

- 1 RESUMING 2.15 P.M.
- 2 MS SHAW: At this stage, we have completed the
3 private session and the s.35 matters, so we are back to
4 where my submission concluded this morning, that we
5 ought now hear the evidence from Dorothy Wilson without
6 members of the public being present, but in accordance
7 with your intimation that the press be present.
- 8 COMSR: Ms Shaw, do you think it would be
9 possibly better to at least see how Mrs Wilson gets on
10 for a while and see if the problem persists? I
11 understand what you are saying and, without singling
12 anyone out in the courtroom, there are people present
13 who make her feel tense and nervous, is that the
14 situation?
- 15 MS SHAW: I thought I had outlined all I had to
16 say this morning.
- 17 COMSR: Yes, you have outlined it, but -
- 18 MS SHAW: And I must say my client came in this
19 afternoon under the belief that that was the indication
20 that she would be given.
- 21 COMSR: That was the indication I had given.
22 Certainly I suggested that that might be a reasonable
23 compromise to pursue, but is this the situation, that
24 your client would feel that she couldn't even commence
25 and see how she gets on?
- 26 MS SHAW: We did that on Friday and she did her
27 best and the difficulty that she came away with was that
28 she thought that she was unable to concentrate properly
29 and, therefore, she was not doing justice to the
30 evidence that she is able to give to you. Certainly I
31 would want her to give her evidence unhampered by
32 feelings of restraint.
- 33 COMSR: It is a rather unusual step to take,
34 though.
- 35 MS SHAW: Not for the purpose of this Royal
36 Commission.
- 37 COMSR: No, it is an unusual situation.
- 38 MS SHAW: And the transcript is readily available

1 to be inspected by the Commission if anyone is minded to
2 take that degree of interest but are not willing to give
3 evidence in the Commission.

4 COMSR: I have concern then for the difficulties
5 confronting this witness in giving her evidence and,
6 because I am anxious that the Commission receive the
7 best available evidence concerning these matters, I
8 propose to exclude the members of the public from this
9 part of the hearing save only for the members of the
10 press. And I make clear that I am not singling anyone
11 out in the courtroom in respect of this. This witness
12 has intimated that she has a particular difficulty about
13 giving her evidence and, for that reason, I have decided
14 that it is appropriate in the circumstances of this
15 particular Commission to exclude members of the public
16 so that the witness is able to relax and give her
17 evidence in an appropriate manner. So, therefore, I am
18 asking the members of the public to leave the hearing.

19 There is a power, of course, that this Commission
20 has to exclude persons from the hearing.

21 HEARING CLOSED TO PUBLIC EXCLUDING MEMBERS OF THE PRESS

22 COMSR: Have all members of the public left?

23 MR KENNY: No, they haven't. I am just having a
24 quick word, if I may, with counsel assisting on that
25 point.

26 COMSR: All right.

27 MS SHAW: I am wondering if now the press can
28 return to the body of the court?

29 COMSR: Perhaps I should point out that my order
30 to exclude the members of the public from the court is
31 pursuant to s.16 (a) in order to prevent undue hardship
32 to the witness in the giving of her evidence.

33 MEDIA MOVE TO BODY OF HEARING ROOM

34 CONTINUED

D.A. WILSON XN (MRS SHAW)

1 WITNESS D.A. WILSON, EXAMINATION BY MRS SHAW CONTINUING

2 Q. Mrs Wilson, I want to now take you to early June 1994,
3 before Professor Saunders came to Goolwa later in June.

4 Was there a barbecue organised at Goolwa in June.

5 A. Yes, there was.

6 Q. Did you understand that that had been arranged through
7 the Ngarrindjeri Action Group.

8 A. Yes.

9 Q. Can you explain who that group is for us.

10 A. It was some of the ladies from Konanda, ATSIC, Sandra,
11 and some of our ladies from Murray Bridge.

12 Q. Did you understand it was formed for a particular
13 purpose.

14 A. Yes.

15 Q. What was that.

16 A. The purpose that it was formed for was to stop the
17 bridge.

18 Q. In relation to the Goolwa barbecue in early June, what
19 specifically was the role of the Ngarrindjeri Action
20 Group.

21 A. Beg your pardon?

22 Q. Did the Ngarrindjeri Action Group organise that
23 barbecue.

24 A. Yes, they did.

25 Q. Did you attend.

26 A. Yes, I did.

27 Q. How did you come to attend.

28 A. We had some money that was given to us from ATSIC
29 Regional Council. The Chairman, Matt Rigney, made some
30 money available to the communities to send some buses
31 down to the barbecue, and I went down on one of the
32 buses from Murray Bridge.

33 Q. At that barbecue, were any badges distributed.

34 A. Yes, there was. They had some little round badges that
35 you pin on your shirt, and some of them said `spiritual
36 waters', some said `sacred waters'.

37 Q. Were those expressions that you'd heard before.

38 A. No, they hadn't - I hadn't heard of them before.

D.A. WILSON XN (MRS SHAW)

1 Q. Did you ask anyone at the barbecue what they meant.

2 A. Yes. I asked one of my elderly aunts at the barbecue
3 whether she had heard about the sacred waters, because I
4 bought a little badge that said `sacred waters' on it,
5 and I asked my elderly auntie whether she had heard of
6 the sacred waters there, and she said no, that she
7 hadn't.

8 Q. Were there speeches given at the barbecue.

9 A. Yes, there was.

10 Q. Can you say now who gave those speeches.

11 A. Well, Val Power spoke and there was Shirley Peasley and
12 Vi Deuschle. Doreen spoke, Sarah spoke, Matt Rigney
13 spoke. There were different people speaking.

14 Q. What was the topic of Doreen and Val's speeches, for
15 example.

16 A. They were for people to support the women with their -
17 to support the women with their women's business and in
18 stopping the bridge.

19 Q. What about Sarah Milera.

20 A. Sarah got up and said - told everybody that she had been
21 down there for months trying to stop the bridge from
22 being built.

23 Q. Approximately how many people attended this barbecue.

24 A. I would say roughly about 500.

25 Q. Was there any other group that assisted the Ngarrindjeri
26 Action Group in holding the barbecue.

27 A. I think some of the ladies from the Friends of the Ferry
28 -I think they call themselves - were helping.

29 Q. I show you the notes of the meeting of 6 June. Did you
30 receive a copy of the minutes of meeting of the
31 Ngarrindjeri Action Group which was held on 6 June 1994.

32 A. No, I didn't receive it personally. One was sent to the
33 Nunga's Club.

34 Q. Did you see that at the Nunga's Club.

35 A. Yes, I did.

36 EXHIBIT 35 Minutes of meeting of 6 June 1994
37 tendered by Mrs Shaw. Admitted.

D.A. WILSON XN (MRS SHAW)

- 1 Q. Did you see a notice which was headed `Ngarrindjeri
2 Women Participants at Kumarangk on 19, 20 June 1994',
3 advising you of what was proposed for the meeting with
4 Professor Saunders.
- 5 A. Yes.
- 6 Q. Looking at this document, is that a notice that you saw
7 prior to attending the meeting at Graham's Castle.
- 8 A. Yes, it was.
- 9 EXHIBIT 36 Notice of meeting tendered by Mrs Shaw.
10 Admitted.
- 11 Q. Can I then take you to the lead-up to the Graham's
12 Castle meeting with Professor Saunders. From whom did
13 you hear about this meeting.
- 14 A. It was mentioned at the Nunga's Club by Isobel Norvill
15 and Eileen McHughes.
- 16 Q. When, prior to the weekend, approximately, was it that
17 you first heard about the meeting.
- 18 A. I think I heard about it on the Wednesday or Thursday
19 before the meeting.
- 20 Q. The Nunga's Club you are referring to is the Nunga's
21 Club at Murray Bridge.
- 22 A. Yes, it is.
- 23 Q. What was the arrangement for travel to Goolwa from
24 Murray Bridge.
- 25 A. Some of the women went on the bus and I was going down
26 in my work car.
- 27 Q. Who did you travel down with.
- 28 A. Henry Rankine's sister travelled with me, Iris Sparks,
29 Iris Sparks' granddaughter and myself.
- 30 Q. Where exactly did you travel to.
- 31 A. We travelled to Goolwa, to Graham's Castle.
- 32 Q. When you arrived at Graham's Castle, how many women were
33 there.
- 34 A. I think there would have been about 20 women were there
35 when we first got there.
- 36 Q. Did you see Doreen Kartinyeri after you arrived.
- 37 A. Yes, we did - well, I did.

D.A. WILSON XN (MRS SHAW)

- 1 Q. Did she tell you about a meeting that was to be held
2 that afternoon.
- 3 A. Yes.
- 4 Q. What did she say about that.
- 5 A. She said that we were going to Rocky Marshall's place to
6 have a meeting with him, and she also showed us a piece
7 from the paper that Rocky Marshall had written in to the
8 paper.
- 9 Q. Was that a letter to the `Advertiser'.
- 10 A. Yes, it was.
- 11 Q. Dated the day before, namely, 18 June 1994.
- 12 A. Yes.
- 13 MRS SHAW CALLS FOR PRODUCTION OF `ADVERTISER' EXTRACT,
14 BEING LETTER TO EDITOR ON 18 JUNE 1994
15 PRODUCED
- 16 Q. Who did you understand Rocky Marshall to be.
- 17 A. Rocky Marshall was one of the Friends of the Ferry.
- 18 Q. Did you then travel to Rocky Marshall's place.
- 19 A. Yes, we did.
- 20 Q. Who went there.
- 21 A. Well, all of us women went that was at Graham's Castle
22 at that time.
- 23 Q. Who did you travel with.
- 24 A. I went in my work car with Henry Rankine's sister, Iris
25 Sparks and her granddaughter.
- 26 Q. What occurred at this meeting.
- 27 A. Doreen told Rocky Marshall that the women were upset
28 because he had put that article in the paper. Rocky
29 apologised. He said that he was told by his
30 grandmother, and that she had been told by an old
31 Aboriginal woman. And Doreen just said that he should
32 never have been told about it, and that it was women's
33 business, and that he should never have put it in the
34 paper, for which he apologised again for doing so.
- 35 Q. Did he say why he wrote the letter.
- 36 A. Yes. He said that he thought, by putting it in the
37 paper, that it would help the women to say that that
38 island was sacred to them.

- 1 Q. Did he or Doreen or Rocky Marshall say that Rocky
2 Marshall's mother was in fact a white woman.
- 3 A. No, I don't think so. I can't recall him saying that.
4 We knew that Rocky Marshall was white, so -
- 5 Q. Did Doreen say anything to him to indicate that she
6 regarded it as an insult.
- 7 A. Yes, she did. She told him that it was an insult to us
8 women.
- 9 Q. What was Mr Marshall's response to that.
- 10 A. He apologised again.
- 11 Q. During the course of that meeting, did Amelia Campbell
12 and Merva Varcoe raise an issue with Doreen.
- 13 A. Yes, they did.
- 14 Q. What did they say to her.
- 15 A. They said that Doreen should tell everybody at the
16 meeting why the island was sacred to us Aboriginal
17 women. And Amelia also said that she didn't know of any
18 women's business on the island, and she had never heard
19 anything of the women's business on the island. She
20 wanted Doreen to tell her where she had got that
21 information from, and why hadn't she been told about it.
- 22 Q. Was there something in the nature of an argument between
23 them.
- 24 A. Yes, there was.
- 25 Q. What happened at the conclusion of the argument.
- 26 A. When Amelia and Doreen started arguing, I walked out of
27 the meeting and went out and stood outside by the gate.
28 And then it wasn't long after that that Doreen came out
29 and said that she wanted all of us women to leave and go
30 back to Graham's Castle.
- 31 Q. Did you do that.
- 32 A. Yes, we did.
- 33 Q. Looking at this letter to the editor of Saturday, 18
34 June 1991, entitled 'Forbidden legend', does that appear
35 to be the letter or document that Doreen was referring
36 to.
- 37 A. Yes, it was.

D.A. WILSON XN (MRS SHAW)

1 EXHIBIT 37 Extract from `Advertiser' tendered by
2 Mrs Shaw. Admitted.

3 Q. Was there a subsequent conversation that you heard by
4 Doreen as to whether or not Amelia and Merva were
5 invited to Graham's Castle.

6 A. Yes, there was. One of the ladies had said to Doreen,
7 you know, whether they should have - Amelia and Merva
8 should have been invited to Graham's Castle, and
9 Doreen's reply was no, she wouldn't ask them to come to
10 Graham's Castle because they weren't with us in stopping
11 the bridge.

12 Q. I think you drove over to Port Elliot to pick up one of
13 your friends, Bernice Karpany.

14 A. Yes, I did.

15 Q. What was Bernice's ancestry, as far as you were aware
16 at that time.

17 A. Bernice was brought up at Goolwa, and her grandmother
18 and her grandfather had lived there for 50 years or
19 more, and that's where she was brought up. So that's
20 why we decided to go over and pick her up and bring her
21 over.

22 Q. How old is Bernice.

23 A. Bernice is 62, I think she is.

24 Q. Did you speak to Bernice about whether or not she had
25 ever heard anything -

26 A. Yes, I did.

27 Q. About women's business on Hindmarsh Island.

28 A. Yes, I did.

29 Q. What did she tell you.

30 A. She said that she had never been told anything, and that
31 her mother or her grandmother had never spoken about
32 Hindmarsh Island.

33 Q. Who was present during that conversation.

34 A. Henry Rankine's sister and Iris Sparks.

35 Q. Then after tea, I think you went into a conference room
36 and had a discussion about what would be said to

37 Professor Saunders on the following morning. You have

D.A. WILSON XN (MRS SHAW)

1 already given evidence in the private session about that
2 conference, about that discussion.

3 A. Yes, I have.

4 Q. I do not want you to tell us what the women were told by
5 Doreen, but can you tell us whether or not, first of
6 all, there were women present who were older than
7 Doreen.

8 A. Yes, there was about six, seven women that was older
9 than her.

10 Q. Who were they.

11 A. Daisy Rankine, Maggie Jacobs, Sheila Goldsmith, Grace
12 Sumner and Connie Roberts.

13 Q. Did Daisy Rankine say anything in response to the
14 information that Doreen had imparted to them.

15 A. Yes, she did. She said that she was never told anything
16 and she had never heard anything.

17 Q. Did she say whether or not she would support Doreen.

18 A. Yes. She said, well, if Grandmother Sally or Auntie
19 Rose had told Doreen that, she would support Doreen.

20 Q. What about the Maggie Jacobs.

21 A. Maggie Jacobs said the same thing.

22 Q. Connie Roberts.

23 A. Connie Roberts said that she knew of some women's
24 business, but it wasn't on Hindmarsh Island.

25 Q. Shiela Goldsmith.

26 A. Sheila said that she didn't know anything and was never
27 told anything.

28 Q. Grace Sumner.

29 A. She said the same thing.

30 Q. Did they indicate whether they would support Doreen.

31 A. Yes, they did.

32 Q. Did Veronica Brodie say anything.

33 A. Yes. She said it was never told to her, but if
34 Grandmother Sally and Auntie Rose had told Doreen, well,
35 then she supported Doreen too.

36 Q. Was there a discussion then about whether or not the
37 information that Doreen had just told the women should
38 be re-told to Professor Saunders.

1 A. Yes, there was a discussion about it.

2 Q. What was said.

3 A. Connie Roberts said that if it was secret women's
4 business, well, then Doreen shouldn't tell anybody about
5 it. Doreen said that because she was the only one who
6 knew about the secret women's business that, if need be,
7 if Professor Saunders needed to have that information,
8 well, then she had made up her mind that she would tell
9 Professor Saunders about it.

10 CONTINUED

11

- 1 Q. Can you remember, as best you can, the words that Doreen
2 used to indicate when she said that she made up her mind
3 to tell Professor Saunders this information.
- 4 A. She said 'I'm the only one who knows about the women's
5 business on the island, and if I have to tell Professor
6 Saunders about it, then I will because I'm the only one
7 that knows'.
- 8 Q. How did Connie Roberts react to that.
- 9 A. She said - well, she still continued to argue with
10 Doreen and said to Doreen 'Well, you can't, because if
11 it's secret women's business, well, you can't tell
12 anybody about it'. So, we then decided that we would
13 have a vote on it and the women voted that if Doreen
14 wanted to tell Professor Saunders, that she would.
- 15 Q. Can you say whether or not Connie Roberts participated
16 in that vote.
- 17 A. No, she didn't.
- 18 Q. What about her daughter Rhonda.
- 19 A. No, Rhonda didn't either.
- 20 Q. What was the next step that was proposed. What would
21 happen next; that is, did you intend to meet again
22 before you spoke to Professor Saunders.
- 23 A. Yes. We agreed that we would all meet in the conference
24 room the next morning before Professor Saunders got
25 there.
- 26 Q. What did you do then.
- 27 A. Then, I took Bernice home and then, when I came back,
28 then I went and spoke to Maggie Jacobs and Veronica in
29 the room for a while before I went to bed.
- 30 Q. Coming to the next morning, after breakfast, was there
31 again a discussion amongst the women about whether or
32 not Professor Saunders should be given this information.
- 33 A. Yes, there was. Rhonda brought it up the next morning
34 and said that her mother still wasn't happy about Doreen
35 telling Professor Saunders about the secret women's
36 business.
- 37 Q. And 'Rhonda' is Rhonda Agius and is Connie's daughter.
- 38 A. Yes, she is.

- 1 Q. What did Doreen say in response to that.
- 2 A. Well, she said that she had already made up her mind.
- 3 And then Teresa Lindsay got up and said, you know, 'We
- 4 had a vote about it the night before and what are we
- 5 going to have another vote for?', and started getting
- 6 quite upset about it.
- 7 Q. How did you react to that situation.
- 8 A. I walked out of the room.
- 9 Q. Whilst outside, did anyone else come out.
- 10 A. Yes, Sarah Milera came out.
- 11 Q. Did Sarah tell you what her attitude was to what Doreen
- 12 had said.
- 13 A. Yes, she did. She said that she was, Sarah was upset
- 14 because she said that Doreen was taking all the glory
- 15 for, from the women. I guess she was saying that Doreen
- 16 wanted to step in and take all the glory when Sarah had
- 17 been down there for months and fighting to stop the
- 18 bridge.
- 19 Q. Did she intimate or tell you whether or not she was
- 20 going to speak to Professor Saunders.
- 21 A. Yes, she did. She said she was going to speak to
- 22 Professor Saunders when she came later on.
- 23 Q. Did she say what she would tell Professor Saunders.
- 24 A. Yes. She said she would tell Professor Saunders that
- 25 she had been down there for months and looking for sites
- 26 and meetings and stuff like that.
- 27 Q. What did you say to Sarah when she complained about
- 28 Doreen taking all the glory for trying to stop the
- 29 bridge.
- 30 A. Well, I said to Sarah 'Well', I said 'She shouldn't come
- 31 down here looking to take all your glory'. I knew she
- 32 had been down looking for middens and looking for burial
- 33 sites.
- 34 Q. Did you subsequently see Professor Saunders arrive with
- 35 her assistant.
- 36 A. No, I walked back into the conference room.
- 37 Q. She was there.
- 38 A. No, she came in a couple of minutes after.

D.A. WILSON XN (MRS SHAW)

- 1 Q. When she arrived, did she have someone with her.
- 2 A. Yes, she did.
- 3 Q. Do you remember the name of the person who was with her.
- 4 A. No, I can't.
- 5 Q. Does the name Anne Mullin sound familiar.
- 6 A. Yes, it does.
- 7 Q. After Professor Saunders and her assistant arrived, who
- 8 commenced talking, as you remember it.
- 9 A. Sarah started talking and she opened up her briefcase
- 10 and took some letters out of her briefcase and was
- 11 waving them around while talking. And I don't know what
- 12 she was talking about, I didn't understand what she was
- 13 talking about, but Doreen chipped in then and she
- 14 started talking.
- 15 Q. Did Doreen tell Professor Saunders what her role was.
- 16 A. Well, she told Professor Saunders that she was the only
- 17 one who knew about the women's business on the island
- 18 and that she was the only one that was told about it.
- 19 Professor Saunders said to her about 'Well, was there
- 20 anyone else there when you were told about the women's
- 21 business?', and she said 'No'. Professor Saunders also
- 22 asked her if it was written down and Doreen said 'No,
- 23 that it was only passed down by word of mouth'. And
- 24 Professor Saunders kept saying to her that she needed a
- 25 tad more evidence than that to take back to Mr Tickner.
- 26 And Doreen said, well, it was only passed down orally to
- 27 her and that there was no-one else there when she was
- 28 told, and it hadn't been written down.
- 29 Q. When Doreen first began speaking to Professor Saunders,
- 30 did she say what her particular position was in relation
- 31 to the rest of the women.
- 32 A. Well, she said that she was elected to be the
- 33 spokesperson for the women.
- 34 Q. Did she initially tell Professor Saunders whether or not
- 35 she was able to write it down.
- 36 A. No, she said she wasn't allowed to write it down and it
- 37 had to be passed down by word of mouth.
- 38 Q. How did that discussion between Doreen and Professor

1 Saunders go.

2 A. Well, when I walked out the room, Professor Saunders was
3 still saying to her that she needed to have more
4 evidence.

5 Q. When you went outside, who was there.

6 A. George Trevorrow was outside, his wife Shirley, and Doug
7 Milera were there.

8 Q. This is when Professor Saunders was in the conference
9 room at Graham's Castle.

10 A. Yes, it was.

11 Q. There was George Trevorrow and Doug Milera outside.

12 A. Yes.

13 Q. Any female outside - you said Shirley.

14 A. Shirley.

15 Q. What did you do outside.

16 A. I told George and Doug and Shirley about the
17 conversation that was going on between Doreen and
18 Professor Saunders. That Professor Saunders kept saying
19 that she needed to have more evidence and Doreen was
20 saying, well, there is no evidence, that it was passed
21 down by word of mouth and it was not written down and
22 nobody was there as she was told it. And I said how
23 Professor Saunders kept insisting that she have more
24 evidence about it.

25 Q. Were you joined by anyone else.

26 A. Sarah came out again.

27 Q. What did Sarah say; what was her general attitude to the
28 whole business.

29 A. Sarah wasn't very happy again. She said that when she
30 was talking, that Doreen had chipped in and started
31 talking to Professor Saunders, so she wasn't very happy
32 with Doreen again.

33 Q. Did you eventually go back into the conference room.

34 A. Yes, I did. By the time I went back in, everybody was
35 breaking for lunch.

36 Q. Did you then have lunch.

37 A. Yes, we did.

38 Q. Did the men join you for lunch.

- 1 A. Yes, they did.
- 2 Q. What happened after lunch.
- 3 A. Then, we decided we would go to the island and take
- 4 Professor Saunders over to the island.
- 5 Q. How did you travel over to the island.
- 6 A. I travelled in a car, my work car.
- 7 Q. Who travelled with Professor Saunders.
- 8 A. Sarah travelled with Professor Saunders.
- 9 Q. Were there some stops on this trip over to the island or
- 10 across the island.
- 11 A. Yes, there was. We stopped on this side of Goolwa where
- 12 the punt is and went up to our left where the punt is
- 13 and George and Doug pointed out the middens that were
- 14 there.
- 15 Q. From there, where did you go.
- 16 A. We went across to the island and then we stopped a
- 17 couple of more times, and on the road we got out of the
- 18 cars and walked and Doug pointed to some places over to
- 19 the paddock where there was some burial sites.
- 20 Q. Did you eventually arrive at the beach below the Mouth
- 21 House, or the shack.
- 22 A. Yes, we did.
- 23 Q. What happened on that beach.
- 24 A. Well, had some photos taken on the beach with all of us
- 25 women, Professor Saunders, and then we had, we all
- 26 joined hands and sang a song and said a prayer.
- 27 Q. What kind of song was it that you sang, do you remember.
- 28 A. It was one of the hymns what we used to sing at church
- 29 down in Point McLeay.
- 30 Q. Can you say now or do you recall now how it came about
- 31 that you sang a hymn from your church at Point McLeay
- 32 and said a prayer.
- 33 A. No. I just recall someone saying, you know, 'Let's all
- 34 join hands and sing a song and say a prayer about it'.
- 35 Q. After the gathering on the beach, did you return to
- 36 Graham's Castle.
- 37 A. Yes, we did.
- 38 Q. Did you go back inside.

1 A. No, I stayed in the car.

2 Q. Where did you go from there.

3 A. Then, we drove home to Murray Bridge.

4 Q. I will now deal with the events after Professor
5 Saunders' meeting until the present time. Did you speak
6 to Alan Campbell after this meeting in July 1994.

7 A. Yes, I did.

8 Q. Alan Campbell is your cousin.

9 A. Yes.

10 Q. How did it come about that you spoke to him.

11 A. Well, Alan came to my house in July and he was saying
12 that he had spoken to his mother and his mother had told
13 him that she hadn't heard of any women's business on the
14 island. And he also said that he had spoken to Nanna
15 Laura - I should say the daughter of Pinkie Mack, and
16 she had told him that she hadn't heard of any of the
17 women's business on the island either.

18 Q. Did you speak to him about what had occurred with
19 Professor Saunders at the June meeting.

20 A. Yes, I did, and I said to Alan that I thought it was a
21 load of rubbish.

22 Q. Stella Campbell, how old was she.

23 A. She was 74.

24 Q. Did you subsequently speak to your Uncle John McHughes.

25 A. Yes, I did.

26 Q. About what was that.

27 A. I think he came up about a month after Alan was there.
28 It was around about August, I reckon, he came up to
29 Murray Bridge.

30 Q. How did Uncle John McHughes make contact with you.

31 A. He rang me up at home.

32 Q. What did he tell you when he rang you up.

33 A. He said that he had been speaking to Alan and Alan had
34 told him that I thought it was a load of rubbish. He
35 said that he wanted to come up and talk to me about it,
36 and he was also going to bring his sister up, Auntie
37 Betty and her daughter up with him and that Auntie
38 Betty's daughter was doing a genealogy of our family,

1 and so she wanted to talk about that as well.

2 Q. You said that you had told Alan you thought it was a
3 load of rubbish. When did you form the view that it was
4 a load of rubbish.

5 A. Like, I mean the first meeting at the Bunkhouse, I had
6 with Doreen. I had gone back to Murray Bridge and spoke
7 to the daughter of Pinkie Mack about it and she said she
8 hadn't heard of any women's business on the island and
9 she had never been told anything. I, therefore, spoke
10 to my aunt after that.

11 Q. Which aunt.

12 A. Stella Campbell, and she told me the same thing. So -
13 and I had also spoken to some of - my sister Beryl and
14 Mary Wilson and her sister Heather and Jean and Wendy
15 and some of the other women and she said they had not
16 heard nothing either about the women's business or about
17 Hindmarsh Island.

18 Q. I think you gave some evidence about that in private
19 session.

20 A. Yes.

21 Q. You are repeating the names of the various people you
22 spoke to.

23 A. Yes.

24 Q. Who all said they heard nothing of Hindmarsh Island and
25 women's business; is that so.

26 A. Yes.

27 Q. Your Uncle John came to your house with your Auntie
28 Betty.

29 A. Yes.

30 Q. What occurred during that discussion.

31 A. Well, I told him what had happened and how I'd spoken to
32 some other ladies and they didn't know anything and I
33 said to him, too, that I thought it was a load of
34 rubbish. And he said to me about the - somebody had
35 said about these spiritual waters being disturbed and
36 that women wouldn't have any babies if the waters were
37 disturbed. And he told me that in 1978, they had worked
38 on putting new pylons where the punt is and he said

D.A. WILSON XN (MRS SHAW)

1 that they had been blasting to put the new pylons there
2 in 1978. So, if the waters were spiritual or if the
3 waters would stop women from having babies, then the
4 waters were all disturbed in 1978 when they were putting
5 in the new pylons. And I said `Well, that hasn't
6 affected our women having babies, because at the moment
7 we are having a baby-boom in Murray Bridge'.

8 Q. Then, in October, 1994, did you have a meeting with
9 Doreen Kartinyeri at the Murray Bridge Nunga Centre.

10 A. Yes, I did. Doreen came to the Nunga Centre one day
11 with Steve Hemming and Maggie Jacobs and they were on
12 the way down to Point McLeay, and she called into the
13 Nunga Centre. So, I said to her when she got there then
14 that - I said `Doreen, Pinkie Mack's daughter, has never
15 heard of the women's business at Hindmarsh Island' and
16 she said `Of course, she has', and I said `She hasn't'.
17 And she said `She probably only said that because when
18 Alan asked her, she couldn't say it in front of him
19 because he was a man', and I said `No, she told me when
20 I first, when you first told me about it and I came back
21 and asked her, she told me that she had never heard of
22 the women's business on the island'. And she said
23 `Well, she's telling lies', and I said `She is not
24 telling lies, that is what she said. She doesn't know
25 of any women's business on the island and that she was
26 never told'.

27 Q. You have said how you had this close relationship with
28 the daughter of Pinkie Mack some seven or eight years
29 during what were her personal concerns.

30 A. Yes.

31 Q. During that period of time, had you ever known of Doreen
32 to visit the daughter of Pinkie Mack.

33 A. No.

34 Q. In 1994, to your knowledge, did Doreen visit Pinkie
35 Mack, the daughter of Pinkie Mack.

36 A. No, she never.

37 Q. When this conversation occurred, was Steve Hemming or
38 Maggie Jacobs present.

1 A. They didn't come into the Nunga Centre, but when Doreen
2 walked out of the Nunga Centre, I walked out behind her
3 and as Doreen was going walking towards the car, I was
4 still talking to her and telling her that Pinkie Mack's
5 daughter was saying that she hadn't heard of any of the
6 women's business.

7 Q. As you were walking to the car, did Doreen say what the
8 daughter of Pinkie Mack had told her and Mavis about
9 babies.

10 A. Yes.

11 Q. What did she say.

12 A. She said that Pinkie Mack's daughter had told her and
13 her daughter Mavis about how to deliver babies and about
14 plants and stuff, and I said to her `Yes, Pinkie Mack's
15 daughter has told us the same thing, but she didn't know
16 anything about the women's business on Hindmarsh
17 Island'.

18 CONTINUED

1 Q. What did Doreen say to that.

2 A. She said 'Well, she's a liar', and she walked off and
3 jumped in the car. And I went back inside and I was
4 really upset and I told the other girls inside about
5 what had happened. And then later on that afternoon the
6 daughter of Pinkie Mack came to the Nunga Centre. She
7 used to come there once a fortnight to have an access
8 visit with her great granddaughter and, when she came to
9 the Nunga Centre, I told her about what had happened
10 between Doreen and myself. And she then again said to
11 me 'Well, I've never heard of any women's business on
12 the island. I've never heard of women's business on
13 Hindmarsh Island.'

14 Q. After this argument with Doreen, did you talk to other
15 Ngarrindjeri women about whether or not they had heard
16 of any women's business on Hindmarsh Island.

17 A. Yes, I spoke to - I again spoke to Mary and Heather and
18 Jean and Wendy and Gladys and asked them again if they
19 had heard of any of that women's business.

20 Q. What about Linda Sumner, did you speak to her.

21 A. Yes, I spoke to Linda Sumner. She said that her
22 grandmother had lived at Port Elliot for 50 years or
23 more and she had never told them anything like that.

24 Q. You have said about the work you did as a family support
25 worker and how you assisted Nanna Laura. You then
26 obtained a position as the programme director at the
27 Nunga's Club, which you held for two and a half years.

28 A. Yes.

29 Q. During that time, were you still being contacted by the
30 daughter of Pinkie Mack's daughter, or granddaughter, to
31 assist her with her personal financial matters and other
32 matters.

33 A. Yes, I was.

34 Q. Did you have another contact from Doreen Kartinyeri in
35 about November.

36 A. Yes, I did.

37 Q. Do you remember the date of that.

38 A. It was 10 November, because it was an AGM for us for the

1 Lower Murray Nunga's Club.

2 Q. Before that telephone call from Doreen, had you been
3 contacted by a member of Parliament Ian McLachlan.

4 A. Yes, I was.

5 Q. Can you tell us about that telephone call.

6 A. Yes, he said that Alan Campbell had rung him and spoken
7 to him about - told him that I thought that the women's
8 business was a load of rubbish. He said that he just
9 wanted to talk to me and ask me himself and for me to
10 tell him, you know, that I thought it was a lot of
11 rubbish. I said, because - and when he rang me I said,
12 because I was the programme director of the Nunga's
13 Club, that I didn't want to get involved with what Alan
14 was saying because of the position that I held. But I
15 said to him 'In my personal opinion, I think that that
16 is - it is just a load of rubbish.' And then apparently
17 he mentioned it in Parliament a couple of nights after
18 or something.

19 Q. Was that with your permission.

20 A. No, I didn't give him permission to do that.

21 Q. Then, on 10 November, I think you said that Doreen rang
22 you.

23 A. Yes, she did. She rang me at the Nunga Centre about -
24 just after 9 o'clock, after I got to work, and said that
25 there was a piece in The Advertiser. That I had put a
26 piece in The Advertiser. And I said to Doreen that I
27 had not put a piece in the Advertiser. I didn't know
28 what she was talking about. So, she read a piece of the
29 - what was written in the paper to me. I said 'Well, I
30 didn't say those things and I didn't give permission for
31 the Advertiser to print it.'

32 Q. Did she say anything about the stopping of the bridge.

33 A. Yes, she then went on to say to me that - she said 'I
34 thought that you were still with us in stopping the
35 bridge.' I said 'In my personal opinion, Doreen, I
36 don't give a damn about the bridge, that - and that's my
37 personal opinion.'

38 Q. How did she react to that.

1 A. She said 'Well, that's fine', you know, 'you're entitled
2 to have your opinion.'

3 Q. Did she ask you whether or not you had spoken to any
4 journalist.

5 A. She asked me about the piece in the paper. That was the
6 only time she asked me and I said to her 'Well, I didn't
7 know the piece was put in the paper.'

8 Q. Have you spoken to Wendy Chapman.

9 A. Yes, I have.

10 Q. First of all, was contact made with you, in August 1994,
11 by Alan Campbell.

12 A. Yes, Alan rang me up one day and he said that he was in
13 the office with Wendy Chapman and that - Wendy said
14 'hello' to me over the phone and Alan had been talking
15 to Wendy and told Wendy it was a load of nonsense and
16 Wendy just asked me that and I said yes, in my own
17 personal opinion, I thought it was a lot of nonsense and
18 I said, because I was a programme director of the Nunga
19 Centre, that I couldn't make any more comments about it.

20 Q. In early 1995, did Mrs Chapman ring you.

21 A. Yes, she did.

22 Q. What did she say to you.

23 A. She spoke to me about - and that was after - I think it
24 was after the decision that the - was handed down, that
25 it was upheld in court or something, the bridge was able
26 to go ahead. And she had just rung me up and said to me
27 about, you know, Alan had been telling her about what I
28 had been saying that I thought it was a lot of nonsense
29 anyhow. So, I just relayed all that information to
30 Wendy and I told Wendy about it. And I also said to
31 Wendy about, because we were being told that Wendy was
32 carting away truck loads of bones from her marina
33 development and I asked her about that and she told me
34 that that wasn't so. I also asked Wendy about a taxi
35 driver with a boot load of boong bones and Wendy said
36 that she had never heard about that. I also asked
37 Wendy about the bridge, that we were being told - that
38 the men were telling us that, once they had the bridge

- 1 from Goolwa to Hindmarsh Island, that they were going to
2 put in another bridge from the Murray Mouth across to
3 the South East road. And I asked Wendy about that too
4 and she said that she had never heard of it. And then
5 she said to me `Well', you know, `where would the
6 Government get all the money from to build a bridge from
7 the Mouth across to the South East road?' And I said
8 `Yes, when you say it like that, it just seems silly.'
- 9 Q. Did you relate to her what had occurred at the Bunkhouse
10 and the shack.
- 11 A. No, I didn't go into great details about it, but I told
12 her roughly what had happened, yes.
- 13 Q. Have you ever spoken to Wendy Chapman on any other
14 occasions.
- 15 A. No, I haven't.
- 16 Q. Have you ever faxed her anything.
- 17 A. No.
- 18 Q. Or faxed her lawyers anything.
- 19 A. No.
- 20 Q. What is your attitude to the bridge.
- 21 A. I have always claimed that, you know, I didn't care
22 whether the bridge was built or not. And that has
23 always been my stand.
- 24 Q. Can I then take you to the meeting to elect the
25 committee of the new - of the Lower Murray Aboriginal
26 Heritage Committee, on 14 March 1995. Did you
27 subsequently receive some minutes - not so much minutes,
28 a list of the persons who attended that meeting.
- 29 A. Yes, I did.
- 30 Q. Is that a list of the persons who attended that meeting
31 and a copy of the minutes that you received after the
32 meeting, now before you.
- 33 A. Yes, that was.
- 34 EXHIBIT 38 Minutes of meeting and list tendered by
35 Ms Shaw. Admitted.
- 36 Q. Where was this meeting held.
- 37 A. It was held at Camp Coorong at Meningie.
- 38 Q. Was Sandra Saunders present.

- 1 A. Yes, she was.
- 2 Q. Patrick Byrt.
- 3 A. Yes.
- 4 Q. Did you know Patrick Byrt before that meeting.
- 5 A. Yes, I did.
- 6 Q. Was Steve Hemming present.
- 7 A. He was before the meeting started.
- 8 Q. Can I perhaps before I move into the details of this
- 9 meeting, you said that Doreen rang you on 10 November
- 10 about something that appeared in the Advertiser. Can I
- 11 show you a report in The Advertiser of 10 November 1994,
- 12 where your name is mentioned in relation to what Mr
- 13 McLachlan told Parliament, now before you. Had you
- 14 actually seen that report in the Advertiser, at the time
- 15 Doreen rang you.
- 16 A. No, I never. And I haven't seen it at all. This is the
- 17 first time I have seen it.
- 18 EXHIBIT 39 Advertiser report, dated 10 November
- 19 1994, by Colin James, tendered by Ms
- 20 Shaw. Admitted.
- 21 Q. Then going forward to the meeting at Camp Coorong,
- 22 approximately how many people were there.
- 23 A. I would think there was about 100, 120.
- 24 Q. Did these people come from various parts of South
- 25 Australia.
- 26 A. Yes, we had some from up the Riverland and some from
- 27 Adelaide, some from the South East and, yes, all over.
- 28 Q. Who did you travel to Camp Coorong with.
- 29 A. I went down with Liz Tongeri and Beryl Kartinyeri and my
- 30 sister.
- 31 Q. Once you arrived at Camp Coorong and the meeting
- 32 commenced was a committee elected.
- 33 A. Yes, there was.
- 34 Q. You have been in the Commission when Mrs Gollan has
- 35 given some evidence about this meeting.
- 36 A. Yes.
- 37 Q. It is the same meeting to elect the committee that Mrs
- 38 Gollan gave evidence about.

- 1 A. Yes.
- 2 Q. After the elections had concluded and the men had left
3 the room what did Doreen Kartinyeri do.
- 4 A. Doreen said, because I stayed in - I went into the room,
5 with the - where the women were and Doreen said if there
6 was anybody in the room who was having meetings with
7 Wendy Chapman would she leave the room. And then she
8 also said 'And if you are faxing any of our minutes off
9 to men, well then you should leave the room too.' And
10 then she also said that 'And if I was going - if anybody
11 was going to speak to men about what the women were
12 discussing at their meetings, well they'd better leave
13 the room.'
- 14 Q. Did you leave.
- 15 A. No, I never.
- 16 Q. How did it come about that the men left the room.
- 17 A. Because Doreen said that she wanted to talk to the women
18 about the - about Hindmarsh Island and about the
19 envelopes.
- 20 Q. After Doreen had said those things asking anybody to
21 leave who had had that contact with the Chapmans or who
22 might be faxing off things to men, what did you do.
- 23 A. I went and got a cup of coffee and stood over by the
24 counter and they started discussing something of their -
25 some of their business. I stayed for about 20 minutes.
- 26 Q. Did you eventually leave.
- 27 A. Yes.
- 28 Q. Did you speak to Liz Tongeri as you were leaving.
- 29 A. Yes, I told her that I wasn't interested in the meeting
30 and I was going to wait outside for her and she said
31 'Hang on a minute. I will come with you. I am not
32 interested either.'
- 33 Q. What about your sister, Beryl.
- 34 A. Beryl had already left the room, because she wasn't
35 interested in what Doreen was saying.
- 36 Q. For how long were you at the meeting in all.
- 37 A. About 20 minutes.
- 38 Q. You have since seen a letter signed by Nanna Laura, on

D.A. WILSON XN (MS SHAW)

1 17 March 1995. I now want to ask you about what you
2 knew of that letter before and after it was signed.

3 Perhaps, for the purposes of you giving this evidence,
4 if you could look at the letter signed by the daughter
5 of Pinkie Mack on 17 March 1995, now before you. Did
6 you see that letter after it was signed.

7 A. Yes, I did.

8 Q. How long after.

9 A. I think it was about a couple of days after it was
10 signed I saw it.

11 Q. Do you recognise that as the daughter of Pinkie Mack's
12 signature.

13 A. Yes, I do.

14 EXHIBIT 40 Letter, dated 17 March 1995, tendered by
15 Ms Shaw. Admitted.

16 Q. Were you present when the letter was signed.

17 A. No, I wasn't.

18 Q. Were you spoken to by John Campbell before the letter
19 was signed.

20 A. Yes.

21 Q. And John Campbell is the brother of Alan Campbell, your
22 cousins.

23 A. Yes, he is.

24 Q. What did John say to you.

25 A. He said that Alan asked him to go and see Nanna Laura to
26 see whether - just to talk to her and find out whether
27 she would sign a letter stating that she didn't know
28 anything about the women's business.

29 Q. What did you say to that.

30 A. I said 'Well, if she says no you just leave it at that
31 and don't bother her about it any more.'

32 Q. When did you first hear about the letter in fact having
33 been signed.

34 A. Peter Lewis rang me up.

35 Q. He was the local member of Parliament.

36 A. Yes.

37 Q. What did he say to you.

38 A. He said that Nanna Laura had signed - Pinkie Mack's

- 1 daughter had signed this letter and that on the bottom
2 the letter it said that if people wanted to know
3 anything my name and phone number was on the bottom of
4 the letter.
- 5 Q. What did you tell him about your knowledge of your name
6 being there.
- 7 A. I said, well, I didn't know that my name was on the
8 bottom of the letter and that I would contact John and
9 find out why my name was on the bottom of the letter.
- 10 Q. Did you do that.
- 11 A. Yes, I did. Straight away.
- 12 Q. And what did John Campbell tell you.
- 13 A. John said that my name was put on the bottom of the
14 letter in any case in any of the media people or anybody
15 else wanted to get in touch with the daughter of Pinkie
16 Mack that they would have to come through me and that I
17 would tell them that she is a sick old lady and she
18 doesn't know anything and she doesn't want to be
19 bothered. And, when John explained that to me, I said
20 that was fine, that my name could stay on the bottom of
21 the letter.
- 22 Q. How was the daughter of Pinkie Mack's health, at that
23 time.
- 24 A. She was just starting to go downhill.
- 25 Q. How old was she.
- 26 A. She was 80.
- 27 Q. Did you, in fact, receive some calls from the media.
- 28 A. Yes, I did. About half a dozen phone calls I received
29 from them.
- 30 Q. What did you tell the callers.
- 31 A. I told them that she was a sick old lady and that she
32 didn't know anything and that they weren't to come and
33 bother her.
- 34 Q. Were you subsequently contacted by Rosemary Rigney.
- 35 A. Yes, I was.
- 36 Q. The granddaughter of the daughter of Pinkie Mack.
- 37 A. Yes.
- 38 Q. How long after 17 March, approximately.

D.A. WILSON XN (MRS SHAW)

1 A. It probably would have been a couple of days after that
2 she rang me, and she was very upset and said that she
3 was told by do Doreen that I had written this letter and
4 that I had got Nanna Laura to sign it. Which I said,
5 `Well, I didn't write the letter, and I didn't go and
6 get Nanna Laura to sign it and I have never spoken to
7 Nanna Laura about signing the letter'. She said that
8 Aboriginal Legal Rights were involved now that she had
9 been down to see the daughter of Pinkie Mack and that
10 they were going to look into it because she had been
11 tricked into signing the letter.

12 Q. Did you go round to see the daughter of Pinkie Mack
13 after the call.

14 A. Yes. She said that the daughter of Pinkie Mack was
15 really upset, so I said to her that I would get dressed
16 and go straight on down to see her, which I did. I got
17 dressed and went down there. The daughter of Pinkie
18 Mack was lying in her room and I spoke to her daughter
19 outside and asked if she was home and she said `Yes,
20 just go into the bedroom'. So, I knocked on the door
21 and went into the room and the daughter of Pinkie Mack
22 was laying on the bed and she said to me `Dorrie, I
23 thought - I signed that letter because I thought it said
24 that I didn't know anything about that women's business,
25 and I don't want to be bothered'. And I said, `Well,
26 that was in the letter'. And she said, `Yeah, but I
27 didn't sign the letter because of the other stuff that
28 was in the letter'.

29 Q. Did she say in particular, or did you understand what
30 she was referring to in `the other stuff'. Perhaps if
31 you look at the Exhibit 40 -

32 A. Well, I hadn't seen that letter up until then, so I
33 didn't know.

34 Q. What the other stuff was.

35 A. What the other stuff was.

36 Q. Just to clarify the time at which this occurs, when you
37 received that call that morning, were you led to believe
38 that ALRM had been that morning.

- 1 A. Yes. Rosemary told me that they had been there that
2 morning.
- 3 Q. When you arrived, you mentioned the daughter. What was
4 the daughter's name, the daughter of the daughter of
5 Pinkie Mack.
- 6 A. Nita.
- 7 Q. Was anyone else present when you spoke to the daughter
8 of Pinkie Mack.
- 9 A. No, not when I first walked in, walked into her bedroom.
10 Then the daughter of Pinkie Mack said to me that Daisy
11 was there, and that Daisy wanted to talk to me, and then
12 Daisy came into the room.
- 13 Q. Just before we move to that, perhaps tell us what was
14 said before Daisy came in. I think you have referred to
15 some of the matters. You said that the daughter of
16 Pinkie Mack said she didn't know about `the other
17 stuff', or you made some reference to `the other stuff'.
- 18 A. She said that she didn't know the other stuff was in the
19 letter.
- 20 Q. Did you know what she was talking about, or did she
21 indicate what `the other stuff' was she was referring
22 to.
- 23 A. No, I knew what she was referring to.
- 24 Q. And what was that.
- 25 A. That the part about giving Allan permission to talk on
26 her behalf, to quote the women about the women's
27 business on Hindmarsh Island.
- 28 Q. Was there anything else said before Daisy came in.
- 29 A. No. That's all she said, that she thought she signed
30 the letter because it said she didn't know anything and
31 that she didn't want anyone to bother her.
- 32 Q. What happened after - that's Daisy Rankine.
- 33 A. Yes.
- 34 Q. What happened after Daisy came.
- 35 A. When Daisy came into the room, Daisy said that, Pinkie
36 Mack's daughter had thought she signed the letter
37 because she wanted to stop the bridge from being built;
38 which surprised me because the daughter of Pinkie Mack

D.A. WILSON XN (MRS SHAW)

- 1 never mentioned about the bridge one way or the other.
2 She never ever mentioned about the bridge and I said to
3 her, `Well, that's fine, if she doesn't want the bridge
4 to be built, then she should tell people that she
5 doesn't want the bridge to be built'. That's when the
6 daughter of Pinkie Mack said to me, `White people have
7 taken enough of our land away. I think that we should
8 keep Hindmarsh Island', and I said to her, `Well, if
9 that's your opinion, then you tell people that, because
10 you are entitled to have an opinion; if that's what you
11 want to say, then you can say it to anybody'.
- 12 Q. Did you speak to the daughter of Pinkie Mack in front of
13 Daisy Rankine.
- 14 A. Yes, I did.
- 15 Q. About what she told you a long time ago.
- 16 A. Yes.
- 17 Q. What did you say.
- 18 A. I said to Daisy, I said, `I spoke to the daughter of
19 Pinkie Mack back in May last year, and she told me that
20 she didn't know of any of the women's business on the
21 island', and I said to the daughter of Pinkie Mack,
22 `Didn't you - you told me that you didn't know anything
23 about the, about the women's business on the island',
24 and she said, `That's right, I don't know anything about
25 the women's business on the island'. Then, Daisy went
26 on to say about, yes, but she wants the bridge - don't
27 want the bridge to be built. And I said, `That's fine,
28 you know, but I'm telling you now, she has told me three
29 or four times now that she doesn't know anything about
30 the women's business on Hindmarsh Island'. And then
31 Daisy pulled out a photocopy of a corroboree that she
32 had there, and she was saying `This was taken on
33 Hindmarsh Island'. And it didn't say it was taken on
34 Hindmarsh Island, or anywhere else, it just had a photo
35 of a corroboree. I just said to Daisy, `Well, that was
36 fine, you know, if that was taken on Hindmarsh Island'.
37 I wasn't going to get into an argument about it. But I
38 then again said to the daughter of Pinkie Mack that,

D.A. WILSON XN (MRS SHAW)

1 `You told me over and over that there was no - you've
2 never heard of the women's business on the Hindmarsh
3 Island, have you?', and she again said no, she hadn't.

4 Q. Did you raise, actually say to Daisy about what had
5 occurred when you had returned from that first meeting
6 with Doreen on 9 May 1994.

7 A. Yes, I did.

8 Q. What did you say to Daisy about that.

9 A. I told her that I came back and spoke to the daughter of
10 Pinkie Mack and she had told me then that she had never
11 heard of the women's business on the island.

12 Q. What did the daughter of Pinkie Mack say when you said
13 that to Daisy in her presence.

14 A. She said `I don't know anything about it.'

15 Q. What did you then say to Daisy.

16 A. I said `See, this is what she has said all along, that
17 she doesn't know anything about the women's business on
18 Hindmarsh Island'.

19 Q. Can I then take you to the events leading up to the
20 reconciliations meeting which was held -

21 HIS HONOUR: Are you going on to a new topic?

22 MRS SHAW: I am.

23 HIS HONOUR: I note we are on 3.30. We could limit
24 it to a ten minute break.

25 MRS SHAW: I think that will be helpful.

26 ADJOURNED 3.30 P.M.

27 RESUMING 3.43 P.M.

28 MS PYKE: Can I raise a matter that several
29 members of the public have just raised with me outside.
30 That is, when we go into camera like this, some sort of
31 estimate of time, because people have been waiting,
32 thinking that they were -

33 COMSR: Would you like to make that estimate?

34 MS PYKE: No. I suppose I am just flagging, if,
35 for example, something like this where it is known it is
36 going to be all afternoon.

37 COMSR: I think it would take the rest of the
38 afternoon.

- 1 MRS SHAW: It certainly will.
- 2 COMSR: I think it could be intimated to the
3 members of public that it will take the rest of the
4 afternoon to get through the witness's evidence and that
5 I would not see that the members of the public would be
6 back in the hearing room this afternoon under those
7 circumstances. If they could be told that.
- 8 XN
- 9 Q. Mrs Wilson, I now want to turn to the reconciliations
10 meeting at Graham's Castle, Goolwa, on the Wednesday of
11 23 April 1995 and deal with two topics: One, how you
12 learnt about the meeting; and, two, your meeting with
13 Ian McLachlan before your attendance at the
14 reconciliations meeting. First of all, prior to 23
15 April, where and how did you first hear about the
16 reconciliations meeting.
- 17 A. Liz Tongeri told me that Val had told her that the women
18 were having a meeting at Graham's Castle that weekend.
- 19 Q. Did she say whether or not there had been any criticism
20 of you.
- 21 A. Yes. She said that the women were gunning for me and
22 they were going to discuss me at the meeting, and they
23 were all going down on the Friday, and they were staying
24 Friday, Saturday and Sunday.
- 25 Q. About how long before that weekend was it you spoke to
26 Liz Tongeri. Was it that same week or earlier.
- 27 A. Yes, it was about the middle of the week that I spoke to
28 her.
- 29 Q. Did you also speak to Ian McLachlan during that week.
- 30 A. Yes, I did.
- 31 Q. Tell us about that.
- 32 A. Ian rang me up and said she was coming through Millicent
33 and he said he was going to Adelaide. He asked if he
34 could have a cup of coffee with me and just talk to me
35 about how I felt about - or the stuff about the women's
36 business and about the bridge. And I said - and he
37 wanted to meet me and I said that was fine and I would
38 have a cup of coffee with him and talk to him.

- 1 Q. Did you meet him that week, before 23 April.
2 A. Yes, I did.
3 Q. Can you say when it was approximately.
4 A. I think it was on the Tuesday before the meeting.
5 Q. Where did you meet him.
6 A. I met him at Peter Lewis' office. He is the local MP
7 for Murray Bridge.
8 Q. Is his office in Murray Bridge.
9 A. Yes.
10 Q. Was it during the day or in the evening when you met
11 him.
12 A. No, it was during the day.
13 Q. Who was present.
14 A. There was only Ian and myself the first time that I met
15 Ian.
16 Q. What did you say or what was discussed during that
17 meeting.
18 A. I talked to Ian about the events that had gone on for
19 the last twelve months about doing - about the women's
20 business and about the bridge.
21 Q. Did you tell him about the forthcoming reconciliations
22 meeting.
23 A. Yes. At the end of the meeting, I said to him that I
24 was going down to face the women, I heard that they were
25 all gunning for me, so I had decided that I would go
26 down on the Sunday and go to the meeting and see why the
27 women were gunning for me.
28 Q. Did you intimate whether or not you would get back to
29 him after that meeting.
30 A. Yes. He just laughed and said, well, you know, would I
31 mind letting him know how the meeting turned out. I
32 said, no, that was fine I'd let him know. He said that
33 the following week that he would be going back down the
34 South East, so he might pop in and have a cup of coffee
35 with me again just to find out how it went.
36 Q. Did you go to the meeting on the Sunday.
37 A. Yes, I did.
38 Q. Whom did you travel with.

D.A. WILSON XN (MRS SHAW)

- 1 A. I travelled down with - Liz Tongeri and myself went
2 down.
- 3 Q. What day was that, the Sunday.
- 4 A. That was on a Sunday.
- 5 Q. What time did you arrive.
- 6 A. I guess we arrived about half past ten, between half
7 past ten and 11.
- 8 Q. Had Liz Tongeri told you why the women were gunning for
9 you, what it was about.
- 10 A. She did mention about the letter.
- 11 Q. That's the letter signed by the daughter of Pinkie Mack.
- 12 A. Yes.
- 13 Q. When you arrived at - was it Graham's Castle again.
- 14 A. Yes, it was.
- 15 Q. When you arrived there, were there men outside the
16 meeting.
- 17 A. Yes, there were.
- 18 Q. Who was there.
- 19 A. Doug Milera was outside and there was some other bus
20 drivers that were there.
- 21 Q. Were there any white women at this meeting.
- 22 A. Yes, there was.
- 23 Q. Can you say approximately how many.
- 24 A. About half a dozen, I think that I saw.
- 25 Q. About how many people in all were at the meeting.
- 26 A. I guess there would have been about 80 women that were
27 present in that conference room.
- 28 Q. When you entered the meeting, had it already commenced.
- 29 A. Yes, it had. There was a lady talking about
30 reconciliations when we walked in.
- 31 Q. What did you and Liz Tongeri do.
- 32 A. We walked in and sat down on the floor. We had been
33 sitting down for a couple of minutes when Doreen came
34 over to me and asked me - she said `I want you to
35 leave'. I said `Why? '. She said `Well, because you're
36 not welcomed here'. I said `Well, come outside',
37 because I wanted to talk to her outside. I said `Well,
38 come outside'. She said `No, I want you to leave'. And

D.A. WILSON XN (MRS SHAW)

- 1 Val Power and Connie Roberts, who were sitting behind
2 me, said to me 'No, don't leave, we are talking about
3 reconciliations here, so just sit down'. So I sat back
4 down on the floor, and then Doreen said 'Well, if you're
5 not going, I will', and she went off out the door.
6 There was about a dozen women that followed her. We
7 were sitting down listening to -
- 8 Q. Was Sandra Saunders in that group.
9 A. Yes, she was.
- 10 Q. What did she do.
11 A. She went outside with Doreen.
- 12 Q. Then you were saying, what did you do.
13 A. We were sitting there listening to the woman talk about
14 reconciliations. We sat there for about another five
15 minutes, and Sandra Saunders came back in the room.
- 16 Q. Just before Sandra Saunders came back in, did Val Power
17 speak to you.
18 A. Yes.
- 19 Q. What did she tell you.
20 A. She said that Doreen had had her say about you
21 yesterday, meaning on the Saturday; that Doreen had
22 spoken about me to the women, and she just said, 'Doreen
23 has spoken about you yesterday to the women, so, you
24 know, just sit down'.
- 25 Q. Then, what happened.
26 A. Then, Sandra Saunders came back into the room, and she
27 said that she asked me to go outside with her. And I
28 got up to go out with her and then Liz said, Liz Tongeri
29 said, 'No, don't go out with her. If you are going to
30 take Dorrie out so that those other women can attack
31 her, she is not going out by herself'. Sandra Saunders
32 replied that she just wanted me to go in the other room
33 with her and just the two of us would have a talk, so I
34 said that was fine. I got up and walked out with Sandra
35 Saunders. We went -
- 36 Q. Where did you go.
37 A. We went into the other room. There was another little
38 room off the conference room that we went into. Sandra

1 then told me that the women wanted me to leave the
2 meeting, and I said `Why?'. She said `They're upset
3 about the letter and other stuff that you've done', and
4 I said `Well, you can just go and tell those women that
5 I'm not leaving this meeting until I get up and have my
6 say'. I said `Doreen had her say yesterday about me,
7 now I'm going to have my say today, and I'm not leaving
8 until I do.'

9 Q. Did you say anything about being persecuted.

10 A. Yes, I said -

11 Q. What did you say.

12 A. To Sandra, I said `All you women were persecuting me
13 yesterday for no reason at all, you know, so I won't
14 leave the meeting until I have my say today'. So,
15 she, therefore, said, `I will go and tell the women'.
16 So, she went and told the women outside and I walked
17 back into the conference room.

18 Q. Did you see Shirley Peasley there.

19 A. Yes. Sandra had spoken to Shirley Peasley and Shirley
20 Peasley was asking the white women to leave the meeting.
21 She said that there was some discussion that the
22 Aboriginal women had to have and she wanted the white
23 women to leave, so the white women left.

24 Q. Have you learnt since that Sue Lawrie was one of those
25 white people.

26 A. Yes.

27 Q. Did you know her at that time.

28 A. No.

29 CONTINUED

- 1 Q. Once Shirley Peasley had told the white women to leave,
2 what happened after that.
- 3 A. Shirley Peasley then got up and said that `Dorie's come
4 down here. Doreen had her say about Dorie yesterday, so
5 Dorie's here to give her side of the story today and I
6 think that we should listen to her'.
- 7 Q. At what stage had Doreen come back into the room with
8 the other women.
- 9 A. Well, she came back in the room just after Shirley
10 Peasley said that and she came back in with a letter
11 from, about Pinkie Mack's daughter.
- 12 Q. Exhibit 40, you referred to already this afternoon.
- 13 A. Yes.
- 14 Q. Dated 17 March.
- 15 A. Yes.
- 16 Q. What did Doreen do with the letter, Exhibit 40, when she
17 came back in with the other women.
- 18 A. She then read the letter out to the women. And after
19 she had read the letter out to the women, I said to the
20 women that I wanted to explain to them why my name was
21 on the bottom of the letter.
- 22 Q. After she read it out, did she suggest to the women who
23 had written it.
- 24 A. Yes. She said that I had written the letter.
- 25 Q. How did you respond to that.
- 26 A. I said I did not write the letter and the letter was
27 typed and I don't type, so I couldn't have typed the
28 letter either. And I just wanted to explain to the
29 women why my name was on the bottom of the letter, which
30 I did. I explained to them and -
- 31 Q. What did you say.
- 32 A. I said that I didn't know that my name was going to be
33 put on the bottom of the letter, but after it was
34 explained to me why my name was on the bottom of the
35 letter, I said that was fine, that my name could stay on
36 the bottom of the letter because with any of the media
37 people or any of the journalists, I could tell them that
38 they could not talk to Pinkie Mack's daughter because

D.A. WILSON XN (MRS SHAW)

1 she was in ill health and she didn't know anything and
2 didn't want to be bothered.

3 Q. How did Doreen react to that.

4 A. She called me a liar. I said `Well, that's your opinion
5 and you're entitled to it, but I'm telling the women the
6 truth about that letter'.

7 Q. What did she have to say to you then.

8 A. Then, she went on to say about that I had been faxing
9 minutes off to Chirp, Alan Campbell - we call him Chirp.
10 That I had been faxing things off to Chirp, which I said
11 I have not, I have never faxed Alan Campbell anything.
12 Then, she went on to say she told the women that I was
13 having secret meetings with Wendy Chapman. I said I
14 never met the woman, I don't even know her and I never
15 met her. I've spoken on the phone and that's all I have
16 done. Then, she went on to say that how come Chirp
17 knew - that Chirp had mentioned some of the things that
18 apparently was supposed to have been said at one of the
19 meetings and that Chirp mentioned that to her, or one of
20 the other women. And she said `How come he knows
21 that?', so I said `Well, I don't know. I most certainly
22 did not tell him' - and I wasn't at all the meetings
23 anyway, so I wouldn't know myself.

24 Q. Did Doreen say whether or not she believed you.

25 A. She called me a liar again and said I was lying and that
26 she didn't believe me. And I said to her again `That is
27 fine, that is your opinion, you are entitled to it, and
28 I can call you a liar too and that is my opinion'.

29 Q. Did Doreen say anything about stopping the bridge. She
30 then said to the women `Dorie is not with us in stopping
31 the bridge', and she said to the women `Everybody who's
32 with us in stopping the bridge, all stand up'. And so
33 all the women in the room stood up, except me, and she
34 said `There', and she was pointing to me and saying
35 `There, see, I told you she wasn't with us in stopping
36 the bridge'. And she said `Well, you should leave the
37 meeting, you are not with us in stopping the bridge'.
38 And that is when I went on to say to her about, about I

D.A. WILSON XN (MRS SHAW)

1 said `I don't care about your poxy bridge, I'm here to
2 talk about the women's business. You know, when you are
3 talking about the women's business, you are talking
4 about our culture, and that is what I'm here for and I
5 want to know what is in the secret envelopes'.

6 Q. Did you say anything to her about what you wanted to
7 tell the women about women's business or about how it
8 started.

9 A. Yes.

10 Q. What did you say.

11 A. I said to her `Well, Doreen, you remember when you first
12 came to Hindmarsh Island and there was only us 12 women
13 over at the Bunkhouse', I said `And how it all started
14 and what you told us?', and she was nodding and saying
15 `Yes', and agreeing with me with everything that I was
16 saying. When I went on to say about, well, how we had
17 drafted the letter to Tickner and what is in it and how
18 we had gone after the shack.

19 Q. Can you, as best you can, tell us what you said in the
20 presence of the other women to Doreen about what had
21 happened at the first meeting, just using your words.

22 COMSR: This is not going to cause any problems?

23 MRS SHAW: No.

24 A. I don't understand what you are saying?

25 Q. You have given the effect or the totality of what you
26 said. Can you perhaps, in direct speech, tell us,
27 without mentioning the details of what Doreen said, say
28 what you said to the women about what had occurred at
29 the first meeting.

30 A. I said to Doreen that she had only told us one thing
31 about why the island was sacred to us, and that if she
32 had put more into the secret envelopes, then I wanted to
33 know what else she put into the secret envelopes because
34 she had only told us the one thing why the island was
35 sacred to us.

36 Q. Going back, when you related the account of what
37 occurred, back at the first meeting, can you tell us
38 what you told the women, how much detail you gave to the

D.A. WILSON XN (MRS SHAW)

- 1 women about that account, but not mentioning the
2 specifics of what was said at the Bunkhouse about what
3 Doreen told you was secret women's business.
- 4 COMSR: That might be a very difficult question
5 for this witness to answer.
- 6 XN
- 7 Q. You have said that you said to the women what Doreen had
8 said on 9 May. Can you tell us the topics that you went
9 through with Doreen about what occurred on 9 May in the
10 presence of the other women. I think you started off by
11 saying that you told us this and you told you us that.
12 Can you perhaps tell us the topics that you went through
13 with Doreen.
- 14 COMSR: If this is part of the statement that
15 you're referring to?
- 16 MRS SHAW: It is.
- 17 COMSR: The safest course might be to lead the
18 witness.
- 19 XN
- 20 Q. Did you, in the presence of the other women, refer to
21 what was said by Doreen at the Bunkhouse without going
22 into details about women's business.
- 23 A. Yes, I did.
- 24 Q. Did you refer to the signing of the letter by the women.
- 25 A. Yes.
- 26 Q. At the Bunkhouse.
- 27 A. Yes.
- 28 Q. Did you refer to going over to the Mouth House.
- 29 A. Yes.
- 30 Q. Did you refer to Tim Wooley.
- 31 A. Yes.
- 32 Q. Did you say that the letter had been shown to Mr Wooley
33 and he said that he didn't think it was enough, that you
34 needed more information.
- 35 A. Yes.
- 36 Q. At that stage, what was Doreen's response to all of
37 these matters that you had raised.
- 38 A. She was nodding and agreeing with me.

D.A. WILSON XN (MRS SHAW)

1 Q. Then, you told us, I think, that you said to her that if
2 she put anything else in those secret envelopes, you
3 wanted to know because she had only told you one thing.

4 A. Yes.

5 Q. Then, perhaps if you want to continue on with what you
6 said, having related all of those details.

7 A. Then, I said to her that I wanted to know what was in
8 the secret envelopes, and she said, well, she couldn't
9 tell us what was in the secret envelopes because they
10 were going back into court and she said when the court
11 day was over and finished with, then she would show us
12 women what was in the secret envelopes. But I still
13 went on to say 'How come all the white women know about
14 what is in the secret envelopes?', and I said to the
15 women that were sitting there, I said 'How many of you
16 Ngarrindjeri women in the room know what is in the
17 secret envelopes?', and all of the women, different
18 women, were saying 'Well, I don't', 'No, I don't'. And
19 Doreen ended up saying 'Nobody in the room knows what is
20 in the secret envelopes except me'. And I said 'Well,
21 as an Ngarrindjeri woman and because it's part of our
22 culture', I said 'We should know what is in the secret
23 envelopes'. And that is when she went on and said about
24 'Well, we wouldn't be able to know until after the court
25 case is finished', and she was going to show us.

26 Q. Did she say to you anything about the topic of there
27 being an agreement for her to give the information to
28 Professor Saunders.

29 A. Yes, she did. She said to me 'Well, you was in the
30 room and you agreed with the other women that I would
31 tell Professor Saunders about secret women's business',
32 and I said to her 'Yes, I was, and I did agree for you
33 to tell Professor Saunders the secret women's business,
34 but I thought that you would give that information to
35 Professor Saunders and then you could come back and tell
36 us women what you told her'. And this is when she said
37 'Well, you have to wait until after the court case is
38 finished and then I will show them to you'.

1 Q. Did you, at that time, remind her of why it was that she
2 was the spokesperson.

3 A. Yes.

4 Q. What did you say.

5 A. I said to her, but I said `Well, out of all the women
6 that was in the room, out of the 38 women that was in
7 the room at Graham's Castle the first time', I said `You
8 was the only one who knew anything about the women's
9 business'.

10 Q. Did you mention the older women who were in the room.

11 A. I said `You know, there was older women there that was
12 older than you. Daisy was there and Daisy was sitting
13 in the room and Maggie Jacobs was there', I said `And
14 Sheila Goldsmith and Grace Sumner, they were older than
15 you and none of them knew what was about the secret
16 women's business'.

17 Q. Whilst you were relating these matters to Doreen as to
18 what had occurred with Professor Saunders, was there
19 anything said by Maggie Jackbs, Connie Roberts, Daisy
20 Rankine or Grace Sumner.

21 A. No, they didn't say anything.

22 Q. Did you hear behind you women saying things when you
23 were talking about Ngarrindjeri women.

24 A. Yes. Well, I heard some of the women say about - when I
25 said to Doreen about `I want to know what is in the
26 secret envelopes', and they said `Yes, well, so do I'.
27 And some said `Yes, well we should know if it is at all
28 about our culture'. And then I also went on to say to
29 Doreen about how come the other women in the Murray
30 Bridge, the other Ngarrindjeri women in Murray Bridge
31 weren't informed about the meeting this weekend and why
32 weren't they invited to spend the weekend? And I said
33 about the women in Millicent wanting to know why they
34 are not informed about this meeting. And Vi Deuschle
35 got up and said `We sent the notifications to the South
36 East Nunga's Club at Mount Gambier'. And I said `You
37 might have sent them there, but the information did not
38 get back to Millicent, and I spoke to Auntie Dulcie and

D.A. WILSON XN (MRS SHAW)

1 she wants to know why she wasn't informed about the
2 women's business and why you haven't sent any minutes or
3 anything down to those women too, because they are
4 interested in them, in it, because you are talking about
5 our culture'.

6 Q. Auntie Dulcie is Dulcie Wilson.

7 A. Yes.

8 Q. Why did you bring up her name in particular.

9 A. I had spoken to her before I went to the meeting and
10 told her that I was going to the meeting and that they
11 were having a meeting there, and she said `Well, you
12 know, just ask them why we weren't informed about it'.

13 Q. When you said to Doreen, that is querying with her why
14 the women in Millicent didn't know and that you were
15 talking about your culture, did Sandra Saunders say
16 anything.

17 A. Yes. Sandra Saunders got up to speak then and said that
18 `Well, it wasn't - we are not talking about our
19 culture', then she said `We are talking about the
20 stopping of the bridge'. And she said `And that's why
21 all the other women weren't notified because it's not
22 for all Ngarrindjeri women, it's only for the
23 Ngarrindjeri who want to stop the bridge. And it's not
24 about our culture, it's about stopping the bridge'.

25 Q. Did you say something in response to that.

26 A. I said - I then said to her `Well, I know that all along
27 it was never about our culture, was always about
28 stopping the bridge, but I wanted to hear you say it'.

29 Q. What did Sandra Saunders say to that.

30 A. She said `Well, if you are not helping us in stopping
31 the bridge', then she said `I think you should leave
32 this meeting', to which I replied `Well I'm quite happy
33 to leave the meeting because I'm not interested in your
34 bridge anyhow and I'll never come back to another one
35 either'.

36 Q. At that stage, did you see perhaps, during the course of
37 this meeting, was there a map of Hindmarsh Island on the
38 wall.

1 A. Yes, there was.

2 Q. Whereabouts.

3 A. From where I was sitting, I was sitting over here and
4 the map was over there up on the board on that side
5 there where I can see quite clearly.

6 Q. Which room are you in.

7 A. We are in the conference, the big long conference room.

8 Q. Was this the map that you'd previously seen at Graham's
9 Castle when Professor Saunders was there.

10 A. Yes, I'm pretty sure it was the same map.

11 MR MEYER: That makes no sense on the transcript.

12 XN

13 Q. Going back to the room which, if you go in through the
14 entrance door to the conference room, where were you in
15 relation to the door and where was the map.

16 A. The door was there and the map was over here along on
17 the wall here.

18 COMSR: That is not going to make a great deal
19 of sense.

20 XN

21 Q. Was it to your left or right.

22 A. When I came in through the door, it was to my right.

23 Q. To your right.

24 A. Yes.

25 Q. Did it appear to be, can you say whether it appeared to
26 be the same map you had seen on the wall at the shack on
27 9 May which was pointed out to the women by Doug Milera.

28 A. Yes, I'm pretty sure it was.

29 Q. When you were at the meeting, at the reconciliation
30 meeting on 23 April, where was the map in the room on
31 that occasion; this is on 23 April 1995.

32 A. It was to my right up on the board.

33 Q. As you walked in.

34 A. As I walked in.

35 Q. What did you see Doreen do with the map after you had
36 had this exchange with Sandra Saunders.

37 A. She took the map down off the board and put it face down
38 on to the floor.

D.A. WILSON XN (MRS SHAW)

- 1 Q. After you had said, words to the effect, that you didn't
2 care about the bridge and weren't interested in coming
3 to any more of their meetings, did Doreen then come into
4 the picture in a verbal sense.
- 5 A. Doreen started crying and she was sitting on the floor,
6 laying on the floor crying when Sandra Saunders was
7 talking.
- 8 Q. Was there reference to you being a liar again by Doreen.
- 9 A. No. She was crying on the floor.
- 10 Q. What happened then.
- 11 A. Well, then the meeting ended.
- 12 Q. Before the meeting ended, did Veronica Brodie say
13 anything.
- 14 A. Yes, she did.
- 15 Q. What did she do.
- 16 A. When Veronica got up and said to me that she was
17 disappointed, indeed, that I didn't support them in
18 stopping the bridge, and then she went on to say to me
19 about sister Leila's ashes being sprinkled in the
20 Coorong and that they are going to build another bridge
21 from the south to the southeast road and that it's going
22 to disturb the waters where sister Leila's ashes were
23 sprinkled, and it was at that point when Veronica
24 suffers with asthma and she was really upset and
25 couldn't breathe, and I said to her `Well, you are
26 entitled to your opinion'.
- 27 Q. Veronica Brodie is the daughter of Rebecca Wilson and
28 sister Leila is his eldest sister who is also deceased.
- 29 A. Yes.
- 30 Q. Did Hazel Wilson approach you.
- 31 A. Yes. When the meeting had finished, Hazel Wilson
32 approached me. She said that she said all along that
33 she had known me for 35 years or more and - or more, and
34 said that she knew that I wouldn't lie and that I was
35 telling the truth. And then Connie Roberts called me
36 over to where her and Rhonda were sitting and she said
37 to me then that, she said `Come here, my girl', and when
38 I went over there, she said `I know you are telling the

D.A. WILSON XN (MRS SHAW)

- 1 truth'. She said 'It's that thing lying on the floor
2 there crying around on the floor there that's telling
3 lies', and she was talking about Doreen, and she said to
4 me 'The old people's spirits were in these women' and
5 that 'Those women were going to be very sick'.
- 6 Q. Did she say 'those women', or was she referring to
7 Doreen when she said that.
- 8 A. Well, because Doreen - there was some other women that
9 came and they were on the floor, too, crying with Doreen
10 and there was some other women there that were standing
11 up crying and she just said that 'Those women had the
12 old people's spirits in them now and were going to be
13 very sick'.
- 14 Q. Then, what did you do.
- 15 A. Then, we walked outside.
- 16 Q. Whom did you walk out with.
- 17 A. Hazel Wilson. Liz was talking to some women outside
18 that she knew and then Vi Deuschle came up and asked us
19 if we wanted to stay for lunch, and Liz said 'No thanks,
20 I'll buy some lunch down the street', and that's when we
21 left.
- 22 Q. You have talked about Doreen being quite upset. What
23 happened to you.
- 24 A. I was very calm. I wasn't upset at all.
- 25 Q. On your way home, that was with Liz Tongeri.
- 26 Q. Did you stop on the way and -
- 27 A. Yes, we had, we stopped at Strath and went down by the
28 creek there and we sat down and had some lunch there and
29 talked about what happened at the reconciliation
30 meeting.
- 31 Q. Did Liz, did you say something to Liz about what
32 occurred.
- 33 A. I said to Liz about 'Did you see Doreen take that map
34 down off the wall and put it face down on the floor?',
35 and we started laughing and Liz said 'Yes'. I said 'I
36 forgot to tell them about that map'.
- 37 Q. Going back to a couple of topics that you haven't
38 covered to date. During the various statements made by

D.A. WILSON XN (MRS SHAW)

1 Doreen and your responses to them, at some stage, did
2 Doreen stand to leave.

3 A. Yes, she did. She said - when after the letter from
4 Pinkie Mack's daughter, she - and she accused me of
5 having secret meetings and the faxing of things over to
6 this, her man, and started crying and said that she was
7 going to leave, and people said to her `Don't leave
8 Doreen, you should stay', and Shirley Peasley said `You
9 should stay Doreen, we heard your side of the story
10 yesterday and now it's time to hear her story today',
11 and she ended up coming back into the room.

12 Q. Did you then question why white people knew the contents
13 of the envelopes.

14 A. Yes.

15 CONTINUED

1 Q. What did you say.

2 A. I said I wanted her to tell me why white women knew
3 about what was in the secret envelopes and none of us
4 Ngarrindjeri knew about it. Her reply was that she had
5 to tell the white women, because the white women
6 wouldn't accept it as word of mouth and that she had to
7 have it written down. And so, therefore, she had to
8 write it down for them.

9 Q. Did you respond to that.

10 A. I said 'If the white women know, then we should know,
11 too.' And that is when she said again that we couldn't
12 know until after the court case was finished.

13 Q. During the course of the various things you said to
14 Doreen, did you say, in the presence of the other women,
15 that there was part of - potentially part of what was in
16 the secret envelopes that you would dispute.

17 A. No, at that stage, I didn't know that she had put that
18 into the secret envelopes. I just said to her that she
19 had only told us one thing and, if she had put more into
20 the secret envelopes, then I wanted to know what it was,
21 because I would be able to dispute it, because she had
22 only said one thing.

23 Q. Did you say to her, on more than one occasion, that you
24 didn't care about the bridge.

25 A. Yes, I did.

26 Q. After that reconciliation meeting, did you speak to Sue
27 Lawrie.

28 A. Yes, I did.

29 Q. How did that come about.

30 A. Sue Lawrie rang me on the Sunday night and said that she
31 was Sue Lawrie and she was the daughter of Mack Lawrie.
32 And, when she said that her father was Mack Lawrie, I
33 knew who she was talking about, because I could remember
34 being told about Mack Lawrie and his father from Point
35 McLeay.

36 Q. Did she tell you why she was at the reconciliation
37 meeting.

38 A. Yes, she said that she was invited down there by Maggie

1 Jacobs.

2 Q. Did you arrange to meet her.

3 A. Yes, she said that she wanted to - she was worried about
4 how I was feeling about - because of the - you know,
5 having that confrontation with the women down there and,
6 in particular, Doreen. And she said that would I mind
7 if she came up on the Monday and we had a cup of coffee
8 and talked about it.

9 Q. Did you ring Dulcie Wilson that night, that same
10 evening.

11 A. Yes, I did.

12 Q. Did you make arrangements to meet Sue Lawrie and Mr
13 McLachlan at a later time.

14 A. Yes, I did. I arranged to meet Sue Lawrie first and
15 then, on the Monday morning, Ian had rang up and said
16 that he was going back to Millicent and, you know,
17 whether he could pop in and have a cup of coffee and
18 hear about what happened on the Sunday. And I said - I
19 told him that I was going down to Peter Lewis's office
20 to have a cup of coffee with Sue and so he asked if I
21 would mind if he sat in and I said `No.'

22 Q. Did you meet with Sue Lawrie and Ian McLachlan at Peter
23 Lewis's office.

24 A. Yes, I did.

25 Q. Did you tell them what occurred down at the
26 reconciliation meeting.

27 A. Yes, I did.

28 Q. This was the first time you had met Sue Lawrie, I think.

29 A. Yes, it was.

30 Q. But you had met Ian McLachlan for the first time before
31 you went down to the reconciliation meeting.

32 A. Yes.

33 Q. Was there discussion about others who didn't believe in
34 the validity of the secret women's business.

35 A. Yes, Ian had told me before that he had spoken to Dulcie
36 and that she said that she didn't believe in it and
37 after what - when I was talking to Sue and Ian I said
38 that I had rung Dulcie up and told her about the

1 meeting.

2 Q. Then did Sue Lawrie assist in arranging a meeting to be
3 held in Adelaide on 1 May.

4 A. Yes, she did.

5 Q. That meeting took place at the home of a friend of Sue
6 Lawrie's.

7 A. Yes, to my knowledge it was.

8 Q. At that meeting were Dulcie Wilson, Bertha Gollan,
9 Audrey Dix, Sue Lawrie, her mother and the mother of the
10 lady who owned the house.

11 A. Yes.

12 Q. Did you then relate to those at the meeting what had
13 occurred at the 9th of May meeting, that is, 9 May of
14 1994, at the Bunkhouse and at the shack.

15 A. Yes.

16 Q. Did Dulcie tell you about others who didn't believe in
17 the secret women's business.

18 A. Yes, she did.

19 Q. Did you seek their advice as to what you should do.

20 A. Yes, I did. I said that I had had all this information
21 for 12 months now and it was - I didn't know what to do
22 with it and I needed for some of my Elders to tell me
23 what to do with it, because I thought it was a load of
24 rubbish.

25 Q. What was the advice that you received.

26 A. And then they said to me, well, they thought that I
27 should just come out and tell the truth about it.
28 That's all.

29 Q. Your signature appears on Exhibit 26, now before you.
30 That is the letter that was prepared at that meeting of
31 1 May.

32 A. Yes.

33 Q. Your signature appears at the foot.

34 A. Yes.

35 Q. Can I then turn to what has occurred since you have
36 spoken out publicly in relation to your relations with
37 other Ngarrindjeri people. First of all, was there a
38 meeting that you became aware of at the Nunga's Club in

- 1 Murray Bridge in early June 1995.
- 2 A. Yes.
- 3 Q. What was your - what were you told about that meeting.
- 4 A. That myself and a couple of the other women who had come
5 down to a conference at Adelaide for the Family Care
6 Committee that we were members of and the family support
7 worker was supposed to have come with us, but she told
8 the two members that she couldn't come with us, because
9 the women from the north were involved now and that she
10 wasn't to ride in the same car as me or she wasn't to
11 look at me or she wasn't to speak to me or otherwise she
12 would be banished from the tribe.
- 13 Q. Who told you that.
- 14 A. I was told that by our family care worker and one of the
15 family care members, Mary Smith and Jean Rankine.
- 16 Q. When there was reference to the women from up north,
17 what was it suggested that they might do.
- 18 A. That they would sing me and bone me for speaking out.
- 19 Q. Was there a meeting of women at Camp Coorong.
- 20 A. Yes, there was.
- 21 Q. At about this time.
- 22 A. We went down on Monday night and that's when Eileen said
23 that she couldn't come with us.
- 24 Q. That is Eileen McHughes.
- 25 A. Yes, we went to the conference in town on the Tuesday
26 and we were also at the conference on the Wednesday, but
27 Eileen McHughes didn't come to the conference on the
28 Wednesday. She went to the meeting at Camp Coorong on
29 the Wednesday with all the other women. And that is
30 when the decision was made at that meeting that they
31 would banish us from the tribe and that we would no
32 longer belong to the tribe. And that -
- 33 Q. Do you know the date of that meeting.
- 34 A. No, I don't.
- 35 Q. Did you see women at that meeting speak publicly on TV.
- 36 A. Yes, I did.
- 37 Q. What did you hear them say.
- 38 A. Doreen said that we were no longer part of the tribe and

- 1 that for us to - how did she put it? For us to - I
2 can't remember her exact words, but it said that they no
3 longer owned us and that we would be banished from the
4 tribe, because we had spoken out against them.
- 5 Q. Did you hear the word 'traitors' used.
6 A. Yes.
- 7 Q. Did something happen in relation to a framed photograph
8 of you, which was hanging on the wall at the Nunga
9 Centre in Murray Bridge.
- 10 A. Yes, it was on the Thursday when - after the meeting at
11 Camp Coorong that Eileen McHughes - the Murray Bridge
12 Council had given us photos in a frame of Aboriginal
13 achievers of Murray Bridge that we had done that Murray
14 Bridge Council gave us some money to do. My photo was
15 in it and Eileen had cut my photo out of the frame and
16 my photo went missing for about four days. And then on
17 the Monday one of the workers, Mary Smith, told me that
18 somebody had stuck my photo back into the frame. But I
19 have since been told it has been taken out again, so -
- 20 Q. The weekend before Doug Milera went public were you
21 given information that something might happen to you.
- 22 A. Yes, I was. One of my friends came to my house and told
23 me that one of the old ladies had told her that I was
24 being - someone was arranging for me to go
25 milined.
- 26 Q. What did you understand that to mean.
27 A. To be killed.
- 28 Q. Was there a motion passed, a resolution passed by the
29 Nunga's Club executive.
- 30 A. Yes, there was.
- 31 Q. What did you learn about that.
32 A. It was brought into - we had a family care meeting at
33 Murray Bridge. That was a weekend after the women at
34 Camp Coorong and that episode with Eileen and a letter
35 was brought into our family care meeting which said that
36 it was a memo that was given to the Family Care
37 Committee stating that, if people did - they supported
38 the women with their spiritual beliefs on Hindmarsh

D.A. WILSON XN (MS SHAW)

1 Island and that, if anybody else didn't support them,
2 that we could have no access to their phones or the
3 buses or the fax machine.

4 COMSR: Ms Shaw, how much further are you going?

5 MS SHAW: I have completed this part.

6 COMSR: What is the relevance of this to the
7 Terms of Reference?

8 MS SHAW: As I said previously during Bertha
9 Gollan's evidence, it has two significant aspects. The
10 first is the pressure that Mrs Wilson has been placed
11 under and the deterrence.

12 COMSR: I appreciate it goes to the pressure,
13 yes.

14 MS SHAW: And, secondly, it goes to the
15 credibility of those who claim there is women's
16 business, but it is a matter, no doubt, we will address
17 you on in due course.

18 COMSR: Yes, I really think it has gone as far
19 as it can go.

20 MS SHAW: I have completed the topic. I simply
21 seek to tender the resolution that Mrs Wilson received
22 which confirms in a the documentary sense what she has
23 said.

24 XN

25 Q. Perhaps just looking at the resolution, now before you,
26 is that the document that you received.

27 A. Yes.

28 EXHIBIT 45 Resolution tendered by Ms Shaw.
29 Admitted.

30 MS SHAW: That is a resolution of the Nunga's Club
31 of Murray Bridge, undated, but delivered in June of
32 1995.

33 In relation to the two remaining areas of evidence,
34 namely, my client's contact with Doug Milera and Sarah
35 Milera and what each has said to her, as I understand
36 it, there is a tape recording of one of the
37 conversations at which my client was present which I
38 would seek to play, but the facility is not here this

D.A. WILSON XN (MS SHAW)

1 evening. It has only just been made available and my
2 client hasn't had the opportunity to listen to it before
3 she gives evidence about it.

4 COMSR: This is a tape recording of something
5 that occurred subsequent to the letter being sent to the
6 Minister?

7 MS SHAW: It occurred this year, yes, at a time
8 when Sarah Milera had initially stated that the women's
9 business, as portrayed by Doreen Kartinyeri, was not
10 accurate. Then there was a claim that she was
11 misquoted. And, subsequent to that, there was a taped
12 interview with her where she reaffirmed in the presence
13 of my client and another one of the women for whom we
14 act that, in fact, her original statement was true. So,
15 this is evidence of various conversations that my client
16 has had with Doug Milera and with Sarah Milera about
17 what occurred at the Mouth House and about what they
18 have said as to the truthfulness of the events in 1994.

19 COMSR: Clearly, we are not going to get to that
20 evidence this afternoon.

21 MS SHAW: No.

22 COMSR: But I also want to consider just how far
23 events subsequent to the letter may be relevant to the
24 issues before me. In any event, we will deal with that
25 matter when we resume tomorrow.

26 How much longer do you anticipate the witness's
27 evidence will take?

28 MS SHAW: I wouldn't have thought that it would
29 take more than half an hour to complete these various
30 topics.

31 COMSR: Because I take it that you will be
32 asking for her to give the remainder of her evidence
33 under similar conditions?

34 MS SHAW: Yes.

35 COMSR: We will be resuming here tomorrow.

36 MR SMITH: Yes, that is so.

37 ADJOURNED 4.35 P.M. TO TUESDAY, 15 AUGUST 1995 AT 10 A.M.

1 COMSR STEVENS

2

3 HINDMARSH ISLAND BRIDGE ROYAL COMMISSION

4

5 TUESDAY, 15 AUGUST 1995

6

7 RESUMING 10.15 A.M.

8

9 COMSR: I have received a letter as follows:

10 `The Premier has asked me to advise that on Tuesday, 15
11 August 1995, being the 50th anniversary of Victory in the
12 Pacific Day, South Australia will be observing two
13 minutes of silence at 11.30 a.m. to coincide with the
14 eastern states' observation at midday. Within the city
15 of Adelaide, air raid sirens will be used to announce
16 the beginning and end of the two minutes of silence.
17 That two minutes of silence will be a fitting tribute to
18 the 40,000 names of Australians recorded on the
19 Australian War Memorial Roll of Honour who died during
20 the War.' I would propose that we observe that two
21 minutes of silence. Presumably, we will be able to hear
22 the sirens when they sound.

23 There is another matter, which is out of an
24 abundance of caution, and may even involve some
25 repetition on my part, that I wish to attend to. I want
26 to make some further orders concerning the evidence that
27 was given in the private session so that there is no
28 misunderstanding.

29 I order: one, that distribution of the complete
30 witness statement of Dorothy Wilson is restricted to the
31 commissioner, female counsel assisting the commission,
32 and female legal representatives. The statement is
33 released to those persons for the duration of the
34 hearing and all copies are to be handed to the
35 commissioner at the conclusion of the hearing; two, no
36 portion of the transcript of evidence of the private
37 hearing, and no copy of the witness statement relating
38 to women's business is to be copied or reproduced in any

1 manner; three, no person permitted to be present during
2 the private session is to reveal to any male person any
3 details of women's business referred to in the statement
4 of the witness; four, pursuant to section 16A(1)(b) of
5 the Royal Commissions Act, I forbid the publication of
6 any portion of the evidence given during the private
7 session, and of any portion of the statement of the
8 witness concerning women's business.

9 Now, what is the situation with the witnesses?

10 MS SIMPSON: Mrs Wilson will finish giving her
11 evidence. Then it is proposed that Mrs Shaw take some
12 other witnesses through their evidence. At this stage
13 it is proposed, at least, to follow Mrs Wilson with Mrs
14 Betty Tatt and Mrs Audrey Dix, who I understand are
15 comfortable only giving their evidence in the same
16 circumstances as Mrs Wilson has given her evidence.

17 COMSR: I will hear that application when it
18 arises. Of course, the procedure that is being followed
19 at the present moment is of leading the witnesses
20 through their evidence in-chief, to enable counsel or
21 legal representatives to have sufficient time to prepare
22 for cross-examination, then recalling the witnesses at a
23 later stage for the purposes of cross-examination.

24 MS SIMPSON: Yes, that is correct.

D.A. WILSON XN (MRS SHAW)

1 WITNESS D.A. WILSON, EXAMINATION BY MRS SHAW CONTINUING

2 Q. Mrs Wilson, you told us yesterday that when you were
3 spoken to by persons in 1994 about your concerns as to
4 what occurred down at the Mouth House and the shack,
5 that you did not want to speak out publicly because of
6 your position at the Nunga's Club.

7 A. Yes.

8 Q. When did you complete that position. When did that
9 position end.

10 A. That I didn't want to speak out?

11 Q. No. When did you finish your work at the Nunga's Club
12 as program director.

13 A. I finished in December 1994.

14 COMSR: Sorry to interrupt. I just want to
15 check that all the persons in court are those who are
16 permitted to be present during the evidence.

17 MS SIMPSON: There are only two other people here
18 today, other than those who have been permitted in the
19 past, and they are Sarah Groves, who is a work
20 experience student with Mr Palyga, and Mr Peter Miller,
21 who is representing Mr Ian MacLachlan.

22 MR KENNY: There is actually one other person at
23 the back of the court who is a client of mine, George
24 Trevorrow.

25 XN

26 Q. In 1995 you did speak publicly about your concerns as to
27 what had occurred. What prompted you in 1995 to speak
28 out publicly with Dulcie Wilson, Bertha Gollan and
29 Audrey Dix.

30 A. Well, I'd heard that there was some older women that
31 hadn't heard anything about the women's business either,
32 and I wanted to talk to some of my elders about it,
33 because I was there for the first meeting and I heard
34 what had gone on, and I wanted to talk to some of my
35 elder women.

36 Q. You then decided to speak publicly.

37 A. Yes, after I'd spoken to them and they had told me that
38 I should speak out and tell the truth.

D.A. WILSON XN (MRS SHAW)

1 Q. I think that when you were spoken to by the media, one
2 of the questions asked of you was whether or not Ian
3 MacLachlan had anything to do with your decision to
4 speak out.

5 A. Yes, and I told them that Ian McLachlan never convinced
6 me to speak out. I told him the same thing as what I'm
7 telling you, that I wanted to talk to some of my elder
8 women, and if they gave me permission to speak out then
9 I would. And if they would have said no, then I
10 wouldn't have.

11 Q. Is it the case that you also indicated to the media for
12 whom you voted.

13 A. Yes. I told the media that I was - I had voted for
14 Labor all my life, my mother and my father had too, and
15 that I'd never voted for Liberals.

16 Q. Was that the truth.

17 A. Yes, it was.

18 Q. We have heard after you had spoken out and, in
19 particular, your contact with Doug Milera, you saw in
20 the 'Advertiser', first of all, a report that Doug
21 Milera was saying on 22 May 1995 that he didn't know
22 what you were talking about in relation to the men's
23 involvement in the women's business at the shack. Then
24 I think you saw an interview between the reporter, Chris
25 Kenny, and Doug Milera on the television on about 5
26 June.

27 A. Yes, I did.

28 Q. Did you then have some contact with Doug after that
29 interview went to air.

30 A. Yes, I did. Doug rang me from Wellington on the Tuesday
31 night after the interview had gone to air, and he had
32 told me that his conscience had bothered him, and that
33 my life was being threatened and he wasn't going to be a
34 party to murder, and that's why he decided to speak out.
35 He also apologised to me for putting the piece in the
36 paper about saying that he didn't know what I was
37 talking about.

38 Q. When you say during that conversation he said 'my life

D.A. WILSON XN (MRS SHAW)

- 1 was being threatened', whose life are you there
2 referring to when you give that account.
- 3 A. My life.
- 4 Q. Can you tell us perhaps the words that he said.
- 5 A. He said that because we had been friends for a long long
6 time, that he couldn't stand by and see - he couldn't
7 stand by and watch any longer about the women
8 ostracizing me in the community and banishing me from
9 the community, and the threats that were being made on
10 my life that he knew about, and about him not wanting to
11 be a party to murder.
- 12 Q. For how long had you been friends.
- 13 A. Doug and I had been friends for about 30 or more years.
- 14 Q. At the time that you spoke to Doug, had you already
15 heard of threats that had been made against you about
16 which you have already given evidence.
- 17 A. Yes.
- 18 Q. Did Doug, during that conversation with you, confirm
19 that threats had been made against your life.
- 20 A. Yes, he did.
- 21 Q. What did you do after that confirmation in relation to
22 those threats.
- 23 A. I went to the Murray Bridge Police Station and I made a
24 statement at the Murray Bridge Police Station about it.
- 25 Q. Did you have further contact with Doug after that time.
- 26 A. Yes, I did. On the Thursday morning, after Doug had
27 gone to - made his statement with Channel 10 on the
28 Tuesday, on the Thursday, Doug had gone to my sister's
29 place around about 8 o'clock in the morning. Beryl had
30 rung me up and told me that Doug was down there, and
31 that Doug was wanting to ring John Campbell up because
32 he wanted to go down to Wellington, because he was still
33 being pressured to go back to the media and change his
34 story. He rang John Campbell up to come and pick him up
35 from Wellington, and John came down and picked Doug up.
- 36 COMSR: The witness, I take it, is saying
37 something that she has heard and not something she
38 knows?

1 XN

2 Q. Could you identify who told you this when you are saying
3 what happened. When did you learn that these things
4 happened, or how did you learn that they happened.

5 A. About?

6 Q. About learning that Doug wanted to go to Wellington and
7 so on.

8 A. Doug told me on the phone when Beryl rang me up. My
9 sister Beryl rang me up that morning, and then Doug got
10 on the telephone and he spoke to me.

11 Q. Perhaps tell us what Doug said to you on the phone.

12 A. He said that he wanted to get out of Murray Bridge
13 because he was being pressured to go back to the media
14 and tell the media that he had lied, and that he wanted
15 to change his story, and to say that he had lied and to
16 say that he was drunk.

17 Q. Did he say who was pressuring him.

18 A. He told me that his wife had followed him down to TAFE
19 college, which is about a quarter of a mile down the
20 road from where he was staying. He said that she had
21 jumped out of bed and she didn't put her shoes on, and
22 she was running down the street behind him, telling him
23 to go back to the media and change his story. He said
24 that he had lost her at TAFE college. He had ran around
25 the back of TAFE college and hid from her, and when she
26 went back up the road, he went up to my sister's place.

27 Q. Did he tell you anything else on the phone, or was an
28 arrangement made.

29 A. He said that he was waiting for John to come and pick
30 him up. Then it was about half an hour after that I got
31 a phone call from John, saying that he had picked Doug
32 up and that he wanted to come - him and Doug wanted to
33 come to my place to talk to me. I said that I was going
34 down to my son's place to babysit my granddaughter,
35 which I do every Thursday, and that they would have to
36 come down there to talk to me.

37 Q. Did they come down.

38 A. Yes, they did.

1 Q. Who was at your son's place when they came.

2 A. I was there by myself when they first got there. We sat
3 out the back on the patio, and Doug was talking to me
4 and telling me about the night before.

5 Q. Just tell us what he said about the night before.

6 A. He said that Victor Wilson had gone to Allan Clark's
7 place - Allan Clark is a young boy that Sarah had
8 brought up as her own, her sister's child - and that
9 they were there that night, and that Victor Wilson had
10 gone there that Wednesday night and he was screaming at
11 - he said to Doug that everybody had gotten together,
12 they had had a meeting. They all got together and they
13 all decided that nobody would speak out, that they would
14 all keep their mouths shut. Then he said to Doug that
15 'We made an agreement that we would all keep our mouths
16 shut, but you' he said 'you go and talk to the media and
17 tell everybody', and he was screaming at Doug. Doug
18 said he was leaning over the table screaming into his
19 face, and he said that the blood vessels on the side of
20 Victor's throat were sticking out and that -

21 COMSR: I am not sure whether the witness is
22 recounting something she heard or something she was
23 told?

24 MRS SHAW: She said 'Doug said'.

25 XN

26 Q. You are recounting what -

27 A. Yes, Doug was telling me this.

28 Q. This is what Doug told you.

29 A. Yes. He said that he thought Victor was going to hit
30 him, and he said also that he wished that Victor had
31 have hit him because he could have then gone to the
32 police. But he said Victor was screaming at him and
33 saying that he wanted him to go back to the media and
34 tell the media that he had lied and that he was drunk
35 and that people had given him drink, and that's why he
36 made that statement with Chris Kenny.

37 Q. Did he say whether or not he was going to go back to the
38 media and tell them the story that Victor Wilson wanted

1 him to tell him.

2 A. No. He said 'I told Victor that I was not going to
3 change my story' he said 'and that's when I thought that
4 he was going to hit me'.

5 Q. Did he make an apology to you for what had occurred to
6 you.

7 A. Yes. He also said that he apologised again for putting
8 that piece in the 'Advertiser', saying that he didn't
9 know what I was talking about, but he said he was also
10 told to do that.

11 Q. Did he speak to you - this is Doug - about how the map
12 came to be at the Mouth House meeting.

13 A. I brought the subject up to Doug. I said to Doug that I
14 had heard that Neale Draper had told them about the map.
15 I asked him if it was Neale Draper, and he said 'Yes, I
16 think it was'.

17 Q. At what time had you heard that it was Dr Draper who had
18 told the men about the map.

19 A. As far as I can recall, I think it was said to me the
20 day of the Mouth House meeting. The day of the Mouth
21 House meeting at the shack someone had told me. It had
22 always been in the back of my mind that Neale Draper had
23 told the men about it.

24 Q. When we talk about the map, you appreciate I am
25 referring to the map that was on the wall at the shack.

26 A. Yes.

27 Q. Which you have said the men pointed to as depicting a
28 part of the female anatomy.

29 A. Yes.

30 Q. Did Doug then speak to you at the same meeting about
31 what had occurred in relation to bringing people in to
32 stop the bridge.

33 CONTINUED

34

- 1 A. Yes. I asked Doug if he will was involved in the
2 stopping the bridge. He told me that they had
3 politicians, unions, friends of the ferry, they were all
4 involved. And he also went on to say to me that he said
5 `Dorrie, it would make your hair stand on end if I was
6 to tell you about all the deals with some of the people
7 that we have made'. And I said to Doug that nothing he
8 could tell me would make my hair stand on end because I
9 knew of some of the deals that had been made.
- 10 Q. Did he say specifically why he had been brought in.
- 11 A. He said that he was brought in specifically to stop the
12 bridge and he was going to stop the bridge at any cost.
- 13 Q. Did you ask him what he would was going to get out of
14 it.
- 15 A. Yes. I said to him `What did you get out of it Doug?',
16 and I said `Did you get money?', and he said `Yes'.
- 17 Q. Did he say anything about the Royal Commission.
- 18 A. Yes.
- 19 Q. What did he say.
- 20 A. He said that when they have a Royal Commission, if they
21 have a Royal Commission, that he was going to come to
22 the Royal Commission and spill his guts about
23 everything.
- 24 Q. Did Jenny Grace arrive whilst Doug was there.
- 25 A. Yes, she did.
- 26 Q. What occurred when Jenny arrived.
- 27 A. Well, when Jenny got there, then I said to Doug `You
28 tell Jenny about last night, what went on last night
29 about Victor', and Doug told Jenny about what happened.
- 30 Q. Had you spoken to Doug on the phone since.
- 31 A. Yes, I have.
- 32 Q. On how many occasions.
- 33 A. Doug rang me a couple of times after that still stating
34 that he wasn't going to change his story and that he was
35 still going to come along and support me at the Royal
36 Commission, and he was going to come along and tell the
37 truth and support me.
- 38 Q. When was the last time, as far as you can remember, that

1 he said that to you.

2 A. It was about June, the middle of June I think was the
3 last time that I spoke to Doug and he said the same
4 thing that he was going to come along and support me.

5 Q. I want to ask you some questions about Sarah Milera.
6 How long have you known Sarah.

7 A. I've known Sarah for over 20 years.

8 Q. During the early part of 1994, did she come to the Nunga
9 Centre.

10 A. Yes, she did.

11 Q. What did she tell you at that time.

12 A. She told me that she was down Hindmarsh Island staying
13 in a shack down there and that she was down there with
14 Doug and them trying to stop the bridge.

15 Q. Did she mention Dr Draper.

16 A. Yes, she did. She said that she was going around with
17 Dr Draper, showing Dr Draper where there was burial
18 sites and middens.

19 Q. Did she say anything at that time that suggested that
20 the work she was doing in Hindmarsh Island with Dr
21 Draper had anything to do with women's business.

22 A. No, she didn't. She just said the burial sites and
23 middens.

24 Q. You saw her again on 9 May 1994 at the Bunkhouse and the
25 shack.

26 A. Yes, I did.

27 Q. On 20 June 1994 at the Professor Saunders' meeting.

28 A. Yes, I did.

29 Q. You have given evidence about that.

30 A. Yes.

31 Q. I think you spoke to her on 6 July at Murray Bridge near
32 the TAB.

33 A. Yes, I did.

34 Q. Did she say anything to you at that time about what her
35 intentions were when you saw her at the TAB in Murray
36 Bridge.

37 A. Yes. Because I had spoken to her the week before, I
38 rang Doug up, because Doug had rang John Campbell and

D.A. WILSON XN (MRS SHAW)

1 asked for me to give him a ring as he needed to talk to
2 me. So, I rang Doug at Sarah's house at Goolwa. Sarah
3 answered the phoned and I asked if I could speak to
4 Doug, and she went and got Doug. While Doug was on the
5 phone and he said 'Hello' to me on the phone, Sarah was
6 screaming and swearing and carrying on in the
7 background. And I said to Doug that, you know, 'Is this
8 a bad time? I'll ring you back some other time because
9 I can hear Sarah screaming in the background'. Doug
10 said 'Yes, well, I think so', because she was just
11 screaming. And I said 'I'll ring you back'. So, I hung
12 the phone up. And because I was concerned for Sarah, I
13 rang Jenny Grace, who also happens to live at Goolwa,
14 and I said that Sarah was really upset in the
15 background, I could hear her and that I thought that she
16 might have a heart attack. And I asked Jenny if she
17 would go around there and see if she was okay. Jenny
18 went around and saw Sarah. And that was the
19 conversation when I saw Sarah the following week at
20 Murray Bridge, when she said 'Hello' to me, I asked her
21 how she was and I said to her about ringing Jenny
22 because I was concerned for her. And she said 'Thanks
23 for doing it, because I was really upset', and then she
24 went on to say to me that, she said for me to watch the
25 paper, that she was going to bring the hierarchy down
26 and was going to put something in the paper and bring
27 them all down.

28 Q. Did she say who the hierarchy were that she was talking
29 about.

30 A. Well, the women.

31 Q. Then, I think you and Jenny called to see Sarah Milera
32 on about 10 July.

33 A. Yes, we did.

34 Q. Is that after there had been a march in the city.

35 A. Yes.

36 Q. When you saw her on 10 July, what was said; tell us what
37 happened.

38 A. When we knocked on the flat, she opened the door and

D.A. WILSON XN (MRS SHAW)

1 seen us standing there, and really was glad to see us
2 and asked us to come inside. We went inside then and
3 was talking about the march and was saying 'Do you know
4 we were called traitors on the TV', and talking to Sarah
5 about it. And Sarah said she had gone to the march, but
6 she didn't have anything to do with the women, and that
7 the Aboriginal women wouldn't talk to her, so she walked
8 with some of her white friends. And she said that the
9 women wouldn't acknowledge her.

10 Q. Did she mention Colin James.

11 A. Yes. Jenny said that Colin had put the piece in the
12 paper with Jenny Grace and Jenny was looking to contact
13 Colin to talk to him about that, what was said in the
14 piece. Then, Sarah said that she knew Colin James's
15 number, so we went to the phone box and she rung
16 somebody up to get Colin James's phone number and she -

17 Q. Did Sarah ring someone up.

18 A. Yes, and she asked that person if they would bring Colin
19 James around and asked them to come around to the flat
20 where she was staying.

21 Q. Did Colin James come around to the flat.

22 A. Yes, he did.

23 Q. Did he conduct a taped conversation between Sarah and
24 yourself.

25 A. Yes, he did. He said to Sarah that he wanted to tape
26 the conversation, because he said 'Sarah, you got me
27 into a lot of trouble when I put that piece in the
28 Advertiser', and he said 'You got me into a lot of
29 trouble because you said that I misquoted you', and he
30 said to Sarah 'Well, where did I misquote you? In what
31 part of the article did I misquote you?'. And she said,
32 she laughed and said 'Oh, well, there was only little
33 things', she said to him, and he said 'Well, from now
34 onwards, when I talk to you, I have to tape you'.

35 Q. Did she then speak to Colin James.

36 A. Yes, she did.

37 MRS SHAW CALLS FOR THE PRODUCTION OF THE AUDIO TAPE.
38 PRODUCED.

D.A. WILSON XN (MRS SHAW)

1 MFI 42 Audio tape of interview between Sarah
2 Milera and Colin James with Jenny Grace
3 and Dorothy Wilson present marked 42 for
4 identification.

5 Q. Before Colin James commenced taping, was there
6 conversation in which Sarah made reference to what had
7 been said, whether it was true or not.

8 A. Yes, she did. She said that she had said all along that
9 they should have stuck to the burial sites and the
10 middens. She said but the women from Adelaide, you
11 know, they wanted to push the secret women's business
12 and she said she didn't agree with that, that they
13 should have just stuck to the burial sites and the
14 middens.

15 MRS SHAW: I don't propose to ask Mrs Wilson the
16 conversation that is obviously taped. That is a
17 pointless exercise. If needs be, that transcript can be
18 made available. I indicate that Mrs Wilson has not seen
19 the transcript of what was said.

20 Q. Did you know Auntie Koomi, Rebecca Wilson.

21 A. Yes, I did.

22 Q. Can you explain to us the circumstances in which you
23 came to know her and what relationship you had with her.

24 A. Koomi was the daughter to Grandma Granville and we
25 called her as Grandma Granville. That wasn't our real
26 grandma, that is what we called her out of respect.
27 Grandma Granville had a lot to do with my mother and my
28 mother's sister when they were growing up and that is
29 why Auntie Koomi was all a part of our lives. She lived
30 across the road from my home and we were always in and
31 out of Grandma Granville's and always at Auntie Koomi's
32 house from as far back as I can remember and we were
33 always in and out of her home. Auntie Koomi was a
34 member of the Salvation Army and we used to go to
35 church. We started off going to Sunday School and
36 started to go to church with her, and later in our
37 teenage years, we walked to church with her and home
38 again. We lived up the top road, as we called it. It

- 1 was a road going up towards the cemetery where there is
2 about seven houses of families had lived up there, and
3 lived up there for a great number of years. And I can
4 always remember Auntie Koomi was a gentle lady. She
5 was a well respected lady and when she used to have
6 different people come to the church at Point McLeay,
7 Auntie Koomi would get up and welcome them and give a
8 little speech.
- 9 Q. Did you know her daughter Leila.
10 A. Yes.
11 Q. Lena.
12 A. Yes, I did.
13 Q. How did you refer to her.
14 A. We always culled her sister Leila.
15 Q. During the period that you have spoken about, did you
16 also have contact with sister Lena.
17 A. Yes, we did.
18 Q. During all the years that you had this close
19 relationship with Rebecca Wilson, did she ever suggest
20 that there existed any secret women's business.
21 A. No, she didn't. She was a very Christian lady.
22 Q. Did she ever suggest that Hindmarsh Island had any
23 significance to a woman.
24 A. No, she never.
25 Q. Did she ever suggest that the reproductive cycle or life
26 cycle in some way was secret and sacred.
27 A. No, she never spoke like that to us.
28 Q. Was there any mention of Hindmarsh Island or the waters
29 around Hindmarsh Island ever that you can remember with
30 Auntie Koomi.
31 A. No, never.
32 Q. In all of your years growing up, was there any mention
33 of Hindmarsh Island as having any significance at all to
34 anybody amongst whom you grew up with: your elders,
35 anybody at all on Point McLeay.
36 A. No, I never heard anything.
37 Q. Did you know when you were growing up that the island,
38 the Aboriginal name for Hindmarsh Island was Kumarangk.

1 A. No, I didn't.

2 Q. When did you first know that.

3 A. When I went to Hindmarsh Island the first day on May 9.

4 Q. 1994.

5 A. Yes.

6 COMSR: Have we covered this ground previously.

7 MRS SHAW: I think I have completed that topic now.

8 Q. I want to ask you about some persons referred to by
9 Doreen Kartinyeri in a letter signed by her on 23 March
10 1995 and published in the Hansard reports of the House
11 of Assembly which she had supplied to the Deputy Leader
12 of the Opposition. Remember I asked you yesterday
13 questions about the daughter of Pinkie Mack, your visit
14 to her in March 1995, following upon that day the visit
15 by ALRM and Doreen Kartinyeri. I want to ask you about
16 the persons mentioned in the letter, so I will read to
17 you this: `Doreen Kartinyeri, Cliff Owen and Gwen Owen
18 met with Nanna Laurie Kartinyeri today at Murray Bridge
19 on 23 March 1995 to discuss the letter that Nanna Laurie
20 signed. Nanna Laurie told us her eyesight is poor these
21 days and she has been unable to read the newspaper for
22 quite some time. Nanna said when Allan Campbell's
23 brother took the letter to her, they did not let her
24 know what the contents of the letter was. Nanna was
25 told to sign the letter because it was to stop the
26 Hindmarsh Island Bridge being built. Nanna Laurie said,
27 when Doreen read the letter to her and asked her the
28 question about the women's business, Nanna said that she
29 did not know anything and it was not our business to
30 talk about these things to white people and "I don't
31 want the bridge built". Nanna also said that, talking
32 about it was breaking our law.' First of all, when in
33 this letter it appears that Doreen Kartinyeri states
34 that Nanna said she did not know anything about the
35 Hindmarsh Island women's business. Does that accord
36 with what the daughter of Pinkie Mack had repeatedly
37 told you.

38 A. Yes, it is.

1 Q. The persons Cliff Owen and Gwen Owen, do you know them.

2 A. Yes, I do.

3 Q. Who are they.

4 A. Gwen is a chairperson of Aboriginal Legal Rights and
5 Cliff is a field officer with Aboriginal Legal Rights in
6 Adelaide here. Cliff works as an Aboriginal liaison
7 officer with the Aboriginal Legal Rights here in
8 Adelaide and Gwen is the chairperson of Aboriginal Legal
9 Rights.

10 Q. There is a field officer in Murray Bridge, I think,
11 isn't there.

12 A. We have got two, yes.

13 Q. But neither of those field officers are Cliff Owen and
14 Gwen Owen.

15 A. No.

16 Q. Can I ask you about this: Doreen Kartinyeri has reported
17 in this letter that `Nanna also said that talking about
18 it was breaking our law'. Did Nanna, the daughter of
19 Pinkie Mack, ever saying anything to you on the topic of
20 talking about it.

21 A. Yes. I said to her, when I said to her about it being
22 secret sacred women's business and I said that is why
23 Doreen had used those words, she said `If it was secret
24 sacred women's business, well, Doreen had no rights in
25 talking about it at all, she should have kept her mouth
26 shut'.

27 CONTINUED

1 Q. Since the Royal Commission was announced, did you write
2 to Dr Doreen Kartinyeri and request her to provide
3 details of the claimed women's business which she
4 alleged existed and as it was set out in the secret
5 envelopes.

6 A. Yes, I did.

7 Q. Did you subsequently receive a copy of a letter that she
8 addressed to Mrs Dulcie Wilson.

9 A. Yes, I did.

10 MS SHAW: I seek to tender the copy of the letter
11 sent by Mrs Wilson and a copy of the letter sent to Mrs
12 Dulcie Wilson, which was handed over to us whilst the
13 Commission was sitting on 21 July.

14 You might recall Ms Layton QC wanted to read out a
15 letter, during the course of argument.

16 COMSR: Does anyone wish to be heard on the
17 question of the admissibility of the letters?

18 MS SIMPSON: I don't think anybody has seen a copy of
19 those letters as yet. I believe a copy of the letter to
20 Mrs Dulcie Wilson was handed to the Commission on that
21 same day by Ms Layton, but I haven't had a chance to
22 look at this copy.

23 MS SHAW: That is the copy. That is the one we
24 had.

25 COMSR: That is the copy, is it?

26 MS SHAW: Yes.

27 COMSR: Perhaps counsel would like an
28 opportunity to look at the letters?

29 MR KENNY: Yes, we would.

30 MS SHAW: That completes the evidence I wish to
31 adduce from Mrs Wilson.

32 COMSR: Does anyone wish to be heard?

33 MR LOVELL: No.

34 MR KENNY: No.

35 EXHIBIT 43 Copy letter, dated 13 July 1995,
36 tendered by Ms Shaw. Admitted.

37 EXHIBIT 44 Copy letter, dated 24 July 1995,
38 tendered by Ms Shaw. Admitted.

- 1 COMSR: I understand that you are asking that
2 this witness be stood down, at this time?
- 3 MS SHAW: Yes, I understand that Mr Smith
4 announced on Monday that she would be recalled for
5 cross-examination commencing Thursday morning.
- 6 COMSR: I take it that all legal practitioners
7 wishing to cross-examine would find that sufficient time
8 to enable them to prepare any questions?
- 9 MS PYKE: We will have to see how we are going in
10 the sense that we only got the statement yesterday,
11 because we are here all day. If we can we will and if
12 we have got any difficulties we will go as far as we
13 can.
- 14 MR KENNY: I can also indicate that we only
15 received the statement yesterday and I have a number of
16 clients who live in various parts around Murray Bridge
17 and the general area and there are a number of
18 completely new matters that were raised in this
19 witness's evidence.
- 20 COMSR: That concern your client, do they?
- 21 MR KENNY: Concerning my clients that we hadn't
22 heard of before. I am attempting to get instructions,
23 but, at this stage, I certainly don't have full
24 instructions in relation to cross-examination. And I
25 indicate that, if possible, if we could have some
26 further time, that would certainly assist us.
- 27 MR ABBOTT: Whilst I realise that there are
28 considerations of natural justice that relate to those
29 who feature in this witness's evidence, in our
30 submission, the prime issue of natural justice is this
31 witness finishing her evidence, which she has
32 voluntarily come forward with, in a reasonable time
33 frame and we are concerned that she will drag over from
34 this week to next week and that there will be repeated
35 requests for her to be brought back. And we want to
36 avoid that, at all costs.
- 37 COMSR: There are reasons why the Commission
38 would want to, because of the availability of

1 alternative venues.

2 MR ABBOTT: Yes, and we have told Mrs Wilson that we
3 would expect that the cross-examination would be likely
4 to be finished in two days. It would seem to us that
5 those who have the right to ask questions will not be
6 given a blanket right to canvass and roam around her
7 evidence. It will be a matter of discrete issues that
8 touch upon their particular clients and we would see, on
9 that basis, that the cross-examination would not be
10 lengthy.

11 COMSR: Yes, but, in this context, I would be
12 allowing some not unlimited latitude, some latitude to
13 test other issues, such as credibility and issues of
14 that type. But, if this witness is to be recalled on
15 the Thursday, I think that places us in the situation
16 where it will be Thursday and Friday.

17 MR ABBOTT: And she will be here tomorrow, as well,
18 in case we finish Mrs Bertha Gollan, who starts
19 cross-examination tomorrow morning. So that, if the
20 cross-examination of Bertha Gollan is concluded part way
21 through tomorrow, then the cross-examination of Mrs
22 Wilson can immediately commence, but we hope to finish
23 it, as I have said, this week.

24 MS PYKE: I make the comment that I appreciate Mr
25 Abbott's concerns, but, putting it quite bluntly, we
26 want to be able to adequately cross-examine the witness.
27 We will use our very best endeavour and I am just simply
28 saying we may be caught short.

29 COMSR: It is a very long statement, but the
30 parts which directly concern the parties may not cover
31 too much of the statement. However, I appreciate your
32 difficulties,.

33 MS PYKE: Yes, it is difficult to get a 90 page
34 statement on Monday, never having seen it before, during
35 the course of the Commission. And, of course, my client
36 is here, because she needs to be listening. It doesn't
37 leave a great deal of time to take instructions.
38 Certainly with Bertha Gollan there is no difficulty, but

D.A. WILSON XN (MS SHAW)

1 we didn't have this statement before the weekend, which,
2 of course, would have been a big help.

3 COMSR: Counsel can see how to proceed, at this
4 stage, and the difficulties we are confronted with. The
5 proposal, at the present time, is that Mrs Gollan will
6 be recalled tomorrow for the purposes of
7 cross-examination and, following Mrs Gollan, we will
8 then recall this witness.

9 MS SHAW: I failed to tender the Hansard Report,
10 p.2141, dated Thursday, 23 March 1995, in the House of
11 Assembly, from which I read the letter signed by Doreen
12 Kartinyeri.

13 COMSR: Does anyone wish to be heard on that?

14 MR KENNY: No.

15 EXHIBIT 45 Hansard Report, p.2141, dated Thursday,
16 23 March 1995, tendered by Ms Shaw.
17 Admitted.

18 COMSR: The witness can step down, at this time.

19 WITNESS: Before I leave the witness box, I would
20 just like to say thank you for giving me the opportunity
21 to come down here and tell the truth.

22 COMSR: You understand that you haven't been
23 released entirely, but that you will recalled for
24 cross-examination?

25 WITNESS: Yes, I do.

26 WITNESS STOOD DOWN

27 MS SHAW: I now propose to call Betty Tatt.
28 She is a 71 year old Ngarrindjeri woman. She is in
29 poor health and she has said to me that she would not
30 wish to give evidence if the general public was in the
31 courtroom, but she is happy to give evidence in the
32 present courtroom setting.

33 COMSR: What is the nature, if it can be
34 disclosed - I don't want you to disclose anything that
35 might embarrass the witness - but you say she is in poor
36 health. What is her condition?

37 MS SHAW: She has blood pressure problems and
38 matters that relate to her age, but the situation is

1 that Mrs Tatt has said to me 'I am not prepared to give
2 evidence if the persons who were in court on Friday when
3 Mrs Gollan was giving evidence were there', because she
4 was sitting behind them and she heard what they were
5 saying and what they were doing.

6 COMSR: I don't know if anyone wants to be heard
7 on this application?

8 MR KENNY: Yes, I do wish to be heard.

9 There have been a number of women - and I wasn't
10 here on Friday - sitting in court, but certainly an
11 examination of the transcript shows that there were no
12 interjections from them. There has been no specific
13 allegations that they actually did anything that would
14 in any way unsettle the witness. I gather from comments
15 of other people, that Mrs Wilson's evidence was given in
16 much the same manner on Friday as it has been the last
17 day and part. And I suggest that those people that want
18 to hear this evidence - and there are a number of them -
19 for example, the wife of my client is sitting outside,
20 who wishes to hear the evidence and hear what is being
21 said in this Royal Commission. She has some concerns
22 about it and she would like the opportunity to sit in
23 and listen, and there are a number of other people in
24 that same category. There is no suggestion that they
25 are doing anything or saying anything or in any way
26 interfering with the witnesses. And certainly if anyone
27 is in a position to see that, you are, because, more
28 than even the witness, you will be facing those people
29 and would be able to see if they were attempting to
30 signal the witness or do anything like that. I don't
31 think there has been any suggestion -

32 MR ABBOTT: There has been. There has been
33 suggestion. In fact, I made specific allegations to
34 counsel assisting as I deemed it appropriate to raise it
35 with counsel assisting rather than directly and publicly
36 in the face of the Royal Commission. And, if my friend
37 wants me to spell them out, I will. But I tell you that
38 we thought it appropriate, in view of the attitude of

1 certain members of the public who have come in here and
2 the way in which they have conducted themselves, to
3 raise the topic of the exclusion of the public, other
4 than the press, so that our witnesses could give their
5 evidence in the most natural and unflustered way
6 possible. We are not seeking that their evidence be
7 suppressed. The press are here to report to the public
8 at large in South Australia. Their evidence can be
9 released forthwith. Anyone who wants to ascertain what
10 they said can immediately find out and all that they are
11 being denied at present is the opportunity of sitting in
12 this Commission room at the time when the words are
13 being said. That and nothing more.

14 MR KENNY: If Mr Abbott is suggesting there are
15 particular people, perhaps he can name those people and
16 say what they are doing. And perhaps those people, if
17 you feel it is appropriate, can be excluded, but I don't
18 see why other members who undertake as they come in here
19 not to in any way signal the witness if that is what he
20 is suggesting they are doing or in any other way
21 interfering with the witness. And perhaps they can be
22 admitted on the basis they give those undertakings?

23 MS SIMPSON: It is my submission that the court ought
24 to be closed as it is now so that Mrs Tatt can give her
25 evidence. If there is any suggestion at all of any
26 discomfort in the giving of that evidence then you have
27 very wide powers to allow her to give her evidence in a
28 comfortable manner. There is no prejudice to any member
29 of the public if that is done and Mr Abbott has advised
30 the Commissioner and counsel assisting the Commissioner
31 that there is an apprehension on the part of his
32 witnesses. That ought to be enough, in these
33 circumstances. It is not necessary nor appropriate to
34 go into public detail about what intimidation might or
35 might not have been experienced. If there is an
36 apprehension of that intimidation, Mrs Tatt should be
37 able to give her evidence in the same circumstances as
38 Mrs Wilson has.

1 COMSR: In Mrs Wilson's case, of course, I had a
2 fairly clear history as she recounted it of stressors
3 and pressures which had quite apparently made her a
4 nervous witness. And I appreciate, given what she had
5 said, that that could well have led to a situation where
6 she would find herself unable to properly recount her
7 evidence. I am not quite clear with Mrs Tatt.

8 MR ABBOTT: Mrs Tatt has given us instructions that,
9 if her evidence is not to be received and given in the
10 same way as Mrs Wilson, then she doesn't want to give
11 evidence. She hasn't yet been sworn and, if this
12 procedure is not followed, then Mrs Tatt is not to give
13 evidence. I am sorry to say that, but she was sitting
14 behind this particular row of ladies. I don't want to
15 go into details. She was there on Friday. She heard
16 what they said. She saw the way they conducted
17 themselves. And, undertaking or no undertaking
18 proffered by them or anyone on their behalf is not
19 sufficient to dispel this witness's fears of
20 intimidation that might occur were she to give evidence
21 with members of the public present.

22 These were the same - these women were the same
23 women who, via Mrs O'Connor, said they didn't recognise
24 the authority of this Commission and weren't prepared to
25 help it. They are continuing those activities when they
26 come along.

27 COMSR: Of course, what you are asking me is to
28 exclude all members of the public to catch them, as it
29 were, in the net.

30 MR ABBOTT: Exactly rather than to single out who
31 from the public can and cannot come in, to exclude the
32 members of the public, other than the press. So, no
33 legal representative, no party who has been given leave
34 to appear and no member of the press is excluded.
35 Merely the public at large.

36 CONTINUED

- 1 COMSR: Mrs Tatt, is this the situation, that
2 you say you would not be prepared to give your evidence
3 in a courtroom full of members of the public? Is that
4 the situation?
- 5 MRS TATT: No, I don't want the women in here that
6 was here yesterday and Friday.
- 7 MR KENNY: The question of those women being
8 present, of course, what Mr Abbott has said about them,
9 I don't know who they all were.
- 10 COMSR: I think this is considered to be a
11 stressful matter for the witness. I am, of course,
12 concerned to get the evidence.
- 13 MR KENNY: But, at the same time, the position is
14 that essentially these witnesses are saying what the
15 other women have said is not true. They are suggesting,
16 as has been -
- 17 MR ABBOTT: They haven't said that. They have
18 refused to come along and say that. They haven't said
19 that. They have said it to the media, but they refuse
20 to say it to this commission.
- 21 MS SIMPSON: Mr Kenny has already made submissions on
22 this point. I am very anxious to get on with the
23 evidence this morning. We have to stop at 11.30, and it
24 is time that this matter was resolved, in my submission.
- 25 MR KENNY: I suggest I should at least be allowed
26 to finish my submissions. They are only brief, but I
27 think it is important. It may have perhaps some effect
28 on the other women, who have so far not attended this
29 court, if they hear what the evidence is. They may then
30 choose to perhaps come to this commission and offer
31 their side of the story. They may reconsider if they
32 have had the opportunity to hear what has been said.
33 But at this stage they are being excluded. The question
34 of the availability of the transcript really at \$4,
35 whatever it is, a page, most of it is suppressed, and is
36 just not available to them. So they rely on very short
37 press reports in the matter.

- 1 MR ABBOTT: That is just not true. Yesterday a
2 group of them received Mrs Wilson's statement within
3 minutes of going to the press. They had Mrs Wilson's 98
4 page statement, and they were reading it outside. I
5 don't know who supplied it to them, or at what cost per
6 page it was supplied to them, but immediately upon Mrs
7 Wilson's statement being released, the group of women
8 which I have mentioned had a copy of it.
- 9 MR KENNY: But that still doesn't provide them with
10 a copy of the evidence that has been given in here, and
11 there have been variations to that statement. That, I
12 might say, is the only statement that has actually been
13 released to the general public. The other witnesses'
14 statement have not been released and are not available.
- 15 COMSR: I am not being asked to hold a closed
16 hearing. I am not sure whether the persons that have
17 been referred to are even present today.
- 18 MR KENNY: I was one of the last in here this
19 morning. There was two women I saw outside. In fact,
20 one of them was my client's wife who was outside, and
21 another woman that in fact she didn't know the name of.
22 I don't think there was any of the group that was here
23 on Friday, although I do say that I was not here on
24 Friday. I do not think there is a huge crowd out there.
- 25 MRS TATT: I don't mind George's wife coming in.
- 26 COMSR: It may not be a problem at all at this
27 stage, Mr Abbott. What I propose to do is not place a
28 restriction on the public at this time. If anyone comes
29 in who is of concern to the witness, is that going to
30 pose a problem as far as this witness?
- 31 MR ABBOTT: Providing we have your assurance that if
32 such an event occurs, you will make appropriate orders.
33 I would not want her to start and be sworn on the basis
34 she will receive a degree of comfort which does not
35 eventuate.
- 36 COMSR: I feel some degree of reluctance to
37 close the hearing when there might not be any person who
38 is really going to cause a problem, but if the witness

1 tells me that she might get part way through the
2 evidence and not proceed because there is a situation
3 where she feels unable to go ahead, that will be a
4 problem. I can be told this is the case. I have really
5 got no way of testing, at the moment, the degree of the
6 problem that faces her.

7 In Mrs Wilson's case it was fairly clear from the
8 statement I read and from the history that there was a
9 problem. If I am told that we might not get the
10 evidence at all, under those circumstances, I am
11 prepared to make an order pursuant to section 16 of the
12 Royal Commissions Act. I direct that, in order to
13 prevent undue hardship to the witness, that the evidence
14 be taken in the presence of members of the press, the
15 parties to the inquiry, counsel assisting and the lady
16 practitioners appearing.

17 MR KENNY: Just on the order for this witness, I
18 don't mean to keep interrupting, but she indicated that
19 she didn't mind if my client's wife was present.
20 Perhaps if she could be allowed to come in. She has
21 come up from the country and has an interest in the
22 matter.

23 WITNESS: I said it was all right.

24 COMSR: Mrs Trevorrow is exempted from that
25 order.

B. TATT XN (MRS SHAW)

1 MRS SHAW CALLS

2 BETTY TATT SWORN

3 EXAMINATION BY MRS SHAW

4 Q. Looking at the statement in front of you, that is the
5 evidence you wish to give before the Royal Commission.

6 A. Yes.

7 EXHIBIT 46 Statement of Betty Tatt tendered by
8 Mrs Shaw. Admitted.

9 MRS SHAW: On page 2 there are two minor
10 corrections. In para.4, the fourth line should read `5
11 brothers' not `6 brothers'. In para.7, Mrs Tatt thinks
12 it is closer to 14 years rather than 15 years.

13 XN

14 Q. You were born at Point McLeay.

15 A. Yes.

16 Q. Your date of birth.

17 A. 9 October.

18 Q. How old are you now.

19 A. 71 this October coming.

20 Q. Your father's name.

21 A. Garnet Eustice Wilson.

22 Q. Do you know when he was born.

23 A. No, I know he was born on Point McLeay.

24 Q. Your mother's name.

25 A. Dulcie Rigney.

26 Q. She was also born at Point McLeay.

27 A. Yes.

28 Q. She is a sister or was a sister to Spencer Rigney,
29 Dulcie Wilson's father.

30 A. Yes, that's right.

31 Q. They were both Ngarrindjeri people.

32 A. Yes.

33 Q. Your father's parents, did you know who they were.

34 A. John Wilson and Eliza Wilkins.

35 Q. You know that John Wilson's father was a white whaler.

36 A. Yes.

37 Q. During your lifetime, did you know John Wilson.

38 A. Yes.

B. TATT XN (MRS SHAW)

- 1 Q. And Eliza Wilkins.
2 A. No, I don't remember her.
3 Q. You are able to give the dates of marriage in your
4 statement of John Wilson and Eliza Wilkins. How was
5 that. How were you able to do that.
6 A. I got that out of the Wilson book.
7 Q. Have you got a copy of the Wilson genealogy at your
8 home.
9 A. Yes.
10 Q. So the details of the dates of birth and the marriage
11 dates, you've obtained from that genealogy.
12 A. Yes.
13 Q. Is that the genealogy prepared by Doreen Kartinyeri.
14 A. Yes.
15 Q. And Eliza Wilkins, you understand was born on Kangaroo
16 Island.
17 A. Yes, that's right.
18 Q. Your father had a number of sisters.
19 A. Yes.
20 Q. Did all of them live on Point McLeay.
21 A. For a while. Then one moved to Port Elliot.
22 Q. You, yourself, had two sisters.
23 A. Yes.
24 Q. And five brothers.
25 A. Yes.
26 Q. Your mother had 15 children in all.
27 A. Yes, that's right.
28 Q. And you are the eldest.
29 A. Yes, and I don't think she was at Hindmarsh Island.
30 Q. Do you mean by that, because of the number of children
31 that she had.
32 A. Yes.
33 Q. Did you ever hear about Hindmarsh Island as you were
34 growing up.
35 A. I knew it was there.
36 Q. Was it ever suggested to you by any of your father's
37 sisters, your mother, or anyone else in your family,
38 that there was anything special about Hindmarsh Island.

B. TATT XN (MRS SHAW)

- 1 A. No, never.
- 2 Q. Was it ever suggested that there was ever any secret
3 sacred women's business.
- 4 A. Never.
- 5 Q. On your mother's side, your grandfather was Edward
6 Challenger.
- 7 A. That's right.
- 8 Q. And he is the same ancestor that Doreen Kartinyeri has.
- 9 A. Yes.
- 10 Q. You have a number of children. You have three daughters
11 and five sons, one of whom is deceased.
- 12 A. That's right.
- 13 Q. I will now ask you about your life whilst you were
14 living at Point McLeay. You were there until you were
15 about 14.
- 16 A. Yes.
- 17 Q. You then came back to Adelaide to work.
- 18 A. Yes.
- 19 Q. For about three years.
- 20 A. Yes.
- 21 Q. Then you returned to Point McLeay for two further years
22 before you eventually came back to Adelaide.
- 23 A. That's right.
- 24 Q. Can you tell us what it was like at Point McLeay, the
25 life that you people lived.
- 26 A. Well, in my day there it was all westernised. There was
27 no culture or anything there - I wasn't taught any.
- 28 Q. What about the school. Were you taught any -
- 29 A. Yes, I went to school there.
- 30 Q. Were you taught any Aboriginal culture at the school.
- 31 A. No, no.
- 32 Q. Who was your teacher, do you remember.
- 33 A. Mr Lawrie.
- 34 Q. How far did you go at the school.
- 35 A. 8th grade.
- 36 Q. 8th grade.
- 37 A. Yes.
- 38 Q. What about the language.

B. TATT XN (MRS SHAW)

- 1 A. No. We knew a couple of words, but not much.
2 Q. At the school, were you ever encouraged to use your
3 language.
4 A. No.
5 Q. Were you allowed to.
6 A. No, I don't think so.
7 Q. Were you ever told any stories about your culture as you
8 were growing up.
9 A. No.
10 CONTINUED
11

B. TATT XN (MRS SHAW)

- 1 Q. You have used the expression that people would say the
2 'Prupi' will get you.
3 A. Yes.
4 Q. Can you explain that to us.
5 A. Yes, I think that is something just to frighten the
6 children.
7 Q. You are aware now that there is talk of dreaming stories
8 and dreamtime.
9 A. I was never told any.
10 Q. You were never told any dreaming stories as you were
11 growing up.
12 A. None at all.
13 Q. Were you ever told about your own reproduction and
14 giving birth and so on.
15 A. No. My mother never ever told us anything like that
16 about childbirth or changing in our bodies. We didn't
17 know anything like that. We had to find out more
18 ourselves.
19 Q. You, I think, remember clearly how you did find out.
20 A. Yes.
21 Q. Can you tell us what happened.
22 A. The people I worked with had a shop.
23 Q. This is when you were in Adelaide at about 15.
24 A. Yes. She told me.
25 Q. Was that because someone had kissed you and you thought
26 you were pregnant.
27 A. That's right.
28 Q. She was giving you medication.
29 A. Yes.
30 Q. For the pregnancy.
31 A. Yes, that's right.
32 Q. Did you know Grandma Sally.
33 A. Yes. I knew her well when I was a child.
34 Q. Can you tell us what contact you had with her.
35 A. I used to talk about, you know, day-to-day things and I
36 used to go over their place to get the milk for my
37 mother from her husband coming in from the dairy and I
38 would stay there for a while and talk about different

B. TATT XN (MRS SHAW)

- 1 things on the mission, but nothing about women's
2 business.
- 3 Q. At some stage, Grandma Sally moved to live next door to
4 Bertha Gollan.
- 5 A. Yes. When I knew her, she was living in a weatherboard
6 place just down a bit from us and moved next door to
7 Bertha's.
- 8 Q. Would you see her just about every day.
- 9 A. Just about every day.
- 10 Q. Did she ever, Grandma Sally ever say anything to you to
11 suggest that there was any secret sacred women's
12 business on Hindmarsh Island.
- 13 A. No, nothing at all.
- 14 Q. Did you also know Auntie Rose.
- 15 A. Yes. Not much.
- 16 Q. Where was she living.
- 17 A. She was living in Murray Bridge. I only met her for a
18 week. I went there when my brother was in the Murray
19 Bridge Hospital and I stayed with Auntie Rose for a
20 week, and it was the last time I had seen her. I never
21 seen her since because she moved to Point Pearce.
- 22 Q. Who was she living with at that time.
- 23 A. Clem Karlin.
- 24 Q. Did she ever say anything to you to suggest that there
25 was any secret sacred women's business.
- 26 A. No.
- 27 Q. Ever mention Hindmarsh Island.
- 28 A. No.
- 29 Q. Did you also know the person we have been calling the
30 daughter of Pinkie Mack.
- 31 A. Yes.
- 32 Q. Did you know her on the mission.
- 33 A. Yes.
- 34 Q. What was your contact with her; when would you see her.
- 35 A. I used to see her on the mission. I never ever went to
36 her place because I wasn't allowed out much. And she
37 lived at what we call the top road and my parents never
38 allowed me to go out much, so I used to just see her at

B. TATT XN (MRS SHAW)

- 1 Granny Sally's and whenever she came to our place.
- 2 Q. When you saw the daughter of Pinkie Mack, would you chat
3 to her.
- 4 A. Yes.
- 5 Q. What would she talk about.
- 6 A. You know, about helping mum to do things and helping to
7 look after the children and that.
- 8 Q. Did she ever talk about your culture.
- 9 A. No.
- 10 Q. Ever suggest any women's business.
- 11 A. No, none.
- 12 Q. You, I think, also knew Pinkie Mack.
- 13 A. Yes.
- 14 Q. Pinkie Mack, you understand, was the midwife who
15 delivered you.
- 16 A. That's right.
- 17 Q. Can you tell us how you knew Pinkie Mack.
- 18 A. Well, in the school holidays, there was a friend by the
19 name of Alf Cameron and he would come across the mission
20 and take me back in his boat to where she lived at
21 Wellington and I would have part of the holidays with
22 her.
- 23 Q. Was that over a number of years that you spent your
24 holidays with her.
- 25 A. Yes. From about 10, 11 to until 14 or years old, until
26 I left the mission at 14.
- 27 Q. During the time that you spent with Pinkie Mack, as a
28 teenager, did she ever suggest to you that Hindmarsh
29 Island had any significance to women.
- 30 A. No.
- 31 Q. Did she ever mention the words 'Hindmarsh Island' if you
32 can remember.
- 33 A. No.
- 34 Q. Did she ever suggest there was any secret sacred women's
35 business.
- 36 A. No, never.
- 37 Q. You also had a number of aunties on the mission that you
38 had contact with.

B. TATT XN (MRS SHAW)

- 1 A. Yes.
- 2 Q. Can you tell us their names.
- 3 A. Elsa.
- 4 Q. That is Elsa -
- 5 A. Sumner she was. Vera Carter, Annie Dodd, and Evelyn
- 6 Lempard.
- 7 Q. How was it that you had contact with these aunties.
- 8 A. I lived next door to my grandmother, my mother's mother,
- 9 and they used to always come to her place to see their
- 10 mother.
- 11 Q. Did you hear them chatting.
- 12 A. Yes. But this just ordinary things. If they wanted to
- 13 speak about anything else, we had to leave the room.
- 14 Q. Did any of those aunties ever suggest to you, either
- 15 when you were there until the age of 14 or when you were
- 16 back there at about the age of 18, that there was any
- 17 secret sacred women's business.
- 18 A. No.
- 19 Q. Ever suggest to you that the changing of your body or
- 20 reproduction was sacred secret women's business.
- 21 A. No.
- 22 Q. Did you know Doreen Kartinyeri as a child.
- 23 A. Yes, as a child I knew her.
- 24 Q. Do you remember when she left the mission.
- 25 A. Well, I don't remember really, but my mother told me
- 26 that she left when she was about ten years old when her
- 27 mother Thelma died.
- 28 Q. Was she taken forcibly, as she reported.
- 29 A. No.
- 30 Q. Did you see her back there on school holidays.
- 31 A. No, I never seen her back there.
- 32 Q. Had you left the mission by that time.
- 33 A. Yes. I think I was working.
- 34 Q. Did you know Val Power.
- 35 A. Yes, I knew Val.
- 36 Q. Was she born at Point McLeay.
- 37 A. No.
- 38 Q. Where did you know her.

B. TATT XN (MRS SHAW)

- 1 A. I knew her at Berri.
2 Q. Where was her mother from.
3 A. Kingston.
4 Q. Did you know Murial Van Der Byl.
5 A. Yes.
6 Q. How did you know her.
7 A. Well, she was a child going on primary school and I had
8 to help her mother to get the children off to school.
9 Q. Where did that occur.
10 A. I was staying - that was at Berri on the river. It was
11 only for a couple of months I was there.
12 Q. Did they ever live on Point McLeay.
13 A. Not as far as I know.
14 Q. Did you ever hear anything about Mundoo Island.
15 A. I knew Mundoo Island was there.
16 Q. Never spoken about it by your elders.
17 A. No.
18 Q. When was the first time that you heard that there might
19 be men's business on Mundoo island.
20 A. When Matt Rigney said it on TV.
21 Q. Was that in the interview where he agreed that the men
22 had pointed at the map on the wall.
23 A. I just can't remember. I just remember him saying
24 something about women's business is secret women's
25 business and men's business is men's business.
26 Q. That was, what, this year, was it.
27 A. Yes, on TV. That was the first I heard about men's
28 business.
29 Q. When it came out in the press in 1994 about secret
30 women's business, did you express your views
31 immediately.
32 A. Yes. I said to my husband I didn't believe it because
33 it was a lot of nonsense.
34 Q. We won't go into it. I think you were at the NAIDOC
35 ball that became the subject of evidence in the Federal
36 Court.
37 A. Yes.
38 Q. Did you go camping as a child down the Coorong.

B. TATT XN (MRS SHAW)

- 1 A. Yes.
- 2 Q. Did you ever go to Hindmarsh Island.
- 3 A. No, it was too hard to get to unless you had a dinghy.
- 4 Q. What about in later years, did you ever go to Hindmarsh
5 Island.
- 6 A. Yes, later years after I got married and had my
7 children, took them there camping. It was only on one
8 day they wanted to go to there and I took them to show
9 them the Hindmarsh Island.
- 10 Q. So, is this the position: that people from the mission
11 would go camping down the Coorong.
- 12 A. That's right.
- 13 Q. And no-one was ever very interested in Hindmarsh Island.
- 14 A. Not that I know of.
- 15 Q. Did you go to Hindmarsh Island about the time that
16 barrages were being put up.
- 17 A. Yes, around - on the Coorong when barrages were starting
18 to build them. I think it was around about the 1930s,
19 could have been even before that.
- 20 Q. At that time you were on the Coorong and you were aware
21 that barrages were being built.
- 22 A. Yes.
- 23 Q. Was there any concern expressed by anybody.
- 24 A. No.
- 25 Q. Amongst the elders.
- 26 A. No.
- 27 Q. Of Point McLeay or Ngarrindjeri people with barrages
28 interfering with the flow of the water.
- 29 A. No, there wasn't.
- 30 Q. Providing links between Hindmarsh Island and the
31 mainland.
- 32 A. No.
- 33 Q. Nothing like that said.
- 34 A. No.
- 35 Q. Driving pylons into the sea bed.
- 36 A. No.
- 37 Q. Nothing like that said amongst any of the elders.
- 38 A. Nothing.

B. TATT XN (MRS SHAW)

1 Q. Do you have any views one way or the other as to whether
2 or not a bridge should be built down on the Hindmarsh
3 Island.

4 A. No. The bridge doesn't worry me one bit. I couldn't
5 care less whether it went across or not, because I will
6 never get to use it, so it doesn't worry me.

7 Q. You are saying in your statement that you don't believe
8 that the secret women's business exists.

9 A. No, I don't believe it.

10 Q. Why is that.

11 A. Well, we were never told anything, so - my mother was
12 never told anything, she never mentioned it, neither did
13 my grandmother.

14 Q. And none of your aunties.

15 A. None of my aunties.

16 Q. Or any of the elders at the Commission.

17 A. That's right.

18 Q. You say that it was a white woman who told you about
19 reproduction.

20 A. That's right

21 NO FURTHER QUESTIONS

22 WITNESS STANDS DOWN

A.M. DIX XN (MRS SHAW)

- 1 WITH CONSENT OF WITNESS, HEARING OPENED TO PUBLIC
2 MRS SHAW CALLS
3 AUDREY MARY DIX SWORN
4 EXAMINATION BY MRS SHAW
5 Q. Does that statement contain the evidence that you wish
6 to give before the Royal Commission.
7 A. Yes, it is.
8 Q. With one correction. I think on p.8 para.21, that's the
9 last page, it reads 'That the woman and whose house it
10 was was also there'. You say that that's not correct.
11 A. That's right.
12 Q. She wasn't there.
13 A. No, she wasn't there.
14 Q. Perhaps if that could be excluded from the statement.
15 And also in para.22 it should read 'Connie, her
16 granddaughter'.
17 A. That's right.
18 Q. Is Doreen Kartinyeri's sister.
19 A. That's right.
20 EXHIBIT 47 Statement of Audrey Dix tendered by Mrs
21 Shaw. Admitted.
22 MS SIMPSON: It ought to be noted that there is one
23 line on p.6 of that statement which potentially might be
24 a sensitive area in relation to Aboriginal tradition
25 and, in my submission, the last line of para.14 ought to
26 be suppressed from publication.
27 COMSR: Well, if it's to do with women's
28 business, not only should it be suppressed from
29 publication as it contains those statements, but it
30 should be suppressed at this stage.
31 MS SIMPSON: It's only a very small part of Mrs Dix's
32 evidence.
33 COMSR: I appreciate that. I suppress the whole
34 statement. Portion can be released at a later stage to
35 get around the difficulty.
36 XN
37 Q. How old are you.
38 A. 54.

A.M. DIX XN (MS SHAW)

- 1 COMSR: Perhaps I should say that, having regard
2 to the provisions of s.35 of the Aboriginal Heritage
3 Act, I am suppressing the statement of the witness,
4 Exhibit 47, because of the references there to matters
5 which might be information of the type referred to in
6 the section.
- 7 MR MEYER: I couldn't hear what your Honour said.
8 Have you suppressed the entire statement, for the
9 time being?
- 10 COMSR: Yes, what concerns me is to whom has the
11 statement be distributed?
- 12 MR MEYER: I can assist, because the copy that I
13 have, the part that counsel assisting refers to, is
14 blacked out and I understand it to be blacked out in
15 everybody's copy and, therefore, there isn't any
16 difficulty in relation to that arrangement. The rest of
17 it that I have read, almost as far as p.6, is just
18 straight mechanical information relating to the other
19 document.
- 20 COMSR: It is certainly not blacked out in the
21 copy that I have.
- 22 MS SHAW: I have handed up the original.
- 23 MS SIMPSON: Your Honour has an unexpurgated copy, as
24 does Ms Pyke, because it is information, of course, that
25 would be normally heard by you in a closed session,
26 limited to women only.
- 27 MR MEYER: The information has been properly
28 protected. I understand the rest of us don't have the
29 information. So, what I am in essence suggesting is
30 that the last line of para.14 be suppressed and be for
31 women only. So, that becomes, when it is released, pink
32 evidence and the rest of the statement be an open
33 statement.
- 34 COMSR: I haven't seen the copies where this
35 matter is blacked out. I take it that there is no
36 possibility of it being read by any person who has the
37 statement or a copy of the statement?
- 38 MS SIMPSON: No, it has been completely blacked out.

A.M. DIX XN (MS SHAW)

- 1 MR MEYER: On my copy, I can't read it.
2 MS SHAW: Do you wish to see the statement with
3 that blacked out?
4 COMSR: Perhaps if I have both the statement in
5 the blacked out form and this statement that I have
6 here, Exhibit 47.
7 MR MEYER: Otherwise a simple procedure could be
8 adopted, we could cut the page in half and take that one
9 line out and that cures all the problems.
10 MS SIMPSON: I don't think that is necessary.
11 MR MEYER: Nor do I.
12 COMSR: In view of the fact that I am assured
13 that that line is blacked out in all copies that have
14 been distributed, then I suppress from publication that
15 portion of the statement which is the last line of
16 para.14 appearing on p.6 of the statement under the
17 heading `Women's Business'.
18 XN
19 Q. How old are you.
20 A. Fifty-four.
21 Q. Your mother is Bertha Gollan.
22 A. That's correct.
23 Q. She gave birth to you before she married Leonard Gollan.
24 A. That's correct.
25 Q. Your father is not Leonard Gollan.
26 A. No.
27 Q. I think you lived on Point McLeay until you were about
28 15 years of age.
29 A. That's right.
30 Q. You went to school on the mission.
31 A. Yes.
32 Q. Who was your teacher.
33 A. Mr Lawrie.
34 Q. How many brothers and sisters have you.
35 A. Four brothers and -
36 Q. Eight.
37 A. Eight sisters.
38 Q. We have heard about your ancestry through your mother on

- 1 your mother's side. At the age of 15, you left the
2 mission to go to work on Kangaroo Island.
- 3 A. Yes.
- 4 Q. And then eventually you came to Adelaide and worked in
5 an Aboriginal hostel.
- 6 A. That's right.
- 7 Q. You have been married and have four children of your
8 own.
- 9 A. That's right.
- 10 Q. Since that time, you have moved to Western Australia and
11 back to Adelaide.
- 12 A. Yes.
- 13 Q. You know Lindsay Wilson, for example, Auntie Dulcie's
14 husband.
- 15 A. Yes.
- 16 Q. You knew them when they lived on the mission, your Uncle
17 Lindsay and Auntie Dulcie.
- 18 A. Yes.
- 19 Q. Can you tell us some of your significant aunties in your
20 life.
- 21 A. Joyce Rigney and -
- 22 Q. You have named Lilly Wilson and Annie Rankine.
- 23 A. Yes.
- 24 Q. Can you explain why they are significant to you.
- 25 A. Auntie Joyce used to come to our place quite a lot and
26 Auntie Lilly lived not far from where we lived, across
27 the road. And because they used to visit our place
28 quite a bit.
- 29 Q. Annie Rankine.
- 30 A. Yes.
- 31 Q. Did you hear the aunties chatting to your mum and
32 chatting amongst themselves.
- 33 A. We weren't allowed to hear when the grown ups were
34 talking.
- 35 Q. Did they ever speak to you about day-to-day things, the
36 aunties.
- 37 A. Not really.
- 38 Q. Did they ever say anything to you to suggest there was

- 1 something they needed to tell you about your culture
2 that was secret and sacred.
- 3 A. Never.
- 4 Q. Did you know Nanna Sally, or Grandma Sally, as she has
5 been referred to.
- 6 A. Yes.
- 7 Q. What did you call her.
- 8 A. Beg your pardon?
- 9 Q. What did you call her.
- 10 A. Nanna.
- 11 Q. How did you know her.
- 12 A. She lived next door to us.
- 13 Q. Did she come into your place frequently.
- 14 A. Used to go to her place quite a lot, too.
- 15 Q. Was Doreen living there at all.
- 16 A. No.
- 17 Q. While you were there.
- 18 A. No.
- 19 Q. Did you also know Connie.
- 20 A. Yes.
- 21 Q. You are there referring to Doreen's sister, are you.
- 22 A. Connie was Doreen's sister and her brother, Ronald.
- 23 Q. There was another sister called Doris.
- 24 A. I didn't know Doris.
- 25 Q. But you knew that Doreen's mother had died giving birth
26 to Doris.
- 27 A. Yes.
- 28 Q. After Doreen's mother died, is that when Nanna Sally
29 moved in to look after the other children of Doreen's
30 father.
- 31 A. That's right.
- 32 Q. It was during that period that you would visit her
33 regularly.
- 34 A. Yes.
- 35 Q. What, every day.
- 36 A. Almost.
- 37 Q. How long would you spend with her.
- 38 A. An hour or two.

- 1 Q. Did she talk during that time to you.
2 A. Yes.
3 Q. Did she ever suggest that Doreen Kartinyeri might be the
4 chosen one.
5 A. Never.
6 Q. Did she ever suggest there was a chosen one.
7 A. No.
8 Q. You are aware that Doreen Kartinyeri made a claim in an
9 article in the Who magazine that some people didn't
10 know, because they were Christians. Can you say whether
11 or not Nanna Sally was someone who appeared to be a
12 Christian.
13 A. Yes, she is a Christian woman.
14 Q. What did she do, that you saw. Did she go to church.
15 A. Yes.
16 Q. What about the Bible.
17 A. She used to read the Bible a lot.
18 Q. Did she talk about things that were in the Bible.
19 A. Yes.
20 Q. When you say she read the Bible, would you hear her
21 reading the Bible.
22 A. Sometimes she would read the Bible while I was there and
23 sometimes she would always read the Bible when she was
24 in bed.
25 Q. Did you talk to Nanna Sally about the Bible yourself.
26 A. We both used to talk about it.
27 Q. Do you ever remember Nanna Sally ever talking about
28 Doreen Kartinyeri.
29 A. Never.
30 Q. At this stage, did you understand that Doreen was in
31 Adelaide somewhere.
32 A. Yes.
33 Q. Did she ever talk to you about any Aboriginal tradition
34 or culture that was related exclusively to women.
35 A. Never.
36 Q. Did she ever mention Hindmarsh Island to you.
37 A. No.
38 Q. Did you ever go to Hindmarsh Island.

- 1 A. Never. Didn't even know where it was.
2 Q. You didn't even know where it was.
3 A. No.
4 Q. When you went to school, did you ever learn anything
5 about Aboriginal culture.
6 A. No.
7 Q. Have you ever heard of Hindmarsh Island being called
8 Kumarangk.
9 A. No.
10 Q. Did any of the children that you were growing up with
11 appear to know any Aboriginal language.
12 A. Not to my knowledge.
13 Q. Have you yourself read any books about your culture or
14 learnt about your culture since those times.
15 A. No, I haven't. I have the Wilson books, but I haven't
16 read them all.
17 Q. You have the Wilson genealogy.
18 A. Yes.
19 Q. Was there any talk about a dreaming story that related
20 to the Ngarrindjeri people.
21 A. No.
22 Q. Was there any talk about the importance of the waters
23 and the channel and the islands.
24 A. No.
25 Q. Did Nanna Sally speak any Ngarrindjeri, that you heard.
26 A. No, she always spoke English, to me.
27 Q. Did she ever talk about delivering babies.
28 A. Never.
29 Q. Or preparing food.
30 A. We talked about food and gardening and things like that,
31 but never about delivering babies or changing the body.
32 Q. When you were growing up, were you ever taught about
33 your own reproductive cycle and giving birth.
34 A. Never, no.
35 Q. Can you say when you first learnt about that. (NOT
36 ANSWERED)
37 Q. Did you have a belief as to how babies came into the
38 world and your mind was changed.

- 1 A. They were always saying that babies were born in such
2 and such a place, until one night I woke up and I heard
3 Auntie Joyce at our place and that's when I knew that
4 they all were telling stories about where babies are
5 born. And my brother was born when I was there.
- 6 Q. You woke up and heard your Auntie Joyce in the next room
7 delivering one of your brothers.
- 8 A. That's right.
- 9 Q. Is that how you learnt how babies were born.
- 10 A. Yes.
- 11 Q. Can you say how old you were then.
- 12 A. I can't remember that, no.
- 13 Q. When you said there were stories about where babies came
14 from, can you remember any of those stories.
- 15 A. When you would ask them where the babies were born, that
16 is such and such a place. The figure tree or some place
17 like that.
- 18 Q. Did your mother, Bertha, ever suggest to you there was
19 any Aboriginal culture or traditions that she needed to
20 hand down to you.
- 21 A. Never.
- 22 Q. When did you first learn of any secret sacred women's
23 business claims.
- 24 A. When I seen it in the paper, in The Advertiser.
- 25 Q. You have spoken about your Uncle Lindsay. Was he
26 someone who you heard talking about your culture.
- 27 A. When he came to my place when he come into Adelaide he
28 always stayed at my place and always told me yarns and
29 things like that, but never, ever about men's or women's
30 business.
- 31 Q. I think that you were one of the group of five women who
32 eventually met on 1 May and agreed to speak out
33 publicly.
- 34 A. That's correct.
- 35 Q. One of the dissident women.
- 36 A. Yes.
- 37 Q. As you have been described in the press. Do you have a
38 belief that, if Nanna Sally had known anything, that she

- 1 would have told Doreen and no-one else. What do you say
2 about that suggestion.
- 3 A. If she did know anything, she would have said something
4 to me as well as Doreen and Connie. But, to my
5 knowledge, she didn't know anything.
- 6 Q. Have you spoken to Connie, yourself.
- 7 A. No, I haven't.
- 8 Q. Did you know Connie, as you were growing up, quite well.
- 9 A. Yes.
- 10 Q. Connie never, ever suggested anything to you.
- 11 A. No.
- 12 Q. I will just ask you this. The claim by Doreen
13 Kartinyeri in the Who magazine is that 'The map of
14 Hindmarsh Island's contours mirror the shape of the
15 female reproductive system. Hindmarsh Island is sacred
16 ground and home to the Ngarrindjeri tribe's secrets
17 relating to women's business, which must not be shared
18 with men. Hindmarsh Island is the Ngarrindjeri tribe's
19 special place, where young women learn about womanhood
20 and traditional tribal ways. It was sacred to the older
21 people, because of their spiritual beliefs, because the
22 whole waters around there represent the womb and all
23 that.' Have you ever heard that before I just read it
24 out to you.
- 25 A. Never.
- 26 Q. Was it ever suggested to you, when you were growing up,
27 that there was some place, anywhere, that you had to go
28 to learn about womanhood and traditional tribal rites.
- 29 A. Never.
- 30 Q. Did you hear anyone else suggest that there might be
31 something secret that they couldn't tell you, whilst you
32 were young.
- 33 A. I never heard anything.
- 34 MS SHAW: I have no further questions and again
35 with this witness I ask that perhaps she be released
36 until tomorrow. Again her evidence is of a fairly
37 hopefully innocuous form in many respects.
- 38 COMSR: Can any counsel indicate that they are

A.M. DIX XN (MS SHAW)

- 1 not likely to cross-examine this witness?
2 MR MEYER: I shouldn't be cross-examining.
3 COMSR: Who is likely to want to cross-examine
4 the witness?
5 MS PYKE: Yes, I will, but again it won't be long.
6 MR KENNY: Yes, I may have some questions.
7 COMSR: Mrs Dix won't be required for long, but
8 I will release her on the same understanding.
9 Mrs Dix, you will be required for cross-examination
10 tomorrow.
11 WITNESS STOOD DOWN
12 MS SIMPSON: I understand Ms Shaw may be in a
13 position now to call Mrs Vena Gollan.
14 CONTINUED

- 1 MRS SHAW CALLS
2 VENA JOYCE GOLLAN SWORN
3 EXAMINATION BY MRS SHAW
4 Q. I think you have a statement which you wish to be your
5 evidence in this matter, but there is one correction.
6 A. That's right.
7 Q. On para.2, the word `developing' should be
8 `implementing'.
9 A. That's right.
10 Q. Apart from that, does that statement contain the
11 evidence which you wish to give before the commission.
12 A. That's correct.
13 EXHIBIT 48 Statement of Vena Joyce Gollan tendered
14 by Mrs Shaw. Admitted.
15 Q. How old are you.
16 A. I'm 43.
17 Q. You are one of Bertha Gollan's 11 children.
18 A. That's correct.
19 Q. You were born at Point McLeay.
20 A. That's correct.
21 Q. For how long did you live at Point McLeay.
22 A. Up to the age of 5 or 6 years of age.
23 Q. Then you came to live in Adelaide.
24 A. That's correct.
25 Q. When you were about 8 or 9.
26 A. That's right.
27 Q. Did you continue to return to Point McLeay to visit
28 people.
29 A. That's correct.
30 Q. And attend funerals.
31 A. That's correct.
32 Q. Re-unions.
33 A. That's correct.
34 Q. And other celebrations.
35 A. That's correct.
36 Q. I think you currently work in the area of Aboriginal
37 cultural studies.
38 A. That's correct.

- 1 Q. As an Aboriginal education worker, Catholic education.
2 A. That's correct.
3 Q. I want to ask you about a phone call that you made on 6
4 June 1995. Can you tell us about that phone call.
5 A. Yes. I wanted to call Shirley Peasley, who is the
6 chairperson of NAIDOC. She is the chairperson of NAIDOC
7 for the Adelaide branch. I wanted to call her because I
8 had another Aboriginal person who wished to be a
9 committee member.
10 Q. You were on that committee.
11 A. I was a member of that committee.
12 Q. Did you call Shirley.
13 A. I called Shirley.
14 Q. Tell us what occurred during that conversation.
15 A. During that conversation, I talked about NAIDOC matters,
16 and during that conversation, Shirley brought up the
17 Hindmarsh business. I said to Shirley during that
18 conversation that I did not want to have any involvement
19 in the Hindmarsh affair because of my involvement with
20 Catholic education and because there is rules and
21 regulations regarding any involvement in media or
22 political affairs. And at that stage she said to me
23 that she wished that she could talk to my mother about
24 the Hindmarsh Island women's business. I said to her
25 that she should go and speak to my mother, that my
26 mother wouldn't not allow her in her home, she would
27 hear her out. Shirley went on to say that 'I know that
28 your mother has been unwell and these women from the
29 north, they know how to do things'. And at that point I
30 said to her 'These women' - and I referred to
31 Pitjantjatjara and I also said Anangu women, that's
32 another name for the Pitjantjatjara people - 'Did anyone
33 take the time to talk in their language to explain fully
34 what they're getting involved in?' And Shirley didn't
35 respond to that. I said to her the Anangu people would
36 not get involved in another group's issues. They would
37 not get themselves involved in any other women's
38 business, and I again said to Shirley 'Did anyone

1 explain to them in their language?' And she didn't
2 respond to that, and at that point the conversation
3 ended.

4 Q. You have in your statement that she said or prefaced
5 talk of the women from up north by saying 'I wouldn't
6 want anything to happen to Auntie Bertha'.

7 A. That's right. She said 'I wouldn't want anything to
8 happen to Auntie Bertha'. And I took that as an
9 indirect threat made to my mother.

10 Q. Did you subsequently pass that on to your mother.

11 A. I did. I told her, at a later date, the conversation I
12 had with Shirley.

13 Q. You have in your statement she said 'I still think the
14 world of your mother. I would not want anything to
15 happen to her'.

16 A. She did say that to me.

17 Q. What is Shirley's relationship to your mother.

18 A. She is a cousin. Her mother is a close relation to my
19 mother.

20 Q. Did you in fact speak, for your own benefit and your
21 mother's benefit, to others who did work with a number
22 of Pitjantjatjara people.

23 A. That's right. I thought about what Shirley had said to
24 me, and so I consulted a work colleague who had worked
25 for a number of years with Anangu people and, being a
26 female, she had a lot of knowledge, cultural knowledge
27 about the Anangu people. She assured me that the women,
28 if they fully understood what was happening, they would
29 - they wouldn't be involved, and they do not get
30 involved in another group's traditional - or women's
31 business.

32 Q. Did you, yourself, whilst you were at Hindmarsh Island
33 and since, come to know a number of Ngarrindjeri women
34 and elders, just speaking generally. Did you know other
35 Ngarrindjeri women who were your mother's relations and
36 people from Point McLeay.

37 A. Yes. Are you asking me do I know or have I spoken to?

1 Q. As you were growing up, did you speak to other
2 Ngarrindjeri elders, aunts -

3 A. Yes.

4 Q. And so on.

5 A. I had a lot of contact with my mother's relations,
6 namely, Auntie Dulcie, my uncle, Uncle Lindsay,
7 Shirley's mother. I had a lot of contact with Shirley's
8 mother, Betty Watson. And I always sat around and
9 listened to a lot of the conversations of my aunts and
10 my mother, and that influenced me a lot with learning
11 about Point McLeay, and - yes, that's all I can say on
12 that.

13 Q. Did you ever hear any mention of any secret sacred
14 women's business on Hindmarsh Island.

15 A. No.

16 Q. Was there any suggestion that there was anything secret
17 and sacred that couldn't be spoken about.

18 A. No.

19 Q. As far as conception, child birth, menstruation, was
20 there any suggestion that was secret sacred women's
21 business.

22 A. No.

23 Q. Was there any suggestion that Hindmarsh Island had any
24 significance to anybody at Point McLeay.

25 A. No.

26 Q. Did you, yourself, know the word 'Kumarangk' for
27 Hindmarsh Island.

28 A. No.

29 Q. Is it the case, as you have said, that you had a
30 particular interest in learning as much about your
31 culture as possible.

32 A. That's right.

33 Q. When did you exactly develop that. When did you feel
34 that -

35 A. I have always had an interest, but it - the interest, it
36 developed because I became a cultural instructor for
37 Aboriginal studies, and through my work that interest
38 grew, and with that interest, I always consulted my

V.J. GOLLAN XN (MRS SHAW)

1 mother in the correct usage of our language, and also my
2 Uncle Lindsay, because I knew that, being younger, I
3 didn't have that knowledge for the correct usage. My
4 Uncle Lindsay, he used to talk about the different
5 fruits and berries that we could find along the Coorong,
6 and he also told me about the way that Aboriginal people
7 used to construct their traditional homes, and, with
8 that information, I passed it on to students in the
9 class that I was working in.

10 MRS SHAW: I have no further questions at this
11 stage. Again, I ask that she be released until
12 tomorrow.

13 COMSR: I gather the situation is the same with
14 other counsel. I suppose you will have some questions
15 for the witness.

16 Q. You are released, but you will be required for
17 cross-examination tomorrow. Do you understand that.

18 A. Yes.

19 MRS SHAW: I wonder if I could have a short break
20 because our next witness has come down from the country
21 this morning? We are moving more quickly than I
22 expected. If I could speak to her and find out what her
23 views are about the courtroom hearing?

24 COMSR: We will take the luncheon adjournment
25 now and we will resume at 2 o'clock.

26 ADJOURNED 12.25 P.M.

- 1 RESUMING 2.05 P.M.
2 MRS SHAW CALLS
3 ROCKY MICHELLE KOOLMATRIE SWORN
4 EXAMINATION BY MRS SHAW
5 Q. Looking at this statement that has been prepared, is
6 that the statement that contains the evidence you wish
7 to have before the Royal Commission.
8 A. Yes.
9 EXHIBIT 49 Statement of Rocky Michelle
10 Koolmatric tendered by Mrs Shaw.
11 Admitted.
12 MRS SHAW: On p.5, the fourth line has been
13 blackened out so that there is no suggestion of any
14 breach of Section 35. If I could make one correction,
15 on p.2, in para.3. It should read `She had two sisters,
16 Mary and Rachel, and two brothers, Robert and Allan'.
17 If that correction could be noted.
18 XN
19 Q. I think you are aged 45 years.
20 A. 44.
21 Q. You are presently employed as a field officer for the
22 Riverland Aboriginal Alcohol Program, where you have now
23 worked for some three years.
24 A. Yes.
25 Q. You live in the Riverland.
26 A. Yes.
27 Q. I just want to ask you about your ancestry. You were
28 born at Meningie.
29 A. Yes.
30 Q. Your father was Henry Albert Koolmatric.
31 A. Yes.
32 Q. And your mother was Isobel Doris Trevorrow.
33 A. Yes.
34 Q. Your father was a Ngarrindjeri man.
35 A. Yes.
36 Q. What about your mother.
37 A. Part English.
38 Q. Ernest Koolmatric was the son of Rachel Walker.

- 1 A. Yes.
- 2 Q. Rachel Walker's brother was Sarah Milera's grandfather.
- 3 A. Pardon?
- 4 Q. Was Rachel Walker's father, Sarah Milera's grandfather,
- 5 or was your father and Sarah's mother, brother and
- 6 sister.
- 7 A. Yes.
- 8 Q. Do you remember anything about your grandparents.
- 9 A. No.
- 10 Q. Sarah Milera is your first cousin.
- 11 A. Yes.
- 12 Q. She was born, I think, at Nildottie.
- 13 A. Yes.
- 14 Q. Where did you live when you were growing up.
- 15 A. About a mile out of Meningie.
- 16 Q. Was that called One Mile Camp.
- 17 A. Yes.
- 18 Q. What kind of place did you live in.
- 19 A. Just a tin house.
- 20 Q. Are you younger or older than Sarah.
- 21 A. Younger.
- 22 Q. By very many years.
- 23 A. A few. I don't know.
- 24 Q. What happened, I think, was that Sarah came to be raised
- 25 by your mother.
- 26 A. Yes.
- 27 Q. How did that come about.
- 28 A. Because her mother was taken to Parkside.
- 29 Q. That's to the mental institution.
- 30 A. Yes.
- 31 Q. How old were you when that occurred.
- 32 A. About 9 or 10. I'm not sure though.
- 33 Q. How old were you when Sarah came to be in the same
- 34 household.
- 35 A. I don't know.
- 36 Q. Can you say whether it was before you were 10, or after
- 37 you were 10, or -
- 38 A. It was after.

- 1 Q. What about her brother, Robert, was he also raised by
2 your mother.
- 3 A. Yes.
- 4 Q. How many children, in all, were there in the household
5 that your mother was raising.
- 6 A. Ten.
- 7 Q. So, first of all, that was at the One Mile Camp.
- 8 A. Yes.
- 9 Q. And after that, where did you move to.
- 10 A. Out to the Coorong.
- 11 Q. What kind of place did you have at the Coorong.
- 12 A. Just a temporary house.
- 13 Q. Did your father work.
- 14 A. Yes. He used to work on the highways.
- 15 Q. For how long did Sarah live in the same household as
16 you.
- 17 A. She was there nearly all her life. Nearly all her life.
- 18 Q. Can you remember how old, approximately, Sarah was when
19 she left your household.
- 20 A. I think about 17, 18.
- 21 Q. Did she go to work at a station.
- 22 A. Yes. She went to Punbaparung, but that was at about 16,
23 17.
- 24 Q. Was that just a temporary position.
- 25 A. Yes, domestic work.
- 26 Q. Can you spell the name of that station, just
27 approximately.
- 28 A. I don't know how to spell it. P-U-N-B-A-P-A-R-U-N-G.
- 29 Q. That's how it sounds.
- 30 A. Yes. On the Coorong.
- 31 Q. Is that the station that became Camp Coorong.
- 32 A. Yes.
- 33 Q. She went there to work for a while as a domestic, and
34 then she came back and lived again at the Coorong.
- 35 A. Yes.
- 36 CONTINUED

- 1 Q. At some stage, did you learn that she had to go to
2 Sydney.
- 3 A. Yes.
- 4 Q. How old was she then.
- 5 A. She was about 17 or 18 then, I'm not sure.
- 6 Q. Was that to give birth to a child.
- 7 A. Yes.
- 8 Q. Then she returned.
- 9 A. Yes.
- 10 Q. And continued to be raised by your mother or live in the
11 same household.
- 12 A. Yes. She came back when she's a couple of months older.
- 13 Q. During the years that you were being raised together,
14 did you learn anything about your culture from your
15 father.
- 16 A. Only about a couple of medicines.
- 17 Q. What sort of medicines do you mean.
- 18 A. Some bark he used to boil up for cough medicine.
- 19 Q. What about your mum, did she tell you anything about
20 culture.
- 21 A. No.
- 22 Q. Did your father suggest that there was anything that you
23 needed to know to be passed down to your children.
- 24 A. No.
- 25 Q. Did your mother suggest there was anything you needed to
26 know to be passed down to your children.
- 27 A. No.
- 28 Q. You have said that Sarah was raised by your mother.
29 What did she call her.
- 30 A. Auntie Val.
- 31 Q. Did she ever say whether or not she regarded her as her
32 mother.
- 33 A. Yes.
- 34 Q. In what circumstances.
- 35 A. She just used to refer to her as mum and talk about her
36 as mum.
- 37 Q. Were there any relations that you had contact with at
38 either One Mile or at the make-shift house at Camp

- 1 Coorong who spoke about your actual culture.
2 A. No.
3 Q. How would you describe your lifestyle. Was it one where
4 you kept to yourself or where there was a lot of mixing.
5 A. Myself?
6 Q. Did your father, was he the kind of man that would mix a
7 lot, or did he keep to himself; how would you describe
8 him.
9 A. No, more or less kept to himself.
10 Q. What about your mother.
11 A. Yes.
12 Q. Have you learnt since 1994 that Sarah Milera claimed she
13 was a descendant of King Pulami or King Peter.
14 A. I hadn't heard of him.
15 Q. You have never heard of him as either King Pulami or
16 King Peter.
17 A. No.
18 Q. I take it you have never heard of Sarah having made any
19 claim.
20 A. No.
21 Q. When you were growing up and when Sarah was living in
22 the same household as you, did she ever talk of anything
23 spiritual or cultural.
24 A. Never.
25 Q. Can you say whether she was someone whom you saw who was
26 prone to telling stories.
27 A. Yes.
28 Q. Can you tell us about that.
29 A. Just fantasizes about things.
30 Q. Can you give us some examples.
31 A. Godmother to Marcia Hines' baby.
32 Q. That was one of the claims that she was godmother to
33 Marcia Hines' baby; Marcia Hines being the rock star.
34 A. Yes.
35 Q. Mother of Deni Hines.
36 A. Yes. She had lunch with Kamahl.
37 Q. `Kamahl' being the singer.
38 A. Yes. She had an affair with David Soul from Starsky &

- 1 Hutch - and police officers.
- 2 Q. Can you tell us whether or not during your upbringing
- 3 you learnt from either of your parents anything about,
- 4 for example, the behaviour of birds.
- 5 A. What?
- 6 Q. The behaviour of birds. Was there a mention of the
- 7 Willie Wagtail.
- 8 A. Yes.
- 9 Q. Can you tell us about that.
- 10 A. Mum told us that it was a sign of bad luck.
- 11 Q. What was bad luck.
- 12 A. The Willie Wagtail jumping around.
- 13 Q. If he was jumping around.
- 14 A. Yes.
- 15 Q. After you lived in the Coorong, you, yourself, moved to
- 16 Murray Bridge and eventually up the Riverland.
- 17 A. Yes. I moved around everywhere.
- 18 Q. Did you see Sarah as you got older and moved to Murray
- 19 Bridge.
- 20 A. Yes.
- 21 Q. Did you maintain contact with her until you and she had
- 22 a falling out over Doug and another woman.
- 23 A. Yes.
- 24 Q. How long ago was that.
- 25 A. About three years, I think; I'm not sure.
- 26 Q. Up until three years ago, did Sarah suggest that she
- 27 knew anything about her heritage.
- 28 A. No.
- 29 Q. Up until that time, what had Sarah said to you about her
- 30 attitude to her aboriginality.
- 31 A. She just said she hated niggers.
- 32 Q. She eventually married a Aboriginal man.
- 33 A. Yes.
- 34 Q. And can you explain her attitude to Aboriginal people
- 35 before she married that man.
- 36 A. She'd just say she hated us sickly, slimy black
- 37 so-and-sos.
- 38 Q. Did she ever suggest to you, up until three years ago,

- 1 that she knew anything about Aboriginal culture.
2 A. No.
3 Q. Did she give you any indication of what she thought of
4 her culture generally.
5 A. No.
6 Q. You say in your statement `She was even ashamed that it
7 was known that she was born at Nildottie'.
8 A. Yes.
9 Q. Can you explain what you mean by that.
10 A. She said she wasn't going to tell anyone that she was
11 born in Nildottie.
12 Q. Did she say why.
13 A. She was ashamed.
14 Q. You say she had basically rejected her culture.
15 A. Yes.
16 Q. What do you mean by that.
17 A. She was always slinging off about blacks. She's
18 slinging off about missions, saying they're dirty,
19 filthy pigsties. Things like that.
20 MR KENNY: I resisted interrupting, but I mean this
21 evidence has, in my opinion, very little relevance to
22 the Commission and, indeed, a lot of Aboriginals would
23 find that quite offensive. I would ask that my friend
24 not lead any more evidence of this sort. I don't know
25 if the suggestion is that Sarah Milera has made up the
26 secret women's business, but I understand the evidence
27 so far is that that is not the case; she is not accused
28 of making it up, according to the evidence that has been
29 led so far. So, the relevance of this seems to be
30 minimal.
31 MRS SHAW: There are two aspects to this: One is
32 that she is described, as you may be aware, by Dr Fergie
33 as being an informant to her in the preparation of her
34 report; and, secondly, it's plain that Sarah Milera
35 assisted Dr Draper prior to the 9 May 1994 meeting. On
36 the evidence thus far heard, it is plain, according to
37 Dorothy Wilson, that it was by Dr Draper for the men
38 that there was the first reference to the fact of this

1 area being comparable to the female anatomy. Sarah
2 Milera is significant in two important areas of the
3 claimed women's business.

4 COMSR: You say that there are certain portions
5 of her evidence which I seriously consider should - it's
6 the witness's evidence that should be suppressed as it
7 might give offence?

8 MRS SHAW: Would you consider that ruling at the
9 completion of her evidence rather than to interrupt it?

10 COMSR: Yes.

11 XN

12 Q. Was there any indication to you during the course of
13 your growing up with Sarah and in later years that she
14 believed she was a custodian of the law of the land;
15 have you ever heard that before.

16 A. No.

17 Q. Did she ever suggest to you that she had personal
18 experiences which somehow related to her ancestral or
19 her past; that is, her Aboriginal past. Have you ever
20 heard it suggested that she was having visions,
21 experiences.

22 A. No.

23 Q. Did she ever suggest to you that she knew anything about
24 the behaviour of birds that would provide a sign of
25 something to do with her ancestry.

26 A. No.

27 Q. Did she ever suggest to you that she had visions of
28 traditional Ngarrindjeri men.

29 A. No.

30 Q. Did she ever suggest to you that she even had any
31 interest in her past and any spirituality in her past.

32 A. No.

33 MR KENNY: If I could rise, there is one matter.

34 It appears to me that a lot of the matters we raised
35 earlier were to do with the historical matters. I'm
36 not raising them again. I'm not certain as to what
37 contact this witness has actually had with Sarah Milera
38 in recent years. They are obviously, I understand, of a

1 similar age, but it is not clear at this stage whether
2 she has had much contact with her for a number of years,
3 and it may be a factor that Sarah Milera has changed in
4 the last 10 or 20 years in her attitudes or beliefs. I
5 think this witness - I'm not sure if she is simply
6 talking of historical matters when they were kids
7 together.

8 MRS SHAW: I thought that I had covered it.

9 XN

10 Q. You gave evidence that you knew Sarah Milera after she
11 returned from having her baby at about the age of 17 or
12 18 when you were living in the make-shift house at the
13 Coorong.

14 A. Yes.

15 Q. After that time, did you continue to have contact with
16 Sarah.

17 A. Yes, when we lived at Murray Bridge.

18 Q. How many years were you both living in Murray Bridge -
19 or was she living in Murray Bridge first of all.

20 A. She was up there first and I moved up there.

21 Q. When was that; how recently was that.

22 A. When I moved to the Riverland, which would have been
23 about 12 years ago.

24 Q. Whilst you were at Murray Bridge, did you used to visit
25 her.

26 A. Yes.

27 Q. And keep in contact.

28 A. Yes.

29 Q. Then, after you moved to the Riverland, did you continue
30 to -

31 COMSR:

32 Q. How long were you at Murray Bridge.

33 A. I don't know, because I was there and I moved to Lameroo
34 and came back again.

35 XN

36 Q. On and off over what period of time were you having
37 contact with Sarah at Murray Bridge.

38 A. Lots of times.

- 1 Q. Was it over a number of years, or months, or how would
2 you describe it. I would ask you to talk in terms of
3 your age. How old you were at the time and how old she
4 was.
- 5 A. What do you mean?
- 6 Q. Just in terms of identifying the time period. I
7 appreciate that you have difficulties with identifying
8 when it was. If we can go -
- 9 A. I know I moved around a lot.
- 10 Q. But just going back from the present time, how long ago
11 was it, do you think, that you were seeing Sarah in
12 Murray Bridge.
- 13 A. About, it would be about 10, 12 years ago.
- 14 Q. Then, you said that you hadn't seen her for two to three
15 years because of the -
- 16 A. That contact with her up at the Riverland I had.
- 17 Q. Did that contact with her continue up until two to three
18 years ago.
- 19 A. Yes.
- 20 Q. Can you explain the nature of that contact; would she
21 come and visit you. She came to the Riverland to visit
22 you.
- 23 A. No, mainly to look for Doug.
- 24 Q. Did you know Doug quite well.
- 25 A. Yes.
- 26 Q. Was he a friend of yours.
- 27 A. Yes.
- 28 Q. Is this the situation that Doug would shoot through, so
29 to speak, and she would go looking for him.
- 30 A. Yes. Or she would ring me up to go and look for him.
- 31 Q. Would she then come up there after you had gone to look
32 for him.
- 33 A. Yes.
- 34 Q. Did you assist her on many occasions to find Doug.
- 35 A. Yes.
- 36 Q. Would you chat to her during those visits.
- 37 A. Yes.
- 38 Q. And see how she was going.

1 A. Yes.

2 Q. How she and Doug were going.

3 A. Yes.

4 Q. And that continued up until two or three years ago.

5 A. Yes.

6 Q. At any time up until two to three years ago, did Sarah
7 ever suggest she had any interest, even in anything
8 cultural, anything to do with the Aboriginal people's
9 culture.

10 A. No.

11 Q. To explain how you and Sarah had a falling out, can you
12 tell us what happened.

13 A. Yes. She was paying off the car she had. She took over
14 the car payments and had slipped behind. And we
15 contacted her and she said that Doug was taking the
16 money for drink. And then he stole the car, took it to
17 Adelaide and ripped all the ignition out of it.

18 COMSR: What is the point of this?

19 XN

20 Q. So, it was in that context that, I think, you say in
21 your statement - I'm not sure how this is to be linked -
22 you said in the statement that she rang you up once
23 looking for Doug and you told her that he had been with
24 another woman.

25 A. Yes, I got sick of her ringing me up all of the time.

26 COMSR: What is the point of all of this?

27 MRS SHAW: I'm establishing how her contact with
28 Mrs Milera came to an end, and it's a matter that we
29 have raised. If there is any suggestion that Ms
30 Koolmathrie's credibility is to be attacked for some
31 reason or another, it is proper that that matter be
32 raised now so that her current relationship with Mrs
33 Milera is plain.

34 COMSR: Yes, but in establishing her current
35 relationship with Ms Milera, you're pursuing a line of
36 questioning concerning Doug Milera.

37 MRS SHAW: The two were inextricably woven together
38 and I have covered it and it is there in the statement.

- 1 Q. Is it the case that you have never spoken to Sarah
2 Milera about the bridge.
- 3 A. No.
- 4 Q. What do you say about the suggestion that Sarah might
5 have been told something by her mother of a secret
6 nature. Would your mother, did your mother suggest
7 there was anything secret to tell.
- 8 A. No.
- 9 Q. In terms of your own upbringing, were you ever given any
10 instruction about the reproduction and the changes to
11 your body.
- 12 A. No.
- 13 Q. Was it ever suggested to you that reproduction and the
14 changes of the female body and pregnancy, giving birth,
15 were secret women's business.
- 16 A. No.
- 17 Q. Did your mother give you any instruction at all on
18 menstruation and giving birth.
- 19 A. No.
- 20 Q. Was that something you learnt for yourself.
- 21 A. Yes.
- 22 Q. In all the years you were growing up with Sarah, did she
23 indicate whether she had any special knowledge about the
24 changes to her body and giving birth, and so on.
- 25 A. No.
- 26 CONTINUED

1 Q. Was Hindmarsh Island ever mentioned, as far as you can
2 remember, in all your years.

3 A. No, I never heard of it.

4 Q. Did Sarah ever mention Hindmarsh Island.

5 A. No.

6 Q. Even up until three years ago, had you ever heard her
7 mention Hindmarsh Island.

8 A. No.

9 Q. I think you have asked a number of women who live up the
10 river whether or not they have heard of Hindmarsh Island
11 and any women's business.

12 A. Yes.

13 MR KENNY: Again I raise this is hearsay upon
14 hearsay of women we don't know who who live up the
15 river, but with no obvious connection to the issue
16 before this Commission.

17 MS SHAW: I pause to interrupt. My learned friend
18 has got no idea what I am going to ask. I wouldn't be
19 asking a question unless it was relevant and it would be
20 made relevant.

21 COMSR: Yes, it is a little difficult to see, at
22 the present moment, but you assure me that its relevance
23 will become obvious?

24 MS SHAW: Yes, I want to raise it, because this
25 witness is going to be stood down and there is a
26 document to be produced and I want to flag that. And
27 the document, unlike Betty Fisher, will be produced.

28 COMSR: On the basis of the assurance that Ms
29 Shaw has given me, I will permit this line of
30 questioning.

31 XN

32 Q. Is it true to say that you have asked a number of women
33 up the river of Ngarrindjeri heritage as to whether or
34 not they have ever heard of Hindmarsh Island and of
35 women's business.

36 A. Yes.

37 Q. Have you obtained the signatures of more than twenty
38 women -

1 A. Yes.

2 Q. To such a document.

3 A. Yes.

4 Q. Do they include the signature of Yvonne Roberts, who is
5 Connie Roberts's daughter.

6 A. Yes.

7 Q. Is it the case that you have left that document home,
8 but you propose to produce it, when you return for
9 cross-examination.

10 A. Yes.

11 MS SHAW: That is all I wish to lead, at this
12 stage.

13 COMSR: There are a number of matters during the
14 course of this witness's evidence that I raise. They
15 were suppressed from publication. The portion of the
16 evidence of the witness which refers to, I think it is
17 the mother of Sarah Milera being admitted to Parkside.

18 MS SHAW: Yes, that is so.

19 COMSR: And the examples the witness gave of
20 fantasies by Sarah Milera in which she names prominent
21 figures and her association with these persons.
22 Prominent persons being named as having some association
23 with Sarah Milera. They were given as examples of
24 fantasies and it scarcely seems appropriate to me that
25 their names should be published. It would be a matter
26 of great embarrassment, I would think, to them and, for
27 that reason, I have some reservations about that. And
28 Sarah Milera's alleged description of Aboriginals as
29 'slimy, black so-and-sos', it would seem particularly
30 offensive to have that published. And also the
31 accusation that Doug Milera stole a motor vehicle. I
32 don't know if there are other examples, but it seems to
33 me that all of those matters are matters which, for one
34 reason or another, should not be published. I don't
35 know if there are any other matters?

36 MS SHAW: There are a couple of other matters I
37 overlooked, just to clarify with the witness, if I
38 might?

- 1 COMSR: I am just foreshadowing that I intend to
2 make an order along those lines.
3 XN
4 Q. Just to clarify Sarah's ancestry, as you knew it. Her
5 mother came from the Coorong.
6 A. Yes.
7 Q. What about her father. Where did her father come from.
8 A. Balranald.
9 Q. In New South Wales.
10 A. Yes.
11 Q. Secondly, I am not sure if I have asked you this, but
12 Sarah's brother, Robert Day, was he also raised by your
13 mother.
14 A. Yes.
15 Q. What age was he when he left the home.
16 A. I think about 17 or 18.
17 Q. You grew up with him.
18 A. Yes.
19 Q. You mentioned Yvonne, Connie Roberts's daughter. Did
20 you specifically ask her if she had heard anything from
21 her mother.
22 A. No.
23 Q. About any secret women's business on Hindmarsh Island.
24 Did you ask Yvonne about that.
25 A. No, she came into the office and asked me if I had
26 heard anything and I said `No', and she said `Neither
27 have I.'
28 MS SHAW: That is all I wish to ask.
29 MR KENNY: Just on that suppression order, my
30 friend has just pointed out the description of
31 Aboriginals that Sarah Milera is alleged to have made.
32 I think this witness said she hated niggers. I would
33 ask that any of those descriptions of the Aboriginal
34 people be suppressed, because they are simply
35 offensive.
36 MS PYKE: There was a reference in the evidence
37 to Sarah going off to Sydney at the age of 17 or 18 to
38 have a baby. It would be my submission that that is

- 1 the sort of thing that shouldn't be published either.
2 Just at the moment it stands, on the evidence, as an
3 unsubstantiated allegation, if I can put it that way.
- 4 MR KENNY: Perhaps for simplicity sake, seeing we
5 have got to the stage of so many areas of suppression
6 in relation to this witness that perhaps her entire
7 evidence should be suppressed save and except I have
8 no objection to reporting that she gave evidence.
- 9 COMSR: I think it is better that the press
10 know specifically.
- 11 MR KENNY: There are a whole series of things in
12 there that are offensive. It is going to require a
13 fairly broad almost a line-by-line suppression. It may
14 be worth waiting until we have the transcript and
15 perhaps we will go through the transcript and make sure
16 that the press know exactly what can and cannot be
17 reported. At this stage, there are a number of lines
18 that have been raised and a number of things she has
19 said on an individual basis, but I am sure the press are
20 not anxious to cause anyone concern and not to breach
21 any of the directions of the Commission.
- 22 MS SHAW: There is no need for Ms Koolmatric to
23 remain in the witness box while this discussion is
24 occurring.
- 25 COMSR: There is no further examination?
- 26 MS SHAW: No.
- 27 COMSR: Ms Koolmatric, you are being released
28 until you are required.
29 When, for cross-examination?
- 30 MS SHAW: Because of her work commitments, Ms
31 Koolmatric has to return to the Riverland tonight. So,
32 when she is able to secure some further time off work,
33 we will arrange for her to come back.
- 34 COMSR: You understand that you are being
35 released?
- 36 WITNESS: Yes.
- 37 COMSR: But that you haven't completed your
38 evidence and you will be advised when you are to come

1 back and complete your evidence?

2 WITNESS: Yes.

3 WITNESS STOOD DOWN

4 COMSR: The evidence isn't extremely long, as
5 far as this witness is concerned, but the transcript
6 won't be available probably until later today.

7 MS SIMPSON: I think there are five areas that are
8 quite capable of being defined in a satisfactory and
9 specific way for the press and for any members of the
10 public who are here. They are those that you have
11 outlined.

12 With regard to the second one, the fantasies
13 relating to some named prominent persons, there was also
14 a reference to police officers, which, in my submission,
15 ought to be the subject of suppression, but could you
16 clarify for the press whether or not it is the fact of
17 the fantasies which is suppressed or simply the names or
18 the categories of the persons?

19 COMSR: Yes, what I had in mind was the names to
20 save embarrassment to the persons concerned and also the
21 category of police officer, too. I think I can cover
22 the situation here.

23 Pursuant to s.16 (a)(1)(b) of the Royal Commission
24 Act I forbid the publication of that portion of the
25 evidence of Rocky Koolmatrie which refers to the mother
26 of Sarah Milera being admitted to Parkside and the names
27 of the persons and category of persons in the examples
28 the witness gave of fantasies by Sarah Milera. And the
29 description attributed to Sarah Milera of Aboriginals as
30 `slimy black so-and-sos' and as `niggers'. And the
31 accusation that Doug Milera stole a motor vehicle.

32 MS SIMPSON: There was one further mention of a
33 matter, by Ms Pyke, about Sarah Milera going to Sydney
34 at the age of 17.

35 COMSR: Yes, and any reference to Sarah Milera
36 going to Sydney as a 17 year old I think it is to have a
37 baby.

38 MR MEYER: Just so that I understand the nature of

1 the suppression for the members of the press, is it
2 permissible for it to be said that Sarah Milera has
3 described Aboriginal persons in a derogatory manner? Is
4 that a fair summary of the evidence? Because, if it is
5 suppressed, as I understand it, I as a practitioner
6 could also be in breach of the rules. It is not just
7 for the press that it is suppressed. And if, in fact,
8 all references to Mrs Milera's evidence in relation to
9 those descriptions is to be suppressed, I am looking for
10 that clarification.

11 COMSR: I have in mind the specific references,
12 the specific words that have been used.

13 MR KENNY: If you were looking at specific words, I
14 think she also referred to them as 'dirty, filthy pigs',
15 as well.

16 COMSR: No, that is the description of the
17 missions.

18 MR KENNY: Perhaps that description should also be,
19 'pig sties'. I didn't hear it. My client did hear it,
20 though. He was most concerned that that would upset a
21 lot of people that lived on those missions. Conditions
22 weren't good, but they did live there.

23 COMSR: I don't know that that is quite of the
24 same category of offensiveness as the other matters.
25 But, admittedly, as far as the people running the
26 missions are concerned who are not here to, as it were,
27 defend the condition of the missions, perhaps I should
28 also include that.

29 MS SHAW: Perhaps I ought to make it clear that
30 many of my clients were raised on the missions and would
31 take a contrary view to that which that was voiced by Ms
32 Milera to Ms Koolmatie.

33 COMSR: Yes, I appreciate that. What I am
34 ordering suppressed are views alleged to be expressed by
35 Sarah Milera. I am not suggesting that they are views
36 expressed by Ms Koolmatie.

37 MS SHAW: No, quite the opposite.

38 COMSR: But I am suppressing them, because of

1 the offensive nature of the material.

2 I also include in the matters to be suppressed the
3 reference to the missions as being 'dirty, filthy pig
4 sties', or words to that effect.

5 Therefore, there should be no difficulties, as far
6 as the members of the press are concerned, about
7 identifying the material that I have referred to.

8 MS SIMPSON: As I understand it, there are no more
9 witnesses who are available to give evidence today, so I
10 would ask you to adjourn the hearing of the Commission
11 until tomorrow morning. During that time, it is hoped
12 that some progress can be made in preparation for
13 cross-examination of the witnesses, in any event. So, I
14 hope that no time will be lost overall.

15 MR MEYER: There has been an exhibit put in this
16 morning, MFI 42. By liaising with counsel assisting,
17 can you give leave for counsel to have access to listen
18 to that tape?

19 COMSR: You wish to peruse it, I gather?

20 MR MEYER: Yes, and, by co-operating with counsel
21 assisting, if we can make that arrangement?

22 COMSR: Yes, Mr Meyer.

23 What is proposed for tomorrow? What is the order of
24 witnesses?

25 MS SHAW: Bertha Gollan will return to be
26 cross-examined. We have one lady travelling from the
27 Riverland tomorrow to give evidence. And I ask that her
28 statement be made available today so that she can be
29 cross-examined tomorrow. That is to save her having to
30 stay overnight or later and we have Audrey Dix and the
31 ladies who gave evidence this morning available for
32 cross-examination tomorrow.

33 COMSR: I understand that there may be some
34 difficulty about continuing in this venue, is it beyond
35 Thursday?

36 MS SIMPSON: Beyond Thursday, yes.

37 COMSR: It will be necessary for you to have a
38 witness that you consider requires to give her evidence

- 1 in this venue or a venue outside.
- 2 MS SHAW: Yes, I have discussed that with Ms
3 Simpson and I understand she has raised that with other
4 counsel.
- 5 MS PYKE: I just make this note. Obviously we
6 have got a fair few people we have got to get through
7 tomorrow. I have started taking my instructions during
8 the luncheon break and will continue to do that. My
9 only concern is Mrs Wilson. I have been apprised of the
10 fact that we haven't got the courtroom beyond Thursday.
11 I am just indicating that I will be using my best
12 endeavours. I don't know who else will be
13 cross-examining, but I just don't want it to be
14 suggested that I am not going -
- 15 COMSR: Is there much of the evidence that
16 directly concerns the party you represent?
- 17 MS PYKE: Yes.
- 18 COMSR: Quite a lot, is there?
- 19 MS PYKE: Yes.
- 20 COMSR: Perhaps you would prefer to go last in
21 cross-examining and that might assist you?
- 22 MS PYKE: Yes, all I am flagging is that I'm not
23 sure whether we will finish her by the end of Thursday.
24 It may well be that we will with time to spare, but, at
25 this stage, I am quite unable to say how long my
26 cross-examination would be, but I just flag that. And I
27 am still in the process of taking instructions.
- 28 COMSR: The witness was taken fairly thoroughly
29 through her statement, so a lot of the ground has been
30 covered.
- 31 MS PYKE: Yes, but, of course, my task on behalf
32 of my client is to test the areas that we believe are
33 relevant.
- 34 COMSR: Yes, but there is a certain amount of
35 it, I suppose, that doesn't have to be.
36 MFI 42 is the audio tape?
- 37 MS SIMPSON: That's correct, yes. That is not an
38 exhibit as at the present time.

1 MS SIMPSON: It is understood that the application is
2 for counsel to have access to the exhibit and we can try
3 and make arrangements for that with the leave of the
4 Commissioner, that is, you.

5 COMSR: Counsel and legal representatives can
6 have access to that by arrangement with Ms Simpson.

7 MR MEYER: I wasn't suggesting anybody else. I was
8 only wanting to limit it to counsel.

9 COMSR: Ms Simpson can make the necessary
10 arrangements then for you to have access to that tape.

11 MS PYKE: There is only one thing, at this stage.
12 It is not an exhibit. It is only marked for
13 identification.

14 COMSR: That's right, it is marked for
15 identification.

16 MS PYKE: My concern is this, if the person who
17 made the recording is not going to be called to prove
18 it, I would have an objection, at this stage -

19 MS SHAW: I can indicate that my client gave
20 evidence she was present through it. We didn't play the
21 tape and identify the voice, but, even if Mr James was -

22 MS SIMPSON: Mr James can be called, if necessary.

23 COMSR: If necessary, yes.
24 On that basis, I think your concerns would be met.

25 ADJOURNED 2.55 P.M. TO WEDNESDAY, 16 AUGUST 1995 AT 10 A.M.

1 COMSR STEVENS

2

3 HINDMARSH ISLAND BRIDGE ROYAL COMMISSION

4

5 WEDNESDAY, 16 AUGUST 1995

6

7 RESUMING 10.05 A.M.

8 MRS SHAW: There is one matter I would like to
9 clarify with Ms Vena Gollen about the terminology that
10 has been used so that there is no misapprehension for
11 the people who wish to cross-examine.

12 WITNESS V.J. GOLLAN CONTINUING

13 EXAMINATION BY MRS SHAW

14 Q. Can you tell us, when you talk about culture, when we
15 talk about the mission culture and then we hear evidence
16 about the Mulywonk and bark chips being used, can you
17 explain the differences between the mission culture, the
18 use of bark chips and knowledge of Mulywonks and what
19 you told us about there being no secret women's
20 business.

21 MS PYKE: I don't know that this witness gave any
22 evidence about those Mulywonks. I don't mind the
23 witness being asking questions about evidence she has
24 given, I'm looking at the statement and it was not given
25 by this witness in evidence.

26 MRS SHAW: I'm assuming that - I prefaced my
27 question on that basis that while I ask the witness to
28 differentiate and to explain her use of the term
29 'culture' against the background of those various
30 concepts being known to her and having been heard in
31 this court.

32 COMSR: So long as it is clear.

33 MRS SHAW: It is not suggested that this witness
34 has given that.

35 Q. Can you explain those various matters by drawing on your
36 own knowledge.

37 A. Okay. To explain culture, it's the background that I
38 come from. I'm a Ngarrindjeri woman. I come from the

- 1 Ngarrindjeri group of people. It's the language that
2 the Ngarrindjeri people speak that, the remnants of mine
3 - of my language. It's identifying the area that I come
4 from. It's having some knowledge of the traditional
5 foods that come from the area that I was born at
6 Raukkan. It's identifying the different foods that the
7 Ngarrindjeri people eat, naming the wild birds, ducks,
8 Cape Barren Geese, the different fishes that
9 Ngarrindjeri people eat, I suppose, compared to, say,
10 Central Australian people; and knowing some names of,
11 the Ngarrindjeri names of those fish. For instance,
12 Thurkeri, T-H-U-R-K-E-R-I, and having knowledge of the
13 area that I come from. That's my understanding. And
14 the understanding of family relationships is important
15 for cultural identity.
- 16 Q. Are these all things that you learnt as you were growing
17 up at Point McLeay.
- 18 A. That's right.
- 19 Q. Are you able to name the foods that you are referring
20 to.
- 21 A. Yes. It is a small berry called a Munterie,
22 M-U-N-T-E-R-I-E, and little tubers that we used to dig
23 it the ground. They are transparent. I haven't got the
24 Ngarrindjeri name for that. Pulling up long grasses
25 from the, that grow along the beach front, and it has a
26 nutty flavour - and I can't tell you the name of that.
27 I know that we used to go to these plants as kids and
28 pull them up and eat the tip of these plants. And
29 eating the callop and the Murray cod. And the family
30 relationships are very important, because we would have
31 relations always visiting. And for me, as an Aboriginal
32 person, it's unique that families are always together.
33 Relations are always visiting and having damper. My
34 mother used to cook the damper, I remember that - and
35 she still does. Having swans' eggs, grew up eating
36 swans' eggs. Grew up eating swans. I remember having
37 the swan for Christmas instead of having the turkey, and
38 the wild ducks. I remember all of that. And that is

1 very important for me to remember that. That is part of
2 my identity as a Ngarrindjeri person.

3 Q. In so far as there being no sacred secret women's
4 business and not being told about your own body, did you
5 regard that you weren't being told because it was secret
6 sacred women's business, or did you consider that there
7 was some other explanation in culture.

8 A. What I remember is not being told ever. I had to find
9 out my own self and experience on my own the changes in
10 my body, and I could only say that that was just an
11 experience that I had to go through myself and I was not
12 told any of that.

13 COMSR

14 Q. As far as you know, was it just because of your
15 particular family, or was that common with other
16 Aboriginal girls growing up.

17 A. That was common amongst other Aboriginal girls, because
18 I had contact with cousins, female cousins and they went
19 through the same experience.

20 XN

21 Q. There was never talk in the school yard.

22 A. There was never talk or it amongst the Aboriginal
23 people. That would be shame to be talking about female
24 changes, and you just didn't discuss it. It was - shame
25 is a very big thing for Aboriginal people, and
26 especially talking about female menstruation.

27 Q. Was that shame in the context of the mission culture as
28 you saw it.

29 A. Well, I could say that being an Aboriginal person myself
30 and having contact with other Aboriginal people,
31 relations, it's one of the, I suppose, makeup of
32 Aboriginal people that shame is something that is within
33 all of us. There are certain things there for praise.
34 We feel shame where I suppose the non-Aboriginal person
35 would feel, I suppose, joy and celebration for being
36 singled out for anything, Aboriginal people feel
37 the opposite: you feel shame.

1 CROSS-EXAMINATION BY MS PYKE

2 Q. You're the daughter of Bertha Gollan.

3 A. That's right.

4 Q. You're the sister of Audrey Dix.

5 A. That's right.

6 Q. Are you related to Betty Tatt.

7 A. That's right, yes, I am.

8 Q. What is your relationship to Betty Tatt.

9 A. We are cousins.

10 Q. Are you related at all to Dorothy or Dulcie Wilson.

11 A. I am, yes.

12 Q. What is your relationship with them.

13 A. She's my auntie through marriage.

14 Q. Which one.

15 A. To my Uncle Lindsay.

16 Q. Dorothy or Dulcie. You said 'she'.

17 A. Are you talking about Dorothy Wilson?

18 Q. Dorothy Wilson. Are you related to Dorothy.

19 A. No.

20 Q. Dulcie Wilson.

21 A. Yes.

22 Q. Have you discussed with these relatives of yours the
23 issues that are before the Commission.

24 A. Have I?

25 Q. Discussed with your relatives - your mother, your
26 sister, your cousin Dulcie Wilson - the subject matter
27 of this Commission.

28 A. When the Hindmarsh Island business came up, I asked my
29 mother whether there was any such thing as women's
30 business.

31 Q. You have discussed it with your mother since then.

32 A. I have talked to my mother and that was relating to the
33 phone call that I had with Shirley Peasley.

34 Q. Apart from that phone call with Shirley Peasley, have
35 you discussed with your mother since that first
36 conversation -

37 A. Yes.

38 Q. The issue of women's business or sacred women's business

- 1 or secret women's business.
- 2 A. Yes. Well, again, I asked my mother whether there was
3 any women's business or secret women's business to do
4 with Hindmarsh Island, could she remember anything, and
5 that was the discussion that I had.
- 6 Q. Your mother told you `No'.
- 7 A. `No', that's right.
- 8 Q. Did they tell you that she thought it was a load of
9 rubbish.
- 10 A. She didn't know anything about Hindmarsh Island and
11 that's all she said to me.
- 12 Q. Did she suggest to you that she thought it had been made
13 up, or anything along those lines.
- 14 A. No.
- 15 Q. All your mother's basically said to you is that she
16 didn't know anything about it.
- 17 A. That's right.
- 18 Q. Have you discussed the issue of women's business or
19 secret women's business or secret sacred women's
20 business, or any combination of those words, with your
21 sister Audrey.
- 22 A. No.
- 23 Q. What about Betty Tatt.
- 24 A. No.
- 25 Q. Dulcie Wilson.
- 26 A. Yes, I asked Auntie Dulcie, and she again said, no, she
27 didn't have that knowledge of anything secret or sacred
28 at Hindmarsh Island.
- 29 Q. Have you discussed it with anyone else.
- 30 A. No.
- 31 Q. Do you know Phillis Byrnes.
- 32 A. No, I don't.
- 33 Q. Or Rocky Koolmatie.
- 34 A. Yes, I do.
- 35 Q. How do you know Rocky.
- 36 A. We went to Meningie Area School. She was at Meningie
37 Area School when I was attending there, and I also know
38 her through the Berri Alcohol Centre because of my work

- 1 with Catholic education in the Riverland area.
- 2 Q. Through the Berri Alcohol -
- 3 A. Berri Alcohol Centre.
- 4 Q. How is that connected with your work.
- 5 A. They - I was running an hourly paid instructors'
- 6 workshop, and that's to encourage community people to
- 7 work in Catholic schools, and the centre allowed the
- 8 team to use their facilities to run the workshop.
- 9 Q. You say that you were born at Point McLeay.
- 10 A. Yes.
- 11 Q. Are you aware of any significance of the area of Point
- 12 McLeay in Aboriginal history or tradition.
- 13 A. Not when I was living there, I was too young.
- 14 Q. What do you mean by that.
- 15 A. Well, I wouldn't have realised what were significant
- 16 places while I was living there because of the age that
- 17 I was.
- 18 Q. You say that you left Point McLeay at about age six or
- 19 seven.
- 20 A. That's right.
- 21 Q. Was there any discussion or talk with you by anyone
- 22 during the time you were on Point McLeay about whether
- 23 that place had any significance, say, in Aboriginal
- 24 tradition history culture, or whatever.
- 25 A. No. No, not while I was there.
- 26 Q. Since you have been there, have you become aware of any
- 27 significance of Point McLeay.
- 28 A. I suppose I could say that to me it is a significant
- 29 place because it's a place of my birth. It's a place
- 30 where there is a story that is taught in schools today
- 31 about the Thurkeri, the bony bream, and that is
- 32 significant to me now.
- 33 Q. Thurkeri.
- 34 A. Thurkeri.
- 35 Q. How is that relevant to Point McLeay.
- 36 A. Because it's a story and that is where the story starts
- 37 at Point McLeay.
- 38 Q. Any other reason that Point McLeay is significant for

- 1 you, other than your place of birth and it's the
2 starting point of this particular story about Thurkeri.
- 3 A. Yes, and it's a place that is of significance because I
4 have many relatives who still live there and I visit, on
5 occasions, to Point McLeay and I go back for events that
6 are held at the Raukkan, or Point McLeay School, as well
7 as the Raukkan reunion. I have returned for those
8 occasions.
- 9 Q. You consider yourself to be a Ngarrindjeri woman.
10 A. I do.
- 11 Q. When you were on the Point McLeay Mission, was that a
12 concept that you had at that time that you considered
13 yourself Ngarrindjeri.
- 14 A. Yes.
- 15 Q. So, is that a word that you had heard whilst you were
16 living on Point McLeay.
- 17 A. Ngarrindjeri? Or -
18 Q. Yes.
19 A. Well, it's a name that, I suppose, belongs to me. I've
20 always grown up with that name. That name has always
21 stuck with me because it's my group name.
- 22 Q. My question was: Was the term `Ngarrindjeri', was that
23 the term that you were aware of when you were living on
24 Point McLeay.
- 25 A. No, not at that age.
- 26 Q. When do you say that you first became aware of
27 `Ngarrindjeri'.
28 CONTINUED

- 1 A. When we moved to Meningie.
2 Q. When did you move to Meningie.
3 A. In - I can't say exactly what age, but it was after my
4 father died and I would have been approximately going on
5 for seven years of age.
6 Q. In your statement, and I am just reading it, you said
7 this 'I lived on Point McLeay until I was about six or
8 seven.'
9 A. Yes.
10 Q. 'When my parents took the family off the mission.'
11 A. Yes.
12 Q. 'From the age of eight or nine, I have lived in
13 Adelaide.'
14 A. Yes.
15 Q. There is no reference there to leaving Meningie. Is
16 there a gap, or -
17 A. That wasn't asked of - I didn't think about Meningie. I
18 was just talking about my earliest years of what I could
19 remember, which is hard, because I was very young and I
20 can't recollect the time span of what age I was moving
21 off the mission to Meningie, because we weren't in
22 Meningie very long before my father died and my mother
23 brought us to Adelaide and I was eight - seven or eight
24 when we were in Adelaide.
25 Q. Would you say that you have a specific recollection that
26 you became aware of Ngarrindjeri as a - as the name of
27 an Aboriginal tribe whilst you were at Meningie.
28 A. Sorry?
29 Q. Whilst you were at Meningie.
30 A. Yes.
31 Q. So, you have a clear recollection of that.
32 A. That's right.
33 Q. Do you remember who told you, who first told you about
34 Ngarrindjeri as being a name for an Aboriginal tribe.
35 A. My mother.
36 Q. Were you told, at that time, that that was the name of
37 your tribe, if I can put it that way.
38 A. That's right.

- 1 Q. That is the people you were descended from.
2 A. That's right.
3 Q. Were you told, or did you know where - and I will refer
4 to them as your ancestors - where your ancestors came
5 from.
6 A. Yes.
7 Q. Where did they come from.
8 A. Point McLeay.
9 Q. Were you given any knowledge, at that stage, or whilst
10 you were growing up, of where the Ngarrindjeri tribe
11 came from.
12 A. I was told that they came from Point McLeay.
13 Q. Were you told that Ngarrindjeri people came from places
14 other than Point McLeay, or was that your belief, that
15 Point McLeay was basically the Ngarrindjeri tribe.
16 A. Point McLeay.
17 Q. When you were growing up, were you told that
18 Ngarrindjeri people came from Meningie.
19 A. I knew that Ngarrindjeri people were at Meningie.
20 Q. Milang.
21 A. Yes.
22 Q. You were told that Ngarrindjeri people - when I say
23 'came from', not that were living there, but your
24 ancestors, the Ngarrindjeri tribe, their area included
25 Meningie.
26 A. Yes.
27 Q. Milang.
28 A. Yes.
29 Q. Goolwa.
30 A. I didn't know about that.
31 Q. The Coorong.
32 A. Yes.
33 Q. Anyone tell you anything about Kangaroo Island.
34 A. No.
35 Q. Poonindie.
36 A. Poonindie?
37 Q. Yes.
38 A. No.

1 Q. Point Pearce.

2 A. No.

3 Q. Was it your belief that Point McLeay was the centre of
4 the Ngarrindjeri tribe, if I can put it that way.

5 A. Are you talking about -

6 Q. When you were growing up.

7 A. When I was growing up, yes.

8 Q. When you were growing up, you left Point McLeay, as you
9 say, when you were about six or seven. Did you know
10 other people who were not living on Point McLeay.

11 A. Yes.

12 Q. Did you know other Ngarrindjeri people who were not
13 living on Point McLeay.

14 A. Yes.

15 Q. What sort of places did they live.

16 A. What sort of places did they live in?

17 Q. Yes, where, what suburb or areas of South Australia, or
18 anywhere else, for that matter.

19 A. Where we moved at Meningie there was Ngarrindjeri people
20 living at the back of us. There was other Ngarrindjeri
21 people living in the town that we visited and there was
22 Ngarrindjeri people living at Wongulla where my mother
23 took us frequently and down at the Coorong.

24 Q. As you were growing up, there were a lot of Ngarrindjeri
25 people that you were aware of that were not connected
26 with the mission, at that stage.

27 A. Only the people that were living in the town and on the
28 Coorong.

29 Q. Were you aware, when you were growing up, of any
30 Ngarrindjeri people that had not been born on Point
31 McLeay.

32 A. No.

33 COMSR: I didn't hear that.

34 XXN

35 Q. When you were growing up, were you aware of any
36 Ngarrindjeri people who had not been born on Point
37 McLeay.

38 A. No.

- 1 Q. Was it your view that, to be considered Ngarrindjeri,
2 you had to have been born on Point McLeay.
- 3 A. Can I have that question again?
- 4 Q. Yes, was it your view, as you were growing up, that, to
5 be a Ngarrindjeri, or to qualify for Ngarrindjeri tribal
6 membership, if I can put it that way, that you had to
7 have been born on Point McLeay.
- 8 A. I didn't have any views on that.
- 9 Q. You, as I understand it, have told us about some things
10 that you understood your culture to mean. You have
11 talked about foods and names of fish and the like. The
12 evidence that you have given, is that all that you were
13 told about your culture, as you were growing up.
- 14 A. No, the family relationship was very important. Because
15 I belong to a large family, looking after the younger
16 brothers and sisters is one requirement as being - for
17 being Aboriginal, where I had responsibilities of
18 helping with work, helping to look after the younger
19 brothers and sisters. Even helping to pluck the ducks
20 and wash socks and responsibilities like that, yes.
- 21 Q. When you were growing up, were you interested in your
22 culture, your background, your ancestors.
- 23 A. Yes.
- 24 Q. Did you used to ask questions about it.
- 25 A. Yes.
- 26 Q. Were you ever given any response to your questions.
- 27 A. Yes, I did get responses.
- 28 Q. What sort of questions did you ask.
- 29 A. I asked about the correct usage of Ngarrindjeri
30 language. And I also asked about the foods. I also
31 asked about the Point McLeay, where we - where I spent
32 my earliest years.
- 33 Q. When you were growing up, were you shown or taught
34 anything about wurlies, the habitation.
- 35 A. When I was growing up, no.
- 36 Q. Were you told or shown anything about the traditional
37 making of baskets and mats.
- 38 A. When I was growing up?

- 1 Q. Yes.
2 A. No.
3 Q. You have talked about language. You heard some
4 Ngarrindjeri words when you were growing up.
5 A. Often.
6 Q. Who used those words.
7 A. My father, my mother, aunties, uncles, other older
8 cousins. I spoke words myself.
9 Q. Was there anyone that - when you were growing up - and
10 perhaps I will just define that up to, say, the age of
11 eighteen is perhaps the time frame I will talk about -
12 anything in your answers you have just given me that you
13 want to change if I use eighteen as the age.
14 A. No, that's fine.
15 Q. Did you know anyone who spoke the Ngarrindjeri language
16 as a fluent language.
17 A. Never.
18 Q. When you were growing up, did you ever hear any songs
19 sung in the Ngarrindjeri language.
20 A. Never.
21 Q. Were you ever told about any songs.
22 A. No.
23 Q. When you were growing up, were you ever told about the
24 practice of the smoking of bodies.
25 A. No, I wasn't.
26 Q. When you were growing up, were you told about the
27 Ngurunderi tradition or story.
28 A. Not until later.
29 Q. We are talking about under the age of eighteen.
30 A. Yes.
31 Q. When you were growing up, were you told anything about
32 sorcery or any practices associated with it.
33 A. Yes.
34 Q. What were you told about sorcery, when you were growing
35 up.
36 A. In Ngarrindjeri culture, there is some aspects of it
37 that even I can't talk about and especially with
38 sorcery. My mother did make mention, without going into

1 detail, about -

2 COMSR: Yes, if we are going to go into detail,
3 that would be covered, of course, by the same provision
4 of the Aboriginal Heritage Act.

5 XXN

6 Q. Let me just ask a general question. Are you saying, as
7 you were growing up, under the age of eighteen, there
8 were some issues in relation to sorcery that were
9 discussed with you.

10 A. Yes.

11 Q. Who discussed those with you.

12 A. My mother.

13 MS PYKE: I will just leave it at that, at this
14 stage, and we will think about whether we want to close
15 the court in due course.

16 XXN

17 Q. When you were growing up, were you ever told of the
18 meaning of any feature in the landscape around Point
19 McLeay or any of the areas you understood to be
20 associated with the Ngarrindjeri tribe.

21 A. No.

22 Q. Were you ever, when you were growing up, told anything
23 about male initiation.

24 A. No.

25 Q. Were you told anything about female initiation.

26 A. No.

27 Q. Were you told anything about Ngarrindjeri beliefs or
28 attitudes in association with birth.

29 A. No.

30 Q. Were you told anything about Ngarrindjeri beliefs,
31 practices or culture associated with menstruation.

32 A. No.

33 Q. Have you found out about any of these issues - and I
34 will go through them again, just quickly - wurlies. Do
35 you know anything about them now.

36 A. Yes, I do.

37 Q. What has been your source of knowledge about finding out
38 about wurlies.

- 1 A. My Uncle Lindsay.
2 Q. How old were you when your Uncle Lindsay told you about
3 that.
4 A. Would have been thirty-five years of age.
5 Q. The Aboriginal or Ngarrindjeri practices associated with
6 the making of baskets and mats, is that something you
7 have become aware of.
8 A. I do weaving now, yes.
9 Q. How old were you when you became aware of the
10 Ngarrindjeri tradition associated with that.
11 A. I knew about the Ngarrindjeri tradition of weaving, but
12 didn't know how to do it myself until later.
13 Q. About how old were you when you -
14 A. Thirty-nine years of age.
15 Q. You have referred previously to language. Have you,
16 since eighteen, become more interested in language.
17 A. I have always used remnants of my language.
18 Q. Is it the situation that not much has changed about
19 that.
20 A. Nothing has changed with that.
21 Q. Ngarrindjeri songs, traditional songs.
22 A. No.
23 Q. You still have no knowledge of those.
24 A. No.
25 Q. Information concerning the smoking of dead bodies.
26 A. No.
27 Q. The myth of or the Ngurunderi story.
28 A. I do know that now.
29 Q. When did you find out about that.
30 A. About thirty-five.
31 Q. And sorcery, are there any elements of sorcery that you
32 found out, since eighteen, that you didn't know
33 beforehand.
34 A. Yes.
35 Q. How old were you when you found out about those.
36 A. Same age.
37 Q. About thirty-five.
38 A. Yes.

- 1 Q. And aspects of the landscape.
2 A. Can I just go back on that one?
3 Q. Yes.
4 A. With the sorcery, I knew before the age of thirty-five,
5 because of things that my mother told me at an earlier
6 age and I would have been in my 20s when she told me
7 that.
8 Q. Can I just clarify this. When you were growing up,
9 under eighteen, did your mother tell you anything about
10 sorcery, or was that information you got after the age
11 of eighteen.
12 A. After the age of eighteen.
13 Q. And that came from your mother.
14 A. That's right.
15 Q. Did your mother tell you why it was that she was giving
16 you this information about sorcery, at that stage in
17 your life.
18 A. No.
19 Q. Features of the landscape, any significance of any
20 particular aspect of the landscape associated with the
21 Ngarrindjeri tribe. Have you had any information about
22 that, since you were eighteen.
23 A. No.
24 Q. Have you, since, you were eighteen -
25 A. Can I go back on that?
26 Q. Yes.
27 A. Yes, the - there is significant places. One being down
28 the Kingston - in the coastal area where we used to go
29 camping.
30 Q. That place, you believe, is significant in Ngarrindjeri
31 tradition.
32 A. It is significant, that's right.
33 Q. When did you find out about that.
34 A. I found out about that later, because that part of the
35 land is included in the Ngurunderi story.
36 Q. You do know the Ngurunderi story now.
37 A. Yes.
38 Q. Since you have grown up, have you known anything about

- 1 male initiation, as it relates to the Ngarrindjeri
- 2 tribe, or that such a thing existed.
- 3 A. No.
- 4 Q. Female initiation.
- 5 A. No.
- 6 Q. Are you aware of any, since you have grown up, of any
- 7 Ngarrindjeri traditional culture pertaining to birth.
- 8 A. No.
- 9 Q. Menstruation.
- 10 A. No.
- 11 CONTINUED

- 1 Q. Anything to do with the Hindmarsh Island.
2 A. No.
3 Q. So is it fair to say that when you were growing up, you
4 now realise that there were areas and aspects of
5 Ngarrindjeri traditional and culture that you were
6 simply unaware of.
7 A. That's correct.
8 Q. Certainly some elements of Ngarrindjeri culture you have
9 become familiar with as a woman, by and large - apart
10 from the sorcery we talked about your mother telling you
11 about - in your 20s and in your 30s.
12 A. That's correct.
13 Q. When you were growing up, so under the age of 18, you,
14 as I understand your evidence, mixed and associated with
15 other girls of your age.
16 A. That's correct.
17 Q. Aboriginal girls.
18 A. That's correct.
19 Q. Clearly none of the issues that I have put to you - I
20 will not go through the whole list again - was talked
21 about between you and your friends, because you have
22 said you didn't know about them whilst you were growing
23 up.
24 A. Can I have that question again?
25 Q. Without reading through the list again, the elements of
26 the Ngarrindjeri culture that I put to you, as you were
27 growing up, were not discussed by you with your friends.
28 A. That's correct.
29 Q. Is it fair to say that they didn't seem to know anything
30 about them either.
31 A. No.
32 Q. As you got older, you gleaned some more information
33 about your culture from a variety of sources.
34 A. That's correct.
35 Q. Is that from what other people told you.
36 A. From my mother, from my uncle and aunties.
37 Q. Your mother and your uncle and your aunties, they were

- 1 people that you were certainly in contact with as a
2 young girl growing up.
- 3 A. Always, yes.
- 4 Q. So is it the situation that, as you became a more mature
5 woman, that information was given to you that seemingly
6 hadn't been given to you as a young girl.
- 7 A. No. I probably wouldn't say that, because I have been
8 given parts of information throughout my years growing
9 up. Only the information about my body, menstruation,
10 was not talked about, but other parts of cultural
11 information - language was given throughout my life.
- 12 Q. Without going through the list, there were certain
13 things that you said you found out about when you were
14 first 35, 29, in your 20s, again at 35, that you hadn't
15 known -
- 16 A. That's correct.
- 17 Q. When you were growing up.
- 18 A. That's correct.
- 19 Q. As I understand your evidence, you are telling me that
20 the information that you got as a woman in your 20s and
21 30s, came from your mother, your uncle and your aunts.
- 22 A. Yes.
- 23 Q. I am simply putting to you that you got information as a
24 mature woman. It wasn't given to you while you were a
25 girl growing up.
- 26 A. That's correct.
- 27 Q. The information that you got as a mature woman - I don't
28 mean that in any sense other than to say it a bit more
29 politely than 'when you were older' - was that
30 information given to you because you asked about it, or
31 did it just happen that things were told to you.
- 32 A. Things were told to me.
- 33 Q. Did you go to school on Point McLeay.
- 34 A. Yes.
- 35 Q. Who was your teacher there.
- 36 A. I can't remember.
- 37 Q. It wasn't Mr Lawrie.
- 38 A. No, I can't remember.

- 1 Q. You went to school at Meningie.
2 A. That's correct.
3 Q. Was that the Meningie area school or whatever.
4 A. That's right.
5 Q. So that is a government run -
6 A. Yes.
7 Q. When you came down to Adelaide, where did you go to
8 school.
9 A. Sturt Street Primary School. I only went a week there,
10 and then to Thebarton Primary School and Thebarton Girls
11 Technical School.
12 Q. Were there, at various times, other Aboriginal children
13 at the schools that you've attended.
14 A. Not at the primary school, only my brothers and sisters
15 attended the school. When I started at the girls high
16 school there was other Aboriginal girls attending.
17 Q. You have talked about your Uncle Lindsay.
18 A. That's correct.
19 Q. He was your mother's brother.
20 A. That's correct.
21 Q. You have said in your statement, at p.4 'Lindsay
22 particularly helped me understand aspects of the
23 Ngarrindjeri language.'
24 A. That's correct.
25 Q. As you were growing up, again under the age of 18, did
26 your Uncle Lindsay seem to you to have knowledge of
27 Ngarrindjeri history and culture.
28 A. As I was growing up, I don't remember Uncle Lindsay, but
29 in my middle years, yes, because we had a lot of contact
30 with him and Auntie Dulcie.
31 Q. So is what you are saying that you didn't have much to
32 do with Lindsay whilst you were growing up, but -
33 A. My earliest years on the mission, I haven't got any
34 recollection of that, but my middle years, yes.
35 Q. During those middle years, did your Uncle Lindsay seem
36 to you to have a knowledge of the Ngarrindjeri history
37 and culture.
38 A. Yes, yes.

1 Q. Did he talk to you about that.

2 A. Yes, he did. Because I would be sitting at meal times
3 and there would be talk of - just talk about the food
4 and things like that.

5 Q. Can you remember Lindsay talking about any myths, for
6 example.

7 A. No.

8 Q. So was it the case that Lindsay would talk about more
9 physical things, food - did he talk about the birds.

10 A. Yes.

11 Q. In your statement, you said this on p.3 'My mother
12 expressed doubt about women's business from the very
13 outset'.

14 A. Yes.

15 Q. Firstly, what time are you talking about. When do you
16 pinpoint 'the very outset'.

17 A. When the Hindmarsh Island news came out, and I can't
18 pinpoint the time for you, but when it was in the media,
19 I asked my mother then if she knew anything about that.

20 Q. She said nothing more to you other than what you have
21 given evidence of, which is that she didn't know
22 anything about it.

23 A. That's correct.

24 Q. She hasn't suggested to you it is made up or it is
25 rubbish or anything along those lines.

26 A. No.

27 Q. In your statement, you say this in para.21 'As far as I
28 am concerned, even traditional knowledge of women's
29 business, conception, child birth, menstruation, is no
30 longer talked about. The knowledge in relation to these
31 matters has disappeared'. Upon what basis do you say
32 that.

33 A. Because the - with the missionaries coming, culture was
34 put aside. It was discouraged and so ceremonies
35 stopped, and ceremonies is very important to have that
36 cultural knowledge of women's business, and that's why I
37 said that -

38 Q. Who has told you that.

- 1 A. Because ceremonies have stopped.
- 2 Q. Pausing there, who has told you that. Who has told you
3 that there was ceremonies about -
- 4 A. Okay, I've been told by my mother that -
- 5 MS PYKE: I wonder whether we might be in
6 difficulty here with open court? This is something I
7 do want to pursue.
- 8 COMSR: You want to pursue it in more detail?
- 9 MS PYKE: Yes.
- 10 MRS SHAW: We do not suggest there is any
11 difficulty in the matter. We don't suggest there is any
12 secret sacred women's business.
- 13 MS PYKE: I am talking about Section 35.
- 14 COMSR: The question, I suppose, is not whether
15 anyone suggests it, but whether or not the nature of the
16 evidence is such that it might possibly come into that
17 category. It is being suggested it is a matter in
18 issue. I do not know what counsel intends to put to the
19 witness, but are you intending to -
- 20 MS PYKE: She has just flagged something her
21 mother has told her about ceremonies and it seems to me
22 if I pursue that line of questioning, we are highly
23 likely to come within Section 35.
- 24 COMSR: You want to inquire in more detail?
- 25 MS PYKE: She has already talked about ceremonies.
26 I am about to embark upon questions 'What has your
27 mother told you? What do they relate to?' And it seems
28 to me clearly it would be a Section 35 matter.
- 29 MS SIMPSON: Perhaps Miss Gollan could be asked about
30 whether or not anything she is going to say is going to
31 be contrary to Aboriginal tradition, as far as she knows
32 it, to reveal. That would be the first step in my
33 submission.
- 34 MS PYKE: With respect to the witness, clearly it
35 is fairly apparent that, while she has some knowledge of
36 her tradition and culture, there are substantial gaps in
37 it.

- 1 COMSR: Perhaps it could be ascertained, first
2 of all, whether what she has to say are matters that are
3 already public. In other words, whether they are
4 already in the public arena. She may not be able to
5 answer it, but she may.
- 6 XXN
- 7 Q. You are referring to ceremonies and what your mother has
8 told you.
- 9 A. What I am referring to is that my mother -
- 10 COMSR
- 11 Q. Just a minute, I don't want you to go into the detail.
- 12 A. No, I wasn't going to go into the detail.
- 13 Q. The matters that you discussed with your mother, are
14 they matters which have already been published in one
15 form or another.
- 16 A. Yes. All I was going to say is no ceremonies were held.
17 That's all what I was going to say.
- 18 COMSR: I don't think we can get into much
19 difficulty there.
- 20 MS PYKE: I think the transcript will speak for
21 itself about what the witness has just said.
- 22 XXN
- 23 Q. When you say that knowledge in relation to women's
24 business - which you describe as conception, child birth
25 menstruation - has disappeared, you are not suggesting
26 for a moment that you have spoken to every Ngarrindjeri
27 woman.
- 28 A. No.
- 29 Q. And is your belief of the fact that it has disappeared,
30 based on your assessment of Ngarrindjeri history.
- 31 A. That's correct.
- 32 Q. Have you done a lot of reading about the history of the
33 Ngarrindjeri people.
- 34 A. Yes, I have.
- 35 Q. What have you read.
- 36 A. 'Conquests of the Ngarrindjeris'.
- 37 Q. Yes.

- 1 A. 'A World That Was'. And there is secondary curriculum.
2 One, in particular, is based on the Ngarrindjeri people.
3 There is also primary curriculum, and one unit is based
4 on the Ngarrindjeri people. There is videos, one in
5 particular based on Clarence Long doing traditional
6 weaving. There is archival photographs that I have
7 looked at of Ngarrindjeri ancestors. There is the video
8 of Ngurunderi from the South Australian museum. There
9 is an early Bible of George Taplin, that is recorded
10 solely in Ngarrindjeri language, that I have.
- 11 Q. Do you understand it.
- 12 A. No. I only can pick out some words.
- 13 Q. It is on the basis of these readings that you say that
14 traditional knowledge of women's business has
15 disappeared.
- 16 OBJECTION Mr Abbott objects on the ground question
17 is unfair as witness says it is not only
18 on that basis. It is one of the bases.
- 19 XXN
- 20 Q. On what other bases do you say it has disappeared.
- 21 MR ABBOTT: Ceremony disappearance.
- 22 MS PYKE: She just said there was no ceremony.
- 23 MR KENNY: Perhaps the witness can say rather than
24 having evidence from the bar table.
- 25 COMSR: We cannot have this. The witness can be
26 asked 'On what basis do you say that these traditional -'
27 XXN
- 28 Q. I will read it to you again. 'As far as I am concerned,
29 even traditional knowledge of women's business,
30 conception, child birth menstruation, is no longer
31 talked about. The knowledge in relation to these
32 matters has disappeared.'
- 33 A. That's correct.
- 34 Q. I am asking you, on what basis do you say it has
35 disappeared. You have talked about some readings that
36 you have done.
- 37 A. Because I haven't been told anything and because I
38 haven't read anything.

- 1 Q. Any other aspect of Ngarrindjeri traditions and culture
2 that you believe has disappeared. I am using the same
3 methodology: you haven't read it, you haven't been told
4 about it.
- 5 A. Totally disappeared?
- 6 Q. Yes.
- 7 A. The ceremonies.
- 8 Q. So what ceremonies.
- 9 A. Dance, song and music. Yes. Dance, song, music. Yes,
10 that ceremony.
- 11 Q. Do you know what the ceremonies related to that have
12 disappeared.
- 13 A. No.
- 14 Q. Do you know what dances and songs related to that you
15 say have disappeared.
- 16 A. No.
- 17 Q. Do you know Pinkie Mack at all.
- 18 A. No.
- 19 Q. Or the daughter of Pinkie Mack.
- 20 A. No.
- 21 Q. Did you know Albert Karloan.
- 22 A. No.
- 23 Q. I just want to read some names out to you and ask you
24 whether you know any of these people. Rhonda Agius.
- 25 A. Yes.
- 26 Q. Veronica Brodie.
- 27 A. Yes.
- 28 Q. Kathy Burgemiester.
- 29 A. No.
- 30 Q. Vi Deutsche.
- 31 A. Yes.
- 32 Q. Sheila Goldsmith.
- 33 A. Yes.
- 34 Q. Shirley Gollan.
- 35 A. Yes.
- 36 Q. I am just reading out a list, so bear with me. Kerry
37 Gollan.
- 38 A. I'm not familiar with the name.

- 1 Q. Vicki Hartman.
- 2 A. Yes.
- 3 Q. Helen Jackson.
- 4 A. Not familiar with the name, no.
- 5 Q. Margaret Jacobs.
- 6 A. Yes.
- 7 Q. Doreen Kartinyeri.
- 8 A. Yes.
- 9 Q. Judy Kropinyeri.
- 10 A. No.
- 11 Q. Sandra Lawrie.
- 12 A. No.
- 13 Q. Teresa Lindsay.
- 14 A. No.
- 15 Q. Bronwyn McKenzie.
- 16 A. No.
- 17 Q. Eileen McHughes.
- 18 A. Yes.
- 19 Q. Georgina McHughes.
- 20 A. No.
- 21 Q. Sarah Milera.
- 22 A. Yes.
- 23 Q. Isobel Norvill.
- 24 A. No.
- 25 Q. Shirley Peasley.
- 26 A. Yes.
- 27 Q. Daisy Rankine.
- 28 A. Yes.
- 29 Q. Leah Rankine.
- 30 A. Yes.
- 31 Q. Casie Rigney.
- 32 A. No.
- 33 Q. Edie Rigney.
- 34 A. Yes.
- 35 Q. Janice Rigney.
- 36 A. Yes.
- 37 Q. Margaret Roberts.
- 38 A. No.

- 1 Q. Grace Sumner.
- 2 A. Yes.
- 3 CONTINUED
- 4

V.J. GOLLAN XXN (MS PYKE)
(MR KENNY)

- 1 Q. Selina Sumner.
2 A. Yes.
3 Q. Joanie Shaw.
4 A. No.
5 Q. Did Dorothy Shaw.
6 A. No.
7 Q. Iris Sparks.
8 A. No.
9 Q. Ellen Trevorrow.
10 A. Yes.
11 Q. Shirley Trevorrow.
12 A. Yes.
13 Q. Dorothy Wilson.
14 A. Yes.
15 Q. And Glenys Wilson.
16 A. Yes.
17 Q. The women that you have said that you know, how is it
18 that you know them, generally speaking.
19 A. Most of them are related to me.
20 Q. Are they Ngarrindjeri women.
21 A. Yes.
22 Q. Have you ever attended any meeting associated with
23 either the Hindmarsh Island Bridge, or women's business,
24 or sacred women's business, or the like.
25 A. Never.
26 Q. Do you know Sue Lawrie.
27 A. No.
28 Q. Never met her, as far as you know.
29 A. Never met her.
30 Q. I don't want you to tell me your address, but you live
31 in the Adelaide metropolitan area now.
32 A. I do.
33 Q. And have done for many years.
34 A. For many years.
35 CROSS-EXAMINATION BY MR KENNY
36 Q. I think that list of names read out, there were a couple
37 of people referred to - Maggie, referred to as Margaret
38 Jacobs.

- 1 A. Yes.
2 Q. Connie Roberts.
3 A. Yes.
4 Q. And they were both elderly Ngarrindjeri women.
5 A. They are.
6 Q. And very, very highly respected and regarded in the
7 community.
8 A. I don't know.
9 Q. Have you had much to do with them at all.
10 A. Maggie, yes.
11 Q. She's not highly regarded in the community.
12 A. I wouldn't know that.
13 MR ABBOTT: Connie Roberts wasn't read out,
14 Margaret Roberts was read out.
15 XXN
16 Q. Do you know Connie Roberts.
17 A. I know of her, yes, that is -
18 Q. Maggie Jacobs, you say that you know quite well.
19 A. Not 'quite well', I do know her.
20 Q. You don't know whether she is well regarded in the
21 community or not.
22 A. I don't know that.
23 Q. What about Doreen Kartinyeri.
24 A. I know of Doreen, I have met her, but I don't know her
25 well enough to say anything about her.
26 Q. Did you know your mother's mother.
27 A. No. Both sets of grandparents are dead.
28 Q. Do you recall what her name was.
29 A. My - ?
30 Q. Mother's mother.
31 A. My mother's mother is Mary.
32 Q. Mary who.
33 A. Mary Watson.
34 Q. Do you know where she came from.
35 A. South East.
36 Q. Anywhere in particular.
37 A. Blackford in the South East.
38 Q. Where is that near.

- 1 A. That's, I don't know, I haven't been there, but I have
2 been told that, I don't know, it's about 10, 15 miles
3 out of Kingston in the South East.
- 4 Q. She, as you understood, lived there all of her life down
5 in that area until she married.
- 6 A. From what my mother told me, yes.
- 7 Q. In your statement, you talk about a discussion you had
8 with Shirley Peasley.
- 9 A. That's correct.
- 10 Q. You say in your statement that you interpreted what she
11 said as an indirect threat to your mother; is that
12 correct.
- 13 A. That's correct.
- 14 Q. But you didn't bother telling your mother that, did you,
15 initially.
- 16 A. I didn't.
- 17 Q. In fact, you say that you didn't tell her until after
18 your mother had been asked by her lawyers whether she
19 had received any threats.
- 20 A. That's correct.
- 21 Q. Did her lawyers ask you that, or did your mother ask
22 you.
- 23 A. My mother asked me.
- 24 Q. Have you read your mother's statement.
- 25 A. No, I haven't.
- 26 Q. On p.8 of your mother's statement, she states that: 'We
27 cannot live in a traditional way. We lived a basically
28 European life. The children were never told stories
29 about the Dreamtime or any other traditional stories.'
30 Now, I think in fairness to your mother and the
31 statement, I think I understand she's really talking
32 about when she was a child, she's not referring to you
33 not being told.
- 34 A. That's correct.
- 35 Q. Essentially, she is saying, I presume, 'me' to include
36 herself, that she wasn't really told any Dreamtime
37 stories.
- 38 A. No.

- 1 Q. Do you understand that to be the case, that she really
2 wasn't told any Dreamtime stories.
- 3 A. Can I have that question again?
- 4 Q. Do you understand that or do you believe that it is the
5 position that your mother was not told any Dreamtime
6 stories.
- 7 A. Yes.
- 8 Q. It's not surprising, therefore, that you weren't told
9 any Dreamtime stories.
- 10 A. That's correct.
- 11 Q. I understand at the moment you work for the Catholic
12 Education Office.
- 13 A. That's correct.
- 14 Q. You're employed as an Aboriginal Education Worker.
- 15 A. That's correct, that's the title that we have.
- 16 Q. You are involved in developing curriculum.
- 17 A. Implementing it.
- 18 Q. Implementing it. I take it that it's like a history
19 lesson you are teaching.
- 20 A. That's correct.
- 21 Q. I take it from your statement that you are saying that:
22 `So much of our culture has gone. It was put aside
23 from the days of the coming of the missionaries'.
- 24 A. Yes.
- 25 Q. As far as you're concerned, that is when your culture
26 ceased, your historical culture.
- 27 A. Parts of our culture.
- 28 Q. You are saying that some of your culture has survived.
- 29 A. Yes.
- 30 Q. You would accept that some of your culture may have
31 survived by people passing stories down from one
32 generation to the next.
- 33 A. Stories about - I'd have to say stories about -?
- 34 Q. Aboriginal beliefs traditions.
- 35 A. No. Stories about foods, stories about - not stories,
36 but language use. Stories about the places where, as I
37 mentioned, where we go for camping. The places that we
38 go to, not stories as in dreaming stories.

1 Q. So, as far as you are concerned, there has been no oral
2 handing down of beliefs and traditions of Aboriginal
3 people.

4 OBJECTION Mr Abbott objects on the ground that the
5 witness has not stated that.

6 COMSR

7 Q. What are you saying, that as far as you knew what was
8 passed down.

9 A. Language. Language, the remnants of our language is
10 still maintained. Even if we have remnants of it, that
11 is still maintained. Traditional foods and information
12 about traditional foods is still maintained - and
13 talking about the fish, talking about wild ducks,
14 talking about family relationships, that is still
15 maintained. That is important for me.

16 XXN

17 Q. If I can go to a specific topic. For example, the
18 beliefs, the Aboriginal beliefs of the creation of their
19 world. You would say that you believe that none of
20 those were handed down in an oral tradition.

21 A. No.

22 Q. You know the Ngurunderi belief.

23 A. Yes.

24 Q. That is a belief that concerns the creation of the Lower
25 Murray and the lakes in that area.

26 A. That's correct.

27 Q. You say that that hasn't been handed down by oral
28 tradition.

29 A. No.

30 Q. Where do you think that that belief has come from.

31 A. Where I learnt it from are you asking?

32 Q. No - well, yes. Firstly, where did you learn it from.

33 A. I learnt it through my work, through anthropological
34 information recordings.

35 Q. You learnt it from reading.

36 A. Yes.

37 Q. What, I presume, white anthropologists had written down.

38 A. That's correct.

1 Q. To you, I take it they are not - that, for example, is
2 not a belief, but if we can put it as a story.

3 A. It is -

4 COMSR: Do you understand that question?

5 QUESTION REPHRASED

6 XXN

7 Q. You don't see that as really an Aboriginal traditional
8 belief, you would say that that is simply a historical
9 Aboriginal story.

10 A. No, it's a belief.

11 Q. It is a belief.

12 A. Yes.

13 Q. But I take it you don't believe it.

14 A. I do.

15 Q. You believe that that is true.

16 A. I do believe it.

17 COMSR: I think the witness has said that it
18 hasn't been passed down by oral traditional methods, but
19 rather she has learnt it from anthropological words.
20 She hasn't said she didn't believe it.

21 MR KENNY: I was clarifying that point whether she
22 believed it or not. I appreciate that she did not learn
23 it orally, but it is as to whether she considers it as
24 part her belief and tradition.

25 Q. That essentially is a belief that you have adopted, as
26 it were.

27 A. Yes.

28 Q. You would have no difficulty with other people adopting
29 beliefs that they had learnt about.

30 A. No.

31 Q. You would have no trouble, for example, that if people
32 learnt from some traditional or some source about
33 another matter that perhaps isn't the creation of the
34 world, if they subsequently learnt it either from an
35 anthropological source or from another Aboriginal person
36 who told them, you would have no difficulty in saying
37 that they could accept that as their belief and it would
38 be a genuine belief.

- 1 A. If that came from - if that came from Aboriginal people
2 that have or had knowledge of that, and participated in
3 that, if it was given to them from a traditional source,
4 traditional background, if that came from the
5 traditional background and had this knowledge and passed
6 it on.
- 7 Q. But your belief you actually learnt from white
8 anthropological sources, is that correct, and the
9 Ngurunderi dreaming in particular.
- 10 A. I have learnt that story, and, yes, from recordings from
11 anthropologists. I believe it because it came from my
12 ancestors.
- 13 Q. When did you first learn - and you may have answered
14 this before - the Ngurunderi dreaming, when did you
15 first learn of that.
- 16 A. When I started working for Education.
- 17 Q. How long ago was that.
- 18 A. Nearly seven years ago.
- 19 Q. So, eight years ago, you would be quite happy to come
20 along and say 'I've never heard of it, my mother never
21 told me about it' and that, therefore, as far as you
22 were concerned at that time, it didn't exist; is that
23 correct.
- 24 A. That's correct. I wouldn't say that it didn't exist,
25 but I didn't know about it.
- 26 Q. So, in fact, that is really the same case with the
27 beliefs concerning Hindmarsh Island, isn't it, it's that
28 all you can say about it is that at this time you don't
29 know about it.
- 30 OBJECTION Mr Abbott objects on the ground that
31 the particular beliefs about Hindmarsh
32 Island have not been stated to the
33 witness.
- 34 OBJECTION UPHELD
- 35 QUESTION REPHRASED
- 36 Q. In your statement, you say 'I too have never heard
37 anything over the years about secret sacred women's
38 business on Hindmarsh Island or anywhere else'.

- 1 A. That's correct.
2 Q. But, in fact, that is all you can say, isn't it.
3 A. Yes.
4 Q. You cannot actually say that it doesn't exist.
5 A. That's correct.
6 Q. So, it's quite possible that other people may have known
7 about this and you didn't.
8 A. That can possibly be, yes.
9 MR ABBOTT: Are we going to hear from them?
10 XXN
11 Q. Have you ever been to Camp Coorong.
12 A. Yes, I have.
13 Q. Have you taken your students down there.
14 A. No.
15 Q. What sort of courses do they run at Camp Coorong; do you
16 know.
17 A. They run field course where they take groups of people,
18 students, through the Mallees and they talk about
19 certain bush foods. They talk about Ngarrindjeri people
20 from that area. They take them down to the Coorong.
21 They also take them to, into One Mile and talk about the
22 fringe camps. And they also do the weaving, show them
23 how to do the traditional Ngarrindjeri weaving.
24 CONTINUED

- 1 Q. Do they talk about any of the beliefs on that course of
2 Aboriginal traditions.
- 3 A. They show the Ngurunderi video, but they don't talk
4 about it. They just show the video. Yes, that's all.
- 5 Q. Have you ever been on one of these field excursions.
6 A. Yes, I have.
- 7 Q. Have they ever talked, or has anyone on those trips ever
8 talked about men's or women's business.
9 A. No.
- 10 Q. You have never heard any talk about initiation,
11 Aboriginal initiation.
12 A. No.
- 13 Q. Have you read anything about it.
14 A. No.
- 15 Q, again you can see it is quite possible that there may
16 be some Aboriginal beliefs and traditions concerning
17 initiation that you don't know about.
18 A. That's correct.
- 19 Q. Just going back to the sacred secret women's business on
20 Hindmarsh Island. You have already told us the
21 Ngurunderi dreaming you learnt from anthropological
22 sources.
23 A. Yes.
- 24 Q. And you have already told us that that is now part of
25 your belief.
26 A. Yes.
- 27 Q. I would suggest that, if you did read in your
28 anthropological research some beliefs about secret
29 sacred women's business on Hindmarsh Island that could
30 also become part of your belief, couldn't it.
31 A. No, because there is no information. The information
32 with Ngurunderi is recorded in curriculum and it is what
33 I believe, but there is no information about Hindmarsh,
34 so it couldn't be part of what I believe.
- 35 Q. Do you think you have read everything that there is to
36 read concerning the Ngarrindjeri people.
37 A. No.
- 38 Q. It is possible that there are things that you may not

1 have learnt about yet.

2 A. That's correct.

3 Q. You can't really say whether there is or isn't any

4 writings or information concerning -

5 OBJECTION Mr Abbott objects.

6 MR ABBOTT: If my learned friend has got something,

7 let him put it. If he has got nothing, then speculative

8 questions get us nowhere. If you have got documents and

9 anthropological works that spell it out, put it to the

10 witness and ask her if she has ever heard it. But, to

11 carry on asking if it is possible -

12 XXN

13 Q. Very well, I will put it to you. Have you been

14 following the course of this Royal Commission.

15 A. No, I haven't.

16 Q. Are you aware that there was a witness called here by

17 the name of Betty Fisher.

18 A. Yes.

19 Q. Are you aware that this witness has told the Commission

20 that she had been told about secret sacred women's

21 business on Hindmarsh Island some thirty years ago.

22 A. Do I know that?

23 Q. Do you know that.

24 A. Yes.

25 Q. You don't I take it accept that that is true.

26 MR ABBOTT: No-one knows what she was told and

27 anyway I thought the topic was confined to

28 anthropologists. Whatever Mrs Fisher is she is not an

29 anthropologist.

30 COMSR: No, I think it is legitimate for the

31 question to be put to the witness.

32 A. Can I have the question again?

33 COMSR: Yes, will you repeat the question?

34 MR KENNY: I don't know that I will repeat it

35 exactly. But -

36 MS SIMPSON: Perhaps my friend could clarify because

37 I think what my friend asked was that, having heard at

38 the Royal Commission Mrs Fisher gave certain evidence

V.J. GOLLAN XXN (MR KENNY)

1 about secret sacred women's business, he said 'You don't
2 believe that is true.' It is not clear whether Ms
3 Gollan believes it is true Mrs Fisher said it, or
4 whether, having considered that she did say it and
5 accepting that she did she might like to revise her view
6 about whether or not secret sacred women's business
7 exists or might exist.

8 MR KENNY: I don't know that I am in a position to
9 say what the evidence was. I don't know that. I wasn't
10 there, so I have some difficulty. I accept what my
11 friend said. I will put it to the witness perhaps in
12 another manner.

13 XXN

14 Q. Betty Fisher has told this Commission that she did hear
15 about secret sacred women's business on Hindmarsh Island
16 thirty years ago from an elderly Aboriginal woman who
17 has since died. Her name was Rebecca Wilson. Are you
18 aware of that information.

19 A. Yes.

20 OBJECTION Mr Meyer objects.

21 MR MEYER: I have got a difficulty with this line
22 of questioning and the basis of it being put in relation
23 to Mrs Fisher. Necessarily I wasn't present during the
24 closed sessions of Mrs Fisher's evidence, but I think
25 that these are questions that should be asked at the
26 stage when, if they are asked at all, at the stage when
27 either the relevant counsel are present who can assist
28 with regard to what may or may not have been said in the
29 closed sessions. This is the difficulty Mr Abbott and
30 I, if not others, have got in relation to open and
31 closed sessions, as to the point that Mrs Fisher's
32 evidence has now reached and whether it can be put in
33 the way that my friend is putting it, that is as
34 established evidence of Mrs Fisher.

35 COMSR: I don't know that he is putting it that
36 way. I think what he is putting to the witness is, if
37 you accept that Mrs Fisher has claimed that, if you
38 accept that Mrs Fisher has given evidence that she was

1 told something relating to women's business some thirty
2 years ago would that change your mind in relation to
3 whether or not such a thing, that such a tradition
4 exists.

5 MR MEYER: I think you would need to know what it
6 was that she was told.

7 COMSR: I am in that situation.

8 MR MEYER: That is the difficulty, you see. That
9 is the point we reached. You can't actually put to the
10 witness as one normally should in cross-examination
11 what was said. And that is where the problem lies.

12 COMSR: No, it has just been put to the witness
13 that something was said that a claim was made that she
14 was told something concerning women's business thirty
15 years ago. On that basis, I mean, it may go to the
16 weight of it, of course.

17 Now, I hope the witness hasn't been thoroughly
18 confused by all that discussion.

19 COMSR

20 Q. Do you understand what the question is, at this stage,
21 or would you like it -

22 A. Are you asking, do I believe what she said, or -

23 Q. No.

24 A. No, I -

25 XXN

26 Q. Perhaps I could put it this way. She has given evidence
27 - and we don't need to say what it was - that there was
28 sacred secret women's business in relation to Hindmarsh
29 Island.

30 COMSR: No, she has given evidence that she was
31 told.

32 XXN

33 Q. She was told.

34 A. Yes.

35 Q. Now, that is a source of information you were not aware
36 of -

37 A. Yes.

38 Q. Before -

V.J. GOLLAN XXN (MR KENNY)
(MS SIMPSON)

1 A. That's correct.

2 Q. This Commission, is that correct.

3 A. That's correct.

4 Q. Is it possible that you might want to change your view
5 if you knew perhaps exactly what that information was.

6 A. No, I wouldn't change my view.

7 Q. If other evidence came forward that other people as well
8 were aware of it, that is, sacred secret women's
9 business on Hindmarsh Island, would you change your
10 views on it.

11 A. Not at all.

12 MR KENNY: No further questions.

13 COMSR: Any further cross-examination?

14 MS SIMPSON: If no-one else has any questions, I have
15 some.

16 CROSS-EXAMINATION BY MS SIMPSON

17 Q. You have told the Commissioner that you identify
18 yourself as a Ngarrindjeri woman.

19 A. Yes, I do.

20 Q. Is there, in your opinion, a group of people who
21 represent a close community of Ngarrindjeri people.

22 A. Yes.

23 Q. Does that community identify with Raukkan as an area, a
24 point of focus.

25 A. Yes, they do.

26 Q. And with a wider area than Raukkan.

27 A. Yes.

28 Q. What would that wider area be.

29 A. That would be the Meningie area. That would be parts of
30 the Coorong area.

31 Q. Including Goolwa and Hindmarsh Island.

32 A. That's right.

33 Q. Is the focus on Raukkan, as far as you understand, as a
34 Ngarrindjeri woman, because of the mission that was
35 based at Point McLeay, which is now Raukkan.

36 A. Yes, that's correct.

37 Q. You said in your evidence that your culture has been put
38 aside with the missionaries and you then told the

- 1 Commission that what you meant by that is that the
2 ceremonies were stopped, as a result of missionary
3 input.
- 4 A. That's correct.
- 5 Q. You also told the Commission what you meant by culture
6 when you talk about that in the context of Aboriginal
7 tradition.
- 8 A. That's correct.
- 9 Q. And, in particular, its language.
- 10 A. That's correct.
- 11 Q. And the area that you come from, that is Raukkan and
12 surrounding areas.
- 13 A. That's correct.
- 14 Q. Are some people that you would include in the
15 Ngarrindjeri community people who live outside Raukkan.
16 For instance, like yourself.
- 17 A. Yes, that's correct.
- 18 Q. Are there some other areas where there are some groups
19 of Ngarrindjeri people living. For instance, Murray
20 Bridge.
- 21 A. Yes, that's correct.
- 22 Q. Brinkley or Wellington.
- 23 A. That's correct.
- 24 Q. Adelaide.
- 25 A. That's correct.
- 26 Q. And the Riverland.
- 27 A. That's correct.
- 28 Q. And possibly the South East. I am referring
29 particularly to your Auntie Dulcie.
- 30 A. That's correct.
- 31 Q. So that, even though those people are living in areas
32 that are somewhat remote from Raukkan now.
- 33 A. Yes.
- 34 Q. In your view, they would still form part of the
35 Ngarrindjeri community.
- 36 A. That's correct.
- 37 Q. In your experience, is that community a relatively close
38 community.

- 1 A. At Raukkan, are you talking about?
2 Q. No, the wider Ngarrindjeri community.
3 A. Yes.
4 Q. Is it the case that most people within that community
5 would know all of the other people within that
6 community.
7 A. Yes, they would.
8 Q. Would it be the case, also, that, in one way or another,
9 they may very well be related.
10 A. That's correct.
11 Q. I mean by that, a blood relative.
12 A. That's correct.
13 Q. Within the structure of that community, are there some
14 people who are recognised as Elders.
15 A. That's correct.
16 Q. And, in particular, there are some men who would be in
17 that category.
18 A. That's correct.
19 Q. And some women.
20 A. That's correct.
21 Q. When you were growing up, would it have been the case
22 that you would have recognised some women, in
23 particular, as respected Elders within the Ngarrindjeri
24 community.
25 A. That's correct.
26 Q. Would they have included, for instance, Rebecca Wilson.
27 A. Yes.
28 Q. Did you know her.
29 A. Not very well, no. I know of her. I have met her, but
30 not very well.
31 Q. If you were referring to her in conversation, how would
32 you refer to her.
33 A. Auntie.
34 Q. And Annie Rankine.
35 A. Yes.
36 Q. And, again, if you were referring to her in
37 conversation, how would you refer to her.
38 A. Auntie.

- 1 Q. Aileen Wilson.
2 A. Aileen?
3 Q. Aileen Wilson. Did you know her.
4 A. I know of her, but - yes, I am not very familiar, yes.
5 Q. I think you have already said, in answer to a question
6 from Ms Pyke, that you didn't know the person that we
7 are referring to as 'the daughter of Pinkie Mack'.
8 A. That's correct.
9 Q. Lola Sumner.
10 A. Lola Sumner?
11 Q. Yes.
12 A. I knew of her, but didn't know her as well.
13 COMSR: Is the question still are these women
14 respected Elders?
15 MS SIMPSON: The question will be that, yes, in the
16 end. Yes, it is in that context.
17 XXN
18 Q. And what I was coming to was, in your experience, would
19 those women have been respected Elders, while they were
20 alive.
21 A. Yes.
22 Q. As far as you know, are any of them alive today.
23 A. No.
24 Q. Are there, today, women in the Ngarrindjeri community
25 who would be in the position of respected Elders.
26 A. Yes.
27 Q. Who, in your opinion, would they be.
28 A. My mother. Auntie Dulcie.
29 Q. Sheia Goldsmith.
30 A. No, I can't think of any more.
31 Q. Would your Uncle Lindsay Wilson have been a man who was
32 respected in the community.
33 A. Yes.
34 Q. You have said that you see the Ngarrindjeri community
35 - and I think you meant Aboriginal families, generally -
36 as unique in the closeness of their family
37 relationships.
38 A. That's correct.

- 1 Q. In that you have relations always visiting.
2 A. That's correct.
3 Q. Is there, within the community, a process whereby any
4 issues that arise, that is, issues that may require
5 decisions or may require sorting out, issues of dispute,
6 is there a mechanism for resolving those disputes within
7 the community, in your experience.
8 A. No, it was just the older people talking and giving
9 advice on any issues.
10 Q. The older people giving advice would be those people
11 that you have mentioned already.
12 A. That's correct.
13 Q. So that, if there was an issue which was troubling you,
14 in particular, say, about Aboriginal culture or
15 tradition, would you go to Elders to ask advice.
16 A. That's correct.
17 Q. As far as you know, in your experience, is that done
18 commonly within the Ngarrindjeri community.
19 A. Are we talking about now, or before?
20 Q. Now.
21 A. Now, no.
22 Q. Of your own knowledge, do you know whether that has been
23 done in the past.
24 A. Are we talking about traditional, or -
25 Q. No, we are -
26 A. Now?
27 Q. We are talking about within the last, say, twenty-five
28 years.
29 A. Went to the older people?
30 Q. Yes.
31 A. Yes.
32 Q. You mentioned that you developed a particular interest
33 in Aboriginal tradition, when you became an educator.
34 A. Yes.
35 Q. When you did want to know more about it, you went to
36 your Uncle Lindsay for that information.
37 A. That's right.
38 Q. Amongst other sources.

1 A. Amongst other sources.

2 Q. And you gave the Commission some examples of different
3 foods, which you identify as being part of your cultural
4 tradition.

5 A. That's correct.

6 Q. You mentioned, I think, some berries called munteries,
7 is it.

8 A. Munteries, yes.

9 Q. Do they have a particular place in the cultural
10 tradition.

11 A. Yes, they are even eaten today. They grow as a ground
12 cover on - flat on the ground. They look like little
13 tiny apples. Some people might refer to them as
14 cranberries and they have a particularly nice taste.

15 CONTINUED

- 1 Q. Did your Uncle Lindsay tell you about those.
2 A. Yes, and my Auntie Dulcie, who is quite an expert cook,
3 yes.
4 Q. You mentioned a transparent tuber.
5 A. Yes.
6 Q. Can you tell us some more about that.
7 A. As children we used to dig in the ground, even when we
8 lived at Meningie - when we moved to Meningie, we used
9 to dig in the ground and we would dig down and find
10 these white transparent tubers. They are very thin and
11 some are long, some are short and round and fat, and
12 they have a very sweet crispy taste to them.
13 Q. Are they eaten raw or are they cooked.
14 A. We just grabbed them, cleaned the dirt and ate them.
15 Q. You also mentioned some long grasses along the
16 beachfront which have a nutty flavour.
17 A. That's right.
18 Q. Did you learn of those from your Auntie Dulcie and Uncle
19 Lindsay.
20 A. That's correct.
21 Q. I am saying both of them. Might it have been one or the
22 other.
23 A. Yes.
24 Q. Which one.
25 A. From my Uncle Lindsay.
26 Q. Did your Uncle Lindsay also tell you about the wild
27 birds - identifying wild birds.
28 A. Yes, my mother also, because we ate wild ducks and swan
29 and geese all the time.
30 Q. So it was identifying them for the purpose of eating
31 them.
32 A. That's right.
33 Q. And Cape Barren geese, same purpose.
34 A. That's correct, same purpose.
35 Q. You also mentioned that you learnt of different fish
36 that were eaten, and, in particular, I think you said as
37 compared to foods eaten in Central Australia.
38 A. Yes, that's correct.

- 1 Q. Would you explain what you meant by that.
- 2 A. You don't find the Murray cod or the callop in Central
3 Australia, and I think that's unique to our group.
4 Ngarrindjeri people favour particularly the callop and
5 that's why I was making that comparison.
- 6 Q. Would it be the case that you, on the whole, distinguish
7 your Ngarrindjeri culture from that of say Central
8 Australia.
- 9 A. Very different, yes.
- 10 Q. You would see, would you, as far as you know, the
11 traditions, the foods eaten for instance, and the
12 beliefs of Central Australia, as distinct from those
13 held by Ngarrindjeri people.
- 14 A. That's correct.
- 15 Q. You also mentioned the bony bream, I think thurkeri, is
16 that right.
- 17 A. Thurkeri.
- 18 Q. Can you tell us some more about that.
- 19 A. There is - it is a flat sort of a fish, it is not a nice
20 looking - well, it is a nice looking fish because the
21 scales are very silvery colour and that's why it is
22 called silver bream in English. It is caught in the
23 Coorong and it is caught in Lake Alexandrina.
24 There is two types of bream, but this one here in
25 particular, because of its silver scales on the fish.
- 26 Q. Did you ever hear any stories about certain fish eaten
27 or not eaten by women either when they were pregnant or
28 when they were menstruating.
- 29 A. No.
- 30 Q. Did you hear, when you were growing up or later, of
31 prupe.
- 32 A. No.
- 33 Q. You have told the commission about camping trips to
34 Kingston.
- 35 A. That's correct.
- 36 Q. When you were on those camping trips, did you have any
37 activities that were like old Aboriginal traditional
38 ways.

- 1 A. No. No, we didn't.
- 2 Q. When you went there, were you aware of the significance
3 of the sites that you were visiting.
- 4 A. No.
- 5 Q. It is only later you have come to learn of that.
- 6 A. That's correct.
- 7 Q. You mentioned that as a young girl, that is a teenage
8 girl, there was no discussion amongst your friends, or
9 in fact anybody, I understand, about changes at puberty.
- 10 A. No.
- 11 Q. You mentioned the inhibition was to do with something I
12 think you called shame.
- 13 A. That's right. That's correct.
- 14 Q. By that, do you mean a natural reticence or modesty in
15 relation to those very personal topics.
- 16 A. A natural -
- 17 Q. Disinclination to talk about it.
- 18 A. That's right.
- 19 Q. Like a modesty.
- 20 A. That's right.
- 21 Q. You also mentioned about shame in another context. I
22 would like you to explain that, if you could. You said
23 that, amongst Aboriginal people, to be praised is not an
24 occasion on which you feel - I took it that you meant -
25 uplifted or joyful. It was an occasion rather causing
26 you to feel shame. Is that right.
- 27 A. Yes, that's correct.
- 28 Q. Could you explain that, please.
- 29 A. Yes. I don't know - I can't explain why Aboriginal
30 people have that, but say, for example, I was good at
31 English and social studies at school, and the teacher
32 praised me for getting good results. Instead of feeling
33 good about that, it made me feel shame because I had all
34 the attention of my class mates
35 focusing on me, and, for me, that was - I felt shame
36 instead of feeling praised and feeling good about
37 getting good results. Even to say that I look well
38 dressed, that, for me, I feel good about that inside,

V.J. GOLLAN XXN (MS PYKE)
REXN

- 1 but my appearance will tell you, the look on my face
2 will tell you, you are making me feel shame. It is just
3 a natural way that I feel, and the way that Aboriginal
4 people feel. I know, from experience working in
5 classes, that I do not single out Aboriginal students in
6 the classroom because of that cultural thing of being
7 shamed in front of other class mates.
- 8 Q. It is not a comfortable thing to be singled out for
9 attention. Is that what it is, in part.
- 10 A. That's correct.
- 11 MRS SHAW: There is a couple of matters in
12 re-examination. If that is available. I am not sure.
- 13 COMSR: What area has not been touched upon?
- 14 MRS SHAW: It was just one matter that Ms Pyke
15 asked Miss Gollan about, namely, whether she had ever
16 attended any Hindmarsh Island Bridge meetings. I was
17 going to ask her whether or not she was ever asked, ever
18 invited. It is obviously relevant.
- 19 COMSR: I will allow the question.
- 20 RE-EXAMINATION BY MRS SHAW
- 21 Q. You were asked by Ms Pyke, whether or not you had ever
22 attended any meetings about Hindmarsh Island, and any
23 meetings amongst women about Hindmarsh Island,
24 Ngarrindjeri people. Were you ever asked to attend any
25 meeting.
- 26 A. Yes, I was asked.
- 27 Q. When was that.
- 28 A. I was asked when the talk of women's business was
29 discussed and meetings were being held. I was asked by
30 Shirley Peasley to attend and give support.
- 31 Q. What was your reaction at that time.
- 32 A. I said to Shirley that I could not and I did not want to
33 be involved in anything that was political and anything
34 that would attract media attention. Because of my
35 employment with Catholic education, that I could not be
36 involved in any of that, and I declined the invitation.
37 And she asked me on several occasions.
- 38 Q. Is Shirley Peasley related to you.

1 A. Yes, she is.

2 Q. Is it the case that Shirley Peasley is related to your
3 mother's mother.

4 A. Yes.

5 Q. As is Vi Deutsche, Muriel Van Der Byl and Val Power.

6 A. That's right.

7 NO FURTHER QUESTIONS

8 WITNESS RELEASED

9 ADJOURNED 11.55 A.M.

B. GOLLAN XXN (MS PYKE)

1 RESUMING 12.15 P.M.

2 WITNESS B. GOLLAN CONTINUING

3 CROSS-EXAMINATION BY MS PYKE

4 Q. Mrs Gollan, you have said in your statement you were
5 born at Point McLeay on 29 September 1920.

6 A. Yes, that's right.

7 Q. Your mother was not from Point McLeay. She was from
8 Kingston.

9 A. That's right.

10 Q. Was she a Ngarrindjeri woman.

11 A. No. No, she wasn't a Ngarrindjeri woman.

12 Q. Do you know what tribe she came from.

13 A. No, I don't.

14 Q. Was your mother Aboriginal.

15 A. Yes, she was.

16 Q. Did your mother never talk to you about that, her
17 ancestors and her tribe.

18 A. No.

19 Q. Your father, you say that he was born at Point McLeay.
20 Was he a Ngarrindjeri man.

21 A. Yes, he was.

22 Q. Was that at the time that you were a young girl. Again,
23 I will use perhaps 18 as a point in time. Was that a
24 phrase that you had heard, 'Ngarrindjeri'.

25 A. Yes, we all heard it. We were Ngarrindjeris.

26 Q. So that was a phrase that was in common usage whilst you
27 were a young woman growing up on Point McLeay to
28 describe your tribe.

29 A. That's right.

30 Q. Whilst you were growing up on Point McLeay, were you
31 aware of what the origins were of Point McLeay, how it
32 came to be.

33 A. No, not really.

34 Q. Were you aware of whether it had any significance in
35 Ngarrindjeri history or culture.

36 A. Yes, I knew that there was some culture.

37 Q. I am just at the moment talking about the place at Point
38 McLeay. Are you aware of any significance associated

B. GOLLAN XXN (MS PYKE)

- 1 with Point McLeay in Aboriginal history or culture.
- 2 A. What do you mean?
- 3 Q. The actual place, the physical -
- 4 A. Yes. Point McLeay, to me, was always Point McLeay.
- 5 Q. You don't know of any other history of the actual place
- 6 where Point McLeay is.
- 7 A. No.
- 8 Q. I am just talking about now up to the age of 18. At any
- 9 stage I am asking you questions about when you are older
- 10 than 18, I will let you know. So just assume for all
- 11 the questions, when I say 'growing up', that's what I
- 12 mean. When you were growing up at Point McLeay, who was
- 13 living there.
- 14 A. There was quite a few people living there: Aboriginals,
- 15 plus European, the officers in charge, the Minister, the
- 16 Sister.
- 17 Q. Sorry, I didn't mean to interrupt you.
- 18 A. Yes, we had a Minister, the dairy farmer.
- 19 Q. Are you able to remember - and I appreciate we are
- 20 talking about a time span here of 18 years - from the
- 21 time that you have got any memory of Point McLeay,
- 22 whilst you were growing up, about how many Aboriginal
- 23 people lived on Point McLeay.
- 24 A. There would have been 300. Maybe more.
- 25 Q. As far as you were aware, were all the Aboriginal people
- 26 living on Point McLeay, Ngarrindjeri.
- 27 A. Yes.
- 28 Q. Did you know all of them.
- 29 A. Yes, I did.
- 30 Q. Some better than others.
- 31 A. Yes.
- 32 Q. So would there be some people that you were closer to
- 33 and more friendly with, and others that you didn't know
- 34 so well.
- 35 A. That's right.
- 36 Q. About how many of the 300 or 400 people on Point McLeay
- 37 would you have considered yourself to have known quite
- 38 well.

B. GOLLAN XXN (MS PYKE)

- 1 A. My relatives, my aunties, uncles.
2 Q. About how many would that be: 20, 30, 50, 10.
3 A. It would be more than 15.
4 Q. More than 15.
5 A. Yes. It is quite a big family, the Wilson family was.
6 Q. Was that 5-0 or 15, did you say.
7 A. More than 15.
8 COMSR
9 Q. Do you know how many more than 15 it was.
10 A. It would have been in the 30s at least, as far as I can
11 remember.
12 Q. This is as a girl growing up. When you were a girl
13 growing up at Point McLeay.
14 A. Yes, that's right. Yes.
15 XXN
16 Q. Your family, they were the people that you would have
17 much more to do with.
18 A. Yes, that's right.
19 Q. And certainly talk about family matters, if I can put it
20 that way.
21 A. Yes.
22 Q. And the other people on Point McLeay, would you visit
23 them sometimes - your non-family members.
24 A. Yes, yes.
25 Q. Were there any of your non-family members that you would
26 have, what I would call, a close relationship with, so
27 that you would talk about personal matters or family
28 matters.
29 A. We had quite a lot of non-family members visiting our
30 home.
31 Q. I suppose what I am asking you is this: Did you have
32 any people to whom you were close whilst you lived on
33 Point McLeay, apart from your family members, that you
34 would have that relationship where you would talk about
35 family matters, confidential matters. Do you understand
36 the sort of relationship I'm talking about.
37 A. Yes, yes.
38 Q. A close friendship as opposed to a -

B. GOLLAN XXN (MS PYKE)

- 1 A. Yes, there was quite a lot. Especially the elderly
2 women.
- 3 Q. About how many people would have fallen into that
4 category, do you think, that you would have a
5 sufficiently close bond or relationship with them to
6 talk about family or confidential sensitive matters.
- 7 A. I would say there would have been three who I did have a
8 lot to do with.
- 9 Q. Who were those three.
- 10 A. They have passed on now.
- 11 Q. Is it that you feel that you don't want to name their
12 names. Is it not appropriate to name them by name, or
13 you can't remember.
- 14 A. I can remember them.
- 15 Q. So there were your family and there were these three
16 other people that you felt -
- 17 A. They were ladies.
- 18 Q. Ladies.
- 19 A. Yes.
- 20 Q. At the time that you knew them when you were growing up,
21 that is, under the age of 18, were they older women then
22 or -
- 23 A. Yes, they were older. Married with children.
- 24 CONTINUED
- 25

B. GOLLAN XXN (MS PYKE)

- 1 Q. At the time that we are talking about, would they have
2 been women in their 30s or 40s, or are you talking about
3 women in their 70s or 80s.
4 A. Not, not in their 70s or 80s.
5 Q. Women in their 30, 40s.
6 A. Yes.
7 Q. The other people, Point McLeay Aboriginal people, you
8 would have a lesser relationship with but you would -
9 A. Still friends.
10 Q. Still friends. You know them to speak to.
11 A. Yes.
12 Q. And exchange pleasantries with and that sort of thing.
13 A. Yes.
14 COMSR
15 Q. I'm not quite sure about Point McLeay. Is it a bit like
16 a little village.
17 A. Yes, it was. It was a village.
18 XXN
19 Q. Was there any particular way in which the village, we
20 will call it, at Point McLeay was set out. Was there an
21 area, or areas, that you weren't permitted to go to or
22 to visit on Point McLeay.
23 A. No, nothing like that.
24 Q. As far as you were concerned, you could roam around
25 Point McLeay.
26 A. That's right.
27 Q. When you were there growing up, the people on Point
28 McLeay, where had they come from, did you know.
29 A. Well, when I was around about that age, everyone seem to
30 have been there from when I was born.
31 Q. Your perception is that basically the people that knew
32 you at Point McLeay had lived there all of your life.
33 A. All of my life, that's right.
34 Q. And your own father was born at Point McLeay and your
35 mother was born off Point McLeay.
36 A. That's right.
37 Q. Are you aware of other people that were in that
38 situation; i.e., that some people were born on Point

B. GOLLAN XXN (MS PYKE)

- 1 McLeay and some people had come to Point McLeay from
2 other areas.
- 3 A. Some had married from other areas.
- 4 Q. Do you know what areas other people had come from that
5 came to Point McLeay.
- 6 A. Point Pearce. Neighbours of ours were from - the lady
7 who we refer to as Nanna Sally, she was from Poonindie
8 on the West Coast.
- 9 Q. The people from Point Pearce you were thinking of, were
10 they or did that person or were those people, were they
11 Ngarrindjeri people.
- 12 A. No.
- 13 Q. What about from Poonindie, Nanna Sally.
- 14 A. That is a different - they are different completely to
15 the Ngarrindjeri people.
- 16 Q. She wasn't Ngarrindjeri.
- 17 A. No.
- 18 Q. Any people from other areas, any other areas you can
19 think of, people that came on to Point McLeay.
- 20 A. No, not off hand.
- 21 Q. You say that when you were growing up, you knew that you
22 were Ngarrindjeri and that you had come and that was
23 your tribe.
- 24 A. That's right.
- 25 Q. Whilst you were growing up, do you know what areas the
26 Ngarrindjeri tribe or people came from.
- 27 A. No.
- 28 Q. You didn't.
- 29 A. No.
- 30 Q. Did you, while you were growing up, have any belief or
31 did you know whether you, as a Ngarrindjeri person, were
32 related to people from Wellington.
- 33 A. No.
- 34 Q. Or Meningie.
- 35 A. I had an auntie, but then she was from Kingston as well
36 and she married another Ngarrindjeri person and they
37 lived on the Coorong.
- 38 Q. What about -

B. GOLLAN XXN (MS PYKE)

- 1 A. That was between Meningie and Point McLeay.
2 Q. What about Milang.
3 A. No.
4 Q. Goolwa.
5 A. No - I had an auntie down at Port Elliot, but she went
6 there to live in later years.
7 Q. Poonindie.
8 A. No.
9 Q. Point Pearce.
10 A. Relatives?
11 Q. Yes.
12 A. From Point Pearce?
13 Q. Did you know any Ngarrindjeri people.
14 A. Yes, from Point Pearce.
15 Q. Apart from what you have just mentioned, anyone from
16 down at the Coorong.
17 MR ABBOTT: Relatives or people she knew?
18 XXN
19 Q. Ngarrindjeri people.
20 A. They were from Point McLeay. We will say as far as Salt
21 Creek they were classed as Ngarrindjeris.
22 Q. Is that what you were told when you were growing up.
23 A. Yes.
24 Q. Did you, yourself, know anything.
25 A. Yes, I did.
26 Q. When you were growing up, how many people did you know
27 who didn't live on Point McLeay; very many.
28 A. Yes.
29 Q. About how many.
30 A. There was hundreds of them that I didn't know.
31 Q. Hundreds that you -
32 A. That I didn't know.
33 Q. That you didn't know.
34 A. That's right.
35 Q. So, you were aware that there were quite a lot of
36 Ngarrindjeri people who were not living on Point McLeay
37 that you didn't know.
38 A. That's right.

B. GOLLAN XXN (MS PYKE)

- 1 Q. By the same token, there were some Ngarrindjeri people
2 not living on Point McLeay that you did know.
- 3 A. That's right.
- 4 Q. And you told us about your aunts, I think.
- 5 A. Yes.
- 6 Q. Apart from your family, your aunts and relatives, when
7 you were growing up, did you mix with other Ngarrindjeri
8 people who were not living on Point McLeay, to
9 socialise.
- 10 A. No. Only when we went - when my parents took us down to
11 Kingston to my mother's family for Christmas and the
12 Christmas holidays.
- 13 Q. Would it be fair to say that by and large when you were
14 growing up, the Ngarrindjeri people that you had by far
15 the most contact with were those living on Point McLeay.
- 16 A. That's right.
- 17 Q. And you had, apart from your relatives and the few
18 people that you have spoken about, you had very little
19 contact to do with Ngarrindjeri people living off Point
20 McLeay.
- 21 A. That's right.
- 22 Q. Whilst you were growing up on Point McLeay, people would
23 leave Point McLeay to go and live elsewhere.
- 24 A. Yes.
- 25 Q. Were that quite a number of people over the years that
26 you were growing up that left.
- 27 A. That left.
- 28 Q. Do you know what sort of places they went to.
- 29 A. Some went to other missions.
- 30 Q. Do you know if any went to live in any other country
31 towns, or parts of Adelaide.
- 32 A. Some were at Tailem Bend, Murray Bridge.
- 33 Q. Whilst you were living on Point McLeay whilst you were
34 growing up, you knew the person called Auntie Rosie; did
35 you know that person.
- 36 A. Yes. Vaguely though.
- 37 Q. Grandma Sally.
- 38 A. Yes, I knew her quite well. We were neighbours.

B. GOLLAN XXN (MS PYKE)

- 1 Q. The daughter of Pinkie Mack, did you know her.
2 A. Yes, I knew her.
3 Q. How would you rate your knowledge of her, an
4 acquaintance.
5 A. Just an acquaintance.
6 Q. Auntie Rosie, how did you come to know her. I
7 understand what you say that you didn't know her
8 particularly well. How was it that you came to know
9 her.
10 A. She was a sister to my neighbour before Nanna Sally and
11 her husband moved into the house next to my family.
12 Q. So, is it the situation that you would see her some time
13 when she was visiting her family that were next door to
14 you.
15 A. That's right.
16 Q. Would that be very often. In a year, for example, would
17 that be a few times a year, or more often than that that
18 you would see Auntie Rosie, or less.
19 A. I just can't recall. I do remember her being there with
20 her sisters next door.
21 Q. Grandma Sally - we will get to her in due course - she
22 was, as you say, the next door neighbour.
23 A. Yes.
24 Q. Is that all the time whilst you were growing up on Point
25 McLeay, again until you were 18, was she always next
26 door to you, or had she moved in at some later stage.
27 A. No, her son and his wife were there before she and her
28 hubby moved in.
29 Q. That's Doreen Kartinyeri's grandmother.
30 A. Yes.
31 Q. Grandma Sally was Doreen Kartinyeri's grandmother.
32 A. That's right.
33 Q. The daughter of Pinkie Mack, I think we put her in the
34 acquaintance-type category.
35 A. Yes.
36 Q. How did you come to know her, or to meet her.
37 A. She, the sister - she had a sister living on Point
38 McLeay, Helen, Helen Brown.

B. GOLLAN XXN (MS PYKE)

- 1 Q. Again, would you see her from time to time when she was
2 visiting.
- 3 A. Yes.
- 4 Q. Would that be, again, just for social pleasantries, if I
5 can put it that way.
- 6 A. That's right, yes.
- 7 Q. Her sister, Helen Brown, again, was she one of those
8 people on Point McLeay that was an acquaintance, not
9 your immediate circle of family and friends.
- 10 A. That's right.
- 11 Q. Did you ever meet Pinkie Mack.
- 12 A. Yes.
- 13 Q. Do you remember how you came to meet Pinkie Mack.
- 14 A. I was very young when I first met Pinkie. She delivered
15 quite a number of my family.
- 16 Q. Is that something that you have been told, or is that -
- 17 A. No, I remember.
- 18 Q. You remember.
- 19 A. Yes.
- 20 Q. Are you the eldest of the children in your family. You
21 had -
- 22 A. From my father's second marriage.
- 23 Q. There were eight children of your father's second
24 marriage.
- 25 A. Yes.
- 26 Q. Where do you come in that sequence.
- 27 A. Second to eldest. I had a brother older than me.
- 28 Q. So, Pinkie Mack you would have known tended your mother
29 when she was giving birth to some of your brothers and
30 sisters.
- 31 A. Pinkie Mack?
- 32 Q. Yes.
- 33 A. Yes, she did.
- 34 Q. Did Pinkie Mack talk to you about what was happening,
35 what she was doing - was that someone you knew -
- 36 A. I knew she was there, but I wasn't allowed to know what
37 she was there for until the baby arrived.
- 38 Q. Certainly, you were no part of the birth process, if I

B. GOLLAN XXN (MS PYKE)

- 1 can put it that way.
2 A. That's right.
3 Q. You weren't involved in that.
4 A. No.
5 Q. You were not told what was going on or what Pinkie Mack
6 was doing.
7 A. We weren't allowed in the room.
8 Q. Were these births that you're talking of, were they at
9 home.
10 A. Yes.
11 Q. Was there a mission hospital at that stage.
12 A. Not until later years.
13 Q. Was there a mission hospital there at any stage when
14 your mother was having babies.
15 A. No.
16 Q. That only ever came to be after.
17 A. After.
18 Q. Pinkie Mack, you say, assisted your mother with the
19 births of most of your brothers and sisters.
20 A. Yes.
21 Q. Was there anyone assisting Pinkie Mack, do you know, or
22 would she come and do it herself.
23 A. After a while, there was a sister sent to Point McLeay
24 by the Government, Sister Flower.
25 Q. Was Sister Flower, was she an Aboriginal woman.
26 A. No.
27 Q. Was it your understanding that Sister Flower was a
28 trained nurse sent by the Government.
29 A. She was a trained sister.
30 Q. Pinkie Mack would still be involved in the births with
31 Sister Flower.
32 A. Yes, I can - I could remember quite well after Sister
33 Flower arrived, they worked together.
34 Q. Again, you, yourself, didn't have any discussions with
35 Sister Flower about the births and you weren't involved.
36 A. I was too young.
37 Q. We have talked about Doreen Kartinyeri's parents, as you
38 describe them, living next door to you.

B. GOLLAN XXN (MS PYKE)

- 1 A. Yes.
- 2 Q. Was that for most - I know her mother died, so perhaps
- 3 I'm talking up to the time of Doreen's mother dying.
- 4 Did they live next door to you for most of the time.
- 5 A. That's right, they did.
- 6 Q. So, you would have known Doreen quite well.
- 7 A. Yes, I did know Doreen quite well.
- 8 Q. You are older than Doreen.
- 9 A. Yes, I am.
- 10 Q. About how many - I don't know how old Doreen is, so I
- 11 will have to ask about how many years older than Doreen
- 12 are you.
- 13 A. Doreen is 61, I think.
- 14 Q. So, you would have been, what, about 13 years old,
- 15 approximately, when she was born.
- 16 A. When she was born.
- 17 Q. Would it be fair to say that whilst you knew Doreen, you
- 18 were a fair bit older than her.
- 19 A. That's right.
- 20 Q. You wouldn't have mixed with her in terms of playing.
- 21 A. No. My younger sister did.
- 22 Q. But you wouldn't have been good friends with her, close
- 23 friends.
- 24 A. No.
- 25 Q. So, you wouldn't have had, if I can put it this way, a
- 26 relationship of confidence with Doreen.
- 27 A. No.
- 28 Q. She was - putting it, I suppose, in the colloquial - she
- 29 was the little kid next door.
- 30 A. That's right.
- 31 Q. More of an age with one of your younger sisters.
- 32 A. With my young sister.
- 33 Q. Did you have much to do with Doreen at all then, or
- 34 wasn't she really in the category of people that you
- 35 would mix with.
- 36 A. She was always in and out of our place. We were the
- 37 same. Very good neighbours with their parents.
- 38 Q. You have referred to Doreen - and I'll deal with it a

B. GOLLAN XXN (MS PYKE)

1 bit later on - going off to the home, to a home when she
2 was about ten, I think you said.

3 A. That's right.

4 Q. By that stage, you were married yourself. I think you
5 said you got married about 22.

6 A. I was 22 when I got married.

7 Q. Is it the situation that Doreen went off to the home,
8 the Salvation Army home.

9 A. The Salvation Army home at Fullarton.

10 Q. The Salvation Army home around about the time that you
11 got married.

12 A. No, she was gone before that.

13 CONTINUED

B. GOLLAN XXN (MS PYKE)

- 1 Q. Would you agree with me that, in the time frame we are
2 talking about, you would have got married shortly after
3 that event occurred.
- 4 A. That's right.
- 5 Q. You started then having your own family.
- 6 A. That's right.
- 7 Q. Did you have much to do with Doreen, after she went off
8 to the Salvation Army home.
- 9 A. No, we would only see her whenever they came home. The
10 girls were all sent over in the school holidays,
11 Christmas time.
- 12 Q. Is this the situation, that Doreen would come home each
13 school holiday.
- 14 A. Every school holidays all of the girls who were from
15 Point McLeay they came home at Christmas or school
16 holidays.
- 17 Q. Back in those days, I imagine there were the three
18 terms. The Christmas and then the two term holidays.
- 19 A. That's right.
- 20 Q. Is that what you remember.
- 21 A. Yes.
- 22 Q. Do you remember how many girls were in that situation
23 that would come home with Doreen at school holiday time.
- 24 A. Yes, I can name a few of them. There was Pam Dodd -
- 25 Q. Just the approximate number will do. Are we talking
26 about four or five girls, more than that.
- 27 A. To my knowledge, there was six.
- 28 Q. They would be home during the school holidays and would
29 go off -
- 30 A. Go back when the holidays had finished.
- 31 Q. Where did Doreen stay, when she came back from - when
32 she came home on school holidays.
- 33 A. She used to stay with her grandparents.
- 34 Q. Did she play with the same friends that she was friendly
35 with before she went to -
- 36 A. I don't know whether she mixed all that well after.
- 37 Q. By that you mean you are saying you just really didn't
38 have that much to do with her after that.

B. GOLLAN XXN (MS PYKE)

- 1 A. That's right.
- 2 Q. And you wouldn't like to comment on who her friends or
3 who her circle of friends was.
- 4 A. That's right.
- 5 Q. The reality was that you were busy yourself. Married.
- 6 A. Yes.
- 7 Q. And having your own children.
- 8 A. That's right.
- 9 Q. From your point of view, would it be fair to say that
10 you had not a great deal to do with Doreen, from the
11 time that she went away, for those reasons.
- 12 A. That's right.
- 13 Q. But she certainly spent a number of weeks back at Point
14 McLeay.
- 15 A. Yes, during the holidays.
- 16 Q. During the year.
- 17 A. Yes.
- 18 Q. Did Doreen ever talk to you about her life in the
19 Salvation Army home, or you never -
- 20 A. No.
- 21 Q. How old were you when you started working for the
22 Reverend Reid.
- 23 A. I was about eighteen then.
- 24 Q. Was that what might be called a full-time job. You know
25 what I mean by that.
- 26 A. Yes. Yes, it was.
- 27 Q. Did you have to live at his premises.
- 28 A. No.
- 29 Q. Do you remember what denomination he was.
- 30 A. Congregational.
- 31 Q. Is that the religious denomination to which you belong.
- 32 A. That is the one I belonged to and then the Salvation
33 Army came when the Reverend Reid, through ill-health, he
34 gave up the ministry.
- 35 Q. Certainly, at this time, we are talking about, up to
36 eighteen, you were of the congregational faith.
- 37 A. Yes.
- 38 Q. You would attend church regularly.

B. GOLLAN XXN (MS PYKE)

- 1 A. Yes.
- 2 Q. How did it come to be that you were employed by the
3 Reverend Reid.
- 4 A. They just wanted a domestic.
- 5 Q. Was there any particular -
- 6 A. No.
- 7 Q. Reason that you were selected, if I can put it that way.
8 Were you perhaps a bit more of a regular attender at
9 church -
- 10 A. No.
- 11 Q. Or were you interested -
- 12 A. No, I was just selected to. They asked my parents.
- 13 Q. You don't know why they asked -
- 14 A. No.
- 15 Q. For you as opposed to other girls who were on the
16 mission, at the time.
- 17 A. Don't know.
- 18 Q. Presumably you would have got on well with the Reverend
19 Reid, before going to work for him.
- 20 A. Yes.
- 21 Q. Did you continue working for the Reverend Reid, after
22 your marriage.
- 23 A. No.
- 24 Q. You have spoken about growing up on Point McLeay. You
25 were aware that you were from the Ngarrindjeri tribe.
26 What cultural practices or beliefs did you have, at that
27 time, that you were growing up, under the age of
28 eighteen.
- 29 A. There was quite a few beliefs that I had.
- 30 Q. Can you just tell me, in so far as you can remember,
31 what -
- 32 A. In terms of - in terms of -
- 33 Q. You have said to us that you understood that -
- 34 A. Yes.
- 35 Q. You were Ngarrindjeri.
- 36 A. Yes.
- 37 Q. And you were of the Ngarrindjeri tribe. And I am just
38 asking you, if you can tell us, in so far as you can

B. GOLLAN XXN (MS PYKE)

- 1 remember, what Ngarrindjeri traditions, beliefs or
2 practices that you had, in that time, until you were
3 eighteen, that you participated in or believed.
- 4 A. Yes, there was the fishing. I didn't go fishing, of
5 course, but - and the - when my brothers went out
6 shooting, we had to clean the ducks and the swans.
7 Those sort of things. We didn't have like we have now
8 at Christmas. They were our Christmas dinner.
- 9 Q. Christmas dinner.
- 10 A. The ducks and swans. And quite a lot of men would go
11 away shooting. Maybe a day or a couple of days before
12 Christmas eve. And we had to prepare these things for
13 Christmas day. And there was also the we call it the
14 bony bream. That was always cooked on the coals, as I
15 say, more or less like a grid iron. And the children
16 couldn't eat it, because it is - it was so full of
17 bones. Millions of bones that are too dangerous for
18 little kids to eat. And, of course, making damper,
19 which is a very big part of our daily meal. And then
20 there was - I am very superstitious. I still am.
- 21 Q. What were some beliefs.
- 22 A. For instance, I would not allow 3 candles especially to
23 be lit in one room.
- 24 Q. Is it the number 3.
- 25 A. Number 3.
- 26 Q. Does that have an origin in Ngarrindjeri tradition and
27 culture. Is that what you were told.
- 28 A. Yes.
- 29 Q. So, the number 3.
- 30 A. Yes.
- 31 COMSR
- 32 Q. It is nothing to do with the candles themselves, is it.
- 33 A. No, it was the lighting of the candles. That symbolised
34 the sign of death.
- 35 XXN
- 36 Q. Was it anything to do with the number 3, or are we
37 talking about the lighting.
- 38 A. Yes, 3 candles. We weren't allowed to light 3 candles

B. GOLLAN XXN (MS PYKE)

- 1 in the one room.
- 2 Q. Because that was symbolic of death.
- 3 A. Death.
- 4 Q. Anything else.
- 5 A. And there is also, even to this day, the Willie wagtail.
- 6 Q. What is it about the Willie wagtail.
- 7 A. It is - the way - if he - say, for instance, if I was
- 8 sitting on -
- 9 Q. Is this public, is this knowledge that, as far as you
- 10 know, is public knowledge -
- 11 A. Yes.
- 12 Q. That you are telling us about.
- 13 A. Yes.
- 14 Q. So, we have got -
- 15 A. There is nothing secret about that.
- 16 Q. I am not talking about secret. I am talking about
- 17 something quite different.
- 18 A. Yes.
- 19 COMSR
- 20 Q. You were telling us about the Willie wagtail.
- 21 A. Yes, for instance, if I was sitting on my verandah and I
- 22 saw the Willie wagtail, one instance I could remember
- 23 that now, I was out there and he - whether it is a he or
- 24 a she, but he would roll over on to his back. And, as
- 25 soon as I saw that, I thought to myself 'I am going to
- 26 get bad news', because the Willie wagtail, he jumps here
- 27 there and everywhere, as you all know, but, when they do
- 28 that - he just rolled over and he laid with his little
- 29 paws up in the air (INDICATES) - and I knew, within a
- 30 couple of days, or maybe a day, I would be getting some
- 31 bad news.
- 32 XXN
- 33 Q. Who told you about the not lighting 3 candles in the
- 34 same room. Was it your mother or your father that told
- 35 you that.
- 36 A. My father.
- 37 Q. What about the Willie wagtail. Who told you about that
- 38 tale.

B. GOLLAN XXN (MS PYKE)

- 1 A. He did.
2 Q. Your father certainly was giving you - gave you some
3 information -
4 A. Yes.
5 Q. About Ngarrindjeri.
6 A. Yes.
7 Q. You call them superstitions, but, whether we call them
8 superstitions, or beliefs -
9 A. That's right, it was their belief.
10 Q. And you believed it, too.
11 A. I believed it, too.
12 Q. And still do.
13 A. Still do, although I am always told I am superstitious.
14 Q. Were there any other, I will use the word superstitions,
15 because that is what you are calling them, any other
16 superstitions that your dad told you about.
17 A. I just can't remember, offhand.
18 Q. Can you remember your father telling you any other
19 stories about Ngarrindjeri beliefs or culture.
20 A. They used to always say if they wanted to scare us.
21 Q. Yes, what would they say.
22 A. They would tell us there was a Prupi coming for us.
23 Q. Did you know, or did they tell you what a Prupi was.
24 A. No.
25 Q. But, from the way they said it to you, did you think
26 that it was -
27 A. Yes, it was something that we wouldn't like.
28 Q. A boogiemán -
29 A. Yes.
30 Q. Or something like that.
31 A. Yes.
32 Q. Anything else that you can think of, that your father
33 told you about superstitions or beliefs.
34 A. No.
35 Q. You have said, I think, that your mother wasn't a
36 Ngarrindjeri woman.
37 A. No, she wasn't.
38 Q. You don't know what tribe she belonged to, but did she

B. GOLLAN XXN (MS PYKE)

- 1 tell you anything about any traditions or beliefs that
2 she had, or superstitions.
- 3 A. No, but I could remember quite well my grandfather,
4 mum's - my mother's father, he was always - seemed to be
5 quite an old man, when I first got - started going to
6 Kingston. He would have visions. It is more like a
7 dream. He would tell us the next day that he had had
8 this dream and that something was going to happen. And
9 that I could remember quite well that happened.
- 10 Q. Would he - would it come - from what you remember, that
11 would come true.
- 12 A. Yes.
- 13 Q. He would have a dream and then that would come true.
- 14 A. That would come true. For instance, my mother got very
15 ill down Kingston and my eldest brother came down and
16 grandfather came to where we were staying and he said
17 'Horace will be here in a couple of days', meaning my
18 brother. He said 'He's left Point McLeay.' And, three
19 days after, my brother arrived. He rode a push-bike
20 from Point McLeay right down to Kingston.
- 21 ADJOURNED 1 P.M.

B. GOLLAN XXN (MS PYKE)

- 1 RESUMING 2.21 P.M.
- 2 MRS SHAW: Perhaps I could indicate that Mrs Gollan
3 tells me she is feeling very tired. She wants to
4 continue, but she wonders whether or not she will be
5 able to to continue on beyond 3.30. I am wondering if
6 we could continue, but perhaps break at 3.10, to see how
7 Mrs Gollan is going?
- 8 COMSR: How much longer are you likely to be?
- 9 MS PYKE: I think a while. I have got a fair bit
10 to cover.
- 11 COMSR: Is it areas that haven't been traversed?
- 12 MS PYKE: Yes. This is the areas that are
13 certainly pertinent to my client.
- 14 COMSR: We would get through Mrs Gollan's
15 evidence this afternoon, I would think.
- 16 MS PYKE: I don't know about that. I am not
17 inclined to rush the witness. I could be going much
18 quicker, but I don't think that is appropriate either.
19 I have discussed that with my friend.
- 20 COMSR: There is no difficulty taking the break
21 if Mrs Gollan is feeling weary. I am not surprised if
22 that should be the case.
- 23 MS PYKE: From my point of view, I don't mind if
24 we do this witness in bits. If she feels fresher in the
25 morning, she could come back in the morning.
- 26 COMSR: I think I would probably prefer to get
27 the evidence over and done with. In any case, we will
28 see how Mrs Gollan goes.
- 29 XXN
- 30 Q. Mrs Gollan, were you telling us about your family, your
31 mother and your father. You say that you remember your
32 grandfather, but not your grandmother. Your father had
33 some sisters.
- 34 A. Yes. Two sisters.
- 35 Q. Did they live on Point McLeay.
- 36 A. Yes. One of my aunties lived there until she passed
37 away, and the other auntie lived at Port Elliot for a
38 while.

B. GOLLAN XXN (MS PYKE)

- 1 Q. The one that lived on Point McLeay, did you have much to
2 do with her.
- 3 A. Yes.
- 4 Q. She was married with her own family, was she.
- 5 A. Yes.
- 6 Q. Would you see her from time to time.
- 7 A. Yes.
- 8 Q. How old were you when your mother died.
- 9 A. 21 when I lost my mum - when she passed away.
- 10 Q. Your father, how old were you when he died.
- 11 A. It wasn't quite 12 months after she died.
- 12 Q. You have told us that you were the second eldest in your
13 family. Did you take over the responsibility for your
14 younger brothers and sisters when your parents died.
- 15 A. My brother and I did. That was Lindsay Wilson.
- 16 Q. You have talked about Lindsay. He would go out with
17 your father, fishing and shooting.
- 18 A. That's right.
- 19 Q. And your other brothers would as well.
- 20 A. Yes.
- 21 Q. Did your brothers ever tell you stories that your father
22 had told them whilst out on these hunting expeditions.
- 23 A. No.
- 24 Q. Did they ever tell you if their father had taught them
25 something about traditional fishing ways, for example.
- 26 A. No. They just fished like anyone else would.
- 27 Q. So they didn't tell you whether your father had passed
28 on any information to them about fishing or traditional
29 fishing.
- 30 A. No.
- 31 Q. You have referred to your brother Lindsay as having
32 knowledge. I think you have referred to - you are proud
33 of him. For example, he gave knowledge to Steve
34 Hemming. You remember -
- 35 A. Yes, Lindsay was very - he had a lot of knowledge into
36 our life on Point McLeay, right back to - some of the
37 things he spoke about, especially to one of my girls
38 when she'd ask him questions concerning her work - he

B. GOLLAN XXN (MS PYKE)

- 1 was very accurate in everything he said. He even told
2 Steve, he told Maggie Jacobs and also Doreen. He
3 checked Maggie and Doreen several times when they
4 referred to something. He told them that they were
5 wrong.
- 6 Q. Isn't it the situation that Lindsay had a lot of
7 knowledge about the Aboriginal culture and tradition of
8 Ngarrindjeri people.
- 9 A. Pardon?
- 10 Q. Lindsay had a lot of knowledge about culture and
11 tradition of the Ngarrindjeri people.
- 12 A. He did.
- 13 Q. Much more than you.
- 14 A. Yes, he did.
- 15 Q. That knowledge relates to history before Point McLeay,
16 if I can put it that way.
- 17 A. Not altogether before Point McLeay.
- 18 Q. Not all of it, but certainly some of it before Point
19 McLeay.
- 20 A. Yes.
- 21 Q. Do you know where he got that knowledge from.
- 22 A. Lindsay read quite a lot, and he also was in company of
23 the elder men on the mission.
- 24 Q. So, from what Lindsay said to you, he was able to get a
25 lot of information -
- 26 A. Information, that's right.
- 27 Q. From the men, by talking to them.
- 28 A. That's right.
- 29 Q. That information related to Ngarrindjeri traditions and
30 cultures.
- 31 A. That's right.
- 32 Q. That's information, for example, that you didn't have
33 until Lindsay told you.
- 34 A. I knew some of it, but Lindsay, he mixed more than I
35 did, because the men - the boys were allowed to go out
36 more than we were.
- 37 Q. But you are certainly aware that a lot of information

B. GOLLAN XXN (MS PYKE)

- 1 was passed down orally from one person to the next. It
2 wasn't all written down.
- 3 A. That's right.
- 4 Q. Certainly Lindsay seems to have acquired a lot of
5 information orally.
- 6 A. That's right.
- 7 Q. In fact you, yourself, acquired some information orally,
8 didn't you.
- 9 A. I did.
- 10 Q. The examples that you have given to us about the
11 superstitions, that was given to you orally by your
12 father, wasn't it.
- 13 A. Yes.
- 14 Q. It is the case, isn't it, that you have not seen those -
15 what you call - superstitions written down anywhere.
- 16 A. No.
- 17 Q. So you accept that that has been a tradition, from that
18 point of view, of passing on information.
- 19 A. That's right.
- 20 Q. Certainly from your observation, some people have more
21 information than others that has been passed on orally.
- 22 A. Not all.
- 23 Q. Some. You are not saying that each person knows exactly
24 the same bits of knowledge.
- 25 A. Yes, I know what you mean.
- 26 Q. You would agree with that, wouldn't you.
- 27 A. Yes, I agree.
- 28 Q. You would know some things, for example, that someone
29 else might not know.
- 30 A. No, not on Point McLeay.
- 31 Q. We are talking about Ngarrindjeri people generally, not
32 just Point McLeay.
- 33 A. Well, I don't know what other people away from Point
34 McLeay knew because they were different - they're
35 upbringing was different to mine.
- 36 Q. That is exactly right, isn't it. So there might be some
37 people that have knowledge that you don't have that has
38 been passed on orally.

B. GOLLAN XXN (MS PYKE)

- 1 A. From Point McLeay?
- 2 Q. No. Ngarrindjeri people, that is what I am talking
3 about -
- 4 A. Yes.
- 5 Q. You would accept that some Ngarrindjeri people might
6 have information that you don't have.
- 7 A. Concerning?
- 8 Q. Just generally.
- 9 A. Maybe.
- 10 Q. It might be that you have some information that some
11 other Ngarrindjeri people don't have.
- 12 A. Yes, maybe.
- 13 Q. Certainly, in your own family, Lindsay acquired
14 information that you didn't have.
- 15 A. I knew, but wasn't allowed to indulge in what he was
16 talking about.
- 17 Q. What do you mean by that.
- 18 A. Well, there was things that Lindsay knew, I knew, but I
19 would never speak when he was speaking.
- 20 Q. Would you agree with me that there were things that
21 Lindsay told you that you didn't know about that he had
22 learnt from other people.
- 23 A. No. I knew almost as much as what Lindsay knew, but, as
24 I've said, he mixed more with the men folk and got more
25 knowledge than I did.
- 26 Q. He certainly told you some of that knowledge.
- 27 A. Yes.
- 28 Q. But you've got no idea of whether Lindsay told you
29 everything that he knew, do you.
- 30 A. Yes.
- 31 Q. How do you know that.
- 32 A. Because I know everything what he knew, just
33 practically.
- 34 Q. Did Lindsay tell you whether any of this information he
35 had came from his father. You talked about the elder
36 men. Did Lindsay tell you whether some of the
37 information he had about men's things -

B. GOLLAN XXN (MS PYKE)

- 1 A. Lindsay went away from the mission quite a lot, shearing
2 with the other men, and they naturally talked when they
3 were out in the shearing sheds, and this is where he
4 would have gathered a lot of information.
- 5 Q. When he went out to the shearing sheds, he would meet
6 Ngarrindjeri men who weren't from Point McLeay.
- 7 A. They went from Point McLeay. They went as a team.
- 8 Q. From what he said to you, would they meet other
9 Ngarrindjeri men who had come from other areas, not just
10 Point McLeay.
- 11 A. The whole team used to just go from Point McLeay. They
12 never met up with another team because there is only one
13 team of shearers could go to one shed.
- 14 Q. So you say the information Lindsay got came from being
15 away with some of the shearers.
- 16 A. Some of the shearers, yes, the elder men. Lindsay
17 wasn't a shearer until later years. He was termed as a
18 woolpicker.
- 19 Q. Your perception is that Lindsay mixed more with the
20 elders than you did.
- 21 A. Yes.
- 22 Q. Your brother Lindsay, do you know what information it
23 was that he passed on to your children. Did he tell
24 you, or your children tell you, what sort of things he
25 was telling them.
- 26 A. I was always there when he spoke. When he came to
27 Adelaide from Millicent, Vena, she knew her uncle had a
28 lot of knowledge and she always asked him.
- 29 Q. Can you remember what sorts of things -
- 30 A. Things concerning - no, I was always there.
- 31 Q. Do you ever remember hearing Lindsay telling your
32 children stories to do with Aboriginal myths or
33 spiritual beliefs.
- 34 A. Yes, he told them, the same as I told them.
- 35 Q. Let us deal perhaps with you first. What stories or
36 Aboriginal myths did you tell your children.
- 37 A. Well, for instance, as I told you before, there was the
38 things about being superstitious, things like that;

B. GOLLAN XXN (MS PYKE)

- 1 making the wurlies, as we call them. Lindsay showed
2 Steve Hemmings how to do that, Maggie and Doreen.
- 3 Q. We are just dealing with you and what you told your
4 children. You say that you told them about the
5 superstitions, that is, the lighting of the candles.
6 That signified death, the three candles.
- 7 A. That's right.
- 8 Q. To do with the Willie wagtail.
- 9 A. That's right.
- 10 Q. And the Prupi.
- 11 A. Pardon?
- 12 Q. What was it. Prupi, did you say.
- 13 A. Yes.
- 14 Q. Are they the only stories that you told your children.
- 15 A. Yes.
- 16 Q. Were they the only ones that you knew.
- 17 A. That's right.
- 18 Q. Insofar as Lindsay was concerned, did you hear Lindsay
19 telling your children any stories other than those ones
20 that you have just talked about.
- 21 A. No, because Lindsay had left Point McLeay to go and live
22 at Millicent. When my children were old enough to - as
23 Vena said, she was only 6 when my brother and his family
24 moved from Point McLeay to Millicent.
- 25 Q. But I understood Vena to say though, that she did have
26 some contact with your brother after that.
- 27 A. Yes. Since she has grown. Since she has got older.
- 28 Q. So there was a gap.
- 29 A. Yes, a big gap.
- 30 Q. While you were growing up, apart from the stories that
31 you have told us about, you had yourself been shown how
32 to make wurlies, had you.
- 33 A. That wasn't for the women to do.
- 34 Q. So you weren't shown or taught that.
- 35 A. No. The boys were taught that.
- 36 Q. The Ngarrindjeri traditional way of making baskets and
37 mats.
- 38 A. Yes, my mother did that.

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B. GOLLAN XXN (MS PYKE)

- 1 Q. Did you.
- 2 A. No.
- 3 CONTINUED
- 4

B. GOLLAN XXN (MS PYKE)

- 1 Q. Now, you told us that your mother wasn't a Ngarrindjeri
2 woman. Who taught her.
- 3 A. Well, where she came from, they did make the mats and
4 baskets down the South East as well.
- 5 Q. Was that similar, were they made in a similar way.
- 6 A. Yes, but of a different grass, yes.
- 7 Q. When you were growing up, did you speak the Ngarrindjeri
8 language.
- 9 A. Yes, I could speak it.
- 10 Q. What we call fluently, or did you know some words.
- 11 A. Not fluently. I could speak a sentence, but not
12 continued.
- 13 Q. Did anyone in particular teach you the Ngarrindjeri
14 language.
- 15 A. I just picked it up from home from dad and my aunties
16 and other aunties and friends who used to come to our
17 place.
- 18 Q. Was your father fluent in the Ngarrindjeri language, or
19 was he in a similar situation.
- 20 A. No, he spoke it better than I did.
- 21 Q. Would you call him fluent; would he hold a conversation.
- 22 A. Yes, he could hold a conversation.
- 23 Q. When you were growing up, you never heard songs sung.
- 24 A. No.
- 25 Q. Were you aware that there were Ngarrindjeri songs.
- 26 A. No.
- 27 Q. That were sung at any time.
- 28 A. No.
- 29 Q. When you were growing up, you weren't told about the
30 smoking of dead bodies.
- 31 A. Yes.
- 32 Q. Were you told about that.
- 33 A. Yes.
- 34 Q. Who told you that.
- 35 A. My father, my aunties - one of my aunties.
- 36 Q. What did they tell you about that.
- 37 A. Just that the bodies were taken away and put up in the
38 trees.

B. GOLLAN XXN (MS PYKE)

- 1 Q. Did they say anything more than that.
2 A. No.
3 Q. The Ngurunderi myths as were you growing up, you were
4 not told about that.
5 A. No.
6 Q. Scorcery, Ngarrindjeri scorcery, were you told anything
7 about that when you were growing up.
8 A. What do you mean?
9 Q. Scorcery, witchcraft. If we call it witchcraft or
10 magic.
11 A. No, there's no magic, no witchcraft going on there.
12 Q. When you were growing up, were you ever told about the
13 appearance of things in the land, whether any hills or
14 rivers or anything had a significance to the
15 Ngarrindjeri people.
16 A. No.
17 Q. When you were growing up, were you ever told that there
18 was an initiation ritual for Ngarrindjeri men.
19 A. Not when I was growing up.
20 Q. Were you told that, or were you aware when you were
21 growing up that that had ever been the case.
22 A. Yes, I heard about it, and also I could vaguely remember
23 the corroboree.
24 Q. You could vaguely remember what.
25 A. The corroboree.
26 Q. When you say you could vaguely remember the corroboree,
27 do you remember having been to a corroboree yourself.
28 A. I was there. I seen it, I was there.
29 Q. And that was on Point McLeay.
30 A. That was on Point McLeay.
31 Q. Can you remember how old you were when there was a
32 corroboree on Point McLeay.
33 A. I would have been no more than 12.
34 Q. Can you remember what the corroboree was for, whether it
35 was for a particular purpose, or what.
36 A. No.
37 Q. Were there men and women there.
38 A. Only men. Everyone was there, everyone watched the

B. GOLLAN XXN (MS PYKE)

1 corroboree.

2 Q. Was it just people from Point McLeay, or were there
3 people from other areas that came to that corroboree.

4 A. No, just Point McLeay.

5 Q. Going back - and again we are dealing with the period of
6 time up to when you were 18 - you say that whilst you
7 were growing up, you received some information about
8 male initiation.

9 A. No, we weren't told, not women.

10 Q. So, you didn't receive any information about it.

11 A. No.

12 Q. Because you believed that was something that would only
13 be told to the men.

14 A. Yes.

15 Q. But you knew that there was such a thing as male
16 initiation, did you.

17 A. No, I didn't.

18 Q. Female initiation when you were growing up, did anyone
19 ever mention to you, either then or in the past, that
20 there had been female initiation in the Ngarrindjeri
21 people.

22 A. No, never.

23 Q. Whilst you were growing up, did anyone ever mention to
24 you any rituals or ceremonies or beliefs relating to
25 childbirth in the Ngarrindjeri people.

26 A. No.

27 Q. In the Ngarrindjeri people.

28 A. No.

29 Q. Any beliefs or rituals associated with, or practices
30 associated with menstruation in women.

31 A. Never.

32 Q. Things like that were simply just not, just not spoken
33 of.

34 A. Not spoken of.

35 Q. Have you, since you have grown up, turned 18 and become
36 a mature woman, have you now become aware of the
37 Ngarrindjeri traditional culture of songs.

38 A. There was never ever any songs sang at Point McLeay.

B. GOLLAN XXN (MS PYKE)

- 1 Q. Are you now aware that as part of Ngarrindjeri history,
2 there were songs sung for particular purposes in
3 ceremonies. If you say you are not aware, then say so.
- 4 A. Not when I was growing up, no. The church's already
5 established, the Minister was already there.
- 6 Q. But are you now - I'm not asking you what was happening
7 when you were growing up. Now, do you know that in
8 Ngarrindjeri culture there were songs and ceremonies.
- 9 A. There may have been.
- 10 Q. In the past.
- 11 A. There may have been. Not to my knowledge.
- 12 Q. That is all I'm asking you. To your knowledge, you
13 don't know about anything to do with songs or the
14 singing of them, or when they might have been sung.
- 15 A. That's right.
- 16 Q. As to the Ngurunderi myths, you say that you weren't
17 told that as a child. Have you been told about that
18 since, or do you not know anything about the Ngurunderi
19 myths.
- 20 A. I might have, and have probably forgotten about it.
- 21 Q. Do you not remember now anything about it.
- 22 A. No.
- 23 Q. Are you getting tired.
- 24 MRS SHAW: I think Mrs Gollan is getting tired.
- 25 COMSR: I don't want the situation where Mrs
26 Gollan might agree to anything because she is too weary.
- 27 MRS SHAW: I think on behalf of Mrs Gollan perhaps
28 I could ask if she go home and have a rest and we will
29 start her in the morning.
- 30 COMSR
- 31 Q. Are you getting a bit weary this afternoon.
- 32 A. It's my legs are giving me a lot of trouble.
- 33 Q. Do you think you would be better off if you went home
34 now and came back tomorrow morning after a good rest.
- 35 A. I think.
- 36 Q. Which would you prefer to do: Go on, or come back
37 tomorrow morning.
- 38 A. I think I could put up with it until 3.30.

B. GOLLAN XXN (MS PYKE)

- 1 COMSR: We will see how we go. It might mean
2 that you have to perhaps ask a question once or twice
3 over.
- 4 MS PYKE: I realise that.
- 5 XXN
- 6 Q. I was asking you about the Ngurunderi myth. Is it the
7 case that you don't, you can't now remember whether you
8 have ever been told about that or not.
- 9 A. That's right.
- 10 Q. Have you been to Signal Point at Goolwa, a Museum there.
- 11 A. No.
- 12 Q. Do you now know that in Ngarrindjeri history and
13 tradition and culture, that there was a male initiation
14 ritual.
- 15 A. No.
- 16 Q. Are you now aware that in Ngarrindjeri culture and
17 tradition, there was a female initiation ritual.
- 18 A. Where?
- 19 COMSR: That question `Are you now aware', is
20 perhaps not quite the same as asking `Have you heard
21 anything'. Someone might have heard, but have
22 dismissed it as a possibility.
- 23 XXN
- 24 Q. Have you heard - we talked about when you were growing
25 up and before 18.
- 26 A. Yes.
- 27 Q. I asked you certain questions. Now, as you are now,
28 have you heard - in Ngarrindjeri culture, has anyone
29 ever told you, or have you read anywhere, that there was
30 a female initiation rite or ceremony.
- 31 A. Whereabouts?
- 32 Q. In Ngarrindjeri history and culture.
- 33 A. No.
- 34 Q. Have you now been told or read or from anywhere that
35 there were certain practices associated with childbirth
36 in Ngarrindjeri culture.
- 37 A. Not to my knowledge, never.
- 38 Q. And the same in relation to menstruation and development

B. GOLLAN XXN (MS PYKE)

- 1 of women.
- 2 A. Never.
- 3 Q. You have referred yourself to the fact that you assisted
- 4 in childbirth.
- 5 A. Yes, I did.
- 6 Q. And you assisted with Nurse Coulthard.
- 7 A. Yes, that's right.
- 8 Q. How old were you when you started assisting at births,
- 9 approximately.
- 10 A. I was married then.
- 11 Q. At the time that you started assisting with births, was
- 12 the mission hospital built.
- 13 A. Yes, built before she came there.
- 14 Q. So, when you were assisting Nurse Coulthard - and I
- 15 might have asked you this already - is she an Aboriginal
- 16 woman.
- 17 A. She was. She is, yes.
- 18 Q. She was trained. She was a trained -
- 19 A. Qualified sister.
- 20 Q. If I can put it this way: She was trained here at Royal
- 21 Adelaide.
- 22 A. Royal Adelaide.
- 23 Q. She came to the mission.
- 24 A. That's right.
- 25 Q. And was attached to the hospital on the mission.
- 26 A. That's right.
- 27 Q. She was the midwife.
- 28 A. Midwife, general nurse, everything.
- 29 Q. But, from your observation when you were assisting Nurse
- 30 Coulthard, was it the case that the births were being
- 31 carried out in a European way.
- 32 A. Yes, certainly.
- 33 Q. In a hospital.
- 34 A. In a hospital, yes.
- 35 Q. And the births of your own children, were they carried
- 36 out in the hospital.
- 37 A. Yes.
- 38 Q. In the European manner.

B. GOLLAN XXN (MS PYKE)

1 A. Yes.

2 Q. Was Nurse Coulthard, she was Aboriginal. Do you know
3 whether she was a Ngarrindjeri woman.

4 A. No, she wasn't.

5 Q. At this stage, I want to follow through your statement
6 some things you have said in your statement. You have
7 said in your statement, at p.8, 'That Pinkie Mack never
8 mentioned anything to me about secret women's business'.

9 A. That's right. I was too young to be told anything.

10 Q. You were a very young girl when you met Pinkie Mack.

11 A. Yes, that's right.

12 Q. You then go on in your statement to say that you had -
13 you say this under 'Lower Murray Aboriginal Heritage
14 Committee Meeting, March 1995 at Camp Coorong', you say:
15 'Before I went public on my doubts about the secret
16 women's business, I attended a meeting of the Lower
17 Murray Aboriginal Heritage Committee on the Camp Coorong
18 in March 1995'.

19 A. That's right.

20 Q. What do you understand, what do you mean about when you
21 say 'secret women's business'.

22 A. When I say - I didn't say anything, because I don't
23 believe in it.

24 Q. I know you don't believe in it. What do you understand
25 the 'secret women's business' to mean when you use that
26 phrase. What are you talking about.

27 A. The secret women's business.

28 Q. Yes.

29 A. As I just said, to my knowledge, there is nothing.

30 Q. You have said that you don't believe in secret women's
31 business.

32 A. That's right. I was never told.

33 COMSR

34 Q. You have heard the phrase, though, quite a bit lately, I
35 suppose.

36 A. Yes, just lightly, yes, I heard it.

37 Q. I think you are being asked what do you think it means.
38 I know you have told me that you don't believe in it,

B. GOLLAN XXN (MS PYKE)

1 but other people use the phrase. What do you think it's
2 meant by that expression.

3 A. I couldn't explain that because, to me, I was never told
4 any secret women's business. So what does it refer to?

5 XXN

6 Q. Well, you see, you've come here, as I understand it, and
7 are saying that you don't believe in secret women's
8 business.

9 A. Because I wasn't told.

10 Q. I will read out something you said on p.28: 'What I have
11 been worried about is the lies which I believe have been
12 told in the name of the Ngarrindjeri people'.

13 A. That's right.

14 Q. Perhaps I can ask you this: What lies do you think have
15 been told.

16 A. Well, for instance, when they said that if the bridge
17 was built, it would stop the fertility of the women,
18 that's one, because we all know that would never stop
19 it.

20 Q. What else do you think is being said.

21 A. And the other thing is, which is: It's an insult to all
22 Aboriginal women when they said what the island
23 represented.

24 Q. Anything else that you think of as being lies.

25 A. How could anyone take an aerial picture and describe
26 what was put in all the papers, what the island
27 represented?

28 Q. You say it's lies when the women said that the bridge
29 would stop fertility.

30 A. Of course.

31 Q. And it's lies when people have said what the island
32 represents. Is there anything else that you are saying
33 are lies.

34 A. Because we were never, ever - and I lived on Point
35 McLeay longer than every woman or girl that has been
36 connected with this business of the bridge.

B. GOLLAN XXN (MS PYKE)

1 I lived there. I was born there. And I left there when
2 I was in my 40s. No-one has ever, ever spoken to me
3 about anything, as far as women's business goes, sacred
4 women's business. The other girls, women, had all gone,
5 at a young age, and I was still there. And, surely,
6 when I helped with the confinements, someone would have
7 told something to - one of the older women, would have
8 told me?

9 Q. If I can suggest this to you: that the person who, as I
10 understand it, you helped with the confinements was a
11 nursing sister, who wasn't a Ngarrindjeri woman.

12 A. Yes, and also a Mrs Carter, who was an Aboriginal woman
13 on the mission. She did the confinements when Sister
14 Coulthard had to go away. She would bring a patient
15 down to Adelaide and a baby is going to be born, they
16 are not going to tell you when they are going to be
17 born. And Mrs Carter, Vera Carter, she took over the
18 confinements and she always asked me to come along with
19 her. And she was an elder woman than I am, or was. In
20 the course of the confinement, you talk to one another.

21 Now, she would have told me something, but she didn't.

22 Q. If she knew it, she could have told you something.

23 A. If she knew it. And, also, there was quite a few others
24 who did confinements, as well as Mrs Carter, and I also
25 had contact with them, and no-one ever mentioned about
26 secret women's business.

27 Q. Your position is this, that you believe it is lies.

28 A. Yes, I do.

29 Q. And the basis for your belief that it is lies is because
30 you have never been told that.

31 A. Because I haven't been told it and I know for certain
32 that these other girls weren't told, because they were
33 all gone. Who would tell a ten year old girl?

34 Q. Do you not accept that it might be that some people were
35 told things that you weren't.

36 A. I do not accept it.

37 Q. Are we to take the position then that, unless you know
38 about it and it has been told to you, about any aspect

B. GOLLAN XXN (MS PYKE)

1 of Ngarrindjeri history or culture, it doesn't exist.

2 OBJECTION Ms Shaw objects.

3 MS SHAW: We are dealing with secret women's
4 business.

5 COMSR: I don't know that that is what the
6 witness has said. She said that, because of the fact
7 that she was present at all these confinements dealing
8 with child birth and that she discussed it with the
9 various women, that she thinks that surely during that
10 process she would have heard something. So, I don't
11 think that is quite the same as saying that, unless she
12 knows about something, that it doesn't exist.

13 MS PYKE: All right.

14 XXN

15 Q. Do you accept that, whilst you were involved on Point
16 McLeay, as you say, assisting in some births. Let me
17 stop there: how many births did you assist in.

18 A. I just can't remember.

19 Q. Approximately.

20 A. It is a long time ago. I mean, I am in my 70s now.

21 COMSR

22 Q. Can you say over what period of time, how many months or
23 years or whatever it was that you assisted in births.

24 A. It was right up until the time I moved from there to
25 Meningie. And it was quite a few of those women that I
26 assisted.

27 Q. Over how many years was that.

28 A. That would have been about three or four years.

29 XXN

30 Q. We have been talking about you assisting, then I suggest
31 to you, at births over a fairly short period of time,
32 three or four years.

33 A. There is a lot of babies born in those years, you know.

34 Q. I am asking you how many. You are telling me you can't
35 tell me how many you assisted at.

36 A. And, as I said, it is quite some years.

37 OBJECTION Ms Shaw objects.

38 MS SHAW: She labelled it a short period of time

B. GOLLAN XXN (MS PYKE)

- 1 and could have labelled it a long period of time and got
2 the same answer and criticised the witness. That is
3 unfair.
- 4 XXN
- 5 Q. In any event, you assisted for a period of three to four
6 years.
- 7 A. Yes, that's right.
- 8 Q. You told us that there were about 300 Aboriginal people
9 on Point McLeay.
- 10 A. There was, at that time. Could have been more.
- 11 Q. You told us that you assisted at some births.
- 12 A. That's right.
- 13 Q. You didn't assist at every birth that went on.
- 14 A. Not every birth.
- 15 Q. Out of this 300 people on Point McLeay, there would have
16 been some births over the three or four years.
- 17 A. That I didn't assist at, or I did assist at?
- 18 Q. There would have been some people who lived on Point
19 McLeay who had given birth in that three or four year
20 period.
- 21 A. Of course they would have given birth.
- 22 Q. But you are not able to say how many.
- 23 A. I just can't remember.
- 24 Q. And you are not able to say how many you assisted at.
- 25 A. I have forgotten.
- 26 Q. But you agree with me that you didn't assist at each
27 birth that took place, at that time.
- 28 A. Of course not.
- 29 Q. Can you remember any particular birth at which you
30 assisted during that three or four year period.
- 31 A. My niece, for one, when she had her first baby. And
32 that was just a few weeks after Sister Coulthard had
33 taken over her position in the hospital. And then there
34 was another - two or three other girls.
- 35 Q. I am not wanting to push you, but is that the limit of
36 your memory, at the moment.
- 37 A. As far as the confinement goes, yes.
- 38 Q. Of those that you can remember, do you recall anyone

B. GOLLAN XXN (MS PYKE)

- 1 else being present apart from yourself and Sister
2 Coulthard.
3 A. No.
4 Q. And the woman giving birth, obviously.
5 A. No, there was only the three of us. The mother - the
6 patient, rather.
7 COMSR
8 Q. Did you say there were occasions when Sister Coulthard
9 was absent and you assisted some other - she was absent,
10 for one reason or another, and you assisted someone
11 else.
12 A. A Mrs Carter.
13 XXN
14 Q. I understood that Mrs Carter brought the expectant women
15 down to Adelaide. I thought you said that.
16 A. No.
17 Q. I misunderstood that.
18 A. If the Sister had to leave the mission and bring another
19 patient down, not a confinement case, but other
20 patients, other illnesses, if she had to bring the
21 patient to Adelaide, and a baby was arriving, or was
22 going to be born, Mrs Carter would come along, or we
23 would go to the house, because the hospital was always
24 closed when Faith was away, Sister Coulthard was away,
25 and we went to the patient's home.
26 Q. Do you actually remember doing that.
27 A. Yes.
28 Q. Again, do you remember whether that was something that
29 happened more than once, or -
30 A. Twice, twice, to my knowledge, I went with Mrs Carter.
31 Q. Mrs Carter was a Ngarrindjeri woman.
32 A. Yes, she was.
33 Q. Had she been born at -
34 A. She was born at Point McLeay.
35 Q. Do you think at all that it might be that this was some
36 information that wasn't passed on to you in relation to
37 women's business, birth, or anything of significance to
38 women.

B. GOLLAN XXN (MS PYKE)

1 A. If there was, I would have been told.

2 Q. You cannot think of any possible way where there might
3 be any information relating to women, or secret women's
4 business, that could exist without you knowing about it.

5 A. No way, because I was very friendly with all the elder
6 women there. As I made in my statement, my mother used
7 to do a lot of baking and I had to take things to the
8 ladies, the older women who were up in years. They
9 would have spoken to me. They would have told me that
10 there was something that I had to know. And I, for the
11 life of me, I just can't understand why these girls are
12 saying they were the chosen ones. I would like to know
13 who they were chosen by, because Doreen left when she
14 was ten. Maggie left Point McLeay, at an early age, and
15 some of the others weren't even born on Point McLeay.

16 Q. What significance is that, being born on Point McLeay.
17 You can be a Ngarrindjeri person or a Ngarrindjeri woman
18 without having been born on Point McLeay. Would you
19 agree with that.

20 A. I agree with that, but -

21 Q. What is the significance of Point McLeay.

22 A. But this was coming from - this was supposed to have
23 been told to them on Point McLeay. That was in all the
24 news. Everybody heard that. They were told -

25 Q. Just stopping there. What do you understand was told to
26 the women on Point McLeay. You had perhaps better
27 explain that to me. From what you have seen in the
28 media -

29 A. Yes.

30 Q. What do you understand was this information that was
31 told to them, to the women who say that secret women's
32 business exists on Point McLeay.

33 A. Doreen, for instance, says her grandmother told her.

34 COMSR

35 Q. And her grandmother lived, where.

36 A. Her grandmother lived on Point McLeay but she wasn't
37 from there. She was from Poonindie. Maggie Jacobs says
38 her mother didn't tell her, but her grandmother told her

B. GOLLAN XXN (MS PYKE)

1 and her grandmother spent more time in my home than she
2 spent in her own. And that old lady was a wonderful
3 friend to my mother. My mother being a woman not from
4 Point McLeay, she would have told her something and she
5 would have also told mum to tell me, or she would have
6 told me herself, but she did not.

7 XXN

8 Q. Your mother wasn't a Ngarrindjeri woman.

9 A. No, she wasn't.

10 Q. Why do you think that a Ngarrindjeri woman would tell
11 your mother about secret women's business.

12 A. Seeing that my mother was married to a man from Point
13 McLeay.

14 Q. Do you have any knowledge, in Ngarrindjeri tradition, of
15 who is entitled to receive particular sorts of
16 information. Whether some people are entitled to
17 receive some information and other people not. Are you
18 aware of anything like that.

19 A. That has never been. That was never, ever pointed out
20 to anyone over at Point McLeay. That `You should know
21 and not you.'

22 Q. Regardless of Point McLeay, in Ngarrindjeri history and
23 culture, you are not aware of anything that would
24 indicate that some people might have some knowledge and
25 other people might have other knowledge.

26 A. I happen to know that none of that knowledge was ever -
27 ever came from Point McLeay, from the elder women there.

28 Q. You are of the view, I think, that you believe that your
29 culture is finished. I think `It is dead' is the phrase
30 that you have used.

31 A. There is no culture on Point McLeay now.

32 Q. Was there any culture on Point McLeay whilst you were
33 growing up.

34 A. Pardon?

35 Q. Was there any culture on Point McLeay whilst you were
36 growing up.

37 OBJECTION Ms Shaw objects.

38 MS SHAW: That is such a broad term. I thought

B. GOLLAN XXN (MS PYKE)

- 1 Mrs Gollan had spent this afternoon explaining all the
2 aspects of culture and differentiating them from other
3 matters.
- 4 XXN
- 5 Q. I am just trying to clarify, there is not now on Point
6 McLeay -
- 7 A. Not now. Not now, there isn't.
- 8 Q. When you go back, is it your observation there simply is
9 no culture there.
- 10 A. I go back to Point McLeay and it is all as though it is
11 run by Europeans. We do the same thing as what the
12 Europeans do.
- 13 Q. But, as I understand what you have said, you agree, at
14 least in part, that there was some culture on Point
15 McLeay while you were growing up.
- 16 A. Pardon?
- 17 Q. There was some culture on Point McLeay whilst you were
18 growing up.
- 19 A. Yes, there was. Very little, though.
- 20 COMSR: I think we have covered this point,
21 haven't we, Ms Pyke?
- 22 MS PYKE: Yes.
- 23 XXN
- 24 Q. You were born in, you have told us, in 19 -
25 A. 1920.
- 26 Q. You have read the book, have you - or have you read the
27 book, the Berndt and Berndt book.
- 28 A. No.
- 29 Q. Did you - you said that you had - you knew Pinkie Mack,
30 a little.
- 31 A. Yes.
- 32 Q. Did you know Albert Karloan at all.
- 33 A. Just vaguely.
- 34 Q. I think it is Mark Wilson.
- 35 A. Yes, I knew Mark Wilson, vaguely.
- 36 Q. When you say 'vaguely' -
- 37 A. He was an elderly man by the time I got to a certain
38 age.

B. GOLLAN XXN (MS PYKE)

- 1 Q. Did any of those three people that I have just talked
2 about, did you ever have the opportunity of speaking to
3 those people.
4 A. No.
5 Q. Is that because they weren't living on Point McLeay, or
6 you didn't have much to do with them.
7 A. Mark Wilson lived there, for a while.
8 Q. Apart from Pinkie Mack coming to visit.
9 A. That's right.
10 Q. When Mark Wilson lived on Point McLeay, did he ever talk
11 to you about Ngarrindjeri history and culture.
12 A. No, Mark Wilson was the deacon in the church. One of
13 the deacons.
14 Q. You have heard some meetings referred to that have taken
15 place between the women and others in relation to
16 women's business.
17 A. That's right.
18 Q. You have heard reference to a meeting at the Bunkhouse.
19 A. Yes.
20 Q. You didn't attend that meeting.
21 A. No, I haven't attended any of the meetings at all down
22 there, down at Goolwa.
23 CONTINUED

B. GOLLAN XXN (MS PYKE)

- 1 Q. Were you invited to attend any of the meetings.
2 A. Once. Someone came to ask me to go and it was 9.30 at
3 night.
4 COMSR
5 Q. What, to go that night, did they ask you.
6 A. Yes.
7 XXN
8 Q. Which meeting was that, do you remember.
9 A. It was the one they were having down there the next day
10 and Patrick Byrt came and said to me that he'd come to
11 collect me to go to the meeting, and I said `What
12 meeting?' He said `Down at Hindmarsh Island'. I asked
13 him if he was joking, because it was bitterly cold and I
14 was already in bed when he knocked on my door.
15 Q. So there were no other meetings that you were invited
16 to.
17 A. No, I didn't go. I didn't go to any of them.
18 Q. I am not asking you whether you went to them. I am
19 asking you -
20 A. No, I wasn't invited.
21 Q. Going to your statement, at p.9 you referred to the
22 meeting of the Lower Murray Aboriginal Heritage
23 Committee in March 1995. Had you had anything,
24 yourself, to do with the Lower Murray Aboriginal
25 Heritage Committee before then.
26 A. Pardon?
27 Q. Had you had anything to do with the Lower Murray -
28 A. No, no.
29 Q. You weren't involved in setting it up.
30 A. No, I wasn't.
31 Q. Is that the first time that you had actually attended a
32 meeting.
33 A. It's the first time I went.
34 Q. You attended, you said, in the expectation that you
35 might hear about the secret women's business and what
36 was involved.
37 A. That's right.

B. GOLLAN XXN (MS PYKE)

- 1 Q. Prior to going to that meeting, had you spoken,
2 yourself, to any of the women who suggested that secret
3 women's business existed.
- 4 A. Yes, I did. I spoke to Maggie Jacobs.
- 5 Q. When had you spoken to her.
- 6 A. On several occasions. She rang me, and then once we
7 went on one of the buses - the bus from the Catholic
8 Centre around here in Pirie Street, down to Glenelg, and
9 going down, that's when she kept referring to her being
10 the eldest left on Point McLeay - one of the oldest
11 women left on Point McLeay. And I told her, I said `No,
12 you're not'. She said `Yes, I am'. I said `No, you are
13 not'. I mentioned Nanna Laura; Violet Rankine, who was
14 in her 80s, and she is in a nursing home on the seafront
15 down at Semaphore somewhere; Hilda Wilson; and Pinkie
16 Mack's other daughter, May. I said to her `You are only
17 months older than I am, and you are not the eldest
18 Ngarrindjeri woman on Point McLeay'.
- 19 Q. But insofar as it has been alleged that there is secret
20 women's business or secret sacred women's business, is
21 it the case that most of the information you have had
22 is, firstly, what you have read in the media, in the
23 newspapers.
- 24 A. What do you mean by that?
- 25 Q. You say to me the only person that you have spoken to,
26 insofar as the women who believe there is sacred women's
27 business or sacred women's business, is Connie.
- 28 A. Who?
- 29 Q. Maggie, sorry. She is the only one you have spoken to.
- 30 A. There has been others, we have spoken. The day going
31 out to Camp Coorong, I went in one of the cars with
32 Major Sumner, who works for the sobriety group, and
33 there was a Mrs Wilson in the car with me, and we spoke -
- 34 Q. I am talking about the women who say there is secret
35 women's business.
- 36 A. That there is?
- 37 Q. Yes.
- 38 A. No, I haven't spoken to any of them.

B. GOLLAN XXN (MS PYKE)

- 1 Q. So you haven't asked them yourself, apart from Maggie.
2 A. Why should I ask them?
3 Q. You are relying upon what you have read in the
4 newspaper.
5 A. About the secret women's business?
6 Q. Yes.
7 A. Yes.
8 Q. And what you have heard on the television.
9 A. That's right.
10 Q. And what other people are telling you.
11 A. Yes. And I know perfectly well there isn't any secret
12 sacred women's business because I was never told, and so
13 would others if they would only come out and tell the
14 truth.
15 Q. Is it the situation that you feel so strongly about this
16 that you don't want to speak to the women who hold the
17 belief that there is secret women's business.
18 A. Why are we coming out today and they're not? I am not
19 afraid to come out and speak up and tell what I know.
20 They're hiding behind the secret business, and the
21 sacred business is more or less from the north. The
22 same as they brought an Aboriginal woman down to one of
23 their meetings, and that is a no-no. Their culture is
24 completely different to ours. All the years that I have
25 grown up on the mission we have never mixed culture as
26 far as something like this goes.
27 Q. In fact, in your statement you say, at p.29, para.14.6
28 'In all my years, I have never heard any suggestion of
29 secret women's business, whether on Hindmarsh Island or
30 anywhere else'.
31 A. That's right.
32 Q. 'To my mind, these are things that belong up north, but
33 not to Ngarrindjeri culture'.
34 A. That's right.
35 Q. How do you know. Where do you get this idea from -
36 A. Because I have had a lot to do with the Aboriginal women
37 from north when I worked in the hostels.
38 Q. When you worked.

B. GOLLAN XXN (MS PYKE)

- 1 A. In the Aboriginal hostels, and those women would come
2 down. The biggest majority of them don't even speak
3 English, and I do know that they do have what they call
4 their secret women's business, different to the men.
5 And this is where this has all originated from. Nothing
6 would make me think anything different.
- 7 Q. How do you think it has originated from up north.
- 8 A. Because that's where it is. Nothing has - sacred
9 business around Lake Alexandrina.
- 10 Q. Did you know Rebecca Wilson.
- 11 A. Yes, I did.
- 12 Q. You knew Rebecca Wilson.
- 13 A. I knew her very well, from when I was a kid.
- 14 Q. You knew her when you were a kid.
- 15 A. That's right.
- 16 Q. Did you keep her in contact with her over your lifetime,
17 so to speak.
- 18 A. Yes, I did.
- 19 Q. How often would you speak to her.
- 20 A. Every Sunday. That's when she lived on Point McLeay.
- 21 Q. You haven't been at Point McLeay for many many years
22 now.
- 23 A. Well, she left before I did.
- 24 Q. You say you left Point McLeay in the 60s, I think. Is
25 that right.
- 26 A. That's right.
- 27 Q. She left before that.
- 28 A. Yes.
- 29 Q. She came down to Adelaide.
- 30 A. Port Adelaide.
- 31 Q. Do you remember when she came down to Adelaide.
- 32 A. No, I don't.
- 33 Q. Did you see her after she came down to Adelaide.
- 34 A. I think it would be only twice after she came down to
35 Adelaide.
- 36 Q. You say when you were on Point McLeay, you would see her
37 about once a week.

B. GOLLAN XXN (MS PYKE)

- 1 A. Yes, and then Sundays at the Salvation Army homily
2 meetings. That used to be once a week.
- 3 Q. Did Rebecca Wilson ever speak to you about traditional
4 Ngarrindjeri beliefs of any description.
- 5 A. No, she didn't.
- 6 Q. Did she ever speak to you about secret women's business
7 or sacred women's business.
- 8 A. No, she didn't.
- 9 Q. You are aware of Betty Fisher.
- 10 A. Never met the woman.
- 11 Q. Have you heard any part of her evidence to this
12 commission.
- 13 A. Only what I saw on TV.
- 14 Q. I just put it to you generally. Betty Fisher's evidence
15 is that Rebecca Wilson gave her information about secret
16 sacred women's business relating to Hindmarsh Island. I
17 just put that to you as a general summary. I do not
18 want to go into the details. Do you accept that
19 evidence, that Mrs Wilson might have said that to Betty
20 Fisher.
- 21 A. For 12 minutes.
- 22 Q. Pardon.
- 23 A. That's what it said in the paper, she spoke to her for
24 about 12 minutes. You can't tell much in 12 minutes.
- 25 Q. If that's what you have read in the paper, you might be
26 a bit confused.
- 27 A. No, I am not confused.
- 28 Q. Her evidence was that she had spoken to Rebecca for
29 something like an hour.
- 30 A. Well, they should have put that in the paper, for an
31 hour, not 12 minutes or 15.
- 32 COMSR
- 33 Q. I think what Ms Pyke is getting at is, do you accept
34 that Betty Fisher could have got any information about
35 secret women's business from that source.
- 36 XXN
- 37 Q. Betty Fisher has said that Rebecca Wilson has given her
38 information about secret sacred women's business

B. GOLLAN XXN (MS PYKE)

1 relating to Hindmarsh Island.

2 A. That's right.

3 Q. That's the evidence of Betty Fisher. Do you accept that
4 evidence: that is, that Rebecca Wilson has said
5 something to Betty Fisher about that.

6 A. No, I don't accept it.

7 Q. So are you saying that you don't believe that Rebecca
8 Wilson would have said anything about secret sacred
9 women's business to Betty Fisher.

10 A. I don't believe it.

11 Q. Why don't you believe it.

12 A. For one thing, Rebecca would have to know a person
13 before she would come out and say something like that.
14 She wasn't a - in a way she was a private person, but in
15 another way she was an out-going woman. She would speak
16 up for what she knew was right, and she also spoke - she
17 was also a Salvation Army lady. She had a bonnet and
18 everything. You name it, whatever Rebecca wanted to
19 say, she would say it. She gave public meetings. In
20 that report that I read in the paper - and there was one
21 thing where that letter was read and that was read out
22 in pigeon English.

23 Q. Sorry, which letter.

24 A. There was a letter that - some statement there that
25 Auntie Koomi is supposed to have written, and when that
26 was read it was read in pigeon English. Now, that woman
27 never ever spoke in pigeon English. She spoke perfect
28 English, and she was never afraid to speak out in
29 public.

30 Q. Is what you are saying this, when the notes were read
31 out -

32 A. Yes.

33 Q. That was in what you called pigeon English.

34 A. One of those notes, yes.

35 Q. Pardon.

36 A. One of the notes is in pigeon English.

37 Q. Are you aware that the notes were done as an
38 abbreviation, not word for word what Rebecca Wilson said.

B. GOLLAN XXN (MS PYKE)

- 1 A. It's the way it was said.
- 2 Q. That wasn't Rebecca Wilson's voice that you are saying
3 you heard.
- 4 A. I didn't hear the tape. I was talking about the notes.
- 5 Q. So one of your reasons for not believing that Rebecca
6 Wilson would have said things to Betty Fisher was that,
7 when the notes were read out, that was in -
- 8 A. That one particular note.
- 9 Q. One particular note was in what you describe as pigeon
10 English.
- 11 A. Yes.
- 12 Q. And another reason that you are telling us is that you
13 don't think that Rebecca Wilson would have spoken to
14 someone that she didn't know well.
- 15 A. That's right. Within a matter of minutes.
- 16 Q. Any other reason why you think that Rebecca wouldn't
17 have said that to Betty Fisher about the secret sacred
18 women's business.
- 19 A. She would have to know that person more intimate before
20 she would say anything like that. If that was the case.
- 21 Q. So are you saying this: I don't accept that Rebecca
22 Wilson said that to Betty Fisher, primarily because she
23 didn't have that intimate relationship with her.
- 24 A. That's right.
- 25 Q. Did you know Gladys Elphick.
- 26 A. Yes, I knew Gladys Elphick.
- 27 Q. Did you know her well.
- 28 A. Fairly well.
- 29 Q. To your knowledge, was she a good friend of Rebecca
30 Wilson.
- 31 A. I don't know. I couldn't say.
- 32 Q. Do you want to keep going or would you like to stop.
- 33 A. You can ask me a few more questions.
- 34 COMSR
- 35 Q. Do you want to take a break.
- 36 A. Yes, thank you.
- 37 Q. If you would like to go home now, we can resume with
38 your evidence in the morning, if you are feeling tired.

968

RF 14M

B. GOLLAN XXN (MS PYKE)

- 1 A. Thank you, very much.
- 2 Q. You would prefer that, would you.
- 3 A. Yes, thank you.
- 4 ADJOURNED 3.38 P.M.

- 1 RESUMING 3.52 P.M.
2 MRS SHAW CALLS
3 PHILLIS FRANCIS BYRNES SWORN
4 EXAMINATION BY MRS SHAW
5 Q. How old are you.
6 A. 64.
7 Q. You were born at Robe in the South East.
8 A. Yes.
9 Q. Your father was Frank Owen.
10 A. Yes.
11 Q. From Wallaroo.
12 A. Yes.
13 Q. Your mother was Joanna Kropinyeri.
14 A. Yes.
15 Q. She was from Point McLeay.
16 A. Yes.
17 Q. You were, or you are the youngest of the six children.
18 A. Yes.
19 Q. Your mother's parents were Matthew Kropinyeri and Joanna
20 Armstrong.
21 A. Yes.
22 Q. Matthew Kropinyeri was from Point McLeay.
23 A. Yes.
24 Q. The children of Matthew Kropinyeri were your mother
25 Joanna.
26 A. Yes.
27 Q. Nathaniel Kropinyeri, who married Rosetta Rigney.
28 A. Yes.
29 Q. Rosetta Rigney is the Auntie Rose that you have learnt
30 Doreen Kartinyeri claims told her that there was secret
31 women's business at Hindmarsh Island.
32 A. Yes.
33 Q. I think your mother died when you were a baby.
34 A. Yes.
35 Q. And your father died when you were eight.
36 A. Yes.
37 Q. You went to the Fullarton Girls Home.
38 A. Yes.

P.F. BYRNES XN (MRS SHAW)

- 1 Q. You stayed there until you were about 14 years of age.
2 A. Yes.
3 Q. Then, you went to Gilbert Street Girls Home.
4 A. Yes.
5 Q. A boarding house.
6 A. Yes.
7 Q. Thereafter, on with the rest of your life.
8 A. Yes.
9 Q. Could I ask you about Doreen's Auntie Rose and your
10 Auntie Rose. Can you tell us this, Doreen Kartinyeri
11 claimed in the 'Who' magazine of 17 July 1995 first of
12 all, that: 'Her Aunt Rose Kropinyeri and Uncle Nat lived
13 on the outskirts of the settlement' - this is of the
14 Point Pearce Mission - 'Doreen Kartinyeri explained that
15 Rose and Nat chose to live off the mission because they
16 preferred their tribal ways to Christianity'. She also
17 claims in this same article: 'Her tribal sisters were
18 denied the secrets because, unlike her Auntie Rose,
19 their mothers were Christians. She believes they were
20 probably forbidden from passing on traditional stories
21 under threat of having their children taken away by the
22 missionaries'. Bearing in mind that the claim by Miss
23 Kartinyeri that her Auntie Rose was unlike others
24 because they were Christians and, secondly, that they
25 chose to live off the mission - that is Rose and Nat
26 chose to live off the mission - because they preferred
27 their tribal ways to Christianity, I want to ask you
28 about your knowledge of Auntie Rose, who was also your
29 Auntie Rose. Was there a time when you were actually
30 living in the same household as Nathaniel Kropinyeri and
31 Auntie Rose.
32 A. Yes.
33 Q. How old were you at that time.
34 A. I was about 22 years old.
35 Q. Where were you living.
36 A. We lived in Queens Street in Adelaide, just after Angas
37 Street down there.
38 Q. Who was living in the house at that time.

- 1 A. My mother-in-law.
2 Q. What was her name.
3 A. Margaret Smith. My husband, myself and three children.
4 Q. That is your three children.
5 A. Yes, and Rose and Nathaniel, and she had some of her
6 grandchildren with her.
7 Q. Did they include Thelma Winter.
8 A. Thelma, and the Cross children; the last names were
9 Cross.
10 Q. Her daughter Stella, was she still alive at that time.
11 A. No, she was dead, that is why the old lady had the
12 children.
13 Q. For how long did you live in the same household as
14 Auntie Rose.
15 A. About three years.
16 Q. Can you tell us whether or not, during the period that
17 you lived with Auntie Rose, she went to church.
18 A. Yes. She went to church on Sunday and to the races on
19 Saturday.
20 Q. Which church did she attend.
21 A. Just around the corner, St Marys.
22 Q. Is that the Church of England.
23 A. Church of England, yes.
24 Q. Did she go every Sunday.
25 A. Most every Sunday.
26 Q. The suggestion that she retained her tribal ways, you
27 said she went to the races.
28 A. Yes, she went to the races. And they were also exempt
29 from the Aboriginal Act. This was so that Uncle Nat
30 could go to the pub and have a drink - which you
31 couldn't do without an exemption paper if you were an
32 Aboriginal those days. And that allowed him to vote.
33 Allowed him to be regarded as a citizen.
34 Q. The suggestion by Doreen is that they, Rose and Nat,
35 chose to live off the mission because they preferred
36 their tribal ways to Christianity; that is at Point
37 Pearce.
38 A. They couldn't live on the mission because they were

- 1 exempted. We had to - you couldn't live on the mission
2 if you were exempt from the Aboriginal Act because you
3 weren't classed as Aboriginals in the sense of the word.
4 You know, for an Aboriginal, you had to do as you were
5 told and to live on the mission.
- 6 Q. So, is what you are saying that rather than preferring
7 their tribal ways, they had been exempted from living as
8 Aboriginals.
- 9 A. Yes. Well, they weren't exempt from living as
10 Aborigines if they wanted to, but they had the piece of
11 paper that we used to have to carry that said that we
12 had as much brains as the Europeans, and can live and
13 socialise, and that was the exemptions.
- 14 Q. If you had one of those exemptions, did you have to, in
15 fact, have permission to go on the mission.
- 16 A. Yes, the same as Europeans.
- 17 Q. When you were living in the house with Auntie Rose, was
18 there anything about the way that she lived that
19 suggested she was preferring her tribal ways.
- 20 A. No. Auntie Rose was a cripple and she used to have a
21 lot of visits to the doctor. And actually she had one
22 leg shorter than the other and had a crutch, so that,
23 you know, tribal ways just wasn't with her.
- 24 Q. Did she ever speak about the Ngarrindjeri culture, the
25 traditions.
- 26 A. No, not to my knowledge.
- 27 Q. Did you hear any stories yourself about birds.
- 28 A. Yes. We have heard the story about the Willie Wagtail
29 and the Mulywonk, sort of like the Boogie Man for the
30 kids. You know, if you don't do as you're told, then
31 the Boogie Man will get you or the Mulywonk will get
32 you. Even in their time, our culture was leaving us
33 then. Nobody spoke about it much, or people were moving
34 out from the mission.
- 35 Q. Was Rose someone who was a good talker.
- 36 A. Yes. Rose was our, we used to call her our Ena Sharples
37 of Coronation Street, she would always have gossip on
38 everybody.

1 Q. When she went to live, I think it was, at Hollywood
2 Beach near Point Pearce.

3 A. Yes.

4 Q. Did she come back and visit you.

5 A. Yes. They used to come, Rose would go to the Adelaide
6 hospital for her leg and they used to come in and visit.

7 Q. Did she ever speak any Ngarrindjeri words.

8 A. Yes. They used to say a few words that, you know, just
9 what all of us knew. It never was one sentence, but
10 broken down.

11 Q. Did she ever suggest to you that there were any sacred
12 secret women's business associated with the Ngarrindjeri
13 women.

14 A. No, she never did.

15 Q. Did she ever suggest to you that Hindmarsh Island was
16 something special.

17 A. No, we never mentioned Hindmarsh Island.

18 Q. Did she ever say anything about or on the topic of
19 abortions, for example.

20 A. No.

21 Q. As far as you were concerned, did you, yourself, learn
22 some Aboriginal ways; for example, about the food and -

23 A. Yes. We learned how to cook a damper, that's because
24 there was no bread at times. And I think to grill fish
25 - but then everybody does that. I don't know if it is
26 Aboriginal. Not really. We would camp around. We have
27 camped on the river and that, but.

28 Q. You also, I think, knew Nanna Laura very well.

29 A. Yes. She was living with my other uncle, my Uncle Rol
30 Kropinyeri.

31 Q. He was a brother.

32 A. To Nathaniel, yes, that's right.

33 Q. And the brother to your mother.

34 A. Yes, Kropinyeri.

35 Q. I shall make this clear. You have talked about living
36 with Rose for those years and having contact with her
37 once she went over to Hollywood Beach. Did Doreen ever
38 visit her, Doreen Kartinyeri.

P.F. BYRNES XN (MRS SHAW)

- 1 A. I don't know at Hollywood Beach, she may have. She was
2 at Point Pearce and we lived at Adelaide.
- 3 Q. What about when you were living in Adelaide, did she
4 ever visit.
- 5 A. Not in Adelaide.
- 6 Q. Did Auntie Rose ever suggest to you at any stage up
7 until she died that Doreen Kartinyeri was the chosen
8 one.
- 9 A. No.
- 10 Q. Did she ever suggest to you that she had any special
11 interest in Doreen Kartinyeri.
- 12 A. No.
- 13 Q. I want to also ask you about the daughter of Pinkie
14 Mack, another person who, at one stage, Doreen
15 Kartinyeri claimed had told her of secret sacred women's
16 business. Do you know who we are calling - you know who
17 we are referring to.
- 18 A. Yes, I know who you are referring to.
- 19 Q. Did you know the daughter of Pinkie Mack.
- 20 A. Yes, I knew her very well.
- 21 Q. Can you tell us how it is that, or how it was that you
22 knew her.
- 23 A. Well, she lived with my Uncle Rol and I knew her only at
24 the Three Mile when her children were and my children
25 were little.
- 26 Q. The Three Mile is.
- 27 A. Out of Tailem Bend. We call it the Three Mile, yes.
- 28 Q. What kind of house was she living in then.
- 29 A. They had a tin shack.
- 30 Q. Then, she eventually moved to Murray Bridge.
- 31 A. They moved to Tailem Bend first and then to Murray
32 Bridge, yes.
- 33 Q. Did you keep in contact with her.
- 34 A. Yes.
- 35 Q. How often would you see her.
- 36 A. Maybe a couple of times a month.
- 37 Q. Did you spent some time living down at Wellington.
- 38 A. Yes.

1 Q. For how long.

2 A. About 12 months.

3 Q. Then, you came back to Queens Street.

4 A. Yes.

5 Q. But you kept in contact with the daughter of Pinkie

6 Mack.

7 A. Yes.

8 Q. Can you say when you first started seeing the daughter

9 of Pinkie Mack on a regular basis by reference to the

10 age of one of your children, for example.

11 A. Well, about the last ten years, we saw a lot of one

12 another because I lived at Swan Reach and she lived in

13 Murray Bridge and I used to visit. Before that, I'd see

14 her on a yearly basis, or whenever we was close; whether

15 it would be at Murray Bridge.

16 Q. You say in your statement you became very good friends

17 after you first started seeing her when your son Bill -

18 A. He was about five, yes. That was when she lived at

19 Tailem Bend at the Three Mile, we used to go out

20 turtling, I suppose that would have been the thing

21 Aborigines done, then it became unlawful. Picking dead

22 wool, anything for a dollar - or pound them days. Then,

23 when she moved into Tailem Bend and Murray Bridge, we

24 sort of fell off a little bit because I lived in the

25 Adelaide Hills. And then when - as I said, when I got

26 to Swan Reach, we used to visit more often and used to

27 visit Murray Bridge after that.

28 CONTINUED

- 1 Q. You knew that the daughter of Pinkie Mack had been a
2 midwife.
- 3 A. Yes.
- 4 Q. Did she ever talk to you about childbirth.
- 5 A. No.
- 6 Q. Did she ever talk to you about any secret sacred women's
7 business.
- 8 A. No.
- 9 Q. Did she ever mention Hindmarsh Island to you.
- 10 A. No.
- 11 Q. Were you ever told about childbirth, the life cycle,
12 that is, having children and so on, menstruation.
- 13 A. Was I told about it?
- 14 Q. By any Aboriginal person.
- 15 A. No, I just done it. That's how I found out about it.
- 16 Q. Did Doreen Kartinyeri have any contact, that you can
17 remember, with the daughter of Pinkie Mack.
- 18 A. No, I never seen her there. She might have, but I
19 never, ever did see her there.
- 20 Q. Did you ever hear the daughter of Pinkie Mack talk about
21 Doreen, as if she was the chosen one.
- 22 A. No.
- 23 Q. Did you hear the daughter of Pinkie Mack talk about
24 Doreen Kartinyeri, at all.
- 25 A. No.
- 26 Q. Was there one of your great uncles that you knew that
27 did visit Hindmarsh Island.
- 28 A. Yes.
- 29 Q. Who was that.
- 30 A. Dick Kropinyeri. He used to be a fisherman.
- 31 Q. Is he the brother of Matthew.
- 32 A. Yes, my grandfather.
- 33 Q. What did he tell you about Hindmarsh Island, or what did
34 you know about it, through him.
- 35 A. I think it was good fishing.
- 36 Q. Did he go there with women or men.
- 37 A. With his son. He used to fish there.
- 38 Q. Would he camp on the island.

1 A. Yes.

2 Q. Did he ever suggest to you there was anything of concern
3 to him, as a man, about Hindmarsh Island.

4 A. No.

5 Q. Did he ever suggest there was anything special about
6 Mundoo Island.

7 A. No.

8 Q. At any stage, has any Aboriginal elder or anybody
9 suggested to you that Hindmarsh Island had any
10 significance at all in Ngarrindjeri tradition.

11 A. No, I only heard it when the news came out about the
12 bridge. That is the first I have ever heard of it.

13 Q. Was it ever suggested to you that there was any secret
14 sacred women's business that might affect the waters
15 around Hindmarsh Island.

16 A. No.

17 MS SHAW: I have no further questions. This
18 statement was provided, as I understand it, yesterday.
19 Mrs Byrnes has come down from the country today and is
20 leaving again.

21 WITNESS: Yes, at half past four.

22 MS SHAW: I tender her statement. Although there
23 was one correction that came out in her evidence, I
24 think. In particular, on p.8, 'It was my Great Uncle
25 Dick Kropinyeri.'

26 WITNESS: Yes.

27 COMSR: There should be 'Great' inserted before
28 'Uncle', in that first line.

29 WITNESS: Yes.

30 MS SIMPSON: And there is a line, on p.5, which ought
31 to be suppressed from publication. It is part of
32 para.17, it is the middle line, just out of an abundance
33 of caution, that line ought not to be for general
34 publication.

35 COMSR: What do you propose to do? To delete
36 it, or black it out?

37 MS SIMPSON: It is deleted from copies provided to
38 counsel who are not women.

P.F. BYRNES XN (MS SHAW)

- 1 COMSR: Has that been done?
- 2 MR MEYER: Therefore, don't delete it, just
3 suppress it. It is blacked out in my copy, but I
4 understand Ms Shaw and Ms Pyke would have a copy without
5 it blacked out. Therefore, it wouldn't be deleted.
- 6 MS SIMPSON: That's correct.
- 7 EXHIBIT 50 Statement of Phyllis Byrnes tendered by
8 Ms Shaw. Admitted.
- 9 COMSR: The second line of para.17 appearing on
10 p.5 of the statement is suppressed from divulgence, I
11 suppose to any male person and I make an order
12 suppressing that line from publication and copies of the
13 statement containing that line are to be distributed
14 only to female counsel and legal practitioners and the
15 exhibit itself will be suppressed.
16 Do we have an exhibit which is blacked out, where
17 that line is blacked out?
- 18 MS SIMPSON: We could have. You mean, one to tender,
19 as well?
- 20 COMSR: Because that line is contained in the
21 Exhibit, it means that I have to suppress the whole
22 exhibit, because it can't be divulged.
- 23 MS SIMPSON: Yes, I think that is what we did with
24 The statement of Mrs Dix, Exhibit 47. There was just
25 one paragraph suppressed from publication.
- 26 COMSR: Yes, that's right. Mind you, the
27 transcript of evidence virtually covers the statement.
- 28 MS SIMPSON: Yes, there was a topic that was covered
29 in the evidence, in a very brief way.
- 30 MR MEYER: You suppressed the second line, as I
31 understand it, of para.17.
- 32 COMSR: That's right.
- 33 MR MEYER: I am happy to loan my copy back to
34 counsel assisting and that can be copied.
- 35 MS SIMPSON: We have a spare.
- 36 MR MEYER: Then it doesn't have to be suppressed.
37 If that line is excluded, then we are in the same
38 position as we were with some of the previous

P.F. BYRNES XN (MS SHAW)
XXN (MS PYKE)

- 1 statements.
2 MR KENNY: Could I just seek clarification on some
3 of the other witness statements?
4 I understood all of these witness statements were
5 only released to counsel and their instructing
6 solicitors.
7 COMSR: That is so.
8 MR KENNY: And for the purpose of obtaining
9 instructions.
10 COMSR: Yes.
11 MR KENNY: So, that doesn't need a suppression
12 order. All I am doing is really seeking clarification.
13 COMSR: This is just out of an abundance of
14 caution.
15 MR KENNY: I am just seeking clarification. I
16 understand the only one that has been handed out to the
17 press was the Dorothy Wilson statement.
18 COMSR: That's correct, with the blacked out
19 portion. It is not anticipated that this would be.
20 MR MEYER: Perhaps we can deal with it after the
21 cross-examination of this witness, otherwise we won't
22 have time.
23 COMSR: Yes, in any event, it is not expected
24 that this statement will be handed out.
25 There is the problem that we have to get through
26 this witness this afternoon.
27 MS SHAW: I think her bus leaves at 5.30, so she
28 will probably want to be at the bus station by 5.
29 CROSS-EXAMINATION BY MS PYKE
30 Q. You have said that you weren't told anything about
31 women's business, or secret women's business.
32 A. No.
33 Q. Or Hindmarsh Island.
34 A. No.
35 Q. I suggest to you that you have very little knowledge of
36 Ngarrindjeri traditions and culture.
37 A. Yes, I suppose you could say that, but all my relations
38 were Ngarrindjeris, so - and I had a lot to do with

1 them.

2 Q. But you, yourself, or perhaps you can tell me, do you
3 know anything about Ngarrindjeri culture.

4 A. Only what you read in the library.

5 Q. What do you know.

6 A. What do I know about culture?

7 Q. Ngarrindjeri culture and history.

8 A. Not much.

9 MS SIMPSON: I object to that form of questioning.

10 It is very difficult, I think, for a witness in any
11 hearing to be asked to tell me everything you know
12 about a certain topic. In this particular instance, I
13 think it is extremely difficult. Perhaps if Ms Pyke
14 could be a bit more -

15 A. For the first 50 years of being an Aborigine, it was
16 stamped out of you. We had to be assimilated and now
17 you want me to tell you everything in two minutes that I
18 know about Aboriginal culture. That has just been
19 printed in the libraries or books.

20 COMSR: Yes, perhaps it is too general a
21 question.

22 XXN

23 Q. Firstly, do you consider yourself to be Ngarrindjeri.

24 A. Yes, I do. You don't consider me to be European, do
25 you, by looking at me?

26 Q. If you would just answer the question. Your father, is
27 he a Ngarrindjeri man.

28 A. He was from Wallaroo. He was an Aborigine.

29 Q. I appreciate that. I am asking you whether he was
30 Ngarrindjeri.

31 A. I don't think so.

32 Q. And your mother.

33 A. My mother was Ngarrindjeri.

34 Q. You have referred here to your mother's parents. Her
35 mother wasn't Ngarrindjeri, was she. She was from the
36 Flinders Ranges.

37 A. No, that's right. She was a sister to Doreen's
38 grandmother, the Armstrongs.

- 1 Q. You refer to your grandfather, Matthew.
2 A. Yes, Matthew Kropinyeri.
3 Q. You say here `I think he was from Point McLeay.'
4 A. He was from Point McLeay.
5 Q. I am just reading from your statement. `Matthew I think
6 was from Point McLeay.'
7 A. I don't think. I know he was from Point McLeay.
8 Q. He was Ngarrindjeri.
9 A. Yes.
10 Q. You believe.
11 A. Beg your pardon?
12 Q. That's what you believe.
13 A. Yes.
14 Q. That he was Ngarrindjeri.
15 A. That's what I believe.
16 Q. You say that you went, at about age eight, to the
17 Fullarton Girls Home.
18 A. Yes.
19 Q. When your father died.
20 A. Yes.
21 Q. It is not clear from your statement. Did you keep in
22 contact with your mother and -
23 A. My mother was already dead.
24 Q. Is this the situation, that really from about the age of
25 eight you spent most of your time at European -
26 A. Yes, but we had the girls from Point McLeay at the
27 school there and at the home. So, we did mix with a
28 few.
29 Q. As a young woman, let's say under the age of eighteen,
30 would you agree with me that you had very little
31 knowledge of your Ngarrindjeri history and culture.
32 A. Yes, that would be right.
33 Q. When you became older you met a person whose name is
34 Auntie Rose.
35 A. Yes, I met my uncles and aunties.
36 Q. Your Auntie Rose, she was a relative by marriage.
37 A. Yes, she married Uncle Nat.
38 Q. Would it be fair to say that, at the time that you met

- 1 Auntie Rose, that you yourself had been fairly well
2 raised in the European way.
- 3 A. Yes, so was all the rest on the missions, they were all
4 Europeanised.
- 5 Q. None of this is meant as a criticism.
- 6 A. Yes, carry on.
- 7 Q. I am just trying to get the basis of it.
- 8 MS SHAW: I think it is important that Mrs Byrnes
9 be allowed to expand on her answers, if she feels it is
10 unfair to confine them in the way she wants.
- 11 MS PYKE: I am trying to be fair to the witnesses.
12 It is not a criticism.
- 13 COMSR
- 14 Q. Had you finished your answer.
- 15 A. Yes.
- 16 CONTINUED

1 XXN

2 Q. When you met Auntie Rose at about the age of 22, you
3 say, did you ask her any questions about Ngarrindjeri
4 history or culture, or at that stage weren't you -

5 A. No. We lived together in a house. She didn't offer
6 any, I didn't ask. We just lived as people. I think if
7 there was some things that was culture or something, I
8 would have seen them.

9 Q. Is it fair to say - again, it is not a criticism - that
10 at that stage you weren't particularly interested in
11 making any inquiries or tracing your history or culture
12 at that age.

13 A. There wasn't anywhere to trace it anyhow. We didn't
14 talk about it. If you wanted a house and you were
15 aborigine you didn't have much chance of getting it, you
16 know. It was something that was stamped out of us.

17 Q. Is that the situation, that between you and Auntie Rose,
18 during the time that you knew her, it just simply was
19 never an issue or topic of discussion between you, that
20 is, Aboriginal history and culture.

21 A. No, it wasn't a topic. There was kids to be raised and
22 food to be cooked and living to do.

23 Q. Is it fair to say that, at that time, for all intents
24 and purposes, you had a European life.

25 A. That's all we had ever known.

26 Q. The same situation, I suggest, applies to your
27 relationship with the daughter of Pinkie Mack.

28 A. Yes.

29 Q. You first started seeing her, you say, when your son was
30 about five years old.

31 A. Yes.

32 Q. By that stage, you were quite European in your life and
33 your outlook.

34 A. I think so.

35 Q. And that certainly -

36 A. So was the daughter of Pinkie Mack.

37 Q. Certainly, insofar as she had her dealings with you, she
38 never spoke to you about anything to do with -

P.F. BYRNES XXN (MS PYKE)

- 1 A. She didn't with other people either. I knew her very
2 well.
- 3 Q. Whenever -
- 4 A. None of our people go around talking culture to - I
5 haven't met one yet that will come up and tell me a
6 story about our culture, or what we do, or how to do a
7 corroboree or anything. You know, they just don't do
8 it.
- 9 Q. Certainly it never arose between you and the daughter of
10 Pinkie Mack.
- 11 A. No.
- 12 Q. You say that the daughter of Pinkie Mack had been a
13 midwife.
- 14 A. Yes.
- 15 Q. But she never talked to you about anything to do with
16 that.
- 17 A. No.
- 18 Q. Did she ever talk to you about where she had been a
19 midwife -
- 20 A. I know where she had been a midwife. I had been to
21 places where she had delivered babies, but it is a thing
22 you don't talk about. She didn't come rushing out to
23 tell me how the baby was born or what. It is not a
24 thing you talk about, or do you?
- 25 Q. What sort of places did you understand the daughter of
26 Pinkie Mack had been acting as a midwife.
- 27 A. I knew she had at Wellington. She delivered four of my
28 sister-in-law's children.
- 29 Q. Do you know whether that was done in the European way,
30 if I can put it that way.
- 31 A. Is there another way to have a baby?
- 32 Q. Are you aware of any traditional or cultural
33 Ngarrindjeri beliefs about issues to do with child
34 birth.
- 35 A. No, I didn't know there was any. I thought people just
36 gave birth - women gave birth.
- 37 Q. So, as far as you are aware, did she go to a hospital,
38 would she do home deliveries, or what.

P.F. BYRNES XXN (MS PYKE)
(MR KENNY)

- 1 A. Home deliveries.
2 Q. Was it just for Aboriginal women that she acted as
3 midwife.
4 A. Yes.
5 Q. You refer to your Uncle Dick. Again, you never
6 discussed anything with him to do with history and
7 culture or the like.
8 A. No. I think he was the same as the rest of us. It was
9 something you just didn't talk about.
10 Q. Did you know Doreen Kartinyeri very well.
11 A. No, not real well. I sort of knew her as a kid, and
12 then I've seen her a couple of times when she was
13 married with children at Wellington.
14 Q. So really, of your own knowledge, you don't know what
15 her relationship was with Auntie Rose.
16 A. No. I just know that she was brought up the same way as
17 I was brought up, in the Fullarton Girls Home.
18 Q. You don't know what her relationship was with the
19 daughter of Pinkie Mack.
20 A. No, I don't know what her relationship was.
21 Q. Were you aware that Doreen, after she came to the
22 Fullarton Home, would go back to Point McLeay during
23 holidays.
24 A. All of them would. All the girls would.
25 Q. Did you.
26 A. We didn't have anyone there to go to.
27 Q. I am simply putting it to you.
28 A. We were orphans.
29 CROSS-EXAMINATION BY MR KENNY
30 Q. You know Connie Roberts.
31 A. Yes.
32 Q. Maggie Jacobs.
33 A. No, I don't know Maggie Jacobs.
34 Q. Connie Roberts is an elderly Ngarrindjeri woman.
35 A. Yes, from Cooltong.
36 Q. She is fairly well regarded in the community.
37 A. Yes.

- 1 Q. I don't think in your statement you have mentioned how
2 you decided to come and give evidence here. Can you
3 tell us who asked you to come along.
- 4 A. My niece, Jenny Grace. Her mother is the stepdaughter
5 of Rose, and we went up with Anne Freeman to see
6 Margaret, the stepdaughter of Rose, and so I offered my
7 two-bobs worth, for what it's worth.
- 8 Q. Who did you offer that to.
- 9 A. To the commission.
- 10 Q. So you contacted the commission direct, did you.
- 11 A. Through Anne and with Margaret.
- 12 Q. Who did they put you on to at the commission.
- 13 A. What do you mean 'put me on to'.
- 14 Q. Did you say you contacted the Royal Commission.
- 15 A. No, through Jenny Grace. I came through Jenny to be
16 connected with it.
- 17 Q. Who was Jenny Grace.
- 18 A. She is another Aboriginal woman that is upset about all
19 this business.
- 20 Q. Essentially, you say, in the first 20 years of your
21 life, the aboriginality was attempted to be stamped out
22 of you. That is what you have said, is that correct.
- 23 A. It was with all of us.
- 24 Q. That's right. Generally at the time you were -
- 25 A. From 1966 we are allowed to be counted as people.
- 26 Q. But before then there was a lot of pressure applied to
27 you.
- 28 A. Yes. There is still a lot of pressure now. You send
29 your grandchildren to school, and they are still called
30 black. It is not going to stop them because there is a
31 law made to say that they can't do it.
- 32 Q. Earlier, when you went to school, whereabouts did you go
33 to school.
- 34 A. In the Fullarton Girls Home. They had a school there.
- 35 Q. Were you allowed to speak your traditional language at
36 that school.
- 37 A. No, you weren't allowed. Even the girls who brought the
38 language into the home, you weren't supposed to speak

RF 14P

P.F. BYRNES XXN (MR KENNY)
(MS SIMPSON)

1 it, but you learnt it anyhow. But if you got caught -

2 Q. If you got caught you got the cuts, didn't you.

3 A. You got the cuts, yes.

4 Q. After you left there, in your statement you say

5 'Assimilation involved us trying to forget and distance
6 ourselves from our culture.'

7 A. Yes, it did.

8 Q. In fact, that's what you tried to do.

9 A. No, I didn't. It just happened that way.

10 Q. It just happened.

11 A. Yes. You are busy bringing up your children and trying
12 to teach them what to do.

13 Q. So that was your concern. It was not so much the
14 Aboriginal culture, but simply every day life, bringing
15 up your children and living in a western - what we would
16 call a European style.

17 A. Don't we all? Even them that live on the missions now.

18 Q. I can't answer that. I can say that perhaps I do, or
19 think I do. I was really enquiring about you.

20 A. Yes. Yes, I've got hot water and a bed and a car. I
21 wouldn't like to run 10 miles.

22 COMSR: Do any other counsel have questions of
23 the witness?

24 MR MEYER: I was going to suggest it be clarified -
25 the witness referred to a person Anne, I assume that is
26 Anne Freeman, for the purpose of the answer. Just to
27 make sure that assumption is correct.

28 COMSR

29 Q. Who was the Anne you referred to.

30 A. It was Anne Freeman. She was going, with Jenny, to get
31 a statement from Margaret and I went along with them.

32 CROSS-EXAMINATION BY MS SIMPSON

33 Q. You have said in your statement that you were born at
34 Robe in the South-East.

35 A. Yes.

36 Q. And that your mother, Joanna, was from Point McLeay.

37 A. Yes.

38 Q. She was a Ngarrindjeri woman.

- 1 A. Yes.
- 2 Q. I think you have said you consider yourself a
3 Ngarrindjeri woman, is that right.
- 4 A. Yes.
- 5 Q. Is that because of your mother's background primarily.
- 6 A. Well, it is from where we came from.
- 7 Q. Did you live at Robe until you went to Fullarton Girls
8 Home.
- 9 A. Yes.
- 10 Q. Your mother's father, that is your grandfather, Matthew
11 Kropinyeri, had a brother, Dick Kropinyeri, who was the
12 great Uncle Dick that you have spoken about.
- 13 A. Yes.
- 14 Q. Did they both come from Point McLeay.
- 15 A. Yes.
- 16 Q. You have said Matthew did.
- 17 A. Yes.
- 18 Q. Your mother's brother was Nathaniel Kropinyeri or Nat.
- 19 A. Yes.
- 20 Q. Your Auntie Rose whom you have talked about, where did
21 she come from.
- 22 A. Point McLeay.
- 23 Q. When you went to Fullarton Girls Home, was Doreen
24 Kartinyeri there.
- 25 A. No, she came later. She is a bit younger than me. I
26 would have been just about going out when Doreen came
27 In.
- 28 Q. So was there a time when you were both at Fullarton
29 Girls Home.
- 30 A. Yes, about the first six months I think of Doreen's
31 time.
- 32 Q. When you came to live at Queen Street with Auntie Rose,
33 or did she come to live with you, which way around was
34 it.
- 35 A. She came to live there with us.
- 36 Q. When she came to live with you, did you have children
37 then already.
- 38 A. Yes, I had three children.

P.F. BYRNES XXN (MS SIMPSON)

- 1 Q. How old were they.
2 A. They would have been five, four and about two.
3 Q. Both your Auntie Rose Kropinyeri and your Uncle Nat
4 stayed with you there for about two or three years, is
5 that right.
6 A. Yes.
7 Q. Then you say they went back to Point Pearce or nearby,
8 Hollywood Beach.
9 A. Yes, back to Hollywood Beach to live.
10 Q. You have said that they chose to live at Hollywood Beach
11 because there were certain advantages in living off the
12 mission.
13 A. Yes.
14 Q. They were to do with assimilation into a white culture.
15 A. That's right.
16 Q. When you spoke to your Uncle Dick about Hindmarsh
17 Island, what did he tell you about it.
18 A. Nothing. It wasn't no great importance. It was just
19 fishing. He was a fisherman.
20 Q. What did he say about fishing. Did he tell you the sort
21 of fish he caught.
22 A. Yes.
23 Q. Yes.
24 A. We knew he caught callop and bream and plenty of bony
25 bream. If we ever wanted fish off him, that's all he
26 used to give us, was the bony bream, because he couldn't
27 get any money for them.
28 Q. Did you ever talk to your Auntie Rose about cooking fish
29 or anything like that.
30 A. No, we just cooked it.
31 Q. Did you know Doreen Kartinyeri's first husband, Terry.
32 A. No, I don't think I did. If I met him, I can't
33 remember. I know she was married to Terry.
34 Q. Doreen has said in an article in `Who Magazine' that
35 Auntie Rose explained to her the secrets of Hindmarsh
36 Island, the tribe's special place where young women
37 learned about womanhood and the Ngarrindjeri traditional
38 ways. She said `We knew Hindmarsh Island was sacred to

1 the older people'. If you heard her say that now, who
2 would you think the older people were that she might be
3 referring to.

4 A. When, those days or now?

5 Q. Now, when she was saying that in 1995.

6 OBJECTION Mr Kenny objects on the ground
7 of speculation.

8 MS PYKE: All she can give evidence of is who she
9 considers to be the elders, if she wants to give that
10 evidence, but more than that -

11 CONTINUED

12

1 QUESTION REPHRASED

2 Q. If your Auntie Rose had told you that Hindmarsh Island
3 was a sacred place to the older people, what would that
4 have meant to you; the older people, who would they have
5 been.

6 A. Those gone on before, I should imagine, because if she
7 was calling other people `older people' she shouldn't be
8 talking about herself, should she.

9 Q. It would mean to you the ancestors.

10 A. Yes, it may be, yes.

11 Q. When Auntie Rose went to live at Point Pearce for the
12 second time, that is after she left Queens Street, how
13 old would she have been.

14 A. I don't know, she might have been in her 50s. I didn't
15 ask her how old she was, it wouldn't be polite.

16 NO FURTHER QUESTIONS

17 WITNESS RELEASED

18 ADJOURNED 4.42 A.M. TO THURSDAY, 17 AUGUST, 1995 AT 10 A.M.

B. GOLLAN XXN (MS PYKE)

1 COMSR STEVENS

2

3 HINDMARSH ISLAND BRIDGE ROYAL COMMISSION

4

5 THURSDAY, 17 AUGUST 1995

6

7 RESUMING 10.10 A.M.

8

9 MS SIMPSON: The programme for today is to continue
10 Mrs Gollan's cross-examination and then to have the
11 cross-examination of Mrs Dorothy Wilson so that that can
12 be completed by the end of tomorrow at the latest. It
13 is envisaged and I would be asking for the Commission to
14 adjourn until the following Wednesday to allow for some
15 counsel to be absent in another place.

16 COMSR: I think that was foreshadowed some time
17 ago that we might have some days off and I propose to
18 allow counsel to be present elsewhere. I foreshadowed
19 that I proposed to do that.

20 WITNESS B GOLLAN CONTINUING

21 CROSS-EXAMINATION BY MS PYKE

22 Q. Where we finished yesterday, I think it was that I was
23 asking you about, talking to you about Betty Fisher and
24 Rebecca Wilson and you were telling me that you didn't
25 think that Rebecca Wilson would have said things to
26 Betty Fisher. You remember that is where we finished.

27 A. That's right, yes.

28 Q. You gave a couple of reasons which we need not go over.
29 Is it your view that Rebecca Wilson didn't say the
30 things to Betty Fisher that suggested there was secret
31 women's business associated with Hindmarsh Island.

32 OBJECTION Mr Abbott objects on the ground that
33 the evidence of Betty Fisher is a mere
34 assertion, she has declined to produce
35 the notes and the notebook and that this
36 witness is being asked to look upon what
37 Betty Fisher said as fact.

38 QUESTION REPHRASED

B. GOLLAN XXN (MS PYKE)

- 1 Q. Betty Fisher has given evidence to this court that
2 Rebecca Wilson gave her information that indicated that
3 secret sacred women's business was associated with
4 Hindmarsh Island. Is it your view that Rebecca Wilson
5 could not have said that, or did not say that to Betty
6 Fisher.
- 7 A. That's right.
- 8 Q. You have not spoken to Betty Fisher.
- 9 A. No, I haven't spoken to her.
- 10 MR ABBOTT: She only speaks to the 7.30 Report.
- 11 MS PYKE: I realise that Mr Abbott is playing to
12 the media.
- 13 COMSR: Mr Abbott if you have an objection, if
14 you will make it -
- 15 MR ABBOTT: I will make it and continue to make it.
- 16 COMSR: Perhaps it is better directed to me.
- 17 MR ABBOTT: I will direct it to you.
- 18 XXN
- 19 Q. If I understand you correctly, you say the basis of your
20 belief about the fact that Rebecca Wilson didn't tell
21 Betty Fisher is that she was a very private person and
22 she wouldn't have discussed those matters with Betty
23 Fisher because she didn't know her well.
- 24 A. That's right.
- 25 Q. I'm putting this to you as a hypothetical proposition:
26 If, in fact, for example, the Commissioner found on the
27 evidence that Rebecca Wilson did, in fact, tell Betty
28 Fisher back in 1967 information that suggested there was
29 secret sacred women's business associated with Hindmarsh
30 Island, would that cause you to change your mind.
- 31 A. No.
- 32 COMSR: As to the existence.
- 33 XXN
- 34 Q. As to the existence of the secret sacred women's
35 business.
- 36 A. Mrs Wilson, as I stated before, was a private woman and
37 she would have to know a person more than 12 or 15
38 minutes. It's stated that Mrs Fisher spoke to her for

B. GOLLAN XXN (MS PYKE)

1 12 to 15 minutes. That is your view.

2 Q. What I put to you is this: If, for example, the
3 Commissioner accepts the evidence, if she didn't agree
4 with your assessment and she says `Look, I do accept
5 that Rebecca Wilson told Betty Fisher things in 1967
6 that indicated there was secret sacred women's business
7 associated with Hindmarsh Island', would that cause you
8 to rethink or to change your mind about your view that
9 there is no such thing.

10 A. No way.

11 OBJECTION Mr Abbott objects on the ground that
12 until the Commission is told what the
13 nature of the secret sacred women's
14 business is, the question, as framed, is
15 entirely useless for the Commission's
16 consideration.

17 OBJECTION OVERRULED

18 Q. You have the very firm view that such evidence, or that
19 such business doesn't exist; is that the case.

20 A. That's right.

21 Q. You have told us yesterday that you had no knowledge of
22 Ngarrindjeri traditions, culture or practices associated
23 with childbirth.

24 A. Pardon?

25 Q. You told me yesterday - and I'll perhaps put it to you
26 again so that we are quite clear about this -

27 COMSR: We are not going to recapitulate the
28 evidence of yesterday.

29 MS PYKE: No, I want to make sure that she has it
30 right.

31 COMSR: There is a fair bit of latitude in the
32 cross-examination. We don't want to go over the same
33 grounds again.

34 XXN

35 Q. You agree with me that you have no knowledge of
36 Ngarrindjeri tradition, culture or practices associated
37 with childbirth.

38 COMSR: If you frame it as a question `Did you

B. GOLLAN XXN (MS PYKE)

- 1 tell me yesterday that you'.
2 A. Not of childbirth.
3 XXN
4 Q. Ngarrindjeri tradition, practices and culture.
5 A. Can you explain that more, because I told you yesterday
6 that I attended the births? What do you mean by 'no
7 knowledge'?
- 8 Q. Traditional Ngarrindjeri practices associated with
9 childbirth. Do you have any knowledge of those.
10 A. No, I was too young then.
11 Q. Traditional practices associated with, or beliefs
12 associated with menstruation.
13 A. I didn't know anything.
14 Q. Traditional practices and beliefs associated with
15 contraception.
16 A. Nothing.
17 Q. But what you are telling us, isn't it, is this: That
18 because you don't know about secret women's business,
19 you don't believe that it exists.
20 A. That's right.
21 Q. When I was talking to you yesterday about what you had
22 been told or believed were the secret women's business
23 that the women were talking about, you mentioned two
24 things: One, was the spiritual nature of the waters
25 around Hindmarsh Island.
26 A. I didn't mention about the waters around. I don't know
27 nothing spiritual about the waters around Hindmarsh
28 Island.
29 Q. You know that is what the women say who say there is
30 secret women's business.
31 A. I know what they are saying, yes.
32 Q. And you know that they're saying that there's something
33 to do - what they are saying is that there's something
34 to do with the shape of the island that the women who
35 say there is secret women's business are talking about.
36 A. That's right.
37 Q. And there's another element that you understand, I
38 suggest, that the women are talking about, and that is

B. GOLLAN XXN (MS PYKE)

1 that - I'm reading from the Advertiser of 20 May 1995,
2 it is in the public arena, which says: `The abortion of
3 halfcast foetuses of white and negroid whalers'. That's
4 something that you believe the women are saying.

5 A. That's right.

6 Q. What you're saying, as I understand it, is that not only
7 are those three things that I've just put to you not
8 known to you, yourself - that is information about
9 spiritual beliefs associated with Hindmarsh Island, the
10 abortion of foetuses and the shape of the island - not
11 only are they not known to you, but you are saying that
12 the women who say that they hold these beliefs are
13 lying.

14 A. That's right.

15 OBJECTION Mr Abbott objects on the ground that
16 the `women's business' and the `secret
17 sacred women's business' as asserted to
18 exist has been incorrectly stated.

19 QUESTION REPHRASED

20 Q. In the Advertiser on 20 May 1995, I will read out a
21 couple of paragraphs: `Two of them yesterday ridiculed
22 the myths which they said included claims that the area
23 of the Murray River channel where the bridge would be
24 built was sacred because it was shaped like female
25 genitalia. They also disputed the allegation it had
26 once been a place where Aboriginal women aborted the
27 halfcast foetuses of white and negroid whalers'. And
28 then they say: `"How could I sit back and let my
29 daughters hear lies about that sort of thing?", the
30 oldest of the five, Mrs Bertha Gollan, 78, of Adelaide
31 said yesterday'.

32 A. I'm not 78.

33 Q. Do you remember saying something like that.

34 A. Yes, I did.

35 Q. What part of what I've just read out to you were you
36 suggesting was lies.

37 A. Where were the women are supposed to have gone from to
38 Hindmarsh Island to be aborted?

B. GOLLAN XXN (MS PYKE)

1 COMSR

2 Q. You are saying that that part of it, you don't agree
3 with, that it's lies. You are saying that that part is
4 lies.

5 A. Yes.

6 XXN

7 Q. The women went to Hindmarsh Island.

8 A. Where from was it? From Point McLeay?

9 Q. Well, I'm reading out what was in the paper: `They also
10 disputed the allegation it had once been a place where
11 Aboriginal women aborted the halfcast foetuses of white
12 and negroid whalers'.

13 A. If it is in Point McLeay, they would be aborted before
14 they ever got there.

15 Q. Do you dispute that; do you say that is lies.

16 A. Yes, I do.

17 Q. If what has been suggested that it was the women from
18 Point McLeay that were going to Hindmarsh Island to
19 abort the foetuses, you would say that is a lie.

20 A. That's right.

21 Q. Would you say it was a lie if it was women, Ngarrindjeri
22 women, from somewhere other than Point McLeay who were
23 going to Hindmarsh Island.

24 A. I wouldn't know about that.

25 Q. What you are saying is that you consider it only to be a
26 lie if it refers to Ngarrindjeri women who lived at
27 Point McLeay.

28 A. That's right.

29 Q. Do you know anything at all about the history of
30 Hindmarsh Island in so far as it relates to the
31 Ngarrindjeri people.

32 A. No.

33 Q. You told us yesterday that there was a meeting you
34 didn't attend when Patrick Byrt called by to collect
35 you.

36 A. That's right.

37 Q. Were there any other meetings to which you were invited
38 associated with either Hindmarsh Island or the women's

B. GOLLAN XXN (MS PYKE)

- 1 beliefs that you didn't attend.
2 A. I didn't attend any of the meetings.
3 Q. My question was: Were there any other meetings to which
4 you were invited that you didn't attend.
5 A. I wasn't invited.
6 Q. Were you invited to attend the meeting with Cheryl
7 Saunders.
8 A. No, I wasn't.
9 Q. Did you know that that meeting was going to be held.
10 A. Half the time I didn't know where the meetings were,
11 what they were about.
12 Q. I'm asking you about that particular meeting.
13 A. No, I didn't.
14 Q. Did you know anybody who went to that meeting.
15 A. No, because I had no interest in it.
16 Q. Are you related to Allan Campbell.
17 A. No.
18 Q. You said in your statement that from the time that you
19 first heard, you said, words to the effect of - from the
20 time that you first heard about the women's belief, you
21 didn't believe it.
22 A. That's right.
23 Q. You said that you believed that you first heard about it
24 in the media.
25 A. That's right.
26 Q. That was in 1994, was it.
27 A. That's right.
28 Q. You said in your statement about mid-1994.
29 A. That's right.
30 Q. You said in your statement you had been talking to
31 Dulcie Wilson about it ever since.
32 A. That's right.
33 Q. Has that been something you talked to Dulcie about quite
34 often.
35 A. That's right.
36 CONTINUED

B. GOLLAN XXN (MS PYKE)

- 1 Q. You read various things in the paper from mid 1994.
2 A. I have.
3 Q. But I suggest you didn't say to anyone from the time
4 that you first heard about the women's beliefs. The
5 first time you went public, put it that way, with your
6 assertion that the women's beliefs were not true or lies
7 was in 1995, wasn't it.
8 A. That's right.
9 Q. In mid 1995.
10 A. It was.
11 Q. So it was over a year from the time that you first heard
12 the stories about secret women's business until you made
13 any public statement that you believed them to be lies.
14 A. I heard it when it first eventuated, but didn't bother
15 about it until things got really out of hand.
16 Q. What do you say was getting out of hand.
17 A. For instance, what would happen if the bridge was
18 erected.
19 Q. Did anyone approach you to speak out or to go public
20 with your concerns.
21 A. Dulcie and I considered it ourselves.
22 Q. Did you discuss how you would go public with your
23 concerns.
24 A. No, we didn't.
25 Q. How did it come to be that you went public with your
26 concerns. How did it come about.
27 A. Dorothy told us what had happened down at Hindmarsh -
28 down at Goolwa, and so we decided we had to do
29 something, and we had to get someone to organise getting
30 it into the news that we were against it.
31 Q. Did Dorothy come to you and tell you something and say
32 'Look, we have got to make this public now'.
33 A. We all met the first time together.
34 Q. What did Dorothy tell you had happened that caused you
35 to think that you must now act.
36 A. Dorothy didn't tell us anything. I knew, I heard it, I
37 read it.
38 Q. I thought you just said a couple of minutes ago that

B. GOLLAN XXN (MS PYKE)

1 Dorothy said something to you about what had been
2 happening down at Goolwa.

3 A. Yes, in the meeting after we had already - I had already
4 read in the paper what was said if the bridge went
5 ahead, and then Dorothy outlined one of the meetings
6 that she attended down there.

7 Q. Is that a meeting she went to in 1995, or are we talking
8 about something that happened in 1994.

9 A. It wasn't 1994 at all.

10 Q. Are you able to tell me what it actually was that
11 prompted you, in May 1995, to go public. What had
12 happened that prompted you to do that.

13 A. The simple reason was what the women had said, that by
14 building the bridge it would stop the fertility, which
15 is ridiculous. I stated then, and I will state it
16 again, they still breed like rabbits.

17 Q. The bridge hasn't been built yet, has it.

18 A. No, but if it went ahead tomorrow, it still wouldn't
19 stop them.

20 Q. On 1 May 1995 you signed a letter, didn't you. That is
21 Exhibit 26. It said this 'We the undersigned met today
22 to -'

23 OBJECTION Mr Abbott objects on the grounds of
24 relevance.

25 MR ABBOTT: How is it relevant to her client, Dr
26 Fergie? This is a letter that my client has signed. We
27 make no secret of it. I am merely asking for my learned
28 friend to justify how she can come to cross-examine on
29 it. Dr Fergie is merely, on one hand a facilitator, and
30 secondly, a report writer, depending on which version
31 you read. On either basis, I cannot see that this gives
32 my learned friend any locus standi to attack Mrs Bertha
33 Gollan about what she did in 1995 to bring to public
34 attention what she believed to be a very serious
35 scandal.

36 MS PYKE: Firstly, as we heard when this
37 commission started, the focus of the commission was
38 going to be the opinions, conclusions and methodology of

B. GOLLAN XXN (MS PYKE)

1 Dr Fergie. The nub of it, what this commission is here
2 to determine, is whether secret sacred women's beliefs
3 have been fabricated, and in particular reference to the
4 writings of Dr Fergie.

5 This witness is one of the witnesses who assert
6 fabrication. Indeed, she asserts that there have been
7 lies. Surely, the testing of the witness about how,
8 when, where and why she formed those beliefs, and
9 questions about the delay in coming forward and the
10 circumstances in which she came forward, go to the
11 weight in assessing the nature, extent and credibility.

12 MR ABBOTT: They go to the weight if the proponent
13 women were here. The proponent women have decided not
14 to be here, and for my learned friend to, as it were,
15 take up the banner of the Doreen Kartinyeri's of this
16 world is entirely inappropriate.

17 MS PYKE: I am not taking up Doreen Kartinyeri's
18 banner. I am merely testing on my client's behalf, who
19 of course has to look at this evidence herself to see if
20 it causes her to change her views and opinion.

21 COMSR: I have permitted cross-examination as to
22 credit. There is a limit as to how far
23 cross-examination as to credit should go in an inquiry
24 of this sort, which is not really a court case.

25 MS PYKE: It is not a court, but the very Terms of
26 Reference require you to make findings.

27 COMSR: Yes, certainly.

28 MS PYKE: It seems to me, if evidence isn't tested
29 as to credibility -

30 COMSR: I don't think you can say you haven't
31 had the opportunity to test the witnesses as to credit.
32 The question is how far it should go.

33 MS PYKE: If it is of any assistance, I haven't
34 got much more to ask. I just wanted to ask a couple of
35 questions about this letter.

36 COMSR: The fact that there have been no, as it
37 were, proponent women giving evidence, of course doesn't
38 mean that I do not have to consider the question of

B. GOLLAN XXN (MS PYKE)

1 credibility, Mr Abbott.

2 MR ABBOTT: Of course not.

3 COMSR: I propose to allow Ms Pyke to finish
4 this particular topic, but I do think that the witness

5 has very thoroughly been tested as to her credit and -

6 MR ABBOTT: I take it Mr Kenny will not be able to
7 roam over the same areas?

8 COMSR: If an area has been covered, then I
9 would not propose that we retrace the ground. As I say,
10 I think you have been given a fair bit of latitude as to
11 testing the credit of the witness.

12 XXN

13 Q. This letter of 1 May 1995, do you recall it. Do you
14 know what I am talking about, or would you like to have
15 it in front of you?

16 A. Pardon?

17 Q. Would you like to have the letter in front of you, or do
18 you know the letter I am referring to.

19 A. You are referring to the letter that - of the meeting I
20 went to.

21 Q. Yes. I will read it out. `We, the undersigned, met
22 today to discuss what we know of "women's business" in
23 relation to the Hindmarsh Island Bridge. Those present
24 were Dulcie Wilson, Audrey Dix, Bertha Gollan, Dorothy
25 Wilson, Sue Lawrie'. Pausing there, had you met Sue
26 Lawrie before May 1995.

27 A. No, I hadn't.

28 Q. It continues `Jean Lawrie'. Had you met Jean Lawrie
29 before.

30 A. No, I hadn't.

31 Q. And someone called Haese, H-A-E-S-E. It looks like Y.
32 Haese.

33 A. No, I hadn't met either of those three ladies until that
34 particular day.

35 Q. Who are they. Do you know who Sue Lawrie.

36 A. Sue Lawrie is the daughter of Mack Lawrie, and Mack is a
37 son of the late W.T. Lawrie, who was our teacher on
38 Point McLeay when I was going to school.

B. GOLLAN XXN (MS PYKE)

- 1 Q. And Jean Lawrie.
2 A. I wouldn't know Jean. That's the first time I'd met
3 her.
4 Q. The person Haese.
5 A. The first time I met her was that day.
6 Q. Was it a woman.
7 A. She's a lady, yes.
8 Q. Who is she, do you know. How did she come to be there.
9 A. Well, it was her house we had the meeting at.
10 Q. Who organised that meeting.
11 A. As far as I know, Dorothy did, with Sue.
12 Q. Did she tell you why the meeting was going to be held.
13 A. Yes.
14 Q. What was the reason that she gave you.
15 A. Pardon?
16 Q. What was the reason that she gave.
17 A. The reason was that she wanted to tell us and ask us
18 what we thought of all this business of Hindmarsh
19 Island, the women's secret business.
20 Q. Is that what happened at that meeting, Dorothy told you
21 what she knew.
22 A. That's right.
23 Q. Because, to a large part, you are dependent, aren't you,
24 for your knowledge of what has been alleged on what
25 Dorothy told you.
26 A. It was not only what Dorothy told us. It was in the
27 papers just about every day, what they were saying and
28 what they were doing. It didn't only come from Dorothy.
29 Q. You certainly got some information from Dorothy.
30 A. Mostly from the papers.
31 Q. All right, some from Dorothy and most from the papers.
32 A. That's right.
33 Q. You certainly have believed what you have read in the
34 papers.
35 A. Believed what?
36 Q. What you have read in the papers.
37 A. What they were saying about -
38 COMSR: I think the witness has made it fairly

B. GOLLAN XXN (MS PYKE)

1 clear she didn't believe what she read in the paper.

2 XXN

3 Q. You believed what was reported was accurate about what
4 the women were saying, as appeared in the newspaper.

5 You didn't believe what they said -

6 A. No, I didn't.

7 Q. But you accepted what was being reported as being
8 accurate.

9 A. I didn't accept it as accurate. I didn't accept it as
10 the truth either.

11 Q. When Dorothy had told you what had gone on at various
12 meetings, you believed what she was telling you had gone
13 on.

14 A. That's right.

15 Q. It is on those informations, what you have read in the
16 paper and what Dorothy has told you, that have led you
17 to form your belief -

18 A. That's right.

19 Q. That it is you all made up and it is lies.

20 A. Plus -

21 COMSR: That is not the witness's evidence.

22 The witness has said that she has never believed it
23 because she has never been told.

24 XXN

25 Q. And that you've never been told.

26 A. I've never ever been told.

27 Q. It then goes on to say this `Dulcie, Audrey, Bertha and
28 Dorothy all agree that they have never heard anything
29 about women's business from their mothers, grandmothers
30 or aunts, and don't believe that there is secret women's
31 business on Hindmarsh Island. (Although Dorothy agrees
32 that she was there when Doreen talked about abortions
33 and does not dispute that this may have happened)'.
34 A. If it happened down there, but as far as in my growing
35 up years, abortion was absolutely a no-no.

36 Q. Was there some disagreement between you and Dorothy
37 about that or -

38 A. No, Dorothy -

B. GOLLAN XXN (MS PYKE)

1 Q. At that meeting.

2 A. No.

3 Q. It goes on 'Sue will write this up formally with
4 individual background to be signed tomorrow'. Is there
5 something else that was signed after this letter.

6 A. No, no.

7 Q. Is that the only letter that you signed.

8 A. That's right.

9 Q. Have you signed anything else associated with -

10 A. Nothing.

11 MR ABBOTT: I point out that she signed her
12 statement for the purpose of the commission, but I don't
13 think that was brought to her attention.

14 COMSR: Are we still proceeding on questions as
15 to credit?

16 MS PYKE: Yes.

17 XXN

18 Q. That is the only thing that you have signed in relation
19 to your views about the validity of Hindmarsh Island,
20 secret sacred women's business, apart from the statement
21 that has come here to court today.

22 A. That's right.

23 Q. In the 'Advertiser' on 20 May 1995, Mr Jeff Easdown has
24 reported this 'Mrs Dorothy Wilson and Mrs Gollan
25 yesterday released a statement they had co-signed with
26 Mrs Dulcie Wilson and Mrs Gollan's daughter, Miss Audrey
27 Dix, saying "We are four Ngarrindjeri women who are
28 concerned and deeply aggrieved at the appalling claims
29 made by a certain group of Aboriginal women regarding
30 the so called women's business on the Hindmarsh Island
31 Bridge debate".' Did you sign anything that said that.

32 A. I didn't sign anything - not to that statement.

33 Q. Did you make that statement.

34 A. I did.

35 Q. So is this the case, you say that wasn't in writing, but
36 you made that statement to the reporter.

37 A. That's right.

38 Q. When you handed him the statement that we've just

B. GOLLAN XXN (MS PYKE)

- 1 referred to.
- 2 A. That's right.
- 3 COMSR: I think really that the issues of this
- 4 witness's credit have been fairly thoroughly canvassed.
- 5 MS PYKE: Yes, I am not proceeding with that any
- 6 further.
- 7 XXN
- 8 Q. You say that you knew the daughter of Pinkie Mack quite
- 9 well.
- 10 A. Yes.
- 11 Q. 'Fairly well' is what you say in your statement.
- 12 A. Fairly, yes.
- 13 Q. You say that you knew Pinkie Mack less well.
- 14 A. That's right.
- 15 Q. I might be not remembering this correctly, but have you
- 16 read the book 'The World that Was.'
- 17 A. No.
- 18 Q. Are you aware that Pinkie Mack had a lot of knowledge
- 19 and information about Ngarrindjeri traditions and
- 20 beliefs.
- 21 A. I'm quite aware of that.
- 22 Q. Are you aware of whether the daughter of Pinkie Mack had
- 23 a lot of knowledge about Ngarrindjeri traditions and
- 24 beliefs.
- 25 A. She would have, seeing that she was older than me.
- 26 Q. But she never discussed them with you.
- 27 A. No.
- 28 Q. The daughter of Pinkie Mack, she assisted at births.
- 29 A. No, not that I know of.
- 30 Q. So you are not aware of that at all.
- 31 A. No.
- 32 Q. Certainly the daughter of Pinkie Mack never discussed
- 33 with you things to do with birth and the like.
- 34 A. That's right.
- 35 Q. Did you ever talk to the daughter of Pinkie Mack about
- 36 Ngarrindjeri history and culture, or was it just
- 37 something that never came up in the conversation.
- 38 A. No, I never spoke to her.

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B. GOLLAN XXN (MS PYKE)

- 1 Q. If you are not able to answer this just say so, was she
- 2 much older than you.
- 3 A. Yes.
- 4 CONTINUED

B. GOLLAN XXN (MS PYKE)

- 1 Q. She had children, herself.
- 2 A. That's right.
- 3 Q. Did you mix with her children.
- 4 A. No, they were more or less at Tailem Bend.
- 5 Q. Were they children around about your age, is that the
- 6 age difference between you and Pinkie Mack - or Pinkie
- 7 Mack's daughter's children - that is, Pinkie Mack's
- 8 children and yourself.
- 9 A. They were younger than I am.
- 10 MS PYKE: I have no further questions.
- 11 MS SHAW: I ask for a break for Mrs Gollan.
- 12 COMSR: Would you like a break?
- 13 WITNESS: Yes.
- 14 ADJOURNED 10.51 A.M.

B. GOLLAN XXN (MR KENNY)

- 1 CROSS-EXAMINATION BY MR KENNY
2 Q. In your statement, at p.8, para.3.8, you say `We did not
3 live in a traditional way. We lived a basically
4 European life. The children were never told stories
5 about the Dreamtime or any other traditional stories.'
6 A. That's right.
7 Q. Do you remember that.
8 A. That's - yes, I remember.
9 Q. I take it from the statement that you were simply
10 talking about when you were young and living on the
11 mission, is that right.
12 A. That's right.
13 Q. Was that also the case when your children were growing
14 up.
15 A. That's right.
16 Q. That, essentially, you lived a European life.
17 A. That's right.
18 Q. On the mission, you worked for the Reverend Reid.
19 A. Pardon?
20 Q. On the mission, you worked -
21 A. Yes, yes, I did.
22 Q. He was the congregationalist minister.
23 A. That's right.
24 Q. I think you said he was a very devout, or you said he
25 was a very kind man and very devout.
26 A. He was.
27 Q. And by that you meant he was a very religious man.
28 A. Yes, he was.
29 Q. In the Christian sense of religious.
30 A. Yes.
31 Q. I take it that he also encouraged you to be religious as
32 well.
33 A. No, he didn't encourage us. It was left up to - it was
34 left up to me.
35 Q. It was left up to you.
36 A. Yes.
37 Q. Did you embrace the Christian way of life.
38 A. I went to church. I was a Sunday school teacher and I

B. GOLLAN XXN (MR KENNY)

- 1 also attended Christian Endeavour every Wednesday night.
2 Q. So, in essence, you did embrace the Christian way of
3 life.
4 A. I wasn't what you would term as a devout Christian.
5 Q. Have you continued with the Christian way of life most
6 of your life.
7 A. No, not really.
8 Q. You have given up the going to church on Sundays and
9 that sort of thing.
10 A. Since I have been in Adelaide.
11 Q. Before that, you went to church every Sunday.
12 A. At Point McLeay, yes. When I moved to Meningie, I only
13 went a couple of times and that was when two of my
14 youngest girls were baptised.
15 Q. When you moved to Meningie, you stopped going to church.
16 A. That's right.
17 Q. If you went to church in Meningie, where would you go.
18 A. To the methodist church.
19 Q. You would go to the methodist church.
20 A. Yes, they were baptised in the methodist church.
21 Q. Is there any reason why you didn't keep going to the
22 church when you moved to Meningie.
23 A. For one thing, I had all my children and they were quite
24 small and it was a distance from my place down to the
25 methodist church. We didn't have a car.
26 Q. At that stage, Audrey was about 15 years old, wasn't
27 she.
28 A. Yes, but Audrey was away, working elsewhere.
29 Q. And the others were quite a bit younger.
30 A. Yes, they were.
31 Q. That would have been about 1955 to 1959, somewhere
32 around that stage.
33 A. That's right.
34 Q. You moved to Meningie.
35 A. That's right.
36 Q. In those years, it was pretty tough, wasn't it, for
37 Aboriginal people to obtain employment.
38 A. My husband didn't have any trouble getting work. He

B. GOLLAN XXN (MR KENNY)

- 1 went into a foundry. He was employed in the railways.
2 From there, then he went into the highways. From
3 Meningie to Lucindale in the South East and that's where
4 he died.
- 5 Q. At that time, while you were living in Meningie, you
6 actually had a house in Meningie, didn't you.
- 7 A. That's right.
- 8 Q. At that time, there were still a lot of Aboriginal
9 people who were living out on the fringe camps around
10 Meningie.
- 11 A. That's right.
- 12 Q. Were there many Aboriginal people actually living in
13 houses in Meningie, at that time.
- 14 A. There was five, to my knowledge - I can remember. Five
15 Aboriginal homes there.
- 16 Q. The rest of the population lived in the fringe camps, or
17 at Point McLeay.
- 18 A. From the people who lived -
- 19 Q. The Aboriginal people, I mean.
- 20 A. Yes, they were out of Meningie.
- 21 Q. They were out of Meningie.
- 22 A. Yes.
- 23 Q. In fact, they weren't allowed to live in Meningie, were
24 they.
- 25 A. They would have been allowed to live in Meningie, if
26 they wanted to.
- 27 Q. I understood there was some difficulty getting housing.
- 28 A. No, the house that I had, that was offered to a family
29 from the fringe, as you call it, and they refused.
- 30 Q. Then that was offered to you.
- 31 A. Then it was offered to me, seeing that my husband had to
32 come back from Lucindale and right back to Point McLeay,
33 so that, by the family moving to Meningie, that distance
34 was cut short.
- 35 Q. That house, who offered that to you.
- 36 A. The Aboriginal Affairs.
- 37 Q. But the majority of people, as I said, still lived out
38 at the fringe camp at Point McLeay, the majority of

B. GOLLAN XXN (MR KENNY)

1 Aboriginal people.

2 A. It was more or less, I would say, three families who
3 lived, as you call it, in the fringe camp. It wasn't a
4 big population, at all.

5 Q. When your children were growing up, did you encourage
6 them to speak Aboriginal languages.

7 A. The little that I knew.

8 Q. But, at that time, at school, they weren't allowed to
9 speak the Aboriginal language generally. You may
10 remember Phyllis Byrnes gave evidence yesterday that, if
11 they spoke the language at the Fullarton Girls Home,
12 they got the cuts.

13 A. I wouldn't know about that, because I wasn't there.

14 Q. But that school life was a bit like that down at
15 Meningie as well, I take it.

16 A. No.

17 Q. You have known Maggie Jacobs for a number of years,
18 haven't you.

19 A. Yes, we were born on Point McLeay. We grew up there
20 together, until she left.

21 Q. You would say you know her very well, don't you.

22 A. Yes.

23 Q. I am not asking you what you may think now, but, if I
24 asked you, a year ago, what you thought of Maggie Jacobs
25 before all this business started, you would have said
26 that she was a very well-respected -

27 OBJECTION Mr Abbott objects.

28 MR ABBOTT: Mr Kenny doesn't act for Maggie Jacobs.
29 I can't understand any basis on which he can ask this
30 witness questions about someone he doesn't act for.
31 This witness's view, either now or a year ago of Maggie
32 Jacobs cannot in any way assist him acting as he does
33 for a number of Aboriginal men and I object to the
34 question.

35 COMSR: How do you say that this is relevant to
36 any interests that you are representing, Mr Kenny?

37 MR KENNY: I represent a number of men who are
38 alleged to have been involved in a fabrication of

B. GOLLAN XXN (MR KENNY)

1 evidence. This witness spoke to a woman who was an
2 informant to Cheryl Saunders and I understand to Deane
3 Fergie and she tells this witness that she knew about
4 the secret women's business in relation to Hindmarsh
5 Island because her grandmother told her. I want to know
6 what she thought of that. She doesn't actually say in
7 her statement whether she believes what this woman tells
8 her or not. I mean, then she goes on to say that 'I
9 knew her grandmother very well and knew her even better
10 and she didn't mention to me anything about women's
11 business', but she doesn't actually say anything about
12 what she thought of this conversation.

13 MR ABBOTT: If someone is representing Maggie
14 Jacobs, if there is such a person, if Maggie Jacobs
15 wants to come along and give this evidence she can be
16 asked these questions, but it is not appropriate for Mr
17 Kenny to be asking them. This is referable to p.8 of
18 this witness's statement and all this witness talks
19 about is conversations with Maggie Jacobs on the
20 telephone before she went public and Maggie Jacobs
21 trying to get her to say you should remember.

22 COMSR: I take it that this is more Mr Kenny's
23 attempting to put the questions in relation to the
24 witness's credit.

25 MR ABBOTT: That could be, but how he could have
26 instructions as to Maggie Jacobs?

27 MR KENNY: I don't have any instructions from
28 Maggie Jacobs. I make that quite clear.

29 MR ABBOTT: It is not appropriate to credit and I
30 persist with my objection to that.

31 MS SIMPSON: I see another problem with the question
32 as it is presently formed. The question is asking Mrs
33 Gollan to say what she thought of Maggie Jacobs. I'm
34 not sure what that means. Whether it means what Mrs
35 Gollan thought personally of her or of her character or
36 of her position in the Aboriginal community, but it is
37 Not fair to ask Mrs Gollan, that is, for Mr Kenny on
38 behalf of his clients to ask Mrs Gollan what she thought

B. GOLLAN XXN (MR KENNY)

1 of Mrs Jacobs as a general question. Perhaps if Mr
2 Kenny rephrases his question to make it more pertinent
3 to the Terms of Reference of the Inquiry - that is,
4 perhaps what position in Mrs Gollan's opinion Mrs Jacobs
5 occupied in the Aboriginal community - in a more neutral
6 sense.

7 MR KENNY: I am happy to do that.

8 MR MEYER: Can I just correct what I think is a
9 factual error by my friend, Mr Kenny?

10 I don't think that Professor Saunders at any time
11 says that Connie Roberts was an informant in relation to
12 the relevant information. I have no recollection in the
13 report of that being said and no recollection of any
14 other material which might suggest that that was
15 Professor Saunders's view. And, therefore, I think he
16 is proceeding on a factual misconception. If he can
17 point to any issue where it is suggested that Connie
18 Roberts is an informant in relation to this question of
19 secret sacred women's business, then I would be obliged.

20 To assist him, the only references as I see it are
21 at p.25 and p.26 of the Saunders's report, which is
22 Exhibit 17.

23 I said `Connie Roberts'. I meant Maggie Jacobs.

24 The same thing goes for Connie Roberts. The same
25 thing goes for the three persons who Professor Saunders
26 referred to in the report. Connie Roberts, Maggie
27 Jacobs and Edith Rigney. There is the same submission
28 in relation to each of them, but my friend referred to
29 Maggie Jacobs. Each of those four people are referred
30 to at p.25, at the bottom of the page.

31 COMSR: I take it that there is no present
32 suggestion that I am going to hear from Maggie Jacobs at
33 all? I think that the gist of that paragraph is that
34 this witness's assertion is that it is unlikely that
35 Maggie would have been told something by her grandmother
36 if she hadn't been told something also. You are wishing
37 to put to the witness prior to this incident what was
38 her opinion of Maggie as to her honesty?

B. GOLLAN XXN (MR KENNY)

- 1 MR KENNY: I will rephrase it, if you like, to
2 simply say a year ago Mrs Gollan would say that Maggie
3 Jacobs was well-respected within the Aboriginal
4 community.
- 5 COMSR: Is that the question you are putting to
6 the witness?
- 7 MR KENNY: Yes, that is the question I would like
8 to put to her.
- 9 COMSR: I will allow that question.
- 10 QUESTION ALLOWED
- 11 COMSR
- 12 Q. What you are being asked is whether, say, a year ago,
13 Maggie Jacobs was a well-respected member of the
14 Aboriginal community.
- 15 COMSR: Yes, indeed, I suppose the witness is in
16 a position to answer that sort of question?
- 17 MR KENNY: Like she said, she knows her well. She
18 knows and is related to a large number of Aboriginal or
19 people in the Aboriginal community. She says she is one
20 of the elder spokeswomen or one of the elder women
21 herself in the community.
- 22 COMSR: All right, I will allow that question
23 then.
- 24 QUESTION ALLOWED
- 25 COMSR
- 26 Q. Do you know the question.
27 A. Yes.
- 28 XXN
- 29 Q. Do you want me to repeat it for you.
30 A. Yes.
- 31 Q. That, a year ago, you would have said that Maggie Jacobs
32 was well-respected within the Aboriginal community.
33 A. She was liked, I will put it like that.
- 34 Q. What about Dorothy Wilson. Was she well-respected,
35 within the Aboriginal community, a year ago.
36 A. I haven't had a lot of contact with Dorothy, seeing as
37 she lives at Murray Bridge and I am here in Adelaide.
- 38 Q. So, you wouldn't know about Dorothy.

B. GOLLAN XXN (MR KENNY)

1 A. No, but what I have heard, and you can't go by hearsay,
2 but Dorothy, to my knowledge, she is - knowing her when
3 she was growing up, she was a very nice girl.

4 Q. But Maggie, all you can say about Maggie Jacobs is that
5 all you can say about her is that she was liked.

6 A. Yes.

7 Q. A year ago.

8 A. Yes.

9 Q. Would you say that is still the case today. That she is
10 still liked, within the Aboriginal community.

11 A. By some, I suppose.

12 Q. Maggie Jacobs certainly would be considered, by a large
13 number of the Aboriginal community, as being one of the
14 senior women.

15 OBJECTION Mr Abbott objects.

16 COMSR: How far are you proposing to take this
17 questioning? What is the purpose of it, Mr Kenny, as
18 far as your party is concerned?

19 MR KENNY: The purpose is further down I wish to
20 ask some questions. I am trying to establish what this
21 woman thinks of Maggie Jacobs and then I wish to ask her
22 some questions about her conversation with Maggie
23 Jacobs.

24 MR ABBOTT: I submit he ought to go to the
25 conversation, because, if he disputes the conversation
26 on the basis of instructions received from someone,
27 let's hear about it.

28 COMSR: Yes, Mr Kenny, I think -

29 MR KENNY: I am not saying I have got any
30 instructions from anyone in relation to this
31 conversation, but I am simply saying it is included in
32 here in her statement and I wish to ask her some
33 questions about it. Presumably Mr Abbott thinks it is
34 of some importance, as he has included it.

35 COMSR: You are not going to put to the witness
36 any contrary version then, I take it, of the
37 conversation?

38 MR KENNY: No, I don't have a contrary version. Of

B. GOLLAN XXN (MR KENNY)

- 1 course I am not in a position to do that.
- 2 COMSR: If you can put your questions as to the
3 statement.
- 4 XXN
- 5 Q. You remember the conversation on the bus to Glenelg with
6 Maggie Jacobs.
- 7 A. Yes, I do.
- 8 Q. During that conversation you spoke to her about the
9 women's business at Hindmarsh Island.
- 10 A. No, the women's business didn't come up on that.
- 11 Q. There was no mention of women's business at all on that
12 bus ride.
- 13 A. No, she was speaking about being the eldest left from
14 Point McLeay and I contradicted her and told her she
15 wasn't.
- 16 Q. What you are actually saying now is that you had no
17 conversation with Maggie Jacobs about women's business
18 on the bus down to Glenelg. That was the bus provided
19 by the Otherway Centre run by Father Mark.
- 20 OBJECTION Mr Abbott objects.
- 21 MR ABBOTT: I object to that, because the inference
22 is that she did say something previously about women's
23 business and it is clear from her statement she didn't.
24 She spoke about two topics. A statement from Nanna
25 Laura and who that was, something from Maggie Jacobs and
26 how Maggie Jacobs claimed to be the eldest person from
27 Point McLeay.
- 28 CONTINUED

B. GOLLAN XXN (MR KENNY)

1 COMSR: I think the evidence yesterday was to
2 the same effect, that there was conversation on the bus.
3 What part of the evidence are you referring to?

4 MR KENNY: I'm referring to p.17, para.7.2 about
5 the 5th line down of this witness's statement, Exhibit
6 25.

7 COMSR: Perhaps if the witness can be shown
8 that.

9 MR KENNY: I was asking her if she had a
10 conversation with Maggie Jacobs about Hindmarsh Island
11 and the women's business on that bus.

12 WITNESS: I did not.

13 XXN

14 Q. You didn't.

15 A. Not about Hindmarsh Island and the women's business.
16 All we spoke about was how old she was. She said she
17 was the eldest left in Point McLeay.

18 Q. Perhaps if you look at Exhibit 25 produced, p.70. If
19 you have a look at para.7.2, the 5th line down. I will
20 read it to you if you like. Would you like me to read
21 it to you. `Maggie and I had a conversation on the way
22 down about Hindmarsh Island and the women's business'.
23 What you are saying now is that that is not true, you
24 didn't have that conversation.

25 A. No, we didn't speak of Hindmarsh Island at all that day.
26 All she referred to was her being the eldest
27 Ngarrindjeri woman on Point McLeay.

28 Q. You say that that paragraph should be struck out of your
29 statement.

30 A. That's right.

31 MR KENNY: I ask that that sentence be struck out.

32 MR ABBOTT: I think it ought to be properly
33 explained to her what the effect of the question is,
34 because this witness obviously had a view of women's
35 business, which we heard of, and she has deposed to a
36 conversation about Hindmarsh Island tangentially via the
37 reference to the daughter of Pinkie Mack. I ask that
38 you ask the witness about that, because it seems to me

B. GOLLAN XXN (MR KENNY)

1 that we need - for Mr Kenny to stand up and say `Strike
2 it out', is contrary to the evidence that she has given
3 already.

4 COMSR: I'm looking at the evidence that she has
5 given already. I'm looking at p.962 of the witness's
6 evidence and my recollection of the witness's evidence
7 is to the effect that the conversation on the bus really
8 revolved around the issue of the age of the various
9 women at Point McLeay, which I suppose was related to an
10 impression of the Hindmarsh Island business. I'm not
11 quite clear I follow your point?

12 MR ABBOTT: Only this: That I'm not sure what my
13 learned friend is seeking to have removed from her
14 statement. If it's that he takes issue with the
15 description of `women's business' to what follows when
16 she says: `I recall Maggie Jacobs referring to the
17 daughter of Pinkie Mack, that old lady will be in
18 trouble because she has already signed the statement and
19 she will have to go to court', if the witness is
20 assenting to the proposition that that is not women's
21 business, the words `and women's business' can go out.
22 But I'm not sure what he is asking to be removed when he
23 says that he wants that statement or that paragraph
24 removed from her statement?

25 MR KENNY: Perhaps simply this: The witness's
26 really saying they clearly had a conversation on the way
27 down, but she says it wasn't about Hindmarsh Island
28 women's business. So, that is an incorrect statement in
29 her statement.

30 COMSR: It arose out of the issue of Hindmarsh
31 Island and to do with the eldest.

32 MR KENNY: It is of really no consequence. I will
33 leave it.

34 Q. You had some telephone conversations after that with
35 Maggie; is that correct.

36 A. That's right.

37 Q. Maggie Jacobs, that is.

38 A. Yes.

B. GOLLAN XXN (MR KENNY)

1 Q. Those telephone conversations, I understand from your
2 evidence, were about the secret women's business at
3 Hindmarsh Island; is that correct.

4 A. Yes. She told me that.

5 Q. So, you did have conversations.

6 A. Yes, I did.

7 Q. In that conversation, one of those conversations Maggie
8 said to you essentially was that it was her grandmother
9 who had told her about the secret women's business; is
10 that correct.

11 A. That's right.

12 Q. Do you say that Maggie was lying when she told you that.

13 OBJECTION Mr Abbott objects.

14 Q. Perhaps I should say: Do you believe that she was lying.

15 OBJECTION Mr Abbott objects.

16 MR ABBOTT: This witness's beliefs are not an issue
17 about what Maggie claims, but if Maggie wants to
18 substantiate her claim over the phone, let her come
19 along here and say so. All that witness is retailing to
20 the Commission is discussions that she had with one of
21 the persons, and one would expect that person to come
22 here and verify what they are claiming. I object to
23 this approach. It seems to me that Mr Kenny is
24 proceeding on the basis of attacking the credibility of
25 this witness vis-a-vis endeavouring her to force her
26 into a position of, 'Do you claim that some of the
27 Aboriginal women you spoke to must have been telling
28 lies', so that he can then assert, 'Well, they weren't
29 telling lies and that, therefore, you can believe my
30 Aboriginal men'. This is what they say.

31 COMSR: I think this witness's evidence is not
32 on the issue of whether or not anyone else was lying,
33 but rather why she believes that there was no such thing
34 as women's secret business; that is, she would have
35 expected to have been told, if anyone.

36 MR KENNY: I suggest it goes further than this.
37 She is really in her statement saying that she knew
38 Maggie Jacobs' grandmother better than Maggie Jacobs,

B. GOLLAN XXN (MR KENNY)

1 and the only conclusion - although that is not drawn in
2 the statement - the only conclusion is that she thinks
3 that Maggie Jacobs is lying. That is the only
4 conclusion that you can reach. I wish to clarify that.
5 If she was not saying that, then fine. I want to hear
6 whether she is saying that Maggie was lying or not.

7 MR ABBOTT: What relevance has that to Mr Kenny's
8 clients? It might be relevant to those who act for
9 Maggie Jacobs, but it is of no relevance to Mr Kenny.

10 MR KENNY: The relevance is that my clients have
11 been accused of affecting the evidence and telling the
12 women what to say. If Maggie Jacobs says that she was
13 told by her grandmother to this witness, then it's quite
14 clear that it wasn't my clients.

15 COMSR: But this witness can't say whether,
16 through some mistake or other, some misapprehensions -

17 MR KENNY: I am merely asking this witness what she
18 thinks about this. Does she think Maggie Jacobs is
19 lying when she said it was her grandmother who told her
20 about this business? This is a woman who has known
21 Maggie Jacobs all her life, they've grown up together.

22 COMSR: Of course, there's the possibility of
23 error and mistake of some other sort. All she is saying
24 is that -

25 MR KENNY: I don't see much in the way of
26 possibility of mistake or error. This witness sees
27 Maggie Jacobs saying 'It was my grandmother who told me
28 about the secret women's business and Hindmarsh Island.'
29 I don't know, perhaps there is the possibility of
30 mistake that the witness misheard her. I don't think
31 she is saying that. This witness is asserting that is
32 what she said. I want to know whether this witness
33 thinks that Maggie Jacobs was lying when she said that
34 or not.

35 MR ABBOTT: First of all, that is irrelevant and,
36 secondly, my learned friend doesn't cover the position
37 that Maggie Jacobs may have deluded herself into
38 believing what she is now retailing -

B. GOLLAN XXN (MR KENNY)

1 MR KENNY: I am not asking about that, I'm merely
2 asking what this witness thinks.

3 MR ABBOTT: What relevance has it got?

4 MR KENNY: I think it has a lot of relevance. She
5 goes on in her statement to essentially suggest that she
6 is lying, and that is a very carefully tailored
7 statement.

8 MRS SHAW: I object to that.

9 MR KENNY: I feel that this is a tailored statement
10 that avoids what I would see as one of the critical
11 points: whether or not this witness thinks that Maggie
12 Jacobs was lying.

13 COMSR: For one reason for another, that wasn't
14 correct. I mean, she can't say what was in someone
15 else's mind.

16 MR KENNY: I am asking what is in her mind, what
17 she thought.

18 MS SIMPSON: Can I make a brief submission on this?
19 It's my submission that if Mrs Gollan has preferred not
20 to say whether or not Maggie Jacobs, or anybody else for
21 that matter, in the statement was lying, it is not
22 appropriate for Mr Kenny to force her into a position
23 where she has to say whether or not she believes Mrs
24 Jacobs is lying. Mrs Gollan has come forward to the
25 Commission to give whatever evidence she can. She may
26 be able to answer the question, she may not. To ask
27 her to put a label on the evidence given to her by Mrs
28 Jacobs may very well be an unfair position, given that
29 she has to go on with her life in the outside community,
30 following on from giving her evidence here. You have
31 heard that it is quite a close community. Unless it
32 were very relevant to your findings in this inquiry to
33 hear whether or not Mrs Gollan thought Mrs Jacobs was
34 lying, she should not be asked that question.

35 COMSR: I think the witness has made it clear
36 that she thinks it unlikely that she would not have
37 heard if Maggie Jacobs had been told. I don't think she
38 should be put in that position in the circumstances.

B. GOLLAN XXN (MR KENNY)

- 1 MR KENNY: I think she does, Madam. I think that
2 this whole Commission is about whether there is any
3 fabrication of evidence. This woman -
- 4 COMSR: By Maggie, is it alleged as against -
- 5 MR KENNY: No, my reading of the evidence as it
6 comes out - and I don't certainly know all of the
7 evidence and I don't pretend to - it matters to me that
8 they are suggesting that Dr Doreen Kartinyeri made it
9 up. It would strike me as very relevant if another
10 woman says that 'My grandmother told me'. Then, it is
11 quite clear that Dr Doreen Kartinyeri is not her
12 grandmother and this is a senior woman within the
13 Ngarrindjeri people.
- 14 COMSR: How is this witness's opinion as to
15 whether or not Maggie Jacobs was lying going to assist
16 me in determining that fact?
- 17 MR KENNY: That may be right. This witness gives
18 her opinion that 'I knew Auntie Ada even better than
19 Maggie, her own granddaughter, and Auntie Ada did not
20 want to mention anything to me about secret women's
21 business'. She goes on to say that she believes that
22 the secret women's business is not true, it is a lie.
23 It was her opinion.
- 24 COMSR: She explained the basis on which she's
25 come to that conclusion. I can't draw any inferences
26 from her opinion that someone else may or may not be
27 lying.
- 28 MR KENNY: She is certainly asserting other
29 matters.
- 30 COMSR: It's clear the basis on which she is
31 coming to that conclusion.
- 32 MR ABBOTT: This evidence will only be relevant if
33 Maggie Jacobs comes along and says something. If she
34 doesn't come and appear -
- 35 COMSR: Even if she does come along and say
36 something, I don't know if this is the opinion of Maggie
37 Jacobs.
- 38 MR ABBOTT: Exactly, and in the same way we covered

B. GOLLAN XXN (MR KENNY)

1 in the statement, Maggie Jacobs, Valerie Power, Murial
2 Van Der Byl and Doreen Kartinyeri and what is elicited,
3 all this witness can say about those people is not
4 relevant. It is only relevant if and when they turn up,
5 otherwise that is in limbo because the people have never
6 come along to put their side, and it's not for my
7 learned friend to put their side.

8 MR KENNY: I'm not putting anyone's side, I simply
9 say that the evidence led says that the secret women's
10 business is a lie. Now, if Mr Abbott is going to stand
11 up again and say 'We are not asserting that is a lie,
12 that it is a misinterpretation or a misunderstanding',
13 perhaps I don't press the matter any further. I'm quite
14 sure that is not what he is going to do.

15 COMSR: It's not a question of whether this
16 witness believes that someone was lying. That can't
17 assist me. I can't adopt the witness's opinion. It's
18 the circumstances to which I have regard to, as I said.

19 MR KENNY: You have been asked to adopt her
20 opinion. Her opinion is that the inference is that
21 Maggie Jacobs, she knew Maggie Jacobs' grandmother
22 better than what Maggie did, and if anyone was to be
23 told of the secret women's business, she should have.

24 COMSR: She said -

25 MR KENNY: That is her opinion and you have been
26 asked to adopt it. I want to know her opinion of what
27 Maggie Jacobs said.

28 MR ABBOTT: I say this again: We won't be asking you
29 to rely upon the sections of this witness's evidence
30 which deals with these ladies unless and until these
31 ladies come forward and make their positions clear. It
32 is just that Mrs Gollan, aged 74, has come along to give
33 evidence and wants to leave. We do not want to call her
34 back. And when Maggie Jacobs, Doreen Kartinyeri, Murial
35 Van Der Byl and Valerie Power comes along - if those
36 women were to appear in the Royal Commission and insist
37 that what is asserted is something that actually
38 happened to be true, none of this evidence will be

B. GOLLAN XXN (MR KENNY)

1 relevant.

2 COMSR: It seems to me that one of the issues
3 which the Commission has to decide is the very one
4 asking the question. It is not the witness's opinion
5 that I can place weight on in that respect, it's the
6 circumstances. So, as I said, it goes to an issue which
7 the Commission has to determine in the final analysis.
8 I don't propose to allow that question. You can put
9 other issues to her as to the circumstances why she
10 believes she would have been told.

11 MR KENNY: That is merely her opinion as to why she
12 thinks she should have been told.

13 MR MEYER: I object. Your Honour ruled on this and
14 we have been on this for 20 minutes without arguing on
15 the rulings.

16 MR KENNY: I accept your ruling and I would like
17 you to note my protest.

18 XXN

19 Q. If I can move on now to the meeting of 1 May 1995. Do
20 you remember that meeting that you were asked about
21 earlier that Dulcie Wilson and Audrey Dix were there and
22 others. Was a Sue Laurie there as well.

23 A. That's right.

24 CONTINUED

RF 15E

B. GOLLAN XXN (MR KENNY)
(MS SIMPSON)

- 1 Q. Did you know who she was employed by at that time.
2 A. No, I did not.
3 Q. Was there any mention of any politicians at that
4 meeting.
5 A. None whatsoever.
6 Q. Not even Mr Tickner. He didn't get a mention.
7 A. No, he didn't get a mention.
8 Q. Mr McLachlan.
9 A. No.
10 Q. I think you also said that Sue took statements from you,
11 or was going to take statements from you the next day.
12 Did that in fact occur.
13 A. No.
14 OBJECTION Ms Simpson objects on the ground topic
15 has been covered.
16 QUESTION WITHDRAWN
17 CROSS-EXAMINATION BY MS SIMPSON
18 Q. Are you comfortable with going on for a little while.
19 A. Yes, I am.
20 Q. You told the commissioner, when you gave your evidence
21 in-chief, about your life on Point McLeay.
22 A. That's right.
23 Q. You were there from the time you were born for over 40
24 years.
25 A. That's right.
26 Q. You told the commissioner that when you were growing up,
27 the old Aboriginal way of life had completely gone, is
28 that correct.
29 A. That's correct.
30 Q. By 'the Aboriginal way of life', did you mean to
31 distinguish it from a European lifestyle, such as you
32 told the commissioner you lived in.
33 A. That's right.
34 Q. By 'the Aboriginal way of life', would you have meant
35 the way of life followed by the old people, that is,
36 your ancestors.
37 A. That's right.
38 Q. And, by that, you mean the Ngarrindjeri ancestors.

B. GOLLAN XXN (MS SIMPSON)

- 1 A. Yes.
- 2 Q. Would you include in their way of life, for instance,
3 food gathering, the way food was gathered before
4 European settlement.
- 5 A. Yes. Although, as I said yesterday, we still - not me,
6 but my brothers and father went out and did fishing and
7 shooting.
- 8 Q. I think what you have told the commissioner is that some
9 of the knowledge of the old people was preserved at the
10 time that you were living, and, in particular, about
11 food gathering.
- 12 A. That's right.
- 13 Q. I think you told the commission, too, that some of the
14 language had been preserved.
- 15 A. That's right.
- 16 Q. You told the commission, too, that you knew some
17 remnants of the old stories, and, in particular, you
18 knew about the Mulywonk or Bunyip.
- 19 A. That's right.
- 20 Q. You knew, I think, about the Willie wagtail omen.
- 21 A. That's right.
- 22 Q. Did you know also about the Mingka bird, the death bird.
- 23 A. Yes, I certainly did.
- 24 Q. Can you tell the commissioner about that.
- 25 A. The Mingka bird?
- 26 Q. Yes.
- 27 A. That is more or less from the South-East. I can
28 remember my grandparents and my aunties and uncles down
29 there, also my mother, when there was a death, they
30 would hear this bird, and they have never ever seen it,
31 never. It is always at night that bird would come. I
32 can remember quite vividly one of my uncles had died, he
33 was shot accidentally, and the night before my mother
34 heard it, only my mother. And the next day she said `We
35 have some bad news' and we asked her why, and she said
36 `I heard the Mingka last night'.
- 37 Q. That was a bird that was heard but not seen, is that
38 right.

B. GOLLAN XXN (MS SIMPSON)

1 A. That's right.

2 Q. You told the commission that you lived in a European
3 lifestyle. You knew though that when the older
4 Aboriginal ways were practised - that is, before
5 European settlement - that normal activities of daily
6 life, such as food gathering and also child bearing,
7 would of course have been as ever present then as they
8 are now.

9 A. That's right.

10 Q. Some of those old ways, for instance the ceremonies
11 associated with corroborees, you also knew of when you
12 were growing up.

13 A. Yes, I did.

14 Q. Did you ever hear from either Pinkie Mack or anybody
15 else about the old ways, for instance, of delivering
16 children.

17 A. No.

18 Q. Did you know whether or not Pinkie Mack would have had
19 that knowledge. Did you know that -

20 OBJECTION: Ms Pyke objects.

21 MS SIMPSON: She may not have spoken to her about the
22 details, but she may have known whether or not Pinkie
23 Mack had lived in circumstances where she would have
24 known that.

25 QUESTION REPHRASED

26 Q. You knew Pinkie Mack.

27 A. Yes, I did.

28 Q. What did you know about her.

29 A. All I knew was that she was the lady that delivered the
30 babies.

31 MS PYKE: Can I seek some clarification? Is this
32 meant to be re-examination, or is there, theoretically,
33 two bites of the cherry if evidence is led by someone
34 other than counsel assisting?

35 COMSR: Yes, it seems to me that we are covering
36 much of the same ground. I was allowing it because I
37 thought it might be leading to something.

B. GOLLAN XXN (MS SIMPSON)

- 1 MS PYKE: I am just seeking clarification. It
2 might influence some of us in determining how we ask -
- 3 COMSR: Certainly, I do not think we should be
4 covering ground that has already been covered.
- 5 MS SIMPSON: No. In my submission, the function of
6 counsel assisting is quite clear. Even if the witness
7 had been led in-chief by me, it is perfectly permissible
8 in the setting of a Royal Commission for
9 cross-examination, if my friend wants to refer to it in
10 that way, to be conducted by counsel assisting even
11 after cross-examination by other parties represented.
- 12 MS PYKE: I was merely referring to the guideline
13 on that issue which referred to re-examination.
- 14 COMSR: I am not quite clear that I am following
15 you, Ms Pyke.
- 16 MS SIMPSON: In any event, I do not wish to carry out
17 any questioning covering ground which has already been
18 covered, but I am wanting to ask Mrs Gollan some more
19 information about Aboriginal tradition which has not yet
20 been covered.
- 21 COMSR: Although counsel assisting has the right
22 to cross-examine, clearly it is undesirable to be
23 covering ground which has already been covered.
24 However, if you are now about to move onto some aspect
25 of it -
- 26 MS SIMPSON: I would like to continue to ask Mrs
27 Gollan about what she knew about Pinkie Mack.
- 28 COMSR: That is introductory to us moving on to
29 some other matters?
- 30 MS SIMPSON: Yes.
- 31 XXN
- 32 Q. You have told the commission that you knew Pinkie Mack
33 delivered babies.
- 34 A. Yes, I did.
- 35 Q. How old was Pinkie Mack when you knew her.
- 36 A. I wouldn't have a clue.
- 37 Q. Was she an elderly woman.
- 38 A. Yes, she was.

B. GOLLAN XXN (MS SIMPSON)

1 Q. Did you know Albert Karloan.

2 A. Vaguely.

3 Q. Was he an elderly man at the time you knew him.

4 A. Yes.

5 Q. Were those two people, that is, Pinkie Mack and Albert

6 Karloan, the people that you would have seen as the

7 oldest and the closest to the oldest way of life.

8 A. That's right.

9 Q. So that if anybody had knowledge of the old way of life,

10 the old people's way of life, it would have been those

11 two people.

12 OBJECTION Ms Pyke objects on the ground question

13 assumes that only those two people have

14 the knowledge.

15 COMSR: `That you knew', I think is what you are

16 putting to this witness.

17 MS SIMPSON: That was the question I asked her, I

18 thought: that she knew were the two people who would

19 have had that knowledge. I can ask another question if

20 my friend would like me to.

21 COMSR: Provided it is prefaced that way.

22 MS PYKE: That provides that there was only two

23 people that had the knowledge.

24 COMSR: No. I think the witness is being asked:

25 Of the people you knew, those are the two that you would

26 have looked to as being the people most likely to know

27 about the old traditional way of life.

28 MS SIMPSON: That's right.

29 XXN

30 Q. Was that the case.

31 A. That's right.

32 Q. Were there any other people that you knew of when you

33 were growing up who would also have had knowledge of the

34 old way of life in the way that Pinkie Mack and Albert

35 Karloan may have.

36 A. Yes, there was quite a number of them.

37 Q. Who were they.

B. GOLLAN XXN (MS SIMPSON)

- 1 A. Rebecca Wilson, for one; her mother, Laura Harris; my
2 grandfather.
- 3 Q. Could you tell the commission who your grandfather was
4 that you mean.
- 5 A. John Wilson. And Ada Stanley, that's Maggie's
6 grandmother.
- 7 Q. That's Maggie Jacobs' grandmother.
- 8 A. That's right, yes.
- 9 Q. When you were growing up, did you consider that the
10 Point McLeay or Raukkan community was a focus for the
11 Ngarrindjeri group of people.
- 12 A. That's right.
- 13 Q. There were, however, Ngarrindjeri people living outside
14 the Point McLeay community.
- 15 A. Yes, there was.
- 16 Q. Were they partly at Meningie.
- 17 A. Meningie, Tailem Bend, Murray Bridge.
- 18 Q. The Riverland.
- 19 A. Yes, there was people on the Riverland.
- 20 Q. In Adelaide.
- 21 A. Yes.
- 22 Q. And Wellington or Brinkley.
- 23 A. That's right.
- 24 Q. You mentioned earlier in your evidence that when you
25 were at Meningie, there were three families living
26 outside of Meningie in fringe camps.
- 27 A. That's right.
- 28 Q. Who were those people.
- 29 A. That was the Koolmatrics. There was quite a number in
30 that family; the Days, that's Sarah Day's family.
- 31 Q. That's Sarah Milera's family.
- 32 A. Yes, that's her mother's name.
- 33 Q. Was there another family then.
- 34 A. Lampard.
- 35 Q. Did you know those families well.
- 36 A. Very well.
- 37 Q. Was there any family considered to be, by you, a
38 Ngarrindjeri family that would have escaped the

B. GOLLAN XXN (MS SIMPSON)

- 1 influence of the Point McLeay community, and, in
2 particular I mean the church at Point McLeay.
- 3 A. Yes. You see, they didn't come down to the mission to
4 church, and from when I lived at Meningie I know they
5 didn't go to church in Meningie.
- 6 Q. When you were growing up, I think you have mentioned a
7 congregational denomination.
- 8 A. That's right.
- 9 Q. Later was it Salvation Army.
- 10 A. Salvation Army.
- 11 Q. You have mentioned Rebecca Wilson and some other older
12 women who would have been familiar with the old people's
13 ways. When you were growing up, were there women who
14 were considered to be elders in the community.
- 15 A. They were all equal.
- 16 Q. That is, all the older women.
- 17 A. Yes. No-one was singled out.
- 18 Q. Would that have included, not only Rebecca Wilson, but
19 also Aileen Rankine.
- 20 A. That's right.
- 21 Q. Aileen Wilson, do you know her.
- 22 A. Aileen, she didn't live on Point McLeay all that long.
- 23 Q. Didn't she.
- 24 A. No.
- 25 Q. Where did she live.
- 26 A. Around about Tailem Bend.
- 27 Q. The daughter of Pinkie Mack.
- 28 A. Yes.
- 29 Q. Lola Sumner.
- 30 A. Yes.
- 31 Q. Are any of those people alive today.
- 32 A. No.
- 33 Q. And today, are there women who are elderly Ngarrindjeri
34 women who would be in a similar position to those ladies
35 when you were growing up.
- 36 A. Living on Point McLeay now?
- 37 Q. No, wherever they are living.
- 38 A. Wherever. Yes.

B. GOLLAN XXN (MS SIMPSON)

- 1 Q. Would you be one of those. Would you consider yourself
2 to be one.
- 3 A. I do.
- 4 Q. Would you consider Dulcie Wilson to be one.
- 5 A. Yes.
- 6 Q. And anyone else.
- 7 A. Hilda Wilson, she lives at Elizabeth; of course, Violet
8 Rankine, she is in her 80s, but she is in a nursing home
9 here in Adelaide somewhere.
- 10 Q. And Sheila Goldsmith, would you consider her to be one.
- 11 A. Yes, I suppose so. She was not - well, she is not in
12 her 70s or anything.
- 13 Q. She is a little bit younger.
- 14 A. Yes.
- 15 Q. When you were growing up, was it important, if there was
16 a dispute within the Ngarrindjeri community, to ask
17 advice from your elders about it.
- 18 A. No. There was always the officer-in-charge if there was
19 any trouble there. It had to be sorted out by the
20 officer who was in charge of the mission.
- 21 Q. What about if an issue arose concerning women, for
22 instance, would you have asked the advice of any of
23 those elderly women.
- 24 A. No, not really.
- 25 Q. Was it the case that on some issues there were some
26 people who were entitled to speak rather than others. I
27 think you mentioned in your evidence earlier that on
28 some matters, for instance, your brother Lindsay knew
29 some things and you also knew them, but if he was
30 speaking about them, you would not.
- 31 A. That's right.
- 32 Q. Did that apply also to some women in the community. In
33 other words, would you have considered there was some
34 women in the community entitled to speak for you.
- 35 A. No.
- 36 Q. I want to ask you about the women who were at Graham's
37 Castle on 20 June of last year. I want to ask you

B. GOLLAN XXN (MS SIMPSON)

- 1 whether or not you know them. The first one is Rhonda
2 Agius. Do you know her.
3 A. Yes, I know her.
4 Q. To your knowledge, where does she come from. Does she
5 come from Point McLeay.
6 A. She wasn't born there.
7 Q. Where was she born, to your knowledge.
8 A. I wouldn't have a clue where she was born, but she
9 definitely wasn't born at Point McLeay.
10 Q. Is she Connie Roberts daughter.
11 A. That's right.
12 Q. Kathy Burgemiester, do you know her.
13 A. No, I don't know the woman.
14 Q. You have mentioned already Sheila Goldsmith.
15 A. Yes.
16 Q. How old is she approximately. She is younger than you.
17 A. Yes. She would be in her 60s, I suppose.
18 Q. Do you know Kerry Gollan.
19 A. Some of these are only girls. They're daughters of the
20 older women.
21 Q. Do you know about how old Kerry Gollan might be.
22 A. I don't even know her.
23 Q. Helen Jackson.
24 A. Yes, I know Helen.
25 Q. About how old is she.
26 A. She'd be in her late 40s, I suppose.
27 Q. Did she come from Point McLeay.
28 A. Yes.
29 Q. Judy Kropinyeri, do you know her.
30 A. No, I don't know her.
31 Q. Teresa Lindsay.
32 A. No, I don't know her.
33 Q. Eileen McHughes.
34 A. Yes, I know her.
35 Q. Where does she come from.
36 A. She was born in Tailem Bend.
37 Q. Isobel Norvill.
38 A. Yes, I know her.

B. GOLLAN XXN (MS SIMPSON)

- 1 Q. And where does she come from.
2 A. As far as I know, Point Pearce.
3 Q. Just pausing there for a moment. You mentioned in your
4 evidence earlier people who came from Point Pearce as
5 having a different Aboriginal background from yours.
6 A. That's correct.
7 Q. You would distinguish those people from the Ngarrindjeri
8 people.
9 A. Yes.
10 Q. You would also distinguish Aboriginal people who had
11 come from, say, the Adelaide plains and are now part of
12 the Kurna group.
13 A. That's right.
14 Q. You would distinguish people, for instance, like Gladys
15 Elphick, who comes from a Narrunga group of people.
16 A. Yes.
17 Q. Is that right.
18 A. That's right.
19 Q. And all of those people have ways, to you knowledge,
20 that are different from Ngarrindjeri ways.
21 A. That's right.
22 Q. I think you said in your evidence, too, that you would
23 distinguish the ways of those Aboriginal people who come
24 from the north.
25 A. That's right.
26 Q. You mentioned in connection with women from the north
27 that you had learnt of their having something called
28 secret women's business.
29 A. Yes, they certainly do have.
30 Q. You again distinguish their ways from that of the
31 Ngarrindjeri group of people.
32 A. That's right.
33 Q. Just going back to the list of people. Daisy Rankine.
34 Do you know her.
35 A. Yes, I know Daisy.
36 Q. Where does she come from.
37 A. Point McLeay.
38 Q. Cassie Rigney. Do you know her.

B. GOLLAN XXN (MS SIMPSON)

- 1 A. I don't know - see, some of them - these girls as I just
2 said, they are daughters of the - some of the elder
3 ones.
- 4 Q. Janice Rigney.
- 5 A. Yes.
- 6 Q. Do you know her.
- 7 A. Yes, I do.
- 8 Q. Where does she come from.
- 9 A. Point McLeay.
- 10 Q. Grace Sumner.
- 11 A. Yes.
- 12 Q. Where does she come from.
- 13 A. Point McLeay.
- 14 Q. How old is she.
- 15 A. I just can't remember how old Grace would be.
- 16 Q. Is she an elderly lady.
- 17 A. I think Grace would be in her - she would be 70 now.
- 18 Q. Do you know Jean Rankine.
- 19 A. Yes, I know Jean.
- 20 Q. If Jean Rankine had said that Sheila Goldsmith and Grace
21 Sumner speak for her, because she respects them as her
22 Elders, would you see Sheila Goldsmith and Grace Sumner
23 as Elders on the same level as you are, for instance, in
24 the community.
- 25 A. They aren't. They would be younger than I am. It is
26 just that they are on Point McLeay now and maybe these
27 women respect them.
- 28 Q. You say that, do you, because Jean Rankine lived on
29 Point McLeay.
- 30 A. That's right.
- 31 Q. Joanie Shaw. Do you know her.
- 32 A. No, I think she may be the daughter of Dorothy Shaw.
- 33 Q. Iris Sparkes.
- 34 A. No, I don't know her.
- 35 Q. Shirley Trevorrow.
- 36 A. Yes, I know Shirley.
- 37 Q. Where does she come from.
- 38 A. Shirley is from Point McLeay.

B. GOLLAN XXN (MS SIMPSON)

- 1 Q. Glenys Wilson.
- 2 A. Yes, she is from Point McLeay.
- 3 Q. Veronica Brodie.
- 4 A. Yes, from Point McLeay.
- 5 Q. She, I think, is Rebecca Wilson's daughter.
- 6 A. That's right.
- 7 Q. Vi Deuschle.
- 8 A. Yes.
- 9 Q. Where is she from.
- 10 A. The South East.
- 11 Q. Would you consider her to be Ngarrindjeri.
- 12 A. No.
- 13 Q. Shirley Gollan.
- 14 A. Yes.
- 15 Q. Where does she come from.
- 16 A. Point McLeay.
- 17 Q. Vicki Hartman. Do you know her.
- 18 A. Yes, I know Vicki, but she is not from Point McLeay.
- 19 Q. Would you consider her to be a Ngarrindjeri woman.
- 20 A. I don't really know where she was born.
- 21 Q. You have told the Commission about knowing Maggie
22 Jacobs. To your knowledge, is Maggie Jacobs a
23 descendant of Rebecca Wilson.
- 24 A. A descendant of Rebecca Wilson?
- 25 Q. Yes, if it was suggested that she was a descendant of
26 Rebecca Wilson in some way, to your knowledge would that
27 be right.
- 28 A. No.
- 29 Q. Do you know Sandra Lawrie.
- 30 A. No.
- 31 Q. Bronwyn McKenzie.
- 32 A. No.
- 33 Q. Georgina McHughes.
- 34 A. No.
- 35 Q. Shirley Peasley.
- 36 A. Yes.
- 37 Q. Where does she come from.
- 38 A. Shirley was born here in Adelaide, but her mother was

B. GOLLAN XXN (MS SIMPSON)

- 1 from Kingston in the South East.
- 2 Q. Would you consider her to be a Ngarrindjeri woman.
- 3 A. No.
- 4 Q. Leah Rankine.
- 5 A. Yes.
- 6 Q. Where does she come from.
- 7 A. Point McLeay.
- 8 Q. Edi Rigney.
- 9 A. Yes, Point McLeay.
- 10 Q. Margaret Roberts. Would that be Connie Roberts.
- 11 A. That's right.
- 12 Q. Is she sometimes known as Connie Roberts, though.
- 13 A. That's right.
- 14 Q. Where does she come from.
- 15 A. I have always known her to come from Meningie.
- 16 Q. Selina Sumner.
- 17 A. These are young kids just growing up. I have heard of
- 18 her, but don't know her.
- 19 Q. You think they are young girls.
- 20 A. Yes, she is.
- 21 Q. Dorothy Shaw.
- 22 A. Yes.
- 23 Q. You know her.
- 24 A. I know Dorothy. She is from Point McLeay.
- 25 Q. And how old is she, approximately.
- 26 A. Either her late 40s or early 50s.
- 27 Q. Ellen Trevorrow.
- 28 A. Yes, she is from Point McLeay.
- 29 Q. And you know Dorothy Wilson.
- 30 A. Yes, I know her.
- 31 Q. It has been suggested in an article written in Campus
- 32 News on 1 August 1994 that there is a three line chant
- 33 that Ngarrindjeri people uttered whenever the
- 34 environment was substantially altered and that is 'To
- 35 all the mothers that were to all the mothers that are to
- 36 all the mothers that will be.' Have you ever heard that
- 37 uttered.
- 38 A. No, never.

B. GOLLAN XXN (MS SIMPSON)

1 Q. Are you familiar with it in anyway as a Ngarrindjeri
2 chant.

3 A. No.

4 MS SIMPSON: I have got no further questions.
5 Perhaps Mrs Gollan could be released?

6 MR ABBOTT: Yes, I ask for the release of Mrs
7 Gollan.

8 COMSR: This witness is released.
9 You are free to go, Mrs Gollan.

10 NO FURTHER QUESTIONS

11 WITNESS RELEASED

12 MR ABBOTT: We will recall Mrs Dorothy Wilson to the
13 witness box, as soon as Mrs Gollan is able to resume her
14 seat.

15 COMSR: Mrs Dorothy Wilson is the witness in
16 respect of whom there is an order as to who is excluded
17 from the courtroom?

18 MR ABBOTT: Yes.

19 COMSR: The next witness is a witness in respect
20 Of whom there has been an order excluding the general
21 public from the courtroom due to the particular
22 stressors and strains that this witness has been under.
23 Excepted from that order are the members of the press
24 and, of course, parties and counsel and members of the
25 Commission necessarily in attendance.

26 Members of the press may remain. I think you were
27 asked to sit in the body of the court.

28 MEMBERS OF MEDIA MOVE TO BODY OF HEARING ROOM

D.A. WILSON XN (MS SHAW)

- 1 WITNESS D.A. WILSON RETURNS TO WITNESS BOX
2 MS SIMPSON: I understand my friend, Ms Shaw, has
3 some few matters to cover with Mrs Wilson, but, before
4 she does that, I tender the article in the Advertiser of
5 20 May 1995 on pp.1 and 2, which was referred to by my
6 learned friend, Ms Pyke, in her cross-examination of Mrs
7 Gollan.
8 EXHIBIT 51 The Advertiser article, dated 20 May
9 1995, tendered by Ms Simpson. Admitted.
10 COMSR: Are there any other matters, Ms Simpson?
11 MS SIMPSON: No.
12 COMSR: Ms Shaw, is this the situation, that you
13 are presently examining the witness?
14 MS SHAW: Yes, I am.
15 EXAMINATION BY MS SHAW CONTINUING
16 Q. You have given evidence that you were the programme
17 director of the Nunga's Club in Murray Bridge until
18 December 1994. During the period that you were the
19 programme director, did you receive a copy of some
20 minutes of a meeting held on 30 July 1994, which
21 included women who had been at the meeting with
22 Professor Saunders with you and included members of the
23 Lower Murray Heritage Aboriginal Committee.
24 A. Yes, I have got some minutes of that.
25 Q. Looking at the minutes, now before you, can you verify
26 they are the minutes that you received.
27 A. Yes, these are the minutes.
28 MS SHAW: I tender those.
29 MR KENNY: Could we have a look at those minutes?
30 COMSR: Yes, Mr Kenny.
31 MR KENNY: I haven't seen them. We can go on to
32 another matter. I would like the opportunity. My
33 clients not only get a mention, but there is a special
34 ring around their name.
35 MS SHAW: I thought I made it clear that his
36 clients were present at the meeting. Surely he can get
37 instructions as to whether there is any objection to the
38 document being tendered?

D.A. WILSON XN (MS SHAW)

- 1 MR KENNY: I haven't read it. Perhaps I will ask
2 for it to be stood down to get instructions from my
3 clients on it. They may never have read it.
- 4 COMSR: What, the minutes of the meeting?
- 5 MR KENNY: Yes, they may have been at the meeting -
- 6 COMSR: Is there any challenge to the
7 authenticity of them?
- 8 MR KENNY: I don't know. I want to have a look at
9 them and read them.
- 10 MS SHAW: My client deposes to them having been
11 received. The fax number is on the top of the document
12 and she received them as that document. If they lack
13 weight because there is a challenge to their
14 authenticity, then that can occur during
15 cross-examination.
- 16 MR KENNY: I am simply asking to have a look at the
17 exhibit.
- 18 COMSR: Have a look at it and tell me then
19 whether you are objecting or not.
- 20 MR KENNY: Certainly. As I said, I am not
21 objecting, at this stage.
- 22 COMSR: Do you wish to address to me some
23 submission objecting to the minutes being received as an
24 exhibit?
- 25 MR KENNY: I simply want to have a look at them
26 before I consider that question. That's all. I haven't
27 had the opportunity. I haven't had a copy.
- 28 COMSR: It may be the quickest way in the long
29 run.
- 30 MR KENNY: I don't mean to hold the proceedings up.
31 I will be as quick as I can be.
- 32 MS SIMPSON: I suggest that perhaps, at this stage,
33 the document be marked for identification and a copy
34 provided to Mr Kenny so he can get instructions on that
35 during the course of the afternoon, if he is in a
36 position to do so.
- 37 COMSR: I take it, Mr Kenny, you have not
38 previously been in possession of that?

1042

KC 15F

D.A. WILSON XN (MS SHAW)

- 1 MR KENNY: No.
- 2 MS SIMPSON: That's correct.
- 3 CONTINUED

D.A. WILSON XN (MRS SHAW)

- 1 MRS SHAW: I want to ask Mrs Wilson some questions
2 about that now.
- 3 MR MEYER: I don't object to that course if it
4 helps.
- 5 COMSR: Does that mean that you are not
6 challenging, or you don't wish to be heard?
- 7 MR KENNY: The position is that I don't know
8 anything about that document yet and, as I say, I
9 haven't read it through. I can't comment on it at this
10 stage. I am being asked not to hold proceedings up and
11 I don't wish to do that. I simply reserve my right to
12 challenge on that document, if need be. It may or may
13 not be an accurate report of that meeting, I don't know.
- 14 COMSR: It's not a question of whether it is an
15 accurate report of the meeting, it's a question of
16 whether the minutes of that meeting are accurate or not.
- 17 MR KENNY: I don't know whether they are or they
18 are not, I simply say that it be marked for
19 identification.
- 20 MRS SHAW: I ask that you receive that as an
21 exhibit, subject to Mr Kenny's -
- 22 MR KENNY: There is no problem with marking it for
23 identification.
- 24 MS SIMPSON: I suggest that it would be an
25 appropriate course to mark it for identification and let
26 Mrs Wilson give evidence.
- 27 MFI 52 Minutes of meeting of the Lower Murray
28 Nunga Club marked 52 for identification.
- 29 XN
- 30 Q. Looking at MFI 52 produced, referring to the meeting
31 held on 30 July 1994, the persons present, can you tell
32 us whether these persons are known to you: Shirley
33 Gollan.
- 34 A. Yes.
- 35 Q. Judy Kropinyeri.
- 36 A. Yes.
- 37 Q. Isabelle Norvill.
- 38 A. Yes.

- 1 Q. Sarah Milera.
2 A. Yes.
3 Q. Margaret Jacobs.
4 A. Yes.
5 Q. Were all of those women at the meeting with Professor
6 Saunders, those names I read out to you.
7 A. Yes, they were.
8 Q. Barbara Wingard.
9 A. I know her, but she wasn't at the meeting with Professor
10 Saunders.
11 Q. Leah Rankine.
12 A. Yes.
13 Q. She is now deceased.
14 A. Yes.
15 Q. Kathleen Carter, was she at the meeting with Professor
16 Saunders.
17 A. No.
18 Q. Bruce Carter wasn't.
19 A. No.
20 Q. Who is he, Bruce Carter.
21 A. The husband of Kathleen Carter, the father-in-law of
22 Victor Wilson.
23 Q. The relation of Victor Wilson's.
24 A. Father-in-law.
25 Q. How old is he.
26 A. Bruce would be in his 60s, I guess.
27 Q. Eileen McHughes.
28 A. Yes.
29 Q. She was at the meeting with Professor Saunders.
30 A. Yes.
31 Q. Glenys Wilson.
32 A. Yes.
33 Q. At the meeting.
34 A. Yes.
35 Q. Vic Wilson, of course, from the Lower Murray Aboriginal
36 Heritage Committee.
37 A. At the meeting with Professor Saunders?
38 Q. He was on that committee.

- 1 A. Yes, on the Lower Murray Heritage Committee, yes.
2 Q. Tom Trevorrow.
3 A. Yes, he is on the committee too.
4 Q. Ellen Trevorrow.
5 A. Ellen is not on the committee.
6 Q. Was she at the meeting with Professor Saunders.
7 A. Yes.
8 Q. Daisy Rankine.
9 A. Yes.
10 Q. She was at the meeting with Professor Saunders.
11 A. Yes, she was.
12 Q. And then two men: Simon Smith and Greg Sinclair.
13 A. I don't, I don't know him.
14 Q. Vi Deuschle was with Professor Saunders.
15 A. Yes.
16 Q. Wayne Rigney, who is he.
17 A. Wayne Rigney is from Adelaide.
18 Q. Is he connected with any particular committee.
19 A. Not that I know of, no.
20 Q. Shirley Piesley.
21 A. Yes.
22 Q. These minutes, they relate to a meeting of which
23 committee.
24 A. Of the NAG Committee.
25 Q. Shirley Piesley was at the meeting with Professor
26 Saunders.
27 A. Yes, she was.
28 Q. There were apologies from Rhonda Agius, Veronica Brodie,
29 Doreen Kartinyeri. Those three ladies were at the
30 meeting with Professor Saunders.
31 A. Yes, they were.
32 Q. There was also an apology from the daughter of Pinkie
33 Mack; is that so.
34 A. I don't know, I wasn't there.
35 Q. As it reads in the minutes, an apology saying that she
36 couldn't attend.
37 A. Yes, it does so.
38 Q. I ask you to explain one reference. Who is the person

D.A. WILSON XN (MRS SHAW)

1 on p.2 of the minutes. It says: `Bruce Carter asked if
2 Kumarangk is a tribe. Victor Wilson says no'. `Bruce
3 Carter', is that the father-in-law of Victor Wilson.

4 A. Yes, it is.

5 Q. Can I ask you, on the bottom of p.2, one other
6 matter on p.2, about just before `Daisy Rankine asked
7 who lived on Hindmarsh Island. George Trevorrow said
8 this is what all people are asking, this causes
9 division. All land is Ngarrindjeri'. Who was Daisy
10 Rankine.

11 A. Daisy Rankine is one of the elders from Meningie.

12 Q. Is she related to the daughter of Pinkie Mack.

13 A. Yes, she is, she's a niece. That was her sister's
14 child.

15 Q. Then, there's talk of funding. Down the bottom of the
16 page, the last line, `George Trevorrow says there is
17 funding available. The women should work it out.
18 Victor Wilson says the women are not restricted'. Then,
19 if I can take you over to p.5 in the middle of the page,
20 `George Trevorrow says about asking for an amount, for
21 example, of five billion dollars'. See that.

22 A. Yes.

23 Q. Then, if I can take you to the last page `Victor Wilson
24 says the time is right to buy the island. Shirley
25 Peisley says the land value has gone down over there on
26 Hindmarsh Island. Victor Wilson, for Land Council,
27 land acquisition, the atmosphere is right. Eileen
28 McHughes said to put that down for the women's meeting
29 to purchase land. Patrick Byrt said there is enough
30 land. George Trevorrow says enough lands for sale,
31 there is 40 objections, they are being silly.' Who was
32 Patrick Byrt.

33 A. Patrick Byrt is a white lawyer that I've seen with Daisy
34 Rankine and Shirley Piesley.

35 COMSR

36 Q. What exactly is this meeting. Were you in attendance at
37 this meeting.

38 A. No. No, not this one.

1 MRS SHAW: There are a couple of other topics I can
2 cover and we can come back to this after lunch. One
3 relates to the list of women who were at Professor
4 Saunders meeting and the other is evidence about -

5 COMSR: Before that, I propose to suppress this
6 evidence until after the minutes have been admitted as
7 an exhibit, just in case there are some arguments
8 addressed to me concerning the status of this meeting
9 and I haven't heard anything so far about it. Until
10 this matter is resolved, I will review it later this
11 afternoon. But, pending the resolution of the matter of
12 these minutes becoming an exhibit, I'll make an order
13 suppressing the publication of anything relating to the
14 contents of the minutes of this meeting. I think that
15 that perhaps will get over the problem of your pursuing
16 this line of questioning this morning and we can resolve
17 the issue this afternoon.

18 XN

19 Q. On the top of the document, it appears that it was faxed
20 from 'NLPA Meningie'. What does that stand for.

21 A. I don't really know. All I know is that that's the
22 initials they use for Camp Coorong at Meningie.

23 Q. But the Lower Murray Nunga's Club where the fax was
24 received, that is the club that you were the programme
25 director of.

26 A. Yes.

27 Q. The group that you described as having this meeting, how
28 often did they meet; was it a regular basis or only for
29 business that arose from time to time.

30 A. It was only for business that arose from time to time to
31 do with Hindmarsh Island.

32 MR MEYER SUGGESTS THAT COUNSEL BE SUPPLIED WITH A COPY OF
33 MFI 52

34 COMSR: The suggestion is that counsel be
35 provided with a copy on the basis that it's to be
36 suppressed, pending a resolution of whether that is to
37 be tendered as an exhibit. If counsel wish to have a
38 copy on that basis and address any arguments that you

1 wish to put to me on the resumption after lunch.

2 XN

3 Q. You haven't been specifically asked this, but it's
4 obviously of interest to the Commission. You have given
5 evidence about where you lived when you were growing up.
6 Can you tell us, tell the Commissioner, what kinds of
7 things you were taught which could be described as being
8 from the Aboriginal culture or from the Aboriginal way
9 of living as you were growing up. Can you give us some
10 examples.

11 A. Like, we were taught that we couldn't go swimming in the
12 river by ourselves, and we're told that the Mulywonk
13 lived in the river, on the bottom of the river in a
14 cave, and that if we were to go swimming in the river by
15 ourselves, it would grab us and take us down to the
16 caves. Perhaps that was to keep us out of the water so
17 that we wouldn't go swimming by ourselves, I guess.
18 That was one of the things that we're told. We were
19 also told that you couldn't throw your hair outside,
20 because somebody could grab a piece of your hair and
21 they could sing you with the piece of your hair. We
22 were also told about not to go throwing bones in the
23 fires because of the smell that came from it. And I
24 don't know why that was, it was never really explained
25 to us. These were the things we were just told. We
26 couldn't throw - sweep up at night and throw the dirt
27 out. And then we were told about the, one of my old
28 aunts told us we weren't allowed to drink coffee in her
29 house. She said that the smell of the coffee smelt like
30 the miljuri bones that they used to bone people with.
31 We were told about the Willie Wagtail. If the Willie
32 Wagtail was sitting on our fence or near our door or in
33 our yard, or something, we had to go outside and shoo it
34 away because it was a sign of death. And so if ever a
35 Willie Wagtail came around screeching or jumping around,
36 we knew that somebody, one of our family members, would
37 pass away.

38 Q. Was the Mingka bird mentioned.

- 1 A. Yes. The Mingka bird was screeching around at night and
2 when it came around, that was because - that was the
3 death bird. The women were told to keep their babies
4 quiet because the Mingka bird would mimic the baby's cry
5 and take the baby's life.
- 6 Q. Anything to do with the rooster.
- 7 A. Yes. Like it was always bad luck if the rooster crowed
8 through the day rather than, you know, first thing in
9 the morning, or at night, but if it was crowing all
10 through the day, that something bad was going to happen.
- 11 Q. Were you told anything about what you should do with
12 your hair after you had a haircut.
- 13 A. We were always told to burn our hair in the fire.
- 14 Q. Were you given an explanation, were you, why you had to
15 do that.
- 16 A. No, it was just things that were told to us. Just like
17 the Kadaicha men. When they would come near home, we
18 were told that the Kadaicha men - we knew what they
19 meant when they said `the Kadaicha men', they meant the
20 men from up north that would hang around at Point
21 McLeay. And when they came down, they'd wear blucher
22 boots, as we called them, boots made of emu feathers,
23 because they would not leave tracks behind.
- 24 COMSR: Are these all matters that were in the
25 public domain as to Aboriginal tradition?
- 26 MRS SHAW: Yes, they are.
- 27 Q. What were the boots.
- 28 A. Blucher boots.
- 29 Q. How do you spell that.
- 30 A. B-L-U-C-H-E-R. That is how I spell it anyway.
- 31 Q. Was there any crafts that you were taught.
- 32 A. Yes. We used to sit down with the old ladies and try
33 and make baskets with the dolly pegs, the old dolly
34 pegs. We used to cut them in half and sharpen the points
35 of them and sit down and make, do basket weaving. They
36 used to teach us how to make the baskets, weave, and how
37 to make feather flowers.
- 38 Q. What were the baskets made from.

- 1 A. They were made from the rushes that were found along the
2 shore.
- 3 Q. Did you know any of the language.
- 4 A. I knew a few of the words, but I couldn't talk it
5 fluently, no, just the words here and there, some words.
- 6 Q. I turn to a separate topic and that is the persons who
7 were present at the meeting with Professor Saunders, in
8 particular on 20 June 1994. I want to ask you some
9 questions as to where each of those persons, as you
10 understood it, came from. First of all, Rhonda Agius.
- 11 A. Her mother was Connie Roberts and I asked her - they
12 came from the Coorong.
- 13 CONTINUED

D.A. WILSON XN (MRS SHAW)

- 1 Q. How old was she, approximately.
2 A. I would say that Rhonda would probably be about 58 or
3 something closer to 60.
4 Q. Veronica Brodie.
5 A. Veronica came from Point McLeay.
6 Q. The daughter of Rebecca Wilson.
7 A. Yes.
8 Q. Kathy Burgemiester.
9 A. Veronica introduced her to me. She said that Kathy's
10 grandfather and her grandmother were brother and sister.
11 Q. Vi Deutsche.
12 A. From Kingston.
13 Q. Sheila Goldsmith.
14 A. From Point McLeay.
15 Q. How old is she.
16 A. She would probably have been about in her 60s. She
17 might have been 70.
18 Q. Shirley Gollan and Kerry Gollan.
19 A. Shirley came from Point McLeay. Kerry's mother was Iris
20 Sparks and her mother came from Point McLeay.
21 Q. How old is Shirley, approximately.
22 A. Shirley would be about 45.
23 Q. Kerry.
24 A. Kerry would have been about 28.
25 Q. Vicki Hartman.
26 A. Vicki was about -I think Vicki was about 45.
27 Q. Where was she from.
28 A. Her mother came from Point McLeay.
29 Q. Helen Jackson.
30 A. Yes, she came from Point McLeay.
31 Q. How old was she.
32 A. Helen was about - she would be in her early 40s, I
33 guess.
34 Q. Maggie Jacobs, we have heard from Bertha, was from Point
35 McLeay.
36 A. Yes.
37 Q. Doreen Kartinyeri, we know, was at Point McLeay until
38 she was 19.

- 1 A. Yes.
- 2 Q. Judy Kropinyeri.
- 3 A. Judy's mother came from Point McLeay.
- 4 Q. And approximately how old was Judy.
- 5 A. Judy would be about 34, 35.
- 6 Q. Sandra Lawrie.
- 7 A. Her mother came from Point McLeay.
- 8 Q. How old was she.
- 9 A. I would say she was about 28, 30.
- 10 Q. Teresa Lindsay.
- 11 A. Teresa's mother came from Point McLeay, too, and Teresa
- 12 would be about 35, 37.
- 13 Q. Bronwyn McKenzie.
- 14 A. Bronwyn came from Point McLeay.
- 15 Q. How old was she.
- 16 A. Bronwyn would be, I guess, 40.
- 17 Q. Eileen McHughes.
- 18 A. Eileen's mother came from Point McLeay.
- 19 Q. How old is Eileen.
- 20 A. Eileen is about 55.
- 21 Q. Georgina McHughes.
- 22 A. Is Eileen's daughter. She is 21.
- 23 Q. And Sarah Milera, we understand, was raised on the
- 24 Coorong.
- 25 A. Yes.
- 26 Q. Isobel Norvill.
- 27 A. I guess her grandfather would have come from Point
- 28 McLeay.
- 29 Q. Shirley Peasley.
- 30 A. I understood Shirley had come from Kingston.
- 31 Q. Daisy Rankine.
- 32 A. Daisy came from Point McLeay.
- 33 Q. And a person Leah Rankine, who is now deceased, she is
- 34 from Point McLeay.
- 35 A. Yes.
- 36 Q. Casie Rigney.
- 37 A. Yes, her mother came from Point McLeay.
- 38 Q. How old is Casie.

- 1 A. Casie is 21.
- 2 Q. Edie Rigney.
- 3 A. She came from Point McLeay.
- 4 Q. How old is she.
- 5 A. Edie would be in her 60s, early 60s.
- 6 Q. Janice Rigney.
- 7 A. Janice is from Point McLeay.
- 8 Q. How old is Janice.
- 9 A. I guess Janice would be in her early 30s.
- 10 Q. Connie Roberts.
- 11 A. I understood she come from the Coorong.
- 12 Q. Grace Sumner.
- 13 A. She came from Point McLeay.
- 14 Q. How old is Grace.
- 15 A. Grace would be in her 60s.
- 16 Q. Seleena Sumner.
- 17 A. She is from Point McLeay.
- 18 Q. How old is Seleena.
- 19 A. Seleena would be in her 30s.
- 20 Q. Joanie Shaw.
- 21 A. Yes, she came from Point McLeay.
- 22 Q. How old is Joanie.
- 23 A. She is 21.
- 24 Q. Dorothy Shaw.
- 25 A. That's her mother. She came from Point McLeay.
- 26 Q. How old is Dorothy.
- 27 A. She would be about 52.
- 28 Q. Iris Sparks.
- 29 A. Iris's mother came from Point McLeay.
- 30 Q. How old is Iris.
- 31 A. Iris would be in her - about 58.
- 32 Q. Ellen Trevorrow.
- 33 A. Ellen's mother came from Point McLeay.
- 34 Q. Is Ellen's mother, Daisy Rankine.
- 35 A. Yes, it is.
- 36 Q. How old is Ellen.
- 37 A. Ellen would be in her 30s.
- 38 Q. Shirley Trevorrow.

1 A. Shirley's family came from Point McLeay.

2 Q. How old would Shirley be.

3 A. Shirley would be in her 30s too, late 30s.

4 Q. Glenys Rankine.

5 A. Yes, Glenys came from Point McLeay.

6 Q. How old was Glenys.

7 A. I guess Glenys would be in her early 40s.

8 ADJOURNED 12.50 P.M.

9 RESUMING 2.17 P.M.

10 MR KENNY: Unfortunately, I haven't been able to
11 get instructions in relation to these minutes. My
12 clients have been out to lunch as well and they weren't
13 available. At this stage, I would simply object to
14 these minutes being tendered. I say that we are not
15 sure whether they are actually accurate minutes of that
16 meeting. They don't appear to be verified.

17 COMSR: I will admit them on the basis that they
18 are the unconfirmed minutes of the meeting.

19 EXHIBIT 52 Minutes of meeting dated 30 July 1994
20 tendered by Mrs Shaw. Admitted.

21 XXN

22 Q. I have referred you to p.10. There are a few other
23 parts I wish to refer you to before we come to the
24 evidence of the conversation you had with Mr Matt Rigney
25 of ATSIC. Firstly, at p.8 in the -

26 COMSR: This copy which has become an Exhibit,
27 unfortunately has the left-hand side missing.

28 MR ABBOTT: It is only a few letters. We are in the
29 process of having it typed in a form in which we will
30 put brackets around the missing letters, and we will
31 provide that as the working version.

32 COMSR: It is only the first page apparently.

33 MR ABBOTT: No, it is many pages, but it is
34 invariably only the first couple of letters, and it is
35 easy to reconstruct what the words are.

36 XXN

37 Q. Have you got the exhibit with you.

38 A. No.

1 EXHIBIT 52 HANDED TO WITNESS

2 Q. On p.8, just over halfway down, you will see where it
3 reads `Victor Wilson what's next on the agenda. Tim
4 Wooley asked Joint Management of the Coorong National
5 Parks, State Government/State Wide Committee, CDEP,
6 Meningie, Ruukkan and Murray Bridge. Eco Tourism.
7 Shareholders buying key business. There is a lot of
8 things happening, housing programs, running our own
9 affairs can be buying land. Aim for the top.' Then on
10 the top of p.9 `Victor Wilson says for the time being
11 sit on the piece in the paper. All are in favour for
12 the time being. Matt trying to set up a meeting for
13 women.' That is on the top of p.9.

14 A. Yes.

15 Q. `Tom and George will let NAG know when. Shirley Peasley
16 sharing our culture. Victor Wilson said at the women's
17 meeting get funding for research to be raised and a
18 place on the island/property Ngarrindjeri House. George
19 Trevorrow says we mean to purchase the land so that we
20 can use the land on Hindmarsh Island.' Then further
21 down `Victor Wilson spoke of Land Council meetings -'

22 MR KENNY: If I can interrupt at this stage. I
23 don't really see the relevance of this.

24 MRS SHAW: I am about to come to that if he lets me
25 take my client to some evidence she is now going to give
26 about Mr Rigney and funding.

27 COMSR: On the basis of counsel's assurance -

28 MR KENNY: It is not as if this information is
29 anything -

30 MRS SHAW: It is the background to what occurs in
31 the conversation with my client and Mr Rigney after this
32 meeting.

33 MR KENNY: What I am saying is this witness has no
34 knowledge of this meeting, apart from having read what
35 is written here. If my friend is going to ask about the
36 conversation with Mr Rigney, I suggest she goes straight
37 to that, rather than leading in what is essentially

D.A. WILSON XN (MRS SHAW)

1 hearsay, written up by some other party in unconfirmed
2 minutes.

3 MRS SHAW: It is relevant to what my client knew
4 and her state of mind at the time she spoke to Mr
5 Rigney, and explains the conversation. She received
6 this as the Program Director of the Lower Murray Nunga
7 Club, she read it, and she had a conversation with Mr
8 Matt Rigney.

9 MR ABBOTT: I would like to add to what my friend,
10 Mr Kenny, said about these being unconfirmed minutes. I
11 take it, just like Dr Fergie's report, he will be able
12 to tell us, when he gets instructions, whether he is
13 able to confirm or not confirm these minutes, because we
14 shouldn't have to go on with the view of the minutes
15 being unconfirmed, when he alone can tell us whether
16 they are the genuine minutes and whether this is an
17 irrelevant submission.

18 COMSR: At this stage, Mr Kenny has told me he
19 has no instructions and he is maintaining an objection.
20 On that basis, I think they can only be admitted as
21 unconfirmed minutes. No doubt he will be in a position
22 at a later stage to tell me what his instructions are in
23 respect of them.

24 We are dealing now with Mr Kenny's objection that
25 the matters being put to the witness are irrelevant and
26 it serves no purpose going through what's in the
27 minutes. I take it, from what you have said, Mrs Shaw,
28 that the witness did read these minutes, and that
29 subsequent to that she had a meeting and these matters
30 were in her mind at the time. Is that right?

31 MRS SHAW: Yes.

32 COMSR: Do you wish to maintain your objection
33 now, Mr Kenny?

34 MR KENNY: Yes. I think that the witness can go
35 direct to the meeting with Mr Rigney. I do not see that
36 it aids further, that these minutes be essentially read
37 out to the witness.

38 MRS SHAW: I have completed the relevant passages.

D.A. WILSON XN (MRS SHAW)

- 1 COMSR: I will allow the question as it stands.
2 QUESTION ALLOWED
3 XXN
4 Q. After you had received these minutes, did you
5 subsequently speak to Mr Rigney.
6 A. Yes, I did.
7 Q. Mr Matt Rigney was the chairperson of the ATSIC Regional
8 Council.
9 A. Yes, he is.
10 Q. You knew him from previous contact with him.
11 A. Yes. I've known Matt all of our lives.
12 Q. Where did you speak to him.
13 A. I spoke to Matt at the Lower Murray Nunga's Club.
14 Q. At the time you were the program director, as you have
15 said.
16 A. Yes, I was.
17 Q. Can you tell us whether or not there was, at the time he
18 spoke to you, a meeting of the club's executive that was
19 either in progress or about to take place.
20 A. Yes, there was. It was about to take place.
21 Q. That was on the premises of the Nunga's Club.
22 A. Yes.
23 Q. Where did you speak to Mr Rigney.
24 A. I spoke to Mr Rigney before he went into the meeting,
25 and he said to me that I should put in a submission to
26 ATSIC Regional Council for some money so that we could
27 take our young girls down to Hindmarsh Island and teach
28 them their culture. He said now that there was a ban
29 placed on the bridge, that we couldn't just leave the
30 island standing there. We had to show or justify to
31 people why that island was sacred to us, and that we
32 should take our young girls down there and teach them
33 our culture.
34 Q. When you say 'put in some money', what do you mean by
35 that.
36 A. To put in a submission for some money to be able to take
37 the girls down there through their school holidays or
38 whatever.

- 1 Q. To whom would that application be made, in the context
2 of your conversation.
- 3 A. The submission would be made to the ATSIC Regional
4 Council.
- 5 Q. We know that the Lower Murray Aboriginal Heritage
6 Committee had a history of involvement, through Mr
7 Wooley, in making representations to Canberra. Can you
8 explain the relationship between the Nunga Club and the
9 Lower Murray Aboriginal Heritage Committee in terms of
10 applying for funding.
- 11 A. Yes, the Lower Murray Aboriginal Heritage Club is
12 incorporated. Matt Rigney suggested that the Lower
13 Murray Nunga's Club put in for the money because we were
14 an incorporated body.
- 15 Q. When he spoke to you about putting in a submission for
16 funding to take the young girls down to Hindmarsh Island
17 to teach them about the culture, what was your response
18 to that.
- 19 A. I said to him that he should talk to the executive
20 committee when he was in the meeting, because they had
21 the final say on what submissions the Lower Murray
22 Nunga's Club would put in for.
- 23 Q. Just to clarify this, when was it, as best you can
24 remember, that this conversation took place.
- 25 A. It was in August.
- 26 Q. 1994.
- 27 A. 1994, yes.
- 28 CONTINUED
- 29

1 CROSS-EXAMINATION BY MS PYKE

2 Q. Before lunch your counsel was asking you some questions
3 about the names of some women. Firstly, are you
4 familiar with the term `Elders' or `Elder' as it is used
5 in your Ngarrindjeri culture.

6 A. Yes.

7 Q. What do you understand the term to mean.

8 A. When I talk about my Elders I - to me it means that I
9 respect my Elders and that they are people that I know
10 and that I respect.

11 Q. Is there any particular feature or quality that a person
12 should possess or must possess to be considered an
13 Elder.

14 A. A lot of people - to be your Elder they should be
15 respected people and I think that that is why you
16 respect them, because they are respectful, respectable
17 people I guess I should say.

18 Q. Is there any qualification of age in relation to Elder.

19 A. No, if they are older than me then they are my Elders.

20 Q. But, in the terms in which you have used it, are you
21 just meaning people older than you that you respect.

22 A. Yes.

23 Q. That is the definition we can rely upon for you for any
24 questions I ask you about Elders. So it is someone that
25 you have formed a view that you respect and that person
26 is chronologically in age older than you.

27 A. Yes.

28 Q. You are, I think, what, forty-eight.

29 A. Yes I am.

30 Q. Of the women whose names you were asked to comment on
31 earlier today, Rhonda Agius, I think you said was -
32 would you consider her to be an Elder.

33 A. No, even though she is older than me.

34 Q. Why wouldn't you consider Rhonda to be an Elder.

35 A. Because when we were growing up her mother, Auntie
36 Connie and Auntie Connie's mother, Auntie Tiggy, they
37 used to often visit us so we formed a relationship that
38 Auntie Connie was the Elder and Rhonda was one of the

1 children that came to visit us. So Ronnie was more like
2 a cousin.

3 Q. So you had seen her more as your peer group.

4 A. Yes.

5 Q. You understand what I mean by that.

6 A. Yes.

7 Q. Veronica Brodie. Is she younger than you.

8 A. No, she is older than me, but Ronnie and Veronica is the
9 same -

10 Q. In the same category.

11 A. We had a lot to do with her, too.

12 OBJECTION Mr Abbott objects.

13 MR ABBOTT: If my friend is going to go through the
14 list of thirty women asking all the questions when one
15 would do it, who on this list do you regard as your
16 Elder, I object.

17 MS PYKE: My friend can object. I am interested
18 in why some people are regarded as Elders and others
19 not because part of the background of this matter is -

20 MR ABBOTT: If you have instructions that she would
21 not regard some of them as her Elders, but I suspect you
22 don't -

23 MS PYKE: It is not for me. The witness has given
24 a certain definition. One of the issues in this is the
25 nature of the meeting that took place with Professor
26 Saunders. And I think it is quite proper and
27 appropriate for me to ask this witness her view about
28 the position or status of the women who were there in
29 the hierachy, if I can put it that way.

30 MR ABBOTT: It is improper for my learned friend to
31 make this enquiry, particularly when her client didn't
32 make such an enquiry. There is nothing in Dr Fergie's
33 report to indicate that she may any enquiry of this list
34 of persons as to who might be regarded as Elders and who
35 might not be.

36 COMSR: Certainly I am aware that there are time
37 constraints on us, but, at the same time, you might
38 perhaps be able to eliminate a number of these by asking

1 a general question first of all.

2 MS PYKE: For example, no, some of them the
3 witness has said were younger, some she hasn't given an
4 age for. I know they are younger and I won't ask her
5 about those. That is a percentage of them, those that
6 are older or not given an age. It shouldn't take too
7 along. I just simply want to know what the witness's
8 view of these people is.

9 COMSR: I think you have covered that, but still
10 I will allow some questions along these lines, Mr
11 Abbott. If it seems as though it is getting too
12 repetitious, then of course I will say I don't really
13 require much more assistance along those lines, but I
14 will see how far we can go before we are covering ground
15 that has already been covered.

16 QUESTION ALLOWED

17 MS PYKE: I am not sure that any of this has been
18 covered.

19 XXN

20 Q. Kathy Burgermiester.

21 A. I hadn't met Kathy before.

22 Q. Vi Deuschle.

23 A. I didn't know Vi Deuschle that way.

24 Q. Sheila Goldsmith.

25 A. Yes, she was an auntie that I always respected.

26 Q. You would regard her as an Elder.

27 A. Yes.

28 Q. Vicki Hartman. I have missed out noting something about
29 these, but I haven't got an age for her.

30 A. Vic was younger than me.

31 Q. Pardon.

32 A. She was younger than me.

33 Q. Margaret Jacobs.

34 A. Yes, she was older than me.

35 Q. Do you know how old - she is the woman that we refer to
36 as Maggie Jacobs, is that right.

37 A. Yes, that's right.

38 Q. Do you know how old Maggie is.

- 1 A. Seventy-four I believe.
- 2 Q. Do you consider her to be an Elder.
- 3 A. I did but I don't any longer.
- 4 Q. At the time of this meeting that you have - what, you
- 5 have lost your respect for her, is that what the problem
- 6 is.
- 7 A. Yes.
- 8 Q. You have lost your respect for her on account of her
- 9 beliefs associated with secret women's business.
- 10 A. No -
- 11 OBJECTION Mr Abbott objects.
- 12 XXN
- 13 Q. Why have you lost your respect for Maggie Jacobs.
- 14 A. I think, as an Elder, that she shouldn't be speaking
- 15 like she is.
- 16 Q. She shouldn't -
- 17 A. Shouldn't be speaking like she is.
- 18 Q. She shouldn't be speaking the words she has spoken about
- 19 secret women's beliefs, is that what you mean.
- 20 A. No.
- 21 Q. What do you mean. What words has she spoken.
- 22 A. I mean about her insulting us other women.
- 23 Q. What insults has Maggie Jacobs -
- 24 A. She said that we were - that she would banish us from
- 25 the tribe and that she was - she didn't - what else? I
- 26 can't even think about what else she has said.
- 27 Q. So Maggie Jacobs has said that.
- 28 A. Yes.
- 29 Q. She was an Elder but she is not an Elder any more.
- 30 Doreen Kartinyeri.
- 31 A. No, I have no respect for her at all.
- 32 Q. What about at the time of this meeting.
- 33 A. I certainly did at the time of the meeting.
- 34 Q. So, again, she is in the Maggie mould, is she. At the
- 35 time you would have considered her an Elder but now you
- 36 don't.
- 37 A. That's right.
- 38 Q. Eileen McHughes. I think you said she is fifty-five.

- 1 A. Yes. No, I don't respect her as an Elder.
2 Q. Have you ever respected her as an Elder.
3 A. No, Eileen was more like a - more our age. We were very
4 good friends at one stage.
5 Q. Then there is - I don't know that we have got an age for
6 Georgina McHughes.
7 A. She is twenty-one.
8 Q. Isobel Norvill.
9 A. She was my sister-in-law.
10 Q. Again, peer group, your peer group, not an Elder.
11 A. No, she was my sister-in-law and I just treat her as
12 one.
13 Q. Shirley Peasley.
14 A. I didn't know Shirley all that well. I had met her a
15 few times over the years but that was it.
16 Q. Daisy Rankine.
17 A. Yes, I respected Daisy as an Elder.
18 Q. Do you know how old Daisy is.
19 A. I would say Daisy would be in her 60s.
20 Q. You still respect Daisy.
21 A. Yes, I do.
22 Q. Leah Rankine.
23 A. Leah is deceased now.
24 Q. Edie Rigney.
25 A. Yes, Edith was older than me.
26 Q. At the time of the meeting with Professor Saunders would
27 you have considered her to be your Elder.
28 A. We were friends before we went to the meeting.
29 Q. In the context that we are talking about would you have
30 seen her as an Elder.
31 A. We were - she was just one of us girls. So, you know,
32 we didn't class her as an Elder. She was just one of
33 our group that was at Murray Bridge that got together at
34 Murray Bridge.
35 Q. Someone older than you in her 60s.
36 A. Yes.
37 Q. Is she no longer your friend.
38 A. Edith lives in Adelaide so I haven't seen her up until

- 1 the other day in court here.
- 2 Q. Do you still regard her as a friend.
- 3 A. Sure.
- 4 Q. Margaret Roberts. Is that the same as Connie.
- 5 A. Yes, it is.
- 6 Q. Is she an Elder.
- 7 A. Yes, she is.
- 8 Q. You still regard her as such.
- 9 A. Yes.
- 10 Q. Grace Sumner.
- 11 A. Yes.
- 12 Q. Would you put her as an Elder and do you still regard
- 13 her as such.
- 14 A. Yes.
- 15 Q. Dorothy. Shaw, I have got her here at fifty-eight.
- 16 A. No, I think she would be about fifty-three, fifty-four
- 17 rather than fifty-eight.
- 18 Q. So, again, she would be peer group, contemporary.
- 19 A. Yes.
- 20 Q. And Joanie Shaw. I didn't note anything for her.
- 21 A. She is twenty-one.
- 22 Q. Of the women that were read out to you this morning and
- 23 the names I have just put to you, would they have been,
- 24 in your view, a reasonably representational group of
- 25 Ngarrindjeri women.
- 26 A. No, the majority of the women in Murray Bridge didn't
- 27 know about the meeting with Professor Saunders. The
- 28 only women that went from Murray Bridge were the women
- 29 that were able to go.
- 30 Q. That doesn't necessarily answer my question. Is it a
- 31 reasonably representational group or do you say it is
- 32 distorted in some way.
- 33 A. I would say probably, because, in our community, we have
- 34 different divisions of people in our community. One
- 35 group - we have different groups in our community and
- 36 some of the groups don't get on together anyhow. So -
- 37 Q. Some of the groups -
- 38 A. Some of the groups don't get on very well together, so

1 we would have just one group representing one lot of
2 people from Murray Bridge and not the others.

3 Q. Those divisions were apparent before the -

4 A. Yes.

5 Q. Perhaps you can tell us a little bit about that. What
6 divisions were in existence at the time back in June of
7 1994 that you were aware of.

8 A. I was aware that there was a group of women like the
9 likes of I would say Isobel Norvill, Eileen McHughes,
10 the deceased, Sharon Wingard, they were the main players
11 anyhow and they had a group of their own which was a
12 different group to, say, for instance, there was like
13 the likes of some of the other women. I don't want to
14 go mentioning the other women's names, because it was
15 taken back to Murray Bridge the other day from someone
16 who was sitting in the court in the closed session and
17 telling them everything about what went on here at the
18 Royal Commission and people were getting very upset
19 because their names were being mentioned. It was
20 mentioned about their names being bandied around in the
21 Royal Commission, so people were starting to get upset
22 about it and I don't want to mention other people's
23 names to you.

24 Q. When you say a 'closed session' are you saying like now
25 where the public are excluded, but with the press, or
26 are you saying sessions related to women only.

27 A. It was in the closed session when the press were inside
28 and I am not saying it was the press. There was other
29 people sitting in the courtroom.

30 Q. Perhaps we will clarify this. Are you aware that what
31 you say in here is not prohibited from publication
32 outside.

33 A. I was told after it was.

34 COMSR

35 Q. I understood though the other day that you indicated
36 expressly that you had no objection to the press -

37 A. No, I didn't. And I still don't.

38 Q. Of course, you appreciate that while the press are

- 1 sitting here apart from any matters that I might
2 specifically suppress -
3 A. Yes.
4 Q. That there is no order suppressing the rest of the
5 information.
6 A. Yes, I am aware of that.
7 XXN
8 Q. Are you annoyed that some information got back to Murray
9 Bridge of what was said here.
10 A. No, I wasn't annoyed. It was the people that were upset
11 that I spoke to at Murray Bridge that were upset.
12 Q. In any event, these divisions that you talk about, were
13 they people that have had, in the colloquial, a falling
14 out or did they not get on with one another or what was
15 the situation.
16 A. We just had a falling out.
17 Q. Was this two groups of women that had the falling out or
18 was it -
19 A. No, it was groups of families that had a falling out.
20 Q. Was your family amongst one of the groups that we are
21 talking about.
22 A. I guess my family would have been.
23 Q. Were the families of either - was Connie Roberts's
24 family involved in that.
25 A. No, Connie Roberts lives up the river.
26 Q. What about Maggie Jacobs.
27 A. Maggie lives in town.
28 Q. So, she wasn't -
29 OBJECTION Mr Meyer objects.
30 MR MEYER: I object. I have lost the drift of the
31 relevance of any of these questions quite frankly. What
32 the issues are.
33 MS PYKE: She is talking about the divisions
34 between the women in the Aboriginal community and I just
35 want to see what that relates to. This predates -
36 MR ABBOTT: What has it got to do with the issues in
37 the Royal Commission?
38 MS PYKE: For example, if the division falls along

- 1 the same lines as the current division it might be
2 interesting to know.
- 3 MR ABBOTT: Ask her that.
- 4 MS PYKE: I am just going through the names.
- 5 COMSR: What is the relevance of that to the
6 Terms of Reference, Ms Pyke?
- 7 MS PYKE: At the moment, there are two quite
8 distinct camps, if I can put it that way, about the -
- 9 COMSR: Perhaps we could ascertain that the
10 witness agrees that there are two distinct camps as far
11 as the women are concerned.
- 12 COMSR
- 13 Q. Subsequent to the allegations being made concerning
14 women's business, has there been a division among the
15 Aboriginal women over this issue.
- 16 A. There certainly has, since this business about the
17 secret sacred women's business has come about, yes.
- 18 Q. Broadly speaking, are there two separate camps, as it
19 were, of women. Those who say there is secret women's
20 business and those who say -
- 21 A. There isn't.
- 22 Q. That there isn't.
- 23 A. Yes, there is.
- 24 Q. I suppose it would be fair to say that each side has had
25 some harsh words to say concerning the other.
- 26 A. Yes, that's fair to say.
- 27 CONTINUED

1 XXN

2 Q. There, where you talked about a division and a falling
3 out before the issue of the secret sacred women's
4 business.

5 A. Yes.

6 Q. I'm trying to ascertain this falling out from before the
7 secret sacred women's business. You tell me you are
8 unwilling to name names, I'm trying to -

9 COMSR

10 Q. You say that there was an earlier falling out between
11 the women before the business concerning Hindmarsh
12 Island and -

13 A. No, not all the women.

14 MR ABBOTT: She said on family lines, families fell
15 out. My learned friend is trying to promote that into a
16 falling out of two camps. The witness has been talking
17 of many fallings out.

18 MS PYKE: I'm grateful for Mr Abbott telling me
19 what I'm doing.

20 COMSR: What is the relevance of this earlier -

21 MS PYKE: The witness first started off saying
22 `there is a division between the women', as I'm
23 questioning her. She is saying it wasn't just with the
24 women, it was more along family lines, and I'm trying to
25 ascertain which families are involved in the falling
26 out, or to exclude some families. And if I could ask
27 two more questions, I could move on from this topic.

28 COMSR: What is the relevance of it?

29 MS PYKE: If the families of Connie Roberts,
30 Maggie Jacobs, Doreen Kartinyeri and Raelene Rigney are
31 one side of the falling out and this witness's family
32 and other families of the women who believe there is not
33 the secret women's business, it might be of some
34 relevance. There might be some preexisting bad blood.

35 COMSR: Perhaps if we can ask this question.

36 Q. Prior to the Hindmarsh Island issue, was there bad blood
37 between the women in the two groups that you have named;
38 that is, the pro-secret women's business and the against

1 secret women's business.

2 A. No. Well, not as many as now. Since the pro-bridge and
3 since the secret women's business.

4 Q. There were some.

5 A. There were some, but not a lot.

6 XXN

7 Q. You have said in your statement at p.30 - have you your
8 statement in front of you.

9 A. Yes.

10 Q. In para.4.3, you say this: `The story about the map had
11 troubled me from the start, but I was now troubled, too,
12 about the story about abortions on Hindmarsh Island.'
13 That comes under the heading, if I can put it that way,
14 back on p.29, speaking to the daughter of Pinkie Mack
15 and others of May 1994. So, is this the case: That I
16 want to make sure in my mind that what you say in 4.3
17 relates back to around about May 1994. Is that the time
18 we are talking about.

19 A. Can you ask that question again please?

20 Q. It's the time that you are talking about.

21 MS PYKE: My friend has told me that these are
22 blanked out pages. My pages are not marked.

23 MS PYKE SEEKS LEAVE FOR THE COMMISSION TO GO INTO PRIVATE
24 HEARING.

25 MR ABBOTT: Could I ask on what basis?

26 MS PYKE: I'm about to cross-examine about matters
27 that have been marked out and suppressed. And while I'm
28 at it, I'll deal with matters covered in the pink pages.

29 MR ABBOTT: It may be, but that is not still a
30 reason why men, particularly male counsel, should be
31 excluded.

32 MS PYKE: Pink pages cover where men have been
33 excluded from the hearing.

34 MR ABBOTT: That is only conditional. That is what
35 Betty Fisher was seeking at that stage.

36 COMSR: As I have indicated, while the matter is
37 in issue as to whether or not it is women's business,
38 for the purposes of the Commission, I have to treat it

- 1 as such and deal with it on that basis.
- 2 MR ABBOTT: Your Honour has to treat it as
3 potentially secret.
- 4 COMSR: Simply because one party might say that
5 it isn't and be quite willing to discuss it, but it
6 doesn't get me past the difficulty, unfortunately, that
7 it has the potential to be considered as such. So I'm
8 treating it for the purposes of the hearing that while
9 the matter is in issue, hasn't been decided, I'm dealing
10 with it on the basis that it could be.
- 11 MR ABBOTT: Notwithstanding what you have heard that
12 those who might be minded to say that it is women's
13 business, they won't be coming along.
- 14 COMSR: That might be so, but it is still an
15 issue before the Commission.
- 16 MS PYKE: If I indicate so that people know.
- 17 COMSR: Do you propose at this stage to deal
18 with matters?
- 19 MS PYKE: I think, given it would be probably
20 appropriate for me to deal these issues and there are
21 also other issues I can deal with. If you remember that
22 generally the session went into a private session to
23 deal with issues in relation to the Bunkhouse and the
24 Mouth House, and some other matters.
- 25 COMSR: You are proposing to deal with these
26 issues. Then, I rule or indicate that I propose to
27 close the purpose hearing and go into private hearing
28 and that all male persons be excluded from the hearing,
29 and that all persons other than those persons whom I
30 permit to be present are to be excluded from the
31 hearing. The indications are that this private hearing
32 could be an hour, but it could be more.
- 33 MR KENNY: I raise one other thing? Before all
34 counsel leave, we have signalled our objection to the
35 discussions at the Mouth House, the admissibility of
36 evidence that occurred at what we say is a privileged
37 meeting between my clients and Mr Wooley, and, secondly,
38 the question of that letter that was faxed to Mr Tickner

1 as well. Mr Tilmouth, you may recall, objected to
2 evidence concerning that. I simply note that I am going
3 to be absent while those things are discussed. If they
4 are, I ask you to note my objection to those
5 discussions.

6 COMSR: Perhaps I indicate also the suppression
7 order in respect of the minutes still applies because we
8 haven't, as yet, clarified the situation relating to the
9 minutes of the meeting that was tendered as Exhibit 52,
10 so that matter still has to be clarified.

11 MS SIMPSON: While Mr Kenny is still here, it was my
12 recollection that Mr Tilmouth withdrew any objection on
13 the basis of legal professional privilege after he had a
14 chance to see the statement.

15 MRS SHAW: That is my view of it.

16 MR KENNY: They are not my instructions that there
17 has been any withdrawal of privilege, and I will check
18 that with Mr Tilmouth. They are certainly not the
19 instructions that I have been given. It may be
20 different instructions. I don't think he has withdrawn
21 any claim of legal professional privilege. It may not
22 have arisen in relation to the parts discussed. I'm at
23 a disadvantage on that as I did not know what was
24 discussed and do not know what was generally discussed
25 at the Mouth House. In fairness to learned council
26 assisting, I have been given a short summary of what was
27 said that applied to my client, but the rest of the
28 conversation there and other activities I have noticed
29 what happened and, therefore, I'm not able to say
30 exactly what else went on, or whether I have or have not
31 any objections. I simply don't know.

32 HEARING CLOSED

1 HEARING COMMENCES IN PRIVATE

2 COMSR: I make a formal order that pursuant to
3 s.6 of the Royal Commissions Act, I direct that all
4 males leave the hearing and all females except the
5 witness, legal advisors, Commission attendants and
6 transcript recorders be permitted to remain, and that
7 the evidence be taken in private. And I further direct
8 that no copy of the transcript of this part of the
9 evidence shall be given to or made available for
10 inspection by any male person, and no copy shall be
11 given to or made available for inspection by any person
12 other than the female representatives of the persons
13 appearing, upon their undertaking in writing not to
14 divulge any of the contents of the transcript to any
15 person. And I further direct that the transcript of
16 evidence of this closed session be made on pink paper
17 and that it be made available to female counsel and
18 representatives during the course of the hearing and
19 that, at the conclusion of the hearing, the transcript,
20 so released, be returned to the Commission.
21 Further, pursuant to s.16(a)(1)(b) of the Royal
22 Commissions Act, I forbid the production of any portion
23 of the evidence given at this private hearing.
24 XXN
25 Q. On p.30 of your statement at para.4.3, you said this:
26

Lines 27 - 28 suppressed

The question is: When you say
29 `now troubled', are you referring back to the time in
30 about May 1994, that appears on p.29 -
31 MRS SHAW: In fairness to the witness, if she is
32 referring to 4.5, counsel should make it plain that the
33 whole section is not related to that time, so that she's
34 not led to believe that she's somehow already said that.
35 I'm not saying that that is what she is going to say,
36 that heading is not confined to that timeframe.
37 COMSR
38 Q. Do you have a copy of your statement.

1073
CJ 15KKPP

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 A. Yes.

2 XXN

3 Q. If you look at pp.29, 30 and 31, I'm trying to trick
4 you. I'm trying to find out what time you are talking
5 about.

6 A. What was your question again?

7 Q.

Lines 7 - 9 suppressed

10 What time are you referring to there. Are you referring
11 to May 1994, or some other time.

12 A.

14 Q. So, what you're saying is that you were troubled about
15 that story at the time that it was told to you.

16 A. No, I wasn't troubled about it when it was told to me by
17 Doreen on May 9. I was troubled after that when I had
18 spoken to some of the other women in Murray Bridge and
19 none of them had heard about it.

20 Q.

22 A. About a week after Doreen had told us, when I'd spoke to
23 Pinkie Mack's daughter and I spoke to my aunt, my mum's
24 sister.

25 Q. After you had spoken to those people, did you come to
26 the view at that early stage that you didn't believe
27 what had been told to you by Doreen

29 A. Well, I didn't come to a conclusion that it was a lie at
30 that stage.

33 Q.

Lines 31 - 38 suppressed

1074
CJ 15KKPP

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1

Lines 1 - 6 suppressed

7 I believed it because she said she had got the
8 information from Grandma Sally and Auntie Rose, but I
9 now doubt whether it was true because all the women I
10 have spoken to had never heard of it before'. Was that
11 your position that you now doubt that it's true.
12 A. Well, I had some doubts about it. I'm not saying that
13 there never was, or it never happened, but I said I have
14 doubts about it.
15 Q. But is it fair to say that those doubts fall a long way
16 short of you saying that that aspect is a lie or
17 fabricated.
18 A. No, I've never claimed that either.
18 CONTINUED

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 Q. Your position is that you don't necessarily believe it,
2 but you don't discount it.

3 A. Yes.

4 Q. At the Bunkhouse, that was the first time that you heard
5 about this part of the secret women's business.

6 A. Beg your pardon?

7 Q. At the Bunkhouse was the first time that you had heard
8 about this secret women's business - this aspect of it.

9 A.

12 A. At the Bunkhouse, you say?

13 Q. Yes.

14 A. Yes.

15 Q. What other information was given to you at the Bunkhouse
16 that related to secret women's business. What was told
17 to you at the Bunkhouse.

18 A.

Lines 18 - 24 suppressed

25 Q. Anything else that you say happened at the Bunkhouse, or
26 was said that related to secret women's business. I
27 will just put it briefly.

Lines 26 - 37 suppressed

38 OBJECTION Mr Shaw objects to form of question.

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

- 1 MRS SHAW: My learned friend is calling them
2 `beliefs' and `sacred women's business'. That is the
3 very issue. All this witness can talk about is
4 statements made to her and her comments on those
5 statements. But my friend is putting them as if they
6 are the beliefs.
- 7 MS PYKE: For someone who has sat at the end of
8 the bar table referring to lies and who is telling the
9 truth, I think that is a rich comment.
- 10 COMSR: I think if you use the word `statement',
11 `these statements concerning'. Chose a neutral term.
- 12 MS PYKE: `When the truth was told to you at the
13 Bunkhouse' perhaps I will use my friend's term. I am
14 saying there is a great deal of inconsistency.
- 15 COMSR: That is the issue before me.
- 16 MS PYKE: I appreciate that. My friend has been
17 making comments about who has been telling us lies and
18 about who is telling the truth ever since she got up.
19 She has said about the women who have the courage to get
20 up and tell the truth.
- 21 XXN
22 Q.

Lines 22 - 29 suppressed

- 29 A. Yes.
- 30 Q. I just want to make sure that what was said to you at
31 the Bunkhouse, those statements, you put together in
32 that category: you have got your doubts, but you are not
33 saying that they didn't exist.
- 34 A. No, I'm not.
- 35 Q. Has that been your view all along.
- 36 A. Yes.
- 37 Q. In your evidence, you said at p.756 -
- 38 A. Beg your pardon.

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 Q. I will just read out to you p.756 of your evidence.

2 A. Well, I haven't got 756 pages.

3 COMSR

4 Q. This is of your evidence, not of your statement.

5 A. I see.

6 XXN

7 Q. I will put it in context. It was to do with you
8 speaking to Allan Campbell after the Professor Saunders
9 meeting in July of 1994. You said this 'Well, Allan
10 came to my house in July, and he was saying that he had
11 spoken to his mother, that his mother had told him that
12 she hadn't heard of any women's business on the island.
13 He also said that he had spoken to - I
14 should say, the daughter of Pinkie Mack - and she told
15 him that she hadn't heard of any of the women's business
16 on the island either.' Question 'Did you speak to him
17 about what had occurred with Professor Saunders at the
18 June meeting'. Answer 'Yes, I did. I said to Allan
19 that I thought it was a load of rubbish'. Do you
20 remember your evidence about that.

21 A. Yes.

22 Q. Then over onto p.757 the question was put 'When did you
23 form the view that it was a load of rubbish'. And you
24 said this 'Like, I mean, the first meeting at the
25 Bunkhouse I had with Doreen'. So that is different to
26 what you are telling us now, isn't it.

27 OBJECTION Mrs Shaw objects.

28 MRS SHAW: That is not necessarily so, because the
29 question is all embracing as to everything that occurred
30 down there. There was a meeting with Doreen at the
31 Bunkhouse, there was a meeting down there with Professor
32 Saunders.

33 MS PYKE: But the specific question that was asked
34 was 'When did you form the view that it was a load of
35 rubbish', and she said 'Like, I mean, the first meeting
36 at the Bunkhouse I had with Doreen'.

37 COMSR: Yes, then it is discontinued. I think
38 it is obvious from other evidence given by this witness

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 that, first of all, she accepted what Doreen had said,
2 as I understand her evidence, then later, on reflection,
3 she had her doubts.

4 MS PYKE: That is all very well, but this is
5 another version. This is her saying, in answer to a
6 direct question from her own counsel 'When did you form
7 the view it was a load of rubbish', 'At the first
8 meeting at the Bunkhouse'.

9 MRS SHAW: The difficulty is my learned friend's
10 interpretation of what the witness meant about the first
11 meeting. She has talked about two meetings with Doreen
12 Kartinyeri: one, at the weekend of the Mouth House
13 Bunkhouse meeting; and the second one, Professor
14 Saunders' meeting. My learned friend is implying by her
15 question that the witness is confining herself only to
16 the conversations at the Bunkhouse when she is talking
17 about the first Doreen Kartinyeri meeting. It doesn't
18 just embrace the Bunkhouse.

19 MS PYKE: The Bunkhouse meeting came first. When
20 she said that she formed the view that it was a load of
21 rubbish at the meeting at the Bunkhouse with Doreen, she
22 could hardly be talking about events after that.

23 MS SIMPSON: In fairness to the witness, it is a
24 matter of interpretation of the evidence. Perhaps if Ms
25 Pyke could ask Mrs Wilson that question again, and then
26 submissions can be made in due course about how the
27 evidence ought to be read.

28 MRS SHAW: In fairness to the witness, she ought to
29 be able to see what she was asked and what she answered,
30 rather than have Ms Pyke put to her her interpretation
31 of what she claims the witness said. She can ask her
32 what she meant, but I object to her putting her own
33 interpretation, which assumes that her interpretation is
34 wrong.

35 COMSR: I must say, I thought the first sentence
36 was truncated, the witness abandoned it and then went on
37 with another sentence.

38 Q. I take it you are now thoroughly confused as to what

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 this question is that has been put to you.

2 A. Yes.

3 Q. Would it assist you to have a copy of the evidence in
4 front of you while you are being questioned concerning
5 it.

6 A. Yes, please.

7 MS PYKE: Yes, I am happy with that.

8 WITNESS HANDED COPY OF TRANSCRIPT, PP.756 TO 758 INCLUSIVE

9 XXN

10 Q. Take your time and just read those pages.

11 COMSR: I cannot consider a sentence in
12 isolation when there are great passages of evidence
13 concerning the same matter.

14 XXN

15 A. Yes, what was your question?

16 Q. If you look at p.757, in answer to the question from
17 your counsel `When did you form the view that it was a
18 load of rubbish', you answered `Like, I mean, the first
19 meeting at the Bunkhouse I had with Doreen'. What did
20 you mean by that.

21 A. Well, when I heard - when Doreen first told us that at
22 the Bunkhouse, I believed what she said, and I had gone
23 home and I had spoken to other women about it, and they
24 said that they didn't know anything about it. So when
25 Allan came in July, that's when I said to Allan, well,
26 then I thought it was a load of rubbish what Doreen had
27 said in the Bunkhouse because I had spoken to other
28 women in between May and July, and that's when I formed
29 the opinion that I thought it was a load of rubbish.

30 Q. I thought the opinion you were expressing here today
31 wasn't that it was a load of rubbish. You had your
32 doubts about it, but you accepted that it -

33 A. Yes, and I also said that to Allan, too. I said

Lines 34 - 35 suppressed

36 just left it out - well, I never even thought to put it
37 in my statement. That was a conversation that I had
38 with Allan. I also told the other women about it, too,

1080
RF 15LPP

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 that, at first, I didn't doubt it because it could - it
2 probably did happen all over Australia.

3 Q. We are talking about Hindmarsh Island, aren't we.

4 A. Yes. So that's why I said, you know, it happened all
5 over the place so it could have happened at Hindmarsh
6 Island, but I thought it was a load of rubbish.

7 Q. Is that still your view.

Lines 8 - 9 suppressed

10 COMSR: Is that the whole of what was the topic
11 of the women's business?

12 MS PYKE: At the Bunkhouse, yes. That's why I
13 said to the witness 'Was there anything else said at the
14 Bunkhouse?'

15 XXN

16 Q. Is it your view now that what was said at the Bunkhouse,
17 the statements made in relation to secret women's
18 business, were a load of rubbish, or not.

19 A. What Doreen said to me, I said - well, I will say what
20 Doreen said to me was a load of rubbish.

21 COMSR:

Lines 21 - 30 suppressed

31 XXN

32 Q. You just heard what the commissioner has said. Are you
33 saying that you think it is a load of rubbish that what
34 Doreen said to you at the Bunkhouse was secret women's
35 business. (NOT ANSWERED)

36 MRS SHAW: I am not sure I understand that question
37 the way it is phrased. I am sure Mrs Wilson would not
38 either.

1081
RF 15LPP

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 COMSR:

Lines 1 - 20 suppressed

21 XXN

22 Q. So do you concede that it might be secret women's
23 business.

24 A. Well, it could be.

25 Q. Do you believe that it is secret women's business.

26 A. No, I don't. I think it happened all over Australia,
27 like I said to you before.

28 Q. In Exhibit 26 of 1 May 1995, now produced to you, you
29 are mentioned there as being present, and your signature
30 is one of those appearing on that document.

31 A. Yes, that is.

32 Q. The bit I want to read out sets out who's there, and it
33 says `All agree they have never heard anything about
34 "women's business" from their mothers, grandmothers or
35 aunts, and don't believe that there is secret women's
36 business on Hindmarsh Island'. Again, so far as it
37 relates to you, that is a little bit different to what
38 you are saying now, isn't it. You say that you can see

1082
RF 15LPP

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 that there may be some secret women's business relating
2 to Hindmarsh Island.
3 OBJECTION Mrs Shaw objects.
4 MRS SHAW: I thought that is what she just said
5 that she didn't agree with. That was exactly the answer
6 to the last question. She said there could be, but she
7 didn't believe it because it could have happened all
8 over Australia. That was her answer.
9 CONTINUED
10

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

- 1 MS PYKE: But I asked her a question - and the
2 transcript will speak for itself - whether she was
3 saying that there could be secret women's beliefs in
4 relation to Hindmarsh Island and she agreed.
5 MS SHAW: Then she said 'I didn't believe it
6 because it could have happened all over Australia.'
7 XXN
8 Q. Is this the position, that you say that you simply don't
9 believe that there is secret women's business on
10 Hindmarsh Island. You don't believe it.
11 A. That there is secret women's business, no.
12 Q. But you say that whilst you don't believe it there could
13 be secret women's business on Hindmarsh Island.
14 A.

16 Q. I just want to make sure I get this absolutely clear in
17 my mind. You deny firstly that you believe that there
18 is secret women's - you are saying that you believe that
19 there is no secret women's business on Hindmarsh Island.
20 A. Yes.
21 Q. You say that you don't accept that. Not only do you not
22 believe that there is, you don't believe that there is
23 any.
24 A. Any secret women's business.
25 Q. Yes.
26 A. Yes.
27 Q. Is that a view that you have always had.
28 COMSR: That is contrary to her evidence that
29 she believed Doreen Kartinyeri when she first spoke of
30 these things.
31 XXN
32 Q. From shortly after the Bunkhouse and the discussions
33 with Professor Saunders the view that you are telling us
34 in the witness box is the view that you have had.
35 A. About what?
36 Q. Secret women's business.
37 OBJECTION Ms Shaw objects.
38 MS SHAW: That is the difficulty. Her views on

1084
KC 15MPP

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 secret women's business are divided up into three
2 categories.

3
4 There are three separate issues. My
5 learned friend must clarify which issues she is
6 addressing in asking the question.

7 MS PYKE: I understood she answered.
8 XXN

9 Q. It is your view that there is no secret women's business
10 associated with Hindmarsh Island.

11 A. Yes.

12 Q. That is a view that you have held since a week or two
13 after the meeting with Professor Saunders.

14 A. Yes.

15 Q. When you started checking up with other women about what
16 Doreen had said to you at the Bunkhouse.

17 A. Yes.

18 Q. That is still your view today.

19 A. Yes.

20 Q. It has been that view since about the middle of 19 -
21 after July 1994.

22 A. Yes.

23 Q. In the Financial Review, dated 26 May 1995 - this is
24 reported by Sheryle Bagwell - do you remember speaking
25 to Sheryle Bagwell.

26 A. Yes.

27 Q. You are reported as saying this 'Dorothy Wilson - Dorrie
28 to her kin - believes there is probably some secret
29 women's business attached to Hindmarsh Island.'

30 MS SHAW: Perhaps you had better read on.

31 A. I have never seen that.

32 MS SHAW: I think it is unfair to put to her part
33 of what she said.

34 XXN

35 Q. I just want to ask you, do you remember saying that.

36 A. I have never seen this, I have never seen that piece.

37 Q. I am not asking you whether you have seen it or not. Do
38 you remember saying that to Sheryle Bagwell.

1085
KC 15MPP

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

- 1 OBJECTION Ms Shaw objects.
2 MS SHAW: `Do you remember saying that?', it
3 assumes that it was said. It assumes it was said in
4 the context in which it was put.
5 MS PYKE: It makes no assumption.
6 MS SHAW: Of course it does. In R v Wills SASR it
7 says that quite clearly.
8 MS PYKE: Perhaps it might be easier if counsel
9 assisting has got a copy we can have it in front of the
10 witness.
11 COMSR: Yes, I think it is always helpful if the
12 witness can have in front of her what she is said to
13 have said. This is a newspaper report, not a signed
14 affidavit.
15 XXN
16 Q. Can you read - you can read the whole lot of it. Take
17 your time.
18 COMSR: Which section of the article do you wish
19 the witness to read, Ms Pyke?
20 MS PYKE: Just the first part of it. I wish to
21 avoid any criticism by my friend that her client hasn't
22 had the opportunity to read the article in its full
23 context. It is the first two columns that I am
24 interested in at this stage.
25 A. I probably didn't use that word `probably' in that to
26 her. I would have said `Well, there could be some
27 women's business attached to the island.'
28 XXN
29 Q. You think you have been misquoted, do you, or
30 misinterpreted.
31 A. I probably wouldn't have used that word `probably'
32 there.
33 Q. But you concede that you might have said `There could be
34 some secret women's business attached -
35 COMSR: Is that secret women's business in there
36 or not?
37 MS PYKE: Yes, it is.
38 COMSR: See, the witness has said she would have

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 said there was some women's business attached to the
2 island.

3 XXN

4 Q. Let me ask this. What the article says is 'Dorothy
5 Wilson believes there is probably some secret women's
6 business attached to Hindmarsh Island.' Are you saying
7 that you might have said 'There could be some secret
8 women's business attached to the Hindmarsh Island.'

9 A. No, I would have said 'There could be some women's
10 business attached to the island.'

11 Q. Are you saying that in so far as that article purports
12 to say that your beliefs are that there is probably
13 secret women's business -

14 MS SHAW: Some.

15 XXN

16 Q. Some secret women's business that you are being
17 misreported or misquoted.

18 A. Like I said I wouldn't have used that word 'probably'.

19 Q. What about the word 'secret'.

20 A. I think that was a word - the words that were being
21 bandied around there was 'secret sacred women's
22 business'. So I don't recall saying 'secret women's
23 business', but I know I have said 'women's business'.

24 Q. Are you denying that you said that.

25 A. No, I am not denying that. I said I can't remember
26 saying it.

27 Q. But it might be that you said that.

28 A. But I can't remember, no, and that is all I can answer
29 you.

30 Q. Because you certainly agreed with me that that article
31 suggests that you think that there is probably some
32 secret women's business attached to Hindmarsh Island.

33 A. I said there could have been.

34 Q. Yes, but the article suggests that you go further than
35 that, doesn't it.

36 A. I think a lot of these articles all misquoted me as
37 saying things that I never said anyhow and it wasn't put
38 in my words, it was put in their own words.

1 Q. Would you agree with me that what you are suggested in
2 that article as believing is different to the beliefs
3 that you are expressing here in this witness box this
4 afternoon.

5 OBJECTION Ms Shaw objects.

6 MS SHAW: She said exactly the same thing. First,
7 she said there could be some and then she said she
8 doesn't believe it.

9 MS PYKE: She said 'probably secret'.

10 COMSR: The witness said she didn't say the word
11 'probably'.

12 MS PYKE: The article suggests something different
13 to what she is saying in the witness box, is the
14 question I put.

15 COMSR: The witness has said that she didn't say
16 what the article said.

17 MS PYKE: Yes, I accept that that is what the
18 witness is saying. I am putting to the witness that
19 certainly what she is recorded as saying in that article
20 as believing is different to the beliefs that she has
21 expressed in the witness box. And that is a proper
22 question to put.

23 XXN

24 Q. That is the case, isn't it.

25 COMSR: That requires the witness to interpret
26 what is meant by the article, I suppose. She is saying
27 they are not her words.

28 MS SHAW: The other unfairness is this, that the
29 article just refers to some secret women's business. My
30 learned friend has been cross-examining her specifically
31 about two alleged aspects of it and yet the article
32 doesn't identify the aspects that have been identified
33 during my friend's cross-examination. And I simply
34 object to the link up that she is attempting to infer in
35 her questions.

36 XXN

37 Q. Let me ask you this -

38 COMSR: Isn't it a matter for me, for

1 submissions?

2 MS PYKE: The whole of the allegations in this
3 matter have seemed to emanate from the media. That is
4 why we are given these bundles of media documents so
5 that we can find out what the allegations and beliefs
6 are.

7 MS SHAW: But my client is here giving evidence.
8 She has given her statement. We are talking about what
9 is in the media from Doreen Kartinyeri and so on, not
10 how my client has been recorded, who is here to speak.

11 MS PYKE: Yes, but I can certainly put to her what
12 she has been reported to say. And, if needs be, we can
13 call the evidence from the reporter who did the
14 interview.

15 COMSR: If she agreed that it was an accurate
16 report, it would be quite proper to put to her 'Isn't
17 that different from what you are telling us now?', but
18 the witness has said it isn't accurate.

19 MS PYKE: No, she hasn't said that. She said 'I
20 don't think.' She is not categoric about it.

21 COMSR: As I understand it, she is saying 'I
22 didn't use the word "secret" and I didn't use the word
23 "probably", which casts it in -

24 MS PYKE: I don't think she is as strong as that.
25 She doesn't think she would have used the word
26 'probably' or the word 'sacred', although the word
27 'sacred' was being bandied about.

28 COMSR: It doesn't seem appropriate to me, when
29 the witness is not clearly conceding that she is
30 accurately reported there, to ask her to explain an
31 apparent inconsistency which she is, in effect, saying
32 wasn't there. If she was saying 'Yes, I have been
33 correctly quoted', you could put to her the
34 inconsistency. 'Isn't that different from what you are
35 telling the hearing?'

36 That is the problem I have with it, Ms Pyke.

37 MS PYKE: Yes, anyway, we will find out from other
38 sources whether this witness's memory is accurate or not

1089
KC 15MPP

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 about her interviews.

2 XXN

3 Q. You have also, in your evidence - and I am just trying
4 to work out what is in the pink pages and what isn't.

5 A. Do you think I can have a break?

6 COMSR: We can take a five or ten minutes break.

7 WITNESS: Yes.

8 ADJOURNED 3.48 P.M.

1090
CJ 15NPP

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 RESUMING 4.01 P.M.

2 PRIVATE HEARING

3 COMSR: This hearing is being conducted in
4 private and only those persons permitted by me to be
5 present are to be present during this private hearing.

6 XXN

7 Q. Have you still got your statement in front of you.

8 A. Yes.

9 Q. If you would care to turn to p.24 - or in fact, you
10 might like to start from perhaps the bottom of p.23 or
11 on p.23 to give yourself the context of what you said on
12 p.24.

13 WITNESS READS STATEMENT

14 A. Yes.

15 Q. It's para.3.46 on p.24. Is that an accurate description
16 of what Doug Milera said to you.

17 A. Yes.

18 Q. That's to the best of your recollection.

19 A. Yes.

20 Q. What Doug said.

21 A. Yes.

22 Q. You go on to say that 'There was then some comments by
23 Doreen and you then thought you had had enough and you
24 walked out to the toilet' and you then say that you went
25 down to the beach, you didn't go back to inside the
26 Mouth House.

27 A. Yes.

28 Q. Again, is that an accurate sequence of events.

29 A. Yes, that's what I recollect.

30 Q. When you were being questioned by your counsel, Mrs
31 Shaw, at p.730 of the transcript, she asked you this
32 question, and she was referring to that conversation by
33 Doug: 'Q. Did the men actually use the term "secret
34 women's business", or just "women's business". A. No,
35 I think it was said then it was secret women's
36 business.' If you want to look at the transcript, it can
37 be shown to you. Would you agree with me that if that,
38 in fact, is what is in the transcript, that in your

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 statement, what you are saying that Doug said 'I think
2 that Doug said it was women's business' and in your
3 evidence to your counsel you were saying you think that
4 Doug said it was secret women's business.

5 MS SIMPSON: Perhaps if Mrs Wilson could see the
6 transcript, because it is not suggested in the
7 transcript, on my reading of it, that Doug Milera said
8 it was secret women's business. The question was: Did
9 the men actually use the term 'secret women's business'
10 or just 'women's business'.

11 XXN

12 Q. As I understand what you have told me, that what is set
13 out on pp.24 to 25, is an accurate version of what went
14 on.

15 OBJECTION Mrs Simpson objects on the ground that a
16 lot of things were being said at the
17 meeting.

18 MS PYKE: I object to my friend -

19 MS SIMPSON: Don't interrupt, I am trying to make
20 some submissions.

21 COMSR: Don't answer any questions at the
22 present.

23 MS PYKE: I'm saying that my friend there is not
24 only objecting but she is, I object to her giving
25 evidence from the bar table about what was going on.

26 MRS SHAW: I didn't think she was giving evidence,
27 she was recounting the witness's evidence already -

28 MS SIMPSON: I would like to make some submissions.
29 I object to the form of that question. You have -

30 COMSR: On p.24 of the statement, it was a
31 question of what Doug Milera said. Now, the evidence on
32 p.730 of the evidence, the question is 'Did the men ...'
33 was the term used.

34 XXN

35 Q. If you look at p.24, I understood, and correct me if I
36 am wrong, that when you gave your evidence, you said
37 that that was, to the best of your recollection, an
38 accurate account - p.24 through to p.25 was an accurate

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 account to the best of your recollection of what went
2 on.
3 MRS SHAW: That is the objection. It might be
4 accurate, but it doesn't mean that she has got down
5 there exactly the same words.
6 MS PYKE: If she could answer that question first.
7 MRS SHAW: What I object to is my learned friend
8 going on the answer that she says is accurate and to
9 say, therefore, that means it includes every possible
10 permutation and every single word in exactly the same
11 way.
12 MS PYKE: I hadn't gone on to ask the next
13 question.
14 MRS SHAW: That is as accurate as far as it goes.
15 That is all the answer can mean. It doesn't mean the
16 exact words, or every possible movement in the room, or
17 every possible utterance by any other persons there.
18 MS PYKE: If my friend would sit down and let me
19 go on.
20 COMSR: I will have to hear the formulated
21 question to see how it's going to - can you put your
22 question again.
23 XXN
24 Q. You looked at that and I asked you some questions about
25 it.
26 A. Yes.
27 Q. Did you have any conversation, or were you present in
28 any other conversation with any other person at the
29 Mouth House that you have not recorded there on pp.24
30 and 25.
31 MRS SHAW: What about p.23?
32 MS PYKE: I'm dealing with p.23.
33 MS SIMPSON: I don't know the relevance of that. I
34 object to that on the basis of: Can Mrs Wilson be
35 expected to recall now other conversations at the Mouth
36 House? I am sure she must have had many conversations
37 at the Mouth House on a number of difference occasions.
38

1093
CJ 15NPP

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

- 1 XXN
2 Q. In the Mouth House you have recorded Mr Milera at p.24
3 having a conversation with you, asking you to look at
4 the map, and you recollect that, I think, he said `it
5 was women's business'.
6 A. Well, he didn't just say it to me, he said it to all the
7 women.
8 Q. Do you recall any other conversation at that time by
9 anyone in the room.
10 COMSR
11 Q. Was there other conversation at that time - I'm not
12 asking what it was, but were there other people
13 speaking.
14 A. Well, not when Doug was asking us to look at the map,
15 no.
16 XXN
17 Q.

Lines 15 - 23 suppressed

- 24 Q. Do you now remember if Doug used the phrase `secret
25 women's business' or `women's business'.
26 A. I think he said it was secret women's business. I'm not
27 100% sure, but I think he did say that.
28 Q. Is it the situation that he might have said it was
29 women's business, or he might have said it was secret
30 women's business; you really can't be sure.
31 A. Not 100% sure, no.
32 Q. Do you recall whether Doug said - and I'm talking about
33 Doug - whether Doug had said anything else in relation
34 to the map on the wall, or the photo, whatever you call
35 it.
36 A. **suppressed**

38 Q. Do you recall anything else that he said.

1094
CJ 15NPP

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

- 1 A. Not other than what I've written in my statements.
- 2 Q. In response to a question from your counsel at p.725 of
- 3 the transcript, you were asked, she said this: `Once Vic
- 4 had said that and you looked at the map on the wall,
- 5 then what happened'. She continued with the question:
- 6 `I think you mentioned Doug' - is it Milera or Milera.
- 7 How do you pronounce that.
- 8 CONTINUED

1095
RF 15OPP

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

- 1 A. We say Milera.
2 Q. `I think you mentioned Doug Milera. A. Yes, because
3 none of us said anything, we were just looking at the
4 area on the map on the wall,

Lines 5 - 23 suppressed

- 24 Q. So you are now certain about that.
25 A. Yes, because it was put in that letter that we're not
26 allowed to talk about.
27 Q. You can't tell us about the letter. Again, your counsel
28 asked you `Can you actually remember the words he used.
29 Give us your best memory of what Doug said in direct
30 speech when he first indicated the map'.

Lines 31 - 33 suppressed

- 34 just can't remember exactly what it was'.

1096
RF 15OPP

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1

3 Q. Do you remember the date of that meeting.

4 A. May the 9th.

5 Q. Yes, meeting at the Mouth House at the Bunkhouse the
6 same day.

7 A. Yes.

8 MRS SHAW: Can I clarify, I am not sure whether my
9 learned friend was making her position clear.

12 I got the impression that was what she was putting.

13 COMSR: No, she was putting that she hadn't used
14 the word `spiritual'. She had used the word `sacred'.

15 XXN

16 Q. At p.31 of your statement you are talking about 5 June,
17 World Environment Day, and you say `Some of the women at
18 the barbecue were walking around with badges on them
19 saying things like "spiritual waters".' You say you
20 bought a badge saying `sacred waters'. Then you say `It
21 is at the Goolwa barbecue that day that I heard these
22 expressions used for the first time.'

23 A. Yes, I did say that, but I want to say that when Doug
24 was -

27 I walked out of the Bunkhouse, I went out of the
28 Bunkhouse. So I didn't recall that, about the spiritual
29 waters, because I went down to the beach. And then when
30 I went to the barbecue and I saw the little badges, then
31 I was asking one of my aunts that was there at the
barbecue

Lines 32 - 37 suppressed

38 Q. Your evidence was that you heard that phrase at the

1 Mouth House in June.

2 A. Yes, I did, and

4 Q. Did you forget about it when p.24 was being prepared for
5 you, para.3.4.6.

6 A. Yes.

7 Q. Because I suggest to you that there are two elements
8 about what happened at the Mouth House that you seem to
9 be - if I can put it this way - not certain about. One
10 is whether the phrase 'women's business' was used or
11 'secret women's business';

12 which you refer to in your
13 evidence but don't refer to in your statement.

14 A. Yes, but I said that happened a long time ago. And I
15 don't say that I have got the greatest of memory, that I
16 remember every word that was said. I have said that I
17 have told the story that many times that sometimes I do
18 get mixed up. I said - I can't say word for word every
19 time I tell the story.

20 MRS SHAW: Can I ask my friend to allow Mrs Wilson
21 to finish, because if she does have an explanation when
22 something is put to her, she is entitled to give her
23 explanation, particularly when she is being quizzed
24 about the difference in one word.

25 XXN

26 Q. Have you finished your answer.

27 A. Yes.

28 Q. I suggest to you that your memory of what was said at
29 the Mouth House by Mr Milera is not reliable.

30 A. Well, you can suggest what you like, but that's my
31 recollection of what was said.

32 Q. You have given several versions.

33 OBJECTION Mr Shaw objects.

34 MRS SHAW: This is putting to the witness, because
35 she has missed 'secret' out of women's business, the
36 word 'secret' is it or isn't it in, and 'spiritual' when
37 she said 'sacred', therefore she is putting to her that
38 her memory is unreliable. That is for you to assess in

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 the context of all this witness's evidence, which
2 embraces 90 pages and a year of conversations.

3 COMSR: Many of these matters are more questions
4 of submission in the final analysis.

5 MS PYKE: I think it would be inappropriate for
6 me, frankly, to make submissions about them without
7 having put them to the witness.

8 COMSR: What help would it be for me if the
9 witness claims that either she is reliable or
10 unreliable? I am the one that will have to assess that.

11 MS PYKE: I wonder if counsel assisting could help
12 with whether the conferences at Graham's Castle were in
13 closed session?

14 COMSR: A lot of the evidence in the pink pages
15 is concerned with different relationships and such like.
16 I take it we do not have to go through that again. That
17 topic has been well and truly covered. Page 733, is
18 that what you are looking for?

19 MS PYKE: Yes, I notice it is nearly 4.30. I
20 would imagine I would be at least half an hour or more
21 on that sequence of meetings.

22 COMSR: I am a bit concerned, of course,
23 because, with this witness, we will have to continue
24 using this venue, so I would sooner that we continued.
25 We have tomorrow here at this venue.

26 MS PYKE: This is an area where I will be a little
27 time.

28 COMSR: Perhaps we could at least start on some
29 of it now. Is this the situation: that you haven't
30 quite collected your thoughts on this part and we might
31 be quicker if you had an opportunity to -

32 MS PYKE: To be quite frank, that is probably
33 likely. I would rather to do it in one hit and do it
34 concisely.

35 COMSR: There is a lot that we don't need to
36 cover again, but there are some salient points that I
37 rather imagine you would want to put to the -

38 MS PYKE: There are just matters arising out of

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 the meetings that I will need to put.

2 COMSR: You think that you will need a half an
3 hour?

4 MS PYKE: I would think a half an hour.

5 COMSR: If it will assist you, we may be more
6 expeditious in the long run if you have an opportunity
7 to go through that.

8 MS PYKE: Yes. I might say that I only really got
9 my instructions from Dr Fergie about this element of it
10 this morning. We have been doing a lot of it on the run
11 a bit. I think it might be easier and quicker.

12 COMSR: I haven't attempted to restrict counsel
13 unduly in examination, but for an inquiry, the amount of
14 cross-examination allowed is usually to be equated with
15 a trial. I appreciate that you have to have the
16 opportunity to test the witness as to matters of credit
17 and such like. I think we might have explored that
18 avenue clearly.

19 MS PYKE: Yes. I really just want to get on to
20 the meetings in the confidential session. I wouldn't
21 imagine being that long tomorrow morning.

22 MRS SHAW: I am wondering whether we could get some
23 indication how long Ms Pyke will be, only because we
24 have a witness up from Millicent today. I am wondering
25 whether we should send her back or put her forward
26 tomorrow.

27 CONTINUED

28

1100
KC 15PPP

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

- 1 COMSR: Do you have a short witness?
2 MS SHAW: No.
3 MS PYKE: I would have thought that, just looking
4 at this, let's say half an hour in our women-only
5 session and then there is perhaps another half hour. If
6 we estimated, I would be over by 11.30.
7 COMSR: What other counsel have a particular
8 interest in this area? I am not talking about the
9 closed session, I am talking about -
10 MS PYKE: Mr Kenny I think might.
11 COMSR: Is there a possibility that we might be
12 through tomorrow morning, or is that being unduly
13 optimistic?
14 MS PYKE: Yes, it is a bit hard to speak for
15 others, I suppose, but I would imagine being until about
16 11.30. I would think perhaps by lunchtime it might be
17 concluded.
18 COMSR: I would hate to keep the witness around
19 and then find we didn't reach her.
20 MS PYKE: If there is another witness I wonder if
21 we might have the statement tonight to save having to
22 adjourn to take instructions on it during the course of
23 tomorrow?
24 MS SIMPSON: That would be possible, but, of course,
25 other counsel aren't here now, but I would certainly
26 give one to Ms Pyke.
27 MS PYKE: Seemingly I am cross-examining more than
28 the others. It would just make things go more quickly
29 if Dr Fergie could look at it overnight, otherwise I
30 will have to take instructions sometime tomorrow after
31 she has given evidence and, if she is down from the
32 country, I would imagine she would like to get in and
33 out in the same day.
34 MS SHAW: We will see what her movements are. I
35 am happy for the statement to be handed over.
36 COMSR: On the basis that it is kept
37 confidential.
38 MS PYKE: Yes, it would only be for Dr Fergie to

1101
KC 15PPP

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

- 1 look at.
- 2 ADJOURNED 4.32 P.M. TO FRIDAY, 18 AUGUST 1995 AT 10 A.M.

1102
RF 16APP

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 HINDMARSH ISLAND BRIDGE ROYAL COMMISSION

2

3 COMSR STEVENS

4

5 FRIDAY, 18 AUGUST 1995

6

7 RESUMING 10.15 A.M.

8

9 CONTINUING IN PRIVATE SESSION

10 WITNESS D.A. WILSON, CROSS-EXAMINATION BY MS PYKE

CONTINUING

11 Q. You have got your statement in front of you, or you
12 haven't.

13 A. No.

14 STATEMENT PRODUCED TO WITNESS

15 Q. Yesterday we got to around about the stage of the
16 Graham's Castle meeting. If you would like to turn to
17 p.34 and look at about there generally to assist you
18 with the area that I am talking about in your statement.

19 As I understand your evidence, as it is set out in your
20 statement and the evidence that you have given, the
21 sequence of events was this: That there was a meeting
22 at Rocky Marshall's house.

23 A. Yes.

24 Q. You were in attendance at that meeting.

25 A. Yes.

26 Q. Were you there for the entire meeting.

27 A. No.

28 Q. So there were other people at Rocky Marshall's before
29 you arrived.

30 A. Yes, there was.

31 Q. Do you know, from what anyone said to you at the time,
32 how long they had been meeting before you arrived.

33 A. No, they hadn't met - no, they hadn't started before I
34 arrived. I left before the meeting finished. That's
35 why I said I wasn't there for the whole meeting.

36 Q. What time did you leave the meeting at Rocky Marshall's,
37 can you recall.

38 A. It probably would have been late in the afternoon,

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 probably about half past 4 or something, that I left the
2 meeting.

3 Q. The next part of the sequence was that you went and did
4 some personal visiting, I suppose, in the sense you went
5 to pick up a friend, Bernice Karpany.

6 A. Yes.

7 Q. You then went back to the Graham's Castle at some stage,
8 is that right.

9 A. Yes, we did.

10 Q. So that's on the evening of the 19th. Was Bernice with
11 you at that stage.

12 A. Yes. I'd picked her up and taken her back to Graham's
13 Castle.

14 Q. There was a meeting after tea on the Sunday night in the
15 conference room.

16 A. Yes, there was.

17 Q. That's the conference room at Graham's Castle.

18 A. Yes.

19 Q. I will go through this in a little bit more detail. I
20 just want to get the sequence right. There is the
21 meeting after tea on 19 June at the conference centre,
22 where there are a variety of people present and there is
23 much discussion, as you have outlined in your statement.
24 I will deal with particular elements of that, but it was
25 at that meeting on the Sunday night of 19 June that
26 ultimately a vote was taken to authorise Doreen to speak
27 on behalf of the women.

28 A. It was authorised for Doreen to tell Professor Saunders
29 about the women's business.

30 Q. Do you remember when, on the Sunday night, there was a
31 vote taken about that.

32 A. Yes.

33 Q. When, on the Sunday night. Was it at the end of the
34 meeting that the vote was taken, or part way through.

35 A. As I can recall, I guess it would have been towards the
36 end of the meeting.

37 Q. You certainly remember the vote being taken. In your

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 statement you have made some comment about people, you
2 say, abstained from voting.

3 A. Yes.

4 Q. So that was towards the end of the meeting the vote was
5 taken.

6 A. As I can recall, yes.

7 Q. Then, of course, the meeting breaks up and I think you
8 have said you left and you took Bernice and Iris Sparks
9 home.

10 A. I took Bernice home and Iris Sparks came for a ride with
11 me, yes.

12 Q. And you went back then to Graham's Castle, did you.

13 A. Yes.

14 Q. So you stayed the night at Graham's Castle.

15 A. Yes.

16 Q. The next morning there was, you say, a breakfast session
17 where the women who stayed at the Castle were present.

18 A. Yes, we all had breakfast there, yes.

19 Q. There was some discussion about Doreen having been the
20 spokesperson.

21 A. After breakfast we went into the conference room again.

22 Q. Beg your pardon.

23 A. After breakfast we went into the conference room. This
24 is where that discussion took place, in the conference
25 room.

26 Q. You say this in your statement 'Teresa Lindsay then said
27 that we had elected Dodo' Doreen 'as spokesperson the
28 night before and she should be able to tell Professor
29 Saunders.'

30 A. Yes.

31 Q. Then the next sequence of events was that Professor
32 Saunders arrived that morning. So that's the morning of
33 20 June.

34 A. On the Monday.

35 Q. Sorry.

36 A. Monday morning.

37 Q. You say that there was a meeting with Professor
38 Saunders. Then there was a break for lunch.

1 A. Yes.

2 Q. Then there was the trip around the island in the cars.

3 A. Yes.

4 Q. I am just reading from your statement here `We drove
5 back to Graham's Castle. I did not go back inside.'

6 A. That's right.

7 Q. So did you leave after that, did you drive on home then,
8 or what happened.

9 A. I had Henry Rankine's sister in the car with me and she
10 went back into the conference room and I sat in the car,
11 and then when she came back out again then we left.

12 Q. So you didn't take any further part that day in the
13 discussions with Professor Saunders.

14 A. No.

15 Q. Or the other women.

16 A. No.

17 Q. About the issue that has been described as `women's
18 business' or `secret women's business'.

19 A. No.

20 Q. So the sequence of events is clear in your mind.

21 A. Yes.

22 Q. What I have put to you is an accurate sequence.

23 A. As far as I can recollect, yes.

24 Q. I want to go through some of the detail of your
25 statement. If you turn to p.35, it might be of
26 assistance to you. This is at the meeting with Rocky
27 Marshall. I am looking at para.6.8. You've said that
28 he said that he had written the letter because he
29 thought this would help the women. Do you recall Rocky
30 Marshall saying words to the effect of `I thought it
31 would help to know that the story was around in my
32 grandmother's time'.

33 A. No, I don't remember him saying that.

34 MRS SHAW: That is the thing we raised yesterday
35 about asking the witness `Do you recall this being
36 said'. The first question is `Was it said' not `Do you
37 recall it being said', because it implies it was said
38 and has she got a memory of it.

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

- 1 COMSR: Yes. Rocky Marshall is a male.
2 MRS SHAW: Yes, he is a male. A white man.
3 MS PYKE: It is a two-edged argument. I will ask
4 another question.
5 COMSR: We have covered a lot of ground with
6 this witness about matters of credit and such. I
7 thought you were about to hone in on the issues which
8 concerned the parties or representatives at this time.
9 MS PYKE: I am.
10 COMSR: I don't know what instructions you have
11 to put these matters to the witness from your party.
12 XXN
13 Q. Were you aware that Dr Deane Fergie was at that meeting
14 at Rocky Marshall's home.
15 A. No, I wasn't.
16 Q. Do you recognise Dr Fergie in the courtroom here. Do
17 you know who she is.
18 A. Well, I've seen her on TV. That's how come I knew her,
19 from the TV station.
20 Q. Are you saying that she definitely wasn't at the
21 meeting, or you don't have a recollection of her being
22 there.
23 A. I don't have a recollection of her being there.
24 COMSR
25 Q. Were any minutes taken at the meeting of those present
26 on that occasion.
27 A. At Rocky Marshall's?
28 Q. Yes.
29 A. No, not that I can recall.
30 XXN
31 Q. Are you saying that the first time that you recall
32 seeing Dr Deane Fergie is when you have seen her on
33 television.
34 A. That I've seen her face, yes. I've taken notice of her
35 face, yes.
36 Q. At that meeting at Rocky Marshall's, did Dr Fergie
37 introduce herself to the meeting.
38 A. I don't recall.

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

- 1 Q. At that meeting, did Dr Fergie say that she had come
2 down to facilitate discussions between the women and
3 Professor Cheryl Saunders.
4 A. No, I didn't hear her say that.
5 Q. There were, at Rocky Marshall's home, weren't there,
6 Aboriginal and non-Aboriginal people.
7 A. Yes, there was quite a few there.
8 Q. Men and women.
9 A. Yes.
10 Q. Did Rocky Marshall say 'I thought it would help to know
11 this story was around in my grandmother's time', talking
12 about the story that had been in the letter to the
13 editor.
14 A. Well, I don't recall him saying that, no.
15 Q. So is it the situation you are not saying it wasn't
16 said, you don't recall it.
17 A. No, I don't recall it.
18 Q. At that meeting, did Amelia Campbell stand up during the
19 meeting and say words to the effect 'I'm going to tell
20 them about the women's business' or 'women's stories'.
21 A. I don't recall her saying that.
22 COMSR
23 Q. I want to be quite clear what you are saying. I am not
24 quite sure whether you are saying if she did say it, you
25 didn't hear it; or she might have said it, but you can't
26 now remember it; or what is the situation. Have you any
27 recollection of those words being said in your hearing.
28 A. No.
29 MRS SHAW: I suppose the first question is 'Did
30 Amelia stand up and say anything', because the question
31 implies a conversation and the actual conduct of Amelia.
32 That is the first thing.
33 MS PYKE: Firstly, her statement refers to Amelia
34 Campbell saying things.
35 MRS SHAW: I thought she asked 'stand up and say
36 something'.
37 XXN
38 Q. Amelia Campbell spoke at the meeting.

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 A. Yes, she did.

2 Q. Did she stand up when she spoke.

3 A. No.

4 Q. She was seated.

5 A. Yes.

6 Q. When she spoke, did she say 'I'm going to tell them'
7 referring to the people in the room 'about the women's
8 business' or the 'womens stories.'

9 A. No, I don't recall her saying that.

10 Q. Is it the situation that you are not saying it wasn't
11 said by her. What you are saying is you don't recall it
12 being said. It may or may not have been said.

13 A. Sure, it may have been said, but I don't recall it.

14 Q. In your statement you say this 'At one stage Amelia said
15 there was no women's business on Hindmarsh Island'.

16 A. Yes.

17 Q. Is that something that she said out loud to the meeting
18 generally.

19 A. Yes.

20 Q. So it wasn't an aside that she said to you, for example.

21 A. No.

22 Q. Are you sure she said that.

23 A. Yes, she did say that she didn't know of any women's
24 business on the island.

25 Q. I suggest to you that Amelia Campbell didn't say that at
26 all.

27 A. Well, you weren't there so you wouldn't know. You can
28 suggest anything, but I can say.

29 MRS SHAW: Perhaps it can be explained to Mrs
30 Wilson that Ms Pyke is putting Dr Fergie's instructions
31 not her own.

32 COMSR

33 Q. Ms Pyke has to put what her client has instructed her.
34 She is just asking you these questions on the basis of
35 that.

36 A. Right, okay.

37 Q. Your answer, as I understand it, is that you were there
38 and that is your recollection of what was said.

1109
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D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 A. Yes, that's what Amelia said, yes.

2 XXN

3 Q. Was there a discussion between Amelia Campbell and
4 Shirley Peasley about funding people to attend the
5 meeting at Graham's Castle.

6 A. No, I didn't hear that discussion.

7 Q. Again, is it your position, that might have been said
8 but you don't remember it.

9 A. Well, it may well have been said. I can't say that it
10 was or it wasn't because I didn't hear it.

11 Q. At that meeting at Rocky Marshall's, there was a dispute
12 or an argument between Doreen and Amelia Campbell.

13 A. Yes, there was.

14 Q. In your statement at p.36, para.6.1.3, you say this
15 `Amelia and Merva were not invited to Graham's Castle.
16 I remember that Doreen was later asked by someone
17 whether Amelia and Merva should be invited along.
18 Doreen said "We don't want them here". She also said
19 "They're not with us in stopping the bridge from being
20 built". Was that conversation by Doreen said at the
21 meeting.

22 CONTINUED

23

- 1 A. Yes, at Graham's Castle, yes.
2 Q. It wasn't said at the meeting at Rocky Marshall's.
3 A. No.
4 Q. Do you remember approximately when at the Graham's
5 Castle meeting that was said by Doreen.
6 A. Well, it was said when we all went back to Graham's
7 Castle and we all went back into the conference room to
8 talk about what had happened, and that is when this
9 conversation took place.
10 Q. You then go to p.37, the meeting of the Sunday night,
11 and we're at para.6.15.
12 A. Yes.
13 Q. The meeting was after tea.
14 A. Yes, it was.
15 Q. Do you recall, did you see Dr Deane Fergie at that
16 meeting on the Sunday night.
17 A. No, I didn't.
18 Q. Did Doreen introduce Dr Fergie to the meeting.
19 A. I don't recall her doing so.
20 Q. Again, you are not saying that Dr Fergie wasn't at the
21 meeting, you just don't recall seeing her.
22 A. No.
23 Q. She may have been there, she may not have been there.
24 A. Yes, I'd have to say that, yes.
25 COMSR
26 Q. Were there all Aboriginal women, save one, there, or
27 were there a number of white women there, or what was
28 the situation.
29 A. They were all Aboriginal women, but there was one woman
30 there, Kathy Burgermiester, she was really fair and I
31 hadn't met her before. But Veronica Brodie said that
32 was a cousin of hers. Even though she looked, she was
33 part Aboriginal, she still looked white and I had never
34 met her before. She could easily have passed as a white
35 person.
36 Q. Apart from that person who could have passed as a white
37 person, do you recall any other white person.
38 A. No, I don't.

1 XXN

2 Q. You refer to some conversations that took place with
3 Doreen. On p.38, you referred to a map, para.6.18. You
4 say that 'She also had a map in the room, an aerial
5 photograph, which she pointed to'.

6 A. Yes.

7 Q. You sure that that was the case.

8 A. Yes.

9 Q. So, that was a large - was that a large aerial
10 photograph.

11 A. Yes, it was.

12 Q. Was that on the wall, or where was it.

13 A. No, she had it up on a board at the end of the
14 conference room.

15 Q. I suggest to you that there was no aerial photograph on
16 the board, that there was a map.

17 A. It was an aerial photograph of a map.

18 Q. It was -

19 A. An aerial photograph of the map.

20 COMSR: That is what the witness said that she
21 also had a map in the room, an aerial photograph.

22 MS PYKE: That is what I'm trying to distinguish.

23 Q. Was it the same sort of aerial photograph that you had
24 seen at the Mouth House.

25 A. Yes, it was.

26 Q. So, it was an aerial, you are saying - I'm not wanting
27 to do anything other than to clarify what you say.

28 MRS SHAW: Can I ask my learned friend to put to
29 Miss Wilson what her instructions are about the map and
30 ask Miss Wilson whether that is different or the same
31 from what she says. At the moment, it is the question
32 of semantics of the map and photographs.

33 XXN

34 Q. The photograph that you're talking about, an aerial
35 photograph is the same photograph, aerial photograph,
36 that was at the Mouth House.

37 A. No.

38 Q. Not necessarily the identical thing, the same sort of

1 thing.
2 A. From what I can recollect, yes.
3 COMSR: We have covered all of this ground.
4 XXN
5 Q. As I suggest to you, what was on the wall or on the
6 board, it was not an aerial photograph like had been in
7 the Mouth House, but actually a map.
8 MRS SHAW: That is the difficulty. I understand Dr
9 Fergie wasn't at the Mouth House and didn't see the
10 photograph that Mrs Wilson is talking about. My learned
11 friend needs to put specifically what kind of map it is
12 she said was there.
13 XXN
14 Q. I suggest to you that there was a map of Hindmarsh
15 Island, not a photograph.
16 MRS SHAW: My learned friend might think that Mrs
17 Wilson identified the photographs in court, but she
18 hasn't.
19 MS PYKE: But she says that she saw the -
20 MRS SHAW: She hasn't.
21 MS PYKE: I referred to the photographs in court.
22 I asked her what she said was in the room at the
23 conference centre, if it was the same aerial photograph
24 as she had seen at the Mouth House.
25 COMSR: I mean, her statement is that that, I
26 think, was the same. She is not claiming definitely, as
27 I understand it.
28 MS PYKE: I'm putting to the witness there was no
29 photograph there, there was a map and this is a
30 different thing.
31 MRS SHAW: Could we have a description of the map.
32 XXN
33 Q. A road topographical map of Hindmarsh Island.
34 COMSR
35 Q. Do you know what is meant by 'a road topographical map'.
36 A. No, I don't.
37 MRS SHAW: Have we got any of those here?
38 MS PYKE: I will leave it at that.

- 1 Q. There was no photograph, I suggest to you, like an
2 aerial photograph that was in the conference room on the
3 board.
4 A. I would say to you that you can suggest what you like.
5 I know what I saw.
6 Q. I suggest to you that the photograph, the only
7 photograph that was produced at that meeting was a small
8 photograph that Doreen produced.
9 MRS SHAW: Was it a small aerial photograph, or a
10 photograph of something else?
11 XXN
12 Q. A small photograph.
13 MRS SHAW: Of what?
14 COMSR
15 Q. Did Doreen produce a small photograph at any time at the
16 meeting.
17 A. No, she didn't. It was the large. The one I saw was
18 large, not the small.
19 XXN
20 Q. You have reported a conversation here at para.6.18
21 `
- 24 A. Yes.
25 Q. They are the exact words that Doreen used.
26 A. Yes.
27 Q.

Lines 27 - 35 suppressed

- 36 WITNESS: Mam, can I ask if Mrs what's-her-name -
37 COMSR: Ms Pyke.
38 WITNESS: Ms Pyke, is she representing Doreen or

1 is she representing Fergie?
2 COMSR: Miss Pyke is representing Deane Fergie.
3 She is putting to you - is this a conversation that took
4 place in the presence of your client?
5 MS PYKE: Yes. This witness said that she didn't
6 remember her being there. I'm putting my instructions.
7 COMSR: Miss Pyke is putting her instructions.
8 Q.

Lines 8 - 23 suppressed

24 Q. I'm going over to p.39, para.6.21. You refer to some
25 women: Maggie Jacobs, Daisy Rankine, Sheila Goldsmith,
26 Grace Sumner and Connie Roberts. You said that each of
27 them said that they had never heard anything about the
28 women's business.
29 A. On Hindmarsh Island.
30 Q. Did they say that out loud to the meeting.
31 A. Yes, they did.
32 Q. Again, I put to you that none of those women said that
33 at the meeting.
34 A. Yes, they did.
35 Q. You say that Connie Roberts spoke up and said that she
36 hadn't been told anything about Hindmarsh Island either.
37 A. The women's business on Hindmarsh Island, yes.
38 Q. Again, you say that that is something that she said out

1 loud at the meeting.

2 A. Yes.

3 Q. Again, I put it to you that Connie Roberts never said
4 that at the meeting.

5 A. Well, I suggest she did.

6 Q. You say this at para.6.28 -

7 COMSR: Could you make it clear to this witness
8 at what stage you say your instructions are that your
9 client arrived at the meeting?

10 XXN

11 Q. I suggest to you that Dr Fergie was introduced at the
12 commencement of the meeting after tea.

13 A. Well, she might have been introduced, and then I might
14 not have been in the room. I said I certainly wasn't in
15 the room when she was introduced.

16 Q. You say in para.6.28 - first, going back to 6.27,
17 `No-one said openly: "Well, why weren't we told, or why
18 didn't you, Doreen, tell us before?!"

19 A. Yes, I guess so.

20 Q. You said that none of the women who spoke up had been at
21 the Bunkhouse or the Mouth House to see how these
22 stories had first been conveyed by Doreen and the men.
23 See where you say that.

24 A. Yes.

25 Q. Did you stand up and tell the other women how these
26 stories had first been conveyed by Doreen and the men,
27 as you believed it.

28 A. No, I didn't.

29 Q. You then say that there was a discussion about whether
30 we should tell Professor Saunders, and you say `Connie
31 Roberts said that we can't tell her because if it was
32 secret, then we must respect that', and there was some
33 discussion about that, wasn't there.

34 A. Yes, there was.

35 Q. As to whether Professor Saunders should be told.

36 A. Yes.

37 Q. You then go on to say at p.41 that Doreen said words to
38 the effect `I'm the only one who knows about the women's

1 business'. You sure she used the words 'I'm the only
2 one'.

3 A. Yes, she did.

4 Q. I put it to you that Doreen said 'I know about the
5 women's business', she didn't suggest that she was the
6 only one.

7 A. Yes, she did.

8 Q. There was - then, you have outlined, you say this:

9

but she did not know about
11 the women's business on Hindmarsh Island'. I put it to
12 you that Connie never said that she didn't know about
13 the women's business on Hindmarsh Island.

14 A. That's what she said.

15 Q. You then say that Connie was getting very upset with
16 Doreen.

17 A. Yes.

18 Q. In fact, there was quite a degree of upset on both their
19 parts, wasn't there, Doreen was upset and Connie was
20 upset.

21 A. Yes.

22 Q. You say that she didn't want Doreen to tell Professor
23 Saunders about the women's business. Then, you say that
24 no-one was prepared to support Connie. Are you sure
25 about that.

26 A. Yes.

27 Q. Do you recall Sarah Milera - was Sarah Milera at that
28 meeting.

29 A. No, she wasn't.

30 Q. Or - I will check my instructions on that and come back
31 to it. You say that then some women said that 'We
32 should vote on whether Doreen would tell Professor
33 Saunders', and the vote was held.

34 A. Yes.

35 Q. I put it to you that there was no vote at all held at
36 that meeting at Graham's Castle about whether Doreen
37 could tell Professor Saunders anything.

38 A. Yes, there was a vote taken.

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D.A. WILSON XXN (MS PYKE)
(SUPPRESSION ORDER LIFTED 22.8.95)

1 Q. As far as you're aware, were you only ever - was there
2 only ever one vote that was taken in relation to
3 authorising Doreen to speak.

4 A. Yes.

5 Q. How do you say the vote was taken: Was it a show of
6 hands, voices. That is what I'm getting at.

7 A. It was just a show of hands.

8 Q. I put it to you that there simply was no vote on that
9 occasion at all in relation to Doreen being authorised
10 about anything.

11 A. There was a vote taken.

12 CONTINUED

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

- 1 Q. You say going back to what you said earlier that was
2 towards the end of the meeting.
3 A. As I can recollect, yes.
4 Q. You then say that there was a breakfast meeting and
5 there was the - I want to now go to p.46 - just going
6 back. Don't turn back the pages. In the discussion at
7 the Graham's Castle, do you remember there being talk,
8 or was there talk about young people, whether they
9 should be involved in the process authorising Doreen, or
10 how they felt about it.
11 A. I am not quite sure what you are getting at. Can you
12 repeat that question?
13 Q. Did Theresa Lindsay say 'How can young people have
14 respect for their Elders and take part in the decision
15 making process', about whether information was to be
16 passed on to Professor Saunders.
17 A. I don't recall her saying those exact words, no.
18 Q. Can you recall anyone, be it Theresa or anyone else,
19 saying words to that effect.
20 A.

23 Q. You then say that - or you had a meeting with Professor
24 Saunders on the morning of 20 June. There was then the
25 drive around - there was then a break for lunch.
26 A. Yes.
27 Q. Do you remember Dr Fergie arriving just before the
28 meeting broke up before lunchtime.
29 A. No, I don't. I don't recall her there.
30 Q. There was then the drive around the island -
31 MS SHAW: Can I just interrupt there. Just to be
32 clear, I thought, from Mrs Wilson's statement, she said
33 she had left before the meeting broke up.
34 MS PYKE: No, that is over on p.46. That is after
35 lunch.
36 XXN
37 Q. There was the meeting that broke up just at lunchtime.
38 People had their lunch. There was then the drive around

1 the island by various people.

2 A. Yes.

3 Q. Including yourself.

4 A. Yes.

5 Q. Do you recall seeing Dr Deane Fergie at that drive
6 around the island.

7 A. No, I don't.

8 Q. It was after you came back as you have said back to
9 Graham's Castle and you didn't go back inside again.

10 A. No.

11 Q. You have referred to holding hands and singing a hymn on
12 Point McLeay. You say 'We then said a prayer.' Who led
13 the prayer. Did someone lead the prayer or start the
14 prayer.

15 A. Yes, it was Maggie Jacobs.

16 COMSR

17 Q. What was the prayer. Was it a prayer of her own making,
18 or was it a recognised prayer.

19 A. I think it was something of her own making.

20 XXN

21 Q. You said 'We then went down to the beach below the Mouth
22 House and had our photos taken across from the Murray
23 Mouth and held hands and sang a hymn.' At that time,
24 when you were down on the beach, did Doreen speak a
25 Ngarrindjeri verse 'To all the mothers that was, to all
26 the mothers that is, to all the mothers that will be.'

27 A. She may have. I don't recall.

28 COMSR

29 Q. Did you hear any such verse being spoken.

30 A. No, I went to the Mouth House to the ladies at the Mouth
31 House, so she might have said it then, when I wasn't
32 there.

33 Q. You can't say whether she did or didn't, I take it.

34 A. No.

35 COMSR: I have got a request, Ms Pyke, from male
36 counsel, who are waiting, if we could give them some
37 indication.

38 MS PYKE: I would think - I will just see where we

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 are at. I would think about another 15 minutes perhaps.

2 About 10, 15 minutes.

3 XXN

4 Q. Have you ever heard a Ngarrindjeri verse as I have just
5 put to you and I will repeat it again, if you like.

6 MS SHAW: That assumes it is a Ngarrindjeri verse.

7 I think the question is 'Have you ever heard those
8 words?'

9 MS PYKE: They are not in the Ngarrindjeri
10 language.

11 COMSR: Is it being put to the witness that
12 those words were spoken in English or spoken in
13 Ngarrindjeri?

14 MS PYKE: I will just check that.

15 XXN

16 Q. In English, did you hear those words spoken in English
17 at that meeting on the beach.

18 A. No.

19 Q. 'To all the mothers that was, to all the mothers that
20 is, to all the mothers that will be.'

21 A. No, I didn't.

22 Q. Have you ever heard that verse.

23 A. I think I have, but I can't recall where I have heard
24 it.

25 COMSR

26 Q. Can you recall when, whether it was recently or
27 something -

28 A. Yes, recently, yes.

29 XXN

30 Q. It is then that you say that you went back to Graham's
31 Castle and you didn't go back inside. So you don't know
32 what took place back inside the Graham's Castle.

33 A. No.

34 Q. Has anyone spoken to you about what went on inside the
35 castle.

36 A. No.

37 Q. Whilst you were sitting out in the car.

38 A. No.

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 Q. No-one has told you that, at that meeting, after the
2 drive back from the tour of the island, that, at that
3 meeting, a vote was taken authorising Doreen to speak to
4 Professor Saunders about the women's secret stories.

5 A. No.

6 Q. I will put it to you that it was at that meeting at
7 which you say you were not present that the vote was
8 taken, not at the earlier time that you have suggested.

9 OBJECTION Ms Shaw objects.

10 COMSR: This witness can't say. There may have
11 been a vote taken at that meeting, but this witness
12 can't say if she wasn't there and she hasn't spoken to
13 anyone.

14 XXN

15 Q. I simply put it to you that you are wrong when you say
16 that a vote was taken in relation to authorising Doreen
17 to speak to Professor Saunders at the meeting on 19
18 June. That it simply did not take place, on that day.

19 A. A vote did take place and we did vote for Doreen to tell
20 Professor Saunders.

21 MS PYKE: I am just trying to work out where the
22 black portion finishes, Commissioner.

23 COMSR: There is some of that -

24 MS PYKE: Yes.

25 COMSR: There is not a great deal, but p.78.

26 MS PYKE: Yes, in fact, that might - I think that
27 actually completes the - yes, that is all that I want to
28 cover.

29 MS SHAW: Can I just raise one issue that is
30 peculiar to my position with Ms Wilson?

31 COMSR: Yes.

32 MS SHAW: And that is this, that, as your Honour
33 can appreciate that we have never contended that any of
34 the material in our client's statement is secret.

35 COMSR: Yes, I appreciate that.

36 MS SHAW: And, therefore, our male counsel and
37 solicitors are fully aware of the contents of our
38 statement and I simply raise this, that that being the

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 case, we should be permitted to simply notify our
2 counsel as to what matters are challenged within that
3 statement by Dr Fergie. Obviously anything positive
4 that is additional information that may have been put in
5 is in a different category. I accept Dr Fergie's
6 position on that, but, for example, when Ms Pyke put to
7 the witness this wasn't said and the witness says it
8 was, it seems to me that that cannot breach any aspect
9 of confidentiality in so far as my client is concerned.

10 COMSR: Yes, but we could scarcely have that
11 asked in the open hearing.

12 MS SHAW: I appreciate that, but I am simply
13 asking you if I am able to convey to my counsel what
14 parts of her statement are under challenge, bearing in
15 mind obviously our counsel has that statement and it is
16 not, from our point of view, secret? I appreciate it is
17 from everybody else's.

18 COMSR: You will appreciate that I am acting
19 under an authority given by the Minister.

20 MS SHAW: Yes.

21 COMSR: Pursuant to s.35.

22 MS SHAW: Yes.

23 COMSR: So that I can't divulge or permit to be
24 divulged anything beyond the terms of the authority. As
25 I understand it, your counsel outside the hearing -

26 MS SHAW: Yes.

27 COMSR: In the course of getting instructions
28 has been told certain things and it may well be that in
29 the final analysis they don't form any part of secret
30 women's business, but I really would find it very
31 difficult to contemplate that counsel could - Mr Abbott
32 could cross-examine -

33 MS SHAW: I am not asking for cross-examination.
34 I appreciate he couldn't cross-examine on those areas.
35 It is really simply to inform him as to what part of our
36 witness's statement has been challenged and, without
37 giving him any indication of anything being put by Dr
38 Fergie which she might claim was secret, it is simply to

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

- 1 say our client points to this and this is under
2 challenge, this is under challenge, that is all. It
3 seems to me that that doesn't breach any part of the -
4 COMSR: It does breach the requirement as to the
5 undertaking you have given as to confidentiality of what
6 occurs during this portion of the closed hearing.
7 MS SHAW: Yes, and that is why I raise it with
8 you, because of that particular topic, that is our
9 client's own statement, as the people representing Mrs
10 Wilson, it is in a slightly different category than
11 other material that is being raised.
12 COMSR: Yes, I appreciate that, but I know you
13 say that it is already known to your counsel, but I
14 would find it a very difficult matter if -
15 MS SHAW: Perhaps can I leave it like this, rather
16 than wasting time now, can I leave it with you to
17 consider and perhaps have the benefit of discussions
18 with counsel assisting?
19 COMSR: Yes, my present attitude would be that
20 nothing should be divulged that took place during this
21 closed session to any male person and you are saying it
22 has been divulged already.
23 MS SHAW: That is why I raised it. I raise it for
24 full consideration and perhaps we can consider it later,
25 if needs be?
26 MS SIMPSON: In addition, it may be that a lot of
27 what was covered by Ms Pyke, this morning, is not in the
28 category, in any event, of secret women's business. It
29 was simply out of an abundance of caution that we closed
30 the session.
31 COMSR: That's right. I take it during this
32 session, as I have indicated, the transcript will be
33 reviewed?
34 MS SHAW: Yes.
35 COMSR: And such of it as appears not to breach
36 any confidentiality, what is already in the public
37 domain might well be argued that that couldn't any
38 longer be categorised as secret business, but I could

D.A. WILSON XXN (MS PYKE)
(PRIVATE)

(SUPPRESSION ORDER LIFTED 22.8.95)

1 require some expert assistance and also to be referred
2 to something which demonstrates that it is already in
3 the public domain.

4 What I propose to -

5 MS SIMPSON: I was just about to address on practical
6 issues. That is, what is going to happen now.

7 MS SHAW: Mrs Wilson may wish for a short break
8 while we get -

9 MS SIMPSON: Yes, perhaps if there were an
10 adjournment for ten minutes to allow the other counsel
11 to come in, Mrs Wilson to have a break and any practical
12 matters dealt with?

13 COMSR: Mrs Wilson is still under
14 cross-examination as to the public part of her evidence.

15 MS SIMPSON: Yes. And, of course, in Mrs Wilson's
16 case, the public part is restricted to those people that
17 you, Madam Commissioner, permitted to remain, and the
18 press.

19 COMSR: Yes, that's right, yes.

20 This private session is now completed and we will
21 move into the - I suppose it is a public session in
22 which certain members of the public have been excluded.
23 Namely, all but members of the press.

24 MS SIMPSON: And parties.

25 COMSR: And parties, of course, and counsel and
26 persons necessarily present in the hearing, being
27 members of the Commission staff.

28 We will take a ten minute break.

29 ADJOURNED 11.15 A.M.

1 RESUMING 11.30 A.M.

2 HEARING CONTINUES IN PUBLIC

3 XXN

4 Q. In your statement of evidence you say 'As a girl, I had
5 not learnt much about Ngarrindjeri culture. Most of
6 what I have learned has been recently'. What did you
7 mean when you said that, 'Most of what I have learned
8 has been recently'.

9 A. When I went back to TAFE about five years ago, we done
10 Aboriginal studies, so I learnt in there about my
11 culture. And then when the book that Ronald Berndt's
12 wife put out 'The World That Was' - I've read that book
13 and I've learnt some more about it.

14 Q. The book 'A World That Was', when did you read that, if
15 you can remember.

16 A. I think I got it last year. Yes, I did. December.

17 Q. In December.

18 A. Yes, last year.

19 Q. Is it fair to say that you read the Berndt and Berndt
20 book after the meetings in mid 1994.

21 A. Yes.

22 Q. Whilst you were growing up, let us say until the age of
23 18, you gave some evidence to your counsel about some
24 stories, some beliefs, some mythologies. Do you
25 remember giving that evidence.

26 A. Yes.

27 Q. How do you view those - I will call them stories, but
28 you know what I am referring to.

29 A. Yes.

30 Q. Do you consider them to be stories or myths, or are they
31 beliefs that you have.

32 A. They were when I was a child.

33 Q. What about the now.

34 A. Some of them I do believe they still exist.

35 Q. Sorry.

36 A. I said some of them I still believe exist.

37 Q. Which ones do you still believe exist.

- 1 A. Well, like the Kadaicha man and the blucher boots, the
2 singing of people and the boning of people.
- 3 Q. Singing of people and boning of people.
- 4 A. Boning of people.
- 5 Q. Would you say that that's part of your spiritual belief,
6 the singing of people and the boning of people. Is that
7 how you would describe it.
- 8 A. No, I would describe it as knowing that other
9 Aboriginals still do that in their culture.
- 10 Q. When you were growing up, did you have any information
11 about wurlies or the making of wurlies.
- 12 A. No.
- 13 Q. The making of mats and baskets.
- 14 A. Yes.
- 15 Q. Was there a particular way that the Ngarrindjeri people
16 made mats and baskets.
- 17 OBJECTION Mr Meyer objects.
- 18 MR MEYER: We have been waiting for a long time
19 now in relation to this witness's cross-examination. I
20 have no idea how it can conceivably be relevant as to
21 how people made mats and baskets.
- 22 MS PYKE: I am not asking how. I asked was there
23 a particular way in the Ngarrindjeri culture.
- 24 MR MEYER: How did they do it.
- 25 MS PYKE: I didn't ask 'How did they do it'.
- 26 COMSR: What is the relevance of this line of
27 questioning? It has been covered.
- 28 MS PYKE: Not with this particular witness.
- 29 XXN
- 30 Q. Is there a Ngarrindjeri way, or do you believe that it
31 is a way that Aboriginal generally make mats and -
- 32 COMSR: Just a minute. The first question is
33 what is the relevance?
- 34 MS PYKE: The relevance is, surely, the extent to
35 which this witness has had knowledge of Ngarrindjeri
36 traditions and cultures.
- 37 MR MEYER: If that is going to be a permissible
38 question, then any Aboriginal witness who comes along

D.A. WILSON XXN (MS PYKE)

1 can be cross-examined about bark canoes or kangaroo
2 mats, or anything. The issue that is in this matter
3 relates to some specific matters of Hindmarsh Island.
4 It appears to me we are just straying a huge distance
5 away from the subject.

6 MR ABBOTT: I support the objection. It seems to me
7 that my learned friend's tack is to say `You didn't know
8 anything about this, that or the other, therefore, you
9 knew nothing about secret women's business'. You cannot
10 do that quantum leap: the mere fact that this witness
11 may not have known certain arcane Ngarrindjeri ways begs
12 the question as to whether or not secret sacred women's
13 business exists. You cannot argue, from her failure to
14 know about X and Y to say, therefore Z existed, and she
15 didn't know about it. That line of reasoning is
16 impermissible.

17 MS PYKE: The evidence that these witnesses are
18 giving that are being trotted out here is `I didn't know
19 this existed. I don't believe secret sacred women's
20 business exists'. Surely, it is permissible to ask what
21 beliefs they had.

22 MR MEYER: Unless Ms Pyke demonstrates that on her
23 instructions that is an appropriate anthropological
24 methodology to ascertain whether these beliefs exist or
25 not, then the cross-examination is irrelevant.

26 MR ABBOTT: Moreover, it has only got relevance if
27 Doreen Kartinyeri comes along and says `I knew about X
28 and Y and I knew Z'.

29 MS SIMPSON: It is my submission there may be some
30 relevance to Ms Pyke's client in asking Mrs Wilson what
31 she does know of Aboriginal culture. Perhaps all the
32 argument is at the moment is how far can that go.
33 Perhaps Ms Pyke can establish that.

34 COMSR: I was going to suggest that a general
35 question to the witness as to whether or not she had a
36 detailed knowledge of Aboriginal culture might elicit as
37 much as I need to know to assist me.

D.A. WILSON XXN (MS PYKE)

- 1 MS PYKE: I still want to put some particular
2 aspects to her. There are 7 or 8 things. It is going
3 to take less time for me to ask the question and get an
4 answer.
- 5 COMSR: What assistance is it going to be to me?
- 6 MS PYKE: What I say is these witnesses have come
7 here saying `Because we don't know about secret women's
8 business, we believe it doesn't exist'. It is surely
9 relevant to ask them `What did you know about other
10 remnants of Ngarrindjeri tradition and culture' because
11 the argument is that they are saying that doesn't exist
12 because they don't know about it.
- 13 COMSR: I can see what your line of argument was
14 going to be. I do not know that it is going to assist
15 me a great deal, because I have heard that the witnesses
16 were brought up more or less in a European culture. Put
17 a general question to the witness.
- 18 XXN
- 19 Q. You have said that you knew little of Ngarrindjeri
20 culture. Does that include language. Do you know much
21 language.
- 22 A. No, I knew a bit, but not a lot.
- 23 Q. Songs.
- 24 A. No.
- 25 Q. Practices associated with mortuary or death rituals.
- 26 A. No.
- 27 Q. The Ngurunderi legend.
- 28 A. Not until recently.
- 29 Q. Witchcraft, magic or sorcery.
- 30 A. No.
- 31 Q. Relevance of the landscape.
- 32 OBJECTION Mr Meyer objects.
- 33 MR MEYER: If Ms Pyke is saying that her client
34 conducted an examination in this nature in respect of
35 the women that she talked to, and took those steps, then
36 I understand that she might now wish to test this lady
37 in relation to this question. But if, in fact, that is
38 not the way she proceeded, i.e. that is not the

- 1 anthropological method, then these questions are
2 irrelevant because her client didn't pursue those
3 questions.
- 4 COMSR: I am assuming that unless her client is
5 an anthropologist there is some basis for this question.
- 6 MR ABBOTT: I think it should be spelled out. Ms
7 Pyke should give us an assurance that that is the way Dr
8 Fergie did proceed, because I expect it wasn't and this
9 is just fishing.
- 10 COMSR: I have indicated I will allow a general
11 question. I understand that we have virtually gone
12 through your list?
- 13 MS PYKE: Yes. There is just a couple more.
14 XXN
- 15 Q. Male initiation rites.
16 A. No.
- 17 Q. Female initiation rites.
18 A. No.
- 19 Q. Any practice or culture to do with birth, menstruation,
20 contraception.
21 A. No.
- 22 Q. The effect of your evidence is that you had concerns
23 about, without naming it, the women's business since mid
24 1994, July of 1994.
25 A. Yes.
- 26 Q. Since that time up until your public statement in May
27 1995 - when you went public, I think is how you have
28 been referring to it - did you convey your concerns to
29 Mr Tickner.
30 A. No, I didn't.
- 31 Q. Did you convey your concerns to Cheryl Saunders.
32 A. No, I didn't.
- 33 Q. In May 1995, would you agree with me that's the first
34 time that you made a public statement about your fears
35 and concerns.
36 A. Yes.
- 37 Q. Prior to making your public statement, I suggest to you
38 you had several meetings with Mr McLachlan.

- 1 A. I've had two meetings with him.
2 Q. One was in the week of 17 April 1995.
3 A. Yes.
4 Q. At that meeting was Mr McLachlan, yourself, Peter Lewis.
5 A. No, Peter Lewis wasn't there.
6 Q. Mr Lewis wasn't at that meeting.
7 A. No.
8 Q. Where was it held.
9 A. At Mr Lewis' office.
10 OBJECTION Mr Meyer objects on the ground topic
11 has been covered in-chief and
12 there is no contention about it.
13 XXN
14 Q. I understood Mr Lewis was present, but he wasn't
15 present, you are telling me, it was at his office.
16 A. He wasn't present.
17 OBJECTION Mr Abbott objects on the ground topic
18 has been covered and is contained in
19 transcript.
20 OBJECTION UPHeld
21 XXN
22 Q. You have referred to several conversations that you have
23 had with Mrs Wendy Chapman via the telephone. I think
24 you said you had two, as I understand it.
25 A. I spoke to her twice.
26 Q. One when she telephoned you, and one when Mr Campbell,
27 is that correct.
28 A. Yes, that's right.
29 Q. Have you had any meetings or conversations with Mr
30 Chapman.
31 A. No, I haven't.
32 Q. Have you had any meetings or conversations with any
33 legal adviser of the Chapmans.
34 A. No.
35 Q. You have never met with their solicitor.
36 A. No.
37 Q. Or discussed the issues with them.
38 A. No.

- 1 Q. Are you sure about that. (NOT ANSWERED)
2 Q. Are you sure about that.
3 A. That I what?
4 Q. That you haven't met with any of the legal advisers. By
5 that, I mean solicitors of the Chapmans.
6 A. No, I haven't met any of their legal advisers.
7 Q. Nor had any discussions with them about your views in
8 relation to women's business.
9 A. I don't recall, no.
10 Q. You are related to Allan Campbell.
11 A. Yes, I am.
12 Q. Have you had discussions with him about your views of
13 women's business.
14 A. Yes, I have.
15 Q. Did you have any discussions with him in the weeks
16 leading up to making your public statement on about 9
17 May.
18 A. Yes, I did.
19 Q. You have said in your statement that you discussed it
20 with your elders before making your public statement.
21 A. Yes.
22 Q. Which elders did you have the discussion with.
23 A. With Dulcie Wilson and Bertha Wilson - Bertha Gollan
24 sorry, and Audrey Dix.
25 Q. The statement that is Exhibit 26, apart from that
26 statement you have given in these proceedings, is that
27 the only statement that you have signed.
28 A. What is the date?
29 Q. 1 May 1995.
30 EXHIBIT 26 PRODUCED TO WITNESS
31 A. What do you mean other statements?
32 Q. Have you signed any other statement in relation to
33 Hindmarsh Island, secret sacred women's beliefs or
34 anything else.
35 OBJECTION Mrs Shaw objects.
36 MRS SHAW: Obviously in relation to the conduct
37 through her solicitors, she may very well have given

1 signed instructions. I don't think that is a proper
2 question to be asking the witness.

3 COMSR: Is this again more matters going to
4 credit?

5 XXN

6 Q. There is reference in that statement to a further
7 statement being prepared with individual backgrounds to
8 be signed tomorrow. Did you sign any statement -

9 COMSR: What are you talking about, there is a
10 statement in `that'? The `that' being?

11 MS PYKE: The witness has got the exhibit in front
12 of her.

13 XXN

14 Q. `Sue will write this up informally with individual
15 background to be signed tomorrow.'

16 COMSR: This is the letter in respect of which
17 an application is to be made for release, isn't it?

18 MS PYKE: No, this is the letter of 1 May 1995.

19 COMSR: This is Exhibit 26, isn't it? The one
20 in respect of which counsel assisting is making an
21 application for release.

22 MR ABBOTT: No. This isn't the document. There is
23 a further short statement which that document refers to
24 which our client has signed, and which we didn't put in
25 because it was self-serving. But if my learned friend
26 wants it put in, we are happy to put it in. There is no
27 secret about it. We apprehended you would be jumping up
28 and down, saying `You can't say the same thing twice and
29 put it in', but it is available and you can have it.

30 XXN

31 Q. Is this the situation, Sue Lawrie prepared a statement
32 after you signed this letter.

33 A. Yes.

34 Q. And you signed it.

35 A. Yes.

36 MS PYKE CALLS FOR STATEMENT

37 PRODUCED

38 CONTINUED

- 1 MR ABBOTT: You don't want to tender that.
- 2 MRS SHAW: Perhaps if it's noted that the document
3 has been provided and returned, being a statement, a
4 further statement, of our client.
- 5 COMSR: Produced and returned to Mr Abbott.
- 6 MS SIMPSON: Before Mr Kenny begins his
7 cross-examination he raised a query with me relating to
8 the paragraph reference given by Mr Abbott to the
9 meeting of Mr McLachlan, that is the paragraph reference
10 in Mr Wilson's statement.
- 11 MR ABBOTT: He raised it with me and I told him
12 there was an error and I intended to refer to the
13 evidence at pp.772 and 773.
- 14 MR KENNY: I accept that. I heard Mr Abbott give
15 the reference and we appeared not to have it and I
16 wondered if we had a similar statement or not.
- 17 MR ABBOTT: I take it that Mr Kenny has
18 instructions?
- 19 COMSR: I was about to elicit what the situation
20 is there. Do you have -
- 21 MR KENNY: No, my clients haven't seen those
22 minutes. I have not been able to show them and I'm not
23 seeking to tender the minutes. If Mr Abbott wishes to,
24 he may.
- 25 MR ABBOTT: They have been tendered. The release to
26 the public was delayed while Mr Kenny could get
27 instructions.
- 28 COMSR: As to whether or not those minutes have
29 been confirmed.
- 30 MR KENNY: That, I don't have instructions on.
- 31 MR ABBOTT: I find the suggestion that my learned
32 friend was unable to get instructions over 24 hours with
33 any of his 20 clients farcical and I ask that you now
34 release them to the general public, since Mr Kenny had
35 his opportunity to get instructions.
- 36 MR KENNY: I point out that I have five and not 20.
- 37 COMSR: I'm not prepared to release the contents
38 to the public at this stage. The persons, in any event,

1 should be notified.

2 MR ABBOTT: Most of them are the ladies who
3 boycotted the Commission, and the suggestion they should
4 be notified -

5 COMSR: I'm not suggesting any one of those. In
6 any event, I think some - I will need to be assured that
7 these are not just unconfirmed minutes. All I have is a
8 copy that was faxed to the witness, who is unable to
9 tell me what the status of the minutes are.

10 MR ABBOTT: We suggest that you don't need to be
11 assured that they are confirmed minutes. The people who
12 have to assure you do not chose to come forward to
13 assure you. Mr Kenny's clients are those who could
14 assure you. I'm sure that Mr Kenny has been in contact
15 with them. Whether he has chosen to send that to them
16 on one of the many faxes available to the Lower Murray
17 Aboriginal Heritage Committee, the Nunga's Club, is a
18 decision which he has made, and I just find difficulty
19 with the proposition that he now comes to court this
20 morning and says `Well, I haven't been able to get
21 instructions on them'. I must say, I won my bet, but I
22 find it inconceivable that he couldn't get instructions
23 on whether these minutes were the genuine minutes in the
24 period of time available. In my submission, the adverse
25 inference should be drawn, namely, that he or his
26 clients - not him, that his clients chose not to
27 instruct him on the legitimacy of the minutes, so that
28 this Commission cannot categorically state what they
29 are. We will never hear from any one of Mr Kenny's
30 clients verifying these minutes.

31 COMSR: Mr Kenny has told me that he is unable
32 to contact any of his clients.

33 MR KENNY: No, I didn't say I was unable, that was
34 yesterday at lunch time I was unable to. I merely say
35 at this stage that I am not tendering those minutes as
36 they are not part of my case. I don't intend to or wish
37 to hinder the Commission. I don't think it is
38 hindering. Mr Abbott is suggesting that I should go out

1 and verify something. I have no interest in those
2 minutes at all.

3 COMSR: But you have raised the objection.

4 MR ABBOTT: He was going to get instructions, that
5 is why you didn't release them to the public on the
6 basis of Mr Kenny, his opportunity to get instructions
7 and come back and tell us this morning whether they were
8 or were not. Now, we find out that he has not got
9 instructions or his clients have chosen not to respond.

10 MR KENNY: I'm not aware whether they have or not
11 confirmed. That is my position at this stage. I don't
12 know.

13 MR ABBOTT: What do your clients say?

14 MR KENNY: I say that I haven't spoken to all of
15 them and I'm not in a position to give evidence from the
16 bar table, in any event, as they are not mine. I object
17 to their release because they are unconfirmed,
18 apparently, minutes of a meeting that apparently took
19 place. Whether they are accurate or not has not been
20 assessed. This witness is not in a position to say
21 whether they are in any way accurate at all.

22 MR MEYER: Perhaps I can assist. I will do a Miss
23 Nelson. You stated the manner in which evidence can be
24 brought before this Commission, you say that you don't
25 follow the usual rules of evidence in a strict manner.
26 Those are put forward and they are a valid set of
27 minutes. Unless proper basis of the objection is
28 brought forward, I suggest that they are tenderable.

29 COMSR: The minutes have gone in as an exhibit.
30 My concern at the present time is, because they are
31 unconfirmed and persons who are named in them are not
32 parties in any way to the hearing at the present time,
33 for that reason I have said that the contents should be
34 suppressed. Now, I don't know what other steps are
35 available at this time to confirm whether or not, or to
36 verify whether or not those minutes have been confirmed.

37 MR KENNY: I suggest if Mr Abbott wishes to do
38 that, to call the witnesses, he could do that, that is

1 his choice.

2 MR ABBOTT: We are happy to call your clients if
3 they will come to the witness box and be examined.

4 MR KENNY: Issue a subpoena and if you want them
5 you can get them.

6 COMSR: We are wasting a great deal of time and
7 we should be proceeding with the examination as it
8 stands. All that has happened is that publication of
9 the contents of the minutes has been suppressed, pending
10 the confirmation.

11 MR ABBOTT: That confirmation will never be
12 forthcoming. How much longer are you going to need to
13 get confirmation. They are obvious -

14 MR KENNY: I don't see I have an obligation on
15 behalf of Mr Abbott to get confirmation for him.

16 COMSR: Counsel, I don't wish to get involved
17 with these cross-comments between the two of you. We
18 can proceed with the hearing, with things as they are,
19 and counsel assisting can see what steps can be taken in
20 order to verify the minutes.

21 MS SIMPSON: I haven't understood Mr Kenny to be
22 making an application with regard to his
23 cross-examination of Mrs Wilson. Perhaps the arguments
24 relating to suppression, or otherwise, of the document
25 could be held over until Mrs Wilson's evidence is
26 finished.

27 COMSR: Until her evidence is disposed of. Do
28 you wish to cross-examine?

29 MR KENNY: Yes, I do.

1 CROSS-EXAMINATION BY MR KENNY

2 Q. What do you understand by the meaning of the word
3 `myth'.

4 A. It's just a story that's not true.

5 Q. In your statement on p.3 para.1.11, you talk about the
6 `Ngurunderi myth'.

7 A. Can I have my statement please?

8 Q. Looking at Exhibit 34 produced, that is in the middle of
9 p.3.

10 A. So, what was the question that you asked?

11 Q. In your statement, you referred to the `Ngurunderi', or
12 another word - perhaps Ngurunderi dreaming. You
13 referred to that as a myth; is that correct.

14 A. Yes.

15 Q. You know the Ngurunderi dreaming, do you.

16 A. I have seen it on video tape.

17 Q. In the next paragraph - while on that page, you refer to
18 Allan Campbell and his brother John. You say there that
19 they both supported you, although you haven't always
20 agreed with what they have said or done.

21 A. Yes.

22 Q. Can you perhaps tell us some things that you don't agree
23 with they have said or done.

24 A. Well, when I said that I haven't always agreed with John
25 and Allan there, that had nothing to do with Hindmarsh
26 Island, so I don't think that is any of your business.

27 Q. You agree with everything they have done in relation to
28 Hindmarsh Island.

29 A. No, I haven't said that.

30 Q. Is there anything - all I'm asking you is what don't you
31 agree with, with what they have said or done.

32 OBJECTION Mr Abbott objects on the ground of
33 relevance.

34 COMSR: It doesn't say what they have said or
35 done in relation to Hindmarsh Island, it said she hasn't
36 always agreed with what they have done.

37 MR KENNY: I assume there was some relevance in the
38 statement, that is all I was merely inquiring.

- 1 MR ABBOTT: This is not an occasion for mere
2 inquiry. My learned friend might like to know about
3 these matters because of his curiosity and that's why he
4 needs to be satisfied. What line of examination on this
5 questioning leads to this question?
- 6 MR KENNY: Well, the reason I ask it is because Mr
7 Allan Campbell and John Campbell seem to be very busy
8 taking statements and/or getting people to sign letters
9 and working with her in relation to those letters. I
10 thought that she might have some matters relevant.
- 11 COMSR: Perhaps a lot of this matter has already
12 been covered. It would assist me if we could get on to
13 the factual issues which you wish to put to this witness
14 concerning your clients.
- 15 XXN
- 16 Q. Were you aware that John Campbell was drafting letters,
17 getting people to sign them, stating their opposition to
18 the bridge.
- 19 A. Yes. John mentioned that he was going to do it, but he
20 didn't show me what he had done before.
- 21 Q. Do you know how many letters he wrote.
- 22 A. No, I don't.
- 23 Q. Do you know if he was writing the letters himself, or
24 someone else was writing the letters.
- 25 A. No, I don't.
- 26 Q. There was one of those letters, I understand, was
27 tendered in Parliament.
- 28 A. Yes.
- 29 Q. By Mr Lewis; you're aware of that.
- 30 A. Yes.
- 31 Q. Were you aware of any other letters that John or Allan
32 Campbell wrote.
- 33 A. Yes. I did hear about another letter.
- 34 Q. Who was that to.
- 35 COMSR: The witness said she heard about it. It
36 hasn't yet been established that she has seen it.
- 37 A. I didn't see it, no.
- 38

1 XXN

2 Q. Did you hear who that other letter was to.

3 A. Yes, I did.

4 Q. Who was that.

5 OBJECTION Mr Abbott objects on the ground that
6 this question should be asked of the
7 Campbells when they give evidence.

8 MS PYKE: If that is the objection, we had better
9 strike out most of the evidence.

10 MR KENNY: I'm happy if we withdraw all the hearsay
11 evidence so far.

12 COMSR: I must admit there has been a great deal
13 of it.

14 MR ABBOTT: Dare I say, the Campbells are coming
15 eventually.

16 COMSR: I think I can receive hearsay evidence.
17 What weight is attached to it in the final analysis is
18 different matter. It may not be very helpful for me at
19 all.

20 MR KENNY: It may be relevant if the Campbells deny
21 it.

22 COMSR: You know your instructions, you know the
23 relevance of it.

24 XXN

25 Q. The other letter you heard about, who was that to.

26 A. Well, I don't want to go mentioning their names, because
27 people are upset at Murray Bridge enough as it was about
28 people's names being mentioned in the Royal Commission.
29 And I never saw the letter, so I don't want to mention
30 the name.

31 Q. But it's, suffice to say, that it was an elder of the
32 Ngarrindjeri people.

33 A. Yes, you could say that.

34 Q. Do you understand she refused to sign that letter.

35 A. No, I didn't understand that.

36 Q. What did you understand about it.

37 COMSR

38 Q. Did you understand anything about it.

1 A. Well, I heard that the letter was given to her and
2 that's it.

3 XXN

4 Q. You also know Victor Wilson quite well.

5 A. Yes, I do.

6 Q. You wouldn't exactly say, though, that you were close
7 friends, would you.

8 A. Not at the moment, no.

9 Q. At the time that the Hindmarsh Island Bridge protests
10 were taking place in 1994, and in particular around the
11 time that you went down there on the first occasion, you
12 know that Victor Wilson was the chairperson of the Lower
13 Murray Aboriginal Heritage Committee.

14 A. Yes.

15 Q. I think you already told us that he was the one who
16 organised the buses for people to get down to there.

17 A. Yes.

18 Q. If I can take you to a meeting at Camp Coorong in mid-
19 October 1993. Is this where you were talking about
20 establishing the tendi.

21 A. Yes.

22 Q. You may recall during that meeting George Trevorrow, you
23 said he gave evidence, or there was the statement by him
24 that there was to be another bridge built around the
25 Murray Mouth to link up with the South East Road; do you
26 recall that.

27 A. Yes.

28 CONTINUED

- 1 Q. Do you recall George talking about his concerns of
2 people driving across the barrages.
- 3 A. No, I don't.
- 4 Q. You talked at that meeting of George saying that the
5 Chapmans had carted away truck loads of Aboriginal bones
6 from the island.
- 7 A. Yes, I can recall that.
- 8 Q. In fact, what George was talking about was stories he
9 had heard.
- 10 A. Yes.
- 11 Q. I suggest to you what he was actually saying was that
12 they had - he had been told that there were bones buried
13 under the roadways on Hindmarsh Island. Do you recall
14 that.
- 15 A. No, I don't.
- 16 Q. I suggest that in relation to the road to the South
17 East, for further bridges to link up with the road to
18 the South East, I suggest that George was really only
19 talking about a possibility of sometime in the distant
20 future. He wasn't suggesting that was going to be done
21 soon. Would that be a fair summary of what he was
22 saying.
- 23 A. I don't know. He just said that they were going - once
24 they put the bridge from Goolwa to Hindmarsh Island,
25 that they were going to put another bridge from the
26 Murray Mouth to the South East road. He didn't say when
27 or in the future or anything. He just said that.
- 28 Q. No-one else, at any time, has ever suggested that, have
29 they.
- 30 A. No.
- 31 Q. Just while we are talking about George, there was a
32 suggestion to you by somebody else that George had told
33 someone that he was going to have you milined, is that
34 correct.
- 35 A. Someone had told me that they had been told that George
36 was arranging to have me milined, yes.
- 37 Q. Did you talk to George about that.
- 38 A. Yes, I did.

1 Q. What happened.

2 A. George denied it. He said that he never said that and
3 that people were trying to make trouble.

4 Q. Did you telephone him about that.

5 A. Yes, I did. And that's what I asked. That's what he
6 replied.

7 Q. In fact, he also said something to you along the lines
8 that you know him well enough that he would tell you
9 that to your face if that was the truth.

10 A. I said to George that we have been friends for a number
11 of years, 30 years or more, and that, if he was going to
12 do that, why didn't he come and talk to my face rather
13 than talk to other people about having me milened.

14 Q. But, in fact, he said he would and told you that the
15 other people were telling lies. That simply wasn't the
16 truth, is that correct.

17 A. He said, yes, they were trying to make trouble, the
18 other people.

19 Q. Who had told you that.

20 A. I didn't put it in my statement because I didn't want to
21 mention her name.

22 Q. Can you tell us now who it was.

23 A. No, I don't want to tell you who it was.

24 Q. Was it Sherpi Campbell -

25 A. I made a statement to the police and that was that.

26 Q. Was it Sherpi Campbell who told you that.

27 A. No, it was not.

28 Q. Was it John Campbell.

29 A. No.

30 Q. Was it Sue Lawrie.

31 A. No, it was not.

32 Q. Can you tell us who it was then.

33 A. No, I don't want to mention her name. Do I have to
34 mention her name, Madam?

35 MR ABBOTT: I would suggest she shouldn't have to
36 mention the name. This is a person who has told of her
37 what was claimed to be Mr Trevorrow's actions and there
38 has been evidence of a direct confrontation between the

D.A. WILSON XXN (MR KENNY)

- 1 two and that is the relevant evidence. And, as she has
2 said, this matter was reported to the police. And there
3 is no suggestion that she has hidden the name of the
4 informant at all. She just doesn't want the name
5 mentioned.
- 6 COMSR: Yes, I take it from the line of
7 questioning put to the witness that it is not disputed
8 that there was a telephone conversation between herself
9 and George Trevorrow?
- 10 MR KENNY: No, this witness says she rang my
11 client. That is not disputed. I take it this witness
12 accepted my client's explanation of it. That it was
13 lies.
- 14 COMSR: She hasn't said otherwise, has she?
- 15 MR KENNY: No, that's correct. I have an interest
16 in finding out who is telling lies about my client.
- 17 MR ABBOTT: Maybe you do, but not in this
18 Commission.
- 19 MR KENNY: I think it is. There is a suggestion of
20 people telling lies. This goes to the very fabric of
21 it. If this is someone who is suggesting, for example,
22 that there has been a fabrication of evidence, it gives
23 them some motive to suggest this.
- 24 COMSR: There is no suggestion that there has
25 been a fabrication of evidence concerning the Terms of
26 Reference before me. The suggestion is, as I understand
27 it, that George Trevorrow denied that there had been any
28 threat, as far as the witness was concerned.
- 29 MR KENNY: That's correct. What I want to know is
30 who is stirring up the trouble.
- 31 COMSR: Maybe you do want to know that.
- 32 MR KENNY: I think it is relevant, because the
33 terms of the reference of the Royal Commission are to
34 investigate fabrication -
- 35 COMSR: Yes.
- 36 MR KENNY: Of evidence.
- 37 COMSR: Yes.
- 38 MR KENNY: This is a fabrication.

D.A. WILSON XXN (MR KENNY)

- 1 COMSR: Can we get on with it?
- 2 MR KENNY: I would like the answer. I would like
3 to know who was fabricating this evidence.
- 4 WITNESS: Madam, can I say that it is in the hands
5 of the police and the police are investigating it, so I
6 don't want to talk about it either.
- 7 COMSR: Yes, Mr Kenny, I don't think it is going
8 to assist me to know who the person is.
- 9 MR KENNY: Until we know who it was - if it was one
10 of the people who gave evidence here they are clearly
11 fabricating evidence to stir up trouble. They may be
12 fabricating other evidence.
- 13 COMSR: Perhaps we can ask that.
- 14 COMSR
- 15 Q. Was it any of the persons who have given evidence.
- 16 A. No, it wasn't.
- 17 MR KENNY: It still doesn't clear it up as to -
- 18 COMSR: I know it doesn't.
- 19 MR KENNY: Madam, I take it that you are ruling
20 that I can't ask that question? That is your ruling,
21 for clarification?
- 22 COMSR: My ruling is I don't think it is going
23 to assist me at all with my Terms of Reference. And it
24 is not - as between your client and this witness, there
25 seems to be no dispute as to what the telephone
26 conversation was. It is admitted.
- 27 MR KENNY: No, there doesn't appear to be, but I
28 was just seeking a clarification on that ruling.
- 29 XXN
- 30 Q. In your statement you have mentioned a woman by the name
31 of Sue Lawrie.
- 32 A. Yes, I do.
- 33 Q. When did you first meet her.
- 34 A. I met her in April after the meeting down at Graham's
35 Castle.
- 36 Q. That was in April 1995.
- 37 A. Yes.
- 38 Q. That's when she rang you up.

1 A. Yes.

2 Q. At that stage, was she employed by Mr Ken Aldrin.

3 A. I don't know. She didn't say.

4 Q. Did she tell you what her interest in this matter was.

5 A. She just said that she was Mack Lawrie's daughter and
6 that she had been invited down to Graham's Castle by
7 Maggie Jacobs to the meeting down there.

8 Q. She spent a considerable amount of time arranging for
9 you to meet with Ian McLachlan and others, didn't she.

10 A. No, she didn't arrange for me to meet with Ian
11 McLachlan.

12 Q. She arranged a meeting at Peter Lewis's office, didn't
13 she.

14 A. No, she asked me if she can have a cup of coffee with me
15 at Peter Lewis's office.

16 Q. What was her connection to Peter Lewis.

17 A. I don't know.

18 Q. Soon after she arranged that, Ian McLachlan rang you,
19 didn't he.

20 A. Yes, he did.

21 Q. Just out of the blue.

22 A. No.

23 Q. You were expecting him to call.

24 MS SHAW: Let her finish.

25 XXN

26 Q. You were expecting Mr McLachlan to call.

27 A. Yes, I spoke to Ian the week before and I told him I was
28 going to the meeting at Goolwa and he said on his way
29 back from Adelaide if he could - if I would just let him
30 know how the meeting went. And then he rang me on the
31 Monday and said that he was going back to the South East
32 and asked if I wanted to have a cup of coffee with him
33 and just talk to him about the meeting. I said that was
34 fine.

35 Q. At that meeting you told him what had happened at the
36 meeting in Graham's Castle, is that correct.

37 A. Yes.

38 Q. You had arranged to do that before you went to that

1 meeting.

2 A. He said when he came back he would give me a call. I
3 said that was fine.

4 Q. How did you meet up with him on the first occasion.

5 A. He rang me and said that he was passing through Murray
6 Bridge and that he would like to meet me and have a cup
7 of coffee with me.

8 Q. Did he tell you who had given him your phone number.

9 A. He spoke to Alan Campbell and he said to Alan Campbell
10 that he would like to meet me and Alan Campbell gave him
11 my phone number.

12 Q. When you did meet with Ian McLachlan, did he tell you
13 why he was so keen to meet you.

14 A. He said that Alan had spoken to him about what I had
15 spoken to Alan about and that he was interested in
16 hearing it. I said that was fine and I told him.

17 Q. So what did you tell him.

18 A. I told him about what had happened and how it all came
19 about.

20 Q. You told him about the meeting with the other women and
21 Professor Saunders.

22 A. Yes.

23 Q. You told him what went on and what was said at those
24 meetings.

25 A. Yes.

26 Q. So you told him about the secret women's business, did
27 you.

28 MR ABBOTT: She told him about what was claimed to
29 be.

30 COMSR: Yes, I haven't understood that I have
31 heard any evidence about the secret women's business.
32 That is, the women's business as contained in the sealed
33 envelopes. It is not clear to me that there has been -

34 MR KENNY: I haven't seen the sealed envelopes.

35 COMSR: That's right, yes.

36 MS SHAW: And neither has Mrs Wilson.

37 WITNESS: That's right.

38 COMSR: No, you are putting to the witness that

D.A. WILSON XXN (MR KENNY)

- 1 she told Mr McLachlan about the secret women's business.
- 2 MR KENNY: I will put this to the witness.
- 3 XXN
- 4 Q. All the women's business that was discussed, secret or
5 otherwise, while you were present at the various
6 meetings leading up to the banning of the bridge you
7 told to Mr McLachlan.
- 8 A. Yes.
- 9 Q. Did he tell you that he had read any of the information
10 in relation to the Hindmarsh Island and -
- 11 A. No, he said - he told me that he was over in Africa when
12 that was done.
- 13 Q. But you were aware that his office had obtained a copy
14 of the secret envelopes and the material that was
15 contained in them.
- 16 A. Yes, I saw that on TV.
- 17 Q. Did you ask him if he had read what was in those
18 documents.
- 19 A. Yes, I did.
- 20 Q. What did he say.
- 21 A. No, he hadn't. It was done while he was in Africa.
- 22 Q. Did he talk to you at all about what was in these
23 envelopes.
- 24 A. No.
- 25 Q. Did he discuss with you whether or not there was any
26 fact in those envelopes.
- 27 A. No.
- 28 Q. What did he ask you to do.
- 29 MR ABBOTT: If anything -
- 30 XXN
- 31 Q. Did he ask you to do anything in the future after that
32 first meeting.
- 33 A. He said that he had spoken to Dulcie Wilson at Millicent
34 and she didn't know anything and he asked me to give
35 Dulcie a ring.
- 36 Q. Did he say why he wanted you to ring Dulcie.
- 37 OBJECTION Mr Meyer objects.
- 38 MR MEYER: He can't ask a question about what is in

- 1 Mr McLachlan's mind.
- 2 COMSR: I think the question was did he say why.
- 3 MR MEYER: I missed the `did he say'.
- 4 XXN
- 5 Q. Did he say why he wanted you to ring Dulcie.
- 6 A. He said `You know, maybe you can talk to Dulcie about
- 7 it, about the meetings and what was said at the
- 8 meetings, because Dulcie didn't know anything either.'
- 9 Q. Had Dulcie been at those meetings.
- 10 A. No.
- 11 Q. So Ian McLachlan wanted you to tell Dulcie what had.
- 12 Happened at those meetings as well.
- 13 A. Yes, he said `Well, I'm sure Dulcie would be interested
- 14 in what you have to say.'
- 15 Q. Did he ask you to do anything else.
- 16 A. No.
- 17 Q. Did he ask you if you would be willing to give a
- 18 statement to anyone.
- 19 A. No.
- 20 Q. Did you tell Ian McLachlan your opinion about the secret
- 21 women's business.
- 22 OBJECTION Mr Meyer objects.
- 23 MR MEYER: What is the relevance of that in terms
- 24 of the Inquiry?
- 25 COMSR: Yes, Mr Kenny.
- 26 MR KENNY: I suppose you could say I am considering
- 27 asking what her opinion was, at that stage, and what she
- 28 did say if she did give him an opinion.
- 29 COMSR: Of course, one of the things that I have
- 30 to determine, of course, is the question of fabrication
- 31 and a lot of these questions go to the issue that I have
- 32 to determine. How do you say that it is relevant to me
- 33 to have this witness's opinion?
- 34 MR KENNY: I don't think this witness's opinion is
- 35 terribly relevant, but she has given her opinion in
- 36 relation to the secret women's business and that is what
- 37 you are being urged to accept. So I agree that it is -
- 38 COMSR: Is that the question you are putting to

1 her?

2 MR KENNY: I wasn't, at that stage, and I don't say
3 that I - that's where I was leading to, but now that we
4 have had this discussion -

5 COMSR: If you want to, put that question to
6 her.

7 MR KENNY: No, I don't think I do now.

8 COMSR: I mean, the witness has made her opinion
9 very clear as to what she considered of the claims.
10 There is only so many times that she should have to
11 answer that, Mr Kenny.

12 MR KENNY: Certainly. I am just trying to find
13 out. I was looking at what her opinion was, at that
14 stage, to see if it corresponded. Now I know, I don't
15 need to answer that question, no, I don't wish to pursue
16 that.

17 XXN

18 Q. You have also told us you had a second meeting with Mr
19 McLachlan and that was with Sue Lawrie.

20 A. Yes, it was.

21 Q. Where was that meeting held.

22 A. Peter Lewis's office.

23 Q. How long did that meeting last for.

24 A. Probably about an hour.

25 Q. Do you remember what Mr McLachlan asked you to do after
26 that meeting.

27 COMSR: First of all, did he ask the witness to
28 do anything?

29 XXN

30 Q. Did he ask you to do anything.

31 A. No, he didn't.

32 Q. After that meeting was arranged at Adelaide on 1 May was
33 there anything said at your meeting with Mr McLachlan
34 about arranging that meeting.

35 CONTINUED

D.A. WILSON XXN (MR KENNY)

- 1 A. No. When I was telling Sue Lawrie about what had
2 happened and she said that she could arrange for Dulcie
3 to come up from Millicent, and to have a meeting with
4 Dulcie and some other women, and that she could arrange
5 it for us.
- 6 Q. So at that meeting, Sue Lawrie arranged it.
- 7 MRS SHAW: Which meeting are we talking about now?
- 8 MR KENNY: 1 May 1995. I don't think it is in
9 dispute.
- 10 MRS SHAW: No. It is just there has been a talk of
11 the McLachlan meeting and then the 1 May meeting, and I
12 think my friend's questions are confusing the witness as
13 to which meeting.
- 14 COMSR: Just so the witness knows.
- 15 MR KENNY: I accept that.
- 16 QUESTION REPHRASED
17 XXN
- 18 Q. At the meeting with Sue Lawrie and Ian McLachlan, was
19 there anything said as to why you should have that
20 meeting on 1 May.
- 21 A. Well, Sue said that Dulcie didn't know anything about
22 it, and seeing that I knew what was being claimed, that
23 I should talk to Dulcie and some other women about it.
- 24 Q. So that meeting was arranged for you to tell the other
25 women what was being claimed.
- 26 A. Yes.
- 27 Q. When you say 'what was being claimed', you are referring
28 to what you believed to be the secret women's business
29 from Hindmarsh Island.
- 30 A. The women's business from Hindmarsh Island, yes.
- 31 Q. You didn't then know, and you still don't know now, what
32 information was provided to Mr Tickner in the sealed
33 envelopes, do you.
- 34 A. I never claimed to know what was in the secret envelopes
35 when I spoke to Sue Lawrie or Ian McLachlan.
- 36 Q. Did Mr McLachlan suggest to you that that would be very
37 helpful to him if you would do that.
- 38 A. No, he didn't.

- 1 Q. Did he say anything about what his interest in this
2 matter was.
- 3 OBJECTION Mr Meyer objects on the ground of
4 relevance.
- 5 MR MEYER: We are getting further and further from
6 the topic. If Mr Kenny wants to put a proposition that
7 Mr McLachlan put this witness up to whatever her
8 evidence is, then he should put it. But to weave around
9 about as he is doing, I say, is totally irrelevant. If
10 we are driving at credit, and if we are suggesting Mr
11 McLachlan is involved, let him put it fair and square.
12 Otherwise it is irrelevant.
- 13 MR ABBOTT: It is worse than that. He is now saying
14 'Did Mr McLachlan say to you', then he is putting the
15 proposition. Whereas, in fact, he doesn't have any
16 instruction on it and he is dreaming it up as he goes
17 along.
- 18 COMSR: It seems to be moving away from your
19 client's instruction on this.
- 20 MR KENNY: I withdraw it.
- 21 COMSR: Could you perhaps get to the point with
22 this witness.
- 23 MR KENNY: What I am trying to discover is Mr
24 McLachlan's involvement in the matter, and what role he
25 played in this witness coming forward.
- 26 MR MEYER: That is irrelevant unless Mr Kenny
27 wishes to suggest that Mr McLachlan, in some way, has
28 put these witnesses up to come forward in a manner which
29 destroys their credibility. If he is not putting that,
30 it is irrelevant.
- 31 MR ABBOTT: Besides, he doesn't have any
32 instructions. He is just hoping that something might
33 drop out that will assist the proposition from which he
34 starts, which is a proposition he has derived without
35 instructions.
- 36 COMSR: Yes. It seems to be far removed from
37 any matters concerning your client.

- 1 MR MEYER: I don't have a brief for McLachlan. I
2 am only interested in the time.
- 3 COMSR: As far as the credit of this witness is
4 concerned, I have heard ample along those lines.
- 5 MR KENNY: I accept the ruling, I withdraw it. I
6 will move to another topic.
- 7 QUESTION WITHDRAWN
8 XXN
- 9 Q. Sue Lawrie, you spoke to her again later on the
10 telephone, is that correct, after that second meeting
11 with her and McLachlan, I presume a few months ago.
12 Just to jog your memory, I can say that she read part of
13 a letter to you over the phone. Do you recall that.
- 14 A. I only had one meeting with Sue Lawrie and Ian
15 McLachlan.
- 16 Q. No, this is a telephone conversation I am talking about.
- 17 A. You said I had two meetings, I only had one, and then
18 she rang me after, yes.
- 19 Q. In this telephone conversation, do you recall that she
20 read to you from a copy of a letter that she had.
- 21 A. What letter was that?
- 22 Q. I understand it was a letter she had obtained from the
23 Federal Court.
- 24 A. Yes.
- 25 Q. I don't want you to tell me anything about the contents
26 of that letter, but did she tell you how she had
27 obtained it from the Federal Court.
- 28 OBJECTION Mr Abbott objects on the ground of
29 relevance.
- 30 COMSR: I am not too sure where it is leading
31 us, but perhaps Mr Kenny can tell us the relevance of it.
- 32 MR KENNY: This is a letter that I understand was
33 written at the Mouth House.
- 34 COMSR: That is right. But the question of
35 where someone later obtained a copy of it, how is that
36 relevant?

D.A. WILSON XXN (MR KENNY)

- 1 MR ABBOTT: It is an interesting side issue, but
2 nothing to do with -
- 3 MR KENNY: It is more than an interesting side
4 issue. My understanding is that the letter was a
5 confidential document in the Federal Court. I want to
6 know how this person obtained it.
- 7 COMSR: How can this witness say how another
8 person obtained it?
- 9 MR KENNY: I am asking her if she told her.
- 10 COMSR: Even then, how is it relevant to my
11 Terms of Reference?
- 12 MR KENNY: If we are looking at allegations of
13 fabrication in this Royal Commission, there appears a
14 document that someone has obtained, it may well have
15 been obtained in contravention of the Federal Court
16 order. What I want to know is who got that document and
17 how they got it, because it may lead back to people who
18 are fabricating evidence.
- 19 MS SIMPSON: I have another objection to the question
20 as it is framed, and that is, as I understand the
21 evidence so far, if Mrs Wilson was read a letter over
22 the telephone, it is not a letter she has even seen. To
23 pursue a question as to where that letter may have come
24 from in this way, when it was over the telephone, is
25 extremely dangerous in my submission. It is not a
26 proper question, in any event, for Mrs Wilson.
- 27 MR KENNY: This witness has given lots of evidence
28 about what people have said to her, or that people have
29 said that people have said to them.
- 30 COMSR: One of my Terms of Reference is to avoid
31 prejudicing the Federal Court proceedings. It seems to
32 me that, unless there is some relevance that you are
33 able to demonstrate, it is a matter where I should be
34 very cautious as to how I proceed. If there is some
35 complaint about how somebody got possession of a letter,
36 I do not think that is properly pursued before me. If I
37 might say, that is the letter which counsel assisting is
38 making an application to have released to this court.

D.A. WILSON XXN (MR KENNY)
(MR STEELE)

1 MS SIMPSON: That is right.

2 MR KENNY: Yes, that is the letter I am referring to.

3 MS SIMPSON: It is not before you at the present
4 time. You have not received it in any way.

5 COMSR: No, I haven't at this stage. Steps are
6 being taken to obtain the release of that letter. Any
7 complaint concerning how parties or other persons
8 obtained it, if they did obtain copies of it, I do not
9 think is appropriate to be pursued.

10 QUESTION WITHDRAWN

11 CROSS-EXAMINATION BY MR STEELE

12 Q. Could you have a look at p.6 of your statement,
13 para.2.2.

14 A. Yes.

15 Q. You say there 'I have my doubts whether Sarah would
16 really have known where these sites were located'. Do
17 you see that.

18 A. Yes.

19 Q. Do you say that if Dr Draper identified Aboriginal sites
20 with the assistance of Sarah Milera, that those sites
21 are false.

22 A. No. What I said there was that I doubted whether Sarah
23 would be able to identify sites, not Dr Draper.

24 Q. Listen to my question, Mrs Wilson. If Dr Draper
25 identified Aboriginal sites with the assistance of Sarah
26 Milera, do you say that those sites are false sites.

27 OBJECTION Ms Simpson objects.

28 MS SIMPSON: Mrs Wilson has answered that question
29 As I understood her, she doesn't say they are false.
30 She simply says Sarah Milera wouldn't have been of any
31 assistance. It is obvious to me, but if my friend could
32 clarify it, Dr Draper may have had recourse to other
33 assistance other than Sarah Milera's.

34 COMSR: I don't think that is the form of the
35 question. The question was prefaced on the assumption
36 that if Dr Draper relied solely on that source of
37 information, in that case.

- 1 MS SIMPSON: If that's the question, if he relied
2 solely on Sarah Milera, I have no objection to it.
3 OBJECTION WITHDRAWN
4 XXN
5 Q. Do you understand the question.
6 A. No, can you ask it again, please?
7 Q. Yes. If Dr Draper identified Aboriginal sites with the
8 sole assistance of Sarah Milera, do you say that
9 identification is false.
10 A. Yes, if it relies solely to Sarah, yes.
11 COMSR: `False' has a particular connotation.
12 `Unreliable' might be more what the witness is saying in
13 her statement.
14 MR STEELE: I put it to her if it was false and she
15 said it was false.
16 XXN
17 Q. I want to take you further into your statement, p.84.
18 Will you read to yourself, paras.17.13 and 17.14,
19 please.
20 A. Yes, I've read it.
21 Q. You haven't met Dr Draper.
22 A. No, I haven't.
23 Q. You have never been party to a conversation with him.
24 A. No.
25 Q. And you have never been in a position to overhear a
26 conversation between any other person and Dr Draper,
27 have you.
28 A. No.
29 Q. He was not at the Mouth House meeting in May 1994.
30 A. No.
31 Q. When was the first occasion you went to the Mouth House.
32 A. In May '94.
33 Q. That was the first occasion you went there, ever.
34 A. Yes.
35 Q. How long were you there for.
36 A. Probably would have been there for about two to three
37 hours.
38 Q. Have you been back since.

RF 16G

D.A. WILSON XXN (MR STEELE)
(MR LOVELL)

1 A. Not to the Mouth House, no.

2 Q. You speak of a map on the wall of the Mouth House.

3 A. Yes.

4 Q. Can you describe that map to me. What was the nature of
5 the map.

6 A. It was a map that had - to me it just had round circles
7 on it with water running in between the map - in between
8 the circles, and I was told it was a map of Hindmarsh
9 Island.

10 Q. Did you study it.

11 A. No, I didn't study it.

12 Q. How close did you get to it.

13 A. I was from about here to you from the map.

14 Q. Was it a map or was it an aerial photograph.

15 A. I referred to it as a map because I wasn't aware that it
16 was an aerial photograph. I have since been told it was
17 an aerial photograph.

18 Q. You have been told it was an aerial photograph.

19 A. Yes.

20 Q. So you did not get sufficiently close to it to identify
21 it for yourself as to whether it was either a map or an
22 aerial photograph.

23 A. No.

24 CROSS-EXAMINATION BY MR LOVELL

25 Q. Some days ago when you were answering questions from Mrs
26 Shaw, you referred to some times when you spoke to Mr
27 Doug Milera after an interview he gave that you heard on
28 the television. Do you remember that evidence.

29 A. Yes.

30 Q. As I understand what you said to Mrs Shaw, the night
31 that the interview with Mr Milera went to air on the
32 television, Mr Milera rang you after.

33 A. Yes, he did.

34 Q. I think you have known Mr Milera for many many years.

35 A. Yes, I have. I have known him for 30 years.

36 Q. How long did you speak to Mr Milera on the telephone on
37 that particular evening.

38 A. It would either have been for three or four minutes at

1 the most.

2 Q. I don't want to go through everything that was said, but
3 I will just remind you of your evidence. You said he
4 decided to speak out because his conscience had bothered
5 him. Things of that nature.

6 A. Yes.

7 Q. When you were speaking to him, were you able to tell
8 whether or not he was sober on the telephone from his
9 manner of speech and what he was saying to you then.

10 A. He had been drinking on the Tuesday night when he spoke
11 to me.

12 Q. Did he appear to make sense in what he was saying to you
13 though.

14 A. Yes, he did.

15 Q. I think you had another contact with him on the
16 Wednesday, is that correct.

17 A. Yes.

18 Q. That's the day after the interview.

19 A. Yes.

20 Q. Was that in the morning.

21 A. Yes, it was. It was in the morning.

22 Q. Once again, was that by telephone.

23 A. Yes, it was.

24 Q. And you spoke to Mr Milera.

25 A. Yes.

26 Q. Approximately how long did you speak for on that
27 occasion.

28 A. I guess I would have spoken to Doug between 5 and 10
29 minutes.

30 Q. Once again, were you able to tell whether he had been
31 drinking at all from what he was saying to you and the
32 way he was saying things.

33 A. To me he seemed quite sober because he just told me the
34 same thing he told me the night before.

35 Q. What was that.

36 A. That his conscience had pricked him, and that he wanted
37 to come out publicly and support me in saying that I was
38 at the Mouth House and about the map.

1 Q. Then I think you had more contact with him on the
2 Thursday.

3 A. Yes, I did.

4 Q. That was once by telephone, and then he actually came to
5 your son's house. Is that correct.

6 A. Yes, that's right.

7 Q. Did you have telephone contact with him on the Thursday.

8 CONTINUED

9

- 1 A. It was about 8 o'clock in the morning he rang from my
2 sister's house.
- 3 Q. Once again, did he then tell you, did you speak to him
4 for very long.
- 5 A. I spoke to him for, I would say, a couple of minutes,
6 yes, on Thursday morning.
- 7 Q. How did he sound on that occasion; had he been drinking.
- 8 A. No, he hadn't been drinking.
- 9 Q. Then, I think you saw him later that morning.
- 10 A. Yes, I did.
- 11 Q. How did he appear to you when you first saw him on that
12 morning.
- 13 A. Well, he was real shaky and he bought a couple of
14 bottles of beer along with him because he said he was
15 upset from the night before. And he asked if he could
16 have a drink and I said 'Yes', so we went out the back.
- 17 Q. At that time when he first came to see you, did he
18 appear sober.
- 19 A. Yes, he was.
- 20 Q. Going back to the telephone call before he came to see
21 you on the Thursday, what you told Mrs Shaw, and I'll
22 refresh your memory, was - and this is at p.800 - 'Q.
23 Perhaps tell us what Doug said to you on the phone. A.
24 He said he wanted to get out of Murray Bridge because he
25 had been pressured to go back to the media and tell the
26 media that he lied and he wanted to change his story and
27 say that he lied and to say that he was drunk'.
- 28 A. Yes, he did.
- 29 Q. Was he referring there to the interview with Mr Chris
30 Kenny.
- 31 A. Yes, he was.
- 32 Q. That he was being pressured to change his story and tell
33 people that he had been drunk when he had spoken to Mr
34 Kenny and that he had lied to Mr Kenny.
- 35 A. Yes.
- 36 Q. Did he ever tell you, in any of those conversations from
37 the Tuesday night until the Thursday morning, that, in
38 fact, he was drunk and that he did lie to Mr Kenny.

1 A. No.

2 NO FURTHER QUESTIONS

3 MS SIMPSON: There are two short matters before the
4 lunch adjournment. The first one is that in the event
5 that it becomes relevant, it ought to be noted on the
6 transcript the distance between Mrs Wilson and my
7 learned friend, Mr Steele, is about three to four
8 metres.

9 MR ABBOTT: I take it that Mr Stratford doesn't wish
10 to ask any questions?

11 MR STRATFORD: I don't wish to ask any questions yet.

12 MS SIMPSON: I tender an article from the Financial
13 Review dated 26 May 1995, three pages, referred to in
14 Mrs Wilson's evidence earlier.

15 COMSR: We have a situation where Mr Martin is
16 appearing from Mr McLachlan and issues have arisen
17 without any notice.

18 MS SIMPSON: Mr Miller is sitting in on behalf of Mr
19 McLachlan and I can have a word with him during the
20 luncheon adjournment.

21 MR PALYGA: Mr Miller informs me that Mr McLachlan's
22 counsel will be here after the luncheon adjournment.

23 ADJOURNED 12.55 P.M.

24 RESUMING 2.19 P.M.

25 COMSR: There is one matter I should attend to
26 before we go further. You had tendered an excerpt from
27 the Financial Review and I will admit it now.

28 EXHIBIT 53 Excerpt from Financial Review
29 dated 26 May 1995 tendered by Mrs
30 Simpson. Admitted.

31 MS SIMPSON: There is another press article from the
32 Australian dated 20 May 1995 which relates to the same
33 topic.

34 MS PYKE: That other one was referred to in the
35 evidence and I have no recollection of this one being
36 referred to in the witness's evidence. If it was, I
37 have no objection. If it was not referred to in the
38 evidence, we have to establish the relevance of it.

1 MS SIMPSON: I will let Miss Pyke consider it before
2 I pursue this.

3 COMSR: Is there anyone else who wishes to
4 cross-examine the witness?

5 MS SIMPSON: I'm not sure whether Mr Stratford has
6 any questions on behalf of Mr Wooley?

7 MR STRATFORD: I have no questions at this stage.

8 COMSR: I thought you had indicated that.

9 MR STRATFORD: I had indicated that and I have no
10 questions.

11 MS SIMPSON: I think Mr Stratford might be under a
12 misapprehension. Normally, it would be for counsel
13 assisting to go last, and if he assumes that he would
14 ask questions after I have finished, he may wish to
15 reconsider his position.

16 COMSR: I didn't think we would be in a position
17 to complete this witness's evidence today?

18 MS SIMPSON: No, we are not. As far as the evidence
19 goes today, all that will remain for her
20 cross-examination will be on the letter which will be
21 the subject of the application to the Federal Court,
22 that is the letter of 9 May 1994, and also there may be
23 some material which I will cover which may not appear in
24 those statements. I'm happy to provide counsel with a
25 supplementary statement, if that is necessary, in due
26 course. Apart from that, cross-examination ought to be
27 completed today.

28 MR STRATFORD: On the basis of the evidence so far, I
29 don't have any questions. If Mrs Simpson, in her
30 concluding round-up, raises any new issues, I would like
31 to have the option of asking questions on that new
32 information. I listened to a previous witness being
33 asked some questions by Mrs Simpson and I gained the
34 impression that she raised some new material. All I'm
35 concerned about is that if any new material is to be
36 raised, I want to have the option to be able to ask
37 questions. I indicate to you that the evidence, both
38 the written and oral to date, I don't have any

1 questions, but new material I might have some questions.

2 MR ABBOTT: I ask that the witness be stood down and
3 I'll recall Mrs Audrey Dix.

4 MR MEYER: Before the witness is stood down, I have
5 a problem with that position. I understand what Mr
6 Stratford gave the impression to be his position that he
7 doesn't have any questions to ask of this witness in
8 relation to the material that has been put forward. Mr
9 Kenny is the cross-examining witness and we finished up
10 in the position that no questions were being put to this
11 witness in relation to the Mouth House evidence.

12 MR KENNY: Mr Steele asked some questions about
13 that.

14 MR MEYER: Is the Commission to assume, therefore,
15 that there is no contest by Mr Kenny's clients about
16 this witness's evidence in relation to the events that
17 you heard about?

18 MR ABBOTT: This will be the submission that I will
19 make at the conclusion of that. It is my witness and I
20 submit that the quality of the questioning and what it
21 led to, if anything, is a matter for submission in due
22 course.

23 MR MEYER: The problem I wish to avoid is that at
24 the end of the day Mr Kenny seeking to come forward with
25 evidence from his witnesses which may conflict with the
26 evidence of this witness, when nothing has been put to
27 this witness. I will object to anything being put to
28 this witness or any application to further cross-examine
29 her at a later time.

30 MR ABBOTT: I assume that Mr Kenny is well aware of
31 the rule in Brown & Dunn.

32 MR KENNY: I have heard of that rule. The position
33 is that I don't wish to ask any questions. I do point
34 out that my information in relation to the Mouth House
35 is not complete, it is limited, and on the limited
36 information that I have, I don't wish to ask any
37 questions about it.

38 COMSR: I don't follow that at all, Mr Kenny?

1 Your information must be limited to what your clients
2 know of the incident?

3 MR KENNY: Yes. Of that information. As far as
4 this witness goes, I have been - haven't heard
5 everything that she has said and I'm simply pointing
6 that out.

7 COMSR: Of course, this is an inquiry. My role
8 is that I'm seeking information from parties who are in
9 a position to provide information to the Commission.
10 That's the Commission's role to obtain information. If
11 you're challenging in any way what this witness has said
12 as far as you know, I take it that this is your
13 opportunity to do so.

14 MR KENNY: Certainly.

15 COMSR: Of course, I have before me the minutes
16 of the meeting. I mean, they have evidentiary value,
17 even though they might be suppressed at this stage.

18 MR KENNY: Certainly.

19 MR MEYER: I don't want there to be a
20 misunderstanding about that. Mr Kenny, as far as he
21 knows at the present time, if he is going to rely on the
22 excuse, for example, 'I haven't been able to have female
23 counsel present during the closed examination', that is
24 his problem. Other parties have had to arrange for
25 female counsel to be present to listen to that evidence.
26 That opportunity has been open to Mr Kenny. He sought
27 additional time to be able to prepare for the
28 cross-examination of this client. He had the additional
29 time. There has been a long delay between the
30 examination-in-chief and the cross-examination. Now, my
31 position is, and I know what Mr Abbott's is as he's
32 fairly put it: Brown & Dunn. If Mr Kenny's clients have
33 got anything to put, whether this is in open session or
34 closed session, in relation to the Mouth House
35 conversations, now is the time to do it, not at some
36 other time and not at the end of this Royal Commission.
37 Otherwise, what is he hiding? What is the difficulty in
38 coming forward? Not on the basis that he hasn't got any

1 instructions.

2 COMSR: I take it, Mr Kenny, that you don't yet
3 have instructions on the question of the minutes of the
4 meeting and you are not seeking any time to obtain
5 instructions?

6 MR KENNY: My understanding is that this witness
7 says she wasn't present at the meeting. She received a
8 copy of that document and that is about as far as she
9 can take it. I can't cross-examine on what was said or
10 not said there. She has no information in relation to
11 that.

12 MR ABBOTT: If your instructions were false or made
13 up, you might want to cross-examine her about in what
14 circumstances it came to be said.

15 MR KENNY: I doubt if she knows anything about the
16 document. I don't think she does, other than it was
17 put on her desk and she apparently picked it up and
18 brought it along here, and that is the extent of her
19 knowledge.

20 MS SIMPSON: I ask that Mrs Wilson be allowed to
21 stand down and return on a day that can be arranged
22 later on, and, in the meantime, I think Mrs Tatt and Mrs
23 Dix are available for cross-examination.

24 MR ABBOTT: That is so.

25 MR MEYER: Returning to the limited purpose of the
26 letter.

27 COMSR: There is the question of the release
28 that has been sought from the Federal Court concerning
29 that document, I understand, at the present time?

30 MS SIMPSON: Yes, there is. I will have some
31 questions to ask Mrs Wilson at a later date.

32 MR MEYER: I'm happy for it to be restricted.

33 COMSR: Do you understand you are being - does
34 any other counsel wish to be heard before I released the
35 witness.

36 Q. You are being stood down at this time to return when
37 you're notified by counsel assisting the Commission that
38 you be required for further questioning. Do you

1165
CJ 16H

D.A. WILSON XXN

- 1 understand that.
- 2 A. Yes
- 3 WITNESS STANDS DOWN

1 WITNESS AUDREY MARY DIX CONTINUING

2 MR ABBOTT: You understand that you are still under
3 oath from the last time.

4 COMSR: The hearing is now open to public
5 session again

6 CROSS-EXAMINATION BY MS PYKE

7 Q. You are the daughter of Bertha Gollan.

8 A. Yes, I am.

9 Q. You're a second cousin of Betty Tatt.

10 A. I am.

11 Q. You're the sister of Vena Gollan.

12 A. That's correct.

13 Q. You lived, you say, at Point McLeay until you were about
14 15 years of age.

15 A. That's right.

16 Q. Do you know of any significance of Point McLeay in
17 Ngarrindjeri tradition.

18 A. What do you mean?

19 Q. Do you know whether there is any particular significance
20 of the area which Point McLeay is located.

21 A. No.

22 Q. You have said in your statement just generally, and
23 perhaps I will summarise it, that you lived, by and
24 large, in the European mode, the European lifestyle.

25 A. That's right.

26 Q. Were there any Ngarrindjeri traditions or cultures that
27 you practised.

28 A. No.

29 Q. Did you, when you were growing up, or certainly until,
30 say, 18 years of age, did you have any knowledge about
31 any Ngarrindjeri traditions or cultures.

32 A. No.

33 Q. Do you know anything about, were you shown anything
34 about wurleys or how to make them.

35 A. Only what my Uncle Lindsay told me, and I have seen a
36 video tape of him showing other Aboriginals how to do
37 them.

38 Q. Did Uncle Lindsay tell you anything about Ngarrindjeri

1 language, or -

2 A. No.

3 Q. Did you have any knowledge from any other source of
4 Ngarrindjeri language.

5 A. No.

6 Q. Traditional songs.

7 A. No.

8 Q. Practices associated with the dead, dying, burials, or
9 that sort of thing, in the Ngarrindjeri traditions - I'm
10 not talking about European.

11 A. No.

12 Q. Any myths. Did you know of any myths, of Ngarrindjeri
13 myths.

14 A. No.

15 CONTINUED

- 1 Q. Did Uncle Lindsay tell you anything or any stories, what
2 you might think of as stories.
- 3 A. Not about that.
- 4 Q. Were you told any stories, by anyone, that you believed
5 to be Ngarrindjeri myths or stories.
- 6 A. No.
- 7 Q. Know anything about anything to do with Ngarrindjeri
8 tradition as far as it related to initiation of boys or
9 girls.
- 10 A. No.
- 11 Q. Anything to do with birth or menstruation,
12 contraception.
- 13 A. No.
- 14 Q. You have spoken of Uncle Lindsay. He was your mother's
15 brother.
- 16 A. That's correct.
- 17 Q. You, as I understand it, had a bit to do with him.
- 18 A. That's correct.
- 19 Q. How often would you see him.
- 20 A. Whenever they came to Adelaide on business or anything
21 like that, they always stayed at my place. Him and
22 Auntie Dulcie.
- 23 Q. From what your Uncle Lindsay said or from what you heard
24 did he seem to have an interest in his Ngarrindjeri
25 tradition and background.
- 26 A. Yes, he did.
- 27 Q. Did he tell you anything about what he knew.
- 28 A. Only told me about when he was growing up. That's all.
- 29 Q. Did your Uncle Lindsay tell you what sort of things he
30 did in relation to his history and culture as a
31 Ngarrindjeri man.
- 32 A. He used to make artefacts and he used to take my oldest
33 brother and myself out when he would go rabbiting or
34 something like that.
- 35 Q. Did your Uncle Lindsay tell you how he learnt to make
36 these artefacts.
- 37 A. I can't remember.
- 38 Q. In your family from what you have observed and what

- 1 people said was it the case that your Uncle Lindsay was
2 the one who had the greatest interest in his background
3 and culture.
- 4 A. He did.
- 5 Q. He spent some time with Elders and other Aboriginal men.
- 6 A. That's right.
- 7 Q. And women.
- 8 A. The only women I can remember him talking to about
9 things is Doreen Kartinyeri and Maggie Jacobs.
- 10 Q. Did he ever tell you whether Doreen and Maggie were
11 interested in their background and culture, that he
12 would talk to them about it.
- 13 A. When they wanted to know something, they would go and
14 ask him.
- 15 Q. How long ago was that that your Uncle Lindsay would tell
16 you that Doreen and Maggie would ask him things about
17 Ngarrindjeri traditions and culture.
- 18 A. Before he died they were always going down there and
19 asking him different things. What happened on the
20 mission.
- 21 Q. Did they seem to, from what your uncle said to you, did
22 it seem that Doreen and Maggie and your Uncle Lindsay
23 had a bit in common in that they were interested in
24 their cultural background.
- 25 A. What do you mean by that?
- 26 Q. That they were interested, they perhaps were a bit more
27 interested than other people and would get together and
28 talk about it.
- 29 A. When Doreen wanted to know something about what happened
30 on the mission or things like that that's when she'd ask
31 Uncle Lindsay.
- 32 Q. Were you sometimes there when she asked.
- 33 A. No.
- 34 Q. Or is this what Uncle Lindsay would tell you.
- 35 A. Uncle Lindsay told me.
- 36 Q. It would be along these lines, you would be chatting to
37 your Uncle Lindsay and he would tell you that Doreen had
38 been there asking him things.

- 1 A. Exactly.
- 2 Q. When did your Uncle Lindsay - you talked about until he
3 died. Can you recall approximately when your Uncle
4 Lindsay died. The year or around about.
- 5 A. April last year.
- 6 COMSR
- 7 Q. Did your Uncle Lindsay live in the European style.
- 8 A. Yes.
- 9 Q. Did you know any Aboriginals who didn't live in the
10 European style.
- 11 A. None.
- 12 XXN
- 13 Q. Did your Uncle Lindsay ever talk to you about going off
14 with other Ngarrindjeri men shearing and hunting and
15 fishing and that sort of thing.
- 16 A. Shearing, yes.
- 17 Q. Did he ever talk about hunting and fishing with other of
18 the Ngarrindjeri men.
- 19 A. Yes.
- 20 Q. You are fifty-four.
- 21 A. Fifty-four.
- 22 Q. Have you yourself had much to do with Doreen Kartinyeri
23 over the years. Have you seen her very often.
- 24 A. No.
- 25 Q. You talk about Nanna Sally who lived on Point McLeay.
26 You would have left Point McLeay, you say when you were
27 fifteen, so that would have been in about, what, 1956.
- 28 A. About that.
- 29 Q. Do you remember Doreen Kartinyeri coming home for school
30 holidays.
- 31 A. No.
- 32 Q. You don't remember that.
- 33 A. No.
- 34 Q. Can you remember her being a school - going away to -
35 A. No.
- 36 Q. To the home whilst you were there.
- 37 A. No.
- 38 Q. Do you ever recall seeing Doreen at Point McLeay in the

- 1 years that you lived at Point McLeay.
2 A. None whatsoever.
3 Q. You just don't recall ever seeing her.
4 A. No.
5 Q. When you were living at Point McLeay did you know people
6 who lived off Point McLeay, who lived in other areas.
7 A. Like that lived on the mission before and went away, is
8 that what you mean?
9 Q. No, whilst you were actually living there. I think you
10 said you left Point McLeay when you were 15 and went to
11 live in - you went to work on Kangaroo Island.
12 A. That's right.
13 Q. What I want to ask you is this, during those years that
14 you lived on Point McLeay, did you know people who
15 didn't live on Point McLeay.
16 A. Yes.
17 Q. Lived in other areas.
18 A. Yes.
19 Q. And they were Ngarrindjeri.
20 A. Yes.
21 Q. Did you know Ngarrindjeri people.
22 A. Yes.
23 Q. What sort of areas did they live in.
24 A. Meningie, Kingston, Berri, but that is my mum's
25 relations, one of my mum's sisters lived at Berri. And
26 I had aunties that lived at Kingston and uncles.
27 Q. These were all people who lived there. Did you visit
28 them from time to time in these areas that you have just
29 spoken about.
30 A. Did I visit them?
31 Q. Yes.
32 A. School holidays.
33 Q. I suppose what I am getting at is you had contact with
34 other people who didn't live on Point McLeay.
35 A. That's right, yes.
36 Q. You have said in your statement that you would go
37 fishing from the Point McLeay jetty with one of your
38 aunties.

- 1 A. That's correct.
- 2 Q. When you went fishing with your auntie - I am assuming
3 that she is a Ngarrindjeri woman.
- 4 A. Yes.
- 5 Q. Did she ever tell you any Ngarrindjeri stories, or -
- 6 A. None whatsoever.
- 7 Q. None, none about fishing or any myths associated -
- 8 A. No.
- 9 Q. With the - with water, or -
- 10 A. No.
- 11 Q. And Hindmarsh Island was never discussed with you by
12 anyone.
- 13 A. We never knew where Hindmarsh Island was anyway. I
14 didn't. And she didn't say anything.
- 15 Q. Did you know Pinkie Mack.
- 16 A. No.
- 17 Q. Or Albert Karloan.
- 18 A. No.
- 19 Q. Or Mark Wilson.
- 20 A. No.
- 21 Q. Or Clarence Long.
- 22 A. No.
- 23 Q. Did you know anyone who was related to those people from
24 what they told you.
- 25 A. I know Long's family now and when we did live on the
26 mission and that's all.
- 27 Q. Did you know Clarence Long's family. Did you ever - did
28 they ever talk to you about Ngarrindjeri traditions or
29 cultures.
- 30 A. No.
- 31 Q. And Pinkie Mack, did you know the daughter of Pinkie
32 Mack at all yourself.
- 33 A. No.
- 34 Q. You were present at a meeting on 1 May 1995. I will
35 just read - perhaps looking at Exhibit 26, now before
36 you, in that letter or that statement your signature
37 appears on it.
- 38 A. Yes.

A.M. DIX XXN (MS PYKE)
(MR KENNY)

- 1 Q. The statement says this and I am reading from about
2 halfway down the page 'All agree', and it refers to some
3 of the other women who were there as well, 'they have
4 never heard anything about women's business from their
5 mothers, grandmothers or aunts and don't believe that
6 there is secret women's business on Hindmarsh Island.'
7 Do you remember signing that statement.
8 A. I signed it, but I didn't say 'I don't believe'. I have
9 never heard of it.
10 Q. That is what I was going to ask you. Even though you
11 signed that that is not your position, is it. You are
12 simply saying 'I have never heard of it.'
13 A. Correct.
14 Q. And from your point of view it may or may not exist.
15 All you are saying is that you never heard of it.
16 A. That's right.
17 Q. Why did you sign this statement then on 1 May.
18 A. Simply because I never heard anything about Hindmarsh
19 Island.
20 MS PYKE: I have got no further questions.
21 CROSS-EXAMINATION BY MR KENNY
22 Q. In your evidence you have talked a lot about Nanna Sally
23 and living next door to her. I take it your contact
24 with Nanna Sally was up until you moved away from Point
25 McLeay when you were about fifteen years old.
26 A. That's right.
27 Q. After that, you went to Kangaroo Island and Adelaide and
28 Millicent and Western Australia.
29 A. That's right, like gypsies.
30 Q. After that, you really didn't have any further contact
31 with Nanna Sally, is that correct.
32 A. Correct.
33 Q. What about your Uncle Lindsay, was that pretty much the
34 same with him, up until the age of fifteen you had a lot
35 of contact with him and not a lot after.
36 A. Until I came back here to Adelaide.
37 Q. How long ago was that.
38 A. About seventeen, eighteen years.

KC 16J

A.M. DIX XXN (MR KENNY)
(MS SIMPSON)

- 1 Q. Seventeen or eighteen years ago.
2 A. I have always kept in touch with him. I still did until
3 he died.
4 Q. You kept in touch with him until he died.
5 A. Yes.
6 MR KENNY: No further questions.
7 COMSR: Any further questions?
8 CROSS-EXAMINATION BY MS SIMPSON
9 Q. I know that you were born at the Queen Victoria Hospital
10 here in Adelaide.
11 A. That's right.
12 Q. But apart from your youngest sister all the rest of the
13 children in your family were born at Point McLeay.
14 A. That's right.
15 Q. You lived on Point McLeay you have told the Commissioner
16 for fifteen years.
17 A. That's right.
18 Q. You have mentioned that you had a number of significant
19 aunties in your life and you have named Joyce Rigney.
20 A. Yes.
21 Q. Who was she.
22 A. I think she was a cousin. I'm not sure.
23 Q. She was part of your extended family.
24 A. She was always at our place.
25 Q. When you knew her was she an older woman.
26 A. Yes.
27 Q. Why was she significant to you.
28 A. She used to come there and there would be young ones
29 there and my mum and she was there delivering one of my
30 brothers and she was always visiting our place.
31 Q. You have also mentioned Lilly Wilson.
32 A. Yes.
33 Q. Was she an older woman when you knew her.
34 A. Yes.
35 Q. When you were growing up I mean.
36 A. I don't know how old she was then, yes.
37 Q. Why was she significant to you.
38 A. Her kids and myself used to play together and things

- 1 like that, but - and they lived across the road from
2 where we lived.
- 3 Q. And she was somebody you knew and respected when you
4 were growing up.
- 5 A. That's right.
- 6 Q. Does the same apply to Annie Rankine.
- 7 A. Yes.
- 8 Q. Who is the auntie that you went fishing with.
- 9 A. Vera Wilson.
- 10 Q. Was she another older woman part of her extended family
11 who you looked up to.
- 12 A. She was my mum's sister-in-law.
- 13 Q. And you looked up to her and respected her.
- 14 A. That's correct.
- 15 Q. You would regard yourself as a Ngarrindjeri woman.
- 16 A. Yes.
- 17 Q. Is that because in part you grew up at Point McLeay.
- 18 A. Yes.
- 19 Q. And is it also in part that you are part of the more
20 widely spread Ngarrindjeri community.
- 21 A. Yes.
- 22 Q. That you feel part of a wider community of Ngarrindjeri
23 people.
- 24 A. Yes.
- 25 Q. You have said in your statement that you worked for a
26 time at the Aboriginal hostel in Sussex Street.
- 27 A. Yes.
- 28 Q. Was that a hostel for Aboriginal people from all over
29 the State.
- 30 A. Yes.
- 31 Q. When you were there did you meet other Aboriginal women
32 who you would not regard as Ngarrindjeri women.
- 33 A. Some of them used to come from down Point McLeay way and
34 a lot used to come from up north.
- 35 Q. Would you regard those who come from up north as being
36 different from you as a Ngarrindjeri woman.
- 37 A. I didn't understand their language. The only way I
38 could communicate with them was with sign language, when

- 1 they wanted a drink or something to eat.
- 2 Q. The only way you could communicate was through sign
- 3 language and -
- 4 A. When they wanted a drink or something to eat.
- 5 CONTINUED

1177

RF 16K

A.M. DIX XXN (MS SIMPSON)

- 1 Q. When you moved away from Point McLeay, and even as far
- 2 away as Western Australia, you still regarded yourself
- 3 as a Ngarrindjeri woman.
- 4 A. Yes.
- 5 NO RE-EXAMINATION
- 6 NO FURTHER QUESTIONS
- 7 WITNESS RELEASED

B. TATT XXN (MS PYKE)

- 1 WITNESS B. TATT CONTINUING
2 MR ABBOTT: You are still on oath and you will have
3 to answer some questions.
4 MRS TATT: I understand.
5 CROSS-EXAMINATION BY MS PYKE
6 Q. Mrs Tatt, you say you were born at Point McLeay.
7 A. That's right.
8 Q. When did you actually leave Point McLeay.
9 A. 14 years old.
10 Q. When you were 14 years old.
11 A. Yes.
12 Q. So that would have been about 1936.
13 A. Around about that.
14 Q. I am just wanting an approximation.
15 A. You can add up better than I can.
16 Q. I didn't hear that.
17 A. You are better on figures than I am.
18 Q. You say in your statement you are a Ngarrindjeri woman.
19 The term 'Ngarrindjeri', is that one that was used
20 whilst you were on Point McLeay when you were growing up.
21 A. Yes.
22 Q. So that was the terminology that was being used at that
23 time.
24 A. Yes.
25 Q. You are a cousin of Bertha Gollan.
26 A. That's right.
27 Q. You are related to Audrey and Vena.
28 A. Yes. Bertha is my first cousin. We're two brother's
29 children.
30 Q. Did you know Lindsay Gollan, the brother of -
31 A. Lindsay Gollan? Lindsay Wilson.
32 Q. You are right. Lindsay Wilson, the brother of Bertha.
33 A. Yes. He is the same relation.
34 Q. Did you see much of your cousins, Bertha and Lindsay, as
35 you were growing up.
36 A. I saw more of Bertha than Lindsay, because Lindsay and
37 Dulcie moved away.
38 Q. You say in your statement that, in your day, the life of

B. TATT XXN (MS PYKE)

- 1 a Ngarrindjeri was completely westernised.
- 2 A. That's right.
- 3 Q. This was the same for your parents and their parents.
- 4 A. That's right.
- 5 Q. Did you know Albert Karloan at all.
- 6 A. No. I knew Clem.
- 7 Q. That is Clarry Long, is it.
- 8 A. No.
- 9 Q. Are you talking about Albert's brother, Clem.
- 10 A. Yes, Clem Karloan.
- 11 Q. Did he ever talk to you about Ngarrindjeri history and
- 12 culture, Clem Karloan.
- 13 A. No, I think I was a bit too young to talk about that.
- 14 Q. How old were you when you knew him.
- 15 A. I would have been about 16, I suppose.
- 16 Q. Too young to talk about what, Ngarrindjeri history and
- 17 culture.
- 18 A. Yes.
- 19 Q. You were what age.
- 20 A. What culture, spiritual or what?
- 21 Q. I am trying to sort out what you mean by your answer.
- 22 You say that you knew him when you were about 16.
- 23 A. About culture?
- 24 Q. No. Let us go back. How old were you when you knew
- 25 Clem Karloan.
- 26 A. About 16.
- 27 Q. Are you saying that at that age you thought that you
- 28 were too young to be talking about Ngarrindjeri history
- 29 and culture.
- 30 A. There is a lot of things I didn't know when I was 16.
- 31 Q. That you did know.
- 32 A. That I didn't.
- 33 Q. Is that because you thought you were too young, or
- 34 because you hadn't been told.
- 35 A. I was never ever told anything.
- 36 Q. It is the case you don't know whether that is because
- 37 you were too young, or just because people hadn't told
- 38 you.

B. TATT XXN (MS PYKE)

1 A. That's right.

2 Q. Did you have any belief as you were growing up at Point
3 McLeay, that certain information would get passed on to
4 you as you got older about tradition and culture.

5 A. No. If you're talking about the woman's business, no.

6 Q. No, I am just talking about Aboriginal culture
7 generally.

8 A. No, no.

9 Q. Women's business, in particular, you say you had no -

10 A. I didn't know anything about it. It is supposed to have
11 been passed on from mother to daughter, but it wasn't
12 passed on to me.

13 Q. Who told you that this information is passed on from
14 mother to daughter.

15 A. It came from Doreen.

16 Q. Doreen told you that.

17 A. She didn't tell me. I heard she said it.

18 Q. When you say you heard that's what Doreen said, is that
19 something you heard on the TV, or something that someone
20 else has told you.

21 A. No, someone else told me.

22 Q. Can you remember who it was that told you that.

23 A. No, I don't.

24 Q. Did you know Pinkie Mack.

25 A. Yes.

26 Q. Did you know Pinkie Mack during the 1940s. You would
27 have turned 16 in about 1940.

28 A. I knew her before that. I knew her when I was going to
29 school.

30 Q. Did you continue having any contact with Pinkie Mack
31 after -

32 A. No, not after I left the mission.

33 Q. Did Pinkie Mack ever talk to you about anything to do
34 with Ngarrindjeri history or culture of any description.

35 A. No, never.

36 Q. Did you know that Pinkie Mack was a midwife.

37 A. Yes.

38 Q. Did she ever talk to you about anything to do with that.

B. TATT XXN (MS PYKE)

- 1 A. No.
- 2 Q. Did you ever hear her talking to anyone else.
- 3 A. No.
- 4 Q. When you were growing up, during the time that you had
5 some connection with Pinkie Mack, did you know whether
6 she knew about Ngarrindjeri history and culture, had
7 some knowledge.
- 8 A. No, she never ever spoke about it.
- 9 Q. Did you know Mark Wilson.
- 10 A. I knew of him.
- 11 Q. But you didn't know him personally yourself.
- 12 A. No, no.
- 13 Q. Clarry Long.
- 14 A. I knew of him.
- 15 Q. Again, the same thing applies.
- 16 A. Yes.
- 17 Q. Was it the situation that Mark Wilson and Clarence Long
18 lived in different areas to where you were living.
- 19 A. No. I think I was too young to remember them, but I
20 heard my parents speak of them.
- 21 Q. As far as you know, were you related at all to Mark
22 Wilson or Clarence Long.
- 23 A. Distant, I think, to Mark.
- 24 Q. Whilst you were growing up, you say that you lived a
25 European life and lifestyle. Did you have any knowledge
26 of any aspects of Aboriginal traditional culture, for
27 example, wurlies.
- 28 A. When we went to the Coorong my father used to make a
29 wurlie, just for the holidays.
- 30 Q. Did he show you how to do it.
- 31 A. No, we just didn't take any notice.
- 32 Q. He didn't tell you where he had learnt to do it.
- 33 A. No.
- 34 Q. Again, did you have any knowledge about weaving of
35 baskets and mats.
- 36 A. No, I didn't.
- 37 Q. It is not something that you knew how to do.
- 38 A. I knew - I seen them make the baskets and that, but I

B. TATT XXN (MS PYKE)

- 1 think I've read enough about baskets and things.
 2 Q. So is it the situation that some women and girls -
 3 A. The older women used to make the baskets.
 4 Q. The older.
 5 A. Yes, and used to sell them to visitors who came across
 6 with the paddle steamers from Goolwa.
 7 Q. Did you see any of the younger women.
 8 A. Not at that time.
 9 Q. Ngarrindjeri language, do you know or have you ever
 10 known any.
 11 A. I knew a few words, but I couldn't speak a full
 12 sentence.
 13 Q. Were you taught the words, or is it something you just
 14 picked up.
 15 A. No, just something I picked up.
 16 Q. Did you ever hear any songs being spoken -
 17 A. No.
 18 Q. Ngarrindjeri language or -
 19 A. No, never.
 20 Q. Did anyone ever tell you anything about songs.
 21 A. No.
 22 Q. Did you know that any Ngarrindjeri songs existed.
 23 A. No, not at all.
 24 Q. Rituals or practices associated with death, smoking of
 25 bodies and that sort of thing.
 26 A. No, no.
 27

B. TATT XXN (MS PYKE)

- 1 any stories as a child, or as you grew up, that had any
 2 connection with your Ngarrindjeri background or
 3 tradition.
 4 A. No.
 5 Q. None at all.
 6 A. No, none.
 7 Q. Nothing about birds or -
 8 A. No.
 9 Q. Monsters or anything of that -
 10 A. No. My parents used to say that Prupi would catch us.
 11 Q. Is that the only one that you are really aware of.
 12 A. That's all, yes.
 13 Q. You were not told anything about Ngarrindjeri traditions
 14 associated with initiation rites or the like.

- 15 A. No.
- 16 Q. Birth, contraception.
- 17 A. No.
- 18 Q. Menstruation.
- 19 A. No.
- 20 Q. Nothing.
- 21 A. Nothing.
- 22 Q. So is it your position that really -
- 23 A. I found out all that myself when I went away to work.
- 24 Q. Is it your position that you really didn't know -
- 25 A. No.
- 26 Q. Anything really -
- 27 A. That's right, nothing.
- 28 Q. About your Ngarrindjeri traditions and culture.
- 29 A. No.
- 30 Q. Did you ever ask about it, either your own parents or
- 31 other people.
- 32 A. No. I saw the old ladies weaving baskets and mats, and
- 33 I knew what food to gather when we went out camping. I
- 34 knew all that, but any other traditions, what you're
- 35 talking about, I don't know anything about them.
- 36 Q. All I am trying to find out is, is it something that
- 37 wasn't an issue with you -
- 38 A. No.

B. TATT XXN (MS PYKE)

1 Q. And you certainly weren't told.

2 A. No, because they never spoke of anything.

3 Q. In your statement you say 'My parents didn't believe
4 traditional Aboriginal spirits and I don't either'.

5 That is the situation.

6 A. That's right.

7 Q. At p.4 of your statement you have referred to when you
8 were living on the mission, as you have called it in
9 your statement. About the daughter of Pinkie Mack, you
10 said this 'I never went to her place, which was on what
11 we called the top row'. I am trying to work out about
12 Point McLeay, was there some sort of division or social
13 structure.

14 A. No. Where I thought she lived was what we called the
15 top row, but it was really the back row. That was in
16 the - somewhere near where Bertha lived. Top row was
17 near where the school was, going out towards the
18 cemetery.

19 Q. Was that part of the social structure of Point McLeay at
20 the time.

21 A. No, I just wasn't allowed to go out.

22 Q. Do you use or know of the term 'elder' or 'elders'
23 insofar as it is associated with Ngarrindjeri people.

24 A. Yes.

25 Q. What do you understand the term to mean.

26 A. Someone older than we are. I'm 70. I'll be 71 in
27 October, but there is older women than what I am, in
28 their 80s, so I class them as an elder. I know that I
29 am getting old, but the ones that are 80, they're older,
30 and I class them as the elders.

31 A. Have you ever been to any of the meetings that were
32 associated with the Hindmarsh Island Bridge.

33 A. I wouldn't waste my time. I've got better things to do
34 than go to those.

35 Q. Or the meetings that took place with Professor Saunders.

36 A. No, no. I don't even know her.

37 Q. So you haven't been to any meetings about secret women's
38 business or -

B. TATT XXN (MS PYKE)

- 1 A. No, no.
2 Q. The bridge or anything else to do with it.
3 A. No, none of it.
4 Q. How have you come to get involved to the point of giving
5 evidence to the commission.
6 A. Watching it on TV and everything.
7 Q. Did someone ask you to come to give evidence.
8 A. No.
9 Q. How did you come to be here.
10 A. I just made up my mind to come and give evidence.
11 Q. I just want to make sure about what you are actually
12 saying. You say that you have never heard any secret
13 women's business or -
14 A. No.
15 Q. Or known of it.
16 A. No.
17 Q. Do you say that it doesn't exist, or do you stop at
18 that, saying `I don't know of it and I have never heard
19 of it'.
20 A. I just don't believe it, because if there was something
21 like that, I think my grandmother would have passed it
22 on to my mother, and she would have passed it on to me,
23 so that I could pass it on to my three daughters.
24 Q. So what you are really saying is this secret women's
25 business - that's what it has been referred to -
26 A. That's right.
27 Q. You would expect it to go from mother to daughter.
28 A. That's right.
29 Q. Down through the generations.
30 A. That's correct.
31 Q. And because you say that hasn't happened, certainly for
32 you -
33 A. That's correct.
34 Q. That's the basis that you say it doesn't -
35 A. That's right.
36 Q. From your point of view, that's why you say you don't
37 believe it exists.
38 A. That's right.

B. TATT XXN (MR KENNY)

- 1 CROSS-EXAMINATION BY MR KENNY
2 Q. Your grandmothers were Eliza Wilkins -
3 A. Yes.
4 Q. And Essie Wilkins.
5 A. That's right.
6 Q. Do you know if they were related.
7 A. Pardon?
8 Q. Were they related.
9 A. Some thought they were sisters, but they weren't
10 sisters. They were some relation. Cousins or
11 something.
12 Q. I think for Essie Wilkins, you have got her date of
13 birth as 10 December 1879.
14 A. I think so.
15 Q. How did you get that date.
16 A. In a book that Doreen wrote, so I hope she is right. A
17 lot of the book is wrong, so I don't know if that's
18 right.
19 Q. You haven't got Eliza's birth date.
20 A. Well, perhaps Doreen can find out that one.
21 Q. Ask her if she can look it up for you.
22 A. You ask her for me.
23 CONTINUED
24

B. TATT XXN (MR KENNY)

- 1 Q. I suppose Doreen told you that Eliza and John Wilson got
2 married on 22 October 1869.
- 3 A. Yes. Well, I hope they did get married.
- 4 Q. You've got your doubts about it now, you reckon.
- 5 A. Well -
- 6 Q. You would say, given the age of your grandmothers, that
7 if there had been some secret women's business in
8 relation to Hindmarsh Island, they would have known
9 that.
- 10 A. Yes, I think so.
- 11 Q. You think so.
- 12 A. Yes.
- 13 Q. I think you say -
- 14 A. There was one born on Kangaroo Island, my father's
15 mother Eliza, and Essie was born on Point McLeay -
16 that's the one I think would have passed it down to my
17 mother and then to me.
- 18 Q. It would have been Essie, you reckon, who would have
19 been the one.
- 20 A. Yes, she was born on Point McLeay.
- 21 Q. Eliza is a Ngarrindjeri woman as well.
- 22 A. Yes, she was born on Kangaroo Island.
- 23 Q. You have got one sister still living.
- 24 A. Yes, one.
- 25 Q. And five brothers.
- 26 A. Yes.
- 27 Q. Who are your brothers.
- 28 A. Garnet, Edward.
- 29 Q. What is Edward's surname.
- 30 A. Wilson. John, Ross and Rex.
- 31 Q. And they are full brothers to you.
- 32 A. Yes, I hope so.
- 33 Q. It is not necessary for everyone to have the same
34 father, is it.
- 35 A. They always say you may know your mother, but you don't
36 know your father, do you. As long as their father is my
37 father.
- 38 Q. Do you know if any of those were told any information.

B. TATT XXN (MR KENNY) XN

1 A. No, not that I know of.

2 Q. None of them ever talked to you about -

3 A. No.

4 Q. None of those ever talked to you about secret women's
5 business, for a start.

6 A. No, none of them.

7 Q. Have any of them talked to you about traditional

8 Ngarrindjeri ways.

9 A. No

10 NO FURTHER QUESTIONS

11 MR ABBOTT APPLIES TO FURTHER EXAMINE THE WITNESS ON A
MATTER

12 THAT WAS RAISED DURING THE CROSS-EXAMINATION OF MS PYKE.

13 APPLICATION GRANTED

14 FURTHER EXAMINATION BY MR ABBOTT

15 Q. Miss Pyke referred you to a number of elderly

16 Ngarrindjeri people - Albert Karloan, Clem Karloan -
17 that you said that you met and knew.

18 A. Yes.

19 Q. Clarry Long, Mark Wilson and Pinkie Mack.

20 A. Yes.

21 Q. You knew all of those people, except for Albert Karloan.

22 A. No, I didn't know - I don't remember Albert. I heard of
23 him, but I didn't meet him at Murray Bridge.

24 Q. I don't want you to go into details of the times when
25 you had any contact with them. I take it you were a
26 young girl.

27 A. Yes.

28 Q. Would you have expected - let's assume they were the
29 recipients of Ngarrindjeri myth and tradition in their
30 position as elders of the Ngarrindjeri people, in your
31 position as a very young girl, would you have expected
32 them to pass on their secrets to you at that time.

33 OBJECTION Ms Pyke objects on the ground that this
34 witness has said that she lived a
35 completely European life and was living
36 a European lifestyle.

37 MR ABBOTT: I am endeavouring to prove that she
38 knew these people and they told her nothing. I'm merely

CJ 16L

B. TATT XN (MR ABBOTT)
XXN (MRS SIMPSON)

1 asking whether there is a reason, assuming she knew
2 something.

3 COMSR: Does the witness know of a reason?

4 MR ABBOTT: I'm not asking whether she knows of the
5 reason, I'm asking whether she would have expected
6 elderly Ngarrindjeri people to tell her secrets when she
7 was the age of 16.

8 MS PYKE: We weren't talking about secrets and
9 Ngarrindjeri history and culture.

10 MR ABBOTT: Secret business.

11 MS PYKE: That is not the question I asked her.

12 QUESTION ALLOWED

13 COMSR: Would you have expected these elders to
14 have spoken to you about Ngarrindjeri myths and
15 traditions and secrets when you were that young age.

16 A. I would have expected it if they knew anything.

17 CROSS-EXAMINATION BY MRS SIMPSON

18 Q. You say in your statement that you're 71 years old and a
19 Ngarrindjeri woman.

20 A. Yes.

21 Q. Would you tell the Commissioner what you mean by saying
22 that you are a Ngarrindjeri woman.

23 A. Well, I was born on Point McLeay. I was reared up there
24 until I was 14. My dad went back to work and at 18 I
25 stayed there for another two years and eventually came
26 to Adelaide, and after a while I got married. So, my
27 mother was born there, so was my grandmother, and my
28 father was born there, so I class myself as a full
29 Ngarrindjeri woman.

30 Q. Do you have many relatives still living on Point McLeay.

31 A. Well, they are all over the place. I think there's 600
32 of them.

33 Q. Some at Point McLeay.

34 A. Yes.

35 Q. And some are at other places.

36 A. Yes.

37 Q. Those members of your family you would see as
38 Ngarrindjeri people.

B. TATT XXN (MRS SIMPSON)

1 A. Yes.

2 Q. You said that your grandmother Eliza Wilkins was born on
3 Kangaroo Island.

4 A. Yes.

5 Q. She went as a child to live on Point McLeay.

6 A. Yes, that's right.

7 Q. Is it the case that if somebody born somewhere else,
8 like Kangaroo Island or down in the South East, perhaps
9 like Kingston, either comes to live on Point McLeay or
10 marries a man who comes from Point McLeay, that they too
11 might come to consider themselves part of the
12 Ngarrindjeri community.

13 A. I suppose they would, I don't know.

14 Q. You say that when you were a girl, your life was
15 completely westernised and that traditional culture had
16 finished generations before.

17 A. Yes.

18 Q. You knew that there was traditional culture; you knew
19 there was something that had finished.

20 A. Yes, I knew what was there had finished before my
21 father's time, before that.

22 Q. You mentioned that when you were on the Coorong, that
23 your father would make a wurley.

24 A. That's right.

25 Q. Did you go camping on the Coorong often.

26 A. Yes, in school holidays.

27 Q. When you were camping, is that when you learnt about
28 gathering different foods.

29 A. That's right.

30 Q. Can you tell the Commissioner something about those.

31 A. We gathered munteries - and don't ask me to spell it
32 because I can't. They were, all grew in the ground like
33 a creeper and like little wild apples. And another one
34 we called calathumie. I think that was another fruit on
35 the tree, on a little bush, and, you know, the sheoak
36 tree, well, they have a fruity thing on these and we
37 used to boil them with sugar and eat them. We used to
38 eat soursobs. I don't know if you've tasted them, but

B. TATT XXN (MRS SIMPSON)

- 1 they're rather nice. And we used to cook them in the
2 oven. They are very nice to eat. You should try them
3 sometimes.
- 4 Q. Which oven was that.
- 5 A. Thistles, we used to eat them. Primrose seeds. So we
6 never went hungry.
- 7 Q. When you cooked them in the oven, was that when you were
8 camping.
- 9 A. No, when we got home, used to gather them in the
10 paddocks and cook them in the oven. And the berries
11 off the box thorn bushes, they're nice to.
- 12 Q. Did you learn about these foods from your parents.
- 13 A. Yes.
- 14 Q. Have you taught your children about those.
- 15 A. Yes.
- 16 Q. You say that you had many aunties on the mission, such
17 as: Vera, Elsa, Edith and Evelyn.
- 18 A. Yes.
- 19 Q. Who as Vera.
- 20 A. She was my sister's sister - my mother's sister, I mean,
21 and so were the other ones, my mother's sisters. And
22 then I had two aunts from my father's side Martha and
23 May.
- 24 Q. Did you have much to do with those women when you were
25 growing up.
- 26 A. Yes, when I was small.
- 27 Q. You say that the old women rarely spoke about
28 Ngarrindjeri culture or traditions. Did they speak
29 about it at all.
- 30 A. No.
- 31 Q. You have mentioned that you knew Pinkie Mack.
- 32 A. Yes.
- 33 Q. And that you used to go and stay with her in the
34 holidays.
- 35 A. Yes, on school holidays.
- 36 Q. She was the midwife who delivered you.
- 37 A. Yes, that's right.
- 38 Q. How did you come to be staying with her in the holidays.

B. TATT XXN (MRS SIMPSON)

- 1 A. Well, my mother used to let me go there. She lived at
2 Wellington, she had a stone cottage and she had a friend
3 by the name of Alf Cameron and he had an old motor boat
4 and used to come across the lake and pick me up and take
5 me there for the holidays.
- 6 Q. Were you there for about two weeks in the holidays.
7 A. Yes.
- 8 Q. You did that between the time when you were about ten
9 years old and about 15 years old.
10 A. Yes, about 14 years old.
- 11 Q. Was Pinkie Mack the oldest of the Ngarrindjeri people
12 that was then living, to your knowledge.
13 A. At that time, I think.
- 14 Q. What sort of life was she living. Was that a
15 westernised life, or more traditional.
16 A. No, she was westernised too and traditional, I suppose.
17 A mixture.
- 18 Q. Part of her life, would you describe as traditional.
19 A. She used to go catching fish and yabbies, rabbits.
- 20 Q. Did she ever mention a story of a Prupi to you, or
21 mention of the Prupi.
22 A. Yes.
- 23 NO FURTHER QUESTIONS
24 WITNESS RELEASED

1 MR ABBOTT APPLIES TO RE-CALL WITNESS VENA GOLLEN TO
2 GIVE EVIDENCE ON A FURTHER MATTER WHICH HAS JUST COME TO
THE
3 ATTENTION OF COUNSEL.
4 MS PYKE: What is her basis? She has been
5 examined and cross-examined and she has been released.
6 MR ABBOTT: She has given us a further piece of
7 information which we think is appropriate, and if my
8 learned friend wants me to outline it, I will. It
9 concerns this year, prior to NAIDOC Week, so we are
10 talking about a period prior to 9 July 1995, two of the
11 women who have most strongly spoken out in favour of the
12 secret sacred business - namely, Shirley Piesley and Vi
13 Deuschle - came to my client's unit in Enfield where she
14 works. They came for -
15 MS PYKE Well -
16 MR ABBOTT: If you want to hear, I will tell you.
17 MS PYKE: Look, clearly this is evidence from the
18 timeframe that we have been given by Mr Abbott that
19 could easily have been led in her first statement. It
20 predates that and it is not something that happened
21 since she gave her evidence.
22 COMSR: I understand that Mr Abbott is saying it
23 just came to light.
24 MS PYKE: The witness clearly knew about it when
25 she gave her evidence. It has to stop somewhere,
26 otherwise we might be continuing to be proofed for the
27 next six months.
28 MR ABBOTT: I'm trying to explain. First of all,
29 we only heard it today. She mentioned it to us that she
30 thought that you should hear it and we feel that you
31 should hear it. We have no further witnesses to present
32 this afternoon. I don't imagine this would be the
33 subject of any cross-examination, since no-one acts for
34 Shirley Piesley and Vi Deuschle, and she wants to
35 recount a discussion which occurred which, in her view,
36 puts in context just what is now being claimed about the
37 secret sacred women's business. It may be that you will
38 say that I should not be here when the questions are

1 asked that I want to ask, because there was a discussion
2 about a map of the Murray Mouth. Now, I will accept
3 your ruling, in which case Miss Freeman will ask the
4 questions. I merely find it incongruent with my client
5 telling me the matters half an hour ago and me not being
6 able to ask them a half an hour onwards in the Royal
7 Commission. I will accept that if you rule that way.

8 COMSR: I appreciate that you and your clients
9 have a point of view about this, but the question is how
10 far -

11 MR ABBOTT: I will proceed cautiously and you will
12 say if you think that -

13 COMSR: This is, as I said many times, a fact-
14 finding Commission, not a trial strictly speaking, and
15 I'm not bound by the rules of evidence and procedure.
16 If there is a bit of useful information relevant to the
17 Terms of Reference -

18 MR ABBOTT: In our submission, it may be. It shows
19 at least a view espoused only a few weeks ago by Shirley
20 Piesley and Vi Deuschle about what they claim to be the
21 secret sacred women's business. I apprehend that I will
22 probably get Miss Freeman to ask some of these
23 questions, but I will go as far as I can, with your
24 permission.

25 COMSR: I take it that no-one else has had a
26 copy of the statement.

27 MR ABBOTT: No.

28 COMSR: It may well be that counsel will want to
29 consider their position if I let this evidence in,
30 because they may well wish to cross-examine. But I'll
31 take it from what you are saying that really no-one has
32 an interest in representing the people?

33 MR ABBOTT: No, not of Shirley Piesley and Vi
34 Deuschle of whom she speaks.

35 COMSR: I will allow the evidence in, but it may
36 result, of course, with the witness having to be
37 recalled at a later stage if counsel are going to apply
38 for time to consider it.

1 MR ABBOTT CALLS

2 VENA JOYCE GOLLAN SWORN

3 EXAMINATION BY MR ABBOTT

4 Q. Can you tell us where you work.

5 A. I work at the Aboriginal Education Curriculum unit at
6 Enfield.

7 Q. Do you remember an occasion prior to NAIDOC Week this
8 year when Shirley Piesley and Vi Deuschle visited you.

9 A. Yes.

10 Q. Do you remember exactly when it was.

11 A. It was just prior to the NAIDOC Week beginning, which is
12 on July the 9th, and they visited the unit to bring me a
13 copy of the calendar of events for the NAIDOC Week.

14 Q. Do you know a Dr Paul Hughes.

15 A. Yes, I do.

16 Q. Who is Dr Paul Hughes.

17 A. Dr Paul Hughes is the co-ordinator of Aboriginal
18 education in South Australia.

19 Q. Outside the entrance to his office, is there something.

20 A. Just outside his office on the wall is an aerial
21 photograph of the Murray Mouth.

22 Q. Is that black and white, or colour.

23 A. It's in colour.

24 Q. Does that also show Hindmarsh Island.

25 A. It does.

26 Q. Could you give us the dimensions of it.

27 A. Can you explain that?

28 Q. How long is it.

29 A. Well, if I could perhaps use the board behind me as an
30 example?

31 Q. Yes.

32 A. It would be one of those frames, a bit longer in length
33 and about the same, or if not a bit smaller in - no,
34 about the same in width. About the same as that one
35 frame on the end, if not a bit smaller in.

36 Q. Can we produce to you Exhibit 29, which is a photograph
37 of the Murray Mouth. Looking at Exhibit 29, was it the
38 same size as that photograph.

- 1 A. That's the same map.
2 Q. It is the same photo, is it.
3 A. It is the same.
4 Q. Exactly the same.
5 A. Exactly the same.
6 Q. How long had that aerial photograph of the Murray Mouth
7 and Hindmarsh Island been there.
8 A. I have been based at the curriculum unit since 1993, but
9 it has been hanging there before 1993.
10 Q. Did you see either Shirley Peasley or Vi Deuschle
11 inspect the aerial photograph similar or identical to
12 our Exhibit 29.
13 A. Yes, I did.
14 Q. Did they then - did either of them then say anything to
15 you about the aerial photograph.
16 A. Shirley explained about the map.
17 Q. I don't want you to tell us what she explained.
18 A. Yes.
19 Q. Because Ms Freeman, I think, will need you ask you
20 questions on that. After explaining to you about the
21 map did she make any demand or request of you in
22 relation to that aerial photograph.
23 A. She did. She asked me to talk to Dr Paul Hughes to have
24 it taken down.
25 Q. Did she say why this aerial photograph of the Murray
26 Mouth and Hindmarsh Island should be taken down. Again,
27 without telling -
28 A. Yes, she did.
29 Q. What did she say.
30 A. She asked for it to be taken down because other people,
31 namely men, could view it in the unit.
32 Q. Was anyone present with you when she was saying this.
33 A. Yes, a colleague of mine.
34 Q. I don't want you to name names, but was that person
35 Aboriginal.
36 A. Yes.
37 Q. Ngarrindjeri.
38 A. No.

1 Q. What was your answer to her request or demand that you
2 do something about taking it down.

3 A. I said to Shirley that I could not ask Paul to do that.

4 Q. I think she shortly thereafter left.

5 A. That's right.

6 Q. I think you want to tell the Commissioner what it was
7 she said about the map and its relationship.

8 A. Yes.

9 Q. To the issue of secret sacred business.

10 MR ABBOTT: And, madam, whilst I made my point
11 before, I think it appropriate, in view of your rulings,
12 that Ms Freeman asks those one or two questions.

13 COMSR: Yes.

14 MR ABBOTT: And I shall retire while it is being
15 done.

16 MS SIMPSON: There is an application to close the
17 court limited to women only.

18 COMSR: Yes, pursuant to s.64 of the Royal
19 Commission Act and in accordance with the terms of the
20 s.35 authority I direct that all persons other than
21 those permitted by me to be in attendance leave the
22 Inquiry room. Persons permitted to remain in attendance
23 are the female advisers and female staff necessary to be
24 in the Commission. And I further direct no copy of the
25 transcript of this part of the evidence be given or
26 shown to any male persons and no copy shall be given to
27 or made available other than to the female
28 representatives of the persons at this hearing upon
29 their undertaking not to divulge the contents of the
30 evidence in this private session. The transcript will
31 be made on pink paper and be available to female counsel
32 and legal representatives during the course of the
33 hearing. At the conclusion of the hearing the
34 transcript so released will be returned to the
35 Commission.

36 MR MEYER: I think they all know that they had to
37 leave and I am about to leave.

38 Mrs Chapman isn't here this afternoon and the only

- 1 reason I say that is to ask can Ms Freeman be permitted
- 2 leave to divulge to Mrs Chapman since I don't have her
- 3 or any female counsel the matters which arise?
- 4 COMSR: Yes, or alternatively she can apply to
- 5 Ms Simpson for a copy of the transcript.
- 6 MR MEYER: Thank you.
- 7 HEARING CONTINUES IN PRIVATE

PRIVATE HEARING

DATE: 18/8/95

PAGES 1199 - 1200

PINK PAGES

1201
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V.J. GOLLAN XXN (MS PYKE)

- 1 COMSR: We are now in public session again and,
2 Ms Pyke, I understand that you want to cross-examine?
3 MS PYKE: Yes, just one question.
4 CROSS-EXAMINATION BY MS PYKE
5 Q. You said that Shirley Peasley and Vi Deuschle came and
6 saw the aerial photograph and said the things we have
7 been referring to about it and gave you certain
8 information and asked you to get the director, who is Dr
9 Paul Huches, to take it down.
10 A. That's correct.
11 Q. Dr Hughes, is he an Aboriginal person.
12 A. That's correct.
13 Q. You then said that you told her that you couldn't ask
14 him to do that.
15 A. That's right.
16 Q. Why couldn't you ask him if a request had been made, at
17 least ask him.
18 A. Because it wasn't my place to ask him. She had to
19 approach the appropriate line managers and I felt that
20 she would need to approach a senior person in the unit
21 to make that request.
22 Q. She had to go higher up the hierachy than you.
23 A. That's right.
24 Q. Were you working in the same place as Dr Hughes.
25 A. That's right. The Catholic Education Team is based at
26 the unit.
27 COMSR: There appears to be no further questions
28 arising out of the witness's further evidence.
29 MR ABBOTT: I ask for the release of the witness.
30 COMSR: Yes, the witness is released.
31 NO FURTHER QUESTIONS
32 WITNESS RELEASED
33 MR ABBOTT: We don't have any other witnesses to
34 present this afternoon.
35 MS SIMPSON: There is no further evidence that can be
36 led this afternoon before the Commission. I wonder if
37 the hearing could be adjourned to Wednesday?

38 COMSR: Yes, I have previously indicated that we

1 are having the two days laydays, as it were, on Monday
2 and Tuesday because of the circumstance of the High
3 Court.

4 MR LOVELL: Before you finish this afternoon, can I
5 just raise one matter?

6 COMSR: Certainly.

7 MR LOVELL: And that is the status of the troubled
8 Exhibit 52, that is, the minutes that were raised before
9 lunch this morning.

10 I tried to get the evidence, but it hasn't been
11 delivered yet. My submission is that quite properly you
12 suppressed these in order to give Mr Kenny time to take
13 instructions, not as to whether they go in or not, but
14 whether there was anything he wanted to raise about it.
15 That time has passed, in my submission. He has had
16 plenty of opportunity to get instructions and the basis
17 for the suppression has now gone. Mr Kenny has not
18 suggested that he needs any more time to get any
19 instructions or whether he is even going to endeavour to
20 get instructions. It is not a question of whether they
21 are proposed minutes or whatever minutes. This is a
22 document which is now in evidence. The reason for the
23 suppression was to give Mr Kenny time in case there was
24 an objection to be taken for some some unknown reason or
25 on some unknown ground. That has now passed. It is my
26 submission they should be released to the public.

27 MR KENNY: At this stage, my understanding of it is
28 virtually apart from those matters that are already -
29 those exhibits perhaps already in the public arena such
30 as the Berndt book, the video and a number of other
31 things that have been tendered all the other exhibits
32 with the exception of this statement of Dorothy Wilson,
33 Exhibit 34, have been essentially suppressed. We have
34 received all of those on condition they are not
35 published and I think this falls into the same category
36 as the other exhibits before you. They are not
37 available for public inspection. The question is why
38 should this one be brought out and highlighted when it

1 is quite clear they are before you as unconfirmed
2 minutes of a meeting? And I suggest it would be unfair
3 to those involved - not just my clients, there are a
4 number of other people there - if these minutes were
5 published. If they are, then perhaps we should have a
6 look at other exhibits that could be released from other
7 parties.

8 MS SIMPSON: I don't know what my friend, Mr Kenny,
9 is referring to, in particular, because, as far as I can
10 tell, exhibits that are suppressed from publication are
11 for a reason. That is, I think because they are
12 potentially against s.35 of the Aboriginal Heritage Act.
13 Basically I think that is the only reason they have been
14 suppressed from publication. There is no other category
15 of evidence which is suppressed from publication. But,
16 in any event, I suggest that, although Mr Kenny hasn't
17 made such an application, he has not, in fact, had very
18 long to get instructions from his clients who are, I
19 understand, not all living in Adelaide. And it may be
20 that this matter might be left until next Wednesday,
21 which would at least give him a further opportunity if
22 he wishes to take that opportunity.

23 MR KENNY: Yes, I will indicate that I do intend or
24 I have made tentative arrangements to see my clients on
25 Monday and it was my plan to, in fact, talk to them
26 about those minutes, at that stage. But, at the same
27 time, I say I am not the one putting those forward, it
28 has been Mr Abbott and it is his document. But, given
29 that they are, at this stage, merely unconfirmed minutes
30 of a meeting which the witness knew nothing about, then
31 I suggest it is prudent they be suppressed.

32 MR ABBOTT: I am not adverse to them remaining
33 suppressed until Wednesday on the basis that Mr Kenny,
34 rather than just talk to his client about them, gives
35 you an assurance that he will endeavour to get
36 instructions about them so that he can tell us on
37 Wednesday whether he agrees that they are the minutes or
38 whether there is some other tale to be attached to them.

1 Given - and I say this with some regret - that Mr Kenny
2 appears to have made little effort overnight to have got
3 instructions, in the real sense of the word, despite the
4 fact that I left the Commission yesterday believing that
5 that is what he said he was going to do, I would agree
6 with the continued suppression until Wednesday on the
7 basis that Mr Kenny assures us he will do his best to
8 get instructions and come here on Wednesday to tell you
9 about them, because his attitude is that they are
10 nothing to do with him. If we turn up on Wednesday and
11 he says `Well, I discussed them with my clients. I have
12 got no instructions and they are nothing to do with my
13 clients, because they are Mr Abbott's document', it
14 means we have wasted more days in relation to them.
15 COMSR: I think, Mr Kenny, your client is in a
16 position to know whether or not these are the minutes of
17 the meeting. That they, on the face of them, appear to
18 be.
19 MR KENNY: I will take instructions from my clients
20 about these minutes, but I do not give an undertaking
21 that I will come along and say that `Yes, my clients
22 agree that these are the minutes.' I don't give that
23 undertaking. I am not in a position to do so. My
24 clients may say not to do anything about them. They may
25 say `Keep them suppressed and we don't want them
26 published at all.' They may feel it was a meeting that
27 is private to them and shouldn't be published. If they
28 give me those instructions, that will be what I will
29 say. I do not undertake to do anything other than
30 discuss them with my clients.
31 COMSR: I take it you are saying that certainly
32 on the face of them they are minutes which are minutes
33 of a private meeting with your clients.
34 MR KENNY: It is not only my clients. There are a
35 number of people.
36 COMSR: And other persons. If they are what
37 they appear to be on the face of them, they are minutes
38 with which your clients would be acquainted at least.

1 MR KENNY: It may well be that they are, but I am
2 not - what I am saying is, Mr Abbott is asking me to
3 give an undertaking that I will seek instructions and
4 come back and advise you whether they are the minutes of
5 that meeting or confirm it. That is not my role. I am
6 not tendering those minutes. It is not my document. It
7 is Mr Abbott's document. If he wants to say that they
8 are confirmed minutes, then let him confirm that. Let
9 him bring that evidence forward.

10 MR MEYER: I have a solution. I understood Mr
11 Abbott to say would Mr Kenny get those instructions,
12 whatever they are? He can't give an undertaking about
13 them. He can seek instructions. Unless Mr Kenny comes
14 along with a valid objection on Wednesday that they then
15 be released, because that is the only thing that they
16 are being suppressed for.

17 And, while that matter is going, can I raise a
18 couple of other matters of the same nature, because it
19 relates to suppression?

20 A large amount of evidence has been given in closed
21 court.

22 COMSR: That's right, Mr Meyer. I can indicate
23 that with the two days off that I would propose that
24 that evidence be scrutinised to see what portion of it
25 can be released, if that answers the question you are
26 about to ask?

27 MR MEYER: It does. And, secondly, in relation to
28 a large number of the exhibits, ie all of the exhibits
29 12 to 19, they have been suppressed and I am not
30 suggesting that they should be released yet, but at
31 least they should be suppressed. In essence, any
32 document which has been suppressed so far, if your
33 Honour could review it to see whether it currently
34 should remain suppressed or whether it should now be
35 released.

36 CONTINUED

1 That is, if we just go through those housekeeping items
2 to look at what can be now released given the state of
3 the evidence.

4 MS PYKE: I assume that Section 35 will be borne
5 well in mind, particularly bearing in mind what I have
6 just heard from the Full Court.

7 COMSR: I am obliged to keep Section 35 in mind
8 because, if I stray outside the -

9 MS PYKE: I suppose, just generally, given there
10 are some proceedings in which judgment will be delivered
11 within the next few days.

12 COMSR: That is right. Where the situation may
13 become a lot clearer.

14 MS PYKE: Yes.

15 COMSR: I propose that we adjourn until next
16 Wednesday at 10 o'clock.

17 MR ABBOTT: I wonder if you could make it 11.30 on
18 Wednesday? The High Court is still sitting on
19 Wednesday.

20 COMSR: For the sake of being sure, we will
21 adjourn until the afternoon on Wednesday, that is, at
22 2.15 p.m..

23 ADJOURNED 3.56 P.M. TO WEDNESDAY, 23 AUGUST 1995 AT 2.15 P.M.

1 COMSR STEVENS

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6 HINDMARSH ISLAND BRIDGE ROYAL COMMISSION

7

8

9

10

11 WEDNESDAY, 23 AUGUST 1995

12

13

14

15 RESUMING 2.15 P.M.

16 MR SMITH: The programme for this afternoon is,
17 first of all, to deal with Exhibit 22, the two ABC tapes
18 of the 7.30 Report, on the one hand, and the raw footage
19 of the 7.30 Report, on the other. And my learned
20 friend, Mr Anderson, appears for the ABC and has an
21 announcement and an application to make in respect to
22 the raw footage tape. Then I think you will make some
23 sort of announcement about the release of further
24 transcript of past hearings and, in particular, the
25 minute.

26 COMSR: Perhaps I could deal with that
27 immediately?

28 MR SMITH: Yes.

29 COMSR: Counsel, before dealing with any
30 applications I wish to refer to the matters of the
31 evidence.

32 I now formally lift the suppression orders on those
33 parts of the evidence of the witnesses Betty Fisher and
34 Dorothy Wilson taken in private hearings as it does not,
35 in my opinion, divulge or tend to divulge information of
36 the kind referred to in s.35 of the Aboriginal Heritage
37 Act.

38 The evidence in respect of which the suppression

1 orders are lifted will be available later today and the
2 transcript has been produced on white paper.

3 MR SMITH: Unless you wish to deal with this after
4 the question of Exhibit 22 is dealt with there is the
5 question of the unconfirmed minutes.

6 Do you want to deal with that now or later?

7 COMSR: No, I can see we are set up for the
8 tapes. I will deal, first of all, with any applications
9 in respect of that matter.

10 MR SMITH: Mr Anderson will have an application.

11 MR ANDERSON: Mr Smith has just handed up and I ask
12 you to have it in front of you a copy of the subpoena
13 which has been directed to the ABC and you will see that
14 it is in two parts. It has been widened since the first
15 subpoena was issued and the particular part that I want
16 to address you on is the last part of para.1 which is to
17 include in the subpoena 'the file vision of any person
18 and incidental conversations whether or not such
19 conversations were part of formal interviews.' And I
20 want to just come to deal with that in a moment.

21 The second part of the subpoena is to actually
22 request the production of the documents. That is, the
23 various items which were shown on the 7.30 Report.

24 In relation to that I have spoken with Mr Smith and
25 my instructions from the Attorney-General's Department
26 on behalf of the ABC are to inform the Commission as
27 follows and then see whether anyone wants to take the
28 matter any further:

29 Firstly, that the handwritten notebook was filmed at
30 the offices of the Aboriginal Legal Rights Movement and
31 the human hand that is seen in the footage turning over
32 pages of the notebook is that of the ABC reporter Alyson
33 Caldwell.

34 Secondly, that the filming was done with the
35 permission of Doreen Kartinyeri on Monday, 7 August.
36 That is, the day that the story went to air.

37 Thirdly, that there was a typed transcription which
38 was also obtained from Doreen Kartinyeri and returned to

1 her and that portions of that typed transcription were
2 filmed with her permission. And that there is nothing
3 in the possession of the ABC which can be produced in
4 answer to para.2 of the subpoena.

5 As I say, I am instructed to inform you,
6 Commissioner, of those facts as the basis of my
7 instructions and I hope that will suffice.

8 In relation to para.1, as I intimated to you
9 Commissioner last time I was present, the ABC requests
10 that, although it has produced in answer to the earlier
11 subpoena both the tape which went to air and the
12 separate tape of the raw footage, it contends that in
13 respect of the tape of the raw footage it should only be
14 screened in camera. And I there take you back to para.1
15 of the schedule on the subpoena where the subpoena is
16 cast in the wide terms of including 'the file vision of
17 any person and incidental conversations', etc., 'whether
18 or not they were part of the formal interviews.'

19 I tell you, Commissioner, that there were
20 conversations and idle discussions which were not part
21 of the formal interview. I tell you also that these
22 matters on my reading of the tape are not necessarily
23 relevant to any matter before the Commission. And our
24 submission is that for that reason the screening of the
25 tape should be in camera. And that, moreover, any
26 cross-examination which is based on the tape, that is,
27 the raw footage tape, should also be in camera.

28 The reason that we advance, Commissioner, is that
29 there are private citizens involved in the footage
30 without any necessary connection with the Commission or
31 matters related to it who may in our assessment suffer a
32 potential hardship or embarrassment in relation to
33 discussions which they had no reason to believe were
34 likely to be put in the public arena. And that is why,
35 of course, the formal interview was the one that went to
36 air.

37 We submit that the screening, therefore, of the off
38 air tape and any cross-examination, at this stage, be

1 limited or that those present should be limited to
2 counsel who you Commissioner deem to have a sufficient
3 interest in the subject matter of the tape.

4 I am not sure whether you have seen it yourself,
5 Commissioner?

6 COMSR: No, I haven't, Mr Anderson.

7 MR ANDERSON: It runs for some 100 minutes.

8 COMSR: Of that 100 minutes how much of it do
9 you say you object to on the basis that there are
10 conversations recorded -

11 MR ANDERSON: It is very hard to say that in broad
12 terms. It is probably half. It is very hard because
13 some of the time the camera is just rolling and things
14 are being set up and there is discussions going on in
15 the background. I haven't heard it sufficiently clearly
16 to determine whether some of those matters also should
17 not be the subject of a public viewing. So, it will
18 require, if you accept it, at least a viewing by you
19 Commissioner with counsel assisting you and any others
20 who you deem to have a sufficient interest I believe to
21 make that first decision as to what parts are innocuous
22 and what parts may not be.

23 COMSR: I take it that the ABC has made no
24 enquiry of those persons who are shown engaged in idle
25 chatter?

26 MR ANDERSON: Not on my instructions.

27 COMSR: Is it suggested that there is anything,
28 in particular, that is embarrassing to them, or is it
29 just a general objection?

30 MR ANDERSON: It is a general objection based on the
31 fact that those persons knew that, at some stage of the
32 process, they were going to be involved or some of them
33 were going to be involved in a formal interview and that
34 they would be warned when that was taking place. And
35 they were so warned and that did take place and that is
36 the subject of what went to air. It would be contrary
37 to the principles, we say, on which those persons were
38 co-operating and contrary to the principles of

1 journalism to enable people to go behind the confidence
2 which those persons would have had in the knowledge of
3 the fact that they were not being screened for public
4 scrutiny at a later stage in what was other than a
5 formal part of the interview.

6 That is the basis of our concern.

7 COMSR: Is there any distinction to be drawn
8 between say the ABC having taken those tapes deciding to
9 screen it in full on air and a situation where the tapes
10 are produced in a hearing such as this for the purposes
11 of the hearing? I mean, I can understand that the ABC
12 would well hesitate to show those tapes without the
13 specific permission of the persons involved if they were
14 to do so themselves. I am just wondering if you draw a
15 distinction between that situation and the tapes being
16 played at this hearing for the purposes of the Inquiry?

17 MR ANDERSON: No, I don't think I do. I think it is
18 the mere fact that those persons were quite properly in
19 the knowledge from the journalists involved that they
20 would only be interviewed in respect of certain matters
21 and that when that interview took place they would be
22 warned that that was the interview that was going to
23 air. They were so warned. That interview did go to
24 air. And it would be a breach of confidence of those
25 persons if other than that part were to subject them to
26 the public scrutiny of what I call and what you will see
27 Commissioner when you see the tape idle chit chat and
28 discussions prior to the formal part of the interview.
29 I don't make the distinction. I don't think I can
30 properly.

31 COMSR: I could see that it would be a breach of
32 confidence if for some reason the ABC decided that it
33 was going to screen them, but do you say it appearing
34 here in answer to a subpoena is a breach of confidence
35 under those circumstances, do you?

36 MR ANDERSON: Yes, I do, because the situation is
37 that, as you well know, Commissioner, the relevance of
38 anything that is involved may, at the end of the day, be

1 nonexistent or at best peripheral. And, as you well
2 know also, Commissioner, it is the actual media
3 attention which is paid to the incident itself. In
4 other words, merely the existence of what went on as
5 distinct from the content of it which all might be lost
6 at the end of the day if you say well, there was not one
7 thing in that tape which is relevant to any of the
8 matters which are in issue before me. And, if that were
9 the end result, but in the meantime people had been
10 embarrassed as a result of a premature release, I call
11 it a premature release for public scrutiny, that would
12 be unfortunate. So what I am putting is, until you have
13 a picture at least that they should remain in camera and
14 then if anyone wants to make an application later in the
15 day to show you or demonstrate to you that there is
16 something of significance and that it is a time when
17 this order that I am suggesting should be revisited then
18 so be it. But until you know the full purport and
19 extent of what is in there it would be unfair. It would
20 be likely to cause or it has got the potential - I can't
21 put it likely - it has got the potential to cause
22 hardship or embarrassment to innocent people who had a
23 belief that their confidence was being respected.

24 COMSR: What you are suggesting is that it be
25 played over in private and you will indicate those parts
26 of the tape that you feel offend in that they would
27 breach a confidence?

28 MR ANDERSON: Yes, I am happy to do that. I know that
29 is time-consuming, but they are my instructions and the
30 ABC you can be assured has not taken this matter
31 lightly. They deal with these sorts of things in
32 subpoenas from courts and commissions regularly and they
33 treat them all seriously. And my instructions are
34 coming from the Attorney-General's Department Legal
35 Department of the ABC in Sydney and they have gone into
36 the matter in some detail and that is why I am
37 instructed to make these requests.

38 I can't put it any further than that, Commissioner.

1 COMSR: I don't know if anyone wants to be heard
2 on this application?

3 MR CAMPBELL: I certainly do. I appear on behalf of
4 The Advertiser, the Australian, Channel 7 and Channel
5 10.

6 My instructions are to oppose any application to
7 have this tape screened in camera or have
8 cross-examination regarding the matters on the tape
9 dealt with in camera. My friend in a very general way
10 said that the use of this raw footage may in some way be
11 embarrassing or cause hardship to the people involved in
12 the discussions on that tape without identifying in what
13 way that might possibly be embarrassing or what hardship
14 could possibly flow from the use of that tape. It is
15 well accepted now that simply the use of someone's name
16 in proceedings or the fact they have some association
17 with the proceedings meaning, in general, the general
18 court proceedings doesn't constitute hardship for these
19 purposes. Certainly not the undue hardship test that is
20 applied in the Evidence Act and which is picked up, for
21 example, in s.16 (a) of the Royal Commissions Act. So,
22 there has been no identification of anything which would
23 somehow impact on the individual.

24 CONTINUED

1 The vague suggestion also is that there is to be some
2 obligation of confidence arising from this situation
3 which has been just raised without any explanation of
4 how that obligation of confidence is said to arise.
5 There is no suggestion of discussions or any evidence of
6 discussions in advance that certain things that were
7 being told to parties were absolutely secret or were
8 only being disclosed on a basis that they were not
9 further disclosed. It would appear that we regard the
10 tape - and this is without me having seen it, I have to
11 surmise that we have a tape with a whole range of
12 discussions and conversations, parts of which take place
13 in a more formal interview setting and parts of which
14 are happening while cameras were being set up and which
15 parts were not used by the ABC in the 7.30 Report
16 article. I find it hard to accept that that is a
17 confidential situation, or a situation in any way which
18 anyone could expect to believe what is being discussed
19 or said in those circumstances couldn't be the subject
20 of being passed on in some other forum.

21 There would be, for example, no restriction on one
22 of those parties to that conversation being asked
23 questions about what was said on television. Why would
24 that be any different if this was tape being used in
25 this Commission?

26 The suggestion that there might be a breach of
27 confidentiality is also a strange one. There cannot be
28 any suggestion there has been a breach, or would be on
29 the part of the ABC. Firstly, I don't think that it can
30 be claimed that there is an obligation of confidence in
31 the first place. For there to be a breach, certainly
32 wouldn't arise in circumstances where the ABC were
33 answering a subpoena. They have a lawful duty to
34 provide that tape to this Commission and so any
35 suggestion that they may be in breach of any obligations
36 they have, immediately fall away when they are answering
37 a subpoena. They haven't sought to challenge that
38 subpoena. They produced the tape in answer to that

1 subpoena. They now are attempting to qualify what they
2 have done and are using the suggestion that there would
3 be a breach if it's used by the Commission in the way
4 that the Commission sees fit.

5 Similarly, there is a public interest. It seems to
6 me that all obligations of confidentiality, even if they
7 can be said to exist here - and clearly there is, we
8 say, a public interest in finding out what goes on in
9 that tape -

10 COMSR: In so far as that is relevant to the
11 Terms of Reference to the Commission.

12 MR CAMPBELL: My friend asked whether it was relevant.
13 I submit that that question has been raised before and
14 at p.605 of the transcript where counsel assisting the
15 Commission said that he has had a chance to look at it
16 and said that parts of it are relevant. That has been
17 addressed by counsel assisting the Commission who said
18 that parts of it are relevant.

19 COMSR: I understand that parts of it are
20 relevant. I don't know that that's the basis of what Mr
21 Anderson put. He said, as I understand it, that parts
22 of it aren't relevant and they could be an embarrassment
23 to the people concerned.

24 MR CAMPBELL: We have a number of people entering a
25 studio to tape what was going to be a national
26 interview. They were hardly going to go in there
27 thinking that was a secret place where no-one would not
28 hear what they have to say. They were going in there
29 because they wanted to say what was going on and said
30 that partly in the interview and, clearly, there were
31 conversations outside the formal interview.

32 COMSR: It is the unguarded comments that Mr
33 Anderson is referring to.

34 MR CAMPBELL: What I'm objecting to is the idea that
35 all of this must be dealt with in camera. If it's dealt
36 with in the ordinary course of the Commission and there
37 are specific matters raised where you have a concern
38 that there may be some hardship arising, then perhaps

1 those matters can be dealt with on an individual basis
2 and the parties interested can make submissions at the
3 time.

4 To place a blanket closing of the Commission without
5 some consideration of what is on that tape, we suggest,
6 is going too far. Clearly, at the end of the day, the
7 only thing that will concern you and will be of concern
8 to the people who reported the matter are the matters
9 relevant to the Commission. I submit that that can be
10 dealt with appropriately at that time.

11 There can be no suggestion that there is anything
12 relating to s.35 matters on this tape. I don't think
13 anyone can forward that as a reason for this tape not to
14 be dealt with publicly in the Commission. Again,
15 obviously, once the tape has been viewed and
16 cross-examinations have occurred, there may be
17 particular matters which may be the subject of specific
18 orders rather than to be dealt with by a blanket order
19 in this fashion.

20 I would be submitting that consistent with the other
21 submissions made on behalf of the media, notwithstanding
22 that we have a media organisation on the other side of
23 this application - which is strange in itself - we would
24 say that this is simply part of the normal public
25 affairs of the Commission. The public has a right to
26 know what is going on here and the media, as is
27 recognised in other places - for example, in the
28 Evidence Act when dealing with suppression orders - has
29 a right to publish the information so that the public
30 can find out.

31 Consistent with that and the public dealings of this
32 Commission, we suggest that it be dealt with publicly at
33 this stage and any specific issues can be dealt with
34 later by specific orders dealing with the particular
35 matters.

36 COMSR: At the present, I don't know the persons
37 whose confidence it is said might be betrayed if this
38 tape is shown publicly.

1 MR CAMPBELL: That is another matter I wish to say
2 something about. We have an application that if the ABC
3 - and this in itself is a strange application for the
4 ABC to make. As I understand it, there is no issue
5 where they have any particular obligations of confidence
6 that they are concerned about here - and I suggested
7 that, in any event, the subpoena covers them there in
8 any possible breach of that obligation. Surely, if
9 there were matters on that tape that were of concern to
10 the individuals involved, then it's up to those
11 individuals to be coming here and saying 'I have a
12 concern about something I said during that tape and I
13 would like it to be dealt with in a particular way'.
14 They are not.

15 The ABC is turning up and the ABC has no legitimate
16 interest in having or making any submissions about the
17 use of that tape. Their only interest there was in
18 producing the tape, or producing the tape pursuant to
19 the subpoena. That is what they have done.

20 Without any further evidence before you of what that
21 particular hardship or embarrassment might be without
22 any application from those individuals, then we would be
23 submitting we are not in a position to make any orders
24 restricting the use of that tape.

25 MR ABBOTT: I would like to say something. Much of
26 what my learned friend has said to you makes good sense.
27 We have seen this tape and we see no reason why the
28 normal course should be departed from or that this tape
29 should not be shown to the public. Then, if there are
30 any applications for suppression of matters in it by
31 parties who claim that their confidences are being
32 prejudiced, destroyed or damaged, you should deal with
33 those applications when and if they arise.

34 For the ABC to assert a general blanket claim of
35 confidence, is like a lawyer asserting a claim for legal
36 professional privilege on the part of a client, except
37 in this case the ABC doesn't have any client and there
38 are only the interviewees. Any confidence that exists

1 will not be the confidence of the ABC, it will be the
2 confidence that the owner of the information possesses,
3 which is the interviewee.

4 In our submission, if the tape is shown in public,
5 it will be seen that this issue of confidence is but a
6 furphy, a red herring, because the participants on the
7 tape seem to act in a way that is quite inconsistent
8 with some of the claims made by Mrs Fisher. At one
9 point, for example -

10 COMSR: Mr Abbott, you can say these things
11 because you have seen the tape. If you hadn't seen the
12 tape -

13 MR ABBOTT: I am telling you -

14 COMSR: I understand that.

15 MR ANDERSON: Normally, it's in the eye of the
16 beholder.

17 MR ABBOTT: I put it no more than this: At one
18 stage, a male cameraman or producer makes a suggestion
19 about leaving because of what is being discussed, and
20 the comment that is proffered is 'It's quite okay for
21 him to stay'. I won't say any more about it other than
22 to tell you that that type of behaviour would appear to
23 be inconsistent with an assertion of confidence that is
24 now being asserted by the ABC. I agree with what has
25 been said; namely, that if there are people who wish to
26 claim some suppression in respect of this tape, it's not
27 the ABC who should be claiming it, it's those who
28 feature in it. Unless and until we hear from them, we
29 should proceed in the normal way and you should show
30 this in public and then consider whether or not any or
31 all or part it should be suppressed.

32 Bearing in mind that the original basis on which
33 this tape was proffered to counsel assisting was that he
34 would have a look at it and decide whether that is
35 relevant, he has done so and now they come along and
36 it's not enough for counsel assisting to have done the
37 job and spend the time, but they now want you to go
38 through the same exercise and come to the same

1 conclusion. That is a time-wasting exercise, in our
2 submission.

3 COMSR: Mr Smith?

4 MR SYKES: If I could say something first. I've
5 got no objection to you viewing the tape in private
6 because you haven't seen it, the contents of the tape.
7 It will be my ultimate submission that the showing
8 should be in public. If Mr Anderson wishes to persuade
9 you that you would be better informed having seen the
10 tape, I've certainly no objection to that course.

11 MR SMITH: My submission to you is this, that the
12 tape runs for some 100 minutes. I have viewed it, as
13 have other counsel at the bar table - with the exception
14 of one or two. It is relevant. As is not hard to
15 deduce, it touches upon the question of secret sacred
16 women's business and emerging as early as 1967. There
17 has been, in the course of this Commission, many
18 instances of comments made outside the Commission which
19 ought properly to have been made here in evidence. This
20 7.30 Report is one such incident of many. It's our
21 submission that the topic of the televised interview is
22 vital and crucial to your inquiry, for the reasons I
23 have said; namely, it alleges that secret sacred women's
24 business emerged as early as 1967. This inquiry should
25 leave no stone unturned to get to the bottom of that
26 contention.

27 I have viewed the tape. It is, in my submission,
28 arguably wholly relevant. In so far as some things are
29 said that didn't feature on the actual report footage on
30 the on-air footage, they are things that this Commission
31 should look at in the bona fide exercise of an inquiry
32 and relevance is not the test. The Costigan cases make
33 it clear that providing you are convinced that this is a
34 bona fide exercise, with your inquisitorial power you
35 can pursue it.

36 My submission would be that the best way of
37 approaching this is for the tape to be shown as other
38 evidence is examined, by and large, by this Commission,

1 this open hearing. If matters arise which appeal to
2 either you, Madam Commissioner, or myself, as counsel
3 assisting, as being potentially embarrassing to the
4 people mentioned by my learned friend, Mr Anderson, then
5 you have the facility, at least on a temporary basis, to
6 suppress publication of that portion of the tape,
7 subject to myself notifying the people involved that
8 it's perceived that that is potentially embarrassing.

9 It is, in my submission, not 100 minutes well spent
10 for you to watch this by yourself, or even in my
11 company, rather than have watched it in open hearing. I
12 suspect at the end of the hearing you will wonder where
13 this 'in confidence' material is. Certainly there are
14 conversations that are not part of the 7.30 Report, but
15 that to identify those as embarrassing or breaches of
16 confidence is hard to identify. But, if I'm wrong about
17 that and you identify such occurrences, or I, on
18 reconsideration, do so, you have the facility to
19 suppress that.

20 COMSR: How many people are we talking about as
21 being potentially involved in some embarrassing
22 position?

23 MR SMITH: We are talking about Mrs Fisher, the
24 present witness, and a lady by the name of Maggie Jacobs
25 and a lady by the name of Veronica Brodie are the
26 interviewees. That is my submission.

27 MR ANDERSON: I rise to refute the suggestion that has
28 been made at the bar table that the ABC doesn't have a
29 relevant interest in the material. The ABC filmed the
30 matter, a film made of it became the ABC's property and
31 the ABC is concerned about its property and the contents
32 of its property. Therefore, it surely has a relevant
33 interest. I refute that.

34 I can't say anything more than what I put to you
35 before except, now, having heard the expressions or the
36 desires of people to have the tape viewed in public, I
37 still maintain that it is a case, despite the fact that
38 you have the assistance of counsel assisting you, it is

1 a case of what is in the eye of the beholder and people
2 see what they want to see. People see what they are
3 looking at for their own particular purpose, that
4 includes counsel assisting Commission - and there is
5 nothing sinister suggested from that. He is looking at
6 that from the point of view of whether there is
7 something to be made of it or not. I accept at the
8 outset that it has got parts in it that are relevant and
9 that there are parts that are not relevant and parts
10 which are potentially embarrassing. I say, despite the
11 fact that it is 100 minutes worth, you should see it.

12 COMSR: Of course, what has been put to me is
13 that the tape could be viewed in public and then, if I
14 consider that any parts of it are potentially
15 embarrassing to anyone, I could suppress those parts
16 until the people concerned are advised and they take
17 such steps as they wish concerning a more permanent
18 suppression.

19 MR ANDERSON: I cannot advance anything further than
20 what I have put to you. I urge you to look at it
21 yourself. I see that what you put to me, with respect,
22 is the alternative and I urge you to adopt my
23 suggestion.

24 COMSR: I suppose if I had a little bit of
25 particularity as to the way in which it's considered
26 embarrassing. I gather from what you have said that it
27 is an embarrassment in this respect: That persons who
28 did not expect that what they were saying would be given
29 a public viewing will have their off-the-cuff remarks
30 made public. It's not suggested that they had any
31 particular - or said anything of an embarrassing nature?

32 MR ANDERSON: No.

33 COMSR: It's the off-the-cuff remarks that have
34 been in there?

35 MR ANDERSON: That is quite as it is. I've
36 deliberately, despite the criticisms made of my
37 submissions, I deliberately avoided going into detail
38 for the very reason that that would disachieve the

1 object that I'm seeking to achieve. Yes, you are right,
2 that is the fact as you have summarized it.

3 COMSR: No-one else wishes to add anything? Mr
4 Anderson, if I thought there was anything of a
5 particularly embarrassing nature that shouldn't be
6 revealed, I think I would accede to your request. It
7 seems to me that your concerns could be met by a
8 suppression order being made concerning the off-the-cuff
9 remarks, as it were, of the persons concerned and that
10 they be given an opportunity to be notified if they wish
11 to make some submissions to me, if there is any further
12 suppression.

13 I think that the most expeditious way of dealing
14 with the matter, and in view of what has been said, it
15 seems that there is no serious harm being done to the
16 persons concerned, that I should have the tape played
17 and then I will make such orders as are appropriate at
18 the conclusion of it.

19 CONTINUED

1 Is it proposed to play that tape now?

2 MR SMITH: Yes, it is. There is one outstanding
3 matter that the representatives of the media might have
4 an interest in. There is the question of the minutes.

5 COMSR: I think we can deal with that subsequent
6 to concluding this business.

7 MR SMITH: If you please. This is in the nature of
8 resuming the cross-examination of Mrs Fisher, but I do
9 not suggest that she should sit in the witness box
10 whilst this happens.

11 COMSR: Unless she wishes to do so.

12 MR SMITH: Yes, unless she wishes to come closer.

13 MS PYKE: Perhaps I could raise a matter. We have
14 already viewed the video tape, my instructor and I. As
15 riveting as it was, I don't know that we are necessarily
16 anxious to sit through it a second time. I wonder
17 whether you might be able to give an intimation, given
18 that it is 100 minutes worth of video tape, which would
19 probably take us through to near enough to 4.30, whether
20 it is contemplated there would be anything more than
21 that this afternoon?

22 COMSR: If anything did arise, you would have an
23 opportunity to address me on it tomorrow morning. It
24 seems unlikely, by the sound of it, that we will get any
25 further than the tape and dealing with any applications
26 for suppression. So that if you wish to withdraw, I
27 understand.

28 MR SYKES: I also wish to withdraw. I have seen it.

29 MR PALYGA: I am in a like position. One thing that
30 I would be interested to know is if Mr Anderson would be
31 able to get some instructions as to whether the camera
32 persons present when the notebook was photographed at
33 the ALRM were male or female. I am wondering whether Mr
34 Anderson could get some instructions on that matter and
35 inform the commission about that.

36 MR ABBOTT: I would like him to get some
37 instructions on where the tape is of that, because it is
38 not on this one.

- 1 MR ANDERSON: I didn't hear what Mr Palyga said. I
2 did what Mr Abbott said, but I ignored it.
- 3 COMSR: Mr Palyga wants to know if you can get
4 some instructions on whether the camera person who
5 filmed the notebook was male or female.
- 6 MR ANDERSON: I will get some instructions. I think
7 you may draw your own conclusions when you see the tape.
- 8 MR PALYGA: To make that clear, the photographs of
9 Mrs Fisher's actual notebook, there are no sounds that I
10 can recall of male camera people or male persons.
- 11 COMSR: Perhaps there are cameramen and you
12 don't hear any sounds at all. At any rate, Mr Anderson
13 has undertaken to get those instructions. If anyone
14 wishes to leave, now is the time to do it.
- 15 MR CAMPBELL: Before this starts, my only other
16 instruction in this matter is to make some submissions
17 regarding the minutes.
- 18 COMSR: As I have indicated, I do not wish to
19 get both issues confused. If we deal first with the
20 tape.
- 21 MR CAMPBELL: I am wondering whether a time could be
22 set then for dealing with that matter so that -
- 23 COMSR: I do not anticipate we will get to it
24 this afternoon from the intimation I have been given as
25 to the length of the tapes. Then I will be dealing with
26 questions of suppression orders that may arise. I think
27 we will have to arrange a time with you concerning that
28 matter. Mr Smith might give you some indication of a
29 likely time.
- 30 MR CAMPBELL: If it is not going to be today, I am
31 wondering whether it could be brought on tomorrow
32 morning.
- 33 COMSR: I do not think it would be reached this
34 afternoon, by the sounds of things.
- 35 MR SMITH: I can only draw to your attention that
36 some of the organs of the media, as it is put, have made
37 arrangements to have legal representation here at this
38 time to deal with just that topic. So if we could

1 dispose of it -

2 MR CAMPBELL: I do not think it will take a very long
3 time. My submissions would be no more than a few
4 minutes.

5 MR SMITH: It is the question of the unconfirmed
6 minutes.

7 COMSR: I know what the application is. You
8 just wish to make a short application, is that it, in
9 respect of that matter?

10 MR CAMPBELL: Yes. This matter has effectively been
11 flagged on previous occasions as coming back today for
12 an indication on whether there was going to be any
13 request for the suppression that was in place to
14 continue. You may recall that there was a question of
15 whether the minutes could be confirmed, or whether there
16 were any matters that were of concern. That has been
17 put off and put off. That is why I have been instructed
18 to come here today really, to see what the answer is.
19 Naturally if there is no concern, that is fine, the
20 suppression goes. If there is some concern, then I
21 would be addressing you on it.

22 COMSR: I would indicate the concern I have
23 regarding the minutes is that they apparently came into
24 the possession of a witness who was not present at the
25 meeting, and cannot say whether or not they are a record
26 of what occurred at the meeting. I do not know what
27 steps are currently in place concerning that.

28 MR CAMPBELL: My understanding is that that is the
29 very reason why it has been put off on previous
30 occasions, to ensure that there were no concerns about
31 the status of that document, about what is in that
32 document. Really the answer was to be given on previous
33 occasions and hasn't, and today was the day.

34 MR ABBOTT: If that is your only concern, madam, my
35 client was at the next meeting where these minutes were
36 tabled and confirmed.

37 COMSR: In that case, that would be the
38 appropriate time then.

- 1 MR ABBOTT: She could return to the witness box and
2 tell you that now.
- 3 COMSR: Perhaps Mr Kenny is in a position to -
- 4 MR KENNY: My instructions are simply they are the
5 unconfirmed minutes. I am not tendering the document.
6 It is not my document. If Mr Abbott wishes to prove
7 that they have been adopted at a subsequent meeting, we
8 would like to see the minutes of that meeting.
- 9 COMSR: Your clients were present, therefore,
10 they have information which is relevant to the terms of
11 the inquiry.
- 12 MR KENNY: Certainly.
- 13 COMSR: This is not a trial, as I have pointed
14 out on many occasions. The process I am involved in is
15 gaining information as to what occurred. I understand
16 from what you are saying, that your clients have that
17 information but choose not to say anything one way or
18 the other. Is that the situation?
- 19 MR KENNY: At this stage. I do not have anything
20 further to say other than it is not a document that I am
21 putting forward on behalf of my clients.
- 22 COMSR: I appreciate you are not putting it
23 forward. The question is: are your clients in a
24 position to confirm it or otherwise?
- 25 MR KENNY: They may well be, but that is -
- 26 COMSR: I would think that the appropriate time
27 is when your witness is recalled to the witness box to
28 deal with this, if she is in a position to give relevant
29 evidence concerning it. That may solve the problem and
30 get past the difficulty that confronts me.
- 31 MR ABBOTT: I would have thought that, given what
32 she is going to say, and given the lack of objection by
33 Mr Kenny, that that answers the problem.
- 34 MR CAMPBELL: We urge that course. This has been
35 brought on today. The opportunity has been given to Mr
36 Kenny to find out whether there is actually any
37 suggestion that these minutes do not reflect the true
38 situation. For some reason those instructions are not

1 being obtained. The commission shouldn't be held up
2 further by this matter.

3 COMSR: I do not think we are being held up at
4 all in respect of this matter. It is simply that we are
5 dealing with another issue at the present time.

6 MR CAMPBELL: The proper reporting of this commission
7 has been held up by this matter. Perhaps I am
8 misunderstanding it, but, having seen the transcript and
9 the way that this matter has progressed over a number of
10 occasions, it is clear that today was the day on which
11 any objections were to be raised. They haven't been
12 raised. Nothing has been said. My submission would be
13 that the suppression must now lapse unless there is
14 going to be a further application. There has been no
15 grounds put to you for a continuation of a suppression
16 or for a new suppression.

17 COMSR: As the minutes now stand, all I have got
18 before me is that they were received by someone not
19 present at that particular meeting. If there is
20 evidence forthcoming that at a subsequent meeting that
21 witness was present when those minutes were confirmed,
22 that, of course, will solve the difficulty.

23 MR CAMPBELL: At that time I suspect the description
24 of the exhibit would be changed, but what I am
25 suggesting to you at the moment is that there is no bar,
26 no possible objection to them being referred to and
27 reported as unconfirmed minutes of that meeting, or, for
28 that matter, for some report to be made of the
29 cross-examination regarding those minutes and of the
30 matters dealt with in those minutes. There is nothing
31 before you at all at the moment.

32 COMSR: That is so, but, as I say, the
33 difficulty is that they have been introduced through a
34 witness who can say nothing as to their authenticity, or
35 has to date had nothing to say as to their authenticity.
36 I am now told that that witness is in a position to give
37 further evidence. If that is the case, of course, that
38 will, as I say, resolve the problem. I will not then be

1 confronted with the difficulty that confronts me now.

2 MR CAMPBELL: The only difficulty is the status of the
3 minutes. What I am asking you to deal with at the
4 moment is the suppression regarding the minutes as they
5 presently stand in their present status.

6 COMSR: I know we keep referring to them as
7 minutes of a meeting. That is where my difficulty lies.
8 There is a document which, on the face of it, seems to
9 be minutes of something or other, but I do not have any
10 evidence before me that links those minutes up with a
11 meeting. I do not know that there is any point in
12 pursuing this if in fact there is evidence forthcoming
13 which places the matter beyond doubt.

14 MR CAMPBELL: The only question then is the delay. My
15 instructions are to pursue it now, rather than to wait
16 for that in the way in which - I mean, this has been
17 foreshadowed over a number of days when this has come
18 before the commission. The very answer that you asked
19 for on those occasions is still not forthcoming.

20 COMSR: I appreciate that, too.

21 MR CAMPBELL: For some reason that doesn't appear to
22 be enough, and I am urging it on you it is enough. The
23 opportunity has been given. No-one has come before you
24 to ask for particular matters in those minutes to be
25 suppressed. You have nothing before you, no grounds on
26 which to continue the suppression.

27 COMSR: Excepting that I am not satisfied that
28 there is sufficient evidence before me to demonstrate
29 that they are minutes of a particular meeting. On the
30 face of them, prima facie, that is what they appear to be.

31 MR CAMPBELL: And they could be reported as such:
32 Unconfirmed minutes that were faxed to a particular
33 witness.

34 COMSR: If we have got evidence that places this
35 in a stronger light, I propose to deal with that before
36 I deal with the question of lifting the suppression. I
37 understand from what Mr Abbott is saying, that he is in
38 a position to call that evidence. In fact, we could

1 have called it and heard it by now.
2 MR ABBOTT: We could have called it and heard it by
3 now. We can still do that if you want to. It will take
4 two minutes.
5 COMSR: We will defer starting this tape for a
6 while. We will recall the witness Dorothy Wilson.
7 MR ABBOTT: I don't know where my client has gone.
8 I know she was here.
9 COMSR: Perhaps we might have to defer this
10 until the conclusion of the film.
11 MR KENNY: I think that will have to be the case,
12 because if this witness is called I would anticipate
13 asking questions on that as well, in which case we may
14 not finish the film today. I submit it makes very
15 little difference anyway. Perhaps as far as the media
16 is concerned, but not as far as the commission.
17 COMSR: Not as far as the commission is
18 concerned in which order the evidence takes place. The
19 balance of convenience as far as counsel is concerned is
20 what I am considering at the present time. If we cannot
21 readily locate the witness, I think we shall have to
22 proceed.
23 MR ABBOTT: We will proceed. I will defer this.
24 Let's get on with the film.
25 MR CAMPBELL: My instructions are to submit that you
26 should lift the suppression now. If you are not
27 prepared to do that -
28 COMSR: I know what your instructions are, but I
29 think you gather what I am saying. I do not know
30 whether the witness will be available at the conclusion
31 of this film or what the situation is.
32 MR CAMPBELL: Then, as the alternative submission, if
33 the witness isn't available and cannot be heard at this
34 time, I simply urge on you that once that evidence is
35 taken, then any reservations you might have would seem
36 to disappear at that stage, and my application at that
37 stage, if I am not present, would be to have the
38 suppression lifted at that time.

E.M. FISHER

- 1 COMSR: Yes. I think you understand what my
2 concern is at this time. As I understand it, that is a
3 matter that the evidence will resolve. I have yet to
4 hear the evidence in relation to it. In the absence of
5 the witness Dorothy Wilson, I will play this interview
6 through.
- 7 MR CAMPBELL: May I withdraw now?
- 8 COMSR: Yes, certainly.
- 9 WITNESS, E.M. FISHER ENTERS WITNESS BOX
10 VIDEO SHOWN
11 CONTINUED
12

1 VIDEO CONCLUDES

2 COMSR: Perhaps we can deal with any application
3 for suppression of any of the material.

4 Of course, Mrs Fisher is here. She can probably say
5 whether or not -

6 MR ANDERSON: The ABC makes no application.

7 COMSR: At the present time then in view of the
8 submissions that were put before me I would be proposing
9 to suppress from publication the additional material
10 that is shown in this tape which was not shown in the
11 video to air tape and which involves the two Aboriginal
12 ladies who are Maggie Jacobs and Veronica Brodie. For
13 the reasons that you have given, Mr Anderson, they may
14 not have been aware of the fact that that material was
15 being recorded both on video and audio and they may wish
16 to make some representations in respect of suppressing
17 it.

18 MR ANDERSON: You can see now why we made the
19 application basically in their interests, but you having
20 seen the tape we are in your hands and that is why we
21 make no application now.

22 COMSR: I propose to make that order then
23 suppressing from publication any material by way of
24 audio and video record additional to that which was
25 shown on the video tape which went to air.

26 MR ANDERSON: Which involves Maggie Jacobs and
27 Veronica Brodie.

28 I suppose Mrs Fisher can speak for herself.

29 MR WARDLE: I can say something.

30 There is no objection from Mrs Fisher's point of
31 view to any of that material being published.

32 COMSR

33 Q. Is that the case.

34 A. Yes, as I was discussing it with Mr Wardle, the concept
35 of no respect, of course, does not apply to no respect
36 for you as Commissioner.

37 COMSR: I am just trying to determine whether or
38 not there is any objection on your part or you are

1 seeking any suppression order. I gather from your
2 counsel that you are not doing so.

3 Is there any other order that is sought, at this
4 time?

5 MR SMITH: I just foreshadow that that order will
6 cause some complications tomorrow because there will be
7 cross-examination of Mrs Fisher based on the wider tape.

8 COMSR: That may be the case. It won't stop the
9 cross-examination. It may have some consequences, but
10 it may be that the two ladies concerned can be
11 contacted, in any event.

12 MR SMITH: One of them was here earlier. She
13 didn't see fit to stay for the entire tape.

14 Perhaps we will review the matter in the morning?

15 COMSR: I propose to adjourn then until 10
16 o'clock tomorrow morning.

17 MR WARDLE: Before you rise, will that be for
18 further cross-examination of Mrs Fisher?

19 COMSR: Yes, we will be resuming tomorrow
20 morning with Mrs Fisher's evidence.

21 COMSR

22 Q. You understand that, do you, you will be under
23 cross-examination.

24 A. Yes.

25 ADJOURNED 4.45 P.M. TO THURSDAY, 24 AUGUST 1995 AT 10 A.M.

E.M. FISHER XXN (MR ABBOTT)

1 BEFORE COMSR STEVENS

2

3 HINDMARSH ISLAND BRIDGE ROYAL COMMISSION

4

5 THURSDAY, 24 AUGUST 1995

6

7 RESUMING 10.10 A.M.

8

9 WITNESS ELIZABETH MARY FISHER IN WITNESS BOX

10 COMSR: Mr Abbott, I understand that you were
11 cross-examining this witness and propose to continue.

12 MR ABBOTT: Yes. Before I do, we need answers to
13 two matters. First, on the tape that we have seen, the
14 raw footage, there is a ten page, at least ten page, fax
15 from the Aboriginal Legal Rights Movement to the ABC.
16 We want production of that and I call for it. I want to
17 cross-examine Mrs Fisher on it.

18 MS SIMPSON: I'm not sure who my friend is calling it
19 from?

20 MR ABBOTT: I'm calling it from the Commission.

21 MRS SIMPSON: The Commission doesn't have it and Mr
22 Smith addressed these matters, or Mr Anderson did. He
23 said on his instructions that all of the documents that
24 were in the possession of the ABC for the purpose of
25 filming only had been returned and they had none. If my
26 friend has an application that he would like the
27 Commission to make, then that is another matter. But
28 the Commission doesn't have it now and, as I understand
29 it from Mr Anderson on his instructions, neither does
30 the ABC.

31 MR ABBOTT: On the basis of Mr Anderson's
32 instructions, there is a fax, which is a fax of the
33 secret sacred - allegedly secret sacred business in
34 these notebooks, and the transcript was sent over the
35 public fax to the ABC from the Aboriginal Legal Rights
36 Movement and has since been returned to the Aboriginal
37 Legal Rights Movement. I would like to - I ask that the
38 Commission subpoena the Aboriginal Legal Rights Movement

E.M. FISHER XXN (MR ABBOTT)

1 to produce the document. It is monstrous that we are
2 now to cross-examine Mrs Fisher on the voracity of her
3 evidence without the prime material on which it's based.

4 I ask that, on the assumption that the ALRM still
5 has the notebook, that that be subpoenaed as well. It
6 is impossible to fairly and properly cross-examine Mrs
7 Fisher, because one of the suggestions I want to make to
8 her is that she has made up this whole story, or at
9 least a substantial part of it, without the source
10 materials. May I ask whether any attempt has been made
11 from the Commission to subpoena the important documents
12 from ALRM, and, if not, why not?

13 COMSR: I don't know whether you want to be
14 heard on that?

15 MS SIMPSON: I can tell my friend that there has been
16 no subpoena issued to the ALRM for either the typed
17 transcript or the notebook.

18 MR ABBOTT: There would appear to be no basis that
19 the ALRM could resist a subpoena. They are not the
20 ALRM's documents, they are copies which they have made
21 of this witness's material.

22 WITNESS: They are not made up, your Honour, they
23 are not made up.

24 COMSR: Yes, Mrs Fisher. I'm hearing what Mr
25 Abbott has to say in respect of these matters.

26 MR ABBOTT: We have substantial concerns that some
27 of it has been made up.

28 COMSR: I appreciate what you're putting to me.
29 Whether or not a subpoena, in the final outcome, will be
30 resisted, of course, to some extent depends upon the
31 provisions of the Racial Discrimination Act, as I
32 understand it.

33 MR ABBOTT: We can only try. It puts, as I see the
34 situation at present, this witness is probably the only
35 person who is going to come forward to this Commission
36 with some allegedly contemporaneous evidence of the
37 pre-existence of secret sacred women's business in
38 relation to Hindmarsh Island pre-1994. That being so,

1 her evidence is quite important.

2 COMSR: I understand that.

3 MR ABBOTT: Mr Smith has already said it is
4 important that the Commission get to the bottom of it,
5 and that is what we intend to do. But, at present, I
6 cannot properly cross-examine Mrs Fisher in the absence
7 of all the source material on which she claims this
8 secret sacred information exists. It is impossible
9 without the source material for me to do it.

10 I can point to certain matters on the video tape and
11 I propose to do it. That won't stop me proceeding this
12 morning. However, I tell you, Mam, that in the ordinary
13 course of events, I say that, with respect, this is what
14 a Royal Commission or inquiry is about, to get hold of
15 the source material.

16 COMSR: That can be done without running into
17 problems with s.9 of the Racial Discrimination Act?

18 MR ABBOTT: We say that s.9 of the Racial
19 Discrimination Act has nothing to do with this. The
20 Racial Discrimination Act -

21 COMSR: In any event, you say that would be a
22 matter for the person to whom the subpoena is directed
23 to take up, and it's your application, is it, that
24 subpoenas issue in respect of this?

25 MR ABBOTT: Today.

26 MS SIMPSON: You will want to consider, of course,
27 the application by Mr Abbott. I suggest at the moment
28 that while Mrs Fisher is sitting here again, we proceed
29 as far as can be done with the cross-examination and
30 deal with the application perhaps later on.

31 MR ABBOTT: I'm prepared to do that, but when my
32 friend says 'deal with it', does that mean more debate
33 before you, or does it mean -

34 COMSR: I hope it doesn't. I hope it means that
35 you're allowed to proceed with your cross-examination.

36 MR ABBOTT: I have said all I want to say. I can
37 see no reason why the attempt should not be made. If
38 resistance is met, we will deal with that resistance

E.M. FISHER XXN (MR ABBOTT)

1 when and if it arises. These documents are absolutely
2 essential.

3 COMSR: I take your point.

4 MR ABBOTT: The next matter is, on the raw footage,
5 as distinct from the 7.30 Report tape, we saw no raw
6 footage of the hands turning the notebook. Now, that,
7 to me, I expected on the raw footage, there would be
8 some more of that material. Again, I ask counsel
9 assisting whether any attempts have been made to get
10 that footage?

11 MS SIMPSON: Again, I can only rely on what Mr
12 Anderson said his instructions were yesterday: that the
13 Commission had been provided with all film and all
14 material used in the production of the interview. If
15 those instructions are not sufficient for my learned
16 friend, then perhaps there will be a need for a witness
17 to be called to answer questions about that, the
18 sufficiency of his instructions.

19 MR ABBOTT: There is a need. We have seen footage
20 now of everything, except the bit that I wanted to see
21 which is the bit that led up to those hands turning over
22 the book and the bit after. We are still no wiser as to
23 whose hands they were, where it occurred and in what
24 circumstances. There has to be raw footage of that.

25 MS SIMPSON: Again, I have to refer my friend to Mr
26 Anderson's instructions that it was Miss Caldwell's hand
27 and that it was filmed in the office of the ALRM. All
28 of that information has been provided to the
29 Commissioner. It is true that it has been provided in
30 the form of instructions to counsel. So, again, if my
31 friend has an application as to a witness that ought to
32 be called to answer questions relating to the
33 instructions given to Mr Anderson, then perhaps that
34 should be made.

35 MR ABBOTT: I do. I make an application that Miss
36 Caldwell be called for cross-examination, either
37 straight away or after Mrs Fisher.

38 COMSR: I think it would be appropriate to

E.M. FISHER XXN (MR ABBOTT)

- 1 continue cross-examination with Mrs Fisher, first of all
2 and then deal with the situation of Miss Caldwell in
3 respect of your application.
- 4 MS SIMPSON: There may well be a need for a subpoena
5 for Miss Caldwell to attend to answer. Again, we could
6 proceed with Mrs Fisher and go as far as my friend is
7 able to go and deal with the matters he has raised after
8 that.
- 9 MR ABBOTT: Well, so be it. I made my points and
10 they are important matters and they impinge upon Mrs
11 Fisher. Can we commence by replaying the tapes and
12 could I have the controls.
- 13 COMSR: Which tapes are we talking about?
- 14 MR ABBOTT: The raw footage tapes.
- 15 COMSR: Do you have any idea how far into the
16 tape you wish to see.
- 17 MR ABBOTT: The first bit, right at the start.

- 1 WITNESS ELIZABETH MARY FISHER CONTINUING
2 CROSS-EXAMINATION BY MR ABBOTT
3 RAW FOOTAGE VIDEO TAPE PLAYED
4 Q. Now, is that a reference to the witness Dr Philip
5 Clarke.
6 A. Yes.
7 Q. Why were you saying that about him.
8 A. The problem of associating with - and I have to be very
9 careful here - associating himself with expertise on
10 Aboriginal knowledge when he made a statement that he
11 was partially inducted - initiated, I don't want to use
12 the word 'inducted', into a northern Aboriginal tribe.
13 Q. How do you know about that.
14 A. Having spoken to a number of Aboriginal men over the
15 years.
16 Q. Who.
17 A. Men.
18 Q. Who. You're criticising Dr Philip Clarke and I would
19 like to know their names.
20 A. There was one here at this Commission.
21 Q. Just their names will do.
22 A. I don't know the names.
23 Q. Some unknown Aboriginal men.
24 A. He was here.
25 Q. Whereabouts was he from.
26 A. New South Wales.
27 Q. Who else.
28 A. Lewis O'Brien.
29 Q. Who is Lewis O'Brien.
30 A. He is sitting at the back of the court, but he is a
31 leader of the Kurnanarrunga people.
32 Q. He was critical of Dr Philip Clarke.
33 A. Never said so to me.
34 Q. He is the one who told you that. Wasn't he the man.
35 A. Many years ago, I met many Aboriginal men - including
36 Tim Hughes, the late Tim Hughes, the late Tim Hughes'
37 Aboriginal friends - in Gladys's house and they all said
38 that matters concerning the initiation of any males is

1 not a matter to be talked about anywhere, except within
2 that group, ever.

3 Q. What, not even the fact that you happened to be
4 initiated or were partly initiated.

5 A. Partial initiation is something I can't discuss at all.
6 That is too ludicrous. To suggest half a foreskin is
7 ludicrous.

8 Q. You tell me of your criticisms of Dr Philip Clarke.

9 A. You have only got to read anything and the answer is
10 plain.

11 Q. You told me that you have criticisms of Dr Philip Clarke
12 and there is this passage on the tape which is critical
13 of him and is based on his claim that he had some
14 degree, or something like some partial initiation.

15 A. Not at all. It was based on the fact that he spoke
16 about it at all, that he mentioned it, that he -

17 Q. He mentioned the word 'initiation'.

18 A. He mentioned that he had anything to do with initiation
19 outside of an Aboriginal group.

20 Q. These men mentioned the initiation to you at the meeting
21 at Gladys Elphick's house; that is different, is it.

22 A. No, that he had been - it is perfectly acceptable, I
23 suppose, as since they said it to me that anything to do
24 with those secrets - and you call it 'an initiation', we
25 call it something else - has not, is not, doesn't have
26 any mention out of the group.

27 Q. I'm trying to get your concern.

28 A. My concern is that somebody mentioned it. It would not
29 have been mentioned.

30 Q. You are not allowed to mention it. Your understanding
31 is that him being initiated, your understanding is that
32 an initiated male, an initiated Aboriginal, is not even
33 allowed to mention anything about an initiated person,
34 the fact that he is an initiated person; is that your
35 understanding.

36 A. My understanding is a non-initiated person would not
37 immediately, in their own group, inform he was
38 initiated; that he wouldn't ask the questions to say

1 that there.

2 Q. That is not the answer to my question.

3 A. Why not?

4 Q. Is it your understanding that it is wrong for an
5 initiation person to mention the fact to any
6 non-initiated person, white or black, that he has been
7 initiated.

8 A. A non-initiated person wouldn't mention it.

9 Q. So, it's wrong.

10 A. It's, as I say, I think to say these things, it's a
11 grave mistake and an error. It's terrible to think that
12 anybody does that who knows anything.

13 Q. Therefore, you say that Dr Philip Clarke was entirely
14 wrong in telling this Commission that he was, in some
15 way, in whole or in part, directly or indirectly,
16 initiated.

17 A. I still agree with myself, yes. It's my opinion - that
18 is not a world opinion, that is just my opinion. I'm
19 only a partial expert.

20 Q. I'm trying to find the basis of your substantial
21 criticisms of Dr Clarke.

22 A. They were substantial criticisms of a white world
23 accepting someone in 1995 when we have had all of this
24 time to discover these things and the shame that nearly
25 a 70 year old woman has to get up and say these things
26 when we should know them all thoroughly. It's 50 years
27 too late, 100 years too late.

28 Q. You go on to say - I have a number of questions to put
29 to you. I'm sure the Commissioner is interested in
30 everything that you have to say. We will be a lot
31 quicker if you listen to my questions and try and answer
32 them, rather than to go off on a tangent.

33 A. It's fair.

34 Q. You say on the transcript in relation to Dr Philip
35 Clarke: 'He's establishing himself in the non-indigenous
36 world by saying he's an expert, but at the same time he
37 is breaking laws which only Aboriginals can'. What do
38 you mean by that.

- 1 A. Is that as far as I went, was it?
- 2 Q. You did add 'Gladys taught me this over 20 years', but
3 put aside what Gladys taught you.
- 4 A. 'Which only Aboriginal people can' and then I paused and
5 didn't want to go any further.
- 6 Q. I am asking you, what did you mean by that.
- 7 A. You asked me to go further -
- 8 Q. Excuse me. What laws, which only Aboriginal people can
9 break, is Dr Philip Clarke breaking by saying he is an
10 expert.
- 11 A. I don't think I actually said Aboriginal people can
12 break it.
- 13 Q. We will go back.
- 14 A. I understand what you are saying now.
- 15 COMSR: Just a minute, Mrs Fisher.
- 16 TAPE PLAYED
- 17 XXN
- 18 Q. Just listen. What laws is Dr Philip Clarke breaking by
19 establishing himself as an expert which any Aboriginal
20 person will tell you is wrong.
- 21 OBJECTION Ms Nelson objects on the ground
22 question is not accurate.
- 23 MS NELSON: What Mrs Fisher said was he is
24 establishing himself in the non-indigenous world as an
25 expert, but at the same time he is breaking laws which -
- 26 COMSR: Which every Aboriginal knows is wrong.
- 27 QUESTION REPHRASED
- 28 Q. You say 'He is establishing himself in the
29 non-indigenous world by saying he is an expert, but at
30 the same time he is breaking laws which only Aboriginal
31 people can'. What laws is Dr -
- 32 OBJECTION Ms Nelson objects.
- 33 XXN
- 34 Q. What laws are you referring to.
- 35 A. The laws that every Aboriginal person, especially
36 anywhere near initiated, would know that no man can talk
37 about what happens.
- 38 Q. How do you know that.

E.M. FISHER XXN (MR ABBOTT)

- 1 A. I will reiterate that I was told by Aboriginal men.
- 2 Q. Which Aboriginal men told you about the laws that no-one
3 can know about.
- 4 A. Again, I will say Tim Hughes was one, the late Tim
5 Hughes, and there are others. There are others, but for
6 the purposes of this, I will have to go back to my
7 notes. I will have to go home to find their names. I'm
8 sorry. But the other thing that they are breaking is
9 for any male to discuss secret and sacred Aboriginal
10 women's business is breaking a taboo, if you like, to
11 name it in a recognisable situation.
- 12 Q. My reason for asking these questions is that you attack
13 Dr Philip Clarke for breaking laws which only Aboriginal
14 people relate to -
- 15 A. I am sure he didn't mean to.
- 16 Q. And you won't tell us what those laws are.
- 17 A. I am not an initiate.
- 18 Q. You can't identify those laws.
- 19 A. I can't be an initiate.
- 20 Q. What laws are you talking about.
- 21 A. I suggest you subpoena a person who may perhaps be able
22 to tell you in an all male court. I am not supposed to
23 speak any further about those things. Certainly an all
24 male court -
- 25 Q. I want a straight answer. You said on the tape to the
26 interviewer 'At the same time, he is breaking laws which
27 every Aboriginal person everywhere will tell you is
28 wrong'. Which laws is Dr Philip Clarke breaking.
- 29 A. I think I've already said that.
- 30 Q. Tell me.
- 31 COMSR
- 32 Q. I'm afraid I didn't quite follow what you were saying.
33 Every Aboriginal person I suppose includes both male and
34 female, so could you give me some idea.
- 35 A. As far as males are concerned, I understood from all the
36 Aboriginal persons I've ever spoken to, that men's
37 business, especially anything to do with becoming an
38 initiate, is absolutely confined to men's circles within

1 that Aboriginal group and not outside it.

2 Q. So that is your understanding.

3 A. That's my understanding, and the understanding that I
4 have also is that, similarly, it applies to women. I
5 hope that is a satisfactory answer.

6 XXN

7 Q. You still haven't answered my question. You condemn Dr
8 Philip Clarke because he is breaking laws which every
9 Aboriginal person everywhere will tell you is wrong.

10 What laws -

11 A. I didn't say I condemned him. I said he is doing it.

12 This is -

13 Q. Whether you condemn him or just say it, what laws.

14 A. I don't think he is aware he is doing it.

15 Q. What laws.

16 A. But I thought I'd explained that.

17 Q. Just tell me what laws.

18 A. I am not an initiate so I am unable to say which laws.

19 Q. So it is just a guess on your part.

20 A. No. It is information from Aboriginal people. I think
21 it would be better to take evidence about that from
22 initiated people.

23 Q. Of course it would be, but you are the person who has
24 made the criticism of Dr Clarke in saying he is breaking
25 laws, and when I ask you what laws, you don't tell me.

26 A. Tim didn't tell me the laws about men's initiation
27 either, but Tim did say that 'We don't talk about those
28 things' and they don't get talked about outside the
29 men's circle.

30 Q. I suggest you have broken all the laws you know about in
31 relation to women's secret business by revealing -

32 A. No, you are turning it all on its head.

33 Q. By revealing your position only to the 7.30 Report to an
34 interviewer.

35 A. I did not reveal anything to the 7.30 Report about my
36 information, no.

37 Q. We will come to that. You have done the best you can to
38 tell me what laws you have been referring to, have you.

1 A. No. Yes and no.

2 TAPE PLAYED

3 A. It is wrong. Absolutely.

4 Q. We know that, but I am asking you the laws that you
5 referred to.

6 OBJECTION Mr Wardle objects.

7 COMSR

8 Q. When you say `laws', what do you mean.

9 A. I mean what Aboriginal men and women understand by their
10 laws that they carry out within their group - often
11 commonly described as a tribe, but I describe as a
12 group.

13 COMSR: I don't know that you would want to take
14 this any further.

15 TOPIC NOT PURSUED

16 XXN

17 Q. You go on to say it is wrong for a male to be talking
18 about women's secret business.

19 A. Yes.

20 Q. That must depend on the degree of secrecy that attaches
21 to it. Obviously some women's business can be spoken
22 about by a man, can't it.

23 A. I am not authorised to actually say the degrees. I can
24 say that if a man says to me `That's women's business, I
25 don't want to hear that'. Then I must accept that -

26 Q. Could you please consider my question. You say
27 categorically in this interview `It is wrong for a male
28 to be talking about women's secret business'. That
29 surely has to depend on numerous circumstances. As a
30 bald statement, it cannot possibly be correct, can it.

31 A. I don't think - no, I think that it is wrong for a man
32 to be speaking about women's secret business.

33 Absolutely. I don't think you will find Aboriginal
34 women willingly speaking about secret business in front
35 of a man who is not her husband, or even if he is her
36 husband I don't think she will speak about it.

37 Q. What secret business do you allege that Dr Philip Clarke
38 spoke about.

1 A. The session was closed. I asked a question of one of
2 the persons from the court 'Is this to speak about
3 women's secret business?' 'Yes'. 'Can I have entry to
4 that session?' 'No'.

5 Q. So you criticised Dr Clarke -

6 A. On the basis -

7 Q. On the basis he must have said something which you
8 haven't heard which falls foul of your views.

9 A. Perhaps I should have qualified it on the basis that, if
10 it is true that women's secret business is being
11 discussed in that session, then it is wrong, especially
12 with men present.

13 TAPE PLAYED

14 Q. Is that true. Isn't everything you have heard
15 indicating that women's business and whether or not it
16 is fabricated was to be investigated by the Royal
17 Commission.

18 A. The fabrication, but not - I understood that the actual
19 existence or not of that secret and sacred business was
20 not to be investigated. From the first day, I
21 understood whether it was fabricated was to be
22 investigated.

23 Q. The fabrication goes to the existence, doesn't it.

24 A. Supposedly.

25 OBJECTION Mr Wardle objects on the ground
26 Mr Abbott is debating the Terms of
27 Reference with the witness.

28 TOPIC NOT PURSUED

29 TAPE PLAYED

30 Q. You are talking about 70 years in South Australia.

31 A. Yes.

32 Q. You then go on to say that in the last 160 years it is
33 your view, in essence, that little, if anything, has
34 been done for the Aboriginal people.

35 A. 'Good intentions' was the expression, I think.

36 Q. You then discuss the issue of money. Do you remember
37 your comments on the issue of money.

38 A. Towards the end of the tape?

1 Q. Yes.

2 A. Yes.

3 TAPE PLAYED

4 Q. Are you referring to a publication by Levi Strauss.

5 A. Yes.

6 Q. Which one.

7 A. It is called 'The Savage Mind', if I remember rightly,
8 very unfortunately, but that's what he calls it, and he
9 makes a study. It was actually -

10 TAPE PLAYED

11 Q. The next sentence is what I want to ask you about.

12 TAPE PLAYED

13 Q. What were you referring to in that regard.

14 OBJECTION Mr Wardle objects on the ground of
15 relevance.

16 MR WARDLE: Mrs Fisher here is expressing a
17 personal view about the way the inquiry is being
18 conducted. What that has got to do with any of the
19 issues, I don't know. It is just not relevant.

20 MR ABBOTT: I think her answer made it relevant
21 because she said the Kurna people. If that's her
22 answer, then that is relevant, because we then know what
23 she is talking about in this criticism of failure to
24 consult. I thought initially it may have been a failure
25 on the part of the commission that she was alluding to,
26 but that is what I wanted to clarify with her.

27 MR WARDLE: She is expressing a view about what she
28 thinks of the way the commission is being conducted. It
29 has nothing to do with anything.

30 MR ABBOTT: I don't think she is. I think she is
31 expressing a view as to the way the government has
32 behaved. That is what I wanted to clear up, whether it
33 is a view about the commission or a view about the
34 government.

35 MR WARDLE: I object. Whatever it is, I cannot see
36 the relevance.

37 COMSR: I cannot see the relevance to the Terms
38 of Reference.

E.M. FISHER XXN (MR ABBOTT)

1 MR ABBOTT: Most of these questions are relevant to
2 this witness's credit, as to her bias and where she is
3 coming from when she gives any evidence or makes any
4 statement in public view. This witness has come along
5 and said, on her oath, that she was told of the
6 existence of secret sacred women's business in relation
7 to Hindmarsh Island.

8 WITNESS: That's true.

9 MR ABBOTT: We are suggesting that that is not true,
10 and she has refused to produce the source materials on
11 which any proper investigation could be made of that
12 claim. Her excuse being that she gave her notebook to
13 ALRM and then she gave her transcripts of her notebook
14 to ALRM. And although the 7.30 Report can get hold of
15 them when it suits them for their camera work and their
16 report, this commission cannot, and those who wish to
17 cross-examine this witness cannot. That, to my mind, is
18 an intolerable situation.

19 COMSR: What has that got to do with the
20 objection by Mr Wardle?

21 MR ABBOTT: It means, in the absence of those source
22 materials on which I can directly confront the witness,
23 I am restricted to what she has deigned to put forward
24 in the public arena as distinct to before this
25 commission. What she has deigned to put forward in the
26 public arena is this interview with the ABC, and I
27 propose to cross-examine her as to her credit in
28 relation to it. She has allowed the ABC to take
29 certain photos and video tapes of some of the notebooks -

30 WITNESS: Not true, not true, not true.

31 MR ABBOTT: And the transcript, and I want to
32 cross-examine her about those. If I was able to have
33 the documents, I wouldn't waste time on issues of
34 credit. I don't have the notebooks. I don't have the
35 transcript. I have got to go about it with some degree
36 of circularity because I am missing the primary
37 materials.

38 MR WARDLE: I object to all of that. It is not Mrs

E.M. FISHER XXN (MR ABBOTT)

1 Fisher's fault that the documents aren't here.

2 MR ABBOTT: It is entirely her fault. She handed
3 them over and she won't go and do anything about going
4 to get them.

5 MR WARDLE: She said what she has done with the
6 documents. It is not up to her to get them. She cannot
7 do any more than explain what happened to them. I
8 object to that attack.

9 MR ABBOTT: I will ask another question and make
10 sure that my friend's objection has no basis.

11 COMSR: I don't know whether Mr Smith wishes to
12 be heard.

13 MR SMITH: Without wishing to take sides in this
14 dispute, the questioning of this witness along the lines
15 proposed by Mr Abbott is plainly permissible. Debates
16 as to relevance and that sort of thing in this context
17 are quite inappropriate.

18 CONTINUED

19

E.M. FISHER XXN (MR ABBOTT)

- 1 MR ABBOTT: I will withdraw that question and ask
2 another one. I think we had better clear the air on
3 this.
- 4 QUESTION WITHDRAWN
5 XXN
- 6 Q. I have asked you some questions previously about your
7 notebook. We know that went to - you dropped it off at
8 ALRM for Doreen Kartinyeri.
- 9 A. For Doreen, yes.
- 10 Q. Have you ever asked for it back.
- 11 A. Actually I did once -
- 12 Q. When.
- 13 A. Early in the piece.
- 14 Q. When.
- 15 A. Before any of this began.
- 16 Q. Have you since asked for it back.
- 17 A. No.
- 18 Q. Will you.
- 19 A. Not since I have been denied - the reasons for it. And
20 I totally agree with the reasons for it.
- 21 Q. Not since you have been denied the reasons for it. What
22 reasons.
- 23 A. No, not since I understood why under no circumstances
24 would I be given it back.
- 25 Q. What, how do you know that.
- 26 A. I discussed the matter with Doreen and she said this
27 is -
- 28 Q. When.
- 29 A. Maybe a couple of - maybe 24 hours after when I said
30 'Have you got the notebook? I want it back.' And she
31 said 'What for?' I said 'Well, look, at least seven
32 pages have been cut out of it and I want to take those
33 three pages out of the middle.' She said 'No, look, I
34 can't give you those back.' I said 'Well, make sure
35 that nobody ever reads them.' She said 'Don't worry.
36 They never will.'
- 37 Q. So you went to Doreen Kartinyeri -
- 38 A. I didn't went to, I rang her.

- 1 Q. You rang her.
2 A. Yes.
3 Q. After your first day at the Royal Commission when you
4 were asked questions about the whereabouts of your
5 notebook.
6 A. Yes.
7 Q. Is that right.
8 A. Yes, I rang her after, yes.
9 Q. You asked her to return -
10 A. Yes.
11 Q. To return the whole or part of it to you.
12 A. No, I just said 'I want that back. I want to take out
13 those three pages', or 'I want to do something about
14 erasing them', or something, 'because that is too
15 important. Those pages must never be seen.'
16 Q. What three pages are these.
17 A. The ones I have given evidence about before.
18 Q. The three pages of your notebook that reduced down to
19 less than half a page of typed transcript.
20 A. Indeed.
21 Q. Is that right.
22 A. Yes.
23 Q. That is that we are talking about.
24 A. Yes, that's -
25 Q. You wanted to get hold of the notebook, take the three
26 pages out and destroy them.
27 A. No, I wasn't going to take them out. I was going to
28 white them out actually.
29 Q. Destroy them.
30 A. Yes.
31 Q. Why.
32 A. Because I had promised Koomi I would never let them go
33 and I was very upset about letting them go. And I know
34 that she would have preferred that they disappear
35 altogether than they come into a court like this.
36 Absolutely.
37 Q. Do you want a break.
38 A. No, I am all right.

1 COMSR

2 Q. Just compose yourself for a moment and perhaps you could
3 explain to me who the `she' is that you referred to when
4 you said you know she would have preferred.

5 A. Rebecca Wilson.

6 Q. If you don't feel able to go on -

7 A. It is all right.

8 Q. And you want a break, let me know.

9 A. It is just that I said to Doreen that I was very worried
10 about everybody being quite aware of the depth of
11 feeling that - that Rebecca Wilson had for the material
12 she had given me and that I had exceeded my
13 responsibility in giving it to anybody and that I should
14 get rid of it, preferable to having it exposed in a
15 court where all these things are being discussed with no
16 permission.

17 XXN

18 Q. Has the fact that it has been given to the ABC further
19 upset you.

20 A. I became - I become absolutely unable further to control
21 it, so I went into retreat as I have had to on many,
22 many occasions. I am sorry, your Honour, if I am being
23 ridiculous. Perhaps I could have 10 minutes or five
24 minutes, do you think?

25 COMSR: Yes.

26 A. I know I am being ridiculous in the eyes of the white
27 world, but it is not ridiculous in the eyes of Dodo and
28 Koomi and Gladys. It is not ridiculous. I am sorry.

29 COMSR: We will take ten minutes while you compose
30 yourself.

31 ADJOURNED 10.55 A.M.

- 1 RESUMING 11.05 A.M.
- 2 MR SMITH: Madam Commissioner, could I interrupt
3 the flow of my friend's cross-examination just to raise
4 a matter of concern in respect of Dr Philip Clarke?
5 At p.151 of the transcript Dr Clarke told us that he
6 had an informal status as a senior man who can work with
7 sacred materials.
- 8 COMSR: `With such materials.'
- 9 MR SMITH: Yes, the `such materials' being sacred
10 materials in the museum and he went on to say:
11 `So I and one or two other senior people in the museum
12 do have an informal initiated status.'
13 That is as far as the evidence went and Dr Clarke
14 would be alarmed if it was broadcast abroad that
15 anything more than that was his situation.
16 So can I just put that on the record for the sake
17 of people here and, in particular, the media, because
18 reporting it beyond that would do mischief to Dr Clarke?
- 19 COMSR: Yes, you simply want to have any false
20 impression corrected?
- 21 MR SMITH: Yes, I don't go so far as to suggest
22 that you should make a suppression order, because it is
23 rather ephemeral, the whole topic, but that is the fact
24 of the evidence and that discussions that have ensued at
25 the last session to suggest otherwise are incorrect.
- 26 COMSR: Perhaps before we proceed, Mr Abbott, it
27 might be helpful to the witness if you can slow down the
28 pace of evidence.
- 29 XXN
- 30 Q. When you took the notes round to - that is, the notebook
31 and the typed transcripts from the notebook around to
32 ALRM and left them there to be collected by Doreen
33 Kartinyeri, you told us this morning that you rang her
34 the next day and asked for them back, is that right.
- 35 A. We had a discussion on the telephone.
- 36 Q. The next day.
- 37 A. Yes, it could have been. It was within a day or two. I
38 can't quite remember whether it was the next day or the

1 day after, but I said to her 'I want it back. I want to
2 get rid of those three pages, because I would prefer
3 that than them going any further.' And - yes.

4 Q. So, is this the situation, that, having decided - and
5 presumably, as I think you have told us, having got the
6 relevant permission from various persons about what to
7 do with these notebooks - sorry, this notebook and these
8 transcripts of your notes in the notebook.

9 A. Yes.

10 Q. That, after having left them there, you reconsidered the
11 wisdom of that course and decided that it would be
12 better to get at least part of the notebook back.

13 A. Not exactly that. To destroy those three pages, yes.

14 Q. They were, as you have told us, the three most relevant
15 pages, so far as this Royal Commission is concerned.

16 A. They were the three most secret pages for Aboriginal
17 women.

18 Q. Doreen Kartinyeri refused to give them back to you.

19 A. Not exactly.

20 Q. She didn't.

21 A. No, but she didn't refuse. She said 'Betty, you have
22 given them to us.'

23 Q. What, don't be an Indian giver.

24 A. No, she said 'You have -

25 MR MEYER: I don't know whether that went over the
26 witness's head, but it went over mine.

27 A. No, I understand what he is saying, but it is the wrong
28 culture.

29 XXN

30 Q. Go on.

31 A. But -

32 Q. Anyway, what did she say.

33 A. She said 'You have given them to us.' I said 'Yes.'

34 She said 'Well, that's it, isn't it?' And I thought
35 about it for a minute and I said 'Yes, that's it.' And
36 I withdrew, but, you know this was a long time - this
37 was nothing to do with the ABC. This was a long time
38 before that.

- 1 Q. It was nothing to do with your appearance in the Royal
2 Commission, was it. It was merely within a day after or
3 a day or two after you handed the notebook and the
4 transcripts of the notebook over that you were asking
5 for part of it back.
- 6 A. It was to do with a discussion I had with Doreen
7 Kartinyeri, yes.
- 8 Q. Have you, apart from that one occasion when you asked
9 Doreen Kartinyeri for your notebook or part of it or
10 your transcripts of the notes in the notebook back, have
11 you ever asked Doreen Kartinyeri or anyone else for the
12 notebook, the transcript of the notes from the notebook
13 or any copy thereof.
- 14 A. I am - I remember saying to somebody, whether it was
15 before that conversation or after it, it was within
16 those 28 or - 24 or 48 hours that I said to somebody
17 'Listen, I want a copy of the transcript.' And they
18 said 'Well, hang on, I'll get back to you.' Now, that
19 would have been - could have been Doreen. But I never
20 got anything back, no.
- 21 Q. More likely than not it was Doreen, wasn't it.
- 22 A. Possible, yes, but I'm not sure.
- 23 Q. You see, as things turned out as you tell us that,
24 having handed over in the sense of leaving your
25 notebook, your original notebook and your transcript of
26 the notes from the notebook with the ALRM for Doreen you
27 left yourself without any photocopy of any pages from
28 the notebook itself, didn't you.
- 29 A. But I accepted that -
- 30 Q. Just wait a minute. You did.
- 31 A. Yes, I accepted that.
- 32 Q. You left yourself without any photocopy -
- 33 A. Yes.
- 34 Q. Or other copy -
- 35 A. That's fair enough.
- 36 Q. Of the transcript of the notes from the notebook, is
37 that right.
- 38 A. Yes, that's fair enough, yes.

- 1 Q. All you had to go on was in the hands of ALRM.
2 A. Was in the hands of Doreen Kartinyeri.
3 Q. You have now made at least one request of probably
4 Doreen for the - for a copy of your transcripts of the
5 notes, which has been refused. Nothing has happened.
6 A. I accept that it does not belong to me any more. It
7 never did.
8 Q. You have asked once of Doreen Kartinyeri for some pages
9 of the notebook to be returned to you, the three most
10 secret pages, so you could destroy them and that hasn't
11 happened.
12 A. No, it sounds like a long litany, but there was only
13 the -
14 Q. Have you ever, since then, asked anyone for your
15 notebook, or part thereof, for your transcript of notes
16 from the notebook or part thereof -
17 A. No.
18 Q. Or any copy of either of those two.
19 A. Not since that time. I accepted I have given them, they
20 are aware they belong with Aboriginal women.
21 Q. As I understand what you said to me before you had the
22 break you are not prepared to do so. You are not
23 prepared to go and try and get them back to assist this
24 Commission.
25 A. They don't belong to me.
26 Q. But you are not even prepared to go and try and get
27 them.
28 A. If you require me to request I certainly could do so.
29 Q. You would.
30 A. Yes, if you required me to request that, but I can tell
31 you what the answer will be.
32 Q. What do you think the answer will be.
33 A. It doesn't - it is our - 'It is Aboriginal women's
34 material.'
35 Q. If Mr Smith writes enclosing an authority from you to
36 the ALRM will you provide such an authority endorsing
37 his request that the materials be handed over.
38 A. I can't understand the point of that.

- 1 Q. No, will you, though.
2 A. If I understood the point, I probably might.
3 Q. I will tell you the point of it, we would like to get
4 the materials here, at least copies of them, in the
5 possession of the Commission.
6 A. I could have it -
7 Q. Are you prepared to assist in that process.
8 A. I can have a discussion with people afterwards about
9 that.
10 Q. Are you prepared to assist in that process.
11 A. I am prepared to have a discussion with people
12 afterwards about that.
13 Q. These three most secret pages, you wrote on the top of
14 them, didn't you, the three pages, that they were the
15 most secret or not to be used or whatever.
16 A. It said, if I remember, 'Not to be read by males.'
17 Q. I suggest -
18 A. Something like that.
19 Q. I suggest it said 'Next three pages not to be used', or
20 something like that.
21 A. No, 'Not to be read by men.'
22 Q. Anyway, you wrote it in in your own handwriting in your
23 notebook.
24 A. It was all in my handwriting, yes.
25 Q. I know that, but the three pages you made a special note
26 of on the top of the page, didn't you -
27 A. Yes.
28 Q. About the fact they were not to be used or read.
29 A. By men.
30 Q. Did you put any other note in your notebook about any of
31 the other pages.
32 A. Possibly. I can't remember.
33 Q. See, I suggest to you that at the point where these
34 three pages occurred you wrote on the top of these three
35 pages something to the effect about 'These three pages
36 are not to be used and not to be read. They are special
37 to the Coorong people.'
38 A. No, nothing - not - no, I said - no, that was a

- 1 different part of it. That was a quite different part
2 of it.
- 3 Q. What was that part.
- 4 A. That was nearer the introduction, I think. It was
5 nothing to do with those three pages. The three pages
6 said 'Not to be read by men.'
- 7 Q. That's what you wrote up the top, is it.
- 8 A. At the beginning of those three pages, yes.
- 9 Q. At the top of the page.
- 10 A. Yes, at the top of that page, 'Not to be read by men.'
- 11 Q. 'Not to be read by men.'
- 12 A. Yes.
- 13 COMSR
- 14 Q. When did you write that on.
- 15 A. That was obviously when I wrote the notebook.
- 16 XXN
- 17 Q. Back in 1967.
- 18 A. Yes.
- 19 Q. When did you write 'These three pages not to be used.'
- 20 A. 'Not to be used'?
- 21 OBJECTION Mr Wardle objects.
- 22 MR WARDLE: She never said -
- 23 A. I didn't write that.
- 24 MR WARDLE: That is Mr Abbott's word, 'used'. The
25 witness has never agreed with it.
- 26 QUESTION WITHDRAWN
- 27 XXN
- 28 Q. I will put the question to you again. I am suggesting
29 that, far from you writing 'These three pages not to be
30 read by men', you wrote 'These three pages are not to be
31 used.'
- 32 A. No, the information on these three pages was absolutely
33 secret for women's business, absolutely and must not be
34 read by men and I wouldn't have put 'used', I would have
35 put 'men', 'by men'.
- 36 Q. So, there was something special about three pages out of
37 the total pages in your book.
- 38 A. Yes.

- 1 Q. Right.
- 2 A. Yes.
- 3 Q. It was only - there was only one lot of three pages that
- 4 was particularly special, wasn't there. I mean, the
- 5 whole book was special, but three pages were
- 6 particularly special.
- 7 A. Were sacred and secret, yes, of a very special nature,
- 8 yes, to - concerned with ceremony and that's it.
- 9 Q. And, on those three pages, there was reference to
- 10 dances. Dancing.
- 11 A. No.
- 12 Q. Parts of the ceremony.
- 13 A. No, that was referred to in other pages.
- 14 Q. You have looked at the video tape of the raw footage,
- 15 haven't you.
- 16 A. Yes.
- 17 Q. I suggest to you that the three very secret pages that
- 18 you have spoken of appear on the video.
- 19 A. No.
- 20 Q. Have a look at this.
- 21 TAPE PLAYED
- 22 CONTINUED

- 1 Q. These are photocopies of your notebook; is that right.
2 A. Yes.
3 Q. You said that you had ripped seven pages out of it.
4 A. No, I never said 'ripped', I said cut.
5 Q. Cut seven pages out of it. Were those seven pages -
6 what happened to those seven pages that you cut out of
7 it.
8 A. They belonged to the Narrunga women and were not an -
9 they didn't have anything to do with this Commission and
10 I've been very careful not to -
11 Q. That is entirely appropriate. Before you delivered the
12 notebook to Doreen Kartinyeri, you cut seven pages out
13 of it.
14 A. Because it was -
15 Q. Unrelated material.
16 A. Yes.
17 Q. You have seen how this is a fax apparently from the
18 Aboriginal Legal Rights Movement, haven't you.
19 A. I have to accept that. I wasn't -
20 Q. I can show you it. We will go back on the tape.
21 TAPE PLAYED IN SLOW MOTION
22 A. Little bit, yes.
23 Q. You see there it shows the fax header of the Aboriginal
24 Legal Rights Movement.
25 OBJECTION Miss Nelson objects on the ground that
26 the tape shows the words 'Aboriginal
27 Legal' and probably part of the words
28 'Rights', but shows no further than
29 that.
30 COMSR: I don't think it will elicit the answer.
31 I don't think that Mrs Fisher could answer that
32 question.
33 OBJECTION UPHELD
34 XXN
35 Q. There are some other frames that will clarify this. I
36 take it that you haven't had any discussions with anyone
37 about how a fax, if this being the case, from Aboriginal
38 Legal Rights Movement went to the ABC, being a fax -

- 1 apparently a faxed copy of your secret notebook.
2 A. You said it was a photocopy. I thought it was a
3 photocopy.
4 Q. But you know you can fax photocopies.
5 A. I haven't got a fax and I find it very difficult to
6 understand modern machinery. I'm a printer of the old
7 trade.
8 Q. You have not had a discussion with anyone.
9 A. No.
10 Q. About how the ABC got hold of your secret book.
11 A. No.
12 Q. Didn't you think that would be a good idea to do, to
13 speak to someone how they got it. Do you regard it as
14 being out of our hands now.
15 A. I do so regard it, yes. I'm -
16 Q. We will go on.
17 TAPE PLAYED
18 COMSR
19 Q. Do they appear to be photocopies of your notebook.
20 A. They look like photos, don't they.
21 Q. What would you say.
22 A. They look like photocopies. When I saw them before,
23 they looked like photocopies.
24 TAPE PLAYED
25 A. You do get black marks down the side like that with
26 photocopies.
27 TAPE PLAYED
28 XXN
29 Q. There, we can see the `Rights'.
30 A. Yes, I can see that, but what - I don't know.
31 COMSR
32 Q. Do you want to look at it a bit more closely.
33 A. I can see that it says `Rights', yes.
34 TAPE PLAYED
35 A. What are we looking for?
36 XXN
37 Q. Just pausing here. Are you concerned that the
38 Aboriginal Legal Rights Movements have apparently

E.M. FISHER XXN (MR ABBOTT)

1 provided copies of your notebook to the ABC and that men
2 are looking at it.

3 A. I don't think I can make any comment on that, because I
4 didn't know anything about the notebook or the
5 transcript, or anything, going anywhere other than to
6 Doreen Kartinyeri, and I don't see how I can comment on
7 it.

8 Q. You're obviously been upset about what has happened to
9 your notebook. I'm suggesting to you that you don't
10 appear to be upset over the fact that apparently the
11 Aboriginal Legal Rights Movement have sent photocopies -
12 put aside whether they are faxed photocopies - have sent
13 photocopies of pages of your notebook to the 7.30 Report
14 and male cameramen are looking at them.

15 OBJECTION Mr Wardle objects on the ground that
16 it does not matter that the witness is
17 upset, as it is out of her control as to
18 what other people choose to do with that
19 material.

20 COMSR: I understand it is out of her control.
21 I think Mr Abbott's question is more directed to her
22 reaction to the circumstance that information which she
23 guarded so closely has apparently been made available on
24 a wider basis than Mrs Fisher would have personally
25 allowed herself, as I understand her evidence.

26 OBJECTION OVERRULED

27 Q. Could you answer that.

28 A. Yes. I could say that my instant reaction was great
29 surprise, but what people decide to do with their own
30 material is their business.

31 Q. You referred to this as Doreen Kartinyeri's own
32 material.

33 A. No. I regard this as the material belonging to those
34 Aboriginal women, women who own it.

35 Q. Who are they; who are these Aboriginal women who own it.

36 A. I would say that it belongs to the nearest relative.

37 Q. Who are the Aboriginal people who, in your view, own
38 this material which you handed over to Doreen

1 Kartinyeri.

2 A. Yes. Well, the Aboriginal people who are the nearest
3 relatives to Rebecca Wilson, I suppose, include a number
4 of women - and I'm not authorised to say who is the
5 person that is appointed to receive this, but I would
6 say her daughter.

7 Q. In other words, Veronica Brodie.

8 A. Yes.

9 Q. Whom you never asked for permission before you handed it
10 over to Doreen Kartinyeri.

11 A. You show -

12 Q. Did you.

13 A. I probably hadn't met her then.

14 Q. You never asked the nearest relative of Rebecca Wilson
15 permission before you handed the material over to Doreen
16 Kartinyeri.

17 A. Because Doreen Kartinyeri's an elected historian of the
18 Ngarrindjeri women.

19 Q. Some Ngarrindjeri women. So what. I mean who was the
20 owner of this material.

21 A. I didn't know who else to give it to.

22 Q. Did you try and find out who the relatives of Rebecca
23 Wilson were.

24 A. I was very angry about it.

25 Q. Your answer is, no, you didn't try and find out, you
26 just handed it over to Doreen.

27 A. That is not a careless action.

28 Q. It may be, depending on what happens to it.

29 A. I don't think it's a careless action. I may not have
30 known Veronica Brodie at that time.

31 Q. My question is: did you take any steps to find out who
32 the nearest relatives of Rebecca Wilson were.

33 A. I probably asked Doreen to let me know.

34 Q. Did she.

35 A. Can't remember.

36 Q. How did you find out about Veronica Brodie.

37 A. I think I probably met her at a meeting, or something,
38 somewhere and was introduced to her.

- 1 Q. By accident.
2 A. Hardly anything happens in the Aboriginal world by
3 accident.
4 Q. I'll return to my original question: Who are the owners
5 of this material.
6 A. Whoever the Aboriginal women nominate to be the owners.
7 Q. Well, I don't want to talk in riddles. Can we learn
8 some names.
9 A. I'm not talking in riddles.
10 Q. Can we learn some names.
11 A. You have already had those names.
12 Q. Could I have them again.
13 A. Well, the nearest relative would be Veronica Brodie and
14 her relatives, and whoever they have appointed in their
15 family to be the owner of it, and -
16 Q. Not Doreen Kartinyeri.
17 A. No, in concert with Doreen because she is the agreed
18 historian and keeper of material.
19 Q. Hang on. Doreen Kartinyeri had no right to this
20 material at all, does she.
21 A. That's not so.
22 Q. Any right that she has is inferior to the right that the
23 nearest -
24 A. I'm not -
25 Q. Excuse me, to the nearest living relatives of Doreen
26 Kartinyeri.
27 A. Yes, well -
28 Q. Any right that Doreen Kartinyeri has.
29 A. This has to do -
30 COMSR: Can you let Mr Abbott ask the question
31 and if Mr Wardle takes objection to give him the
32 opportunity before you start to answer.
33 XXN
34 Q. Now, you know that there are some direct descendants of
35 Rebecca Wilson. Do you accept that they have a superior
36 right to Doreen Kartinyeri as to what happens to these
37 materials.
38 A. I can't say.

E.M. FISHER XXN (MR ABBOTT)

- 1 OBJECTION Mr Wardle objects on the ground
2 that this witness cannot assess what
3 other people's rights are and that
4 those other people should be called to
5 give this evidence.
- 6 COMSR: I think all this witness can say who she
7 believes it is considered to be. She might be, may be
8 totally wrong or she may be right, and it may not be who
9 is entitled, if anyone, to the material. But I think
10 it's her opinion that Mr Abbott is seeking to elicit.
- 11 MR WARDLE: With respect, he has got that. She told
12 you what she thinks.
- 13 Q. I'm asking your opinion. There are two persons or
14 groups of persons who, in your eyes, have some claim to
15 this material: On the one hand, there is Veronica Brodie
16 and members of her family who are direct decendants of
17 Rebecca Wilson and, obviously in your eyes, have some
18 claim to this material; there is Doreen Kartinyeri and
19 her associates who, because they are proponents of the
20 secret women's business, also in your eyes have some
21 claim -
- 22 OBJECTION Mr Wardle objects on the ground that
23 Doreen Kartinyeri was referred to by the
24 witness as an historian for the people,
25 not a proponent for anybody.
- 26 COMSR: Certainly that is the evidence to date.
27 If you are putting something different to the witness?
- 28 MR ABBOTT: I'm not intending to put anything
29 different. The witness knows what I'm on about.
- 30 COMSR: That may be so. You see, all the
31 witness has said so far is that Doreen Kartinyeri is an
32 historian.
- 33 MR ABBOTT: And spokemen for the Ngarrindjeri women.
- 34 COMSR: And not spokesman.
- 35 WITNESS: I didn't say that.
- 36 MR ABBOTT: She said representing the Ngarrindjeri
37 women, or something to that effect.
- 38 MS NELSON: The elected historian.

1 XXN

2 Q. I will use your words. The first group I have
3 described. The second group is Doreen Kartinyeri and
4 her associates. You regard both of them as having some
5 claim to this material of yours.

6 A. I regard the nearest relatives of Doreen - Rebecca
7 Wilson as the persons who should consult on this matter.
8 That I have no rights, but that they are the first
9 persons to whom you should go on this matter to ask
10 questions. I'm not - I have no right to comment really.

11 Q. Have you spoken -

12 A. I know I have.

13 Q. Have you spoken to Veronica Brodie about the effect of
14 your material, or has she spoken to you about the fact
15 that your material is being, apparently has been
16 photocopied by ALRM and has been given to the 7.30
17 Report.

18 A. I haven't discussed that with her, no.

19 Q. She has never asked you about it.

20 A. She may have.

21 Q. Yes. It's not 'may have', it's a fact she's asked you
22 because she wants a copy of it, doesn't she.

23 A. I thought she had one.

24 Q. I'm putting something to you that you know well about.
25 Veronica Brodie has asked you for a copy of your
26 material, hasn't she.

27 A. No.

28 Q. Not at all.

29 A. Not precisely in those words.

30 Q. I know that. But the fact of it has been that she wants
31 a copy of this material because she is the nearest
32 living relative; hasn't it.

33 CONTINUED

1 A. I don't know that she does.

2 COMSR

3 Q. You don't know that she does, or you don't know that she
4 has asked.

5 A. That she has asked, or that she wants it. I know this,
6 that she would like a copy. I know that eventually when
7 all this is over she wants her mother's words back.

8 That's the expression she used to me, 'I want my
9 mother's words back'.

10 XXN

11 Q. She has also told you that Doreen Kartinyeri won't give
12 it back, hasn't she.

13 A. No.

14 Q. You know she hasn't been able to get hold of a copy.

15 A. No, I don't know that.

16 Q. You haven't heard that Veronica Brodie has been trying
17 to get a copy of your book or your tapes or your notes,
18 and that her requests have fallen on deaf ears.

19 A. She said 'I want my mother's words back at the end of
20 all this' and I said 'I'm sure you'll get them'.

21 TAPE PLAYED

22 Q. You see the end 'B'.

23 A. Yes.

24 Q. There is a number of end 'Bs' on this document, which is
25 all in your handwriting, isn't it.

26 A. Yes.

27 Q. Look at these words that are coming up.

28 TAPE PLAYED

29 COMSR

30 Q. Can you see them.

31 A. Yes. 'Not to', is that what you are looking at?

32 XXN

33 Q. Yes, 'not to be'. We will see it clearer on another one
34 in a second.

35 A. I can't see what that is.

36 Q. What does it say.

37 A. 'Used'.

38 Q. Yes, 'Not to be used'. Then it will repeat it again.

- 1 These are the three secret pages, aren't they.
- 2 A. No, no. No, no, no. Definitely not. `Not to be read
3 by men'.
- 4 Q. Three pages not to be read by men.
- 5 A. Yes.
- 6 Q. So if there is another three pages `Not to be used', you
7 can't -
- 8 A. No, no. No, no. `They are not to be used' applies to
9 something else.
- 10 Q. What, another three pages.
- 11 A. No, no. It is just a section where, if I remember
12 rightly, Rebecca Wilson is referring to something to do
13 with men, and I would make a note `Not to be used' in
14 any reference with women talking about things. The
15 question of anybody discussing, in that context,
16 anything to do with men, `Not to be used' she would have
17 emphasized that.
- 18 Q. The reference then to three pages in your notes, the
19 note about `Not to be used' -
- 20 A. Not to be used by men.
- 21 Q. The three pages refers to the secret sacred business.
- 22 A. Very much so, yes.
- 23 Q. They are actually on this. There is a reference here to
24 those three pages. I want to show it to you.
- 25 TAPE PLAYED
- 26 A. Yes, I do use the words `secret sacred' in other parts
27 of the notebook.
- 28 Q. No. There is a reference to those three pages, you see.
- 29 A. Is there?
- 30 Q. I will show you. This section.
- 31 TAPE PLAYED
- 32 Q. This is the section I want you to look at. This is
33 another `Not to be used. Special'. Different from the
34 other one, you see.
- 35 A. Yes.
- 36 Q. This one says `Not to be used. Special to Coorong
37 people.'
- 38 A. Yes.

- 1 Q. That's not the -
2 A. No. That was a specific area down further on the
3 Coorong, a site she was talking about, but -
4 Q. So that is not the three pages. It is just another
5 section of 'Not to be used'.
6 A. No, it was not. No.
7 Q. Why was that not to be used.
8 A. Because it is a site which didn't - I didn't - there was
9 no detail of it in there.
10 Q. We have got one section that says 'Not to be used'. We
11 don't know what that's about, but that is not this
12 section. We have got another section that says 'Not to
13 be used' because it is something to do with the Coorong
14 people.
15 A. It is a reference -
16 Q. And there is a third section that says 'Not to be used'
17 because it is a secret sacred business.
18 A. It is reference to a site.
19 OBJECTION Mr Wardle objects on the ground
20 Mr Abbott is wrongly quoting witness,
21 who says it is not to be read by men.
22 QUESTION REPHRASED
23 Q. We have seen, so far, two sections. One that says 'Not
24 to be used' and we are not sure what is under that
25 section -
26 A. Yes, it is a reference to male - something to do with
27 men, responsibility, and -
28 Q. Now there is a section 'Not to be used', because it
29 relates to the Coorong people. Right.
30 A. It terms of interpreting what Koomi was saying -
31 Q. No, I am just asking that there is a second section in
32 these secret notes -
33 A. Yes.
34 Q. That deals with -
35 A. Yes.
36 Q. Something in relation to the Coorong people which you
37 have headed 'N.B. Not to be used', because it relates to
38 the Coorong people.

- 1 A. Yes.
- 2 Q. You are telling us there is still a third section of
- 3 three pages that deals with secret sacred women's
- 4 business which is headed `Not to be read' so you think.
- 5 A. `By men'. I think? I know. `Not to be read by men'.
- 6 Q. We will come to that.
- 7 TAPE PLAYED
- 8 A. Yes, I have looked very carefully. There is - none of
- 9 these three pages are in there.
- 10 Q. These transcripts, what are they transcripts of.
- 11 A. They're exact words - word for word of what's in the
- 12 notebook that I typed out.
- 13 COMSR
- 14 Q. Why did you type it out.
- 15 A. Because I didn't think they'd be able to read my
- 16 scribble.
- 17 Q. And that scribble was the pages of the notebook.
- 18 A. They are a scribble, aren't they. There were shorthand
- 19 - it was a sort of a shorthand.
- 20 Q. So is the typewritten page, instead of having the
- 21 shorthand -
- 22 A. It is not an extrapolation. It is an exact copy.
- 23 Q. So it is still in shorthand, as it were, on the
- 24 typewritten pages.
- 25 A. Yes.
- 26 XXN
- 27 Q. So you typed out all those pages.
- 28 A. Yes.
- 29 Q. Including the three pages that were -
- 30 A. Yes.
- 31 Q. Not to be read.
- 32 A. Yes.
- 33 Q. Did you provide all the transcripts of all the notes to
- 34 the ALRM.
- 35 A. No, I didn't provide anything to the ALRM.
- 36 Q. Sorry, to Doreen at the ALRM.
- 37 A. Yes, to Doreen Kartinyeri.
- 38 TAPE PLAYED

E.M. FISHER XXN (MR ABBOTT)

- 1 Q. There you have used 'Hindmarsh Island' and you have
2 typed 'Koom an', short for Kumarangk.
- 3 A. I don't know whether it was or not. In those days I had
4 no idea what it was. I asked Rebecca Wilson 'Koomi,
5 what was that word?' And she just looked away and kept
6 on talking to Glady and wouldn't answer me, so I never
7 got it.
- 8 Q. That can't be so. That has to be untrue, doesn't it.
- 9 A. Beg your pardon?
- 10 Q. Why would you put after 'Hindmarsh Island' then brackets
11 '(Koom an)' if you had no idea what the word was or what
12 it related to. The normal way of putting things in
13 brackets after another word is to indicate it was an
14 alternative.
- 15 A. That was what was written in my notebook. I had no idea
16 what the word was.
- 17 Q. You had no idea what the word was.
- 18 A. Not then, in 1967. I had no idea.
- 19 Q. No idea at all.
- 20 A. No.
- 21 Q. Rebecca Wilson called Hindmarsh Island 'Kumarangk',
22 didn't she.
- 23 A. She may have.
- 24 Q. What.
- 25 A. She may have. I was not researching the Ngarrindjeri
26 culture. It was not in my - it was not in my head to
27 make clear anything about -
- 28 Q. But your evidence is that in 1967, Rebecca Wilson was
29 calling Hindmarsh Island 'Kumarangk', and that you were
30 recording it as 'Hindmarsh Island (Koom an)'.
- 31 OBJECTION Ms Nelson objects.
- 32 MS NELSON: I think when Mrs Fisher first gave her
33 evidence, she said that Rebecca Wilson used another name
34 for the island, which she recorded as 'Koom an', or
35 something like that, but she was uncertain at that time
36 of the actual spelling of the word that Mrs Wilson used.
- 37 COMSR: Perhaps the best way is to try and pick
38 this up from the evidence.

E.M. FISHER XXN (MR ABBOTT)

- 1 MR ABBOTT: I can do better than that. I have got
2 her statement where she said -
- 3 COMSR: Perhaps you should show it to the
4 witness.
- 5 XXN
- 6 Q. Looking at Exhibit P6, at p.1, the third line from the
7 bottom, you say `Hindmarsh Island, which she called
8 Kumarangk and the other islands in the vicinity'.
9 A. Yes.
- 10 Q. You are telling us in that statement that -
11 A. I made an assumption.
- 12 Q. You made an assumption.
13 A. Well, I have obviously not got any more proof than
14 `Koom an'.
- 15 Q. You told us in your statement that Rebecca Wilson didn't
16 call Hindmarsh Island `Hindmarsh Island'. She called it
17 `Kumarangk'.
18 A. She did call it -
- 19 Q. What. When Rebecca Wilson was talking about a place,
20 whether it be `Kumarangk' or `Kumaran' or `Koom an', did
21 she use that sort of word.
22 A. She may have. If my notebook says that.
- 23 Q. She didn't use `Hindmarsh Island', did she.
24 A. I think she did, many times. Both probably.
- 25 Q. You told us in your statement not that she used the
26 words `Hindmarsh Island', she used the word `Kumarangk'.
27 If you were taking down what she was -
28 A. I think in my statement I say she uses both, but I
29 haven't got time to read it.
- 30 Q. We will have time. Just look at the bottom of p.1.
31 A. I do say somewhere `To the best of my knowledge' - at
32 least, I hope I do - `that's what she used'.
33 Q. This statement asserts that in your one interview with
34 Rebecca Wilson she was calling Hindmarsh Island
35 `Kumarangk', doesn't it.
36 A. It seems so.
- 37 Q. If she was calling Hindmarsh Island `Kumarangk', or
38 something that sounded like that, then the way that you

E.M. FISHER XXN (MR ABBOTT)

1 would put it in your notes would be `Koom an' first and
2 then `Hindmarsh Island' in brackets.

3 A. I see. Am I being taken to task for my writing
4 incapacity?

5 Q. No. I am taking you to task because I suggest this is a
6 recent fabrication.

7 OBJECTION Ms Nelson objects on the ground
8 of ambiguity.

9 COMSR: What, the tape, the notes? What are you
10 putting to the witness?

11 MR ABBOTT: I can't say the original notes because I
12 haven't seen them. All I can suggest is what appears
13 here was not compiled in 1967.

14 WITNESS: Well, that's not true, of course.

15 OBJECTION Mr Wardle objects on the ground witness
16 has said she typed it up in 1995.

17 COMSR: Yes, an exact copy, word for word.

18 MR ABBOTT: The copy is allegedly word for word.

19 XXN

20 Q. What I am putting to you is that if this copy is a
21 correct copy of your notes, which we haven't got and
22 apparently cannot get, and your original notes recount
23 that Rebecca Wilson was telling you `Hindmarsh Island',
24 and you were writing `Hindmarsh Island' and then,
25 brackets, something like `Kumarangk', that that note
26 that you wrote in your notebook was not written in 1967.
27 That's what I am suggesting to you.

28 A. She said a word which sounded like `Koo an' something,
29 and I got the `an' there. I no idea at this stage what
30 that was all about.

31 Q. You must have because you put it in brackets after the
32 words `Hindmarsh Island'. You must have had some idea.

33 A. Well, I don't say that I took down every word as she was
34 speaking it. I was not writing shorthand.

35 Q. But why would you put it in brackets after `Hindmarsh
36 Island'.

37 A. I don't know. Maybe she was talking about something
38 that happened there, a bird or an animal or something

- 1 like that, it had to do with ceremony. I don't know.
- 2 Q. So it is a mystery to you as to why `Koom an' -
- 3 A. There may have been another word.
- 4 Q. Is in brackets immediately following `Hindmarsh Island'.
- 5 A. There may have been another word. It may have been
- 6 anything.
- 7 Q. It is a mystery to you now.
- 8 A. It is not a mystery so much as I would go to a
- 9 Ngarrindjeri woman and say `What does she mean here?'
- 10 And they may give me a whole number of words to choose
- 11 from.
- 12 Q. But you now can't tell us how it came about that the
- 13 word `Koom an' is in brackets.
- 14 A. It is not a word, is it.
- 15 Q. Two words, `K-O-O-M A-N' is in brackets immediately
- 16 following Hindmarsh Island. You now can't tell us why
- 17 that's so.
- 18 A. I don't know what - no, sorry.
- 19 TAPE PLAYED
- 20 Q. Here is the three pages. I will just go back.
- 21 A. No. They are not the three pages, I'm very sorry.
- 22 Q. If they are not the three pages, then coincidentally
- 23 there happen to be another lot of three pages -
- 24 A. It is not a coincidence.
- 25 Q. What, your book is done in pages of three, is it.
- 26 A. No.
- 27 Q. You told us, not five minutes ago, that there was only
- 28 one lot of three pages. There were other sections of
- 29 the book -
- 30 A. Yes.
- 31 Q. Which were not to be read, or not to be used, or not to
- 32 be marked, or not to be seen -
- 33 A. But they are not -
- 34 Q. But there was only one lot of three pages.
- 35 A. That's correct.
- 36 OBJECTION Mr Wardle objects.
- 37 MR WARDLE: Where do we see anything about three
- 38 pages in what we see there?

1274

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E.M. FISHER XXN (MR ABBOTT)

- 1 MR ABBOTT: Bear with me. We will play it.
- 2 TAPE PLAYED
- 3 CONTINUED
- 4

E.M. FISHER XXN (MR ABBOTT)

- 1 Q. 'Next three pages', what could those next three pages -
2 MR WARDLE: Hang on, could we see a bit more?
3 MR ABBOTT: You would rather see the lot? We will
4 proceed.
5 TAPE PLAYED
6 XXN
7 Q. 'Next three pages marked not to be used.' And then 'NB
8 Special to Coorong -
9 A. Yes.
10 Q. People.'
11 A. Yes.
12 Q. Just pausing there, are they the three pages with the
13 secret business on them.
14 A. No.
15 Q. It just happens, does it, that there is another section
16 which coincidentally consists of three pages which has a
17 section with some restriction on it.
18 A. Yes.
19 Q. A complete coincidence.
20 A. Yes.
21 Q. Even though you couldn't remember that there was another
22 three page section when I asked you about it. You said
23 there was only one lot of three pages, remember.
24 A. I see, yes. Yes, that does create a problem for you, I
25 am very sorry. I have - I have no intention, your
26 Honour, of confusing the issue, but I do know that the
27 three pages that I am more concerned about than anything
28 are the three things that are very sacred to the women
29 down there.
30 COMSR
31 Q. I wonder if you could clarify this for me, when did you
32 actually write 'These notes not to be used', or -
33 A. The headings, you mean?
34 Q. The headings, yes.
35 A. As I was scribbling away, I suppose. Maybe, maybe not.
36 I don't know. Look, your Honour, it was very - it was a
37 very, very emotional -
38 Q. Yes, I appreciate that.

1 A. Thing.

2 Q. But did you write them at the time you were making the
3 notes, or could it have been done on a subsequent
4 occasion.

5 A. Could have been done as they were sitting there saying
6 'Look, you can't. You have got to put something in
7 about that. It has got to be qualified.' You know,
8 they wouldn't have used that word, but they would have
9 said 'Look, this is special. You may not have done
10 that.' I don't know.

11 XXN

12 Q. So there is no misunderstanding, I want to tell you my
13 suggestion, because we have had a good look at these
14 tapes of what we can see.

15 A. Yes.

16 Q. My suggestion to you is that, while the heading is 'Next
17 three pages not to be used. NB Special to Coorong
18 people', what is contained under that line is, in fact,
19 material that you claim relates to Hindmarsh Island.

20 A. Yes.

21 Q. Do you accept that is possible.

22 A. I know that the Coorong - the reference to the Coorong
23 people, right, and that is in my thinking, I stated the
24 Coorong a few times and I know what I was - what I had
25 in mind, you know, when referring to that.

26 Q. You didn't know the name Ngarrindjeri then, did you, in
27 1967.

28 A. Yes.

29 Q. You did.

30 A. Yes.

31 Q. But this is not a reference to Hindmarsh Island and the
32 secret women's business on these - on this page that is
33 headed in this way.

34 A. You see, at that time, when Koomi referred to
35 Ngarrindjeri people - to the Coorong, I knew she would
36 be referring to - or I assumed she would be referring to
37 further down the Coorong.

38 Q. That is not quite an answer to my question. Are you

- 1 telling us that these three pages, which are entitled
2 apparently `NB Special to Coorong people', are not
3 three pages that relate to -
4 A. No.
5 Q. Sacred secret women's business -
6 A. No.
7 Q. In relation to Hindmarsh Island -
8 A. No.
9 Q. As you have asserted it.
10 A. No. No. No, definitely not. Definitely not.
11 Q. Why wouldn't they be used.
12 A. Because, as I have already explained, it had a reference
13 to a site which had something to do with men.
14 Q. This is for men, is it, these three pages.
15 A. No. It would have been - it would have - you see, what
16 they were worried about was the fact that men were not -
17 a lot of sites were going and, like elderly women when
18 they get together, they say `And those men should do
19 more about this.' And I think that was the trail of -
20 that was the - the way that they were involved in that
21 then. Saying that.
22 Q. Since these three pages that are not to be used are not
23 the three pages that relate to the secret sacred women's
24 business on Hindmarsh Island -
25 A. No.
26 Q. What do these three pages relate to.
27 A. Are you seriously asking me to answer that -
28 Q. Yes, I am.
29 A. In this court?
30 Q. In generality, yes.
31 A. I can just say one word and that is -
32 Q. You let the ABC cameramen -
33 A. I didn't let anybody. I am sorry. I didn't let
34 anybody. Your Honour, I can just say that - the word
35 ceremony.
36 COMSR
37 Q. They related to ceremony, these three pages.
38 A. Yes, I think we can say that.

1 XXN

2 Q. Men's ceremony.

3 A. No, I think you are being facetious.

4 Q. I am not being facetious at all. I was asking whether
5 it was female or male business or both.

6 A. This is about women's sacred and secret things and I
7 object to you being facetious about them.

8 Q. I wasn't being for a minute facetious. I wanted to find
9 out what genuine -

10 A. How could it have men's ceremony in a secret and sacred
11 business?

12 Q. Because I understood you to say that these three pages
13 were not sacred and secret women's business.

14 A. No.

15 Q. These three pages were sacred to the Coorong people and
16 I was asking you to tell us only in generality what they
17 related to. Do they relate to graves. Do they relate
18 to camp sites. Do they relate to ceremonies. And I
19 assume by your answer 'ceremony' that you were answering
20 my question and that's why I was asking whether it was
21 male or female ceremonies.

22 A. We are talking about the three pages that I say relate
23 to secret and sacred -

24 Q. No, we are not. We are talking about these three pages
25 on this television monitor.

26 A. Yes, well, I - I am not prepared to go any further than
27 - other than to say it may have some reference to men's
28 - mention about men.

29 TAPE PLAYED

30 Q. I will just play that again.

31 TAPE PLAYED

32 Q. There is the Hindmarsh Island bit you have recorded.

33 A. Yes.

34 Q. And that is not secret or sacred business.

35 A. Not there, no.

36 Q. No.

37 A. No.

38 Q. No, even though she said about 'Very important. That

1 place all secret.'

2 A. It is all secret, therefore, you are not talking about
3 secrets.

4 Q. But this is not one of the three pages.

5 A. That's nothing to do with it.

6 Q. Nothing to do with the three secret pages.

7 A. No.

8 COMSR

9 Q. I just wonder if I could clarify something, because I
10 might be a bit confused. You are the person who typed
11 this up.

12 A. Yes.

13 Q. How many pages did you type altogether.

14 A. I have been trying to remember whether it was three or
15 four.

16 XXN

17 Q. It had to be more than three or four.

18 A. It is only a small notebook. A tiny - three pages of it
19 only made that much (INDICATES).

20 COMSR: I think the witness has previously given
21 evidence that it was three pages.

22 MR ABBOTT: She said three or four typed pages, A4
23 pages, yes.

24 XXN

25 Q. So, we will proceed.

26 TAPE PLAYED

27 COMSR

28 Q. Just to follow that up, if there are three pages here
29 that includes all that was in your notebook including
30 the secret part, would it.

31 A. No, I think that it - you know, imagine a little - I
32 mean, there is the Bible, just imagine a little notebook
33 about yea thick. It was just a little memo, school memo
34 notebook. Right. And it would have been, what, about
35 20 odd pages, seven of which I had removed. And so the
36 rest of them would be handwritten in that and of those
37 there were three pages. A heading of which said 'Not to
38 be read by men.' And those three pages were what I

E.M. FISHER XXN (MR ABBOTT)

- 1 wanted to get back because I was so worried about
2 whether I should have released them to anybody at all.
3 Maybe it should have gone on to the next century. It
4 looks as if it is going to take until the next century
5 and that is how I was feeling, you see.
- 6 Q. I am just trying to really elicit this, these pages,
7 however many they were, took three pages of typing.
- 8 A. Those -
- 9 Q. All -
- 10 A. Yes, yes.
- 11 Q. And included in the three pages of typing was a small
12 section -
- 13 A. Yes.
- 14 Q. Which contained -
- 15 A. About (INDICATES).
- 16 Q. The secret women's business.
- 17 A. Yes. Can I - would you mind if I retire for two
18 minutes?
- 19 COMSR: We will take a ten minute break.
- 20 ADJOURNED 12.10 P.M.

1 RESUMING 12.20 P.M.

2 Q. We are dealing with the three pages that were in your
3 notebook that related to the secret sacred business in
4 relation to Hindmarsh Island.

5 A. Yes.

6 Q. I am now - I am approaching a part in the video where
7 there are apparently three pages of typed transcript
8 from that very same notebook which are described as `NB
9 Not to be used -

10 A. Yes, `Special for Coorong people', yes.

11 Q. And `Special for Coorong people - or, sorry, `Next three
12 pages not to be used. NB Special to Coorong people.'

13 A. Yes.

14 Q. You have denied the suggestion that those are - that in
15 those three pages of your taped transcript - of your
16 typed transcripts -

17 A. Yes.

18 Q. Appear anything from the three handwritten pages in your
19 notebook.

20 A. That's right. To the best of my knowledge. Yes, to the
21 best of my knowledge and memory. It does - that
22 reference about the Coorong people -

23 Q. Another three pages.

24 A. It might be later in the notebook that - yes.

25 Q. I want to remind you about what you said in your
26 statement, Exhibit 6. Do you have that before you.

27 A. Not at the moment.

28 Q. Looking at the statement now before you.

29 A. Yes.

30 Q. You summarise at the bottom of p.1 what Rebecca Wilson
31 said to you about the secret sacred business in relation
32 to Hindmarsh Island.

33 A. I made a spelling error too, yes, sorry.

34 Q. Yes, you say `In particular -

35 MS SIMPSON: Just before my learned friend -

36 MR ABBOTT: I won't read it out. It is the passage
37 beginning `In particular'. I will read the part that I

38 I think I can.

1 XXN

2 Q. `In particular, they were extremely attached to -

3 A. There is a spelling error.

4 Q. Don't worry about that. And the next five lines ending
5 at the bottom of the page `around these islands and into
6 the Murray Mouth.'

7 A. Yes.

8 Q. Go over the page, the next sentence begins `She said
9 that women', and the paragraph ends `Hindmarsh Island
10 meant to women.'

11 A. Yes.

12 MR ABBOTT: I'm not sure whether I can read that out
13 or not. Out of an abundance of caution I won't.

14 MS SIMPSON: I draw my friend's attention to the fact
15 that Exhibit 6 is suppressed from publication.

16 MR ABBOTT: Yes, that's why - and I'm not sure
17 whether this has been ventilated in the transcripts that
18 have been released to the general public or not?

19 COMSR: No.

20 XXN

21 Q. I have identified the two areas. We are clear on what I
22 am talking about.

23 A. Yes.

24 Q. In those two sentences you summarise in part what is in
25 those three pages in your notebook that were not to be
26 read by men, don't you.

27 A. Just - can you bear me for one moment?

28 Q. Certainly.

29 A. I am seeing if there is a reference to it. `Secret and
30 sacred places', yes. That summarises it, yes. `Secret
31 and sacred places', yes.

32 Q. You are looking at the bottom of p.1.

33 A. Fifth line from the bottom `Sacred and secret places.'

34 Q. I want to make sure that you are with me. On p.1 of
35 your statement the last sentence begins `In particular'.
36 Do you see that.

37 A. Yes.

38 Q. P.2 of your statement the first sentence begins `She

1 said that women'.

2 A. Yes.

3 Q. Those two sentences - and I know there are other
4 passages in your notes - in your statement. Those two
5 passages in part summarise some of the material in very
6 general terms -

7 A. Yes.

8 Q. That is in these three -

9 A. Yes.

10 Q. Secret pages.

11 A. Yes.

12 Q. That were not to be read by men and were marked by you
13 in your original notes.

14 A. Yes.

15 Q. It is my suggestion to you - and I can't read this out
16 so everyone knows about it - that what we see in the
17 first sentence on p.2 we, in fact, see being used by
18 these cameramen in the section - and being viewed by
19 these cameramen in the section which follows the
20 reference to three pages and 'Not to be used' and
21 'Special to Coorong people'. And I will now play that
22 section.

23 TAPE PLAYED

24 Q. There is the three pages.

25 TAPE PLAYED

26 Q. And we can read 'Old people have the law - our rules -
27 they work this - '

28 TAPE PLAYED

29 Q. 'We go to the island. We feel - ' And we will hear this
30 being read out by Veronica Brodie in due course.

31 TAPE PLAYED

32 Q. And you have got there 'Dare not tell to WP.' That is
33 white people presumably.

34 A. Yes.

35 CONTINUED

- 1 Q. 'Where the river goes there', is not a reference to
2 Hindmarsh Island and secret sacred business down there.
3 A. I'm not saying that it wasn't a reference.
4 Q. It's not in those three pages.
5 A. No.
6 Q. This is in another three pages that are headed 'Special
7 to Coorong people' apparently.
8 A. Yes. Well, there was septs.
9 Q. I know there's another three pages. We will go on with
10 that.
11 A. There were septs, yes.
12 TAPE PLAYED
13 Q. Here it is again. We go to 'island'. What 'island' is
14 that.
15 A. Hindmarsh Island.
16 Q. This is part of your notes that deal with Hindmarsh
17 Island.
18 A. Yes.
19 Q. And it's secret sacred significance.
20 A. Well, yes, because -
21 Q. But it's not in the three pages.
22 A. No.
23 TAPE PLAYED
24 Q. You will see that section is highlighted with a star.
25 Did you put that on there.
26 A. Asterisk. I may have, don't know.
27 Q. Because it was significant in relation to Hindmarsh
28 Island and secret sacred business there.
29 WITNESS SHAKES HEAD
30 TAPE PLAYED
31 Q. 'Like church', and you will see the reference to the
32 Goolwa area. This is all about Hindmarsh Island.
33 A. Yes. She was telling me about, yes.
34 Q. Her 'granny's stuff'.
35 A. Yes.
36 Q. This is not the secret sacred part.
37 A. No. Goodness me, no, not at all.
38 Q. I take it this is women's business.

- 1 A. Yes, it's women's business, and it should only be seen
2 by women and discussed by women. But if women decide
3 something, it's out of my hands. I'm not - I'm just an
4 old whitey.
- 5 Q. There is another section I want to show you. Are you
6 personally distressed that male cameramen of the ABC are
7 chuckling and laughing while reading this and
8 photographing it.
- 9 A. They have decided what to do. It's hardly my business.
- 10 Q. What is - you're not personally distressed about it.
- 11 A. It's not my law.
- 12 TAPE PLAYED
- 13 Q. It's this section. I want you to look at this section.
14 This is another section of the same three pages under
15 the designation of three pages `Special to Coorong'.
16 You see `babies' mentioned. See that right down the
17 bottom left-hand side: `babies'.
- 18 A. Yes.
- 19 Q. I want you to look at the top of your statement on p.2.
- 20 A. Yes.
- 21 Q. In particular.
- 22 A. Yes. True. That's what she said, yes.
- 23 Q. What does `not m.' there mean.
- 24 A. Not married.
- 25 Q. Not married there.
- 26 A. No.
- 27 Q. `Not marry there'.
- 28 A. No. She was speaking in terms that most Aboriginal
29 women know about.
- 30 Q. Please tell me in your notes what does `m.' mean.
- 31 A. If - there's a word left out between, you see.
- 32 Q. What does it mean.
- 33 A. It means marriage.
- 34 Q. And the word there, does that refer to Hindmarsh Island.
- 35 A. No, it doesn't. `Not marry' in that blood line.
- 36 Q. It doesn't refer to place, it refers to descendants.
- 37 A. Refers to -
- 38 Q. Consanguinity.

- 1 A. Precisely, but in -
2 Q. Thank you. We will go on.
3 TAPE PLAYED
4 Q. There is a reference `to do women's thing'.
5 A. Yes.
6 Q. What is that a reference to.
7 A. I couldn't detail it, but it's - ceremonial is the only
8 way to describe it.
9 Q. Here we are and we have `can m.'.
10 A. Yes.
11 Q. Right.
12 A. Yes, quite so.
13 Q. This is women's business referable to the general area
14 of the Coorong and Hindmarsh Island.
15 A. Yes.
16 Q. But it's not the three pages of the secret sacred
17 women's business.
18 A. No, definitely not. Definitely not.
19 TAPE PLAYED
20 Q. This is the same part, I think, we saw before.
21 A. Yes.
22 Q. Right.
23 A. Yes.
24 Q. And that is the asterisk you put on the page.
25 A. I don't know who put that there. It doesn't look like I
26 put that there. It's bluey ink. I don't think I - I
27 might have, I don't know.
28 TAPE PLAYED
29 Q. This is the bit I wanted to show you. I'm suggesting
30 that that part contains the words `Don't you go there if
31 you are still having children, we take you there', and
32 is a reference to Hindmarsh Island and part of the
33 secret sacred pages. See `You don't go there'.
34 A. Yes.
35 Q. `If -
36 COMSR: Is it necessary for you to show any of
37 this for the witness to be able to say whether or not it
38 is the pages?

1 XXN

2 Q. Are you able to confirm now that that is, in fact, one
3 of the three secret sacred women's pages.

4 A. No, it's not, no.

5 Q. That's a reference to not going to Hindmarsh Island.

6 A. `If you are still having children without one of us'.

7 Q. `Without one of us'.

8 A. Yes.

9 Q. What does that mean.

10 A. Well - well, it means that I wouldn't have understood
11 what I was seeing, looking at, and because I was
12 conscious of another culture, it would be necessary for
13 somebody of that culture to explain what I was seeing
14 and looking at and for their own reasons.

15 Q. Are you suggesting -

16 A. If I went to there, is -

17 Q. Are you suggesting that you found out, directly or
18 indirectly, from Rebecca that knowledge she imparted to
19 you about the secret sacredness of Hindmarsh Island;
20 namely, women don't go there if they are still having
21 children, unless they are guided by or taken by someone
22 else.

23 A. Non-indigenous women don't go there.

24 Q. It doesn't say that.

25 A. Sorry, it's inferred.

26 Q. See, I suggest to you that this is, in fact, one of the
27 three relevant pages we have spoken of.

28 A. No, not at all.

29 Q. The only way to find that out will be to get the
30 notebook.

31 A. Yes.

32 Q. I take it you will do your best to assist the counsel
33 assisting to get it.

34 A. I'm willing to discuss with the Commission, yes.

35 TAPE PLAYED

36 Q. The next section which we are now coming to is the house
37 where the interview as where you and Maggie Jacobs were
38 interviewed.

- 1 A. Yes.
- 2 Q. Whose house was it.
- 3 A. It was Veronica's niece.
- 4 Q. How did you get there.
- 5 A. Yes. Channel 2 rang me and said `Veronica's going to,
6 has agreed to be interviewed, and can you get up there
7 at 11 o'clock on' - what was it - `Saturday', I think.
8 And I said `Yes, I can get there. It's a bit of a long
9 journey'. They said `Get a taxi'. I said `I haven't
10 got that sort of money.' I said, `I'll get a bus, don't
11 worry'. And they rang me back and said `We are sending
12 a taxi for you'.
- 13 Q. Channel 2.
- 14 A. Yes.
- 15 Q. This shows the three of you at Veronica Brodie's
16 relative's house.
- 17 A. Yes.
- 18 Q. And in front of Veronica Brodie is what we now,
19 subsequently, or later learn are your notes of - that is
20 your typed notes.
- 21 A. Yes.
- 22 Q. Your typed transcript of your notes.
- 23 A. I believe they were, yes.
- 24 Q. How did they get there.
- 25 A. I have no idea.
- 26 Q. Did you ask.
- 27 A. They were there when I arrived.
- 28 Q. Did you ask.
- 29 A. No. I looked at the Channel 2 people and said, pointed
30 to them, and I was amazed and they just said
31 (DEMONSTRATES), like that (DEMONSTRATES). Went like
32 that to me, gestured.
- 33 Q. Don't worry.
- 34 A. That kind of thing, yes. I was just astonished, they
35 were there.
- 36 Q. Did you make any complaint that they were there, or ask
37 how they had got there.
- 38 A. Astonished. As I said before, they were out of my

1 hands. It was not me to make rules about things that
2 didn't belong to me any longer.

3 Q. Maybe so -

4 A. Nor did they ever belong to me.

5 Q. You genuinely felt something about them and genuinely
6 felt they were being abused, desecrated.

7 A. No, I never felt that.

8 Q. Surely one would expect you to make some form of
9 complaint.

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11 anything to be desecrated in any way. They have their
12 reasons.

13 Q. This must've come as a rude shock to you to see that the
14 Channel 2 cameramen were using your notes, leaning over
15 them, talking about their personal experiences while
16 looking at them.

17 A. It was a surprise, I suppose.

18 Q. I suppose it was.

19 A. As a matter of fact, I was sitting home with my husband
20 when I first saw him and I said 'My God, they've got my
21 notes'. That's my initial -

22 TAPE PLAYED

23 Q. Now, I don't want to play all of that. I want to finish
24 in a minute, at least, this section. But, it is obvious
25 from what you have seen following that, what has been
26 produced for Veronica Brodie to read is the transcript
27 of the notes that you typed on your typewriter, isn't
28 it.

29 A. Yes.

30 Q. That she had read out to the camera a large portion of
31 those typed transcripts.

32 CONTINUED

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E.M. FISHER XXN (MR ABBOTT)

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2 didn't belong to me any longer.

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9 complaint.

10 A. I never thought that Aboriginal women would allow
11 anything to be desecrated in any way. They have their
12 reasons.

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14 Channel 2 cameramen were using your notes, leaning over
15 them, talking about their personal experiences while
16 looking at them.

17 A. It was a surprise, I suppose.

18 Q. I suppose it was.

19 A. As a matter of fact, I was sitting home with my husband
20 when I first saw him and I said 'My God, they've got my
21 notes'. That's my initial -

22 TAPE PLAYED

23 Q. Now, I don't want to play all of that. I want to finish
24 in a minute, at least, this section. But, it is obvious
25 from what you have seen following that, what has been
26 produced for Veronica Brodie to read is the transcript
27 of the notes that you typed on your typewriter, isn't
28 it.

29 A. Yes.

30 Q. That she had read out to the camera a large portion of
31 those typed transcripts.

32 CONTINUED

- 1 A. I don't think she read large portions, but portions of
2 it, yes.
- 3 Q. And that the tape of Rebecca Wilson is also there.
- 4 A. I took that. That was the one I gave the commissioner,
5 yes.
- 6 TAPE PLAYED
- 7 Q. Are those the transcripts.
- 8 A. Yes - well, I don't know, I can't see them.
- 9 Q. You see there also appears to be photocopies of
10 handwritten documents there as well.
- 11 A. No, that's a letter I sent to Veronica. We'd been
12 discussing that.
- 13 Q. What's the letter.
- 14 A. When I sent the -
- 15 Q. The document under it, on the left of the screen, bottom
16 left, is a letter you sent.
- 17 A. Yes. When I gave the tape and the notebook and the
18 typed copy of the notebook to Doreen Kartinyeri, I sat
19 down that night and I thought `Veronica needs to have
20 something from this'. So I sat down and wrote a letter
21 which encapsulated what was in the notebook. You see,
22 Commissioner, I thought that she should have her
23 mother's words as near as I could give them to her.
- 24 TAPE PLAYED
- 25 Q. Veronica Brodie has at least three typed pages. Right.
- 26 A. I said they were three or four.
- 27 Q. That must be all the transcript of -
- 28 A. I didn't look at -
- 29 Q. Of the relevant part that relates to Hindmarsh Island in
30 your notebook, doesn't it.
- 31 A. That's likely, but I didn't look at it that day.
- 32 Q. So she is reading from the typed pages of transcript,
33 which includes the half a page that contains the very
34 secret sacred women's business, as far as you are aware.
- 35 OBJECTION Ms Pyke objects on the ground of
36 fairness.
- 37 MS PYKE: One wouldn't know whether it has been

E.M. FISHER XXN (MR ABBOTT)

- 1 deleted. This witness has said she hasn't seen it. I
2 think that is a very unfair question.
- 3 MR ABBOTT: I submit it is not unfair. I said `As
4 far as she can tell'. I know the answer is she hasn't
5 looked at it, but `as far as she can tell' is an
6 appropriate question. We can see the three pages there.
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11 Veronica read aloud, did that sound like portion of the
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- 16 Q. So she didn't read out what you claim to be the half a
17 page of these typed transcripts, or less than half a
18 page you are indicating, that contains the secret sacred
19 business, which was headed by the warning `N.B. Not to
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8 number, which she is holding. We cannot take it any
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13 footage section of the record of the interview that the
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15 and Veronica Brodie at -
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- 17 Q. It was at Paralowie.
- 18 A. The suburb was Paralowie.
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- 20 MS PYKE: It is very really hard to tell how many
21 pages are there.
- 22 MR ABBOTT: At least three.
- 23 MR MEYER: You can see that there are at least
24 three pages.
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26 one can say there are three pages there. There seems to
27 be a number of pages.
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14 they wish to make some representations to me concerning
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25 because, as I say, both of these women may wish to make
26 some representations to me. That is why I made a
27 temporary order in respect of them.
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- 30 COMSR: I agree.
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32 choose to, the proceedings this morning?
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1 yesterday. I cannot think of anything in the
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5 MR SMITH: By reason of a personal tragedy in Mrs
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7 afternoon. That may be the case for a short period, for
8 a number of days or more ahead.

9 COMSR: Yes. I think she showed a deal of
10 fortitude in turning up this morning in the
11 circumstances. I do not think we can reasonably expect
12 her to be available to give evidence in the immediate
13 future.

14 MR SMITH: I am asked by her counsel to announce in
15 this inquiry, for the sake of the media, that she would
16 appreciate a little privacy generally, I suppose, but
17 particularly now. That being the case, we will resume
18 with the evidence of Mrs Jenny Grace. Jenny Grace is
19 one of the ladies who have been under the heading
20 'dissident ladies'.

21 It was arranged, and perhaps I will remind the
22 commission of this, that their evidence would be led by
23 Mrs Shaw, by reason of the sensitive nature of the
24 evidence which, on occasions, ventures into the question
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26 case with Jenny Grace. For that reason, the rule which
27 lays down that I lead the witnesses, for the purposes of
28 Aboriginal witnesses such as Mrs Jenny Grace, has been
29 waived and the witness will be led by Mrs Shaw.

30 COMSR: I hope I have made it clear that I
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5 Only the press and parties remaining.
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7 application?
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9 application previously. Mrs Grace is here to assist the
10 commission, and to give her evidence in as fair an
11 atmosphere as possible. She feels she would be unable
12 to do justice to her evidence if members of the public,
13 whom I will not name, are allowed to be here. Rather
14 than say certain members of the public would be
15 unobjectionable, but others might be, I ask that you
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17 restricting admission to counsel and parties and the
18 press.
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20 Mrs Dorothy Wilson because I understood that she had
21 been under stress for a considerable time, and I
22 accepted that clearly there had been a long history
23 there. Is that the situation here?
- 24 MR ABBOTT: You may wish to hear Mrs Grace talk
25 about it. Perhaps if we called Mrs Grace, that may be
26 of assistance to you.
- 27 MR SYKES: May I have leave to retire? I do not
28 propose to be here for this evidence.
- 29 MR WARDLE: Might I also?
- 30 COMSR: Yes.

1 MRS SHAW CALLS

2 JENNIFER CHRISTINE GRACE SWORN

3 EXAMINATION BY MRS SHAW

4 Q. Mrs Grace, I think you contributed to a text 'Women of
5 the Centre', in which your story was told and published
6 in about 1990. Is that so.

7 A. Yes.

8 Q. And it is called 'Murray River Woman.'

9 A. Yes.

10 EXHIBIT 55 Text entitled 'Women of the Centre.'
11 tendered by Mrs Shaw. Admitted.

12 Q. Just in summary, is it true to say that you lived, in
13 your growing-up years, a traditional life with your
14 father and your mother on the river.

15 A. Yes. I call it traditional compared to the way I live
16 now.

17 Q. You wish to have your evidence heard with members of the
18 public excluded. To explain that to Madam Commissioner,
19 without going into details, is it true to say that you
20 have been told by other Aboriginal people that they have
21 received copies of the transcript, including what you
22 now have learnt was suppressed, and have spoken to you
23 about what has been said in the commission.

24 A. Yes.

25 Q. Do you, therefore, have grave fears that, unless members
26 of the public are excluded, what you say will be bandied
27 around, and forever after will be a problem for you.

28 A. Yes, I thought that could happen, because they are
29 already doing it with the other witnesses.

30 Q. Is it true that you have been told of meetings that have
31 been held regularly.

32 A. Yes.

33 Q. And discussions about what is taking place in court.

34 A. Yes.

35 Q. And names are being mentioned.

36 A. Yes.

37 Q. Because of that, is it your position that you are not
38 prepared to give evidence unless you can have some

1 assurance, by reason of the exclusion of the public,
2 that there will be some control over what leaves this
3 court.

4 A. Yes.

5 COMSR

6 Q. You do understand though, do you, that if members of the
7 press are here they presumably will be making some
8 report on your evidence, and the evidence itself would
9 be available later.

10 A. But if there is something that is suppressed, because I
11 think that's what's been sort of going around, you know,
12 things that are -

13 Q. That are suppressed.

14 A. Yes.

15 Q. Are you prepared to see how you go with your evidence
16 first of all.

17 A. Yes, okay.

18 Q. We will see how we proceed. If for some reason you find
19 you cannot cope -

20 MRS SHAW: I point out that Mrs Grace, with
21 respect, is no doubt a compliant person and she will
22 comply with what you say. It is unfair, in my
23 submission, to make that request of her, when she has
24 clearly indicated that she would prefer to give her
25 evidence in the way that she has said.

26 COMSR: It is just that the reason advanced -
27 that is, that the evidence has been discussed later - I
28 just do not see how the arrangement proposed can avoid
29 that. If even evidence that has been suppressed has
30 been bandied around, I do not see that it would be very
31 effective in preventing that.

32 MRS SHAW: It has been bandied around by members of
33 the public, we can only assume.

34 COMSR: I see what you are saying, by people
35 sitting in the hearing room.

36 MR ABBOTT: Yes, who were here when you have
37 suppressed it.

38 CONTINUED

- 1 A. I don't think she read large portions, but portions of
2 it, yes.
- 3 Q. And that the tape of Rebecca Wilson is also there.
- 4 A. I took that. That was the one I gave the commissioner,
5 yes.
- 6 TAPE PLAYED
- 7 Q. Are those the transcripts.
- 8 A. Yes - well, I don't know, I can't see them.
- 9 Q. You see there also appears to be photocopies of
10 handwritten documents there as well.
- 11 A. No, that's a letter I sent to Veronica. We'd been
12 discussing that.
- 13 Q. What's the letter.
- 14 A. When I sent the -
- 15 Q. The document under it, on the left of the screen, bottom
16 left, is a letter you sent.
- 17 A. Yes. When I gave the tape and the notebook and the
18 typed copy of the notebook to Doreen Kartinyeri, I sat
19 down that night and I thought `Veronica needs to have
20 something from this'. So I sat down and wrote a letter
21 which encapsulated what was in the notebook. You see,
22 Commissioner, I thought that she should have her
23 mother's words as near as I could give them to her.
- 24 TAPE PLAYED
- 25 Q. Veronica Brodie has at least three typed pages. Right.
- 26 A. I said they were three or four.
- 27 Q. That must be all the transcript of -
- 28 A. I didn't look at -
- 29 Q. Of the relevant part that relates to Hindmarsh Island in
30 your notebook, doesn't it.
- 31 A. That's likely, but I didn't look at it that day.
- 32 Q. So she is reading from the typed pages of transcript,
33 which includes the half a page that contains the very
34 secret sacred women's business, as far as you are aware.
- 35 OBJECTION Ms Pyke objects on the ground of
36 fairness.
- 37 MS PYKE: One wouldn't know whether it has been

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2 think that is a very unfair question.

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5 looked at it, but `as far as she can tell' is an
6 appropriate question. We can see the three pages there.

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12 typed pages you had typed up.

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35 sitting in the hearing room.

36 MR ABBOTT: Yes, who were here when you have
37 suppressed it.

38 CONTINUED

J.C. GRACE XN (MS SHAW)

1 MS SHAW: But, in any event, the effect of what
2 Mrs Grace is saying is that she finds it intimidating to
3 be in a courtroom with a large number of the members of
4 the public in view of what she has heard and what has
5 gone on before.

6 COMSR

7 Q. I don't want to be putting any words in your mouth, Mrs
8 Grace, what is the situation as far as your giving
9 evidence in this hearing room as now constituted. And I
10 don't want to suggest anything one way or the other.
11 Can you tell me what your views are.

12 A. I did request that Marie ask that the public, yes, not
13 be included in here, because, I mean, it was only a
14 couple of days ago that I heard that things were, you
15 know, being passed around in the community.

16 COMSR: Is it anticipated that there will be
17 occasion for suppression during the course of this
18 evidence?

19 MS SHAW: That is the background to why the
20 request was made and as to why this witness is a
21 reluctant witness with members of the public present.

22 COMSR: I do distinguish between an Aboriginal
23 witness giving evidence under these circumstances and
24 where it appears to me that the witness is saying and I
25 accept that they have been under continual stress or
26 that they have had a threat of some sort made against
27 them. I can see that situation. But I am not quite
28 clear with Mrs Grace.

29 COMSR

30 Q. Are you saying you are not prepared to give evidence or
31 that you would prefer not to give evidence in the
32 courtroom as it is presently constituted. I mean, with
33 the people who are here. You don't have to name any
34 names.

35 A. No, well, okay, you know, with the people that are here,
36 probably it is okay, but you don't know who is going
37 to -

38 MS SIMPSON: In fact, I was going to make a

1 submission.

2 It may not be the people that are here, but, if the
3 public are permitted to come in at any time freely and
4 that may present a problem, I make the submission that I
5 made in respect of Mrs Betty Tatt. And that is that, if
6 there is an apprehension on the part of the witness that
7 she will be uncomfortable and not able to give her
8 evidence in the best circumstances then in that respect
9 she ought to be allowed to assist the Commission in a
10 closed court limited to the press and parties and
11 counsel.

12 MR KENNY: As I understand it, the reason for the -

13 MS SHAW: I object to Mr Kenny making submissions
14 about this. I mean, it is from Mrs Grace's point of
15 view and your Honour has heard that and I object to Mr
16 Kenny making assertions about what she has said to you.

17 MR KENNY: I still wish to put some submissions to
18 you.

19 COMSR: Yes, I don't know what your status is
20 for putting submissions, considering that, as I
21 understand it, your clients have not as yet even
22 produced statements.

23 MR KENNY: No, that's correct. And I have spoken
24 to Mr Smith about that on a number of occasions.

25 COMSR: Yes, Mr Kenny, I think it is a matter
26 where I will have to weigh up what has been put to me in
27 respect of the witness.

28 MR KENNY: What I do have to say is about the
29 transcript and the people and I presume Mrs Grace is
30 talking about Aboriginal people discussing the
31 transcript.

32 COMSR: She may be, yes. I understood what she
33 had to say, Mr Kenny -

34 MS SIMPSON: With respect to my learned friend, it is
35 not appropriate that this matter be gone into any
36 further in this way and that is the unfortunate
37 circumstance where Mrs Grace is put in a position where
38 she has to explain. And it is my submission she should

- 1 not be put into that position at all.
- 2 COMSR: No, I will just have to be satisfied
3 that a sufficient reason exists for me to make the order
4 that is sought. It has certainly not been suggested
5 that there be any suppression of evidence, at this
6 stage, but rather that the number of persons in the
7 hearing room be restricted.
- 8 Mrs Grace, I am prepared to do so in your case, to
9 exclude those members of the public other than the
10 members of the press during the time that you are giving
11 your evidence and, accordingly, I will ask the members
12 of the public who are not members of the press if they
13 could leave the courtroom while the witness is giving
14 her evidence.
- 15 MR MEYER: If I may have leave for a short time? I
16 will leave Mr Palyga here, but otherwise could I be
17 excused?
- 18 COMSR: Yes.
- 19 MR MEYER LEAVES HEARING ROOM
20 MEMBERS OF PUBLIC LEAVE HEARING ROOM
- 21 MR PALYGA: Yes, Ms Groves was allowed in on the
22 last occasion, I just point that out, when a similar
23 order was made.
- 24 COMSR: That was a work experience person?
- 25 MR PALYGA: Correct.
- 26 COMSR: Who is going to lead?
- 27 MS SHAW: I will ask Mrs Grace some questions.
28 XN
- 29 Q. How old are you.
30 A. Forty-five.
31 Q. Your mother I think is Margaret Lindsay.
32 A. Yes.
33 Q. She is still alive.
34 A. Yes.
35 Q. And has provided a statement to the Commission.
36 A. Yes.
37 Q. Your mother is the daughter of Nathaniel Kropinyeri.
38 A. Yes, that's correct.

- 1 Q. And Iris Jones.
2 A. Yes.
3 Q. And Iris Jones was the second wife of Nathaniel.
4 A. Yes.
5 Q. His first wife was Rosetta Rigney.
6 A. Rosetta Rigney.
7 Q. Is that so.
8 A. Yes.
9 Q. And Rosetta Rigney is the Auntie Rose that Doreen
10 Kartinyeri claims bestowed on her the secret sacred
11 women's business of Hindmarsh Island.
12 A. Yes.
13 Q. It is the case I think that when your mother died -
14 A. Grandmother.
15 Q. Your grandmother died, your father returned to live
16 with -
17 A. My grandfather.
18 Q. Your grandfather returned to live with Auntie Rose.
19 A. Yes.
20 Q. You called her Granny Rose.
21 A. Yes.
22 Q. So your mother was raised by Granny Rose from about the
23 age of four years.
24 A. Yes.
25 Q. Until about thirteen years of age.
26 A. Yes, that's right.
27 Q. In fact, as you understand it, Granny Rose raised all of
28 the children from each of your grandfather's marriages.
29 A. That's right.
30 Q. Your own father was Angus Jones.
31 A. Yes.
32 Q. The son of Roy Giles and Kate Cook.
33 A. Yes.
34 Q. And the Gileses were Ngarrindjeri people.
35 A. Yes.
36 Q. You were raised on the Murray river.
37 A. Yes.
38 Q. Can you tell us the kind of places that you lived in

1 along the Murray.

2 A. When we lived - like, the most permanent place was at
3 Nildottie, so, we had a couple of different shacks there
4 that we lived in. But, when we travelled, like, for
5 rabbit trapping or fruit picking or wherever we went, we
6 lived in wurlies.

7 Q. And your father was a fisherman I think.

8 A. Yes, him and his brother had a fishing rig at Nildottie
9 and they fished for Murray cod.

10 Q. Would he travel up and down the Murray river between
11 Mannum and the Lower Murray lakes catching fish and so
12 on.

13 A. Yes.

14 Q. You travelled -

15 A. No, not fishing. It was trapping usually.

16 Q. Trapping.

17 A. Yes, when travelling.

18 Q. You travelled with him.

19 A. Yes.

20 Q. It was going up and down that you would stay in wurlies
21 from time to time.

22 A. Yes.

23 Q. Then you mention that he would also do some fruit
24 picking.

25 A. Yes, at, you know, several places along the river.

26 Like, I can remember Bow Hill, Waikerie, Cadell and I
27 think we went up as far as Renmark. Sometimes, you know
28 - and that was trapping and fruit picking.

29 Q. We are talking about you, your father and your mother.

30 A. Yes.

31 Q. During this time that you were living on the river, did
32 you go to school.

33 A. Sometimes if we were, like, camped at - in a place for,
34 say, around a month or something, I would go to a local
35 school if there was a school nearby, otherwise I would
36 do correspondence. But, I mean, probably once I went
37 to, you know, like, a - for a short time and that was at
38 Penong, but it was usually, yes, correspondence school

- 1 while we were travelling.
- 2 Q. You were at the Swan Reach Primary School for -
- 3 A. Nildottie Primary School first and that closed down when
- 4 I was in grade 3. Then when I went to school again I
- 5 attended Swan Reach and I went by bus.
- 6 Q. Did you go as far as a couple of months into year 8.
- 7 A. Yes, I completed year 7.
- 8 Q. When you were living this life on the river, did your
- 9 father speak Ngarrindjeri or the language.
- 10 A. A few words here and there, but a lot of - I mean, there
- 11 was expressions or sign language, sort of thing,
- 12 especially when we were hunting or something like that.
- 13 I mean, they didn't talk much. So - but there was just
- 14 a few words. You know, not to say a sentence of the
- 15 language.
- 16 Q. Can you tell us about the way in which your father would
- 17 go about setting up camp and setting his traps and so
- 18 on. Just tell us what he would do, as you moved along
- 19 the river.
- 20 A. We would - he would find a, you know, a camping ground
- 21 somewhere and, yes, we would set up a wurlie or
- 22 something, yes.
- 23 Q. Would he make the wurlie.
- 24 A. Yes.
- 25 Q. What is your memory of the kind of wurlie he would make.
- 26 A. I think it depended on the weather. Sometimes we used
- 27 to - like, he - every time we made them we made them out
- 28 of tobacco tree limbs, branches and sometimes we used
- 29 boughs and sometimes other materials. You know, like a
- 30 hessian bag or something like that.
- 31 Q. And he would I think you said set traps.
- 32 A. Yes.
- 33 Q. When would he do that. Can you just tell us, would he
- 34 put the wurlie in, set the trap and spend a few days in
- 35 one spot and then move on.
- 36 A. Yes, where we camped would usually be a, you know, a big
- 37 swamp or something, so he would set traps there and to
- 38 trap other places it would probably take sometimes a

- 1 week, so we might be in one spot for about a week and
2 then move along a bit.
- 3 Q. What would he catch in the traps.
4 A. Water rats.
- 5 Q. What would he do with the water rats.
6 A. Skin the rats, peg out the skins to dry and then roll
7 them in bundles ready to be sold.
- 8 Q. What would you eat when you were camping.
9 A. Usually fish, ducks, duck eggs, swan eggs. It all
10 depends what seasons, I suppose.
- 11 Q. Who would do the cooking.
12 A. My mother.
- 13 Q. How would she do that.
14 A. Usually on an open fire.
- 15 Q. Did she cook a damper, for example.
16 A. Yes, she would make ashes damper.
- 17 Q. What about for fish, how would he catch fish.
18 A. He had nets, fishing lines, but, with the cod, he would
19 set drop lines or springers from the cliffs.
- 20 Q. Can you explain how a springer works.
21 A. A long line branch of a gum tree, a young gum, with a
22 piece of string coming down. Then you would have a hook
23 on there and usually put a gold fish or something on the
24 hook for bait.
- 25 Q. Did you help your father in relation to these tasks, the
26 fishing and -
27 A. I would do the rowing usually. You know, row while he
28 checked nets or things like that, because I spent most
29 of my time with my father.
- 30 Q. What about the wurlies, did you help him build the
31 wurlies.
32 A. Yes.
- 33 Q. At night-time or when it got dark, how would you go
34 about preparing the food and so on.
35 A. My mother usually did that.
- 36 Q. Who would make the fire or what would you do.
37 A. We would all gather wood and sort of share it, I
38 suppose.

- 1 Q. Did you ever use a lamp.
- 2 A. No, I think most of the time while we were travelling we
3 used fire light at night, but, when we were at
4 Nildottie, we did have lamps. A kerosene lamp, I think.
- 5 Q. Can you tell us, when you were with your father, did he
6 talk to you about traditional beliefs of Aborigines or
7 your tribe.
- 8 A. Yes.
- 9 Q. Perhaps start with birds. What did he tell you about
10 birds.
- 11 A. The sign bird - a sign bird was a Willie wagtail. I
12 mean, we believed that that was a sign of death when
13 they would behave strangely or something. He had a
14 Ngatchi, his Ngatchi was the pelican. The Mingka Bird
15 is one that he told me a story about, but he said that
16 it warns you if you are intruding around burial grounds
17 or anything like that.
- 18 Q. Did he tell you a story about an experience he had with
19 a Mingka Bird.
- 20 A. Yes.
- 21 Q. Can you tell us about that.
- 22 A. He said he - it was probably 10 o'clock at night he went
23 - walked over a creek to check his traps and this was at
24 Nildottie. He said he walked - was walking through the
25 sand hills and he said it was dead calm, but he said
26 there was all leaves, like, a gust of wind coming along
27 behind him and all leaves rattling behind and he said he
28 - you know, it sent a chill up his spine and that. And
29 he said he just kept walking and then he said the Mingka
30 Bird screamed at him in a man's voice.
- 31 Q. What did he do.
- 32 A. Dropped what he had and ran.
- 33 Q. Was there a particular care that your father took in
34 where he set up a camp.
- 35 A. Yes, a lot of the sites - a lot of the places along
36 where he knew there were burial sites and things, so he
37 would try and avoid it, if it was near dark and he
38 didn't know where we were when we stopped at night-time,

1 he would make us smoke ourselves before retiring for the
2 night.

3 Q. How would you do that. What would you do.

4 A. Burned green boughs.

5 Q. Once you got the green boughs burning, what would you
6 and your mother and father do.

7 A. Stand in it and make sure smoke would go all through our
8 hair and everywhere.

9 Q. Were you ever told why it was necessary to smoke
10 yourselves where he suspected there were burial grounds,
11 or he wasn't sure.

12 A. I am not real sure, but I believed myself that it was to
13 keep anything away, as in any evil or whatever. I don't
14 know.

15 Q. Were there other times that he would get you to smoke
16 yourselves or stand in the smoke.

17 CONTINUED

- 1 A. Yes. Whether we checked - went hunting or checked traps
2 or something before, or before checking fishing lines,
3 we'd smoke ourselves.
- 4 Q. Again, did you understand what the reason was for that.
- 5 A. Well, I thought it was for good luck.
- 6 Q. Were you also told stories about the Bunyip or the
7 Mulywonk.
- 8 A. Yes.
- 9 Q. What were you told about them.
- 10 A. That if you went swimming or something, like yourself,
11 or, you know, mucking around about in the water, he
12 would come and grab you by the legs. I believed it to
13 be a hairy man that lived in the cliffs.
- 14 Q. Was the Kadaicha man ever raised with you.
- 15 A. Yes.
- 16 Q. What were you told about him.
- 17 A. We were, you know, sort of `Don't go wondering around by
18 yourself at night'. A lot of the things were used for
19 control, like with the Mulywonk and walking around by
20 yourselves. So the Kadaicha, yes, we believed that, you
21 know, he'd get you, I suppose, if you're walking around
22 by yourself at night. And my father said that, yes,
23 that's how he'd check to see if you were sleeping:
24 Poked two fingers in your eyes and if you blinked you
25 would be in trouble.
- 26 Q. Did he also tell you about what you could see if you
27 opened up a cod fish.
- 28 A. A map - but not of Hindmarsh Island.
- 29 Q. Not of Hindmarsh Island.
- 30 A. Yes. He said that you could see like the bends in the
31 river and cliffs, willows.
- 32 Q. What were those bends in the river and the cliffs and
33 the willows supposed to tell him about the fish.
- 34 A. Where the cod come from. A lot of times, I think he'd
35 set the line in the place where he thought maybe they
36 might come from and set the line there again.
- 37 Q. Did he also tell you about what you had to do if you
38 killed something.

- 1 A. Yes. He always told me never to kill anything, or else
2 you're prepared to eat it.
- 3 Q. Did that leave you to having a personal experience about
4 having to eat something once.
- 5 A. Yes.
- 6 Q. What was that.
- 7 A. Once, I was messing around with the rifle and there was
8 a flock of seagulls going over, and I shot up into the
9 air and got one. So, I plucked it and cooked it on the
10 fire and ate it.
- 11 Q. Was that because of what your father had told you.
- 12 A. Yes.
- 13 Q. Did your mother ever tell you any secret sacred women's
14 business.
- 15 A. No.
- 16 Q. Did she ever tell you anything that suggested it was a
17 traditional myth or story.
- 18 A. No.
- 19 Q. Did she ever talk about childbirth.
- 20 A. No.
- 21 Q. Did she ever say anything to you about Hindmarsh Island.
- 22 A. No.
- 23 Q. Did she teach you, though, some traditional ways.
- 24 A. Yes. She's still doing, makes feather flowers up at
25 Gerard now, and I think she shows other people how to do
26 them, and used to teach me that. She used to do, make
27 mats and that out of rushes. Sometimes she did
28 knitting. I used to too.
- 29 Q. What sort of knitting.
- 30 A. Just ordinary knitting with wool.
- 31 Q. Have you had children of your own.
- 32 A. Yes.
- 33 Q. How many children.
- 34 A. Two.
- 35 Q. Have you passed on the stories your father in particular
36 told you to your own children.
- 37 A. I tried to get them involved in things that I did as a
38 child, because I believe that's our culture. So I take

- 1 them camping. And other children that I've looked after
2 over the years, because I fostered several children, I
3 take one at a time, usually, with me camping and like
4 the niece or nephew, sometimes I take them.
- 5 Q. When you say you fostered several children, do you mean
6 Aboriginal children.
- 7 A. Yes. One was non-Aboriginal.
- 8 Q. Did you, yourself, know Granny Rose or Auntie Rose to
9 Doreen Kartinyeri; did you meet her as you were growing
10 up.
- 11 A. Yes. The first memory of her, I think I was about five
12 or six.
- 13 Q. Where was she at that time.
- 14 A. Over at Point Pearce. Hollywood.
- 15 Q. Hollywood Beach.
- 16 A. Yes.
- 17 Q. Who was she living with then.
- 18 A. She was with my grandfather.
- 19 Q. Did you come to know the children that she raised.
- 20 A. You mean the grandchildren?
- 21 Q. The grandchildren, or the children.
- 22 A. Yes.
- 23 Q. You tell us which ones did you come in contact with as
24 you were growing up.
- 25 A. Joy, Coral, Peggy, Laurel and Thelma.
- 26 Q. When was the last time that you remember seeing Granny
27 Rose.
- 28 A. About 23 years ago in Mannum.
- 29 Q. Did she come up and stay with you for a period.
- 30 A. She stayed with my uncle who lived in the next street.
- 31 Q. Did you see her during that time.
- 32 A. Yes.
- 33 Q. During all the years that you knew her, had contact with
34 her grandchildren that you have named, has she or any of
35 them ever suggested to you that there was any secret
36 sacred women's business in relation to Hindmarsh Island.
- 37 A. No.
- 38 Q. When you say `Coral', is that Coral Wilson.

- 1 A. Yes.
- 2 Q. Has she told you whether or not she knows anything.
- 3 A. Yes. I've spoken to her on the phone recently and she
- 4 doesn't know anything.
- 5 Q. Has she told you that she was never been told anything.
- 6 A. Yes.
- 7 Q. She also told you that you could speak on her behalf.
- 8 A. Yes.
- 9 Q. She's a granddaughter of Granny Rose.
- 10 A. Yes.
- 11 Q. If I take you to a different topic. You have told us
- 12 that as you were travelling up and down the river, your
- 13 father was concerned about the presence of burial sites,
- 14 or possible burial sites, where you camped.
- 15 A. Yes.
- 16 Q. Have you yourself taken an interest in your heritage by
- 17 working with the Mannum Aboriginal Development
- 18 Committee.
- 19 A. Yes.
- 20 Q. For how long have you been providing your services to
- 21 that committee.
- 22 A. I'd say around about six years.
- 23 Q. What's the purpose of that committee.
- 24 A. Well, to preserve and protect sites, burial sites,
- 25 middens.
- 26 Q. As part of that work, have you come to know Steve
- 27 Hemming.
- 28 A. Yes.
- 29 Q. About how long ago did you meet him.
- 30 A. Well, I can remember him doing a documentary on the
- 31 island and Swan Reach, so that was four or five years
- 32 ago. But I think that I've met Steve like a few years
- 33 before that at Murray Bridge.
- 34 Q. To be clear about this, when we say 'the island', that
- 35 is not Hindmarsh Island.
- 36 A. No, Nildottie Island.
- 37 Q. When that documentary was conducted, was it research
- 38 looking at the location of burial sites on the island.

J.C. GRACE XN (MRS SHAW)

- 1 A. Well, I think he was doing something, you know, about
2 the camp where my grandparents lived and where other
3 people lived on the Swan Reach Mission where our shacks
4 were, and things like that, but he also - yes, we also
5 talked about where the burial site was.
- 6 Q. Quite separately from the documentary, you have had
7 discussions with Steve Hemming about the location of
8 sites on the island where various relatives have lived
9 and where people have been buried; is that right.
- 10 A. Can you repeat that?
- 11 Q. Have you had discussions with Steve Hemming up at
12 Nildottie about the location of burial sites.
- 13 A. Yes.
- 14 Q. You say in your statement that he looked at the sites on
15 the island such as where your grandparents have lived
16 and babies are buried.
- 17 A. Yes.
- 18 Q. Can you explain that for us.
- 19 A. There's a site there just behind where my grandparents
20 lived, that's my paternal grandparents. I believe a boy
21 and a girl -
- 22 COMSR: Is this the type of evidence we should
23 be taking in public hearing?
- 24 MRS SHAW: I presume that it's been publicised in
25 the documentary.
- 26 MR HEMMING: It's not. It wasn't a documentary. It
27 was - I don't know if I should be talking?
- 28 MRS SHAW: It's a matter for you. Mrs Gray is not
29 concerned about it.
- 30 COMSR: I am worried about the status of this.
- 31 MS PYKE: We should be careful of this, if it's
32 not -
- 33 COMSR: I don't think we need to go into more
34 detail. I am not clear and have not the means of
35 assuring myself of the status of the information, so I
36 think it's best if we don't go into detail unless you
37 are in a position to say whether it is or is not to be
38 in the public arena or not.

J.C. GRACE XN (MRS SHAW)

- 1 MRS SHAW: It's contained in 2.1 of the statement.
- 2 COMSR: It might be in the statement, but that
3 doesn't make it public.
- 4 MRS SHAW: I'm not suggesting that will make it,
5 therefore, able to be published. I draw your attention
6 to it to assist in your view of the matter.
- 7 COMSR: I can see what is proposed to be said,
8 but that doesn't assist me as to whether or not it is a
9 matter of the type that requires me to consider s.35, so
10 perhaps it's best not to go into any detail in
11 circumstances where I can't be sure.
- 12 MRS SHAW: Very well.
- 13 Q. Is it correct to say that at para.2.1 on p.6 of your
14 statement - have you got that in front of you.
- 15 A. Yes.
- 16 Q. You set out the kinds of burial sites that you discussed
17 with Mr Hemming.
- 18 A. No. Well, I don't think he was sort of with - what I
19 mean is looking at burial sites. He was doing a thing
20 of the families that lived there, so it wasn't, you
21 know, like recording sites or anything like that.
- 22 Q. But quite apart from that, were those sites looked at by
23 Mr Hemming and did you have discussions with him about
24 them.
- 25 A. Yes. I think I mentioned it to him, yes.
- 26 Q. Did you know yourself where those sites were.
- 27 A. Yes.
- 28 Q. You still know to this day.
- 29 A. Yes.
- 30 Q. You were aware that Doreen Kartinyeri, in May 1994,
31 claimed that it was the daughter of Pinkie Mack who also
32 told her about secret sacred women's business at
33 Hindmarsh Island.
- 34 A. Yes.
- 35 Q. Did you know the daughter of Pinkie Mack.
- 36 A. Yes.
- 37 Q. For how long did you know her.
- 38 A. Well, the first memory of her is down at Three Mile

- 1 where they lived at Three Mile on the river.
- 2 Q. Were you still a young child at that stage, or -
- 3 A. Yes.
- 4 Q. How often would your family visit her.
- 5 A. Well, whenever we passed through. I'm not sure how many
- 6 times we went down that far, like to Wellington, because
- 7 a lot of the time, if it was fruit picking, we'd just go
- 8 to Bow Hill or something in the boat and come back
- 9 again. But I'd say about three times we visited her.
- 10 Maybe some other time was in the car though. That would
- 11 have been later on, you know, when I was older.
- 12 Q. She lived on the island in a shack next to Uncle Rolly.
- 13 A. Yes.
- 14 Q. Uncle Rolly Kropinyeri was the brother of your
- 15 grandfather.
- 16 A. Yes, brother of Nathaniel.
- 17 Q. You came to know that they would also go fruit picking.
- 18 A. Yes.
- 19 Q. That is the daughter of Pinkie Mack and Uncle Rolly.
- 20 A. Yes.
- 21 Q. Would you see them with your family fruit picking.
- 22 A. Yes.
- 23 Q. As you were growing up, would you see your mother
- 24 sitting and talking with the daughter of Pinkie Mack.
- 25 A. Yes.
- 26 Q. What would you do whilst they would be talking.
- 27 A. Well, usually when adults were talking, the children
- 28 would go and play.
- 29 Q. Did you play with the daughter of the daughter of Pinkie
- 30 Mack.
- 31 A. Yes.
- 32 Q. Once the daughter of Pinkie Mack moved to Murray Bridge,
- 33 I think that was some 20 years that she was at Murray
- 34 Bridge, was she, before she died.
- 35 A. Yes, around 20, 25 maybe.
- 36 Q. Once she moved to live there, did you keep in contact
- 37 with her.
- 38 A. Yes.

1 Q. How would that come about.

2 A. Because we knew them. They were like part of the
3 families, I suppose. And she was respected by everyone
4 and most people around the area, if they were close by,
5 would visit her.

6 Q. Did you actually stay in her home for a period.

7 A. Yes. I stayed for a while until I got another place in
8 Murray Bridge, because I worked at the meat works and we
9 lived in Mannum.

10 Q. About how old were you when you were staying with her.

11 A. 21.

12 Q. You lived yourself in Murray Bridge on and off for about
13 20 years.

14 A. Yes, on and off.

15 Q. Did you keep in touch with her whilst you were living
16 there.

17 A. Yes.

18 Q. Eventually, you worked in Murray Bridge in about 1978 as
19 a family support worker.

20 A. Yes.

21 Q. About how long did you spend working as a family support
22 worker.

23 A. I'm not sure because that position I had twice. I think
24 the first time would have been around two years and then
25 later on I did the same job again. And also I worked as
26 the family care worker there, so - but most of the time
27 around there I'd have the opportunity to visit.

28 Q. You said that she was like your part of the family. Did
29 you regard her as an elder.

30 A. Yes.

31 Q. From your point of view, what did that mean.

32 A. Wise, knowledgeable.

33 Q. Did you have many discussions with her up until her
34 death on a frequent basis.

35 A. Yes.

36 Q. Regular basis.

37 A. Yes.

38 Q. Did she ever say anything to you about sacred secret

- 1 women's business.
2 A. No.
3 Q. Anything about Hindmarsh Island.
4 A. No.
5 Q. Anything about Doreen Kartinyeri.
6 A. No.
7 Q. Did she ever mention Doreen Kartinyeri all of the years
8 that you knew her.
9 A. Not that I can remember.
10 Q. Did you ever see Doreen Kartinyeri visit her.
11 A. No.
12 Q. You said that through your work as a family support
13 worker, family care worker, you saw her quite often.
14 You say in your statement she lived with and cared for
15 her sister Nanna May.
16 A. Yes.
17 Q. Would you actually go fishing with her.
18 A. Yes. Sometimes they would be already down the river
19 and, say, on the weekend or something, so I would go and
20 fish with them. Otherwise, we had arranged - I
21 sometimes arranged to pick them up before I started
22 working in the morning and drop them down at the river,
23 set the shrimp pots and leave them there until I
24 finished work, otherwise they would get a taxi if they
25 had to get home earlier.
26 CONTINUED

- 1 Q. When you sat and fished with her, what kind of things
2 would she talk about.
- 3 A. Family, fishing.
- 4 Q. Did she speak the language, Ngarrindjeri.
- 5 A. Probably a word here and there, but not fluently.
- 6 Q. Did she ever tell you anything at all to suggest there
7 was some secret sacred women's business she had to pass
8 on to you about Hindmarsh Island.
- 9 A. No.
- 10 Q. You also say in your statement 'I feel it is improper to
11 use the name of a dead person in such a way because they
12 cannot speak for themselves.'
- 13 A. Yes, I believe that.
- 14 Q. Is there anything further you wish to say about that, in
15 terms of your culture and the respect for the elderly
16 and the deceased.
- 17 A. I don't like using - like talking about people who are
18 gone but, I mean, in the case with the Hindmarsh Island
19 thing, I think it is disgusting that these people were
20 used to do that.
- 21 Q. Just dealing with some other general matters. First of
22 all, you know Dorothy Wilson quite well.
- 23 A. Yes.
- 24 Q. You have worked together in Murray Bridge with Dorothy.
- 25 A. Yes.
- 26 Q. Is it true to say you have only met Bertha Gollan and
27 Betty Tatt recently.
- 28 A. Yes.
- 29 Q. And you met Audrey Dix a few weeks ago.
- 30 A. Yes.
- 31 Q. You did know Dorothy Wilson when you were living down at
32 Millicent.
- 33 A. Yes.
- 34 Q. You have never ever spoken to any of the Chapmans.
- 35 A. No.
- 36 Q. Do you have any idea of who they are.
- 37 A. Yes. I mean, I have nodded at them here, but apart from
38 that I didn't know them.

- 1 Q. Have you ever spoken to a member of parliament called
2 Ian McLachlan.
- 3 A. No.
- 4 Q. Do you have any views one way or the other about whether
5 the bridge should be built at Hindmarsh Island.
- 6 A. No, I haven't really got a view on the bridge at
7 Hindmarsh Island, but I know they do need a bridge at
8 Berri.
- 9 Q. Did you ever hear about any meeting that was to be held
10 with a Professor Saunders in relation to secret sacred
11 women's business at Hindmarsh Island.
- 12 A. No.
- 13 Q. When was the last time you heard any suggestion that the
14 waters around Hindmarsh Island might be spiritual or
15 sacred or secret. Just approximately.
- 16 A. 1974 some time.
- 17 Q. 74.
- 18 A. 94.
- 19 Q. Who mentioned that to you.
- 20 A. Sarah Milera.
- 21 Q. Was there any discussion about the work of Dr Draper.
- 22 A. Yes. Doug and Sarah mentioned that they were working
23 with Neale Draper.
- 24 Q. Did you talk to her about burial sites in relation to
25 the work of Dr Draper.
- 26 A. Yes, because I presumed that's what they were working -
27 I thought that's what they were looking for down there,
28 was burial sites or middens.
- 29 Q. Can I just ask you about the publication of 'Women of
30 the Centre' in 1990. The front sheet of that
31 publication reads 'Jenny grew up travelling the River
32 Murray with her parents, Ngarrindjeri people, living in
33 makeshift shelters and trapping waters rats in order to
34 sell their skins'. Did you understand or were you
35 informed that you were there effectively giving a
36 representative view of what Ngarrindjeri people might
37 live like along the river, in providing that information
38 to this book.

- 1 A. Can you repeat that?
2 Q. You have seen the book 'Women of the Centre'.
3 A. Yes.
4 Q. You are aware that it contains the lives of different
5 Aboriginal women in different -
6 A. Yes.
7 Q. Traditional areas.
8 A. Yes.
9 Q. Was yours the contribution from the Ngarrindjeri people.
10 A. Ngarrindjeri, yes.
11 COMSR
12 Q. Did you understand that that was a personal history you
13 were giving, or did you understand that you were giving
14 a general history relating to -
15 A. It was an oral history. This is what I believe it to
16 be, an oral history of my life, of my childhood or
17 whatever.
18 XN
19 Q. As a result of that article appearing in that booklet,
20 did you find that you seemed to be better known than
21 before the book was published.
22 A. No.
23 MR SMITH: The statement of Jenny Grace has just
24 been handed out.
25 MRS SHAW: I ask that it be tendered.
26 COMSR: In relation to the statement, of course,
27 I have just received it but I haven't had a chance to
28 consider the detail of it. I certainly would not be
29 proposing to release it at this time, until I have had
30 that opportunity.
31 MRS SHAW: Although I did tender the oral history,
32 as Mrs Grace has described it, I didn't actually make it
33 plain that this is a correct account of her life and it
34 is part of her evidence before the Royal Commission.
35 Could I ask that question to complete that part of her
36 evidence about the oral history that she has given in
37 this booklet?
38 COMSR: Yes.

1 XN

2 Q. The oral history that you gave that is contained in the
3 account 'Murray River Woman', was a correct oral
4 history, was the truth about your life.

5 A. I mean, I haven't read it for a while, but I will have
6 to check it out again, I think.

7 Q. But when you told that, it was an accurate -

8 A. I read through it.

9 Q. And it was accurate when you read through it, as far as
10 you remember.

11 A. Yes.

12 Q. And you ask that it be part of the evidence before the
13 Royal Commission.

14 A. Does it have to be?

15 COMSR: It has been tendered. I have accepted
16 it as an exhibit. There is nothing in that history that
17 need cause me concern about Section 35, I take it?

18 MRS SHAW: No.

19 MR SMITH: I think the position with the witness,
20 Jenny Grace, subject to what anyone else says, is that
21 she will be cross-examined later when counsel at the bar
22 table have had sufficient time to absorb the statement
23 and her evidence, because the statement wasn't given out
24 ahead of time. Hopefully tomorrow.

25 COMSR: Perhaps I can have some indication as to
26 who is likely to be cross-examining.

27 MR SMITH: It may be that some people are in a
28 position to do that now.

29 MS PYKE: I will probably want to ask a few
30 questions, but I am not in a position to do it now. My
31 client hasn't had a chance of reading it through, in
32 particular this 'Women of the Centre' article. I
33 haven't had a chance of looking at it yet.

34 COMSR: I take it you will be in a position
35 tomorrow?

36 MS PYKE: Yes, certainly tomorrow morning.

1320

RF 18L

J.C. GRACE XN (MRS SHAW)

1 COMSR

2 Q. You understand that you will be required for further
3 examination tomorrow at 10 o'clock.

4 A. Yes.

5 EXHIBIT 55 Statement of Jennifer Christine Grace
6 tendered by Mrs Shaw. Admitted.

7 WITNESS STANDS DOWN

- 1 MR SMITH: The next witness is Beryl Kropinyeri.
2 COMSR: What is the situation here. Can we open
3 the hearing room to the public?
4 MRS SHAW: We are not clear as to what her attitude
5 is. I am wondering whether you would like to call her
6 and ask her. Her statement has just been handed to me.
7 COMSR: It seems the rules are not being
8 strictly observed as to the statements, but I understand
9 it has been difficult to obtain statements from the
10 witnesses.
11 MR ABBOTT: It is not difficult, but more and more
12 ladies are coming forward.
13 COMSR: That is what I mean, difficult to obtain
14 them in time to follow the rules.
15 MS PYKE: We haven't got a copy of that statement
16 at all.
17 MR SMITH: Would you like to take a five minute
18 break while we organise the distribution of the
19 statements and also obtaining instructions as to the
20 whether the court should be open or closed?
21 COMSR: You wish an opportunity to obtain
22 instructions, do you?
23 MR ABBOTT: I understand her instructions are that
24 she would like to undertake the same course as the last
25 witness. We will examine that.
26 COMSR: I don't know that it just has to be a
27 matter of preference. I have to be satisfied that there
28 is some real basis for apprehension as far as the
29 witness is concerned.
30 MR ABBOTT: I would have thought it is less than a
31 matter of apprehension. It is more of a matter of being
32 able to give their fullest assistance to the commission.
33 To us, it is not much to come to court and speak. To
34 members of the public it is something more. To members
35 of the Aboriginal community who are involved in this
36 commission, it is a very big step.
37 I apprehend because of the very close knit nature of
38 the Ngarrindjeri society, what is said by one, soon

1 circulates amongst all. That, of itself, exerts a
2 pressure which is a substantial pressure. In
3 particular, when things are distorted or magnified or
4 seized upon, it has an unpleasant effect. Putting it no
5 higher than that.

6 Consequently, it is the fear of the unfair,
7 unbalanced and biased dissemination of what they say, by
8 virtue of it being retailed into the community by
9 members of the public, that I discern to be the
10 principal concern of our witnesses.

11 COMSR: I do not know how that can be prevented
12 simply by having the witness give her evidence with the
13 public excluded. I cannot stop the distortion of it.

14 MR ABBOTT: No, you cannot. Our clients do not take
15 objection to the press because obviously what is
16 reported in the press is bound by certain constraints
17 and it is not the subject of, as it were, gossip in the
18 community. It is that situation which I have tried to
19 focus on, albeit in an imperfect way, that provides the
20 concern. You may regard it as a relatively minor
21 concern.

22 COMSR: I do not regard it as a minor concern.
23 My problem is that there is nothing that really can be
24 done to prevent people gossiping and distorting matters.
25 But keeping the public out, I do not think is likely to
26 prevent that.

27 If I thought that the witness was concerned because
28 the presence of some members of the public are likely to
29 worry her, for want of a better word - it has been
30 brought to my attention from time to time there have
31 been comments made as witnesses have come into the
32 hearing which have had the effect of unsettling them -
33 it would appear to me that type of pressure is perhaps
34 more relevant to an order to exclude the public than any
35 hope of trying to prevent people gossiping or distorting
36 what has gone on.

37 MR ABBOTT: I can understand your concern the public
38 not be closed out of the session, but, in my view, we

RF 18L

1 have numerous representatives of the press, so it is not
2 as though the public are being refused admission. The
3 public need to know is being assauged by the reporters
4 who are here.
5 COMSR: Perhaps I can hear something from the
6 witness herself.

B.L. KROPINYERI XN (MRS SHAW)

1 MRS SHAW CALLS

2 BERYL LENA KROPINYERI SWORN

3 COMSR

4 Q. At the present time we have excluded members of the
5 public and there is only members of the press and the
6 parties concerned and the legal representatives. Have
7 you a problem with members of the public being present
8 while you are giving your evidence.

9 A. There is a few of the women that I have problems with.
10 The rest, no, but there is a few there that I have
11 problems with.

12 Q. But as far as you can see, there is no-one present today
13 that you have noticed outside that is going to be of any
14 concern to you.

15 A. No, not at the moment.

16 COMSR: I know what you are going to say, that
17 at any stage someone may come in.

18 MR ABBOTT: If the witness is happy to try with the
19 public present, then we do not, on her behalf, press for
20 anything more than that, providing it is understood we
21 can renew our application if at any stage she feels
22 uncomfortable by anyone who comes in.

23 COMSR: The hearing is open to members of the
24 public.

25 EXAMINATION BY MRS SHAW

26 Q. If anyone comes into the courtroom or you feel
27 uncomfortable with any particular person, then just say
28 so.

29 A. Yes.

30 Q. How old are you.

31 A. I'm 50.

32 Q. I think you are the elder sister of Dorothy Wilson.

33 A. Yes, that's right.

34 Q. Are you the eldest in the family, eldest daughter.

35 A. Yes.

36 Q. Therefore, your ancestry is the same as Dorothy's.

37 A. Yes, that's right.

38 CONTINUED

B.L. KROPINYERI XN (MS SHAW)

- 1 Q. Your mother, Hetty McHughes, was the eldest daughter of
2 Hughie McHughes and Lena Gollan.
- 3 A. Yes, that's correct.
- 4 Q. You know, therefore, that there is a relationship with
5 Joseph Walker.
- 6 A. Yes, Dorothy done part of our genealogy, so I am not as
7 familiar as Dorothy is with it, but, yes, I believe that
8 is so.
- 9 Q. And William McHughes was the brother of Queen Louisa, is
10 that right.
- 11 A. Yes.
- 12 EXHIBIT 56 Statement tendered by Ms Shaw.
13 Admitted.
- 14 Q. Looking at the statement now before you, that is the
15 statement that contains the evidence you wish to place
16 before the Royal Commission.
- 17 A. Yes.
- 18 Q. You regard yourself as a Point McLeay person.
- 19 A. Yes, I do.
- 20 Q. What are your first memories of Point McLeay.
- 21 A. My first memories of Point McLeay was when my mother and
22 father were living in a little houses. It was only a
23 two roomed house, along with other row cottages, living
24 along the shores of Lake Alexandrina. I was about three
25 or four years of age for my first recollections of Point
26 McLeay.
- 27 Q. From that time did you live on and off of Point McLeay
28 according to your father's work commitments.
- 29 A. Yes, and I think we moved off permanently when I was
30 about eleven years of age.
- 31 Q. But even after your family moved off permanently, did
32 you continue to return to Point McLeay on a regular
33 basis.
- 34 A. Yes.
- 35 Q. Did you develop strong family connections and kinship
36 ties with the people at Point McLeay.
- 37 A. Yes, I went to school there and I had many friends and
38 childhood memories and my mother also had very many

B.L. KROPINYERI XN (MS SHAW)

- 1 relatives living on Point McLeay. And favourite aunts
2 and uncles and cousins. So, it was a place where I
3 enjoyed my childhood and grew up with a lot of relatives
4 on Point McLeay.
- 5 Q. You married Kevin Kropinyeri in 1964, Kevin being a
6 greatgrandson of Grandma Sally Kartinyeri.
- 7 A. That's correct.
- 8 Q. Your daughter Sally was named after Grandma Sally.
- 9 A. Yes.
- 10 Q. You know that Grandma Sally is relied on by Doreen
11 Kartinyeri as someone who told her about the sacred
12 secret women's business at Hindmarsh Island.
- 13 A. Yes, I know that, yes.
- 14 Q. As you were growing up, did you come to learn something
15 of your culture.
- 16 A. We knew things from our mother, some of the stuff about
17 our culture, but a lot of the stuff, the genealogies,
18 the language and our past, like, going right back in our
19 past, we learnt a lot of that from the books that we had
20 been reading. Especially the one of Berndt and Berndt,
21 which I only read - started reading last year. I knew a
22 bit of our language and stuff. We had some of our
23 language, which is still spoken. Not very fluently, but
24 we still spoke it.
- 25 Q. You mention the name for being pregnant which you say is
26 moonsthiner.
- 27 A. Moonsthiner, it is a word that we always used to use at
28 my age when we were pregnant, moonsthiner. Or, at Point
29 McLeay, it may have been the word loonit and that meant
30 being pregnant. But moonsthiner was the one that was
31 being used when I was growing up and my age group when
32 they were pregnant that was the word we used.
- 33 Q. Did you hear about the Mulywonk when you were growing
34 up.
- 35 A. Yes, it was one of the stories that my Great Aunt
36 Isobella Carter used to tell me about this hairy monster
37 that was supposed to have inhabited the river and the
38 children didn't go swimming much in the river. She said

B.L. KROPINYERI XN (MS SHAW)

1 that you weren't allowed to go near the river, because
2 the greasy hands - because the smell of your greasy
3 hands would summon up this Mulywonk. So, I never had
4 much liking for the river. It was always a place of
5 danger, because there had been many drownings in the
6 river. But I had quite a lot of love for the lake,
7 because it was a really nice place to live in. But,
8 yes, she was one of the great aunts that did tell me a
9 lot of the stories.

10 Q. Did anyone ever suggest to you that you ought not to go
11 any place, because it was special or a sacred place.

12 A. Not on Point McLeay, growing up in Point McLeay, we were
13 allowed to walk around all over the place. Out in the
14 bush. Down the lakes. Up to big hill. Around the
15 paddocks. No-one ever pointed out a special sacred or
16 spiritual places there on Point McLeay.

17 Q. You make mention of the Kadaicha man, what were you told
18 about that.

19 A. That was one of the stories that used to be on Point
20 McLeay that even the men at - sometimes an uncle of
21 mine, Uncle Allan Kimberley, used to make us children
22 stay inside at night and some of the groups of men at
23 Point McLeay used to go around with guns. They really
24 believed that there was Kadaicha men coming around there
25 and walking - moving around the mission at night. And I
26 think there was relatives that had seen big tall really
27 dark tribal men that had come down to the mission and
28 had secretly been moving around on the mission. So
29 there was a fear there about the Kadaicha man.

30 Q. As an adult you heard stories about sorcery practices.
31 What do you there refer to.

32 A. A great aunt used to tell me the stories about the - how
33 people could get boned and that and they used to use a
34 dead man's bones and they called it nildiddy bones. And
35 they used to point the bone at people. And also I
36 believe they used to astral projection. And there was
37 lot of cultural practices that used to go on in the past
38 in the Ngarrindjeri culture. And some of the great

1 aunts have told me some of the stories that used to go
2 on there. How they would project their minds into a
3 bird and could watch - you would watch out for your
4 totem bird. There would be a totem bird that they watch
5 out for and, if the totem birds were acting in funny
6 ways, then there could be deaths or it could have been
7 announcing a visitor coming to our house. But a lot of
8 the Aboriginal people on Point McLeay had what they call
9 a Ngatchi. They watch out for the behaviour of birds -
10 used to watch out.

11 Q. You mention the Mingka Bird.

12 A. Yes, this bird, people used to listen for this bird. It
13 used to be a bird that would only bring bad news or
14 death and most of the times the people, when they would
15 hear it screeching at nights, it would be crying like a
16 baby or could be screeching like a cat. And I don't
17 think anybody ever saw it, because it used to come
18 around at night. It was like a night bird, but maybe
19 they thought it might have been an owl. It may have
20 been one of the owl family, but no-one had ever seen
21 this bird much in the daytime.

22 Q. Did you ever have a situation where you saw one and it
23 coincided with -

24 A. I believe that I saw one up at Alawoona when I was out
25 shooting and - with my husband and his - and my cousin.
26 And I was just driving the car along and they went over
27 the hill shooting and had some traps to set and I was
28 waiting in the car for them and the spirit came out of
29 nowhere. It was very strange, this behaviour, and all
30 it was doing was screaming around the top of my head and
31 I thought it was near a nest or something. Near its
32 nest. I got out of the car to look for it. And it was
33 just hovering a few feet above me. It was very strange.
34 It wasn't even scared of me. It was hovering above me
35 screaming at me. And for five minutes he was doing it.
36 And my husband for some reason couldn't hear me. I
37 thought it was very strange. I never had a bird come up
38 to me like that. When we got back to my mother's house

- 1 at Alawoona towards the evening my mother told my
2 husband that Grandma Sally's daughter Constance had
3 passed away that afternoon. So, I didn't think of it as
4 a Mingka Bird. And then I told mum what had happened
5 and she said 'That was a Mingka Bird that you saw.'
6 There was a death in the family. It was my husband's
7 grandmother that had passed away.
- 8 Q. When you went to school at Point McLeay you remember Mr
9 W.T. Lawrie.
- 10 A. Yes, I must have started school there in about 1950 and
11 - or 1949/1950. I don't know. I was probably just in
12 grade 1 or started in the preschool or something. Just
13 - and I think he was only there for a few months. That
14 was his last year of teaching, because I can't remember
15 seeing him much after a few months at Point McLeay.
- 16 Q. Did you eventually come to Adelaide to continue with
17 your schooling.
- 18 A. That was when I was about thirteen. I had obtained my
19 school certificate at Taplin and then I moved to
20 Adelaide. I wanted to attend a high school at Adelaide
21 and I ended up going to Thebarton Girls Technical High
22 School.
- 23 Q. How old were you then.
- 24 A. About thirteen. It was about 1959 when I came to
25 Adelaide.
- 26 Q. For how long did you attend school in Adelaide.
- 27 A. I attended for about 18 months. I got a bit homesick
28 for my mother and my father and I left at about fifteen
29 years of age and I went back to live with my parents up
30 at Wanbi for a while.
- 31 Q. Did you meet Muriel Van Der Byl when you were billeted
32 in Adelaide.
- 33 A. Yes, in the first term that I had been billeted out I
34 was taken to Henley Beach and I was billeted out with
35 some people there called Mr and Mrs English and they
36 said they already had two other Aboriginal girls there
37 billeted out. So, she took me out to the caravan in the
38 back yard to meet the girls. And it was Muriel Van Der

- 1 Byl. She was Muriel Karpany, at that stage. And a
2 Rossalyn Kelly. And that was the first time I met
3 Muriel.
- 4 Q. Whilst you were living in the same premises with Muriel,
5 did she talk about her background.
- 6 A. Not so much. I never heard her talk about her culture
7 or her traditions or anything like that, but she had a
8 great love for Berri. She was always talking about
9 going back to Berri. She had strong ties to Berri. She
10 said Berri was the best place to live in. And I think,
11 at that time, her mother was still alive and living at
12 Berri. And I think, at that time, her dad had passed
13 way. She was always going back in holidays and every
14 chance she could get to go, she was always going back to
15 Berri.
- 16 Q. You have told us that you continued to have contact with
17 the Point McLeay people and you say in your statement
18 you had a number of favourite aunts as a child.
- 19 A. Yes, I was always going back to Point McLeay and from
20 the school holidays in Adelaide and any special
21 occasions at Point McLeay I would go back there and
22 spend time with my aunts.
- 23 Q. On p.8 you list a number of those aunts.
- 24 A. Yes.
- 25 Q. I think there is about fifteen there.
- 26 A. Yes.
- 27 Q. Fourteen. For how long did you maintain contact with
28 these aunts. I suppose some of them -
- 29 A. There would probably only be about two living today, so
30 I knew them up until shortly before they passed away.
- 31 Q. The first one you mention is Grandmother Laura Harris
32 known as Grandmother Granville or Glanville.
- 33 A. Yes.
- 34 Q. She was Rebecca Wilson's -
- 35 A. Mother.
- 36 Q. Then you mention Rebecca Wilson.
- 37 A. Yes, Auntie Koomi we called her.
- 38 Q. Then you mention Isobella Carter. Nanna Bella. Is that

- 1 Rocky Koolmatrie's mother.
2 A. No, that was my Grandmother Lena's sister.
3 Q. Auntie Vera Wilson, who is still alive.
4 A. Yes, she is still alive.
5 Q. Auntie Gracie Gollan.
6 A. She was a sister-in-law to my Grandmother Lena.
7 Q. Auntie Stella Campbell.
8 A. My mother's sister.
9 Q. Auntie Jean Gollan.
10 A. That was my husband's auntie. She is still alive at
11 Murray Bridge.
12 Q. Catherine Gollan.
13 A. My husband's aunt. She is deceased.
14 Q. Constance Kropinyeri.
15 A. She was the eldest daughter of Grandmother Sally
16 Kartinyeri and I was married to her grandson.
17 Q. The daughter of Pinkie Mack.
18 A. Yes, she just recently passed away.
19 Q. Granny Smith.
20 A. Yes, deceased.
21 Q. Grandmother Lindsay.
22 A. Yes, my grandmother's sister.
23 Q. Emily Wanganeen.
24 A. My grandmother's sister.
25 Q. Clara Gollan.
26 A. My grandmother's younger sister.
27 Q. During all the years that you asked questions of and
28 discussions with all of those people including your own
29 mother, did any one of them ever suggest there was any
30 secret sacred women's business in relation to Hindmarsh
31 Island.
32 A. No, never.
33 Q. Did you continue to see Granny Smith and Priscilla
34 Lindsay regularly at Tailem Bend.
35 A. Yes, Granny Smith moved there in the 60s and I knew her
36 from living there in the 60s, so I probably met her
37 before that. But about the last seven, eight years of
38 her life is when I had nearly daily or weekly contact

1 with Granny Smith, in the last seven, eight years of her
2 life.

3 Q. Did you also have a particular interest in asking them
4 about your grandmother.

5 A. Yes, it is just that mum said that when she was a little
6 girl growing up at Wellington there her mother had died
7 when she was a little girl. Her and Auntie Stella were
8 little girls, so she could never remember her mother,
9 so, when I met these great aunts, I always had a
10 curiosity about what my grandmother was like. So that
11 was probably one of the main reasons why I used to sit
12 so much with these elderly aunts and ask them questions.
13 It was my grandmother and grandfather William McHughes
14 that feature in some of the books that are around today.

15 Q. Would you say that you had a special interest in your
16 heritage and your family and so on.

17 A. Yes, I was curious about what happened with my
18 grandmother and my grandfather.

19 Q. Did they ever suggest there was anything that they had
20 that was secret and sacred to be passed on to you that
21 they couldn't talk about to anyone else.

22 A. No, they never said anything of a secretive nature to
23 me.

24 Q. You knew Granny Smith.

25 A. Yes, she lived in Tailem Bend for a good many years of
26 her life there from the 60s, she moved to Tailem Bend
27 and stayed there until she passed away.

28 Q. How old was she when she passed away.

29 A. I think the relatives, they were always was looking to
30 find out when her birth was, when he was born. She was
31 up near 90, or in her 90s when she passed away. That
32 would have been about five or six years ago she would
33 have passed away. I think she would have been about 90
34 then when she passed away.

35 Q. How often would you see her.

36 A. Weekly, and sit with her. I would get my children to
37 school and I used to go there for weekly meetings with
38 her. She ran a lot of fellowship meetings and I went

- 1 there Wednesday nights there and meet her granddaughter
2 Mary. And we were always over at Granny Smith's house.
3 Nearly every week we were there visiting.
- 4 Q. You say that she loved to talk about her childhood and
5 her past.
- 6 A. Yes, she was always the one to go back, remembering her
7 - telling me stories, the same stories nearly all the
8 time, about growing up along the river. And as she used
9 to - she was a great fisherwoman that loved the outdoors
10 and used to pack a tent up in a boat and move up and
11 down the river and she had two little boys. She had
12 separated from her husband, at that time, over at Point
13 Pearce for a short while and she moved up and down the
14 river amongst the old people. She said `None of them
15 used to harm me or worry about me.' She said she always
16 felt safe travelling around the rivers and she loved to
17 talk about her life.
- 18 CONTINUED

B.L. KROPINYERI XN (MRS SHAW)

- 1 Q. Did she ever mention anything to you about secret sacred
2 women's business on Hindmarsh Island.
- 3 A. No, never.
- 4 Q. Did she ever suggest that Hindmarsh Island had any
5 significance in her background at all.
- 6 A. No, never. Spoke of Wellington and Point McLeay and the
7 river, but I've never - I can't remember her ever
8 speaking of anything about Hindmarsh Island.
- 9 Q. You lived in the same house for 12 months with the
10 eldest daughter of Grandma Sally, namely Constance
11 Kropinyeri.
- 12 A. Yes.
- 13 Q. How old were you then.
- 14 A. Would have been about 17, because I got married the next
15 year when I was about 18 in '64.
- 16 Q. Did you know, from living with her, that she had been
17 raised by the sister of Grandma Sally.
- 18 A. Yes. We called her Mummidi. Her nickname was Mummidi
19 but her real name was Martha Varcoe and her mother was
20 in a home that was in Point McLeay and I think mother
21 Constance Kropinyeri spent part of her childhood there
22 and an aunt of hers took her and cared for her and
23 helped to raise her.
- 24 Q. Eileen McHughes and Isabelle Norville are two names that
25 come up in relation to the meeting with Professor
26 Saunders. They are granddaughters of Constance.
- 27 A. That's right, the two granddaughters.
- 28 Q. And Vic Wilson is a grandson of Constance.
- 29 A. He is that, yes.
- 30 Q. Did Constance ever mention Hindmarsh Island to you.
- 31 A. No, she never ever mentioned anything of Hindmarsh
32 Island.
- 33 Q. Was anything ever said about secret sacred women's
34 business on Hindmarsh Island.
- 35 A. No, not.
- 36 Q. Or in the area around there.
- 37 A. No.
- 38 Q. Did other aunties come to say at Constance's place.

B.L. KROPINYERI XN (MRS SHAW)

- 1 A. Yes. We used to have a great aunt, she was a
2 sister-in-law to my Grandma Lena, Gracie Gollan who used
3 to come from Coomandook and used to come over to see the
4 family and the children. And many of the nights we'd go
5 to up her mother's place, Constance Kropinyeri's place,
6 and sit up late at night and they would tell us stories
7 about the places they used to - what they used to do in
8 living at Point McLeay where they were before they moved
9 to Point McLeay. We would speak until late into the
10 night. Dorothy would join us and Eileen, the other
11 sisters Lena and Vicki, Eileen's other sisters, and this
12 is how we used to spend a lot of the time at nights and
13 getting together as women in groups and speaking.
- 14 Q. Would Auntie Gracie talk about camping down the Coorong.
15 A. That is when I first heard about the summer camps that
16 used to go on at Coorong from Point McLeay. They used
17 to - whole families used to go along on the camp and go
18 camping down the Coorong and from Point McLeay and go
19 back there at the end of summer back to Point McLeay.
- 20 Q. During all of these discussions was there any mention of
21 secret sacred women's business in Hindmarsh Island.
22 A. No, never.
- 23 Q. You then refer to Elaine McHughes, your sister-in-law.
24 Eileen McHughes.
25 A. Yes. When we were living at Tailem Bend, Eileen - I
26 don't know where she got the idea from, she come with a
27 book and comes and asks of people's genealogy and so
28 when anybody used to come into the house, we'd sit down
29 and have a cup of tea and sit and talk to her. She was
30 a very friendly and open person and they would start
31 recording, access information from them and she would
32 record all of the information they'd give her, give her
33 about the genealogies.
- 34 Q. Did you hear Hindmarsh Island get a mention.
35 A. No.
- 36 Q. You then refer to a Mrs Marg Angas.
37 A. Yes. Mrs Marjorie Angus, she had been prominent in the
38 Aboriginal affairs and had known the genealogies, had

B.L. KROPINYERI XN (MRS SHAW)

- 1 been following the people intimately from Point McLeay
2 for many, many years. Towards the end of her career
3 with Aboriginal affairs, she came to Tailem Bend and she
4 wanted to see Granny Smith and my mother and Auntie Jean
5 Smith. And I think it was at Heather's place, my
6 cousin's place, they had an afternoon tea and bought out
7 a big - small case of photographs of all the people from
8 Point McLeay. And they were looking through all the
9 photos they had and were looking together. I got there
10 a bit late. I didn't see all the photographs that she
11 had brought out. I only saw maybe one or two of them.
12 I didn't see all of the photographs she brought out.
- 13 Q. No mention of Hindmarsh Island during those discussions.
14 A. No. She didn't never ever mention Hindmarsh Island.
- 15 Q. Then, you talk about your Auntie Stella Campbell. She
16 died, I think.
17 A. Last year in October, yes.
- 18 Q. How old was she when she died, approximately.
19 A. She was about, I think she may have been about 73.
- 20 Q. She was your mother's sister.
21 A. Yes.
- 22 Q. You say that when you would go back to Point McLeay,
23 from time to time, you would usually stay with her.
24 A. Yes, that was -
- 25 Q. That her family and your family have always been close.
26 A. Yes. She was our closest aunt, favourite aunt.
- 27 Q. Did you learn, through your Auntie Stella, about some of
28 the superstitions that she had.
29 A. Yes. She would tell us the same as about the Mingka
30 Birds and also the Ngatji bird - that is the totem bird
31 that identified your clan. Like I think mum was saying
32 like it was the Murray Magpie or the Itchirookie as a
33 totem bird. We'd usually watch for strange behaviour
34 from these birds, different ones different clans. They
35 had these different totem bird and we'd watch the
36 behaviour of the birds. If there was something unusual
37 that was going on with them, they would be able to read
38 the signs about the birds.

1 Q. You say you couldn't eat that bird.

2 A. No. I know there was an occasion there was a, the
3 Lauri, the wild geese, as a totem bird to one of the, of
4 our relative's totem bird, and one of the men went out
5 and shot it and they were upset, a bit upset about that
6 and they were stopped from eating it. It's a -

7 Q. Then, you say something about Auntie Stella. You told
8 us you cut your hair.

9 A. Yes. We weren't allowed to cut our hair and throw it
10 out at night. That's one of the methods that people
11 were practising cultic practices where they could get
12 you by your hair and could sing you and they can do
13 something to your hair. I think there was other things
14 they can do too. That was one of them. This is what we
15 weren't allowed to do that.

16 Q. You referred to the men going out on the night at Point
17 McLeay to check for Kadaicha men.

18 A. Yes.

19 Q. How old were you when you remember that.

20 A. Probably about 7, 8 because I remember the men they were
21 - Uncle Allan used to take a gun out and used to meet up
22 with the other men in Point McLeay and walk around Point
23 McLeay looking for these Kadaicha men.

24 Q. The next part of your statement deals with Rebecca
25 Wilson, Auntie Koomi.

26 A. Yes.

27 Q. You say that you recall her very well.

28 A. Yes.

29 Q. Tell us about your memories of her.

30 A. She was a really wonderful woman. All I remember about
31 her is her smiling face and friendliness. She was one
32 of the most devout Christian women that I have probably
33 ever met in my life. A very well spoken woman that
34 used to address many meetings at Point McLeay, whether
35 it was people that had been dignitaries that have been
36 visiting there. And also addressing Salvation Army
37 congressions, meetings in Adelaide, and also public
38 speaking. And as well as speaking in the church and

B.L. KROPINYERI XN (MRS SHAW)

1 giving testimonials in the church. She could speak at
2 the drop of a hat. She was called upon on nearly all
3 occasions to make speeches at Point McLeay.

4 Q. You say that Auntie Stella and Auntie Koomi were quite
5 good friends.

6 A. Yes. We - she lived not far from Auntie Stella's. She
7 lived up a couple of houses up, called it a little place
8 called the top row. Auntie Koomi lived up a few houses
9 up from us here Auntie Stella was living.

10 Q. You then say that Auntie Koomi was not unlike Auntie
11 Dulcie.

12 A. Yes, she had a friendly, open face and a very warm
13 person. That is how we thought of Auntie Koomi. She
14 was thought like that by everyone that she came into
15 contact with, that met her and they noticed her.

16 Q. You say that, or refer to her Bible studies.

17 A. Yes. She used to go to church about four times on
18 Sunday. In the morning session - there used to be an
19 afternoon, morning service, an afternoon service and an
20 evening service, and there used to be a Bible study
21 during the week and maybe a home learning session where
22 the women would gather together at Point McLeay. Often,
23 you would see all the women on Point McLeay with the
24 Salvation Army uniforms on and their bonnets on going up
25 to the meeting there in the church, the little church at
26 Point McLeay. And very often she would be the one that
27 would lead that service. And this went on for years and
28 years. That was her lifestyle. There is just being at
29 that church all of her life. That was her lifestyle.

30 Q. Did you have personal contact with her.

31 A. Yes. I used to go to church with her, go into her home
32 and wait for her and we'd walk down. If she would come
33 past the house, all of the kids would be waiting out the
34 front and waiting to go to the church with her. She was
35 one of the biggest Christian influences to the children
36 at Point McLeay.

37 Q. Did she ever say anything to you or anybody else in your
38 presence about Hindmarsh Island.

B.L. KROPINYERI XN (MRS SHAW)

1 A. No. Never spoke to me about Hindmarsh Island.

2 Q. Did she ever say that there was any secret sacred
3 women's business that existed in relation to Hindmarsh
4 Island.

5 A. No. She never ever spoke of anything like that to me.

6 COMSR

7 Q. Did she ever suggest there was any women's business at
8 all connected with Hindmarsh Island.

9 A. Not that I remember.

10 XN

11 Q. You then refer to Grandmother Grenville: Rebecca
12 Wilson's mother.

13 A. Yes.

14 Q. Do you remember her.

15 A. Yes. I used to - I think I was about - may have been
16 approximate seven or eight when I first remember my
17 first memories of Grandma Grenville. She was such a big
18 woman. She was one of the biggest women on Point
19 McLeay. She was a big woman, she was fair and probably
20 up in the 60s then at that stage. She was a really big
21 woman, but a very gentle woman with us and mum used to
22 always go up there and take us up there as children.
23 She was one of the women that wanted to raise my mother
24 when her own mother died when she was a little girl and
25 mum was brought up by one of the aunts that helped to
26 raise mum up, and so mum and her were really close. And
27 even when mum got married and got children she used to
28 take us back up to there into that house to see Grandma
29 Grenville.

30 Q. Where did she live in relation to Auntie Koomi.

31 A. Across the road from Auntie Koomi in the top row. Just
32 cross across the road.

33 Q. Did you spend some months living in the same house as
34 Grandma Grenville.

35 A. I lived there for a few months. Mum allowed - dad when
36 he moved from Point McLeay to get some jobs and then the
37 jobs wouldn't pan out and we would move, I would go
38 there for a little while. And I think on this occasion

B.L. KROPINYERI XN (MRS SHAW)

1 we didn't have anywhere to stay and stayed there for a
2 few months at Grandma Granville's. I've lived in the
3 house with her.

4 Q. You have put yourself as about 11 or 12 at that time.

5 A. Yes. At that stage when we were living there, I was
6 about 11 or 12.

7 Q. You then say that Grandma Grenville would love fishing
8 by the lake.

9 A. That - yes, that was one of her favourite pastimes. All
10 the women at Point McLeay, their love for the lake and
11 the fishing spots, all the favoured fishing from the
12 side of the lake and they'd all go there nearly, most
13 nearly ever day in the summer.

14 Q. When you say `all', you mean including Auntie Koomi.

15 A. Yes. Auntie Koomi and Stella, that was their favourite.

16 Q. You and Dorothy would sit with them.

17 A. Yes. Many of us, young Auntie Stella's daughters and
18 myself would either go with Auntie Koomi or Grandma
19 Grenville or Auntie Stella to the lake fishing. And
20 sometimes went there with the three and sometimes
21 didn't. It was like their favourite and we would play
22 on the shore and they would fish and sometimes we'd take
23 the lunch with us, or if we caught a fish we'd cook it
24 on the shore and stay there with our aunties.

25 Q. You say that there was never anything said about women's
26 business on Hindmarsh Island.

27 A. No, not in front of me in my presence. I was only
28 about, probably my first memory of going fishing with
29 them would have been about six or seven. Even though I
30 grew up with them, still there wasn't reference of them
31 as I grew up, they didn't speak of anything of Hindmarsh
32 Island to me.

33 Q. You say that in relation to Auntie Koomi, even when you
34 lived off the mission, you would visit her with your
35 mother and she used to like you to brush her hair for
36 her.

37 A. Grandma Grenville.

38 Q. That was Grenville Grenville, was it.

B.L. KROPINYERI XN (MRS SHAW)

- 1 A. Yes. That was her favourite, snoozing out on the
2 verandah, out the front verandah. She had a little
3 stone cottage, I think, and that was - she used to like
4 to sit in the chair out on the front verandah and have a
5 snooze in the sun and I would brush her hair. I spent
6 quite a bit of time there with her by myself, or mum
7 would leave me there with her and go off shopping and
8 leave me with Grandma Grenville.
- 9 Q. You say that your mother sent you to Grandma Granville's
10 house with Caroline Gollan and Veronica Brodie on the
11 night that your sister Laura was born.
- 12 A. We used to have midwives on Point McLeay and mum - there
13 was an Auntie Beati Kropinyeri, that was one of the
14 midwives. And because I was one of the oldest girls in
15 the house, they sent me up to stay the night at the
16 Grandma Granville's place the night my younger sister
17 was born, Laura.
- 18 Q. Who was the midwife.
- 19 A. Beati Kropinyeri, my Auntie Beati Kropinyeri.
- 20 Q. Was she related to your family through Queen Louisa.
- 21 A. She had married into the Kropinyeris. I don't remember
22 her maiden name. She married a Kropinyeri. That is
23 Kenny Kropinyeri. She became a Kropinyeri.
- 24 Q. You then say that towards the end of Grandma Granville's
25 life, your mother, yourself and Auntie Koomi went up to
26 Adelaide to visit her.
- 27 A. Yes.
- 28 Q. You spoke to her.
- 29 A. Grandma Grenville lived at Point McLeay and I can't
30 remember exactly how old I was and I think she was taken
31 to Adelaide for, I'm not sure how long she was in
32 hospital in Adelaide. It was towards the end of her
33 life. We had probably been living at, in the different
34 little bush town by that stage for some time and mum and
35 Auntie Koomi and myself went to see her in her room and
36 she took us out there to Enfield Hospital or Northfield
37 Hospital and we went there by bus to meet up with
38 Grandma Grenville. And at that stage her memory started

B.L. KROPINYERI XN (MRS SHAW)

1 to fail. She was very, very sick. And mum went with
2 Auntie Koomi into the ward and we walked in and Auntie
3 Koomi asked Grandma Grenville if she remembered mum -
4 this is when she was in the bed and she was laying there
5 and she walked up and recognised my mum and said `Hetty'
6 and I think it wasn't that long after that, shortly
7 after that, when we went back to our little bush town,
8 and Grandma Grenville had passed away not long after
9 that.
10 CONTINUED

B.L. KROPINYERI XN (MRS SHAW)

- 1 Q. You then say that from your observations your mother was
2 a great favourite of Grandmother Grenville's.
- 3 A. Yes, she had a great love for her and they thought of
4 her like a mother. She always said that she was like a
5 second mother to her.
- 6 Q. Did your mother ever say anything to you about any
7 secret sacred women's business on Hindmarsh Island, or
8 anywhere else.
- 9 A. No.
- 10 Q. Did she talk about her past.
- 11 A. When mum spoke about her past it was more or less to do
12 with the kinship, her growing up years, and how she grew
13 up, her friendships she had made, where she had worked.
14 So she did speak of things of her past, but it was to
15 tie in with a lot of the way she was brought up, her
16 kinship and that.
- 17 Q. When you talk about the relationship between your mother
18 and Grandmother Grenville, you say in your statement 'If
19 Grandmother Grenville had known anything of Hindmarsh
20 Island, then I am also sure that she would have passed
21 it on to my mother'.
- 22 A. Yes, she would have.
- 23 Q. You say 'All of us girls were close to our mother'. How
24 many girls were in the family.
- 25 A. There is myself, Dorothy and a younger sister, Laura.
- 26 Q. You describe your relationship with your mother as being
27 close.
- 28 A. Yes, yes.
- 29 Q. Your mother never ever suggested to you there was
30 anything she ought to pass onto you that was secret
31 sacred women's business.
- 32 A. No, never.
- 33 Q. Did your mother display a particular interest in the
34 Ngarrindjeri families.
- 35 A. She knew many of the kinship ties at Point McLeay,
36 especially ours, and it is only today and in the last
37 maybe couple of years, that Dorothy and I have been
38 working on our genealogy, we are finding out today all

B.L. KROPINYERI XN (MRS SHAW)

1 the stuff mum knew back when we was little kids growing
2 up. All the kinship ties, what relatives we were
3 related to, we are finding out now, but mum already knew
4 that intricate relationship with everyone on Point
5 McLeay years ago.

6 Q. But your mother would also visit aunties and uncles in
7 other places apart from Point McLeay.

8 A. Yes. We moved around quite a bit in small country
9 towns. In those days there used to be a lot of
10 travelling around. The Aboriginal people used to travel
11 from that one spot - whether it was still that
12 wandering, nomadic sort of life they used to like to
13 live. A great grandfather of mine used to travel from
14 Balranald, right up to Point McLeay and up the river.
15 He was always on the move. Quite a number of the
16 Aboriginals moved around like that. That is why we had
17 so many visitors in our small country towns popping in
18 to visit. We used to move around a fair bit.

19 Q. Did you also get to speak to the aunties and uncles that
20 your mother had contact with when you were moving
21 around.

22 A. Yes, yes.

23 Q. You refer to a Grandmother Toki.

24 A. She used to fascinate me because she was really dark and
25 she had - I believe she had married into the McHughes
26 family, but I believe she came from the north. She used
27 to smoke a pipe and she used to speak in pigeon English
28 to us, because we never heard anyone speak in pigeon
29 English on Point McLeay, so we used to go there with mum
30 to visit her, and I think she used to have a nice
31 rocking chair there when we were kids that we used to
32 like sitting on. That's probably why I put her in.

33 Q. In relation to all the aunties and relations you have
34 mentioned and the people your mother had contact with,
35 you say `I can't believe that mum would not have been
36 told something by these elderly aunts if there was
37 something special to know about Hindmarsh Island, and if

1 they had told her, then I am equally sure that she would
2 have told her own daughters'.

3 A. Yes.

4 Q. I then want to turn to Sarah Milera. You say that she
5 is related to your family and used to visit your mother
6 when your mother lived in Murray Bridge.

7 A. Yes. Sarah had - mum had already grown up all her
8 family, we had our children, and although she had us
9 visiting her and grandchildren staying with her, she
10 still maintained a lot of friendships, even with younger
11 women and younger nieces. They all sort of had formed
12 great friendships, and Sarah was one of them. Although
13 then I didn't know - I don't think that Sarah was really
14 a relative of ours, but she used to come there to see
15 mum, to ask mum to tell her about her childhood, because
16 she had lost her mother too I think when she was young
17 too, and mum used to fill in the gaps for her, telling
18 her stories about her mother growing up at Point McLeay
19 there. So mum had a friendship with Sarah, Mary, her
20 sister and another one, Rachel, and Robert and Allan
21 Day. Robert is deceased now, but they used to always be
22 travelling around together, Sarah and mum, and visiting
23 down at Coorong there with Auntie Bell and Uncle Dick
24 Koolmatrie, and they would always be in each other's
25 company. It was just they got on really well together,
26 Sarah and my mother.

27 Q. Auntie Bell and Uncle Dick Koolmatrie were the people
28 who raised Sarah.

29 A. Yes.

30 Q. When you say that Sarah would make these inquiries of
31 your mother, did she give any indication that she had
32 any knowledge herself that your mother didn't have.

33 A. No. Sarah was always asking for information. She never
34 told us any things. She was always searching herself
35 for information and knowledge, especially of her mum.

36 Q. Did your mum tell Sarah all she could about Sarah's
37 mother and her life at Point McLeay.

38 A. Yes.

B.L. KROPINYERI XN (MRS SHAW)

- 1 Q. Your mother would talk about her own recollections of
2 travelling up and down the river.
- 3 A. Yes, from Wellington down to Point McLeay. I don't know
4 whether - maybe she might have been with a couple of
5 aunts around the river there, Tailem Bend or something,
6 and she went to Robe when she was a young girl to work.
7 My mother and Auntie Stella Campbell went to Robe when
8 they were young girls, teenagers, to work.
- 9 Q. You then talk about Granny Janet Smith, nee Karpany.
10 A. Yes.
- 11 Q. She was the granddaughter of Queen Louisa.
12 A. Yes, granddaughter.
- 13 Q. She lived most of her life, you say, at Murrindgoon.
14 A. Murrindgoon.
- 15 Q. I think you have already given evidence about your
16 knowledge of Granny Smith, but you also say that you
17 were very close friends with her granddaughters.
- 18 A. Granny Smith's granddaughters, yes, Mary and Heather.
- 19 Q. Granny Smith would tell all the children stories about
20 her life, growing up on the river.
21 A. Yes.
- 22 Q. I think you have already said she would tell the same
23 stories over and over.
24 A. Yes.
- 25 Q. Can I ask you some questions about the daughter of
26 Pinkie Mack. At the time that she was living at Three
27 Mile, did you stay with her from time to time.
- 28 A. Yes. We used to catch a bus, the mail run, to Point
29 McLeay, but sometimes we used to miss it so we didn't
30 have anywhere to stay, and there weren't very many
31 Aboriginal families living in Tailem Bend, or close
32 relatives of ours, so we used to either get a taxi out
33 or walk out, or somehow we would get out to the Three
34 Mile, it was about 3 miles out of Tailem Bend on the
35 road to Meningie, and she had a little tin shack built
36 on the cliff there. That's where we stayed the night
37 with her.
- 38 Q. When you say `we', who are you referring to.

B.L. KROPINYERI XN (MRS SHAW)

1 A. My mother, Dorothy, my sister, and if mum would bring
2 any other children with her, we always stayed the night
3 there in the shack with Auntie Laura.

4 Q. You describe her as a great fisherwoman.

5 A. Yes, she loved the water. She was always out fishing
6 every day. She was a very outdoor woman. She just
7 loved the outdoors. You couldn't keep her inside, so
8 active she was all her life. Until she moved, probably
9 just a few years before she got sick, to Murray Bridge,
10 she was a very active woman, like Granny Smith was.

11 Q. You say that she was one of the major elderly women in
12 your life.

13 A. Yes.

14 Q. What do you mean by that.

15 A. That's - I lived at Tailem Bend there and she was one of
16 the elderly women I used to go round and see. I knew
17 her from the 60s, but I used to go there mostly in the
18 80s. During the last years of her life I spent a lot of
19 time there with Granny Smith.

20 Q. Then you say that you knew her as a midwife.

21 A. That's Nanna Laura.

22 Q. We were just talking about Nanna Laura.

23 A. Yes, I knew - I got married out at Tailem Bend there,
24 and I used to go there with my husband to see her at the
25 cliff there, at the Three Mile, to go out and see her,
26 and we spent many times and many moments with her,
27 fishing with her. We would also go fishing together out
28 on the river with my husband and the daughter of Pinkie
29 Mack, and if we needed to ask any questions about things
30 in herbal remedies and medicines, we would go and ask
31 the daughter of Pinkie Mack, because she had a herbal
32 knowledge of what to do for sick children and stuff like
33 that.

34 Q. What sort of bush medicine do you remember that you
35 learnt from the daughter of Pinkie Mack.

36 A. One of them she said to us, to get rid of asthma she
37 said you give your children - I don't know if you would
38 want to do it, but you give them goanna fat. It gets

B.L. KROPINYERI XN (MRS SHAW)

1 rid of their asthma. We didn't. I don't know if
2 anybody ever tried that or not, but she had a lot of
3 remedies that she had for different sicknesses.

4 Q. You describe her as being very close to your sister
5 Dorothy.

6 A. Yes. In her later years at the bridge there, when
7 Dorothy and my sister started working at the Nunga's
8 Club, first of all as Aboriginal community workers, this
9 is going out in the community helping people that had
10 needs in the community, from then she used to rely on
11 Dorothy to help her. Like help her to pay her accounts
12 and seeing about any business that had to be attended
13 to, maintenance work, any upsets in the family, she
14 relied a lot on Dorothy to do. She would just ring up
15 and Dorothy would pop around. So from those years they
16 had maintained really close ties and friendship and she
17 depended on Dorothy a lot in her last years.

18 Q. After the meeting on 9 May 1994, did Dorothy come back
19 and tell you what had happened. That's generally.

20 A. Yes. She said she had been there to ask if there had
21 been - if nanna would have known any - the daughter of
22 Pinkie Mack would have known any secret women's business
23 on Hindmarsh Island, and she replied that she didn't
24 know anything about any women's business on Hindmarsh
25 Island.

26 Q. Dorothy told you that she had spoken to the daughter of
27 Pinkie Mack.

28 A. Yes, she went there. She walked down to see her just
29 specifically to speak with her about it, because she was
30 one of our elders in our Murray Bridge community, and if
31 there was anything to be known, as an elder, she
32 probably would have been the one to know.

33 Q. And Dorothy told you at that time what the daughter of
34 Pinkie Mack had said.

35 A. Yes, that she didn't know anything about that business.

36 COMSR: I take it you are not going into the
37 detail in paragraph 99?

38 MRS SHAW: No.

B.L. KROPINYERI XN (MRS SHAW)

1 XN

2 Q. What did you know about Hindmarsh Island as you were
3 growing up.

4 A. I can't remember knowing anything about Hindmarsh Island
5 until I went there about in 19 - my children were really
6 young, probably would have been about the late 70s, and
7 my children might have been about 3 or 4, we went down
8 there fishing off the causeway there. I think the ones
9 I went down there with were my husband and his sister
10 Eileen, and we were fishing off the causeway there. It
11 was a good spot for catching tcheri, black bream.

12 Q. You have been there fishing with Eileen McHughes.

13 A. Yes, Eileen was there, and her children and Dorothy, I
14 think, and Billy. There was quite a few of them. My
15 sister and her husband and the children. And we drove
16 across Hindmarsh Island to the other side, to the mouth,
17 and had a look there. But that's the first time I ever
18 remember being on Hindmarsh Island, was in the 70s.

19 CONTINUED

20

1 Q. Then just coming to the claimed secret sacred women's
2 business, when was the first time you heard any
3 suggestion of the claim of secret sacred women's
4 business and Hindmarsh Island.

5 A. It was when Dorothy came back from the meetings at -
6 down at Hindmarsh Island. She come back to Murray
7 Bridge.

8 Q. Without going into the details of what was said, are
9 those details set out in paras.99, 100 and 101.

10 COMSR: Those are the details of what she was
11 told.

12 MS SHAW: Yes.

13 XN

14 Q. What you were told by Dorothy when she came back from
15 the meeting.

16 A. Yes.

17 Q. You yourself did not get involved in the Hindmarsh
18 Island issue.

19 A. No, it didn't interest me. I never heard nothing about
20 it and, when things were brought back, the reports were
21 brought back, I still didn't have any interest in going
22 On to any of these meetings there. It didn't interest
23 me at all.

24 Q. When you did learn what Dorothy reported back to you,
25 did you form your own views about the claims which you
26 set out in para.105.

27 A. Yes, I had a lot of questions about it and I remember
28 asking Dorothy questions about the reports that were
29 coming back about Hindmarsh Island.

30 Q. You say, in para.106, that you recall Dorothy being
31 concerned about the business of the map being put into
32 the secret envelopes.

33 A. Yes, she was concerned that it wasn't just secret
34 women's business being putting put into the envelopes.
35 She was concerned about it wasn't just women that had
36 been involved and having this knowledge.

37 Q. In particular, you refer, in para.107, to your natural
38 scepticism, because you had never heard of any secret

B.L. KROPINYERI XN (MS SHAW)

1 sacred women's business on Hindmarsh Island or anywhere
2 else and your suspicions about the women merely going
3 with what one woman, Doreen, was saying. And then you
4 go on to say 'I could not believe that they did not know
5 of any of this or that they would not have told me about
6 it.' There referring to your mother and all of the
7 aunties that you had spoken to over your many years.

8 A. Yes.

9 Q. Is that so.

10 A. Yes.

11 Q. Then you I think refer, in particular, to your Auntie
12 Stella, to whom you were very close. Auntie Koomi.
13 Granny Smith. The daughter of Pinkie Mack. Grandmother
14 Granville. Nanna Bella. And Aunt Emily. And you say
15 that not one of them even hinted at anything like secret
16 sacred women's business and, in particular, in relation
17 to Hindmarsh Island.

18 A. I have never heard the terminology 'secret sacred
19 women's business on Hindmarsh Island'.

20 COMSR

21 Q. Have you heard of any -

22 A. No.

23 Q. Had they even spoken to you -

24 A. No.

25 Q. About any woman's business.

26 A. No.

27 XN

28 Q. Never suggested that there was any women's business that
29 they couldn't tell you about or anyone else about.

30 A. No, they never said there was any secrecy about women's
31 business to me.

32 MS SHAW: We have one witness who was specifically
33 arranged for tomorrow, because of work commitments. She
34 is coming up from Millicent and we will certainly be
35 calling her tomorrow. I understand her statement has
36 been distributed, Rita Wilson.

37 MR KENNY: Who is this witness, if I could ask?

38 MS SHAW: Marguerita Wilson.

1 MR KENNY: I don't have a copy of that statement.
2 I haven't seen one.

3 MS SHAW: You probably weren't here.

4 COMSR: If that is the case, are we likely to
5 get through the cross-examination of the two witnesses
6 who have given evidence this afternoon and the
7 examination and cross-examination of the proposed
8 witness tomorrow?

9 MR ABBOTT: I think we would. I can't imagine that
10 there would be much to cross-examine on the two
11 witnesses who have given evidence. I would have thought
12 that we would make a good effort to get through all
13 those tomorrow. There shouldn't be many problems.

14 COMSR: Yes, I suppose if counsel confine
15 themselves to the particular interests that the party
16 they represent has.

17 MR MEYER: This statement has been tendered without
18 any restrictions and yet, when we got to para.99, it was
19 stepped over, so to speak, by not referring to it. So I
20 merely -

21 COMSR: Yes, that is true, but the statement is
22 going to be suppressed, at this stage, while I consider
23 it. It has been handed out to counsel, as I understand.

24 MR MEYER: Yes, I heard it being tendered. I
25 didn't hear any application made to do anything about
26 it.

27 COMSR: No, there was no application made and,
28 although most of it appears to be fairly standard, it
29 looks to me as though I am going to have to consider at
30 least two or three paragraphs and how they might involve
31 the application of s.35 of the Aboriginal Heritage Act.
32 Again, it is in the same situation that I will have
33 to suppress the whole statement until I have had an
34 opportunity to consider its contents.

35 MR MEYER: I have observed para.99, para.101 and
36 para.116.

37 COMSR: Yes, I know, but the statement, as it
38 stands, can't be released, because it has those

1353
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B.L. KROPINYERI XN (MS SHAW)

- 1 paragraphs in it.
- 2 We will adjourn until 10 o'clock.
- 3 ADJOURNED 4.35 P.M. TO FRIDAY, 25 AUGUST 1995 AT 10 A.M.

1 COMSR STEVENS

2

3 HINDMARSH ISLAND BRIDGE ROYAL COMMISSION

4

5 FRIDAY, 25 AUGUST 1995

6

7 RESUMING 10.20 A.M.

8 MR SMITH: Commissioner, as you know, at 9.45 this
9 morning the Full Court delivered its judgment in respect
10 of the application made some time ago by ALRM. I am
11 told that the judgment, amongst other things, found that
12 both declarations of the Minister, the declaration of 7
13 July and the declaration of 27 July, were held to be
14 invalid.

15 COMSR: Yes, I understand that to have been the
16 effect of the judgment of the Full Court.

17 MR SMITH: What we are doing now is copying the
18 judgments of the court. We will distribute the
19 judgments to counsel and solicitors at the bar table,
20 and counsel and solicitors are asked to consider what
21 positions they take in terms of proceeding today. I
22 suggest an adjournment so that that can be done, and
23 that you hear submissions about the balance of the day.
24 I can provide some detail in due course to the parties
25 as to what evidence is proposed for today.

26 COMSR: You understand, I have not as yet read
27 the judgment myself to determine what the effect will be
28 as far as evidence which may be led before the
29 commission. So, accordingly, I would propose to adjourn
30 this commission until 2.15 this afternoon.

31 MR ABBOTT: Could I be heard on that? We would
32 argue, and we do argue, that you should proceed this
33 morning in a way that does not touch upon Section 35.
34 The judgments of the Full Court in relation to Section
35 35, I think, in essence, are founded upon the alleged
36 failure of the Minister to take reasonable steps to
37 consult, and the alleged failure of the Minister to
38 identify properly the material, the subject of Section 35.

1 That leaves, and properly leaves, for you the issue
2 of what to do about material that may have been put
3 before you as a result of the now found to be invalid
4 notices. I accept that is an issue that needs to be
5 discussed in full.

6 However, we have a witness, a Marguerita Wilson, who
7 has come all the way from Millicent. She has furnished
8 a very short statement consisting of eight pages, which
9 was distributed last week to all counsel who act for
10 parties who have given the appropriate undertaking. I
11 understand Mr Kenny, whose clients have not given the
12 undertaking, received it today.

13 I would suggest it is non-contentious. We propose
14 to call Marguerita Wilson because of her relationship
15 with Grandma Sally. In my submission, neither her
16 evidence in-chief nor her cross-examination could
17 conceivably touch upon Section 35 matters. I would ask,
18 in view of the fact that she has been brought here at
19 considerable inconvenience to herself for the purpose of
20 giving short evidence to this commission, that you
21 proceed to hear her evidence.

22 COMSR: I would not propose to do that without
23 having read the judgment of the Full Court. I would
24 have to have an opportunity to consider that. Other
25 counsel will also need an opportunity to consider it,
26 because they may wish to put submissions to me. You may
27 well be right, but I am not in a position to say until I
28 have had an opportunity to peruse the judgment.

29 MR ABBOTT: I can only ask that we proceed at least
30 with her evidence because, in my submission, it doesn't
31 touch upon Section 35. The other proceeding that was
32 brought, in essence in an attempt to have the commission
33 declared unlawful, as it were, at common law and by
34 virtue of statute, was dismissed by the Full Court.
35 That judgment, of course, is available for us to see.
36 So I would see no reason why we shouldn't at least hear
37 Mrs Wilson at some stage today.

- 1 COMSR: Yes, you may well be right. I am not
2 saying anything to the contrary, but I am simply saying
3 that counsel should be given an opportunity to consider
4 the effect of the judgment, and to put any submissions
5 to me that they wish concerning that matter. I think it
6 is appropriate to give them sufficient time to consider it.
- 7 MR ABBOTT: Is there any prospect of reconvening
8 before lunch to hear the submissions? The judgment is
9 only four pages. I brought copies down on the basis
10 that they could be photocopied and distributed
11 forthwith. I would have thought that we ought to be in
12 a position in an hour and a half or so to make
13 submissions.
- 14 COMSR: Does counsel consider that that would be
15 sufficient time? Not all counsel are present. That is
16 the problem I have.
- 17 MS NELSON: It seems to me that if we could make
18 submissions - I mean, those of us who choose to - say at
19 midday, that would at least give you the opportunity to
20 read the judgment, hear the submissions and consider the
21 matter over the luncheon adjournment, and then we could
22 perhaps proceed with some evidence this afternoon.
23 Otherwise, I suspect we are not going to get to any
24 evidence this afternoon once everyone starts making
25 submissions.
- 26 COMSR: I am quite happy to reconvene in an
27 hour's time to hear submissions from such counsel as are
28 present, but I simply point out that not all counsel are
29 present.
- 30 MR ABBOTT: If you feel that all counsel need to be
31 notified, then there is no alternative but to adjourn to
32 this afternoon.
- 33 MR SMITH: I can notify and fax them.
- 34 COMSR: I am just trying to see the interests of
35 those who are not present -
- 36 MS NELSON: I think that is right. If all counsel
37 need to be notified, then it is just not practical to
38 suggest we could make submissions within the morning.

1 COMSR: I am just trying to think which counsel
2 are not present here this morning.

3 MR KENNY: Mr Steele, Mr Sykes, Mr Wardle.

4 MR SMITH: There is not that many, but they have to
5 be contacted and forwarded copies of the judgment. We
6 can handle that very smartly.

7 MR MEYER: I would have thought 12 noon is a good
8 compromise. It may be we could run at noon if the
9 judgment is that short, or at least come back for
10 mention.

11 COMSR: In any event, as far as those counsel
12 who are present are concerned, we could reconvene at
13 11.30, if that is held to be sufficient, and we may then
14 be in a position to know if we have been able to contact
15 any other counsel and if anyone wishes to be heard.

16 MS PYKE: Obviously part of the complaint is lack
17 of consultation. I am a bit concerned if counsel who
18 really want to be heard are not here to hear the
19 submissions and to make their own submissions. I just
20 flag that, I suppose. It is obviously quite an
21 important matter.

22 MR SMITH: I suggest we make it for mention at
23 midday. That will give me time to contact counsel who
24 are not here, and if there is a major problem, I will
25 contact everybody.

26 MR KENNY: I actually stand to support Mr Abbott on
27 this. I do not think there is much point in coming back
28 before 12 o'clock. I will need some time to get some
29 instructions on it. I have some preliminary
30 instructions. We will be opposing further hearing of
31 evidence today. I appreciate that that will
32 inconvenience the witness who has come from the country.

33 The need to consult Aboriginal people takes time.
34 They certainly appreciate some time to be spoken to. If
35 we come back earlier we will simply be coming here,
36 having a brief discussion and going away, and it is
37 actually wasting people's time. I think it might be

1 better if we all have a copy of the judgment, consider
2 it and come back at 2.15 to discuss it.
3 COMSR: It will certainly give counsel assisting
4 the commission more time to contact other counsel who
5 are not present. It will give counsel who are present
6 time to get instructions and consider their position. I
7 propose to adjourn then until 2.15 this afternoon.
8 ADJOURNED 10.30 A.M.

1 RESUMING 2.20 P.M.

2 COMSR: Mr Abbott, what I had before me was an
3 application by you to call a witness.

4 MR ABBOTT: Yes. That was this morning. That was
5 before a further consideration of the judgments of the
6 Full Court this morning. I must say that, having
7 considered the judgments of the Full Court, and having
8 had further regard to the Aboriginal Heritage Act, it
9 would appear to me that regrettably, in view of the
10 challenge to the authorisation of the Minister, there
11 leaves this commission but little alternative other than
12 to adjourn to await the decision of the Minister,
13 firstly as to whether or not he proposes to issue a new
14 Section 35 authorisation, that is the first step; and
15 secondly, on the assumption that he does issue or
16 proposes to issue a new Section 35 authorisation, to
17 allow the consultative process, to say nothing of the
18 identification process, that the Full Court adverted to
19 in their judgment to take place.

20 I say that with considerable regret, bearing in mind
21 the situation in which we now find ourselves, where my
22 clients have come forward, and many of my clients have
23 given their evidence, some are finished, some have been
24 stood over for cross-examination. I say that it is, in
25 a very real sense, a travesty of justice that they
26 should now find themselves in this sort of limbo where -
27 again I emphasize regrettably - it seems to me there is
28 no course other than to adjourn this commission, at
29 least so far as their evidence is concerned.

30 COMSR: You would not consider suggesting for
31 one moment that your witnesses who are in the process of
32 giving evidence should be called to the witness box and
33 asked any further questions?

34 MR ABBOTT: There is the issue of whether the
35 Minister would want to issue a Section 35 authorisation.
36 I assume, based on his previous conduct, he will. But
37 again, one cannot pre-empt what ministers may or may not
38 do. On the assumption that he does want to issue a

1 third Section 35 authorisation, I say that neither I nor
2 Mrs Shaw, nor our clients, are prepared to continue in
3 an atmosphere where the threat of injunctive relief, via
4 a breach of Section 35, is ever present.

5 In other words, it is all very well to say we can
6 continue to hear some evidence that perhaps does not
7 impinge on Section 35 or the topic of Aboriginal
8 tradition, but once the topic is raised, then to
9 continue would be to continue in a situation where
10 injunctive relief - that is, to test whether or not what
11 was happening was in breach of the plain declaration of
12 the Supreme Court - has or has not occurred. I am not
13 prepared - and I say this not in any in terrorem way to
14 you - to allow my clients to come here to continue their
15 evidence when it may be closed down, or their evidence
16 may be stopped by someone wishing to take up to the Full
17 Court, or to a judge of the Supreme Court, what is
18 happening on the basis that it transgresses or may
19 transgress Section 35.

20 In my submission, it is incumbent upon the
21 government, if they wish to proceed with this Royal
22 Commission on the basis that this Royal Commission
23 receives evidence of Aboriginal traditional material, to
24 proceed with an authority under Section 35, and, as I
25 say, regrettably there seems to me to be no course other
26 than for this commission to adjourn until they have made
27 up their minds as to what they propose to do.

28 Accordingly, whilst I made the application this morning
29 that we should proceed to hear one of my clients, I see
30 no alternative but for you to adjourn sine die.

31 COMSR: You are withdrawing your application?

32 MR ABBOTT: I am withdrawing my application. I
33 should say that I hope, and my clients expect, that the
34 Royal Commission would resume and that the adjournment
35 would be brief. My clients support and will continue to
36 support your efforts to get to the truth of the matter
37 in this commission, and we would not expect the
38 adjournment to be very long. However, no-one is able to

1 put a figure on it, because the degree of consultation
2 that may or may not be necessary will be a matter for
3 those who advise the Minister to consider, given the
4 judgment of the Full Court this morning.

5 COMSR: That is a matter for the Minister, of
6 course.

7 MR ABBOTT: It is a matter for the Minister. I
8 think it comes down to this, that realistically, Section
9 35 provides the only way in which you can usefully and
10 indeed legally receive evidence of Aboriginal tradition.
11 You have appropriately taken the course, despite the
12 fact that some witnesses and some parties may assert
13 that certain evidence does not relate to Aboriginal
14 tradition, if there is a case alleged that it represents
15 Aboriginal tradition, that it is a matter that should at
16 least be considered being potentially within Section 35.

17 So I recognise that you have acted conservatively in
18 this area, and I accept appropriately. To continue in
19 that way with my witnesses and my clients, and witnesses
20 before this commission, without the proper authorisation
21 from the Minister would, in my submission, impose an
22 intolerable burden not only upon you, madam, but upon
23 any witness giving evidence here.

24 MS NELSON: My client's interests are naturally
25 circumscribed by the fact that not all of this evidence
26 is relevant to him. But you will recall that when I was
27 cross-examining Dr Clarke, which is some time ago now, I
28 was in fact cross-examining him in private session
29 because some of the matters on which he was commenting
30 were capable of offending Section 35.

31 It seems to me that it would not be possible to lead
32 any evidence from an anthropologist in its entirety, nor
33 to cross-examine without at least potentially breaching
34 Section 35. The likely evidence before you falls into
35 the categories of the evidence from the dissident women
36 - it may be that some of their examination-in-chief, or
37 most of it, or even perhaps all of it, would not be
38 capable of offending against Section 35, but I doubt

1 that that could be said about the questions that might
2 be put to them in cross-examination -

3 COMSR: One could never be sure of that.

4 MS NELSON: Exactly. The evidence from the
5 anthropologists is inevitably going to canvass
6 Aboriginal tradition, and I adopt what Mr Abbott has
7 said about that. The other evidence is the evidence of
8 Mr and Mrs Chapman. I think perhaps to some extent that
9 could be heard, but there will come a point where they
10 start inevitably to talk about consulting an
11 archaeologist and visiting certain geographical
12 locations which at least, on the face of it, could be a
13 breach of Section 35. And the remaining evidence is the
14 evidence from the media which, to a large extent,
15 involves interviews with people who are talking about
16 what might be described as Aboriginal tradition.

17 From the point of view of the inquiry, it would be
18 undesirable perhaps to embark on an exercise which would
19 involve taking piecemeal pieces of evidence in-chief
20 without taking the evidence in-chief even in its
21 entirety, and then postponing cross-examination.

22 CONTINUED

23

1 Whilst it is in everyone's interest to do this
2 expeditiously, I think that, given the decision of the
3 Full Court, it is not possible and that maybe an
4 adjournment for a period would enable the matter to
5 proceed more smoothly, and, in the end result, it may be
6 much quicker to do that.

7 I do support Mr Abbott's view. Of course, you also
8 have to deal with the evidence that has already been
9 given at a time when you considered that the s.35
10 authorisations were valid. I don't believe at the
11 moment that we could legitimately argue about what
12 aspects of that evidence -

13 COMSR: No. I think that would be difficult
14 without, in itself, an authorisation. That's correct.
15 I don't think we can embark upon that.

16 MS NELSON: I think that is right. It may be if
17 there is a valid authorisation forthcoming, that would
18 solve that problem, or at least minimise the difficulty.
19 I don't pre-empt what the Minister is going to do. One
20 would assume that he has given two authorisations, and
21 perhaps this time it's going to be necessary for some
22 identification and for some consultation that cannot be
23 the subject of a challenge.

24 COMSR: There again, that is a matter for the
25 Minister in due course to determine, I suppose, it's not
26 a matter for us to debate here.

27 MS NELSON: From the point of view, it's not
28 possible or, at the very least, it is not practical to
29 proceed to hear his evidence, or the evidence of another
30 anthropologist. Taking that argument to its logical
31 conclusion, I think it makes your task really impossible
32 unless the matter is appropriately authorised and you
33 can proceed to hear the evidence as it should be heard.

34 MR MEYER: My friend Miss Nelson referred to my
35 clients, the Chapmans. Their information is as follows.
36 They would like to be able to proceed with the giving of
37 their evidence. The practicalities are that it is
38 likely to be disrupted and, therefore, we are unlikely

1 to be able to get a steady flow of evidence in relation
2 to the matter. We are not going to achieve very much by
3 starting with the Chapmans. Whilst my position differs
4 slightly with Mr Abbott's, i.e., he doesn't want to
5 proceed with the risk of injunctive steps being taken -

6 COMSR: His clients come in a category where
7 clearly they run the risk of being cross-examined on
8 this.

9 MR MEYER: That doesn't perturb me in relation to
10 my client. As Miss Nelson said, what would be likely to
11 traversed which your Honour may rule on would be subject
12 to the Act and, therefore, the proceedings would become
13 disrupted. My position, I acquiesce.

14 I don't think I support the notion of adjourning it
15 sine die. If the Commission was adjourned to a date for
16 mention so that we in fact do know where we were going.
17 The problem with my clients is that the losses in
18 relation to this matter run at \$20,000 a day, which is
19 more than what anybody here at this Commission is
20 receiving. Therefore, delays are very costly to this
21 matter. If we could set a mention date in place, we
22 would know where we are going.

23 MS PYKE: I would seek to adopt what my friend
24 Miss Nelson has to say. But also to make the further
25 observations that one of the difficulties that we have
26 had as this matter has proceeded is what I might call
27 inadvertent disclosure pursuant to s.35 where it's a
28 very easy thing, in my view, for a witness to stray into
29 an area that, indeed, contravenes s.35. Whilst there is
30 the dispensation in place, you could merely prohibit
31 dissemination of the evidence that was given, we are now
32 in a different situation where there is no dispensation
33 in place and the consequences are, in fact, greater.
34 So, it would be my submission that even while some
35 evidence might be able to be led in-chief, the very fact
36 that, given the whole nature of the terms of references,
37 it's highly likely that s.35 material would be led
38 inadvertently.

1 The other difficulty I foresee is that there may
2 well be substantial argument on a particular piece of
3 evidence as to whether it is or is not caught within the
4 ambit of s.35. From the progress of the matter thus
5 far, that is not always an easy thing to work out
6 whether it is or is not in s.35. If one were to proceed
7 to take evidence of what was seen not to be in
8 contravention of s.35, it is highly likely that there
9 will be many stops and starts dealing with inadvertent
10 material.

11 COMSR: That has already been made without this
12 additional problem.

13 MS PYKE: It would become a quite unwieldy process
14 and most witnesses will need to give some evidence that
15 relates to s.35 material in any event.

16 COMSR: I think I could indicate that I
17 certainly would not be suggesting that any witness be
18 called where there was the prospect of s.35 issues
19 arising in the state of affairs.

20 MS PYKE: We don't know what witnesses are going
21 to be called as there is not a witness list. It is very
22 hard to envisage the witness or a class of witness that
23 does not impinge upon s.35, given the whole nature of
24 the inquiry and what it relates to. If one looks at the
25 Terms of Reference, they are very clearly centred on
26 women's business as defined by you, Aboriginal tradition
27 and culture. Clearly, most witnesses will relate to the
28 Terms of Reference in some way, shape or form.

29 MR KENNY: You have heard me many times on the s.35
30 question.

31 COMSR: Yes, I have.

32 MR KENNY: Whilst Mr Abbott may feel that you have
33 taken a conservative line, I agree that you treated it
34 with due respect and accept your rulings, but I have, as
35 you may recall, objected on occasions.

36 I also wish to point out that s.35 gives rise to
37 criminal penalties. My opinion is that this Royal
38 Commissions goes to the heart of the tradition of many

1 Ngarrindjeri people and discussions of their traditions
2 in public and, so far, on my instructions, has caused
3 many of them great distress. For the Commission to
4 continue to hear evidence in relation to their
5 traditions, I submit, may give rise to criminal
6 offences. That would be - even counsel assisting
7 started inquiring or seeking information from various
8 parties - I'm not suggesting that they would
9 deliberately do so.

10 COMSR: You can take it from me that I would not
11 be encouraging that.

12 MR KENNY: I am concerned it may be a matter that
13 there will be a dispute about what is or is not
14 Aboriginal tradition. Indeed, that is very much the
15 heart -

16 COMSR: Are you saying that even the discussion
17 of what, in an academic sense, is or is not an
18 Aboriginal tradition in itself would -

19 MR KENNY: Not, if you start talking about examples
20 of Aboriginal tradition.

21 COMSR: Examples, yes.

22 MR KENNY: Then, of course, you -

23 COMSR: Run the risk -

24 MR KENNY: Would run a very serious risk.
25 Therefore, I urge that no further evidence be called
26 before the Commission until this matter is clarified. I
27 anticipate that it would take quite some time. In fact,
28 the courts have made it very clear that the time that
29 was granted before for the consultation period was not,
30 I think, satisfactory. Indeed, there is a need for very
31 wide consultation because this is a major issue that is
32 affecting these people and it is desirable that those
33 who are affected are given the opportunity.

34 COMSR: Of course, I'm not the person involved
35 in the consultative process, so -

36 MR KENNY: I'm simply putting that forward.

37 COMSR: There is not much point in raising that
38 argument with me.

- 1 MR KENNY: The point I was making is that it would
2 take some time and I would anticipate a matter of
3 months. Despite the delay and the inconvenience that it
4 may cause, I believe that that is the course we should
5 follow.
- 6 MR SYKES: I join in the application of Mr Abbott.
7 The Campbells, obviously in portion of their evidence,
8 will deal with tradition. I don't think it's feasible
9 to continue at this stage.
- 10 COMSR: I don't think you have any difficulty in
11 persuading me that any evidence that is likely to
12 involve s.35 in any way could be canvassed in the
13 absence of an authority. I don't think we need concern
14 ourselves with that issue.
- 15 MR WARDLE: My client's evidence falls into that
16 category.
- 17 COMSR: Yes, Mr Wardle, I appreciate that.
- 18 MR LIVESEY: I'm appearing on instructions from Mr
19 Steele for Mr Draper and my client falls into the same
20 category.
- 21 MR COLLETT: I simply rise to seek leave to address
22 the Commission on behalf of the Aboriginal Legal Rights
23 Movement on one matter in light of what has proceeded
24 along the bar table.
- 25 COMSR: Mr Collett, there is probably a little
26 technical matter: that you are not appearing for any
27 party.
- 28 MR COLLETT: I am appearing for the Aboriginal Legal
29 Rights Movement for the women who Miss Layton appeared
30 for. I wish to address you on one further matter in
31 respect of the judgment of the Full Court this morning.
- 32 MR ABBOTT: I object. We have got the judgments.
33 We shall all read them. I object to my friend coming
34 down here when it suits him, wanting to have his say and
35 when it doesn't suit him to speak, going off elsewhere
36 to have his say.
- 37 MR COLLETT: If my friend Mr Abbott would give me the
38 courtesy of allowing me to put the basis of my

1 objection. The leave I seek is to raise one practical
2 matter. If the Commission is minded to agree with an
3 adjournment, that is a matter that I don't need to
4 address you on. There are practical matters of some
5 important which I seek to raise and address you on that
6 relates to the matters that have gone before. It will
7 take two minutes. I can assure the Commission that it
8 is in the spirit of assisting the Commission in what is
9 a difficult situation.

10 COMSR: You haven't reduced this to writing at
11 any stage, have you?

12 MR COLLETT: No, not as such. It is a matter that,
13 in the light of what is said, I think is of significance
14 to assist the Commission.

15 COMSR: It's in the nature of a legal argument,
16 I take it?

17 MR COLLETT: Yes, it is. There is one legal matter I
18 wish to raise in addition to what has been raised.

19 COMSR: I propose to allow Mr Collett leave to
20 appear for this purpose. What is the basis of your
21 objection?

22 MR ABBOTT: The basis of my objection is that people
23 who are not granted leave but who want to make
24 representations - and I include not just my learned
25 friend Mr Collett, but members of the public - they have
26 to invariably go through counsel assisting. So it is
27 with other members of the public who do not have leave
28 to appear and want to make submissions, they have to go
29 through Mr Smith. They give what they want to say to Mr
30 Smith, or other counsel assisting and counsel assisting
31 put it before you. I don't agree that an exception
32 should be made just because the person who wants to come
33 along here is a member of the legal profession,
34 representing people who have decided not to assist you.

35 COMSR: Well, Mr Collett, is there any reason
36 why you can't discuss this matter with Mr Smith and he
37 then address me and bring up that particular issue? It
38 may take a few minutes.

- 1 MR COLLETT: With respect, it seems an extraordinary
2 proceeding to go through, not to take a practical
3 suggestion. And to take up the last point of my learned
4 friend's, Mr Abbott's, suggestion, that we are not
5 assisting the Commission, it may well be that in the
6 light of day, the fact that my clients sought and
7 succeeded in certain regards before the Supreme Court,
8 might be of the utmost assistance to the Royal
9 Commission in the long term. It is in relation to that
10 that I wish to make these very short submissions as to
11 the integrity and the confidentiality of the position
12 before you.
- 13 COMSR: Yes. Well -
- 14 MR COLLETT: I'm happy to confine myself to those
15 remarks.
- 16 COMSR: I think that that perhaps is more a
17 matter that you could take up with Mr Smith, actually.
18 It doesn't go to the issue of what steps the Commission
19 might take in respect of receiving or proceeding or
20 otherwise. Can I suggest this. As my understanding is,
21 you're the last person who is making an application for
22 leave to make a representation. Do you say that you
23 haven't anywhere else put this argument to the court and
24 it's not recorded in any form?
- 25 MR COLLETT: Written submissions were put to the
26 court this morning.
- 27 COMSR: Do I have a copy of those?
- 28 MR COLLETT: They were for the purpose of the court.
29 I notice that Mr Abbott has one and he would be happy to
30 hand that up. We are happy to.
- 31 COMSR: I don't wish to be obstructive, but I
32 have the awkward position where you have withdrawn and
33 sought leave to withdraw and you are not representing a
34 party, as I understand it, at this stage.
- 35 MR COLLETT: I reiterate that my instructions come
36 from Council of the Aboriginal Legal Rights Movement and
37 I wish to address you on certain practical matters
38 dealing with confidentiality and the matters that the

1 reasons of the Full Court has rendered uncertain. In my
2 submission and that of my clients, it is a very
3 important issue now. The difference - to make a two
4 minute submission now and give it in an appropriate
5 forum, in an hour or so of writing, it might be a
6 difference of confidences being breached in a practical
7 matter not raised. In my submission, the practicality
8 alone should permit me to attempt to assist the
9 Commission.

10 MR ABBOTT: Have you spoken to counsel assisting
11 yet?

12 MR KENNY: I rise to say something here. I would
13 say this isn't the first time that people who are not
14 actually representing a party have appeared. Mr
15 Griffith was here on the first day making
16 representations to you on a legal point. I see no
17 reason why Mr Collett should be excluded.

18 COMSR: Mr Griffiths applied for leave to
19 appear.

20 MR KENNY: I understand that Mr Collett is
21 appearing for leave on a practical matter. If Mr
22 Collett is making the submissions to -

23 MR SMITH: I object. Mr Kenny has no place to be
24 getting up and supporting Mr Collett. Mr Collett can
25 speak for himself on this application. On what basis do
26 you make these submissions to this Commission? If there
27 is no basis, I object to that.

28 COMSR: I am sure that Mr Collett can speak for
29 himself.

30 MR KENNY: It's what I don't know. He is not
31 speaking for me. I want to hear what he has to say as a
32 practical matter and so what we can do about it if he
33 raises a practical issue, which is a matter we need to
34 discuss. My clients have great concerns about
35 discussion of the traditions in public. If Mr Collett
36 has something to put, I would like to hear it and have
37 the opportunity to comment on it.

38 COMSR: Maybe you would. I'm sure that Mr

1 Collett would be quite happy to speak to you about it.
2 Mr Smith, I don't know whether you have had an
3 opportunity to confer?

4 MR SMITH: We could achieve this in a short
5 conference of Mr Collett and myself, and I suggest that
6 that be the course adopted. I understand the point that
7 Mr Collett wishes to make and I will make sure of it
8 with him in a conference, and surely that would address
9 his concerns.

10 MR COLLETT: If that is the way that the Commission
11 is minded to go, I'm happy for that, provided that is a
12 matter to happen today.

13 COMSR: Yes. I propose that you speak to Mr
14 Smith immediately and if, as a consequence, anything Mr
15 Smith has to say to me should be taken, I will consider
16 that. Perhaps the most appropriate thing is to take a
17 short break and you can discuss this matter with Mr
18 Collett if you like.

19 MR SMITH: As I understand it, it's to do with the
20 question of how the Commission treats the documents and
21 material we already have. I don't think any mischief
22 would be done by completing today's proceedings now and
23 I can speak to Mr Collett as soon as we rise.

24 COMSR: Mr Smith, do you wish to be heard on -

25 MR SMITH: Only to this extent: There is evidence
26 that does not even potentially breach s.35 of the
27 Aboriginal Heritage Act.

28 CONTINUED

1 We feel we can commence with some of that evidence,
2 but not before Wednesday of next week. I cannot
3 foreshadow with any precision now exactly what that
4 evidence is, because some rescheduling and some
5 conferring with witnesses is necessary. However, there
6 is oral evidence and there is documentary evidence which
7 can be tendered and distributed which does not touch
8 upon even potentially s.35, but which is nonetheless
9 relevant to this Inquiry. I suggest, despite the
10 unified stance by counsel against the immediate
11 continuation of the Commission, that the Commission
12 notify counsel on Monday, and I think that will be
13 possible, as to what programme of evidence is envisaged
14 and we can at least use some of the time to adduce that
15 evidence before this Inquiry. I take the point that it
16 may be the case and it is potentially the case that the
17 Minister's authorisation will not be forthcoming, but it
18 is equally the case that the Minister's authorisation
19 could be forthcoming and, therefore, the Commission can
20 advance. My submission to you is that we ought to take
21 the opportunity to call that evidence which doesn't
22 require the s.35 authority.

23 COMSR: And it is evidence that doesn't involve
24 any of the witnesses of counsel, evidence you would be
25 leading?

26 MR SMITH: Yes, evidence that I would be leading
27 and that for whom there are no counsel at the bar table
28 representing these people, but I accept that counsel
29 will have an interest in this area or in some of these
30 areas.

31 That is my submission to you, Madam Commissioner.
32 Bearing in mind that the consultation period for any
33 s.35 authorisation is likely to be a matter of more than
34 a week, for instance. That is the best I can say about
35 that.

36 So that is my submission to you.

37 COMSR: Perhaps I can indicate that the
38 Commission has asked for an extension of time beyond 1

1 September sufficient to accommodate the time involved in
2 seeking and in obtaining a definitive answer for a s.35
3 authorisation and if the Commission can call evidence
4 which doesn't even potentially breach s.35 I consider
5 that it would be appropriate to do so. I understand
6 that this will require a rescheduling of witnesses by
7 the Commission and I take it from what Mr Smith has said
8 that this will require a little time at least to
9 organise.

10 The Commission, I should indicate, is taking steps
11 to seek a s.35 authorisation. It appears to me that, in
12 the circumstances, the Commission should proceed with
13 any noncontentious evidence and that, accordingly, I
14 would propose to adjourn.

15 Could we proceed on Wednesday, if I list it?

16 MR SMITH: Yes, I suggest an adjournment to
17 Wednesday with me undertaking to contact all counsel and
18 solicitors by at least close of business Monday
19 afternoon with an outline of the programme of evidence
20 which the Commission would contend does not involve s.35
21 questions. And, subject to their response to that, we
22 could resume that evidence on Wednesday.

23 COMSR: I would propose to adjourn then this
24 Commission until Wednesday next week on the
25 understanding that we proceed with the calling of
26 evidence which does not involve or invoke the provision
27 of s.35 of the Aboriginal Heritage Act.

28 ADJOURNED 2.55 P.M. TO WEDNESDAY, 30 AUGUST 1995 AT 10 A.M.

