

# Beyond child migration

## Inquiries, apologies and the implications for the writing of a transnational child welfare history

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The history of child welfare in Australia has been constructed within the context of empire, but the writing of British child-welfare history has paid little attention to Australia, noting only its role as a (complicit) destination for the last generation of child migrants, and, within studies of settler colonialism, its program of Indigenous child removal. This article brings these historiographies into a closer relationship, arguing that developments in the way in which child-welfare history has been written in the wake of Australian inquiries into historical abuse can inform similar inquiries now being undertaken in Britain.

This article has been peer reviewed.

Child-welfare history tends to be jurisdictionally bound, focused on the legislation which sets out the rights of the state to break the bonds between parent and child, and the provisions made for the children that this legislation allows to be removed.<sup>1</sup> In Australia, this approach has meant that histories tend to be state specific, with occasional glances over the borders for points of comparison or attempts at generalisation, and looking back to Britain to identify shared origins.<sup>2</sup> British child-welfare histories see little need to look beyond the nation, although they do draw comparisons between legislation and practice in the constituent parts

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<sup>1</sup> In contemporary discourse these functions come within the scope of child protection but that usage of the term is relatively recent and narrowly defined. For historical consistency the broader term child welfare is used throughout this article.

<sup>2</sup> The key Australian state-based child-welfare histories are: John Ramsland, *Children of the Backlanes: Destitute and Neglected Children in Colonial New South Wales* (Sydney: University of New South Wales Press, 1986); Donella Jaggs, *Neglected and Criminal: Foundations of Child Welfare Legislation in Victoria* (Melbourne: Phillip Institute of Technology, 1986); Penelope Hetherington, *Settlers, Servants & Slaves: Aboriginal and European Children in Nineteenth-Century Western Australia* (Perth: University of Western Australia Press, 2002); Margaret Barbalet, *Far from a Low Gutter Girl: The Forgotten World of State Wards: South Australia 1887–1940* (Melbourne: Oxford University Press, 1983). While studies such as Dorothy Scott and Shurlee Swain, *Confronting Cruelty: Historical Perspectives on Child Abuse* (Carlton, Vic.: Melbourne University Press, 2002), Nell Musgrove, *The Scars Remain: A Long History of Forgotten Australians and Children's Institutions* (Melbourne: Australian Scholarly Publishing, 2013) and Robert Van Krieken, *Children and the State: Social Control and the Formation of Australian Child Welfare* (Sydney: Allen & Unwin, 1992) attempt national coverage, the data on which they are based comes essentially from one state in each case.

of the United Kingdom.<sup>3</sup> Where international material is deployed its function is to illustrate, and in many cases to celebrate, the influence that innovations in Britain had on the development of child welfare internationally. This paper aims to complicate such local or national histories. It argues for a more complex, although always uneven, relationship between the history of child welfare in Australia and Britain which has implications for practice in both countries. By examining the differences in the systems that have emerged from this interaction it seeks to explain the contrasting politics around late twentieth, early twentieth-first century inquiries into historical institutional abuse in both nations and the opportunities which historians have had to influence these debates.

## Nineteenth-century foundations

While Britain had no specific child-welfare laws at the time of Australia's colonisation, it had already developed practices for dealing with children in need of 'social discipline'. It was these practices – separation and institutionalisation – which laid the basis for colonial provision.<sup>4</sup> In convict colonies, authorities initially borrowed from English models and established charitable orphanages to house and train children deemed to be neglected. During the 1860s and 1870s each of the colonies introduced industrial and reformatory schools, modelling their enabling legislation on the English *Industrial and Reformatory Schools Act* of 1861, which had been inspired by the work of child-welfare campaigner Mary Carpenter.<sup>5</sup> This process of cultural borrowing continued throughout the nineteenth century with charitable organisations replicating many British philanthropic practices and colonial legislatures following the shifting British trends in child-welfare law which arose out of the child-rescue movement.<sup>6</sup> The process of cultural transmission continued well into the

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<sup>3</sup> Major histories of the development of child welfare in Britain include: Hugh Cunningham, *The Children of the Poor: Representations of Childhood since the Seventeenth Century* (Oxford: Blackwell, 1991); George K. Behlmer, *Child Abuse and Moral Reform in England, 1870–1908* (Stanford: Stanford University Press, 1982); Harry Hendrick, *Child Welfare: England, 1872–1989* (London: Routledge, 1994); Harry Hendrick, *Child Welfare: Historical Dimensions, Contemporary Debate* (Bristol: Policy Press, 2003); Lydia Murdoch, *Imagined Orphans: Poor Families, Child Welfare and Contested Citizenship in London* (New Brunswick: Rutgers University Press, 2006); Lynn Abrams, *The Orphan Country: Children of Scotland's Broken Homes from 1845 to the Present Day* (Edinburgh: John Donald, 1998); Ivy Pinchbeck and Margaret Hewitt, *Children in English Society: Volume II: From the Eighteenth Century to the Children Act 1948* (London: Routledge & Kegan Paul, 1973).

<sup>4</sup> Robert van Krieken, 'The "Stolen Generations" and Cultural Genocide: The Forcible Removal of Australian Indigenous Children from their Families and its Implications for the Sociology of Childhood', *Childhood Studies* 6, no. 3 (1999): 297.

<sup>5</sup> Carpenter first outlined her arguments for the necessity of removal in *Juvenile Delinquents and their Condition and Treatment* (London: W & F.G. Cash, 1853).

<sup>6</sup> Elizabeth A. Harvey, "'Layered Networks": Imperial Philanthropy in Birmingham and Sydney, 1860–1914', *The Journal of Imperial and Commonwealth History* 41, no. 1 (2013): 123; Shurlee Swain, *History of Child*

twentieth century. Members of the religious orders who staffed many Catholic institutions brought with them the childcare practices of the countries from which they had come, as did the workers who accompanied some of the child migrants sent to Australia.<sup>7</sup> Travellers associated with both state and charitable organisations also brought ideas for new forms of institutions.<sup>8</sup>

Yet there were two features of Australian child welfare which created the space in which innovation could occur. The first, and most important, was the resistance in all the colonies to the introduction of the Poor Law which catered for most of Britain's destitute children.<sup>9</sup> In the face of such resistance, local legislatures had to make some provision for the children who, in England, would have been accommodated in the workhouses. Initially this involved establishing institutions which were workhouses in all but name, Sydney's Benevolent Asylum, founded in 1821, in Adelaide the Destitute Asylum, founded in 1849, in Perth the Immigrants' Home which opened in 1851, and, in Melbourne, a charitable institution with the same name, founded in 1853. In Queensland, the Brisbane Hospital was used for this purpose, with the government paying an allowance to the committee for the maintenance of 'paupers'. As colonial populations grew, rising concerns about children seen as neglected, or out of control, in conjunction with the ideas emanating from the reformatory and refuge movement in England, led to a greater emphasis on providing separate institutions specifically for children. Initially voluntary charities were subsidised to undertake this responsibility. But this model struggled to meet a rising demand and from the mid-nineteenth through to the early-twentieth century each of the colonies legislated to establish its own state children's department.<sup>10</sup> Although these departments continued to work in collaboration with, and were in some instances heavily dependent on, charitable and religious orphanages and

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*Protection Legislation* (Sydney: Royal Commission into Institutional Responses to Child Sexual Abuse, 2014).

<sup>7</sup> David Pilgrim, 'Child Abuse in Irish Catholic Settings', *Child Abuse Review* 21, no. 6 (2012): 407; Nicola Yeates, 'The Irish Catholic Female Religious and the Transnationalisation of Care: An Historical Perspective', *Irish Journal of Sociology* 19, no. 2 (2011) 83.

<sup>8</sup> See for example: Renate Howe and Shurlee Swain, *All God's Children: A Centenary History of the Methodist Homes for Children and the Orana Peace Memorial Homes* (Canberra: Acorn Press, 1989), 113–5.

<sup>9</sup> Many historians have offered explanations for this resistance, most of which combine a resistance to striking a poor rate and a negative reaction to the post-1834 Poor Law, directly experienced by some but more usually conveyed in literary works, particularly the writings of Charles Dickens. See for example Brian Dickey, 'Why Were There No Poor Laws in Australia?', *Journal of Policy History* 4, no. 2 (1992): 111–3; Tanya Evans, *Fractured Families: Life on the Margins in Colonial New South Wales* (Sydney: University of New South Wales Press, 2015), 83–4.

<sup>10</sup> Departments with various names but performing essentially the same functions were established in Victoria in 1864, Queensland in 1879, New South Wales in 1881, South Australia in 1886, Tasmania in 1896, and Western Australia in 1908.

children's homes, they held the primary responsibility for children removed from the care of their families.

The second feature which differentiated the colonies from the metropole was the compact scale of their societies which, as Elizabeth Harvey has argued in her comparative study of philanthropy in Birmingham and Sydney, provided more opportunities for reformers to bring about political change.<sup>11</sup> The National Society for the Prevention of Cruelty to Children (NSPCC), founded in England in 1889, understood the importance of having allies within government, and used them very effectively to advance its program of legislative change.<sup>12</sup> However, earlier reformers had struggled to get the attention of government. The situation was different in the colonies, where reformers and politicians moved in the same familial and social circles. When groups of middle-class Australian women took up calls originating from England for the introduction of boarding out for children who would otherwise be confined in large institutions, the politicians they had to persuade were often their husbands or other close acquaintances.<sup>13</sup> Their equivalents in England had to work with each local group of Poor Law guardians and rarely had access to national decision makers.<sup>14</sup> Where England's Dr Barnardo struggled for many years to gain legislative sanction for his right to remove children, fighting accusations of 'philanthropic kidnapping' in the courts, Victoria's premier child rescuer, Selina Sutherland, was able to have the right to remove included in local legislation through strategic contact with the Chief Secretary, Alfred Deakin, when new child-welfare legislation was before the house.<sup>15</sup>

## Australian child welfare through British eyes

While these developments were not unknown at the time, they have largely disappeared from contemporary English child-welfare histories. In his most recent book on the subject, Harry Hendrick mentions Australia twice, noting its role as a receiving country for child migrants,

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<sup>11</sup> Harvey, 'Layered Networks', 128.

<sup>12</sup> For a celebratory account of this success see: W. Clarke Hall, *The Queen's Reign for Children* (London: T. Fisher Unwin, 1897).

<sup>13</sup> The founders of the boarding-out movement in South Australia, Caroline Emily Clarke and Catherine Helen Spence, were able to take their campaign directly to the Premier, while Mary Windeyer, their equivalent in NSW was the wife of the chair of the Royal Commission which led to the introduction of boarding-out in that colony. 'Clark, Caroline Emily (1825–1911)', *Australian Dictionary of Biography (ADB)*, National Centre of Biography, Australian National University, accessed 24 April 2015, <http://adb.anu.edu.au/biography/clark-caroline-emily-3212/text4837>; Heather Radi, 'Windeyer, Lady Mary Elizabeth (1837–1912)', *ADB*, accessed 24 April 2015, <http://adb.anu.edu.au/biography/windeyer-lady-mary-elizabeth-1059/text16155>.

<sup>14</sup> Harvey, 'Layered Networks', 134.

<sup>15</sup> Shurlee Swain and Margot Hillel, *Child, Nation, Race and Empire: Child Rescue Discourse, England, Canada and Australia, 1850–1915* (Manchester: Manchester University Press, 2010), 141; '1887 Parliament', *Argus*, 26 August 1887, 9.

although of much lesser importance than Canada,<sup>16</sup> and as an early model, within the English legal tradition, for the introduction of children's courts.<sup>17</sup> Neither of these claims is without justification. The Ragged Schools Union was sending child emigrants to the Australian colonies from the 1840s but the program was abandoned during the gold rushes which both increased the cost of the passages and were considered as creating an unsatisfactory moral environment for the emigrants.<sup>18</sup> The Reformatory and Refuge Union again advanced the idea in the 1860s, and it was given more concrete form by various child-rescue organisations in the following decade, but cost and transport logistics ensured that Canada remained the preferred location until the early twentieth century.<sup>19</sup>

The connection of children's courts to Australia is less well known, buried under a historiography which locates their origin in the United States, beginning in Illinois in 1899 and consolidated by Judge Lindsay in Denver in 1901.<sup>20</sup> However, South Australia had established separate hearings for children in 1890, a development which was reported in journals circulating amongst English reformers in the following year.<sup>21</sup> A 1903 report of proceedings in Adelaide, written by Australian journalist, Alice Henry,<sup>22</sup> was reprinted in the UK, bringing the news to a wider audience, a development which Catherine Helen Spence claimed led to the establishment of similar courts in Dublin, Belfast, Cork, suburban Manchester and Birmingham.<sup>23</sup>

In the nineteenth century, however, the Australian colonies were praised, not for these developments, but for their supposed elimination of large institutions through the adoption of boarding out, and, to a lesser but related extent, because of their state children's departments. Most of these comparisons drew on the work of leading advocates of boarding out, Florence and Rosamund Davenport Hill, whose publicising of Australian developments provided the ammunition which English activists used to try to shame local authorities to follow their lead.

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<sup>16</sup> Hendrick, *Child Welfare: Historical Dimensions, Contemporary Debate*, 47.

<sup>17</sup> *Ibid.*, 85.

<sup>18</sup> 'The Emigrants. No. 1', *Ragged School Union Magazine* I, no. 4 (1849): 61-4.

<sup>19</sup> Mary Carpenter, 'Suggestions from Experience on the Management of Reformatories and Certified Industrial Schools (continued)', *Reformatory and Refuge Journal* XIX (1864): 81-7; C. H. Bracebridge, 'Juvenile Emigration', *Reformatory and Refuge Journal* XXXIV (1867): 2-6; 'A New Scheme for Emigration', *Night and Day* VI, nos 66 & 67 (1882): 124; T. J. Barnardo, 'Little Emigrants', *Night and Day* VIII, nos 87 & 88 (1884): 94-6; Dr Barnardo, 'Our Boys in Australia', *Night and Day* XX, no. 197 (1896): 97-8.

<sup>20</sup> This classic narrative is spelt out in Sanford J. Fox, 'The Early History of the Court', *The Future of Children* 6, no. 3 (1996): 29-39.

<sup>21</sup> 'The Angel of the Little Ones, or the National Society for the Prevention of Cruelty to Children', *Review of Reviews* 4 (1891): 521-30; 'The Arraignment of Children: Extract from State Children's Department Report, Adelaide, August 24th, 1891', *The Child's Guardian* VI, no. 4 (1892): 47.

<sup>22</sup> 'A Children's Court of Justice', *Argus*, 12 September 1903, 4.

<sup>23</sup> Catherine Spence, *State Children in Australia* (Adelaide: Vardon and Sons, 1907), 52.

The Hills came from a family with a long tradition of social reform and became interested in working for children through an early association with Mary Carpenter and Frances Cobbe in Bristol.<sup>24</sup> In 1868 Florence published the first edition of *Children of the State*, a book which was to become the bible of the boarding-out movement.<sup>25</sup> Included in the book was praise for the recent introduction of a limited boarding-out scheme in South Australia, although without noting that its co-founder, Caroline Emily Clarke, was the Hills' cousin.<sup>26</sup> It was Clarke who facilitated Florence and Rosamund's 1873 visit to Australia where they were able to investigate the boarding-out schemes that were in operation in several colonies by that stage, and talk with officials in the state children's departments that oversaw them. Their observations, reported in the book *What We Saw in Australia*, substantially reshaped the second edition of *Children of the State* in which Australia served as the example of what could be achieved by adopting boarding out as the primary method of care.<sup>27</sup>

Frustrated with the slowness of reform in England, advocates used the Hills' work to argue for the success of the boarding-out system in Australia in affording 'a means, not only of counteracting the pauper tendencies of certain sections of the colonial population, especially in the large towns, but also of rearing a large and useful class of male and female workers for whom there is a wide sphere of remunerative employment'.<sup>28</sup> Central to the success, it was argued, were the state children's departments which had overseen the introduction of the scheme across each colony.<sup>29</sup> Only the NSPCC was critical, suggesting that the willingness of colonial governments to find alternative homes for children could have a tendency to reward bad parents rather than reform them.<sup>30</sup> Certainly, one of the aspects of the Australian schemes most admired by the Hills, was the absolute break they imposed between parents and the children who came into care, without apparent fear of the parents' rights discourse which led many English advocates to argue for boarding out only when the parents were dead

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<sup>24</sup> For a fuller explanation of the Hills' background and role see: Shurlee Swain, 'Florence and Rosamond Davenport Hill and the Development of Boarding Out in England and Australia: A Study in Cultural Transmission', *Women's History Review* 23, no. 5 (2014): 744–59.

<sup>25</sup> Florence Hill, *Children of the State: The Training of Juvenile Paupers* (London: Macmillan and Co, 1868).

<sup>26</sup> *Ibid.*, 198–9.

<sup>27</sup> Rosamund Davenport Hill and Florence Davenport Hill, *What We Saw in Australia* (London: Macmillan and Co., 1875); Florence Davenport-Hill, *Children of the State*, 2nd edition (London and New York: Macmillan and Co, 1889).

<sup>28</sup> 'The Boarding-out System', *Pacific Weekly*, 5 June 1880, 81. See also: 'The Nineteenth Century', *Review of Reviews* 15 (1897): 53.

<sup>29</sup> 'The World of Childhood', *Highways and Hedges* IV, no. 39 (1891): 51.

<sup>30</sup> 'Australian State Homes for Children', *The Child's Guardian* XIV, no. 11 (1900): 134.

or long estranged from their children. Australia's more aggressive approach, Hill later argued, had a deterrent effect, reducing the number of children 'thrown' upon the State.<sup>31</sup>

As a result of the publicity generated by the second edition of *Children of the State*, Australian reformers claimed to be world leaders in the child-welfare field. Catherine Helen Spence, co-founder of the South Australian boarding-out scheme and a long-term member of its State Children's Council, boasted to a meeting of the Congress of Charity and Correction at the Chicago World Fair that Australia had 'seized on the root idea that for every child of the State ... the state should endeavour to find a mother and a home ... the barracks had been emptied and the children dispersed in natural homes'.<sup>32</sup> In her 1907 book, *State Children in Australia*, she set out the key feature of this innovative system: 'a Government department which is responsible for everything connected with children thrown on public charity' which rendered the work, 'national not philanthropic', funded from general revenue and not 'local rating'.<sup>33</sup>

## Child migration in the context of British child-welfare reforms

Spence's claim attracted little interest in the UK where, as the Poor Law was reformed and eventually abandoned, child welfare became the responsibility of local authorities. With the progressive introduction of social insurance in England from the early years of the twentieth century, the provision of out-of-home care became a residual function, provided through a mix of foster care and institutions, often in collaboration with the large organisations that had originated from the nineteenth-century child rescue movement. It was these organisations that were central to the highpoint of child-welfare collaboration between England and Australia in the twentieth century: child migration. Problems of definition make it hard to ascertain exactly how many children were transported to Australia in this way. There is general agreement that prior to the First World War numbers were comparatively small, and that after the war the Australian government fell far short of its target of 50,000 child emigrants, with the British inquiry concluding that between 7000 and 10,000 actually arrived.<sup>34</sup>

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<sup>31</sup> Florence Davenport Hill, 'The System of Boarding-out Pauper Children', *Economic Journal* 3, no. 9 (1893): 134.

<sup>32</sup> 'Miss C. H. Spence on her Travels', *South Australian Register*, 26 July 1893, 6.

<sup>33</sup> Spence, *State Children in Australia*, 5, 76.

<sup>34</sup> UK House of Commons Health Committee, *The Welfare of Former British Child Migrants* (HC Paper No 755 1997-98), para 13.

Sherington's depiction of child migration as a 'shared enterprise' disguises several power imbalances inherent in the scheme.<sup>35</sup> While national anxieties over population made Australia a willing recipient, the collaborating organisations in Britain determined both the selection of emigrants and the terms under which they would come. In the immediate post-war period, when child migration was at its height, the priorities of sending and receiving countries increasingly diverged. Influenced by developments in child psychology which emphasised the importance of parent-child attachment and the negative influence of large institutions, Britain's enthusiasm for exporting its children declined, leaving the field largely to the voluntary organisations. Their continuing involvement was approved on the understanding that the care that children received in Australia was of an equivalent standard to that to which they would have been entitled at home. However, despite setting this standard, British officials were aware of the limits on their ability to influence practice in an Australia which was increasingly exerting its own sovereignty.<sup>36</sup> While both nations, initially, were committed to the goals of Empire settlement, as the process was reconceptualised over time the 'exported assets' came to be seen as victims, deprived of an imagined future in Britain while, too frequently, being subject to abuse in the receiving country.<sup>37</sup>

It was this narrative of loss and deprivation that set in train the second of the series of Australian inquiries into historical abuse that provide the focus for the remainder of this paper. In both countries there is a history of inquiries into child-welfare policy and practice, most of which had little impact beyond their own jurisdiction. The major exception was the 1946 Curtis committee which provided a reference point for Australians seeking to reform their own systems. The Curtis committee identified the lack of a single centralised authority as one of the key barriers to reform in England but much of its importance for Australia lay in the recommendation that emigration should only continue where the receiving government could guarantee the standards of care that Curtis was recommending.<sup>38</sup> Although the inquiry had been established in part as a response to letters from care-leavers condemning the conditions then prevailing in out-of-home care, the Curtis committee was presentist in its

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<sup>35</sup> Geoffrey Sherington, 'Contrasting Narratives in the History of Twentieth-century British Children Migration to Australia: An Interpretive Essay', *History Australia* 9, no. 2 (2012): 27–47.

<sup>36</sup> For a fuller explanation of this argument see Ellen Boucher, *Empire's Children: Child Emigration, Welfare, and the Decline of the British World, 1869–1967* (Cambridge: Cambridge University Press, 2014), ch. 5.

<sup>37</sup> Sherington, 'Contrasting Narratives', 37.

<sup>38</sup> Quoted in Hendrick, *Child Welfare: Historical Dimensions, Contemporary Debate*, 133, 35.

analysis, seeking to set a blueprint for the future and ignoring instances of historical abuse when they were raised.<sup>39</sup>

## Inquiries compared

It was only in the 1990s that institutional abuse came to dominate the British inquiry agenda, although these inquiries tend to be local rather than national in their focus and increasingly scandal-driven.<sup>40</sup> Australia also has a history of inquiries into abuse at individual institutions, dating back to the early years of the twentieth century, but in the 1990s a different pattern emerged with broader based inquiries into historical abuse at the state or national level culminating in a series of national apologies.<sup>41</sup> This distinguishes Australia from the UK where, apart from the apology to child migrants which followed a similar Australian apology, historic abuse has not achieved such a significant national profile.<sup>42</sup> Examining the current English inquiries in the light of the Australian experience may help to explain these substantially different responses.

In her study of the politics of apologies, Melissa Nobles identifies mobilised minority groups, state officials and public intellectuals as essential to the success of calls for action.<sup>43</sup> While these three groups may well be present in both Australia and the UK, the smaller size and the greater centralisation of child welfare in the former has facilitated collaboration. The inquiry into the removal of Indigenous children from their families, which ran from 1995 to 1997, was the first in the series. Indigenous activist organisations had established alliances with public intellectuals concerned about racial discrimination in Australia and with the Human Rights and Equal Opportunities Commission, the official body delegated to monitor Australia's compliance with the International Convention on the Elimination of all forms of

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<sup>39</sup> Cited in Brian Corby, Alan Doig, and Vicky Roberts, *Public Inquiries into Residential Abuse of Children* (London: Jessica Kingsley Publishers, 2001), 26–7; Hendrick, *Child Welfare: Historical Dimensions, Contemporary Debate*, 134.

<sup>40</sup> Corby, Doig, and Roberts, *Public Inquiries into Residential Abuse of Children*, 7.

<sup>41</sup> Shurlee Swain, *History of Inquiries Reviewing Institutions Providing Care for Children* (Sydney: Royal Commission into Institutional Responses to Child Sexual Abuse, 2014).

<sup>42</sup> Prime Minister's Statement: Child Migration, 25 February 2010, accessed 29 April 2015, <http://www.parliament.uk/business/news/2010/02/prime-ministers-statement-child-migration/>; Australian Apology to both Forgotten Australians and Former Child Migrants, accessed 29 April 2015, <https://www.dss.gov.au/our-responsibilities/families-and-children/programs-services/apology-to-the-forgotten-australians-and-former-child-migrants>.

<sup>43</sup> Melissa Nobles, *The Politics of Official Apologies* (Cambridge: Cambridge University Press, 2008), 14.

Racial Discrimination, which undertook the investigation. Its report was the first to expose the endemic nature of institutional abuse and to call for apology and reparations.<sup>44</sup>

In the wake of this inquiry other care-leavers saw a way of drawing their experiences into the national consciousness. Former child migrants had already organised through the Child Migrants Trust, founded by British social worker, Margaret Humphreys, in 1987.<sup>45</sup> They found an ally in minority party Senator and former child migrant, Andrew Murray, who, in 2001, was successful in having the issue referred to the Senate Community Affairs Committee. The latter, in addition to victim testimony, was able to draw upon historical studies of child migration both in Britain and Australia. The Government responded to the Committee's 2002 report by providing some practical assistance to victims and their advocacy organisations but made no offer of an apology.<sup>46</sup>

The Care Leavers of Australia Network (CLAN) was founded in June 2000, as a direct response to the publicity surrounding members of the Stolen Generations, the title given to Indigenous Australian children who were removed from their parents' care during the twentieth century, and former child migrants, and staked its claim to represent the more than 500,000 Australians who had been in 'care' as children during the twentieth century.<sup>47</sup> It encouraged its members to make submissions to the child migration inquiry, a contribution which was recognised in the inclusion in the final report of a recommendation that the Federal Government urge all state governments to hold similar inquiries into the treatment of all children in institutional 'care'.<sup>48</sup> CLAN founders, Joanna Penglase and Leonie Sheedy, positioning their members as 'another lost generation', made contact with Andrew Murray and were able, eventually, to persuade him to take up their cause. While the Federal Government was complicit in Indigenous child removal through its administration of the Northern Territory, and had some responsibility for child migration because of its control of

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<sup>44</sup> Human Rights and Equal Opportunity Commission, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families* (Sydney: Human Rights and Equal Opportunity Commission, 1997).

<sup>45</sup> 'Child Migrants Trust', accessed 17 May 2011, <http://www.childmigrantstrust.com/>.

<sup>46</sup> Coral Dow and Janet Phillips, "'Forgotten Australians" and "Lost Innocents": Child Migrants and Children in Institutional Care in Australia', Parliamentary Library, Commonwealth of Australia, 2009, accessed 26 May 2015, [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/0910/ChildMigrants](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/0910/ChildMigrants); Australian Senate Community Affairs References Committee, *Lost Innocents: Righting the Record Report on Child Migration* (Canberra: Senate Printing Unit, 2001).

<sup>47</sup> Philip Mendes, 'Remembering "Forgotten" Australians: The Care Leavers of Australia Network and the Senate Inquiry into Institutional and Out-of-Home Care', *Children Australia* 30, no. 1 (2005): 4. See also Joanna Penglase, 'Forgotten Australians: The Report of the Senate Inquiry into Children in Institutional Care', *Developing Practice* 11 (2004): 32–7.

<sup>48</sup> Cited in Mendes, 'Remembering "Forgotten" Australians', 6.

migration policy, its culpability in relation to CLAN's constituency was far more difficult to establish because child welfare has always been a state responsibility. Nevertheless, cross-party lobbying by both Murray and CLAN members resulted in the Senate agreeing to initiate a third inquiry which again could draw on a body of established child-welfare history to inform its findings. The inquiry, which commenced in 2003, focused on the experiences of adults who grew up in out of home care - foster homes, orphanages and other institutions – throughout Australia, from the 1920s until the 1990s, a group that came to be known as Forgotten Australians. It issued reports in 2004 and 2005, although it was only with the release of a progress report on the implementation of earlier recommendations in 2009 that the Commonwealth Government responded with a combined apology and support package for Forgotten Australians and former child migrants.<sup>49</sup>

The fourth enquiry into former forced-adoption practices built on this precedent. Survivor groups, originating in the 1980s' campaign to open adoption records, encouraged members who had been in state care at the time of their pregnancy to make submissions to the Forgotten Australians inquiry calling for an inquiry of their own. They were able to draw on existing historical work to support their claims, and worked with sympathetic politicians to have another Senate inquiry established. Again the Commonwealth's culpability in this area was limited, but following the release of the Committee's report in 2012 an apology and reparations package was provided at the federal level.<sup>50</sup> The more recent inquiries at both state and, ultimately, the Commonwealth level, which focus on institutional responses to child sexual abuse, fit a similar pattern, although increasingly with a multiplicity of mobilised minority groups, in uneasy relationship with each other, and a heightened role for journalists in creating the pressure for investigation.

It is at this point that the clearest parallels with the United Kingdom can be seen. Writing in 2001, Corby, Doig and Roberts documented 'a steady stream' of inquiries since the 1980s, but argued that the focus on allegations related to single institutions allowed the incidents to be 'seen as isolated examples and not as indicative of the likelihood of more widespread abuse'.<sup>51</sup> As social workers, the authors were concerned about the impact repeated inquiries

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<sup>49</sup> Joanna Penglase interviewed by Susan Marsden, Forgotten Australians and Former Child Migrants Oral History Project, 2010, <http://nla.gov.au/nla.oh-vn4901590>; Australian Senate Community Affairs References Committee, *Forgotten Australians: A Report on Australians who Experienced Institutional or Out-of-home Care as Children* (Canberra: Senate Printing Unit, 2004).

<sup>50</sup> Australia Senate Community Affairs References Committee, *Commonwealth Contribution to Former Forced Adoption Policies and Practices* (Canberra: Senate Printing Unit, 2012). For the text of the apology see: <http://www.ag.gov.au/About/ForcedAdoptionsApology/Pages/default.aspx> (accessed 30 April 2015).

<sup>51</sup> Corby, Doig and Roberts, *Public Inquiries into Residential Abuse of Children*, 80.

were having on practice and argued that only a national inquiry could ‘draw a line under the abuses of the past’.<sup>52</sup> A survey of survivors who had given evidence before these inquiries found a high level of dissatisfaction, with participants perceiving the investigations as driven by ‘the requirements of the criminal justice system, with the needs of victims/survivors and their families accorded second priority’. While there were prosecutions there was no apology and ‘little effort has been made to tackle the abuse of young people in care homes on a national basis ... or to analyse the fundamental causes of the scandals’.<sup>53</sup>

The Care Leavers’ Association has been calling for a national inquiry into historic abuse since 2009, citing, amongst others, the Australian example.<sup>54</sup> A preliminary inquiry was held in Scotland in 2007, with others to follow<sup>55</sup> and another commenced in Northern Ireland in 2015.<sup>56</sup> Care leavers have not been able to gain the support of either politicians or public intellectuals to advance their cause in England.<sup>57</sup> Instead attention has focused primarily on allegations of celebrity and elite involvement in child sexual abuse. In the lead up to the announcement of the Independent Inquiry into Child Sexual Abuse in 2015, the nation struggled to find both a consensus position and the personnel to conduct the inquiry.<sup>58</sup> Although children’s homes, charities and local authorities appear in the long list of institutions to be investigated, ‘allegations of child sexual abuse involving well-known people, including people in the media, politics, and other aspects of public life’ have been singled out for special attention and constitute the first of the five work streams identified in the inquiry’s initial publicity.<sup>59</sup>

The academic debate in the United Kingdom has been conducted largely by sociologists who conceptualise the issue in terms of ‘scandal’ and ‘moral panic’, and focus on the role of the media in what Greer and McLaughlin describe as ‘activating’ a scandal, moving privately

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<sup>52</sup> Ibid., 193.

<sup>53</sup> Matthew Colton, Maurice Vanstone and Christine Walby, ‘Victimization, Care and Justice: Reflections on the Experiences of Victims/Survivors Involved in Large-scale Historical Investigations of Child Sexual Abuse in Residential Institutions’, *British Journal of Social Work* 32, no. 5 (2002): 548.

<sup>54</sup> ‘Australia Apologises to “Forgotten Children”’, Care Leavers Association Blog, accessed 27 May 2015, <http://www.careleavers.com/blog> ().

<sup>55</sup> Tom Shaw, *Historical Abuse Systemic Review: Residential Schools and Children’s Homes in Scotland 1950 to 1995* (Edinburgh: Scottish Government, 2007).

<sup>56</sup> Historical Institutional Abuse Website, accessed 1 May 2015, <http://www.hiainquiry.org/>.

<sup>57</sup> ‘Policy Statement on Abuse in Care’, Care Leavers Association Website, accessed 27 May 2015, <http://www.careleavers.com/policies/abuse> ().

<sup>58</sup> For the multiplicity of inquiries currently underway see: ‘Historical Abuse Inquiry: Key Investigations’, *BBC News*, 17 March 2015, accessed 1 May 2015, <http://www.bbc.com/news/uk-28194271>. For a summary of the difficulties in finding an acceptable chair see: ‘New Zealand Judge Lowell Goddard to Lead Abuse Inquiry’, *BBC News*, 4 February 2015, accessed 1 May 2015, <http://www.bbc.com/news/uk-31130805>.

<sup>59</sup> ‘How We Work’ Independent Inquiry into Child Sexual Abuse Webpage, accessed 21 September 2015, <https://www.iicsa.org.uk/about-the-inquiry/how-we-work>.

circulating rumours into the public arena.<sup>60</sup> The target, they argue, is not the individual abuser but the institutions within which they operated, reducing the public's trust in their ability to protect children from harm.<sup>61</sup> The Goddard inquiry seems likely to follow a similar path with its research strand overseen by an academic advisory panel whose members are child protection experts whose focus is on the failure of institutions to keep children safe from harm.<sup>62</sup>

There are parallels in Australia where the Royal Commission is focused on institutional responses to child sexual abuse, but here the activating factor has not been celebrities but victims who have been worked with the media to propel the issue onto a national stage. While there have been allegations and prosecutions of highly-regarded public figures they have not been able to crystallise the issue as Jimmy Savile did in England.<sup>63</sup> None of the case studies announced by the Royal Commission to date have focused on allegations against prominent individuals, nor do they feature in any of the research projects undertaken so far.<sup>64</sup>

## Writing abuse into the national history

In arguing for the distinctiveness of Australian inquiries, legal scholar Kathleen Daly distinguishes between inquiries where the focus has been solely on the failure of trusted institutions to protect and care for children, and those in which this failure was embedded in a more general discrimination against particular groups of children, suggesting that inquiries in England and Wales fall into the first category and those in Australia fall into the second.<sup>65</sup> While inquiries in the first category exposed scandals and produced prosecutions, those in the

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<sup>60</sup> Chris Greer and Eugene McLaughlin, 'The Sir Jimmy Savile Scandal: Child Sexual Abuse and Institutional Denial at the BBC', *Crime, Media, Culture* 9, no. 3 (2013): 245.

<sup>61</sup> Harry Ferguson, *Protecting Children in Time: Child Abuse, Child Protection, and the Consequences of Modernity* (Gordonville: Palgrave Macmillan, 2004), 107. See also Frank Furedi, *Moral Crusades in an Age of Distrust: The Jimmy Savile Scandal* (London: Palgrave Macmillan, 2013), 9.

<sup>62</sup> 'Who We Are' Independent Inquiry into Child Sexual Abuse Webpage, accessed 21 September 2015, <https://www.iicsa.org.uk/about-the-inquiry/who-we-are>.

<sup>63</sup> The allegations refer to two former Governors-General (Archbishop Hollingworth and Sir William Slim) and the actor Robert Hughes. For a discussion of the case around Hollingworth see: Barbara Baird, 'The Resignation of the Governor-General: Family Drama and National Reproduction', *Cultural Studies Review* 15, no. 1 (2009). For the allegations against Slim see: 'Hero, Villain and the School for Scandal', *Sydney Morning Herald*, 28 April 2007, and Lorna Knowles, 'Class Action to Begin over Alleged Abuse of Migrants at Fairbridge Farm School', *ABC News*, 31 July 2014, accessed 1 May 2015, <http://www.abc.net.au/news/2014-03-13/class-action-begins-over-alleged-abuse-of-child-migrants/5319066>. For Hughes see: 'Robert Hughes Trial: Former Hey Dad! Star Found Guilty of Sexually Abusing Girls in 1980s', *ABC News*, 8 April 2014, accessed 1 May 2015, <http://www.abc.net.au/news/2014-04-07/robert-hughes-found-guilty/5372728>.

<sup>64</sup> The case studies and research projects are all listed on the Royal Commission's Website, accessed 21 September 2015, <https://www.childabuseroyalcommission.gov.au/public-hearings> and <https://www.childabuseroyalcommission.gov.au/policy-and-research/research-program>.

<sup>65</sup> Kathleen Daly, 'Conceptualising Responses to Institutional Abuse of Children', *Current Issues in Criminal Justice* 26, no. 1 (2014): 17.

second went further developing a ‘cultural platform of books, television series, films, and oral history projects, which advanced political campaigns and social-movement activism and educated the general public about the history of policy wrongs against children and political minority groups’.<sup>66</sup> In inquiries of this type, Johanna Sköld argues, ‘the victims ... have been given the opportunity to tell their stories ... the stories have gained the attention of the media ... [and] there have been expectations that these testimonies should influence the national historical narrative and national identity’.<sup>67</sup>

English sociologist Frank Furedi has cast doubts on the validity of this approach, arguing that it is based on ‘bad history’, judging the past by the standards of the present.<sup>68</sup> He is particularly critical of the move to embrace the victim voice, arguing that survivors assume the victim identity in hope of a monetary reward.<sup>69</sup> Social-work academic Mark Smith shares these views, warning of the damage to care and care workers if a more critical approach is not taken to survivor testimony.<sup>70</sup> The succession of victim-focused inquiries in Australia has largely silenced such critiques. While there were attempts to discredit the testimony given by members of the Stolen Generation, the weight of evidence of institutional abuse raised in the later reports has seen such arguments side-lined.<sup>71</sup> Central to the inquiries and the subsequent apologies is the assertion that victims, once ignored, are now being believed.<sup>72</sup> People giving testimony to the Royal Commission are promised that neither they, nor their story, will be judged.<sup>73</sup>

Such assurances have positioned care leavers as co-authors of their own histories, and key players in the project to have their experiences included in the national story.<sup>74</sup> While each of

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<sup>66</sup> Ibid., 7.

<sup>67</sup> Johanna Sköld, ‘Historical Abuse – A Contemporary Issue: Compiling Inquiries into Abuse and Neglect of Children in Out-of-Home Care Worldwide’, *Journal of Scandinavian Studies in Criminology and Crime Prevention* 14, no. 1 (2013): 7.

<sup>68</sup> Furedi, *Moral Crusades in an Age of Distrust*, 35.

<sup>69</sup> Ibid., 59, 71.

<sup>70</sup> Mark Smith, ‘Victim Narratives of Historical Abuse in Residential Child Care: Do We Really Know What We Think We Know?’, *Qualitative Social Work* 9, no. 3 (2010): 303–20; Mark Smith, ‘Historical Abuse in Residential Child Care: An Alternative View’, *Practice: Social Work in Action* 20, no. 1 (2008): 29–41.

<sup>71</sup> See for example: I. C. F. Spry, ‘The Discrediting of the Wilson Report: False “Stolen Generation” Claims’ *National Observer*, 43 (Summer 2000): 55–61.

<sup>72</sup> This is a key component of the speeches made by both the Prime Minister and leader of the Opposition, accessed 1 May 2015, [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Completed\\_inquiries/2004-07/inst\\_care/national\\_apology/index](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2004-07/inst_care/national_apology/index).

<sup>73</sup> Royal Commission into Institutional Responses to Child Sexual Abuse Website, accessed 1 May 2015, <https://www.childabuseroyalcommission.gov.au/share-your-story/private-sessions>.

<sup>74</sup> Jacqueline Z. Wilson and Frank Golding, ‘Contested Memories: Caring about the Past or Past Caring’, in *Apologies and the Legacy of Abuse of Children in ‘Care’*, ed. Johanna Sköld and Shurlee Swain (Houndsmills: Palgrave Macmillan, 2015).

the reparation packages included funding for national history projects, the process by which these were to be developed was collaborative: historians, archivists and museum curators working alongside care leavers and sharing their expertise. Historians who have engaged in these project have found their work to be ‘profoundly’ changed.<sup>75</sup> What is emerging is a ‘contrapuntal history’ which allows for a range of differing and sometimes contradictory views to be represented in a narrative which is not trapped within either the older, more positive, or the newer, overwhelmingly negative, collective memory of out-of-home care.<sup>76</sup>

In the absence of a national inquiry and apology in England, there have been fewer opportunities for historians to become involved in such projects. The lack of a central state children’s department reduced the opportunities for the kind of scholarship which provided the research base on which Australian child-welfare historians have been able to claim the expertise that underwrote their involvement in inquiry processes. By contrast, histories of twentieth-century English child welfare have been written by social workers and sociologists with an interest in social policy.<sup>77</sup> Their primary focus is on the lessons that can be drawn for future practice rather than the experiences of the children in care. Historians have not been part of inquiry teams as they have in many of the European inquiries, and, like reformers in the nineteenth century, they are distant from the places where policy decisions are made.<sup>78</sup> The Goddard inquiry, to date, has no historians on its research team and, in inviting survivors to share their stories, promises only that their views will be ‘considered’ in the writing of the final report. After they have contributed they will also be given the opportunity to ‘leave a short message’ about their experiences with the promise that these messages will be assembled and published together alongside the official report as ‘a message to the nation’.<sup>79</sup>

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<sup>75</sup> Nell Musgrove, ‘The Role and Importance of History’, in Sköld and Swain, eds, *Apologies and the Legacy of Abuse of Children in ‘Care’*; Shurlee Swain, Leonie Sheedy and Cate O’Neill, ‘Responding to “Forgotten Australians”’: Historians and the Legacy of Out-of-home “Care”’, *Journal of Australian Studies* 36, no. 1 (2012): 17–28.

<sup>76</sup> The concept of a contrapuntal history comes from Charles Maier, ‘Overcoming the Past? Narrative and Negotiation, Remembering and Reparation: Issues at the Interface of History and the Law’, in *Politics and the Past: On Repairing Historical Injustices*, ed. John Torpey (Lanham, MD: Rowman and Littlefield, 2003), 301. For a fuller discussion of how this concept has been applied in Australia see: Shurlee Swain, ‘Stakeholders as Subjects: The Role of Historians in the Development of Australia’s Find & Connect Web Resource’, *The Public Historian* 36, no. 4 (2014): 38–50.

<sup>77</sup> See for example: Hendrick, *Child Welfare: England, 1872 – 1989*; Hendrick, *Child Welfare: Historical Dimensions, Contemporary Debate*; Harry Ferguson, ‘Abused and Looked after Children as “Moral Dirt”’: Child Abuse and Institutional Care in Historical Perspective’, *Journal of Social Policy* 36, no. 1 (2007): 123–39.

<sup>78</sup> Although Louise Jackson and her team are seeking to use their current research project to make just such an inroad, see: <http://www.historyandpolicy.org/projects/project/historical-child-sex-abuse> (accessed 1 May 2015).

<sup>79</sup> Independent Inquiry into Child Sexual Abuse, ‘Truth Project Sharing your Experience: What to Expect’, accessed 21 September 2015, <https://www.iicsa.org.uk/sites/default/files/sharing-your-experience.pdf>.

## Conclusion

Despite their common origins, the Australian and British child-welfare systems developed in distinct ways. At times, Australia meekly followed British practice, but it was also a site of innovations that reformers could use to argue for change at home. With the wave of child migration in the twentieth century, the two systems became directly connected, although the experience has been differently understood. In recent years, both countries have been holding inquiries into historical child abuse, although, again, with a divergent focus and approach. Australia's approach has laid the way for national inquiries, for apologies to victims of such abuse, and for collaboration with historians and, more importantly, care leavers in reconstructing the national story. Now that England has finally established its first national inquiry, perhaps we have reached a point where Australia could again influence British practice, modelling a process through which historians stand alongside care leavers in the production of their testimony and demonstrating ways in which these experiences can be inserted into the national history.

## About the author

Shurlee Swain is a Fellow of the Academy of the Social Sciences in Australia and Professor of Humanities and head of the Historical Studies Research Concentration at Australian Catholic University and the historian chief investigator on the Find & Connect web resource. A social historian, she has published widely in the area of child-welfare history and her work has informed several of the recent inquiries into Australia's history of forced adoption and the physical and sexual abuse of children in care.

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