

1 Tuesday, 22 September 2020

2 (10.00 am)

3 STEPHEN CONSTANTINE

4 Questioned by MR MACAULAY (Continued)

5 LADY SMITH: Stephen, can you hear me?

6 A Indeed. Good morning, Lady Smith.

7 LADY SMITH: Good morning. I hope you have had a restful
8 weekend and are ready for us to carry on. Is that all
9 right?

10 A Indeed it is. Yes.

11 LADY SMITH: Good. Well I will hand over to Mr MacAulay and he
12 will carry on his questioning where he left off on
13 Friday.

14 MR MACAULAY: My Lady.

15 Yes, good morning Stephen.

16 A Good morning.

17 Q On Friday before we adjourned we had been looking at
18 some contemporaneous reports --

19 A Yes.

20 Q -- and in particular I think we had looked at the -- we
21 finished off by looking at the Moss Report. I now want
22 to look at the Ross Report following up on the
23 factfinding mission?

24 A Yes.

25 Q If you go to your report you begin your discussions on

1 the Ross Report at paragraph 7.26, so it is INQ-42.

2 A Yes.

3 Q And it is at page 44 of the actual report. I think you
4 did touch upon the background to this report on Friday,
5 but I think what you said, it was prompted not only by
6 the debate generated by the Moss Report, but also
7 because the Government wanted to review the assisted
8 passage scheme, so there were these two elements. Is
9 that the background of it?

10 A Yes. That's correct. The agreements needed to be
11 renewed by 1957, so there was a need to prepare for the
12 renewal of the Commonwealth Settlement Act by that date,
13 otherwise the whole thing would have lapsed.

14 Q If we perhaps just look at the report itself, I will put
15 this on the screen for you, it's LEG-001.002.3297. Is
16 that available to you now, Stephen, on the screen?

17 A Yes. Just appeared.

18 Q And --

19 A Oh, no. I beg your pardon.

20 Q You haven't got it?

21 A That's it. Yes.

22 Q Thank you. The report itself, as we can see, it is
23 a Command Paper so it would have become a public
24 document?

25 A Oh most certainly, yes indeed.

1 Q And we see the title there, "Child Migration to
2 Australia, Report of a Fact-Finding Mission", and if we
3 turn to the second page of the actual report we read in
4 the preface, that, as we've just discussed:

5 "In view of the expiry of the Empire Settlement Acts
6 in 1957, under which payments are made to certain
7 voluntary societies concerned with child migration to
8 Australia, Her Majesty's Government appointed
9 a Fact-Finding Mission to visit Australia, whose terms
10 of reference were ..."

11 And we set out the terms of reference:

12 "... to collect information as to the arrangements
13 for the reception and upbringing of migrant children by
14 the various voluntary societies concerned with the
15 migration of children unaccompanied by their parents".

16 So there we get the remit, and then we are told
17 a little bit about the constitution of the committee.
18 Any comments to make on those who made up the committee?

19 A It is interesting because obviously it does include
20 a very senior figure from -- formerly from the Home
21 Office, in John Ross himself, there is also the
22 expertise that could be brought to the Inquiry by
23 Mr Garnett who had been very important in previous
24 decades as a member of the High Commission in Canberra,
25 and so that's an important contribution which he is able

1 to make having been in Australia for some considerable
2 time, but the other important person is
3 Miss Wansbrough-Jones, and this is a very important
4 selection, and she does represent, as it were, the
5 interests of local authorities -- Essex County
6 Council -- and then we have a member of the Commonwealth
7 Relations Office as the Secretary, but it is the first
8 three clearly who are the persons who will be
9 determining the kind of drive of the Inquiry.

10 Q We've seen it described as a, "Fact-Finding Mission",
11 but was it limited to that?

12 A I think the intention by the Oversea Migration Board,
13 when they had prompted such an Inquiry following the
14 Moss Report, that they thought that there would be an
15 accumulation of facts with hard data. Obviously when
16 one comes to read the report, and they did, and no doubt
17 we will be talking about the confidential appendices,
18 when one comes to read the report, it is making
19 judgments about those facts in terms of what they reveal
20 about the suitability or otherwise of these institutions
21 that have been receiving UK children, about their
22 suitability to care for those children. That's about
23 more than the fabric of the buildings in which children
24 may -- to which children may have been sent, but to the
25 kind of whole ethos of care which Ross and colleagues

1 detected when they were present and asking questions of
2 members of staff, including, most importantly, the heads
3 of those organisations, so it became an interpretation
4 of the facts, judging by the past.

5 Q And the actual report, the Command Paper report, it is
6 relatively short and what you have just alluded to,
7 also, is the existence of confidential reports --

8 A Yes.

9 Q -- in respect of one report for one particular
10 institution. Is that right? That was the set-up?

11 A Yes. The -- just while I recall, it is important to
12 notice, and it does become rather regrettable in some
13 respects, that Ross does not go to all the institutions
14 in Australia. He goes to a substantial number, but
15 there are some institutions which they did not visit,
16 and, therefore, they pass no judgments on those places,
17 nor, indeed, do they have facts about those places.

18 A substantial number are visited but not all.

19 Q I think they visited 26 out of a potential 39.

20 A Yes.

21 Q If we look at the appendix, it is at page 3308, that's
22 page 12 of the report, what we have here is a list of
23 the different institutions, and it is in relation to
24 those against -- there has been an asterisk that denotes
25 which has been visited by the Mission?

1 A That's correct. Yes.

2 Q So for example, Dr Barnardo's in Picton was not visited.

3 A Yes, and that proves to be rather unfortunate in light
4 of what was later discovered about abuse cases in
5 Picton.

6 Q And if we turn to page 3309, if we scroll down to the
7 section dealing with Western Australia, can we see that
8 St Mary's Agricultural School at Tardun was not visited?

9 A That's correct.

10 Q And that's one of the Christian Brothers'
11 establishments.

12 A Indeed, where again, later on there are plenty of
13 concerns expressed about conditions in Tardun.

14 Q Indeed, but were there also concerns expressed about
15 Tardun before Ross?

16 A Yes.

17 Q And again, if we look down the list, can we see that
18 Nazareth House, Geraldton was not visited?

19 A Yes. Again, it is unfortunate.

20 Q It is.

21 A To use a bland word.

22 Q Do we know why? Was it simply a question of time as to
23 why these places weren't visited?

24 A It would merely be an opinion. I have no evidence as to
25 why they only covered so many but not all, but it is

1 likely to have been -- these places are widely scattered
2 around a rather large country, so it must have been the
3 logistics of it that persuaded them that they could not
4 cover all, but that is somewhat surprising in relation
5 to Tardun. You would have thought, as another Christian
6 Brothers institution, that under the order in which they
7 visited these places, and I can't recall if that's
8 given, but you would have thought, in the light of what
9 they had unearthed by visiting the other Christian
10 Brother institutions they may well have wanted to take
11 a look at Tardun as well.

12 Q Yes. They did visit the other three Christian Brothers
13 institutions?

14 A That's right.

15 Q And we will look in a moment at the separate report.

16 If we go back to the body of the report, there is
17 quite a useful historical background provided on page
18 3299, and it might be worthwhile just reminding
19 ourselves of the background to child migration, or, as
20 it is set out there in paragraph 2, "Government-Assisted
21 Migration".

22 A Yes.

23 Q And we are told that began in 1921 and we are now
24 looking, of course, up to the 1922 Act which was
25 influential in that programme.

1 A Just to comment on that, the 1921 funding was really
2 a kind of a one-off. It was because of Kingsley
3 Fairbridge, the prestige effectively of the Fairbridge
4 operations and their need for financial support, that
5 that one was given before the passage of the Act, but I
6 have, again, seen documentary connections being made,
7 but it would seem to imply that having that funding
8 available to one particular institution, it would be --
9 it would look improper, perhaps, not to provide it to
10 any other organisations that wished to send children
11 overseas, provided that they were suitably equipped to
12 do so.

13 Q But this paragraph provides us, then, with a starting
14 point as to when children started to go to Australia,
15 and that was in 1921 to Pinjarra. Is that correct?

16 A Correct. Yes. Just bear in mind, prior to 1921
17 Pinjarra was entirely dependent on voluntary donations.
18 It had a headquarters in Oxford, and a good deal of the
19 support initially came from Oxford colleagues of
20 Kingsley Fairbridge in Oxford.

21 Q And then if we follow the timeline that's been set out
22 here, can we see that the next establishment that's
23 referred to is the Barnardo's Farm School in Picton
24 which was established in 1929?

25 A Yes.

1 Q And then again following the timeline, we are told that
2 about the same time the Roman Catholic Teaching Order of
3 Christian Brothers adapted their residential
4 establishments in the -- sorry.

5 A Adapted their residential -- in Western Australia. Yes.

6 Q -- to receive boys from Catholic institutions in the
7 United Kingdom.

8 A Yes.

9 Q So we take from that, I think, and we do know this from
10 other sources, but the Christian Brothers, they had
11 a presence there already in Australia?

12 A Oh indeed. A very substantial presence. The history of
13 that is addressed in our report, but you can see that
14 they were already well-established, and covered
15 considerable age range. All boys, of course, being sent
16 to such places, but they were therefore an organisation
17 which looked favourably upon the financial assistance
18 that the UK taxpayer was seemingly going to provide
19 them.

20 Q But when you say, 'All boys', essentially before
21 emigration and migration these would be Australian boys?

22 A Absolutely, Australian boys, and absolutely subsidised,
23 financed by the Australian welfare services.

24 Q And if we follow this timeline, in 1937 a second
25 Fairbridge Farm School was established at Molong in New

1 South Wales while a farm school run on similar lines was
2 opened in Victoria by the trustees of the Lady Northcote
3 Emigration Fund, so we are now moving into the late
4 1930s with further farm schools being established. The
5 Northcote Emigration Fund, that was a fund that was
6 provided by Lady Northcote?

7 A Yes. It is a substantial bequest. What it does not
8 allow is any of the capital that had been made available
9 in that fund to be spent, but it does allow the proceeds
10 of that capital investment to be used on the children in
11 the Northcote Farm School, so it is a fixed fund from
12 which an income can be drawn, and of course, what can
13 add to that is that under the Empire Settlement Act and
14 the Commonwealth Settlement Act, further subsidies would
15 come into Northcote.

16 Q And as we see from your report, was there a close
17 connection between the Lady Northcote establishment and
18 the Fairbridge?

19 A Yes indeed. Fairbridge indeed selected the children
20 that would be going to Northcote.

21 Q Now, again, then, if we just -- looking at this quite
22 useful information, we are told that assisted migration
23 was suspended in 1940 and resumed in 1947, so we've got
24 the war years which have interrupted migration.

25 A Yes. It is quite a serious -- for the institutions --

1 a serious break. What the war conditions mean is that
2 it's very difficult to accommodate all the children
3 spread out in these various places, and there is some
4 movement of children into -- they are compressed,
5 effectively, into fewer spaces and to fewer places, and
6 of course these are the war years, and, therefore, there
7 is a considerable strain upon Commonwealth of Australia
8 resources, as, indeed, of the UK, and so it is not that
9 the children are simply sent back home or put into some
10 sort of isolation, there is an attempt to continue
11 running these homes on more limited resources. What you
12 see, I think, is pretty clear evidence of places that
13 start to decay, simply the maintenance is not being
14 made, and so that by the very late stages of the war,
15 1944 and onwards, there is concern about the quality of
16 the buildings themselves and, therefore, of the care of
17 the children within them. So something, in a sense,
18 needs to be done in order to refurbish those places.

19 Q Can we understand from this, then, Stephen, that prior
20 to 1947 the Church of Scotland, for example, did not
21 have any involvement in the migration of children to
22 Australia?

23 A I think that is the case, yes. The slight hesitation in
24 my voice at that point -- I think that is the case.

25 Q And what about Sisters of Nazareth?

1 A Oh --

2 Q Would they have any involvement with the Christian
3 Brothers?

4 A They would be supplying pre war and post war they would
5 be supplying boys to the Christian Brothers.

6 Q And we are then told about the financial assistance as
7 provided by the different governments and the last
8 sentence there:

9 "The expenditure of the United Kingdom Government
10 on the maintenance of children in Australia now runs to
11 just over 40,000 a year".

12 That was in 1956. I haven't done the calculation
13 but it looks like quite a significant sum of money?

14 A I think if you turn that to 2020 prices you would be
15 rather surprised by how much it amounts to. It is
16 always a worthwhile exercise translating these into real
17 term monies of today just to get a sense of the enormity
18 of the expense.

19 Q Now, the next paragraph deals with the sort of legal
20 mechanism where we are told that:

21 "Under the Commonwealth Immigration (Guardianship of
22 Children) Act, 1946, the Commonwealth Minister of
23 Immigration receives into his guardianship every child
24 migrant who arrives in Australia ..."

25 So that was the mechanism against which this scheme

1 was to operate?

2 A And I think the 1946 Act here is quite important as it
3 clearly is a Commonwealth immigration -- guardianship of
4 children, it is worthwhile stressing that particular
5 phrase in the legislation. Whether it does is say the
6 Commonwealth Government is responsible, but I think, as
7 it goes on to say, it is then delegated down to each
8 State. We are dealing with, effectively, a Federal
9 Government, as, indeed Canada.

10 Q Now, in the next page, page 3300, the report provides us
11 with some information as to how long was spent in
12 Australia and do we read there at paragraph 5 that they
13 spent between five and six weeks visiting all six
14 States?

15 A Yes. When one looks at it in those terms, six weeks and
16 six states, it does sound a bit like a kind of scamper
17 round some of these places, doesn't it. That's why they
18 do not cover every institution.

19 Q And I think we've looked at paragraph 6, namely those
20 visited are marked with an asterisk.

21 If we go back -- if we go down to paragraph 10 on
22 that page, they say that:

23 "The 26 establishments (of which 17 took both
24 migrant and Australian children) shown in the appendix
25 as having been visited varied in size from 10 to 340

1 places".

2 That's a very large variation in size?

3 A Yes. Yes. And I think that comes out in the reviews of
4 particular places, how many children are there.

5 Q And we are told that there were different types of
6 establishments like grouped cottage homes and also large
7 institutions. Is that correct?

8 A Yes. It's noticeable, there is eight, it says, were in
9 grouped cottage homes and then you have got this eleven
10 large buildings or groups of buildings, so, you know,
11 there is a variety in the scale. The scale of the
12 institutions itself, the physical scale of the
13 institutions does have a considerable bearing on the
14 quality of care which children would receive. Bear in
15 mind that certainly post war, which is when this report
16 is written, there is a strong body of opinion, not least
17 in the Home Office, but by other organisations that
18 children should be accommodated in buildings that -- as
19 best as possible could represent a normal family house.
20 Small cottages. Well, some of these are very large
21 establishments and some are more modest in size.

22 Q I should have perhaps picked this up from paragraph 3 in
23 the previous page, but what is said there is that when
24 migration resumed in 1947, that it was encouraged, "by
25 Australia's vigorous migration policy", and was that the

1 position? Was there a vigorous migration policy from
2 the Australian end?

3 A Oh, most certainly. I mean, I think one again has to
4 remember -- there is a quotation from an Australian
5 minister who said that, "Churchill refers to the Far
6 East, we in Australia refer to the Near North". It is
7 this concern about the Japanese to the north and the
8 bombing of Darwin which occurred twice during the war,
9 and so you have got this vast continent of Australia,
10 and it is -- if one goes to Australia one gets a sense
11 of just how big it is as a place, and it looks to be
12 vulnerable, in other words, to other population, other
13 States with large populations close by, so there is
14 a very strong post war desire by the Commonwealth of
15 Australia to increase the population of Australia as
16 rapidly as possible, and that means mainly, remember,
17 mainly, it is about adult and family migration. This is
18 the use of the Empire, soon to become the Commonwealth
19 Settlement Act, to bring in adults and whole families.
20 Those are mainly the people that they wish to attract,
21 as you would expect. They would be a labour force, if
22 accommodation could be found for them, as mature adults
23 with or without their own children, they would settle
24 easier into Australian society, the kids would go to the
25 local schools, and mothers would look after the house

1 and fathers would go out to work. The various schemes
2 that involved land settlement for such people as well,
3 so it is a very big, big programme, and it is important
4 to recognise that the child migration schemes are
5 tack-ons to that. They are merely additions to it.

6 Q Yes.

7 A There is this very narrow, difficult to comprehend
8 statement, by a senior Australian figure that in the
9 United Kingdom, because of the war, because of The
10 Blitz, because of the deaths in British cities, there
11 are -- what is it? 50,000 war orphans looking for
12 somewhere to live, people to care for them? And there
13 is, therefore, this invitation to the United Kingdom to
14 supply, and it is the institutions in the United Kingdom
15 who have been engaged in child migration pre war who
16 light up at this opportunity, that mainly remember pre
17 war most children had, in the past, gone to Canada and
18 here, now, seems to be an Australian alternative.

19 Q And the 50,000 you mentioned, was that seen as a target
20 for child migration?

21 A Yes. It is a sort of off-the-cuff remark by a senior
22 minister. Where he got the 50,000 from is unknown.

23 I think -- can I just also stress the point that the
24 children are described as, 'war orphans', and that has
25 a lingering effect on the experiences of the children

1 who are sent, because that word, 'orphan', is then
2 attached to -- rightly or mostly wrongly -- to the
3 children who have been sent. They are not orphans.
4 Predominantly they do have one or both parents living
5 somewhere in the United Kingdom, but these children have
6 been put into care, but it does lead to a kind of a
7 stigma attached to some of these youngsters. They are
8 referred to rather disparagingly as, 'just orphans', but
9 they are not. They come from families, many of their
10 parents still being alive in the UK.

11 Q But from the Australian perspective, the description of,
12 'orphans', is that somehow -- present Australia in
13 a rather good light in that they are helping out?

14 A Oh yes. It sounds like a charitable action. That's why
15 it needs to be seen in the context of why -- the context
16 of increasing the population of Australia to make it
17 a white Commonwealth of Australia. That means
18 populating it with white children, white adults as
19 rapidly as possible. The economy depends on it as well,
20 as well as its security.

21 Q And in that vein, then, if we look to page 3300 at
22 paragraph 11, do we read that:

23 "We met in the course of our visits people who
24 believed, erroneously in our view, that large numbers of
25 children (orphans and children from broken homes were

1 mentioned) were available for emigration to Australia
2 from the United Kingdom, if the will were there"?

3 So the sense in Australia seems to have been that
4 there was this large number of orphan and other children
5 available?

6 A Indeed. That's right.

7 Q And I think what Ross was seeking to do was to disabuse
8 them of that notion.

9 A Right. Yes. You can see how it does, therefore, affect
10 recruiting activities of agencies in Australia who come
11 to the United Kingdom to recruit. No doubt they are
12 prompted by the figure that has been mentioned of
13 50,000, but they are therefore seeking to find
14 appropriate children. One could go on, as no doubt we
15 will, to see where those children are being looked for
16 in the institutions in the UK and in Scotland,
17 particularly.

18 Q And if we move on to the following page, 3301, I think
19 they provide some numbers as to the children who had
20 been migrated between the period 1947 and '51, I think,
21 or '55, rather, and I think the total there is 2,320?

22 A Which is a lot less than 50,000.

23 Q Yes. Then on 12 what they say is:

24 "The establishments that we saw provided for the
25 most part care that, in our view, was institutional in

1 character to a greater or less degree".

2 They go on to say:

3 "It was suggested to us more than once that the
4 migrant children should reasonably be regarded as being
5 in much the same position as those resident in
6 a boarding school".

7 They dismissed that. They say:

8 "We think that the point is not a valid one".

9 They give reasons for that.

10 A Sorry to be slightly cynical, but quite possibly the
11 Scottish Inquiry has found out about conditions in
12 boarding schools. They are not exactly models, perhaps,
13 of good behaviour, but I will pass on that. Slightly
14 biased, but yes, they are not. They are not boarding
15 schools at all. They are not even, really, schools.

16 Q And the point they make is that in any event most
17 children attending boarding schools do have a home to go
18 to?

19 A Indeed. Absolutely.

20 LADY SMITH: Whatever the circumstance at the boarding
21 school, at least the children have parents who, to
22 varying degrees, will be looking out for them, and to
23 whom they will retreat for quite long holidays.

24 A Indeed. Absolutely. The comparison between a boarding
25 school and an institution for homeless children in

1 Australia is strange.

2 LADY SMITH: Yes. In similar vein, Stephen, as you probably
3 know, it is striking to look at the way some of the
4 residential schools were run by religious orders in
5 Scotland, and the extent to which they failed to think
6 about the fact that they were providing for the children
7 not just the school side of a residential institution,
8 but the home side of a residential institution, and
9 there was no distinction between the two in some cases.

10 A I agree absolutely with that. It is very difficult to
11 see how anything resembling a normal home life could be
12 generated in a 'boarding school', it's a 52-week a year
13 operation, and which doesn't have the quality of staff
14 that one would hope to find in a half-decent boarding
15 school.

16 MR MACAULAY: And in the following -- in paragraph 14 --
17 well, perhaps 13 first of all, they say:

18 "Information received from the voluntary societies,
19 the establishments visited, and the State Child Welfare
20 Departments, indicated that most of the children did
21 well in after life".

22 That's a positive comment.

23 A Mm-hmm. Yes. I mean, I don't think the whole tenor of
24 this Inquiry is not to demonstrate that all children who
25 went overseas had a terrible time. It is to indicate

1 a significant number of them had a terrible time, and to
2 try and explain why they had a terrible time in order,
3 as all these Inquiries are concerned with, to learn
4 lessons from the past.

5 LADY SMITH: Well, indeed, and as you will know, Stephen, we
6 have heard from some people who have spoken of the most
7 terrible abusive practices being meted out to them and
8 yet they still say there were wonderful aspects. They
9 were the sort of personality that embraced the outdoors,
10 and they feel they have had a good life in Australia,
11 and it's been a positive effect for them. It's quite
12 complex.

13 A It is indeed, and I do not think one should ever
14 disregard those where they felt that they had benefited.
15 It is very difficult for anybody to know what would have
16 happened if they had turned left rather than turned
17 right, as it were.

18 LADY SMITH: No.

19 A But those who benefited, or felt that they had
20 benefited, I congratulate them on that and I would not
21 wish to challenge their view of their own lives. It
22 seems to be crucially important, if that's what they
23 felt that they gained from the experience, then I'm
24 pleased to hear it. Pleased to hear it.

25 LADY SMITH: Yes. It is very humbling in some cases, but

1 it doesn't mean that as the objective bystander we are
2 not allowed to observe that it should not have included
3 dreadful abuse, and I'm not talking about proper
4 discipline of children, I'm talking about dreadful
5 abuse.

6 A Yes.

7 LADY SMITH: And it doesn't mean that that abuse, or,
8 rather, the fact that somebody can speak positively
9 about aspects of their residential care and the outcome
10 does not mean that that abuse that was inherent in it
11 can be excused.

12 A Absolutely. Could not agree more. Absolutely. Even
13 those who felt that they had benefited often refer to
14 some abusive experiences, either of themselves or that
15 they had observed of others. I frequently come back to
16 David Hill on this issue who was a child migrant who
17 went to Australia under the One Parent Scheme, and we
18 have a long footnote on David Hill. I met David Hill,
19 and he has been hyperactive in bringing people's
20 attention to the experiences of children who went to
21 Australia, particularly to the Fairbridge Institutions,
22 and he has an absolute stellar political and business
23 career. He has made enormous contribution to Australia,
24 and you would think that that would be satisfying to
25 him.

1 I saw David Hill at the IICSA Inquiry and he was
2 telling the -- he was telling people about the
3 experiences of other children, and he broke down. This
4 is a man who clearly had dominated many public meetings
5 in his career, but the recollection of not what he
6 suffered but what he knew other children who were in the
7 same places suffered still caused him enormous distress.

8 MR MACAULAY: Now, in paragraph 14 on page 3301 they reflect
9 on the changes -- the change in philosophy in relation
10 to the care of children, developed particularly since
11 the 1948 Act, namely that boarding out should be
12 whenever possible, and I think what they say is that
13 they also found in Australia that there was
14 a considerable body of opinion that subscribed to these
15 methods.

16 A Yes, and I think this is, again, important. It's not
17 that in all the childcare places in Australia are all of
18 the same design or quality of staff. There clearly were
19 places where Australian children and all being well,
20 child migrants were accommodated quite reasonably in
21 places that did, indeed, to a certain extent, given the
22 climate and all the other conditions in Australia which
23 would be novel, did resemble the quality of care which
24 they might have obtained had they remained in the UK and
25 Scotland.

1 Q Now, if we move on to page 3302 at paragraph 17, and
2 I think we pick up here, really, a theme that comes out
3 very clearly in the confidential reports, and that is
4 that the persons in charge of several of the
5 establishments that were visited complained about many
6 instances of unsatisfactory selection of children by
7 voluntary societies in the United Kingdom and of failure
8 to furnish information about behaviour difficulties and
9 backwardness, and in some cases physical defects, and
10 they, Ross, considered that these complaints were
11 well-founded, and I think we do see that complaint
12 emerging in a number of the confidential reports.

13 A Yes we do, and not just in the confidential reports
14 attached to Ross, but in various other reports that came
15 back to the United Kingdom, complaints by the receiving
16 institutions about the quality of the children they had
17 been receiving. So in other words, good selection is
18 the start of this. If you are going to send child
19 migrants overseas then you need to ensure that they are
20 able -- that they have the quality to enable them to
21 survive, but bear in mind what Curtis has said, that of
22 course many of those children with those qualities would
23 also succeed if they remained in the United Kingdom.

24 Q And we will come on to look at this, but I think in at
25 least one if not more reports they referred to children

1 described as, 'backward', and children who would not, in
2 reality, go on to lead a sustaining life.

3 A Yes.

4 Q And that, therefore, does question how such children,
5 throughout the whole processes that were in the United
6 Kingdom in relation to selection such as medical
7 examination, and so on, could have passed through the
8 net.

9 A Indeed. There is a lot to be said about those matters.
10 I mean, if this is the appropriate place to bring it up,
11 I'm happy to do so, because I think the key issue about
12 selection is how much pressure is being exerted upon the
13 establishments in the UK, in Scotland, to send children,
14 and we know quite a lot about the recruiting drives,
15 especially by representatives of the Roman Catholic
16 Church in Australia coming to the United Kingdom
17 effectively trying to fill quotas, in other words, that
18 they are putting pressure upon the institutions, let's
19 just say in Scotland, where children are accommodated,
20 and putting pressure upon the heads of those
21 institutions, to supply, to supply, to supply. "We need
22 the children", and I think you can see how that can
23 start to affect selection criterion.

24 What one knows is that certain prominent people who
25 do come over from Australia start putting pressure upon

1 the Mother Superiors of places, talking really about the
2 Catholic Church, Mother Superiors who are being
3 persuaded that they need to send as many children as
4 possible to, "Fill the berths on the boats", is often
5 how it is put, and I think you can see, then, that there
6 are some -- some of the testimony we have from former
7 child migrants, and what appears on some of the LEM 3
8 forms indicate that those children should never have
9 been selected. They suffered from physical problems,
10 they had had health problems. You will have, I'm sure,
11 come upon the case of LTI [REDACTED] who was classically one
12 of those who was deemed to be fully fit but had actually
13 suffered from [REDACTED] since she was a small girl. Usually
14 she needed calipers with which to walk. Now that's
15 a very important example of how pressure upon an
16 institution in the UK, in this case, I think I'm right
17 in saying, in Nazareth House, leads to that child being
18 selected.

19 The Mother Superior says there are no known health
20 difficulties. No known health records of any
21 incapacity, and it is manifestly, demonstrably and
22 obviously not true.

23 Q But I think also the doctor gave that particular child
24 migrant a clean bill of health as well.

25 A Indeed yes. There is an apologetic account of, "He

1 simply was going on the information that he had been
2 given". Any selection for any process like this needs
3 to be objective and LTI is not the only one who
4 found themselves sent overseas, even though they had
5 health problems.

6 Surprisingly, because the LEM 3 forms had been
7 properly signed, even the Australia House scrutiny
8 didn't pick them up and the children were sent. When
9 they get to Australia it is then revealed that these
10 children should never have been sent. The institutions
11 receiving them are, as this indicates, very concerned
12 about the quality of some of those.

13 Q And the other aspect of that that they touch upon in
14 paragraph 18 is that information received from the
15 United Kingdom about the family situation and background
16 of the children was often inadequate?

17 A Yes. Again --

18 Q That's another complaint.

19 A Indeed. It is the same -- there seems, sometimes, to be
20 debate, and I think John Moss sometimes -- apologies to
21 the Late John Moss if I am mistaken in this, but i think
22 John Moss on one occasion at least says that it's often
23 better for the receiving institution not to know the
24 background of the child, it would be a clean sheet,
25 whereas if you provided the information about its

1 background it would suggest that this child has -- will
2 be misjudged on arrival. Instead of being simply,
3 'a child', it would be, "Oh, this is a child that comes
4 from that broken background", and so on and so forth,
5 but I think what he does mean in reality is that you are
6 dealing with children who have been, who may not be
7 physically damaged, but there may be still some emotional
8 distress because of their previous experiences and may
9 lack the self confidence which you are going to need if
10 you are going to be relocated into an entirely novel
11 environment.

12 Q Is that not the very point they make in the next
13 paragraph, that:

14 "We heard often in the course of our discussions the
15 widely held view that many children whom life had
16 treated badly would benefit by transfer to a new country
17 where they could be given a fresh start, away from old
18 scenes and unhappy associations. Few with whom we spoke
19 seemed to realise that it was precisely such children,
20 already rejected and insecure, who might often be
21 ill-equipped to cope with the added strain of
22 migration"?

23 A Yes. Sorry, I should have read on, but that's precisely
24 the point. Indeed. Yes. It's good to see that it is,
25 indeed, the Ross Report. The thing about the Ross Report

1 that is so distressing is that little changes
2 afterwards.

3 Q And the mention that they had heard of what they
4 describe as, 'isolated cases', in which brothers and
5 sisters essentially were separated and sent to different
6 establishments which might be far apart?

7 A Yes. That is, by SCAI's definition, is an abuse.
8 Siblings should be kept together. Obviously, I think
9 what we see here is, again, it depends on the
10 institution in Scotland from which they came, but the
11 Catholics clearly had a view that boys and girls should
12 be separated. The Christian Brothers takes only boys,
13 but their sisters could be scattered elsewhere in
14 Australia, and those connections are very, very
15 difficult to maintain.

16 Q Now, I think one senses a degree of scepticism in the
17 next paragraph where -- 21 -- where, if I just read out:

18 "Nearly all those in charge of the establishments
19 visited thought that, with few exceptions, the children
20 on arrival settled down quickly and well".

21 They go on to say:

22 "This did not accord with what we should have
23 expected of children coming to a new country; indeed, it
24 seemed to us from talks with children that some of those
25 who had parents in the United Kingdom (and there were

1 many such children) were disturbed by reason of
2 separation from their parents".

3 A Yes. Can I just pick out one line in that? It is of
4 such vital importance:

5 "It seemed to us from talks with children".

6 Ross's committee talks to the children and that is
7 not common when visitors come. They talk, rather, to
8 the managers of the homes. That's their source of
9 information.

10 So you ask a manager of the home, how are the
11 children doing, they say, "Fine, they have settled down
12 very well", but it clearly was evident, and I suspect it
13 would be the complexion of the committee -- it is
14 important to think that the Ross Committee does include
15 a woman, for instance, on the team, and I think it may
16 well have been, given their personalities, their
17 affability, their openness, clearly they are people to
18 whom children could speak, and it's not common for
19 children to be able to speak, or to believe it would be
20 safe to speak. There are other occasions when we know
21 that children who tried to speak to visitors are
22 reprimanded for it.

23 Q And if we move on to the following page, 3303, a point
24 is made there that -- it is a few lines from the top of
25 paragraph 22 -- "that the existing requirement on local

1 authorities in the United Kingdom to obtain the consent
2 of the Secretary of State before emigrating any child in
3 their care should be applied equally to the voluntary
4 societies for the emigration of children", and there we
5 go back again, I think, to the regulations that never
6 happened?

7 A That's correct. Yes. You can see that this -- it comes
8 out as a recommendation of the Ross Committee and it is
9 fairly rapidly abandoned. It seems to be politically
10 not manageable, whereas, clearly, it would have been
11 a way of ensuring equivalent treatment for children in
12 local authority homes and in will voluntary homes.

13 Q Now, there is then a section headed, "Standard of Care",
14 and towards the bottom of the page at paragraph 26 they
15 say:

16 "The persons in charge of the establishments
17 visited, and other staff whom we saw, impressed us, as
18 was to be expected, as being fully interested in the
19 children, and anxious to promote their welfare".

20 Then moving on:

21 "At the same time ..."

22 Over to the next page:

23 "... we felt that not all those engaged in the work
24 had sufficient knowledge of child care methods to be
25 able to give migrant children the understanding and care

1 needed to help them to adjust themselves to strange
2 surroundings".

3 So there is both negative and positive there,
4 I think, in those comments?

5 A Yes. I think what that brings out, and it is a problem
6 for the Australian operations, that they really do not
7 have -- bearing in mind, again, the geography, the
8 scattering of populations around Australia, they do not
9 have -- it is the impression I have gained -- they do
10 not have enough trained social workers to work in these
11 institutions, and the Christian Brothers, the men of the
12 Christian Brothers are supposedly teachers, the women
13 who are present there are in very -- are in the
14 kitchens, so it is not that there are trained women
15 social workers on hand, and I think the gender aspect of
16 these things always needs to be remembered. Too many of
17 these, it is boys go to boys' places, girls go to girls'
18 places, and it is particularly difficult to think, for
19 young boys, not to have contacts with substitute
20 mothers.

21 Q Yes --

22 A If I may just go on, remember, some of the substitute
23 mothers that they do encounter are actually brutes
24 because they are not trained. I'm thinking about places
25 like Fairbridge who has some of the women who are

1 running the particular cottages are singularly
2 unsuitable for caring for children.

3 LADY SMITH: And I see, Stephen, from paragraph 26, it
4 wasn't just a matter of a shortage of trained social
5 workers, it was a complete absence of a relevant
6 training scheme and qualification, according to what
7 Ross found.

8 A Yes. Yes.

9 LADY SMITH: Which is fundamental.

10 A It is, yes. One might think that those matters might
11 have been checked up on before children were being sent.
12 We know it is true that in the United Kingdom there is
13 a shortage of trained social workers as well, and that's
14 one of the things which clearly the Curtis Report had
15 been -- and the Clyde Report had been recommended very
16 strongly, that you need to improve the professional care
17 in Scotland and thereby, by implication, overseas, by
18 training people, by getting them trained. People need
19 to regard this as a vocation.

20 Q And at paragraph 27 they return to this problem, they
21 say in relation to the large buildings that essentially
22 provided institutional type of care, and then that's
23 a theme, I think, that we see here, but also, in
24 particular, in the confidential reports.

25 A Yes. Yes. I think it's just simply true, is that the

1 larger the institution the more risk there is. I mean,
2 you do not get anything that can remotely replicate
3 a normal family life if the ratios between staff trained
4 or unstaff, male or female, and the children for whom
5 they have been made responsible is so huge.

6 Q I think they say that the standard of equipment and
7 furnishings really varied widely across the
8 establishments that they looked at.

9 A Yes, and I think what also you see, the Ross Committee
10 picks up that variety. What you also see is that some
11 of the inspections that are carried out by Australian
12 authorities tend to concentrate on the fabric of the
13 buildings, the inadequacy of some of the -- of things
14 like bedding and of room sizes and toilets and showers
15 and all that kind of stuff. Those are the things that
16 many of the local inspections come up with. We must do
17 something about the fabric, but that's not the same as
18 dealing with the children themselves. It may affect how
19 children feel about places, but they are two different
20 things. Installing these toilets is one thing,
21 installing professional welfare childcare persons is
22 another.

23 Q And if I can pick up a point that they say towards,
24 then, the latter part of this paragraph, they say:

25 "At another place which took also Australian boys,

1 the person in charge, in answer to questions about the
2 desirability of employing women on the staff, gave as
3 his opinion that this was not necessary in the
4 upbringing of boys".

5 So that was a view that was held.

6 A To put it very strongly, you just wonder, the person that
7 uttered that remark, did that person have a mother?

8 Q We don't know. He must have had a mother at some point,
9 but at two establishments, one might see this from the
10 confidential reports, that the standard of amenity and
11 comfort fell below a tolerable level.

12 A Yes. Yes. Some of that relates to funding, and not
13 just the amount of money that is provided, but on what
14 is it spent. I have never seen a kind of report on
15 where the expenditure actually went. We know the sums
16 that have come from the UK as well as from the
17 Australian government. Precisely on what is that money
18 being spent? There is some strong suspicion that the
19 Christian Brothers in some of those places used it
20 effectively for building materials rather than for child
21 care.

22 Q They also look at the cottage-style set up, but, again,
23 they are not particularly enamoured by the resemblance
24 to -- family groups was by no means exact, and in
25 particular because boys and girls were separated.

1 A Yes, so they are very unusual families. With one -- it
2 is usually a woman who is the cottage mother, but
3 looking after all boys or all girls. There is this -- I
4 mean, I can see how it comes to be a method of dealing
5 with boys and girls is to separate them out, but you
6 will find brothers and sisters not able to communicate
7 with each other, and lose those connections, either
8 because they are in a different cottage or, more often,
9 because they are sent to a different place.

10 Q But if I move on to page 3305 towards the bottom, and
11 this is under the general heading of, "Assimilation into
12 Australian Life", are we told that many of these
13 establishments were isolated in their locations?

14 A Yes. Bearing in mind, again, most of these children
15 have come from -- they have not come from rural areas of
16 Scotland, they have come from Aberdeen and Glasgow and
17 Edinburgh. They have come from cities. It is the urban
18 life with which they have some familiarity, and it is
19 the urban life which, had they remained in Scotland,
20 would have enabled them to engage with normal people
21 doing normal things. They could have gone to the same
22 schools. They would have been integrated into the local
23 societies.

24 If you are in a place like Pinjarra or Northcote,
25 the Christian Brothers establishments, you are miles

1 from anywhere. It becomes the only world with which we
2 are familiar, and that is very -- I think it doesn't
3 prepare you for real life because you are not going to
4 spend the rest of your life in those kind of isolated
5 spaces. Once you are looking for a job you are going to
6 be either on a farm and there are difficulties about
7 that, or you are going to drift into the towns and
8 cities, and they become not familiar with town and city
9 life in Australia, they are -- or for that matter in
10 Canada -- they become alien spaces, hard to settle into.
11 Don't know (Inaudible).

12 Q And as they say, they go on to say that to a large
13 extent these children were not growing up as Australian.

14 A Yes. Yes. They are growing up as a Christian brothers
15 child or a Fairbridge child, and it is -- and that's
16 a tag. I think somewhere in the report we quote
17 somebody who acknowledges that a child migrant would be
18 paid less than an Australian child in employment.

19 Q I think you do, and then if we move quickly to the
20 conclusion of the -- as I say, it is a relatively short
21 report in itself extending to about ten pages, but as
22 you pointed out already, Stephen, one of the points they
23 make is that they consider that child migration
24 societies, like local authorities, should be required to
25 obtain the consent of the Secretary of State for the

1 migration of any child, but I think as you indicated,
2 that really fell on deaf ears.

3 A Yes. It was dismissed fairly rapidly. It would be
4 politically too contentious. That seemed to me to be my
5 understanding of it. It would cause such a rumpus with
6 the voluntary societies. Remember many of those, not
7 all of them but many of them were quite prestigious
8 institutions with a high degree of public support,
9 therefore to regulate them by the state seems to be an
10 intrusion.

11 Interestingly, is it 1968 when Scottish Law does
12 actually allow voluntary societies to be regulated by
13 the state?

14 Q Yes. I think the 1968 Social Work Act is the relevant
15 piece of legislation, and again the point that's been
16 made already, that it's important that voluntary
17 societies caring for children should be supplied with
18 full information about each child.

19 A Yes. Yes.

20 Q And they also make points about sufficient staff,
21 assimilation within Australian life, and generally at
22 the end at 4, that there should be an adequate standard
23 of comfort and amenity for the children.

24 A It seems remarkable to have to put it down, doesn't it,
25 I have to say, but the conclusion is there should be an

1 adequate standard. You would almost assume that would
2 be taken for granted, but clearly the question is that
3 it wasn't always taken for granted.

4 Q And moving on to the last page of the main report, they
5 do, and we will pick this up again later, at 39:

6 "We consider that the list of establishments
7 approved for the reception of migrant children should be
8 reviewed, with the foregoing ..."

9 A Oh. Lost contact. (Pause)

10 (11.00 am)

11 (A short break)

12 (11.17 am)

13 LADY SMITH: Stephen, welcome back.

14 A Thank you.

15 LADY SMITH: I'm glad to see that the link has been
16 re-established. I very much hope it doesn't let us down
17 again. I'm sorry about that. Mr MacAulay?

18 MR MACAULAY: Now, if I go back to your own report for
19 a moment, Stephen, that's at INQ-42, this is at page 46
20 of the report, and you express the view at paragraph
21 7.29 that of the 26 institutions which may have been
22 visited, that were visited by Ross, that child migrants
23 from Scotland may have been accommodated in 18 out of
24 the 26.

25 A Yes.

1 Q That's your assessment.

2 A Yes.

3 Q Now, you have already mentioned the confidential reports
4 that were produced by Ross, and as you point out in
5 paragraph 7.32, these were not published.

6 A That's correct. Yes. They were indeed confidential.

7 Q So as far as -- what about voluntary organisations and
8 indeed others involved in child migration? Would the
9 confidential report, or the contents of these, reach
10 their ears at all?

11 A It could well have done, because I think the reports
12 were shared with the Australian authorities. They may
13 well have shared them on, as it were.

14 Q And generally these reports are in the form of, perhaps,
15 two or three page reports directed at each of the
16 institutions?

17 A Yes.

18 Q And if I can begin by looking at this particular report,
19 it's LEG 001.002.3767, and I'm looking at a report or
20 a note on Dr Barnardo's Homes at Burwood in Sydney, and
21 the date of the visit is given, and the accommodation
22 available is given, but the number and residence is also
23 quite significantly lower than the actual number who
24 could become accommodated, so you have got total
25 accommodation for 22 migrant girls, number in residence

1 is 13.

2 A Yes.

3 Q And the premises are described as a former private house
4 of two storeys with a pleasant, well-kept garden, we're
5 provided information about staffing, education, and so
6 on, and then on page 2, page 3768, there is a section
7 headed, "Recruitment and selection", and we read:

8 "All girls are transferred from Dr Barnardo's Homes
9 in England".

10 There is a suggestion that one girl had to be sent
11 back. Do you see that? Page 3768. There is another
12 page to this report, and as with other reports it is
13 divided into sections, one section dealing with
14 recruitment and selection. I'll read what's there:

15 "All girls have transferred from Dr Barnardo's Homes
16 in England and there's been difficulties with some girls
17 and one had to be sent back. On the whole they are said
18 to fit in and settle satisfactorily", so that's what it
19 says, and then at the end, as with other reports, there
20 is a heading, "General comments", and I will read that
21 out, because this is a positive report:

22 "This appears to be a comfortable home in which
23 girls are treated with sympathy and understanding.
24 Three who were seen aged 18-21 were well mannered,
25 poised and attractive. It seemed that some girls found

1 it difficult to leave Burwood, having possibly become
2 over-dependent on the Barnardo organisation".

3 So that is a positive report?

4 A Indeed it is, and I think what is perhaps -- the quality
5 of Barnardo's care does tend to be very good in the UK
6 and I think the examples that we have seen of Barnardo's
7 children overseas also seems to indicate that they are
8 pretty well catered for. There is an exception to that
9 which is -- no doubt we will talk about it in due course
10 at Picton but I think what is important is material you
11 referred to earlier on. This is effectively a house in
12 a normal part of a town, so it's not isolated, it's
13 small in scale, the staff seem to be -- I can't quite
14 read it -- there seem to be sufficient number of staff,
15 the girls attend the local schools, in other words, all
16 that is necessary to integrate a child into life in
17 another country seems to be being provided here and
18 that's why, I think, Ross and colleagues did seem to
19 approve of it.

20 Q If we look at the next report then, this is LEG
21 001.002.3787. This should be in respect of Dhurringile
22 Rural Trading Farm in Victoria. Do you have that on
23 your screen?

24 A Yes I do.

25 Q It's quite faint?

1 A Yes. My dodgy eyes are struggling. Just a minute.

2 Q That was visited on 29 February 1956 and the total
3 accommodation is for 50 migrant boys and the number of
4 residents was 31. Do you see that towards the top?

5 A Yes.

6 Q And perhaps the first point to pick up is that at,
7 "Position", we are told that it is in an isolated
8 position approached by a long driveway, I think, some
9 miles from any town. Do you have that halfway down?

10 A Yes.

11 Q We then read the whole place is bare and -- is that,
12 "Comfortless"?

13 A "Comfortless", yes. Would you like to borrow my
14 magnifying glass?

15 Q I think I can struggle on, and also most floors were
16 bare boards. Do we read that?

17 A Yes.

18 Q And then the staff, there is a superintendent, a single
19 man, one other man, matron, cook and laundress, so that
20 appears to be the extent of the staff, and if we turn to
21 the next page, 3788, about halfway down the heading,
22 "Recruitment selection", can read there that:

23 "Boys are recruited through the -- I think it
24 says, "Presbyterian Church". Is that right?

25 A Yes, that is correct. I haven't got that on screen at

1 the moment.

2 Q If we can get that on the screen? And we read this:
3 a number of boys were found to be of poor intelligence.
4 That seems to be one of the comments that are made. You
5 are probably familiar with this report. If I go on to
6 the next page, 3789, can we read, under, "General
7 Comments", you may not have it:

8 "In this home both material conditions and the
9 general attitude to the boys of the three members of the
10 Committee whom we saw seemed to us to be deplorable.
11 Some of the boys appeared -- seen, appeared unhappy, and
12 to be badly in need of the sympathy and understanding
13 which were noticeably lacking".

14 They go on to say, as a note:

15 "It may be worth putting on record that the
16 following entry appears in a booklet published by the
17 Council of Voluntary Organisations for Child Migration,
18 Church of Scotland Committee on Social Services, these
19 boys are given a splendid opportunity at Dhurringile
20 under ideal conditions under trained experts in social
21 work", and I think you will remember that particular --

22 A Absolutely I do, yes. The contrast between the
23 statements made here by Ross on Dhurringile is very
24 different from the one you had previously been looking
25 at. This is an isolated place, it seems to be

1 improperly staffed and clearly the contrast couldn't be
2 more marked. I assume that's a good reason for bringing
3 out this contrast. The earlier one, the Barnardo's
4 place, was well-staffed, integrated into a local
5 community, the children seemed to be content and doing
6 well. This is quite the reverse.

7 Q Then if we look at another report, this is for St
8 Joseph's, Neerkol, it is LEG 001.002.3792. Now, this
9 was an institution run by the Sisters of Mercy. I think
10 that's correct, isn't it? I think there is a typo in
11 your report where you mention Sisters of Nazareth, but
12 this is Sisters of Mercy.

13 A An apology was sent out. It was the deliberate mistake
14 which somebody picked up.

15 Q Now this report extends to three pages, 3792 to 3794.
16 Do we have that?

17 A I have got the first page on screen.

18 Q Yes. This is potentially a large institution because
19 the total accommodation was to accommodate 240 boys and
20 girls. Is that what we see? Towards the top right?

21 A Yes. Total accommodation 240 boys and girls, but
22 accommodation of migrants, 52, migrants in residence,
23 32.

24 Q Yes, out of a total of 200 residents, so here we have
25 a mixed set up of Australian boys and girls with

1 migrants, and the premises are described as a large
2 institution dating back to 1885 and consisting of a
3 number of separate single storey buildings, some built
4 of wood and others of brick, and we are told that there
5 is an in-house school, and then if we read on, can we
6 read that:

7 "One dormitory is for girls and contains 50-60 beds
8 with additional beds on a verandah".

9 So that's a large dormitory?

10 A It is indeed. It sounds like a barracks.

11 Q Yes, and:

12 "The other two used for boys are less crowded ..."

13 But they still have 40-50 beds, is what we are told?

14 A Yes.

15 Q And then position, are we told it is in an isolated
16 position, 14 miles from Rockhampton and standing well
17 back from the road?

18 A Yes.

19 Q Again, that's a theme, I think, that we see, in relation
20 to these places, that they are isolated. Yes, and again
21 we've got the contrast with the Barnardo's institution
22 that we referred to earlier. The more integrated -- the
23 smaller they are the more integrated to a normal
24 community of ordinary Australians the better, but these
25 places that are placed out and are very, very large,

1 really, it confines the child to that single space and
2 if you then go on about the staffing and the quality of
3 care, you can see why this is a place that was not well
4 received by the children who were sent there.

5 Q And if we read on under the heading, "Furniture and
6 Equipment" we are told that dormitories contained
7 nothing but beds, and that these are so close together
8 there would be no room for any other furniture.

9 A It does sound like a military barracks, doesn't it? I
10 suspect soldiers got some kind of bedside cabinet to put
11 their stuff in.

12 Q We go on to read that the girls do have lockers for
13 individual possessions which were all locked at the time
14 of the visit, but I will then read on:

15 "It was said that there had never been any need to
16 provide lockers for the boys as they did not acquire
17 possessions of their own"?

18 A I mean, one just kind of rocks back, doesn't one,
19 really. I mean, I have a son who had more possessions
20 than I had. The idea that the boys don't need places to
21 put their stuff seems to me completely crackers, if I
22 may use a technical term.

23 I mean, it is part of being a child, is that you
24 have personal possessions, and this lack of respect for
25 that child's needs suggests that the people who created

1 this space have forgotten what it was like to be
2 a child.

3 Q And you may not have this on your screen, as I
4 understand it, only the front page is on the screen, but
5 under the heading, "Staff", we are told that the nuns,
6 in relation to the nuns, most of them were well advanced
7 in years. That gives us a picture of the set-up
8 involving the nuns, as it says, well-advanced in years.

9 A Yes. Indeed. Yes.

10 Q And in relation to education, I think we are told that
11 the education is given within the premises up until the
12 age of 14 where children can be transferred to technical
13 schools or High Schools if they are qualified?

14 A If they qualify. It is difficult to know how they would
15 qualify from an institution which is so overcrowded and
16 so lacking in support, to qualify for any other
17 institution of learning would be -- I would like to know
18 how many did actually qualify and get into other
19 institutions to continue their education aged 14. It
20 says, again, that there is this opportunity, but ...

21 Q And under the heading, "Recruitment and selection", it
22 has been noted:

23 "It was said that many were backward and that some
24 of the girls were of such low intelligence as to be
25 unlikely ever to be able to fend for themselves".

1 So I think we've touched upon that already. Again,
2 that is a common theme in these confidential reports.

3 A Yes. That could be a matter of bad selection. It could
4 also be a matter of bad upbringing in the institutions
5 in which they are now living. If they are crammed
6 together in that fashion and their education is squeezed
7 as a result, it might account for why they appeared to
8 Ross to be backward.

9 Q And under the final "General Comments" section we can
10 read:

11 "These children are having an institutional
12 upbringing in isolation from the outside world. They
13 appear to be regimented and have little opportunity for
14 independent thought or action. There seems nothing in
15 this regime that can help migrant boys and girls to make
16 roots in a new country", and they go on to say that the
17 children were pale and listless. So that's a critical
18 report of this particular institution.

19 A Yes, and it contains within it, I think an explanation
20 as to why the children appear to be -- "Listless", was
21 the word, wasn't it? Visitors have come from overseas
22 and they are listless in their presence? It sounds as
23 if they are not used to meeting new people and I do get
24 the impression, by the way, that the Ross Committee did
25 try to talk to children which is rare. Normal

1 inspections you do get the impression that the children
2 are not spoken to.

3 Q The next report that I want you to have in front of you
4 is LEG 001.002.3795, and this is the report on the
5 Salvation Army Farm at Riverview in Queensland. Do you
6 have that in front of you now?

7 A Yes.

8 Q And can we just note that the accommodation was there to
9 accommodate 60 boys with 24 places for migrants. The
10 number in residence was 35 but there was only one
11 migrant in residence at the time of the visit.

12 A Yes. I'm not quite sure how to comment upon that but I'm
13 sorry for the one.

14 Q We'll hear about the one in a moment but under the
15 heading, "Furniture and Equipment", we are told that it
16 was of a poor standard generally and rooms are bare and
17 comfortless.

18 A Yes.

19 Q I don't know if you have the next page, 3796, under the
20 heading, "General Comments", I'll just read this out:

21 "In view of the nature of the accommodation and of
22 the staffing it does not seem that this establishment
23 has anything to offer migrant boys".

24 We go on to read:

25 "The one migrant in residence, an intelligent,

1 self-assured boy of good type said he disliked being
2 there and was longing for the time when he could leave
3 and enter employment", so that's the final comment.

4 A Yes.

5 Q There some suggestion, I think you touch upon this in
6 your report that boys who are described as, "Delinquent
7 boys", may have been accommodated at Riverview, that's
8 Australian boys.

9 A Yes.

10 Q Is that -- and that was causing a problem.

11 A Yes. I think there had been concerns back in the UK in
12 the Home Office about that feature of homes, and
13 I think -- is there not some action taken to try to
14 separate the delinquents from --

15 Q Yes?

16 A -- in order to make it -- in order to make sure that
17 the child migrants who were sent there would not be, as
18 it were, contaminated by juvenile delinquents. I mean,
19 I don't know anything about what determined that title
20 of those Australian boys to be delinquents but clearly
21 they were so described, and clearly Ross is perturbed
22 about mixing those with boys who are, in other respects,
23 disadvantaged because they have been sent overseas, and
24 into a place as comfortless as this institution.

25 Q Then let's look at another of the confidential reports.

1 That may be relevant to Scotland. That's
2 LEG.001.002.3797. We are looking at the report for
3 Nazareth House, East Camberwell in Melbourne. Do you
4 have that in front of you?

5 A I do, yes.

6 Q Again, it is described as an institution that could
7 accommodate 150 migrant girls, but the number in
8 residence at the time of the inspection was 51. Do you
9 see that?

10 A Indeed. Just on the numbers, it's worth recalling that
11 by 1955/56 the numbers of children that have been
12 migrated to some of these places has started to
13 diminish. That's kind of a recruiting issue, so I think
14 a lot of this disparity between the total number of
15 available spaces and the numbers actually there is
16 indicating this is a system of childcare which is
17 starting to run down by the mid-1950s.

18 Q Would this have been of concern to those who were
19 running the establishments?

20 A Oh yes.

21 Q Here a third is all the numbers that are there?

22 A Indeed, and you can see the cash register implications
23 of this as well, since the child migrants bring money
24 into the institution to maintain the institution. So
25 the fewer children that are there, the less is the

1 cashflow coming in, and I think you could then possibly
2 draw a reasonable deduction that the quality of the
3 fabric and of the staffing numbers might well go down in
4 order to make sure the books balanced. I haven't seen
5 accounts for those places, but it is a possibility.

6 LADY SMITH: And, Stephen, am I right in thinking that East
7 Camberwell is the place that Sisters of Nazareth had
8 received a grant to help them build and develop?

9 A Indeed. So there is the whole saga behind that one,
10 which is that when the Catholic agents come over to
11 recruit, it is said by those persons, certainly by one
12 in particular, that if the sending societies, and we are
13 talking about the Catholic sending societies in this
14 instance, did not provide sufficient number of children,
15 then the loan that had been made to East Camberwell
16 might be withdrawn and the institution would fall.

17 So in other words, there is a financial inducement
18 upon the sending societies to provide enough children to
19 bring in enough money to pay for the building which had
20 been put up. In that context you can imagine that the
21 selection procedures may well have been affected.

22 LADY SMITH: Can you remind me where the money had come from
23 to help them with that building?

24 A It comes from the -- I think it's either the -- well,
25 it's going to be either the Commonwealth of Australia or

1 it is the state. I can't now offhand remember.

2 LADY SMITH: But it was Government money?

3 A Oh, it's Government money. Yes.

4 LADY SMITH: Central or local?

5 A Yes, and actually, there doesn't seem to be any truth in
6 this threat. I don't think there is any suggestion that
7 the money would be withdrawn, the loan would be
8 withdrawn, and the place would have to fold, but it is
9 being used by recruiting agents in Scotland to send more
10 children because there are spaces, and because that is
11 part of what the -- in this case the Catholic agencies
12 are determined to do, to send more children overseas.

13 LADY SMITH: And I suppose you only need the belief for
14 there to be an impact, even if the belief is an
15 erroneous one as to the risk of having to pay back the
16 money.

17 A Indeed. I think, probably, when you come to talk to
18 Gordon Lynch who has got absolutely a handle on this
19 particular operation, there seems to be a cluster of LEM
20 3 reports that are signed off at this time, a whole
21 cluster of them as if, you know, "We've got to send
22 children", almost irrespective of -- this is me more
23 than in the report -- irrespective of the quality of the
24 children you are sending, and I think LTI is one
25 of those, the girl with .

1 LADY SMITH: Yes.

2 MR MACAULAY: So if we read, then, under reference to the
3 premises, do we read that they were described as,
4 "A very large institution containing one wing for old
5 people and a second opened in 1952 built for migrant
6 girls", and is that the point that you have just been
7 saying, that that was built on the back of a grant --

8 A Yes.

9 Q -- for migrant girls?

10 A Yes, but it is in the same institution as old people, so
11 it's an old people's home and a children care home which
12 is, one would have thought -- would require two sets of
13 professional people to manage both those cohorts.

14 Q Was there some suggestion that before this establishment
15 could be approved, that it could not operate as both
16 a place for children and for old people?

17 A Yes indeed. Yes. It can really only be one or the
18 other. It is a very extraordinary decision in the first
19 place to add to an old people's home, a children's home.

20 Q And I think in relation to education we are told that
21 there was a primary school on the premises which all
22 girls attend until they are 14, and where some remain
23 after this age, but a few are transferred at 14 to the
24 High School or technical school outside, so again it is
25 a situation where education is in-house, really with

1 very little interaction with Australian children?

2 A Yes, and I think there is a curiosity about that in
3 a way, because this is not an isolated institution. It
4 is in the suburb of -- is it in the suburb of Melbourne?

5 Q Yes, Melbourne.

6 A It is a suburb of Melbourne and I would like to have
7 known whether there was an elementary school proximate
8 to the institution where these children would be living.
9 They could go to primary school, and then would be ready
10 to go on to any form of subsequent education post-14, or
11 whatever age it would by then have been, so this keeping
12 the children in the home to educate them, probably by
13 not qualified teachers, and then say; right, now, go
14 outside for some further education -- after 14 was it?
15 Age 14?

16 Q Yes.

17 A Well, by age 14 children are -- if they have had
18 a reasonable education are able to manage anything that
19 is more demanding, post-14. Elementary arithmetic,
20 reading, writing, those kind of skills, and also just
21 working with other children in an educational
22 environment and meeting adults who are qualified
23 teachers.

24 Q And do we read, in fact, that only five of the 51 in
25 residence were attending outside schools at the time of

1 the visit?

2 A There you go.

3 Q I think we can see that?

4 A Yes. Yes. So effectively their education is terminated
5 early in their lives.

6 Q On the following page, and I understand it hasn't come
7 up on the system, this is at page 3798, and I will read
8 this to you, and I'm sure you are familiar with it,
9 under the heading, "Recruitment and selection", we can
10 read:

11 "All the girls have come from Roman Catholic
12 children's homes in the United Kingdom and a number are
13 said to be backward and of poor intelligence".

14 So again we have this sort of comment in relation to
15 the level of intelligence of the child migrants?

16 A Which therefore is a reflection on selection procedures.

17 Q And the report goes on to say:

18 "Most of the children have been in children's homes
19 since infancy".

20 We read on:

21 "Both the Mother Superior and the State Child
22 Welfare Department ..."

23 So clearly Ross had spoken to both these sources.

24 A Yes.

25 Q " ... commented on the apparent unsuitability, through

1 low intelligence or emotional disturbance, of some of the
2 girls sent, three or four of whom would probably never
3 be self-supporting".

4 So again we have that sort of comment, of the
5 realisation that some of these children would never be
6 self-supporting?

7 A No, and therefore the implication of that, should never
8 have been sent.

9 Q And the other comment that's made here is that -- and
10 also of the very inadequate records which accompanied
11 them?

12 A Right. Yes.

13 Q So -- but this is an institution run by the Sisters of
14 Nazareth, I think we know, and it's clear that the girls
15 that have been sent have come from Roman Catholic
16 children's homes in the United Kingdom which would
17 include, I would imagine, Sisters of Nazareth homes?

18 A Oh yes, most certainly. Yes.

19 Q And then the -- there is a section headed, "Placement of
20 school leavers", and we read:

21 "No girls have yet been placed in employment and it
22 is considered that placing will be difficult as a number
23 of the older girls are irresponsible and unreliable".

24 That's the way they are described.

25 A Well, it does seem as if these children had a hard time

1 of it when they were in Scotland, and have not had
2 a better time of it while they are in Australia and
3 their futures are here being regarded as dismal.

4 Q Under the heading, "General comments", this is what's
5 been said:

6 "The accommodation is lavishly planned and
7 furnished but on a scale which makes anything
8 approaching a home atmosphere impossible".

9 Then this rather damning comment:

10 "The general impression is of a place more like
11 a hospital than a home".

12 You remember that comment?

13 A Indeed I do, yes. I'm just going to -- slightly taken
14 aback, thinking about what was wrong with the hospitals.

15 Q Yes, and it goes on to say:

16 "The Mother Superior said a number of the older
17 girls were presenting 'sexual difficulties' with which
18 she felt unable to deal".

19 A We are talking about girls and puberty. We are talking
20 about life changes which is a pitiful experience for
21 boys and girls and when their bodies change, their
22 instincts change, their emotions get confused. You do
23 need highly trained, highly qualified and very
24 sympathetic surrogate parents if you don't have your own
25 parents to assist you through that process.

1 Q Now, the next report that I want you to look at is at
2 LEG 001.002.3802, and this is one of the -- this is
3 St Vincent's Orphanage, Castledare. This is one of the
4 Christian Brothers establishments.

5 A Right.

6 Q Can we see that the total accommodation available is for
7 120 boys?

8 A Yes.

9 Q Accommodation for migrants is 89. The number in
10 residence is 117 with 70 migrants.

11 A Yes. So that's quite a large proportion of the
12 accommodation of the migrants is occupied by the
13 migrants.

14 Q Do we read under the heading, "Premises", that boys are
15 admitted at the age of 7?

16 A Yes.

17 Q And then are transferred to Clontarf at the age of 11,
18 and I think we had some evidence of that, as boys got
19 older they moved into different Christian Brothers
20 establishments?

21 A Yes, indeed. Yes.

22 Q And do we read there are dormitories each for about 50,
23 so again large dormitories?

24 A Yes.

25 Q And under, "Furnishing and Equipment", can we read:

1 "Dormitories contain nothing but beds and are
2 somewhat crowded"?

3 A "Somewhat", I think is an important word there! We
4 don't know the proportions of the room but I would take
5 Ross's judgment that this looks to be a very overcrowded
6 dormitory.

7 Q Well, I should have read on. We see that showers are
8 arranged so that 30 boys can be bathed at a time, and it
9 was stated that 120 could be dealt with in 20 minutes.
10 That's quite a programme.

11 A Yes. I don't think a rugby club could manage that.

12 Q Lavatories are in a separate block at some distance from
13 the other buildings. The WCs have no doors and no
14 seats, so that is the picture we are presented with.

15 A I mean, it's just appalling, isn't it? What does the
16 cost of a door and a lavatory seat, given the numbers of
17 child migrants who are there, who have brought
18 considerable amounts of money with them in terms of
19 maintenance?

20 Q And staff, towards the bottom of that page, we were told
21 the staff consists of four Christian Brothers who are
22 teachers and run the school on the premises, and some
23 domestic staff, and a woman teacher is shortly going to
24 be added to the staff, so it's very much dominated by
25 the Christian Brothers themselves.

1 A Indeed, yes. Start working on the ratio between the
2 number of Christian Brothers who were there as teachers
3 and the number of children who were being accommodated.
4 It doesn't look like a kind of attractive staff student
5 ratio.

6 Q And on the following page which I understand is not on
7 the screen at 3803, under the heading, "Education and
8 Selection", we are again told that there is no
9 information available about the boys' history or
10 background, and again we see that's a very common theme
11 in these reports.

12 A Indeed, yes.

13 Q Reading on we read that:

14 "Some of the early arrivals were backward but later
15 ones are said to have been of a better standard".

16 So there is a distinction to be drawn there between
17 the early arrivals as opposed to the late arrivals in
18 relation to intelligence.

19 A Yes.

20 Q And the general comments -- I will just read the last
21 sentence:

22 "It is doubtful whether provision for even their
23 physical welfare can be regarded as adequate. Anything
24 in the nature of individual treatment is clearly out of
25 the question"?

1 A Yes.

2 Q So again, it is a critical report of Castledare.

3 A Indeed. Yes.

4 Q The next Christian Brothers institution I want to look
5 at is Clontarf. That's at LEG 001.002.3804. Ah yes.
6 LEG 001.002.3804.

7 LADY SMITH: Mr MacAulay, I do not think we've got that on
8 the system.

9 MR MACAULAY: Well, I will look at this quickly. You don't
10 have it on the system. It's a large institution that
11 could accommodate 220 boys. There is 166 spaces for
12 migrants. There was 190 boys in residence and of those
13 112 were migrants.

14 A Right.

15 Q So it is a large institution?

16 A Yes. Disproportionately migrants.

17 Q Yes. And I think as we noted earlier, some of those
18 were transferred from Castledare when they would reach
19 a particular age.

20 A Yes.

21 Q And we are told under, "Staffing", that again it is
22 staffed by Christian Brothers --

23 A Yes.

24 Q -- who are mainly teachers, and this is a comment,
25 I think you have mentioned before, this is on page 3805

1 in relation to recruitment and selection in that the
2 principal of the establishment said that he had no
3 information about the boys' backgrounds, previous
4 history, and did not consider that there would be any
5 advantage in having such information, so that's
6 a particular view that was being taken?

7 A It is a very particular view. There are two elements to
8 that, I think, to draw attention to. One is that it's
9 disturbing that information wasn't sent with the
10 children when they were migrated, and the second is
11 clearly that the principal doesn't think that that
12 matters, so we are back in that situation that may be --
13 this idea of a clean sheet, I don't think it's even
14 that. I think that they simply took in the children
15 because they provide the money and careers for the
16 Christian Brothers in those places. It doesn't seem
17 from that statement alone that the -- that their primary
18 concern is with the well-being of the people that they
19 had been receiving, and for whom they -- for whose care
20 they are responsible.

21 Q The report goes on to -- I think, again, refer to
22 something the principal said, because it goes on to say:

23 "He did not think that the boys themselves would
24 ever worry about their parentage".

25 A I mean, you just rock back, don't you, when you hear

1 that. Where did these -- as these boys grow up, as every
2 child grows up, certainly if they mix with other
3 children who talk about my mum and my dad you would
4 think they would all want to know where they came from.
5 Of course they want to know where they come from, and it
6 comes out so often in the later testimony by those who
7 have survived this experience and who are now talking to
8 Inquiries like this one, that that is one of the
9 concerns they really, really had. The Child Migrants
10 Trust is overwhelmed by adults wanting to know where
11 they came from and why they were sent and about their
12 families, and their strenuous efforts to reconnect them,
13 sensitively, with any surviving members of their family.
14 These are children who continue throughout their lives
15 to want to know where they came from, to whom did they
16 really belong as families. Everybody else belongs in
17 a family.

18 Q And it goes on to note that, and I think this is, again,
19 referring back to what the Principal said:

20 "A number of the boys have been found to be dull or
21 retarded educationally but they were able to settle down
22 quickly and fit in well".

23 So again, we have this theme in relation to
24 intelligence and the level of intelligence of the boys
25 that were being migrated.

1 A Yes, and it might have something to do with what they
2 have already recognised as they don't seem to have any
3 prospects. I mean, the kind of intelligence that might
4 be sparked off, demonstrated, could well be because they
5 know what it is that could lie ahead of them if they do
6 make themselves work at the schoolwork. If the
7 schoolwork is there -- if they are properly taught.
8 These Christian Brothers may nominally be teachers but
9 it's not evident that they are actually, in Western
10 Australia, good professional teachers. Simply the
11 notion that they are, "Retarded", might simply be because
12 they are uninspired. I, dare I say it, I can think
13 about teachers I have had in my career, some were more
14 inspiring than others. If you have a set of teachers
15 who are not inspiring then it discourages one.

16 Q And on the final page at 3806 under the general
17 comments, the comment is:

18 "These boys lead an institutional life. They remain
19 at a disadvantage when they leave, and no attention is
20 paid to the special needs of boys who have no contact
21 with parents"?

22 A Exactly. Yes. That is very clear that Ross understands
23 about children's needs, about family connections. If
24 not mother and father, then surrogates for them who
25 will play that role as children who are adopted or

1 fostered might well reasonably expect.

2 Q Perhaps the final report, then, I will look at for
3 present purposes which again is one of the Christian
4 Brothers' institutions, this is at LEG 001.002.3811. It
5 doesn't appear to be on the screen. Again, I will just
6 read the very relevant parts to you. We are told --
7 this is, of course, St Joseph's Farm School at Bindoon?

8 A Yes. I was going to say it must be Bindoon and it is on
9 screen I think.

10 Q Oh thank you. It is a different document.

11 A Oh is it? Right.

12 Q Total accommodation is for 200 migrant boys and the
13 number in residence at the time of the visit was 114, so
14 again, fairly large establishment?

15 A Yes.

16 Q And we read at the beginning under, "Premises":

17 "A group of very large buildings, some still
18 unfinished"?

19 A Yes.

20 Q And I think we've heard that there was building work
21 being carried out, indeed by boys.

22 A Indeed, that's right. Many of the boys subsequently
23 believed that what they were doing was being unpaid
24 labourers to build their own establishment, which is
25 remarkable, isn't it? You know, you would imagine that

1 all this would have been prepared for them in advance so
2 that they could be, if the teachers were there,
3 well-taught and if others caring were there, well cared
4 for, but in fact what they are doing is shinning up and
5 down ladders as unpaid labourers, and they know it.
6 They talk about it in so many of the testimonies from
7 people who have been at Bindoon and in other places,
8 that they felt that they were more unpaid labourers than
9 children being cared for and educated and trained for
10 futures.

11 Q And we are told that there are two large dormitories,
12 each containing about 30 beds, and that the floors are
13 bare concrete and the walls are discoloured, so not
14 a particularly attractive picture?

15 A Not at all, no. Not your holiday resort, is it.

16 Q And that the location is isolated, some 50 miles,
17 I think, from Perth.

18 A Yes.

19 Q So far as recruitment and selection is concerned in the
20 next page, 3813, it has been noted that:

21 "All boys have come from other Roman Catholic
22 children's homes and that some have been transferred
23 from Clontarf or Castledare".

24 Again we know that that is the way that the system
25 was set up, and on the final page, 3814, we read, under

1 the general comments:

2 "It is hard to find anything good to say about this
3 place which has the disadvantages of isolation,
4 unsuitable and uncomfortable accommodation and
5 a Principal of no understanding of children and no
6 appreciation of their needs as developing individuals".

7 The appearance and demeanor of the boys who were
8 seen did nothing to modify the poor impression that the
9 establishment made on the members of the mission.

10 That's a pretty critical summary of what the position
11 was like at Bindoon.

12 A Yes, and there are a large number of testimonies by
13 former children who had been at Bindoon who report
14 matters still worse.

15 Q Now, it is the case, I think, that Ross also provided
16 the Secretary of State with a note along with these
17 confidential reports, and hopefully I can get this on
18 the screen. It's LEG 001.002.3833?

19 LADY SMITH: I think that's what we've now got the beginning
20 of on the screen, Mr MacAulay.

21 A 28 March 1956.

22 MR MACAULAY: Yes. 28 March 1956. He, in the second
23 paragraph, confirms that there are a set of confidential
24 notes on the establishments that were visited. It seems
25 to be the case that there would have been an appendix to

1 the report if there would have been no question of
2 publication. Do you see that being said?

3 A Yes. Yes.

4 Q We know the report was published as a Command Paper.
5 These were confidential reports. Have you any insight
6 as to whether or not the confidential reports made their
7 way back in any shape or form to the actual institutions
8 themselves?

9 A I may need correction on this, but I think they actually
10 did get revealed to the -- either the state or
11 Commonwealth Government of Australia.

12 Q What about the institutions?

13 A I don't think they go to the institutions.

14 Q And it then -- if we read just below halfway what is
15 said is this:

16 "In connection with the suggestion in paragraph
17 39 ..."

18 And I think we've seen that earlier:

19 " ... that the list of establishments approved for
20 the reception of migrant children should be reviewed.
21 It should perhaps be mentioned that if we had thought it
22 appropriate to go into detail we would have suggested
23 that the establishments should be put in two categories,
24 namely 1) those approved only for the maintenance of the
25 migrant children already in residence; and 2) those

1 approved for the reception of further migrant children"?

2 A Yes.

3 Q And they go on to say:

4 "We should have said further that if it were
5 feasible from the point of view of relations with
6 Australia, establishments should be approved for periods
7 of say three years at a time", did that happen?

8 A Sorry, that's --

9 Q That an establishment would be approved but for
10 a limited period of time?

11 A Yes. Yes.

12 Q Did that happen in fact?

13 A Oh as far as I'm aware there is no regularity of
14 inspections of any of these places. The amount of
15 evidence that we have got of regular inspections is
16 fragile, shall I say. They may have occurred in some
17 places, they may not have occurred as frequently as this
18 is suggesting, but the information that goes back to the
19 institution that sent them, that seems to be
20 fragmentary. There really isn't the kind of exchange of
21 data between sending and receiving institutions that one
22 would have expected to have discovered.

23 LADY SMITH: Of course, the idea expressed under A has got
24 double protection in it, hasn't it, Stephen, both that
25 there should be periodic inspection but, separately, if

1 an institution is newly approved for children to be
2 migrated to, that approval should have a life of only
3 three years.

4 A Yes.

5 LADY SMITH: The idea no doubt being there needs to be
6 a review at the end of three years to see if this is
7 somewhere we should still be sending children to.

8 A That's right. So this clearly is Ross recognising that
9 this needs to be something which does have some sort of
10 official control, that it simply cannot rumble on
11 indefinitely, that you do need to have regular
12 inspections to ensure that standards are adequate and
13 are maintained as adequate.

14 MR MACAULAY: (b), what is said is that:

15 "No new approval should be given to large
16 establishments, or to establishments far from a centre
17 of population".

18 A Yes, and that comes through very strongly, doesn't it,
19 in the comments that they have made about the isolation
20 of too many of these places, and, more importantly, the
21 isolation of the children, therefore, within these
22 effectively closed communities.

23 Q And if we go on to the next page, 3834, I don't know if
24 that -- it just came on the screen, I will just read
25 that:

1 "In suggesting, as item 1 does, that some
2 establishments should not be approved for the reception
3 of further children, we are influenced by the
4 unfavourable impression that we form for the reasons
5 indicated in the notes of the following places".

6 There is a list of places?

7 A Yes.

8 Q And it is Salvation Army Riverview, Dhurringile Rural
9 Trading Farm, St John Bosco's Town, Hobart, Methodist
10 Children's Home in Magill and St Joseph's Farm School in
11 Bindoon, and they have put those -- this forward as
12 a list of places where I think it's being suggested that
13 approval should not be renewed.

14 A Yes. So that no children should be sent to those
15 blacklisted places.

16 MR MACAULAY: Now, I don't know if your Ladyship was
17 intending to have a break ...

18 LADY SMITH: Yes I was. Would that work for you if we just
19 took a break at that point? We'll just take a five
20 minute break at this point, Stephen and then get back
21 again to a section before lunch.

22 A Thank you very much.

23 (12.10 pm)

24 (A short break)

25 (12.17 pm)

1 LADY SMITH: Welcome back Stephen. We will carry on where
2 Mr MacAulay left off, if that's all right with you.

3 A Yes. That's fine thank you.

4 LADY SMITH: Thank you.

5 MR MACAULAY: I now want to take you back to your own
6 report, Stephen, at page 57, paragraph 7.32, and the
7 point you make there is that the Ross Report, when
8 published, caused protests by the many enthusiasts in
9 the UK and in Australia who were committed to child
10 migration, and just on that, where was the consternation
11 coming from?

12 A Oh, it's coming from the Governments of Australia, but
13 also from those who were in this country who regard the
14 practice as perfectly acceptable and should be ongoing,
15 so it is both within the UK and outside.

16 Q And just following through to see what happened in the
17 wake of the Ross Report, then, what was the reaction,
18 let's say, of the UK Government?

19 A Yes. It is an interesting one because the UK Government
20 is in a bit of a difficulty about this in that they are
21 continuing to fund child migration, okay? What they are
22 bothered about is how to determine -- remember Ross had
23 said children should not be sent to these places, named
24 specific places, but they had not inspected all the
25 institutions to which child migrants had been sent. The

1 Commonwealth Relations Office, and minutes of the
2 relevant documentation here, show they are in this
3 dilemma, do they blacklist and say, "No child shall go
4 to those that Ross has condemned", but allow children to
5 go to any of the other places, but that would include
6 places which had not been inspected which may be as bad
7 or even worse, and they really never get round to deal
8 with that difficulty. There is no suggestion at all
9 that child migration shall be stopped, even less it is
10 said that some were acceptable places, but the
11 difficulty is to know whether blacklists can be created
12 that would be legitimate. That goes back to the point
13 made much earlier today, that it was unfortunate that
14 Ross did not visit more, and that might have, at least,
15 solved the problem.

16 What does follow is that the -- as we know -- is
17 that the Commonwealth Settlement Act was renewed in
18 1957, but what comes in in 1957, and this is not an
19 unimportant consequence, there are no regulations
20 remember, of course, that had been introduced for
21 reasons that still seem to me to be mysterious as
22 binding upon sending institutions, but what the 1957
23 agreements with the sending societies do entail is a
24 list of the criteria for proper selection and care.
25 They are not binding regulations but there are strong

1 suggestions that these are the standards to which you
2 should adhere, and I think that is a diluted version of
3 the regulations idea, and what Ross had also wanted he
4 does not get, the Secretary of State to be able to
5 approve the practices of voluntary societies as well as
6 local authorities, so it is the kind of Civil Service
7 compromise, really, to keep the operation going, but to
8 try to improve the quality of the process of sending
9 child migrants overseas.

10 Q But the approach to the funding agreements, then, that
11 was across-the-board, was it?

12 A Yes.

13 Q It was to voluntary organisations and to other
14 institutions.

15 A Indeed. Yes. Yes.

16 Q Now, looking, then, to the numbers that went to
17 Australia post Ross, I think you do address that
18 paragraph, 7.35 of your report. What was the position?
19 How many child migrants still proceeded to be migrated
20 to Australia?

21 A The simple answer to that is, "Fewer". The numbers had
22 been running down even before 1957, and I think what one
23 needs to recognise is the wider context for this is the
24 furthering of the welfare state in the United Kingdom,
25 and the rise in living standards. Fewer children,

1 probably, are being put into care in the first place,
2 but there are other ways in which their needs can be
3 satisfied, and I think the sending societies, and this
4 does include the Catholic organisations, seem to
5 recognise that, actually, providing the quantity of
6 children that they had done in the past is unreasonable.
7 They cannot manage that. I think they become aware of
8 the -- to give them credit, I think some of them become
9 aware that there are difficulties in the selection
10 sending (Inaudible) and the children that they send.
11 What you do notice is that there are just a few that
12 carry on, really, pretty much the two of which
13 Fairbridge is one, but just on that point, what
14 Fairbridge has to do in order to maintain its numbers is
15 introduce the One Parent and Two Parent Schemes which
16 allow the system to continue much later.

17 Q But at paragraph 7.35 you say, in the last sentence
18 that:

19 "For the record, from 1957 to 1965, a further 722
20 child migrants were sent to Australia by seven sending
21 societies"?

22 A Yes. So it is still ongoing, but there are fewer
23 sending societies involved. I think the table that's
24 somewhere in this report brings that out very clearly.

25 Q Yes, but we will come to the table very shortly in fact.

1 Can I just have some sort of overview in relation to
2 some of the reports we've looked at, and in a sense
3 I have been asked to put these questions to you. If you
4 look at, for example, the status and knowledge of the
5 Curtis Report in Scotland, what, in your view, would the
6 status and knowledge of that report be, particularly in
7 relation to those who were involved in childcare?

8 A Well I think what the Curtis Committee had were
9 representatives of sending societies that consulted
10 them. There is no kind of -- there is no isolation of
11 these sending societies from what Curtis is doing.
12 That's why Curtis, unlike Clyde, does refer to child
13 migration as still a possibility with strong caveats, so
14 I think there is a energy of the Curtis Report because
15 it is effectively taken up by sending societies, some
16 sending societies in Scotland. They are alert to it.

17 The Clyde Report says nothing about that at all, but
18 there is this seemingly still an opportunity, because of
19 Curtis, for child migration to continue under strict
20 controls, remember this is about raising the standards,
21 to the standards that are expected for childcare within
22 the United Kingdom, or at least specifically in England
23 and Wales, but by implication also in Scotland.

24 Q But in relation to the general principles of child care
25 in the United Kingdom, is there any -- any real

1 difference in principle between the Clyde approach and
2 the Curtis approach?

3 A Well, except that Clyde doesn't mention child migration
4 at all.

5 Q But if you leave child migration out of the equation for
6 the moment, just simply looking to children in care?

7 A For children in care then I think they are really quite
8 similar because they identify what is essentially
9 required which is properly trained staff to look after
10 children, small institutions, kind of a -- integration
11 into local communities, children being educated locally.
12 All those measures which are effectively domestic UK
13 opportunities to improve care. All that Curtis does,
14 and perhaps unfortunately does, is suggest that in
15 certain circumstances child migration might still be
16 accepted, but Curtis and Clyde did take evidence from
17 institutions which -- some institutions which were
18 sending children overseas.

19 Q And the other reports that we've looked at, if you focus
20 in particular on, for example, the Doyle Report, that
21 was a public document?

22 A Indeed. Yes.

23 Q The Bondfield Report, was that in the public domain?

24 A Yes.

25 Q The Moss Report?

1 A That was published by --

2 Q But the Harrison Report --

3 A That simply goes to the Commonwealth Relations Office,
4 or possibly still the Dominions Office. I think it goes
5 to the Scottish Homeland Office. (Inaudible).

6 Q We've talked about the Ross Report which was published
7 as a report, although the confidential reports were
8 confidential.

9 A That's right. Yes.

10 Q In relation to those involved in childcare, how widely
11 known to those individuals would these reports be in
12 your opinion?

13 A It is a question that has been put and we haven't
14 responded to those questions. What I did in response
15 with Gordon Lynch, what we did was to -- first of all
16 identify which were published and not published, just as
17 you have done. Those that were published, we identified
18 the price of these places. You know, they are published
19 documents and HMSO charges, as it were. The papers were
20 readily available, again, could be easily obtained. The
21 general view that was being expressed was that anybody
22 who is involved in childcare should have been alert,
23 should have been alert to what these major reports were
24 saying about the quality of care that was to be expected
25 in Scotland and elsewhere in the UK. If you are

1 a childcare worker, if you are in that profession, then
2 you would reasonably expect to know what it is that is
3 the advice that's being offered by other people in the
4 profession who have the authority of having been
5 formerly set up inquiries, that took, that did consult
6 child societies themselves, so many of these
7 institutions did give evidence to the Curtis and the
8 Clyde.

9 Surprisingly, when we come to the Curtis Report,
10 some of those that have evolved, like Barnardo's, didn't
11 mention that they already had plans to send children
12 overseas. I don't know whether that's by omission or
13 commission, but it's noticeable, but a lot of advice is
14 also taken from other childcare professionals, or just
15 professionals in the care industry, as it were and there
16 are those Advisory Committees set up as a result to
17 provide ongoing sources of information and advice to
18 childcare professionals, so I think it's not an
19 acceptable argument to say, as was seemed to be implied
20 in the questions put to us, nobody would ever have known
21 about what the Curtis Report had said if they were in
22 Scotland -- or the Clyde Report. If they were not aware
23 of it, then they jolly well should have been.

24 Q Well then, can I now move on to the next section in your
25 report, Stephen, section 8? It is at page 51 of the

1 report. This is a section where you address a number of
2 Public Inquiries in the -- that took place in the United
3 Kingdom and Australia into the whole issue of the abuse
4 of child migrants and I think what you do in this
5 section is you look at each of these separate Inquiries
6 and take out from them what you consider the important
7 conclusions to have been.

8 A That's right.

9 Q And you begin by telling us that there have been eight
10 Public Inquiries across the board, including Northern
11 Ireland, England and Wales and Australia?

12 A Indeed. Also, it is worth mentioning, you see that the
13 first item here is actually the Child Migrants Trust
14 which is --

15 Q I notice that. You are anxious to point out the role
16 that they have played --

17 A Yes.

18 Q -- in this whole process.

19 A Yes. So that helps things along. What one sees in the
20 very first of the reports, if you kind of scroll down,
21 you see there is one that's in Western Australia itself,
22 and Western Australia is of course, home to many of
23 these child migrant institutions, including those run by
24 the Christian Brothers. This was an Inquiry which was
25 frustrated, you see it was only ever an Interim Report,

1 for reasons that are, one might have a guess at, it was
2 not allowed to be transformed into an Inquiry which had
3 the capacity to continue operating even after the
4 Legislative Assembly in Western Australia terminated.
5 The end of that Parliament. That ended its brief, and
6 it was never resumed.

7 Whether that is due to the politics of the place I
8 do not know, but it is very unfortunate. You just get
9 the sense from that Select Committee into Child
10 Migration report that they had a lot more that they
11 wished to investigate, specifically about sexual abuse.

12 Q But Western Australia, as I think you have already
13 indicated, that was the location for quite a number of
14 the institutions that were investigated by Ross.

15 A Indeed. That's right.

16 Q And I think you mentioned towards the top of page 52
17 that Western Australia was the location of eleven
18 institutions to which, according to the Ross Report,
19 1,100 UK child migrants have been sent between 1947 and
20 1955, and that the Ross Committee had visited eight of
21 them. Is that right?

22 A That's right. Yes. One could reasonably expect, if
23 that Inquiry had continued, you would have had a much
24 fuller account of what had -- they had discovered of
25 experiences of child migrants in Western Australia in

1 a very early one, a very necessary one.

2 Q And this was the first of the Inquiries that have taken
3 place.

4 A Yes indeed.

5 Q But although it is an Interim Report, they do come --
6 they do make some conclusions on the basis of, I think,
7 written and oral testimony that was presented to them?

8 A Yes.

9 Q And are you able to summarise what conclusions they
10 arrived at?

11 A Well, what they arrive at is that there seems to be
12 prima facie evidence that abuse of various forms,
13 particularly sexual abuse, had occurred in these
14 institutions, and that that's why further lines of
15 inquiry needed to be followed up. It does set down
16 a kind of signal, "There is an issue here and it needs
17 to be addressed".

18 Q And then chronologically the next Inquiry that you
19 consider is the -- from the House of Commons Health
20 Committee Report which is entitled, "The Welfare of
21 Former British Child Migrants", and can you just give us
22 some background -- that was 1998 it was published, but
23 can you just give us some background to this?

24 A The background to this (Inaudible) committee who insists
25 that this shall be done. I think we go back to the

1 Child Migrant Trust and the amount of publicity it had
2 generated, particularly in the press, I mean I can
3 remember reading big pieces in, I think it was The
4 Observer, very likely in The Guardian as well, about
5 what the Child Migrant Trust was aware of and this was
6 one of the prompts, therefore, of the Health Committee,
7 under its chair, to say, "We need an investigation of
8 this", and a serious investigation it proved to be in
9 that it did get personal testimony from many former
10 child migrants. The report is pretty hostile towards
11 what had occurred. It was very condemnatory.

12 Q And because it was in 1998 -- it began in July 1977 and
13 reported in 1998, it is likely that some of the child
14 migrants who provided evidence to this committee will
15 have passed on.

16 A Indeed.

17 LADY SMITH: I think it began in 1997, Mr MacAulay, not
18 1977. I just want to correct that for the transcript.

19 MR MACAULAY: That's correct. Yes. 1997.

20 LADY SMITH: Thank you.

21 MR MACAULAY: But it is likely that some of those who
22 provided evidence to this committee have passed on, so
23 that's the only source we have of that evidence.

24 A That is correct, and I think just to follow that
25 through, there are fewer and fewer child migrants

1 available to give testimony to subsequent inquiries for
2 that very reason.

3 Q But if we look at the -- at the top of page 53 of your
4 report, you tell us that this particular report provides
5 a succinct history of child migration largely but not
6 entirely post war and goes on to make certain comments
7 about some of the failures, the failings they found.

8 A Yes. That's right. I mean, it is the testimony that
9 they receive which is -- which, in some respects,
10 clearly does shock the -- those who hear this testimony,
11 and yes, and to makes points about the quality of care
12 and about the -- I mean I think the crucial line I would
13 like to pick out is:

14 "The report also insists that because post war
15 local authorities were less willing to send children in
16 care overseas it is not correct to describe child
17 migration as simply due at the time to ... 'a different
18 social climate'".

19 Q I was going to ask you about that comment in relation
20 to, for example, issues such as the standards of the
21 day --

22 A Yes.

23 Q -- I think have been raised with you in the past?

24 A They have been raised with us in the past but it is also
25 evident from this report that they do not accept that

1 the standards of the day are so vastly different to what
2 they have become by 1997 that these would be --

3 Q You devote a section of your own report to that
4 particular issue and I will come to that shortly, but if
5 we look at the other points that are made in that
6 particular paragraph, the absence of effective
7 monitoring, inadequate record keeping, misleading
8 information about life in Australia, separation of
9 siblings, these are issues that we've seen, I think,
10 reflected, indeed, in the Ross Report?

11 A Yes indeed, and are reflected in our report on what we
12 are now talking about. These have been repeated in each
13 of the Inquiries that have taken place.

14 Q And at paragraph 8.7 you indicate that the report and
15 the supporting evidence also provides accounts of
16 emotional, physical and sexual abuse --

17 A Yes. Yes.

18 Q -- child migrants had commonly suffered, especially in
19 Australia but also in New Zealand is that right?

20 A That is correct, yes.

21 Q And with a particular focus on the Christian Brothers at
22 Bindoon?

23 A Indeed. I think that line there, which is worth
24 quoting:

25 "It is impossible to resist the conclusion that some

1 of what was done there was of a quite exceptional
2 depravity".

3 That's a straight quote from the report.

4 Q But have you seen evidence presented to this Inquiry
5 that would comply with that description?

6 A I am sorry to say, overwhelmingly. It is -- that
7 sentence could be repeated for all the Inquiries that
8 have subsequently been held, including this one.

9 I think you have only got to read the testimony of so
10 many former child migrants to recognise that some of
11 them were, indeed, subjected to quite exceptional
12 depravity.

13 Q Now then, looking to the impact of this particular
14 report, the House of Commons report, what impact, if
15 any, did it have?

16 A Eventually what it does lead to is that the
17 Prime Minister, Gordon Brown, makes an apology which is
18 not unimportant in this story. There is an
19 acknowledgement by UK Government that what they had
20 allowed, what Gordon Brown's predecessors allowed, was
21 quite improper and -- hello, do you still have me?

22 NEW SPEAKER: Sorry Professor, they have just disconnected.

23 Rejoining now. Sorry, connecting again in a minute.

24 (Pause)

25 Q Are you back with us Stephen?

1 A Yes I am, yes.

2 Q I think you were in full flow there talking about Gordon
3 Brown's apology.

4 A It is very important there is an apology by the head of
5 the UK Government, okay? There had already been one by
6 the Australia Prime Minister, so this is a kind of
7 follow-up, but I think that is an important statement,
8 that the UK Government acknowledges that it had -- that
9 this was an unwise policy that had been pursued. The
10 report goes on to indicate certain remedial measures.
11 It is important to recognise the title. It is about the
12 future support for former child migrants, so it goes on
13 to talk about access to documents, counselling support
14 and so on, and there is a whole list of things that it
15 says that these are matters that need to be taken in
16 hand, so it's not -- this becomes a report to the former
17 child migrants, not just to the UK Government. The way
18 in which this report is couched is there are things
19 which need to be done to provide better support for
20 former child migrants. It includes very elementary
21 things like providing them with records of their own
22 past.

23 Q And for that there was to be a central database
24 established?

25 A Yes.

1 Q And did that happen?

2 A I'm afraid I do not know whether that ever did happen,
3 but it's because I think the sources that we've been
4 able to draw on have been very extensive anyway, so I
5 wouldn't like to say whether it did or didn't.
6 I haven't heard of it.

7 Q But counselling services you have mentioned, also
8 a travel fund to enable former child migrants to attend
9 family reunions?

10 A Yes.

11 Q I think there was such a fund established?

12 A That's really one of the things that the Child Migrants
13 Trust have been very emphatic about. These were people
14 who, as children, had been separated from their
15 families, and many, many, many of them always wondered
16 where they came from, why they were sent, and the way in
17 which the Child Migrants Trust was set up to do was to
18 make those connections, and it needed financial support,
19 that is what it is going to get, so the Child Migrants
20 Trust has been significantly subsidised in its
21 operations by UK Government, by UK taxpayers, and it
22 does enable these people to not just access their
23 documents, but also to be put in touch with former -- by
24 members of their former families. This has been handled
25 by the Child Migrants Trust in a very, very sensitive

1 way. You can't simply -- a former child migrant cannot
2 simply turn up on the doorstep of an elderly relative
3 and say, "Hello, I'm the one from Australia". There is
4 sensitivity involved in making those reconnects, and
5 I think that's very important.

6 Q And as you say at paragraph 8.10, that the UK Government
7 did make a formal response to this report?

8 A It did, yes, and it does there largely follow what is
9 being recommended.

10 Q And what you have set out there:

11 "It stated that child migration policies practised
12 in the past 'were conducted within the relevant laws
13 then current in the United Kingdom and in the receiving
14 countries', but that those policies were 'misguided',
15 and the UK Government 'offers sincere regrets'".

16 Now that's before the apology of course?

17 A Yes.

18 Q So there is an acceptance that the policies were
19 misguided.

20 A Yes. Yes.

21 Q But in relation to the apology, which was on 24 February
22 2010, the gap between the publication of the report and
23 the apology, do you know why that gap was there?

24 A No. I know what the prompt was for it to be made, which
25 was that Kevin Rudd had made an apology the previous

1 year. I mean, I think it -- Kevin Rudd, I think, was
2 the first leader of a Government that made an apology
3 for this, and I think the UK Government felt obliged to
4 follow suit since it had been -- you know, if
5 a receiving country had made an apology then it seemed
6 pretty necessary for a sending country to make an
7 apology too, but I think those are the only two I know
8 of. I do not think we've had apologies from any other
9 receiving country. You are not going to get one from
10 Zimbabwe or, surprisingly, there has been very little
11 response to any of this from Canadian governments.

12 Q Well, there was also, I think you tell us in paragraph
13 8.11, there was a Parliamentary debate on British child
14 migrants. That was in May 1999.

15 A Yes, and I think that, again, is just important. It
16 does give representatives of the country, the MPs of
17 this country, an opportunity to be informed for one
18 thing about this past, and remember, even Margaret
19 Humphreys, who had been a trained social worker, did not
20 know about child migration. Her first knowledge of
21 child migration was when somebody got in touch and said,
22 "I was sent overseas, can you help me trace my family?"
23 and that's when she discovered the history of child
24 migration. It is very likely that none of the MPs in
25 1999 knew anything at all about the history of child

1 migration. It just simply disappeared. It's just gone.
2 It's not part of the memory that they ever carried, and
3 yet now they will.

4 Q And another, I think, consequence of the Select
5 Committee report was the set up of an international
6 conference that, I think, took place in New Orleans, but
7 was funded by Nottingham County Council?

8 A Yes. I attended that. Why the conference was in
9 New Orleans remains one of the curious mysteries of this
10 operation. It was set up by the Child Migrants Trust
11 with Nottingham County Council and we went to
12 New Orleans. Very pleasant.

13 Q We have it in evidence already, I think, but this was
14 a conference that, in particular, former child migrants
15 were able to attend?

16 A Oh indeed, yes, it was very important that they were
17 present, and they were given an opportunity to tell
18 their stories, and the Child Migrants Trust reported on
19 what it had done. It was a very moving occasion, I have
20 to say, but I gave a paper there and many other people
21 did, gave papers, academics, from various parts of the
22 world but with different angles on the experience, but
23 it was -- it did not, in itself, I have to say, lead to
24 any obvious consequences. There was at one point
25 intended to be a collection of papers published as

1 a result of it, but for reasons it did not occur.

2 Q The next Inquiry, Stephen, you look at, is from the
3 Children's Commission of Queensland. This is
4 a Preliminary Report.

5 A Yes.

6 Q Allegations of abuse at St Joseph's Orphanage at
7 Neerkol, and this, again, was in 1998, this particular
8 Inquiry, and that was the establishment that was run by
9 the Sisters of Mercy, I think we've clarified that?

10 A Indeed, and Neerkol we've mentioned already. We've
11 already had evidence relating to Neerkol.

12 Q And what you tell us is that this report followed
13 a request in September 1996 from Queensland's Minister
14 for Families, Youth and Community Care for an
15 investigation following allegations of abuse, and we can
16 see that two men had been accused of the sexual abuse of
17 boys and girls, one charged with 40 offences, and the
18 other with 69, so that's the background to this
19 particular Inquiry.

20 A Yes.

21 Q And its focus was simply on the one establishment?

22 A That's right. Yes.

23 Q A number of issues arose, and we know that children from
24 Scotland were sent to this particular institution --

25 A Indeed.

1 Q -- as you point out, but if we look at 8.13, one issue
2 was -- in relation to the systems for supervision and
3 monitoring of well-being of children, is that right?

4 A Yes. Yes.

5 Q And, yes, I think the point you make there is that
6 whilst guardianship was delegated from the Minister for
7 Immigration to the State's Child Welfare Department the
8 Bishop of Rockhampton had been made custodian of child
9 migrants at Neerkol rather than the Sisters of Mercy
10 themselves which seems a strange arrangement?

11 A It does. It does seem to be a disconnect, the Bishop of
12 Rockhampton does not have any intimate connection with
13 the Sisters of Mercy.

14 Q The point you make at paragraph 8.14 in relation to some
15 confusion as to who was responsible for approving as
16 suitable the homes to which child migrants could be
17 sent, what is the answer to that? Who was responsible?

18 A Well, it seems it really all starts, I think, with the
19 Commonwealth Government, which it delegates down to
20 state level. The Commonwealth Government has primary
21 responsibility but the business about actual specific
22 guardianship seems to be delegated down to the states
23 themselves, as Queensland.

24 Q And what conclusions, then, did this particular Inquiry
25 come to?

1 A It comes to the -- obviously the conclusion that
2 children had been subjected to -- child migrants and
3 others had been subjected to abuse at Neerkol. What it
4 is not able to do is to pursue that much further at this
5 stage. It is only a Preliminary Report. This is going
6 to be subsumed into a still larger one later on, but the
7 preliminary report itself is indicative of which way the
8 wind is blowing in terms of Australia addressing these
9 experiences in the past.

10 Q But the particular sexual abuse that was being
11 identified was in respect of two men who clearly had
12 access to children within the institution?

13 A Yes. Yes. It is quite precise in terms of what it has
14 discovered from the testimony that has been given to it,
15 and it is a pretty robust report.

16 Q Can we then move on to the Report of the Commission of
17 Inquiry into Abuse of Children in Queensland
18 Institutions? This is the Forde Report and this was in
19 1999.

20 A Yes.

21 Q Now, this is looking at a number of institutions in
22 Queensland?

23 A Yes. This, I think, is because the Neerkol one was
24 a one-off, as it were, this becomes a much broader
25 Inquiry into institutions in the plural, and it starts

1 off, in a sense, where the Neerkol inquiry had left off
2 by generalising it across residential institutions in
3 Queensland more broadly.

4 Q But this was triggered by, I think you say, claims of
5 physical and sexual abuse that went back decades?

6 A Yes. Yes.

7 Q And it covered a large number of institutions, leaving
8 aside --

9 A Yes. Certainly not only concerned with child migrants.
10 This is much broader consideration of abuse of children
11 from wherever they had come from, particularly,
12 obviously, Australia itself. It fell to the 150
13 orphanages and detention centres.

14 Q And you tell us at 8.18 that the Commission judged that
15 there had been widespread emotional, physical and sexual
16 abuse of children in residential institutions in
17 Queensland.

18 A Indeed. I mean, it is a very forceful statement of what
19 they had, well, the testimony they had been given had
20 persuaded them that this indeed was the case, emotional,
21 physical and sexual abuse, and it's good to see that the
22 terms of that definition of, "Abuse", are so wide --
23 emotional, physical and sexual. It is much more akin to
24 the Scottish Inquiry than that which was somewhat
25 constraining, some of the others preoccupied only with

1 sexual abuse.

2 Q And there is a list at paragraph 8.18 in relation to
3 some of the failures that were identified, and we can
4 read that. Moving on, at 8.19 --

5 A Can we just stop on the first one actually which is
6 probably, in some ways, the absolutely vital one in
7 this, it is number 1, it is about the poor understanding
8 which goes down, I think --

9 Q Poor understanding of children's needs by members of
10 staff?

11 A That's right. Yes. So that's what has come out. You
12 are back in Ross Committee territory, aren't you, poor
13 understanding of the needs of children and it's now --
14 we are in whichever year we are in, 1998. It has
15 been -- this is not a contemporary report of child
16 migration but they have acknowledged that that which was
17 being said by critics of child migration including Ross
18 had already identified as the -- what was putting
19 children at risk and their futures at risk.

20 Q And at 8.19 you say:

21 "As with previous reports, the Forde Report also
22 referred to the lasting trauma of children who had been
23 emotionally, physically and sexually abused -- of
24 feeling worthless".

25 Is that a trend that we do come across in relation

1 to these children?

2 A Very frequently. This is going right on until this
3 current Inquiry. The contemporary investigations like
4 Ross, obviously what they have identified is bad
5 conditions, bad circumstances, some evidence of abuse.
6 What, at that stage, they are not able to predict is
7 what the lasting consequences of that will be for
8 children. Ross is 1956 but now we are talking about
9 lasting consequences of the abuse children had suffered
10 right through until their middle age and old age. It is
11 not a -- you don't recover from the abuse. You have to
12 live with the consequences of it. That, I think, is
13 what is so very important about these later Inquiries --
14 the legacy. The legacy.

15 Q And one of the institutions that this Inquiry looked at
16 was also St Joseph's at Neerkol. You see that in
17 paragraph 8.21.

18 A Yes. So that Preliminary Report is here given extra
19 status and significance in the context of the wider
20 Forde Inquiry.

21 Q And at 8.22 this Inquiry confirmed what Ross had found,
22 that 48 child migrants had been sent there in total, the
23 first group of 22 arriving in February 1951 followed by
24 another 14 in July and a few thereafter in 1955, and you
25 say including Scottish children that have already been

1 mentioned, so it is a place that housed Scottish
2 children?

3 A Yes. That's right. Yes.

4 Q And one of the criticisms, I think, that is made is the
5 under-staffing of the institution, because we are told
6 that one nun was responsible for 45 children in the
7 dormitory for older boys.

8 A Yes. We have encountered that in the contemporary
9 reports. We've seen that. That's what kind of evidence
10 that Ross had itself, his team, had identified, the lack
11 of sufficient number of trained carers for the number of
12 children that they are supposed to be caring for, and it
13 is -- here we are moved on 40-odd years and we see it
14 now being identified in this particular Forde Inquiry.
15 It comes over so frequently in all the others as well.
16 It is worth noting, I think, the last -- or penultimate
17 sentence in that paragraph:

18 "Witnesses to the Inquiry could not recall being
19 spoken to by an inspector from the department".

20 That's the Children's Department. That's one of the
21 things that frequently crop up, that children -- when
22 they were children in these institutions were not spoken
23 to by the inspectors who did come. It was very rare for
24 any exchange to be -- take place. Sometimes it was very
25 rare for anything like that to be allowed by the

1 organisers of the institution. They've come mainly to
2 look at the material fabric and talk to the staff. They
3 rarely talk to the children.

4 Q Although I think as you pointed out earlier it does
5 appear that Ross was able to speak to the children.

6 A Yes indeed, but Ross is a kind of different creature.
7 I'm not talking about somebody like Ross's committee
8 that comes in from outside, I'm talking about the
9 inspectors from the State Welfare Departments and
10 Children's Departments in Australia, when they come it
11 is rare for them to speak to the children. So in other
12 words the routine inspections that might have alerted
13 people to the cases of abuse, they are not revealed.
14 What Ross and his team, I think it is again worth
15 remembering that there is a woman member of the Ross
16 Committee, they managed to get children to talk to them.

17 Q Now, My Lady, that's 1 o'clock?

18 LADY SMITH: It's 1 o'clock. We will break now for
19 lunchtime Stephen, if that's all right with you.

20 A Indeed.

21 LADY SMITH: And start again at 2 o'clock for the afternoon
22 session. Thank you very much.

23 A Thank you very much indeed.

24 (1.01 pm)

25 (Luncheon adjournment)

1 (2.00 pm)

2 LADY SMITH: Good afternoon Stephen. Welcome back.

3 A Good afternoon.

4 LADY SMITH: Duly refreshed I hope.

5 A Very much so. Yes.

6 LADY SMITH: Thank you for that. I will hand over to
7 Mr MacAulay and he will take it up again from where he
8 left off. Thank you.

9 MR MACAULAY: My Lady. Before lunch we had been looking at
10 the Forde Report.

11 A Yes.

12 Q And I just want to finish off in relation to what
13 conclusions were arrived at, and if you turn to
14 paragraph 8.23 of your report on page 59, I think what
15 you tell us, originally there was a closed section of
16 the report because there was litigation in the
17 background, and only when that was sorted out was that
18 closed section made public?

19 A That's right. Yes.

20 Q And that closed section contained some rather important
21 information.

22 A Yes. That concerned Neerkol.

23 Q And what you tell us, it noted a litany of failures.

24 A Yes.

25 Q Are you able to summarise what these were?

1 A I think it is really what one has come to expect, that,
2 for instance, the State Children's Department
3 inspections were known in advance, conducted by
4 untrained staff. There is two elements within that,
5 that if you tell the institution that the inspection is
6 going to take place on a certain date then preparations
7 are made for that, and there has certainly been examples
8 of children knowing that there was about to be an
9 inspection because dolls appeared on beds and places are
10 tidied up and certain less agreeable members of the
11 children community were hidden, as it were, so the idea
12 that inspections should take place unannounced would be
13 in keeping with a better impression of what the
14 institution is actually like, so I think that's one of
15 the important conclusions. There are a number of
16 others, I think, as well.

17 Q One point you make is that only two out of 54 former
18 residents that gave evidence had anything positive to
19 say about the place?

20 A Oh yes indeed, yes, and I think this was generally the
21 impression that one had already derived from the closed
22 section of the report dealing with Neerkol. It was an
23 exceedingly grim place.

24 Q And you mention the untrained staff, isolation, and the
25 point you make there, well, made in the report, was that

1 this isolation issue was particularly hard on British
2 child migrants?

3 A Oh yes, and because they had been -- if you think about
4 those from Scotland, they invariably come from Scottish
5 cities as they're used to kind of a city environment
6 outside the door of the institution at which they are
7 held and from which they had been extracted, as it were.

8 Q And the other point you make is that there was a climate
9 of fear, untrained nuns who were unsuited to work with
10 children, under-equipped, and indeed children as well as
11 staff were over-worked in their assigned duties.

12 We see there, do we, issues that have arisen in
13 other cases?

14 A Oh indeed yes. It's not unique at all. I think it's
15 essentially why it was closed, was because there was
16 kind of a litigation issue relating to it, but, in fact,
17 this could be duplicated for many other of the
18 institutions with which we have been concerned. The
19 under equipment, the over-working of the children,
20 family relations discouraged, siblings being separated,
21 education standards lamentable. No preparation for
22 puberty, no sex education and leaving children ignorant
23 and vulnerable when they left the institutions aged 14.
24 They are not really ready for anything while they are
25 juveniles, and I think the discipline regime also comes

1 in for some considerable criticism as well. If you
2 scroll down, 8.23, there is some further material on
3 that account.

4 Q Did this commentary of -- what this Inquiry concluded
5 really reflect in some measure what Ross had himself
6 discovered in 1956?

7 A Indeed it does. Yes. I think that all the anxieties
8 that the Ross Committee had expressed about the
9 well-being of children in institutional care, not all of
10 them, but many of them, certainly many of those that
11 they had visited, is being replicated in these after the
12 event Inquiries. The added element within it is that
13 the children are now adults, so there is more indication
14 of the lasting effects of the trauma that they had
15 experienced. This goes on into people's later lives.

16 Q Now, the next Inquiry you look at is the Australian
17 Senate Community Affairs Committee Report with the
18 title, "Lost Innocents, 2001". What was the background
19 to this particular Inquiry?

20 A In fact, actually, it is part of a general package of
21 Inquiries that the Australian Government were setting
22 up. Some related to the treatment of Aborigines, for
23 example, so it is alongside that general re-examination
24 of Australia's past and present that this other Inquiry
25 takes place. It is also -- the chair was himself

1 formerly a child migrant.

2 Q I think that's Senator Andrew Murray. I think he went
3 on to sit in the main Australian Inquiry.

4 A Yes. Yes. So we've got those kind of connections here.
5 There had been a lot of lobbying, of course. I see
6 Margaret Humphreys has been mentioned here, but also
7 those organisations that are formed by former child
8 migrants -- VOICES which has been very important in
9 terms of lobbying on behalf of the interests of former
10 child migrants, and then the Norman Johnston-led
11 organisation, the International Association of Former
12 Child Migrants and their Families, and I think it's
13 quite important to see that these people have gathered
14 themselves knowledge about what people like themselves
15 had experienced and are part of the kind of lobbying
16 force which engages with the -- or helped generate the
17 Australian Senate Community Affairs Inquiry and so it
18 goes on, that the past is then fed into re-examination
19 of the current situation of those former child migrants,
20 with the aim of learning lessons from the past.

21 Q And this appears to have been a fairly extensive
22 Inquiry.

23 A Yes indeed. Yes.

24 Q Looked at a number of Australian institutions to which
25 child migrants had been sent?

1 A That's right. Yes. The Inquiry team, they came to
2 London. It was a time when I had just written a draft
3 of one of my Journal articles, and I gave them a draft
4 of that paper, so I actually --

5 Q I think you mentioned that the other day.

6 A Yes.

7 Q And in paragraph 8.27 the evidence presented convinced
8 the committee that sexual abuse as well as physical
9 abuse and psychological abuse had been common and
10 frequent in many institutions over the years and having
11 lasting consequences.

12 A Yes. Yes.

13 Q And so far as the perpetrators are concerned, they were
14 priests, workers and other visitors who were present at
15 the premises.

16 A Yes. It just becomes increasingly depressing to read
17 not only the abuse had taken place, but to keep reading
18 about the abuse that's taking place. There is such
19 similarity between each of these reports, whatever
20 the -- wherever the witnesses have come from, they are
21 saying very, very much the same kind of things about
22 what they had experienced and about the legacy of what
23 they had experienced.

24 Q Now, in relation to the Christian Brothers institutions
25 which you look at at paragraph 8.28, I think what you

1 say is that there were 24 former child migrants who made
2 allegations of sexual abuse in respect of Bindoon,
3 Castledare, Clontarf and Tardun. Is that right?

4 A Yes. I think it is striking that, as it says in the
5 full sentence, only 38 recounted episodes of sexual
6 abuse but 24 of those 38 were in the Christian Brothers
7 institutions in Western Australia.

8 Q And then -- and these were conclusions that the report
9 came to.

10 A Yes.

11 Q And at 8.29 you say that:

12 "The report sets out at length the responsibilities
13 of Government and non-Government bodies for allowing
14 such abuse to occur and what Action should be taken to
15 make reparations and provide support for those who had
16 been abused".

17 A Yes. Yes.

18 Q Did this -- was this the prelude to the apology by Kevin
19 Rudd?

20 A That's correct. Yes.

21 Q And I think that was in November 2009, about a year or
22 so, perhaps not so much, a few months before the UK
23 apology.

24 A That's right. Yes.

25 Q Then if you move on to 8.31, there you are looking at

1 the Historical Institutional Abuse Inquiry in Northern
2 Ireland which is much more recent, of course.

3 A Of course, yes.

4 Q You weren't directly involved in that Inquiry?

5 A No. Sorry. We've got Commonwealth of Australia Child
6 Migration up on the screen.

7 Q If I could turn to paragraph 8.31, page 61.

8 A Yes.

9 Q So in this section of your report you are looking at the
10 Historical Institutional Abuse Inquiry in Northern
11 Ireland in 2017 chaired by Sir Anthony Hart, and that
12 also had a much wider remit. It did include a module on
13 child migration.

14 A That's correct.

15 Q And I think you set out that some 50 witnesses gave
16 evidence -- these were former child migrants?

17 A That's correct. Yes. These are disproportionately
18 children that come from Catholic agencies, of course,
19 and a few by local authorities.

20 Q And what you say in paragraph 8.32 is that the vast
21 majority were despatched from four homes run by the
22 Sisters of Nazareth?

23 A Correct.

24 Q The reference to sectarian motives behind Catholic child
25 migration, I think you looked upon this yesterday,

1 what's evident from this Inquiry is that sectarian
2 motives were very much to the fore when it came to the
3 migration of Catholic children to Australia?

4 A I think that is true. The Catholic population was of
5 course, including in Northern Ireland but elsewhere in
6 the United Kingdom, was smaller than the non-Catholic
7 population, and there was then anxiety always, I think,
8 amongst the Catholic Church to preserve its presence and
9 that means looking after the interests -- supposedly
10 looking after the interests of Catholic children, so
11 I think these are very strong sectarian motives.

12 Let me say that I think there is a response,
13 certainly in relation to the Church of England which
14 regards the Catholic Church as competitors in the
15 populating of Australia. Each is aware of what the
16 other is doing.

17 Q And I think again the Christian Brothers were targeted
18 in the course of this particular Inquiry?

19 A Yes, inevitably so since they were the -- amongst the
20 native recipients of the children from Northern Ireland.

21 Q One section that you look at is in relation to parental
22 consent. If you look at paragraph 8.38 the Inquiry, you
23 say, considered evidence in some detail as to whether
24 the necessary parental consent was sought by the Sisters
25 of Nazareth with regard to children being sent overseas,

1 and what were the conclusions that the Inquiry arrived
2 at here?

3 A I think it's about to pop up. The point made in that
4 paragraph, 8.38, is that the Sisters understood that
5 securing consent should be obtained, that that should
6 happen, but the amount of evidence that they gathered
7 that this actually took place is problematical. It
8 referred to 48 of the 111 cases of child migrants sent
9 to Australia from Northern Ireland in which the Sisters
10 argue that evidence of consent did exist. But of these,
11 the Inquiry found that in 20 cases it recorded that the
12 only known parent was dead, mentally ill, or could not
13 be traced so there is evidence, reasonable enough to
14 conclude that the Sisters in Northern Ireland were
15 attempting to obtain parental consent but in other cases
16 were unable to find it or secure it because of the
17 condition of -- the parents were dead or otherwise could
18 not be traced.

19 Q And one of the points, I think, was that the lack of
20 adequate records made it very difficult to judge whether
21 proper parental consent had been sought in the majority
22 of cases?

23 A Yes, and that, I think, is a problem that remains for
24 sending societies in Scotland. The absence of evidence
25 is not securely indicating that these -- that consent

1 was not sought, simply that very -- archiving the
2 records seems to be a problem. You cannot tell whether
3 stuff was ever in the archive and lost, or what. Very
4 difficult to make a firm judgment.

5 Q And another point you take from the report is that eight
6 witnesses had claimed that when their parents had asked
7 the Sisters of Nazareth about the whereabouts of their
8 child the Sisters had lied to them and provided false
9 information, and the Inquiry had seen no reason to
10 disbelieve these accounts?

11 A Quite. Yes. So the issue of consent is a very
12 important one in so many of these inquiries, since it
13 seems to have been a reasonable expectation that consent
14 by a parent or a guardian, not just by a member of the
15 institution in which the children are being held before
16 being migrated, that serious attempts should be made to
17 obtain parental consent or its equivalent.

18 Q Now, another point you say comes out of the report is
19 the criticism that the Sisters of Nazareth failed to
20 check the adequacy of the residential institutions to
21 which they sent children in Australia.

22 A Yes, and this seems to be -- we've encountered this,
23 I think, in the Section 21 responses to this Inquiry,
24 that there is -- partly it is the absence of records,
25 and it is a very kind of limited amount of information

1 provided by some of the sending societies as they exist
2 today, that there seems to be an assumption, almost,
3 that if you send your child, a child from a Sisters of
4 Nazareth institution in Scotland to something equivalent
5 to that, Sisters of Nazareth or the Sisters of Mercy,
6 whoever they may be, that somehow you would naturally
7 trust them to be operating properly and that is
8 sometimes the response that you get to the Section 21
9 response. We assumed that because they were Catholic
10 institutions like us they would be treated as well as
11 they are being treated by us here, itself may be
12 a problematical statement, but you see the point is that
13 the relationship between Catholic -- one Catholic
14 institution in one country and a Catholic institution in
15 another seems to be taken as an implication that we can
16 trust the receivers to look after the children as well
17 as we are attempting to.

18 Q And I think the point there is that if children are sent
19 from a Sisters of Nazareth house in Northern Ireland or
20 indeed Scotland, to a Sisters of Nazareth house in
21 Western Australia then I think what you are saying is
22 there is the assumption that they will be treated
23 appropriately?

24 A Yes indeed, even without necessarily detailed
25 information about the nature of the institution to which

1 the children were being sent, or the composition of the
2 caring staff in that institution. A Sisters of Nazareth
3 house in one place should be operating as well as
4 a Sisters of Nazareth house somewhere else. There are
5 views about the quality of care of some of the Sisters
6 of Nazareth houses anyway, but that seems to be the
7 response to Section 21 requests.

8 LADY SMITH: Well, that's the point I was about to pick up,
9 Stephen. Of course, particularly given the findings I
10 have made about the quality of the provision of
11 residential care by Sisters of Nazareth in Scotland,
12 assuming that the children would be treated the same at
13 the other end didn't mean you were assuming that the
14 children would be well treated. Far from it, if it was
15 going to be more of the same, and it would be more of
16 the same, having been uprooted from their home country
17 and taken to a strange place.

18 A Yes. More of the same but worse. Just because of the
19 uprooting, as it were. And we have some testimony from
20 children who were pleased to give their consent to
21 migration because they thought they were leaving a place
22 where they had been badly treated that was better than
23 where they went to. Anything must be better.

24 LADY SMITH: I think he was desperate to get away from one
25 particular abuser. He would have gone anywhere to get

1 away from that man, and that was what moved him, but of
2 course these children weren't consenting on the basis of
3 information that was accurate information, it wasn't
4 informed consent.

5 A No. No it was not.

6 MR MACAULAY: The other point raised here that you have
7 focused upon as a criticism in this report is that there
8 was also -- and I have seen this from the Ross Report --
9 that there was a failure to provide detailed, accurate
10 information with the children that were sent.

11 A Yes. It is the same issue, isn't it, as to whether you
12 believe that a clean sheet is advantageous to the child,
13 which I rather doubt, or whether you provide useful
14 information to the recipient home, which I think, if it
15 is going to occur at all, ought to have been
16 a prerequisite.

17 Q A number of the children who were sent from the Sisters
18 of Nazareth institutions didn't go to sister
19 institutions, some went to the Christian Brothers, for
20 example.

21 A Yes. If they were boys, that was certainly many of
22 their destinies.

23 Q To make it clear, that would be taken on trust if no
24 investigations were made as to what these places were
25 like?

1 A Absolutely. I'm not aware of any enquiry being sent --
2 I'm open to correction on this -- but I am not aware of
3 any enquiry being sent out by a Catholic organisation in
4 Scotland asking what the conditions were like, how these
5 children would be treated, before a decision is made as
6 to whether to send them there. It was done effectively
7 partly on a kind of degree of trust, one Catholic
8 institution and another Catholic institution, and partly
9 because, as we know, Catholics from Australia
10 representing the Australian Catholic organisations came
11 to Scotland and effectively put pressure on those
12 institutions to supply. Maybe this is something one
13 shouldn't put too much strength upon, but I was always
14 aware that it was men who came from Australia to lobby
15 women in the institutions in Scotland, and I did wonder
16 sometimes as to whether there was a sort of gendering in
17 that relationship which makes Mother Superiors more
18 likely to be agreeing with what is being demanded by
19 these male visitors from the Catholic Church overseas.
20 It is not written into the report. Just...

21 Q These were religious men?

22 A Indeed.

23 Q And Brother Conlon from the Christian Brothers and also
24 Father Stinson?

25 A Yes, and I certainly wouldn't want to suggest that

1 Mother Superiors were necessarily easy people to deal
2 with, but they certainly were susceptible to demands
3 being placed upon them. As we mentioned earlier on, in
4 order to fill the boats and to conform to what is being
5 pressed upon them, the interests of the Catholic Church
6 and the interests of Australia in increasing its white
7 population.

8 Q And on paragraph 8.40 you set out the -- a number of the
9 recommendations that were made by this Inquiry, and that
10 there were systemic failures which should bring about
11 a formal apology.

12 Now, was that formal apology to be by the Northern
13 Ireland Government?

14 A I assumed that that was the case, yes. The Northern
15 Ireland Executive.

16 Q And I think, also, that a monument should be erected.
17 I think what happened, in fact, is that the Government
18 fell, and, therefore, there was a gap in time after this
19 Inquiry report was published.

20 A Right.

21 Q Do you know if any apology or, indeed, monument has been
22 erected?

23 A I'm not aware of any, no.

24 Q Well that, then, brings us on, Stephen, to the Royal
25 Commission into Institutional Responses to Child Sexual

1 Abuse, and you set out at paragraph 8.41 the
2 constitution of the Royal Commission including, as you
3 noted, Senator Andrew Murray who had chaired the Lost
4 Innocents Inquiry.

5 A Yes.

6 Q Now, this particular Inquiry was really looking at the
7 responses that there may have been to child sexual
8 abuse. Is that correct?

9 A Yes. That's right. So this is kind of -- having been
10 through so many other previous Inquiries, the issue of
11 child sexual abuse has been recognised as being one of
12 the consequences of the practice of child migration, but
13 the next stage is to learn a lesson from that
14 experience. We are not, any longer, obviously, talking
15 about more children being sent overseas, but what have
16 we learned from the experiences of those children that
17 can be fed into better policies and practice and laws in
18 relation to the care of children in the future.

19 Q And although this was a wide ranging Inquiry, it wasn't
20 focusing specifically on child migration.

21 A No indeed no. I think this is precisely the point.
22 There is a wider dynamic. What starts off, you know,
23 way back, shall we say, with the Child Migrants Trust
24 being particularly concerned with the experience of
25 child migrants has morphed into a broader Inquiry about

1 the interests and the care being given to children
2 wherever they have been placed by whomever they had been
3 placed, at least in institutions.

4 Q And as you point out at paragraph 8.43, separate case
5 study reports were published, some of which are of
6 interest to this Inquiry because of the establishments
7 that they deal with.

8 A That's correct. Yes.

9 Q So, for example, there is a case study into the
10 Salvation Army Riverview Training Farm in Queensland?

11 A Yes.

12 Q And perhaps more particularly into -- and this is case
13 study number 11 -- into the Christian Brothers homes at
14 Castledare, Clontarf, Tardun and Bindoon in Western
15 Australia?

16 A Yes.

17 Q And in relation to --

18 A To which we can add the St Joseph's Orphanage Neerkol,
19 yet again, comes up within that brief.

20 Q And we look at these perhaps later in a broader context,
21 but it is the case, I think, that evidence was
22 presented, for example, in relation to the Christian
23 homes, institutions of there having been sexual abuse in
24 these establishments.

25 A Yes, and it follows, then, in 8.44, the recommendations

1 made for the national strategy.

2 Q And that, then, brings us to the Independent Inquiry
3 into Child Sexual Abuse, and its child migration
4 programme which I think was concluded in March 2018.

5 A Yes.

6 Q Now, you did give evidence to that Inquiry.

7 A Yes. Professor Lynch and I were -- together were giving
8 testimony to this one by invitation.

9 Q And what was your remit in that Inquiry?

10 A The remit is actually to consider particularly sexual
11 abuse, as is implicated in the title of it, but you
12 could only really understand the sexual abuse -- you
13 could only understand it by putting it into the wider
14 context of the whole history of child migration, so we
15 produced a report which covered similar ground to the
16 ones that this Inquiry is concerned with, but it is
17 worth noticing that the focus of the England and Wales
18 Inquiry was on sexual abuse, though it was acknowledged
19 in the report that sexual abuse was not infrequently
20 coupled with other forms of abuse, physical and
21 emotional and so forth.

22 Q And if we read to -- at paragraph 8.47, what you have
23 set out there, I think, from the report is that the
24 institution primarily to blame for the continued
25 existence of the child migration programmes after the

1 Second World War was Her Majesty's Government. This was
2 a deeply flawed policy as HMG now accepts. I think that
3 was the conclusion of the IICSA Inquiry?

4 A Yes, and of course it had been -- previously it had been
5 the apology by Gordon Brown on behalf of HMG which
6 recognised -- when it says, "As HMG now accepts", that
7 really is a reference back to Gordon Brown's apology.
8 He actually did attend one of the hearings of IICSA.

9 Q To give evidence?

10 A Effectively to say what he had said in the apology, to
11 reiterate his own views on the malpractice of child
12 migration.

13 Q And looking to the recommendations that you set out at
14 paragraph 8.48, there is a recommendation in relation to
15 preservation of records which ought to be readily
16 available to the migrants themselves. Is that correct?

17 A That's correct. Yes, and this kind of goes back, again,
18 as so often these things do, to the Child Migrants Trust
19 understanding the records were hugely important for
20 children, now adults, to understand the circumstances
21 which had led them to be migrated, so record
22 preservation and access to records is absolutely
23 critical to enable those children to get a better
24 understanding of why they came to be where they were,
25 and the families from which they had been separated, if

1 there were such families.

2 Q And another recommendation was for the creation of a
3 redress scheme.

4 A Yes.

5 Q And these recommendations were taken on board by the
6 Government?

7 A Indeed they have been, yes. Yes. Importantly here, in
8 fact, just as a token of it, it always is a token, there
9 was the cash compensation that was being paid to all the
10 surviving child migrants, after the Government had
11 accepted this report, all the child migrants who are
12 still alive, or the next of kin if the child had died,
13 the former child migrant had died, after the report had
14 been accepted, there will be a flat compensation payment
15 to each and every one.

16 Q And the final point, the final Inquiry you touch upon is
17 the ongoing Royal Commission of Inquiry into Abuse in
18 Care in New Zealand, but you are not aware as to what
19 extent it will consider the experiences of child
20 migrants within its remit.

21 A Yes. I simply have no notion, no knowledge yet as to
22 whether that -- how that is proceeding, if it is, and on
23 its brief happens to be. It was a very late alert that
24 we picked up that New Zealand now was considering
25 initiating an Inquiry, there having been, as we know,

1 children sent from the UK, including from Scotland, to
2 New Zealand under its own special child migration scheme
3 which involved fostering children in New Zealand.

4 Q Can I then move on, Stephen, to section 9 of the report
5 where you have a section, a relatively short section,
6 dealing with the standards of the day issue, and I think
7 this is an issue that was raised I think with you in the
8 IICSA Inquiry?

9 A Certainly so, yes.

10 Q So what are the arguments here? Can I just understand
11 what are the --

12 A Well, the arguments --

13 Q -- the points that are being made?

14 A The argument seems to be that in identifying matters
15 which we now consider to be unacceptable treatment of
16 children were themselves at the time when these children
17 were being abused in whatever fashion, were not
18 remarkable incidents, that they reflected the standards
19 of the day by which children were conventionally being
20 treated. So the argument seemed to be that what you
21 were doing, we were doing in condemning these practices,
22 was we were using the standards which were pertinent to
23 2019, 2020, whatever it might be, to misjudge what was
24 the commonplace practice in the past, and that is like
25 treating medieval history as somehow or other relevant

1 to modern history.

2 Q Although I think we've seen --

3 A That's my gloss.

4 Q I think we've seen some references to it being accepted
5 that the policy may have been misguided?

6 A Yes.

7 Q And, indeed, the UK Government has apologised for the
8 policy.

9 A Yes.

10 Q So how do we square that circle? How do we square what
11 you describe as a defensive response relying on
12 standards of the day with the fact that since then there
13 has been a recognition that, for example, the policy was
14 misguided and that an apology was appropriate?

15 A I mean, I think the issue here is that the policy was
16 misguided but the consequence of the misguided policy
17 was to subject children to forms of abuse overseas which
18 were unacceptable at the time in the UK. In other
19 words, it's not saying these are not -- that these are
20 inappropriate standards, it is simply saying that the
21 standards in practice, as operated overseas, were not
22 acceptable by the standards of what they should have
23 been at the time in which this practice was carrying on.
24 Sorry, that's a bit of a mouthful but you can see what
25 I'm getting at, that there is a sense in which past

1 practice was in the past of a lower standard than that
2 which would normally be accepted at that time. I mean,
3 if some of the institutions like Barnardo's, for
4 instance, was really quite clear about what was
5 acceptable practice in the 1940s, but many of the
6 agencies did not treat children in the past as the
7 Barnardo's children themselves were being treated.
8 Barnardo's was very firm about what was acceptable and
9 what was not acceptable in the 1940s.

10 Q We've seen, for example, from the Women's Group Report
11 what they saw as being acceptable in the early 1950s.

12 A Yes. There is this distinction, isn't there, between
13 what is accepted as how it ought to happen and what
14 actually, in practice, does happen. You cannot use what
15 does happen as reflecting the standards of the day. It
16 simply says that the practices of some people are not in
17 conformity that which would be at the time acceptable
18 practice. Since then at the time, standards have,
19 themselves, changed further, so we are not using 2020
20 standards to judge what happened in the post war years,
21 we are using post war years standards to judge
22 malpractice in post war years.

23 Q And what you say in that first paragraph is that it
24 seems reasonable to suppose that those taking on child
25 care responsibilities should have been aware, or should

1 have been made aware of legislation which was intended
2 to protect children from cruelty, whether inflicted by
3 parents or other adults, including foster parents and
4 surrogate parents employed in institutions in Scotland?

5 A Yes. It's not a reasonable defence to say that
6 ignorance of the law, or in this case ignorance of
7 proper practice, explains bad practice.

8 Q Because you go on to point to legislation going back to
9 1884 that was designed to protect children.

10 A Not only is there legislation but there are these
11 organisations, the Prevention of Cruelty to Children,
12 which come into Scotland, as they started in England,
13 and become well known operators, so the standards of the
14 NSPCC or the Scottish equivalent, the Royal Society for
15 the Prevention of Cruelty to Children in Scotland, are
16 already setting down what they regard as the acceptable
17 standards for the care of children. That is way before
18 child migration from Scotland has been building up, so I
19 find it very hard to accept that people who are engaged
20 in childcare in Scotland should have been aware of --
21 clearly they should have been aware of what
22 organisations like the Prevention of Cruelty to Children
23 organisations are saying would be unacceptable practice.
24 Cruelty.

25 Q And, indeed, you draw attention at 9.3 to the Prevention

1 of Cruelty to, and Protection of, Children Act of,
2 I think, 1889, and I will just read section 1:

3 "Any person over sixteen years of age who, having
4 the custody, control or charge of a child, being a boy
5 under the age of fourteen years, or being a girl under
6 the age of sixteen, who wilfully ill treats, neglects,
7 abandons, or exposes such child, or causes or procures
8 such child to be ill treated, neglected, abandoned or
9 exposed in a manner likely to cause such child
10 unnecessary suffering, or injury to its health, shall be
11 guilty ..."

12 Of an offence, and that's way back at the beginning
13 of the 20th century?

14 A I'm not a lawyer but I would have thought that many of
15 the actions that were taking place in some of those
16 institutions in Scotland, and were -- I know this is
17 a slightly different business -- taking place in
18 Australia or Canada would have been -- people who
19 engaged in those unacceptable practices would have been
20 guilty in the Prevention of Cruelty to, and Protection of,
21 Children Act of 1889. I cannot see what was occurring
22 to those children would not be liable for the
23 perpetrators to be prosecuted by that Act alone.

24 Q Was it also clearly envisaged that children were
25 vulnerable to sexual abuse way back?

1 A Indeed yes. Increasingly so. It's not that sexual
2 abuse has become a kind of -- only recently has it been
3 discovered that children have been sexually abused - I mean
4 a good deal of what we are looking at here does involve
5 all forms of abuse, including sexual abuse. What's
6 lying behind the phrases, "Wilfully ill treats", for
7 instance. All those kind of phrases cover a whole
8 variety of forms of abuse, and they go on, don't they,
9 through the 1908 Act and 1932 and '37 Act.

10 Q I think we looked at some of that legislation with
11 Professor Norrie when he gave his evidence?

12 A Right.

13 Q And he provided some background into that legislation
14 which was designed, as you have indicated, to protect
15 children.

16 A Yes.

17 Q At 9.4 you look at corporal punishment and what
18 relevance that might have, but you point out in the
19 second sentence at 9.4 that:

20 "The right of parents and those in loco parentis to
21 punish children by administering corporal punishment
22 was, until recently, largely protected by law. However
23 such punishment was expected to be educative and within
24 a moderate and reasonable level of severity", so it was
25 permitted but within a particular context?

1 A Indeed, that's right. The emphasis is upon educative.
2 Most parents would regard it at the time as almost
3 a last resort, and there is a difference between
4 recognising what I'm doing is punishing this child in
5 order to educate this child into proper behaviour and
6 violence, which is much more informed by anger, rage,
7 inability to cope with the child's misbehaviour, and it
8 then becomes excessive, it becomes brutalised, and it
9 becomes illegal.

10 Q And the Inquiry has seen, under reference to different
11 regulations over years, that within certain institutions
12 there were strict regulations in connection with how
13 children should be punished.

14 A Yes. Yes. I mean, I think we cite here that Quarriers
15 in 1937 had been concerned about excessive corporal
16 punishment of boys, now that seems to be quite striking,
17 that they recognise that there is acceptable punishment
18 of boys but there is also excess, and the excess should
19 not be tolerated. (Inaudible) says the same thing.
20 Yes.

21 Q The first edition of the Barnardo book published in
22 1944, and issued to superintendents of its children's
23 homes included strict regulations on corporal
24 punishment, and, indeed, provided advice on sex
25 education. Is that fair?

1 A Yes.

2 Q And it outlawed the slapping of young children and
3 insisted that corporal punishment, striking, cuffing,
4 shaking or any other form of physical violence should
5 never, in any circumstances, be inflicted on girls or
6 threatened. That's way back in 1944, that that advice
7 is being provided?

8 A Indeed, quite, and you can see, corporal punishment is
9 one thing, isn't it. I mean, just taking out the gender
10 aspect of this, corporal punishment is one thing, that
11 sounds as if it could be calmly inflicted for educative
12 purposes, but striking, cuffing, shaking, physical
13 violence, those are actions taken by angry people, and
14 I think those are what is regarded as unacceptable.

15 Q And at 9.5 you actually set out a quote from the Curtis
16 Report?

17 A Yes.

18 Q I think the Curtis Report was of the view there
19 shouldn't be any corporal punishment at all?

20 A Right.

21 Q Is that, I think, the point you are making here:

22 "We think the time has come when such treatment of
23 boys in these homes should be as unthinkable as the
24 similar treatment of girls already is".

25 We are talking about voluntary homes?

1 A Exactly. Yes. I think the point about that whole
2 paragraph is it goes on, doesn't it, to talk about we
3 need to be building up the confidence and the sense of
4 security of the child, that one of the first essentials
5 is to nourish their self respect, and I think that is
6 not going to be enhanced by violent walloping of kids
7 for some transgression. I do note, of course, it does
8 go on, that paragraph. It is a very sensitive paragraph
9 because it goes on to talk about other forms of
10 enforcing control, nagging, sneering, taunting, all
11 those aspects, and I'm afraid a good deal of the
12 testimony that we have been reading indicates that that
13 was often a practice of some of the child carers.

14 Q And with specific reference to sexual abuse, you talk
15 about this in the next paragraph, you say that:

16 "From 1885 it was intended that the virtue of young
17 girls would be better protected by raising the age of
18 consent from 13 to 16".

19 Is that right?

20 A Yes.

21 Q So that's a reflection of the vulnerability of the
22 younger child.

23 A Yes. Particularly the girls. Can I just point out,
24 again, I'm thinking about the involvement of Scottish
25 MPs in the next sentence, 1923 sexual offences were the

1 subject of a House of Commons debate, Scottish MPs would
2 have been present, so you get that sense in which people
3 in positions of the degree of authority as MPs should be
4 would be aware of what is and is not acceptable in terms
5 of sexual offences.

6 Q And I think you finish off this particular section by
7 drawing attention to some public information in the
8 public -- in the newspaper, for example, in relation to
9 trials of sexual abusers.

10 A Yes. Yes. That's right. I mean, this is not a kind of
11 hidden aspect of public life. I mean, the public press
12 and the serious press do pick up on this information
13 about the abuse of children, particularly by sexual
14 abuse. (Inaudible) figures.

15 Q Now, I think I'm right in saying, Stephen, that you did
16 provide evidence to IICSA in relation to what you
17 considered the standards of the day issues to be.

18 A Yes.

19 Q And I think you were challenged on your qualifications
20 to do that in particular by the Catholic Bishops
21 Conference of England and Wales. Is that right?

22 A That is correct. That is one of the responses to the
23 report that was submitted to myself and to Professor
24 Lynch.

25 Q And what is your response to that?

1 A Our response was that it was a -- I'm trying to use my
2 words carefully here -- it was, at the very least,
3 a misreading of what actually the IICSA report said.
4 What the IICSA report said was that its judgment about
5 the standards of the day did not come from the arguments
6 presented by Professors Constantine and Lynch,
7 semicolon, but from the evidence that they produced. In
8 other words, they did exactly what good historians do --
9 they look at the judgment made of the evidence that had
10 been presented and they judged the evidence as
11 supportive of the judgment that had been made.

12 The response -- the comment that we received removed
13 the semicolon, so it sounded like, "Constantine and
14 Lynch have no credentials in this". Full stop. We,
15 IICSA, looked at the evidence, but the evidence had been
16 presented by Constantine and Lynch.

17 Q And the evidence you are talking about are the sort of
18 issues we've been looking at over the last few minutes
19 or so?

20 A That's right. Absolutely all that material.

21 Q Right Stephen. I now want to move on to section 10 of
22 the report where you look at numbers and, in particular,
23 with a particular focus on child migrants from Scotland,
24 because at the end of the day that's our particular
25 focus in this particular Inquiry?

1 A Exactly. Yes.

2 Q Although, of course, as we've been doing, we have to
3 look to see the places to which these children went and
4 what other evidence there may be that would be
5 indicative of the risks of abuse.

6 A Yes.

7 Q And we've looked at Bindoon and so on and so forth in
8 that connection, and we will go back later, but let's
9 just look at pure numbers if we can in this particular
10 section.

11 Now I know you are about to give me some caveats in
12 relation to this --

13 A The word, "Pure" is going to be one of the difficulties.
14 Pure numbers. Some of these are fairly firm figures and
15 some of them are what we regarded as reasonable
16 guestimates.

17 Q And you begin, however, by drawing a clear distinction
18 between the size, population-wise, of England and Wales
19 as compared to Scotland.

20 A Yes.

21 Q And perhaps you can elaborate upon that.

22 A Well, I think one of the consequences of the IICSA,
23 frankly, just regarded all the child migrants as UK, so
24 whether they were from Scotland -- we are dealing with
25 rough figures. I think relating to Scotland, which you

1 can see, is a modest proportion of the total population
2 of the United Kingdom. We are dealing with much smaller
3 figures, and because the brief of this Inquiry is
4 Scotland, one really felt obliged, I'm sure you would
5 agree, to try to calculate the number of children who
6 left from Scotland, and that is actually quite hard to
7 do. Sometimes you get some precise figures derived from
8 a sending organisation, and sometimes one has to --
9 quite transparently as has been given in this section,
10 this chapter, one is kind of making a rough estimate of
11 what seems likely from the institutions that we have
12 been looking at, so that's pretty clear in the report,
13 I think, as you go through the figures, as to what is
14 the secure figure and what is what seemed, certainly to
15 myself and to Professor Lynch as reasonable guesses.

16 Q Yes, and one of the clouding factors in this whole
17 exercise is that children would have left from Scotland
18 but with a view as to a place in England as a stepping
19 stone to migration?

20 A Yes.

21 Q Middlemore, for example, if you just take that as an
22 example, that was used as a stepping stone to send
23 children to British Columbia by Fairbridge?

24 A Yes. That's right. Yes. So I think in terms of the
25 society that we had been really talking about, it really

1 doesn't have the sense of a firm border between Scotland
2 and the rest of the United Kingdom. Children moved
3 across. Remember, there is the Sisters of Nazareth home
4 in Carlisle. Well, you couldn't get more on the border
5 than Carlisle, and children from that Carlisle
6 children's home go out through Scotland, but they could
7 easily have gone out through England and Wales. You get
8 the point.

9 Q And I think we have at least one example of a child from
10 Carlisle going to Aberdeen, spending time in Aberdeen
11 and then being migrated?

12 A Yes. Quite.

13 Q So that's the sort of issue that includes the numbers.

14 A It does, yes. Yes. One of the driving aspects of this
15 was really to try to figure out whether the number of
16 children, as a percentage of the Scottish population, or
17 even of the Scottish children's population, whether the
18 numbers going from Scotland were higher as a proportion
19 of the Scottish population than they were from England
20 and Wales, or whether it was the reverse, and I think
21 the conclusion overall, this is where the figures ended
22 up heading, was that comparatively fewer children were
23 going from Scotland that went from elsewhere in the
24 United Kingdom, and in the report there is some
25 explanation as to why that might have been the case,

1 namely that the big cities of Scotland are not that far
2 away from rural areas to which children might be sent to
3 be fostered, or, indeed, to be adopted.

4 Q And boarding out before Clyde was a very prevalent
5 practice?

6 A Yes, exactly, so it is actually part of the culture of
7 the place that children may well be boarded out, and if
8 you can board them out in rural Scotland it saves the
9 expense, you know, you are not relying upon great
10 funding to send somebody in rural Scotland in the same
11 way as you would if the child has to be sent overseas,
12 but it is also somehow easier. You can see why local
13 authorities were very attracted to this, even if they
14 could send a child overseas and get Secretary of State's
15 permission for that, nevertheless, just ensuring that
16 the child was ideally properly placed in a foster home
17 in Scotland, in a rural area which is, I think this is
18 the point we also make, is depopulating. If you can
19 place young people in rural Scotland they will service
20 the rural economy of Scotland, so that seems to be an
21 attractive alternative, and I think that helps explain
22 why the proportions going from Scotland are less than
23 the proportions going from elsewhere in the UK.

24 Q And I think when we looked at -- I think it was chapter
25 3 of your report, when you looked at local authorities,

1 they very much preferred to send children, board out
2 children in rural Scotland rather than go down the
3 migration route.

4 A Yes. Quite. Yes. Yes. These would then remain
5 Scottish children in Scottish society. The only ones
6 that I think I felt a certain degree of sympathy for
7 were those who were actually placed in Gaelic speaking
8 territories up in the northwest, they would have found
9 it more alien than if they had gone to Canada. That's
10 partly a joke but I think it is also partly realistic.
11 These children have to adopt -- I don't know how many
12 went that far away. Mainly there are, I think, quite
13 close to the heartland of Scotland.

14 Q I think Lynn Abrams in her book provides some examples
15 of that happening.

16 A Yes. Indeed. I think that's where my knowledge of it
17 came from, was Lynn's book.

18 MR MACAULAY: My Lady, that's just coming up to 3 o'clock.
19 That is probably a good time to stop.

20 LADY SMITH: Very well. We will just take a short break now
21 Stephen for mid-afternoon tea but just a shorter one,
22 hopefully, than the one this morning.

23 A Okay. Thank you.

24 (2.58 μm)

25 (A short break)

1 (3.09 pm)

2 LADY SMITH: Welcome back Stephen. Are you ready for us to
3 carry on with the next section?

4 A Yes indeed.

5 LADY SMITH: Thank you. Mr MacAulay?

6 MR MACAULAY: My Lady. So we are starting to look at
7 numbers then Stephen, and at paragraph 10.1 you remind
8 us that around 100,000 child migrants from the UK were
9 sent overseas from the 1860s up through into the 1960s,
10 but as we've been discussing there would only be
11 a modest contribution made by Scotland, perhaps fewer in
12 proportion to Scotland's contribution to the population
13 as a whole, and that's particularly the case after 1945.

14 A Correct.

15 Q We had heard before of the number of migrants that were
16 sent to Canada under the auspices of Quarriers in
17 particular --

18 A Yes.

19 Q -- pre 1900?

20 A Yes.

21 Q Now, you set out at 10.2 that you have been provided
22 with a database of 1,354 young migrants sent overseas
23 from Scotland, and that -- you have been provided that
24 by the Inquiry?

25 A Yes indeed, yes.

1 Q And it sets out details, date of birth, sending
2 institution, date of migration, sometimes the name of
3 the ship, age at migration, country of destination and
4 receiving institution, and as you probably gather the
5 Inquiry, as we are going along, will be creating these
6 databases to assist in our final findings.

7 A Yes.

8 Q The earliest recorded year of departure is 1877, and
9 according to the database the last is 1965, although we
10 noted, I think, and perhaps it was with you, and perhaps
11 with Professor Harper, that in 1970 there was a record
12 of eight children being sent from Scotland.

13 A I think that's right. I think that information became
14 available after the report had been submitted, so -- and
15 certainly I was given some additional figures from
16 Barnardo's which I --

17 Q We will come to those, but you go on to say that you
18 have counted about 268 as juveniles among the 1,354.
19 We've already looked at a definition of what a juvenile
20 would be, so does that mean, then, that -- I will just
21 pick this up -- but mainly only heading to Canada. The
22 national destinations of 1,315 of these 1,354 Scottish
23 migrants are also recorded. 931 went to Canada and 356
24 to Australia plus 27 to New Zealand and one to Kenya and
25 the one to Kenya I think we focus on later, in that it

1 became something of a notorious case?

2 A Yes. It is really quite exceptional.

3 Q Especially in the case of those sent to Australia and
4 British Columbia will learn of institutions to which
5 they were sent, but of course not of individual homes
6 and farms in Canada. You say:

7 "48 youngsters went to Dhurringile, 138 to
8 Fairbridge Institutions and a further 32 to institutions
9 run by the Christian Brothers in Western Australia plus
10 ones or twos elsewhere".

11 So does that give us an overview on the figures?

12 A Yes.

13 Q Now, let's just, then, look at your approach thereafter,
14 and you begin by considering children sent to Canada,
15 and you come out with a figure, I should say it is
16 deceptively precise, of 8,088 to Canada, and that
17 includes both child migrant and juvenile migrants.

18 A Insofar as one could distinguish, I think these are
19 intended to be child rather than juvenile. Sometimes
20 you can't be quite sure.

21 Q Sometimes you can't.

22 A Yes.

23 Q And you then provide us with an explanation as to how
24 you arrive at this figure, and perhaps you could take us
25 through that. You begin by looking at Quarriers.

1 A Yes. Quarriers is clearly the organisation from -- in
2 Scotland which was responsible for the great majority of
3 those 8,088. Quarriers was early in the game, as it
4 were, and made those contacts in Canada and set up the
5 Receiving Homes in Canada for which children would be
6 disbursed, so Quarriers' homes is the largest operator
7 in terms of sending children to Canada, and as we know
8 what is going to happen in 1925, after the monthly
9 report of 1924 is that over those over school leaving
10 age would be acceptable to be sent to Canada, so
11 Quarriers effectively becomes a juvenile migration
12 scheme.

13 Q Yes, post 1924?

14 A Yes.

15 Q And the figure that you have on the next page, page 74,
16 you say:

17 "Best estimates indicate that the number of
18 Quarriers children sent to Canada from 1872 to 1897 when
19 William Quarrier stopped the programme, plus those
20 despatched between 1904 and 1938 after the practice had
21 been resumed following his death, totalled 7,384 on the
22 highest calculation", but you qualify that by saying
23 that those sent were almost certainly juveniles after
24 1925?

25 A That's correct. Yes.

1 Q So within that 734 you have a significant number of
2 child migrants?

3 A Yes.

4 Q With the balance being made up --

5 A Up to 1924 and then the rest are juveniles.

6 LADY SMITH: That was within the 7,384, not just the 734.

7 A Yes.

8 MR MACAULAY: Then you move on to look at Aberlour, 10.5,
9 and you say that, in addition, 46 children, but you
10 qualify that, again, including some juveniles, seemed to
11 have been sent to Canada from the Aberlour Orphanage.
12 Now, for that you are relying, I think to some extent,
13 on Lynn Abrams' work, "The Orphan Country", and --

14 A Yes.

15 Q And what other sources do you have for that number?

16 A I think there are some Aberlour Orphanage records, if
17 you scroll down you will probably be able to pick those
18 up in the footnote.

19 Q And I think I should have perhaps taken this from you,
20 the Section 21 responses from the organisations also
21 provide a base for calculating the numbers of children
22 that may have been migrated?

23 A That's right. That's really what I mean. I think some
24 of the institutions in Scotland which retained records
25 were able to supply some data. Some of the Section 21

1 responses were really quite helpful and some of them
2 were less than, in terms of things like this, figures
3 for the numbers of children.

4 Q And in the next part you provide some information about
5 who some of the children may have been and who they were
6 sent with. You say, for example, a boy aged 11 was sent
7 in 1905, two siblings aged 7 and 8 in 1930. Do I take
8 it that that is information that you have taken from the
9 Section 21 response?

10 A Yes. I think that would have confirmed, just to
11 double-check, I think one of the footnotes on that page
12 would confirm that.

13 Q Yes, and then moving on to 10.6 you are looking there at
14 Whinwell home with its focus on Canada, and you say
15 that:

16 "Surviving records indicate that 102 of the 124
17 child migrants who left the Whinwell Home went to
18 Canada".

19 I think the source for that is the Stirling County's
20 report relating to the records that were held by
21 Stirling Council archives?

22 A That's right. Yes.

23 Q The reference (Inaudible) is also recorded by her
24 husband that Mrs Blaikie had managed to transfer 301
25 children from her orphan and emigration home in

1 Edinburgh to Receiving Homes in Canada run by Ellen
2 Bilborough, William Quarrier, Annie MacPherson and Maria
3 Rye. Is that another 301 children then to be added?

4 A Yes. Recorded by her husband because this is written on
5 -- as it were, he is the widower of Mrs Blaikie and
6 writes the book about their lives together running good
7 works. The orphan and emigration homes, particularly.

8 Q And so far as Emma Stirling is concerned, you estimated
9 that she may have migrated about 200 altogether. Is
10 that correct? To Canada?

11 A That's correct. Yes. That certainly is one of those
12 best guesses.

13 Q You then look at the position of the Salvation Army, and
14 they had an immigration department which was opened in
15 1903 but it too sent child migrants to Canada from 1905.
16 Is that correct?

17 A Yes.

18 Q And these were child migrants. They were under the age
19 of 14.

20 A That's right.

21 Q Now, what about the Scottish connection? Was there
22 a Scottish connection insofar as sending children to
23 Canada was concerned?

24 A It's reasonable to suppose as such, but again, it is
25 very difficult to come up with precise figures, so hence

1 there may be 30 from Scotland's inner cities. The
2 Salvation Army was active in Scotland and that seemed
3 like a rough idea as to -- given the total that they had
4 sent, how many might have come from Scotland.

5 Q I mean, are you taking broadly about 10 percent might
6 have been Scottish?

7 A That's right.

8 Q Is it no more scientific than that?

9 A Absolutely not, no.

10 Q Then still with Canada in mind, you note that 329
11 children were sent to the Fairbridge Society's Prince of
12 Wales Farm School in Canada, British Columbia, between
13 1935 and '48 and we, of course, have had evidence from,
14 I think, two witnesses who went to British Columbia.
15 The figure for Scotland that you have, I think if you
16 turn over the page, is 25 in total?

17 A Yes. That rather surprised me, but it came out of
18 Patrick Dunae's own research and he clearly is the
19 best-informed person on the Fairbridge Farm School. He
20 wrote the essay, "Waifs", and indeed another essay with
21 Fairbridge in British Columbia and that's the figure
22 that he came up with, and I would trust him on this.

23 I say it is less than what one might expect, given
24 the kind of rough connection between Scotland and
25 British Columbia, but I stuck with that figure.

1 Q You have quoted the figure, and I want just to look at
2 the source of the figure in fact, and you have mentioned
3 Patrick Dunae and the article that he wrote on Waifs,
4 the Fairbridge Society. It is WIT 003.001.8550. We are
5 looking at the table, but we don't have the front page
6 of the article.

7 Yes. So this is the article I think you reference
8 in your footnotes.

9 A That's correct.

10 Q And it is covering the period 1931-'51. I will just
11 look at the first main paragraph in the italics, and we
12 read:

13 "The Fairbridge Farm School on Vancouver Island
14 represents the last gasp of the transatlantic child
15 migration movement", and we read on:

16 "Between 1934 and 1951, the farm school received
17 nearly 300 underprivileged British children. The
18 scheme, which combined philanthropy and
19 Empire-settlement, was supported by influential
20 politicians who allowed the Fairbridge Society to
21 contravene federal immigration regulations and flaunt
22 provisional child welfare laws. Child welfare groups,
23 however, denounced the farm school as an anacronism and
24 repeatedly tried to close it, and the history of the
25 farm school was characterised by conflict between an

1 imperialy-minded generation of child savers and a new
2 breed of professional child care workers".

3 I think that does encapsulate the tension that
4 developed between those who sponsored an institution
5 like Fairbridge and the new generation of social
6 workers, essentially.

7 A Yes. I think it is a very striking distinction between
8 an older style of child migration and the views of
9 professionally trained, new thinking child welfare
10 specialists which, for reasons I'm not entirely certain
11 about, have become leading lights in British Columbia.
12 It's their influence, particularly there was a very
13 devastating report that we may well be talking about in
14 due course, which provides a very strong critique of the
15 practices that were taking place at the farm school.

16 Q But then if we look at the table that came on the screen
17 is minute ago, that's at page 12 of the article, here --
18 first of all, he has had access to records --

19 A Yes.

20 Q -- that were being held in Canada in connection with the
21 migration of children to Fairbridge.

22 A Yes.

23 Q And this table is based upon what he was able to extract
24 from the records which he had access to?

25 A That's correct.

1 Q So if we just cast our eyes over the table, you see down
2 the left the origins, we see Scotland, for example,
3 where you get your number of 25 from, 15 and 10 --

4 A Yes.

5 Q He also has a section dealing with number of parents
6 living, and it can be seen that out of the 329 total
7 quite a number of parents were living. They were not
8 orphans.

9 A Exactly. Yes. Very few, indeed, were orphans. If I
10 may say, I think that the largest number had both
11 parents living.

12 Q Yes. But in relation to the figures, and you are
13 surprised, I think, that the figure for Scotland was so
14 low. Could this issue be clouded by the fact that
15 children from Scotland, they said there is evidence that
16 children from Scotland would first go to England before
17 migrated?

18 A This is one of the difficulties I had, and I was really
19 surprised to see how relatively few there were that went
20 to British Columbia from Scotland, but it's not very
21 plain from the essays, as I recall it, as to how --
22 where these figures were found beyond these raw numbers,
23 and it is very likely that, you know, some of the others
24 who were identified as being in the north of England
25 may, indeed, have been Scottish by origin, but living in

1 the north of England, just across the border, so I
2 umm-ed and ah-ed as to whether to kind of inflate the
3 figure but concluded that it would perhaps imply
4 critique of Professor Dunae's scholarship so I desisted.
5 What I ended up with is maybe a figure on the lower side
6 but it would be very difficult to know by how much you
7 should increase these numbers. Very considerable
8 numbers indeed did come from right up close to the
9 border in places like Newcastle, so they could, indeed,
10 have been Scottish born children.

11 Q In one of the footnotes he says -- this is footnote 34,
12 we will get it on the screen in a moment, but he says
13 that -- in reference to the table -- that these figures
14 are based on an analysis of the children's case files in
15 PABC and I'm grateful to Lady Dodds Parker president of
16 the Fairbridge Society in London for permission to
17 consult these files so he has had access to children's
18 case files, and it would depend, I suppose, on precisely
19 what the case files said about the origin of the child?

20 A Quite.

21 Q And if the case file just said, "Middlemore, England",
22 then that would tend to take the child out of the
23 Scottish number?

24 A Yes.

25 Q So 25 might be a conservative estimate?

1 A Oh I think that is -- it is certainly not likely to be
2 an overestimate, and it is more likely to be the other
3 way, but I had to leave it as it was for the reasons
4 indicated.

5 LADY SMITH: Mr MacAulay, correct me if I'm wrong but
6 haven't we also heard about a child who was a Fairbridge
7 child migrant but was originally from Scotland, was in
8 London when his migration was accelerated and
9 a grandparent was then prevented from seeing the child
10 before he left? I'm just trying to remember where he
11 was in London. It may have been that was a Sisters of
12 Nazareth child, and it was a Canadian migration, not an
13 Australian one.

14 MR MACAULAY: That does ring a bell but not a loud enough
15 bell for me to --

16 LADY SMITH: No. It's just that Mr MacAulay and I are
17 obviously both remembering an example of a Scottish
18 child who was in London before migration. He was there,
19 as it turned out, for a shorter period than had been
20 intended because the child who was supposed to be going
21 on the ship had fallen ill, I think, and his departure
22 was a rushed one, but the picture was otherwise he would
23 have been kept there for months beyond that and he may
24 be an example of Scottish children not just being sent
25 from near the border, but -- or Middelmore, but from

1 London.

2 A Indeed. I think that is always the difficulty of trying
3 to break up the United Kingdom into its different parts.
4 I don't think people were quite as conscious of the
5 movement around, and it is quite obviously the case that
6 Scottish parents moved to England often because there
7 were better job prospects, and a child born, therefore,
8 in England of Scottish parents is difficult to allocate
9 to such kind of solid figures as you have got down here,
10 which is why I think it is reasonable just to regard
11 these as reasonable guestimates. I don't think it is --
12 it would be nice to be absolutely precise in all these
13 matters, but I don't think it is likely to affect the
14 overall conclusions that one is getting from such data
15 as we've got about numbers, where they come from. What
16 I'm trying to do is to make the figures as large as
17 possible for children who are Scottish or of Scottish
18 origins in order to prove a point which I started with
19 before working it all backwards that they are
20 disproportionally fewer from Scotland than would have
21 been expected in proportion to population of Scotland as
22 a part of the United Kingdom.

23 MR MACAULAY: But perhaps what's striking about this
24 analysis is that notwithstanding the change in the law,
25 that only children above -- of school age and above

1 should go to Canada post 1924, that 329 children, in
2 contravention of that provision, were sent to Canada,
3 and --

4 A Yes, but the point there is that these are children who
5 are going specifically to one institution. They are all
6 going to the Fairbridge Farm School in British Columbia,
7 and Fairbridge, of the institutions that have been
8 sending children abroad is the one that has at least one
9 of the best, along, I think, with Barnardo's has got,
10 I think, the best reputation for child care, whether
11 justified or not. It has a high reputation. It is one
12 that has many very distinguished people as amongst its
13 kind of directors and supporters. I think that's the
14 one that has one of the members of the Royal family as
15 a sponsor of it and so forth, so Fairbridge, and in all
16 due respect to Fairbridge, I think Sir Charles Hambro as
17 its leader is one of the better figures, looking to
18 raise the standards of care for children overseas, and
19 so one way or another I think one can accept that this
20 was an institution which in British Columbia seemed
21 reasonable to set up, at least it seemed reasonable
22 enough to the UK Government that bought the land -- was
23 it the -- land is bought for the Fairbridge Farm School
24 to be based upon, and it did attract a good deal of
25 attention until, as we you will no doubt go on to say,

1 it was exposed for some very unkindly treatment of some
2 of the children who were lodged there, and that came up
3 in the Harvey Report.

4 Q And the other report you have made yourself, Stephen, is
5 that we can see that a significant number of the
6 children who went from wherever they went from were not
7 orphans but had one or possibly two parents alive?

8 A Indeed. I think that's a very vital point to keep
9 retaining. I think quite commonly in the case of
10 Fairbridge, because this is a decision really made by
11 the parents to send the child, then the parents are much
12 more party to the sending, and these are not children
13 who have already been placed in an institutional
14 setting. They are recruited by Fairbridge for
15 Fairbridge. Some may have been in care for a while but
16 I think essentially it was the parents who purpose
17 positioned it. Fairbridge sent out some very, very
18 attractive literature about the quality of life that
19 would be guaranteed to children under Fairbridge's
20 auspices, whether in Australia or Canada.

21 Q Now, if we perhaps just look at the final page, then, of
22 the Dunae article that's at page 26 of the article, and
23 this is the conclusion, and I will just read that:

24 "The Prince of Wales Fairbridge Farm School
25 represents the last chapter in the chronicle of child

1 migration to Canada".

2 I think that's correct, isn't it?

3 A Yes. Bearing in mind that for some years the only
4 children who would be going to Canada had been
5 juveniles, and really by the mid 1930s, even that has
6 dried up, and this is a self-contained farm school.
7 Incidentally, it has really just struck me very
8 forcefully, probably for the first time and it shouldn't
9 have done, it is the Prince of Wales Fairbridge Farm
10 School, I mean, what a title.

11 Q And he goes on to say:

12 "Like earlier chapters, it involved idealism and
13 pragmatism, imperialism and nativism, conflict and
14 controversy. Towards the end, there was also an element
15 of confusion. Having been battered by the crisis of
16 1944".

17 I think that's when Isobel Harvey featured?

18 A Indeed.

19 Q " ... the Fairbridge organisation in British Columbia
20 floundered. Its objectives became blurred. It could
21 not decide if it was an imperial settlement scheme or if
22 it is a child welfare scheme. During its first decade
23 in the province, the Fairbridge Society had, with the
24 help of influential allies, been both. After the war,
25 when conditions changed in British Columbia and great

1 Britain, it could be neither".

2 I think that summarises the position quite neatly.

3 A It does, yes, I think that's absolutely right. Yes.

4 I think just before we lose sight of it, that accepting
5 of a failure by the Fairbridge Society in British
6 Columbia, for the reasons why it failed, namely the
7 exposure of the poor conditions inside the Prince of
8 Wales Fairbridge Farm School, one might be wondering
9 whether or not that had an effect on Fairbridge practice
10 anywhere else, namely in Australia. Could you learn
11 from British Columbian experience what you should be
12 avoiding in Australia?

13 Q Can we then move on to Southern Rhodesia? It is the
14 next country you look at in this section, that's at
15 10.9, and you begin by saying:

16 "In all 276 children were sent from the UK to
17 Rhodesia Fairbridge Memorial College in 1946 and 1956".

18 The source for that, these are a number of
19 Fairbridge sources that allow you to arrive at that
20 figure in footnote 308. Is that right?

21 A Yes, though there are not many sources, it has to be
22 said. Can I just make a point so that there is no
23 confusion about this? The Rhodesia Fairbridge Memorial
24 College has nothing whatsoever to do with the
25 Fairbridge Society. It is simply that Fairbridge was

1 a Rhodesian born and the memorial college simply adopted
2 his name.

3 Q And you do point out that the Edinburgh public
4 assistance committee set up a board to select children,
5 but whether any children were sent and if so how many is
6 not recorded, and you make reference there to
7 a particular press cutting, I think, in the footnote.
8 Was that in connection with Fairbridge Rhodesia that
9 that board was set up?

10 A Oh yes, yes. This is entirely concerned with
11 children -- the point about the Rhodesia Fairbridge
12 Memorial College is that it is effectively a public
13 school for white boys and girls in black African
14 Southern Rhodesia, so it has this rather unique
15 distinction. It is the only institution in Africa that
16 is receiving -- in the period we are concerned with --
17 any form of child migrants. The attraction of the Memorial
18 College to some parents was that, indeed, it
19 was a -- it set out to be a public boarding school, and
20 it would seem to be providing opportunities for your
21 child which they would not have if they were remained
22 anywhere in the United Kingdom. They would become
23 members of the white elite in black Southern Rhodesia.
24 That's what they were intended to be destined for.

25 The problem about understanding the practices in the

1 college is the limited amount of records that have ever
2 been revealed. It seems that it is said that many, many
3 records were burned accidentally or possibly not, but
4 there are very few records that survived. Most of the
5 information that's provided about the treatment of
6 children in this report is derived from autobiographical
7 memories by former residents in the school.

8 Q I should perhaps have picked up from you as well that
9 I think you mentioned this the other day, for the
10 Salvation Army many of their records were lost in The
11 Blitz?

12 A Yes. That's right. I mean, there are some reasons why
13 we know records were lost is the accidents, in wartime
14 bad things happened to records. Worse things happened
15 during wartime than that, but when you come down to the
16 nitty-gritties of this kind of enquiry, wish they had
17 been saved and we would be able to investigate this more
18 thoroughly.

19 Q But in any event, Stephen, you don't have any firm data,
20 I think you confess, to indicate how many children were
21 sent from Scotland to Southern Rhodesia.

22 A Yes. I think we came upon a figure about eight who we
23 think went there and we just added a couple.

24 Q I think it is a ten --

25 A Ten is a possible total.

1 Q Then New Zealand, then, at 10.10. You say that:

2 "We know that parties of child migrants were sent
3 from the UK to foster homes in New Zealand between 1949
4 and 1953 by a scheme almost entirely funded by the
5 New Zealand Government"?

6 A Yes.

7 Q So this isn't caught by the overseas settlement
8 legislation?

9 A No it's not. No. This is really an invitation from the
10 New Zealand Government that's quite outside the Empire
11 Settlement Act. This is entirely a private operation,
12 as it were, in league with what becomes the Royal
13 Over-Seas League, so the Royal Over-Seas League is
14 really the supplier of the parties that go. What is
15 important about the New Zealand action is that these
16 children aren't going into institutional care, they are
17 going out to be effectively fostered in New Zealand.
18 They would be brought up as New Zealanders but they
19 would be all under the immediate supervision of the
20 child welfare organisations of the New Zealand
21 Government.

22 Q And the organising and sending agents, as I think we've
23 previously discussed, was the Royal Over-Seas League.

24 A That's right. Right. So they are really the recruiters
25 and the suppliers. Elsewhere in the report there is

1 reference to the need for these children to be approved
2 by the Bow Street Magistrates because they are
3 effectively going out to be fostered, and foster care,
4 I think, involves a greater degree of legal approval
5 than simply the migration of children to another
6 institution. That appears somewhere in the report.

7 Q You are able to point to some contemporaneous newspaper
8 articles supporting the view that Scottish children were
9 sent under this scheme.

10 A Yes. Indeed. The Aberdeen Press and Journal.

11 Q I think you also mentioned the Scotsman, you say:

12 "The Scotsman newspaper dated 28 December 1949
13 recorded that seven Scottish children, aged 10-13 and
14 a juvenile ... were about to depart from New Zealand
15 under this scheme (along with others from England)".

16 A That's right. Sorry. There is the two press reports,
17 and there are photographs in the news. Quite
18 remarkable. You are suddenly seeing photographs in the
19 press of these children, as it were, smiling benignly,
20 and they are about to go off. I, again, did some kind
21 of rough calculations, because some of the children are
22 mentioned as being Scottish and some are not, so what
23 I had got is a fairly firm figure for couple of parties
24 and basically I have sort of doubled it up.

25 Q Did the Royal Over-Seas League have a base in Scotland?

1 A Not really, no. They were expected to connect up with
2 New Zealand members of the Royal Over-Seas League, but
3 that doesn't seem to have had any basis at all in
4 reality. I haven't found any evidence of communications
5 between ROSL and its New Zealand partners, if they
6 operated with partners. Largely it is a relationship
7 between the Royal Over-Seas League supplying the
8 children, and then such data as you could obtain from
9 the New Zealand authorities about how many, where and
10 with what form of care they received, and there were
11 contributions made, actually, to the New Orleans
12 conference by members representing the New Zealand
13 Government. Whether the New Zealand Government will get
14 round to telling us more depends on whether this
15 New Zealand Inquiry that is supposed to be ongoing gets
16 round to it.

17 Q Then we come to Australia, Stephen, and you say at
18 10.12:

19 "Especially from the 1920s to 1970, following
20 restrictions imposed on child migration to Canada,
21 Australia became the principal destination of UK child
22 migrants, receiving around 7,000 UK child migrants over
23 those decades. It was this period that largely occupied
24 the attention of politicians, officials and sending and
25 receiving organisations in Australia, the UK and indeed

1 in Scotland".

2 I think there is quite a significant body of
3 material in files either in NRS or in Kew covering this
4 whole period?

5 A Oh indeed, yes, very considerable. Huge volumes of
6 material.

7 Q And these are large files?

8 A Oh indeed, yes. Many of the files are -- I mean there
9 is -- a lot of this is post Second World War material,
10 and it is deeply concerned with ensuring -- been an
11 experienced member since 1922 about funding children,
12 going overseas as child migrants, so there had been this
13 hiatus during the war and there seems to be, because of
14 what Australia is saying, a demand that more children
15 shall be sent to Australia, and that accounts for
16 considerations as to where these children might go, what
17 the quality of care is that they might receive, and how
18 they might get there and who will be reporting, and it
19 is really almost institution by institution, so you find
20 files on Fairbridge and you find files on many of the
21 other sending societies, quite specific to that
22 organisation, bearing in mind that each institution
23 would be vying for funding in order to send those
24 children for which they are responsible, so lots and
25 lots of stuff.

1 Q And if you -- we read on, then:

2 "Numbers were never as high as the Canadian
3 numbers ..."

4 But you say that around 3,900 between the wars, and
5 about 3,200 from 1947 to the last known departures in
6 1970.

7 A Yes. But those are UK rather than Scotland.

8 Q Oh indeed. But even between the wars there was quite
9 a significant traffic of children from the UK to
10 Australia?

11 A Yes. I mean, the reason being, of course, that if you
12 can't send children to Canada because of the age that
13 they are now saying children must be, then the children
14 are being diverted to Australia and there is seemingly
15 a demand in Australia, so it just follows the market in
16 that sense, whereas the juveniles still, or largely, are
17 going to Canada until the depression in the mid '30s,
18 the younger, their younger siblings in some cases, are
19 being diverted to a new market, which is the Australian
20 one, which is started early. I mean, if we go back to
21 pre First World War with averages going to Pinjarra, so
22 there is a track record but the bulk of the shifting and
23 the bulk of the funding from the UK Government is now
24 supporting child migration to Australia.

25 Q And if we read on, then, in this paragraph, you say

1 that:

2 "We know that Fairbridge secured and sent around
3 1,500 from 1912 to 1939".

4 Is that child migrants you are focusing on
5 there?

6 A Yes. Yes.

7 Q And:

8 "We understand that in those decades the several
9 Catholic religious orders provided a modest 110".

10 I think that number has been taken from the House of
11 Commons Select Committee report, the 110. Maybe I have
12 misread -- that's from the Lost Innocents Report?

13 A Yes.

14 Q It is a table from the Lost Innocents Report?

15 A Yes.

16 Q "And as will be shown below, post war data is more
17 complete. However, what follows is an explanation of
18 how our estimate for the total number of Scottish child
19 migrants ever sent to Australia is probably at most
20 369", and I think that figure was calculated before some
21 other bits and pieces of information became available?

22 A I think that's right, yes. We were sent some later
23 figures for Barnardo's which I think is somewhere in --
24 I have got a sticker in my copy of the report. I think
25 it is another 40 something has been found by Barnardo's

1 to have gone to Australia as well.

2 Q We will look at that shortly, but that figure of 369
3 then, are you covering the period between the wars and
4 also after the Second World War?

5 A Yes yes.

6 Q You go on to consider the pre First World War and
7 interwar component first, and you say:

8 "We are not aware of why Whinwell seems to have been
9 first off the mark, but sending only 19 children to
10 Australia between 1913 and 1934".

11 Do we know where these children were sent? Is it
12 just a number that we have?

13 A Off the top of my head I can't remember precisely where
14 they were located to. Can you just call up the 317
15 footnote?

16 Q I'm just looking at -- again, this comes from Stirling
17 Council's report.

18 A Right.

19 Q And we can come back to that. We will go on:

20 "As indicated earlier, Quarriers, between the wars
21 had dedicated its efforts to migrating children to
22 Canada, but age restrictions from 1924 had largely
23 limited those sent to juveniles"?

24 A Yes.

25 Q And it wasn't until 1939 that 17 boys, children, rather,

1 were sent. Is that correct?

2 A 13 boys and four girls.

3 Q 17 altogether?

4 A Yes.

5 Q Perhaps I could ask you to look at this document that
6 Quarriers have submitted as part of its Section 21
7 response. It is QAR 001.007.8046.

8 A Oh yes.

9 Q This is quite a useful presentation.

10 A Yes. This came late on, but I have a copy of this at
11 home. Yes.

12 Q And the heading is, "Numbers migrated since 1900", and
13 the source is the -- taken -- it is the narrative of
14 facts and scroll diaries. The narrative of facts that
15 you referred to fairly regularly in your report, it is
16 quite a fertile source of information.

17 A It is, yes, and had it arrived before the report was
18 submitted it would have been incorporated into the
19 report.

20 Q But what we have here, what Quarriers have done is they
21 have extracted information from these different sources,
22 put them in this tabular form so -- and given us totals
23 for different periods, so if we run down the --

24 A Can you just go -- I haven't had time, really, to
25 enquire about this. It refers to the scroll diaries.

1 I don't quite know what the scroll diaries are at the
2 top of that.

3 Q I see that?

4 A Narrative of facts and scroll diaries. Anybody know
5 what, "Scroll diaries", were? I know what the narrative
6 of facts are.

7 LADY SMITH: I think those are news to me, Stephen, unless
8 I have forgotten. Certainly the narrative of facts I
9 became familiar with when we were looking at Quarriers
10 but not scroll diaries. You, Mr MacAulay? Don't know?
11 No, and Ms Ryder who would be the expert here is shaking
12 her head as well.

13 MR MACAULAY: If we again leave that aside, we can maybe
14 just look into that actually, we can see, up until 1932
15 the levels of migration, and one has to assume,
16 certainly post 1924 at least that they were dealing
17 there with juvenile migration.

18 A Yes indeed. I think the exceptions to that are younger
19 siblings which sometimes joined, or went with an older
20 child.

21 Q And there is a gap between 1933 and 1937?

22 A That's when the depression kicks in.

23 Q Then the first entry for Australia which you mention,
24 you have just mentioned in your report, is for 1939, 17
25 were migrated to Australia by Quarriers. Just on that,

1 are you able to tell me -- I know with regard to the
2 other numbers we will come to, who the sending -- who
3 would be the sending agency for those 17?

4 A I mean, it will be Quarriers. They are Quarriers
5 children, yes, so these will be Quarriers children being
6 diverted from their -- had things worked out differently
7 they likely would have gone to Canada, but because of
8 the age aspect and because of the depression Quarriers
9 is looking for a different place in which to place
10 children, and that's, I think, what we get here, 28 ...

11 Q We do know here that the destination was the Burnside
12 Presbyterian home in Parramatta in New South Wales?

13 A Yes.

14 Q That itself -- this is the only group from Quarriers
15 that went to that particular place.

16 A Yes. Year-by-year. I mean, it covers 1939 through to
17 1963. As far as I'm aware are they --

18 Q I think the 1960s parties went to Dhurringile.

19 A Oh right. Yes. Okay. The first ones go to Burnside
20 and there is some, yes, who go to Dhurringile and there
21 is an agency involved in recruiting from Dhurringile.

22 Q I think Dhurringile will be through the Church of
23 Scotland?

24 A Yes. That's right.

25 Q So for that part of Quarriers' migration practices, they

1 worked along with the Church of Scotland who were
2 a sending agency, but you are saying, I think, in
3 relation to the 17 migrated, 1939, that would have been
4 done by Quarriers themselves?

5 A Yes. That is how it practised, yes, because they are
6 going to, particularly to Burnside, aren't they, and
7 that, I think, has been sort of approved, hasn't it, for
8 their reception.

9 Q And Burnside was a Presbyterian home.

10 A Yes. Which would fit, again with Quarriers.

11 Q And perhaps while we have the table in front of us we
12 can see that there is no migration for quite a lengthy
13 period of time by Quarriers, 19 years, and then in 1960,
14 1961 and 1963 there are 21 children migrated, and these
15 were children that were migrated via the Church of
16 Scotland to Dhurringile?

17 A Yes.

18 Q But we can see that certainly post war Quarriers were
19 involved in child migration, but in comparison to the --
20 to previous years, it was on a much lesser scale.

21 A Yes. I think the clear distinction here is that the
22 children that had been -- or the juveniles that had been
23 sent to Canada are going to individual homes. They are
24 going there, effectively, to be trained up as farm
25 workers, living with particular families. The ones that

1 had been sent to Australia are entirely going to
2 institutions, and that's a kind of different business
3 entirely. There is no -- Quarriers is not responsible,
4 directly at least, for the quality of care in those
5 homes. They have become the responsibility of other
6 institutions, organisations. The responsibility of
7 Quarriers would be to see the places to which these
8 children were being sent from them were going to places
9 which were likely to provide acceptable care.

10 Q Now, we've been working off paragraph 10.13 and we had
11 focused on the 17, 13 boys and four girls, and you say
12 curiously Burnside had first raised this possibility
13 with the Church of Scotland Overseas Department in May
14 1936 but that a proposal had been rejected. Had
15 Burnside raised with the Church of Scotland the
16 possibility of children being migrated?

17 A I would need to be reminded, I'm sorry. I don't
18 remember the details of Burnside.

19 Q You say:

20 "Correspondence in 1937 also indicates that parents
21 and guardians were reluctant to respond to the Church of
22 Scotland's efforts to provide children to be sent to
23 Burnside".

24 You do provide some information about that in the
25 footnote, so it would appear that the Church of Scotland

1 at least had some involvement in connection with
2 Burnside, but had little success.

3 A Well, I think that is the case, yes indeed. Yes. There
4 is something that is whizzing around in my head about
5 Burnside not -- is this the place which had not actually
6 been recognised by the Home Office as a place to which
7 children would be sent?

8 Q I think that may be the case, and I think also parents
9 may have been told that children were going to
10 Fairbridge?

11 A Yes. That is completely inexplicable since it has no
12 connection with Fairbridge whatsoever.

13 Q It may be you have that in mind, that there is
14 correspondence, I think, and material suggesting that
15 children, these children that were sent to Burnside
16 were, in fact, going to be sent to Fairbridge, but that
17 did not happen.

18 A That's right. Yes. The sentence that appears in the
19 report here is that -- where is it -- the Scottish
20 central -- sorry, it's just moved, the Scottish Central
21 Council of Juvenile Organisations and the Scottish
22 Council for Women's Trades and Careers the latter
23 formally becoming the representative of Fairbridge Farm
24 Schools in Scotland. It claimed in 1937 that it was
25 responsible for the initial selection of children for

1 Fairbridge, but they are not going to Fairbridge.

2 Q I will come back to look at the relationship, or the
3 non-relationship between Fairbridge and Burnside, but
4 moving on, then, to 10.14, you are looking, there, at
5 Aberlour Trust and what the position was with regard to
6 children being sent to Australia, and you are
7 identifying, I think, really, a boy who was sent to
8 siblings to Australia in 1928 and another who was 16,
9 possibly with siblings also in 1928, so these -- the
10 older boys, they would be juvenile migrants.

11 A Indeed. Yes. Yes. I think this probably reflects
12 something of the practice of Aberlour trust by this time
13 which, of course, Aberlour had been involved in sending
14 juveniles to Canada, so they are really just sending
15 juveniles to Australia, and for the same expectation
16 that they would go straight into employment. They
17 wouldn't be institutionalised.

18 Q You go on to say that Fairbridge, in 1936, this extended
19 its own recruiting operations into Scotland with the
20 backing of the Scottish Central Council of Juvenile
21 Organisations and indeed the Scottish Council for
22 Women's Trades and Careers?

23 A Yes.

24 Q And you say that in August 1938 the Aberlour Orphanage
25 turned down an invitation from a Fairbridge

1 representative to select children under 12 for migration
2 to Australia but agreed to consider Fairbridge and were
3 willing to select children aged 14 or over, in other
4 words juvenile migrants, so the position is that
5 although Aberlour were approached, they did not concede
6 to sending child migrants.

7 A That's right. Yes. They have accepted, in the light of
8 the Canadian experience, which doesn't involve children
9 going into any reception home, these children will be
10 placed out on arrival, as it were, they accept that this
11 is not actually Fairbridge practice. Fairbridge wishes
12 the children to be younger and accommodated by them, and
13 then sent out looking for employment, and so Fairbridge
14 does not fit the current practices of Aberlour.

15 Q And so far as the Salvation Army is concerned, again,
16 you say the Australian operations are handicapped by the
17 destruction of records, but we already have mentioned
18 the farm at Riverview --

19 A Yes.

20 Q -- and what Ross thought of that. But so far as Scotland
21 is concerned, what evidence is there of children from
22 Scotland being migrated to -- by the Salvation Army to
23 a place like Riverview?

24 A I think it comes later on. It is certainly not pre war.
25 I think I'm right in saying that.

1 Q Well, I now want to move on to a table. We are now at
2 4.05?

3 LADY SMITH: I'm happy to go on and deal with the table if that
4 is all right with you, Mr MacAulay, and, importantly, if it
5 is all right for us to carry on for a little bit. Is
6 that okay, Stephen?

7 A It's fine by me, yes indeed. Yes.

8 LADY SMITH: Right. Let's just see if we can deal with this
9 as well.

10 MR MACAULAY: So let's go on to page 80 of your report, and
11 you have here table 1, "Subsidised child migrants sent
12 to Australia by voluntary societies 1947 to 1965".

13 A Yes.

14 Q And you provide, at the bottom, the key to the
15 organisational initial. So, for example, ACIC, that's
16 the Australian Catholic Immigration Committee, and would
17 that be the umbrella that Catholic children from
18 Scotland would have been sent under?

19 A Yes. If you look at it, it's very strange because it is
20 an immigration committee. In other words, these are
21 representatives of Australia in the UK, and they are
22 immigrating children to Australia. It's not like an
23 emigration committee, but it has been -- and this
24 immigration committee is being effectively funded by the
25 UK Government through the numbers of children that it

1 recruits.

2 Q Yes.

3 A The rest are much more straightforward, as you can see.
4 Barnardo's, Fairbridge.

5 Q But we can see, if we look down the figures, up to 1965
6 at least, that in comparison to others, they are the
7 major player?

8 A Oh indeed, yes, and you can see some of the peak years.
9 If you look at 1952, 1953, 1954, those are the peak
10 years in which -- and there is one in 1950 as well, oh,
11 sorry, there is an immediate post war one, 1947. Look
12 at that figure. It is very, very high. It is never
13 replicated again.

14 Q 334 children.

15 A 334. Those are the kind of children who have not been
16 able to be migrated over the previous years. Child
17 migration has resumed in 1947 and the recruiters from
18 Australia are in the UK and indeed in Scotland,
19 headhunting for children, boys and girls that go under
20 the auspices of the ACIC which is funded by the UK
21 Government, right? So they are getting the money to
22 send them. The figures then drop off, as you would
23 expect, because effectively they cleared a lot of the
24 children out of the existing Catholic homes and they
25 start to build-up, and then you get 84. After every big

1 migration year there tends to be a lull. Then in 1952,
2 '53 and '54 ones and then you can just see how this
3 practice by the Catholic societies of anywhere in the
4 UK, sending children overseas rapidly falls away, so the
5 last significant year is, indeed, I suppose, 1956.

6 Q Although there is a few thereafter, four in 1965 and
7 1961.

8 A Oh yes. It is simply the numbers. They were almost
9 filling boatloads earlier in the post war years, but now
10 these are ones and twos, five is the highest figure that
11 you see, and I think that is indicative of the falling
12 away of the practice that the children are -- you would
13 have to kind of measure this out very carefully as to
14 whether the number of children in the institutions,
15 Catholic institutions in Scotland are themselves not
16 receiving the same number of children as they once used
17 to receive.

18 We come back to the issue about child migration. It
19 is the Barnardo's claim, if you have a front door you
20 need a back door, and if children are no longer coming
21 in the same volume through the front door, you don't
22 need to exit many more of them through the back door, so
23 I think the figures are diminishing really because the
24 children are not being placed in these homes, but that's
25 a supposition. I haven't got data on how many children

1 there were accommodated in Catholic institutions within
2 the UK or Scotland in particular, but what you can
3 clearly see is that there is huge numbers in the
4 immediate post war years and then a diminution.

5 The only figure that is larger than that is the 997
6 which are the Fairbridge children, and that is different
7 in that they have their own place to send the children
8 and latterly their children are going out with either
9 one parent or with two parents. Fairbridge kept going
10 for so long because it changes the rules. To the best
11 of my knowledge, no Catholic child goes with one or two
12 parents under any scheme at all.

13 Q Even the two that left in 1965, they were pure child
14 migrants without parents of any kind?

15 A For the Catholic organisation, yes.

16 Q For the Catholic -- yes.

17 A Yes. Yes.

18 Q And if we look, then, at the column for the -- the CS
19 column which is the Church of Scotland Committee on
20 Social Service, now we see the figures from 1950, 1950
21 is a large-ish year with 28 and then 1954 there is 22,
22 and in 1960 there is 11. Now, the 1960, the 11, 1960,
23 were these the Quarriers children, one of the batches of
24 Quarriers children?

25 A I think one would need to cross-check that. I think the

1 issue here --

2 Q Well, that's what I'm doing. I'm looking at the
3 Quarriers table, QAR 001.007.8046, and I'm noting that in
4 1960, 11 children were migrated?

5 A Okay. Bearing in mind that table is not one that I had
6 previously seen.

7 Q I understand that.

8 A But God, isn't it good when two tables from different
9 places say the same thing.

10 Q I suppose it is corroboration.

11 A It is indeed. Exhilaration.

12 LADY SMITH: Yes. We like corroboration up here.

13 A So we know who those eleven are.

14 MR MACAULAY: Yes. I think we can surmise that those eleven
15 were the eleven Quarriers children that were migrated
16 via the Church of Scotland in 1960, and I think without
17 the Secretary of State for Scotland knowing about it.
18 I think we see that later. But the other point I want
19 to raise is this; I want to see where the other
20 Quarriers children that were migrated, the other ten,
21 because there was 21 altogether, five in 1961 and five
22 in 1963. Now, it may be that you haven't included these
23 in the Church of Scotland column because it was the
24 Church of Scotland that was being used to migrate them
25 because you didn't have that information.

1 A Yes, and bear in mind that the data on this table, 1947
2 onwards, comes from archives -- it is the National
3 Archives in London that provided this information.

4 Q Yes?

5 A So it is simply assembled from the annual returns that
6 you find in those files so there is this -- it is based
7 on that record rather than bringing in other sources.

8 Q But we now know, understanding what Quarriers have
9 represented, and indeed what's in Scottish records that
10 five children, ten children altogether were migrated
11 through the Church of Scotland between 1962 and --
12 between 1961 and 1963, so those numbers should appear in
13 that column also, I would have thought.

14 A Yes. Somehow the funding figures do not show that, do
15 they. I was rejoicing about the 11, but I'm flummoxed
16 about the absence of the others.

17 Q Okay?

18 LADY SMITH: So your point, Mr MacAulay, is that the total
19 under, "CS", should maybe be 93 not 83? Is that
20 correct?

21 MR MACAULAY: Indeed, if the total under, "CS", is to
22 include the Quarriers migrations that took place from
23 1960 onwards, which is the 11 that's there already, and
24 the five in 1961 and the other five in 1963.

25 A Yes. I think this is one of the occasions when two

1 sources of one half don't speak to each other.

2 Q But still we get an idea there of the total number that
3 the Church of Scotland may have migrated.

4 A Indeed, yes, and it does show that they are operating
5 still in some significance in the 1960s.

6 Q Yes. Yes. As you pointed out, although ACIC is
7 a significant player in comparison to others, the
8 biggest player of all is Fairbridge, but you have made
9 the point that for a part of this period we are dealing
10 with children who were going to one or more parent.

11 A Yes. Yes. I mean, I think what that -- those practices
12 indicate is that Fairbridge has been running for a long
13 time, since before the First World War, and it seems to
14 become one of those institutions that has come to be so
15 committed to the notion of sending children overseas --

16 LADY SMITH: We've lost the sound.

17 We can hear you now.

18 A I haven't gone away in the interim.

19 LADY SMITH: Right. You were telling us that the practices
20 indicate that Fairbridge had been running for a long time
21 since before the First World War and so on, and it
22 seemed to become one of those institutions that was so
23 committed to the notion of sending children overseas ...

24 And then we lost the sound.

25 A ... that it was looking for ways of continuing the

1 practice of sending children overseas, even if it meant
2 sending parents with them.

3 LADY SMITH: Or parents receiving promises from Fairbridge
4 that they would be sent to follow the children?

5 A Oh yes.

6 LADY SMITH: Even if that didn't happen.

7 A Well, more often -- as far as I'm aware that is part of
8 the deal that is struck to persuade the parents to send
9 the child, to allow the child to be sent, that the
10 parent would actually go with them, or both parents
11 later on. Later on, Fairbridge is so desperate to still
12 maintain a relationship with societies overseas,
13 particularly in Australia, that it starts offering
14 scholarships at universities. In other words, it is
15 still so committed to the idea of a strong relationship
16 between the United Kingdom and white Australia, which is
17 what Kingsley Fairbridge had always been committed to,
18 that it is looking for ways of sustaining it until they
19 run out of clients, in a way.

20 MR MACAULAY: If we go back to the table, the other column
21 of perhaps of particular interest is the Barnardo's
22 column, that's the DRB column.

23 A Yes.

24 Q Where there is a total here of 457, and of course we are
25 looking at a post war table here.

1 A Indeed.

2 Q This is from 1947 onwards?

3 A Yes.

4 Q And you mentioned already that the Barnardo's figures
5 may need some adjustment because we now have a response
6 from Barnardo's. It says that Barnardo's has identified
7 46 children who were born in Scotland or who were placed
8 in a Scottish home who were then migrated to Australia
9 after the Second World War, so that would add to the
10 table.

11 A Well it may or it may not, because maybe the -- I'm not
12 quite clear about this. It may be that they have
13 identified -- some are already in this table who happen
14 to be Scottish.

15 Q I wonder about that.

16 A Are we adding another 46 because they are Scottish that
17 had been invisible beforehand or are they now of that
18 table 46 that we now recognise to have been Scottish.

19 Q I will put the excerpt from the Section 21 response up
20 on the screen. It's at BAR-6 and it is page 24.

21 A Yes:

22 "Please note updated to 31 January 2020", just to
23 confirm the fact, this was after the --

24 Q This is after your report. Don't be concerned about
25 that. The heading -- first of all, Canada, the total

1 number of boys and girls who were migrated to Canada as
2 part of Barnardo's -- if we just scroll down a bit --
3 between 1882 and 1939 is 29,076. Barnardo's has
4 confirmed that one Scottish boy was migrated from an
5 English home to Canada".

6 Then --

7 A I love that. We've found one!

8 Q "The total number of boys and girls who were migrated to
9 Australia as part of Barnardo's official child migration
10 programme is 2,784. This includes 502 boys who were
11 migrated prior to 1921. Barnardo's has identified 46
12 children who were born in Scotland or who were placed in
13 a Scottish home who were then migrated to Australia
14 after the Second World War".

15 That is a little bit ambiguous, I grant you,
16 although my recollection is that the correspondence
17 dealing with this may suggest that these were children
18 who were Scotland at the time of migration, but we can
19 confirm that, but in any event there appears to be an
20 acceptance by Barnardo's that there were more Scottish
21 children migrated from Scotland in addition to the
22 number that we already had before us.

23 A Right, but not in addition to the total number of
24 children sent by Barnardo. They have just been
25 identified as being Scottish within the total.

1 Q Yes. According to Barnardo's, the -- yes, I am not
2 sure, 502 boys who were migrated -- that's prior to
3 1921, and then there is 46 who were placed in a Scottish
4 home and migrated after the Second World War. Again, it
5 is a bit confusing, but I'm not suggesting that your
6 figures are wholly inaccurate, it's just that we need to
7 take account of additional information when we are
8 counting these figures?

9 A Oh absolutely. I readily understand this. I'm just
10 concerned whether we are to add 46 to the total number
11 of funded Barnardo's children who were sent or whether
12 it is 46 within the existing figure but 46 is a quite
13 significant number.

14 Q I think the original figure we had from Barnardo's was
15 significantly less than that?

16 A Yes. That's right.

17 Q I think -- I can't remember now offhand, but certainly
18 46 does put a different complexion on the number?

19 A I think it was something in the 20s, so I think finding
20 another 46 would be quite considerable.

21 Q Indeed.

22 A I wouldn't quote me on that but this looked to be quite
23 a significant addition to the numbers that I had
24 registered as being Barnardo's children from Scotland.
25 In my attempt to work out how many children that had

1 been migrated, an extra 46 Barnardo's is not
2 insignificant.

3 Q And the -- we can leave the table, then, aside for the
4 moment, and at 10.19 you look at the Fairbridge
5 Society's involvement and they also had a Scottish
6 connection, and Scottish children were migrated, and
7 I think indeed we've had evidence of that in this
8 Inquiry.

9 You go on to say at the end of that paragraph that
10 you speculate that the pre war and post war total might
11 be around 80.

12 A Yes.

13 Q The basis for that is what?

14 A Gut feeling, really. It really was -- it just seemed
15 reasonable out of the total number of children sent from
16 the UK, possibly 80 of them would be from Scotland, but
17 I have no firm foundation for that at all. It may be
18 more, it may be less, but 80 sounded right, about right.
19 Bearing in mind my feelings about this was to try to
20 make the figures higher rather than lower. I'm not
21 trying to diminish it, I was trying in the end --
22 because I just got this feeling that fewer children were
23 going from Scotland than from other parts of the UK, and
24 I was trying to err on the side of exaggerating the
25 figures rather than otherwise. This becomes difficult.

1 Q And then the Northcote Children's Trust at 10.20, we
2 mentioned Northcote before. Of course that had a clear
3 connection with Fairbridge?

4 A Yes.

5 Q And what you say there is that surprisingly, a pre war
6 Northcote report covering only the years 1937 to 1939
7 lists 151 addresses in the UK to which after-care
8 reports should be sent. Still more surprisingly, 15 of
9 those reports were to be sent to Aberdeen public
10 assistance committee, the inference being that the
11 children had been sent to Northcote via that source.

12 A Yes. Indeed. Yes. If it is Aberdeen Public Assistance
13 Committee, then that is a local authority, and,
14 therefore, there would have been, or should have been
15 Secretary of State approval.

16 Q And using that figure as a starting point, you suggest
17 that possibly a number in the region of 30 children
18 might have been sent from Scotland to the Northcote
19 Children's Trust?

20 A Yes, on the principle of maximising numbers and covering
21 pre war as well as post war so again I'm trying to bump
22 it up rather than push it down.

23 Q And I think the Barnardo's figure, I'm just jumping
24 ahead a little bit, but on page 82 at paragraph 10.22,
25 I think the Barnardo's figure that we had, it is seven

1 or eight lines from the bottom of that paragraph, was
2 19. It said that boys had been migrated from Scotland
3 between 1947 and 1965. Do you see that figure? So 46,
4 if 46 is correct, does put a different complexion on
5 that?

6 A Indeed it does, yes. Yes.

7 Q And indeed, I think the reason why Barnardo's were
8 anxious to draw that to our attention was that they
9 accepted that the figure of 19 that may have been in
10 their original Section 21 response may not have been
11 wholly accurate?

12 A Yeah, quite, yes, and therefore probably not accurate in
13 the report that we submitted, so I don't have any
14 problems with that at all. I mean, you know, the
15 problem of all this exercise, particularly when you come
16 down to these details about numbers from Scotland, is
17 based upon the quality of the records that have been
18 survived and have been kind of excavated by the
19 archives, where they have been placed, if they have been
20 placed. Sometimes we have no archives to look at and it
21 is an absolutely absolutely bald guess. We know that
22 Barnardo's sent children, so having discovered that more
23 went than the figures that we originally had is
24 absolutely not a shocker or disappointment, it is just
25 pleasant to see that more data is available than one had

1 thought.

2 MR MACAULAY: My Lady, that's twenty five past.

3 LADY SMITH: I think we probably should break there. We've
4 made good progress this afternoon. Stephen, thank you
5 very much for everything you have helped us with today.
6 I will rise now for today but hopefully you will be
7 ready to start again at 10 o'clock tomorrow morning? Is
8 that all right?

9 A Indeed I will. Can I just feel confident that we may
10 finish tomorrow? Because you may have deduced from some
11 of my struggling that my eyesight has quite seriously
12 deteriorated over the last few weeks and I have managed
13 to get myself an opticians's appointment at 10 o'clock
14 on Thursday morning, so will we manage to finish
15 tomorrow do you think? I don't want to change my
16 appointment.

17 LADY SMITH: Stephen, I do not want you to miss that
18 appointment and that's an excellent extra bit of
19 pressure on us to get things organised.

20 A I don't want to put pressure on you. My eyes --

21 LADY SMITH: No.

22 A If I have to come back another day then you will have to
23 push Gordon back another day.

24 LADY SMITH: No, please do not cancel that appointment.

25 Please, please go with that appointment. Our plan is to

1 try to finish tomorrow Mr MacAulay, if at all possible,
2 isn't it?

3 MR MACAULAY: Well, that's always been the plan.

4 A Just for information, one of the most heartrending
5 sections of this entire report of course relates to
6 child abuse and one could spend a lot of heartache going
7 through all that material. It has given me a lot of
8 heartache, and indeed my wife June, bless her, who has
9 been my therapist, as it were. How much attention are
10 we going to pay to the oral testimony? Do you think
11 that --

12 LADY SMITH: Well, I have heard it, Stephen, all the
13 testimony that is referred to is testimony I have heard,
14 so we will not need to drill into -- down into detail
15 for every one of these people.

16 MR MACAULAY: No. My plan is to take that on a -- at
17 a fairly high level, that particular chapter, which is one
18 of the later chapters.

19 A It really is where it -- I have always felt, and this is
20 part of the design of the report, that's where all this
21 was heading to. This was about abuse, the Inquiry is
22 about abuse, and I wanted to actually set out a report
23 which led, inexorably, to that last chapter. The
24 material we've been provided with has been so graphic
25 and so disturbing, as it has been to every other

1 inquiry, that I'm glad to have it on the record, I'm
2 glad to know that it will be taken notice of. It must
3 have been extremely difficult for those people to say
4 what they have said.

5 LADY SMITH: Yes, and they have shown remarkable fortitude
6 and humility in many cases, as probably doesn't surprise
7 you. Very well. Well, let's finish for today. You go
8 and rest your eyes Stephen, and we will see you tomorrow
9 morning.

10 A Thank you very much indeed. All the best.

11 (5.27 pm)

12 (The hearing adjourned to 10 am on 23 September 2020)

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5 STEPHEN CONSTANTINE1

6 Questioned by MR MACAULAY (Continued)1

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