

1 COMSR STEVENS

2

3 HINDMARSH ISLAND BRIDGE ROYAL COMMISSION

4

5 FRIDAY, 17 NOVEMBER 1995

6

7 RESUMING 2.15 P.M. AT ADELAIDE

8 MR ABBOTT: I apologise for not being there

9 yesterday. Some attention seems to have been given to

10 the fact that I wasn't there. I think I should make it

11 known that the reason I wasn't there is because I had

12 relied upon statements that I was told that the

13 commission would be finishing on Wednesday, and that if

14 a statement, as you told us, hadn't been received by 5

15 p.m. Monday night, then no latitude would be allowed and

16 the commission would be finished on Wednesday.

17 Accordingly, I was otherwise engaged in court in a

18 commitment that I was unable to break, having already

19 broken it once and then resumed it.

20 COMSR: I appreciate that. I reconsidered the

21 matter in the light of the fact that this was a

22 circumstance where the witness genuinely had an illness,

23 and for the sake of one day it appeared to me that it

24 would not be appropriate not to hear him.

25 MRS SIMPSON: I apologise for the delay in our

26 starting today, but Mr Wardle, on behalf of Mrs Brodie,

27 has produced some documents to the commission. It will

28 be necessary for me to speak to Mrs Brodie before those

29 documents can be properly considered. The reason for

30 that is that one of them appears to relate to a

31 conversation between Mrs Fisher and Mrs Brodie's mother,

32 Mrs Rebecca Wilson, that is, a second conversation

33 between those two people. As I recall it, in Mrs

34 Fisher's evidence she categorically stated that there

35 had only ever been one conversation with Mrs Wilson.

36 COMSR: That's as I recall the situation.

37 Where have these documents come from?

38 MRS SIMPSON: In the intervening period between

1 Wednesday and today, Mrs Brodie has been able to find
2 these documents, which were the documents sent to her by
3 Mrs Fisher. The first one is a statement by Mrs Fisher
4 regarding the second conversation which she now says
5 took place. She says in it, for instance 'I met her
6 twice at Glady's place', but I have no record of the
7 actual dates, and it sets out there a transcript of a
8 taped interview. I understand from Mr Wardle that the
9 tape has been erased, but there are handwritten notes of
10 the tape which accompany the statement.

11 The second document is the letter, I think, to Mrs
12 Brodie from Mrs Fisher. It is dated 16 August 1995,
13 together with an enclosure, the original of which I
14 understand is held still by Mrs Fisher in the bank
15 vault. But, in any event, in order to allow proper
16 consideration of the documents, I would ask for a short
17 adjournment to allow me to speak to Mrs Brodie.

18 MR ABBOTT: I would like to get a copy and consider
19 these documents and see what, if any, evidentiary weight
20 should be placed upon them at this stage of the
21 commission.

22 MS PYKE: With respect, Mr Abbott can make his
23 submissions, but it is up to you, madam, I would have
24 thought.

25 COMSR: Yes, but I am a bit concerned. Mrs
26 Brodie was one of the proponent women who appeared who
27 sought leave to be represented in this commission
28 virtually on the first day of the hearing, and now on
29 the last day some documents are being presented to the
30 commission. I would have thought that, in the
31 intervening period, any documents could have been
32 located, but certainly in respect of your application
33 for a short adjournment to consider them, yes, I will
34 allow that.

35 As yet, we don't have any explanation from Mrs
36 Brodie herself as to the circumstances of the finding
37 and location of these documents, and what they purport
38 to be. However, perhaps if you are given an opportunity

- 1 first to consider them and deal with that aspect.
- 2 MR WARDLE: When Mrs Brodie spoke to me last night
3 in relation to finding the letter she had been asked to
4 look for, and told me of its content, it seemed to me to
5 be different from anything I had heard of, so I made an
6 inquiry of Mrs Fisher, and, as a result of that inquiry,
7 got the original handwritten notes.
- 8 COMSR: Handwritten notes of what?
- 9 MR WARDLE: Of a conversation with Koomi. I have
10 asked for those to be delivered because they were made a
11 long time ago, prior to 1975.
- 12 MR ABBOTT: I object to him giving evidence.
- 13 MR WARDLE: I am not giving evidence. I am simply
14 explaining why I have had them produced. What the
15 commission decides to do with them is up to the
16 commission. The second enclosure that is of
17 significance, I suppose -
- 18 MR ABBOTT: I object to him giving evidence about
19 the alleged significance of anything.
- 20 COMSR: I am indicating that I would like Mrs
21 Brodie to give some evidence on oath about these matters
22 at this stage, but perhaps if we can just take the
23 adjournment, you might explain the nature of them to
24 counsel assisting.
- 25 MR WARDLE: I have done that.
- 26 MRS SIMPSON: I have passed on to you what Mr Wardle
27 explained already.
- 28 MR WARDLE: There was one bit that I passed on that
29 hasn't yet been explained.
- 30 MR ABBOTT: Now is not the time. If and when they
31 become relevant and in evidence.
- 32 MR WARDLE: It will not take me long.
- 33 MR ABBOTT: I object to Mr Wardle explaining on
34 behalf of Mrs Fisher. He still hasn't explained how Mrs
35 Brodie came to speak to him last night when he wasn't
36 acting for her, where he apparently is now.
- 37 MR WARDLE: I don't think I was the only one.
- 38 MRS SIMPSON: Apparently Mr Kenny was spoken to as

1 well.

2 COMSR: I will take a short adjournment while
3 you consider it.

4 ADJOURNED 2.22 P.M.

5 RESUMING 2.51 P.M.

6 COMSR: When did this material come into our
7 possession?

8 MRS SIMPSON: It came into our possession about 5 past
9 2 this afternoon.

10 COMSR: Is there some reason, Mr Wardle, why it
11 was so late having the material produced?

12 MR WARDLE: Yes. I only learned about it last
13 night. I didn't get it until about 5 to 2, and I handed
14 it in as soon as I got it.

15 CONTINUED

V.P. BRODIE XN (MRS SIMPSON)

1 WITNESS VERONICA PATRICIA BRODIE CONTINUING
2 FURTHER EXAMINATION BY MRS SIMPSON

3 Q. I think since last Wednesday you have conducted a search
4 of your home for the letters that you referred to in
5 your evidence on Wednesday, is that right.

6 A. That's right.

7 Q. In conducting that search, have you been able to locate
8 the papers that you were talking about.

9 A. I have.

10 WITNESS HANDED DOCUMENTS

11 Q. In your evidence on Wednesday you spoke about a letter
12 that Mrs Fisher had written to you, telling you
13 something about astrology and women's business, is that
14 right.

15 A. That's right.

16 Q. And the letter that you have now found dated 16 August
17 1995, together with an enclosure, is the very letter
18 that you were talking about on Wednesday.

19 A. That's right.

20 Q. And with that letter there is an enclosure.

21 A. There is.

22 Q. And that relates to a Dreaming story, I think.

23 A. It does.

24 Q. There is nothing in the letter or in the Dreaming story
25 that is secret or sacred Ngarrindjeri women's business.

26 A. No, there isn't.

27 EXHIBIT 295 Letter from Betty Fisher to
28 witness and Dreaming story enclosure
29 tendered by Mrs Simpson. Admitted.

30 Q. Mrs Brodie, just coming to that letter, I think there is
31 two typewritten pages of the letter itself, and then
32 there is some handwriting on the back of the first page,
33 isn't there.

34 A. I haven't got -

35 Q. You haven't got it back.

36 COMSR

37 Q. Do you want the original.

38 A. Yes, I haven't got a copy of the written letter.

V.P. BRODIE XN (MRS SIMPSON)

1 XN

2 Q. There are two typewritten pages, together with some
3 handwriting on the back of the first page, is that
4 right.

5 A. That's right.

6 Q. And the enclosure, which came in a little cardboard
7 envelope, is a note from Betty Fisher, together with a
8 Dreaming story which, in handwriting at the bottom, has
9 a note 'Koomi's story'.

10 A. Yes.

11 Q. Is that a story that you had heard about before you had
12 that enclosure from Betty Fisher.

13 A. Yes, I did hear it before.

14 Q. Where have you heard that before.

15 A. From my sister, Leila.

16 Q. When did Leila tell you of it.

17 A. Leila told me of this little Dreaming story at the
18 hospital.

19 Q. Was that at the time that you were having a talk about
20 what her mother and your mother had told Leila about
21 women's business.

22 A. Yes.

23 Q. And it is not a secret or sacred women's story.

24 A. No, it is a Dreaming - women's Dreaming story.

25 Q. It is just a women's Dreaming story.

26 A. Women's Dreaming story, yes.

27 Q. Can I take through the letter. You read this letter.

28 A. Which one?

29 Q. The first letter, 16 August 1995. At the beginning of
30 it, Mrs Fisher says 'There is no way this can go into
31 the Royal Commission' that's Koomi's Dreaming story,
32 that 'It's ancient women's stuff and it would be wrong,
33 and I totally agree, but I didn't know what you all
34 would think'. As far as you are concerned, you have
35 produced the material to the commission and there is
36 nothing in that Dreaming story that is in any way secret
37 or sacred.

38 A. No.

V.P. BRODIE XN (MRS SIMPSON)

- 1 Q. Did you tell Mrs Fisher that after you received the
2 letter.
- 3 A. When I read the letter I said to Betty, for Betty it was
4 sacred, her getting the stuff and not knowing, you know,
5 the rest of it, and I explained to Betty that there was
6 nothing that would divulge or talk about any of the
7 secret stuff.
- 8 Q. It's your belief, isn't it, that your mother would never
9 have told Betty anything that was secret or sacred.
- 10 A. That's correct.
- 11 Q. When did you tell Betty Fisher what you have just told
12 the commission, that is, that you told her that it
13 wasn't what she had first imagined.
- 14 A. Beg your pardon?
- 15 Q. When did you say that to Betty.
- 16 A. About it not being -
- 17 Q. Yes.
- 18 A. Not divulging any further secret stuff?
- 19 Q. Yes.
- 20 A. When I rang her up a couple of days after I got this,
21 and I spoke to Betty, told her I received it.
- 22 Q. As far as the handwritten part goes that's on the back
23 of the first page, Mrs Fisher mentions that she sent
24 copies to Doreen and to Shirley. Would that be Doreen
25 Kartinyeri and Shirley Peasley, as far as you know.
- 26 A. As far as I know that would be.
- 27 Q. Did you know from Mrs Fisher why she was sending copies
28 to those people.
- 29 A. I guess because it was involved with the Hindmarsh
30 Island stuff. They were involved and she would have
31 sent it to them.
- 32 Q. Coming down to the bottom of the handwritten part, she
33 says `When you've all decided where the original bit of
34 paper I wrote it on will go, I'll hand it over to her,
35 whoever she may be'. What is she referring to there.
- 36 A. I guess she is referring to - when I got it and I read
37 it, I thought that she referred it to Rebecca's
38 daughters, and when I spoke to Betty, I said `Who do you

V.P. BRODIE XN (MRS SIMPSON)

- 1 refer to, who this would go to' and she said `to Koomi's
2 daughter'.
- 3 Q. That's you.
- 4 A. That would be me. I'm the only living daughter.
- 5 Q. Who did you understand she mentions when she said `when
6 you've all decided'.
- 7 A. My daughters and I.
- 8 Q. At the bottom of p.1, Mrs Fisher appears to be talking
9 about some disagreements between three Elders. Do you
10 know who those three Elders were.
- 11 A. No, I do not.
- 12 Q. Did you ask her about that.
- 13 A. No, I didn't. I, up till now, have not had time to
14 really get into the letter, look at it, really sit down
15 with Betty and have a good talk. We have never ever
16 done that yet. So I really don't know any more than
17 what's there.
- 18 Q. Did you understand that Mrs Fisher was telling you that
19 you inherited one of three Dreaming stories.
- 20 A. That I took to be that I had inherited one of them.
- 21 Q. And that, in fact, it had been handed to Mrs Fisher from
22 your mother.
- 23 A. Yes.
- 24 Q. And that that Dreaming story is the Seven Sisters
25 Dreaming which is included with this letter.
- 26 A. That's right.
- 27 Q. Coming to the bottom of that letter `If today the
28 holders of the three stories could get together and
29 agree to sort this problem out, since it only causes
30 dissension, and make a new law about what comes where,
31 it would be a great gift to the Ngarrindjeri nation'.
32 Do you know what she was referring to there.
- 33 A. As I said, I haven't had a good talk to Betty about
34 this, so I don't know about that part.
- 35 Q. Then she goes on to say `I have no idea if the men have
36 a similar problem, but they should think about it too if
37 they do'. Did you know what she was talking about
38 there.

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1 A. No.

2 Q. She goes on to say `It can't help anyone going into the
3 future if this row is to continue, but you can
4 understand this may be where lots of heartache and
5 payback stuff comes from'. Did you know what she meant
6 by that.

7 A. I guess she was referring to the stuff that's been
8 happening, that's been coming out of the commission.

9 COMSR

10 Q. Been coming over where.

11 A. Coming out of the commission. Some of the statements
12 that have been made regarding the Ngarrindjeri women,
13 the split in the Ngarrindjeri women, and I guess this is
14 what Betty was referring to when she said about the row
15 is to continue.

16 XN

17 Q. That's the row. Did you understand what she meant by
18 the payback.

19 A. No, I don't know about the payback.

20 COMSR

21 Q. I have heard suggestions that there have been threats
22 made against certain of the women. Has payback got
23 anything to do with threats.

24 A. Not that I know of.

25 XN

26 Q. Mrs Fisher goes on `Considering the women who "never
27 knew anything" they obviously had other responsibilities
28 and were part of the other two stories, whatever they
29 were or are. Obviously Koomi would be part of the
30 mother'S place since she was a midwife'. Did you know
31 what she meant by that.

32 A. Obviously my mother has told her something that she
33 never told us, and, I mean, in reference to that, as I
34 said before, Betty and I have never had a chance to
35 talk, so I can't answer that.

36 Q. Your mother never told you anything about the mother's
37 place specifically. Is that what you are saying, or
38 about her being a midwife or -

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1 A. She was a midwife, so was my grandmother, you know, a
2 midwife. You learn to deliver babies and you are there
3 when the babies are born, you are able to deliver them.

4 I mean, I was delivered by an old Aboriginal woman so,
5 you know, that's the midwifery part. There are other
6 women who were midwives as well.

7 Q. But there was nothing that you knew of that was secret
8 or sacred associated with being a midwife.

9 A. No, I don't.

10 Q. I would like you to look at the Dreaming story that was
11 enclosed with the letter. It goes like this `There were
12 seven sisters who were very beautiful. The mother could
13 see around the earth, see everything. She was too big
14 then. Said her daughters were too beautiful. Then she
15 became too little. She needed to think about this. Her
16 daughters were sent into the sky so that they could stay
17 beautiful for everyone. The mother looked for them and
18 flowed out across the land seeking them. She grew tired
19 and lay down. As she looked up at the sky she saw her
20 daughters, she wept and the waters covered her searching
21 places. She then gave the waters life and stayed at
22 that place'. And that's something like the story that
23 Leila told you, is it.

24 A. Similar to the story that Leila told me.

25 Q. That Dreaming story mentions a mother at the beginning.

26 A. It does.

27 Q. Betty goes on to say in the letter at p.2 `But other
28 midwives could have had other important ceremonies at
29 other places, I wouldn't know, but not necessarily be
30 part of the mother's place beneath Hindmarsh Island and
31 the Murray Mouth'. You didn't know anything about a
32 mother's place beneath Hindmarsh Island and the Murray
33 Mouth.

34 A. No.

35 Q. She says `Obviously the tributaries of the Murray, the
36 nearest rivers feeding into the Murray, would have
37 people responsible and maybe they were the a part of the
38 sister story, I wouldn't know'. Had you ever heard

- 1 anything like that, that the tributaries of the Murray
2 were part of the Seven Sisters Dreaming story.
- 3 A. It relates to the secret women's business - a part of
4 the secret women's business.
- 5 Q. That's about the tributaries.
- 6 A. The tributaries, the river, the Murray Mouth.
- 7 Q. Would your mother have told Betty anything about the
8 secret women's business, do you believe.
- 9 A. My mother would never have mentioned it.
- 10 Q. Going down to the bottom of p.2, Mrs Fisher says
11 `Someone must have the other two stories and once the
12 three of them are solved and put together, maybe peace
13 will descend on everyone and you can go ahead and plan'.
14 She talks about `the biggest ancient cultural centre
15 together with one at Tandanya and one at Point Pearce'.
16 What was she referring to there. Again, you don't know.
- 17 A. As I said, I haven't spoken to her.
- 18 Q. Then she says `Get all the children's books written and
19 then get a Ngarrindjeri women's centre on the island,
20 and get the women's books written, and hopefully the
21 men's books will also be written, and nobody will be
22 able to any longer divide the Ngarrindjeri nation for
23 any reason, and you'll all be able to earn lots of money
24 from that centre, which will ensure good children's
25 education'. You hadn't discussed that with her either.
- 26 A. No, but I guess what she is doing is looking into the
27 future for the betterment of Aboriginal people and
28 children.
- 29 Q. Yes. And she says a third thing `There could be three
30 campuses for the first ever Aboriginal peoples
31 university. One city campus for the Kurna, one at
32 Raukkan, and one at Point Pearce, and what a day that
33 would be'. Again, it is as if she is looking into the
34 future, is that what you say about that.
- 35 A. Yes.
- 36 Q. Then she goes on to say `Well much love. Enclosed is
37 "white women's stuff" on the Seven Sisters all over the

- 1 world, ay'. Did you understand the Seven Sisters
- 2 Dreaming does apply all over the world.
- 3 A. I believe in some cultures of the world it does apply.
- 4 Q. The last thing included with the letter, which is
- 5 Exhibit 295, is a note in handwriting addressed to you
- 6 describing the Seven Sisters Dreaming, and some notes
- 7 that she has made of her own. Is that right.
- 8 A. That's right, yes.
- 9 CONTINUED

V.P. BRODIE XN (MS SIMPSON)

1 Q. I think, as well as that letter, you have also found a
2 statement by Mrs Fisher, which was sent to you after you
3 received that first letter, is that right.

4 A. That's right, yes.

5 Q. Can you remember now when it was received by you.

6 A. No, I don't.

7 Q. You know it was after the letter, though.

8 A. I don't write all my mail down when I got it. I just
9 open it, read it and put it away.

10 Q. But you believe it was after the letter.

11 A. Yes, it was.

12 Q. That statement refers to a conversation with your
13 mother sometime in 1967 at the home of the late Gladys
14 Elphick. Mrs Fisher said she met your mother twice at
15 Gladys's place, but she doesn't have any record of the
16 actual dates. Before you received this, did you
17 understand that Mrs Fisher had met with your mother
18 twice.

19 A. All I know is that Betty said she met with mum and did
20 interviews. She didn't mention how many times.

21 Q. The statement includes a transcript of a stapled set
22 of nine leaves of newsprint paper very yellow and the
23 size is slightly less all round than A5, that is half
24 A4, but slightly less, written in pencil, but the
25 transcript has been typed out and included in that
26 statement. Is that what you understood.

27 A. That's what I understand.

28 Q. You have read this through.

29 A. I have read it through.

30 Q. The conversation.

31 A. Yes.

32 Q. There is nothing in that conversation that is secret or
33 sacred women's business.

34 A. No.

35 MS SIMPSON: I tender the statement by Mrs Fisher.

36 MR ABBOTT: I object to it being tendered without
37 Mrs Fisher being recalled. This is Mrs Fisher's
38 statement, allegedly, which is an attempt, I would

V.P. BRODIE XN (MS SIMPSON)

1 suggest, a self-serving attempt by Mrs Fisher to add
2 further credence to an otherwise bald and unconvincing
3 tale that we have heard from her.

4 COMSR: Mrs Fisher's categorical evidence was
5 she had only ever once spoken to Mrs Brodie's mum.

6 MR ABBOTT: Yes, but yet again it just so happens
7 that the tape on which this has been recorded isn't
8 available and it has been erased. One could dwell in
9 the realm of coincidence for too long. There must come
10 a time when one says to oneself this is too much of a
11 coincidence and my suggestion would be that you should
12 not receive this. It is obviously an attempt by Mrs
13 Fisher to avoid perjuring herself by coming along and
14 answering questions and so it has been produced by this
15 witness so that Mrs Fisher won't commit perjury herself
16 by telling lies in the witness box about this document.
17 It can be handed up by this witness on the basis that
18 Mrs Fisher sent it to her. So this witness isn't
19 telling lies, because she knows nothing about it other
20 than the fact that she got it from Mrs Fisher and I
21 suggest that it should not be even received by you
22 unless Mrs Fisher gets in the witness box and is
23 cross-examined extensively on what I suggest is a pack
24 of lies.

25 MS SIMPSON: It is my submission that you can
26 receive it. What weight you put on it is a matter
27 that Mr Abbott no doubt will address you on in due
28 course. It can be no more than what Mrs Brodie has
29 described it to be. That is, material that she was
30 sent by Mrs Fisher and it is apparently relevant. It
31 is relevant to Mr Brodie's evidence. The weight that
32 it is accorded is a matter for submissions in due
33 course, in my submission.

34 COMSR

35 Q. There is nothing in it of a secret sacred nature that I
36 am receiving, I take it.

37 A. That's right.

38 MR ABBOTT: Of what relevance is it then?

V.P. BRODIE XN (MS SIMPSON)

- 1 MS SIMPSON: It is clearly relevant. If it is what
2 it is. And Mr Abbott and others may want to address you
3 about the contents of it. But it appears to be a
4 transcript of a conversation with Gladys Elphick, Koomi,
5 Rebecca Wilson, and Betty Fisher.
- 6 COMSR: When you say it appears to be.
- 7 MS SIMPSON: On the face of it.
- 8 COMSR: You mean, on the face of it?
- 9 MS SIMPSON: It appears, on the face of it, to be
10 that. I don't think Mrs Brodie can make any claims
11 about what it is.
- 12 MR ABBOTT: No.
- 13 MS SIMPSON: She can only say where she got it from.
14 And, in due course, the content of it or its
15 significance will be a matter for you.
- 16 MR ABBOTT: Ms Simpson says I can make submissions
17 to your Honour. I don't want to make submissions, I
18 want to cross-examine on it. I can't ask this witness
19 anything about it. The only question I can ask this
20 witness about it is 'Did you get it from Betty Fisher?'
21 The answer will be 'I presume so, it was in the post and
22 it says it came from Betty Fisher.' How can that be
23 evidence? It is no more evidence than Dorothy Wilson
24 writing to Bertha Gollan during the course of the
25 Commission and saying 'This is the evidence I would like
26 to give, will you go to the Commission and hand it up?
27 I won't come to give evidence about it, so I won't be
28 cross-examined about it.' How can any intelligent
29 testing of this occur without Betty Fisher being called?
30 This is yet another self-serving attempt on the part of
31 Betty Fisher to compound the grave injustice that she
32 has attempted to perpetrate here by the lies she has
33 told in the witness box.
- 34 MS SIMPSON: I understand Mrs Fisher is in the
35 hearing room and she may be able to give some short
36 evidence about the documents and about the notes that
37 have been produced to Mr Wardle.
- 38 MR WARDLE: Mrs Fisher is here and the original

V.P. BRODIE XN (MS SIMPSON)
XXN (MR ABBOTT)

1 notes that are referred to in this document are also
2 here.

3 MR ABBOTT: Why didn't she tell us about them when
4 she gave evidence?

5 MR WARDLE: It is about another matter.

6 MR ABBOTT: Why didn't she say anything about it?
7 Why is it on the last day in the dying hours we are
8 suddenly told there is another interview with Koomi that
9 we were never told about? That I do have the notes of
10 this other interview. That I can now produce them and I
11 am here to be cross-examined, according to Mr Wardle.
12 Why is this foisted on us in the last hours of taking
13 evidence?

14 MR WARDLE: Would you prefer we suppress the notes?
15 We can hardly do that.

16 MS SIMPSON: What I suggest you do is, if you are not
17 going to admit it now, is to mark it for identification
18 for the moment and Mrs Brodie's cross-examination be
19 completed, because she is not well and she would like to
20 complete her evidence as soon as she can.

21 COMSR: Yes, I understand that we can't keep Mrs
22 Brodie waiting around too long and we will mark it for
23 identification. It is past that status.

24 MFI 296 Document marked MFI 296 for
25 identification.

26 MR ABBOTT: I seek permission to cross-examine on
27 this new material, not the MFI document, but the letters
28 from Betty Fisher, Exhibit 295.

29 COMSR: Yes, all right, but we must remember the
30 witness's situation in respect of the condition of her
31 health.

32 MR ABBOTT: Yes, may I ask how long you intend
33 sitting today?

34 COMSR: As long as we are able. I have asked
35 that question myself and I can't tell you.

36 FURTHER CROSS-EXAMINATION BY MR ABBOTT

37 Q. Do you have the document in front of you.

38 A. No, I haven't.

- 1 Q. Looking at Exhibit 295, now before you, I am just
2 dealing with the letter, the typewritten letter, dated
3 16 August 1995, 'Dear Veronica'.
4 A. Yes.
5 Q. This is the letter you referred to in your statement in
6 which you describe as being referable to astrology and
7 the significance of the women's business.
8 A. This is a letter that you asked me about on Wednesday.
9 Q. And it is the letter that you describe in your
10 statement.
11 A. Referring to what?
12 Q. Astrology and the significance of women's business.
13 A. It relates to information about some of the women's
14 business about the precedent in law and other things.
15 Q. Your statement at page -
16 A. I am sorry, I haven't got my statement with me.
17 Q. I will read it out to you.
18 A. Can I have a copy of the statement?
19 Q. Looking at Exhibit 292, now before you, at p.10, 'Betty
20 has since written a letter to me containing information
21 about astrology and the Ngarrindjeri people which links
22 into women's business.' This is the letter that relates
23 to astrology and the women's business.
24 A. No, it isn't. You are talking about the dreaming story.
25 It isn't in this one. It is in the dreaming story.
26 Q. You said to Ms Simpson this was the letter that you are
27 referring to in your statement.
28 A. I am agreeing with it, yes, listen.
29 Q. The astrology aspect is the dreaming story, is it.
30 A. That's what it says.
31 Q. In relation to the dreaming story, this is described in
32 this letter as Koomi's dreaming story, and you agree
33 with that, don't you.
34 A. I do.
35 Q. You had never heard it from your mother.
36 A. No, I haven't.
37 Q. Even though it is not sacred or secret.
38 A. No, I haven't heard it.

- 1 Q. Even though it is known by you from other sources.
2 A. That's right.
3 Q. What you are telling us is that you had learnt about the
4 7 sisters dreaming from many other sources, hadn't you.
5 A. There are lots of 7 sisters stories all over the world
6 from different cultures, as you were told.
7 Q. But apparently your mother had one which she told Betty
8 Fisher during the course of a secret conversation with
9 her.
10 A. I believe so.
11 Q. But she never told you, even though it is not secret.
12 A. Should she? As I said, wise people get told things.
13 Q. Yes, I can understand your mother not telling you
14 something that was secret and sacred, but this dreaming
15 story, the 7 sisters one in this letter, is neither
16 secret nor sacred, is it.
17 A. There is more to it than just that.
18 Q. Maybe so, but you weren't even told this part, were
19 you.
20 A. My mother could see that it was of no interest to me,
21 at that time.
22 COMSR: I think the witness has made it
23 abundantly clear that she wasn't.
24 WITNESS: I have made it very clear and I refuse
25 to answer Mr Abbott any more.
26 COMSR
27 Q. You can't refuse, but -
28 A. I am sorry, I refuse to answer him any more. He is just
29 being dogmatic.
30 Q. Just a moment, we will get through it a lot faster if we
31 just deal with each question as it comes along.
32 A. I suggest he go away and learn about Aboriginal culture.
33 COMSR: Would the people in the background
34 please remain quiet, because we are under great
35 pressures as to time and it does hold the Commission up.
36 XXN
37 Q. You realise that she had sent a copy of this to DK and
38 SP, whom you realise are Doreen Kartinyeri and Shirley

- 1 Peasley.
2 A. Yes.
3 Q. That's what it says down the bottom.
4 A. Yes, but that is their signatories.
5 Q. This dreaming story is the same dreaming story that your
6 sister, Leila, told you in the hospital bed when you
7 shared the same ward.
8 A. She told me that story and there was more to it.
9 Q. Yes, I know.
10 A. If you know, then don't ask any more.
11 Q. Since your sister, like you, has a wealth of Kurna
12 heritage, how did you know that it was Ngarrindjeri and
13 not Kurna.
14 A. Because we are Ngarrindjeris.
15 Q. But how do you know that it was not Kurna.
16 A. Because it was told to her that it was Ngarrindjeri.
17 Q. By whom.
18 A. My mother.
19 Q. Your mother said to Leila.
20 A. Yes.
21 Q. Did Leila give you be any indication that this was
22 Ngarrindjeri or Kurna or both.
23 A. You missed the boat on Wednesday. I refuse to go over
24 that, because you are being insulting.
25 Q. Could you just tell me.
26 A. You are being insulting and I refuse to go back on that,
27 because you were told that it was Ngarrindjeri women's
28 business.
29 Q. No, you claim it is Ngarrindjeri.
30 A. That Leila spoke of.
31 Q. You claim it is Ngarrindjeri women's business.
32 A. We claim to be Ngarrindjeri, like the dissident women,
33 we claim to be Ngarrindjeri.
34 Q. How do we know that, if Leila did tell you this
35 dreaming, she is not telling you something from
36 Kurna.
37 A. I refuse to answer that. That's just stupidity, on Mr
38 Abbott's part.

- 1 Q. Let's examine it.
- 2 COMSR: Mr Abbott, I have got to work this out
3 too.
- 4 COMSR
- 5 Q. Your sister and yourself and your mother and grandmother
6 and great grandmother have Kurna heritage I understand.
- 7 A. We do and we have Ngarrindjeri heritage.
- 8 Q. And you have Ngarrindjeri heritage.
- 9 A. Yes.
- 10 Q. So that, if you are being told something, how do you
11 identify it as coming from one heritage or the other.
- 12 A. If you are told something from Hindmarsh Island and the
13 Coorong, it is Ngarrindjeri.
- 14 XXN
- 15 Q. There is nothing that relates this dreaming to the
16 Coorong and Hindmarsh Island.
- 17 A. Do you think that we would put that on print?
- 18 Q. No, but you don't suggest that the 7 sisters dreaming
19 that you were told was told to you by Leila and she
20 claimed it was from the Ngarrindjeri side of the family.
21 All you told us is she just said this to you.
- 22 A. Can you repeat that?
- 23 Q. Yes, you have never suggested that Leila said to you
24 that this had to be Ngarrindjeri. You merely claimed
25 that she had told this to you.
- 26 A. Should I have suggested that?
- 27 Q. I mean, you are now assuming it was Ngarrindjeri.
- 28 A. I am not assuming.
- 29 Q. But it could equally be Kurna, couldn't it.
- 30 A. I know that is Ngarrindjeri. We know that is
31 Ngarrindjeri.
- 32 Q. How do you know it is Ngarrindjeri as distinct from
33 Kurna.
- 34 A. Because it belonged to Hindmarsh Island.
- 35 Q. How do you know it belongs to Hindmarsh Island. It
36 might belong to the Onkaparinga.
- 37 A. It could do too. There was women's business there.
- 38 Q. It could belong to the Port River.

- 1 A. There was women's business there to too, yes.
- 2 Q. Did you ring Betty Fisher when you got this letter of 16
3 August.
- 4 A. Did I ring her?
- 5 Q. Yes.
- 6 A. A couple of days later, yes.
- 7 Q. And discussed this letter.
- 8 A. I told her that I had received it.
- 9 Q. Did she elaborate to you what she was getting at.
- 10 A. No, she did not. I just said 'One day, Betty, I will
11 talk to you about it', and left it at that.
- 12 Q. I don't want to go over ground Ms Simpson has covered,
13 but it is obvious, is it not, that Betty Fisher is
14 claiming in this letter that there are 3 dreaming
15 stories, you agree.
- 16 A. Look, whatever is in that letter that my mother told her
17 and Betty mentioned 3 dreaming stories I have not
18 discussed this with her and I cannot answer any of that
19 to this letter.
- 20 Q. I just want to put this to you.
- 21 A. No, I'm sorry. I cannot answer that.
- 22 COMSR
- 23 Q. Just let's find out what the question is first.
- 24 XXN
- 25 Q. I will say this in one slab. What I am suggesting to
26 you is that Betty Fisher is claiming in this letter that
27 she, Betty Fisher, believes that there were 3 dreaming
28 stories. That Koomi was the processor of one of them,
29 which is the 7 sisters dreaming. That there are 2 other
30 dreaming stories still out there, not yet collected by
31 Betty Fisher and that are presumably in the hands of two
32 other women. The suggestion that there are 3 dreaming
33 stories that relate to this area and that one of them is
34 the 7 sisters - you heard at least one of the 7 sisters
35 ones from your sister, Leila - have you are ever heard
36 any indication from Leila or anyone else that there were
37 2 missing.
- 38 A. No, I haven't.

V.P. BRODIE XXN (MR ABBOTT)

- 1 Q. When Betty Fisher told you, wrote this letter to you,
2 she described this what I will call the 7 sisters
3 dreaming on the piece of paper as being ancient women's
4 business stuff, which she had got from your mother,
5 Koomi didn't she.
- 6 COMSR: Whereabouts, Mr Abbott?
7 MR ABBOTT: It is on the first page.
8 XXN
- 9 Q. Down the bottom. So you see `Veronica, you have
10 inherited one-third of the stories and it is needed
11 that who ever has the other 2 stories.'
- 12 A. Yes, I see that.
- 13 Q. You have inherited the 7 sisters dreaming.
14 A. If I have, I feel privileged.
- 15 Q. You have, because you have got it from Leila as well, so
16 you told us.
- 17 A. Yes, I feel very privileged that I have inherited that,
18 but as for the other I do not know anything about it.
- 19 Q. We need the two missing bits, because -
20 A. I can't fill you in with the two missing bits, I'm
21 sorry.
- 22 Q. You understand that Betty Fisher's theory is that once
23 the 2 missing bits are solved `Solved and put together,
24 peace will descend on everyone and you can build these
25 ancient cultural palaces.'
- 26 A. That would be a good thing.
- 27 Q. Have you ever heard any suggestion like that from any
28 Aboriginal person.
- 29 A. There have been many suggestions about nice Aboriginal
30 cultural centres being built around Adelaide or in South
31 Australia.
- 32 Q. I mean, 2 missing stories and when you find them peace
33 is going to descend.
- 34 A. No.
- 35 Q. Any.
- 36 A. No.
- 37 Q. Betty Fisher is the only one who has espoused that view.
38 A. Betty Fisher is the only one that I ever heard it from.

- 1 Q. This dreaming story, at least that she claims to have
2 got from Koomi, which is on the little piece of paper,
3 could you hold up the little piece of paper. It is in
4 the cardboard folder and what has she written on the
5 outside of the cardboard folder.
- 6 A. `Veronica personal from Betty Fisher.'
- 7 Q. This is the dreaming story that Ms Simpson has read out.
- 8 A. Yes.
- 9 Q. Betty Fisher at the end of the letter says `The enclosed
10 is white woman's stuff on the 7 sisters.' Do you see
11 that. In the last line, at p.2 of the typed letter. I
12 mean, on one hand, she describes it as your mother's
13 secret dreaming story and at the bottom of her letter
14 she says `It's white woman's stuff on the 7 sisters.'
- 15 A. Whatever Betty means by that, I don't know, but I
16 haven't had time I said to discuss this with her.
- 17 Q. I just wanted to ask you: there is no other stuff on the
18 7 sisters that came with that letter.
- 19 A. Beg your pardon?
- 20 Q. There is no other stuff on the 7 sisters that came with
21 the letter.
- 22 A. I have brought the only thing in that Betty sent me of
23 the 7 sisters.
- 24 MR ABBOTT: I don't propose to cross-examine on MFI
25 296. I haven't had the opportunity of considering it or
26 of even reading it.
- 27 COMSR: Can I just get some idea who is going to
28 cross-examine Mrs Brodie so that she has got some idea
29 of how much time.
- 30 How much of her evidence concerns your clients, Mr
31 Kenny?
- 32 MR KENNY: About five minutes. There is just a
33 couple of general questions I have. Not much.
- 34 COMSR: Mr Meyer and Ms Pyke?
- 35 MS PYKE: Yes, I will be asking some questions.
36 Not lengthy, I wouldn't anticipate.
- 37 COMSR: Mr Meyer, do you wish to cross-examine
38 now, do you?

1 MR MEYER: Yes.

2 CROSS-EXAMINATION BY MR MEYER

3 Q. You were represented at the outset of this Royal
4 Commission, as I understand it, by Ms O'Connor, that is
5 right.

6 A. Who is Ms O'Connor.

7 Q. Somebody who came along here and said she was
8 representing you, a lawyer.

9 A. Not to my knowledge.

10 MR MEYER: Can I have a copy of the transcript,
11 p.12?

12 COMSR

13 Q. Yes, I think you were nominated as one of the people for
14 whom Ms O'Connor sought leave to appear for.

15 A. But who is Ms O'Connor?

16 MR MEYER: I will come back to it.

17 XXN

18 Q. I understand from your evidence on Wednesday that what
19 you say to this Commission is that you learned about
20 sacred secret women's business from your sister, Leila.

21 A. That's correct.

22 Q. At the Flinders Medical Centre.

23 COMSR

24 Q. When you were talking to her on one afternoon.

25 A. Correct, on a few days.

26 Q. That's what I want to confirm with you. You see,
27 because, as I understand your evidence, reading what you
28 said, your evidence is that you sat down with her one
29 afternoon and she said there are some things that she
30 wants to tell you.

31 A. That was one afternoon. There were many afternoons,
32 many mornings, many through the nights.

33 Q. On how many occasions did you discuss this women's
34 business with your sister.

35 A. We only discussed it the once and she asked if I
36 understood her and I said, yes. And the other things
37 that we discussed were related to family. That was
38 personal. Because, at that time, she decided to die.

- 1 Q. Just going back to my other question: a female lawyer
2 came along to this Royal Commission on the first day it
3 sat, a Ms O'Connor, saying that she appeared for a
4 number of people. And she said that she appeared for
5 the following Ngarrindjeri women and one of the women
6 she said she appeared for was yourself, Veronica Brodie.
7 A. I do not know Ms O'Connor and I don't know where is
8 information is coming from?
9 Q. Did you give any instructions to Ms O'Connor.
10 A. I did not.
11 Q. Ms O'Connor said that you did not recognise the
12 authority of this Commission, is that right.
13 A. I don't know. I haven't met this Ms O'Connor. I don't
14 know who you are speaking about.
15 Q. Just listen to my question, will you. Did you say -
16 A. No, I did not.
17 Q. To anybody -
18 A. No, I did not.
19 Q. Instead of interrupting me -
20 A. You are asking me if I spoke -
21 Q. Just stop a moment. We will go a lot faster if you
22 listen to the question and answer it.
23 A. Can you not accept the fact that I did not see or meet
24 Ms O'Connor?
25 Q. If you listen to the question and then answer it -
26 COMSR: Be patient and you will find that we
27 will get through it faster.
28 XXN
29 Q. I am not being insulting or anything. We will just go
30 quicker this way.
31 A. Go on.
32 Q. Did you say to anybody that at the commencement of this
33 Royal Commission that you did not recognise the
34 authority of this Commission.
35 A. I did not. Not the first day this started.
36 Q. Do you recognise the authority of this Commission.
37 A. I recognise the authority of the Commission.
38 Q. If it is suggested that you don't recognise the

1 authority, that would be wrong.

2 A. Beg your pardon? Come again.

3 MR MEYER: I would ask your Honour to request the
4 gallery to be quiet. It is actually a very serious
5 problem when a lawyer comes along here purporting to
6 represent people when one of the people she purports to
7 represent specifically denies the instructions.

8 It is, in fact, very serious, and perhaps the
9 gallery could be quiet, while we deal with something
10 that is very serious.

11 COMSR: Yes, I have asked the gallery please
12 refrain from interrupting. This witness has told me
13 that she is not well and I don't want to extend the time
14 that she has to remain here while we have interruptions.

15 WITNESS: Could I ask Mr Meyer in reference to
16 this stuff, is it to do with the list that was - of the
17 Ngarrindjeri women that when they talked about the
18 representation in this hearing, is this the solicitor
19 you are talking about? I don't know who you are talking
20 about.

21 COMSR: I think that that must cover -

22 MR KENNY: I ask the witness actually be given the
23 full name.

24 COMSR

25 Q. Claire O'Connor.

26 A. I have heard her name mentioned on TV, but I don't know
27 who you are talking about. I haven't met her. I
28 haven't spoken to her, so I would refrain from answering
29 anything to do with Sue O'Connor or Claire O'Connor or
30 whatever her name is.

31 COMSR I think that covers it, Mr Meyer.

32 MR MEYER: It does.

33 XXN

34 Q. You have said to us that about a year before you talked
35 with Leila in hospital. That you had discussed the
36 Hindmarsh Island bridge, that's right, isn't it.

37 A. What I said was, when Leila was in hospital, we
38 discussed the Hindmarsh Island bridge. What happened a

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V.P. BRODIE XXN (MR MEYER)

1 year before.

2 Q. Your evidence was that you had discussed the question of
3 the Hindmarsh Island bridge with your sister a year
4 before the occasion when she was in hospital.

5 CONTINUED

V.P. BRODIE XXN (MR MEYER)

1 A. Yes, the stuff that came up a year before. Leila was in
2 hospital, we discussed what happened a year before.

3 Q. All I am confirming is that you spoke with Leila about
4 the bridge.

5 A. No, but you are making it sound like I said that Leila
6 and I, a year before that, discussed it. We didn't. We
7 discussed it in the hospital prior to what happened a
8 year before with the government, the Bannon Government
9 and some Aboriginal people.

10 COMSR: I understand the witness to be saying
11 while she was talking to Leila in hospital they
12 discussed what had happened a year previously concerning
13 the Bannon Government.

14 WITNESS: That's right.

15 MR MEYER: That's the very reason why I am asking
16 the question. If you can suggest to the witness she
17 doesn't interrupt the questions all the time we will go
18 a lot quicker.

19 COMSR

20 Q. If you can wait until the entire question has been
21 asked, Mrs Brodie, it may be possible to answer many of
22 them yes or no.

23 XXN

24 Q. Going to p.6,256 of your evidence, you were asked by Mrs
25 Simpson `When did you first hear about a bridge being
26 built at Hindmarsh Island'. And you answered `It would
27 have been about a year before'. Is that right.

28 A. That would have been a year before Leila died. We were
29 talking about what happened a year before.

30 COMSR: They are not inconsistent those things.

31 WITNESS: No.

32 MR MEYER: Would your Honour care to look at
33 p.6,256 of the transcript? It is absolutely
34 inconsistent.

35 MRS SIMPSON: I think, in fairness to Mrs Brodie, it
36 is not inconsistent when the whole passage is read
37 together.

V.P. BRODIE XXN (MR MEYER)

- 1 COMSR: I am having a little bit of difficulty
2 seeing where you say it is inconsistent.
- 3 XXN
- 4 Q. What I am trying to get at is when was the first time
5 you heard about the Hindmarsh Island Bridge. Was it at
6 the time your sister spoke to you in the hospital or was
7 it a year before.
- 8 A. No, a year before that I heard about it - Leila heard
9 about it.
- 10 Q. In the year before or years before, had you spoken to
11 any other woman about it.
- 12 A. About what?
- 13 Q. The building of Hindmarsh Island Bridge.
- 14 A. There were many Aboriginal people that spoke about this
15 Hindmarsh Island Bridge.
- 16 Q. In the year before your sister died.
- 17 A. In the year before and when that came about.
- 18 Q. Was Shirley Peasley one of those women.
- 19 A. No.
- 20 Q. Vi Deuschle.
- 21 A. No.
- 22 Q. Who was.
- 23 A. General Aboriginal community.
- 24 Q. Can you tell us any names.
- 25 A. No, I can't. You have conversations with many people
26 and you don't remember who they are.
- 27 Q. I take it then that you would agree with George
28 Trevorrow when George says that it had been the subject
29 of general discussion.
- 30 A. That's correct.
- 31 Q. You said also that you had discussed this matter with
32 Tom Trevorrow. Do you remember saying that.
- 33 A. That's correct.
- 34 Q. When did you talk about it with Tom.
- 35 A. I spoke to Tom after Leila died.
- 36 Q. How long after Leila died.
- 37 A. It was some time after Leila died. I can't remember, or
38 can't recall just when, but I said to Tom `Had you heard

V.P. BRODIE XXN (MR MEYER)

- 1 of women's business on Hindmarsh Island?'
2 Q. Are you a member of the Kurna Heritage Committee.
3 A. I am.
4 Q. Were you at a Kurna function this morning.
5 A. No, I wasn't.
6 Q. What sort of function was it that you were at this
7 morning.
8 A. Sorry, I take that back, yes, I was.
9 Q. Was that at Marion.
10 A. No, that wasn't.
11 Q. Whereabouts was it.
12 A. That was at Elizabeth.
13 Q. When you were talking to Mrs Simpson, you said to her
14 that men avoided going to Hindmarsh Island at various
15 times. Is that right.
16 A. That's right.
17 Q. Does that mean that at times - do you say there were no
18 men at all on Hindmarsh Island.
19 A. Mr Meyer, I was not there.
20 Q. I am just interested in what you say.
21 A. Do you understand Aboriginal culture? As I asked Mr
22 Abbott the other day. Men's business took place at
23 different times to women's business. Whether there were
24 males walking around on Hindmarsh Island at the time, I
25 do not know.
26 Q. What is your understanding as to whether there were
27 Aboriginal people who lived on Hindmarsh Island.
28 A. Aboriginal people did live on Hindmarsh Island. They
29 died on Hindmarsh Island. They're buried on Hindmarsh
30 Island.
31 Q. Do you know how many tribes lived on Hindmarsh Island.
32 A. The Ngarrindjeri tribe.
33 Q. Do you know how many clans.
34 A. Ramindjeri tribe.
35 Q. Do you know how many clans.
36 A. No.
37 Q. Or family groups.
38 A. No, I don't.

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- 1 Q. Have you done any reading on that subject.
2 A. I haven't read about the clans, but I know that
3 Ngarrindjeri and Ramindjeri people lived there.
4 Q. Do you know whether there were two or three different
5 groups that lived on different sections of the island.
6 A. No, I don't.
7 Q. Do you know whether they may have had different
8 languages.
9 A. Not to my knowledge.
10 Q. Do you know whether there were any rules as to whether
11 they could go onto each other's land.
12 A. No.
13 Q. Do you know whether or not Hindmarsh Island was, in
14 terms of Aboriginal population, heavily populated.
15 A. No. Madam Commissioner, I find that I am here because
16 of - I said I would give evidence, or bring stuff in,
17 and also this is to do with the women's business on
18 Hindmarsh Island. What Mr Meyer is asking - I'm tired
19 and I don't want to answer him, otherwise I'm going to
20 have to leave this commission. He should have read his
21 history and he would have known.
22 Q. I have, that's the problem. I have read the history.
23 A. Good on you.
24 COMSR: You have put it to the witness and she
25 says that she hasn't read it.
26 WITNESS: I knew about Hindmarsh Island when I was
27 growing up as a child.
28 XXN
29 Q. Have you read sufficient history, et cetera, on
30 Aboriginal -
31 A. I don't have to. I am Aboriginal myself, so I don't
32 have to read to know my own culture, when it - I could
33 learn about it myself from others.
34 COMSR
35 Q. I understand that when you were giving your evidence,
36 you were relating it back to a couple of hundred years
37 ago.

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- 1 A. Exactly. I mean, women's business took place 200 years
2 before, and you people stand there and think that you're
3 the authority on Aboriginal history, and we're telling
4 you 200 years before it was never printed in books.
5 It's secret sacred. Yet you go on trying to break it
6 down. Have some respect for Aboriginal culture.
- 7 Q. Try not to get upset, you will lose your voice.
- 8 A. No, I am not getting upset. It is just you are going
9 over the same old ground.
- 10 XXN
- 11 Q. I am interested in 200 years ago. That's why I am
12 asking you questions -
- 13 A. Are you? Well, accept the fact that I mentioned that it
14 happened before.
- 15 COMSR
- 16 Q. Mr Meyer has to put a certain amount of his instructions
17 to you. Do you understand that.
- 18 A. Can I have a break at 4 o'clock, please?
- 19 Q. All right.
- 20 XXN
- 21 Q. I am putting questions to you related to 200 years ago.
22 Did you understand that the questions that I was asking
23 you about there being three different clans or groups on
24 Hindmarsh Island related to 200 years ago.
- 25 A. I just learned about Hindmarsh Island and that there
26 were a lot of Aboriginal people living there.
- 27 Q. The questions I want to ask you are matters that affect
28 the way Aboriginal people lived 200 years ago. Okay.
29 What I am interested to know is whether you can assist
30 me. For example, did Aboriginal people who died within
31 a clan group, were they buried in the same areas where
32 they lived. Can you help me with that.
- 33 A. Of course they were.
- 34 Q. They were buried in the same area.
- 35 A. Of course they were.
- 36 Q. So we will find Aboriginal burial sites, not just on
37 Hindmarsh Island, but everywhere.
- 38 A. Everywhere.

V.P. BRODIE XXN (MR MEYER)

- 1 Q. We will go much quicker if I could just ask the
2 questions and we will deal with them.
- 3 A. If you put it properly, yes.
- 4 Q. You have said, as I understand it, that your
5 understanding is that Aboriginal people were smoked on
6 Mundoo island. Is that right.
- 7 A. I don't want to discuss that. I mean, it's - you know,
8 they were smoked and that's all I know. I don't know
9 any more, and I don't want to talk about that, because I
10 don't have any information on the smoking or anything.
11 That's a part of history.
- 12 COMSR: The witness has said that's all the
13 information she knows. She doesn't know any more detail
14 on that.
- 15 MR KENNY: Perhaps if I can just indicate that I
16 became aware yesterday that there was a death that has
17 caused the witness some concern and sensitivity.
- 18 COMSR: I wasn't aware of that. You haven't
19 said anything to us or given any indication.
- 20 MR KENNY: I noticed the witness's sensitivity to
21 that subject and thought I might mention it.
- 22 MR MEYER: Mr Kenny has been kind enough to just
23 tell me, for which I am grateful.
- 24 XXN
- 25 Q. I understand you say that you came up to go to Unley
26 Girls Technical High School when you were about 14.
- 27 A. That's correct.
- 28 Q. And you lived in a girls home.
- 29 A. That's correct.
- 30 Q. Did your family come up from Raukkan at that time.
- 31 A. My mother came in with me.
- 32 Q. Was your father still alive then.
- 33 A. Yes, still alive.
- 34 Q. Did he come up to town as well.
- 35 A. He came to visit on many occasions.
- 36 Q. During school holidays, did you stay here in Adelaide or
37 did you return to Raukkan.
- 38 A. I returned to Raukkan.

- 1 Q. In every school holidays.
2 A. Beg your pardon?
3 Q. In every school holidays.
4 A. Yes.
5 Q. How much younger are you than Doreen Kartinyeri, do you
6 know.
7 A. I do not know Doreen's age.
8 Q. We understand that she also was up in town going to
9 school, and we understand that she used to return to
10 Raukkan during school holidays as well, was that during
11 your time.
12 A. No, that wasn't during - that was probably before my
13 time.
14 Q. Before your time. Did you know Doreen Kartinyeri when
15 you were living at Raukkan.
16 A. Yes, I did.
17 Q. Was she living there the same time as you.
18 A. She was.
19 Q. Were you a little girl then.
20 A. I was much younger than Doreen.
21 Q. Do you know whether she was about Leila's age, or was
22 there some difference.
23 A. I guess they would have been about the same.
24 Q. About the same age. You gave evidence about the meeting
25 at Rocky Marshall's place, when Rocky Marshall
26 apologised for writing the letter. Do you know what I'm
27 talking about.
28 A. Yes.
29 Q. Was that a noisy meeting.
30 A. It was a noisy meeting in - to the effect that Amelia
31 Campbell was abusive.
32 Q. What about Doreen.
33 A. Doreen just said - sung out at Amelia and told her to
34 stop swearing, not to use that language, and Amelia kept
35 going so Doreen got up and walked out.
36 Q. Did Amelia shout or scream at Doreen.
37 A. Amelia was - when she does talk she screams. She was
38 abusive.

V.P. BRODIE XXN (MR MEYER)

- 1 Q. Was Doreen shouting and screaming back.
2 A. Doreen didn't shout back. Doreen spoke to her and said
3 `Amelia, don't speak like that here. Don't use that
4 language - filthy language'.
5 Q. Can I put to you that, in fact, Doreen did shout and
6 scream back.
7 A. Doreen didn't scream and shout.
8 Q. Deane Fergie says that Doreen screamed and shouted. Is
9 she wrong.
10 A. When I talk about Doreen screaming, what you might say
11 is screaming - Doreen spoke loudly to Amelia and told
12 her to stop using the filthy language.
13 Q. Did she abuse Rocky Marshall - Doreen I mean.
14 A. Not that I heard.
15 Q. Did she get angry with him.
16 A. She got angry with him about the stuff that was written,
17 that Rocky shouldn't have put the stuff in the paper.
18 Q. Do you know what I mean if I use the word `harangue'.
19 A. Yes, yes.
20 Q. Did Doreen harangue Rocky Marshall.
21 A. I can't see it as being that. I mean, anger is when you
22 speak loud, you know.
23 Q. You said that a white man at that meeting spoke about
24 taking bones from the marina. Do you remember saying
25 that.
26 A. He took bones from the island.
27 Q. That was a white man.
28 A. That was a white man.
29 Q. Who.
30 A. I don't know who it was. I didn't - it was one of the
31 Friends of Kumarangk.
32 Q. What did he look like.
33 A. Come on.
34 Q. Well, I'm interested.
35 A. So am I.
36 Q. Can you describe him for us.
37 A. No, I can't.
38 Q. Was he a young man.

- 1 A. Many white faces were there so I cannot -
2 Q. Was he a young man, middle aged man, or older man.
3 A. Middle aged, I guess.
4 Q. Was he short or tall.
5 A. I suppose he would be shorter than you.
6 Q. I rate myself as tall.
7 A. Well, I said he was shorter than you.
8 Q. Do you know Mr Richard Owen.
9 A. I know Richard, yes.
10 Q. Was it him.
11 A. No, it wasn't Richard.
12 Q. You also spoke about bones being placed in a taxi.
13 A. Yes.
14 Q. Same man.
15 A. Same man.
16 COMSR
17 Q. Did you say that you identified him as being one of the
18 Friends of Kumarangk.
19 A. Well, he was at the meeting so I assume he was one of
20 the Friends of Kumarangk.
21 XXN
22 Q. You also say there was talk of a bridge being put to
23 join up with the road down to the South-East, do you
24 remember that.
25 A. Yes, I remember that.
26 Q. Who spoke of that.
27 A. I can't tell you who spoke of it.
28 Q. White man or an Aboriginal person.
29 A. No, white man.
30 Q. Was that the first you'd heard of that suggestion.
31 A. Yes.
32 Q. You referred to another meeting at Rocky Marshall's
33 place. Was that before this June meeting, was that
34 before the one where Doreen spoke to Rocky about the
35 letter or after.
36 A. I spoke to Rocky at the meeting that Amelia Campbell was
37 at.
38 Q. There was another meeting at Rocky's.

- 1 A. Yes.
- 2 Q. Before or after that one.
- 3 A. That was after that one.
- 4 Q. How long after.
- 5 A. I don't know. I can't recall just how long. I go to
- 6 meetings and I don't take a time or months or weeks.
- 7 Q. George Trevorrow has told us that there was a meeting at
- 8 Camp Coorong in October 1993, which discussed the
- 9 Hindmarsh Island Bridge. Did you go to that meeting.
- 10 A. Where was it held?
- 11 Q. When.
- 12 A. Where.
- 13 Q. At Camp Coorong.
- 14 A. At Camp Coorong.
- 15 Q. In about October 1993, early October. He told us that
- 16 yesterday when we were down there.
- 17 A. I just have to think back.
- 18 COMSR
- 19 Q. Have you ever been to a meeting at Camp Coorong.
- 20 A. I did go to a meeting. I am just trying to recollect
- 21 that meeting, whether that did - we did have a
- 22 discussion there.
- 23 Q. So you say you have been to a meeting at Camp Coorong.
- 24 A. I have been to a meeting at Camp Coorong.
- 25 Q. And was it at a meeting that discussed that Hindmarsh
- 26 Island Bridge issue.
- 27 A. The meeting I went to discussed many issues.
- 28 Q. Was Hindmarsh Island one of them.
- 29 A. I just can't recall, because I know there were other
- 30 issues relating to that area discussed, but -
- 31 XXN
- 32 Q. Looking at Exhibit 33, the first page, do you recognise
- 33 that.
- 34 A. I just got to look through it first.
- 35 Q. You might not have seen all of those documents because
- 36 some are notes that were made of material that was put
- 37 on the whiteboard. The first couple of pages I think
- 38 were prepared before the meeting.

V.P. BRODIE XXN (MR MEYER)

- 1 A. I can't recall not looking at this - I mean, looking at
2 this. I can't recall if I attended that meeting.
- 3 Q. Did you hear George talking at a meeting, which I
4 suggest was back then, about the possibility of there
5 being a connection between the bridge at the Hindmarsh
6 Island and joining up with the Coorong and going down
7 through the South-East. Did you hear George say
8 anything like that.
- 9 A. I would have to say no, because I can't recall whether
10 George mentioned that or not.
- 11 Q. You said about somebody at the museum telling you about
12 Mundoo Island being death. Who was it at the museum who
13 told you that.
- 14 A. Doreen Kartinyeri, Steve Hemmings, my cousin that works
15 in the museum.
- 16 Q. Who is that.
- 17 A. Deanne Hanchant.
- 18 Q. Who do you spell that surname.
- 19 A. H-A-N-C-H-A-N-T.
- 20 Q. Is Ellen Trevorrow, George's wife.
- 21 A. No.
- 22 Q. Tom's wife.
- 23 A. Yes.
- 24 Q. Do you know where Pelican Point is.
- 25 A. Yes.
- 26 Q. Can you point out for us on the map which is on the wall
27 where Pelican Point is. You can get out of the witness
28 box to do it.
- 29 A. It is whether I can see it.
- 30 Q. Grab your glasses.
- 31 A. They are not good enough that far up there.
- 32 Q. Do you want the ruler so you can point with the ruler.
- 33 A. You have to come around this way. It is very hard to
34 see unless I have got the map down on the flat. That's
35 the channel. Here we are (INDICATES).
- 36 Q. Is Pelican Point right down at the tip of the mainland,
37 i.e., could you drive there from Raukkan.
- 38 A. Yes.

V.P. BRODIE XXN (MR MEYER)

- 1 Q. Pelican Point isn't on Hindmarsh Island.
2 A. Well, if it's there, and Hindmarsh Island is down there
3 (INDICATES), it's a silly question to ask.
4 Q. Well, I don't know.
5 A. Yes, it is where the barrage is.
6 Q. I am asking you.
7 A. It is where the barrage is, and it is not on Hindmarsh
8 Island.
9 Q. It is not on Hindmarsh Island. In fact, it is quite a
10 considerable distance, isn't it, from Hindmarsh Island.
11 A. Yes.
12 Q. You were one of the persons who attended at Graham's
13 Castle when Deane Fergie met with the ladies.
14 A. Yes.
15 Q. And subsequently met with Professor Saunders, is that
16 right.
17 A. Yes.
18 Q. Doreen Kartinyeri, at that meeting, told the assembled
19 women that she was going to tell them matters related to
20 sacred secret women's business, didn't she.
21 A. She did.
22 Q. Is that right.
23 A. She did.
24 Q. And, in fact, she did tell the women of matters that she
25 said were sacred secret women's business, didn't she.
26 A. She said they were sacred women's business, secret
27 women's business, but she could tell them only so much.
28 Q. What she said to them she said was both secret and
29 sacred, didn't she.
30 A. She said both sacred secret and the rest would come
31 later.
32 Q. And the arrangement was that that was not to be
33 discussed with anybody else, wasn't it.
34 A. That's correct.
35 Q. Doreen said at that meeting that she was the only one
36 that knew that business, didn't she.
37 A. Doreen said that she had been told. She knew the secret
38 and that she would tell it when the time was right.

- 1 Q. Listen carefully to my question.
2 A. I did.
3 Q. Doreen said to the people at that meeting that she was
4 the only one who knew the secret sacred women's
5 business, didn't she.
6 A. She said she knew of the secret sacred women's business.
7 Q. I need you to either agree or deny what I am putting to
8 you.
9 A. She did say that she knew the secret -
10 Q. No, did she say that she was the only one.
11 A. I don't remember her saying she's the only one. I
12 remember her saying she knew of the secret women's
13 business.
14 Q. I put to you very specifically that she said she was the
15 only one who knew. That's right, isn't it.
16 A. I can't recall.
17 Q. And she said to Professor Saunders that she was the only
18 one who knew, didn't she.
19 A. She said - I can't recall what was exactly said, but I
20 know she said that she knew of the secret women's
21 business.
22 Q. Professor Saunders asked whether anybody else could
23 verify what Doreen was saying, didn't she.
24 A. That, I can't recall.
25 Q. She asked that when you were there?
26 A. She asked a lot of questions when we were there - while
27 I was there.
28 Q. And you didn't say to Professor Saunders that you could
29 verify what Doreen was saying, did you.
30 A. I didn't say that. I said I knew.
31 Q. I put to you, in fact, that you didn't say anything at
32 all to Professor Saunders.
33 A. No, well, then you've got mistaken information because I
34 did speak -
35 Q. Professor Saunders doesn't mention that she spoke to
36 you.
37 A. Should she have?
38 Q. Yes.

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V.P. BRODIE XXN (MR MEYER)

1 A. Well, we spoke.

2 Q. Did you ever tell Doreen Kartinyeri what you understood
3 women's business to be.

4 A. No, I haven't.

5 Q. Has she ever told you what she -

6 A. No, she didn't.

7 CONTINUED

- 1 Q. Looking at p.8 of your statement.
2 A. I haven't got it.
3 Q. I will show you my copy.
4 COPY PROVIDED TO WITNESS
5 A. What page?
6 Q. Can you turn to p.8.
7 Q. What page?
8 Q. Page 8. Towards the end of the second paragraph, your
9 statement says `So we were able to compare'.
10 A. Where?
11 Q. If you go almost to the end of the second paragraph, it
12 says `And we were able to compare'. You, in fact, never
13 compared, did you.
14 A. What should have been said was that we were able to let
15 each other know that we knew, but I didn't divulge
16 anything, neither did Doreen and, in any case, that
17 wasn't the place or the time to do it.
18 Q. So the answer is no, you never compared.
19 A. No, we didn't compare. If I could just say, I thought I
20 was only coming in here for an hour at most. I'm due to
21 go away, I have people waiting to transport me, and I
22 mean those people have had to delay.
23 COMSR: I see. Perhaps we better take a break.
24 WITNESS: I want to finish now if I can.
25 COMSR: Can we finish?
26 MR MEYER: I've got about two minutes to go.
27 COMSR: Then we can take a break because other
28 counsel want to ask you questions and I want that to be
29 facilitated.
30 XXN
31 Q. You said to Mrs Simpson that Betty Fisher had given the
32 material that she had to the ALRM in April.
33 A. Look I don't know when she gave it. I said it could
34 have been April, and I don't know how it got to ALRM. I
35 thought Lewis O'Brien had taken it, I was told that
36 Lewis had the information.
37 Q. You were told by the time you went to the barbecue in
38 April 1995 that Lewis O'Brien had taken the information,

V.P. BRODIE XXN (MR MEYER)
(MS PYKE)

- 1 the material that Betty Fisher had, to the ALRM.
2 A. That's correct.
3 Q. I put to you that, in fact, it was much much later than
4 that that Betty Fisher delivered the material that she
5 had to the ALRM.
6 A. I don't know. I was told by a worker where Lewis was a
7 coordinator or the director, that he had this
8 information, and that it was going to be taken into
9 ALRM.
10 Q. Do you know Christabel Mattingly.
11 A. I do know Christabel.
12 Q. Does she write poetry.
13 A. I believe so.
14 Q. Did she write the poem you read yesterday.
15 A. Beg your pardon. Don't be so insulting.
16 Q. It's a serious question.
17 A. No, she didn't.
18 Q. Was she here when you gave evidence on Wednesday.
19 A. Yes, she was.
20 Q. Do you have any other poetry of Leila's.
21 A. Lots. Madam Commissioner, I don't want to answer any
22 more.
23 MR MEYER: That's the end of my cross-examination.
24 COMSR: Do you want a break?
25 WITNESS: No, I will take the other counsel.
26 COMSR: Would you want a short break now?
27 Witness: No, keep going on. I want to get it
28 over and done with.
29 CROSS-EXAMINATION BY MS PYKE
30 Q. Your sister, Leila, did she tell you how old she was
31 when she got the information about the secret women's
32 business.
33 A. No.
34 Q. You obviously regard yourself as a Ngarrindjeri woman.
35 A. I do.
36 Q. Did your mother regard herself as a Ngarrindjeri woman.
37 A. She regarded herself as a Ngarrindjeri woman.
38 Q. What about your grandmother, do you know about your

1 grandmother.

2 A. Grandmother on which side?

3 Q. Either side.

4 A. On my father's side, yes, she was Ngarrindjeri.

5 OBJECTION Mr Abbott objects.

6 MR ABBOTT: What standing does Ms Pyke have?

7 MS PYKE: This witness is being asked questions
8 about matrilineal knowledge.

9 MR ABBOTT: Because I have an interest in that, but
10 Ms Pyke surely doesn't.

11 MS PYKE: It's just easier to answer the
12 questions.

13 COMSR: It is.

14 MR ABBOTT: What interest does Ms Pyke have?

15 MS PYKE: What interest does Mr Abbott have
16 raising objections that have nothing to do with him.

17 MR ABBOTT: Ms Pyke, I thought, was acting for
18 allegedly impartial and unbiased witness. These
19 questions go to show that that is not so.

20 MS PYKE: I must call upon Mr Abbott to stop
21 making inflammatory statements from the bar table.

22 COMSR: I propose to allow the question to be
23 asked, but I suppose the real issue is that if you could
24 restrict your questions to the interests of your
25 clients.

26 MS PYKE: Of course my client's interested in
27 where these women get their information. It's relevant,
28 it's my client.

29 COMSR: I'm thinking of the witness here.

30 MS PYKE: Yes, so am I. Mr Abbott doesn't appear
31 to be.

32 XXN

33 Q. The beliefs that you have referred to, the sacred
34 women's knowledge, and I don't want you to give me any
35 detail about it, does that knowledge just relate to what
36 I might call practical matters, or does it have a
37 spiritual component.

38 A. It has a spiritual component.

- 1 Q. I want to read out something to you from the report of
2 Dr Fergie, and indeed it's part of the, slightly
3 paraphrased, terms of reference for this Commission, and
4 this is what is said, and it's talking about the
5 tradition that Dr Kartinyeri told Dr Fergie about. This
6 is her summary at p.15 of her report, 'The area of the
7 Lower Murray, Hindmarsh and Mundoo islands, the waters
8 of the Goolwa channel and Lake Alexandrina and the
9 Murray Mouth are, in Ngarrindjeri women's sacred
10 traditions, crucial for the reproduction of the
11 Ngarrindjeri people, and of the cosmos which supports
12 their existence. The adequate functioning of this
13 localised area is vital to Ngarrindjeri existence.'
- 14 A. It is.
- 15 Q. Dr Fergie has given evidence that that is how she has
16 analysed what Dr Kartinyeri has said to her. Now
17 without you telling me the detail of what it is that
18 your sister Leila told you about secret women's
19 business, can I ask you this; as a general summary,
20 would that describe the information that you have that's
21 secret women's business.
- 22 A. Yes, it would.
- 23 Q. In terms of secret information or secret knowledge, from
24 your understanding of it, are there what I might term
25 degrees or layers of knowledge, very secret, secret,
26 open.
- 27 A. That's how Aboriginal culture is.
- 28 Q. The various things that have been put to you that have
29 been in the press, for example, and you read in the
30 press and heard in this commission, has anything that
31 you've heard that's been in the media secret sacred
32 information.
- 33 A. If it's in the media, it's not secret.
- 34 Q. Is it the situation, in relation to secret women's
35 knowledge, that to talk about a topic is all right, you
36 can talk about the topic if you don't provide detail.
- 37 A. Correct.

1 COMSR

2 Q. When you say it's not secret any more, before it became
3 public was it secret then.

4 A. Well, it all depends how much of it came out. You know,
5 we say it was secret, but we only touch the tip of the
6 iceberg.

7 XXN

8 Q. So really, what we have heard publicly, or what you've
9 heard publicly, is the very tip of the iceberg of what
10 might be called -

11 A. The secret women's business.

12 Q. And what we haven't heard is the secret part of the
13 women's business.

14 A. You won't hear it. It's not written in books because of
15 its secrecy.

16 Q. As between Ngarrindjeri women, is it appropriate for you
17 to ask someone else what they know about secret women's
18 business.

19 A. If it's a Ngarrindjeri woman.

20 Q. You were at the meeting at Graham's Castle. At that
21 meeting, Dr Kartinyeri, was she elected to be the
22 spokesperson.

23 A. She was elected to be the spokesperson.

24 Q. From what you could see, did everyone agree with that.

25 A. Everyone agreed.

26 Q. From what you could see, did anyone express that they
27 were unhappy about that.

28 A. There was a general consensus, and they all agreed they
29 were happy about it.

30 COMSR

31 Q. That included the people who obviously knew nothing
32 about the secret women's business.

33 A. Yes.

34 XXN

35 Q. I think you said that you're still learning about things
36 to do with your culture.

37 A. Yes, I am.

38 Q. Is that something that happens over a period of time.

- 1 A. It takes years to learn your culture.
- 2 Q. You were asked some questions about the Dreaming that's
3 all to do with the story that Mrs Fisher passed on to
4 you, and you said that that was part of it.
- 5 A. Yes.
- 6 Q. Is that what I might call the non-secret part of that
7 story.
- 8 A. That's the non-secret part.
- 9 Q. Is there a part of that storey which is secret and
10 sacred.
- 11 A. Yes.
- 12 Q. Again, without going into any detail, does the secret
13 and sacred part of the story relate to any of the areas
14 that we have been talking about in this commission,
15 Hindmarsh Island, the waters and the like.
- 16 A. Can you repeat that.
- 17 Q. The secret and sacred part of the Dreaming story, does
18 that relate in any way to Hindmarsh Island, the waters,
19 the Murray mouth, Lake Alexandrina and the like.
- 20 A. Has it been said, the secret part?
- 21 Q. Yes.
- 22 A. No.
- 23 Q. So the secret part of the Seven Sisters story doesn't
24 relate to what's -
- 25 A. It relates, there is another part to it that's connected
26 to the secret women's business.
- 27 Q. But the transcript that has been provided by Betty
28 Fisher of the conversation with your mother, firstly,
29 you understand where the letter K is - OBJECTION Mr
30 Abbott objects.
- 31 MR ABBOTT: There is no proof that the transcript
32 was provided by Betty Fisher.
- 33 MS PYKE: It's marked for identification.
- 34 COMSR: It might be marked for identification on
35 the basis that if we get some evidence concerning it -
- 36 MS PYKE: I can ask questions about it. We did
37 that with the Tickner letter for weeks and months.
- 38 MR ABBOTT: But there is no proof that this even

- 1 came from Betty Fisher. It appears to have had no
2 covering letter, and it arrived under plain wrapper in
3 the post.
- 4 COMSR
- 5 Q. Is that the situation. How did it arrive.
- 6 A. It was in the post.
- 7 MR ABBOTT: No covering letter.
- 8 COMSR: No covering letter?
- 9 XXN
- 10 Q. Did it have any letter with it.
- 11 A. That arrived from Betty with just a little note saying
12 that that was the transcript from that tape.
- 13 Q. So it was from Betty.
- 14 A. Yes.
- 15 MR ABBOTT
- 16 Q. Where is the note?
- 17 A. Why should I keep that? I threw it out. You're lucky
18 to have that.
- 19 XXN
- 20 Q. With the parts of the transcript that have the letter K
21 alongside, do you understand that to mean your mother.
- 22 A. Beg your pardon?
- 23 Q. The parts of the transcript that Betty Fisher provided
24 to you.
- 25 A. Yes.
- 26 Q. They have got some initials down the side, G, K. Do you
27 understand the K to be your mother.
- 28 A. Yes.
- 29 Q. When you read that transcript of what it was suggested
30 that your mother had said, did it sound to you like your
31 mother.
- 32 A. Yes, it did.
- 33 Q. So it's the sort of words and phrases and generally the
34 type of speech that your mother used.
- 35 A. Yes.
- 36 Q. In this transcript, and it's on p.3, and I will just
37 read the bit out for you, it's just over half way down,
38 it's got the letter K and it starts 'It is'.

V.P. BRODIE XXN (MS PYKE)
(MR KENNY)

1 HIS HONOUR: How much of it do you want the witness
2 to read.

3 MS PYKE: Just that paragraph for the moment.

4 XXN

5 Q. I will just read it out to you, if you like, it starts
6 'It is'. 'It is all there. My daughters will listen.
7 Someone will know. All around the Murray Mouth, all the
8 waters and the islands, so important. Our people always
9 knew about those places, the tides, the Coorong secrets,
10 the islands, so special, sacred to us. We don't talk
11 about those things, too secret, too old, all part of the
12 old times, what you call the Dreamtime'. Does the
13 secret women's business that you know about relate to
14 what is referred to there.

15 A. Yes, and mum would never have mentioned that.

16 Q. So what's there provides, if I might put it this way,
17 the general topic, and what you've got, do you tell us,
18 is the detail.

19 A. Yes.

20 Q. It's your belief that you mother wouldn't provide any of
21 the detail.

22 A. Of course my mother wouldn't.

23 Q. From what you've heard in this Commission, has any of
24 the detail of the secret women's business that you know
25 about been revealed in this Commission.

26 A. No.

27 Q. The secret Dreaming that you referred to in relation to
28 the Seven Sisters Dreaming connected matters, does that
29 relate to Hindmarsh Island.

30 A. It does relate to Hindmarsh Island.

31 Q. It does.

32 A. Yes.

33 CROSS-EXAMINATION BY MR KENNY

34 Q. When Mr Abbott was asking you some questions yesterday,
35 he put to you a whole list of what we call practices
36 that occur that related to Hindmarsh Island.

37 A. Yes.

38 Q. I think you said to us that these are practices that are

- 1 200 years old.
2 A. Correct.
3 Q. Or more. (NOT ANSWERED)
4 MR ABBOTT
5 Q. Thousands of years.
6 A. 40,000 years perhaps.
7 XXN
8 Q. What I wish to put to you, though, is that some of these
9 practices may not still be carried out on Hindmarsh
10 Island.
11 A. That's right.
12 Q. But the beliefs that are associated with Hindmarsh
13 Island continue.
14 A. Correct.
15 Q. Those beliefs are part of the beliefs of the
16 Ngarrindjeri people today.
17 A. Yes.
18 Q. I think it's also been put to you that your objection to
19 the bridge is environment. Do you remember that was
20 suggested to you yesterday.
21 A. Yes.
22 Q. Could I suggest to you, then, that the reason the
23 Ngarrindjeri people objected to the bridge is not just
24 on environment grounds but -
25 MR ABBOTT: How does he know.
26 A. You'd be surprised. Can you continue please?
27 XXN
28 Q. Perhaps why you object to the bridge is the fact that
29 you object to the bridge because the bridge would
30 interfere with the beliefs of the Ngarrindjeri people.
31 A. It will interfere with the beliefs of the Ngarrindjeri
32 people, also what is left of the country that the
33 Ngarrindjeri people once owned.
34 Q. Has anyone attempted to stop you giving evidence here.
35 A. No, they haven't attempted to stop me. No-one.
36 Q. I think Mr Abbott asked you about Sandra Saunders.
37 A. No.
38 Q. Have you heard of anyone being threatened about coming

V.P. BRODIE XXN (MR KENNY)
(MR WARDLE)

- 1 along and giving evidence here.
2 A. In passing in the papers, on the television.
3 Q. But I mean amongst the Ngarrindjeri people have there
4 been any threats made stopping people coming.
5 A. I have heard of them.
6 Q. You have heard.
7 A. I have heard of them.
8 Q. You've heard of the threats.
9 A. In the media as such.
10 Q. In the media.
11 A. Yes.
12 Q. Mr Abbott would like me to ask you this; have you heard
13 of, not what perhaps Dorothy Wilson has said, but have
14 you heard from any Ngarrindjeri people that Victor
15 Wilson has tried to stop anyone giving evidence.
16 A. No, I haven't.
17 CROSS-EXAMINATION BY MR WARDLE
18 Q. Betty Fisher is someone who is trusted by a number of
19 Aboriginal women, is she not.
20 A. Yes.
21 Q. Everything that Betty Fisher has told you, everything
22 that she has included in her letters to you, and
23 everything contained within the typed transcript that
24 Alison Caldwell gave you from the 7.30 Report, all ties
25 in with what your sister told you in the Flinders
26 Medical Centre, does it not.
27 A. Yes.
28 Q. It's apparent to you, is it not, that Betty only had the
29 general material, not the secret material.
30 A. That's right.
31 Q. Do you have any doubts that it came from your mother.
32 A. I have no doubts whatsoever.
33 Q. When you gave your evidence on Wednesday, you suggested
34 that Betty had sent you a copy of what was in the
35 notebook. Was that incorrect, and were the two letters
36 that you've produced in fact what she'd sent you.
37 A. Can you repeat that?
38 Q. When you gave your evidence on Wednesday.

V.P. BRODIE XXN (MR WARDLE)
REXN (MRS SIMPSON)

1 A. Yes.

2 Q. You said in effect that you thought Betty had sent you a
3 copy, a typed copy, of what was in the notebook.

4 A. Yes.

5 Q. Now that you've found the letters, do you agree that
6 that wasn't quite right, but what you got were the two
7 letters that you've given us today.

8 A. Yes.

9 MR ABBOTT: I've only got one letter. I've only got
10 one letter dated 16 August.

11 MR WARDLE: Exhibit 295 and MFI 296 is what I was
12 referring to.

13 RE-EXAMINATION BY MRS SIMPSON

14 Q. Looking at Exhibit 295, which is the letter dated 16
15 October 1995, that does refer at the top to another
16 letter. It says 'Hope you got my letter'. Did you get
17 a letter before this one.

18 A. Yes.

19 Q. Do you still -

20 A. And it has nothing to do with the Hindmarsh Island
21 business or my mother's business.

22 Q. It was on another topic altogether.

23 A. It was on another topic completely different.

24 Q. What was the topic.

25 A. With reference to myself, and my stars, my horoscope.

26 Q. Astrology, was it.

27 A. Astrology.

28 Q. Enclosed with that letter, Exhibit 295, was there
29 another sheet, and I produce to you a sheet of paper
30 which was, in fact, the white women's stuff on the Seven
31 Sisters.

32 A. Not that I can recall.

33 Q. You don't recall that.

34 A. No.

35 Q. You've not seen that page before.

36 A. No.

37 Q. From Mrs Fisher.

38 A. I can't recall it.

V.P. BRODIE REXN (MRS SIMPSON)

- 1 Q. There are just a couple of other matters. First of all,
2 I'd like to take you back to the meeting of 18 June at
3 Rocky Marshall's house, the first one that you attended,
4 and you've given some evidence about what was said at
5 that meeting, and I'd like to ask you some questions
6 relating to Amelia Campbell. When Amelia spoke out, can
7 you recall that she asked at the meeting whether or not
8 the traditional owners of Hindmarsh Island had been
9 invited.
- 10 A. Yes, she did say that.
- 11 Q. Did she say anything to indicate that she considered
12 herself in that category, that is one of the traditional
13 owners.
- 14 A. She said that she was a traditional owner.
- 15 Q. And that she should therefore have been invited.
- 16 A. I believe she was invited, but we had to all find our
17 own transport down there, and we did.
- 18 Q. Do you recall, at the end of the meeting, when you were
19 all proceeding in a minibus, I think, to Graham's Castle
20 - do you remember that, you were going in a bus.
- 21 A. No.
- 22 Q. Did you go in the bus.
- 23 A. No, I went down by car.
- 24 Q. Do you recall that, at the time everyone was leaving,
25 Amelia was told that she was not welcome at that
26 meeting.
- 27 A. I think you've got your meetings mixed up, because that
28 was at Rocky Marshall's when Amelia was abusive, it was
29 a day meeting. We just went down on that day, on the
30 Sunday, but there was another time when Amelia was by
31 the - she got down, and we were heading back to the
32 island to Graham's Castle, and she was by the ferry and
33 she was waving her arms and yelling out and screaming
34 and saying why weren't they allowed to go on to Graham's
35 Castle.
- 36 Q. And that was the day that you were on the tour of the
37 island with Professor Saunders, is that right.
- 38 A. I can't recall whether Professor Saunders was there, but

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V.P. BRODIE REXN (MRS SIMPSON)

- 1 that was - I don't know if that was the day, but there
- 2 was a time when she did scream out and say, you know,
- 3 that she wasn't invited, why wasn't she, she was the
- 4 owner, and stuff like that.
- 5 CONTINUED

V.P. BRODIE REXN (MRS SIMPSON)

- 1 Q. The meeting at Rocky Marshall's house, I think it was
2 the day before there was going to be a Ngarrindjeri
3 women's meeting at Graham's Castle; is that right. That
4 was on the Saturday and the following Sunday.
- 5 A. No, I just went down on that Sunday. There wasn't any
6 further meeting at Graham's Castle. I can't recall
7 that, not to the meeting with Amelia.
- 8 Q. Did you hear at Rocky Marshall's anyone tell Amelia that
9 she would not be welcome on the Graham's Castle
10 Ngarrindjeri women's meetings.
- 11 A. No.
- 12 Q. You mentioned in your evidence on Wednesday that you
13 decided to lend support to the Ngarrindjeri Action Group
14 Committee and that committee was made up of what you
15 described as the key women: Val Power, Muriel Van Der
16 Byl, Maggie Jacobs and Connie Roberts. Is that right.
- 17 A. That's right, but haven't we been over this?
- 18 Q. I want to clarify a matter that was not clear. You said
19 that they were chosen in June 1994 at a meeting at
20 Graham's Castle to do any interviews to do with the
21 women's business on Hindmarsh Island. Do you remember
22 saying that.
- 23 A. I remember saying that they were chosen, the key women.
- 24 Q. What meeting was that.
- 25 A. You're asking me. I can't recall.
- 26 Q. How many meetings did you go to at Graham's Castle.
- 27 A. Well, I slept at Graham's Castle twice.
- 28 Q. Was the meeting at which Val Power, Muriel Van Der Byl,
29 Maggie Jacobs and Connie Roberts chosen as key women,
30 that was before.
- 31 A. The day of the barbecue.
- 32 Q. That was in April 1995.
- 33 A. Or when Saunders? - I just can't recall the meeting,
34 but I know they were chosen as key women.
- 35 Q. Were you at Graham's Castle twice, first in June 1994.
- 36 A. Yes.
- 37 Q. And you saw Professor Saunders.
- 38 A. No. That was a general discussion that was to discuss

1 women's issues, the Hindmarsh Island stuff. That was
2 the first meeting I ever attended.

3 Q. General meeting about women's issues.

4 A. Yes. We were invited down there, about 30 women I
5 suppose, maybe 28, I'm not sure. They came from all
6 around.

7 Q. Is that when Dr Fergie and Professor Saunders saw you,
8 that same visit.

9 A. No, that is when I first met Dr Fergie. Saunders was
10 never there at that meeting, that first meeting, she
11 came to the second meeting.

12 Q. Then there was a Sunday when Dr Fergie -

13 A. Dr Fergie was there. We went down on the Saturday. I
14 can't recall which Saturday. It was a long weekend when
15 we stayed there.

16 Q. Was it at that meeting at Graham's Castle when you met
17 Dr Fergie that those women were elected as the people
18 who were the key women.

19 A. I can't recall that, I'm sorry.

20 Q. If it wasn't that meeting, what meeting was it.

21 A. Well, it could have been the one after. I just can't
22 recall. When I walk out of here, it will probably come
23 to me, but I can't - there's been so much about meetings
24 this afternoon, I can't recall it. And I'm not going to
25 say, yes, that was the right date, because I could be
26 telling a lie, so I don't want to say yes to whatever
27 date you offer.

28 Q. Leaving the date aside.

29 A. Or months - I'm sorry, but I'm getting very tired.

30 Q. The reason I'm asking you is because Val Power and
31 Muriel Van Der Byl weren't at that meeting at June 1994,
32 were they, with Dr Fergie and Professor Saunders.

33 A. I can't recall them being there, because I know they
34 were there at the meeting that Dorothy Wilson came to,
35 because they protected Dorothy at that meeting. So, I
36 don't recall them - can't remember whether they were
37 there when Saunders was there or Fergie, or whoever, I'm
38 sorry.

- 1 Q. So you can't help us clarify that.
- 2 A. No, I cannot.
- 3 NO FURTHER QUESTIONS
- 4 WITNESS: Before I go, I would like the
- 5 Ngarrindjeri women that are here to -
- 6 COMSR: We had better not have a statement.
- 7 WITNESS: That is not a statement I want to tell
- 8 them. This is something that happened last night in
- 9 reference to Alison Caldwell, that she was presented an
- 10 award for her honest work and reporting with the
- 11 Hindmarsh Island Bridge.
- 12 MR ABBOTT: I object to that.
- 13 COMSR: We know that -
- 14 WITNESS: The Ngarrindjeri women don't.
- 15 WITNESS RELEASED

- 1 MR KENNY: There was a slight lull in proceedings.
2 I would like to record one thing on the transcript and
3 that is in reference to Alan Clarke.
- 4 MR ABBOTT: I object to Mr Kenny recording anything
5 on the transcript with reference to someone who has not
6 been called as a witness.
- 7 MR KENNY: He has been available. I wish to say
8 that he has attended and has been available.
- 9 MR ABBOTT: He hasn't been available.
- 10 MR KENNY: He is available and he's been sitting in
11 the court here all day.
- 12 COMSR: I'm afraid I can't see the interest in
13 that. Mr Wilson has probably been available for a long
14 time and Mr Wilson could give us some very direct -
- 15 MR ABBOTT: As Mr Milera and Mr Rigney, both of whom
16 have been here from time to time - and Sarah Milera.
17 They have been no more available than Clarke or anybody
18 else.
- 19 MR KENNY: Mr Clarke has given a statement to the
20 Commission.
- 21 MR ABBOTT: Mrs Milera is here. Mrs Sarah Milera is
22 here.
- 23 MR SMITH: Sit down.
- 24 MR KENNY: I simply ask that it be recorded as a
25 matter of fact that the statement has been provided and
26 been available. If the Commission chooses not to call
27 him, that is it.
- 28 COMSR: Are there any matters that we need to
29 deal with?
- 30 MR SMITH: To tidy up, yes.
- 31 COMSR: I think perhaps I should formally note
32 the making of an order as at 15 November 1995 that I had
33 lifted some suppression orders in respect of pages of
34 transcript which have become available to counsel. They
35 were: pp.1072, 1073 to 1074, 1080 to 1081, 1083 to 1084,
36 1093 to 1096, 1113 to 1114, 1116, 1118, 3488, 3489 and
37 3490 to 3492. Now, are there any other matters?
- 38 MR SMITH: There are. Could I tender to be

1 included in the statement of Rocky Koolmatrie, which is
2 Exhibit 49. You won't recall it, but the transcript
3 shows that Mrs Koolmatrie was to hand up a petition, but
4 the petition wasn't available at the time and it was
5 arranged that that would be produced to me in due course
6 and will be added to her statement. I ask that you
7 receive that and have it marked Exhibit 49A.

8 COMSR: The petition will be included in Exhibit
9 49 and be marked 49A.

10 MR SMITH: The Mouth House letter, which is Exhibit
11 206 I think, the Mouth House letter had a front sheet to
12 it which was faxed together with the letter itself,
13 Exhibit 206, to the Federal Minister. I tender a
14 statement of Jayne Basheer, the solicitor to the
15 Commission here. The impact of the statement, without
16 going into it, is that that front sheet of the Mouth
17 House letter was put to Mr Tuckwell as having been
18 written by him. He was unable to positively say it was
19 his writing. He, however, indicated that he would be
20 happy to abide by an expert's handwriting opinion on
21 that. A sample of his handwriting was provided and the
22 Mouth House letter, including the front sheet, or at
23 least the front sheet of the Mouth House letter was
24 provided, to the Forensic Science Centre who have
25 returned a report indicating in all probability the
26 front sheet was Mr Tuckwell's handwriting.

27 COMSR: What are you tendering?

28 MR SMITH: It's a statement of Miss Basheer which
29 includes the report from the Forensic Science Centre,
30 the sample of handwriting from Mr Tuckwell, Mr
31 Tuckwell's statement in response accepting the expert's
32 view and the samples of handwriting, including the Mouth
33 House letter. You could mark that at the same time of
34 Miss Basheer's. It draws in all those elements.

35 COMSR: Are you tendering that now?

36 MR SMITH: Yes, and copies. I provide copies to my
37 learned friends.

38

- 1 EXHIBIT 297 Statement of Miss Basheer
2 including various reports tendered by Mr
3 Smith. Admitted.
- 4 MR SMITH: I tender - this is in rather a rough
5 form at the moment and it's a bit daunting. That is a
6 genealogy. It's been produced in a more digestible form
7 at the moment by a graphic artist and it will be reduced
8 and copies provided to my learned friends. I need to
9 tender it now, this being the last few minutes of the
10 taking of evidence. I tender the genealogies of a range
11 of the main people involved in this Commission, starting
12 with Dulcie Wilson, Betty Tatt, et cetera, down to Sarah
13 Milera and involving King Pulami, et cetera, and Rubin
14 Walker.
- 15 COMSR: On the understanding that it will be
16 replaced with a more graphic illustration.
- 17 MR SMITH: A neater illustration and a reduced copy
18 might well be provided to counsel.
- 19 EXHIBIT 298 Genealogies tendered by Mr Smith.
20 Admitted.
- 21 MR SMITH: It's the product of the Berndts' work,
22 some of Doreen Kartinyeri's genealogy work and Dr Philip
23 Clarke.
- 24 MR SMITH: We have tendered from time to time the
25 utterances of Dr Doreen Kartinyeri in the media
26 concerning the women's business and matters related to
27 that. On 11 November 1995, Dr Kartinyeri was
28 interviewed in detail on Radio National and spoke at
29 some length about the Hindmarsh Island matter. There
30 are a number of relevant things she says. To complete
31 the picture of that, I tender the transcript of Radio
32 National, the discussion between Dr Kartinyeri and the
33 reporter of 11 November 1995 and I tender also the tape
34 that is the transcript there.
- 35 EXHIBIT 299 Transcript of Radio National interview
36 and tape tendered by Mr Smith.
37 Admitted.
- 38 MR SMITH: The only thing outstanding is, so far as

1 I can tell from the records now of the Commission, the
2 last marked for identification exhibit. I wonder
3 whether Mr Abbott might reconsider his objection and at
4 least admit it for a rather limited purpose of the fact
5 that the witness Veronica Brodie received that document.
6 Mr Abbott has a rather strong objection.

7 MR ABBOTT: Yes. My objection to it is as to the
8 use that could potentially be made of it in the absence
9 of any cross-examination of Mrs Fisher.

10 MR WARDLE: Mrs Fisher is still here and is happy to
11 give evidence.

12 MR ABBOTT: Mrs Fisher is here. I don't have her
13 evidence and haven't been through this in sufficient
14 detail - and it's exactly the reason why I object to it.
15 Some submission may be made by Mr Wardle that this
16 document, which this witness received, somehow bolsters
17 up Mrs Fisher's claim and I object to it being received
18 in any way to the truth of its contents. If it's
19 received as a document sent by Betty Fisher to Veronica
20 Brodie, I can hardly object to it on that basis. If
21 it's received anything more than that, I do object to
22 it.

23 MR WARDLE: What is important is the original notes,
24 they're important, because they are old.

25 MR ABBOTT: You assert they are old?

26 MR WARDLE: I'm saying that Mrs Fisher will give
27 evidence if you want.

28 MR SMITH: How many times do we have to have Mrs
29 Fisher giving evidence?

30 MR WARDLE: She is here and we have some time left.

31 MR ABBOTT: I object to the reception other than on
32 the basis that it's a document that came from Mrs Fisher
33 to Veronica Brodie.

34 MR SMITH: That could be the only basis that you
35 receive it. I ask that it be cleared then and received
36 by you on that basis.

37 MR WARDLE: In that case, I would like the original
38 notes back.

- 1 MR SMITH: I will speak with Mr Wardle about that.
2 That is not a matter you need to worry about that.
- 3 MR WARDLE: They are not being tendered. What use
4 have you got of them? I thought they were being
5 tendered. They are not being tendered, so give them
6 back.
- 7 COMSR: I thought they were being tendered on
8 the basis they were notes received by the witness, Mrs
9 Brodie.
- 10 MR ABBOTT: Mr Wardle's talking about something
11 completely different.
- 12 MR WARDLE: I am talking about another document.
- 13 MR SMITH: We do have these broad discussions at
14 the bar table from time to time. I am redressing you
15 about the document that is marked for identification and
16 put into that extent through Mrs Brodie. If you are
17 minded to clear that up.
- 18 COMSR: That is MFI 296. That has been received
19 on the basis that its use is restricted to a
20 circumstance simply that it was on document received by
21 her.
- 22 MR SMITH: I should tell counsel that in the course
23 of this Commission, of course, a number of submissions
24 have been received from the public, as it were, to
25 letters and documents and the like which have not been
26 the subject of evidence or which have not been tendered.
27 They are submissions to you as the Royal Commissioner
28 and you can have, Ma'am, limited regard to those. They
29 don't have the standing of evidence, or close to it. We
30 will do a list of those submissions and provide counsel
31 with an indication of what they are in a broad way.
32 Subject to - I'll need to confer with you about that.
33 There are other documents that come into the Commission
34 from time to time that perhaps need to go on to the
35 record, not so much the record of the hearing but just
36 as a record of documents received. We have received
37 here a list of documents and what they are. Apart from
38 that -

1 MR KENNY: On that topic, I wonder if we could have
2 a right to inspect the documents they are documents that
3 are going before you. And if they raise some particular
4 concern or matter that may involve our clients, I
5 certainly seek to have access to those documents.

6 MR SMITH: I will let my learned friend know if any
7 of the submissions concern his clients.

8 MR KENNY: I would actually like to have the right
9 to examine all of those, simply to know what goes before
10 you rather than to rely on what someone else feels.

11 COMSR: I don't know that you have necessarily
12 the right to know.

13 MR KENNY: I don't. At this stage, I merely ask
14 for it.

15 COMSR: I will ask counsel assisting to have a
16 look through and see if there are any matters there that
17 touch on your clients at all. And if there is anything
18 that appears to relate to them, then counsel can take it
19 up with them.

20 MR SMITH: There are a sort of a mound of
21 difficulties involved in that and people make
22 submissions to the Commission sometimes on a
23 confidential basis and those submissions are not to be
24 disclosed.

25 COMSR: The submissions have been received on a
26 confidential basis, that was the tenor of the
27 advertisement that was placed in the press and they are
28 received on a confidential basis until such time as
29 evidence is lead concerning them. A lot them, of
30 course, are of no real assistance or relevance when they
31 are received.

32 MR SMITH: To the extent there might be a
33 submission that, for instance, affects particularly Mr
34 Kenny's clients' positions. He would have known about
35 it by now because there would have been evidence led
36 about it, or some notice given to him.

37 COMSR: The MFI 296, I haven't received it yet,
38 but I receive it on the basis that it becomes Exhibit

1 296.
2 EXHIBIT 296 Document marked for identification 296
3 now tendered by Mr Smith. Admitted.
4 MR SMITH: Then, you can adjourn to Monday, 27
5 November.
6 COMSR: Although I indicated that I would accept
7 written submissions and counsel can make an oral
8 address, in many instances it won't really be necessary
9 for counsel do that. In the event that counsel indicate
10 that they intend to do that, I want to make it clear
11 that the submissions that I want from counsel are to
12 deal with the evidence that affects their clients that
13 has been given, not a general discourse, because I would
14 like each of counsel concerned to address their remarks
15 to the specific evidence which relates to their client,
16 or the person that they are representing. Now, it would
17 assist if counsel could give an early indication of what
18 they're proposing to do in respect of this, but I
19 anticipate there will be some counsel who would not see
20 the need at all to give an address of any sort, so.
21 MR WARDLE: I hope it's my last day here.
22 MR LOVELL: I don't see the need for us to make any
23 submission.
24 MR KENNY: I indicate we will be making
25 submissions.
26 COMSR: Along the lines I have indicated, Mr
27 Kenny, and not traversing numerous other matters.
28 MR KENNY: I think Mr Tilmouth will traverse quite
29 a wide ground. We see other interests being quite wide
30 in terms of that.
31 CONTINUED

- 1 COMSR: I have appreciated that is the way you
2 see it, but, Mr Kenny, it is going to assist me most if
3 each counsel directs their remarks to the specific
4 evidence that concerns their client.
- 5 MR KENNY: I will pass your remarks on to Mr
6 Tilmouth.
- 7 MS PYKE: Yes, I imagine that we will seek to
8 speak to them, but I haven't taken any final
9 instructions on that yet.
- 10 MR MEYER: I will give you oral submissions as well
11 as written, there is no doubt about that.
- 12 COMSR: We will be adjourning.
- 13 MR SMITH: That is Monday, the 27th.
14 What time do you want to adjourn to?
- 15 COMSR: I think 9 o'clock.
16 Counsel do realise that there is a strict limit that
17 will have to be enforced.
- 18 ADJOURNED 5.02 P.M. TO MONDAY, 27 NOVEMBER 1995 AT 9 A.M.

