

1 Wednesday, 7 October 2020

2 (10.03 am)

3 PROFESSOR GORDON LYNCH (continued)

4 Questions from MR MACAULAY (continued)

5 LADY SMITH: Good morning.

6 Professor Lynch, welcome back.

7 A. Thank you.

8 LADY SMITH: Gordon, it is very good to see you again,
9 thank you for making the effort to return. If you are
10 ready, you know what is going to happen, and I will hand
11 over to Mr MacAulay and he will begin.

12 Mr MacAulay.

13 MR MACAULAY: Good morning, my Lady.

14 Good morning, Gordon. When we stopped last week, we
15 had been looking at Appendix 3 of the report, and that
16 is an appendix that addresses monitoring systems and
17 indeed other related standards of voluntary
18 organisations and local authorities who were involved in
19 sending children as migrants post-war.

20 We were about to move on to monitoring systems
21 implemented by the Royal Over-Seas League and that
22 should be coming on the screen about now, it's at
23 page 483 of the report. It begins at paragraph 6.1.

24 The first point you make there is that the League's
25 post-war migration is complex and in some respects still

1 not fully understood, and one of the problems I think
2 you point to is the absence of records?

3 A. That is right. So the surviving records that are in
4 some ways most useful about the League were collected in
5 national archives rather than the League's own archives.

6 Q. But I think you point out that the decision, the League
7 decided at some point after the 1950s to dispose of
8 archival records both of case files of children as well
9 as any organisational correspondence?

10 A. That is right. So the only surviving material from the
11 League is mainly publicity material or periodicals that
12 are published.

13 Q. But the prime mover I think in the League's involvement
14 with migration was Cyril Bavin, is that right?

15 A. That is right. He was someone who had a long history of
16 involvement in encouraging Commonwealth migration. He
17 was a First Minister, and I think he had worked both
18 with the YMCA before and the Children's Overseas
19 Reception Board before taking up this honorary post with
20 the League after the war, and I think he was effectively
21 retired when he was doing this work.

22 Q. I think one of the points you make is that it does not
23 appear to have been the case that the League, and in
24 particular its Central Council, supervised to any real
25 extent what Bavin was doing?

1 A. No. I think we have spoken before about some voluntary
2 organisations that seem to have been effectively
3 one-person operations or with fairly minimal oversight,
4 and the League appears to have been another case of that
5 where in its Central Council minutes there is no
6 evidence of any review of Bavin's work and, although
7 there is reference to a migration committee, no
8 indication of any oversight of that.

9 LADY SMITH: Gordon, you may not know that since you were
10 last here we have heard from the Royal Over-Seas League
11 witnesses, and it was very interesting that the
12 impression they have is that he was one enthusiastic
13 member who had come originally from New Zealand;
14 although he was an Australian, he had been brought up
15 there, he was passionate about the Empire, and he really
16 had the impression left to follow his passion and take
17 other members with him who came on to this committee,
18 initially working just as a volunteer in the club, and
19 then he was employed by the club in a formal role after
20 the war.

21 A. Yes. That would certainly be consistent with my
22 impression.

23 LADY SMITH: Yes.

24 A. It is similar in a way to the Church of England body we
25 talked about where there was a notional committee but

1 whose members had very little active involvement, and it
2 really seemed to be one person directly involved with
3 the work.

4 LADY SMITH: Yes.

5 MR MACAULAY: In paragraph 6.2, you tell us that Mr Bavin
6 reported to the Overseas Migration Board that the League
7 had sent 194 children to Australia between 1945 to 1955,
8 not including the 18 boys that had been sent to
9 Dhurringile in 1953.

10 A. That is correct.

11 Q. What evidence was there of the League's involvement in
12 that scale of migration to Australia?

13 A. This is quite a complicated picture in that what Bavin
14 reported to the Overseas Migration Board was that most
15 of those children that had gone under the League's
16 auspices in that period were former CORB evacuees, so
17 children who had gone out to Australia through the
18 Children's Overseas Reception Board where, after the
19 war, the Australian Commonwealth Government had allowed
20 any children to wanted to return back to Australia to go
21 back. But as I think we may see in a minute, that seems
22 actually not to have been the case in terms of what
23 the League was doing in that period.

24 Q. You go on to tell us that the policy framework through
25 which the League migrated these children to Australia

1 remained somewhat unclear. Perhaps you could just
2 elaborate upon that?

3 A. So one of the curiosities is that it seems clear that in
4 a national archives file in which concern is being
5 raised with the Home Office about the League's early
6 post-war migration work, Bavin is reported then as
7 saying that already, by February 1948, the League had
8 been responsible for the emigration of 130 children to
9 Australia. But it's only in the summer of 1948 that
10 the League formally approaches the Australian
11 authorities for approval of this scheme, and it is
12 actually around the same time that the League is also --
13 Bavin is obviously in discussions with the New Zealand
14 Government about a similar scheme as well that really
15 then gets going the following year.

16 What is striking about this is that the Australian
17 authorities -- essentially the League is proposing the
18 same sort of scheme in which children will be sent to
19 the overseas country and then will be looked after in
20 foster care, and the New Zealand Government took that
21 scheme up. But the Australian Government refused to
22 approve this scheme because they were concerned about
23 the likelihood of placements breaking down, which was
24 quite prescient, but also the potential burden that it
25 would place on the State child welfare departments if

1 the League was no longer able to manage children whose
2 foster placements had broken down.

3 Q. Did that deter Mr Bavin from proceeding with the scheme?

4 A. No, not at all. It is striking that he appears to have
5 been involved in the emigration of 130 children before
6 approval was actually given to that scheme, but given
7 the figures that we have just seen cited to the Overseas
8 Migration Board, it is evident that the League continued
9 to send children overseas after that point despite not
10 having that official approval.

11 Q. You go on to tell us that in November 1949 -- this is on
12 the following page, page 485, at paragraph 6.4 -- the
13 Australian Government clarified its view that it was
14 prepared to accept some individual cases, is that
15 correct?

16 A. That is right. So there seems to have been a degree of
17 some grey area here in which the Commonwealth
18 Governments seemed to imply that a few individual cases
19 could still be allowed but not a mass scheme. But
20 whether the numbers of children that continued to be
21 sent by the League really reflected that spirit of only
22 sending a small number is, I guess, a matter for debate.
23 But one of the things I think we will go on to see
24 shortly is that actually the process through which that
25 happened didn't appear to be one in which the Australian

1 Government was formally approving that.

2 Q. Then looking at the involvement of the CORB children,
3 could we just look at that, and in particular what you
4 say at paragraph 6.6. Because I think what you tell us
5 there is that in 1955, Bavin was representing that the
6 children that were listed as being sent to Australia
7 were in fact CORB children, but that was not correct?

8 A. No, that is right. So we know from the Home Office file
9 that had been generated in 1948 that the concern was
10 about the League advertising a scheme and trying to
11 recruit children who clearly weren't CORB evacuees.
12 That case file had been generated specifically by
13 concern about two brothers where it was felt they had
14 particular behavioural problems that would make a foster
15 placement particularly likely to break down, and where
16 it was felt that the League were not applying sufficient
17 rigour in their selection and recruitment process. But
18 it was clear from that file that the children being
19 recruited by Bavin there weren't CORB evacuees at all.

20 Q. So is it the case then he did misrepresent the position?

21 A. That seems to be the case, yes.

22 Q. And the way -- are you able to glean from the material
23 we have looked at as to why he did so?

24 A. I think one of the -- following the Australian
25 Commonwealth Government's refusal to approve

1 the League's scheme, the League continued to be
2 an organisation which was not an approved sending
3 organisation for child migrants in the United Kingdom.
4 Eventually that was changed in 1953 when the
5 UK Government approved the League, under some pressure
6 from the Commonwealth Government which I think we talked
7 about last time I was giving evidence.

8 But in that intervening period, the League had no
9 approved status as a migration organisation, and what
10 appears to have happened, in collaboration with
11 immigration officials at Australia House, is that
12 children that the League wanted to emigrate overseas
13 were given a CORB designation on their immigration
14 documents to indicate that they were CORB returnees even
15 though in fact they weren't.

16 Q. On the Australian side of the coin, were they aware that
17 they were not CORB?

18 A. Well, this is something that we come on to in I think in
19 paragraphs 6.7 and 6.8 in the appendix. So it
20 becomes -- there is a letter that comes from a state
21 immigration official in New South Wales challenging the
22 fact that on a shipping list he has just received of
23 people coming into Australia, very few of the children
24 on that shipping list who are marked as CORB returnees
25 did actually have any association with the CORB scheme.

1 Noel Lamidey, who was the Chief Migration Officer at
2 Australia House at the time, essentially writes back
3 saying this is -- it is a slightly convoluted way of
4 expressing this, but essentially that the League are
5 interested in CORB children, but there are also other
6 children for whom it is not possible to create
7 a separate party for them with escorts, and so they are
8 kind of rolled up into these CORB parties.

9 So what appears to be going on there is that
10 children who are found by the League, who the League
11 wanted to arrange their emigration overseas, were given
12 this CORB designation incorrectly so that they would
13 actually have an approved route into Australia.

14 Q. Were these children being migrated to institutions or to
15 families or both?

16 A. We assume, given the way that Bavin was describing his
17 scheme in 1948, that they were being sent to private
18 households for fostering. It only seems to be that when
19 the League set up its arrangement in terms of recruiting
20 children for Dhurringile, it seems to have sent children
21 to institutions.

22 Q. What you say then in paragraph 6.8 is that this
23 arrangement with the League and the Australia House
24 appears to have continued after both were aware that
25 the League's proposed scheme had not been approved by

1 the Australian Government?

2 A. I think that is correct, and I think it perhaps gives
3 quite interesting insights not only into the League but
4 also into processes within Australia House in terms of
5 immigration officials there, and their desire to
6 facilitate immigration into Australia. And this may be
7 something that we come back to later on today, but
8 I think my impression is that there was some tightening
9 up of procedures at Australia House when Robert
10 Armstrong became Chief Migration Officer there. But
11 under Noel Lamidey's tenure in the early post-war
12 period, there seems to have been a willingness to be
13 a bit more flexible in terms of ensuring that children
14 could be emigrated to Australia.

15 LADY SMITH: Can you remind me, Gordon, we are talking
16 1947/1948?

17 A. Yes, so -- well, Noel Lamidey was definitely in post
18 when the first party of child migrants went out in 1947,
19 and I think from memory he was Chief Migration Officer
20 until 1954, and I think that was when Robert Armstrong
21 took over.

22 LADY SMITH: I suppose it would have been very difficult for
23 Australia to point to the non-CORB children in the party
24 and insist that they were taken back to the UK after
25 this long journey, and it being at a time that actually

1 Australia wanted young people to come in and settle.

2 A. That is right, and if a foster placement had already
3 been arranged, then ... And I think in the discussions
4 that are taking place here, this is more at the level of
5 kind of administrative designations rather than that
6 ever being thought about as a serious issue at all.

7 LADY SMITH: Yes. And maybe it would have been very harsh
8 on the children, having just suffered one long journey,
9 to tell them they had to go back.

10 A. Yes, yes. I don't think that was ever contemplated,
11 yes.

12 MR MACAULAY: So the number 194, was that the total then of
13 the number of children migrated on this basis by
14 the League to Australia?

15 A. That is right. And 130 seem to have been sent,
16 according to Bavin, by the spring of 1948, but that
17 would obviously leave another 64, yes.

18 Q. As far as -- perhaps just picking this point up at 6.10.

19 You say:

20 "Although the League was given information about
21 the existence of archival material relating to
22 the League's migration of children to Australia before
23 1954, the UK and Australia national archives and the
24 content in paragraphs 6.3 to 9 ..."

25 That is where we have been discussing the numbers

1 and the CORB factor.

2 "... was also presented during the independent
3 Inquiry into the Child Sexual Abuse in the Child
4 Migration Programmes investigation ..."

5 That's the IICSA programme, isn't it?

6 A. Yes.

7 Q. "... the League make no reference to this in their
8 Section 21 response to this Inquiry."

9 What is the point you are making there?

10 A. I think you will probably be aware the League are not
11 alone in this. There were a number of organisations
12 that would have had access either as core participants
13 or as witnesses to the IICSA process, and where there
14 have been points in your Inquiry where either that
15 material simply hasn't been referred to, and the
16 organisation appears to be implying that it is starting
17 from scratch again in terms of the material it is
18 presenting you with, or it simply doesn't refer to
19 perhaps difficult aspects of evidence that had been
20 considered by IICSA.

21 Q. You then go on to consider the New Zealand migration
22 scheme, and I think what you say there is the League's
23 involvement in that is somewhat clearer than their
24 Australian migration scheme. Can you tell me about that
25 scheme?

1 A. Yes. So that scheme, which was proposed at the same
2 time as the scheme to Australia, was taken up by the
3 New Zealand Government and that was -- I have to say our
4 knowledge is still a little bit patchy, and there's not
5 been the same degree of research done on the New Zealand
6 scheme as done with Australia.

7 Essentially it operated through a system in which
8 Bavin appears to have done an initial sifting of
9 applications in London and then a final selection
10 appears to have been made in conjunction with the
11 New Zealand Government, their immigration officials in
12 London. Bavin seems to have arranged the necessary
13 licence from the Bow Street magistrates which was
14 required under the Adoption of Children 1939 Act for
15 a child to leave the country into the care of foster
16 carers. But the UK Government had no formal role in
17 this because the funding for children's travel was
18 entirely provided by the New Zealand Government, it
19 wasn't funded through the Empire Settlement Act at all,
20 so the records of this scheme within the UK Government
21 archives are quite minimal.

22 Q. How did Bavin or the Royal Over-Seas League select the
23 children for this scheme?

24 A. I think the impression is that they may have done some
25 national advertising of the scheme. I recall for IICSA,

1 one of the national papers carried actually a cartoon
2 about the -- sort of publicising the League's work
3 there. But in terms of the rigour of the selection
4 process, we don't know much about that because the case
5 files, we don't have access to those at all.

6 Q. I think what you tell us in paragraph 6.11 is that this
7 scheme was proposed initially I think in 1948, is that
8 right?

9 A. That is correct.

10 Q. Is that when it took off?

11 A. I think the first children started to arrive in
12 New Zealand the following year.

13 Q. In relation to monitoring, looking at 6.13, what were
14 you able to ascertain from records as to what
15 the League's role in the monitoring of children
16 post-migration might have been?

17 A. The League seems to have had no systems at all, no
18 formal systems in terms of post-migration monitoring,
19 and in fact its lack of capacity to do that was
20 precisely one of the reasons why the UK Government had
21 been reluctant to approve it as a sending organisation
22 in the first place. In a sense, that seems entirely
23 consistent with the view of largely a single
24 enthusiastic undertaking this work, where a great deal
25 of the administrative effort may have simply been

1 collating the material required to pass on to the
2 New Zealand authorities for the emigration to take
3 place, but certainly there was no system for doing that.

4 And the League -- the Women's Group on Public
5 Welfare, and I think also the Moss Report, specifically
6 recommended that it would be helpful for the League
7 actually to set up a reception central in New Zealand
8 for these children, precisely so that children would
9 have somewhere to go to if their placement was unsafe or
10 if it broke down, but the League never did that at all.

11 Q. What monitoring, if any, took place in relation to
12 the New Zealand scheme, for example? Is there any
13 evidence of any monitoring?

14 A. Yes. So the monitoring that did take place was by local
15 child welfare officials in New Zealand, and we did look
16 at some material on that in IICSA. That was more really
17 a survey of the recollections of former child migrants
18 about their experiences of erratic visits from child
19 welfare officials, or child welfare visitors not
20 speaking to them outside and separately from their
21 foster carers. And certainly there seems to be
22 an indication within the New Zealand scheme of there
23 being pressure on child welfare officials and difficulty
24 in sustaining those inspection visits on a regular
25 basis.

1 Q. I think I asked you a moment ago about how the children
2 were sourced in the UK. Were some of these children
3 whose families were putting them forward for the scheme?

4 A. Yes. The impression is that probably the majority of
5 children were recruited from families, families perhaps
6 experiencing different kinds of pressure with childcare,
7 who would have been led to believe that their children
8 would have had a better life overseas.

9 I think there may have been some suggestion that
10 some of the foster carers may actually have been known
11 to families in this country or been relatives, although
12 actually the numbers of those kind of cases in my
13 impression is relatively small.

14 Q. You tell us in paragraph 6.14 that although the League
15 didn't have any systematic mechanism for monitoring the
16 welfare of children, nevertheless Cyril Bavin claimed in
17 a League publication that reports from New Zealand
18 indicated the "happy settlement of children in their
19 homes". Now, are you suggesting that he is making that
20 sort of statement without any real basis for making such
21 a claim?

22 A. It is difficult to know given the lack of records, it is
23 difficult to know on what basis he was making that
24 claim. It is possible that there could have been
25 letters received back from the children themselves or

1 from foster carers, we don't know. There is certainly
2 no record of any regular monitoring back from the
3 New Zealand child welfare officials.

4 I suppose it is also possible, given that Bavin
5 through that period would have had regular contact with
6 immigration officials in New Zealand, that there may
7 have been general reports coming back through that, but
8 we can't be very clear about that.

9 Q. You go on to say in that paragraph that although there
10 is evidence to suggest that there were visits by child
11 welfare officials to child migrants in New Zealand,
12 these were infrequent?

13 A. That is correct.

14 Q. And also sometimes ineffective in identifying problems
15 with placements?

16 A. That is right, yes.

17 Q. Were there problems with placements?

18 A. Yes. I think in that paragraph I note that one of the
19 few bits of research that has been done on the
20 New Zealand scheme noted that I think a third of the 530
21 children sent overseas by the League had more than one
22 foster placement, so it doesn't appear to have been very
23 successful. And I think both the problems in finding
24 suitable foster homes in New Zealand and the rapid
25 turnover of placements all seem to have contributed to

1 the decision by the New Zealand Government to end the
2 scheme after only a few years.

3 Q. Was that in the early 1950s?

4 A. 1954 I think the last children went.

5 Q. Do you know how many children were migrated under this
6 particular scheme?

7 A. I see 530 in that paragraph, but I have also seen other
8 figures of 549 so it's a little unclear, I think.

9 Q. So it's not an insignificant number?

10 A. No, no. No.

11 Q. The reason I think you tell us then that the New Zealand
12 Government decided to end the scheme, I think you say in
13 the report in 1953, was after the superintendent of
14 child welfare had produced a report detailing a series
15 of shortcomings in the scheme, including problems with
16 the quality of foster parenting?

17 A. That is right, yes.

18 Q. Then more generally at 6.15 you make the point that:

19 "There is no evidence that the League undertook any
20 monitoring of children it had placed with families in
21 Australia or New Zealand."

22 A. No, that is right. No.

23 Q. And likewise:

24 "There is also no indication that the League had any
25 monitoring system in place for children whose migration

1 it had arranged to Dhurringile."

2 A. That is correct, yes.

3 Q. So the points then you make at 6.16 in relation to those
4 failures, what is the point you are seeking to make?

5 A. I think we saw last time I was giving evidence about the
6 quite detailed discussions that had gone on around the
7 Section 33 regulations, and the quite clear expectations
8 within that that regular post-migration reports would be
9 provided. I think we again covered last time both the
10 fact that Bavin would have been aware of that through
11 his actually initially chairing the Council of Voluntary
12 Organisations for Child Emigration meetings, but
13 actually the Home Office themselves saying, well, once
14 we introduce these regulations either the League is
15 going to have to up its game, effectively, or stop doing
16 this work. So there actually seems to have been quite
17 a clear contemporaneous knowledge that these systems
18 weren't in place.

19 Q. And you have made the point that the League failed to
20 take up the recommendation of the Women's Group that it
21 set up a reception home in New Zealand. In relation to
22 that, and one can obviously understand why the
23 Women's Group were making such a recommendation, but is
24 there anything in the material to suggest why the League
25 just did not take that up?

1 A. I think again the -- I would imagine this goes back
2 again to the reason why the UK Government had been
3 reluctant to approve the League as an organisation,
4 because it wasn't primarily a childcare organisation, it
5 didn't have childcare expertise or particularly the
6 resources to undertake that kind of initiative. So it
7 would have been a very different kind of work for
8 the League to be involved in, to set up that kind of
9 reception centre in which it had really no expertise to
10 do that.

11 LADY SMITH: I should have asked the witnesses we had from
12 the League, and I am now kicking myself. Do you know
13 whether they actually had club premises anywhere in
14 New Zealand? We do know they had club premises all
15 around the world, but did they have a presence there?

16 A. I can't remember off the top of my head. It wouldn't
17 surprise me if they did, but that would have been
18 essentially a kind of social and cultural hub rather
19 than a specialist --

20 LADY SMITH: Absolutely, but at least there would have been
21 people there who were members of the League who they
22 could have looked to to set up a reception centre or
23 something similar to support this work.

24 A. Yes, the League definitely had overseas branches, so it
25 did have members in these countries.

1 LADY SMITH: I am sure we can find out if they had one in
2 New Zealand.

3 A. Yes, that is right.

4 MR MACAULAY: Just following through your train of thought,
5 one can contrast then the League's position with,
6 for example, an organisation like Barnardo's --

7 A. Yes.

8 Q. -- who were involved in childcare and were able to set
9 up in places like Australia?

10 A. Exactly, that is right, yes, yes.

11 Q. You go back, towards the end of that paragraph, to the
12 issue of records, and you note that the League's
13 apparent decision at some point to dispose of archival
14 materials relating to child migration work contrasts
15 with other organisations, such as Barnardo's and the
16 Fairbridge Society, for which fuller archives are
17 available. So you are making that contrast. But are we
18 to draw any particular inference from the fact that
19 the League did decide at some point to dispose of these
20 records?

21 A. I suppose one possible inference -- I mean, obviously
22 there could be questions about an organisation not
23 wanting to retain records that it found uncomfortable.
24 But I think another thing that it possibly reflects is
25 again the League not being a childcare organisation.

1 I think an organisation like Barnardo's or arguably even
2 Fairbridge, although obviously there are issues in terms
3 of access to Fairbridge records for child migrants now
4 sometimes, but there was a recognition that actually
5 retaining the case records would have been of
6 importance, whereas the League don't seem to have
7 recognised that at all, and obviously for former child
8 migrants who had gone to New Zealand now, who would have
9 lost that family information, that would have very
10 significance consequences.

11 Q. Looking to what was recommended by the House of Commons
12 Health Committee, you address this in paragraph 6.17,
13 I think first of all that committee found that
14 the League had played a more active role in the
15 migration of children to New Zealand than the League had
16 initially acknowledged to that Inquiry. That was one of
17 its conclusions?

18 A. That is correct, yes.

19 Q. On that basis, the committee recommended that the League
20 reconsider its disavowal of responsibility for child
21 migration to that country. Was that the case then? Had
22 the League disavowed responsibility --

23 A. Yes.

24 Q. -- for child migration?

25 A. In the Select Committee hearings the League's position

1 had been that it was essentially a New Zealand
2 Government initiative that they had agreed to co-operate
3 with. The Select Committee was able to do fairly
4 limited archival work, much less so than the kind of
5 more recent inquiries that we have had in this country,
6 but what they were able to establish through some
7 archival work was that the League had been more actively
8 involved in approaching the New Zealand authorities
9 about this.

10 Q. I think the Committee go on to say the League should
11 join with other voluntary agencies in making
12 a contribution towards improving the welfare of former
13 child migrants. I think we have heard some evidence
14 that they certainly engage with child migrants now?

15 A. Yes, yes. Whether that would have been consistently the
16 picture, and certainly we heard some evidence at IICSA
17 that perhaps that had not always been the case in the
18 past.

19 Q. And you draw attention to the fact that after the
20 IICSA Inquiry, on its website the League did apologise
21 for its involvement?

22 A. Yes, that is right. Yes. Yes.

23 Q. Can we then move on to the next heading, and here you
24 are looking at "Monitoring Systems and Wider
25 Organisational Practices of the Church of Scotland and

1 Quarriers". And although the Church of Scotland did
2 migrate children to Burnside in its involvement with
3 Quarriers, the place that they migrated children to was
4 Dhurringile?

5 A. That is right, yes.

6 Q. Again in relation to survival of records, what is your
7 conclusion in what sort of records are available in
8 relation to the Church of Scotland involvement with
9 migration?

10 A. We have comparatively little. So we do have annual
11 reports of the Committee on Social Service which
12 provides summaries of reports that have been received of
13 individual boys that have been sent to Dhurringile, and
14 we have those in that run of years on the screen there
15 in 1952, 54, 55 and 57, but we don't have more detailed
16 case records available.

17 Q. You do make reference to a visit to Dhurringile in 1951
18 by the then Moderator of the Church of Scotland?

19 A. That is right, who seems to have formed a positive view
20 of its work there.

21 Q. Do we have any notion as to what sort of inspection, if
22 any, he made of the premises?

23 A. No, we don't have much. I don't think -- from my
24 recollections, I don't think we have much more detail,
25 other than him being sort of positively disposed to the

1 project having been there. That would have been fairly
2 soon after the initial construction work had finished on
3 that site.

4 Q. But of course at that time children had not been sent,
5 in 1951?

6 A. I think that is right. I think it may have been that
7 same year that the first parties starting arriving
8 there.

9 Q. You draw attention to the contrast between positive
10 reports and the fact-finding mission's conclusions in
11 1956 which was, I think, as we have seen, critical of
12 the regime?

13 A. That is right. I think last time I was presenting
14 evidence as well, we talked about the notes that had
15 been made by Anthony Rouse during his accompanying of
16 the Australian review which had reiterated the mission's
17 comments.

18 Q. Can we then look at the Burnside episode, because you
19 touch upon this in paragraph 7.3 in particular, namely,
20 that a number of 39 children were sent from Quarriers to
21 Burnside, and this was under the auspices of the Church
22 of Scotland?

23 A. Well, I'm not sure if it was under the auspices of the
24 Church of Scotland because I think it may have been
25 a direct arrangement between Quarriers and

1 Burnside Homes, because the UK Government funding
2 agreement with the Church of Scotland was only set up
3 after the war and this was set up without any
4 UK Government funding.

5 Q. Do we know why Burnside was selected then as the
6 institution of choice?

7 A. This has quite a curious history and there is still some
8 lack of clarity about this. But the preceding history
9 is that the Church of Scotland had been asked to try to
10 find children to send to Burnside earlier in the 1930s
11 but struggled to do so, and we know from
12 a Dominions Office file that there was some discussion
13 of that case in correspondence about that, and an
14 internal note within that file comments that part of the
15 reason might be because families were reluctant to send
16 their children to what was effectively a children's home
17 in Australia, and it might be far more attractive to
18 send them to somewhere like a farm school associated
19 with Fairbridge where there would be a sense that they
20 are actually being given a vocational training to set
21 them up for a future life in Australia rather than being
22 placed in a residential institution or moving from one
23 to another. So there appears to have been a difficulty
24 in recruiting children. And following that,
25 Cyril Bavin, who was then working for the YMCA, seems to

1 have become involved in terms of trying to recruit
2 children for Burnside.

3 But I think one of the curious things is that when
4 Quarriers then write to parents and guardians at the
5 end of 1938 and the start of 1939 to get consent for
6 these children, this party of children going to
7 Australia, it is not actually to Burnside that they are
8 asking consent for but actually to a Fairbridge Farm
9 School.

10 Q. I think what you done in the report at some point is you
11 have actually provided us with a selection of quotes
12 from these letters.

13 If we look at the first quote you have, this is from
14 the recipient of the letter because he has clearly got
15 a letter that made mention to Fairbridge, and he has
16 responded as you have quoted there:

17 "I hereby agree that my grandchild ... should join
18 the party going to the Fairbridge Farm School."

19 And I think you provide us some further quotes.

20 The last bullet point, for example:

21 "I was much interested to hear the suggestion
22 that ... might be sent to one of the Fairbridge schools
23 in New South Wales. I have heard much of the work of
24 the Fairbridge schools and I feel personally that this
25 might be the most excellent chance for him."

1 I think that may be a response from a public
2 authority?

3 A. Yes, yes, that is right. And also I think it reflects
4 the fact that obviously the reputation of the
5 Fairbridge Society had continued to grow through the
6 1930s through things like the appeal I think in 1934 led
7 by the Prince of Wales, so its prestige had continued to
8 rise during that period.

9 Q. If we move on to the next page, page 493 of the report,
10 you have provided us with another quote:

11 "I am very pleased that [and there's reference to
12 the boy's father] has agreed to ... going to Fairbridge.
13 I happen to have some application forms and got him to
14 sign one which I enclose herewith ..."

15 As you have told us there:

16 "The letter contains enclosed Fairbridge consent
17 form signed by the father."

18 So what is being represented here, it would appear,
19 by Quarriers, is that the boys that eventually ended up
20 in Burnside are in fact going to be sent to one of
21 the Fairbridge institutions?

22 A. That is right, that is very clear from the
23 correspondence.

24 Q. And I think you raised the point somewhere in the report
25 whether or not what consent was given could have been

1 informed consent because the institution that was being
2 put forward was not the place to where the children were
3 being sent?

4 A. Yes, and that perhaps has particular significance given
5 the difficulties there had been in recruiting children
6 for Burnside just a few years before.

7 Q. Do you seek to set out in paragraph 7.6 some personal
8 connections that might have been in the background as to
9 why Burnside was being targeted?

10 A. Yes. So there clearly was some personal but no
11 organisational link between the new Fairbridge Farm
12 School at Molong in New South Wales and the
13 Burnside Homes, and that was Molong had been set up
14 through a group of local businessmen benefactors who had
15 raised funds to enable the Molong site to be bought and
16 to be built on, and one of those, Andrew Reid, also was
17 a director of the Burnside Homes so there was a personal
18 link there. And it appears -- I think in a later
19 paragraph we go on to note that Andrew Reid had
20 a personal connection with I think -- is it the chair of
21 the Quarriers' council?

22 Q. Lord Maclay I think you mention?

23 A. That is right.

24 Q. That is on the following page.

25 A. Yes. So there seems -- the precise route through which

1 children received consent to go to Molong and ended up
2 in a different institution isn't clear, but we know that
3 there was something going on in terms of that personal
4 connection between those individuals.

5 Q. You go on to say, certainly looking at the materials you
6 looked at, this is paragraph 7.8, that:

7 "If Quarriers had presented the potential migration
8 of children to parents, guardians and other relevant
9 bodies as a collaboration with Fairbridge in good faith,
10 it may have been that after receiving consent in spring
11 of 1939 a decision was made by Quarriers to send their
12 migration party to Burnside instead, possibly as
13 a result."

14 Of contacts either with Bavin or the Church of
15 Scotland.

16 And you go on to say at page 495:

17 "There is no indication, however, on any of the case
18 files, that any of the parents, guardians or relevant
19 bodies (such as the RSSPCC) who had agreed to these
20 children's migration on the basis that this would be
21 through the Fairbridge Society were notified of this
22 change."

23 So there is no evidence to suggest that any further
24 notification was given?

25 A. No, that is right. And it is quite striking that the

1 original consents for the migration to Fairbridge are
2 preserved there, but there is absolutely no record at
3 all of any follow-up on this in terms of the apparent
4 change of destination.

5 Q. I think that is what prompts you to raise the issue as
6 to whether such an admission could be seen as
7 undermining the potential for informed consent?

8 A. Yes, we simply don't know whether parents and guardians
9 really understood what was happening before the children
10 went to Australia, it is difficult to know from that gap
11 in material, but there is certainly to evidence of
12 informed consent being given.

13 Q. A point you make in the following paragraph, and this is
14 still under reference to Quarriers I think, is the point
15 from Curtis that emphasised the importance of
16 maintaining family bonds, and I think you draw upon
17 an example where clearly that does not appear to have
18 been followed through by Quarriers?

19 A. No, that is right. We see this both with the 1939 party
20 in one case, where there is one brother remaining in
21 Scotland, one brother being emigrated to Canada, and
22 then another brother and sister being sent to Burnside
23 and a fifth not being admitted to Quarriers at all.
24 Obviously that is preceding Curtis. But we do also
25 see -- we go on in subsequent paragraphs in this

1 appendix to look at other cases around the Quarriers
2 boys sent to Dhurringile in the early 1960s where again
3 there seems to be an emphasis on the value of their
4 emigration rather than maintaining family bonds.

5 And I suppose it is worth saying that what we see in
6 the Curtis Report and also Jeanette Maxwell's
7 Home Office memo in 1947, but also the comments that we
8 see from some Local Authority children's officers like
9 Gwyneth Wansborough-Jones when presenting evidence to
10 the Overseas Migration Board, is that when weighing up
11 a decision about the emigration of a child, the
12 important factor is simply maintaining the family bonds.
13 It is not necessarily that the child actually is going
14 to go back and live with the family, but a wider sense
15 that the family contacts are important.

16 So the decisions that Quarriers seem to make in the
17 early 19600s seem to be more that if a placement back
18 into the family doesn't appear to be viable, then a boy
19 is considered suitable for emigration.

20 Q. I think what you are setting out in paragraph 7.10 is
21 that there were instances where there was potential
22 viability and, notwithstanding that, that the Quarriers
23 management appears to have been towards encouraging the
24 child's migration rather than maintaining them in
25 Scotland to preserve the family links?

1 A. That is right. So these are cases where family members
2 had either expressed an interest in boys in care being
3 placed back with them, and there may have been
4 difficulties with arranging that but certainly the
5 families would still maintain a very active interest in
6 the boys in Quarriers' care, but the potential of them
7 and I guess the perception of them having a new life or
8 a different life in Australia was seen as overriding
9 maintaining those kind of family contacts.

10 We also see I think at some points, both around the
11 1939 party and around the 1960s as well, some of the
12 correspondence with some family members which is quite
13 poignant in terms of family members expressing their
14 sadness or distress at children going overseas, but with
15 there being a sense that the child wants to do this, it
16 is all in their best interests, they don't really have
17 much keeping them in Scotland at all so it's better for
18 that change to take place, but some family members were
19 clearly finding that very difficult.

20 Q. You do set out in the following a paragraph a style of
21 letter that Quarriers used to contact parents. Perhaps
22 I will just read that:

23 "We have been invited to send a small party of boys
24 to a home not unlike our own in Australia. After time
25 there the boys will be placed in suitable employment,

1 and all together we feel it would be a very good chance
2 for the boys selected, especially when their outside
3 contacts in this country are not so strong. Having
4 regard to these circumstances, would you be willing to
5 allow [child] to be submitted to go to Australia?

6 I should of course like to make it clear that
7 investigations are at present only in the preliminary
8 stages. I would too like you to know that [the boy] is
9 very keen to go."

10 I think you take the view that that could be seen as
11 placing a degree of emotional pressure on the family
12 contacts, particularly with the notion that the boy is
13 keen to go?

14 A. Yes, that is right. It is also partly striking that
15 this is a form letter as well, so there is not a sense
16 of kind of the individual --

17 LADY SMITH: Nothing individual.

18 A. No, that is right. So this kind of enthusiasm on the
19 boy's part seems to be a rather standard enthusiasm in
20 the letter.

21 I suppose one reading of this is that for families
22 who may be sort of struggling to maintain contact with
23 a child in care, this implication that those bonds are
24 not that valuable and that there is a better future for
25 the child, and that actually to refuse consent would be

1 to hold the child back. It is possible to imagine that
2 placing a degree of emotional pressure on --

3 LADY SMITH: The language is interesting, isn't it? "When
4 their outside contacts in this country are not so
5 strong". It's veering away from what they are really
6 wanting to say, which is: you don't you have any proper
7 relationship with your child, do you? Therefore it
8 would be better just to let them go.

9 A. Yes, yes.

10 LADY SMITH: Rather than any reassurance that if your child
11 goes, we will do all we can to see that you maintain
12 contact.

13 A. Yes, yes, that is the -- that is an implication.

14 I think there may have been some efforts to maintain
15 some contact but limited. But, yes, it is certainly not
16 placing a primary value on the relationship of their
17 family with the child there at all. It is very much --
18 the language actually reminds me of sort of child-saving
19 discourse from the mid-19th century that I have seen in
20 other contexts, with the idea of the organisation having
21 a kind of benevolent vision for the child and the parent
22 potentially being an obstruction to that. It has those,
23 yes, echoes.

24 MR MACAULAY: In paragraph 7.13 you provide insight into one
25 particular case. I think this case was discussed

1 with -- it was one of the Church of Scotland witnesses,
2 I think, or perhaps one of the Quarriers' witnesses. It
3 was a case where a mother was evidently very reluctant
4 to allow her son to be migrated and she intimated that
5 fact, and you have quoted there part of the letter from
6 the Quarriers' superintendent to the effect that:

7 "On the assumption that this letter was dictated by
8 you ..."

9 And I think we have seen there was a typed letter
10 from the mother.

11 A. Yes.

12 Q. "... I regret very much that you do not see your way to
13 give your consent to the emigration of ... You certainly
14 have no prospects for him, and why stand in his way?"

15 I think what happened here was eventually the mother
16 did give her consent once she had received written
17 confirmation from her son that he wanted to go.

18 A. That is right, yes, yes. But again that does seem to
19 exemplify exactly that kind of pressure on parents that
20 we were just talking about there.

21 LADY SMITH: It is not just pressure, it is really quite
22 offensive to the mother, isn't it?

23 A. It certainly is undervaluing any kind of ongoing
24 contact, and it is projecting the mother as a problem,
25 as an obstacle to the child's development.

1 LADY SMITH: "You certainly have no prospects for him".

2 A. Yes.

3 MR MACAULAY: I think the whole letter in particular could
4 be seen -- we looked at it before, the superintendent's
5 response could be seen as relatively offensive to the
6 mother.

7 A. Yes, absolutely, yes. Yes. But certainly not giving
8 her any sense of entitlement to express any reservations
9 about giving consent at all, yes.

10 Q. You also point to some further evidence of
11 organisational presumption towards migration in the
12 following paragraph, this relates to the psychological
13 reports that were carried out which indicated certain
14 children would not be suited to emigration. What
15 happened there?

16 A. That's right. So again going back to the Section 33
17 regulations, there had been a sense there that a careful
18 assessment of a child's suitability for emigration
19 should be a standard part of any effective selection
20 process, so in the parties of boys sent in 1960 and 1961
21 individual psychological assessments were made of their
22 suitability for emigration. But for five of the 16 boys
23 who were emigrated, the psychologists suggested either
24 on grounds of their educational development or their
25 emotional strengths or stability that they would not be

1 suitable candidates for emigration but Quarriers sent
2 them nonetheless.

3 What is striking then is that in the 1962 party
4 there is no record of any psychological tests done on
5 them at all, so whether those records are lost or
6 whether the psychological tests were seen as
7 an unhelpful element of the process it is hard to say.

8 Q. We just don't know, I suppose, if the records existed or
9 not?

10 A. That is right, yes.

11 Q. But the overall conclusion you come to there, at 7.15,
12 is that:

13 "There was an organisational presumption towards the
14 migration of these children which was not in accordance
15 with how the best interests of the child would be
16 understood at that time."

17 A. No, I think, both taking into account contemporaneous
18 understandings of the importance of family bonds and
19 also the individual assessment of the child, neither of
20 those examples seem to be best practice.

21 Q. The point you make in the next paragraph about children
22 being migrated with little information about their
23 family background, that seems to be a general failure,
24 not just with Quarriers but also with other sending
25 organisations, is that right?

1 A. I think it was probably a bit -- after the war I think
2 it was probably a little bit different. I think
3 probably Barnardo's and Fairbridge may have moved more
4 towards that. They're simply also the organisations
5 that have a better case record system more generally,
6 but clearly we see that not being the case with the
7 Catholic organisations that we were looking at last
8 time.

9 Q. I think you do say that there appear to have been case
10 histories sent with the party of children that was
11 migrated to Burnside in 1939?

12 A. Yes, that is right, yes, yes, which was unusual, and
13 unusual for that period as well.

14 Q. Coming back to the Burnside situation then, you address
15 that again in 7.17, and you say that:

16 "From the information available, it is not clear
17 what Quarriers knew about conditions [there]."

18 Is there any evidence that Quarriers had carried out
19 any form of inspection or had an inspection carried out
20 on their behalf?

21 A. No. No evidence of that at all. Again that personal
22 connection between Australia and Quarriers seems to have
23 been the main source of information there but we don't
24 have any record of any other checks. The UK Government
25 had some awareness of conditions there, we know, but it

1 is not clear that Quarriers had any.

2 Q. So far as Dhurringile is concerned, we have already
3 touched upon the Moderator's visit in 1951, but
4 thereafter there was the Ross Report --

5 A. That is right, yes.

6 Q. -- which I think you mention was critical. But in
7 relation to Quarriers and the Church of Scotland, is
8 there any suggestion that they were aware of the
9 criticisms that were being made by Ross specifically?

10 A. Yes, so insofar as I am aware, the confidential
11 appendices were never passed directly back to the
12 voluntary societies because, among other reasons, Ross
13 was unhappy that that would be done. But certainly the
14 Church of Scotland was aware that concerns had been
15 raised about Dhurringile, because the Commonwealth
16 Relations Office approached them in the context of
17 discussions about the renewal of its funding agreement
18 in 1957, so certainly it had an awareness of there being
19 general concerns about standards there. To what extent
20 Quarriers were aware of those discussions we don't know.

21 Q. At 7.18 what you say is:

22 "Quarriers note that there is no evidence of any
23 monitoring or inspections of the children that it sent
24 to Burnside ... in 1939."

25 And you go on to say:

1 "This accords with the case files that have been
2 reviewed in which no such reports appear and in which
3 the main means of receiving information about children
4 migrated by Quarriers appears to have been through
5 occasional letters sent by the children themselves."

6 There I think you are referring to the Quarriers'
7 Section 21 response?

8 A. That is right, yes. So there was fairly detailed
9 material given about what was known about each of these
10 children in the 1939 party and there is some evidence of
11 children writing back to Scotland in those files.

12 Q. Insofar as Dhurringile is concerned and the parties that
13 were sent there in 1960 to 1963, then there were some
14 reports sent back?

15 A. Yes. So we do have two rounds of reports written by
16 Dhurringile's principal in June 1962 and January 1964,
17 though nothing apparently after Dhurringile was closed
18 when these -- so we thought, for example, about
19 Dr Barnardo's homes producing regular aftercare reports,
20 but we don't see anything similar in terms of the boys
21 sent to Dhurringile.

22 Q. Dhurringile was closed in 1964?

23 A. That's right.

24 Q. And the children who were there were moved to another
25 institution?

- 1 A. Yes, I think -- was it Kildonan I think?
- 2 Q. Yes. Are you saying that there was nothing -- no
3 information was provided --
- 4 A. No, no reports.
- 5 Q. -- about aftercare and so on and so forth?
- 6 A. That is right, either for children placed out in work or
7 for the boys who went on to Kildonan.
- 8 Q. But you do make the point that if monitoring is
9 dependent upon the principal of an organisation sending
10 reports, then that in itself has a potential weakness in
11 that at least there is the possibility that
12 the principal would not want to be too critical of his
13 own institution?
- 14 A. No, that is right, and so we -- this is an example in
15 which you have received evidence from boys sent to
16 Dhurringile about the principal at that time being
17 someone who was I think physically and certainly
18 emotionally abusive, and clearly one wouldn't expect to
19 see any kind of reflection on that in the reports being
20 provided on boys there, and it is that same weakness
21 that we noted before, about the unlikeliness of
22 institutions providing poor standards of care to
23 actually reflect on that in these reports. Although
24 what we will see I think when we go to the
25 Salvation Army later on is the way in which people back

1 in the UK can still read those reports despite there
2 being any kind of critical comment within them in a way
3 that could still lead to critical questions being
4 raised. But clearly the quality of that report is
5 dependent on the person completing it.

6 Q. As you point out, the principal at the time was
7 an individual who has been identified as having
8 physically and psychologically abused certainly two
9 witnesses to this Inquiry.

10 A. That is correct, yes.

11 Q. You do point out, though, that there were some brief
12 positive reports about Dhurringile included in
13 Quarriers' annual Narrative of Facts for 1960 and 1961?

14 A. Yes. But I think again we would have to look at
15 material like that as primarily publicity material, and
16 so we would understand that really as material that is
17 always going to be intended to create as positive
18 an impression of the organisation's work as possible,
19 and not being the same as a kind of rigorous inspection
20 check on the work that is being done.

21 Q. Can we move on then to section 8 of this appendix where
22 you look at monitoring systems implemented by Local
23 Authorities in Scotland. I think we have already had
24 evidence, possibly from Professor Constantine, that the
25 Local Authorities in Scotland were not enthusiastically

1 involved in child migration?

2 A. No, the numbers involved seem to be very small. We know
3 in England and Wales again Local Authority enthusiasm
4 was at best very patchy and was actually -- the
5 Australian Commonwealth Government was explicitly trying
6 to lobby the Commonwealth Relations Office and the
7 Home Office periodically to try and get more children
8 sent from the care of local authorities, and that
9 picture is replicated in Scotland well.

10 Q. But insofar as Local Authorities were involved in child
11 migration, what evidence is there of monitoring
12 thereafter?

13 A. The picture seems to replicate that in England and Wales
14 in that local authorities didn't generally set up their
15 own independent monitoring systems at all. The
16 Historical Institutional Abuse Inquiry noted one case
17 where a Local Authority children's officer had followed
18 up on an individual boy sent overseas on whom there
19 hadn't been much information found. I think actually,
20 from memory, someone who was sent to Dhurringile. But
21 by and large, local authorities were dependent on any
22 monitoring that the voluntary society who was
23 responsible for the emigration of the child did.

24 So, for example, Cornwall County Council, whose
25 children's officer, Dorothy Watkins, had had historic

1 links with Fairbridge and who sent -- it was one of
2 the local authorities that sent more children overseas
3 than other Local Authorities in England and Wales.
4 Watkins then reported back to her children's committee
5 drawing on Fairbridge's own monitoring system.

6 So where local authorities seem to have done that in
7 England and Wales, it seems to have drawn on voluntary
8 society reports, but we couldn't see any evidence of
9 that being done in Scotland at all, but we are looking
10 at a very small number of cases.

11 Q. But just to understand the workings of the system,
12 a Local Authority might place a child with a voluntary
13 organisation and, therefore, when the issue of migration
14 would arise, the voluntary organisation would contact
15 the Local Authority to seek approval?

16 A. We -- yes, we don't -- certainly in Scotland I don't
17 think I have seen detailed enough case records to know
18 the exact kind of pathway of that. But, yes, I think
19 usually that would have been an approach from the
20 voluntary society to the Local Authority.

21 Q. But I think there is some correspondence -- some
22 material to indicate that might have been the case?

23 A. Yes.

24 Q. And then once approval had been given and the other
25 administrative procedures had been overcome, then the

1 child would be migrated. What I think you are saying is
2 that in that situation, a Scottish Local Authority would
3 really have no further feedback in connection with the
4 migration of the child?

5 A. Other than that provided by the voluntary society. So
6 if a voluntary society had a monitoring system then they
7 might receive information back on that, as happened in
8 the case of Cornwall, but we don't see any examples of
9 that happening in Scotland.

10 Q. You draw attention at paragraph 8.2 to the fact that:

11 "The lack of any system of independent
12 post-migration monitoring by Local Authorities of
13 children sent from their care appears to be confirmed by
14 material submitted by various Local Authorities to this
15 Inquiry in which no evidence can be found of such
16 a system being in place."

17 And there I think you are looking at Section 21
18 responses that have been made to this Inquiry?

19 A. That is correct, yes.

20 Q. You say, I don't know if you are being overly generous
21 or not in this comment, but what you say then is:

22 "It is not entirely clear whether this lack of
23 evidence reflects gaps in surviving records or simply
24 the absence of any systematic approach."

25 A. Yes, that is a fairly cautious way of putting it. There

1 doesn't seem to have been any systematic system at all,
2 and that was the same in England and Wales as well.

3 LADY SMITH: Let's just confirm that. Do you think you
4 would have found it if there had been?

5 A. Yes, I would have expected there to have been -- because
6 the case -- there is other case material about these
7 boys. But by and large, the local authorities seem to
8 have thought that once the child left this country,
9 particularly if they are under a fit person order, then
10 that is when their responsibility for that child ended.

11 LADY SMITH: And of course from the Local Authority's point
12 of view, their responsibility had financial
13 implications?

14 A. In terms of providing ongoing maintenance?

15 LADY SMITH: Or certainly when they were in the voluntary
16 home or in a Local Authority home.

17 A. Yes.

18 LADY SMITH: Yes. I just wondered, and it is because of
19 a snippet of evidence we had yesterday, whether there is
20 any possibility that local authorities were concerned
21 that if they were involved either directly in migration
22 of children or in post-migration monitoring, that it
23 would end up being at their expense, even if it was
24 through the Empire Settlement Act, that they would be
25 recharged for it or a something of that nature.

1 A. Just in terms of the physical costs of setting up the
2 system? Yes, there wouldn't have been any funding for
3 that at all. That would have been -- there was some --
4 for the voluntary societies, there was some funding that
5 came through, say, from the Australian Commonwealth
6 Government towards administrative costs and that would
7 have been part of their core activities. But it would
8 have been -- to have done that work would have been an
9 additional administrative financial burden on the Local
10 Authorities, yes.

11 MR MACAULAY: So on the assumption then that local
12 authorities did not undertake any systematic and
13 independent post-migration monitoring of children sent
14 from their care, then they were reliant upon voluntary
15 organisations reporting back to them --

16 A. Yes.

17 Q. -- in respect of any monitoring they carried out?

18 A. Exactly. But there doesn't seem to have been any
19 evidence of them particularly chasing up voluntary
20 societies on this either.

21 Q. As you pointed out indeed in the appendix we have been
22 looking at, there is considerable variation in practices
23 across these voluntary organisations in any event?

24 A. Exactly. So what we have seen, for example, with
25 Barnardo's and Fairbridge being very different to the

1 Catholic organisations that we have looked at, yes.

2 Q. You do in the next couple of paragraphs I think, the
3 next two paragraphs, point to a few examples from the
4 post-war period of Local Authority records of
5 post-migration reports being provided by voluntary
6 organisations to local authorities from whose care
7 a child may have been sent. Can you just take me
8 through these examples? I think there are about four
9 examples.

10 A. Yes, I think. So these tend to be more -- so we are
11 looking at paragraph 8.4 there. So there is one boy
12 sent out with the Big Brother Movement, so he would have
13 been a juvenile migrant, and of the boy writing back
14 confirming he had now been settled happily on a farm.
15 But I think -- that is the only example I can see
16 I think in that paragraph of a boy writing back.

17 Q. Yes. And then in the following paragraph it would
18 appear that East Lothian Council has identified a case
19 of one boy who was emigrated to Australia through
20 Barnardo's in 1947 and that they received some feedback
21 from Barnardo's?

22 A. That is right, though I think my recollection of that is
23 that that related to him pre-migration. I don't think
24 that was post-migration, I think that was about,
25 I think, the evaluation of his case, if I remember that

1 correctly.

2 Q. I think actually you say that halfway through:

3 "In neither of these cases were any post-migration
4 monitoring reports noted for these boys ..."

5 So we are looking at -- this is before they were
6 being sent?

7 A. That is right, as part of the assessment process, yes.

8 Q. Your conclusion here is:

9 "Overall, in comparison to voluntary organisations
10 who arranged for the migration of tens and in some cases
11 hundreds of children per annum from across the
12 United Kingdom, local authorities in Scotland appeared
13 to have only very rarely sent children from their care
14 overseas in the post-war period."

15 And I think that is the point that has already been
16 made?

17 A. Yes.

18 Q. But the point you make is:

19 "It is perhaps unsurprising there is little evidence
20 of systematic post-migration monitoring."

21 Is that because there were so few sent that it would
22 not have justified a system being in place of something
23 along these lines?

24 A. That's right. Certainly recruitment across a number of
25 Local Authorities in England and Wales was very low but

1 in Scotland it appears to have been even lower, so it
2 really does seem to have been a few -- a very, very
3 small number of cases. We are looking at sort of
4 individual cases across a Local Authority where to think
5 about a system might have seemed not sort of feasible
6 given that it appears to be a much more kind of
7 individual and ad hoc process for these children and
8 teenagers.

9 Q. We then move on to the monitoring systems operated by
10 the Salvation Army, and you begin by I think reminding
11 us that some boys were migrated to Australia from
12 Scotland under the auspices of the Salvation Army, and
13 in particular to the Riverview Training Farm in
14 Queensland?

15 A. That appears to be the case, yes.

16 Q. And you point to there being material that suggests that
17 boys were sent to Riverview in particular in 1952, 1954,
18 1955, 1958 and 1960?

19 A. Yes. They were sent more regularly than that; those are
20 the years in which we have reports back on boys sent to
21 Riverview.

22 Q. You go on to say:

23 "In those years, short reports were received by the
24 Salvation Army's migration department in London on the
25 progress of boys sent to Riverview."

1 So there we have an example of reports on progress
2 being sent back?

3 A. That's right. It is not -- and the review system was
4 slightly different in that these were boys around or
5 just over school leaving age who were usually only there
6 for a period of months, so it was a slightly different
7 residential experience. So there would normally only be
8 one report written about them during their stay at
9 Riverview because they were there for a shorter period
10 than other child migrants.

11 Q. And you describe the reports as being typically fairly
12 short, just a few lines?

13 A. That's right, yes.

14 Q. Essentially focusing on what?

15 A. It was looking at their behaviour, their health and
16 their adaptation to Australian farming conditions and
17 their willingness to learn. But one of the recurring
18 themes with this is that the reports very much feel like
19 a kind of individual moral assessment of the child in
20 terms of their willingness to engage with this project
21 of being trained in agricultural work rather than any
22 wider assessment of their welfare, and this is something
23 that becomes a more explicit issue that is discussed
24 between the Salvation Army in London and Australia in
25 due course.

- 1 Q. You do tell us that records of reports have been held on
2 file for no more than 42 boys, which is fewer than the
3 number of children that were migrated?
- 4 A. That is right. So although the records are better than
5 some organisations, they are still not a complete run
6 for all of the years that boys went out, or for all of
7 the boys who were sent.
- 8 Q. According to the table you have produced in the main
9 report on page 80 of the report, the Salvation Army, on
10 the basis of the calculations that yourself and
11 Professor Constantine have put together, were involved
12 in about 91 children being migrated?
- 13 A. That is right. That would have been -- that is the kind
14 of figures based on the Empire Settlement funding
15 arrangements. So, yes, it is clear that we are dealing
16 with around half -- reports on half of the boys
17 certainly being found on file there.
- 18 Q. And most of these were in the 1950s although I think
19 migration continued up until 1961 when there is one
20 child migrated --
- 21 A. That is right.
- 22 Q. -- according to the table?
- 23 A. Yes.
- 24 Q. So you do raise the point then, looking to those
25 figures, that it's not clear why a more comprehensive

1 run of reports is not held in the Army's archives?

2 A. Yes, it is not clear whether some reports were just not
3 sent. But it is a little unusual, when there is
4 evidence of such a number of reports, simply for certain
5 years to be missing, so it is not really clear why that
6 is.

7 Q. If there are about 42 reports and there were about 91
8 migrated, then more than half are missing --

9 A. That is right.

10 Q. -- on that calculation?

11 A. Yes, exactly, yes.

12 MR MACAULAY: I am now moving on to look at some complaints
13 that some of the boys made. My Lady, I know there is
14 a technical issue about to turn up.

15 LADY SMITH: Well remembered.

16 MR MACAULAY: I think possibly, contrary to our usual
17 practice, this might be the point to have the morning
18 break.

19 LADY SMITH: Yes, let's do that before we get a WebEx
20 problem on our hands anyway.

21 Just to remind you, a lot of people are connecting
22 by WebEx to follow the proceedings, Gordon. We will
23 take the morning break now and resume once we are past
24 the WebEx-critical stage. Thank you.

25 (11.16 am)

1 (A short break)

2 (11.40 am)

3 LADY SMITH: Welcome back, Gordon. I understand all is well
4 and we can carry on.

5 Mr MacAulay.

6 MR MACAULAY: My Lady.

7 We had started looking at the monitoring systems
8 operated by the Salvation Army and touched upon the fact
9 that there were reports, but there seems to be
10 a shortage of reports if they existed in the first
11 place.

12 A. That is correct.

13 Q. That is the position?

14 A. That is right.

15 Q. If we move on to paragraphs 9.3 and 9.4, you have seen
16 some materials that level criticism at Riverview and the
17 regime at Riverview?

18 A. That's right. So the first of these examples is
19 a letter back from a party of boys who had travelled out
20 in 1953 who are very critical about the conditions at
21 Riverview. They say it is not a training farm, it is
22 merely a money-making concern, the food is fit only for
23 pigs and they don't care as long as we have something on
24 our plates, and we are worked from 4.30 in the morning
25 to 4.30 in the afternoon for the ridiculous sum of four

1 shillings, and if we are very lucky we get into town
2 every two weeks for one and a half hours. The toilets
3 are filthy and appalling, all the cutlery is rusting and
4 the food is terrible, and they threaten they are going
5 to go to the papers to break the story about how bad
6 things are, but also what a misleading account of
7 Riverview they were given when they were in the
8 United Kingdom.

9 Q. I will put that on the screen for another reason. It's
10 SAL.001.002.0491. It's not that document, it's the
11 other document.

12 It is addressed to:

13 "Dear Major Leng ..."

14 Was that back in the Salvation Army headquarters in
15 London?

16 A. That is right, yes, their emigration department.

17 Q. You have pointed out the main points. Can we just
18 scroll down and see -- or perhaps not see. A number of
19 names have been redacted but we can see this letter has
20 been signed by seven boys?

21 A. That is correct, yes.

22 Q. It is quite well written.

23 A. Yes, it is very -- they are expressing very strong views
24 there, and I have to say it reflects a succession of
25 examples we will go on to see of people having

- 1 an impression of what Riverview was like in the
2 United Kingdom, and then when they see it actually in
3 Queensland they are quite shocked by it. So this is the
4 first of a number of examples of this kind that we see.
- 5 Q. There is one typographical error I think on the second
6 paragraph, four lines down. "Don't" should be "done"?
- 7 A. Yes.
- 8 Q. But the threat there is that they will contact the
9 parents and parents may create a fuss in England?
- 10 A. That is right. So there is a threat of further action
11 being taken about this but, as we will see, this is kind
12 of managed out as a process by the Salvation Army.
- 13 Q. Yes. It also seems to be the case that these are
14 children who did have contact with their parents?
- 15 A. That is right, yes. Yes, that is correct.
- 16 Q. The other letter I want to put on the screen for you,
17 and you mention it in your report, is at
18 SAL.001.002.0490. This is written to a colonel in
19 Sydney, so this is within an Australian branch of the
20 Salvation Army?
- 21 A. That is right, yes.
- 22 Q. It's dated 28 September and it begins by saying:
23 "The attached letter has been received in this
24 office and in view of the content we are sending it to
25 you. We are wondering whether the boy [he is mentioned]

1 is at the back of this, especially as among the
2 signatures is that of [another boy] who has already
3 written home to his parents and we have a newspaper
4 cutting before us from which we quote ..."

5 The quote is a positive quote in that he is happy,
6 and so on.

7 The letter goes on to say:

8 "We are very surprised indeed to see the signatures
9 of such boys as [such and such] among those in the
10 letter as these boys appear to be above the average
11 and not easily led."

12 A. Yes.

13 Q. How did this end up, this particular complaint?

14 A. Again this reflects a repeated cycle in which the London
15 office are clearly concerned about this but receive
16 assurances from the Chief Secretary of the Eastern
17 Australia Territory of the Salvation Army who provides
18 a rebuttal of their complaints, essentially saying that
19 their working hours are realistic in terms of what one
20 might expect on a training farm, that they got meal
21 breaks. But the blame is actually then put on to the
22 boys in terms of it being said by the Salvation Army in
23 Australia that their productivity is poor and that they
24 possibly got too soft being waited on on the crossing,
25 the six-week crossing, afterwards.

1 Also the fact that, as you show in this letter here,
2 the fact that one of the boys who is included as
3 a complainant who is said to have written to his mother
4 saying -- presenting a much more positive picture is
5 used as evidence of this. Though it is interesting that
6 we also know that the escort who went out with the boys
7 wrote about how bored they became on the ship and how
8 difficult they were to manage. So there may well be
9 an implication here that this is a very positive view
10 being presented to a parent but not actually an accurate
11 view, but there doesn't seem to be any critical
12 reflection about that in London.

13 LADY SMITH: And of course what is quoted there is not the
14 boy's letter to his mother but the gloss put on the
15 letter, or part of it, by the Salvation Army that was
16 then reported by a newspaper.

17 A. Right, yes. So it's somewhat at a remove, yes.

18 MR MACAULAY: One of the tactics that was being considered
19 by the Salvation Army was to see whether or not they
20 could pull together some, as is quoted on paragraph 9.7:

21 "... outstanding or interesting success stories of
22 any of our boys and, if suitable, this will be used for
23 propaganda for recruitment by Australia House for
24 Riverview in their literature. Would it be possible for
25 you to let us have this?"

1 What was the product from that request?

2 A. Nothing seemed to transpire about that, so from this
3 initial complaint no further action was taken by London
4 at all. But this request seems to be in the context of
5 Robert Armstrong, the new Chief Migration Officer at
6 Australia House, wanting to stimulate more recruitment
7 of child migrants in the United Kingdom, but no positive
8 materials in response to this request from London have
9 been found on file at all.

10 Q. But you do provide us with another example of disquiet,
11 and that is at paragraph 9.8, where a boy had been
12 admitted to Riverview for training but that ten days
13 after that:

14 "The mother of the boy visited the State Children's
15 Department to complain that the Salvation Army in the
16 United Kingdom had described Riverview to her as
17 an agricultural college providing technical agricultural
18 training and, had she known what the facilities at
19 Riverview were actually like, she would not have agreed
20 to him being emigrated to go there."

21 So again it is a rather negative account of what
22 Riverview was like?

23 A. Exactly, and it again reflects the fact that the
24 children sent to Riverview tended to be children from
25 families where this was much more seen as a kind of

1 vocational training scheme, a short period of training
2 prior to being placed out for a future career. But
3 obviously the impression that the mother has received in
4 the United Kingdom is that this is something like
5 a technical agricultural college, and Riverview is
6 clearly a much more kind of rough and ready working farm
7 in which the boys are just being given some very basic
8 training.

9 Q. And of course we know that the year after that -- that
10 was in 1955; in 1956 the Ross fact-finding mission
11 provided very critical comments on Riverview?

12 A. Exactly. So essentially the Ross confidential addendum
13 on Riverview reinforces all of the complaints that have
14 been made so far in terms of the poor accommodation, the
15 unsuitability of the Salvation Army officers in terms of
16 their capacity to work with teenagers and young people,
17 and the very kind of rigid regime of the institution as
18 well.

19 Q. Although I think when Ross visited, there was only
20 in fact one migrant in residence who was described as
21 "an intelligent self-assured boy of good type", and that
22 he "disliked being there and was longing for the time
23 when he could leave and enter employment."

24 Do I take it from that that other child migrants may
25 have been out working on farms or doing other things at

1 this time?

2 A. It may be that he was the only one resident there at
3 that point because of the short-term stay -- relatively
4 short-term stays that other boys would have had there,
5 so it may have been that at that particular point he was
6 the only boy still resident there.

7 Q. But of course Riverview wasn't just accommodation for
8 child migrants, there were also Australian children
9 there?

10 A. Exactly, a point we will probably come on to in a minute
11 in terms of the slightly blurred role of Riverview.

12 Q. After the Ross Report, you do tell us that there were
13 discussions about whether Riverview should be considered
14 a blacklisted institution to which no further child
15 migrants should be sent. Can you recall, was it on the
16 blacklist, the list that was appended to one of Ross'
17 notes?

18 A. Yes, it was one of the five institutions, yes.

19 Q. But notwithstanding that, were children still sent there
20 after that?

21 A. Yes, it formed part of that wider process in 1956/57
22 that we have talked about in terms of the discussion
23 about how to respond to the Ross Report's
24 recommendation. And with Riverview, the feeling was
25 again that if the Salvation Army in the United Kingdom

1 could be encouraged to try to encourage the Australian
2 Salvation Army to improve standards that that would be
3 positive. But the Commonwealth Relations Office view
4 was that because child migrants going to Riverview were
5 only there for a shorter period of time, it was possible
6 to be a little bit more -- to have perhaps slightly less
7 rigorous standards in terms of what was being sought
8 there.

9 Q. You tell us on page 505 of the report in the bottom half
10 that:

11 "A further twelve boys were sent there after the
12 Ross mission."

13 And that it was then considered that:

14 "This home was fulfilling satisfactorily its
15 function of providing preliminary farm training for
16 migrant youths desirous of entering rural occupation."

17 And on that basis I think the funding agreement to
18 support the Salvation Army was renewed?

19 A. That is correct. So the state officials gave
20 essentially not a very detailed report at all in terms
21 of addressing those concerns but maintained the line
22 that the primary function of Riverview was to provide
23 a basic agricultural training and that it was succeeding
24 in doing that.

25 Q. You do tell us at the end of that paragraph,

1 paragraph 9.10 on page 506, that in fact the
2 Salvation Army's agreements were renewed in 1957 and
3 also in 1960?

4 A. That is correct, yes.

5 Q. You also draw attention to some other complaints made by
6 two boys who went from Riverview to Brisbane to
7 complain. Can you just help me with that? What
8 happened there?

9 A. So this was a case of another two boys who had gone out
10 to Riverview, and this is happening, as you say, a few
11 months after Ross' mission, this is happening towards
12 the end of 1956. And they again complained that
13 Riverview wasn't what they were expecting before they
14 had gone out to Australia, but one of their particular
15 complaints seemed to be that they felt that Riverview
16 was more like a borstal institution, it was actually
17 more of a reformatory than they had been led to believe.

18 That had been an issue right from the outset in
19 terms of the approval of Riverview in terms of whether
20 it would also be an institution in which Australian boys
21 who were under court order from the state government
22 would also be sent as well. We can see some again
23 correspondence between London and Australia on that in
24 which this idea that the child migrants are being
25 allowed to mix with delinquent boys is very much being

1 downplayed.

2 Q. There is also some tension between the manager of
3 Riverview and whether or not the boys should or should
4 not be sent back. If you look at paragraph 9.11, the
5 manager seems to have taken the view that he wasn't
6 prepared to receive any other child migrants at
7 Riverview:

8 "... if they are allowed to walk off on their own
9 whim and fancy."

10 A. Yes, that is correct. So there is an interesting
11 difference of view within the Salvation Army as to
12 whether boys should be forced to stay there.

13 Actually reading this again in preparation for
14 today, there is a slight concern that would be raised
15 for me as to whether the manager is a little bit
16 concerned about boys leaving the farm in order to
17 complain about conditions.

18 Q. Yes.

19 A. And we are aware of other issues around physical and
20 sexual abuse at Riverview through the 1950s, so one
21 might wonder if that is an attempt to somewhat keep the
22 lid on problems there as well.

23 Q. His approach was that boys should no longer be migrated
24 to Riverview, but that didn't happen, is that right?

25 A. No, that is right. So his view was if the boys were

1 just going to go whenever they wanted to, then he wasn't
2 prepared to have child migrants, children, but, yes,
3 boys continued to be sent there.

4 Q. I think you tell us on the following page, 507, that
5 a further six boys had sailed to Australia to go to
6 Riverview just shortly before that?

7 A. That's right.

8 Q. Were there further reports then on Riverview and what
9 the regime was like?

10 A. Yes, that is right. And this I think is a really
11 interesting moment in the correspondence between London
12 and Australia where the London office begin to question
13 whether the reports that they are receiving actually
14 reflect an uncaring and insensitive attitude on the part
15 of staff at Riverview, and the London office comments
16 that:

17 "The only reports we have received latterly have
18 been most disturbing with nothing good to report and we
19 are wondering what has caused the change."

20 And they -- there is a sense from the London office
21 that staff at Riverview should appreciate that these are
22 still boys sort of 15 years of age, they have only just
23 left school, they have moved to a new country and left
24 their families back in the United Kingdom, because these
25 were boys sent from families rather than residential

1 institutions, and that some sympathy and support should
2 be given to them in terms of adjusting to their new
3 life, and the London office was struck by the lack of
4 that care in the reports.

5 I suppose one of the things that is interesting that
6 I take from that, which goes back to this issue that we
7 thought before, about how reports back might not
8 explicitly disclose problems, but actually it was
9 possible for people in the United Kingdom to read the
10 tone of reports as well and to learn from that and to
11 think critically about the tone that was being taken.

12 I have to say actually, when reading the reports,
13 I can't see any difference in tone right the way through
14 the 1950s, but it seems the London head office has
15 become more sensitised to problems there and is becoming
16 more concerned about that.

17 Q. But the reaction to the Chief Secretary of the Eastern
18 Australian Territory, you set that out in the following
19 paragraph, and what was his response?

20 A. He didn't deal with any of the issues about the kind of
21 ethos of care at Riverview or the lack of it but he did
22 say that no delinquent boys were accommodated at
23 Riverview. That appears to be something of a grey area,
24 because it does appear that throughout that whole period
25 boys would have been placed at Riverview under court

1 order, sometimes because they needed to be placed under
2 court order for their own protection but also because of
3 behavioural difficulties as well.

4 We go into, in the appendix, a more detailed
5 discussion of that history in terms of boys under court
6 order being sent there, but it does appear that through
7 that period boys would have been sent there who would
8 have been considered delinquent, but that whilst the
9 UK Government had asked that no delinquent boys be sent
10 there, the Salvation Army seems to have reached
11 an accommodation with state officials where boys under
12 court order who might be considered delinquent would be
13 there but they would be kept separate from the child
14 migrants, but the UK Government doesn't seem to have
15 been aware of that arrangement at all.

16 Q. Yes, the UK doesn't appear to be aware that delinquent
17 boys, to use that description, were still being sent --

18 A. Exactly.

19 Q. -- after assurances had been given that they would not
20 be?

21 A. They wouldn't be, that's right, yes.

22 Q. Is it the case that migrant boys from the UK continued
23 to be sent to Riverview until about 1960?

24 A. That is correct, yes, yes.

25 Q. If we turn to paragraph 9.15, you draw attention there

1 to material about Riverview that was collated by the
2 Forde Report into abuse. What did the Forde Report say
3 about abuse?

4 A. At Riverview the -- Riverview was identified by the
5 Forde Report as I think one of the worst residential
6 institutions in Queensland in terms of the nature of the
7 physical and sexual abuse there. My recollection is
8 that a lot of the incidents that the Forde Report was
9 looking at were in the 1960s and 1970s, so it would have
10 been after the period when child migrants were there,
11 but it was also clear from the Australian Royal
12 Commission that there were incidents of physical and
13 sexual abuse taking place through the 1950s there.

14 Q. I think the Australian Royal Commission had a separate
15 case study --

16 A. Yes, that's right, Case Study 5 on Riverview and other
17 Salvation Army institutions in that territory.

18 LADY SMITH: And of course the last UK migrants went in --
19 was it the summer of 1960?

20 A. Yes, right.

21 LADY SMITH: So there would have been some there during that
22 1960s/70s period.

23 A. Yes, though they would have been gone probably by 1961.

24 LADY SMITH: Oh, yes.

25 A. That is right, yes.

1 LADY SMITH: At the beginning.

2 A. But certainly the picture that emerges of Riverview is
3 consistently of a fairly quite spartan place with a very
4 rigid regime and unsuitable staff.

5 MR MACAULAY: In paragraph 9.17 do you seek to summarise the
6 position then in that penultimate paragraph of this
7 section?

8 A. Exactly. I think one of the things that is striking
9 from this material is that there is a consistent picture
10 that actually emerges from the reports of the
11 institution, although obviously there are no disclosures
12 around physical and sexual abuse. But the very
13 rudimentary conditions and the harsh regime there is
14 clearly something that is being commented on both by the
15 mother of the boy who gets removed from Riverview, the
16 group of seven boys to start with, the other two boys
17 who leave, and by the Ross fact-finding mission, and yet
18 boys continue to be sent there.

19 Q. What does that tell you then about monitoring and
20 scrutiny?

21 A. I think it again perhaps goes back to that point about
22 monitoring being a necessary element but not sufficient,
23 because there clearly needs to be an organisational
24 ethos that is actually willing to act critically on the
25 basis of information that is received, and we see

1 a repeated cycle here in which the London office is
2 prepared to accept assurances from the Australian
3 territorial officials and to continue sending boys on
4 that basis.

5 Q. Then in the final paragraph you pull it together by
6 saying that:

7 "The case of Riverview can be seen as an example of
8 wider systemic failures in monitoring and scrutiny of
9 receiving institutions in Australia discussed in
10 Appendix 2."

11 So you are looking at a broader picture there?

12 A. Exactly, yes.

13 Q. And in relation to the Salvation Army's own internal
14 systems, the failures that you have talked about:

15 "... appear to reflect an emphasis of pursuing the
16 organisational project of this migration scheme without
17 sufficient scrutiny being made of conditions at
18 Riverview."

19 So that is the conclusion you come to from the
20 material?

21 A. Yes, that's right, yes.

22 Q. And you go on to say:

23 "It also provides another indication that whilst the
24 absence of any internal reporting systems might be seen
25 as raising wider questions about other sending

1 organisations' culture and practices, the presence of
2 internal reporting systems (such as the individual
3 reports on boys provided by the manager at Riverview)
4 were not in and of themselves sufficient to safeguard
5 children."

6 Again, that is a point you have made on more than
7 one occasion?

8 A. Exactly, yes.

9 Q. You mentioned again that the Salvation Army in London
10 was willing to believe assurances and made certain
11 assumptions about the children?

12 A. Yes. And compared to some of the other organisations
13 that we have seen, the Salvation Army don't appear to
14 have done any independent visit to Riverview to check
15 conditions for themselves.

16 Q. Can I then move on to the final appendix of the
17 appendices and that is Appendix 4. The general heading
18 for Appendix 4 is "Issues Concerning the Selection,
19 Recruitment and Approval of Child Migrants Outstanding
20 from Previous Inquiries and Reports". That is
21 the general heading. You tell us at 1.1 that this
22 fourth appendix is seeking to address two specific
23 issues in relation to post-war Catholic child migration.
24 Can you just highlight for us what these issues are?

25 A. The first of them relates to the question that we have

1 spoken about before of the direct recruitment of child
2 migrants from Catholic religious institutions across the
3 United Kingdom by Australian officials, Brother Conlon,
4 Father Nicol and Father Stinson, and the implications of
5 that. There have been questions going back to really
6 what the Western Australian Select Committee raised as
7 to the implications, possibly legal but also
8 safeguarding implications, of that recruitment process.

9 But then the second issue goes back to a question
10 that we started to look at in IICSA about Nazareth House
11 East Camberwell, and we looked very briefly then at
12 a memorandum that I think we will look at in a bit more
13 detail which suggested that the Sisters of Nazareth may
14 have explicitly sought to send girls to Nazareth House
15 East Camberwell to avoid repayment of a capital grant to
16 the Australian Commonwealth Government, and through the
17 course of this Inquiry we have found a lot more relevant
18 material which would have a bearing on that.

19 Q. Can we begin with the first issue then, and your first
20 heading in connection with that relates to Catholic
21 child migrants and the role of consent by diocesan
22 administrators. You begin by drawing attention to
23 Brother Conlon's visit to the United Kingdom in 1938,
24 and he came to arrange for the migration of boys to
25 Christian Brothers institutions in Western Australia, is

1 that right?

2 A. That is correct.

3 Q. Is that the first impact, if you like, of
4 Brother Conlon's presence on migration?

5 A. Yes, in this country, yes.

6 Q. The 110 boys you tell us he recruited largely from
7 residential institutions run by the Sisters of Nazareth?

8 A. Yes.

9 Q. But do we know, were any of these children recruited
10 from Scotland?

11 A. I would have to go back and double-check the records on
12 that. I can't recall any off the top of my head but
13 I would have to go back and check.

14 Q. But the point you do make, and this comes up again, is
15 that that recruitment took place without any apparent
16 liaison with the relevant child rescue administrators
17 for the diocese in which the institutions were based?

18 A. That's right, and I think that becomes clearer when
19 Conlon then returns in the summer of 1946. And as we
20 saw before, the Catholic Child Welfare Council then
21 agreed to support his recruitment activity but on the
22 basis that he would work with them, the implication
23 being that this was not an arrangement that had been
24 in place before the war.

25 Q. I think, and I think we have seen some of the entries

1 from the CCWC minutes, there was a recognition that
2 Conlon bypassed the diocese and approached voluntary
3 organisations directly without involvement of the
4 diocese?

5 A. That is right, that is certainly the implication of the
6 communication from the CCWC to Conlon in the summer of
7 1946. But as we follow some of the records through of
8 what he was doing in 1946 and 1947, it does appear that
9 he has done the same thing again, and that again seems
10 to be referred back to in later CCWC archives.

11 LADY SMITH: Gordon, you comment that Conlon appears to have
12 achieved this substantial migration of 110 boys without
13 liaising with what you call "the relevant child rescue
14 administrators". What type of person did you have in
15 mind in using that expression?

16 A. One of the issues here is that it is not clear that
17 a comparable system existed in Scotland compared to
18 England and Wales, but in England and Wales each diocese
19 would have had a child rescue society, and the diocesan
20 official, a priest, who was in charge of that society,
21 would have been the person responsible for
22 children's -- the out-of-home care of Catholic children
23 in that diocese.

24 There doesn't seem to be exactly the same role
25 replicated in the Scottish dioceses but that would be

1 who I have in mind, and it was those individuals who
2 made up the membership of the CCWC, I think, as
3 Mary Gandy said, and that was formed back in 1929. So
4 that is a kind of pre-war structure that is in place.

5 LADY SMITH: That is helpful. Thank you.

6 MR MACAULAY: You made the point there that we do see clear
7 evidence that the CCWC was anxious that there be
8 diocesan involvement in the selection of children, but
9 we don't see that -- we don't see evidence of that in
10 Scotland, do we?

11 A. No, no, that is right. So although the CCWC make that
12 request, we don't see any evidence of that same request
13 being made to Conlon either by the Archbishop of Glasgow
14 when he reportedly gives the initial permission or in
15 the negotiations with Father Quille.

16 Q. I think we saw documentation, it may have been
17 yesterday, that it was known that Conlon was approaching
18 voluntary organisations without any sanction by the
19 hierarchy, by the bishops?

20 A. Right. In Scotland?

21 Q. Yes.

22 A. Right, okay, yes.

23 Q. I think there is material to that effect. But if we
24 look at the paragraph 2.2 and the document you make
25 reference to, I think we can get that on the board, it's

1 BSC.001.001.0852. I think this is the document that you
2 quote from at paragraph 2.2. It is a letter from the
3 secretary to the CCWC dated 11 July 1946 and it is to
4 Brother Conlon, is that correct?

5 A. That is correct, yes.

6 Q. He begins by saying:

7 "I am instructed by His Eminence Cardinal Griffin,
8 our chairman, to write and inform you that the
9 archbishops and bishops of England and Wales have agreed
10 to allow their representatives to act on their behalf in
11 the selection of children for emigration and in matters
12 connected therewith."

13 He goes on to mention that he is enclosing
14 a directory containing the names and addresses of the
15 bishops' representatives.

16 "... and I am to inform you that you should act only
17 through these representatives who will accompany you to
18 the homes and orphanages in their respective diocese."

19 So that was the clear instruction being given.

20 I think we may have looked at this letter before -- was
21 it with Professor Constantine?

22 A. Yes.

23 Q. He goes on to say:

24 "All these representatives have been kept fully
25 informed on the matter and I am today sending each of

1 them a copy of this letter. I would therefore advise
2 you as a first step to get in touch with them."

3 Then the bit from the letter you quote. And it goes
4 on, if I just go halfway into that paragraph:

5 "We must ask you not to communicate with, or visit,
6 any homes et cetera without reference to the
7 representatives who, naturally, will require reasonable
8 notice of your intended visits so that they may
9 themselves be able to accompany and help you and consult
10 their records et cetera beforehand."

11 And the final paragraph is to the effect that there
12 was no necessity for him to send a circular letter to
13 these organisations. So this is a clear instruction to
14 Brother Conlon essentially that he must not act
15 independently?

16 A. That is correct, and I think -- I'm not sure if we will
17 go on to see a document later on, a few months after
18 this, where I think the context of this is becoming
19 fairly clear, that there is an attempt within the
20 Catholic Church to bring children's out-of-home care
21 more under the control of the CCWC even though it is
22 being provided by religious orders. And in the context
23 of the Curtis Report and the move towards increasing
24 standards, a recognition that this requires a stronger
25 management of what is quite a fragmented childcare

1 system. But there is clearly an attempt to give a very,
2 very clear direction to the way in which Conlon should
3 do this work in collaboration with the Church.

4 Q. If we then move on to the following page, page 513, you
5 say in the first main paragraph it did appear that
6 Conlon at least initially complied with the CCWC's 1946
7 request. Is that correct?

8 A. That is correct. I don't know if it might be possible
9 to go back to paragraph 2.3. I think it might be worth
10 just looking at that because I think that is quite a key
11 piece of evidence.

12 Q. What would you like to point out?

13 A. This is -- one of the things we struggled with in the
14 IICSA process with this was trying to understand what
15 the Sisters of Nazareth would have understood in terms
16 of this process, and this was within the CCWC annual
17 minutes, and I must admit I missed this when we were
18 doing it at some speed, the review of documents for
19 IICSA. This was a letter from Cardinal Griffin which is
20 reported to the CCWC's annual meeting in November 1946
21 which makes it clear that the hierarchy in England and
22 Wales:

23 "... recommends that all homes having the care of
24 children shall come under the charge of the diocesan
25 rescue societies, especially with regard to admittance

1 and discharge of children."

2 And it goes on to make other policy decisions, such
3 as children in Catholic children's homes being allowed
4 to attend local Catholic primary and secondary schools,
5 and it makes it clear this is something that is to be
6 communicated to the Sisters of Nazareth, in particular
7 the implication being that this has not consistently
8 happened before. There is also reference in this letter
9 to training colleges being set up for Catholic childcare
10 workers, again reflecting that post-Curtis emphasis on
11 improving childcare training.

12 The very clear implication with this is that
13 the Archbishop of Westminster has stated very clearly
14 the admittance and discharge of children from Catholic
15 residential homes run by religious orders should come
16 under diocesan officials, but the nature of this letter
17 implies very clearly that this information is being
18 conveyed to the religious orders, including the Sisters
19 of Nazareth. And I suppose this would be a point that
20 we will perhaps draw out in more detail shortly, but the
21 central issue here is whether the Sisters of Nazareth
22 actually had authority to give consent for the migration
23 of children in their care, and from this letter from the
24 Archbishop of Westminster it seems very clear they
25 didn't.

1 So when we think about all of the LEM3 forms we have
2 seen -- the picture for Scotland is more complicated
3 than this, but for England and Wales the LEM3 forms,
4 where we see the Mother Superiors giving consent, it is
5 really not clear on what basis they would have had the
6 authority to do that. So whilst this clearly becomes
7 blurred in terms of thinking about the relationship
8 between England and Wales and Scotland here, certainly
9 if we are thinking about the how the Sisters of Nazareth
10 operated as an organisation within this system, that
11 would raise quite a significant question about the way
12 in which they were managing those consent issues.

13 Q. I was going to take you to the minute, I will do that
14 now. BEW.001.001.0093. I think we have that now on the
15 screen, it's the minute of the CCWC for 7 November 1946.
16 We see there is quite a list of personnel present on
17 that first page. I think the particular section you had
18 in mind a moment ago is to be found on page 0110.

19 If we scroll down, we have a heading "Hierarchy
20 Recommends", and at (ii):

21 "... that arrangements should be made for all
22 children in these homes to attend Catholic primary and
23 secondary schools ... (iii) in particular, the Sisters
24 of Nazareth be asked to regroup children in their homes
25 in order to make provision for the children to receive

1 education in Catholic primary and secondary schools."

2 And then if we move down to (v), it's dealing with
3 establishment of colleges.

4 A. And point (i) is the specific -- scrolling back up, it's
5 in point (i) that are the specific points around
6 admittance and discharge of children.

7 Q. So that is where you take it from?

8 A. Exactly. And I think the significance of this -- one of
9 the things we struggled with in IICSA was to understand
10 whether there were some dioceses in which this
11 requirement didn't hold, because there are clearly some
12 LEM3 forms where we see diocesan administrators giving
13 their signature on consent forms and others not, and we
14 weren't clear whether there was just reflecting
15 a patchwork arrangement. But it seems very, very clear
16 from this that the understanding was that it was all
17 dioceses in England and Wales that should fall under
18 this arrangement.

19 Q. Moving on then from that document, if we go on to
20 page 513, I had been coming to the point that it did
21 appear that Conlon at least initially complied with what
22 the CCWC had asked him to do, and in particular do we
23 note that he visited 18 residential institutions in
24 England, Wales and Northern Ireland and had identified
25 260 children at these whom he considered suitable for

1 emigration to Australia?

2 A. That is right. So this is a letter written by Bishop
3 Simonds, who had accompanied Conlon on this trip to
4 Europe to encourage Catholic emigration to Australia,
5 where Simonds is saying that Conlon has complied with
6 this and he has worked with these diocesan
7 administrators to identify these children.

8 But again one of the bits of analysis that there
9 wasn't time to do with IICSA but which is quite
10 interesting in this context is when we compare the 260
11 children mentioned by Bishop Simonds and the
12 institutions they are coming from with the shipping
13 lists of the children who actually went in the autumn of
14 1947, there is very little relationship between the two,
15 and a much larger number of the children actually sent
16 came from homes run by the Sisters of Nazareth and were
17 indicated in that initial letter.

18 Q. What inference then do we draw from that?

19 A. What seems to have happened is that Simonds is initially
20 saying Conlon has identified a lot of children who are
21 suitable working through diocesan administrators, but
22 then what we see in terms of the children who are
23 actually sent in the autumn of 1947 is a lot more are
24 sent from the Sisters of Nazareth, usually with consent
25 forms signed off by the Mother Superior.

1 Q. Can we compare 85 to 284, is that the comparison we
2 make?

3 A. That is right. So of an initial 260, only 85 of the
4 children were identified from Nazareth Houses, but in
5 the end 284 came from the Sisters of Nazareth.

6 And I suppose another thing that is striking there
7 is the relatively -- if we are thinking that Conlon had
8 done that initial assessment of children in the summer
9 and early autumn of 1946, decisions seem to be being
10 made about a much larger number of children going from
11 Sisters of Nazareth institutions in the spring of 1947,
12 which isn't a very long period of time to elapse between
13 this initial assessment of which children are suitable
14 and then suddenly a much larger number of children being
15 found to be suitable from these institutions, which is
16 around the same time that the -- you may recall the
17 group nomination is now coming to Australia House and
18 being approved, and it is becoming clear that 340 is the
19 number of children that Conlon could send overseas.

20 Q. We do know Conlon was active in Scotland at around this
21 time?

22 A. That is right. It is a bit -- he seems to start more in
23 England and Wales and Northern Ireland first, and then
24 comes more to Scotland in 1947.

25 LADY SMITH: Just to be clear, are you inferring that in

1 England and Wales, in addition to dutifully visiting
2 institutions with Bishop Simonds or another
3 representative as the hierarchy had asked, he also went
4 on his own to institutions and recruited children?

5 A. That seems to be the implication of this. Because one
6 of the things that is very striking is that when you
7 actually look at the shipping lists, very few of the
8 children -- when you look at the institutions they are
9 coming from, there's very few of the children identified
10 in that 260 from non-Sisters of Nazareth institutions
11 that are actually included in that final party. So
12 something has happened there that meant that
13 the children that have been recruited through this
14 formally approved process are not necessarily the ones
15 that are actually going out the following autumn.

16 MR MACAULAY: You say towards the bottom of that paragraph:

17 "It is not immediately evident from the archival
18 sources why substantially more children were judged
19 suitable for migration from these two Northern Ireland
20 institutions by Conlon after the selection work
21 described by Simonds in his letter in October 1946."

22 And it raises a question as to whether children were
23 being rushed through?

24 A. Yes, exactly at a time when Conlon believed the approval
25 was imminent and that there may have been a wish to kind

1 of increase the flow of children more quickly then.

2 Q. Therefore, I think what you are telling us is that it
3 would seem that children were recruited by Conlon from
4 homes run by religious orders without any evidence of
5 consultation with the relevant diocesan administrators?

6 A. No, we can't -- there are some dioceses, such as
7 Birmingham and Bristol and Northampton, where you can
8 see the relevant child rescue administrator's signature
9 on the consent form, but in many other cases it is not
10 possible to see that.

11 Q. Then when we come to Father Nicol and Father Stinson's
12 involvement, I think they took over effectively from
13 London in the late 1940s, is that right?

14 A. That is right. First Father Nicol from the autumn of
15 1948 came over, and this is when the office for the
16 Australian Catholic Immigration Committee was
17 established, and then Father Stinson taking over really
18 I think from 1951.

19 Q. Yes. Do we see in that paragraph 2.4 that in a letter
20 to Canon Flint, Father Nicol noted that a further 100
21 girls had been requested for Nazareth House Geraldton,
22 and that he was confident these girls could be found,
23 particularly as Sisters of Nazareth had agreed to help
24 him secure children from their residential homes. But
25 again you raise the point: how does this fit in with the

1 necessary permission of the various dioceses?

2 A. That is right. So Nicol, in terms of his contacting
3 Flint about that, is clearly aware that there is some
4 requirement for diocesan officials to give these
5 approvals, but then again it transpires later on in CCWC
6 archives that Nicol again proceeds in a number of cases
7 without having that diocesan consent.

8 Q. So Nicol is essentially following the same pattern as
9 Conlon?

10 A. Exactly, and recruiting directly from residential
11 institutions.

12 Q. And to the extent he was involved, Stinson was doing the
13 same?

14 A. That is right. Exactly so. And the memo that we will
15 see a little bit later on in relation to Nazareth House
16 East Camberwell, Stinson is quite explicit about his
17 approach in finding the CCWC somewhat cumbersome to deal
18 with, the diocesan administrators don't always provide
19 a very good return on children, and so he just bypasses
20 them and goes directly to the residential homes.

21 Q. Were you able to work out from the documentation what
22 was driving this particular approach by Conlon on the
23 one hand, and subsequently by Nicol and Stinson? Was it
24 simply to generate numbers?

25 A. I think so, yes. I think there was a sense -- and it

1 comes out fairly clearly in the Stinson memo that is
2 referred -- that we will come back to in a bit, that
3 Stinson does talk about his frustration at the slow
4 progress of recruitment through the CCWC and working
5 with diocesan officials in that way. And there is
6 a sense that they are working to, as you have seen with
7 Nicol talking about 100 hundred girls being needed for
8 Nazareth House Geraldton, there is a sense of quotas
9 needing to be met and this formal process not being
10 a very efficient way of delivering it. So they are
11 finding it more productive to go directly to the
12 residential institutions to speed up that recruitment.

13 Q. But it is clear that the CCWC were aware of these
14 practices?

15 A. Yes, that is right. Exactly so. And actually when
16 Stinson takes over from Nicol, Flint meets with him and
17 precisely points out that Nicol has done this, so
18 Stinson was aware that the CCWC perceived that to be
19 a problem.

20 Q. The point you make at 2.5 about signatures and consent,
21 you say:

22 "The need for such consent by diocesan officers was
23 further reiterated at the annual meeting of the CCWC in
24 October 1952 attended by Father Stinson. In response to
25 a question about necessary consents to a child's

1 migration, Canon Flint replied 'that the diocesan's
2 secretary's signature would be accepted if the parent
3 could not be found ' ..."

4 A. That is right, a very clear statement again.

5 Q. It is saying two points. Namely, the need for the
6 diocesan's secretary's signature, but also emphasising
7 the need for the involvement of the diocese in the whole
8 process?

9 A. Exactly, yes, exactly.

10 Q. If we move on to paragraph 2.6, you quote there from
11 a letter by the secretary to the CCWC to Stinson
12 in November 1953. What is the message in the letter?

13 A. So this is after Stinson has now returned to Australia
14 and since -- and I have to say the tone of the letter is
15 actually generally quite warm and collaborative. Then
16 there is this paragraph which says:

17 "The CCWC have obtained figures from Australia House
18 about Catholic children who have been emigrated, but
19 those figures might be incomplete."

20 But that it has become clear that:

21 "114 children from England and Wales were dealt with
22 by yourself [that is Stinson] without reference to this
23 office. It was the Brother Conlon-Father Nicol
24 technique all over again!"

25 And also the comment there that:

1 "The CCWC doesn't hold itself responsible for anyone
2 enquiring about these children if it wasn't directly
3 involved in these arrangements."

4 Q. At its Annual General Meeting in 1953, I think that is,
5 it is noted that:

6 "... 184 Catholic children migrated in the previous
7 year had been sent 'under the signature of
8 Father Stinson himself' ..."

9 That gives you a feel for the numbers involved?

10 A. Exactly, and the fact that this was common knowledge
11 within the CCWC as well and so would have been known
12 within the Catholic hierarchy.

13 Q. You say at 2.7 why it may have been important to
14 consider why the Australian Catholic organisations were
15 asked to seek the permission of the CCWC or diocesan
16 administrators in connection with migration, and what
17 reason do you come up with?

18 A. This is somewhat speculative because we don't --
19 we haven't seen copies of those records, but
20 possibilities would be that if parents had signed their
21 children -- and I understand the legal situation in
22 Scotland may be different to England and Wales, and
23 I understand the evidence you have received from
24 Professor Norrie on that. But in England and Wales if
25 a child had been assigned into the care of the diocesan

1 administrator, that diocesan administrator could have
2 become their de facto guardian, in which case they may
3 have had the legal power then to consent to the child's
4 migration.

5 But equally, the reference in that 1946 letter to
6 diocesan administrators consulting their records
7 suggests that the diocesan administrators may have had
8 more records about where families could be contacted as
9 well, so that other consents could have been checked, or
10 even just any more background information about
11 the child before their admission into the residential
12 institution.

13 Q. Then you come to look at the Scottish position more
14 specifically in paragraph 2.8, and what you say there
15 is:

16 "We have seen no evidence that the Social Services
17 Committee for the Archdiocese of Edinburgh & St Andrews,
18 nor Father Quille as a diocesan official, made similar
19 requests to Conlon, Nicol and Stinson about the need for
20 diocesan permission to be provided in relation to
21 children's migration from residential institutions."

22 And there is nothing there to indicate that Conlon
23 did not have carte blanche, effectively?

24 A. No, that is right. That appears to be the arrangement
25 that he had. Yes, he seemed to have much greater

1 freedom.

2 Q. You make the point as you've already made that:

3 "There do not appear to have been comparable roles
4 in Scotland to child rescue administrators for dioceses
5 as in England and Wales, nor was there, despite some
6 Catholic children from Scotland having this named as
7 their sponsoring organisation on their LEM forms,
8 a Catholic Child Welfare Council for Scotland."

9 I think we've seen, in fact, on occasion
10 Father Quille signed on behalf of the CCWC?

11 A. Yes, that is right. Even though it was a body for
12 England and Wales, that is right.

13 Q. The analysis you carry out at paragraph 2.9 under
14 reference to evidence I think that has been ingathered
15 by this Inquiry, can you help me with that as to what
16 conclusions you come to on the basis of the analysis of
17 the LEM forms that you consider in that paragraph?

18 A. There were some children born in Scotland, and I think
19 certainly one case here, someone who has given evidence
20 to this Inquiry, who were based at Nazareth House
21 Carlisle. I think part of the complications with
22 dealing with the child migration schemes through our
23 national enquiries is the movement across borders. So
24 some children who would seem to fall within the remit of
25 this Inquiry were sent from Nazareth House Carlisle. We

1 can see three boys that that would relate to sent in the
2 autumn parties of 1947. In one case, one of them does
3 seem to have had proper parental consent sought from
4 Nazareth House Carlisle, but in the case of two others,
5 the consent is signed by the Mother Superior and
6 witnessed by someone called Father Caton. Father Caton
7 seems to have been a curate, a junior clergyman at
8 a local parish in Carlisle and certainly wasn't the
9 diocesan rescue administrator.

10 The implication of this appears to be that whilst
11 obviously that requirement for diocesan consent doesn't
12 apply -- doesn't seem to apply to children sent from
13 residential institutions in Scotland, it would have
14 applied to these boys sent from Nazareth House Carlisle,
15 and in two of these cases they appear to have been sent
16 without a diocesan consent.

17 I suppose, just to note on that as well, I am really
18 struck by the case of Mr Smith who has given very
19 striking testimony to the Inquiry about his experience,
20 accounts of a series of experiences of sexual abuse in
21 Bindoon. It struck me how sometimes we can think about
22 the systems, but on the individual level we can see how
23 multiple organisational failures come together with
24 a single person. So he seems both to be at this point
25 migrated without the appropriate diocesan consent, but

1 then, as you will recall from evidence last time, he was
2 sent to Bindoon under the agreed age limit by the
3 UK Government. So the account that he gives of his
4 experiences in Australia are at a point of a series -- a
5 succession of organisational failures that have brought
6 him to that point. But certainly here, there seems
7 a potentially significant failing around the consent
8 process for his emigration.

9 Q. If we look at paragraph 2.11 on the following page,
10 page 518 of the report, you make the point there that:

11 "Evidence that children were sent overseas from
12 Catholic children's homes, particularly those run by the
13 Sisters of Nazareth, without appropriate knowledge or
14 consent from diocesan child administrators, appears to
15 reflect wider tensions between these administrators and
16 religious orders operating in their dioceses who were
17 keen to attain as much autonomy as possible."

18 We have heard some evidence about this in other
19 contexts within this Inquiry, but we have to bear in
20 mind that religious records were autonomous orders
21 operating within a diocesan structure.

22 A. That is right. There is a complexity to that in that my
23 understanding is the religious orders could only operate
24 within a diocese with the permission of the bishop.

25 Q. Indeed.

1 A. So there was a kind of ultimate sanction that the bishop
2 or archbishop had to withdraw permission for the
3 religious order to operate there, and we do actually see
4 that with the Archbishop of Perth threatening to do that
5 with the Christian Brothers in a pre-war case over their
6 handling of an abuse issue there.

7 So there is that sanction, but in terms of
8 day-to-day operational issues there is no control, and
9 what that seems to have meant in practice is that you do
10 have these organisations operating in a dual track. And
11 I'm aware of some other evidence presented in relation
12 to child migrant hearings to this Inquiry which
13 suggested that there was a kind of constructive
14 convergence of Catholic organisations in this work and a
15 spirit of co-operation between them, but that is not my
16 reading of the material. What I think seems to be
17 happening is organisations collaborating in a shared
18 religious spirit and ethos and with a broadly shared
19 religious mission but where they also pursue their own
20 interests and are keen to preserve their own autonomy
21 with that as well.

22 That seems to be reflected in comments that we see
23 Monsignor Bennett mentioned before, he was a relatively
24 progressive diocesan administrator in 1956, reflecting
25 how in England and Wales religious orders had often run

1 too much in isolation from diocesan officials without
2 there being sufficient reference to standards of good
3 practice. And a similar report in Scotland noting that
4 residential homes run by religious orders would still
5 run as isolated units according to the ideas of the
6 Superior in office for the time being, and there's a
7 sort of lack of a sort of cohesive and integrated system
8 there.

9 Q. Moving on to paragraph 2.12, you come back to the
10 activities of Brother Conlon and Father Stinson, and in
11 particular looking at that within the context of the
12 Christian Brothers, and in particular the Christian
13 Brothers who have been identified, or against whom
14 allegations have been made in relation to sexual abuse.
15 And it may be you cover this in your article as well,
16 but what is essentially the message we should take from
17 this material, particularly in relation
18 to Brother Conlon and his state of knowledge?

19 A. Yes, and I do think Father Stinson as well, increasingly
20 as well. Conlon was clearly aware, or according to
21 Barry Calder's research would have been aware in the
22 pre-war period of issues around sexual abuse of boys at
23 Christian Brothers institutions, including a case at
24 Clontarf. But whilst he seems to be advocating much
25 stronger action by the Christian Brothers, not in terms

1 of contacting external authorities but moving abusers on
2 from the institution in which they are based, when we
3 look at who was on the staff when he was Superior in
4 charge at Tardun before the war, there are a number of
5 staff there against whom allegations of sexual abuse
6 have been made, as well as serious physical abuse.

7 But certainly one of the things which I hadn't realised
8 when we were going through the IICSA process is
9 that Conlon was resident at Bindoon from 1951 until
10 1958, and I think when we go and look more in detail at
11 the extent and nature of the abuse at the Brothers
12 institutions in Western Australia, it is very hard to
13 imagine that Conlon could live at Bindoon in that period
14 and not be aware of risks to boys' well-being,
15 particularly as one witness very interestingly commented
16 in evidence that Conlon's bedroom was on a corridor with
17 the bedrooms of other Brothers against whom allegations
18 of sexual abuse have been made.

19 So we don't know exactly what Conlon knew about
20 specific incidents of sexual abuse in these
21 institutions, and his pre-war attitude suggested
22 a greater concern on his part about that. But given
23 where he was working in the periods -- in these periods,
24 it seems -- it would seem remarkable if he was unaware
25 of any risk to boys' well-being as well.

1 And Father Stinson, I don't know if you want me
2 to --

3 Q. Yes, just move on.

4 A. So Stinson's residency at these institutions was more
5 short-lived although he had close working relationships
6 with the Christian Brothers, but he did serve as
7 chaplain at Clontarf in 1950 to 1951, and part of the
8 significance of that role is that he would have heard
9 confessions from Brothers and from boys at the
10 institution at Clontarf. Obviously we have no material
11 which directly bears on this, but we do know from the
12 incidences at Bindoon that issues around sexual abuse
13 were raised in the context of the confessional, and we
14 also see suggestions that the seal of the confessional
15 was not respected by the priest in terms of how that
16 information was used in all cases.

17 But in that period, 1950/51, Brother MHZ , who
18 I think we will talk more about later on, who appears to
19 have been one of the most serious sexual offenders in
20 these institutions at the time, had just been
21 transferred to Clontarf, and I think another one of your
22 witnesses has referred to rumours of MHZ being
23 transferred from Bindoon to Clontarf because of
24 allegations of abuse at Bindoon. We know in 1951 the
25 visitation report by the Brothers to Clontarf referred

1 to the need to be careful about Brothers spending too
2 much time with boys in their bedrooms. And again, MHZ
3 then gets transferred I think from Clontarf in 1951/52.

4 So again it seems, given the accounts of sexual and
5 physical abuse that people have given about Clontarf and
6 individual Brothers working at Clontarf in that period,
7 whilst we don't know exactly what Stinson knew, it would
8 seem remarkable if he was unaware of any risk at all to
9 boys' well-being at that institution, and for these then
10 to be individuals who were then directly recruiting
11 children, particularly boys, for these institutions in
12 the post-war period does raise concerns.

13 Q. In relation to Stinson, I should remind us, he was in
14 the United Kingdom recruiting in 1952 and 53?

15 A. Exactly. So these are people who are directly coming,
16 bypassing often these diocesan requirements, and then
17 recruiting significant numbers of children, particularly
18 from residential institutions run by the Sisters of
19 Nazareth.

20 Q. Can we then move on to the second issue that you
21 mentioned at the outset of this section that you wanted
22 to look at, and that is the recruitment of girls for
23 Nazareth House at East Camberwell and in particular in
24 1953.

25 You begin this section at 3.1, page 520 of the

1 report, by pointing out that:

2 "From 1943, the Australian Commonwealth Government
3 was developing ambitious plans for the immigration of
4 50,000 war orphans over three years after the end of the
5 war ..."

6 And did that feed in then to providing financial
7 support to voluntary organisations?

8 A. Exactly. So the initial plan was that these many tens
9 of thousands of war orphans would be accommodated in
10 a new generation of cottage homes, so in keeping with
11 the spirit of the Curtis and Clyde Reports which would
12 be run by state governments, they wouldn't be run by
13 voluntary organisations. And I think there was, at
14 least with some of the politicians involved, a sense
15 that that was because they wanted the children to
16 understand themselves as being part of a state-led
17 process of nation building rather than charity cases, to
18 use their terms. But that was -- that scheme was found
19 to be, aside from the difficulty in recruiting children
20 to that extent, it was found to be financially
21 prohibitive in terms of the cost of building and
22 staffing those new cottage homes.

23 So instead the Commonwealth Government decided to
24 work -- to build on existing arrangements with voluntary
25 organisations and to expand those partnerships, but to

1 make -- to do the less expensive route of giving capital
2 grants to voluntary organisations to renovate or expand
3 their premises to be able to receive child migrants, and
4 one of the implications of that was often these were
5 larger institutions rather than the small cottage homes.

6 But another important thing perhaps to note is that
7 this was unique in terms of Commonwealth Government
8 capital funding. That funding would not normally be
9 available to voluntary societies in Australia for
10 children in care who were Australian born, but it was
11 a specific funding route available to expand premises to
12 receive child migrants.

13 Q. Is that the background then to the funding that was
14 provided to Nazareth House Camberwell?

15 A. Exactly. So in 1948, the Commonwealth and State, so
16 both governments making a contribution to this, a
17 two-thirds contribution to the total costs, agreed to
18 fund the building of an entire new wing at
19 Nazareth House Camberwell to accommodate 150 girls. And
20 this is quite notable then in that already, by that
21 stage, the Commonwealth Government were aware that
22 numbers of children being made available for emigration
23 from the United Kingdom were lower than they might have
24 hoped, and they seemed to have made this approval
25 decision on the basis of specific assurances that girls

1 to this number would be provided.

2 Q. Who gave the assurances?

3 A. The implication would be that the Sisters of Nazareth
4 would be the organisation most placed to give those
5 assurances, it is not specified exactly, but we see
6 later on that the Mother General of the order is
7 directly involved in this project and is visiting
8 Melbourne whilst it is being constructed.

9 Q. Then what you tell us at 3.2 is that the funding for the
10 construction of the new wing was approved, and the new
11 wing was designed to accommodate 150 female child
12 migrants from the United Kingdom and that approval was
13 in 1948?

14 A. That is correct, yes. Yes.

15 Q. Even although I think the Commonwealth Department of
16 Immigration was already aware by then that the numbers
17 available was not quite what might have been thought
18 initially?

19 A. No, so that -- to approve a scheme of that scale would
20 only seem likely to have happened on the basis of fairly
21 strong confidence that girls would be supplied to that
22 number.

23 Q. If we just read the next bit, paragraph 3.2:

24 "When the United Protestant Association submitted
25 an application for capital funding for buildings to

1 receive British child migrants and made explicit
2 reference to the grant that had just been made to the
3 Sisters of Nazareth for Camberwell in support of this,
4 Arthur Calwell the Commonwealth Minister of Immigration
5 replied ..."

6 And you have set out verbatim what was said and
7 I will just read that:

8 "Both Commonwealth and State authorities would
9 require to be satisfied that a steady flow of child
10 migrants was available from an assured source before
11 approving of government expenditure for the purchase and
12 renovation of buildings to accommodate child migrants at
13 present, since most existing voluntary child migration
14 organisations appear to be experiencing considerable
15 difficulty in securing sufficient children to occupy the
16 institutions already secured to receive their charges."

17 But approval was given to the Sisters of Nazareth?

18 A. Exactly, and the implication of the communication to the
19 EPA is that these schemes will only be really supported
20 on the basis of strong confidence of children being
21 provided.

22 Q. We have touched upon this, but you go on to say in the
23 next paragraph:

24 "Given Calwell's comments, it appears that this
25 application [the Sisters' application] would only have

1 been approved on the basis of specific assurances by the
2 Sisters of Nazareth that they would be able to ensure
3 a sufficient supply of girls to fill these places."

4 A. Yes, that seems the most likely source, yes.

5 Q. You then mention the approach made to the United Kingdom
6 about the possible approval of Nazareth House which
7 didn't happen until a couple of years later, is that
8 right?

9 A. That is right. So the building work had almost been
10 completed before the UK Government was approached about
11 this, and there is some disquiet expressed in the
12 Home Office about a project on this scale because it is
13 clearly not at all in keeping with the Curtis or
14 Clyde Reports' emphasis on smaller residential units.
15 And one internal memo notes that the building of a new
16 wing to accommodate 150 girls cannot but be regarded as
17 reactionary, but as the building work is underway
18 we can't do anything about it.

19 So the Home Office, in the slightly tepid way we
20 have seen in other cases, indicates that it is not
21 a type of provision they think is entirely suitable, but
22 I think it is the sort of thing that perhaps they think
23 when Section 33 regulations come in, they might have
24 a bit more purchase on being able to do something about
25 it, but not yet. But they give a faint indication that

1 this is not something that they considered really
2 suitable.

3 Q. If we look at the minute to that effect on the screen at
4 LEG.001.006.1448. If we scroll down, this is taken from
5 a Home Office file in connection with emigration and
6 I think what you have in mind is the typed passage at
7 the bottom:

8 "The Order of Nazareth is a religious Order whose
9 operations are carried on throughout the world. The
10 children's homes carried on by the Order in this country
11 are generally regarded as being of a somewhat backward
12 and restrictive type, though latterly there were
13 indications that the Order was becoming more receptive
14 to modern progressive ideas. The building of a new wing
15 to accommodate 150 girls cannot but be regarded as
16 reactionary, and, though since the building is now
17 underway, we cannot do anything about it, I think we
18 should indicate in our letter that it is not a type of
19 provision which now holds favour."

20 I think that is the reference you had in mind?

21 A. Exactly, yes.

22 Q. Perhaps just moving on to the next page while we have
23 this on the screen. Again there is a typed memo towards
24 the bottom. I should have taken the date of that
25 previous memo, which is I think 25 November 1950. If we

1 go on to the next page, yes, we have it there. I just
2 want to pick up this point about "the State and
3 Commonwealth contribution amounts to £36,000". Would
4 that be the amount of the grant?

5 A. No. Well, that is not the figure. We will see
6 Stinson's memo shortly, and he talks about 90,000
7 Australian pounds.

8 Q. I just wonder if that came to the same figure. I don't
9 know.

10 A. No, I don't think -- no, I don't think so. I think
11 there was a bit more parity in the exchange rate, and
12 I can't remember.

13 Q. Certainly the figure in other documentation is 90,000
14 Australian dollars?

15 A. That is right, yes.

16 Q. And just to take a note that the date of that memo,
17 which goes on to another page, is 5 January 1951.

18 A. Interesting to -- just given evidence, while we have
19 that on the screen, evidence you heard about
20 the teaching quality at East Camberwell, that it is
21 said:

22 "... sisters and lay workers will be in sufficient
23 strength to meet the needs of the children, and that the
24 teaching staff will be fully qualified ..."

25 LADY SMITH: So that is what the Home Office were being

1 told?

2 A. That is right, yes, and that appears to have been part
3 of the discussions that were going on with the
4 Mother General of the order when she was in Melbourne.

5 MR MACAULAY: I should perhaps take this from you. On the
6 following page, page 1450, it goes on to say halfway
7 down:

8 "As the Mother General at Hammersmith controls the
9 activities of the Order throughout the world, it might
10 be useful at some stage to invite her to come to the
11 Home Office to have a general discussion on the question
12 of child emigration and plans for the care and welfare
13 of children who are emigrated, but this might be delayed
14 until the reaction of the Roman Catholic authorities to
15 their approach to the Secretary of State is known."

16 And then:

17 "As this is the first case which has been ..."

18 Is that ...?

19 A. "Referred" I think.

20 Q. "... referred to us of a large home in Australia built
21 for the specific purpose of accommodating British
22 migrant children, it is suggested that our attitude
23 should be made quite clear and, in the draft within,
24 I have therefore suggesting writing in greater detail."

25 And that is the attitude to that type of

1 institution?

2 A. And this is really remarkable because, although in some
3 of the other cases of some of the other residential
4 institutions it seems to be -- been deemed perhaps a bit
5 of an exception to that, a case of expanding existing
6 accommodation, this is a very large institution that is
7 essentially being built from scratch, and I think that
8 really is a very sort of striking discontinuity from
9 what the Curtis and Clyde Reports have said are kind of
10 expected standards and which the order would have been
11 aware of, that they are still pushing ahead with
12 a scheme that is so clearly not in that spirit.

13 MR MACAULAY: My Lady, that is 1 o'clock.

14 LADY SMITH: It's 1 o'clock, Mr MacAulay. I think we will
15 break now for lunch and I will sit again at 2 o'clock.
16 Thank you.

17 (1.00 pm)

18 (The short adjournment)

19 (2.00 pm)

20 LADY SMITH: Good afternoon, Gordon. Are you ready to carry
21 on?

22 A. Yes, absolutely.

23 LADY SMITH: Mr MacAulay.

24 MR MACAULAY: My Lady.

25 Good afternoon, Gordon. Before lunch we were

1 looking at Appendix 4, and in particular the second
2 issue that you identify in Appendix 4 in relation to
3 the Sisters of Nazareth, and we had got I think to
4 page 522 of the report, and takes us to paragraph 3.4.
5 As you point out there, the highest levels of Catholic
6 child migration occurred from about 1938 onwards, and
7 you go on to make mention of the role played by
8 Father Stinson from about 1952, essentially succeeding
9 Father Nicol and Brother Conlon. You mention, I think
10 you mentioned this already, but you mention the report
11 that he wrote about his work that was passed on to
12 Monsignor Crennan, is that correct?

13 A. That is right. And the point at the start of that
14 paragraph is that what we see with Catholic child
15 migration is that it peaks in the years when the
16 Australian officials are recruiting in the
17 United Kingdom, and this was a report that
18 Father Stinson wrote summarising his activities in the
19 United Kingdom. This was written primarily for
20 Monsignor Crennan, who was the Secretary of the Federal
21 Catholic Immigration Committee, but it was also seen by
22 officials in the Commonwealth Department of Immigration,
23 including Tasman Heyes, the Secretary of that department
24 as well, and I have to say it is one of the starkest
25 single documents I have looked at in all of the archival

1 analysis I have done for this work.

2 Q. I will put it on the screen. I know you have quoted at
3 length from it, but let's just look at it nevertheless
4 on the screen. It's at NAA-34. It is quite faint type.
5 It is headed "Child Migration" and it is a four-page
6 document and he looks at a number of issues. I think on
7 the first page he sort of highlights his abortive
8 attempts to set up contacts with different people to see
9 if he could expedite child migration, and towards the
10 bottom he says that some letters were unanswered, or
11 else the reply was in the negative.

12 Then he goes on to say that he concentrated on
13 individual institutions, and he goes on to say:

14 "Some dioceses were completely closed to me because
15 all the institutions were under the complete control of
16 the rescue societies. Liverpool, for example, which has
17 very big institutions with many abandoned and neglected
18 children, was completely shut off because the director
19 Canon Bennett does not believe in migration at all."

20 I think you told us before that Canon Bennett was
21 fairly forward thinking?

22 A. Yes, that is right. He was certainly interested in the
23 child guidance movement and sort of aware of
24 developments in child psychology. We just saw that memo
25 before lunch, the talk he gave in 1956 where he looked

1 back with some regret that there hadn't been greater
2 collaboration between religious orders and the CCWC in
3 relation to Curtis standards.

4 Q. He goes on to say, four or five lines from the top:

5 "I gathered a few from Scotland and Northern Ireland
6 and from ..."

7 What he refers to as:

8 "... the non-controlled institutions which had been
9 dealing with child migrants before."

10 Who would he have in mind when he talks about
11 "the non-controlled institutions"?

12 A. It is not really clear, and I think this -- when we
13 looked at this at IICSA, that is what made us think
14 perhaps it was only in some dioceses that this
15 requirement for diocesan permission was the case. But
16 I'm not entirely sure. I'm not entirely sure if he
17 understands the system either that he is operating in,
18 his meaning is not really clear there.

19 Q. He goes on to say:

20 "In that way, I submitted to Australia House the
21 names of 80 children, 65 of whom were approved and
22 sailed in [REDACTED] 1953."

23 So that indicates the degree of success he had on
24 that trip, which included Scotland?

25 A. That is right, that is a kind of first wave of this

1 recruitment round, and then he goes on to talk about
2 the recruitment activities from [REDACTED] 1953 where he
3 focused much more on recruitment for East Camberwell.

4 Q. Moving towards the bottom part of the page, we pick up
5 there what you have actually quoted in the report under
6 the heading "Girls":

7 "The position regarding girls is very desperate.
8 After seven months of really hard work from January
9 to August of this year concentrating on one nomination
10 for Nazareth House Melbourne, I could only manage to
11 submit the names of 45 girls, only 20 of whom were
12 approved and have arrived in Melbourne. At the time of
13 leaving England, I had only two other girls'
14 applications submitted for consideration."

15 He then sets out, as you do in the report, the steps
16 that he took -- that he had to take to get what were
17 ultimately 20 names for migration.

18 If I just turn to the next page, he says at the very
19 top:

20 "Then I called on the Provincial Superiors of
21 Nazareth House, Sisters of Charity, Sisters of Mercy,
22 Franciscan Sisters and several other orders dealing with
23 the girls orphanages. I appealed to them all for help
24 and again undertook to visit all their homes and
25 investigate the possibilities."

1 Then he has written:

2 "They all promised to send a circular to the homes
3 concerned expressing their approval and asking the local
4 Superiors to contact me if there were any prospects."

5 I think certainly yesterday in evidence we saw
6 a circular that was sent by the Mother Superior of the
7 Sisters of Nazareth --

8 A. Yes, we have looked at this before, yes.

9 Q. Then he goes on to say:

10 "Then I wrote to the local Superiors personally
11 myself. By phone I contacted every girls' home in the
12 Westminster, Southwark and Middlesex dioceses. As a
13 result of it all, I got 20 names."

14 And that is the 20 names he has already mentioned.

15 "I then called on the Mother General of Nazareth
16 again, pointing out to her that her Sisters in Melbourne
17 had received ..."

18 And this is your figure of 90,000, and it has been
19 written over in my copy, as I think I see it is on the
20 screen. Do you see that to be 90,000 Australian
21 dollars?

22 A. That is right. The underlining is interesting as well
23 because this is the Immigration Department's copy, so
24 this is actually presumably an Immigration Department
25 official who is underlining this.

1 Q. Yes. I think before lunch we focused on the figure of
2 £36,000. Just by the way, in 1950 -- today £36,000
3 would be worth in the region of £1.25 million. So
4 I don't know what the exchange rate was if this is
5 Australian dollars, but we are talking significant sums
6 of money.

7 A. Yes, it was very, very substantial. I think it was
8 possibly the largest single investment they made in any
9 institution.

10 Q. And he goes on to say:

11 "... from the Australian Government for their
12 extension, and that if the migrant girls were not
13 forthcoming it was quite likely they would be asked to
14 refund the money."

15 So that was the sort of Sword of Damocles, if you
16 like, that was hanging over the Sisters of Nazareth.

17 But in relation to that, is there any other material
18 that would suggest that the Australian Government had
19 intentions of recovering the money if insufficient
20 migrants were identified?

21 A. It was the normal term of the financial agreement with
22 voluntary societies that that money could be recalled if
23 sufficient, or if it was no longer possible to use that
24 institution for accommodating child migrants. That was
25 usually written into agreements but it is unusual to see

1 the Commonwealth Government actually actively
2 threatening that. But it was interesting in this case
3 that whilst it is Stinson making the threat, the
4 Commonwealth Government officials are clearly aware he
5 has done this and certainly don't try to correct this as
6 an intervention, so they appear content to allow that
7 pressure to be placed.

8 Q. He goes on to say then:

9 "Once again I emphasised to her that the Mother
10 Superior in Melbourne had assured the Government that
11 she had an undertaking from the Mother General in
12 England that their houses in Britain would make the
13 children available."

14 Then he says again that:

15 "Mother General then promised me to circularise the
16 houses again and promised to treat the matter as a No 1
17 priority in all her visitation."

18 He goes on to say:

19 "I then wrote again to all the Nazareth Houses for
20 girls appealing to them to make every effort to fill
21 this nomination. The result of all this was a further
22 25 names and from the whole of the 45 names submitted 20
23 were approved."

24 One gets the impression, reading this, that these
25 children were really being looked upon as commodities.

1 Is that a fair impression?

2 A. Yes, the tone of this communication is very much about
3 children needing to be moved to Australia to avoid
4 financial liability.

5 LADY SMITH: He simply says he is trying to find "the girls
6 we require", "we require".

7 A. Yes, there is no sense of attention to the individual at
8 all.

9 LADY SMITH: He just needs numbers.

10 MR MACAULAY: I think you touch upon this, and we have
11 looked at this more than once in the past, this migrant.
12 One of the migrants that may have been caught up in this
13 was the girl who had had a childhood illness, is that
14 right?

15 A. Yes, that is right. I'm not sure if we are able to use
16 the witness's name.

17 Q. We can use I think a pseudonym "Anne" for her.

18 A. Yes.

19 Q. I think we all understand who she is.

20 A. Yes, yes. So as context for this, because this is --
21 where we are now is where we kind of got to with IICSA,
22 and what we have been able to establish through other
23 material we have looked at for this Inquiry is that
24 there was a group of 20 girls that went across in three
25 sailings in that summer, which corroborates Stinson's

1 account, and in two of these sailings they don't appear
2 in the records that the Sisters of Nazareth have
3 initially provided to the Inquiry. But it was clear
4 that there was concern both with the order about the
5 possible repayment of this loan, and reference to that
6 recurs in subsequent years in relation to
7 East Camberwell.

8 But also later on in that autumn, Tasman Heyes
9 writes to Monsignor Crennan, in part commenting on
10 Stinson's report. But one of the things that Heyes says
11 quite explicitly is that this failure to recruit
12 sufficient girls to East Camberwell indicates that the
13 priority has to be filling existing vacancies in
14 residential institutions rather than funding the
15 expansion of institutions to fill new places. And
16 within three weeks of Heyes writing that letter, Crennan
17 visits Nazareth House East Camberwell to encourage them
18 again to do more to recruit girls. Because one of the
19 implications of this is that if the Commonwealth
20 Government looks at East Camberwell and thinks,
21 actually, this isn't a useful allocation of our funding,
22 then actually that shuts down the possibility of other
23 voluntary societies, other Catholic organisations in
24 Australia being able to access that money as well. So
25 it is possible that is what lends a bit of urgency to

1 Crennan's action there.

2 So the witness Anne, whose evidence you have, is
3 someone who from the age of two and a half contracted
4 [REDACTED] and was hospitalised for three and a half years,
5 and then after that was admitted to the care of the
6 Sisters of Nazareth at Nazareth House Kilmarnock. She
7 was, during the time of her admission to Nazareth House
8 Kilmarnock, wearing callipers and was going to school
9 with callipers, but then when she attended a medical
10 examination was passed fit to go to Australia.

11 And I don't know how much -- do you want me to carry
12 on with the story?

13 Q. You cover it later on in the report but we may as well
14 deal with it now.

15 A. So she is passed fit by the doctor conducting the
16 medical examination but in the examination the
17 Mother Superior at Kilmarnock has indicated on the
18 medical history declaration that she has no prior
19 history of illness at all. When Anne arrives in
20 Australia, the callipers are taken away from her before
21 she gets on board ship, and another witness you have
22 received evidence from has commented on that being
23 something that was she was surprised by and an
24 inappropriate thing to do as well.

25 When Anne arrives in Australia, the Mother Superior

1 of East Camberwell raises concerns not just about her
2 but three other girls that she has received in this
3 party who don't seem fit, either educationally or
4 physically in terms of their health, to have been
5 considered for migration, but there is a particular
6 focus on Anne because her physical disability is so
7 much, she has [REDACTED]
8 [REDACTED] and she requires further surgical intervention in
9 Australia, and there is some disbelief in the
10 Commonwealth Department of Immigration that she could
11 have been passed fit.

12 I think we may explore perhaps a bit more what is
13 going on with that in a minute.

14 Q. I think she arrives there in the [REDACTED] of 1954,
15 that is about the time, looking to what Stinson says in
16 this memorandum, that they were seeking to fill
17 Camberwell?

18 A. That is right. So the chronology of that is that
19 Stinson has had this big push through the first part of
20 1953, he has these 20 girls, but it has become clear
21 through the autumn that there is unhappiness about that
22 level of recruitment in Australia, so there is continued
23 pressure for recruitment for Nazareth House East
24 Camberwell.

25 So we begin to see girls who are sent in Anne's

1 party that leaves in [REDACTED] 1954, their LEM3 forms are
2 starting to be filled in I think around November 1953,
3 so around that time. So this provides a context in
4 which someone who was really not medically suitable for
5 migration appears to have been prioritised for
6 migration. I think we may say a little more about
7 the records around that in terms of what seems to have
8 gone on in terms of the deprivation of her medical
9 history there as well.

10 Q. Let's finish off looking at Stinson's report.

11 He goes on to the next paragraph to say he is
12 convinced that he couldn't really have done much more to
13 find the girls that were required, and I think his
14 figure that they were looking for is approximately 300,
15 is that right?

16 A. Yes, he is obviously looking at other institutions than
17 Nazareth House, but he does say earlier in that report
18 that generally girls are harder to recruit from
19 residential institutions than boys because the
20 residential institutions tend to be less keen to let
21 them go.

22 Q. It puts forward a number of suggestions, for example,
23 perhaps they could look to Malta for Maltese girls, but
24 that seems not to have found much favour. But also
25 boys, young boys, small boys between five and a half and

1 seven were looked upon as a possibility. Is that
2 correct?

3 A. Yes, yes, that is right. I think it may be later in
4 this report or on another occasion, I think even younger
5 children were being considered.

6 Q. Yes. If we move on to the following page, just below
7 halfway he actually says:

8 "I have several suggestions to make."

9 Can I just say this is on page 4, it's on the
10 screen. Just scrolling down a little bit, he says:

11 "I think all the institutions wanting girls should
12 lodge a nomination for a number of girls under 5 years
13 of age."

14 LADY SMITH: Under 5 or under 6?

15 A. It is 6.

16 MR MACAULAY: It's under 6, yes.

17 Then at 2, he says:

18 "I spoke to the Mother Superior at East Camberwell
19 yesterday and suggested to her that the nomination
20 should be altered to include Maltese girls."

21 And as I say, I don't think that went anywhere.

22 But he also talks in the previous lines about
23 younger children, three and a half to four years of age?

24 A. And that Nazareth House East Camberwell are willing to
25 take even babies who were never considered a safe group

1 for assisted migration.

2 Q. This is quite a striking report. I think you mention
3 that on that page.

4 You summarise the position in paragraph 3.5 on
5 page 523 of the report that he had undertaken
6 an intensive recruitment exercise to try and find girls
7 to fill the spaces at East Camberwell but without much
8 success?

9 A. That is right, exactly, yes. So this -- the party that
10 Anne goes out with in [REDACTED] 1954 is the next wave of this
11 attempted recruitment for East Camberwell.

12 Q. You mentioned also that apart from the girl Anne, there
13 were also question marks in connection with the
14 suitability of other children?

15 A. Exactly. Another three girls were considered to be of
16 questionable suitability for immigration when they
17 arrived in Australia.

18 Q. I think if we move on to the next page, page 524, you
19 provide us with a quote from Mr Crook, who was
20 an official at the UK High Commission in Canberra.

21 A. Yes.

22 Q. What was the point he was making in August 1953?

23 A. He had actually visited East Camberwell around that time
24 and he was very much aware of the kind of pressure on
25 recruitment as well. He was just making that visit

1 around the time that this first party of 20 girls that
2 Stinson had recruited were arriving, and I think that
3 was coming at the point where the relative lack of
4 success of Stinson's recruitment drive was becoming
5 clearer. He again seems to be sucked into this idea
6 that it would be -- and I have to say that Crook is
7 someone who wasn't a childcare specialist at all, and
8 that comes through in some of his other reports, but he
9 does comment that:

10 "It would be a shame if, after all this money has
11 been spent on the home, it wouldn't be possible to fill
12 it."

13 And:

14 "It is so large that the children are almost lost in
15 it, those who are there at the moment."

- 16 Q. In the following paragraph I think you focus on what
17 Tasman Heyes, who was the Secretary of the Commonwealth
18 Department of Immigration had said, is that correct?
- 19 A. That is right. So that is this point where Heyes in the
20 autumn of 1953 is making it clear to Crennan that the
21 example of East Camberwell demonstrates that it is not
22 productive to be investing more in the expansion of
23 institutions and the priority has to be to fill existing
24 places.
- 25 Q. You also I think point to, this is perhaps from the

1 history of the foundation in the following paragraph on
2 page 525, that there was a pressing need to fill 100
3 places at Nazareth House East Camberwell?

4 A. Yes, that's right. So we see in the history of
5 foundation documents this is actually Crennan's visit to
6 East Camberwell immediately after he has received Heyes'
7 letter, and Crennan talks about there being -- or the
8 Sisters of Nazareth record in their history -- sorry,
9 I'm reading the wrong part there. But Crennan talks
10 about a desire to kind of induce more children to
11 experience the benefits of East Camberwell, but the
12 message there is fairly clear that a lot more girls need
13 to be recruited.

14 Q. At 2.9 you say:

15 "We know that a party of 17 girls from
16 Nazareth Houses in Aberdeen, Kilmarnock, Nottingham,
17 Newcastle-upon-Tyne and Cardiff sailed for Australia on
18 [REDACTED] 1954. They were placed at Camberwell."

19 And that did not include the 20 that Stinson had
20 originally recruited?

21 A. That is right, so this is the second wave.

22 Q. The point about the dates then on the LEM forms that you
23 make in the following paragraph?

24 A. When we see consents to migration being signed
25 in November 1953, it is perhaps helpful to see this in

1 that chronology of there being a sense of pressure
2 around the recruitment that had followed on from
3 Stinson's disappointing first round of recruitment
4 earlier in 1953.

5 Q. And then in the subsequent paragraphs on the following
6 page, right through I think to page 527, you do deal
7 with Anne's case?

8 A. Exactly.

9 Q. And we have already talked about that. There was some,
10 as it were blame, and counterblame as to how that had
11 happened?

12 A. That is right. One of the things that is really
13 remarkable about this case is that -- I mean, the
14 Commonwealth Department of Immigration appear to have
15 been genuinely shocked that a child could have been
16 passed fit for emigration given Anne's physical
17 disability, and they go back and question this with the
18 doctor who did that medical examination who is deeply
19 embarrassed by this and says that somehow he had managed
20 to miss it whilst doing other bits of the examination.
21 But his kind of fallback is to attempt to blame the
22 Sisters of Nazareth by saying that her medical history
23 was never drawn to his attention, even though one would
24 have thought a physical examination would have been
25 sufficient there.

1 But certainly on the medical history form that
2 the Mother Superior from Kilmarnock signs, it states
3 that she has no prior medical history at all. And there
4 is some -- we have seen some further documents since we
5 wrote this appendix as well and there is some follow-on
6 then with the Sisters of Nazareth and a claim there, on
7 their behalf, that they did check with the local doctor
8 who said that Anne had never had [REDACTED], although it is
9 not clear what the connection is between that doctor and
10 Anne at all.

11 So I think the Sisters of Nazareth tried to argue
12 that they didn't really know what the medical history
13 was either, but again it seems somewhat implausible that
14 they wouldn't have understood there was an issue there
15 if Anne was wearing callipers when she was there.

16 LADY SMITH: I see you identified that when the doctor was
17 being asked about this, it was put to him that he should
18 have appreciated she had not just [REDACTED] as a younger
19 child but meningitis as well.

20 A. Exactly, yes. She had very, very serious health
21 problems, absolutely. But interestingly at the medical
22 examination, he argued that normally someone would
23 attend with the child who knew their medical history,
24 but Anne was sent with a girl who was just ...

25 LADY SMITH: A domestic?

1 A. A domestic, that's right, at Nazareth House Kilmarnock,
2 who didn't seem to know anything about her at all.

3 I think the document that -- I mean, the Sisters of
4 Nazareth' position in relation to this doesn't seem
5 plausible, but I think the document to me which seemed
6 most clearly to indicate a deliberate attempt to
7 minimise Anne's health conditions, when putting her
8 forward for emigration, is one that was filled in by the
9 Mother Superior at Kilmarnock for the Australian
10 Catholic Immigration Committee. We don't entirely
11 understand that administrative process because a lot of
12 these records seem to have been lost, but it looks like
13 sending institutions would have provided ACIC with some
14 information about an individual child in addition to the
15 LEM3 form. And on that form again there is a section
16 for identifying any medical history and they say "None",
17 but under the heading I think "Physical Impairment" it
18 is left blank, and it is so clear in Anne's case that --
19 the omission of an answer there seems to be a very, very
20 deliberate attempt not to disclose information that
21 would have prevented her emigration.

22 MR MACAULAY: But as you pointed out, it wasn't just Anne,
23 there were others who apparently ought not to have been
24 sent for a variety of reasons, including health reasons.

25 A. Exactly. So I think for that migration party, there has

1 to be a particular concern that this pressure to recruit
2 girls for Nazareth House East Camberwell meant that some
3 girls were being sent who weren't suitable.

4 Q. Your conclusion towards the bottom of page 527 is that
5 the decision by the order to put forward some girls for
6 migration, without apparently providing information that
7 might have led to their migration being refused by
8 emigration officials, could not possibly be understood
9 within the context in which, according to Stinson, the
10 migration of a number of girls put forward by the order
11 earlier in 1953 had been refused, and that is the
12 financial problems?

13 A. Exactly. I think what makes Anne's case so stark is
14 that -- I mean, I think we can see that in this rather
15 transactional way of thinking about children as kind of
16 bodies to fill spaces in institutions, we can see that
17 clearly here, clearly exacerbated by this issue of the
18 loan, but perhaps arguably operating at other points
19 within the post-war schemes as well.

20 I think Anne's case seems so stark in terms of
21 a girl being sent who was clearly so unsuited to
22 migration, but where there appears to be a deliberate
23 attempt by the order to conceal information in order to,
24 it would appear, keep up the numbers being sent. That
25 seems to be an even more transactional way of treating

1 children than we see more generally in the schemes.

2 Q. Towards the bottom of page 58, what you say is that,
3 second last line:

4 "In the context of an apparent attempt by the
5 Sisters of Nazareth to recruit more girls for migration
6 to Camberwell, the medical declaration made by the
7 Mother Superior of Nazareth House Kilmarnock seems most
8 plausibly understood as a deliberate falsification of
9 Anne's medical history in an attempt to keep up the
10 number of girls being accepted for migration."

11 You also make the point that the fact that she and
12 other girls were migrated without appropriate records
13 that would have been necessary for their proper
14 treatment or support overseas, and, in the case of Anne,
15 migrated without her callipers, suggests the order
16 prioritised its organisational needs to ensure a flow of
17 girls to Camberwell over concern for those girls'
18 welfare?

19 A. Exactly. I think my recollection of Anne's evidence is
20 that she actually fell and had quite a serious injury
21 actually whilst on board ship, which presumably is
22 related to problems with mobility without her callipers.
23 So again that seems a very clear example of the
24 children's welfare being minimised for organisational
25 interests.

1 Q. One could use different adjectives to describe that. It
2 certainly was unkind and some may say cruel to Anne to
3 send her without her callipers?

4 A. Yes, yes, absolutely, and it was clear on arrival in
5 Australia that Australian officials realised that some
6 further surgical intervention was needed. But I think
7 as we will go on to see in a minute, Anne is not an
8 entirely exceptional case in terms of poor standards of
9 medical records from the Sisters of Nazareth.

10 Q. Is that the point you make in the next paragraph?

11 A. Exactly.

12 Q. What is the point there?

13 A. So one of the things I tried to do was just to look at
14 1953 and look at LEM3 forms and see if -- it just
15 compares Sisters of Nazareth forms with those of other
16 organisations to see if there was generally a lower
17 level of medical reporting of illness, but I couldn't --
18 the sample was too small to say anything sensible about
19 that.

20 But checking back on that, I realised that the 1947
21 migration parties, it looks like all of the children
22 sent from the Sisters of Nazareth across the
23 United Kingdom were sent without any medical histories
24 at all, because when you look at the LEM3 forms, I can't
25 remember the exact wording, it would be in the report,

1 but I think it is something like "No prior history
2 given" or "No prior conditions", but written in the same
3 hand, and the implication is that no information has
4 been provided for any of these children at all by the
5 order.

6 Q. You make the point also about Riverview at 3.18 -- yes,
7 Salvation Army and Riverview, in relation to it having
8 difficulty in getting migrants to be accommodated in
9 these places?

10 A. Yes, what I am saying just in these paragraphs 3.18 and
11 3.19 is this sense of financial investment in Australia
12 placing an obligation on sending societies to provide
13 children was not entirely unique to the Sisters of
14 Nazareth. So we have this example from the Chief
15 Secretary of the Eastern Australia Territory for the
16 Salvation Army saying it would be a tragedy if the
17 difficulties experienced in getting Riverview on its
18 feet, as well as the expense involved, if there was
19 a breakdown in the supply of boys at this stage.

20 And we similarly see in an annual report of the
21 Church of England Advisory Council on Empire Settlement
22 commenting that there was an obvious duty for the Church
23 of England to match the investment which the Anglican
24 diocese had put into children's homes in Australia to
25 expand them for child migrants.

1 But what is a little bit different with the Sisters
2 of Nazareth case is that in these examples with
3 Riverview and the Church of England, there is a sense
4 of -- some sense of moral obligation to one's partner
5 organisation in Australia to honour the investment that
6 has been made. In the case of the Sisters of Nazareth,
7 it seems a more direct anxiety about the order losing
8 money or assets if they don't provide children, which
9 seems even more instrumental, I think, in the terms of
10 the thinking that seems to be going on there.

11 Q. You also draw a comparison between what was happening in
12 connection with Camberwell and Quarriers sending
13 children to Dhurringile in the 1960s, even children who
14 had failed the psychological assessment.

15 I think the point you are making is again that
16 organisational priorities, the placing of children
17 overseas, really was taking priority over the welfare of
18 children?

19 A. Yes, that is right, and that could take a variety of
20 forms. Sometimes it could be about a kind of
21 organisational vision or an organisational rationale for
22 Fairbridge. Perhaps for Quarriers in that instance it
23 is about a sort of downplaying of the significance of
24 family bonds and a belief in the kind of reparative
25 mission of the organisation. But again I think in the

1 Sisters of Nazareth case it seems quite -- the interests
2 seem to be quite nakedly financial, really, in terms of
3 what is being pursued here, although we saw I think last
4 time I was giving evidence the kind of language the
5 order use about East Camberwell, and they are obviously
6 very pleased with the kind of material fabric of the
7 building and see this as a part of their witness and
8 mission in their community in Australia.

9 But at the same time we see, I think it is referred
10 to in earlier paragraphs there, that the order later on
11 consider a legal measure, sort of with the advice of the
12 local state Child Welfare Department, to make it harder
13 for the state to be able to reclaim the order's
14 property, which presumably would be one of the ways in
15 which the Australian Government authorities could have
16 reclaimed the investment that they had actually put in
17 that institution.

18 So there is clearly, although it may have a kind
19 of -- for those involved, it may have a kind of
20 religious overlay, a religious rationale to it, it is
21 very much bound up with the protection of assets as
22 well.

23 LADY SMITH: We also, of course, as you know, Gordon, have
24 material that shows that the Sisters of Nazareth were
25 concerned about their reputation. It comes out in terms

1 in documents that tell us they were anxious to get
2 children of good enough quality, when concerns were
3 being raised about the type of children that were being
4 migrated, because it would damage their reputation.

5 A. Yes. And it is interesting how -- again, I think we
6 mentioned this last time I was giving evidence, the way
7 some organisations for some of the religious orders,
8 like the Brothers and the Sisters of Nazareth, a sense
9 of organisational reputation was somehow also bound up
10 with the physical fabric of their building as well, some
11 of the kind of status and prestige of that was part of
12 how the order wanted to project itself into the wider
13 community.

14 MR MACAULAY: You focus at paragraph 3.20 on the analysis
15 you did of I think 38 LEM forms. And these were
16 effectively children, although not all perhaps
17 accommodated by a Nazareth House, were children who were
18 medically examined under the auspices of Nazareth House,
19 is that right?

20 A. In 1947?

21 Q. Yes.

22 A. I have to say the medical checks for those parties, I am
23 a little unclear quite how that happened. I think in
24 those cases they may have happened at Australia House,
25 although it has been a while since I have looked at the

1 source material for that.

2 Q. But generally the formulation used is "No known history
3 of disease"?

4 A. Exactly. So there is both a kind of live medical check,
5 which is what we were just talking about in terms of
6 what had gone on with Anne, but also part of that
7 process is a declaration of medical history, and this
8 was recognised in things like the Women's Group of
9 Public Welfare Report and the Moss Report, that having
10 that information is clearly crucial for children being
11 sent overseas in terms of adequate treatment, and
12 I can't -- I'm not sure if you have heard of evidence of
13 this but certainly other inquiries have, of some of the
14 problems that child migrants had of undiagnosed physical
15 conditions, medicals conditions they had that weren't
16 treated properly on arrival in Australia, and in this
17 case the failure to provide a medical history
18 contributed to that.

19 But certainly that seems to apply to all of the 38
20 girls sent from -- sorry, all of the 38 children sent
21 from Nazareth Houses in Scotland in those 1947 parties.

22 Q. But the phrase "No known history of disease", are you
23 saying that does imply, however, that there was a
24 medical history available which would allow someone to
25 make that comment?

1 A. It seems so. Because it is written in the same
2 handwriting on the forms, my inference of that is that
3 it looks to be the person who is actually conducting the
4 medical examination who is writing that, and it seems
5 implausible that for 38 children none of them would have
6 had any prior medical conditions at all. So for that to
7 have been a standard response, the implication appears
8 to be that no medical history had been provided.

9 Q. In your final paragraph of this appendix, you make the
10 comment that I think you have maybe touched upon
11 already:

12 "Analysis of medical reports of other children
13 migrated from Nazareth Houses in Scotland around the
14 time of Anne's migration show no declarations of
15 previous serious illness in their medical history with
16 only occasional references to enuresis which is recorded
17 as responding to treatment."

18 And you draw some conclusions from that.

19 A. Only I think to say that the numbers involved are so
20 small that it is difficult to have a meaningful
21 comparison on that point, so we can't really tell if
22 there is comparative under-reporting or not given the
23 small sample size.

24 Q. That then concludes your Appendix 4.

25 The next thing, I want to cover some questions which

1 have been submitted to the Inquiry to put to you or
2 Professor Constantine or indeed Professor Harper. Some
3 of these have been answered as we have gone along.
4 Those that have not, can I just raise these with you.
5 I think what you have done since is put together
6 a written response to the questions that are raised, is
7 that right?

8 A. That is correct, yes.

9 Q. You will find that in your folder. And if we can put it
10 on the screen, it's NAZ-55.

11 I have dealt with the first point in passing.

12 There was a question that was asked in connection
13 with the Sisters of Nazareth about additional
14 documentation relating to parental consent, and I think
15 additional documentation was made available to you after
16 you had prepared the appendices and the report, is that
17 right?

18 A. That's right, yes.

19 Q. What did you take from that material?

20 A. Our attention was drawn to a particular case of a mother
21 who had complained that her son had been sent to
22 Australia by the Sisters of Nazareth without her
23 consent, and the case was given extra force because she
24 had complained to her MP, Jack Jones, who had taken up
25 the case on her behalf, which perhaps meant that it may

1 have been given a bit more attention than perhaps some
2 other cases may have been. But the Sisters of Nazareth
3 gave quite a detailed response to the mother's
4 allegations of emigration without her consent, saying
5 that they had tried -- made strenuous efforts to try to
6 trace her and had enrolled the NSPCC in an attempt to
7 trace her as well, but had been unsuccessful and so had
8 made the decision to give consent sort of in loco
9 parentis after considerable efforts to trace her.

10 It is a slightly confused case in that the mother
11 points out that she I think had been living at the same
12 address for ten years, and that her whereabouts should
13 have been known to the Sisters of Nazareth, because her
14 daughter had actually been returned to her at that
15 address, I think from Nazareth House Middlesbrough.

16 So clearly there are different claims being made
17 here, both by the order about an attempt to do the
18 tracing and by the mother about -- it is her not really
19 understanding why that hadn't been possible.

20 It is difficult to have a conclusive view on that.
21 It seems -- it would seem surprising for the Sisters of
22 Nazareth to claim that they had involved the NSPCC if
23 they hadn't, given the scrutiny that was already going
24 on with that case. Equally it seems surprising they
25 couldn't trace the mother, and that may reflect a lack

1 of communication between two different Nazareth Houses.

2 I think possibly a point that the Sisters of
3 Nazareth might want to draw from that is that it is
4 an example of the order, on an LEM3 form where consent
5 is given by the Mother Superior, of efforts having been
6 made to trace the parent.

7 Q. Although, as you have said, the mother doesn't accept
8 that she could not be traced.

9 A. Exactly, so there is a degree of ambiguity I think about
10 that case. And I suppose in a sense the lack of
11 contemporaneous record-keeping by the Sisters of
12 Nazareth makes it harder to adjudicate on that as well.

13 Q. The next question you are asked about in relation
14 to school reports, and in particular that you were
15 provided with additional documentation that you did not
16 have when you prepared the report. Again you address
17 that at point 3 in your response.

18 A. That is right. So we have spoken before about the
19 relatively minimal post-migration monitoring that
20 the Sisters of Nazareth undertook, and we were then
21 provided with these six-monthly reports, and these are
22 for girls specifically sent to Nazareth House
23 East Camberwell for this period June 1956 to
24 January 1960. We don't have any comparable reports for
25 Geraldton, and again nothing comparable for homes run by

1 other religious orders that Sisters of Nazareth children
2 were sent to.

3 I suppose, on the one hand, one can say that this is
4 a positive sign in terms of standards of the day that
5 these six-monthly reports were being sent. It is
6 interesting that they are sent in the summer of 1956, so
7 this would have been a few months after the Ross
8 fact-finding mission had made their visit to
9 East Camberwell, but it is also striking that this
10 process seems to be followed at East Camberwell for
11 a specific period of time, so girls had obviously been
12 resident at East Camberwell for a few years before those
13 reports started, but also not taking place at Geraldton,
14 so for some reason we seem to have a particular period
15 in which regular reports are being written up.

16 Q. These reports, they are relatively brief reports
17 I think?

18 A. They are, yes. They tend to be single -- yes, barely
19 more than a word on some points, yes.

20 Q. But I think the point the Sisters of Nazareth would take
21 from that is that at least it shows that, to that
22 extent, there was a degree of monitoring taking place?

23 A. Yes, that is right, in that period for that institution,
24 yes.

25 Q. The next question you were asked, which I think has

1 produced a rather lengthy and detailed answer, is in
2 connection with government funding. I don't know if you
3 can cut through that without dwelling too much on the
4 figures, because I am not sure that is what was
5 anticipated in reply. But essentially you were being
6 asked for details of the weekly per capita payments by
7 the United Kingdom Government and the Commonwealth
8 Government. Is it possible to work that out to any
9 degree of accuracy?

10 A. Yes, yes, it is, and I don't know if you want to go
11 through all the figures --

12 Q. If you can do it as shortly as you can to make it
13 sensible.

14 A. So essentially, and this is something that we did
15 a while ago for IICSA, there are essentially different
16 funding sources that we used for the scheme. So there
17 would have been outfitting payments paid both by the UK
18 and Australian and Commonwealth Governments, and we know
19 in 1954 the UK Government was providing an outfit
20 allowance of up to £4, and the Commonwealth Government
21 was increasing in 1957 its outfit allowance to 5
22 Australian pounds, sort of matching the UK contribution
23 there, so that seems to be the level of outfitting
24 payments. We are not sure exactly what the -- although
25 obviously the cost of passages was covered, we don't

1 know exactly the financial cost of that, but that was
2 covered by the UK and Australian Governments under
3 the assisted migration scheme.

4 Then in terms of maintenance payments, there were
5 three different components that would make up the
6 maintenance payments for child migrants in Australia.
7 One was a subsidy from the UK Government, which I think
8 was reached by 1954, ten shillings a week. I think it
9 may have been, in the immediate post-war period, seven
10 shillings and sixpence.

11 A second element of that was what was called the
12 Commonwealth endowment scheme, which was essentially the
13 Australian version of child allowance, which normally
14 foreign-born children weren't allowed to receive but the
15 Commonwealth Government changed the law on that to allow
16 child migrants to receive that amount. At the time of
17 child migration resuming, the payment of that was, in
18 Australian currency, seven shillings and sixpence. But
19 then there was also a state maintenance contribution and
20 the levels of that varied between different states so,
21 it was comparatively generous in Western Australia, and
22 comparatively less so in New South Wales.

23 Then there are some figures, I don't know if you
24 want me to go through those in terms of value according
25 to current prices, whether that is helpful or not?

- 1 Q. We can probably read that. Rather than getting bogged
2 down with figures we can read that. I suspect what you
3 have said is probably sufficient to deal with that.
- 4 A. Yes.
- 5 Q. You talk about prior approvals on page 4. Is that in
6 connection with -- as a precondition for claims or for
7 financial assistance? There had to be --
- 8 A. Yes, I think the question -- I think the question we are
9 being asked there is about the role of the UK Government
10 in terms of assessing children before they left the UK,
11 and that is a relatively minimal check. The main check
12 there seems to have been on the part of the Commonwealth
13 Relations Office, that any child migrant was actually
14 eligible to receive funding under the agreements with
15 individual organisations through the
16 Empire Settlement Act, which meant that they had to
17 either be born in the UK or I think have a five-year
18 residency period. But there was no individual check by
19 the UK Government officials in terms of the kind of more
20 rigorous selection process that was being envisaged in
21 Section 33 regulations.
- 22 Q. In relation to Australian medical requirements, I think
23 you probably have covered that pretty well in your
24 report, have you not?
- 25 A. Yes. Yes, I think so.

1 Q. There were some other questions in relation to consent,
2 the status and knowledge of the Curtis Report,
3 inspection reports and other reports, and I think these
4 have been covered in the evidence generally, either with
5 yourself or Professor Constantine. I can be corrected
6 if I am wrong about that.

7 The final lap for you, then, Gordon, is to do with
8 the article that you wrote I think this year, 2020?

9 A. 2019.

10 Q. 2019.

11 A. That was the first version of it, yes.

12 Q. We can look at that, that is to be found at LIT-7. You
13 will find a copy of that in your folder in front of you.

14 LADY SMITH: Mr MacAulay, I wonder, whether before we get
15 into the meat of this, we should take the afternoon
16 break now?

17 MR MACAULAY: That is a good idea.

18 LADY SMITH: And then deal with it in one session
19 afterwards. Thank you.

20 (2.53 pm)

21 (A short break)

22 (Delay in proceedings due to technical problems)

23 (4.00 pm)

24 LADY SMITH: Gordon, thank you for your forbearance.

25 I think you have been kept in touch with the drama that

1 has unfolded over the network going down this afternoon
2 but I am told we are now connected again. Thumbs-up
3 even.

4 While we have it, let's go, Mr MacAulay.

5 MR MACAULAY: The next document then I want you to look at,
6 Gordon, is the article that you wrote, you indicated
7 earlier, in 2019. I think you have that before you as
8 LIT-7 and that is now on the screen.

9 If we can move on to the next page, page 2 of the
10 article, the title tells us what the article is about,
11 and that is a title of "Possible collusion between
12 individuals alleged to have sexually abused boys at four
13 Christian Brothers institutes in Western Australia", and
14 the time period you have selected is 1947 to 1965.

15 Can I begin by just focusing on the sources for this
16 article, and one of the sources that you have already
17 mentioned, that you mention in the article and you
18 mention in the report, is the work by Barry Coldrey?

19 A. Yes. Perhaps very briefly to explain the rationale for
20 writing this. It had become clear in previous inquiries
21 that there are numerous allegations about sexual abuse
22 at these four Christian Brothers institutions in Western
23 Australia, but partly because of the earlier stages of
24 these inquiries what they did was to gather those
25 allegations together but not to do a more comprehensive

1 analysis of that. So what I was trying to do with this
2 was to both develop a more -- a fuller understanding of
3 who these alleged abusers were, what their roles were
4 within institutions, possible movement between
5 institutions and possible contacts between them.

6 So the main sources -- so it's essentially an
7 analysis of allegations of sexual abuse made against
8 Brothers and other individuals relating to sexual abuse
9 at these institutions. So the source material used for
10 that are witness statements from the Historical
11 Institutional Abuse Inquiry, which unfortunately the
12 abusers are redacted so it's not always possible to
13 identify them, the Australian Royal Commission, IICSA,
14 and this Inquiry. But there is also other relevant
15 source material, such as secondary material generated
16 through the Australian Royal Commission that was
17 gathered through disclosure that was held by the
18 Christian Brothers, as well as a body of documents
19 called the Bruce Blythe Papers at the National Library
20 of Australia. Bruce Blythe, as you will be aware, was
21 a leader of an organisation called VOICES, which was
22 trying to campaign for redress and justice for survivors
23 of abuse at these institutions in the early 1990s.

24 So that is the primary source material. And the
25 Brothers identified in that source material also match

1 Brothers referred to in Barry Coldrey's private reports.
2 He had written about abuse in these institutions in what
3 was effectively an official history of the
4 Christian Brothers in Western Australia, called "The
5 Scheme", and that has still been a useful book because
6 Coldrey reproduces the staff registers for these
7 institutions which makes it possible to track staff
8 movement between them. But "The Scheme", he underplayed
9 the extent of abuse there, and this other report,
10 "Reaping the Whirlwind", is a fuller account of that.
11 It's useful not simply for the individual abusers that
12 it mentions, who are referred to in this other source
13 material, but in terms of some of the wider
14 organisational context, and it's very useful in terms of
15 understanding that.

16 Q. The Scheme", I have that in front of me now, the
17 Barry Coldrey book. One can see, if one looks at his
18 sources in particular, that he had access to a number of
19 archives, in particular the Western Australian archives
20 in Victoria, Australian archives South Australia, in
21 South Australia, and then he had access to the
22 Christian Brothers archives in Manning, Western
23 Australia, but he also had access to Christian Brothers
24 archives in Italy?

25 A. Yes. The source material that he uses in "Reaping the

1 Whirlwind", I think he makes more extensive use of that
2 than he does in "The Scheme", and certainly I think
3 possibly some of the Christian Brothers' archives held
4 in Rome are very, very helpful. But in a sense, with
5 "The Scheme", it is particularly the staff registers
6 that were some of the most useful resources.

7 Q. I was looking at that, and he provides a significant
8 amount of detail taken from the staff registers from the
9 four institutions?

10 A. Exactly, and the year at which each -- yes, people on
11 the staff at each institution by year, which is very
12 useful.

13 LADY SMITH: Mr MacAulay, for the transcript, can we have
14 a date of publication of "The Scheme", if it is easily
15 identifiable?

16 MR MACAULAY: Yes, it is 1993.

17 LADY SMITH: Thank you.

18 MR MACAULAY: Just to understand the materials from the
19 different inquiries, for this particular article I think
20 what you tell us, if we look at the executive summary,
21 is that you had access to 35 written and oral witness
22 statements received by the Royal Commission into
23 Institutional Responses to Child Sexual Abuse, the
24 Historical Institutional Abuse Inquiry and the
25 Independent Inquiry into Child Sexual Abuse. So from

1 that I take it you were not, for this article, looking
2 at allegations that are contained in applicants'
3 statements to this Inquiry?

4 A. Exactly. Because at the time of writing this, that
5 material wasn't in the public domain. So as we go
6 through this, I will give you updated figures which
7 reflect both material from this Inquiry and some more
8 recent documents as well. So I think it would now be 49
9 individuals for whom we --

10 Q. If we perhaps look at numbers then. For example, you
11 say you now have access to 49 witness statements?

12 A. That is correct, yes.

13 Q. Does that have an impact on the numbers of Brothers
14 against whom allegations are being made?

15 A. Yes, the material that you have heard at this Inquiry,
16 in this document I refer to 29 alleged abusers. Another
17 three names have been given to your Inquiry, and I have
18 since discovered from other source material names of
19 another two. So that would give a total of 34. And in
20 the period that we are looking at, that would be 34 out
21 of 100 Brothers on the staff at these institutions in
22 this period against whom allegations of abuse have been
23 made.

24 Perhaps just to say very briefly on that, I looked,
25 in preparing for this, just again at the Australian

1 Royal Commission, their analysis of claims against
2 sexual abuse against Catholic organisations in
3 Australia, and the scale of abuse that we are talking
4 about at these institutions and this number of abusers
5 would suggest that this may be the most serious case of
6 institutional sexual abuse, certainly in a Catholic
7 context, in post-war Australia.

8 Q. I wonder whether the best way of looking at your
9 material is to look at the tables that you have
10 produced. Would that be the best way of presenting it?

11 A. Yes, it may be. I think the issue of Superiors against
12 whom allegations --

13 Q. Perhaps you can pick that up.

14 A. Yes. Of the 34 Brothers against whom allegations of
15 abuse have been made, one of the things that was
16 valuable to recognise is that six of them were Superiors
17 in charge of institutions, and that all three Superiors
18 in charge of Bindoon in this period, 1947 to 1965, have
19 had multiple allegations of sexual abuse made against
20 them. This would be significant obviously both in terms
21 of institutional reporting, but also decisions made by
22 those Superiors about disciplinary action around
23 Brothers working in those institutions but also
24 potentially transfer of children between institutions as
25 well.

1 Q. Transfer of Brothers from place to place is something
2 you do discuss in this article. Can you just develop
3 that for me?

4 A. Yes. So more generally it was recognised through the
5 Australian Royal Commission, and through a document
6 prepared for the trustees of the Christian Brothers in
7 the early 1990s as part of a civil claim that
8 the Brothers were facing against them for abuse at these
9 institutions, that there was a wider policy within the
10 Brothers in the post-war period of tending to transfer
11 known abusers, that some were removed from the order if
12 they hadn't taken their full vows, but once a Brother
13 had taken their full vow, the process of doing that
14 would be more involved and may ultimately involve appeal
15 to the Vatican if the Brother wanted to contest that.
16 There seems both to have been a desire to keep these
17 issues within the order for reasons of maintaining the
18 order's reputation, but also pressures on maintaining
19 its staff base as a leading teaching order in the
20 provision of private Catholic education in Australia.

21 So the context for the order's work in Australia in
22 this period is that there was no public funding for
23 Catholic schools, and so an important priority for the
24 Catholic Church in Australia was to run a private
25 Catholic educational system in which the Brothers were

1 a key teaching order. And during this period, as their
2 work was expanding, there was I think anxiety within the
3 Brothers about the reputational damage not just within
4 wider society but within the church if allegations of
5 abuse became more widely known, and so we see Brothers
6 transferred between institutions.

7 There are five cases in which Brothers who are
8 alleged abusers at these institutions were transferred
9 to other institutions across Australia, and because the
10 Brothers were a teaching order, almost all of their
11 institutions would have given abusers further access to
12 boys, and there are allegations in these five cases of
13 Brothers abusing boys either before being transferred
14 into Western Australia or after being transferred out.
15 But then we also see, as we will come on to now,
16 I think, data around transfer of Brothers within these
17 four institutions too.

18 Q. That is what I am going to focus on then. If you look
19 at that, what was the position -- and the four
20 institutions, just to remind ourselves, are Tardun
21 Bindoon, Clontarf, and the fourth was --

22 A. Castledare, that is right. So one of the forms of
23 analysis I did with this material was to look --
24 although obviously Brothers were transferred to a wider
25 range of institutions than these, I also looked at the

1 extent to which -- or which Brothers were transferred
2 between these four institutions in this period. It
3 became clear that alleged abusers were more likely to be
4 transferred between these institutions than staff who
5 were not abusers.

6 So of the 34 Brothers against whom allegations of
7 abuse have been made, 17 were transferred between one or
8 more of these institutions across these periods, so 50%.
9 But of the 66 other Brothers working at these
10 institutions against whom no allegations of abuse have
11 been made, only 12 were transferred, so that is about
12 18%. So there is a marked discrepancy. There may have
13 been obviously different reasons why Brothers were
14 transferred, but we see -- you will have seen within
15 evidence that you have received accounts of Brothers
16 being transferred after disclosures of abuse being made
17 as well, so that does seem to be at least -- well, we
18 can certainly say, looking at that data, that alleged
19 abusers were much more likely to be transferred between
20 these institutions.

21 One of the implications of that is that although
22 there were other ways in which Brothers would -- who
23 were alleged abusers would have got to know each other
24 through these institutions, Clontarf and Castledare are
25 just a 20-minute drive away, for example, and there

1 would have been social contacts. We have heard of one
2 case at this Inquiry of Brothers reportedly abusing
3 a witness at Tardun, who was actually resident at
4 Clontarf but had gone to Tardun for a treat where they
5 abused a witness there. But simply the fact that
6 alleged abusers were transferred between these
7 institutions meant they would have known other alleged
8 abusers simply through those patterns of transfer.

9 It is not on the screen here, but there is a table
10 in the document looking at just, at this earlier stage
11 of analysis, the number of contacts with other alleged
12 abusers and --

13 Q. We will come to that.

14 A. Sorry, go on.

15 Q. I am not looking at what is on the screen at the moment.
16 Just to be clear, and this is the point you make on
17 page 7 of the article itself, is that there is evidence
18 that in each decade from 1919 into the 1960s, Provincial
19 Councils of the Christian Brothers in Australia were
20 aware of allegations of sexual abuse against specific
21 Christian Brothers?

22 A. Yes, exactly. That's something established by the Royal
23 Commission, yes.

24 Q. Is table 1 the one you want to look at? That is on
25 page 11 of the article.

1 A. Yes, so this --

2 Q. Wait until we have that on the screen and you can then
3 take us through it.

4 A. So this was more a means of doing some of the analysis
5 for this paper, which was just an exercise of mapping
6 alleged abusers by the institution at which they were
7 working, and in some ways it is quite a usual visual
8 device for being able to see some things. So you will
9 see that the yellow colour-coding is for Bindoon, and
10 one of the things that you will notice there is you
11 remember that Brother Conlon was resident at Bindoon
12 between 1951 and 1958, so if you just follow the columns
13 51 to 58, and you can see several rows of yellow there
14 indicating there were a number of alleged abusers
15 working at Bindoon in that period.

16 By using the colour-coding it is also possible then
17 to mark an individual Brother's transfer following the
18 row along. So, for example, Brother **MHZ** on the top
19 line, who seems to have been one of the worst serial
20 offenders in these institutions, having numerous
21 transfers between Tardun, Bindoon and Clontarf in this
22 period.

23 Q. Yes, we see that in 1956/57 he goes to Clontarf.

24 A. That's right.

25 Q. And before that I think, before he was in Bindoon, he

1 was in Tardun, is that right?

2 A. That is -- yes, that is correct.

3 Q. And then before that he was in Clontarf again, is that
4 right?

5 A. Exactly, yes. And so someone like Brother **MHZ**, we may
6 look at that table in a minute, but just on this initial
7 analysis of these 29 Brothers, would have known 23 other
8 alleged abusers simply through that pattern of transfer
9 between institutions.

10 Q. If we look at the reference to **MDJ**, which is
11 two-thirds of the way down, can we see that he spent
12 time in Clontarf, when he was the principal there, is
13 that right?

14 A. Exactly, yes.

15 Q. (Inaudible) principal?

16 A. Yes, that's right, they appear in bold type.

17 There are now two other Brothers whose names are in
18 the public domain through the John Lawrence judgment.

19 Q. I take it that in fact, in light of that, and indeed
20 information now that you have acquired from this
21 Inquiry, that this table would require some degree of
22 amendment?

23 A. Exactly, yes, and there are more names that we can
24 unredact now as well. Not all of them but more, yes.

25 Q. If we move along the line for **MDJ**, can we see that he

1 is the principal in Bindoon from 1948 through to 1953,
2 is that right?

3 A. That's right, yes.

4 Q. And I think, touching on the allegations that have been
5 made, and indeed even by what Coldrey says, he was
6 a relatively notorious Christian Brother?

7 A. Yes, he was notorious for having a particularly violent
8 temper, for being very effective in terms of his public
9 relations with external groups, and apparently having
10 a very close friendship with the chief of police in
11 Western Australia as well.

12 Q. Would his path have crossed with Conlon's at Bindoon in
13 1953?

14 A. That's right, yes.

15 Q. And we can see for ourselves how this chart works, and
16 it is very helpful just to see how people are moved from
17 place to place.

18 A. Yes.

19 Q. Would these movements be on the back of the fact, at
20 least for some of the allegations that were being made,
21 of sexual abuse?

22 A. Yes. So we can see Brother MPQ who has been
23 referred to in some witness evidence, who is in the
24 second row down. If we look at the two years that he
25 was in Bindoon, which I think probably, if we scroll up,

1 is probably, yes, 1949 and 1950. He was then removed
2 from Bindoon. He was, I think, known by MDJ to be
3 having a sexual relationship with another Brother, but
4 with allegations of abuse of boys as well. And MPQ
5 was then -- actually he goes blank there, because he is
6 one of the Brothers who was then moved to another
7 Brothers institution outside Western Australia, and
8 there have been allegations of abuse made against him in
9 that period as well. But then we see him returning back
10 into Western Australia.

11 Q. If we take perhaps him as an example, then in 1949 he
12 was in Bindoon at the same time as Brother MHZ, is
13 that right?

14 A. No, they didn't overlap because MHZ --

15 Q. I am sorry, you are right. Brother QRP?

16 A. QRP, yes. That was the Brother, they were alleged
17 to be in a relationship with each other.

18 Q. Then there is Brother LZO, who has also a yellow
19 block. Against whom allegations presumably are made, is
20 that right?

21 A. That is right. I think you will have heard allegations
22 at this Inquiry.

23 One of the things, I think we will come on to this
24 with some of the other tables shortly, is that when you
25 look at the yellow blocks, particularly in the 1950s, we

1 can see that at Bindoon the staff group was relatively
2 stable and included a high proportion of alleged
3 abusers.

4 Q. Then if we look at another table, it's also table 1.
5 I think INQ-109 is the Nuix number we probably want to
6 have.

7 I think this is a revised table of a table we
8 already have in the report?

9 A. Exactly, so this is the properly updated one, bearing in
10 mind the most recent figures we have about alleged
11 abusers.

12 Q. If we go to the report on page -- it's table 3 in the
13 report, I think.

14 I think we should work off what we have on the
15 screen.

16 A. Yes, it's probably better.

17 Q. If we look then at Bindoon, can you explain to us what
18 you are setting out in these tables?

19 A. So this is a way of just trying to chart by year the
20 proportion of staff at each institution against whom
21 allegations of sexual abuse have been made.

22 An important qualification to make about this is that
23 there is no suggestion here that staff who were alleged
24 abusers were abusing in each of these years. Some
25 appear to have abused over an extended period of time,

1 others perhaps in more specific incidents. But if we
2 simply note Brothers who were alleged abusers and their
3 preponderance on the staff at a particular time, then
4 those are the staff marked in blue in these diagrams,
5 and the staff working at these institutions against whom
6 no allegations of sexual abuse have been made are marked
7 in orange.

8 Q. Let's take the example then of the years 1955-56 for
9 Bindoon.

10 A. Yes.

11 Q. We see the blue certainly outshines the orange in
12 length, and you have written in the blue for 1955, 9 and
13 in the orange, 4. Do we take it from that that the 9
14 represents staff against whom allegations have been
15 made?

16 A. That is right, and the four staff against whom no
17 allegations have been made.

18 Q. So that gives us a picture as to what the numbers were
19 at particular points in time?

20 A. Yes, that is right. This is one point where reference
21 back to Coldrey's "Reaping the Whirlwind" seems
22 relatively useful, because Coldrey undertook his own
23 conversations with former residents of these
24 institutions, and in his words he referred to sex rings
25 operating within -- paedophile rings operating amongst

1 the Brothers at these institutions. He said:

2 "At Bindoon throughout the child migrant era [which
3 is this period], towards the end of the 1950s early
4 1960s at Castledare, and in the mid-1950s in Clontarf."

5 And these diagrams tend to bear out that analysis
6 that he made, although it actually suggests in some
7 cases at Clontarf the preponderance of alleged abusers
8 may have been even higher than Coldrey gathered from his
9 earlier work.

10 Q. We can look at the graphs ourselves, but if we look at
11 the one on the next page at INQ-110. If we move to
12 perhaps to Tardun which is at the bottom. Unfortunately
13 this one hasn't come out in colour. But if we look at
14 1953, I think we see that there are four in blue and
15 nine in orange?

16 A. Exactly, and this actually tallies with the Australian
17 Royal Commission's analysis of claims made with respect
18 to individual institutions. So it noted 152 claims
19 about sexual abuse at Clontarf, 118 at Bindoon and 142
20 at Castledare, but only 49 at Tardun. So the impression
21 is that whilst -- and we will perhaps go on to talk
22 about this more in a little bit, but whilst there may
23 have been contact between some of the alleged abusers at
24 Tardun and these other institutions, there seems to have
25 been more contact between Bindoon, Clontarf and

1 Castledare and a higher preponderance of alleged abusers
2 at those three institutions and perhaps a higher level
3 of incidents of abuse happening as well.

4 Q. Another table that you have provided for us is on
5 page 14 of the report, table 2. Can you take us through
6 this table and what you are seeking to convey here?

7 A. Exactly. So this is the analysis of how many contacts
8 Brothers would have had simply through these patterns of
9 transfer between institutions, and these figures --
10 again they've been updated -- would be the figure for
11 the 29 ...

12 Q. This is --

13 A. This is the earlier figure but these have been updated.

14 And **MHZ** I think I have now, partly through
15 a correction and partly through the addition of the new
16 names, he would for example go now up to 23 contacts
17 just through the process of institutional transfer.

18 Q. I understand that this may need some revision but it
19 still gives us a picture of, for example, Brother **MHZ**,
20 under reference to the information you had at this
21 point, that he would have contacts with other Brothers
22 as a result of transfer, namely, 17?

23 A. Exactly. And it is interesting that Brothers like
24 **MIU** and **MHR** and **MDV** predominantly worked at
25 Bindoon, but that actually because of -- if a Brother

1 was transferred into Bindoon that would, because there
2 appears to have been a preponderance of alleged abusers
3 at Bindoon, have meant that someone being transferred
4 into Bindoon would have then known a number of alleged
5 abusers simply by working there.

6 Q. These contacts are as a result of the Brothers being in
7 the same place at the same time normally by transfer
8 there?

9 A. That is right. And as we have mentioned before, there
10 are other ways in which Brothers between these
11 institutions would have known each other. The number of
12 brothers working within these four institutions per year
13 in this period was relatively small, I think it ranged
14 from 29 to 41 each year, so we are talking about quite
15 a small group, and possibly no more than one hundred
16 Brothers working across the whole of Western Australia.

17 So there would have been other ways in which
18 Brothers would have known each other within this
19 relatively tightly knit group, but simply institutional
20 transfer would have accounted for one way in which they
21 would have got to know each other as well.

22 Q. That is one of the points you make in your report at
23 paragraph 4.7, that that contact was there not simply
24 because they were at the same institution, but there
25 would be social contact and possibly contacts based on

1 some religious-type services?

2 A. Exactly, yes, that is right.

3 Q. While I'm on this page, page 15 of your report, you draw
4 attention in paragraph 4.8 to contact that the
5 Christian Brothers had with the Benedictine monks at
6 New Norcia. Can you develop that for me?

7 A. It is important I think to recognise that allegations of
8 abuse at these institutions don't simply relate to
9 Brothers on the staff at the institutions or Brothers
10 possibly visiting those institutions, but other people
11 who weren't Christian Brothers but who either had
12 contact as visitors or worked on the staff as priests
13 and chaplains.

14 So the Benedictine monastery at New Norcia was --
15 it's a sort of somewhat autonomous religious community
16 that had a somewhat different jurisdiction to the
17 Archdiocese of Perth, and in terms of trying to separate
18 itself from the archdiocese, it seems to have built up
19 a particularly close relationship with the Brothers
20 institution of Bindoon. So there were shared social
21 activities, shared tradesmen, shared services as well,
22 religious services.

23 But the Australian Royal Commission found the
24 Benedictine ministry at New Norcia had the highest
25 proportion of alleged perpetrators of abuse for any

1 religious institution made up of ordained priests. So
2 what we see there is a religious community in which
3 again there seems to have been a comparatively high
4 level of alleged abusers, and certainly two of these
5 priests from New Norcia, Father **MPG**, and particularly
6 Father **MJC**, appear in a number of allegations of
7 abuse of boys at Bindoon.

8 Q. The tables that you have provided for us show that the
9 Brothers against whom allegations of sexual abuse have
10 been made had the opportunity to be in contact with each
11 other?

12 A. Yes, that is right, exactly, yes.

13 Q. But in section 5 of your article on page 16, you go on
14 to look at other indicators of collusion between alleged
15 abusers at the four institutions. Can you just take me
16 through that?

17 A. Yes, indeed. So perhaps if I begin by just referring to
18 incidents involving Brothers, and then there is another
19 individual who it is important to mention as well.

20 So a number of the allegations that have been made
21 across this source material are not of the kind in which
22 the abuse took place in a private setting in which only
23 one person, the abuser, seemed to know about it. So
24 there are allegations, for example, of abuse taking
25 place in front of other boys. You will have heard

1 reports of boys being taken from dormitories at night by
2 multiple Brothers. There were incidents in which -- two
3 different accounts in which boys had soiled their
4 underwear having been raped but were not punished for
5 that by other Brothers, although that would normally be
6 a punishable offence, and I think in one case I now
7 understand that the Brother not doing that punishment is
8 someone who I now understand allegations of abuse to
9 have been made against.

10 An incident at Bindoon in which other Brothers
11 mocked a witness for being Brother LZO's little girl
12 and little pet during a period in which LZO was
13 reportedly subjecting that witness to sustained sexual
14 abuse. Groups of Brothers reportedly looking at boys in
15 sexualised ways. A witness who, at Clontarf, talked
16 about two separate Brothers taking it in turns to abuse
17 him. And also incidents of group rape as well.

18 Another example of that, which we have briefly
19 referred to before, is of two Brothers, Brother MDI
20 and Brother MHZ, allegedly abusing a boy at Tardun
21 where the Brother at Tardun who was most regularly
22 involved in abusing that boy suspended his abuse of that
23 boy whilst MHZ and MDI were visiting Tardun, and he
24 believed there to be some clear sort of co-ordination of
25 that abuse.

1 I should also mention, I don't know if you want to
2 stay with that for a moment, but I should mention
3 LZM [REDACTED] at some point.

4 Q. Yes, please do that now.

5 A. LZM [REDACTED] is again a very significant figure in this
6 context. He was a stage manager, or some people refer
7 to him as a caretaker, at a theatre in Perth. He is
8 significant I think in two different ways -- sorry,
9 three different ways. One is that he had access to boys
10 at these institutions in ways that seemed relatively
11 unusual. So he was able to take boys out for weekends.
12 The aunt and uncle scheme was better established, but to
13 have boys taken out in groups by a single man seemed a
14 bit less useful, and he was allowed to have boys
15 sleeping overnight in his van, and there are allegations
16 of sexual abuse by witnesses whilst he was taking them
17 out on these trips.

18 Another thing that is significant is that there are
19 allegations of abuse relating to musical performances
20 involving boys that began in the mid-1950s at Clontarf
21 and Castledare where LZM [REDACTED] used to hang around at
22 rehearsals, but where there are reports of this being
23 an opportunity to abuse boys whilst they were dressed up
24 in girls clothing, for example, but also one witness
25 statement about boys being made to do musical

1 performances in a private setting where they were then
2 taken away by men attending that event and sexually
3 abused, where L Z M seems to have been a point of
4 contact.

5 Another reason why L Z M seems to be
6 a significant figure is that he is referred to both in
7 the abuse of boys at Bindoon and the abuse of boys at
8 Clontarf and Castledare, and there appear to have been
9 networks of abusers both operating at Bindoon and at
10 Castledare and Clontarf, and L Z M seems to have
11 moved between these two different networks.

12 Just in passing, I suppose when we are dealing with
13 allegations one suspicion is that there could have been
14 a kind of degree of co-ordination in terms of the
15 accounts that people are generating. But one of the
16 things that is striking is that some of the contacts
17 between alleged abusers are referred to very much in
18 passing by witnesses, that there doesn't appear to be
19 any kind of co-ordinated attempt to build a kind of
20 collective narrative around this, and L Z M is a good
21 example where he took several hundred photographs of
22 boys in these different institutions.

23 So whilst he was referred to and named by IICSA for
24 abuse at Castledare and Clontarf, another witness
25 I think at the Australian Royal Commission referred to

1 a photographer who had abused boys at Bindoon, having
2 been invited there by Brother MDV to picnics, MDV
3 being another known abuser. And he didn't name LZM
4 but described LZM in terms of his mode of abuse and
5 the detail of the van that he drove in a way that it
6 became clear it was LZM but didn't refer to him by
7 name. And we do see this at different points where
8 witnesses appear inadvertently to be referring to
9 contacts between abusers without perhaps always being
10 conscious of the significance of what they might be
11 saying.

12 Q. You do point out in your report that allegations were
13 made on a contemporaneous basis --

14 A. Yes.

15 Q. -- by children to other Brothers and indeed staff?

16 A. Yes.

17 Q. And at 5.3 you discuss that, on page 17 of the article.

18 A. That is right.

19 Q. So this is a case where, perhaps in contrast to some
20 other instances, boys were saying that they were abused
21 sexually to adults.

22 A. That is right, and I think last time I was here we noted
23 the figure of 25 incidents of disclosures of abuse being
24 reported by 21 witnesses, and these predominantly but
25 not exclusively were made to Brothers visiting these

1 institutions, it seems at least in one case to a Brother
2 who was conducting a visitation, not just a Brother on
3 the staff, but also to external figures, to medical
4 staff, to nuns, and in I think two or three instances to
5 local police as well.

6 Q. What was the reaction of the people to whom these
7 complaints were made, these allegations were made?

8 A. It varied. So complaints to Brothers, the responses
9 could vary from a Brother being transferred, although we
10 certainly see cases where complaints appear to be made
11 by multiple witnesses about a Brother's behaviour and it
12 being some years before a Brother is transferred. But
13 we also see, in terms of disclosures to Brothers,
14 disclosures being made I think unwittingly to other
15 Brothers or someone like Father **MJC**, who were
16 themselves alleged abusers, where there is no action
17 taken in terms of the transfer of that Brother away from
18 the institution.

19 One of the witnesses to this Inquiry certainly in
20 a written statement refers to telling Brother **LZO** at
21 Bindoon about abuse by another member of staff there and
22 **LZO** telling him not to worry about it, that he will
23 sort it out and it won't happen again, but not to say
24 anything else about it. And **LZO**, we know, is someone
25 against whom numerous allegations of abuse have been

1 made. What appears to have happened there is that
2 the abuse was stopped but no action was taken against
3 the abuser, which suggests some kind of informal
4 conversations between abusers there.

5 In terms of external contacts, disclosures to the
6 police didn't lead to any action or prosecution but
7 usually to the boys being warned off making these
8 claims. And there is certainly a suggestion that the
9 influence of John Doyle, the Chief Commissioner, may
10 have had some significance there.

11 But other disclosures to medical staff didn't always
12 lead to effective action either, that seems to have been
13 reported back into the institutions but that not
14 necessarily leading to effective action. But in none of
15 these cases were external authorities notified of any
16 cases of abuse.

17 Q. But the Provincial would know at the headquarters, if I
18 can call it that, of the organisation, that these
19 allegations were being made?

20 A. Yes. Sometimes it is not entirely uncommon in
21 visitation reports for concerns to be raised about
22 individual Brothers, in that Clontarf visitation report
23 that I mentioned earlier, more general issues about
24 Brothers needing to be careful in their touching of boys
25 or in having boys in their bedrooms.

1 If we think about these institutions as potentially
2 including a number of alleged abusers who for different
3 reasons may not always have formally reported abuse even
4 within the order of the Brothers, Provincials may have
5 known about some incidences of abuse but by no means
6 all.

7 Q. If we look at the table you provide us with on page 19
8 of your article, at paragraph 5.7, without dwelling on
9 all the allegations, but if we look at (i) and (ii), for
10 example, you are dealing with one witness, at (i), being
11 reportedly abused by Brothers MDJ , MHZ , AKL and
12 Father MJC at Bindoon, so these four were there at
13 the same time and they were abusing this particular
14 individual?

15 A. That is right. This is a point that Barry Coldrey makes
16 in terms of his -- this is part of the reason why he
17 believes there was, in "Reaping the Whirlwind", why he
18 believes there was collusion between abusers at these
19 institutions, in that some boys would pass through these
20 institutions and be abused by multiple individuals and
21 some boys would pass through them and experience no
22 sexual abuse whatsoever.

23 So it is possible to see -- to look at these witness
24 statements and look at those who have been abused by
25 more than one Brother or one individual, and through

1 that, when one looks at that alongside patterns of
2 disclosure, and where reports are given of boys making
3 a disclosure to a Brother or to a priest about abuse, we
4 begin to see potential -- obviously we don't have direct
5 evidence of collusion there, but there are possible
6 traces of collusion in terms of contacts that could have
7 existed between staff there.

8 Q. If you look at the next Roman numeral, you have one
9 witness being reportedly abused by six Brothers at
10 Bindoon?

11 A. Exactly, yes.

12 Q. And that number of six, would that be the majority of
13 the Brothers at Bindoon?

14 A. It probably wouldn't have been the majority. I would
15 have to look back at the Bindoon table. I think Bindoon
16 would normally have double figures.

17 Q. Maybe eight and five in 1954?

18 A. Yes, thirteen, so it's not quite half. And
19 Father **MJC** wouldn't be -- the tables only include
20 Brothers, so Father **MJC** wouldn't be included, but it
21 is clear that it's a significant proportion of staff.

22 Q. Indeed. If you look at (iv) you have one witness being
23 reportedly gang raped at Bindoon by five Brothers,
24 including Brother **MDF**. So the allegation there is
25 that five Brothers are sexually abusing this boy

1 essentially one after the other?

2 A. Yes. It is regrettable that this is a witness statement
3 from the Historical Institutional Abuse Inquiry, so,
4 whilst it is possible to recognise Brother **MDF** as one
5 of those individuals, it is not possible to identify the
6 others.

7 Q. Can we then look at table 3, which is your network
8 diagram. You may want to take us through this gently
9 because it looks quite complicated.

10 A. Yes.

11 Q. We will get that on the screen. That is on page 21 of
12 the article. If we scroll down a little bit.

13 A. Again this would need to be updated in the light of the
14 fuller information that we have.

15 Q. Let's focus on Brother **MHZ** --

16 A. Yes, indeed. So what this diagram tries to do is just
17 to give a representation of different things that could
18 be a possible trace of collusion between abusers. So if
19 more than one Brother abused a single witness, there is
20 a faint line. If two separate witnesses alleged abuse
21 by those two Brothers, then it becomes a thicker line.
22 If it is abuse in a public area, then another shading
23 there. There is another line drawn in for disclosures
24 of abuse in which there was no action taken within the
25 order about the disclosure, and we should note there

1 that in some cases disclosures of abuse led to boys
2 being abused by the person they were disclosing to, or
3 it appears to have possibly been another way in which
4 information about abuse and boys being subjected to
5 abuse may have circulated between abusers.

6 So by drawing these lines, the attempt there is to
7 show patterns and possible traces of connection between
8 abusers that may be evidenced by multiple chains of
9 abuse, by disclosures of abuse. So we can see there
10 that figures like **MHZ** and Father **MJC** on this
11 diagram appear as kind of relatively central figures but
12 when material from the Scottish Child Abuse Inquiry gets
13 added in, then people like **MDF** become more
14 significant within that as well.

15 So it is not a perfect way of getting at the
16 material because obviously we don't know -- some of
17 these contacts could have been coincidences. We don't
18 know they are necessarily evidence of deliberate
19 collusion, but they are one way of mapping some contacts
20 between people.

21 LADY SMITH: I suppose, Gordon, even without deliberate
22 collusion, this creates opportunities to influence each
23 other.

24 A. Yes, yes, absolutely, and this is something that Coldrey
25 says about the institutions; that there was potential

1 for kind of blackmail and moral pressure on each other,
2 depending on what was known about each other's
3 behaviour. Perhaps I think a sort of development of
4 a culture in which abuse in some contexts became more
5 normalised.

6 LADY SMITH: Do you see a culture perhaps where the Brothers
7 spoke about the children in a particular way?

8 A. Yes, yes. Which seems to be referred to in the witness
9 statements as well, yes.

10 MR MACAULAY: Were any Brothers subsequently convicted of
11 sexual abuse? Any of the brothers you have identified
12 in your analysis?

13 A. Yes, Brother MDV was convicted of sexual abuse. Other
14 Brothers were prosecuted. Brother AKL was prosecuted
15 for serious sexual offences including rape of a boy
16 which related to his time when he was transferred to
17 Christian Brothers College, Adelaide after he was
18 transferred out of Western Australia. Brother MDF
19 was tried in the early 1990s but was judged unfit to
20 face prosecution, which was one of the first I think
21 points of disappointment in the VOICES campaign to
22 achieve something through the criminal justice system.
23 I also understand from the Bruce Blythe papers that
24 Brother AOC, who was at Tardun, was also prosecuted
25 again for sexual offences at another institution after

1 he left Tardun, although he was also alleged to have
2 abused boys at Tardun.

3 Q. And of course there has been civil litigation?

4 A. Exactly. So civil litigation with -- in some ways the
5 VOICES papers read quite tragically in terms of a series
6 of processes that the campaign tried to go through which
7 were frustrated in different ways, and the attempts to
8 gain civil remedy in the early 1990s frustrated by the
9 Statute of Limitations in Western Australia. But with
10 the law on that having recently been changed, there are
11 now cases going through the civil courts in Western
12 Australia. In John Lawrence and another case
13 significant damages have been awarded, with the Brothers
14 acknowledging widespread abuse as part of those cases.

15 Q. And of course these cases are directed against the
16 order?

17 A. That is right, yes, yes.

18 Q. In the final part of this report I think you rehearsed
19 essentially what you have already perhaps given us
20 evidence about, Brother Conlon and Father Stinson and
21 their involvement in particular with Bindoon I think, is
22 that right?

23 A. Yes. So Conlon -- I wonder if it might be useful just
24 to go back to the table 1 again? We can cover this very
25 quickly, just to illustrate this.

1 Q. That is the table with the little blocks?

2 A. That is right.

3 Q. That is on page 11, table 1.

4 A. That is it. So Conlon was -- and I extended this
5 diagram before 1947 to see possible contacts between
6 alleged abusers in the pre-migration era, but Conlon
7 would have been principal at Tardun in the late 1930s.
8 So you can see Brother **MHZ** was on the staff there.
9 But then again, if we think about Conlon being on the
10 staff at Bindoon in that period, 1951 to 1958, and
11 looking at the yellow blocks in those columns there, and
12 then Stinson being chaplain at Bindoon in 1950-51, so
13 when Brother **MHZ**, Brother **MDI** and Brother **AKP** were
14 on the staff there, and I think some of the other
15 alleged abusers who were added into this later have
16 extended the number of alleged abusers at Clontarf at
17 that time as well.

18 So again we can't be sure exactly what Conlon and
19 Stinson knew, but I think what really struck me with
20 Conlon was that, for him to be resident at Bindoon,
21 given the material that you will have heard, which isn't
22 simply about sexual abuse at Bindoon but about physical
23 abuse and about exploitation of labour, inadequate
24 medical treatments of boys and a generally abusive
25 environment, it is very hard to imagine that Conlon

1 could have been in that environment and really had
2 a reasonable understanding by the standards of the day
3 of what would constitute appropriate childcare and think
4 that was being offered at Bindoon, and what really
5 struck me with Conlon was that in 1956, slightly
6 misunderstanding the outcome of the Ross report, he
7 wrote to the Commonwealth Relations Office complaining
8 because he believed that child migration was about to be
9 ended, and continuing to talk about how great the
10 Christian Brothers' work in Western Australia had been.
11 And I think to have done that at the end of his career,
12 seeing what he must have seen in those intervening
13 years, I think is just very striking.

14 Q. If we go back to the summary, the executive summary, and
15 look at page 3 at the second bottom bullet point, you
16 say:

17 "However, this analysis has indicated that the
18 number of individuals associated with these institutions
19 against whom allegations of sexual abuse has been made
20 is substantial and that the nature of the alleged abuse
21 (including abuse of boys by multiple perpetrators)
22 suggests possible collusion between abusers ..."

23 Again, you use fairly guarded language "possible
24 collusion"?

25 A. Yes.

1 Q. When you put all this material together and, indeed, the
2 additional material that is now available to you, and
3 clearly -- and if you accept that these allegations are
4 true, then is there any escape from the conclusion that
5 there was collusion?

6 A. No. I would say there is no doubt there was. I mean,
7 when we look at this volume of material, in a way we
8 are -- although the VOICES campaign clearly had done
9 a lot of work in bringing this material together in the
10 mid-1990s, we also have another opportunity to get
11 a more comprehensive view again coming as we do to the
12 end of a cycle of more recent inquiries. The sheer
13 volume of allegations and the nature of the allegations
14 would mean that either one would have to say this is
15 a most extraordinary campaign between these complainants
16 to fabricate evidence or that it demonstrates
17 an extraordinary level of abuse within these
18 institutions. And I think in many of the individuals'
19 stories we just see concerning signs. So again going
20 back to Mr Smith's evidence, his very unusual pattern of
21 transfer between institutions which makes no sense in
22 terms of the normal pathway of movement between Brothers
23 institutions, and his encounters with numerous alleged
24 abusers across those institutions. There are just many
25 individual accounts which together I think provide

1 a very compelling sense that -- it may not all have been
2 highly co-ordinated abuse, but there was certainly
3 a culture of abuse there in which collusion between
4 abusers took place and that this was not simply within
5 the Brothers themselves but involved some individuals
6 like LYM outside of the institutions.

7 Perhaps just as a final point on that I would say
8 that we still haven't had access to the Brothers'
9 archives in Australia and that neither -- I know it has
10 not been possible for you to do that and IICSA were
11 unable to do that as well, and there were some
12 suggestions in the trustees' report to the Brothers in
13 the early 1990s that Barry Coldrey hadn't been given
14 access to everything that they held. So this is still
15 an unfolding picture I think and --

16 Q. But I think, as you said, the Christian Brothers today
17 accept that really abuse, sexual abuse, was prevalent in
18 these institutions?

19 A. That is right. There are clearly other ways in which
20 they are contesting the settlement of those civil cases,
21 but they are not generally on grounds of doubting that
22 there was extensive abuse here. I think one of
23 the things that strikes me sort of coming to the end of
24 this phase of work that is quite tragic is the length of
25 time that the people who have experienced abuse in these

1 institutions had gone through to try to get some kind of
2 recognition of that, and reading the Bruce Blythe papers
3 and the struggles that people are really having from
4 30 years ago is very poignant I think.

5 LADY SMITH: Gordon, something you said a few moments ago
6 was to effectively rule out the likelihood of the former
7 child migrants getting together to make these
8 allegations on a spurious basis. I have come across
9 this in other case studies as an idea, vaguely an idea,
10 if I can put it that way, but of course what we have are
11 people much older, in adulthood, most of them not in
12 contact at all with the people that they were in these
13 homes with. They have gone their separate ways --

14 A. Yes.

15 LADY SMITH: -- and they go to authorities, they go to the
16 inquiries in adulthood, later adulthood --

17 A. Yes.

18 LADY SMITH: -- and talk about what happened.

19 A. Yes, yes.

20 LADY SMITH: That certainly, to my mind, weighs heavily
21 against any suggestion that what they are doing is all
22 getting together to make up the same story.

23 A. I think that is right, and there is a remarkable
24 continuity in terms of, if you like, a core number of
25 abusers, alleged abusers, within both the Bruce Blythe

1 material and then witness statements that have been made
2 across the four more recent inquiries, and that is
3 a long period of time that has elapsed between those
4 allegations. So there is clearly continuity in
5 allegations, and more new names being brought into the
6 frame as well, yes.

7 MR MACAULAY: Perhaps finally I can ask you, Gordon, do you
8 plan to update your article in light of additional
9 material or not?

10 A. Yes, with the Inquiry's permission I would like to be
11 able to do that.

12 Q. The material is now public.

13 LADY SMITH: Yes, absolutely.

14 A. Yes. So certainly that will be something that I will do
15 and this material is -- it is known in Western Australia
16 now and I think is being used by some of the people who
17 are supporting former residents of these institutions as
18 well.

19 MR MACAULAY: Thank you, Gordon, for your marathon effort
20 today and also for your contribution last week, which
21 has been incredibly helpful. Thank you very much
22 indeed.

23 A. Thank you very much.

24 LADY SMITH: Gordon, can I add my thanks? Thanks seems
25 inadequate for your thoughtful, detailed, careful

1 analysis. You have put so much work into what you have
2 done for us. To say it has been a help is a huge
3 understatement. It is really quite seminal work. I am
4 sure you recognise that. I am deeply grateful to you.
5 I am deeply grateful for you being prepared to stay on
6 until 5 o'clock. Thank you so much and at last I can
7 let you go and not call you back. I don't think anyway.

8 A. Thank you very much.

9 LADY SMITH: Thank you so much. So until 10 o'clock
10 tomorrow morning.

11 MR MACAULAY: We have three witnesses tomorrow, my Lady.

12 LADY SMITH: Thank you very much.

13 (4.58 pm)

14 (The Inquiry adjourned until 10.00 am on Thursday,
15 8 October 2020)

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