The Forgotten Australians: Identity, records and their search for the past

Issue 8, September 2008 | Andrew Murray

This address was given as the keynote speech at The Fourth International Conference on the History of Records and Archives, organised in conjunction with the Institute of Advanced Studies, at The University of Western Australia.

Delegates and distinguished guests - I am pleased to have been asked to present this public lecture for the Fourth International Conference on the History of Records and Archives.

I was advised by the organisers that:

the general theme of this conference is to explore issues relating to the history of recordkeeping by and about Indigenous peoples, migrant communities, minority communities, forgotten and disappeared communities.

My sense of things is that this category of humanity numbers hundreds of millions. My task here is to give you some sense of the numbers and context of some in this category in Australia, and their situation with respect to records.

My hope is that my remarks will encourage some of you to take up the cudgels for the preservation of those records that survive; to gather primary source records, including oral histories; to achieve better management and central registries; to campaign for and allow greater and more sympathetic access, including ending the misuse of privacy rules to prevent proper purpose access.

To help you do these things I refer you to the more detailed reports examining these issues; and I intend here to provoke in you some sympathy for and understanding of both the cause and need for the people affected.

I have titled my talk: ‘The Forgotten Australians: Identity, records and their search for the past’.

Why forgotten? Because they were; and in significant respects, still are.

Historically there has been more academic and serious attention to the history of institutionalised Indigenous Australians than to others who were institutionalised, but even so it has been limited. Until relatively recently the written social history of Australia was remarkably sparse concerning the huge category of people that will be the subject of this address. This history is still hardly ever taught.

The lack of past serious and academic analysis of this social history reflected a wider prevailing attitude; an official and community view that children in care were not of much significance or interest overall. This attitude was reinforced by care-leavers themselves, many of whom were ashamed of having been in-care and kept their childhood to themselves.

This is what one Australian Senate report had to say in 2004:

As this report describes, children were for many reasons hidden in institutions and forgotten by society when they were placed in care and again when they were released into the ‘outside
One person referred to ‘the carpet children’ – as in swept under. These people who spent part or all of their childhood in an institution, children’s home or out-of-home care background have been the forgotten Australians.¹

One of the consequences of the prevailing social attitude so described was a disrespect and a lack of regard for records, too often further compounded by hiding or destroying such records that did exist. Nevertheless there are many records if you dig deep enough, not least the personal oral records of those many adults who were in care that are still living.

A trifecta of Australian national inquiries inform my views, supplemented by a number of British, Irish and Canadian inquiries, inquiries by various Australian states, hundreds of submissions that include primary sources, and many books and articles.

In 1997 the Australian Human Rights and Equal Opportunity Commission produced its Bringing them Home report on the indigenous ‘stolen generations’.² After that report, I lobbied for and initiated further inquiries in the Senate into the harm done to other children who were taken from their families and institutionalised or put in care.

As a result we now have the Senate Community Affairs Committee’s 2001 report into child migration, Lost Innocents: righting the record³; and the two reports of the Senate Community Affairs inquiry into children raised in institutional and other forms of care⁴, the 2004 Forgotten Australians report and the 2005 Protecting vulnerable children: A national challenge report⁵.

The Child Migrant report covers the foreign children sent out to Australian institutions. The Forgotten Australians report covers institutional care in Australia up until the process of deinstitutionalisation in the early 1970s; and the Protecting Vulnerable Children report focuses on the more contemporary problems of child protection covering foster care, the care of children and young people with disabilities and the confinement of young people in juvenile detention centres.

These reports have helped generate more interest in the Forgotten Australians, and autobiographic, academic, fictional, and official narratives are building. Nevertheless the popular knowledge and understanding is still low. The media narrative has been limited in its depth and presentation. That is why art - an increasing number of books now, and a few films - is so important; why social memory - a few but growing number of memorials, plaques, statues, but regrettably no museum of note - is so important; why academic research, teaching and publication is so important. These things are necessary to fill out the public narrative.

The Forgotten Australians report conservatively estimates that, taken together, there are over 500,000 people in Australia who experienced life in orphanages, children’s homes or other forms of out-of-home care last century. They are the 7,000 to 10,000 child migrants from Britain Ireland and Malta; the 30,000 to 50,000 Aboriginal ‘stolen generations’ children; and the 450,000-plus Australian-born, non-indigenous children raised in orphanages and other forms of out-of-home care.

The reports into these three cohorts of institutionalised and in-care indigenous Australians, non-indigenous Australians, and child migrants all exhibit the long-term effects of harming children, whereby, if you hurt a child, a harmed adult will often result. Aggregate those adults who were harmed in care and the social and economic cost is huge.

Together with the Human Rights and Equal Opportunity Commission’s *Bringing them Home* report, these Senate reports stand as testimonies to too many childhoods lived in fear, and consequently to ruined or scarred adult lives.

The number in-care is still high. Around 28,000 children are currently in-care in Australia.

When I am interviewed and I say over half-a-million were ‘in-care’ last century I have found that many still do not grasp what that means, the sheer scale of the institutionalisation of children.

I’m not sure of the exact figures, but if you said that 20 million people had been alive in twentieth century Australia, then by extension roughly 1 in 40 would have been in care. 1 in 40. Extrapolate that figure of half-a-million. Each would have had a close direct impact on a minimum of 10 people comprising spouses, siblings, relatives, children, friends, and workmates, so the total directly affected by Australians who had been in care was at least 5 million; so by extension (on a figure of 20 million) roughly 1 in 4 Australians. This represents a very large part of the general population.

It is no exaggeration to say that those who have been in care, or those who had close formative contact with those who had been in care, have helped form a large part of the Australian character and psyche.

Having established for you the sheer scale of those affected by institutionalisation, how does that relate to issues of identity and records?

If those in care lose identity, and they later search for identity, then they will search for records. The search for one leads to the search for the other.

My own impression is that ‘identity’ is largely underrated and underestimated in the general community. I suspect that is because the majority have never lost it or been disconnected from it. My own readings and experience indicate that identity is absolutely integral to personality and behaviour.

The common thread of those who have ever been institutionalised or in care is that their attachment to their origins, their family, their home and their past was cut. The testimony of those who were institutionalised is full of references to the search for re-connection. In that quest records are vital, of any kind, however sparse.

This is what David Hill had to say in his well-written study of Fairbridge in Australia:

> There are many cases where children have spent years, even decades, trying to find their parents, with a lack of cooperation and occasionally some resistance from Fairbridge.⁶

Una McCluskey’s outline of attachment theory and the theory of affect is insightful. She says:

> Attachment remains fundamental for children in the development of a secure personality and confidence in relationship with others…⁷

Attachment is integral to belonging and both are integral to identity. Sever attachment to a parent or stunt its development in-care, sever belonging to family or stunt its meaning in-care, and identity suffers. That identity is complex is true, but the need for it can be expressed simply and with great clarity, as with this quote from a witness that opens Chapter 9 of the *Forgotten Australians* report:
All he wants is to know who he is. He is entitled to know his heritage. Our children and our grandchildren are missing their heritage.

Trafficking in children has blighted humanity for thousands of years, and still does, but the organised large-scale export of children by governments is not well-known. The export or deportation of disadvantaged, homeless, neglected or indigent children goes back centuries. Unaccompanied British children are reported as being sent to Virginia in the 16th century; 12% of Canada’s population is recorded as being descended from what were known as ‘home children’, unaccompanied child migrants exported to Canada in the nineteenth and twentieth centuries.

The Canadian government has responded to the widespread expressed need to recover lost identity. My memory is that over 40 officers in the National Archives of Canada service the Genealogy and Personnel Records section there.

The Senate inquiries I was involved with impacted heavily on everyone involved, from the Senators and their staff to the committee secretariat and Hansard. We became privy to heartbreaking stories of families torn apart, and of vulnerable children exposed to an alien and usually cold institutional life. Fear, neglect and the longing for love were constants in the written submissions and oral testimonies, as were stories of widespread and systemic abuse.

I do not want to give the impression that every child in-care was harmed or hated it. I do not want to give the impression that every institution or care-provider was bad. That was not so. There were positive stories. But we also heard stories that defied belief. Submissions revealed horrific stories of slave labour, of physical assault, of sexual assault and rape, of profound emotional abuse and cruelty, of widespread and systemic abuse and neglect. There were even allegations of murder, but a shocking absence of coronial inquiries made those difficult to assess.

The failure to observe or supervise the duty of proper care, and the extent of the cover-up by churches charities agencies individuals and governments was astonishing.

The question of finding and exposing records therefore matters in exposing the system as a whole. It is not just of historical interest. For instance, reparations for mass-harm inflicted on children who remain damaged adults remains a live issue, and records and testimony are vital in these matters.

The assault and abuse of children is an uncomfortable topic, but delegates here are well aware that when crimes against humanity occur, records are essential in bringing about justice. There is no question that the wide-scale physical and sexual assault of children, and varied forms of abuse, demand restitution and justice.

Dr Joanna Penglase in her excellent book, Orphans of the Living: Growing up in 'care' in twentieth-century Australia, draws an interesting connection between identity formation and retention if as a child your body is used by adults for their own sexual gratification. She writes of how difficult it is as a child to either gain or retain a sense of ownership of one’s physical sense of self, when another can use his or her body as if it were a commodity, when your body can be seized and used for the pleasure of another. She quotes a former resident of a Christian Brothers-run home in Western Australia:

Their commitment to ‘save souls’ was bastardised into a system whereby they ‘stole our souls’; whereby they made us into mere ciphers, to be seized and used whenever the need for sexual gratification was upon them. We meant no more to them than the moment’s pleasure.
There were four boys’ homes run by the Christian Brothers here in WA: Bindoon, Clontarf, Castledare and Tardun. Ex-residents of these homes were mostly child migrants, many of whom gave evidence to the Senate inquiry. Many told of sexual assaults of children by the religious. The Child Migrant report states that these stories:

...provide an account of systemic criminal sexual assault and predatory behaviour by a large number of the Brothers over a considerable period of time. Evidence was given of boys being abused in many ways for the sexual gratification of the Brothers, of boys being terrified in bed at night as Brothers stalked the dormitories to come and take children to their rooms, of boys as ‘pets’ of the Brothers being repeatedly sodomised, and of boys being pressured into bestial acts.¹¹

Although the inquiries revealed many adult lives ruined by childhood trauma and neglect, many were not, and even of those harmed, we did learn of those who later built better lives for themselves, often through the love and support of partners. However many harmed adults still live on the margins of society, or have ongoing problems, and need targeted specialised programs to assist them, of which there are few.

The reality is that most live with buried feelings. For some these can ignite like an emotional landmine. Homelessness, welfare dependency, mental and other health problems, relationship and parenting difficulties, and substance abuse are far too common. Tragically, many have suicided. The great number of harmed adults has produced a high social and economic cost.

Sometimes the effects of harm are transferred to the victims’ children, thus creating generational social problems:

...[i]t affected my family life, how I treated my kids and everything like that, I put it down to that because I was a horrible father for 40-odd years...So he was hurt very much emotionally.¹²

Most survivors of institutional care have lived or continue to live with unanswered questions about much of their lives, questions that go to the heart of their identities.

The essential need to belong, to have one’s identity restored, emerged as such a major concern that the Senate reports dedicated whole chapters to the issue. The compulsion for human beings to know what they are the sum of was certainly borne out. Evidence also indicated that this compulsion appears to intensify as one ages.

The Child Migrant report had this to say:

For many former child migrants the greatest hardship was loss of identity. Many witnesses told the Committee that not knowing who they were was the hardest for them to bear, harder than all the abuses. The sense of dislocation and not belonging, of loss of family and of emptiness has had a profound impact on their lives and on the lives of their partners and children.¹³

The Forgotten Australians report similarly reveals the enduring legacy of losing contact with family, as does the Bringing them Home report. Many submissions cite recollections of having two, three, four or more siblings but having lost contact with them. Others reported they had found that they had siblings only when, many years later, they got to view their files. Some remembered parents, but did not know why they had been placed in care. This, the Forgotten Australians report states, is:
...not only a heartbreaking experience but also one that has a major impact on an individual’s sense of self and identity. There are no siblings to share birthdays or anniversaries. There are no photographs, no medical histories, no school reports or personal mementos. Many care leavers have been described as leading adult lives as ‘parentless people’, feel that they belong nowhere, isolated and being unable to establish attachments which the majority of people take for granted.¹³

Based on the testimony, one of the greatest scars carried into adulthood is the loss of identity for those raised in out-of-home-care. This is especially so for former child migrants who were not only separated from family members, but removed from their countries of origin. The same is true of indigenous Australians, the stolen generation, who were taken from their people and from their land, simultaneously a great psychological and spiritual blow.

In contrast to the popularly held belief that child migrants were orphans of the empire, few actually were. One researcher found that from the thousands of child migrant cases she looked into during a seven-year period, only one could be counted an orphan.¹⁴ Most of them either had parents who agreed to their migration in the hope of giving their children better opportunities, or were actually shipped out without parental consent. Some children left their countries tricked into thinking they were going on holiday.

On arrival in Australia, any sibling child migrants were immediately separated on the wharves before being herded into trucks to be taken to their respective institutions. The idea was to cut ties and attachments.

Standard to most institutions was deliberate depersonalisation. Personal possessions had to be handed over; the clothes they arrived in were replaced with the most basic form of clothing, which generally did not include shoes; they were given a number to be known by and were often re-named.

Often attempts by family to contact their children were obstructed. Parents or relatives calling at the door were turned away. Letters were not passed on. It is hard to understand now, but the official policy was to disconnect those in-care as much as possible from their former lives. The policy was for them to lose their identity and gain a new one. Human beings don’t work like that – hence the universal angst of those who were in-care.

When the child migrant schemes were operating, the normal practice was not to inform the children of the existence or whereabouts of parents or siblings. The logic was, ostensibly, to give them a new start in life away from what was considered a ‘shameful’ existence because of illegitimacy, poverty, neglect or abandonment.

That was how it was for child migrants, and indigenous and non-indigenous Australians. Witnesses told us they were told that they had no parents, or their parents had died, or that their parents didn’t want them anymore, when that was not the case. They were told they were unloved and from bad blood, the sons and daughters of whores; that they were from the gutter and that is where they would end up. The level of emotional and psychological abuse was indeed profound.

In 1997-98 a House of Commons Health Committee in the United Kingdom reported that:

The level of deception, the deliberate giving of wrong information or withholding of information, the policies of separating siblings, all make it very hard to accept that everything was done simply for the benefit of the children. It indicates an abuse of power and a disregard for the
feelings of the mothers and children, and it was certainly felt as such by many former child migrants.  

Care leavers outline the depth of anguish they have endured from being undervalued as children, from the stigma of having no family, from having no real identity.

One man aged in his fifties who was placed in care in Victoria from babyhood had this to say about his quite tragic life:

The thing that hurt me most of all was that I didn’t know who I was. No one ever told me where I came from or what. I was just an individual person that knew no one. I never ever knew how old I was. I never knew my birthday … I just think this whole thing has had a profound effect on me. I used to wait for somebody to come and see me, just as I saw parents come in and see their kids. I was always waiting for somebody. 

Another care leaver on giving evidence to the Committee at a hearing commented about the quest to give meaning to and understand her life:

…the main concern that I have in telling this story is that it reflects my having lived for some 40 or 50 years with whole lots of questions nagging away at me. … I have lived my whole life not knowing the answers … It has taken all of that time for the story to become clear – and it is not yet absolutely clear.

And another who was placed in ten institutions from the age of two commented that while he was growing up he didn’t think that he had a mother or father until they visited him when he was 12. He then found out he had brother and sisters. He lost contact with all his siblings, but established regular contact with one in 2003. He wrote:

My life has been terrible, I’ve been lonely all my life until I was 62 years old.

A former child migrant poignantly wrote:

…former child migrants have spent their entire lives feeling lost or separated even abandoned. From my own point of view I have lived my life with a hole at the centre of my being.

Another on learning of the existence of family gave evidence that:

After 53 years of loneliness, these people, like a lighthouse in the desert, shone that light through my heart and said ‘You have an identity.’ My heart was filled with happiness for the first time in my life.

The Child Migrants Trust was established in 1987 in England by former social worker Margaret Humphreys. Their professional tracing service in Northampton England is well worth visiting for anyone interested in records and their use.

Thanks to the wonderful tracing work of the Trust, many former child migrants have learnt of their roots and have undertaken travel to reunite with family members. In its submission to the Child Migrant inquiry, the Trust noted:

Child migrants who present to the Trust describe an increase in their desperation to find their families as the years advance, linked to their own ageing and the dwindling possibilities that their parents may yet be found alive.22

Members of the stolen generations who were removed from their families and communities have similarly undertaken journeys to discover themselves and their family histories. The Aboriginal organisation Link Up is pivotal in this respect.

If it were not for non-government organisations like the Child Migrants Trust, Link Up and some other key bodies such as the Care Leavers Australia Network (CLAN) and MacKillop Family Services, damaged people would remain disconnected.

In 1998, MacKillop Family Services established a Heritage and Information Service in Australia to assist with information about time in care. More than 100,000 individual records of care leavers are now noted on an electronic database.

Other organisations have also established similar services. However, other agencies still will not provide any assistance to care leavers seeking information about their care and family history.

Care-leavers who have searched for identity get pot-luck; sympathy, help and access from some, the reverse from others. It depends on the church, charity, agency or department, or even just on the individual they meet.

When records are found, often after being shunted between government and non-government past providers, with little understanding of their intense need for information; they can find confronting and distressing remarks in their files; misspelled or incorrect names and incorrect dates birth; or of finding their entire childhoods meriting only one or two lines in a dusty register.

One case that comes to mind is one care leaver opening her file only to discover it contained letters to her from her father that were never passed on, and letters she had written that had not even been posted.

Sometimes there is no information at all, just their name in a register of inmates.

Counselling is occasionally available for the often traumatic and re-abusive experience of reading information in their files. Care leavers have suffered breakdowns after reading their files. Some have even been hospitalised.

Past receiving agencies claim there are no records because they were lost in a fire or went missing when the home or institution closed down, or have been destroyed. Sometimes they have the records but they are either inaccessible or access is refused.

The destruction of records has been an enormous problem. In Western Australia, the relevant department indicated to the Committee that the first record of destruction of files dated back to July 1938 when 12,000 files were destroyed.

After 1951 a system of selection of files for retention in WA was established and in 1960 it was agreed that:

- adoption files would be destroyed after five years from the date of the order;
- child migrant files would be destroyed five years after expiry of term or date of final action; and

ward files would be destroyed 10 years after expiry of term or final action date.

With the benefit of hindsight, the Department now holds client files permanently, but this has not assisted older care leavers and their descendants, who cannot get answers to their identity questions, including information on essential identity documents like birth certificates.

The Department now helpfully publishes *Signposts*, which is a comprehensive volume containing information and contact details for more than 200 facilities that provided some form of out-of-home care in WA from 1920.

Former state wards are generally more successful in locating records than non-wards who were privately admitted, who face bigger hurdles as there was no legislative requirement for records to be made or kept for them.

To address the many problems associated with care leavers searching their past through records held by both government and non-government agencies, numerous recommendations were made in both the *Child Migrant* and *Forgotten Australians* reports; a total of 19 in all.

Citizenship proved to be a big issue for child migrants. Most former child migrants thought that as they were brought here as children, they automatically became Australian citizens. Not so. This was yet another part of identity denied them. The International Association of Former Child Migrants and their Families had this to say:

*We may have served in the Australian military and fought for Australia in Korea or Vietnam, or both, but when we wanted to claim social security benefits, we were told we were aliens, and if we couldn’t prove how we arrived in Australia we would be deported.*

Similarly, obtaining passports for overseas travel had proved a nightmare for former child migrants. One told of how the experience caused a great deal of angst and tears as she was forced to fill out many forms from many places. She stated:

*This is what happens at most Government Departments when requesting everyday forms, employees just don’t understand that you don’t have the information required.*

Although Freedom of Information legislation and a greater willingness of some organisations to make records available have improved access, problems still include the destruction and fragmentation of records, poor record keeping, and privacy restrictions. Privacy restrictions can mean that people finally access their records only to discover that substantial information has been withheld, especially when attempting to access records of other family members. In some cases, these records are bound to contain vital information in the quest to trace family members or the person’s history.

Under privacy legislation, family information is considered information about a third party and is treated differently to the personal information of the searcher. For instance, the Manager of the Heritage and Information Service of the MacKillop Family Services told the Committee:

*We release records according to the privacy legislation, which would mean that we could not release information about a person to somebody else unless that person has given permission for them to receive it or unless that person was deceased.*
Such restrictions have had far-reaching consequences for care leavers attempting to piece together their fractured lives. One submission stated:

…to find that I can’t gain access to files relating to my brothers from Family and Children’s services without permission from their children who I don’t know [I] feel that … part of my identity is missing. When I started the search I thought the ache in the corner of my heart would be erased only to find that it has got larger.26

Another care leaver had this to say after the death of her sister:

I am not able to get access to her state ward file because of the privacy laws. These records will help me to understand her life as well as my own. Siblings in ‘normal’ families are able to get access to their family history through parents telling of the family information. However, state wards often only have the state ward file to go back to for family information.

…I have to have her husband’s permission to get access to her…file. …This is NOT his family information …yet the law states that this man has the right to release or not release family information which does not pertain to his history or identity.27

Some care leavers have even been denied information about their biological parents. One angrily stated:

The Department decides I cannot have certain information about MY parents. Why should the Department staff get to read the file about my parents and then relate it to me? How dare the Department decide that I cannot read about MY parents.28

Privacy restrictions have hindered care leavers gaining information about babies they gave birth to and were coerced into giving away or giving up for adoption. This situation happened not just to girls in out-of-home care, but also to single working girls placed in an institution during the term of their pregnancy.29

One person wrote:

The Victorian Government has caused my family and myself grievous emotional/psychological damage by withholding information and records, that prevented my former husband and I from parenting our first born child. When I was an eighteen-year old adolescent she was abducted from me when I delivered her in a government licensed [institution].30

Overall, third-party privacy restrictions pose a frustrating barrier to care leavers. The searcher can be denied the very information required to identify family members and to re-establish family links.

While some progress has undoubtedly been made since the inquiry, overcoming privacy restrictions remains a significant hurdle for care leavers. Only legislative and administrative reform can address this.

Privacy provisions need to be changed so that all nine federal state and territory Australian governments can fulfill their obligations to the United Nations Convention on the Rights of the Child, to which Australia is a signatory. Article 8 of this Treaty States:

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection with a view to re-establishing his or her identity.

This aim can be achieved. For example, the directory of child care agencies produced for Anglicare notes that:

> Of all the complex and difficult issues around the Stolen Generations, child migrants and former wards, this issue of developing an efficient and effective system for former residents of children’s homes to access family information is surely the most manageable.31

Only when all government and non-government agencies agree and commit to a flexible liberal and compassionate interpretation of privacy legislation to allow care leavers to identify their family and background, will these problems be properly addressed for care leavers.

Attached are recommendations pertinent to this paper.

What is needed now is for the Senate Community Affairs Committee to audit responses to and progress on the implementation of these (and indeed all) recommendations of the Bringing them Home, Child Migrant and Forgotten Australians reports.

The Committee and political public and private advocates must apply pressure to the federal government and to the Council of Australian Governments. Then the progress made to date will be given the renewed impetus it needs.

Andrew Murray was elected as an Australian Democrats Federal Senator for Western Australia in 1996 and again in 2001. In February 2000, Andrew secured the support of the Australian Labor Party (ALP) for an inquiry into child migration to Australia. In 2003, again with ALP support, he initiated an inquiry into those Australians who were not child migrants but who also experienced institutional care as children. He retired from the Senate on 30 June 2008.
1 Senate Community Affairs Reference Committee Forgotten Australians A Report on Australians who experienced institutional or out-of-home care as children, August 2004, p6 para 1.16.
4 The shorthand acronym often used for this inquiry is CICI – for the children-in-care inquiry.
9 See also Senate Community Affairs References Committee, Lost Innocents: Righting the Record, Report on child migration, August 2001, pp.167-8.
11 Senate Community Affairs References Committee, Lost Innocents: Righting the Record, Report on child migration, August 2001, p.76.
12 Part of a quote in (draft) Chapter 5 of After the Orphanage by Sueellen Murray, John Murphy, Elizabeth Branigan and Jenny Malone. To be published by UNSW Press in 2008.
13 Ibid. p137.
14 Forgotten Australians, p.253.
15 See Margaret Humphreys, Empty Cradles, Doubleday, London, p.312. Margaret Humphries deserves much credit for her pioneering work in exposing the child migrant scandal. That her book was one of the first in this genre indicates how recent interest in this field is.
18 Committee Hansard, CICI, 11.11.03, p.99.
19 Submission 283, CICI.
20 Submission No.126, p.4.
21 Committee Hansard (in camera), Child Migrant Inquiry. The witness was referring to family being traced by the Child Migrants Trust.
22 Lost Innocents, p.138.
23 Submission No.129, p.20.
24 Submission No.62, p.2.
25 Committee Hansard, Children in Institutional Care Inquiry (CICI), 12 November 2003, p.29.
26 Submission 184, CICI.
27 Submission 119, CICI.
28 Submission 167, CICI.
29 See Forgotten Australians, pp.107-09 and Bringing them Home report, p.341.
30 Submission 247, CICI.
31 See J. Boyce, For the Record: Background Information on the Work of the Anglican Church with Aboriginal Children and Directory of Anglican Agencies providing residential care to children from 1830 to 1980, Anglicare, p.15.

Attachment A
Pertinent Recommendations

The Child Migrant report recommended

**Recommendation 5**: That the Commonwealth Government continue to provide funding for at least three years directly to the Child Migrants Trust to ensure that the specialised services of tracing and counselling are provided or accessible to former child migrants living throughout Australia.

**Recommendation 13**: That the Commonwealth Government provide at least three year funding to those agencies engaged in dedicated tracing in the United Kingdom to assist former child migrants to locate their families, based on applications by agencies undertaking that work.

**Recommendation 6**: That the Commonwealth Government urge the British Government to continue financial resources for the National Council of Voluntary Child Care Organisations (NCVCCO) for the retention and expansion of the Child Migrant Central Information Index.

**Recommendation 7**: That the Commonwealth Government urge all State Governments to establish a comprehensive signposting index similar to that established by the Western Australian Government.

**Recommendation 8**: That the Commonwealth Government urge all State Governments to cooperate to establish a national index of child migrants.

**Recommendation 9**: That the Commonwealth Government urge all State and Territory Governments to publish directories of information to assist all former residents of children’s institutions to access records similar to the directories published by the New South Wales and Queensland Governments.

**Recommendation 11**: That the National Archives of Australia be provided with sufficient funding to ensure continuation of the program of digitising its records relating to child migration.

**Recommendation 10**: The Committee recommends that a national group of all receiving agencies, other relevant bodies and Commonwealth and State Governments be established to develop uniform protocols for accessing records and sharing information relevant to former child migrants, their families and descendents and to coordinate services for former child migrants.

**Recommendation 12**: That the National Archives of Australia liaise with the Genealogy and Personnel Records Section of the National Archives of Canada in relation to the technology, protocols, processes and procedures the Canadians have implemented to facilitate access to their records for former child migrants and their descendents.

**Recommendation 14**: That all organisations holding records pertaining to former child migrants make these records available to former child migrants or their authorised representative immediately and unconditionally.
Recommendation 15: That where any organisation holds primary documents, including birth certificates, relating to any living former child migrant without their express permission, former child migrants be entitled to recover that document from the holding organisation.

Recommendation 16: That all sending and receiving agencies be required to extend access to their records for descendants of former child migrants.

The Forgotten Australians report also made some similar recommendations to improve access to records, most of which were deferred by the then Government to the states on constitutional grounds. These were:

Recommendation 12: That government and non-government agencies holding records relating to care leavers, implement and fund, as a matter of priority, programs to find, identify and preserve records including photographs and other memorabilia.

Recommendation 13: That all government and non-government agencies immediately cease the practice of destroying records relating to those who have been in care.

Recommendation 14: That all State governments and non-government agencies, which have not already done so
- provide dedicated services and officers to assist care leavers in locating and accessing records, both government and non-government; and
- compile directories to assist in the locating and accessing of records relating to care leavers and the institutions in which they had been placed.

Recommendation 15: That a dedicated information and search service be established in each State and Territory to:
- develop a complete register of all records held by government and non-government agencies;
- provide assistance to care leavers to locate and access records;
- provide advocacy and mediation services to care leavers accessing records; and,
- ensure that all agencies holding records identify, preserve and make available all surviving records relating to care leavers and the institutions that housed them.

Recommendation 16: That all government and non-government agencies agree on access guidelines for the records of all care leavers and that the guidelines incorporate the following:
- the right of every care leaver, upon proof of identity only, to view all information relating to himself or herself and to receive a full copy of the same;
- the right of every care leaver to undertake records searches, to be provided with records and the copying of records free of charge;
- the commitment to a maximum time period, agreed by the agencies, for the processing of applications for viewing records; and
- the commitment to the flexible and compassionate interpretation of privacy legislation to allow a care leaver to identify their family and background.

Recommendation 17: That all agencies, both government and non-government, which provide access to records for care leavers, ensure adequate support and counselling services are
provided at the time of viewing records, and if required, subsequent to the viewing of records; and that funding for independent counselling services be provided for those care leavers who do not wish to access services provided by a former care agency.

Recommendation 18: That the Commonwealth request the Council of Australian Governments to review all Federal and State and Territory Freedom of Information regimes to ensure that they do not hinder access by care leavers to information about their childhoods and families.