

CHAPTER 1

INTRODUCTION

Terms of reference

1.1 On 20 June 2000, the Senate, on the motion of Senator Andrew Murray, referred the issue of child migration to the Committee for inquiry and report. The terms of reference were varied by the Senate on 7 September 2000 to read as follows:

Child migration to Australia under approved schemes during the twentieth century, with particular reference to the role and responsibilities of Australian governments and to the issues listed in the following paragraphs:

- (a) in relation to government and non-government institutions responsible for the care of child migrants:
 - (i) whether any unsafe, improper, or unlawful care or treatment of children occurred in such institutions, and
 - (ii) whether any serious breach of any relevant statutory obligation occurred during the course of the care of former child migrants;
- (b) the extent and operation of measures undertaken or required to assist former child migrants to reunite with their families and obtain independent advice and counselling services;
- (c) the effectiveness of efforts made during the operation of the child migration schemes or since by Australian governments and any other non-government bodies which were then responsible for child migration to:
 - (i) inform the children of the existence and whereabouts of their parents and/or siblings,
 - (ii) reunite or assist in the reunification of the child migrants with any of their relatives, and
 - (iii) provide counselling or any other services that were designed to reduce or limit trauma caused by the removal of these children from their country of birth and deportation to Australia;
- (d) the need for a formal acknowledgment and apology by Australian governments for the human suffering arising from the child migration schemes;
- (e) measures of reparation including, but not limited to, compensation and rehabilitation by the perpetrators; and
- (f) whether statutory or administrative limitations or barriers adversely affect those former child migrants who wish to pursue claims against individual perpetrators of abuse previously involved in their care.

1.2 The Committee was originally to report to the Senate by 14 May 2001. This was subsequently extended to 30 August 2001 to allow the Committee to fully examine the evidence and extensive research material gathered during the inquiry.¹

Background to the inquiry

1.3 Throughout the 1980s and 1990s, a growing number of concerns about the welfare of children who had been, or were still, in institutions and other child care arrangements were investigated. In 1985, the Senate Standing Committee on Social Welfare tabled a report on children in institutional and other forms of care – a national perspective. State reports prepared during this period on aspects of children in care included:

- New South Wales: Report to the Minister for Health and Community Services from the committee established to review substitute care (1992); the report by Cashmore, Dolby and Brennan on systems abuse (1994);
- Victoria: Family and Children's Council, review of the redevelopment of protective services for children in Victoria (1990);
- South Australia: Position Paper from the Department of Family and Community Services, *Breach of duty: a new paradigm for the abuse of children and adolescents in care* (1995);
- Western Australia: Department of Community Welfare report, *Children in limbo: an investigation into the circumstances and needs of children in long term care in Western Australia* (1981);
- Tasmania: Legislative Select Committee report on child and youth deprivation (1984);
- Queensland: Report from the Commission of Inquiry into Abuse of Children in Queensland Institutions (the Forde Commission) (1999).²

1.4 During this period, details of the history of a unique group of children who had been in care in Australia were gradually coming to light. That group was child migrants from both Britain and Malta. A number of books were published on child migration, its history, the impact on the lives of former child migrants and the stories of individuals who were migrated to Australia, Canada and New Zealand including: *Lost Children of the Empire* by Philip Bean and Joy Melville (1989), *Empty Cradles* by Margaret Humphreys (1994) and *Orphans of the Empire* by Alan Gill (1997). Child migration was also the topic of the television documentary *Lost Children of the Empire*, broadcast by the ABC in 1989 and the mini-series *The Leaving of Liverpool*,

1 Senator Murray, upon whose motion the matter was referred to the Committee of which he is a member, declared on several occasions his special interest in this inquiry as a former child migrant from Fairbridge, Bulawayo, Southern Rhodesia (now Zimbabwe).

2 See <http://www.qld.gov.au/html/fordeinquiry/inquiryreport.html>

broadcast by the ABC in 1994. These publications led to a growing awareness and understanding of the history and issues surrounding child migration.

1.5 In June 1996, the Western Australian Legislative Assembly appointed a Select Committee into Child Migration. The Committee was established to investigate and report on child migration to Western Australia between the early 1900s and 1967. A major aim was to inquire into and report on the action necessary to assist former child migrants in the tracing of their family history and research, the tracing of relatives and reunification with them. The Select Committee also investigated other aspects of the child migration schemes including their history, the agencies involved in emigrating children, the institutions child migrants were sent to, the role of all governments in promoting and supporting the schemes and their impact on people's lives.

1.6 In November 1996, the Select Committee tabled an interim report. The report noted that 'the establishment of this Committee was the culmination of a growing awareness by the community that child migration did occur and was a policy actively promoted by various governments. This Committee was also a tacit acknowledgment by the Parliament of Western Australia that some measure of responsibility was owed to these people.'³ With a State general election imminent, the Parliament did not take up the Committee's preferred option of continuing the inquiry through the establishment of an Honorary Royal Commission.

1.7 In 1997, the UK House of Commons Health Committee, chaired by David Hinchliffe MP, commenced an inquiry into aspects of child migration, a subject which it stated 'until recent years has received shamefully little attention'. The Committee noted that until the establishment in the United Kingdom of the Child Migrants Trust in 1987,⁴ individual former child migrants had no organisation to represent their interests or co-ordinate activities. They were widely dispersed and often lacked any means of gaining access to opinion-formers or the media.

1.8 The UK Health Committee took evidence between November 1997 and June 1998. The Committee travelled to Australia and New Zealand in the course of its inquiry and heard evidence from many former child migrants. A number of former child migrants also travelled to the UK to give evidence to the Committee. Organisations from Canada also travelled to the UK to attend the inquiry.

1.9 The UK Health Committee reported in July 1998.⁵ The report contained seventeen recommendations to the UK Government, which responded to the

3 Western Australian Legislative Assembly, Select Committee into Child Migration, *Interim Report*, 1996, p.2.

4 The Child Migrants Trust is an independent, professional social work agency that works on behalf of all former child migrants to find information about their childhood, search for their family, provide counselling and support reunions. The Trust has established operations in the UK and offices in Melbourne and Perth. The Trust and its operations are further discussed in Chapter 5.

5 House of Commons Health Committee, *The Welfare of Former British Child Migrants*, HC 755, Session 1997-98. Also see:
<http://www.parliament.the-stationery-office.co.uk/pa/cm199798/cmselect/cmhealth/755/75502.htm>

recommendations in December 1998.⁶ The Health Secretary accepted the Committee's main recommendations, offered sincere regrets on behalf of the Government and acknowledged that forced migration was misguided. The Government established a support fund of £1 million over three years to help those unable to pay for their first visit to the United Kingdom to meet close family members and a central database of information held in the UK to help former child migrants to trace records and establish links with the past.

1.10 The Australian Government's response to the British Government response to the recommendations of the House of Commons Health Committee's report was publicly released by the Minister for Immigration on 27 January 2000.⁷ The Australian Government response was produced after consultations with State and Territory Governments. The response noted that there were differing views on the significance of various issues canvassed in the response and that State and Territory Governments may pursue certain issues independently, or bilaterally, with the British Government.

1.11 The response noted that the 'Australian Government agrees with the British Government, that all those involved in the child migration schemes, and the organisations currently assisting former child migrants, should work together to produce practical outcomes to improve the welfare of former British child migrants'.

1.12 During the late 1990s there had been a number of calls from different groups and individuals for an independent national inquiry into child migration to Australia. The International Association of Former Child Migrants and their Families, in particular, has been vocal in calls for a full judicial inquiry to thoroughly investigate all aspects of child migration policy and the treatment of children in the receiving institutions. The International Association suggested that a judicial inquiry would uncover a lot more about child migration and may have the effect of bringing to justice those responsible for inflicting the worst suffering on child migrants.⁸

1.13 Calls for a joint or select parliamentary committee inquiry were also being made at this time. The outcome of these calls was for the issue to be referred to this Committee on 20 June 2000, with the comprehensive terms of reference as listed earlier. The Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs, Senator Kay Patterson, indicated to the Senate that the Government opposed the matter being referred to the Committee as the issues had already been extensively covered in the British inquiry and by inquiries conducted in Australia by State Governments. Further, the Government's views on an inquiry as well as on other matters canvassed in the motion were outlined in the Australian response to the British response to the House of Commons inquiry.

6 *The Welfare of Former British Child Migrants*, Government Response, Cm 4182, The Stationary Office.

7 See <http://www.minister.immi.gov.au/general/child1.htm>

8 *Committee Hansard*, 26.3.01, pp.558-60.

1.14 Senator Patterson noted that successive Australian Governments had sought to help former child migrants deal with the consequences of their experiences through financial assistance to the Child Migrants Trust and by assisting them in other ways such as to access their records through the National Archives of Australia and the waiver of citizenship fees. State and Territory Governments had also provided counselling and health services, which are also available to the general population.⁹

1.15 In December 2000 the Queensland Government released the closed report on Neerkol and Karrala by the Forde Commission of inquiry into abuse of children in Queensland institutions. This report had been withheld until certain criminal proceedings had been finalised.

1.16 The Committee's inquiry clearly showed that issues associated with child migration to Australia had not been extensively covered and deserved the thorough Australia-wide attention the Senate inquiry was able to deliver.

Conduct of the inquiry

1.17 The inquiry was advertised in *The West Australian* and *The Canberra Times* on 16 September 2000 and through the Internet. Invitations were also sent to the Commonwealth and State Governments and other interested organisations and individuals. It was requested that submissions be provided by 15 December 2000, though the Committee continued to receive submissions throughout the inquiry.

1.18 Many of the submissions received by the Committee contained the most appalling stories of abuse and torment. A large number of the former child migrants wished to provide the Committee with these details but did not wish them to be published. As a result, the Committee received 99 confidential submissions, as well as 153 public submissions with most coming from former child migrants who wished to have their stories placed in an official record. It is hoped that the official recognition through this inquiry can play a part in the healing process for the hurt and distress suffered by all those who were victims of abuse. A list of the individuals and organisations who made a public submission to the inquiry is at Appendix 1.¹⁰

1.19 The Committee heard evidence on eight days during February and March 2001: Canberra (two days); Perth (two days); Melbourne, Adelaide, Rockhampton and Sydney. Unfortunately, the Committee was unable to invite to the hearings all those who wished to appear or to hold hearings in all major cities. The Committee tried to balance hearing as many people as possible with the time available for hearings and individual witnesses. In formulating its programs for the hearings, the Committee also endeavoured to hear from all major organisations with an interest in child migration, including State government agencies, receiving agencies and child migrant groups and as many individual former child migrants as possible. The Committee would like to

9 Statement, Senator Kay Patterson, Senate Hansard, 20.6.00, p.15215.

10 See Committee's website: http://www.aph.gov.au/senate_ca

reinforce the point that while it was not able to take oral evidence from all those who wanted to speak, their submissions were crystal clear.

1.20 In inviting individuals to give evidence to the Committee, the opportunity was given for witnesses to appear in private. Many accepted the Committee's invitation to do so. The list of witnesses who gave evidence at the Committee's public hearings is provided in Appendix 2. The transcripts of the public hearings can be accessed through the Internet at: <http://www.aph.gov.au/hansard/senate/committee/comsen.htm>

1.21 The Committee would like to express its deep appreciation to all those people who made submissions, provided additional material and information, or gave evidence to the inquiry. Many contributors went to considerable effort to find reference documents, to search out historical material and to follow up requests from the Committee for additional information. Their additional material and information proved invaluable to the Committee's inquiry

1.22 In particular, the Committee would like to acknowledge the contribution of former child migrants. For many, the writing of submissions rekindled the trauma of their time in care, their loneliness and despair and anger towards those in authority who did little or nothing to ensure that they received adequate care. Their giving of evidence reinforced for the Committee the courage of former child migrants who stepped forward and graphically recounted their childhood experiences and lifetime stories. Those stories were profoundly moving and a tribute to the survival of their human spirit.

1.23 The Committee was also personally touched by the stories of the support that child migrants have given each other and, in some notable cases, the healing effect arising from the love and care of spouses, partners and friends.

1.24 The Committee would also like to thank the staff of the Child Migrants Trust who provided assistance to some child migrants in the preparation of submissions and support to witnesses at hearings. Without their professional services, some former child migrants would undoubtedly have found the inquiry process and experience too traumatic to bear.

Perspectives of child migration

1.25 The child migration scheme is now universally recognised as having been fundamentally flawed with tragic consequences. Indeed, Barnardos Australia stated 'We have no hesitation in saying that it was a shameful practice, that it was barbaric, and that it was completely against any practices that we would currently uphold'¹¹ and NCH 'is firmly of the view that child migration was a major mistake and we now deeply regret having taken part in it'.¹² Many of the sending and receiving agencies now recognise that the effects of the Scheme were profoundly damaging to many of

11 *Committee Hansard*, 22.3.01, p.467 (Barnardos Australia).

12 Submission No.98, p.2 (NCH).

the children involved and that they now share a continuing moral responsibility to the well-being of the former migrant children affected by their experience in the agencies' care.

1.26 The evidence received by the Committee overwhelmingly emphasised the dark, negative side of child migration – the brutality of life in some institutions where abuse and assault, both physical and sexual, was a daily occurrence and where hardship, hard work and indifferent care was the norm. Living such negative experiences led some child migrants into a life of family and relationship breakdown and domestic violence, of crime and violence, and of substance abuse.

1.27 However, it must also be noted that this was not the description of life for all child migrants. As can be seen from Appendix 3, there were many institutions that received child migrants and the level of care provided varied between them. Evidence was received from former child migrants who had positive experiences as a result of migration. They sometimes acknowledged that their life was hard and the discipline was tough, but they felt that this was no different from what was acceptable at the time. There were those who reported receiving consideration and compassion from their carers, who provided the means for them to excel in life and who encouraged them to remain in contact with family overseas. Many former child migrants have had happy adult lives, raised families and been successful in a variety of fields, including business, trades, professional life, public life – some attaining high office in local government, while others have served with distinction in the military services.

1.28 Evidence was also received indicating that even within the same institution experiences were different. There were occasions when the same carer was praised by one child migrant and condemned by another; and where some children became the targets for the most base abuse while others report no knowledge of these acts occurring in the institution at the time.

1.29 The Committee acknowledges that child migration is a very emotive issue and that there is a diversity of strongly held views by individuals and groups. While the Committee is mindful that there were positive outcomes for many children from the child migration schemes, the overwhelming evidence of abuse and assault outlined in submissions and earlier reports must remain the primary focus, irrespective of what percentage of child migrants this involves. **The fundamental imperative for former child migrants of the recognition and acknowledgment of their past experience was constantly emphasised in evidence to the Committee.** As a result, the emphasis of the report necessarily is on the negative impact of child migration and how we can move into the future to help those who suffered from their experiences.

1.30 Loss of identity, a sense of belonging and the loneliness of being far from home affected all child migrants. Thus, even though the report contains recommendations directed to the support of the most damaged former child migrants, there are many other recommendations such as those dealing with identity through access to records, family tracing, travel and reunion that will assist all former child

migrants, their families and descendants who wish to access such information and services.

Delegation to the United Kingdom and Canada

1.31 Senators Rosemary Crowley, Sue Knowles and Andrew Murray received the Prime Minister's approval to travel as an official Delegation to London and Ottawa between 16-26 April 2001 to hold discussions with a range of groups and individuals involved with child migrants in the United Kingdom and Canada. The program of meetings undertaken by the Senators is in Appendix 2 and the report by the Delegation was tabled in the Senate on 9 August 2001.

1.32 The Senators gained important information and a valuable perspective on many of the issues under consideration by the Committee through meetings with representatives from government and non-government agencies, particularly the sending agencies. The Senators were especially pleased to have had the opportunity of meeting some parents and siblings of children migrated to Australia and hearing first-hand of the absolute joy and elation brought about by rediscovering family and reuniting under the travel scheme.

Australian children in institutional care

1.33 The Committee received submissions from Australian-born children who had been in institutional care. Although the terms of reference for this inquiry did not cover Australian-born children, many of them lived in the same institutions as the child migrants. Whilst they were not removed from their country and culture, many suffered the same abuse and deprivations as child migrants in these and other institutions. The Forde Commission's closed report on Neerkol amply demonstrated this point. These people possibly number in the hundreds of thousands and many of their stories are as traumatic and heart-rending as those of former child migrants. The Committee heard evidence on behalf of Australian children from the Care Leavers of Australia Network (CLAN) and received many submissions from Australian-born children who shared the experience of institutional care with former child migrants.

1.34 The Committee's terms of reference do not provide for it to make recommendations specifically directed at Australian-born children in institutional care. However, some of the recommendations relating to former child migrants will also benefit Australian-born children, particularly those regarding access to records.

1.35 The Committee would also like to draw attention to the evidence from the Broken Rites organisation. Dr Chamley stated that this report is but the second report of what should be a trilogy to be presented to the Parliament. The first was *Bringing them home*¹³, which detailed the horrendous treatment of Aboriginal and Torres Strait Islander children. The second is the Committee's report into the equally appalling and

13 Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, Human Rights and Equal Opportunity Commission, April 1997.

shameful treatment of child migrants. The third report should be about the plight of the many thousands of non-indigenous Australian-born children who suffered under institutional care.

1.36 Most of the Australian-born children in institutional care were wards of the state and therefore the responsibility of States, although there were exceptions including children under the care of the Commonwealth Repatriation Department. The Committee considers that it is time for other State and Territory Governments to take the lead from the Queensland Forde inquiry and the *Bringing them home* inquiry and recognise the needs of all children who were raised in Australian institutions. The Committee believes that a better understanding of how past adverse institutional treatment of children has detrimentally affected a proportion of those children is essential. This is particularly so with regard to the consequent negative future generational affects for society.

1.37 The Committee further considers that in the light of the evidence it has received during this inquiry, the Senate Social Welfare Committee's inquiry of 1985 should be revisited so that a national perspective may be given to this important issue. For too long what went on in child care institutions has remained a dark secret. It is time to recognise the rights and needs of this group, as well as former child migrants.

Recommendation 1: That the Commonwealth Government urge the State and Territory Governments to undertake inquiries similar to the Queensland Forde inquiry into the treatment of all children in institutional care in their respective States and Territories; and that the Senate Social Welfare Committee's 1985 inquiry be revisited so that a national perspective may be given to the issue of children in institutional care.

