



Australian Government
Department of Immigration and Citizenship

Mr Elton Humphrey
Committee Secretary
Senate Community Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Mr Humphrey,

I am writing to you regarding the Senate Community Affairs Committee Inquiry into the implementation of the recommendations of the *Lost Innocents* and *Forgotten Australian* reports.

Several of the recommendations outlined in the reports relate, wholly or in part, to this department.

On behalf of the Department of Immigration and Citizenship, I am pleased to provide an update in response to those recommendations for consideration by the Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Templeton', written over a faint, illegible typed name.

Peter Templeton
A/g First Assistant Secretary
Citizenship, Settlement and Multicultural Affairs Division

12 February 2009

people our business

Submission to the Senate Community Affairs Committee Inquiry into the
Implementation of Recommendations of the *Lost Innocents and
Forgotten Australians* Reports.

Department of Immigration and Citizenship
February 2009

**SUBMISSION TO THE SENATE COMMUNITY AFFAIRS COMMITTEE
INQUIRY INTO THE IMPLEMENTATION OF THE *LOST INNOCENTS*
AND *FORGOTTEN AUSTRALIANS* REPORTS**

This submission provides an update on progress in the implementation of the aspects of the following recommendations that fall within the portfolio responsibilities of the Department of Immigration and Citizenship:

- ***Lost Innocents: Righting the Record***
Recommendations 2, 3, 5, 13, 17, 19, 20, 21, 22, 27, and 32
 - ***Forgotten Australians***
Recommendations 6 and 34
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Lost Innocents: Righting the Record

Recommendation 2

That British and Maltese former child migrants be treated equally in accessing any of the services currently provided or as recommended in this report, including access to travel funding.

Since 1990, British and Maltese former child migrants have had equitable access to the government funded counselling and family reunification services provided by the Child Migrants Trust Inc. The assistance package, established by the Australian Government in 2002 in response to recommendations of the *Lost Innocents* report, was accessible by both UK and Maltese former child migrants. This assistance sought to provide fair treatment according to the needs of the former child migrants, regardless of their country of birth.

Recommendation 3

That the Commonwealth Government establish the means to accurately determine the numbers of child migrants sent to Australia during the 20th century to assist in determining the level of support services and other assistance needed for former child migrants.

In its response to the Senate Inquiry in 2002, the then Government gave a detailed account of the information available. There is no further comment or update.

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.

The Australian Government supported this recommendation. Through the immigration portfolio, the Government has committed funding totaling \$825 000 over six years from 2002 to the Child Migrants Trust Inc to provide specialised family tracing and counselling services to former child migrants from the United Kingdom and Malta living in Australia.

The Child Migrants Trust Inc received initial funding of \$375 000 over three years from 2002 and was allocated additional funding of \$450 000 in 2005 to continue providing these services for a further three years to 30 June 2008.

Recommendation 13

That the Commonwealth Government provide at least three year funding to those agencies engaged in dedicated tracing in the United Kingdom to assist former child migrants to locate their families, based on applications by agencies undertaking that work.

As set out in response to Recommendation 5, the Australian Government, through the immigration portfolio, continued to fund the Child Migrants Trust Inc for over six years to provide specialised services for former child migrants, including family tracing. This period was double the three years sought by the Committee. The Government has provided funding totalling \$825 000 during this period to the Child Migrants Trust Inc.

Recommendation 17

The Committee recommends that the Commonwealth Government:

- *confer automatic citizenship on all former child migrants, with provision for those who do not wish to become Australian citizens to decline automatic citizenship; and*
- *that a special ceremony conferring citizenship be conducted for former child migrants.*

The Australian Government did not agree to automatic conferring of Australian citizenship for former child migrants.

There is no provision in the *Australian Citizenship Act 2007* for automatic conferral of Australian citizenship on former child migrants. However, the fee exemption for Australian citizenship applications, which was available to British former child migrants, was extended to include Maltese former child migrants from 1 July 2005.

The department undertook to arrange ceremonies for former child migrants as appropriate. However there are no records to suggest that any special citizenship ceremonies have been requested by former child migrants.

Recommendation 19

That the Child Migrant Support Fund be supplemented by funding from the Australian Government, State Governments and receiving agencies; and that this funding comprise:

- (a) a Commonwealth Government contribution of \$1 million per year for three years initially;*
- (b) a combined contribution from State Governments of \$1 million per year for three years initially; and*
- (c) a contribution from receiving agencies, and that this be funded by a levy or other means on receiving agencies not currently providing travel assistance, in proportion to the number of children placed under their care as a result of the child migration schemes during the 20th century.*

The Child Migrant Support Fund operated from 1999 to 2002 and was established by the UK Government to assist eligible former child migrants to be reunited with family members in the UK. No other governments that received children under the child migration schemes contributed to this UK fund. The Child Migrant Support Fund was governed by a strict eligibility criteria which excluded Maltese former child migrants from eligibility.

Rather than contribute to the United Kingdom's Child Migrant Support Fund, the Australian Government established the Australian Travel Fund in 2002. This fund provided financial assistance for travel and accommodation expenses to former child migrants to Australia wishing to reunite with surviving family members in the United Kingdom and Malta or visit grave sites of family members. To 2006, the Government committed a total of \$5.5 million towards the travel fund. Further details of the Australian Travel Fund are provided in response to Recommendation 20 and 22.

Recommendation 20

That the eligibility criteria for access to the Child Migrant Support Fund be broadened to:

- (a) permit visits to family members and other relatives, including aunts and uncles, cousins, nephews and nieces; and for other related purposes, such as visits to family graves;*
- (b) be available for all former child migrants, including the Maltese and those who may have undertaken previous visits at their own expense;*
- (c) provide for two further visits but with a reduced level of assistance, limited to the payment of airfares and associated travel expenses;*
- (d) provide, in exceptional circumstances, travel funding for a spouse, child or other person as an accompanying carer; and*
- (e) be subject to no means-testing requirements.*

The Australian Government established the Australian Travel Fund in 2002. Former child migrants who received support from the UK Child Migrant Support Fund were not eligible to apply to the travel fund. To apply for the travel fund, two main criteria were to be met:

- (a) the applicant arrived in Australia under an approved child migration scheme; and
- (b) the applicant had either successfully traced surviving family members who welcomed the reunion visit or had traced family and had a gravesite to visit.

The Australian Travel Fund contained a broad set of eligibility criteria and arrangements including the following:

- permitted visits to family members and other relatives, including aunts and uncles, cousins, nephews and nieces; and for other related purposes, such as visits to family graves;
- was available to all former child migrants, including child migrants from Malta who may have undertaken previous visits at their own expense;
- provided in exceptional circumstances for a spouse, child or other person as an accompanying carer to travel with the applicant; and
- was not subject to means-testing requirements.

The Australian Travel Fund provided for one government sponsored trip for eligible former child migrants which included to and from airport travel, international airfare, taxes, cost of passport application, any travel costs from the airport of arrival to the home of the relative, travel insurance, accommodation and a living allowance for two weeks.

Total Commonwealth funding from 2002 of the travel fund was \$5.5 million. The travel fund ceased to operate in 2006. For further information on the funding for the Australian Travel fund, refer to the response provided to Recommendation 22.

Recommendation 21

That the Commonwealth Government, together with other stakeholders, undertake a review of its participation in the Child Migrant Support Fund after three years to determine the adequacy of funding from Australian sources for the fund and the extent of continuing demand for travel from former child migrants.

As stated in response to Recommendation 20, in order to support the needs of child migrants in Australia, the Government established a separate travel fund and did not contribute to the UK Child Migrants Support Fund.

Recommendation 22

That, should the Child Migrant Support Fund not be extended by the United Kingdom Government, the Commonwealth Government establish a separate Australian travel scheme to assist former child migrants to visit their country of origin, and that this scheme be funded by contributions from the Commonwealth, State Governments and receiving agencies as detailed in Recommendation 19; and that the scheme have a broad set of eligibility criteria as detailed in Recommendation 20.

The Australian Government responded to this recommendation. The Australian Travel Fund was founded by the Government in 2002 to facilitate travel to the United Kingdom and Malta for former child migrants wishing to re-establish connections and reunite with surviving family members or visit family graves.

The International Social Service (ISS) was appointed administrator of the Australian Travel Fund.

Initially, the Government committed \$3 million over three years towards the travel fund in 2002. The department worked in close consultation with ISS to ensure that sufficient funding was available for approved applicants to travel back to the United Kingdom or Malta. Due to demand, the travel fund was extended by an additional \$2.5 million in 2005, a significant increase on the funding proposed at the commencement of the program. This brought total Australian Government funding towards the travel fund to \$5.5 million.

The Australian Travel Fund provided former child migrants with opportunities to re-connect with family in the United Kingdom and Malta and to provide closure on some of their traumatic past experiences. During the period of its operation, the travel fund received 826 applications of which 771 were approved for travel. Not all of those whose applications were approved were able to travel, generally due to illness. Some 703 reunion visits were completed by former child migrants in the period from 2002 until the travel fund ceased in 2006. The closing balance of the travel fund was \$556 678.70 (including \$6 019.43 interest).

For further information on the eligibility criteria for the Travel Fund refer to response provided to Recommendation 20.

Recommendation 27

That the Commonwealth Government provide a prospective one-off grant of \$10,000 to former child migrants wishing to return permanently to the United Kingdom or Malta who can prove that they will permanently relocate in those countries.

The Australian Government did not agree with this recommendation. However, eligible former child migrants were able to travel for family reunification in the UK or Malta with support from the Australian Travel Fund.

Recommendation 32

That the Commonwealth and State Governments, in conjunction with the receiving agencies, provide funding for the erection of a suitable memorial or memorials commemorating former child migrants, and that the appropriate form and location(s) of such a memorial or memorials be determined by consulting widely with former child migrants and their representative organisations.

The Australian Government supported this recommendation. To commemorate the experiences of former child migrants, the Government committed \$100,000 in total to the cost of erecting memorials. This was divided equally among the six states that received children under the child migration schemes. State governments of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia consulted with former child migrants on the form and location of the memorials. All six memorials have been completed and unveiled, as follows:

- **Queensland memorial**
St Joseph's Home, Neerkol, Rockhampton – 5th August 2003
- **Western Australian memorial**
Maritime Museum – 10th December 2004
- **Tasmanian memorial**
Launceston's Museum and Art Gallery – 4th October 2005
Hobart's International Wall of Friendship – 5th October 2005
- **South Australian memorial**
Migration Museum – 18th November 2005
- **New South Wales memorial**
Australian National Maritime Museum – 23rd March 2006
- **Victorian memorial**
Immigration Museum – 28th September 2006

Forgotten Australians

Recommendation 6

That the Commonwealth Government establish and manage a national reparations fund for victims of institutional abuse in institutions and out-of-home care settings and that:

- *the scheme be funded by contributions from the Commonwealth and State Governments and the Churches and agencies proportionately;*
- *the Commonwealth have regard to the schemes already in operation in Canada, Ireland and Tasmania in the design and implementation of the above scheme;*
- *a board be established to administer the scheme, consider claims and award monetary compensation;*
- *the board, in determining claims, be satisfied that there was a 'reasonable likelihood' that the abuse occurred;*
- *the board should have regard to whether legal redress has been pursued;*
- *the processes established in assessing claims be non-adversarial and informal; and*
- *compensation be provided for individuals who have suffered physical, sexual or emotional abuse while residing in these institutions or out-of-home care settings.*

In relation to former child migrants from the United Kingdom and Malta, the matter of reparation for former child migrants who were victims of institutional abuse in institutions and out-of-home care settings was for the consideration of state and territory governments, religious orders and sending and receiving agencies.

The Australian Government has provided practical support to former child migrants. This included funding of the Child Migrants Trust Inc for family tracing and counselling services and the establishment of the Australian Travel Fund to provide financial assistance for travel and accommodation expenses to those former child migrants wishing to return to their country of origin to re-unite with surviving family members or visit family gravesites.

Former child migrants, who as children were abused in state care, may be eligible to access redress schemes introduced by the state governments of Queensland, Tasmania and Western Australia.

Recommendation 34

That the Commonwealth and State Governments, in conjunction with the Churches and agencies, provide funding for the erection of suitable memorials commemorating care leavers. Where possible, memorials could take the form of:

- *memorial gardens constructed in conjunction with local councils;*
- *the placement of plaques at the site of former institutions; and/or*
- *the construction of heritage centres on the site of former institutions.*

The Committee further recommends that the appropriate form and location of memorials should be determined after local consultation with care leavers and their support and advocacy groups.

Memorials to commemorate former child migrants from the United Kingdom and Malta have been completed and unveiled in the six states that received children under the child migration schemes. The Australian Government committed \$100,000 in total to the cost of erecting these memorials which was divided equally amongst the six state governments of New South Wales, Queensland, South Australia, Tasmania Victoria and Western Australia. Former child migrants consulted with state governments on the form and location of the memorials.