

CHAPTER 5

RESPONSIBILITY AND REPARATIONS

Australian and British Governments and other agencies including the church now have an obligation to fulfil and it is not too late to do so. These ‘ruling bodies’ must have worked in unison when arrangements were being made to deport these children in the first place.¹

5.1 This chapter discusses issues of responsibility for the child migrants in this country and the role of both government and non-government bodies in the care of child migrants. The chapter goes on to discuss the measures of reparation available to child migrants for the abuses suffered and the responsibilities for providing and funding the relevant services. The support services and assistance provided by the Child Migrants Trust and other groups helping child migrants is also discussed.

Role and responsibility of governments and non-government bodies

5.2 As noted in chapter 2, the *Immigration (Guardianship of Children) Act 1946* placed legal guardianship in the Minister for Immigration for child migrants from the time they arrived in Australia until the age of 21 years. However, provision within the Act enabled the Minister to delegate his functions and powers as guardian to State welfare authorities. Indentures were then drawn up between the State welfare authorities and the receiving agencies (the custodians) detailing their respective responsibilities for the care of migrant children.

5.3 The difficulties with these arrangements in determining responsibility for providing care for migrant children was demonstrated in New South Wales. While guardianship was delegated to the NSW Director of Child Welfare, there was concern as to who should have custodianship of the catholic children. Eventually, it was agreed between representatives of the governments and the Bishops that the Director of the Federal Catholic Immigration Committee, a priest who spent much of his time in the UK, should be the custodian of children in NSW Catholic orphanages. Guardianship and custodianship were complementary responsibilities. One researcher has indicated that the Department of Child Welfare, on behalf of the guardian, ‘was frequently critical of the manner in which the custodian undertook his responsibility to individual children’.²

Visits and inspections

5.4 Provisions existed for regular, usually six monthly, inspections of the institutions and more frequent visits to monitor the welfare of children, though the

1 Submission No.84, p.2.

2 Submission No.148, p.3 (Dr M Fox).

periods varied between the States and over the years. Once the migrant children left the institution and moved into work, often in their mid-teens, welfare was to maintain regular contact until the child turned 21.

5.5 The recollections of child migrants varied significantly over the extent and scope of the inspections and visits that were undertaken. Some have no recollections of visits – ‘we never saw any of these so-called guardians’, ‘they never came and asked if we were alright’. Others remembered visits, but of them being carefully stage-managed with special arrangements put in place. The children were not allowed to talk one-on-one with the visiting welfare officers – ‘people would visit and all the boys would be made to sit in the classroom so the visitors got a good impression’, ‘I have memories of occasional inspections by unknown officials as brief, superficial and with no opportunity to speak or ask questions’.

5.6 The Committee also heard of children being given good clothing and footwear for the day (it was collected after the visit was over) so as to make a favourable impression for visitors and of children even being sent away on picnics on visiting day.

5.7 The regularity of visits and the concern shown by welfare officers after children left homes and were placed in work also appeared to vary considerably.

The only time I had a meal at the house was when the welfare officer called to see how I was. He had a drink with the boss, never spoke with me and only spoke with the boss.³

Other migrant children reported having regular contact with a welfare officer, though the calibre appeared to vary considerably between the States.

5.8 Child Welfare Departments were often overloaded during this period. The Western Australian Department for Family and Children’s Services submitted that in 1953-54 new procedures were introduced which incorporated an ongoing case history recording system and compulsory quarterly reporting for children in care. However, despite these improvements, ‘planning focussed on the child in his/her placement rather than the child, plans were always for the immediate future and planning was of an erratic standard. Welfare officers were under-resourced, over loaded with cases, poorly trained and generally ill equipped to undertake the sole responsibility for planning for the needs and future lives of children.’⁴ As noted later in the chapter, the Forde Commission described a similar situation in relation to the Queensland Department.

3 Submission No.78.

4 Submission No.135, Part 2 – pp.13-14 (WA Department for Family and Children’s Services). By 1959 the Department’s field staff included only 2 psychologists, 5 welfare officers and 5 district officers.

5.9 Many institutions provided no after-care, effectively leaving the children to fend for themselves upon leaving the institution. The Western Australian Department wrote to the Commonwealth Department of Immigration in February 1959:

The trouble is that neither the Catholic nor the Anglican Church has an after-care Officer in this State, and in consequence nearly all follow-up work is carried out by Officers of this Department. We pointed out the necessity for such an Officer in letters to both Archbishops on 26.7.57 but unfortunately nothing came of our recommendations in this regard.⁵

5.10 According to some submissions agencies in other States had by the mid to late 1950s made an effort through the appointment and work of after-care officers.

5.11 Commonwealth and State archival records do contain copies of inspection reports, a number of examples of which were provided to the Committee. Copies of individual welfare reports that have been accessed by some migrants in their search for identity have also been shown to the Committee. The quality and standards of some of these reports also appear variable.

5.12 The UK Health Committee was ‘appalled at the apparent lack of proper monitoring and inspection’ of the large institutions, commenting that although the prime responsibility for the neglect of checking procedures was with the State governments concerned, ‘the sending agencies might have been expected to have investigated more thoroughly the conditions in which the children were living’.⁶

5.13 In a comment reminiscent of that by the UK Commonwealth Relations Office in reaction to the Australian Government’s response to the 1956 Ross Report noted in chapter 2, the Department of Immigration and Multicultural Affairs (DIMA) advised the Committee that:

From the sample of archival records examined, it appears that authorities and institutions at the time placed greater importance on the physical living conditions of the children than on psychological or emotional factors.⁷

5.14 The Committee is wary that it has only seen a selection of the records available from various archives⁸ and concedes the Department’s comment noting ‘that the archival records available only provide ‘snapshots’ of events over a long period of

⁵ Submission No.135, Appendix 37 (WA Department for Family and Children’s Services).

⁶ House of Commons, Health Committee, *The Welfare of Former British Child Migrants*, HC 755, Session 1997-98, para.47.

⁷ Submission No.42, Additional information 9.4.01, p.3 (DIMA).

⁸ Submissions No.42, Additional information 9.4.01, pp.7-9 and Attachments H-P (DIMA); No.54, Additional information 23.4.01, Appendices F-H (JLG); No.127, Additional information 7.8.01 (SA Department of Human Services); No.135, Appendix 19 (WA Department for Family and Children’s Services). Some digitised reports and other reference documents have been accessed from the National Archives website at www.naa.gov.au/The_Collection/recordsearch.html

time rather than a complete, comprehensive history of child migration to Australia'.⁹ However, while some examples of inspection reports provide a generally good impression, the Committee believes that the level of information contained is rudimentary and generally many of these documents are superficial in character. The Committee considers that in many instances, based on the documentary evidence available to it, the level of inspections undertaken and the consideration of the welfare of the children in the institution appear to have been at best basic and often deficient.

Adequacy of institutional funding

5.15 A specific issue relating to the institutions and their capacity to deliver appropriate levels of care was the adequacy of the financial support provided to the organisations and institutions that received child migrants. This is a difficult issue for the Committee to assess based on the evidence it received.

5.16 Dr Barry Coldrey has stated that the contribution by government in 1947 was about half what it cost to keep a child in a home,¹⁰ though he has also noted that 'since the agencies who arranged the emigration of the children and their care in Australia were voluntary, they did not expect, and did not receive full funding from governments'.¹¹ However, one former child migrant wrote that in 1957 approved institutions in Western Australia were receiving a total of 52/3 per child per week and commented 'If the basic wage, which was designed to keep a family with a non-working wife and two children, was then about 12 pounds, it can be seen that an allowance of about 20% of that sum was quite generous. It certainly should have provided adequate food and clothing for the children'.¹²

5.17 Dr Marion Fox stated that the Catholic schools and institutions in New South Wales were facing serious financial and staffing constraints 'yet the bishops actively sought the additional burden of deprived British children'. Dr Fox examined correspondence between the Catholic Immigration Committee, London, and nuns at St Anne's, Liverpool during 1951. Not only were the nun's reservations about taking in child migrants dismissed, the advantages of capital funding were noted. Further, it was stated that 'the payment for maintenance is very good and well worthwhile as an income'. Indeed, the Director of the New South Wales Child Welfare Department was of the view that orphanage authorities were seeking migrants at the expense of Australian children.¹³

9 Submission No.42, Additional Information 9.4.01, p.1 (DIMA).

10 Coldrey, BM, *Child Migration and the Western Australian Boys Homes*, Tamanaraik Publishing, 1991, p.35.

11 Submission No.15, p.44.

12 Submission No.95, p.25.

13 Submission No.148, Attached article, 'British Child Migrants in New South Wales Catholic Orphanages', *History of Education Review*, Vol 25, (2), 1996, pp.2, 8-9 (Dr M Fox).

5.18 Dr Fox concluded, that ‘there is no reason to doubt that Catholic bishops in the early postwar years regarded child migration as a work of national importance deserving their cooperation...Public funding towards capital works and children’s maintenance provided a pragmatic reason for participation in the program’.¹⁴

5.19 Other witnesses also raised questions about funding. Broken Rites stated:

...why were these kids starving? I wonder if there was actually cross-subsidisation going on, that there was in fact money coming in under the child migrant scheme of X and some other money coming from the state government for the support of state wards of Y, but there is this other group of children who were illegitimate, not able to be supported by their families. They were added to the pool and the money was just spread out. So what might have been considered to be adequate and match the costs of the day was not in fact available because there were so many other children in the system.¹⁵

Conclusion

5.20 Based on the available evidence, the Committee was not able to draw a definite conclusion on the adequacy of the payments made by governments for the support of child migrants in institutional care, but notes that generally, during the child migration era, funding for institutions in most States was poor. For example, the Forde Commission noted the underfunding of institutions in Queensland. In New South Wales and Western Australia there is also evidence of financial difficulties of homes run by church and other organisations.

5.21 Various questions remain unanswered. Did underfunding lead organisations to place more child migrants in homes as a source of revenue? Was there cross-subsidisation in institutions between funding for child migrants and Australian-born children? Was work by children required to fund their upkeep? Were profits made? The evidence suggests that these scenarios in combination with others are probably accurate. Such actions would have been to the detriment of not only former child migrants but also an Australian-born child in care: poor food; inadequate clothing; and basic accommodation were the norms of institutional life for many children.

Duty of care

5.22 Much has been written and spoken as to the failure in the duty of care that allowed such appalling levels of physical and sexual abuse and assault to continue unchecked over a lengthy period of time in a number of institutions. Why did children not complain or report abuse to other staff? Why did other staff who must have been aware of the level of abuse not go to their superiors? Accounts vary in trying to answer these questions, with a number of factors being influential.

14 Submission No.148, Attached article, p.13 (Dr M Fox).

15 *Committee Hansard*, 15.3.01, p.267 (Broken Rites).

5.23 As commented on earlier, fear was a driving element for the children in some institutions. To speak out on any issue would simply attract further beatings. A similar attitude also affected staff in some institutions with the Forde Commission's reference to nuns at Neerkol speaking of feelings of intimidation and powerlessness as junior members of the Order. An authoritarian and hierarchical structure reinforced obedience, particularly when coupled with a domineering and brutal personality such as Brother Keaney at Bindoon.

5.24 In respect of the Catholic institutions the powerful aura of the clergy was fundamental. The veneration of the clergy was so great that children lived in awe and if they spoke of abuse to outsiders they were not just not believed but damned for 'telling stories' against the 'servants of God'. As the Forde Commission remarked, the prevalent attitude of unwillingness to accept that a man in the position of priest could behave improperly and the refusal to entertain such complaints, 'undoubtedly exposed the children at Neerkol, as with children in other Catholic orphanages, to the risk of abuse'.¹⁶

5.25 However, some complaints were made. Dr Coldrey discussed in *The Scheme* instances from his research using various church and state records of sexual abuse allegations being reported. Even so, the Brothers' conduct was rarely investigated with any vigour by their Provincials or Superiors with the denial by an accused Brother always being accepted against the word of the child migrant. One example was the allegation against an unnamed Brother as a consistent abuser at Bindoon and Clontarf in the 1950s. Dr Coldrey wrote that 'it is possible to say that the weight of allegation against Brother R. is substantial and he appears to have abused his position in the institutions in the postwar period. Moreover accusations against him were never investigated properly.'¹⁷ The consistent references by Dr Coldrey to the lack of thorough investigation of complaints during these postwar years are a damning indictment of the Church and its agencies in their duty of care to the child migrants.

5.26 A further argument as to the inaction of superiors to adequately investigate the allegedly few complaints that they received was to protect the reputation of the institution and prestige of the Church. As noted earlier, the incidence of sexual abuse and the numbers of Brothers involved was significant at these institutions.

5.27 In addition to the knowledge and concealment of criminal assault by the superiors in the Catholic Church, submissions outlined stories of concealment and cover-up by the police, by health personnel and by State authorities. The Committee received stories of children with markings from being assaulted, ending in hospital and having their condition described as the result of accidents or other events so that no follow up action was taken.

16 Commission of Inquiry into Abuse of Children in Queensland Institutions, (Forde Commission), *Closed Report*, 1999, p.5.

17 Coldrey, BM, *The Scheme: The Christian Brothers and Childcare in Western Australia*, Argyle-Pacific, 1993, p.396.

5.28 While much evidence referred to disbelief and inaction on reported abuse, the Committee did receive some examples of instances where action was taken to remove staff following complaints, though these were usually through the intervention of a third party and certainly appeared to be the exception to the rule. The examples included:

- a former Fairbridge resident who wrote that a number of staff were dismissed for inappropriate behaviour to the children – sexual, physical and emotional;¹⁸
- the Mother in charge of Goodwood was moved after children complained during a visit by the Archbishop of being thrashed.¹⁹

5.29 It is argued that to have allowed such abuse and assault as outlined in chapter 4 to have occurred, to have allowed an environment to develop that allowed such abuse to continue is a clear failure in duty of care to the migrant children. It appears that in some instances, irrespective of the indentures, the agencies running the institutions were given far too much autonomy by the State welfare departments. In this respect the agencies that ran the institutions and the State welfare departments that permitted such activities to continue unchecked are equally at fault.

5.30 The federal government shares in this responsibility of not taking positive action to protect the welfare of the migrant children when negative comments were known. The cursory manner with which the investigation of the 1956 Ross Committee Report was undertaken, as described in chapter 2, provides an example.

5.31 Argument has been forwarded that Government supervision of the post World War II migration schemes was so relaxed that the religious orders and institutions were effectively controlling the migration of the children. It is an object lesson in misplaced trust as evil and cruel carers cynically and deliberately abused that trust. For example in 1953 it was discovered that representatives of the Catholic hierarchy in Australia were going directly to the children's homes run by religious orders in the UK to recruit children for migration to Australia. Children were being sent to Australia without the knowledge of the Catholic Child Welfare Council and thus bypassing the proper procedures for obtaining approval before a child was migrated.²⁰

5.32 The UK Health Committee had also noted that:

A recurrent feature of child migration schemes seems to have been lack of effective monitoring of the children's welfare by either the British Government or the sending agencies. The post-War schemes, particularly to Australia were excessively permissive.²¹

18 Submission No.152 (Fairbridge, Molong).

19 *Committee Hansard*, 16.3.01, p.125 (*in camera*).

20 Submission No.51, Enclosure 1, p.4 (CCWC).

21 Report of UK Health Committee, para.22.

5.33 While guardianship may have been delegated to the State departments, the Commonwealth Minister's ultimate responsibility was clearly acknowledged by the then Minister for Immigration, Mr AR Downer, in June 1958. This related to the incident of 'serious sexual malpractices' between 'certain staff and boys' at Barnardos, Picton, referred to earlier in the chapter. Mr Downer wrote to the Manager of Barnardos in NSW:

The law will take its course in this matter, but, as legal guardian of the children, I must be personally concerned in seeing that they are adequately protected from all influences disastrous to their character.²²

5.34 The Western Australian Department submitted that:

It is difficult to clearly determine the roles and responsibilities of the British, Australian and State governments, together with the sending and receiving agencies.

5.35 The Committee has received considerable documentary evidence from archival records, in addition to the anecdotal evidence of the former child migrants, clearly demonstrating a failure in their duty of care by those involved at all levels with the child migration schemes. The inadequate levels of monitoring and buck-passing of responsibilities appeared endemic at all levels.

5.36 Dr Marion Fox, in her study of British child migrants in NSW Catholic orphanages, has noted that multiple administrations in Australia and Britain led to communication problems with orphanage authorities often failing to report children's transfers, even those requiring change of guardianship between Ministers in different States. Dr Fox further pointed out:

Centacare, successor to the Catholic Family Welfare Bureau, has acknowledged the lack of coordination between Australian and British Church officials, their poor administration, and the bypassing of formal procedures by Federal Catholic Immigration Committee personnel. Moreover, no Catholic agency independent of the religious Orders which conducted orphanages monitored their conditions.²³

5.37 Dr Fox's study did record that some positive actions were taken, finding that in 1952 Child Welfare officials withheld approval for several orphanages as suitable for child migrants for a number of reasons and stated that they believed 'that their British counterparts would consider some girls to be overworked and exploited'.²⁴

5.38 The Catholic Church's Joint Liaison Group on Child Migration (Joint Liaison Group), after noting the British and Australian governments' involvement in

22 Submission No.42, Additional Information 9.4.01, Attachment C (DIMA).

23 Submission No.148, Attached article, p.7 (Dr M Fox).

24 Fox, p.8.

authorising and regulating arrangements for child migration, the State governments' responsibility for the legal guardianship of the children and the mandated supervisory responsibility to the institutions in which the children were cared, concluded:

It therefore seems axiomatic that responsibility for child migration was a shared one. Hence we firmly contend the task of responding to the consequences of child migration is also to be shared among all participants: the British Government, the Australian Federal and State governments and the sending and receiving agencies.²⁵

5.39 The Committee concurs with this conclusion, which was also reflected in the conclusion of the UK Health Committee:

We regard the circumstances now faced by many former child migrants as the collective responsibility of all the governments and agencies involved in the schemes.²⁶

5.40 In addition the UK Committee thought it 'incumbent on the British Government to accept additional moral responsibility for what happened since it passed the enabling legislation'. They further concluded:

We consider that the present British Government should accept responsibility for its predecessors' past involvement, in collaboration with other parties, in child migration. Given this involvement, we believe that the Government is under a moral and legal duty to display concern for the welfare of former child migrants and to offer them meaningful practical assistance. This will lead the way to a just conclusion to a sorry episode in British history.²⁷

5.41 The Committee is of the view that the same argument applies equally to the Australian government. The Federal government of the day was responsible for the post World War II scheme and accepting children for migration through its officials at Australia House. Documents show that, irrespective of the delegation of guardianship to State welfare bodies, the federal government remained involved in the welfare of children to the extent that in 1958 the then Immigration Minister effectively acknowledged that ultimate responsibility resided with the federal Minister.

Western Australia – Christian Brothers and the Catholic Church

5.42 The operation in Western Australia of the indentures made between the State Welfare department and voluntary organisations whereby the organisations would

25 Submission No.54, p.3 (JLG).

26 Report of UK Health Committee, para.92.

27 Report of UK Health Committee, para.94.

bear responsibility for the care and welfare of children placed in their care, albeit with the Welfare department having an inspectorial role, is discussed in chapter 2.²⁸

5.43 While this inquiry is concerned with the impact of the migration schemes on all child migrants in all institutions in Australia, the four Christian Brothers institutions in Western Australia stand out as the most culpable in their duty of care in relation to the physical and sexual violence that occurred within them. The evidence of numerous child migrants placed under the care of the Christian Brothers constantly referred to one central figure, Brother Keaney. The Committee is wary of singling out one individual, however, it feels obligated to make reference to Brother Keaney.

Brother Keaney

5.44 Brother Francis Paul Keaney was born in Ireland in 1888, emigrated to Australia in 1912 and joined the Christian Brothers in 1916. By 1919 he was a junior staff member at Clontarf. He served a number of terms as principal including at Clontarf 1936-41 and at Bindoon 1942-44 and 1948-54. Brother Keaney is portrayed as possessing a strong, domineering personality, yet capable of being exceptionally charming to outsiders.

5.45 Brother Keaney's domination and control at Bindoon involved practices that alienated the Catholic hierarchy. Dr Coldrey wrote in *The Scheme* that the Provincial Council were tired of Brother Keaney's 'persistent tendency to disregard their directions; only his popularity with the W.A. public kept him in office'.²⁹ Reports and memos from Commonwealth and Western Australian archival sources show a continuing disregard at meeting Welfare requirements in caring not just for child migrants but other children in his institution.

5.46 The extensive construction work undertaken at Bindoon led to the moniker 'Keaney the Builder' of which he was apparently quite proud. However, there was a much darker side to the building program in terms of human involvement. Brother Keaney's approach to the building program was described by Dr Coldrey:

Of course, to Keaney, the building program *was* their education, for those boys over the primary school age...from being a necessity and a work experience programme the buildings became an obsession.³⁰

This obsession resulted in the boys being relentlessly driven with a lack of protective clothing and footwear (as noted earlier) in an unsafe working environment of primitive and inadequate equipment and scaffolding where the risk of accident was not just considerable but a reality.

28 See also Submission No.135, Part 1 - pp.4-11 and Part 2 – pp.5-8 (WA Department for Family and Children's Services).

29 Coldrey, *The Scheme*, p.398.

30 Coldrey, *The Scheme*, p.321.

5.47 Mr Alan Gill wrote in *Orphans of the Empire* that ‘many were injured; [he] was given the names of two who received spinal injuries, two who suffered broken limbs and another who suffered serious head injuries. All are now invalid pensioners.’ The Committee also received evidence from child migrants of injuries resulting from accidents due primarily to unsafe working conditions and physical exhaustion.³¹

5.48 However, it is for the allegations of physical assault and sexual abuse that Brother Keaney has been condemned. As early as 1940 the Child Welfare department conducted an inquiry into allegations that Keaney was over-punishing boys at Clontarf, though there had been isolated complaints in the department’s files before this major investigation. Yet the claims of Brother Keaney’s involvement in brutal physical assault and sexual abuse continued at Bindoon through the late 1940s and early 1950s to such an extent that he has been referred to as ‘totally evil’.³²

5.49 Mr Gill has argued that ‘claims of physical abuse perpetrated by Keaney are so numerous that, even if only ten per cent were true, he would be quite unfit for any form of contact with children’.³³

5.50 A statue erected at Bindoon of Brother Keaney created considerable controversy and was subsequently removed due primarily to pressure from former child migrants.

5.51 Brother Keaney received an OBE – Member of the Most Excellent Order of the British Empire – in 1953. The citation read in part ‘in recognition of distinguished services rendered in the interests of school boys and youths including migrant boys...Brother Paul, assisted by no more than two expert tradesmen and the Bindoon boys, has been personally responsible for the construction of the administrative, educational, dormitory and refectory blocks’.

5.52 The Committee considers that in the knowledge that has now come to light of Brother Keaney being a particularly brutal person in his treatment of boys under his care and that in relation to his building program, young children were exploited and subjected to unnecessary risk of accident due to unsafe work equipment and practices, the OBE should be cancelled and his appointment annulled.³⁴

Recommendation 4: That in accordance with the *Statutes of the Most Excellent Order of the British Empire*, the Commonwealth Government initiate the process for Francis Paul Keaney’s membership of the Most Excellent Order of the British Empire to be cancelled and annulled.

31 Alan Gill, *Orphans of the Empire*, Random House, Sydney, 1998, p.356,

32 *Committee Hansard*, 15.3.01, p.195; 22.3.01, p.538; Submission No.36, pp.2-3.

33 Cited in Submission No.15, p.6 (Dr Coldrey).

34 Such an action is not unprecedented as former Queensland Police Commissioner Terence Lewis had a knighthood and other imperial honours cancelled in 1993.

The Catholic Church

5.53 Child sexual abuse and assault within the Catholic Church is not something that can be readily swept under the carpet, although this appears to have been what was attempted in the cases involving child migrants. The Catholic Church has an unenviable reputation of attempting to suppress and avoid liability in cases of abuse. When legal action has been taken, if it is unavoidable they have settled out of court.

5.54 Historically, the church has been in denial rather than confronting the reality of abuse. The Committee received information from Broken Rites, and is aware of other documents, that catalogue the number of Catholic and non-Catholic priests, educators, child care workers and others from a variety of orders who have been tried and found guilty of sex crimes against children.³⁵ The Committee discussed with Dr Coldrey and the Joint Liaison Group recent research by Richard Sipe an ex-Benedictine monk who has investigated the extent of sexual abuse and sexual problems in the Church in the United States.³⁶

5.55 The Joint Liaison Group advised that the Catholic Church in Australia has produced a document *Towards Healing* outlining principles and procedures to be followed in responding to complaints of abuse against personnel of the Catholic Church of Australia, including sexual, physical and emotional abuse.³⁷

5.56 In April 2001 a report by Lord Nolan on sexual abuse in the Roman Catholic Church in England and Wales was published. This report followed widespread allegations of wrongdoing by the clergy, belated accusations by victims, evidence of cover-up and the conviction of 21 priests for offences against children in four years. The Nolan Committee made sweeping recommendations largely in line with guidelines adopted for others in regular contact with children – teachers, youth workers and sports instructors.

5.57 *The Times* noted that the Church ‘had already committed itself to accepting and implementing the advice it was given’, following ‘years of denial and misguided attempts to conceal embarrassing incidents’. The paper commented:

Society now takes an uncompromising line over the lasting damage done by child abuse; where this occurs in a situation in which intimacy, trust and vulnerability are integral to the priestly calling the revulsion is the more profound and the damage greater...only the most rigorous steps and penitent acknowledgment of past evil can lift this shadow from the priesthood.³⁸

35 Submission No.57, Additional information 15.5.01 pp.1-5 (Broken Rites); Eros Foundation, *Hypocrites: Evidence and statistics on child sexual abuse amongst church clergy, 1990-2000*, April 2000.

36 Committee Hansard, 15.3.01, pp.226-7 and 22.3.01, pp.488-90.

37 Committee Hansard, 22.3.01, p.490.

38 *The Times*, comment, 18.4.01, p.15.

Queensland - Neerkol

5.58 The Forde Commission reported on the role and responsibility of the State Children's Department in relation to Neerkol.

5.59 Under the Queensland *State Children Acts 1911* the Director of the State Children's Department (and its various departmental successors) became guardian of State children or as they later were, children under Care and Protection. The Director also became guardian of the British migrant children as a result of the delegation by the Commonwealth Minister of Immigration of his powers and functions as guardian under Section 6 of the *Immigration (Guardianship of Children) Act 1946*. Custodianship of those children, however, was given to the Bishop of Rockhampton by a delegation under Section 7 of the same Act, in contrast to the position of State children for whose custody the superintendent of the institution in which they were placed was responsible.

5.60 Section 49(1) of the State Children Acts required all State children to receive a minimum of one visit every three months from an officer of the Department to ascertain whether any apprenticeship or work agreements in respect of them had been fulfilled and that their 'treatment, education and care' was satisfactory. The regulations required inspections of receiving institution at least once per month. However, while a State Children's inspector (later District Officer) was stationed at Rockhampton, few former Neerkol residents recalled having been spoken to by an inspector and it appeared that inspectors visits to the Home were usually anticipated, and preparations were made by way of extensive cleaning and improving of the Home's appearance.

5.61 Similar comments were repeated to the Committee in the submissions and evidence of former Neerkol residents and indeed in relation to many other institutions throughout Australia.

5.62 The Forde Commission concluded that there was seemingly no real interest on the part of the Departmental inspectors in exploring the conditions in which children in the Home were living. Rather, in a context where the orphanage was underfunded and understaffed, the attitude was that the nuns deserved congratulation for their difficult work, and ought not to be challenged in any way.

5.63 On the other hand, the fact that the ratio of staff to children at Neerkol was grossly inadequate must have been apparent to those in charge of the Department. For example, during the 1950s, between 10 and 15 nuns cared for between 300 and 400 children at the Orphanage. External help was seldom engaged, except in the form of farm labour. Enquiry would have revealed, for instance, that in the nursery, a single nun with only the help of two fourteen-year-olds was looking after 25 to 30 babies and toddlers. Notwithstanding, the Department continued to place children at Neerkol, without regard to its capacity to provide proper care for the numbers it was receiving. The Department must also be said to have failed in its obligations to the children at Neerkol in its failure to make any attempt at maintaining family relationships.

5.64 The Forde Commission considered that while it did not appear that the staff of the State Children's Department in its office in Rockhampton had any training in their role, and it was clear that they were considerably overworked, it was unfair to criticise their performance as individuals. What could be justly criticised was the failure of the Department to ensure that staff with training in child care and protection were employed in its Rockhampton office, with appropriately qualified staff not arriving until the late 1970s. This fact represented an indifference to the Department's obligations to regional children, manifested over decades.

5.65 The consequence of that indifference was that no attention was given to the needs of individual children; no sufficient scrutiny of the circumstances in which the children were kept took place; and no opportunity was given for children's complaints to be heard. Worse, the evidence was that when some children did attempt to complain of abuse to departmental officers the response was disbelief and anger; and in some instances the complaint was relayed to the nuns, resulting in further reprisal. The State failed in its care of the children of which it was, through the Director of the Department, guardian.³⁹



Former Neerkol girls at the Rockhampton hearing

Conclusion

5.66 The Committee was informed that in relation to the child migration scheme after World War II a formal process of devolution of responsibility for child migrants occurred with the Federal Minister delegating guardianship to the States, who in turn

39 Forde Commission, Closed Report, pp.9-10.

indentured the religious orders and other agencies to provide custodial duties. To monitor the migrant child's welfare and ensure that the institutions provided a satisfactory caring environment, a series of inspectorial regimes were included within the devolved responsibilities.

5.67 Accounts by child migrants of visits and inspections that were undertaken are quite varied, with a general view that such visits were carefully staged managed and the children were not allowed to talk one-on-one with visiting welfare officers.

5.68 The Committee has seen a selection of inspection reports from various national, State and agency archives about different institutions around Australia. However, while some examples of inspection reports provide a generally good impression, the Committee believes that the level of information contained is rudimentary and generally many of these documents are superficial in character. The Committee considers that in many instances, based on the documentary evidence available to it, the level of inspections undertaken and the consideration of the welfare of the children in the institution appear to have been at best basic and often deficient.

5.69 The Committee considers that duty of care has been lacking in two fundamental areas in relation to child migrants and the migration schemes.

5.70 Firstly, the implementation of schemes providing for the removal of children from their home countries and families to be sent thousands of miles around the world, resulting in the destruction of identity and sense of belonging.

5.71 Secondly, not just that horrendous levels of physical, sexual and emotional abuse and assault was allowed to occur, allegedly undetected, while the migrant children were in care, but also that such abuse was able to continue unchecked over so many years.

5.72 The Committee concludes that these failures of duty of care and the unfortunate circumstances in which many former child migrants now find themselves is a shared responsibility between the British, Australian and Australian State governments, and the sending and receiving agencies. All have played a part in the tragic outcomes of these possibly well-meaning, but ultimately fundamentally flawed, schemes. However, the individual responsibility of those who were actually in charge of the children must never be understated.

5.73 The Committee believes that the responsibility for responding to the consequences of the schemes for the former child migrants and their families must also be shared among all participants. Some governments and agencies have already committed themselves to the provision of services and assistance. It has not been enough. The remainder of this report addresses areas in which the Committee believes further action is required.

Measures of reparation

5.74 Part (e) of the Committee's terms of reference require the Committee to examine 'measures of reparation including, but not limited to, compensation and rehabilitation by the perpetrators'.

5.75 In the preceding chapters, the Committee has identified the main abuses suffered by many former child migrants. Former child migrants argued that reparation should be made for:

- physical, sexual and emotional abuse;
- loss of family and identity;
- deprivation of liberty;
- loss of opportunity through the lack of education;
- use as slave labour;
- loss of wages and trust monies; and
- denial of access to documents.

5.76 The Committee considers that former child migrants deserve recognition for these abuses that they endured and the life-long affects of those abuses. In the next section the Committee considers how former child migrants can be provided with the means to overcome these past traumas with assistance to live a more fulfilling life.

Providing measures of reparation

5.77 There was much discussion in evidence on the means by which reparation for these wrongs could be made. A variety of mechanisms were canvassed and ranged from the provision of services to monetary compensation. Some former child migrants stated that no amount of monetary compensation could give them back their lost childhoods and families, but 'we cannot turn the clock back – as much as we would all wish, this cannot happen. However, these sentiments, while true, should not be used as an excuse to avoid the just payment of compensation'.⁴⁰

5.78 Many former child migrants supported the provision of services which they saw as a tangible measure to improve their lives:

it is the measures put in place by Government to help and assist those in need that most positively contributes to our recovery from the trauma of a shameful and appalling part of our history.⁴¹

40 Submission No.129, p.42 (IAFCM&F).

41 Submission No.123, p.5.

compensation can come in different forms but the most important thing in my life now is to know who I am, where I came from and who I should belong to.⁴²

5.79 International Social Service (ISS) indicated that for some child migrants, services, in particular travel, ‘would be likely to ease their sense of injustice, and assist them to proceed towards further self-healing’. ISS also indicated that while it was not clear from its contact with former child migrants what measure of reparation would be most acceptable it had received requests for payment for a funeral, travel to visit graves and support to visit cousins or nieces and nephews.⁴³ The Child Migrant Friendship Society (CMFS) also pointed to the provision of services as a means of reparation for former child migrants and suggested that a funeral fund be established and retirement and aged care be provided, and provision for a permanent tribute to child migrants be made.⁴⁴

5.80 Other witnesses spoke about monetary compensation:⁴⁵

British and Australian governments should set up a fund in order to compensate people who feel that a financial benefit would alleviate their grievances. The sum of money would depend on the situation that the person is in. Some people would not want any money at all.⁴⁶

I do not believe there is enough money to compensate me for what I have been through, but at least an attempt should be made.⁴⁷

Another former child migrant stated that substantial monetary compensation should be paid and that anything under \$20,000 would be ‘very disappointing’.⁴⁸

5.81 The International Association argued that large numbers of child migrants have suffered and many are under financial stress keeping contact with their families when they are reunited, ‘a lump sum compensation payment would go a long way in alleviating this stress. It would give former child migrants the opportunity to have a more peaceful and positive future with their families’.⁴⁹

5.82 The establishment of a tribunal to investigate claims for compensation was supported by both the International Association and the Child Migrants Trust. Some former child migrants also supported this idea with one arguing that ‘a tribunal should

42 Submission No.22, p.2.

43 Submission No.48, p.7 (ISS).

44 Submission No.44, p.9 (CMFS).

45 See for example, *Committee Hansard*, 15.2.01, p.61.

46 Submission No.101, p.4.

47 Submission No.37, p.4.

48 *Committee Hansard*, 15.2.01, p.54.

49 Submission No.129, pp 42,43 (IAFCM&F).

be established for those who can demonstrate hardship and loss through their migration experience'.⁵⁰ While another former child migrant stated that compensation should be 'not just for myself but for my kids and for my family in England who have suffered so needlessly because of Government policies like Child Migration'.⁵¹

5.83 During the inquiry, receiving agencies and Government also put their views on reparation and compensation. The Fairbridge Foundation stated that it did not believe that any reparation or monetary compensation in any form should be paid to former child migrants. Instead, counsellors or advisers should be available for those in need to direct and follow up on their specific needs.⁵²

5.84 Barnardos stated that all children, child migrants or not, deserve proper restitution where they are the victims of abuse. Barnardos suggested that in New South Wales the Victims Compensation Board could be widened to include all children who had been victims of abuse including this form of 'systems abuse'.⁵³

5.85 The Joint Liaison Group indicated that it considered that any genuine apology implies 'measures of reparation' and that the Catholic Church's response to the needs of former child migrants comprises 'measures of reparation'. Catholic religious orders have, to date, funded services including counselling (about \$1 million), access to information (about \$70,000), services through the Child Migrant Centre in Perth (about \$105,000), tracing services in Britain (£50,000) and travel to Britain for former child migrants (over \$1 million).⁵⁴ The provision of these services are discussed at length in later chapters.

5.86 The Joint Liaison Group stated that monetary compensation corresponding to degrees of suffering or hardship 'is difficult to support' because it was not clear if the majority of former child migrants were interested in compensation, rather they needed information, access to family tracing and counselling. They argued that 'trying to quantify people's suffering and hardship, or finding ways to allocate a sum of money as compensation is unwieldy, potentially divisive and largely arbitrary'. Any further financial resources available, particularly from governments, ought to go into services and into needs-based 'rehabilitation' including therapy, medical treatment, and education services.⁵⁵

5.87 In Western Australia reparation measures undertaken by government have included the apology made by the Legislative Assembly in October 1998 and initiatives including the establishment of the Former Child Migrant Referral Index,

50 Submission No.126, p.5.

51 Submission No.73, p.2.

52 Submission No.43, p.6 (Fairbridge Foundation).

53 Submission No.50, p.7 (Barnardos).

54 Submission No.54, p.13 (JLG).

55 Submission No.54, pp.17-18 (JLG).

funding for the provision of counselling services, assistance to access information and trace families, and support for the Child Migrants Trust.⁵⁶

5.88 The Queensland Government stated that in response to the Forde inquiry's recommendations on compensation and reparation, it had contributed \$1 million to the establishment of the Forde Foundation. The Foundation is to provide financial assistance for the purchase of goods and services that aid in self development and the improvement of quality of life for children who had been in residential care in Queensland, including former child migrants. For matters of individual compensation, the Government stated that it has encouraged former residents to pursue these through normal legal channels.⁵⁷

5.89 The Commonwealth Government's position on compensation was stated in its response to the British Government response to the House of Commons Health Committee report: that matters of support and practical help with tracing family members is of greater significance to child migrants than compensation. This position was further developed by the Department of Immigration and Multicultural Affairs which stated that the Commonwealth Government's general approach is that this type of response, that is offering support services to those who need them, is the most appropriate 'measure of reparation'. Further that :

The Commonwealth Government's general policy on compensation is that it makes payments only where it has a legal obligation to do so, or in limited, exceptional circumstances, which it is considered do not apply here. This has been a longstanding position of successive governments.

The Government does not believe that blanket compensation is either appropriate or even possible, given that the circumstances of each case vary. Where consideration is given to issues of compensation, relevant past standards and practices would also need to be acknowledged in that consideration.⁵⁸

5.90 Commonwealth Governments have provided funding of over \$800,000 to the Child Migrants Trust since 1990 for specialised counselling and tracing services. The National Archives of Australia also provides access to records of interest to former child migrants.

5.91 The Department also commented on the possible establishment of a tribunal to provide compensation for lost wages. The Department stated that 'if it were a matter of federal jurisdiction, you cannot establish a tribunal that is exercising judicial powers other than a court... You would have to look at the nature of the powers that you wanted the tribunal to exercise, and such like, to determine whether or not it were

⁵⁶ Submission No.135, p.15. (WA Department for Family and Children's Services).

⁵⁷ Submission No.146, p.3 (Queensland Government).

⁵⁸ Submission No.42, pp.41-2 (DIMA).

something that would have to be adjudicated in a court or whether it is something that could be adjudicated in a tribunal.⁵⁹

Funding measures of reparation

5.92 Many witnesses expressed strong feelings about who should fund measures of reparation with most considering that both government and church and charitable organisations should provide reparation:

- ‘I think the Australian Government should compensate [my brother] Michael and others like him for the consequences of its failure to protect him and provide a proper education’.⁶⁰
- ‘the church should acknowledge its contribution to the human suffering of former child migrants. It should provide substantial compensation to help fund the appropriate level of services to realistically meet their needs’.⁶¹

5.93 The International Association of Former Child Migrants & their Families noted that one of the largest sending agencies was Fairbridge, but it ‘offered nothing to former child migrants – no funding of services. The International Association respects the decision by the Fairbridge Board to avoid any involvement in professional services – but that does not absolve them of their responsibility to provide resources to deal with the tragedy and loss they played a part in.’⁶²

5.94 Broken Rites suggested that, in relation to unpaid wages from which church organisations profited, ‘an Australian Government, through the Department of Foreign Affairs...must pursue this case on behalf of child migrants with the Vatican’.⁶³

5.95 The Committee concurs with the view that responsibility for the child migrant schemes and for the care and supervision of children is shared. As already discussed earlier, the British, Australian and Australian State Governments, and the sending and receiving agencies all have played a part in the tragic outcomes of these possibly well-meaning, but ultimately fundamentally flawed, schemes.

5.96 The Committee believes that the responsibility for responding to the consequences of the schemes for the former child migrants and their families must also be shared among all participants. Unfortunately while Government and some sending and receiving agencies have recognised their responsibility and are already providing services to former child migrants, others are yet to respond or to respond adequately. Some organisations told the Committee the provision of more extensive services were beyond their financial means.

59 Committee Hansard, 6.2.01, p.24 (DIMA). A more detailed response provided in Additional Information.

60 Submission No.110, p.2.

61 Submission No.28, p.3.

62 Submission No.129, p.37 (IAFCM&F).

63 Committee Hansard, 15.3.01, p.251 (Broken Rites).

5.97 The Committee discusses the services already provided by agencies in later chapters. However, the services provided by the Fairbridge Foundation in New South Wales and Fairbridge WA Inc are limited mainly to the access to records. Fairbridge WA Inc. also manages a grant/loan fund for educational, medical and domestic needs for former child migrants. The fund stood at \$40,000 in February 2001. This was set up as a ‘parting gesture’ when the Fairbridge Society ceased its activities at Pinjarra in the early 1980s.⁶⁴ According to the Western Australian Select Committee into Child Migration, the farm property at Pinjarra was sold on 2 March 1983 to Alcoa for \$US2,016,000 with Alcoa agreeing to lease the village to Fairbridge for a nominal rent. A deed of transfer was effected between Fairbridge UK and the Perth Board of Fairbridge WA and Fairbridge WA Inc in October 1984. Endowments were agreed to for Fairbridge WA Inc.

5.98 The Select Committee estimated that ‘together with the sale of the Mandurah land and the farm clearance sale, a sum in excess of \$3 million was realised, indicating that over \$2.7 million’ went to Britain. Professor Sherington stated that the proceeds of the sale were repatriated to Britain in accordance with the 1948 Fairbridge Farm School Act.⁶⁵ However, the Select Committee stated it was not clear, despite the Act, ‘if the property could be properly sold by the UK section of Fairbridge and the proceeds used in the United Kingdom’.

5.99 The Select Committee also suggested the possibility that the proceeds of the sale should have gone to the same society with the same objects that sold the farm. ‘But in fact went to an entirely different body, similar only in name and to be used for different purposes than that for which the money was originally obtained’ as the currently existing Fairbridge UK did not change its objects until 24 March 1983.⁶⁶

5.100 The Fairbridge Farm School at Molong closed in 1973. The property was sold and the Fairbridge Foundation was set up to administer the funds from the sale and from investments held by the Farm School at that time. The Memorandum and Articles of Association of the Fairbridge Foundation provide for the organisation to distribute each year, by way of donations, the money accumulated to charitable organisations within New South Wales which have their sole or primary aim, the care and well-being of underprivileged children.⁶⁷ In the mid 1970s, the Northcote Trustees sold part of the farm school site at Bacchus Marsh in Victoria and gifted the village to the Victorian Government.⁶⁸

64 Committee Hansard, 16.2.01, p.122 (Fairbridge WA).

65 Sherington, G and Jeffery, C, *Fairbridge: Empire and Child Migration*, University of Western Australia Press, 1998, p.243.

66 Western Australia Legislative Assembly, Select Committee into Child Migration, *Interim Report*, 1996, p.63-66.

67 Submission No.43, p.1 (Fairbridge Foundation).

68 Sherington and Jeffery, p.243.

5.101 The Committee was also provided with evidence that assets controlled by other Church organisations including the Catholic and Anglican churches were built through the efforts of former child migrants and Australian-born children in their care. These have been sold for substantial sums of money or are still retained for the benefit of the organisation.

Conclusion

5.102 There are many practical difficulties in establishing a tribunal. Tribunals often result in complex and expensive legal proceedings which would only add to the distress of many former child migrants. The Committee does not support the establishment of a tribunal to award compensation. The Committee considers that those former child migrants who wish to pursue monetary compensation for injury should have the opportunity to do so through the courts. This is discussed later in the report.

5.103 The Committee considers that the most appropriate means of compensating former child migrants for their experiences in institutions in Australia and for the loss of their families and homeland is through the provision of services. Such services should be open to all former child migrants and would provide real benefits to many people. They can be tailored to suit individual needs and can be provided in a straightforward way. For many former child migrants such services are essential to their recovery from past trauma and for their future well-being.

5.104 The Committee acknowledges that Government and some receiving and sending organisations are already providing a range of services for former child migrants. These services have provided a great deal of benefit for former child migrants. However, the Committee considers that more still needs to be done, particularly to assist former child migrants to trace their families, to travel to the United Kingdom to reconnect with those families and in the provision of counselling services. The services already provided and the improvements to the services still required are discussed in the following chapters.

5.105 Further, the Committee considers that funding of the services it has recommended should not be left solely to Government. The Committee acknowledges that some religious orders and sending and receiving agencies have provided substantial funding for services. However, there are other agencies which have been less than forthcoming with funding and the provision of services. The Committee is not persuaded by arguments that they do not have the means to provide additional funding. Evidence is available that assets have been sold for substantial amounts and funds transferred overseas in some cases.

5.106 All parties involved in the child migration schemes bear responsibility. They now have to ensure that reparation is made to former child migrants through the funding and provision of services. They have not only a moral obligation but also a direct responsibility.

Child Migrants Trust and other support groups

5.107 Submissions and witnesses pointed to the valuable support services provided by the Child Migrants Trust and the funding needed for it to continue this work, and the services and assistance provided by other groups which support child migrants.

The Child Migrants Trust

5.108 The Child Migrants Trust is based in the UK. It was established in 1987 as an independent social work agency working with former child migrants. It has developed considerable knowledge and expertise in the areas of childhood abuse and its impact on children, on adult lives and relationships and subsequent generations.

The Trust's work in Australia

5.109 In Australia, at the present time, the Trust has offices in Perth and Melbourne. It has one director, one senior social worker, two social workers (one in Perth and one in Melbourne), an administrative officer in Melbourne and a part-time administrator in Perth. In Britain the Trust employs a family researcher, a project evaluator and two full-time social workers and two administrative officers.⁶⁹

5.110 In evidence the Trust noted that the caseloads of each of its social workers in Perth and Melbourne was in excess of 300 clients. Trust records sighted by the Committee indicate that it has some 700 active clients across Australia. However, there were still areas in Australia where it had large numbers of clients and did not have a permanent presence. For example, the Trust stated that in Queensland there are more than 100 clients and there was quite a long waiting list for services.⁷⁰ There was also unmet demand in Sydney and the Trust indicated that it was committed to developing its service in both Sydney and Brisbane.

5.111 The restriction to two offices in Australia with one social worker each, not only limited the Trust in the services it provided, but also created administrative problems such as leave coverage and restricted flexibility of services provided to clients. The Trust indicated that it only occasionally used outside counsellors for specific situations. The Trust stated that its preferred option was to have four offices in Australia with two social workers each and appropriate support staff. The Trust would also like to have sufficient travel funds so that visits to regional centres could be made on predictable regular basis ‘that would allow us to work in with other agencies in those centres as well’. These centres included Rockhampton, Townsville and Geraldton. There was also a need to continue visits to Tasmania.⁷¹

5.112 The Trust indicated that at the present time, that funds transferred from the UK to Australia funded visits to regional areas of Australia. As the UK Government

69 *Committee Hansard*, 26.3.01, p.576 (CMT).

70 *Committee Hansard*, 26.3.01, p.575 (CMT).

71 *Committee Hansard*, 26.3.1, pp.578, 579 (CMT).

does not allow the transfer to Australia of money that they provide for services in the UK, the money transferred had to come from individual charitable donations.⁷²

5.113 The Trust also indicated that it provided services for Maltese former child migrants. This group of former child migrants had additional needs relating to specific cultural family background issues, reunion travel and the impact of childhood trauma.

Funding of the Trust

5.114 From 1990 the Commonwealth Government has provided funds to the Trust in Australia. These funds are provided through the Community Settlement Services Scheme (CSSS) formerly known as the Grant-in-Aid Scheme administered by the Department of Immigration and Multicultural Affairs. The Department noted that the priority for CSSS grants is to fund community organisations to deliver settlement assistance to refugees, humanitarian entrants and migrants.

5.115 CSSS funding has been provided to the Trust every year since 1990. The funding allocated to April 2001 was \$1,017,223 with the actual funds paid being \$828,565. The Department noted that the difference between the allocation and funding was due to:

- 1990-98: past funding formula under which payments were only made for the number of days a funded position was occupied;
- 1999-present: payments are made against Work Plans and Milestones, with performance criteria. This sometimes leads to payments below the Service Agreement grant value being made.

5.116 The grants have subsidised the Trust to provide the following services to former child migrants in Australia:

- retrieval of personal information and family history;
- family tracing;
- support for reunification with families; and
- specialised counselling.

5.117 Funding has been provided for the Trust's Melbourne office since 1990 and for the Perth office for the period between 1995-96 and 1999-2000. Funding for the current national grant of \$120,000 has been provided for:

- the continuation of some casework;
- development of strategies to improve former British child migrants' access to mainstream services; and

72 Committee Hansard, 26.3.01, p.580 (CMT).

- improving the capacity of relevant mainstream services to respond appropriately to the needs of this particular segment of their clientele.

5.118 The Western Australian Government supports the Trust by the provision of subsidised travel, accommodation and office costs; office equipment and funding grants totalling \$106,100 and an annual funding grant of \$64,000.⁷³ The Western Australian Lotteries Commission has also provided grants totalling \$51,000 to the Trust.⁷⁴

5.119 The South Australian Government, in 2001, provided a grant of \$30,000 over three years to the Trust to extend its work in South Australia. The grant will provide funding for three or four visits a year to South Australia.

5.120 The Trust indicated that it had been unable to access funding in Queensland through the Forde Foundation for establishment of an office in Brisbane.

5.121 The Trust also receives funding from the British Government. In 1999, the British Government increased funding for the Trust to £500,000 over three years for tracing and counselling. As already noted, this money cannot be applied to services in Australia.

5.122 Nottinghamshire County Council has also provided the Trust with funding of over £560,000 over 14 years, and was a prime source of funds for the original establishment for the work of the Trust.

5.123 The Trust recommended to the Committee that it ‘needs a secure and moderately substantial funding base in Australia to enable the agency to develop and complete its specialist humanitarian family reunion service’.⁷⁵ The Trust also provided the Committee with an outline of why continued funding was of importance:

that it is for family reunifications and alongside that the counselling that is required to go with that. It is not just about finding families; it is about how we bring those families together and what is needed to do that to bring about good family relationships that are going to be meaningful and go on and develop. It is about finding families, reunification and the vital skilled counselling work that needs to go on both, not just at this end, but in the UK as well primarily.⁷⁶

5.124 The Trust indicated to the Committee that it had concerns for its continued funding under the CSSS arrangements and constantly having to reapply for funds.

73 Submission No.135, p.18 (WA Department for Family and Children’s Services).

74 *Committee Hansard*, 16.2.01, p.162 (WA Department for Family and Children’s Services).

75 Submission No.132, p.46 (CMT).

76 *Committee Hansard*, 26.3.01, p.577 (CMT).



The Child Migrants Trust at the Canberra hearing

5.125 The Department stated, in relation to funding issues, that the grant provided to the Trust funds some casework, ‘while at the same time encouraging the Trust to develop strategies to improve former child migrants’ access to mainstream services as well as to improve the capacity of mainstream service providers to respond appropriately to the needs of former child migrants’. The Department concluded that if this occurred, then more former child migrants will be assisted throughout Australia because mainstream services will be better equipped to assist them. Other organisations receiving CSSS grants were adopting a similar approach. The objective, stated the Department, ‘is to focus limited resources on working with mainstream service providers to help them respond more effectively to the needs of diverse clientele’.⁷⁷

5.126 Other witnesses also expressed concern about the level of funding for the Trust. The International Association recommended a Federal/State funding package for a four-year period with built-in review and evaluation. The Association indicated that there needed to be security of funding.⁷⁸

C-BERS and other Church services

5.127 The Christian Brothers Ex-Residents and Students Services (C-BERS) was established in early 1995 in Subiaco, Western Australia. It replaced the previous interim Helpline and Advisory Panel which had been established in 1993 to investigate the needs of former child migrants who had been residents in Christian Brother’s child care facilities.

77 Submission No.42 Additional Information, 9.4.01 p.1 (DIMA).

78 Submission No.129, p.39 (IAFCM&F). Many submissions also supported increased Trust funding.

5.128 C-BERS provides services to men and their families from all over Australia. Its counselling services have recently been extended to females cared for by the Sisters of Mercy. The Congregation of Christian Brothers funds C-BERS. From 1995 to 2000 it received \$1,334,961 from the Christian Brothers. It receives no financial support from government agencies.

5.129 Since its establishment, C-BERS has provided overseas reunion travel to 237 ex-residents and carers and 7 trips within Australia. These trips are arranged through C-BERS or the Child Migrants Trust but are wholly funded by C-BERS. Travel is not means tested, nor is it dependent on men finding family in the country of origin. In addition, C-BERS provides counselling services, both in Perth and throughout Australia.⁷⁹

5.130 The Sisters of Mercy and the Poor Sisters of Nazareth have also provided funding of over \$100,000 for travel and counselling.⁸⁰

5.131 The Joint Liaison Group added that the Christian Brothers, Sisters of Mercy and Poor Sisters of Nazareth have contributed approximately \$105,000 to maintain the services for former child migrants at the Catholic Migrant Centre (CMC) in Perth. The operations of the Centre have also been part funded through the Department of Immigration and Multicultural Affairs' Community Grants Program since CMC's establishment in 1985. The Centre assists former child migrants locate family and relatives.⁸¹

5.132 Counselling for former child migrants is provided through functionally independent agencies, for example C-BERS, and is also occasionally provided through the Catholic Church's Centacare network or via a referral to another counsellor acceptable to the former child migrant.

5.133 The Joint Liaison Group noted that these Church organisations and agencies have not been able to access Commonwealth or State Government funding to support their activities or initiatives. The Liaison Group went on to state:

The resourcing of such initiatives by the Catholic agencies involved is just and appropriate. What is not appropriate or just is the absence of any government involvement in such services and the inherent unfairness of functionally independent agencies being discriminated against in accessing funding for their specific programmes as compared with the Child Migrants Trust.⁸²

79 Submission No.45, p.2 (C-BERS).

80 Submission No.44, p.4 (CMFS).

81 *Committee Hansard*, 6.2.01, p.18 (DIMA).

82 Submission No.54, p.13 (JLG).

In evidence, it was also added that ‘freedom of choice in where child migrants are able to access services is important’.⁸³

International Association of Former Child Migrants and Their Families

5.134 Former child migrants and their families and partners in Britain or country of residence, and former child migrants’ children, grandchildren and partners may apply for full membership of the International Association of Former Child Migrants and Their Families. Persons who support the aims and objectives of the Association are welcome to apply for associate membership.⁸⁴

5.135 The main aims and objectives of the International Association are:

- to express and promote the common interests of former child migrants worldwide;
- to educate and raise issues relating to the needs of former child migrants and their families with governments, state agencies and non-governmental agencies;
- to raise funds to assist former child migrants in necessitous circumstances and who satisfy criteria established by the Child Migrants Trust to be reunited with their families; to finance issues of importance for former child migrants and their families; to make donations to the Child Migrants Trust;
- to convene international conferences in conjunction with the Child Migrants Trust, and to arrange and provide for or join in arranging and providing for the holding of exhibitions, congresses, meetings, lectures and seminars;
- to establish and distribute twice yearly (when circumstances permit) *International Focus*, to keep members informed on developments and issues pertaining to former child migrants and their families world wide;
- to accept gifts and borrow or raise money for the purposes of the Association on such terms or such security as shall be thought fit, and to procure contributions to the Association by personal or written appeals, public meetings, etc; and undertake fundraising activities and seek appropriate grants.⁸⁵

Child Migrant Friendship Society of Western Australia

5.136 The Child Migrant Friendship Society of Western Australia was established in 1982 by a group of former child migrants in Western Australia to provide an infrastructure of mutual support to former child migrants. The Society was legally constituted as an incorporated body in 1988 with the aim of providing help and relief from suffering, helplessness, distress, misfortune, poverty, destitution and emotional disturbance to child migrants, and also by assisting them wherever and whenever

83 Committee Hansard, 22.3.01, p.503 (JLG).

84 Submission No.129, p.3 (IAFCM&F).

85 Submission No.129, p.2 (IAFCM&F).

possible. A further object of the Society is to direct child migrants or their families to qualified counsellors.⁸⁶

Conclusion

5.137 In coming to conclusions about the funding requirements of the Child Migrants Trust, the Committee is mindful of four significant underlying factors: child migrants have suffered long term trauma and have very specialised needs; child migrants are ageing and their parents, if still alive, are very old so that there is an urgent need for tracing and reunion to be carried out expeditiously; the funding for the Child Migrant Support Fund will cease in 2002; and the knock-on generational effects are considerable and will continue to need attention.

5.138 The Committee considers that the Child Migrants Trust has the support of many former child migrants. It has a strong track record in providing services of a high quality. There were also concerns expressed about the need for choice in service provider for former child migrants. The Committee considers that there are other agencies which do provide that choice.

5.139 In relation to Commonwealth Government funding, the Committee notes that the Commonwealth has provided funding to the Trust for the last ten years, through a specialised grant program within the Department of Immigration and Multicultural Affairs. However, the Trust considers that the funding has not enabled it to provide the level of service required by former child migrants. There were also some concerns expressed by the Trust about the continuation of funding by the Department of Immigration and Multicultural Affairs past this year. The Committee considers that because the Community Settlement Services Scheme aims to provide settlement assistance programs, it may not be the most appropriate way of funding the Trust. The Committee considers that the Commonwealth should continue to provide funding for at least three years directed specifically to the Trust, based on a proposed budget referring to identifiable need and with appropriate accountability mechanisms.

5.140 In relation to funding by State Governments, the Committee notes that only the Western Australian State Government provides significant funding for the Trust. South Australia provides some limited funding for the Trust to visit Adelaide to provide services. Other States do not fund the Trust, although New South Wales has recently announced funding of \$60,000 for one year to International Social Service for family tracing and counselling services.

Recommendation 5: That the Commonwealth Government continue to provide funding for at least three years directly to the Child Migrants Trust to ensure that the specialised services of tracing and counselling are provided or accessible to former child migrants living throughout Australia.

