

Thursday, 24 September 2020

(10.00 am)

LADY SMITH: Good morning. Mr MacAulay, we have a witness ready I think.

MR MACAULAY: We do my Lady, good morning, and this next witness is Professor Gordon Lynch.

LADY SMITH: Thank you.

Good morning, Professor Lynch. Could I ask you to begin by raising your right-hand and repeating after me ...

GORDON LYNCH (Sworn)

Questioned by MR MACAULAY

Please sit down and make yourself comfortable. Is it all right if I call you, "Gordon"?

A That's absolutely fine. Thank you.

LADY SMITH: Thank you. Well, Gordon, when you are ready, I will pass over to Mr MacAulay. He will explain what happens next. Any questions, feel free to ask me.

A Many thanks.

MR MACAULAY: My Lady, yes, good morning, Gordon. Just to confirm, you are Gordon Lynch?

A That's correct.

Q Now, in front of you I think you have brought your own copies of the material that you provided to the Inquiry. Is that right?

- 1 A That's correct.
- 2 Q And you prefer to work from them rather than anything we
3 would provide for you?
- 4 A That's fine. I will obviously have a look at documents
5 on screen as well. Yes.
- 6 Q I want to begin, Gordon, by looking at your CV. That
7 can go on the screen for you. It's at INQ-100. Perhaps
8 I can begin by turning to page 4. That sets out your
9 academic qualifications, or professional qualifications.
10 If we move towards the bottom part of page 4, can we
11 read, when we get there, that, working from the top to
12 the bottom, that your undergraduate degree was a degree
13 in Theology. Is that right?
- 14 A That's correct.
- 15 Q And I will come, in a moment, to explore why theology
16 led you into child migration?
- 17 A Yes.
- 18 Q But you then set out various qualifications, including
19 another undergraduate degree and an MA in Histories of
20 Art and Design. Is that right, in 2004?
- 21 A Yes.
- 22 Q And your Ph.d was in Theology and that was from the
23 University of Birmingham and that was something you
24 obtained in 1995?
- 25 A That's right. Yes.

1 Q And if we then turn to the first page of the CV, towards
2 the top you set out your employment history beginning
3 with being -- a position as a Lecturer in Counselling
4 Studies at the University of Chester?

5 A That's right.

6 Q And we can follow your career up to the second-top
7 bullet point where you became Professor of Sociology of
8 Religion at the Birkbeck College, University of London
9 and that was from May 2007 to December 2011?

10 A That's correct.

11 Q And looking to the present position, you are the Michael
12 Ramsey Professor of Modern Theology, and that's the
13 Department of Religious Studies, School of European
14 Culture and Languages at the University of Kent?

15 A That's correct.

16 Q And that's the position you presently hold?

17 A That's correct.

18 Q And you are about to start the academic term?

19 A Yes. Yes.

20 Q Now, if I can perhaps turn to page 5 of the CV, here you
21 set out details of publications that you have either
22 contributed to or produced yourself, and, for example,
23 if we look at the very top, I think you have a book due
24 for publication, is that right, next year --

25 A That's right. The book is completed and with the

1 publishers now so it will be published next year.

2 Q And that's a very topical topic for us because it is in
3 connection with, "British Child Migration to Australia:
4 A Critical History"?

5 A That's right, essentially a kind of policy analysis of
6 the kind of documents we're looking at today.

7 Q And moving back, then, we are looking to 2015, you have
8 a publication, "Remembering Britain's Child Migrants:
9 Faith, Nation-building and the Wounds of Charity". Was
10 that a contribution to another work or is that a
11 separate book?

12 A No. That's a sole-authored book. That was research
13 that I did alongside doing the academic curating work
14 for an exhibition on their own at the Museum of
15 Childhood in London.

16 Q And I think the other publications you mention in that
17 list are not specifically directed towards child
18 migration?

19 A That's right, though if we talk more about how I got
20 into this we will refer to some of those. Yes.

21 Q For that, if we look, then, at reports and policy
22 papers, again, this is in press, and that's, "The Uses
23 of Historical Research in Child Abuse Inquiries".
24 That's something you are working on, is it, or ...

25 A Yes. That's actually now been published online with

1 History and Policy so that's working with other
2 colleagues internationally who have done historical
3 research with national child abuse inquiries, looking at
4 how they can contribute to that work.

5 Q And the next item, "Possible Collusion Between
6 Individuals Alleged to Have Sexually Abused Boys at Four
7 Christian Brothers' Institutions in Western Australia",
8 and that particular publication is a document we will be
9 looking at in the course of your evidence?

10 A Hmm.

11 Q And then we see that along with Stephen Constantine you
12 contributed to a "Report on Sexual Abuse in Relation to
13 Children sent Overseas through Child Migration Schemes
14 from England and Wales", and that was commissioned by
15 the Independent Inquiry into Sexual Abuse for England
16 and Wales?

17 A That's right. From 2016 and 2017 we acted as expert
18 witnesses under instruction to IICSA. That was about
19 250,000 words in total.

20 Q And you gave oral evidence as well, I think, at the
21 Inquiry?

22 A Yes. Over about nine days of the hearings then, yes.

23 Q And if we look at journal articles, at number 22, 2019,
24 you have an article, "Pathways to the 1946 Curtis report
25 and the post-war reconstruction of children's

1 out-of-home care", and that was in Contemporary British
2 History?

3 A That's right. That's an article essentially looking at
4 how the 1946 Curtis Report came to be commissioned and
5 some of its implications for post war child care.

6 Q And then at 23 you have another article, "Catholic child
7 migration schemes from the United Kingdom to Australia,
8 systemic failures and religious legitimization", that's in
9 the Journal of Religious History?

10 A Yes. Pleased to say that's just been published as well
11 now. Yes.

12 Q Another article you say has been accepted for
13 publication, "The Church of England Advisory Council of
14 Empire Settlement and post war child migration to
15 Australia"?

16 A That's right, which provides quite an interesting comparison of
17 different organisational failings compared to the
18 Catholic Schemes.

19 Q And now if I can turn, then, to page 2 of the CV, just I
20 want to pick up a couple of points. You have already
21 mentioned your involvement in the England and Wales
22 Independent Inquiry into Child Abuse but if you look at
23 the second bullet point, academic curator of, "On Their
24 Own: Britain's Child Migrants", at the V&A Museum of
25 Childhood. Can you just tell me what that was about?

1 A So it was an exhibition that had originally been curated
2 in Australia but when it came to the V&A Museum of
3 Childhood in London it needed to be substantially
4 re-designed because it was moving into a larger
5 exhibition space. The museum didn't have any research
6 expertise on that topic so they asked me to act as the
7 academic curator for that so I ended up identifying most
8 of the loan objects for that and writing most of the
9 interpretive text for that exhibition as well and doing
10 a lot of the media work for it.

11 Q Was this in connection with child migrants to Australia
12 or was it broader than that?

13 A It was broader than that, so we were looking at the
14 Canadian schemes as well, yes, and Southern Rhodesia to
15 a certain extent.

16 LADY SMITH: Can you tell me a little bit about the nature
17 of the exhibits in this exhibition?

18 A So the original exhibition that had been curated in
19 Australia had used a number of loan objects from
20 voluntary societies who had been involved in the work,
21 so things like registers of child migrants sent to
22 Canada by Barnardo's but also through contact with
23 former child migrants in Australia, a number of objects
24 belonging to former child migrants as well, so one quite
25 poignant object was a very small porcelain rose-covered

1 cottage that a former child migrant had bought with her
2 first wages to remind her of England and she used to
3 sleep with it under her pillow every night, but I
4 suppose one of the challenges for an exhibition like
5 that is that former child migrants often didn't have
6 very much when they went overseas, and, as you will have
7 heard, sometimes what they had was actually often taken
8 from them as well, so we had to curate a lot of new
9 audio visual material to try to set that history in
10 context as well at different stages of policy and social
11 history as well.

12 LADY SMITH: So were former child migrants contributors to
13 that audio visual history?

14 A They were, yes. I'm just thinking about some of the
15 pieces that we did. Some of it was new commissions,
16 some of it was -- we used a couple of extracts from
17 a film that a former child migrant, David Hill, had made
18 about particularly the Fairbridge Farm School at Molong,
19 people's recollection both of the journey, but then
20 experiences of abuse there as well, and we were also
21 able to use, I think, some extracts from the National
22 Library of Australia's oral history project with former
23 child migrants in that as well, but the Child Migrants
24 Trust were also a partner with that exhibition as well,
25 and we had former child migrants attending the launch

1 for that.

2 LADY SMITH: I see it attracted quite a following, over
3 300,000 visitors. Perhaps that's not surprising.

4 A No, that's right, and a lot of national media attention
5 as well. Yes.

6 LADY SMITH: Mr MacAulay?

7 MR MACAULAY: And the next bullet point that you talk about
8 is you are commissioned and served as project consultant
9 for the Ballads of Child Migration. Perhaps you can
10 tell me a little bit about that project.

11 A So that originated as part of the exhibition, so again
12 going back to the challenges with the exhibition about
13 the lack of kind of material and visual culture with the
14 original schemes, another element of the audio visual
15 material that we commissioned for the exhibition were
16 a series of songs by leading British folk musicians
17 which would reflect the experiences of former child
18 migrants, and there was a deliberate choice about that
19 use of that musical form there because former child
20 migrants were often taught organisational songs when
21 they were going overseas which might construct them as
22 kind of spiritual pilgrims going to a better place or
23 a Fairbridge song celebrating the life of Kingsley
24 Fairbridge and we wanted to produce a new series of
25 songs, a kind of new musical history which would reflect

1 more the stories that former child migrants told about
2 their lives and folk seemed a very powerful genre for
3 doing that.

4 Q One that springs out to me, I'm not in any way boasting
5 about this, is the name, "Jason Donovan". He was
6 involved, was he?

7 A At a later stage. So there was a very talented group of
8 musicians working with a producer, John Leonard, who did
9 a lot of the work in putting that together and I advised
10 on the history for that, but after having done the
11 original recordings for that, and produced a CD, that
12 led to a commission from Radio 2 to use the songs as
13 a basis for a dramatisation of a Michael Morpurgo novel,
14 "All Alone on the Wide, Wide Sea", which is based on the
15 history of child migration and Jason Donovan and Toby
16 Jones were part of the cast for that so later entrants
17 to the project, really.

18 Q Can I then ask you how you came to become involved in
19 child migration as a topic?

20 A Yes. So from, really, the time of my Ph.D onwards, one
21 of the fundamental interests that I have had in my
22 research has been about the way in which moral meanings
23 and moral sentiments are used in different social
24 contexts, and that's really been a -- although my
25 publications look quite eclectic that has been the sort

1 of underpinning interest below most of them, and around
2 the time that I was writing a book called, "The Sacred
3 and the Modern World", I was particularly interested in
4 the moral meanings that were underpinning child welfare
5 schemes that had led to the removal of children from
6 their parents or home communities in the past, and the
7 way in which they were being rethought about now, and so
8 in that book I was looking particularly at the Ryan
9 commission and the removal of children into industrial
10 schools in Ireland, but having written about that I
11 began talking to other people about other historical
12 schemes like this, and became more interested in the
13 child migration schemes through that, and it was around
14 that time that the opportunity came to work with the
15 Museum of Childhood, so really from 2013 onwards I have
16 been involved in more intensive historical research on
17 child migration schemes and that, since 2014, been doing
18 that largely on a full-time basis.

19 Q Can we then move on, Gordon, to look at the work you
20 have done for this Inquiry? And of course you come into
21 this Inquiry on the back of having done a similar sort
22 of work for the IICSA Inquiry, and indeed, as I said,
23 you gave evidence to the IICSA Inquiry?

24 A That's right, and there will probably be times when we
25 cross-refer back to that in the evidence. Yes.

1 Q Indeed. Now, we have, and I will put this on the
2 screen, what I referred to as, the 'main report', and
3 that's at INQ-42, so this is the report that's been
4 prepared for this Inquiry with the title, "Child Abuse
5 and Scottish Children sent Overseas through Child
6 Migration Schemes", and if we scroll down, can we see
7 that the name, the contributors to the report?

8 Now, so far as what I refer to as the 'main report',
9 is concerned, I think principally Professor Constantine
10 was involved in that, but did you make contributions
11 either orally or in any shape or form to that main
12 report?

13 A That's -- so the main report was based in some sections
14 on work that we had done together for IICSA, so it was
15 building on a kind of pre-existing collaboration.
16 I think there were some points where Stephen came back
17 to check specific points of detail, but it was
18 primarily -- the main report was primarily authored by
19 him, yes.

20 Q And we know that Professor Harper looked at juvenile
21 migration in particular?

22 A That's right.

23 Q And that formed Appendix 1 of the report, and as far as
24 your primary contribution is concerned, is that in
25 connection with Appendices 2 through to 4?

1 A That's correct.

2 Q And you have picked particular topics that are covered
3 to some extent in the main report, but you fleshed them
4 out, essentially.

5 A Indeed. That's correct.

6 Q So then if we then move on to -- before I do that, can
7 I just understand the sources of information that you
8 used for the work you did? It is the case, I think,
9 when we look at your work that you relied on the
10 responses made by a number of organisations to the
11 Section 21 notices that were served on them?

12 A That's correct, so obviously there will have been
13 a substantial amount of material that has been made
14 available to us by the Inquiry, both in terms of
15 organisations' responses to those Section 21 notices and
16 other archival documents that you have made available,
17 but the other important source material that has been
18 used for my evidence has been quite an extensive review
19 of relevant files in the UK National Archives at Kew and
20 primarily in the National Archives of Australia in
21 Australia, though I have done a minimal amount of
22 looking at some other archives there as well, as well as
23 other contemporaneous reports and Government
24 publications through this period as well.

25 Q And there is, as it happens, a lot of material in

1 connection with this particular topic?

2 A Yes. I mean, it is several hundred archive files just
3 in terms of the National Archives in the British and
4 Australian archives.

5 Q And I think your approach in your appendices is to look
6 at that material and provide quite extensive quotes from
7 the most relevant material in the actual text of the
8 document?

9 A That's right. So I think one of the things that I found
10 useful through the IICSA process was that I think there
11 is considerable value in broad historical overviews for
12 Inquiry processes, but also alongside that some sort of
13 closer readings of specific archival documents which
14 might help us to understand processes in more detail,
15 and I think where that can be particularly helpful is
16 understanding, possibly, gaps between a stated policy or
17 an aspiration for how something might work and how it
18 actually may have worked in practice, so I think that
19 kind of close reading can assist with that.

20 Q It is -- it has to be said that there are significant
21 references in the appendices. I will select a few to
22 put on the screen, but, essentially, I propose to look
23 at the appendices themselves, and your discussion and
24 analysis of the material that is referred to in the
25 footnotes.

1 A Yes. That's fine, yes, and I can certainly unpack any
2 of the underlying notes where helpful.

3 Q If we look, then, at Appendix 2 which is at page 374 of
4 the report you have that on the screen and I think as
5 we've already confirmed you have your own hard copy in
6 front of you, and you can work off your hard copy or off
7 the screen --

8 A Sure.

9 Q -- whichever you prefer, but can you introduce us, then,
10 to what you are seeking to analyse in this particular
11 appendix?

12 A So I think one of the important issues for assessing the
13 history of post war child migration and for trying to
14 understand the nature of any kind of policy or
15 organisational failure with that is around the
16 inspection regimes that were in place, both within the
17 governmental organisations involved, which is
18 essentially the concern of this appendix, but also the
19 voluntary societies, which is more the focus of Appendix
20 3, and this appendix really begins by -- as we will
21 see -- setting out the context in terms of policy
22 expectations around inspections -- the child care at the
23 time, the administrative systems through which child
24 migration worked and then the way in which debates
25 developed around UK Government inspections and how those

1 systems actually operated in practice as well.

2 Q And as you just mentioned there in passing, your focus,
3 in these three -- in these appendices is essentially on
4 the post Second World War period?

5 A That's correct.

6 Q Although a little bit of what happened during the war is
7 relevant, but that's the real focus of your work, so,
8 therefore, it follows, I think, that your focus is
9 primarily on Australia?

10 A That's correct, yes. That's right. Yes.

11 Q And you begin by telling us, then, at 1.2 that the
12 importance of regular inspections of residential
13 institutions for children was clearly recognised by both
14 Curtis and Clyde, and that's, I think -- that's your
15 introduction into this particular appendix.

16 Can you just explain what you take from Curtis and
17 Clyde, and, indeed, probably the Monckton report as well
18 that you make reference to?

19 A That's right. So I suppose to take a very quick step
20 back with both Curtis and Clyde, an important part of
21 the rationale for the commissioning of those reports was
22 a recognition of the fragmented nature of child care
23 legislation and out-of-home care provision which was
24 before the 1948 Children Act and the making of the Home
25 Office the lead central government department for

1 children's out-of-home care split between four
2 government departments, and during the war there was
3 increasing recognition that this fragmented
4 administrative system for oversight and management of
5 children's out-of-home care was inefficient and posed
6 certain risks to children because it also led to
7 a fragmented approach to inspections where there wasn't
8 a single regulatory framework for children's out-of-home
9 care, but also not a single overarching system of
10 inspection either, and so both Curtis and Clyde were
11 fundamentally concerned with trying to make
12 recommendations around simplifying the administrative
13 system for children's out-of-home care in England and
14 Wales and in Scotland, but where strengthening the
15 inspection regime for children's out-of-home care was an
16 essential element to that.

17 Shortly, well just, actually, after the Curtis
18 Report had been commissioned, I see his name has been
19 blanked out there but the Monckton report was
20 commissioned following a very notorious case of a death
21 of a child in foster care which attracted national media
22 coverage, very much the kind of Baby P case of that time
23 in early 1945, and the Monckton report demonstrated,
24 again, failures in oversight and inspection of that
25 foster placement where the boy's death had been -- was

1 partly attributed to failures to ensure adequate,
2 rigorous inspection of him by the placing agency.

3 Q And what you say at paragraph 1.6, then, that given that
4 background, you say it is reasonable to suggest that the
5 importance of coordinated administration and effective
6 systems of regular inspection should have been
7 understood by those with responsibility for the
8 oversight of children's out-of-home care in local and
9 central government?

10 A Yes. I mean, it was a central concern of both of those
11 reports. An important element of the Curtis Report was
12 that they themselves actually went and did a substantial
13 number of inspections. I think they did over 450 visits
14 to local authorities and residential homes and foster
15 care placements, but that would have been known both to
16 the governmental bodies involved in this but also, as
17 you will see on the screen with 1.6 to organisations who
18 were giving evidence to both of these reports, or either
19 of these reports as well. It is worth perhaps just
20 emphasising that with organisations like Dr Barnardo's'
21 homes and the Catholic Child Welfare Council, the people
22 who gave evidence to Curtis, who actually appeared
23 before the Curtis Committee were in some cases the
24 people who were directly involved in the administration
25 of child migration as well.

1 Q That, then is, I think, why you say that -- in the
2 middle of that paragraph:

3 "An awareness of these issues ... in relation to
4 effective systems of regular inspection might also
5 reasonably have been expected of those voluntary
6 societies"?

7 A Exactly. Yes.

8 Q But you go on to say nevertheless the system of approval
9 and oversight of residential institutions for child
10 migrants accommodated in Australia was complex and
11 spanned over many different organisational bodies, and
12 perhaps we can put the schematic on the screen. That's
13 at page 3 of the -- page 377 of the report, if we just
14 stick with these pages. That will come on the screen.
15 So that's just the next page in the document.

16 Now, we looked at this with Professor Constantine,
17 but can you just explain, then, how the oversight
18 inspection systems worked within the context of this
19 drawing?

20 A So there were essentially two kinds of oversight or
21 inspection that would have taken place within this
22 system in the post war period. One was the inspection
23 of residential institutions in Australia by state and
24 Commonwealth Immigration Officials to assess their
25 suitability for receiving child migrants before they

1 were accepted as a suitable receiving institution, and
2 reports from those Officers, both State Migration and
3 Child Welfare Departments and often Commonwealth
4 Migration Officials would have been a required part,
5 usually, of the process by which both the Australian
6 Commonwealth Government would then approve those as
7 receiving institutions, but the UK Government would give
8 that approval as well, and that approval sometimes came
9 just directly from the UK High Commission in Canberra
10 but was often referred back to the Dominions Office
11 which became the Commonwealth Relations Office in 1947
12 who, particularly from 1950 onwards, took more advice
13 from the Home Office and sometimes the Scottish Home
14 Department on that, but alongside that process for the
15 initial approval of institutions, which was also --
16 a similar process was rerun in 1957 around the renewal
17 of those funding agreements with the UK Government,
18 there were also meant to be periodic inspections of
19 residential institutions in Australia by State and
20 Commonwealth Immigration Officials as part of the
21 regular inspection process that would take place, and
22 those reports would -- the way in which the system was
23 meant to work was that those reports would be then
24 forwarded to the Commonwealth Department of Immigration
25 who would then pass them on to the UK High Commission

1 for passing back to officials in London and as we may go
2 on to in a minute, there were -- how that system
3 actually operated in practice was more flawed than that.

4 LADY SMITH: Sorry Gordon, can you give me a date or dates
5 to which this diagram would apply?

6 A So it applies primarily in the post war period, so with
7 the resumption of child migration in 1947, so in the
8 interwar period there wasn't so much of a formal
9 approval process as set up as this. It did happen in
10 some cases and to some extents, but that developed
11 moreover time and this was established as a more formal
12 system in the post war period.

13 MR MACAULAY: So there is two aspects to what I think you
14 have been saying. There is the approval process which,
15 at least logically, would appear to be Step 1.

16 A Yes. That's right.

17 Q And then there is the inspection process which would be
18 an ongoing process and in relation to that aspect of it
19 the brunt of that was borne at state level?

20 A That's correct. Yes.

21 Q What you say in your report at paragraph 1.8, that --
22 this is the last sentence on that particular
23 paragraph -- that it was rare for a member of staff from
24 the UK High Commission to make a physical site visit to
25 a residential institution in Australia before it was

1 approved for receiving child migrants, so they
2 approved -- the brunt of the approval part of the
3 equation was borne at state level?

4 A That's correct. One of the things that I think struck
5 me when I was doing this work was just thinking about
6 the sheer size of the Australian land mass, so the
7 distance between Canberra and Perth is about the same as
8 London to Moscow, so with a relatively small staff the
9 UK High Commission always felt it was overstretched in
10 terms of being able to do direct inspection visits.

11 Q You make the point in paragraph 1.9 that neither Curtis
12 nor Clyde appeared to have been aware of the
13 administrative structures by which child migration to
14 Australia had operated before 1945?

15 A Yes. I mean, Clyde doesn't appear to have addressed the
16 issue of child migration at all, and it was a fairly
17 minor part of the Curtis Committee's work as well, and
18 in some ways, actually, we may end up talking about this
19 in more detail, but it seems to have been led as much by
20 the Fairbridge Society and their concern to try and get
21 more control over conditions in Australia, and they seem
22 to have had a degree of impetus in terms of leading the
23 Curtis Committee on that, and I think in the Fairbridge
24 memo that if the Curtis Committee had been interested
25 they could have unraveled a little bit more what the

1 administrative system was going to be, though the kind
2 of system that we've just talked about hadn't quite yet
3 been set in place either, so that was something that was
4 really only established in 1947.

5 Q Perhaps I could put this document on the screen in
6 connection with the -- particularly with the approval
7 system. The particular page, I think, if I can just
8 find that, it is at page -- it is SGV.001.003.7834. You
9 do refer to this document in your report. I have just
10 put the relevant page on the screen, but it is
11 a document produced with the title, "British emigration
12 policy: Report by Interdepartmental Committee of
13 Officials", and it begins by saying that:

14 "We were appointed by the Secretary of State for
15 Commonwealth Relations 'to review' long-term emigration
16 policy and make recommendations in view of the expiry of
17 the Commonwealth and Empire Settlements Act on 31 May
18 1962".

19 So that was the background to this report, and the
20 report itself is dated November 1961.

21 Now, the section that's come on to the screen, if we
22 scroll down, section 3 at paragraph 2 is dealing with
23 child migration, if we just -- paragraph 52 rather. If
24 we just go back to the previous page? Page 10, scroll
25 down to paragraph 52? Further down.

1 So you will recognise -- do you recognise this
2 document?

3 A Yes. It's been a while since I have looked at it, but
4 yes.

5 Q I will just read what's in paragraph 52:

6 "A number of charitable organisations in this
7 country have for long devoted their funds to child
8 migration ... for example the emigration of children up
9 to 16 years of age who go overseas alone, not in company
10 with, or to join, grown-up members of the family".

11 Then:

12 "The charitable organisation selects the child,
13 makes arrangements for getting him to the new country
14 and looks after him on his arrival there, usually in an
15 institution owned by the organisation".

16 Of course that would apply particularly to an
17 organisation like Barnardo's, but we do know that there
18 were children, for example, who were selected in this
19 country and sent to other organisations?

20 A That's right, though probably most of those had
21 actually, by the time this was written, it was probably
22 mainly for Fairbridge and Barnardo's that were engaged
23 in the work, so that was probably right at the time that
24 they were writing this. Yes.

25 Q And we read on:

1 "The only charitable organisations ..."

2 And if we go on to the next page:

3 " ... with which we are concerned in this report --
4 we refer to them hereafter as 'the societies' -- are the
5 following eight with which the Secretary of State for
6 Commonwealth Relations has entered into agreements under
7 the Commonwealth and Empire ... Acts".

8 We list the eight societies including, third one
9 down, The Federal Catholic Immigration Committee of
10 Australia. Now, that was -- I think we heard from
11 Professor Constantine, an umbrella organisation that
12 covered Catholic migration.

13 A That's right. Yes. Both Catholic adult family and
14 child migration.

15 Q And we see also, in particular, from a Scottish
16 perspective, reference to the Church of Scotland
17 Committee on Social Service. Then we read on:

18 "The societies now send only to Australia where
19 they maintain 28 farm schools or other institutions
20 approved by the Secretary of State for Commonwealth
21 Relations who pays a subsidy in respect of each child".

22 So that's where we get this notion of these
23 institutions having been approved by the Secretary of
24 State?

25 A That's right. Yes.

1 Q And the approval is linked, I think, to agreements
2 entered into by the Secretary of State for the payment
3 of certain subsidies in respect of each child?

4 A Exactly, so the approval is a necessary step before the
5 UK Government was prepared to enter into a funding
6 agreement to pay for a child migrant's maintenance costs
7 in that overseas institution, so, for example, I think
8 we see in the case of -- it is an unusual case in 1939
9 when children were sent from Quarriers to the Burnside
10 homes in New South Wales. That was a case where there
11 wasn't any UK Government funding for that and so no
12 formal approval process for that with the UK Government.

13 Q And that would mean in that particular instance that you
14 mentioned that Quarriers, as an organisation, would
15 really have to pay themselves for the costs?

16 A That's right. I think there were particular
17 circumstances around movement to that home where there
18 was sufficient funding in Australia to cover those
19 costs.

20 Q And if we move down to paragraph 55 on this page, there
21 is reference there to the 1956 Fact-Finding Mission, and
22 we've looked at that in a little detail with Professor
23 Constantine, and, in particular, that the mission was
24 critical of the society's work, and then we read:

25 "On the recommendation of the interdepartmental

1 committee of 1956, the societies were persuaded to
2 undertake, as a condition of the renewal of the
3 financial agreements, that certain general principles
4 should govern their arrangements for the care of
5 children and that they would, on request, provide
6 information to the Home Departments, and permit their
7 work to be inspected by the Home Departments. Since
8 then inspectors of the Home Departments have kept in
9 touch with the societies".

10 We read:

11 "In Scotland, responsibility for the work has
12 recently been transferred from the Scottish Home
13 Department to the Scottish Education Department".

14 Do we see there, and I think this was touched upon
15 yesterday as well by Professor Stephen Constantine,
16 although regulations were never put in place until much
17 later on, that, nevertheless, the Secretary of State was
18 able, on the back of Ross's work, to have a sort of quid
19 pro quo type of set up arrangement with these societies?

20 A That's right. I mean, I think perhaps when we look more
21 at Appendix 3 we will look in more detail at the process
22 by which the section 33 regulations under 1948 Act were
23 drafted but never implemented, and this was ultimately
24 the solution that was put in place, beginning to operate
25 from 1957. I suppose one might observe this was ten

1 years after the first child migrants had started to
2 arrive in Australia after the war.

3 Q Now, looking -- just staying with approval for the
4 moment, at 1.10, what you say is that residential
5 institutions in Australia that had received child
6 migrants before 1945 were considered exempt from the
7 process of institutional approval. Is that right? So
8 if you had been, as it were, in the business before 1945
9 then that particular institution did not require the
10 sort of approval that we've -- that's mentioned in the
11 document that we've just looked at?

12 A Yes. That's correct. So thinking back to your earlier
13 question, Lady Smith, there would have been -- there
14 were funding agreements in place with the UK Governments
15 with a number of organisations in the interwar period as
16 well, and there would have been some discussion about
17 the homes to which children were being sent prior to
18 those funding agreements being set up, the more
19 formalised system I don't think was really in place
20 until 1947, but yes, those discussions would have taken
21 place there.

22 Q But notwithstanding that, as you go on to say, that such
23 institutions could still be inspected by State
24 officials.

25 A Yes. That's right. Exactly. So if an institution like

1 the Christian Brothers institutions in -- actually
2 that's a bad example because they did actually have
3 a separate round of approval inspections in 1947 but the
4 Fairbridge Farm Schools, for example, which had received
5 children, obviously, in the interwar period didn't have
6 fresh approval inspections in the post war period. That
7 periodic cycle of regular inspections was still taking
8 place.

9 Q And insofar as the State inspectors were concerned,
10 I think you make a point at the top of page 387 of
11 the -- 379 of the report -- that Australian and UK
12 officials undertaking inspections of residential
13 institutions were not always qualified in child care?

14 A No, that's right. I mean, child care training wasn't
15 that extensive in Australia at the time, but it would
16 also have to be said it wasn't that extensive in the
17 United Kingdom either, and that was a central concern to
18 give the Curtis Report, and even by the 1960s the extent
19 of professional training of child care officers and
20 inspectors in this country was still patchy.

21 Q You do develop this in the appendix, but can I just try
22 and anticipate what you say, is that -- that's at
23 paragraph 1.11, that the complex organisation processes
24 through which approval and Inspection Reports were
25 generated and shared did lead to delays in the

1 information being shared?

2 A Yes, and sometimes things even more complicated than
3 mere delay as well. So there were -- when we follow
4 through the archives in Australia, for example, we see
5 that sometimes State Inspectors were being chased up by
6 the Commonwealth Department of Immigration for not
7 sending reports through. There were delays in writing
8 them up, but we also then see, at different points in
9 that chain, sometimes information not being transferred
10 as well, so there are certain critical reports that
11 State Inspectors generated, say, about Castledare or
12 Tardun or Bindoon which were received by the
13 Commonwealth Department of Immigration but then don't
14 appear in the papers that were received by the UK High
15 Commission, so there may have been some kind of sifting
16 of reports from the Australian authorities in terms of
17 what was passed on to the UK High Commission.

18 Q And you, again, mentioned the geographical set up, and
19 that, in particular, many of these residential
20 institutions were isolated?

21 A Yes.

22 Q And that comes out, I think, particularly from the Ross
23 Report, and the point you make is that that runs counter
24 to what Clyde had considered to be appropriate?

25 A Yes, no. That's right. The Clyde Report was very --

1 well, both Clyde and Curtis were very clear that
2 a geographically isolated children's home was more
3 likely to become institutionalised, that children
4 wouldn't have the opportunities for engaging with local
5 communities, with building up their own friends,
6 possibly attending local schools. They would have
7 a much more isolated and institutionalised childhood
8 which was seen as unhealthy by both reports, and that is
9 a recurrent policy discussion in the post war period
10 about the problems with a number of these Australian
11 receiving institutions, with some defenders of the
12 scheme saying if child migrants are going to adjust to
13 Australian life, often they will be living in remote
14 rural areas so actually it is a proper training for
15 Australian life and others, particularly in the Home
16 Office and other child care professionals objecting to
17 the potential impact that that would have on children's
18 lives.

19 Q And as far as issues of approval and inspection --
20 institutions are concerned, at 1.13 you say, in the
21 second paragraph, that "the Scottish Home Department
22 seems only to have received communication and reports
23 from the Home Office in relation to residential
24 institutions for which the Church of Scotland Committee
25 on Social Service was to be the primary recruiting

1 body". Do you mean by that that the Home Office,
2 Scottish Home Office did not receive any approval or
3 inspection feedback in connection with other
4 institutions to which Scottish children may have been
5 sent?

6 A No. That's correct. So other sort of potential breaks
7 in the chain of transmission of information were both in
8 London, and so there were tensions between the
9 Commonwealth Relations Office and the Home Office from
10 1947 onwards because the Home Office was seen as siding
11 too strongly with the Fairbridge Society in their desire
12 for more control in Australia and the Commonwealth
13 Relations Office saw that, and the UK High Commission
14 saw that as unhelpful interference, so there were
15 tensions there which seems to have led to some
16 information not -- approval information not being passed
17 from the Commonwealth Relations Office to the Home
18 Office until 1950 on a more regular basis, but the
19 working assumption also seems to have been within the
20 London officials that if a sending organisation's
21 headquarters was in England then they primarily fell
22 within the policy concern of the Commonwealth Relations
23 and the Home Office in London, and so for many of the
24 organisations which were involved in the migration of
25 children from Scotland whose headquarters were in

1 London, the Scottish Home Department received very
2 little operational information about their work at all,
3 and there was some -- particularly around the time of
4 the Ross Report and the confidential appendices
5 generated by that, some frustration expressed within the
6 Scottish Home Department that they were only seeing
7 a critical report about Dhurringile and none of the
8 other critical reports.

9 Q And just on that, I think it was Ross's view that these
10 reports were confidential. Was the confidentiality
11 between him and the Home Office, was it, or ...

12 A Well, yes, between the -- the report was formally
13 commissioned by the Overseas Migration Board, but
14 working closely with the Commonwealth Relations Office,
15 but yes, he saw them very much just as confidential
16 memoranda that were meant to be used for the information
17 of the United Kingdom Government and he hadn't intended
18 those to be shared more widely with other organisations,
19 but obviously once those had been written, there became
20 increasing pressure for them to be released.

21 Q At 1.14 you actually draw attention to the -- to
22 Miss Harrison's tour of residential institutions in
23 Australia and we've heard some evidence about that, but
24 of course she was attached to the Scottish Office,
25 although I don't think her tour was exclusively on

1 behalf of Scotland, but I think later you look in
2 a little bit more detail at her report, but is that the
3 only Scottish inspection of institutions in Australia?

4 A Yes. That's the only direct visit we have, and I think
5 rather -- from memory, rather like John Moss's visit, it
6 was a slightly semi-official arrangement in that I think
7 she was having a tour of Australia anyway and offered to
8 do this alongside her work but yes, it would have been
9 the only direct information that the Scottish Home
10 Department would have had about institutions in
11 Australia.

12 Q But you make the point there in paragraph 1.14 that the
13 Scottish Office and Scottish Home Department would have
14 been relying primarily on inspection reports normally
15 written by Australian State officials?

16 A That's correct. Yes.

17 Q I mean, we know of the Ross Report and the Moss Report,
18 so these fall outwith that particular statement?

19 A Yes, that's right. So the kind of public documents,
20 like the Moss and the Ross Report, obviously they would
21 have had access to that, and they were also obviously
22 involved in wider policy discussions that I think we may
23 come back to later on, but in terms of the transmission
24 of information about individual institutions, it was
25 much more limited, what the Scottish Home Department

1 received.

2 Q Now then, you then set out what you propose to address
3 in this appendix against that general introduction, and
4 what you say is that in section 2, what you propose to
5 do is to consider specific knowledge that the UK
6 Government had of problems with residential institutions
7 accommodating child migrants in Australia during the
8 Second World War, so you are looking at a period before
9 the end of the war there. You then go on to say, in
10 section 3, that you note specific failures in the system
11 of approval of receiving institutions and sending
12 organisations by the UK Government, and then in 4 you
13 propose to review the extent of direct inspections of
14 receiving institutions in Australia by representatives
15 of the UK Government and Scottish Home Department, and
16 examine grounds on which representatives of the UK
17 Government would have had reasonable cause for being
18 cautious about relying primarily on reports provided by
19 Australian officials, so you are setting out the -- your
20 game plan, so to speak.

21 A Indeed. Yes.

22 Q Can we then look at the period during the war that you
23 draw attention to? The first point you make is that in
24 December 1942 Sir Ronald Cross -- and he was the UK High
25 Commissioner to Australia -- he submitted a four-page

1 report to the Dominions Office setting out a series of
2 concerns he had about conditions at the St Mary's
3 Agricultural College run by the Christian Brothers at
4 Tardun in Western Australia. Now, he then -- he was, as
5 you point out, he was the UK High Commissioner, so he
6 was in a fairly powerful position?

7 A Exactly. Yes. Yes.

8 Q And I think I can put that report on the screen. It is
9 a short report. It's not -- certainly in hard copy --
10 it's not very easy to read, but if -- let's see if we
11 can do something with it. I want to begin at
12 LEG.001.004.4487. We are looking at the -- perhaps just
13 look at the file -- this is the front piece of the file,
14 so -- and we are moving on then to page 4487. Just go
15 back a few pages. Yes. We have the first document that
16 I want to look at, and this is a letter by Mr Cross, and
17 is this to the Secretary of State for Dominion Affairs?

18 A Yes.

19 Q Who I think if we scroll down, do we see that that was
20 the Right Honourable C R Attlee MP?

21 A Yes indeed, yes.

22 Q And Mr Cross's signature has been redacted but he has
23 signed the letter, and the letter, we will see, is dated
24 15 December 1942 from the office of the High
25 Commissioner for the United Kingdom, and he begins by

1 saying:

2 "I have the honour to refer to your telegram ..."

3 Gives the date:

4 " ... asking me to include in my tour of Western
5 Australia visits to the Fairbridge Farm School at
6 Pinjarra and St Mary's Agricultural College at Tardun,
7 and to enclose herewith a note recording my impressions
8 of my visit to Tardun on 24 October".

9 He also goes on to say, and we will see this from
10 the report:

11 "I visited the Fairbridge Farm School on 28 October
12 and a very brief observation on this visit forms the
13 postscript to the enclosed ..."

14 And then if we look at the body of the report,
15 moving on to the next page, page 4488, he tells us that,
16 at the beginning, that he visited Tardun on October 24,
17 and that's 1942. He provides a description of the
18 building:

19 "It's deep in the Bush Country ..."

20 According to what he tells us. He identifies the
21 principal of the institution and it would appear that he
22 had to meet him in a side lane between the buildings
23 which were 12 miles away, so I think we get a picture of
24 the degree of isolation there?

25 A I think Tardun was really one of the most remote of the

1 receiving -- I think it was about 300 miles away from
2 Perth deep in the Bush.

3 Q And if we move down, perhaps, three paragraphs, because
4 what he says is:

5 "I was somewhat taken aback in approaching the main
6 establishment to see a number of boys who had the
7 appearance of ragamuffins being bare-footed and dressed
8 in extremely old, untidy and dirty looking shirts and
9 shorts. This clothing could hardly have had a worse
10 appearance".

11 That's his first impression, so to speak, and
12 because, I think, this was during the war, he goes on to
13 say:

14 "The whole place is unfortunately suffering
15 seriously from overcrowding. Boys from other of the
16 Christian Brother schools have been evacuated to Tardun,
17 the army having taken their premises. In all 248 souls
18 are accommodated ..."

19 So it is a large number of -- and I think it is all
20 boys who are being accommodated. He talks about the
21 accommodation. He says:

22 "The accommodation and arrangements are extremely
23 rough".

24 He goes on to say that:

25 "The boys sleep in dormitories and on covered

1 balconies. These are crammed to capacity with beds".

2 We can see what he tells us about that.

3 On page 2, in describing the children, he says that
4 they appeared fit, and this is the second paragraph, and
5 in general as well-looking at any lot of boys one might
6 see from any school, so that's a positive comment, and
7 further down he says towards the very bottom that his
8 observations --:

9 "My observation was necessarily supervision. The
10 brothers, (except Brother Sandes) appeared a keen lot of
11 men and the Sisters models of kindness".

12 I think we know that in some of these Christian
13 Brothers institutions they had Brothers and Sisters who
14 helped as well.

15 A Yes. There were some Sisters on site at that time.

16 Q And perhaps I can move to the final page on 4491. The
17 main paragraph, he says:

18 "It will be observed from the above that my
19 superficial inspection leads me to the conclusion that
20 conditions at Tardun are not entirely satisfactory".

21 He goes on to say:

22 "The children are, however, receiving treatment
23 similar to that of a number of Australian children who
24 have been evacuated to Tardun from Geraldton and
25 Clontarf".

1 Then he makes the comparison in the post script
2 between Tardun and Fairbridge where he says that:

3 "I subsequently visited Fairbridge and the strong
4 contrast between the two reinforces my comments on
5 Tardun. Fairbridge was fresh, clean, homely and had
6 developed amenities in flowers, shrubs and so on in
7 contrast to the bare and dusty earth that characterised
8 Tardun".

9 He was most favourably impressed by that
10 institution. So that, I think, is the first, as it
11 were, external and independent report that you draw
12 attention to in the -- in your appendix, and you do
13 summarise -- I have taken you to it and perhaps spent
14 too long looking at it -- but you do summarise in
15 paragraphs 2.2 and 2.3 what Mr Cross found.

16 A That's right. If I may just make very briefly a couple
17 of quick points on that, one is that part of the
18 significance of the Cross memorandum there was that up
19 to that point there was very little by way of
20 independent inspections by UK Government officials of
21 receiving institutions in Australia, and up to the
22 outbreak of war there had been a presumption in the
23 Dominions Office that child migration was an almost
24 entirely positive process, that there were some
25 operational issues with it, but it was fundamentally

1 beneficial, and the Cross memorandum really began
2 a series of information that the Dominions Office
3 received through the war years which indicated the
4 conditions in some of the receiving institutions were
5 far more problematic, so that really began to -- would
6 have given more grounds for concern in the UK Government
7 about conditions that children were being sent to, and
8 just very briefly I think another important element of
9 the Cross report there was partly the physical
10 conditions, and there was a history for that in terms of
11 the children being sent to Tardun originally before the
12 buildings were completed, but he was also concerned
13 about the attitude there of Brother Sandes, the
14 Principal there in terms of after-care and a vagueness
15 of what the children were being prepared for.

16 Q And he was in charge of the institution?

17 A That's right. Yes.

18 Q You tell us in paragraph 2.3 that Cross's conclusion was
19 that although it would be desirable for a follow-up
20 inspection to be undertaken by a UK official this was
21 unlikely to be practical because of the isolation,
22 isolated location, but he did recommend that there be
23 a further inspection?

24 A That's right. Yes, but undertaken by a state official.

25 Q And do you deal, then, with that inspection in paragraph

1 2.4?

2 A That's right. So this was -- this request then came
3 down from the Prime Minister's office from the
4 Commonwealth Government to the Western Australian State
5 Government, and that report was undertaken by someone
6 called Francis McAdam who was an Immigration Official,
7 and it reflected something that was seen not uncommonly
8 in other post war Inspection Reports, but it's one of
9 the most striking examples, where the Inspection Report
10 almost reads more like a survey of the assets of the
11 institution rather than of the conditions of child care
12 in them. McAdam also had personal links to the
13 Christian Brothers as well, and as we will later see,
14 another official at the UK High Commission was very
15 sceptical about the rigour of certainly his comments
16 about Castledare, but McAdam essentially gave the
17 institutions a clean bill of health.

18 Q I will not put the report on the screen but the
19 reference for it is LEG.001.002.0818, and he concludes
20 on page 0821 that:

21 "In my opinion the agreement, signed by the
22 controlling authority and the British Government, is
23 being carried out to the letter".

24 So he is not critical.

25 A No.

1 Q Would he be, as far as you can see from what you have
2 looked at, would he be qualified in child care?

3 A No. No. He was an Immigration Official and one of the
4 things that the -- I think the British Government had
5 particularly hoped for, because one of the conditions
6 from Cross' report was whether -- the whole idea of
7 Tardun was that it was a Land Settlement Scheme where
8 boys would be trained in agriculture and then would be
9 able to set up their own farms around the Tardun farm
10 and they really wanted someone who could go in and
11 assess the education provision in Tardun and whether
12 that was going to do that, and McAdam didn't have any
13 educational expertise either.

14 Q But as you have said, it is very much focusing on the
15 material aspects like --

16 A Yes.

17 Q -- the stock, cattle, horses, pigs, poultry, bees and so
18 on, and he does identify the numbers, and he says that
19 there were 212 at Tardun at the time of his inspection.
20 That was in April 1943, and of those 80 were migrant
21 boys, 41 were what is described as state wards, and 91
22 were children of poor parents, so the migrants, although
23 there were quite a number of them, were in the minority
24 as compared to the Australian children.

25 A Yes. Yes.

1 Q Now, just to be clear then, what was the reaction to
2 this report? I think you mention in particular what
3 Mr Cross thought of the report?

4 A Yes. I mean, he was very unimpressed with it. I mean,
5 he recognised that his specific concerns hadn't actually
6 been passed on to the Australian authorities, but he
7 didn't feel that the report actually allayed any of his
8 concerns. Clement Attlee took a far more sanguine view
9 of it, though, and essentially saw it as being
10 reassuring, and there was also, I think, a document
11 provided by the Christian Brothers, forwarded on with
12 McAdam's report which listed all of the individual child
13 migrants and their selected career that they would go on
14 to, but it is simply a list of names and chosen careers,
15 and there was no indication of whether they were being
16 properly trained for that or not, but Attlee saw that
17 list as being adequate evidence that the training was
18 sufficient.

19 Q And what you say in paragraph 2.4, Sir Ronald Cross
20 noted that McAdam's report did not address a number of
21 the specific concerns he had initially raised, but
22 agreed that there was some evidence of progress with
23 a new principal apparently having been appointed, so
24 that was a step in the right direction, according to Sir
25 Ronald Cross?

1 A And it is interesting, looking at successive years as
2 well, how so much hope it invested in new principals,
3 and we often see this, that there is a hope that a new
4 manager will come in and help turn things around, and
5 that's a recurrent thing we see.

6 LADY SMITH: What could the UK Government have done at that
7 stage? 1943.

8 A Yes. I mean, in a sense, its powers wouldn't have been
9 any different to what it would have done in the post war
10 period as well, in that once the children were overseas,
11 the only thing within their control would have been to
12 have stopped maintenance funding which obviously would
13 have been problematic for the boys as well, and we may
14 come on to this later, and they did threaten to do that
15 with Barnardo's in relation to Picton later on, but that
16 was the only option for the children already over there,
17 but obviously there could have been the option, then, of
18 no longer sending any further children to that
19 institution or to that organisation.

20 MR MACAULAY: Cross also recommended that although there was
21 no immediate action appropriate, a representative of the
22 UK Government should make a return visit to Tardun as
23 soon as possible. Now, did that happen?

24 A It did eventually. I think that was in Walter Garnett's
25 visit of 1944 when he was preparing his larger report on

1 farm schools in Australia.

2 Q And you come to that very shortly?

3 A Yes.

4 Q Moving on then to Mr Garnett, he was, as you set out,
5 the official secretary to the UK High Commissioner, so
6 he would be known to Sir Ronald Cross?

7 A Yes. Yes. He was another senior official in the UK
8 High Commission.

9 Q And he, you tell us in that paragraph, visited the
10 Northcote Farm School in Bacchus Marsh in Victoria and
11 that was in 1943.

12 A That's right.

13 Q And what was the background to that?

14 A So a letter had -- he had received a letter which was
15 written by one of the cottage mothers at the Northcote
16 Farm School which made a number of serious allegations
17 about things that were taking place there so he decided
18 to take a direct visit to the institution and after some
19 conversations with the organising committee found out
20 that there were a number of problems, both with the
21 management of the farm school but that there was also --
22 had also recently been a case of -- it is a little bit
23 unclear, but either one or two local school teachers who
24 had been charged with sexual offences against girls at
25 the school.

1 Q And was the principal, who was a Colonel Heath, was he
2 criticised for his management?

3 A That's right, and Colonel Heath was actually somebody
4 who had come to the Northcote Farm School having been
5 Principal previously at Pinjarra in Western Australia
6 and because there were problems both with what was seen
7 as the discipline of the children, I think with former
8 old boys of the farm school coming back and staying in
9 cottages, being found in bed with some of the girls at
10 the farm school, with health problems at the school, poor
11 morale at the institution and problems with the children
12 being placed out into work from the farm school, they
13 were very much attributed to failures of his management.

14 Q And you tell us that there was a subsequent inspection
15 of that particular institution in May 1944 by RH Wheeler
16 who was accompanied, this time, by Mr Garnett?

17 A That's right. It is perhaps worth saying that both
18 Garnett and Wheeler are kind of quite pivotal figures in
19 this whole history. Garnett had actually had a longer
20 history, he had been part of the Bondfield delegation to
21 Canada in 1924 and had been involved in interwar policy
22 discussions around child migration and Reuben Wheeler
23 was, at that stage, an Immigration Official in
24 Australia, spent some time in Australia House, but then
25 as the senior official in the Department of Immigration

1 in Australia in the post war period, had a lot of
2 dealings to do with problematic issues around child
3 migration institutions.

4 Q Was he also attached to the British High Commission in
5 Australia?

6 A No. No. Wheeler was an Australian.

7 Q He was an Australian?

8 A That's right, so he was working under Tasman Heyes as a
9 Civil Servant in the Commonwealth Department of
10 Immigration.

11 Q And I will not put his report on the screen, and you
12 have summarised the position in the appendix, it is at
13 LEG.001.002.0179 but his visit was on 9 May 1944 and if
14 I can -- yes. He sets out a number of what he heads as,
15 "Conclusions", and the school was known as Glenmore in
16 fact, and he says:

17 "I regard the school as an ideal institution if
18 properly conducted and -- for the rehabilitation and
19 building up of overseas children from depressed areas".

20 He goes on to say at (c):

21 "I do not support the idea that boys and girls who
22 pass through the school should be farm hands and
23 domestic servants only".

24 So that's quite forward thinking?

25 A Yes, and by the end of the Second World War that's one

1 of the main policy debates around child migration and
2 certainly may seem a little bit -- major criticism of
3 Pinjarra as well in terms of what was seen as its too
4 restrictive approach to the preparation of child
5 migrants for future work.

6 Q And because of the sexual problems that appear to have
7 arisen he goes on to say:

8 "I consider it undesirable that the older boys
9 should be permitted to return to the school unless the
10 supervision is considerably improved".

11 I think one of the allegations was that some older
12 boys had been involved in some sort of sexual connection
13 with girls at the school?

14 A That's right. Yes.

15 Q You then move on to consider what you referred -- this
16 is at 2.7 -- a dossier of complaints compiled by the
17 London office of the Fairbridge Society. Can you
18 just -- and this is 2.7. Can you just tell me a little
19 bit about what this was about?

20 A So this is all part of the building pattern of knowledge
21 in the Dominions Office of problems in these receiving
22 institutions, but with regard to Pinjarra there had been
23 a longer history of conflict with the London Committee
24 of the Fairbridge Society and both the Molong Farm in
25 New South Wales and the Pinjarra farm in Western

1 Australia, where particularly with Pinjarra there was
2 concern -- it actually emerged that there had actually
3 been concern in Fairbridge about conditions in Northcote
4 for which it provided children as well, but by, I think,
5 the autumn of 1943 the Fairbridge officials in London
6 were making the Dominions Office aware that they were
7 concerned about conditions in Pinjarra enough to take
8 legal advice and then provided a dossier of complaints
9 that they had received about conditions, particularly
10 around staffing, the treatment of children by cottage
11 mothers, but also issues around poor after-care and poor
12 preparation of child migrants for work after leaving the
13 institution.

14 Q And I understand what you are saying about building up.
15 If we look at the document, it's LEG.001.003.4861. We
16 are having difficulty coming to it. It is, you will
17 recollect, a lengthy dossier, and the first page says --
18 this is at 4861:

19 "The dossier contained in this letter reveals
20 a most disturbing state of affairs at the Fairbridge
21 Farm School in Pinjarra".

22 We are then provided with the state of affairs and
23 what was of concern, for example, children were being
24 employed without wages for long hours, was one
25 particular issue, and we read that the committee in

1 London have a strong conviction that the care and
2 training of children in this farm school falls short of
3 the undertakings given in this country to the guardians
4 of the children and to the subscribers, the placing of
5 children in employment and who supervised their welfare
6 during the early years of work also appeared from this
7 distance to be defective in principle and in practice,
8 and I think we now have the document actually on-screen.
9 I don't propose to spend a great deal of time on it.
10 I have read the first paragraph and I moved on to page
11 4909. Very well. This was clearly -- clearly the
12 Fairbridge Society took this on board.

13 A Yes. I think there was a genuine concern amongst the
14 London officials about the kind of conditions for child
15 migrants overseas, and just, perhaps, a minor point on
16 that, but in the -- up to 1946 when the Immigration
17 Guardianship of Children Act was introduced in
18 Australia, guardianship for Fairbridge child migrants
19 would, I think, still have resided in the United
20 Kingdom, so I think Fairbridge felt a particular
21 responsibility to being able to reassure parents that
22 proper care and training was being given to these
23 children.

24 Q You also go on to mention a report by Caroline Kelly.
25 That was a report for the Australian Commonwealth

1 Government?

2 A That's right.

3 Q Can you give us a little bit of background to that?

4 A So in...

5 (Connection lost)

6 Q So I'm looking at paragraph 2.7 where you mention what
7 information the UK High Commissioner had, based on
8 a number of sources, and, in particular --

9 LADY SMITH: Sorry, can I just go back because I can see
10 where the transcript lost some of what Gordon was
11 saying. You were talking about what Caroline Kelly was
12 commissioned to do, aspects of immigration, including
13 the capacity of an organisation to support child
14 migration. I think, can you just run through that very
15 briefly again?

16 A Yes. So she was an academic, an Australian academic who
17 was commissioned by the Commonwealth Government to
18 undertake research on organisational capacity to support
19 immigration after the war, because it was increasingly
20 recognised by the Commonwealth Government that
21 increasing the Australian population through immigration
22 after the war was a significant economic and security
23 imperative, and part of the work that Caroline Kelly did
24 for that was a report specifically on child migration
25 and on the capacity of organisations to support child

1 migration after the war, and as part of that she visited
2 Pinjarra and had contact with the Western Australian
3 committee which she found very unsatisfactory.

4 LADY SMITH: Thank you.

5 MR MACAULAY: We have the dossier that was mentioned, we
6 have this report from Caroline Kelly, and this is all
7 information that is before the UK High Commissioner.

8 A That's correct. Yes.

9 Q And he notes, if you look at the bottom of page 2.7,
10 that he had received reports that Pinjarra has concealed
11 adverse facts that many boys are in reformatories and
12 every possible difficulty has been encountered there, so
13 that's the words of the High Commissioner.

14 A That's right. Yes. He is summarising the information
15 that he has got, yes.

16 Q And I think he goes on to say in the back of extracts
17 from the Caroline Kelly report that all charges referred
18 to in the dossier are within knowledge of the
19 Commonwealth Government. The report advises that no
20 further children be admitted to Pinjarra until an
21 overhaul of the present administration has been made,
22 because there was a grave state of affairs that existed,
23 so that's his language.

24 A That's right. Yes.

25 Q And so far as the Kelly Report is concerned, you say at

1 2.8 that that would have made the UK High Commissioner
2 aware of allegations of sexual activity involving
3 children resident at Pinjarra, and Kelly commented on
4 what she saw as the lax oversight of the hostel for old
5 boys and girls at Pinjarra, and then you quote from the
6 report:

7 "Delinquency (that's sexual activity) is naturally
8 not unknown and there may have been cases of girls
9 becoming unmarried mothers. Of these, Mrs Joyner, (the
10 wife of the Chairman of the local Fairbridge Committee)
11 explained, 'if a girl disgraces Fairbridge she is
12 expelled'".

13 The comment by Caroline Kelly is:

14 "An easy way, no doubt, of shelving responsibility.
15 Reliable authority stated that such girls were taken by
16 the Salvation Army or Roman Catholic Foundling Home".

17 But you make a comment in relation to Mrs Joyner's
18 comment in relation to expulsion which I think begs
19 a particular question?

20 A Yes. I mean, that would seem to imply that she was
21 talking about girls under the age of 16 there because
22 obviously girls over that age would normally have left
23 Pinjarra for being placed out in work which would have
24 raised questions about sort of potential illegality of
25 that under the Western Australian law at the time.

1 Q Now, you also go on to say after that that in July 1944
2 that Mr Wheeler met with officials from the Dominions
3 Office to discuss the inspections that he had undertaken
4 at Northcote, and also the Fairbridge Farm School at
5 Molong and also Dr Barnardo's school at Picton, and you
6 set out what he said. What was his position at that
7 point?

8 A I think in many ways this was a really important moment
9 in the policy decision-making process, because Wheeler's
10 view was that conditions, particularly at Northcote and
11 Pinjarra were such that, really, it was necessary for
12 both the Commonwealth and UK Governments to do
13 independent annual inspections of these institutions,
14 and that they had to take their share of responsibility
15 for what had gone wrong.

16 Now, Reuben Wheeler actually in the post-war period
17 became, I think, actually, a far more ambiguous figure
18 in terms of his support for transparency and rigour in
19 some of those inspections, and we see that around the
20 fallout from the Ross Report but at this point he is
21 advocating a much clearer duty of inspection on both
22 governments which the UK Government begins to take
23 seriously as a possibility, but also has some practical
24 concerns about.

25 Q As it is put there in the quote you have provided us

1 with, that both the Commonwealth and the UK Governments
2 must be held to be in some way responsible for not
3 realising how things had been going wrong at Northcote,
4 and he thought also at Pinjarra and he felt that it was
5 their duty to be kept informed on the subject. He
6 thought, therefore, that each school ought to be
7 inspected at least once a year on behalf of each
8 Government, so that was his proposal?

9 A That's right. Yes. Yes.

10 Q And as you point out, that this was not the first
11 occasion in which concerns about the need for more
12 regular visits had been expressed, and you make
13 reference to Sir Ronald Cross's report about his visit
14 to Tardun, and he had noted that he was the first
15 representative of the UK Government to have visited the
16 institution since child migrants were first sent there
17 in 1938?

18 A That's correct.

19 Q That was a gap of -- what? Some four years or so?

20 A Yes.

21 MR MACAULAY: My Lady, that's 11.30.

22 LADY SMITH: Would that be a convenient place to break?

23 MR MACAULAY: That's a good place to stop.

24 LADY SMITH: Well, Gordon, we will take a short break at
25 this point and you can hopefully get a cup of coffee and

1 a breather before we resume. Thank you.

2 (11.29 am)

3 (A short break)

4 (11.47 am)

5 LADY SMITH: Welcome back. I hope you have managed to have
6 a breather, Gordon, and are you ready to carry on?

7 A Yes.

8 LADY SMITH: Very well. Mr MacAulay?

9 MR MACAULAY: My Lady.

10 We had come to paragraph 2.10 of the appendix,
11 Appendix 2, and you say there that there is some
12 indication that the Dominions Office provisionally
13 accepted Mr Wheeler's suggestion, and that's, I think,
14 in connection with regular inspection. Where does that
15 come from? Was there some material to indicate that
16 that was the case?

17 A Yes. So the -- we know about Wheeler's recommendation
18 because it is a minuted meeting in a Dominions Office
19 file, and that file also contains other comments and
20 memoranda in relation to these discussions as well, so
21 Sir Ronald Cross's endorsement of that is noted, as well
22 as his -- this, again, is a kind of recurring theme in
23 the post war period, sensitivity about how this is done
24 so it doesn't offend Australian sensibilities.

25 Perhaps just worth noting as a footnote that also at

1 this point, over the next year or so, two junior
2 ministers are involved in these discussions as well,
3 Paul Emrys-Evans and John Parker as well so this is one
4 of these moments where the discussions are not simply
5 between civil servants but involving ministers as well,
6 so there is a sense that this is an opportunity for
7 making some significant policy decisions.

8 Q And what happens, I think, is that in October 1944, as
9 you put it, in light of these accumulated criticisms of
10 residential institutions accommodating child migrants,
11 William Garnett produced an extensive report for the
12 Dominions Office evaluating the work of the -- of farm
13 schools for child migrants in Australia, and there is
14 also an appendix attached to that reporting and
15 conditions at the Christian Brothers institutions in
16 Western Australia. So this is a pretty comprehensive
17 report?

18 A Yes. It is the first really substantial report that the
19 UK Government that undertaken on conditions in
20 Australia.

21 Q I don't propose to put it on the screen, simply to note
22 that it is at PRT.001.001.3509. Its a long report with
23 quite a number of conclusions or recommendations, but at
24 3548 he begins by saying, under the heading, "Summary of
25 Conclusions":

1 "The farm school system has justified itself by
2 results".

3 That's your recollection.

4 A That's right. So there is a kind of basic emphasis
5 still in the policy thinking around this that the basic
6 system of child migration is sound and beneficial for
7 children but that there are certain problems that do
8 need to be addressed in the post war period.

9 Q Yes, and one point he makes are that boys trained at
10 farm schools cannot look forward to becoming farmers on
11 their own account, save in exceptional cases?

12 A That's right.

13 Q So that's a recognition that you just can't go to a farm
14 school and become a farmer?

15 A That's right, so that original vision of what child
16 migration would be had, by that point, been demonstrated
17 to not be practical.

18 Q And moving on a little bit he does observe that the
19 standard of cottage mothers should be improved and they
20 should be relieved, as far as possible, of domestic
21 duties, and -- so that's a particular point he is making
22 in connection with how these places should be run?

23 A That's right, and again, that becomes a recurrent
24 recommendation in relation to the Fairbridge
25 Institutions after the war as well, around the --

1 improving the quality of cottage mothers, ensuring that
2 they are providing appropriate emotional care and
3 providing appropriate supervision for the work of
4 cottage mothers as well.

5 Q And he makes a general point that:

6 "Generally speaking, children should not be sent to
7 farm schools over ten years of age".

8 That's interesting in that he is suggesting there
9 that younger children should be sent to these places
10 rather than the older children that might have been --
11 were going to be trained in farming.

12 A That's right, and that continues to be quite a live
13 policy debate in the post war period as well, as to
14 whether it's better to send a child at an older stage
15 when they are more aware of the conditions that they
16 will be moving to, more able to give consent, or just
17 more mature, or whether that actually causes problems
18 for them educationally and socially if they are not
19 given enough time to adjust to an Australian way of life
20 before they move into work.

21 Q And he also says that -- this is at conclusion 21:

22 "Efficient after-care arrangements and travelling
23 after-care officers are essential. After-care officers
24 should visit prospective employers".

25 So there is a focus on after-care at this point?

1 A Yes. That was seen as a particularly significant
2 failing with Pinjarra as well, with not enough care
3 being taken in terms of the placements that children
4 were going to and a sense that they were often being
5 exploited in the placements that they were being put in.

6 Q And as you mentioned, he also looked at the Christian
7 Brothers institutions, and his conclusion there was that
8 the Christian Brothers Scheme should be continued,
9 subject (a) to improved conditions at the Castledare
10 Orphanage, (b) to a general improvement in living
11 conditions at all the institutions, and to boys not
12 remaining at Tardun after 16 and three-quarters years of
13 age?

14 A That's correct, and in some ways, although there are
15 concerns about conditions at these institutions,
16 particularly at Castledare which was catering for
17 younger children, by comparison in some ways Garnett
18 sees the Brothers' work more positively than Pinjarra
19 because they are offering a wider range of training in
20 manual trades which seems more suitable for practical
21 careers for the boys in the future.

22 Q Now, you address some of the points that I have picked
23 out of the report in paragraphs 2.12 and 2.13, both in
24 relation to the farm schools and in particular the
25 Christian Brothers institutions, and he wasn't saying

1 that children should not be sent to these institutions.

2 A No. Not at all. I mean, I think there was
3 a recognition that probably with changing social
4 conditions after the war and the likelihood of better
5 provision in terms of welfare support for families that
6 there may be a decrease in the number of children
7 coming, but that he -- no, he certainly wasn't
8 recommending a closure of these institutions, though
9 there was some serious thought about whether Pinjarra
10 was somewhere that -- in the policy discussions after
11 this Pinjarra was somewhere where children should still
12 be sent to.

13 Q You make the point at the end of 2.13 that it is worth
14 noting that Garnett's assessment of Tardun was far less
15 positive than that of McAdam's report in 1943, just
16 about a year beforehand?

17 A That's right, and I think we may look at this later on,
18 that Garnett draws some quite negative inferences about
19 that around the rigour of McAdam as an inspector.

20 Q So if we then look at paragraph 2.15 against that
21 background you have been setting out for us up until
22 now, what you say there is that by late 1945 -- so we
23 are heading into the post war period -- senior figures
24 in the Dominions Office were beginning to argue that
25 stronger oversight and control of child migration by the

1 UK Government was necessary?

2 A That's right.

3 Q What was the position now then?

4 A So I think we do see a sort of growing awareness through
5 the war years in the UK Government of shortcomings that
6 can occur in these receiving institutions in Australia,
7 and so we have this memo written by Sir John Stevenson
8 who was the second-highest civil servant in the
9 Dominions Office at the time where he makes this comment
10 about whether it's acceptable to send British children
11 into the care of private organisations overseas with
12 any -- to quote, "Complete power of control by the
13 Government beyond their power to make occasional
14 investigations and call for reports from the Society".

15 In a sense that sets up a longer debate that then
16 moves on in the post war period on to the issue of the
17 Section 33 regulations about what kind of controls the
18 Government can actually introduce in relation to the
19 care of child migrants once they are overseas, but he
20 certainly is raising concerns that simply to continue
21 funding this work without some greater oversight or
22 power would potentially be an abdication of
23 responsibility by the Government.

24 Q If we look, then, at the lay of the land by 1945, and
25 this is something you address in the final paragraph of

1 this -- of Part 2 in this section, by 1945 the UK
2 Government, particularly its High Commission in Canberra
3 and the Dominions Office in London had knowledge of a
4 wide range of failings across a number of residential
5 institutions accommodating child migrants in Australia.
6 That's the position, isn't it?

7 A That's correct.

8 Q And you have set out in this section of the appendix the
9 basis for that state of knowledge.

10 A That's right.

11 Q And you sought to summarise the problems captured by the
12 different reports, that these variously included
13 problems with institutional management, standards of
14 accommodation, suitability of staffing, the quality and
15 appropriateness of vocational training and concerns
16 about sexual activities between former and current
17 residents at child migrant institutions and by adults
18 with access to child migrants. You have set out quite
19 a litany of problems that had been thrown up by the
20 different reports or investigations that you make
21 mention of in this section.

22 A Yes. Yes. That's right. And it's interesting how
23 these are still seen as perhaps exceptional problems
24 within a system that's broadly sound, rather than
25 something that indicates fundamental problems with the

1 entire system.

2 Q Because that's, indeed, what you go on to say, that:

3 "Whilst child migration was seen as potentially
4 valuable in providing children with opportunities for
5 education, training and employment, these other concerns
6 were taken by staff at the Dominions Office and the UK
7 High Commission to show the risks of child migration
8 were continuing without effective oversight".

9 That really is the key message, isn't it, effective
10 oversight of the management of child migration?

11 A That's right, and in the post war period that then
12 becomes an issue both about the practical issues of
13 managing any kind of system of oversight with limited
14 staff resources, with the UK High Commission, but also,
15 then, the politics of managing that oversight in
16 collaboration with Australian authorities.

17 Q So you conclude that by 1945 questions were being raised
18 about the need for more active oversight and control of
19 child migration work at a senior level within the Civil
20 Service at the Dominions Office, and was that within the
21 context of there being a UK form of oversight of these
22 places?

23 A Yes, because that's being thought about in terms of
24 the -- in the context of the Dominions Office, the UK
25 Government's responsibility for this work, because of

1 its funding arrangements with these organisations, so
2 that's a UK-wide responsibility, because those
3 agreements are for the migration of children from across
4 the United Kingdom.

5 LADY SMITH: I suppose one keeps going back to this funding
6 matter as being the only tool the Government really had
7 to try and create change in Australia but, as you have
8 already commented, if they withhold funding that could
9 have adverse consequences for the British children who
10 have already gone out there, so they are really stuck,
11 aren't they, when it comes to doing -- them doing
12 anything to improve the circumstances of children
13 already in Australia. They are gone. They are beyond
14 the reach of the UK Government, really.

15 A Yes.

16 LADY SMITH: But there are, at least, the children here who
17 are yet to go.

18 A Yes, no, exactly, and so that becomes very clear through
19 the process of discussion around the section 3
20 regulations about the limits of legal power over
21 children once they are overseas, where the only
22 administrative levers are around the funding, and that's
23 why we then see this sort of -- well, increasingly sort
24 of formalised policy of attempting to exert moral
25 persuasion on the Australian Government and on

1 Australian voluntary societies to try to improve
2 conditions and using things like the Moss Report as
3 levers to try to do that, and then when it becomes clear
4 that that's not worked by the 1956 Ross Report, that
5 does become a real intractable policy problem, but as
6 you say, I think the crucial issue, then, is at what
7 point you would decide simply not to engage in this work
8 any more, yes.

9 LADY SMITH: Mr MacAulay?

10 MR MACAULAY: Let's move on, then, to the second -- the next
11 point that you consider in this appendix, and that
12 relates to the next heading on page 397 of the report,
13 which is, "Failures in the UK Government system for the
14 approval of sending organisations and receiving
15 institutions for child migrants". This is the next
16 topic that you address, and as you set out in 3.1, from
17 1947 the intended system for the approval of receiving
18 institutions for child migrants in Australia was that
19 decisions be made by staff at the Dominions Office,
20 informed by recommendations from the UK High Commission
21 in Canberra and in consultation with the Children's
22 Department within the Home Office and, it appears, on
23 occasion, the Scottish Home Department, so these were
24 the bodies involved.

25 A That's right. Yes.

1 Q And you say in principle the Home Office, and presumably
2 the Scottish Home Department would have the power to
3 veto approval of residential institutions in Australia.

4 A Yes. I mean, I think that's quite a complex issue,
5 because in principle, certainly after 1947 once these
6 Home Departments are the lead Central Government bodies
7 for children's out-of-home care, if they had taken
8 a very clear stance against the approval of an
9 institution I think it would have been very difficult
10 for the Commonwealth Relations Office to have given that
11 approval, but at the same time there is some evidence
12 that civil servants in the Home Office felt that if the
13 Section 33 regulations hadn't been introduced, they
14 didn't have any legal basis for doing that, and so
15 I think one of the factors at play here is the degree of
16 sensitivity amongst civil servants about what the
17 relevant administrative and policy boundaries are of
18 their department, and to what extent they can intervene
19 in what was essentially a policy of assisted migration
20 for the Commonwealth Relations Office, and as a result,
21 there are very few examples where the Home Departments
22 are really pushing their concerns to the point where an
23 institution might not get approved if the Commonwealth
24 Relations Office were keen to approve it, and the only
25 example that I can think of that is around an

1 institution run by the Salesian Brothers, St John Bosco
2 Boys Town, where the Home Office held out for a longer
3 period in 1950, 1951 in terms of giving approval for
4 that but then did give approval in the end.

5 Q But the key about approval is that that is what triggers
6 the financial arrangements.

7 A Yes. Exactly. Yes. Yes. Another dynamic within that
8 that I think we will see more in the post war period is
9 that at the point where the Australians request
10 approval, the Australian Commonwealth Government, money
11 has already gone into improving institutions and so
12 there is a moral pressure from the Australian side to
13 say, "We've invested in somewhere like Nazareth House,
14 East Camberwell or Dhurringile and so it would be
15 a shame if you didn't approve these institutions, given
16 the investment that has already been put in".

17 Q When you say at 3.2 the system began to be formalised
18 from the spring of 1947 through the UK Government's
19 response to a question for 340 child migrants to be sent
20 to Catholic residential institutions in Australia
21 submitted to the state of Western Australia by the
22 Catholic Episcopal Migration and Welfare Association,
23 CEMWA, in Perth, can you just explain what you are
24 leading up to here?

25 A So the context for this is that there has been an

1 agreement in -- and we may come back to this later on,
2 but after a series of some policy changes in Australia
3 there has been an agreement reached between the
4 Commonwealth and State Governments in Australia in
5 August 1946 about the resumption of funding for child
6 migration, and that after this, Brother Conlon and
7 Archbishop Simmons who are already in the United Kingdom
8 anticipating this and beginning to recruit children for
9 migration, this is the first major child migration set
10 of parties that go once that new funding rearrangement,
11 post war funding arrangement has been put in place.
12 There is also a small number of children sent to
13 Anglican homes which fall outside the scope of this
14 Inquiry that autumn, but this is the first main block of
15 post war child migrants, and it is at this point that
16 the Commonwealth Immigration are clear that this system
17 of approval needs to be implemented where State
18 Inspectors go out and reinspect some of these Brothers
19 institutions but also some new institutions to check
20 that conditions are suitable to receive child migrants.
21 The chronology of this is -- we may come back to when we
22 talk about Brother Conlon because this is taking place
23 in the spring of 1947 and Conlon thinks the children are
24 going to go sooner than they do because the State
25 Inspectors actually haven't done these inspections and

1 get told to do them by the Commonwealth Government but
2 these are the inspections that then eventually take
3 place in May 1947 onwards.

4 Q And we will just come on to that in a moment, but while
5 I have this paragraph in front of us, the request for
6 340 child migrants to be sent to Catholic residential
7 institutions, then, was that request made by CEMWA or
8 did it come from another source?

9 A Sorry, in terms of the -- sorry, in terms of the request
10 for children?

11 Q -- 340 children.

12 A Yes, that's right, so the way in which the immigration
13 systems worked was that there needed to be a nominating
14 individual or a nominating body in Australia who would
15 make the formal request for either specific individuals
16 or in the case of child migrants a certain number of
17 children to be sent to particular places and that
18 nominating body would usually, then, for children,
19 become the custodian of those children, so this was
20 formally a request by, if I can call it, "CEMWA", as the
21 nominating body for these children to be sent to these
22 Catholic residential institutions.

23 Q And CEMWA became part of the Federal Catholic
24 Immigration Committee. I think we've already had some
25 evidence -- that's the FCIC?

1 A That's right.

2 Q But do we take from this, Gordon, that Conlon, Brother
3 Conlon in the UK has identified a number, namely 340
4 migrants, and having -- potential migrants -- and having
5 done so, he has then reported back to CEMWA and the
6 CEMWA has then put this process in action whereby these
7 children could be migrated. Is that the way it would
8 have worked?

9 A Yes. We haven't got any -- I haven't seen access to any
10 archives about direct communication between Conlon and
11 CEMWA in the autumn of 1946 or the spring of 1947. The
12 impression is that the number -- Conlon was definitely
13 recruiting a large number of children from the late
14 summer of 1946. My impression is that the 340 number
15 actually gets generated from CEMWA's discussions with
16 individual institutions, I think, rather than being
17 generated by Conlon, but I cannot be sure of that
18 because we don't have any --

19 Q No, so there isn't any evidence to sort of fill in that
20 particular gap as to how CEMWA were able to identify the
21 350 number?

22 A No. That's right. It's not clear whether that's
23 through their discussions with the organisations running
24 the receiving institutions or discussions with Conlon.
25 It's clear that once Conlon is aware of that being the

1 figure, that that is a figure that he is working
2 towards, but it's not quite clear how that is generated.

3 Q So if you are looking at some connection between
4 institutions, are you thinking about Catholic
5 institutions like the Sisters of Nazareth, that sort of
6 organisation?

7 A That's right. So the Homes that are receiving -- the
8 prospective Homes for these children would be run by the
9 Christian Brothers, the Sisters of Mercy and the Sisters
10 of Nazareth.

11 Q I may be wrong, but is perhaps one of the oddities about
12 child migration, certainly from Scotland, the Christian
13 Brothers who were in Scotland, they had no involvement
14 in child migration, and I think that's the same position
15 in England, the Christian Brothers as an organisation,
16 as a religious order were not directly on board in this
17 country, in child migration, although, of course, in
18 Australia the Christian Brothers did take in child
19 migrants?

20 A Yes. That is a curious thing. I don't think anyone has
21 done any work to explain why that was the case, but that
22 is a curious thing.

23 LADY SMITH: Well, it looks as though Sisters of Nazareth
24 were doing it for them, certainly in Scotland.

25 A Yes, and there were close historic links between those

1 orders, yes.

2 MR MACAULAY: But I think the Sisters of Nazareth were
3 active in Scotland but they were active in Ireland and
4 also in England of course.

5 A Yes. Across the UK, yes.

6 Q Now then, let's just follow through what happened, then,
7 when this number began to appear, because you tell us in
8 3.3 that on discovering about CEMWA's group nomination
9 the Secretary of the Australian Commonwealth Department
10 of Immigration who was Tasman Heyes contacted the State
11 Migration Officer for Western Australia reminding him
12 that any such group nominations would need to be
13 approved via his department before being sent to
14 Australia, and that's where the question of inspections
15 came into play?

16 A That's right. The State Immigration Officials said --
17 we are not quite clear how this had happened but they
18 sent -- they approved CEMWA's nomination for 340
19 children and sent it straight to Australia House in
20 London for actioning without it apparently going through
21 the Commonwealth Immigration Department. Whether
22 that -- it's not clear why that happened, but that was
23 what happened. Tasman Heyes became aware of this and
24 then instructed the State officials to do the
25 inspections that needed to be done before that group

1 nomination could be formally approved by his department.

2 Q And this is why I found your drawings quite useful just
3 to get an idea as to where this is all happening, if we
4 go back to page 377, that sets out your drawing of the
5 different people who are involved.

6 Can I just understand what you have said? So Tasman
7 Heyes, in what box would he fit into?

8 A So Tasman Heyes was the most senior civil servant in the
9 Australian Commonwealth Department of Immigration.

10 Q So he was Australian?

11 A That's right. Yes.

12 Q So that's the box we see to the top right?

13 A That's it.

14 Q And therefore what you are saying is that Tasman Heyes
15 must have been contacted, or at least his department was
16 contacted by CEMWA and told about this particular
17 number?

18 A No. So what seems to have happened is that -- it may
19 have been because this was at an early stage of the
20 assisted migration, post war assisted migration
21 arrangements being set up, that there was just some
22 confusion about the right administrative process for
23 this, but CEMWA dealt with the State Immigration
24 Department and the State Immigration Department, or
25 Immigration Officials in Western Australia, approved

1 that nomination of 340 children but then sent it
2 directly to Australia House in London, and what that did
3 was to bypass the approval mechanism of it being through
4 the Commonwealth Department of Immigration, and so
5 Tasman Heyes, when he became aware from Australia House,
6 I think, that that nomination had been received by them,
7 he was obviously clear that that hadn't gone through his
8 department, and so he then instructed the State
9 officials to make sure that the proper inspections had
10 been done of the receiving institutions, so that those
11 receiving institutions could be approved so that his
12 department could approve them, so that the nomination
13 could then be acted upon by Australia House.

14 Sorry, does that make sense?

15 Q Yes. If I see the little box about -- with the, "State
16 Department of Immigration", towards the bottom right,
17 CEMWA have made it their application for 340 child
18 migrants to that box, so to speak, to the State
19 Department of Immigration?

20 A Yes. Another level of complexity is that each state had
21 its own Commonwealth Migration Officer, so they had
22 a Migration Officer who was a representative of the
23 Commonwealth Immigration Department and it may have been
24 that the mistake here was also by the Commonwealth
25 Migration Official who was based in Western Australia

1 but it seems to be some kind of combination of that
2 local Commonwealth representative and the State
3 Immigration Department who have made this mistake.

4 Q And the mistake was applying directly, was it, to the UK
5 High Commission?

6 A No, to Australia House in London, so when Australia
7 House in London received and approved group nomination,
8 they would then be able to, in the case of child
9 migrants, fit a number of children to fill that kind of
10 allocation of children, and that would mean they would
11 have approved funding for berths, so what happened was
12 that Australia House, the Immigration Officials, had
13 been contacted directly from Western Australia and not
14 via the Canberra Government, which is what should have
15 happened.

16 LADY SMITH: Gordon, do you know at the time in that case
17 the State Department's approval was sent to London it
18 would have specified numbers for each of the
19 institutions that the children were going to be placed
20 in and which institutions they were going to?

21 A I would have to double-check. I would have to
22 double-check the archives on that. I think so, but I
23 couldn't --

24 LADY SMITH: I just wonder, because it seemed to me there
25 would be quite a difference between just approving 340

1 children, that's all that Australia House in London need
2 to know about, that's all the UK Government need to know
3 about, and we will sort out where they are going when
4 they get here, and saying precisely X number of children
5 at Tardun, X number of children at Bindoon, or whatever.

6 A Yes. Sorry, I'm just replaying that archive file in my
7 head and I think there were memoranda that went across
8 to Australia House that would have specified the number
9 of children per institution.

10 LADY SMITH: That would make sense. They must have had the
11 information to get to the number of 340, as you
12 explained.

13 A Yes. That's right. Yes. Yes.

14 MR MACAULAY: It is quite a specific number, and clearly
15 they had to have the accommodation in Australia to
16 accommodate that specific number.

17 A Well, that's the next bit of the story we may come to.

18 LADY SMITH: Or they should have had. You can always put
19 another bed in a dormitory.

20 MR MACAULAY: But in any event, Tasman Heyes' response to
21 this was to see that these places required to be
22 inspected, and he requested that inspections be urgently
23 made of the institutions to which CEMWA had proposed to
24 have these children sent to.

25 A That's right. Yes. Yes.

1 Q And can we see that the particular targets were the
2 Christian Brothers' institutions at Castledare,
3 Clontarf, Bindoon and Tardun, and also the orphanage at
4 St Joseph's Subiaco, that was run by the Sisters of
5 Mercy and also Nazareth House at Geraldton.

6 A That's right.

7 Q Can we just read on, then, to see what happened, because
8 these places were inspected?

9 A That's right. Sorry, go on.

10 Q I will just ask you, then, to summarise what --
11 perhaps -- the inspections at this time at this level
12 would be by State Inspectors?

13 A That's right, yes, and also the Commonwealth Immigration
14 Officer for that state, yes.

15 Q So can you perhaps summarise, then, for us, rather than
16 going through all the documents, what the inspections
17 disclosed?

18 A Yes. So Tardun, if I recall correctly, didn't have an
19 inspection because it was so far away, so they relied on
20 a Child Welfare Department report that I think had been
21 made earlier that year, and they had recommended a small
22 reduction in numbers for that, but the more striking
23 findings were in relation to Clontarf which had been
24 requisitioned by the Royal Australian Airforce during
25 the war and was in a significant state of dilapidation

1 after that where the inspectors didn't think it was in
2 a suitable condition to receive child migrants at all.
3 The Christian Brothers had asked for children who would
4 still be needing school level education to be sent to
5 Bindoon, but it was found that they had no teaching
6 staff or equipment to be able to manage that there, and
7 I'm just thinking -- Nazareth House, Geraldton, there
8 were concerns because although originally before the war
9 the plan for Nazareth House, Geraldton had been to
10 receive child migrants, and that had been interrupted by
11 the onset of war during the war years, the accommodation
12 that was meant to be taken by child migrants had been
13 taken by elderly residents who had been admitted to
14 Nazareth House, Geraldton, and we often see this in some
15 Nazareth Houses, that there is both -- we see this in
16 East Camberwell as well -- both elderly residents and
17 children in the same institution. Nazareth House,
18 Geraldton, physically the space that children were meant
19 to be sent to was now no longer available for them at
20 all.

21 Q Yes, and so far as -- and Bindoon, I think you did
22 mention that that did not have the staff or equipment to
23 undertake a primary education of children?

24 A That's right. Yes.

25 Q So these State Inspectors that carried out these

1 inspections, on the face of it, they are presenting
2 a picture that quite simply meant that these places were
3 not able for a variety of reasons to take on any
4 children?

5 A No. In some cases they felt reduced numbers might be
6 possible, but in some cases like Clontarf they just
7 weren't suitable at all, and Nazareth House, Geraldton,
8 didn't have the accommodation.

9 Q And what you tell us in that paragraph, 3.4, that state
10 officials therefore proposed that no children be sent to
11 Clontarf or Nazareth House, and that the group
12 nominations should therefore be reduced in total from
13 340 children to 175. So in relation to that, then, was
14 the proposal at this point that some children would be
15 migrated somewhere?

16 A Yes. No. That's right. So there was still a sense
17 that there was still capacity in some of those
18 institutions for a smaller number of children to be
19 sent, and Tasman Heyes was also quite keen for them to
20 be sent in small numbers as well to make assimilation
21 into those institutions more feasible.

22 Q So you go on to tell us that both William Garnett at the
23 UK High Commission and civil servants at the Dominions
24 Office were aware of these reports and they approved the
25 reduced numbers of child migrants to be sent?

1 A That's right. Sorry, that should be Walter Garnett
2 there.

3 Q Walter Garnett. Indeed. Including the requirement that
4 no child migrants be sent to Nazareth House while
5 elderly patients were still there. That was a condition
6 for Nazareth House?

7 A That's right. Yes. That's right.

8 Q And you go on to say that:

9 "Given his knowledge of Castledare from his 1944
10 report, Garnett added that the quota of 30 child
11 migrants requested for Castledare should only be
12 approved subject to a further report being provided in
13 a few months' time demonstrating further improvements in
14 conditions there".

15 A That's right. Yes.

16 Q And you go on to say:

17 "It is worth noting that the Sisters of Nazareth
18 were evidently aware that children could not be
19 accommodated at Nazareth House, Geraldton whilst elderly
20 residents were occupying the dormitories but had
21 originally planned to move those elderly residents out
22 of the institution to make it possible to receive those
23 children".

24 You say:

25 "It is not clear where the order planned to move

1 these elderly residents to, and in the event they were
2 never moved"?

3 A No. No. That's right. Yes.

4 Q I mean, children were sent there.

5 A Yes, as we will see, without that having been an
6 approved institution, yes.

7 Q And I think there has been evidence that children may
8 have also been asked to help in the care of elderly
9 residents?

10 A Yes. That's right. I think we've seen that both at
11 Geraldton and at East Camberwell as well. That's right.
12 Yes.

13 Q So how did it happen that notwithstanding the condition
14 that the elderly residents had to be removed before
15 children could be migrated there, that children, in
16 fact, were sent there?

17 A There was some correspondence on this in -- I think it
18 was 1949 because it took 18 months to two years before
19 the UK High Commission realised that girls had been sent
20 there, and this reflects a sort of gap in oversight by
21 the UK Government about where children were actually
22 being sent and we may look a little bit later on at some
23 of the other problems where children were sent in those
24 1947 parties as well, and my recollection is that the
25 correspondence from the Commonwealth Department of

1 Immigration suggested that there had been some
2 embarrassment at the prospect of girls not being placed
3 in Nazareth House, Geraldton because additional
4 temporary accommodation had been built for them, and so
5 somehow there seemed to have been an informal
6 arrangement between State Immigration Officials and
7 Australia House that had made that possible but without
8 the UK Government being aware of that.

9 Q What about approval?

10 A It wasn't an approved institution, so the Commonwealth
11 Relations Office, when they became aware of this,
12 approved Nazareth House, Geraldton on a post hoc basis,
13 so they gave it approval after sort of 18 months to two
14 years after the girls had actually been sent there.

15 Q Now then you say at 3.5 that although CEMWA's original
16 group nomination clearly involved requesting children to
17 be sent into institutional conditions that were not fit
18 in various ways to receive them, there is no evidence
19 that this led the UK Government or Catholic authorities
20 in the UK to question CEMWA's suitability as a custodian
21 organisation for child migrants, and you say that CEMWA
22 remained the custodian organisation for all post war
23 Catholic migrants sent to Western Australia. You seem
24 to be raising there the issue as to whether the UK
25 Government, for example, should have questioned CEMWA's

1 role in identifying these places when they weren't fit
2 to accommodate children?

3 A Yes. Again, it seems to be another one of those sort
4 of -- those moments when a different policy decision, or
5 different policy thinking could have been possible
6 there, and this had very -- because the institutions
7 were so evidently unfit to receive children, that was
8 a really kind of striking finding from the reports, and
9 as you said, Walter Garnett and the Commonwealth
10 Relation -- Dominions Office -- sorry, it still would
11 have been the Dominions Office then were aware of that
12 as well, and that did have significant implications for
13 child migrants sent to Catholic institutions in Western
14 Australia, and I think we will see, as we go through
15 evidence, later problems around monitoring and reporting
16 for those children for which -- for whom CEMWA were
17 responsible.

18 LADY SMITH: Gordon, when you use the term, "Custodian
19 organisation", what do you want me to take from that?

20 A So within the -- once the Immigration Guardianship of
21 Children Act had been passed by the Commonwealth
22 Government --

23 LADY SMITH: So this was the Commonwealth Government, yes.

24 A -- in Australia, what that set down was a regulatory
25 framework in which the Commonwealth Ministry of

1 Immigration was the formal guardian of children sent to
2 Australia and that had been an unclear situation up to
3 that point, and his guardianship responsibilities were
4 then usually delegated down to state level to child
5 welfare officials, but running alongside the guardian
6 who was ultimately responsible for the child's care as
7 their guardian, there was a secondary role for
8 a custodian who took on -- took responsibility for the
9 immediate provision of care for the child, and so there
10 were formal custodian agreements with receiving bodies,
11 but an implication of being a nominating body for child
12 migrants were that you would be the custodian of those
13 children.

14 LADY SMITH: Sorry, who would be parties to that
15 custodianship agreement? On the one hand in this case
16 we've got CEMWA or there may have been an institution
17 that took the child, on the other hand who? Sorry. You
18 have got CEMWA and the institution that would take the
19 child. Who else might be in a CEMWA position?

20 A So in some of the contexts there would be -- because
21 with organisations like Fairbridge and Barnardo's the
22 institution had an organisational relationship with the
23 body that were arranging the migration, the custodian
24 arrangement would be with that organisation in
25 Australia, but with the Catholic Schemes, because the

1 receiving institutions were run by bodies that were
2 not -- they were -- this is quite complicated. They
3 were religious orders but also diocesan bodies in
4 Australia. The person given custodian responsibility
5 would, in some cases, be the bishop of the diocese in
6 which that institution was based, so that would happen
7 with Neerkol, with the Bishop of Rockhampton, or with
8 Goodwood as well with, I think, the Archbishop of
9 Adelaide but in some cases the Federal Catholic
10 Immigration Committee had that custodian responsibility,
11 but in Western Australia it was CEMWA who had that
12 custodian responsibility, so usually it would be
13 a diocesan figure or a diocesan body and this caused
14 another potential difficulty that actually the custodian
15 who had charge with the care of the child wasn't
16 actually the same organisation as the organisation
17 actually running the residential institution which would
18 have been a religious order.

19 LADY SMITH: And the body charged with the custodian duties
20 may have no relationship with the child at all,
21 directly.

22 A Oh no. No. No, not at all, no. I mean, they would
23 have some kind of responsibility for oversight of the
24 child, so when problems arise with the Christian
25 Brothers institutions, CEMWA are usually brought into

1 meetings with the State Child Welfare Departments about
2 that, and CEMWA would have had some sort of formal
3 responsibility for monitoring children, but yes.

4 LADY SMITH: So who was in loco parentis in all this?

5 A I suppose in terms of immediate care it would have been
6 the custodian, but in terms of ultimate legal
7 responsibilities it would have been the guardian and
8 ultimately the minister, so those were slightly split
9 roles there.

10 LADY SMITH: Thank you.

11 MR MACAULAY: You go on to tell us, then, Gordon, that in
12 June 1947 Tasman Heyes wrote to the Chief Migration
13 Officer at Australia House saying that only 45 children
14 should be sent to Western Australia under this
15 nomination in the following few months. Is that right?

16 A That's correct.

17 Q What was his thinking there?

18 A I think there was a sense that it would be easier to
19 manage the assimilation of children into institutions
20 that were obviously kind of adapting into the kind of
21 post war environment and that was a more realistic
22 number in terms of the sort of safe management of
23 children at that time.

24 Q And is this still within the context of there only being

25 175 --

1 A That's right.

2 Q -- rather than 340 children?

3 A Exactly. So it is about a quarter, isn't it, of the
4 total there.

5 Q Now if we read on, then, in July 1947, that's a month
6 later, the original quota of 340 child migrants was
7 reinstated following new institutional reports
8 documenting additional prefabricated accommodation being
9 acquired by Nazareth House, Geraldton, and assurances by
10 the Christian Brothers and the Archbishop of Perth that
11 necessary action would be taken to address concerns
12 raised in the reports in May, so can you just help me
13 with that, then? There seems to have been a change in
14 what was to happen in relation to the quota.

15 A That's right. So there is essentially two processes
16 which take place here. So at a state level the
17 Archbishop becomes very active in trying to provide
18 assurances or resources that would enable that quota to
19 be reinstated, so for Nazareth House, Geraldton, some
20 prefabricated buildings, I think, get bought from the
21 Royal Australian Airforce to create new accommodation
22 for girls, there is the promise of additional funding
23 for improving conditions at Clontarf and arrangements
24 are made with the Christian Brothers for teaching staff
25 and equipment to be provided at Bindoon, but

1 alongside the -- and on that basis the state officials
2 are more encouraged to believe that the original quota
3 could be reinstated, but alongside this, which we see in
4 this paragraph as well, at a national political level,
5 Arthur Calwell, who was the Australian Commonwealth
6 Minister of Immigration, was in that month visiting
7 London. An important background to this is that Calwell
8 was Australian Labour Party, politician, senior
9 politician, who, as the first Minister for Immigration,
10 had become closely associated with the plan that
11 Australia would bring 50,000 war orphans to Australia
12 immediately after the war, a plan which had to be
13 shelved because it became clear that there weren't that
14 many war orphans and they didn't have that many shipping
15 berths, but that created a context of a political
16 imperative for Calwell still to be seen to be taking
17 active steps to enable child migration to happen at
18 a sizeable level, so that there was perhaps an element
19 of kind of political pride or political impetus with
20 that. Calwell also had historic links with the
21 Christian Brothers, he was educated by the Christian
22 Brothers, and we know that when he was in London in July
23 he met with Brother Conlon, and Conlon was trying to
24 encourage him to reinstate this 340 figure as well, so
25 we see a kind of confluence of factors both going on in

1 Western Australia but also at a national level also with
2 Calwell's visit to London and meeting with Conlon and
3 with British Government officials as well.

4 Q Well, let's just try and unpick some of that, Gordon.
5 First of all, what you say in paragraph 3.7 is that the
6 quota was reinstated following new institutional
7 reports. Now, when you talk about, "Institutional
8 reports", were these just simply reports from the
9 institutions as opposed to independent inspections?

10 A No. No. The state reports were redone and were sent as
11 a matter of urgency to Australia House because it was
12 known that Calwell would receive them at Australia House
13 in London.

14 Q So when you say they were redone, were they redone so as
15 to paint a better picture of the establishments?

16 A They essentially reported the assurances or improvements
17 that had been made through -- particularly led by the
18 Archbishop of Perth and then said on the basis of these
19 assurances or changes we now think the original quota
20 will be appropriate.

21 Q When you say, "Assurances", in relation to changes, the
22 changes hadn't actually taken place, had they, or had
23 they?

24 A I think the -- well, certainly the prefabricated
25 buildings for Geraldton had been purchased by then, but

1 Clontarf, it was essentially future assurances about
2 funding to improve conditions there, and similarly with
3 Bindoon it was assurances about future teaching staff
4 and resources there which still hadn't been put in place
5 as we will see when the first child migrants arrived
6 there.

7 LADY SMITH: But if you take those buildings for Geraldton,
8 they were temporary structures.

9 A Yes.

10 LADY SMITH: That wasn't a long-term fix.

11 A No. I mean, I think -- I haven't seen -- I mean,
12 I haven't seen any pictures of those. I don't know.
13 I think they were -- well, the impression I get is that
14 they were substantial buildings, but it didn't -- part
15 of the concern with the British Government in terms of
16 that within the first place was that it wasn't
17 appropriate to have an institution for children in which
18 elderly residents were there, which was very prescient,
19 I think, in terms of some of the children's experiences
20 there, so in a sense the accommodation was a slight side
21 issue because it was actually the fact of the mixing of
22 the elderly residents and the children.

23 LADY SMITH: And that policy issue was unresolved?

24 A Which is why it didn't get approved by the UK
25 Government.

1 MR MACAULAY: That's the point, that, really, the
2 prefabricated constructions that may have been added to
3 the premises are relatively academic in the context of
4 the main reason why Nazareth House, Geraldton was not
5 acceptable.

6 A No. That's right, but the state officials were happy to
7 approve it on that basis, and somehow it seems to have
8 got missed by the British officials that they -- or they
9 just perhaps assumed that their lack of approval would
10 still stand.

11 Q And then so far as the other places, really the
12 officials are relying on assurances that have been
13 provided by the Christian Brothers in particular?

14 A And the Archbishop, yes.

15 Q And the Archbishop. Now I think you say, I think almost
16 in parallel to that, that Arthur Calwell who was, at the
17 time, the Australian Commonwealth Minister for
18 Immigration was in London holding meetings with Clement
19 Attlee and other Cabinet Ministers about encouraging post
20 war migration, and at the same time making arrangements
21 for ships to be made available to carry migrants over to
22 Australia. Was that the purpose of his visit?

23 A That was an important part of that, because one of the
24 practical problems with the Australian plans for mass
25 immigration after the war was the issue of shipping

1 berths, because there was greatly reduced shipping
2 capacity because of war damage, it was very difficult to
3 actually find berths on ships to actually bring people
4 over to Australia.

5 Q And in London you say that he met with Brother Conlon
6 and that Brother Conlon requested Calwell's support for
7 the migration of 340 children to Australia?

8 A That's right, and Calwell, I think, being instinctively
9 sympathetic both towards supporting the Christian
10 Brothers, but also the -- and we see this that when
11 these children arrive there is a lot of publicity given
12 to their arrival. Sometimes they are misleadingly
13 referred to as, "War orphans", in the press coverage and
14 there is the sense that he can be demonstrating that he
15 is actually delivering on this political promise that he
16 had made in a very widely publicised speech when he was
17 first made Minister in the summer of 1945.

18 Q And in relation to his interaction with Brother Conlon,
19 the reference you give in the footnote, 2104, is
20 a biography, is it, by Colm Kiernan on Calwell published
21 in 1978?

22 A Yes. There is actually archival evidence of that as
23 well, so the -- in that footnote you will see there is
24 a letter, Calwell to Conlon, 10 June 1947 where Calwell
25 talks about meeting him in London and also talks about

1 there being some difficulties with migration
2 arrangements which it will be easier to explain in
3 person than by letter.

4 Q And then do you tell us in the next paragraph that less
5 than three months after Australia House was advised of
6 Tasman Heyes' suggested limit of 45 children being sent,
7 in fact 146 child migrants sailed on the SS Asturias
8 with a further 188 children arriving in two other
9 crossings by 10 December 1947, and if you add these
10 figures together do you find, in fact, 334 children were
11 migrated over that fairly short period of time?

12 A That's right. So there is clearly a political impetus,
13 both from Western Australia and from Calwell for as many
14 children to be sent as quickly as possible, and I think
15 perhaps when we are then looking at some of the
16 recruitment issues in this country, with Conlon's work
17 at that time we will see that as a context for that.

18 Q So it seems to be -- have been the case, then, that
19 almost the entire CEMWA group nomination was migrated to
20 Australia?

21 A That's correct. Yes.

22 Q I think the original number was 350?

23 A 340.

24 Q And we are six short of that.

25 A That's right.

1 Q Now -- and I think also it is the case that these were
2 large shipments, so the notion of having shorter --
3 smaller groups being moved was not followed through?

4 A No. No. That's right. So we see much larger groups of
5 children being sent to these institutions than had been
6 originally suggested, but, as I think we might go on to
7 see, in some cases with Castledare in particular,
8 because Conlon recruited a lot more younger children
9 than I think had been anticipated, I think the agreed
10 limit for Castledare was 30 children and Garnett had
11 obviously had longstanding concerns about overcrowding
12 there, but it was actually 52 children that were sent
13 there.

14 Q Now, if we move on to the table on the next page, page
15 392 of the report, I think you are there seeking to
16 identify from this group the -- potentially the Scottish
17 children that may have been part of these parties. Is
18 that the purpose of the table?

19 A That's right. Yes.

20 Q So, for example, from Nazareth House, Aberdeen there is
21 just the one boy that you have been able to identify.

22 A That's right. Yes.

23 Q And he -- the age range is about six years of age?

24 A Yes. So he was six. So this is taken from shipping
25 lists that were produced by CEMWA.

1 Q And to Clontarf you have identified 17 boys, with an age
2 range of about 7-10 from two of the Nazareth Houses,
3 Aberdeen and Lasswade?

4 A That's right.

5 Q And to Bindoon you have identified ten boys. And we
6 notice the different age ranges for these places because
7 I think they accommodate different age ranges. Here the
8 age range is 10-13?

9 A Another significant issue here with Bindoon is that
10 I think the Walter Garnett's approved age range was 12
11 and above because it was meant to be for older boys who
12 were working towards trades education, and one of the
13 witnesses that you will have heard from who reports very
14 extensive sexual abuse at Bindoon and other institutions
15 was one of the boys sent at a younger -- under that age
16 limit there, and so there may have been a sense that,
17 given the allegations about a significant number of
18 sexual offenders on staff at Bindoon, that younger boys
19 may have been particularly vulnerable to being preyed on
20 there.

21 Q And then Nazareth House, Aberdeen, two girls to
22 Geraldton, aged 7-8, and to St Joseph's, Subiaco, that
23 was the Sisters of Mercy, the children there were aged
24 very young, 4-14. Quite a wide range.

25 A That's right. So I think looking at the footnote there,

1 I think probably the four year olds are actually four
2 boys and so the practice was usually if a boy was under
3 five they would go to Subiaco first and then be
4 transferred to Castledare. Incidentally, it is
5 something that was deprecated by the Ross Fact-finding
6 Mission, this process of transferring children between
7 institutions at particular age limits, particularly
8 striking at such a young age there.

9 Q And one of the risks with that sort of approach is that
10 you separate siblings.

11 A Yes. That's right. So -- and that was -- yes,
12 absolutely the case, and I mean there is some very
13 powerful testimonies given by former child migrants who
14 arrived in the 1947 parties at Fremantle about the
15 separation of siblings and of friends into different
16 gender and age groups at the docks and them not
17 realising until the point where they were moved to
18 different coaches that that was happening, and the
19 distress involved with that.

20 Q And so far as this group is concerned to Subiaco, there
21 were eight girls and in addition there were four boys?

22 A Yes. That's right.

23 Q So there was twelve altogether?

24 A That's right. Yes.

25 Q So out of this -- what you have identified here, one can

1 see that there was about 42 Scottish children from
2 Scottish institutions.

3 A Yes, that appear on the shipping lists. That's right.

4 Q But what we don't take from this, and this is one of the
5 difficulties we have in ascertaining numbers, is whether
6 or not children from Scotland who may have gone to
7 Australia having first gone to somewhere down south?

8 A Right. So I don't think this includes numbers, for
9 example, of children who may have gone from Nazareth
10 House, Carlisle, yes.

11 Q If I can understand, then, your point at paragraph 3.9,
12 you say the speed, scale and apparent lack of effective
13 administration of arrangements for these migration
14 parties in autumn 1947 give rise to a number of serious
15 shortcomings in standards of care for those child
16 migrants, in part related to the fact that they were
17 sent to institutions that were overcrowded and/or not
18 adequately equipped to receive them. A number of these
19 shortcomings persisted, despite repeatedly being raised
20 as matters of concern by some inspectors, and you make
21 reference to one of the other appendices, but can you
22 just give us some sense as to what these difficulties
23 were?

24 A So at Bindoon it was found, when State Inspectors went
25 in January 1948 that it was still not properly equipped

1 as a teaching institution, that there were still no
2 desks in the classrooms, and actually when the
3 inspectors arrived the younger boys were already
4 involved in construction work on the site, and there at
5 Bindoon continued to be a succession of reports in the
6 next few years about the need to improve the physical
7 infrastructure of the building which proceeded slowly
8 because it was primarily the boys themselves working
9 under the Brothers' instruction who did that work.

10 Similarly, Clontarf was found in May 1947 to have
11 had bathrooms -- this was in the original Inspection
12 Report -- as having bathrooms that weren't really fit
13 for purpose but they still hadn't been improved until
14 1951, but the worst case arguably is Castledare, and
15 that, I have to say, is one of the most -- the State
16 Inspection Report written by a Child Welfare Department
17 Officer in July 1948 is one of the most critical of any
18 that I have seen in the post war period, and it paints
19 a very grim picture of children over-crowded, of
20 children's pyjamas being damp with urine, mattresses
21 sodden with urine, urine not being mopped under their
22 beds which had evaporated leaving a kind of salty crust
23 on the floor, mattress springs that had rusted with
24 urine, over-crowding being a problem to the extent that
25 there were -- it could have constituted a serious health

1 risk to the children, and without adequate teaching
2 space for the children there as well, and an
3 insufficient number of staff for the number of children
4 being accommodated there, which was a recurrent problem
5 with Castledare with a really relatively few number of
6 Brothers with some ancillary staff looking after usually
7 in excess of 100 children, young sort of primary school
8 age children.

9 Q So what had happened to the assurances that had been
10 given by the Christian Brothers, and indeed the
11 Archbishop of Perth that the necessary action would be
12 taken to address the concerns that had been identified
13 in previous reports?

14 A They clearly weren't delivered on by 1948, and, again,
15 that becomes a recurrent part of the story, particularly
16 in Western Australia, that there are commitments made
17 that are not necessarily seen through. So, for example,
18 when John Moss visited Castledare, and again found in,
19 I think, in 1951 and again found the teaching space
20 completely unacceptable in terms of overcrowding, he
21 said that no further child migrant should be sent there
22 until more classrooms were built. The Christian
23 Brothers and CEMWA gave assurances that it would happen,
24 and it was then discovered that it hadn't happened
25 because the Christian Brothers said that in reality they

1 didn't have the funds to do it and that took another two
2 years, I think, before that work was completed, so that
3 wasn't an isolated experience in terms of assurances
4 being given but being very slow to be realised.

5 Q Well, I think what you have said just then, I think you
6 did mention this somewhere else in the appendix --

7 A That's right. Yes.

8 Q -- that an assurance was given that a particular piece
9 of work would be done but in fact they didn't have the
10 money to do the work in the first place?

11 A Exactly. That was the example of the teaching space at
12 Castledare. That's right. Which raised the question
13 about why the assurance had been given in the first
14 place.

15 Q And it does raise the question as to why these people
16 could be trusted at all?

17 A Indeed, which is something that Walter Garnett begins to
18 ask a little bit when he sees some of these Inspection
19 Reports too.

20 Q Because the Castledare report that you have described
21 does describe a shocking picture of what life must have
22 been like at that particular institution?

23 A And I think we may possibly talk more about the sort of
24 body of evidence that's come -- that's been generated
25 about allegations of sexual abuse against Christian

1 Brothers and brother -- actually I haven't talked about
2 this but I don't know if I can name individual
3 Brothers --

4 Q Yes indeed, yes?

5 A -- Brother MDF who has been one of the people against
6 most allegations of sexual abuse have been made in those
7 institutions was on staff at Castledare at that point,
8 obviously acting with minimal supervision and there are
9 numerous accounts of numerous allegations of abuse by
10 Brother MDF that I think you will have heard both in
11 this Inquiry and IICSA, and the Historical Institution
12 Abuse Inquiry heard as well.

13 Q And I think brother MDF is identified in the article
14 you wrote quite recently that we will look at later?

15 A Indeed. Yes. He is a significant figure in there.

16 Q But when we look to 1956 when the Ross Fact-Finding
17 Mission visited Castledare they discovered four
18 Christian Brothers were found to be in charge of 117
19 children which was the worst staffing ratio of any
20 institution inspected during that particular tour.

21 A Yes. That's right, and as they commented at the time,
22 any sense that the Brothers could provide anything like
23 any form of emotional care to the young children there
24 was completely out of the question.

25 Q But this is quite some years down the line when -- from

1 1947 after the first group of children had been
2 migrated.

3 A That's right. There were some discussions as to whether
4 Castledare should still be approved as an institution
5 when it came through to the renewal of funding
6 agreements in 1957, but again assurances were given
7 about staffing increases that would happen again, and
8 the approval was given for it still to receive children,
9 though in perhaps I don't think it did many after that.

10 Q And then moving on to what you say at paragraph 3.13,
11 you begin by telling us that the lack of any direct
12 monitoring of children sent to Castledare in the autumn
13 of 1947 by the UK Government contributed to further
14 failings and although Garnett -- and you mentioned this
15 a moment ago -- although Garnett had agreed that up to
16 30 migrants could be sent to Castledare, in reality 52
17 were sent from these autumn and winter parties.

18 A That's correct. Yes.

19 Q And you say that the report provided by the Western
20 Australia State Inspectors in May 1947 had also
21 indicated that the recommended number of 30 boys should
22 not be sent in one ship, but only be properly
23 assimilated into institutions in groups of no more than
24 six to ten, but again, that didn't happen?

25 A No. That was ignored as well.

1 Q So do we get a picture here of recommendations,
2 proposals being made and being largely ignored by those
3 who were, as it were, running the system?

4 A Yes. I think there seemed to have been particular --
5 there seemed to have been, perhaps, particular factors
6 at play in these 1947 parties in terms of seeming to try
7 to get as many children out as quickly as possible in
8 this first wave, so in some ways things become a little
9 bit more regularised before this, but that's
10 certainly -- yes, a number of recommendations aren't
11 being followed through on there.

12 Q And in relation to the ages of children and what age
13 they should be when they went to different institutions,
14 were the recommendations also really being ignored
15 there?

16 A That's right. So a number of children were sent to
17 Castledare under the agreed age limit which I think had
18 been six or seven, but 32 of them sent there were aged
19 six or under, and as we had noted with the case with
20 Bindoon as well, boys being sent under the age of 12
21 there as well.

22 Q You are going to tell us that in reality, as far as
23 Bindoon was concerned, 46 of the 84 that were migrated
24 in the autumn, only 46 were aged 12 or over, 19 were
25 eleven, 14 were ten, four were nine and one was aged

1 eight, so there is a wide spectrum of ages?

2 A And I think the witness I referred to earlier was
3 actually one of the younger ones who didn't appear in
4 that table because I think he came from Nazareth House,
5 Carlisle.

6 Q You mention that in the next page, that these younger
7 boys, including Frederick Smith who has submitted
8 evidence to this Inquiry may have been sent to Bindoon
9 because Brothers' institutions which would normally have
10 given accommodation to younger children, namely
11 Castledare and Clontarf, had no space available, so
12 that's one possible reason as to why someone of his age,
13 for example, was sent to Bindoon.

14 A Yes. That's right. It seems to have been expedience,
15 really. There doesn't seem to be a sensible reason why
16 you would send a child that young to a site like
17 Bindoon.

18 MR MACAULAY: My Lady, we are just coming up to 1 o'clock.

19 LADY SMITH: I think we can probably break there. We will
20 take the lunch break now Gordon, and I will sit again at
21 2 o'clock.

22 A Thank you very much.

23 (12.58 pm)

24 (Luncheon adjournment)

25 (2.00 pm)

1 LADY SMITH: Good afternoon, and hello again Gordon. If you
2 are ready, we will carry on with the evidence. Is that
3 all right?

4 A That's great. Yes.

5 LADY SMITH: Mr MacAulay?

6 MR MACAULAY: My Lady.

7 Now, before lunch we had been looking at the
8 position in relation to monitoring and in particular had
9 been focusing on Castledare. You go on to say at
10 paragraph 3.14 that there were further failures in
11 connection with UK Government oversight at Castledare,
12 and perhaps you can just give us an overview of what you
13 are seeking to set out for us in that particular section
14 of this report.

15 A Yes. I think we touched on this briefly before lunch as
16 well, so this is a set of interactions that took place
17 from 1915 -- sorry -- 1950 onwards, so at first the UK
18 Government seemed to be unaware that 15 children had
19 been sent to Castledare, despite a State Inspection
20 Report the previous March saying that accommodation
21 there was already totally inadequate for the existing
22 numbers, but then when John Moss sent back an interim
23 report on Castledare the following year as part of his
24 trip, he said that child migrants should only be sent
25 there if new classroom space was built as quickly as

1 possible, and this is the process that we talk about,
2 spoke about, in which Father Stinson, of whom we will
3 hear more in due course, I'm sure, on behalf of CEMWA,
4 confirmed that the teaching accommodation would be
5 built, and on that basis 20 more child migrants were
6 sent from the UK to Castledare, but then the
7 following -- in September 1952 it became clear that the
8 classrooms hadn't been built, despite the children
9 having been sent there, and, in fact, it was -- the
10 Christian Brothers then claimed that they didn't have
11 the financial resources to do it, and eventually the
12 work was completed in December 1953 which was around the
13 same time that the Christian Brothers were thinking --
14 or planning to try to introduce Maltese child migrants
15 to Castledare.

16 Q Indeed, and you mention that on the next page, but again
17 I think we touched on this before lunch, but as you set
18 out there, no explanation was to provided as to why the
19 Christian Brothers, or CEMWA, had assured state and
20 Commonwealth authorities in the spring of that year, and
21 that's 1950, isn't it?

22 A That's -- I think that would have been '51. It looks
23 like 50 -- so Father Stinson on behalf of CEMWA
24 confirmed to the state and Commonwealth authorities in
25 February 1952 that the building permits had been

1 granted.

2 Q But then clearly the Christian Brothers must have known
3 that they did not have the money to do the work that was
4 required?

5 A That's right. I mean, we -- I have to say the accounts
6 of the Christian Brothers in relation to the running of
7 these homes aren't entirely clear to me, so whether
8 resource was there or not, in reality I don't know, but,
9 again, perhaps it goes back to that point that we were
10 talking about before lunchtime about the potential
11 problems with a custodian who wasn't actually the same
12 person or organisation who were actually directly
13 running the institutions in which children were kept, so
14 it's possible that Father Stinson had had assurances
15 from the Christian Brothers that the work would be done,
16 but that actually the Christian Brothers could still
17 choose not to do that and he had no direct control over
18 the Brothers.

19 Q In relation to receiving child migrants from Malta, do
20 you know why there was a Maltese connection or not?

21 A I mean, part of the wider picture of post war
22 immigration into Australia was a growing interest in
23 encouraging immigration from other parts of Europe,
24 although there was the white Australia policy and
25 a preference for immigration from the United Kingdom,

1 there was a recognition that the numbers wouldn't be
2 available from there, and so as part of a wider interest
3 in encouraging immigration from other parts of Europe,
4 child migration from Malta was encouraged as part of
5 that.

6 Q You then look at the position of Nazareth House,
7 Geraldton, and we've already touched upon the fact that
8 it was a condition of child migrants going there that
9 elder residents would not be housed there, but that was
10 never -- that never happened.

11 A No. That's right. The elderly residents were never
12 relocated, and I think the UK High Commission and
13 Commonwealth Relations Office simply accepted it as the
14 state of affairs that would have to be lived with there.

15 Q And I think you say there really wasn't any apparent
16 effort to rehouse the elderly residents?

17 A No. I mean, I'm not sure how practical that was ever as
18 a suggestion anyway because it was difficult to see
19 where a large number of elderly residents could be
20 relocated to, given that Nazareth House had, I think,
21 become the main kind of provider of care for elderly
22 residents in that area, so I'm not sure that that was
23 ever really a serious possibility.

24 Q And as we noted earlier, some time after child migrants
25 had gone there Nazareth House, Geraldton is approved as

1 a society that could house migrants?

2 A That's right. So it is a post hoc approval by the
3 Commonwealth Relations Office.

4 Q But you do mention there the fact that child migrants'
5 labour was used to assist in the running of the elderly
6 wing at Nazareth House?

7 A That's right. I think that was referring particularly
8 to a witness who gave evidence to the Historical
9 Institutional Abuse Inquiry, but I think you have heard
10 similar evidence about Nazareth House, East Camberwell
11 as well.

12 Q And you also look at the position with St Joseph's
13 Girl's Orphanage in Subiaco which was run by the Sisters
14 of Mercy, and you point to an Inspection Report from May
15 1977 when it was described as, "Well-conducted and
16 spotlessly clean", and you go on to say:

17 "Apart from a single sentence stating that the
18 children appear well-dressed and healthy, the rest of
19 the report focused on material matters".

20 Is that correct?

21 A That's right. So in a sense the failures around places
22 like Bindoon and Castledare and Nazareth House,
23 Geraldton where agreements had simply not been honoured
24 are perhaps a more striking example, but I suppose the
25 point here is that given what the Curtis Report had said

1 about the importance of a homely environment for
2 children's care, and actually regarding a fetish with
3 highly polished environments and tidiness is reflecting
4 possibly an over-institutionalised environment, it was
5 striking that these institutions were being approved by
6 the United Kingdom Government, but without much
7 attention to the quality of care that children were
8 given, and I think we still continue to see this into
9 the 1950s. I think this is a point that gets made later
10 in the appendix, that the UK Government are still making
11 approval decisions in the 1950s, based on quite limited
12 information about the standards of care that would be
13 provided in these institutions.

14 Q The point you make at 3.17 that it's arguably
15 understandable that there may have been some delay in
16 the implementation of the Clyde and Curtis
17 recommendations, particularly Clyde, for institutions in
18 Scotland in which children were already living, it is
19 less clear why the process of giving new approvals for
20 institutions to receive child migrants implemented
21 without UK High Commission and Dominions Office in the
22 summer of 1947 did not follow the standards envisaged by
23 Curtis and Clyde, and I think the point you are making
24 there is that you are starting, essentially, from
25 a clean sheet?

1 A That's right.

2 Q You should be following the Clyde/Curtis approach rather
3 than the historical approach?

4 A Exactly, and, I mean, I think that goes back to Lady
5 Smith's question before lunch about what the United
6 Kingdom Government could have done, and I think it's
7 interesting that when the Ross Fact-Finding Mission
8 produced their report, one of the clear things that John
9 Ross seems to have been wanting to move things towards
10 was essentially a reevaluation of which institutions had
11 be approved, with a more rigorous implementation of
12 Curtis' standards around the approval of institutions,
13 so even if the United Kingdom Government hadn't made
14 what would politically have been a difficult decision to
15 have entirely withdrawn from child migration because of
16 the politics with Australia about assisted migration
17 policy more generally, there was still the possibility
18 of not approving individual institutions.

19 Q And in paragraph 2.18 you are focusing there on the
20 period from May to July 1947 and were focused upon the
21 child that left at that particular time, but you say
22 there was a period in which the Home Office and Scottish
23 Home Department had been identified as -- this was
24 a period when they were identified as the lead
25 Government Departments for children out-of-home care for

1 England and Wales and for Scotland respectively, so
2 there was a decision that recognised that, but yet they
3 had not yet assumed these responsibilities.

4 A That's right, so if we -- sort of thinking back, again,
5 to the Curtis and Clyde Reports, one of the central
6 problems that they were trying to address was the
7 problem of fragmented governance of children's
8 out-of-home care, but a constant problem for child
9 migration was the fact that there were more than one
10 Government department involved here, and in this case
11 the 1947 parties, essentially arrangements for their
12 migration were being made before the Home Office had
13 really become more involved in trying to shape child
14 migration policy, and was still at a very early stage in
15 terms of thinking about what its own position was in
16 relation to that.

17 Q You make a comment on the following page, page 397 of
18 the report that the Home Office mistakenly believed that
19 no children would be sent to Castledare in particular,
20 but clearly that was incorrect?

21 A Yes. The chronology of that may be that the
22 Commonwealth Relations Office may have been unclear
23 about that as well, because Walter Garnett had said that
24 Castledare could only be approved if he received
25 a satisfactory report about it, but he then seems to

1 have been communicated -- seems to have had a telephone
2 conversation with the Commonwealth Department of
3 Immigration possibly with Reuben Wheeler in early July
4 and then seems to have assented to children going to
5 Castledare on that basis, but the Commonwealth Relations
6 Office were still chasing him in August for a copy of
7 the written report, so I think there may have been some
8 uncertainty in London as to whether Castledare had been
9 approved or not, and so -- because the Home Office were
10 really only beginning to discuss that party of child
11 migrants with the Commonwealth Relations Office in
12 August that may have been where the confusion came from.

13 Q But you do say in the following paragraph that approval
14 appears to have been given in some cases on the basis of
15 limited information?

16 A That's right. Yes. I think the Home Office did, by
17 1950, industry to influence the kind of information that
18 would come in approval reports, but certainly in this
19 early period they didn't have much of a steer on the
20 quality of the information, and we do get the impression
21 from Home Office files that they weren't being consulted
22 always by the Commonwealth Relations Office on approval
23 decisions because of tensions in their relations.

24 LADY SMITH: Gordon, just picking you up on the whole
25 approval system, have I got it right that where the

1 migration of a group of children was being proposed
2 there had to be approval of the selection of individual
3 children, there were processes that we've heard about
4 that would be gone through for them. There also had to
5 be approval of what was being proposed for where they
6 would be sent; yes?

7 A Yes. So the second of those, the approval of the
8 institution would have to happen before a funding
9 agreement could be set up for the children to be sent
10 there in the first place.

11 LADY SMITH: Yes.

12 A The approval of individual children would have happened
13 through the Immigration Officials of the receiving
14 country, so in this case through Immigration Officials
15 at Australia House.

16 LADY SMITH: In London.

17 A But for most children sent from the care of Voluntary
18 Societies, unless they were under fit person orders,
19 there wouldn't have been any monitoring of their
20 selection by the UK Government or of the Scottish Home
21 Department.

22 LADY SMITH: I get that, sorry, I'm just thinking back to
23 the approval of the institution. Was that an approval
24 that happened once or was it being revisited every time
25 there was a proposal to put a group of children on

1 a ship?

2 A No, no. It was made once, but there was a request for
3 those approvals to be renewed after the Ross
4 Fact-Finding Mission, so the Australian Commonwealth
5 Government were asked to produce fresh reports on all
6 receiving institutions then so they could be approved
7 again, which was a bit of a nod to the Ross
8 recommendations but the Commonwealth Government did that
9 very grudgingly and produced quite limited reports for
10 that.

11 LADY SMITH: However, it is 1956 before we get Ross --

12 A Exactly, yes.

13 LADY SMITH: -- and problems were identified, and were known
14 about even if the UK Government wasn't recognising that
15 they knew about them before then, but these were in
16 relation to institutions who had already got approval.

17 A That's right. Yes.

18 LADY SMITH: So when you were saying earlier that, well,
19 there was the possibility of not approving individual
20 institutions, you are really talking about withdrawing
21 existing approval of institutions.

22 A Yes, if there hadn't been a mechanism for -- I suppose
23 what 1957 showed was that the British Government did
24 have the power to say -- because the funding agreements
25 ran for -- in fact I think the funding -- obviously the

1 Empire Settlement Act was renewed every five years
2 through this period, but funding agreements were often
3 renewed on an annual basis, and would have had an
4 appendix of the approved institutions that related to
5 that funding agreement, so in principle, which is the
6 mechanism that was being used in 1957, what the UK
7 Government was saying is, "We want these reports again
8 and if you want to take off an institution off your
9 funding agreement, or we might want to take it off,
10 that's what we will do", but because funding agreements
11 were approved and renewed on a more regular basis than
12 that, there would have been an opportunity to have done
13 that earlier.

14 LADY SMITH: But they have got a problem if there are
15 children from the UK already in the institution in
16 Castledare, for example. They can't withdraw the
17 ongoing funding for existing children, so they keep the
18 agreement going and the institution is, in effect,
19 approved unless they find a way of saying, "But that's
20 a qualified approval only for the children that are
21 there. You are not sending any more", but then they run
22 the risk of seriously adverse publicity, do they not?
23 You are happy to let, it would be spun, no doubt, the
24 children remain in this place that you say is not
25 suitable to take children. What's going on?

1 A Yes. As soon as the children had gone out there were --
2 the policy options became very, very difficult then.
3 Yes. That's right, and I think there were other factors
4 that led to a cautious approach by the United Kingdom
5 Government, but yes -- and I think that policy bind
6 becomes increasingly obvious to policy makers through --
7 by the end of the 1950s.

8 LADY SMITH: Yes. Sorry to take up so much time, questions
9 just keep occurring to me, putting myself in the shoes
10 of a policy maker at that time. The problem was the
11 past was really sold and the problems that could arise
12 hadn't been thought about.

13 A That's right. Yes.

14 MR MACAULAY: Just following that through, looking at the
15 practical consequences of approval when you have
16 children in situ, is there any example where children
17 were in situ, perhaps young children, and the agreements
18 were not renewed?

19 A No, no. There were no -- there are no examples where
20 agreements weren't renewed in that way. It was
21 threatened by the Secretary of State in relation to
22 Picton when there was the threat of the sort of the sex
23 abuse scandal at Picton breaking in 1958, and so that
24 was made as a serious threat to Barnardo -- well, it was
25 certainly discussed internally within the Commonwealth

1 Relations Office then, but because that seemed to work
2 its way out without attracting too much of a public
3 scandal, that wasn't followed through on, but no, there
4 aren't any examples of withdrawal of funding in that
5 way.

6 Q And in paragraph 3.19, then, focus on the St Vincent De
7 Paul Orphanage at Goodwood, Adelaide, which was approved
8 by William Garnett on behalf of the UK Government, and
9 that was on the basis of a State Immigration and Child
10 Welfare Official's report, but I think the point you
11 make is that that report really focuses on the material
12 constitutions of the institution and says nothing about
13 staffing levels or training, but notwithstanding these
14 are fairly obvious omissions from the report, it still
15 obtained approval?

16 A Yes. That's right. Yes.

17 Q Then you talk about Dhurringile which we are interested
18 in because of the Scottish connection, and you say here
19 that the UK Government approval of Dhurringile was based
20 on a report produced by State Immigration and Child
21 Welfare Officials in Victoria in May 1950 that was
22 written whilst construction work on the site was still
23 underway and before any staff had been appointed. Now
24 that seems a very strange decision, to approve an
25 institution when the premises are not ready and there is

1 no staff?

2 A Yes, and, again, it reflects a dynamic that we see in
3 other cases, some other cases as well, where the
4 Australian Commonwealth Government had made a capital
5 funding award to enable the renovation of the
6 Dhurringile site to happen, but the Commonwealth
7 Government was also under considerable pressure from the
8 Presbyterian Church in Victoria to approve Dhurringile
9 as quickly as possible because Andrew Boag was then
10 currently in Scotland trying to recruit children and the
11 Presbyterian Church was concerned about the delay with
12 that, and so by the time the material was presented to
13 the UK Government for an approval decision it came with
14 quite a lot of pressure from the Australian Commonwealth
15 Government in terms of trying to make this a quick
16 approval.

17 Q Although in the circumstances, in the fluid
18 circumstances that existed, it would be very difficult
19 to make -- form any view as to suitability of the home
20 for children.

21 A Yes, no. That's right, and -- but yes, no. Exactly.
22 Yes.

23 Q Riverview you also mention and again approval here was
24 given to receive child migrants on the basis of
25 Inspection Reports by state officials and with no direct

1 inspection of the institution having been undertaken by
2 a representative of the UK Government, but there
3 approval was delayed subject to renovation work being
4 completed.

5 A That's right. Yes. Yes. So -- but that approval was
6 then made conditional on the satisfactory report being
7 received by the first party of child migrants sent
8 there, but the first report they got was very brief and
9 said very little about standards of care at Riverview.
10 The Home Office asked for a more detailed report and
11 received a marginally more informative one about what
12 was going on for the boys and then approved it on that
13 basis, but again, the information was very limited.

14 Q But as you point out, both Dhurringile and Riverview
15 were identified by Ross as offering particularly poor
16 standards of care and, indeed, were placed on the --
17 what's referred to as a, "Blacklist", of institutions to
18 which no further child migrants should be sent?

19 A That's right, and I suppose another recurring theme
20 through this post war history is about the relative
21 value and significance of paper-based monitoring systems
22 like approval reports or Inspection Reports by
23 Australian officials and direct inspection of the site
24 by UK Government officials, and it is really striking
25 that it is when John Ross goes over and sees conditions

1 for himself, having been quite reassured by the John
2 Moss Report just sort of three years before, when he
3 actually saw conditions himself that made a very, very
4 significant impact on his views about the policy options
5 that should be pursued.

6 Q I think John Ross was involved also when the regulations
7 were being considered.

8 A Exactly. Yes.

9 Q And I think he was against the enactment of regulations,
10 at least until he carried out his fact-finding mission.

11 A At that time the fact-finding mission hadn't been
12 conceived of, so I think his thinking about Section 33
13 regulations were more along the lines that there was --
14 I think we will look more at this in-depth later on, but
15 there was little practically to be achieved from
16 introducing them, given the legal limits on controlling
17 care of children overseas but also the reports that they
18 had had back from John Moss gave some reassurance in the
19 Home Office that things weren't quite that bad and
20 perhaps with a process of moral persuasion it would be
21 possible to sort of nudge things along rather than
22 introduce a more burdensome regulatory structure.

23 Q And in the next paragraph you mentioned that on at least
24 three other occasions child migrants were sent to
25 residential institutions not approved by the UK

1 Government because a period of the receiving
2 organisation in Australia assumed that approval of one
3 of its residential homes meant that children would be
4 sent to another home run by the same organisation. Are
5 you saying there that organisation B who might have had
6 two establishments, one approved and one not, assumed
7 that children could be sent to the one that had not been
8 approved?

9 A That's right. There seemed to be an assumption that the
10 approval applied to the organisation rather than the
11 specific residential homes, and so in the succeeding
12 paragraphs in the appendix there are examples of the
13 children being sent to the Padbury Boys Farm which was
14 connected to the Swan Homes in Perth, they were Anglican
15 homes, but then also to two homes linked to
16 Dr Barnardo's, Normanhurst and Belmont.

17 Q As far as Padbury is concerned, you deal with that in the next
18 couple of paragraphs, that was a Church of England home.
19 Is that right?

20 A That's right. I mean, in one sense it falls
21 somewhat outside the scope of this Inquiry but it is
22 still an instructive case of the way in which the
23 systems didn't work, because when John Moss visited
24 Padbury that was when it was realised that children had
25 been sent there from the Swan Homes despite it not being

1 an approved home, and he was also very critical of
2 conditions there as well, and there were particular
3 concerns about the appropriateness of sending younger
4 children to what was essentially an institution that was
5 simply training boys to be farmers. It was also,
6 I think, producing agricultural produce for the Swan
7 Homes as well, it was a kind of a feeder home, literally
8 a feeder home for the main institution, and again there
9 was a process of discussion between Australian officials
10 and the Home Office and Commonwealth Relations Office
11 where again the Home Office conceded its concerns and
12 Padbury was subsequently approved.

13 Q But before it was approved, what would the financial
14 position be? Were the children who were migrated and went to
15 Padbury still essentially be financially sponsored by the UK
16 Government?

17 A Yes. If they had fallen under a funding agreement then
18 I think -- if the London officials didn't realise they
19 weren't, then they would presumably still have been
20 funded by -- yes. Exactly.

21 Q And you mentioned Dr Barnardo's homes, and in particular
22 the new home that had been set up at Belmont in New
23 South Wales and I think we had a similar situation
24 whereby child migrants were placed there on the basis
25 that it was thought that since Barnardo's, as it were,

1 had approval then that would have covered Belmont as
2 well, which wasn't correct?

3 A No. It is slightly anomalous in that a similar
4 situation had happened with Barnardo's before in
5 relation to Normanhurst in 1952, so one might have
6 thought that Barnardo's would have been clear then that
7 approval was for institutions and not for them as an
8 organisation, but it's possible that the Belmont home
9 may have been tied in with the movement of children away
10 from Picton around its closure, so there may have been
11 organisational pressures on that.

12 Q The point you make about the Royal Over-Seas League
13 which was a sending organisation, you discussed that in
14 paragraph 3.27, and, in particular there was one
15 particular example of the UK approval of that
16 organisation as a sending organisation that lacked some
17 rigour. Can you explain that?

18 A So there were consistent problems both before the war
19 and after the war with the -- as Australian officials,
20 sorry -- with the volume of children that were being
21 sent overseas by the Church of Scotland Committee on
22 Social Service that had been true of the Burnside homes
23 before the war, and then became true of Dhurringile as
24 well, because although the total nomination of boys for
25 Dhurringile that had been approved by the Commonwealth

1 Government reflecting their financial investment in it
2 was 100, only 31 boys had been sent there by March 1952,
3 and so the proposal which seemed to build on existing
4 links between the Presbyterian Church and the Cyril
5 Bavin who was now working for the Over-Seas League was
6 that the Over-Seas League would be allowed to recruit
7 children for Dhurringile from other parts of the United
8 Kingdom other than Scotland, and there had been
9 correspondence before between the UK Government and
10 Australian officials about the unsuitability of the
11 Over-Seas League because -- primarily because it wasn't
12 a child welfare organisation, it didn't have child care
13 expertise, and also because it didn't have the resources
14 to monitor children that it had sent overseas. The
15 Australian Government, through Tasman Heyes, pushed back
16 on that quite strongly and commented that there were
17 other organisations which had been approved, like the
18 Church of England Council for Empire Settlement that
19 were in no better position than the Over-Seas League in
20 those terms, and, again, exerting pressure around the
21 investment that had been put in Dhurringile and the need
22 to recruit children for that, and the UK Government,
23 again, conceded and approved the Over-Seas League as
24 a sending organisation, although they worked within the
25 funding agreement with the Church of Scotland Committee

1 on Social Service.

2 Q You set that out in paragraph -- at 3.29 on 19 October
3 1953 the UK commission confirmed that approval had been,
4 in fact, given to the Royal Over-Seas League, again,
5 simply as a sending institution. Is that right, rather
6 than -- because that's all it did?

7 A That's right. Yes. As a sending organisation, yes.

8 Q So the final paragraph, then, in this section, section
9 3, what you say is the UK's decision to approve an
10 institution like Padbury or a sending organisation like
11 the Royal Over-Seas League, despite known concerns
12 within UK Government arguably reflected the broader
13 dynamic in post war migration to Australia in which the
14 UK officials were unwilling to press their understanding
15 of appropriate child care standards too strongly in
16 opposition to Australian Commonwealth Government's
17 sustained interest in recruiting child migrants, and is
18 that the picture we get, really, from the analysis that
19 you have set out in section 3?

20 A Yes. I mean, I think a sort of -- a broad theme in the
21 whole of the post war child migration to Australia is
22 the way in which standards of out-of-home care for
23 children became bound up with the politics of assisted
24 migration, and it was that that I think caused a lot of
25 problems here, because in the interwar period the

1 Australian Government hadn't had such a strong policy
2 investment in child migration, it was supportive but it
3 was only through the Second World War that child
4 migration became a much stronger policy imperative, and
5 then as the British Government became increasingly
6 unsure about the financial and strategic value of making
7 financial commitments to assisted migration, child
8 migration came to be seen as the one form of that which
9 could be preserved at relatively little expense in a way
10 that would still satisfy the kind of Australian demand
11 for immigration from Britain.

12 Q Was it apparent to the UK Government that children were
13 being migrated to places that were not suitable for --
14 to receive these children?

15 A I think in a sense it replicates what had happened
16 during the Second World War, so there would have been
17 points at which the UK Government would have been aware
18 of some specific problems at some specific institutions,
19 but there tended to be a presumption that the system
20 could be improved, either with a change of management at
21 that institution or through a gradual process of moral
22 pressure or education of Australian officials, so there
23 wasn't a sense that the whole system should be stopped,
24 really, until a more dramatic intervention was needed
25 until the Ross Fact-Finding Mission was really the first

1 time in which there had actually been a major direct
2 inspection of these institutions, so it was really at
3 that point that a more challenging perspective emerged
4 in kind of UK policy discussions.

5 Q But to take some of the examples you have alluded to,
6 for example, with Castledare, it was a condition that
7 there should not be children with elderly residents?

8 A Right, yes.

9 Q And yet children were migrated there.

10 A Yes. That's right. So there is a continual drawing of
11 lines in the sand that are quickly eroded. I mean, the
12 example of the Nazareth Houses is quite an interesting
13 one, where immediately after the war there is an
14 argument that children and elderly residents shouldn't
15 be in the same institution and so approval for Geraldton
16 is withheld on that basis, but that doesn't become such
17 a strong objection when the issue of approval for East
18 Camberwell comes up a few years later on, and so it's as
19 if the UK Government are continually kind of receding
20 with their lines of objection at points where they are
21 under strong pressure from the Australian Government.

22 Q But the reason why the UK Government would draw a line
23 in the sand in relation to having elderly residents and
24 children in the same establishment would no doubt be one
25 that was looking towards what was in the best interests

1 of the children.

2 A That's right. Yes, and so that point was made sort of
3 strongly in 1947, but then not in the early 1950s when
4 East Camberwell was coming up for approval.

5 Q But even though it was a strong point in 1947,
6 nevertheless children were sent --

7 A That's right. Yes. So even then it wasn't -- though
8 admittedly not with the UK Government's approval in that
9 case, yes.

10 Q Now can we then move on to section 4, then, of Appendix
11 2? Here you -- the general heading you have is, "The
12 extent of inspections undertaken by the UK Government
13 and Scottish Home Departments". Can you give me an
14 overview as to what you are seeking to cover in this
15 particular section?

16 A So this is really -- so far we've looked at the ways in
17 which the UK Government relied on written reports
18 provided by Australian officials, and so this section is
19 looking more at direct contact than that UK Government
20 officials had in terms of direct visits to these
21 institutions.

22 Q You set out in the -- in paragraph 4.1 that there were
23 these previous inspections, you mentioned Mr -- I think
24 Walter Garnett, but then we have people like Mr Moss,
25 there is Mr Crook and ultimately we come to the Ross

1 Fact-Finding Mission, 1956, and these are all
2 external-type inspections.

3 A Yes. So what I'm doing here is just listing -- sort of
4 main occasions in which there were direct visits by UK
5 Government officials, and we could have added
6 Miss Harrison's visit into there as well, but as you
7 will see there are some quite long gaps between these.

8 Q Yes. But one of the points you make, of course, as
9 a significant factor here is the -- is resource, and the
10 fact that there was so much ground to cover in real
11 terms?

12 A Yes. That's right. So that was very demanding for the
13 UK High Commission.

14 Q You mention Miss Harrison, I think, and you do mention
15 her again in paragraph 4.4, and I don't propose to spend
16 much time looking at it because we've already looked at
17 that, but you set out in that paragraph that she carried
18 out her trip to Australia which is a relatively informal
19 trip, and you then, in 4.5, set out the table with the
20 18 residential institutions that she visited. Is that
21 right?

22 A That's right. Yes.

23 Q And we can see, for example, that she did visit the four
24 Christian Brothers institutions and also Nazareth House,
25 Geraldton and I don't think Dhurringile appears on her

1 list?

2 A No. No.

3 Q Because we read on to the following page to see what the
4 18 places were, and that's 18 out of -- what? 39 or
5 thereabouts?

6 A It may have been a little -- I'm just trying to -- yes.
7 I think it was around 39, 40 by the -- what was it?
8 1950. I think that sounds about right. Yes.

9 Q And at 4.6 you describe her report and it is her
10 relatively -- well, it is a short report, three pages
11 long.

12 A Yes. Exactly. So it gave -- it was essentially
13 a policy overview and a very broad overview of how
14 systems of oversight worked, but with very little -- I
15 mean virtually no detail on individual institutions at
16 all, so very, very different to the Ross Report and its
17 confidential appendices.

18 Q And as you point out at 4.6, broadly it struck
19 a positive tone.

20 A Absolutely, yes. She was generally very supportive of
21 child migration, and I think very taken -- I think as
22 John Moss had been -- with the idea that Australia
23 offered a lot of possibility for young people.

24 Q But at 4.7, as you point out, her report made no
25 particular comments about individual institutions?

1 A No. No. That's right.

2 Q It was a broader --

3 A It was a very brief policy and systems overview.

4 Q The point -- and we've noted this before and you said
5 this at paragraph 4.8 -- that with regard to systems of
6 inspection for residential institutions that
7 Miss Harrison simply noted that, "Inspection is carried
8 out regularly in Western Australia quarterly and
9 energetically", and one wonders what the evidence for
10 that would have been?

11 A I mean, the impression one gets from the tone of her
12 report is that a lot of the content comes from talking
13 to officials, both the people running these institutions
14 and the Commonwealth and state officials in terms of
15 their description of how the kind of systems that are
16 perhaps meant to work in principle, and one of the
17 things that was quite impressive about the Curtis Report
18 when the Curtis Committee did its work is that as part
19 of their inspections they went out to Local Authorities
20 and they actually looked through inspection records to
21 actually check how inspection systems were working and
22 that informed both their critiques of existing standards
23 of inspection and recommendations for the future, and it
24 is quite striking when we look at the archives when we
25 know, for example, in Western Australia some of the

1 concerns that were being raised about Bindoon, for
2 example, just a few months before she visited, that this
3 kind of more superficial summary of the systems working
4 in principle wasn't actually capturing what we know from
5 those archives the officials themselves were aware of in
6 terms of problems on the ground.

7 Q Indeed is that the point you are pointing out at 4.10
8 that whilst her report provided a broad overview of
9 policies relating to child migration, it failed to
10 identify problems known to the Australian State
11 Inspectors?

12 A That's right. Yes. Yes.

13 Q And do you take it from that that she would not have had
14 sight of previous Inspection Reports?

15 A I mean, she -- I mean, obviously, we don't know exactly
16 that, but -- well, what I could say is that given what
17 we know in terms of what was being written in some of
18 the Inspection Reports say about conditions about
19 Christian Brothers' institutions in that time. That is
20 not reflected at all in the content of her report.

21 Q And then you set out how her report was received. What
22 can you tell us about that?

23 A The Home Office, I think, had had quite high hopes for
24 it because they hadn't had any independent information
25 about the children's institutions in Australia. There

1 had been one or two shorter more informal sort of
2 packages of information provided by representatives of
3 some voluntary organisations but they, I think, saw the
4 opportunity for a sort of Government Inspector to do
5 this work as offering a higher quality of information,
6 and I think they were quite disappointed with what they
7 received here. There was one Home Office official
8 commenting in a note that they were quite sceptical
9 about this idea of energetic inspections in Western
10 Australia, and that what -- it is written in not very
11 clear handwriting but what they seem to be saying is
12 that their impression is that Inspector's reports are
13 still in the tap-turning stage rather than saying much
14 about the emotional needs and growth of children, so the
15 implication is they are just trying to checkout the
16 physical facilities rather than the standards of care.

17 Q And you also draw attention to a comment in, I think,
18 one of the Home Office files, question:

19 "Has she kept up with rapid advances of the past six
20 years"?

21 A Exactly, so there may be a sort of a somewhat
22 generational issue also playing out in this history
23 between people who are perhaps more used to kind of
24 working within the old Poor Law system, pre Welfare
25 State System and a younger generation of officials

1 coming through who were more sort of enthused by the
2 kind of spirit of the Curtis Report, and the kind of
3 idea of the Welfare State.

4 Q Can I just pick you up in relation to what you say at
5 paragraph 4.11 because you draw attention to a Home
6 Office memo that noted similarities between
7 Miss Harrison's and Mr Moss' findings, and you go on to
8 say that there is some indication that Miss Harrison may
9 have given Mr Moss her diary of more detailed notes.
10 Can you flesh that out for me?

11 A That seems to be a reference -- that seems to be
12 a letter from the Scottish Home Department to a more
13 junior Civil Servant in the Home Office Children's
14 Department that refers to that, so that's being reported
15 secondhand, so it seems that Miss Harrison had kept
16 some -- a few more detailed notes on individual
17 institutions, and that she had shared those with John
18 Moss, but they never -- that material doesn't really
19 seem to have been circulated much between the Government
20 Departments.

21 Q Well, can we then move on to the John Moss Report, his
22 inspection, rather, in 1952, I think, is when he sent
23 his final version, although I think he had produced an
24 interim report in advance?

25 A That's right. Yes.

1 Q And you discussed that at paragraphs 4.14 onwards.

2 Again, he is broadly positive about the institutions,
3 not 100 percent positive, but he is broadly positive
4 about what he found.

5 A That's right. I mean, it is a very interesting part of
6 the history in terms of given John Ross' comments two
7 years later, why -- sorry, three years later -- why Moss
8 was so positive, and Moss had also been a member of the
9 Curtis Committee as well, so I think there had been
10 a hope that he would bring a more rigorous perspective
11 to his work, and I think part of the -- I think part of
12 what may have happened here is that I think John Moss
13 may have been quite -- I think quite entranced by
14 Australia as a place. I think he enjoyed his trip
15 there. He was a man who was entering retirement and
16 who -- where this had originally been conceived of as
17 quite a small, private piece of information-gathering by
18 the Home Office, but it sort of snowballed partly with
19 John Moss' -- well, he certainly didn't object to
20 this -- into a larger kind of public event and he was
21 getting coverage in the Australian press and towards the
22 end of his time appeared on ABC Radio so I think there
23 is a sense in which, for John Moss, this became a sort
24 of crowning moment in his career, well, in which he
25 developed quite convivial relations with the Australian

1 Commonwealth Government as well, so I think there seem
2 to have been parts of the process with this with John
3 Moss that made him quite well disposed to the Australian
4 system, but I think one of the reasons that his comments
5 carried credibility in the Home Office was that there
6 were institutions that he criticised and approval
7 decisions that he criticised as well, and so I think the
8 fact that he actually had some criticisms of some
9 institutions meant that he was seen as more credible
10 than Miss Harrison, which was a kind of fairly bland
11 approving statement, and so the fact that Moss had made
12 some criticisms but then offered a broadly positive
13 picture made his evidence seem more credible to them.

14 Q Although I think when we looked at the report the other
15 day, and I needn't go back to it again, but it is made
16 clear, I think, in the preface, or certainly at the
17 beginning of the report, that it was not an official
18 report, and it really very much was related to his
19 personal journey?

20 A That's right. Yes. Yes. So the Home Office -- there
21 was some quite difficult policy discussions in the Home
22 Office about what to do with it when he produced his
23 report and there was some suggestion that it even might
24 not be published at all but that was felt not to be
25 feasible given the publicity that it already had, and

1 I think interestingly, my reading of that now is that it
2 may not necessarily have been that the Home Office
3 wanted to disassociate itself from the substance of his
4 views on residential institutions, they may have tended
5 to have believed what he said about that, but it was
6 felt that there were sensitivities about the Home
7 Office, because Moss was essentially endorsing child
8 migration, saying that it should be expanded in the
9 future, I think there were sensitivities about being
10 seen to endorse that position when the Home Office was
11 also the arbiter in cases of whether children should be
12 migrated to Australia under section 17 of the 1948
13 Children Act so I think that there was a feeling that
14 that would actually blur the Home Office's role if it
15 was seen to both endorse child migration as a policy and
16 be an arbiter as to whether individual children should
17 be sent there under certain circumstances so I think
18 that may have been part of the reason for their
19 reticence.

20 Q If we focus on Dhurringile which we are interested in in
21 this Inquiry because of the Scottish connection in
22 particular, he did visit that institution and indeed, as
23 you say in the report at paragraph 4.14, this appears to
24 have been the first information about conditions there
25 received by the Scottish Home Department since boys from

1 Scotland began to be sent there from the autumn of 1950,
2 and you go on to say that his brief notes included
3 confirmation of educational arrangements for boys at the
4 farm and the provision of placements with local families
5 during holidays, and then you have noted that the report
6 commented that the, "Kitchen, sanitary arrangements,
7 bathing arrangements, et cetera, will be very good", so
8 the suggestion is that the work has not yet been
9 completed. Does that fit in with your own description
10 that he was positively disposed towards Australia,
11 generally?

12 A I think he was also -- he was quite taken with the
13 material furnishings of the homes, so one of the -- I
14 remember from the archives, one of the things he keeps
15 commenting on is about stainless steel sinks. He's very
16 taken with stainless steel sinks as a kind of a sign of
17 kind of progress towards more modern accommodation for
18 children, so I think that he may have been enthused by
19 the prospect -- he does make criticisms about some other
20 homes on that basis as well, that it is going to be
21 a good standard of accommodation for children, but as we
22 go on to see in the next sentence, he is still concerned
23 that it is a large institution, it is going to be
24 difficult when the aimed-for number of children would be
25 sent there, that it would still be a rather

1 institutional place to send children to.

2 Q And you point out that the Scottish Home Department did
3 not receive any further Inspection Reports about
4 Dhurringile until it received the confidential appendix
5 to the John Ross Fact-Finding Mission in 1956?

6 A That's right, so although the Scottish Home Department
7 may have been aware of annual reports of the Church of
8 Scotland Committee on Social Service that seemed to
9 refer to reports on individual boys in terms of direct
10 information about Dhurringile it was just those two
11 notes sent from those two visits.

12 Q But you have made reference on page 410 of the report
13 that there had been a query from a Scottish Local
14 Authority about child emigration in January 1953, and
15 the -- and the Scottish Home Department stated that it
16 had received no bad reports?

17 A Yes. It seemed to reflect a slightly passive approach
18 in the Scottish Home Department in relation to
19 Dhurringile. I think there is a -- when the Ross
20 Fact-Finding confidential appendix on Dhurringile was
21 sent to the Scottish Home Department, one official
22 commented that he thought any news would have leaked
23 out, so there seems to be an implication that somehow
24 they would have heard of anything bad that was going on
25 there, rather than it being a sort of active monitoring

1 process that needed to be undertaken.

2 Q And you have mentioned the Ross confidential report on
3 Dhurringile and, again, we have looked at that in the
4 evidence, and you have identified the description,
5 "Deplorable", as a general description of conditions at
6 the home --

7 A Yes.

8 Q -- in contradistinction, I think, and this comes out of
9 the Ross Report, of the description of it being
10 a splendid opportunity for children?

11 A Exactly. Yes.

12 Q And you had moved on to tell us about the reaction to
13 that within the Scottish Home Department. What was the
14 reaction to Ross?

15 A Yes. I mean, there were different views expressed
16 there, so one line of thinking was to express concern,
17 and interestingly in terms of policy maker thinking
18 around this, this was one of the few exceptions I have
19 seen in a government department where an official
20 expresses concern about the children who are already in
21 an institution and what a bad report implies for them
22 rather than future decisions, so there was certainly one
23 line of thinking that was around concern, but another
24 line of thinking that was around the disbelief as well,
25 that it really couldn't be that bad, in paragraph 4.17,

1 the idea that if it was as bad as that then news would
2 have leaked out long ago, and it would be hard to believe
3 that the Church of Scotland Committee on Social Service
4 would send children to somewhere where conditions were
5 as bad as that.

6 Q Yes. You are referring there to a memorandum by J S
7 Munro. Was he a Scottish Office official?

8 A He was in the Scottish Home Department. I'm afraid I'm
9 not sure about his level or role within the Home
10 Department.

11 Q But you have quoted his comments in full, actually, and
12 I will just read that:

13 "For our part we cannot see why Dhurringile should
14 be so lowly placed. If it is a bad home news would have
15 leaked out long ago and the Church of Scotland Committee
16 on Social Service would not be a party knowingly to
17 sending children to Australia under bad conditions. The
18 Home is favourably commented on in the annual reports of
19 the Church of Scotland Committee on Social Service, as
20 for example in that dated 1955, where it is claimed that
21 'this School which is operated by the Presbyterian
22 Church at Victoria, provides excellent opportunities for
23 boys who by reason of adverse home circumstances would
24 seem likely to profit most by the chance of a completely
25 new life amidst totally different surroundings".

1 I want to ask, did you see any records
2 contemporaneous to that observation in the annual report
3 for 1955 that would support that conclusion?

4 A Yes. I mean, the reports -- we only see the -- there
5 seem to have been some periodic reports on boys at
6 Dhurringile sent back from Dhurringile to the Church of
7 Scotland Committee on Social Service but we don't seem
8 to have the original records of those. What we do seem
9 to have is summaries of those in the annual report, and
10 that would seem to be -- that would seem to be reflected
11 in that. I mean, there is a sense in which you would
12 expect that to be the case, that would normally be the
13 case that in an organisation's annual report the
14 statements made about children in its care would tend to
15 be positive one reflecting the value of the work of the
16 organisation, but that would certainly be that the view
17 here would be kind of consistent with the views in that
18 committee's annual reports.

19 Q So then -- can you then tell me what the reactions were
20 to the Ross Report, both in the United Kingdom and also
21 in Australia?

22 A So I suppose the broad lines of the history were that
23 after a period of initially frosty relations between the
24 Home Office and Commonwealth Relations Office there had
25 been more extended discussions about future policy for

1 child migration around the interdepartmental discussions
2 around migration policy and whether the United Kingdom
3 was actually going to renew the Empire Settlement Act as
4 well, and there were strong arguments against renewal of
5 that which there are bits -- perhaps I will come back to
6 Lady Smith's question on that later because I have just
7 thought of more that relates to that -- but on this
8 point, where things had got to by 1954 was that the Home
9 Office and Commonwealth Relations Office had effectively
10 reached an agreement where the best policy with the
11 Australian Government, particularly in the light of the
12 experience with the Moss Report, was to try to use
13 periodic contact like Moss to nudge the Australian
14 Government to what would be better standards in line
15 with Curtis, so encouraging, for example, the greater
16 use of boarding out for child migrants in Australia, and
17 not to try to use regulation or more confrontational
18 policy measures, but a gradual process of reform through
19 that form of sort of diplomatic sort of slow, diplomatic
20 influence, and the Ross fact-finding report was a real
21 shock to that kind of consensus of how to deal with
22 things, because what Ross was proposing was a much more
23 radical policy intervention around greater extension of
24 Secretary of State approval for the migration of
25 individual children and a relooking at which

1 institutions were going to be approved along much
2 stricter Curtis lines which would probably have led to
3 the removal of approval for a number of institutions in
4 Australia, and that caused significant concern in the
5 Commonwealth Relations Office, and also, actually, to an
6 extent in the Home Office which Ross had just retired
7 from in terms of the way that this was going to disrupt
8 this consensus around gradual reform, so the process
9 within the UK Government was an attempt to manage the
10 process through so that that policy of gradualist reform
11 could be reinstated, and so there was a process of
12 managing sensitivities with the Overseas Migration Board
13 who were very upset with the report because it -- they
14 were expecting it to be a strong endorsement of child
15 migration and they were very upset that it was -- took
16 as critical a line as it did, and the Commonwealth
17 Relations Office were also very aware of the
18 sensitivities with the Australian Government as well,
19 and that was partly about the politics of assisted
20 migration, that the Australian Government didn't want
21 the British Government to be pulling away from their
22 financial commitment to that to any greater degree, but
23 this was also at a time where trade talks were at
24 a sensitive stage and also when the British Government
25 was about to begin its nuclear testing on the Australian

1 mainland at Maralinga as well in 1956, so there are all
2 sorts of politics around this for the Commonwealth
3 Relations Office which led to them wanting to manage
4 this process through, so the report was published in --
5 out of the Parliamentary -- out of the normal
6 Parliamentary term in August, and published with an
7 overseeing migration report on the same day which gave
8 some mild criticisms of the report, and the Australian
9 Commonwealth Government, encouraged by the Commonwealth
10 Relations Office then undertook its own review which was
11 far more limited, of a smaller number of institutions,
12 and the Commonwealth Government essentially endorsed all
13 of these institutions subject to minor changes, so, for
14 example, at Bindoon the Australian review suggested
15 that -- and the criticisms of Bindoon were extensive by
16 Ross, but they suggested that the main thing that would
17 need to change would be a wooden shower rack put up
18 which would keep the boys' towels from getting wet by
19 being left on the floor, things like that, that cosmetic
20 changes would be all that would be needed in places like
21 Bindoon, and it became clear to the Commonwealth
22 Relations Office that the Australian Commonwealth
23 Government were not willing to brook any sort of major
24 policy changes at this point.

25 One of the things that I think was particularly

1 striking in that process were the private notes of
2 Anthony Rouse --

3 Q I was about to ask you about that, but just to be clear,
4 the Australian Government itself conducted a review of a
5 limited number of these institutions?

6 A That's right.

7 Q And that produced a positive picture?

8 A Exactly. So some problems were noted, but these were
9 described in terms of -- as I say, cosmetic changes that
10 needed to happen, similarly at Dhurringile as well.

11 Q But associated with that review, as you say Mr Rouse,
12 who was the UK High Commission Official, accompanied the
13 review, and his take was quite different?

14 A That's right, and in a sense his private notes are some
15 of the most, I think along with the confidential
16 appendices by the fact-finding mission, some of the most
17 important documents we have in that period because
18 Rouse, I think, then, is the deputy High Commissioner in
19 Canberra, goes as an observer, and makes private notes
20 of all of these places which essentially endorses all of
21 the criticisms made by the fact-finding mission, and in
22 some cases actually documents the conversations that go
23 on between the Australian officials and receiving
24 institutions which paint a somewhat different picture to
25 what's actually being presented in the Australian

1 report.

2 LADY SMITH: So he was endorsing Ross.

3 A He was, yes, absolutely.

4 LADY SMITH: Mr MacAulay, I will need to take a break at
5 this point at some stage for the stenographers as well,
6 apart from anybody else. We will take a short break
7 now.

8 (3.02 pm)

9 (A short break)

10 (3.15 pm)

11 MR MACAULAY: I want to come back to a point I think that
12 Lady Smith raised about policy, and I think you were
13 anxious to deal with that point. What would you like to
14 say about that?

15 A Yes. Thank you. Sorry, my brain was still processing
16 the question you asked earlier because I think that's
17 a really important point. A couple of very brief things
18 to say about that is that the issue about the funding
19 mechanisms as a policy lever, there were actually
20 discussions in the Commonwealth Relations Office about
21 the discontinuation of the Empire Settlement Act through
22 the 1950s, because it was seen as expensive and
23 strategically not that useful beyond just keeping,
24 primarily, the Australian Government happy, and it was
25 recognised at which point its discontinuation was being

1 considered, that there was a moral obligation to keep
2 funding child migrants who were already overseas, so
3 they could have found an administrative mechanism for
4 carrying on doing that and not funding future children.
5 It wasn't that the administrative system had tied their
6 hands there, it was more a political judgment with --

7 LADY SMITH: I see. So the problem was what would be the --
8 as you say, the political and no doubt public reaction
9 to a change in policy on the part of the UK Government.

10 A Yes. That's right. Yes. Thank you.

11 LADY SMITH: Thank you. Thank you Gordon. That's helpful.

12 Mr MacAulay?

13 MR MACAULAY: Now, we had started to look at Anthony Rouse,
14 the UK High Commissioner, deputy High Commissioner, and
15 his interpretation of what he saw when he went with the
16 Australian Government Review Team to inspect these
17 premises, and it was a quite different -- it is a quite
18 different picture to what they paint.

19 A Exactly, and this is a very difficult moment for the UK
20 Government because they receive both the Australian
21 report of their review and Rouse's note I think in the
22 same bundle of documents from the UK High Commission,
23 I think in September 1956. What Rouse's notes
24 demonstrate is a fundamental unwillingness of the
25 Australian Commonwealth Government to press for

1 significant reforms in the residential institutions to
2 say which child migrants are being sent, so the policy
3 of gradualist reform that the Home Office and
4 Commonwealth Relations Office had been working to had
5 now hit a significant problem because it was becoming
6 clear that the Australian Commonwealth Government
7 weren't going to be that supportive of that, and this is
8 what then becomes tied up with the policy discussions
9 around the Inter-Departmental Committee on migration
10 policy in the autumn of 1956 where there is a decision
11 within that not to pursue the stronger steps suggested
12 by John Ross because it would be unpopular with the
13 Australian Government, and also with the voluntary
14 societies, and to pursue, instead, a slightly stronger
15 system of informal inspection, but it is -- there is an
16 interesting phrase in that report where the committee
17 write that, "If we were untrammelled by precedent we
18 wouldn't set up a system of child migration along these
19 lines if we were starting from scratch today, but it is
20 a system that we have now inherited and we have to try
21 and do the best with it that we can under these
22 circumstances", and I think actually Rouse's notes and
23 the Australian Review Report actually come in after the
24 Migration Committee Report has been finalised, so the
25 kind of gradualist approach that it is still advocating

1 there is actually challenged through that, but they
2 decide, the Home Office and Commonwealth Relations
3 Office, to press ahead with this policy of trying to
4 introduce greater inspections of the work of sending
5 organisations in the United Kingdom which they can
6 control, and then just try to ask the Australian
7 authorities for more information again in the future
8 about Australian institutions again in the hope that
9 over time this will nudge things towards better
10 standards overseas.

11 Q And so far as Rouse is concerned, you set out on page
12 412 of the report some interaction he had with the chair
13 of management of the Committee for Dhurringile and, for
14 example, that -- and he also noted, I think, that the
15 dairy was far cleaner than the boys' bathrooms, for
16 example.

17 A Yes, because he said the committee probably cared more
18 about the dairy than the children.

19 Q But the Home Superintendent was also concerned because
20 he said that he had raised concerns about poor
21 conditions with the management committee but had
22 received little support from them, so that was a message
23 he passed on to Rouse?

24 A That's right. Yes, and, again, I think that showed the
25 relative value of direct inspections as well, because

1 Rouse writes some very interesting things about the
2 interaction between the State Child Welfare Officer for
3 Western Australia and some of the staff in CEMWA, and
4 the Christian Brothers, in terms of tensions that had
5 existed around them, particularly around Brother MDI
6 beating a boy at Clontarf, so actually the direct visits
7 actually listed a lot more information through those
8 personal conversations.

9 Q But it would appear that the Reverend Harrison who
10 I think was the Secretary of the Social Services
11 Department of the Presbyterian Church in Victoria gave
12 Rouse some assurances which I think Rouse found -- about
13 improvements that Rouse described as being, "Too glib".
14 You have quoted that quote?

15 A That's right. Yes. Exactly.

16 Q And as we read on in this particular part of your
17 report, it does appear that the assurances in relation
18 to staffing and changes to the accommodation, that the
19 suggestion was that they had been made, and that
20 Dhurringile was well-placed to continue to receive more
21 child migrants?

22 A That's right. So the Australian review said that there
23 were certain minor changes that needed to be made at
24 Bindoon, I think it may have been just Bindoon and
25 Dhurringile, St John's Bosco said it was just a home to

1 which perhaps more institutionalised children should be
2 sent, and that the improvements at Bindoon and
3 Dhurringile could be completed within three months, and
4 so once that three-month period was up, there were
5 a repeated visit. Actually at Bindoon there is some
6 quite interesting archival material about how badly
7 Brother MIY [REDACTED], who was the superior at Bindoon,
8 regarded that repeat visit and he dealt with that quite
9 aggressively, but the Australian authorities, towards
10 the end of 1956, wrote to the UK High Commission
11 indicating that the required work and minor changes, and
12 I think probably employment of a female member of staff
13 I think it was for Dhurringile, had been done, and so
14 there was no reason why these places couldn't continue
15 to receive child migrants again.

16 Q And I think Rouse then wrote saying that it would appear
17 that certain shortcomings have now been rectified?

18 A That's right. Exactly. Yes. So I think that's
19 a fairly neutral statement, so what he is saying there
20 is that the things that the Australian Government has
21 said need to be changed have been changed, but I don't
22 think he is necessarily endorsing that as a marker.

23 LADY SMITH: Well, he hadn't been back to check.

24 A No he hadn't, no, but I think he was judging that based
25 on what had been said about the minor changes that had

1 been made.

2 MR MACAULAY: And I think this -- at this time, this was
3 overshadowed by the fact that there was a proposal for
4 a boy to be migrated to Dhurringile which had been put
5 on hold.

6 A Yes. That's right. That was what made -- that added
7 another level of political complexity to this, because
8 the Commonwealth Relations Office, it seems by then, had
9 more of a system of being notified in advance of
10 children being migrated, just so that they could check
11 their eligibility for funding under the Empire
12 Settlement Act. That approval of funding for children
13 was then affected by the confidential appendices for
14 I think boys -- I think there was certainly this boy
15 being sent to Dhurringile, others to Fairbridge
16 Institutions as well, and that then put the Commonwealth
17 Relations Office in a bind as to what to do with these
18 approvals of individual children at a time when they
19 weren't quite sure what they should be doing about these
20 institutions, and they, particularly from the Fairbridge
21 Society, came under a lot of pressure, particularly in
22 July 1956 about that.

23 Q We see in relation to this particular boy that after
24 certainly the dust had settled that the Commonwealth
25 Relations Office took the view that the Scottish Home

1 Department did not have any strong objections to the boy
2 being migrated to Dhurringile?

3 A That's right. Yes.

4 Q In paragraph 4.19 you make the point that -- in
5 connection with John Ross's blacklist of institutions,
6 that the Home Office did not, as it were, pursue the
7 cessation of child migration to Dhurringile or indeed
8 the other institutions that were on that list?

9 A Yes. That's an interesting point in the history as well
10 because one might have expected the Home Office to be
11 more supportive of John Ross's position there. It seems
12 that the Home Office were keen partly to try to
13 re-establish that more gradualist reform policy, I think
14 partly out of deference to the Commonwealth Relations
15 Office and their management of political sensitivities
16 with Australia, but partly, also, I think we will see
17 this in 4.21 as well, a sense that if they did introduce
18 the kind of controls that John Ross was asking for, an
19 increase of the number of child migrants who would need
20 Secretary of State approval for their migration, it
21 would increase caseload for the Children's Department in
22 a way that wouldn't be sustainable or possibly that
23 productive, so they felt on practical, administrative
24 grounds, it wasn't that worthwhile pursuing Ross's
25 recommendations.

1 Q We know, for example, that Quarriers boys were migrated
2 to Dhurringile after the Ross Report with the Church of
3 Scotland being the sending body.

4 A Yes. That's right, and although -- yes, no, that's
5 right, so -- and also children to the Fairbridge
6 Institutions as well, so Ross, I think, could have
7 possibly be seen as having an effect in terms of nudging
8 the UK Government to introduce the slightly stronger
9 inspection mechanisms in 1957, but certainly didn't
10 prevent children being sent to those institutions.

11 Q And you mentioned that a few moments ago and I just want
12 to understand that policy which you say was developed in
13 the wake of the Commission's report, and you describe it
14 in your report as asking the UK-based voluntary
15 societies to agree to informal inspections of their
16 UK-based work?

17 A That's right. Yes.

18 Q I'm just trying to understand that, and how that fits
19 into what's happening over in Australia.

20 A I think what it reflects is where the Home Office had
21 got to by the end of the process of drafting the Section
22 33 regulations, so it wasn't really possible to have
23 a regulatory system that had any bearing on the
24 conditions for children once they were overseas, but
25 what you could do was to inspect the systems of UK

1 sending organisations, and that wasn't without its
2 merits as an initiative, so in a sense, what they did
3 was to bring those inspection -- they weren't exactly
4 formal powers, they were -- it was an informal
5 arrangement that was made a condition of funding, future
6 funding, but with a heavy hint that if the voluntary
7 societies didn't sign up for this they wouldn't get the
8 funding and regulations would be introduced anyway, so
9 it was an informal agreement under duress, but it did
10 mean that Home Office inspectors from that point on did
11 begin to go to the offices of voluntary societies to
12 check their paperwork in terms of children being sent
13 overseas, and, for example, with the Church of England
14 Council, Advisory Council on Empire Settlement, they
15 identified significant failures in their systems that
16 hadn't been known about before, and it was around this
17 time that the Catholic Child Welfare Council effectively
18 made a final decision not to migrate any further
19 children so their documents don't seem to have been
20 subject to those inspections, but it did mean that the
21 kind of inspections that the Home Office could do, or
22 Home Department could do of the paperwork of voluntary
23 societies more generally in the UK could now be extended
24 to their child migration work, so it wasn't entirely
25 without value. There was, as I think we will see with

1 the Quarriers case, it also did have limited power as
2 well.

3 Q And the Quarriers case you are talking about is the
4 Quarriers children that were sent without Scottish Home
5 Department knowing about it?

6 A Exactly, so what we see in 1960 and 1961 are two parties
7 of children under this voluntary agreement being sent to
8 Dhurringile by Quarriers through the Church of Scotland
9 funding agreement, but without the knowledge of what
10 I think possibly had just become then the Scottish
11 Education Department in terms of responsibility for
12 that.

13 Q Now perhaps I can -- again, looking at Dhurringile, you,
14 at 4.21, you mention there subsequent events concerning
15 Dhurringile demonstrated shortcomings with the voluntary
16 agreement that the UK Government had made about informal
17 inspections, and is this the point you are making about
18 the Quarriers children, is it?

19 A Exactly. I think paragraph 4.21 is also making a wider
20 policy point about the Scottish Home Department's view
21 about those discussions in the autumn of 1957 which
22 I think is an important one to recognise, because whilst
23 the Home Office and Commonwealth Relations Office were
24 not supportive of the Ross Fact-Finding Mission's
25 recommendations, the Scottish Home Department was

1 actually much more supportive of them, and you will see
2 that long quote there, and I think there is -- halfway
3 down there, I think it is worth reading out:

4 "If there is evidence, this Scottish Home Department
5 minute notes, as the fact-finding mission apparently
6 thought there was, that the voluntary societies, without
7 supervision, are not sufficiently safeguarding the
8 welfare of the emigrant children, then supervision must
9 be introduced. Public opinion would not accept, as
10 a reason for not introducing it, the fact that it would
11 be administratively difficult".

12 So I think there was a much greater willingness from
13 the part of the Scottish Home Department actually to
14 introduce the stronger controls, particularly around
15 Secretary of State consent that the Ross mission was --
16 and the Ross Report was proposing, but in the face of a
17 lack of enthusiasm for that position from the
18 Commonwealth Relations Office and Home Office, we see
19 Sir Charles Cunningham, who is the most senior civil
20 servant in the Scottish Home Department at the time
21 saying that, really, ultimately this was 'a very small
22 problem' and that it wasn't really necessary for the
23 Scottish Home Department to 'die in any ditches' on it
24 as an issue 'so long as we are not associated with the
25 report in question', and 'I gather we are not', so the

1 Scottish Home Department, feeling that it can't
2 influence this policy process at all and then just
3 pulling back from it, as long as it wasn't feeling that
4 it was implicated in that policy decision.

5 Q Although I think, just above that section you mentioned,
6 the Scottish Home Department appeared to be of the view
7 that it was hard to justify the continued failure to
8 have an equivalent system of regulation for the
9 emigration of children from voluntary societies, as was
10 in place for Local Authorities?

11 A That's right. So I think it saw this as being a strong
12 indicator of why something like the Section 33
13 regulations needed to be introduced.

14 Q And was this agreement expressed, then between the
15 Scottish Home Department, or the Scottish Education
16 Department and the Home Office on this issue?

17 A Yes. There was. I'm just looking down at the --

18 Q Perhaps I will pick it up for you. You talk about the
19 Home Office introduction of an informal system of
20 inspection and you have talked about that, and you say:
21 "The grounds given for this decision in this report
22 were that the voluntary societies would resent this
23 degree of intrusion".

24 That's to do with regulations:

25 " ... extending Government supervision to voluntary

1 societies' emigration work would cause significant
2 additional workload pressures".

3 You then move on to say:

4 "The Scottish Home Department continued to note its
5 disagreement with this view in a memorandum to the
6 Cabinet noting that 'we doubt whether the Government
7 would be on strong grounds in securing by means of a
8 condition attached to a grant a measure of control over
9 the voluntary bodies of which they were not prepared to
10 seek Parliamentary authority'?"

11 A Yes.

12 Q But the view of the Home Office prevailed?

13 A That's right. Yes. Yes. So I think the Scottish Home
14 Department did express its views at the time but didn't
15 feel it was getting any traction with that.

16 Q But as you point out in the next paragraph, the Scottish
17 Home Department's concern about the robustness of a
18 voluntary agreement about inspections with sending
19 organisations proved prescient in the light of what
20 happened in connection with Dhurringile and the boys
21 that were sent there.

22 A Exactly, because I think it -- because it didn't carry
23 the same weight or the same possibility of sanction as
24 formal regulations might have done, it created an
25 environment in which events like the sending of the boys

1 to Dhurringile in 1960 and 1961 could take place.

2 Q And I think we looked at this with Professor Constantine
3 the other day, and it does appear from the materials we
4 looked at that what brought this to the notice of the
5 Scottish Office was a report in The Sunday Post
6 newspaper --

7 A That's right. Yes.

8 Q -- explaining how 11 boys were heading off to Australia?

9 A That's right. Yes.

10 Q And as I pointed out before, these boys were being sent
11 to Australia in the early 1960s, notwithstanding the
12 blacklist, they were going to Dhurringile,
13 notwithstanding the blacklist that listed Dhurringile
14 was one of those places blacklisted?

15 A Yes. I mean, I think that Miss Harrison had actually
16 done -- who I think may now have been retired -- had
17 actually done a visit to Dhurringile, and I think there
18 is on file somewhere an endorsement of her after the
19 Ross Fact-Finding Mission saying that conditions were
20 better, so that may have sort of eased people's concerns
21 somewhat in the Scottish Office.

22 Q I think in the subsequent investigation in relation to
23 how it came to be that these 11 boys had left without
24 the Scottish Office being told about it is that the
25 director of the Church of Scotland Committee, I think

1 that was Mr Cameron, had been on sick leave when the
2 arrangements were being made?

3 A That's right. I think that was the 1961 party, I think,
4 that's right. Yes.

5 Q If we look at what you say in paragraph 4.24, then,
6 having discussed the Quarriers episode, what you say
7 there is the fact that Quarriers, and the Church of
8 Scotland Committee on Social Service were able to make
9 preparations to send two parties of child migrants to
10 Dhurringile in 1960 and '61 without the knowledge of the
11 Scottish Home Department could be seen as indicative of
12 the weakness in a system of oversight based on voluntary
13 co-operation rather than strict regulation, and that,
14 I think, must be right.

15 A Yes. Yes.

16 Q Now then, looking to what you say at paragraph 4.25
17 about the devolution of responsibility, you say:

18 "As a consequence of the highly infrequent nature of
19 visits by representatives of the UK Government or
20 Scottish Home Department to residential institutions
21 accommodating child migrants, the UK Government and
22 Scottish Home Department effectively devolved
23 responsibility for regular inspections on to state child
24 welfare and Immigration Officials".

25 So post Ross, for example, were there any

1 inspections carried out on behalf of the UK?

2 A In direct visits by UK officials?

3 Q Yes?

4 A I'm not aware of anything. I can think of a visit by
5 Barnardo's staff in the 1960s but nothing -- I'm not
6 aware of anything -- I haven't looked very far into the
7 1960s with that but I'm certainly not aware of anything
8 in the late 1950s, early 1960s. Just on that point, it
9 might be worth saying as well that it appears that after
10 grudgingly producing limited reports for the reapproval
11 of institutions for the 1957 funding agreements, the
12 Australian Commonwealth Government doesn't seem to have
13 forwarded on any Inspection Reports at all to the UK
14 Government at least for three years, and I'm not sure
15 I have seen anything on file after that.

16 Q If we move on, then, to paragraph 4.30, and I want to
17 look at this and then perhaps invite you to comment on
18 the basis for it, because you provide some examples in
19 paragraphs 4.27 through to 4.29 that could have raised
20 what you call, "Reasonable doubts", about reliability,
21 rigour, and effectiveness of inspections of residential
22 institutions accommodating child migrants by Australian
23 state officials. Can I just understand what -- the
24 examples you have regard to that could have raised these
25 reasonable doubts?

1 A Yes. I mean, some brief examples, one was one that we
2 mentioned earlier about Francis McAdam's inspections of
3 the Christian Brothers' institutions following Sir
4 Ronald Cross's unhappiness with conditions at Tardun.
5 In a later letter to the Dominions Office, this is in
6 paragraph 4.27, Garnett writes that, "I can only speak
7 from first hand experience of Catholic institutions in
8 Western Australia and there is at least one of these
9 which was used in the past to receive migrant children
10 which should not be approved for use in the future
11 unless it has been entirely reorganised and one rather
12 alarming fact was that the state officer concerned with
13 this particular work was a Catholic and could see
14 nothing wrong in the institution".

15 Now, I think it seems fairly clear given what we
16 know from what Garnett was writing in his report in
17 1944, he is referring to Castledare there, and he is
18 also, there, referring to McAdam as well, so I think he
19 has had a fairly clear instance there of an example of a
20 state official giving a positive report about an
21 institution which he had, from direct experience, a very
22 poor view of.

23 Q Well, it is clearly critical of McAdam's conclusions,
24 and you point out, although I don't -- maybe Mr Garnett
25 was not aware of this, that Mr McAdam was a Catholic,

1 but he also had very active links with the Christian
2 Brothers College in Perth?

3 A Exactly, so there were -- we may see this, I think, more
4 when we look at Nazareth House, East Camberwell.
5 I think there could be all manner of factors which
6 would -- might potentially compromise the willingness of
7 state officials to critique voluntary societies,
8 including a sort of reliance, which is what the Forde
9 Inquiry in Queensland said, a reliance of state
10 officials on voluntary societies to provide cheaper
11 residential care, sometimes an ideological sympathy with
12 a particular voluntary organisation as well, or for say
13 the Immigration Officials, wished not to undermine the
14 whole immigration programme, so there were various
15 interests which could cut across the State Official's
16 williness to critique a voluntary society's institution,
17 and we can see -- McAdam is one example of that.

18 I think the next example in 4.28 is of a different
19 kind of failure where Garnett received in, I think --
20 let me get the dates on this -- in actually 1951, he had
21 received a bundle of Inspection Reports on institutions
22 in Western Australia covering the period 1948 to 1950,
23 so he hadn't seen those reports, as an example in the
24 kind of breakdown in the chain of transmission we talked
25 about earlier. He hadn't seen those reports before, and

1 he noticed that in some cases problems that had been
2 noted by an inspector in relation to an institution were
3 not discussed at all by the next inspector, or later
4 reports would show that no action had been taken about
5 it at all, and so he wrote back to the Commonwealth
6 Immigration Department saying that this did make him
7 wonder about the reliability of State Inspection
8 Reports. The effectiveness of State Inspectors ensuring
9 that required changes were seen through, and also
10 whether some of those responsible for running these
11 voluntary societies' institutions actually were taking
12 their responsibilities seriously in terms of enacting
13 these changes.

14 Q You have noted -- you have taken a quote from what he
15 said in relation to Castledare of which he had some
16 inside information:

17 "My own impression after reading through these
18 reports, and with vivid recollection of what the place
19 looked like when I last saw it, is that the authorities
20 responsible for Castledare have been very dilatory in
21 effecting essential improvements, even assuming that the
22 institution is capable of being adapted to meet modern
23 requirements".

24 Fairly critical?

25 A It is. I think perhaps one other example, just with

1 Walter Garnett we might briefly add, is that Garnett was
2 also a member of the Ross Fact-Finding Mission and had
3 been put on that mission by the Commonwealth Relations
4 Office to provide, as they thought it, balance to John
5 Ross' views, and it may be that he did modify them to
6 some extent, but bearing in mind Garnett's fundamental
7 sympathy with child migration as a project, the fact
8 that he was willing to put his name to such strong
9 recommendations in the Ross Fact-Finding Mission was
10 really quite remarkable, including the quite strongly
11 implied criticisms within the Ross Report about the
12 approval process, because an implication of the Ross
13 Report was that if some of these institutions which were
14 running along unsatisfactory lines had been approved,
15 then perhaps the approval process wasn't that rigorous,
16 so Garnett seemed to be endorsing that opinion by
17 signing that report's conclusions as well.

18 Q And the other example you give, and we've looked at this
19 already to some extent, is in connection with the
20 private notes that were made by Anthony Rouse in
21 contrast to what the Australian review itself said?

22 A Yes. That made that absolutely starkly clear, and
23 I think possibly even more clearly the lack of
24 willingness within the Commonwealth Department of
25 Immigration to act to effect necessary change.

1 Q And if you look -- if we look at the -- what you say in
2 relation to St Joseph's Farm School at Bindoon as an
3 example, Rouse supported the mission's view -- that's
4 the Ross mission -- of the unacceptable physical
5 condition of the home, its isolation and the poor
6 attitude of its management. By contrast, the Australian
7 review required only minor physical changes to be made
8 to the institution, focusing particularly on the need
9 for a new wooden rack for boys to hang their towels on.
10 There is a significant chasm between these different
11 views?

12 A That's right, and I think the Rouse notes just
13 illustrated that very, very starkly.

14 Q And can we come back, then, to paragraph 4.30, these are
15 examples you give that could have raised reasonable
16 doubts about, as you say, the reliability, rigour and
17 effectiveness of inspections of residential institutions
18 accommodating child migrants by Australian State
19 Officials?

20 A That's right.

21 Q Is it the case that the United Kingdom was relying on
22 these State Official reports in its assessment as to the
23 conditions in these institutions?

24 A Yes, given the infrequency of its own direct visits to
25 the institutions, that was the -- certainly for

1 approvals, the primary source of information, and often
2 in between their own direct visits that would have been
3 the only source of information that they had.

4 Q And it would appear from that paragraph that the UK
5 Government officials did question whether they should
6 implement their own regular inspections for residential
7 institutions that accommodated child migrants, and
8 the -- I think the comment there that you quoted is from
9 a Home Office official saying that 'On the long view we
10 are convinced that for cogent practical as well as
11 political reasons it is not possible for us to take any
12 effective responsibility for judging the merits of the
13 individual institutions in Australia. This
14 responsibility must rest with the Australian authorities
15 and the sooner they accept it the better', so that seems
16 to be the Home Office view?

17 A That's right. There were some differences of opinion
18 there, but certainly this is -- Gwynn was certainly one
19 of the officials within the Home Office, John Ross's
20 successor, who was, I think, in a way that didn't
21 entirely please some other Home Office officials but
22 more willing to support the idea that it wasn't worth
23 pushing measures that would lead to more conflicting
24 relations with the Australian Government, and that one
25 had to defer to the political mission that had to be --

1 and the diplomatic balance that had to be weighed by the
2 Commonwealth Relations Office.

3 Q And even although, as you have pointed out in paragraph
4 4.30, that the contrasts and conclusions reached by
5 Australians as against United Kingdom individuals is
6 that reasonable doubts about the reliability and so on
7 could be raised.

8 A That's right, and so we reached this point, really, in
9 the late 1950s where, in private notes, some Civil
10 Servants are starting to express the hope that
11 eventually child migration will simply wind down of its
12 own accord, that they found themselves in a policy bind
13 that they don't know how to get out of, that the main
14 strategy that they thought they had at their disposal of
15 moral persuasion with the Australian Government hasn't
16 worked, and they don't know what else to do, and just
17 hope that social change and the fact that a number of
18 organisations were beginning to wind down or end their
19 child migration work by that point would be a continued
20 process, and that it would simply die a death of its own
21 accord through lack of children being made available for
22 it.

23 LADY SMITH: You have used this expression, "Diplomatic
24 balance", on a number of occasions, and I suppose it has
25 to be recognised that short of having an all-out

1 antagonistic fall out with Australia there was very
2 little that could be done at this end. There is no
3 point the UK Government saying, "We don't trust your
4 reports, actually, we require you to let our people into
5 these institutions in your country where children of
6 which your states are the guardians are being looked
7 after, because we want to see what's happening". Very
8 easy for Australia to tell them to take a hike and
9 thereby would end all sorts of other important
10 initiatives that were going on at that time.

11 A Yes. I think that's exactly the calculation that they
12 made, because they didn't have any leverage with
13 Australia, other than that, and once they got themselves
14 into that position -- I suppose the -- I mean, and this
15 goes back, I think, goes back to other questions that
16 you have raised during the day -- I suppose this then
17 perhaps leads on to things we may look at more tomorrow
18 in terms of the Section 33 regulations and issues around
19 the Secretary of State consent, because that could have
20 been, then, the policy lever in which, if you like, the
21 supply of children from Britain could have been
22 decreased, and that actually would have been a way of
23 safeguarding children in a way that wouldn't have
24 involved such a confrontation, because the Australians
25 were already unhappy with the limited supply of

1 children, so if that decreased a bit more, then that
2 probably could have been borne within the system, so
3 that, perhaps, was a kind of key failure to introduce
4 those measures in terms of not using that kind of
5 leverage.

6 LADY SMITH: Mr MacAulay?

7 MR MACAULAY: So if we then look at the conclusion that you
8 put forward as to what the Home Office view was in 4.30,
9 and we've touched upon this, the Home Office view was
10 that the preferable course was to reach a general
11 agreement with the Australian authorities about
12 appropriate standards of care and for the Australian
13 authorities then to ensure that these standards were
14 upheld, and just on that, from a practical perspective,
15 what is it in the materials we've looked at that tell us
16 that that was a course of action that was carried
17 forward?

18 A I think it was more -- I think it was more an
19 aspiration. I think it was more an aspiration that the
20 Home Office still had in 1956. I think it began to fade
21 after that, really, in terms of the -- there being
22 little sense of encouragement that they were actually
23 going to make much progress with the Australian
24 Government with that, so yes, I think it sort of just
25 dissipated, really, as a policy in the light of the kind

1 of realities of the relationship with the Australian
2 Government.

3 Q But the comments that you have drawn attention to about
4 the need to establish agreed standards, so far as it
5 went, these were made nine years after the resumption of
6 post war child migration to Australia, so nine years
7 have gone by before even this type of policy is being
8 mooted?

9 A That's right, and we can see in terms of internal policy
10 systems why it took so long. You have got the initial
11 hand over of children's out-of-home care to the Home
12 Office in 1947, the tensions in relation with the
13 Commonwealth Relations Office in the late 1940s, a long
14 period in which the Home Office is then deliberating
15 about the Section 33 regulations and then deciding not
16 to introduce them, two years where they are assuming
17 they can exert moral pressure on the Australian
18 Government and that will work after Moss, the Ross
19 Fact-Finding Mission and then the implementation of
20 these measures in 1957 after that, so, I mean, when you
21 look at -- particularly with the Home Office, all of the
22 other things that were being juggled there in terms of
23 its new demands as being the new -- the central lead
24 Government for all forms of children's out-of-home care,
25 you can see why these policy systems were slow to act,

1 but for the children who went overseas that could have
2 been their childhood, and so there was disparity between
3 the timetable of the policymaking systems and the
4 timetable of children's lives.

5 Q I think the final example you give here is in connection
6 with incidents at Picton. Is that right?

7 A Oh yes. Yes.

8 Q Can you just tell me what happened there?

9 A So I think this is in paragraph 4.31, this is being used
10 just as another -- almost like the last example of the
11 British Government's hope for co-operation from the
12 Australian Commonwealth Government, so you may well have
13 covered this already with Professor Constantine, but
14 this is essentially a story about a series of incidents
15 around sexual abuse of boys who had been placed out in
16 work from the Picton farm school run by Dr Barnardo's
17 homes which led to some local Press coverage but also
18 prosecutions and some convictions for the offending
19 adults, but one thing that the UK Government wanted to
20 do after this, because it was very shocked by what had
21 happened at Picton, was to try to establish to what
22 extent problems with sexual abuse might have been
23 present at other residential institutions for child
24 migrants in Australia, and they asked the Commonwealth
25 Department of Immigration to see if they would be

1 willing to undertake checks to see if there were other
2 problems, and the UK High Commission reported back to
3 the Commonwealth Relations Office that the Commonwealth
4 Department of Immigration had declined to do this on the
5 grounds that there was no obvious need to conduct
6 investigations that would raise a lot of dust with
7 receiving institutions, and also because they felt that
8 the issues at Picton were fairly contained, they perhaps
9 weren't quite as contained as they thought, and I think
10 that this quite -- comment on this by the UK High
11 Commission seems quite revealing of the attitude, and
12 I think the sense of relative powerlessness within the
13 UK Government, but the UK High Commission noted that it
14 may well be that the Australians have taken more notice
15 of our reference to this matter than we have been
16 allowed to know, and instead by discreet means to
17 emphasise the need for those in charge of children's
18 institutions to be more than usually on guard, so the UK
19 Government is almost reduced to saying that although the
20 Australian Government are saying they are not going to
21 do this, perhaps, deep in their hearts, they are going
22 to, and we can console ourselves with that thought.

23 Q Do you want to finish that off by saying that certainly
24 the Australian Commonwealth Government did not
25 subsequently initiate any investigations of other

1 institutions accommodating child migrants and no
2 independent review was initiated either by the UK
3 Government?

4 A No, and obviously there will be allegations of sexual
5 abuse that we will see in relation, for example, to the
6 Christian Brothers institutions in Western Australia
7 which would have taken place after that period.

8 Q Now, we've been looking at Appendix 2 of the appendices
9 that you have submitted, and I think it is the case that
10 in relation to your appendices, and indeed the report
11 itself, that there is an Executive Summary which seeks
12 to summarise each section?

13 A That's right.

14 Q Particularly in the appendices, which are fairly lengthy
15 documents, whereas the summary is essentially of that
16 appendix consists of two and a bit pages --

17 A Yes.

18 Q -- which provides us, I think, with an overview of what
19 you have set out in the appendix?

20 A Exactly, yes, and that's publicly available, isn't it,
21 on the website.

22 Q Well, it is certainly available to us and I think to
23 those involved in the Inquiry?

24 LADY SMITH: I think it is.

25 MR MACAULAY: And it is at LIT-13 and as far as Appendix 2

1 is concerned, the summary is set out at pages 54 and
2 briefly into page 56. I don't propose to spend time on
3 this, but you set out, essentially, in a few numbered
4 paragraphs what we've been discussing so far in Appendix
5 2.

6 A Indeed, yes.

7 MR MACAULAY: My Lady, that's just beyond 4 o'clock. It may
8 be ...

9 LADY SMITH: Well, that looks like a convenient place to
10 stop.

11 MR MACAULAY: Tomorrow we will move on to Appendix 3.

12 LADY SMITH: I had assumed that that is where we were going
13 next.

14 We will break now for today, Gordon, thank you very
15 much for all your help so far, and can I ask you to be
16 here ready to start again at 10 o'clock tomorrow
17 morning?

18 A Absolutely.

19 LADY SMITH: Thank you very much.

20 (4.00 pm)

21 (The hearing adjourned to 10 am on 25 September 2020)

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I N D E X

GORDON LYNCH (Sworn)	1
Questioned by MR MACAULAY	1