Witness Statement

<table>
<thead>
<tr>
<th>Name</th>
<th>Anthony John Shanahan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Brother Paul Noonan Formation Centre, Tamale, Ghana</td>
</tr>
<tr>
<td>Occupation</td>
<td>Director</td>
</tr>
<tr>
<td>Date</td>
<td>28 April 2014</td>
</tr>
</tbody>
</table>

1. My name is Anthony John Shanahan.

2. My date of birth is 23 October 1950.

3. I reside in Tamale, Ghana and have done so since January 2011. I am currently Director of the Brother Paul Noonan Formation Centre. I have lived and worked in Africa since October 2003.

4. I make this statement in response to a request by the Royal Commission into Institutional Responses to Child Sexual Abuse dated 10 April 2014. Due to the limited amount of time in which I have had to prepare this statement, and the fact that my access to relevant documents has been limited by the difficulties of receiving those documents and the statements of the former residents to the Royal Commission via email in Ghana, I make this statement based on my recollections and to the best of my ability. However, I cannot say that the statement traverses all of the matters relevant to the issues covered.

5. In this statement, where I make reference to "we", I am referring to the Congregation of the Christian Brothers in Australia, the Trustees of the Christian Brothers (ACN 669 397 786), the Holy Spirit Province or the Provincial Council of the Holy Spirit Province, as the context permits.

6. This statement has been prepared in response to and in compliance with a Notice to Produce. It is produced to the Royal Commission on the basis that it will be tendered and received in evidence by the Royal Commission pursuant to that Notice to Produce and on the basis that the statement will be treated as evidence pursuant to section 6DD of the Royal Commissions Act 1902 (Cth).

Background

7. I was educated in Sydney and Adelaide.

8. I attended a Catholic Parish Convent School in Sydney up until year 3 and then attended for a couple of years, the De la Salle College at Kingsgrove.

Signature

Witness
When I was 11 years old my family moved from Sydney to Adelaide and I attended school at Christian Brothers College in Wakefield Street, Adelaide until I completed my schooling.

I began my training to join the Congregation of the Christian Brothers the year after I completed my secondary studies. I was 17 years old at the time.

I spent three years in Melbourne, the first doing intensive religious training as a novice Brother, then two years as a full-time student doing a mix of university subjects and teacher training.

I began teaching in 1971 at St. Paul’s College, Adelaide.

I took my final vows in 1975.

In 1976, I attained a Bachelor of Arts, majoring in Politics and English, from the University of Adelaide.

I was a teacher and part of the Rostrevor College, Adelaide, community from 1973 to 1978. I was then transferred to the Christian Brothers College Fremantle where I was the Deputy Principal between 1979 and 1982.

Between September 1983 and July 1987 I was in Rome where I attained a licentiate in psychology from the Institute of Psychology at the Pontifical Gregorian University, the last year of which was a supervised clinical placement. The course focused on applying clinical psychology to the training of priests, brothers and sisters – assisting religious in integrating their religious commitment with their human growth and development. I was trained in assessing the suitability of candidates for vocations as well as in the skills of accompanying individuals in the process of self-discovery and personal integration.

Upon arriving back in Australia in July 1987, I worked for a couple of years as a consultant psychologist. I worked with young Christian Brothers who had just completed their initial training and men and women who were in a similar stage of development within other congregations, as well as assessing people who were interested in joining religious congregations or seminaries, and assisting people with therapy more generally. This was done under the auspices of the Christian Brothers.

During 1989, I was appointed to fill a casual vacancy on the Provincial Council of the Holy Spirit Province which operated out of Perth.

At that time, the Holy Spirit Province incorporated the geographical areas of Western Australia and South Australia. The other Australian provinces included:
(a) St Patrick's Province which incorporated the geographical areas of Victoria and Tasmania, and which was governed from Melbourne;

(b) St Francis Xavier Province, which incorporated the geographical areas of Queensland and the Northern Territory and which was governed from Brisbane; and

(c) St Mary's Province which incorporated the geographical areas of New South Wales, the Australian Capital Territory and Papua New Guinea and which was governed from Sydney.

In 2007, each of these Provinces was brought together in one new structure known as Oceania Province. Oceania Province also incorporates New Zealand.

20 In 1990, I was appointed to the Provincial Council for the Holy Spirit Province as Deputy Provincial to Brother Gerard Faulkner. I held that position from 1990 to 1996. As deputy to Brother Faulkner, and prior to that, as a member of the Provincial Council, I was aware that Brother Faulkner had been involved in addressing the needs of former child migrants and the ex-residents of the Christian Brothers' institutions in Western Australia, and responding to allegations of abuse including sexual abuse. In the early 1990s, in part due to my background in psychology, I also became involved in dealing with these issues.

21 In 1996, I was appointed Provincial of the Holy Spirit Province and retained that position until 2002. As Provincial of the Holy Spirit Province, I had the responsibility of leading the leadership team in addressing the needs of former child migrants and other ex-residents of the Christian Brothers' institutions in Western Australia, responding to the allegations of sexual and other abuse, and addressing other related issues such as child protection. It is difficult to quantify how much of our time and energy went on these issues, but it was a large proportion and was a very significant aspect of my six years in office.

22 After handing over to my successor as Province Leader, Brother Kevin Ryan, in 2002, I took a three month sabbatical at a centre in Wales from the end of January 2003. I returned to Australia in July 2003, then accepted a posting in Africa which I commenced in October 2003. I have been in Africa since.

**Christian Brothers Residential Care Institutions in Western Australia.**

23 The Christian Brothers conducted four residential care institutions in Western Australia. They were:

(a) Clontarf (also known as St Joseph's Orphanage Clontarf, Clontarf Boys Town, Clontarf Orphanage Industrial School). Clontarf, located on the banks of the Canning River in Perth, was a residential care institution from 1929 to 1983. Clontarf took in boys from a variety of

[Signature]

Witness: [Signature]
backgrounds requiring residential care, including Australian born-wards of the state, private admissions and child migrants. From 1929, residents were twelve years or older;

(b) **Castledare** (also known as St Vincent's Boys' Home, Castledare Special School, and Castledare Boys' Home). Castledare operated as a residential care institution from 1929 to 1983. It was originally established as a residential school for boys with learning difficulties and later became a residential institution for younger boys and was linked to Clontarf. Residents included wards of the state, child migrants and private admissions. It, too, was on the banks of the Canning River, three kilometres from Clontarf;

(c) **Tardun** (also known as St Mary’s Agricultural School, Tardun Farm School, Clontarf Boys’ Farm and Tardun Agricultural College). Tardun was located approximately 450 kilometres north east of Perth, inland from Geraldton. It was originally established as a working farm in 1928 and was operational until 1965 as a residential institution. Tardun housed Australian-born state wards, private admissions and child migrants. Tardun was subsequently turned into a conventional boarding school; and

(d) **Bindoon** (also known as Bindoon Boys’ Home, St Joseph’s Farm and Trade School Boys’ Town). Bindoon was run as a residential institution from 1936 until 1966 when it became a conventional boarding school. It was located in the Chittering Valley approximately 100km north of Perth. Bindoon housed Australian-born state wards, private admissions and child migrants. It had an agricultural and trade focus, with residents being involved in farm work and extensive building programs into the 1950s.

I refer to Clontarf, Castledare, Tardun and Bindoon collectively as ‘the Institutions’.

The Institutions took a large number of child migrants under the British and Australian governments’ child migration schemes during the period between the world wars and post-World War II. A large proportion of the child migrants immigrated in the late 1940s and early 1950s. The number of child migrants who were initially placed in these Institutions were:

(a) Clontarf, 188;

(b) Castledare, 211;

(c) Tardun, 220, and

(d) Bindoon, 245.

I take these figures from the submission of the Catholic Church's Joint Liaison Group on Child Migration (of which I was Convener) to the Commonwealth Government Senate Community Affairs Reference Committee Inquiry into Child Migration, dated December 2000.
Child protection in 1947 to 1968

26 I commenced training as a Christian Brother in 1966. The comments I make in relation to child protection policies and procedures applicable to the Institutions in the period 1947-1968, including the handling of complaints of child sexual abuse and the disciplining of alleged offenders, is based on investigations conducted in the 1990s, including the research conducted by Brother Coldrey referred to in paragraph 74, my conversations with other Brothers and my general awareness of how matters were dealt with in those years by reason of being a member of the Congregation.

27 Between the years 1947 and 1968, there were no written, specific policies and procedures relating to child protection, the handling of complaints of child sexual abuse or the disciplining of alleged offenders which applied to the Institutions.

28 Whilst there were no specific policies, there were relevant rules which were part of the general rules and regulations which applied to the Christian Brothers.

29 The Common Rules and Constitutions of the Congregation of the Brothers of the Christian Schools as modified in 1947 and the Constitutions of the Congregation of the Brothers of the Christian Schools of Ireland as modified in 1961 applied during the period. Furthermore, there was a book commonly known as the Directory which contained more detailed and specific regulations and procedures for the life and work of the Brothers. I am not sure when the Directory ceased to be in force as it was not part of our life by 1968, but I believe it would have been in force for at least part of the period I am commenting on. The Constitutions contained the following relevant rules:

(a) Common Rules and Constitutions of the Brothers of the Christian Schools, 1947:

(i) Chapter V, rule 9: Should it happen that any one or more Brothers know of the a considerable fault capable of causing scandal, they shall not speak of it in this exercise, but they shall inform the Brother Director of it privately; they shall not fail to do this under any pretext whatever. Every Brother shall look upon this practice as an indispensable duty.

(ii) Chapter VII, rule 11: They shall love all their pupils sincerely; they shall not, however, be familiar with any, nor give them anything through particular friendship, but only as a reward or for encouragement.

(iii) Chapter VII, rule 15: The Brothers shall not speak to their pupils privately, except very seldom and through necessity; and when obliged to speak to them, they shall do so in few words.

(iv) Chapter XX, rule 7: They shall not touch their pupils through playfulness or familiarity, and they shall never touch them on the face.

Signature: [Signature]
Witness: [Signature]
(b) Constitutions of the Congregation of the Brothers of the Christian Schools of Ireland, 1962:

(i) Chapter VII, rule 85: Whilst the Brothers should cherish an affection for all their pupils, especially the poor, they are forbidden to manifest a particular friendship for any of them. They must not fondle their pupils; and unless duty and necessity should require it, a Brothers must never be alone with a pupil.

(ii) Chapter XVII, rule 173: During the play hours they are to guard the pupils, as far as they can, from moral as well as from physical danger. In residential schools special vigilance is required in guarding the morals of the pupils.

(iii) Chapter XVII, rule 174: Should it be considered necessary to punish a pupil it must be done calmly and with great moderation. Boys should be induced to act rightly from a sense of duty rather than through servile fear.

(iv) Chapter XXI, rule 200: A Brother under temporary vows may be dismissed by the Superior General with the consent of the Council manifested by secret voting. The reasons for dismissal must be grave. Such a want of the religious spirit as gives cause of scandal to others is sufficient reason for dismissal, when a repeated admonition, together with a salutary penance, has produced no effect.

(v) Chapter XXI, rule 208: In the case of grave external scandal, or of serious imminent injury to the Community, the religious may be dismissed immediately by the higher Superior with the consent of his Council, or even, if there be danger in delay and time does not admit of recourse to the higher Superior, by the local Superior, with the consent of his Council and the local Ordinary. The religious must put off immediately the religious habit; and the case must be submitted without delay to the judgment of the Holy See.

30 It is my understanding that the following procedures or processes for handling a complaint of child sexual abuse would likely have been followed by the Christian Brothers.

31 Supervision of Communities within a province was the responsibility of the Provincial Council. This was exercised by way of annual visits by a member of the Council. This visit was known by the formal name "Visitation". A visitor would stay with the Community for a number of days, during which the visitor would speak to and observe the Brothers in the Community as well as others in contact with the Community. The visitor would usually conduct an inspection of the school or institution and would then prepare a written report to the Provincial Council, which was copied to the Superior General. This Visitation Report would include observations regarding the operations of the relevant school or institution as well as whether the Brothers and the Community were acting in the spirit of the vocation and observing the rules of the Congregation.
32 It was expected that any concerns about the behaviour of members of the Community or other staff would be shared with and observed by the Visitor, and would be reported back to the Provincial Council and discussed. This would include suspicions of potentially abusive behaviour or allegations of actual misconduct of any type. The Visitor could also discuss any issue with the Superior of the Community. Further, it would be expected that if the Superior became aware by any means of potential abusive behaviour, he would report such behaviour to the Provincial Council.

33 During the period from 1947 to 1967, the Provincial Council with oversight of the Communities at the Institutions was, prior to 1953 in Strathfield, New South Wales, and in Melbourne after that time. As a result, the supervision of the Communities at the Institutions was not as tight as it could have been had the supervision been out of Perth. Due to the distance and the time it could take to report a matter to the Provincial Council and to receive a response, a Superior might make decisions on some matters which would ordinarily require Provincial Council approval.

34 If a complaint was made about sexual misconduct, it was my understanding that during the period 1947 to 1967 a common procedure was to be put the complaint to the offender. Where the offender did not admit to the complaint, the word of the Brother was usually taken over the word of the child unless there were other indications that would lead to the Brother’s denial being doubted. Of course this is against contemporary wisdom. However, this appears to be the way that the allegations were dealt with in those days.

35 In cases where the Brother admitted to conduct, where direct evidence of misconduct was available, or where there were several allegations made against a certain Brother, some positive action might be taken.

36 For what were judged to be “minor” incidents, such as fondling, a Brother was likely to receive a warning and might be transferred from a position in a residential institution or school to a day school where it was thought that there would be less opportunity for further misconduct.

37 In more serious cases, the Brother might be asked to seek a dispensation and on very rare occasions, dismissed. If the Brother had not taken his final vows, the Provincial Council had the power to prevent him from renewing annual vows, effectively dismissing him from the Congregation. Whether the incident was a “minor” or more serious one, this course was often taken with Brothers who had not yet taken final vows.

1990 General Chapter

38 Shortly after I joined the Provincial Council I attended the General Chapter of the Congregation of the Christian Brothers in Rome in 1990 as a representative of the Brothers of the Province, along with Brother Gerard Faulkner and Brother Desmond O’Grady. Representatives from the other Australian provinces also attended.
A General Chapter is a gathering of the elected representatives of the various provinces of Christian Brothers worldwide and convenes every 6 years. The General Chapter, when in session, is the Congregation's supreme legislative body.

One of the issues discussed at the 1990 General Chapter was the discovery that child sexual abuse had occurred in a residential boys' home in Newfoundland in Canada, and the implications of this situation. The discussion had a huge personal impact on me, and all of us, due to the scale of the abuse, the damage it had done and the consequent disruption of the Brothers' life and work in Canada.

Upon returning from the General Chapter, Gerry Faulkner sent a circular to the Brothers in the Holy Spirit Province which stated that child sexual abuse was a serious matter which needed to be dealt with and that the Brothers should contact him immediately if they had committed any offence in this area or had concerns about such conduct or if they were aware of any Brothers who had engaged in such conduct. I am advised that a copy of the circular cannot presently be located by the Christian Brothers.

Former Child Migrants

After I joined the Provincial Council I became aware that sometime in the late 1980s, Brother Faulkner had begun liaising with representatives of former child migrant groups regarding the various difficulties they faced by reason of being transported to the other side of the world and being institutionalised from a very young age.

The issue of the treatment of ex-residents of the Institutions had been brought into public awareness by various publications and news items which emerged during the late 1980s and early 1990s. In August 1988, a segment on State Affair detailed accusations of abuse in Bindoon. Lost Children of the Empire was published in London by Philip Bean and Joy Melville in 1989. A documentary film by the same name was also screened that year. At that time, the focus was on child migration, as well as physical and emotional abuse and the extent of the sexual abuse was not yet apparent.

From then on, and for the next few years, there was ongoing, almost weekly, coverage in the Perth newspaper Sunday Times. Articles also appeared in the Sydney Morning Herald, the Age and other newspapers in Australia. Lionel Welsh, an ex-resident of Bindoon, published two books, Geordie – Orphan of the Empire and The Bindoon File, in 1991.

I understood that the former child migrants were complaining about a raft of issues including child labour, harsh physical conditions, difficulties faced by the children being halfway across the world and away from any family, allegations of forced or illegal removal from families, as well as physical, emotional and sexual abuse.
46 Brother Faulkner was also liaising with ex-residents of the Institutions who were not former child migrants, but in the main, his dealings had been with those who were former child migrants. Whilst the Australian born ex-residents did not have the issue of being taken away from a culture and families who were half a world away, they had similarly difficult backgrounds, being orphans or from broken families, or with a history of juvenile delinquency. They also suffered the same deprivations and exposure to abuse.

47 From those contacts we understood that the urgent needs for most former child migrants and residents were:

(a) access to information about themselves;

(b) assistance in family search, especially for those who were former child migrants;

(c) travel assistance to enable those who had located family members in the UK or Malta to travel to meet their relatives; and

(d) counselling.

48 At the time, we recognised that many ex-residents (though certainly not all), were struggling with or had been affected by issues such as relationship breakdown, poverty, alcoholism and depression. Our overriding focus was to provide assistance in such areas and to take a pastoral approach to reparation. This involved trying to address the issues listed above.

49 Between 1989 and 1993, the Christian Brothers were involved with the following initiatives to assist former child migrants:

(a) providing financial and other support to the Child Migrant Friendship Society of W.A. (Inc) 1989 (The Child Migrant Friendship Society) and Children from Catholic Institutions;

(b) providing funding assistance for family tracing services;

(c) setting up a trust fund to provide child migrants with financial assistance to enable them to travel to the United Kingdom to meet family members; and

(d) facilitating access to counselling services.

The Child Migrant Friendship Society

50 I am aware that during 1989, Brother Faulkner was in contact with a group called The Child Migrant Friendship Society, which described itself as a friendship group with the aim to give mutual support and practical assistance to former child migrants. An important part of their work was assisting child
migrants with researching and finding their families. The Society also provided a drop-in centre and emotional support for former migrants, as well as seeking to provide accommodation for those who were homeless and providing assistance with citizenship issues.

51 Whilst the communications between Brother Faulkner and The Child Migrant Friendship Society commenced with members of The Child Migrant Friendship Society criticising an article written by Brother Faulkner, the communications quickly moved to discussions about the ways that the Holy Spirit Province might assist The Child Migrant Friendship Society.

52 The assistance provided by the Holy Spirit Province to The Child Migrant Friendship Society included:

(a) Finance: assistance with the rental obligations in respect of office premises.

(b) Records: identifying the details of the relevant registers in the Christian Brothers' possession and making available a list of all such material as soon as was possible. Access to those registers and other relevant material was provided (subject to conditions to be agreed between the parties so as to ensure appropriate protection of the confidentiality and privacy of individuals).

(c) Cooperation: co-operation on the basis of goodwill and friendship with The Child Migrant Friendship Society, the Catholic Migration Office, the Catholic Social Welfare Commission and any other relevant groups or agencies established for the good of former child migrants in ways that were reasonable and within the resources of the Christian Brothers.

(d) Miscellaneous: providing a commitment to respond co-operatively to situations within the normal constraints of time and resources and to consider any new or ongoing assistance that may be required.

A copy of the letter from Brother Faulkner dated 31 October 1989 is at [CTJH.056.11060.0188].

53 The Christian Brothers continued to pay The Child Migrant Friendship Society's rent for its office and drop-in centre at Marylands for about 4 years.

54 The Holy Spirit Province also provided support to another ex-residents' groups called the Children from Catholic Institutions (CCI). CCI sought to find relatives of former child migrants and provide material help for "migrant drop-outs". At one stage, the Holy Spirit Province was considering whether to provide a house for crisis accommodation for homeless male child migrants from Catholic institutions, a meeting room once a month and lockable space to store material collected for fund raising events and for the crisis care houses. I do not recall what assistance was actually provided to CCI. At that stage, Gerry Faulkner was their primary liaison point.
Access to information held by the Christian Brothers

55 As I understand it, child migrants from the UK and Malta who came into the Institutions were formally accepted from the State Government into Catholic care by the Catholic Episcopal Migration and Welfare Association (CEMWA), an incorporated body formed for this purpose by the Archbishop of Perth, the Bishop of Geraldton and the Abbot of New Norcia.

56 Files on the children were kept by the Catholic Child Welfare Council in the UK (CCWCUK), the Western Australian Child Welfare Department (WACWD) and the Catholic Migration Office. The Catholic Migration Office is the office within the Perth diocesan welfare structure that dealt with migration-related issues. The Christian Brothers were only given the students' names, ages, dates of arrivals, and in some cases, the names of the ships that had brought them to Australia.

57 The information that the Christian Brothers had on the issues relevant to the former child migrants regarding their background was extremely limited and most of their files were in the possession of the WACWD or the Catholic Migration Office. The information that the Christian Brothers held, e.g. admissions registers, was made available if requested and if the relevant documents were extant. Record-keeping and preservation of the documents from the Institutions was somewhat uncertain during the period being discussed.

58 The only records kept by the Christian Brothers about the boys' backgrounds were the admission records of the four Institutions which also tracked the movement of boys from one institution to another. Records generated by the Institutions such as school reports were kept by them for a period. The extent and the condition of the record keeping and the length that the records were kept varied from Institution to Institution.

59 In recognition of the need for former child migrants to have access to personal information, the Christian Brothers have been providing assistance to former child migrants with family searches in the ways set out below since the late 1980s.

Assisting with family searches

60 One issue raised by The Child Migrant Friendship Society was the difficulty former child migrants faced in obtaining access to UK archives and the need for assistance with family searches on the ground in the UK. The Child Migrant Friendship Society had assistance from a couple of volunteers in the UK, but the amount that these volunteers could do was limited compared to the demand for their assistance.

61 For some years, during the 1990s, the Christian Brothers funded a full time qualified researcher in the UK, to assist former child migrants with searches. I am not sure whether there was more than
one person in that role over that period, but I recall that Michael Lyons was in that role for a few years. He worked under the supervision of the CCWCUK.

62 From July 1993, the Christian Brothers helped to fund a service run by the Catholic Migration Centre for former child migrants to obtain access to personal information, in tracing of family and with associated counselling.

63 The Christian Brothers also funded the CCWCUK to obtain access to a commercial database in the UK to assist particularly difficult family searches.

64 The Christian Brothers were the driving force in a project to develop the Personal History Index. The project commenced in 1996 and was completed in 1999. The Personal History Index was a computerised index that recorded the location of personal records held by all Catholic Church bodies which received child migrants. This enabled any inquirer to know immediately where any records held by the Catholic Church in Australia were located and what they were. It greatly facilitated the process of access to such records.

Former migrant trust fund

65 One matter which Brother Faulkner put a fair amount of time and effort into was the idea of a fund to benefit former child migrants. This concept was much discussed by the Provincial Council in the early 1990s in various forms. Building on the provision of funds to assist former child migrants to travel, it expanded to include funds to meet other needs, such as counselling.

66 In July 1992, Brother Faulkner prepared a memo proposing the establishment of a trust fund. He envisaged that the fund would provide travel assistance, counselling services and assistance with family searches [CTJH.056.20001.3305]. Brother Faulkner revised the memo and the fund was conceived as a travel assistance fund [CTJH.056.20001.3303]. A further memo proposing a further iteration of the fund is at [CTJH.056.20001.3403].

67 There were also discussions with Centacare and other Catholic agencies regarding setting up a fund to assist child migrants with travel assistance for reunions, searches and counselling, including general therapy [CTJH.056.20001.3470]. The proposal was discussed at the meeting of the Provincial Council on 11 December 1992. The Provincial Council supported the idea of the fund, agreed to have a representative on the steering committee and agreed that the Holy Spirit Province was willing to contribute funds in the absence of government funding [CTJH.056.20001.3465]. A further memo dated 12 March 1993 about the establishment of this fund is at [CTJH.056.20001.3605]. On 14 June 1993, the Provincial Council gave approval for urgent funding to support child migrant support services at Centacare [CTJH.056.20001.3673].
A travel assistance fund was established by the Holy Spirit Province in 1993. The administration of the fund was transferred to the Independent Services for Ex-Residents and Victims (ISERV) in November 1993, and subsequently the Christian Brothers' Ex-Residents' Services (CBERS). I noted in the Christian Brothers submission to the Select Committee on Child Migration, that from 1994 to the time of the submission in August 1996, 119 applications for travel assistance had been submitted, 58 men had received assistance, 49 applications were still being processed, 6 applications were dormant and 6 applications were rejected.

Prior to the establishment of the fund, financial assistance was given on an ad hoc basis in response to approaches from individuals.

The Scheme

The idea to commission Brother Barry Coldrey to research and write a book for the Centenary of the Christian Brothers in Western Australia in 1994 arose in about 1989. Initially, the idea was that Brother Coldrey would write a history of the Christian Brothers in Western Australia. However, another Brother in Western Australia was already preparing a thesis on the same subject, so it was proposed that Brother Coldrey prepare a history of the Christian Brothers work at the Institutions.

When considering whether to commission a history of the Institutions, we discussed whether Brother Coldrey was the right person to prepare it. We knew that the history would become part of the controversy. As such we were conscious that the book had to be balanced and not seen as a whitewash. Brother Coldrey was a professional historian. He had written a history of the influence of the Christian Brothers' schools in Ireland on the development of Irish nationalism in the 19th century which had been well received. The fact that he could write about this sensitive issue in Ireland and be critically well received by the Irish, suggested to me that he was capable of researching and writing an objective and balanced history of the Institutions even though he was a Christian Brother.

In October 1990 I prepared draft terms of reference for Brother Coldrey for the Provincial Council. Brother Coldrey was to hold regular meetings with the Provincial Council to discuss his research and manuscript. The general format of the book was to be agreed between the Provincial Council and Brother Coldrey. At [CTJH.056.20001.2190] is a copy of the draft terms of reference dated 4 October 1990. The final terms of reference dated 4 February 1991 is at [CTJH.056.11059.0115].

During the course of his work, the Provincial Council met regularly with Brother Coldrey to discuss various aspects of his work, including his general approach, collection of information and sharing some of his findings. We learnt from Brother Coldrey that there had been sexual abuse of residents of the Institutions and he was helpful in providing some detail around what had happened.
During the course of his research and preparing the book, Brother Coldrey prepared short papers on various issues covered in the book. An example of such a paper is at [CTJH.056.11131.0237], entitled "Sexual Abuse Allegations – An Enquiry Approach", which he provided in mid to late 1991. Another, received in about March 1992, was entitled "The Response of the Christian Brothers Executive to allegations of Sexual Abuse of Pupils by Members of the Congregation – 1940 to 1970" [CTJH.056.11060.0090].

In his research Brother Coldrey was given access to the Christian Brothers' archives, which included Visitation Reports, the Community Annals, which contained annual reports written by the Superior of each Community, the personnel files of the Brothers and various correspondence files. He was also speaking to various ex-residents.

At the meeting of the Provincial Council on 28 October 1992, we discussed how the sexual abuse material should be treated in Brother Coldrey's history. This resulted in a discussion with Brother Coldrey at a meeting on 6 November 1992 about the following matters:

(a) the sexual abuse material needed to be set in a wider context of abuse in general, eg allegations of physical abuse, exploitation of work etc;

(b) it should be set within the context of the institutional life of the times and the prevailing conditions therein;

(c) the factors involved in the difficult tasks of assessing allegations made about those who are now dead and about events which are long past needed to set out;

(d) there should be some overall assessment of what the evidence adds up to, ie what was the extent of the abuse and its meaning;

(e) there should be some assessment of whether the abuse is to be seen as individual, as in perpetrated by individuals acting alone or as in some way corporate or systematic, involving collusion amongst offenders or the silent complicity of those in positions of responsibility etc;

(f) what was done by those who came to know of any abuse, especially responses of the Christian Brothers' executive;

(g) that there should be no naming of those still living and as little use of the names of those now dead as possible; and

(h) the English group of child migrants should not be too obviously singled out in treatment.

A copy of the memo is at [CTJH.056.20001.3502].
77 In discussions with Br Coldrey, the Provincial Council encouraged him to be more open about what his research had revealed regarding the incidents of sexual abuse in the Institutions. In the first draft of the book, Brother Coldrey was, in my view, rather circumspect and even evasive in the section on sexual abuse. He did not say anything about the number of offenders and the extent of the abuse. We suggested that whilst names did not need to be used, some detail should be provided. There was an acceptance by the Provincial Council that there had been sexual abuse. I don’t think any of us doubted that.

78 Whilst we may have made suggestions to Brother Coldrey regarding the contents of the book, at no time did we direct him to include information about certain matters or exclude certain information. We were conscious that to do so would compromise the book. Ultimately, we wanted Brother Coldrey to have complete authorial autonomy.

79 Brother Coldrey’s book about the Institutions, The Scheme, was published in November 1993 [CTJH.056.18005.0001].

80 Sometime after the Holy Spirit Province issued the apology on 3 July 1993 referred to in paragraph 101 below, Brother Coldrey provided a manuscript that he had prepared called “Reaping the Whirlwind” to Brother Faulkner and me [CTJH.056.17111.0188]. We were surprised to receive it as we had not asked him to prepare such a report. Brother Coldrey was at no time requested or directed by anyone on the Provincial Council of the Holy Spirit Province to prepare such a report other than through the history we had commissioned. I did not read it straight away, and when I did, I was not impressed with the way that the manuscript was put together. It seemed to me to take some pieces of information and evidence and made them go a long way with supposition and inference.

VOICES 1992-93

81 In April 1992 the Provincial Council became aware of the formation a new group called The Victims of Institutionaised Cruelty, Exploitation and Supporters (Inc) which went by the acronym “VOICES”.

82 Gerry Faulkner had a consistent attitude in dealing with the child migrant and ex-residents’ groups. He considered they were an important resource for ex-residents and that we should continue to engage with and where possible assist these groups in assisting their members. In this spirit he had made contact with VOICES.

83 By mid to late 1992, it became clear to Brother Faulkner that dealing with issues related to the Institutions was demanding a great deal of his time and energy. To assist him, John Baldwin, another member of the Provincial Council, and I began to get involved with him. This included accompanying Brother Faulkner to meetings with the VOICES executive.
Gordon Grant was the then President of VOICES. I understand from a review of some of Brother Faulkner's correspondence that Brother Faulkner had been corresponding with Gordon Grant since the late 1980s, well before the forming of VOICES. Gordon Grant was a former resident of Bindoon. Bruce Blyth and John Jones were also members of the VOICES executive. Bruce Blyth was not an ex-resident of the Institutions, but became involved after publishing Lionel Welsh's book, "The Bindoon Files". Lionel Welsh had been a resident at Bindoon during 1947 to 1952. John Jones was also not an ex-resident of the Institutions, but went to school at Christian Brothers College, Kalgoorlie.

The Christian Brothers met with the VOICES executive on several occasions in 1992 and 1993 to discuss how we could work together to respond pastorally to the needs of former residents of the Institutions. However, these meetings became somewhat chaotic and no effective solutions were found. One difficulty we experienced was that Mr Bruce Blyth seemed to dominate the organisation and was able to put limitations on what was able to be discussed.

To my observation, Gordon Grant seemed genuinely concerned for the needs of those men who were living in poverty or dealing with alcoholism or depression and he really wanted something to be done for them. I recall that in response to this concern, at one of our meetings there was talk of establishing a trust fund to provide assistance with matters such as counselling and housing. Gordon Grant appeared receptive to that idea. However, Bruce Blyth cut off that avenue of discussion. It became clear after a while that what the Christian Brothers was considering was not acceptable to Mr. Blyth, whose focus was on a more extensive list of demands, including an apology, a public inquiry, compensation and the removal of Brother Keaney's statue at Bindoon.

At a meeting on 31 July 1992, between Brother Faulkner, Peter McGowan of Phillips Fox, and members of the VOICES executive, Bruce Blyth and John Jones demanded a public enquiry. Gordon Grant opposed that course at that meeting and in other telephone conversations and meetings that Brother Faulkner had with Gordon Grant. A copy of a memo prepared by Brother Faulkner to the Provincial Council dated 31 July 1992 regarding this meeting is at [CTJH.056.20001.3282].


Brother Faulkner sought to bring some order to the meetings with VOICES by requiring that agendas be prepared for the meetings, asking that the number of participants be limited and suggesting that an independent chairperson be appointed. Whilst VOICES agreed to having agendas and limiting
the number of participants, VOICES would often bring a large number of participants to the meetings.

90 On 21 September 1992, Bruce Blyth wrote to Brother Faulkner setting out various issues of concern to VOICES, including:

(a) a public enquiry;
(b) the removal of Brother Keaney’s statue at Boys’ Town, Bindoon;
(c) the renaming of Boys’ Town;
(d) compensation for men who were exploited as children ie non-payment of wages; and
(e) compensation for physical, psychological and sexual abuse suffered at the Institutions.

A copy of the letter from Bruce Blyth dated 21 September 1992 is at [CTJH.056.11054.0058].

91 The 21 September 1992 letter from Bruce Blyth stated that the issue of counselling seemed to have been resolved. I believe that so far as Brother Faulkner understood, the issue of counselling had not been resolved at that time. At Gordon Grant’s request, Brother Faulkner met with Gordon Grant’s psychiatrist, Dr Fellowes-Smith, to discuss the provision of counselling services for ex-residents at the Institutions. The meeting finished with the agreement that Dr Fellowes-Smith’s business manager would put a formal proposal to Brother Faulkner, but at that time, Brother Faulkner had not received any such proposal. I am not aware whether or not Brother Faulkner received such a proposal subsequently.

92 In late December 1992, Brother Faulkner attended another meeting with Gordon Grant, Bruce Blyth and John Jones. He was accompanied by Brother Baldwin. An agenda was agreed for a meeting or a series of meetings in 1993. The agenda included:

(a) the question of a public enquiry;
(b) the use of the name Keaney and the matter of his statue at Bindoon;
(c) the question of working boys at Bindoon;
(d) remedies and social justice for those who claim to have suffered long term disadvantage in the Institutions;
(e) recognition/acknowledgment of former child migrants and others who claim to have been abused in these Institutions; and
(f) steps already taken to assist those who claim to have suffered disadvantage in the Institutions.

93 Whilst the Christian Brothers met with VOICES on several occasions in 1993 – including on 8 February 1993, 13 April 1993 and 10 May 1993, the matters on the agenda were not resolved. The meetings tended to be chaotic, circular and non-productive.

94 A further difficulty with finding a conciliatory solution was that whilst the VOICES executive were making various allegations about abuse that had occurred at the Institutions, they refused to provide any details about those allegations, including the ex-resident making those allegations.

95 The frustration that we felt in not being able to move forward can be discerned from a letter dated 17 May 1993 which Brother Faulkner wrote to Gordon Grant regarding an unsatisfactory meeting which had occurred on 10 May 1993. A copy of the letter is at [CTJH.056.11060.0170]. In it Brother Faulkner writes:

"This letter follows from our very unsatisfactory meeting on Monday. You will recall that I had formally requested that we engage the services of an independent chairperson for our meetings in order that they may be more productive. What happened on Monday highlights the need for an impartial chairperson.

I also warned earlier that excessive numbers would mean difficult meetings. That has certainly been borne out. We have continued to maintain a representative of only three, with a fourth member there on just two occasions for legal reasons. I believe that one of our problems is simply the difficulty of running a productive meeting with 10 or 11 people round the table.

I repeat my request to have access, under the supervision of VOICES, to the documents you claim validate your verbal claims. I cannot act only on what is said verbally. I therefore formally request that I have the opportunity to read through whatever documents you believe will give me a clearer picture of the claims being made by VOICES, under conditions agreed upon between us.

If this is unacceptable to VOICES Executive, I request that an independent legal person of some standing be permitted to examine the documentation under VOICES' supervision, to report the substance of those documents to me according to an agreed process with VOICES."

Brother Faulkner's requests were not granted.
By mid-1993, the relationship with VOICES had broken down to the extent that no further communications or meetings between the Christian Brothers and VOICES occurred, except that which occurred through the media, principally the letters section of the West Australian and the VOICES newsletter. Some of this public debate is set out in the final report of ISERV referred to below.

In addition to our communications with the VOICES executive and the other self-help groups, Brother Faulkner also met from time to time with other individuals or groups of former child migrants or ex-residents.

Meeting with and listening to, and where possible assisting, ex-residents was an important focus for Brother Faulkner and for me at this time. It was an important part of our pastoral response. Over time, we were able to gain the trust of some of the men with whom we were in contact.

Over the years members of the Provincial Council found that there was greater satisfaction on both sides and a greater likelihood of reconciliation where individual men were able to approach us and speak directly to us about their experiences. Our experience was that such direct contact gave ex-residents a much stronger sense of being heard, understood and acknowledged. Such meetings provided us with a better understanding of what the ex-residents had been through and of their current circumstances and challenges and provided a better basis for us to respond to the person's needs.

The potential of appropriate forms of direct contact was evident to me in the late 1980s and the early part of this century when an increasing number of men made use of Towards Healing to seek a meeting and, in many case, some sort of settlement. I understand that not all men are able or wanting, for a variety of personal reasons, to have personal contact with the Christian Brothers. However, this experience, and that of CBERS, underlines for me the advantages of a more personal, individualised manner of responding to men and their experiences, as against the anonymity of lobby groups like VOICES and the confrontational methods of litigation.

The Apology, 1993

On 3 July 1993, Brother Faulkner released a statement and an apology on behalf of the Congregation of Christian Brothers in Western Australia (Apology). It was published as a full page advertisement in the West Australian. We said:

“Our findings: We have studied the allegations available to us, and we have made our own independent enquiries. The evidence is such as to convince us that abuses did take place, abuses that in some cases that went well beyond the tough conditions and treatment that were part of life in such institutions in those days.
While the extent of the abuse appears to have been exaggerated in some quarters, the fact that such physical and sexual abuse took place at all in some of our institutions cannot be excused and for us is a source of deep shame and regret. Such abuse violates that child’s dignity and sense of self-worth. It causes physiological and social trauma that can lead to lasting wounds of guilt, shame, insecurity and problems in relationships.

**Our apology:** We, the Christian Brothers of today, therefore unreservedly apologise to those individuals who are the victims of abuse in those institutions.

We do not condone in any way the behaviour of individual Brothers who may have perpetrated such abuse. ...

**Looking to the Future:** We cannot change the past. We cannot take away the hurt. We can express our heartfelt regrets for the failings of the past and we can, on behalf of our predecessors, beg the forgiveness of those who suffered.

We can also, we can offer practical assistance to those who need it. To this end we are considering practical ways of offering assistance to those who are now suffering. To those who were adversely affected, we give our sincere commitment that we will do all that reasonably can be done to ease your pain by helping you with your present day needs."

"We hope that a spirit of cooperation and reconciliation will mark our efforts to find mutually acceptable solutions to present problems."

A copy of the Apology is at [CTJH.056.05001.0041].

102 The immediate impetus for the Apology was the breakdown of the relationship with VOICES. We had been exploring the release of a public statement with VOICES. A copy of a draft which I had prepared in March 1993 is at [CTJH.056.20001.3600].

103 After things broke down, we decided that we needed to pursue our own agenda and be proactive about offering an apology and reparation to residents. However, we knew an apology did not mean anything if we did not follow it up with action. That in turn led to setting up the Helpline and ISERV.

**Helpline**

104 As part of the Holy Spirit Province’s commitment to action referred to in the Apology, we set up a Helpline. The Helpline was an independent telephone and counselling service set up and funded by the Province. It was established on 11 October 1993 with the appointment of Les Harrison, on secondment from the Department of Community Development. Mr Harrison was a psychologist with over 20 years’ experience and was, at the time, the Principal Clinical Psychologist with the
Department for Community Development with experience working with survivors of sexual abuse. He operated the Helpline and provided telephone and face-to-face counselling services.

105 The Helpline counselling staff also included:

(a) Ms Anne Blair, a trained counsellor experienced in working with victims of sexual abuse and with sexual abuse offenders and developing and running therapy groups that offered life skills development, anger management and recovery from abuse; and

(b) Ms Corrie Schoenmakers, a social worker with many years' experience, and specific experience at the Adoption Research and Counselling Service (Inc) in helping people prepare for reunion with members of their natural family.

106 The Holy Spirit Province intended these services to be immediately available and that the funding would be ongoing.

107 The information obtained from the Helpline was kept anonymous and confidential but general data was used to form the recommendations made by the ISERV Panel in its report to the Holy Spirit Province.

ISERV Panel

108 As a further initiative arising out of the Apology, on 6 October 1993, the Holy Spirit Province appointed Jane Brazier to convene and be Chairperson of an Independent Advisory Panel (Panel). The purpose of the Panel was to profile the needs among the population of ex-residents of our former boys' homes and to make recommendations on how the Congregation could respond to those needs. The Panel's process and the services that were delivered under its direction were known as ISERV (Independent Support for Ex-Residents and Victims).

109 Jane Brazier, had been referred to Br Faulkner a social worker and human services administrator with expertise in the area of child abuse. At the time of her appointment to the ISERV Panel, Ms Brazier was Acting Director with the Ministry of Fair Trading. She had extensive experience in the development and delivery of services for individuals and families in crisis or in need of ongoing support and assistance. We were fortunate that she accepted the appointment.

110 Jane Brazier convened a Panel of 3 other members, each of whom brought a range of experience in the fields of health and welfare, and particularly in child sexual abuse:

(a) Dr Dianne McCavanagh, a clinical psychologist with a PhD from the Department of Psychiatry and Behavioural Science from the University of Western Australia. Dr McCavanagh had extensive experience working in the field of health and welfare which included involvement with children and adults who had been the victims of abuse. At the time the Panel was
convened in 1994, Dr McCavanagh was the Director of Health Strategies in the Health Department of Western Australia;

(b) Dr Paul Carman, a paediatrician and member of the Child Protection Team at Princess Margaret Hospital since 1986. At the time of his appointment to the Panel, Dr Carman was a consultant paediatrician at Princess Margaret Hospital and a lecturer in the Department of Paediatrics at the University of Western Australia. He had also been a member of the Advisory and Coordinating Committee on Child Abuse since 1988; and

(c) Mr Bill Budisilik, a social worker with significant experience in the development and delivery of welfare and support services in the Northern Territory, New South Wales and Western Australia. Mr Budisilik had also been a social worker at Castledare and Clontarf in the 1970s and early 1980s which I believe provided him with an understanding of the Institutions. At the time of his appointment to the Panel, Mr Budisilik was a director in the Department for Community Development.

111 It was important to us that the Panel was made up of independent, highly qualified and professional people.

112 The Terms of Reference for the ISERV Panel were devised by consultation between the Provincial Council and Jane Brazier. They were:

(a) to collect information about the former residents of the Institutions and develop a profile of those in need of support services;

(b) to provide advice regarding the operation of the Helpline which would offer counselling, information about existing services, and provide referrals;

(c) to determine the nature and scope of services required by former residents;

(d) to make recommendations regarding the range of services that may be required by former residents; and

(e) to provide a report to the Christian Brothers on those matters.

113 Jane Brazier was responsible for co-ordinating the activities of the ISERV Panel and the Helpline within the terms of reference.

114 In November 1993, the administration of the travel assistance scheme was transferred from the Holy Spirit Province to the ISERV Panel and Helpline. In response to concerns raised by Bruce Blyth, who was by then the President of VOICES, ISERV processed the travel applications rather than the Holy Spirit Province.
The Panel oversaw the provision of the following services:

(a) telephone counselling (via the Helpline);
(b) individual therapy (face to face counselling);
(c) processing travel applications.
(d) providing referrals to other agencies (for assistance with counselling, literacy development and alcohol and drug rehabilitation);
(e) facilitating contact with other agencies (the Child Migrant’s Trust, VOICES, the Catholic Migrant Centre, the Police Child Abuse Unit, the Department of Immigration & Ethnic Affairs and the Department for Community Development);
(f) citizenship enquiries; and
(g) planned therapy groups (including healing groups and anger management groups).

The main source of initial information gathering for the Panel was through the Helpline. I understood that in order to understand the use and success of the services, the Panel collected data from the Helpline to collate statistical information, but that the information collected would not reveal the identity of any individual. We considered the information obtained by the Panel from the Helpline was credible on the basis that we were advised:

(a) the counsellors noted that the various disclosures of abuse were made spontaneously without prompting from counsellors;
(b) the fact the counsellors noted there were no obvious changes or contradictions to repeated individual accounts of alleged abuse;
(c) the consistency in the experiences of those who had attended a particular institution;
(d) the amount and quality of the detail provided when describing experiences of abuse; and
(e) the view that the emotional state of callers was consistent with the nature of the trauma they were alleging.

The general statistical information that was provided to the Christian Brothers allowed us to try and measure how the Helpline was being used and whether it was serving any meaningful purpose. The type of information that was disclosed included general details as to the reason for the call (including what type of abuse had been suffered, if abuse was being alleged), what type of service was being requested or utilised and what difficulties were being encountered. The instances of child abuse that
were disclosed by callers to the Helpline revealed that there were twice as many callers who reported very serious physical abuse compared to those who reported very serious sexual abuse.

118 This is consistent with my understanding that the issues the Christian Brothers were attempting to deal with in relation to the Institutions was a mix of adverse experiences, especially relating to child migration and its consequences, harsh treatment (including physical abuse or what we would now regard in that way), the effects of institutionalised care, sexual abuse and some more specific complaints (e.g. about unpaid labour at Bindoon). While sexual abuse may have been among the most serious complaints, it was not alleged by many men, and most had other more urgent complaints. So our way of responding had to be broad and flexible enough to deal with each person’s particular experience and needs.

119 Between the dates of its establishment on 11 October 1993 and the date of the first report prepared by the Panel on 17 March 1994, the Helpline received calls from 69 individual callers (of these 17 made repeat calls). The Panel commented on the reasons for there not being many repeat calls:

(a) the fact that many callers only wished to provide information about their experiences with the Christian Brothers within the Institutions;

(b) some of the callers became face to face clients of the Helpline;

(c) some of the callers were referred to other services or agencies; and

(d) some callers were seeking brief counselling relating to only a single issue.

120 The Panel faced a reduction in the number of clients accessing its services due to a notice published by Slater & Gordon in the February 1994 issue of the VOICES newsletter [CTJH.056.11043.0111] which advised men against seeking the assistance of the Panel and the Helpline as its services were not provided confidentially or independently from the Christian Brothers. The Panel addressed this concern by seeking written confirmation from the Christian Brothers regarding the independence of the services it was administering and the information it received as a result.

121 In response to the comments being made by Slater & Gordon and VOICES to discourage people from using the Helpline, on 9 February 1994, Brother Faulkner wrote to Ms Brazier and reaffirmed the purpose of both the Panel and the Helpline and confirmed their complete independence from the Christian Brothers. Brother Faulkner reiterated that individuals who accessed the Helpline would be protected by professional confidentiality and that any report the Panel gave to the Christian Brothers would be based on general data only that would not identify individuals. In the letter, Brother Faulkner wrote:
Great care was taken in the selection of panellists and of the helpline staff to ensure that the most competent professionals available were recruited. In this way the independence and integrity of both the helpline and panel are guaranteed by the professional expertise and integrity of the individuals involved.

122 Br Faulkner’s response was published in the Interim Report.

ISERV Panel Interim Report

123 On 17 March 1994 the Panel issued its Interim Report (Interim Report) making its preliminary findings and recommendations on the basis of the information that was obtained through the Helpline [CTJH.056.11062.0172]. The aim of the Interim Report was to link past experiences with current and future service requirements in order to provide a meaningful response and practical assistance to the needs of ex-residents. The Panel made 8 recommendations in its Interim Report. My comments on those recommendations are as follows.

(a) **Recommendation 1**: That the Christian Brothers implement their proposal to establish an independently managed fund to service the need of ex-residents.

A travel fund to assist former child migrants with the costs associated with finding and meeting their families of origin had already been established by the Christian Brothers and had been in existence for some years, the administration of which had been taken over by the Panel in November 1993. I refer to the fund in paragraph 68 above. I understood this recommendation to be an extension of that fund which would provide for a wider range of services, including but not limited to travel.

(b) **Recommendation 2**: That the helpline discontinue its direct counselling service and become primarily a telephone contact and referral service.

From the Interim Report I understood that the number of contacts being made to the Helpline was declining as contacts were made and dealt with, or perhaps referred for treatment or other assistance. I assume that the "warnings" from Slater & Gordon and VOICES would also have deterred some men from making contact. To provide ongoing support, rather than provide direct face-to-face counselling, the counselling services would be provided by referral to private practitioners and other agencies, with the payment of fees for those services being provided through ISERV.

(c) **Recommendation 3**: That the scheme developed to provide travel assistance to those former child migrants continue and that it be funded by the proposed independently managed fund.
This was the scheme that had already been implemented and which we continued to fund.

(d) **Recommendation 4:** That the Helpline continue to pursue the issue of Australian citizenship on behalf of former child migrants.

The difficulties faced by former child migrants in relation to citizenship were the result of the fact they did not have the necessary documents, such as a birth certificate, to identify who they were or where they came from. Many times these documents had been lost or they simply did not exist at all. We were committed to providing whatever assistance we could to help the former child migrants overcome these difficulties. However the reality was that there wasn’t much that the Christian Brothers could effectively do other than facilitate contact with groups such as the Catholic Migration Centre and provide submissions and representations to government and government agencies. The Helpline and subsequently CBERS were able to give practical assistance, such as with the provision and filling in of the relevant forms and assisting with applications. Documents also showed that the ISERV staff actively lobbied and advocated for their clients in these matters.

(e) **Recommendation 5:** That arrangements are made for access by ex-residents to the pictorial archives of the Christian Brothers including the provision of copies as requested.

The Christian Brothers arranged for the photos held in its archives to be organised into albums and made available for access. Copies of photos were provided at no cost to the ex-resident. I do not specifically recall how the access to these records was advertised but I recall there was a steady demand for this service.

(f) **Recommendation 6:** That the Christian Brothers give urgent consideration to the concerns raised by callers to the helpline.

There were a number of concerns identified by the Panel that were raised by callers to the Helpline in addition to the citizenship, counselling and other services issues. These concerns included:

(i) a judicial enquiry - The Holy Spirit Province had always had an ambivalent position on the desirability of a judicial inquiry. We were concerned that a public inquiry could be traumatic for some ex-residents. At the same time, some ex-residents clearly wanted an inquiry and the recognition and vindication they thought that would bring. Ultimately it was an issue that was outside of our control. It was our position that if a public inquiry was held we would co-operate fully with it.

(ii) removal of the statue of Brother Keaney at Bindoon - We were aware of the dissatisfaction amongst some old boys about the statue of Brother Keaney at Bindoon,
which had been erected by public donations and as a tribute to the public esteem in which Brother Keaney was held in in WA at the time. In other words, the statue wasn’t a Christian Brothers’ initiative, even though most Brothers of the time would have shared the prevailing positive view of Brother Keaney’s work. Whilst its removal was seriously considered by the Provincial Council, following appeals by others for the statue to remain, the statue was moved to a less prominent position. When the statue was vandalised in 2000, the remainder of the statue was removed.

(iii) complaints from some ex-residents of Bindoon about the will of Mrs Musk - Prior to receiving the Interim Report, we had sought legal advice regarding the will of Mrs Musk. When I became Provincial, I sought to use the residue of the estate in a way that accorded with Mrs Musk’s wishes and to wind up the trust. However, this had not been achieved by 2002, but I understand that issue of the Mrs Musk’s will was settled sometime after I had left for Africa;

(iv) a lack of criminal charges against perpetrators of abuse - Jane Brazier and Les Harrison met with the Western Australian Police Child Abuse Unit and were assured that the unit was doing all that was possible to gain adequate evidence for prosecution. When requested by the WA police, we provided documentation about individual ex-brothers and current brothers. I believe that a feeling of frustration among some men was inflamed by a move by the DPP in Western Australia to drop the charges that had been laid against ex-Brother Murphy. Mr Murphy was charged again sometime later. However, he was already quite unwell. I think the case was aborted when he was too sick to attend court and he died shortly thereafter.

(v) graves of former residents - I think this is a reference to the grave of a former resident in the grounds at Clontarf. He had been killed in a bus accident in 1955. The grave had become overgrown and neglected over time and some of the Helpline callers wanted it restored or tidied up. This was something that we did.

(g) **Recommendation 7:** That the Christian Brothers develop protocols to enable individual ex-residents to access their records, which were the property of the Catholic Church.

Following the issue of the Interim Report, the Provincial Council considered how records dealing with former child migrants held by the Catholic Church might be arranged. The Holy Spirit Province decided to hire a firm to computerise the Institutions’ registers. This project was later subsumed into the project for the development of a national computerized index to all of the records held by the Catholic Church around Australia regarding child migrants in the 1960s which is referred to in paragraph 145 and following below.
(h) **Recommendation 8.** That the Interim Report be made public.

The findings of the Interim Report and its recommendations were made available to the public and the Christian Brothers issued a press release confirming this. The release and some of the findings contained in the Interim Report were reported in the West Australian and other media outlets.

**ISERV Panel Final Report**

124 The Interim Report called for submissions from ex-residents, their family members, interested professionals and other persons so that the Panel could prepare its final report. The call for submissions was also advertised in the *West Australian* and through written requests which were sent directly to more than 400 ex-residents. We facilitated the Panel's call for submissions by providing our contact lists for the Old Boys' groups that had existed for some time.

125 The scope of the Panel's final report, issued on 21 October 1994 (*Final Report*), incorporated the information contained in the Interim Report with the information obtained from the written and oral submissions sought following the Interim Report [CTJH.056.18004.0114]. 82 ex-residents made submissions to the Panel. The Panel noted that whilst there was a large variation in the experiences recounted in the submissions, members had a strong impression that all ex-residents who made submissions reported their experiences as they recall and understood them.

126 The Final Report identified a number of themes that had emerged most often from the submissions:

(a) difficulty in forming relationships;

(b) rejection of Catholicism/loss of faith;

(c) criticism of government;

(d) educational neglect;

(e) lack of aftercare when leaving Institutions;

(f) allegations of abuse by older boys; and

(g) concern that the positive contributions of the Christian Brothers (as a congregation and as individuals) were being damaged by extravagant or false allegations.

127 In addition to its recommendations in the Interim Report, the Panel made further recommendations following its findings in the Final Report. The findings were, by and large, addressed, adopted or implemented in some way, either by the Christian Brothers, or on their behalf by an independent
organisation established and funded by the Christian Brothers known as the Christian Brothers Ex-
Resident Services (CBERS).

(a) **Recommendation 1.** That the strategies aimed at reconciliation at the individual,
organisational and spiritual levels constitute a part of future services.

The Panel suggested that counselling and understanding the forces which lead someone to
be an abuser may assist a victim with reconciliation with the offender or with the
Congregation. The Panel also recommended that a service be made available whereby
victims could meet the offender (if he was willing to admit the abuse and apologise) or a
members of the Congregation, who could apologise on behalf of the Congregation. I am not
aware that this ever occurred due to the fact that most of the offenders were either dead or
had left the Christian Brothers. The atmosphere around the mid-1990s, with much negative
media coverage of Christian Brothers, and the NSW litigation still going on, was not
conducive to men seeking personal meetings. Meetings with members of the Congregation,
especially with members of the leadership team, became more frequent in the late 1990s,
especially under the auspices of Towards Healing which came in 1996.

Whilst counselling was provided by CBERS, the services provided by CBERS did not include
a service for facilitating meetings with offenders or other members of the Congregation. No
such service existed until Towards Healing was introduced. However, as a member of the
Provincial Council and later as the Province Leader, I met with a number of former residents
in formal and informal meetings. In many of these, I was able to acknowledge the abusive or
harsh treatment many had received and apologise.

On organisational reconciliation, the Panel recommended that consultative and cooperative
mechanisms be established between the organisations which represented the interests of the
ex-residents (eg VOICES and the old boys associations) and the Christian Brothers.
Although I am not certain what the Panel actually wanted to achieve here by way of specific
‘mechanisms’, we continued over time to meet with organisations representing the men, not
just VOICES, as well as with individuals.

The Panel did not make any suggestions directed at the Christian Brothers on the subject of
spiritual reconciliation.

(b) **Recommendation 2.** That the psychological impact on ex-residents of the Institutions is
given primary importance in any future considerations regarding the establishment or
otherwise of a judicial enquiry.

I and the other Provincial Council members shared the view at the time that a judicial inquiry
was an uncertain route to recognition and healing and was just as liable to have a negative
psychological impact on some ex-residents. As I have said above this was why the Christian Brothers had not publicly supported VOICES’ calls for a judicial inquiry, though we had not campaigned against one. We had publicly stated that we would fully co-operate with any inquiry.

(c) **Recommendation 3:** 
"That the on-going and future provision of services to ex-residents consider any special support needs of men who may be involved in or affected by judicial processes."

As with ISERV and Helpline, ex-residents did not prejudice their legal claims by reason of accessing the services offered by CBERS. Counselling in particular may have been a great support for ex-residents involved or affected by judicial processes. This was widely publicised. See, for instance, the CBERS brochure at [CTJH.056.17112.0482].

(d) **Recommendation 4:** 
"That the on-going and future provision of services to ex-residents take into account their special needs in respect of counselling, travel assistance, literacy, health and welfare of ageing ex-residents."

The counselling services and travel assistance schemes continued and grew with the establishment of an independent body known as CBERS (discussed below). Also, in time we began to consider the issue of the welfare of the population of aging ex-residents of the Institutions. We had a number of conversations to discuss what could be done to address the issue of the aging ex-resident population. We commissioned a report dated May 1998 and entitled “Needs Survey – Accommodation Needs of Former Residents of Christian Brothers’ Institutions in Western Australia” [CTJH.056.22001.4128]. In the end no action that I am aware of eventuated. Aged care and housing were complex issues that were beyond our capacity.

(e) **Recommendation 5:** 
"That the Christian Brothers establish an independent management committee to manage and oversee the provision of services to ex-residents."

As set out in paragraphs 130 and following, an independent management committee was established to manage and oversee CBERS. The independent management committee conducted regular reviews of the operation of CBERS and provided us with information to understand the types and extent of services that were being utilised and whether this service was effectively responding to the needs of ex residents.

(f) **Recommendation 6:** 
"That the Christian Brothers provide financial resources and office accommodation for the provision of services to ex-residents."
Although CBERS was functionally independent from the Christian Brothers, we were financially responsible for it and provided ongoing funding for all its services, including paying for its office space, the administration and counselling staff.

(g) Recommendation 7: That the services provided by the Christian Brothers undergo regular reviews by the independent management committee and that the allocation of future resources take into account the ongoing needs of ex-residents and the outcome of such a review.

The independent management committee conducted regular reviews of CBERS and submitted quarterly reports to the Christian Brothers that included financial summaries. I found that the Management Committee of CBERS were extremely professional and rigorous in monitoring what was happening in the service and in reviewing its overall progress and effectiveness. They were in no way complacent nor did they assume that CBERS would be a permanent institution. There was regular healthy questioning and reviewing of what they were doing. The way the service was eventually scaled down, then wound up in 2005, reflects the sensitivity of the Management Committee to the welfare of the men it was serving.

(h) Recommendation 8: That the independent management committee be commissioned to oversee the implementation of the Panel's recommendations set out in its Interim and Final Reports.

All of the recommendations made by the Panel in both its Interim and Final Reports were implemented.

128 The Panel observed that a tragic and bitter division had developed between the Christian Brothers and the ex-residents of the Western Australian childcare institutions and amongst the ex-residents themselves. The Panel expressed the hope that their report would facilitate a constructive dialogue between the Christian Brothers and ex-residents with a view to developing initiatives designed to aid the recovery of those affected by child abuse.

129 Many of the men who went to CBERS developed a sense of ‘ownership’ about it, and they expressed their ideas and needs to CBERS in a way that many couldn’t with us directly. Some of these ideas and feelings found their way back to us via CBERS and the Independent Management Committee, through our regular meetings. At the same time, I and many other Brothers continued to have a range of contact with individual ex-residents and with some of their organisations.
Christian Brothers Ex-Resident (& Student) Services

130 In January 1995 the Christian Brothers established the Christian Brothers Ex-Resident Services (CBERS) to oversee the recommendations of the ISERV Panel as set out in its Interim and Final Reports. CBERS was to replace the helpline and the Panel.

131 The terms of reference for CBERS were as follows:

(a) to implement and operationalise the recommendations of the Interim Report and the Final Report of the Panel to assist former residents of the Institutions;

(b) to liaise with all relevant parties to establish and develop the necessary services;

(c) to provide avenues for dialogue for those interested in reconciliation;

(d) to establish mechanisms for prioritising and providing services and for publicising such services;

(e) to ensure that CBERS was functionally independent from the Congregation of Christian Brothers, but financially accountable to it;

(f) to establish professional and confidential internal management and recording systems for all services;

(g) to engage staff as required and to put in place systems for the management and support of the day to day activities of all staff;

(h) to determine an appropriate budget for the Committee's activities and provision of services;

(i) to develop appropriate accounting systems for the Committee's activities and services; and

(j) to organise a review of all of Committee's activities in October 1995 with a view to evaluating progress and determining and recommending ongoing work required.

132 CBERS was funded by the Congregation of the Christian Brothers, to whom it was financially accountable, but from whom it was functionally independent. The independence of CBERS was very important to the Christian Brothers as we were aware that many ex-residents were wary of using any service that was associated with us. However, it was not an option for us not to provide the services merely because some ex-residents would not use it. We felt we addressed this issue as best we could by paying for the services, but ensuring that the organisation was managed and staffed by properly qualified, independent persons who exhibited the highest standards of professionalism.
An independent management committee (Independent Management Committee) was established to manage CBERS and had ultimate responsibility for decisions regarding the budgets and the extent of the operation of services or ex-residents.

On Jane Brazier’s recommendation, we met with and subsequently appointed Maria Harries as Chairperson of the Committee. Maria Harries was a Senior Lecturer in social work at the time and former President of the Western Australian Council of Social Services (WACOSS) and was a highly respected person in the social work profession.

To begin with, the Independent Management Committee also comprised Dr Paul Carman, who had been a member of the Panel as referred to in paragraph 110 above and Professor David Plowman, who was a former child migrant, an old boy of Tardun and the Director of the Graduate School of Management at the University of Western Australia. The other members of the Independent Management Committee were appointed on the recommendation of Maria Harries. Later members of the Independent Management Committee were:

(a) Dr Debra Rosser, an industrial sociologist with an early background in nursing, who replaced Dr Paul Carman when he stepped down. Dr Rosser consulted widely on industry and management matters and at the time of her appointment to the Independent Management Committee, was on the Governing Council of Central TAFE in Perth. She had extensive knowledge of adoption and related family issues; and

(b) George Horton, an experienced manager with a background in electrical engineering, who replaced David Plowman. Mr Horton worked as the Community Relations Manager for IBM, managing its involvement in a range of community activities and services including Channel 7’s annual telethon, one its principle fundraising initiatives. Mr Horton has a long standing involvement in the Police and Citizen’s Youth Club and Perth ITc (a retraining centre for displaced employees).

The Independent Management Committee was assisted in its work by reference groups of ex-residents and interested individuals.

The Holy Spirit Province received only general non-identifying information about the functioning of the service, approved yearly or half-yearly budgets for the services and received general financial reports. On every occasion, the Provincial Council approved the budgets submitted by CBERS without amendment. A copy of the agenda and minutes of a meeting between the Independent Management Committee, CBERS staff and the Holy Spirit Province on 21 February 1996 and a copy of the Report of the Independent Management Committee dated February 1996 is at [CTJH.056.22001.3260].
138 I am advised that the Christian Brothers have not been able to locate an entire set of the CBERS Reports or minutes of meetings between the Management Committee, CBERS staff and the Holy Spirit Province as at the date of this statement.

139 A copy of a brochure distributed by CBERS is at [CTJH.056.17112.0482]. It contained a summary of the services available in 1995/1996, which included:

*Counselling* - Free, confidential counselling is available to all ex-residents and their families. Counselling can take place on a face-to-face basis, or over the telephone. It is offered to individuals, couples and families.

*Travel Assistance* - CBERS offers assistance for migrants wanting to be reunited with their family of origin. Requests for assistance are assessed according to an individual’s particular needs. CBERS offers travel assistance in those cases where a reunion is likely to have a beneficial outcome for all concerned.

*Resource And Referral Service* - CBERS offers a professional referral service for ex-residents who require assistance with day-to-day living issues. Where appropriate, ex-residents can be referred to community-based services and organisations, able to provide practical support and advice.

*Advocacy* - Ex-residents having difficulty dealing with government agencies and other authorities can receive support from CBERS. The service can assist with a wide range of issues including applying for citizenship, obtaining passports, pensions, accommodation and social welfare matters.

*Photographic Records* - CBERS is building a comprehensive photographic library for ex-residents who are invited to view and obtain copies of the photos. CBERS encourages additions to this important archival collection.*

140 In March 1996, Sue Gillett, who had been engaged by CBERS to perform a review of the service, released “CBERS – A First Review and Evaluation Report”. I am advised that the Christian Brothers are now not able to locate a copy of this report. The report indicated that many ex-residents found the services provided by CBERS (and ISERV before it) were sufficiently neutral and independent and had derived great benefit from the services.

141 In 1997 the Christian Brothers extended the operation of CBERS by offering its services not just to those child migrants and ex-residents of the Institutions, but to meet the needs of all former students of Christian Brothers’ schools. CBERS became CBERSS and changed its name from the Christian Brothers Ex-residents Services to the Christian Brothers Ex-residents and Students Services. It was at around this time that the services of CBERS were offered on a fulltime basis.
Also, from the end of December 1997, CBERS began to publish a quarterly newsletter called "CBERS Express". Copies of the newsletter are still available from the archived CBERS website, at http://www.cbers.org/archive/newsletters.asp.htm.

At some stage, the funding for CBERS was shared with the other Australian Provinces. At its meeting on 8 February 2002 the Professional Standards Sub-Committee of the National Committee considered a report from CBERS assessing the performance, indicators, measures and sources of data of the CBERS initiative. This report indicated that for the year 2002, the cost of providing the CBERS services was approximately $485,000, which was significantly less than the allocated budget for 2002 and $100,000 less than the budget for 2001. It was confirmed that the CBERS initiative would operate for the next 3 years. By 2002, the Independent Management Committee had noted an appreciable decrease in demand for CBERS' services and it was considering the timeframe and the modality for it to be scaled down and eventually wound up. A copy of the minute of that meeting is at [CTJH.056.20003.0062]. I estimate that in the years from 1995 to 2002, when I ceased to be Provincial, the Christian Brothers/Holy Spirit Province spent in excess of $3 million in funding CBERS.

The Independent Management Committee, following discussions with ex-residents, closed CBERS in 2005 following a gradual decrease in clients over time and ongoing review of the service by the Independent Management Committee. The Independent Management Committee arranged for ongoing support for those clients needing it through a drop-in centre. Ongoing counselling support continued to be provided to ex-residents by Dr Philippa White at the Edmund Rice Centre in Fremantle under the name CBERS Consultancy.

PHIND

Around the mid to late 1990s, various organisations, at the initiative of the Christian Brothers, contributed to the development of a computerised national index that identified all of the records held by the Catholic Church around Australia regarding child migrants. The index was known as the Personal History Index (PHIND) and was available to any former child migrant across Australia. For example, this index would enable a former child migrant from Perth who was now living in Queensland to identify the location of any records relating to him that may have been held anywhere in Australia by attending a CentaCare office in Brisbane.

Former child migrants could access their information by contacting any of the following organisations:

(a) Christian Brothers, Holy Spirit Province;

(b) CBERS;

Signature  
Witness
(c) Centacare;

(d) The Catholic Migrant Centre;

(e) The Child Migrant’s Trust;

(f) The Department of Family and Children's Services, Family Information and Records Bureau; and

(g) The National Archives of Australia.

147 It was a confidential index. Only former child migrants or their nominated representatives were able to access it. The index referred to over 600 personal files relating to former child migrants between 1939 and 1965. In addition to the database former child migrants were also provided with assistance to locate and access medical/social records (excluding hospital records), educational records, photographs of the individual as a child where possible, baptismal and birth certificates held by Catholic agencies and immigration records.

148 PHIND was the recipient of an award as the best finding aid to an archival collection held by an Australian institution or about Australia from the Australian Society of Archivists in 1999.

Slater & Gordon Proceedings

149 Slater & Gordon commenced litigation in NSW and Victoria in 1993 on behalf of ex-residents of the Institutions. The cases alleged physical abuse, harsh conditions and failure to provide an education as well as sexual abuse. Whilst there were a substantial number of plaintiffs who claimed sexual abuse, a large number did not.

150 My role in the litigation was limited. Ongoing communications about developments in the litigation were directed to Brother Faulkner on behalf of the Holy Spirit Province, and he kept the Provincial Council informed of what was happening. Occasionally I may have been provided with information directly by reason of being Acting Provincial if Brother Faulkner was away. Brother Faulkner was also a defendant in the proceedings. Brother Julian McDonald of St Mary’s Province, being based in Sydney where the NSW litigation proceeded, was in closer and more regular contact with our legal representatives. I believe I was generally kept informed about what was happening in the proceedings. However, I was not involved in giving instructions in relation to the conduct of the proceedings except as part of the discussions regarding the proceedings during meetings of the National Committee on Child Abuse Issues. I was more focused on the Holy Spirit's pastoral response as set out above.

151 The National Committee on Child Abuse Issues (National Committee) was convened not long after the litigation commenced. The National Committee was made up of the Provincial of each
Australian Province and the Deputy Provincial, or another member of the Provincial Council who was involved in the issue of child abuse for that Province. The terms of reference for the National Committee is at [CTJH.056.17129.0254].

152 The National Committee met as necessary, which between 1994 and 1997, when it became the Professional Standard Sub-Committee, was between 2-6 times annually. Howard Harrison from Carroll & O’Dea in Sydney, and Mitch McKenzie from Doyle & Kerr in Melbourne, attended those meetings to provide us with updates on the progress of the litigation.

153 I do not recall us having discussions about whether it was fair or unfair to seek to have the proceedings transferred to Western Australia or whether or not we should rely on the statute of limitations. The way I understood it, Slater & Gordon had commenced the proceedings in NSW in a rush before the legislative changes that were about to come into force in NSW, and that were disadvantageous to the former residents, took effect.

154 As a result, there were several issues in the litigation which needed to be determined before the parties would be looking into what actually occurred, whether the defendants had been negligent and what damage had been caused. Those preliminary issues included sorting out who the proper defendants in the litigation were, whether the court in NSW was the best place for the proceedings to be heard given the events and that most of the people involved were in Western Australia and trying to get some details from Slater & Gordon regarding their clients’ claims.

155 We were criticised by Slater & Gordon for taking technical points. However, at that time, I took the view that once the claimants had chosen to go down the litigation path and we were in court, the Christian Brothers were entitled to listen to their lawyers and to ask the court to determine these issues. By the second half of the litigation, we were discussing internally if there was an opportunity to provide a pastoral outcome as part of a resolution to the litigation.

Settlement and the Western Australia Institutions Reconciliation Trust (WAIRT)

156 During the course of the litigation, the National Committee began to address the possibility of any settlement and, if that could be achieved, what it might look like. As part of our general understanding about the need to provide assistance to the plaintiffs, Brother Faulkner and I envisaged that any settlement should be structured to include some type of fund to enable ongoing support for ex-residents. A note I prepared regarding the possibility of such a service is at [CTJH.056.11070.0034]. I had envisaged that other parties, such as the State of Western Australia and the Archdiocese of Perth might contribute.

157 After I became Provincial of the Holy Spirit Province in April 1996, I became more involved in the litigation and particularly in the settlement negotiations. From late 1996 the possibility and desirability of a settlement began to figure in our discussions. Howard Harrison told us that he had
received indications from Slater and Gordon that the plaintiffs had expressed a willingness to settle. It was a conversation that I, and the other Provincials, were very willing to engage in. This was followed by a number of meetings and discussions with various parties to consider some of the finer details about what a settlement offer might look like and how it could practically be structured.

158 In April 1996, Slater & Gordon advised that the plaintiffs would be willing to settle the proceedings for $9.5 million, to be structured in the following way:

(a) the Court proceedings would be dismissed;

(b) a trust fund to be established in Perth by the Christian Brothers in the amount of $4.5 million for the provision of non-cash assistance to be paid by way of two annual payments of $2.25 million;

(c) Slater & Gordon be paid $2.5 million in costs;

(d) an additional sum of $2.5 million directed to individual cash payments for claimants alleging significant and serious injury; and

(e) agreement that the fund would be administered by an independent board made up of representatives from VOICES and/or Slater & Gordon as well as representatives from the Christian Brothers.

159 We had to balance the need for us to pay a significant amount in recognition of the harm inflicted on the plaintiffs against our other commitments as trustees of the welfare of our Christian Brothers members and the schools and other projects which we ran. We were also aware that the question of how much we were responsible for harm done by abusive actions could not be resolved so long after the events and that we had never accepted the proposition that the entire responsibility for the sufferings of the plaintiffs was ours. We were also conscious that we had a pastoral responsibility to the current members of the Congregation and also to the many projects we were undertaking to ensure the continued existence of the Congregation.

160 The Christian Brothers made a counter offer of $5 million, which was to include a trust for the provision of services. Slater & Gordon accepted this in principle. $1.5 million was to be paid to Slater & Gordon for its costs, with the remainder to be paid into a trust fund from which the plaintiffs would receive a cash component (approximately one third) as well as access to a range of services. It was agreed that the Christian Brothers and the Trustees would also make a public appeal for funds. The trust would run alongside CBERS. Anyone could participate in CBERS even if they had received money and assistance from the Trust.
There was a chain of authorities and organisations who shared responsibility with us for the welfare of the children who had attended the Institutions and believed that it wasn't just the Christian Brothers who had failed them. If those other parties accepted that they were, at least partially, responsible for what occurred, it may have been possible to involve them in any eventual settlement. However I recognised that it was unlikely that they would contribute.

On 1 May 1996 I attended a meeting with Archbishop Hickey and Monsignor Keating to discuss the Archbishop's concerns in relation to the litigation and settlement. I made a note of that meeting which confirms we discussed the possibility of the Christian Brothers joining other parties, such as the State of Western Australia, to the actions in order to counter any public perception that the Christian Brothers were the only ones who carried the responsibility for any wrong doing or the system's failures [CTJH.056.11129.0155].

I was tasked by the National Committee to look at a settlement framework which involved the operation of a trust. This involved a number of discussions with other members of the National Committee and the lawyers in relation to the form and structure of various settlement options. We determined that the Christian Brothers could meet a settlement of $5 million on its own. I do not specifically recall how the figure of $5 million was reached.

The class action proceedings were settled between the Christian Brothers and Slater & Gordon on behalf of their clients on 14 August 1996. A copy of the Charitable Trust Deed (Trust Deed) for the Western Australian Institutions Reconciliation Trust (WAIRT) is at [CTJH.056.05001.0051]. Copies of the press releases issued by the Christian Brothers and by the Holy Spirit Province are at [CTJH.056.17124.0174].

Once established, WAIRT was administered by 5 trustees, including a legal representative from each of the Christian Brothers and Slater & Gordon as well as 3 independent trustees. The trustees were Barry McKinnon, the former leader of the Liberal Party and Opposition Leader in WA who was the Chairman; Peter McGowan, as the legal representative of the Christian Brothers; and Hayden Stephens, as the legal representative for the ex-residents. The other two independent trustees were Dalton Gooding and Carol Bahemia. They were appointed by the other 3 trustees.

Each of the plaintiffs in the litigation received $2,000 in recognition of expenses incurred pursuant to the proceedings and were eligible for further reimbursement at the discretion of the trustees.

Further cash payments were made to claimants who had claimed serious sexual abuse and who continued to suffer serious psychological problems. There were two separate levels to these payments: I understand that the trustees, based on information provided by Slater & Gordon, paid $25,000 to 30 claimants and $10,000 to 25 claimants. An initial sum of $1.16 million was made available for these payments.
We did not want the claimants to have to go through the trauma of having to tell their stories again, and to undergo further psychological assessment. We accepted that Slater & Gordon were best placed to recognise which of their clients had suffered the most serious abuse as they were the ones who had the documents and information.

During the course of the litigation, the defendants were not provided with the kind of detail on individual claims to be in a position to recognise which of them had endured the most significant injury. Accordingly, a schedule of the claimants who would receive the cash payments was proposed by Slater & Gordon and included in the Trust Deed. The remaining funds were for the provision of a wide range of services including therapy, rehabilitation, retraining, family reunification, emergency relief and low interest loans (very much in the vein of CBERS) except the services offered by the trust were only to be available to those men who had accepted the settlement. CBERS was still available to all ex-residents whether they had brought proceedings against the Christian Brothers or not. Further, the services offered by WAIRT were to be contracted out to CBERS where it was practical to do so, and if the claimant agreed.

The Winding up of WAIRT

Under the terms of the Trust Deed, WAIRT was to be wound up by 30 June 1999. In January 1999, I was told that on the date that WAIRT was to be wound up, there would be unused funds in the Trust Fund in excess of $700,000. Those funds had to be used in accordance with the terms of the Trust Deed. A number of issues arose from this that the Christian Brothers needed to address including:

(a) whether we could use some of the excess to top up some of the payments that had been already distributed to some of the claimants (something we had indicated to the Trustees previously that we were willing to do);

(b) ensuring that the excess funds would only be used for the benefit of claimants who were part of (or who had foreshadowed their involvement in) the class action; and

(c) ensuring that the excess funds were not incorporated into other initiatives that had already been established by the Christian Brothers (for example CBERS) as again, this may be perceived as the Christian Brothers taking funds involved in the class action settlement.

A copy of a memo I prepared for the Provincial Council dated 1 February 1999 setting out these issues is at [CTJH.056.20001.7769].

On or around 17 February 1999 I received a letter from Andrea Lace, Manager of WAIRT in relation to the use of the Trust's surplus funds on its winding up [CTJH.056.17112.0021]. The letter enclosed a submission from the Trustees that set out a schedule of the payments that had been
made from the Trust Fund and provided recommendations for the use of the surplus funds [CTJH.056.17112.0022]. The schedule of payments identified the type of benefit or reimbursement and the amount paid for that benefit or reimbursement as follows:

<table>
<thead>
<tr>
<th>Benefit/Reimbursement</th>
<th>Amount paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,000 reimbursements</td>
<td>$464,000.00</td>
</tr>
<tr>
<td>Emergency relief</td>
<td>$39,978.19</td>
</tr>
<tr>
<td>Serious sexual abuse</td>
<td>$1,489,750.00</td>
</tr>
<tr>
<td>Fees to obtain reports in support of claims</td>
<td>$52,540.32</td>
</tr>
<tr>
<td>Housing and accommodation</td>
<td>$35,398.97</td>
</tr>
<tr>
<td>Reunification travel expenses</td>
<td></td>
</tr>
<tr>
<td>Reimbursements</td>
<td>$232,382.52</td>
</tr>
<tr>
<td>Travel</td>
<td>$145,872.60</td>
</tr>
<tr>
<td>Alcohol and drug rehabilitation</td>
<td>$2,728.00</td>
</tr>
<tr>
<td>Current psychological therapy</td>
<td></td>
</tr>
<tr>
<td>Beneficiaries</td>
<td>$29,976.95</td>
</tr>
<tr>
<td>Spouses/children</td>
<td>$5,584.00</td>
</tr>
<tr>
<td>Current medication expenses</td>
<td>$4,530.58</td>
</tr>
<tr>
<td>Past therapy and associated expenses</td>
<td></td>
</tr>
<tr>
<td>Reimbursements</td>
<td>$73,191.56</td>
</tr>
<tr>
<td>Transportation</td>
<td>$40,539.70</td>
</tr>
<tr>
<td>Employment - to establish a business</td>
<td>$33,980.00</td>
</tr>
<tr>
<td>Schooling expenses</td>
<td></td>
</tr>
<tr>
<td>Reimbursements</td>
<td>$4,200.00</td>
</tr>
<tr>
<td>Current</td>
<td>$8,694.35</td>
</tr>
<tr>
<td></td>
<td>$2,663,348.73</td>
</tr>
</tbody>
</table>

172 In their submissions, the Trustees’ recommended that the surplus funds be used as follows:

(a) That a new trust be established to pay for future therapy needs of beneficiaries of the WAIRT:

(i) The proposed parties are the same as the parties to the Trust Deed which established the WAIRT, i.e., the Christian Brothers as founder and Barry MacKinnon, Peter McGowan and Hayden Stephens as trustees. It is not proposed there be any additional trustees.

(ii) The proposed beneficiaries are those beneficiaries of the WAIRT deemed to require continuing long term treatment. They would be named in a schedule to the Trust Deed and are not expected to number more than 15.
(iii) Benefits available under the new Trust would be restricted to therapy needs but benefits under this category would be the same as those available from the WAIRT.

(iv) Regular reports from psychologists etc. would be obtained with respect to beneficiaries’ needs for continuing treatment.

(v) The proposed term of the new Trust is a maximum of 5 years from 1 July 1999. The new Trust would be wound up after its funds were exhausted or if the Trustees reasonably determined the purposes of the new Trust had been fulfilled.

(vi) The proposed settled sum is $85,000.

(vii) It is proposed that administration be attended to by Barry MacKinnon, depending upon the volume of work involved. A fee would be charged for his services. Alternatively a person would be employed by the new Trust as Administrator at a fee and on a basis to be determined by the Trustees.

(viii) At the expiration of the new Trust, it is proposed that the surplus of funds be paid to the Christian Brothers.

and

(b) The balance of the surplus be distributed equally between all surviving beneficiaries of the Trust:

(i) an equal distribution of the balance of the surplus to all surviving beneficiaries (including those named as beneficiaries of the new Trust) and whose current whereabouts are known to the Trustees, is recommended by the Trustees.

By this time, we realised upon winding up, the surplus was in excess of $800,000.

173 I recall we had several discussions with various parties about how to ensure the surplus funds were appropriately allocated. In addition to the recommendations proposed by the Trustees, the Professional Standards Subcommittee of the Christian Brothers’ National Committee considered whether to ‘top up’ the payment of some of the men who had already received a payment under the WAIRT [CTJH.056.20003.0043].

174 On 5 July 1999, I wrote a letter to the beneficiaries of the Trust [CTJH.056.17084.0014] and advised them that the Christian Brothers had decided to adopt the recommendations of the Trustees and to apply the surplus funds in the following way:
(a) that $85,000 would be set aside and applied to a new Trust to cover the ongoing therapy and treatment costs of a small number of men who had been identified by the Trustees as requiring continuing or long term treatment;

(b) that $105,000 would be distributed amongst 7 of the previous beneficiaries to “top up” their initial distribution. These 7 men were identified from the Sexual Abuse Schedules of the Trust Fund; and

(c) any remaining surplus funds (except $40,000 to $50,000 reserved for final administrative expenses) would be distributed equally amongst all beneficiaries of the Trust Fund.

175 I indicated in the letter to the beneficiaries that the decision of the Christian Brothers to adopt the recommendations of the Trustees was based on its belief that it was appropriate that all of the surplus money in the Trust should go to the benefit of the men who participated in the settlement. The letter enclosed a cheque which represented each beneficiary’s share of the surplus funds.

Towards Healing

176 We had been responding in various ways to the issues arising from the experience of the ex-residents of the Institutions, including sexual abuse, from around the time we first became aware of them in the late 1980s. We tried to understand what needs we had to address to give an effective response. This was a process that was constantly evolving as our understanding of the issues grew and developed.

177 By the time Towards Healing was introduced in 1996, we had already implemented a number of initiatives, including CBERS, to respond to the needs of men which by then were more widely known. This meant that in its early stages, Towards Healing wasn’t utilised very much by the men who had complaints about their treatment at the Institutions. This began to change once people started to learn what Towards Healing was and how it could help them.

178 Towards Healing became a vehicle for victims as it offered them contact with someone, a chance to tell their story and to hear a personal, individual apology and, even if contact with the perpetrator of their abuse was not possible, they were able to have some interaction with the organisation they felt had caused them harm. I think this helped contribute in some way to healing or reconciliation.

Whilst we were always willing to meet men prior to the introduction of Toward Healing, I believe having the structure in place encouraged more men to come forward and gave us a framework within which to have facilitated meetings. Some of the men came to Towards Healing through CBERS which was helping with counselling around the process.

179 I was involved in a number of Towards Healing facilitations, particularly in the last few years when I was Province Leader when the number of complaints was steadily increasing although I didn’t attend
every facilitation. The responsibility for attending facilitations was shared with other members of the leadership team. There were also occasions when two of us would attend as we felt that sometimes two people could provide a better response.

**Letter to Old Boys**

180 In June 1997 I wrote a circular addressed to all the former students of Christian Brothers' schools in Western Australia and South Australia, and particularly anyone who had experienced abuse of any sort to advertise the availability of the various services that were accessible to them as victims of abuse and to encourage them to make contact. The letter invited any person who felt hurt or distress because of their contact with the Christian Brothers or their schools to contact me directly or to seek independent professional help that would be funded by us [CTJH.056.22001.2021]. The circular was meant to reach out not just to victims personally, but also to those who were affected by the abuse that been suffered by a loved one.

**Initial Report into Child Sexual Abuse, 1998**

181 At the 1996 General Chapter in South Africa, a direction was made that the Christian Brothers commission a study of the issue of child abuse within its own Congregation. The stated purpose of the study was to discover and understand our own truth in regard to child abuse, to minimise possibilities of recurrence, to be more effective through ministry and others to contribute through our learnings to the resolution of problems of child abuse in society. Br Faulkner was asked to prepare this report. I understood that the aim was to learn whatever lessons we could from the shameful realities we had to face in several countries of the criminal misconduct in this area by some Brothers.

182 An initial report setting out the findings was presented to the Congregational Leadership Conference in April 1998. The report was written by Brother Faulkner who had just finished up as Provincial of the Holy Spirit Province in April 1996.

183 A copy of this report, entitled *An Initial Report on Child Sexual Abuse*, and its findings is at [CTJH.056.18003.0001].

184 The Report took Brother Faulkner 18 months to prepare and was distributed within the Congregation. It made a number of points, rather than recommendations, and I remember that from the perspective of the Holy Spirit Province, it didn't provide any new insights or radical steps requiring action. Many of the points it made were being addressed, or had already become part of our awareness and way of operating.

185 The Congregation in general had been coming to the understanding for some time since the 1980s that our cultural ethos and some of the processes from our past had produced some emotionally
immature people and worked against the development of emotionally healthy adults. Methods of recruitment and training had changed dramatically compared to the practices up to the 1960s.

For example, the use of psychological assessments for candidates became widespread and, eventually, mandatory during the years I am referring to. As the process for accepting candidates for religious life evolved, by the mid-1990s, Christian Brothers candidates were required to have completed and were required to undergo comprehensive personal and psychological assessment. This was based on the idea that before someone could be a Christian Brother, he needed to be a healthy, functioning person first, which included having a normal psycho-sexual and emotional adjustment.

We also considered what we were doing and how we needed to develop to fit with changing social structures. We also had a pastoral responsibility to our Brothers, which went beyond putting guidelines and protocols in place.

The ongoing personal development of a Brother was also something that had become a priority. We were insistent that Brothers took personal sabbaticals to focus on their spirituality and their human and emotional development. These were not academic or professional sabbaticals. It was intended to be a time that would allow the Brothers to stretch themselves emotionally and spiritually.

We fostered the practice that every Brother should have a spiritual director, or a mentor, that they could speak to regularly about their spiritual life. Access to counselling for individuals was provided.

Report of the Committee of Inquiry into Residential Child Care, Western Australia 1976

When I moved to Western Australia in 1979, I became generally aware that the residential child care area was changing, and that these changes were impacting the operation of the two institutions that we still conducted, Castledare and Clontarf. However, I was not aware of the 1976 Report of the Committee of Inquiry into Residential Child Care, Western Australia. I do not know whether the Holy Spirit Province took any specific actions in response to the recommendations of the Committee.

A copy of the report is at [CTJH.056.22001.2023].

Legislative Assembly Western Australia. Select Committee into Child Migration, Interim Report – 1996

In 1996 the Western Australian Legislative Assembly held an Inquiry into Child Migration. I was involved as Province Leader, on behalf of the Christian Brothers, in giving evidence and drafting the submissions for that inquiry.
A copy of the submission that I prepared for the Holy Spirit Province dated August 1996 is at [CTJH.056.17112.0218]. A draft of the submission was provided to the Provincial Council for their comments.

The submissions set out the history of the child migration program, its association with the Christian Brothers and the practical steps that the Christian Brothers had taken to address the needs of former child migrants who had attended Christian Brothers' institutions.

By these submissions we wanted to show that we were trying to be proactive in assisting the former child migrants who had attended the institutions – that we weren't just waiting for our lawyers or for an inquiry to tell us what to do. Our focus was dealing with the issues that people were presently facing, so that life could move on.

The Select Committee into Child Migration made an interim report to the Western Australian Legislative Assembly in November 1996. A copy of the report is at [CTJH.056.22001.2340]. I recall that the Select Committee's interim report recommended that its inquiry be turned into a Royal Commission. This did not happen and, to my knowledge, the process that began with this inquiry went no further.


In July 1997 a committee was appointed by the House of Commons in the United Kingdom to conduct an inquiry into the welfare of former British child migrants. I gave evidence at this inquiry, along with Brother Faulkner, and prepared the submission on behalf of the Christian Brothers. The committee published its findings in its third report dated 1998. A copy of this report and its findings is at [CTJH.056.22001.2444].

At or around the time that the House of Commons recommendations were published, I reviewed the recommendations. None of the recommendations were directly applicable to the Christian Brothers, though I noted that the Holy Spirit Province had already taken steps to address many of the issues raised. My comments on those recommendations are as follows:

(a) **Recommendation 1**: That a central database be established as soon as possible containing basic information directing child migrants, their descendants, or their representatives to more detailed sources. Individual sending and receiving agencies should make available their contribution of data in an agreed common form and at their own expense. If former child migrants are reluctant because of past history to deal with government then the task should be delegated to organisations working on their behalf. If necessary, compulsion should be used to elicit relevant material.
The Christian Brothers were already cooperating with various other agencies and organisations to establish a computerised index (PHIND) to all of the records held by the Catholic Church around Australia regarding child migrants. This is discussed in paragraph 145 and following above.

(b) **Recommendation 2**: Former child migrants, their descendants or nominated representatives should have immediate access to all files containing information concerning their history and background. They should be advised to seek preparatory counselling before receiving sensitive items.

The former child migrants of the institutions had already been provided with the ability to access all the files that had information concerning their history and background. They were also provided access to counselling and therapy upon request.

(c) **Recommendation 3**: Sending and receiving agencies should make available help with tracing families on request.

The Holy Spirit Province had been providing former child migrants with assistance in accessing information regarding their families of origin for a long time prior to this inquiry. Counselling services were also readily available and accessible by former child migrants and their families. We had also been providing financial assistance for travel.

(d) **Recommendation 4**: Therapy and counselling should be available to those who need it.

The Holy Spirit Province had made counselling and therapy services available to former child migrants for some time and this continued.

(e) **Recommendation 5**: Markedly different views have been expressed to us by former child migrants about the issue of compensation payments. Many believe that such a measure might impede the provision of records if governments or agencies become unduly nervous about the financial consequences of irregularities or indiscretions contained therein. We therefore do not recommend a compensation payment. Matters concerning identity and background are much more important to former child migrants.

This finding and recommendation was consistent with our understanding of the issues affecting former child migrants. For example, I understood that the majority of former child migrants were more concerned initially with having access to information to understand their personal history as opposed to compensation. Our approach was, from the very beginning, focused around addressing current needs that had arisen as a result of the person’s experience, whether or not that included abuse of any sort.
The rest of the recommendations made by the House of Commons were aimed at governments in Australia, New Zealand and Britain, various government bodies or other organisations. As these recommendations were not specifically directed to us, we were not able to provide any meaningful or practical response. However, I can say that in general terms we agreed fully with many of the recommendations made by the House of Commons.

Commonwealth Senate Community Affairs References Committee, Lost Innocents: Righting the record report on child migration, 2001

A Commonwealth Senate Community Affairs References Committee was set up for the purpose of holding an inquiry into child migration. The terms of reference for this inquiry were provided on 7 September 2000, a copy of which is at [CTJH.056.22001.2787].

Ms Harries provided submissions on behalf of CBERS to the Senate Community Affairs Reference Committee Inquiry into Child Migration. The submissions also made a number of recommendations regarding the provision of counselling and the assistance of the Western Australian government. A copy of the CBERS submissions to the Senate Committee is at [CTJH.056.22001.0074]. This submission provides a good summary of the work that CBERS was doing.

In December 2000, the Catholic Church’s Joint Liaison Group into Child Migration (Joint Liaison Group) provided submissions to the Senate Community Affairs Committee Reference Committee Inquiry into Child Migration [CTJH.056.22001.2885 and CTJH.056.22001.0001]. The Joint Liaison Group was a group established in 1999 by the Bishops’ Committee for Migrants and Refugees (a Committee of the Australian Catholic Bishops’ Conference) and the National Executive of the Australian Conference of Leaders of Religious Institutes, the national organisation of leaders of Catholic religious orders of Sisters, Brothers and Priests. I was the convenor of the Joint Liaison Group and the Christian Brothers’ representative.

Along with several other members of the Joint Liaison Group, I gave evidence on behalf of the Catholic Church at that inquiry. A copy of a record of my evidence, given on 22 March 2001 is at [CTJH.056.22001.0316].

The submissions of the Joint Liaison Group were divided into five sections:

(a) **Introduction**: asserting that responsibility for child migration was and is shared among governments, sending agencies and receiving agencies and that responsibility for attending to the consequences of child migration should also be a shared one.

(b) **Historical background**: briefly outlines the involvement of Catholic organisations in child migration to Australia and provides that statistical information about the origins, nationality and destination of children involved in Catholic child migration.
(c) **Key issues:** reflects on the personal impact of the child migration experience and discusses the key issues and needs of former child migrants.

(d) **Church responses:** addresses the Inquiry Terms of Reference, describes the various responses made to the needs of former child migrants by Catholic organisations and discusses the appropriate role of governments in meeting the current needs of former child migrants.

(e) **Recommendations:** suggests future actions to be taken by Commonwealth and State Governments to address the needs of former child migrants.

The submissions of the Joint Liaison Group included a number of recommendations:

(a) **Recommendation 1:** that the Commonwealth and State governments become actively involved in coordinating and funding services to former child migrants as acknowledgment of their share of responsibility for child migration.

(b) **Recommendation 2:** that the Commonwealth government match and make available the British government’s contribution of £1 million for travel assistance to former child migrants.

(c) **Recommendation 3:** that the Commonwealth government restructure its funding of family tracing and counselling services for former child migrants to take account of all the agencies that currently deliver those services.

(d) **Recommendation 4:** that the Commonwealth government convene a meeting of State government representatives and representatives of relevant Commonwealth and State departments to discuss ways of better coordinating the services for former child migrants.

(e) **Recommendation 5:** that the Commonwealth government support the International Conference of Commonwealth Countries involved in child migration and that it approach the British government for its support and resources.

(f) **Recommendation 6:** that in addition to the apology made by the Western Australian government, the Australian Parliament make a formal statement of apology and regret to former child migrants.

(g) **Recommendation 7:** that the Commonwealth and State governments work together to remove any administrative barriers that continue to exist preventing former child migrants from accessing information including, for example, material held in the National Archives of Australia.
The Committee published its final report in relation to the inquiry in August 2001. A copy of the final report is at [CTJH.056.22001.0427].

The Committee made 32 recommendations in its final report which recognised the role that both the British and Australian governments had in bringing child migrants to Australia. The majority of the recommendations were addressed to those governments directly and as such there was very little action that the Christian Brothers needed to take to respond to those recommendations directly. To the extent that recommendations were relevant to the Christian Brothers, for the most part, positive steps had already been taken by us.

My comments on some of the recommendations are as follows:

(a) **Recommendation 2**: that **British and Maltese former child migrants** be treated equally in accessing any of the services currently provided or as recommended in this report, including access to travel funding.

The services provided by the Holy Spirit Province or by ISERV and CBERS have not discriminated against British or Maltese former child migrants in terms of access.

(b) **Recommendation 7**: that **the Commonwealth Government urges all State Governments to establish a comprehensive sign posting index similar to that established by Western Australian Government**.

**Recommendation 8**: that the Commonwealth Government urges all State Governments to co-operate 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 NSW and Queensland Governments.

**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 descendants and to coordinate services for former child migrants.

**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 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, processors and procedures that the Canadians have implemented to facilitate access to their records for former child migrants and their descendants.

Each of these recommendations relate to making records accessible to former child migrants. The Holy Spirit Province has always made its records available to ex-residents and since the early 1990s had been working towards improving the accessibility to those records through projects such as PHIND. The Holy Spirit Province had been lobbying on behalf of former child migrants for Government to get involved in a coordinating role and to provide access to records given that many of the records are held by Government and not by the receiving agencies. I refer to the Christian Brothers’ submissions to the 1996 WA Inquiry. Accordingly we were pleased to see these recommendations being made and were hopeful that at least some of them would be implemented.

(c) 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 16: that all sending and receiving agencies be required to extend access to their records to the descendants of former child migrants.

The records held by the Holy Spirit Province had always been available to former child migrants or their authorised representatives. Further, if the former child migrant was deceased, then access was allowed to their close relatives, including their widow, children or grandchildren.

(d) Recommendation 15: but 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.

This was an issue we had been aware of since the late 1980s. We, or ISERV and CBERS on our behalf, had been making submissions to government that those records be given to the former child migrants. We were pleased to see that the recommendation was being made.

(e) Recommendation 17: the committee recommends that the Commonwealth Government:

- confer automatic citizenship on all former migrants, with provision for those who do not wish to become Australian citizens to decline automatic citizenship; and
- that a special ceremony conferring citizenship be conducted for former child migrants.

[Signatures]

Witness

[Signature]
ISERV and subsequently CBERS on behalf of a former child migrant had been lobbying the Commonwealth Government since the early to mid-1990s on these citizenship issues. See for instance the correspondence between ISERV and Senator Nick Bobkus at Appendix 5 of the ISERV Final Report. One of the services provided by ISERV and subsequently CBERS was assistance in making citizenship applications. Again we were pleased that the Committee was making this recommendation.

(f) **Recommendation 19**: that the Child Migrant Support Fund be supplemented by funding from the Australian Government, State Governments and receiving agencies; and that this funding comprise:

(i) a Commonwealth Government contribution of $1 million per year for 3 years initially;

(ii) a combined contribution from State Governments of $1 million per year for 3 years initially; and

(iii) a contribution from receiving agencies and that this be funded by a levy or other means on receiving agencies not currently providing travel assistance, in proportion to the number of children placed under their case as a result of the child migration schemes during the 20th century.

Recommendations 20, 21 and 22 also relate to the provision of travel assistance by funding the Child Migrant Support Fund or the establishment of a similar fund in Australia.

The Holy Spirit Province had been funding travel assistance for former child migrants since the early 1990s as we understood that this was an important service to provide to former child migrants. We welcomed the recommendations made by the Committee.

(g) **Recommendation 23**: that, to ensure that choice in counselling services remains available to former child migrants, the Commonwealth Government urge agencies and other State Welfare Departments provide counselling services to maintain those services and expand where necessary.

CBERS continued to provide counselling services up to its closure in 2005, and subsequently, I understand that counselling services were provided through CBERS Consulting. However it was CBERS' experience that the demand for counselling from former child migrants was beginning to decline from approximately 2002.

(h) **Recommendation 24**: that the Commonwealth and States Governments in providing funding for boarding house and supported accommodation programs recognise the housing needs and requirements of former child migrants.
Recommendation 25: that the Department of Health and Aged Care Commission study into the aged care needs of former child migrants; and the Commonwealth funding be directed into areas of need identified in that study.

As referred to in paragraph 127 above, the Holy Spirit Province commissioned a report dated May 1998 entitled ‘A needs survey – accommodation needs for former residents of Christian Brothers’ institutions in Western Australia’. However we found that aged care and housing needs were complex issues which were beyond our capacity to address. Accordingly, we were pleased to see these recommendations being made by the Committee.

(i) Recommendation 28: that the Commonwealth and State Governments widely publicised the availability of remedial education services and associated adult education courses to child migrants and child migrant organisations.

Literacy and education programs were part of the service offerings of ISERV and subsequently CBERS since 1994.

(j) Recommendation 30 and 31 relate to the issuing of apologies.

As set out above, the Holy Spirit Province first issued an apology on 3 July 1993 and has continued to apologise to former child migrants for its role in the child migrant schemes and for their treatment in the Institutions since that time. We were pleased to see the Committee were recommending that the Commonwealth Government and the State Governments, which had not already done so, issue formal apologies as we believed that it was an important aspect of healing.

Reflections

I distinctly remember that at the time the allegations of child abuse began surfacing around the late 1980s and early 1990s, we, as a Congregation, were genuinely shocked and somewhat disoriented by the nature of the claims that were being made. Child abuse, in all its manifestations, being physical, sexual or psychological, is abhorrent and against all the principles and values the Christian Brothers stand for. We knew and understood that an immediate response was needed, but it was difficult to know what the right response was. This was something that we were struggling to get our heads around, including trying to understand how it had been able to occur in our Institutions and how men that we had known for many years had been able to do these things. We were overwhelmed. There was no doubt an element of collective denial and shock that was operative, especially in the early years.

As part of our response, we tried to do what we thought was the best, most appropriate thing at the time, but we were dealing with issues that took us some years to come to terms with.
211 I accept that not every response and action we made was the right one. However, at the time we were trying to deal with the issues as best we could and to respond in a meaningful way. The other thing to remember is that we weren’t just dealing with allegations of sexual abuse. There was a raft of claims being made including physical abuse, emotional and psychological abuse, harsh working conditions and allegations about the quality of the food and other standards of living. We considered that these issues were interrelated and so asking about the adequacy of the Christian Brothers’ response to child sexual abuse really involves disentangling from this complex, controversial sequence of events what we did or didn’t do about one strand in the whole situation. We were grappling with and addressing a range of issues that included, but wasn’t at all focused on, child sexual abuse.

212 We learned that there was no simple solution and determining what the needs of the men were was something that was constantly evolving. We decided that one of the ways we could be most effective was to approach the issue with a focus on reparation, as distinct from compensation, which had an implication that one could somehow quantify and “make up for” damage that had been done. In this way we would not just be paying money and walking away from the problem, but we could try to provide assistance, treatment, care and support, including financial support, to victims on a more long term, needs-based basis. Indeed, what we tried to do, above all through CBERS, was to provide a response that was not directed at victims in the true sense of the word, because we didn’t want anyone to have to prove themselves a victim in any particular sense. The services were available to any of the men who felt they could benefit from them without having to prove they suffered any abuse. We were determined that services would be available through and despite the litigation that went on in the mid-1990s.

213 A large majority of the people who came to us in the years following the allegations being made were former child migrants whose priorities were often in the area of family search, so we set up a fund and did what we could to help address that need. We wanted from very early on to ensure that our response was holistic and broad, possibly involving long-term support. It was also important to us that men not be forced to quantify harm or damage done in the past to get assistance. For this reason, the services we had set up had been available to all former students of our Institutions, and not just those who could prove they had been abused.

214 Through all of the ups and downs we went through from the late 1960s, we were on the same learning curve about child sexual abuse as the rest of the church and society. Although this statement has not said much about it, our awareness of the crime of child sexual abuse and other forms of professional misconduct has been transformed. Since the 1990s professional standards protocols and procedures have become an explicit and integral part of all we do in our schools and projects. Some of the inadequacies in our responses in the 1980s and 1990s can be linked to a then still developing understanding of child sexual abuse.
<table>
<thead>
<tr>
<th>Signature</th>
<th>Witness</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name</strong></td>
<td>Anthony John Shanahan</td>
</tr>
<tr>
<td><strong>Date</strong></td>
<td>28 28 April 2014</td>
</tr>
<tr>
<td><strong>Name</strong></td>
<td>Andrew Frego</td>
</tr>
<tr>
<td><strong>Date</strong></td>
<td>28 28 April 2014</td>
</tr>
</tbody>
</table>