

Elton Humphrey

Secretary: Senate Community Affairs Committee

PO Box 6100

Parliament House

Canberra

ACT 2600

14<sup>th</sup> April 2009



Dear Mr Humphrey's

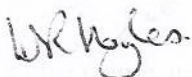
At my recent appearance before the Committee into the Implementation of the Recommendations of the "Lost innocents" and "Forgotten Australians" reports the Chair asked that I provide further details on the case of a Barnardos Child Migrant deported to the UK using Section 501 of the Migration Act after residing in Australia for 52 years.

I attach a copy of a letter sent in October 2006 by the Board of Barnardos Australia to then Immigration Minister Amanda Vanstone that summarizes the case, and can provide extensive supporting documentation if necessary.

Once again I would stress the abhorrence that Barnardos feels about the crimes that Peter Fortune committed and the belief that a lengthy custodial sentence was entirely appropriate.

It is the subsequent additional sentence of deportation for life of a Child Migrant aged 63 who had lived in Australia for 52 years [having served in the Australian Army and Army Reserve] that was unreasonable.

Yours sincerely



Bill Hoyles

Senior Manager: Youth Services and Aftercare

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Senator Amanda Vanstone  
Minister for Immigration  
Parliament House  
Canberra  
ACT 2600

11<sup>th</sup> October 2006

Dear Minister

At a meeting of the Barnardos Board of Directors held yesterday afternoon, a motion was passed that you be approached to intervene in the matter of a former Barnardos Child Migrant named Peter Fortune.

Peter Fortune was born in Cardiff in August 1943. He came to Australia under the Barnardos child migration scheme in October 1954 aged 11 years. He was placed at Picton Farm School at a time when sexual abuse is known to have occurred. It is likely that Peter may have suffered abuse - as Peter was asked to give evidence against one alleged perpetrator [an ex-staff member] - but the charges were withdrawn for reasons unknown.

Immediately after leaving care Peter went to live with a family and subsequently married the daughter of that family. They are still married and have two children. Peter served in the Australian army and subsequently joined the army reserve. Later Peter established his own business in Queensland.

Up until age 60 Peter's only criminal record was two charges for drink driving. He had never left Australia and had never applied for a passport. He assumed that as a child migrant and after 53 years of residence that he was automatically an Australian citizen. He could have applied for citizenship at any time and the application would have been free of charge as a child migrant.

In 2003 it emerged that for some years Peter had been living a double life as a photographer. He was charged with multiple sexual offences against 12 women. He pleaded guilty and was sentenced to a maximum of 5 years imprisonment - but with a very short non-parole period of 21 months. The judge's sentencing remarks took into account his lack of previous criminal record, his guilty plea, the actual circumstances of the offences, his age, and the probability that he would not re-offend.

In 2006 Peter completed his 21 months imprisonment. He was then transferred to Villawood detention centre for deportation back to the UK.

Peter has lived in Australia for 52 years, his wife is Australian and she cares for her elderly mother; his two children are Australian; and he knows nobody in the UK.

The Senate Inquiry into Child Migration strongly argued that automatic citizenship should be conferred on all Child Migrants but the Government rejected this. The Senate Inquiry also spoke out against the difficulties that long stay child migrants faced in applying for citizenship.



Ref: Peter Fortune

Peter Fortinatos [now known as Peter Fortune] was born in Wales on 3<sup>rd</sup> August 1943. He migrated to Australia in 1954 under the Barnardos Child Migration Scheme and was placed at Barnardos Picton Farm School on 13<sup>th</sup> October 1954. He remained there until 5<sup>th</sup> December 1958.

While he was at Picton eight men were charged with sexual assault of a number of residents.

One man, James Frederick Adams was charged with three counts of indecent assault on a male person. He was a former housemaster at Picton between 1955 and 1956. He was committed to stand trial but subsequently a “no bill” was filed.

Peter Fortinatos was initially named as a witness in the case but received a “notice to witness not to appear at quarter sessions” as the Attorney-General had “declined to file an information”.

Attachments.

1. Barnardos Report written by Tom Price dated 30<sup>th</sup> May 1958.
2. Police Report written by Detective Sergeant D.R.Baillie [undated].
3. Copy of Notice to Witness dated 30<sup>th</sup> December 1958.