A. I think, yes, I have already referred to that in many**

3 **respects. All these situations are prone to**

4 **retraumatizing -- we are talking about former child**

5 **migrants here. I think we need to be extremely**

6 **sensitive to that area of knowledge that we have, that**

7 **these are triggers and they can bring about some quite**

8 **severe consequences. So great sensitivity needs to be**

9 **considered prior to moving into this kind of action.**

10 Q. You have mentioned there one former child migrant who

11 was asked by the Christian Brothers' lawyer whether he

12 had in fact "led the brother on", in relation to sexual

13 assault; is that right?

14 **A. Sadly, correct.**

15 Q. You have made the point that if there are to be schemes

16 providing financial settlement outside of a courtroom,

17 they need to be conducted independently, about which

18 I think you have talked already?

19 **A. Yes, I have.**

20 Q. You have addressed in several different parts of your

21 evidence your proposal that what also needs to happen --

22 I am just reading from your first witness statement. We

23 don't need to bring it up. You say there needs to be

24 continued secure funding of the CMT's independent

25 specialist professional services to trace and reunite

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1 families. This includes the continued funding of

2 the Family Restoration Fund.

3 You have dealt with that in slightly more detail.

4 Perhaps we can bring this up. CMT000516_011. At the

5 foot of that page, please, you have dealt with what you

6 say needs to happen in terms of the support provided to

7 the CMT, if I can put it that way, so it can continue

8 with its work. Set out at (2) at the bottom of that

9 page, that you believe there needs to be "sustained and

10 integrated professional and financial support for

11 surviving child migrants".

12 So ringfenced ongoing funding for the CMT and the

13 Family Restoration Fund; the continued specialist,

14 independent professional help; the good practice

15 standards that you have talked about; and a single point

16 of access for historic records?

17 **A. Yes.**

18 Q. So those are the things that you say justify that need

19 for ongoing provision?

20 **A. I think so, yes. They are the things that I think we**

21 **would say, and would be supported by the child migrant**

22 **community, need to be put in place as soon as possible.**

23 Q. Can I go back, please, to some of the other examples you

24 have given in your first witness statement. It is

25 page 38 of 46. It is CMT000361_038. Just take us

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1 through, please, the items in bold on this page. Just

2 perhaps headline the points you are making here?

3 **A. This is at 197?**

4 Q. Yes, from paragraph 197. Sorry, I thought you meant the

5 page. Take us through those, please, quite briefly,

6 Dr Humphreys.

7 **A. In 197, I deal with the practical and cultural**

8 **initiatives, such as a national memorial and living**

9 **testimony project and generational projects. These are**

10 **the sorts of things that we talk about in terms of**

11 **legacy issues, and they really are all about learning**

12 **from the past. I give you an example. The Trust has**

13 **just started to take and to preserve testimony and**

14 **remembrances of child migrants, it is a project we have**

15 **just started, and we intend to give that opportunity to**

16 **all child migrants, that their legacy, that their**

17 **remembrances, will be with us forever, and we will**

18 **protect that.**

19 We have, I think, filmed -- taken testimony from ten

20 people. One has already died, and we only started this

21 seven weeks ago.

22 There is an urgency around this. There isn't years

23 left. We need to get on with it. It seems to me --

24 I get a sense that there is a resistance at the top of

25 government to acknowledge legacy issues. We need to get

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1 **on with these things now. We have so much to learn from**

2 **child migrants and their families.**

3 Q. Perhaps move on to 198, please, if you would.

4 **A. Specialist independent services --**

5 Q. I think at 198 you talk about good practice standards,

6 and I think you pick this up later in your witness

7 evidence. Is that partly because you have given some

8 evidence later in your witness statement, your second

9 witness statement, about poor practice, for example,

10 around access to records and things like that?

11 So you have referenced, just for the panel's note,

12 at paragraph 73 of your second witness statement,

13 continuing examples of poor practice around access to

14 records. You have given a few examples there. What are

15 the good practice standards that you think should be

16 issued to ensure independent services for this client

17 group?

18 **A. Well, I think that's what I have really said: access to**

19 **records is very important. They often give**

20 **interpretations of the past in a way that we most**

21 **certainly wouldn't interpret quite often in that way**

22 **now.**

23 Look, can I just give you an example of the sorts of

24 things that we are talking about, in terms of standards,

25 in terms of independence? I have a letter here that

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1 a child migrant, a young boy, just left the orphanage,
 2 he writes to Miss Sanderson and he says, "I'm a young
 3 boy, I have just left and I look after my clothes very
 4 well, but please could you help me find my family?" He
 5 is a young man, he is 15. "Please could you help me
 6 find my family? I can't write letters very well, but
 7 would you help me find my family?" The agency write
 8 back, and it is on the letter, "Say parents both died
 9 while a baby". Now, here is the letter (indicating),
 10 here is the comment (indicating), and we found his
 11 family alive.
 12 If that doesn't need independence to work through
 13 that, and to work with the mother and the family, "Tell
 14 him both parents died while a baby". Completely untrue.
 15 I think you have to be skilled, I think you have to be
 16 independent, to actually help someone come to terms with
 17 this.
 18 These are all issues around past, about present,
 19 around future. That is a very difficult and complex
 20 issue to deal with: "Tell him the family are dead", and
 21 they were not. So I think independence would be crucial
 22 in a good outcome here.
 23 Q. You have dealt, I think, with this topic a little
 24 further in your second witness statement, CMT000516_014.
 25 You have got a heading there "Independence for

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1 therapeutic services". You have described what you
 2 refer to at paragraph 63 as "a fundamental and
 3 persistent flaw in the reasoning of migrating agencies
 4 between having a responsibility to address past poor
 5 practices and the actual provision of those services",
 6 because you, I think, have said several times that you
 7 record independence as a particularly important element?
 8 **A. Yes.**
 9 Q. You go slightly further at paragraph 65 and say you
 10 regard the failure to recognise that need for
 11 independence as probably the most enduring form of
 12 secondary abuse?
 13 **A. Absolutely.**
 14 Q. "... it has led to compromised or failed family reunions
 15 and sometimes a reinforcement of a pervasive sense of
 16 abandonment and rejection"; is that right?
 17 **A. Yes, absolutely.**
 18 Q. You have referenced, just over the page, please, at 66
 19 and 67, your view and that of the Child Migrants Trust
 20 that legislation is necessary to enshrine the unarguable
 21 right of individuals to choose independently provided
 22 therapy, and you have referenced the Northern Ireland
 23 Inquiry's recommendations around the creation of a post
 24 called the Commissioner for Survivors of Institutional
 25 Child Abuse; is that right?

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1 **A. Yes.**
 2 Q. Going back, please, if I may, to your list in your first
 3 witness statement, and just taking these relatively
 4 shortly, if I may. I think you may have covered most of
 5 this already, Dr Humphreys. It is page 38 of your first
 6 witness statement. CMT000361_038. You have referenced,
 7 I think, at 199, the need, as you have already said, for
 8 the "Specialist, independent professional help to ensure
 9 child migrants start to enjoy the same rights and
 10 opportunities as other people".
 11 Is there anything in particular you would like to
 12 say on that heading?
 13 **A. Yes. I think I would just like to reinforce, and**
 14 **I expect that we are already aware of this, that the**
 15 **issues of deprivation and particularly deception and**
 16 **abuse over a long period of time, particularly**
 17 **throughout childhood, really indicate that services, and**
 18 **professional services, are going to be needed for a long**
 19 **time. This is not a quick fix.**
 20 Q. You have referenced, I think, in the next paragraph, at
 21 200, that there should be centralisation of historic
 22 records within a government department with a clear
 23 access protocol. You say that "present management of
 24 records lacks the organisation and urgency which is
 25 vital to the welfare of the former child migrants and

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1 their families". What in particular do you mean by
 2 that?
 3 **A. I think that child migrants have felt, some of them,**
 4 **anyway, and my colleagues feel very strongly, that the**
 5 **records for child migrants, for their families, should**
 6 **be held, as I have said here, in a centralised point,**
 7 **with a clear protocol in place for access.**
 8 Q. Then your final two recommendations, 201, please:
 9 "Recognition that there are national and
 10 international issues today where CMT could make
 11 a significant contribution by providing advice on policy
 12 and practice issues."
 13 Help us a little bit with understanding what you
 14 mean there?
 15 **A. I think, look where we are now, 30 years later, and we**
 16 **still don't have a coherent, post-apology strategy.**
 17 **There isn't a realisation -- at least, I don't sense**
 18 **there is -- of the urgency, the real urgency, of**
 19 **the situation.**
 20 **I think that if we had, and other specialist groups**
 21 **too, input to policy, I think we would be in a different**
 22 **place now.**
 23 Q. Finally, on your first statement at 202, you say:
 24 "Social workers need to receive mandatory training
 25 in how to deal with historic abuse. There is a real

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1 opportunity for Great Britain to lead the way."
 2 What do you mean by that?
 3 **A. There is not a large skilled work force of professional**
 4 **social workers trained in this work, both here or in**
 5 **Australia. Sadly, I think that that is required. We**
 6 **need to make some inroads into that. I think that**
 7 **social workers need to have quite specialist training in**
 8 **this area of historic abuse, and I think that, again, is**
 9 **something that we need to move forward on quite quickly.**
 10 Q. Can I bring you, please, to the end of your second
 11 witness statement, just to see if there is anything
 12 further that you wish to draw out for the panel's
 13 attention. I think I have covered, hopefully, within
 14 your second witness statement the topics that you have
 15 dealt with. You have talked about secondary abuse, you
 16 have talked about the need for independence, you have
 17 talked about access to records. I think your conclusion
 18 that begins at internal page 16 of your second
 19 statement, Dr Humphreys, "A positive way forward", we
 20 can perhaps bring that up, CMT000516_016. On a sort of
 21 slightly high level, perhaps, at paragraph 77, do you
 22 say there what at a high level, I think, rather than the
 23 specific recommendations, you say the government need to
 24 do?
 25 **A. Yes.**

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1 Q. So acknowledge full responsibility?
 2 **A. Yes.**
 3 Q. Learn the lessons from child migration. And perhaps we
 4 will just bring up MH80, just briefly, please, which is
 5 your exhibit where you set that out. That's
 6 CMT000521_001, please. This is perhaps a document that
 7 the panel can reflect on in slightly slower time. This
 8 is where I think you try to draw out -- perhaps we can
 9 just scroll in -- what are these sort of bigger picture
 10 issues or bigger picture lessons. Is that a fair
 11 summary of what you are trying to do here, Dr Humphreys?
 12 **A. Yes.**
 13 Q. Scroll down on that. The panel can have regard to that
 14 in its own time.
 15 Thank you. Going back, then, please, to your
 16 witness statement, CMT000516_017. I think the third
 17 limb of what you say overall the UK Government should do
 18 is do the right thing by mobilising without further
 19 delay a post-apology strategy based on those nine
 20 principles I took you through from your first statement?
 21 **A. Yes.**
 22 Q. You have referred, I think, to several documents that
 23 you have seen in the disclosure now about discussions or
 24 communications between yourself at various points and
 25 the government. Do you want to comment on that at all?

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1 **A. Well, yes, of course, we have had access to the**
 2 **disclosures, which of course reveal the very**
 3 **conversations that have been going on in government**
 4 **during all this period, and they make very sad reading.**
 5 **That's to put it mildly.**
 6 **I mean, we could see from those documents, almost**
 7 **from the very beginning, that the advice was, "Resist,**
 8 **resist, resist".**
 9 Q. Have you described that in your witness evidence as what
 10 you believe to be a sort of defensive mind-set, an
 11 institutional mind-set, that was initially at least
 12 defensive?
 13 **A. Yes.**
 14 Q. You have referenced, I think, other examples. You have
 15 talked there about -- one example that immediately comes
 16 to mind is Hillsborough, but you suggest that this
 17 attitude is perhaps part of something wider. Is that
 18 right?
 19 **A. Yes. I think the resisting, I think we would say, and**
 20 **my colleagues I'm sure agree, amounts to secondary**
 21 **abuse. Secondary abuse is fairly simple to understand,**
 22 **isn't it? You know, that there is a first violation.**
 23 **You tell the government about that violation, and they**
 24 **don't respond in an empathetic and supportive and**
 25 **listening manner and, on something of this scale, is**

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1 **it -- well, it doesn't matter what the scale is, but I'm**
 2 **referring to this scale. I think we would say that is**
 3 **secondary abuse.**
 4 **How do we change that culture? Our institutions**
 5 **require swift culture change that resists -- well, look,**
 6 **resists, when there was so much hope. After all we have**
 7 **done to these children and families, we say there is so**
 8 **much hope here now, let's get on with it, let's do**
 9 **everything we can. Can we do that now, please? Even**
 10 **now, in 2017. Do everything we can with some urgency.**
 11 Q. Dr Humphreys, just finally, there are a few passages in
 12 your book that I was going to take you to, but I see the
 13 time, and perhaps it is not necessary, but I hope I can
 14 summarise things fairly in this way: is it right that in
 15 your book one theme that you have brought out at various
 16 points is a series of examples of that sort of
 17 institutional denial by, for example, Fairbridge? You
 18 have referenced in your book meeting different people
 19 from Fairbridge over the years at dinners or events or
 20 things of that nature, and being given a similarly
 21 dismissive response. Is that fair?
 22 **A. I think that's fair.**
 23 Q. You have described, for example, being told that what
 24 you are saying is not true, things of that nature; that
 25 the accounts you are referring to are not correct?

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1 A. Yes.
 2 Q. Is that a summary?
 3 A. I think that's a fair summary. I was always told, by
 4 the way, that Fairbridge, during that period, just to
 5 stay with that, was, of course, one of the best of
 6 the schemes with the best people, trying to help
 7 children from poor, working-class backgrounds, and
 8 I listened very much to Mr Hill's statement yesterday,
 9 and I think I would like to -- I think I would really
 10 like this on record: child migration has been talked
 11 about around rescuing children from terrible situations,
 12 from working class families. The child migration
 13 schemes were used for many purposes, many purposes
 14 indeed. The families of child migration -- of the child
 15 migrants come from all stratas of society.
 16 MS HILL: Chair, those are all the questions I had for
 17 Dr Humphreys, unless you or the panel have any
 18 questions.
 19 THE CHAIR: Thank you, Ms Hill.
 20 Questions from THE PANEL
 21 PROF SIR MALCOLM EVANS: Thank you, Dr Humphreys. I just
 22 have one very small point arising out of a letter that
 23 you made available to us earlier, and perhaps it
 24 disappeared a little quickly before I could see right
 25 through to the end of it. This was the letter that you

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1 showed us that you were writing in 1992 to -- I think it
 2 was to John Major at the time. I am just wondering --
 3 MS HILL: Do you want that back up? I can bring it back up.
 4 PROF SIR MALCOLM EVANS: Thank you. I was just wondering,
 5 in these letters you were writing at the time, were you
 6 expressly raising issues of physical and sexual abuse in
 7 the letters at that time, or not? Just to get a sense
 8 of what was being raised?
 9 The second question that I had was, if you could say
 10 anything about -- you have said something about your
 11 understanding and appreciation of the 2010 apology, but
 12 anything of your role in the construction of that
 13 apology?
 14 A. I think the letter to John Major -- I can't read it, it
 15 such a distance from me. But during that period of
 16 time -- of course this has evolved. We didn't know then
 17 what we know now, but we knew that it would -- we needed
 18 to respond quickly and effectively to, what I would say,
 19 a humanitarian need. So I think, what I can see from
 20 this, I have tried to set that out.
 21 One of the things of writing letters to
 22 Prime Ministers at that time was the view -- I mean,
 23 naively, I think, on my part, at that time, that once
 24 people in power knew about this, and really knew about
 25 it and understood it, that we would do things very

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1 quickly. It took quite a while for me to realise that
 2 that was not going to happen. In fact, it took too long
 3 for me to realise that. Is that an answer? I think
 4 that's the best I can do at the moment.
 5 PROF SIR MALCOLM EVANS: That's very helpful. Having the
 6 letter back up, we can see what I was looking for, and
 7 it does quote in the letter "many were physically and/or
 8 sexually abused". It was a question of whether that was
 9 being expressly raised at that point, that I wasn't
 10 clear from what had happened before. Thank you very
 11 much. It's helpful for that clarification.
 12 A. Was your second question about the apology?
 13 PROF SIR MALCOLM EVANS: Yes.
 14 A. Yes, the apology. I can't stress enough the importance
 15 of that, the therapeutic value of that, not just for the
 16 child migrants and their families, but what about us as
 17 a society? We have talked a lot, haven't we, about the
 18 standards of the day in this inquiry. I think here is
 19 an opportunity for us to set the standards of today, and
 20 I think the 2010 apology went a long way to do that.
 21 I think it had a very valuable therapeutic impact on
 22 families.
 23 Did we have any involvement in that? Were we
 24 consulted? I think that's your question. Yes, we were
 25 consulted. We, too, consulted with the child migrant

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1 community, and particularly with the International
 2 Association of Former Child Migrants. In fact,
 3 Andy Burnham, who was the Secretary of State for Health,
 4 met with the International Association, met with
 5 Mr Johnston, met with the then secretary Harold Haig for
 6 meetings in London prior to the apology and the issues
 7 around the apology, its wording, how it would take
 8 place, the sensitivity of it, was discussed quite
 9 openly, and Andy Burnham played a key role in that, of
 10 course with Mr Brown, of course, but yes. They were
 11 consulted and so were we.
 12 PROF SIR MALCOLM EVANS: Thank you.
 13 THE CHAIR: Thank you very much. We have no further
 14 questions.
 15 MS HILL: Thank you, chair. If you are content to release
 16 Dr Humphreys, thank you for her evidence. Thank you.
 17 (The witness withdrew)
 18 MS HILL: We are going to move on to some other matters now,
 19 so perhaps Dr Humphreys can leave the witness table.
 20 (The witness withdrew)
 21 MS HILL: Chair, between now and the lunch adjournment we
 22 are going to deal with various discrete matters of
 23 evidence we need to finish off, if you like, that arise
 24 from various points in the last week.
 25 Chair, as you know, I think the core participants

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<p>1 have been made aware that we propose to adduce a limited 2 amount of further evidence at a quite high level about 3 the support and reparations that have been made 4 available in other countries, in particular in 5 Australia. So my learned friend Mr Livingston is going 6 to read some parts of the Australian Royal Commission's 7 findings on the different redress schemes and 8 compensation and things of that nature. 9 Summary of case study 11 of the Royal Commission 10 MR LIVINGSTON: Thank you, chair. I am going to summarise 11 parts of the case study 11 of the Royal Commission, 12 which was into the Congregation of Christian Brothers in 13 Western Australia's response to child sexual abuse at 14 Castledare Junior Orphanage; St Vincent's Orphanage, 15 Clontarf; St Mary's Agricultural School, Tardun; and 16 Bindoon Farm School. This is dated December 2014. 17 The parts of the report that I deal with, chair, are 18 taken from chapters 7 to 9 of the report, which is from 19 pages 51 to 72. The reference, if we can have it up, is 20 EWM000064_051. These parts deal with civil litigation, 21 Redress Western Australia, and compensation paid by the 22 Christian Brothers. 23 Chair, because it is 20 pages of evidence, I am 24 going to summarise it for you, particularly with regard 25 to the financial redress.</p> <p style="text-align: center;">Page 77</p>	<p>1 Towards Healing, was introduced. Generally, those who 2 were part of the litigation could not participate in 3 this scheme. Participants received payments of up to 4 A\$40,000. Again, many were dissatisfied with the 5 process, but during the Royal Commission's hearings, the 6 Royal Commission were told by the Christian Brothers 7 that participants who were dissatisfied could apply for 8 their settlements to be revisited if it was in the 9 interests of justice to do so. 10 Chapter 8 of the case study report deals with 11 Redress Western Australia. This was set up in 2007, in 12 order to make ex gratia payments to applicants, not all 13 of whom, of course, were former child migrants. 14 A budget of A\$118 million in payments was offered to 15 eligible applicants, and that was to 5,325 individuals 16 out of 5,917 applications. As you have heard, chair, in 17 2009, the Western Australian Government noted that there 18 were more applications than they expected, and, 19 therefore, the original budgeted amount, they said, was 20 not enough, going with the anticipated maximum payment 21 of A\$80,000. As a result, they reduced the maximum 22 payment to A\$45,000. 23 From this, 866 applicants were offered \$5,000; 1,868 24 applicants were offered \$13,000; 1,478 applicants were 25 offered \$28,000; and 1,113 applicants were offered</p> <p style="text-align: center;">Page 79</p>
<p>1 Firstly, with regard to civil litigation, as you 2 have heard, in 1993, class actions were commenced 3 against the Christian Brothers in New South Wales and 4 Victoria. The report details considerable procedural 5 hurdles, again which you have heard of, and the 6 proceedings were eventually settled for A\$3.5 million in 7 1996, with further money towards legal costs, and that 8 was A\$1.5 million to Slater & Gordon and the 9 Christian Brothers' costs were also A\$1.5 million. 10 From that, one-third was to be made available for 11 cash payments and two-thirds to fund services. The fund 12 made lump sum payments to 127 former residents, ranging 13 from A\$2,000 to A\$25,000. 14 Many of those who gave evidence to the Royal 15 Commission, it is recorded, were dissatisfied with the 16 litigation and the settlement and, to fund the 17 settlement, the Christian Brothers' insurance company 18 made an ex gratia payment of A\$2.5 million and the other 19 bit was funded from the Christian Brothers' reserves. 20 The trust deed was eventually wound up in June 1999 21 with surplus funds of A\$700,000, and these were used for 22 the benefit of the claimants who participated. 23 Chair, after the Christian Brothers had settled the 24 Slater & Gordon civil litigation, a Catholic Church 25 redress process, about which you heard yesterday, called</p> <p style="text-align: center;">Page 78</p>	<p>1 \$45,000. 2 Finally, chair, in chapter 9 of the case study 3 report, it notes that, in addition to the settlement of 4 the Slater & Gordon class action, the Christian Brothers 5 received 775 allegations of sexual abuse from 531 6 complainants between 1980 and 2013. Of these, 424 7 received monetary settlements, and the total paid was 8 over \$20 million, with an average of just under \$50,000. 9 Of these figures, chair, 101 of the complainants and 10 196 of the allegations were in relation to the four 11 institutions that I have mentioned: Clontarf, 12 Castledare, Tardun and Bindoon. And to those 101 13 complainants, \$3.34 million was paid, with the average 14 payment of around A\$36,700. Chair, that concludes the 15 summarising of that case study report. Thank you. 16 THE CHAIR: Thank you very much, Mr Livingston. 17 Housekeeping 18 MS HILL: Chair, I will deal now with various other matters 19 arising from points that have been raised already. 20 First of all, chair, you will recall that in opening 21 the part 2 hearings, I indicated that we had hoped to 22 place before you a table that set out in summary form 23 the other allegations of sexual abuse that have been 24 received by the investigation. We have prepared such 25 a table that has been circulated to the core</p> <p style="text-align: center;">Page 80</p>

1 participants, and we hope, therefore, to be able to
 2 provide you with a copy of that. What that does do is
 3 summarise the nature of the alleged abuse, the location
 4 where the alleged abuse took place, the alleged
 5 perpetrator, where appropriate, and evidence of any
 6 contemporaneous complaint and response if there is that
 7 evidence. So we hope to be able to provide that to you
 8 shortly.

9 Secondly, chair, you will recall that there has been
 10 careful consideration given by the inquiry to case files
 11 for various of the -- well, in fact, for as many as
 12 possible of the part 1 witnesses. Certain pages, chair,
 13 from those case files have been disclosed to the core
 14 participants, in particular if they are pages that bear
 15 on progress reports and aftercare things, matters of
 16 that nature. But insofar as there is other material in
 17 the case files that bears, for example, on the efforts
 18 made by sending associations to assist with
 19 reunification, and matters of that nature, with the
 20 cooperation of the Catholic Council in particular, and
 21 CMT, Mr Cosgrove and Mr Hill -- in fact, not Mr Hill,
 22 because that wasn't necessary for Mr Hill, forgive me,
 23 it was Mr Cosgrove only and the CMT, summaries have been
 24 agreed of the remaining material in the case files that
 25 it may assist you to see.

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1 So we have provided that to the core participants by
 2 way of service, and those summaries, insofar as they are
 3 prepared by us, have now been agreed, I think, with the
 4 input in particular of the Catholic Council, the CMT and
 5 Mr Cosgrove. So we can give the references for
 6 everybody, if it assists, but INQ000561 is the summary
 7 for the CMT-supported witnesses; INQ000756 is the
 8 summary for Mr Cosgrove, and we can provide those to
 9 you. We are very grateful for the assistance of
 10 the core participants in agreeing those documents.

11 Finally, chair, before we break for lunch, there are
 12 a few of the exhibits from Dr Rosemary Keenan's evidence
 13 that we would just like to bring up. You will recall
 14 that Dr Keenan's evidence was read by agreement. My
 15 learned friend Mr Livingston read that evidence, if you
 16 may remember, at the end of a very long hearing day, and
 17 we didn't bring up any documents that we might have
 18 otherwise brought up.

19 Can I perhaps just take you to a few of the exhibits
 20 that she provides. I can bring up perhaps, first of
 21 all, her witness statement, which is CCS000224_009. She
 22 references at paragraph 5.8, exhibit RK11, which is
 23 described as the "Catholic child emigration to
 24 Australia". That is a document that we have, I think,
 25 at CCS000212_001. I ask for that to be brought up,

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1 please. Again, chair, we can provide you with copies of
 2 these, but these are, as I indicate, exhibits that we
 3 would have brought up with Dr Keenan if she had attended
 4 here in person to give evidence.

5 For the chair's reference and the panel's
 6 assistance, this is a document that is prepared from
 7 within the Catholic Church. I am not entirely sure
 8 I can work out immediately the date on it, but we think
 9 it is around 1993. This is an internal narrative from
 10 within Catholic Church organisations of emigration to
 11 Australia.

12 There is another similar document that I would like
 13 to just bring up, please, which we are sure
 14 is July 1993, and that is found at CCS000211_001. This
 15 is a document that Dr Keenan exhibits at her
 16 paragraph 5.7. It is prepared by Jim Richards, the
 17 director of the CCS(W), in July 1993. You will see it
 18 is headed "A consideration of the conditions of
 19 the time". Perhaps the panel can just scroll through
 20 that document briefly. But the panel can see, again,
 21 that is an internal document prepared by Mr Richards
 22 from within, as I say, the Catholic Children's Society
 23 Westminster. There is consideration within that
 24 document of the conditions at the time. You can perhaps
 25 read that in due course.

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1 Then finally, the other document that we would
 2 perhaps have dealt with with Dr Keenan live, if she had
 3 been here -- can I bring up the last document? -- it is
 4 CCS000216_001, which is, I think, her exhibit RK7. That
 5 is a slightly later document. We understand that that
 6 was written in 2009. That was written by Jim Hyland,
 7 the chairman of the Catholic Child Welfare Council.
 8 Ms Gandy, you will remember, gave evidence that he was
 9 chairman of the Catholic Child Welfare Council from --
 10 forgive me, it might be 1999, not 2009. Just bear with
 11 me a second. I will just get the correct date for that.
 12 Just bear with me, please. It is described at
 13 paragraph 6.2 of Dr Keenan's evidence as being a 2009
 14 document, but it appears that -- just bear with me
 15 a second. I thought Ms Gandy's evidence was that he
 16 worked there at a different time. Perhaps we can
 17 clarify the precise date of it in the break or maybe we
 18 can just go to the end of that document and see if it is
 19 there. Is it 1999 or 2009? I'm not sure. Certainly,
 20 when Dr Keenan exhibits this, she believes this is
 21 written in 2009 by someone who was in post in 1999.
 22 I think that is probably right.

23 Chair, those are just exhibits that we would invite
 24 you to consider in due course.

25 I see the time, chair. I am perfectly happy to call

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<p>1 the experts to deal with a couple of discrete topics or 2 to take an early lunch. It is a matter for you, chair. 3 THE CHAIR: I think we will take a break now and return at 4 1.50 pm. 5 (12.50 pm) 6 (The short adjournment) 7 (1.50 pm) 8 (Proceedings delayed) 9 (2.02 pm) 10 PROFESSOR GORDON LYNCH (continued) 11 PROFESSOR STEPHEN CONSTANTINE (continued) 12 Examination by MS HILL (continued) 13 MS HILL: Thank you, chair. Just by way of explanation for 14 our proposals for this afternoon, we had intended this 15 afternoon to hear expert evidence on a couple of 16 discrete topics, in particular on The Salvation Army on 17 which the experts have written a very recent short 18 report, and a very limited amount of material from their 19 eighth addendum about funding of the child migration 20 schemes. 21 There are then some areas of the evidence, as far as 22 the Catholic Church is concerned, that I think 23 Professor Lynch would like to give some further evidence 24 on, having tried to follow the proceedings as best he 25 can. Then we will adduce some material from the</p> <p style="text-align: center;">Page 85</p>	<p>1 The Salvation Army, it was only the Riverview Training 2 Farm which received any. 3 A couple of other things that are unusual about 4 Riverview is that it looks like the age of the boys sent 5 there was usually within the 15- to 17-and-a-half age 6 range. There is a bit of a grey area that may have been 7 a little bit younger. So it is going more into the cusp 8 of juvenile migration schemes. Also, it appears that 9 boys would usually have been resident there having 10 migrated for a relatively short period of time, for only 11 a period of, say, three to six months before then being 12 placed out in farmwork. 13 In terms of the institutional context, it is 14 somewhat unusual compared to some of the others we have 15 looked at. 16 MS HILL: Is this right, there remains a little bit of 17 a lack of clarity as to exactly how many child migrants 18 were migrated to that institution; is that right? 19 PROF LYNCH: There seems to be a lack of clarity for 20 The Salvation Army, I think, because their records don't 21 distinguish between children sent with families or 22 without families. But the records we presented in our 23 main reports from the government funding showed that 91 24 children were migrated by The Salvation Army under the 25 Empire Settlement Act funding maintenance agreement with</p> <p style="text-align: center;">Page 87</p>
<p>1 17th addendum. There may be a couple of very short 2 points in addition on Fairbridge and the role of 3 the government, but, generally, insofar as the 4 organisational witnesses are concerned, I think we don't 5 propose to adduce any sort of fresh evidence about the 6 particular Children's Society, National Children's Home, 7 Royal Over-Seas League, that group of witnesses today. 8 Turning then, if I may, please, to the 9 Salvation Army issues, Professor Lynch, is it you that 10 is able to assist us with this? 11 PROF LYNCH: That's correct. 12 MS HILL: Can we, first of all, deal with the issues around 13 The Salvation Army that you addressed at 9.5 of your 14 first report. Can we pull up, please, EWM000005_162. 15 At section 9.5 of your original report, you gave some 16 evidence about what you understand to have been sexual 17 abuse issues in relation to this institution, or these 18 institutions; is that right? 19 PROF LYNCH: That's correct. Perhaps one thing I should 20 add, in terms of what we have subsequently learnt that 21 perhaps should be borne in mind before we go on in 22 relation to any of the other material here, is that, 23 whilst it appears that three institutions were approved 24 to receive child migrants for The Salvation Army in 25 Australia, according to the information we have from</p> <p style="text-align: center;">Page 86</p>	<p>1 them, and I think that's between 1950 to 1960. 2 MS HILL: Is your understanding that they would all have 3 gone to Riverview? 4 PROF LYNCH: That appears to be the case, yeah. 5 MS HILL: Just very briefly, you have dealt in your most 6 recent report, I think, with the fact that 7 The, Salvation Army advertised on its evidence its 8 migration programme through publications perhaps quite 9 similar to what we have seen before; is that right? 10 PROF LYNCH: That's right. I think they would probably have 11 been more internal Salvation Army publications. 12 MS HILL: Can we then turn to what you have referred to at 13 9.5 of your first report. Can you just summarise for 14 us, please, that I think the reason why you have dealt 15 with this in the way that you have is that the 16 Australian Royal Commission undertook an investigation 17 into three of The Salvation Army homes, including 18 Riverview. So help us with what the findings were from 19 the Australian Royal Commission? 20 PROF LYNCH: So the headline findings from these were that 21 there were, over an extended period, very serious 22 incidents of sexual abuse at these institutions in which 23 there was a culture of violence in many of these 24 institutions and inadequate inspection regime by 25 The Salvation Army, and a culture within the institution</p> <p style="text-align: center;">Page 88</p>

<p>1 where sexual abuse and violence were often linked 2 together, such that boys who experienced sexual abuse 3 would have been strongly discouraged from making any 4 disclosures. 5 There is also interesting material -- obviously some 6 of this material then actually postdates the period in 7 which child migrants would have been there, but both the 8 material that covers the migration period and afterwards 9 gives us some insight into the organisational culture of 10 The Salvation Army and the way in which they dealt with 11 internal knowledge of incidents of sexual abuse. 12 MS HILL: You have also just referenced, I think, in the 13 report -- we can take that down -- by way of a summary 14 that the Commission also made some findings, did it, 15 about some occasions when The Salvation Army appeared to 16 have moved offending officers between children's homes 17 without an awareness of their behaviour? 18 PROF LYNCH: That's right. 19 MS HILL: But you have made the point that others were 20 examples of cases where staff had been moved precisely 21 to avoid a scandal? 22 PROF LYNCH: Exactly. 23 MS HILL: Is there anything else that you think you need to 24 draw out from section 9.5 of your first report about the 25 findings of the Commission?</p> <p style="text-align: center;">Page 89</p>	<p>1 adduced some of that material in relation to the Picton 2 case in context for that. That material postdates the 3 migration era in the 1970s in which there was a case 4 where an Army officer who was alleged to have committed 5 very serious sexual offences was prosecuted on less 6 serious charges, but where the Army then appeared to 7 have -- sorry, with the correspondence it is clear that 8 the Army then liaised with the Minister for Justice in 9 New South Wales. The trial was moved to another court 10 some distance away from the area in which the officer 11 had committed the offences and where he was given 12 a relatively light sentence for these offences as well, 13 and the police at the time expressed regret that it had 14 come into the criminal justice system at all. 15 MS HILL: Just pull that up briefly, please, EWM000005_166. 16 We can see, I think, at the foot of that page, the last 17 paragraph on that page, 9.5.16, that the territorial 18 commander had written to the Ministry of Justice asking 19 that "any action which will minimise publicity and not 20 hinder our work in the home would be appreciated". Is 21 that what you refer to? 22 PROF LYNCH: That's correct. 23 MS HILL: Over the page you see, I think, the reference in 24 the last part of that paragraph: 25 "The accused officer was dismissed from the Army on</p> <p style="text-align: center;">Page 91</p>
<p>1 PROF LYNCH: I think one of the interesting things perhaps 2 to bear in mind, which may have a bearing on some of 3 the other religious organisations as well, is how the 4 devotional culture of The Salvation Army appears to have 5 affected the way in which they understood sexual abuse. 6 So we see various incidents in which it comes to the 7 Army's attention that an officer has committed an act of 8 sexual abuse, but the organisational response is very 9 much framed in terms of repentance, where, if the 10 officer shows due repentance, they are either readmitted 11 into the Army or possibly transferred somewhere else, 12 but it is rare for it to be taken to external 13 authorities. 14 I think that kind of religious dynamic clearly has 15 an effect in terms of the movement of officers within 16 the organisation. 17 MS HILL: You have also referenced the concern for the Army 18 in dealing with allegations of abuse about protecting 19 its own external reputation. That's something else that 20 you have pulled out and said that, I think, that might 21 have been aided, if you like -- they might have been 22 aided in that by the relevant State Child Welfare 23 Departments and by the police and judicial authorities. 24 Do you want to address that briefly? 25 PROF LYNCH: That's right. I think we may have already</p> <p style="text-align: center;">Page 90</p>	<p>1 his admitting his guilt. Six months after his 2 dismissal, the Social Services secretary wrote to the 3 chief secretary noting that the accused had shown deep 4 repentance during that time and recommended that he be 5 reinstated to the Army." 6 PROF LYNCH: That's correct. 7 MS HILL: You have referenced, I think, in your either your 8 first or second addendum -- I can't recall; I think it 9 is your first addendum, forgive me, that the 10 Forde Report had also considered conditions at 11 Riverview. Do you want to say anything further about 12 that? 13 PROF LYNCH: I'm not sure now that it would be so 14 relevant -- well, sorry, I'm just thinking about that as 15 we go through. They are really referring to incidents 16 more, I think, in the late 1960s and early 1970s in 17 which a Child Welfare -- an individual Child Welfare 18 inspector raised very, very serious concerns about both 19 the standard of accommodation, the kind of culture of 20 treatment of boys there, but also incidents of rape 21 within the institution as well which weren't then picked 22 up by the Child Welfare Department. 23 MS HILL: I think what you have said at 15.2 of your 24 addendum is that the Forde Report, its findings about 25 knowledge of sexual abuse was then confirmed by the</p> <p style="text-align: center;">Page 92</p>

1 Royal Commission's investigation; is that right?
 2 PROF LYNCH: Exactly. That's right, yes.
 3 MS HILL: Then more recently, your 18th addendum report
 4 deals with some questions about The Salvation Army that
 5 you were asked to address because of the statement that
 6 you were provided with by this inquiry.
 7 PROF LYNCH: That's right.
 8 MS HILL: That, I think, Professor, has helped you, is this
 9 right, understand a little bit more about the numbers
 10 and the logistics of migration by The Salvation Army.
 11 PROF LYNCH: Yes. I think one of the things that's clearer
 12 is that it appears that boys weren't recruited from
 13 Salvation Army residential homes in this country, but
 14 usually came from families, I think, with the
 15 understanding that there was going to be productive
 16 training and agricultural work that they would receive
 17 at Riverview that would set them up for employment and
 18 in which, possibly, with this scheme, it resembles
 19 a little bit more the One Parent Scheme where, at least
 20 for some of the boys who went over, there was an
 21 expectation that a parent or the family would follow
 22 them later on.
 23 We also know, both from other archival material
 24 I have seen, but also from The Salvation Army report,
 25 that there was some disappointment by parents -- this is

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1 actually reminiscent of a point Mr Hill made yesterday
 2 about Fairbridge, about the conditions they found at
 3 Riverview when they arrived, and one -- there is some
 4 correspondence, particularly, about a mother who
 5 complains about the very poor training and very poor
 6 accommodation at Riverview where she was led to believe
 7 in England that it was something equivalent to a kind of
 8 sort of further educational establishment for
 9 agriculture and it feels very, very different to that
 10 when she arrives there.
 11 MS HILL: Pull up, please, 1.6 of your most recent report.
 12 I'm not sure I have the URN for The Salvation Army
 13 report. That is a trick question. I will just read it
 14 out. That's easier. You said this in your most recent
 15 report, Professor -- I'm afraid it has been received
 16 quite recently. You have made the point in your report,
 17 I think, that the selection process The Salvation Army
 18 operated included the family meeting with a local
 19 Salvation Army officer and the completion of a form with
 20 details about the child's family background. Is that
 21 right?
 22 PROF LYNCH: That's right.
 23 MS HILL: You have also made the point that your documentary
 24 review leads you to believe that reports on the
 25 children, on the individual children, appear to have

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1 been sent prior to them being accepted for migration; is
 2 that right?
 3 PROF LYNCH: Yes. I'm afraid I'm just relying on
 4 The Salvation Army witness statement for that at this
 5 stage.
 6 MS HILL: Help us, then, with what The Salvation Army
 7 material tells you in terms of the supervision process
 8 and the aftercare process that The Salvation Army
 9 applied to its migrated children?
 10 PROF LYNCH: So The Salvation Army report that they did
 11 receive written reports back on the boys that had been
 12 sent over -- I will just have to remind myself of
 13 the particular years. So they list a range of reports
 14 which appear to be short reports covering the time that
 15 the boys were actually at the institution, sent in 1952,
 16 1954, 1955, 1958 and 1960.
 17 It's a little difficult to tell from the information
 18 I have whether that would have been a comprehensive set
 19 of reports that would cover all of the boys who were
 20 sent to those institutions. The implication from the
 21 witness statement appears to be that, once the boys had
 22 left Riverview, there wouldn't be an expectation of
 23 reports being received back from them. The perception
 24 appears to have been that they would have been the
 25 responsibility of The Salvation Army in Australia at

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1 that point.
 2 MS HILL: You have referenced, I think, in your report some
 3 examples of boys at Riverview writing to a senior
 4 officer in the UK to raise concerns about their time at
 5 Riverview. Just help the panel with that, please?
 6 PROF LYNCH: That's right. So there is a report -- I'm
 7 afraid I actually appear to have left the data out of
 8 this, an incident where seven boys write back to the UK
 9 from Riverview to complain about the hygiene of
 10 the place -- we will perhaps come back to this in terms
 11 of the standard of the institution shortly -- and where
 12 a senior officer in the UK then writes to an officer in
 13 Sydney and, on the basis of detailed reassurances from
 14 that officer, no further action appears to be taken.
 15 Then in 1956, two boys from Riverview write
 16 complaining that it feels more like there's a -- it
 17 operates as a reformatory, that there are essentially
 18 boys going through the juvenile court system in
 19 Queensland who are being sent to this institution, so
 20 this isn't the kind of educational establishment that
 21 they thought it was going to be.
 22 The Salvation Army witness statement says that that
 23 set in motion a kind of train of concerns about
 24 Riverview that led eventually to no further migrants
 25 being sent there in 1960, albeit four years later on.

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<p>1 A quick point to note in relation to that, in 2 relation to other institutions, that we have seen is 3 that it is interesting, at least, that there appears to 4 be uncensored letters coming out of this institution 5 back to the UK which doesn't appear to have been the 6 case at some other institutions. 7 MS HILL: And does also appear to be some response by the 8 England and Wales institutions to those letters, albeit 9 that they are then reassured, is that right, by the 10 local Army representatives? 11 PROF LYNCH: That's right. Though, again, what we see is 12 effectively reassurance by correspondence rather than 13 direct inspection of the institution from the UK, which 14 I think may have led to more immediate concerns. 15 MS HILL: Then just briefly, is this right, that when the 16 Ross Fact-Finding Mission visited Riverview 17 in February 1956, it was concerned about the nature of 18 the accommodation that was found? Tell us briefly about 19 that. 20 PROF LYNCH: That's right. So there was a concern both 21 about the very poor level of accommodation, but also 22 about what was seen by the Ross team as being a very 23 unsuitable staff group there who were said to be narrow 24 and rigid in outlook, and that, essentially, the 25 institution was one that had absolutely nothing to</p> <p style="text-align: center;">Page 97</p>	<p>1 they had, which appeared to be based on sort of brief 2 reports on individual boys only during their time at the 3 institution, but also the lack of direct inspections 4 again by The Salvation Army in the UK of that 5 institution, again, it may be a kind of reporting system 6 in which we wouldn't necessarily expect contemporaneous 7 knowledge of sexual abuse at that institution to come 8 into awareness of The Salvation Army. 9 MS HILL: Is there anything else that you think the chair 10 and panel would need to understand about 11 The Salvation Army that you have reflected on, 12 Professor? 13 PROF LYNCH: No, I think that does it, yes. 14 MS HILL: Thank you. Can I move briefly, then, please, to 15 your eighth addendum, which deals with some very 16 specific questions you were asked about the funding of 17 the child migration schemes, and just keen to keep this 18 evidence relatively proportionate, if I may, or as 19 proportionate as possible. 20 PROF LYNCH: Sure. 21 MS HILL: You were asked some very specific questions in 22 that report. Professor Lynch, is it you who would like 23 to take this or Professor Constantine? 24 PROF LYNCH: We might have to see which bit you are asking 25 about. The first half is Professor Constantine.</p> <p style="text-align: center;">Page 99</p>
<p>1 commend it for child migrants at all. On that basis, it 2 was put on the kind of confidential black list of 3 institutions. 4 It is interesting, the Australian review that took 5 place after this, which concentrated mainly on the 6 blacklisted institutions, didn't go to Riverview and the 7 rationale of the Australian Commonwealth Government was 8 because it received boys in this kind of juvenile range, 9 it wasn't really receiving child migrants, and so it 10 didn't really bear further investigation at all. But 11 actually, boys did carry on being sent there until 1960, 12 so it seems to be another example of the kind of missed 13 opportunity linked to the Ross Fact-Finding Mission. 14 MS HILL: Finally on this topic, please, Professor, help us 15 with what you say at 3.2 of your most recent report 16 about any evidence that The Salvation Army knew, or 17 ought to have known, about abuse of child migrants. 18 PROF LYNCH: So The Salvation Army report having no 19 contemporaneous knowledge of sexual abuse at this 20 institution. It is somewhat striking in that one of 21 the individuals whom the Army recognises to have been 22 one of its most serious sexual offenders within 23 Queensland and New South Wales was on staff at that 24 institution between 1957 to 1959. 25 I think, looking at the reporting-back system that</p> <p style="text-align: center;">Page 98</p>	<p>1 MS HILL: You have genuinely jointly done this report; is 2 that right? 3 PROF LYNCH: Yes, that's right. 4 MS HILL: Question 1 -- EWM000444_003 -- you were asked to 5 give a broad figure for the overall United Kingdom 6 government investment in these child migration 7 programmes. You have carried out a certain amount of 8 calculations. I don't think you need to necessarily 9 trouble the panel with the detail of it. But you end 10 up, I think, is this right, with the figure that we see, 11 perhaps first of all, at 1.11, so that's on page 5, 12 where you give some very broad figures there, Professor. 13 Help us with how that assists you? 14 PROF CONSTANTINE: Well, I hope it will assist the panel as 15 well, because this is actually a rather complicated set 16 of figures. What we are trying to estimate here is what 17 the cost of outfitting and maintenance, of subsidised 18 assisted passages, and there are certain unknowns, 19 trying to figure out how much it was costing the 20 government at that time. The more complicated one is to 21 figure out what that would mean in real terms today, 22 because you are talking about a long period that goes 23 back to, the first figures from 1947/48, through to 24 1977/78, and there are certain kind of guesstimates 25 involved in doing any calculation like this.</p> <p style="text-align: center;">Page 100</p>

<p>1 The whole drive of this inquiry I think was to get 2 some sense of costs, generally speaking, overall to 3 government, but then trying to work it out in terms of 4 each individual child migrant. If you can work out 5 a kind of average from that. So that's why it goes on 6 for some considerable time to reach a kind of global 7 figure, which ends up, in this whole first section, with 8 a rough figure around £10.5 million. 9 MS HILL: Let's look at that, please, the table at 1.14, 10 EWM000444_006. The way in which the figures are 11 calculated, is that right, is that the left-hand figure 12 is the contemporary price or figure, and the right-hand 13 figure is the updated-for-inflation figure? 14 PROF CONSTANTINE: That's right, using the RPI for 2016. 15 Then the aggregated figure appears on the top of 16 the next page -- online it appears at the bottom. 17 MS HILL: If we go to the top of the next page, you give 18 a rough per capita cost at 2016 prices of £3,000 per 19 child? 20 PROF CONSTANTINE: Yes. 21 MS HILL: Chair, I don't know if I can assist you, this is 22 the eighth addendum report. 23 The next question you were asked was, is it possible 24 to give a figure for the United Kingdom's overall 25 provision of support to a particular sending</p> <p style="text-align: center;">Page 101</p>	<p>1 is available. 2 I should say, what we haven't seen, and this is 3 somewhat surprising and may be still buried in 4 a National Archive file, is anything in the Treasury 5 documents, because this is Treasury money, after all. 6 One hasn't seen -- what one would expect to find is the 7 Treasury demanding regular accounting year on year of 8 the money that is going out from HM Government. 9 MS HILL: Thank you. The next question you were asked -- 10 I don't know if this is for you, Professor Lynch, or it 11 is still Professor Constantine -- is, is it possible to 12 assess whether the overall funding for the programmes 13 from the range of sources you describe in your report 14 was considered sufficient to ensure adequate care for 15 the children? Can you just very briefly give us the 16 headlines of your response to that? 17 PROF LYNCH: So the headlines are that it's -- this is 18 a very difficult question to answer for each 19 organisation. It is obviously important to acknowledge 20 at the outset that material conditions in some of 21 the homes that children were sent to were extremely, 22 extremely poor, but it is not necessarily clear whether 23 that correlates with the funding income. 24 Part of the reason why it is very difficult to 25 answer this question, as Professor Constantine has just</p> <p style="text-align: center;">Page 103</p>
<p>1 organisation such as the Fairbridge Society. 2 I appreciate there is quite a lot of calculation here, 3 but is the short point at 2.6, please? 4 PROF CONSTANTINE: Yes. So having somebody taking the 5 figures for the several Fairbridge organisations, so 6 this does include those kind of allied organisations of 7 the Rhodesia Fairbridge Memorial College, the figure for 8 that, also the Prince of Wales Fairbridge Farm School in 9 British Columbia, and then all the Fairbridge 10 institutions in Australia, plus the Northcote Children's 11 Trust. If you aggregate all that lot at 2016 prices, it 12 comes to -- well, it says in 2.6 somewhere just below 13 £5 million. That's in 2016 prices. 14 MS HILL: You say that, if need be, one could then apply 15 a similar model to the other different sending agencies 16 about which we have heard? 17 PROF CONSTANTINE: Yes. It has to be said the difficulty 18 about this is the maintenance agreements which actually 19 shift in value as the years go by, so you have to have 20 a rough guess -- a best estimate would be perhaps a more 21 appropriate way of putting it, to how many would be 22 there on the old price, how many would be on the new 23 price and this unfortunate group who'll be there partly 24 on the old, partly on the new. But these are the best 25 I think we could probably arrive at from the data that</p> <p style="text-align: center;">Page 102</p>	<p>1 said, is that we, in the UK archives, have -- well, 2 actually, no -- I don't think any examples of 3 a consistent run of accounts for any of these 4 organisations. We just have accounts for some 5 organisations for some years. 6 Part of the difficulty in terms of assessing the 7 adequacy of funding for a receiving institution for 8 child migrants is that, whilst the government funding 9 streams would have been constant, there would have been 10 variable rates of fundraising in the UK and Australia 11 for that, some organisations had trust funds, others 12 didn't; the relative wealth of donors; the communities 13 that they were fundraising from would have had an 14 effect. Some institutions were able to raise funds from 15 sale of goods from agricultural produce. 16 So, actually, the income that an institution would 17 have would vary significantly, not simply just due to 18 the government funding, and that, in addition to the 19 lack of regular accounts, makes that difficult to 20 answer. 21 In some ways, it may be easier to answer, it may be 22 that, for example, Mr Hill in Australia may be actually 23 able to access a run of accounts of Fairbridge more 24 easily than we have been able to, at least here from the 25 National Archives.</p> <p style="text-align: center;">Page 104</p>

<p>1 MS HILL: I think what you have been able to say is, what we 2 see at 3.24, please, which is EWM000444_015. Although 3 you say it is hard to provide a conclusive answer, 4 I think you are able to give some quite general 5 observations at 3.24. Is that right? 6 PROF LYNCH: Yes, that's right. These are kind of more 7 answers around the edges, I think, but we have seen 8 examples of children being sent overseas before 9 a maintenance agreement was in place, and the main one 10 that we have noted is obviously Catholic child migrants 11 sent -- I think we probably can say sent before 1949, 12 more generally, but certainly those sent in the autumn 13 of 1947 were sent before any maintenance funding was in 14 place. There are clear material effects on their 15 well-being. 16 A quick note on that one. That wasn't the only 17 case. Children were initially sent to Dhurringile as 18 well without maintenance funding being in place. The 19 interesting difference between the two there is that 20 that appears to have been a genuine administrative 21 mix-up by the Presbyterian Church in Australia not 22 understanding the system. Whereas, in the case of 23 the Catholic migration in 1947, Brother Conlon had been 24 one of the administrators of the 1938/39 agreement, so 25 Brother Conlon would have understood quite clearly how</p> <p style="text-align: center;">Page 105</p>	<p>1 made as well that the state was often relying on 2 religious organisations to provide the services because 3 they could do it relatively cheaply because their staff 4 were paid low wages or none at all. 5 The fourth point is the point that 6 Professor Constantine made about the lack of accounts. 7 This is, again, particularly striking because 8 certainly -- I can't remember the first -- offhand the 9 first maintenance agreement -- the first year this 10 becomes written into the agreement, but certainly in the 11 1950s, it's an explicit requirement of UK Government 12 maintenance and outfitting funds that the voluntary 13 organisations maintain professionally audited accounts 14 of how they are spending this money, but as 15 Professor Constantine says, there is no feedback check 16 on that at all that we have found. 17 MS HILL: Thank you. The final question, please, on the 18 funding issues, is at section 4 of your report. You 19 were asked whether apart from the examples you gave 20 during the part 1 evidence, is there any further 21 evidence that the funding provided for the schemes was 22 not in fact used for childcare. How do you reply to 23 that? 24 PROF LYNCH: I think that was an issue that came up in my 25 oral evidence, particularly in relation to Castledare in</p> <p style="text-align: center;">Page 107</p>
<p>1 that government funding arrangement worked. So there 2 seems to be less reason why that wouldn't have been in 3 place in 1947 when those children were sent overseas. 4 The second point there is that, we have seen that 5 some residential institutions before 1945 actually were 6 running at a profit in terms of their different income 7 streams, and I think we have noted budgets for that, 8 particularly in relation to Northcote and Fairbridge 9 Pinjarra. 10 It looks, as a third point, as if the maintenance 11 funding from the British and Australian Government 12 sources wouldn't have been sufficient by itself to 13 provide an adequate standard of care for the children 14 once overseas, had the voluntary organisations 15 themselves not been able to raise additional funding, 16 and then obviously the issues come into play about their 17 fundraising capacity but also where they prioritise the 18 funds that they raise as well. 19 The fourth point is just -- 20 MS HILL: Pausing there, you make the point obviously, we 21 can see there, that if unpaid staff were being used, 22 such as members of the religious orders or children's 23 own labour, that would help mitigate an otherwise need 24 to pay for staff? 25 PROF LYNCH: That's right. That's a point the Forde Inquiry</p> <p style="text-align: center;">Page 106</p>	<p>1 part 1. In paragraph 4.1 in this report I just refer to 2 some material from the Ryan Commission, which was 3 looking at residential institutions in Ireland, many of 4 which were run by the Christian Brothers. One of 5 the issues that the Ryan Commission -- a finding of 6 the Ryan Commission was that the Christian Brothers had 7 used the per capita government funding for children in 8 their industrial schools and effectively top-sliced that 9 by taking a proportion of that for the Order's general 10 funds and also what it called visitation fees as well. 11 That was in my mind when I was thinking about Castledare 12 as well. 13 We have only -- in terms of -- as we have said in 14 the report, by its nature, the kind of top-slicing or 15 diverting of government funds isn't something that we 16 are likely to find record of in government archives 17 unless the government has effectively caught anyone 18 doing that at all. 19 But the two bits of material that do seem to have 20 a bearing on this, one relates to Sir Ronald Cross's 21 inspection report of Tardun in 1942, where he explicitly 22 says, "I really don't understand where the money is 23 going. These boys are wearing second-hand, ragged, 24 mismatching clothes. Surely with the money that this 25 institution is receiving through government maintenance</p> <p style="text-align: center;">Page 108</p>

1 funding, it should be possible to provide a better
2 standard of outfitting than that".
3 Sorry, counsel, I don't know if you want to cut
4 across me before I go on to the Fairbridge point?
5 MS HILL: No, go ahead.
6 PROF LYNCH: The other, which is quite a striking bit of
7 correspondence, which relates to Fairbridge Pinjarra, in
8 a letter in 1945, where there is correspondence between
9 Sir Charles Hambro of the London Society and Mr Joyner,
10 who is the chairman of the Western Australian local
11 Fairbridge Committee. It is clear that Joyner is
12 complaining that Fairbridge in London is withholding
13 UK Government maintenance funding, that it is not
14 transferring it across to Australia.
15 Hambro responds by saying that the government's own
16 regulations require that Pinjarra first spend all of its
17 reserve funds -- effectively, what it's raised through
18 voluntary donations, before Fairbridge UK is able to
19 release this government funding to Australia, and that's
20 actually a requirement of the UK Government.
21 I have to say, we have not found anything in the
22 archives at all that would indicate at all that that was
23 a government requirement. In fact, it would seem to go
24 exactly against the expectation of the UK Government
25 that this funding was being provided precisely to be

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1 spent on the care of children overseas.
2 What appears to be happening here is that Fairbridge
3 in the UK are actually, until the reserve funds in
4 Western Australia, what's raised through private
5 donations, is expended, they're essentially retaining
6 this maintenance funding in the UK to build up their
7 capital reserves, and that goes on then into the story
8 where they are trying through the 1950s, 1955, to get
9 the maintenance payments increased, but actually not
10 particularly to improve conditions for child migrants,
11 but just so that they can actually build up their
12 capital reserves to build another farm school.
13 MS HILL: Then just a final question, Professor, going back
14 to the delayed 1949 maintenance agreement. You will
15 remember the evidence you gave about that?
16 PROF LYNCH: Yes.
17 MS HILL: I think this is about children being migrated
18 prior to there being a maintenance agreement in place.
19 PROF LYNCH: That's right.
20 MS HILL: The question I think in relation to that is, have
21 you identified any archived material which shows how the
22 receiving institutions might have made up the shortfall?
23 Do you understand the question?
24 PROF LYNCH: Yes. What happened with that was that the
25 money was backdated, which was -- I think that was quite

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1 unusual. I don't know what happened with Dhurringile
2 but that seems quite an unusual arrangement. I have to
3 say, I hadn't seen any dramatic uplift in the condition
4 in receiving institutions. From what we see in terms of
5 the state inspection reports, problems with material
6 conditions seem to continue at the same rate.
7 There isn't any archival material about other funds
8 being drawn on at that stage. But it is explicitly
9 raised in relation to Bindoon. The State Child Welfare
10 Department, when they go to Bindoon in 1948 and find
11 poor conditions in terms of the institutions, one of
12 the issues that the State Child Welfare Department
13 explicitly raised with them is that the
14 Christian Brothers really need to sort out this
15 government funding because it is adversely affecting the
16 conditions of the children. But we don't know what
17 other funds were drawn on to mitigate that at all.
18 MS HILL: One final question, please, on this topic of
19 funding: overall, do you think it is fair to say that
20 a significant reason why institutions in England and
21 Wales would be concerned to avoid bad publicity would be
22 because of the potential impact on fundraising?
23 PROF LYNCH: Yes, I think that seems a fairly clear --
24 PROF CONSTANTINE: It seems to come out, yes, periodically,
25 that concern.

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1 THE CHAIR: Before we go any further, can I check --
2 MS HILL: Yes, chair, those are the only questions I have on
3 The Salvation Army and funding.
4 Questions from THE PANEL
5 THE CHAIR: Particularly on the funding, Professor Lynch, is
6 there any information about capital funding being
7 granted from either government or other sources?
8 PROF LYNCH: Yes, there is a fair bit of that, both -- to an
9 extent, in the UK archives and in the Australian
10 archives there is more. What we know from the UK
11 archives is that there were some individual arrangements
12 that the UK Government had with some institutions. So
13 with Tardun, the UK Government had an arrangement where
14 it would make a contribution towards the interest
15 payments on a mortgage that was taken out to -- I think
16 both -- I think it wasn't simply for the land, I think
17 it was also to fund the construction of buildings
18 initially at Tardun as well. We see that operating
19 through the war, so that the British Government -- it is
20 a slightly complicated arrangement, where it is done on
21 a per capita basis of how many child migrants are there.
22 But the British Government will then make a certain
23 payment per child migrant towards the interest payments
24 on that. That's a clear financial investment in Tardun.
25 But also, the UK Government also made a financial

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<p>1 contribution towards the mortgage of Picton as well. 2 One of the complicated issues with the closure of Picton 3 is how that money is then sort of reconciled to the 4 UK Government and at what level the UK Government should 5 be repaid that money. 6 But there's quite a bit more in the Australian 7 National Archives for each individual organisation about 8 maintenance grants being paid to different 9 organisations, usually with the custodian organisation 10 being the kind of mediating contact for that. So those 11 arrangements being done, for example, in 12 Western Australia through CEMWA or, I think, possibly 13 through FCIC in other places. But there are some 14 curious things with that as well. 15 For Dhurringile, it looks like the Australian 16 Commonwealth Government put in place a very substantial 17 capital grant for the site to be built before it is 18 actually approved. So that obviously seems to lead to 19 a situation where there would be a very strong pressure 20 to approve the site, given that the Australian 21 Government actually appeared to put the money into that 22 not simply before it was approved, but before -- 23 actually, I think a written agreement had been made with 24 the Presbyterian Church in that case. There seem to be 25 some odd irregularities around this as well.</p> <p style="text-align: center;">Page 113</p>	<p>1 THE CHAIR: But not to be spent on the welfare of 2 the children necessarily? 3 PROF CONSTANTINE: Absolutely not. Some of this could be 4 indeed in the infrastructure where it may have benefits 5 to the children, but not actually on the kind of 6 maintenance costs of the child. Actually, just hanging 7 on to that, I would like to make the more general point, 8 and we do make it in this particular report, one of 9 the elements we put in, it is in 3.2, is that, really, 10 before sending a child overseas, there is no calculation 11 made about how much it would actually cost to look after 12 a child once it is there. It doesn't work that way. 13 You actually supply some money and see what you can do 14 with that money. So it is not a sort of calculation of 15 how much you need to spend per child if sent to this 16 institution or that institution or the other. The money 17 goes. It is the same maintenance amount no matter where 18 they are going, how old they are, where the place is. 19 THE CHAIR: Thank you. 20 MS SHARPLING: Just one question from me. I just want to 21 clarify something you said earlier. Did you find any 22 archival evidence to suggest that the Department of 23 State had tried to follow the money and to investigate 24 whether it was being spent appropriately, either 25 first-hand information or secondary information to</p> <p style="text-align: center;">Page 115</p>
<p>1 THE CHAIR: In what we might call now cost centres, did they 2 apply to individual institutions, thereby allowing them 3 to build up reserves and profit, for example? 4 PROF LYNCH: In terms of receiving institutions, that is 5 just a kind of black box for us. We just have very, 6 very little information on that at all. I think 7 Fairbridge and Northcote and Barnardo's actually, to be 8 fair, in their annual reports, we do see accounts within 9 that, but very, very little financial information for 10 other organisations. But usually, in the post-war 11 period, these are usually showing these institutions 12 runs at a loss and being subsidised through other means. 13 THE CHAIR: But no information about reserves? 14 PROF LYNCH: Yes, there is, in individual accounts there 15 are. We see in the 1950s Fairbridge in the UK building 16 up actually quite substantial reserves and that -- 17 THE CHAIR: In the UK, though, not in the individual 18 institutions? 19 PROF LYNCH: I think -- 20 PROF CONSTANTINE: In the war years, I think there's some 21 evidence that some of the institutions in Australia did 22 build up reserves, but that money is precisely an asset, 23 we would now start to assume. In the eyes of 24 Fairbridge, this is an asset that should be run down in 25 order to build up the reserves in the UK.</p> <p style="text-align: center;">Page 114</p>	<p>1 suggest that any questions or activity took place? 2 PROF CONSTANTINE: That, I think we have no information on. 3 It is one of the kind of black holes of the material. 4 As I said earlier, I think you would expect the 5 Treasury, who is pretty scrupulous usually on these 6 businesses, as to whether money that they had given out 7 is actually accounted for. 8 We have not encountered Treasury files that relate 9 to this particular programme, and I think that is always 10 going to be one of the difficulties we have. It is not 11 as if we see material coming back through the 12 Commonwealth Relations Office to forward on to the 13 Treasury. We don't actually see the kind of dialogue 14 you would expect, nor -- and we have looked -- in things 15 like the Public Accounts Committee is there a Public 16 Accounts Committee investigation of the costing of child 17 migration, which is another thing one might have 18 expected to have taken place, given, increasingly, 19 controversy about the merits of the programme. 20 PROF SIR MALCOLM EVANS: I have one question. I am 21 conscious that this isn't something that you have 22 addressed in what you have said, so I appreciate you may 23 not be in a position to answer this. It is related to 24 a financial matter but it is rather of a different 25 order.</p> <p style="text-align: center;">Page 116</p>

<p>1 As I was understanding the material presented, 2 before a child could be sent overseas, there had to be 3 various permissions to, if you like, sign off an 4 application for funding in the UK. I think we were told 5 that, unusually, the ACIC had permission to sign off on 6 such applications in the UK, whereas in all other 7 instances it was the UK-based organisation. I was 8 wondering if you had any information or knowledge as to 9 why that what was presented as an unusual situation had 10 come about? 11 PROF LYNCH: Counsel, I think we may actually be coming to 12 that possibly with other material. I think you have 13 just provided me a document. I don't know if you want 14 to deal with that now. 15 MS HILL: Yes, two points just generally, if I may. There 16 has been a limit, in fairness, of the amount of material 17 about funding issues that the government have been asked 18 to provide, and, secondly, it is right that we very 19 recently have some material about the Church of England 20 Council -- 21 PROF LYNCH: Sorry, Sir Malcolm was asking about the ACIC 22 and about why that agreement was made for an overseas 23 organisation. 24 MS HILL: This is the CCBOS documentation -- 25 PROF LYNCH: Yes, which you have just given me.</p> <p style="text-align: center;">Page 117</p>	<p>1 rather than through a third party. That's the argument 2 that's presented to the UK Government. 3 The document that we have just seen over lunch is 4 one that we hadn't seen before, which is from 5 Canon Flint. It is dated 28 October 1948, addressed to 6 "Your Eminence". I'm assuming that is to the Archbishop 7 of Westminster. 8 MS HILL: To be clear for the core participants perhaps 9 trying to follow this, there are two CCBOS documents you 10 have been given very, very recently which they have had 11 sight of. This is part of the pot, if you like, of 12 about 40-something pages, but in fact only these two 13 documents were deemed relevant. This is the second of 14 the documents, the 28 October 1948 letter. 15 PROF LYNCH: That's right. 16 MS HILL: We have it. Hooray. I can sit down. 17 PROF LYNCH: I think this has a bearing on other issues to 18 do with the relationship between CCBOS and ACIC as well. 19 In the first paragraph, that point is being made 20 again by Canon Flint, so that future financial 21 transactions may take place directly between the two 22 former bodies, the UK Government and the ACIC, and not 23 between the Dominions Office and our Overseas Settlement 24 Committee. So they are basically saying it is going to 25 be administratively easy to cut out the CCBOS with that.</p> <p style="text-align: center;">Page 119</p>
<p>1 MS HILL: I think, in fairness, that is another small group 2 of material, two documents the experts have only just 3 been given. 4 PROF LYNCH: I can respond to that. I just want to check if 5 you want me to deal with it now or ... 6 MS HILL: I will bring it up on screen. It is two documents 7 you have been provided with. 8 PROF LYNCH: The first one I don't think is particularly 9 relevant, but it is the second one. 10 MS HILL: I think we can't actually bring them up on screen 11 because they have only been provided quite recently and 12 we don't have them on relativity, but I think the 13 documents in question have been disclosed to the core 14 participants, the two pages in question. You might want 15 to reflect a little bit on whether we should deal with 16 this after the break. That might be easier. 17 PROF LYNCH: I can deal with it now if you want me to. 18 MS HILL: If you feel able to deal with it now, then perhaps 19 deal with it. If somebody else has further questions 20 about it, we will deal with it in that way. 21 PROF LYNCH: Sorry, that was complicated. 22 The argument that's made is that -- by the 23 Australian authorities, Catholic authorities, is that it 24 will be administratively easier for them if the 25 financial payments were just made directly to them</p> <p style="text-align: center;">Page 118</p>	<p>1 I am not entirely clear why the UK Government agreed 2 to that, because it is clear in minutes in the file, the 3 relevant DO file, that there were some reservations 4 about that. 5 But I think, whilst we are on this issue, the other 6 paragraph is very significant here, because what 7 Canon Flint says is that this arrangement is a purely 8 administrative and financial one and it is not going to 9 affect our ability to select and approve children at 10 all; that all of this is still going to happen through 11 the processes of the Catholic Child Welfare Council, and 12 it is purely to do with the management of accounts. 13 I think what we understand -- there is other 14 material that the HIA -- I was looking at this again 15 this week -- has found which makes it very clear that 16 ACIC officers in London and Edinburgh are actually doing 17 direct recruitment work once they are set up. If this 18 was an understanding between the Australian Catholic 19 authorities and the Catholic authorities in the UK, it 20 doesn't appear to have been adhered to by the Australian 21 Catholic authorities. 22 Sorry, I have bundled two answers together. 23 PROF SIR MALCOLM EVANS: That's helpful. 24 MS HILL: Does that answer your question? 25</p> <p style="text-align: center;">Page 120</p>

<p>1 Examination by MS HILL (continued)</p> <p>2 MS HILL: While we are dealing with it, I was going to come</p> <p>3 to the CCBOS documentation after the break, but there is</p> <p>4 another letter that's been provided to you,</p> <p>5 25 September 1945. Is there anything that you wish to</p> <p>6 observe from that letter? Does that help you in any</p> <p>7 way?</p> <p>8 PROF LYNCH: I don't think it adds a lot. I have read this</p> <p>9 quickly. I don't think it adds -- it seems to refer</p> <p>10 really just to complications with the CCBOS</p> <p>11 constitution, which, from the material provided by the</p> <p>12 Catholic Council I understand was still somewhat in</p> <p>13 abeyance in 1946 when Catholic child migration -- the</p> <p>14 resumption of that was being discussed. I think that</p> <p>15 seems just to fit into that picture, but I'm not sure it</p> <p>16 adds anything substantially to our understanding of</p> <p>17 that.</p> <p>18 MS HILL: Thank you. If you are content, I will just</p> <p>19 proceed to deal with two short documents and then</p> <p>20 perhaps we can take our break and come back and deal</p> <p>21 with some additional questions for you around Catholic</p> <p>22 material and with the 17th addendum.</p> <p>23 PROF LYNCH: Yes.</p> <p>24 MS HILL: Pulling up, first of all, if I may, a document</p> <p>25 that I think we have not gone to. It deals with this</p> <p style="text-align: center;">Page 121</p>	<p>1 know enough to say whether they ought to be placed in</p> <p>2 'A' or 'C'. Some of the establishments in category 'A'</p> <p>3 are so wrong in the principles on which they are run</p> <p>4 that they would need a complete metamorphosis to bring</p> <p>5 them into category 'C'."</p> <p>6 If we scroll down to page 4, I think we can scroll</p> <p>7 in on seeing which institutions are in A, B or C? Is</p> <p>8 that right?</p> <p>9 PROF CONSTANTINE: Yes.</p> <p>10 MS HILL: Go back up, I think, to category A, please.</p> <p>11 That's the category where it is said that they are not</p> <p>12 fit to receive migrants at present.</p> <p>13 Professor Constantine, I think you have been through</p> <p>14 a significant amount of contemporaneous memos and</p> <p>15 correspondence around this black list. You have seen,</p> <p>16 I think, documents that explain that some children were</p> <p>17 from Fairbridge ready to be migrated and the decision</p> <p>18 was taken to migrate them, despite the presence of this</p> <p>19 letter; is that right?</p> <p>20 PROF CONSTANTINE: That's right. There is a kind of</p> <p>21 temporary halt on their migration while this information</p> <p>22 is being digested. Particularly in relation to</p> <p>23 Fairbridge, what then clearly emerges is that there</p> <p>24 would be such -- even the Home Office would acknowledge</p> <p>25 this, there would be such political repercussions if we</p> <p style="text-align: center;">Page 123</p>
<p>1 point about the black list, so called, that we have</p> <p>2 heard about but we have not gone to the contemporaneous</p> <p>3 document. Can I ask for CMT000366_001 to be brought up?</p> <p>4 We have this letter in various different places, but</p> <p>5 hopefully that reference will bring up from the first</p> <p>6 page a June 1956 letter. It is a letter from Whittick</p> <p>7 to Shannon setting out the Home Office's views, I think,</p> <p>8 in response to an earlier letter. The significance --</p> <p>9 where there is reference to the "middle course", I think</p> <p>10 what is being discussed there is which of several</p> <p>11 options should be pursued. Is that what your</p> <p>12 recollection is, Professor Constantine?</p> <p>13 PROF CONSTANTINE: Yes, indeed.</p> <p>14 MS HILL: If we can scroll down through the letter, please,</p> <p>15 and find where there is discussion of the categories of</p> <p>16 institutions. I think it is on the next page. Can we</p> <p>17 scroll in, please, on paragraph 3, where there is</p> <p>18 reference to different categories of institutions. It</p> <p>19 says:</p> <p>20 "Establishments in category 'A' are those which we</p> <p>21 think are not fit to receive more migrants for the</p> <p>22 present at least. Category 'C' are establishments that</p> <p>23 pass muster."</p> <p>24 Then:</p> <p>25 "Category 'B' contains those about which we do not</p> <p style="text-align: center;">Page 122</p>	<p>1 put a ban on sending children who are ready to sail to</p> <p>2 Fairbridge, if we ban that sailing, it would cause such</p> <p>3 political disturbances that it is not actually</p> <p>4 politically feasible to do it.</p> <p>5 MS HILL: I think we have seen reference to a first class</p> <p>6 row if this issue was raised, pressure upon the</p> <p>7 Secretary of State, possibly questions in the Commons or</p> <p>8 the Lords. There is that sort of dynamic around this?</p> <p>9 PROF CONSTANTINE: Yes. We go back to the prestigious</p> <p>10 leadership of the Fairbridge Society and the high repute</p> <p>11 which it has in this country and overseas.</p> <p>12 MS HILL: It appears from the documents that the decision is</p> <p>13 that child migration eventually might continue as before</p> <p>14 on the understanding that the review recommended of all</p> <p>15 institutions in Australia would be quickly completed.</p> <p>16 Is that what you understand is the condition on which</p> <p>17 migration was able to continue?</p> <p>18 PROF CONSTANTINE: Yes. The quickly continued then actually</p> <p>19 as a very limited number of institutions are reviewed</p> <p>20 [as spoken].</p> <p>21 Indeed, what we then see is that the Australian</p> <p>22 inspection is rather more favourable to these places</p> <p>23 than is the opinion of the member of the United Kingdom</p> <p>24 High Commission.</p> <p>25 MS HILL: That's Mr Rouse about whom we have heard?</p> <p style="text-align: center;">Page 124</p>

1 PROF CONSTANTINE: Yes. As far as Mr Rouse is concerned,
 2 these remain deplorable places. As far as the
 3 Australian authorities are concerned, these are
 4 acceptable places. It is that view of them being
 5 acceptable which leads to the resumption of migration to
 6 them.
 7 MS HILL: Then finally, please, before we take your break,
 8 there is one further Fairbridge document which we asked
 9 you to look at, please. PRT000597_003.
 10 Although this is a PRT document, it is
 11 a Fairbridge-provided document. It appears to be
 12 a letter from a member of parliament to Mr Vaughan, who
 13 I think we know is the Fairbridge Society chair or
 14 director, I'm sorry I can't remember his title.
 15 PROF CONSTANTINE: Yes, director, I think.
 16 MS HILL: This is a letter, I think, about an issue we have
 17 heard a little bit about already, I think. But please
 18 tell us what you read from this letter? It refers about
 19 eight lines down, just to be clear, that the writer is
 20 saying that he's been made aware that a really rather
 21 bad case of sodomy between a teacher and boys at one of
 22 the Barnardo's schools in Australia has just come to
 23 light, and then goes on to talk about the adjournment
 24 debate. Tell us, please, what you draw from this
 25 letter?

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1 PROF CONSTANTINE: The most important thing I think is that
 2 Nigel Fisher, who is the writer of this letter, is
 3 a strong supporter of child migration. He had been an
 4 effective figure in the Commons and I think also on the
 5 Overseas Migration Board.
 6 PROF LYNCH: I'm not sure about that.
 7 PROF CONSTANTINE: If not on the board, at least he has
 8 allies on the board. The point about this is he was
 9 preparing a speech in the House of Commons and one of
 10 those classic adjournment debates in which he could
 11 raise whatever issues he thought were important. He was
 12 going to argue strongly in favour of increased support
 13 for child migration and particularly for the
 14 institutions of Fairbridge.
 15 Then we have this material that came in pretty much
 16 that summer relating to what was happening at Picton,
 17 which was causing such controversy being known in this
 18 country, and what he says is -- and it is an
 19 extraordinary phrase when you come to read it --
 20 "a really rather bad case of sodomy". Pause. Continue.
 21 Because of that, and that being known, to talk about
 22 child migration at the adjournment debate would probably
 23 be politically unwise, because it would raise a whole
 24 lot of angry comments from other MPs who said -- who
 25 would clearly be in a rather more critical frame of

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1 mind. So Nigel Fisher's recommendation is that he would
 2 defer this debate to a later occasion.
 3 MS HILL: Do you draw anything from the communication to
 4 Fairbridge by the MP about what appeared to have been
 5 happening at the Barnardo's school?
 6 PROF CONSTANTINE: I think it is just by way of -- it would
 7 generally lead to critical observations about anywhere
 8 else. I think it is that sense in which child migration
 9 programmes might be contaminated by this "particularly
 10 bad case of sodomy" being in the public domain.
 11 PROF LYNCH: Sorry, just to add to that, I have seen the
 12 file with the Hansard -- the -- when the adjournment
 13 debate eventually takes place, and it is clear that
 14 Nigel Fisher is someone who has active links with
 15 Fairbridge, and I think may have been to Australia, may
 16 have been to Pinjarra, I think, but it is clear that he
 17 has -- he is a close supporter of the organisation from
 18 the text of the adjournment debate itself.
 19 MS HILL: Very finally on this before we take our break,
 20 could I bring up EWM000283_001, which I think was
 21 a document, Professor Lynch, that you might have had
 22 another comment on. This is the notes of the meeting.
 23 It is page 69 internally, please. The meeting with the
 24 government at which the Picton issues are discussed.
 25 PROF LYNCH: That's right. I didn't particularly want to go

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1 around this one again, but it was just that we hadn't --
 2 for the public record, I think, because this is such
 3 a focal meeting in the Picton case, I thought it would
 4 be useful to have this up on screen.
 5 MS HILL: I think, when we dealt with your evidence about
 6 this, we didn't look at the original document.
 7 PROF LYNCH: That's right. Because it is a closed file
 8 within the National Archives, it seemed appropriate to
 9 flag it up on the screen here so that it is available
 10 for the public record. It is (v) there where Lucette is
 11 commenting about what -- his knowledge about what's
 12 recently happened at Picton. But then on internal
 13 page 71, I think it is (vi), there is an understanding
 14 from the assistant secretary from the Department of
 15 Immigration, who is RH Wheeler, who we have heard about
 16 in other contexts and it is actually Wheeler who
 17 reassures the UK Government that everything -- that
 18 there haven't been any incidents of sexual abuse as far
 19 back as anyone could reasonably go.
 20 It was helpful hearing Sara Clarke's evidence on
 21 this, and I think probably just actually, as we are
 22 looking at it now, it is worth making that point, that
 23 it is this idea of things not having happened as far
 24 back as one can reasonably go, which suggests quite
 25 a long period of time, is actually an idea that is

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1 introduced by Wheeler rather than Lucette and, as
 2 Sara Clarke was suggesting, perhaps Lucette is just
 3 focusing on what's happening now. I think the question
 4 remains obviously why the Adams prosecution wasn't drawn
 5 to the attention of the UK Government.
 6 MS HILL: We can tie this up with your earlier evidence,
 7 that you wanted to look at that again.
 8 PROF LYNCH: I think that's right. So we have it on the
 9 public record.
 10 MS HILL: Thank you, chair. The questions I propose to move
 11 on to deal mainly with questions that have arisen around
 12 certain issues to do with the 17th addendum. Those are
 13 the next topics I propose to move to. Now would be
 14 a good time to take our break.
 15 THE CHAIR: Thank you. We will reconvene at 3.15 pm.
 16 (3.00 pm)
 17 (A short break)
 18 (3.15 pm)
 19 MS HILL: Professor Lynch, Professor Constantine, as
 20 I indicated earlier on, insofar as you have any further
 21 observations to make on all of the other institutions,
 22 then we are not going to try to address that with you
 23 today. I gather -- is this fair? -- that, broadly, as
 24 far as the other institutions are concerned, there has
 25 been nothing hugely significant that immediately springs

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1 to mind that you feel you need to bring to the chair and
 2 panel's attention arising from the oral evidence. Is
 3 that broadly fair? You want a little time to reflect on
 4 the transcript, but you don't think there is anything
 5 you need to try to address today apart from some of
 6 these questions on the Catholic Church; is that right?
 7 PROF LYNCH: That's correct.
 8 MS HILL: Professor Lynch, help us then with a couple of
 9 issues that you would like to give some evidence to the
 10 panel on, where you believe your understanding has moved
 11 on in light of the evidence you have heard in the last
 12 couple of weeks?
 13 PROF LYNCH: It may be you are about to show me material
 14 that will also change my thinking further, kind of in
 15 live time here, but one of the impressions I think we
 16 may have had from the evidence of the Sisters of
 17 Nazareth was that the Sisters of Nazareth were not aware
 18 of any other organisation in this country involved in
 19 Catholic child migration. My impression is that that
 20 evidence seems to rely on a kind of internal oral
 21 history within the order itself, and I'm not sure it
 22 entirely accords with the archival evidence.
 23 MS HILL: Pausing there, Professor, I think there was
 24 evidence about their membership of the CCWC. Is that
 25 what you mean?

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1 PROF LYNCH: That's right. Although I think possibly
 2 Sir Malcolm explicitly asked Sister Maria if she was
 3 aware of any other Catholic -- if the
 4 Sisters of Nazareth were aware of any other organisation
 5 involved in child migration work, and she indicated that
 6 she was not. In relation to the -- sorry, go on.
 7 MS HILL: In relation to their membership of the CCWC, what
 8 do you draw from that area of the evidence that you have
 9 now heard?
 10 PROF LYNCH: Is it possible to look at the appendix 1 to
 11 our -- I think it is the sixth addendum? I can just
 12 talk you through this quickly in terms of why I think
 13 that's possibly complicated?
 14 MS HILL: If you wish to.
 15 PROF LYNCH: I think it might be helpful. It may be
 16 difficult looking at the spreadsheet on the screen. It
 17 may be easier for me to do it by oral evidence.
 18 MS HILL: I will try to find the reference.
 19 PROF LYNCH: Shall I carry on in the meantime?
 20 An implication of the Sisters of Nazareth not being
 21 a member of the CCWC might have been that it wouldn't
 22 have been aware, as an organisation, of the CCWC's
 23 instruction for direct recruitment by Australian
 24 representatives not to take place. So if that was our
 25 understanding, that might be an implication we would

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1 draw from that.
 2 I'm not sure, however, that in the 1946/1947
 3 recruitment phase --
 4 MS HILL: It is EWM000451_001, I think.
 5 PROF LYNCH: Thank you. This should do it. We may need
 6 to -- no, we can begin to do it with this. We may need
 7 to scroll down a little bit in due course. One of
 8 the reasons I'm not quite so sure about an absolute
 9 separation, in terms of the migration work, between the
 10 Sisters of Nazareth and the CCWC is, if you look, for
 11 example, down the sending institution at Nazareth House,
 12 Swansea, you will see there that Sister Rudolph is the
 13 person who signs on behalf of the sponsoring
 14 organisation, but the sponsoring organisation is named
 15 as the CCWC. One of the complicating things with those
 16 LEM 3 forms is that the CCWC bit of the form seems to
 17 have been filled in by someone else. So that may have
 18 been filled in later on.
 19 I don't know if it is possible to scroll down this
 20 document with the same fields showing on it.
 21 MS HILL: I'm not sure we can get it fully across the
 22 screen.
 23 PROF LYNCH: Here we go. If we look at Ditton, we also see
 24 the Sisters of Nazareth signing on behalf of CCWC. If
 25 we also look at Romsey, which may be further down, here

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<p>1 we go, Nazareth House, Romsey, we actually see 2 Sister Wilfred there signing on behalf of the CCBOS, and 3 that is an occasion where the signature of the 4 Sisters of Nazareth is in the same hand as the 5 sponsoring organisation. 6 So it appears that there seems to be some awareness 7 within the Sisters of Nazareth in that period that that 8 migration work is being done in conjunction with another 9 body. 10 It goes back to Mary Gandy's evidence, which was 11 that, certainly if there was some knowledge within the 12 Sisters of Nazareth of migration work being done 13 through -- in conjunction with the CCWC, that seems to 14 have been most likely to have been known at diocesan 15 level, because we have also seen examples where -- we 16 can see here, just on this page here, children being 17 sent for migration from Nazareth House, Rednal, being 18 signed off by Canon Flint here because he's the diocesan 19 officer, presumably, with -- possibly the legal guardian 20 of these children. We see this for Father Leahy as 21 well, just at the bottom of this page, and Leahy is 22 signing off children from Nazareth Houses in Bristol and 23 Cheltenham. That would suggest that in cases where 24 a diocesan officer is signing children for migration 25 from Nazareth Houses, those houses would have understood</p> <p style="text-align: center;">Page 133</p>	<p>1 allegations of sexual abuse by the Christian Brothers in 2 Western Australia? 3 PROF LYNCH: No, we don't have any documentary evidence of 4 that. 5 MS HILL: Similarly, the next question is, is there any 6 evidence that Bishop Griffin had any active links with 7 the Christian Brothers in relation to their migration 8 work prior to the meeting on 23 March 1943, as opposed 9 to indicating at that meeting that he would make such 10 contact in the event that deficiencies were not put 11 right? 12 PROF LYNCH: No, my impression from the archives is that 13 Bishop Griffin, as he was an auxiliary bishop of 14 Birmingham, had a role within the CCBOS and that, in 15 that capacity, he probably was involved from an earlier 16 stage with the 1938/1939 migration. Because we see -- 17 I think that's in paragraph 1.20, that, in 1943, Griffin 18 was identified in a National Archives file as being the 19 administrative point of contact for Christian Brothers 20 basically sending back their quarterly register of child 21 migrants at their institutions so that they could 22 receive UK Government maintenance funding. That's 23 unlikely to have been something that just began in 1943. 24 That appears to have been an established contact. The 25 phrasing of Griffin's meeting with the Dominions Office</p> <p style="text-align: center;">Page 135</p>
<p>1 that was being done in conjunction probably with the 2 CCWC. It's conceivable that could have been 3 a conversation with the diocesan officer there. Whether 4 that knowledge translates up to the Mother General at 5 all, we don't know, because of the very limited records 6 that the Sisters of Nazareth have, but it seems unlikely 7 that the Sisters of Nazareth had absolutely no 8 understanding whatsoever of the CCW's involvement in 9 this work. 10 MS HILL: Turning, then, to some more specific questions, if 11 I may. You were asked a series of questions by the core 12 participants in writing and you addressed many of these 13 in your 17th addendum. Can I ask you, please, to turn 14 up paragraph 1.16, please, of your 17th addendum. We 15 can pull this up, please, EWM000455_010. That reflects 16 you were being asked questions about communication 17 flows, if you like, between the Christian Brothers in 18 Australia and Christian Brothers or authorities in 19 England and Wales. 20 Do you remember that part of the evidence you gave 21 I think at 1.16? 22 PROF LYNCH: That's right. 23 MS HILL: Can you help us with this question, please: is 24 there any evidence that Father Stinson was informed in 25 his custodian role as director of the CEMWA about</p> <p style="text-align: center;">Page 134</p>	<p>1 would also suggest that he had established contacts with 2 them. 3 MS HILL: In 1.16 of your 17th addendum you give some 4 evidence in response to this question: are you aware of 5 any similar communication, collaboration or the transfer 6 of resources between Christian Brothers' institutions in 7 Australia, including a Provincial Council, and 8 Christian Brothers' institutions in England and Wales 9 including the Provincial Council for England? In other 10 words, do you have any other evidence to give about this 11 horizontal-level communication that you refer to? 12 PROF LYNCH: There is relatively little on that, but that is 13 partly limited by the fact that I haven't had access to 14 the Christian Brothers' archives in Australia nor to 15 Christian Brothers' archives in this country otherwise. 16 So we partly know about that horizontal communication, 17 transnational communication, because Barry Coldrey had 18 that access when he was writing "Reaping the Whirlwind", 19 but that's not material I have access to. 20 MS HILL: Because you have only conducted, is this right, 21 a limited search of some of the Australian publicly 22 available archive material not so much the 23 Christian Brothers archive material? 24 PROF LYNCH: I have approached the Christian Brothers and 25 not received any response in Australia.</p> <p style="text-align: center;">Page 136</p>

1 MS HILL: I see.
 2 PROF LYNCH: Also, I should say they haven't provided any
 3 material. I think they have given me a holding response
 4 some months ago.
 5 MS HILL: Pull up, please, EWM000455_013. Just before we
 6 get to that, can I just clarify, just to make sure
 7 I have understood this correctly -- just going back, if
 8 I may, to the role of Bishop Griffin, I am being asked
 9 to press you a little bit on whether or not he would, in
 10 fact, have had a role as far back as 1939, given that he
 11 became involved I think in the CCBOS, not in the
 12 Catholic Emigration Association. Can you help with
 13 that?
 14 PROF LYNCH: I think probably the best thing for me to do
 15 would be to go back and check the archives on that.
 16 MS HILL: You were asked a question at EWM000455_013 to
 17 clarify the reasoning behind your suggestion that
 18 knowledge of problems with Christian Brothers
 19 institutions in England might have led to concerns about
 20 residential institutions overseas. I think you have
 21 given some of the evidence at 1.26 and onwards, which is
 22 perhaps a related point to the previous question. Is
 23 there anything else that you wish to say about that
 24 topic? I think you have set out some of your reasoning
 25 at 1.26 over the page.

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1 PROF LYNCH: Indeed. Sorry, I'm just thinking about exactly
 2 what question you're -- can you remind me exactly -- we
 3 are talking about two or three similar questions.
 4 MS HILL: It is a related question about knowledge of
 5 the Christian Brothers institutions. I think you were
 6 asked some questions about the basis on which you
 7 surmise that if there was knowledge of issues with the
 8 Christian Brothers institutions in England, that might
 9 have reasonably led to suggestions of concerns about the
 10 institutions in Australia.
 11 PROF LYNCH: I think, given our current knowledge, at the
 12 time when I wrote the main report that was just flagging
 13 that up as a possible issue in terms of whether that
 14 would have raised concerns. I think that's probably
 15 been firmed up somewhat in terms of the material that we
 16 have since seen, where we now know that Griffin and
 17 Craven, certainly in 1942, were aware of the Cross
 18 concerns, and certainly Craven, feasibly Griffin and --
 19 it appears to be in an anonymised form -- the CCWC more
 20 generally were aware of William Garnett's concerns in
 21 1944. So it would seem that if there had been a prior
 22 history of concern with Craven explicitly indicating
 23 that direct inspection of institutions should be
 24 appropriate in Australia, given that there appears to be
 25 a kind of transnational flow of staff within the

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1 Christian Brothers as well, it would at least seem to
 2 sow another seed of doubt.
 3 MS HILL: I would like to ask you a further question,
 4 please, about the table that you looked at before, which
 5 was the table of signatories. Do you remember that?
 6 PROF LYNCH: Yes.
 7 MS HILL: The question about that is, is it conceivable that
 8 Brother Conlon represented himself to the SON as acting
 9 on behalf of the CCWC, even if he wasn't? I think
 10 that's the question.
 11 PROF LYNCH: That's a really good question. I completely
 12 understand why Dr Keenan hasn't been able to give live
 13 evidence and I think there are some of these issues
 14 where it's possible that she may be the best person to
 15 answer these kind of questions, because I think it may
 16 go down to the detail of case files within the CCWC
 17 archives. It's -- from the LEM 3 forms, I think it is
 18 quite difficult to tell what Conlon was actually saying
 19 to those organisations. I think the suggestion there is
 20 whether he was misrepresenting himself or not.
 21 I think there may be other ways in which we can
 22 begin to build up a picture about whether the '46/'47
 23 recruitment was done primarily through the CCWC or not.
 24 That might help us with that. But we can't really get
 25 that just from the LEM 3 forms themselves.

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1 MS HILL: I would like to move to a separate topic now,
 2 which is the issue of the transmission of knowledge
 3 about the Curtis-type standards and then the
 4 Women's Group-type standards within the sending
 5 institutions.
 6 PROF LYNCH: Yes.
 7 MS HILL: Dealing first of all, you went I think to the
 8 Home Office memorandum about standards that were set out
 9 to the Fairbridge Society in 1947. You recollect that
 10 evidence?
 11 PROF LYNCH: That's right, yes.
 12 MS HILL: Can you help with this, that -- is there any
 13 contemporaneous document illustrating the transmission
 14 of that document to other sending agencies?
 15 PROF LYNCH: So, again, I can go and look back at that
 16 specifically in relation to the Catholic organisation,
 17 but in the Australian archive of that document, with
 18 William Garnett's cover letter, Tasman Heyes then
 19 circulates -- I have seen this -- to the Western
 20 Australian Commonwealth migration officer, he forwards
 21 on this Home Office memo saying, "We are sending you 20
 22 copies so that you can send this to all interested
 23 receiving institutions in your state".
 24 Now, from that, unless the State Department just sat
 25 on those documents, and there is no particular reason to

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<p>1 assume that they would do that, given that Tasman Heyes 2 was -- well, okay, that's speculation. 3 But if those documents were forwarded on, they may 4 have been sent to individual institutions such as 5 Nazareth House, Geraldton, or individual 6 Christian Brothers' institutions, but they certainly -- 7 a copy of that -- I would find it inconceivable that 8 that wasn't sent to CEMWA as the main custodian 9 organisation, umbrella organisation, for all of 10 the Catholic organisations in Western Australia. 11 I would have to go back and look and see if there is 12 any evidence of transmission to Catholic organisations 13 in the UK, but I would be extremely surprised if CEMWA 14 were unaware of that document. 15 PROF CONSTANTINE: I may be misremembering this, and I would 16 need to check, did not that or a similar document go to 17 the CVOCE as well? 18 MS HILL: If you remember, we came to this issue of 19 the minutes of those meetings. We didn't go through 20 them in any detail. I will come to them, if I may. It 21 might be you could spend a bit more time on these 22 minutes. Bear with me a second. 23 Your recollection, I think, Professor Constantine, 24 is about the minutes of the Voluntary Organisations 25 Group.</p> <p style="text-align: center;">Page 141</p>	<p>1 regard to the views of that group? 2 PROF LYNCH: No. Though the MS2 document provided by the 3 Catholic Council, I think the narrative it provides of 4 that is that the National Council was explicitly set up 5 because of concerns about the potential influence of 6 the Women's Group on Public Welfare report on 7 Home Office standards. There is actually -- I wouldn't 8 be able to quote you the exact paragraph off the top of 9 my head, but there is a discussion about the way in 10 which there is contact from that national body with the 11 Home Office to try to provide some kind of reassurance 12 that there will be consultation of the voluntary 13 societies so that these standards proposed by the 14 Women's Group on Public Welfare aren't imposed on them 15 without consultation. 16 MS HILL: By way of example, can I bring up AFC000014_004, 17 because I think that does chime with your recollection. 18 This is the first minutes we have in this part of 19 the documentation from the Council of Voluntary 20 Organisations for Child Emigration. I think, chair, you 21 may remember you asked some questions about these 22 minutes. This does suggest, certainly in this meeting 23 from March 1951, explicit discussion about the Women's 24 Group on Public Welfare and the chair and panel can in 25 due course perhaps go through these minutes in slightly</p> <p style="text-align: center;">Page 143</p>
<p>1 PROF CONSTANTINE: Yes. 2 MS HILL: We, I think, have several of those minutes 3 available. I'm not sure we perhaps go back as far in 4 time as we are talking about here. I think the minutes 5 we have are later on. 6 PROF LYNCH: It wasn't set up then. 7 MS HILL: Can I perhaps turn instead to a separate but 8 related topic, which is knowledge of the Women's Group 9 on Public Welfare standards. I think that is what you 10 see in the minutes of these meetings, that there is 11 quite a lot of discussion about that in these meetings. 12 You have given some evidence about that. Is this 13 a fair summary: you would accept that that group did not 14 have any statutory or quasi statutory role? Would you 15 accept that? 16 PROF CONSTANTINE: Yes. A statutory role? 17 MS HILL: It did not have any particular statutory role. 18 PROF CONSTANTINE: That's correct. 19 PROF LYNCH: That's right. Though what we would say in 20 policy terms is that it's possible to -- it appears to 21 have been taken very seriously as a document within the 22 Home Office. 23 MS HILL: I think, in fairness, is this right, though, that 24 people involved in child migration or organisations 25 involved in child migration would not be obliged to have</p> <p style="text-align: center;">Page 142</p>	<p>1 slower time, but what we see over the page, please, if 2 you go through it, is what appears to be, on the 3 left-hand side, the recommendation being made by the 4 Women's Group and, on the right-hand side, comments 5 about whether or not the Council of Voluntary 6 Organisations agrees or disagrees with the 7 recommendations. 8 We see throughout this set of minutes, for example, 9 that you can see, on the right-hand side, this has been 10 done, no comments or disagreements about particular 11 recommendations. 12 One can also see, if you continue -- perhaps the 13 chair and panel might just want to look through this. 14 This two-column document continues on to a second page, 15 a third page and then a fourth page, and I think there 16 are various iterations of it over time. Is that 17 correct? 18 This body about which we have heard, the Council of 19 Voluntary Organisations for Child Emigration, includes 20 I think within it all of the key sending associations 21 that we see set out. If we go back, please, to 22 AFC000014_001. It includes religious and nonreligious 23 sending institutions; is that right? 24 PROF LYNCH: That's right. Though the Sisters of Nazareth, 25 as I recall, aren't directly represented on it.</p> <p style="text-align: center;">Page 144</p>

1 MS HILL: I think we see the CCWC represented on it.
 2 PROF LYNCH: Yes, that's right. Represented by Canon Flint.
 3 MS HILL: The minutes of those meetings can be looked at in
 4 due course, but we do see on various occasions, within
 5 those minutes, meetings with the Home Office; is that
 6 right?
 7 PROF CONSTANTINE: That's what I was recollecting, precisely
 8 that.
 9 MS HILL: I think it's slightly later in time than the
 10 earlier date you were thinking about, Professor.
 11 PROF CONSTANTINE: It just flashed across the bottom of one
 12 of the pages as we went through, it was actually
 13 a reference to the Home Office.
 14 MS HILL: By way of one example, please, AFC000014_034,
 15 where there is a meeting delegation to the Home Office
 16 from the Council of Voluntary Organisations for Child
 17 Emigration. We see some representatives at the top who
 18 are present at this meeting: Father Nicol, Mr Vaughan,
 19 Major Bavin, Miss Hall, Mr Tucker, Miss Jones, where
 20 there is then quite detailed consideration between the
 21 CVOCE and the Home Office about issues relating to child
 22 migration.
 23 PROF CONSTANTINE: Correct.
 24 MS HILL: Then there are, just to summarise it, further
 25 discussions throughout time about these issues. Just by

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1 way of example, we do see specifically at AFC000015_029
 2 the draft regulations being circulated to this council.
 3 So the chair and panel can no doubt look at those
 4 documents, as I say, in slightly slower time; it is
 5 AFC000014 through to 19.
 6 Does that help you at all in understanding what
 7 understanding there might have been in the sending
 8 institutions about the Home Office's expectations?
 9 PROF LYNCH: Yes. It is interesting looking through those
 10 documents there that not only is the CCWC involved in
 11 these discussions through Canon Flint, but actually,
 12 Father Nicol is involved in these discussions as well,
 13 obviously, as the London agent of the FCIC. It is
 14 actually both kind of important Catholic national
 15 organisations involved in this process.
 16 MS HILL: A separate question, then, a different topic.
 17 I'm sorry we are jumping around a little bit. There
 18 was, in April 1947, an emigration policy debate in the
 19 House of Lords. I will just read out an entry from it.
 20 If you can't remember this or don't know about this,
 21 please say and you can go away and look at this.
 22 PROF LYNCH: I'm not familiar with it.
 23 PROF CONSTANTINE: No, not seen it.
 24 MS HILL: Shall I read the quote and see if it rings any
 25 bells and then we will decide. The quote from this

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1 debate anyway is along these lines from 1947:
 2 "There are obvious dangers in encouraging emigration
 3 of children. I recall that before the last war there
 4 was a very regrettable episode in which a number of
 5 young persons were placed as apprentices on farms in
 6 a certain dominion under conditions that were wholly
 7 unsuitable."
 8 Do you have any sense -- does this ring any bells
 9 with you or do you want to go away and reflect on what
 10 this might refer to, to see it in its context?
 11 PROF CONSTANTINE: I don't remember reading that and it
 12 would be interesting to know who said that.
 13 PROF LYNCH: Yes.
 14 MS HILL: The Earl of Iddesleigh. Does that help you at
 15 all?
 16 PROF CONSTANTINE: No.
 17 PROF LYNCH: No.
 18 MS HILL: Can I move on then to a different topic, please,
 19 which you have addressed in your 17th addendum. You
 20 were asked to provide some evidence to the chair and
 21 panel about knowledge and standards concerning child
 22 sexual abuse --
 23 PROF LYNCH: Sorry, counsel, before we go on to that, can
 24 I raise one other thing about the Catholic issues with
 25 the 17th addendum? It is one we've kind of skipped

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1 over. I raise it because I think it is important in
 2 relation to the questions that you were asking about
 3 standards in Christian Brothers institutions in England
 4 and what was reasonable in terms of expectations and
 5 transfer of knowledge around that.
 6 We began, but didn't fully adduce, the evidence
 7 about Canon Bennett in relation to that. I think it is
 8 worth just taking one minute to look at that.
 9 Canon Bennett was the diocesan Child Rescue officer
 10 for the Archdiocese of Liverpool and was one of the,
 11 I think, first figures on the CCW Emigration
 12 Subcommittee when I think that was formed in 1946.
 13 He's clearly a figure who is initially very much
 14 involved in the resumption of post-war Catholic child
 15 migration.
 16 In 1949, he both writes to the Home Office,
 17 indicating that he hasn't had regular reports from the
 18 children sent overseas and contrasts this with previous
 19 child migration practice to Canada, and then we see in
 20 Helen Murtagh's letter in March 1949 that he shares her
 21 concern about a Christian Brothers institution in
 22 Liverpool and the standards of that institution.
 23 Then we learn from Father Stinson's report from the
 24 end of 1953 about his recruitment activities in the UK
 25 in 1952 and 1953 that, by 1952, Canon Bennett was said

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1 to be opposed to child migration and wasn't prepared to
 2 give Stinson any access to residential institutions
 3 within the Archdiocese of Liverpool.
 4 So I think one of the issues that we have come up
 5 against, and this came up a little bit with
 6 Bishop Marcus's evidence, this idea of there being
 7 simply standards that operated at the time and judging
 8 by contemporary standards. I think Canon Bennett
 9 appears to be a very interesting case study of someone
 10 who has, evidently, growing doubts about child
 11 migration, someone who is clearly involved in the
 12 administrative structure, initially in the pre-war
 13 period, but within six years appears to be taking quite
 14 a clear stand against this. Obviously, we can't trace
 15 the causal link very clearly, but within that he seems
 16 to be aware of concerns about a Christian Brothers
 17 institution within his archdiocese. Obviously, we can't
 18 say how much that influenced his thinking, but that does
 19 appear to be part of this narrative.
 20 MS HILL: Is that all you wish to say on that topic,
 21 Professor?
 22 PROF LYNCH: Yes.
 23 MS HILL: I would like to move to two broad topics before we
 24 conclude. One is some of the material that you give at
 25 section 2 of your 17th addendum and then I have two

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1 other documents to ask you for your comment on in
 2 relation, again, to some Catholic issues, if I may.
 3 Dealing with what you say at section 2 of your
 4 report, I think, Professor Constantine, you are going to
 5 take the lead on this topic. Is that right?
 6 PROF CONSTANTINE: Yes.
 7 MS HILL: Just to be very clear, I am only going to ask you
 8 questions about things that you have found in your
 9 archive research. So simply, please, when answering
 10 these questions, tell the chair and panel what you have
 11 found as a matter of historical record rather than any
 12 conclusions that you draw from that. Do you understand
 13 the difference?
 14 PROF CONSTANTINE: Yes, but does that also include research
 15 done by other historians that adduce evidence or just
 16 stick to the precise evidence we have seen?
 17 MS HILL: This is evidence -- just to be clear, chair and
 18 panel, we are adducing some evidence here that doesn't
 19 bear directly on child migration. So because it is at
 20 the limits of your expertise, we are concerned to make
 21 sure that you just give some evidence on what has been
 22 found by you in the course of your research rather than
 23 drawing any conclusions from it. Does that make sense?
 24 PROF CONSTANTINE: That's fine.
 25 MS HILL: I think you would agree with the broad

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1 proposition, would you, that the official reports that
 2 you have seen, such as the Ross Report, don't explicitly
 3 deal with sexual abuse in the way that one would
 4 understand it today? Is that a fair summary?
 5 PROF CONSTANTINE: Yes, rather surprisingly, we don't find
 6 in the contemporary reports, where you might expect to
 7 find it -- in the confidential reports, even, you don't
 8 find what you would now expect to be finding. Ross
 9 doesn't adduce sexual abuse as an issue that needs to be
 10 addressed. Abuse, maltreatment, yes, but not sexual
 11 abuse precisely.
 12 MS HILL: Just to be clear, what you have tried to do in
 13 section 2 of your addendum is give the chair and panel
 14 some examples of things from reports or from the media
 15 or from the law that you understand. But insofar as
 16 your research methodology for this 17th addendum, can
 17 you just help us very broadly with how you conducted the
 18 research to prepare your addendum here?
 19 PROF CONSTANTINE: Yes. To a certain extent, it was derived
 20 from the work of other historians, but then checking
 21 their footnotes against evidence I was able to access,
 22 and it does include obviously the laws themselves, which
 23 you can find online and I was reading those; it includes
 24 also parliamentary reports, which you could read online
 25 and I read those; and it includes quite a scattering of

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1 references in newspapers of contemporary matters that
 2 clearly relate to the treatment of children specifically
 3 to sexual abuse, and also a rather extended book review
 4 written in the Observer newspaper which
 5 reviews substantial scholarly work on sexual abuse.
 6 I have read the sexual abuse book, as well as the
 7 review.
 8 I think that was important, simply to indicate that
 9 this was not an academic study that was confined to
 10 academics, that it did actually break into the general
 11 serious newspaper coverage.
 12 MS HILL: But I think, in fairness, given the time available
 13 to provide this addendum, you haven't consulted, as far
 14 as I know, anyway, any other organisations or
 15 individuals about the parameters for your search, about
 16 what you might look for? You have conducted a search
 17 within the limits of what you have described; is that
 18 right?
 19 PROF CONSTANTINE: Yes.
 20 MS HILL: You explain, I think, at 2.4 of your report, just
 21 by way of summary, that, as a matter of social history,
 22 if I can call it that, what have you said is, you have
 23 put this proposition forward, that protecting the virtue
 24 of young girls and punishing their violators was
 25 something that you have identified as a priority from

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1 the late 19th century. It was sustained by moral
2 welfare campaigns led by women social workers and then
3 by women MPs, but you have identified -- as I say,
4 a matter of history -- that anxieties about
5 homosexuality, particularly by the 1950s, drew
6 increasing attention to the sexual abuse of boys, even
7 if it wasn't called that, with those terms. Is that
8 right?
9 PROF CONSTANTINE: That's correct, yes, and it leads to the
10 Wolfenden investigation.
11 MS HILL: We are not going to ask you any questions,
12 professor, about legal tests or criminal offences
13 because there is additional material that the panel
14 might be able to draw on that can help them with that.
15 But have you referred, for example, to the 1924
16 departmental committee on sexual offences, which I think
17 was a committee which included female MPs; is that
18 right?
19 PROF CONSTANTINE: That's correct.
20 MS HILL: Perhaps it didn't include female MPs, I'm being
21 told.
22 PROF CONSTANTINE: Yes, it did. Indeed, the point was being
23 made that this is the generation, of course, after women
24 get the vote and you get women MPs.
25 MS HILL: I see. Well, your recollection or your

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1 understanding is that this particular departmental
2 committee -- what's the factor that this report
3 generates that you say might assist the chair and panel,
4 by way of broad context?
5 PROF CONSTANTINE: Well, I think the point would be here
6 that it was -- it does produce an analysis of the risks
7 that young women might face, and actually has these
8 categories. It looks for factual information about
9 cases, and covers this period up to 1924, 1909 to 1924,
10 and categorises them as I have indicated here, these are
11 their phrases:
12 "Indecent assault on male person under 16.
13 "Indecent fault on female person under 16.
14 "Defilement of girls under 13.
15 "Defilement of girls between 13 and 16."
16 So these are their categories and they provide
17 quantitative evidence of cases that have come to their
18 attention. This is based, essentially, on police
19 reports. So every caveat about reporting of such cases,
20 but nevertheless they found that these are matters of
21 considerable concern.
22 MS HILL: Just pausing there, as a matter of your research,
23 your understanding is, if I can put it this way, that
24 this departmental committee was followed up by
25 parliamentary questions by Viscountess Astor in 1928 and

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1 1929, and by the Women's National Liberation Federation
2 in May 1930 which expressed concern about the apparent
3 increase in the sexual offences. That's what your
4 research has shown?
5 PROF CONSTANTINE: That's right, and also pressure on the
6 Home Office to follow up the recommendations of
7 the departmental committee.
8 MS HILL: One of the documents, I think, that has been
9 relied upon in your research suggests that, as far as
10 the response to this was concerned, Home Office civil
11 servants viewed the committee as -- I'm quoting from one
12 of the reports here -- "a great source of
13 embarrassment", and its recommendations were dismissed
14 by legal experts at the time as an embarrassment. Is
15 that something you are familiar with from the underlying
16 research?
17 PROF CONSTANTINE: I could not precisely confirm that that
18 was the reaction of the Home Office, but certainly there
19 seems to be a continuous pressure from the people
20 involved in this to get legislation strengthened, and it
21 does, as I understand it, lead to the 1932 Children and
22 Young Persons Act.
23 MS HILL: Is it your understanding that some of
24 the recommendations of this committee were never
25 implemented? Do you understand that or not?

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1 PROF CONSTANTINE: Yes.
2 MS HILL: You agree?
3 PROF CONSTANTINE: Yes.
4 MS HILL: You have referenced in your report that
5 in October 1934 the Manchester Guardian reported
6 a conference of the National Council of Women had urged
7 further amendment to legislation to protect young
8 children from sexual offences; is that right?
9 PROF CONSTANTINE: That's correct.
10 MS HILL: You have referenced, I think, an even earlier --
11 gone back in history, rather -- example from
12 World War I of teachers at state schools being found
13 guilty of sexual misconduct having to hand back their
14 teaching certificates; is that right?
15 PROF CONSTANTINE: Yes, and, again, just to clarify, that's
16 derived from another scholar's work. I have not
17 actually found that particular document.
18 MS HILL: But is this right, that looking at the social
19 context in which that occurred, this was derived from
20 broader concepts of immorality, rather than sexual abuse
21 as such?
22 PROF CONSTANTINE: I think it would be fair to put it in
23 those terms, yes.
24 MS HILL: So, for example, female teachers were barred from
25 teaching if they got pregnant outside marriage, and

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1 things like that.
2 PROF CONSTANTINE: Yes.
3 MS HILL: So it is part of a broader issue around
4 immorality; is that right?
5 PROF CONSTANTINE: Yes.
6 MS HILL: You then have given some evidence about the
7 Curtis Committee. I think you accept, is this right,
8 that there are no explicit references to child sexual
9 abuse in the documents submitted to or generated by the
10 Curtis Committee; is that right?
11 PROF CONSTANTINE: That's correct. There is simply one
12 statement which isn't precise but does seem to be -- it
13 is about the mixture of adults and children in
14 a workhouse, as to whether that -- the implication is
15 that -- well, the phrase is, "This might, of course, be
16 quite unobjectionable but has serious dangers in the
17 mixed population of a workhouse". It is only that
18 phrase.
19 MS HILL: Would you agree that the Curtis Committee didn't
20 seem to have focused on sexual abuse as a particular
21 topic; is that right?
22 PROF CONSTANTINE: That's correct.
23 MS HILL: So those earlier references that we have been to
24 already didn't seem to feature explicitly in Curtis; is
25 that right?

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1 PROF CONSTANTINE: That would seem to be a fair conclusion.
2 MS HILL: You have referenced, I think, that your
3 understanding from your research is that there was work
4 done in 1946 by the Home Office, I think, as far as the
5 training of childcare staff was concerned. I think we
6 may have heard about that already?
7 PROF CONSTANTINE: Yes.
8 MS HILL: Is that right? You have referenced, I think, one
9 example of, in 1952, the Home Office requiring that if
10 a manager of an approved school faced an allegation of
11 sexual abuse, that person was not allowed to deal with
12 the matter themselves, but had to report the matter to
13 the Home Office and to the police? That's, I think,
14 a 1952 document; is that right?
15 PROF CONSTANTINE: That's right, yes, and that seems a very
16 strong statement, that there should be an automatic
17 response of managers to the Home Office and to the
18 police.
19 MS HILL: Finally, I think, on this, you have referenced the
20 1956 Sexual Offences Act. As I say, again, we will
21 perhaps look separately at the legislative provisions.
22 You have summarised, I think, for the chair and
23 panel, various press reports about sex crimes, the
24 reported increase in crimes of this nature; is that
25 right?

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1 PROF CONSTANTINE: That's correct.
2 MS HILL: That the British Magistrates Association and
3 British Medical Association were prompted to launch an
4 inquiry about these issues in 1949. I think you have
5 given some further examples of these issues being
6 reported in the press through the 1950s; is that right?
7 PROF CONSTANTINE: That's correct.
8 MS HILL: There were a couple of additional documents that
9 I was going to ask the experts to comment on, chair, but
10 I'm content to leave it there, in case you have any
11 questions for the experts. Those are all the questions.
12 Just bear with me a second, actually.
13 Chair, I think those are all the questions I was
14 going to ask of the experts, unless you or the panel
15 have any further questions.
16 THE CHAIR: No, we have no further questions. Thanks once
17 again --
18 MS HILL: Forgive me, chair. I will try to put this
19 question as best as I can.
20 Going back to the evidence you gave -- I am sorry,
21 chair -- you say, I think, it is surprising that you
22 don't find in the contemporary reports what you would
23 now expect to be finding -- I think this was in
24 reference in particular to Curtis -- Ross. Forgive me,
25 it was the Ross, wasn't it? It was the Ross reports.

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1 PROF CONSTANTINE: Ross.
2 MS HILL: Why is it you express the view that it is
3 surprising? Help us with your reasoning behind that.
4 PROF CONSTANTINE: It's simply in the light of what we know
5 by 1956 had been the flow of information back to the
6 Home Office about incidents of sexual abuse in
7 institutions, going back to World War II, going back to
8 1942 and the Garnett report, and so forth.
9 One might have expected -- might have expected, and
10 this is opinion -- that that might have actually
11 determined how -- the kind of questioning that Ross
12 himself might have had in mind.
13 MS HILL: Is it fair to say this: it might also be because
14 children were not making complaints of sexual abuse, and
15 that's why these things weren't being picked up; is that
16 fair?
17 PROF CONSTANTINE: Indeed. That's right. The absence of
18 evidence seems to be a puzzle.
19 THE CHAIR: Once again, thank you for much for your
20 contributions this week, and thanks to everyone present
21 today for all the huge amount of work that's gone into
22 these hearings, to the core participants and to the
23 legal teams. Thank you very much.
24 We will reconvene for our final day next Wednesday.
25 Thank you.

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<p>1 (3.57 pm) 2 (The hearing was adjourned to 3 Wednesday, 26 July 2017 at 10.30 am) 4 I N D E X 5 6 Welcome by THE CHAIR1 7 8 DR MARGARET HUMPHREYS CBE, OAM, HON1 9 MA, LL.D, CQSW (recalled) 10 11 Examination by MS HILL (continued)1 12 13 Questions from THE PANEL73 14 15 Summary of case study 11 of the77 16 Royal Commission 17 18 Housekeeping80 19 20 PROFESSOR GORDON LYNCH (continued)85 21 22 PROFESSOR STEPHEN CONSTANTINE85 23 (continued) 24 25 Examination by MS HILL (continued)85</p> <p style="text-align: center;">Page 161</p>	
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<p>1 2 Questions from THE PANEL112 3 4 Examination by MS HILL (continued)121 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 162</p>	
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