
HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Wednesday, 10th September 2014

commencing at 10.00 am

(Day 48)

MS CHRISTINE SMITH, QC appeared as Counsel to the Inquiry.

1 Wednesday, 10th September 2014

2 (10.00 am)

3 WITNESS HIA401 (called)

4 CHAIRMAN: Morning, ladies and gentlemen.

5 MR MONTAGUE: Good morning.

6 CHAIRMAN: Just before we turn to our last Australian

7 witness there are one or two administrative things.

8 Again I remind everybody to ensure their mobile phone

9 has been turned off or placed on silent/vibrate and

10 there is no photography permitted anywhere within the

11 chambers or the premises themselves.

12 I think it might be appropriate just at this point

13 to look at the timetable for the remainder of this

14 module in the light of what we discussed yesterday,

15 Mr Montague.

16 We will have the closing submissions I would think

17 on Tuesday morning, if that's convenient to you all.

18 MR MONTAGUE: Certainly, Mr Chairman. Thank you.

19 CHAIRMAN: I did ask before. I think an hour would be more

20 than adequate for each of you.

21 MR MONTAGUE: I am delighted to hear that. Thank you.

22 MS SMITH: Good morning, Chairman, Panel Members, ladies and

23 gentlemen. Sorry.

24 CHAIRMAN: You may arrange the running order amongst

25 yourselves in whatever way you wish.

1 MR MONTAGUE: I am obliged.

2 MS SMITH: Good morning. Good after -- good evening,
3 HIA401. Can you hear me all right?

4 **A. Yes, I can. Thank you, Christine.**

5 Q. You do know who I am, because we spoke earlier today,
6 and you will be aware that I am going to ask you the
7 questions, and I just want to confirm that you wish to
8 maintain the anonymity that has been afforded to you by
9 the Inquiry. Isn't that correct?

10 **A. That's correct. Thank you, Christine.**

11 Q. I'm going to hand you over to the Chairman, who is going
12 to ask you to take the oath and I know you're happy to
13 take a religious oath.

14 **A. I am. Thank you.**

15 CHAIRMAN: Good morning, Christine. Sorry. Good morning,
16 HIA401, I should say.

17 **A. Good morning, Chairman.**

18 Q. I apologise for that.

19 WITNESS HIA401 (sworn)

20 Q. Thank you very much.

21 Questions from COUNSEL FOR THE INQUIRY

22 MS SMITH: HIA401, you should have some documentation in
23 front of you, and the first document I want to refer you
24 to is your witness statement that you prepared for the
25 Inquiry, and it can be found at AUS11388.

1 **A. Yes. I've got that. Thank you.**

2 Q. It's just being pulled on the screen here. I'm going to
3 ask you if you would, HIA401, to go to the last page,
4 11394.

5 **A. I have that page, Christine.**

6 Q. And if you would just confirm that you have signed your
7 witness statement and it is dated 25th June 2014?

8 **A. I can confirm that.**

9 Q. And can you also then confirm, please, HIA401, that this
10 is the statement of evidence that you wish the Inquiry
11 to consider together with anything further that you add
12 today?

13 **A. Yes. I agree all.**

14 Q. Thank you. Can we just then go to the first page of
15 your witness statement, which is 11388, and your
16 personal details are set out in the first paragraph of
17 the statement, and it says then at paragraph 2 that you
18 were placed in Nazareth House when you were eight months
19 old, but you have no memories of your time there because
20 you were so young.

21 As an older child you in -- in Australia you
22 suffered from a severe bronchial infection and that had
23 been caused by being in dampened conditions and
24 malnutrition. You believe that was due to the
25 conditions you had been exposed to in Nazareth House in

1 Belfast and not receiving proper medical care?

2 **A. That's correct.**

3 Q. Again can I just confirm with you, HIA401, that this is
4 speculation on your part; you can't really remember what
5 it was like to live in Nazareth House?

6 **A. No, I don't have any memory at all of living there.**

7 **I can only speculate on the fact that I had to have**
8 **physio and medical treatment for a long time as I was**
9 **fostered.**

10 Q. I'm going to call up another document on the screen,
11 HIA401. This is your child migration form.

12 **A. Uh-huh.**

13 Q. That's at 11148. Sorry. I beg your pardon. I called
14 out the wrong number. 11448.

15 **A. Yes. I've got that one.**

16 Q. You've got that. This is a typed version and you quite
17 clearly see there that you were only four years of age.
18 You weren't at school obviously at that time. It is
19 signed by William Flint on behalf of the Catholic Child
20 Welfare Council in December 1954 and the consent
21 section completed by SR99, who was the -- I believe the
22 Mother Superior of Nazareth House at that time?

23 **A. Correct. Where is SR19? Sorry. I can't --**

24 Q. Sorry. You will have the name. You will actually have
25 her name, but I'm just --

1 **A. Oh, sorry. I beg your pardon.**

2 Q. Yes.

3 **A. Okay. Understood. Yes.**

4 Q. Just as we have given you anonymity, we are giving
5 anonymity to other people, HIA401.

6 **A. Yes. Sorry. Thank you.**

7 Q. The witness was -- the signature of the nun was
8 witnessed by someone who was a teacher in school on
9 Ravenhill Road.

10 **A. Correct. That's -- yes, that is correct.**

11 Q. I'm just going show another document, HIA401, which is
12 11437 -- 11447.

13 **A. I've got that. 11437.**

14 Q. Yes. That's fine. No. Just leave it, this 11437,
15 please.

16 **A. Uh-huh.**

17 Q. Yes. This is a summary of the Australia House child
18 migration form, and it shows that you went on the
19 Orontes on 27th March 1955, and then just if we -- these
20 are comments that were put on to your form -- on to your
21 details when you arrived in Australia, and you will see
22 there that you were brought along by a senior scholar
23 from Nazareth House:

24 "A sturdy, intelligent-looking child, a little
25 backward in speech, natural under the circumstances, but

1 apparently no impediment in that regard. This child is
2 only four years",

3 and there was a short birth certificate provided as
4 well, and it says:

5 "Apparently normal, healthy child."

6 So at that stage there was nothing in your medical
7 history or background being recorded that might suggest
8 the problems that you had later, but this was -- this
9 was a medical examination that was carried out after you
10 arrived in Australia. Do you remember any of those
11 medical examinations?

12 **A. I don't have -- I've got no recollection. I don't**
13 **recall.**

14 Q. Well, you arrived in Australia -- this suggests that it
15 was 27th March, but it may well have been -- yes. You
16 left -- actually left in February and you arrived in
17 March and you were then taken to the Nazareth House in
18 Camberwell, but you were really only there for a short
19 period of time before you were fostered and --

20 **A. Can I just --**

21 Q. Sorry, HIA401.

22 **A. Sorry. Just going back to that document 11437, it says**
23 **the date of arrival at the top was 27/3/55. Correct?**

24 Q. Yes, that's right.

25 **A. And then it says dated -- this document is dated**

1 **31st December 1954.**

2 Q. I think this is actually taken -- details from the child
3 migrant form that I just pulled up, the document
4 I pulled up previously --

5 **A. Oh, right.**

6 Q. -- which was dated 31st December. I think it is just
7 recording the details that your consent was formed --
8 sorry -- was signed on 31st December 1954 and it was
9 signed on behalf -- by Monsignor Flint for and on behalf
10 of the Catholic Child Welfare Council. It is just
11 recording those details from the other form.

12 **A. Oh, okay. Good. Thank you.**

13 Q. Just then you were, as I say, fostered out after a short
14 period of time and you don't really remember being in
15 Nazareth House in Camberwell in Melbourne.

16 If we could just go back to the next page,
17 paragraph 8, you took your foster family's surname and
18 they, in fact, wanted to adopt you, but because the
19 Sisters of Nazareth said that your mother had refused
20 consent to adoption and they told your foster mother
21 that, you weren't, in fact, adopted, but you remained in
22 long-term foster care with that family. Isn't that
23 correct, HIA401?

24 **A. That's correct. That's correct.**

25 Q. And you certainly had a very good experience with your

1 foster family. You say at paragraph 10 you had:

2 "... a wonderful foster family who I was blessed to
3 have taken me. They nurtured me as a daughter and
4 sister and I have had a great life. My mother and
5 I were best friends and we had a lovely relationship."

6 You then go on to say about some of the insecurities
7 that you had and you experienced when you became engaged
8 to your husband and the difficulties that you
9 experienced in getting through the process of getting
10 documentation for your marriage, and at paragraph 12 you
11 say:

12 "When I was getting married, I had to go through the
13 process of proving I was an Australian citizen, and this
14 caused more emotional pain. It was a long drawn out
15 process during which all my securities of abandonment
16 and isolation rose to the surface. I had no documents
17 at all to show who I was. My parents and I had always
18 assumed I was an Australian citizen. Initially I could
19 not get an Australian passport and I had to apply for
20 a British one. I then had to apply to get a visa to
21 return to Australia after my family and I travelled to
22 Fiji as I wasn't an Australian citizen, and I now have
23 an Irish passport."

24 So the lack of documentation caused you difficulties
25 and your foster family difficulty when they wanted to

1 take you on holiday?

2 **A. Correct. That's correct. All the time.**

3 Q. And then you also in paragraph 13 relate that your life
4 -- you and your husband divorced, although it was
5 an amicable separation, and he has now passed away. You
6 had four children, one, a daughter, who died as a baby
7 and your son then died suddenly when he was 26 in 2005.
8 You have a close relationship with your other surviving
9 daughter and son and you have three grandchildren.

10 Your mother, that's your foster mother, told you in
11 1993 that you had been contacted by your biological
12 sister, who wanted to reconnect with you, but you don't
13 remember that, and you feel that when events cause you
14 stress and anxiety, you block them out of your memory.
15 You do have some bad memories of visits with your
16 sisters and in particular some things that were very
17 distressing to you. They were both sent to Australia in
18 1953 and a brother was sent in 1956. You met him a few
19 times, once in Canberra and then in Perth. You never
20 met one of your sisters and you only had contact with
21 the other sister in 1993. You talk about the fact that
22 your biological siblings had a hard life and your life
23 has been a blessing compared to what they have had and
24 you have chosen to abstain from further contact with
25 them as you have no feelings for them in any way, not in

1 the way that siblings should, and you feel that too much
2 time has passed to try to build relationships with them.

3 At paragraph 16 you talk about how you found out
4 information about your birth mother when your biological
5 siblings appeared on a programme in 2002.

6 Distant cousins then recognised your name and contacted
7 . You yourself visited Northern Ireland for the
8 first time in August 2002 with your daughter. You say:

9 "It was an emotional visit."

10 You met your cousins, and that reunion was arranged
11 by the Child Migrant Trust, and a social worker from the
12 trust also went along to the reunion. Your cousins
13 recalled your mother with fondness and you heard them
14 tell stories about how she was a caring aunt. You found
15 that difficult to listen to when you felt that she had
16 abandoned her own children.

17 You learned further details out about her, that she
18 was admitted to the Good Shepherd Convent in Newry in
19 1952. She was declared a person in need of special care
20 by judicial order in '52 and that was under the
21 Mental Health Act (Northern Ireland) 1948. She left
22 there and went to St. Vincent's hospital in Dublin in
23 October 1957 and was discharged in 1958, and on one trip
24 you found that she had died age 72 in 1999. You were
25 sad that you were deprived of the opportunity of meeting

1 her. She is buried in a cemetery in Dublin.

2 Paragraph 19, you were staying with your cousins
3 when you discovered that you had another brother,
4 a younger brother, and you didn't know until that time
5 that he had been born in 1952 and was placed in
6 Coneywarren's Children Home before being fostered. He
7 lives in and you wanted to meet him, but he was
8 away on business. So it wasn't possible on that trip,
9 but you later did meet him and he told you that he had
10 got the impression that you didn't want to meet him, but
11 when, in fact, at that time you didn't know he -- of his
12 existence.

13 At paragraph 20 you talk about the researches that
14 you and your daughter engaged in to try to trace your
15 family and relatives throughout the province. You talk
16 about going back to Nazareth House, which you said
17 really upset you, and your daughter said that she had
18 never seen you like that. You talk about a visit that
19 you paid to the Nazareth Care Village where you were
20 greeted by a nun and given afternoon tea. You managed
21 to talk your way into seeing what little records they
22 did have of your siblings and yourself, and you say you
23 then became angry and visibly upset when you were shown
24 a photocopy of your name and siblings as numbers and the
25 dates that they were accepted and sent away. You saw

1 information about baptisms and "the dates we departed
2 for Australia".

3 May I just pause there? I've done quite a lot of
4 talking, HIA401, and you have engaged in very personal
5 work to try to find out about your family history and
6 doing a lot of research yourself on the ground with the
7 help of your daughter. This trip to the Nazareth Care
8 Village, is there anything further you want to say about
9 that or why you were angry and upset?

10 **A. Well, I wasn't -- I got angry and upset because you can**
11 **imagine you are asking about where you come from and**
12 **what's happened to you and the only record they have,**
13 **they brought up out a book, a diary, and there was just**
14 **a number and the name, the date when you were put in and**
15 **the date when you left, and it really upset me, because**
16 **I thought, "We're only a number to these people. We're**
17 **not a person". I wasn't a child. I expected some more**
18 **empathy from them and I -- it kind of just shattered me**
19 **I suppose that we'd seen the orphanage and not been able**
20 **to have any mental images or visible images in my head,**
21 **because I still can't -- I can't have -- I have got no**
22 **memory, and it's really disconcerting. So I think it**
23 **was just a build-up of all that, and no-one actually**
24 **was -- they greeted me like I was a long-lost child of**
25 **theirs rather than -- they weren't really concerned**

1 about me. That's what I felt. They weren't really
2 concerned about me and my history and what had happened
3 to me. Yes. So I just found it really -- I found it
4 really kind of -- that's the bit that really gets to me
5 still to this day. There's no empathy from the nuns
6 about people like me, no knowledge of my history with
7 them, and so you kind of feel like your life is -- you
8 are not sure when your life started, if that makes
9 sense. Yes.

10 Q. Thank you, HIA401, for explaining what you meant by that
11 line in your statement.

12 You then talk about you also on that trip went to
13 where your mother had spent some time and
14 travelled around looking for information. You describe
15 yourself as being desperate to find out who you were.
16 You met a local historian and for a small fee he was
17 able to provide a decent amount of information about
18 your family. You also met an elderly gentlemen who went
19 to school with your mother and her sisters and he told
20 you that your father had been a Protestant landowner and
21 gave a name for him. You found out years later that
22 was, in fact, the position, and you say you did well for
23 a couple of misfits from Australia in getting all that
24 information yourself.

25 A. Yes. That's correct.

1 Q. You say:

2 "During our short visit we embraced the North and
3 travelled to many destinations, and despite my emotional
4 fears, I was able to reconnect with the land and its
5 people. However, deep down it was all taking its
6 physical toll on me."

7 You describe how you got in touch with your brother
8 in around 2005 and you got on like a house on fire.
9 There was an instant connection there. You look alike
10 and mannerisms which you share led to you believe that
11 you had the same father.

12 You also returned to Ireland in 2009, because your
13 son was then living in and you spent time with
14 your younger brother and his family. Again you came
15 back in 2012 and visited your brother as a result of the
16 funding from the Family Restoration Fund, and you were
17 here again just in June of this year and that was a trip
18 that was financed by the British government.

19 You say that you had written to Jeremy Hunt
20 explaining your background and asking the British
21 government to extend the restoration fund beyond the
22 cut-off date of 2013, and you say he responded saying
23 that you were free to return at any time. We have that
24 e-mail that you wrote to him at AUS11401. If we can
25 just look at that briefly --

1 **A. Yes.**

2 Q. -- this is the e-mail that you sent to Jeremy Hunt in
3 the UK Parliament and in that you essentially set out
4 your history and the need as you -- the flaws as you saw
5 it with the fund that the government had set up, that it
6 was:

7 "... a three-year one, which creates in itself
8 an abuse of the child migrant again insofar bringing
9 them home and then and saying, 'Well, that is that. Be
10 grateful and get on with your lives', all perfectly fine
11 for those who are in a position to finance further trips
12 home to the north of Ireland from Australia, but not for
13 those who can't. What happens to those such as I who
14 bonded so well with my brother in Ireland and wants to
15 visit again, as he made it perfectly clear he won't
16 travel to Australia?"

17 You talk about the toll that the unification of
18 families has taken: botched visits home, insufficient
19 resources, insufficient investigation of those who truly
20 are to be visited, and the most damning, incorrect
21 information about family and circumstances surrounding
22 the birth mother. You say that there are child migrants
23 who wish to discover their own truth. You have had the
24 help of your daughter and that, but you go on to talk
25 about that you feel there is matters that have been

1 covered up, and you then go on to describe the
2 difficulties that you have had personally which meant
3 that you weren't able to travel within the time frame.

4 If we just scroll down, please, to the next page,
5 you say that to assist child migrants as you are
6 becoming low in numbers, and you cynically wonder if
7 that was what the government was hoping -- as more and
8 more comes out about the scheme, there are more and more
9 areas of concern regarding children of your age who were
10 sent out in collusion with the church and state. You
11 ask them to:

12 "... provide ongoing trips to the country of origin,
13 remembering we are ageing and more than likely won't be
14 able to travel as frequently."

15 You ask them:

16 "... to provide a British government fund to pay for
17 return flights to the country of origin, reasonable
18 costs for accommodation for a two-week visit. In itself
19 this approach may appear radical, but if you study this
20 option, it may turn out a far better management of
21 the fund for child migrants I believe."

22 You say that:

23 "The cheapest option is to continue the fund beyond
24 2013",

25 and certainly you were granted the permission to

1 extend your use of the fund beyond that date, HIA401?

2 **A. That's correct.**

3 Q. As you say, Mr Hunt replied with a lovely letter saying
4 you were free to return to Ireland at any time. At
5 paragraph 25, if we could go back to your statement at
6 11393 --

7 **A. 11393.**

8 Q. -- paragraph 25 at the bottom of that page you talk
9 about --

10 **A. Yes.**

11 Q. -- and we have discussed already the amount of research
12 that you carried out in tracing your family, and you say
13 that when you were working as an executive assistant
14 for -- I am going to use the name of the -- it was the
15 that you were
16 working for, and while working there you say you
17 discovered that institutions in Ireland which sent
18 children to Australia received \$10 from the Australian
19 government for every child that was sent out under the
20 white Australian policy.

21 I asked you a little bit about this earlier, HIA401,
22 and you said -- if you could maybe just explain what it
23 is exactly that you found out.

24 **A. I was doing some archival work for the person that I was**
25 **working for -- I suppose that's the best way of saying**

1 it -- and I came upon this paperwork and child migrants
2 was mentioned, and I says, "Well, this is very
3 interesting", and at the time Australia had what they
4 called the white Australian policy and they were very
5 concerned that the country needed to be filled with
6 white people, white children, and so they encouraged --
7 it started off with Barnardo's I believe and other
8 institutions and then the Catholics got whiff of it and
9 thought, "Oh, we'd better get involved in this", and so
10 the Australian government assisted these organisations
11 to send children out to Australia, because they wanted
12 good, strong, white children and in -- in the
13 documentation the institutions or the religious orders
14 were given monetary assistance for the children that
15 they were sent out -- that were sent out from Ireland
16 and the UK -- the UK and Northern Ireland, and some were
17 sent to Canada, and some were sent to South Africa.
18 I think that's South Africa, Ireland and Australia.

19 Q. So the Australian government was providing financial
20 assistance. You talk about the sum of \$10.

21 A. Yes.

22 Q. Is that actually what --

23 A. It could have been 10 pounds. 10 pounds, yes.

24 Q. And the documentation you saw suggested that the
25 financial -- sorry -- the Catholic authorities were

1 being provided with 10 pounds per child?

2 **A. Financial -- yes, financial assistance, and with other**
3 **organisations they were provided funds for technical**
4 **assistance. They were worded in different language, but**
5 **basically they were helping to finance the child**
6 **migrants coming out to Australia.**

7 Q. Now in paragraph 26 you say that you have a strong
8 faith. You have taught in Catholic schools and worked
9 with the bishops, and you had great respect and empathy
10 for the work of the church, but as a result of your own
11 personal difficulties and particularly the difficulties
12 encountered in obtaining documents relating to your past
13 from the Catholic Church you have lost respect for it?

14 **A. Correct.**

15 Q. And --

16 **A. Particularly the religious -- particularly the religious**
17 **orders.**

18 Q. You say at paragraph 27:

19 "All my life I have lived with not knowing who
20 I really am. I have no reliable family history
21 particularly in regard to medical history, which is
22 extremely important to me, because I have children of my
23 own and now grandchildren. Whilst I cannot recall my
24 time in care both in Northern Ireland and Australia,
25 I feel that I have suffered the emotional and

1 psychological abuse of exclusion and denial of my
2 heritage and culture as a result of my migration as
3 a child."

4 **A. Exactly.**

5 Q. Now, HIA401, one other question I wanted to ask you.
6 Have you ever yourself received any redress, any form of
7 redress as a result of being a child migrant?

8 **A. No, no, none at all. Only the assistance that I have**
9 **had from the British government to go back and visit,**
10 **but that's not really redress, but that's the only**
11 **financial assistance that I have had.**

12 Q. Well, we have been asking those of you in Australia --
13 and it's a question that we ask of everyone who speaks
14 to the Inquiry about their experiences -- this Inquiry
15 has to make recommendations to the Northern Ireland
16 Executive about what should happen, and whether that --
17 what form -- any steps that the government should take,
18 what form that should take, and I want to know what your
19 views are, what you think would be beneficial, and what
20 you think wouldn't be any help to you.

21 **A. Well, my priority, and always has been a priority, is**
22 **an acknowledgment from the nuns of what they put me**
23 **through. So an apology is my number one priority,**
24 **an acknowledgment of my existence, of my records, my**
25 **care or lack of care and why they put people like me in**

1 particular, me as an eight month old child and then as
2 a four-year-old, sending me across the ocean and then
3 denying my heritage. On any -- all of the certificates
4 there is no acknowledgment of any of my birth records,
5 foster records and child development records,
6 psychological records, and to this day they're still not
7 acknowledging that. So that's my number one priority is
8 an apology and recognition of the damage that they have
9 done to me. So that's my number one.

10 Compensation for depriving me of my life at the
11 beginning, because I still don't remember and I don't
12 think people realise how awful that is to go through
13 life when people ask you, "Do you remember what you were
14 doing when you were five or six?" and I've got none, and
15 so if you can imagine it, and now that I have got my own
16 grandchildren and they come up to me -- and they all
17 call me in my family -- and they say, "Oh, what
18 were you doing when you were doing this?" and I can't
19 tell them stories. I can't -- I see how -- I see how
20 much happiness it brings to my own children, what their
21 life was as children, and the fact that I have got no
22 memory is just something that really is hurting.

23 So I really want an acknowledgment that harm and
24 hurt and distress, not only was it happening to me in
25 a physical sense, because from what I gather my history

1 of my bronchial asthma and physio that I required when
2 I came to Australia, my foster mother was told by the
3 doctors and medical people that treated her was caused
4 by lack of care and malnutrition, and this happened
5 before I came to Australia. So that's number one.

6 Number 2, emotional stress that still causes me,
7 because when people say to me, "Where were you born?",
8 you know, "What was it like?", there's still some part
9 of me that doesn't want to -- I feel ashamed of who I
10 am, because the nuns kept telling me that I'll end up --
11 this is the nuns at school that I went to, at primary
12 school, because it was in the same parish as the
13 orphanage, and so they knew the nuns from the orphanage,
14 and if they wanted to really get at me, they'd say, "Oh,
15 you'll end up like your mother in the gutter", and it's
16 very hard to get -- emotional scars are the ones I think
17 are really hard to get rid of, because it's really hard
18 to express that to people without getting upset
19 yourself.

20 So it happens like the whole process goes around in
21 your mind, but an acknowledgment from the nuns of the
22 appalling behaviour, and from the Catholic Church,
23 because if you look at my documents, all the signatories
24 to the documents are from either a priest or a nun or
25 Catholic Welfare. There's no mention of my birth

1 mother's name on any of the documentation and yet her
2 name is on my official birth register. So that they
3 ignored her and gave her no dignity or respect.

4 So I think that's the most important thing and
5 I think compensation for the fact that they deprived me.
6 I mean, I'm lucky that I had the life that I have had.
7 I'm blessed, but it still doesn't -- it still doesn't
8 diminish the emotional suffering. So ...

9 Q. Thank you very much for that. I hope you feel that you
10 have had the opportunity to say what you want the
11 Inquiry to hear from you. If there's anything else that
12 you feel we haven't covered, now is the opportunity for
13 you to say it.

14 A. Well, I don't -- I'm -- I just think that you need to
15 look at the fact that -- take away the fact that the
16 majority of us are in our 60s or 70s and go back in your
17 minds and think of us as four year olds, four and a half
18 year olds, and the trauma of being put on a boat at that
19 age and sent somewhere, forgot, not knowing, and told
20 lies when you get here, and I still hope -- I don't know
21 whether this is in your sphere -- ask people would they
22 please open their hearts up and actually give us the
23 information we want, which is our health. We need to
24 know our health. Well, I do. I need to know
25 particularly my health history, because of the fact I

1 have lost three children and there is nothing physically
2 that we or medically that we can find out here in
3 Australia. So that's why I've been so vigilant in
4 trying to find out as much as I can about my mental --
5 health issues, when I was born and when I was in
6 Nazareth in Belfast.

7 Q. Thank you very much, HIA401. I am just going to hand
8 you over to the Panel in case they have some questions
9 for you.

10 A. Thank you.

11 **Questions from THE PANEL**

12 CHAIRMAN: HIA401, can I take you back to what you were
13 telling us a few minutes ago about these documents that
14 you saw relating to payments that were made?

15 A. Yes, yes.

16 CHAIRMAN: I'd like to ask you about that in a little
17 detail, if I may, but first of all the Inquiry is aware
18 from our researches that once children arrived in
19 Australia there were payments made for their support
20 from a number of sources. The British government paid
21 a certain amount. The Commonwealth Government, the
22 Central Government, paid a certain amount. The State
23 Governments, depending which state it was, paid
24 a certain amount, and in some instances at least,
25 perhaps in all of them for all we know, but certainly in

1 Western Australia there was money that came from
2 a lottery fund of some kind, and these payments then
3 were increased and changed as the years went by probably
4 because of inflation, but that was when the child
5 arrived in Australia. Before they got there the cost of
6 the passage and things associated with travel and so on
7 I think were paid for by the British government,
8 possibly by the Australian government as well.

9 Now against that background the 10 pounds you are
10 referring to, can you remember whether it came with any
11 explanation as to what the money was to be used for?
12 Was it to cover the costs of passage, or the costs of
13 administration, or was it money that was paid after the
14 children got to Australia by way of weekly or monthly
15 payments?

16 **A. Chairman, I have to be honest. Because I don't have the**
17 **document or can't refer to the document now, I'm relying**
18 **on my recollection, but I'm 85 to 90% sure that the**
19 **money was given to the religious organisations before we**
20 **left the UK and Northern Ireland.**

21 **Q.** But looking back on it now, can you remember if it was
22 to cover the cost of the voyage or was it just
23 a straight payment so far as you could see?

24 **A. My recollection, Chairman, it wasn't to cover the**
25 **voyage, but I can't remember in detail whether it was**

1 **administration or other costs, but I remember when**
2 **I came across the documents, I was quite shocked that**
3 **there was a monetary fee in regard to the child -- the**
4 **children -- child migrants.**

5 Q. Yes. The reason I'm pursuing this in this detail is
6 that the Sisters of Nazareth, for example, who are the
7 body who sent most children, say they didn't get any
8 payment of that sort, but there is or there was
9 a well-known scheme, which you have probably heard
10 about, called the 10 pound ponds, in other words, the
11 assisted emigration, where the British government
12 effectively subsidised the cost of the voyage to
13 Australia --

14 A. **Uh-huh.**

15 Q. -- and I think the person who went only had to find 10
16 pounds.

17 A. **That's right.**

18 Q. Could it be something like that?

19 A. **I think so. You could be right there, Chairman. Yes,**
20 **could be, but I just remember when I came across it,**
21 **I was quite shocked.**

22 Q. Well, I can understand that, because a number of the
23 applicants who have sent material to us, not necessarily
24 their statements, but letters they have written or
25 comments they have made in Australia, they do refer to

1 themselves sometimes as having been sold, that the
2 organisation got money for sending them, and it may be
3 that they misunderstand what the financial arrangements
4 were, or it may be that there was some sort of payment
5 to encourage people or I should say encourage
6 organisations to send children. That's what we're
7 trying to get to the bottom of with these questions.

8 **A. Well, I remember, Chairman, when I actually saw the**
9 **document -- I'm not putting myself out there to be**
10 **ethically so high or morally high -- but I thought,**
11 **"Should I be reading these documents fully?", if you**
12 **understand what I mean, because I was doing archival**
13 **work for my boss, so organising the documents for him,**
14 **because there hadn't been anyone working in the office**
15 **for quite some time. So he wanted me to get some**
16 **organisation. So that's how I came across the document**
17 **-- those particular documents. So I thought -- I didn't**
18 **know whether I should read in depth. I didn't know, you**
19 **know, legally or morally where I stood, because as being**
20 **a child migrant myself and then reading about a child**
21 **migrant, if you can understand what I mean.**

22 **Q. I quite understand. I suspect if I had been in your**
23 **position, I would have done exactly the same.**

24 **A. Yes.**

25 **Q. Well, we may ask you subsequently if you can give us**

1 some more information, but I'm not going to ask you any
2 more about that now.

3 **A. Okay. Thank you, Chairman.**

4 MR LANE: Thank you very much for your evidence. One query
5 I have. The contact you had with Jeremy Hunt, did that
6 indicate a change of policy or was it simply a personal
7 response that he made?

8 **A. I think it was a personal response, because the**
9 **organisation here in Australia that was administrating**
10 **the fund had given me an indication that I was --**
11 **because I couldn't go within the time frame they had**
12 **set, that they weren't allowing me to postpone the**
13 **travel to another time, and so that was why I wrote to**
14 **Jeremy, and so it was in that context that I wrote to**
15 **him and said, "Surely I'm the person that should be able**
16 **to decide, if the government has given funds, when I --**
17 **when I can travel, not when someone else tells me it's**
18 **convenient for them". So I took it in that context and**
19 **also in the context of his e-mail that I took -- if I**
20 **had any other problems that I could feel quite free to**
21 **write to him. So that was the context, yes.**

22 **Q. Are you aware of anybody else who has been affected in**
23 **this way?**

24 **A. With the Child Migrant Trust?**

25 **Q. Yes.**

1 **A. Yes, yes.**

2 Q. Okay. Thank you very much.

3 **A. Thank you. Thank you very much.**

4 CHAIRMAN: Well, HIA401, thank you very much indeed for
5 taking the trouble to speak to us so clearly --

6 **A. Thank you, Chairman.**

7 Q. -- and so helpfully. I know it is a bit later in the
8 day where you are now than it is for us.

9 **A. That's all right.**

10 Q. I hope we haven't kept you too long.

11 **A. No.**

12 Q. Thank you very much for speaking to us.

13 **A. Thank you. Thank you very much, Chairman.**

14 MS SMITH: Thank you, HIA401.

15 **A. Thank you. Thank you very much, Christine. Thank you.**

16 **(Witness withdrew)**

17 Q. Chairman, that concludes the witness evidence from the
18 applicants to the inquiry who were child migrants.

19 There is some documentation which I propose to open
20 to the Inquiry, but I would be grateful for a short
21 break just to get that organised.

22 CHAIRMAN: Mr O'Reilly, can I just raise one matter with
23 you? I think it would be helpful to the Inquiry if your
24 clients through governmental channels could ascertain
25 from the Department of Health in London what exactly the

1 government policy is about the Restoration Fund that we
2 have heard about, whether they are contemplating
3 extending it or whether it has come to an end. It is
4 clearly important for us to know that. We don't have
5 a direct line to them, as you will appreciate, being
6 a devolved institution ourselves I suppose, but it would
7 be helpful if your Department could pursue that.

8 MR O'REILLY: You will see from the papers there has been
9 some correspondence in relation to the Restoration Fund
10 from it was set up and the Department of Health here --
11 I use that abbreviation -- did contact and was given
12 certain details. So I will put that in train today,
13 Mr Chairman.

14 CHAIRMAN: Yes. I think we are perhaps more interested now
15 in what, if anything, is contemplated for the future.
16 Is it going to continue or is there no intention at the
17 moment to extend it or whatever, because the last
18 witness' evidence would suggest that the Minister may
19 have been personally sympathetic but that there was no
20 change in policy. So it is something we would like
21 pursued.

22 MR O'REILLY: Very well.

23 CHAIRMAN: Thank you very much. Well, we will rise just for
24 a few minutes then, Ms Smith.

25 MS SMITH: Yes. Thank you.

1 (10.50 am)

2 (Short break)

3 (11.00 am)

4 Reading of documents by COUNSEL TO THE INQUIRY

5 MS SMITH: Chairman, Panel Members, ladies and gentlemen, at
6 this point I propose to address some of the material
7 that is in the evidence bundle we have provided to the
8 core participants. I have referred to some of this
9 documentation in my opening, but I think some of it
10 bears further examination and certainly I am going to
11 deal, first of all, with the legislation which governed
12 the area of child migration.

13 In my opening I dealt with this at paragraph 29 and
14 onwards, but if we could just look, first of all --
15 I just remind you that prior to 1950 it was the
16 Children's Act 1908 which governed the area of child
17 migration.

18 If we could look, first of all, at HIA098 -- that's
19 HIA098 -- this is section 21(6) of the Children's Act
20 1908. Sorry. HIA098. You will see here that at
21 subsection (6):

22 "The Secretary of State in any case where it appears
23 to him to be for the benefit of a child or young person
24 who has been committed to the care of any person in
25 pursuance of this section may empower such person to

1 procure the emigration of the child or young person, but
2 except with such authority no person to whose care
3 a child or young person is so committed shall procure
4 his emigration."

5 Essentially this gave the power to the Secretary of
6 State to consent to or his consent was required before
7 a child could be emigrated, but that child was one who
8 would have been in what we would now call the care of
9 a fit person.

10 If we look at 118, that's HIA118, and this is the
11 Children Act 1908 and section 70 there, if we can just
12 scroll down to that, reads:

13 "If any youthful offender or child detained in or
14 placed out on licence from a certified school or
15 a person when under the supervision of the managers of
16 such a school conducts himself well, the managers of the
17 school may, with his own consent, apprentice him to or
18 dispose of him in any trade, calling or service,
19 including service in the navy or army, or by emigration,
20 notwithstanding that his period of detention or
21 supervision has not expired; and such apprenticing or
22 disposition shall be as valid as if the managers were
23 his parents."

24 Now we will be aware this particular provision
25 related solely to those children who were in certified

1 or training schools and who were serving a period of
2 detention, and the consent of the Ministry was required.

3 Sorry. I should have read on the second part:

4 "Provided that where he is to be disposed of by
5 emigration, and in any case unless he has been detained
6 for 12 months, the consent of the Secretary of State
7 shall also be required for the exercise of any power
8 under this section."

9 Essentially what was required was that if a child
10 was in a training school or certified school back in
11 1908, the Ministry's consent was required before he
12 could be sent for emigration, and you will recall that
13 I used the example of the Malone Training School and the
14 children who were sent from there.

15 CHAIRMAN: This is the Act presumably on which the Ministry
16 of Home Affairs relied in the 1920s.

17 MS SMITH: Yes, indeed, Chairman.

18 The certified reformatory or industrial school you
19 will be aware then was succeeded by training schools in
20 this jurisdiction, and where it says "Secretary of
21 State", in fact, it was the Chief Secretary of Ireland
22 in Northern Ireland -- sorry -- in 1908 before petition.

23 CHAIRMAN: Yes. Those powers were then transferred to in
24 this instance I imagine the Ministry of Home Affairs.

25 MS SMITH: Yes. Then that's the position prior to 1950.

1 With the Children and Young Persons Act (Northern
2 Ireland) 1950 if we could look, first of all, at HIA230,
3 please. This is section 94 of that Act, and under this
4 provision welfare authorities were empowered, subject to
5 consent of the Ministry:

6 "... to procure or assist in procuring the
7 emigration of any child in their care, and the
8 provisions of subsection (5) of section 111 of this Act
9 shall apply with respect to children received into the
10 care of a welfare authority under section 81 of this Act
11 in like manner as the said provisions apply with respect
12 to children and young persons committed under this Act
13 to the care of a welfare authority as a fit person."

14 If we could look then at section 111(4), first of
15 all, at HIA245, you will see there that at subsection
16 (4) this is the provision which covers children who are
17 the subject of a Fit Person Order and it says:

18 "The Minister may at any time in his discretion
19 discharge a child or young person from the care of the
20 person to whose care he has been committed and any such
21 discharge may be granted either absolutely or subject to
22 conditions."

23 I refer to that subsection because I do recall
24 calling up or seeing in the bundle of evidence in
25 respect of one -- it may have been the boys who were --

1 I think it might have been HIA354, that there was
2 a document which indicated that he was discharged from
3 care subsequent to his being migrated to Australia. I
4 think it was in that bundle of documents relating to
5 him, but at (5) it says:

6 "The Minister in any case where it appears to him to
7 be for the benefit of a child or young person may
8 empower the person to whose care he has been committed
9 to arrange for his emigration, but except with the
10 authority" -- scroll on to the next page, please --
11 "authority of the Minister no person to whose care
12 a child or young person has been committed shall arrange
13 for his emigration.

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

24 So there were conditions attached to the grant of
25 permission by the Minister. He had to be satisfied that

1 the child was consenting or that he was too young and
2 his parent or guardian was -- had been consulted or that
3 it wasn't practicable to consult them.

4 CHAIRMAN: That may well be what the Minister had in mind in
5 relation to HIA354 when he said he would, overruling the
6 advice or not accepting the advice he was given, permit
7 his travelling, provided he was in the care of
8 a suitable person on the voyage.

9 MS SMITH: Yes. If we could just look at that document
10 where the Minister, in fact, overruled the Civil
11 Service. That's at AUS11260. You will recall that this
12 was a case where Tyrone County Welfare Committee sought
13 the permission of the Ministry to -- for the emigration
14 of the child who was in their care, and the memo, if I
15 can just read it in its entirety -- it bears repetition:

16 "Please see the attached letter from Tyrone County
17 Welfare Committee asking if the Ministry would approve
18 arrangements for the emigration of this boy who is
19 an orphan aged 8 and a half years. Sections 94 and
20 111(5) of the Children & Young Persons Act refer.

21 The scheme under which the proposed emigration would
22 take place is administered by the Presbyterian Church in
23 Australia. The boy's prospects would probably be
24 brighter if he were to allowed to emigrate under this
25 scheme than if he were to remain at home.

1 The proviso to section 111(5) of the Act, however,
2 debars the Minister from authorising the emigration of
3 a child unless he is satisfied that the child consents
4 or, being too young to form an express -- or express
5 an opinion on the matter, is to emigrate in company with
6 a parent, guardian or relative, or is to emigrate for
7 the purpose of joining a parent, guardian, relative or
8 friend.

9 A child of 8 years of age is obviously too young to
10 form or express a proper opinion on the advantages or
11 disadvantages of emigration. In the circumstances the
12 section would appear to debar any prospect of emigration
13 in this case for present.

14 A representative of the Dhurringile Training Farm
15 has recently approached the welfare authorities in
16 Northern Ireland, having previously ascertained that no
17 objection to this course would be raised by the
18 Ministry, to inform them of the facilities for
19 emigration which they could offer in the case of
20 suitable boys. It is possible that other requests for
21 information may be received from welfare authorities.

22 Whilst it is difficult to say at what age any
23 particular child may reach the stage of mental
24 development at which he is capable of forming a proper
25 judgment on such a question, it is unlikely that such

1 a stage would be reached before the age of 12 years at
2 the earliest. I think, therefore, that unless the
3 conditions laid down in paragraph 111(5) are satisfied,
4 we should not agree to the emigration of any child under
5 that age."

6 That's signed in August 1950 by Shanks, the civil
7 service -- servant advising the Minister.

8 However, if we could enlarge the handwritten note at
9 the bottom, please, the Minister has -- there's a note
10 that says:

11 "ASC spoke to the Minister about this yesterday
12 afternoon. The Minister agrees generally as it would"
13 -- it is very difficult -- "agrees generally as it would
14 probably be in the interests of the child if he could
15 emigrate under a" -- it is quite difficult to make this
16 out.

17 CHAIRMAN: "Under a scheme."

18 MS SMITH: "Under a scheme sponsored by a responsible body
19 such as the Presbyterian church, he would be prepared to
20 approve if a responsible officer or agent of the
21 managing body of the farm could", I believe that's,
22 "assume responsibility of the child or assume
23 guardianship of the child or other ..."

24 CHAIRMAN: "... reasonable arrangements made for travel and
25 subsequent care."

1 MS SMITH: It's quite difficult to make out. Thank you,
2 Chairman, Miss Doherty. So essentially this is
3 a situation where the civil servant is advising the
4 Ministry that really O'Reilly children under the age of
5 12 aren't capable of giving informed consent, but the
6 Minister overrules the objections in this particular
7 case provided that there's someone travels with him and
8 he thinks that it would be for the benefit of the child.

9 There are -- just to go back to the final provision,
10 which is at HIA276, which is schedule 4, paragraph 7 of
11 the 1950 Act, this covers the situation of emigration
12 from training schools. In paragraph 7:

13 "If a person under the care of the managers of
14 a training school conducts himself well, the managers of
15 the school may, with his written consent, apprentice or
16 place him in any trade, calling or service, including
17 service in the army -- sorry -- "navy, army or air
18 force, or may with his written consent, and with the
19 written consent of the Ministry, arrange for his
20 emigration.

21 Before exercising their powers under this paragraph
22 the managers shall, where it is practicable to do so,
23 consult the parents of the person concerned."

24 You will note this is different from the provision
25 under the 1908 Act in that written consent is required

1 and it does not require -- sorry. My mind has just
2 drawn a blank. There is a distinction there because it
3 doesn't require the child to have reached a certain
4 stage in its period of detention.

5 CHAIRMAN: The child has to give his written consent, as
6 does the Ministry, and they are only obliged to consult
7 with the parents where it is practicable.

8 MS SMITH: Yes. Now there are similar provisions in the
9 1968 Children & Young Persons Act, but I don't propose
10 to open those to the Inquiry, as we are aware that they
11 wouldn't have come into play in the case of any of the
12 child migrants who left from Northern Ireland, as by the
13 stage that that piece of legislation was enacted the
14 child migration schemes had come to an end.

15 Obviously the legislation outlines those situations
16 where ministerial consent was required. However, the
17 position is that no ministerial consent was required in
18 respect of those migrated who were not either the
19 subject of a court order, a Fit Person Order, or who had
20 been in a training school, and essentially we know that
21 from the information we have received that the majority
22 of children who were migrated from Northern Ireland came
23 from voluntary homes, and the issue then arises as to
24 what knowledge the Northern Irish government would have
25 had about the migration of those children and the

1 numbers of those children being migrated since their
2 consent was never sought or required to be sought.

3 There is a suite of correspondence which occurred in
4 1949 and 1950. If we could look at that, first of all.

5 The first would be at AUS4192. This is a letter
6 from -- excuse me -- to McWilliam in the Northern
7 Ireland Cabinet Office from the Home Office in Whitehall
8 and it reads:

9 "The enclosed copy of a letter from the Office of
10 the High Commissioner at Canberra has been forwarded to
11 our Children's Department by the Commonwealth Relations
12 Office.

13 The letter has been very much delayed and I should
14 be grateful if you would be good enough to let me have
15 the views of the Northern Ireland government as early as
16 possible on the matters raised by the Australian
17 authorities."

18 That letter was in December, 28th December 1949.

19 Just the letter which is enclosed can be found at
20 AUS4081. This is a letter to the Commonwealth Relations
21 Office from the Office of the High Commissioner for the
22 United Kingdom in Canberra. It is dated 15th August
23 1949 and it says:

24 "Dear Dixon,

25 Our attention has been drawn to certain sections of

1 the United Kingdom Children Act 1948 ..."

2 I pause to comment that Act did not extend to
3 Northern Ireland.

4 "... which describe the powers of local authorities
5 in the United Kingdom to arrange for the emigration of
6 children and to the interpretation of these sections by
7 the authorities concerned insofar as it affects the
8 introduction to Australia of children from the United
9 Kingdom under the terms of the assisted passage
10 agreement and the provision for their guardianship in
11 this country made by the Commonwealth Immigration
12 (Guardianship of Children) Act 1946-1948.

13 With particular regard to section 17 of the Children
14 Act 1948 the Department of Immigration state that they
15 have been advised that the attitude to child migration
16 of the Secretary of State for the Scottish Home
17 Department is as follows:

18 (a) Irregardless of whether a parent consents or
19 not, the Secretary of State has the final word where a
20 child maintained by a local authority is concerned.

21 (b) Except where a child goes to join a parent,
22 relative, guardian or friend, he will withhold
23 permission for emigration for all children of tender
24 years -- this being interpreted as under the age of ten
25 years."

1 If we could go down to the next page, please:

2 "(c) After the necessary investigation and in
3 consultation with the local authority children over the
4 age of ten years may be allowed to emigrate providing
5 that they themselves desire to go.

6 (d) The term 'guardian' in section 17 of the Act --
7 1948 Act is to be interpreted strictly as meaning
8 an individual. The Secretary of State is not prepared
9 to accept either the guardianship of Mr Calwell, the
10 Australian Minister for Immigration (as is accepted
11 under the Government Child Migration Scheme Agreement)
12 or the guardianship of the superior home. Individual
13 guardianship must be provided.

14 (e) A child of any age may be allowed to emigrate
15 providing all the authorities concerned are satisfied if
16 he or she goes to join a brother or sister already
17 established in Australia -- whatever the age of the
18 brother or sister may be, an example of this being that
19 a child of five years of age having been granted
20 permission to emigrate for the purpose of joining his
21 brother who is not yet 7 years old.

22 The term 'children' in the foregoing covers all
23 those maintained wholly or partially by a local
24 authority."

25 This is obviously a communication from the Scottish

1 Home Department to the Commonwealth Relations Office in
2 England or, in fact, to the Office of the High
3 Commissioner for the United Kingdom in Canberra that he
4 has received clearly showing what attitude the
5 government in Scotland -- the Secretary of State for
6 Scotland is going to take with regard to the emigration
7 of children from that jurisdiction. It is clear this
8 caused concern in the Australian authorities such that
9 they then wrote to the Commonwealth Relations Office,
10 which was then passed on to the Home Office, and then
11 came to Northern Ireland to see what they intended to
12 do, because the fear -- they fear -- the next
13 paragraph is:

14 "They fear that if the Secretary of State for
15 Scotland has been correctly reported, the consequences
16 will be a virtual cessation of the migration to
17 Australia under the auspices of and for placement with
18 voluntary child migration organisations approved by our
19 respective governments of children maintained either
20 wholly or partially by local authorities responsible to
21 the Scottish Home Department.

22 Could you please look into the matter urgently with
23 a view to clarifying the position of the Department ..."
24 -- if we could just go the next page, please -- "of the
25 Department of Immigration here and at the same time

1 check the views of the Northern Ireland government?

2 I imagine there is not likely to be any change in the
3 Home Department's attitude so far as England and Wales
4 are concerned. The Australian authorities are
5 particularly anxious that the interpretation of the term
6 'guardian' in section 17 of the Children Act 1948 should
7 be established on a uniform basis throughout the United
8 Kingdom."

9 CHAIRMAN: I think part of the significance of that is that
10 the Secretary of State was required in England to give
11 consent to the emigration of children who were in
12 voluntary homes, not just in care.

13 MS SMITH: That's correct. That was the effect of the 1948
14 Act.

15 CHAIRMAN: In England and Wales.

16 MS SMITH: In England and Wales, but, as I said, it did not
17 extend to Northern Ireland, and it was a --

18 CHAIRMAN: No, but the Scottish Home Department's view under
19 those provisions was that they would not agree to
20 anybody younger than ten going.

21 MS SMITH: Exactly.

22 CHAIRMAN: But there was no such protection in Northern
23 Ireland.

24 MS SMITH: There was none, and, in fact, it may well have
25 been a different attitude was taken by the authorities

1 in England and Wales with regard to the ages of the
2 children, but there were clearly a large number --

3 CHAIRMAN: That seems to be the case, because we have seen
4 forms that purport to be approved by the Secretary of
5 State.

6 MS SMITH: Yes, indeed. Clearly there was a large body of
7 children who were migrated from Scotland and from the
8 Nazareth homes there, for example. So obviously if that
9 source of migration -- of children was to be curtailed,
10 then that was causing concern to the Australian
11 authorities, and that's why they were writing seeking
12 for clarification of what attitude would be taken in
13 England and Wales and Northern Ireland and quite clearly
14 saying they wanted a uniform basis for migration
15 throughout the UK.

16 CHAIRMAN: Yes.

17 MS SMITH: If we can then go to 4193, this is a letter from
18 the Cabinet Secretariat. That's from Mr McWilliam, who
19 then asks Robinson in the Ministry of Home Affairs for
20 his observations on this correspondence. He just simply
21 says there. It is dated 29th December:

22 "The Home Office have sent the attached copy of
23 a letter from the Office of the High Commissioner at
24 Canberra to the Commonwealth Relations Office. The
25 letter seems to have been very much delayed.

1 The Home Office would be grateful for our views as
2 soon as possible on the matters raised by the Australian
3 authorities and I should be obliged if you would kindly
4 let me have your observations."

5 Then if I can just go to AUS4202, that letter -- you
6 will see the first one was dated in December 1949, and
7 on 1st February there is a reminder from the Home Office
8 to Mr McWilliam, because obviously Northern Ireland were
9 delaying matters even longer by not replying promptly:

10 "I would be grateful if you could let me know if you
11 are yet in a position to reply to my letter of 28th
12 December enclosing a copy of a letter from the Office of
13 the High Commissioner at Canberra, requesting the views
14 of the Northern Ireland government on the interpretation
15 of statutes governing the emigration of children in
16 care."

17 There is some handwritten notes basically I think
18 trying to hurry matters up.

19 CHAIRMAN: Yes. I noticed they asked for the reply to be
20 expedited.

21 MS SMITH: Yes.

22 CHAIRMAN: Five, six weeks later nothing seems to have
23 happened.

24 MS SMITH: No.

25 CHAIRMAN: Expedition seems to have the same meaning then as

1 it has now in Northern Ireland government departments.

2 MS SMITH: If we look at a memo that is prepared by the
3 Ministry of Home Affairs, and we can see this at page --
4 I think a better page is actually AUS4086 and this is
5 the response that is prepared from the Ministry of Home
6 Affairs, and it reads:

7 "In connection with the attached correspondence,
8 clause 94 of the Children and Young Persons Bill
9 contains the provisions which we hope to apply in
10 relation to the emigration of children who are in the
11 care of welfare authorities."

12 This is obviously before the Children & Young
13 Persons Act was brought into being, because it is still
14 at the bill stage:

15 "The clause is based largely on the relative
16 section in the Children Act 1948.

17 Under our legislation a welfare authority will, with
18 the consent of the Ministry, be enabled to procure or
19 assist in procuring the emigration of any child in their
20 care. In all cases where a child is capable of giving
21 his consent such consent will be necessary, but where
22 the child is too young to form an opinion, he must
23 emigrate in company with a parent, guardian or relative
24 or must be emigrating to join a parent, guardian,
25 relative or friend. In all cases the parent's consent

1 must be practicable -- must, where practicable, be
2 obtained.

3 If we are going put forward any views on the subject
4 of emigration to Australia, we will have to decide the
5 age below which we deem a child incapable of giving his
6 consent to the arrangements and we will have to make up
7 our minds as to whether we will recognise an Australian
8 Cabinet Minister as a guardian for the purposes of the
9 section and similarly if we will also regard the
10 Superior of the home for children in Australia as
11 a suitable guardian.

12 Up to the moment under the old legislation this
13 question of emigration has never to my knowledge cropped
14 up, but I do know that at the present time the Roman
15 Catholic church has a representative in Northern Ireland
16 who is trying to make arrangements for the emigration of
17 boys and girls to Australia. This scheme is being
18 worked through organisations which have been set up in
19 Australia by the church and which provide institutions
20 for the reception of children from the British Isles and
21 give them a certain amount of training in various trades
22 before placing them in jobs in the commonwealth.

23 I understand that at the beginning this scheme was not
24 looked upon too favourably by the Roman Catholic bishops
25 in Northern Ireland on the grounds that the Roman

1 Catholic population would be reduced. At the present
2 time, however, the representative of the movement from
3 Australia is working in close contact with the bishops
4 and the scheme is being worked mainly through the Roman
5 Catholic voluntary homes in Northern Ireland."

6 I just pause to make the point that this clearly
7 shows that at that point in time the Northern Ireland
8 government and Ministry of Home Affairs were well aware
9 there were numbers of children being considered
10 certainly for migration from the Roman Catholic
11 voluntary homes. Not only were they being considered
12 but they are working in close contact with the bishops
13 and the scheme is being worked mainly through the Roman
14 Catholic voluntary homes in Northern Ireland. He then
15 goes on to discuss:

16 "I don't know what procedure has been laid down by
17 the Home Office insofar as England and Wales are
18 concerned, but it is quite clear that the procedure in
19 Scotland is at variance with that which obtains in
20 England. On the question of age I think that the limit
21 of 10 years fixed by the Scottish Home Department is
22 a liberal one, but I cannot understand why they refuse
23 to accept the guardianship of the Minister for
24 Immigration or indeed the Superior of a home. On the
25 whole I would be inclined to the view that we here

1 should be prepared to accept whatever arrangements exist
2 in England, since in all probability that will
3 eventually be the scheme which will be applied in
4 Scotland.

5 In Great Britain the Secretary of State has power by
6 regulations to control the making and carrying out by
7 voluntary organisations of arrangements for the
8 emigration of children. We did consider a similar
9 provision for our legislation but the Parliamentary
10 draughtsman thought that we would be prohibited from
11 doing so. The whole question is more likely to arise in
12 connection with voluntary organisations than in relation
13 to children in the care of welfare authorities."

14 What he seems to be saying here is that, you know,
15 "We don't have the regulations to control the making and
16 carrying out by voluntary organisations of arrangements
17 for the emigration of children in our proposed new Act.
18 We did consider it, but felt we could not do that and
19 that the whole question is more likely to arise in
20 connection with the voluntary organisations than in
21 relation to the children in the care of welfare
22 authorities. That is the whole question of the issue of
23 what child -- age a child -- it is appropriate for
24 a child to go and the issue of guardianship.

25 "As I have already said, I think we should merely

1 accept this letter to the effect that we will be
2 prepared to accept ..."

3 If you could go to the next page, please:

4 "... whatever scheme is in existence in England and
5 Wales and at the same time asking for information as to
6 what is contained in this scheme."

7 So that's the memo that is then sent to the Cabinet
8 Office in Northern Ireland, and then there is
9 a letter -- the Northern Ireland response to the Home
10 Office query is found, dated 10th February. There's
11 both a copy and the actual letter itself, which it might
12 be clearer to look at, at AUS4201, and this is the
13 letter enclosing the memo -- this is in response to
14 the -- the memo is prepared by the civil servant who
15 then -- the Minister of Home Affairs is then writing to
16 the Cabinet Secretary I think and saying:

17 "Dear McWilliam."

18 It is dated 10th February 1950.

19 "Dear McWilliam,

20 I am extremely sorry for the delay in replying to
21 your letter of 29th December last on the question of the
22 emigration of children to Australia, but we've been very
23 busy here, as you will realise, with new legislation and
24 it has not been possible to deal with the correspondence
25 before this.

1 Our Children and Young Persons Bill will enable
2 a welfare authority to procure or assist in procuring
3 ..."

4 He then quotes again:

5 "... the emigration of any child in their care, but
6 where the child is capable of giving his consent, such
7 consent will be necessary. Where the child is too young
8 to form an opinion, he must emigrate in company with
9 a parent, guardian or relative or must be emigrating to
10 join a parent, guardian, relative or friend. In all
11 cases the parent's consent must, where practicable, be
12 obtained and the Ministry's approval ..." -- and there
13 is a handwritten addition there which is very difficult
14 to make out -- "will also be necessary in each case."

15 I am afraid I just can't make out what that says
16 either from the copy I have or on the electronic
17 version.

18 "As regards children in training schools, the
19 managers may, with the child's consent, and with the
20 consent of the Ministry, arrange for his emigration and
21 must, where possible, consult with the child's parents.

22 I" -- and I will come back to why "we" is scored out
23 -- "do not visualise any child emigration on a large
24 scale from Northern Ireland and therefore we would
25 prefer to leave it that we would deal with any cases

1 arising on their merits. We would not as a general
2 principle apply the limited definition of 'guardian'
3 which appears to have been adopted by the Scottish
4 authorities."

5 That is the letter that goes to the Cabinet
6 Secretariat. He then --

7 CHAIRMAN: Would it help if we blew up the letters a bit to
8 a higher magnification?

9 MS SMITH: It might assist, but I think in any case we
10 can -- what has actually happened is that that letter is
11 then copied. Nowadays it would be cut and paste with
12 some amendment, but it is then copied and sent in -- on
13 14th February 1950 to Sir Ernest Holderness in the Home
14 Office from the Cabinet Secretary from McWilliam. We do
15 have a copy of that at AUS4200. I think that the
16 handwritten amendments in that were to allow the typist
17 to alter it, because, as you will see, it commences with
18 the same:

19 "I am sorry for the delay in replying ... on 28th
20 December ...",

21 about a letter forwarded from the home -- from the
22 Office of the High Commissioner at Canberra.

23 Then he quotes the Children and Young Persons Act
24 which received -- by this stage it has received royal
25 assent "today", that day, 14th February.

1 "A welfare authority will be able to procure or
2 assist ..."

3 and he quotes from that. Then he talks:

4 "In all cases a parent's consent must, where
5 practicable, be obtained and the approval of the
6 Ministry of Home Affairs will also be necessary in each
7 case. As regards children in training schools the
8 managers may, with the child's consent, and with the
9 consent of the Ministry, arrange for his emigration and
10 must, where possible, consult with the child's parents.

11 We do not visualise any child emigration on a large
12 scale from Northern Ireland and therefore would prefer
13 to leave it that any cases arising would be dealt with
14 on their merits. The Ministry of Home Affairs would not
15 as a general principle applied the limited definition of
16 'guardian' which appears to have been adopted by the
17 Scottish authorities."

18 So this correspondence clearly shows that there was
19 knowledge within the Northern Ireland government of the
20 fact that really very few people were being emigrated
21 from Northern Ireland under the legislative provisions
22 and they don't anticipate that there will be very many
23 falling into that category, but the memo clearly shows
24 that they were aware that nonetheless there was
25 a migration scheme in operation where numbers were going

1 from the voluntary homes and particularly the Catholic
2 homes.

3 In considering this whole area of what knowledge the
4 government had if we could look at a further set of
5 correspondence. This was a letter to the Ministry of
6 Home Affairs from the Australian Catholic Immigration
7 Committee, which was sent in 1949. Enclosed with that
8 was a quarterly progress report. If we could look at
9 this, please, at 7 -- AUS7078. No, I think I've got the
10 wrong -- try 4078, please. Yes. This is actually the
11 quarterly progress report. I did in looking through the
12 documentation last night come across the letter that
13 actually enclosed this, and I thought I had written down
14 the reference number, but certainly it is --

15 CHAIRMAN: I wouldn't worry too much about it.

16 MS SMITH: -- in the bundle. It is a very short letter, but
17 it is enclosing this. If we look at this particular
18 document, it says:

19 "Quarterly progress report."

20 It is about Scotland and Northern Ireland
21 particularly.

22 "General position regarding child migration. The
23 position in Scotland and Northern Ireland with regard to
24 the emigration of children to Australia must be viewed
25 at this time with dissatisfaction. Although in 1947

1 well over 100 children were sent out to Australian homes
2 and convents, the numbers since then have gradually
3 dropped and the last group sent out consisted of less
4 than half a dozen children. There are so far as can be
5 ascertained many reasons for this fall in numbers, the
6 main ones being as follows:

7 Attitude of the homes and convents in this country."

8 That would be in Australia.

9 "Of all the homes from which it might be expected to
10 obtain children for emigration, only one or two have so
11 far been 100% cooperative. It would appear that
12 a long-term policy with regard to the children's future
13 is not being taken, and that several factors contribute
14 towards this viewpoint, the main ones being:

15 (a) personal attachment to the children.

16 (b) general dislike of letting the children leave
17 the country.

18 (c) unwillingness to have the numbers in the homes
19 depleted."

20 I should say that this was the attitude in Scotland
21 and Northern Ireland, not Australia. I beg your pardon:

22 "Other factors having relation to the lack of
23 response from the convents are mentioned in
24 paragraph 4."

25 Then he talks about the attitude of public

1 authorities towards child migration. If we go down to
2 the section where it says "Northern Ireland":

3 "Up to the present time no application has been made
4 to Irish local authorities, as the necessity has not yet
5 arisen."

6 That's -- we may need to actually go back up to
7 where it says about Scotland:

8 "Children placed in homes and chargeable to the
9 local authority ..."

10 CHAIRMAN: Well, this is largely repetition of what we have
11 already seen in earlier documents.

12 MS SMITH: Yes. It says:

13 "The Home Office practice is exceedingly cooperative
14 insofar as the children for whom permission has already
15 been sought are concerned, and they have after the
16 necessary legislation in no case refused permission",

17 but at this time in 1949 -- this report I think
18 actually dates to 1948 -- but at that time they had
19 not -- Northern Irish authorities had not exercised the
20 power to grant consent and had not been required to do
21 so. We are aware that the --

22 CHAIRMAN: That, of course, would be for the Catholic
23 children.

24 MS SMITH: That would not have applied -- this was with
25 regard to the public authorities towards child

1 migration. So it would have been --

2 CHAIRMAN: Yes, but when it says "no application has been
3 made", this is written from the viewpoint of the Roman
4 Catholic --

5 MS SMITH: Yes, of the Catholic children, yes, absolutely.

6 CHAIRMAN: -- immigration organisation.

7 MS SMITH: It wouldn't have been required. So no
8 application was made because none was required.

9 CHAIRMAN: Their children were nearly all in voluntary homes
10 at that stage.

11 MS SMITH: Yes. If we can just go down, the next heading is
12 "The attitude of the Scottish and Irish hierarchies
13 towards child migration". In respect of Northern
14 Ireland it reads:

15 "The Irish hierarchy hold mixed views on the subject
16 of emigration. His Grace the Archbishop of Armagh
17 circulated information about the scheme amongst Northern
18 Irish parish priests in 1947, but other bishops in the
19 area have not responded to letters and circulars
20 regarding emigration which have been sent to them."

21 If I might just pause at this stage to give what I
22 think is the example of the circular that would have
23 been sent in Northern Ireland, and that can be found at
24 AUS2588 and the pages after that. You will see that
25 this was the "Christian Brothers' and Associated Schemes

1 for the Training of Boys and Girls in Western
2 Australia". The pages run right through to 2634.

3 I'm not going to go through it all, but if we can
4 just go back to the first page there, please, you'll see
5 that there are photographs of the different homes to
6 which we have heard reference made by the applicants who
7 have given evidence to the Inquiry.

8 There is Nazareth House, Geraldton; a photograph
9 described as "Approaching Bindoon"; St. Joseph's
10 Orphanage, Subiaco; St. Mary's Agricultural School,
11 Tardun, and that seems to be an artist's or
12 an architect's depiction of what it would look like
13 eventually; St. Vincent's Orphanage, Queen's Park; and
14 then St. Peter's Intermediate Orphanage, Clontarf.

15 Throughout the brochure we see photographs. If we
16 just scroll down through it briefly, there are details
17 given about the schemes and by whom they are operated
18 and the various brothers there. You can see there
19 a photograph -- just pause there -- a photograph of
20 BAU4, who was a principal at Tardun. He's --

21 CHAIRMAN: He is described as "the Reverend Brother".

22 MS SMITH: Yes.

23 CHAIRMAN: Does that mean he was ordained?

24 MS SMITH: I don't believe so. I think that was just simply
25 the title that the Christian Brothers were given.

1 CHAIRMAN: Yes.

2 MS SMITH: So it goes down then. There is Clontarf, Tardun,
3 and we see there the Reverend Prendiville, Archbishop of
4 Perth. I am just going to scroll down this quickly.
5 This is a letter from Archbishop Prendiville about the:

6 "Many thousands of homeless Australian boys and
7 girls have passed through the sheltering portals of
8 these homes. Just prior to the war it was our privilege
9 to add young citizens from the United Kingdom to our
10 flock and I wholeheartedly commend the proposal to
11 arrange for the reception of children from the United
12 Kingdom at the institutions in Western Australia and
13 commend the Catholic Episcopal Migration and Welfare
14 Association, which to is arrange -- which is to arrange
15 and control the migration scheme."

16 If we can just -- it just continues on. It gives
17 details about the individual orphanages and homes and
18 gives more photographs of them. You will see there
19 photographs of children and the layout. Outdoor
20 sleeping accommodation. Just continue on scrolling
21 down, please. This is in relation to Clontarf, about
22 whom -- which home we have heard a number of people were
23 -- from Northern Ireland were sent to this particular
24 orphanage. There is a photograph there, a
25 clear photograph of the front view of the orphanage.

1 Then a pictorial map of the different buildings within
2 that orphanage. Then some of the boys in the classrooms
3 and then the apprentices, the different skills and
4 trades that they were to be taught, and then Clontarf
5 chapel, the chaplain's residence, and then the kind of
6 work which -- with which the children became engaged,
7 and again some of the inside of the room and some of the
8 other buildings. Then there are "Some migrant boys who
9 arrived before the war received a rousing welcome".

10 Then we go on to Bindoon. At this stage Bindoon is
11 not completed. We see the prospective drawing of what
12 it's likely to look like once it is completed.

13 CHAIRMAN: I see it says in the bottom right-hand corner:

14 "Administration block in course of erection by the
15 boys."

16 MS SMITH: If we can scroll on down, please, the laundry,
17 the recreation hall and views of the buildings. Then
18 there's a montage of photographs of the boys at school
19 and at work. The dairy herd and horse team. Keep
20 scrolling down.

21 Then the next section relates to St. Mary's
22 Agricultural School in Tardun. Again we have a lot of
23 details, both written details and then quite a number of
24 pictures again showing the dormitories, trainees,
25 toilets and shower facilities, science room. One batch

1 of boys off on holidays. The buildings in 1945. The
2 Superior.

3 Then once again the girls section. It is Nazareth
4 House, Geraldton, and it shows the north wing of the
5 house. Scroll down. Then the centre courtyard with
6 fountain and goldfish pond. Tardun boys visiting
7 Nazareth. I pause to say that the foundation books that
8 have been provided by the Sisters of Nazareth for
9 Geraldton do show, record these visits taking place
10 between the two homes.

11 If we can go on down, please, then this is Subiaco
12 I think. St. Joseph's Orphanage it is described as
13 there. There is the main dormitory with a doll on each
14 child's bed. The chapel. Then child migration from
15 England, and that's the end of the brochure.

16 So it is clear from this particular brochure that it
17 was very much a marketing piece of information and one
18 can see how it would have impressed those people here
19 who were being asked to send children for migration, but
20 despite that fact -- I am not quite sure what the date
21 of this brochure is. I am not sure if it is actually --

22 CHAIRMAN: Well, the internal evidence may well reveal that.

23 I don't think it is necessary to look at it at the
24 moment. There will be references to dates and
25 statistics and --

1 MS SMITH: Yes, it would be -- but certainly when the
2 Australian Catholic Immigration Committee are providing
3 their progress report, that despite the bishops
4 receiving such material from Australia, they have not
5 responded to the letters and circulators -- circulars
6 that were sent to them.

7 If we could go back, please, to AUS4079, and then at
8 paragraph 4 then it says:

9 "Other factors contributing toward the dearth of
10 children for emigration.

11 Length of time between selection of children and
12 sailing date."

13 I pause there to say it is quite clear from the
14 child migration forms that we saw some were signed maybe
15 two years prior to the child actually travelling to
16 Australia.

17 "In this regard either parent or children or both
18 get tired of waiting and names are withdrawn.

19 High cost of outfitting and inadequacy of governing
20 -- government outfitting allowances (amounts to 4 pounds
21 per child).

22 3. The attitude of parents towards scheme. Some of
23 those -- these are traced through the homes, others
24 through the local authority. Information given to these
25 people is often scanty and their attitude is frequently

1 one of suspicion.

2 4. Children are not being selected young enough.
3 Once they approach the age of 15 years they are
4 potential wage earners and this is a great incentive to
5 the parent to keep them at home.

6 5. Non-cooperation of some local authorities in
7 tracing the parents.

8 6. Views by the convents themselves -- see
9 paragraph 1.

10 7. Lack of personal contact between the
11 representatives of the scheme and the clergy, convents
12 and local authorities concerned."

13 You will be aware from what we have -- what I have
14 already outlined is that ^{Br Conlon} actually came to England
15 and we know that he visited homes in Northern Ireland
16 after in particular seeking the permission of Bishop
17 Farren in Derry to visit two homes there. So obviously
18 this lack of personal contact between the
19 representatives of the scheme and local clergy and
20 convents was addressed by his coming in subsequent
21 years.

22 "In summing up the foregoing report it is to be
23 emphasised that there is no wish to emigrate children
24 from whom -- for whom adequate provision can be made in
25 later years by parents or guardians. For those children

1 their rightful place is obviously in their own home with
2 their parents and it would be neither desirable nor
3 judicial to urge their emigration. The majority of
4 children in homes, however, are either illegitimate or
5 have parents who are totally unable to provide a decent
6 home and upbringing for their children. It is for these
7 children that emigration provides a complete answer to
8 the question of the future. They are removed from
9 parents who will exploit their wage-earning capacities,
10 given more chance of learning a trade or profession
11 which will give them security, and above all they are
12 brought up in a completely Catholic atmosphere, thus
13 removing all threat to their faith, which might well be
14 endangered should they be returned to their own home at
15 school leaving age. To these children, therefore, it is
16 asked that every chance be offered and every effort made
17 to induce their parents to allow them to emigrate."

18 So it is clearly -- from that it is quite clear that
19 the intention is not to select children for emigration
20 who had a chance of going back to their parents at some
21 time in the future. Yet we know from the accounts that
22 we have had that parents subsequently came looking for
23 their children and by that stage it was too late. They
24 had already gone.

25 It then recounts the numbers of children who have

1 already emigrated from Scottish and Irish homes and you
2 see there that the Belfast -- the Nazareth Lodge,
3 Londonderry had sent 13 in 1947, nobody in 1948 or '49.
4 St. Joseph's, Termonbacca sent 27 in 1947, again none in
5 '48 or '49. Then Nazareth Lodge, Belfast sent 23 out in
6 '47 but none in '48 or '49.

7 I pause there, because one of the matters that I'm
8 going to refer to later is the selection of children,
9 and it is quite clear that there was -- from documents
10 that I will refer to that the Australian authorities
11 were dissatisfied with what they described as the
12 sub-standard children who were sent out in 1947 and that
13 led to an increase in documentation being required and
14 testing of the children before they were sent for
15 emigration. It says:

16 "Approximately 25 children are now awaiting passages
17 and it is hoped to send them in August of 1949."

18 That obviously would be from both Scotland and
19 Northern Ireland.

20 Again this document, although it is from the
21 Catholic Immigration -- the Australian Catholic
22 Immigration Committee -- Catholic Immigration Committee,
23 was sent to the Northern Irish government. I think the
24 letter may have been at 480. If we could just look at
25 the next page, please. Yes. This -- it is dated 12th

1 August 1949 and says -- it is addressed to the
2 Australian Catholic Immigration Committee and it says:

3 "In the absence of Mr Dunbar on holidays I am
4 acknowledging with thanks the receipt of your letter of
5 9th August regarding the migration of Northern Ireland
6 children to Australia."

7 So that letter clearly shows that that material was
8 received in the -- with the Northern Irish government
9 and that this letter has come from the Ministry of Home
10 Affairs' file in the Public Records Office.

11 So the third way we know that the Northern Irish
12 government were well aware of the scale of children who
13 were being emigrated not under the auspices of the
14 legislation but by voluntary homes comes from a memo
15 which was made by Miss Forrest in 1955 and that's at
16 AUS5160. You see that it is -- it is 1955 and it is
17 dated 21st November 1955 and it's a memo and she just
18 says:

19 "When I visited Nazareth Lodge on 1st November
20 Reverend Mother mentioned several points of interest."

21 We don't need to look at the first -- next three
22 paragraphs, but the final paragraph, it reads:

23 "She also tells me she is sending 23 boys to their
24 homes in Australia soon and may send another 20 later.
25 Rubane can't absorb all their output and this is how

1 they are to be disposed of. This is being arranged by
2 a priest from Australia collecting children here. She
3 wondered if Mr Murphy, their aftercare officer, could
4 cope with the negotiations and formalities for her.
5 I said I didn't see why he shouldn't do ".

6 So clearly from this in 1955 there are a number of
7 children going out. Miss Forrest, who you will remember
8 is the inspector employed by the Ministry of Home
9 Affairs, has gone to Nazareth Lodge on 11th November and
10 in discussion with the Reverend Mother there she has
11 essentially agreed on behalf of the Ministry that
12 Mr Murphy, the aftercare officer for the boys, could
13 cope with the negotiations and formalities of migrating
14 these children.

15 It seems -- if that was followed through and that
16 did happen, then there would seem to be some more
17 involvement by the Northern Ireland government in the
18 migration of children than just under the legislative
19 scheme.

20 CHAIRMAN: I don't have the figures to hand, but my
21 recollection is nothing like 23 boys did go in the end.

22 MS SMITH: I think that's probably correct, Chairman.

23 I don't have the figures myself, but we do have them.

24 CHAIRMAN: And there's certainly nothing like 43 at all.

25 MS SMITH: Yes.

1 MS DOHERTY: Can I just check? Do we know is Mr Murphy the
2 Nazareth Sisters' aftercare officer?

3 MS SMITH: Yes.

4 MS DOHERTY: So it's their aftercare?

5 MS SMITH: So he wasn't -- I beg your pardon. Yes. So he
6 was actually an employee of the --

7 MS DOHERTY: Nazareth?

8 MS SMITH: -- Nazareth Order rather than someone employed by
9 the Ministry. I apologise for misleading the Inquiry
10 about that matter, but ...

11 CHAIRMAN: One wonders if Miss Forrest in saying:

12 "Rubane can't accept all their output and how they
13 are to be disposed of"

14 was using her own language or that of the Reverend
15 Mother.

16 MS SMITH: Indeed. It will become clear in the next module
17 that when boys reached a certain age in Nazareth Lodge
18 in Belfast, certainly from 1950, after Rubane opened,
19 a large number of them were then moved on to Rubane.

20 Just in discussing what actual numbers were sent
21 from voluntary organisations, you will recall, Chairman,
22 that earlier in the week I drew attention to a report
23 that was prepared by the Deputy Director of the Catholic
24 Children's Society of Westminster, a Miss Rosemary
25 Keenan, where she in 1996 analysed the computer database

1 in relation to former child migrants to Australia.

2 If we could look at that, please. The first page is
3 at 1190. That's AUS11... -- sorry. I take that back.
4 10090. I can't read. You will see that there is
5 an introduction here at page 1 where she says:

6 "Between 1938 and 1963 Catholic religious orders and
7 Catholic child care agencies in England, Scotland, Wales
8 and Northern Ireland sent children to Australia to be
9 cared for by religious orders who ran a variety of
10 institutions for children. It is not the purpose of
11 this report to argue the cause and effect or the push
12 and pull factors operating on the various parties to the
13 programme at the time. This report is an analysis of
14 data provided by the child migrants' register kept at
15 the time, and other extant records were found in the UK
16 and Australia. It should be added, however, that the
17 accuracy and completeness of information recorded at the
18 time varies substantially."

19 It says:

20 "All entries in the first edition have been
21 cross-checked by agencies and religious orders in the UK
22 and Australia. Amendments have been made to that
23 edition. Subsequent to this the database has been kept
24 up-to-date and this third analysis of the database is
25 therefore a more accurate reflection of the Australian

1 child migration by Catholic agencies and orders."

2 If we could go to the next page, please, and it --
3 she gives figures there, that from the central register
4 of migrants it appeared that 970 children had been sent
5 to Australia.

6 "The early process of cross-referencing revealed
7 an additional 37, to which a further 140 have since been
8 added. While the majority of children were sent under
9 the scheme administered by the Catholic Child Welfare
10 Committee, it is believed that other children were sent
11 by religious orders working directly with
12 representatives of the Australian church and the
13 Christian Brothers. Evidence for this is found within
14 the minutes of the Catholic Child Welfare Committee
15 meetings written at the time and supported by the
16 finding of additional children mentioned above. The
17 total number of children sent to Australia is unknown at
18 this time. There are currently 100 -- 1011 -- 1147
19 entries for former child migrants on the database.

20 Work undertaken by the Poor Sisters of Nazareth, who
21 have cross-checked every entry on the original database
22 of migrants, has revealed new information and additional
23 papers which have been added to the files kept by the
24 CCWC."

25 She then analyses certain aspects of the data, the

1 first of which is age. She says:

2 "The average age of children sent to Australia was
3 approximately 9.4 years, the youngest being 2 years and
4 the oldest entrant on the original register was
5 a 23 year old who was accompanying her younger sister.
6 The ages and numbers of children sent in each age range
7 be seen in table 1."

8 We see there is one child went at the age of 2, but,
9 as she says:

10 "The majority of children sent were between the ages
11 of 5 and 13 years, the Australian Catholic Church
12 preferring younger children to be sent. The highest
13 single percentage of children sent were 8 year olds,
14 with about half of all children aged between 7-10 years
15 of age. There are 99 children for whom the date of
16 birth/age is not given in records."

17 If we can scroll on down, please. Just scroll to
18 the next page. Thank you. There is a diagram there
19 setting out the age analysis of the children in pie
20 chart form.

21 "The gender of the children.

22 "Of the 1147 children sent, 795 were boys (some 69%)
23 and 352 were girls (31%).

24 Consent to migration.

25 Consent by birth parents was given to the migration

1 of children in 216 instances (19%). In 913 (80%)
2 instances it is unknown whether or not parental consent
3 was given as the documentary evidence remains unfound."

4 With regard to the sender:

5 "It is often difficult to identify the exact
6 relationship between the religious orders running the
7 homes and the child care agencies that may have placed
8 children with them. In most instances the agency would
9 have been involved with the migration procedures and
10 consent. The relationship between the agencies
11 and orders in the decision making process is usually
12 unclear. The social history and clear reasons for
13 migration are not given on migration forms and only
14 rarely in supporting documentation.

15 An analysis of those sending children to Australia
16 reveals that of the 1147 children, 65.6% appear to have
17 been sent by the Poor Sisters of Nazareth.

18 The analysis of the above chart is distorted
19 somewhat by double counting. Certain migrants have both
20 agency and order recorded",

21 and it gives an example of that. Then:

22 "Children sent to Australia -- analysed by religious
23 order in the UK."

24 There is a table there, which clearly shows the
25 figures being 96.9% were sent by the Poor Sisters of

1 Nazareth out of a total of 777 children.

2 With regard to destination:

3 "Almost half of all children who migrate went to the
4 care of the Christian Brothers. For 14.6% of all
5 children the CCWC has no record of their destination.
6 Details of destinations are contain in the chart and
7 table following."

8 We will see that the homes that have been referred
9 to by applicants to the Inquiry are listed there on that
10 table of destination and you will see that the order or
11 institution to whom they were sent includes SND220 as
12 someone, and we will see -- we have seen the migration
13 forms where he has signed it on behalf of the
14 organisations in Australia for whom he was working at
15 the time.

16 At the bottom there we can see Castledare, Clontarf,
17 Tardun, Bindoon in Western Australia and at the top we
18 see East Camberwell, Camberwell, Nazareth House and
19 Nazareth House in Geraldton.

20 If we could go to the next page, please, it records
21 that:

22 "There were 13 deaths recorded either in the
23 register or in supporting correspondence. Two were
24 girls who died within months of arrival. The remainder
25 were boys, mostly in road accidents.

1 To the above deaths have been added additional
2 details on the deaths of former migrants as adults. It
3 is hoped that this information will assist those working
4 on behalf of birth families of former migrants in the
5 future. In total 26 former child migrants are known to
6 have died at the time of this analysis", which was
7 August 1996.

8 It talks about supporting paperwork:

9 "Aside from an entry in the migrants register,
10 additional papers kept by CCWC were found for 789
11 migrants (69% [of the total]). Papers vary considerably
12 in both quality and quantity of information and included
13 combinations of the following:

14 Migration papers.

15 Correspondence.

16 Brief details of reason for migration.

17 Copies or originals of birth certificates/baptismal
18 certificates.

19 Medical reports.

20 School reports from England.

21 Progress reports on individual children from
22 institutions in Australia.

23 The above figure does not take into account records
24 that may be held by individual sending agencies or
25 religious orders."

1 Then:

2 "Inquiries by and on behalf of former child
3 migrants.

4 According to the register and the additional
5 supporting paperwork so far consulted 266 former
6 migrants (23%) have made enquiries about themselves or
7 their families or information has been requested by
8 third parties on their behalf. 27% of this 23% of
9 enquiries have returned to the agencies requesting
10 further searches, information, etc. Some of those --
11 these enquirers have made a number of contacts over
12 a lengthy period of time. Additionally there were 99
13 migrants (9%) whose family made enquiries about them,
14 with double enquiries made in a few cases, for example,
15 a sibling and a parent both enquiring on separate
16 occasions.

17 For the purposes of this analysis contact subsequent
18 to second enquiries have not been included.

19 The preceding figures are an underestimate of the
20 total number of migrants that have made contact. Until
21 recently the CCWC did not record all enquiries made by
22 or on behalf of former migrants. Enquiries to religious
23 orders and other childcare agencies in the UK have now
24 been added to the database.

25 Table 3 below gives an analysis by year of the

1 initial enquiries made by and in respect of former
2 migrants. Again this underestimates the total, as
3 a significant number of former migrants have over the
4 years made further enquiries."

5 The table is there showing that in the 1960s there
6 were a large number of inquiries, a larger number than
7 had been the case prior to that being made, but if we
8 look at the situation from 1992 onwards, there is large
9 numbers 1992, '93, '94 and again '95, but certainly in
10 1994 there were 47 people asking about their
11 backgrounds. It says:

12 "Although it would be dangerous to draw conclusions
13 from such incomplete records, it appears that there is
14 a substantial (and probably increasing) level of
15 enquiries at present. For example, there appears to
16 have been only a handful of enquiries during the 1980s,
17 but during the 1990s the number rose to a peak of 62 in
18 1994."

19 I should say that the 47 was the first contact in
20 that table.

21 "Experience in respect of migrants to Canada
22 indicates that enquiries from migrants and their
23 descendents are likely to continue for many years.

24 Acknowledgments. Compilation of this report and the
25 three editions of the central database has taken

1 approximately 700 hours to complete. In addition to
2 this, many hours have been spent by workers in agencies
3 and religious orders in the UK and Australia.

4 Considerable credit should go to Sister John Ogilvie of
5 the Poor Sisters of Nazareth, who spent 1500 hours
6 cross-checking the references to children sent by the
7 Order against extant records from the 26 Nazareth House
8 homes across the UK which sent children to Australia. I
9 would like to express my appreciation of Mother Bernard
10 Mary, the Superior General of the Poor Sisters of
11 Nazareth, who made Sister John and her computer skills
12 available for this task and who ensured that Nazareth
13 House records in Australia were likewise checked.

14 My final thanks go to David Walley ..."

15 She signed that in September 1996.

16 So it is clear this document relates to the children
17 who were sent from the UK and it was probably the best
18 figures that could be arrived at at the time in 1996 and
19 it is likely that a lot of the documentation that may
20 have been used to compile this information was of the
21 same nature as the material that we have had presented
22 to us by the former child migrants. So it was clearly
23 an onerous task to try to decipher just exactly how many
24 children did go, but there is the caveat attached to
25 that obviously that those figures will include double

1 counting and cannot be completely accurate.

2 That brings me back to the issue of the selection of
3 children for migration. One of the -- we have seen from
4 the documentation and from the accounts that have been
5 given to us by the child migrants that certainly after
6 1947 there was a more rigorous selection process or
7 a more rigorous form filling that had to be undergone
8 with regard to the selection of children, and one of the
9 reasons for this is that it would appear that the
10 Australian authorities were dissatisfied with the
11 children who were sent out in 1947. We have seen
12 documents which have been kindly brought to our
13 attention by Miss Walkenshaw for the Sisters of
14 Nazareth, which are documents in the National Archive of
15 Australia. They can be viewed digitally at the
16 naa.gov.au website. However, we have requested a hard
17 copy of a file there, which is described as the
18 "Department of Immigration file, subject: Catholic
19 Episcopal Migration and Welfare Associate, Perth, Child
20 Migration", and in that file there is a telegram which
21 seems to be a communication between the Department of
22 Immigration and the High Commissioner's Office in London
23 sent in 1949. I have copied the wording of that
24 document or that telegram. It says:

25 "No nomination from Church of England stop Catholic

1 nomination for placements 30 children stop This
2 nomination will be recommended subject thorough medical
3 exam... -- medical check stop This necessary owing
4 excessive number of sub-standard children so far
5 received."

6 Clearly that was a telegram that was describing
7 children in those terms across the UK, not particularly
8 relating to Northern Ireland, but other documents
9 describe them as borderline defective, and the High
10 Commissioner was saying at this time that there were
11 many children available in the UK for migration, but the
12 Australians were simply saying, "We're not going to
13 accept those children that -- of the type you have sent
14 prior to now".

15 We do see that subsequent to that there seems to be
16 a more complicated process in relation to the migration
17 schemes themselves. We see that clearly in relation to
18 HIA354 and the documentation relating to him. He did
19 have to undergo IQ tests. If we could just look at that
20 at AUS11073, this was from the Western -- the Tyrone
21 County Welfare Committee's file, which is the IQ test
22 that was undergone by the child before he left. If we
23 can just scroll down that, it shows the type of test
24 that the children were expected to undergo. If we just
25 scroll down through that page, what I think most of us

1 who did the 11 Plus several years ago might recognise as
2 a verbal reasoning type paper, but there were different
3 tests for each age group, which would explain why
4 certain aspects of this paper are not completed.
5 There's year III. So it would have been anticipated
6 that this type of test would have tested a child's IQ at
7 different stages in development.

8 If we just scroll on down through that, please, we
9 see here that at year VI there were supposed to be six
10 tests two months each or four tests three months each.
11 This seems to have been the section that was completed
12 by HIA354 testing his vocabulary, testing copying a bead
13 chain from memory, mutilated pictures, number concepts,
14 pictorial likenesses and differences and maze tracing.
15 You will see that these are the mazes that were
16 provided. He has drawn a little line from the little
17 person trying to get home to the house on the maze.

18 Just scroll on down. Again another test of drawing
19 shapes, picture absurdities, similarities, copying
20 a diamond, comprehension, opposite analogies, repeating
21 five digits. Then a vocabulary test. Memory for
22 stories and verbal absurdities again.

23 Scrolling down, similarities and differences,
24 comprehension, memory for sentences, paper cutting,
25 verbal absurdities, memory for designs, rhymes, giving

1 change, repeating four digits reversed.

2 So certain tests were carried out by a child
3 according to the age and the older the child, the more
4 tests had to be completed. Vocabulary, reading and
5 report, memories, time for reading, mistakes, finding
6 reasons, word naming, repeating, memory for designs,
7 verbal absurdities, abstract words, memory for
8 sentences, word naming, similarities, vocabulary, verbal
9 absurdities II, response to pictures, repeating five
10 digits reversed, abstract words, Minkus completion, and
11 then obviously he hasn't completed any of the rest of
12 this form, because he wasn't old enough to do so.

13 Now you recall that many of those who have spoken to
14 us have memories of undergoing both medical and IQ tests
15 and there were -- if I can just refer briefly to the
16 evidence in the bundle relating to HIA308, which we saw
17 I think earlier this week or late last week. AUS11494,
18 please. This is the letter from Professor Seth of
19 Queen's University, and he sent -- I will just read it
20 out again:

21 "I am sending you now the report of our examination
22 of the nine children in Nazareth Lodge, Belfast, whom
23 you referred to us.

24 The examinations were carried out in Nazareth Lodge
25 on Monday, 27th and Wednesday, 29th August 1956. All

1 intelligence quotients reported were obtained on the
2 Terman-Merrill Binet scale (Form L). In qualification
3 of the actual -- in qualification of the actual IQ
4 figures it should be noted that all the results were in
5 our opinion somewhat lowered by the limited range of
6 experience in this group of children due to their
7 prolonged institutionalisation.

8 In all cases report from the staff of Nazareth Lodge
9 and our own observation of the children would not
10 suggest any marked degree of emotional maladjustment in
11 any of these cases. All the children cooperated well in
12 the test situation and we formed a very good opinion
13 indeed of the care and training that had been provided
14 for them.

15 Some comment on the lowest result obtained -- that
16 on", and the name of a child is given, "(IQ80) -- is
17 perhaps in order. This child was very well adjusted in
18 the test situation but he is very young and at several
19 points in his performance there were suggestions that
20 this result falls short of representing his effective
21 intelligence.

22 If there are any points about which you would care
23 to have fuller information, we shall be glad to try to
24 amplify this note."

25 So it's clear that there was testing being done on

1 the children. We have seen the reports of the medical
2 examinations in respect of some of them, and Professor
3 Seth certainly at the date of this letter, which was in
4 1956, was carrying out IQ tests on behalf of children
5 who were to be migrated from Nazareth Lodge.

6 If we just look at two other letters in respect of
7 this, they are to be found at AUS5218, first of all.
8 These are letters sent by the Australia Catholic
9 Immigration Society to the Mother Superior of
10 Termonbacca.

11 The first is 4th December 1951 and it says:

12 "Dear SR106,

13 We have just received a small nomination for boys
14 aged 9 to 12 and as Father Nicol has left instructions
15 for your boys to be given first consideration, I propose
16 to submit the following boys whom we have on our files
17 and who apparently would be eligible under this
18 nomination."

19 He names the boys there.

20 "As you know, we require the following documents in
21 respect of each child: application forms, birth
22 certificate, baptismal certificate, confirmation
23 certificate if confirmed, case history, IQ report and
24 school report. Many of these documents we already have.
25 I therefore set out below the list of papers we are

1 holding for each boy",

2 and he recites those.

3 "We would be grateful if you would let us know if
4 these children are still available for emigration. Also
5 if you have any other boys of this particular age group
6 whom we could perhaps migrate with a later batch? If
7 you wish these lads to be included in the next sailing
8 of migrant children, we would appreciate it if you would
9 furnish us with any documents which are missing from our
10 files. We would point out that very careful selection
11 is now taking place and therefore if children are any
12 way below average and do not come up to the required
13 standard, they are being sent back.

14 With every good wish.

15 Yours sincerely.

16 M. Canning",

17 who is described as "Secretary to the Reverend
18 Father Nicol".

19 This is clearly showing what documents are required
20 before a child's application for migration can be
21 submitted to the Australian authorities, but the point
22 at the bottom about children being any way below average
23 are being sent back, I am not sure if that refers to
24 them being sent back from Australia or just simply that
25 their applications are refused by the Australian

1 authorities, but in any event that would seem to bear
2 out the fact that the Australian authorities after their
3 experiences in 1947 had tightened up procedures
4 somewhat.

5 If we then look at AUS5216, please, this is
6 a further letter to the Sister Superior at Termonbacca
7 dated 20th December 1951 and it says:

8 "Dear SR106,

9 We wrote to you on the fourth instant but feel that
10 inadvertently the letter was wrongly addressed, having
11 put 'Termonbacca, Londonderry' instead of 'Termonbacca,
12 County Derry'. Perhaps the letter has by this time
13 found its way to its proper destination. However, in
14 case it has not, we desire to tell you that we have
15 received a nomination for boys and have submitted the
16 application of three boys. In our previous letter we
17 suggested one boy also, but he comes outside the age
18 group for this Tasmanian nomination of boys from 9 to
19 12, so we have had to withdraw him for the time being.

20 As you probably know already, it is now necessary to
21 furnish three application forms, birth certificate,
22 baptismal certificate, school report, IQ report and case
23 history in respect of each child. Some of these
24 documents we already possess. We therefore set out
25 below a list of the papers we are holding for each boy."

1 He does that. He repeats:

2 "We would be grateful if you would let us know if
3 these children are still available for emigration and,
4 if so" -- could you scroll down, please -- "we will be
5 glad to have their IQ and school reports and case
6 histories. At the same time perhaps you would be so
7 kind as to let us have a list of any other boys whom you
8 wish to be migrated to Australia and who fit into the
9 specified age group.

10 Since our first letter we have noticed on our files
11 an application for [a boy], presumably the brother of
12 [another boy]. If this is so and you wish the brothers
13 to be migrated together, we may possibly be able to fit
14 them into a special nomination which has come through
15 for Western Australia.

16 When submitting further applications, Father Nicol
17 asks you to bear in mind the fact that if these children
18 are in any way below average mentally or physically,
19 they will be sent back.

20 Wishing you every blessing for the coming holy
21 season.

22 I remain",

23 and it's signed "M. Canning, Secretary to the
24 Reverend Father Nicol, Parish Priest."

25 So that documentation indicates that there was

1 a selection procedure in place. The Australian
2 authorities had demanded certain information before
3 a child could be selected, but it does not enlighten us
4 as to how the Sisters themselves identified which
5 children would be suitable for migration.

6 The next matter which I wish to raise is that of
7 what was known and when about what happened to the
8 children once they were migrated to Australia. There's
9 a number of documents in relation to that.

10 You will recall that in -- when we were looking
11 through the material relating to HIA354, there was
12 a body of material from Tyrone County Welfare Committee
13 and we examined that material in relation to concerns
14 that had arisen over Dhurringile and what they did to
15 try to ascertain what the correct picture was with
16 regard to that particular home, and they eventually
17 satisfied themselves with regard to the home, although
18 we know that subsequently there doesn't appear to have
19 been any other child sent out.

20 We have received a document again. It is a document
21 that comes from the National -- the Australian National
22 Archives, and again I am grateful to Miss Walkenshaw for
23 locating that for us. It is entitled "Good British
24 Stock: Child and Youth Migration to Australia", and can
25 be found in the National Archive of Australia website

1 again. It is now in the bundle at pages AUS2960 and
2 following. I am not going to call that up just at this
3 point in time save for one entry, but it's
4 a 38-page document, and it gives the background to the
5 child migration schemes, and it provides a synopsis of
6 the files that are held in the National Archive of
7 Australia in respect of the issue of child migration.

8 If we look at page 11 of that document, which is at
9 29... -- 2970. Sorry. It is just -- leave that one.
10 It is actually the 1951. Yes, it is page 25 of it,
11 which is -- page 25 at 2985, please.

12 E.P. OPERATOR: I don't appear to have that document.

13 MS SMITH: I understand it was given to Merrill last night,
14 Chairman.

15 Perhaps if I just read from it.

16 CHAIRMAN: Yes.

17 MS SMITH: The particular entry relates to a general
18 inspection of Castledare Catholic Home in 1948 to 1954.
19 As the person who has compiled the document on behalf of
20 the National Archives of Australia comments:

21 "The most important item is a summary of the
22 Castle... -- is a summary of the Castledare situation
23 penned by Mr W. Garnett of the UK ..."

24 Sorry. I will start again:

25 "... of the UK High Commission to Mr A.L. Nutt at

1 the Immigration Department dated 12th January 1951:

2 'I visited Castledare in 1944. Very
3 unsatisfactory. My impression after going over my
4 reports and with vivid recollection of what the place
5 looked like when I last saw it was that the authorities
6 responsible for Castledare have a very dilatory -- have
7 been very dilatory in effecting essential improvements,
8 even assuming that the institution is capable of being
9 adapted to meet modern requirements.'

10 Then in the Immigration -- it states that:

11 "The Immigration Department reacted defensively to
12 the British official's comments and in 1951 a team
13 inspection of the institution reported in positive terms
14 and later reports are equally encouraging."

15 So it would seem certainly in 1944 the British
16 authorities are aware that some of these homes were
17 unsatisfactory and had expressed their displeasure,
18 which resulted in things improving by May of 1951.

19 There is correspondence in the bundle which I'm
20 going to refer to now which relates to the -- it is
21 correspondence between the Northern Ireland government
22 and the Home Office in relation to the Ross report.

23 If we could look at the first page, please, which is
24 at AUS4249, you will recall that when I opened the Ross
25 report, this was a fact-finding mission that had been

1 sent out to Australia in 1956, which visited a number of
2 homes in Australia and received reports on a number of
3 others, and the report -- the Ross report was quite
4 concerned about the homes to which children were being
5 sent from the UK.

6 Can we have AUS4249, please? This is a letter dated
7 25th January 1957. It is to the Ministry of Home
8 Affairs from the Home Office and it says:

9 "Dear Duff,

10 You wrote to Gwynn on 3rd January to ask for
11 information about the institutions in Australia to which
12 migrant children are being -- are sent by the voluntary
13 organisations here and to ask what English local
14 authorities do about a Fit Person Order when a child
15 committed to their care is emigrating.

16 The fact-finding mission sent to the Commonwealth
17 Relations Office confidential notes on each of the
18 institutions they -- confidential notes on each of the
19 institutions they visited and I enclose a set for you.
20 Neither their existence nor their contents should be
21 disclosed. These notes have been a source of
22 embarrassment to us. We were loathe to see migrant
23 children going to some of the institutions but we could
24 not use the notes to justify any effective action
25 because they were confidential, were not full inspection

1 reports and did not deal with all the institutions in
2 Australia.

3 Commonwealth Relations Office have to approve (for
4 the purposes of the assisted passages scheme) the
5 emigration of each child put forward by a voluntary
6 organisation with whom they have an agreement and in
7 addition the Home Secretary's approval is needed under
8 section 17 of the Children Act 1948 before any child in
9 the care of a local authority may emigrate. Fortunately
10 the latter type of case is rare, but Commonwealth
11 Relations Office have been in a serious dilemma.

12 I am also enclosing copies of my letters of 15th and
13 22nd June to the Commonwealth Relations Office. They
14 will show the way our minds are working at the" --
15 scroll on down, please -- "at the time. The second
16 letter was reinforced by a talk that Gwynn and I had
17 with Shannon, in which Gwynn expressed rather more
18 firmly our objections to the middle course that the
19 Commonwealth Relations Office were disposed to take.
20 CRO did not accept our advice and, after consulting the
21 Australians through the High Commissioner, drew
22 up a black list of the five establishments
23 specifically" -- sorry -- "specially condemned by John
24 Ross in the letter with which his confidential notes
25 were enclosed. These were:

1 Salvation Army, Riverview Training Farm, Queensland.

2 Dhurringile Rural Training Farm, Tatura, Victoria
3 (Presbyterian).

4 St. John Bosco's Home -- Boys' Town, Hobart (Roman
5 Catholic).

6 Methodist Children's Home, Magill, Adelaide.

7 St. Joseph's Farm School, Bindoon, Western Australia
8 (Roman Catholic).

9 Nothing was said to the voluntary organisations
10 about this black list, but CRO applied administrative
11 delay to applications for them and approved applications
12 for the other institutions in the ordinary way.

13 The Australian authorities had a quick inspection of
14 the institutions on the black list and I enclose copies
15 of reports of them. The minor improvements carried out
16 at Dhurringile and Bindoon since then seem satisfactory
17 as far as they go, but they can have done little to meet
18 the main criticism of the fact-finding mission and the
19 reports emphasise only too clearly the gap between our
20 way of thinking and that of the Australians.

21 The Australians later extended the scope of their
22 inspection and we have just received their considered
23 views on the fact-finding mission's report -- see
24 enclosed copies of letters dated 16th and 17th January.

25 Within the last month or two CRO have lifted their

1 ban on approvals to children going to the five
2 institutions on the black list. We understand that
3 applications are again being approved in the normal way,
4 including at least one (a Scottish case) for
5 Dhurringile. We have fortunately not been asked to
6 approve under section 17 of the Children Act 1948
7 a child's being sent to one of the institutions of which
8 the missions speak ill.

9 CRO are now in the process of reviewing the
10 agreements in the expectation that the Empire Settlement
11 Acts will be continued by force" -- sorry -- "in force
12 by the Bill that is now before Parliament. The
13 Parliamentary Undersecretary of State at the CRO had
14 a meeting with representatives of the voluntary
15 organisations concerned, and the enclosed letter of 27th
16 December gives the gist of what is proposed. There is,
17 unfortunately, not very much that we can do to improve
18 matters, but we hope that contact with the voluntary
19 organisations in this country and such influence as we
20 can bring to bear indirectly through the CRO and the
21 High Commissioner's Office will in the long run have
22 a good effect.

23 I hope that this letter and its enclosures, together
24 with the report of the Interdepartmental Committee, of
25 which you were sent a copy last autumn, give you the

1 sort of information you want about the emigration
2 schemes, but please let me know if there is anything
3 else we can tell you.

4 As far as the Fit Person Orders, we believe that
5 some of the local authorities have regarded the Home
6 Secretary's approval under section 17 of the Children
7 Act 1948 or the earlier provision in the 1933 Act as
8 absolving them from the need to have the Fit Person
9 Order set aside. Others have no doubt applied to the
10 court -- either before or after emigration has taken
11 place -- for the Order to be revoked. Still others have
12 asked the Secretary of State to discharge the child from
13 care in pursuance of the powers conferred by
14 section 84(4) of the 1933 Act. Apart from a prejudice
15 nowadays against the exercise of this power when it is
16 open to the local authority to apply to a court for
17 revocation of the order, we should be hard put to it to
18 rule out any of these ways of setting aside the Fit
19 Person Order."

20 It is signed -- there is a little handwritten note
21 there, which --

22 "The equivalent of section 84(4) of the 1933 Act is
23 section 111(4) of the Children and Young Persons Act
24 1950."

25 You will recall that earlier today I mentioned that

1 with regard to the discharge of the Fit Person Order
2 that was in existence in respect of HIA354.

3 So this letter -- for some reason the Northern
4 Ireland Ministry of Home Affairs are writing to see what
5 the Home Office know about some of the homes in
6 Australia to which children are being sent by voluntary
7 organisations in Northern Ireland. It must have come to
8 their attention and this is the response from the Home
9 Office to that query. This is how we come to know that
10 the Ross report was not complete in that it had the
11 secret annexe with the blacklisted homes.

12 We see at AUS4253 there is a letter of 4th
13 February 1957 thanking Whittiak:

14 "I am most grateful for your letter of 25th January
15 with enclosures about certain institutions in Australia.

16 The information you have furnished will be extremely
17 helpful to us in the course of our work and we would
18 appreciate it very much if you could keep the Ministry
19 informed of any subsequent developments."

20 The next letter is in October 1957 at AUS4266. Can
21 we go to 4266, please? You will see that it says:

22 "Dear Duff,

23 In your letter of 4th February you asked to be kept
24 in touch with developments in child migration.

25 The Commonwealth Settlement Bill received the royal

1 assent in February. The reports referred to in the
2 letter of 16th January (of which I sent you a copy on
3 25th January) from the Australian Department of
4 Immigration were duly received and after consultation
5 with us the Commonwealth Relations Office made new
6 agreements with the following organisations:

7 Dr Barnardo's.

8 The Church of England Council for Commonwealth and
9 Empire Settlement.

10 The Fairbridge Society.

11 Northcote Children's Emigration Fund for Australia.

12 Salvation Army.

13 Catholic Child Welfare Council.

14 National Children's Home.

15 The Scottish Home Department agreed to the renewal
16 of the agreement with the Church of Scotland Committee
17 on Social Services.

18 The Commonwealth Relations Office consulted us about
19 the terms of the agreement and I enclose a copy of the
20 model form that was evolved. Paragraph 7 provides for
21 the Home Office to be given information about the work
22 of the voluntary organisations in this country. This
23 follows the proposal in the letter of 27th December, of
24 which you have a copy, that the organisations should
25 permit" -- scroll on down, please -- "their records and

1 methods of working to be formally -- informally
2 inspected. They have agreed to this and inspections
3 have started, but there is nothing out of the ordinary
4 to report yet and it is too early to judge what
5 influence we can or need to have on the work of the
6 organisations in England and Wales."

7 There is then at 4268 an extract from the Hansard,
8 the Parliamentary debates on child migration to
9 Australia. I did quote from this in the opening
10 I believe, where Mr Alcorn -- sorry -- Mr Alport, the
11 Undersecretary of State for the Commonwealth Relations,
12 says:

13 "It was partly with the objective of reassuring
14 local authorities that the fact-finding mission to which
15 reference has been made in this debate went to Australia
16 and reported in August 1956. This is perfectly true
17 that certain aspects of that report were critical of
18 some of the features of the system which was then in
19 operation, but I think it would be fair to say that the
20 report was not intended to be antagonistic to child
21 migration in principle, nor indeed critical generally of
22 the admirable work being carried out both here and in
23 Australia by the various voluntary bodies to which
24 reference has been made.

25 It suggested certain improvements, and these have

1 been carried out. As a result local authorities can be
2 assured that where they decide that it is in the best
3 interests of a child to emigrate -- for a child to
4 emigrate, the conditions under which he or she shall do
5 so will give him or her a fine opportunity of making the
6 most of a new life which the child will lead when it
7 reaches Australia. In 1957 my noble friend the
8 Secretary of State completed a series of new agreements
9 with the various voluntary organisations under the
10 Commonwealth Settlement Act, which embodies the
11 recommendations or those which were acceptable of the
12 fact-finding report. As a result local authorities
13 should consider very carefully whether a particular
14 child in a particular case the project of going overseas
15 and starting a new life would provide a future for that
16 child which would provide the best answer to the
17 individual problem which the child represents.

18 The extension of what one might call family
19 emigration ..."

20 He goes on then to discuss other matters in respect
21 of emigration generally, but he says:

22 "Concerning the arrangement for the care of children
23 who go on their own to Australia, it has become
24 increasingly the practice of societies there to find
25 some means of fitting those children into the

1 environment of family life as opposed to keeping them in
2 what is called rather crudely an institution. Even
3 where it is necessary for them to remain on a farm or at
4 a school, it is the practice to ensure that as far as
5 possible the children go to an Australian family during
6 the school holidays and later, if it can be arranged,
7 that they should be boarded out with a neighbouring
8 family so that they can enjoy not only the advantages of
9 instruction and training but also a family environment
10 in which to grow up.

11 I hope that this debate will help to call attention
12 to those opportunities and also to reassure those who
13 are responsible for the care of eligible children so
14 they may consider seriously the chances of a better life
15 which emigration may hold open to them and that perhaps
16 they may be more willing than it is at -- than is at
17 present the case to take advantage of the existing
18 schemes for child migration both for the benefit of the
19 children and their families and for the benefit of
20 Australia and the United Kingdom."

21 So clearly the government in the UK in the House of
22 Commons are encouraging Australia, saying, "Well, we had
23 problems, but we have had those problems resolved. The
24 criticisms that were accepted have been addressed by the
25 Australian authorities and we can reassure you that

1 children are not simply going to institutions, that they
2 are experiencing family life in Australia", and we know
3 from the accounts given by the applicants to the Inquiry
4 of their time in Australia that certainly there was the
5 same scheme that operated with children that we have
6 heard about here, that they went to families at holiday
7 time and that kind of thing, and there were also more
8 permanent foster arrangements arrived at for some
9 children, as the witness this morning showed.

10 So that was the attitude of the UK government as
11 a whole. Then there is a note, if we can look at this,
12 at AUS4269. This is in 1958 and it is a memo from the
13 Secretary of the Child Welfare Council to the Ministry
14 of Home Affairs I believe. It says:

15 "When Mrs Haughton was at a party at Government
16 House last week, the governor mentioned to her that he
17 had had a letter about some officials in Australia who
18 are coming to England shortly to enquire into the work
19 of child welfare. She is somewhat vague about who these
20 people are but thinks they are interested in an
21 organisation similar to the Australian Fairbridge Farm.
22 The governor asked if she thought they could gain any
23 useful information in Northern Ireland and she advised
24 him to get in touch with Mr Dunbar.

25 If Mr Dunbar thinks the officials should come to

1 Northern Ireland, the Child Welfare Council would be
2 very glad indeed to invite them to a meeting and to
3 discuss with them any points of interest relating to
4 child welfare.

5 Mrs Haughton also told the governor that she was
6 quite sure that the Children's Department of the
7 Ministry would be able to arrange some useful visits for
8 the officials to children's homes and training schools
9 and she asked me to inform the Secretary of the
10 suggestions she had made to His Excellency."

11 Then if we can look at the handwritten note in
12 response to this memo suggesting that Australians come
13 to look at homes in Northern Ireland, it reads:

14 "PC,

15 It is desirable that any consideration given to this
16 matter should take into account the correspondence about
17 the unsatisfactory conditions at some of the Australian
18 institutions for deprived children. The reports
19 (tabbed) on two farm schools run by the Fairbridge
20 organisation should also be noted.

21 In addition attention is drawn to the entries in
22 Tyrone Welfare Committee's minutes of 1st September '52,
23 1st November '56 and 3rd March '58 and the Ministry's
24 action on Belfast Welfare Committee's letter of 1st
25 January '57."

1 Then there's a note saying:

2 "The Australians concerned are Mr and Mrs [X].

3 Arrangements about their visit to Northern Ireland are
4 dealt with on ...",

5 and there is a file reference number. Then it
6 says:

7 "Please let the Secretary see this on his return.

8 I understand that to date no approach has been made by
9 the governor. If these Australians come to Northern
10 Ireland, we can easily let them have a look at our
11 arrangements for the reception and treatment of needy
12 and delinquent children, but if they come seeking
13 support for child emigration, this is quite a different
14 matter and something which will have to be looked into
15 very closely. However, there is no suggestion as yet
16 that this is what they are after."

17 This suggests that the Northern Ireland government
18 did have its own concerns in light of the report that
19 they had received, particularly the secret annexe to the
20 Ross report that was provided by the Home Office.

21 There is also a letter at -- for completeness I am
22 not going to open this letter, but it can be found at
23 AUS4206, which is from the Home Office to Shannon:

24 "Dear Shannon."

25 It is about the course to be taken with regard to

1 the suggestions being made about drawing up a black list
2 of institutions and what the implications might be for
3 that, particularly when the black list was based on
4 notes alone and not solely on an inspection of the
5 establishments in particular.

6 Now essentially -- we don't have unfortunately the
7 document from the National Archives of Australia, but
8 there are a number of interesting entries in that and we
9 can -- I can give you the page reference numbers for the
10 bundle whenever they are -- it is possible to look at
11 them.

12 At page 17 of the document, which actually commences
13 on page 16 I think, which is AUS2975, it is -- again
14 this is the -- just -- this is the synopsis of what is
15 contained in the child migration files in the National
16 Archive of Australia, and in a file entitled "Federal
17 Catholic Migration Committee, Child and Youth Migration"
18 it talks about a visit of Monsignor Crennon from the
19 Catholic Immigration Committee and Fr Stinson of the
20 Catholic Episcopal Migration and Welfare Association to
21 Canberra after Fr Stinson return from a fifteen-month
22 recruiting trip to the UK, Malta and Western Europe. It
23 says:

24 "The issues discussed included the Federal
25 Immigration -- Federal Catholic Immigration Committee

1 London office, recruitment of juvenile migrants, the low
2 level of intelligence among many of the Catholic child
3 migrants, the special difficulties recruiting girls, and
4 Fr Stinson attendance at a conference of Catholic
5 charities in Rome, where delegates from Scandinavian
6 countries had denounced his efforts as 'immoral and
7 inhuman'."

8 So it clearly shows that what Fr Stinson and the
9 Australians were trying to do in encouraging child
10 migration was frowned upon by those in Scandinavian
11 countries and, in fact, denounced.

12 CHAIRMAN: Those remarks are not really the author's
13 comments, but they are a direct quotation from the
14 original. Isn't that correct?

15 MS SMITH: I believe so. It is hard to tell without seeing
16 the actual document, but we believe that it's -- it is
17 certainly showing a completely different attitude to the
18 issue taken in those countries, the Scandinavian
19 countries, than was the case in the UK and particularly
20 here.

21 There is also interestingly a reference to the
22 Scottish Home Office Inspector, a Miss Harrison, who in
23 April 1950 considered Bindoon to be the best of the
24 Roman Catholic homes that she had ever visited.

25 CHAIRMAN: So the Scottish Home Office appear to have sent

1 Miss Harrison to Australia or at least availed of her
2 being in Australia to inspect places including Bindoon?

3 MS SMITH: In 1950. That can be found at page 22 of the
4 38-page document on the national archives and it's at
5 page 29... -- AUS2981 and it is headed "Bindoon, St.
6 Joseph's Farm School, Inspection and Progress Reports
7 1948-1950". That's the file from which it says:

8 "The roving inspector from the Scottish Home Office,
9 Miss H.R. Harrison, arrived on April 5th, 1950 and was
10 wonderfully impressed by Bindoon. Sir Tasmin Hayes was
11 informed 28th April that Miss Harris considered Bindoon
12 the best of the Roman Catholic homes she has ever
13 visited."

14 Now that was six years prior to the Ross report,
15 which blacklisted that particular home.

16 I have already referred to the comments of Garnett
17 of the UK High Commission about the unsatisfactory
18 condition of Castledare in 1951. One must ask the
19 question as to whether or not those -- that information
20 was ever passed on to the Northern Ireland government or
21 not.

22 CHAIRMAN: Yes.

23 MS SMITH: Finally, there is an entry at page 34 which is
24 from correspondence files and it concerns child
25 migration. It really relates to St. Vincent de Paul

1 Orphanage in South Australia, but it is an entry which
2 says:

3 "This concerns recruitment of girls for the South
4 Australia home and their education. ^{Br Conlon} wrote to the
5 immigration officer ..."

6 I should say that's at page 2993 in the bundle.

7 "... Arthur Calwell on 18th October 1947, and it
8 reads:

9 'The Archbishop of Adelaide asked me when leaving
10 for England at the beginning of 1946 to get him some
11 girls for the orphanage in Adelaide.'"

12 Calwell explained the procedures. Then:

13 "Meanwhile it proved difficult to find girls in the
14 UK for child migration. Girls were easier to foster and
15 there was still unlimited work for older girls in
16 domestic service. However, 28 migrant girls arrived on
17 19th January 1948, but four were 15 to 16 years of age
18 on arrival."

19 I refer to that because it might explain the
20 statistics in Miss Keenan's report that more boys than
21 girls were migrated and that it seemed to be easier to
22 find placements for children within homes in their own
23 country rather than have them migrated. It might
24 explain why there's a discrepancy in numbers.

25 So, Chairman, Panel Members, that is all of the

1 material that I wish to draw to your attention, but
2 I hope it addresses some of the issues with which you
3 will be grappling in due course when reflecting on this
4 module of evidence.

5 MR CANAVAN: Mr Chairman, you raised an issue about the
6 reference to a "Reverend Brother".

7 CHAIRMAN: Yes.

8 MR CANAVAN: I have taken the opportunity to make an
9 enquiry. It is unlikely that that refers to an ordained
10 Brother, who would normally drop the "Brother" reference
11 and would become "Reverend".

12 CHAIRMAN: I see.

13 MR CANAVAN: So if that assists you.

14 CHAIRMAN: So it is like "Reverend Mother", "Reverend
15 Brother".

16 MR CANAVAN: It would be his standard title. He would be
17 "Reverend Brother".

18 CHAIRMAN: Thank you very much.

19 Well, that I think takes us as far as we can go
20 today. Is that right, Ms Smith?

21 MS SMITH: That is correct, Chairman. Tomorrow there is one
22 witness to give evidence. That will be Sister Brenda.
23 We should be ready to start at about 10 o'clock tomorrow
24 morning.

25 CHAIRMAN: Yes. Thank you very much.

1 Well, 10 o'clock tomorrow, ladies and gentlemen.

2 (1.07 pm)

3 (Hearing adjourned until 10 o'clock tomorrow morning)

4 --ooOoo--

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