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# CHILD MIGRANTS TRUST

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Dr D.J. Honey MLA, Chair  
Community Development and Justice Standing Committee  
Legislative Assembly  
Parliament of Western Australia

Dear Dr Honey,

**Inquiry into options for survivors of institutional child sexual abuse in Western Australia who are seeking justice.**

CMT (Child Migrants Trust) appreciates your invitation to participate in this Inquiry. It is timely to review developments for survivors of historical institutional abuse now that five years have passed since the Royal Commission into Institutional Responses to Child Sexual Abuse made its recommendations.

## **Brief introduction**

The Child Migrants Trust is an independent, international social work agency providing specialist professional services for former British and Maltese Child Migrants and their families. CMT was established in 1987 and has offices in the United Kingdom and Australia, based in Perth, Melbourne and Nottingham UK. We work with former child migrants across Australia as well as Canada, New Zealand and the UK where small numbers have now returned to live.

CMT has participated in fourteen public child abuse Inquiries since 1996 in Australia, the UK and the Irish Republic concerning institutional abuse suffered by former child migrants.

CMT has prepared hundreds of former child migrants' redress applications including detailed statements of historical abuse over the past twenty years for the following redress schemes:

- Residential Institutions Redress Board, Republic of Ireland 2002
- Tasmanian Redress Scheme 2003

- Queensland Redress Scheme 2007
- Redress WA 2008
- National Redress Scheme 2018
- UK Payment Scheme 2019
- Northern Ireland Historical Institutional Redress Scheme 2020
- Scotland's Redress Scheme 2021

Recently, the British Government announced its intention to establish a redress scheme for England and Wales for survivors of institutional sexual abuse following the recommendations of the Independent Inquiry into Child Sexual Abuse in October 2022.

This will be a significant opportunity for many hundreds of former child migrants who suffered institutional abuse prior to their migration to Australia, Canada, New Zealand and Rhodesia from 1946-1970.

The federal government has funded CMT to provide specialist **independent** services since 1990. Following the national Apology to Forgotten Australians and Former Child Migrants in 2009, CMT has been funded by the federal government under the Find & Connect policy and to provide support to former child migrants participating in the Royal Commission into Institutional responses to Child Sexual Abuse.

In 2018, CMT's federal funding was extended to include Redress Support Services. We have now assisted approximately 300 former child migrants to apply to the National Redress Scheme or instruct lawyers in civil litigation.

CMT has developed productive relationships with a small number of law firms who specialise in a trauma informed and ethical manner with survivors of childhood abuse and have no connections, real or perceived, to the migrating agencies.

**CMT observations of outcomes since the passage of the *Civil Liability Legislation Amendment Act (Child Sexual Abuse Actions Act) 2018***

The West Australian government has been the lead in recognizing and implementing legislative change to remove time limitation for bringing a civil action in relation to the historical sexual abuse of children. WA was the first state to pass legislation on this matter following the Royal Commission. This was welcomed hugely by the child migrant community.

The majority of former child migrants in Western Australia have already participated in at least one redress scheme (Redress WA 2008-2011) prior to the 2018 changes. Some schemes were more comprehensive than others in terms of the wider range of eligible abuse and the scale of redress payments awarded.

This is significant because it enabled the child migrant community to have informed views, having campaigned for many years for justice and recognition. After the Royal Commission they understandably had increased expectations that, having been heard, redress and civil litigation options would be well targeted and the legislative barriers to seeking justice would finally be removed.

However, the decision by the WA government to remove time limitations only in cases of historical sexual assault rather than embracing all aspects of institutional abuse of children was a crushing blow to those who remain locked out of any option to seek justice for childhood trauma.

There are many reasons why former child migrants may decide to disclose serious physical abuse, forced child labour, medical neglect, educational deprivation and emotional cruelty, but remain silent on the experience of childhood sexual assault. In our experience, it is not difficult to understand given social attitudes and the sense of shame around these issues. However, the government's failure to offer a remedy to address other types of abuse inevitably compels survivors to disclose what for many has been truly unspeakable throughout their lives. Rather than a sensitive and humane response to trauma, this is sometimes experienced as a coercive policy and many child migrants see it as another form of denial. It often compounds their everlasting trauma.

Those who suffered unspeakable institutional abuse as children, either in terms of physical or emotional harm, but do not identify as victims of sexual assault often express strong feelings of discrimination against them by the government. A recent comment from a former child migrant regarding this issue stated: *'After all we've been through, my pain is worth nothing to the government.'*

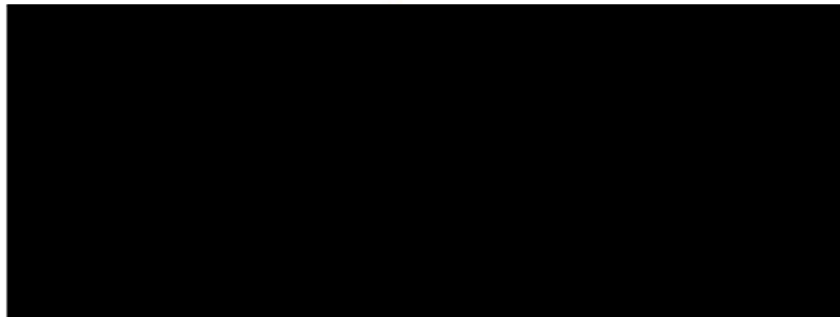
Former Child Migrants were deeply hurt by the WA Government's financial reduction of the Redress WA maximum payment from \$80k to \$45k. This has been well documented on many occasions. Those who received the maximum payment frequently describe having been short-changed from their full entitlement of \$80k, as originally announced when the scheme was launched.

There have been a range of difficult process and outcomes issues from civil litigation. The most common examples noted by CMT include:

1. Difficulty finding and engaging law firms with expertise in relation to WA institutions. This was made even more difficult when, as were repeatedly informed by our clients, a major perpetrator Religious Order recommended particular local law firms to potential litigants. This raised suspicions about dangerous networks and lack of independence underpinning the redress process.
2. Lengthy, protracted adjournments, which were exacerbated by COVID lockdowns and delays. The long adjournment delays and high turnovers in many legal firms build in additional stress and lack of support for litigants.

3. Harsh and ruthless tactics are practiced by some defendants, completely in conflict with their apologies for historical abuse offered after most child abuse inquiries. This includes rewriting the history of post war child migration to make it appear that former child migrants were of little or no concern to officials in Australia. Another tactic used to reduce liability has been to admit to severe physical abuse of children in institutions and attribute any trauma to such abuse rather than to serious episodes of sexual abuse.
4. Significant experience of re-traumatising episodes from harsh psychological assessments arranged by defendants to being confronted with perpetrators or their representatives at mediation and court hearings. Some child migrants described this as 'my worst nightmare come true.' Far from bringing about recovery and a sense of justice, some former child migrants have stated they deeply regret embarking on what was a highly traumatic process.
5. The independence of the Child Migrant Trust remains an essential strand to maintain therapeutic safety and service integrity for those who survived decades of childhood abuse. Across the child migrant community, we are frequently reminded by our clients of their continuing fear of childhood assailants and tormentors who remain at large in the community, despite numerous public inquiries into their crimes against vulnerable children.

I have been assisted in preparing this submission by Ian Thwaites, Assistant Director.



Dr Margaret Humphreys AO CBE  
International Director