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Friday, 25 September 2020

(10.00 am)

GORDON LYNCH

Questioned by MR MACAULAY (Continued)

LADY SMITH: Good morning, and welcome back, Gordon.

Mr MacAulay, if you are ready and Gordon is ready,
I'm ready when you are.

MR MACAULAY: My Lady.

Good morning, Gordon.

A Good morning.

Q We had come to Appendix 3 of the report, and that's at
INQ-42, page 422 of the report. Now, the general
heading you have for this appendix is, "Monitoring
practices and other related standards of voluntary
organisations and local authorities sending post-war
Scottish child migrants", and are you able to give us an
overview of what you are seeking to cover in this
particular section?

A So in Appendix 2 that we covered yesterday we were
looking at the monitoring and approval systems that were
implemented by the United Kingdom Government and by
extension the Scottish Office, and this is a sort of
complimentary piece alongside that, looking at the
monitoring systems that were employed by voluntary
societies and local authorities involved in the sending

1 of child migrants from Scotland.

2 As we will see, as we saw from yesterday, there were
3 gaps and weaknesses in the government monitoring
4 systems, and in a sense that put a particular onus on
5 the rigour of inspections and checks made by voluntary
6 societies as well, and so we will be exploring those,
7 but in some parts of this appendix there are also some
8 other matters around standards of the day in other
9 operational issues to do with some voluntary societies
10 we look at as well.

11 Q And then insofar as voluntary societies are concerned,
12 I think one point you make in paragraph 1.1 is that
13 monitoring practices varied considerably between
14 different organisations?

15 A Exactly, yes. Yes.

16 Q And you say in some cases these did fall below
17 recommended standards.

18 A That's right, and one of the things that we look at in
19 this appendix as well is what recommended -- even in the
20 absence of regulation -- what one expects standards
21 might have been.

22 Q You begin by saying that monitoring systems could be
23 expected to consist, really, of two things. Is that
24 right? Can you elaborate on that?

25 A One might expect both the periodic checks of

1 institutions in terms of monitoring institutional
2 conditions, but also checks on individual children and
3 their progress as well, and we know that the UK
4 Government only really undertook monitoring at the level
5 of institutions. It didn't keep any record or have any
6 checks of the progress of individual children at all.
7 That was done by voluntary societies, but those were two
8 kinds of checks that may have been expected.

9 Q And as you say at 1.3 that the UK Government -- and you
10 include within that the Scottish Home Department -- they
11 undertook no individual monitoring of the welfare of
12 children after migration?

13 A That's correct.

14 Q So they were dependent upon the organisations carrying
15 out such monitoring?

16 A Indeed.

17 Q And insofar as the child migrants that were sent to
18 New Zealand are concerned, in conjunction with the
19 Over-Seas League, what was the -- you deal with them at
20 1.4. Were they in a particularly special position?

21 A I think it goes back to the point we made yesterday
22 about the way in which the UK Government inspection
23 regime being linked to the funding responsibility of the
24 UK Government, so in the case of the child migrants sent
25 to New Zealand after the war, because that scheme didn't

1 receive any funding under the Empire Settlement Act the
2 UK Government didn't undertake or feel it had a role to
3 undertake in terms of any monitoring of that.

4 Q So then what I think you go on to say is that then given
5 the general limitations in the monitoring systems
6 operated by the UK Government, any monitoring was really
7 dependent upon the monitoring carried out by the sending
8 organisations?

9 A Exactly, yes.

10 Q And just to be clear, when we are talking about
11 monitoring as compared to inspection we are focusing on
12 the individual children and how they were performing?

13 A Yes. That's what we focus on particularly in this
14 appendix, yes. Yes.

15 Q So you then set out the -- how the appendix has been set
16 up, and you consider first -- you provide a chronology
17 of proposals for standards, and we will look at that in
18 a moment, and, in particular, to see what monitoring was
19 anticipated in these standards?

20 A That's right. Yes.

21 Q And you then, I think, look at individual organisations
22 such as Barnardo's, for example, and explore what sort
23 of monitoring systems they put in place.

24 A That's right. Yes. Yes.

25 Q Can we then turn to the first document you look at in

1 a little detail, and this is in paragraph 2.1, and this
2 is the memorandum by the Provisional National Council
3 for Mental Health. Can you just give me some background
4 to this? What was the -- how did this come into play?

5 A The Provisional National Council for Mental Health was
6 an umbrella organisation of -- made up of voluntary and
7 professional societies with an interest in adult and
8 child mental health. This partly seems to come out of
9 the experience of wartime evacuation and there had been
10 a great deal of interest in the impact of evacuation on
11 children's emotional well-being, and this memo that the
12 Provisional National Council for Mental Health sent to
13 the Dominions Office was made on the basis of an
14 awareness that child migration may resume after the war,
15 and made some recommendations about what would be
16 appropriate standards for that, particularly bearing in
17 mind the experience of evacuation.

18 Q And although I think the focus of the memorandum is on
19 fostering, nevertheless it -- the propositions are
20 relevant generally to care?

21 A Exactly, so they anticipated that the way in which the
22 child migration schemes might operate after the war were
23 more similar to wartime evacuation, or the Childrens
24 Overseas Reception Board where children were placed out
25 with individual families. They weren't anticipating

1 a system where children would be placed in institutions.

2 Q So if we look at the document, and I will do this
3 briefly because you have set it out in some detail in
4 the report, but the first page I want to look at is at
5 LEG-71 at page 1. This is the letter from the
6 Provisional National Council for Mental Health to the
7 Dominions Office, and it is dated 12 June 1945, and it
8 begins by saying:

9 "We understand that there is a possibility that
10 children who have lost their homes in the war may later
11 be settled in the Dominions".

12 So the understanding there clearly, as you have just
13 indicated, was of a particular kind, and it wasn't that
14 children generally in care were to be migrated?

15 A Right. That's right. Yes. Yeah.

16 Q And the letter goes on to say:

17 "In view of our interest in the mental health of
18 children, we are venturing to submit the enclosed
19 memorandum in the hope that those planning evacuation
20 schemes may be glad to have at their disposal the
21 conclusions of workers who have had experience in this
22 field and are acquainted with the psychological
23 difficulties implicit in evacuation and resettlement".

24 So again, it is more in the context of evacuation of
25 particular types of children?

1 A That's right. Yes.

2 Q Then if we just look at the memorandum itself on the
3 next page, page 2, and the heading, "Preparation for
4 Reception", makes it clear that the concern primarily
5 was with foster home placement, and, indeed, with the
6 view being expressed in that this seems to be the more
7 satisfactory arrangement for children rather than
8 placing them in groups, and is in line with present-day
9 knowledge of the emotional needs of children?

10 A Yes. Exactly.

11 Q Does that reflect the Clyde/Curtis approach?

12 A It does. I think this -- in terms of the dates, this
13 precedes, obviously --

14 Q It does?

15 A -- the publication of both those reports, but it
16 reflects that kind of thinking at the time.

17 LADY SMITH: It's really quite striking that this fits with
18 a picture being created in the heads of those who will
19 be receiving the children of these being children who
20 had not been traumatised by problems in their early life
21 and ending up in an institution who were nice children,
22 just nice children in need, and no anticipation of the
23 children being already vulnerable, possibly already
24 damaged, and needing particular types of handling and
25 care if they were to do their best for them.

1 A Yes.

2 LADY SMITH: Probably seemed easy, easy to help these
3 children.

4 A That's right, and I think it is still something here of
5 a blurring between thinking that emigration was going to
6 be for war orphans which is, again, the kind of thinking
7 here, which was the Australian Government's thinking at
8 that point, as well as the reality that, actually, the
9 Minister for Pensions made it quite clear in 1945 that
10 no war orphans were going to be sent overseas because
11 they were a special case, and so it was -- then the --
12 but often the kind of more vulnerable children from
13 institutions or other backgrounds who were sent instead.

14 MR MACAULAY: And I will come to your report in a moment,
15 but just touching on two points from the actual
16 memorandum, if we turn to page 6 there is a section
17 dealing with the selection of children, and it begins by
18 saying:

19 "This difficult piece of work should be undertaken
20 by trained and skilled personnel".

21 That is a message, is it, really, that permeates the
22 discussions that were taking place at this time, and
23 particularly prior to the re-emergence of migration post
24 the Second World War?

25 A Yes, and it is a very consistent emphasis in both the

1 views of a group like the Women's Group on Public
2 Welfare with their later Child Emigration Report but as
3 we will see within the section 33 draft regulations,
4 that was a very strong emphasis within that as well.

5 Q But it is quite contrary to the notion of someone like,
6 for example, Brother Conlon approaching British
7 institutions and having children selected?

8 A Yes. It is a very, very different model. This is much
9 more kind of a casework model informed by professional
10 input.

11 Q And we read on:

12 "As complete information as possible about the
13 child, his family background and early experiences, his
14 social and cultural interests, should be obtained,
15 together with an adequate medical history and school
16 report".

17 Then we are told:

18 "If the child is an orphan, special care should be
19 taken to obtain the names and addresses of any
20 interested relatives and friends that he may possess so
21 that the child may not feel that he is without links
22 with his past life".

23 A Again, a common emphasis on maintaining family bonds.

24 Q And towards the bottom of that page there is an emphasis
25 on -- also on the children's views as to whether the

1 child wants to go, essentially.

2 A Hmm.

3 Q Now -- and in the next page, page 7, there is a section
4 dealing with the criteria of selection, and if we read
5 down a few lines:

6 "Most important of all, the children should not feel
7 they are being sent away as a means of easy disposal by
8 authorities or because they are unwanted by parents or
9 relatives".

10 I think we have heard evidence that children were
11 being told that they were unwanted, both before they
12 left and, indeed, when they arrived in Australia?

13 A Exactly, and I think just in the page before that was on
14 the screen there was a phrase about children believing
15 that they had been banished from the United Kingdom, and
16 I think the evidence that you have from former child
17 migrants often repeats this theme as well, and I think
18 that also then ties in to an issue we may return to
19 later about the failure to send case records with
20 children as well.

21 Q And one point that -- one particular point that you pick
22 up in your report is on page 7, it is towards the bottom
23 of the page where we read that -- let's just get that on
24 the screen. It is the next page. If we scroll to the
25 bottom of the screen, it is this notion of having

1 a central office, and we read this:

2 "The maintaining of a central office in this
3 country (at least for some time) with suitable personnel
4 is also important. Experience has shown that staff need
5 not be a large one. (probably one trained and
6 experienced social worker to several hundreds of
7 children). Copies of the records of the children would
8 be kept at this office and the staff would act as a link
9 between the parent and relatives of the home country and
10 the children", and so on, so this notion of having
11 a central office was seen as an important -- but nothing
12 ever came of it. Is that right?

13 A Well, I think that would probably vary in a sense
14 between organisations, and, again, it points to the idea
15 of the importance of a Liaison Officer who would work
16 between the sending organisation and the receiving
17 institutions.

18 This particular view in this report is based on the
19 assumption which happened with the CORB schemes that
20 children being placed out would be inspected by state
21 child welfare officials in Australia on a regular basis,
22 and so the role of the Liaison Office was really to be
23 a bridge between those reports and families in the
24 United Kingdom, but there was certainly a strong
25 emphasis here that this would be a way both of ensuring

1 that information about children was being received back
2 in the United Kingdom, but also a way of maintaining
3 contact between children overseas and their families.

4 Q And if we go back to your report, Gordon, at page 425 of
5 the report, at 2.2 on page 425 halfway down that
6 paragraph you highlight the importance of this
7 memorandum, and can you just tell me about that?

8 A So I think one of the things that is significant about
9 this is that up to this point there had been some
10 individual approaches to the UK Government about child
11 migration and possibly about concerns about individual
12 institutions overseas, but this was the first time that
13 a national body had written a formal memorandum such as
14 this to government setting out expected standards, and
15 it reflects an early post war context in which there
16 was, I think, arguably increasing public scrutiny of the
17 policy of child migration and growing criticism of it by
18 a number of voluntary and professional organisations.

19 Q And you go on to say at 2.2 that:

20 "The Provisional National Council's recommendations
21 about on-going contact between sending organisations and
22 children they had sent overseas were premised on the
23 assumption that local child welfare departments in
24 receiving countries would undertake regular supervision
25 visits to these children"?

1 A That's right. So the model that they were assuming was
2 not obviously quite the model that operated in practice
3 in the end, but the basic principle there was that there
4 should be a chain of information back from Australia
5 back to the United Kingdom.

6 Q Now, the next document I want you to look at, you begin
7 to look at, at 2.5 of your report, and this is
8 a memorandum by the Home Office Children's Department
9 and this is dated September 1947. Again, I think I can
10 put this on the screen. It is at NAA-27, page 1. Is
11 this the document that you discuss in this section of
12 the report?

13 A That's correct. Yes.

14 Q And so this is -- it is a government document since it
15 emanates from the Home Office Children's Department?

16 A That's right. It was written by Mary Rosalind who was
17 an assistant secretary working in the Children's
18 Department who was particularly involved in early
19 discussions about the policy around child migration.

20 Q And the introduction tells us that the question of
21 emigration of children who have been deprived of a
22 normal home life can only be considered in the light of
23 the standard of care which these children may hope to
24 enjoy in this country as the provisions of the Education
25 Act 1944 and the recommendations of the Curtis Committee

1 take effect. So that's, really, seen as the background
2 to the relevant standards?

3 A Exactly, and the four points that we see on the screen
4 there I believe are direct quotes from the Curtis
5 Report.

6 Q So can you perhaps go through these then, these
7 particular points beginning with, "Affection and
8 personal interest", which -- "understanding of his
9 defects; care for his future; stability, opportunity of
10 making the best of his ability and a share in the common
11 life of a small group in a homely environment". You say
12 that these are principles that were enshrined in the
13 Curtis Report, and also in the Clyde Report?

14 A Exactly. That emphasis on security of affection for the
15 child being a very strong emphasis there, yes.

16 Q Then if we look at the heading, "Standards of Care", it
17 follows from this conception of the kind of care which
18 should be given to a deprived child and the prospect of
19 its realisation in this country that it would be
20 difficult to justify proposals to emigrate deprived
21 children unless the societies or homes to which they go
22 are willing and able to provide care and opportunity on
23 this same level, and does that really reflect the
24 recommendation -- it actually previews the
25 recommendation in the Curtis Report?

1 A Yes. So, I mean, the chronology would be that the --
2 obviously the Curtis Report has been published by now,
3 and so it is emphasising that point, and just in terms
4 of, again, the chronology, this is really the first more
5 detailed policy statement by the Home Office Children's
6 Department in the autumn of 1947 where they are really
7 beginning to think through the summer of 1947 about
8 their new responsibilities and how this might have
9 a bearing on child migration, and this document was
10 produced partly -- it was elicited in conversation with
11 the Fairbridge Society who were hoping for a statement
12 from the Home Office Children's Department that they
13 could use in terms of trying to influence standards at
14 their farm schools in Australia, but also thinking
15 yesterday about the evidence we heard about the [REDACTED]
16 [REDACTED], and that first wave of Catholic child migrants
17 had already sailed on the [REDACTED] before this
18 document was written.

19 Q And then if we look at the next section, "Continuing
20 responsibility of the 'parent' society", and I think you
21 repeat this in the text of your report, but we read
22 there:

23 "Home Office responsibility towards deprived
24 children in this country would not allow the department
25 to regard with equanimity any scheme of emigration in

1 which the care of the child passed entirely out of the
2 hands of the parent organisation in this country, which
3 had had the responsibility of selecting the child and
4 arranging his emigration, and in whose care he had
5 previously been".

6 So that's quite an important point that is being
7 emphasised?

8 A I think a crucial point, really, in terms of the wider
9 issues that we are looking at here, and I think it's
10 important to see this as a statement of principle by the
11 Home Office. So obviously, as things develop the
12 section 33 regulations which might have been expected to
13 enshrine regulatory framework to enforce those
14 expectations wasn't implemented, but that didn't
15 necessarily mean that this principle wasn't still valid.

16 Q Valid in the sense of seeing to what standard
17 a particular provider organisation should achieve?

18 A Yes, that it would still have constituted a reasonable
19 expectation.

20 Q And the next sentence:

21 "The organisation arranging emigration must retain
22 a continuing responsibility for children whom it has
23 sent overseas, as the responsible agent, and the
24 children's link with this country until they are
25 independent".

1 Fairly strong language?

2 A Yes. Very clear statement. Yes.

3 Q Now, picking up some other points from the document, on
4 the following page, page 2 of -- we have a section, just
5 below halfway -- the print isn't clear but I think it is
6 just about legible. It is headed, "Selection of
7 Children", and it is paragraph 7, and what we read there
8 is that:

9 "It is a matter of first importance that the
10 selection of children for emigration should be carried
11 out by an experienced social worker who has not only
12 studied the children and their environment in this
13 country but also the kind of life and care to which they
14 will be going overseas. The personal suitability of
15 each individual child should be carefully assessed".

16 And:

17 "Questions of mental and physical health will be
18 largely determined by the emigration authorities".

19 So there again we have this message that in relation
20 to the sort of care that had to be involved in the
21 selection process?

22 A Yes. Again, very much picking up that idea within the
23 Provisional National Council's memorandum as well.

24 Q There is provision dealing with after-care on page 4.
25 This is in paragraph 11 of the document, and I think if

1 we read to the end of the paragraph towards the top of
2 the page that:

3 "It is especially important that the after-care
4 officer should keep in touch with the children during
5 their early years of independence".

6 That again is emphasised?

7 A Yes. Absolutely. Yes. Yeah.

8 Q And under the heading, "Records", just scrolling down:

9 "It must sometime be the case that because of an
10 unhappy early life emigrant children have special
11 character and behaviour problems. It should be the
12 practice of the parent organisation as a corollary to
13 the appointment of Principals of high standard to send
14 to them the fullest possible information about the
15 children in their charge. A knowledge of his earlier
16 life must help in understanding the child and meeting
17 his difficulties".

18 Again, this is a message we've already seen, albeit
19 there is the other contradictory message that you start
20 with a clean sheet, I think. We've also heard that, but
21 this is clear from these principles, that this was seen
22 as the way ahead?

23 A That's right. I think this was a live area of policy
24 debate in the post war period, and certainly in the
25 early -- in the interwar period and during the war

1 I think probably the balance of opinion was more towards
2 not sending records precisely on the idea that it could
3 be used against the child and hinder them, but by the
4 time this document is being written I think that sense
5 of a child's sense of continuity with their family and
6 past life being increasingly recognised, that very much
7 the trend was towards -- and we see this again in the
8 Women's Group on Public Welfare Report later on and in
9 the Moss Report as well that it's better for the child
10 to have those records sent overseas and still
11 sensitively used, and I think the absence of those
12 records then does seem to have had a significant bearing
13 on child migrants' lives in terms of them not knowing
14 about their family backgrounds when they were overseas.

15 Q And if we go back to your report and move to page 428 of
16 the report, at 2.8 you set out quotes from the
17 memorandum, some of which we've looked at, but on the
18 following page, 429 what you do say, taken from the
19 memorandum is the notion that a Liaison Officer with the
20 thorough knowledge and understanding of the needs of
21 deprived children should be appointed by the
22 headquarters organisations to pay regular visits to the
23 homes overseas for remaining in touch with the society
24 in this country, so that was one of the ideas that was
25 covered by this, isn't it?

1 A That's right. So in a sense when we are thinking about
2 the monitoring being done by sending organisations, part
3 of the role of the Liaison Officer was actually to be
4 aware of conditions in the receiving country, so that
5 would have been another check on that.

6 The language here reflects the negotiations around
7 this that the Home Office had had with the Fairbridge
8 Society because they tend to assume that the receiving
9 institutions are part of the same organisation as the
10 sending organisation and the language of the
11 headquarters organisation tends to reflect that, and it
12 took a little while for the Home Office, who didn't know
13 a great deal about the different operational practices
14 of child migration organisations at this point to
15 realise that more complex models existed than that.

16 Q Yes, so this would, perhaps, be relevant in particular
17 to Barnardo's, for example, but not to the Church of
18 Scotland?

19 A No. That's right. I mean, I think the -- they are
20 also, I think, in this and in some later Home Office
21 documents, the idea that the parent organisation would
22 appoint the principals of receiving institutions which,
23 obviously -- groups like the Church of Scotland or the
24 Sisters of Nazareth or the Catholic Child Welfare
25 Council wouldn't have the power to do at all, so it

1 assumes that relationship, but I think the notion of a
2 Liaison Officer I think was still seen as a valid thing
3 to have, regardless of the precise organisational
4 set-up, even if it was two different organisations
5 working together.

6 Q And in the next paragraph you have quoted from the
7 Memorandum dealing with staffing and that high standards
8 of care can be achieved and maintained only by the
9 employment at homes or farm schools of staff of good
10 calibre, and that such people should be carefully
11 selected. So if you relate that to an organisation like
12 the Christian Brothers, I mean, how -- who are an order
13 who, essentially, already exist, it's difficult to see
14 how this selection process can be applied to such an
15 organisation?

16 A Yes. I think the -- obviously that -- with the somewhat
17 autonomous nature of the religious orders it is
18 obviously not possible for a diocesan body in this
19 country or a religious body in this country, if they are
20 a different organisation, to assert that control there.
21 I think one of the possible implications of this,
22 though, was the idea that there should be attention to
23 the quality of staffing in a receiving institution, and
24 that emphasis -- I was just looking at the Clyde Report
25 again yesterday -- and that emphasis on the importance

1 of the quality of staff is very, very strongly
2 emphasised in Clyde as well, so even if this specific
3 suggestion around the directing of appointments in the
4 receiving institution wasn't feasible in many cases, the
5 wider principle that one should attend to the quality of
6 staffing in these institutions arguably was relevant.

7 Q When you look at this memorandum, then, as a composite
8 document, it is setting out good standards which, if
9 they had been applied, would have made migration perhaps
10 a different thing to what it became?

11 A Yes, so and -- I mean it could have had quite sort of
12 tangible effects for children if there had been case
13 records, if there had been more consistent facilitation
14 of contact with families in this country, and if there
15 had been greater care about staffing in receiving
16 institutions. I think not all, but many of the problems
17 that former child migrants have reported in Inquiries
18 I think relate back to problems arising from those
19 areas.

20 Q Well, selection being one. I mean, we've heard evidence
21 that selection, for example, of children who didn't
22 really understand where they were going to go?

23 A Yes. Yes. No, that idea of a kind of carefully
24 deliberatively case committee with sort of individual
25 consultation with the child. It is very different to

1 sort of stories of a child putting their hand up in
2 a group to volunteer to go to Australia.

3 Q And that involved expertise that might have brought such
4 a process by a social worker?

5 A Exactly, or someone with that kind of psychological
6 understanding of children, yeah.

7 Q You go on then to provide some information about the
8 reaction to this memorandum from 2.9 onwards. What was
9 the reaction?

10 A And so this is another example of the way in which child
11 migration policy got caught in these competing interests
12 of government and the clash between assisted migration
13 and standards around children's out-of-home care. So
14 because this was produced in the context of the
15 Fairbridge Society trying to influence particularly
16 Pinjarra towards better standards of practice, when the
17 Home Office passed this on to the Commonwealth Relations
18 Office it was interpreted both by the Commonwealth
19 Relations Office and by Walter Garnett in Canberra as
20 part of a somewhat inappropriate attempt by the
21 Fairbridge Society in London to intervene in Australian
22 affairs, and so we have here, I think, for parts of
23 government which were more aligned to the policy issues
24 of maintaining good relations with a Commonwealth
25 country and very sensitive to the issues of respecting

1 the autonomy of other countries, being somewhat
2 suspicious of attempts to control things, and so Garnett
3 was quite sceptical in terms of it being an
4 inappropriate and insensitive intervention. I think he
5 was probably also somewhat annoyed that it hadn't made
6 any reference to his own, quite extensive work on this
7 in 1944, and I think he quite rightly took the view that
8 the Home Office understood less about the actual
9 specific mechanics of how child migration had operated
10 than perhaps he and the Commonwealth Relations Office
11 did, so I think as a result of that, when Garnett
12 forwarded the memorandum on to the Commonwealth
13 Department of Immigration he made it clear that it
14 wasn't a statement of United Kingdom Government policy,
15 but it was a departmental view of the Home Office which
16 somewhat limited its force, arguably, in terms of how it
17 was received in Australia.

18 Q But in relation to this country, though, in relation to
19 the organisations in this country, how was it received?

20 A So we are not entirely clear. The memorandum primarily
21 seems to have been circulated in Australia, and so the
22 Fairbridge Society would clearly have been aware of it
23 in this country, but we are not clear, necessarily, that
24 other sending organisations would directly have received
25 a copy, but from the Australian archives it seems that

1 copies of this were sent out, certainly to all of the
2 organisations in Western Australia with an interest in
3 child migration at that point, which would have included
4 CEMWA, possibly the Sisters of Nazareth and obviously
5 Fairbridge and the Anglican diocese as well there,
6 but -- so in this sense we can't be entirely sure how
7 far this specific document circulated sending
8 organisations in the UK, but what we do see here are
9 emphases around case records, around selection, around
10 post migration monitoring which then recur in Home
11 Office contact with those organisations as the
12 discussions begin about the drafting of the section 33
13 regulations, so we don't know exactly about the extent
14 of knowledge of this specific memorandum in the UK, but
15 it does set out a set of principles that are continually
16 reinforced over the next few years by the Home Office.

17 Q But does it reflect standards that were readily
18 recognised in the UK in 1945 or '47?

19 A I think they were certainly standards that were in
20 keeping with the Curtis Report and in keeping with the
21 Curtis Committee's recommendation about child migration.
22 So in that sense there was nothing that would have been
23 a particular surprise here, I don't think, in that
24 sense, no.

25 Q And the propositions set out in the document are

1 essentially designed to ensure that the child was
2 properly cared for in the event of migration?

3 A Absolutely. Yes. Yeah, and I think -- I know there are
4 discussions in relation to child migration about what
5 constituted appropriate standards of the day in terms of
6 how we judge this and whether we should be judging the
7 operation of the scheme in terms of how systems operated
8 in children's out-of-home care more generally in the
9 United Kingdom but what we do see here is I think
10 through memoranda such as this a clear awareness of the
11 potential vulnerability of children being sent overseas,
12 and so specific policy discussions about what it would
13 mean to implement Curtis standards in relation to those
14 schemes.

15 Q And notwithstanding his criticisms, I mean, as you set
16 out in paragraph 2.10, Garnett nevertheless accepted the
17 principle that was to be taken from the document that,
18 "The selecting authority is entitled to be satisfied
19 that the children are properly cared for"?

20 A Yes.

21 Q (Inaudible) of that?

22 A Yes, no, that's right, and in some ways, actually, the
23 Home Office document wasn't that different to some of
24 the recommendations he had made in his 1944 report
25 which, I think, is part of his irritation with it as

1 well, and I think his concerns with it were less,
2 perhaps, about the substance and more about the
3 implication that standards in Australia weren't up to
4 scratch, and the fact that it would be perceived as an
5 inappropriate intervention.

6 LADY SMITH: Gordon, can you help me understand a little
7 more about the prompt for this memorandum? You tell us
8 in 2.6 that Fairbridge was concerned about -- it was
9 concerned about standards at its school in Pinjarra?

10 A Yes. That's right. Yes.

11 LADY SMITH: What was going on?

12 A So if -- I don't know if you will recall that yesterday
13 we talked about the Pinjarra dossier which had been,
14 I think, passed on in the -- I think it was in the
15 spring of 1944 to the Dominions Office, and this
16 reflected a growing concern in Fairbridge's London
17 Committee that there were problems at Pinjarra,
18 obviously they were aware at problems at Northcote Farm
19 School as well, and --

20 LADY SMITH: But, sorry, I think what I'm getting at is --
21 did they initiate conversations with the Children's
22 Department of the Home Office?

23 A Exactly. Yes.

24 LADY SMITH: That was quite wise.

25 A Yes, and in a sense they had been quite pro-active with

1 the Curtis Committee as well, and in a sense part of the
2 reason why the conversations that we saw yesterday
3 around in 1945 about whether the UK Government should
4 intervene more, I think that didn't develop into
5 a stronger policy intervention because it was seen that
6 Fairbridge were then trying to manage this specifically
7 in relation to Pinjarra, and so this was an ongoing
8 process in which the Commonwealth Relations Office were
9 more sceptical that much could be done from London, and
10 so what the Fairbridge Society did was they approached
11 the Home Office who they saw as being the new kids on
12 the block who might be more supportive and they thought
13 if we can get a memorandum from the Home Office we can
14 take this with a delegation of senior officers from
15 Fairbridge who are going over to Western Australia as
16 part of negotiations with Pinjarra to try and address
17 standards during the autumn of 1947 and so they were
18 trying to elicit this document to use in that way.

19 LADY SMITH: Thank you.

20 MR MACAULAY: I think we heard from Stephen, Professor
21 Constantine, that the Australian Fairbridge
22 organisations had developed a degree of autonomy quite
23 apart from the London headquarters.

24 A That's right, and it was at this moment in the autumn of
25 1947 that there was a new accommodation reached between

1 London and Australia and new constitutions set up where
2 London would actually have more control over some issues
3 around staffing and policy which the Commonwealth
4 Relations Office never believed they would be able to
5 achieve, but that was what they did following on from
6 the writing of this Home Office memorandum.

7 Q Yes, because I think the Fairbridge organisations in
8 Australia, they had, in a sense, been set up as separate
9 organisations from the beginning, albeit under the
10 Fairbridge umbrella?

11 A Exactly, because Kingsley Fairbridge in Western
12 Australia had first set up the farm school and then the
13 Child Emigration Society in the UK was really built up
14 separately to that, and in New South Wales with Molong
15 it had really been created through a local fund-raising
16 initiative, because they had actually essentially raised
17 the resources to fund the building of the farm school
18 locally, they were able to take quite a lot of steps
19 with that without necessarily having the approval of the
20 London Fairbridge Society who signed up into that
21 process a little bit further along, but it did, from the
22 outset, create greater autonomy, and this does reflect
23 the kind of wider politics of increasing autonomy of
24 Commonwealth countries in relation to the United Kingdom
25 throughout this period.

1 Q And I think we have seen a letter by Charles Hambro who
2 was the head of Fairbridge?

3 A That's right.

4 Q I can't remember his exact title but he wrote expressing
5 concern about standards, I think, following up on the
6 Curtis Report. Is that right?

7 A Yes. So Charles Hambro, who was the chair of Fairbridge
8 had been involved in all of those discussions, even at
9 the interwar period where some complaints are being
10 raised about Pinjarra then, and so he was certainly
11 aware, with other officials in London, of issues before
12 the war in terms of administrative tensions with the
13 farm schools in Australia and the issues with Northcote
14 and Pinjarra, so he had been involved in discussions
15 right the way through and I think was part of the
16 delegation that went to Western Australia in 1947 as
17 well.

18 Q At 2.11 you remind us of the discussion that we had
19 yesterday about approval and what you say there is that
20 given evidence of the Home Office's subsequent approval
21 of receiving institutions on the basis of limited
22 information in reports from Australian officials, it is
23 reasonable to suggest that the Home Office went on to
24 approve institutions in Australia for receiving child
25 migrants without having sufficiently detailed

1 information to know whether standards advocated in its
2 September 1947 memorandum were being upheld.

3 A That's right, and certainly in the period up to 1949 and
4 possibly 1950 the involvement of the Home Office in
5 those approval positions seems to have been patchy
6 precisely because this -- the way in which Fairbridge
7 had played off the Home Office against the Commonwealth
8 Relations Office I think set up some tensions between
9 the two governmental departments there, so the Home
10 Office was perhaps less involved in approval decisions,
11 but then when they do become more involved from 1949,
12 1950 onwards, they don't seem to be enforcing the kind
13 of standards set out by Mary Rosalind in a very rigorous
14 way, and I think it reflects, perhaps -- I think both at
15 that stage a sense of reticence of acting too strongly
16 until the section 33 regulations had been introduced,
17 because I think Home Office officials don't feel they
18 have a regulatory power or a departmental brief that
19 would allow them to transgress under the Commonwealth
20 Relations Office's area too strongly, but I think
21 possibly what also happens as well is that we see this
22 as the 1950s go on, is that there is a degree of
23 internalisation of an awareness of the political
24 dimensions of this within the Home Office as well, and
25 some people within the Home Office, I think, recognising

1 that too confrontational an approach with the Australian
2 authorities wouldn't be a constructive approach to take.

3 Q Now, in the next few sections of this particular
4 section, 2.12 onwards, you do look at the circumstances
5 surrounding the draft regulations. We have already
6 looked at the regulations with Professor Constantine. I
7 wonder, is it possible for you to give me an overview of
8 what the essential points you make are under this
9 particular section?

10 A Yes. So -- take me back if I'm going too far ahead
11 here, but I think the essential points here are that
12 there was -- from 1949, from the spring of 1949 when the
13 Home Office Advisory Council on Child Care began to
14 consider what should go in these section 33 regulations,
15 there was a consultation process with the Home Office
16 and sending organisations in this country about their
17 organisational practices, so some conversations had
18 started before then, but we -- in 1949 the Home Office
19 undertook more -- a more comprehensive survey of
20 organisational practices and what we see through this
21 slow drafting is exactly those concerns that you have
22 highlighted around appropriate standards of selection,
23 of preparation of children for migration, of the
24 standards of care to which they will be given in the
25 future and of post migration monitoring becoming

1 elements that are written into those regulations, and
2 I think one of the things that's, I think, a very, very
3 important part of that process that we may come on to in
4 a minute is the way in which voluntary societies in this
5 country themselves effectively signed up to those
6 standards in that consultation process.

7 Q Yes. We know that there was a council created, the
8 Council of Voluntary Organisations for Child Emigration,
9 CVOCE?

10 A Yes.

11 Q So did they play a role in the regulations when they
12 were being considered?

13 A Exactly. In fact, the formation of the CVOCE was
14 precisely something that had happened in the context of
15 some concern amongst voluntary societies in this country
16 about the implications of what the draft regulations
17 might be for the future of child migration, but
18 a concern that was particularly accentuated by the
19 publication of the Women's Group on Public Welfare
20 report as well, and their concern that this might lead
21 to greater restrictions on child migration, so the CVOCE
22 was an umbrella organisation involving representatives
23 of all of the main sending organisations for children
24 from the United Kingdom, and they, as part of the
25 consultation for the draft regulations were sent quite

1 an advanced draft in the autumn of 1951 and asked to
2 comment on this before the Home Office Advisory Council
3 then discussed it again in 1952, and for the purposes of
4 our thinking about this today, I think one of the things
5 that's very significant is that all of those standards
6 that had been written into the regulations formally the
7 CVOCE assented to all of those as being appropriate
8 standards and didn't recommend any significant changes
9 there. I think the one change was about whether a child
10 migrant should be interviewed by a committee or not.
11 That was one thing that they raised later on, but those
12 principles around rigorous selection, preparation of the
13 child before migration, although there were some
14 concerns about costs with that, and post migration
15 monitoring were all accepted as principles by that
16 committee, by the council.

17 Q And the council, as you have indicated, that was made up
18 of those who would be involved in migration?

19 A Exactly, and exactly the individuals who we see making
20 significant operational decisions in -- so Cyril Bavin,
21 for example, was chairing that group in its early stages
22 from the Over-Seas League, we see people -- Father
23 Nicol from the Australian committee for -- sorry --
24 Australian Catholic Immigration Committee and Canon
25 Flint from the Catholic Child Welfare Council there as

1 well, so all of the bodies and all of the people in
2 these sending organisations who had direct
3 responsibility for child migration were directly
4 involved in those discussions.

5 Q And is the point you make --

6 A Sorry, apart from the Sisters of Nazareth who were
7 represented in it, yes.

8 Q So is the point you're making this; that although
9 ultimately the regulations did not, at that point, see
10 the light of day, nevertheless the principles covered by
11 the regulations had been accepted by the CVOCE?

12 A That's right. So there was certainly an understanding
13 that this was -- these were the standards that were
14 being expected by the government, and one of the
15 interesting developments with this is that one of the
16 things that were written into this draft regulation was
17 the requirement that a sending organisation should
18 receive a monitoring report about a child within six
19 months of their arrival and on an annual basis, and
20 Dr Barnardo's homes actually seemed to have immediately
21 adapted their practice in 1952 to anticipate that
22 becoming a formal regulation, so it was certainly
23 possible for organisations, even before the regulations
24 were introduced, to amend their practices in line with
25 these.

1 LADY SMITH: You have led me to a question that came into my
2 head a few moments ago, Gordon; can you tell whether the
3 line that was taken by the CVOCE and the organisations
4 was, "We will do what is set out in these principles",
5 or, "It is not a problem because really we are doing it
6 already"? Do you see what I mean?

7 A Yes. I think there is -- I was thinking that one of the
8 key paragraphs here is paragraph 2.33 which might have
9 a bearing on that question. I think the -- what was
10 going on with the Council was quite complex in terms of
11 its members because I think some organisations like
12 Barnardo's and Fairbridge didn't see these requirements
13 as being particularly onerous, but other organisations,
14 they would be more problematic because they didn't have
15 the resources or the structures in place to do this, so
16 I think in that paragraph 233, Mr Lucette, who was the
17 General Superintendent of Dr Barnardo's Homes, he was
18 also a member of the Home Office Advisory Council,
19 actually told the Advisory Council that he didn't think,
20 that although the council assented to this, that all of
21 the members necessarily matched these standards because
22 they were very different kinds of organisation, and then
23 I think later on paragraph -- I think it is 237, and
24 this is material that we didn't have available at IICSA,
25 but we've been able to look at the Council's minutes

1 that are held in the Fairbridge archives at Liverpool,
2 and it is very interesting that there are some quite
3 candid discussions recorded there amongst Council
4 members. So, for example, Father Nicol from the
5 Australian Catholic Immigration Committee criticised the
6 draft regulations saying, "They would limit the
7 activities of the voluntary organisations and the
8 authorities concerned failed to appreciate that the
9 organisations were only interested in emigration with
10 a view to giving children a chance in life that would
11 not otherwise be available to them. Nicol continued
12 that his committee would be reluctant to carry on with
13 their child emigration activities if they were bound by
14 such regulations and Cyril Bavin similarly complained
15 that the introduction of further regulations might cause
16 the New Zealand Government to abandon child emigration
17 altogether, and Canon Flint on behalf of the Catholic
18 Child Welfare Council said that the regulations 'merely
19 followed on from the Curtis Committee's report' and
20 there was a general feeling against child emigration by
21 "the powers that be", so I think there was a -- what was
22 going on with the Council members is that there was
23 probably a difference of opinion about the viability of
24 these regulations, but a sense that there was no point
25 expressing that directly to Government because they

1 might not get a sympathetic hearing, and in fact raising
2 those concerns might actually merely draw attention to
3 the way in which those standards weren't being upheld,
4 so I think organisations like the -- like Father
5 Nicol's organisation and Bavin with the Over-Seas
6 League, there almost seems to be a hope that, "This
7 won't happen just yet and we can sort of carry on". It
8 may be a coincidence or it may be not, that when
9 these -- something along the lines of these expectations
10 are implemented with the 1957 changes to funding
11 agreements and the voluntary agreements around that,
12 that is the point at which Catholic child emigration
13 largely ends, so that may be a coincidence or it may be
14 a reflection of the fact that it was difficult for those
15 systems to adhere to these standards.

16 LADY SMITH: But going back to what the Government would
17 have been hearing in this consultation process, do I
18 take it from what you said earlier that despite these
19 problems identified by some of the institutions they
20 thought they were getting a general message that this
21 was all fine?

22 A That's right, and the Home Office, there is a Home
23 Office minute where one Home Office official, I think
24 actually in a communication with the Scottish Home
25 Department says he's quite surprised by that, and he was

1 expecting the council to kick up much more of a fuss
2 about it, and his interpretation of that is that the
3 Council members possibly expected something even more
4 draconian than this in the regulations and that they may
5 be relieved that it wasn't worse than it is.

6 LADY SMITH: Do you think that that, then, planted an
7 implication in the minds of Government that they didn't
8 need to rush to get these regulations in place because
9 the voluntary societies recognised the standards were
10 appropriate and all would be well?

11 A I think there is something quite complicated going on
12 there, because I don't think they did necessarily assume
13 that, because that has a bearing back on the approval of
14 the Over-Seas League in 1953.

15 LADY SMITH: Yes. True.

16 A Because we didn't go into that in huge detail yesterday,
17 but essentially the internal policy discussion that goes
18 on within the UK Government is that we are not really
19 that keen on approving the Over-Seas League, although
20 the Australians are pressuring us to do this, but given
21 that the Section 33 regulations are about to be
22 introduced, either the Over-Seas League have to get
23 their act together and improve their standards or they
24 know they are going to have to stop their work anyway,
25 so the Section 33 regulations are going to bail us out

1 in case of bad practice, and what the complex thinking
2 then was around both knowing that and then deciding not
3 to implement the Section 33 regulations.

4 MR MACAULAY: The position of the CVOCE I think you set out
5 in paragraph 2.32 under reference to a letter that sets
6 out its position in relation to the letters that are
7 covered by the regulations, and as you said it
8 represents broad agreement in relation to the
9 fundamental principles.

10 A Exactly. Yes. Yeah.

11 Q Now, are you able to say what it was, then, that caused
12 people like Father Nicol to draw back from that
13 particular -- the position being taken by the rest of
14 the Council?

15 A And it is important to say that his views were never,
16 I don't think, expressed in that way to Government at
17 all, so I think there was a difference between what was
18 formally being said by the Council members to Government
19 and the private concerns that were being expressed
20 within the Council itself.

21 Q But when you look at the Council's letter that you
22 mention on page 32, that accepted for the principle of
23 having a Selection Committee and to ensure that
24 emigration was understood both by the child and family
25 members, that there were suitable staff, that the

1 sending organisations should remain well-informed about
2 children who are sent overseas, and that regular and
3 comprehensive reports on the progress of each child
4 should be sent to the emigration society concerned and
5 there should be six-monthly progress reports, and so on.
6 What was it about these propositions that Father Nicol,
7 if you take him as an example, was concerned?

8 A I think when we -- and we may look at this, I think, in
9 more detail a bit later on, but, I mean, essentially
10 there were -- there was very little in terms of how his
11 organisation worked in conjunction with the Sisters of
12 Nazareth that appears to have complied with those
13 standards at all and he would have been well aware of
14 that.

15 Q So that is -- essentially what is behind it is that he
16 knew that these methods of working would be contradicted
17 by the propositions that were being set out on the back
18 of the regulations?

19 A Yes. Certainly that's my reading of this, yes.

20 Q We've perhaps jumped ahead to paragraph 2.37, and
21 I think you have covered -- and we can read for
22 ourselves what is essentially a timeline up until that
23 point, because you tell us at 2.38 that, as we know, the
24 regulations were not enacted?

25 A That's right.

1 Q And perhaps we can look at that for a moment or two. Can
2 you explain what happened, then, in relation to --
3 notwithstanding some fairly detailed consultation on the
4 regulations over a period of a number of years, it came
5 to a sudden -- it came to a halt?

6 A Yes, and it was a very drawn out process if you think
7 about it, this started in 1949 and an eventual decision
8 not to proceed with the regulations not really being
9 made until the summer of 1954, and I think one of the
10 things that did make this process more complicated was
11 the legal advice that the Government received about the
12 extent to which these regulations could effect any
13 control over the standards of care for children
14 overseas. I have to say, looking back at the files as
15 well it is clear that there are also contradictions
16 within the legal advice as well, and legal advisers take
17 different views on what is possible and what's not
18 possible. There was also a sense that the original
19 drafting of Section 33 of the 1940 Children Act, by
20 saying that the Secretary of State could only review the
21 arrangements of sending organisations was unhelpful as
22 well, because one legal view on that was that it meant
23 that the Secretary of State could only take measures in
24 relation to the stated policies of an organisation and
25 not necessarily any failure to adhere to that by

1 organisations overseas, so there is partly a complex
2 legal process that makes them a little bit uncertain
3 about what can be achieved, although they continue with
4 a drafting process.

5 I think alongside that there is a question that
6 emerges in the Children's Department about whether these
7 measures will actually really achieve anything in
8 practice, other than just generating an administrative
9 burden for sending organisations and for their
10 department, and alongside that I think one of the
11 important influences that is happening at the same time
12 is that in 1951, 1952 John Moss is providing these
13 interim reports back from Australia because he is making
14 some criticisms of receiving institutions but not all
15 his reports have more credibility, and because he is
16 painting a more reassuring picture, the view in the Home
17 Office is that these regulations are so problematic in
18 terms of their drafting and implementation, and Moss's
19 indication is that things are broadly okay, that because
20 the Australian Commonwealth Government had seemed to be
21 quite receptive to the progressive changes that Moss had
22 recommended it inclined the Home Office to think,
23 "Perhaps we can exert moral pressure on the Australian
24 Government through things like Moss and this will
25 actually be a more effective means of doing this rather

1 than a regulatory framework which will just be
2 cumbersome".

3 Q The point you make about the regulations adding to the
4 organisational administration of the process, I think
5 that was a point that was taken by John Ross in
6 particular at that time?

7 A Yes, and I think Ross is such a fascinating figure in
8 this history because he was actually central to the
9 decision not to implement the Section 33 regulations.
10 I think significantly because he was reassured by John
11 Moss, but then precisely after he goes and sees
12 conditions in Australia for himself advocates -- doesn't
13 advocate the return of the Section 33 regulations
14 because I think he is still unsure about the value of
15 those, but is still advocating a strong administrative
16 intervention through reviewing of approval of
17 institutions and expansion of Secretary of State consent
18 which would have increased the administrative burden,
19 and so again, the Home Office, when they are looking at
20 the recommendations from the Ross Report, again take
21 exception to the fact that they are going to have a lot
22 more pressure on their resources placed if the Secretary
23 of State has to review individual case files. One of
24 the things I'm not sure we looked at yesterday but one
25 of the comments that's made in those autumn 1956

1 discussions is part of the reason that they feel that's
2 going to be a lot of work is that the case files
3 produced by voluntary societies aren't always in very
4 good condition, and so they would actually have to do
5 a lot of work from scratch which they are not sure they
6 actually have the resources to do.

7 Q But I think as we saw, certainly with Professor
8 Constantine when we look at John Ross's recommendations,
9 one of these was that the voluntary organisations should
10 also be brought under an umbrella of the consent
11 provisions?

12 A That's right, and that concerned, then, that if you then
13 had to review individual cases of children being sent by
14 voluntary societies then that would just generate a lot
15 more casework that the Home Office Children's Department
16 would have to do, so that was one of the objections that
17 the Home Office raised when they were looking at the
18 Ross Report recommendations.

19 Q But the Ross recommendation, I think you say in your
20 report, would have required statutory control?

21 A That's right. That would have meant to have brought --
22 yes. That would have meant a statutory change to --
23 extended that requirement beyond Secretary of State
24 consent.

25 Q Section 33, you mention some legal issues, in 33.1 it

1 reads:

2 "The Secretary of State may, by regulations,
3 control the making and carrying out by voluntary
4 organisations of arrangements for the emigration of
5 children".

6 I think you said it was the phrase, "Of
7 arrangements", that caused some legal discussion as to
8 what that might cover.

9 A Yes. Exactly. So aside from the issue of the extent to
10 which you could control conditions overseas, there was
11 a sense that the drafting of the original legislation
12 made it somewhat unclear as to what the extent of the
13 Secretary of State's powers actually were in this
14 country.

15 LADY SMITH: I suppose that would be an argument to the
16 effect that only relates to the arrangements that are
17 made to get them on the ship.

18 A At its most minimal level.

19 LADY SMITH: That would be one statutory interpretation.

20 A Exactly, and so in a sense that begins to anticipate
21 what happened with the 1957 measures and this separation
22 of, "we will inspect what happens up to the point at
23 which the children leave this country and perhaps the
24 reports you get back on them but once they are overseas
25 that becomes the domain of the responsibility of the

1 overseas Government".

2 LADY SMITH: Although you could always say, I suppose, that
3 could still include ensuring that a system had been set
4 up whereby you would get reports, whereby information
5 would go with the children, whereby the children would
6 already have been properly prepared and so on, which
7 even that would have helped.

8 A And that post migration monitoring requirement was still
9 in the final draft of the Section 33 regulations that
10 weren't implemented, so they had obviously reached
11 a draft of those regulations that they were as happy as
12 they could be with in the Home Office, and that measure
13 had survived that, so they obviously felt that was
14 legally enforceable, yes.

15 LADY SMITH: Gordon, you mentioned yesterday, and I think it
16 was touched on today as well, understandably UK Gov are
17 concerned not to fall out with Australia, not to tread
18 on any toes. Do you think that one of the things that
19 was recognised here was there was a real risk of the UK
20 being put in a position of saying to Australia, "Your
21 homes, which accommodate not just children we've sent
22 you but your children, are deficient".

23 A Yes, no, exactly. I mean that's an implication of what
24 Garnett is saying in his response to that Home Office
25 memo, and there are sentiments expressed between the UK

1 High Commission and the Commonwealth Relations Office
2 along the lines of, how would we feel if kind of
3 Australian authorities came to Britain and started
4 criticising standards of children's homes in Britain,
5 and I think one of the things that does give that
6 particular sensitivity that I'm not sure we touched on
7 yesterday was because the UK Government had actually cut
8 by 1950 its -- or capped -- its financial contribution
9 to adults' assisted migration to Australia, any changes
10 to child migration then had a particular sort of
11 symbolic significance, so they were particularly wary of
12 kind of the sensitivities of that, so there were
13 particular policy decisions around the assisted
14 migration budget for Australia that had had a bearing on
15 this as well.

16 LADY SMITH: I suppose you could see it at senior policy
17 level alarm bells would be ringing that the UK was
18 setting itself up to judge not just individual homes but
19 generally Australia's ability to make appropriate
20 policy.

21 A Exactly, yes, yes, and that being, yes, something that
22 they were being very sensitive not to avoid, and
23 Garnett's communications -- yes -- when he is actually
24 on the ground in Australia I think he is particularly
25 alive to those sensitivities.

1 LADY SMITH: Mr MacAulay?

2 MR MACAULAY: If we go to page 450 of your report, then, and
3 this is part of section 2.40, about halfway down the
4 main paragraph you touch upon Ross's recommendation that
5 children should, in future, only be emigrated by
6 voluntary organisations with the consent of the
7 Secretary of State, and that would require further
8 legislation, as we just talked about, and then we read:

9 "In the event it was not introduced, having been
10 opposed by all of the members of CVOCE, apart from the
11 Church of Scotland and the Oversea Migration
12 Board ..."

13 Now, the CVOCE earlier had been in favour of the
14 regulations, so is this an about turn on their part in
15 relation to the consent of the Secretary of State?

16 A Yes. That's -- I think that's very interesting. One
17 possibility is that we know that there was some overlap
18 in communication and interest between members of the
19 Oversea Migration Board who had commissioned the Ross
20 Report and some of the sending organisations, and there
21 does appear to have been some kind of transfer of
22 information between the two, and it is possible -- I say
23 this no more than a possibility -- that what members of
24 the council may have felt in 1956 is that because they
25 knew that the Oversea Migration Board was unsympathetic

1 largely to the Ross recommendations they may have felt
2 more empowered to take a stronger stand against that
3 themselves, but yes, so I certainly take your point that
4 there does seem to be a difference here between their
5 position in 1952 which seemed to be accepting a measure
6 of greater regulation, and 1956, and whether it is
7 perhaps particularly the issue of Secretary of State
8 consent, I think, that may have made them feel that that
9 could actually take a lot of the power to emigrate
10 children out of their hands, that may have been
11 a measure that particularly rankled as well.

12 Q You go on to tell us that what the Commonwealth
13 Relations Office and Home Office instead established was
14 a system of informal supervision, and you have already
15 mentioned that to us, but, I mean, can you give us some
16 understanding as to how did that work in practice?

17 A So this goes back to what we were talking about
18 yesterday in terms of the measures introduced in 1957,
19 and in some ways, what those measures did was to, in an
20 informal way, implement some of the areas of interest
21 that were being explored in the Section 33 regulations,
22 so it empowered Home Office inspectors to be able to go
23 into the offices of sending organisations and review
24 their paperwork, so that would then make it possible to
25 see whether, actually, proper Selection Committees were

1 in operation or not or whether regular post migration
2 monitoring reports had been received or not, whether
3 case records were being sent, and although it's not an
4 organisation that immediately falls within the interests
5 of this Inquiry, just as an example, I think I mentioned
6 yesterday that when Home Office inspectors went into the
7 offices of the Church of England Council on Empire
8 Settlement they found that case records hadn't been kept
9 effectively, that it was a Selection Committee
10 essentially consisting of one person and that there
11 wasn't really sufficient post migration monitoring going
12 on, and there was actually discussion then about the
13 approval of that organisation potentially being
14 suspended because it was being seen as being in breach
15 of its funding agreement, so that -- potentially it
16 could have been given a bit more teeth, though as we saw
17 with Quarriers yesterday, the somewhat informal nature
18 of that still did create gaps through which issues could
19 still fall through.

20 Q And as we saw yesterday, children were migrated without
21 the knowledge of the Scottish Office?

22 A That's right. So it provided no absolute guarantees at
23 all. Yes.

24 Q Can we then look at your summary under this section?

25 Can you just take us through how you pull this together

1 then for this particular important section?

2 A So I think my reading of this history is that -- with
3 the Section 33 regulations -- is that although a policy
4 decision was ultimately made in 1954 not to introduce
5 those regulations, the quite extensive consultation
6 process around the drafting of the regulations was one
7 in which sending organisations in this country were
8 being given quite a clear steer about the standards that
9 the Home Office would expect that they would practice in
10 relation to their work, and as we saw with the case of
11 Barnardo's with their inspection regime, there was no
12 reason in principle why the voluntary organisations
13 couldn't have adhered to those standards, even if they
14 weren't introduced as formal regulations, and certainly
15 the idea that the voluntary societies wouldn't have been
16 aware of Home Office expectations about good practice
17 doesn't seem very plausible, given that process that had
18 taken place in relation to the regulations.

19 Q So if we look at the point you make, for example, at
20 2.42, it seems reasonable to claim that the broad
21 principle that sending organisations retained some form
22 of responsibility for the children they had migrated
23 overseas, was generally accepted?

24 A That's right, and it is interesting that the Scottish
25 Home Department was one of the few -- I think the only

1 body who actually objected to that principle through
2 that drafting process, and then, when it became clear
3 they didn't have any support for that, didn't pursue
4 that objection, but that broad principle seemed to have
5 been accepted, not only just by the voluntary societies
6 in this country, but there had been clear communication
7 with the Australian Commonwealth Government who accepted
8 that principle as well.

9 Q And the other point you make is that in relation to
10 annual reports, that that broad principle was also
11 accepted?

12 A Yes. That's right. That was never challenged by the
13 Council members.

14 Q And the fact that the sending organisations had an
15 ongoing responsibility for the child's welfare by having
16 a proper staff working overseas, again, that broad
17 principle was accepted?

18 A Exactly, yes. The Council members tended to emphasise
19 more the importance of the religious training of those
20 staff, but that broad principle was accepted.

21 Q Now, the next section, then, that you look at, you are
22 looking now at monitoring systems that were implemented
23 by different organisations, and I think you begin by
24 Barnardo's, and I think your Ladyship was thinking of
25 rising early?

1 LADY SMITH: I just wonder if we took the break now and then
2 we could start the section about the specific
3 organisations after that, that might make sense.

4 A Yes indeed.

5 LADY SMITH: We will take the break now then.

6 (11.17 am)

7 (A short break)

8 (11.37 am)

9 LADY SMITH: If we are ready, Mr MacAulay, over to you
10 again.

11 MR MACAULAY: My Lady.

12 Now, we are looking now at the monitoring systems
13 that were implemented by Dr Barnardo's, and I think you
14 devote three or four pages to this particular topic, and
15 you begin by telling us at paragraph 3.1 that certainly
16 from 1945 it appears that Dr Barnardo's Homes operated
17 a system of individual reporting of all child migrants
18 sent to Australia, and this is also touched upon in the
19 main report. Can you just describe to us, then, what
20 you understand the Barnardo's system to have been?

21 A There seems to have been both individual reports
22 produced on children whilst they were still in
23 Barnardo's residential institutions in New South Wales,
24 but also after-care reports produced on children who had
25 been placed out in work after leaving those

1 institutions, and the examples that we've seen of those,
2 sometimes the reports from the residential institutions,
3 as with other organisations, are quite terse in terms of
4 their comments on children, but sometimes the after-care
5 reports were more detailed and certainly with the
6 after-care reports showing some process of kind of
7 discussion and understanding of the young people at
8 Barnardo's who they were working with there.

9 Q And so far as frequency is concerned then, how frequent
10 were these reports submitted?

11 A It would vary. It would be at a minimum every 12 months
12 but sometimes they would be more frequent than that.

13 Q And I think you point out that it could vary between
14 six, nine and twelve months?

15 A Exactly. Yes.

16 Q So there was, nevertheless, a system of regular
17 monitoring of the children?

18 A That's right. Yes.

19 Q And indeed I think you tell us that from 1952
20 Dr Barnardo's implemented the policy that the first of
21 these reports should be sent within six months of the
22 child's arrival in Australia?

23 A Exactly, so exactly mirroring the requirement that they
24 were expecting to be introduced with the Section 33
25 regulations.

1 Q Well I think that's the point you make. I think
2 Barnardo's were anticipating --

3 A Exactly.

4 Q -- the enactment of the regulations?

5 A That's right. Yes.

6 Q But the other point you make is that the Barnardo's
7 approach does indicate that organisations, voluntary
8 organisations, had the capacity to provide this form of
9 monitoring.

10 A Yes. We might think the moral capacity, whether they
11 had the administrative capacity would be a -- yes,
12 perhaps another issue for some of the other
13 organisations.

14 Q And I think you also tell us that in addition to these
15 individual reports that managers in charge of individual
16 residential institutions run by Barnardo's were also
17 required to submit monthly institutional reports to
18 Barnardo's' general manager in New South Wales. That's
19 at a local basis?

20 A That's right. So at a state level there was that level
21 of institutional reporting as well.

22 Q You have already alluded to the fact that in relation to
23 what was in the reports on the children, you have seen
24 reports?

25 A Yes. That's right. A sample of them. That's right.

1 Q And I think it is the case that Barnardo's kept --
2 pretty good records of -- and files of each -- on each
3 of the children?

4 A Yes, no, that's right. I think in terms of the range of
5 recordkeeping practices I think theirs was definitely at
6 the better end.

7 Q Now, in relation to where these reports went, then, can
8 you just give me the -- what happened? Would the report
9 come from Barnardo's in Australia to the United Kingdom?

10 A That's right, and there were, then, some problems,
11 I think, within the Barnardo's system in that there was
12 such a volume of paperwork that they weren't necessarily
13 always consistently read, and certainly not at a senior
14 level within Barnardo's, so there was a sense that
15 although that material had been generated, it wasn't
16 always very carefully analysed in this country simply
17 because of the volume of it.

18 Q Was there some tension -- I think you point to this --
19 between Barnardo's on the ground in Australia and in the
20 United Kingdom?

21 A Yes. There also does seem to have been a degree of
22 tension which we see reflected in Fairbridge as well in
23 terms of the extent to which control from the UK office
24 of Australian matters was seen as something that might
25 be an unwarranted intrusion to a degree on the autonomy

1 of the local operators.

2 Q Now, in paragraph 3.4 you draw attention to the fact
3 that there was -- there were allegations of sexual abuse
4 in one of the Barnardo's homes. Is that right?

5 A That's correct. Yes.

6 Q And can you just elaborate upon what happened there?

7 A So we -- and this relates to material that was covered
8 in the Independent Inquiry into Child Sexual Abuse, so
9 we knew, for example, that in 1955 a staff member at the
10 Picton Farm School had been dismissed following
11 allegations of indiscreet fondling of children, and then
12 three years later, obviously, the larger case of a
13 number of individuals being prosecuted for sexual
14 offences against boys who had been placed out in work
15 from Picton, and I suppose the point that is being made
16 here in the appendix is that those incidents weren't
17 something that were -- had been identified or recorded
18 in that normal monitoring system on individual children,
19 and certainly in relation to the 1955 case it's not
20 clear that Dr Barnardo's officials in the UK were aware
21 of the dismissal of that staff member, though they were
22 obviously very aware of the Picton case in 1958 and far
23 more directly engaged in that.

24 Q You also tell us that Dr Barnardo's' UK staff would
25 visit New South Wales either as part of general reviews

1 of the -- of its receiving institutions for child
2 migrants and policies or in response to more urgent
3 proportional allocations?

4 A Yes. I mean they are sporadic visits but we have, for
5 example, a visit in 1948 by Mr Kirkpatrick who was
6 Barnardo's' General Superintendent in the UK to review
7 child migration work there at a time when, obviously, in
8 '48, it was just beginning to go restart after the war,
9 and then in 1958 a delegation of senior managers from
10 Dr Barnardo's Homes went over to assess what was
11 happening in relation to the Picton case and whether --
12 because there had been a temporary ban on boys being
13 sent there, both by the Australian and UK Governments
14 whilst that case was under investigation and the
15 delegation went out for that, but also we see in 1967
16 a Barnardo's officer, Miss Dyson, going out to undertake
17 what seems to have been a -- fairly well-supportive of
18 child migration a fairly honest review in the sense that
19 it was certainly capturing complaints that were being
20 received by children who had been migrated by
21 Barnardo's.

22 Q But in relation to the Picton incident you say
23 a delegation did go out to Australia, and I think you do
24 say, or certainly the conclusion that's been reached was
25 they behaved appropriately in dealing with the

1 allegations in connection with the authorities?

2 A Yes. It's quite a complex case and there are, I think,
3 different ways of interpreting that material. I think
4 the Barnardo's delegation was certainly keen to ensure
5 that children's welfare was being protected at Picton
6 and at their other homes in New South Wales, but there
7 was also a concern about reputational damage for the
8 charity there as well, and there is some quite complex
9 issues about the communication of what had happened at
10 Picton back to the United Kingdom Government in terms of
11 the extent to which the UK Government was fully aware of
12 what had happened there, which may be -- that may not be
13 something that -- that was something that we looked at
14 in some detail at the Independent Inquiry into Child
15 Sexual Abuse.

16 Q And I think it's also covered in your main report?

17 A Right. Yes. Yeah. Yes.

18 Q But the 1967 report that was produced by Miss Dyson, and
19 this is obviously late on in the migration process which
20 came to an end, I think, by about 1970, what was the
21 background to that report being commissioned?

22 A I don't have a lot on much of the policy discussions on
23 that within Dr Barnardo's, but it seems to have been --
24 or why it was triggered at that particular point -- but
25 the purpose of it seems to have been to review how their

1 child migration programme was operating and any
2 improvements that could be made to it, and the report is
3 fairly clear about areas in which child migrants are
4 reporting dissatisfaction, and one of the clearest
5 examples about that was about their preparation for
6 migration overseas, and I think there is still an
7 expectation that Australia was going to be a land of
8 sort of sunshine and exotic animals and a wonderful
9 adventure and they were sort of out in the suburbs in
10 New South Wales, and it all felt a little bit sort of
11 drab and mundane and not really quite what they were
12 expecting, so I think that's something that is a kind of
13 recurrent theme in the post war history of child
14 migration more generally with a number of organisations.

15 Q But one of the areas that you say she looked at was what
16 improvements might be made to the charity's migration
17 work, even although, I think, in 1967 is it not apparent
18 that the migration work really is coming to an end?

19 A Yes. I mean, it's slightly strange time in that both
20 numbers are sort of ebbing away through the 1960s in
21 terms of children being put forward, but also the
22 funding agreement under the Commonwealth Settlement Act
23 being about to be renewed with the renewal of that Act
24 as well, so I think there was, although, a sense that
25 the work was in decline, I think there may have been

1 a sense of wanting to kind of review its kind of
2 viability for the future, given that the UK Government
3 was about to renew the Commonwealth Settlement Act in
4 a few years' time.

5 Q I think the Commonwealth Settlement Act was reviewed in
6 1967, in fact.

7 A Yes, it may actually have been. I'm getting mixed up
8 with the 1972 renewal, so the chronology may have been
9 specifically around the '67 renewal.

10 Q It expired in 1972?

11 A That's right. I think there may actually have been
12 renewals in 1972 as well, yes.

13 Q And then your conclusion in relation to the position
14 adopted by Barnardo's in relation to its monitoring
15 systems is that -- was there were evidently some
16 weaknesses in its system, for example, in terms of the
17 extent to which reports on individual child migrants
18 were read by staff back in the UK. Dr Barnardo's' homes
19 had means both of monitoring the welfare of individual
20 child migrants and wider conditions in its institution,
21 so you have a relatively positive comment to make in
22 what you have seen.

23 A Yes. Certainly if we are thinking about the standards
24 that were being set out in terms of the process of
25 drafting the Section 33 regulations, these were the kind

1 of standards of practice that were being expected there.

2 Q You then move on to look at the monitoring systems
3 implemented by the Fairbridge Society, and you begin by
4 telling us at 4.1 that by 1945 the Fairbridge Society
5 was aware of the need for effective monitoring of the
6 welfare of children in its farm schools overseas as
7 a result of a number of incidents and issued that
8 occurred immediately before and during the war years,
9 and you draw attention to what had happened in the farm
10 school in British Columbia. Is that correct?

11 A That's right, so obviously there had been two members of
12 staff during the war years dismissed at the Prince of
13 Wales Farm School in British Columbia, and -- which had
14 then also generated a critical review of the standards
15 at that farm school there.

16 Q And you are drawing there attention to the report by
17 Isobel Harvey?

18 A That's right. Exactly. Yes.

19 Q Now, if we move on to paragraph 4.2 I think you there
20 draw attention to some problems at the Pinjarra Farm
21 School.

22 A That's right. So again this goes back to this history
23 that we've been talking about before about the
24 awareness, certainly through the war years, of problems
25 with standards, both in terms of care of children within

1 the Pinjarra Farm itself but also with after-care
2 provision as well, and that built on the earlier concern
3 about issues at Northcote where the failure of Northcote
4 to provide reports back under Colonel Heath's management
5 back to the Fairbridge office had been something that
6 Fairbridge had been chasing them on in the early part of
7 the war years.

8 Q And I think it is here that you highlight the autonomy
9 that these -- the Pinjarra Farm School and the farm
10 school at Molong had, having been essentially
11 established, one within its own local community and the
12 other, Molong primarily by a group in New South Wales?

13 A That's right. Yes. So that raised difficulties in
14 terms of what could be expected in terms of post
15 migration monitoring from these organisations, given
16 their autonomy.

17 Q Because the society in London considered that they had
18 limited control over the running of these particular
19 schools?

20 A Exactly. One of the main sanctions they had was
21 actually not to send children, and there were claims in
22 the Western Australian committee that they had been
23 threatened by London that no more children would be sent
24 unless standards improved, and there was a general
25 deterioration in relations during the war years between

1 Western Australian Committee and the London Office.

2 Q You go on to mention their involvement with the Curtis
3 Committee, and we've looked at that, and in particular
4 that was concerned with standards of care in the
5 overseas institutions?

6 A Exactly, so again it forms part of this history of
7 Fairbridge trying to use some mechanisms in the United
8 Kingdom such as the Curtis Committee to try to encourage
9 a move towards mechanisms that would enable greater
10 control there.

11 Q And in the post war period were there still some
12 concerns being expressed by the Fairbridge Society in
13 London about the standards in the farm schools in
14 Australia?

15 A There was something of a hiatus. I think if my memory
16 serves correctly, that children didn't go back to
17 Pinjarra until 1949 because there was some dilapidation
18 of the site there, so there was a period of time in
19 which this renegotiation of a new Memorandum of
20 Understanding between the UK, a new constitution --
21 sorry -- new Articles of Association between the United
22 Kingdom and Australia were set up with Fairbridge which
23 again goes back to the Home Office 1947 memorandum we
24 were talking about earlier, and so in paragraph 4.5 we
25 can see there that by 1948 building on that new

1 agreement, which established greater controls from the
2 UK within Fairbridge, that part of the expectations were
3 that Principals at these farm schools in Australia would
4 produce reports on individual children both while they
5 were resident at the farm schools and for the period in
6 which they would be receiving after-care from the
7 organisation as well.

8 Q And were these reports to be sent back to London?

9 A Exactly. Yes. Yeah.

10 Q And you make the point, though, that these reports were
11 not consistently provided at the frequency expected, and
12 that one Fairbridge document in 1958 indicated that,
13 "Great difficulty", was being experienced in obtaining
14 these reports from the then Principal at Molong, so
15 although the policy was there, it seemed to have been
16 difficult to implement it in practice?

17 A It wasn't consistently implemented. That's right.

18 Q So in 4.6, then, you make the comment that while there
19 was an attempt by Fairbridge to implement a system of
20 monitoring, a child migrant as it is sent overseas in
21 the context of a wider organisational appreciation of
22 the need to monitor institutions that were receiving
23 them overseas, this did not operate in ways that
24 provided significant safeguards from the physical and
25 sexual abuse, and poor emotional and educational support

1 that many former Fairbridge residents have described.

2 Is that your conclusion?

3 A Yes, exactly, and I think this then opens up a larger
4 point, really, about the role and value of these
5 monitoring reports, because we know, for example,
6 through David Hill's work on this as well, that
7 Fairbridge, back in the UK, were aware of some problems
8 with behaviour by cottage mothers and also RBA
9 RBA who was the Principal at Molong that was just
10 referred to, there were reports of him having injured
11 a boy by beating him with a broken hockey stick and the
12 response of the London committee was that he should not
13 use the hockey stick in future to punish children with,
14 so we know, I think both from previous Inquiries and
15 obviously evidence that you have received here, that
16 some Fairbridge children experienced very unhappy lives
17 in their time in Fairbridge, and so whilst this
18 monitoring system was along the lines of what had been
19 expected within the Section 33 regulations, it
20 demonstrates both within this case and also with some of
21 the issues around sexual abuse with Picton, that it
22 wouldn't be an absolute safeguard in terms of children's
23 vulnerability, and so the suggestion in the appendix
24 here, it may be more appropriate to think about these
25 monitoring reports as being a necessary element of

1 safeguarding rather than a sufficient measure that would
2 provide safeguarding for children simply in and of
3 themselves, and in that sense I think they could be
4 understood as necessary because even if -- sorry -- I
5 suppose another point that we will see later on with
6 Dhurringile as well and the Christian Brothers is that
7 these reports could also be compromised by people in
8 charge of institutions who were not reliable witnesses,
9 one might say, and who themselves were the subject of
10 allegations of physical and sexual abuse, but there was
11 still arguably something valuable about these monitoring
12 systems, even though, perhaps, the content might be
13 compromised, in that they might give an overview of what
14 was happening not just for individual children, but the
15 ethos of an organisation, but arguably the absence of
16 those monitoring reports could be an indication of a
17 problem in terms of the wider management of that
18 institution, if you like, so the positive content within
19 the reports might be of different value, but the absence
20 of that as a system might reasonably have been a source
21 of concern.

22 Q So I think what you are saying is that if there is no
23 monitoring then that, in itself, raises a concern.

24 A Exactly, as it had with Northcote with Colonel Heath and
25 reports not coming back from Northcote in the early

1 1940s.

2 Q But even if there is monitoring, it much depends on who
3 does the monitoring within the organisation on the
4 ground?

5 A Exactly yes, that's right, and I think we saw, in terms
6 of witnesses who went to Pinjarra who have presented
7 evidence to this Inquiry as well, both an incident of
8 sexual assault of a boy at Pinjarra which wasn't
9 recorded in those documents or of a very partial view of
10 a child's behaviour by a cottage mother where what he
11 experienced was his attempt to kind of manage her very
12 controlling and abusive behaviour was interpreted by her
13 as a lack of deference on his part or bad behaviour on
14 his part, so the content of these reports would not
15 always have been reliable in that sense.

16 Q If, for example, there is a child at an institution
17 where the Principal is an abuser --

18 A Exactly.

19 Q -- then it would be unlikely that the report would cover
20 that subject area?

21 A Exactly so, and we may well come on to this with the
22 Christian Brothers, there would be other organisational
23 reasons why there would be a reluctance to be open about
24 that material.

25 Q But subject to these qualifications, and these are

1 important qualifications, monitoring, nevertheless,
2 serves a function in that it does indicate that somebody
3 on the ground is taking steps to make some assessment of
4 the child, and that's sent back to the parent
5 organisation?

6 A That's right, and that active transmission of
7 information and some ongoing contact being a way in
8 which some information at least can be gathered about
9 what might be happening overseas.

10 Q If you look at paragraph 4.6, and you are still looking
11 at Fairbridge, you say:

12 "The discrepancy between the society's awareness of
13 the need for monitoring ..."

14 And we've looked at that:

15 " ... for the overseas farm schools to which it sent
16 children and systems for doing this and such failures in
17 safeguarding ..."

18 That's in connection with physical and sexual abuse:

19 " ... suggest that whilst such awareness and systems
20 might have been a necessary safeguard for child migrants
21 they were not in themselves sufficient to protect them",
22 I think for the reasons we discussed?

23 A Exactly. Yes.

24 Q But you go on to say at 4.7:

25 "There are a number of possible factors that may

1 explain this discrepancy".

2 I just want to understand what message you are
3 seeking to provide there, in connection with Fairbridge,
4 in particular.

5 A Exactly. So I think it -- I think Fairbridge are a very
6 interesting organisation in that we see in some regards,
7 for example, with the post migration monitoring systems
8 they do appear to be trying to comply with standards
9 that had been identified through the process of drafting
10 the Section 33 regulations, and we've also seen various
11 examples in which they are trying to push for greater
12 controls and better standards from the United Kingdom,
13 and yet at the same time we do have these numerous
14 examples of instances of emotional harm and physical and
15 sexual abuse experienced by children on the ground, and
16 so I think even if those -- some of those systems were
17 in place they could also be compromised by an
18 organisational culture in which there was a fundamental
19 belief in the goodness of the work of the organisation,
20 you know, a sense of loyalty to particular staff
21 members, and I think those organisational factors, and
22 some of the structural factors such as the problems of
23 actually being able to find suitable cottage mothers,
24 given the poor rates of remuneration for them in
25 Fairbridge Farm Schools and the unattractive nature of

1 that work meant that whilst it was possible to have some
2 of those systems in place that might seem to be
3 constituting good practice, there could be other
4 organisational factors in organisations such as
5 Fairbridge which would compromise those.

6 Q And you finish off that particular section towards the
7 bottom saying:

8 "The belief that Fairbridge Society was
9 transforming children's lives by removing them from
10 slums and enabling them to find new opportunities for
11 their lives in the open lands of the Dominions meant
12 that when its London officers became aware of problems
13 they tended to focus more on failures in training rather
14 than the emotional effect of placing children in cottage
15 homes with unsuitable cottage mothers"?

16 A Yes. Whilst I think in the post war period there was
17 a greater degree of professionalism within Fairbridge,
18 its sort of organisational roots were always in a sort
19 of Oxford Rhodes Scholars sort of amateur philanthropy
20 model which was very much taken up by its aristocratic
21 supporters, and I think that -- also because child
22 emigration was the very raison d'etre for the existence
23 of the Fairbridge Society, it became quite difficult for
24 the organisation to be very strongly self critical about
25 the basic value of that work, but certainly there

1 does -- through the records, certainly in the early post
2 war period, the concern seems to be on the extent to
3 which the farm schools are really preparing children for
4 successful future careers, rather than necessarily
5 a very kind of consistent focus on the issue of problems
6 arising from relations with cottage mothers.

7 Q Coming to your conclusions, then, in relation to
8 Fairbridge at 4.8, you do say there are certain
9 similarities between the post war child migration work
10 of Barnardo's and the Fairbridge Society in that there
11 are indications that both organisations sought to
12 implement standards in keeping with those recommended by
13 the Home Office department and the Home Office Advisory
14 Council on Child Care?

15 A Exactly, so on that kind of continuum of organisational
16 responses they seem to be acting more in the spirit of
17 what was encouraged by the Home Office.

18 Q You then move on to look at the position in relation to
19 the monitoring systems implemented by Catholic
20 organisations, and you begin by telling us that, at 5.1,
21 that the involvement of the Catholic Church in the
22 migration of Scottish children took administratively
23 complex forms. Can you just elaborate upon that at this
24 stage?

25 A Yes. So you will obviously see from the appendix that

1 this treatment of organisational systems is more
2 detailed than I think any of the other organisations
3 covered here, and part of that is that there aren't
4 really, I think, any other similarities between the
5 sheer complexity of the administrative structures and
6 organisations involved in Catholic child migration, as
7 with any of the other organisations. This is
8 exceptionally complex, and I think we will unpack that
9 a little bit more in due course, but if it is helpful
10 I think you may well have already covered this, but we
11 are thinking here about both a national organisation in
12 Australia, the Federal Catholic Immigration Committee, a
13 diocesan Catholic body like CEMWA in Western Australia
14 as the kind of recruiting bodies where we know that
15 officers are coming over to the United Kingdom and
16 involved both in liaising with national bodies but also
17 involved in direct recruitment of children from
18 residential children's homes, but then a very complex
19 picture that I think we may be about to unpick between
20 different organisations involved in the United Kingdom,
21 both diocesan, bishops councils and religious orders
22 where there is also quite a complex relationship for
23 Scottish child migration in terms of the involvement of
24 organisations whose remit formally really only extended
25 to England and Wales.

1 Q And I think you are going to begin by noting the role of
2 the Catholic Child Welfare Council, CCWC, which was
3 a consultative body of diocesan child welfare epicentres
4 for England and Wales?

5 A Exactly. Yes. That's right.

6 Q And although they deal with child migration they deal
7 with many more topics. That's just one issue that came
8 up on that agenda?

9 A That's right. So they would have a much wider --
10 essentially it was children's out-of-home care would
11 fall within their brief as the consultative body for
12 diocesan child rescue officers.

13 Q So if we look at 5.2, we've already looked at what Sir
14 Ronald Cross had said about Tardun and the Christian
15 Brothers' institution there following the visit he made
16 in 1942, and you go on to tell us that the Dominions
17 Office drew this report to the attention of Bernard
18 Griffin who was the Auxiliary Bishop in Birmingham and
19 who did become the Archbishop of Westminster in 1943 and
20 also Canon Craven of the Crusade of Rescue and you tell
21 us, "Both men had active roles in the arrangement that
22 had been made for the migration of children to Christian
23 Brothers institutes in Western Australia in 1938 and
24 1939", so what was their response to the Cross report?

25 A They were very concerned about it. Griffin, who seems

1 to have been the administrative point of contact between
2 the Christian Brothers and the Dominions Office for
3 payment of the Maintenance Agreements for the boys sent
4 out in '38 and '39 offered immediately to raise the
5 issue with the Christian Brothers directly, and was
6 discouraged by the Dominions Office from doing that
7 because they were aware that they wanted the follow-up
8 report that was then going -- that was then conducted by
9 Francis McAdam to be done before any further action was
10 taken, so I think they were not wanting to act too
11 swiftly before more information was gathered in
12 Australia.

13 Q But Griffin's response was to raise these issues
14 directly with the Christian Brothers.

15 A That's right, exactly, yes, so he clearly expressed
16 concern at that point about the issues that Cross was
17 raising.

18 Q And I think he is persuaded not to do so, but is there
19 any evidence that the Dominions Office had any
20 subsequent contact with Griffin?

21 A No, no we haven't -- we don't see anything about that,
22 and it appears that because the Dominions Office were --
23 took the view that there wasn't any need for urgent
24 action following McAdam's report, that I think there
25 seems to have been no further contact with Griffin in

1 terms of advising him that action was necessary.

2 Q And you go on to tell us that the Dominions Office made
3 Canon Craven aware of the criticisms made of the
4 Christian Brothers by Walter Garnett.

5 A That's right.

6 Q Particularly in relation to Castledare. Is that right?
7 And you set out Craven's response. Can you take us
8 through that?

9 A So it's very interesting what Craven has recorded as
10 saying, and one of the -- I think one of the key things
11 that Craven says to the Dominions Office in this meeting
12 is that there had always been an intention by Catholic
13 authorities in this country that they would send people
14 out to undertake a direct inspection of the Christian
15 Brothers Homes in the light of the Cross report, but
16 that they weren't prepared to send any more children to
17 Australia until they had undertaken their own direct
18 inspection of those institutions.

19 Q And if we read the extract you provided us with, what
20 you say there is:

21 "They were not satisfied with the conditions..."

22 "They", that's the Catholic Church:

23 " ... of those institutions and before they would
24 allow any children to go out to Australia a visit would
25 have to be paid to examine the conditions on the spot

1 and ascertain that the deficiencies were remedied".

2 That was the proposal at that time?

3 A That's right. That's correct.

4 Q And there is a reference to not being satisfied with
5 conditions at Castledare or at Tardun. That last
6 sentence there, in referring to paragraph 7(c) of the
7 report, he also said, and the, "He", here is Craven,
8 that he was quite aware that Brother Conlon required
9 watching and that it was necessary to see that the
10 Christian Brothers did not try to absorb the children
11 into their own institutions, rather than allow them to
12 freely choose their own vocation?

13 A That's right. Yes.

14 Q What is he getting at there?

15 A Yes, so I think that's a part of Garnett's report that's
16 referring to the retention of boys at Brothers'
17 institutions at the age at which you would normally
18 expect them to be placed out in work, where they would
19 be continuing to work at the institutions in some cases
20 without any pay at all, so there is a suggestion here,
21 I think, from Craven that -- of an awareness that the
22 Brothers may be using the Child Migration Scheme as
23 a way of building up their human resource in Australia
24 and that this isn't really what -- certainly not what is
25 intended in terms of how child migration was conceived

1 of, particularly in places like Tardun where it was
2 meant to be a place that would enable people to set up
3 their own farms after proper training.

4 Q Now, in the following paragraph, paragraph 5.4; you say
5 that in May 1946, Griffin, who was now the Archbishop of
6 Westminster, and Craven met with Archbishop Simonds, the
7 Archbishop of Melbourne and Brother Conlon who had come
8 to the UK on behalf of the Catholic Church in Australia
9 to make arrangements for the resumption of child
10 migration to the -- to Australia, and I think the
11 conclusion of that discussion was that an urgent meeting
12 of the CCWC was to be arranged.

13 A Yes.

14 Q At the meeting that took place in May 1946 you have
15 noted, I think, from what's been recorded that Griffin
16 and Craven did not raise criticisms made by Cross and
17 Garnett in this conversation with Simonds and Conlon.
18 Is that right?

19 A That's correct. So there is no evidence that, given the
20 concerns that had been expressed before, that that was
21 something that was raised with Conlon at all, and quite
22 the reverse, that actually rather than the reticence
23 that Craven was describing in that earlier quote we saw
24 that actually this meeting of the Catholic Child Welfare
25 Council, which normally met only on an annual basis

1 I think was arranged just a fortnight later.

2 Q The point you make in the next sentence, and I think
3 this is covered, I think, to some extent in the article
4 that you wrote and published quite recently, that it has
5 been claimed that Brother Conlon was also aware of cases
6 of sexual abuse of boys at institutions run by the
7 Christian Brothers before he made this recruitment trip,
8 and that he had also previously expressed concerns to
9 the Christian Brothers General Council at the slowness
10 with which Brothers' Provincial Council in Australia had
11 dealt with such cases. I think you do develop that in
12 your article?

13 A Exactly, yes.

14 Q But I think the point is that Conlon did have
15 connections with establishments at which abuse, physical
16 and sexual, had taken place.

17 A Yes. So we know that -- well, from the private report
18 done by Barry Coldrey, "Reaping the Whirlwind", there is
19 reference to Conlon's concerns about the slow treatment
20 of a case I think at Clontarf in the 1930s which I think
21 is actually when Brother MDJ was the principal at
22 Clontarf at the time in terms of someone against whom
23 allegations of sexual abuse had been made, but this
24 Brother wasn't being removed quickly enough from that
25 institution, Conlon thought, and also during the war

1 years as well, Conlon being aware of another case, not
2 in Western Australia of another -- problems with another
3 Brother with sexual abuse, so it's clear that he had
4 a more general knowledge, but also this may be something
5 that we -- if we look in more detail at issues with the
6 Christian Brothers' institutions in Western Australia,
7 when we look back at who was on staff when Conlon was
8 principal at Tardun in the late 1930s, there is
9 a significant number, I think it's six out of nine of
10 the Brothers who are individuals against whom
11 allegations of sexual abuse have been made at some
12 point, and there are certainly individual Brothers there
13 against whom allegations of serious physical abuse have
14 been made as well, and so it raises a question about --
15 certainly if Conlon was aware of the risks of sexual
16 abuse within the Order more generally, but also to what
17 extent he actually experienced things quite close at
18 home in terms of his own experience at Tardun.

19 Q As you say he was the principal at Tardun in the late
20 1930s?

21 A That's right. Yes. Yes.

22 Q We will look at that when we come to that article, but
23 here you indicate, then, that, at 5.5, that the CCWC
24 would normally meet on an annual basis but there was an
25 Extraordinary Meeting called and held on 13 June 1946

1 essentially to discuss the proposal that was being made
2 in relation to the resumption of child migration.

3 A That's right.

4 Q Now if I can put a copy of the minute on the screen, it
5 is at BEW.001.001 and it is at 0015. So we have that on
6 the screen, we can read the heading, "Strictly
7 Confidential", first of all, and then it is, "Minutes of
8 the Extraordinary Meeting of the Catholic Child Welfare
9 Council held at Archbishop's House, Westminster, on
10 Thursday, 13 June", and we have a list of those present,
11 including His Eminence, the Cardinal Archbishop of
12 Westminster, that's Griffin, of course, isn't it, and we
13 see the other names that are listed there. These are,
14 I think, including priests, including Monsignors, or
15 a Monsignor. These would be diocesan representatives?

16 A Yes. So these are the diocesan Child Rescue Officers
17 who would have primary responsibility in those diocese
18 for children's out-of-home care.

19 Q I think it's worth reading under the next heading,
20 "Child emigration to Australia", that they were
21 considering a copy of a letter from the Archbishop of
22 Melbourne and Brother Conlon concerning a proposed
23 scheme of emigration to Australia, but then Monsignor
24 Craven gives some history, and I will just read that:

25 "Monsignor Craven explained that emigration of

1 Catholic children from this country began in 1938 when
2 100 boys were sent to the Christian Brothers in Western
3 Australia".

4 So this is a pre war transportation?

5 A That's right. 1938, 1939. I think it was nearer 110
6 boys. Yes.

7 Q And we read on:

8 "The scheme for sending girls to Nazareth Houses in
9 Australia had not materialised. No great number of
10 reports had been received but we had reason to believe
11 the scheme was successful".

12 Now, of course, by now they had knowledge of
13 certainly the Cross report and the Garnett report, is
14 that right, by this time?

15 A Yes. Exactly. Yes. Yeah.

16 Q So one wonders what the basis for making that comment
17 might have been, notwithstanding the knowledge they had,
18 I think, of the criticism in these reports?

19 A Yes. I mean there may have been communication that
20 doesn't survive in the archives. We know that the
21 Archbishop of Western Australian, Redmond Prendiville
22 had written to the UK Government proposing quite an
23 ambitious expansion of child migration after the war
24 that Craven had just talked to the Dominions Office
25 about before, so there may have been some communication

1 with Prendiville around that but also it is likely that
2 Conlon would have been a source of information about
3 this if not before the meeting in May then at the
4 meeting in May as well.

5 Q We read on then, Monsignor Craven referred to a further
6 report from Brother Conlon stating that Australia wishes
7 to receive 70,000 migrants annually of which 17,000 are
8 to be children. That's annual quota?

9 A Yes. I think -- I mean, there are various errors here.
10 I think what he is referring to is the Australian
11 Government's plan to receive 50,000 child migrants, but
12 that was meant to be over two or three years, but
13 I think there seems to be a lack of clarity about the
14 details there, but what it does reflect, which I think
15 is an important context for this, is an awareness within
16 Catholic organisations in Australia that although the
17 assisted migration agreement with the UK Government and
18 Australia hasn't been renewed yet, it's going to be
19 soon, and what seems to be going on is that because the
20 original Australian Commonwealth Government proposal was
21 for child migrants to be placed in state-run cottage
22 homes in urban areas and it was found to be too
23 expensive to do that, there seems to have been a concern
24 within Catholic organisations that Catholic children
25 shouldn't be lost from Catholic institutions, and that's

1 why we see Prendiville starting to act on that I think
2 in 1945, and Conlon right at the start of 1946 is in
3 direct contact with Calwell trying to find out when the
4 assisted migration agreement -- and actually comes to
5 the UK to start recruiting children with Calwell's
6 blessing and with some letters of introduction from
7 Calwell, and I think it reflects a wider context of sort
8 of sectarian competition around child migrants as well,
9 so an important priority for the Catholic organisations
10 is around the preservation of a child's Catholic faith,
11 and the maintenance of a child in a Catholic residential
12 institution is seen as a good source of confidence that
13 that will happen, so they would much rather a child be
14 moved quickly to a Catholic institution in Australia
15 than go to a Fairbridge home or go out with the
16 Salvation Army. That was more a concern with adults,
17 but we also see that kind of sectarian competition on
18 the side of the Church of England as well through the
19 1950s and reference to their council's annual reports
20 about the concern about the effectiveness of Catholic
21 child migration as well, so that was a clear dynamic
22 operating in this period.

23 Q And in the following paragraph we read the Minister said
24 that migrant children would receive every opportunity of
25 selecting their own careers and no career would be

1 closed to them. That's a very positive message that's
2 being conveyed?

3 A Yes. I think that kind of reflects a learning from the
4 war years about trying to move away from the old
5 traditional, very traditional farm school model.

6 Q And you mentioned the sectarian theme. If we turn over
7 to page 2 of the minute, towards the top, Monsignor
8 Craven is noted as saying:

9 "Explained that this meeting was convened to discuss
10 this plan and that we must be prepared for the
11 possibility of our children being sent overseas by
12 non-Catholic societies -- such as the Fairbridge Scheme
13 which has centres in the colonies where children are
14 received and kept in settlements so that they are
15 isolated from the community and brought up as little
16 Englanders".

17 Is that expressing a concern that the Catholic
18 Church would be risking losing these migrants to the
19 Catholic Church?

20 A Yes. I think at some points there were, in political
21 discussions, slightly different views on the Fairbridge
22 Society because Fairbridge was officially
23 non-denominational but there was a concern that even
24 with a non-denominational organisation like Fairbridge,
25 that there was a risk that the children's distinctive

1 Catholic faith would not be preserved in that context.

2 Q And one of the participants, Father Hunting does raise
3 the Tardun report. He pointed out that at the last
4 ordinary meeting:

5 " ... we had received a rather unfavourable report
6 on the Tardun scheme which Canon Bennett agreed had left
7 us with a rather uneasy feeling about conditions in
8 Australia and we were later reminded of the
9 conversations at the Dominions Office reported at the
10 last meeting and the feeling expressed that
11 a representative from this council should first visit
12 Australia and report back before the scheme was
13 restarted".

14 It seems that Monsignor Craven has gone out of his
15 way to downplay the Tardun report because he is noted as
16 having said that complaints were not serious, such as
17 overcrowding and bad outfits, and were due to the war
18 situation, and that seems to have brought that
19 particular conversation to an end.

20 A It seems to have had a reassuring effect, and clearly
21 some of the problems at Tardun were related to the war
22 and the temporary closure of Clontarf, that contributed
23 to the over crowding there, but there were arguably
24 other issues that had been raised in the Cross report
25 around issues around after-care and the retention of

1 boys at Tardun without pay, which is what Craven had
2 referred to the Dominions Office about, which clearly
3 were about organisational issues that weren't
4 particularly to do with the war.

5 Q And if we turn to the next page, page 3, we have some
6 important exchanges here, I think, and this is, first of
7 all, I think it says, "Dr Healy, it may be Father Healy:

8 "He thought that it would be better for us to select
9 the children for Brother Conlon's approval, rather than
10 let him do the selecting", and Monsignor Craven said
11 that as the Bishops's representatives now we have more
12 control over all rescue work in the respective diocese,
13 it would be better if Brother Conlon gets in touch with
14 the representatives and not directly with the homes, as
15 he did in many cases under the former scheme, so Brother
16 Conlon had a track record, it would appear, of going
17 directly to the voluntary organisations and not going
18 through the diocese?

19 A Exactly, and I think we may -- I'm not sure if we will
20 look at this document later on, but I think there is
21 a sense around the time of the Curtis Report of a
22 tightening-up of processes within the Catholic Church,
23 and an attempt by Bernard Griffin to clarify the powers
24 of these diocesan officials to control issues relating
25 to children's out-of-home care, particularly, also, the

1 admission and discharge of children from residential
2 institutions run by religious orders, and I think as we
3 will go on to see shortly, following this meeting
4 Brother Conlon has the support of the meeting but is
5 explicitly told that he must work with diocesan
6 representatives in recruiting children.

7 Q And then we have Cardinal Griffin noted that he
8 suggested that Brother Conlon does not visit any home
9 unless accompanied by the bishop's representative, and
10 that he must notify the representative of his intended
11 visits?

12 A Yes. That's right.

13 Q So that's the Archbishop's position?

14 A Exactly. It is a very clear instruction. I think we
15 may -- I'm not sure if we will look at the document
16 itself later on, but a letter reported from Bernard
17 Griffin in the CCWC minutes later on which makes that --
18 those instructions quite explicit, more generally about
19 the control that diocesan officers have.

20 Q We may come to that, and just finally here, while we
21 have this on the screen, Father Sewell hoped that he
22 would give us reasonable notice so that there would be
23 time to consult regards, guardians, et cetera, and that
24 envisaged that there would be some research done on the
25 ground, so to speak, to see whether or not a particular

1 child should be selected?

2 A Yes. Now, I think that this does seem to me to be
3 a very important issue about why this instruction had
4 been given to work with diocesan rescue officers, and
5 I think in part it is about an attempt more generally in
6 that period to exert greater diocesan control as an
7 effort to try to achieve more consistent standards, but
8 this comment that Father Sewell makes does raise the
9 question as to whether these diocesan rescue officers
10 often had more records about why a child had been
11 admitted, including family contacts, which could then
12 have been consulted in terms of selection decisions in
13 relation to an individual child.

14 Q But generally speaking this meeting is seeking to
15 approve the resumption of child migration?

16 A Exactly, so although there are concerns expressed,
17 essentially there is a sense that this would be
18 a positive development and clearly it's one that Griffin
19 is broadly very supportive of as well, so it goes
20 forward.

21 Q But we had seen earlier that the suggestion had been
22 made that, really, Australia would have to be visited,
23 and that doesn't seem to feature here.

24 A It doesn't. It recurs in the -- when this issue is
25 discussed again at the CCWC's annual meeting, I think,

1 the following November, it then gets raised as an issue
2 then, but it drops off the agenda of this discussion,
3 and certainly Craven doesn't raise it here as something
4 that needs to be done.

5 Q And if we go back to your own report you discuss this
6 meeting in paragraph 5.6 and as you have just mentioned
7 a little while ago, that when Tardun was raised, that
8 Craven's intervention appears to have given sufficient
9 reassurance to the other members, and we just touched
10 upon the fact that Craven did not mention his view about
11 the need for the CCWC to do an independent inspection of
12 the Christian Brothers institutions, so that really had
13 fallen out of the scene, had it?

14 A It did, though in 5.7, as we have there, he did raise
15 this in the CCWC's normal annual meeting in November
16 1946 as something that had been raised and would need to
17 happen, and that's a view that he reiterated again in
18 a note of a private meeting that he had with officials
19 at the Dominions Office in January 1947.

20 Q But did it ever happen?

21 A No. It never happened.

22 Q Then can I go to the meeting for the -- the January
23 meeting? I'm sorry, this is the November meeting, 1947,
24 and this is at BEW.001.001.0112. We are on 116, if we
25 can just go back a few pages. 0116 is the page I want

1 to go to, but I will just put that in context. We can
2 perhaps just keep that on the board. This is the
3 minutes of the 17th annual meeting of the CCWC and the
4 date -- it spanned two days -- 19 and 20 November 1947,
5 and again the meeting is being chaired by the Cardinal
6 Archbishop of Westminster. We also have a Father Flint
7 now involved. Had he taken over from Griffin?

8 A He had, and this is --

9 Q I'm sorry not Griffin, was it --

10 A Craven. That's right.

11 Q -- from Craven?

12 A Another complex part of the organisational structures is
13 that although these issues were being discussed at the
14 CCWC, formerly Craven and Flint's role in relation to
15 negotiations with the UK Government was as
16 representatives of the Catholic Council for the British
17 Overseas Settlement which was an organisation that had
18 been formed, I think, in 1938 out of an amalgamation of
19 two previous Catholic emigration societies for England
20 and Wales, and it's not as big a -- the child migration
21 subcommittee of the Catholic Council for British
22 Overseas Settlement was the same membership as the CCWC,
23 so although they have different organisational
24 structures in terms of the way in which they are
25 relating to the UK Government, in practice it is the

1 same people, and I think it's kept -- the discussion is
2 kept very much within the CCWC because the concern is in
3 trying to maintain control around standards.

4 Q And I will come on to the page I want to look at in
5 a moment, but before we come to that we have a number of
6 pages covering other issues relating to welfare, for
7 example boarding out children's homes and so on, and
8 that tells us that this particular body, that child
9 migration was but one item of many items?

10 A Exactly. That's right. Yes.

11 Q If we then turn to the page that's on the screen, that's
12 at BEW.001.001.0116 there is, at section 12, a report on
13 child migration to Australia?

14 LADY SMITH: Which curiously begins with a subparagraph
15 headed, "Canada".

16 A Yes. That's the selling of an old children's home
17 there, that's right.

18 LADY SMITH: Title problems.

19 A Yes.

20 MR MACAULAY: And we then come to Australia and we see that
21 Father Flint reported a meeting of the Catholic Council
22 for British Overseas Settlement, so that's the CCBOS.

23 A That's right. Yes.

24 Q Now is that the organisation that would cover Scotland
25 and Northern Ireland?

1 A No. It is another level of complexity I'm afraid. So
2 the Catholic Council for British Overseas Settlement was
3 an organisation that covered England and Wales, and we
4 may --

5 Q That's right. I think the Scottish one had, "NI", at
6 the end of it.

7 A Yes. We will come on to this later on because I'm not
8 entirely sure about the independent existence of the
9 Scottish and Irish one but we will perhaps come back to
10 that later on.

11 Q So we are still in England and Wales?

12 A We are, yes.

13 Q But this was an organisation that did exist, whereas
14 there are question marks over the --

15 A About the Scottish one, yes, exactly.

16 Q So a report with his Eminence the Cardinal in April at
17 which it was confirmed that adult emigration would
18 continue in the hands of the CWD. The CWD? What is
19 that?

20 LADY SMITH: Where on the screen are we looking? I have
21 lost track. Thank you.

22 MR MACAULAY: CWL I think that is. We can think about that.

23 I will just look at your list of acronyms at the front.

24 A I think what it does reflect is that there were
25 different subsections within the CCBOS which would have

1 handled issues around adult and family migration and
2 child migration was a separate subsection which was
3 essentially controlled by the CCWC.

4 Q He goes on to say that:

5 " ... and child emigration continue to be controlled
6 by the CCWC. In all matters of principle concerning
7 emigration the approach to the Dominions Office is to be
8 made by the CCBOS. Of the £375 sterling allotted by the
9 Australian hierarchy, £300 was to be paid to the CWL to
10 cover their expenses".

11 Then Father Flint read the terms of agreement
12 between himself and the hierarchy of Australia, and then
13 we read on:

14 "He reported that there had already been three
15 sailings to Western Australia by which 226 children from
16 England and Wales and 111 from Scotland and Northern
17 Ireland had sailed", and these are the sailings that
18 took place in the latter part of 1947 that we looked at
19 yesterday?

20 A That's right. Yes.

21 Q I think the figures look a little bit different.

22 I think it may be right, actually, I think we came to
23 a total of about 338?

24 A No. It's 300 -- well, I think there is a bit of --
25 there does seem to be a bit of confusion. The shipping

1 list that the CEMWA sent back to England had 334
2 children on them, even though on there there were a few
3 children who they weren't entirely sure where they had
4 come from but this totals 337, so there is a little bit
5 of -- there is some discrepancy with the numbers here.

6 Q Just on that, looking at the shipping list, and this is
7 an exercise you yourself have done, you have looked at
8 these shipping records?

9 A That's right. For those parties, yes.

10 Q And really pored over them and done the calculations?

11 A Yes. Yes. That's right. Yes. So it is from those
12 shipping lists sent back by CEMWA, that's how we know,
13 because they list which institutions children were sent
14 to, so it's from those that we know that too many young
15 children were sent to Castledare or below the age limit
16 because the age of each child is listed there as well.

17 Q So they are a very useful source of information?

18 A They have been, yes.

19 Q We go on to say that -- it doesn't actually tell us how
20 many were from Scotland separately?

21 A I think it is 111 I think.

22 Q Scotland and Northern Ireland?

23 A Oh I see what you mean. Sorry. Yes.

24 Q You say that Father Quille was responsible for migration
25 from Scotland and Northern Ireland, nominations had now

1 been received from Sydney and New South Wales, and he
2 asks secretaries to include birth and baptismal
3 certificates with their application, and Canon Smith
4 asked "if we were satisfied that conditions in states
5 other than Western Australia were good", and the
6 response is that the position had been very strongly put
7 to Brother Conlon and a great deal had been done as
8 a result. He said that he would be visiting Australia
9 within a year and would keep the matter in hand, and
10 then there is some suggestion about the -- of another
11 sailing, so they were now saying that the emigration
12 process is now happening, essentially, by this time.

13 A That's right, and there is still this stated intent in
14 this meeting here that this inspection visit would take
15 place, but it -- as far as we know there is no record
16 that it did.

17 Q I'm looking for that. Where do we see that?

18 A It's -- the typeface isn't very good. It says, "The
19 chairman said that the position had been very strongly
20 put to Brother Conlon and a great deal done as
21 a result", and then the chairman says, "He said that he
22 would be visiting Australia within a year and we will
23 keep the matter in mind".

24 Q Indeed.

25 A Yes.

1 LADY SMITH: And the context for that, of course, was that
2 they had been discussing the conditions at the receiving
3 end.

4 A That's right. Yes. Yeah.

5 MR MACAULAY: If you look at paragraph 5.8 on page 462 of
6 your report, there you mention the 340 children that we
7 spoke about yesterday, and there had been contact with
8 Craven, and then you go on to say:

9 "It's not clear whether this contact with Craven was
10 made. It is clear, however, that firm arrangements have
11 already been made prior to this by Brother Conlon, the
12 Sisters of Nazareth and Canon Flint for the migration of
13 children to these institutions".

14 A So although Craven had been regularly saying that this
15 inspection would need to take place before the children
16 were sent, when the Commonwealth Relations Office were
17 then satisfied that they would approve these
18 institutions they thought to contact Craven to say,
19 "Don't worry, we've had these independent reports, you
20 don't need to do that visit", but by then all the
21 arrangements had been made anyway by the Catholic
22 sending bodies, so they proceeded without that
23 reassurance from the British Government.

24 Q And you do say at 5.9 that the lack of direct inspection
25 of Catholic receiving institutions continued to be

1 raised by members of the Catholic Child Welfare Council.
2 It's been accepted on behalf of the Catholic Church for
3 England and Wales that no such inspections ever took
4 place?

5 A That's right. So there are later meetings in which that
6 issue is brought up by members of the council, but that
7 independent visit from the council never seems to have
8 taken place.

9 Q The point you make at 5.10 about the administrative
10 processes through which Catholic child migration from
11 England and Wales occurred from the autumn of 1947 are
12 at times difficult to discern, can you just explain what
13 you mean by that?

14 A I think in that paragraph we are looking a little bit at
15 the relationship between the Catholic Council for
16 British Overseas Settlement and the CCWC, and the
17 overlap between the two there, but I think what that --
18 in that case what that contributed to was perhaps
19 a degree of lack of clarity on the part of the UK
20 Government as to who they were actually dealing with
21 organisationally. I'm not sure in administrative terms
22 it made that much difference, but it meant that although
23 the discussions were formally happening in CCWC
24 meetings, the UK Government believed that the
25 organisation it was dealing with was the CCBOS and that

1 the funding agreement that it would set up in due course
2 would be with the CCBOS.

3 Q And I think you also make the point that the Women's
4 Group was rather confused on this as well in that they
5 also believed that it was the CCBOS who was the lead
6 body?

7 A Yes, I think that's right. I mean, I think, having
8 given sort of more thought to this, I think in the
9 scheme with some of the other issues with these systems
10 I think it's not the most problematic issue, because in
11 practice these two groups of people were the same
12 committee, and I think it may have been more a case of
13 wanting to maintain an existing relationship with the UK
14 Government for the migration work, because it had been
15 the CCBOS that had been the formal sponsor of the
16 parties in 1938 and 1939 to Tardun and the other
17 institutions.

18 Q In relation to the selection process that was happening
19 at this time, do we have any insight into how that was
20 being arranged or managed?

21 A Yes. So following the CCWC meeting in June 1946,
22 Brother Conlon received a formal letter from the
23 secretary of the CCWC confirming their support for his
24 migration recruitment work, but that he would be
25 required to go through diocesan Child Rescue Officers.

1 Q Yes?

2 A At the start of October 1946 Archbishop Simonds then
3 wrote to the secretary of the CCWC giving an update of
4 Conlon's work saying that he had been working with
5 diocesan officials and had identified 260 children
6 suitable for migration, and then lists the institutions
7 that these children had been identified from, and
8 I think the numbers from each institution, and we may go
9 on to this a little bit later on, but what's striking is
10 that when we compare that list of the children that
11 Conlon is said to have agreed with the diocesan
12 administrators and the children who actually go in 1947,
13 there is actually not a great deal of overlap between
14 the two, and a much higher proportion of children in the
15 1947 parties that actually go come from Sisters of
16 Nazareth institutions compared to the list that Simonds
17 sends to the CCWC in 1946.

18 Q You then begin to look at the Scottish position at
19 paragraph 5.12, and you begin by saying that a parallel
20 administrative structure appears to have operated for
21 the migration of children from Catholic institutions in
22 Scotland during Conlan's recruitment trip in 1946, and
23 in particular you make reference to a meeting in July
24 1946 between Conlon, Lady Margaret Kerr who was involved
25 in a review of Catholic juvenile migration to Canada in

1 the 1930s and Father Quille and perhaps I could look at
2 the note of that meeting, and that's at
3 BSC.001.001.0220. We now have that on the screen, and
4 it begins by telling us that this is a confidential
5 meeting held in the Catholic Enquiry Office at Edinburgh
6 on 19 July and the people mentioned in your report are
7 mentioned there?

8 A Exactly. Yes.

9 Q And do we have any background as to how this meeting
10 came about?

11 A No. We couldn't see anything -- this is the first
12 document in the archives that begins to help us to
13 understand what was going on with arrangements for the
14 Catholic migration of Scottish children.

15 Q But we can read at paragraph 1 that Brother Conlon,
16 a member of the Christian Brothers appointed by the
17 hierarchy of Australia to deal with child and adult
18 emigration to that country outlined briefly his policy.
19 He has had the approval of His Eminence, Cardinal
20 Griffin, and the whole hearted support of the committee
21 appointed by him and this committee is composed of
22 representatives on the Child Welfare Council for England
23 and is instructed to explore the matter, and then at 3:

24 "The Catholic Child Welfare Council in England has
25 instructed Brother Conlon that their representatives

1 will do liaison between Brother Conlon and the
2 hierarchies in England and Wales. They have given him
3 particulars of Catholic homes and orphanages and on
4 a date to be decided he shall visit and be shown round
5 by a representative of the council to carry out the work
6 of selection".

7 Now just on that, that envisages that the CCWC
8 representatives would be involved in Brother Conlon's
9 visits to these homes. Is that right?

10 A That's right. That's clearly being communicated to
11 Father Quille there.

12 Q And so far as the selection process is concerned, we are
13 told that that would involve an intelligence test which
14 will be carried out by Brother Conlon. Do we know what
15 expertise he may have had to do such a test?

16 A I'm not entirely -- I mean, I would say that the
17 Brothers are a teaching order, so -- and would have been
18 associated with sort of elite teaching institutions in
19 Australia, so it may not be quite as outlandish as it
20 may appear.

21 Q And a medical examination by duly appointed medical
22 officers, and then we read that Australia is anxious to
23 get children, boys and girls, from the age of five to 14
24 as near five as possible, so the proposal here is
25 a pretty wide range in age, but very young children

1 also.

2 A Yes. I think that, again, reflects the idea that it is
3 best to kind of assimilate children into Australia at
4 a very early age.

5 Q And we are given some information about the inauguration
6 of the scheme and the cost, it was to last for eight
7 years in which it was proposed to spend £74,000, and
8 then if we move on to the next page, 0221, it was first
9 proposed by the Government to receive 70,000 migrants
10 annually, including 17,000 children and those are the
11 numbers we've seen already being mentioned to the CCWC,
12 and at 8:

13 "Brother Conlon has already received letters from
14 Archbishop Campbell".

15 I think he was the Archbishop of Glasgow?

16 A That's right. Yes.

17 Q " ... giving him authority from the Scottish hierarchy
18 to visit the homes in their Dioceses".

19 Just looking at that comment, and one appreciates it
20 is a note made in a Minute, it's not suggested there
21 that Brother Conlon, unlike the position in England,
22 would require to have a diocesan representative with
23 him.

24 A That's right, so that requirement doesn't seem to have
25 been made there.

1 Q And we then note that Brother Conlon visited Britain in
2 1938 and took 110 children from Britain and we've seen
3 a slightly different figure elsewhere, but if we move
4 down, we read at 12:

5 "Approved schools to be avoided", so presumably
6 because it was thought that in approved schools, one
7 might come across children who had particularly
8 difficult pasts?

9 A Exactly, yes, yes, and who might present behavioral
10 challenges in Australia. Sorry, just to go -- mention,
11 because I have a slightly uneasy feeling about the
12 clause earlier about the children as near to five years
13 of age as possible. I don't recall the Commonwealth
14 Government making that particular point, I think there
15 was a general view that it was better for children to be
16 somewhat younger than in their early teenage years, but
17 that phrase, "As near as five as possible", I don't
18 recognise, I don't think, from any Commonwealth
19 Government document which would raise questions to me as
20 to why that was being emphasised here.

21 Q And there is also a point made at 14 that presumably
22 emigration was being said, might be the answer to the
23 breakdown of the boarding out system, just was there
24 some -- well, do you know if there was some sense that
25 the boarding out system was -- also had broken down?

1 A I'm not aware of a particular context of that in
2 Scotland. I mean I think certainly in policy
3 discussions in England and Wales there were problems
4 with supply of suitable -- because the Catholic Church
5 was very keen, and this was something that was expressed
6 as a minority view within the Curtis Report, the
7 Catholic Church was very keen for children only to go to
8 Catholic foster homes. There was a limited supply of
9 that, I think partly the demographic and economic
10 reasons, and also because often the Catholic diocese
11 didn't have the workers to actually go out and monitor
12 and recruit foster families, so I think that -- it's
13 possible that it is alluding to something similar in
14 Scotland here, it is an aside, but the Curtis Committee
15 actually sanctioned -- criticised an anonymous
16 organisation in its report who it said -- told it that
17 it was boarding children out up to the age of five and
18 then putting them in residential care, and it became
19 clear when you read the minutes of the evidence
20 presented to them that that is the CCWC, so the CCWC was
21 saying that, "Because we haven't got enough foster care
22 available what we do is put children in foster care for
23 the first five years of their life and then in
24 institutions after that".

25 LADY SMITH: Although there did come a time that boarding

1 out was running into problems. There was some very
2 harsh treatment of children in the Highlands. I'm just
3 trying to date that, but it could --

4 A That was mentioned in the Clyde Report. That was
5 criticised in the Clyde Report.

6 LADY SMITH: Yes.

7 MR MACAULAY: And the next paragraph we read that some
8 Anglican and other committees are also parties to the
9 scheme:

10 "It is therefore more urgent than ever to reclaim
11 our children now from non-Catholic voluntary homes".

12 Again, this sectarian theme prevalent?

13 A And this, I think, is probably why both this minute and
14 the CCWC meeting in June 1946 are both marked,
15 "Confidential". I think it's actually to prevent this
16 discussion spreading out to other non-Catholic migration
17 agencies through whom Catholic children might get sent.

18 Q There is a sort of sectarian race to migrate children?

19 A Yes, that's right, and it does generate this sense of
20 urgency about the movement of these children which is
21 then reflected in some of the issues we see about the
22 1947 parties going out perhaps in the volume that they
23 did.

24 LADY SMITH: It's difficult, isn't it, it looks so stark
25 when you see it written in black and white, and yet this

1 was coming from people who genuinely thought that this
2 was the one true faith and what they should do is keep
3 the children who have been born into that faith within
4 the faith.

5 A Yes, and, I mean, this is kind of pre Vatican II
6 theology, so very much a belief that the church was the
7 means of salvation and if you lost a child of the
8 church that was a matter of potential loss of their
9 eternal faith so it was an absolute priority. Yes.

10 MR MACAULAY: And then if we finish off the minute then at
11 16:

12 "The consent of the parents or guardians is
13 necessary".

14 That's expressed in a fairly absolute way, and then
15 at 17:

16 "The scheme in the future will give migrant
17 children greater opportunities and educate them for
18 a wider range of opportunities".

19 Again, that finishes on a fairly positive note?

20 A Yes. That was part of the -- one of the strengths of
21 the Christian Brothers schemes, as we saw yesterday,
22 arguably, compared to Fairbridge.

23 MR MACAULAY: My Lady, that's just on 1 o'clock.

24 LADY SMITH: We will rise now for the lunch break. Thank
25 you very much, Gordon.

1 (1.00 pm)

2 (Luncheon adjournment)

3 (2.00 pm)

4 LADY SMITH: Welcome back Gordon.

5 A Thank you.

6 LADY SMITH: Is it all right if we return to your evidence?

7 A Absolutely. Yes.

8 LADY SMITH: Mr MacAulay?

9 MR MACAULAY: My Lady.

10 Before lunch we started to look at the position of
11 the Catholic Church and had focused on those who were
12 participating in child migration. In your report, it is
13 towards the top of page 465 of the report, you draw
14 attention to a letter from the secretary to the,
15 I think, Archbishop of Birmingham to Conlon and I just
16 want to look at that. So it will come on the screen.
17 It is at BSC.001.001.0852, and this is a letter dated 14
18 July 1946, so that would have been after the
19 confidential meeting?

20 A That's right. This is the follow up letter confirming
21 the council's support for his work.

22 Q We see it is from the Archbishop's House and it has been
23 signed by his secretary, but it is addressed to Brother
24 Conlon, and it is dealing with Child Migration to
25 Australia and it begins by saying, "I'm instructed", et

1 cetera, et cetera, and in particular that the bishops of
2 England and Wales have agreed to allow their
3 representatives to act on their behalf in the selection
4 of children for emigration and in matters connected
5 therewith, and it goes on to say that he was enclosing
6 a directory containing the names and addressees of the
7 bishop's representatives. The whole context of this is
8 that Conlon is to be involved in migration, but only
9 with the bishop's representatives being at his side,
10 effectively?

11 A That's right. Exactly.

12 Q And perhaps the penultimate paragraph:

13 "You will see from this that there will be no
14 necessity for you to send a circular letter to the
15 Catholic Homes in England and Wales the draft of which I
16 return herewith".

17 The point I want to raise with you is this; clearly
18 Conlon had proposed to send a circular letter in
19 connection with he himself visiting these places but he
20 has been told that's not required?

21 A There seems to be fairly careful management of his
22 approach to the residential institutions, yes.

23 LADY SMITH: I have the image of an unruly dog being put on
24 a lead.

25 A Yes. Attempting to, yes.

1 MR MACAULAY: And the letter goes on to say:

2 "Nor will you require a letter of introduction to
3 the bishop's representatives as I'm doing that for you".

4 So the purpose in putting that before you, Gordon,
5 is that we don't find anything similar to that in the
6 dealings of the Scottish hierarchy with Conlon in
7 Scotland?

8 A No. I suppose in terms of the safeguards that are
9 implied here, there is no such thing done in Scotland.
10 We tried to understand this through the process, and
11 I think I'm not entirely clear that there were actually
12 comparable roles to these diocesan Child Rescue Officers
13 in the Scottish diocese, although there are obviously
14 Social Services committees that we have minutes for, but
15 certainly there is no requirement for that kind of
16 oversight in terms of the Scottish selections.

17 Q And if we look -- read on in paragraph 5.13 in the
18 report, your report, I think you have noted that Brother
19 Conlon appears to have initially focused his recruitment
20 work in England and Wales and Northern Ireland, and by
21 October 1946 is not recorded as having recruited any
22 children from Scotland, but by April 1947 Father Quille
23 was beginning preparations for contacting local
24 authorities in Scotland about the possible recruitment
25 of Catholic children under the care of those

1 authorities, and then you tell us that in May 1947 there
2 is a formal agreement between the Australian Catholic
3 hierarchy and Father Quille. Is that right?

4 A That's right, so this is similar to an agreement we
5 actually saw before lunch being written about in terms
6 of essentially a funding agreement from the Catholic
7 Bishops Conference in Australia to fund administrative
8 costs to support Catholic emigration from the United
9 Kingdom.

10 Q And we can perhaps, then, put that on the screen as
11 well. It is at BSC.001.001.0865. Yes.
12 BSC.001.001.0865. Well, I'm looking at a two-page
13 document. You will be familiar with it. I will just
14 highlight a number of particular points, but it is an
15 agreement between the hierarchy of Australia, the Most
16 Reverend JD Simonds and you have mentioned him before,
17 Archbishop of Melbourne, and the Reverend PF Quille,
18 Secretary, Catholic Council for British Overseas
19 Settlement for Scotland and Northern Ireland so that's
20 the organisation I think that I misspoke about before,
21 and it is the CCBOS S and NI?

22 A That's right. Yes.

23 Q And was that an organisation that existed then, so far
24 as you are aware?

25 A I have to say it is somewhat unclear. I mean, I think

1 there is a wider issue here in terms of how we interpret
2 absent material within archives, and, for example, in
3 relation to CCBOS for England and Wales the archive for
4 that organisation we established through IICSA seems to
5 have been lost or disposed of, but certainly isn't
6 available any more, but one of the differences between
7 the organisation for England and Wales and the
8 organisation for Scotland and Northern Ireland is that
9 we see traces of references to the England and Wales
10 organisation in other archives, so we see it referred to
11 in UK Government archives, we've seen it referred to in
12 the CCWC committee minutes before, but CCBOS of Scotland
13 and Northern Ireland I don't think we found any
14 references to in any other archives. It's possible, of
15 course, that it was an organisation for which we've just
16 lost all archival traces. I have to say I also wonder
17 whether -- what may have happened here is that Conlon
18 and Simonds may have assumed that an administrative
19 structure that was in place in England and Wales would
20 simply be transposed into Scotland, and part of the
21 reason I say that, I checked back at the LEM 3 forms,
22 and sometimes Conlon signs -- the sponsoring
23 organisation is the Catholic Child Welfare Council for
24 Scotland or the Scottish Catholic Child Welfare Council
25 and I think our understanding is that there was probably

1 no such organisation, so he may have assumed that -- we
2 know from other things in the interwar and during the
3 war years that he wasn't a very careful administrator.
4 There are other problems which arose with his
5 administration of the child migration schemes, and so he
6 may have assumed that organisations with which he was
7 familiar in England and Wales would simply be the
8 organisations that he would refer to in Scotland, and it
9 may -- the impression is that Father Quille does seem to
10 have been delegated this work by the Scottish Bishops
11 Conference, and clearly is discussing this work, we've
12 seen, in Archdiocesan minutes for the Social Services
13 Committee for Edinburgh, but we can't see any other
14 references to this organisation at all which may mean
15 that they thought, possibly, they were constituting this
16 organisation at the point of signing this agreement, but
17 we can't see any way in which it was structured or any
18 way in which it operated in relation to child migration,
19 and rather like the CCWC minutes before lunch, the
20 impression is that it's very much individual work that
21 Father Quille is doing with the co-operation and support
22 of the wider Scottish Bishop's Council, but the
23 organisational infrastructure through which he is doing
24 that is actually not very clear.

25 LADY SMITH: Sorry, so this funding that was agreed that you

1 refer to in 5.13, who was the recipient of that funding?
2 I'm just following through your thinking about there may
3 have been some confusion over whether there was
4 a separate Scottish child welfare organisation or not,
5 or the CCBOS was actually just part of the overall
6 CCBOS. Was that Scottish money or that generally?

7 A That's right. That would have been money for Scotland,
8 so it is separate to the grant made to the CCBOS for
9 England and Wales.

10 Now, whether -- because we see later on in minutes
11 of the Scottish Bishops Conference, I think in 1948,
12 that they are keen for the money -- this arrangement to
13 be renewed and a renewal of this funding, so whether in
14 some way that would have come through to the Scottish
15 Bishops Conference that's possible, but the exact
16 mechanisms aren't known to us.

17 MR MACAULAY: The agreement that I have in front of me goes
18 on to say that the Australian hierarchy is prepared to
19 transmit to the Reverend PF Quille, Secretary Catholic
20 Council for British Overseas Settlement, the sum of £500
21 Australian currency, and then it is to be utilised by
22 him for the following purposes, so the money here was
23 coming from the Australian hierarchy directly to Father
24 Quille.

25 A Yes. That's right, yes. Yes.

1 Q And the purposes of this payment was for the payment of
2 a secretary to deal with the Australian Catholic
3 migration scheme for Scotland and Northern Ireland for
4 a period of 12 months?

5 A That's right, and there seems to be, I think, some
6 indication that this was operating out of the Catholic
7 Enquiry Office in Edinburgh.

8 Q Yes. Well, I may come to that, but there is also the
9 prospect of renewal as the work continues?

10 A Yes.

11 Q And the work was to start from 1 June 1947, and it was
12 to meet all advertising and other secretarial expenses
13 connected with the scheme?

14 A That's correct.

15 Q So that was the purpose of the £500?

16 A That's right. Yes. Yeah.

17 Q And we are also given some information about the duties
18 of the secretary and in particular with the permission
19 of the bishops and priests concerned to keep in touch as
20 far as possible with the various Catholic centres in
21 Scotland and Northern Ireland in which prospective
22 Catholic children and adult migrants are likely to
23 exist, so it wasn't just limited, then, to child
24 migration?

25 A No. No. That's right, and that reflected the work of

1 the Federal Catholic Immigration Committee which wasn't
2 just a child migration organisation, it was concerned
3 with adult and family migration as well.

4 Q And another duty on the part of the secretary was to
5 forward the names, ages, addresses and other necessary
6 details of the prospective migrants to the Catholic
7 migration secretaries in the various states in Australia
8 in which the intended migrants intended to settle, so
9 that gives us an idea as to what was covered by this sum
10 of money which was renewed on an annual basis.

11 A Yes. Yeah.

12 Q Do we take from that that clearly Father Quille had
13 a mandate from the Scottish hierarchy but he also had
14 a mandate from Northern Ireland?

15 A I'm not sure about that either. We don't have any
16 archival -- I mean, the archival material relating to
17 any decision-making around this is really quite limited,
18 so there is no evidence of any direct contact with
19 Northern Ireland, and I have to say that the -- most of
20 the children, or virtually all of the children recruited
21 from Northern Ireland came from Sisters of Nazareth
22 Houses and recruitment there had started in the autumn
23 and winter of 1946, so that had begun before this
24 arrangement was set in place, so if Conlon was working
25 partly on the basis of direct contact with Sisters of

1 Nazareth institutions that may have been how that was
2 happening in relation to Northern Ireland possibly
3 rather than contact at the level of Bishops Conferences
4 because we don't have any archival material relating to
5 that.

6 LADY SMITH: Where was Father Quille based?

7 A I think in Edinburgh.

8 LADY SMITH: Yes. I think so. I think we had an earlier
9 indication of him being Edinburgh-based, didn't we.

10 MR MACAULAY: There was a Catholic Enquiry Office at 6,
11 India Buildings.

12 LADY SMITH: Top of Victoria Street.

13 MR MACAULAY: Which I think shut down in about 1950 or
14 thereabouts.

15 A Yes. Well, I'm not sure about the Catholic Enquiry
16 Office itself, but certainly the office that was dealing
17 with child migration shut down in 1950.

18 Q I think what you tell us in 5.13 and I think we noted
19 this when we looked at the minute of the meeting of the
20 CCWC in 1947 that Quille's responsibility for the
21 emigration of children from Scotland and Northern
22 Ireland was understood and recognised by the CCWC?

23 A That's right. Yes.

24 Q Now, the 58 children that were migrated from
25 institutions associated with the Sisters of Nazareth in

1 Northern Ireland, was that -- is that -- are you
2 suggesting there in paragraph 5.14 that that was through
3 the auspices of Quille and Conlon?

4 A It was definitely through the auspices of Conlon, and
5 I think the point I was making there was that if this
6 organisation did exist, it would potentially have had
7 responsibility for the welfare of children from Northern
8 Ireland as well of whom a number have given evidence
9 about physical and sexual abuse to the Historical
10 Institutional Abuse Inquiry. From memory I can't
11 remember Quille -- certainly Quille's signature I don't
12 recall being on any LEM 3 forms for children emigrated
13 from Northern Ireland.

14 Q Can I just look at that aspect of it? You do discuss
15 that in paragraph 5.15 and in particular that you tell
16 us that you did analyse a significant number of these
17 forms. Were these as part of this Inquiry or was that
18 part of your general research?

19 A No, I did -- I did quite extensive analysis of this for
20 the Independent Inquiry into Child Sexual Abuse because
21 we were wanting to look at patterns of consent with
22 that, but then I looked at that again and had some
23 additional LEM 3 forms provided to me by this Inquiry as
24 well, so I was looking at that specifically at the
25 Scottish children for this Inquiry, but I already had

1 data on the Northern Ireland LEM 3 forms as well.

2 Q And as far as your report goes to say, is that you
3 looked at the LEM 3 forms for 110 children migrated from
4 Scotland and Northern Ireland in 1947. Is that right?

5 A That's right. Yes.

6 Q So I take it if there is 110 children there would be 110
7 forms.

8 A That's right. Yes.

9 Q And can you just tell us what your analysis -- what you
10 found in that analysis? I think I can say that we also,
11 within the Inquiry, have an ongoing analysis of these
12 forms as we come across them, but so far as the 110 is
13 concerned, what did you find?

14 A There are anomalies here that I haven't seen in any of
15 the other Child Migration Schemes at all in terms of the
16 names given to the sponsoring organisation for children,
17 so Conlon -- so the form you recall has an initial
18 section where someone signs on behalf of the sponsoring
19 organisation which is separate to the consent signature
20 later on in the form, and so this was an analysis
21 looking at the name of the organisation which was
22 formally identified as the organisation sponsoring the
23 child's emigration, and so Conlon signs -- the forms
24 that Conlon has signed, the names of the organisations
25 that are listed there include the Catholic Child Welfare

1 Council, the Catholic Child Welfare Council for
2 Scotland, the Scottish Catholic child -- sorry -- the
3 Scottish Catholic Council for child welfare or the
4 Catholic Council for British Overseas Settlement and I
5 seem to remember that actually, on Conlon's forms some
6 of the children from Northern Ireland are signed out in
7 the name of these organisations from Scotland whose
8 existence we are not at all clear about, but the forms
9 signed by Father Quille use the name, "The Catholic
10 Child Welfare Council", the Catholic Child Welfare
11 Committee and in some cases the Scottish Catholic
12 Migration Society for Australia. I suppose there are
13 two things that are curious here. One is just the sheer
14 plethora of different organisational names here which
15 isn't repeated in any other emigration scheme in this
16 period, and seems at best to reflect -- I don't think it
17 is plausible to suggest that there were these different
18 organisations running parallel in terms of the migration
19 of children in 1947, so I think we have to assume that
20 not all of these were in existence. We can see that
21 some of them may have been just a misremembering of the
22 names, so Catholic Child Welfare Council and Catholic
23 Child Welfare Committee aren't that different.

24 Q Well, that was Quille?

25 A Quille, that's right, so you can sort of understand that

1 as a kind of him not really remembering the name of the
2 organisation, but the Scottish Catholic Migration
3 Society for Australia doesn't seem to be something that
4 exists at all, so there is a curious thing in which we
5 have this plethora of names being used which don't
6 actually seem to map on to an organisational structure
7 that we can evidence at all, apart from the Catholic
8 Child Welfare Council which -- and this is the other
9 curiosity -- that Conlon and Quille have forms where the
10 sponsoring organisation is identified as the Catholic
11 Child Welfare Council but where that's clearly a body
12 whose remit extends only to England and Wales, and it's
13 not clear, given that neither of them are actually
14 officers of that council, on what basis they would have
15 had the authority to do that.

16 There is another complication with the LEM 3 forms in
17 that on some forms from memory the Catholic Child
18 Welfare Council looks like it has been written in by
19 someone else after Conlon has signed them, so it's not
20 entirely clear, even whether Conlon made that signature
21 or whether that was done at a later administrative
22 stage, perhaps by Flint or someone else, so there is
23 a remarkable confusion about organisational structures
24 here which is not replicated in other schemes.

25 Q I think what you say in the report in relation to the --

1 I think is it the Scottish Child Welfare Council for
2 Scotland, there was an Inquiry made, I think, of the
3 Scottish Catholic archives as to whether such an
4 organisation existed, and I think you referred to the
5 letter in footnote 2474. Is that right? At 5.16:

6 "It is our understanding that no evidence has been
7 found of the existence of organisations called the
8 Catholic Child Welfare Council for Scotland or the
9 Scottish Catholic Migration Society for Australia"?

10 A That's right, because we did ask for a check of this to
11 be made.

12 Q I think that was a letter from the archivist of the
13 Scottish Catholic Archives to say that they could not
14 find any evidence of the existence of these
15 organisations?

16 A Yes. I'm not sure about that looking at that footnote
17 because of the date of it, but we did -- I remember we
18 did go back and check that, but we certainly also have
19 had, obviously, copies of relevant archival materials
20 provided, and we've checked those as well.

21 Q And of course it is the case, although I think Brother
22 Conlon signed the Catholic Child Welfare Council which
23 was a body that did exist --

24 A That's right, yes.

25 Q -- that -- the jurisdiction of that body was England and

1 Wales?

2 A That's right, yes.

3 Q And not Scotland?

4 A That's right, yes.

5 Q And on the face of it, I mean, did Conlon have any
6 authority from the CCWC to sign on their behalf?

7 A I suppose, well, I suppose you could look back at the
8 letter that we've just seen from July 1946 and think in
9 one way he would have done if that had been done with
10 the bishop's representative, but if, as may have been
11 the case, he was actually just recruiting, going to the
12 Sisters of Nazareth directly and recruiting children
13 from them which I don't think he did in every diocese
14 but may have done in some, then obviously he wouldn't
15 have been doing that with the authority of the council.

16 Q One organisation that did exist was the Australian
17 Catholic Immigration Committee, the ACIC.

18 A Yes.

19 Q And you look at that in paragraph 5.20 on page 467 of
20 your report, and that did become the recognised Catholic
21 organisation by the United Kingdom Government for
22 sending child migrants abroad under the Empire
23 Settlement Acts?

24 A That's right. There was quite an extensive discussion
25 between Australian and Catholic administrators and the

1 CCBOS as to whether -- because normally the recognised
2 organisation would be based in the United Kingdom but
3 that -- the Catholic hierarchy in Australia made the
4 argument that it was better just for payment to be made
5 directly to them and would be more efficient to do that.

6 Q Now, at the top of page 468, what you say is that both
7 the CCBOS S and NI administrative address in the Catholic
8 Enquiry Office on Victoria Street, Edinburgh, and its
9 administrator who had dealt with child migration work,
10 and you mention her name, appeared to have transferred
11 over to the ACIC under the direction of the first ACIC
12 administrator, Father Nicol.

13 A That's correct. Yes.

14 Q So what was the relationship then that was set up there?

15 A Between the previous arrangements and the ACIC?

16 Q Yes.

17 A Well, it is a little bit difficult to say
18 organisationally because we're not entirely sure what
19 the status of the CCBOS S and NI was, but certainly what's
20 clear is that Father Quille was taking an administrative
21 lead in terms of the management of that migration work,
22 including child migration, and that he was also
23 reporting back certainly to the Social Services
24 committee for the Archdiocese of Edinburgh, and this
25 administrator working under him was dealing with more of

1 the every day paperwork and it appears that certainly
2 initially, both Quille and the secretary continued doing
3 that work, and confusingly in that period he still seems
4 to be signing LEM 3 forms on behalf of the Catholic
5 Child Welfare Council although the Australian Catholic
6 Immigration Committee is now the formally -- is becoming
7 the formally recognised organisation, and Father Nicol
8 primarily is really being based down in London, so
9 Quille still does seem to retain some involvement, but
10 formally that office from 1948 to 1950 in Edinburgh
11 operates under the auspices of the Australian Catholic
12 Immigration Committee.

13 Q Yes, and I think we touched upon this earlier, that
14 office closed in 1950?

15 A That's correct.

16 Q So the ACIC thereafter transferred all its operations to
17 London?

18 A That's correct. Yes.

19 Q And you point out that from this point there are no
20 archival records relating to child migration held by the
21 Catholic Church in Scotland?

22 A That's correct.

23 Q Now let's then look at monitoring, because at 5.21 you
24 say that no systemic monitoring of child migrants'
25 welfare appears to have been undertaken by anybody of

1 the Catholic Church in England and Wales or in Scotland,
2 and you go on to tell us what was found by the
3 Independent Inquiry into Child Sexual Abuse, so what was
4 the position there in relation to monitoring and
5 evidence of monitoring?

6 A So we mentioned before lunch that the issue of the
7 independent inspection of Catholic institutions in
8 Australia particularly relating to the Christian
9 Brothers had been periodically talked about at meetings
10 of the Catholic Child Welfare Council, and that was one
11 level of monitoring that was discussed but that never
12 took place. Certainly Canon Flint with the Catholic
13 Child Welfare Council was aware of the interest of the
14 Home Office in monitoring systems because he was
15 consulted by the Home Office in 1946 -- sorry -- 1949
16 when it was undertaking its survey of sending
17 organisations, about their working practices, and so
18 seems to have given a response which appears to have
19 implied that some -- certainly the Home Office didn't
20 seem to be aware of any sending organisation that wasn't
21 doing monitoring at this stage, so whether Canon Flint
22 had said something that implied they did, but in actual
23 fact no monitoring was in place of individual child
24 migrants, certainly by the CCWC at that point.

25 In 1952 a monitoring form was presented for

1 discussion at the CCWC annual meeting, and it seems
2 likely that the impetus for that was the draft
3 regulations which had been circulated by the Home Office
4 for the Section 33 regulations, but they still hadn't
5 been, I think, sent to Australia by 1953, and by 1955,
6 despite those forms being sent across, there was still
7 no regular individual monitoring reports being sent
8 back. There were for some children in some
9 institutions in some years but nothing like
10 a comprehensive system at all.

11 Q And is this something that was noted by the CCWC?

12 A Yes. That's right. I think in Mary Gandy's evidence
13 she referred to the dissatisfaction of the Southwark
14 diocese, for example, of the lack of reports, and we
15 also know that Canon Bennett, whose name we've seen on
16 the screen, who was the Child Rescue Officer for the
17 Archdiocese of Liverpool had also become unhappy with
18 the lack of reports and was refusing to allow -- when
19 Father Stinson, the ACIC official was recruiting in 1952
20 official, he was refusing to allow him to recruit
21 children from the Liverpool Archdiocese, so it was
22 clearly something that was a matter of which people on
23 the CCWC were aware.

24 Q Can I take you to the minute of the meeting of October
25 1953? It is at BEW.001.001.0162. The page I want to

1 look at is 0168. Sorry. 0162 tells us what it is, and
2 it is the minutes of the 23rd annual meeting of the
3 Catholic Child Welfare Council held in Harrogate on
4 Tuesday, October 20th, 1953, and as we've seen in the
5 previous minutes, it is the cardinal Archbishop of
6 Westminster who is in the chair, and we have a list of
7 those attending, including Canon Flood and Canon Flint,
8 and as with the previous minutes it deals with a host of
9 welfare issues but when we come to page 0168 we have
10 a heading there at paragraph number 17 headed,
11 "Emigration". Do we see that?

12 A Hmm.

13 Q And Canon Flint seems to be reporting back that the
14 Council of Voluntary Organisations for Child Migration
15 had met regularly during the year. There was not much
16 to show resulting from the meetings but there had been
17 important discussion on the Home Office regulations
18 concerning emigration and these, of course, are the
19 section 23 regulations.

20 A That's right. Yes.

21 Q And he goes on to say his presence at Harrogate had
22 prevented him from attending a meeting at which it was
23 proposed to consider emigration of children in the care
24 of a Local Authority. At present this could only be
25 done through application to the Secretary of State, and

1 does that, again, highlight the difference between
2 voluntary organisations and local authorities?

3 A Exactly. Yes.

4 Q Canon Flint then called attention to the John Moss
5 Report on Australian emigration and that, of course,
6 would be available by now. The Catholic homes in
7 Australia received good mention in this report and there
8 seemed prospects that good would come from it inasmuch
9 as authorities may be persuaded to lower the considered
10 minimum age for emigration which at present is 12, and
11 I think earlier you queried the age five that was in the
12 minute of the meeting with Quille and Lady Kerr and
13 Conlon.

14 A Yes. I don't understand why the -- I mean, we can
15 clearly see, for example, in the 1947 parties that
16 a large number of children are being sent under the age
17 of 12 so I'm not entirely sure what Flint is referring
18 to there, because that age limit -- hmm. It may
19 possibly be that he is referring to greater caution
20 being exercised by the Home Office Children's Department
21 around the Secretary of State consent for children sent
22 from the care of local authorities because I think there
23 are some indications that the age of the child was
24 something they may have taken into consideration.

25 Q But if we read on, then, to the final bit of this

1 section, we can read:

2 "Father Stinson left England during the year and has
3 now returned to Australia. The London office has been
4 closed".

5 Is that the ACIC office?

6 A That's right. So I think we will come back to this
7 again at another point, but Father Stinson had been
8 recruiting children from residential institutions in --
9 I have to get my dates right here, actually -- in 1951
10 and 1952 I believe, so he had actually gone back the
11 previous autumn, and I think because there was an
12 increasing feeling in Australia that it was getting
13 harder to recruit children, there was a sense that the
14 cost of running the London office was no longer
15 justified, and initially the discussions Monsignor
16 Crennan, who was the secretary of the FCIC, had, with
17 the Commonwealth Government, suggested that they were
18 going to look to appoint, I think Canon Arbuthnott who
19 was the Diocesan Secretary for Southwark Diocese as
20 their agent, but then that went cold, possibly because
21 Arbuthnott was becoming increasingly concerned about
22 lack of reports, and then it was Canon Flint who was
23 appointed in place as his agent which kind of brought
24 the CCWC and ACIC a little bit more back together again
25 whereas they had not always worked in tandem in terms of

1 the recruitment of children before.

2 Q We read on then:

3 "During the year there had been 184 children
4 emigrated".

5 We go on to read:

6 "But there were details of only a few. Many seemed
7 to have been emigrated under the signature of Father
8 Stinson himself and the diocesan secretaries had
9 frequently not been contacted".

10 Does this fly in the face of what had been set up
11 earlier in the 1946/47?

12 A Exactly, and I think this goes into matters that we then
13 touch on in Appendix 4, but it's clear that Conlon,
14 Nicol and Stinson were all aware of the requirement to
15 work with diocesan secretaries. It's not entirely clear
16 whether Conlon complied with that in 1947, though I
17 suspect not entirely, but certainly when Nicol left to
18 go back to Australia, Flint complained to Stinson about
19 the fact that Nicol had been recruiting children
20 directly from residential institutions and Stinson was
21 clearly aware of that not being acceptable but then did
22 exactly the same thing again and then was chided in
23 another letter from the Catholic Child Welfare Council
24 for having done that once he was back in Australia, but
25 I suppose a point to make there is that whilst the

1 Catholic Child Welfare Council made that point at
2 different points, they never actually ended their
3 collaboration with the Australian hierarchy.

4 Q And you go on to say, then, that by 1955 the CCWC annual
5 meeting noted that reports had still not been provided
6 by receiving institutions in Australia. Is that right?

7 A That's correct. Yes.

8 Q And if we look at the minute for that meeting in 1955,
9 that's at BEW.001.001.0177, that's the front page of the
10 minute, and it may be we can only go to the actual page
11 which --

12 LADY SMITH: Which page are we going to?

13 MR MACAULAY: We are going to page 0183. Well, I will just
14 read out what's said. This is, at page 0183 in the
15 section dealing with emigration, we read:

16 "A year ago there had been complaints about the lack
17 of reports concerning children now resident in
18 Australia".

19 Clearly the CCWC was anticipating that they would
20 receive complaints in connection with the welfare of
21 children who had been sent?

22 A That's right, so they seemed to be -- I think they
23 always wanted to be the kind of administrative hub,
24 although I think decisions about the selection of
25 individual children would be made by individual diocesan

1 officers. I think they wanted to be the kind of
2 collecting point for administrative information about
3 the scheme.

4 Q We then read:

5 "Copies of an excellent report from Western
6 Australia were now to hand and Monsignor Crennan had
7 copies of similar reports from Meteor Park, Neerkol, and
8 the Murray Dwyer Memorial Home, Maitland, New South
9 Wales. These read like very honest reports and gave
10 satisfaction".

11 So there has been a change to the extent that some
12 of the reports had been received?

13 A That's right, so some reports are starting to come
14 through. Murray Dwyer was a home that the Ross
15 Committee were quite well disposed towards, though
16 Neerkol is somewhere -- that's featured in
17 investigations in the Australian Royal Commission and in
18 the Forde Inquiry as well in terms of the abuse of
19 children.

20 Q I think that was run by the Sisters of Mercy?

21 A That's right. Yes.

22 Q But this minute goes on to say:

23 "We were not yet receiving annual reports on each
24 individual child, but Monsignor Crennan had promised
25 that these would be despatched in the future about the

1 end of the Australian scholastic year".

2 So there is still an issue over receiving annual
3 reports in relation to the children?

4 A That's right, yes, and so it's patchy in terms of
5 institutional reports and not really there in terms of
6 the reports on the individual children, and I think
7 when -- because you have been able to look at the CCWC
8 case files of children as well, you have been able to
9 see quite how limited the kind of reports are on
10 children there, and I suppose just a side comment with
11 this in terms, though, I think the slightly bizarre
12 situation here, so Father Stinson was still working for
13 CEMWA so it would have been his responsibility for
14 ensuring that reports were being sent back from CEMWA
15 back to England, and so the CCWC were still looking to
16 him as the kind of credible custodian figure having
17 realised that he had just recruited a substantial number
18 of children directly from residential institutions and
19 bypassing their authority, and that seems to -- my
20 overall sense of the way in which Catholic child
21 migration operated in this period is that there is
22 a broad sense of a wish to collaborate on a common
23 religious project, but in quite a fragmented
24 administrative structure in which, sometimes, those
25 different units are pursuing their own interests within

1 that common mission. That's my sense.

2 Q Can I take you, then, to paragraph 5.22 of your report
3 where you make the observation that members of the CCWC
4 were aware before 1952 of the Home Office interest in
5 standards of monitoring for children and sent overseas,
6 and you then discuss some communings with the Home
7 Office. Can you just give us an overview as to what
8 message you are seeking to extract from the documents
9 and the discussions that took place at that time?

10 A Yes. So this was the process I was referring to earlier
11 that I jumped a bit ahead of myself here, so this was
12 back in 1949 where the Home Office were at an early
13 stage of the discussions about the Section 33 draft
14 regulations wanted to collate more information about how
15 organisations actually worked, and so Canon Flint was
16 contacted as the contact for CCWC for this, and seems to
17 have written back information, but it is interesting to
18 note the Home Office summary of the range of approaches
19 that organisations reported to monitoring child migrants
20 which the Home Office memorandum said this included
21 receiving three or six-monthly reports from receiving
22 institutions, undertaking regular after-care, inspection
23 visits with records of these held in the headquarters of
24 organisations in Australia and then returned to head
25 offices in the UK and the UK headquarters receiving

1 reports from State Committees. Now, some of those
2 processes, as we've seen, seem to reflect the structures
3 that Fairbridge and Barnardo's had in place but it is
4 difficult to see any of those evidences in relation to
5 the Catholic Child Welfare Council but the Home Office
6 don't appear, at this point, to be aware of any
7 organisation that isn't complying with those kind of
8 systems.

9 Q If we move on to the following page, there is
10 a reference there to a meeting, I think, between Mr C P
11 Hill --

12 A Oh yes. Yes.

13 Q -- and Canon Flint.

14 A No, no. So this is -- I think the point of this
15 material here is to, I think, demonstrate that there
16 was -- it is interesting when you look at the Fairbridge
17 Society and its kind of aristocratic membership, that
18 there was often a greater affinity between Government
19 Departments and the sort of management of Fairbridge,
20 whereas that kind of affinity didn't exist really
21 between Government Departments and the Catholic
22 organisations, and so both in that example that we just
23 had, there might be a sense that Canon Flint was
24 managing the impression that the Government had of their
25 work to try and present as favourable view of the CCWC

1 as possible, but certainly the Home Office didn't appear
2 to have much confidence in Canon Flint either, and so
3 the Oversea Migration Board which I think you have
4 heard about before --

5 Q Yes.

6 A -- probably from Professor Constantine, the Home Office
7 received minutes of their meetings, and part of the
8 consultations that the Oversea Migration Board were
9 having in 1955, I think, were around future child
10 migration. They invited different interested parties to
11 present their views and Canon Flint was one of those,
12 and C P Hill, who was one of the assistant secretaries,
13 so one of the people in charge of a subdivision of the
14 Children's Department, commented that Flint's
15 contributions were not likely to be helpful so far as
16 child care is concerned, so they saw Canon Flint as not
17 someone who was going to help the Oversea Migration
18 Board understand current thinking in child care, and
19 another little detail, that when the Home Office
20 Children's Department received the Oversea Migration
21 Board minute of Flint's meeting with the board, Flint
22 had claimed that Catholic child migrants were settled as
23 soon as possible into Australian families which was
24 clearly not the case in 1955 and when you compare the
25 version of those minutes held in the Commonwealth

1 Relations Office file and the Home Office file, someone
2 in the Home Office has marked that comment with a big
3 exclamation in the margin, indicating that they thought
4 this was clearly a bogus claim.

5 Q And at 5.23 you indicate that the Home Office made
6 a follow up request specifically to identify any
7 monitoring forms that sending organisations used or had
8 used in the past, and in this particular instance they
9 contacted Canon Bennett who was the diocesan child
10 rescue administrator for the Archdiocese of Liverpool.
11 What was his response to this?

12 A He obviously couldn't provide anything up-to-date, more
13 primarily I suppose because Flint had been involved in
14 the more recent work, but also there wasn't a monitoring
15 form in existence to show them, so Canon Bennett showed
16 them something that had been used for Canada, and it
17 might be worth noting as an aside that Bennett was
18 probably one of the more progressive child diocesan
19 rescue administrators and seems to have been interested
20 in the child guidance movement, so more kind of,
21 I think, in tune with developments around child
22 psychology at the time, and as I mentioned before, he
23 was someone who, by 1952, seemed unwilling to allow
24 children under his care to be sent to Australia.

25 Q Well, you have noted specifically that it's worth noting

1 that by 1952 Canon Bennett appears to have become
2 unhappy with child migration to Australia and was
3 reported by Father Stinson to be no longer willing to
4 allow Stinson access to recruit children from any
5 residential homes in his Archdiocese?

6 A Exactly. That's right. Yes.

7 Q So he is taking a fairly firm line?

8 A That's right. Yes.

9 Q What you say thereafter there:

10 "Therefore whilst there is evidence to suggest that
11 Canon Flint and the CCWC recognised that some form of
12 post migration monitoring was being encouraged through
13 contact with the Home Office as early as February 1949,
14 no such system was ever effectively implemented"?

15 A That's correct.

16 Q And what is the position with regard to Scotland in
17 relation to monitoring?

18 A That's quite complicated, given this organisational
19 structure, so we will see when we come on to the Sisters
20 of Nazareth, that again there was, with some exceptions,
21 a general absence of monitoring, particularly to
22 children sent to religious orders, other than the
23 Sisters of Nazareth in Australia, but it is not clear
24 whether there was any expectation that the Catholic
25 Child Welfare Council for England and Wales would act as

1 the body who would monitor children sent from Scotland.
2 There is certainly no formal agreement or any archival
3 record of any agreement along those lines, although it
4 does -- as you have seen, there are -- where reports do
5 exist for Scottish child migrants they are sometimes
6 held on the CCWC files, and Charles Flood, who seems to
7 have been, again, a slightly more, I think, progressive
8 diocesan administrator than Flint, and Flood does seem to
9 be trying to deal with some of the problems that
10 Scottish child migrants and their families were facing
11 in the mid to late 1950s onwards, again in his role with
12 the CCWC, so the CCWC seems to have taken that
13 responsibility on in a kind of de facto way, although
14 that is also slightly complicated by whether Flint and
15 Flood are acting in their capacity as CCWC officers
16 there or as agents of ACIC, so that makes it
17 complicated, but what is very clear is that there was no
18 independent monitoring system. There is no evidence of
19 that being set up by the Catholic Church in Scotland at
20 all and no discussion of that as an issue.

21 Q You go on to say that this absence of monitoring may
22 have been indicative of wider systemic failures in
23 Catholic residential child care in Scotland?

24 A Yes. I mean, we saw some very interesting material
25 around the formation of a national Catholic child care

1 committee in 1962 in material that was presented to us,
2 and one of the observations that that made was both
3 about the ways in which religious orders had acted
4 somewhat autonomously from diocese, but also the lack of
5 casework for individual children and the problems with
6 recordkeeping as well, and the impression was of a
7 somewhat -- somewhat chaotic and informal, ad hoc system
8 which seems to be reflected also in what we are seeing
9 here in terms of administrative patterns with child
10 migration as well.

11 Q The progress reports that are mentioned in the next
12 paragraph, are these the progress reports you mentioned
13 a moment ago at 5.26?

14 A Exactly, so we do have some instances, for example, of,
15 I think, girls sent to Nazareth House East Camberwell,
16 some progress reports on there, and some individuals --
17 oh sorry, no. Sorry. I will correct that. What's
18 being talked about in 5.26 are progress reports on the
19 general administrative process. They are not progress
20 reports on individual children at all, and so the
21 Scottish Catholic Bishops Conference is receiving these
22 kind of general administrative overviews but there is
23 nothing on individual children there and nothing really
24 about the conditions to which the children are being
25 sent.

1 Q I should point out, there is no discussion in any of
2 these reports of the institutional conditions to which
3 the child migrants have been sent, or their welfare
4 since arrival?

5 A Exactly.

6 Q And you go on to say that there is no indication in any
7 of the minutes of meetings of the Scottish hierarchy
8 that have been provided to the Inquiry that members of
9 the hierarchy either asked for or received information
10 about the standards of care, accommodation or training
11 at the residential institutions to which child migrants
12 were being sent in Australia?

13 A That's correct.

14 Q Notwithstanding that, is it the case that it appears the
15 Scottish hierarchy did want to continue with the child
16 migration programme?

17 A Yes, no, they seemed very enthusiastic about it, though
18 obviously without, apparently, any evidence base in
19 terms of the progress of individual children or much
20 knowledge of the receiving institutions.

21 Q So the Scottish hierarchy were prepared to allow
22 children to be migrated without any real information as
23 to what the conditions in Australia would be like.

24 A Yes. That's correct, although in some ways once Father
25 Quille played a more marginal role in this process, once

1 it was being run more by ACIC, in a sense that no longer
2 operated through diocesan structures anyway after 1950,
3 and so I suppose we are seeing children primarily being
4 recruited from Nazareth Houses after that period, so in
5 a sense if ACIC are making those approaches directly to
6 those houses, that's a process which is bypassing the
7 diocese anyway.

8 Q And you point out at paragraph 28, and we've seen this,
9 that the CCWC had knowledge of concerns that had been
10 raised about Christian Brothers institutions in Western
11 Australia during the war, and Tardun is the one example,
12 and also Garnett, I think?

13 A That's right, so the CCWC did have a slightly curiously
14 anonymised version of Garnett's appendix on the
15 Christian Brothers institutions sent to them.

16 Q But I think what you tell us there is that there is no
17 available evidence which indicates that any of that
18 knowledge was conveyed to the Scottish Catholic
19 hierarchy.

20 A No, no. No. We have very little indication of what
21 communication, if any, there was between the Catholic
22 Child Welfare Council and Scottish officials, and so I
23 suppose it's not -- it is an extremely confusing
24 picture. It's possible that Quille's involvement was
25 primarily mediated through Conlon.

1 Q But Conlon, certainly as a Christian Brother, indeed
2 having been at Tardun and I think Bindoon --

3 A Bindoon was later on in the 1950s. Yes.

4 Q He must have been aware of the critical reports that had
5 been obtained?

6 A Yes, no, that's right. I mean, Conlon was not someone
7 who, when we look back at the archives, strikes one as
8 someone who had a very high regard for children's
9 welfare, so other things that had happened at Tardun was
10 that Tardun was still under construction when the boys
11 went to Australia in 1938, and the original agreement
12 with the bishop of Geraldton was that boys wouldn't be
13 sent to Tardun until work had been done there, but
14 actually Conlon moved most of them to Tardun almost
15 immediately on arrival in Western Australia, and then
16 during the war years when it was clearly unsafe to send
17 children on ships overseas, particularly after the
18 sinking of the City of Benares, Conlon was still pushing
19 for substantial numbers of children to be sent to
20 Australia, so he seems to be someone who had a very
21 fixed view of his mission in which the welfare of
22 children does not always seem to have been a primary
23 concern.

24 Q You mention, again, the Section 33 regulation there, and
25 although the Catholic Church in Scotland may not have

1 had direct organisational involvement in administering
2 child migration by then, but is the point you are
3 wanting to make here is the broad thrust of the
4 regulations ought to have been known to the Catholic
5 Church in Scotland?

6 A I'm not entirely -- well, let's think. I'm not sure
7 that -- my reading of the archives is that the Scottish
8 diocesan structures probably played quite a minimal role
9 in child migration after about 1950 because ACIC was,
10 I think, directly recruiting children from Sisters of
11 Nazareth institutions, so I'm not sure to what extent
12 the Catholic hierarchy in Scotland thought about this as
13 a policy issue, and they wouldn't have had any direct
14 representation on the CVOCE, though obviously Flint and
15 Nicol had been involved in those discussions, so unless
16 they were being passed information from Flint and Nicol
17 they wouldn't have known about that.

18 LADY SMITH: I was about to ask you that. I wondered if
19 there was Scottish representation on the CVOCE, but
20 absent that --

21 A No.

22 LADY SMITH: -- absent the Scottish hierarchy being
23 identified as a specific consultee for the draft
24 regulations, I suppose they may not have known what was
25 going on.

1 A I think that is perfectly possible, and because ACIC was
2 seen as the -- ACIC was the recognised organisation and
3 they were working in conjunction with CCWC, those were
4 the two organisations that had representation on the
5 CVOCE.

6 LADY SMITH: And ACIC was based in London.

7 A That's right.

8 LADY SMITH: And I'm right, am I, in thinking that the
9 Scottish hierarchy weren't in any way treated as
10 consultees for the draft regulations.

11 A Not for the draft regulations, no. No.

12 MR MACAULAY: Well very well. I want to move on to the
13 Sisters of Nazareth but that might be --

14 LADY SMITH: Let's just take a five-minute break. Thank
15 you.

16 (3.00 pm)

17 (A short break)

18 (3.09 pm)

19 LADY SMITH: Right. Are we ready for the Sisters of
20 Nazareth then? Thank you.

21 MR MACAULAY: You discussed the position of the Sisters of
22 Nazareth beginning on page 474 of the report, and you
23 begin by saying that they did play a substantial role in
24 providing children for migration to Catholic
25 institutions.

1 A That's right. So I think the figures will be -- there
2 has been some revision to those original figures in '97,
3 '98 but it is something like around two-thirds of child
4 migrants came from Sisters of Nazareth institutions.

5 Q We have a figure which may require to -- some obviously
6 minor adjustment from the Sisters of Nazareth in
7 Scotland of about 71 or thereabouts children from
8 Scottish -- directly from Scottish homes, and from
9 a Scottish perspective they were a fairly major
10 contributor post war?

11 A Yes. Yes, which was similar to England and Wales, and
12 certainly Northern Ireland as well.

13 Q The point you make there in the next sentence in that
14 paragraph, the fact that a proportion of these children
15 appear to have been recruited directly by ACIC's
16 administrators and not through the CCWC makes it less
17 clear whether the CCWC would, in principle, have
18 monitored the welfare of children recruited in this way,
19 I just want to understand that. I think there you are
20 dealing -- you are alluding back to the activities of
21 people like Conlon who went directly, it seems --

22 A Yes, yes.

23 Q -- but -- and are you suggesting that since that was
24 a direct approach which, as it were, obviated the -- any
25 involvement with the CCWC that the CCWC might be seen as

1 not having a responsibility?

2 A Yes. I mean, both in organisational terms, when, in
3 fact, when the secretary of the CCWC writes to Father
4 Stinson I think in 1953 to chide him for his direct
5 recruitment of children, he makes it clear that the CCWC
6 doesn't accept any responsibility for anyone who
7 approaches them to make enquiries about children who
8 have been sent to Australia under their auspices, but
9 I think there is also a practical thing here that
10 actually the CCWC simply wouldn't have known the names
11 of those children either, and I think you have seen
12 evidence before of CCWC administrators saying that they
13 are collating material from Australia House and it is
14 actually through that that they are discovering that
15 Catholic children have gone to Australia that they are
16 not aware of, and so the register of child emigrants
17 that you have heard about that CCWC put together seems
18 to not just have been the children that they were
19 immediately aware of as having agreed to the migration
20 of, but also other children whose details they
21 subsequently collected possibly from Australia House.

22 Q I think we've seen in the minutes the different figures
23 of those who they knew about and those they did not?

24 A Exactly, yes.

25 Q But I would take it from that that although they were

1 looking for reports about those they knew about, they
2 were not for those they did not know about?

3 A Yes. So obviously if some children slipped through the
4 net, and I think some of the evidence that you have
5 heard shows that that CCWC register was still perhaps
6 100 or so, 150 or so children short of the total that
7 actually went, so obviously the CCWC wouldn't have
8 monitored those children, but also the organisational
9 lines of responsibility become a little bit clear, if
10 they have actually been sent with the permission of a
11 diocesan administrator or with the agreement of the
12 CCWC, that actually makes the issue of organisational
13 responsibility for the children a little less clear as
14 well.

15 Q What about the ACIC then who operated in Scotland for
16 a period of time you have told us and then moved to
17 London?

18 A Yes. I mean, that's -- I suppose the difference between
19 the ACIC and the CCWC is that the ACIC was an Australian
20 organisation, although it had a London office, and so it
21 couldn't really be considered to be the parent
22 organisation responsible for sending the children
23 overseas because those children hadn't been in its care
24 before at all, so in that sense the Sisters of Nazareth
25 for the children who were recruited directly from them

1 by the ACIC might be understood to have had that
2 responsibility.

3 Q So they must be seen, then, as the parent organisation?

4 A Exactly. Yes.

5 Q And I think what you tell us in the next paragraph is
6 that there is no indication that the Sisters of Nazareth
7 adopted different policies or approaches to child
8 migration in England and Wales compared to Scotland or
9 Northern Ireland?

10 A Exactly, and so part of the reason for saying that is
11 that the Sisters of Nazareth, their approach to
12 monitoring was something that was given some close
13 attention by the Independent Inquiry in Child Sexual
14 Abuse so some of our knowledge can be transferred across
15 from that although I think we have seen some more
16 material through this Inquiry that helps us with this.

17 Q You go on to talk about the -- first of all the
18 Historical Institutional Abuse Inquiry in Northern
19 Ireland and evidence that was presented to that Inquiry
20 in connection with monitoring. What was the position
21 that was adopted there by the Sisters of Nazareth?

22 A So, that's right, I think these hearings were in 2014,
23 and the Sisters of Nazareth, their initial position were
24 that they were fairly confident that the Sisters back in
25 the United Kingdom would have heard from institutions

1 overseas as to how children were progressing, and that
2 reports back would have been sent to the head of the
3 order, the Mother General at their head house in
4 Hammersmith not to individual houses, and also that
5 there would have been visitations to these institutions
6 that would have established how things were going, but
7 it was quite a broad set of claims about their
8 monitoring system that weren't particularly documented
9 for the Historical Institutional Abuse Inquiry.

10 Q I suppose the fact that the claim was being made, there
11 would have been such monitoring, it does indicate that
12 the Sisters at least the Sisters today would have
13 expected such monitoring to have taken place?

14 A I think an awareness that that was an expectation that
15 might have been made, yes.

16 Q But what, then, was the position in relation to
17 documentation to the Northern Ireland Inquiry? Was
18 there -- were there documents to support the claim that
19 monitoring did take place?

20 A Only at best in part, so visitation reports did exist,
21 and those who had been seen by this Inquiry as well, and
22 mentions of child migrants at Geraldton and East
23 Camberwell are sporadic and very short, so there is very
24 little information, really, from the reports.

25 Q I think we've certainly seen in other case studies that

1 we've done, this Inquiry has looked at, visitations tend
2 to focus on the order itself?

3 A Right. Yes.

4 Q Rather than --

5 A Yes.

6 Q -- who the order are looking after?

7 A Yes indeed and I think that's true with the Christian
8 Brothers as well in Western Australia, their visitation
9 reports as well, so yes, very minimal mention of
10 children in those. Some evidence of individual reports
11 on some individual children. If they were sent to East
12 Camberwell, and I think we've had more information for
13 this Inquiry showing a period from -- I think it's June
14 1956 where half-yearly reports begin to be sent about
15 girls at East Camberwell.

16 Q Is this evidence given to the IICSA Inquiry?

17 A I can't remember. My impression is that I think we've
18 seen that for the first time here but I cannot be 100
19 percent sure about that. I'm sorry about that.

20 Q I'm just picking up what you said at paragraph 5.32,
21 what you say:

22 "At the Independent Inquiry in Child Sexual Abuse
23 the Sisters of Nazareth clarified this evidence", that's
24 the evidence that had been given to the Irish Inquiry:

25 " ... that it believed it did operate a system of

1 receiving individual reports for children sent to
2 Nazareth Houses at Geraldton and East Camberwell".

3 And:

4 "In addition to the visitations made to the
5 Australian institutions by the Order Superior would also
6 have provided indications of the welfare of child
7 migrants --"

8 A Yes.

9 Q -- that have been sent to them". So there you are
10 looking at evidence that was given to IICSA?

11 A That's right. Yes.

12 Q And was that evidence supported by documentary material?

13 A Yes. So we did see these half yearly reports from 1956
14 from Nazareth House, East Camberwell, though I think
15 we've seen them from a slightly earlier period now for
16 this Inquiry, but we didn't see anything from Geraldton
17 at all. I think for this Inquiry we've actually seen
18 the visitation reports as well, but I suppose the
19 headline thing that becomes clear from this is that
20 there is very limited reporting on girls sent to
21 Nazareth Houses in Australia, and that the Sisters of
22 Nazareth at the Independent Inquiry into Child Sexual
23 Abuse recognised that they had no monitoring system in
24 place for children sent from their care to the care of
25 other religious orders which was about 80 percent of the

1 children.

2 Q And there you are talking in the main about the
3 Christian Brothers?

4 A The Christian Brothers probably mainly but Sisters of
5 Mercy as well to a certain extent.

6 Q So just to be clear, then, in relation to children sent
7 to Sisters of Nazareth institutions and in particular
8 East Camberwell, there was evidence of monitoring?

9 A That's right, for a particular period, and that period
10 seems to begin a few months after John Ross made his
11 visit to East Camberwell which would have been in
12 February or March 1956, so the reports begin in the
13 following June. It's not clear why we seem to have
14 a run of reports for that period, or --

15 Q But nothing before that?

16 A Nothing before that, no.

17 Q Either for Camberwell or for Geraldton?

18 A No.

19 Q Is there anything at all for Geraldton?

20 A No. Not that I have seen.

21 Q And I think you are telling us that there was nothing at
22 all for, in particular, the Christian Brothers
23 institutions and the Sisters of Mercy at places like St
24 Joseph's, Neerkol?

25 A Exactly, so where we do have things it seems to be

1 because those were reports that were generated by the
2 CCWC request for information, so in paragraph 5.33 we
3 note that there are seven of the 32 children sent from
4 Nazareth Houses to the care of other religious orders in
5 Australia had some kind of reports on their file, but
6 that seems to have come via the CCWC rather than through
7 the Sisters of Nazareth.

8 Q Now, you also had access to the history of the
9 foundation documents for the Nazareth Houses at
10 Geraldton and East Camberwell, and did you have access
11 to these when you gave evidence to the IICSA Inquiry?

12 A I don't recall. I don't recall having them in such
13 detail. My recollection is that we saw them more
14 substantially this time.

15 Q And what were you able to glean from that source?

16 A It was, I think -- I think they gave quite
17 interesting -- I think not so much really from the
18 history of foundation reports for Geraldton, but I think
19 there is quite interesting material for East Camberwell,
20 partly in paragraph 5.34 about the number they do record
21 in that document, so this is written by members of the
22 order at East Camberwell about the events in that
23 institution, and so they clearly are having external
24 visits that are being recorded by Catholic education
25 inspectors who are really looking at the Catholic

1 curriculum that they are teaching, representatives of
2 the FCIC, and then occasionally informal visits from
3 representatives of the UK Government and state and child
4 welfare immigration departments, and these are generally
5 reported in quite a positive vein in terms of the
6 positive comments that the -- these external visitors
7 make about the organisation, but we also get a sense
8 from them, particularly with the State Child Welfare
9 Department, of there being quite cordial relations
10 between one of the Child Welfare Inspectors and the
11 Order as well as, and this becomes an issue that I think
12 we will look at more in relation to Appendix 4, the
13 threat of the order having to repay an Australian
14 Government loan because it's not recruiting enough girls
15 for Nazareth House, East Camberwell, where the State
16 Child Welfare Department seems to be trying to work with
17 them to find ways in which they wouldn't have to repay
18 that loan, so there seems to be quite a collaborative
19 relationship with child welfare inspectors at the state
20 level.

21 Q As you point out, though, in relation to the history of
22 foundation documents, and that you have been able to
23 extract from that material positive comments by external
24 sources, if I can put it that way?

25 A That's right. These are being reported secondhand by

1 the order, but that's right, yes.

2 Q And you have quoted, on the top of page 477, you have
3 taken an extract from the history of foundation
4 documents, I think this is from a visitation report in
5 April 1955 and I think it's for Camberwell I think.

6 A That's right.

7 Q And I will just read that:

8 "The house throughout is in good order, and on the
9 whole well kept. The children's wing is nicely arranged
10 and well equipped. At present there are 50 migrant
11 children from the British Isles here looking well and
12 happy, and the classrooms are up-to-date and the
13 children have ever educational opportunity. The
14 auditorium is one of the best of its kind and will be
15 a great asset in the future".

16 Of course, as we shall see in Appendix 4, this is
17 where the new wing had been built with the aid of a
18 grant of £90,000 I think?

19 A Yes, Australian currency, yes, that's right, and I will
20 look more at the implications of that, I think, in
21 relation to Appendix 4, but this quote here is the only
22 occasion in which we see a reference to child migrants
23 at East Camberwell in the visitation reports, and the
24 reference to the auditorium being one of the best of its
25 kind reflects something else that recurs as a theme

1 throughout the history of the foundation document, which
2 is a sense of pride within the order about the
3 facilities and the material estate of Nazareth House,
4 East Camberwell, where they clearly take considerable
5 pride in that.

6 Q You want to point out that there is no reference made
7 with regard to visitations about the well-being of
8 individual children, and there are no indications in the
9 history of foundation documents of any reports of
10 individual -- on individual children being sent back to
11 the order in the UK?

12 A That's right, so -- and I suppose it's worth remembering
13 that the central mission of that institution was both to
14 care for elderly residents and to provide accommodation
15 for child migrants, so they were the central work that
16 it was doing, and so whilst there are sporadic
17 references to things like concerts performed by the
18 child migrants, there is no particular sense of the kind
19 of attention to individual children's well-being or
20 development that would reflect the kind of things that
21 we were seeing in the Home Office documents or the
22 Curtis Report.

23 Q And in the following paragraph you explore what, on the
24 face of it, looks like something of a conundrum in
25 relation to what may have been recorded and how that

1 could have been recorded in the circumstances that you
2 discuss. Can you just take me through that?

3 A In relation to Geraldton, this is a very odd thing. The
4 Geraldton History of Foundation documents generally
5 seemed to be written in an almost more -- at times
6 almost more childlike way than the East Camberwell ones
7 which were written in a slightly more formal way, but
8 one of the things that the Geraldton History of
9 Foundation documents reports are that the Australian
10 High Commissioner to London, or, I think, actually it
11 says, "Australian High Commissioner", visited Nazareth
12 House Geraldton twice in six weeks with his secretary
13 and local MPs in Western Australia to see the child
14 migrants. Now, the context for that is that these are
15 the 52 girls who arrived at Geraldton without it being
16 an approved institution by the UK, and it is very, very
17 unusual that a High Commissioner would visit -- well, it
18 would be very unusual for a High Commissioner to visit
19 any residential institution, but to visit it twice in
20 six weeks --

21 Q And do we get the dates? Do we have the dates for
22 the --

23 A I haven't -- they would be there in the History of
24 Foundation documents.

25 Q It is in the footnote?

1 A Oh is it in the footnote? Sorry. It is in December and
2 January, December 1947 and January 1948, but this -- it
3 doesn't make sense for them to be referring to the UK
4 High Commissioner from Canberra because if he had
5 visited then the UK Government would have known that
6 child migrants were there and that wouldn't explain why
7 the following year the High Commission was questioning
8 why girls had been sent there, but it also can't be, we
9 don't think, the Australian High Commissioner, Jack
10 Beasley in London because he was actually in London at
11 that time as well, so it may be a case of mistaken
12 identity, but it is a very curious claim to be made in
13 there. It certainly suggests some kind of official
14 visit to see these girls, but it is unusual that that's
15 so frequent, and it's not really clear who they were
16 either, so that's a curious thing that we haven't been
17 able to get much more clarity on.

18 Q So it is, as I have said, a conundrum and there it is.

19 A It is.

20 Q The point you do make is that the History of Foundation
21 extracts for Geraldton contain no indication of any
22 regular reporting on individual child migrants to the
23 order in the UK?

24 A No, that's right, and that's reflected in a lack of any
25 receipt of documents in the UK as well.

1 Q The next paragraph at 5.36 where you may have touched
2 upon this where I think a State Inspector or official
3 was involved -- he was a friend of longstanding,
4 I think, and he had some suggestions to make about -- he
5 made some comments about the order. Is that the point?

6 A Yes. It is actually -- I think it's different
7 individuals from memory, so I think it is a female Child
8 Welfare Inspector who is described as a friend of
9 longstanding but also in advance of the Ross
10 Fact-Finding Mission the Child Welfare Department give
11 them plenty of advance notice of them, and it is made
12 fairly clear to them that this is a potentially hostile
13 inspection that could be to do with the British
14 Government cutting its funding support for future child
15 migration, and this leads to the order sort of making
16 efforts to make some more improvements to the material
17 facilities of East Camberwell.

18 Q Perhaps you could help me with this. In relation to the
19 other visits that Mr Ross made, would the institutions
20 have some degree of forewarning that he was on his way?

21 A Almost certainly. I mean, when you say the -- I mean
22 it's quite a large committee of people who effectively
23 turn up at East Camberwell for this, so these weren't
24 unannounced visits.

25 Q But I think here the announcement of the potential visit

1 was such that they were able to carry out some
2 renovations to the property in advance of the
3 inspection?

4 A That's right. Yes. So I think they particularly
5 concentrated on improving things in the kitchen to --
6 and it reflects -- seems to reflect a priority within
7 the order in terms of the material conditions of the
8 home and how that would be perceived. That seems to be
9 an important priority for them.

10 Q And you explain that at 5.37 as the description of the
11 1956 fact-finding mission's visit to Nazareth House,
12 East Camberwell, could possibly be seen as illustrating
13 differences between the order's priorities in child care
14 and those of the Ross Committee, and you are there
15 drawing attention to the order's focus on material
16 issues?

17 A That's right, so we get a sense of the order's sense of
18 pride in this large ornate building which is very
19 different to how the Ross Fact-Finding Mission perceive
20 it.

21 Q Because I think this was the institution that Ross
22 described as more like a hospital than a home.

23 A That's right, exactly, and lavishly planned and
24 furnished but on a scale which makes anything
25 approaching a home atmosphere impossible.

1 Q Yes, and you draw attention at 5.39, we've looked at
2 this I think, to the fact-finding mission's confidential
3 appendix and essentially it was the sort of
4 establishment that Curtis and indeed Clyde had sought to
5 move away from when they published their findings.

6 A That's right. It is a very -- I wonder a bit about this
7 with the Christian Brothers as well, because some of the
8 discussions that go around with Ross and Rouse's visit,
9 I remember a discussion about Bindoon where I think it
10 must be Brother Conlon is showing one of the parties
11 round and he talks about proud he is of the plaster sort
12 of columns, the pillars that they have in the entrance
13 hall and how they have got fake marbling on them, and
14 how this is something that will help the boys lift their
15 eyes to heaven, and there is quite a strong emphasis in
16 terms of the building projects with the Christian
17 Brothers of this being a sign of the order's presence in
18 the world, and I think that seems to be something
19 similar with the Sisters of Nazareth as well. In 5.39
20 on the next page down, there is a quote from the History
21 of Foundation document where they write about, "The new
22 chapel at East Camberwell as a very fine structure where
23 the altars, sanctuary and altar rails are of Portuguese
24 marble and the stations of the cross are of carved lime
25 wood. These should complete the perfection of the

1 chapel and make it a worthy dwelling place for our
2 blessed Lord and will, with God's help, be the means of
3 bringing back many souls to the fold", so there is
4 a very strong emphasis on the kind of material presence
5 of the institution as a sort of demonstration of --
6 well, as something that will actually bring people to
7 faith, and I think that's quite striking when we think
8 about perhaps the accounts of girls' experiences in that
9 institution that you will have heard in the Inquiry as
10 well.

11 Q In relation to the Curtis approach, for example, you do
12 make the point, on the top of page 481, that it's worth
13 noting that the reported frequent references to the
14 Curtis Report and Sisters of Nazareth archives in the
15 United Kingdom in this period suggest that the order was
16 well aware of the type and standards of care encouraged
17 by the report?

18 A Exactly, so the analysis that the Sisters of Nazareth
19 themselves commissioned of their archives refers to
20 frequent references to the Curtis Report in the --
21 immediately in the period after its publication and we
22 know that the Home Office had direct contact with the
23 Sisters of Nazareth in London over that period as well.

24 Q And did the Sisters of Nazareth make a submission to the
25 Curtis Inquiry?

1 A I don't -- I would have to double-check that. I don't
2 think that they did to Curtis, though I believe they did
3 to Clyde.

4 Q They did to Clyde?

5 A I think the main Catholic body providing written and --
6 well certainly oral evidence to Curtis was the CCWC.

7 Q So when -- if you pick up these points, then, you go to
8 paragraph 5.41, what do you take from the discussion
9 that we've been having?

10 A I think in this paragraph we are looking at an
11 awareness -- well, basically issues were raised about
12 the -- we've been thinking about the parties of child
13 migrants sent in 1947 and we will, I think, think again
14 a little bit more about some of the gaps in paperwork
15 around that in due course, but as those children went
16 through the system in those residential institutions in
17 Australia, there was growing complaints about them in
18 terms of, I think, both behaviour, problems with
19 enuresis but also educational progress as well, and the
20 Australian Commonwealth Department of Immigration
21 explicitly raised this as a concern, and so we see here
22 this is a letter written in March 1952 by the Mother
23 General, the Superior General, the head of the order to
24 Mother Superiors which was talking about the need for
25 essentially a better quality of child to be sent in

1 future, and this reflecting on the pride of the order,
2 and one of the things that the Independent Inquiry into
3 Child Sexual Abuse noted about this letter was the
4 somewhat impersonal tone of it which seemed to conceive
5 of the children primarily in terms of their implications
6 for the order rather than the well-being of the
7 individual children themselves.

8 Q And the way you have put it in paragraph 5.41 is that:

9 "The fact that so little individual reporting on
10 the welfare of child migrants in Australia was
11 undertaken by the Sisters of Nazareth might be
12 understood as an expression of a wider organisational
13 culture in which children were perceived to be part of
14 the corporate body of the order rather than as
15 individuals in need of particular kinds of social and
16 emotional nurture"?

17 A Yes, I think that's right. The impression, and this
18 comes through in terms of those moments where the child
19 migrants are referred to in the History of Foundation
20 documents for East Camberwell is that there is a sense
21 of the children being part of a collective body, and
22 their behaviour or their performance reflecting on the
23 order as a whole, and so there is a sense of the
24 children obviously not being full members of the order,
25 but part of a kind of corporate body rather than as

1 individuals who are in temporary care of them as an
2 organisation which is looking after their individual
3 emotional well-being, which is much more of the kind of
4 emphasis of the Curtis Report.

5 Q Perhaps we should look at the circular letter that you
6 mentioned there. It is at NAZ.001.006.2916. When I say,
7 "Perhaps we should look", these are words of doom!

8 LADY SMITH: What's at 2919?

9 MR MACAULAY: It doesn't matter, but I think you will
10 remember this letter.

11 A Yes.

12 Q It's a standard -- it is a circular-type letter --

13 A That's right. Yes.

14 Q -- sent by the Mother Superior and it begins -- it is
15 dated 21 March 1952, and it begins, "My dear Mother", so
16 she has addressed it to the Mother Superior for that
17 particular House and it begins:

18 "A request has been received for boys and girls to
19 be sent to Australia under the Catholic immigration
20 scheme and I wish you to be prepared to send some
21 children".

22 That's how it begins:

23 "20 girls are required at once for Nazareth House,
24 Geraldton, and I'm consenting to the girls going on
25 condition that they will be sent to Nazareth House in

1 Australia and not to other homes".

2 So the Christian Brothers are being kept out of this
3 particular equation?

4 A But they wouldn't have received the girls anyway.

5 Q No, of course they wouldn't. The Sisters of Mercy might
6 have done?

7 A That's right, yes, at Neerkol, they could have done by
8 them.

9 Q The boys will go as usual to the Christian Brothers, and
10 that's your point, and to a new house being opened for
11 boys by an order of priests, and she goes on to say, and
12 I will read this:

13 "I'm grieved to say that the Australian department
14 for immigration has complained about problem children,
15 wet beds and mentally deficient being sent from
16 Nazareth Houses to Australia and these children will be
17 returned by the Australian Government to the houses from
18 which they were sent".

19 Have you seen evidence of children being sent back
20 from Nazareth Houses to the United Kingdom?

21 A It was unusual. It did happen in some individual cases
22 if a child's behaviour seemed particularly challenging
23 or they seemed in some context particularly unsettled.
24 It was unusual, but from 1945 it was actually written
25 into the LEM 3 form that the sending organisation

1 actually had to take responsibility to pay for the
2 repatriation of a child if they didn't settle within the
3 first two years, but certainly that idea that the
4 Australian Commonwealth Government were going to do
5 a sort of mass sending back of these children, there is
6 no evidence for that at all.

7 Q And the letter goes on:

8 "Only normal, well-behaved children from five to ten
9 years of age are to be emigrated and this is the
10 responsibility of the Superiors and Sisters in charge of
11 the children", so they were given an age range, again
12 very young, looking at five year olds, but it is the
13 responsibility of the superiors and Sisters as to who
14 they select?

15 A Yes. Yes. Yes, absolutely.

16 Q And:

17 "It has been put before me that only the Sisters
18 living in the Houses with the children can really tell
19 if they are what they ought to be. It is not possible
20 for doctors, et cetera, to know except in very bad
21 cases".

22 So there is a -- I think the thought process there
23 really is that it's not for the doctors to decide as to
24 whether a child should go, it's really for the Sisters,
25 except unless there is a very bad case?

1 A Yes.

2 Q A strange approach?

3 A Yes. Yes.

4 Q And as we are talking I'm actually realising as we are
5 talking this letter probably has a bearing on what we
6 will look at in Appendix 4 which I haven't actually made
7 that mental connection before, but that actually then
8 fits into the chronology of a particular case. In
9 a sense it is a recruiting type of circular?

10 A That's right. It is clear that this -- I think we might
11 actually see more about the context in which this was
12 written, but there is a strong sense here of children
13 needing to be moved for organisational purposes, and the
14 timing is around the organisational need and
15 organisational timetable rather than necessarily the
16 best interests of the child. There is not a strong
17 sense of that which was such a kind of consistent
18 emphasis, really, from that -- the kind of very first
19 memo that the Home Office wrote about the approach to
20 child migration in June 1947, that idea about thinking
21 about emigration in terms of the individual interests of
22 the child being really foregrounded there and that's not
23 the ethos that we see here.

24 Q And perhaps the final point I can pick up is this, that:

25 "As soon as you have selected the children send me

1 their names and ages", and she goes on to say:

2 " ... and be careful not to select children
3 belonging to people who may object to their going".

4 A Yes.

5 Q So that's quite an interesting comment --

6 A Yes.

7 Q -- that's being made. So at once, as it were, she is
8 cutting out of the selection process any child, for
9 example, who may have had a parent who may not be
10 inclined to consent?

11 A Yes, which could be read as a positive comment in terms
12 of sort of recognising parental consent, or it might be
13 read slightly more ambiguously in terms of concentrating
14 on the children who it is easier to move.

15 Q So if we then move on to paragraph 5.42 you are there
16 putting before us what the Independent Inquiry into
17 Child Sexual Abuse concluded, and in particular that the
18 Sisters of Nazareth did not have rigorous selection
19 processes for children -- for child migrants -- that it
20 sent overseas, and appears to have operated more in
21 terms of identifying children to meet quotas raised by
22 residential institutions overseas, and is that an
23 example of that?

24 A Yes. I think we will see this in Appendix 4 in more
25 detail as well in relation to Nazareth House East

1 Camberwell where there were particular pressures and
2 particular time pressures around the recruitment of
3 children, but arguably I think we see that around the
4 1947 parties as well where, as we were talking about
5 yesterday, we have these fixed quotas of children who
6 are to be recruited for these individual institutions,
7 and so the dynamic seems to be around identifying enough
8 children to fill those quotas, ideally, rather than
9 necessarily thinking in detail about the individual
10 interests of the child. It certainly doesn't reflect
11 that idea of a kind of careful, casework process that we
12 were thinking about this morning.

13 Q Or that children should only be selected for emigration
14 if they were suited to it and emigration was in their
15 best interests. Once you are into the realm of quotas
16 you do undermine that principle?

17 A That's right, and again when we think about sort of
18 accounts that people have given of being, I suppose,
19 selected for emigration on the basis of putting their
20 hands up in a meeting after being shown, given a talk
21 about how good life in Australia is, there is, again, no
22 sense of individual attention to the well-being of that
23 child, really.

24 Q And I think you draw attention to what the
25 confidential -- what the confidential appendices to the

1 1956 fact-finding mission noted, that there were no
2 personal histories with the children placed at the
3 Nazareth House in East Camberwell?

4 A That's right, and so in a sense I think what we see with
5 some of these organisations is that the problems around
6 inadequate monitoring around the only example of
7 administrative failing within the organisation, so we
8 can see from the files that you have seen of children
9 admitted to Sisters of Nazareth homes that often the
10 records are very minimal in terms of what's kept in this
11 country, despite the regular recommendations that we've
12 seen, case records weren't sent across perhaps because
13 the Sisters didn't have that information in the first
14 place in terms of how they manage children here, but
15 also we don't see evidence of that Selection Committee
16 process either, so there is a general absence of a kind
17 of documented process around these children of which
18 failures to implement a written monitoring process seem
19 to be just one example.

20 Q Can I then move on, quickly, to look at the Good
21 Shepherd Sisters? You have a short paragraph dealing
22 with them, because, really, there isn't very much to
23 say, I think is the short answer, isn't it?

24 A No, that's right. We don't have any archival material
25 that would help us to offer any comment on that.

1 Q Yes. I think we know that they -- certainly 15 children
2 left the Good Shepherd institution in Edinburgh and went
3 to Australia, and we know their names under reference to
4 the Section 21 response, but little else?

5 A No. That's right. Exactly. Yes.

6 Q And the final section of this part of the appendix is
7 headed, "Note on monitoring systems and allegations of
8 systemic abuse at Christian Brothers institutions". Can
9 you just summarise for me what you are setting out in
10 that particular paragraph?

11 A This is a document we may possibly be returning to in
12 more detail at a future point, but this is a separate
13 analysis that I have done alongside this Inquiry which
14 looks at material that's in the public domain and
15 material at the National Library of Australia which
16 records allegations of sexual abuse made against
17 Christian Brothers at these four institutions in Western
18 Australia and I think wider details of that analysis
19 will be presented at some future time to you, but the
20 point that I particularly want to take from that
21 analysis today is that it is often said that -- I think
22 one of the arguments made through the IICSA process was
23 that it was unfortunate that there weren't monitoring
24 systems or inspections in place but within a case such
25 as sexual abuse it may well be that nothing would ever

1 have been passed on about that anyway, and one of the
2 things that the analysis of these allegations from
3 previous witness statements from other documentary
4 evidence and reports is that actually that figure has
5 now gone up to 25 incidents in which disclosures of
6 abuse are reported in that material relating to
7 Christian Brothers institutions by 21 --

8 LADY SMITH: 25 instead of 19?

9 A -- that's right, it has gone up because I think the
10 Bruce Blyth material was read after this was written
11 and the John Lawrence judgment as well, so it's now 25
12 disclosures of abuse by 21 individuals with a number of
13 those being disclosures to people who were other than
14 Brothers staffing those institutions, and so I don't
15 think we can be entirely confident that had there been
16 actually a rigorous -- perhaps not the written report,
17 certainly not from the Christian Brothers because I'm
18 sure disclosures of abuse wouldn't have come outside of
19 the Brothers organisation for reasons that we will talk
20 about more in due course, but in terms of direct
21 inspections it is possible that actually disclosures of
22 physical and/or sexual abuse could have been made there,
23 and so that failure to have that kind of contact,
24 I think, was a serious omission.

25 Q The 25 you have now come to under reference to the --

1 I think the historical abuse Inquiry in Northern Ireland
2 and IICSA?

3 A Yes. It is both of those, the Australian Royal
4 Commission as well and some documents produced by the
5 Australian Royal Commission. Bruce Blyth's papers
6 developed as part of the VOICES campaign in Western
7 Australia in the early 1990s, and also there is some
8 material which has been disclosed through the settlement
9 of the -- or the court judgment on the John Lawrence's
10 civil action against the Christian Brothers in Western
11 Australia.

12 Q But what you have not included in that analysis is the
13 evidence this Inquiry has heard in relation to abuse by
14 Christian Brothers?

15 A I'm just trying to think if that 25 does include.
16 I think it probably does include -- yes, sorry, it does
17 include analysis of the witness statements that you have
18 had as well, so the 25 does include the witness
19 statements that you have received as well.

20 MR MACAULAY: Now my Lady I think that's five to four.

21 I think Gordon has a train, fairly soon, to catch.

22 LADY SMITH: So I gather.

23 MR MACAULAY: Clearly he has to continue his evidence at
24 another date.

25 LADY SMITH: Yes.

1 MR MACAULAY: I can say that I am well on with your
2 evidence, Gordon, I have to finish Appendix 3, Appendix
3 4, which is a relatively short appendix. I then will
4 take you to your article and there are questions that
5 have been submitted that I may also ask you to cover.

6 A Yes. Thank you.

7 LADY SMITH: Gordon, thank you very much for everything you
8 have given me in the last two days. It has been
9 enormously helpful. Sorry we haven't managed to finish,
10 but we will do our best to find a space that will
11 accommodate you in the not too distant future.

12 A Thank you very much.

13 LADY SMITH: Thank you very much indeed. I will rise until
14 10 o'clock on Tuesday morning.

15 (3.54 pm)

16 (The hearing adjourned to 10 am on 29 September 2020)

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I N D E X

GORDON LYNCH1
Questioned by MR MACAULAY (Continued)1