



**THE INTERNATIONAL ASSOCIATION  
OF FORMER CHILD MIGRANTS  
AND THEIR FAMILIES**

***SUBMISSION TO  
SENATE INQUIRY INTO  
CHILDREN IN INSTITUTIONAL CARE***



## *Submission*

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The International Association of Former Child Migrants and their Families welcomes this Australian Inquiry which follows the Senate Inquiry into child migration to Australia from the United Kingdom and the Stolen Generation Judicial Inquiry. This Inquiry into children in institutions will complete the trilogy of investigations into historical abuse of young, vulnerable children in Australia.

The International Association of Former Child Migrants and their Families has prepared and presented two very comprehensive written submissions to both the British Health Select Committee 1998 and subsequently the Australian Senate Community Affairs References Committee in 2001. Executive members of the Association gave oral evidence before the Chair of the Health Select Committee in the House of Commons, London and before the Senate Committee in Canberra two years ago.

It is not our intention to reproduce those submissions but rather ask the Committee to read them as part of the evidence on the nature and long term damage of childhood abuse, particularly institutional abuse in Australia. Our previous written submissions have provided graphic details of childhood abuse in Australian institutions. To recall and recount those experiences as part of this Inquiry would seem both disrespectful and unnecessary. This submission is a contribution to the broader issue of historical abuse in Australia.

The present Inquiry, we understand, relates to those survivors of childhood abuse who have yet to give their evidence of widespread systemic abuse in Australian institutions.

When we consider the long term consequences of abuse for individuals and families, we also need to take into account the consequences for society as a whole. If we are truly concerned about the legacy of abuse and the generational implications, we must step back a little and ask ourselves some basic fundamental questions. How is it that Australia is in a situation where more than a century of widespread, systemic abuse of children is currently under review?

The recent revelations relating to the former Governor-General of Australia again highlighted the inability to move out of denial into recognition of the difficulties experienced by many individuals, particularly those in the public eye, when past practices and past assumptions are questions in the present day context.

Our experience of two inquiries has left us feeling there is a long way to go before Australia moves out of denial, into a reality which requires a protocol of forensic investigation of these issues and justice where criminality has been identified. For example, it became clear to the Association that some matters of relevance were difficult if not impossible to bring to a satisfactory conclusion. Yet they were matters that could have potentially thrown a light onto the activities of those organisations and institutions involved in abuse of children in the past, and denial of responsibility in the present.



## *Submission*

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During the Inquiry into child migration, those agencies accused of childhood abuse were given the opportunity to explain themselves.

The most generous interpretation of their evidence is to state it was highly defensive in most cases. Smoke screens, denial and evasiveness was the general tenor. When you consider we are dealing with criminality, it is surprising that as a result of the Inquiry, no charges have been made, to our knowledge, despite concerted efforts to identify individuals accused of child rape and other repeat offenders.

We would draw the Committee's attention to the correspondence between the Association and the Attorney-General in relation to evidence provided by Dr Barry Coldrey (as per attached). You may say this is not relevant to this Inquiry. We would argue strongly that these processes are an indication of the lack of policy and commitment on behalf of the Australian justice system to bring perpetrators to account, to allow the victims access to justice and to understand more fully the long term consequences of denial.

Those agencies involved in historical abuse, whether Church, State or voluntary, have a tendency in their evidence to minimise the past and highlight how good they are now. They seduce committees into believing that they are different people operating in a more sophisticated manner based on the old 'hindsight' model. Of course, this is music to the ears of Ministers who are unprepared to pay for independent services. We caution heavily any policy that permits agencies involved in historical abuse to provide services to their victims.

Since the Inquiry into Child Migration, we learn we have been betrayed yet again by some of those agencies who reassured the Committee that they could provide professional services. Recently, a former Child Migrant living in Adelaide was given highly private and personal information concerning other former Child Migrants known to her, betraying all codes of professional confidentiality.

This was a particularly cruel incident, which revealed sensitive information about some mothers held by the Church. In most cases this unprofessional and dangerous behaviour would immediately result in a full inquiry. No doubt you will not be surprised to learn there was no inquiry to our knowledge, although once exposed, the agency made an unscheduled weekend visit to collect the papers concerned. They then offered counselling to the people whose personal documents they had released without any authority!

The long term cost of child abuse affects the whole of society. It needs to be fully understood in all its many complexities. If we fail to take these opportunities to learn from the past, we will of course repeat it.



## *Submission*

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Our recommendations to this Inquiry are as follows:

1. *Victims of historical abuse in Australia should be able to access justice. The time limitation period for the abuse of children should urgently be reviewed.*
2. *Professional services should always be specialist, independent and adequately resourced.*
3. *To place the experiences of childhood abuse 'on the record' is not enough in itself. It demands a greater awareness and understanding of the processes and relationships, which allowed abuse on an enormous scale to remain, unchallenged for decades.*
4. *We urge the Australian Government to support the resolutions of the First International Congress on Child Migration (2002).*

Norman Johnston  
President

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14 February 2002

The Hon. Daryl Williams, AM QC MP  
Attorney General  
Parliament House  
Canberra, ACT 2600

Dear Attorney General,

I am writing to you following the Senate Community Affairs References Committee Inquiry into Child Migration, and the subsequent tabling of the Committee's unanimous report in Parliament on 30<sup>th</sup> August 2001.

I am writing in particular to draw your attention to the disturbing oral evidence given by Brother Barry Coldrey at the Senate Hearing in Melbourne, on 15 March 2001.

Within his evidence Brother Coldrey hints at Church/State collusion in Western Australia in regards to the welfare of children, including former child migrants, in Christian Brothers institutions in Western Australia. I would urge you to read the [ enclosed ] following pages from the Hansard transcript: Pages CA 224 – 225 - 226 – 232 [last three paragraphs plus first two lines of page 233 ] and CA 241.

quotes from Brother Coldrey's evidence:

*" However, I could only say my impression was that there was an arrangement between somewhere in government at the time and my superiors that I would conduct the investigation, albiet certain stuff was being hidden from me, and the government of the day would accept that in lieu of a full public inquiry, which you now have but many years later."*  
Hansard: Page 225, last para.

*" I had meant on the side of the church organisation, I would say, but there was a sense – and I can only say that, senators – that there was an arrangement between church and state and that sort of thing to minimise, hide or whatever. "* Hansard: page 226, 2<sup>nd</sup> main para.

*Senator Gibbs: Obviously it was a cover up, wasn't it, between the department, the Catholic Church and everybody involved basically? From what I have read and from the submissions, if people did show up they were wined and dined, as you said, and then they left with produce.*

*Dr Coldrey: Yes. Hansard: page CA 241, para. 5*

Brother Coldrey also confirmed that the Brothers named at the same Hearing by Mr Ronald Taylor, a former Child Migrant, were paedophiles. Hansard: page CA 224, para. 1.

In response to a question from Senator Murray, Brother Coldrey said:

*" There were crucial meetings back in 1992-1993 in which I named the abusers for the then Provincial Council of Western Australia, according to the lights that were available. "* Hansard page CA 224, last paragraph.

By refusing to give the names of "known" paedophiles to the appropriate authorities; Brother Coldrey and other senior Catholic Church officials have perverted the course of justice. Brother Coldrey and all persons involved in this appalling and disgraceful cover up should be brought to account before the courts.

The Association Committee have repeatedly called for a Full Judicial Inquiry into the Child Migration Schemes in Australia; and our call has been repeatedly rejected.

It is reprehensible that the Australian Government continues to disregard the Human Rights of children who have been sexually abused and criminally assaulted, in institutions throughout Australia; by refusing to hold either a Full Judicial Inquiry, or a Judicial High Commission Inquiry into child abuse within Australian institutions.

The Association believe that Brother Coldrey's oral evidence alone, substantiates our call for a Judicial Inquiry, or a Royal High Commission.

The Association call on you to hold a thorough investigation into all of the written and oral evidence provided to the Senate Inquiry by Brother Coldrey; including all additional submissions and information which Brother Coldrey requested to 'not be made public'.

I await your response

Yours sincerely



Norman Johnston  
President

CC: Robert McClelland MP  
Shadow Attorney General  
The Hon. Jim A. McGinty MP  
Attorney General  
Western Australia

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13 May 2002

The Hon. Daryl Williams, AM QC MP  
Attorney General  
Parliament House  
Canberra, ACT 2600

Dear Attorney General,

I wrote to you on 14 February 2002 expressing the International Association's concerns regarding the disturbing oral evidence given by Brother Barry Coldrey, at the Senate Community Affairs References Committee Inquiry Hearing in Melbourne on 15 March 2001.

I provided you with some relevant quotes from Brother Coldrey's evidence, and included the relevant pages from the Hansard transcript. The Association believe that there is sufficient material within this evidence which indicates that Brother Coldrey and other senior Catholic Church officials perverted the course of justice. Within his evidence Brother Coldrey also hints at Church and government collusion to hide the real picture in regards to the welfare of former Child Migrants in Catholic institutions within Western Australia.

I said the Association believes that Brother Coldrey's oral evidence alone, substantiates our call for a Judicial Inquiry, or a Royal Commission. The last paragraph of my letter to you reads:

*"The Association call on you to hold a thorough investigation into all of the written and oral evidence provided to the Senate Inquiry by Brother Coldrey; including all additional submissions and information which Brother Coldrey requested to 'not be made public.' "*



I am both disappointed and concerned that you have chosen not to respond to my letter, as requested. I am therefore, sadly, left to draw the following conclusions:

- *That you do not believe that Brother Coldrey and other senior Catholic Church officials perverted the cause of justice.*
- *That you do not intend to hold a thorough investigation into the evidence Brother Coldrey gave to the Senate Inquiry.*
- *That you do not believe that a Judicial Inquiry or Royal Commission should be held to investigate the rising allegations of sexual abuse of children.*

I would like you to inform me if these conclusions are valid; and, if they are, could you please give me your reasons for making these decisions.

Allegations of the sexual abuse of children continue to be raised, and are of great concern to the Australian Community. The Association have written to the Prime Minister supporting the Queensland Premier's call for a Federal Royal Commission into this sordid issue.

I await your response.

Yours sincerely



Norman Johnston  
President

cc: Robert McClelland MP  
Shadow Attorney General  
The Hon. Jim A. McGinty MP  
Attorney General, Western Australia.

Civil Justice Division

Min No: 02/216082

Min No: 02/219032

File No: 02/3082

11 June 2002

Mr Norman Johnston  
President  
International Association of Former Child Migrants And Their Families  
PO Box 1363  
Fitzroy North  
VICTORIA 3068

Dear Mr Johnston

Thank you for your letters to the Attorney-General, the Hon Daryl Williams AM QC MP, dated 14 February and 13 May 2002 respectively, reiterating your Association's support for a Royal Commission or judicial inquiry into the child migration schemes in Australia including allegations of child abuse. In particular you called for a thorough investigation of evidence given to the Senate Community Affairs Committee's Inquiry into Child Migration in 2001. The Attorney-General has requested that I reply to your letters on his behalf. I apologise for the delay in responding.

While primary responsibility for child protection rests with state and territory governments, the Commonwealth is actively taking a leadership role in addressing child protection and abuse. In the family support and child protection areas, the Commonwealth's policy focus is on prevention and early intervention strategies.

National mechanisms implemented by the Commonwealth include the Australian Council for Children and Parenting (ACCAP), the National Child Protection Clearinghouse, Early Intervention Parenting Projects, the National Plan of Action Against Commercial Sexual Exploitation of Children and biennial National Child Abuse Prevention Awards.

At an international level Australia recently signed the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The signature of this important instrument is evidence of the Government's commitment to tackle issues of child abuse and exploitation inside and outside Australia.

The Commonwealth Government shares the great concern in the community about the incidence of child sexual abuse and the devastating impact it can have throughout the lives of those who are abused. The Government has considered this issue carefully and has given close consideration to whether a broad, national inquiry would provide clear and lasting benefits. It is the Government's view that a royal commission at the federal level will not necessarily enhance its capacity to address these issues effectively in the future. The Government will continue to play a key role in piloting new initiatives that help prevent child abuse and neglect, and support parents in their parenting role.

Thank you for bring your concerns to the attention of the Attorney-General.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Amanda Davies', with a long horizontal flourish extending to the right.

Amanda Davies  
Assistant Secretary  
Civil Justice Division

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19 July 2002

The Hon Daryl Williams, AM QC MP  
Attorney General  
Parliament House  
Canberra, ACT 2600

Dear Attorney General,

I am writing to you to express the extreme disappointment of the International Association Committee, following receipt of a very unsatisfactory response to my letters of 14 February and 13 May 2002.

In my letter of 14 February 2002 I specifically drew your attention to the oral evidence given by Brother Barry Coldrey, at the Senate Community Affairs References Committee Inquiry Hearing in Melbourne on 15 March 2001, and called for a thorough investigation of this evidence.

In my letter of 13 May 2002 I again called for a thorough investigation into Brother Coldrey's evidence. I also requested, that if you decided not to carry out a thorough investigation, that you give me your reasons for making this decision.

The respondent, Assistant Secretary, Amanda Davies, has acknowledged that I called for this investigation. However, Ms Davies has failed to address this issue in her response, and in reality has totally ignored this part of my letter.

Perverting the course of justice is a very serious criminal offence. Brother Coldrey's evidence to the Senate clearly indicates that in 1993, he, and other senior church officials knew that there were paedophiles working within Christian Brother's institutions in Western Australia. They failed to bring this to the attention of the appropriate authorities; and by taking this action, they have clearly, in the opinion of the Association Committee, perverted the course of justice.

In the Senate, on 19 June 2002 Senator Murray raised the issue of the sexual assault of children. In this speech Senator Murray said:

*"There are two types of criminals and two types of crime: those who commit the crime of sexually assaulting children, and their fellow travellers, their accomplices, and those who criminally conspire to conceal those crimes and protect the perpetrators. Some church leaders are rightly accused – but far too few have been charged – with aiding and abetting, being an accessory after the fact, **obstructing the administration of justice**, compounding a felony and criminal conspiracy." [my emphasis]*

**Brother Coldrey and senior church officials quite clearly fit into this category!**

Senator Murray went on to say:

*"There is a third category of villains. They include politicians who refuse to address the problem,....."*

The Association Committee believe that your refusal to investigate the criminal offence which I have brought to your attention, places you Attorney General, in this category.

The response to my letters; with due respect to Ms Davies, is an insult to all of the former child migrants who were sexually assaulted by the Christian Brother paedophiles who Brother Coldrey and senior church officials hid and protected in 1993. Former child migrants now have every reason to believe, what many of them have been thinking and saying for a long time. "THERE IS ONE RULE OF LAW FOR THE CHURCH. AND ONE FOR THE REST."

I urge you Attorney General to act to safeguard the integrity of your office; as your delegating of your response to my letter to a junior official, has failed to appreciate the serious nature of the issue I raised.

Yours sincerely



Norman Johnston  
President

cc: Robert McLelland MP, Shadow Attorney General.  
Senator Andrew Murray

Civil Justice Division

Min No: 02/221300

File No: 02/3082

3 September 2002

Mr Norman Johnston  
President  
International Association of Former Child Migrants And Their Families  
PO Box 1363  
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Dear Mr Johnston

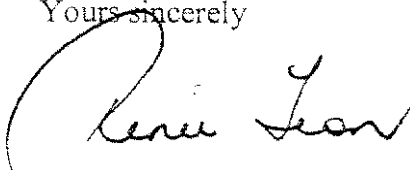
Thank you for your letter to the Attorney-General, the Hon Daryl Williams AM QC MP, dated 19 July 2002, expressing your Association Committee's ongoing concern about evidence given during the Senate Community Affairs Committee's Inquiry into Child Migration hearings. Previously, Ms Amanda Davies of this Division wrote to you in response to your earlier letters of 14 February and 13 May 2002. The Attorney-General has requested that I reply to your most recent letter on his behalf as I am now responsible for these matters within the Division.

The Commonwealth Government recognises the community's grave concern about child sexual abuse and it has considered seriously the effectiveness of a national inquiry at the Federal level.

The issue you raise in your letter, namely the possibility of a breach of criminal law, is a serious one. The investigation and prosecution of criminal offences under Commonwealth law is properly the domain of the Australian Federal Police (AFP) and the Commonwealth Director of Public Prosecutions. A copy of your letter has been forwarded to the AFP for its consideration.

Thank you again for bringing the concerns of the International Association of Former Child Migrants to the attention of the Attorney-General.

Yours sincerely



Renée Leon  
Assistant Secretary  
Civil Justice Division



**Australian Federal Police**  
— To fight crime together and win —

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6 September 2002

Mr Norman Johnston  
President  
International Association of Former Child Migrants and their Families  
PO Box 1363  
Fitzroy North VIC 3068

Dear Mr Johnston

I refer to your correspondence to the Attorney-General dated 19 July 2002 regarding allegations you make pertaining to evidence given to the Senate Community Affairs Committee hearing in Melbourne on 15 March 2001. This letter has been referred to the Australian Federal Police (AFP).

In the first instance the AFP does not investigate allegations arising from Senate committees. I have been advised where there are allegations relating to evidence given before Senate committees, they are to be detailed and forwarded to the secretary of the particular committee. The secretary will then determine if the complaint is referred to the Parliamentary Privileges committee.

The contact details for Senate Community Affairs committee is:

Secretary: Elton Humphery  
The Senate  
Parliament House  
Canberra ACT 2600  
AUSTRALIA

Telephone (02) 6277 3515  
Fax (02) 6277 5829  
Email: [community.affairs.sen@aph.gov.au](mailto:community.affairs.sen@aph.gov.au)

I recommend you contact Mr Humphery in relation to your allegations.

Yours sincerely

Andrea Quinn  
COMC's

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Norman Johnston  
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Mr Elton Humphery  
Secretary  
Senate Community Affairs References Committee  
The Senate  
Parliament House  
Canberra ACT 2600

Dear Mr Humphery

I am writing to you following considerable correspondence with the Federal Attorney General, and after receiving advice from the Australian Federal Police. I am enclosing copies of all of the correspondence between the Association and the Attorney General, including a copy of letter from the Australian Federal Police.

The Association, as you will see from my letters to the Attorney General, are deeply concerned by the evidence given by Brother Barry Coldrey to the Senate Inquiry Hearing in Melbourne on 15 March 2002, and we want this matter thoroughly investigated.

The Association believed that the Attorney General was the appropriate person to deal with our concerns on this serious legal issue. Unfortunately, the Attorney General authorised members of his department who, it would seem, do not understand legal issues or government procedures, to deal with this matter and respond on his behalf.

I urge you to deal with this issue as a matter of urgency; and look forward to your response.

Yours sincerely

Norman Johnston  
President  
19 September 2002



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Mr Elton Humphery  
Secretary  
Senate Community Affairs References Committee  
The Senate  
Parliament House  
Canberra ACT 2600

Dear Mr Humphery

I wrote to you on 19 September 2002 regarding the evidence given by Brother Barry Coldrey to the Senate Inquiry Hearing in Melbourne on 15 March 2001, on the written advice of the Australian Federal Police. I included copies of all of the Association's written correspondence with the Federal Attorney General, and the letter from the AFP.

The matters the Association have raised in regards to Brother Coldrey's evidence are extremely serious. The advice from the AFP is, that as Secretary of the Senate Community Affairs Committee, you will determine if the complaint is referred to the Parliamentary Privileges Committee.

I would very much appreciate it if you could inform me if you have referred this matter to the Parliamentary Privileges Committee; and if you have not, if you could give me your reasons for taking this position.

Yours sincerely

Norman Johnston  
President  
21 November 2002



AUSTRALIAN SENATE

**COMMUNITY AFFAIRS**

REFERENCES COMMITTEE

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20 December 2002

Mr Norman Johnston  
International Association of Former Child Migrants  
and Their Families  
PO Box 1363  
FITZROY NORTH VIC 3068

Dear Mr Johnston

Thank you for your correspondence concerning the evidence of Brother Barry Coldrey during the Committee's inquiry into child migration.

I apologise for the undue delay in responding to your letters, I have only just returned from a period of leave. As I discussed with Harold Haig, there was an understanding by me from the AFP discussion that the letters they had received related to adverse or misleading evidence having been given to the Committee. Such issues would fall within parliamentary privilege considerations. However, on receipt of your correspondence it was clear that your concerns were of a different nature.

Advice was sought from the Clerk of the Senate who has responded in the following terms:

'Senate Committees inquire into public policy issues. They do not investigate or prosecute alleged criminal offences. Nor are alleged criminal offences referred to the Senate Privileges Committee. This Committee deals mainly with alleged obstructions of the Senate, such as false evidence or interference with witnesses.

'If any criminal offences were committed by anyone in the course of the activities described to the Committee, those offences could be prosecuted only under State law by State law enforcement bodies.

'The evidence given by Brother Coldrey could not be used in a prosecution, because evidence to a parliamentary committee cannot be used in court proceedings.

'This does not prevent, however, law enforcement agencies investigating and gathering other evidence about any alleged offence.

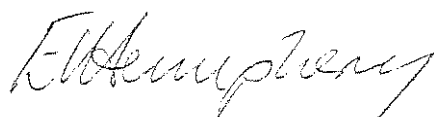
'The only authority able to act on your complaint, therefore, is the State police.

'You may wish to seek legal advice before lodging a complaint with the police, to get an idea of how likely it is that the police will act on the complaint.

I understand that this response does not progress the issue you are pursuing. However, as the Clerk's advice indicates, the immunity of parliamentary proceedings, including committee evidence, from being the subject of any civil or criminal action before the courts or of being used in legal proceedings to support any such civil or criminal action is provided in the Parliamentary Privileges Act.

Should you require further clarification of these matters, please contact me on 02 6277 3515.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Elton Humphery', written in dark ink.

Elton Humphery  
Committee Secretary