

1 Tuesday, 3 December 2019

2 (10.00 am)

3 LADY SMITH: Good morning and can I welcome everybody to the  
4 beginning of a series of evidential hearings in relation  
5 to our child migration case study. We have of course  
6 already heard from five individual witnesses in the  
7 course of other case studies due to their availability  
8 being earlier than now, but the mainstay of this case  
9 study begins now.

10 I do appreciate there are one or two people here  
11 today representing those with an interest in this case  
12 study who haven't been here before. I hope they've been  
13 able to find their way around, work out what works, who  
14 works, who to speak to if they've got any questions or  
15 any problems. Please don't hesitate to do just that if  
16 there's anything that you need to know; it's important  
17 that you feel able to do the important work that  
18 you have to do here as easily as you can.

19 Today will be devoted to hearing opening submissions  
20 from all those who have leave to appear in this case  
21 study. It is quite a long list and I have just realised  
22 I've left my running order list downstairs, but don't  
23 worry because you all know what your running order is  
24 and I'm sure Mr MacAulay will keep me right if I need to  
25 be reminded about that.

1 (Handed)

2 Oh, someone's got one for me. Thank you.

3 So what I'm going to do now is invite Mr MacAulay,  
4 senior counsel to the inquiry, to begin by making his  
5 opening submission and then I'll work my way through all  
6 the others who have leave to appear in this case study.

7 Mr MacAulay.

8 Opening submissions by MR MacAULAY

9 MR MacAULAY: Good morning, my Lady.

10 As your Ladyship has just said, today does mark the  
11 formal commencement of phase 5 of the inquiry's  
12 investigations and the case study into child migration  
13 schemes. Your Ladyship has granted leave to appear to  
14 14 separate parties who have different interests in the  
15 case study and I will simply let them introduce  
16 themselves shortly.

17 Your Ladyship has also acceded to requests from the  
18 Royal Over-Seas League and the Bishops' Conference for  
19 England and Wales for their opening submissions to be  
20 read in; Ms MacLeod will do that at the appropriate  
21 time.

22 Your Ladyship will recollect that paragraph 2 of the  
23 terms of reference instruct:

24 "A consideration of the extent to which institutions  
25 and bodies with legal responsibility for the care of

1 children failed in their duty to protect children in  
2 care in Scotland and/or [and I emphasise this] children  
3 whose care was arranged in Scotland from abuse,  
4 regardless of where that abuse occurred, and in  
5 particular to identify any systemic failures in  
6 fulfilling that duty."

7 If I can point out that in the definitions  
8 provisions of the terms of reference, "child" is said to  
9 mean a person under the age of 16 (sic). I draw  
10 attention to these provisions of the terms of reference  
11 because they do provide the road map for this particular  
12 case study.

13 When the child migration schemes that we'll hear  
14 about were in operation, the conventional understanding  
15 of who was a child was that of a child under school  
16 leaving age. In Scotland this rose was incrementally  
17 from 13 in 1872 to 14 in 1883 and 15 from 1947.

18 Strictly, thereafter, child migration per se related  
19 to children under the school leaving age at the relevant  
20 time. Children over the school leaving ages were  
21 catered for by other schemes, juvenile emigration  
22 schemes, but it has to be recognised that those who were  
23 migrated under the juvenile emigration schemes,  
24 particularly those in the early to mid-teens, would have  
25 been exposed to the same deprivations and abuse as

1           younger children, and the intention in this case study,  
2           as mandated by the definition of a child that I have  
3           just mentioned, is to investigate both child migration  
4           schemes and juvenile emigration schemes.

5       LADY SMITH: Without being too simplistic about  
6           it, Mr MacAulay, I suppose that the difference was  
7           provision was going to have to be made for -- well,  
8           supposedly going to have to be made for the education of  
9           children who were under the school leaving age at the  
10          other end, but if they were older than that, they were  
11          immediately available for full-time work.

12       MR MacAULAY: Indeed.

13                My Lady, I don't propose here to detail the history  
14                of these schemes, but briefly, it is the case that for  
15                many years, many thousands of children from the  
16                United Kingdom were removed from care homes or their  
17                families, systematically and permanently, and  
18                transported to distant and remote parts of the  
19                British Empire by various institutions in the  
20                United Kingdom, including from Scotland.

21                For a significant period of time, these schemes were  
22                sponsored by the state through the Empire Settlement Act  
23                1922 and its successors. It is the case that the  
24                government of the day played a central role in  
25                sponsoring these schemes.

1           My Lady, the rationales for child migration  
2           fluctuated over time varying from, for example, rescuing  
3           children from unsuitable environments, providing new  
4           opportunities in distant lands, an imperial desire to  
5           promote white Anglo-Saxon populations in these  
6           territories, and also a desire to ensure that certain  
7           religious denominations were represented in those  
8           countries.

9           In the period after the Second World War in  
10          particular, the Catholic Church in Scotland and Catholic  
11          institutions and also the Church of Scotland engaged in  
12          facilitating the migration of children from Scotland,  
13          particularly to Australia.

14          Many of the children caught up in these schemes were  
15          vulnerable, some were orphans, but many were not.

16          As your Ladyship mentioned at the outset, evidence  
17          has already been taken from five witnesses who have been  
18          interposed for various reasons. Four of these witnesses  
19          were sent from Catholic institutions run by the Sisters  
20          of Nazareth and also the Good Shepherd Sisters to  
21          Australia.

22          For example, evidence has already been led from  
23          James Albert McGregor. He was sent from Australia from  
24          Nazareth House Aberdeen at the age of 5 into the care of  
25          the Christian Brothers, where he said he was sexually

1           abused by a particular Christian Brother.

2           If I can say, my Lady, one of the intentions in this  
3           case study, and an important one, is to lead evidence  
4           from applicants, migrants, who will say they suffered  
5           emotional, physical and sexual abuse from people into  
6           whose care they were entrusted.

7           My Lady, until relatively recently, there has been  
8           little public awareness about these migration  
9           programmes. In 1998, the House of Commons Select  
10          Committee on Health heard evidence from, amongst others,  
11          former child migrants and in relation to institutions  
12          run by the Christian Brothers, particularly at Bindoon  
13          Boys' Home in Western Australia, where we will hear  
14          children from Scotland were sent, the report  
15          concluded -- and I quote:

16          "It is impossible to resist the conclusion that some  
17          of what was done there was of a quite exceptional  
18          depravity."

19          In 2010, the then Prime Minister, Gordon Brown,  
20          issued a formal apology to child migrants and in so  
21          doing he acknowledged the suffering experienced by  
22          children as a result of the migration programmes.

23          More recently in 2018, the Independent Inquiry into  
24          Child Sexual Abuse for England and Wales produced its  
25          report into child migration programmes in which in

1 particular it was critical of the government's role in  
2 these programmes.

3 The intention in this case study is to look at these  
4 child migration programmes from a Scottish perspective,  
5 albeit that the role played by Central Government will  
6 again be highly relevant in that exercise.

7 My Lady, turning then to evidential and procedural  
8 matters. Tomorrow and for the rest of this week, oral  
9 evidence will be led by witnesses in Australia by way of  
10 a video link. Because of the time difference it will be  
11 necessary to start early in the morning. Tomorrow and  
12 Thursday the plan is to start at 8.00 and on Friday,  
13 8.30.

14 In the course of the week it is also intended that  
15 evidence from former child migrants will be read in  
16 at the public hearings.

17 The case study will then be adjourned until Tuesday,  
18 25 February next year, and the intention then is to lead  
19 evidence from more child migrants in a variety of ways:  
20 some will attend in person, some will give evidence by  
21 video link, and for those who, for whatever reason  
22 cannot attend or give evidence by video link, their  
23 evidence will be read in at the public hearings.

24 Evidence thereafter will be led from different  
25 sources, including organisations that had been involved

1 in promoting the interests of child migrants, such as  
2 the Child Migrants Trust and in particular  
3 Dr Margaret Humphreys and also organisations involved in  
4 the programmes themselves.

5 Can I say, my Lady, that the inquiry has ingathered  
6 literally thousands of documents, some extending to  
7 hundreds of pages, from sources such as childcare  
8 providers and national record holders in relation to the  
9 child migration programmes. Two renowned experts in  
10 this area, Professor Stephen Constantine, the emeritus  
11 professor of modern history at the University of  
12 Lancaster, and Professor Gordon Lynch, professor of  
13 modern theology at the University of Kent, who both gave  
14 evidence on the subject of child migration to the  
15 England and Wales inquiry, will give evidence on child  
16 migration generally and also what can be gleaned from  
17 the vast amount of documentary evidence that is  
18 available.

19 Quite separately, Professor Marjory Harper, who is  
20 a professor of history at the University of Aberdeen,  
21 will give evidence on the topic of juvenile emigration.  
22 As I explained at the outset, juvenile emigration was  
23 a separate programme of migration and is covered by the  
24 terms of reference.

25 My Lady, that evidence will cover important issues,



1 including the selection processes involved and why  
2 certain children were chosen for migration; associated  
3 issues surrounding consent, the roles played, for  
4 example, by the Scottish Office and Central Government;  
5 the approval and inspection systems for residential  
6 institutions abroad by or on behalf of the state; and  
7 also organisations involved in the migration of children  
8 and what, if any, after care arrangements existed.

9 That evidence would also include considering what  
10 were the attitudes to child migration at the time and  
11 will be of particular relevance to that part of the  
12 terms of reference that instructs the inquiry to  
13 identify any systemic failures.

14 Lastly, my Lady, I should mention that although  
15 today marks the official start of this case study,  
16 evidence gathering will continue hereafter until  
17 a cut-off point is reached time before the completion of  
18 the inquiry's final report.

19 Perhaps I should also mention that the hearings  
20 starting in February will certainly run well into April.  
21 As presently advised, I cannot be more precise than  
22 that, but perhaps that is a potential timetable that  
23 parties should bear in mind.

24 These are my opening submissions.

25 LADY SMITH: Thank you very much, Mr MacAulay.

1 I would like to turn now to the representation for  
2 INCAS. Mr Scott, when you're ready.

3 Opening submissions by MR SCOTT

4 MR SCOTT: Thank you, my Lady.

5 Before I read the opening statement today on behalf  
6 of INCAS, I wish to clarify a matter arising from the  
7 closing statement I read on 5 November in the case study  
8 looking at establishments run by the Marist Brothers.

9 What I said was:

10 "Whereas this case study has been mainly about abuse  
11 perpetrated on children who were in private education at  
12 these establishments, the primary focus for INCAS and  
13 its members is survivors of abuse committed when  
14 children were in care."

15 Your Ladyship challenged my comments rightly and  
16 sought clarification of what I was saying.

17 Your Ladyship was naturally concerned, lest it be  
18 thought that there was any issue with the very clear  
19 terms of reference for the inquiry. When questioned by  
20 your Ladyship, I sought to make clear that there was no  
21 challenge whatsoever to those terms of reference and nor  
22 could there be, but I would like to explain matters  
23 briefly, if I may.

24 In the first draft of my closing statement for that  
25 case study, the paragraph which I read did not feature.

1 In accordance with our usual practice, I circulated the  
2 draft to the instructing solicitor and the committee of  
3 INCAS. In response, that evening I received a phone  
4 call from a committee member at INCAS. That  
5 conversation led to an amendment to the draft with the  
6 relevant paragraph then included in the revised version  
7 which was re-circulated, and that was the version that  
8 was read into the record.

9 In seeking to incorporate what I had been asked to  
10 include, in the remainder of the paragraph I sought to  
11 place it in context as it seemed to me, perhaps  
12 obviously from some of my attempts to frame it, that it  
13 ran the risk of creating unnecessary problems and  
14 unhelpful distinctions.

15 On reflection, I did not properly understand the  
16 points that were being made to me by the INCAS committee  
17 member. The fact that I did not properly understand  
18 them became clear to me only when your Ladyship asked me  
19 some fairly simple questions about the passage. I tried  
20 to answer these questions but was unable to do so  
21 satisfactorily.

22 The exchange with your Ladyship jarred with me  
23 because I have always sought to contribute positively to  
24 the work of the inquiry, whilst representing the  
25 interests of INCAS to the fullest extent. On this

1 occasion, I regret that I failed to do so through my own  
2 fault entirely. I should have been clearer in what  
3 I was asked to say and for this I apologise to my Lady  
4 and to INCAS.

5 In the aftermath of the statement I discussed  
6 matters with Mr Collins and I also emailed the inquiry  
7 team to say that the matter might need to be clarified  
8 as I now seek to do.

9 To conclude this part of it, it is worth, I think,  
10 perhaps restating the inquiry's definition of children  
11 in care lest I've created any confusion about the  
12 matter:

13 "For the purposes of this inquiry, children in care  
14 includes children in institutional residential care such  
15 as children's homes, including residential care provided  
16 by faith-based groups; secure care units including  
17 List D schools, borstals, young offenders' institutions;  
18 places provided for boarded-out children in the  
19 Highlands and Islands; state, private and independent  
20 boarding schools, including state-funded school hostels;  
21 healthcare establishments providing long-term care and  
22 any similar establishments intended to provide children  
23 with long-term residential care. The term also includes  
24 children in foster care."

25 I have looked at the constitution of INCAS and an

1 associated document which was produced to the inquiry  
2 in relation to its status as a charity and it was  
3 referred to in evidence early in the public hearings.  
4 Helen Holland also gave evidence about the establishment  
5 of INCAS on 4 July 2017. She emphasised that its  
6 origins lay in support for all survivors of abuse and  
7 that in providing that support, no questions were or are  
8 asked about where the abuse happened.

9 Perhaps I don't need to go to the -- I've quoted in  
10 the statement, which I've forwarded a copy of, the  
11 relevant parts of INCAS's purposes and objects. There  
12 is nothing in the INCAS documents or in the constitution  
13 which restricts the interpretation of care. My clumsy  
14 attempt to answer the questions suggesting that it was  
15 confined to orphans was always wrong.

16 While in its origins the organisation sprang from a  
17 coming-together of those for whom the state had parental  
18 responsibility, in fact its doors have always been open  
19 and remain open to those whose abuse occurred in all of  
20 the types of establishments covered by the terms of  
21 reference.

22 While Helen Holland mentioned in July 2017 that  
23 there were no current members of INCAS who has been  
24 abused in Gordonstoun and similar establishments, I have  
25 been asked to make it clear that all survivors of abuse

1 are welcome and those who were abused in any and all  
2 establishments will find support and understanding if  
3 they wish to join INCAS or simply even if they wish to  
4 make contact with an organisation with a deeper  
5 understanding of the relevant issues.

6 INCAS fully support the inquiry's terms of reference  
7 and has adapted accordingly, as an organisation, from  
8 its narrower origins. It recognises that the inquiry's  
9 terms of reference are deliberately wide in a way that  
10 allows fuller consideration of the bigger questions of  
11 how and why.

12 Once again, I'm reminded that the movement of abused  
13 children between different establishments of different  
14 sorts has been a theme of the inquiry. Sadly, it is  
15 a theme of relevance to the case study that starts  
16 formally today and I move on to that, my Lady.

17 In my very first opening statement on behalf of  
18 INCAS delivered on 31 May 2017, I mentioned loss of  
19 identity as one aspect of what has happened to those  
20 abused while in care. I said:

21 "The enforced separation of brothers and sisters,  
22 the estrangement from family, some even sent to other  
23 countries, and the consequent absence of what most of us  
24 would regard as key aspects of identity are losses  
25 impossible to calculate."

1           There has already been some evidence touching on  
2           child migration, but as we enter the case study  
3           specifically dealing with the subject we will hear some  
4           of the pain, suffering and lasting damage caused by this  
5           additional abuse of already vulnerable and abused  
6           children.

7           We will hear of loss, loss of identity, origins and  
8           family; of lies, lies to children, and their families;  
9           and we may hear of deliberate alteration of records to  
10          protect the lies, thereby entrenching the losses.

11          That some of those transported in this way became  
12          victims of further serious psychological, emotional,  
13          physical and sexual abuse compounds ultimately the  
14          state's failures in its responsibilities towards some of  
15          our most vulnerable.

16          "Child migration" may serve as shorthand for this  
17          practice, but it is a phrase which is too neutral to  
18          capture the experience of lost and scarred childhoods  
19          about which we will hear. It was described in the  
20          Independent Inquiry into Child Sexual Abuse in England  
21          as "an extraordinary chapter in English history" but the  
22          same can be said of Scottish history.

23          It was described in 2010, by the then Prime Minister  
24          Gordon Brown, as:

25          "This shameful episode of history and this failure

1 of the first duty of a nation, which is to protect its  
2 children."

3 In the full and unconditional apology he delivered  
4 in the House of Commons on 24 February 2010, he said:

5 "Until the late 1960s, successive UK governments  
6 had, over a long period of time, supported child  
7 migration schemes. They involved children as young as 3  
8 being transported from British to Australia, Canada,  
9 New Zealand, South Africa and Zimbabwe. The hope was  
10 that those children, who were aged between 3 and 14,  
11 would have the chance to forge a better life overseas  
12 but the schemes proved to be misguided. In too many  
13 cases vulnerable children suffered unrelenting hardship  
14 and their families left behind were devastated. They  
15 were sent mostly without the consent of their mother or  
16 father. They were cruelly lied to and told that they  
17 were orphans and that their parents were dead when in  
18 fact they were still alive. Some were separated from  
19 their brothers and sisters, never to see one other  
20 again. Names and birthdays were deliberately changed so  
21 that it would be impossible for families to reunite.  
22 Many parents did not know that their children had been  
23 sent out of the country.

24 "The former child migrants say they feel this  
25 practice was less transportation and more deportation,



1 a deportation of innocent young lives. When they  
2 arrived overseas all alone in the world many of our most  
3 vulnerable children endured the harshest of conditions,  
4 neglect and abuse in the often cold and brutal  
5 institutions that received them. Those children were  
6 robbed of their childhood, the most precious years of  
7 their life.

8 "As people know, the pain of a lost childhood can  
9 last a lifetime. Some still bear the marks of abuse.  
10 All still live with the consequences of rejection.  
11 Their wounds will never fully heal and for too long the  
12 survivors have been all but ignored."

13 More recently, in 2017, Gordon Brown appeared before  
14 the Independent Inquiry in England and said that the  
15 apology he gave related to only half the story, given  
16 greater awareness of the sheer scale of serious sexual  
17 abuse which was suffered by many following child  
18 migration. At that point he also queried the lack of  
19 appropriate action by the UK Government to offer redress  
20 to survivors.

21 As will no doubt be mentioned on behalf of the UK  
22 government today, in September of this year a redress  
23 scheme was announced for all British migrants, including  
24 those sent from Scotland. This is of course welcome, if  
25 overdue.

1           Leaving aside the issue of redress, specific  
2           questions for this case study may be: how were children  
3           selected for migration? There is a suggestion from some  
4           of the witnesses that they were considered to be  
5           troublesome and shipped out as a result.

6           What was done to seek informed consent? There are  
7           repeated mentions of children being asked about going  
8           and agreeing, but thinking it was a holiday and being  
9           unaware that they would not return.

10          What if anything was done to secure informed consent  
11          from parents? Though there may be examples of genuine  
12          consent, it seems apparent that consent in many cases  
13          was far from fully informed and therefore offered no  
14          proper basis for what followed.

15          Did those charged with overseeing the practice carry  
16          out any monitoring? Consideration will be required of  
17          the role of Government and others in approving and  
18          arranging migration, with the Government's central  
19          responsibility a matter that has been the subject of  
20          findings and recommendations in the English inquiry in  
21          its report in March of last year.

22          Was there a deliberate policy of preventing letters  
23          and gifts and the like being sent to children and, if  
24          so, who instructed that policy?

25          Finally, what can we learn from the fact that the

1 same abuse was being perpetrated by religious orders and  
2 other organisations providing childcare in Australia as  
3 was the case in Scotland?

4 Is child migration another example which may assist  
5 in the question for later in the inquiry as to how abuse  
6 crossed between establishments, religious orders,  
7 borders and abusers?

8 The inquiry into this area of abuse in England and  
9 elsewhere has, of course, been informed by the work of  
10 Dr Margaret Humphreys and the still very active Child  
11 Migrants Trust, which she founded in 1987.

12 The trust, as I understand it, has assisted the  
13 inquiry with the submission of statements and other  
14 material. I understand that Dr Humphreys will  
15 herself -- obviously Mr MacAulay has mentioned this --  
16 be a witness in the spring of next year. She helped  
17 many former child migrants in a number of ways, as  
18 your Ladyship will be aware.

19 One child migrant who arrived in Australia when  
20 he was 11 managed, with her help, to track down his  
21 sister. Unfortunately, it was too late to be reunited  
22 with his mother who died just one year before he visited  
23 England.

24 In an interview, the man described how he felt  
25 growing up:

1           "I didn't know who I was. I didn't know where I'd  
2           come from. I didn't belong to anybody. I was in this  
3           void."

4           The same sense was conveyed to Margaret Humphreys by  
5           another child migrant as "like having a piece of ice  
6           inside you all the time". She has said that what struck  
7           her, having met countless adults who were child  
8           migrants, is the theme of absolute loneliness. In The  
9           Guardian article, in which she mentioned that impression  
10          -- a copy of which I have forwarded --

11       LADY SMITH: Thank you for that.

12       MR SCOTT: -- she also said:

13                "And I remember thinking at the time that that ice  
14                has got to melt, has got to gently melt away and be  
15                replaced by something that has meaning, that gives the  
16                opportunity to have an understanding of your life and  
17                your childhood."

18                It is the hope of INCAS that this case study may  
19                help some former child migrants to get some  
20                understanding of their childhoods and lives and get some  
21                help to replace the ice inside.

22                Thank you, my Lady.

23       LADY SMITH: Thank you, Mr Scott, and thank you, at the  
24                outset of your submission, for clarifying the nature and  
25                extent of INCAS's interest in this and other matters to

1 do with the inquiry. That was very helpful and I'm  
2 grateful to you for that.

3 Could I now turn, please, to the representation of  
4 FBGA, the Former Boys and Girls of Quarriers. I see,  
5 Mr Gale, you're ready.

6 Opening submissions by MR GALE

7 MR GALE: Thank you, my Lady, good morning.

8 This is a brief opening statement on behalf of  
9 David Whelan, as representing the Former Boys and Girls  
10 Abused in Quarriers. It is now almost 10 months since  
11 we played an active part in the inquiry and in the  
12 hearings, but we have all during this period continued  
13 to keep abreast of the work of the inquiry and, in  
14 particular, we have had regard to the terms of the  
15 findings of fact issued in relation to the Sisters of  
16 Nazareth case study in May of this year, and more  
17 recently the evidence which has been led in phase 4 in  
18 connection with the male religious orders.

19 As an informed observer, one reads the Sisters of  
20 Nazareth report with mixed emotions and reactions,  
21 including a degree of relief that those who were abused  
22 in those institutions can finally see in print  
23 definitive recognition of the full nature and extent of  
24 the abuse that they suffered, and also an overwhelming  
25 sense of horror that the abuse occurred and was allowed

1 to continue to occur unchecked for many years.

2 My Lady's findings contain a straightforward  
3 condemnation of the regime under which highly vulnerable  
4 children were supposedly cared for. The sexual abuse  
5 was, as my Lady says, of a "particularly depraved  
6 nature". The emotional abuse of children, where they  
7 were "frequently humiliated, coercively controlled,  
8 insulted, made to feel worthless, denigrated and  
9 subjected to punishments that were not justified" was  
10 again emphasised in my Lady's findings.

11 These are findings which, of course, resonate with  
12 Mr Whelan and FBGA, and the bravery of those survivors  
13 who gave evidence to the inquiry in the Sisters of  
14 Nazareth case study and who for years were ignored or,  
15 worse still, were ridiculed, has been matched by the  
16 boldness of my Lady's findings.

17 We are grateful to my Lady for the opportunity to  
18 actively participate in this phase of the inquiry on  
19 which we're about to embark, investigating the issue of  
20 child migration. We recognise from the materials  
21 already made available on Delium and from the materials  
22 that are likely to become available for the next session  
23 of this phase to which Mr MacAulay has made reference,  
24 the amount of work that the inquiry team has put in to  
25 collecting information so as to allow witnesses, largely

1 living abroad, to provide their evidence, both in  
2 writing and in person by video link.

3 This is a subject in respect of which Mr Whelan and  
4 FBGA have long maintained an interest. It is disclosed  
5 in Ms Magnusson's book, The Quarrier's Story, that the  
6 Orphan Home of Scotland, using its previous name,  
7 between 1872 and 1938, sent more than 7,000 children to  
8 what are described as "new lives" on farms and  
9 homesteads, particularly in Ontario and beyond. The  
10 reference, my Lady, is page 197 of that book.

11 LADY SMITH: I think she also describes William Quarrier  
12 himself going out to Canada to be directly involved in  
13 taking children to where they were going to be settled.

14 MR GALE: Yes, she did.

15 So my Lady, what happened was that children were  
16 sent, we would say, to be strangers in, to them,  
17 a strange land.

18 On 24 February 2010, the then Prime Minister  
19 Gordon Brown made a statement in the House of Commons.  
20 Mr Scott has quoted that statement and it's exactly the  
21 same quotation I have in my notes and I don't think it's  
22 necessary therefore to repeat it.

23 But it is worth saying that it was a full and  
24 unconditional public apology to child migrants and that  
25 there also was cross-party support for this statement

1 and the apology.

2 IICSA published an investigation report into child  
3 migration programmes in March last year. In its  
4 summary, it identified the abuse suffered by witnesses,  
5 which included of course sexual abuse, that being the  
6 principal subject matter of that inquiry, but also,  
7 physical abuse, emotional abuse, neglect, poor  
8 education, difficulties in reporting the abuse, and  
9 false promises about migration and lies about family.

10 While we have yet to hear the bulk of the evidence  
11 from witnesses who were migrated, it is interesting to  
12 note the various features of the evidence which were  
13 given by the witness Bert McGregor on 25 March of this  
14 year, and the extent to which those features coincided  
15 with the findings of IICSA and with the observations of  
16 the then Prime Minister in 2010.

17 Indeed, Bert was told that he and others were war  
18 orphans and that this was what he described as  
19 "a massive lie". The reference, my Lady, is  
20 TRN.001.004.7184.

21 My Lady, I think it right simply to conclude this  
22 opening statement with some observations regarding this  
23 particular case study. Sceptics may question why it is  
24 necessary, particularly following the establishment of  
25 the Child Migrant Payment Scheme announced earlier this



1           year -- and we recognise the inquiry's helpful note on  
2           this matter which was issued in April -- why is it  
3           necessary to deploy the resources of this inquiry on an  
4           investigation of the issue of child migration from  
5           Scotland. I think it right to say that the various  
6           programmes that are under investigation were of their  
7           time and that it is almost inconceivable that anything  
8           like this could happen in present times.

9           But that is not, with respect, the point. There  
10          remain many survivors of these programmes who were  
11          migrated from institutions in Scotland who, together  
12          with their families, are entitled to have their  
13          experiences recorded and recognised and to have the  
14          reasons for their emigration investigated.

15       LADY SMITH: Indeed, Mr Gale, and it's not just that -- and  
16          that is very important -- but if we do not make a real  
17          effort to understand the failings of the past and the  
18          errors of the past, it is likely we are condemned to  
19          repeat them.

20       MR GALE: Yes.

21       LADY SMITH: In a different form, maybe, but the essential  
22          errors will be repeated if we don't properly try to get  
23          to the bottom of what went wrong.

24       MR GALE: I entirely accept, my Lady, that there has to be  
25          a full understanding of why this happened, and indeed

1 not merely why it happened but what happened.

2 LADY SMITH: Yes.

3 MR GALE: I go on, my Lady, simply to say that the fact that  
4 their experiences as children were largely between 50  
5 and 80 years ago, generally in that time frame, is not  
6 a reason to consign them to academic history. They are  
7 as entitled to have their voices heard as any other  
8 survivors of abuse.

9 As recently as March of this year, the man who would  
10 a few months later become our Prime Minister questioned  
11 in a radio interview, and in words of staggering  
12 insensitivity, that only he could have considered  
13 appropriate, and I quote:

14 "... why £60 million, I saw, was being spaffed up  
15 the wall on some investigation into historic child  
16 abuse."

17 To Mr Johnson and others of like mind, we would  
18 suggest that one only has to read with any compassion  
19 the evidence thus far given and still to be given to  
20 this inquiry by men and women now in their twilight  
21 years about their experiences as children migrated from  
22 this country to understand the continuing need for those  
23 experiences to be formally recognised and investigated.

24 Thank you, my Lady.

25 LADY SMITH: Thank you very much, Mr Gale.

1           Could I now turn to representation for the  
2           Lord Advocate. I think I can see Ms Lawrie there.

3                   Opening submissions by MS LAWRIE

4   MS LAWRIE: My Lady, I'm grateful for the opportunity to  
5           make this opening statement on behalf of the  
6           Lord Advocate.

7           The Lord Advocate's continued interest in the work  
8           of the inquiry stems from his responsibilities as head  
9           of the system of criminal prosecution in Scotland and  
10          his responsibility in that regard for Scotland's  
11          prosecution service, the Crown Office and  
12          Procurator Fiscal Service, generally shortened to COPFS.

13          These responsibilities, which the Lord Advocate  
14          exercises independently of any other person, are engaged  
15          in relation to allegations of criminal conduct involving  
16          the abuse of children in care in Scotland. Reports of  
17          such abuse have been and will continue to be submitted  
18          to COPFS by the police.

19          As has been explained in previous statements to the  
20          inquiry, COPFS has a dedicated team of prosecutors who  
21          are responsible for considering these reports and  
22          instructing police to conduct further enquiries where  
23          required. Upon the conclusion of investigations,  
24          prosecutors are responsible for deciding whether there  
25          is sufficient evidence to justify prosecutorial action

1 and what action is in the public interest.

2 The focus of the present case study is the abuse of  
3 children whose departure from Scotland was part of the  
4 child migration programmes. Given this focus, it is  
5 anticipated that the inquiry will hear evidence of not  
6 only child migration itself but of emotional, physical  
7 and sexual abuse of migrated children in countries of  
8 destination and/or in Scotland before their departure.

9 Subject to statutory extraterritorial jurisdiction  
10 in relation to certain offences by UK nationals  
11 post-1997, the investigation and prosecution of  
12 historical abuse perpetrated abroad generally falls  
13 outwith the scope of the criminal justice system in  
14 Scotland.

15 With that limitation only, may I repeat the  
16 Lord Advocate's public commitment to supporting the  
17 inquiry's work and to contributing positively to that  
18 work, where possible, and also to the effective,  
19 rigorous and fair prosecution of crime in the public  
20 interest consistently and for all, including the most  
21 vulnerable in our society.

22 Thank you, my Lady.

23 LADY SMITH: Thank you very much.

24 Now to representation for the Chief Constable of  
25 Police Scotland. Ms van der Westhuizen, when you're

1           ready.

2           Opening submissions by MS van der WESTHUIZEN

3 MS VAN DER WESTHUIZEN: Thank you, my Lady.

4           My Lady, I'm grateful for the opportunity to make  
5 this opening statement on behalf of Police Scotland.

6           Firstly, on behalf of Police Scotland, I would like  
7 to express continued sympathy to survivors who have  
8 experienced abuse within care establishments across  
9 Scotland and to those who experienced abuse after being  
10 sent to other countries as part of child migration  
11 programmes.

12          Police Scotland remains committed to delivering its  
13 response to the inquiry and to ensuring it provides all  
14 relevant information regarding police policies,  
15 procedures and previous investigations into the abuse  
16 and neglect of children in establishments falling under  
17 the inquiry's remit.

18          As your Ladyship is aware, Police Scotland continues  
19 to receive notifications from the inquiry regarding  
20 perpetrators of child abuse. This is to facilitate an  
21 assessment of the current risk posed by those  
22 perpetrators.

23          With regard to this phase of the inquiry's hearings,  
24 Police Scotland has received notifications regarding  
25 abuse perpetrated in Australia and Canada and has shared

1 relevant information with law enforcement agencies in  
2 those countries.

3 Police Scotland continues to build on its engagement  
4 with adult survivors of childhood abuse, seeking views  
5 and consulting with survivors, support services and  
6 statutory partners in an effort to enhance public  
7 confidence and improve service provision to adult  
8 survivors.

9 Police Scotland also recognises the importance of  
10 using organisational learning to ensure its officers and  
11 staff have the capabilities and skills required to  
12 effect continuous improvement.

13 As such, Police Scotland will take into account any  
14 lessons to be learned and that may be identified from  
15 this and indeed any other case study as part of its  
16 commitment to developing and improving its practice,  
17 policy and service provision.

18 My Lady, unless I can be of further assistance, that  
19 is the opening statement on behalf of Police Scotland.

20 LADY SMITH: Thank you very much.

21 If I can now turn to representation for the  
22 Christian Brothers and Mr Watson.

23 Opening submissions by MR WATSON

24 MR WATSON: My Lady, I appear today on behalf of the  
25 trustees of the Christian Brothers and, in particular,

1 the Oceania Province.

2 The Christian Brothers were founded in Ireland in  
3 1802, were recognised as a congregation in 1820, and  
4 have had a presence in Australia since 1868.

5 They established schools, colleges and orphanages.  
6 Their primary aim was the instruction and education of  
7 boys. An earlier phase of the inquiry involved  
8 consideration of the treatment of children in care at  
9 St Ninian's School in Fife. No children were migrated  
10 from St Ninian's by the Christian Brothers and indeed  
11 that was their only residential care establishment in  
12 Scotland.

13 However, children from Scotland were migrated to  
14 Australia and some of those children were then cared for  
15 at establishments operated by the Christian Brothers in  
16 Australia. The brothers received some boys prior to the  
17 Second World War, but the bulk of the child migrants  
18 arrived after the war.

19 The Christian Brothers are keen to take a full part  
20 in this inquiry as they have elsewhere. In particular,  
21 they contributed to the Australian Royal Commission.  
22 In that context, evidence came from Brother Julian  
23 McDonald, the deputy provincial of the  
24 Christian Brothers' Oceania Province at the time of the  
25 public hearing. He expressed his sorrow and regret

1 at the experiences of abuse suffered in particular by  
2 the 11 men who gave evidence at that hearing.

3 In his evidence, Brother McDonald said this:

4 "One of my regrets is that not every  
5 Christian Brother in Oceania was here to hear their  
6 testimony. These men, and others' beside them, a whole  
7 lot of others, were transported to Australia, presumably  
8 with hope in their hearts and an expectation that they  
9 be given a right to education. They wouldn't have been  
10 able to express it in those terms, but that right was  
11 denied them. They were turned into child labourers to  
12 build a monument to human folly and blind ambition.  
13 That's a tragedy. It's a denial of their rights for  
14 education. It turned out to be a denial of their right  
15 to nurture, their right to be treated with respect, all  
16 of that. They were denied that opportunity and the  
17 shame for that rests with me as a leader in the  
18 Christian Brothers."

19 The Christian Brothers also recognise that words  
20 alone are insufficient. They have sought to provide  
21 support to those who have suffered from child migration.  
22 In particular, they've given financial and other support  
23 to the Child Migrant Friendship Society, funded  
24 assistance for family tracing services, set up a trust  
25 fund for financial assistance to child migrants to



1 travel to the UK to meet family members, and facilitated  
2 access to counselling.

3 The relevant establishments are within the  
4 Oceania Province of the Christian Brothers, an entity  
5 within the Congregation at large, and I do not  
6 anticipate that brothers are likely to be present,  
7 certainly during this part of the case study. That  
8 might not be true of February and I will advise  
9 your Ladyship of that should that change.

10 They are, however, keen to follow the transcript  
11 evidence of those applicants and they are keen to assist  
12 the inquiry as far as they can, both with anything that  
13 arises in the course of the case study and in the  
14 evidence from applicants and in responding in closing  
15 submissions.

16 My Lady, this is the opening statement on behalf of  
17 the Christian Brothers, unless I can assist  
18 your Ladyship any further.

19 LADY SMITH: Thank you very much for that. That's very  
20 helpful.

21 If I can turn to the Good Shepherd Sisters, who  
22 haven't been here for a little while. I think we have  
23 fresh representation for them.

24 Opening submissions by MR HENRY

25 MR HENRY: My Lady, thank you for the opportunity to make

1           this opening statement. I shall endeavour to be brief.

2           Firstly, on behalf of the Good Shepherd Sisters, the  
3           order is grateful for the opportunity to participate in  
4           the inquiry's ongoing work and seeks to re-emphasise its  
5           commitment to assisting the inquiry in any way that it  
6           can.

7           The order was represented at the evidence led  
8           earlier this year in relation to the child migration  
9           case study and will consider the evidence about to be  
10          led carefully and respectfully and form a view thereon.  
11          The order has the greatest sympathies for survivors who  
12          have suffered from abuse and indeed for all those who  
13          feel let down by the care system.

14          The order was served with Section 21 notices  
15          requesting responses and documentation relating to the  
16          child migration case study which have been duly provided  
17          to the inquiry. From the information sought by the  
18          inquiry, and with the evidence led earlier this year, it  
19          appears to those instructing me that the Good Shepherd  
20          Sisters may have an interest in the testimonies to be  
21          offered in this case study. The Good Shepherd Sisters  
22          therefore consider it appropriate that they exercise  
23          their leave to appear in this case study.

24          My Lady, on behalf of the Good Shepherd Sisters,  
25          I conclude by reiterating their appreciation for the

1 opportunity to participate in this inquiry and their  
2 hope and desire that it will go towards providing the  
3 survivors with the closure that they seek.

4 My Lady, the Good Shepherd Sisters in their closing  
5 statement to phase 1 made clear that they deplore abuse  
6 of children in any form and that they are happy to  
7 assist your inquiry in any way required of them.

8 Unless I can assist your Ladyship any further, that  
9 concludes the opening statement for the Good Shepherd  
10 Sisters.

11 LADY SMITH: Thank you very much.

12 If I can turn to the Sisters of Nazareth. I see  
13 Mr Lindsay you're here for the Sisters of Nazareth  
14 today.

15 Opening submissions by MR LINDSAY

16 MR LINDSAY: Thank you, my Lady. On behalf of the Sisters  
17 of Nazareth, I wish to thank your Ladyship and the  
18 inquiry team for the opportunity of appearing --

19 LADY SMITH: Can you just lean a little bit nearer to the  
20 microphone?

21 (Pause)

22 MR LINDSAY: I will start again.

23 On behalf of the Sisters of Nazareth, I wish to  
24 thank your Ladyship and the inquiry team for the  
25 opportunity of taking part in this case study into child

1 migration. The importance of child migration is  
2 recognised by the sisters and they are keen to assist  
3 the inquiry to the best of their abilities.

4 The sisters have co-operated fully with  
5 investigations to date and will continue to cooperate as  
6 fully as they can. The last child was migrated from  
7 a Nazareth House in Scotland in 1955, and the passage of  
8 time perhaps has made it difficult for the sisters to be  
9 completely accurate with every detail.

10 Certainly, in their response to the Section 21  
11 notice, Professor Lynch appears to have been of the view  
12 that some of the information contained in the Section 21  
13 notice may not have been fully accurate. Those errors,  
14 if they are errors, weren't the result of any lack of  
15 eagerness to assist the inquiry; they're simply the  
16 result of the passage of time from 1955.

17 The actual sisters who made the decisions back  
18 in the 1940s and 1950s are no longer alive, so it is  
19 simply hearsay evidence of what those sisters said  
20 at the time to surviving sisters, and of course the  
21 surviving records are perhaps not as full or complete as  
22 they might have been.

23 So any errors in the Section 21 notice reply are not  
24 an indication of any lack of willingness or eagerness to  
25 cooperate fully; it's simply the passage of time has

1           made it impossible to be completely certain about some  
2           of the details.

3       LADY SMITH: Can I take it from your reference to the  
4           possibility of errors, Mr Lindsay, that if the order  
5           does accept that some of what's stated in their current  
6           Section 21 response is in error, that they will revisit  
7           it as a matter of some urgency and let us have an  
8           updated response, please?

9       MR LINDSAY: That's already been done, my Lady, in response  
10          into the commentary from Professor Lynch. My  
11          instructing solicitors, Clyde & Co, wrote to the  
12          inquiry, clarifying the matters.

13       LADY SMITH: That's what you're referring to?

14       MR LINDSAY: Yes.

15       LADY SMITH: Sorry, I thought you were alerting me to the  
16          possibility of fresh errors as yet undealt with.

17       MR LINDSAY: No, it was simply by way of introduction,  
18          emphasising that the sisters do wish to assist the  
19          inquiry to the best of their abilities and my comments  
20          of a few moments ago simply related to the issues raised  
21          by Professor Lynch, which hopefully have now all been  
22          responded to and dealt with.

23               Moving on from the introduction and turning to an  
24          apology, at the outset I think it's important to make  
25          clear that the sisters recognise that an apology is

1           owed, and an apology was given to the Child Migrant  
2           Project in Australia and also to the English independent  
3           inquiry. It is also appropriate that the same apology  
4           is given on behalf of the sisters to this inquiry. It's  
5           in the following terms:

6                 "We, the Sisters of Nazareth, sincerely apologise  
7           and are deeply saddened by the pain and distress  
8           suffered by so many men and women as a result of the  
9           child migration scheme. We wholeheartedly commit  
10          ourselves to continue to support those who contact us  
11          and warmly welcome each one to Nazareth House, where  
12          accommodation is provided, if available."

13                It's important to note the unreserved nature of that  
14          apology, but also it isn't limited to the child migrants  
15          themselves, it's to the many men and women who suffered  
16          pain and distress and it's accepted that the pain and  
17          distress goes beyond the migrants themselves and was  
18          suffered equally by siblings and parents and other  
19          members of their family and friends. So the apology is  
20          offered to everyone who was impacted by child migration.

21                It's also recognised by the sisters that good  
22          intentions on their own aren't enough, which is why the  
23          apology has been offered. The child migration scheme,  
24          from the sisters' perspective, was undertaken with the  
25          very best of intentions, with the aim of providing

1 a better life for the children in Australia, which was  
2 viewed to be a land of opportunity at the time. But  
3 it's recognised that those good intentions weren't  
4 always achieved and good intentions on their own simply  
5 aren't good enough, and the apology has been offered.

6 It is also recognised that it doesn't absolve the  
7 sisters of any of their responsibility, simply by  
8 pointing to other institutions, government bodies and  
9 religious orders that may also have failed. The role of  
10 other organisations, of course, will be relevant to  
11 your Ladyship's inquiry, but it's going to be no part of  
12 the sisters' participation in this part of the inquiry  
13 to point to others and to try to shift blame with the  
14 aim of absolving themselves. It's recognised that they  
15 were responsible for some of the distress and pain which  
16 was caused and won't seek to shirk from that by pointing  
17 the finger of blame at others.

18 LADY SMITH: I'm pleased to hear that, Mr Lindsay.

19 MR LINDSAY: Moving on to what the apology actually covers.

20 The sisters participated fully in the English  
21 independent inquiry and your Ladyship will no doubt have  
22 seen the interim report published by IICSA dealing with  
23 child migration. IICSA were critical of the systems and  
24 procedures which the sisters followed.

25 As there were no material differences between

1 practices in Scotland and in Nazareth Houses in other  
2 parts of the United Kingdom, it may well be that  
3 your Ladyship has similar concerns, and the concerns  
4 identified in the English interim report related to the  
5 procedures for selecting children to participate in the  
6 child migration scheme, the lack of parental consent in  
7 certain instances, how the Mother Superior would perhaps  
8 exercise common law powers of being in loco parentis to  
9 sign on behalf of certain child migrants, the lack of  
10 any inspection of institutions in Australia, and the  
11 lack of any real supervision or aftercare of children  
12 after they had been migrated to Australia. The apology  
13 covers all of those concerns identified by IICSA and  
14 indeed, as I've mentioned a few moments ago,  
15 your Ladyship may have similar concerns as this inquiry  
16 progresses.

17 Finally, dealing with what the sisters have done to  
18 try and make amends. It's recognised that apologies,  
19 while important, aren't enough on their own and that the  
20 sisters have taken concrete steps to make amends or at  
21 least to endeavour to do so.

22 The first reports of abuse from former child  
23 migrants were made to the sisters around about the turn  
24 of the century, and shortly afterwards, the sisters and  
25 the Catholic Children's Society of Westminster co-funded



1 a scheme that offered counselling services to former  
2 child migrants over the course of a number of years.

3 In Australia, the sisters also contributed to an  
4 Australian redress scheme known as Towards Healing, and  
5 it was intended to assist former child migrants in  
6 dealing with the trauma of abuse that they'd suffered  
7 and to seek appropriate redress from the institutions  
8 involved. The scheme involved mediations between former  
9 child migrants and the institutions involved, it led to  
10 financial settlements and the writing of apologies to  
11 former child migrants, and that work continues.

12 So the sisters have recognised their failings,  
13 they've apologised, they've taken concrete steps to try  
14 and make amends, and committed fully to assisting this  
15 inquiry to the best of their abilities with what they  
16 recognise to be a very important part of what the  
17 inquiry is looking at.

18 Those are the opening submissions on behalf of the  
19 Sisters of Nazareth, unless I can assist your Ladyship  
20 further with any questions that she might have.

21 LADY SMITH: I have no questions at the moment, Mr Lindsay,  
22 thank you very much.

23 Can I now turn to Barnardo's, please.

24 Opening submissions by MR WATSON

25 MR WATSON: My Lady, I appear on behalf of Barnardo's in

1 providing this opening statement. Also present today is  
2 David Beard, head of corporate safeguarding and quality  
3 at Barnardo's, and Mary Boyd, safeguarding manager for  
4 Barnardo's in Scotland.

5 Barnardo's recognises that the policy of child  
6 migration was misguided and wrong. I wish to recognise  
7 on their behalf the significant and irreversible damage  
8 that has been done to some individuals by the child  
9 migration programme, and to apologise to those  
10 individuals who have been affected.

11 Over a history spanning 150 years, there are things  
12 Barnardo's wish they had done differently or not at all  
13 and this is one of them. Barnardo's believes that child  
14 migration was carried out by those involved at the time  
15 with good intentions, was encouraged by the  
16 UK Government's policies and the policies of the  
17 receiving countries. But none of that absolves  
18 Barnardo's from their role and responsibility, and they  
19 recognise that.

20 Barnardo's has a strong history of offering support  
21 to those it has cared for and that support continues  
22 today. Barnardo's aftercare department, now known as  
23 Making Connections, comprises social workers and  
24 researchers who provide former residents and child  
25 migrants with access to their records, coupled with

1 support and counselling. Barnardo's has sought to  
2 mitigate the adverse impact of migration on people  
3 individually and on their families and their descendants  
4 through the work carried out by Making Connections and  
5 its counterpart in Australia.

6 Barnardo's encourages any child migrant who would  
7 like to view their records and to find out more about  
8 their past to get in touch. Barnardo's also recognises  
9 the scope and complexity and sensitivity of the task  
10 before this inquiry.

11 From the outset, Barnardo's has adopted an open and  
12 cooperative stance with the inquiry, has responded fully  
13 to requests from the inquiry for disclosure of  
14 information and documentation, and has produced  
15 thousands of pages of documents relative to migration.

16 They and we will continue to assist with any queries  
17 which arise in response to anything from the evidence of  
18 individual applicants. Barnardo's will have  
19 a representative present on each day of the case study  
20 where evidence is heard relating to Barnardo's.

21 Barnardo's does welcome the objectives of this  
22 inquiry, both from the perspective of an organisation  
23 with a commitment to safeguarding children today but  
24 also an organisation which has responsibility to former  
25 residents and child migrants.

1           Barnardo's wants to learn from the past to ensure  
2           that the current and future needs of the most vulnerable  
3           children are met.

4           My Lady, that is the opening statement on behalf of  
5           Barnardo's, unless I can assist any further.

6       LADY SMITH: Thank you very much. Thank you to Mr Beard and  
7           Ms Boyd for attending today.

8           Can I turn to representation for Quarriers. I think  
9           Ms Mitchell, you're here for Quarriers. When you're  
10          ready.

11                   Opening submissions by MS MITCHELL

12       MS MITCHELL: Since it was founded in 1871, the organisation  
13           now known as Quarriers has provided residential care for  
14           over 30,000 children. When William Quarrier founded the  
15           organisation in 1871 his object was to provide a better  
16           life for children who were destitute or whose parents  
17           were no longer able to care for them. The organisation  
18           provided homes and education for children. Quarriers  
19           also played a significant role in the migration of  
20           children from Scotland.

21           Children were initially migrated to Canada and later  
22           to Australia. The emigration of children was one of  
23           William Quarrier's aims for establishing work for the  
24           poor children of Glasgow. In fact, migration was such  
25           a focus that the name of the organisation is recorded

1 in the first narrative of facts in 1872 as "The Orphan  
2 and Destitute Children's Emigration Homes".

3 The initial intention of migration was to provide  
4 the chance for a perceived better life away from the  
5 overcrowding and poverty of Scottish cities. It was  
6 part of William Quarrier's philosophy that the  
7 organisation should arrange for children to be emigrated  
8 to Canada to allow the opportunity for more children to  
9 be cared for at the homes in Scotland.

10 William Quarrier sent his first party of children to  
11 Canada in 1872. Between 1872 and 1938, Quarriers  
12 arranged for more than 7,000 children to be sent to  
13 Canada. The majority of these children were sent to  
14 Quarriers' Canadian receiving centre, Fairknowe, in  
15 Brockville, Ontario, which was opened in 1887.

16 From there, they were sent on to farms in the  
17 Canadian countryside. Those under 12 were adopted and  
18 worked as part of the family to earn their keep. The  
19 older children were indentured and paid a small wage for  
20 their work. The intention was that the children would  
21 be able to learn farm work and to make a living from  
22 that.

23 Between 1939 and 1963, 38 children were migrated to  
24 Australia. In 1939, a party of Quarriers children was  
25 sent to Burnside Presbyterian Orphan Homes, Parramatta.

1           In 1960, 1961 and 1963, further parties were sent to  
2           Dhurringile Rural Training Farm, Victoria. Again, the  
3           intention was that the children would learn skills that  
4           would allow them to earn a living and become  
5           self-sufficient.

6           The Australian migrations were facilitated by  
7           emigration societies. Child migration programmes  
8           remained sanctioned by the government as recently as the  
9           1960s.

10          While many, including Quarriers, believed at the  
11          time that migration programmes offered children the  
12          chance of a better life, Quarriers acknowledges that the  
13          policy of child migration was misguided and wrong.  
14          Quarriers apologises to the children who were migrated  
15          by the organisation. For many children, life was very  
16          hard. In some cases, the reality for children was  
17          stigma, abuse and isolation.

18          Quarriers acknowledges that some migrant children  
19          suffered cruelty and abuse. Quarriers also acknowledges  
20          there were shortcomings in the systems that were used to  
21          facilitate child migration. The policies and procedures  
22          in place relating to the selection of children for  
23          migration, the consenting process, monitoring and  
24          aftercare will all be scrutinised during this case  
25          study. Quarriers welcomes the opportunity to assist

1 in that process.

2 Quarriers has engaged with those migrated to Canada  
3 and their descendants. A number of reunions and visits  
4 have taken place. A descendant of a Canadian migrant  
5 child was a member of the Quarriers board of trustees  
6 between 1998 and 2009. Quarriers also make every effort  
7 to assist migrant children and their families to trace  
8 their roots and have access to their records.

9 Quarriers undertakes to participate fully in the  
10 case study and has already provided a significant amount  
11 of documentation and information relating to the  
12 migration of children to the inquiry. Quarriers remains  
13 committed to assisting the inquiry with its work and  
14 welcomes the opportunity to hear evidence of survivors  
15 and others.

16 The present day Quarriers remain committed to  
17 providing the highest quality standards of care and  
18 support to the vulnerable adults, children and young  
19 people who benefit from its services.

20 My Lady, that concludes the opening statement for  
21 Quarriers.

22 LADY SMITH: Thank you very much, Ms Mitchell.

23 I think we turn to reading in two opening statements  
24 starting with the Royal Over-Seas League. Have I got  
25 that right, Ms MacLeod?

1           Opening submissions by THE ROYAL OVER-SEAS LEAGUE (read)

2           MS MACLEOD: That's right, my Lady.

3                     This is the opening statement of the Royal Over-Seas  
4           League. It was written by Dr Diana Owen OBE, the  
5           director general of the Royal Over-Seas League:

6                     "The Royal Over-Seas League wish to being this  
7           opening statement by thanking the chair for allowing it  
8           to be made in writing and read in in this way.

9                     "The Royal Over-Seas League is committed to engaging  
10          with this inquiry as fully and openly as possible and to  
11          learning from the past and participating fully in any  
12          process which improves the provision of protection and  
13          care to children.

14                    "The Royal Over-Seas League was established in 1910  
15          as a non-profit private members' organisation dedicated  
16          to champions international friendship and understanding,  
17          and although it did not itself have any institutions for  
18          the care of children, the league was engaged in child  
19          migration to New Zealand, Canada and Australia from the  
20          1930s.

21                    "The league's membership numbered over 50,000 in the  
22          mid-20th century, with branches and clubhouses in many  
23          parts of Scotland, including Edinburgh and Glasgow.

24                    "Regrettably, the league's records are incomplete.  
25          We have endeavoured to provide all the information that



1 we can find in relation to the Royal Over-Seas League's  
2 involvement in child migration to both the Independent  
3 Inquiry into Child Sexual Abuse, IICSA, and now the  
4 Scottish Child Abuse Inquiry. The Royal Over-Seas  
5 League does not have any minutes of the migration  
6 committee which the Royal Over-Seas League established  
7 in 1926, originally to support adult migration.

8 "It appears that the Royal Over-Seas League and its  
9 governing body, the Central Council, delegated the  
10 practicalities of support for government policies  
11 regarding child migration after 1928 to this committee  
12 and its honorary secretary, Mr Cyril Bevan. The  
13 migration committee contributed brief updates of its  
14 work to the Royal Over-Seas League's annual reports, the  
15 Royal Over-Seas League's Central Council meetings, and  
16 the Royal Over-Seas League's Overseas magazine, copies  
17 of which are publicly available in the British library.

18 "The Royal Over-Seas League branch reports, group  
19 reports and annual reports also refer to support for  
20 migration activities in general. Copies of these  
21 entries have been supplied to this inquiry and to IICSA.

22 "We have recently discovered a photo album which has  
23 pictures of named child migrants to New Zealand between  
24 1949 and 1953 and to Australia during 1954 and have  
25 provided copies of this to this inquiry.

1           "With no comprehensive records relating to  
2           selection, parental approval, monitoring and other  
3           aspects for those whose primary care originated in  
4           Scotland, we have pieced together the information that  
5           we have and we appreciate the recent input of  
6           Professor Lynch.

7           "However, regarding Professor Lynch's concern that  
8           the Royal Over-Seas League does not have migration  
9           committee minutes, we have researched the records that  
10          we have extensively and I can confirm that we don't have  
11          them, despite comprehensive searches. I can assure the  
12          inquiry that if these records did exist, we would make  
13          them available to this inquiry.

14          "We have recently instituted the creation of  
15          a properly managed Royal Over-Seas League archive to  
16          cover all aspects of its work. This will take a number  
17          of years to complete due to limited resources. However,  
18          we will ensure that all existing records are properly  
19          retained and conserved and available for future  
20          researchers. We recognise that this will be an ongoing  
21          process.

22          "As we stated at the time of the IICSA inquiry, the  
23          Royal Over-Seas League deeply regrets and apologises for  
24          its support of government initiatives relating to child  
25          migration and condemns unreservedly the abuse and

1 ill-treatment of children.

2 "Furthermore, the Royal Over-Seas League accepts  
3 that its historic processes and procedures in relation  
4 to child migration adopted by the organisation during  
5 the period from the 1930s to the 1970 were inadequate  
6 and we are here to assist the inquiry in any way  
7 we can."

8 That concludes the statement.

9 LADY SMITH: Thank you.

10 Would you like now to move on to the statement from  
11 the Bishops' Conference of England and Wales, as they're  
12 also not attending but have provided a submission?

13 Opening submissions by THE BISHOPS' CONFERENCE OF ENGLAND

14 AND WALES (read)

15 MS MACLEOD: Yes, my Lady.

16 This is the opening statement on behalf of the  
17 Catholic Bishops' Conference for England and Wales:

18 "The Catholic Bishops' Conference for England and  
19 Wales is a permanent institution comprising the Catholic  
20 bishops of England and Wales. This group of bishops  
21 jointly express pastoral functions for the Christian  
22 faithful of their territory in order to promote the  
23 greater good which the church offers to all. This is  
24 done through its permanent secretariat, based in London,  
25 which supports the work of the bishops nationally.

1            "There is a separate Catholic Bishops' Conference  
2            for Ireland and a separate Catholic Bishops' Conference  
3            for Scotland. The three Catholic Bishops' Conferences  
4            within the United Kingdom are not connected and do not  
5            meet collectively. However, each year the presidencies,  
6            comprising the president, vice-president and  
7            general secretary, meet to discuss issues of mutual  
8            interest.

9            "The Bishops' Conference of England and Wales is not  
10           a core participant in these proceedings and has been  
11           granted leave to appear with reference to the evidence  
12           that it has been asked to provide concerning the role of  
13           the Catholic Child Welfare Council in child migration.

14           "The Catholic Child Welfare Council closed in 2002,  
15           but evidence has been provided from its archived records  
16           concerning the involvement of this organisation in child  
17           migration.

18           "The Bishops' Conference welcomes this inquiry into  
19           the abuse of those migrated from Scotland. It is  
20           grateful for the opportunity to make this short opening  
21           statement.

22           "The Bishops' Conference of England and Wales,  
23           through its representation on the Catholic Council for  
24           the Independent Inquiry into Child Sexual Abuse,  
25           provided full support and cooperation to the independent

1 inquiry into child sexual abuse in its case study into  
2 child migration in England and Wales, which concluded  
3 with a report published in March 2018.

4 "The Catholic Council provided extensive documentary  
5 and witness evidence concerning the role of the Catholic  
6 Child Welfare Council and associated Catholic  
7 organisations in child migration in this inquiry.

8 "In summary, the Catholic Church in England and  
9 Wales and its agencies were involved in two main periods  
10 in national programmes of child migration. First, to  
11 Canada between about 1870 and 1934, and then to  
12 Australia between 1938 and 1956.

13 During this latter period, 1,123 children were  
14 migrated to Australia under the auspices of Catholic  
15 organisations in England and Wales. Of these children,  
16 the Bishops' Conference of England and Wales has  
17 identified 102 who were migrated to Australia from  
18 Scotland from a database created over 20 years ago in  
19 order to assist in locating information to help with  
20 family finding and reunification.

21 "The Bishops' Conference of England and Wales  
22 believes that none of the Catholic diocesan agencies  
23 which were responsible for migration from England and  
24 Wales were involved in migration from Scotland.  
25 However, the migration of some of the children in

1 Scotland was administered under the auspices of the  
2 Catholic Child Welfare Council.

3 "None of the individuals from Catholic organisations  
4 in England and Wales who were involved in decisions  
5 about child migration are alive today. Our  
6 understanding of what happened is therefore based on  
7 such contemporaneous documentation as still exists. The  
8 records which have been located are unlikely to be  
9 complete or provide a full history of the involvement  
10 and there remain questions to be answered with respect  
11 to the role of the Catholic Child Welfare Council in the  
12 migration of 102 children who left Scotland for  
13 Australia.

14 "From 1989, the Catholic Child Welfare Council has  
15 been committed to providing assistance to former child  
16 migrants with respect to tracing their relatives. This  
17 included appointing a dedicated researcher to respond to  
18 enquiries from former child migrants about their  
19 families and origins and included providing tracing,  
20 family reunion and support work.

21 "In 1992, the Catholic Child Welfare Council set up  
22 the Australian Child Migrant Subcommittee to deal with  
23 matters relating to former child migrants to Australia  
24 to develop and encourage good practice in this area and  
25 to ensure that Catholic agencies were providing

1 comprehensive services to former child migrants  
2 previously in their care.

3 "In 2001, the Catholic Child Welfare Council created  
4 the Australian Child Migrant Project to offer an even  
5 more comprehensive service of tracing, reunion and  
6 professional social work support, including proactively,  
7 in Australia.

8 "The Catholic Child Welfare Council has provided  
9 evidence to other inquiries, including the  
10 Western Australia Select Committee into Child Migration  
11 in 1976 and the House of Commons Health Committee in  
12 1998 and the Australian Senate Inquiry into Child  
13 Migration from 2000 to 2001. At those inquiries,  
14 representatives from Catholic organisations recognised  
15 that the British Government's child migration programme  
16 was misguided and a regrettable part of their history.

17 "In 1997 a personal apology was made on behalf of  
18 the Catholic Church in Britain during a visit by former  
19 child migrants known as The Sentimental Journey. The  
20 Bishops' Conference stands wholeheartedly by the  
21 expressions of regret and apology that have already been  
22 made on behalf of the Catholic Church in England and  
23 Wales.

24 "In July 2017, Bishop Marcus Stock, the Bishop of  
25 Leeds and vice chair of the National Catholic

1           Safeguarding Commission provided a further apology when  
2           he gave evidence to the Independent Inquiry into Child  
3           Sexual Abuse in England and Wales. He recognised that  
4           the Catholic institutions and organisations in this  
5           country who are involved in childcare had one of the  
6           most important roles in society and it was clear from  
7           the testimony of those individuals who had bravely come  
8           forward to that inquiry how badly they were failed, not  
9           only by the separation from their families but from  
10          their country of birth. He stated that the hardship and  
11          abuse they had suffered was inexcusable and he  
12          apologised to all of those who were involved in the  
13          British Government's migration programmes as children  
14          and expressed his sincere regret for their suffering as  
15          children, including in many cases as a result of child  
16          sexual abuse, and the deep wounds which that abuse has  
17          left on them as adults.

18                 "The Bishops' Conference wrote to this inquiry in  
19          June to confirm that this apology extends to all those  
20          children who were migrated from Scotland. Together with  
21          the Scottish Bishops' Conference, the  
22          Bishops' Conference of England and Wales will carefully  
23          follow the evidence to be given by the witnesses and in  
24          part 2 of this hearing will respond to what they have  
25          heard. It will not be seeking to challenge the evidence



1 insofar as it concerns the abuse the witnesses suffered  
2 whilst in Australia, but will listen carefully to the  
3 views of the former child migrants with respect to the  
4 lessons to be learnt from the past."

5 That concludes the submission.

6 LADY SMITH: Thank you very much, Ms MacLeod. I think I'll  
7 now take the morning break a little early as the  
8 stenographers have been hammering away full tilt since  
9 10 o'clock.

10 (11.22 am)

11 (A short break)

12 (11.40 am)

13 LADY SMITH: I would now like to turn to the representation  
14 for the Bishops' Conference of Scotland.

15 Opening submissions by MR HENRY

16 MR HENRY: My Lady, I appear on behalf of the  
17 Bishops' Conference of Scotland, the permanently  
18 constituted assembly of the bishops of the eight  
19 Scottish dioceses. As per the submissions made by the  
20 representative of the Bishops' Conference of Scotland in  
21 May 2017, we have found very few references to the issue  
22 of child migration in the archives of the  
23 Bishops' Conference.

24 We have found no record of the Catholic Church in  
25 Scotland engaging with or promoting the scheme at

1 a parish or diocesan level, though it does appear that  
2 it was discussed on a few occasions at meetings of the  
3 Scottish Hierarchy.

4 Further to a request from the inquiry team, further  
5 information about one family was retrieved from online  
6 Scottish and Australian archives and sent to the  
7 inquiry. No church records were found relating to this  
8 case.

9 My Lady, it is the understanding of the  
10 Bishops' Conference that where the migration programme  
11 was brought to the attention of care providers in  
12 institutions run by Catholic religious congregations,  
13 they alone would have been responsible for facilitating  
14 migration in conjunction with the statutory authorities  
15 of the day.

16 The Scottish Hierarchy at the time would not have  
17 known the number, identity or destination of migrants  
18 and would not have had any means of enquiring about the  
19 welfare or eventual outcomes of those who migrated.

20 At a distance of over 70 years, and in the absence  
21 of any substantive documentation, it is not possible to  
22 determine whether any potential migrants were encouraged  
23 by the church to participate in this  
24 government-sponsored child migration scheme. This  
25 having been said, the Catholic bishops of Scotland

1 deeply regret any harm that has been caused to those  
2 child migrants who have suffered in any way as a result  
3 of their experiences.

4 Members of the Bishops' Conference continue to seek  
5 ways to support survivors, while acknowledging the  
6 suffering they have experienced and their bravery in  
7 coming forward to this inquiry.

8 The Bishops' Conference are grateful for this  
9 opportunity to participate in the inquiry proceedings  
10 and shall continue to assist the inquiry in any way they  
11 can.

12 LADY SMITH: Thank you very much.

13 Now, the Scottish Ministers, if I may. Ms O'Neill.

14 Opening submissions by MS O'NEILL

15 MS O'NEILL: My Lady, I appear on behalf of the  
16 Scottish Ministers and, as before, that representation  
17 includes representation of the executive agencies for  
18 which the government is responsible, including  
19 Education Scotland, Disclosure Scotland and the Scottish  
20 Prison Service. I, of course, do not represent the  
21 Crown Office and Procurator Fiscal Service, which is  
22 represented separately.

23 The Scottish Ministers continue to have an interest  
24 in all aspects of the inquiry's work and to be  
25 represented throughout the hearings of evidence from

1 applicants and from others.

2 The Scottish Government Response Unit continues to  
3 have responsibility for coordinating the provision of  
4 information by the Scottish Government to the inquiry  
5 and, as with earlier phases of the inquiry, the Response  
6 Unit has provided information to the inquiry in response  
7 to notices issued under Section 21 of the 2005 Act.

8 In particular, a report on the Scottish Government's  
9 engagement with survivors of child migration has been  
10 provided to the inquiry and the government, my Lady,  
11 would be happy to provide a witness to speak to that  
12 report if it would assist the inquiry.

13 The report describes the Scottish Government's  
14 communication with individual survivors and with  
15 survivor support groups elsewhere in the world. It also  
16 describes the support services available to former child  
17 migrants and their eligibility for the advance payment  
18 scheme.

19 As with the approach taken in earlier phases, the  
20 Ministers do not anticipate applying to inquiry counsel  
21 to have questions asked of witnesses about their  
22 experiences of abuse. The Ministers do not believe they  
23 have grounds on which to test or challenge the evidence  
24 given by witnesses and they do not expect that to  
25 change.

1           It has also been the case that previous case studies  
2           have involved institutions, religious, voluntary and  
3           charitable, that might be said to have been operating at  
4           arm's length from the state at the time when children  
5           were in their care and when abuse took place, accepting,  
6           of course, the responsibility of the state for the  
7           regulation and inspection of those care settings.

8           The situation is different for this case study. The  
9           Scottish Ministers accept and acknowledge the very  
10          particular role of the state in the migration of  
11          children, with Scottish children migrated under the  
12          child migrants programme.

13          The trauma, loneliness and despair of children who  
14          were sent abroad by their home country, unaccompanied  
15          and separated from their families, could not have  
16          occurred without state sanction. Apologies have been  
17          given on behalf of the state to all British child  
18          migrants on previous occasions and reference has been  
19          made by counsel to the inquiry and by other  
20          representatives this morning to the apology given by the  
21          Prime Minister, Mr Brown, in 2010. Passages have been  
22          read from that apology. There is a following passage  
23          that I would like to refer to, my Lady, and it reads as  
24          follows:

25          "Shortly, I shall be meeting a number of former

1 child migrants here in the Palace of Westminster to  
2 listen first-hand to their experiences and, as  
3 Prime Minister, I will be apologising on behalf of our  
4 nation. To all those former child migrants and their  
5 families, to those here with us today and those across  
6 the world, to each and every one, I say today that  
7 we are truly sorry. They were let down. We are sorry  
8 that they were allowed to be sent away at the time they  
9 were most vulnerable. We are sorry that instead of  
10 caring for them, this country turned its back and we are  
11 sorry that the voices of these children were not always  
12 heard and their cries for help not always heeded.  
13 We are sorry that it has taken so long for this  
14 important day to come and for the full and unconditional  
15 apology that is justly deserved to be given."

16 The then Conservative Party leader, Mr Cameron,  
17 emphasised, after Mr Brown's statement, that:

18 "This was something that happened under British  
19 Governments of all parties and the apology made is on  
20 behalf of all of us."

21 My Lady, while the devolved Scottish Government did  
22 not exist in the period during which the child migrant  
23 programme operated, the Scottish Government fully  
24 endorses the apology given by the Prime Minister in  
25 2010. The applicants who are to give evidence in this

1 phase of the inquiry were Scotland's children. They  
2 were entitled to the care and protection of the state,  
3 including public authorities in Scotland who  
4 facilitated, by active complicity or by turning a blind  
5 eye, their migration and abuse and the  
6 Scottish Government is extremely sorry for the suffering  
7 they experienced.

8 My Lady, that is the opening statement on behalf of  
9 the Scottish Government.

10 LADY SMITH: Thank you very much, Ms O'Neill.

11 Finally, could I turn to the representation for the  
12 UK government, Ms Towers.

13 Opening submissions by MS TOWERS

14 MS TOWERS: I appear on behalf of the UK Government and in  
15 particular I am representing the Department of Health  
16 and Social Care, who currently have policy  
17 responsibility within the UK Government for historic  
18 child migration matters. The department is anxious to  
19 assist the inquiry in its consideration of these  
20 difficult issues.

21 Child migration has been a feature of UK social  
22 policy since the 17th century and continued until around  
23 1970.

24 Surviving former British migrants were sent to  
25 Australia, New Zealand, Southern Rhodesia, now Zimbabwe,

1 or Canada in the post-war period. The Department of  
2 Health and Social Care is the successor department to  
3 previous UK Government departments, which have had  
4 responsibility for child migration.

5 Responsibility for children's policy rested with the  
6 Home Office and the Commonwealth Relations Office for  
7 the whole period in which child migration was being  
8 practised until 1971 when migration ceased.

9 In 1971, responsibility for children's social care  
10 policy passed to the Department of Health and Social  
11 Security. In 1989, the DHSS split into the Department  
12 of Health, where children's social policy care remained,  
13 and the Department of Social Security.

14 In 2003, responsibility for children's care policy  
15 passed from the Department of Health to the Department  
16 of Education. However, in 2007, responsibility for  
17 policy in respect of former child migrants returned to  
18 the Department of Health, now the Department of Health  
19 and Social Care, where it has remained ever since. The  
20 Department of Education retains responsibility for wider  
21 children's social care policy.

22 In November 2009, Kevin Rudd, the then  
23 Prime Minister of Australia, formally apologised to  
24 child migrants who had been sent to Australia and had  
25 suffered harm as part of a wider apology to children who



1 had been harmed in the care of the state.

2 On 24 February 2010, as we have heard from other  
3 participants, the then UK Prime Minister, Gordon Brown,  
4 made a formal apology in Parliament on behalf of the  
5 nation in respect of child migration and expressed his  
6 regret for the misguided child migration schemes. The  
7 then Leader of the Opposition, David Cameron, and the  
8 then Deputy Leader of the Opposition, Nick Clegg,  
9 supported the apology. In the years that followed the  
10 apology, Prime Ministers Cameron and May have reiterated  
11 annually the sentiments of the apology.

12 The Department of Health and Social Care has funded  
13 the Child Migrants Trust since the late 1980s and  
14 continues to pay a grant in support of their work with  
15 former British child migrants. The Child Migrants Trust  
16 is a separate charitable organisation which provides  
17 services for former British child migrants, manages the  
18 family restoration fund on behalf of the UK Government,  
19 and is overseeing the application process for the former  
20 British Child Migrants' Payment Scheme. At the time of  
21 the apology, the UK Government announced the  
22 establishment of the Family Restoration Fund to help  
23 former child migrants to travel and be reunited with  
24 their families.

25 Since 2010, the 8 million fund has supported nearly

1           700 former British child migrants to make over 1,300  
2           trips to be reunited with their families and attend  
3           significant family events such as weddings and funerals.

4           In December 2018, the UK Government announced that  
5           it would accept the recommendation of the Independent  
6           Inquiry into Child Sexual Abuse, which was published  
7           in March of that year, that a redress scheme should be  
8           established for former British child migrants.

9           The ex gratia former British Child Migrants'  
10          Payments Scheme is available to any former British child  
11          migrant, irrespective of the UK nation from which they  
12          were sent, who was alive 1 March 2018. It pays a sum of  
13          £20,000 to eligible former British child migrants  
14          irrespective of whether the individual suffered physical  
15          harm or sexual abuse.

16          Since the scheme began making payments on  
17          1 April 2019, over 1,500 former British child migrants  
18          have received a payment. As of August 2019, 121 former  
19          British child migrants who were sent from Scotland out  
20          of an estimated 254 had received a payment under the  
21          scheme.

22          The UK Government's position remains as stated  
23          in the 2010 national apology. It stands willing to  
24          assist this inquiry to address the matters arising out  
25          of child migration in both a UK, and recognising the

1           Scottish Government are represented for their interests,  
2           and also in a Scottish context.

3       LADY SMITH: Thank you very much. That's very helpful.

4           Mr MacAulay.

5       MR MacAULAY: My Lady, I think that does conclude the  
6           submissions for today.

7           There's one point I want to raise. It would appear  
8           that when I was making my opening submission and looking  
9           at the definition of the word "child" in the terms of  
10          reference, I may have said that meant a person under the  
11          age of 16; I meant to say 18.

12       LADY SMITH: 18, yes. I'm sure everybody remembered that,  
13          but thank you for the correction. That will go into the  
14          transcript.

15          Mr MacAulay is correct. There's no other business  
16          for today. So I will rise now and sit again for  
17          tomorrow morning for the first of the witnesses we'll  
18          hear from this week. It's an 8 o'clock start for  
19          tomorrow's video link, so anyone who wants to exercise  
20          their leave to appear will need to be here sharpish  
21          tomorrow morning.

22          Thank you very much.

23       (11.58 am)

24                 (The inquiry adjourned until 8.00 am  
25                 on Wednesday, 4 December 2019)

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