

I, Hilary Ruth Harrison, have prepared this statement on behalf of the Department of Health, Social Services and Public Safety. My qualifications and experience have already been notified to the Historical Institutional Abuse Inquiry (HIAI) by covering declaration to the Module 1 statement to the Inquiry dated 17 January 2014. I have examined all of the Module 2 evidence received by the Department from the HIAI up to 22 August 2014.¹ Based on this, I have prepared the answers to the questions set out in the HIAI Rule 9 Request dated 8 June 2014 in relation to Child Migrant Schemes.

A handwritten signature in black ink that reads "Hilary Ruth Harrison". The signature is written in a cursive style with a horizontal line underneath the name.

8 September 2014

¹ It has not been possible in the preparation of this statement to review further evidence received from the HIAI after this date.

HISTORICAL INSTITUTIONAL ABUSE INQUIRY MODULE II: CHILD MIGRATION FROM NORTHERN IRELAND TO AUSTRALIA

Question a)

What involvement did the Department or its predecessors have in relation to the operation of Australian Child Migrant Schemes in Northern Ireland during the timeframe being investigated by the Inquiry? The Inquiry appreciates that the involvement of the Department and its predecessors may have changed over the years – if so, please explain how this evolved.

1. The direct involvement of the Department's predecessors in child migration was limited to exercising functions under the Children Act 1908 (the 1908 Act); the Children and Young Persons Act (Northern Ireland) 1950 (the 1950 Act); and the Children and Young Persons Act (Northern Ireland) 1968 (the 1968 Act). The relevant sections of these Acts and the provisions of other relevant UK legislation are set out below.

The 1908 Act

2. Section 21(6) of the 1908 Act provided for the Chief Secretary in Ireland, in a case where it appeared to him to be of benefit to a child or young person under 16 committed to the care of any person by a court, to "*empower such person to procure the emigration of the child, but except with such authority, no person to whose care a child is so committed shall procure his emigration*". Section 70 of the 1908 Act also enabled the managers of a certified reformatory or industrial school to arrange for the emigration (with the child's consent) of any young offender or child detained in or out on licence from the school, subject also to the consent of the Chief Secretary.

The 1950 Act

3. Under Section 94 of the 1950 Act, welfare authorities were empowered, subject to the consent of the Ministry for Home Affairs (MoHA), to procure or assist in procuring the emigration of any child in their care. This included children admitted to the care of a welfare authority under Section 81 of the Act and those committed by a court to the care of any other fit person. The agreement of the MoHA to the child's emigration was subject to certain conditions (see paragraph 30 below) regarding the consent of the child; persons accompanying him; those whom he would be joining in the destination country and consultation with parents (Section 111(5) of the 1950 Act).

The 1968 Act

4. Sections 118 and 143(2) of the 1968 Act re-enacted the provisions of the 1950 Act regarding the required consent of the MoHA to arrangements by welfare authorities to procure or assist the emigration of children in care or to arrangements by other fit persons to secure the emigration of a child

committed to their care. The 1968 Act retained the conditions outlined in paragraph 3 above under which emigration was permitted to proceed.

Implications of the above Acts

5. With reference to the period under consideration by the Historical Institutional Abuse Inquiry (HIAI), the above Acts confined the powers of the MoHA until 1972 and subsequently, the Ministry/Department for Health and Social Services (DHSS) between 1972 and 1995 to decisions about the emigration of:
 - young offenders or children detained in or out on licence from a certified school (1908-1950);
 - Poor Law children committed by the courts to the care of Boards of Guardians (1908-1948); welfare authorities (1948-1972) and Health and Social Services Boards (1972-1995) or other fit persons (1908-1995); and
 - children in the care of welfare authorities or HSS Boards either in a voluntary capacity or as the subject of a court order (1950-1995).

6. As a consequence of evidence forwarded by the HIAI, the Department is aware that the Malone Training School sought the consent of the MoHA during the 1927-30 period to the emigration of boys, some of whom were resident and others seemingly out on licence from the school. Six boys were emigrated to Canada in 1929 and a further five were proposed by the school for emigration in 1930.¹ The MoHA exercised its powers under the 1908 Act to consent to the emigration of a number of these young men who were aged seventeen and eighteen years and who had expressed a wish to be emigrated. Where relevant, the consent of parents also appears to have been sought in each case.

7. The Department at present has no further information relating to the emigration of children during the period 1930 to 1949. In 1950, St Patrick's Training School referred to the MoHA, the names and personal files of nine boys whom the school deemed suitable for emigration to Australia.² It is not presently known whether MoHA consents were subsequently obtained in the case of all or some of these children. The HIAI evidence reviewed by the Department also indicates that at least sixteen children in the care of County Welfare Authorities were emigrated or proposed for emigration during the period 1951 to 1964.³ In the main, these were older children or children where special circumstances pertained e.g. the child was to join a family member or foster carers. It is also noted, that in the case of **HIA 336**⁴ a six year old child emigrated by the Sisters of Nazareth

¹ AUS 4118/9

² AUS 4127

³ **HIA 354** AUS 11277 (in 1950); three **[REDACTED]** brothers AUS 5128 (in or around 1951); **AU 112** and **AU 113** AUS 5169 (in or around 1952); **[REDACTED]** AUS 5167 (in or around 1952); **[REDACTED]** AUS 5177 (in or around 1955); **[REDACTED]** and **[REDACTED]** AUS 5165 (in or around 1956); **[REDACTED]** AUS 4349 (in or around 1962); **[REDACTED]** Family AUS 4349 (in or around 1964); **[REDACTED]** AUS 4349 (in or around 1965); **[REDACTED]** AUS 4349 (approved by MoHA in 1964 but refused by Australian Immigration Authority); **[REDACTED]** AUS 4349 (in or around 1965).

⁴ AUS 11501

Order in 1956, the emigration information indicates that he may have been the subject of a Fit Person Order, as a consequence of which the consent of the Minister may have been obtained. The Department has been unable to locate any archived documentation relating to such consent. Fuller information has been received, however, in relation to the emigration of **HIA 354**, a witness to the HIAI who was somewhat atypical of the emigrated children in statutory care in view of his young age and orphan status. The circumstances of **HIA 354** case are set out at **Annex A**.

8. The Department has no further information to show whether its predecessors had occasion to give consent in respect of any other children in the care of Welfare Authorities or Boards, hereafter referred to as 'relevant children'. It is important to note that there was no requirement in the above Acts for the MoHA or the DHSS to consent to the proposed emigration of children who had been privately admitted to voluntary homes. Apart from **HIA 354** case mentioned above, it would appear that all of the former child migrants who to date have provided evidence to the HIAI were included in this latter category.
9. This is consistent with the Department's understanding that few children in the care of welfare authorities or other statutory bodies were considered for migration schemes. The House of Commons Health Committee Report on the Welfare of Former British Child Migrants,⁵ published in 1998 (the 1998 Health Committee Report) indicated that in 1952 local authorities in England had taken little interest in child migration.⁶ It is probable that welfare authorities in Northern Ireland were similarly unresponsive to or questioned the potential of these schemes to benefit children in their care (see **Annex A** paragraphs 16 and 18). Indeed, Belfast County Council Children Act Committee was expressing concerns as far back as 1928 about "*alluring adverts*" regarding emigration appearing in the press and the number of agencies at work "*for the purpose of exporting young people and others to the Colonies*".⁷

MoHA involvement in and knowledge of Child Migration Schemes

10. Child Migrant Schemes were established under the auspices of the Empire Settlement Act 1922 (the 1922 Act) which provided a mechanism for the use of public funds to subsidise the cost of emigration to the colonies. Section 1(1) stated:

"It shall be lawful for the Secretary of State, in association with the government of any part of His Majesty's Dominions, or with public authorities or public or private organisations either in the United Kingdom or in any part of such Dominions, to formulate and co-operate in carrying out agreed schemes for affording joint assistance to suitable persons in

⁵ House of Commons Session 1997-98 Health Committee Third Report: The Welfare of Former British Child Migrants Volume 1 Report and Proceedings of the Committee. The Stationery Office 1998.

⁶ The 1998 Health Committee Report, paragraph 21

⁷ AUS 4028 and 4030

the United Kingdom who intend to settle in any part of His Majesty's Overseas Dominions."

11. The 1922 Act was basically a finance measure and did not specifically empower voluntary organisations (or anyone else) to send children in their care abroad. However, if the Secretary of State agreed that a child migration scheme fell within the terms of the Act, whether set up by a voluntary organisation or any other body, public funding may have been provided to subsidise the cost of the scheme.⁸ After 1922, a series of Acts extended the period for which the authorisation contained in Section 1(1) of the 1922 Act was valid to 31 May 1972.
12. Since the Ministry's inception in 1922, the MoHA was aware of the existence of child migrant schemes, having given approval since the 1920s to the emigration of boys from Training Schools. In 1946 and 1947 the MoHA also sought and obtained information from Australia House and the Home Office regarding the opening of assisted emigration schemes.⁹ ¹⁰
13. In 1949, the MoHA received a letter from the Australian Catholic Immigration Committee seeking information about how the question of the guardianship of children might be interpreted in the forthcoming new Children Act for Northern Ireland, with reference to the question of consenting to the emigration of children. The letter expressed the intention to emigrate children from Northern Ireland provided the guardianship issue could be resolved.¹¹ ¹²
14. The MoHA was also made aware in 1950 of the Dhurringile Training Farm, administered by the Presbyterian Church in Australia. The Ministry gave permission for a Dhurringile representative to approach Welfare Authorities in Northern Ireland *"to inform them of the facilities for emigration which they could offer in the case of suitable boys"*.¹³ In 1951 following an interview with a Mr Bradford, who was apparently responsible for a *"scheme for settling young people in Australia"* the MoHA also provided him with the contact details of all appropriate Welfare Authorities, Training Schools and voluntary bodies. By minute dated 11 November 1955 Miss K. Forrest, an MoHA Children's Inspector, recorded a visit to Nazareth Lodge Children's Home during which she was informed that twenty three boys had already been sent to Australia and a further twenty were to be sent.¹⁴
15. Whilst the MoHA clearly had knowledge of the operation of child migrant

⁸ This has been taken from Page 10 of the House of Commons Session 1997-98 Health Committee Third Report: The Welfare of Former British Child Migrants Volume II Minutes of Evidence and Appendices The Stationery Office 1998 (The 1998 Health Committee Minutes of Evidence)

⁹ AUS 4050

¹⁰ AUS 4072

¹¹ AUS 4074

¹² This issue had implications for the authority of voluntary organisations to migrate children in the care of 'temporary' guardians. It was indeed resolved by the MoHA's determination that, unlike Scotland, Northern Ireland would not adopt a restrictive interpretation of 'guardianship' within the new legislation.

¹³ AUS 11260

¹⁴ AUS 5160

schemes there is no evidence to suggest that the Northern Ireland Government was involved in the establishment of such schemes. Based on the evidence provided to the HIAI, it is apparent that the administering authorities of the voluntary homes responsible for sending children to Australia operated or had headquarters in England namely:

- the Sisters of Nazareth (responsible for Nazareth Lodge and Nazareth House, Belfast; Nazareth House, Derry; Termonbacca, Derry; and Nazareth House, Sligo);
- the Christian Brothers (responsible for De La Salle Home, Rubane House); and
- the Irish Church Missions: an Anglican mission founded in 1849 as a mission to Roman Catholics in Ireland (responsible for Manor House, Lisburn, although the children from Manor House were migrated as part of a scheme arranged by the Presbyterian Church in Australia)¹⁵.

16. It would therefore appear that children migrated from Northern Ireland were selected and sent to Australia and other British Dominions under schemes agreed by the UK sending agencies and the Dominion based receiving organisations with the Secretary of State in England.
17. With reference to the authority that appears to have been vested in sending agencies by the UK Government, the 1998 Health Committee Report found that several UK voluntary organisations operated migration schemes that gave them *“direct charge of most of the migrant children either at the recruitment stage, during their passage, or after their arrival in the receiving countries.”* It is important to note that the report concluded *“In this work the voluntary agencies received the encouragement and financial backing of successive British governments and of successive governments of the receiving countries”*.¹⁶
18. In August 1950, there was correspondence between Sir Robert Gransden,¹⁷ the then Cabinet Secretary¹⁸ and MoHA with reference to the Home Office seeking to approve the Australian based Presbyterian and Scots Church Aid Society to run a child emigration scheme which might extend to Northern Ireland. The MoHA’s response asserted that the Northern Ireland Government had no power to control the activities of voluntary organisations in connection with the emigration of children.¹⁹ However, the MoHA letter confirmed that:

“when emigration was obviously in the interests of the children concerned and the arrangements were in the hands of a reputable body no difficulty would be raised by the Ministry and we would be prepared, as far as possible, to facilitate the work of any organisation approved for the purpose

¹⁵ HIAI Module II evidence document Nos 215-217

¹⁶ The 1998 Health Committee Report paragraph 14.

¹⁷ Sir Robert Gransden was Cabinet Secretary to the Northern Ireland Government 1939-1956

¹⁸ The Cabinet Secretary was the most senior civil servant, acting as senior policy advisor to the Prime Minister and Cabinet and as Secretary to the Cabinet

¹⁹ AUS 4197

by the Secretary of State”.

19. All of the schemes that migrated children from Northern Ireland evidently appeared to officials at the time to have met the above criteria. It is noteworthy, however, that in December 1950 the Commonwealth Relations Office (CRO) was seeking to ease child emigration procedures. In correspondence to the MoHA via the Home Office, and in relation to children in care, the CRO proposed that where *“the application form was duly completed by the father or guardian of the child (who may for this purpose be a children’s officer) not to pursue the question of any further consent which may be required to the child’s emigration”*.²⁰ This suggestion was rejected in an MoHA response dated 14 February 1950 in which the MoHA referred to the relevant provisions of the 1950 Act and stated;

“We do not visualise any child emigration on a large scale from Northern Ireland and would therefore prefer to leave it that any cases arising would be dealt with on their merits”.²¹

20. Based on the evidence presented to the HIAI,²² the profile of the emigration of children who had been privately admitted to voluntary homes in Northern Ireland and who were sent to Australia under the auspices of approved schemes was as follows:

- from 1938-1939 3 children were emigrated from Catholic institutions;
- in 1947, 56 children were emigrated from Catholic institutions
- in 1950, 7 children were emigrated from Manor House Lisburn; 1 child was emigrated from a Catholic institution;
- in 1953, 30 children were emigrated from Catholic institutions;
- in 1955, 5 children were emigrated from Catholic institutions;
- and
- in 1956, a final group of 14 children were sent to Australia from Catholic institutions.

Question b)

Please explain the Department’s understanding of the nature and extent of it and its predecessors’ responsibilities to assure itself as to the welfare of any children sent from Northern Ireland to Australia under the Child Migrant Schemes

21. There were no explicit duties placed on the MoHA/DHSS in the 1908, 1950 and 1968 Acts with regard to the operation of child migrant schemes or assuring the continuing welfare of migrated children. As noted in paragraph 16 above, the schemes were established with approved organisations by agreement between the British Government and Dominion governments. With regard to the welfare of migrated children, however, the 1998 Health Committee Report noted:

²⁰ AUS 4194

²¹ AUS 4200

²² AUS 5924 (Catholic Institutions); AUS 5846 (Manor House Lisburn)

*“Official assurances were given to Parliament when legislation enabling child migration was debated. During the passage of the Children Bill for England in 1948 the Lord Chancellor assured the House of Lords that ‘the Home Office intends to secure that children shall not be emigrated unless there is absolute satisfaction that proper arrangements have been made for the care and upbringing of each child’ ”.*²³

22. Section 33(1) of the subsequent Children Act 1948 for England empowered the Secretary of State for the Home Office to make regulations to control the making and carrying out by voluntary organisations of arrangements for child emigration. Section 33(2) provided that any such regulations;

“may require information to be given to the Secretary of State about the organisation and for enabling the Secretary of State to be satisfied that suitable arrangements had been or would be made for children’s reception and welfare to the country to which they were going”.

23. It is important to note that the question of including similar provision in Northern Ireland’s 1950 Act was considered when the Bill was being drafted but was discounted on the grounds that the control of emigration was a matter for the UK Government and that the Northern Ireland Government had no power to legislate in the matter (see **Annex A** paragraphs 7 and 8). Regulations governing the emigration of children by voluntary organisations were not made until 1982²⁴ and applied only to England.
24. It is also noteworthy that after 1956, the migration of groups of children from Northern Ireland appears to have ceased. The Department is of the view that this may have been due in significant part to the 1956 report of the Commonwealth Relations Office’s Fact Finding Mission to Australia led by Mr John Ross a former Under-Secretary of State for the Home Office.²⁵ The confidential findings of this Mission, which were a source of embarrassment to the Home Office²⁶ resulted in the drawing up of a black list that included the Dhurringile and Bindoon schemes to which children from Northern Ireland had been sent. The report was shared with the MoHA under cover of ‘secret’ information.
25. The Ross report contained a number of recommendations; of particular importance was a recommendation that the statutory provision, which required the consent of the Secretary of State to the emigration of children in care, should also apply to children in the care of voluntary organisations. This recommendation was not implemented by the UK Government, but new contractual arrangements aimed at improving conditions and safeguarding

²³ The 1998 Health Committee Report paragraph 40

²⁴ The Emigration of Children (Arrangements by Voluntary Organisations) Regulations 1982 (SI 1982/13)

²⁵ AUS 4271-4237

²⁶ AUS 4249

the welfare of children were subsequently drawn up with voluntary organisations by the Commonwealth Relations Office.²⁷

26. Despite the revised arrangements for the schemes, the Ross report appears to have had some lasting impact on the MoHA. Significantly, an approach in 1958 from Australian Officials, apparently interested in an organisation similar to the Australian Fairbridge Farm, was met with caution by the MoHA.²⁸ A handwritten comment to the suggestion that visits to children's homes and training schools by the Australians might be arranged stated;

"It is desirable that any considerations given to this matter should take into account the correspondence ... about the unsatisfactory conditions at some of the Australian Institutions for deprived children. The reports (tabbed) on two Farm Schools run by the Fairbridge organisation should also be noted.

In addition attention is drawn to the entries in Tyrone Welfare Committee's minutes of 1.9.52; 1.11.56 and 3.3.58 ..and the Ministry's action on Belfast Welfare Committee's letter of 1.1.57²⁹".³⁰

27. It was noted in the case of **HIA 354**, that the Tyrone County Welfare Officer in September 1952 reported that he had been apprised of "rather disquieting reports concerning the unhappiness of the boys" at Dhurringile and these had prompted him to write to the Supervisor of the Centre and other contacts in Australia (**Annex A** paragraph 16). In 1956, further concerns were raised by the Tyrone County Children's Officer regarding the "utmost difficulty in obtaining any information" as to the progress of the child sent by the Welfare Authority to the Dhurringile scheme in 1950. After considerable correspondence, resulting in the then Children's Officer threatening to take the matter up with the Australian High Commissioner,³¹ she appears to have been assured in October 1956 that she would receive 6-monthly reports on the child's progress (**Annex A** paragraph 16). These concerns about the welfare of children and the lack of ongoing communication had evidently been shared with the MoHA.
28. In 1959 the Under-Secretary of State for Commonwealth Relations sought to assure Parliament and local authorities about the renewed fitness of the schemes;

"so that those responsible for the care of eligible children ... may consider seriously the chances of a better life with emigration may and that perhaps they may be more willing than is at present the case to take advantage of the existing schemes both for the benefit of children and their families and the benefit of Australia and the United Kingdom."³²

²⁷ AUS 4098

²⁸ AUS 4269

²⁹ The Department is unable to trace this letter in the evidence provided.

³⁰ AUS 4269

³¹ AUS 11435

³² AUS 4098

29. The Under-Secretary's statement was found in the MoHA archives and was therefore noted at the time by officials. Nevertheless, as demonstrated above, the migration of groups of children from Northern Ireland effectively ended in 1956.

Question c)

How, and to what extent does the Department say that it (or its predecessors) fulfilled its legal responsibilities towards children sent to Australia under the Child Migrant Schemes?

30. The statutory responsibilities held by the MoHA and DHSS in respect of relevant child emigrants have been set out in paragraphs 2-5 above. These were restricted to empowering persons to arrange for the child's emigration and/or giving consent to the child's emigration where:
- the Minister deemed this to be "for the benefit of the child or young person" (Section 21(6) of the 1908 Act and Sections 94 and 111(5) of the 1950 Act); and
 - the Minister was satisfied that the child consented to his emigration; or being too young to form or express a proper opinion on the matter, the child was to emigrate in company with a parent, guardian or relative of his; or for the purpose of joining a parent, guardian, relative or friend; and that the child's parents had been consulted or that it was not practicable to consult them (Section 111(5) of the 1950 Act and Sections 118 and 143(2) of the 1968 Act).
31. It has already been noted (paragraph 5) that the statutory responsibilities of the MoHA and DHSS for decisions regarding child emigration were confined to children in the care of the statutory authorities and, in earlier years, young offenders detained in or out on licence from a certified school. The MoHA and DHSS had no decision making powers in respect of children privately admitted to voluntary children's homes.
32. There are examples throughout the HIAI evidence of the MoHA having given attention to the circumstances of the child or young person concerned. Whilst financial issues in relation to the payment and the sharing of expenses featured in earlier considerations, the Ministry also sought to be assured of matters such as "*the character and circumstances of the person to whom it is proposed to send the child*";³³ and "*the arrangements made to safeguard the children's welfare during the journey*".³⁴ Approval in one case was given in 1955 "*so long as satisfactory reports of the boy's progress were received from Rev. Bell and correspondence maintained with the boy*".³⁵
33. In the **HIA 354** case, in which fuller information is available to the Department, the MoHA considered the age of the child (then aged eight years) and his ability to give informed consent to emigration (**Annex A**

³³ AUS 4004

³⁴ AUS 5128

³⁵ AUS 5156

paragraph 4). MoHA consent was given in the belief that the statutory requirements had been met. It is noted that prior to giving his consent, the Minister sought reassurance that “a responsible officer or agent of the managing body of the farm” would assume guardianship of the child (Annex A paragraph 5). As the guardianship of immigrant children was vested by law in the Australian Department of Social Welfare,³⁶ this information, if made known to him, might well have satisfied the Minister’s concerns. With reference to the requirements on the Minister to ensure that, where practicable, parents had been consulted, the child in this case was an orphan and therefore the question of parental consultation/consent did not arise.

34. A letter from the MoHA dated 19 August 1950, by way of response to Tyrone County Welfare Authority’s request regarding the approval of the Ministry to **HIA 354** emigration stated;

.... The position of orphan children is one which has given some concern to the Ministry. Where, however, it is in obviously in the interests of any child that he should be allowed to emigrate and satisfactory arrangements can be made for safeguarding the child’s interests, the Ministry will not raise any objections to his emigrating under a scheme conducted by a reputable organisation.”³⁷

35. It is apparent from this communication that the Minister had given considered thought to the child’s circumstances, and as required by Section 115(5) of the 1950 Act, the potential benefits of emigration to him. However, it is now known that prior to **HIA 354** departure for Australia, his foster carers, Mr and Mrs **HIA 354** having been deeply disturbed at the removal of **HIA 354**,³⁸ had visited the Tyrone County Welfare Authority office on 3 November 1950 with a request that they might adopt the child.³⁹ This information was both significant and relevant to the Minister’s considerations about emigration and the best interests of the child. There is no evidence to suggest that the foster carer’s interests in adopting **HIA 354** were shared with the MoHA. The record of the visit would indicate that the Welfare Authority was determined the request would not be further pursued.⁴⁰

Question d)

What was the rationale for participation in the Australian Child Migrant Schemes by the Department, or any of its predecessor bodies?

36. Other than the statement made by an MoHA official and reported in paragraph 18, the Department has been unable to locate any further information which explains the rationale for the MoHA’s expressed willingness to facilitate the migration of children to Australia. As part of its

³⁶ see paragraph 49

³⁷ Annex A paragraph 10

³⁸ Annex A paragraph 13

³⁹ Annex A paragraph 14

⁴⁰ Annex A paragraph 14

evidence to the 1998 Health Committee, the Department of Health in England stated:

*“Child Migration as a policy was, in a social climate very different from that of today, a well intended response to the needs of deprived children. At this time it was seen to be in the best interests of the children concerned, providing them with a fresh start in countries which potentially offered them greater opportunities. There were many success stories”.*⁴¹

37. Similar sentiments may well have prevailed at the time in Northern Ireland. It is noted from the evidence available to the HIAI that the UK and Australian Governments were actively encouraging emigration policies to populate the Colonies and Australia in particular with children and young families. The promotional material circulated by the Australian Government to relevant Government Departments, including the MoHA, presented a utopia of opportunity for those willing to avail of the various emigration schemes which existed at the time.

Question e)

What steps did the Department or any of its predecessor bodies take to inform themselves beforehand of the conditions for the children in the institutions in Australia to which they were to be sent?

38. As the child migration schemes were established and approved by the Secretary of State for the Home Office in England, it is unlikely that the MoHA or the DHSS would have been involved in questioning the general arrangements for the children’s care in Australia or the conditions in institutions there. In the **HIA 354** case, where fuller information is known, the Department is unable to determine from the information available whether its predecessors took any specific steps to obtain further information about the institution or the conditions to which the child was being sent.
39. As noted above (see paragraph 21), official assurances were given to Parliament that children would not be emigrated unless there was absolute satisfaction that proper arrangements have been made for their care and upbringing. There is evidence, however, that the MoHA had knowledge of and was sufficiently concerned about the findings of the Ross report and the information from Tyrone County Welfare Authority to signal caution in relation to the potential for Australian officials to make any further approaches to welfare authorities and children’s homes regarding child emigration (see paragraph 26 above).

Question f)

On what basis were the children selected / put forward by the Department or any of its predecessor bodies for participation in the Australian Child Migrant Schemes? Were children selected on the basis (either in whole or in part) that their parent(s) did not contribute financially towards their upkeep? Were they

⁴¹ Evidence to the 1998 Health Committee by the Department of Health (CM 129)

selected on the basis of their physical health, taking into account the requirements of the Australian authorities and / or the receiving institutions?

40. The statutory duties of the MoHA/DHSS in respect of the emigration of children are set out in paragraphs 2-5 above.
41. The Department was not responsible for selecting children or putting them forward for migration schemes. Such responsibilities rested, in the case of relevant children, with the statutory bodies and training schools who had the care of the child. In the case of children privately admitted to voluntary children's homes the administering body of the home was the responsible authority.

Question g)

Were any attempts made by the Department or any of its predecessor bodies to explain the implications of the Australian Child Migrant Schemes to the parents(s) of children selected / put forward by the Health and Social Care Board or any of its predecessor bodies for participation in the Australian Child Migrant Schemes?

42. The Department did not have direct involvement with children selected for immigration or their parents. Under the 1950 and 1968 Acts, in the case of relevant children, the Minister needed to be satisfied that, where practicable, parents had been consulted. It would therefore have fallen to the respective authorities or other fit persons who had the care of the child to explain the implications of the scheme to parents during the consultation process. In the absence of any official information, the Department is unable to comment on how adequately or otherwise this was done by the relevant authorities.

Question h)

What attempts were made by the Department or any of its predecessor bodies to obtain the consent of the parent(s) of a child to be sent to Australia under the Child Migrant Schemes?

43. The Department's predecessors were not responsible for obtaining the consent of parents to the child's immigration. The statutory obligations contained in the 1950 and 1968 Acts in respect of the emigration of relevant children required that the Minister should be satisfied that, where practicable, parents had been consulted. Consultation where it occurred should have taken place between the statutory authority that had the care of the child and the child's parents.
44. In the case of children privately admitted to voluntary homes, the Department had no involvement in the arrangements for their emigration and is therefore unable to comment on the attempts made by the various voluntary bodies to obtain the consent of parents to their child's emigration.

Question i)

What documents does the Department or any of its predecessor bodies hold in relation to each child sent on the Australia Child Migrant Schemes, or in relation to the development and operation of the Child Migrant Schemes?

45. Other than the information supplied by the HIAI, the Department has been unable to locate any further information in the MoHA and DHSS archives relating to individual child migrants or the schemes in operation at the time.

Question j)

What steps did the Department or any of its predecessor bodies take to have children medically examined in Northern Ireland to consider their physical and mental suitability to be sent to Australia?

46. It is evident from the documentation secured by the HIAI, that medical information formed part of the emigration considerations in respect of each child. The Department was not, however, responsible for arranging the medical examination of relevant children. Such arrangements were made by the authorities responsible for the care of the child and/or the Immigration Authority.

Question k)

Did the Department or any of its predecessor bodies receive payment in respect of children sent to Australia under the Child Migrant Schemes? If so, from whom and how much?

47. There was no provision in legislation for payments to be made to Government Departments in respect of the emigration of children and there is no evidence that payments were received at any time by the Department or its predecessors in relation to child migrant schemes.

Question l)

Once the children were sent on the Australia Child Migrant Schemes, what steps did the Department or any of its predecessor bodies take to keep themselves informed of the progress of the children in Australia? Were any written or oral reports requested or received? If so, can they be produced? Were any inspections carried out of either the children or the institutions after the children went to Australia by or for the Department or any of its predecessor bodies, or by any other ecclesiastical authorities or individuals?

48. The Department has been unable to obtain any information indicating whether its predecessors sought to directly inform themselves about the progress of individual children sent from Northern Ireland to Australia.
49. With reference to right to obtain information, from the evidence provided to

the 1998 Health Committee,⁴² the Department understands that the Australian Immigration (Guardianship of Children) Act 1946 and its supporting statutory instrument the Immigration (Guardianship of Children) Regulations 1946 as amended, vested the legal guardianship of immigrant children in the Australian Minister for the Interior. In turn, the Minister by statutory instrument delegated the major part of his powers under the Act to the governing bodies in various States. In 1951 on the issue of whether the UK might introduce regulations dealing with the continuing welfare of emigrated children, the Home Office Legal Department reached a view that;

*“it would be ultra vires to require information as to the history of the child subsequent to the voluntary organisation’s handing him over to an institution abroad – unless the foreign institution acts merely as an overseas agent of the voluntary organisation”.*⁴³

50. Nevertheless, there appears to have been an expectation on the part of the MoHA that communication should be maintained with children (see paragraph 32). In the **HIA 354** case, it is noted that Tyrone County Welfare Department made some considerable efforts to obtain information by way of progress reports on the child emigrated to Australia in 1950, noting that *“It has always been our policy to maintain family links”* (see **Annex A** paragraph 18).

51. The Department is not aware of any inspections having been carried out by Northern Ireland officials or other bodies from Northern Ireland. Based on the evidence submitted to HIAI, however, the Department understands that children’s homes accommodating child migrants were subject to regular visitation and inspections by the Australian Department of Social Welfare. For example, a letter dated 27 October 1947 from the Western Australian Child Welfare Department to the Mother Superior of Nazareth House Geraldton,⁴⁴ Perth, stated with reference to an “Institution Officer’s” report on the home, that the report had been made at the request of the Minister for Immigration:

“ as all migrant children in institutions in this State must be visited at least once every two months by an Officer of the Child Welfare Department.”

52. The report confirmed that all children had been seen individually by the Officer. A further report on the home appears to have been completed by the same officer in December 1947.⁴⁵

Question m)

What steps did the Department or any of its predecessor bodies take to facilitate contact between (i) parents and children and / or (ii) siblings once the children had gone to Australia?

⁴² Evidence to the 1998 Health Committee page 329

⁴³ Evidence to the 1998 Health Committee page 328

⁴⁴ AUS 5656

⁴⁵ AUS 5659

53. The Department is not aware of any formal arrangements having been established by its predecessors to enable children to maintain contact with their parents or birth families. It is of note that the example of the contractual arrangements between the Department of Commonwealth Relations and a sending agency (**Annex B**), whilst requiring information about the children and their background to be transmitted to Australia, made no requirement that information should be sent back to the child's family or sending agencies in the UK.
54. Whilst the social climate at the time seemed to promote the obliteration of all children's contacts and ties with their former lives, nevertheless, in the **HIA 354** case, the Tyrone County Welfare Authority did attempt to relay information and photographs of the child who was migrated to his brother and sister in Northern Ireland and this was "*greatly appreciated by the sister*".⁴⁶
55. In 2010, in recognition of the fact that loss of birth identity and family contact were some of the most distressing features of the child migrant schemes, the then Prime Minister, Gordon Brown, announced the establishment of a £6 million Family Restoration Fund. The fund, which is to provide financial and other forms of assistance to former child migrants in reuniting with their families, was transferred to the Child Migrants Trust to manage on behalf of the UK Government. Former child migrants from Northern Ireland are entitled to avail of this provision.
56. The Department also provides core grant funding to voluntary organisations who work to assist adults who were adopted as children and those who spent time in care, including former child migrants. These organisations can offer support services which include counselling and help to those affected to access information about their birth family and the circumstances of their life in care, as well as assisting with the tracing of birth family relatives.

Question n)

Did the Department or any of its predecessor bodies inform/consult the Northern Ireland Government about the fact that it was sending children from Northern Ireland to Australia?

57. The MoHA did not send children from Northern Ireland to Australia. As stated above, the MoHA and the Northern Ireland Cabinet Office were aware of the existence of child migrant schemes but the approval and establishment of such schemes were the responsibility of the UK Government (see paragraph 18).
58. In the passage of the 1950 Children and Young Persons Bill through the Northern Ireland Parliament, elected representatives had opportunity to debate the various provisions of the Bill, including those relating to child migration. At this stage it is not known whether the MoHA's role in

⁴⁶ Tyrone County Welfare Committee Report on Children's Work – October 1956 HIA reference not visible.

consenting to the emigration of individual children, or the fact of the existence of child migration schemes in general were ever considered or debated by the Northern Ireland Parliament.

Question o)

Was the Department, or any of its predecessor bodies, consulted by the relevant Departments in London before any children from Northern Ireland were sent on the Australia Child Migrant Schemes? If so, what was the attitude of the Department or its predecessors, to the Australia Child Migrant Schemes?

59. Other than the information set out at paragraph 18, the Department has been unable to locate any information in the MoHA archives that would assist with this question.

Question p)

Was the Department or any of its predecessor bodies, informed by (i) any voluntary organisation in Northern Ireland or (ii) any local authority in Northern Ireland that the organisation / local authority intended to send, or had sent, children from Northern Ireland on the Australia Child Migrant Schemes?

60. Various programmes of child migration from Ireland (including from the province of Ulster) operated from the mid 1800s under the Poor Law provisions⁴⁷ until the final phase of UK child migration during the period 1947-1967. As the Chief Secretary and Ministers were responsible for consenting to the emigration of relevant children, the Department's predecessors would, of necessity, have been informed by statutory authorities and Reformatory/Training Schools about such children and the plans for their emigration.
61. With reference to the emigration of children privately admitted to voluntary homes, it is noted that Sister Brenda McCall has stated in her evidence to the HIAI that

"The Congregation has no evidence to suggest it informed the Northern Ireland Government of its plans to send children from Northern Ireland to Australia or consulted directly with them."⁴⁸

However, as already noted above (see paragraph 13), the MoHA received a letter in 1949 from the Australian Catholic Immigration Committee which expressed the Committee's intention to emigrate children from Northern Ireland, provided the guardianship issue within the forthcoming 1950 Act could be resolved.⁴⁹ The evidence which the Department has received from the HIAI also indicates that Miss K. Forrest, an MoHA Children's Inspector, was informed during a visit to Nazareth Lodge in

⁴⁷ Children of the Empire pages 23-26 Wagner, G. Weidenfeld and Nicholson Ltd. 1952

⁴⁸ AUS 11413 paragraph 27

⁴⁹ AUS 4074

November 1955 that twenty three boys had already been sent to Australia from the home and a further twenty were to be sent.⁵⁰ It is not known whether the MoHA or its predecessors were similarly informed either before or after this about the planned emigration of other groups of children by the Catholic institutions and Manor House Lisburn.

Question q)

Any other matters arising which the Department believe may be relevant to the Inquiry's investigation of possible systemic failings in relation to the operation of the Australian Child Migrant Schemes in Northern Ireland between 1922-1995.

62. On 24 February 2010, the then Prime Minister, Gordon Brown, on behalf of the UK Government apologised to former child migrants from the United Kingdom who had been sent as children to Australia and other British Colonies. In his statement, the Prime Minister acknowledged that in too many cases vulnerable children suffered unrelenting hardship, neglect and abuse in the often cold and brutal institutions that received them. Having read the moving and distressing statements made by former child migrants from Northern Ireland to the Historical Institutional Abuse Inquiry, the Department wishes to formally endorse everything that the former Prime Minister said and acknowledge that the child migration schemes, established in the hope that children would have the chance to forge a better life overseas, proved for our children, to have been misguided.

⁵⁰ AUS 5160

CASE SUMMARY – HIA 354

1. In 1950 HIA 354 (dob [REDACTED]) was an eight year old boy in the care of Tyrone County Welfare Authority. He is described as an orphan. HIA 354 had two younger siblings, also in the care of Tyrone County Welfare Authority: AU 98 (dob [REDACTED] and AU 99 (dob [REDACTED]). The three children were boarded out. The two boys may have been in the same foster home¹ in 1950 when the question of HIA 354 emigration arose.
2. At some time prior to August 1950, a representative of the Dhurringile Training Farm, a migration scheme operated by the Presbyterian Church in Australia, was in contact with the Ministry of Home Affairs (MoHA) to ascertain that the Ministry had no objection to an approach being made to the Welfare Authorities in Northern Ireland to *“inform them of the facilities for emigration which they could offer in the case of suitable boys”*.²
3. It would appear that as a consequence of an approach by a Dhurringile representative or a representative of the Presbyterian Church to Tyrone County Welfare Authority, HIA 354 was identified in July 1950³ as a potentially suitable candidate for migration. The County Welfare Officer wrote by letter dated 1 August 1950 to Mr E. Shanks, MoHA stating that the welfare authority had been considering whether HIA 354 should be nominated for the migration scheme, noting that *“the Presbyterian Minister related to the HIA 354, AU 98, AU 99 family is in agreement that this might be an opportunity for the boy”*. The letter sought *“some indication as to whether the Ministry would approve of us recommending this boy”* and enclosed a circular about the scheme and a letter from a Mr Andrew Boag.⁴ The latter two documents were to be returned to the Welfare Authority and are not included in the evidence bundle.
4. An MoHA minute dated 9 August 1950⁵ from Mr E. Shanks to A.S.C (probably a senior officer within MoHA) made reference to the request stating that *“the boy’s prospects would probably be brighter if he were allowed to emigrate under this scheme”* but referred A.S.C to Section 111(5) of the 1950 Children Act which, he pointed out, debarred the Minister from authorising the emigration of a child

“unless he is satisfied that the child consents, or being too young to form or express an opinion on the matter is to emigrate in company with a parent,

¹ Tyrone County Welfare Children’s Committee minutes of meeting held 1 September 1952 (AUS 11291) refer to AU 98 being considered for Australia in order to ‘rejoin’ his brother.

² AUS 11260

³ Tyrone County Welfare Children’s Committee minutes of meeting held 17 July 1950 (AUS 11269).

⁴ No further information is known about this person

⁵ AUS 11260

guardian or relative or it to emigrate for the purpose of joining a parent, guardian, relative or friend”.

Significantly, E Shanks concluded:

“A child of eight years is obviously too young to form or express a proper opinion on the advantages or disadvantages of emigration. In the circumstances the Section would appear to debar any prospect of emigration in this case for the present...”

Whilst it is difficult to say at what age any particular child may reach the stage of mental development at which he is capable of forming a proper judgement on such a question, it is unlikely that such a stage would be reached before the age of twelve years at the earliest. I think, therefore, that unless the conditions laid down in paragraph 111(5) are satisfied, we should not agree to the emigration of any child under that age.”

5. A handwritten note (date not visible) to the 9 August minute stated:

“A.S.C spoke to the Minister the Minister agrees generally. As it would probably be in the interests of the child [... indecipherable word ...] if he could emigrate under a scheme sponsored by a responsible body such as the Presbyterian Church he would be prepared to approve if a responsible officer or agent of the managing body of the farm could assume guardianship of the child or other reasonable arrangements made for travel and subsequent care.”

6. A further MoHA minute from E Shanks dated 18 August 1950 to “Secretary” (presumably the then MoHA Permanent Secretary) set out Section 33, subsections (1) and (2) of the English Children Act 1948 which referred to the power of the Secretary of State to control by regulations the making and carrying out by voluntary organisations of arrangements for the emigration of children. The 1948 Act (which did not extend to Northern Ireland) provided that such regulations could contain:

“such consequential and incidental provisions as appear to the Secretary of State to be necessary or expedient, including in particular provisions for requiring information to be given to the Secretary of State as to the operations or intended operations of the organisation and enabling the Secretary of State to be satisfied that suitable arrangements have or will be made for the children’s reception and welfare in the country to which they are going”.

7. The 18 August minute confirmed that there was no corresponding provision in the 1950 Act for the control by the MoHA of any activities of voluntary organisations in connection with the emigration of children. The minute indicated that Mr Shanks had sought clarification from a Mr Leitch, Second Parliamentary Draftsman who had informed him:

“the question of including similar provision in our Act was considered when the Bill was being drafted, but the view was taken that the control of emigration was a matter for the United Kingdom Government and that we had no power to legislate in the matter. The Minister’s general responsibility for children in the care of Welfare Authorities and “fit persons” was, however, held to extend to the control of any arrangements for the emigration of such children and sections 94 and 111(5) 9 of our Act secure this control.”

8. The 18 August minute set out Sections 94 and 111(5)⁶ of the 1950 Act and concluded;

“You will see from the papers in front of file T.47 attached ⁷ that the question of emigration of children coming within the scope of these sections has also been raised and that there is a difficulty as regards children who are too young to form a proper opinion on the advantages and disadvantages of emigration. The Minister is prepared to approve emigration in such cases if satisfied that reasonable arrangements have been made for safeguarding the child’s interests.

I attach a suggested reply⁸ to Sir Robert Gransden for your signature if you agree.”

9. It is now known that Sir Robert Gransden was the Cabinet Secretary to the Northern Ireland Stormont Government from 1939 to 1956.⁹ The communication from him related to the approval by the Home Office of an Australian Presbyterian and Scots Church Aid Society wishing to establish a child emigration scheme.¹⁰ A handwritten note by E. Shanks to the 18 August minute

⁶ Section 94:

(1) A Welfare Authority may with the consent of the Ministry, procure or assist in the procuring of any child in their care

(2) The provisions of sub-section (5) of section one hundred and eleven of this Act shall apply with respect to children received into the care of a Welfare Authority under section eighty-one of this Act in like manner as the said provisions apply with respect to children and young persons committed under this Act to the care of a Welfare Authority as a fit person.

Section 111 (5)

The Minister in any case where it appears to him to be for the benefit of a child or young person may empower the person to whose care he has been committed to arrange for his emigration, but except with the authority of the Minister, no person to whose care a child or young person has been committed shall arrange for his emigration.

Provided that the Minister shall not empower such a person to arrange for the emigration of a child or young person unless he is satisfied that the child consents, or being too young to form or express an opinion on the matter is to emigrate in company with a parent, guardian or relative or it to emigrate for the purpose of joining a parent, guardian, relative or friend and also that his parents have been consulted or that it is not practicable to consult them.

⁷ This file was not included in the evidence received by the Department.

⁸ This communication was not included in the evidence received by the Department.

⁹ <http://web.archive.org/web/19990116221218/www.nics.gov.uk/castle/castle.htm>

¹⁰ AUS 4197

stated:

“Letter informed Sir R Gransden of the position as set out above.¹¹ When emigration was obviously in the best interests of the children concerned and the arrangements were in the hands of a reputable body no difficulty would be raised by the Ministry and we would be prepared, as far as possible, to facilitate the work of any organisation approved for the purpose by the Secretary of State”.

10. Mr Shanks responded to the County Welfare Officer by letter dated 19 August 1950 which stated:

“ The position of orphan children who are too young to be able to form a proper opinion as to the advantages and disadvantages of emigration is one which has given some concern to the Ministry. Where, however, it is in obviously in the interests of any child that he should be allowed to emigrate and satisfactory arrangements can be made for safeguarding the child’s interests, the Ministry will not raise any objections to his emigrating under a scheme conducted by a reputable organisation.”

11. It is not known whether this was deemed to be the consent sought from the MoHA. No further MoHA information in relation to this case is presently available to the Department. Subsequent minutes of the Tyrone County Welfare Committee indicate that it was proposed at the Welfare Committee meeting on 18 September 1950 that

“final approval be given to the inclusion of [REDACTED] HIA 354 in the Australian Migration Scheme organised by the Presbyterian Church in Australia and that authority be granted to his departure to Dhurringile Rural Training Farm for Migrant Orphan and Homeless Boys subject to his being accepted under the scheme and that the Committee agree to pay the 7/6 medical examination fee.”

12. At the same meeting a communication was submitted for the Welfare Committee’s consideration from a representative of the Presbyterian Church in Victoria giving details of the Dhurringile Training Farm Scheme.

13. [REDACTED] HIA 354 was removed from his foster parents’ care on 31 October 1950¹² pending migration to Australia. The record of a visit made by a Welfare Authority official to [REDACTED] HIA 354 foster carers on 1 November 1950 to retrieve some of his belongings refers to *“an air of depression and deep resentment in the [REDACTED] home at the removal of the boy”*¹³

14. On 3 November 1950, [REDACTED] HIA 354 foster father, [REDACTED] called to the County Welfare Office asking *“if arrangements for the adoption of*

¹¹ i.e. the details as set out in paragraphs 6-8 of this Annex.

¹² AUS 11678

¹³ AUS 11654

HIA 354 could be arranged.” The record indicates that a Presbyterian Minister and [REDACTED] were to visit the County Office and talk the matter over with the County Welfare Officer. The officer who recorded the visit stated *“I have been requested by [REDACTED] to call at this house today but I prefer to wait until this matter blows over.”*

15. The Children’s Officer, at a meeting of the Committee on 20 November 1950 sought authority to *“pay the cost of a suitable outfit provided for HIA 354 on migration to Australia, together with a sum of £1 pocket money and 11/8 excess fare.”* HIA 354 departed for Australia on 7 November 1950.¹⁴
16. Subsequent to HIA 354 emigration to Australia, his younger brother AU 98, then aged eight years was considered for the same scheme in August 1952 by Tyrone County Welfare Committee. However at its meeting on 1 September 1952, the County Welfare Officer indicated that *“by indirect manner he had learned of rather disquieting reports concerning the unhappiness of the boys”* at Dhurringile. He stated that he had written to the Supervisor of the Centre and also to some personal contacts in Australia and that he was awaiting replies. The Committee minutes noted: *“In the circumstances it was agreed to defer further arrangements in regard to the migration of AU 98”*.
17. Despite the above concerns, a clerical representative of the Dhurringile Farm Scheme attended the Tyrone County Welfare Committee meeting on 1 September 1952 and *“presented a very favourable picture of what was being done for the boys at the Dhurringile Training School. He asked the Committee to encourage migration of boys of suitable type and handed round photographs indicative of the good work that was being done.”* A Welfare Committee Report on Children’s Work dated December 1952 noted that AU 98 had health problems and *“After seeing AU 98 and talking with his foster parent who is also his school teacher, we are of the opinion that he is rather backward and would not be a suitable boy for emigration to Australia.”*
18. No further information is available to the Department in relation to [REDACTED] until October 1956 when the Tyrone County Welfare Committee’s Report on Children’s Work noted that the Committee had received a letter from the Governor of the Colonial and Commonwealth Mission of the Presbyterian Church in Ireland with regard to the recruitment of boys between the ages of 8-12 years. The Children’s Officer had informed the representative:

“We have no boys suitable and if we had, I would be most reluctant to recommend the Committee to nominate them in light of my experience with HIA 354. It has always been our policy to maintain family links, but I have had the utmost difficulty in obtaining any information as to HIA 354 progress in Australia. After considerable correspondence I have at last received a report and a snapshot from the Superintendent the present

¹⁴ AUS 11655

Superintendent at Dhurringile assures me that in future I will receive six monthly reports on HIA 354 progress.”

19. Evidence received by the Department from the HIAI indicates that further progress reports on HIA 354 were considered by the Tyrone Welfare Committee in July 1957; February 1958; August 1958; March 1959; October 1959; and January 1960 and August 1962. A final report on HIA 354 progress was received in May 1963 when he had reached the aged of 21 years, at which point he would have been discharged from the guardianship of the Australian Department of Social Welfare.

ANNEX 1

National Children's Home outfits and maintenance

This Agreement is made the twenty fifth day of July 1957 between the Secretary of State for Commonwealth Relations (one of Her Majesty's Principal Secretaries of State, hereafter called the "Secretary of State") of the one part and the National Children's Home and Orphanage (hereafter called the "Society") of the other part.

WHEREAS pursuant to the Commonwealth and the Empire Settlement Acts, 1922 to 1957, the Secretary of State and the Government of the Commonwealth of Australia (hereafter referred to as the "Government of Australia") have entered into an agreement dated 1 April 1957, providing for assistance in respect of passages to Australia for selected migrants from the United Kingdom.

AND WHEREAS the Secretary of State and the Society now desire to co-operate in carrying out a scheme (hereafter called "the said scheme") the provisions of which are set out in this Agreement:

- (a) whereby children from the United Kingdom selected for settlement in Australia may be provided with the necessary outfit before embarkation; and
- (b) whereby provision may be made for their care, maintenance and training in Australia as provided in this Agreement.

AND WHEREAS the Government of Australia at present contribute £10 (Australian) towards the cost of such outfit for each child approved under this scheme.

AND WHEREAS the Government of Australia and the Government of Victoria contribute towards the cost of the maintenance of each such child up to the age of 16 years.

AND WHEREAS the United Kingdom Treasury have consented to the said scheme.

NOW IT IS HEREBY AGREED as follows:

1. The Society shall select children in the United Kingdom for settlement in Australia and shall submit to the Secretary of State and the Government of the Commonwealth of Australia for their approval the names of such children with any particulars that may be required by the Secretary of State within such period before embarkation for Australia as the Secretary of State may prescribe. The children so selected shall be children who, at the time of selection, are under 16 years of age, are British subjects and are resident in the United Kingdom.
2. The Secretary of State will pay to the Society a contribution of £4 (Sterling) towards the cost of outfit to which the Government of Australia have contributed in respect of each child embarked under the said scheme after 31 May 1957 and before 1 June 1960. As soon as possible after each embarkation of children under the said scheme the Society shall submit to the Secretary of State in such form as the Secretary of State may from time to time require a certificate to notify him of the children embarked as aforesaid. Upon the receipt of such certificate the Secretary of State will pay to the Society the amount of the said contribution due under this clause in respect of the children embarked.
3. (a) In this agreement, except in clause 13, references hereafter to a child or to children mean a child who has or children who have proceeded to Australia under the said scheme after 31 May 1957, and before 1 June 1960;
- (b) References in this Agreement to an establishment mean and include such establishment in Australia for the care, maintenance, and training of children with which the Society is associated as the Secretary of State may from time to time approve for the purpose of this Agreement.

4. The Society shall be responsible for the care and maintenance of all children and for their receiving such training as shall fit them for permanent settlement in Australia. The Society shall ensure that the responsible head of their staff at the said establishment is acquainted with the history and background of each child up to the date of his arrival at the establishment. The Society shall use their best endeavours to find suitable occupations for the children according to their training and aptitude when they leave the said establishment and shall keep in touch with such children and render them every possible assistance thereafter.
5. The following general considerations shall govern the arrangements for the care of children:
- (a) the staff employed at the said establishment shall be sufficient in number, shall include women, and shall be as far as possible persons with knowledge and experience of child care methods;
 - (b) there shall be adequate opportunity for children to be assimilated to Australian life, and to this end:
 - (i) children shall be encouraged to take part, as far as possible, in the normal life of the community;
 - (ii) the practice of arranging for children to spend the school holidays in private homes shall be developed to the full, a child going to the same home wherever possible;
 - (c) wherever possible suitable arrangements shall be made to board children permanently with foster parents;
 - (d) the Society shall ensure in relation to children who are sent to private homes that they are sent only to private homes which are suitable in all respects for such children and that they remain only in such suitable homes;
 - (e) children shall not ordinarily remain at the said establishment between leaving school and entering outside employment, except for the purpose of receiving training for the occupation that they intend to follow; and
 - (f) there shall be an adequate standard of comfort and amenity for the children at the said establishment and at private homes.
6. The Society shall furnish the Secretary of State with a certificate in such form as the Secretary of State may from time to time require in respect of all children who have been maintained at the said establishment in the quarter to which such certificate relates. If on receipt of the certificate under this clause the Secretary of State is satisfied that the children referred to in the certificate have been actually maintained at the said establishment in the quarter to which the certificate relates, he shall pay to or to the account of the Society an amount at the rate of 10s. (Sterling) a week towards the maintenance of each child in respect of whom he is satisfied as aforesaid.
- Provided that
- (a) no payment shall be made under this clause in respect of children towards whose maintenance no Government of a State in Australia has contributed during the quarter to which the certificate refers;
 - (b) no payment shall be made under this clause in respect of the maintenance of any child beyond the date upon which he reaches his sixteenth birthday;
 - (c) the maximum number of children towards whose maintenance the Secretary of State may contribute under this clause shall be fifty;
 - (d) if during the currency of this agreement additional financial assistance is made by the Government of Australia or a State Government or is made from any other public source in respect of the maintenance of the said children the Secretary of State reserves the right to lower the amount of his contribution under this clause by an amount not exceeding the amount of such additional financial assistance.
7. The Society shall, on request from time to time provide the Secretary of State for the Home Department with information on the following matters:
- (a) the methods of, and criteria for, selecting children for migration;
 - (b) the care and preparation of the children until their departure;
 - (c) arrangements for the journey to Australia; and
 - (d) the transmission to Australia of information about children and their background and give the Secretary of State for the Home Department access to such of their records as may relate to the information specified in this clause. The Society shall co-operate with the officials of the Secretary of State for the Home Department in order to enable such officials to see the work being done by the Society to which (a), (b), (c) and (d) above relate.
8. The Society shall keep proper books of accounts in regard to the said scheme, shall employ a firm of professional accounts approved by the Secretary of State to audit such accounts and shall instruct such auditors to furnish any information regarding such accounts which the Secretary of State may require.

- The Society shall if the Secretary of State so requires produce for inspection by such persons as he may direct any documents or accounts relating to the said scheme; and shall furnish to such person or to the Secretary of State such information or explanations as may be required.
9. Notwithstanding the provisions of this Agreement the total amount of the contributions made by the Secretary of State under this agreement shall not exceed half the total expenditure under the said scheme. If at any time the total amount of the Secretary of State's contributions exceeds such expenditure allowance for such excess shall be made in any future payments due from the Secretary of State under this agreement or the Society shall pay to the Secretary of State the amount of such excess.
 10. The Secretary of State and the Society shall each bear their own expenses of administering the said scheme.
 11. The Society shall co-operate with the Secretary of State in enabling him to satisfy himself from time to time that the provisions of this Agreement are being observed.
 12. This Agreement shall be deemed to have commenced on the first day of June 1957.
 13. The Secretary of State's obligations under any Agreement previously made between the Secretary of State and the Society in respect of children who have proceeded to Australia under a scheme referred to in such Agreement and his obligations under this Agreement shall not extend beyond the period authorised by the Commonwealth and Empire Settlement Acts, 1922 to 1957, or any extension thereof.
 14. The Secretary of State, if he is not satisfied with the manner in which the said scheme is being administered or carried out in any respect may by not less than three months previous notice given to the Society at any time terminate his obligations hereunder to such extent as may be stated in the said notice.

In Witness whereof John Percival Gibson on behalf of the Secretary of State and John Walters Waterhouse on behalf of the Society have signed this Agreement the day and year first above written.

Signed for and on behalf of
the Secretary of State
for Commonwealth Relations

J P Gibson

Witness:

Signed for and on behalf of
the National Children's
Home and Orphanage

John W Waterhouse

Witness:

M L Coleman

List of establishments approved by the Secretary of State for the purpose of the Agreement between the Secretary of State and the National Children's Home and Orphanage dated 25 July 1957.

Orana, 87 Elgar Road, Burwood, Melbourne, Victoria.

Signed for and on behalf of
the Secretary of State
for Commonwealth Relations

J P Gibson

30 July 1957