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Thursday, 17 September 2020

(10.00 am)

LADY SMITH: Good morning. Mr MacAulay, I think we've got the link set up, have we?

MR MACAULAY: I think we do, my Lady, good morning, and the next witness is Professor Stephen Constantine.

LADY SMITH: Thank you.

Now, Professor Constantine, could I ask whether you can see me or not?

A Yes, I can see you. Good morning.

LADY SMITH: Good morning, and you can obviously also hear me. Thank you very much for agreeing to join us over the link today. This is going to be very helpful.

Before I start hearing your evidence, I would like to put you on oath, if that's all right. So would you raise your right-hand please, and repeat after me?

STEPHEN CONSTANTINE (Affirmed)

Questioned by MR MACAULAY

Now, I will hand you over to Mr MacAulay in a moment, but, Professor Constantine, if you have any concerns about the link or about what we are asking you to do, please don't hesitate to say. I know Mr McKerrell is there to help you and we will do all we can at this end to help you if necessary. It's important that you are able to give your evidence in as

1 relaxed and comfortable a way as you can. That's what I
2 want from you because I don't want you to be worried
3 about doing this. Is that all right?

4 A That's fine, yes, thank you.

5 LADY SMITH: I will hand over to Mr MacAulay now and he will
6 take it from there.

7 Mr MacAulay?

8 MR MACAULAY: My Lady; Stephen, good morning to you.

9 A Morning.

10 Q You are Stephen Constantine. Is that correct?

11 A That's correct.

12 Q Can I just confirm that you have in front of you
13 a folder containing the report that you prepared for the
14 Inquiry?

15 A Yes. It is a folder -- the first half of the Inquiry,
16 what I haven't got with me, because I didn't think we
17 had reached that point today is all the details about
18 the abuse cases.

19 Q Well, clearly, Stephen, we will be taking your evidence
20 today, tomorrow morning and also on Tuesday.

21 A Right.

22 Q So we will take it at your pace because we have plenty
23 of time to look at the matters that you set out in your
24 report, but before we do that, can I just ask you to
25 look at your CV? You have sent us a copy. I understand

1 that you have a screen there --

2 A Yes.

3 Q -- that you can look at?

4 A Yes.

5 Q And I will put it on the screen?

6 A Yes. It's on the screen. I can read it.

7 Q Well, just for the transcript, then, the reference is
8 INQ-99, and just looking at the academic, your academic
9 background, your undergraduate degree was in modern
10 history from Oxford University. Is that correct?

11 A That's correct.

12 Q Thereafter you were a research student at Wadham College
13 and Nuffield College, Oxford?

14 A Correct.

15 Q Then you took a DPhil from Oxford University. Is that
16 right?

17 A That's correct.

18 Q What was the subject of the Doctor of Philosophy?

19 A It was actually about British Colonial development
20 policy in the 1920s, so it relates in some ways to
21 subjects for today, in other words the connection
22 between what the United Kingdom needed in terms of its
23 economy and the advantages that might be obtained by
24 developing the so-called, "Under-developed estates",
25 particularly in Africa.

1 Q And if I can focus, then, on your academic career,
2 because you went into academia, you began as a lecturer
3 in history in about 1971. Is that right?

4 A Yes.

5 Q And were all your academic posts at Lancaster
6 University?

7 A Yes.

8 Q You became a senior lecturer and then you became
9 Professor of modern British history from February 2010.
10 Is that right?

11 A That's right.

12 Q And from, I think, October 2010 you were the Emeritus
13 Professor of Modern History from that date.

14 A That's right. It is one of the advantages of being
15 a Professor is that one is invited to remain, as it
16 were, off payroll but on the books as an Emeritus
17 Professor which means I'm entitled to use university
18 facilities, including, most importantly, the library.

19 Q Now, if I can turn to what you have headed as some
20 relevant publications in your CV, and I want to begin in
21 the second page and perhaps just look at the -- your
22 publication history in a chronological way, and if we
23 look at the bottom of the list on the second page you
24 make reference there to a piece of work, "The Making of
25 British Colonial Development Policy, 1914-1940", and

1 that was in 1984.

2 A Yes.

3 Q Was that a follow-on from your Ph.D thesis?

4 A That's right. The thesis ended in 1929 but there is an
5 important Colonial development and welfare, stress on
6 the word, "Welfare", Act in the 1940s, so I was looking
7 at what subsequently happened in terms of British
8 Colonial development policy, what we now describe as,
9 "Overseas aid", through the 1930s, to an important piece
10 of legislation in 1940 which is the Colonial Development
11 and Welfare Act.

12 Q And moving up the page we can focus on, I think, it is
13 either -- it is a chapter in a book with the title,
14 "Emigrants and Empire: British Investment in the
15 Dominions Between the Wars", and as I have said, that
16 was a chapter in a book.

17 A Yes. I wrote the introduction to introduce the broader
18 picture and introduces the other essays which
19 (inaudible) my particular piece concerned New Zealand.

20 Q And we certainly there see a specific reference to
21 emigration. Had you looked at emigration before this
22 particular point in your career?

23 A Not in any significant fashion. That was one of the
24 attractions. To see how it kind of relates to the
25 developments of the overseas Empire, which was about

1 putting capital, essentially, into places, this was more
2 about putting people into places, and so that whole
3 theme of the role of emigrants in the development of
4 Empire, particularly, obviously, in the white dominions
5 is a central feature of that particular theme and
6 I think you can see where this heads towards what we are
7 actually now talking about.

8 Q Yes, and then moving up to the next entry, perhaps the
9 entry beyond that, it is -- the title is, "Empire,
10 Migration and Social Reform". Again, that's, I think,
11 either a chapter or contribution to a piece of work --

12 A Yes. It is an essay in a collection edited by a few
13 colleagues at the university here.

14 Q Again, then you are focusing on migration in this
15 particular piece of work?

16 A Yes. The importance of this one was that it was
17 particularly concerned with the idea that migration
18 could actually be -- migration to the Empire -- could be
19 a way of addressing social problems within the United
20 Kingdom, so broadly about matters like unemployment, for
21 instance, or poverty. Not particularly focused on
22 children, but broadly concerned with the view that the
23 overseas Empire, particularly the white settlement
24 communities would provide a resource of advantage to
25 people in the United Kingdom.

1 Q And if I move to the bullet point that's second from the
2 top, there we have a piece of work that's titled -- with
3 the title, "The British Government: Child Welfare and
4 Child Migration to Australia", and that was in the
5 Journal of Imperial and Commonwealth History, Volume 30.
6 This was in 2002.

7 Now here we do see a specific reference to child
8 migration.

9 A Yes. The reason for that was that it is a kind of a
10 much more specialist focus upon the child component
11 within the broader migration story, and doing the
12 research for the wider study, particularly kind of, the,
13 "Migrants and Settlers", chapter in the Oxford History
14 of the British Empire. I did a lot of research in the
15 national archives in London down in Kew, and really it
16 was concerned with the Empire Settlement Act and its
17 subsequent Commonwealth Settlement Acts, and the way in
18 which that was funding adult migration, but as you read
19 those reports, propped up nearly all of the reports
20 references to child migrants. There is a sub-category
21 with different funding and care arrangements, so you can
22 see how -- what started as a broader interest in
23 migration overseas moved to a more specific study of the
24 policies relating to children and their migration
25 overseas.

1 Q And are we looking here at children who were being
2 migrated without parents or families?

3 A That's correct. Yes.

4 Q Is this the beginning, then, of your interest in child
5 migration, as such?

6 A It was always within the broader context. I was alert
7 to the phenomenon of child migration but this enabled me
8 to spend a good deal of research time focusing upon
9 those developments, particularly those practices that
10 concerned children and essentially children in care.

11 I should say --

12 Q We move on -- okay.

13 A -- a draft of that I actually provided to the Australian
14 Inquiry the previous year, so there is a reference to
15 it, I think, in their report, but that was not
16 a published paper. What it enabled me to do was to
17 layout broad foundations of what becomes the paper which
18 was published and which, frankly, I have been living
19 with ever since.

20 Q And the Australian Inquiry at this date, which Inquiry
21 was that? Was that The Lost Innocence?

22 A It is The Lost Innocence, yes. The team from Australia
23 did come, and I spoke with them in London and gave them
24 a copy of that paper.

25 Q Now, we move on to the first page then of the CV, and at

1 the bottom there is a piece of work with the title
2 "Children as Ancestors: Child Migrants and Identity in
3 Canada", now here the focus is on Canada. Can you just
4 tell me a little bit about this piece of work?

5 A Yes. This derived from the understanding that the
6 larger number of children did indeed go to Canada and I
7 did some -- I had been to Canada and became interested
8 in this particular phenomenon. There is a kind of play
9 with words about children as ancestors. You don't
10 really think of children as being ancestors, but what
11 they were doing -- identified the way in which they had
12 been quite commonly disparaged by some Canadian
13 authorities, particularly those who were concerned with
14 eugenic principles, fraudulent eugenic principles, and
15 thought these were contaminated stock. Trade Unions
16 also were becoming quite hostile to the children because
17 they were competitors on the labour market, and so there
18 was a lot of shame associated with being a child migrant
19 until really quite recently, and what had subsequently
20 happened after child migration starts and these children
21 had done heroic things, many of them served and died in
22 the First World War, and family historians in Canada in
23 exploring their own past kept coming upon the child
24 migrants and they became really kind of enamoured of
25 this group of people who come from the UK who were not

1 welcome in the United Kingdom, and had not, indeed, been
2 initially welcomed in Canada, but they more regard as
3 admirable, almost pioneers in the development of Canadian
4 society, and there are a number of groups that are
5 formed in Canada like register of the number of former
6 child migrants who saw service and indeed died for
7 Canada and the Empire, and children who had moved into
8 places of prominence in Canadian society, and should be
9 honoured. It is a bit like the way in which youngsters
10 and adults have been transported, criminal
11 transportation to Australia, come to be admired in the
12 new Australian society. The same was happening, I came
13 to recognise, in Canada, and hence a play on words, that
14 these ancestors, the children, are now to be welcomed
15 and recognised as important contributors to the
16 development of Canadian society, so children as
17 ancestors are things to be welcomed. Child migrants as
18 ancestors in reality.

19 Q And in this -- were you looking then at the 19th and
20 20th century migration?

21 A Yes, using the material that was then accessible to me.

22 Q And the next reference is to child migration
23 philanthropy and the state of the Empire. We have heard
24 from Professor Harper and how relevant philanthropy has
25 been to child migration.

1 A Yes.

2 Q Can I ask you about this piece of work? Was that an
3 aspect --

4 A It is quite a short piece. History and Focus is more
5 like a kind of general magazine published by The
6 Institute of Historical Research, but it does link
7 together those themes of child migration and the
8 philanthropic interests that were behind them, and the
9 role they played in the states -- not just in Canada but
10 elsewhere, and their contribution to the Empire. The
11 whole -- always there has been in much of what I have
12 done, an interest in the development of the overseas
13 Empire which is something that is thought to be so
14 important for the United Kingdom as well as for British
15 Empire more broadly.

16 Q We then come to a major piece of work, and that's,
17 "Migration and Empire", which was a book published by
18 Oxford University Press in September 2010. As I have
19 said, that was a major piece of work?

20 A Indeed it was, yes, and it started, in some ways, with
21 an essay that I published in -- a collection of essays
22 that the Oxford University Press had published, and
23 there was a piece in that in the 20th century volume.
24 Marjory had written an equivalent piece in the 19th
25 century volume, so we got together to suggest and OUP to

1 our pleasure accepted the idea of a whole book on
2 migration and the Empire, and this has, within it, a
3 significant chapter on juvenile and child migration, but
4 in some respects we were looking at adult migration to
5 Empire and also return migration and indeed other forms
6 of migration by non-British people around the Empire, so
7 in some respects it was looking at almost anybody who
8 was moving around the formal British Empire, and you
9 could see the kind of distinctions between white rule
10 and African or Asian child -- African, Asian migrants.
11 There is a kind of hierarchy, and that was part of the
12 thesis of that particular book, and it does include
13 immigrants into the United Kingdom.

14 Q And you mentioned that Professor Harper co-authored the
15 book with you?

16 A That's correct. Yes.

17 Q Just looking to the sources that you would have access
18 to for that sort of work, and indeed generally your
19 interest in child migration, what sources would you go
20 to to get the information?

21 A There is a good deal of material, as you would expect,
22 in the National Archives at Kew which relates to the
23 kind of policy making and policy practices. What was
24 more difficult to obtain was the material -- here
25 thinking about child migrants -- the material that comes

1 from overseas, as it were. One could draw upon, and did
2 manage to draw upon was -- here solely about child
3 migrants -- is the material that was coming out of
4 Canada. It is very striking how much interest was being
5 shown in the child migrant experience in Canada, and
6 there were organisations in Canada that were, as it
7 were, putting online material and books were published
8 on that form of child migration, those child migrants
9 and one can draw upon those as well. Some similar stuff
10 was coming out in Australia, and to a lesser extent in
11 New Zealand, so it had become a kind of global interest
12 of the experiences of these young people and the role
13 that they had played in the development of Empire.

14 Q I think you do attach to the report a bibliography and
15 it is a lengthy bibliography. By this time in 2010 was
16 child migration in particular very much a topic that was
17 being investigated by different people?

18 A Oh yes. I mean, I think here you need to refer to the
19 Child Migrants Trust, the operations of Margaret
20 Humphreys. A lot of material now is in the public
21 domain. A whole story line had become highly
22 publicised. There had been television reports in
23 Australia, a good deal in the press in Canada, so
24 I think it was very much a topic of the day, so --
25 indeed there had been, as our report shows that major

1 investigations into the experiences of child migrants
2 around the Empire, so in some ways it is an
3 incorporation of those sources that they had used into
4 other publications.

5 Q And then the -- you have a piece of work, "In search of
6 English and Englishness", and moving beyond that, the
7 second-top bullet point, there is a piece of work with
8 the title, "Dear Grace ... love Maidie", and this was
9 an interpretation of a migrant's letter from Australia.

10 A That's correct. It is another essay in the collection,
11 but this actually relates to adult migration, that it
12 was the ... excuse me, just a minute. (Pause)

13 This was a set of correspondences that I had been
14 alerted to which had as the title suggests letters from
15 Maidie to Grace from -- and she was in Australia writing
16 back to her sister in the United Kingdom, so it's not so
17 much about children in this instance, but just generally
18 my interest in migration was exemplified again in this
19 instance, but just generally my interest in migration
20 was exemplified again in this particular essay.

21 Q And the final reference you make is to a child a
22 juvenile migration from the United Kingdom. Was that an
23 article, was it?

24 A Well, yes. It's quite a brief one but I simply put it
25 down but it was actually an invitation from Germany.

1 Somebody in Germany got in touch with me and asked
2 whether I would write a piece about child and juvenile
3 migration, but it had gone into an area, knowledge of
4 this phenomenon had gone into Germany, and this
5 particular federal agent in specific education published
6 short essays on a number of themes but this happened to
7 be one of them that they wanted me to write about.
8 I was very pleased to be able to contribute.

9 Q Were you covering there the 19th and 20th century?

10 A Yes.

11 Q We then, Stephen, come to your involvement in the
12 England and Wales Public Inquiry into child sexual abuse
13 and, in particular, the case study, the module that they
14 had in connection with child migration, and I think it
15 is the case that you played a significant part in that
16 particular study. Is that correct?

17 A With Professor Lynch we had both been working
18 independently on this subject area ... sorry, I'm
19 losing my voice ... and it seems that we were known of
20 by the Inquiry and they contacted us and we were very
21 happy to contribute to their investigation.

22 Q Did that involve you carrying out additional research?

23 A Oh yes, quite a lot. More archival research in the
24 United Kingdom and Gordon, particularly, was excellent
25 in obtaining material in Australia.

1 Q And so far as the sources in the United Kingdom would be
2 concerned, then, again, would that be archival material
3 held in the national records?

4 A Yes, but there is also access to some of the voluntary
5 society records as well.

6 Q And so far as preparing your report for this Inquiry,
7 have you built upon that material in preparing this
8 report?

9 A Oh, to a very, very considerable extent. Thanks to the
10 people that you have been working with, a great deal of
11 material has arrived. It has been very remarkable, I
12 have been sitting at home near Lancaster and documents
13 have simply arrived on a very regular basis, so it is
14 extraordinary. I haven't been to another archive in
15 order to write with Gordon and Marjory our report. The
16 material was simply provided by the people working for
17 yourselves, which has been fantastic. I think the
18 Section 21 responses to a greater or lesser extent have
19 been tremendously informative and helpful in the writing
20 of the report which you have before you.

21 Q Well, I was going to ask you about the sources that you
22 used for this report and as I understand it you built
23 upon your previous state of knowledge and sources. You
24 have built upon the Section 21 responses that the
25 Inquiry has recovered from various organisations, and

1 you have built upon new material that the Inquiry has
2 managed to gather from records as well.

3 A Yes.

4 Q Is that correct?

5 A That's correct. Yes.

6 Q And have you also had regard to evidence that has been
7 presented to the Inquiry by former child migrants?

8 A Yes. I think one of the most valuable, if upsetting
9 aspects of the Inquiry has been the evidence presented
10 by witnesses to this Inquiry, former child migrants. It
11 has been a very informative but equally often harrowing
12 experience to read these personal accounts. I have
13 never seen quite so many of these before.

14 Q I think you have also had access and used in the report
15 similar accounts that have been provided to the -- in
16 particular to the Northern Ireland Inquiry, and to the
17 IICSA Inquiry?

18 A Yes. I think what we were able to draw upon is the
19 multitude of other reports that have come out from
20 different agencies, Northern Ireland being one but a
21 good deal of material was available from the Australian
22 Inquiries as well, and from the House of Commons, though
23 there were some difficulties in using material presented
24 to them for reasons that still remain to me bizarrely
25 obscure.

1 Q Yes, and that's the House of Commons committee report
2 I think in 1998 that you are referring to, but there
3 also have been, as we know, other Public Inquiries and
4 other Inquiries and you have mentioned some already.
5 I think there is a section in your report which I will
6 come to where you draw upon material that was presented
7 to I think about eight different Inquiries over the
8 piece. Is that correct?

9 A Yes. That's right. These are all the -- when there was
10 the rediscovery, as it were, of the history of child
11 migrants, (Inaudible) a lot of other material to come
12 out, so there is a Western Australia one which was never
13 fully completed, but when you work your way through the
14 history of the later reports which become increasingly
15 interested, not just in the legacy of child migration
16 but in how, as it were, to ensure that though child
17 migration has ceased, proper childcare can be better
18 catered for. I mean, there is a very important line in
19 one of those Australian Inquiries is trying to
20 understand what makes somebody a paedophile, for
21 instance, so it moves into areas beyond the expertise of
22 a historian, but raises issues which I think those other
23 Inquiries are now, I would imagine, (Inaudible).

24 Q Can I then begin by looking at your report which I think
25 you have your own hard copy in front of you, and it will

1 also come on the screen, and it is entirely up to you as
2 to how you want to work with it. I think the first
3 thing to perhaps draw attention to, and this, no doubt,
4 highlights the work that's gone into it, that according
5 to my count there are, in all, 2,774 footnotes, footnote
6 references in the report, so I think that indicates the
7 amount of work that has gone into the report, and these
8 footnote references include Government files, books,
9 statements -- a whole vast array of material. Is
10 that -- would that be an accurate description of what
11 you had to look at?

12 A Indeed, and had to, invited to and wanted to. I think
13 reading that volume of material from different sources
14 enabled, I think, the three of us as writers to give
15 a more comprehensive account of child migration
16 generally and juvenile migration is a very important
17 subset of the whole experience, but also provided it in
18 a much wider context, and particularly I think being
19 able to access the records of particular philanthropic
20 organisations and local authorities as well as Local
21 Government as well as Scottish governments I should
22 hasten to add.

23 Q Of course we've tried to look at this -- I say, "We" --
24 you have tried to look at this from a Scottish
25 perspective, but of course it is impossible to divorce

1 the Scottish perspective from the UK perspective because
2 child migration was a UK matter?

3 A Yes. That was one of the challenges of writing the
4 report, was to give as much attention as one possibly
5 could to the Scottish experience rather than just
6 duplicate the England and Wales one. It became more
7 difficult because so many of the reports and so many of
8 the experiences that children have had sort of broadly
9 subsumed into, "This was the United Kingdom", and,
10 therefore, trying to identify -- no doubt we may go on
11 to consider this -- how many children from Scotland or
12 associated with Scotland were sent overseas is quite
13 challenging because one sometimes finds the records
14 simply referring to them as, "UK", so it is a good deal
15 of, I hope, reasonable guessing going on about how many
16 children went from particularly Scottish institutions.

17 Q But I think a point you make, and we can just touch upon
18 it now, in the report, is that although you may not be
19 able to identify the precise number of Scottish children
20 in a particular institution, you can still identify that
21 children in that institution were abused, and,
22 therefore, those Scottish children were at least at risk
23 of exposure to abuse.

24 A That's correct. I think that was a very necessary
25 thing. If you simply are concerned with children from

1 Scotland or sent from Scotland and only those you would
2 underestimate very, very likely underestimate the number
3 of children who suffered from the much wider forms of
4 abuse that this particular Inquiry is concerned with,
5 and so if one could say, I think with reasonable good
6 conscience that we know that children from the United Kingdom
7 including from Scotland went to this place and abuse
8 took place at this place one should be taking note that
9 they were, in that sense, at risk and may have suffered
10 from abuse.

11 LADY SMITH: At its simplest, Stephen, if I may call you,
12 "Stephen" --

13 A Sure, please.

14 LADY SMITH: -- one could regard it as abusive simply to
15 send a child where you were putting them at risk of
16 directly suffering abuse themselves.

17 A That's correct. Absolutely. Yes. I think one has got
18 good evidence that if you can't be certain that this
19 child from Scotland was abused you know that other
20 people in that same place were abused, therefore they
21 were at risk.

22 LADY SMITH: Yes.

23 MR MACAULAY: Yes. So although the Inquiry has heard from
24 a number of applicants which is a small percentage of
25 those who may have been sent, those that were sent and

1 perhaps have died and are no longer with us were put in
2 a position where they were at the same risk of abuse.

3 A Correct.

4 Q I think that's the point you are making.

5 A Yes.

6 LADY SMITH: It can also be abusive to put a child into an
7 abusive environment, even if they are not directly
8 abused themselves, or not directly in the firing line,
9 to use a colloquialism, because if the environment
10 involves abuse the child shouldn't be there.

11 A I think that's absolutely the case, and I think you can
12 certainly know that some children who may not themselves
13 have been abused were aware of other children who were
14 abused. One of the very important studies on this was
15 by David Hill who had been a child migrant sent to
16 Australia, and he acknowledges that he himself was not
17 abused, but he became aware of the abuse of his peers,
18 and that is what prompted him to write about this
19 subject and, indeed, to appear as a major witness at the
20 IICSA Inquiry.

21 Q Can I just touch briefly on the structure of the report,
22 Stephen? I'm looking at the moment at page 3, and I
23 perhaps should give the report reference. It is INQ-42.
24 Page 3 is the contents page of the report. It will come
25 on the screen in a moment.

1 A I do have the contents page in front of me.

2 LADY SMITH: That's it. It's not page 3 but that's fine.

3 It's on-screen now.

4 MR MACAULAY: I wonder if I could confirm what page it is so
5 that I can adjust my pagination?

6 LADY SMITH: I'm not sure, but we only get to page 1 when we
7 get to the page that starts, "Introduction:
8 Definitions, UK numbers, terms of reference". It's
9 physically the third page but it's not numbered.

10 MR MACAULAY: I see. I have a copy which says, "Number 3",
11 but never mind.

12 Have you got it on the screen, Stephen?

13 A Yes indeed. Yes, and let me just say I have a folder
14 here which contains this first part of the report and I
15 have in front of me the contents page.

16 Q Yes, and here you set out the different topics that you
17 cover in the main report but we also, if we move on to,
18 I think, the three pages on after chapter 34 you make
19 reference to four appendices that have been attached to
20 the report, Appendix 1, 2, 3 and 4, and of course
21 yesterday we heard from Professor Harper in relation to
22 Appendix 1, which was juvenile migration?

23 A Yes.

24 Q I just want to understand how you see the structure of
25 the report and the relationship between what I would

1 call, "The main report", and the appendices.

2 A Yes. I think that's easy enough to explain in that
3 Appendix 1 which is the one Professor Harper wrote, was
4 really to give particular consideration, as it says, to
5 juveniles. The system of migrating juveniles differed
6 in some respects from the system operating in relation
7 to children. There is that distinction between the
8 school leaving age and yet the IICSA Inquiry didn't
9 really seem to regard juveniles as a special case,
10 whereas I think what Marjory already knew, and what
11 research subsequently very clearly revealed, was a large
12 number of organisations that were particularly concerned
13 with the migration of juveniles and young adults, and
14 they deserved special recognition, not only because they
15 had been overlooked but because some of the experiences
16 of those young adults, or late juveniles replicated some
17 of the experience of their younger brothers and sisters,
18 so giving them special attention I think added something
19 significant to the whole Inquiry.

20 I think in terms of the other reports -- sorry --
21 the other appendices, this really was because so many of
22 the -- generally speaking -- the sending of young people
23 overseas led to such complications in terms of
24 identifying the details of how different organisations
25 operated, but had all that material which Professor

1 Lynch covered very thoroughly in the three appendices
2 which he wrote, if you had included that in the main
3 report it would have really overloaded the main report
4 with its -- the complications, and therefore throughout
5 the body of the main report you see, "For more on this
6 see Appendix 2 or Appendix 3 or Appendix 4". That
7 seemed to be the most sensible way of dealing with it.

8 Q I think at points in the main report you say that you
9 are going to highlight issues and then you refer to,
10 let's say, Appendix 2 for a more detailed analysis?

11 A That's correct.

12 Q And these appendices, 2, 3 and 4, were -- these were
13 essentially constructed by Professor Lynch.

14 A That's true.

15 Q In relation to the main report, did you collaborate to
16 some extent with Professors Lynch and Harper when you
17 were putting together the main report?

18 A Oh yes. Well, one thing, it was the provision of
19 material that both of them had provided themselves.
20 Gordon has been -- Professor Lynch -- has been working
21 on this subject, published books on it, and has
22 a Research Fellowship research money which enabled him
23 to employ a scholar who worked in the Australian
24 archives for him, so that material has been brought back
25 to this country, as it were, he has incorporated a good

1 deal of that in the appendices and will certainly form
2 part of the book which he is currently writing based on
3 the funded research project which he has been funded to
4 write, so I think it is a fact that Professor Lynch has
5 been able to do this material and research this material
6 has been very, very valuable, because I think it does
7 add considerable element to the report.

8 If -- let me just make the point -- if it had been
9 all incorporated into the main report it would have
10 distorted some of the broader picture that one was
11 trying to get over in the main report, and the
12 appendices, I think, enabled some of the complications
13 to be clarified.

14 Q If I move on, then, from that page we were on, move on
15 four pages in the report, move on four pages ...

16 LADY SMITH: The one that starts, "Number 2: Contexts,
17 Empire, Demography Scotland Within the UK"? Is that it?

18 MR MACAULAY: No, it is headed -- the first heading is,
19 "Abbreviations".

20 LADY SMITH: Ah. Right. Okay. That may not have a number.

21 MR MACAULAY: That's the point, I think. Thank you.

22 So I think you will see, Stephen --

23 A Yes.

24 Q -- you have very helpfully set out a list of
25 abbreviations in relation to organisations, institutions

1 that you have referred to in the report. I just want to
2 pick up one point from this page and that's the bottom
3 where you describe what a LEM 3 form was. Can you just
4 help me with that, what -- because we refer to, "LEM 3",
5 forms in your report. What is it?

6 A A LEM 3 form was part of the -- intended to be part of
7 the controls over children being sent overseas, and
8 particularly to Australia, LEM 3s were required, were
9 legal documents that needed to indicate the origins of
10 the child, the health of the child. It followed kind of
11 medical inspections, but there were basic details about
12 the name, the age, the origins of the child on the LEM 3
13 followed, usually, ideally, with a medical report, and
14 these documents were scrutinised in the Australian case
15 in London by agencies of the Australian Government to
16 check that they had been given the information that they
17 required.

18 The difficulty about the LEM 3 forms often was quite
19 what the source of information was that was put on to
20 the LEM 3 form, who put it on and whether it was
21 accurate or not.

22 LADY SMITH: Stephen, I see that you tell us that the way
23 the LEM 3 form was handled was it would be sent to
24 Australia House in London and then they would send it to
25 the relevant state in Australia, namely the state that

1 was due to receive the child.

2 A Yes.

3 LADY SMITH: Do you know whether any copies were kept in
4 London at that point?

5 A That I do not know for sure, but I think it's -- it
6 might be something that Professor Lynch could help us
7 more with as to whether there were copies kept. I think
8 rather that they were passed through Australia House and
9 off to overseas.

10 LADY SMITH: Yes. So no record being retained in the UK of
11 a written basis on which the child was being sent.

12 A I may be mistaken in that, but the amount of -- the
13 number of LEM 3 forms that we've been able to locate is
14 limited.

15 LADY SMITH: Yes. Thank you.

16 MR MACAULAY: Another document I want you to look at at this
17 early stage in your evidence is at page 377 of the
18 report, and that will come on the screen in a moment or
19 two.

20 Now, we are looking here at a chart, or schematic,
21 setting out the bodies that we might be looking at --

22 A Yes.

23 Q -- in particular when we are looking at child migration
24 to Australia in particular. I just want you to take us
25 through this so that we can get an overall understanding

1 as to those who were involved in that process?

2 A Yes.

3 Q So if you take a natural starting point for us, Stephen,
4 which box should we start with?

5 A Right. You start on the left-hand side. I should say
6 this is all the classic indications of Gordon Lynch's
7 handywork with the PC. He designed this. If you go to
8 the one, "Dominions Office (from 1947, Commonwealth
9 Relations Office)", you can see the connection down to
10 the Home Office and also the equivalent, the Scottish
11 Office, the Scottish Home Department.

12 Q Before you move on, just so that I can understand, was
13 the Dominions Office, or the Commonwealth Relations
14 Office from 1947 in London?

15 A That's right. Yes. This is headquarters. This is part
16 of the UK Government. This is like any other Government
17 department. There is a Secretary of State for the
18 Dominions Office, later the Secretary of State for the
19 Commonwealth Relations Office. They are cabinet
20 ministers who head up these departments and their civil
21 servants are the specialist people with specialist
22 knowledge who provide the information and the advice.

23 The point about the arrows going up and down to the
24 Home Office and to the Scottish Office is that to
25 a greater extent, the Dominions Office and the

1 Commonwealth Relations Office liaised with the Home
2 Office and to a lesser extent but I wouldn't say they
3 entirely ignored the Scottish Office, so for the
4 Scottish component you would expect the Scottish Office
5 to have views on children who were being migrated from
6 Scotland.

7 The Home Office tended to take the broader role of
8 trying to ensure that the practices, particularly post
9 Second World War, were suitable, appropriate and caring
10 for the children. The Home Office, and here let me just
11 add the point as you will be aware, the Home Office had
12 always been hoping, post Curtis Committee Report, to
13 introduce regulations which would be binding upon the
14 way in which the children were migrated and the care
15 that they would receive, as you'll also be aware and we
16 may come on to it, the regulations were never, in fact,
17 finalised but that's the left-hand side of this diagram.

18 Q Before we leave the left-hand side, could we have an
19 arrow between the Home Office and the Scottish Office?
20 There would be some communication between those two?

21 A There is some, but there isn't a great deal. It
22 tended -- the Scottish Office, I'm sorry to say, seemed
23 to be somewhat relegated in this operation. The Home
24 Office was always the leading operator, but there are
25 some connections. There are files that go down -- there

1 is correspondence between one and the other.

2 Q Moving on, then, from the left-hand side we move up to
3 the UK High Commission in Canberra?

4 A That's right. This is -- and we are, remember, here,
5 looking entirely at the Australian story.

6 Q Yes we are.

7 A The UK High Commission Canberra was the obviously the
8 overseas agency of the UK Government. Not only
9 concerned with migration, but with all the issues that
10 relate to Anglo-Australian relationships, but in terms
11 of child migration the issue here was whether the UK
12 High Commission would be in a position to check on the
13 practices of child migration as they were being
14 conducted in Australia. That might and did include
15 whether they would be able to visit the various
16 institutions that were taking responsibility for
17 Scottish as well as other UK child migrants, so the UK
18 High Commission was certainly brought into play to check
19 on some of those institutions.

20 One of the problems, and it is worth stressing here,
21 the UK High Commission, the impression I have is that
22 they were not over-staffed, in other words, that they
23 were very busy with a lot of other things, and, really,
24 were under-resourced for the kind of close investigation
25 of all the institutions scattered around Australia to

1 which children from Scotland were sent, but there are
2 a number of reports from the UK High Commission,
3 a number of correspondence, exchanges with the Dominions
4 Office, Commonwealth Relations Office, so (Inaudible)
5 which is very valuable.

6 Q And the UK High Commission then, as the description
7 tells us, that is the UK, as it were, in Australia?

8 A Indeed. There is obviously no specific Scottish
9 component within that.

10 Q No, no. One name we will come across in the
11 documentation is the name, "Walter Garnett".

12 A Yes.

13 Q Was he attached to the UK High Commission?

14 A Yes he was. Can I just make sure we understand, there
15 is somebody else called, "Walter Garnett", in British
16 Columbia, a totally different beast. Walter Garnett
17 from the High Commission is an important figure in this
18 story in that he was one of the persons who did indeed
19 go to various of these institutions and report back to
20 the High Commission itself on what he had found, and
21 those reports were then frequently sent over to the
22 Dominions Office for their consideration.

23 I get the impression that in some respect Walter
24 Garnett was more sympathetic towards the Australian
25 point of view than, for example, the Home Office, but he

1 did write some very critical reports of some of the
2 things that he discovered as well, but the High
3 Commission, even the head of the High Commission also
4 carried out some inspections and we get some pretty
5 robust critiques of what he experienced, particularly in
6 the late stages of the Second World War. You need to
7 remember that because of the Second World War there had
8 been really kind of structural problems about obtaining
9 care. The war needs overrode a great deal.

10 Q Yes.

11 A And, therefore, children were being moved around -- no
12 children were going out but children were being moved
13 around, the army took over various places, so in the
14 immediate post war years a lot of repair work needed to
15 be done, the High Commission --

16 Q And I think was he the secretary to the British High
17 Commission?

18 A That's right.

19 Q Was that his title?

20 A Yes.

21 Q And then do we move, then, to the Australian side, and
22 we move up to the Australian Commonwealth Government
23 Department of Immigration.

24 A Yes. You can see the importance of that connection. It
25 is the UK High Commission really cannot ignore what the

1 Australian Commonwealth Government policies are, and the
2 Department of Immigration's role. It is vitally
3 important to always remember that what Australia is
4 desperately keen to do is to increase its white
5 population, and that had been reinforced by the attack
6 on -- Japanese attacks on Darwin. Churchill used to
7 refer to the Far East, the Australian Prime Minister
8 said, "There isn't a Far East, it is the near north", so
9 this concern about increasing the population of what is
10 a vast continent of Australia, that was one of the
11 really strong components in the Australian Commonwealth
12 Government's view of what the priorities of the country
13 were.

14 Now, let me not over-estimate this in terms of child
15 migration. They are mainly interested in adult
16 migration, and they are prepared to help with the
17 funding of that operation. Children, juveniles, are
18 a kind of subset, and therefore there had been absurd
19 talk by people in the Australian Commonwealth Government
20 of something like 50,000 war orphans desperately keen to
21 come to Australia, so you can see that the children are
22 tacked on to the concerns that Australia have to
23 increase its white population and discussions between UK
24 High Commission and Australian Commission would relate
25 to that. The subset of that is what relationship would

1 be -- was the concerns of child migration in particular.

2 Q And was the Australian Commonwealth Department of
3 Immigration also based in Canberra?

4 A Yes.

5 Q The name that I think we see in documents that may be
6 attached to the Australian Commonwealth Department of
7 Immigration is that of Tasman Heyes?

8 A Yes.

9 Q What was that person's role?

10 A My recollection of it, and I need to get the details on
11 this to be sure, but Tasman Heyes is important in trying
12 to ensure that, indeed, the migration processes went
13 ahead. He is concerned about -- I would really need to
14 double-check on this as to whether Heyes did have
15 concerns about what some of the child migrants were
16 experiencing, but broadly speaking his brief is to
17 encourage migration, and assist migration into
18 Australian, even of children and juveniles.

19 Q And then as we come down, then, from the Department of
20 Immigration we have a number of boxes, we have State
21 Migration Officers who were coming down to the state
22 level now?

23 A Yes. That's right. Yes. It's vitally important to
24 recognise that Australia is indeed a kind of federal
25 organisation in that the different states of Australia

1 have their own Governments, so the State Migration
2 Officer's representing, as this box says, the
3 Commonwealth Department of Immigration in that state are
4 important people, and the box below is the State Child
5 Welfare Department, so the State Migration Officers and
6 the State Child Welfare Departments would be intimately
7 involved or should have been intimately involved in the
8 acceptance and the care of children brought into the
9 country. The State Department of Immigration to the
10 right is simply another subset of that, so we've got the
11 State Migration Officers, the State Child Welfare
12 Department, the State Department of Immigration.

13 You can see in some respects that they have
14 different agendas. One would imagine that the State
15 Child Welfare Department is particularly preoccupied
16 with the care of child welfare, the care of children.
17 The Department of Immigration has a different kind of
18 priority.

19 Q Thank you. Perhaps while the chart is there, one name,
20 I think, we come across in the documents in connection
21 with the Home Office is the name, "Prestige".

22 A Yes. I mean, he is a senior civil servant in the Home
23 Office and therefore does get involved, interestingly,
24 in the child migrant experiences, so he is -- writes
25 a lot of the letters that go to and fro between the

1 Government departments.

2 MR MACAULAY: Now my Lady that's 11 o'clock, just about, and
3 we tend to have a break at the moment, Stephen, just to
4 give us all a rest and in particular to give you a rest.

5 LADY SMITH: I think that's a good point to stop. Stephen,
6 we will take a break for fifteen, twenty minutes just
7 now and then return to your evidence after that. Thank
8 you.

9 MR MACAULAY: Thank you very much indeed.

10 (10.58 am)

11 (A short break)

12 (11.19 am)

13 LADY SMITH: Stephen, hello again. Are you ready for us to
14 carry on?

15 A Yes indeed. Yes.

16 LADY SMITH: Thank you very much. I will revert to
17 Mr MacAulay then.

18 Mr MacAulay?

19 MR MACAULAY: My Lady.

20 Can I then begin by looking at the body of the
21 report, Stephen, and start looking at the introduction
22 which you will find on page 9 of the copy we are working
23 from? You have that in front of you?

24 A Yes. I do.

25 Q And you are setting out here, really, some introductory

1 remarks in relation to definitions, UK numbers, and you
2 also talk about terms of reference, but insofar as the
3 first paragraph of the report is concerned, I think what
4 you are drawing attention to there is the notion that
5 many thousands of children born in the United Kingdom
6 were sent overseas is a fairly recent thing that has
7 become -- into the public eye. Is that right?

8 A Yes. That is the case. There had been, before the
9 1860s, there had been some systems a bit like that but
10 on a much smaller scale. Indeed, if you go back far
11 enough you could even talk about the 17th century
12 children or young people at least being effectively
13 transported to American colonies, but the 1860s onwards
14 is really when this becomes a mainstream operation as
15 a form of childcare in a serious way.

16 LADY SMITH: Yes. I think you probably aren't aware of this
17 Stephen, if you go to a walk opposite the Isle of
18 Lismore in Argyllshire you will find information about
19 an entire clan, about 500 people, in the early 1600s
20 that moved out Nova Scotia. They were driven out. Not
21 unusual.

22 A Yes. Yes. Replaced by sheep I think is usually ...

23 LADY SMITH: Oh, I think it was to do with battling with
24 other clans. It was their way of surviving. They were
25 one of the few people who weren't complaining about

1 sheep being thought to be better than them.

2 MR MACAULAY: You tell us there in that very first paragraph
3 that the practice of migration has a long history, but
4 it became well-established in the 1860s leading to the
5 migration of perhaps 100,000 children by the 1960s.
6 That number, is that, in particular, looking to the
7 1800s and the early 1900s?

8 A Yes, pretty much. It should be said that trying to
9 verify that 100,000 is very, very difficult. It has
10 just become almost a kind of turn of phrase, really,
11 I think hence the word, "Perhaps". It has been bandied
12 about in the secondary literature but I have never found
13 some demonstration of where that calculation came from.
14 It is a very ballpark figure, isn't it. It means,
15 "A lot".

16 Q But what you do say at the end of that paragraph is that
17 the last cases of which we are aware of UK child
18 migrants being sent overseas unaccompanied by a parent
19 occurred in 1970.

20 A Yes.

21 Q And I will come back to that in a moment, but I just
22 want to look now at the boys and girls that we are
23 looking at here, what their backgrounds were. You touch
24 upon that in the next paragraph of your report.

25 A Yes.

1 Q In particular I think you say that, "These were referred
2 to as children in need or deprived of a normal life".
3 Was that the category or class of child that was being
4 targeted in this whole programme?

5 A Yes. That's right. Children in need and deprived -- or
6 deprived of a normal home life were the ones who were
7 most likely to be felt to be in need of some form of
8 assisted care. I think later on in this introduction
9 there is material on the demography. Many of the
10 children had no living parents or parents had split up
11 or were in some form of distress and were taken into
12 care.

13 Q Now, as you have already indicated, and you touch upon
14 this again in paragraph 1.3, numbers are uncertain. Of
15 the estimate, 100,000 UK child migrants, most were
16 despatched to Canada, about 90,000 between 1869 and
17 1924?

18 A Yes.

19 Q Is that right? And you give a figure of 329
20 specifically sent by Fairbridge to his farm school in
21 British Columbia. We know that as a particular figure?

22 A Yes.

23 Q And you go on to say:

24 "Around 6000 child migrants were sent to Australia
25 between 1912 and 1970 including 3170 from 1947 to 1965".

1 So post war, post Second World War, we are looking
2 at a figure a bit in excess of 3000 being sent to
3 Australia?

4 A That's correct. Yes. The figures become more certain
5 once there are funding arrangements involving the UK
6 Government, so they can be counted. It's when the
7 children have been sent without drawing upon funds from
8 the Empire Settlement Act, the Commonwealth Settlement
9 Act. It becomes more impressionistic.

10 Q But as you have already mentioned, into the 1960s the
11 child migration schemes were being run down.

12 A Yes, because of the lack of supply, really, is the
13 answer to why that is occurring. The organisations that
14 had been heavily involved in sending children overseas.
15 It's worth stressing the point, they are running out of
16 clients, as it were, and are resorting to desperate
17 measures to try to find more. Fairbridge, a lot can be
18 said about Fairbridge, was very -- changed the programme
19 in order to enable children to be sent accompanied with
20 one or eventually two parents, so you get the impression
21 that they are -- that their priority becomes continuing
22 to send children rather than, "We have solved the
23 problem of there being children in need".

24 Q And as you mentioned in a previous paragraph that the
25 last child migrant sent overseas departed as late as

1 1970?

2 A Yes.

3 Q And you say that that party included eight from
4 Scotland?

5 A Yes.

6 Q Can I just pick that up, and if I could put this
7 document on the screen, it's LEG-1. Could it be down as
8 LEG-8? Just bear with us while we are trying to get the
9 document up. (Pause)

10 Yes. I would like to go back to the first page of
11 the document. The Nuix number of the document is LEG-1.
12 Perhaps I can just read out what the document is. It's
13 produced by the Scottish Education Department. It's
14 social work in Scotland, 1970, and it was presented to
15 Parliament by the Secretary of State for Scotland, and
16 the page I want to take you to is page 10. Just bear
17 with me?

18 LADY SMITH: I think the document was on the screen before.

19 It looked as though it was that document. (Pause)

20 A That was pages in the report.

21 LADY SMITH: So this is an SED document produced shortly
22 after the Social Work Scotland Act 1968 had come into
23 effect, and that, of course, effected a sea change in
24 social work in Scotland and, in particular, the
25 circumstances in which children could be taken into care

1 under public law.

2 MR MACAULAY: It is the document, Stephen, I will come back
3 to you, that you make reference to in footnote 3 of your
4 report, and there you have referenced the document,
5 I think correctly, as LEG, with all the zeros, -1.

6 A Yes. Page 10.

7 LADY SMITH: Can you remember which paragraph it was
8 Mr MacAulay?

9 MR MACAULAY: I'm looking at at page 10, and it's paragraph
10 9 that I want to focus on.

11 LADY SMITH: Well, we seem to have paragraph 9. It's on the
12 left-hand side at the bottom.

13 MR MACAULAY: That is a different document.

14 A That's the report, I think.

15 Q Can I just read out to you -- you probably remember
16 what's in the document, Stephen -- this section of the
17 document is headed, "Emigration", and we read:

18 "During the year 1970 the Secretary of State gave
19 consent under section 23 of the Socialwork Act ..."

20 And that's the section that replaced the 1948 Act
21 dealing with consent:

22 "... to the emigration of eight children in the
23 care of the local authorities".

24 I think that's the reference you mention in footnote
25 3 of your report.

1 A Yes. These Scottish children were in local authority
2 care and their emigration required the consent of the
3 Secretary of State under section 17 of the Children Act
4 1938.

5 Q I just wanted to know, do we have any more information
6 other than what's in the social work -- the social work
7 in Scotland report of 1970? Because it appears that
8 eight Scottish children were required the Secretary of
9 State's consent to be migrated in 1970?

10 LADY SMITH: Yes, and so it reads "During the year 1970 the
11 Secretary of State gave consent under section 23". Is
12 that right?

13 MR MACAULAY: Yes. Section 23, I think you do mention
14 section 17 but section 23 had replaced section 17 of the
15 1948 Act in the sense that it applied not only to local
16 authorities but also to voluntary organisations, but
17 here we have --

18 A Yes.

19 Q -- but here we have children being migrated from local
20 authority care, and that always required the consent of
21 the Secretary of State.

22 A Correct.

23 Q And at this point in time in 1970, and I was wondering
24 whether or not you have any further insight into that,
25 other than what the -- the bald statement that's set out

1 in the 1970s report.

2 A I cannot bring anything to mind. I just think somehow
3 that this reference had been acquired and am I to
4 understand that it is -- sorry, I need my magnifying
5 glass on this. Right. So am I understanding that the
6 section 17 of the Children Act 1968 is not applicable
7 here because it has been replaced by later legislation?

8 Q Correct, and I wouldn't worry about that, Stephen, in
9 that the 19 ...

10 LADY SMITH: 1968 Act?

11 MR MACAULAY: ... the 1968 Act also extended the consent of
12 the Secretary of State to voluntary organisations.

13 A Right. Yes. That is somewhere else in this report.

14 Q It is, and you cover that.

15 A Yes.

16 Q But my purpose in drawing attention to this entry is
17 that it is late on in the migration programme --

18 A Yes.

19 Q -- 1970. It deals with eight Scottish children and I
20 just wondered whether or not you had any particular
21 insight from your researches as to whether -- who these
22 children were and where they went.

23 A I can't go beyond what is here identified. The fact --
24 basically I suppose the start point for this was trying
25 to find a termination date. 1970s was before the

1 last -- in some other documents -- as the last date by
2 which children probably were sent overseas. This would
3 seem to be confirming that but it is a Barnardo's
4 document, from I understand what we are saying, which
5 therefore -- is this the point -- that these could have
6 been children sent by Barnardo's but would be covered by
7 the 1968 Act rather than --

8 Q No, I think the statement in the report is that they
9 were migrated from local authority care.

10 A Is that right?

11 Q Let's not spend too much time on this, we will just take
12 note of the fact then, shall we, that in 1970 that there
13 was the emigration of eight children who were in the
14 care of local authorities, I think, to Australia, but
15 let's move on and look at the period beyond 1970 because
16 what you say in your report, Stephen, is that thereafter
17 that even childcare professionals became aware of the
18 history of child -- unaware of the history of child
19 migration?

20 A Yes.

21 Q But what you go on to say is that:

22 "... but surviving child migrants did not forget".

23 A No.

24 Q How did that then manifest itself?

25 A Can I take the first point first?

1 Q Yes?

2 A I think it is Margaret Humphreys who was a professional
3 social care worker in the local authority. She is
4 contacted by people who said that we had been children
5 and sent overseas, and Margaret Humphreys, a very
6 professional woman, was absolutely unaware at that time
7 that there was ever such a programme, so the whole
8 history seemed to have disappeared. It is Margaret
9 Humphreys and the Child Migrant Trust which she helped
10 to establish, which has done so much to bring it to
11 public attention, that there is this history and people
12 should know about this history, so that is, I think, the
13 first point that I would make on that matter. That's
14 the forgetting, then the remembering comes, really, post
15 1970, post 1980 in some respects, it is then you start
16 getting these later Inquiries, beginning in Western
17 Australia, the incomplete one, right through to the one
18 that we are now attending.

19 Q And I think what you say there is that it was really
20 former child migrants who came forward --

21 A Yes.

22 Q -- looking for their history?

23 A That's right.

24 Q And it is that which essentially has accelerated into
25 a process of different Inquiries?

1 A Yes, but it does owe a great deal to Margaret Humphreys'
2 work.

3 LADY SMITH: The point you make about -- sorry Stephen --
4 the point you make about Margaret Humphreys is very
5 interesting, whilst, off the top of my head, I can't
6 remember her exact age, I think I'm right in saying that
7 her period of studying would have been a period when
8 this last tract of child migration was still taking
9 place, or had just taken place, and so from what you
10 tell me I'm to take it that she certainly wasn't taught
11 about it, and she didn't learn about it as she was
12 growing up as a social worker in her early career.

13 A I think that's absolutely right. When someone got in
14 touch with her and said, "I was sent out as a child",
15 she had no knowledge whatsoever that that had ever been
16 a childcare practice. So it became an absolute
17 revelation, and she then did a great deal to publicise
18 this history because there was a legacy, and it was
19 things like the now elderly former child migrants
20 getting in touch with her saying, well, "I came from
21 this area, do you know anything about my past, have you
22 any documentation, who am I".

23 LADY SMITH: Yes.

24 MR MACAULAY: You also remind yourself as to what the terms
25 of reference for this Inquiry are, in particular in

1 relation to the definition of abuse, and it is a broader
2 definition than, for example, the England and Wales
3 Inquiry had.

4 A Yes. That's certainly the case. The England and Wales
5 Inquiry did acknowledge that alongside sexual abuse
6 there were other abuses, but obviously they focused
7 primarily, almost exclusively, upon children who
8 suffered sexual abuse, whereas the broader definition of
9 the Scottish Inquiry enables those other forms of abuse
10 to be recognised and aired, as it were, and I think
11 that's invaluable.

12 Q And the other point you make here is that this Inquiry
13 defines a child as a person under the age of 18, and,
14 therefore, that does bring into the equation the whole
15 aspect, the whole issue of juvenile migration?

16 A Exactly. Yes. Hence Margaret -- Marjory's own
17 contribution to this Inquiry, why it was necessary to
18 have special focus, a special report on -- the distance
19 between being a child and a juvenile is almost, when is
20 the school leaving age. The difference between 14, 15
21 and 16 don't suddenly alter because you are 15 or 16.

22 Q And I should point out, the school leaving age, I think
23 we heard this from Professor Harper yesterday, it
24 changed over time?

25 A Yes.

1 Q That, in itself, confuses the picture to some extent?

2 A It does, yes. Yes. I think what certainly Professor
3 Harper would have talked about was the different
4 organisations that specified that they were looking at
5 juveniles, because they were being really into jobs in
6 a way, you could see how the organisations catered
7 particularly for that older age group.

8 Q The point you make at paragraph 1.9, if I just pick up
9 on that and I think you perhaps alluded to this just
10 a moment ago, is that those who were juvenile migrants,
11 age of 14, could still encounter the same sort of
12 problems that perhaps a 13 year old would encounter?

13 A Absolutely, yes. I don't think -- to put it very
14 crudely the abusers don't care whether it's 13, 14 or
15 15.

16 Q And at 1.10 you say that it is important in order to
17 understand the culture which sustained the practice of
18 child migration until recent times to be -- to know
19 about its long history.

20 A Yes. I think that's -- that really is very important.
21 I mean, I know that the start date of 1930 is what was
22 envisaged for this Inquiry, but in this respect the
23 longer history of child migration explains the kind of
24 impetus that it has in the post 1930 world. People were
25 well-established as organisers of the sending of

1 children overseas before that when half a century has
2 gone by by the time you reach 1930 when child migrants
3 are being sent overseas. It's come into the kind of
4 whole childcare practice of many organisations.

5 Q And as you have already mentioned, complicating any
6 investigation into child migration from Scotland is the
7 difficulty of identifying, numbering and even defining
8 who these Scottish children were.

9 A Yes.

10 Q But in comparison to all those migrated, so far as the
11 Scottish contribution to migration is concerned,
12 nevertheless it is a relatively small percentage of the
13 total?

14 A Yes. That was the result of the figures that one was
15 trying to rely upon or having to make estimates about,
16 and on the whole erring on the side of increasing the
17 numbers, but the percentages seem to be quite low
18 compared with what was happening in England and Wales.

19 Q But in relation to --

20 A Here I'm talking about in relation to the size of
21 Scotland's contribution to the UK population, so you
22 have got the UK population, Scotland's population and
23 the number of child migrants from Scotland is less than
24 was going from the whole of the UK. There is good
25 reason to explain that, which I think we will go

1 through.

2 Q Can I move on, then, to section 2 of the report where
3 you deal with the contexts of Empire demography and
4 Scotland within the UK. Can you give us an overview of
5 what you are seeking to present in this section of the
6 report?

7 A The context of Empire is very, very important here.
8 There is now less understanding about how central Empire
9 was to the kind of culture of the United Kingdom
10 broadly, therefore, that does include Scotland.

11 Can I just add a little bit of personal data to this
12 which is not in the report? I went to a state primary
13 school in the 1950s. It was a large one, and it was
14 divided into four houses, and the houses were Australia,
15 Canada, New Zealand and South Africa, so the assumption
16 of that primary school when it was established was that
17 Empire, Commonwealth was part of the culture in which
18 young people in the UK were being brought up, and you
19 can see that, then, in terms of, well, the kind of trade
20 that the UK was dealing with (Inaudible) global
21 distribution of the army, the navy, the airforce, the
22 jobs people were having the service, the Colonial
23 Service, particularly like, as my colleague (Inaudible)
24 McKenzie, Exeter University, now back in his home
25 country talked about Glasgow as the second city of the

1 Empire, and then when one contemplates the number of UK
2 emigrants crossing the Atlantic to the USA, but then the
3 vast numbers going to the white -- as they always call
4 it -- the white dominions, Canada, Australia and South
5 Africa and you can see the figures there for the UK.
6 These are hard data from the census returns, and,
7 therefore, it's important to stress the point that this
8 was not, as I say here, not emigrations regarded as
9 overseas settlement, moving from one part of Britain to
10 another part of Britain, and it is in the popular
11 culture widely. I mentioned my own school, (Inaudible)
12 history, the maps would always have UK in the centre
13 surrounded by red bits of the British Empire, and
14 broadly popular culture was very Empire centric in that
15 sense, so it was not regarded as going abroad when you
16 moved as an adult or indeed, it has been said, even as
17 a child. You were merely moving from one part of
18 Britain to another part of the greater British world.

19 Q And you conclude this section by saying in that context:

20 "Therefore, it was instinctive for voluntary
21 organisations and politicians at home and overseas to
22 market the resettlement overseas of children in need as
23 politically as well as philanthropically of self-evident
24 value"?

25 A Yes indeed. Yes. On the face of it, if you were a poor

1 child in a slum in an inner Scottish city and was
2 presented with an alternative which was fresh air,
3 sunshine and job opportunities, career opportunities,
4 all sorts of things, and the organisers are selling you
5 this alternative vision, it seems attractive. You are
6 not going abroad, and it is a boat ride away.

7 Q Did attitudes begin to change then?

8 A Sorry, I missed that.

9 Q Did attitudes start to change in relation to people from
10 the United Kingdom and Scotland in particular leaving
11 the country and going away?

12 A Yes. Yes. You can see how, when I was looking at these
13 reports on the practice of migration, I kept coming upon
14 these subsets of data on the children. They are there
15 in the report. They are younger versions of the adult
16 migration, and we also know that the adults did, indeed,
17 return back to the United Kingdom, so it's not
18 difficult, it seemed, in going out or coming back.

19 Q But what you tell us in the report at 2.2 is that post
20 the Second World War there were concerns about the
21 haemorrhaging of, in particular, the Scottish
22 population.

23 A Yes. I think that comes somewhat later in the story but
24 it is very noticeable, the Scottish depopulation, as it
25 seemed, was occurring. I think it was a term, Professor

1 Harper pointed out to me, how many people from Scotland
2 left. It was haemorrhaging population in the same way
3 in which Ireland and apparently Norway was also losing
4 population and that was causing concern. I mean, it
5 tended inevitably to be younger people, not necessarily
6 children and juveniles, but younger adults were more
7 likely to migrate overseas, and that depopulates
8 Scotland of its potential workforce.

9 Q But on the other side of the coin, if we look at
10 Australia, the Australian perspective, was there an
11 anxiety to populate the country?

12 A Absolutely. Yes. I mean, I think we have difficulty in
13 the tiny British Isles just to visualise just how huge
14 a continent Australia is, and the cities of Australia
15 are really modest in size, but there seemed to be vast
16 opportunities overseas for adults to migrate and to
17 escape the cities of the UK and to have a more
18 productive and enjoyable life in the sunshine down
19 south. So I think the anxiety is very noticeable and it
20 is massively (Inaudible) by the Australian immigration
21 authorities. Huge amount of problem because they are
22 out to recruit white British stock. The shock of the
23 Second World War, the bombing of Darwin, makes this an
24 increasing imperative. "If we do not populate Australia
25 we will lose it".

1 Q And you, in paragraph 2.3, you point to a number of
2 50,000, open inverted commas, "Orphans", as being
3 a target for the repopulation of Australia. Was that
4 the figure that was being targeted?

5 A This was, frankly, just a kind of wild statement made by
6 an Australian minister that there would be 50,000 --
7 note the word, "Orphans" -- because the UK had been
8 bombed, there must be lots of orphans left behind and
9 they would be desperately keen to be resettled somewhere
10 else. The 50,000 is nowhere near a credible figure.
11 I think I could just add to this in case we forget the
12 point, it is sometimes said that these children would
13 follow that they were orphans, not because they -- it
14 was certain that they had no living parents, but because
15 if you were a child migrant you were likely to be an
16 orphan because that's what the Australian Government had
17 been telling the Australian population, that the
18 children would be coming would be some of the 50,000
19 orphans, and it is very unfortunate because being told
20 that you are an orphan you are aware that you have
21 a parent, or parents, back in the UK, could be very
22 upsetting.

23 Q And as it turned out, I think from the figures you have
24 pulled together in contrast to the 50,000 only about
25 3,200 --

1 A Yes. Quite.

2 Q -- actually went.

3 A Yes. Yes.

4 Q When you say there was a pull as well as a push, the
5 pull is from Australia, trying to get people in.

6 A Yes.

7 Q And the push --

8 A It is mainly Australian post war -- what we know is that
9 far more children went to Canada, but that's a different
10 kind of exercise, as it were.

11 Q And in paragraph 2.4 you draw attention to the relevance
12 of the birth rates and early deaths?

13 A Yes.

14 Q And how that fed into the whole picture. Can you
15 elaborate upon that?

16 A Yes. Birth rates tended to be generally high, compared
17 with what they are today, and, therefore, you had a lot
18 of children, but you also had a lot of adults dying
19 young, far more percentage-wise than you have today, so
20 if you have a high birth rate and early deaths of
21 parents then you have a lot of children who are not
22 living with their natural born parents. They are in
23 need of some form of care, and you can see that as
24 a percentage of the population. I was quite stunned
25 when I saw those figures that children under 14 made up

1 38 per cent of the population of Scotland in 1821 and it
2 doesn't really start to diminish until well into the
3 20th century.

4 Q Can we then look at the next main section which focuses
5 on local authorities and, in particular, historically
6 the Poor Law and childcare acts, and you provide in this
7 section a history of the Poor Law in Scotland in
8 particular beginning at 3.3, the Poor Law of Scotland
9 Act in 1845, and you trace the history of that as it
10 develops, but turning on to page 3.4, to paragraph 3.4,
11 I think what you tell us is that there is really little
12 evidence to suggest that children in care of Poor Law
13 authorities in Scotland had ever been much at risk of
14 overseas migration.

15 A That's correct.

16 Q Is that the position? You say, moving on, that there is
17 no reference to children in Poor Law care in Scotland
18 being sent overseas, has been detected in the 49 annual
19 reports of the Board of Supervision for Relief of the
20 Poor following its establishment in 1845. Is that
21 correct?

22 A It was a very wearisome exercise going through all of
23 those reports but immensely rewarding in the sense that
24 you came up with that kind of conclusion.

25 Q So if you are talking about 49 annual reports from 1845

1 that takes you up to about the late 1894 or thereabouts.

2 A Yes. That's right. I think it makes very firmly the
3 point that the relief of the poor in Scotland, the
4 organisations responsible for the relief of the poor in
5 Scotland around the different parishes are simply not
6 alert to it or aware of it or interested in it, whereas
7 we know that in England and Wales there was a much
8 stronger interest earlier on. Not as much by the local
9 authorities but by --

10 Q I mean, you do point to examples in the early 1900s of
11 children being sent to Canada and towards the bottom of
12 page 3.5 there is some evidence of children being sent
13 to Canada, but that was via Quarriers?

14 A That's right. It is the voluntary society's role of the
15 local authorities which become interested in this
16 process, and then we are into the whole history of
17 voluntary organisations' involvement in child migration
18 which really dominates the whole story.

19 Q If we turn to paragraph 3.8, you said there the fact
20 that you have had an exhaustive examination of local
21 authority records, or rather there has been an
22 exhaustive examination of local authority records in
23 response to the Section 21 requests, and that these
24 responses really suggest that local authorities were
25 keen to support the migration overseas of children for

1 whom they had been made responsible, and you draw
2 attention to instances where Edinburgh Parish Council,
3 for example, had rejected proposals from the Salvation
4 Army and Fairbridge to send children to Canada and
5 Australia.

6 A Sorry, I'm reading this, the question rarely suggests
7 that local authorities were keen to support the
8 migration overseas.

9 LADY SMITH: Sorry, Stephen you said it was rarely --

10 A That the local authority records rarely suggest the
11 local authorities were keen.

12 LADY SMITH: Yes. The picture at that stage was much more
13 of the voluntary societies being the ones who were
14 active in sending children overseas, isn't it.

15 A Yes. The data that follows then indicates -- kind of
16 confirms that statement, that it is very rare for
17 Scottish local authority to be pushing the idea of
18 sending children in their care overseas, just as,
19 I think, elsewhere in the UK.

20 MR MACAULAY: If I can try and look at some of the material
21 you relied upon, let's see if we can get this on the
22 screen. It's EDI.001.001.8256.

23 LADY SMITH: Just while that's being done, Stephen, I'm just
24 thinking aloud, of course we know in this Inquiry that
25 in the case of some of the voluntary societies children

1 in their homes were being funded by local authorities,
2 so local authorities were discharging their
3 responsibilities in relation to children by handing them
4 to religious orders, for example, or Quarriers, so it
5 may be that it's not that local authorities were against
6 children being migrated but they would tolerate what was
7 being done by the voluntary societies once they had
8 handed the children over.

9 A Right. That is interesting, yes. Really I think you
10 have stumbled upon that particular connection. What
11 I was reading in the minutes of the local authorities
12 was dismissing the idea of child migrants. If they were
13 sent to Quarriers, for instance, whether they knew that
14 those children could be -- Quarriers' admissions would
15 seem to suggest that if you were sent to a Quarriers
16 home you were liable at least to be sent overseas.

17 LADY SMITH: Yes. Yes.

18 MR MACAULAY: I'm looking here, Stephen, at a document, it's
19 the minutes from the Parish Council of the City Parish
20 of Edinburgh and it is for September 1911, and it would
21 appear, and you may recollect this from looking at the
22 records that that emigration organisations, or migration
23 organisations did circulate local authorities --

24 A Yes.

25 Q -- inviting them to consider migrating children.

1 A Yes.

2 Q -- and at EDI.001.001.8257 in the local authority
3 records there is a letter from David Lamb who was the
4 commissioner for the Salvation Army --

5 A Yes.

6 Q -- inviting the local authority to consider the
7 migration of children, and I think you may recollect
8 looking at that material.

9 A Indeed, yes. It is very much what one has come to
10 expect, that he -- as it were, the broadly defined
11 voluntary societies were interested in recruiting
12 children to send overseas, and that meant asking local
13 authorities to contribute.

14 Q I'm reading at EDI.001.001.8258 that having considered
15 that request, that having regard to the fact that past
16 experience of the boarding out system of pauper children
17 under the control and supervision of the Parish Council
18 did not justify any new departure at the time, no action
19 to be taken?

20 A Right.

21 Q Did you see that in the material, that that tended to be
22 the reaction of local authorities to the --

23 A That was the case. I should say in the UK the only
24 organisation that we ever studied in any detail was
25 the -- was in Cornwall where there had been somebody who

1 had worked for Fairbridge and who had become the
2 children's officer and she was pushing very hard to send
3 children to Australia, and I counted nothing resembling
4 that in the Scotland case.

5 Q Let's see if we can get this on the screen. It's
6 DGC-0010010150. If I look to paragraph 3.8 that we've
7 been looking at and move on to the next page, there is
8 a reference to, "Our Parish Council", that did arrange
9 to transfer two brothers from its poor house to
10 Quarriers, three times, 1914, '15 and '16 Quarriers
11 sought consent to send them to Canada and three times
12 consent was not granted. Is that right? That's what
13 you took from the records.

14 A Yes.

15 Q So although Quarriers wanted to have the children
16 migrated, the local authority refused to consent.

17 A Yes. I think that partly answers the issue that was
18 raised before as to whether if you -- as a local
19 authority you put a child in Quarriers' care, whether,
20 because of Quarriers' admission strategy, effectively
21 say if a child comes to Quarriers we have the right to
22 send them overseas, presumably the local authorities set
23 that aside, that Quarriers had to actually consult the
24 local authorities to see whether it could send the child
25 overseas. In this case it did not, so the local

1 authority retained the data.

2 LADY SMITH: I'm not sure if it always worked like that,
3 Stephen. It may have depended on the shifts in
4 legislation or the basis on which the children had been
5 placed, but that certainly looks like an example that
6 the Parish Council were being asked to consent in that
7 case.

8 A Yes.

9 MR MACAULAY: In this section of the report you give some
10 further examples of interaction with local authorities
11 and in general the attitude of the local authorities
12 being one of not being hugely enthusiastic with the
13 whole policy of migration.

14 A Yes. I'm not aware of any kind of prohibition on
15 authorities that disallow them from sending children
16 overseas, but it would depend, I would assume, then, on
17 if children were transferred from the local authority
18 into care into a charity care as to how -- what the
19 connection is between the charity and the local
20 authority. I mean, I don't know whether -- the
21 impression I'm getting is that not all the local
22 authorities were consulted as to what might subsequent
23 happen to the children that they had placed with the
24 voluntary home.

25 Q Then if I move on to paragraph 3.22 on page 19 of your

1 report, you have essentially the conclusion that you
2 take from your analysis of the material under this
3 particular section, and generally can you tell us what
4 conclusion you arrive at under this general heading of,
5 "Local authorities"?

6 A Yes. The general conclusion is that they opted for, as
7 it says, for boarding out and fostering. I do go on to
8 say in there, in that section, that there were certain
9 kind of advantages in that for Scotland. I'm thinking
10 it was alerting people to the kind of -- children in
11 local authority care might, indeed, instead, be boarded
12 out, fostered, in areas that needed, crudely speaking,
13 cheap labour. They were transferred to rural areas. It
14 may sound like a better life than the city, but they
15 were to be working.

16 LADY SMITH: There is a similarity -- I think you are right,
17 Stephen. There was a similarity in thinking, although
18 the weather and conditions that were on offer was rather
19 different if you were taking a child out of Glasgow and
20 sending them to be Highlands to be boarded out at
21 a croft where they would have to work on the croft farm
22 there, but it could well be that the thinking was, "Get
23 the child out of the city", and we send them to the
24 country, similar to child migrants being sent away on
25 the basis they were going to be taken out of poor

1 conditions here and sent to oranges and sunshine on the
2 other side of the world.

3 A Indeed. I think it is exactly the case. This is kind
4 of an easier exercise to send them out into the rural
5 areas of Scotland -- more proximate, in some respects,
6 to where these children had previously been accommodated
7 in cities. It is less expensive and you can dispose of
8 them in that particular fashion. I don't think the fact
9 that children were being fostered out necessarily meant
10 that they had better lives.

11 I mean, I think also there is the -- somewhere in
12 there there is children who have been sent to Gaelic
13 speaking communities, the Highlands and the Islands,
14 which must have been very strange.

15 Q And was the attitude of the local authorities generally,
16 then, criticised?

17 A Sorry, were they criticised for the --

18 Q Yes. At 3.19 on page 17 I think what you say is that it
19 is however evident that even in aggregate the numbers
20 were small, that's in relation to migration. "As in
21 England and Wales few local authority children officers
22 in Scotland were affected by child migration as a
23 childcare practice and for this reluctance they were
24 strongly criticised by child migration enthusiasts,
25 including the Overseas Migration Board". Is that the

1 position?

2 A That's right. I think there is such commitment by the
3 voluntary societies involved in child migration and,
4 indeed, in some sections of the bureaucracy in the UK
5 Government that disregard going to Australia as a far
6 more valuable exercise than sending children out into
7 rural areas of Scotland.

8 MR MACAULAY: Now my Lady, I think my Lady was thinking of
9 having a short break.

10 LADY SMITH: Stephen, we will just take a short break at
11 this point and then carry on to the lunch break after
12 that. Just five minutes.

13 (12.09 pm)

14 (A short break)

15 (12.20 pm)

16 LADY SMITH: Hello again Stephen. Are you ready for us to
17 carry on?

18 A Yes indeed.

19 LADY SMITH: Mr MacAulay.

20 MR MACAULAY: Before leaving the position of local
21 authorities I want to put a newspaper article in front
22 of you taken from the Aberdeen Press and Journal on
23 Friday, February 25th, 1938. This is at ABN.001.001.1250.
24 I think you probably have that on your screen now, do
25 you?

1 A It is on screen now and I have seen this.

2 Q Yes. Let me just look at it, because it is
3 a contemporaneous account as to what attitudes were.
4 The heading is, "Scottish needs -- a reminder, training
5 for poor children", and we read:

6 "Public assistance officers and representatives of
7 local authorities in the north east heard yesterday of
8 the results which have been achieved among hundreds of
9 poor children from this country by the Fairbridge Farm
10 Schools in Australia and Canada".

11 At this time in Canada, are we looking at British
12 Columbia, in particular?

13 A Yes. It is the only one. Fairbridge only has one place
14 in British Columbia.

15 Q And we read:

16 "Aberdeenshire has already sent children to these
17 schools and an assurance was given on behalf of Aberdeen
18 City that the possibilities of the scheme will be
19 thoroughly explored".

20 Then we look at the debate:

21 "Mr Gordon Green, General Secretary of the Schools,
22 Miss Harford, Travelling Secretary, Captain Fenwick, Field
23 Secretary, and Mr W J Stables, Australia House, came
24 from London to explain the work that is being done and
25 the opportunities that are waiting to be grasped in the

1 dominions".

2 We will see what they did:

3 "With the aid of a moving film, they showed the
4 social work which is being established, how children are
5 taken from our slums, given a new life in Australia or
6 Canada and how they are trained, the boys to become
7 farmers and the girls to be homemakers, and finally how
8 they are placed in suitable employment".

9 So that's the advert, so to speak, for these places?

10 A That's the sales pitch, isn't it.

11 Q Yes, and it is interesting, the term used for the boys
12 is, "Farmers", and I think we heard yesterday from
13 Professor Harper that, really, in many instances they
14 became farm labourers?

15 A Yes.

16 Q And girls were domestic assistants rather than
17 so-called, "Homemakers", as we see here. Is that right?

18 A Yes. Absolutely right.

19 Q But then we hear from Mr George Reid, Chief Public
20 Assistance Officer in Aberdeen, who presided, said
21 Scotland was proud of its boarding out system:

22 "No local authority in this part of the country
23 believed in keeping normal children in an institution
24 for any length of time but boarded them out in suitable
25 arrangements. At the same time, however, he pointed out

1 that the Fairbridge Farm Schools had very strong claims.
2 Mr J W Gordon, Chief Public Assistance Officer from
3 Banffshire, reminded the gathering that Scotland has the
4 serious question of depopulation of the land. We had to
5 see that as many boarded-out children as possible took
6 up farming in this country before considering the other
7 parts of the Empire".

8 So there you have a certain tension between those
9 who are promoting migration and the stance being taken
10 by this particular local authority in relation to its
11 own interests in keeping the children in the country.

12 A Indeed, yes. It is a very stark distinction, isn't it,
13 between the overseas Empire or the rural areas of
14 Scotland. I can well imagine why people in Scotland
15 would be interested in maintaining a labour force --
16 young, active, growing up labour force in Scotland.

17 LADY SMITH: Yes, well, Stephen, that's all about the
18 interests of the country, isn't it, and what's not
19 mentioned at all is whether this is the best thing for
20 the individual children.

21 A Right. Yes. These are very broad distinctions. It
22 would be better in Canada, you would be better in rural
23 Scotland.

24 LADY SMITH: And indeed, just because a child is in need in
25 a city doesn't mean that the right thing for that child

1 and that child's future is that they become a farmer,
2 whether in the Highlands of Scotland or in a Fairbridge
3 Farm abroad.

4 A And the chances of them becoming a farmer rather than
5 a farm labourer are remote.

6 LADY SMITH: Well, indeed, yes.

7 A They both have a kind of a self interest in mind.
8 Fairbridge clearly has a self interest as an institution
9 committed to settlement overseas of young people, versus
10 the one that sees the priority being to provide labour
11 force in rural Scotland.

12 MR MACAULAY: And the other extract from a newspaper I want
13 to put to you again from the Press and Journal, and it
14 is for Wednesday, 6 April, 1938. I can't get it on the
15 screen, I will give the number. It's ABN.001.001.1251.
16 I think you will recognise this when I read it out to
17 you, and the heading is, "No Banffshire Emigration", and
18 "Children to Stay at Home". You remember this document?

19 A Oh absolutely. The contrast between Fairbridge in
20 Aberdeen, as it were, and then the Banffshire response,
21 it is very, very striking.

22 Q But the heading there -- the subheading is, "Dominion
23 scheme turned down":

24 "On the ground that many farms in Banffshire were
25 under staffed and that work could be found for about

1 a thousand more farm servants than there were at
2 present, Banffshire public assistance committee meeting
3 at Buckie yesterday decided not to entertain the policy
4 of sending children from the county to Fairbridge Farm
5 Schools in Australia and Canada".

6 Then there is the quote, and this is maybe what you
7 remember:

8 "It is a tragic blot on our civilisation", declared
9 the chairman, Provost Falconer, "That children from this
10 country should be sent to other countries", and he goes
11 on to say, "It is the duty of Britain to do something
12 for British children. It is sad to think that children
13 who are unhappily placed should be sent to farm service,
14 whatever their beat may be. Aberdeen county said it was
15 sending children under the scheme", and he went on:

16 "He admitted that it was an easy way of Banffshire
17 relieving itself of its obligations but were they to
18 part with their finest children, were every child
19 accepted under the Fairbridge scheme, had to be
20 physically fit, for instance, he would not think of
21 sending a child of [can't read that] parents to the
22 land".

23 I think the article ends:

24 "Mr John Hall, McDuff said most of the farms were at
25 present under staffed. Baillie Cowie, Buckie said it would be

1 ridiculous for them to countenance such a policy which
2 would mean sending the best of the material out of the
3 county".

4 So that, again, is a fairly strong approach taken
5 by --

6 A It is. Yes. That's right. There is a kind of local
7 Scottish self interest, you know, the labour force is
8 needed for (Inaudible) there is no indication there that
9 these children will become farmers. They are being
10 acquired as farm labourers, and it has got the Canadian
11 alternative is the unknown, really.

12 Q Very well then. Can we then move on to the section
13 I was about to move on to before the break, and that is
14 section 4 which is looking at voluntary societies and
15 child migration and the motives of these particular
16 organisations, and your discussion on this topic begins
17 at page 20 of the report.

18 Now, you draw attention to the fact that
19 a substantial number of children in need were being
20 catered for in a different -- a variety of different
21 voluntary institutions. Is that right?

22 A That's right. Yes.

23 Q And you say:

24 "Most of these institutions were small, but two in
25 particular were large, and that was Quarriers homes in

1 Bridge of Weir and the Aberlour orphanage in Strathspey"?

2 A Yes.

3 Q And you give some numbers for the children accommodated
4 by these different establishments. You go on to say how
5 voluntary childcare providers in Scotland were affected
6 by a wave of philanthropic -- across the UK which began
7 early in the 19th century, and we've touched upon this
8 already. Can you perhaps just give us a sense of that,
9 Stephen?

10 A Yes. I think there is a pre history, as it were.
11 Remember that the original starting point for the
12 Inquiry is 1930, but to understand 1930 you do need to
13 understand what had been happening pre-1930 because
14 there is a trajectory of people setting up organisations
15 whose effectively only purpose is to relocate supposedly
16 children in need to better opportunities overseas, and,
17 you know, I have listed here, the very first one I have
18 become aware of was Captain Edward Brenton who was very
19 early in the 19th century, founded the Children's Friend
20 Society, and then there is a whole stream of them that
21 follow up, particularly the ones that are concerned with
22 sending children to Canada as farm workers and as
23 domestic servants, and that's the Annie MacPherson and
24 Maria Rye, especially, and so it goes on. All the
25 churches are involved, as you can see, the Church of

1 England, very striking. The National Children's Homes
2 is the Methodist organisation. So the association
3 between religion and these voluntary organisations is
4 very obvious.

5 Q In the next paragraph I think you make mention of those
6 who engage in child migration and set up branches in
7 Scotland, we should note that Barnardo's did not
8 initially have an establishment in Scotland?

9 A That's right. Yes.

10 Q But I think you suspect that children from Scotland
11 would have been migrated by Barnardo's prior to the
12 establishment of a Barnardo's in Scotland in 1940.

13 A Yes. I mean, I think some children would be sent out of
14 Barnardo's places. I mean, what you see in that
15 paragraph, 4.3, is that Barnardo's did set up an office,
16 as it were, but met the opposition of Quarriers and that
17 closed, so you have to wait until 1940 before there is
18 a Barnardo's branch in place but prior to that then
19 children would have been sent to Barnardo's south of the
20 border.

21 Q If we look at the newspaper cutting that you make
22 mention of in one of your footnotes, this is
23 INQ.001.001.8570, and you will have it on the screen in
24 front of you, and this is taken from The Times for the
25 date of 27 March, 1889, and the heading we see is,

1 "Young Emigrants to Canada". Do you see that on your
2 screen?

3 A Indeed. Yes.

4 Q If we could just read that:

5 "The large gymnasium at Dr Barnardo's home at
6 Stepney was the scene of an interesting meeting
7 yesterday afternoon when 226 trained boys and lads
8 selected from 3000 inmates of the homes made their last
9 public appearance prior to sailing for Canada tomorrow.
10 The chairman, Mr James Rankin MP spoke from personal
11 knowledge of the successful future certainly awaiting
12 any boy of up right and honest character and industrial
13 habits in the Dominion. Dr Barnardo supplied some
14 interesting details of the composition of the party, the
15 first of this year, from which it appeared that not
16 fewer than 130 of the boys had been rescued, originally
17 from a street life, and that among the party there were
18 representatives of Guernsey, Russia, Germany, India as
19 well as 36 counties of England, Scotland and Ireland".

20 Do we see here a reference to there being a Scottish
21 presence in this group?

22 A Yes.

23 LADY SMITH: And that was before Barnardo's had opened any
24 home in Scotland.

25 A That's right.

1 LADY SMITH: I think it was about three years later they
2 briefly established a home in Scotland. It then closed
3 down. Something like that.

4 A Yes. That's right. This is when Quarriers seemed to
5 have kicked up a fuss at Barnardo's preference.

6 LADY SMITH: Yes, but certainly at this point, 1889,
7 Barnardo's didn't have a home in Scotland.

8 A That's right. Yes.

9 MR MACAULAY: We can perhaps read on --

10 A I think just to say here is the difficulty, because
11 there is reference, yes, to children from Scotland, but
12 whether they had been living in Scotland is an entirely
13 other matter. They may well have been Scottish by
14 ancestry, and come south, or their parents had brought
15 them south yonks ago, really, but I think it's just
16 indicated in this report in The Times that it was a kind
17 of UK-wide operation.

18 Q Yes. Just, perhaps, to finish the article, because it
19 does, I think, reflect some of the evidence that
20 Professor Harper gave yesterday, it goes on to say:

21 "The older members are destined for the industrial
22 farm of 9000 acres now being developed in connection
23 with the homes in Manitoba and upon which 200 young
24 settlers will ultimately be placed. The younger boys
25 will immediately on landing be placed out into

1 situations already secured. The emigrants presented an
2 admirably healthy appearance, 4000 boys and girls have
3 now been emigrated by the homes to Canada and other
4 British colonies, and the failures amongst these have
5 not exceeded half a percent".

6 A Yes. Quite. Who's counting.

7 Q Now, that's a reference to Barnardo's. Can we just look
8 upon the other organisations that were involved in child
9 migration, and, in particular, having regard to Scotland
10 I think you discussed these in this particular section.
11 can you help me with that? Can you elaborate upon those
12 that you were able to identify who were particularly
13 involved in child migration?

14 A Sorry, missed that.

15 Q Sorry.

16 A The organisations?

17 Q Yes, that were involved in child migrations, and I have
18 particular focus on Scotland.

19 A Well, there is a considerable list of them.

20 Q Well, for example, the Salvation Army, I think you
21 mention.

22 A Oh yes. Sorry, I'm slightly at a loss because this --
23 I think we probably need to refer back, don't we, to the
24 kind of MacPherson and Rye beginning of all this,
25 because these are the real pioneers in the middle of the

1 late 19th century onwards, are pioneering a lot of these
2 operations and they are drawing a lot of children out of
3 England and Wales, and as far as I'm aware,
4 increasingly, also, from Scotland.

5 Q But in this particular --

6 A (Inaudible).

7 Q In this particular paragraph you mentioned, for example,
8 that the Sisters of Nazareth were involved in child
9 migration?

10 A Yes. So if we are talking about kind of Catholic
11 organisations, Sisters of Nazareth are a major operator,
12 and not just in Scotland but remember there is this --
13 there is a Sisters of Nazareth place (Inaudible).

14 NEW SPEAKER: Professor, we've just been disconnected in the
15 hearings room. We will be connected back in a minute.

16 A Okay. (Pause).

17 MR MACAULAY: Can you hear me now Stephen?

18 A Yes.

19 Q You are back with us. Perhaps if I took you to
20 paragraph 4.4 on page 22 of the report, and there you
21 are looking at organisations with specific Scottish
22 origins --

23 A Yes.

24 Q -- involved in child migration, and you first mentioned
25 Quarriers --

1 A That's right.

2 Q -- who were a major player.

3 A Yes.

4 Q You also mentioned the Aberlour orphanage?

5 A Yes.

6 Q Let's look at Whinwell Children's Home in Stirling
7 founded by Ms Annie Crow.

8 A Oh, is it, "Wine-well"? I've been pronouncing it all
9 these years, "Win-Well", but it's, "Wine-well".

10 Q And that may be the way to do it.

11 LADY SMITH: It may be, "Win-well". I think you are
12 probably right, Stephen.

13 A I just like the idea of wine in a well!

14 LADY SMITH: Oh, we do plenty of that up here as well!

15 MR MACAULAY: So, then, they were involved in child
16 migration and, of course, you mentioned, I think,
17 Ms Emma Stirling as well.

18 A Yes.

19 Q You have mentioned the fact that a lot of this work was
20 driven by philanthropic motivations, but religious
21 factors also played a part?

22 A Oh yes.

23 Q Can you just explain that?

24 A As far as I am aware, all the organisations involved in
25 child migration had a kind of Christian element within

1 it, some much more obviously so than others. Fairbridge
2 would certainly regard itself as being a Christian
3 organisation, albeit one that has an other objective as
4 well, which is kind of the development of Empire, but it
5 becomes prominent in all the ones that are operating in
6 Scotland that they have very overt connection to one or
7 other form of Scottish church, and down in 4.5 you can
8 see them being named there. They are all connected, all
9 the leaders of the Scottish ones that are there
10 identified have got connections to the Scottish
11 Episcopal Church, the Church of Scotland, Presbyterian
12 Churches and so on, right down to the very particulars
13 like William Gordon Blakey, member of the Free Church of
14 Scotland and so on, and the Roman Catholic hierarchy
15 obviously so, and it's important to remember that the
16 Roman Catholic hierarchy had been really quite
17 recently -- re-entered Scotland, as it were, with the
18 Archdiocese, so there is a strong Catholic element
19 within Scotland.

20 Q And was there a desire on the part of the Catholic
21 Church to ensure that Catholic children were nurtured in
22 the Catholic faith?

23 A Oh I think that is very strong indeed. I think if --
24 there is a very strong view that if children who had any
25 kind of Catholic connections are allowed to be absorbed

1 by any other institution then that would be a loss to
2 the Catholic religion. It goes on beyond that because
3 there is a strong desire in the Catholic Church in
4 Australia, I think more obviously so than in Canada, to
5 increase the Catholic composition of Australia, with
6 some very prominent people in high office in Australia
7 very keen included, so you have at once I think here
8 a combination of a kind of childcare objective with
9 a religious objective as well.

10 Q So do I take it, and I think this is what you set out in
11 4.6, that the fact that child migration schemes to
12 Canada were initially established by protestant
13 individuals, or organisations also raised concerns that
14 these schemes would take insufficient care to ensure
15 that Catholic children were placed in Catholic
16 households?

17 A Absolutely. Yes. It is a very prominent part of the
18 Catholic mission which leads to a kind of Anglican
19 response in the England and Wales context to ensure that
20 children who had any connection with the Roman Catholic
21 faith should be preserved within the Roman Catholic
22 faith, and if that is best done by sending some of them
23 overseas to Australia then that is the way forward. It
24 is a combination of both a kind of philanthropic
25 objective and religious objective.

1 Q You have provided us with a quote in that particular
2 paragraph that the Sisters of Nazareth in Scotland also
3 favoured sending girls -- to Australia girls and boys in
4 their care, explicitly to assist, "The spread of
5 Catholicity".

6 A Yes. Exactly.

7 Q And you have taken that from, I think, the Sisters of
8 Nazareth chapter book minutes?

9 A Yes.

10 Q And you give a reference to that?

11 A Yes. You can also see lower down in that paragraph the
12 organisations that have Catholic connections, the
13 Catholic Emigration Association and the Catholic Council
14 for British Over-Seas Settlement and so on, so -- the
15 Catholic Child Welfare Council too. There are these
16 organisations that have -- some of them exclusively,
17 some of them not exclusively are concerned with ensuring
18 that Catholics remains Catholic, Catholic children
19 brought up as Catholics and their migration overseas
20 will spread the Catholic faith into places where the
21 Catholic faith should be spread and that includes
22 Australia and its extension into Canada.

23 Q As you go on to say the goal of the work was to prevent
24 Catholic migrants from being taken over by
25 a non-catholic organisation, and also to build-up the

1 Catholic population in Australia.

2 A Yes. I can say at the end of 4.6 is that the Church of
3 England feels the need to respond. There is a
4 competition between variances of Christian faith.

5 Q So what we see here is that in addition to or allied
6 with the philanthropic aspects of child migration there
7 is this religious dimension --

8 A Yes.

9 Q -- also.

10 A Yes. Below that you can see at 4.7, paragraph 4.7,
11 there is also overt imperial agendas as well.

12 Q And the imperial agenda, did that persist throughout the
13 whole period of child migration?

14 A I think this is that assumption that we began by talking
15 about that there is a greater Britain where things can
16 be done where there isn't the space to do it in the UK,
17 and you don't want to lose them outside the British
18 world, therefore, the best way of combining both
19 philanthropy and looking at religious interests of
20 particular events and also looking after the Empire's
21 needs. Good British stock.

22 Q Moving on then to the next section of the report, page
23 25, you have here a section dealing with voluntary
24 societies and child migration and the financing of those
25 schemes, and do you see this as an important factor as

1 to how these schemes were being financed?

2 A Oh absolutely. I think it would be very difficult to
3 imagine the scale of these operations without the
4 financial support of the UK taxpayer. Otherwise, if you
5 think about the costs of migration but also the costs of
6 equipment overseas, a whole list of things there that
7 require a lot of money to be spent upon anywhere in
8 which a child may be sent overseas, and it would be
9 quite beyond the ability of the societies in the UK, and
10 that, therefore, would include Scotland, to raise enough
11 money simply by voluntary donations, and since the UK
12 Government said earlier today the UK Government is
13 funding overseas settlement, Empire settlement from
14 1922, subsidies for the passage of people, adults, but
15 also including children, then using that facility,
16 obtaining those resources does make the operations of
17 the voluntary societies much more manageable. They get
18 the money.

19 Q Before the passing of the 1922 Act, though, those
20 engaged in child migration or juvenile migration
21 required to rely on their own resources.

22 A Exactly, yes. Looking for voluntary donations. The
23 Fairbridge Society was originally a child emigration
24 society based in Oxford, Kingsley Fairbridge was the one
25 that came up with the idea, a former resident

1 Rhodesian, and that required donations to be made, but
2 so it was a great relief when the Empire Settlement Act
3 for the Fairbridge Society comes along and they were
4 able to tap into those resources.

5 Q And an organisation like Fairbridge, I think as you tell
6 us, I think had a prestige punch in the sense that the
7 Duke of Gloucester was the patron?

8 A Yes. That seriously does crop up in some of the defence
9 of the operations of Fairbridge, but this have such
10 a prominent individual who is taking an interest as
11 patron, but it also applies, if you look at some of the
12 directors of other organisations, they very commonly
13 include, you know, I mention it there, very prestigious
14 people, particularly clerical figures, but also people
15 in business and so on. I mean, it is pretty much like
16 any charity operates today. You need to have kind of a
17 good patrons and board of directors with some kind of
18 credibility, and therefore are trustworthy and therefore
19 voluntary donations will be made, but these instances,
20 the voluntary donations are hugely underpinned by the
21 Empire Settlement Act and its successors.

22 Q Well then let's just look at the Empire Settlement Act
23 of 1922, and I think we heard from Professor Harper
24 yesterday that that was, in a way, designed to assist
25 with emigration in a sense of adult emigration of

1 families.

2 A Yes. I mean, as I point out in 5.3, one of the
3 after-effects of the Second World War -- sorry -- of the
4 First World War was unemployment. There is really
5 rather stark comments that when the soldiers who came
6 back from the war took their rifles home they weren't
7 prepared to tolerate the kind of treatment that they had
8 been receiving as wage earners. There is a special
9 scheme in 1919 specifically for ex-servicemen, and that
10 broadens out the Settlement Act to make it available to
11 adults and families, more widespread. It's a good way,
12 as I say, using the Empire to deal with social issues
13 back in the United Kingdom. Once that Act is
14 established, financial arrangements are then hugely
15 significant.

16 Q Is this, then, the first point that we see the state
17 becoming actively involved --

18 A Yes.

19 Q -- at least to that extent in migration?

20 A In something which had begun as kind of philanthropy now
21 becomes effectively state subsidised set up
22 philanthropic operations.

23 Q And as you tell us indeed, Stephen, at the end of
24 paragraph 5.3 that this state funding endorsed the
25 legitimacy of the child migration work.

1 A Indeed. I mean, clearly this is taxpayers' money and
2 has to be accountable, and the accountable is not just
3 that both sides of the balance sheet add up, but it
4 needs to be accountable that the work that is being done
5 through this is actually worthy of support, whether
6 intended or not, it gives this -- what's the phrase I
7 use -- state funding endorsed the legitimacy of the work
8 in the eyes of child migration societies and at large.

9 Q I think you make three points. It reinforces the
10 legitimacy of child migration as a policy from the point
11 of view of the organisations, it reinforces its
12 legitimacy to the public at large, and also, and rather
13 importantly, to makes it financially viable?

14 A Indeed, yes. If there was not that financial subsidy
15 you would not have seen anything remotely like the scale
16 of child migration that took place. If I can just
17 complete on that, if it is the case that the last child
18 migrants departed in 1970s, the Commonwealth Settlement
19 Act actually ceases to exist in 1972.

20 Q Yes, because I think what you tell us is that initially
21 the 1922 Act had a lifespan of 15 years?

22 A Yes.

23 Q And there was another Act passed in 1957, but then the
24 lifespan was reduced to five years?

25 A Yes, and that is repeated until 1972.

1 Q I think we have 1962, '67 and it expires in 1972, so the
2 migration that took place in 1970, then, would have been
3 financed under this system?

4 A Indeed. Yes.

5 Q And indeed the last migration to be financed under this
6 particular system, obviously.

7 A Yes. Yes.

8 Q Now, at 5.4 you provide us with some estimates in
9 relation to -- I'm sorry -- at 5.4, and these were
10 figures that were presented to IICSA that suggested that
11 UK Government funding for an estimated 1137 child
12 migrants sent to Fairbridge institution in Australia
13 between 1947 and 1970 amounted to £350,000 or at 2018
14 prices a figure of £5.3 million.

15 A That's right. Yes.

16 Q So these are large sums of money.

17 A Yes. Those figures come from the annual reports of the
18 Government body that is responsible for providing the
19 money, as it were, so those are robust figures, the
20 £350,000, and then, you know, there is a way in which
21 you can calculate that in terms of up-to-date prices and
22 2018 is a good day. It is huge, isn't it.

23 Q And you do actually, I think, you yourself seek to make
24 a calculation in relation to the Church of Scotland, if
25 we look towards the bottom of this particular paragraph,

1 you had regard to the material submitted on behalf of
2 the Church of Scotland cross reach in the Section 21
3 response.

4 A Yes.

5 Q And I think what you say there is that if you have
6 interpreted the material correctly then £6,123, 12
7 shillings and five pence was credited to the account of
8 the Church of Scotland Committee on Social Service from
9 1949, 1950 and then from 1962 to 1963, so you are
10 looking for two separate year periods.

11 A Yes.

12 Q And I confess I haven't done the calculation to see what
13 that might be in today's money.

14 A No, nor have I. Could I just add that in the middle of
15 that paragraph we see also further money has been made
16 available by the Australian governments at state level,
17 so it's UK money, it's Australian money and it is also
18 still some donations from charitable subscribers, so
19 they were reasonably well funded, these organisations.

20 Q And I'm about to take you to what's described as an
21 Outfit and Maintenance Agreement, but again, perhaps
22 that -- we can look at that after lunch, as it is now
23 1 o'clock?

24 LADY SMITH: Yes. That's good timing. Stephen, we will
25 pause now for the lunch break and I will sit again at

1 nowhere in the records is it identified as the cost of
2 travel for the children as opposed to the adults, so it
3 is even higher.

4 LADY SMITH: I did wonder about that. In the case of the
5 Scottish children there would probably have been
6 travelling expenses from Scotland to the South of
7 England, possibly keeping them there for the time until
8 the ship to sail arrived, and then all the children's
9 passage on whatever ship they were going on.

10 A Yes. Yes.

11 MR MACAULAY: If I can take you to this document, Stephen,
12 and I think you have looked at this before, it's
13 LEG.001.002.1669, and this is but an example. We are
14 looking here at a Government file, you will see the --
15 it relates to Dr Barnardo's home.

16 A Yes.

17 Q And the title is, "Australian Aftercare & Outfits
18 Maintenance". Do you see that?

19 A Yes.

20 Q And was it part of the process that the migrating
21 organisations required to enter into agreements with the
22 State? For example, dealing with matters like the costs
23 of outfits and maintenance?

24 A Yes. My understanding is that that was part of the
25 package deal, as it were, that folks like Barnardo's

1 would be providing at least some of the cost of outfits
2 and maintenance and aftercare, but they -- there were
3 State, Australian State contributions as well. I think
4 I'm right in saying that. The point that is of some
5 significance in this is that some of the States paid
6 more per head than others, but there was not necessarily
7 any correlation between the amount of money that was
8 being paid and the quality of the care, because there
9 seemed to be some indications that the money that was
10 being paid by the State was not necessarily being spent
11 on the welfare of the children.

12 Q And that is a point I think you make in the report, and
13 we might just go on to that in a minute, but if we look
14 at the -- one of the agreements that is in this
15 Government file, and we can turn to page 1674,
16 LEG.001.002.1604 -- 1674 -- now, it is faint but it is
17 certainly legible from a hard copy. How is it on your
18 screen?

19 A Just a minute, I will use my magnifying glass., "An
20 agreement made". Okay.

21 Q Perhaps I can just take the relevant bits out of it for
22 you, and we can read from the top that it is an Outfits
23 and Maintenance Agreement, and it is an agreement made
24 on the 30th day of June, I think?

25 LADY SMITH: 1948?

1 MR MACAULAY: 1948, I'm obliged, my Lady, between His
2 Majesty's Secretary of State for Commonwealth
3 Relations --

4 A That's right.

5 Q -- and Dr Barnardo's Association.

6 A Yes.

7 Q And it begins with a number of recitals:

8 "Whereas under the Empire Settlement Acts 1922 and
9 1937 the Secretary of State may co-operate with private
10 organisations in formulating and carrying out schemes
11 for affording joint assistance to persons who intend to
12 settle in any part of His Majesty's Oversea Dominions",
13 and if we move on to the next one, but the following
14 one:

15 "Whereas the Secretary of State and the Association
16 now desire to co-operate in a scheme (hereinafter called
17 'The said scheme for the provision of outfits for
18 suitable children from the United Kingdom proceeding to
19 the Homes and the maintenance of the children at the
20 Homes'", and then we read:

21 "And Whereas His Majesty's Government in the
22 Commonwealth of Australia have undertaken to contribute
23 five pounds towards the cost of an outfit for each child
24 approved under the scheme, and Whereas His Majesty's
25 Government, in the Commonwealth of Australia and the

1 Government of New South Wales have undertaken jointly to
2 contribute eleven shillings a week towards the
3 maintenance at the Homes of children up to the age of
4 sixteen years", and then it goes on to set out that
5 particular arrangement, so that gives us a flavour of
6 how this was being set up.

7 A That's right. So we get this combination of the
8 Commonwealth Government and the State Government
9 contributing for the cost of care.

10 Q If we turn on to the next page, page 1675, and at
11 paragraph 1, I will just read this out:

12 "This Agreement shall not impose on the Secretary of
13 State any liability to make payments in respect of any
14 period after the 31st day of May 1952 unless the powers
15 conferred upon him by the Empire Settlements Acts of
16 1922 and 1937 are extended beyond that date", and do we
17 see here built into the provision that if there is an
18 extension then the Agreement will survive?

19 A Indeed that's right, and that's what continues to
20 happen. Sometimes in the Ross Report they knew it was
21 required, so they actually renewed the agreements before
22 deciding what they were going to do about the quality of
23 care in particular places, so it was important to keep
24 that kind of five-year pattern running through. As I
25 mentioned before, that's why it comes to conclude in

1 1972 after the children are no longer being sent.

2 Q But the point you made a few moments ago about whether
3 the money from all the -- from these different sources
4 was actually spent on the well-being of the children is
5 another matter.

6 A It is indeed. Yes.

7 Q And I think there are you pointing to the variations,
8 that variations in funding do not correlate to the
9 quality of provision that was discovered in individual
10 homes?

11 A Absolutely. Yes. Very clearly. Yes.

12 Q And I think in particular you are having regard to the
13 findings made by the Ross Factfinding Commission in the
14 early 1950s.

15 A Yes.

16 Q And the point that Ross was much more critical of the
17 standards at some institutions as compared to others.

18 A Yes.

19 Q And these were institutions -- sorry?

20 A People would nominate the amount of money that was the
21 available to hire.

22 Q And if you move on to the following page, page 27, was
23 this something that was considered by the Australian
24 Senate Community Affairs Committee Report which you talk
25 about later, this possible disparity between what was

1 spent on children in one place as against another?

2 A I can't honestly recall that from the report itself, but
3 it certainly is something that one has become aware of,
4 I think probably through research on other sources which
5 indicated something about the amount of money that's
6 being provided and the quality of care within the
7 institution. I mean, I think some of the Christian
8 Brothers' places were notorious for this. The money was
9 not being spent on the children, it was spent,
10 effectively, on the building.

11 Q We do have to bear in mind, as you point out, that in
12 some of these institutions Australian children were also
13 being accommodated.

14 A Yes.

15 Q And what you say in the report is that in some instances
16 it is probably the case that voluntary organisations in
17 Australia may have seen the recruitment of British child
18 migrants as a valuable revenue stream and used this
19 money to cross-subsidise the care of Australian-born
20 children?

21 A That's right, so the more migrants you brought in from
22 the UK, Scotland of course, the more money that would be
23 available more than only being subscribed by Australian
24 financial authorities. So it was a way of building up
25 your income.

1 Q I missed a bit of that. Could you repeat that Stephen?
2 What did you say there?

3 A It is a way of increasing the amount of money coming
4 into the institutions that are looking after the
5 children by cross-subsidising effectively the UK
6 children and therefore the Scottish children, of
7 bringing in more money to the institution that is
8 supposed to be caring for them than the amount of money
9 that was coming in solely from Australian sources, so
10 there is a financial incentive to bring in as many UK
11 child migrants as you could possibly persuade to come.

12 LADY SMITH: Mr MacAulay, am I right in thinking there were
13 just the two parties to the agreement we are looking
14 at -- Barnardo's and the State, the UK Government?

15 MR MACAULAY: Barnardo's -- as far as the actual document
16 but it also refers to the Australian --

17 LADY SMITH: Although it refers to that but they are not
18 a party to it?

19 MR MACAULAY: No they are not.

20 LADY SMITH: And am I also right in thinking that there is
21 no provision requiring either party to ensure or take
22 all reasonable steps or whatever language could have
23 been used that the money was actually being spent on the
24 children being migrated?

25 MR MACAULAY: It appears, my Lady, that it was being taken

1 on trust.

2 LADY SMITH: Yes. It was an assumption that if the money
3 was provided it would be spent on the children.

4 A The 1957 agreements, in other words late-ish on in the
5 story, were intended to be more -- putting more
6 obligations upon the receiving homes, and the selection
7 of those homes. All that was supposed to be tightened
8 up. Remember, there was an inability to agree on
9 regulations, neatly binding regulations, and this was an
10 attempt to do it by persuasion so that the renewal of
11 the funding would carry more obligations, even if they
12 could not be legally enforced to do by persuasion that
13 which can't be done by law.

14 Q And the final paragraph, I think, of this section,
15 Stephen, you look at the way in which child migrants to
16 British Columbia were funded, and can you just help me
17 with that? How was that managed?

18 A Specifically to Columbia I thought it would pretty well
19 operate in the same fashion, are there not --

20 Q 5.6 you draw attention to how the financing of child
21 migrants to the Fairbridge Institution in British
22 Columbia --

23 A British Columbia?

24 Q Yes, in British Columbia was financed, and you say:

25 "Indeed the scheme was launched only because the

1 Government in 1935 met half the capital costs to buy the
2 school"?

3 A That's right. It was to buy the land on which the
4 school was then established, and that's a fairly -- as
5 far as I'm aware that's a unique, one-off operation.
6 For the UK Government to put in a capital grant to
7 establish the (Inaudible), remember, places like
8 Fairbridge and Pinjarra had been operating before there
9 had been any kind of financial assistance. This is kind
10 of late on, as it were, and the UK Government along,
11 I think, with the British Columbia Government, helped
12 pay for the cost of the land on which the farm was then
13 constructed, so that's a capital grant, effectively.

14 Q And you do say that the Provincial Government of British
15 Columbia also contributed with a first contribution of
16 US\$12,500.

17 A Yes.

18 Q And you also mentioned the New Zealand scheme in
19 connection with the Royal Over-Seas League. What about
20 the financing of that scheme?

21 A Yes. Good question. Essentially what that was, was the
22 Royal Over-Seas League provided the children and the
23 children then were transferred to New Zealand and the
24 funding for their care was provided by the New Zealand
25 Government.

1 Q So that is an instance where the UK did not make any
2 financial contribution at all?

3 A The parents who were -- the basic idea was that the
4 children would go and effectively be fostered and the
5 families that were fostering, the foster families, would
6 receive payment from the New Zealand Government as if
7 they were New Zealanders.

8 Q Well, let's leave financing behind then, Stephen, and
9 look on to section 6. We have a section dealing with --
10 well, you head the title, "Obligations and
11 Expectations", and what you do, to begin with, is to say
12 that you are going to set out here how the practice of
13 child migration was notionally expected to operate?

14 A Yes.

15 Q Namely the selection of children and securing their
16 consent and that of -- or at least consulting parents or
17 guardians prior to the migration were the
18 responsibilities for voluntary societies, and you go on
19 to develop that.

20 So here you are focusing essentially on what was
21 expected of voluntary societies.

22 A Yes.

23 Q Was the important difference between voluntary societies
24 and local authorities the whole issue of the consent of
25 the Secretary of State?

1 A That's right. Yes. So in the latter case those
2 involving children in local authority care, the
3 Secretary of State, as we discussed before, the
4 Secretary of State needs to give his approval.

5 Q And what about other conditions like the age of the
6 child and so on and so forth? Did the two systems run
7 along parallel lines, so to speak, or ...

8 A I think beyond that, since the child would be sent -- if
9 a child was being sent by local authority with the
10 approval of the Secretary of State to an institution
11 overseas, I am assuming that the institution overseas
12 would receive the same funding as if it had been --

13 Q Yes, on the funding front, but what about --

14 A -- by the local voluntary society.

15 Q But if you had a child in local authority care, and
16 a child can be in local authority care if placed in
17 a voluntary organisation's care.

18 A Right. The consent of the ...

19 Q Perhaps I can leave that point aside for the moment.
20 Can I just look at this document with you? It's at
21 SGV.001.003.8000?

22 A Right.

23 Q I think you may have seen this Scottish Government,
24 Scottish Department file before. It is, I think, quite
25 a lengthy file. We can see the subject is homeless

1 children, consents to emigration under section 17 of the
2 Children Act 1948, general principles to be followed.

3 Do you see that?

4 A Yes indeed.

5 Q And you do discuss this in your report, this particular
6 document.

7 A Yes.

8 Q Now, section 17 of the Act is the section dealing with
9 emigration, and it is a section that imposed a duty on
10 local authorities to obtain the consent of the Secretary
11 of State.

12 A Yes.

13 Q But it did not, to that extent, catch voluntary
14 associations into the consent provisions.

15 A That's correct.

16 Q But the same Act, and we will look at this later, under
17 section 33 envisaged that regulations would be passed --

18 A Yes.

19 Q -- to control voluntary associations.

20 A Yes. That's correct.

21 Q Just if we could spend a minute or two looking at this
22 file, and turn to page 8002, and perhaps I should pick
23 up the fact that this file seems to date in or around
24 1951, and there are other dates that we can look at, but
25 on this page can we see that there is a heading,

1 "Principles Followed in Emigration Cases under section
2 17 of the Children Act", and the first point is made, is
3 that they are not binding in relation to individual
4 cases and there is considerable variation, but if we
5 just cast our eyes over these points, the first point is
6 age limits, and the principle there:

7 "As a general rule the view has been taken that
8 unless there are special circumstances no child under
9 the age of 10 should be allowed to emigrate as it cannot
10 be held to be of an age at which he may be expected to
11 make a decision about emigration without any adequate
12 appreciation of its consequences".

13 So there the focus seems to be on the child
14 essentially being able to consent to emigration.

15 A Well, I think the assumption is that no child under the
16 age of 10 could make a decision about its own future.
17 It's not asking whether the child has consented or not,
18 if you are not of the right age then you cannot be able
19 to give a consent.

20 Q These principles that I have set out under reference to
21 section 17, would these principles also apply to
22 voluntary associations in respect of children who are
23 not placed by local authorities?

24 A Not as far as I'm aware, no, because we've seen some
25 examples of children much younger than that being sent

1 out by the voluntary association.

2 Q Then if we move on to page 8003, and can I say, Stephen,
3 that you did -- you do address this particular document
4 at paragraph 3.15 of your report on page 15, but I will
5 just take you to the document itself, and here we have
6 a number of instances of examples where the consent of
7 the Secretary of State was sought, and he responded in
8 one way or another, and so, for example, the first entry
9 is that we are told consent was given on 4 December,
10 1948 to the emigration of seven children in the care of
11 Glasgow Corporation, the children were going to a Roman
12 Catholic Orphanage near Adelaide, Australia, under the
13 Catholic Child Migration Committee. Their ages ranged
14 from 10-15 and their written consent was obtained, and
15 in each case the consent of the parents was given, so
16 these are local authority children who, under the
17 relevant section, in particular the consent of the
18 Secretary of State was required.

19 A Yes, and given.

20 Q And given, and if we look towards the bottom of the same
21 page do we read there that consent was given on 13 April
22 1949 to the emigration to Australia under the Catholic
23 Child Migration Committee, an illegitimate child in the
24 care of Edinburgh Corporation. He was only
25 five-and-a-half years old but he was going to

1 a children's home in Western Australia to join his elder
2 brother who had emigrated in 1947, but the consent of
3 the mother was obtained. So in that particular case,
4 although the child was under ten, there were
5 circumstances that justified consent?

6 A And that's having an older brother who has already been
7 migrated, clearly, I assume, who would be over the age
8 of ten, so this one is following up.

9 Q And do we see in those two instances that we've looked
10 at, the role being played by the Catholic Child
11 Migration Committee?

12 A Sorry?

13 Q In the two instances I have looked at, can we see that
14 there is a role being played by the Catholic Child
15 Migration Committee?

16 A Yes indeed. I'm not quite sure what the Catholic Child
17 Migration Committee is as such, it is an unusual title,
18 but certainly this organisation has clearly appealed to
19 the Secretary of State to allow these two children, the
20 one who went first and then the younger one to follow,
21 and the argument being that it's because the younger one
22 is following already a migrated child. In other words,
23 they had been siblings together and the consent of the
24 mother was obtained.

25 Q And you make a valid point about the status of the

1 Catholic Child Migration Committee, but I think you are
2 aware that in the documents you have looked at, that
3 a Father Quille, in particular, features in the
4 migration process.

5 A Yes.

6 Q And if you will look at the next entry on page 8004
7 towards the top, here we have an instance of consent
8 being refused -- consent was refused -- this is 1949 to
9 the immigration -- again by the Australian Catholic
10 Immigration Committee as the boy was only four your
11 Ladyship, it was felt he was too young for him to form
12 a proper opinion in the matter.

13 A Correct. Yes.

14 Q Do we understand from this that this is a four year old
15 in the care of the local authority, we don't know where,
16 but clearly with a Catholic connection, and the
17 Secretary of State's consent being sought, nevertheless,
18 that he be emigrated, even though he was only four years
19 of age.

20 A His consent is refused.

21 Q It is, but the application was made?

22 A Oh the application is made, yes, and the Secretary of
23 State then carries out what he regards as the necessary
24 response, which is to deny entitlement to send this
25 child because it's too young.

1 Q And that looks like a perfectly reasonable response?

2 A Yes, whereas the previous case the child was young but
3 was going to join an older brother.

4 Q Yes, but the point I want to make, if this was
5 a voluntary association that had no connection with the
6 local authority, then the consent of the Secretary of
7 State would not have been required to be sought.

8 A Sorry, yes. Absolutely clear as anything, certainly
9 children of four were being sent by voluntary societies.
10 It's only those that are in local authority that has the
11 possibility to protect that child.

12 Q I think one of the points I'm trying to get out of this
13 is that we can see these applications being made on
14 behalf of very young children.

15 A Yes.

16 Q And the Secretary of State, quite correctly, refusing to
17 consent, because his word was final on that.

18 A Yes.

19 Q He had no such word in connection with children who were
20 being accommodated in voluntary associations?

21 A Oh absolutely. No. That's the clear distinction.

22 I think that's fundamental to this whole story, is that
23 you were under local authority care, you would be very
24 unlikely to be sent overseas because the Secretary of
25 State would have to be involved in approving of the

1 decision to migrate, and the Secretary of State would
2 only do -- would only allow in very particular
3 circumstances. What was being expected in the
4 regulations which were never introduced was something
5 similar, could well be operated with respect of children
6 in -- only having ever been in voluntary society
7 establishments.

8 Q And if we look at the next two entries, again we see two
9 examples in 1949 of the Secretary of State being refused
10 because the boys in one instance were only
11 five-and-a-half and seven-and-a-half, and in the other
12 case I think the boy -- the child was only six, so
13 again, the Secretary of State is, in a way, protecting
14 these very young children from migration?

15 LADY SMITH: Stephen, I'm interested in all three of these
16 examples of the stress that's placed on the child's own
17 consent and there seems almost to be an implication that
18 if although only five-and-a-half or four or whatever
19 there was something about that particular child that
20 persuaded them the child could give a valid consent,
21 that would have been enough. Do you see what I mean?
22 It's odd.

23 A I see what you mean. Yes. It would still, I assume, be
24 possible for the Secretary of State to say that that
25 consent was inappropriate, insufficient, given knowledge

1 of the child.

2 LADY SMITH: But in the second one the Secretary of State
3 wasn't even prepared to trust the father to know what
4 was best, and the father wanted the boys, I think it was
5 boys, yes, two boys, to go, but the Secretary of State
6 was saying no, and the boys' consent -- can't consent at
7 the age that they are. It's not just the age, it is the
8 lack of consent that's the problem, as recorded.

9 A Yes. I think the point being that here what the
10 Secretary of State is doing is taking primary
11 consideration of the future well-being of the children,
12 but though the father would be happy for them to go, the
13 Secretary of State does not think that that could give
14 what could be described as an informed consent. That
15 would only come with greater maturity.

16 LADY SMITH: And of course if that is what the Secretary of
17 State was doing, he was complying with his statutory
18 duty --

19 A Exactly.

20 LADY SMITH: -- to have regard, amongst other things, to
21 whether or not emigration would benefit the child.

22 A Yes.

23 MR MACAULAY: And do we also note from the examples we've
24 looked at so far that involved in the process is the
25 Catholic Child Migration Committee.

1 A Yes. We know what the agenda is of the Catholic Child
2 Migration Committee, whatever it later morphs into, it
3 is the same thing, but they are responding to what they
4 regard as the priority concerns of populating, in this
5 case, I assume, Australia, with more Catholic children
6 to provide more children into Catholic institutions in
7 Australia. The priorities are different.

8 Q And the next one on this page is one where consent was
9 given. This was to a child aged about -- almost 14.
10 There must be two children, almost 14 and 13
11 respectively, under the, again, Australian Catholic
12 Immigration Committee. Consent was also given to the
13 emigration aged almost 11 on the understanding that he
14 would travel with his brothers, and, if possible -- if
15 possible -- remain with them in Australia. The consent
16 of the father was obtained, so there is a number of
17 factors there. The younger brother was -- consent was
18 given on a particular understanding that he would travel
19 with his older brothers.

20 A Yes.

21 Q But then it is only if it is possible to stay with his
22 older brothers, and that would depend very much on where
23 these children were to be going.

24 A Indeed. I remember this particular case. It seemed, on
25 balance, difficult to see how anybody like the Secretary

1 of State could check up on whether that proviso,
2 "remaining with the older brother", would be guaranteed
3 in Australia. Once a child is overseas it's very
4 difficult to know whether the two brothers would be
5 separated or not.

6 Q And we do know with certain institutions, take the
7 Christian Brothers, for example, they had four
8 institutions and you went to a particular place,
9 depending, largely, on age.

10 A Exactly. Yes, and there are, indeed, we've had --
11 certainly I can recall witness testimony saying one
12 younger brother was being sent one place and the older
13 brother kicked up with the younger brother such a fuss
14 that the younger accompanied the older to where the
15 older was going to go.

16 Q And I think that was in connection with children who
17 were migrated to the Christian Brothers?

18 A Indeed. Yes.

19 Q If we move on to the next page, just to focus on
20 something different, but we looked at this yesterday, it
21 is the third entry on the page for the number 37413
22 BA/10. Yes. This is a case where consent was given in
23 1950 to the emigration to Australia and I will read it:

24 "Under the auspices of the Big Brother Movement
25 a boy in the care of Kirkcaldy Town Council, the boy was

1 17 years of age and it was at his own wish that
2 arrangements for emigration were made. No parental
3 consent could be obtained because his father was dead
4 and his mother was in an asylum and incapable of giving
5 authority".

6 Of course this is juvenile migration we are looking
7 at now, isn't it, this is an older boy, going under the
8 auspices of the organisation we heard about yesterday,
9 namely the Big Brother Movement?

10 A Yes.

11 Q And I think the next entry is in a similar vein.

12 A Almost 16 years old.

13 Q Yes. Could it be said that the telling factor about all
14 this in these particular entries is that it's apparent
15 that with regard to children who are in the care of
16 local authorities that the Secretary of State did play
17 a significant role in the decision whether or not these
18 children should be migrated?

19 A Yes. Yes. I think the point needs to be added to that
20 that, of course, the number of children in local
21 authority homes is fewer than the ones -- I suddenly
22 hesitate on this -- fewer on those who were accommodated
23 in voluntary homes, so you are really dealing with the
24 Secretary of State having an authority over a limited
25 number of children of a certain age in the local

1 authority care. The message, basically, is that if you
2 are in local authority care you will more likely not be
3 sent than if you were in the voluntary sector.

4 Q Well, if these children had not been in local authority
5 care but in care generally then is it not likely that
6 they would have been migrated under the Catholic
7 migration organisation?

8 A Yes. Yes.

9 Q Can we go back then -- can we return to your report? We
10 had been looking at section 6 which is dealing, still,
11 with voluntary organisations, and seeking to contrast
12 their practices to what the position might be with local
13 authorities, but just looking to the Canadian set up, as
14 we heard yesterday in relation to juvenile migration,
15 the system in connection with Canada between 1860s and
16 1920s was one where distribution centres played a role.
17 Is that right?

18 A That's correct.

19 Q And in relation to child migration, then, can you
20 explain how that was managed?

21 A Yes. I mean, I think the first point is that the
22 sending societies had deemed these children suitable to
23 be migrated. They must have satisfied such requirements
24 before they would be, as it were, put on the boat, but
25 they were not immediately distributed around the

1 provinces of Canada, they went to a receiving home in
2 Canada that was effectively manned by employees of the
3 sending society, and the distribution centres then
4 become absolutely crucial in the operation of the
5 distribution of those children around homes, and
6 remember what is happening is that girls tended to be
7 recruited as domestic servants, boys tended to be
8 recruited as young farm workers, and that what would be
9 then happening is that if the distribution centres
10 obtained references from reputable people in the local
11 community about the reputable status of the homes to
12 which these children -- (Inaudible) homes to which these
13 children would be sent, then they would be so
14 distributed, so what you actually get is families, and
15 not necessarily just families, but family farms trying
16 to attract from the distribution centres the young
17 children who would come to live with them, and work
18 domestically or on the farm, but also being nominally
19 brought up by the families to which they had been sent,
20 so the distribution centres are actually quite crucial
21 in this, in that they have the power to either approve
22 of the places to which these children go, or not to
23 approve, and also they provided a kind of way of
24 checking up on the well-being, and sometimes even very
25 whereabouts of where the children were being sent from

1 the distribution homes. Some children are, indeed,
2 brought back, recovered, sent back to the distribution
3 centres themselves, sometimes because the families that
4 received them for one reason or another disapproved of
5 them, that they were not satisfactory, sometimes because
6 the children who had, and we will no doubt be discussing
7 this, had been visited by representatives of the sending
8 society from the distribution homes deemed that these
9 children were not in suitable places.

10 Q But this whole arrangement envisaged at least that there
11 would be prior and subsequent inspection --

12 A Indeed.

13 Q -- of the places to which the children were sent.

14 A Yes. Yes.

15 Q And how feasible was that in practice?

16 A In practice this is exceedingly difficult. Scotland
17 seems to be quite a big place but if you go to Ontario
18 it is an even bigger place, and these children are not
19 locally located in small clusters. They are distributed
20 quite widely around Ontario and the neighbouring
21 provinces. There is some information in the report
22 about the distances that would have to be travelled if
23 these children were to be inspected at the places to
24 which they had been relocated, and the simple logistics
25 make quite extraordinary reading. I think somewhere in

1 the report I figured out how far it was between one
2 place and another, and we are talking thousands of
3 miles, and there is talk about, in one of the reports,
4 about children within a second of circumference of the
5 distribution centre, and it is enormously difficult to
6 actually check up on these children in any kind of
7 methodical fashion, the point being, of course, if we
8 are going back into the 1870s and even later, the only
9 way to travel around these places is on horse. That's
10 what Doyle says in his report of 1875. It was very,
11 very, very arduous to get from one place to another to
12 see how the children were fairing, and a further point
13 needs to be made, of course, is if anybody turns up at
14 the distribution centre, or indeed even a representative
15 of the Canadian Government would also carry out some of
16 these checks, if they turned up, this stranger turns up
17 out of the blizzard, as it were, to see how are you
18 getting on, it's very difficult for a young person to
19 say exactly what their experiences are like,
20 particularly since they don't know the person who has
21 come to talk to them, and in some cases the impression
22 one gets is that the farmer or the place where they had
23 been put, the people living there, are present at the
24 interview, so that's inhibiting what a child might say.

25 LADY SMITH: And, Stephen, something that was mentioned with

1 Marjory yesterday, of course, looking at it from the
2 child's point of view, if they were being abused, if
3 they were unhappy, if they wanted somebody to help them,
4 they had no means of getting in touch with somebody from
5 the distribution centre, from the society or whoever had
6 sent them, to ask for help.

7 A That's absolutely true. How do you get to the
8 distribution centre which could be some considerable
9 distance away from the place where you have been
10 brought.

11 Q If we focus on the post war years in the context of
12 legal obligations, you look at this at paragraph 6.6,
13 and the whole issue of guardianship, can you just
14 explain that to us as to what the -- what the situation
15 was for child migrants who arrived overseas, either both
16 in Canada and Australia?

17 A I think the notion of guardianship doesn't seem to carry
18 the kind of legal implications that one would normally
19 expect them to -- that term to cover. It may be a kind
20 of notional status, but it's not the kind of
21 guardianship that you would think if the child is
22 proximate to where you are. It really is the
23 responsibility of officials in Government to carry out
24 their guardianship responsibilities by visiting the
25 children but that, again, in Australia as in Canada,

1 vast distances are involved, so, as you see here, the
2 1946 Australian Immigration Guardianship of Children Act
3 1946, the Commonwealth Minister for Immigration became
4 the guardian. Now, normally with responsibility for
5 care and oversight of any child migrant until he or she
6 reached the age of 21. Well, it is a bit of a tall
7 order, really, isn't it, for a minister, even with
8 members of his staff, to keep checking on the care, the
9 oversight of any particular child until that person is
10 aged 21.

11 Q And you go on at 6.7 to talk about the level below
12 guardianship, custodianship, the actual caring for the
13 children.

14 A Yes, that's peculiar in a way because people who
15 normally become the custodians are often, or sometimes
16 at least, are not kind of formally qualified to be
17 custodians of children, so in practicality the
18 custodianship seems to be the home's manager, but that's
19 not always the case.

20 Q You give an example here of custodianship in New South
21 Wales being given to a priest without known expertise in
22 childcare?

23 A Exactly. Yes.

24 Q And I think you tell us that the custodian of children
25 sent to St Joseph's in Neerkol, I think it was the

1 Sisters of Mercy, was the Bishop of Rockhampton?

2 A Yes, who has an entirely different set of obligations in
3 his other role, so it becomes a very uncertain system of
4 guardianship.

5 Q And I think the point you make, and I think we've heard
6 this in other parts of the Inquiry, that the Bishop of
7 Rockhampton, he had no formal authority over the Sisters
8 of Mercy who had a degree autonomy quite apart from the
9 bishop.

10 A Yes. Quite how he came to be appointed is unknown to
11 me. It seems unreasonable to expect a bishop to be
12 responsible for children in the care of the Sisters of
13 Mercy.

14 Q And you point out that there is a similar disconnect
15 between -- in respect of the Catholic Migration and
16 Welfare Association who appear to have been the
17 custodian of children sent to the Christian Brothers'
18 institutions in Western Australia, because the
19 associations were quite separate organisations?

20 A Indeed, and indeed we know enough about how the
21 Christian Brothers ran those institutions to know it was
22 very difficult for the Catholic Migration and Welfare
23 Association to assert itself.

24 Q Now, can I move on, then, Stephen, to section 7 of your
25 report where you have a section, quite a lengthy

1 section, dealing with contemporary evaluations of child
2 migration as a childcare practice, over the period
3 1875-1956, and I think that period spans, at the
4 beginning the Doyle Report and at the end, the Ross
5 Report.

6 A Yes.

7 Q The Doyle Report being in Canada and the Ross Report
8 being in Australia.

9 A Yes. Just to make the point, initially, what is
10 recorded here are, as far as I'm aware, the only serious
11 Inquiries made in that period, 1875-1956, these are the
12 only contemporary ones, then there is a break before
13 rediscovery of the consequences of child migration leads
14 to after the event Inquiries as to what had occurred,
15 but Doyle is crucial in this, I think, because it is
16 setting down some standards.

17 Q I think we are focusing here on contemporary
18 evaluations?

19 A Yes.

20 Q So evaluations that are being carried out at the time
21 the child migration was operating?

22 A That's right.

23 Q And of course we know that there have been evaluations,
24 Inquiries, much more recently?

25 A Indeed.

1 Q After the event.

2 A Yes.

3 Q But the point here is that the importance of
4 contemporary sources to those who were involved in the
5 process is that it should give them information in
6 relation to how the process is operating.

7 A Indeed. That's right. I think this is abundantly clear
8 in the Doyle Report. Bear in mind that Doyle is
9 a member, in senior respects, of the Local Government
10 Board in the UK, has responsibility for the Poor Law
11 children, and since some children from Poor Law
12 institutions had been sent, his concern is how those
13 Poor Law children are being treated in Canada. They had
14 been using Annie Macpherson and Maria Rye's
15 organisations to send the children out. Doyle's brief
16 is really only concerned with them, but what he
17 obviously encounters is children from not only Poor Law
18 institutions in the UK but also from charities in the UK
19 as well. That point is very, very critical.

20 Q Would the children who had been migrated by charities
21 outnumber children who had --

22 A Oh yes. Yes.

23 Q Because we've seen already that as far as Scotland was
24 concerned, very few children were migrated through the
25 Poor Law system?

1 A That's right. So you can see that Quarriers, William
2 Quarrier himself is, as it were, being inspected by
3 a Local Government Board inspector.

4 Q And the other main player at this time, although not
5 possibly in connection with Scotland, would be
6 Barnardo's.

7 A Yes, but also the legacy of Annie Macpherson, Maria Rye.

8 Q Well, can we look at the Doyle Report? I will put it on
9 the screen.

10 A Yes.

11 Q We can see -- look at certain aspects of it. It's at
12 CMT-001001 -- now, that is not the Doyle Report. Just a
13 moment. It's come on the screen so it's at INQ-6, and
14 if we turn to the next page, I think we had moved away
15 but the -- this is the report of the -- to the Right
16 Honourable president of the Local Government Board by
17 Andrew Doyle who is a Local Government Inspector as to
18 the emigration of pauper children to Canada.

19 A Yes.

20 Q It was ordered by the House of Commons to be printed on
21 8 February 1875, so that gives us a timeframe.

22 A Yes.

23 Q And if we turn to page 5, and I think this is the point
24 you made a moment ago, Stephen, is that:

25 "It's in compliance with your instructions. I have

1 inquired into the system of emigration of pauper
2 children to Canada under this provision of
3 Miss Macpherson and Miss Rye and have the honour to
4 submit for your information the result of the
5 investigation that you directed me to make", so that was
6 the instruction, that he was actually focused on those
7 two -- the roles employed by those two individuals. If
8 we turn -- pick a number of sections, turn to page 23
9 and if we just scroll down a bit -- it is 21 of the
10 actual report but 23. If we scroll down a little bit,
11 is there a comment there:

12 "The want of sufficient care in selecting homes for
13 the children, though a serious defect in this system of
14 emigration, is far less injurious in its results than is
15 the want of proper supervision of them afterwards".

16 So it is making two points there really?

17 A Yes.

18 Q There is a serious problem in relation to selection, but
19 an even more serious problem in relation to supervision.

20 A Yes. That's right. The selection is a kind of almost
21 one-off occasion. You select a home, but then in order
22 to ensure that the children in such a place were being
23 cared for, then you need repeated visits. That's the
24 proper supervision that's required.

25 Q And he goes on to discuss certain instances, three or

1 four lines down, he talks about girls of 12, 13, 14 who
2 are placed under the indenture of adoption engagement of
3 service for three, four, five years as simply servants,
4 and often are found dissatisfied servants.

5 A Yes.

6 Q And another complains bitterly of being sent to a hard
7 place.

8 A Yes.

9 Q She had been compelled to work in the fields with hard
10 men?

11 A Yes.

12 Q So these are fairly scathing criticisms?

13 A Oh they are indeed. That's right. Yes, and we know
14 that bad stuff happened, and not just to girls, either.

15 Q Now, if we move on to page 26 of the report itself --

16 A Sorry, I have just picked up, in the middle of that
17 paragraph is, "She had nothing to complain of, she was
18 treated with great kindness, the place was dull, there
19 was no life in it". If this is a child that has come
20 from a city in the UK, Scotland or in England or Wales,
21 to find themselves placed in a rural area, no life in
22 it, it very strongly states there, that itself is a kind
23 of deprivation of that which they had previously been
24 used to, and this feeling that she has drawn the short
25 straw, that there must be better opportunities.

1 Q Yes. Moving on, then, to page 26 of the report itself
2 towards the bottom part of the report, the last main
3 paragraph, we are getting the view, here, of several
4 employers, some employers, where he says:

5 "I have upon my notes the names of several employers
6 who complained that no one seemed to take any interest
7 in the children after they were placed out, that no one
8 visited them or enquired about them".

9 So that's coming from the employer's mouth?

10 A Yes, that's right. So a child has been placed with them
11 and there is no subsequent opportunity for that employer
12 to point out some of the deficiencies of the children.
13 We are talking about children who come from cities
14 trying to accommodate to a life in isolation in rural
15 areas, so even though one would have expected children
16 to have settled in, that's what the expectation had
17 been, clearly many, many of them found it very hard to
18 do so. They were living in isolation in strange places,
19 with no apparent future prospects.

20 Q Well, the other side of that particular coin in relation
21 to the employer, it also means that the child that's
22 placed there, if there is no one taking an interest, no
23 one visiting them, then that child does not have any
24 sort of platform to complain about ill treatment.

25 A That's right. Yes. So this would seem to be -- it is

1 impossible to expect Inspector Doyle, on his trip round
2 to visit everybody, but what he has hit upon here is
3 that the distribution centres are not carrying out these
4 regular Inquiries as to well-being of these children, or
5 indeed the degree of satisfaction that they might expect
6 from their employers. We come back to the distance
7 issue all the time.

8 Q Well, if we look at page 28 of the actual report, it is
9 about a third of the way down from the top, he says:

10 "I have probably said enough to satisfy you that the
11 want of proper supervision is a most serious defect of
12 this system of emigration. Miss Rye indeed as I have
13 already said does not pretend to have any plan of
14 visiting at all, and the very imperfect plan that
15 Miss Macpherson has adopted, even if it were much better
16 organised than it is, would be open to the strong
17 objection stated by Miss Rye in her letter to the board,
18 namely the extreme absurdity of anyone reporting upon
19 and overlooking their own work is so apparent that the
20 proposal to do so is not worthy of a second
21 consideration"?

22 A Yes. What that neatly sums up is that what Rye and
23 Macpherson were concerned about was to place these
24 children (Inaudible) this made huge assumptions about
25 their future well-being. Clearly they had no intention

1 (Inaudible) no intention of carrying out any formal
2 checks on the well-being of the children that they had
3 brought into the country.

4 MR MACAULAY: My Lady, that's 3 o'clock. I suspect that the
5 Professor would welcome a break.

6 LADY SMITH: I'm sure everybody would. Stephen, we will
7 take just a five-minute or so break at this stage before
8 we carry on any further with your evidence. Is that all
9 right?

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

11 LADY SMITH: Good.

12 (3.00 pm)

13 (A short break)

14 (3.13pm)

15 LADY SMITH: Stephen, if you are ready, we will carry on. I
16 hope you have had a chance for a cup of tea or something
17 in the meantime.

18 A Yes. Yes. A refreshing cup of coffee. Really nice.

19 LADY SMITH: Good. Glad to hear it. Mr MacAulay?

20 MR MACAULAY: Now, my Lady, we were looking at the Doyle
21 Report, Stephen, before the break.

22 A Yes.

23 Q Perhaps I can just try and finish off with that and look
24 at what is page 35 of the report. I will just pick up
25 this point because it focuses on age, and can I read

1 towards the top of the page that what Mr Doyle says is
2 that:

3 "With reference to girls I am decidedly of the
4 opinion that they ought not to be sent out at a later
5 age than from 7-8, all the better if still younger.
6 Girls who are sent out at ages from 9-15 are at once
7 placed in service, by whatever name that service may be
8 called, though disguised as adoption, it is, in fact,
9 domestic service, quite as hard as, and in some
10 respects, more uninviting to the children than the
11 service in which at the same age they might be placed
12 out in England".

13 A Yes.

14 Q So it is quite an interesting point that he makes there,
15 he wants to support younger children than 7-8 as child
16 migrants rather than children who are a little bit older
17 than that.

18 A Yes. I think there is a kind of implication here about
19 the vulnerability of the older girls is clearly what is
20 being stressed here, no reference to boys, although
21 themselves are vulnerable, but I think that really is
22 his concern, but it's also something you do sometimes
23 see elsewhere, the idea that children who were sent out
24 early, at younger ages, will adapt more quickly because
25 they have not been used to the places to which they had

1 been born. It is a pretty far fetched idea.

2 Q And perhaps finally with regard to this report on page
3 36 --

4 A Before you move on, could you go back to the previous
5 screen, because I think there is a line there which I
6 just picked up.

7 Q Of course, and I think the previous page was -- just let
8 me get that -- it was page 28 of the report that focuses
9 upon lack of proper supervision. Is that the correct
10 page?

11 A That's the one.

12 Q Where is the line you want to look at?

13 A No, I'm on page -- can you go down? Yes. That's right.
14 It is the line that begins, after the quotation, "To do
15 so is not worthy (Inaudible)", "Nor will any system of
16 reporting and overlooking be satisfactory that is not
17 entrusted to persons who are responsible to authority
18 either in Canada or in England" --

19 NEW SPEAKER: Sorry, Professor, we've just been cut off. I
20 will be joining the call just now. (Pause)

21 LADY SMITH: Stephen, I'm so sorry about this, we have been
22 making representations for two days now about the webex
23 system cutting out. I hope it's going to stop. The
24 part of the report you want to look at is to do with the
25 need for anyone who does take on the responsibility of

1 checking up on the children and seeing how things are
2 being answerable to an authority either in Canada or in
3 England as well as being wholly independent of the
4 organisations that are placing the children there. Is
5 that it?

6 A That's it, yes. It seems absolutely fundamental, but
7 there is this broader issue which applies in domestic
8 UK, any kind of a system run by Government, that the
9 people have got to be independent. You see in some of
10 the Australian cases that the -- a representative of the
11 Department of Immigration, and indeed it is actually,
12 I think, proposed in Canada too, people in the
13 Department of Immigration will inspect the care being
14 provided to the migrants who have come in, but there is
15 a clash of interests, isn't there, if you are
16 responsible for immigrating children you are not going
17 to be necessarily impartial and rigorous in your
18 scrutiny of what is happening to those immigrants, so
19 I think it is a really vital point that applies right
20 throughout the system. The people who do the inspecting
21 must be completely independent of the people who sent
22 them and who are looking after them nominally.

23 MR MACAULAY: Yes, and we had moved on to page 35, and
24 perhaps I can just pick up another comment on that page,
25 and if we move down towards the bottom-last paragraph,

1 it is the paragraph beginning:

2 "I would repeat, too ..."

3 Yes. That's it:

4 "I would repeat, too, that if the emigration of
5 pauper children to Canada is to continue, it should be
6 wholly disconnected with the emigration of Arab
7 children".

8 Reading on:

9 "Apart from the pernicious influence of such
10 association there are, I'm sure, few Boards of Guardians
11 in England who would not feel indignant if fully aware
12 of the light in which the children sent out by them are
13 too often presented to the people of Canada".

14 Now, when he talks about Arab children is he talking
15 there about children who have been involved in
16 delinquency?

17 A I think he is really talking about the kind of thieves
18 and vagabonds. It is certainly nothing to do with
19 Arabia. It's just a kind of rough terminology for
20 people who were living on the streets. I think the
21 bottom line it talks about the offspring of thieves and
22 vagabonds. People who live on the streets.

23 Q But the point he is making is that such children should
24 not be involved in this emigration process.

25 A Exactly. Yes. In other words, if there is going to be

1 a migration of children from the UK overseas then they
2 need to be of sufficient calibre and quality to have
3 a reasonable chance of normal child and adult behaviour
4 once they are in Canada or anywhere else.

5 Q And that also goes to the perception that the people in
6 Canada would have of the children who were being
7 migrated.

8 A Indeed, and it applies in Australia where you certainly
9 see references in some of the testimony from former
10 child migrants, they are described as, "Slum kids", your
11 mother didn't want you, you have been on the streets,
12 and all that kind of disparaging set of remarks, which
13 I think are completely unjustified, so I think here
14 Doyle has identified it as a matter the other way
15 around, as early as 1875. You must give to these child
16 migrants a reasonable status so that they may be
17 respected.

18 Q So if I go back to the report, Stephen, at section 7 on
19 page 32 or 40 of the Nuij number, you deal with the
20 Doyle Report in paragraph 7.1 and I think we've probably
21 half-covered most of the points that you have taken from
22 the Doyle Report, except that you have also taken from
23 the report that there are explicit references to the
24 harsh treatment of children?

25 A Yes. I think the other important thing about the Doyle

1 Report is that it does lead had -- his report leads to
2 a moratorium of the sending of Poor Law, only Poor Law
3 children to Canada, so it's taken seriously by the Local
4 Government Board, and they are demanding of the
5 authorities in Canada that they improve their act to
6 ensure that if children are to be sent, then they will
7 be properly inspected, cared for and so forth.

8 Q Yes. I was going to ask about that and you deal with
9 that in the next paragraph. As you have pointed out,
10 the moratorium that followed on from the Doyle Report
11 only related to Poor Law children and therefore did not
12 cover children who were migrated by voluntary
13 associations?

14 A That's right. Yes.

15 Q The moratorium was imposed by the Canadian authorities?

16 A Yes. Effectively at the requirement of the Local
17 Government Board. I mean, I think there is an attempt
18 to persuade, prompt, the Canadian authorities to ensure
19 the proper inspection of these places. If I remember
20 I think in the report it says the initial response had
21 been that members of the Immigration Board, or whatever
22 the title might be, the Immigration Department, might
23 also check on the well-being of the children, and that's
24 exactly what is unacceptable, we've got, again, this
25 same clash of interests between the immigrant idea and

1 the child welfare idea. They need to be separate.

2 Q And the moratorium was for a period until 1887. Is that
3 right?

4 A Yes.

5 Q Some 12 years or thereabouts.

6 A Yes. Yes.

7 Q That's from 1875-1887. Quarrier, did he -- how did he
8 fit into this moratorium?

9 A I think what subsequently happens, because the UK
10 Government, the Local Government Board, is unwilling to
11 remove the moratorium, it seems, if I remember this
12 correctly, it seems to have been removed but conditional
13 upon the other -- the voluntary societies also falling
14 into line, and that's what Quarrier objected to. His
15 view was that this is not funded by the UK
16 Government it is entirely voluntary, it has
17 perfect credentials, it does a good job, and he then
18 will not accept child migrants, and, indeed, for
19 a period, no child migrants are sent to Canada. It's
20 only immediately after his death that it is resumed.

21 Q But before the age when they were considering the end of
22 the moratorium and bringing in other conditions to
23 respond to Doyle, had Quarrier continued with his
24 migration of children?

25 A Yes, right through until that moratorium is still in

1 place, as it were.

2 Q But when the moratorium was removed, he stopped sending
3 children?

4 A Yes. Sorry, that's correct. He regards it as an
5 impertinence to interfere in the privities of an
6 independent philanthropic organisation that he believes
7 is doing good work, and it is only on William Quarrier's
8 death that the Quarriers organisation immediately
9 restores the immigration practices.

10 Q And I think that was in the early 1900s, I think, when
11 he died.

12 A Yes.

13 Q I think the next report of significance is
14 the Bloomfield report in 1924. Is that correct?

15 A Indeed. Yes. Yes. Very important.

16 Q And you again address that in your report at paragraph
17 7.3. I will put the report on the screen. We won't
18 look at it in any depth, but just so that we can
19 identify it, it's at CMT.001.001.0074.

20 LADY SMITH: And this is the Bondfield --

21 A The Bondfield.

22 MR MACAULAY: We see there that it is a report dated 1924,
23 it is to the Secretary of State for the Colonies and so
24 on, and it is a command report, as we can see from the
25 bottom left, and if we turn on to the next page, 0075,

1 and we note -- we move down a little bit, but the
2 committee is made out of Miss Margaret Bondfield, and if
3 we just run down a little bit, we see Mr --

4 A Can I just say if you go up a little bit, because you
5 will see the name Mr W Garnett, secretary.

6 Q Yes. I was about to say that it is not the Garnett that
7 was mentioned before?

8 A I think it is actually. I think it is. I can't confirm
9 that.

10 Q Walter Garnett?

11 A Yes.

12 LADY SMITH: So that's the same Garnett as cropped up in
13 Australia.

14 A I would like to see it confirmed. There are two
15 Garnetts anyway, but the other Garnett is the guy who
16 ends up trying to manage the Fairbridge Farm school in
17 British Columbia. I think this Garnett, certainly in
18 the report I think we mention it, as being the man who
19 eventually gets -- this is 1924, and I think he gets
20 another job in Australia and is a member of the High
21 Commission.

22 MR MACAULAY: Certainly the initial W certainly provides
23 some support for that inference.

24 A If there were three W Garnetts kicking around it would
25 be very strange.

1 Q And the report begins on that page to say that:

2 "We were appointed by your predecessor in response
3 to an invitation from the Government of Canada to
4 proceed to that Dominion in order to obtain first-hand
5 information with regard to the system of child migration
6 and settlement in Canada, including the arrangements at
7 the Receiving Homes to which children proceed on
8 arrival, the manner in which children are placed out in
9 Canadian households, the system of inspection of the
10 households both before and after placing, and the
11 subsequent supervision of the children".

12 Now, before I come to a particular and important
13 recommendation, can you give me an overview of this
14 report? Look to your own report if that's helpful.

15 A Yes. There had been -- it was very late for -- I think
16 it probably was Professor Harper alerting me to this --
17 there have been stories of children who had been sent
18 out as child migrants being killed or killing others or
19 suicides with some disruptive and disturbing evidence
20 that some of the children who had been sent to Canada
21 got into such extremities as to kill themselves or
22 exercise violence and stories about other deaths. It is
23 a little unclear what the source of that information is,
24 certainly unclear in my head, but it was that which
25 prompted the then Labour Government, of which Margaret

1 Bondfield had been a member, minister, to propose this
2 particular Inquiry. The report relates to Leo Amery, is
3 to the successor Government. It is a short-lived -- it
4 was the first Labour Government, and there is
5 a Conservative Government in by the time the report is
6 made and that's Leo Amery, so that's how the title
7 appears in that fashion. This is what prompts the
8 Inquiry.

9 Q And the general conclusion of the report, if I leave
10 aside one or possibly two important recommendations, it
11 is, as you set out in your report, it is paragraph 7.3,
12 is that the practice of child migration worked very
13 well?

14 A Yes. That's right. I think possibly to the surprise of
15 the group, they felt that in 1924 things were quite
16 reasonably working. It may well have been that Doyle
17 and changes in the practices of the sending societies,
18 the receiving homes, and, I think, of increased
19 inspection by the Ottawa Government, or the provincial
20 Government in Canada, they were more on top of the job
21 than they had previously been.

22 Q And was that the follow-through from Doyle, then? Did
23 the Canadian authorities pick up from Doyle and follow
24 through with some of these proposals?

25 A Yes. I think that's right. It's because of the

1 moratorium experience, and the refusal of the UK
2 Government to accept such minor modifications that were
3 being made, that I think since Canada was still hungry
4 to receive young people, then they improved their act,
5 but there were more inspections and it did seem more
6 persuasive to the Bondfield Committee.

7 Q But then when we look at the two particular
8 recommendations, or perhaps three recommendations, if we
9 turn to page 19 of the Nuix number and I should give the
10 reference if I haven't given it, it's CMT-1, and it's
11 page 19 also of the report itself, I think, if we could
12 move on to that where there is a summary of the
13 conclusions and recommendations, yes, it's on the
14 screen, so we will just take them in turn as they come
15 up.

16 At the bottom under the (vi) -- well, perhaps before
17 that, the one, the previous recommendation at (v):

18 "We consider the present system of Receiving Homes
19 unnecessarily elaborate, and recommend that arrangements
20 are made for the direct distribution of the children
21 from the port of disembarkation", so that's a discussion
22 that, as it were, take Receiving Homes out of the
23 equation?

24 A That does not happen.

25 Q No.

1 A Distribution homes continue. Distribution homes
2 continue.

3 Q We then have at (vi), "Placing":

4 "We recommend that in all cases the home should be
5 inspected prior to the placing of the child".

6 Now, that tends to suggest that that wasn't
7 happening in all cases.

8 A No. Yes. Yes. A prior inspection of the home is
9 a vital addition.

10 Q And then the suggestion is about each child should have
11 a separate bedroom and in any case a separate bed?

12 A That's right. You can see the implications of that
13 recommendation, that requirement.

14 Q And clearly that's something else that must have cropped
15 up, that there was at least a question marking over
16 whether that was happening in practice or not.

17 A Yes. One of the things I think that Bondfield and her
18 colleagues did do, was actually talk to children, a bit
19 like Doyle had done.

20 Q That's always an important factor when you are carrying
21 out this sort of inspection, that you speak to the
22 children involved?

23 A Yes.

24 Q And then under the heading, "Inspection and
25 Supervision":

1 "Date of first visit -- we recommend that children
2 should be visited about one month after placing".

3 Then:

4 "Government inspection -- we recommend that each
5 child should be visited at least once a year by
6 a Government Inspector".

7 So these clearly are important recommendations in
8 relation to inspection. Again, at least the inference
9 in relation to (b), the annual inspection, would be that
10 that was not happening before.

11 A Yes. I think this is where Bogue Smart was responsible
12 for that kind of operation, does find himself lamenting
13 he doesn't have enough inspectors to actually ensure
14 that all that can be done, but he accepts the principle
15 of it. I think there is a much -- there is a stronger
16 tightening up of the practice as a result of the
17 Bondfield report in this respect.

18 LADY SMITH: Could we just go back up to the recommendation
19 that makes reference to -- is it strengthening
20 psychological assessments or something like that?

21 MR MACAULAY: Yes. Number (ii).

22 LADY SMITH: Number (ii). Yes. What do you think, Stephen,
23 I should take from that? They venture to suggest the
24 possibility of strengthening the psychological test.

25 A I would think (Inaudible) that had taken place prior

1 (Inaudible) but I think what it does indicate is that
2 the -- that selection is crucial. I think this probably
3 might even relate back to those stories about suicides
4 and former child migrants killing other people, but that
5 kind of disturbance is perhaps not due entirely to the
6 circumstances in which these youngsters find themselves,
7 but with some (Inaudible) that they had carried across
8 the Atlantic and therefore psychological testing, I'm
9 not quite sure about the strengthening, because I'm not
10 aware that anything remotely like that had previously
11 been practised, but if there had been then clearly it
12 was not always working.

13 LADY SMITH: It does seem to flag up the need for a child to
14 have the necessary resilience if the migration is going
15 to work, doesn't it?

16 A That's right, and it's not simply physical resilience,
17 there is also the mental, psychological strength that
18 you need.

19 MR MACAULAY: I can perhaps take you back to where that's
20 discussed in the report at page 7, the Nuij number on
21 page 7 of the report itself, and this is under the
22 heading, "Selection", in fact. I'm sorry, I'm looking
23 at the Bondfield report at page 7.

24 LADY SMITH: Sorry, when you said, "The report itself",
25 I think we all thought that you were referring to

1 Stephen's report. The Bondfield.

2 MR MACAULAY: Sorry for the confusion.

3 LADY SMITH: Right. Thank you.

4 MR MACAULAY: So we are back to CMT-0010010080, and page 7.

5 If we scroll down to the heading, "Selection", we read
6 there:

7 "As already pointed out, the selection in the United
8 Kingdom of the boys and girls who are to be sent to
9 Canada rests entirely with the Canadian authorities. In
10 spite of the precautions now taken we found a few cases
11 of children suffering from certain physical defects, and
12 others who had proved to be temperamentally unsuitable".

13 A Yes.

14 Q And then I will just read this on:

15 "As regards physical defects, it appears to us that
16 the existing system of medical examination should be
17 adequate. As regards temperamental unsuitability, there
18 seems to be a real necessity for a more careful study of
19 the child prior to selection from a psychologic point of
20 view. We feel that temperamental unsuitability is most
21 difficult to detect in children of tender years, and we
22 will deal further with this point in section 9 below".

23 So I think that's what that particular
24 recommendation refers back to?

25 A It strikes me as a very kind of early acknowledgement of

1 the need for some form of psychological testing which
2 doesn't really seem to me to have made much impact on
3 practices until after the Second World War. There is
4 a very interesting early indication that temperament
5 matters.

6 Q And it may hark back to the background that you have
7 presented to us of children committing suicide?

8 A Yes. Yes.

9 Q Then if we then look at, I think, what's seen as an
10 important recommendation on page 20 of the report, and
11 this is at (viii) dealing with age of entry:

12 "We recommend that, except in the case of children
13 accompanying their parents, Government assistance be
14 confined to children who have reached the school-leaving
15 age in the United Kingdom before sailing for Canada, and
16 that the migration of such children should be definitely
17 encouraged".

18 So I think that is seen as an important turning
19 point in this form of migration.

20 A Indeed. Apart from the Fairbridge Farm School in
21 British Columbia it does mean that all children who are
22 sent to Canada after this has been adopted, will be
23 effectively juveniles over the age of -- school leaving
24 age of 14, or whatever it subsequently becomes. In
25 other words, these are more likely to have -- be able to

1 cope with their futures because they will already have
2 been educated. One of the concerns that had been
3 expressed earlier was that children distributed around
4 Canadian provinces really were far from schools and
5 farmers and domestic -- the people around the homes in
6 which they lived were not really finding the time to get
7 them to school and accordingly they remained uneducated,
8 and therefore their futures were, to that extent,
9 constrained, so I think it is a very powerful statement
10 that only juveniles will be able to cope in Canada after
11 they have had their education.

12 Q -- it is a clear shift away from the Doyle Report --

13 A Indeed.

14 Q -- where he wanted to focus on much younger children,
15 for the same sort of reason, they would settle in better
16 if they were there very young, no doubt if they were
17 educated there?

18 A I think that debate between appropriate ages goes on
19 right through the practice and it so depends to
20 a certain extent as to whether you are talking about
21 boys or girls. I mean, there is some concerns that they
22 have about girls who are at the top end of the age range
23 somehow being sexually promiscuous or more vulnerable to
24 sexual assaults and so on, and I don't think that debate
25 really is ever resolved. Actually, it's not solely

1 girls that are a matter of concern about sexuality.

2 Q And I think it is the case that that recommendation was
3 accepted by the UK Government?

4 A Yes, and accepted accordingly by the Canadian
5 authorities too, and has to be accepted by the -- again,
6 with the exception of Fairbridge and British Columbia,
7 has to be accepted by sending societies in Scotland and
8 elsewhere in the UK, only children above school leaving
9 age should be allowed to be migrated.

10 Q The Fairbridge situation of which we've heard evidence
11 from the people who went there as children, that
12 existed, did it, because it was institutional care, they
13 went from the UK to an institution?

14 A Yes. Often from an institution to an institution. Some
15 of the comments from that, which we may be discussing
16 later on, is that these children were regarded in
17 British Columbia by child welfare professionals as being
18 institutionalised, and therefore would have difficulties
19 integrating into broader Canadian society after they
20 graduated from Fairbridge Farm School.

21 Q I think there was a fairly damning report of the
22 Fairbridge set up by Miss Isobel Harvey --

23 A Indeed, indeed.

24 Q -- in the 1940s, I think.

25 A Yeah. Yes.

1 Q But the Fairbridge set up didn't last for very long. I
2 think it wound up in the early 1950s.

3 A Yes. Do you want a brief remark about that? Because
4 what is very striking is that the Harvey report is very,
5 very critical, very, very hostile. She had been
6 unsympathetic to the idea in the first place, but she is
7 a very well-respected childcare specialist. She has had
8 all the training, thinks institutional care is
9 outrageous to begin with, but if you are going to try to
10 incorporate young people into society then they needed
11 to be incorporated into the society from Day 1, as it
12 were. In other words, they should be fostered, adopted,
13 more of an age to be able to make their own way, but the
14 idea of confining those children to an institution which
15 is pretty kind of degrading in its own respect can only
16 damage the children and make them less like their
17 Canadian peers if, when they ever leave the institution,
18 there would always be difficulties, and her report on
19 the homes, the cottage homes, is really condemnatory
20 about the quality of most of the cottage mothers. She
21 is appalled to find, for instance, that the children are
22 served on tin plates, it feels like a kind of Poor Law
23 refuge. Some of the children's -- I can remember this
24 vividly -- some of the women are -- cannot stand the
25 smell of some of the children. Terrible. It is the

1 local committee that, in the end, says, "We are closing
2 this place down." It is the Canadian committee, not an
3 instruction from Fairbridge headquarters.

4 LADY SMITH: I think it is also Isobel Harvey who describes
5 the dirt encrusted on the children's skin that she sees,
6 isn't it?

7 A Yes. She actually says somewhere in the report that --
8 I think it is in her report, there is another report by
9 another lady who does an investigation, that even the
10 Indians have washing machines.

11 MR MACAULAY: And that, perhaps, brings us on to the fact
12 that we are now at a time in the 1940s where there is
13 a shift in the -- as you say, in the professional
14 understanding of children and how they can best be
15 looked after psychologically, as well as physically.

16 A Exactly. Yes, and I think that is a very, very
17 important marker of the future. I think a good deal of
18 it is already growing amongst professionals in the
19 1930s, and then it is triggered a lot by the experiences
20 of the war, the whole separation of families as a result
21 of that, and professional concern for the well-being of
22 young people who are not being migrated, but just the
23 concerns of children who were separated from their
24 parents, and I think that is then fuelled by this
25 particular bad case of a child -- is it Dennis O'Neill,

1 I think, who dies, and there is a scandal about that,
2 the lack of inspection and so forth, and the need,
3 therefore, for all forms of childcare to be improved,
4 all forms, not just child migration which gets fairly
5 brief, but noticeable attention in that report, I'm
6 speaking here about the Curtis report.

7 Q The Dennis O'Neill, I think that triggered the Monckton
8 investigation?

9 A That's right, there is a special one on that and I think
10 that feeds into the professional sensitivities of people
11 with interests in, or responsibility for children, or at
12 least it should have done. It does for many, and
13 I think you can see that working through in terms of the
14 Advisory Committees that are set up subsequently to
15 advise childcare organisations on what they should be
16 doing.

17 Q And that really leads me on to take you up to the Clyde
18 and Curtis committees. You have just presented to us
19 the background to the setting-up of these committees,
20 and if we look first of all to the Clyde report which
21 was published in July 1946, and you deal with that at
22 paragraph 7.6 of your report, that was, as you tell us,
23 chaired by James Clyde QC, and he was looking at the
24 Scottish aspects of the care of children.

25 A Yes.

1 Q Is that correct?

2 A That's correct.

3 Q Now, the report -- it's not a lengthy report. As
4 reports go it is relatively short, but I think quite
5 a punchy report.

6 A Yes.

7 Q And -- but what was -- can you remind us what was his
8 overall conclusion as to how children should be cared
9 for?

10 A I think it really conforms to that which comes in the
11 Curtis report but the single difference between the two
12 reports is that the Clyde report makes no reference at
13 all to child migration which had been a pre war
14 practice, obviously. There seems to be an assumption,
15 I think, in the Clyde report that there will be no
16 continuation of that practice, and that is going to
17 cause certain problems, as it were, because the Curtis
18 report says something different. On the whole the
19 Curtis report is against child migration but does say
20 that in some exceptional circumstances it may still be
21 practised, but, and the, "But", is absolutely vital in
22 this, but the care which children should receive
23 overseas should be equivalent to the care in the UK, or
24 I think probably it says assume England and Wales will
25 receive when the recommendations of this committee have

1 been put into operation. In other words, they raise the
2 standard of appropriate child care, and any child that
3 goes overseas should be as well cared for as if that
4 child was benefitting from improvements expected in
5 England and Wales.

6 LADY SMITH: Well, you have very carefully -- I see you have
7 very carefully, Stephen, referred to improvements
8 expected in England and Wales. There is still an
9 underlying assumption that children would here, in the
10 UK, be cared for to a particular standard, although at
11 first blush, Curtis reads, I think, as saying it is okay
12 if, at the receiving end, the child as a matter of fact
13 is getting the same level of care as he or she was
14 getting in the UK, even if that wasn't a very high
15 standard, but that can't be what he meant.

16 A Hmm. No, that's right.

17 LADY SMITH: Sorry, she meant.

18 A Raising the whole standard of care for children.

19 MR MACAULAY: I will look, perhaps, in a little more detail
20 at Curtis in a moment, but just going back to Clyde, if
21 we turn to paragraph 7.6 and on page 35 of the report,
22 you summarise what particular emphasis was placed by
23 Clyde on certain circumstances, and they say -- you say:
24 "Particular emphasis was placed on the importance of
25 home and family for the up bringing of children, and,

1 accordingly, stress was laid on properly regulated
2 fostering of children in need. While large institutions
3 were considered to be unacceptable, children's homes run
4 by local authorities and voluntary organisations,
5 accommodating children in 'cottage homes' and employing
6 properly trained staff as house mothers, would still be
7 required".

8 I think it is the case that he is particularly
9 critical of the large institutional type of care.

10 A That's absolutely correct. Yes. I think there is an
11 understanding, and I think a lot of it comes out of the
12 experience of children being moved around the country
13 during the Second World War, that what you do need to
14 ensure is that children are catered for, would grow up
15 in something that looks as like a normal home as
16 possible, so really it is sort of about the
17 opportunities for fostering or adoption or those kinds
18 of practices, that anything that could replicate that,
19 even if it is not a natural family, but it is still
20 a small unit of children with parents, is more likely to
21 be satisfactory to that child's upbringing, than if they
22 are put into what is much more likely to be, and as
23 history seems to have shown, institutions in which the
24 child becomes simply one person in a large mass of
25 people being looked after by, very often, too few

1 adults, and too few adults who have any training in
2 childcare. You cannot really run an institution in
3 which there are 60, 70 or more children as if it is
4 a home. It isn't.

5 Q Moving on in your -- in paragraph 7.7, what Clyde
6 regarded as essential for children's well-being, small
7 size cottage-style homes, integration in local
8 communities, keeping siblings together, education,
9 trained staff, and proper aftercare.

10 A Yes. Can I just pick up that phrase as well, "Local
11 communities"? This -- if you are going to have children
12 who need to be looked after outside their natural
13 families, then they should still be integrated in these
14 constructed homes within a local community, and you
15 start comparing that with, if you categorise what's
16 happening in Australia, they are in large institutions
17 that are not integrated into local communities, and,
18 indeed, the next phrase, "Keeping siblings together",
19 that wasn't always -- well, often did not happen, if
20 a child was migrated to Australia.

21 Q You may be aware that after Clyde in Scotland there were
22 still large institutions --

23 A Oh yes.

24 Q -- that accommodated children.

25 A There is a difference between what the report -- well,

1 both reports, effectively, are saying and what actually
2 is accomplished, but I think in terms of laying down
3 standards that should be applied in the UK, therefore
4 including Scotland, and the standards which should be
5 operated anywhere else in the greater Britain, they
6 should be equivalent. Those should be the aspirations
7 of all concerned.

8 Q These provisions, these recommendations that Clyde was
9 putting forward, that was based, as you tell us, in
10 fact, on the advice that childcare professionals were
11 giving at that time.

12 A Indeed. That's right. So it's part of a kind of
13 educational process that they are trying to operate
14 through Clyde and through Curtis to get more people
15 aware of the need for training of the people who will be
16 running these places, managing childcare. They need to
17 become a professionalised body, properly trained and
18 supervised subject, I would imagine, to -- you know,
19 it's a bit like being in the university. You need to be
20 constantly up-to-date with what best practice happens to
21 be.

22 MR MACAULAY: My Lady, that's just coming up to 4 o'clock.

23 It's been quite a long day for Stephen.

24 LADY SMITH: Indeed it has. Stephen, shall we break now and
25 resume at 10 o'clock tomorrow morning?

1 A If that's okay with you, but it's been a pleasure to
2 talk to you.

3 LADY SMITH: Well, that's very good of you. I look forward
4 to resuming this tomorrow morning, but let's break now.

5 MR MACAULAY: I think, my Lady, Stephen is aware that
6 tomorrow we are sitting from 10 o'clock to 1 o'clock.

7 LADY SMITH: Yes. We are just sitting from 10 o'clock until
8 1 o'clock. It's an Edinburgh holiday tomorrow afternoon.

9 A Oh is it? Right. Why's that? Okay.

10 LADY SMITH: Would you please pass on my thanks to
11 Mr McKerrell who is with you?

12 A Yes. He's just nipped out.

13 LADY SMITH: Very well. Until tomorrow.

14 (3.59 pm)

15 (The hearing adjourned to 10 am on 18 September 2020)

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I N D E X

STEPHEN CONSTANTINE (Affirmed)1
Questioned by MR MACAULAY1