

Wednesday, 23 September 2020

(10.00 am)

STEPHEN CONSTANTINE

Questioned by MR MACAULAY (Continued)

LADY SMITH: Good morning. Good morning Stephen. I gather there has been some room changing this morning and you are down to one screen only.

A That's correct.

LADY SMITH: We can hear you -- yes, we can hear you and I can see you which all sounds good.

A Yes.

LADY SMITH: If you are ready for us to carry on, I will go back to Mr MacAulay and we will pick up where we were yesterday afternoon. Is that all right?

A That's fine. Thank you very much. Yes.

LADY SMITH: Good. Mr MacAulay?

MR MACAULAY: My Lady.

Again, good morning Stephen?

A Good morning.

Q Yesterday we had been looking at numbers and looking at the assessments or estimates that you made in relation to the different Scottish input into migration, both particularly in Australia but also in Canada, and so far as your report was concerned, I think we had got to about page 81, and that's paragraph 10.21. Do you have

1 that close to hand?

2 A 10.21 is on screen in front of me.

3 Q Good. You there look at the pre war Roman Catholic
4 involvement in Australia, and, in particular, you point
5 out that the Catholic Church was actively recruiting in
6 Scotland at that time, and you make mention, in
7 particular, that in September 1938, Canon Griffin
8 represented the Catholic Emigration Association and
9 based in Birmingham, sent a rather alluring, attractive
10 illustrative brochure to the Scottish Home Department,
11 and this was advertising the work of the Christian
12 Brothers. Is that right?

13 A That's correct. Yes.

14 Q What was the intention behind this piece of
15 advertisement?

16 A Clearly it was intended to encourage members of the
17 Catholic Church in the UK, and particularly with respect
18 to the -- in Scotland, to select and send -- the
19 description is, 'orphaned and poor boys', to Roman
20 Catholic institutions in Australia which were set up to
21 receive such children.

22 Q It was not a particularly ideal moment, because it was
23 very much just before the war which interrupted child
24 migration.

25 A Indeed, yes, and it causes a serious disruption. It

1 generates both perception of increased need in Australia
2 to recruit -- increased numbers of the population in
3 Australia. We had referred previously to the impact of
4 the war on Australia, the attack on Darwin by the
5 Japanese, and there was a big push to increase the total
6 population of Australia as a response to that, to
7 attacks from what they were describing as the, 'near
8 North', and children were part of -- child migrants were
9 part of the possible recruits that they might obtain,
10 and I think we had also referred yesterday to the claim
11 that had been put out officially, though rather grandly,
12 that there was 50,000 war orphans in the UK who might
13 well be welcome in Australia.

14 During and after the war what had been tentatively
15 done before the war becomes a much bigger push to
16 recruit.

17 Q And I think we touched upon this yesterday, and in
18 particular they are all applied by the Australia
19 Catholic Immigration Committee, the ACIC, that was, as
20 you describe here, the umbrella organisation for
21 a number of Catholic organisations. Is that right?

22 A That's right. It is to tackle -- again, I think we
23 referred to it yesterday -- it is described as an,
24 'immigration committee', so you can see where the pull
25 is, but it is unusual in that it is actually being

1 funded through the Empire Settlement Act by the United
2 Kingdom, so the United Kingdom is funding an immigration
3 committee rather than a, as it were, an obvious sending
4 society.

5 Q And insofar as the numbers you mention in that paragraph
6 are concerned, I think there you are relying on the
7 information provided by the Sisters of Nazareth in their
8 Section 21 response.

9 A That's correct. Yes. Insofar as their records provide
10 it, what seems like firm data, these are the figures
11 that we had located.

12 Q There may be a suggestion, and this may come from the
13 Child Catholic Welfare Council, I think they are called,
14 CCWC, that the number might have been closer or lower
15 than 100 rather than the 71 that I think you focus on
16 here but that's something we can explore with the
17 Sisters of Nazareth. No doubt they will take on board
18 that that evidence has been given, but what you say here
19 is that on the basis of the Section 21 response you are
20 able to identify where the different children came from,
21 the different Nazareth Houses?

22 A That's correct. Yes. As you can see the largest number
23 from Aberdeen is 33, 30 from Edinburgh --

24 Q And I just point out, only four from Glasgow which you
25 thought was rather surprising.

1 A Yes. I mean, there was a considerable Catholic
2 population in Glasgow, and we also know that there were
3 problems about living standards in Glasgow, and,
4 therefore, it would seem to be a sort of place where
5 more children might have been recruited from and sent.

6 Q And you have also taken on board, if you move on to the
7 next page, the contribution made by the Good Shepherd
8 Sisters of 15 children.

9 A Yes.

10 Q So far as their Section 21 response is concerned, and I
11 know you do touch upon this later on, but I think you do
12 say there is very little information provided in
13 connection with these children, and how it came to be
14 that 15 children from this particular organisation made
15 this contribution?

16 A Yes. That's right. It is -- one of the things that
17 I think we've all struggled with, and indeed the Sisters
18 themselves have struggled with, is record survival, and
19 without kind of firm records it is very difficult for
20 them to calculate at their end how many were selected
21 and more beyond that, why they were selected, so there
22 is always a problem, I think, about the dates that we
23 are seeing. There does not seem to be any secure system
24 of retaining records, and it is not a matter of blame in
25 this, I think it's just one of those accidents of what

1 would seem to be an enterprise of some years ago, that
2 the records have not seemingly survived.

3 What would have been in those records, of course, is
4 an entirely unknown matter. It relates to things like
5 reports back and so on. It is very, very little
6 information that has been provided by the various
7 organisations -- Sisters.

8 Q If we then go back to your table on page 80, Table 1,
9 where we have a total of 946 under the auspices of ACIC,
10 you are including in that total the total that you have
11 taken from the two Section 21 responses of 86 children
12 from the Sisters of Nazareth and the Good Shepherd?

13 A That's correct.

14 Q Again, yesterday I think we did touch upon Dr Barnardo's
15 and the figures for Dr Barnardo's. What you have done
16 in this next paragraph is you have, again, relied on the
17 information supplied by Dr Barnardo in the Section 21
18 response. Is that right?

19 A That's correct. Yes.

20 Q That's why, if we look towards the bottom part of that
21 paragraph, paragraph 10.22 you are able to make the
22 comment that Barnardo's records indicate that only 19
23 had been migrated from Scotland, and only between 1947
24 and 1965, and you were able to get a breakdown of where
25 these children went?

1 A Yes. That's right. So we did have some -- one of those
2 records seemed to be better, and therefore there is more
3 detail about five boys going to Melton Mowbray and so on
4 and so forth, and so I can we've got a pretty good idea
5 from there. What seems to be firm data, not just about
6 the numbers, and whether they were boys or girls, and
7 quite detailed references, as you will see, to siblings,
8 a boy and a girl, migrating with their foster parents.

9 Q We did look at this yesterday and I just want to go back
10 to it to see if I can get some clarification, it was
11 this Barnardo's Section 21 response, the updated
12 response, and I will put this on the screen so you will
13 see it on the screen. It's BAR-6 and I want to look at
14 page 24. Do you have that on the screen, Stephen?

15 A Yes, I have something on the screen. I cannot see
16 a page number so I assume it is the one you want me to
17 see.

18 Q I'm just waiting for my own general to come up, but ...
19 it's on.

20 If we scroll down to the bottom of the page, this is
21 the information provided in relation to children to
22 Australia.

23 A That's right. That's one that's now on screen.

24 Q Thank you, and we touched upon this yesterday, but there
25 is the comment there, and it is perhaps a little bit

1 ambiguous, it says:

2 "Barnardo's has identified 46 children who were born
3 in Scotland or who were placed in a Scottish home who
4 were then migrated to Australia after the Second World
5 War".

6 There has been correspondence with Barnardo's
7 solicitors, Clyde & Co, and of course Barnardo's
8 witnesses will be coming to give evidence, but in that
9 correspondence this is what is said -- I will just read
10 this out to you because the letter is not on the system.
11 This is paragraph 7:

12 "To the best of Barnardo's knowledge, the total
13 number of Scottish children migrated from a Scottish
14 home or spent time in a Scottish home before migration
15 to Australia is now 46".

16 So that's a bit clearer and that does seem to
17 suggest that the 46 really did come from Scotland?

18 A I think that's right, yes, and there is -- well, I have
19 added a kind of written note to my copy of the report to
20 indicate that 46 should be added -- 46 children should
21 be the total. I think it's 46 rather than 46 to be
22 added to the figure that we've had before.

23 Q I think that's right. It does make quite a significant
24 difference?

25 A It does indeed, yes.

1 Q And what we don't have at the moment from Barnardo's, as
2 far as I'm aware, is a breakdown of where these children
3 went, but no doubt that's something we can explore with
4 them when they give their evidence?

5 A Yes.

6 LADY SMITH: Yes. The Section 21 response answer was
7 perhaps being too careful in recognising that maybe some
8 of the children that were in Scottish homes hadn't
9 actually been born in Scotland. I can't remember what
10 the question was, but that's clarified the position very
11 helpfully. Thank you Mr MacAulay.

12 MR MACAULAY: You then move on to consider the position of
13 The Salvation Army, and as you point out, the economic
14 depression in the war had stopped the emigration of
15 young people to Australia by the Salvation Army and
16 I think you mentioned before the Riverview Farm which
17 was the target had effectively been abandoned.

18 A Yes.

19 Q But post war it was revived?

20 A Yes.

21 Q And you make mention there of boys from Aberdeen being
22 considered, but whether these boys were migrated is not
23 at all certain.

24 A No. That's right. Yes.

25 Q But nevertheless you seem to come to a view that about

1 20 children from Scotland, as a maximum, may have been
2 migrated by The Salvation Army?

3 A Yes. It's one of those kind of rough estimates, really,
4 just based upon the figures that we've got, and allowing
5 for some that had not been accounted for, so it is
6 a ballpark figure around 20. Remember, what I had been
7 anxious to do was to make the numbers probably as high
8 as they might reasonably be said to be, because it was
9 leading to the conclusion which I mentioned yesterday
10 that in spite of these possibly exaggerated figures, the
11 number of children going from Scotland was
12 disproportionately low in comparison with those going to
13 the UK as a whole.

14 Q But would the place to which these children would have
15 gone, whatever the number of Scottish children may have
16 been, would that have been the review?

17 A Oh yes. Yes.

18 Q And I think yesterday we saw that by the time Ross
19 inspected premises there was only one migrant in place,
20 I think the others had been farmed out to different
21 locations?

22 A Yes, which also suggests that no further children were
23 being sent. It seems to be petering out as a Salvation
24 Army enterprise to send children from Scotland or,
25 indeed, anywhere else in the UK, to Riverview.

1 Q And as we saw from Ross, his report certainly wasn't
2 particularly complimentary of the set-up.

3 A Yes. Whether the numbers had diminished because of the
4 reports going back to The Salvation Army in the UK or in
5 Scotland which discouraged them is a moot point. We
6 simply don't know -- I don't know at least -- quite why
7 they did tail off so much and why Ross only found that
8 one child who was clearly anxious to leave.

9 Q But there were other children there and that was one of
10 these places that didn't just take in migrants, it also
11 took in children from Australia, for example?

12 A Indeed that's right. Yes.

13 Just to add to that, The Salvation Army seems to
14 have had a very good reputation in Australia and indeed
15 broadly around, I suppose, some of the sending
16 societies. It seemed from what we know from other
17 enquiries to have been, to a certain extent, misplaced.

18 Q And then you move on to look at the Church of Scotland,
19 its position and, in particular, the role played by the
20 Church of Scotland Committee on Social Service, CSCSS,
21 and you have had the benefit of having regard to the
22 fairly detailed Section 21 response provided by
23 Crossreach to the Inquiry, and looking at the -- is that
24 right?

25 A That's right. Yes.

1 Q Was that helpful?

2 A It was indeed, yes. I think it is one of the kind of
3 quality reports that we did get. We were able to study,
4 and I think that has been very valuable here. I think
5 one got a sense of confidence in what one was reading,
6 that this was a well-researched report.

7 Q And I think you also had regard to I think two fairly
8 substantial NRS files?

9 A Yes.

10 Q Now, just looking at the set up, can you give me some
11 idea as to what the set up was in Scotland as to how
12 children were being recruited and sent to, in
13 particular, Dhurringile, which is one of the places we
14 are looking at?

15 A Yes. A lot of this, of course, is a response to the
16 activities of the Reverend Andrew Boag, I'm not quite
17 sure how you pronounce his name, but B-O-A-G, and this
18 is a recruiter who comes from Victoria and makes contact
19 with the CSCSS, so he is the agent -- it's one of these
20 occasions when somebody from Australia comes to
21 encourage an organisation in the UK, in this case in
22 Scotland, to select and send recruits. It comes,
23 clearly, to recruit, and we will come, also, to explain
24 why sending children to this institution would be
25 altogether a good thing.

1 Q Because prior to this post-war period the Church of
2 Scotland had had no history in migration?

3 A That's right. Yes. So -- and what we do see is that
4 the committee does indeed then make -- local authorities
5 and voluntary homes so it does, as it were, follow what
6 is being requested of it by the Reverend Boag. He had
7 also already been in Scotland.

8 Q There also appears to have been a connection between the
9 Church of Scotland and Quarriers?

10 A Yes. That's as one would reasonably expect, given their
11 religious affinities.

12 Q And I will come, back, then, to that connection in
13 a moment, but what you tell us in the report is that the
14 Church of Scotland Committee on Social Services set up
15 a Recruitment Committee that was headed by Reverend
16 Lewis Cameron. Now, he was based in Scotland, of
17 course?

18 A That's right, yes, so there is a close relationship,
19 seems to be established, between the Reverend Boag from
20 Australia and the equivalent person in Scotland, so
21 there is a working relationship which is established.

22 Q And what you tell us there is that the CSCSS Committee
23 contacted all local authorities and voluntary homes in
24 Scotland, including those that the Reverend Boag had
25 already visited and invited them to propose suitable

1 children in their care for migration. Is that right?

2 A That's correct. Yes. So there is a harmony between
3 both sides, as it were, from the Australia end and from
4 the Scottish end.

5 Q If we look at this, the file, I think this is one of the
6 NRS files that you mentioned, I will put this on the
7 screen for you Stephen, it is at SGV001.003.7861?

8 A Yes.

9 Q I don't think we are quite there yet. 7861.

10 While we are waiting for the document to appear, I'm
11 looking at a Scottish Education Department file with the
12 heading, "Homeless Children Emigration Schemes, the
13 Presbyterian Church of Victoria and Dhurringile Rural
14 Training Farm", and within that file we can come to the
15 document I think just picked up on the screen a moment
16 ago and that's at SGV001.003.7949. I think we have at
17 least glimpsed at this document before, but this appears
18 to be a form of circular letter.

19 A Yes.

20 Q Did this form part of the campaign by the Church of
21 Scotland Committee on Social Services to persuade local
22 authorities and other organisations in Scotland to join
23 in their migration plans?

24 A Yes. I think you can see that this is simply an example
25 of a letter that went out to many recipients. It is a,

1 "Dear", and then a name is written in, so you can take
2 that to mean that there will be a number of such letters
3 and then it is simply -- a particular recipient, the
4 name is written into the text.

5 Q But if we look at the heading, the heading is, "The
6 Dhurringile Rural Training Farm for Migrant Orphan and
7 Homeless Boys", so that's the context?

8 A Yes. It is very striking, we see this word, 'orphan',
9 cropping up in this, and, 'homeless'. It gives it that
10 kind of particular edge that this is a -- these are
11 children in need. We know that many of these children
12 were not actually orphans, and to a certain extent, if
13 they were in institutions in Scotland, they were not
14 necessarily to be deemed homeless, either.

15 Q And if we just look at some aspects of it, and can
16 I say, is this the letter that Mr Ross rather
17 cryptically referred to in his report on Dhurringile?

18 A I'm sure that it is. I'm sure that he would have been
19 aware of this, but he sees it, clearly, as a kind of a
20 recruiting document and an exaggeration.

21 Q Let's look at the letter.

22 A It is seen by Ross as a remarkable exaggerated statement
23 of the quality of life that child migrants at
24 Dhurringile would have experienced.

25 Q Well, it begins by saying:

1 "The Presbyterian Church of Victoria in Australia
2 has instituted the above Farm School in the beautiful
3 and fertile district of the Goulburn Valley".

4 We are given some description as to where it is:

5 "The school has been designed to accommodate one
6 hundred boys and it is planned to take fifty now and
7 fifty at a later date".

8 So quite an ambitious project?

9 A It is quite. Yes.

10 Q And then we read:

11 "These boys will be given a splendid opportunity in
12 a young, flourishing and fast-developing country. They
13 will be taken, free of cost, to Australia, given a home
14 at Dhurringile under ideal conditions and in the care of
15 trained experts in social service work".

16 So that's the advertising blurb?

17 A It is indeed. What's not to like, really? It sounds
18 very attractive.

19 Q And it goes on to talk about the fact that not just
20 farming, but:

21 "If, however, any boy desires to enter a trade or
22 profession, the church will provide him with every
23 facility to do so and will sponsor him through his
24 apprenticeship or course".

25 Then the penultimate paragraph:

1 "The boys must be orphan or homeless, be healthy in
2 body, bright and intelligent and of good moral character
3 within the age group of eight to fourteen".

4 So we have an age group there of some fairly young
5 children being included?

6 A Yes. I think, can I just add a comment about the
7 location of Dhurringile as well? It does talk there
8 about opportunities beyond that becoming a kind of a
9 worker in a rural environment. It is what is described
10 as a hundred miles from Melbourne, which would be the
11 nearest big city.

12 Q Yes. One hundred miles from the city of Melbourne and
13 twelve miles from the city of Shepperton, towards the
14 top of the page.

15 A Exactly, yes, I am not quite sure what the city of
16 Shepperton looks like, but I'm just going back to what
17 we had discussed before, that many of these children, of
18 course, would have come from urban environments in
19 Scotland, and to find themselves -- well, a hundred
20 miles away from a large city, you might think that one
21 of the consequences of that would be that they were less
22 likely to take up any other opportunities than those
23 which involved working on farms because that's really,
24 where they are located, in a farming area.

25 Q And I think Ross did describe the location as,

1 'isolated'?

2 A Yes.

3 Q -- in his report. And there is some reference to the
4 Irish representative and the Scottish representative,
5 you have mentioned the Reverend Boag:

6 "... who is here from Australia representing
7 Dhurringile, can be contacted at the above address".

8 There is a bit of, I think, pressure being put on
9 for a response, but:

10 "As Mr Boag has to return at the end of July we
11 would appreciate an early and we hope favourable reply".

12 So that was the invitation that was sent out that
13 you mention in your report?

14 LADY SMITH: Stephen, were you able to identify how long
15 Boag stayed in Scotland?

16 A I don't know it offhand. I would assume that he does
17 return, as it says here, he will, but whether he
18 extended his visit, I honestly couldn't tell you.

19 LADY SMITH: Having been here probably -- what? A matter of
20 months doing the rounds?

21 A I think that's right. In order to send out those
22 invitations and to -- is there a date on this letter?
23 Can you go to the top of the letter?

24 MR MACAULAY: Well, it is a style letter. It doesn't have
25 a date.

1 A So there is no date as such. Yes.

2 Q I think what you say in the report, then, is that early
3 in 1950 the Reverend Andrew Boag appeared in Scotland,
4 so we are looking to a deadline where he leaves in --
5 what? July or August, so he must have been in Scotland
6 for several months on this recruiting campaign?

7 A Yes.

8 Q And when he returned to Australia, I think we see this
9 in other documentation, did he, in fact, take a group of
10 children with him?

11 A Again, I would need to refresh my memory on that.

12 Q I think there is correspondence to say that he had
13 managed to collect 28 children?

14 A Yes. So he does -- effectively he is the person who is
15 accompanying that party to Australia.

16 Q What isn't clear, I think, and you can correct me if I'm
17 wrong, and perhaps I'm jumping ahead a bit, is that it's
18 not clear where he collected the 28 children from.

19 A I don't think we -- that is identified, so we do not
20 know who responded to this invitation, and I think one
21 would be assuming that it is possibly some members of
22 the Presbyterian Church had located children and
23 selected them, but that is speculation, my speculation.

24 Q But I did mention Ross a few moments ago. If you just
25 go back quickly to the Ross Report it begins at

1 LEG001.002.3787. Again, it hasn't come up on the screen
2 but that's the first page of the report, but I just
3 wanted to take you back to a point I think we looked at
4 yesterday at page 3789 where Ross describes the
5 conditions as -- material conditions and general
6 attitude of the boys as, 'deplorable'?

7 A Quite. Yes.

8 Q And I think you will remember that, and then he has this
9 note. It may be worth putting on record that the
10 following entry appears in a booklet published by the
11 Council of Voluntary Organisations for Child Emigration.
12 The Church of Scotland Committee on Social Services,
13 "These boys are given a splendid opportunity at
14 Dhurringile under ideal conditions under trained experts
15 in social work". So clearly that has been plucked out
16 of the letter that we've seen?

17 A Yes. Yes, and you can see why, remember that CVOCE is
18 effectively a recruiting agency, that so many of those
19 organisations that it represents, their membership seems
20 to give them a kind of credibility and in that
21 particular document you can see the kind of contact
22 details for the various institutions. That's broadly
23 sent out to many possible recruiting societies, and,
24 therefore, you would imagine that it is intended for the
25 recipients to say, 'oh well, this is the kind of place

1 that we rather favour', so you can see how some would be
2 possibly attracted to that which is being proposed by
3 the Reverend Boag.

4 Q As I understand the point that Ross is making is that
5 although that is what was being put out, what he found
6 on the ground was in total contrast --

7 A Oh absolutely.

8 Q -- to that?

9 A I think we are very clear about that. This is
10 a recruiting exercise, and bears little in practice to
11 the conditions that children would find if they were
12 migrated to Dhurringile.

13 Q Now, if we turn on to page 84, then, I think you came to
14 the view that the Church of Scotland Committee on Social
15 Services may have provided about 83 children that went
16 to Dhurringile. Is that right?

17 A I think that's the figure, yes.

18 Q And does that figure include the number of children
19 that -- the Quarriers children that were migrated
20 through the Church of Scotland?

21 A I would manage so, yes. Quarriers post war despatched
22 21 boys, and I think we can see that, and I think that's
23 incorporated into the total of 98. The first line on
24 10.25 has got the Quarriers post war figure.

25 Q Yes, and in the next line you say that -- at 10.25:

1 "We should add that information provided to SCAI
2 reveals that Quarriers post war and the response to
3 CSCSS despatched 21 boys to Dhurringile", and you give
4 us the breakdown, so in fact you bring a total figure of
5 98, I'm not sure whether -- if we have 83 and certainly
6 21 that would take certainly us up to about 94 children.

7 A I'm going on the 21 boys from Quarriers and then the --
8 yes, and then there is the ten sent -- '61, '62 which
9 seem to have been overlooked in official funding
10 records, and what I think was doing, in addition to the
11 further five we've found for 1963, it bumped up the
12 total to this 98.

13 Q If we look at the Quarriers submission in its Section 21
14 response, again, we looked at this yesterday, it is the
15 table that sets out the numbers?

16 A Yes.

17 Q It is at QAR0010078046. Thank you. So if we scroll
18 down, we know that Quarriers, and we will maybe come to
19 this in a moment, in 1939 migrated 17 children to
20 Burnside. You see that set out in the table.

21 A That's for -- I'm looking at the 17 for Australia in
22 1939. Is that right?

23 Q Yes. 17, 1939, to Australia, but I think that was to
24 Burnside.

25 A Yes.

1 Q And then there is no migration for a period of about 19
2 years?

3 A Right.

4 Q And I think then we come to the group of children who
5 were migrated via the Church of Scotland --

6 A Yes.

7 Q -- a total of 21 children?

8 A That's right. 1960, 1961 and 1963 parties.

9 Q Yes. So if we add the 21 to the 83 we come to about 94.
10 It may not matter very much but we are in the 90s in
11 relation to the Church of Scotland's involvement?

12 A The point about that table, as you recall, is that it
13 arrived after our report had been submitted.

14 Q Yes?

15 A So I'm not sure whether those 21 are included. Can you
16 go back to the original documents that we've referred
17 to?

18 Q Of course. So it is at page 84.

19 A Yes.

20 Q We are looking at page 84 of the report.

21 A Yes.

22 Q And it is at paragraph 10.25:

23 "However, we should add that information provided to
24 SCAI reveals that Quarriers post war and in response to
25 CSCSS approaches despatched 21 boys to Dhurringile

1 Training Farm, Victoria".

2 I think that's to cover the 11 and the five and the
3 five detail?

4 A At the bottom of the paragraph though is the ten sent in
5 '61 and '62 seemed to have been overlooked, so I think
6 what we -- and as I say we've referred to five, so
7 I think what -- that means 15, ten in '61 and ten in
8 '62. I think what that is actually supposed to be
9 saying is the ten sent in '61 and ten sent in '62 and
10 five further in '63 which would give us the figure that
11 is already in the total of 98.

12 Q That may be, and no doubt we can seek clarification from
13 Quarriers, because so far as Quarriers are concerned,
14 they are submitting that in total in 1961 there was five
15 children and in total in 1963 there was 63, so they
16 don't seem to accept there was ten and ten, as you may
17 have implied in your report, but we can --

18 LADY SMITH: Mr MacAulay, sorry, I read that in 10.25, and
19 that being the ten sent in 1961 and 1962 being an
20 addition of five in 1961 and five in 1962 that's
21 referred to in lines 3 just over to 4. Have I got that
22 right, Stephen? If you go --

23 A Yes.

24 LADY SMITH: -- to the start of 10.25, you identified five
25 being sent to Dhurringile by Quarriers in 1961, five

1 being sent in 1962, and when you are referring to ten
2 later in that paragraph, ten sent in 1961 and 1962, it's
3 those two fives together.

4 A Yes.

5 LADY SMITH: It's not 20 in total.

6 MR MACAULAY: No, well, I think that's the way I would have
7 read it.

8 LADY SMITH: Right.

9 MR MACAULAY: And that would fit in with the Quarriers
10 information --

11 LADY SMITH: Right.

12 MR MACAULAY: -- which says that there was ten in total
13 between 1961 and 1963.

14 LADY SMITH: Yes. Yes.

15 MR MACAULAY: It's just that the figure, if one adds the 21
16 to the 83 it's 94 rather than 98 and I was wondering
17 where the other four came from, I think is the other
18 point --

19 LADY SMITH: Sorry, what are you adding 21 to? Because you
20 did say something earlier that doesn't actually make
21 sense. You said if we add 21 to the 83 we come to 94.
22 If you add 21 to 83 you get 104. I wonder if that's
23 actually what you intended.

24 MR MACAULAY: Of course that is the case isn't it. There
25 goes my arithmetic. I think that is -- I think Lady

1 Smith is correct, if we take the figure of 83 and we add
2 on to the 83 the 21 that you -- that had been revealed
3 to this Inquiry over the period from 1960 through to
4 1963, we do get 104, which is a little bit more than the
5 98.

6 A Right. Yes.

7 Q But while we are talking about the Quarriers
8 involvement, I think it's right to say, and we did touch
9 upon this yesterday, that these children were migrated
10 unbeknown to the authorities, and, in particular, the
11 Scottish Education Department, the Scottish Home
12 Department.

13 A Oh, that's right. Yes. This is the voluntary sector
14 doing it voluntarily without consultation with any of
15 the government departments, but that's not unusual, is
16 it.

17 Q This did create -- this did generate some correspondence
18 in the file that I sought to put on the screen, and it
19 would appear from that correspondence, and I will not be
20 able to put it up on the screen but I can remind you of
21 what's in the file, that The Sunday Post, a well-known
22 Scottish newspaper, had an article with the heading, "11
23 Young Orphans Are Off To A New Life Down Under", and
24 that was The Sunday Post for 1960 and that fits in with
25 the 11 that were being migrated by Quarriers, and I will

1 just read the first paragraph -- I will give the
2 reference so we have it for the transcript. It is in
3 that folder that I mentioned, it is SGV001.003.7882, and
4 you may recollect seeing this when you were doing your
5 research, but we read:

6 "11 young Scots boys will set off on Tuesday to
7 start a new life in Australia. All the boys are orphans
8 who have spent most of their lives at Quarriers home at
9 Bridge of Weir and they are going on to Dhurringile
10 Training Farm"?

11 A Yes.

12 Q And the relevance of that is that the authorities seem
13 to have seen this in The Sunday Post and that generated
14 some correspondence between the Scottish Home Department
15 and Quarriers in relation to what the background to this
16 migration was. Do you remember seeing that material?

17 A Yes. Can you go back to the copy of the newspaper?

18 Q Yes.

19 A The headline.

20 Q The headline is, "11 Young Orphans Are Off To A New Life
21 Down Under".

22 LADY SMITH: Is it, "Orphans", or, "Scots boys"? You said,
23 "Scots boys", before.

24 MR MACAULAY: Well, the headline is, "11 Young Orphans Are
25 Off To A New Life Down Under", and we then read:

1 "Eleven young Scots boys will set off on Tuesday to
2 start a new life in Australia".

3 A Yes. That's the [REDACTED] 1960 group.

4 Q Yes.

5 A It is actually the newspaper cutting, I would quite like
6 to just refresh my memory about how it is actually set
7 out.

8 Q I'm just not able to get it on the screen at the moment.
9 If I can get it on the screen later --

10 A We had it a moment ago. It came up and disappeared
11 again.

12 Q I think what came up before was a different article.

13 A Oh right.

14 Q Sorry for the confusion.

15 A Okay.

16 Q But it did -- just to remind you, this Sunday Post
17 article did generate some correspondence, and I'm just
18 reading from the Scottish Home Department file, and
19 again, I think you have seen this before, but it begins
20 by saying:

21 "You will wish to see the enclosed extract from The
22 Sunday Post of [REDACTED] 1960 and also the Evening
23 Citizen of [REDACTED] 1960".

24 Then we note that:

25 "The children are not in the care of a local

1 authority and accordingly section 17 of the Children Act
2 1948 does not apply".

3 You have made this point before, of course, that in
4 the absence of regulations then there was no obligation
5 to involve the authorities, and in particular the
6 Secretary of State.

7 A Yes. That's right. That's particularly why I was
8 interested in seeing what the press actually said, and
9 clearly the Scottish Department recognises that they
10 have no legal grounds for interfering with private
11 activity.

12 Q But this memo does go on to say:

13 "We are, however, under duty to keep an eye on the
14 emigration of children who are left in the charge of
15 voluntary organisations and I am not at all confident
16 that Quarrier's Homes can safely send away children
17 whose parents have, for the moment, disappeared".

18 So it would appear that the authorities, although
19 there was no legal obligation, were keeping an eye on
20 what was going on, vis-à-vis the voluntary
21 organisations.

22 A Oh I think that's right. I think we can see that. We
23 are now talking about 1960, remember. At that time the
24 Home Office, as well as the Scottish Home Department is
25 increasingly frustrated about the activities of

1 voluntary societies. Remember, there had been these
2 expectations that there would be regulations introduced
3 to enable the government departments to, as it were,
4 manage the sending of children overseas, and it is the
5 failure of those, I think, which leads to these kind of
6 frustrated responses in government departments.

7 We are -- all we can do is monitor it. What we
8 cannot do is regulate it.

9 Q It would appear that the Scottish Home Department did
10 make contact with the Church of Scotland in connection
11 with this matter. This isn't in the file, and the
12 information provided to them by a Ms Cumming who looked
13 after migration issues was that the children were
14 between the ages of eight and 11, and they appeared to
15 understand what was involved in going abroad. Australia
16 House insisted on a diligent search for relatives and
17 written consents were obtained wherever practical. The
18 relatives were not interviewed. So that, perhaps,
19 provides an insight, or at least an inference, that the
20 11 young orphans may not have been all orphans at all.

21 A That's right. Yes. I mean, an orphan is, again --
22 we've mentioned this before -- it just becomes a kind of
23 loose term of trade for people who are not living with
24 their natural families. Whether they have families,
25 whether they have parents, is an entirely other matter.

1 Can I just say, I think the screen has gone a bit
2 weird here. I have now got a snow scene in front of me
3 and it is saying, "Viewing (Inaudible) screens".

4 MR MACAULAY: Yes. We're looking at a very pleasant winter
5 view here.

6 LADY SMITH: Yes, so have we.

7 A Yes, quite.

8 LADY SMITH: I think it will come back in a moment, Stephen,
9 just while we are waiting for that, I was thinking back
10 to the Reverend Boag's shopping trip in Scotland, if
11 that's the way to think of it. I suppose there is no
12 indication of the Scottish Home Department having any
13 awareness of this man from Australia going around the
14 country trying to sweep up children to take back to fill
15 Dhurringile.

16 A I think that is quite commonly the case for a number of
17 increasing operations of the voluntary societies, that
18 the government department -- since they are under no
19 legal obligation to explain their practices to
20 government departments, whether in London or in
21 Edinburgh, I think what we are finding is that these
22 are, as it were, private operations.

23 LADY SMITH: And it would have been the same with Father
24 Conlon and Father Stinson I suppose.

25 A Absolutely certainly.

1 LADY SMITH: Not even as a courtesy --

2 A Absolutely not.

3 LADY SMITH: -- telling local authorities, in this case it
4 would have been the Scottish Home Department, what they
5 were up to.

6 A Quite. Yes. This is so voluntary as to be indifferent
7 to the interests of the State.

8 Remember, we have to continuously bear in mind that
9 once these children have been approved and sent, then
10 the UK taxpayer is coughing up the money to keep them,
11 send them and keep them. It's clearly been pick up
12 irrespective of who's done the recruiting.

13 MR MACAULAY: The next section deals with the role of the
14 Royal Over-Seas League, and we've had some discussions
15 about that already, and the involvement of Cyril Bavin.

16 They were particularly involved in dealing with
17 evacuees during the war. Is that correct?

18 A That's right. That's really what it set off to be, the
19 children's reception board for those evacuees and the
20 story there is of course that children had been sent to
21 escape The Blitz and -- in the United Kingdom. Many
22 returned, but then some wished to go back to Australia,
23 so it's part of the kind of funding of that.

24 What we also see, though, is that there is
25 statements being made by Cyril Bavin that the children

1 are former CORB parties, but actually there are others
2 who were not originally CORB children.

3 Q Was the position, then, that the Royal Over-Seas League
4 was involved in evacuating children, I think we know to
5 Canada but also to places like New Zealand and
6 Australia?

7 A Yes.

8 Q And when these children came back, is it being suggested
9 that some of these children were then sent back again?

10 A Some of those children who had been away for some
11 considerable -- several years, this is not a kind of
12 brief visit overseas, they had been there for some
13 years, and if they did come back to the UK, many of them
14 said that they had better experiences, better
15 opportunities overseas, and they are, then, being
16 recruited and sent back to where they had been as CORB
17 children, but the point being that Cyril Bavin, who is
18 involved in doing that also adds to those groups
19 children who are not originally CORB children, so he
20 smuggles, in, as it were, some additional children.

21 Q And where had they been taken from?

22 A I think it is a very good question. I don't actually
23 know. They are a recruiting agency, and maybe they had
24 contacts with some of the -- well, they must have had
25 some contacts with institutions in the UK, including in

1 Scotland.

2 Q And the CORB evacuees who went back, would they be going
3 back to the families to which they had been billeted
4 during the war?

5 A That is for me an unknown. They would be older
6 children, and the likelihood is that many of them might
7 have been juveniles. I don't have any data on the
8 composition of those returned evacuees, so where they
9 went to, it may -- it is likely to have been to the
10 places where they had first been settled, but, of
11 course, if they had been away for several years, they
12 may have established contacts with people who might
13 subsequently employ them if they did return, is it may
14 be operating that, but it is an area -- since several of
15 these were going to places like New Zealand, we've got
16 very little information about the New Zealand end of
17 this story.

18 Q And in relation to the children who were not CORB
19 evacuees but were included in the groups that were being
20 migrated, would the authorities be aware of the
21 existence of these children in these groups?

22 A It sounds, again, rather cynical about how some of these
23 operations operate, I suspect they did not know.
24 I think they were being told -- since, remember, again,
25 it comes down to the funding operations to send these

1 children overseas, they may have been told that these
2 were all former evacuees, so I raise that as
3 a speculation. I don't want to kind of say, "I know
4 that for certain", but it seems not unreasonable to
5 expect that Cyril Bavin actually just smuggled these
6 kids in amongst the others who were evacuees and they
7 were funded accordingly for their return visit.

8 Q But you do tell us in any event that when the ROSL
9 sought to propose a Child Migration Adoption scheme,
10 that offer was not accepted?

11 A That's right. Yes. It is partly, again, because one of
12 the expected merits of the Child Migration Scheme is
13 that children will be sent from one particular place in
14 Scotland to a known place in the -- overseas, whether it
15 be to family farms in -- or whatever -- in Canada, or to
16 institutions in Australia, so it is not at all clear,
17 would not be at all clear to people in the UK as to
18 where ROSL intended to send its children. It doesn't
19 have a link partner overseas.

20 Q And you go on to tell us that after that, that ROSL
21 essentially operated as a recruiting agency for other
22 sending societies.

23 A Yes. That's right. It is the Royal Over-Seas League,
24 as it becomes, the Over-Seas League initially, and it
25 has quite clearly a sense -- it fits very much into what

1 we had discussed some time ago -- sorry, we've just been
2 alerted to the fact that there will be a fire alarm at
3 11 o'clock and we mustn't run out of the building.

4 LADY SMITH: Well, I think we will probably break at 11.

5 (fire alarm)

6 Ah, it's early?

7 A I think that will do.

8 LADY SMITH: Good.

9 MR MACAULAY: Sorry, you were interrupted by the alarm.

10 A Sorry, that was quite -- just lost my train of thought
11 on this.

12 Q I think we had touched upon the point that the ROSL,
13 after, essentially, being ...

14 (fire alarm)

15 A That's number two. There is another one coming.

16 (Pause).

17 Q Sorry, the ROSL, once had been rebuffed as a migrating
18 organisation, it essentially facilitated migration on
19 behalf of other organisations?

20 A The point I was going to make is that the Royal
21 Over-Seas League, clearly, is one of those organisations
22 that is committed to the notion of there being a white
23 British Commonwealth. What it is anxious to do is have
24 connections with other members of the white British
25 Commonwealth outside the United Kingdom.

1 (fire alarm)

2 That's the one, I think we are done with the fire
3 alarm.

4 So that is its mission, is to reinforce those kind
5 of connections between the home country of the United
6 Kingdom and the white (Inaudible) so there are ROSL
7 agencies overseas not in close communication with ROSL
8 in the UK.

9 Q So then if we move on in the report, Stephen, through to
10 paragraphs -- the final paragraphs of the section, at
11 10.27, although you say it is really quite impossible to
12 provide accurate figures for the number of child
13 migrants despatched overseas, if we look at Canada, and
14 you put the figures together that you have put forward
15 in the report, you come to a Canadian total, albeit with
16 reservations, of about 8,088 child migrants.

17 A That's right. Yes.

18 Q And then, looking to Australia, again, you have put
19 forward a figure there, having regard to the figures
20 we've been looking at in the region of -- well, it is
21 369. Is that correct?

22 A That's right. Yes.

23 Q And that may require some adjustment, depending on, for
24 example, the Barnardo's position in relation to
25 migration.

1 A Yes.

2 Q And insofar as New Zealand was concerned, you have come
3 up with a figure of about 40 children under that
4 particular scheme, and for Southern Rhodesia, a fairly
5 small number of a possible 10.

6 A That's right. Yes. They look very precise, these
7 figures, but it is -- you know, when you come to 8,088
8 it is simply adding up numbers, so I did them as they
9 came out, and then you can see, I think, in 10.30 at
10 most 8,500.

11 Q As a total?

12 A Yes, as an absolute rounded-up figure, and it is --
13 I think the important thing that I -- that all this
14 headed towards is that last sentence in 10.30, that
15 around 8.5 of the UK total, they were proportionately
16 fewer than Scotland's 11.7 percent share of the UK
17 population in 1901.

18 Q And we touched upon this previously, we know that in
19 Scotland there had been this practice of children being
20 boarded out to places in the Highlands and the Islands
21 which may have impacted upon the Scottish contribution
22 to child migration generally.

23 A Yes. That was my deduction from that, and having read
24 Lynn Abrams' book, "The Orphan Country" I think what one
25 sees there is a much more obvious, closer way of dealing

1 with children in need and that is to populate what is a
2 depopulating rural community close to the big cities.

3 You don't have to go far from the Glasgows and
4 Edinburghs to be able to see -- to be in rural areas.

5 Q And at 10.31 focus on the post 1930 era in particular,
6 and then if we move to the final paragraph in this
7 section, 10.32 --

8 A Just on the --

9 Q Of course?

10 A -- that had been the original start date for this
11 Inquiry, the child migration component, we decided it
12 would be better to go back much earlier, but the figures
13 for post 1930 are roughly 430.

14 Q And then at 10.33 what you say is this, that of the
15 aggregated total of over 3,000 child migrants sent by
16 voluntary societies from the whole of the UK to
17 Australia between 1947 and 1965, it is apparent that
18 only half of the eight sending organisations operated
19 over the entire period?

20 A Yes.

21 Q So the sending organisations, some stopped sending
22 throughout the period?

23 A Yes, and I think some stopped sending because they had
24 difficulty in recruiting. I mean, I don't get the
25 impression that the Catholic organisations simply

1 thought this was not a good idea and we will no longer
2 send, I think they were just simply finding it more
3 difficult, broadly, across all the organisations. By
4 the time we are reaching the kind of mid 1950s, the
5 welfare state clearly has expanded its brief, there are
6 better, alternative ways of dealing with people in need,
7 and the people in need include adults. A lot of the
8 reasons why children are in care is because parents
9 don't have incomes in order to bring up children. They
10 put them into care because that seems to be the only
11 option. They cannot otherwise cope, but as changes in
12 domestic society in Scotland, as elsewhere in the UK,
13 government policies were not intended to snuff out child
14 migration, but the consequence is that there are other
15 ways in which children in need can be assisted, and
16 that's by, often, giving parents some assistance.

17 Q And if we go back, then, finally, to the table that you
18 have constructed and we find that in on page 80 of your
19 report, Table 1, if we look at the totals column --

20 A Can I comment on the source of the data, just to make it
21 quite clear? This is the data that comes from the
22 annual reports which are logged in -- eventually in
23 National Archives, because each of the annual reports on
24 the whole process of overseas settlement does contain
25 data on the children being sent under these various

1 headings, which is why the first one in 1947 and the
2 last is 1965. Some children went subsequent to that but
3 the reports in those last years don't contain the kind
4 of data which might be logged in some other archive
5 deposit in national archives today, but when I was
6 looking at this, it stopped in 1965.

7 Q And I think we saw earlier on in your evidence that in
8 1970, eight children were migrated from Scotland.
9 That's some five years after 1965.

10 A That's right.

11 Q So the figures here, the grand total from this totals
12 column will not be absolutely accurate?

13 A Oh absolutely not.

14 Q More will be added to it?

15 A Yes, and indeed, I sometimes found that there were --
16 kind of slightly different figures appeared in slightly
17 different tables, but these seemed to be the best
18 available figures, and we are broadly making -- just by
19 looking at the figures there you can understand why it
20 was something of a trajectory. I'm not at all implying
21 that it becomes better for children if they are in the
22 1965 column than they were if they were in the 1949
23 column, for instance, but you can see the numbers do
24 start to diminish, but it also brings out very clearly
25 those organisations which continue to plow on and keep

1 sending, keep sending, and they include, as you can see,
2 Dr Barnardo's and the Fairbridge Society, but I was very
3 struck by the reduction in the number of children sent
4 from the Catholic organisations, the ACIC.

5 Q That's the 946 children according to this calculation?

6 A That's right. A huge number, but greatly bulked right
7 up to the top. You can see that the big hit is in 1947,
8 334, which is the largest.

9 Q But if we look at the grand total we see, for 1947 when
10 child migration post war began to Australia, we've got
11 411?

12 A Yes.

13 Q But then, as you say, although there are spikes, it is
14 a descending trend?

15 A Yes.

16 Q Although we see in 1964, there having been fewer
17 numbers, there is 104 which is a bit of a spike, as late
18 as that?

19 A But if you look along that line, 95 of them are
20 Fairbridge.

21 Q Yes.

22 A So this is more or less, the spike is the Fairbridge
23 spike, and by that time they are operating these One or
24 Two Parent Schemes.

25 Q Very well Stephen. I want to move on to the next

1 section and, my Lady, that's ...

2 LADY SMITH: I think we will take the morning break at this
3 point Stephen and I hope you will be able to have
4 a refreshing cup of coffee before we resume in a quarter
5 of an hour or so.

6 A That's fine. Thank you very much.

7 (11.06 am)

8 (A short break)

9 (11.20 am)

10 LADY SMITH: Welcome back, Stephen.

11 A Thank you.

12 LADY SMITH: Are you ready for us to carry on now?

13 A Indeed we are.

14 LADY SMITH: Good. Mr MacAulay?

15 MR MACAULAY: My Lady.

16 I'm now moving on, Stephen, to section 11 of your
17 report. That's a section where you deal generally with
18 what you call, "External Constraints", and that's at
19 page 87 of the report.

20 Can you give me an overview as to what you are
21 seeking to set out in this particular section of the
22 report?

23 A Yes. Because it is not a kind of free for all, as it
24 were. There are constraints in terms of the willingness
25 of overseas countries to accept the children. I think

1 what we are looking at is, in some senses, just seeing
2 what it is that is expected by the recipient countries
3 about the children who would be sent, but also the whole
4 process. As we know there is a good deal of kind of
5 regulations that are imposed in terms of the LEM 3
6 reports, okay, that had the clearance of these children,
7 they had to get the approval of -- particularly
8 rigorously which is the impression we get -- of the
9 Australian authorities who were based in London who were
10 answerable to their home government, so they are
11 expected to scrutinise the LEM 3 reports which give the
12 details about the children, basic details about the
13 children. That has to be cleared. There is the
14 concerns which are expressed by the -- simply the
15 shipping organisations that medical inspections are
16 required before people are boarded on ships, there is
17 concerns in that respect, so you would expect a kind of
18 further screening, the immigration authorities at the
19 other side of the water may also have responsibilities
20 for screening the people coming off the boats, and so
21 I think those are the things which one would expect the
22 sending organisations selecting children should be
23 cognizant of and taking account of in making their
24 selections.

25 As I say, I haven't become aware of any child who

1 was refused boarding on a boat, nor have I come upon any
2 account of a child on arrival being refused entry into
3 the country. What we do get is evidence of children
4 being subsequently deported at the expense of the
5 sending societies. So you would imagine -- the whole
6 point about this being it should sensitize people about
7 the selection process to ensure that the children they
8 are selecting will be able to pass through all these
9 particular hoops.

10 Q The first point you make, of course, is that -- and you
11 have made this point before -- that really, it is only
12 a small minority of children who were in care that were
13 migrated?

14 A That's right. Yes. Yes.

15 Q And that, in itself, begs the question, well, how were,
16 or how was that small minority chosen --

17 A Yes.

18 Q -- to be migrated.

19 A That is certainly the case, yes. We've seen the figures
20 for the numbers who were actually funded and sent, and
21 they are, indeed, a small number compared with the
22 number of children in care. I think it's always
23 important to remember that while we are talking about
24 child migration, most of the children in care are
25 temporarily in care, and most of the children who are

1 only temporarily -- others who were in longer term care
2 do not get sent abroad. Not only those in local
3 authority homes, but children for whom there seemed to
4 be opportunities, domestically, in this case, in
5 Scotland.

6 Q And that's why, if we look at paragraph 11.1, that the
7 questions that do arise is as to how, why, and by whom
8 were some children selected for migration?

9 A Absolutely. Yes.

10 Q One important constraint that you point to is in
11 relation to the fitness of the child?

12 A Yes.

13 Q And the system, as you have already indicated, is geared
14 towards a child who has been selected by an organisation
15 then being subjected to medical examination in order to
16 gauge that child's fitness?

17 A Exactly. You would think that this would -- pretty much
18 the first point of the enquiry is whether the children,
19 whatever their backgrounds had been, would be able to
20 handle life in a different country and that depends on
21 their physical fitness. They have to pass a medical
22 test. They ought to pass a medical test is probably
23 a better way of putting it, because there has to be
24 a test. The LEM 3 forms are accompanied by medical
25 forms to any child that is being to be selected that is

1 known by the sending organisation, that they need to be
2 able to demonstrate, at least to be able to claim that
3 the child is of a -- has sufficiently good health, no
4 history of illness, that the child has had an education
5 up to the age one would expect, and that they are not
6 educationally subnormal, and then beyond that it's
7 question of whether the child has given informed consent
8 and whether a parent or guardian has at least been
9 consulted, so there are these constraints, and the
10 intention, clearly, is that the children who are being
11 sent overseas will be able to manage with the new lives
12 that they will experience, and are willing to go.

13 I think what one sees when one looks at the
14 recruiting activities of the societies that we have been
15 discussing, is that the marketing of the opportunities
16 which persuades many children that this seems to be
17 a really good idea, have been excessively optimistic
18 about what they would find.

19 Q You mentioned there the children physically and mentally
20 sound as well?

21 A Yes.

22 Q So there is some assessment which has to be made -- some
23 psychological assessment would have to be made to --

24 A Yes, and I think it becomes -- post war it becomes even
25 more rigorous in the sense that one is talking about IQ

1 tests which require a degree of expertise to provide an
2 IQ test, and the standards that are expected. It is,
3 for instance, worth just by way of giving an instance of
4 this, that children who are going to be selected and
5 sent to the Rhodesia Fairbridge Memorial College,
6 remember in southern Rhodesia, the IQ expectations for
7 those children are very high, because this is
8 effectively to be a kind of English, British public
9 school in black African society so there is
10 a sensitivity to the quality of the child's
11 intelligence.

12 What we also find in a number of the ongoing reports
13 on the practices, like by the Women's Group of Migrant
14 Welfare is that they are very insistent that these tests
15 are carried out by professional people. What we do see
16 is that quite often these selections procedures are
17 skimpy indeed.

18 Q But those who were carrying out the IQ tests, or indeed
19 carrying out the medical examinations, we are looking at
20 professional people -- doctors and so on -- being
21 involved?

22 A Yes, that is the case, but we do have -- it may be
23 a very notorious case is that of LTI or LTI [REDACTED],
24 probably more in this particular case, is the girl who
25 had a lifetime illness of [REDACTED]. She usually wore

1 calipers, and when she was being supposedly examined by
2 a doctor it was said by the Mother Superior that she was
3 fully fit, and the medical doctor agreed that she was
4 fully fit. He did not -- he claimed that he had not
5 been alerted to her history of illness. [REDACTED] was
6 sent overseas and suffered considerably as a result of
7 her disability. She should never have been selected,
8 and there is pretty much a storm about that as you would
9 expect.

10 Q Yes. Of course, there are a number of aspects to that.
11 There is the fact that she was selected at all by the
12 organisation and put forward, and then there is the
13 medical hurdle which she seemed to have overcome as
14 well.

15 A Yes. Yes.

16 Q I will look at -- perhaps look at that in a moment, but
17 if we go on to page 88, do you give us some sense of how
18 notwithstanding the numbers being selected, that only
19 a percentage of the selected number actually make it
20 through the examinations.

21 A Yes. I mean, I think what does indicate -- I think one
22 of the very surprising ones, I think what we've got up
23 on screen is a reference to Fairbridge, that Fairbridge
24 selected itself a considerable number of children, but
25 the Canadian authorities carrying out their proper

1 duties selected -- allowed only -- what was it? 41 to
2 pass the examination? 41 out of 176? And there is no
3 sign of the grounds, medical grounds, physically or
4 mentally unfit, histories of tuberculosis or insanity in
5 their families, questionable backgrounds, so you can see
6 here that the Canadian authorities, certainly by that
7 date are pretty rigorous about the quality of the
8 children they are prepared to accept into Canada.

9 Q And this is 1935, I think we are focusing on?

10 A Yes.

11 Q But what that tells us, is it, that Fairbridge had
12 selected children who, as it turned out, were physically
13 or mentally unfit or indeed had various medical
14 histories which must have been evident to the
15 organisation?

16 A Yes, and I think the rest of that paragraph indicates,
17 in a sense, that Fairbridge learned the lesson by it.
18 Even so, what is it -- 20 percent of the children they
19 put forward in 1948 -- 20 percent of the children they
20 put forward are not accepted. Although the acceptance
21 rate has gone up, still Fairbridge is putting forward
22 children who don't seem to be of the proper quality.

23 Q Just in relation to the Fairbridge example, we see there
24 that the medical examinations and the psychological
25 tests are being carried out on behalf of the Canadian

1 authorities in London?

2 A Yes. That's right. It is the equivalent in Australian
3 authorities based in London as well, and, indeed, even
4 for Southern Rhodesia, so I think what we see here is
5 parts of those external constraints being operated
6 within the United Kingdom, and in this case in Scotland,
7 that the children have to go through a screening
8 process.

9 While there is considerable pressure in Australia to
10 bring in populations, including children, they would not
11 wish to accept, hope not to accept, hope not to find
12 being brought in, children who do not have sufficient
13 qualities of -- physical qualities or intellectual
14 qualities that would mean that they would be
15 disadvantaged or be unable to do what they are destined
16 for.

17 One of the implications of children being brought
18 into a country who are not up to the appropriate
19 standards is that they may well be repatriated. If that
20 is going to happen, it would be at the expense of the
21 sending society. Not many examples of that occur in
22 Australia that I'm aware of, but there is a fair number
23 in Canada, actually, repatriated.

24 Q Could I perhaps look at one of the LEM forms with you
25 just to understand its constituent parts?

1 A Yes.

2 Q This is WIT003.001.2720.

3 A Yes. It is on the screen.

4 Q Thank you. We have it on the screen now, and this does
5 relate to the child migrant who you have mentioned
6 a number of times in the past. We do redact the names
7 and other personal details, so that's why you see the
8 black marks, but I can confirm it does relate to that
9 particular child?

10 A I mean, I do recognise it. It is Kilmarnock which is
11 the --

12 Q And you do recognise that this is one of the documents
13 you looked at.

14 A Yes.

15 Q I just want to understand the structure. The first page
16 of the form that's headed, "Child migration", it
17 provides details of the child, the address, age, and so
18 on, and it ends by being signed, for and on behalf of,
19 and I think that's the Catholic Child Welfare Council?

20 A Yes.

21 Q So that's the CCWC that we've already had some evidence
22 from, and then the Section B, if we move down, is the
23 section headed, "Parent's or guardian's consent (father
24 if living)", and this is a particular form where the
25 father of the child did consent?

1 A Yes.

2 Q Again, you can't see that directly, but it is the case
3 that --

4 A Yes.

5 Q -- he has signed the form.

6 A Yes. I can recognise that. It is the labourer is
7 the --

8 Q It is indeed, and then if we move on to the next page
9 then, section -- so we've looked at sections A and B, we
10 then look at section C on page 2721, and I just want to
11 understand this, and it says:

12 "In the event of the child named in this application
13 leaving Australia before the completion of 2 years
14 residence (unless he/she is repatriated for medical
15 reasons within twelve months of arrival) Catholic Child
16 Welfare Council agree to repay the financial assistance
17 granted in respect of an assisted passage".

18 So we there have a proposition that if a child is
19 returned within a particular period then the financial
20 burden on that falls upon the organisation that is
21 sending the child.

22 A Yes, and that, of course, is intended to ensure that
23 proper selection is being made, in other words, that
24 they will be children who are being sent who will not be
25 repatriated for medical reasons.

1 Q This is a particular section that what he is been signed
2 by William Flint who was associated with the Catholic
3 Child Welfare Council.

4 A Indeed. Yes. He is a recruiter for the organisation.

5 Q Yes, and he -- the date is [REDACTED] 1954?

6 A Yes.

7 Q And then we read:

8 "On completion, this form (in duplicate) should be
9 forwarded with a certified copy of the child's birth
10 certificate".

11 The address is, "The Chief Migration Officer,
12 Australia House ..."

13 In London?

14 A That's right. Yes.

15 Q So just to understand the process, these particular --
16 A, B and C of the form, these are completed and then the
17 form is sent off to the relevant organisation, here
18 Australia House in London?

19 A Yes.

20 Q And we see some various date stamps on that.

21 Now, the other document that's attached to the form
22 that we have as a document is page 2722, and this is
23 headed, "Commonwealth of Australia"?

24 A Yes.

25 Q And this is the Department of Immigration, Australia

1 House, London, and this is the medical examination.

2 A Yes.

3 Q So just to understand the practical logistics, would the
4 child require to travel to London to be examined by the
5 doctor chosen to do the examination?

6 A My understanding is that that is not the case, that the
7 examination is conducted in this case in Kilmarnock and
8 so the document that you are looking at is the result of
9 that medical examination. The form is provided by the
10 Commonwealth of Australia, but the document itself is
11 being completed in Kilmarnock. There is no inspection
12 as such that I'm aware of the child travelling all the
13 way from Kilmarnock down to London to be examined.
14 What's been relied upon is the doctor's certification
15 about the quality of this particular child.

16 Q And do I take it, then, from that, that you are
17 postulating that this is a local doctor who has examined
18 the child?

19 A That's right. Yes.

20 Q And we get some further details of the child, for
21 example, number two:

22 "Have you or any member of your family ever suffered
23 from or been suspected tuberculosis".

24 Is one of the questions.

25 A That's right.

1 Q And we then, I think, read some reference to what
2 medical attention have you required during the last 12
3 months, "None", has been entered for this particular
4 child. This is a child suffering from polio?

5 A That's right, who, just as a reminder, was in this home
6 wearing calipers, though she wasn't wearing the calipers
7 when she was medically examined by the doctor.

8 Q And then we read:

9 "I hereby certify that the information supplied by
10 me to the Medical Examiner is correct in every
11 particular"?

12 A Yes.

13 Q And then we have a signature, and the signature here, it
14 is difficult to make out, but is that -- can you read
15 the --

16 A Yes, it is the Mother Superior. I can't read the name,
17 but it is the Mother Superior of Nazareth House,
18 Kilmarnock, who has signed that spot.

19 Q But the blacked-out bit that you have on your screen,
20 I can read the name and the name of the child is also in
21 there.

22 A Yes.

23 Q So does that suggest that the certification that has
24 been signed by the Mother Superior, that the child may
25 also have been asked to sign that certification?

1 A I'm not aware that it has to be signed by the child.

2 Q No. All I'm pointing out is the child's name, I think

3 clearly written in her own handwriting, is apparent next

4 to the signature of the Mother Superior.

5 A Right. I see.

6 Q And then we have some -- then we have the results of the

7 medical examination?

8 A Yes.

9 Q And with the conclusion being, "Healthy and lively

10 little girl"?

11 A Yes.

12 Q And I think it is signed [REDACTED] by the doctor, and

13 I think the address is [REDACTED], which may be in

14 Glasgow. Do you see that?

15 A Yes.

16 Q Now, do I take it, then, Stephen, that this document,

17 having been completed in this way, would then be sent to

18 the Commonwealth of Australia Office in London?

19 A Yes.

20 Q So do you understand that the three parts of the

21 document would go together --

22 A Yes.

23 Q -- as a completed document?

24 A That's right, so that an officer in Australia House in

25 London would have all the documentation and would be

1 reading the reports that we are now reading and would
2 reach a conclusion as to whether this child was,
3 therefore, acceptable as a migrant to be sent to
4 Australia.

5 Q So at that point in time the people in Australia House
6 are relying, really, exclusively on the information
7 provided in this document?

8 A Yes. If you have a doctor that has signed this form,
9 has given an indication of the quality of the child's
10 physical health, and then one takes that on trust. It
11 is professional to professional, as it were,
12 particularly since it has been authorised, also, by the
13 Mother Superior of the house in which this child has
14 been residing. A lot is taken on trust. There is no
15 separate examination of the child, no further enquiry.
16 The child does not meet the officers in Australia House.

17 Q Now, then you tell us in paragraph 11.5 that it was also
18 common for ship's doctors to carry out a medical
19 examination, so that's an additional hurdle to
20 migration?

21 A Yes. This is one of those external constraints I
22 mentioned before, that the child may appear on the
23 quayside, as it were, but before boarding the ship, then
24 some kind of medical examination might well also be
25 required.

1 Q But we don't know if, in this particular case that we've
2 been looking at, whether or not there was, in fact, such
3 a medical examination.

4 A No not at all. I mean I think in some ways it sounds
5 rather difficult to operate, if there are lots of people
6 trying to board the ship, as it were, as to whether all
7 passengers or just children might be further examined,
8 but there is always -- I think part of it is they have
9 the authority to carry out medical examinations and --
10 but there is no indication that, in this particular
11 case, it was conducted. It may simply have been because
12 this child is amongst a party of other children and the
13 ship's doctors will know what kind of authorisation has
14 been given for their departure, so these are not just
15 ordinary citizens turning up on the quayside to board
16 a ship. These youngsters have been through a process of
17 review before they have got to that stage.

18 Q So I think what you are saying is that although there is
19 evidence that ship's doctors did carry out medical
20 examinations before embarkation, it was not a universal
21 practice?

22 A I think that's my impression of this. Certainly I have
23 seen nothing to suggest that ship's doctors were
24 examining parties of child migrants whose emigration had
25 been approved by the appropriate authorities in London,

1 namely in Australia House or wherever they were destined
2 for, or for Canada.

3 Q And did you say earlier that you are not aware of any
4 child who had been sent to, say, Australia, for example,
5 being returned on health grounds?

6 A I have seen no examples of that. It would strengthen
7 one's understanding if you could find examples of that
8 to indicate just how carefully those forms were studied
9 by the authorities. I mean, I think one of the things
10 that is always hovering over this is that not only are
11 the child sending societies anxious to send, but, of
12 course, the Australian House authorities are anxious to
13 enable children to be sent. The only kind of control or
14 restraint that those officers in London might exercise
15 is, of course, you might say their jobs are on the line
16 if they send out children who are manifestly not
17 suitable, but I have seen nothing to indicate that any
18 officer in Australia House was sacked for sending out
19 a child -- approving a child who proved to be inadequate
20 in its qualities. I think what one is dealing with is
21 an assumption that anybody who got that far must have
22 been acceptable.

23 Q And what you concluded in this section is that the
24 principal responsibility lay in the United Kingdom for
25 making acceptable selections.

1 A Absolutely. This whole thing is dependent upon the
2 quality of those initial selection procedures carried
3 out by the home in which any child is located.

4 Q Again, you point out that an additional safety net, when
5 we are looking at children who are in the local
6 authority care, in that the consent of the Secretary of
7 State has to be obtained?

8 A Yes.

9 Q And the Secretary of State has to be satisfied that it
10 is in the interests of the child to be migrated?

11 A Yes, and I think -- I'm assuming, but I haven't --
12 cannot bring to mind any reports by a local authority
13 read by the Secretaries of State or their equivalents,
14 to show that they carried out medical inspections or
15 required them. Again, I assume the local authorities
16 did do that, and that data was carried over.

17 What the documentation that I can recall seeing is
18 Secretaries of State looking at children from local
19 authority homes were more concerned about where the
20 child was going, and whether consents have been obtained
21 from the child and from the parent, and, broadly
22 speaking, whether the child was going to a place that
23 would suitably care for them. Sorry, that's a bit of
24 a roundabout way of saying it, but there is a whole list
25 of -- in the Scottish document -- of cases to advise

1 Scottish Home Department people as to what the Secretary
2 of State is prepared to accept and not prepared to
3 accept, so to some -- whether it is done by the
4 Secretary of State or by one of his civil servant
5 advisers I think doesn't matter, but I think there are
6 cases listed in one of the documents which show that the
7 reasons why some children were accepted and others were
8 not accepted is the children in local authority homes,
9 and that required the Secretary of State's consent.

10 Q And I think we did look at a Scottish Home Department
11 document, but it may have been with Professor Harper,
12 that lists a number of cases where the Secretary of
13 State either refused consent or gave consent?

14 A Yes.

15 Q And on the face of it, it appears to have been after
16 some consideration as to the circumstances, particularly
17 the age of the child.

18 A Yes. There is, I think, a caution in the local
19 authority cases about sending children who were too
20 young to cope, as it were, and so I think some of the
21 cases, if I recall them correctly, the Secretary of
22 State might be persuaded if that child was going to join
23 another child, an older -- an older child related to
24 that same child, so a younger one might be joining an
25 older child who is already overseas, and that might be

1 a factor that persuaded the Secretary of State to accept
2 that child's migration.

3 Q But the Secretary of State had to be satisfied that
4 emigration was suitable for the particular child?

5 A Yes.

6 Q I think that was part of the test.

7 A Absolutely.

8 Q And would aspects of health, so far as you can say, come
9 into that analysis?

10 A I was surprised in part, and I think the local authority
11 provided, though again I simply cannot bring to mind any
12 local authority document as such which indicates that
13 that health inspection had been taking place -- it would
14 be very surprising if they weren't taking place. It
15 would be very surprising indeed if the Australian
16 authorities or Canadian authorities didn't also seek
17 that reassurance, but I think taking it as an assumption
18 as some form of medical -- and including some kind of
19 psychological and educational assessment had been
20 made -- then the Secretary of State still needed to be
21 confident that this child was a suitable person to be
22 sent overseas.

23 Q But of course the child whose LEM 3 form we looked at
24 a moment ago would not fall into that category of child
25 because the child was being sent from a voluntary

1 organisation and that added layer of protection was not
2 there.

3 A Well, that's correct. Quite how the Secretary of State
4 might have responded if the child put forward by a local
5 authority had such a kind of doubtful documentation that
6 indicated the child was of good health is another
7 matter.

8 Q Now then, can we then move on to the next section in
9 your report, section 12, where the heading there is
10 this, "Principles: Selection and Consent", and you
11 begin by saying this:

12 "The presumption behind the selection and sending
13 overseas of Scottish children (those below the
14 school-leaving age) was that the practice was legal if
15 the child and preferably also the parents (or guardians)
16 gave consent, though that meant -- or should have
17 meant -- informed consent"?

18 A Yes.

19 Q And I think you then draw attention to the evidence that
20 Professor Norrie has already given to this Inquiry in
21 relation to this particular issue, and, in particular,
22 that so far as a child giving consent would be
23 concerned, that as a matter of Scots Law only boys 14 or
24 over and girls 12 or over were -- had the capacity to
25 give consent.

1 A Quite why girls were able to give consent at 12 and boys
2 not until they were 14 is one of the curiosities of this
3 document.

4 Q I think it may have been because we thought girls
5 matured that little bit more quickly. Who knows. You
6 then go to Professor Norrie's evidence about -- and what
7 he says about the patria potestas, which was
8 non-delagable, in other words you can't give your
9 children away, you can't give up your parental
10 responsibilities, it's not lawful. It's not legal for
11 a parent to say, "I transfer all my responsibilities to
12 somebody else". If that is so, then the parent consent
13 given for at least some children in Quarriers is dubious
14 as best.

15 Professor Norrie has queried whether or not some
16 aspects of consent were according to Scots Law?

17 A Yes.

18 Q And that's really a matter for Lady Smith to consider at
19 the end of the day.

20 A Right. Yes. It was very arresting to read Professor
21 Norrie's judgment, I have to say, at this point in the
22 whole story of child migration, particularly from
23 Scotland. I don't know -- my (Inaudible) English law or
24 Welsh law.

25 Q But then if we leave the legal positions aside, you go

1 on to look at, well, what other principles ought to have
2 determined selection and you say that the principle that
3 children should be selected carefully had become
4 well-established by late Victorian times, and you draw
5 attention to the Doyle Report?

6 A Yes.

7 Q That poor selection was likely to lead to unsuccessful
8 placements for child migrants, and the importance of
9 selection, you say, was also mentioned in the Bondfield
10 Report in 1924.

11 A Yes.

12 Q And as has been touched on already, selection is really
13 the key at the outset as to whether or not a child is
14 suitable for migration?

15 A Yes. I mean, it raises a big issue, doesn't it, because
16 if a child is suitable for migration, what is it that
17 makes this child suitable for migration rather than
18 suitable for remaining in the United Kingdom? I think
19 that is one of the concerns that is essentially flagged
20 up by the Curtis Report when it talks about, "Only in
21 exceptional circumstances should a child be migrated",
22 because if the child is of a quality that has been
23 identified as necessary, that is precisely the kind of
24 child who may well do better or at least as well by
25 staying in the United Kingdom.

1 Q And at 12.4 you again --

2 A Sorry, just to clarify, can I just quote what is in 12.4
3 which is the Women's Group statement:

4 "The main consideration in selection is not only
5 whether the child is suited to emigration but whether
6 emigration is best suited to his particular needs".

7 So I think what you see here is the WGPW group
8 saying that because the child might do well by being
9 emigrated is nevertheless a question as to whether that
10 is particularly needed in the case of a child of such
11 quality. There may be equally good if not better
12 opportunities if the child remained within the UK.

13 Q And at 12.5 you remind us that from as early as 1948
14 right through to 1954 the Home Office struggled to draft
15 regulations under section 33 of the 1948 Children Act --

16 A Yes.

17 Q -- which would have required voluntary organisations
18 engaged in emigrating children overseas to seek the
19 approval of the Secretary of State's, but these
20 regulations were never finalised, although there were
21 drafts produced?

22 A Yes indeed. Yes. Just as a kind of comment on that,
23 what I was stunned to discover was that regulations
24 seemingly could not be drawn up while child migration
25 was taking place, but they were drawn up in 1983 after

1 child migration ceased to take place, and the difficulty
2 seems to have been the inability of the United Kingdom
3 Government to insist on something happening overseas, in
4 this case particularly in Australia, which was itself
5 a Sovereign State, so one Sovereign State cannot make
6 regulations binding on the practice of another Sovereign
7 State. That seems to have been the issue. It comes
8 back, ultimately, to something I think might have been
9 mentioned some time back, that the -- as early as the
10 1926 Imperial Conference it was stated that the
11 constituent parts of the white British Commonwealth were
12 all equal in status, so that was an acceptance by the UK
13 Government that the UK state, and the Australian state
14 and the New Zealand state and South African state, all
15 those white states were of equivalent status, and it is
16 followed up in 1931 by the Statute of Westminster which
17 makes that acceptance in 1926 part of the law of the
18 United Kingdom. The Statute of Westminster says
19 precisely what had been understood since 1926, so here
20 we are in the situation which the UK can't impose
21 anything on another Sovereign State within the white
22 British Commonwealth.

23 What that doesn't make clear is why regulations
24 could not have been imposed on the practice within the
25 United Kingdom, and the selection and proper scrutiny of

1 the quality of the children who might be considered for
2 overseas migration. That's entirely a UK business.

3 LADY SMITH: That is the puzzle, because they didn't even go
4 as far as putting the voluntary societies into the same
5 position as they had put the local authorities, so far
6 as child migration was concerned. I can fully
7 understand that the greater aspiration to produce some
8 binding system that imposed duties on, for example, the
9 Australian Government would have been a real
10 head-scratcher. They couldn't have done it as a matter
11 of law.

12 A Yes.

13 LADY SMITH: Was it that somehow they just forgot that there
14 was something they could do that had already been done
15 for local authorities?

16 A It comes up in the Ross Committee recommendation had
17 been that children being sent by voluntary societies
18 should be operated in the same way as children that had
19 been sent by local Authorities, and that was quite
20 quickly snuffed out. It was one of the things that Ross
21 abandoned because of pressure very early on, so that
22 must have been abandoned in 1956, but what you do see,
23 and we've made reference to this before, that the
24 diluted consequence of this post 1956 are the new terms
25 of the agreements made with the sending societies.

1 Now, they are not a kind of binding obligation as
2 such but it sets out what it is if you are going to sign
3 this document you are supposed to take heed of in the
4 selection and subsequent care of the children, but that
5 is -- it is simply -- the funding agreement has got
6 these statements included in it. An honourable society
7 would pay heed to those obligations, but it doesn't
8 seem -- I haven't seen any example, at least I cannot
9 recall any example -- of a sending society that is
10 deemed not to have followed the guidelines incorporated
11 in the 1957 regulation.

12 MR MACAULAY: I will look at the draft regulations in
13 a moment, and indeed the regulations that were
14 eventually enacted, but before I do that, if I just go
15 back to paragraph 12.4 that you yourself pointed to
16 a moment ago, this was the report by the Women's Group,
17 and this is in 1951 --

18 A Yes.

19 Q -- where it insisted, this is halfway down, that
20 personal and family histories of the child being
21 considered for emigration should be collected by
22 a qualified social worker, preferably a psychiatric
23 social worker, "... with special understanding of the
24 emotional needs of children". Selection Committees
25 should consist of persons with knowledge and experience

1 relevant to different aspects of children's welfare and
2 education. They should be able to study in detail the
3 case histories of each child, and if you apply that
4 reasoning to, for example, the case of the child with
5 polio, then it would appear that that sort of approach
6 would have identified the problems with that particular
7 child.

8 A Exactly, yes, on the statements and scrutiny by
9 qualified social workers. If you get other
10 professionals involved who -- we actually go back to,
11 dare I say it, back to the 1875 Doyle Report, because
12 what the Doyle Report was insisting upon is independent
13 inspectors who have no commitment one way or the other
14 to the sending of children overseas, so the psychiatric
15 social worker, the qualified social worker, what that
16 person needs is special understanding of the emotional
17 needs of children, and no doubt much else as well, but
18 has not a vested interest in the denying of a child's
19 opportunity to go overseas or in encouraging the child
20 overseas. It would be, as far as one can ever be
21 certain about these things, it would be an objective
22 assessment of the quality of the child, and therefore of
23 its suitability to go overseas as opposed to remaining
24 in the UK, but independent actors in this story are what
25 is singularly lacking often.

1 Q Yes, and the Doyle Report, if we can just remind
2 ourselves of that, that was in 1875.

3 A Indeed yes, so that's been on the table, as it were, for
4 a considerable time.

5 MR MACAULAY: My Lady, that's 12.10. I don't know if you
6 are intending to have a short break this morning or not.

7 LADY SMITH: We could just -- we will take a five-minute
8 break just now Stephen and then -- literally just five
9 minutes -- and then run on to lunchtime after that.

10 A That's fine. Thank you.

11 (12.07 pm)

12 (A short break)

13 (12.13 pm)

14 LADY SMITH: Welcome back Stephen. All well at that end?

15 A Yes. Thank you.

16 LADY SMITH: Good. Mr MacAulay?

17 MR MACAULAY: At 12.5 in the report, page 92 you look at the
18 draft regulations issue. If I could look at the
19 relevant Home Office file, it is at LEG001.002.2299, and
20 do we have the front page or not?

21 A Yes. I have got that, "Proposals for regulations under
22 section 33".

23 Q Yes. This is a very lengthy file and I will just give
24 the name of the document. It is: 'Policy - Government -
25 Child Migration. Home Office Proposed Regulations under

1 section 33 of the Children Act 1948'. That's at page
2 2299 and we go all the way through to page 2443 where we
3 come across, I think, a document you have seen before,
4 and that's headed -- well, it says, "Provisional draft",
5 "Proposals for Regulations under Section 33 of the
6 Children Act, 1948 ...", and if we just look at a number
7 of aspects of what was proposed, and it's not the
8 clearest of documents, but I think we can just about
9 make it out, and it is actually clearer on the screen
10 than in the flesh, but at 1) we read:

11 "Every voluntary organisation which already makes
12 arrangements for the emigration of children should ...
13 and every voluntary organisation coming into this field
14 after that date ..."

15 The date was 1952:

16 "... should before 'finalising' any such
17 arrangement, furnish to the Secretary of State
18 information as to the intended operations of the
19 organisation, including, so far as applicable, detailed
20 information as to the arrangements proposed to be made
21 by them in respect of the following matters".

22 So it's covering all voluntary organisations, either
23 before or after the given date?

24 A Yes.

25 Q And the matters include the age ranges and sexes of the

1 children to whom such arrangements would apply, the
2 selection of children for emigration, including the
3 constitution of the case committee and the
4 qualifications of its members -- that's postulating
5 there was a committee involved in the selection process?

6 A Indeed, and the word, "Qualifications", being crucial,
7 I think, in that.

8 Q Pre-migration training and special education to prepare
9 the children for life in the new country?

10 A Yes.

11 Q Then there is provision of escorts. The reception of
12 the children in each country to which they may emigrate,
13 and then we read at (vi):

14 "The accommodation, care and welfare of the
15 children in each country to which they may emigrate,
16 including the names and addresses of any Homes,
17 institutions, hostels or other establishments which
18 might be used; details of the accommodation,
19 administration and staffing of such Homes, institutions,
20 hostels, et cetera".

21 Then there is a provision about the arrangements for
22 the selection of foster homes, and the next bit is
23 difficult to read but I think it reads:

24 "Arrangements for education of the children
25 including in suitable cases facilities for education

1 when they are over compulsory school age"?

2 A Yes.

3 Q Then there is mention of medical and dental care,
4 leisure activities, religious upbringing, and facilities
5 for contact with local children and normal home life, so
6 these are other provisions that are included, and then
7 we read:

8 "Facilities for the development of the abilities and
9 aptitudes of individual children, educationally and
10 vocationally, and for enabling them to have guidance and
11 choice in the matter of a career", so that's
12 envisaged -- you are not just -- a career in farm work
13 but something broader than that?

14 A Indeed, yes.

15 Q "Arrangements for placing in employment or
16 a profession", and then we read:

17 "Arrangements for after-care (including arrangements
18 for financial assistance where necessary when the
19 children, still being under 21 years of age, are not
20 self-supporting)".

21 And then:

22 "Arrangements for enabling the children to maintain
23 contact with their parents and other relatives, both in
24 the United Kingdom and in the country to which they
25 emigrate".

1 So we can see there fairly detailed provisions being
2 envisaged in these regulations?

3 A Yes, and I think clearly all this follows, effectively,
4 from the Ross Report, doesn't it? What's the date of
5 this? What date have we got here?

6 LADY SMITH: 1952 I think isn't it?

7 A Right, so this is earlier, but it shows -- this would be
8 much more likely to be the influence of the Women's
9 Group and Public Welfare.

10 MR MACAULAY: Indeed.

11 A So I think what they have drawn from those contacts that
12 they had made, and I think probably from their own
13 experience, is a strong sense of what is actually needed
14 if child migration is going to take place, and they all
15 seem, on the face of it, when you read through these
16 obligations, if those had been put in place, no doubt
17 fewer children would have been sent, but one would at
18 least have had more confidence in the quality of care
19 because the children have been appropriately selected to
20 be sent. It is still not binding upon anything that
21 happens overseas, but it does suggest strongly that only
22 children who are suitable for migration would be sent,
23 always bearing in mind, of course, that for Curtis
24 itself, these would still be exceptional, that the
25 expectation is that most children in care would find

1 better opportunities if they are well-qualified, as
2 these children would be, they would find better
3 opportunities or equally good opportunities within the
4 United Kingdom.

5 Q But although, as you say, these regulations could not
6 impose rules on the receiving institution in Australia,
7 it could -- it would impose obligations on the voluntary
8 association in this country to satisfy the Secretary of
9 State that these receiving organisations were
10 appropriate?

11 A Indeed. So it does demand -- they would have demanded
12 that the voluntary organisation sending and the
13 receiving home overseas would be closely connected, that
14 there would be an interchange of information, and one
15 would trust reliable information coming back from
16 overseas as to what the institution to which these
17 children might be sent, that they will be suitable for
18 those children, but it is the conversation between the
19 UK and overseas that seems to be essential in the eyes
20 of this particular set of regulations.

21 Q And if we read at the bottom of the page, 2444, can we
22 see: "From the date as in paragraph 1", which is 1952,
23 "a voluntary organisation should not carry out
24 arrangements for the emigration of children unless ..."

25 And we read over:

1 "... the Secretary of State is satisfied for the
2 time being that suitable arrangements have been or will
3 be made for the children's reception and welfare in the
4 country to which they are going and the Secretary of
5 State should be empowered to prohibit any voluntary
6 organisation from carrying out arrangements for the
7 emigration of children if he is not satisfied that its
8 intended operations are likely to promote the welfare of
9 the children".

10 So that's a clear statement of principle?

11 A It is indeed. Yes. Very firmly expressed.

12 LADY SMITH: The Secretary of State would have a veto.

13 A Indeed. That's right, and would be basing such veto
14 upon the inadequacy of the information that had been
15 secured.

16 LADY SMITH: Yes.

17 MR MACAULAY: And we notice that the Women's Group had
18 envisaged the role to be played by a case committee.

19 A Yes.

20 Q And if we look towards the bottom of page 2445, can we
21 read at 6):

22 "A voluntary organisation should not make or carry
23 out arrangements for the emigration of a child under
24 five years of age except where the child is to emigrate
25 with a parent, guardian or relative or for the purpose

1 of joining a parent, guardian and relative".

2 Then at 7):

3 "Before deciding to select any child as suitable for
4 emigration, a voluntary organisation should ensure that
5 the child has been interviewed and (subject to the
6 provisions of paragraph 8) recommended for selection, by
7 a case committee"?

8 A Yes.

9 Q These regulations envisage that a case committee would
10 be involved in this whole process.

11 A That's right, so that there would be professional
12 people, again, independent professional people making
13 judgments based upon their professional judgements about
14 the suitability of the child that is being proposed.

15 Q Because we read on that the committee would be
16 constituted so as to include at least one trained social
17 worker?

18 A Yes.

19 Q And where they can be found, the child's parents or
20 guardians have also been interviewed, either by the case
21 committee or by some person acting on their behalf, and
22 then at 2):

23 "The consent has been obtained (a) of the child
24 unless, in the opinion of the case committee responsible
25 for interviewing the child he is too young to form or

1 express a proper opinion in the matter, and (b) of the
2 parents or parent and any guardian of the child, unless
3 either it is not practical to consult them or, if
4 a parent or guardian objects but the voluntary
5 organisation is satisfied that special circumstances
6 nevertheless render emigration expedient"?

7 A Yes.

8 Q And then finally at 3):

9 "The child has been examined and reported on by
10 a qualified medical practitioner and in any case in
11 which the medical practitioner or the case committee
12 consider that a psychiatric examination is necessary,
13 the child has been examined and reported on also by
14 a qualified psychiatrist"?

15 A Yes.

16 Q So we can see from that, indeed, that that draft does
17 reflect quite clearly the propositions advanced by the
18 Women's Group in 1951?

19 A Yes. Arguably it also reflects five years of experience
20 since child migration resumed from 1947 onwards.

21 Q Now, in that paragraph, paragraph 12.5, you summarise
22 what I think we've been looking at in the draft
23 regulations from the file. Perhaps it's worth looking
24 at the regulations that were actually enacted in 1982,
25 and I will just have these put on the screen. It's --

1 we have them in a .pdf form, so we see here the -- these
2 are The Emigration of Children (Arrangements by
3 Voluntary Organisations) Regulations 1982 that came into
4 operation on 15 February 1982, and the scope of the
5 regulations we are told at 2) is that these regulations
6 shall apply to any child the arrangements for whose
7 emigration are made and carried out by a voluntary
8 organisation, so that's the target.

9 A Yes.

10 Q And at 3 --

11 A Just noting, it goes on, "... except a child (a) in the
12 care of the local authority", because those are already
13 covered.

14 Q Indeed. Then at 3:

15 "A voluntary organisation which makes and carries
16 out arrangements for the emigration of a child shall,
17 before the child emigrates ..."

18 And then we are provided with a number of
19 propositions:

20 "(a) be satisfied that emigration would benefit the
21 child and that suitable arrangements have been made or
22 will be made for the child's reception and welfare in
23 the country to which he is going; (b) be satisfied that
24 the parents and guardians if any of the child have been
25 consulted or that it is not practical to consult them".

1 Then there is the consent of the child, and whether
2 or not the child is capable of consent, and then at 2:

3 "The Secretary of State shall not give his consent
4 under this regulation unless he is satisfied that
5 emigration would benefit the child and that suitable
6 arrangements have been made or will be made for the
7 child's reception and welfare in the country to which he
8 is going", and we can read on, and at 4:

9 "A voluntary organisation shall in connection with
10 obtaining the consent of the Secretary of State to the
11 emigration of a child supply the Secretary of State with
12 such information as may be necessary to enable him to
13 decide whether he should give his consent".

14 As I say, ironically, these regulations were enacted
15 quite some time after child migration had ceased.

16 A Yes, and indeed it is 30 years after the draft
17 regulations that we've been previously looking at, and
18 these 1982 regulations pretty much conform exactly to
19 what was being said in 1952.

20 Q As you point out in the final paragraph in this section,
21 that Miss Harrison and, in particular, Mr Ross did
22 identify that children -- the nature of some complaints
23 about the quality of some of the children who had been
24 migrated to the institutions that they inspected, and
25 I'm looking at paragraph 12.6.

1 A Yes. So these are not -- there is clearly a kind of
2 track record of a consideration of how children of
3 appropriate quality are selected and despatched. You
4 could really even take it back to the Doyle Report
5 again, independent advisers' advice is always needed.
6 What you cannot have is institutions, sending societies,
7 sending children overseas that are not adhering to
8 appropriate selection procedures.

9 The implication of poor selection is manifest in
10 terms of the records of testimony that has been given by
11 former child migrants. We now know, retrospectively,
12 just how needed were the regulations that are being
13 discussed not infrequently in the post Second World War
14 period.

15 Q But I think we also note, in particular, from the Ross
16 fact finding mission, and the criticisms of the -- that
17 were made in respect of the quality of the children,
18 that that really does raise the question as to how the
19 selection processes allowed such children to be migrated
20 in the first place?

21 A Exactly so, and it therefore is a -- it is rather
22 arresting that Ross's -- the Ross Committee's
23 recommendation that regulations be introduced having
24 control over the activities of voluntary societies is
25 invariably dismissed as something that cannot be done.

1 It still seems to me to be exceedingly inexplicable as
2 to why regulations binding on the operations of the
3 societies inside the United Kingdom were never
4 introduced. It bewilders me.

5 Q Then if we move on to the next section, which is allied
6 to the section that we've just been looking at, namely
7 we are still looking at the selection and consent, but
8 in a more practical way, and you remind us that children
9 who were selected for migration were in the minority of
10 those who were in care, and you posed the question
11 whether selected children and parents or guardians gave
12 informed consent is an important matter, and you,
13 I think, draw upon testimony that has been provided
14 really to different Inquiries and also to the Child
15 Migrants Trust that questioned whether or not informed
16 consent had been given to their migration?

17 A Yes. Some of the statements made by former child
18 migrants about why they volunteered to go, some have
19 been based upon, "Where I am currently residing is
20 a terrible place and I would rather go almost anywhere
21 in order to get away from here", or they are marketed in
22 terms of how exhilarating it will be to go overseas.
23 References -- you know, if you are in Glasgow on a rainy
24 day and they talk about sunshine and kangaroos and good
25 food and all that, then it sounds like an idealistic

1 opportunity for a young child. What they sometimes seem
2 clearly to have believed is that this would be more or
3 less a kind of enjoyable holiday. They simply do not
4 know the geography, the distances that are involved,
5 they do not know the institutions to which they will be
6 sent, they do not know what the education training would
7 be that they might receive and what they don't
8 understand, and I put it as graphically as I could, what
9 they were being offered is a one-way ticket.

10 Q And you already made the point that there may have been
11 some children who were orphans, but some children, as
12 you say in the next paragraph, had been rescued from
13 abuse and neglect, but others had been placed in care
14 because their parents were not in a position to care for
15 them properly themselves.

16 A Yes. It's what I describe as a, "Loving sacrifice".
17 I can imagine just how difficult that choice has been
18 made by a single parent, low income, health problems. "I
19 will do my loving best for my child by allowing this
20 child to be sent overseas".

21 Q That was within the context, of course, of assuming that
22 the -- that being overseas was better for the child.

23 A Indeed, yes, so the parent would have been told what it
24 would be like for their child if those -- if her child,
25 his or her child, was sent overseas. These will be --

1 and you can see how Fairbridge and so many of the other
2 societies could market themselves, quite genuinely
3 feeling that what they were doing is good for the
4 children, and if you are a parent in difficulties then
5 you would believe what is being said by these reputable
6 people. If it is being said to you by members of a
7 religious organisation you may also be persuaded that
8 they must be telling the truth, they must be informed
9 and, therefore, you give consent, bearing in mind that
10 the consent of the parents is not actually obligatory in
11 any case, although the parent may not know that.

12 Q But the point you make in the next sentence in paragraph
13 13.3 is this, that a child migrated without consent was
14 not necessarily more vulnerable to abuse than a child
15 whose migration had the approval of parents or
16 guardians, or indeed of the children themselves?

17 A That's right.

18 Q And that must be right.

19 A I think that must be right. I think the next sentence
20 does sort of imply that a good sending organisation
21 might well be concerned that that might occur. I mean,
22 that would require -- this is when you have the
23 necessary scrutiny by the sending organisation, repeated
24 scrutiny, of the place to which these children are being
25 sent.

1 Q A child sent to one of the Christian Brothers'
2 establishments where abuse appears to have been
3 prevalent, and serious abuse, whether consent had been
4 properly obtained or not would not really impact upon
5 whether or not that child was abused by a particular
6 Christian Brother?

7 A Indeed. That's right. Yes. Yes. A good point about
8 that last sentence is saying -- it may have been
9 implication of the kind of culture of the sending
10 society, if they sent a child without consent of parent
11 or, indeed, informed consent of the child itself, but,
12 nevertheless, there may well be cases in which children
13 thought that they were -- they had the approval of their
14 parents, their guardians, they were keen themselves, and
15 yet suffered the kind of abuse with which we've become
16 all too familiar.

17 Q You go on then, and you set this up in paragraph 13.4 to
18 look at some past practices of some organisations at
19 particular points in time, but you have a qualification,
20 namely that is the sources of information are limited
21 here?

22 A Yes.

23 Q But is there more information available in respect of
24 some organisations as opposed to others?

25 A Yes. What hovers over all these Inquiries, really, is

1 record keeping. Without records we cannot be sure.
2 Even some societies who had been heavily engaged in
3 this, and I think it was not uncommon amongst some of
4 the Catholic societies in Scotland that they simply do
5 not have the records. At least they say they do not
6 have the records and I'm likely to believe that, I think
7 that's quite -- this was a past practice and archives
8 are destroyed when they are no longer necessary, or felt
9 that they would be needed, but the result of this kind
10 of practice is a kind of an ignorance of the sending
11 societies with which this Inquiry has been in touch,
12 they do not know enough about their own past practice.
13 There is lots of occasions in the responses in which
14 they say, "So far as we know, so far as we know".

15 One in particular, and lest I forget it, it still
16 haunts me, one of the sending societies, or Catholic
17 sending societies, said that they are responding to
18 requests from the UK Government. The UK Government was
19 responsible for setting up these schemes but the
20 implication of that statement is the UK Government was
21 sending messages to the sending societies
22 saying, "Please send children". The only organisations
23 that were involved in making such demands upon sending
24 societies in Scotland were really representatives of the
25 receiving societies overseas.

1 Q And I think there you are alluding to a comment in the
2 response made by the Sisters of Nazareth in the Section
3 21 response, and I will perhaps look at that later, but
4 you begin your analysis in this section of your report,
5 Stephen, at 13.6 and a reference to the Edinburgh Local
6 Authority, because you are able to pick up some cases.
7 From the documents you saw that allow you to provide us
8 with some sort of insight into how the Edinburgh Local
9 Authority was dealing with selection and consent, and
10 you draw attention to a particular migrant in 13.6,
11 probably you would think it would have been a juvenile
12 but there is no reported information as to why, how, or
13 by whom he had been selected, or whether parents or
14 guardian had been consulted?

15 A Yes.

16 Q So that's a particular example where there is simply no
17 record as to how it came to be?

18 A Indeed, that's right. Yes. Yes. The deficiency of
19 records just makes it difficult to pass
20 appropriately-informed judgments on the practice.
21 I think broadly speaking we are seeing that some cases
22 are considered, but often in the case of the Edinburgh
23 Local Authority these do not seem to have taken actual
24 action which is rare for the local authorities to act,
25 not least because --

1 Q I think the next example you give is a boy who was
2 suffering from severe chilblains and he was effectively
3 ruled out as a potential candidate?

4 A Yes, notably because there is a medical report which has
5 identified this as a concern.

6 Q So that is perhaps indicative of good practice?

7 A Indeed. Yes.

8 Q And at 13.7 --

9 A Just before -- 13.6 we see 1948 there had been, clearly,
10 some appeal, some attraction about the Rhodesia
11 Fairbridge Memorial College. The Public Assistance
12 Committee, as it then is, approved in principle that
13 child might indeed be considered for emigration.

14 Q But as you go on to say, the records don't explain on
15 what grounds this was regarded as a possibility and
16 whether anything came of that?

17 A That's right. This is simply a statement of
18 consideration. We can see the appeal of the Rhodesia
19 Fairbridge Memorial College in that it is advertised as
20 being a public school and the Public Assistance
21 Committee might well be attracted by that notion and
22 that we certainly thought that parents would be
23 persuaded that it would be for their child, highly
24 appropriate. You need high qualifications to get in,
25 but this seems to come nowhere. There is no further

1 evidence that Edinburgh Local Authority progressed on
2 that matter.

3 Q But the next example you give I think relates to a child
4 who was really too young to give consent, but he,
5 I think, was to follow on an older -- follow on an older
6 brother who already left, but I think the father was
7 prepared to give consent, or the Secretary of State --
8 and the Secretary of State did give consent?

9 A Yes. I think what tips that is the joining -- the boy
10 joining an elder brother.

11 Q And at 13.8 you provide another example where the
12 Secretary of State was required to consider the case of
13 two boarded out children presented by the board of the
14 Church of Scotland in 1950 but there is no information
15 given as to how they came to be chosen or by whom or
16 whether consents were solicited from whom and supplied,
17 but were these children migrated?

18 A Sorry, it has only just come up.

19 Q 13.8.

20 A Yes. Got it. Yes. It ends up with the Secretary of
21 State having given his consent. I'm assuming that what
22 then followed was, indeed, the sending of these two
23 children.

24 Q But the conclusion you come to in relation to the
25 Edinburgh Local Authority is that these cases, these

1 examples, suggest that the spirit and the letter of the
2 law and more particularly the 1948 Act was being
3 followed?

4 A Indeed.

5 Q As far as consent was concerned?

6 A Yes. Most definitely.

7 Q And you have also noted that, if you leave aside two
8 particular cases, that it is worth noting that the last
9 conventional child migration cases recorded in the
10 Edinburgh minutes were 1950, perhaps suggesting even
11 less interest by then at least by this local authority
12 in sending child migrants into institutional care
13 overseas?

14 A Yes. Yes. I think that broadly sums up most of the
15 responses by local authorities throughout the United
16 Kingdom. You may recall in the IICSA report it really
17 is only down in Cornwall that a significant number of
18 children were sent from Cornwall Local Authority, and
19 that was really because the Children's Officer had
20 formerly worked for Fairbridge, and therefore --

21 Q And we don't have that sort of picture in Scotland in
22 any shape or form.

23 A Not at all. It was exceptional even in England and
24 Wales, and by far the largest number of children sent by
25 local authorities in England and Wales was, indeed, from

1 Cornwall, so that was an exception, even at the time in
2 England and Wales. It is exceptional, clearly, to see
3 significant numbers of children being sent overseas by
4 local authorities because of the regulations that are
5 imposed, and also because of the attitude of
6 professional child welfare people who are employed by
7 local authorities.

8 Q You then look at the position of the Church of Scotland
9 Committee on Social Service and you have already
10 mentioned that the comprehensive reports supplied by
11 Crossreach has been of help to you in that connection,
12 and we've already, I think, looked at the role played by
13 that committee and, in particular, by the Reverend Lewis
14 Cameron in relation to making contact with local
15 authorities and voluntary homes in Scotland in the
16 search for suitable children, and we do know that
17 children were selected and, in particular, sent to
18 Dhurringile where the children came via Quarriers?

19 A Yes.

20 Q And if we move on, you give some examples on the
21 following page, you give an example, I think, of an
22 applicant who gave evidence to this Inquiry and he
23 recalls, you have noted, first volunteering to go to
24 Australia when he was 10 or 11 but he only left after
25 a medical examination in [REDACTED] 1961 when he was 13

1 along with four other Quarrier boys. Now, this is one
2 of the group of five, I think.

3 A Yes.

4 Q Is that right?

5 A I think that's the case, yes.

6 Q And he, it would appear, was willing to go.

7 A Until he changes his mind.

8 Q Well, I think that's another person who has changed his
9 mind, but you go on to say, of course, we also read in
10 another applicant's witness statement that he had
11 changed his mind, and did not want to go, but he was
12 sent against his will, consent being signed by a staff
13 member?

14 A Yes, because the name had been obliterated I thought it
15 was still him. Right. Okay.

16 Q So we are looking at two separate individuals?

17 A Right. Got it.

18 Q And one who volunteered to go when he was 10 or 11 but
19 only left after a medical when he was 13, along with
20 four other Quarrier boys, and I think I have put to you
21 that that is likely to have been the 1961 group of five
22 that went at that time, and then the other individual,
23 he has said that he changed his mind and did not want to
24 go?

25 A Yes.

1 Q Nevertheless he was sent against his will --

2 A Yes.

3 Q -- with the consent form being signed by a member of
4 staff.

5 A Yes, which is curious behaviour, isn't it, really.

6 I don't quite know what -- who that member of staff is
7 that has the authority to do this, in spite of what the
8 child itself wanted to determine his own future, not to
9 go.

10 Q But that's an example of a child whose wishes were not
11 respected --

12 A Indeed.

13 Q -- ultimately?

14 A Yes. There may be a kind of background to this in the
15 sense that I do not know when he changed his mind,
16 whether it is the last minute or whether he, some time
17 earlier, he had already tried to impress upon the
18 sending society that he did not -- he no longer wanted
19 to go but they sent him anyway.

20 Q Would it matter hugely if he changed his mind fairly
21 late on? If he changed his mind, he changed his mind?

22 A Exactly, yes. One would like to know what exchanges
23 took place between the child and the staff member. All
24 I know of is that the staff member signed the form and
25 sent him.

1 Q You then draw attention to an inspector's report on
2 Quarriers in 1965 that concluded that there was not,
3 "sufficient information on the Homes' file to judge
4 criteria for selection of possible emigrants", and is
5 that the case? The records just weren't there to
6 indicate what the criteria for selection were?

7 A Yes. Again, my recollection of this particular
8 Inspector's report -- the inspector is not simply going
9 to be judging the emigration of children, the inspector
10 is there to consider how Quarriers is performing in
11 1965. It is simply for the purposes of this Inquiry,
12 one noted this, not "sufficient information on the
13 Homes' file to judge criteria for selection of possible
14 emigrants". It's not that inspectors are going routinely
15 round to voluntary societies to consider how they are
16 doing their business. This is Quarriers being judged
17 because of its role within Scotland.

18 LADY SMITH: There was much more to the 1965 report as I
19 recall than the comments about child migration.

20 A Yes.

21 LADY SMITH: We looked at that in our case study on
22 Quarriers.

23 A Right.

24 MR MACAULAY: And at 13.13 you mention that some surviving
25 children's files indicate that parents or social workers

1 were asked to give consent and one of the applicants
2 that you have already mentioned was one of those,
3 because he was able to produce a consent form signed by
4 his mother.

5 A Yes.

6 Q But the other applicant who changed his mind, he does,
7 in his witness statement, insist that since his mother
8 had refused to let him be adopted, she would not have
9 wanted him to be migrated?

10 A Yes.

11 Q Although she had not responded to a letter of enquiry
12 from Quarriers, but whether ignored or not received is
13 not known. He also insists that he did not sign
14 a consent form, and I think, as we've noted, the consent
15 form was signed by a staff member --

16 A Yes.

17 Q -- on his behalf?

18 A Yes. Yes.

19 Q At 13.14 you note that, in the Church of Scotland report
20 that has been provided to the Inquiry, that consent for
21 a boy's migration was required following an interview
22 with a Welfare Officer acting on behalf of the Secretary
23 of State for Scotland, and that person was usually the
24 Chief Inspector of the Scottish Home Department, and
25 what you say is that:

1 "It sounds curious since there were no government
2 regulations following the Children Act which gave the
3 Secretary of State the authority to instruct a Welfare
4 Officer to act on his behalf but it seems to have been
5 part of the voluntary agreement between CSCSS and the
6 Scottish Home Department, intended to allow officials to
7 be involved in selection and consent procedures".

8 Are you saying there that there appears to be some
9 sort of arrangements between the Church of Scotland
10 committee and the Secretary of State's office that
11 although there were no legal obligations on the Church
12 of Scotland to involve the Secretary of State that
13 nevertheless, as a matter of practice, they did?

14 A That's right. It seems to be an adoption of best
15 practice and I think all credit to the Church of
16 Scotland for having gone so far as to have this informal
17 arrangement with the Secretary of State for Scotland.

18 Q And you go on to say, I think again to -- under,
19 reference to the Section 21 response by the Church of
20 Scotland, and this is towards the top of page 99, that
21 consent was often withheld in the case of young children
22 on the grounds that they were -- are not old enough to
23 form or express an opinion on a proposal that they
24 should emigrate. So again that would also be indicative
25 of good practice?

1 A Indeed. That's right. One can imagine considerations
2 being made by senior officers in that organisation to
3 consider what is in the best interest of the child, if
4 we are going to be involved in child migration, what
5 will be best for the children. Consulting the Secretary
6 of State's office is one thing, but also making these
7 decisions in-house about matters like age, in our view
8 children should be of a certain age in order for them to
9 be able to manage the change overseas and life in
10 a different country.

11 Q But you also go on to make the point, and we've seen
12 this already, that it is also surprising that the CSCSS
13 on two occasions in breach of its agreement had failed
14 supposedly by oversight to inform the office of the
15 Secretary of State that they had arranged the despatch
16 of -- to Dhurringile of 11 Quarrier boys in 1960.
17 I think we've looked at that already, and it does appear
18 to be the case that what alerted the Secretary of
19 State's office to the emigration of the group of 11 was
20 The Sunday Post article?

21 A Yes. Quite. So there is a kind of inconsistency, isn't
22 there, in the way in which the CSCSS is actually
23 behaving. On the one hand it seems to be exceedingly
24 assiduous in consultations with the Secretary of State
25 and then I think this supposed oversight is a confession

1 of a breakdown or they had simply forgotten, but it
2 shows, once again, if there is no consistent regulations
3 in place there is no automatic response by sending
4 societies to adhere to their obligations, as would be
5 written into the regulations.

6 Q I now want to look at the Catholic Church involvement
7 again and at 13.15 you tell us that:

8 "Post war the Federal Catholic Immigration Committee
9 based in Australia had opened up a London office".

10 We've touched upon this already. This was an
11 Australian organisation with a London base --

12 A Yes. Quite.

13 Q -- being financed by the UK Government.

14 A Yes. It is an odd arrangement isn't it? It is a very
15 odd arrangement. It is not an Emigration Society, it is
16 an Immigration Society, so one has a very strong sense
17 here from the very beginning, in its title, that it is
18 immigrating, it is not a sending society as all the
19 other organisations were.

20 Q And the title taken by the London office, as we've
21 already seen is that of the Australian Catholic
22 Immigration Committee, the ACIC --

23 A Mm-hmm.

24 Q -- which acted as the umbrella organisation for a number
25 of Catholic organisations that were involved in the

1 migration process.

2 A Yes. Yes.

3 MR MACAULAY: My Lady, that's coming up to 1 o'clock.

4 LADY SMITH: Would that be a good point to break?

5 MR MACAULAY: Good point to break.

6 LADY SMITH: Very well. Well, we will break just now

7 Stephen for lunch and I will sit again at 2 o'clock.

8 A Thank you very much.

9 (12.58 pm)

10 (Luncheon adjournment)

11 (2.00 pm)

12 LADY SMITH: Stephen, welcome back. How are we doing? Yes,

13 I can see that. Getting sorted. (Pause)

14 A Right. Thank you.

15 LADY SMITH: Welcome back Stephen, it's good to see you

16 again. Are you okay for us to carry on if I revert to

17 Mr MacAulay?

18 A Indeed. That's fine. Thank you.

19 LADY SMITH: Mr MacAulay?

20 MR MACAULAY: My Lady.

21 Now, Stephen, I'm at page 99, paragraph 13.15 of

22 your actual report, and in this particular -- these few

23 next paragraphs you consider the involvement of the

24 Catholic Church and, in particular, the Federal Catholic

25 Immigration Committee and its, as it were, associated

1 London office of the Australian Catholic Immigration
2 Committee, and as you pointed out, the word,
3 "Immigration", not, "Emigration", is indicative of its
4 purpose. You mentioned that.

5 A Yes.

6 Q You have also mentioned the fact that it was unusual for
7 an Australian committee to be an approved body for
8 a funding agreement under the terms of the Empire
9 Settlement Act of I think, by now, 1922, and that's
10 unusual?

11 A Yes. Unique, as far as I'm aware.

12 Q Now, you say in the following paragraph -- well, perhaps
13 just before we come to that, there is a degree of
14 confusion as to who is who, I think.

15 A Yes. Quite.

16 Q Because we know that -- about the Catholic Child Welfare
17 Council, and we've had evidence from them, and that body
18 had a much broader church in migration -- a broad church
19 of child welfare in different diocese in England and
20 Wales?

21 A Yes.

22 Q And we then talk about the Catholic Council for British
23 Overseas Settlement which was a UK body?

24 A Yes.

25 Q And that had been formed in 1939 by a merger between an

1 earlier Catholic Emigration Association and a Catholic
2 Emigration Society?

3 A Yes.

4 Q So that was to do with emigration or migration?

5 A Yes.

6 Q And that's what you say there, and then you say:

7 "Perhaps not surprisingly with several organisations
8 with interests in child migration operating, even the
9 Women's Group became confused".

10 What is the demarcation, then, between these --
11 between the ACIC, the CCWC and the CCBOS?

12 A Very good question. I think the distinction is, first
13 of all, clearly enough, the ACIC is receiving money to
14 send children overseas. I think the CCWC does, as you
15 say, have this broader brief concerned with child
16 welfare broadly, Catholic Child Welfare, of which child
17 migration is a kind of subset of its interests. The
18 CCBOS is a UK-wide body with quite broad interests. It
19 is concerned more like the ACIC, only this is the
20 British equivalent, one might think. It is concerned
21 broadly with overseas settlement of anybody, really. It
22 is a body that is concerned, as the Catholic Church in
23 the UK is, and in Scotland, we have noted this, is
24 concerned with ensuring that amongst those who migrate
25 overseas there will be a substantial number of Catholics

1 in order to ensure that the Catholic faith is being
2 professed in Australia, so that, I think -- my
3 understanding is that that is one of its broader briefs,
4 but within that, as you can see lower down in this
5 paragraph, there is a subcommittee of the CCBOS that has
6 a special concern for child migration, and so that is
7 largely the distinction which should be operating. The
8 difficulty that I think we may well be encountering is
9 that there are agencies from -- there are agents from
10 Australia who come to the United Kingdom and come to
11 Scotland also, particularly who may be expected to be
12 working in co-operation with some of those other bodies
13 like the CCWC, but seem to have made, in some instances,
14 direct moves towards the Catholic agencies in Scotland
15 without informing any of those other broader UK-based
16 bodies.

17 Q And I think we will see this when, perhaps, we look at
18 some of the minutes, but I think it is the case that the
19 CCWC, at some point, became aware that the Australian
20 contact, Father Stinson, for example, were not going
21 through the diocese as such but were bypassing the
22 diocese in their recruitment drive?

23 A I think, again, if I remember rightly, they had said
24 that they would be working in connection with the CCWC,
25 but, in fact, in practice, they do not.

1 Q You then set out at 13.16 what your understanding of the
2 process by which Catholic children in institutions in
3 Scotland were selected, and how consents were obtained,
4 and in that in particular you have had regard to the
5 sources that have been provided to you via the Catholic
6 Bishops' Conference of Scotland and by the Archdiocese
7 of St Andrews and in particular that's in their Section
8 21 response to the Inquiry.

9 A Yes.

10 Q And I think you identify various minutes and documents
11 that are again looked at in Appendix 4 and we will look
12 at that with Professor Lynch in due course, but what you
13 want to set out here is what you call some, "Headline
14 points". You want to extract some of the important
15 points that come out of this material?

16 A Yes.

17 Q And in particular I think focus on the roles played by
18 Brother Conlon and also by the Reverend Quille, so so
19 far as Brother Conlon was concerned, he was in the
20 United Kingdom pre war, 1938?

21 A Indeed, yes. As this paragraph says, he had already
22 been involved in assisting migration of parties of boys
23 to Western Australia to the Christian Brothers, but
24 without consulting diocese and child rescue
25 administrators, so the fact that he is there post war is

1 a matter of concern.

2 Q Had he been involved in Scotland pre war?

3 A That I don't know. I haven't -- I do not recall records
4 to that effect. Post war, yes.

5 Q But post war he was in Scotland?

6 A Yes, indeed.

7 Q And was he, in particular, in connection with the
8 diocese of -- the Archdiocese of St Andrews in Edinburgh
9 and also the Reverend Quille?

10 A Yes.

11 Q And you have already indicated that this was something
12 of a recruitment drive led by Brother Conlon?

13 A Oh, it is very much a recruiting drive. I think, again,
14 we need to recall just how -- post war, how anxious the
15 Australian Commonwealth Government and all the state
16 governments were to increase the number of UK citizens,
17 and that was including as an important subset the
18 possibility of recruiting what would be described -- you
19 remember the phrase again -- "War orphans", and the
20 notional 50,000 of them who were therefore available for
21 migration to Australia, so they come in the expectation
22 that those children would be released to them to migrate
23 them back to Australia. Remember, again, from the
24 figures, there is this huge number of children all being
25 sent, I think in 1947, indicative of how effective they

1 had been.

2 Q And what was the Archdiocese' reaction to the approaches
3 being made by Brother Conlon?

4 A I think it's a concern that they had not been
5 properly -- well, they welcomed the Inquiry as it can
6 see, but I think they, like the other bodies, were a bit
7 upset about being marginalised in some of the other
8 practices. There had been formal contacts made with
9 these bodies but the concern is that they discover that
10 stuff was being done behind their backs.

11 Q At least in principle the Archdiocese welcomed the
12 enquiries being made by Brother Conlon?

13 A Indeed. It seemed to be in their view, because they are
14 part of the same culture which expects Catholics to
15 populate parts of the Commonwealth, this seems to be, of
16 course, an appropriate procedure. They have no
17 objections to the principle of this. I think the
18 concerns come when they and other bodies discover quite
19 what is being done without them being informed.

20 Q The sources for these children then, are we looking to
21 Roman Catholic religious homes in Scotland, such as the
22 Sisters of Nazareth, for example?

23 A Indeed. I think it is principally the sisterhoods who
24 are the ones who are most involved in this.

25 Q The Sisters of Nazareth were most involved?

1 A Yes.

2 Q The Section 21 response from the Bishops Conference in
3 Scotland you tell us in 13.19 recorded a decrease in
4 applications including of child migrants from Scotland
5 and Northern Ireland. Can I just understand the
6 Northern Ireland connection here, because I think we
7 know that children from Northern Ireland who were in
8 Sisters of Nazareth homes came to Scotland en-route to
9 being migrated.

10 A Again, I'm not clear about -- whether they are simply
11 being routed through before they are sent off. My
12 recollection of the Northern Ireland Inquiry -- it's not
13 clear enough in my mind to know how they came to be
14 involved with the children from Scotland.

15 Q Well I suppose the common denominator would be the
16 Sisters of Nazareth who had establishments both in
17 Northern Ireland and in Scotland?

18 A Oh indeed yes. I understand there was that kind of
19 connection, it's whether there was a single body, then,
20 which is determining when these children shall be sent,
21 but a lot of this is about booking births on boats, of
22 course.

23 Q One point you make in this paragraph, 13.19, is that
24 numbers were falling because parents were not giving
25 consent to migration?

1 A Yes. I mean, it does at least suggest that the parents
2 were being consulted which, as you know, is almost kind
3 of an option, and there are occasions where we see that
4 parental consents are not respected, and also just,
5 again, we have this business about the inadequacy of the
6 records which survive for us to inspect.

7 Q And in 13.20, as you have already mentioned, the CCWC
8 had agreed support, Conlan's operations, but as you have
9 said, in practice, that's not how he operated and he
10 would bypass the CCWC?

11 A Yes. The impression, again, is that somebody like
12 Conlon is so determined and so anxious to get on with
13 the business, effectively he is driven by what he
14 understands to be the needs of the Australian Catholic
15 community and that's why he has come headhunting in the
16 United Kingdom, including in Scotland, and working
17 through another organisation, I think it is implied that
18 this would be slowing down the process. It is about
19 filling berths on boats and finding at least
20 a significant number of those supposed war orphans in
21 institutions in Scotland who may be migrated quite
22 rapidly, because it is quite a clear determination to
23 bring this business forward with as much speed as can be
24 managed.

25 Q And you have already mentioned this in your evidence

1 that there was the anxiety that made recruiting in the
2 United Kingdom somewhat more urgent than it might
3 otherwise have been because of the expensive extension
4 to Nazareth House at East Camberwell in Victoria.

5 A Yes, and it is actually rather a dodgy element within
6 this. This is one of the arguments that had been raised
7 with some of the Catholic institutions in Scotland and
8 no doubt elsewhere that because the Nazareth House in
9 East Camberwell had been part-funded by the Australian
10 Commonwealth and the Victorian State Government on an
11 assumption that -- there is the figure -- 100 female
12 child migrants would be sent over rapidly to take spaces
13 in this new Nazareth House, and the implication being
14 given by the recruiters is that if -- if -- those spaces
15 are not being filled as rapidly as had been anticipated,
16 then the Australian Commonwealth and Victorian State
17 governments might well withdraw their funding, and the
18 grants would have to be repaid. There is, to the best
19 of my knowledge from the documents we have seen and
20 Professor Lynch, I think, has looked closely at this,
21 there is absolutely no evidence that such a threat was
22 actually being made by the Australian governments, but
23 it is being used as a way of enforcing upon the sending
24 societies in -- Catholic sending societies in Scotland
25 that they need to adhere to this demand quite urgently,

1 and fill the boats, because otherwise things might
2 happen to the Nazareth House in East Camberwell.

3 Q And East Camberwell I think we saw from the Ross Report,
4 confidential report, was a place where they also had an
5 old folks section?

6 A Yes, and that itself may be regarded as inappropriate.

7 Q But the extension that had been part-funded by the
8 Australian Commonwealth was really a bespoke extension
9 to cater for migrant children?

10 A Yes.

11 Q And the number of 100 female child migrants, you have
12 noted there that assurances that such a number would be
13 recruited had apparently been given by the Sisters of
14 Nazareth. Does that come from documentation that you
15 have seen?

16 A Well, it must have been. I can't imagine why it would
17 be otherwise. It must be derived from a document. Can
18 you just point me to the particulars?

19 Q Yes. Paragraph 13.21.

20 A Oh right. Yes. Right at the top.

21 Q Halfway down the paragraph?

22 A Yes. Can you go back one -- a little bit further so
23 that I get the beginning of the sentence? Yes, "On the
24 basis that it would receive and accommodate one hundred
25 female child migrants", that's right, so there is this

1 expectation that these extensions would take as many as
2 one hundred child migrants, and therefore there was
3 other spaces that needed to be filled rapidly.

4 Q Now, you say in the next paragraph:

5 "We must assume that the sisters running Catholic
6 child care institutions made initial selections though
7 we do not know for sure by what criteria".

8 You make -- do you say that because you haven't seen
9 any records that would give you some insight into what
10 criteria were being employed by the Sisters of Nazareth
11 to select the children?

12 A That's correct. I think all -- we come back to, again,
13 about record survival, whether records were kept, I
14 assume they must have been at some stage or other but
15 they are no longer there available, or not been made
16 available, I think they probably do not exist any
17 longer, so one can actually study this in any particular
18 detail.

19 I would think the basic criteria would be, are these
20 children suitably -- of a reasonable age, are they
21 Catholic and one would like to think, do they have any
22 kind of qualifications to cope with the experience of
23 being transferred, and that ought to include whether
24 they are medically fit, whether they are educationally
25 acceptable and so on, but that is just what one would

1 assume, but we -- as in the same paragraph it says the
2 Northern Ireland Inquiry had been told that there were
3 medical inspections taking place, but in Australia House
4 rather than in the institution itself.

5 Q But I think we saw this morning in relation to the
6 migrant who had had polio, that the medical examination
7 was really -- was not in London but likely to have been
8 in Glasgow?

9 A Yes, and that's the report it sent on to left hand and
10 it is at that point that the child was accepted. We
11 know more about this case, of course, because we have
12 a very strong statement by the person with whom we are
13 concerned.

14 Q Indeed, and we have the LEM 3 forms as well?

15 A Yes, and also the confession by the medical man, by the
16 doctor himself that he was going on what he had been
17 told by the Mother Superior.

18 Q And we do have that correspondence. At 13.23 you say
19 that it is doubtful whether many children had been made
20 sufficiently informed about their prospects to enable
21 them to provide informed consent, and you go on to
22 mention the Northern Ireland Inquiry and the evidence
23 provided to it that witnesses did not recall giving any
24 meaningful consent as to children being sent to
25 Australia. Were these children who were sent to

1 Australia at about the time when Brother Conlon was
2 active?

3 A Oh, pretty certainly so. It's all part of this very
4 strong push to get children sent to Australia as rapidly
5 as possible after the war, and I think in that case he
6 could see how the demand from Australia as relayed on by
7 their representatives, the Catholic Church, leads to
8 these kinds of cutting of the corners, as it were, about
9 whether meaningful consent was being given by the
10 children and so on.

11 Q And this Inquiry has heard evidence from former child
12 migrants to the effect that they could not recall giving
13 consent at all, or indeed that they could not grasp what
14 really was involved in going to Australia?

15 A If you are talking about small children, as they still
16 are, and clearly inexperienced in the ways of the world,
17 these children, many of them being put into care early
18 in their lives, they institutionalised and the people
19 that they know are those who have been supposedly
20 looking after them in these homes, and whether the
21 Sisters of Nazareth or any of the other sending
22 sisterhoods explain clearly what their options are, do
23 you want to go, this is what it is likely to be
24 experienced, or do you want to stay here and this is
25 what is likely to be your experience, I suspect because

1 of the pressures upon the sisters themselves, they are
2 more inclined to say, "This is an opportunity you should
3 not turn down", and if there is a consent, it doesn't
4 really seem to qualify as being an informed consent.
5 Likewise, the parents, as to whether they were ever
6 consulted at all, if there are contacts still with
7 parents.

8 Q And in paragraph 13.24 you draw attention to evidence
9 that was provided to the House of Commons Health
10 Committee in 1977 in relation to -- generally in
11 relation to the issue of consent, and by parents to the
12 migration of Catholic children?

13 A Yes.

14 Q And you give us some percentages of what you say is, in
15 any event, an incomplete database, but can we see that
16 the percentages that you provide under reference to that
17 material are rather low?

18 A Indeed they are. Indeed they are. It is, again, the
19 problem about the preservation of the records. The
20 implication seems to be that parental consent was only
21 a very small minority of the number of children who were
22 being sent, but that is based upon what I take to be
23 a very thorough investigation of the surviving records,
24 but it does give one the uncomfortable feeling that
25 consents were either not sought or were perfunctory or

1 inadequate and so on, so we base -- we are just
2 struggling, again, with adequacy of records to be
3 absolutely certain about so many things, but I rather
4 suspect, and I'm afraid it has to be a kind of a
5 suspicion, that the demand to send overrode a good deal
6 of the possible pursuits of parental consent which might
7 have been taken.

8 Q And you drew our attention to the position as to how
9 these forms -- the LEM forms were signed?

10 A Yes.

11 Q And this is on page 103 of the report, that in a number
12 of cases the consent forms were signed by a member --
13 this is the Northern Ireland -- by a member of the
14 Sisters of Nazareth acting in the role of guardian?

15 A Yes.

16 Q And I think we saw that from the form we looked at this
17 morning, that that had also been signed by the Mother
18 Superior?

19 A Indeed. Yes.

20 Q Although the father had given consent?

21 A Yes. There is the consent of the child, whether that
22 consent can ever be deemed to be informed consent is
23 always problematical in these cases.

24 Q The suggestion in the final couple of sentences there
25 that -- I think this was made to the Northern Ireland

1 Inquiry that the Sisters of Nazareth claim that it may
2 be the case that parents had consented to migration but
3 that was left to a member of their order to complete the
4 relevant forms. I mean, that is a possibility?

5 A Well, it is a possibility. I think one might just
6 reserve judgment as to whether that was the case, that
7 a parent said, "Yes, that's okay", and then the sisters
8 signed the forms. It doesn't seem to me to be asking
9 too much of a parent who had been consulted, and in what
10 form that consultation took place, for a parent to
11 simply say, "Oh, that's okay, you fill in the form".

12 LADY SMITH: This may be a typical lawyer's comment,
13 Stephen, but it is hard to avoid noticing that the
14 Sisters were signing as guardians of the children of
15 whom, as a matter of law, they were not the guardians.

16 A I appreciate the legal point. It is -- I think there
17 are a good number of words crop up in these accounts
18 which are problematical in terms of their strictness of
19 accuracy.

20 LADY SMITH: These documents were facilitating a sea change
21 in these children's lives.

22 A Oh yes.

23 LADY SMITH: They may never come back to Britain.

24 A Exactly. It is such enormous step to be taken, and in
25 retrospect one is just astonished that how rapidly so

1 many of these actions were being taken that do, indeed,
2 send children into what for them is absolutely the
3 unknown, and I would add to that, really is unknown to
4 the sisters who are doing the sending. They do not have
5 intimate knowledge of the conditions of the places to
6 which their children are being sent.

7 MR MACAULAY: In paragraph 13.25 you look at documents
8 relating to St Joseph's at Neerkol which, of course, was
9 run by the Sisters of Mercy, but you say they may
10 illustrate the process by which some Catholic children
11 in care came to be selected for migration after 1945,
12 and I think you say there:

13 "The Catholic Church in Australia had established
14 a Catholic Migration Committee and that two offices were
15 located in London to facilitate the recruitment of child
16 migrants amongst others for admission into Catholic
17 institutions".

18 You provide some information as to what happened on
19 these occasions?

20 A Yes. Yes. It seems so kind of in-house, doesn't it.
21 Bishop signs the nominations, sends it to the Queensland
22 Children's Department, assessed and approve the
23 nominations. It's quite difficult to know quite what the
24 Queensland Children's Department's knowledge is of the
25 nominations. They simply received -- again, bearing in

1 mind the pressures upon Queensland Children's Department
2 to bring in children. Once again, so often we come back
3 to the lack of impartial judgments being made about the
4 merits of the sending and the receiving.

5 Q Can I ask you this, Stephen; is there any suggestion
6 that LEM forms, consent forms that may have been signed
7 by the Mother Superior, whether in so-called in loco
8 parentis or as a guardian, that these forms were not
9 accepted by the authorities?

10 A I think they -- to the best of my understanding, if they
11 had been -- if there is a signature they seemed to have
12 been accepted as being legitimate judgments made by the
13 sending society and by, particularly, by Mother
14 Superior. There is a kind of assumption throughout so
15 much of this that a Catholic organisation will behave in
16 the interests of the child whereas I think the reality
17 seems to be that sometimes the interests of the child is
18 at least seeking an injunction (Inaudible) Australia.

19 Q I mean, one imagines that the ACIC, the Australian
20 Catholic Immigration Committee in London to whom these
21 forms were being submitted would scrutinise the forms?

22 A Well, you can imagine it, but whether it actually took
23 place is another matter, because the ACIC is being -- is
24 receiving funded money from the UK Government to send
25 children, and the more children are sent the more money

1 is being handed over, and since the ACIC is an
2 immigration committee, its primary brief is to carry out
3 the immigration and the children should provide the kind
4 of new immigrants that they are being pressed to bring
5 in.

6 Q But I think the point I'm seeking to make is if a form
7 were to go across an ACIC official's desk apparently
8 signed by a Mother Superior as a guardian, for example,
9 that does not seem to have mattered in that the process
10 happened?

11 A Well, that really is the point I'm trying to make.
12 I think since the Catholic organisations in Scotland and
13 the Catholic organisations involved in sending the
14 children overseas, that's the ACIC, and the Catholic
15 organisations in Australia that are receiving them, they
16 are all operating under the same kind of general brief,
17 that they are involved in the necessary increase in the
18 Catholic population of Australia, so it's very
19 difficult -- or in those circumstances, put it this way,
20 that an official that is looking at these forms is less
21 likely to scrutinise the details of it to see whether we
22 can really accept the requests that we have received to
23 send these children overseas. They are all, really,
24 pointing in the same direction. We have the forms, we
25 have the children, we have the berths, send the

1 children.

2 Q And I think we noted the form this morning, I think it
3 is headed -- I will just go back to it. Yes, the form
4 is -- perhaps I will put it back on the screen for
5 a moment ago. It is at WIT003.001,2720.

6 LADY SMITH: Is that the LEM form?

7 MR MACAULAY: It is the LEM form. It is headed,
8 "Commonwealth of Australia".

9 A Yes.

10 Q So it is an Australian form?

11 A Yes.

12 Q And we are told it is the Department of Immigration,
13 Australia House, London, and we didn't read this before
14 but it is worth reading under the heading, "Child
15 Migration":

16 "Sections A and C of this form are to be completed
17 by the approved voluntary organisation in the United
18 Kingdom"?

19 A Yes.

20 Q And:

21 "Section B is to be completed by the parent or
22 guardian of the child"?

23 A Yes.

24 Q So these are the instructions that are given to the --
25 those who are going to complete the form.

1 A Yes.

2 Q And if we look at the first section, Section A which is
3 to be completed by the approved voluntary organisation,
4 can we see that this -- you won't see but I can tell you
5 that this has been signed by, it looks like, William
6 Flint?

7 A Yes. For and on behalf of the Catholic Child Welfare
8 Council.

9 Q What did he have to do with the approved voluntary
10 association?

11 A I think he is just one of those agents that is involved
12 in the recruiting exercise. I mean, I would stress the
13 point that this is on behalf of the Catholic Child
14 Welfare Council. I'm not sure whether that could be
15 cross-checked with the CCWC's own records to see whether
16 they knew that Flint was signing on their behalf. I'm
17 not quite sure of the status of Flint, I'm afraid.

18 Q This is a form that I think as we noted before, in fact
19 the parent has consented, so the question of who --
20 whether it is a guardian or whatever just doesn't arise
21 in this particular case?

22 A That's right. Yes, and given the person -- we know who
23 this child is and the condition -- her medical
24 condition, it is very remarkable that it ever went
25 anywhere, really.

1 Q But I think what I'm trying to get at, if there are
2 forms we've seen that have been signed by Mother
3 Superiors, that one wonders what the degree of scrutiny
4 may have been in London?

5 A Yes indeed. I mean, I raised one of the external --
6 possible external constraints on the whole practice
7 would be what the London office made of the forms which
8 they were receiving, because in some respects one might
9 have felt that there may be some kick-back if children
10 that had been received and had yet to be approved in
11 London, what happened to the staff who would sign these
12 children off. I'm not aware at all of any objections to
13 the practices being conducted in London on behalf of the
14 Catholic -- on behalf, broadly, of child migrants being
15 sent.

16 Q You then do have a particular paragraph dealing with the
17 Sisters of Nazareth more specifically, and in particular
18 you draw attention to the Section 21 response that has
19 been submitted by the sisters, and I will just read
20 what's in the second sentence:

21 "Sufficient records had been located to provide
22 figures for the number of child migrants sent from each
23 of the four Nazareth Houses in Scotland making a total
24 of 71".

25 We looked at these figures earlier, but then the

1 response goes on to say that:

2 "There is no documentation held concerning policy or
3 procedure and that there are no records held pertaining
4 to adherence to government guidelines"?

5 A Yes.

6 Q You go on to comment on that. You say:

7 "Nevertheless 'the congregation adhered to the
8 guidelines relating to child migration passed on to them
9 by the British and Australian governments'".

10 Less firmly that the sisters tried to ensure that
11 they adhered to the guidelines given to them with regard
12 to the selection of children, so I think the point that
13 you are making is that what were these guidelines?

14 A Yes. Quite. Can you go back up the page? 13.26,
15 I think it is 13.25 which contains something that I was
16 going to --

17 Q Page 103. Yes. We can go back. So we have 13.25 on
18 the screen, and we move down to the second part of it.

19 A Yes. It is the bottom of that where it begins, "The
20 report submitted".

21 Q Can we scroll down a little bit? Yes. There we are?

22 A I think there we go. Yes. Right at the bottom there it
23 says:

24 "However, it was stated that ..."

25 This is a quotation from the response from the

1 Sisters:

2 "... 'there is no documentation held concerning
3 policy or procedure and that there are no records held
4 pertaining to adherence to the government guidelines'.
5 Nevertheless 'the congregation adhered to the guidelines
6 relating to child migration passed on to them by the
7 British and Australian ...'"

8 Presumably, "Authorities". I'm perplexed --

9 LADY SMITH: It goes on, "Governments". I think they tried
10 to ensure the --

11 MR MACAULAY: Move on to the next page.

12 LADY SMITH: They did adhere to the guidelines issued by the
13 governments.

14 A Yes.

15 LADY SMITH: The next page, Stephen, I think will help you.

16 A Yes. "We are not aware of what those guidelines were".
17 It seems to be -- one of the arguments comes over quite
18 strongly from this is that they were doing what they had
19 been instructed to do by the UK Government. I think it
20 is bad enough what the UK Government did in setting up
21 the Scheme that would fund child migration, but there is
22 nothing to indicate that the UK Government was asking
23 particular organisations to send children. It is
24 passive not active by the UK Government.

25 MR MACAULAY: Do you know, and I'm going to come to that

1 bit, but do you know what guidelines --

2 A Absolutely none.

3 Q And the other point that you have just -- sorry Stephen?

4 A Carry on.

5 Q No, you carry on. It is your evidence.

6 A I mean, I think in retrospect it might be some reference
7 to what the -- one of the organisations, you know, is it
8 the Council for Voluntary Child migration? I have
9 forgotten. COBCE. Remember that organisation had been
10 set up immediately post war, and was effectively an
11 advertising brochure -- society up by Sir Charles Hambro
12 if you remember.

13 Q Yes.

14 A And the various organisations, broadly speaking,
15 subscribed to everything that was being said should be
16 done, if children were to be sent overseas, and that
17 included the Catholic Church, so there may be some
18 confusion in the mind of the people drafting this
19 response on behalf of the Sisters of Nazareth that
20 somehow these are blurred into being instructions or
21 encouragements from the UK Government. Well, to works
22 the other way. The UK Government made it possible if
23 anybody had a good case for sending children overseas
24 they would receive appropriate funding, but it seems to
25 me by implication the Sisters of Nazareth's response to

1 the Section 21 seems to be saying that they were only
2 obeying what was being told to them by the UK
3 Government.

4 Q And I will pick that up, the CVOCE is the Council of
5 Voluntary Organisations for Child Emigration.

6 Can I then just take you to part of the Sisters of
7 Nazareth's response at this time, and it is the
8 NAZ001.0010294. I think there may have been an updated
9 response but there is no difference in this particular
10 part of it, and it is this passage here, I think, that
11 you are drawing attention to, and it reads:

12 "The sisters were invited to participate in the
13 emigration Scheme which was initiated by the British and
14 Australian governments and the Catholic Church"?

15 A Yes.

16 Q And then we are told:

17 "Guidelines provided by the governments were
18 followed".

19 Now the first sentence, you challenge that because
20 what you say in the report is that the sisters were
21 incorrect to say that they were invited to participate
22 by British and Australian Governments and the Catholic
23 Church.

24 Now -- and I think the point you are making is that
25 it really wasn't -- that wasn't the case, that any

1 participation they had was really through the Catholic
2 Church and in particular Brother Conlon?

3 A Yes.

4 LADY SMITH: I wonder, sorry Stephen, in fairness to the
5 Sisters, I wonder if there is another way of reading
6 that. First point:

7 "We were invited to participate in the emigration
8 Scheme", full stop, not saying by whom although we know,
9 for example, Brother Conlon was encouraging them.

10 Second point:

11 "That Scheme is one that was initiated by the
12 British and Australian Governments and the Catholic
13 Church". See what I mean?

14 A I was going to say exactly that.

15 LADY SMITH: You have to allow them for trying to say that
16 rather than the former.

17 A Yes. What I have seen somewhere else in this section is
18 a rather more strong statement from the sisters saying
19 that they were responding to the -- to what the British
20 and Australian Governments were saying. It is
21 a different section of the report. It is in our report,
22 I think, rather than in this particular document.

23 MR MACAULAY: Okay.

24 A I don't want to keep going up and down on that but
25 I think there really is an indication in something that

1 the Sisters say that they were reacting to an invitation
2 from the UK Government.

3 LADY SMITH: I wonder if looking at your footnote, it's just
4 one page forward, is that possible, Mr MacAulay? The
5 footnote takes us to 0295 but that page is 0294. It's
6 just the one page. It's there.

7 MR MACAULAY: I have page 0295 in front of me and certainly
8 there is nothing there that impacts upon this point, but
9 the point -- the quote you have in your report, Stephen,
10 that the words, "Were invited to participate by the
11 British and Australian governments and the Catholic
12 Church", that does reflect what is said on page 0294,
13 the Sisters were invited to participate in the
14 emigration Scheme which was initiated by the British and
15 Australian government, and I think one can easily see
16 why there could be a perception that this was a Scheme
17 that had been set up by the British Government, because
18 it was being financed by the British Government since
19 1922.

20 A Yes.

21 Q But in relation to -- sorry?

22 A I suspect that somewhere I have -- there is another
23 statement, I can't quite recall where it is in the
24 report, but it is somewhere around this place. Since it
25 is the ACIC which is actually receiving the funding from

1 the UK Government, if that is known then it would
2 suggest that the ACIC is acting on behalf of the UK
3 Government in that it is prepared to fund the emigration
4 of children from places like the Sisters of Nazareth
5 homes. I can see how that could be turned into, "We
6 were doing what was asked of us by government as well as
7 by the ACIC". I don't want to get into a kind of a knot
8 about this one but I think the impression strongly is
9 that the Sisters believed, rightly or wrongly, that they
10 were being steered by the UK Government, as well as by
11 the agencies that come (Inaudible) Catholic Church.

12 Q Well, the Sisters will be giving evidence and speaking
13 to the Section 21 response. I can perhaps put this in
14 fairness to them, put this up on the screen as well, it
15 is available. It is a letter, actually, from their
16 solicitors. It is NAZ001.007.8897. This is a letter
17 dated 29 -- 27 September 2019, and it relates to
18 a follow-up question, particularly by Professor Lynch
19 having considered the congregation's response?

20 A Yes.

21 Q And the role of government guidelines that we've just
22 touched upon is something that they respond to, and what
23 is said is that they have very limited direct knowledge
24 as to the historic involvement of the congregation of
25 child migration, and it sought to make that clear, and,

1 really, what they are relying on is a memorandum
2 prepared by Dr Peter Hughes from an earlier era, what
3 they have been told from an earlier era, and it is
4 accepted that this, at best, is incomplete and indeed
5 may be inaccurate, and they go on to say at the bottom:

6 "The Sisters agree they do not have evidence of
7 government guidelines in place when they were asked to
8 send children".

9 So that's ...

10 A That reference to they were adhering to government
11 guidelines is clearly misplaced in the original
12 response.

13 Q Yes. Okay. Yes. Well, they go on to say on page 2 of
14 this letter at number 2:

15 "In referring to Government guidelines the Sisters
16 of Nazareth are referring to the Curtis Report".

17 They also make reference to a Home Office Memorandum
18 number 47, so there is an awareness of that document?

19 A Yes, but it is a bit of a stretch, isn't it, I think, it
20 say that the Curtis Report somehow is a government
21 guideline.

22 Q In relation to adherence to standards we are told at 4:

23 "The congregation now understands that the local
24 superior and a Sister working with the children would
25 have been responsible for approving children for

1 migration".

2 That feeds into the selection issue?

3 A Indeed.

4 Q But they go on to say that there were no committees in
5 the homes to consider the appropriateness of each child,
6 so that is accepted?

7 A Yes.

8 Q Sorry?

9 A I was going to say the last line is particularly
10 telling:

11 "The congregation accepts that there may not have
12 been adherence to the standards of the day ".

13 Q Yes. That's perfectly candid. They do accept that in
14 their final sentence?

15 A Yes.

16 Q Now, the point you make at 13.6 that the Sisters began
17 to select children for migration even before the UK
18 Government had recommitted itself to such a programme,
19 and is that, again, under reference to Brother Conlon's
20 involvement?

21 A Yes. It is the immediate post war arrival of recruiting
22 agencies from Australia, Catholic recruiting agencies
23 that they are -- they are swift to arrive and obviously
24 what they then start doing is contacting the Catholic
25 Children's Societies, particularly the Sisters of

1 Nazareth and the Good Shepherds to press them to
2 provide.

3 Q And you set out in that paragraph that there is no
4 reference to whether children, once approved, then gave
5 their consent, but we are, however, told that where
6 parents or guardians were known to the Sisters they were
7 asked for their consent to the migration of children,
8 otherwise the local superior or her delegate would
9 consent in accordance with her status in loco parentis,
10 and that comes from the Section 21 response as well?

11 A Yes.

12 Q Now, you then draw attention to evidence, or a statement
13 provided to the Inquiry by Christopher Booth?

14 A Before we move on, just go back to the last line of the
15 previous paragraph, the last couple of lines.

16 Q That's at paragraph 13.26?

17 A Yes. It is in response to nine particular questions,
18 nine particular questions asked by SCAI concerning such
19 matters as selection, consent, provision of information
20 to children and parents and indeed, "Checking the
21 suitability of the places where children were sent", the
22 response to all is a cautious, "Yes, to the best of our
23 knowledge".

24 Now, I can recall no information about the
25 suitability of the places being in possession of the

1 Sisters of Nazareth or the Good Shepherds in Scotland.
2 If there were then I haven't seen any documentation to
3 that effect. That suitability would suggest that
4 information from the receiving homes was being passed to
5 the sending homes, and that is exactly what one would
6 hope was the case, that a proper judgment is to be made
7 about the suitability of the place overseas to which
8 these children from Scotland would be sent, and to the
9 best of our knowledge, as a repeated response to nine
10 questions, suggest they really don't have the knowledge
11 to enable that matter to be decided one way or another.

12 Q There are a number of potential candidates for the
13 Sisters of Nazareth as I think we know. There was the
14 Sisters of Nazareth houses themselves. That's the same
15 order in Australia. There are the Christian Brothers
16 who are a quite different order?

17 A Indeed.

18 Q The Sisters of Mercy I think may also have been used by
19 the Sisters of Nazareth. They are also a different
20 order?

21 A Indeed.

22 Q And perhaps the oddest of all, because it is in Hobart
23 in Tasmania, is the Salesians --

24 A Yes.

25 Q -- which is a completely different order to any of the

1 others.

2 A Right. So I would conclude the phrase, "To the best of
3 our knowledge", really I would think, in all honesty
4 means that we do not have knowledge about the places.

5 Q The reason I mentioned the Salesians is because that's
6 in Hobart in Tasmania, because that's where Mr Booth
7 ended up, having been migrated from Nazareth House in
8 Aberdeen?

9 A Quite. Yes.

10 Q And have you seen anything in the documentation which --
11 that can explain why he -- and he was one of the very
12 few that ended up in Hobart with the Salesians?

13 A Absolutely no knowledge as to why that place was
14 particularly chosen.

15 Q He had spent some time in Nazareth House Aberdeen and he
16 contacted his mother in later life and he was told by
17 her, certainly, that she had not given her consent --

18 A Yes.

19 Q -- for him to be sent to Australia. That's at least
20 what he says he was told.

21 A That's right. Yes. It is, again, part of the mystery
22 of this as to why particular children were sent to
23 particular places. It made more sense, and with
24 Christopher he may have been grateful for this, for
25 Chris Booth to be sent to one of the Christian Brother

1 institutions in Western Australia where far more of the
2 children were being sent.

3 Q And we've seen in the comments made by the -- in the
4 Section 21 notice by the Sisters of Nazareth that -- and
5 this is in the previous page, page 104, that the local
6 superior or her delegate would consent in accordance
7 with her status in loco parentis, and coming back to
8 a line of questioning I had pursued with you earlier,
9 are there any instances where a consent form signed by
10 a Sister, "In loco parentis", was not accepted as
11 sufficient consent?

12 A I'm not aware of any. Again, I stress this may be
13 because the documents have not survived but I'm simply
14 not aware of any such response.

15 Q If we go back to Mr Booth, he did remember that he was
16 subject to routine -- he was subject to educational,
17 medical and psychological assessment?

18 A Yes.

19 Q But he thought that took place in London.

20 A That's -- I cannot explain that. What we had been
21 anticipating is that one would be finding documentary
22 evidence in the sending society to confirm how it was
23 that he came to be sent where he was sent.

24 Q Yes indeed.

25 Now my Lady, we are just coming up to 3 o'clock?

1 LADY SMITH: Right. Okay. Just before I rise, one
2 possibility occurred to me. Would an officer of
3 Australia House in London have visited Aberdeen and done
4 the medical examinations there?

5 A It may well have occurred, but I -- that, I think, is
6 a reasonable speculation but we haven't -- I haven't
7 seen any document with evidence to suggest that.

8 LADY SMITH: Okay. Thanks. Well, let's have a short break
9 now and we can all draw breath before we return for the
10 last section of this afternoon's evidence.

11 A Thanks.

12 (2.58 pm)

13 (A short break)

14 (3.14 pm)

15 LADY SMITH: Hello again Stephen. Are you ready for the
16 last stint for today?

17 A Yes indeed. Thank you.

18 LADY SMITH: Good. Mr MacAulay?

19 MR MACAULAY: My Lady, before the break, Stephen, I had
20 looked at the position of Christopher Booth who you talk
21 about in paragraph 13.27, and in particular focused on
22 where he may have been medically examined, and I think
23 what confused me was the phrase in your report where you
24 say that the examinations were by an officer from
25 Australia House in London, and we have checked his

1 statement and certainly insofar as his medical
2 examination was concerned that was done in Aberdeen
3 Royal Infirmary, so it was done in Aberdeen.

4 A Right.

5 Q Now, I want to go on now, then, to look at paragraph
6 13.28 which is where you talk about a very brief section
7 on the Good Shepherd Sisters?

8 A Yes.

9 Q There is, really, very little information contained in
10 the response they have made to the Section 21 request.
11 I think that's essentially the point that you make?

12 A Yes. Indeed. Yes.

13 Q And we know that they were involved in the migration of
14 15 children. We know that from their Edinburgh base,
15 but apart from that I think we know the names of the
16 children were the response, but apart from that there is
17 very little, really, that is in the response that can
18 help us as to how these children were chosen and so on
19 and so forth.

20 A Yes. There is very, very little in that response from
21 the Good Shepherds. Very little. We've been told that
22 they did not have policies regarding child migration,
23 however the organisation was asked to comply with
24 ecclesiastical authorities regarding sending children to
25 Australia, and then that response, "We have no knowledge

1 of the policy of the ecclesiastical authorities".

2 Curious.

3 Q Is this another instance where -- if they had records
4 they no longer have them?

5 A Yes. It is that problem again. I think clearly I would
6 imagine it's been rather embarrassing for the Sisters
7 trying to respond to the questions put in Section 21s in
8 the knowledge that though they have looked around they
9 have got no records and hence you get these curious
10 responses. They are responding as best they can to the
11 fact that they have got little or no information.

12 Q And that's in contrast to organisations such as
13 Quarriers where there are records and the informative
14 narrative of facts which I think you have relied on in
15 your report?

16 A Yes, with a degree of kind of caution, because the
17 narrative effects are published documents on behalf of
18 Quarriers, but that said I think there is enough
19 information in the Quarriers responses to indicate that
20 they did indicate when things were not as good as they
21 should have been. I have a lot of respect for Quarriers
22 reporting and the honesty with which they presented the
23 material. It's one of the better organisations.

24 Q Well, let's move on, then, and look to Quarriers in this
25 particular context, and, again, there has been evidence

1 on this already, but in early times the admission form
2 for Quarriers also agreed that Quarriers could emigrate
3 the child?

4 A Yes. It is therefore very explicit, isn't it; if you
5 put your child with Quarriers, then this may well be
6 what the further experience of the child may be, that it
7 may well be emigrated.

8 Q And I think there was a change, I think at some point,
9 but certainly that appeared to have been the position
10 for quite some significant period of time, that there
11 was this consent given when the application for the
12 entry into Quarriers was made?

13 A Mm-hmm. Yes.

14 Q Now, again, we've received Section 21 responses from
15 Quarriers, and if we look at paragraph 13.29 where you
16 say that from 1927 probably the admissions form retained
17 the migration option without specifying the destination,
18 which would come to include Australia?

19 A Yes.

20 Q You go on to say --

21 A Sorry, I was going to say, the point about including
22 Australia is of course by 1927 the only children that
23 could be sent by Quarriers to Canada would be what we
24 are calling juvenile migrants.

25 Q And again, under reference to the Section 21 response by

1 Quarriers, you go on to say that:

2 "We do not know from this report what information
3 was given to children about destinations and prospects
4 and whether they were old enough to give informed
5 consent. We are also told in this report that the
6 wishes of parents and guardians were to be respected if
7 they did not agree to emigration and likewise the wishes
8 of children even if they changed their mind".

9 So that's what is being represented on behalf of
10 Quarriers.

11 A Yes.

12 Q And you draw attention to the minutes of the Executive
13 Committee in March of 1938 where, dealing with Canada,
14 the record of 25 boys passing an examination by Canadian
15 Medical Examiners, and parental consent to emigration
16 being given?

17 A Yes.

18 Q So that record is there?

19 A Yes.

20 Q Now, I just want to focus on this episode involving
21 Burnside, and you have already mentioned this, that
22 Quarriers did send a group of children to Burnside, and
23 initially, I think, it was in response to a YMCA
24 invitation to send children there. Is that your
25 understanding?

1 A That's my understanding, yes. It is very unusual, isn't
2 it, in that Quarriers -- to the best of knowledge
3 again -- somebody did its own selecting and sending to
4 the places that it chose, but it is a response from
5 another body, primarily been responsible for the
6 migration of juveniles, but (Inaudible) has made this
7 invitation to Quarriers to contribute to the sending of
8 younger children to Burnside.

9 Q And I want to just look at the documents that relate to
10 this particular episode very briefly, and I will see if
11 I can get it on the screen. It is NAA.001.001.0560. We
12 are looking at the document with the heading, "National
13 Council of Young Men's Christian Associations,
14 Incorporated"?

15 A Yes.

16 Q Do you see that? And this is dated [REDACTED] 1939, and
17 if we read into the body of the text, it reads:

18 "Re the children for Burnside Homes. Acting
19 strictly on the instructions you gave, we found that it
20 necessitated our cutting out 7 children who would have
21 passed their 12th birthday at the time the party arrived
22 in Sydney".

23 It goes on to say:

24 "I hope this will not be a disappointment to you,
25 but we felt that it was important that we should not go

1 one whit beyond your instructions and it was better to
2 hold these older children back".

3 I think the position here was that the requisition
4 or the request was for 25 children?

5 A Yes.

6 Q But as explained in the letter, because by the time the
7 children would have reached, seven of them would have
8 reached the age of 12 and there was a particular age
9 limit that was being identified by Burnside?

10 A Yes.

11 Q So that's why it came to be that, in fact, on this
12 particular occasion, 17 children were sent by Quarriers
13 to Burnside?

14 A Right.

15 Q And this is a relatively unique incident?

16 A Indeed yes. It clearly indicates that the YMCA were
17 sticking strictly by the rules that it had understood
18 were required in the case of children being sent to
19 Burnside.

20 Q Yes. The point you make, and this is another point I
21 wanted to pick up with you, is that when consent of
22 parents and -- was being sought for this particular
23 trip, it was on the basis that the children were to be
24 migrated under the auspices of the Fairbridge Society.
25 That's what you tell us in paragraph 30 and 31?

1 A Indeed, and reading that, reading the documentation,
2 that seemed rather inexplicable since there was no
3 connection between Fairbridge, Quarriers or Burnside.

4 Q But I think the point is that in getting -- in obtaining
5 consent, when consent was obtained, it was on the basis
6 that children were to go to Fairbridge?

7 A If that seems to be the case then they are diverted
8 elsewhere. They certainly don't end up, again, to the
9 best of my knowledge, in a Fairbridge establishment.

10 Q Well, Burnside was not a Fairbridge establishment, it
11 was a Presbyterian establishment?

12 A Quite, yes, so why Fairbridge comes into the account
13 remains perplexing.

14 Q Well, it comes into the account because Quarriers
15 representing to parents, for example, when seeking
16 consent, that the children were going to a Fairbridge --

17 A Exactly. That's the perplexing thing, as to whether
18 that is an honest mistake by Quarriers or some confusion
19 about the nature of Burnside, but it is, in fact,
20 obviously -- was not the case. There weren't -- it was
21 nothing to do with the Fairbridge Society at all.

22 Q And we've already looked at, and this is moving on to
23 paragraph 13.33, the way in which Dhurringile was
24 described in Australia as providing a splendid
25 opportunity for children, and that's relevant because,

1 of course, of the link between Quarriers and the Church
2 of Scotland at that time?

3 A Yes.

4 Q Now, at 13.34, can I just pick this up with you, you say
5 that:

6 "As for consent to migration, we knew from the first
7 Quarriers report that from about 1910 parents or
8 guardians placing a child with Quarriers were also
9 agreeing to the possible migration of that child. We
10 learn from the second report ..."

11 And these are the Section 21 responses:

12 "... that prior to 1930, beyond verbally explaining
13 to the parent or guardian that the child may be migrated
14 at the point of admission, there is no evidence as to
15 what parents or guardians would have been told about
16 a child's transfer overseas, though efforts were made to
17 contact them".

18 Then:

19 "Only after 1930 is there some evidence that
20 Quarriers did more than notify
21 parents/relatives/guardians of a child's upcoming
22 migration, but the information provided was limited".

23 So this is all information you have taken from the
24 responses made by Quarriers to the Inquiry?

25 A Indeed, yes. Yes.

1 Q And you go on to say that:

2 "As for children giving informed consent to their
3 migration, particularly doubtful for the very young, the
4 narrative of facts unsurprisingly record their
5 enthusiastic approval".

6 You use the word, "unsurprisingly", because, of
7 course, the narrative of facts is a relatively public
8 account?

9 A Indeed yes, that's right, so anybody interested in
10 Quarriers is likely to log on to -- if they are informed
11 about the existence of the narrative of facts -- they
12 would want to know more about Quarriers by looking at
13 the narrative of facts which are available documents,
14 not available online at the time but certainly they are
15 published documents by Quarriers, so there is a kind of
16 combination in the narrative of facts which are, indeed,
17 facts about the operations, but also -- and to be fair,
18 a number of the narrative of facts do refer to certain
19 failures experienced by some of the placements but
20 otherwise the narrative of facts does contain a lot of
21 very positive accounts of children's experiences.

22 Q And you draw attention to the fact at 13.35 that in its
23 first report to the Inquiry Quarriers stated that the
24 organisation did not always adhere to its policy
25 procedures in relation to child migration, but again

1 that's, again, altered to some extent, because based on
2 more research from its archives the second report is
3 more convinced from surviving records that the
4 organisation did follow agreed policy and practice with
5 respect to selection and consent, so that's what's being
6 represented --

7 A Yes. That's right.

8 Q -- on behalf of Quarriers?

9 A The policy and practice of course is the policy and
10 practice of Quarriers. It's entirely what Quarriers is
11 expected to have been taking place through its
12 operations. It's not reference to any external policy or
13 procedures related to child migration.

14 Q I think we've seen that post war -- or pre war that
15 there was the group of -- in 1939 there was the group of
16 17 that went to Burnside, but that post war all the
17 child migration that Quarriers were involved in were
18 really under the auspices of the Church of Scotland?

19 A Yes.

20 Q And the numbers are not large, in contrast to their
21 previous experience of migration generally?

22 A Indeed, yes. I think for Quarriers, certainly post
23 Second World War, there is little -- well, even post
24 First World War -- there is little incentive for
25 Quarriers to shift its attention from looking after the

1 children and the juveniles that have gone to Canada
2 which, as we know, is a huge number.

3 Q Yes. You then look at Barnardo's and their position in
4 this context and at 13.36 you note that Dr Barnardo had
5 despatched his first party to Canada in 1882 and these
6 generally would have been from elsewhere in the UK
7 because there was not a base in Scotland?

8 A That's right. Yes.

9 Q And this reference to philanthropic abduction, I think
10 that was openly part of Dr Barnardo's policy, was it?

11 A Yes. It is a statement in inverted commas. I think
12 isn't abduction as it normally would be understood, but
13 it is really emphasising that the philanthropic
14 instincts of Dr Barnardo himself, to ensure that the
15 emphasis upon the needs of the child, so if that
16 requires separation from unworthy parents then that is
17 really what should be the priority, the children
18 mattered more. We need, again, to understand the
19 context. Barnardo's also talks about the need for
20 the -- there is a front door but you need a back door in
21 order to ensure that you can get a throughput of
22 children coming in and being graduated out into other
23 places, and usually not simply because of their age,
24 because they can be placed, once they have been through
25 the Barnardo's experience, they could be safely placed

1 overseas, initially in Canada.

2 Q Now, at 13.37 you make reference to a report from
3 Barnardo's dated 15 August 2003 with the title,
4 "Analysis of the files of children emigrated to Canada
5 in the years between 1920 an 1929"?

6 A Yes.

7 Q And that was based, apparently, on a 10 percent sample
8 of children's case files, and that amounted to 271 case
9 files?

10 A Yes. Yes.

11 Q And the purpose of this report, what was the purpose of
12 the report?

13 A I think if you go down to the reference to this, this,
14 effectively, is a kind of scholarly appraisal. I think
15 if you look at reference 449.

16 Q Yes. Just from the first page of the text:

17 "This report was generated for Barnardo's in its
18 defence in a court case"?

19 A Yes.

20 Q Does it narrate that the steps that Barnardo's took in
21 relation to the obtaining of medical reports and
22 applications from employers in Canada for -- in
23 connection with employment?

24 A I think you would need to call up the entire document to
25 be confident that that is what it does, but I think it

1 seems very likely that since this does involve legal
2 consideration, that it is a full explanation of how they
3 came to be selecting children and what they reveal.

4 I think what then follows in the numbered sections is
5 the admissions, including medical reports, applications
6 to the Canadian authorities, applications by employers.
7 It covers the -- oh, in the last one, applications from
8 intending foster parents, it does cover the brief of
9 Barnardo's, which was to place children this Canada and
10 to ensure that they are appropriate. The medical report
11 does stand out, I think, as an important aspect of this.

12 Q But you also tell us in the following paragraph that
13 Barnardo's had a system fairly similar to Quarriers in
14 that when the child was placed in Barnardo's the parent
15 signed an agreement which authorised the manager to send
16 the child to Canada or Australia if the manager thought
17 it desirable?

18 A Indeed, yes. So I think, again, it is like Quarriers in
19 that any parent or guardian who places a child with
20 Barnardo's will be alert to the fact that this child
21 might well be sent overseas, initially to Canada and
22 some later on to Australia, if Barnardo's regards that
23 as desirable, and there is also, I think, in that same
24 paragraph, 13.38, the analysis that was done indicated
25 that not all children, but the vast majority clearly had

1 been sent with the consent of parents.

2 Q Just one estimate based on a sample of case files
3 concluded that 6 percent of the boys, 8 percent of the
4 girls shipped to Canada between 1882 and 1908 had
5 departed without the consent of parents but we are told
6 the practice evolved and came to include consultations
7 with families?

8 A Yes. That's right. But the 6 percent and 8 percent
9 indicate the vast majority of the Barnardo's children
10 did go with the consent of parents.

11 Q Indeed; as you point out in the next paragraph, that the
12 Women's Group Reported favourably generally on
13 Barnardo's procedures, particularly the selection
14 procedures.

15 A Yes, even though the Women's Group does acknowledge that
16 there was a good deal of kind of -- it refers to the
17 lecturer who may have drawn an over-romantic picture and
18 so on, but I think the full history of the child aspect
19 is important in that paragraph.

20 Q I think you conclude this particular paragraph by
21 saying:

22 "In summary the Women's Group concluded that
23 Barnardo's took 'great care' in its selection of
24 children from among the volunteers since 'only about 1
25 in 10' were finally accepted. It was also reported that

1 parents' consent was sought"?

2 A Yes.

3 Q So that is -- these are favourable comments?

4 A Indeed. I would trust the Women's Group on Public
5 Welfare's judgment on this.

6 Q I think you point out at 13.40 that after the war
7 Barnardo's were keen to resume migration to Australia
8 and I think by now a branch had been opened in Scotland
9 by Barnardo's.

10 A Yes indeed. It's very interesting that when the Curtis
11 Committee is discussing child migration post war in its
12 report, there is no acknowledgement that Barnardo's is
13 already preparing to resume child migration. It has
14 already acquired the site in Australia.

15 Q That's the site at Picton, I think?

16 A Yes. That's right.

17 Q Now, you draw attention to a letter, and perhaps I can
18 put this on the screen, it is BAR.001.005.3509. If we
19 just scroll up a little bit, we see this is dated [REDACTED]
20 [REDACTED] 1952, and are we looking here at a proforma
21 letter --

22 A Yes.

23 Q -- of a style that was used by Barnardo's when they
24 wrote to parents in connection with seeking consent to
25 send children to Australia?

1 A Yes.

2 Q And we see:

3 "Dear [blank]", and if we just read on:

4 "From time to time we are able to send parties of
5 boys and girls to our homes in New South Wales,
6 Australia".

7 Was it inevitably the case that when Barnardo's sent
8 children to Australia it was to a Barnardo's home?

9 A As far as I'm aware, I think it seemed unlikely that
10 Barnardo's would be sending them to be under the
11 management of any other organisation, Barnardo's having
12 had a lot of experience in migrating children overseas,
13 and I think I would need to see documentary evidence
14 that they sent them to any other institution.

15 Q And I think we saw from the Ross confidential reports
16 that insofar as the Barnardo's institutions that was
17 visited by his fact finding mission the comments were
18 favourable?

19 A Indeed, yes. I mean, it is hastening a little bit in
20 advance, but I think we know what is subsequently going
21 to be exposed at the Picton site at Mowbray Park, so all
22 was not as well as it did initially seem, but that's an
23 important story for consideration later.

24 Q Although I don't think Picton was one of the places that
25 Ross went to inspect?

1 A No, that's right. It was probably unfortunate that he
2 had not. They had not.

3 Q Just have a look at this proforma letter, then. We can
4 see that it begins by saying:

5 "From time to time we are able to send parties of
6 boys and girls to our homes in New South Wales,
7 Australia. We are preparing a further small party which
8 we hope will be sailing towards the end of this year,
9 and I am writing to ask if you will allow your daughter
10 the opportunity of going".

11 Perhaps just read on a bit:

12 "There is hardly need to remind you of the
13 tremendous opportunity available to young people in
14 Australia, especially when they have the experience and
15 influence of these homes behind them. However, there
16 are several points which may occur to you regarding this
17 suggestion, and on which I may be able to put your mind
18 at rest".

19 The first point that's made is that:

20 "Children are only sent after careful selection, and
21 when we are satisfied that they will be able to take
22 full advantage of the splendid opportunities open to
23 them".

24 There is a degree of advertisement in this letter?

25 A Yes, which of course Barnardo's would see precisely in

1 terms of a letter of reassurance to parents.

2 Q Well, part of that reassurance is in the next paragraph:

3 "No children are sent against their wishes, and they
4 are free to change their minds before sailing"?

5 A Yes.

6 Q And there is some reference to escorts, how parties are
7 met, and then:

8 "On their arrival in Australia, the children live in
9 our own homes and remain under our supervision as they
10 would in this country".

11 So they do emphasise that you are moving from one
12 Barnardo's home to another, albeit in a different
13 country?

14 A That's right, and the assumption then is that kind of
15 the culture, the practice of Barnardo's elsewhere in the
16 UK will be precisely replicated in Australia.

17 Q And the letter goes on to say:

18 "While they are at school the children's interests
19 are closely watched and when they leave they are found
20 suitable employment according to their wishes and
21 capabilities".

22 Can I just pause there, this is not -- and we see
23 this, I think, in our Barnardo's material, the
24 employment to which these children are being sent, it's
25 not farm employment --

1 A No, exactly.

2 Q -- or domestic employment?

3 A I think again, it is a wider brief. They recognise --
4 I'm interpreting this, they recognise that children have
5 different abilities, capacities, interests, enthusiasms,
6 and if you can identify those Barnardo's is here saying
7 we would endeavour to ensure that they are able to
8 advance those interests in the place to which we will
9 send them. "We will provide the training, and by
10 implication they will then be placed in order to further
11 those interests and those career potentials ".

12 Q And we read on:

13 "They are visited regularly by our staff in
14 Australia, who report on their working and living
15 conditions, and who encourage them to join in local
16 activities with other young people".

17 You have a section dealing with reporting, and it
18 does seem to be the case that insofar as Barnardo's are
19 concerned, that there were regular reports?

20 A Indeed. I think there is a good deal of data on this,
21 and I think, again, in comparison with some of the other
22 institutions, records seem to have been preserved, so
23 one is able to follow a good deal of Barnardo's
24 activities from the surviving records that they have
25 held, and I think it is important to point out in that

1 paragraph, "Visited regularly by our staff, report on
2 their working and living conditions, encourage them to
3 join in local activities", local activities, "With other
4 young people". In other words, the Barnardo's place is
5 not a kind of lock down for people who are just
6 Barnardo's, they will be mixing with other young people,
7 and that presupposes that there are other young people
8 in the neighbourhood.

9 Q Well, I think we had seen from the report by Ross on
10 Burwood in Australia which was a house in an Australian
11 suburb, and was not in the sort of isolated situation
12 that we see for other institutions.

13 A Right. That's right. Just in parenthesis to that
14 observation, when we come to look at what happened at
15 Picton, that's one of the important deductions that is
16 made by Barnardo's to that unfortunate case of the
17 abuse, is that they -- this really does turn them
18 finally away from any kind of isolated farm school sort
19 of setting, and that, instead, they will put children --
20 if there are any further child migrants who are sent to
21 Australia, they will go into those small local places in
22 communities where other people are taking place, other
23 young people around, and can sort of like join in, in
24 the Cubs, the Scouts, whatever it might be, they will
25 simply mix with other young people.

1 Q So whatever one's view may be generally on the policy of
2 migration, can we see at least built into the Barnardo's
3 approach a platform that was seeking to provide the best
4 possible outcomes for these children?

5 A Indeed yes. Most definitely. I think Barnardo's has
6 learned by experience what is needed, and I think what
7 one can see is that the Barnardo's practices inside the
8 UK are here being kind of extended to those children who
9 are selected with consents to be sent overseas, which
10 will be trying to replicate Barnardo's UK experiences,
11 Barnardo's overseas experiences.

12 Q And if we turn on to the second page of the proforma
13 letter can we read towards the top of the page that the
14 parent is told:

15 "You are at liberty to keep in touch with the
16 children, and reports on their progress will be sent if
17 you are to make enquiries here".

18 A Yes.

19 Q So it is providing the parents with, really, an open
20 door on how the children are progressing.

21 A Yes, and I think that's very important to bear in mind
22 what here at least Barnardo's is setting down as its
23 intentions. I have no reason to think that it didn't
24 fulfil those intentions, but it is a marker against
25 which to make comparisons with some of the other sending

1 institutions.

2 Q And the letter goes on to finish by saying that this is
3 a big decision for you to make, and the parent is being
4 urged to give careful consideration to the great
5 opportunity being offered her?

6 A Yes. I like the very last phrase in here, "I enclose
7 a stamped addressed envelope for your reply ".

8 Q So that would also encourage a reply?

9 A Quite.

10 Q So far as the children who were selected are concerned,
11 did they have to fit certain criteria in relation both
12 to intelligence and general health?

13 A Sorry, are we still at Barnardo's?

14 Q Yes we are. We are looking at paragraph -- it is the
15 second part of paragraph 13.40. I think you say that --
16 well, perhaps reading from the -- a few lines from the
17 top:

18 "Children were shown promotional material" --

19 A Sorry, just a minute what is on screen begins,
20 "September 1941 ".

21 Q Sorry, we are on page 109 of the report. It is the
22 paragraph towards the top. We've just been looking at
23 the letter, the proforma letter, and you then set out
24 what information the child would be given about
25 Australia under reference to films and so on, and then

1 those interested would have their histories examined and
2 checks made to see if they met the requirements of the
3 Australian High Commission, particular level of IQ, not
4 to be a bedwetter and so on and so forth.

5 A Yes.

6 Q And of course the other criteria, of course, they had to
7 be white?

8 A Yes.

9 Q And I think you do look generally at that sort of issue
10 later on, but does it appear from this that there were
11 a number of hurdles that had to be crossed before
12 a child was deemed to be suitable --

13 A Yes.

14 Q -- for migration?

15 A Yes. I think the criteria that they sent down I think
16 are very important indications that careful selection,
17 if they are going to be adhered to, will lead to the
18 proper selection of children to be sent overseas. If
19 you are going to send children overseas, if you are
20 going to do that, then these would be the necessary
21 qualities that the child should have in order to give it
22 a good chance for the future.

23 Q And you point out, and this is actually one of the --
24 not quirk, but it is one of the issues that come out of
25 these cases of children who are in voluntary homes:

1 "If the child is placed in the voluntary home by
2 a Local Authority then the consent provisions of the
3 1948 Act are triggered".

4 A Yes.

5 Q Whereas if the child is placed in the voluntary home,
6 for example, by a parent, then they are not triggered.

7 A Right. Yes.

8 Q And I think the sentence there:

9 "Where a child has been placed with Barnardo's by
10 a Local Authority or juvenile court, official consent is
11 also required if necessary by the Secretary of State".

12 There is reference in the footnote at 459 to the
13 migration of a child where consent by the mother and the
14 Secretary of State was also needed.

15 A Yes. Yes.

16 Q Now, in 13.41, still with Barnardo's, you make reference
17 to the Barnardo book that was published in 1955?

18 A Yes.

19 Q And a quote from a book that:

20 "Children must genuinely decide to go and must not
21 be over-persuaded"?

22 A Yes.

23 Q So that was part of the approach being taken by
24 Barnardo's?

25 A That's right, I know it is 1955 but I don't get the

1 impression that this was a sort of sudden addition to
2 its general brief for the selection of children.

3 Q And in relation to age there are ages that were
4 preferred. It also refers to children aged 7-12 as the
5 best age for them to be sent, and it stresses that girls
6 between the ages of 13 and 17 should not normally be
7 selected, and you think that perhaps implies an
8 awareness that there was a risk of abuse for --
9 particularly sexual abuse of the older girls?

10 A Yes.

11 Q Now then, at -- sorry?

12 A Just that last statement by the Home Office is important
13 here:

14 "Home Office recognising the quality of Barnardo's,
15 Barnardo's view the emigration of unaccompanied children
16 already in their care as essentially a transfer from
17 a Barnardo home in one part of the world to a very
18 similar Barnardo home in another part where, on growing
19 up, the young person will have a better chance in life".

20 And that's a quotation from the Home Office's report
21 so those are not my words, they are the Home Office who,
22 in 1957 clearly have given their approval to Barnardo's
23 as an emigrating society, if an emigration is to take
24 place.

25 Q And I think that's a point you have already made. You

1 are going, really, from one home to another under the
2 Barnardo's umbrella?

3 A That's right. Yes. It is good to see it recognised by
4 the Home Office in the same spirit.

5 Q Yes. But at 13.42 you give some quite interesting
6 figures in relation to what might be referred to as a,
7 "weeding out", process, so let's just look at the first
8 figure.

9 A Did you say --

10 Q 13.42 there are interesting figures --

11 A I have got 13.45 up on the screen at the moment. There
12 we go.

13 Q And I refer to this perhaps unfairly as a weeding out
14 process, but essentially what I meant by that was that
15 a number of children are nominated for migration, but
16 for a variety of reasons the number dwindled to quite
17 a small number because of certain considerations, so if
18 we take the first number in 1954, as many as 664
19 children had been nominated by several Barnardo's homes
20 in the UK, 138 did not want to go, parental consent was
21 refused in the case of 86, 154 failed the medical, 68
22 wanted to stay in the UK with a sibling, 49 were
23 eliminated because they were black, and it was decided
24 not to disturb the placements of three who were boarded
25 out, and in the event, out of the 664 that had begun in

1 this quest, only 18 boys and four girls went overseas.

2 Those are quite dramatic figures.

3 A It is. As I say, that paragraph goes on to say, this
4 was not exceptional. There is a case for arguing that
5 the more children who are not selected is an indication
6 of good practice with a good pressing reason as to why
7 those who had been volunteered, as it were, should be
8 screened so thoroughly as to reduce the figures to those
9 in whom one might have confidence that if they were sent
10 overseas they would thrive.

11 Q The number of 154 who failed the medical out of 664,
12 this is 1954. It looks like a high number?

13 A Indeed it does, yes. I mean, it is also high that there
14 is a recognition that 49 were black. Well, it would
15 have been known that they were black in the first place.

16 Q And you provide -- as you say it's not exceptional
17 because you provide other examples?

18 A Yes.

19 Q And you also provide some information about those who
20 were child migrants and these are -- this is information
21 provided by Barnardo's, and in particular you say you
22 have seen the case of the file of one boy, we'll call
23 him "John" who was from Ayr and born in 1924, and he,
24 after his mother died, leaving the father with five
25 children, the father consented to John's migration to

1 Quebec in 1939 and I think the position is, and we see
2 this later on, that John had good things to say about
3 Barnardo's, and maintained a connection with Barnardo's?

4 A Yes. A lifelong connection with Barnardo's. I think
5 Barnardo's becomes the kind of surrogate family, the
6 family that he had lost, mother in childbirth or shortly
7 after, and the father clearly unable to cope with the
8 five other children, so it is a very kind of striking
9 example of a kind of -- Barnardo's becomes the kind of
10 surrogate parent.

11 Q And you also mention other children from Fife, from the
12 information you were provided who also, it would appear
13 they were very keen to go. Do we know what happened to
14 them? I think you do talk about these later in your
15 report?

16 A Yes. I think we've got quite a -- because the names are
17 blotted out, I can't recall precisely who we are talking
18 about.

19 Q I think we do come back to that but you also mention
20 another Scottish girl who was from Elgin and born in
21 1936, and she was sent to Burwood in 1947 when she was
22 aged 11?

23 A Yes.

24 Q The unusual story you provide us with at 13.46 in
25 connection with a particular boy who I think was in

1 Barnardo's and then fostered. Is that correct? What
2 happened was that --

3 A Sorry, if you could just lift the page -- 13.46, I have
4 got half the paragraph.

5 Q We must move up to the top of the page. Yes.

6 A There we go. Oh yes. This I recall very well. Yes.
7 Very kind of complicated back history of the family, and
8 it is really quite remarkable, because what we are
9 talking about here, I think I'm right, the child was
10 being fostered and the foster parents wished to adopt
11 and Barnardo's went out of its way to ensure that
12 that -- that the family remained connected, I think is
13 the point about this, even though the family -- the
14 natural family migrates overseas under the Empire
15 Settlement Act, the daughter goes with the parents but
16 the plan had already been accepted by Barnardo's that
17 they would endeavour to send the siblings subsequently
18 to be adopted by that family once they had settled in,
19 and there is a good deal of support given by Barnardo's
20 to provide temporary care and to ensure that Australia
21 House interviewed, passed the medical exception, all
22 that, and then those children are flown out to Australia
23 and there is a press photograph of their departure with
24 other Barnardo's children, so here I think Barnardo's is
25 doing more than one might reasonably expect in order to

1 ensure that children that would have been fostered were
2 to be ultimately members of the same family because
3 there was a broader interest in the well-being of those
4 two Barnardo's children.

5 MR MACAULAY: Now my Lady that's 4 o'clock.

6 LADY SMITH: And? You have still got some way to go?

7 MR MACAULAY: I do.

8 LADY SMITH: Are you telling me that -- I'm looking at this
9 chapter, there is no point finishing this chapter that
10 you are on, and there is too much good material in it to
11 justify rushing.

12 Stephen, I think enquiries have been made with you
13 with a degree of success in identifying a day next
14 week --

15 A Yes.

16 LADY SMITH: -- that we could return to your evidence.

17 A Yes.

18 LADY SMITH: Is that right?

19 A That's correct. Yes.

20 LADY SMITH: Tuesday seems to be the day, yes.

21 A I haven't checked my diary which is at home but quite
22 seriously I will -- whatever is in there, if there is
23 anything in there I will move to some other occasion.

24 LADY SMITH: Well, I'm deeply grateful to you for that. I'm
25 sorry we haven't managed to finish your evidence in the

1 time we've had available yesterday and today. The
2 problem is it's so good, you have got so much to tell
3 us, so what I will do is stop your evidence now, for
4 others who are interested in what we are doing tomorrow
5 and Friday, we will move to Professor Lynch's tomorrow
6 and Friday. I know you felt the ideal was that he
7 didn't give his evidence until you had finished yours,
8 but I think we are just going to have to cope with that
9 so as to make use of the time available, but just to let
10 you know he will have given evidence by the time we get
11 back to you on Tuesday.

12 A I think some of the details which Professor Lynch has
13 got which are in the appendices are really, to a very
14 great extent, have more to say about many matters that
15 we've already discussed, but have had to summarise, so
16 I think it would be kind of almost a refresher exercise
17 to learn more about some of the details that have been
18 lacking so far in what I have been able to say, so
19 I think it will work well. I'm sure Professor Lynch
20 will be delighted to do what he needs to do, and I will
21 be delighted to come back.

22 LADY SMITH: Thank you very much indeed for that. As I say,
23 you agreeing to come back to a screen next week, next
24 Tuesday, and in the meantime I hope everything goes all
25 right tomorrow morning for you.

1 A I'm sure it will. I just need to be checked up.

2 LADY SMITH: It is important. You must attend to that. We
3 will see you next week. Thank you.

4 MR MACAULAY: The timetable for next week, there will be an
5 ongoing impact --

6 LADY SMITH: Of course.

7 MR MACAULAY: -- and no doubt parties will be told in early
8 course what the changes to the timetable might be.

9 LADY SMITH: I think that's being worked on and we will get
10 an update out as soon as we can. Thank you very much,
11 so 10 o'clock tomorrow morning for Professor Lynch.

12 MR MACAULAY: Indeed.

13 LADY SMITH: Very well.

14 (4.02 pm)

15 (The hearing adjourned to 10 am on 24 September 2020)

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