

1 COMSR STEVENS

2

3

4 HINDMARSH ISLAND BRIDGE ROYAL COMMISSION

5

6

7 TUESDAY, 24 OCTOBER 1995

8

9

10 RESUMING 9.34 A.M.

11 WITNESS P.G. JONES ENTERS WITNESS BOX

12 MR MEYER: Before my friend a starts
13 cross-examining, there is a suggestion - and I didn't
14 see the press - but there is a suggestion that we are
15 sitting Saturday mornings.

16 COMSR: Yes, it is going to be more than a
17 suggestion. For this Saturday morning. That is as far
18 ahead as I can look, of course.

19 MR MEYER: Is it proposed that we are sitting on
20 Saturday mornings?

21 COMSR: It is proposed we will be sitting this
22 Saturday morning, yes.

23 MR ABBOTT: I think, if we are going to sit on
24 Saturday, we ought to sit all day. I think, if we are
25 going to interfere with the weekend, we ought to do it
26 properly. Sit Saturday all day.

27 COMSR: There may be difficulty relating to
28 staffing.

29 MR SMITH: Yes, we would have to make those
30 arrangements and we are busily checking on all our
31 infrastructure arrangements.

32 COMSR: Yes, it is not simply a matter, Mr
33 Abbott, where I can say that. It obviously would be a
34 good idea.

35 MR ABBOTT: Yes, speaking for myself, three hours on
36 Saturday morning I think is an ineffective use of a
37 weekend. If we are going to interrupt the weekend in
38 that way, we might as well make a job of it and sit all

- 1 day Saturday from 9 until 5 or 9.30 until 5, if
2 arrangements can be made.
- 3 COMSR: Yes, we can pursue that, but I have an
4 idea that there is some problem, Mr Abbott, relating to
5 the staff situation.
6 Perhaps this might assist me:
7 Ms Pyke, we can expect Dr Fergie's statement on
8 Thursday, is that right?
- 9 MS PYKE: Thursday or Friday morning is what I
10 would anticipate.
- 11 COMSR: Yes, because we would be wanting to call
12 Dr Fergie.
- 13 MS PYKE: Having spoken with counsel assisting, I
14 understood that the idea perhaps would be, if we had her
15 statement by Thursday evening or Friday, that other
16 counsel could have the weekend to have a look at it.
- 17 MR ABBOTT: Speaking for myself, I have proceeded on
18 the basis that this Royal Commission was going to end
19 this week and I have taken brief for next week,
20 particularly Monday and Tuesday, and I had expected,
21 with the expedited hearing, that we would have Dr Fergie
22 and Dr Draper this week and I have prepared it on that
23 basis. To allow Ms Pyke a couple of days to get her
24 statement ready - I would be prepared to go on without
25 the statement, for the sake of getting this finished and
26 I think she ought to go in the witness box tomorrow.
- 27 MS PYKE: I am wondering who is running this
28 Commission on occasion, Mr Abbott or you, Madam
29 Commissioner.
- 30 COMSR: Yes, I would certainly like to get Dr
31 Fergie started this week and on Friday.
- 32 MS PYKE: We are doing the best we can. Might I
33 say, we have begged for a summons in this matter almost
34 from the day this Commission was started. The summons
35 was served almost 10 days ago. We are not in any
36 position, nor would it be appropriate, to prepare a
37 statement for Dr Fergie until she was summonsed.
- 38 MR ABBOTT: Rubbish.

- 1 MS PYKE: Mr Abbott can say `rubbish', but for
2 two-thirds of this Commission, we were told there would
3 be no summons forthcoming.
- 4 COMSR: I am not going to argue about it.
- 5 MS PYKE: No, neither am I. That is the reality.
- 6 COMSR: Certainly I believe that we should get
7 started on Dr Fergie's evidence on Friday.
- 8 MS PYKE: We are using our best endeavours, that
9 is all I can say.
- 10 MR STEELE: Before my friend starts, just speaking
11 for Dr Draper in the context of Saturday morning
12 session, Mr Draper is coming back from Queensland later
13 today. And I am sure that my friend will try and
14 facilitate the giving of evidence before the weekend,
15 but lest that should not occur, I must point out to you
16 that he has obligations with respect to a young son in
17 Queensland. Although he can make arrangements during
18 the week, he can't make arrangements for the weekend.
19 He must be back in Queensland.
- 20 COMSR: That may solve the problem.
21 When is Dr Draper returning?
- 22 MR STEELE: He is returning to Adelaide at the end
23 of today. I will have a statement to my friend
24 tomorrow.
- 25 COMSR: I think counsel assisting might perhaps
26 confer with counsel.
- 27 MR SMITH: We would try and accommodate Dr Draper.
28 That is, put him in the witness box as soon as possible
29 and I would say there is a prospect that he will be
30 finished by the weekend.
- 31 MR STEELE: If that is not so, he must go home on
32 Friday.
- 33 COMSR: It sounds as though we may have to vary
34 the order, in any event.
- 35 CROSS-EXAMINATION BY MR ABBOTT CONTINUING
- 36 Q. Are you aware of the proposed statement of evidence of
37 Steven John Hemming, which will be tendered in due
38 course, when Mr Hemming gives evidence, or it has

1 already been tendered as an exhibit. I don't have the
2 exhibit number, but I suspect you have been supplied
3 with a copy of it.

4 A. Yes.

5 Q. Have you read it.

6 A. Yes, I have. I don't have it in front of me.

7 Q. You are aware of where Mr Hemming is coming from in his
8 statement.

9 A. In a general sense, yes.

10 Q. I would like to put some matters in his statement to you
11 in anticipation that this will be his evidence. I am
12 referring to his statement, which was tendered some
13 months ago, as Exhibit 19. Would you look at it, now
14 before you: does Exhibit 19 consist of 35 pages.

15 A. Yes.

16 Q. Looking at p.17, he deals with the topic of the letter
17 to Tickner, of 12 May 1994.

18 A. Yes.

19 Q. That is MFI 204. Would you look at MFI 204, now before
20 you: this was the letter which Steve Hemming says was
21 dictated to him by Doreen Kartinyeri and he typed it out
22 for her at the museum. Were you aware of this letter
23 having been sent or faxed through on museum equipment.

24 A. Later, yes.

25 Q. How much later.

26 A. Perhaps four or five days later.

27 Q. Have you discussed this letter with Mr Hemming.

28 A. No, I haven't.

29 Q. Or the fact that it was sent via the museum by Mr
30 Hemming.

31 A. No, I haven't.

32 Q. You will see that Doreen Kartinyeri in this letter says
33 that she is a descendant of the Raminyeri people of the
34 Coorong, Hindmarsh and Mundoo Islands. Do you know
35 whether that is so.

36 A. It wouldn't be accepted in most - by most analysts to
37 categorise the Raminyeri as being from the Coorong, no.

38 Q. Put that aside then. The next aspect of the statement

1 that I want to refer you to is on p.19 `2.7 Discussion
2 with Dr Deane Fergie', that was in late July, and Mr
3 Hemming states that he then became aware that Philip
4 Clarke's view was different to his on the issue of
5 women's business as a result of Dr Fergie telling him of
6 Dr Clarke's view.

7 A. Yes.

8 Q. Were you having any discussions with Mr Hemming, at that
9 stage.

10 A. No.

11 Q. P.20 deals with `Debate Inside the Museum'. He says `I
12 accept that there was a difference between myself and
13 Philip Jones and Philip Clarke about the existence of
14 women's separate knowledge. It must be remembered that
15 Doreen Kartinyeri is also a museum staff member, a
16 colleague and an expert on Ngarrindjeri culture and
17 history.' Is she accepted as an expert on Ngarrindjeri
18 culture and history, generally speaking, or is her
19 expertise regarded mainly in the realm of genealogies.

20 A. In that restricted sense, her expertise is certainly
21 recognised as resting primarily in genealogical matters,
22 but I would be the last to suggest that any Ngarrindjeri
23 person isn't an expert on their own cultural history.

24 Q. You will see that he then says that his view is, and
25 this is important, because he says `My view about
26 women's issues, in relation to the island', so we are
27 talking about site-related women's business, `is that it
28 cannot be ruled out as a possibility.' I think your
29 view is that you do rule it out as a possibility on the
30 basis of what you know, at this stage.

31 A. Yes, I do.

32 Q. He then goes on to the summary of his viewpoint, at
33 p.21. He says in the third paragraph, at p.21 `The
34 existence of separate women's knowledge of the
35 significance of the River Murray, lakes, Coorong and
36 islands such as Hindmarsh island, is in my view entirely
37 possible.' You appreciate that is a bit of a change
38 from saying that secret women's business is

- 1 site-related. You see there is a shift of emphasis,
2 isn't there.
- 3 A. I will just get back to that.
- 4 Q. Women's issues in relation to Hindmarsh Island to the
5 significance of the River Murray, lakes and Coorong
6 being possible.
- 7 A. It is a bit difficult to put those in perspective to
8 each other. That, the first statement, is pretty
9 general and it is difficult to pin that down as to what
10 that actually means. The second statement does appear
11 to be a little loser, I suppose.
- 12 Q. Let's get one thing straight, you have given evidence
13 about the possibility of the existence of secret women's
14 business and/or it being secret sacred women's business,
15 site-related. That is, identified with Hindmarsh
16 Island, Goolwa and the channel between Hindmarsh Island
17 and Goolwa. That's what you have given evidence about,
18 isn't it.
- 19 A. Yes, and I would extend that view to a site-related
20 perspective on any part of Ngarrindjeri culture or area.
- 21 Q. You haven't, I think, discounted as a possibility the
22 existence of some women's knowledge of significance of
23 the River Murray, lakes and Coorong generally.
24 Nonsecret and nonsacred.
- 25 A. No, I haven't. But I would maintain vigorously that
26 that women's knowledge isn't a separate domain from
27 men's knowledge. It is people's knowledge.
- 28 Q. It is entirely possible that there is some women's
29 knowledge, but you would say it is not separate.
- 30 A. Yes.
- 31 Q. Mr Hemming goes on to say 'During my research in the
32 region I have not encountered these specific women's
33 beliefs.' So, he hasn't found anything that would
34 gainsay or deny what you say, apparently, in that
35 regard.
- 36 A. Yes.
- 37 Q. He says he has observed many examples of gender-based
38 cultural domains. You haven't observed many examples of

1 gender-based cultural domains amongst the Ngarrindjeri,
2 have you.

3 A. I haven't, but I haven't undertaken much field work with
4 the Ngarrindjeri.

5 Q. He says he has witnessed Ngarrindjeri women's avoidance
6 of speaking to men about issues relating to childbirth.

7 If he has, that would hardly, I suggest, fall within the
8 category of secret sacred women's business.

9 A. That's correct.

10 Q. He then goes on to an analysis of the ethnographic
11 sources. I won't weary you with all of that, but you
12 will see that he cites, in support of his position, that
13 it is a possibility that what I will call secret sacred
14 women's business is site-related. He cites Alison
15 Harvey, at the bottom of p.23 and the top of p.24. I
16 won't ask you to comment on her evidence, except to say
17 that - except you have already commented on it. I won't
18 ask you to comment on it again. You have commented on
19 it, haven't you.

20 A. Yes.

21 Q. You don't believe that supports his view.

22 A. No, I don't.

23 Q. What about the quote from Professor Faye Gale. He
24 quotes Professor Gale as support for the view that
25 'Separate women's business appears to have existed in
26 the Lower Murray.'

27 A. Yes, this was covered with Miss Nelson yesterday.

28 Q. Yes, I know.

29 A. Yes.

30 Q. You don't accept that as being relevant.

31 A. No, I don't accept that. I do accept that it is a
32 misreading, I think two misreadings. Firstly, Mr
33 Hemming is suggesting that women in southern South
34 Australia automatically refers to the Lower Murray. The
35 area is complex enough and distinguished by enough
36 differences for that not to be an absolute deduction.
37 And, secondly, I question Faye Gale's interpretation of
38 the primary source of Edward Eyre, which I have read

1 myself.

2 Q. We will leave that. You can provide that reference or
3 that interpretation for counsel assisting, if need be.

4 A. Yes.

5 Q. Then there is some comment, a criticism of Dr Clarke's
6 thesis. I think it can be distilled to the comment
7 which we see at the end of the second line 'His work,
8 however, almost entirely lacks a recognition of the
9 importance of gender in Lower Murray Aboriginal
10 society.' Dr Clarke, I think, disputes that and you
11 have read his thesis.

12 A. I haven't read it cover-to-cover. I have read sections
13 of it and I have read enough of it to form an opinion
14 that this interpretation of his thesis is faddish and
15 essentially can't be supported.

16 Q. Then he praises, in aid of his view, Dr Kartinyeri's
17 work as an Aboriginal historian, without saying why that
18 would be support for the existence of secret sacred
19 women's business. And then he deals with the
20 interpretation of the evidence. I will deal with this
21 very briefly. The next few pages, from pp.25 to 29, is
22 an attempt, I suggest, to undermine the work of Berndt
23 and Berndt, in the sense that he attempts to say how his
24 view could still be possible, notwithstanding the
25 failure of the Berndts to record anything like it.

26 A. It is one of the most disturbing things about this
27 submission, I think, because the Berndts have actually
28 confronted the issue and have dealt with it in a very
29 open manner and have confirmed that this is a society
30 which is distinct in Aboriginal Australia for the
31 egalitarian nature of the exchange of knowledge between
32 men and women of a sacred character.

33 Q. To dismiss Berndt and Berndt in these words 'It is,
34 however, a collection of oral histories and not an
35 ethnography based on direct observation', I suggest, is
36 an entire misconception of the work of Berndt and
37 Berndt. And that, whilst much of their work was
38 collecting oral history, much of it was also an

1 ethnography based on direct observation.

2 A. Is that a question?

3 Q. Yes, do you agree with that.

4 A. Yes, I do.

5 Q. Is there any way in which it could be said that their
6 work is not, at least in the substantial part, an
7 ethnography based on direct observation.

8 A. In the sense that they are distilling and evaluating the
9 ethnographic sources and the historical sources, but in
10 almost every case I think they are measuring those
11 sources against their own experience and against the
12 experiences of their informants.

13 Q. You will see that the central thesis of the Berndt - of
14 the dismissal of the Berndt and Berndt work is at p.28
15 of Mr Hemming's submission where he says, at the start
16 of the first main paragraph, 'I believe that Pinkie
17 Mack's consistent denial of knowledge of songs
18 associated with women's initiation cannot be explained
19 by a simple memory loss.' Is there any basis in the
20 book for that assertion.

21 CONTINUED

- 1 A. To me that appears to be an insulting reference to
2 septenarians, sort of the gaps in a septenarian's
3 knowledge of her childhood. It is just ridiculous.
- 4 Q. I go now to the next section headed 'Summary of my
5 research experience in the Lower Murray.' I won't ask
6 you to comment much on that. Except at p.32, he
7 suggests that, 'the fragmentation of knowledge, which
8 has occurred as a result of the European invasion' and
9 this is in the middle of p.32, 'and the subsequent
10 dispersal of members of the Ngarrindjeri society.' So
11 there is the two concepts there. There is the
12 fragmentation of the information and the dispersal of
13 the individuals who had that information. He says 'All
14 of these factors make it entirely possible that
15 knowledge of women's business may be restricted to only
16 certain people in the Ngarrindjeri community.' The
17 corollary being, other people in the community don't
18 have it, other women. What do you say about that
19 assertion.
- 20 A. Without a more detailed exposition of the reasoning
21 behind it, it doesn't make a lot of sense.
22 One would expect that people who have retained an
23 identity within the centre of the Ngarrindjeri region
24 and, in particular, I suppose have been closely resident
25 close to Hindmarsh Island itself, and your attention
26 would have to turn to Point McLeay, Raukkan, that people
27 with a significant life history and association with
28 that particular place, would be in the box seat, so to
29 speak, in terms of retaining that knowledge not -
- 30 Q. You addressed this before with Miss Nelson. You spoke
31 of, far from there being a dispersion, there was a
32 factor or an accumulation of people at Raukkan. You
33 would expect if there were chosen ones some of the
34 chosen ones would be there.
- 35 A. Well, I think my experience has been, from all that I
36 have read and all the people I have spoken to, that
37 Raukkan has served as a, to some extent, as a focus for
38 people's formation of ideas about their own history and

1 culture for many decades and, there is an intensity of
2 cultural life about that place, which indicates that, if
3 this knowledge existed anywhere, it would exist in a
4 fairly lively form in that place.

5 Q. Indeed, Mr Hemming's, I think, only reference to the
6 possibility, that knowledge of women's business not - he
7 doesn't preface it by secret sacred women's
8 business. I suppose one might accept as a possibility,
9 that some facets of what women did or the women's
10 aspects of Ngarrindjeri culture, might be reserved to a
11 few.

12 A. Well, I think, unfortunately, what characterizes the
13 report, is an illusion, a slippage, almost on every
14 page, between women's issues, such as women's business.

15 Q. Birth conception, menstruation etc.

16 A. Menstruation. And this so-called esoteric, completely
17 separate and secret exclusive and closed off realm of
18 knowledge.

19 Q. The secret sacred women's business that's site related
20 to deal with spiritual, cosmos and reproduction.

21 A. Yes.

22 Q. He says, at the bottom of p.32, 'I also clearly recall
23 the conversation of Ronald Berndt in the museum tearoom,
24 concerning the possible femininity of the river, lakes
25 and Coorong. He said he was starting to think that
26 these features had feminine significance, but that he
27 was not sure of the details.' You were present, were
28 you not.

29 A. Yes. That does not sound like the Ronald Berndt we
30 know. He was not prone to making those sorts of vague
31 assertions.

32 Q. All it is claimed is that Ronald Berndt said, words to
33 the effect, 'I am starting to think these features have
34 female significance, but I am not sure of the details.'

35 A. Yes.

36 Q. Even if he had said something like that, would that be
37 sufficient to construct the edifice that Mr Hemming
38 would have us construct on such a comment.

- 1 A. Well, it wouldn't have been sufficient to relay the
2 information to Phillip Clarke and myself, that Mr
3 Hemming had seen something somewhere which confirmed
4 that aspect.
- 5 Q. In any event, the fact of the matter is, you have asked
6 Mr Hemming to produce any evidence and he still hasn't.
- 7 A. Yes.
- 8 Q. And you have attempted to have a search made through the
9 research material of the Berndts in Western Australia.
- 10 A. I didn't attempt.
- 11 Q. You know that such an attempt has been made.
- 12 A. Yes.
- 13 Q. And that that hasn't produced anything.
- 14 A. No. To say that it hasn't produced anything is one
15 thing, but I don't think the actual search has been
16 instituted. But, I believe a conversation with John
17 Stanton has - who is in charge of the collection - has
18 produced the information that, it is very unlikely that
19 the Berndt book didn't contain, in substance, everything
20 that exists in the Berndts' manuscript material.
- 21 Q. Your recollection is that, this conversation that he
22 alludes to didn't take place, at least in your presence.
- 23 A. The conversation took place, but that the detail which
24 is purported to have been relayed didn't.
- 25 Q. Are you talking about the same conversation, except this
26 aspect didn't, that Mr Hemming recounts, didn't take
27 place, to your knowledge.
- 28 A. We did have - I clearly recall conversations with Ronald
29 Berndt, when we talked about the landscape and its
30 resemblance to a male figure.
- 31 Q. But not any female figure or possible femininity.
- 32 A. No.
- 33 Q. The last aspect is his experience of Doreen Kartinyeri,
34 again he relies on conversations in the tearoom. In
35 1989, a story of Mundoo Island. He says he recorded the
36 following in a notebook, and this is as a result of a
37 discussion about Susie Hutchins and Eva Wilson.
38 Who is Susie Hutchins and Eva Wilson.

- 1 A. Susie Hutchins, at that time, I believe, was employed as
2 an anthropologist in the Department of State Aboriginal
3 Affairs.
- 4 Q. I am not going to read that out. I would like you to
5 read what is in italic print.
- 6 A. I will just finish the answer. Eva Wilson is an
7 employee employed as a researcher in the Aboriginal
8 Family History Unit in the South Australian Museum.
- 9 Q. The term in italics; a claim in relation to Mundoo
10 Island, is there any basis whatsoever, that you know of,
11 for making such a claim.
- 12 A. I think I would have to check my notes, but I believe
13 that George Taplin, in his journal, in perhaps 1860,
14 records the fact that, a person had died and was to be
15 buried on Mundoo Island.
- 16 Q. One person.
- 17 A. One person, yes.
- 18 Q. I wonder if you could provide that reference to counsel
19 assisting, so we can use it.
- 20 A. Yes.
- 21 Q. In short, is there anything in Mr Hemming's submission,
22 or his proposed statement of evidence, which causes you
23 to modify your views.
- 24 A. No.
- 25 Q. You have heard, I think, you and Mr Jones have attended
26 this Royal Commission, I think, for many days of its
27 sittings.
- 28 A. Yes.
- 29 Q. You have heard Betty Fisher give evidence and been
30 cross-examined.
- 31 A. Yes, I have.
- 32 Q. Is there anything that she said which causes you to
33 modify your views.
- 34 A. No, no.
- 35 Q. You understand that she is claiming to have had a
36 discussion with Auntie Koomi, Rebecca Wilson.
- 37 A. Yes.
- 38 Q. In the course of which, in 1967, for the period of some

1 15 minutes, Rebecca Wilson transmitted to her something
2 which Betty Wilson claims to be secret sacred and site
3 related to Hindmarsh Island.

4 A. Yes.

5 Q. Does her claim, in your view, amount to - is it
6 anthropologically sound.

7 A. It doesn't appear to be anthropologically sound. I would
8 think, if that facility for eliciting previously
9 undocumented information, was applied to a career as an
10 anthropologist it would be a very productive and high
11 yield career. But, there are many other anthropologists
12 who have worked long and hard, over many years, and have
13 painstakingly built up a picture of a culture which
14 tells us that the sort of information that Mrs Fisher
15 suggests she obtained in that, in the course of that 15
16 minute conversation, simply wasn't available in the
17 culture to be transmitted in that form or any other
18 form.

19 Q. Do you find it hard to accept, or impossible to accept,
20 that Mrs Fisher, in 1967, meeting Auntie Koomi for the
21 first time, could have somehow been the chosen one for
22 the reason of what she, Betty Fisher, claims to be
23 sacred women's business in relation to Hindmarsh Island.

24 A. No, I don't. I am taken back to some of my first
25 experiences interviewing Aboriginal people in various
26 scenes and the strong awareness that I had, that it was
27 possible, at certain times, to grasp the wrong end of
28 the stick. And I just think that, in Mrs Fisher's case,
29 with the best of intentions, perhaps that is what
30 happened at the time and subsequently her
31 reinterpretation of that experience has led to a further
32 propensity, I suppose, in that direction.

33 Q. So, you find it difficult, if not impossible, to accept
34 the substance and the validity of what she claims.

35 OBJECTION Ms Pyke objects.

36 MS PYKE: What is the relevance of this opinion
37 of Betty Fisher? It is not known whether he has seen
38 all of her evidence or all the material that has been

1 available to us.

2 COMSR

3 Q. Perhaps if I can put another question to you Mr Jones.

4 Taking that evidence uncritically at face value, does it
5 amount to some form of anthropologically acceptable
6 proof.

7 A. No, I don't think it does, no.

8 XXN

9 Q. Would you look at MFI 206, the Moorehouse letter of 9
10 May 1994. Have you seen this letter before.

11 A. Yes, I have.

12 Q. You have read it.

13 A. Yes.

14 Q. There are a number of claims made in this letter. I
15 won't read them out, but, I refer you to the various
16 parts. The first part which occupies two thirds of the
17 first page, is a reference to burial sites and the
18 possible desecration of burial sites, to put the
19 matter broadly.

20 A. Yes, it is obviously used in terms relating to, I
21 suppose, the understanding of the applicability of the
22 South Australian Heritage Legislation to the issue.

23 Q. I don't ask you about graves and burial sites, because
24 it is well known there are graves and burial sites
25 almost all over Hindmarsh Island are there not and the
26 surrounding area.

27 OBJECTION Ms Pyke objects.

28 MS PYKE: I understood that there was argument
29 about this letter and its admissibility in evidence. It
30 seems to me, if my friend is going to go through and
31 read out bits and ask him to comment defeats the entire
32 purpose.

33 MR ABBOTT: I am not reading out bits. I must ask
34 him about the topics covered and I have dealt with the
35 first topic as being burial sites. I have done no more
36 than that. The suggestion that burial sites and their
37 existence somehow we can't talk about that topic, is not
38 a suggestion that I think would find favour with any of

1 us.

2 MS PYKE: I am not talking about the topic.

3 MR ABBOTT: I am not reading bits out of the letter.

4 COMSR: I think you will need to be careful.

5 MR ABBOTT: I am trying to be very careful now.

6 XXN

7 Q. I asked you the question that, to your knowledge, there
8 were burial sites all over Hindmarsh Island and the
9 surrounding areas and you were about to say something.

10 A. Yes, I was just about to say that, throughout the
11 Region, in fact, all the way down the banks of the
12 Murray, around the lake's shore and all the way down the
13 Coorong, there is nothing particularly outstanding about
14 the fact that, there are burials on these islands.
15 Because, in fact, they are right across the country
16 and many of those sites have been disturbed and damaged
17 by European development since the 1830s.

18 Q. The last five lines of that first section which
19 occupies two thirds of the first page, is a reference to
20 Mundoo Island.

21 A. Yes.

22 Q. Is there any basis, that you have been able to find, in
23 your investigations, for that opinion or for that view.

24 A. No. In fact -

25 OBJECTION Ms Pyke objects.

26 MS PYKE: If the letter is not going to be
27 tendered what good is it if he is getting an opinion
28 about a document which is not before you?

29 MR ABBOTT: On the basis that the witness will be
30 gone at the time when and if this document is tendered.

31 MS PYKE: He can be recalled.

32 MR SMITH: The arrangement we have made with these
33 two letters is that, you will receive evidence touching
34 upon them. They are only marked for identification
35 because of the embargo placed on them, and the refusal
36 of Commonwealth to release these to us. The
37 understanding is that, witnesses can be taken a fair way
38 into the material into the letters, but that, if they

1 are not properly admitted before you, by the end of this
2 Commission you can take none of that into account.

3 MR ABBOTT: That is the basis I was asking the
4 question, to save the witness being recalled.

5 COMSR: I don't think from a practical point of
6 view we will be able to be recalling witnesses.

7 XXN

8 Q. Could you deal with the claim in relation to Mundoo
9 Island. I asked you if there was any basis, that you
10 were aware of, for such a claim. What is your answer to
11 that.

12 A. I think, the ethnography suggestion that is in each
13 particular social region you might say or clan estate,
14 if you want to adopt the terminology of the Berndts,
15 there were undoubtedly burial grounds and that, to that
16 extent, Mundoo Island had a localized significance for
17 people of that region, and it was generally the practice
18 that, even if the person died elsewhere, their body
19 would be returned to that locality for burial. So, in
20 that sense, to suggest that a single place or a single
21 island operates as a cemetery for the entire Ngarrindjeri
22 region is not sustainable by the evidence.

23 CONTINUED

1 Q. Berndt and Berndt refer to Hindmarsh Island as having
2 been occupied by three clans, the Kagalindjera being
3 Tangani people.

4 A. Yes.

5 Q. Occupying the western half, that is the approaches which
6 are now the ferry, etc., the Melgindjera clan being
7 Wakend people, and the Rumerindjera clan being Yaraldi
8 people, occupying the south-east through to the
9 north-east section of Hindmarsh Island.

10 A. I'd have to check that. That doesn't ring quite true to
11 me. I'd have to check that.

12 Q. On the assumption - I know you take a slightly different
13 view from your analysis of Tindale and Berndt and
14 Berndt, but let's say there were three clans.

15 A. That does appear to be established, yes.

16 Q. Would there be three burial sites, one from each clan
17 from what you know of the interaction between the clans,
18 or would there have been one single site for burials on
19 Hindmarsh Island.

20 OBJECTION Mr Kenny objects.

21 MR KENNY: I ask that he ask what this witness
22 knows of the interaction between the clans, rather than
23 giving his opinion. It seems to be a fairly specialised
24 subject. I'm curious as to what this witness knows,
25 rather than giving an opinion.

26 XXN

27 Q. Can you assist Mr Kenny.

28 A. It is certainly is a specialised subject to my knowledge
29 and extends, as far as I know, to a considered reading
30 of the Berndt volume and many of the other sources which
31 indicate, as I've said before, that each local group had
32 a burial ground. Now in the case of Hindmarsh Island
33 where its territory is occupied, or was occupied by
34 three clan groups, it's quite possible that one of those
35 clan groups, if not two of them, had their main burial
36 ground in an area which is adjacent to Hindmarsh Island.
37 So, for example, the Rumerindjera clan, which you
38 described as a Yaraldi clan, may in fact have had its

P.G. JONES XXN (MR ABBOTT)

1 burial ground on the Goolwa foreshore and not on
2 Hindmarsh Island, whereas the Tangani clan, the clan of
3 the Tangani people, may have had a burial background on
4 Mundoo Island, even though they occupied territory on
5 Hindmarsh Island.

6 COMSR

7 Q. You say 'it may', but there is no way of knowing.

8 A. I don't think at this stage in history we will ever know
9 that, unless it's by some very obscure and yet to be
10 developed form of scientific test.

11 XXN

12 Q. Or major archaeological excavation.

13 A. Yes.

14 Q. Returning to this letter, the next three lines in
15 different hand, that is the first three lines of the
16 bottom third of the page dealing with the name
17 'Kumarangk', any support to that.

18 A. No. It's a construction which has been put upon that
19 word which is not so far supported by any realistic
20 evidence.

21 Q. Indeed, you know that there is an organisation called
22 the Friends of Kumarangk.

23 A. Yes.

24 Q. Do you know where they got 'Kumarangk' from.

25 A. No, I don't.

26 Q. It's a word that has only recently surfaced, has it not,
27 in relation to Hindmarsh Island.

28 A. It is recorded, I believe, by George Taplin, whether
29 it's in his 1859 publication or contained in a word list
30 which he incorporated into a later publication perhaps
31 the early 1860s, and it appears, I believe, as a name
32 for Hindmarsh Island, and the meaning that he gives to
33 that term is 'The points'.

34 Q. The rest of that page is a quote from Dr Draper's
35 report. I think that really covers the same ground I've
36 already asked you about from Dr Draper's report. It is,
37 in essence, a recitation of the same sort of material
38 that was publicly produced in the newspaper article I

1 read out to you, is it not.

2 A. Yes.

3 Q. Just a couple more references. In The Australian, 18
4 March 1995, Doreen Kartinyeri was interviewed by Patrick
5 Lawnham, and there is also recorded a reference to an
6 interview with or comments from Dr Chris Anderson, and
7 the quote I will put to you is this `While not wanting
8 to criticise Professor Saunders' methods, the museum
9 director/anthropologist, Dr Chris Anderson, said it was
10 interesting the museum was not consulted by her before
11 she suggested a ban'. That accords with your knowledge,
12 does it not.

13 A. Yes, it does.

14 Q. Professor Saunders did not consult the museum. Dr
15 Anderson is reported as having said `Written and oral
16 sources would normally have been thoroughly canvassed,
17 and the museum had considerable records of the Lower
18 Murray" Dr Anderson said. "The museum records did not
19 refer to any site having exclusive importance for women,
20 such as Hindmarsh was now claimed to hold", he said'.
21 You'd agree with all of that.

22 A. Yes, I would.

23 Q. There is another part of the article in the final
24 sections, again quoting Dr Anderson. I need not read it
25 to you, except there is a quote attributed to Dr Fergie,
26 `Last night an anthropologist, who advised the ALRM and
27 Professor Saunders, Dr Deane Fergie, disputed Dr
28 Anderson's claim Professor Saunders had not taken into
29 account the museum records. Professor Saunders had
30 relied on a report by anthropologist Dr Rod Lucas, who
31 had canvassed the records of the museum and the public
32 records office', so apparently Dr Fergie called in aid a
33 report done by her husband to rebut what Dr Chris
34 Anderson had to say about the failure of Dr Saunders,
35 Professor Saunders, to consult the museum. Have you
36 read the Lucas report.

37 A. I've looked at it, I haven't read it fully.

38 Q. Would you regard reliance on that report as a good

P.G. JONES XXN (MR ABBOTT)

1 substitute for consulting the anthropological records of
2 the museum.

3 OBJECTION Mr Kenny objects.

4 MR KENNY: This witness just said he hasn't read it
5 cover to cover. I don't see how he can comment on this.

6 MR ABBOTT: The view put forward by Dr Fergie is
7 that her husband's report was a good enough for
8 Professor Saunders not to worry about going to the
9 museum.

10 COMSR: That might be so, but I don't think the
11 witness has established he is sufficiently familiar with
12 it.

13 A. I think I could make one useful comment about that.

14 XXN

15 Q. Could you make it.

16 A. Well, just the fact that I believe that at the time that
17 Rod Lucas did his report, the Tindale manuscripts hadn't
18 come back from America, which added significantly to the
19 database that any anthropologist would ordinarily have
20 consulted.

21 Q. I want to read out Dr Kartinyeri's claim, that is the
22 fact that Hindmarsh Island was used for abortions and
23 for the burial of children. I put to you specifically
24 what she said. I'm referring to Exhibit 171A, which is
25 the Ray Martin interview with Doreen Kartinyeri and
26 Sandra Saunders of 22 May 1995. I only read one section
27 of it out to you. Ray Martin said `Can I just pose a
28 question, and please excuse me if I be speaking out of
29 turn here, but I'm just going on about what is going on
30 in the press, and so what other Australians have read
31 about. They have read about this site having been used
32 for abortions and the burial of children. Can you
33 comment on that'. Doreen Kartinyeri said `I can comment
34 on that because I was told that, Ray, when settlers
35 first came to South Australia, there were very little
36 women; Aboriginal women were used and had become
37 pregnant to white settlers, and it would have been a
38 very shameful thing for our women to take newborn white

P.G. JONES XXN (MR ABBOTT)

1 babies back into their camps'. Ray Martin `So the
2 babies were aborted and/or buried out on the island',
3 answer `Yeah'. Is there any evidence that you know of
4 to support the claim that that happened with reference
5 to Hindmarsh Island.

6 A. I don't know of any evidence to that effect, no.

7 Q. Dr Fergie, in an interview, claimed that the story of
8 Hindmarsh Island `Survived because Aboriginal women kept
9 having babies, and Aboriginal women kept delivering
10 them'.

11 OBJECTION Ms Pyke objects.

12 MS PYKE: With respect can we be enlightened as to
13 when this interview was given.

14 MR ABBOTT: Yes, you'll probably want to get some
15 instructions on it. It's The Age of 29 April 1995.

16 MS PYKE: Perhaps another date appears in the
17 statement.

18 XXN

19 Q. I will read it all out to you. `Dr Fergie, who has come
20 to know the Ngarrindjeri women well during her study of
21 their claims, says the story of the Hindmarsh Island
22 site has survived because Aboriginal women kept having
23 babies, and Aboriginal women kept delivering them.
24 Quite simply, the practices that relate to the beliefs
25 have never ceased. There has been a continuum, she
26 says. Added to this, there are also Aboriginal families
27 in South Australia which never joined a mission
28 community; they kept their separateness and today are a
29 deep font of knowledge for the others. Dr Fergie says
30 some of the women who were involved in stopping the
31 bridge do indeed have an unbroken connection with their
32 traditions and belief'. Do you know of any support for
33 those claims.

34 A. Other than the proponent women themselves, no.

35 Q. I take it that you would suggest that Dr Fergie's report
36 should be subjected to the same rigours of scientific
37 assessment that any anthropological report is or may be
38 subjected to.

1 A. It should be, yes.

2 OBJECTION Ms Pyke objects.

3 MS PYKE: What is the relevance or purpose of
4 that?

5 MR ABBOTT: There might be a claim from Dr Fergie
6 that there are some special rules that apply to her and
7 apply to her anthropological report prepared on behalf
8 of ALRM and submitted to Professor Saunders, and that we
9 may hear from Dr Fergie that you should not be told by
10 her what's in the envelopes, for example, or that no-one
11 should be told what's in the envelopes, either
12 specifically or generally.

13 COMSR: I think it's a fair enough question to
14 ask.

15 MS PYKE: Well, perhaps another day for the
16 preparation of the statement, if we have to address all
17 of these issues.

18 COMSR: I wouldn't have thought that that would
19 have been an -

20 MR ABBOTT: It's hardly addressing these issues.
21 Either Ms Pyke asks her client whether she says them
22 and, if so, why she says them, or doesn't.

23 XXN

24 Q. I want to tell you Dr Fergie's reported view -

25 A. Did you ask me a question before?

26 Q. That is whether the same rules that apply to Dr Fergie's
27 report apply to any other anthropologist's report.

28 A. I'd answer the question from a slightly different
29 perspective and suggest that the Aboriginal people of
30 southern South Australia deserve the same standard of
31 anthropological expertise that they get in other parts
32 of the country.

33 Q. Dr Fergie said in an interview with the Financial Review
34 of 26 May 1995 -

35 COMSR: I suppose one should say 'she is
36 reported to have said'.

37 XXN

38 Q. She is reported as having said, in answer to the

P.G. JONES XXN (MR ABBOTT)

1 question `And will a public enquiry help', Dr Fergie is
2 reported as having said this; `Dr Fergie thinks not.
3 "If you open the envelope, what will it achieve? How
4 will ordinary Australians be able to make sense of a set
5 of beliefs? The content of a belief system cannot be
6 tested by rational rules". I suggest that that
7 comment, if she made it, is both demeaning and insulting
8 to Ngarrindjeri people and Ngarrindjeri women in
9 particular.

10 OBJECTION Ms Pyke objects.

11 MS PYKE: With respect, is Mr Abbott just giving
12 his own evidence and opinions? If he wants to ask it, I
13 object. This is just getting to be a ludicrous farce if
14 comments like that are deemed to be relevant. He can
15 ask for his comment. Give the man a soapbox.

16 COMSR: Not that this witness has known any
17 propensity to adopt any opinion that he doesn't agree
18 with, but perhaps if the witness can be asked his
19 opinion rather than given an opinion.

20 XXN

21 Q. Assuming Dr Fergie made that comment, to resist any
22 suggestion that what's in the envelope, and therefore in
23 her two secret appendices, should not be examined -

24 A. It's a mystifying statement from an anthropologist, part
25 of whose brief is to interpret belief systems to a wider
26 community, either through lectures at the department of
27 anthropology in the university, or through publications.
28 It's an essential part of an anthropologist's brief to
29 bridge the gap between esoteric knowledge and people's
30 ordinary understanding of how societies function so,
31 from that point of view, it's a mystifying comment and,
32 as for your earlier comment or assessment of it, I agree
33 with that in substance.

34 Q. What part do you agree with.

35 A. The part that it's essentially insulting to Aboriginal
36 people to mystify the culture to such an extent that
37 ordinary people can't understand it.

38 Q. She says that the content of the belief system cannot be

P.G. JONES XXN (MR ABBOTT)
(MR MEYER)

1 tested by rational rules. I don't want to go over what
2 we have said, but I detect that much of the thrust of
3 your evidence is exactly to the contrary of that; that
4 you say that Aboriginal myths, mythology and dreamings
5 and their existence can be tested by rational rules and
6 rational tests of the system as a whole.

7 Q. The test of Albert Karloan and Pinkie Mack passing
8 information on was to enable it to be understood and
9 appreciated by a broader community in future
10 generations.

11 COMSR

12 Q. That might have been their view, but does that
13 necessarily preclude that a later generation of
14 Aboriginals might have a different view.

15 A. No, it doesn't, and I accept that point, and it's
16 certainly the case that there isn't unanimity among
17 Aboriginal people today about the content of documented
18 traditions of that sort, and how they should be
19 regarded.

20 COMSR: Do you have any questions?

21 MR MEYER: Yes, and I've got shorter as a result of
22 Mr Abbott.

23 CROSS-EXAMINATION BY MR MEYER

24 Q. Mr Abbott touched on the subject of abortions with you a
25 few minutes ago. Do you remember those questions.

26 A. Yes.

27 Q. The subject of abortions, in fact, has been extensively
28 dealt with by the Berndts in the publication 'A World
29 That Was'.

30 A. That's correct.

31 Q. In particular, it's extensively dealt with between pp.137
32 And 140. Have you got a copy of Berndt and Berndt.

33 A. I have.

34 OBJECTION Mr Steele objects.

35 MR STEELE: I rise to object to this. We have gone
36 through it on any number of occasions. I raise the
37 query as to what this has got to do with Mr Meyer's
38 clients.

P.G. JONES XXN (MR MEYER)

- 1 COMSR: I don't know what the question is going
2 to be, but are we going to cover ground -
- 3 MR MEYER: We are not. We are merely going to
4 identify that that is where it is found in Berndt and
5 Berndt.
- 6 MR STEELE: Why?
- 7 MR MEYER: Because of the relevance of the
8 suggestion that abortion is sacred secret women's
9 business, and yet you can read all about what the
10 Berndts have been able to establish between pages -
- 11 COMSR: We can read that without the witness
12 having to identify the pages.
- 13 MR MEYER: All I am going to do is draw his
14 attention to it, if the answer is yes, it is the end of
15 the subject.
- 16 MR STEELE: I am very conscious that time
17 constraints have been applied to cross-examination, yet
18 when it comes to this -
- 19 COMSR: I think we can all look at the index to
20 the book.
- 21 MR MEYER: We have taken more time arguing about it
22 than the question would have taken to answer.
- 23 OBJECTION UPHeld
24 XXN
- 25 Q. P.25 of Mr Hemming's report refers to Doreen Kartinyeri
26 as an academic historian. What qualifications do you
27 understand Doreen Kartinyeri has as an historian.
- 28 A. I don't know the exact background behind her receiving a
29 doctorate. I cannot tell you exactly what field that
30 was given in.
- 31 Q. I understand that the confirmation of her doctorate was
32 as an honorary doctorate.
- 33 OBJECTION Mr Steele objects.
- 34 MR STEELE: I object to this. The witness has
35 disclaimed knowledge.
- 36 COMSR: That is correct.
- 37 MR MEYER: I want to ask is he aware of any

P.G. JONES XXN (MR MEYER)
REXN (MR SMITH)

1 qualifications other than her doctorate. He has
2 referred to her doctorate.

3 QUESTION ALLOWED

4 XXN

5 A. No formal qualifications, no.

6 Q. Is there a Minister of the State Government responsible
7 for the affairs of the museum.

8 A. Yes.

9 Q. Who is is that Minister.

10 A. That's Miss Dianne Laidlaw.

11 Q. Is she the same Minister who is responsible for the port
12 folio related to transport.

13 A. Yes.

14 Q. And thus matters relating to construction of bridges and
15 things like that.

16 A. Apparently.

17 RE-EXAMINATION BY MR SMITH

18 Q. For some time you worked in conjunction with Doreen
19 Kartinyeri in the museum. That's so, isn't it.

20 A. Not particularly in exactly the same area, but on a
21 regular basis we have come into contact, yes.

22 Q. To your knowledge, did Doreen Kartinyeri require
23 assistance in the composition of documents, letters,
24 publications.

25 A. It would depend what that was for, what the purpose of
26 the document was, but if, for example, it was a letter
27 for wider distribution, or a publication of some sort,
28 or report involving word processing skills, she would
29 generally call upon some assistance, yes.

30 Q. My focus is on the museum letter of 12 May marked for
31 identification Exhibit 204. Is that the sort of
32 document you know that Doreen Kartinyeri requires
33 assistance with.

34 A. In a sense not, because Doreen had a very clear
35 directive, I think, from the director that any work she
36 undertook on the Hindmarsh Island Bridge business was to
37 be her personal affair. So that when you ask the
38 question, was the sort of letter that one, no, it

P.G. JONES REXN (MR SMITH)
XXN (MR KENNY)

1 wasn't. But in a separate sense, in terms of the fact
2 that it required to be sent off to Canberra, yes.

3 Q. She did require assistance with composition.

4 A. Yes.

5 MR KENNY: There are a couple of things that have
6 arisen out of cross-examination.

7 COMSR: That go to your clients?

8 MR KENNY: I take the same view that Mr Abbott
9 takes in relation to my clients. My clients are the
10 ones that have been accused of fabrication and points
11 that indicate that it wasn't fabrication but it had been
12 recorded earlier, for example, certainly assists my
13 clients' case. I refer, in particular, to Betty Fisher,
14 for example, and the questions that Mr Abbott asked.

15 MR ABBOTT: I don't object, provided I can have two
16 goes at his clients.

17 COMSR: You haven't asked any questions by way
18 of cross-examination.

19 MR KENNY: No, I haven't asked any to this point.
20 I have had the opportunity.

21 COMSR GRANTS MR KENNY LEAVE TO CROSS-EXAMINE AT THIS

STAGE

22 CROSS-EXAMINATION BY MR KENNY

23 Q. You were asked questions about Betty Fisher. I would
24 ask you to assume that she did, in fact, in about 1967,
25 record that there was information relating to women
26 specific to Hindmarsh Island.

27 COMSR: You have asked the witness to accept her
28 evidence at face value, and on that basis -

29 MR KENNY: He is simply saying there is a
30 misinterpretation of it.

31 XXN

32 Q. What I am putting is that if that information came to
33 light, perhaps outside of this Royal Commission while
34 you were conducting inquiries into women's business
35 generally, that would at least indicate to you that you
36 would have to consider it very seriously, wouldn't it.

37 A. No. No, it wouldn't. What I am suggesting is that what
38 Mrs Fisher may have jotted down in her notebook or

- 1 inscribed on something which no-one has ever seen is
2 some reference to something about something that
3 happened in the area at some time. I mean, we really -
4 Q. I am asking you to be a bit more specific than that.
5 A. We really haven't got any evidence that I have seen or
6 heard. So what you are asking me to accept on face
7 value hasn't actually materialised to the extent that I
8 can even imagine what it is.
9 Q. I am simply asking you to assume that she has recorded,
10 in very simple terms, that there was specific women's
11 business that was restricted information that related
12 directly to Hindmarsh Island. If that was recorded, you
13 say that you could simply ignore it. What I am putting
14 to you is that that deserves further investigation and
15 certainly clarification of that information.
16 A. If it was recorded as simply and as directly as you are
17 putting it now, it will be the single shred of evidence
18 to support the proposition that any exclusivity applies
19 to a domain of knowledge which can be regarded as
20 women's business in relation to Hindmarsh Island.
21 Q. So you say only in relation to Hindmarsh Island. I
22 don't want to get into an argument on other areas that
23 have been put to you on exclusive women's information.
24 A. You used that construction yourselves, so I am saying if
25 we accept that -
26 Q. I was clarifying that point. In your cross-examination
27 by Ms Pyke at p.4482, you said `However, Albert Karloan
28 himself had acted as a midwife, as I understand, and he
29 had attended births and knew a great deal about it'.
30 A. Yes.
31 Q. Can you point us to the reference that provides that
32 information.
33 A. To my knowledge it is not a published reference. It is
34 contained in some manuscript material.
35 Q. Whose manuscript.

- 1 A. I would have to check, but it is either Tindale's own
2 notes in the museum, or it is Alison Harvey's notes in
3 the special collections of the State Library of South
4 Australia.
- 5 Q. You criticised Professor Saunders for not considering
6 the Berndt material. You say that was a serious
7 omission.
- 8 A. I didn't specifically, I don't think, did I?
- 9 Q. That was the interpretation that - I think what you
10 said, in fact, is if she had considered that material,
11 it would have added significantly to the information
12 available to her.
- 13 A. This is in reference to the Rod Lucas reference a few
14 minutes ago?
- 15 Q. Yes.
- 16 A. No, I said the Tindale material.
- 17 Q. Sorry, the Tindale material.
- 18 A. Yes.
- 19 NO FURTHER QUESTIONS
20 WITNESS RELEASED

- 1 COMSR: Before we go on, Mr Kenny, which of your
2 parties specifically are giving evidence?
- 3 MR KENNY: George Trevorrow, Tom Trevorrow, Robert
4 Day and Henry Rankine.
- 5 COMSR: So that's four witnesses?
- 6 MR KENNY: Correct.
- 7 MR SMITH: Any statements going to be proffered?
- 8 MR KENNY: I point out that my clients live the
9 other side of Meningie -
- 10 COMSR: I know. Are they not on the telephone?
- 11 MR SMITH: This has been going on for four months
12 nearly.
- 13 MR KENNY: Yes, they are on the telephone. They
14 are available. I attended at Camp Coorong on the
15 weekend with the specific intention of taking
16 statements. I took further information from some of my
17 clients. Mr George Trevorrow, unfortunately, is
18 seriously ill with a back problem. He was up for about
19 an hour, I understand, on Saturday when I was there, and
20 was not really in a position to sit and talk with me, so
21 that causes me considerable difficulty. Mr Henry
22 Rankine was at a conference in the Barossa. If we are
23 sitting from 9.30 a.m. to 5 p.m. and Saturday mornings
24 as well it seriously limits my ability to have contact
25 with my clients.
- 26 COMSR: We haven't been so far. In any event, I
27 just wanted to know who we were having because,
28 naturally, we will have to work out when they are to
29 attend, statements or not.
- 30 MR KENNY: Statements will be provided.
- 31 MR ABBOTT: Are we going to have any explanation as
32 to why Mr Victor Wilson is not going to turn up?
- 33 MR KENNY: I have no instructions to make a
34 statement at this stage.
- 35 COMSR: I am trying at this stage just to work
36 out what the program will be.

A. BROOKMAN XN (MS SIMPSON)

1 MS SIMPSON CALLS

2 ALISON BROOKMAN SWORN

3 EXAMINATION BY MS SIMPSON

4 Q. I think in around 1939 you'd just completed a Bachelor
5 of Arts Degree.

6 A. That is true.

7 Q. What was your particular area of interest in your
8 studies for that degree.

9 A. Mainly history and classics.

10 Q. At that time I think you were a student of, amongst
11 others, Professor Fitzherbert.

12 A. Yes, that's true.

13 Q. He was the Professor of Classics at the University of
14 Adelaide.

15 A. Yes.

16 Q. I think just this year, in August in fact, you have had
17 occasion to identify a notebook that you filled out in
18 1939 in relation to some of your activities at the
19 museum.

20 A. Is this the one that you refer to?

21 Q. Yes. Looking at this notebook in front of you, the one
22 with the black cover, is that your notebook.

23 A. As far as I recall, yes, it is.

24 Q. Would you mind opening just the front cover. I think in
25 the notebook you have since written a note 'My notes
26 1939' and signed your name.

27 A. Yes, I did have a look at it and I decided that it was.

28 Q. At that time I think your name was Harvey, is that
29 right.

30 A. That is correct.

31 Q. Can you tell the commissioner how you came to be
32 associated with some anthropological studies at the
33 museum.

34 A. I became interested in anthropology because, well, the
35 university was next door to the museum and it seemed
36 rather interesting, and futhermore, my father owned
37 Yalkuri Station and there was an opportunity to visit
38 Aborigines at Point McLeay, being in more or less the

A. BROOKMAN XN (MS SIMPSON)

1 vicinity, and Mr Tindale and Mr Mountford at the museum
2 at that time encouraged my studies, so I did little odd
3 things such as research into flint instruments, for
4 instance, in a small way.

5 Q. I think it was your hope to pursue studies in
6 anthropology overseas but the war intervened, is that
7 correct.

8 A. That's correct.

9 COMSR

10 Q. At that time, there was no faculty of anthropology at
11 the university, no specific studies.

12 A. As far as I know, Sydney University and Cambridge in
13 England were the only ones who offered a course of
14 anthropology.

15 MR ABBOTT: That is right. That continued until
16 1964.

17 XN

18 Q. I think after the war and following other family
19 commitments, you did obtain a Diploma in Anthropology
20 from the University of Sydney.

21 A. Actually, it was in 1943, towards the end of the war.

22 Q. Can you tell the commissioner what course of study you
23 pursued to obtain that diploma.

24 A. It was a course of lectures and writing some fairly
25 comprehensive essays. It was only for one year. It was
26 a postgraduate diploma, and with the obligation to write
27 a thesis subsequently to doing the course work, which I
28 had the opportunity to do because I got a job in Alice
29 Springs with the Commonwealth department. There was no
30 Department of Aboriginal Affairs, but I was able to talk
31 with the mixed blood population of Alice Springs during
32 the course of my so called clerical work, and upon the
33 information there, I submitted the thesis.

34 Q. More recently, I think you have obtained a Doctorate of
35 Philosophy.

36 A. That is correct.

37 Q. Is that in classical studies.

38 A. That is in Italian literature.

A. BROOKMAN XN (MS SIMPSON)

1 Q. You have prepared a statement and signed a statement
2 relating to your association with, in particular, Pinkie
3 Mack.

4 A. This is here.

5 Q. Is that the statement in front of you.

6 A. Yes, that's got my signature on it.

7 Q. Separately, with that statement, is a copy of your
8 notebook which you have just identified, is that right.

9 A. This I believe, it is.

10 EXHIBIT 226 Statement of Witness of Alison Brookman
11 tendered by Ms Simpson. Admitted.

12 EXHIBIT 226A Copy of Alison Brookman's (nee Harvey)
13 Notebook tendered by Ms Simpson.
14 Admitted.

15 Q. I think you have got a copy there of your statement, and
16 of your notes.

17 A. Of the notes, yes, I seem to have.

18 CONTINUED

A. BROOKMAN XN (MS SIMPSON)

- 1 Q. Just so we are clear, that copy of the notes, you will
2 see, has page numbers at the bottom and those page
3 numbers are numbers that have been put on to the copies,
4 but do not appear in your notebook, that's correct,
5 isn't it.
- 6 A. Yes, that is the case.
- 7 Q. At the beginning of 1939, or perhaps the end of 1938,
8 that is, the Christmas and New Year period, I think.
- 9 A. Quite so.
- 10 Q. I think you had the opportunity to do some field work in
11 the Flinders Ranges with Mr Mountford, is that correct.
- 12 A. That, as far as I recall, is correct.
- 13 Q. For how long were you doing that field work.
- 14 A. Not for a very extended period. It would have been
15 about a fortnight, say, approximately.
- 16 Q. At that time, did you accompany Mr Mountford when he
17 interviewed Aboriginal people in the Flinders Ranges.
- 18 A. Certainly I didn't when he interviewed the men, but Mr
19 Mountford's daughter and I were usually present if he
20 interviewed women.
- 21 Q. Did that give you an opportunity to study some of his
22 methods.
- 23 A. I suppose it did. It was a very conversational
24 approach, as far as I recall.
- 25 Q. In the winter of 1939, you went to Ernabella and Ooldea
26 Missions.
- 27 A. Yes, for short periods.
- 28 Q. When you went to Ernabella, that was for about two or
29 three weeks, was it.
- 30 A. It would have been perhaps a little longer, but not more
31 than - well, just less than a month, I should think.
- 32 Q. And the Ooldea Mission visit I think was for around ten
33 days.
- 34 A. As far as I recall.
- 35 Q. And Professor Berndt was on that trip with you.
- 36 A. Yes, he was one of a group of about six from the museum
37 and the university.
- 38 COMSR: Ms Simpson, I will just clarify

A. BROOKMAN XN (MS SIMPSON)

1 something with the witness as to her statement.

2 COMSR

3 Q. I have to be careful when we are taking evidence that I
4 comply with certain statutory provisions and as to the
5 divulgence of information contrary to Aboriginal
6 tradition. Is there anything in your statement of a
7 confidential nature, not previously published, that I
8 should -

9 A. No.

10 XN

11 Q. I think during the recent weeks you have had an
12 opportunity to look at field notebooks which are held in
13 the Rare Book Collection in the State Library of your
14 own relating to those trips to Ernabella and Ooldea.

15 A. Yes, I have. I have looked at them fairly well.

16 Q. Do they also cover the Flinders Ranges.

17 A. I am sure there was some rather sketchy notes, but I
18 can't recall that there was anything very comprehensive.

19 Q. You mentioned earlier on that you had the opportunity,
20 as a young person, to visit the area around Point
21 McLeay, because your family, I think, had a property
22 there, Yalkuri Station.

23 A. That's correct.

24 Q. When you were there, did you have the opportunity to
25 observe, for instance, groups of Aboriginal women on
26 holiday.

27 A. On I think two occasions. There is a little promontory
28 called Marks Point on the Coorong and beside it there is
29 a rather sheltered beach. And, in that area, I think I
30 recall that on two occasions small groups of Aboriginal
31 women would come at Christmas time, during, well, the
32 summer, for the summer and put up, I think I saw two
33 wurlies there and they would camp there for a week,
34 having walked from Point McLeay Mission, as it then was.
35 And they called it their holiday.

36 Q. I think you had discussions with Mountford and also
37 Tindale relating to their opinion that there was a
38 possibility that there may be secret women's business in

A. BROOKMAN XN (MS SIMPSON)

1 amongst the groups of Aboriginal people that they were
2 studying, is that right.

3 A. Yes, we did discuss that matter. And they were really
4 rather keen to establish that perhaps there might be an
5 analogy with ceremonial life which they knew of in I
6 think a small way in the men's groups. And by analogy
7 they thought there was a possibility that the women had
8 some and they would have been naturally rather pleased
9 to have made a discovery which would have been rather
10 recognised.

11 Q. Did they express to you their hope that by your talking
12 to the women that some of that information might have
13 been made available.

14 A. I think it was implied as a possibility.

15 Q. I ask you to look at your notebook itself now, at least
16 the copies of the notebook would be easier.

17 COMSR: I will just explore something with the
18 witness.

19 COMSR

20 Q. When you say that the knowledge is public knowledge, as
21 it were, the contents of your notebook, in what way has
22 it been published.

23 A. This notebook has been the property of the museum, as
24 far as I know, for up to 50 years and I have not seen it
25 since 1939. But it has been available naturally for
26 anybody to study.

27 XN

28 Q. I understand you have not read the Berndt and Berndt
29 book, 'A World That Was'.

30 A. No, I haven't.

31 Q. Coming to your notebook, I am not going to take you to
32 details of it, but I would like to take you to the
33 particular occasions that you note there. And the first
34 one I think that you have recorded is 20 March 1939.
35 And I am looking at the photocopy of p.2.

36 A. 20 March 1939, yes.

37 Q. Is it the case that your note indicates that that
38 interview with Jacob Harris and Creighton Unaipon

A. BROOKMAN XN (MS SIMPSON)

1 occurred at Point McLeay.

2 A. It is in this copy.

3 Q. Do you recollect now whether you saw Jacob Harris and
4 Creighton Unaipon at Point McLeay in around March of
5 1939.

6 A. As this was copied from notes that I took on the spot I
7 take it to be correct.

8 Q. During that interview you have noted three methods of
9 fishing which they told you about and also a fishing
10 story or a fishing legend.

11 A. Yes, I remember hearing about fishing legends.

12 Q. Was it your practice to record on one side of the page,
13 that is, the right-hand side of your notebook, material
14 that you had been told and on the left-hand side to put
15 extra notes. For instance, words that you had been
16 told, or similar material.

17 A. It's possible. I can't remember the exact method that I
18 used.

19 COMSR: If we are going to go into any detail, I
20 may have to consider the -

21 MS SIMPSON: We are not going into any detail.
22 XN

23 Q. I think you were also told the story of Prupi. I am
24 just coming now to p.5.

25 A. Yes, I can see the name there.

26 Q. And also a story of mulywonk.

27 A. It could be. I can't remember at this distance of time.

28 Q. I think you also met at the museum, on 22 March, Mark
29 Wilson and Clarence Long. I am going now to p.10.

30 A. Yes, it is in the notes.

31 Q. Is it the case that, at this distance from the time when
32 your notes were made, you have to rely on what your
33 notes say for the detail in here.

34 A. I must say, that is, I think, the case.

35 Q. Do you remember meeting Mark Wilson and Clarence Long at
36 the museum.

37 A. Yes, I do.

38 Q. I ask you to turn to p.22 of your notes. You record a

A. BROOKMAN XN (MS SIMPSON)

- 1 meeting at Brinkley, on 12 June, with Pinkie Mack.
2 A. Yes, that is noted.
3 Q. Is it right that when you saw Pinkie Mack on that
4 occasion that she was living in a semi rural sort of
5 condition.
6 A. As far as I recall it was rather isolated, yes.
7 Q. How would you describe Pinkie Mack, herself.
8 A. At this distance of time it is hard to recall her,
9 except that she was very kindly. She was old. She was
10 supposed to be old. And she was very friendly and
11 welcoming.
12 Q. I think you saw her, apart from that occasion on 12 June
13 in 1939, you saw her on a second occasion, on 24 June,
14 also at Brinkley.
15 A. Yes, I do remember there was a second interview.
16 Q. On those two occasions I think she gave you quite a lot
17 of detail - and refer to your notes, if you need to -
18 about matters relating to women, in particular.
19 A. Yes, to a certain extent she did.
20 Q. That included matters relating to childbirth.
21 A. Practices, yes.
22 Q. She told you, did she, about midwives. That is, that
23 there were midwives who were in charge of childbirth.
24 A. There were women who had the authority to assist at it.
25 Q. You have a note in your notebook, as I think you are
26 aware, next to the word `birth', at one point you have
27 the word `secret'.
28 A. What page is that?
29 Q. I will just locate that for you. It is at p.34.
30 A. Yes, I see the reference.
31 Q. Underneath that reference there is a notation regarding
32 the fact that during birth that woman was to camp by
33 herself where the other woman would attend on her and
34 then there are some details relating to how the newborn
35 baby is treated.
36 A. Yes.
37 Q. There are some details about menstruation and
38 exhortations not to go into the water during

A. BROOKMAN XN (MS SIMPSON)

1 menstruation.

2 A. Yes, that is all here.

3 Q. There are also notes of your meetings with her relating
4 to marriage practices.

5 A. Yes, I think they still remembered some of them, at that
6 time.

7 Q. Was Pinkie Mack living in a tribal situation or
8 traditional way when you saw her, or was she
9 reconstructing for you the practices.

10 A. She certainly was not living in a tribal situation. She
11 lived, as far as I could see, alone, or maybe with a
12 relative, but she was, I think, reconstructing from the
13 past.

14 Q. At any time did she tell you that what information she
15 was giving to you was in any way restricted information.

16 A. Only in the sense that naturally at the birth of a child
17 it is fairly active and people are in the way who aren't
18 helpful. And that is why they strictly have, well,
19 women with some knowledge of how to handle it. And,
20 after all, they have to look after the woman, bring her
21 food, water and attend to her needs, besides just the
22 actual event that is going on. And I have never heard
23 that it is not to be talked of or anything like that.
24 And, in fact, I think I have in my statement that Pinkie
25 Mack herself did not say 'Don't tell anybody this.
26 Don't tell your father or your brothers.' And she
27 simply told me because I was interested.

28 Q. You also, I think, had the opportunity to meet some
29 other Ngarrindjeri people. In particular, Mrs Elsie
30 Sumner and Clarence Long's daughter, Mr Annie Rankine.

31 A. I remember Mrs Sumner. Mrs Rankine I met much later,
32 only a few years ago, before she died. But Mrs Sumner,
33 that was at Point McLeay, and she told me about basket
34 making. That was about all I could recall.

35 Q. Much later in your professional life I think you
36 assisted Dr Faye Gale or Professor Faye Gale in a
37 publication in 1972 'Urban Aborigines in Australia'.

38 A. Yes, I did. I prepared the research material and did

A. BROOKMAN XN (MS SIMPSON)

1 some of the writing, preliminary writing.

2 Q. That book, 'Urban Aborigines in Australia', was a study
3 of the impact of urbanisation upon Aboriginal people who
4 had moved in recent years, at that time, from isolated
5 reserves and missions and rural communities in the City
6 of Adelaide.

7 A. Yes, that is so. It was a study of, during the 60s, it
8 was policy to, well, permit and allow and encourage
9 Aborigines to leave the mission, to seek employment
10 amongst the general community. And this study, it was a
11 part of a Henderson report into social conditions. And
12 it was to study the impact of or how Aborigines who once
13 had lived in semi rural conditions would adjust to life
14 in cities.

15 Q. Then in 1975 I think you also co-authored with Professor
16 Gale a publication 'Race Relations in Australia'.

17 A. Yes, I did.

18 Q. That was a collection of documents, I think, selected to
19 illustrate key themes in Aboriginal race relations in
20 Australia.

21 A. Yes, it was meant to be based on documentary evidence in
22 archives and so on.

23 Q. Was the intention of collecting those key documentary
24 themes together in one publication to allow for
25 discussion material which it was hoped would modify
26 attitudes which came from ignorance.

27 A. I think that was the purpose of the publications,
28 because Oxford University Press had in mind a whole
29 series from various countries upon inter-race relations.

30 Q. I will give it to you, if you need to refer to it.
31 Looking at that, at p.32 to p.33 of that publication.

32 A. Yes.

33 Q. There is a description there of phase 3, which is called
34 'Resurgence'.

35 A. Yes.

36 Q. Is that right.

37 A. Yes.

38 Q. I note that you and Professor Gale there have said that,

4580

KC 52E

A. BROOKMAN XN (MS SIMPSON)

1 at that time, which is I think somewhat before the
2 publication date of 1975 when you were doing your work,
3 is that right.
4 A. Yes, I think it was at least a year before it was
5 published.
6 CONTINUED

A. BROOKMAN XN (MS SIMPSON)

- 1 Q. You have noted there that, the encouragement by
2 Aboriginal people from isolated mission areas, where
3 traditional skills of hunting and food gathering were
4 retained, and that allowed for the maintenance of some
5 independence and cultural unity, that Aboriginal people
6 from such mission areas are now becoming leaders in the
7 Aboriginal community, and encouraging the southerners
8 to appreciate their cultural heritage. And you also
9 note a resurgence of an appreciation by Aboriginal
10 people of their cultural heritage. Can you comment on
11 that. That is that, did you note, from documentary
12 evidence, and other material that you gained in the
13 course of preparing that publication, a resurgence of
14 appreciation, by Aboriginal people, of their cultural
15 heritage.
- 16 A. Well, I think, in general terms, that was so. Perhaps
17 it came out in conversations more than documentary
18 proof. I think it is rather a generalized assessment.
- 19 Q. Just one final matter. I think you have made an
20 alteration to p.7 of your statement, a slight
21 alteration. For clarification I just want to note that
22 the second paragraph on p.7.
- 23 A. Is that the final page?
- 24 Q. Yes, it is. You say, 'I understand that it has been
25 suggested that there may have been another dimension to
26 what she said, that is, that details of menstruation
27 and birth are secret and/or sacred.' Where the words,
28 'what she said' appear, you have made it clear that that
29 reference is, in fact, to Pinkie Mack.
- 30 A. It is part of that interview on my description of that
31 interview, that would be right.
- 32 COMSR
- 33 Q. You say these notes of yours are lodged at the museum.
- 34 A. Yes.
- 35 Q. They are available there for scholars.
- 36 A. Well, I imagine so. It is in the rear book section. I
37 don't see that there is any restriction on material
38 that they put there and Tindale and Mountford have put

A. BROOKMAN XN (MS SIMPSON)
XXN (MS PYKE)

1 there, I would not have thought there was any
2 restriction on access.

3 CROSS-EXAMINATION BY MS PYKE

4 Q. You, back in 1938, you have said in your statement, that
5 you were still a student. How old would you have been
6 in 1938.

7 A. 20.

8 Q. So, you were quite young.

9 A. That is correct.

10 Q. At the stage that you were conducting these interviews
11 in 1938 and 1939, did you have any qualifications at
12 all.

13 A. Well, I had, by that time, a Bachelor of Arts degree,
14 but that was all.

15 Q. In particular, had you had any qualifications. By that
16 I mean, even in the sense of having studied
17 anthropology.

18 A. Only what I had done at the museum as a voluntary worker
19 during 1938.

20 Q. Would it be fair to say, that in terms of anthropology,
21 what were you at that age and stage of your career, was
22 a very interested lay person who was keen to learn.

23 A. I think so, interested amateur.

24 Q. With your interviews with Pinkie Mack, as I understand
25 it, there were the two interviews, a short time apart.
26 One on 12 June, one on 24 June. The 12th of June, as I
27 have understood you to say, was an afternoon.

28 A. As far as I recall, yes.

29 Q. The 24th of June, do you recall how long your interview
30 was then.

31 A. About an afternoon.

32 Q. Would it be fair to say that, you were only able to, if
33 I can put it in the colloquial, scratching the surface
34 of Pinkie Mack's knowledge on a variety of topics during
35 that time.

36 A. It may be so. I think she told me all she knew about
37 that particular subject.

38 Q. Are you talking about childbirth and women's issues in

A. BROOKMAN XXN (MS PYKE)

1 relation to that.

2 A. Well, the issues which particularly concerned women.

3 Q. Can I suggest this to you; were you letting - do you
4 recall now, whether you were letting Pinkie Mack direct
5 the conversation. By that, that you were letting her
6 tell you what she knew.

7 A. As far as I recall, my questions to her - I did have a
8 few questions and they were, to a great extent, prompted
9 by what Mr Tindale and Mr Mountford would have liked to
10 have known.

11 Q. Do you recall whether you asked her whether there were
12 any secret women's ceremonies, for example.

13 A. Possibly I did, but I can't recall exactly. I know I
14 was looking to find signs of it.

15 Q. Could I suggest this to you that, given the
16 comparatively limited contact that you had with Pinkie
17 Mack and I mean, you have referred yourself, in your
18 statement to, it takes time to get used to talking to
19 people.

20 A. Quite so.

21 Q. Particularly about talking about sensitive issues. Can
22 I suggest to you that, it would be highly unlikely that
23 you would have started cross-examining Pinkie Mack about
24 secret ceremonies or beliefs.

25 A. Yes. Nor would it have been tactful to have done so.

26 Q. Would you agree with me that, given your limited contact
27 with Pinkie Mack, that it may well be, that she didn't
28 tell you about anything.

29 A. It's possible it may be so, but that was my interview.

30 Q. I am not suggesting that, but, I am simply putting this
31 to you in general terms. You had a comparatively short
32 time to work with Pinkie Mack, in an area relating to
33 personal issues and details and it may be that she had
34 other information that she didn't wish to impart to you.

35 A. It is possible.

36 Q. Because, if I look at the detail of what Pinkie Mack has
37 told you, would you agree with me that, she seems to
38 have imparted to you, what I might term, practical

A. BROOKMAN XXN (MS PYKE)

1 information; what we did, what we ate, what we didn't
2 eat.

3 A. That is the substance of the notes, certainly.

4 Q. There certainly is no reference to any esoteric
5 information or knowledge in respect of women's issues.

6 A. Well, it is all in the notes, insofar as I could gather
7 the information.

8 Q. With Tindale at the time, I am sorry - was it Dr Tindale
9 or was he Mr Tindale.

10 A. As far as I recall he was Mr.

11 Q. Were you aware of the way in which Mr Tindale was
12 doing his own research at the time.

13 A. No, I didn't see much of him doing any research.

14 Q. Apart from Pinkie Mack, were there any Ngarrindjeri
15 women that you in any way sought to discuss issues
16 relating to women.

17 A. No, only Pinkie Mack.

18 COMSR

19 Q. Was there some reason for that.

20 A. Well, it is just that if you meet people on a social
21 basis you do not start plunging into their beliefs
22 and ideals and deepest thoughts.

23 Q. I mean, was there any reason why you only spoke to
24 Pinkie Mack and didn't extend the -

25 A. Simply the availability of transport and the
26 availability of women and time and it was rather
27 impractical.

28 XXN

29 Q. I will ask you this, in your statement, you say that it
30 was suggested to you, by both Mountford and Tindale that
31 `because there were men's ceremonies which were secret'
32 then you go on to say `by analogy it was likely there
33 would also be women's ceremonies.' Can I just ask you
34 generally, did either Mountford or Tindale speak to you
35 about the nature of the men's secret ceremonies. I
36 don't want any detail at this stage, or did they just
37 simply tell that you there were men's secret ceremonies.

38 A. They did some research in the Northern Territory and

A. BROOKMAN XXN (MS PYKE) (MR STEELE)

- 1 Central Australia and in general. They did tell me some
2 of the procedures.
- 3 Q. Anything about the Ngarrindjeri men.
- 4 A. I don't think they studied them and maybe they weren't
5 still in extent practice at that time. I certainly
6 heard of nothing from them.
- 7 CROSS-EXAMINATION BY MR STEELE
- 8 Q. When you say at p.2 of your statement, in the second
9 para. 'My own idea is that the women were responsible
10 for hunting for food and for looking after the children
11 and when you have to look for food and take your
12 children around, there is really no opportunity for
13 secret ceremonies.' Was that a view that you had then
14 or a view that you have now.
- 15 A. I think it is rather developed from what I saw because
16 for 50 years I haven't really thought about this field
17 work.
- 18 Q. This is something that you have developed now,
19 reflecting back to 1939.
- 20 A. Possibly, yes.
- 21 Q. You go on to say, 'I agree also that the Lower Murray
22 Aboriginal communities were all living in fairly close
23 proximity' etc. With whom were you agreeing.
- 24 A. Which statement, my notes?
- 25 Q. P.2 of your statement, of the typed statement.
- 26 A. Yes.
- 27 Q. Second paragraph. See the para. that starts 'It was
28 suggested.'
- 29 A. Yes.
- 30 Q. Then the final sentence in that para. it starts 'I agree
31 also that the Lower Murray Aboriginal communities.'
32 Do you have that sentence.
- 33 A. Yes, I have it thank you.
- 34 Q. I am just asking you with whom you are agreeing.
- 35 A. No, I don't think it means anything in particular.
- 36 COMSR
- 37 Q. You say you agree with a point of view.
- 38 A. Well, I will read it again, but frankly, I am not sure

A. BROOKMAN XXN (MR STEELE)(MR KENNY)

1 that I think it means anything. 'It was suggested.'
2 It implies that I agree with Mountford and Tindale
3 in something doesn't it? I don't think it has much
4 relevance.

5 Q. As far as you can recall, now looking at that document,
6 there is no-one in particular that are you agreeing with
7 there, that is simply a remark of your own.

8 A. It looks like it to me.

9 CROSS-EXAMINATION BY MR KENNY

10 Q. Just following up on that, what area were you talking
11 about, when you referred to that area.

12 A. This would be the Lower Murray area.

13 Q. Were you referring to Bonnie Reserve along the Coorong.
14 It is about seven miles out of Meningie, south of
15 Meningie.

16 A. No, I don't know that area.

17 Q. When you were talking about that they were living in
18 fairly close proximity in an area which was
19 limited between seashore and scrub.

20 A. I am talking about the area which was the Point McLeay
21 mission area.

22 Q. You are talking about that. Were you aware that there
23 were other Aboriginal people living further down along
24 the Coorong and Salt Creek and other places.

25 A. Not really.

26 Q. I think you told us that, several times, that a place
27 along the Coorong, several times you observed women had
28 walked over to the Coorong, from Point McLeay.

29 A. Yes.

30 Q. They were groups of women only.

31 A. Women, yes.

32 Q. And, presumably, children, or were they just women only.

33 A. I can't recall any children but at that time of year
34 there would have been shearing going on and it was a
35 common thing for Point McLeay to be practically
36 empty of men, on seasonal jobs.

37 Q. At what time of year was that.

38 A. Summer.

A. BROOKMAN XXN (MR KENNY)

- 1 Q. But, that certainly would have been an opportunity,
2 would it not, for women to practice any ceremonies
3 that they had.
- 4 A. I suppose so. I didn't hear of anything.
- 5 Q. Did you ever know of a person known Albert Karloan.
- 6 A. I have heard of him, but I haven't met him.
- 7 Q. You never spoke to him at all.
- 8 A. No. No, I did not meet him.
- 9 Q. Were you specifically asked by Norman Tindale to enquire
10 about women's ceremonies when you were speaking to
11 Pinkie Mack.
- 12 A. I think that was his idea. He had mentioned to me that
13 it would be nice if a woman conducted research and maybe
14 would be able to dig out some ceremonial life particular
15 to women. He certainly would have liked it.
- 16 Q. Did you know that Pinkie Mack was an initiated woman.
- 17 A. I don't know anything about her history. She was
18 supposed to have been the keeper of whatever women's
19 knowledge there was, according to Mr Tindale.
- 20 Q. According to Mr Tindale.
- 21 A. That's so.
- 22 Q. But, you never spoke to any other Ngarrindjeri
23 women to find out whether that was.
- 24 A. No, I don't know that side of it.
- 25 Q. Would you have a look at p.4 of your typed written
26 statement, the third paragraph, about the baby. I am
27 not asking you to read it out and I certainly don't
28 intend to.
- 29 A. The albino baby.
- 30 Q. I don't ask you to read any more.
- 31 A. Well -
- 32 Q. Please wait for the question. What you have described
33 there would have been, in your opinion, then a very
34 startling statement. Would that be a fair thing to say.
- 35 A. I can't remember my reaction at the time at all. I
36 simply took down in notes what Pinkie Mack had told me.
- 37 Q. But, you didn't follow up and ask any questions about
38 why that practice occurred.

A. BROOKMAN XXN (MR KENNY)

- 1 A. Well, if it is not in my notes, I didn't.
- 2 Q. Now you've told us that Pinkie Mack didn't tell you that
3 there was any restriction on the knowledge she gave to
4 you, but did you actually ask her if there was any
5 restriction on that knowledge.
- 6 A. I can't remember, but I assume I didn't, because I would
7 have, I think I would have asked if I'd had an inkling
8 that it was not to be told to people, and I'm sure that
9 she was direct enough to have told me.
- 10 Q. In 1938, were you aware that there were any restrictions
11 on the activities of Aboriginal people.
- 12 A. In what way?
- 13 Q. On, for example, where they could live.
- 14 A. Well, there were limitations, well, on what they could
15 drink, for instance, in white society. They were not
16 allowed to drink alcohol.
- 17 Q. At that stage, they were still essentially confined to
18 reserves or mission settlements.
- 19 A. Not totally, but it was a practical way for them to
20 live.
- 21 Q. So are you saying they chose to live on those reserves
22 or missions.
- 23 A. I think it was a matter of economic necessity.
- 24 Q. Did you visit Point McLeay at that stage.
- 25 A. Once or twice, yes.
- 26 Q. Is it fair to say that the church and Christian
27 religions were strongly enforced there.
- 28 A. I don't know how strongly, but certainly it was run on
29 church lines.
- 30 Q. The entire mission was run by the church, wasn't it, at
31 that stage.
- 32 A. I think there must have been government funding, but
33 those details I cannot remember, if I knew at all.
- 34 Q. But what I'm saying to you is at that stage there was no
35 involvement by the Aboriginal people in the organisation
36 and running of the mission.
- 37 A. No, I shouldn't think so.

A. BROOKMAN XXN (MISS NELSON)

1 CROSS-EXAMINATION BY MISS NELSON

2 Q. I think that you were the co-author of an article
3 relating to the women in the northern Flinders Ranges.
4 I'm not sure that I can tell you when it was published.

5 MR ABBOTT: 1941.

6 XXN

7 Q. 1941, 1942. Do you recall that.

8 A. No, I don't. I'm rather surprised, but it would have
9 been as a result of being there the previous summer,
10 well, the summer of 1938. In 1941 I was busy with other
11 things, and I do not recall it being -

12 Q. You were co-authors with someone called Mountford.

13 A. Yes, well, I did work with him.

14 MISS NELSON: I don't have a spare copy, but I would
15 like to tender this, and it would be helpful if Dr
16 Brookman could have a copy whilst she is giving her
17 evidence. Is it possible to have it copied.

18 COMSR: Yes.

19 MISS NELSON: Such questions as I have will be
20 directed to matters arising out of that article.

21 MR ABBOTT: I wonder, in the interim, whether Dr
22 Brookman could assist us with the order of the notebook.
23 Is the original available, or could we have a look at
24 it?

25 MS SIMPSON: I've got a numbered one.

26 MR ABBOTT: The pages appear to be not out of order,
27 but it's difficult to ascertain -

28 MS SIMPSON: I can help you. I've got the original
29 here.

30 MR ABBOTT: Could I have a look at the original
31 whilst we are waiting.

32 COMSR: I haven't, as yet, given any orders or
33 suppressions in relation to either the statement or the
34 notebook itself, because I've been told that all the
35 material appears in Berndt and Berndt. I haven't had an
36 opportunity to consider that, but -

37 MISS NELSON: Certainly, I think as far as the article
38 is concerned, that's obviously in the public domain,

A. BROOKMAN XXN (MISS NELSON)

- 1 because it's a piece of published material. I would
2 think, from reading Dr Brookman's notebook, that there
3 is nothing in there that isn't essentially covered in
4 the Berndts' published work, or isn't otherwise in the
5 public domain, but I mean I don't pretend to be an
6 authority on the topic, it's only my impression.
- 7 COMSR: Certainly if it isn't published it would
8 be sensitive in nature.
- 9 MS SIMPSON: Well, it's historical material.
- 10 MR MEYER: While we're waiting, does your Honour
11 have a copy of the transcript. Page 4502, a transcript
12 correction.
- 13 MISS NELSON: Mr Hemming advises me that there is an
14 aspect in the notebook which isn't put out in the public
15 domain.
- 16 COMSR: Yes, I thought so too.
- 17 MISS NELSON: Perhaps one should err on the side of
18 caution.
- 19 COMSR: I would have to consider the limitations
20 of my authority.
- 21 MR MEYER: Page 4502, 'Ms Pyke' appears at the top
22 of the page and then, thereafter, for quite a number of
23 pages, in fact it's Mr Abbott who is on his feet by line
24 27, and so if we go on right through to, well -
- 25 COMSR: That appears, does it not, in the
26 transcript?
- 27 MR MEYER: Thereafter it's headed 'Ms Pyke' right
28 through to p.4506 where it's suggested Mr Abbott's
29 cross-examination starts. So it's the heading, that's
30 all, just so that people aren't confused.
- 31 COMSR: You're asking for it to be corrected?
- 32 MR MEYER: It should be 'Abbott', then, through to
33 a few pages.
- 34 XXN
- 35 Q. We have given you a copy of that article. Does that
36 refresh your memory now.
- 37 A. Just reading the first couple of pages, I can see that
38 it was Mr Mountford who gathered the information in it,

A. BROOKMAN XXN (MISS NELSON)

1 and to a very large part, because I don't remember
2 publishing this or this being published.

3 Q. Would you like an opportunity to read it before I ask
4 you anything about it.

5 A. Well, if you're going to ask me questions about it, I
6 can't see sort of any point in me not knowing what is in
7 it.

8 MISS NELSON: Quite, and I think, in fairness to Dr
9 Brookman, we should perhaps adjourn to give her an
10 opportunity to read it.

11 A. But is it important? I mean it refers to another people
12 altogether.

13 MISS NELSON: I'm aware of that, but it is important.

14 COMSR

15 Q. How long do you think you'd need to read it.

16 A. Well, five minutes to skim.

17 Q. Perhaps 10 to read it, then.

18 A. Very well, I will read it and I will see if I recall it,
19 is that all right?

20 Q. Yes.

21 ADJOURNED 11.45 A.M.

22 RESUMING 12.09 P.M.

23 MR KENNY: I raise one point before we commence.

24 MR ABBOTT: I object to this. He wants to hand up
25 some letters. If any letters are to be handed up, it
26 should be through counsel assisting.

27 MR KENNY: I'm happy to do that, but perhaps I
28 might explain what they are.

29 MR ABBOTT: I object. This is just grandstanding.
30 They are not from his clients.

31 MR KENNY: No.

32 MS SIMPSON: It's not appropriate now.

33 MR KENNY: The women who wrote it are in the back.

34 MS SIMPSON: Sit down please.

35 COMSR: Perhaps I can say this; I understand
36 there are a group of ladies in attendance at the
37 commission, and indeed I welcome their presence here
38 because we have invited them to attend. Now I'd

A. BROOKMAN XXN (MISS NELSON)

1 encourage any one of their number who wishes to give any
2 evidence to assist the commission to come forward and do
3 so and perhaps, Mr Kenny, you can speak with counsel
4 assisting. I don't know if the letters come through
5 that source, but I don't propose to at this stage -

6 MR KENNY: I don't have instructions to make a
7 speech or say anything other than in response to your
8 letters, they have asked me to hand these letters up to
9 you.

10 MS SIMPSON: I understand that Mr Kenny does not act
11 for these women. I've been in touch with the women from
12 whom the letters are written, and it's not appropriate
13 for Mr Kenny to be taking up their part. I'm very happy
14 to do that, I'm happy to speak with them, and it's more
15 appropriate that that is the way that it happens, in my
16 submission.

17 COMSR: If you'd like to do that but, as I say,
18 I certainly welcome their presence here and I encourage
19 them to communicate with us and, if any one them wishes
20 to give evidence, I'd be happy for that to happen. XXN.

21 Q. I appreciate that the data that was collected for this
22 article was collected a very long time ago but, as I
23 understand it, you worked with Mr Mountford, and you
24 would have been present for most of the data collection,
25 if not all of it.

26 A. No. Actually my recollection is that I wasn't. He,
27 over several trips to the northern Flinders prior to
28 1939, had collected quite a considerable amount of
29 material. I recognise it because I'd read it from his
30 notes that he collected, and this article is largely his
31 writing, and my part in it, I think, was to help him
32 write it, because he was not very confident about
33 writing. I do know the material. I was not present at
34 the collection, but I assisted him as far as I could in
35 my limited way with the writing. I seem to remember
36 that was the situation at that time, and in 1941 I
37 certainly was not doing any anthropology.

38 Q. It does seem, does it not, that at least the women of

A. BROOKMAN XXN (MISS NELSON)

- 1 the Adjanhamathana tribe had a separate religious or
2 ceremonial life from the men.
- 3 A. It certainly is mentioned in the last paragraph on the
4 front page. To what extent it was a secret ceremony is
5 not clear, and I do not think that it was in the sense
6 of a sort of religious system.
- 7 Q. Certainly there is reference there to the Wik-Munkan
8 tribe of Queensland making the same division of
9 responsibility, with the women dealing with customs,
10 peculiarly their own, especially those concerning
11 childbirth in which the men do not interfere.
- 12 A. Well, the McConnell article that he refers to deals with
13 allied tribes of Cape Yorke Peninsula, but it seems to
14 me it's a logical division of sort of life, not very
15 rigid either, which one would find and expect to find in
16 quite a number of Aboriginal tribes and, in fact, in
17 ethnological writing, you do come across this very
18 natural division into sex matters.
- 19 Q. Can I suggest it's obvious that in all Aboriginal
20 communities, the rituals relating to conception and
21 menstruation and childbirth are likely to be rituals
22 belonging exclusively of the women.
- 23 A. Well, it's a logical division, I don't know how rigid it
24 is.
- 25 Q. Did you have an impression, when you were working in the
26 Lower Murray, that that division of ritualistic matters
27 relating to at least childbirth existed there.
- 28 A. I don't know about ritual, it's a practical practice,
29 but my contact, as has been pointed out, was to some
30 extent limited there. Now what did you start by saying?
31 That there was a ritual, a ritualistic -
- 32 Q. I suppose I could clarify that. I suppose there are
33 physical aspects of childbirth, and it would be natural
34 to assume that in most societies, at least until recent
35 times, there was a tendency to exclude men from the
36 actual birthing process. Did you have an impression in
37 the Lower Murray that there were cultural beliefs or
38 mythical beliefs associated with childbirth - I will

A. BROOKMAN XXN (MISS NELSON)

- 1 stop the question there for the time being.
- 2 A. By `mythical beliefs', you're referring to the sort of
3 material that's in this article. Yes, I think in my
4 notes there are certain ideas about conception or spirit
5 children and so on, and yes, I don't know that ritual
6 quite applies to it.
- 7 Q. Well, just dealing with the northern Flinders Ranges
8 tribe for the moment, that's the Aboriginal community to
9 which this article refers, there appears to have been a
10 belief there relating to the conception of children in a
11 mythical way, in other words there is a non-recognition
12 of physiological matters really relating to conception.
- 13 A. Well, that certainly is what Mountford believed.
- 14 Q. When you were working in the Lower Murray, and I
15 appreciate that it was limited for the reasons you've
16 told the commission, did you obtain any data which
17 suggested that, in that area, there was a similar
18 spiritual belief, if I can use that term, relating to
19 conception and birth and so forth.
- 20 A. Well, all that I know is written in my notes. I cannot
21 sort of off the cuff state in the space of 50 years what
22 I heard about it.
- 23 Q. The reason I'm asking you these questions is I can quite
24 appreciate there would have been a tendency to have the
25 birthing process separate perhaps from other people, or
26 from the man, or to avoid having a lot of people around,
27 but the word you use is `secret', and I wonder if that
28 is because there were other matters to do with religious
29 or spiritual beliefs which were associated with
30 conception or the birthing process which weren't general
31 knowledge.
- 32 A. This again is only from my recollection, but I don't
33 believe that that is so. I think that the word `secret'
34 in that context simply meant that it was not for
35 everybody to be present and get in the way. It was a
36 separate affair to be handled by experts.
- 37 EXHIBIT 237 Article entitled `Women of the
38 Adjanhamathana Tribe of the Northern

4595
TN 52G

A. BROOKMAN XXN (MISS NELSON)

- 1 Flinders Ranges South Australia' by
- 2 Mountford and Harvey tendered by Miss
- 3 Nelson. Admitted
- 4 CONTINUED

A. BROOKMAN XXN (MR ABBOTT)

1 CROSS-EXAMINATION BY MR ABBOTT

2 Q. When you saw Pinkie Mack on those two occasions, June 12
3 and 24 June 1939, did you pick the topics, or did she,
4 or was it a process of evolution as you talked.

5 A. As far as I can recall, and again it is - quite a while
6 has passed, I was rather prompted by Tindale and
7 Mountford as to what they wanted me to ask. I think it
8 doesn't appear in my notes, but I think they would have
9 suggested a certain approach.

10 Q. I discern from that approach, that you were to go from
11 perhaps the general, in the sense of general oral myths
12 and traditions, like the mulgewonke, which is what your
13 notes start off talking about, to the specific, namely,
14 specific women's matters.

15 A. I suppose that was their idea, that by talking about
16 these practices it might lead to something deeper.

17 Q. And birthing, for example, or birthing practices,
18 appears to have been covered on both occasions. I refer
19 you to the bottom of p.25.

20 A. I think we probably went over the same ground, because I
21 recall that the second interview was sort of less
22 informative than the first, as far as I recall.

23 Q. Informative in terms of productive of new information.

24 A. Productive of new information.

25 Q. Birth we find on p.25, and also p.34, so it is obvious
26 that you returned to the subject on the subsequent
27 occasion.

28 A. Possibly with the idea of finding out something deeper.

29 Q. Was there any noticeable reticence on the part of Pinkie
30 Mack in speaking to you.

31 A. None whatever.

32 Q. Indeed, did she appear, if not happy, then interested to
33 talk to you and impart what she apparently knew of these
34 subjects to you.

35 A. From recollection, I was surprised at her cordiality and
36 willingness to talk to somebody as sort of young and
37 green as I was then.

A. BROOKMAN XXN (MR ABBOTT)

1 Q. Mr Hemming, in his statement to this commission, says at
2 p.23 - I don't think you have got his statement, but I
3 read it out to you - 'Alison Harvey' that's you.

4 A. Used to be.

5 Q. 'A female anthropologist, worked in the Lower Murray
6 during the same period as the Berndts. She was
7 interested in the place of women in Aboriginal society'.
8 So far that's all correct.

9 A. Yes, it is.

10 Q. 'And she wrote an article about the separate nature of
11 Adjanhamathana's women's religious life (see Mountford
12 and Harvey 1941)'. The article to which we have been
13 referred.

14 A. Yes.

15 Q. You have explained your contribution to that article.
16 He then says 'In one of her field notebooks' which is
17 the very notebook you have before you 'compiled in the
18 Lower Murray, she records a conversation with Pinkie
19 Mack and indicates that aspects of child birth were
20 secret to women. It appears that Harvey, operating as a
21 lone female researcher, was exposed to restricted
22 women's knowledge known by Pinkie Mack'. Is that
23 putting it too high.

24 OBJECTION Ms Nelson objects.

25 MS NELSON: There are two sentences there and I
26 think it is really inviting an answer to both sentences.
27 I think also Mr Abbott should indicate that the word
28 'secret' in the phrase 'aspects of child birth were
29 secret to women' is in quotation marks.

30 MR ABBOTT: I am happy to do all of that.

31 QUESTION REPHRASED

32 XXN

33 Q. 'In one of her field notebooks compiled in the Lower
34 Murray she records a conversation with Pinkie Mack and
35 indicates that aspects of child birth were "secret" to
36 women'. It is true that you record a conversation with
37 Pinkie Mack. It is true the word 'secret' is there, but
38 I think you made it clear that you do not want that

A. BROOKMAN XXN (MR ABBOTT)

1 reference to `secret' to be taken as a reference to
2 secret women's business unknown to other women or,
3 indeed, anyone.

4 A. If I were anywhere else, I would criticise that
5 statement because it goes beyond my meaning.

6 Q. The second sentence is `It appears that Harvey' now
7 Brookman `operating as a lone female researcher, was
8 exposed to restricted women's knowledge known by Pinkie
9 Mack'. You don't make that claim, do you.

10 A. All that I know is in my notes.

11 Q. In fact, you have made it clear there was no restriction
12 placed on the knowledge by Pinkie Mack in respect of
13 your dissemination of it.

14 A. She told me not a word of it.

15 NO RE-EXAMINATION

16 NO FURTHER QUESTIONS

17 WITNESS RELEASED

- 1 MR SMITH: The Campbells have arrived. I propose
2 to call four members of the Campbell family, one upon
3 the other, and tender their statements through each one
4 of them, and therefore make available the statements to
5 counsel. They can, I hope, consider their position over
6 the luncheon break, which I suggest might be a bit
7 longer than usual. Those witnesses can be available for
8 cross-examination in the afternoon. Mr Sykes attends on
9 their behalf.
- 10 MR SYKES: Yes, I do. I am happy with that course,
11 but it is entirely a matter for you as to how you fit
12 the Campbells into your schedule.

A.B. CAMPBELL XN (MR SMITH)

1 MR SMITH CALLS

2 ALLAN BELL CAMPBELL JUNIOR SWORN

3 EXAMINATION BY MR SMITH

4 Q. Looking at this statement produced to you, do you
5 recognise that as the statement you provided your
6 solicitor and had your solicitor provide for the
7 commission in connection with the inquiry we are
8 embarked upon.

9 A. It is the same as my photocopy here.

10 Q. That's your signature there on p.19.

11 A. That's my signature.

12 EXHIBIT 228 Statement of witness Allan Bell Campbell
13 tendered by Mr Smith. Admitted.

14 MR SMITH: I ask, for the time being, Mr Campbell
15 be excused from the witness box while counsel have an
16 opportunity to consider that material, unless they are
17 prepared to cross-examination now.

18 MR KENNY: I think we should have time to consider
19 the 19 page statement first.

20 COMSR: You don't propose to lead the witness
21 through his statement?

22 MR SMITH: I have been doing that normally, but I
23 do not think that is necessary. I would rather that
24 people use the time so that the Campbells can be
25 examined fully this afternoon and allowed to go home. I
26 have spoken to Mr Sykes about it. I ask Mr Allan
27 Campbell be excused from the witness box temporarily
28 during the luncheon break.

29 COMSR

30 Q. You can stand down, you understand you will be required
31 for examination after the luncheon break.

32 A. Yes.

33 WITNESS STANDS DOWN

1 MR SMITH CALLS

2 JOHN GREGORY CAMPBELL SWORN

3 EXAMINATION BY MR SMITH

4 Q. Looking at this statement produced to you, do you
5 recognise that 20 pages of it as a statement which you
6 provided to your solicitor, Mr Sykes, and which you have
7 in turn provided to this commission in connection with
8 its inquiry.

9 A. Yes, it is.

10 Q. That's your signature on p.20.

11 A. Yes, it is.

12 EXHIBIT 229 Statement of Witness of John Gregory

13 Campbell tendered by Mr Smith.

14 Admitted.

15 MR SMITH: I ask that this witness be excused until
16 after the luncheon adjournment.

17 MR SYKES: Might I just say, in relation to John
18 Campbell, he is hard of hearing. I wonder when
19 cross-examination does commence of him this afternoon
20 counsel would note that they may have to speak up, and
21 he may have difficulty in understanding or hearing their
22 questions.

23 WITNESS STANDS DOWN

A.S. CAMPBELL XN (MR SMITH)

1 MR SMITH CALLS
2 AMELIA STELLA CAMPBELL SWORN
3 EXAMINATION BY MR SMITH
4 Q. Miss Campbell, looking at this statement produced to
5 you, do you recognise that as the statement you provided
6 to your solicitor, Mr Sykes.
7 A. Yes.
8 Q. I think that's your signature on every page of this
9 twelve page statement.
10 A. Every page, yes.
11 EXHIBIT 230 Statement of Witness of Amelia Stella
12 Campbell tendered by Mr Smith.
13 Admitted.
14 MR SMITH: I ask that you temporarily release Miss
15 Campbell until after the luncheon break, on the same
16 basis.
17 WITNESS STANDS DOWN

C.A. RAYNER XN (MR SMITH)

1 MR SMITH CALLS
2 CLARA ADA RAYNER (NEE CAMPBELL) SWORN
3 EXAMINATION BY MR SMITH
4 Q. Looking at this statement produced to you, it purports
5 to be in the name of Clara Ada Campbell, which is
6 yourself.
7 A. Yes.
8 Q. I think that's the statement which you provided to your
9 solicitor and, on instructions, have provided to this
10 commission in connection with its inquiry, is that
11 right.
12 A. Yes.
13 Q. It is your signature on the bottom of every one of the
14 six pages.
15 A. Yes.
16 EXHIBIT 231 Statement of Witness of Clara Ada Rayner
17 tendered by Mr Smith. Admitted.
18 MR SMITH: I ask that Ms Rayner be released until
19 after the luncheon break on the same basis.
20 WITNESS STANDS DOWN

- 1 MR SMITH: I suggest that we resume at 2 o'clock.
2 That means we would only lose 5 minutes. Would that be
3 in order?
- 4 COMSR: Yes, I think it might be of assistance
5 so that counsel can look through the statements. Mr
6 Hemming mentioned a matter this morning of some
7 sensitivity. Ms Nelson, does Mr Hemming now say there
8 is any sensitivity about any of the material in either
9 the report or the notes.
- 10 MS NELSON: Of Dr Brookman?
- 11 COMSR: Yes.
- 12 MS NELSON: Yes, he has indicated to me that there
13 is some material in the notebook which is sensitive and
14 which is not in the public domain. Although, he tells
15 me that the majority of it is in the public domain,
16 there are some matters mentioned that are not.
- 17 COMSR: Mrs Bookman's statement has not been
18 released at this time, but perhaps if I suppress it for
19 the luncheon adjournment and you can more particularly
20 identify it this afternoon.
- 21 MS NELSON: Yes, I can do that.
- 22 ADJOURNED 12.36 P.M.

- 1 RESUMING 2.10 P.M.
- 2 COMSR: Miss Nelson, I think you were going to
3 check with Mr Hemming?
- 4 MISS NELSON: Yes, I have.
5 Do you have a photostat of the notes before you?
- 6 COMSR: Yes, which page?
- 7 MISS NELSON: On the fourth page. It is p.5, the
8 second passage on that page after the gap dealing with
9 the mulywonk. In relation to the first paragraph - and
10 I won't identify in a public way matters in that - my
11 instructions are that there are references there to
12 matters which have not been published. At least to my
13 client's knowledge.
- 14 COMSR: For the time being, the safest,
15 easiest way to identify that would perhaps be to
16 release the notes from the suppression order, except
17 the contents of p.5, would that be so?
- 18 MISS NELSON: There is another passage, if I can just
19 take you to that?
- 20 COMSR: Does it continue on over to p.6?
- 21 MISS NELSON: No, it doesn't.
22 And the next passage appears towards the end,
23 at p.34. There are references under the heading
24 `birth', in that first passage, which, on my
25 instructions, at least in so far as my client is
26 aware, have not been published in the sense that the
27 descriptions published by Berndt are different to some
28 of the descriptions in here. And my client instructs
29 me that, whilst he is not necessarily saying it is
30 secret or sacred, it is, he believes, at least
31 sensitive information.
32 Those are the two passages to which he has taken
33 me.
- 34 COMSR: Except for pp.5 and 34. That will be
35 sufficient to cover it.
- 36 MR SMITH: I would recall to the witness box Allan
37 Bell Campbell.
- 38 COMSR: There is another matter first, and that

- 1 is the question of the sitting on Saturday.
2 If we could finalise what hours we could sit. Of
3 course, the reporting staff are working extended hours
4 at the present time and -
5 MR ABBOTT: So are the lawyers.
6 COMSR: Yes, I appreciate that. But their job
7 involves some repetitiveness. If we were to sit, say,
8 from 9 until 3, would that -
9 MR ABBOTT: Anything will suit me. I just think,
10 if we are going to take - I query the utility of half
11 a day, when it should be more substantial. Speaking
12 for myself, I would proffer 9.30 to 3.30 or 10 to 4.
13 COMSR: I don't want to spend any time on
14 this.
15 Is there any problem for anyone 9.30 to 3.30?
16 MR KENNY: Yes, I have family commitments on the
17 weekends, as I am sure other people do. I wonder if
18 you would consider extending the time over the next
19 two or three weeks, sitting one or two days?
20 Are you intending on sitting only on one Saturday?
21 COMSR: I can't look any further ahead.
22 MR KENNY: Maybe I could make arrangements, but if
23 it is becoming -
24 MR SMITH: I draw Mr Kenny's attention to the fact
25 that this Commission has no extension of time, at the
26 moment.
27 COMSR: We keep hearing about it.
28 MR SMITH: Yes, we keep hearing that it is likely
29 to happen and all that sort of thing, but, at the
30 moment, this Commission ceases in the middle of next
31 week. We are heading towards that. We just must try
32 and finish the evidence.
33 COMSR: Yes, Mr Kenny, I think that we will
34 have to sit on Saturday.
35 MR KENNY: Certainly.
36 COMSR: And 9.30 until 3.30 then.
37 MR SMITH: The first of the Campbells is next.

A.B. CAMPBELL XXN (MISS NELSON)

1 WITNESS A.B. CAMPBELL ENTERS WITNESS BOX

2 MR SMITH: I will bring up the rear and do any
3 counsel wish to cross-examine Mr Campbell?

4 CROSS-EXAMINATION BY MISS NELSON

5 Q. Do you have a copy of your statement there.

6 A. Yes.

7 Q. Could you turn to p.8.

8 A. Yes.

9 Q. You say on that page 'By that time we Campbells had made
10 it widely known that we had a claim to Kumarangk
11 Island', what do you mean by that. What was the nature
12 of your claim to Kumarangk Island.

13 A. King Peter Pulami is my great-great grandfather and old
14 Jumbo Campbell is also my great-great grandfather.

15 Q. That is something you didn't know until later in your
16 life, isn't that right.

17 A. I would have known that if Doreen Kartinyeri wouldn't
18 have took the Campbell file out of the museum.

19 Q. But, as I understand it -

20 A. And, if you had what I had to go on, you would also took
21 about six to nine months.

22 Q. I am not being critical, I am simply trying to establish
23 a fact and the fact is you didn't know of your ancestry
24 until October 1993, when Daisy Rankine told you, is that
25 the position.

26 A. That's right. And then, when we looked it up, in the
27 world the way it was, then they had the family tree
28 there.

29 Q. Is this the position, that your parents didn't tell you
30 anything about your ancestry.

31 A. I don't think it was just my parents. I think everybody
32 on Point McLeay wasn't even told.

33 Q. Why do you think that was.

34 A. Oppression.

35 Q. Oppression by -

36 A. Segregation.

37 Q. By the white missionaries.

38 A. If you could listen to me. It is oppression,

A.B. CAMPBELL XXN (MISS NELSON)

1 segregation and living on a concentration camp. And
2 living in fear.

3 Q. Who oppressed you.

4 A. The white people.

5 Q. Does that include the missionaries.

6 A. Have you ever heard of permits? Have you ever lived
7 under permits to go off the mission and to come back on
8 the mission? If you had lived on permits the way we was
9 brought up to live on permits, then you would only know
10 what we have been through.

11 Q. You think that -

12 A. Fear, fear, even today our people are living in fear.

13 Q. Fear of what.

14 A. Fear.

15 Q. Fear of what.

16 A. Of the white man, oppression, that we lived under.

17 Q. Can you tell me what you say is the Campbell family
18 claim to Kumarangk Island.

19 A. My family clan?

20 Q. Yes, your claim to Kumarangk Island.

21 A. I just told you.

22 Q. Are you talking about land rights.

23 A. I am not talking about land rights. I am talking about
24 my identity. Where I originated from.

25 Q. It would help me if you could help me to understand what
26 you mean by that.

27 A. Old King Peter Pulami and old Jumbo Campbell lived on
28 Kumarangk Island and then, from there, they was put in
29 chains and taken around to Campbell Park, which is now
30 called Campbell House. And then, in the late 1830, 35
31 or 36, they moved from there to Point McLeay and we
32 lived there ever since.

33 Q. How did you find out about Jumbo Campbell and -

34 A. In the world the way it was.

35 Q. In the Berndts' book.

36 A. Berndt, yes.

37 Q. You didn't get that from any of your immediate family.

38 A. No.

A.B. CAMPBELL XXN (MISS NELSON)

- 1 Q. Is it the position that you weren't, as a young person,
2 taught anything about traditional beliefs.
- 3 A. We wasn't taught nothing. We was taught how Captain
4 Cook discovered our country and everything to do with
5 Captain Cook. And, if I can recall on Point McLeay I
6 chucked a Captain Cook history book on the ground and I
7 said 'I am sick of white man book. I want black book
8 history.' And this teacher he caned me eight times
9 across the hands, four on each hand and then he wasn't
10 satisfied with that. He put my - he wanted to cane my
11 knuckles. I flogged him. Dropped him cold as a maggot.
12 And then I run to the back door. And come the time when
13 I was ready to jump the fence, my father come and
14 grabbed me by the neck and said 'Where are you going?'
- 15 Q. The position is this, that you are still learning about
16 your own ancestry and background and tradition.
- 17 A. We never even started.
- 18 COMSR
- 19 Q. When you say 'We never even started', who you do you
20 mean by 'we'.
- 21 A. We don't even know our language.
- 22 Q. You mean, the Aboriginal -
- 23 A. The Ngarrindjeri nation.
- 24 XXN
- 25 Q. Do you believe that.
- 26 A. We weren't even taught in school our history, our
27 culture.
- 28 Q. I understand that.
- 29 A. Even only lately, it only come lately, we now starting
30 to put that in. The only words we now in our language
31 is all dirty words.
- 32 Q. Is it your belief that you personally still have a lot
33 to learn about your background and your tradition.
- 34 A. We have still got a lot to learn.
- 35 Q. On the same page, that is p.8, you are talking about a
36 pamphlet which said that meetings with Cheryl Saunders
37 were invalid.
- 38 A. Yes.

A.B. CAMPBELL XXN (MISS NELSON)

- 1 Q. And that she was consulting the wrong people. Who
2 should she have been consulting.
- 3 A. She got paid to do a job, which she done it incorrectly.
4 She didn't even consult the right people and the right
5 people are the Elders. Those 35 people down there, to
6 me, is not recognised as Elders.
- 7 Q. How are you able to establish who are the Elders given
8 that you have had very little education about your own
9 people's history and tradition.
- 10 A. Our old people, our Elders.
- 11 Q. So, it is simply an age thing.
- 12 A. It is not simply an age. You have got to be - you have
13 got to earn the reputation of being an Elder. You can't
14 just come off the street and be an Elder. You have got
15 to earn it by your people. If you leave your people for
16 5 or 15 or 25 years and come back, that don't make you
17 an Elder, even though you are 85 or 65 or 75.
- 18 Q. Are there people that you regard as having knowledge
19 about Aboriginal tradition and belief, in the
20 Ngarrindjeri culture.
- 21 A. Not even our Elders.
- 22 Q. Why is that. Because of what you told me before.
- 23 A. Fear.
- 24 Q. Because of this oppression by the white man.
- 25 A. Yes, fear. I will put an example to you. I went to
26 Libya and, when I came back from Libya, my people
27 wouldn't even talk to me, because they feared, because I
28 went to Libya. And they didn't even want to be
29 associated with me.
- 30 Q. Is it your view that a lot of tradition and a lot of
31 spiritual belief has been lost, because of this
32 inability to pass it on.
- 33 A. Yes.
- 34 Q. From one generation to the next.
- 35 A. It has been lost. We have been denied our rights. Even
36 what I heard, that they had to go to Port Adelaide to
37 try and do corroborees and that there, in the sand
38 hills, sneak off Point McLeay.

A.B. CAMPBELL XXN (MISS NELSON)

- 1 Q. Is it your belief that, because of this fear and
2 oppression, the Ngarrindjeri people who have special or
3 secret knowledge have been unwilling to talk about it.
- 4 A. In our tribe, in the Ngarrindjeri tribe, there is no
5 secret sacred Aboriginal women's business. It is just
6 plain old women's business. If there was.
- 7 Q. How can you say that when you have just told me that you
8 really don't know anything very much about your own
9 people's history or tradition.
- 10 A. There is a lot of things we are aware of.
- 11 Q. And a lot of things you are not aware of.
- 12 A. A hell of a lot of things, but I can assure you, growing
13 up on Point McLeay, that there was not even talk on
14 women's business or men's business. It was straight out
15 Captain Cook in school. There was no black history.
- 16 Q. If there were women's business, the women wouldn't have
17 shared it with you.
- 18 A. If there was women's business, we would have heard it
19 when we was kids.
- 20 Q. Why you would, as a man.
- 21 A. But there was nothing. Our women never even spoke of
22 it.
- 23 Q. Why would they speak to you about it if it was women's
24 business.
- 25 A. You have got to ask them and most of them are all dead.
26 Unless you can wake the dead up. Even you could ask the
27 Elders of today. There is two of them here and you
28 could ask them today.
- 29 Q. Turning to p.9 -
- 30 A. Why they wasn't even consulted.
- 31 Q. Do you see under the heading 'The Claim of Secret
32 Women's Business. We made enquiries with older people
33 who should know about the existence of such things.'
- 34 A. Yes.
- 35 Q. And you spoke to your mother.
- 36 A. Yes.
- 37 Q. Who else did you speak to.
- 38 A. I also spoke to Nanna Laura and she is our Queen. The

- 1 last elected Queen.
- 2 Q. So, there is your mother and Nanna Laura.
- 3 A. Yes.
- 4 Q. Anyone else.
- 5 A. Auntie Vera.
- 6 Q. What is her surname, Auntie Vera who.
- 7 A. Wilson.
- 8 Q. Anyone else.
- 9 A. Auntie Dulcie. Auntie Bertha. Auntie Sarah Karpany.
- 10 Auntie Del Karpany. Auntie Dolly.
- 11 Q. Your mother said to you, according to your statement 'If
- 12 there was women's business on Kumarangk Island, then the
- 13 punt is an insult and the only way to protect women's
- 14 business is to put a bridge there.' Do you see that.
- 15 A. Yes.
- 16 Q. That's what your mother told you. Did she tell you why
- 17 a punt would be an insult to women's business, but a
- 18 bridge would be okay.
- 19 A. She didn't tell me directly, but I found out that when I
- 20 went back to Murray Bridge. Then I consulted her again.
- 21 Q. What did she actually say.
- 22 A. What she actually said and when I said, explained the
- 23 insult, she said 'Yeah.' And that insult is the punt.
- 24 That punt represents a man's prick and every time it
- 25 goes back and forwards, it is having sex with a women's
- 26 belief. And, if there is a women's spiritual belief
- 27 there, then that is an insult. Why aren't these women
- 28 attacking that insult?
- 29 Q. Is this what your mother told you.
- 30 A. Yes.
- 31 Q. Did she explain -
- 32 A. Then I said 'What if they put a ferry there?' And she
- 33 said 'It's the same thing. Only conclusion is the
- 34 bridge to stop the insult.'
- 35 Q. Is it the position that your mother regarded the punt as
- 36 an insult.
- 37 A. Yes.
- 38 Q. And an insult to women's business on Kumarangk Island.

A.B. CAMPBELL XXN (MISS NELSON)

1 A. If there is - not on Kumarangk Island. At that time, it
2 was just near the Goolwa Old Police Station on top of
3 that hill. Then later on I found out that they not
4 talking about there. They are talking about the whole
5 island. And, to me, calling that a choclee, Choclee
6 Island, and choclee that is the Cunt Island. Women's
7 cunts. Well, that is an insult to my clanswomen there.
8 These women got no - they got no respect for our old
9 people. And that, to me, that is an insult.
10 CONTINUED

A.B. CAMPBELL XXN (MISS NELSON)

- 1 Q. You say on p.10, if you could turn to p.10.
2 As I understand what you are saying, you say that, as a
3 result of discussions with your mother, you became
4 totally opposed to a punt or a ferry and you realized
5 the only solution would be for a bridge, if secret
6 women's business existed. You see that there.
7 A. Yes, if the thing is -
8 Q. Do you say that there is a possibility that secret
9 women's business exists.
10 A. Not in the context of what they saying - there is three
11 categories.
12 Q. You tell -
13 A. There is one, fertile and virginity and that answer the
14 one. I just answered with the punt with the fertile and
15 the vaginity and the abortion.
16 Q. Wait a moment.
17 A. You ask me. About abortion -
18 Q. You can tell me about that, but I just need you to
19 explain it as we go along.
20 A. I am explaining it.
21 Q. So we understand it.
22 COMSR: We can't keep up with the speed of what
23 you are saying and it is difficult to understand you
24 when you talk so loudly.
25 XXN
26 Q. When you are talking about the first part of that
27 concept, in that context, is there any women's business.
28 A. I don't think it is there. A women's business to me
29 would presumably would be in every Aboriginal
30 community, not based on the whole three categories.
31 With the one abortion, if abortion took place, all the
32 half-castes and quarter-castes would not exist today
33 because they aborted their child.
34 Q. What is the third category.
35 A. I just told you, what they said, for fertile and
36 virginity, is that punt, that's an insult.
37 Q. Why were you - you were opposed to the punt or the ferry
38 because you believed that it would have an effect on

A.B. CAMPBELL XXN (MISS NELSON)

- 1 women's fertility, is that what you are saying.
- 2 A. After consulting with my mother and old people - see, as
- 3 you got to understand, as I explained here, I am an old
- 4 protester since 1971.
- 5 Q. I have read that.
- 6 A. And, you know, I protest, but when you protest you have
- 7 got to protest for something you believe in and in this
- 8 case here, you don't just go running around the street
- 9 in just a protest, you have to go and do your homework.
- 10 In this case here we have got to consult our elder
- 11 people.
- 12 Q. Can you tell me why you became totally opposed to a punt
- 13 or a ferry.
- 14 A. What my mother told me.
- 15 Q. Because you regard -
- 16 A. If there is women's business existed, well then that
- 17 punt is an insult to the women's spiritual belief, if it
- 18 exists.
- 19 Q. Well -
- 20 A. And these women never even talked about protecting.
- 21 With a bridge you can protect whatever is down there, if
- 22 it did exist.
- 23 Q. You say that the Campbell family were, effectively,
- 24 excluded from the discussion among Nungas about the
- 25 Kumarangk Island question and the existence of women's
- 26 spiritual beliefs. What do you mean by that.
- 27 A. Well, when we went to Port Adelaide, if you could read
- 28 in there, we went there on a Sunday, and when we start
- 29 to - we went there with the Campbell clan. When we
- 30 start to put our point across Val Power closed the
- 31 meeting and just walked out.
- 32 Q. If did you make -
- 33 A. We argued and cursed all the way until she walked out of
- 34 there.
- 35 Q. Then -
- 36 A. Then after about six or nine months I find out the
- 37 reason why and down there, in the 35 people down there
- 38 everybody was Campbell, except the Campbells that was

A.B. CAMPBELL XXN (MISS NELSON)

- 1 there. There was all Campbells, except the Campbells.
2 Even my two sisters and my cousin got kicked out of
3 there.
4 Q. Do you say that, there is no women's business in the
5 Ngarrindjeri community.
6 A. No, I am not saying there is no women's business, but
7 not in that context.
8 Q. In what context.
9 A. I believe women's business in the community, yes.
10 Q. In what context.
11 A. Of course they have raised the kids up, it is the women
12 what do all the raising, it is not the men that do all
13 the raising.
14 Q. Do you say there is no secret sacred women's business
15 in the Ngarrindjeri community.
16 A. I am not saying - I hate that word `secret'.
17 Q. Why.
18 A. Because it is not secret.
19 Q. Let's remove that.
20 A. It is women's business.
21 Q. Do you say there is any sacred women's business in the
22 Ngarrindjeri community.
23 A. Yes, within the Ngarrindjeri community, yes, but not
24 secret. The women probably have a role to do and they
25 done it very effectively, same as the men, men's
26 business.
27 Q. Do you say that the women's business, sacred or
28 otherwise, is confined.
29 A. But I don't -
30 Q. Their role in raising children.
31 A. I don't call an island a Choclee Island, you know. That
32 is what they - it is not what I said, it is what the
33 women over here are saying.
34 INTERJECTOR: Shame, shame, shame for you to goes let
35 it go on being.
36 A. You are the one that call it Choclee Island, you
37 insulting my clans.
38 COMSR: Not all of us are familiar with the term

A.B. CAMPBELL XXN (MISS NELSON)

- 1 and I gather that some people find it offensive.
- 2 A. Well, I will call it -
- 3 COMSR
- 4 Q. Just a moment.
- 5 A. Virginity.
- 6 COMSR: I gather it is considered an offensive
- 7 term.
- 8 MISS NELSON: Yes and I think probably it has to be
- 9 explained and you will understand why it is an offensive
- 10 term.
- 11 A. It is a women's privacy, I will call it that. It is
- 12 more delicate.
- 13 COMSR: It is not a term which should be
- 14 published I take it?
- 15 MISS NELSON: I wouldn't have thought so.
- 16 COMSR: I think that I can gather from the
- 17 reaction that this is considered an offensive term to be
- 18 used and I would suppress any mention of it from
- 19 publication in the circumstances.
- 20 XXN
- 21 Q. Did you have more than one discussion with your mother,
- 22 about her view of this ferry or punt going across from
- 23 Goolwa to the island.
- 24 A. We was talking about ways of getting it protected.
- 25 Q. Getting the island protected.
- 26 A. Everything, not the island.
- 27 Q. Getting what protected.
- 28 A. If they are the women's business there, let's talk about
- 29 protecting it and we was talking about protecting it, if
- 30 the women's business existed there. These women never
- 31 even talked about protecting nothing, they were there
- 32 just to stop the bridge, point one, point blank.
- 33 Q. Your position is, you tell me if I am wrong, that there
- 34 is a possibility of women's business, but, in your view,
- 35 it would be protected by a bridge, where it is insulted
- 36 by a punt or a ferry, is that right.
- 37 A. No, what I am saying is, if they - the ones that said it
- 38 was there, what I am saying, on the island, it would be

A.B. CAMPBELL XXN (MISS NELSON)
XXN (MR KENNY)

- 1 women's business, but not where they are saying it is.
2 Where they do corroboree, you know, a women go out and
3 do corroboree, men do corroboree and women do their
4 stuff, you know.
- 5 Q. Do you think there is a possibility that there is some
6 women's business connected with the island that needs
7 protecting.
- 8 A. I never ruled that out.
- 9 Q. But, as I understand it, your view is, from discussing
10 it with your mother, that a bridge wouldn't offend the
11 women's business, where a ferry and a punt both do.
- 12 A. Yes.
- 13 CROSS-EXAMINATION BY MR KENNY
- 14 Q. About a year or two ago, I think you gave an interview
15 to Channel 10 outside the Old Nunga's Club at Murray
16 Bridge. Do you remember that.
- 17 A. Yes.
- 18 Q. I think at that stage, you were encouraging the
19 Ngarrindjeri people to take up arms and fight for land
20 rights. Is that still your position.
- 21 A. I think you have got to understand I am a radical
22 political shit-stirrer and I will say anything to put
23 pressure on the white man Government about Aboriginal
24 deaths in custody. I went to Libya for that.
- 25 Q. You went to Libya for what. Why did you go to Libya.
- 26 A. To put pressure on the white man Government in giving
27 us the Royal Commission into Aboriginal deaths in
28 custody. They didn't give it to us because they love
29 us, they give it to us because of the outside political
30 arena pressure. Then we didn't get justice.
- 31 Q. I understand and I don't have a copy of it here, but,
32 you gave an interview with, I think it was, the Victor
33 Harbor times. Do you recall that.
- 34 A. What year?
- 35 Q. That was last year, 1994. The reason I don't have it is
36 because I wasn't expecting this witness today.
- 37 A. If you could explain it I will.
- 38 Q. In the interview, you talked about setting up a cultural

- 1 centre on the island and you also said that, if I
2 remember it correctly, the bridge would, you know, you
3 would allow the bridge to be built, but you would want
4 the boats coming up and down the centre of the channel.
- 5 A. Not at that stage. At the meeting down there we said,
6 the bridge to be built and no punt, no boats allowed to
7 go under, but we negotiated with that and we allowed
8 to go in the middle, but not the banks.
- 9 Q. Why was that. Why wouldn't you allow the boats.
- 10 A. I am not going to go down the road in another 20 or 30
11 years and find that something did exist there, and I
12 would be the laughing stock. We got to do research into
13 it. Is not going to take us one year or six months or
14 nine months to get it all what we want, it is going to
15 take us another 25 years. You have got to understand,
16 we have been oppressed, exiled from the country and from
17 that area.
- 18 Q. With respect to the cultural centre and the museum you
19 wanted to build on Hindmarsh Island, I understand that
20 you were hoping to be the person involved in setting
21 that up, is that correct.
- 22 A. Well me and the clan, yes.
- 23 Q. That would be run by - the museum would be run by you
24 and your clan.
- 25 A. No, it would be run by the people of the two clans of
26 the Kumarangk Island.
- 27 Q. Who are they.
- 28 A. That would consist all the two clans.
- 29 Q. Which clans are they.
- 30 A. There is the two the Campbells and the Pulami and the
31 descendants and also we going to unite, the Ramindjeri
32 and the Warki there, to unite that area.
- 33 Q. In your statement, at p.4, you say you heard on the
34 grapevine, that some white people rang up members of the
35 Lower Murray Heritage Committee and invited them down to
36 a hilltop meeting.
- 37 A. Yes.
- 38 Q. Who told you that.

A.B. CAMPBELL XXN (MR KENNY)

- 1 A. The grapevine. See, with the grapevine I can say, my
2 cousin told me that, but then who told him, who told
3 him?
- 4 Q. I am asking you a name of who told you that.
5 I am asking a name. Who told you that.
- 6 A. My cousin.
- 7 Q. Who.
- 8 A. Mervyn Winslow.
- 9 Q. Did he say how he knew.
- 10 A. He also was on the Heritage Committee too.
- 11 Q. But, he wasn't at that meeting.
- 12 A. No, no, he pulled out 12 months ago I think.
- 13 Q. Over the page p.5, the name that you say, this is
14 referring to your brother Johnny, you quote, he said
15 they were calling the island the particular name that
16 was mentioned before.
- 17 A. I think if I can recall I think that was in The
18 Advertiser.
- 19 Q. So, you don't remember who, they were that were calling
20 the island by that name.
- 21 A. It was in The Advertiser and it is public.
- 22 COMSR: There is a passage with particular
23 reference to your clients.
- 24 MR KENNY: There is a matter of what he says on the
25 grapevine. I can't take it any further because it is
26 hearsay upon hearsay and there is no point in me putting
27 anything about it.
- 28 A. Anything -
- 29 COMSR: You haven't been asked a question yet.
30 XXN
- 31 Q. You have told us you spoke to the women we have been
32 calling the daughter of Pinkie Mack.
- 33 A. Nana Laura, yes.
- 34 Q. Did you know your brother spoke to her as well.
- 35 A. Either one that written out a letter and read it over
36 the phone to him to go and see Nana Laura, yes.
- 37 Q. Did you suggest she go and see other women and take
38 letters to them.

- 1 A. Yes.
2 Q. Who were those other women.
3 A. Well, Auntie Dulcie, she signed it.
4 Q. Anyone else.
5 A. Logan wouldn't sign it because they didn't want to be
6 under scrutiny to it with the pressure.
7 Q. You went around trying to get a number of women to sign
8 the letter.
9 A. Yes.
10 Q. But, only two of them would, is that right.
11 A. In support of Nana Laura, what Nana Laura is saying to
12 me is gold, is the truth. She is our queen. I don't
13 acknowledge or welcome Deane Fergie or Sandra Saunders
14 what they said because they mean nothing to me because
15 they are white people.
16 Q. Do you say Nana Laura said to you there wasn't any
17 women's business.
18 A. Yes, she said to a lot of fellas.
19 Q. You know your brother spoke to her. Do you know what
20 did your brother tell you what the daughter of Pinkie
21 Mack said to her said to him.
22 A. He told me that he sat down and spoke with her for one
23 hour and explained everything to her and then went away
24 and got it typed out and come back and got her to sign
25 it.
26 Q. Did your brother tell you that, she said to him, that,
27 there was women's business, but they have got the wrong
28 island.
29 A. No, if you read the letter -
30 Q. I am talking about what your brother John said in his
31 statement.
32 A. What's in the letter is what Johnny told her and she
33 then signed it. We didn't speak of bridge, we spoke of
34 is there women's business or not?
35 Q. On p.19 of your brother's statement, your brother says
36 that, the daughter of Pinkie Mack said that, `yes'
37 meaning that there was women's business, `but they have
38 the wrong island.' Did she say anything like that to

1 you.

2 A. No and you have got to understand, although I am staying
3 in the same place as my brother I never read his
4 statement and he never read mine, but I read that
5 letter.

6 Q. Your sister Amelia, in her statement she says, she is
7 David Unaipon's grand daughter.

8 A. Yes, that is my grandfather.

9 Q. He is your grandfather as well.

10 A. Yes, he Pulami. I even married a Pulami, Susan Pulami.

11 Q. Are you saying that he is your grandfather as well.

12 A. Yes.

13 Q. Your sister, Amelia says that, 'My grandfather David
14 Unaipon used to tell me about women's business.'

15 A. Unaipon not Unaipon. He may have, I don't know.

16 Q. But, he didn't mention anything to you.

17 A. Well, when I was going up there lighting his smoke and
18 that and his pipe and that and making his cup of tea,

19 No, he didn't tell us nothing.

20 CONTINUED

A.B. CAMPBELL XXN (MR KENNY)

1 COMSR

2 Q. Mr Kenny is not suggesting that he said anything about
3 secret women's business, but did he talk about women's
4 business.

5 A. Not to me, but what he said to my sister that's, you
6 know, it's not what he said to me. There's a question
7 there, why didn't he tell us about our language?

8 XXN

9 Q. You've told us that, in your statement, you went to a
10 meeting at Tailem Bend on 2 November 1993, at the town
11 hall there.

12 OBJECTION Mr Sykes objects.

13 MR SYKES: I don't think he said that.

14 MR KENNY: We have had four statements and I've got
15 to get instructions. I don't want to be misrepresenting
16 that.

17 A. Where, Tailem Bend?

18 MR SYKES: Can I just object? I don't think he's
19 attended that meeting, according to his statement, if
20 that's the question that's been put to the witness.

21 MR KENNY: I think I better clarify that. It looks
22 like he's been there.

23 A. Looks like my brother's statement.

24 XXN

25 Q. Did you go to that meeting on 2 November, of the Lower
26 Murray Aboriginal Heritage Committee.

27 A. I was in Sydney.

28 Q. When you say 'Victor Wilson gave us the impression at
29 the meeting that he wanted the bridge to go ahead'.

30 MR ABBOTT: What page?

31 A. What page.

32 MR KENNY: Page five.

33 A. I think you've got the wrong statement. I'm reading p.5
34 and there that's got nothing here.

35 MR SYKES: Perhaps Mr Kenny should wait for the
36 next witness, that's Mr John Campbell.

37 A. That's my brother's statement, not me. Because he was -

38 COMSR: Just a minute.

A.B. CAMPBELL XXN (MR KENNY)

1 XXN

2 Q. Did you see Doug Milera give his interview on Channel
3 10, the one with Chris Kenny. Did you see that on the
4 TV.

5 A. I seen it and I taped it.

6 Q. Before that time, had you spoken to Doug, apart from the
7 time he rang you up on the mobile phone.

8 A. Mobile phone, he rang me up at my house.

9 Q. He rang you at your house.

10 A. That's on the 5th.

11 Q. Before the 5th, had you spoken to him at all.

12 A. Not before the 5th, no.

13 Q. Concerning Hindmarsh Island.

14 A. I didn't even know his telephone number, didn't even
15 know where he was until he rang me.

16 Q. Had he been in touch with your brother, do you know.

17 A. Yes, from the 5th, yes, but after the 5th.

18 Q. What about before the 5th.

19 A. Before the 5th, no, and he didn't ring me, it was Tom.

20 Q. Tom Chapman.

21 A. Chapman, yes.

22 Q. On p.17 of your statement, you say that Doug Milera told
23 you that he had been receiving money every week.

24 A. Yes.

25 Q. Did he say who had been paying him.

26 A. Old woman.

27 Q. He said an old woman had been paying him.

28 A. On Hindmarsh Island.

29 Q. On Hindmarsh Island.

30 A. Yes.

31 Q. Did he say who that old woman was.

32 A. No.

33 Q. Did he say how much he was getting.

34 A. 500.

35 Q. \$500 a week.

36 A. A week. Also his wife, Sarah.

37 Q. Was she getting another \$500 a week as well.

38 A. Yes.

A.B. CAMPBELL XXN (MR KENNY)

- 1 Q. From the same source.
2 A. Same source.
3 Q. So they were getting \$1000 a week.
4 A. And they got in too deep and they couldn't get out of
5 it.
6 Q. Did he say why he was getting that money.
7 A. No.
8 Q. Did he say anything else about the money he was getting
9 every week.
10 A. He didn't. He said that he was getting that money and
11 he got in too deep, and they tried to get out of it, but
12 they just couldn't, that's the reason why he got Tom to
13 ring me up to try and get out of it. When I tried to
14 have a meeting with him -
15 Q. Did Doug tell you they had stopped paying him the money,
16 or he had to pay it back.
17 A. No.
18 Q. Did he say what he meant by 'getting in too deep'.
19 A. Well, he had got in too deep with this woman business,
20 him and Sarah couldn't get out of it. You have to ask
21 him.
22 Q. Did he talk to you about getting money from anywhere
23 when he was talking to you on the phone.
24 A. Well, he also said that when he was down at Tailem Bend
25 there, he was getting money from the mine, I think it
26 was \$1000.
27 Q. So he was getting \$1000 a week.
28 A. A week.
29 Q. From the mine at Tailem Bend.
30 A. Just out of Tailem Bend somewhere.
31 COMSR
32 Q. From the what in Tailem Bend.
33 A. They were drilling.
34 Q. From the mine.
35 A. People were drilling.
36 XXN
37 Q. Did he say why they were paying him \$1000 a week.
38 A. I didn't go into the full contact with him, because I

A.B. CAMPBELL XXN (MR KENNY)

- 1 didn't want to pressure him, because he is the one that
2 got into contact with me, and it was very - I have to
3 watch my p's and q's, otherwise he would turn off.
- 4 Q. Was he looking for money at that stage.
- 5 A. I don't know, you've got to ask him if he was looking
6 for money. All he said he got in too deep.
- 7 Q. Did you understand that he was continuing to get paid.
- 8 A. I don't see from Sydney.
- 9 Q. Did you talk to him about that.
- 10 A. No. As I said, there is a lot of things I want to say,
11 but I had to hold it because he is the one that got in
12 contact with me. I wanted information. As I explained
13 to him, the only way that - 'The meeting is not on the
14 agenda, and the only way that you've got to meet is
15 write out a statement and sign it and give it to Johnny
16 and Johnny will send it over to me'. I didn't even go
17 into full detail with him. Then, all of a sudden, the
18 next night he was on Chris Kenny, Channel 10. As you've
19 got to remember, we had a little bit over half an hour
20 conversation over the phone.
- 21 Q. On 9 June when you spoke to him on the telephone while
22 he was at Wellington -
- 23 A. That was the morning, not the night. That was the
24 morning.
- 25 Q. 9 June I said, sorry.
- 26 A. Yes, the 9th, yes. Do you want me to answer that?
- 27 COMSR: There hasn't been a question.
- 28 XXN
- 29 Q. There hasn't been a question, I was just having a read.
30 When he spoke to you that morning on the telephone, what
31 exactly did he say about Victor Wilson paying him \$2000.
- 32 A. Not him, Sarah.
- 33 Q. So he said that Victor Wilson had paid Sarah the \$2000.
- 34 A. And he said he'd got up there to get off of it.
- 35 Q. Did he say when Victor was supposed to have given Sarah
36 this money.
- 37 A. I don't know, he didn't say when, he said that she was
38 given the money and that she was going to put it in the

TN 52L

A.B. CAMPBELL XXN (MR KENNY)
(MR MEYER)

- 1 bank that morning, and we heard that she did. That's
2 the time that we're talking about, running around there
3 in her madness, run across the electricity and all this
4 and that, rent.
- 5 Q. But you go on to say that the \$2000 was one of the
6 reasons he had moved down to Goolwa.
- 7 A. That's one of the reasons.
- 8 Q. Is that what he said.
- 9 A. They paid the rent, they paid the electric bill, they
10 paid the telephone, they paid everything.
- 11 Q. But they'd moved down to Goolwa sometime earlier, hadn't
12 they. They had moved down do Goolwa in what, late 1993,
13 I think. (NOT ANSWERED)
- 14 COMSR: You mean Mr and Mrs Milera.
15 XXN
- 16 Q. Yes, Mr and Mrs Milera had moved down there in late
17 1993. (NOT ANSWERED)
- 18 COMSR
- 19 Q. Do you know when they moved to Goolwa.
- 20 A. No, I don't know when they moved, but I know that they
21 moved down there, it's in the local paper, they was
22 talking about moving down there. You've got to
23 understand he was paying big rent there, it was a
24 private house, it was not a Housing Trust, and where
25 would they get the money on the pension?
- 26 COMSR: Just a moment, you haven't been asked a
27 question yet.
- 28 CROSS-EXAMINATION BY MR MEYER
- 29 Q. Have you received any pressure in coming to give your
30 evidence in these proceedings.
- 31 A. No.
- 32 Q. Have you received any pressure in whether you've been
33 able to stay with members of your family.
- 34 A. Yes.
- 35 Q. What's happened.
- 36 A. Marshall Carter, I rang him up -
- 37 Q. Who is Marshall Carter.
- 38 A. Well, he is my brother. He is my first cousin, but

A.B. CAMPBELL XXN (MR MEYER)

- 1 we're called brothers, you know.
- 2 Q. He is not actually your brother, but you call him that,
3 he is your cousin.
- 4 A. First cousin.
- 5 Q. He is your first cousin.
- 6 A. Yes.
- 7 Q. How is it his first cousin.
- 8 A. His father Carter.
- 9 Q. Who is he brother or sister of.
- 10 A. His father is old Jeff Carter who married Gertha
11 Campbell.
- 12 Q. Is his father related to your mother or father.
- 13 A. Yes, through the McHughes, the Campbells.
- 14 Q. What happened with Marshall Carter.
- 15 A. Well, I rang him up when we was supposed to come here,
16 this was a fair while ago, and then I rang him up, and I
17 said, I said 'I'm not staying at his place when I get to
18 Adelaide, I'm staying at Walker's place for two nights,
19 then I will spend the rest of the time in Adelaide
20 there'.
- 21 Q. What happened.
- 22 A. Well, about a week or fortnight after, he rang me up and
23 told me not to come there.
- 24 Q. Did he say why.
- 25 A. Yes, his job was at stake and he had six years to go,
26 and if he is seen by, if any of the Aboriginal sobriety
27 group see him, they would report it to Basil Sumner, and
28 Basil would get him sacked.
- 29 Q. So did you stay with your cousin.
- 30 A. No. Even my cousins today is all strained because of
31 this.
- 32 Q. Why is that.
- 33 A. Because they married to the other clans.
- 34 Q. What sort of strain has that produced.
- 35 A. Well, put a lot of pressure on the family, yes.
36 Probably be infighting.
- 37 Q. The fact is there is a lot of pressure generally within
38 the Ngarrindjeri community at the present time.

A.B. CAMPBELL XXN (MR MEYER)

- 1 A. Yes, there's a hell of a lot.
- 2 Q. Is that in Murray Bridge as well as in Adelaide.
- 3 A. Murray Bridge, you could say Point McLeay. When I come
4 over here this time to see them, I'm seeing people that
5 I was brought up on Point McLeay with, and are now
6 totally strange to me.
- 7 Q. You've made reference to the meeting on 31 October with
8 the Ngarrindjeri Action Group that you went to at Port
9 Adelaide.
- 10 A. Yes.
- 11 Q. Was that a meeting about the bridge.
- 12 A. No, it was a meeting there, I think it was there for
13 everybody to be aware of a lot of things, you know, or
14 what's going down, you know.
- 15 Q. You refer to that in your statement, don't you if you
16 turn to p.7.
- 17 A. Yes.
- 18 Q. That's where you make reference to going to a meeting of
19 the Ngarrindjeri Action Group at the top of the page.
- 20 A. Yes, Port Adelaide, yes. At that time I didn't even
21 know it was called the Ngarrindjeri Action Group, I
22 thought it was just a meeting of Ngarrindjeri people. I
23 went to that meeting with my clan and my mother.
- 24 Q. You go on to say that you had an argument with Val
25 Power.
- 26 A. Yes.
- 27 Q. Was that before very much got discussed at the meeting.
- 28 A. Yes.
- 29 Q. You also made a reference to Tom Chapman ringing you up.
30 Would you turn to p.9 - sorry, I've got the wrong place.
- 31 A. On p.8 and p.9. He didn't ring me up.
- 32 Q. Page 14. At p.14 you make a reference that Tom Chapman
33 telephoned you on 5 June 1995, and then the statement
34 goes on to say that 'Tom said "Chirpy, I got Douglas
35 Milera here. Do you want to talk to him". I said "Put
36 him on" and he put him on the phone'. Was that the
37 extent of the conversation that you had with Tom
38 Chapman.

TN 52L

A.B. CAMPBELL XXN (MR MEYER)
(MR SYKES)

1 A. Yes. That's word for word.

2 Q. Then you talk to Doug for some considerable time after
3 that.

4 A. A little bit over half an hour, yes.

5 MR MEYER: I've no other questions. In relation,
6 though, to Mr Campbell's statement, the policy has been
7 that - do you want me to speak about this, Mr Smith, or
8 do you want to raise it later.

9 MR SMITH: There is no harm in my learned friend
10 raising it now, he just wants raise the fact that the
11 change the style of leading witnesses deprives the
12 press.

13 COMSR: Perhaps at the conclusion of examination
14 might be the time.

15 MR SMITH: I've got a couple of questions to ask.

16 MR SYKES: Perhaps I can ask a couple of questions
17 before counsel assisting.

18 CROSS-EXAMINATION BY MR SYKES

19 Q. You made mention of having travelled to Libya at some
20 stage in the past.

21 A. Yes.

22 Q. In your conversation that you had with Douglas Milera on
23 5 June of this year, there was a reference to you both
24 having travelled to Libya, is that right.

25 A. Yes, he, one Michael Mansell, rang me up in Murray
26 Bridge, and said that 'I got two tickets for another
27 person in South Australia to go'. Then, the next night,
28 Sarah came around there - she rang us up that morning
29 and so we cooked up tea, and then they came around and
30 had tea with us, and we sat down after tea for about two
31 hours, and then she is the one that suggested that Myo
32 would go to Libya with me. Myo didn't want to go to
33 Libya with me.

34 COMSR: What is this.

35 MR SYKES: There is a reference to it in the
36 statement.

37 COMSR: I know there is a reference to it, I'm
38 just wondering how relevant it is to the issues before

A.B. CAMPBELL XXN (MR SYKES)
REXN (MR SMITH)

1 me.

2 MR SYKES: Perhaps if I can just finish the topic.

3 XXN

4 Q. He did go to Libya with you.

5 A. Yes.

6 Q. Would you describe your friendship or relationship with
7 Douglas Milera at that time as reasonably close.

8 A. Very close. I known him for a fair while. His brother
9 is also my brother, half brother, and he's half brother.

10 RE-EXAMINATION BY MR SMITH

11 Q. Can I take you to p.10 of your statement. This is your
12 first conversation person to person, I think, with the
13 daughter of Pinkie Mack, Nanna Laura.

14 A. Yes.

15 Q. I think that you say there at p.10 the daughter of
16 Pinkie Mack, as we have been calling her, is 'The most
17 senior woman of the Ngarrindjeri people'.

18 A. She is the most senior woman. She is not only just
19 Nanna Laura, she is our officially nominated queen.

20 CONTINUED

A.B. CAMPBELL REXN (MR SMITH)

- 1 Q. Is it correct, as you say there, that it was in about
2 October or November 1994 that you spoke with her
3 personally. Is that right.
- 4 A. We - my mother was in the same emergency unit block, and
5 she had one unit there and Nanna Laura had hers straight
6 across from there.
- 7 Q. You had come down to Adelaide on that occasion in
8 October or November 1994, had you not.
- 9 A. Yes.
- 10 Q. Why.
- 11 A. My mother was sick.
- 12 Q. Your mother was, at that time, staying at a night
13 shelter of the Housing Trust in Murray Bridge.
- 14 A. Emergency, yes.
- 15 Q. Where was the daughter of Pinkie Mack staying.
- 16 A. She was staying in the same building - the same complex,
17 but she had a unit over there (INDICATES).
- 18 Q. You went to speak to the daughter of Pinkie Mack.
- 19 A. Me and my brother, yes.
- 20 Q. About a particular topic, is that right.
- 21 A. Yes, one topic.
- 22 Q. What was it.
- 23 A. That was about women's business, did that exist.
- 24 Q. What did she say to that.
- 25 A. She said no, and also she said that 'I was not told of
26 women's business from my mother'.
- 27 Q. Can I take you to p.14 of your statement, to the
28 conversation you had with Douglas Milera on 5 June 1995.
29 Have you got that.
- 30 A. Yes.
- 31 Q. This was a conversation, as you understand it, where
32 Doug Milera had rung you from the Middleton Tavern.
- 33 A. I don't know where he rung me from, but he made a phone
34 call to me, yes.
- 35 Q. Was that a long phone call.
- 36 A. It was very long, yes.
- 37 Q. About how long.
- 38 A. That was a little bit over half an hour.

A.B. CAMPBELL REXN (MR SMITH)

- 1 Q. Before Doug Milera came on the telephone, did somebody
2 else speak to you. You have got here in your statement
3 that Tom Chapman rang you.
- 4 A. Yes, Tom rang but then he handed the phone to - he said
5 'Myo want to speak to you. Do you want to speak to
6 him?'
- 7 Q. At p.14 you give a picture of what Milera said to you.
8 Could you tell the commissioner what you remember of
9 that conversation. This is the conversation that
10 preceded the Channel 10 interview, wasn't it.
- 11 A. This was before Channel 10, and he spoke - he sort of
12 said 'Look, we got to meet and talk'. It was just like
13 I was here in Adelaide, and I told him 'Look, as you
14 know, I'm in Sydney and I got a car, but I haven't got
15 the price of the petrol fare to get over.' Then I told
16 him - I said 'The meeting is off the agenda, the only
17 way you are going to talk is to write a letter, sign the
18 letter, and then give it to John' so then John could
19 post it to me. Then he kept on saying that 'We got to
20 talk' and then I said 'Look, I've got a friend of mine,
21 he is an Indian friend, I will get \$500 off him, so give
22 me about four days'. Then I rang the bloke up next
23 morning, because he worked night time, and he said
24 'Yeah, I'll give you the money'. So I rang up again
25 around about 10 past 5, or quarter past 5, and then he
26 said 'Hey, your mate is on TV', so that blew the
27 conversation of me travelling from Sydney to Murray
28 Bridge or Wellington, you know.
- 29 Q. In that conversation you had with Milera, he discussed
30 with you the question of women's business, didn't he.
- 31 A. He discussed with me about women's business, because I
32 said to him 'Look, my brother, we have been in boys home
33 together, we have been in gaol together, who are you
34 trying to con? I'm a Connie too, you know'. Then I
35 said 'I want to ask you a question. Women's business,
36 is it true or fabricated?' He said 'That's a load of
37 crap'. He said 'We made it up to stop the bridge'.
- 38 Q. Did he say anything about his marriage to you.

A.B. CAMPBELL REXN (MR SMITH)

1 A. He said to me - when I was refusing to meet with him, he
2 said `Look, my brother, I'm putting my life on the line.
3 My wife don't even know I'm here' and he said `my future
4 will be going down the tube. We got to talk', you know,
5 and at that stage there, that's when I said `Look, let's
6 meet within three or four days'.

7 Q. Did you suggest to him that he could go and stay with
8 your brother John at Wellington.

9 A. Yes. He wanted time out and then I said `Look, John is
10 there on the farm, he is on his own, so go with him'.
11 Then also at the same meeting there talking on the phone
12 he also talked about the reason why he wanted to come
13 out and tell the truth.

14 Q. What was that.

15 A. One was that he didn't like the way the woman was
16 talking about getting the women up the north there to go
17 and fix Auntie Bertha, Dulcie and Dorrie. He said `If
18 you want to pin them, if you want to pin anybody' in
19 other words kill them, he said `kill me'. You know,
20 these are women that - these Ngarrindjeri women up
21 there, some of them up there are Christian women, and
22 they talk about me going to Libya, to a terrorist
23 organisation, and yet they are committing an Aboriginal
24 terrorist act in here, in my own nation.

25 Q. When you were talking with Doug Milera on the phone, did
26 he appear to be affected by liquor.

27 A. See, everybody got to understand Douglas Milera, he
28 cannot drink. He can't drink. If he drink he go into
29 coma and he will die. If he get drunk the way they said
30 that he was drunk when he made the statement - see, I'm
31 also an ex-alcoholic. I had alcoholic poisoning in 1975
32 and I died. The doctor, he was writing my death
33 certificate halfway through it, and I come alive - I
34 died. So I drank. I didn't drink in pubs and all this
35 and that. I drank in empty houses in Melbourne, Sydney,
36 in Brisbane, you know. I'm an old knock-about. I drank
37 methyalted spirits and everything, you know.

A.B. CAMPBELL REXN (MR SMITH)

- 1 Q. Can you tell the commissioner, was Milera drunk when he
2 spoke to you on the phone.
- 3 A. No. He - if he get too drunk his words will (WITNESS
4 DEMONSTRATES) a drunkard, you know. He very awkward
5 person when he drunk. You feel like stoning him or
6 knocking him cold to put him to sleep, because he
7 agitate you, he get on your nerve. So when he drunk his
8 words 'How you going, howdy mate' and all that. The
9 same thing what I done. So if he were drunk the way
10 they said he were drunk then, no. He can't get drunk
11 because he's on insulin. He is a diabetic. In other
12 words, he goes into a coma and he die. I can't drink
13 because I'm a diabetic. I just got to watch my food,
14 you know, and up there, let alone drinking.
- 15 COMSR
- 16 Q. In your estimate, he wasn't drunk on that occasion. Is
17 that what you are saying.
- 18 A. He was drinking, but I don't think he was drunk the way
19 that they described that he was drunk, no.
- 20 REXN
- 21 Q. On the next night after that telephone call, he was on
22 television, wasn't he, on Channel 10.
- 23 A. Yes.
- 24 Q. Did you see that.
- 25 A. Yes, I taped it.
- 26 Q. Sorry, you said that. What he said on television -
- 27 A. Is exactly what he said on television what he said to
28 me.
- 29 Q. On the telephone.
- 30 A. On the phone. Then I asked him when I rang him up again
31 on the farm - he said 'I got to let them fellows know
32 where I'm coming from'.
- 33 Q. Could you turn to p.16 of your statement. Doug Milera
34 as you understood it, had driven to John's property at
35 Tailem Bend. That's right, isn't it.
- 36 A. Yes.
- 37 Q. And he rang you from there.
- 38 A. He didn't go directly to - who is that Myo?

A.B. CAMPBELL REXN (MR SMITH)

1 Q. Yes, Myo.

2 A. He didn't go directly to the farm. He went to Tailem
3 Bend and then about two hours afterwards he went to the
4 farm.

5 Q. To your brother John's place.

6 A. Yes.

7 Q. I think John rang you up, you say that at p.16, and
8 reversed the charges because Doug Milera wanted to speak
9 to you.

10 A. Yes.

11 Q. And you spoke to him on the phone. That's right, isn't
12 it.

13 A. Yes.

14 Q. You spoke to him about the fact that he had been on
15 Channel 10.

16 A. Yes. It took us about half an hour again, you know.

17 Q. Again, did he confirm to you on that occasion what he
18 had said to you before about women's business.

19 A. He reaffirmed in saying that everything he is saying is
20 true, and he is not going to retract his statement, you
21 know.

22 Q. You had a number of other conversations with him in the
23 time that's passed, haven't you.

24 A. Yes.

25 Q. Can I take you to p.17 of your statement. That's
26 another occasion when you spoke to Douglas Milera, is it
27 not, on 7 June 1995. You rang your brother's farm.

28 A. Yes.

29 Q. Once again, he confirmed -

30 A. He confirmed it.

31 Q. His view of what he told you before about women's
32 business.

33 A. In that confirming he always - he said that there is
34 four other men are prepared to come forward with him.

35 Q. There was a meeting at the Lower Murray Nunga's Club on
36 9 June.

37 A. On the 9th, yes.

A.B. CAMPBELL REXN (MR SMITH)

1 Q. I think you spoke to him when he was at Wellington just
2 before that meeting.

3 A. Just before, yes.

4 Q. What did he say to you then.

5 A. He said 'I'm going to go to the meeting and I'm going to
6 say what I've been saying. I'm not going to retract
7 it'. Then he also said 'I'm going there to get half of
8 that money that they gave to Sarah'. Whether he did or
9 not, that's his business.

10 Q. He has retracted, of course, hasn't he.

11 A. Yes, pressure. Pressure, money. We also find out why
12 he retracted.

13 Q. He was under some pressure and -

14 A. From his wife, and she was under pressure too.

15 Q. Can I take you to p.18 of your statement, the second to
16 last page, your last conversation with Milera was on 16
17 June 1995.

18 A. Yes.

19 Q. You were given by him to understand that he had just
20 attended a meeting at the Aboriginal Legal Rights
21 Movement.

22 A. Yes.

23 Q. As you have said there. What did he say to you on that
24 occasion.

25 A. That was the last time he spoke to me, and he even said
26 that when he had gone into that meeting there, he said
27 he still was not going to retract his statement. He
28 said 'I am going to stand'. He said 'You know me'. I
29 said 'Well, my brother, it is up to you. If you come
30 out, you made a statement, and you didn't just make it
31 in a meeting, you made it where all of Australia could
32 hear, so it is up to you. If you have got a guilty
33 conscience, then it is up to you whatever you are going
34 to do'. But he rang me in my second last conversation
35 over the phone, when I rang him at his house at Goolwa,
36 and he also told me that he's going on holidays, 'they
37 paying for the money'. I don't know who 'they' is, but
38 'they is paying for the money for a week'. And also

A.B. CAMPBELL REXN (MR SMITH)

1 that Tim Wooley was coming down to try and convince him
2 to retract his statement. I said 'Well, are you going
3 to do it?' He said 'No'.

4 MR MEYER: The issue I was going to raise was that
5 each of the other witnesses that have given their
6 evidence have been taken through their statements in
7 their evidence in-chief, and in that way their evidence
8 in-chief has been known to the persons who have been
9 present. We have had a policy of limiting all exhibits
10 to the parties and to those who have signed undertakings
11 and things of that nature. We have now changed that
12 process, in the interest of time, and I support that.

13 The difficulty is that you have a cross-examination
14 based upon the statement, and that appears somewhat
15 staccato, because whilst counsel at the bar table know
16 what's in the statement, nobody else does. Therefore,
17 the suggestion I am making is, not that the rule as to
18 exhibits be withdrawn, but there be exceptions to it,
19 and an exception to it be Exhibit 228, ie, that that
20 exhibit can be released.

21 MR SMITH: Perhaps before you deal with that, there
22 was one topic I forgot to put to the witness which is
23 not in his statement. Can I just interrupt your
24 thoughts to do that?

25 COMSR: Yes. The statement hasn't been
26 specifically been put to the witness, whether he adopts
27 it or not.

28 MR MEYER: I thought it was before.

29 COMSR: No, he was just asked if it was his
30 statement.

31 MR ABBOTT: No, I specifically asked whether this
32 was all the evidence that Mr Campbell wished to give on
33 the matter and the answer was yes, as I understood it.

34 MR SMITH: It is tendered on that basis.

35 MR ABBOTT: That is why I haven't asked any
36 questions.

37 MR SMITH: That is indeed how all the statements
38 have been proffered.

A.B. CAMPBELL REXN (MR SMITH)

1 REXN

2 Q. That is the case, that you have adopted that statement
3 as your evidence, haven't you.

4 A. Yes.

5 Q. Looking at Exhibit 18B, that is a facsimile to Mr Andrew
6 Hughes of the South Australian Museum dated 16 March
7 1995.

8 A. Yes.

9 Q. Is that right. Is that your handwriting.

10 A. That's my handwriting and that's my signature.

11 Q. You wrote that fax and sent it to the museum because of
12 conversation you had with Doreen Kartinyeri. Is that
13 right.

14 A. On the mobile phone, yes.

15 Q. Can you tell us what passed between you and Dr
16 Kartinyeri.

17 A. She rang me up straight after, I think - I don't know if
18 it was Matthew Rigney or Karno Walker, he started
19 talking there for about half an hour, we were cursing
20 and swearing over the phone. Then she - we both then
21 quietened down and then she said 'Right, let me have my
22 say, and then you have your say'. So I let her have her
23 say, and then throughout that conversation there she
24 also mentioned to me that she is prepared to do my
25 family tree. And I said to her 'Look, I've already done
26 my family tree'. She said 'No, the paper that I've got
27 here you'd kill for'.

28 Q. Have a look at the fax there in your handwriting, your
29 second sentence is 'In her conversation she had with me
30 while I was in Adelaide three weeks ago, she told me
31 that if I don't stand with her on this women's business,
32 we, the Campbells, will never see those documents on the
33 Campbell clans'. Is that right.

34 A. That's right.

35 Q. Is that the fact of the matter.

36 A. She said to me that - she said to me 'I've got these
37 documents here that you'd kill for. These documents
38 here is worth' - and I said 'I've already done my family

A.B. CAMPBELL REXN (MR SMITH)

- 1 tree' and she said `Not with these papers'. I said `Why
2 don't you send it to Karno Walker. I will give you his
3 address and you can send it to him, and then he can send
4 it to me'. Then she said that `If you don't side with
5 me on the women's business, I could burn these papers
6 and you will never see, and even the museum won't even
7 know any wiser, because I am the staff from the museum,
8 and I am an Aboriginal, and they dare to question me.'
- 9 Q. She said that to you when you were in Adelaide three
10 weeks before this fax, is that right.
- 11 A. Yes. We spoke for about an hour and a half, so her
12 phone bill, it is an 85 cents a minute, or seconds, so
13 her phone bill was pretty high.
- 14 CONTINUED

A.B. CAMPBELL REXN (MR SMITH)

- 1 Q. Just have a look at the document there.
2 A. Yes.
3 Q. See the second sentence 'In her conversation she had
4 with me while I was in Adelaide three weeks ago.'
5 A. Yes.
6 Q. So that means in February of 1995 you were in Adelaide.
7 A. That was the same day that, when she put down the phone,
8 that's when Tom and Wendy's children came and picked me
9 up and took me down to Hindmarsh Island.
10 Q. You were in Adelaide.
11 A. Yes, I was at Marshall Carter's place.
12 Q. And you telephoned her, did you.
13 A. She telephoned me.
14 Q. From the museum.
15 A. I don't know where she was. I think it was from her
16 house.
17 Q. Can you tell us then, it took you three weeks to
18 complain to the museum about that, is that right.
19 A. I think I also complained to the Minister of Aboriginal
20 Affairs.
21 Q. So finally you got around to sending this fax to the
22 museum.
23 A. Yes.
24 Q. About that threat, is that right.
25 A. As you have got to understand also I am also - at that
26 time, was involved in Aboriginal deaths in custody.
27 There is a lot of things I can do and a lot of things I
28 can't, you know.
29 Q. And you got a fax back from the museum.
30 A. Yes.
31 Q. Giving you some sort of explanation, is that right.
32 A. More like a - it was more like they investigated it blah
33 blah blah and the same thing with the, you know, like
34 probably what the police complaint section already do,
35 you know. They probably just put it on the carpet, but
36 I was very surprised to see it.
37 Q. Looking at the document, now before you, Exhibit 18C,
38 that is a copy of what you received back, is that right,

A.B. CAMPBELL REXN (MR SMITH)

1 from the museum.

2 A. Yes, that was from Philip Jones.

3 Q. Philip Jones.

4 A. Yes.

5 MR SMITH: I have no further questions.

6 A. Also, Commissioner, you say that you are here to
7 investigate the Royal Commission. And you heard, you
8 know, like hear what is all this and that, you know,
9 like our clan has been insulted. It has been degraded
10 and very disgustfully. We are wild about it and by the
11 way they say that my island is what they said it, you
12 know. And, to me, that's an insult. And, you know,
13 like, I could take you on - I could take you on, if, you
14 know, like, as I said, I fought for land rights, social
15 rights and equal rights. And throughout all that I did
16 not think that land rights would come under sex. And
17 where the Hindmarsh Island affair, what they call
18 women's business, has certainly proved that they come
19 under this. It is not only a sex, but it is also a
20 filth. And for these women to say what they said about
21 my island, you know. And it is - I could take you
22 through the map here -

23 COMSR

24 Q. Yes, we have got a lot of -

25 A. Yes, I know, but I could take you to the map here. And
26 I tell you, in covering it all up, the psychiatrist
27 would have a field day. He would be a millionaire if he
28 take this through there. And to use an island and
29 calling that island what they said they called it is
30 very insulting and degrading to my clan.

31 Q. I understand what you are putting to me.

32 A. If I set that up at Cape Yorke in Queensland they would
33 say to me 'Get out of Queensland.' Very disgusted. And
34 I am very disgusted with these Aboriginal Christian
35 women that call themselves Christian.

36 Q. Just a moment: I think I have got the drift of what you
37 are saying.

38 A. It is an insult.

4643

KC 52N

A.B. CAMPBELL REXN (MR SMITH)

- 1 COMSR: You are excused now. You are free to
- 2 go.
- 3 NO FURTHER QUESTIONS
- 4 WITNESS RELEASED

J.G. CAMPBELL XXN (MISS NELSON)

- 1 MR SMITH: I call John Gregory Campbell back to the
2 witness box.
- 3 WITNESS J.G. CAMPBELL ENTERS WITNESS BOX
- 4 MR MEYER: Are we going to deal with the issue of
5 the statement?
- 6 COMSR: No, there is not a great deal that
7 hasn't been covered from that.
8 I presume you are going to be putting the same thing
9 to me about all of them?
- 10 MR MEYER: Yes, we will deal with all four.
- 11 MR SMITH: Perhaps I make it clear that the
12 statement of John Campbell is tendered through him on
13 the basis that that is his evidence. He has adopted
14 that on oath.
- 15 COMSR
- 16 Q. You say it is your statement and you adopt that as your
17 evidence, do you.
- 18 A. Yes, I do.
- 19 CROSS-EXAMINATION BY MISS NELSON
- 20 Q. Can you hear me.
- 21 A. Yes, I do.
- 22 Q. You have some trouble with your hearing.
- 23 A. Yes.
- 24 Q. Do you have a copy of your statement there.
- 25 A. Yes, I do.
- 26 Q. Turning to p.19, you are there talking about a
27 conversation that you had with the daughter of Pinkie
28 Mack. Do you understand to whom I am referring.
- 29 A. Yes, I do.
- 30 Q. You apparently went to see her with the letter.
- 31 A. Your Honour, could I just have a closed session here
32 referring to this letter?
- 33 COMSR
- 34 Q. Is there some reason.
- 35 A. I don't like to bring up the dead. My Elders that have
36 passed away, if she is passed away, just recently.
- 37 MISS NELSON: As I understand it, we don't refer to
38 this lady by name and none of us have done that, but

- 1 no-one else has had a problem giving evidence.
2 COMSR: No.
3 COMSR
4 Q. A lot of evidence has been given concerning her, but
5 referring to her only as 'the daughter of Pinkie Mack',
6 which I understand is the appropriate thing to do in the
7 circumstances. Do you have a problem with that.
8 A. No, I don't.
9 XXN
10 Q. You took with you a letter.
11 A. Yes.
12 Q. Who composed the letter.
13 A. The letter addressed to or -
14 Q. She signed a letter, didn't she.
15 A. Yes, she did.
16 Q. But who wrote the letter out.
17 A. I did.
18 Q. You wrote the letter out before you spoke to the
19 daughter of Pinkie Mack.
20 A. Yes, I did.
21 Q. When you went to see this lady, how old was she.
22 A. I did not really know how old she was, but by other
23 people giving her age I heard she was about 80,
24 something like that.
25 Q. What was her state of health on the day when you asked
26 her to sign this letter.
27 A. She was pretty - in pretty good health.
28 Q. How long before her death was it.
29 A. Probably late October last year.
30 COMSR
31 Q. I didn't hear that. How long before her death was it.
32 A. Late October last year - no, sorry.
33 Q. What is that in weeks or days -
34 XXN
35 Q. Just a moment, you say in your statement that you went
36 to see her on 17 March 1995.
37 A. Yes.
38 Q. Is that right.

- 1 A. Yes.
- 2 Q. What do you mean talking about late October last year.
- 3 A. I am just getting a little bit muddled up here. I was
- 4 referring to my mother's death, which was last year.
- 5 So, I am just getting sort of a bit confused.
- 6 Q. The daughter of Pinkie Mack, when did you see her.
- 7 A. On 17 March 1995.
- 8 Q. How long before her death was that.
- 9 A. I can't recall.
- 10 Q. You said to her that you had a letter and that you would
- 11 go through it with her. Do you see that on p.19 of your
- 12 statement.
- 13 A. Yes, I do.
- 14 Q. Did you read the letter to her.
- 15 A. Yes, I did.
- 16 Q. You didn't give it to her to read for herself.
- 17 A. No, I never.
- 18 Q. Why not.
- 19 A. Before I approached Nanna I approached the family first
- 20 to get some permission. They read the letter first.
- 21 Q. Could this lady read.
- 22 A. I can't recall if she can read or whether she can write,
- 23 but I know she is a very intelligent woman.
- 24 Q. In any event, you didn't give her the letter to read for
- 25 herself, you read it to her.
- 26 A. Yes, I did.
- 27 Q. You asked her if she understood what you had said about
- 28 the things in the letter.
- 29 A. She did.
- 30 Q. That is what you said to her and she said yes, she did
- 31 understand and then she signed it.
- 32 A. Yes, she - as I asked her did she understand she nodded
- 33 her head. That gave me the impression she understands.
- 34 Q. But she didn't at any time read the letter herself.
- 35 A. No, she never.
- 36 Q. According to your statement you said to her 'Before I go
- 37 through this letter, could you tell me about the women's
- 38 business on Hindmarsh Island?'

- 1 A. Yes, I did.
- 2 Q. And she said `Yes, they have the wrong island.'
- 3 A. She did.
- 4 Q. Did you ask her which island was the right island.
- 5 A. No, I did not.
- 6 Q. Why not.
- 7 A. At that time I never thought about asking her that
- 8 question. Maybe it was personal.
- 9 Q. Did you understand her to be saying there was secret
- 10 women's business, but on another island.
- 11 A. That's what she says to me.
- 12 Q. That's what she said to you.
- 13 A. Yes.
- 14 Q. Did you ask her what the women's business was.
- 15 A. No, I did not.
- 16 Q. Why not.
- 17 A. I don't think it is appropriate for me to ask her that
- 18 question.
- 19 Q. You explain to me why it wasn't appropriate for you to
- 20 ask her that question.
- 21 A. Probably as a man towards a lady.
- 22 Q. Is this the position, that your understanding of your
- 23 tradition in the Ngarrindjeri community you weren't as a
- 24 man allowed to know about women's business, is that what
- 25 you are saying.
- 26 A. I would really at that time wanted to know.
- 27 Q. You really wanted to know.
- 28 A. No, at that time I wasn't really -
- 29 Q. You didn't really want to know.
- 30 A. For me to, you know, to know.
- 31 Q. But what I am trying to understand is your previous
- 32 answer. You said to me you didn't think it was
- 33 appropriate for you to as a man ask a lady about women's
- 34 business.
- 35 A. That's right.
- 36 Q. And what I am trying to understand is why it wasn't
- 37 appropriate for you as a man to ask about women's
- 38 business. Is it because you understood that your

- 1 community tradition was that men weren't allowed to know
2 about the women's business.
- 3 A. No, I don't think - I didn't think - I didn't want to
4 know about the women's business.
- 5 Q. Why didn't you want to know, though. It was big topic
6 of conversation, wasn't it.
- 7 A. At that time I really wasn't wanted to know the details.
- 8 Q. Were you interested to know if women's business existed
9 at all in the Ngarrindjeri community.
- 10 A. I was interested in to know whether it - whether it - if
11 she says that there was, then I would - you know, to
12 know whether there was, but no details.
- 13 Q. Why not. Why didn't you want the details.
- 14 A. I wasn't really - didn't want to know the details.
- 15 Q. But you had gone there with a letter specifically for
16 her to sign to say there wasn't any women's business on
17 Hindmarsh Island, hadn't you.
- 18 COMSR: Is that any women's business or secret
19 women's business?
20 XXN
- 21 Q. Or secret women's business.
- 22 A. My intention was just to ask.
- 23 Q. That is not right, is it. Your intention was to get
24 this elderly woman to sign a letter which you had
25 prepared, isn't that right.
- 26 A. My intention was not to know the details on
27 women's business, but I did wanted to know whether
28 there - whether it is true or facts or fiction,
29 whatever.
- 30 Q. Why didn't you ask her which was the right island.
- 31 A. I didn't think it was - I didn't think of going any
32 further with any questions.
- 33 Q. Why didn't you ask her what the nature of the women's
34 business was.
- 35 A. At that time I wasn't really - like I just said, I
36 didn't want to know the details. I only wanted to know
37 whether there is and that's all I wanted to know. Not
38 the details.

1 COMSR

2 Q. Perhaps if I just clarify this: Ngarrindjeri men I
3 suppose have men's business and Ngarrindjeri women
4 have women's business and a lot of that would be known
5 one to the other that they have it. But were you going
6 there to find out whether there was secret women's
7 business. That is, women's business which men didn't
8 know anything about.

9 A. I simply didn't want to go there and ask her in full
10 details. I asked her to explain in full details about
11 the women's business.

12 Q. It is just that we have been using 'women's business'
13 and 'secret women's business' interchangeably and I am
14 just trying to see what was your purpose in going
15 there.

16 A. To whether she - to find out myself whether this women's
17 business does exist. But I didn't want to know the
18 details.

19 Q. By 'this women's business', you mean the women's
20 business that had been talked about in the newspapers.

21 A. Exactly.

22 Q. And on television.

23 A. Exactly.

24 XXN

25 Q. Was anything else said by either you or the daughter of
26 Pinkie Mack either about women's business or secret
27 women's business other than what you have said in your
28 evidence.

29 A. Only what she - in this - that letter.

30 Q. That wasn't discussed, though, was it. You read it
31 through. And she nodded her head. That's what you say,
32 isn't it.

33 A. She gave me the impression she understands and I went
34 into details about the letter.

35 Q. Did you just read the letter, or did you say other
36 things that aren't in the letter.

37 A. I just read what was in the letter.

J.G. CAMPBELL XXN (MISS NELSON)
(MR KENNY)

- 1 Q. You got an impression that she understood.
2 A. Yes, by her nodding her head.
3 CROSS-EXAMINATION BY MR KENNY
4 Q. Mr Campbell, did you take other letters around to other
5 women around Murray Bridge.
6 A. What are the letters you are referring to?
7 Q. Pardon.
8 A. What letters are you referring to?
9 Q. I am asking you, did you type up other letters, and then
10 approach other women, asking them to sign them.
11 A. I recall signing - preparing the letters for some of our
12 older Elders to.
13 Q. You did prepare some letters for some other older women.
14 A. That's right.
15 Q. But Nana Laura was the only one that signed the letter,
16 is that correct.
17 A. Not that letter that was prepared, only just the letter
18 here, that is in my statement.
19 Q. But, there were other women you took letters around,
20 similar to Nana Laura's, is that correct.
21 A. Those letters were only to support her in.
22 Q. That was to support Nana Laura's letter, is that
23 correct.
24 A. That's right.
25 Q. But, the other women didn't sign those letters.
26 A. No, they never.
27 Q. Who were they.
28 A. Dolly Rankine, she is my Auntie, she didn't want to get
29 involved.
30 Q. I am just asking you, what, who were the other women
31 that you took letters to.
32 OBJECTION Mr Sykes objects.
33 MR SYKES: If the inference that is going to be
34 drawn from the answer that the witness gives is that,
35 these are the women that were reluctant, I think the
36 witness can explain what he knows of that reluctance,
37 otherwise what value is this evidence to this
38 Commission, what other women did or did not do? It is

4651

MST 20

J.G. CAMPBELL XXN (MR KENNY)

1 left hanging, that these other women were not in
2 agreement with what was contained in the letters. We
3 haven't got the letters.
4 MR KENNY: Mr Sykes comes after me if he has some
5 concerns about it.
6 MR SYKES: If there is no objection from Mr Kenny
7 fine, otherwise I take the point now.
8 MR KENNY: I have no objection to Mr Sykes
9 following this matter up.
10 COMSR: It will probably expediate matters
11 though, if you could deal with it all at once Mr Kenny,
12 if the witness wishes to explain something if it would
13 assist me, rather than having to retrace this ground.
14 XXN
15 Q. Can you tell us firstly, who you took the letters to.
16 A. I firstly went to Bertha Gollan, she is my Auntie.
17 Q. Did she sign the letter.
18 A. She did not want to sign the letter because she didn't
19 want to get involved because -
20 Q. Did she say something to you about it.
21 A. She understands the letter itself, but she agrees what
22 is in the letter, but she did not want to get involved
23 because people get persecuted.
24

4652

MST 20

J.G. CAMPBELL XXN (MR KENNY)

1 man and I was younger than her and she agrees that the
2 contents in that letter, but because I was a man younger
3 than her, she did not trust me, but she said she will
4 talk to her niece and that was Margie Sinclair, my first
5 cousin.
6 Q. Did you take letters to other women.
7 A. I got - yes, I seen another Auntie.
8 Q. Who was that.
9 A. Sara Karpany.
10 Q. Did she sign the letter.
11 A. No, she did not. She said totally said the same thing
12 that Auntie Dolly said. She would rather see my Auntie
13 Sinclair.
14 Q. Who else did you take letters to.
15 A. I think that's the three women I did see.
16 Q. There might have been others, you don't remember about
17 at the moment.
18 COMSR: I think the witness said 'they are the
19 three women I did see.'
20 A. They are the only three women I seen.

21 XXN
22 Q. You didn't take letters to any other women at all.
23 A. No, I did not.
24 Q. On p.5 of your statement you talk about the Lower
25 Murray Heritage Committee meeting at Taillem Bend. What
26 makes you say that Victor Wilson gave you the impression
27 that he wanted the bridge to go ahead.
28 A. Well, we were specifically talking about the Tendi
29 Constitution.
30 Q. This wasn't really a meeting about Hindmarsh Island.
31 A. No, there wasn't no mention on our agenda about
32 Hindmarsh Island.
33 Q. So there was no formal discussion, at that meeting,
34 about Hindmarsh Island, is that correct.
35 A. Well, there was later on, Victor Wilson stated that,
36 regardless of what we say at this meeting, the bridge
37 will go ahead. Now he just said that out of -
38 Q. Victor said, regardless of this meeting, the bridge

1 will go ahead.

2 A. Yes, well, he said this in the beginning of this meeting
3 we was discussing the Tendi Constitution in there.

4 Halfway between this meeting, he just said it out of the
5 blue, you know, he just said, he said that it, he just
6 said it out of, you know, out the top of his head or
7 something, you know what I am saying and he just stated,
8 regardless of what we say at this meeting, we weren't
9 mentioning about anything about at the meeting.

10 Q. It wasn't really a discussion about the bridge, it just
11 came out, you say, out the top of his head.

12 A. Yes, he just sort of came out with it, you know what I
13 mean. He just sort of brought it out the blue and we
14 started to talk about the Hindmarsh Island.

15 Q. At that stage, I suggest to you that, really, Victor and
16 the other members of the Lower Murray Heritage
17 Committee, that is George Trevorrow, Robert Day and
18 Henry Rankine, were concerned about the bridge going
19 ahead, they didn't want it to go ahead.

20 A. Well, they didn't speak about it. I didn't hear them
21 speak about it.

22 Q. You didn't hear them say anything about it.

23 A. Only what Victor said during our discussions and he sort
24 of brought it out the top of his head, sort of thing.

25 Q. It is possible he might have been saying, that you
26 know, 'I have talked to the State Government and the
27 Government are going ahead with the bridge, no matter
28 what we say.'

29 A. Well, there was some discussion, but I didn't sort of -

30 Q. You weren't listening to it.

31 A. He had a discussion, but it didn't - we didn't sort of
32 discuss it more longer than say 10, 15 minutes, so we
33 didn't -

34 COMSR: I think the witness has made it clear
35 how that was a comment that was unrelated to the rest
36 that was going on.

37 XXN

38 Q. You also tell us that you saw Victor Wilson, George

1 Trevorrow, Doug Miller and others, at Victor Harbor on
2 the lawns. Do you recall that.

3 A. Yes, I did.

4 Q. You approached them and spoke to them.

5 A. Yes, well that was referring, well, to a meeting in Port
6 Adelaide on the 30 and 31, that meeting what Val
7 Powell started, that they refer the next meeting to
8 Goolwa or Victor Harbour and they asked everybody to
9 support in solidarity, Sarah and Doug Miller.

10 Q. You went down to Goolwa.

11 A. Yes.

12 Q. Then you drove over to Victor Harbor where you saw
13 Victor George and the others, is that correct.

14 A. Yes, well, before that, we went to Goolwa and because
15 we was told that there will be a gathering at Goolwa in
16 that meeting at Port Adelaide and we got to Goolwa that
17 day, which there was a lot of white people protesting,
18 so I was - we were sort of walking amongst everybody and
19 trying to find out what is going on and we was looking
20 for Aboriginal people and we couldn't find any
21 Aboriginal people, or we couldn't see any flags
22 Aboriginal flags, so I seen, I walked over towards the
23 organisers of the protest.

24 Q. I was just asking about what happened at Victor Harbor,
25 what happened at the protest. You spoke to Victor and
26 George at Victor Harbor, is that correct.

27 A. That's correct.

28 Q. They told you that you they had, in fact, been at the
29 protest meeting earlier, do you recall that.

30 A. Sorry, I didn't quite hear you.

31 Q. Did Victor and George and the others tell you, at Victor
32 Harbor, that they had been to the protest at Goolwa
33 earlier that day.

34 A. No, they did not. We was asking information on whether
35 this meeting, that is supposed to take place at Goolwa,
36 we wanted to know where this meeting will be held and
37 they stated that they didn't know anything about this
38 meeting and we sat on the lawns for probably 10 minutes,

- 1 and I later went to the phone box, and I rang Dolly
2 Wilson, at the Aboriginal Centre at Murray Bridge and I
3 asked her about this meeting that is supposed to take
4 place at Goolwa. And she stated, 'It has been cancelled
5 to take place at Camp Coorong.' There was no official
6 date given.
- 7 Q. You then packed up and essentially went home, is that
8 right.
- 9 A. Yes, we did.
- 10 Q. Do you recall one of that group telling you that they
11 had been at the protest at Goolwa earlier in the day.
- 12 A. No, they never spoke about being at the protest.
- 13 Q. I suggest to you that, they did speak to you about the
14 protest and they told you that, they had gone around to
15 Victor Harbor to get something to eat. Do you recall
16 that.
- 17 A. No, they did not.
- 18 Q. You suggest you would go back to the protest and fill in
19 for them for a while, do you recall that.
- 20 A. No, they did not.
- 21 Q. If we can go to the 6th of June this year, that is the
22 day that Doug Miller had turned up at your farm. Do you
23 recall that.
- 24 A. Yes, I do. Sorry, what day, 6 June.
- 25 Q. 6 June.
- 26 A. Yes, 6 June.
- 27 Q. He turned up, and I think you said that Doug wasn't
28 sober at that time, he had had a bit to drink, is that
29 correct.
- 30 A. Can you rephrase that again?
- 31 Q. When Doug turned up, I think you have said that he
32 wasn't sober.
- 33 A. Well, he wasn't drunk and he wasn't sober.
- 34 Q. But, he had a bit to drink though.
- 35 A. But he had, yes, he did.
- 36 Q. On that day, or around those days when he was staying
37 with you, Doug talked to you about being behind in rent.
- 38 A. Sorry?

- 1 Q. Did Doug talk to you about being behind in rent.
2 A. Yes, he told me, that him and Sarah was in debts, they
3 was behind rent, they had a phone bill and they had no
4 money.
5 Q. He needed some money.
6 A. He didn't say he needed it, he did say that he needed
7 money, but he just said, that he was in debt.
8 Q. Did he tell you he had given an interview to Channel 10.
9 A. Sorry?
10 Q. Did he tell you that he had given an interview to
11 Channel 10.
12 A. Yes, he did.
13 Q. Did he tell you that he had been paid for that.
14 A. Yes, he did.
15 Q. Did he say how much money he got.
16 A. \$200.
17 Q. Did he say anything about getting \$3,000.
18 A. He told me that, on the 8th of June, that Sarah received
19 some money, the amount of \$2,000.
20 Q. Did he say who paid Sarah that money.
21 A. Well, he did suggest to me that Victor Wilson paid her
22 some money.
23 Q. When did he tell you this.
24 A. I think it was on the 9th or it could have been on the
25 8th.
26 Q. When he turned up at your place on the evening of the
27 6th, did he tell you about Sarah having or getting the
28 money at that time.
29 A. Sorry?
30 Q. When he turned up at your house on the 6th of June, when
31 he first arrived, that evening, did he say at that time
32 that Sarah was going to get some money.
33 A. No, he never.
34 Q. When did he tell you that Sarah got the money.
35 A. I think it was on the 9th, that was on a Friday.
36 Because he wanted me to take him to Murray Bridge.
37 CONTINUED

- 1 Q. On the Friday.
2 A. On the Friday I did. We left early that morning, I
3 think.
4 Q. I think you say to us that Doug was saying to Sarah on
5 the 8th, that is the Thursday night, that he didn't care
6 about the money, is that correct.
7 A. Yes. I had a conversation on the phone that night, It
8 was late that night, and I did hear Doug say `Well, you
9 can still your money up your arse'.
10 Q. Then, the next morning, Doug wanted you to take him into
11 Murray Bridge to get some money off of her.
12 A. That's what he told me.
13 Q. Did you ever see a cheque that Sarah had.
14 A. No, I never. I mean I went to the bank. The day we
15 arrived at Sarah's son's place at Murray Bridge, they
16 spoke three or four hours before we left her son's place
17 to the bank.
18 Q. That's Allan Clarke's place, is it.
19 A. That's right.
20 Q. Did you talk to Allan Clark at that time.
21 A. No, I did not.
22 Q. Was Allan Clark there.
23 A. Yes, he was.
24 Q. Then he didn't say anything during that time.
25 A. He did not. We never spoke.
26 Q. Well, did Doug say anything about Allan Clarke's job
27 being in jeopardy in front of Allan Clark.
28 A. No, he did not. He told me that I think the day that we
29 left Wellington, the Friday, on the 9th.
30 Q. So that's before you went to Allan Clarke's place.
31 A. That's right.
32 Q. You didn't say to Allan Clark at any time, you know,
33 `How is your job going. Has Victor been threatening
34 you'.
35 A. No, I never spoke to him. All we did was sat around the
36 table, it was Allan Clarke's place, we made a cup of
37 tea. I never spoke to him.
38 Q. Allan Clarke is the manager of the Wailies Hostel.

- 1 A. Yes, he is.
- 2 Q. That's a hostel that provides accommodation for people
3 who are in need of accommodation, I suppose.
- 4 A. Yes, for people who are homeless, I suppose, and people
5 who have got a drink problem.
- 6 Q. They have cars there that go out and pick people up and
7 bring people back, is that correct.
- 8 A. Yes.
- 9 Q. Allan Clark is the person who manages that operation.
- 10 A. I assume he did. It's probably his job.
- 11 Q. Well, when you say that this hostel program is run
12 through Victor Wilson, what do you mean.
- 13 A. Well, Victor Wilson is the program manager of Kalparran
14 farm, it's an alcoholic rehabilitation place, and
15 Wailies is the night shelter, they used to call it, it
16 used to be a night shelter, and hostel. It's run
17 through Kalparran.
- 18 Q. So Wailies is sort of a separate part of Kalparran, is
19 that correct.
- 20 A. I wouldn't say separate.
- 21 Q. Well, Wailies is in Murray Bridge, and Kalparran is out
22 of Murray Bridge, isn't it.
- 23 A. Yes, but separate. Like what I'm saying is funds, they
24 get the same amount of funds.
- 25 Q. But both of the organisations are run by a management
26 committee, a community management committee, isn't that
27 correct.
- 28 A. Well, I don't know how they run their organisation, but
29 they do get their funding through the Kalparran
30 organisation, and that funding covers Wailies. They're
31 a joint program.
- 32 Q. So if I told you that, in fact, Wailies and Kalparran
33 were run by a management committee, you wouldn't dispute
34 that, would you.
- 35 A. It's run by some committee, I'm not sure how.
- 36 Q. It's not run by Victor Wilson, is it.
- 37 A. Well, he is the program director.
- 38 Q. He is employed by the same organisation that Allan Clark

1 is employed by.

2 A. Kalparran -

3 COMSR: I don't think the witness knows the
4 answer. He made it clear that he doesn't -

5 MR KENNY: He said the program is run through
6 Victor Wilson, and I'm just clarifying that point.

7 A. Well, I just state this; that I was a worker there at
8 one stage, and Victor Wilson always attended Wailies'
9 meetings, so he is the big boss.

10 XXN

11 Q. He attended meetings at Wailies.

12 A. Yes, he did.

13 Q. But you don't know the structure of the organisation at
14 all, do you.

15 A. Sorry?

16 Q. You don't know what the management structure is for
17 Kalparran and Wailies.

18 A. I think his job is to run both organisations, that is
19 Kalparran and Wailies.

20 COMSR: I don't think you need to take it any
21 further Mr Kenny.

22 XXN

23 Q. You say on that day you went to the bank with Sarah and
24 Doug and Allan Clark, is that correct.

25 A. That's correct, but in separate vehicles.

26 Q. You say that they went to the Commonwealth Bank where
27 Sarah deposited the money, that's Sarah and Doug and
28 their son, is that what you mean when you say `they'.

29 A. That's correct.

30 Q. Did you see that money.

31 A. I was standing outside the bank.

32 Q. You never went in the bank.

33 A. No, I didn't.

34 Q. So you're only guessing that Sarah deposited money.

35 A. Not guessing, it's just that's what Doug told me was
36 happening.

37 Q. So Doug told you that Sarah was depositing money.

38 A. Yes.

J.G. CAMPBELL XXN (MR KENNY)
(MS PYKE)

1 Q. In your sister's statement, Amelia Campbell, she says
2 that her grandfather was David Unaipon.

3 A. I don't know about my history.

4 Q. You don't anything about that.

5 A. No, I don't.

6 Q. He is not your grandfather, I take it.

7 OBJECTION Mr Sykes objects.

8 MR SYKES: He has already said that he doesn't know
9 about his history.

10 CROSS-EXAMINATION BY MS PYKE

11 Q. At p.3 of your statement, when you were talking about
12 the meeting that you and your brother Allan had with
13 Daisy Rankine, you said this; 'I'm not sure if Daisy
14 said anything about the Coorong, the reason is because I
15 was not interested in any past history. That would be
16 left up to the oldest brother, Allan Bell Campbell. The
17 reason I say that is because he is more knowledgeable
18 than I'. Is it your understanding that in the
19 traditional culture of the Ngarrindjeri people, that the
20 eldest child, boy or girl, receives information that
21 perhaps the younger ones don't.

22 A. Yes.

23 Q. So that you would expect that your brother Allan might
24 be handed information that you wouldn't because you were
25 younger than he.

26 A. That's right.

27 Q. At p.4 of your statement, and it's just over halfway
28 down your statement, and you're talking about a meeting,
29 and you said this, 'Allan and Val Power have a past
30 history of arguments at meetings'. From your
31 observation, is it the case that they often disagree
32 quite violently, if I can put it that way, not
33 physically violently, but they have quite different
34 views about various issues relating to the Ngarrindjeri
35 community.

36 A. That's correct.

37 Q. They can get very upset with one another.

38 A. That's correct.

J.G. CAMPBELL XXN (MS PYKE)
(MR ABBOTT)

1 Q. They each perhaps have very strong views that they
2 express.

3 A. Sorry, could you rephrase that again?

4 Q. That Allan and Val quite often have quite different
5 views about what is right or wrong in so far as it
6 relates to the Ngarrindjeri community and what is good
7 for them.

8 A. That's right.

9 Q. Can you think of any sorts of things that they have
10 argued about or disagreed about in the past relating to
11 the Ngarrindjeri community.

12 A. I never experienced in any meetings with Val and Allan,
13 so I can't tell you.

14 Q. Well, it's just that you said here `Allan and Val power
15 have a past history of arguments at meetings'. Is that
16 what other people have told you, rather than what you've
17 seen yourself.

18 A. Yes. I refer to when Allan told me at a meeting that
19 took place down at Point McLeay or somewhere, where they
20 had a disagreement, he went to throw a chair but it
21 missed her, but I'm referring to that.

22 MS PYKE: I didn't actually hear that, but people
23 are laughing so it must have -

24 MR ABBOTT: He went to throw a chair, but it missed.

25 INTERJECTOR: At least they're giving evidence, why
26 don't you get up here.

27 COMSR: It's hard enough for you to hear the
28 witness without comments from the background.

29 COMSR

30 Q. You understood from what your brother Allan told you
31 that he and Val power often didn't get on together.

32 A. Yes.

33 CROSS-EXAMINATION BY MR ABBOTT

34 Q. I've just got one question on behalf of my client,
35 Dorrie Wilson. The letter that you took to Nanna Laura
36 is our Exhibit 40. It says in that letter `Please
37 contact Dorrie Wilson for any information relating to
38 this letter'. Dorrie Wilson was upset that you put her

J.G. CAMPBELL XXN (MS PYKE)
(MR ABBOTT)

1 name in it, wasn't she.

2 A. She was.

3 Q. She didn't ever, in advance, allow you to put her name
4 in the letter, did she.

5 A. That's correct.

6 CROSS-EXAMINATION BY MR SYKES

7 Q. Just taking you back to 17 March and your visit to the
8 daughter of Pinkie Mack, she was a person who was given
9 a lot of respect in your community, was she.

10 A. She was.

11 Q. Was she one of the most senior, if not the most senior
12 woman of the Ngarrindjeri nation.

13 A. She was.

14 Q. Was she a person that you respected.

15 A. A great deal, yes.

16 Q. Did you want to be careful not to offend her when you
17 spoke to her.

18 A. That's correct.

19 Q. Did you consider it might be rude to go into details
20 about women's business or secret women's business.

21 A. That's correct.

22 Q. Beg your pardon.

23 A. That's correct.

24 CONTINUED

RF 52Q

J.G. CAMPBELL XXN (MR SYKES)
REXN (MR SMITH)

1 Q. Is that why you weren't prepared to ask about details
2 about women's business.

3 A. That is correct.

4 RE-EXAMINATION BY MR SMITH

5 Q. At p.5 of your statement, if you could turn to that, you
6 talk there about the meeting of the Lower Murray
7 Heritage Committee at Tailem Bend. Have you got that.

8 You went to that.

9 A. Yes, I did.

10 Q. You have said here that present at that meeting were
11 Troy Smith, who was the chairman.

12 A. He chaired the meeting.

13 Q. Dorrie Wilson, that's right.

14 A. Yes.

15 Q. Stella Campbell, who is your mother.

16 A. That's correct.

17 Q. Nanna Laura Kartinyeri, that is the daughter of Pinkie
18 Mack.

19 A. That's correct.

20 Q. Daisy Rankine.

21 A. That's correct.

22 Q. Susan Smith, and two other elder women, you can't recall
23 the names of.

24 A. That's correct.

25 Q. At that meeting, was Victor Wilson also there, because
26 you go on to say later on the page that Victor Wilson
27 stated at the meeting that the bridge would go ahead.
28 So he must have been there too, Victor Wilson.

29 A. Yes, he was.

30 Q. Any other of the members of the Lower Murray Heritage
31 Committee. You see there about a third of the way down,
32 you have told us who the members of the committee were,
33 Victor Wilson, Doug Milera, Henry
34 Rankine, et cetera. Who else was there at that meeting
35 then.

36 A. Tom and George Trevorrow. I think that's about it.

37 Q. Was this a meeting to do with the voting in of a new

- 1 committee, or was this just an existing committee having
2 a meeting and having a few other people along.
- 3 A. This meeting was just in concerns to attend the
4 constitution, some people was pretty upset that they
5 paid members fee and they weren't getting any feedback
6 from this committee.
- 7 Q. So it wasn't to elect a new committee of the Lower
8 Murray Aboriginal Heritage Committee.
- 9 A. No, it wasn't.
- 10 Q. Was this a meeting that a lot of people attended.
- 11 A. There was about 30 people.
- 12 Q. The ladies who were present, we have already named a few
13 of them, but was Jean Rankine there.
- 14 A. She was.
- 15 Q. The bridge was discussed, was it not. You have made
16 that clear.
- 17 A. Yes, that was discussed.
- 18 Q. You have said here 'No discussions about women's
19 business took place.'
- 20 A. That's right.
- 21 Q. You got the impression that everyone had accepted,
22 including Victor Wilson, that the bridge was to go
23 ahead.
- 24 A. That's right.
- 25 Q. Can I take you to the letter which you took to the
26 daughter of Pinkie Mack. It is this letter produced to
27 you, isn't it, which we have marked Exhibit 40. Do you
28 recognise that.
- 29 A. I do.
- 30 Q. You say at p.19 of your statement, tell me if this is
31 correct, that the letter was in front of the daughter of
32 Pinkie Mack, was it.
- 33 A. Yes, it was.
- 34 Q. And you were explaining it to her.
- 35 A. Yes, I was sitting in front of her at the time, and I
36 had -
- 37 Q. Turn to p.19 of your statement. Have you got that.
- 38 A. Yes.

- 1 Q. Sorry, go ahead, I interrupted you. You were sitting in
2 front of her.
- 3 A. Yes, and I had the letter in my hand, resting on a book
4 cover.
- 5 Q. You see there you have made an explanation to her, the
6 paragraph near the end of the page 'I said "Well, it's
7 up to you to sign it".'
- 8 A. Yes, I do.
- 9 Q. 'Well, it's up to you to sign it. If you sign it, it
10 means that you do not know anything about women's
11 business on Hindmarsh Island'. So is that how you
12 explained it to her.
- 13 A. That's correct.
- 14 Q. She then signed the letter.
- 15 A. She did.
- 16 Q. And the letter talks about just women's business on
17 Hindmarsh Island, doesn't it.
- 18 A. That's correct.
- 19 Q. The words 'sacred' or 'secret', or anything like that,
20 doesn't get a mention, does it.
- 21 A. That's correct.
- 22 Q. So that's all you talked about to the daughter of Pinkie
23 Mack. You talked to her about that.
- 24 A. That's correct.
- 25 Q. Women's business.
- 26 A. That's correct.
- 27 Q. On Hindmarsh Island.
- 28 A. That's correct.
- 29 NO FURTHER QUESTIONS
- 30 WITNESS RELEASED

C.A. RAYNER XXN (MISS NELSON)

1 WITNESS C.A. RAYNER ENTERS WITNESS BOX

2 CROSS-EXAMINATION BY MISS NELSON

3 Q. Do you have a copy of your statement.

4 WITNESS HANDED EXHIBIT 231

5 A. No.

6 Q. You were one of 13 children, is that right.

7 A. Yes.

8 Q. Amelia Stella Campbell is your sister.

9 A. Yes.

10 Q. Is she older than you or younger than you.

11 A. Older.

12 Q. How much older.

13 A. I'm the twelfth child down below.

14 Q. You grew up at Point McLeay.

15 A. Yes.

16 Q. You have described the community as a very religious

17 Christian community, is that right.

18 A. Yes.

19 Q. Could you turn to p.4 of your statement. You say there

20 that your only information about Aboriginal tradition

21 has come from your mother and your aunties, including

22 Auntie Vera Wilson, do you see that. And that's right,

23 is it.

24 A. Yes, that's correct.

25 Q. Is Allan Bell Campbell your brother.

26 A. Which one? There is senior and junior.

27 Q. The one who gave evidence.

28 A. Yes, he is my second oldest brother.

29 Q. He said in his evidence that, as a young person, nothing

30 was told to him about Aboriginal tradition because there

31 was an oppression by white people and because only white

32 people's history was taught. Was that your experience

33 also.

34 A. Can you say that question again, please?

35 Q. Yes. Your brother Allan said in his evidence to the

36 commission that as a young person, because of fear of

37 the white man and oppression by the white man,

38 Aboriginal tradition and history wasn't passed on or

C.A. RAYNER XXN (MISS NELSON)

1 taught, only white man's history was taught. Was that
2 your experience, too.

3 A. That's on the mission. While we was living on the
4 mission there was no talk about women's business at all.

5 Q. When did you leave the mission or stop living on the
6 mission.

7 A. I would have been probably about 7, 7 to 8 years of age.

8 Q. Where did you go then.

9 A. To Murray Bridge.

10 Q. You have said that when you were about 16, your mother
11 said that there was women's business in a place which
12 she named.

13 A. Yes.

14 Q. How did that conversation come about. Was it something
15 she just told you out of the blue.

16 A. Things that I was curious with about my culture.

17 Q. So you asked her some questions and she answered them.

18 A. Yes.

19 Q. So what did you ask her that led to her telling you
20 there was women's business.

21 A. I just wanted to know things of women's business, and
22 not only women's business, I wanted to learn at that age
23 about my own culture, and to know my full language,
24 which I don't know.

25 Q. Were you and your mother talking about women's business
26 or secret women's business.

27 A. Women's business.

28 Q. Did either you or your mother discuss what either of you
29 meant by women's business.

30 A. See, to know traditional women's business, you had to be
31 initiated to have such knowledge, and because we don't
32 live in our cultural ways and we don't have - we don't
33 get initiated to have this knowledge, it was a lot of
34 concern to me.

35 Q. Did you understand that, first of all, there used to be
36 women's initiation ceremonies.

37 A. I understood there was.

C.A. RAYNER XXN (MISS NELSON)

- 1 Q. And that men weren't allowed to have anything to do with
2 those ceremonies or know anything about them.
- 3 A. Yes, that's correct.
- 4 Q. And unless you were initiated, you didn't learn the
5 things that women learnt in the initiation ceremonies.
- 6 A. That's correct.
- 7 Q. So, to that extent, that knowledge was secret to the
8 people who had been initiated.
- 9 A. Who had been initiated, yes.
- 10 Q. Had your mother been initiated.
- 11 A. I don't know.
- 12 Q. Did you ask her.
- 13 A. No.
- 14 Q. When you and your mother were having this discussion,
15 was it along the lines of secret women's business in the
16 sense of what an initiated woman would have learnt or
17 been taught.
- 18 A. Can you rephrase that again, please?
- 19 Q. Yes. You see, you and your mother are talking about
20 women's business, and I am asking you questions about
21 women's business. I am not sure that I really
22 understand what you and she were discussing. Were you
23 simply discussing the knowledge that an initiated woman
24 would have acquired.
- 25 A. No.
- 26 Q. You tell me what you were discussing with your mother.
- 27 A. Women's business. There is traditional women's
28 business, which there was no - which I had no knowledge
29 of, and I suppose my mother had - probably had no
30 knowledge of, but there is women's business in a
31 day-to-day basis.
- 32 Q. What is the nature of the business.
- 33 A. Beg your pardon?
- 34 Q. What is the nature of the women's business.
- 35 A. I suppose being pregnant, knowing what pregnancy is
36 about, which I don't know myself, what women talk about.
37 You know, it is a day-to-day basis of the women's
38 business and women's knowledge.

- 1 Q. Is it the case that you understood that there was a
2 particular place where initiation ceremonies took place
3 of the Ngarrindjeri women.
- 4 A. There was a place that was mentioned, which I will not
5 mention, under the - the knowledge I have of another
6 place of women's business is not Hindmarsh Island.
- 7 Q. You have said that, in your statement, but you got the
8 name of this place from your mother.
- 9 A. Yes.
- 10 Q. Before that, I take it you didn't know anything about
11 the significance of this place -
- 12 A. No.
- 13 Q. Which has to be kept secret.
- 14 A. No.
- 15 Q. Is it the case that, first of all, as you understand it,
16 men aren't allowed to know about this place.
- 17 A. Men are not supposed to know about women's business.
- 18 Q. And men aren't allowed to know about this secret place
19 where initiation ceremonies were carried out.
- 20 A. Yes, as far as I was told.
- 21 Q. And that's what your mother told you.
- 22 A. Yes.
- 23 Q. You have said that you are not certain, I don't think,
24 that your mother was initiated.
- 25 A. I don't think so, no.
- 26 Q. Did you have an impression from her that she had a
27 little bit of knowledge about Aboriginal tradition in
28 the past, but not a complete knowledge.
- 29 A. I suppose so, yes. I suppose, you know, I mean, she had
30 knowledge of it to be sacred and, I suppose, secret,
31 because we don't live in our culture ways.
- 32 Q. Did your mother tell you where she got her knowledge
33 from.
- 34 A. No.
- 35 Q. I appreciate you don't want to name this place that you
36 have spoken of.
- 37 A. I will not name it. I clearly state that.
- 38 Q. Was it an island.

- 1 OBJECTION Mr Meyer objects.
2 MR MEYER: That really is a narrowing of the field,
3 when someone says they don't want to say something.
4 MISS NELSON: I understand that, but -
5 COMSR: I don't think that really reveals a
6 place, to say whether or not it is an island, Mr Meyer.
7 WITNESS: I won't say any form or size of the
8 place. So, I refuse to say it.
9 XXN
10 Q. Did your mother tell you why this place was secret and
11 sacred for women.
12 A. If you live in your culture ways - if you live in your
13 culture ways, you will have the knowledge. If you don't
14 live it, you will have no knowledge.
15 Q. You haven't lived in your cultural ways, have you.
16 A. No.
17 Q. Have you got that knowledge.
18 A. No.
19 Q. Have you been able to get that knowledge.
20 A. No.
21 COMSR
22 Q. Who, as far as you know, was the last member of your
23 family who lived in the culture ways, as you put it.
24 A. I wouldn't have a clue.
25 Q. Do you know whether or not your grandmother did.
26 A. Probably on my father's side.
27 XXN
28 Q. When this issue connecting Hindmarsh Island with secret
29 women's business arose.
30 A. Yes.
31 Q. That made you very curious, didn't it.
32 A. Yes.
33 Q. Your mother came to stay with you at Murray Bridge
34 overnight on an occasion.
35 A. Yes.
36 Q. And I think you had a conversation with your mother
37 where you said to her 'You told me about secret women's
38 business', in connection with that place that you don't

C.A. RAYNER XXN (MISS NELSON)
(MS PYKE)

1 want to name.

2 A. Yes.

3 Q. She didn't answer your question, did she, about secret
4 women's business relating to Hindmarsh Island. Her
5 answer was 'It's best not to look back at things and get
6 on with life and look at the future.'

7 A. Yes, because we don't live in our cultural ways.

8 Q. But it is the position, isn't it, that, when you put it
9 to your mother 'Is there anything to do with Hindmarsh
10 Island and secret women's business?', she didn't say yes
11 or no, she just said 'It's best not to look back at
12 things. It's best to look at the future.'

13 A. That's correct.

14 Q. There was a certain point beyond which you couldn't
15 really get any more information out of your mother. She
16 didn't want to talk about it.

17 A. That's right.

18 MR KENNY: I have no questions.

19 CROSS-EXAMINATION BY MS PYKE

20 Q. Your sister, Amelia, is older than you.

21 A. Yes.

22 Q. Have you spoken with her at all about this information
23 that your mother gave you about secret women's business
24 related to a particular secret and sacred site.

25 COMSR: I don't know that the witness has said
26 that, that it is a secret sacred site.

27 MS PYKE: It is in her statement that it is a
28 site, that it is secret and sacred. 'I don't wish to
29 name this place. As I understood from my mother', etc.

30 XXN

31 Q. You understand, from what your mother said, that there
32 was business that was secret to women and not known to
33 men and shouldn't be told to men.

34 A. That's right.

35 Q. And that it related to a site and that site should be
36 kept secret from men.

37 A. Can you repeat it again, because you are sort of like
38 twisting something there.

C.A. RAYNER XXN (MS PYKE)

- 1 Q. I am just reading from your statement. I am not trying
2 to twist or confuse. We are talking about women's
3 business that your mother lead you to believe was secret
4 to women.
- 5 A. Yes.
- 6 OBJECTION Mr Abbott objects.
- 7 MR ABBOTT: She doesn't say that in her statement.
- 8 MS PYKE: It is for me to question.
- 9 MR ABBOTT: You are presenting that as being in her
10 statement and it is not.
- 11 MS PYKE: I am moving on.
- 12 MR ABBOTT: If you want to put what is in her
13 statement -
- 14 MS PYKE: I have asked a question -
- 15 COMSR: Now the witness is probably thoroughly
16 confused. Can you start again?
- 17 MS PYKE: Yes.
- 18 XXN
- 19 Q. As I understood your evidence to Miss Nelson, you have
20 said that your mother told you about business, women's
21 business, that was secret to women.
- 22 A. Yes.
- 23 Q. And not to be told to men.
- 24 A. Yes.
- 25 Q. Do I understand you to say that that business, that
26 secret business, has a connection with a site, a place.
- 27 A. A place. It doesn't say site. `A place'.
- 28 Q. That secret women's business has a connection with a
29 place and that place is to be kept secret from men.
- 30 A. Secret, yes.
- 31 Q. And that that place is sacred.
- 32 A. Yes.
- 33 Q. Have you talked about that, that issue of the women's
34 business, the place and the sacred nature of the place
35 to your sister, Amelia.
- 36 A. Yes.
- 37 Q. From what Amelia has said to you, did your mother talk
38 to her about this, as well.

- 1 A. I don't know.
2 Q. You don't know.
3 A. I don't know.
4 Q. Have you told Amelia much like you are telling us here
5 today.
6 A. Yes.
7 Q. Have you given her the information about the particular
8 place.
9 A. Yes.
10 Q. Is it fair to say that your sister, Amelia, now knows
11 what you know about the place and where it is.
12 A. Yes.
13 Q. I don't want you to tell me, but Amelia knows.
14 A. Yes.
15 Q. But you don't know whether she has got that only from
16 you, or whether your mother told her, as well.
17 A. I don't know. I wouldn't know.
18 Q. When you and your sister, Amelia, talked about that
19 topic, did you raise it with her, or did she raise it
20 with you.
21 A. I raised it with her.
22 Q. When was that. Can you remember when you first talked
23 to your sister about that.
24 A. Probably this year sometime.
25 Q. Is that something that you have raised with your sister,
26 Amelia, since this business about Hindmarsh Island
27 arose, since you have been aware of Hindmarsh Island.
28 A. Yes.
29 Q. When you heard about the Hindmarsh Island business, did
30 that jog your memory that you had heard this information
31 from your mother, when you were 16.
32 A. Yes, it jogged my memory at the time of listening to it
33 on the news when I was living down at Murray Bridge.
34 Q. Is it fair to say that, until that happened, you had
35 forgotten that your mother had spoken to you about this
36 other place.
37 A. Yes.
38 MR ABBOTT: No questions.

1 CROSS-EXAMINATION BY MR SYKES

2 Q. When you were reminded of what your mother told you
3 about this place and then you spoke to her at this house
4 at 18 Robin Street, Murray Bridge, your mother
5 remembered that conversation, I think you say, is that
6 right.

7 A. Yes.

8 Q. You say in your statement, at p.5, 'In the course of the
9 conversation, I asked my mother something along the
10 lines that she had told me about secret women's business
11 in connection with that place which was not Hindmarsh
12 Island or Goolwa', is that right.

13 A. Yes, that's right.

14 Q. Is it correct to say that, having heard on the radio or
15 the news that there was a claim that there was women's
16 business to do with Hindmarsh Island, you were raising
17 that subject with your mother.

18 A. Yes.

19 Q. Were you raising it with her because she hadn't told you
20 anything about women's business connected with Hindmarsh
21 Island.

22 A. Yes.

23 COMSR

24 Q. So that I am clear about this: the only person who has
25 told you, as I understand what you are saying, that
26 there is secret women's business connected with
27 initiations and related to a particular place is your
28 mother.

29 A. Yes, to my knowledge, my mother's - what my mother had
30 told me and even my aunties, to know any of this
31 business, you have to be initiated and live your
32 traditional ways. And, because we don't live our
33 traditional ways now, I mean, to bring up something that
34 is sacred to our Ngarrindjeri women and to have respect
35 for our Elders way before probably I was even born, way
36 before we was even born and to respect your culture. To
37 have this knowledge of things splurged out in public is
38 nonsense. It is putting disrespect against our tribal

- 1 traditional women. And I believe very strongly that all
- 2 of this about Hindmarsh Island and what has been said
- 3 out publicly, I mean, it is spiritually damaging to us,
- 4 as Ngarrindjeri women.
- 5 CONTINUED

1 It is a shame that when you do such thing you must do it
2 in privacy, not taking things from that was given
3 from white men, it has got to be handed down.

4 Q. I understand what you are saying so, you don't like the
5 idea of people giving television interviews and
6 interviews to the press.

7 A. Yes.

8 Q. And discussing these things.

9 A. Yes and people to have this sort of so-called knowledge
10 of things, I mean, they're not traditional, they don't
11 live their traditional ways, they are not traditional
12 and it does put a scarring on the women itself,
13 spiritually scarring on them.

14 XXN

15 Q. Just getting back to the conversation with your mother
16 again. You did remind her that she had told you about
17 women's business in connection with a certain place,
18 which was not Hindmarsh Island or Goolwa, you reminded
19 her of that.

20 A. Yes.

21 Q. She obviously remembered the conversation because she
22 answered `yes.'

23 A. Yes, that's correct.

24 Q. In that conversation, she didn't give you any indication
25 that there was any connection between Hindmarsh Island
26 and women's business, is that right.

27 A. No, not with Hindmarsh Island.

28 Q. Just to clear one matter up. In describing your time at
29 Point McLeay, you said on p.2, that you remember the
30 families that lived there.

31 A. Yes.

32 Q. And you have given a list of the families, the Rigney's,
33 Sumners, Longs, Goldsmiths, Rankines, Karpanys, Gollens
34 Carters and Lindsays.

35 A. I missed out two families; Wilsons and Kartinyeris.

1 RE-EXAMINATION BY MR SMITH

2 Q. Can I ask you, you know, the area from Victor Harbor,
3 right along the coast, to Goolwa and Hindmarsh Island
4 and then the Lakes area, up the river to Wellington.

5 A. Yes.

6 Q. Can you tell us, at least, whether or not you have said
7 this, this place is not Hindmarsh Island or Goolwa.

8 A. Yes.

9 Q. Can you tell us, are you able to tell us that it is not
10 in that wider area that I have just indicated. That is
11 that this place is not in the areas or is in the area
12 stretching from Victor Harbor, right down to Goolwa,
13 Hindmarsh Island and through the Lakes area, up to
14 Wellington.

15 A. It is not in the area.

16 COMSR: We have to adjourn.

17 A. I would just like to ask, as one of the youngest members
18 of the Ngarrindjeri women, I would like to ask for the
19 handing of them letters, the letters that were sent to
20 Tickner, I would like to request them letters to be
21 handed to our Elders of the Ngarrindjeri tribe, all
22 Elders, include all Elders.

23 Q. Are you talking about the sealed envelopes.

24 A. The sealed envelope to be given to all Elders under the
25 condition, I want to know the truth, I am seeking the
26 Truth and I want to know the truth and the truth reveals
27 within them letters.

28 Q. I appreciate that you would, but whether or not I am in
29 any position to do that, of course, is another matter.

30 A. Thank you.

31 NO FURTHER QUESTIONS

32 WITNESS RELEASED

4678
MST 52S

1 COMSR: I don't propose to treat these
2 statements any differently from the others, but pretty
3 well everything has been canvassed.
4 MR SYKES: I understood that the statements would
5 form the evidence-in-chief. Had I known that they
6 wouldn't be published I would have taken or, at least,
7 have asked that the witnesses go through their
8 statements.
9 COMSR: Was there some understanding given?
10 MR SMITH: I don't think Mr Sykes would suggest I
11 led him to believe that. We didn't discuss the question
12 of publicity, but he might have assumed.
13 MR SYKES: I assumed we were trying to hasten
14 matters by using the statements as evidence-in-chief.
15 It never occurred to me that what would be published is
16 that disjointed.
17 COMSR: Very little actually gets published, if
18 I can put it that way.
19 MR SYKES: I agree, but, it is up to us as to what
20 gets published, once it is in the public forum.
21 COMSR: If that has been the basis upon which we
22 have proceeded this afternoon.
23 MR SYKES: It has been the basis upon which I have
24 proceeded.
25 COMSR: In that case, if that has been the
26 assumption.
27 MR SYKES: I would ask that my clients' statements
28 be released.
29 MR MEYER: They are the only four I am referring
30 to, unless we proceed again in that way, in which case
31 any person who calls a witness can indicate what their
32 attitude is.
33 MR SMITH: I will make arrangements to release
34 those to the press.
35 ADJOURNED 5 P.M. TO WEDNESDAY, 25 OCTOBER 1995, AT 9.30 A.M.

4679
TN 53A

A.S. CAMPBELL XXN (MR SYKES)

1 COMSR STEVENS
2
3 HINDMARSH ISLAND BRIDGE ROYAL COMMISSION
4
5 WEDNESDAY, 25 OCTOBER 1995
6
7 RESUMING 9.40 A.M.

8 A.S. CAMPBELL ENTERS WITNESS BOX

9 MR SYKES: Amelia Campbell specifically requests
10 that she gives evidence-in-chief. You have before you
11 the statement.

12 COMSR: And you wish to lead her through.

13 MR SYKES: And she asked that I lead her through
14 the evidence.

15 COMSR: Consistent with the practice that I've
16 adopted with Mr Abbott's clients where I've permitted
17 him to lead them through their evidence, I propose to
18 allow that as far as you're concerned.

19 CROSS-EXAMINATION BY MR SYKES

20 Q. You have given a statement to the commission which is an
21 exhibit.

22 A. Yes.

23 Q. You have a copy of that statement with you, do you.

24 A. Yes, I have.

25 Q. You were born on 31 December 1948 at Point McLeay, is
26 that correct.

27 A. That's correct.

28 Q. Your brother is Allan Campbell, is that correct.

29 A. That's correct. I was born at Point McLeay on 31
30 December 1948, and I went to school at Point McLeay to
31 grade 6 and, at grade 7, I went on to Meningie area
32 school to grade 7, then I left Meningie area school and
33 went to work, because I was brought out of school by my
34 mother.

35 Q. What work did you do.

36 A. On the mission there, I worked in Point McLeay clinic as
37 a nurses' aid under the registered nurse at Point
38 McLeay. There was two nurses there at the time, one of

A.S. CAMPBELL XXN (MR SYKES)

- 1 them was Nita Randall and the other was Lois O'Donoghue.
2 Also we had to assist Dr Gooden when he came down to the
3 mission, and also as a childcare, looking after kids on
4 Point McLeay, and cleaning houses for workers like the
5 sisters that run the mission.
- 6 Q. Did you get to know most of people at Point McLeay.
7 A. I know all the people on Point McLeay.
- 8 Q. Your mother was Stella Lena Campbell.
9 A. My mother was Stella Lena McHugh. She married a
10 Campbell, yes.
- 11 Q. Did your mother ever tell you about women's business.
12 A. No, she never.
- 13 Q. In your statement, you refer to your grandfather, David
14 Unaipon.
15 A. Yes. My grandfather, because I was so attached to my
16 grandfather David on Point McLeay, I spent more time up
17 on the hill than what I did on the top row where my
18 mother lived, but I also was there for my mother, I helped
19 my mother and all of her children but, like I said, I
20 spent more time up on the hill with my two grandfathers,
21 Grandfather Creighton and also Grandfather David.
- 22 Q. He told you certain things about your Aboriginal
23 history, did he.
24 A. Yes, he did.
- 25 Q. You've mentioned in your statement that at one stage you
26 were asked him why there were no more full blood
27 Aboriginal people about.
28 A. Well, yes, I did ask him because when we go to school at
29 Point McLeay, we had books about a lot of tribal, photos
30 of all the tribal people, and I couldn't understand why
31 there was so many half-caste people on Point McLeay and
32 he was the only full blood there, him and his son,
33 Telmege, and also Grandfather Creighton and Grandfather
34 Hooksey, his son, and I did ask, and he turned around
35 and he said to me, he said `Because we kept our
36 responsibilities to our half-caste kids, that it wiped
37 out the full blood Aboriginal Ngarrindjeri nation,
38 that's why there is half-caste people on Point McLeay

A.S. CAMPBELL XXN (MR SYKES)

- 1 and there is no tribal people there'.
2 Q. You've referred to that in your statement, and you've
3 spoken about the things that your grandfather told you
4 about keeping children, the half-caste children.
5 A. Well, in this statement here, my statement here - I've
6 got here to refresh my memory, yes - he told me when I
7 asked him about the half-caste, 'How come there are a
8 lot of half-caste here, including myself', he turned
9 around and he said, he told me that when the white man
10 first invaded the Ngarrindjeri nation, they raped and
11 murdered our men, women and kids, and they got the women
12 pregnant, and when Aboriginal women got pregnant, they
13 were not outcast of the tribe, and the tribes kept their
14 responsibility because that was a part of them.
15 Q. So in other words, they kept the children.
16 A. They kept the children, yes.
17 Q. Did your grandfather write books about Point McLeay.
18 A. Yes, he did.
19 Q. And Aboriginal history.
20 A. He wrote a lot of books about the Ngarrindjeri ways, the
21 Ngarrindjeri nation ways. A lot of that he buried on
22 Point McLeay before he died, but I can't remember where,
23 because I had a blockage myself when I left the mission.
24 Q. But you have a copy of a book of his.
25 A. I've got one on me now, yes, which I know that he wrote
26 this book, because I'd been in the same situation as he
27 was. That's how I know it's the truth what he got here.
28 Q. You have been a spokesperson for Aboriginal Ngarrindjeri
29 women from time to time, haven't you.
30 A. All my life. When I left the mission, I've been all
31 over Australia. I helped so many that was out there
32 that was homeless and nowhere to go. I've always fed
33 them and clothed them and trying to do the best to get
34 them off the drink. I was a drunk myself, and only for
35 the Uniting Church at Lockleys, a certain family there,
36 a white family that supported me and helped me, and
37 because she showed me what love and kindness - this is
38 what my grandfather showed me years ago - that's why I

A.S. CAMPBELL XXN (MR SYKES)

1 help other Aboriginal women, people, women in the same
2 as I was in that nobody didn't care about them, not even
3 any Aboriginal organisation don't cater for the
4 Aboriginal people in the community.

5 Q. You've taken a great interest in Aboriginal and
6 particularly Ngarrindjeri women's affairs, haven't you.

7 A. Well, a lot of the Aboriginal women can't speak up for
8 themselves, they have got to have someone speak up for
9 them and do the talking for them. What I'm trying to do
10 is take them on the radio and stop the abuse of
11 Aboriginal women, what they are going through with the
12 welfare system and also the court system, and because a
13 lot of them had been totally destroyed by what this
14 system is doing to them, and the reason why I take them
15 on radio is so they can speak up for themselves instead
16 of having other people to speak up for them. The women
17 that I took on radio, and Channel 2 radio with Jan Smith
18 and Julia Lester, those women are healed today. They
19 had no idea that they were speaking to thousands of
20 people out there and, because of that, they can speak up
21 for themselves, and that's the healing they got within
22 themselves.

23 Q. On p.7 of your statement, you refer to the Goolwa
24 meeting that you went to.

25 A. Yes.

26 Q. Was it the case that you were interested in attending a
27 meeting where you anticipated there would be
28 Ngarrindjeri women.

29 A. Yes.

30 Q. Is that why you were interested in that meeting.

31 A. Yes, so I could give - me and my sister been missing out
32 on a lot of Aboriginal women's meeting, was never told
33 that there was women's meetings on, and when I was told
34 about - Patrick Byrt came around to my place and told me
35 that there was a meeting down at Goolwa, the Aboriginal
36 Ngarrindjeri women's meeting, and I think 'This is
37 good', you know, 'I'll be able to go and put some of my
38 views across'. So I rang Douglas Redpath up, and I

A.S. CAMPBELL XXN (MR SYKES)

- 1 asked my sister, Merva Varcoe, if she wanted to put
2 Aboriginal women's, what trouble she has got today.
3 This is the sort of meeting that we thought was going
4 on, so Douglas rang up, rang up this doctor, and he is a
5 Chinese man called Andy, and he took us down, me and
6 Merva down to Goolwa.
- 7 Q. Had you first tried to get a bus down there with the
8 resource centre called Konanda.
- 9 A. Yes. I was told that there was a bus from Konanda was
10 going. Konanda is the Aboriginal Women's Resource
11 Centre down at Kilburn or something, Grand Junction
12 Road, was going down to that meeting, and I rang them,
13 and I spoke to Shirley Piersley if me and my sister
14 could get a lift down to Goolwa for the Ngarrindjeri
15 women's meeting. She replied `Sorry, the bus is full,
16 full up. There is no room in the bus, and also it is a
17 private meeting', and I was shocked, what is a
18 Ngarrindjeri women's meeting, and yet me and my sister
19 Merva are Ngarrindjeri women, why couldn't we go down to
20 put our views across with Aboriginal women, you know,
21 for what we know.
- 22 Q. Was it after that that you made the arrangements through
23 Douglas Redpath.
- 24 A. Yes, it was after that.
- 25 Q. For the trip with Andy.
- 26 A. For the trip with Andy, yes.
- 27 Q. Did you, in fact, go down to Goolwa with Andy and Merva.
- 28 A. Yes. Merva and her kids and Andy and I went down to
29 Goolwa in a car and, when we got there, we drove to the
30 ferry. Then we met the Aboriginal women returning in
31 buses and cars from Hindmarsh Island to the mainland,
32 and we was told to follow them. We finished up in the
33 back shed, in somebody's back shed, but I found out it
34 was Rocky Marshall's house after we was there.
- 35 Q. At that meeting in his shed, you asked questions of
36 Doreen Kartinyeri and Shirley Piersley, did you.
- 37 A. Shirley Piersely and her sister Vi Deuschle opened the
38 meeting, and there was all the rest of the Ngarrindjeri

A.S. CAMPBELL XXN (MR SYKES)

- 1 women what was there at the meeting, and she opened that
2 meeting.
- 3 COMSR
- 4 Q. Who did you say.
- 5 A. There was Shirley Piersley and Vi Deuschle, the one that
6 opened the meeting, and Doreen Kartinyeri.
- 7 Q. Who was at the meeting.
- 8 A. The rest of the other Ngarrindjeri Aboriginal women.
- 9 XXN
- 10 Q. How many, approximately.
- 11 A. There must have been about two buses full from Murray
12 Bridge, and some from Point McLeay, some from Meningie,
13 and the Konanda bus from Adelaide.
- 14 Q. Were these large buses.
- 15 A. They was big buses, yes, but with about 24 seats in both
16 of them I suppose.
- 17 Q. About 50 people.
- 18 A. It wouldn't be 50 Ngarrindjeri Aboriginal women was
19 there, there was a lot of white people at the meeting
20 too, and a lot of white men was there too.
- 21 Q. How many Ngarrindjeri women were there.
- 22 A. Must have been about 30.
- 23 COMSR
- 24 Q. Are you saying there were about 50 people altogether,
25 and 30 of them were Ngarrindjeri women.
- 26 A. No, in the shed I'm saying there is 30 Ngarrindjeri
27 women that was there, what I could see, because all of
28 them are my relations.
- 29 Q. Yes. You said there were some others, altogether was
30 there about -
- 31 A. That was altogether, 30, but there was a lot of white
32 people was at that meeting, and white women and white
33 men was there, some from trades union, environment, yes.
- 34 XXN
- 35 Q. How many other people, apart from Ngarrindjeri women,
36 would there have been.
- 37 A. Must have been 50.
- 38 Q. On top of the 30.

A.S. CAMPBELL XXN (MR SYKES)

1 A. On top of the 30 Ngarrindjeri what was there. Close on
2 50 anyway.

3 COMSR

4 Q. We're talking about 80 people altogether, 30 plus 50.

5 A. Yes. It was a pretty big shed.

6 XXN

7 Q. Did you ask Doreen Kartinyeri or Shirley Piersley
8 questions at that meeting.

9 A. I asked Doreen Kartinyeri and Shirley Piersley and Vi
10 Deuschle, the women who were in charge of the meeting,
11 if there was any family - hang on, you got my mixed up
12 here. When I found out that the meeting was only for
13 Rocky Marshall to apologise to Doreen Kartinyeri, I woke
14 up that there was something wrong with this meeting,
15 that it wasn't for women's meeting after all, what we
16 were supposed to go down there for was only the meeting
17 to stop the Hindmarsh Island bridge, then I asked Doreen
18 Kartinyeri, Shirley Piersley and Vi Deuschle, the women
19 who were in charge of this meeting, was there any family
20 members of the traditional owners at this meeting, and
21 if they were asked to go to that meeting for the
22 Ngarrindjeri women. That's what I asked her.

23 Q. Could you see people you recognised as members of the
24 traditional families.

25 A. One. That was Sarah Milera.

26 Q. Sarah Milera.

27 A. Yes. You see I don't know the history of the rest of
28 the other Ngarrindjeri women there, where they come
29 from, where they go back, who the ancestors are, I don't
30 know that.

31 Q. What was the response from those women.

32 A. They all yelled at me, screamed at me, they went off
33 their, you know, they all had their sayings with me.
34 Maybe about three of four of them never said nothing,
35 but the rest of them all was yelling and screaming at me
36 and told me to get out of that meeting. They all had
37 their say. Around about three, the ones that never said
38 nothing.

A.S. CAMPBELL XXN (MR SYKES)

1 Q. Who are they, by the way. Can you remember who they
2 were.

3 A. I think Dorrie and two of them sitting at the back
4 there, they never said nothing. Shirley and Helen
5 that's sitting at the back of the court here.

6 Q. Shirley.

7 A. Shirley Gollan and Helen Trevorrow.

8 Q. Is that Dorrie Wilson, the other one.

9 A. Dorrie Wilson and the rest of them yelled and screamed
10 at me. There is another one there too that never said
11 anything.

12 Q. Who is that.

13 A. I think it must have been one of the Rigney girls.
14 There was a lot there. But they all yelled and screamed
15 at me and told me and my sister to get out of that shed
16 and this is no business of me and my sister. In other
17 words, we wasn't classified as a Ngarrindjeri Aboriginal
18 woman.

19 Q. Your sister being Merva.

20 A. And my sister being Merva, which she's the only, at that
21 meeting, traditional owner, and she had more rights in
22 that building than anybody else did. That's to my
23 knowledge, anyway.

24 Q. P.9 of your statement you say that the women got up and
25 walked out of the shed to get away from you.

26 A. The women got up and walked away from me, yes, and they
27 left after. They were on their way back to Hindmarsh
28 Island, because I heard one of the women say that
29 they're going back to the island.

30 Q. You didn't go to Hindmarsh Island with them.

31 A. When all the women left, Sarah came up to me and Merva
32 and she said `Sister, I'm sorry about how this meeting
33 went', you know. She's the only one that ever came up
34 to us and said sorry.

35 Q. But you didn't go to Hindmarsh Island with them.

36 A. I said `Sarah, where are you going to?' And she said
37 `Back to Hindmarsh Island'. So we walked outside, me
38 and my sister Merva, and there were Doreen Kartinyeri

A.S. CAMPBELL XXN (MR SYKES)

1 and there was another woman standing next to her, a
2 white woman standing next to Doreen, and there was a
3 Konanda bus there. When we looked at the Konanda bus it
4 was empty. There was plenty of room for me and my
5 sister to go to that meeting. There was only about
6 three or four of them on that bus, and it was a twelve
7 seater bus - or it might be more, I don't know. And
8 Doreen was standing outside with this white woman. I
9 said to Doreen - I asked Doreen where the meeting was on
10 Hindmarsh Island, and she was upset after yelling at me
11 and going off in the shed at me, that it stopped their
12 meeting. They didn't have a meeting there anyway. When
13 I asked her where the meeting was on Hindmarsh Island,
14 she yelled at me and she said the other women didn't
15 want me over there at the Hindmarsh Island where there
16 was having a meeting. They didn't want me there - me
17 and my sister Merva there, and that's when I said to her
18 'Me and my sister Merva got more rights to go to that
19 meeting as a Ngarrindjeri Aboriginal woman' and this
20 woman that was standing - white woman that was standing
21 next to her, she said 'Be told, they don't want' - 'the
22 women don't want you over there'.

23 Q. Do you know who that white woman -

24 A. I found out it was Dr Fergie. And me and my sister was
25 standing there and she turned around and said 'Be told',
26 because me and Doreen was arguing. For a white woman to
27 tell me that, she had no need to be - and then the
28 reason why I came back to Adelaide, because I had a lot
29 of respect for a lot of those Ngarrindjeri Aboriginal
30 women from Point McLeay, and because they left myself
31 and my sister, we was hurt about it, that we was told by
32 Doreen and by Fergie that they didn't want us there, you
33 know, we automatically got up and came back to Adelaide,
34 because by the time we walked out the shed and seen them
35 gone, we said 'Well, this is our people', you know, 'Why
36 they had to tell Doreen that they didn't want me here?'
37 You know, that hurt me and my sister Merva, because a
38 lot of them are my relations, and I had a lot of respect

A.S. CAMPBELL XXN (MR SYKES)

- 1 for them. I had no idea that that meeting would turn
2 out to be of hate in the end and divide a wall between
3 us, because that's how me and my sister felt, like we
4 wasn't one of our own Ngarrindjeri Aboriginal women.
- 5 Q. You say you came back to Adelaide.
- 6 A. Yes, that doctor brought us back to Adelaide here.
- 7 Q. You mention in your statement that you telephoned your
8 brother, Allan Campbell.
- 9 A. I rang Allan up from Adelaide and I said there was a
10 meeting at Goolwa, and I told him what I said there, and
11 he told me what to put down in the letter, to go down
12 and have a protest.
- 13 Q. Incidentally, the day that you attended at Goolwa, and
14 you went to the meeting that you weren't wanted at, was
15 that a Saturday.
- 16 A. Yes, it was. It was the meeting in the shed with Rocky
17 Marshall. Then we went to protest the next day down at
18 the ferry, me and my cousin, Donny Smith, like I said,
19 and he, the doctor, took us down there.
- 20 Q. You mention that on page 10 of your statement, you went
21 to protest.
- 22 A. We went to protest that the meeting was invalid because
23 none of the traditional owners was at that meeting,
24 because they should have consulted Merva in Adelaide.
- 25 Q. You had a pamphlet to hand out, did you.
- 26 A. Yes. We put all the pamphlets around at the bridge,
27 that ferry there, and -
- 28 Q. Did you also have placards.
- 29 A. Yes, we also had placards to say that - once I came back
30 and read it in the paper, the meeting at Rocky
31 Marshall's, what they put in the papers, and I put down
32 on the placards that we are living in a white man's
33 black history.
- 34 Q. Who was there protesting. You were there.
- 35 A. Yes, me and Donny Smith.
- 36 Q. Your cousin.
- 37 A. My cousin, yes.

A.S. CAMPBELL XXN (MR SYKES)

1 Q. While you were protesting at the ferry terminal, did you
2 see again Aboriginal -

3 A. Yes. We was protesting at the ferry there and later in
4 the afternoon the buses came over with all the
5 Ngarrindjeri Aboriginal women - was in the bus, and I
6 said to Donny `We will pack up and we'll go' because all
7 the women came over. And then I seen Douglas Milera's
8 car across the other side of the ferry, and I said to
9 Donny `Hang on, there's something wrong here, brother.
10 How come all the women came over and all the men was
11 like - how come Douglas Milera's car and Sarah Milera's
12 car was across the other side?' And he said to me
13 `Yeah, we'll stick around for a while, sister'. So we
14 did. Then the cars came over. It started to get a bit
15 late, the cars come over, and then we seen everybody
16 when they came over. It was all the men. Then I said
17 to Donny `How come that this meeting is for Ngarrindjeri
18 Aboriginal women, and how come all the men came over?
19 That's kind of strange.'

20 Q. Some time after that meeting, I believe you telephoned
21 Professor Saunders, Cheryl Saunders.

22 A. Yes. Later I rang Professor Saunders in Melbourne from
23 the post office in Adelaide there, the main post office,
24 and I spoke to her secretary and informed her that the
25 meeting they had was invalid because no custodiate
26 family were at that meeting, and she said `Ring
27 Professor Saunders'. So I rang again, and I remember
28 speaking, I don't know, to her or somebody - I think it
29 was her that I was speaking to, and she said that she
30 already sent the letter, final notice, to Tickner, Mr
31 Tickner, and that it was already gone, and she didn't
32 need any testimony from me. She wasn't even interested
33 to talk to me. She said she got all the statement from
34 Doreen Kartinyeri about the meeting. That was told to
35 me over the phone, so what's the use of talking to her?
36 So I hung up.

37 Q. You mentioned that you have never been told by your
38 mother about any women's business issues.

A.S. CAMPBELL XXN (MR SYKES)

- 1 A. No. Like I said, when I was living on Point McLeay, my
2 mind was always in confusion. Even today my mind has
3 been confused because so many things have been put into
4 my head, and now I been going to church because I'm
5 trying to rest with a lot of things that have been put
6 into my head on Point McLeay about David Unaipon and his
7 son Telford Unaipon. I was told by many a people on
8 Point McLeay that Telmege Unaipon was my father and
9 David Unaipon was my grandfather - by many members of
10 Point McLeay. Auntie Foffon and Annie Rankine told me;
11 Allan Campbell, my father, told me. I don't know,
12 because I can't understand I been a loner all these
13 years, apart from my family. I love my family, but all
14 these things have been put into my head by my
15 Grandfather Creighton and Uncle Hooksey, and I have to
16 live with that for the rest of my life, with all these
17 confusions, and it tore me apart from the rest of my
18 family and today living, because I've always been apart
19 from my family because of this. And I was also told
20 that I had a brother 20 years older than me, Telford
21 Unaipon, which I am going over, after this Royal
22 Commission is finished, to go and look for him and go
23 for a DNA test, you know. All these things that was
24 told to me on Point McLeay was a confusion there in my
25 mind. I even also had psychiatric help because of it,
26 13 and a half years under psychiatric treatment because
27 of my confusion inside of me, what I'm going through at
28 the moment. My brothers and sisters don't know. My
29 brother - my two brothers were taken off the mission
30 when they was very young, and I had to look after - my
31 older sister died, and I had to look after my mother and
32 my brothers and sisters. So, you know, I still love my
33 mother, although that we never shared anything. We
34 wasn't close because of the confusion.
- 35 Q. The claim that there is secret sacred women's business
36 linked to Hindmarsh Island has concerned you, hasn't it.
- 37 A. A lot - since this Royal Commission has been on, a lot
38 of things have come - my memory have been coming back to

A.S. CAMPBELL XXN (MR SYKES)

1 me. A lot of things been coming back to me. Like I
2 said, I spent a lot of time around my grandfather - my
3 two grandfathers, Grandfather Creighton and Grandfather
4 David. They told me many stories growing up on the
5 mission. They also told me a lot of women's business on
6 Point McLeay, you know, what the Ngarrindjeri people
7 used to do years ago. They also told me about my own
8 womanhood, which my mother should have told me, but,
9 like I said, I wasn't very close to her. I was looking
10 after the children more than her telling me anything.
11 So my Grandfather David told me everything also about my
12 own womanhood.

13 Q. But nothing was said about sacred secret women's
14 business on Hindmarsh Island.

15 A. Nothing was said, that was my two grandfathers, Uncle
16 Tolley and Uncle Hooksey never ever told me anything
17 about Hindmarsh Island, no. When I was a child growing
18 up, my father, Allan Campbell and my brothers and
19 sisters used to travel to Goolwa. Uncle Ronnie Gollan
20 used to drive the old - what them open cars? You know,
21 the back was open - the ute. We used to go down to
22 Goolwa and, because Allan Campbell didn't have a licence
23 then, Uncle Ronnie or Uncle Cecil used to drive the car
24 down to Goolwa to go and visit my mother's sister on
25 holidays because Telmege Unaipon bought that car down
26 there for me. So we used to go away on holidays. We
27 used to go down to Goolwa, either visit my mother's
28 auntie and uncle, the McHughes down there, that's my
29 mother's auntie and uncle, Grandfather Walter and Nanna
30 Maud. We used to stay at her place. We used to visit
31 the Sumners or play in the park down there. Allan
32 Campbell senior used to go over to Hindmarsh Island and
33 Uncle Ronnie Gollan used to go over to Mundoo Island.
34 They used to leave us there at my mother's aunt and
35 uncle's place. At night, when they'd pick us up in the
36 old ute, we used to drive back to Point McLeay. On the
37 way coming back they - because the window was smashed at
38 the back, you know, where the two were sitting in the

A.S. CAMPBELL XXN (MR SYKES)
(MS PYKE)

1 front there, we used to have conversations and singing
2 all the way back to the mission, and they used to tell
3 us that going down to - I said `Why you go to Hindmarsh
4 Island or Mundoo Island? And they used to say that we
5 used to go like visit our graves down there, being the
6 spirit where our ancestral people. Because we couldn't
7 understand, the only way they could bring it to us is
8 that they said `You remember when on Sundays or
9 Saturdays it was a custom for every Aboriginal woman on
10 Point McLeay to go and clean the graves out on Point
11 McLeay, take some flowers up to the graves Saturday and
12 Sundays, two off-working days?' I said `Yes'. And they
13 says `Well, that's how we are, taking ourselves instead
14 of flowers to be there in spirit with our ancestral
15 people'.

16 CROSS-EXAMINATION BY MS PYKE

17 Q. Have you got you statement in front of you.

18 A. Yes, here.

19 Q. On p.2 of your statement, you say that your grandfather
20 used to tell you about woman's business.

21 A. Yes, he did.

22 Q. What sort of woman's business did your grandfather used
23 to tell you about.

24 A. My grandfather used to tell me woman's business, but I
25 don't think I should tell you about it, because the only
26 woman's business that you should know of is the
27 womanhood business, how to have children and sex and all
28 of these things. What my mother should have told me,
29 you know.

30 Q. Is that what your grandfather told you about.

31 A. He told me a lot of stories and also the spiritual
32 woman's business side, which I won't tell you anything
33 because I don't think I should be telling you these
34 things.

35 CONTINUED

A.S. CAMPBELL XXN (MS PYKE)

- 1 Q. The spiritual women's business that you are talking
2 about, that your grandfather told you about - and I
3 don't want you to tell me what it was about.
- 4 A. No, I won't.
- 5 Q. Did he tell you that that was something that just women
6 should ordinarily talk about, it shouldn't be talked
7 about to men.
- 8 A. My grandfather's mind what he was trying to tell me is
9 that, because no members of the Point McLeay people
10 that, you know, women that he know, it should come from
11 my own mother and she never told me these things.
- 12 Q. And they were spiritual things, not just about -
- 13 A. Yes.
- 14 Q. Did you understand from what your grandfather -
- 15 A. I understand clearly what he said.
- 16 Q. I am just trying to make sure I understand.
- 17 A. Yes.
- 18 Q. So, if you bear with me: did I understand what you are
19 saying is this; that your grandfather told you spiritual
20 things about women's business that ordinarily men
21 shouldn't talk about, but he was talking to you about
22 it, because your mother hadn't.
- 23 A. My grandfather was the oldest man on Point McLeay and my
24 grandfather was a very private man, like I am. I lived,
25 like, alone on my own. My grandfather was the same.
26 Nobody - everybody said they knew him, but deep down
27 inside they didn't know him. Because I was a girl and,
28 if I was a boy, he would tell me, you know, these
29 things. Because I was girl and there was no secrets on
30 Point McLeay, because everybody knew everybody's
31 business and what was going on at Point McLeay, that he
32 told me these things. A lot of these things, yes. But
33 I think he put it in one of his books.
- 34 Q. Did you understand, from what your grandfather said to
35 you, that there were spiritual things that only boys
36 knew, that he wouldn't tell you.
- 37 A. See, my grandfather was the only Elder on Point McLeay.
38 He told me men's business, as well. So, you know, he

A.S. CAMPBELL XXN (MS PYKE)

- 1 told me both. Because maybe that he know that I would
2 put it down and give it to my daughter, because they
3 stole everything off my grandfather. They stole his
4 inventions. They stole his stories, what he had been
5 telling the museum and the library and the university.
6 All of his knowledge, they stole everything from him.
7 So, you know, why should he tell you anything, you know?
8 That's why he told me everything. That's why he took me
9 to Point McLeay, when he buried his stuff. He didn't
10 want anybody to know. Because I had a blockage in my
11 head after he left that hurt, because I couldn't attend
12 his funeral. I was taken off the mission.
- 13 Q. Your sister, Clara, has talked about your mother giving
14 her some information about some women's business that
15 was secret and related to a place that was secret and
16 sacred.
- 17 A. Yes.
- 18 Q. Were you in court when your sister gave that evidence.
- 19 A. Yes, I was in court when she gave that evidence, yes.
- 20 Q. Did your mother give you that information.
- 21 A. No, she never, but she may have gave it to Clara. I
22 don't know.
- 23 Q. You believe what Clara is saying, but what you are
24 saying is that your mother might have given her the
25 information, but she didn't give it to you.
- 26 A. No.
- 27 OBJECTION Mr Abbott objects.
- 28 MR ABBOTT: That is two questions. You believe what
29 Clara is saying and you are saying this.
- 30 XXN
- 31 Q. Do you accept what Clara is saying, that your mother
32 gave her some information.
- 33 A. She could have gave Clara information, yes. I don't
34 know, because she was so close to her other children and
35 I was distant from her, because of the confusion on
36 Point McLeay.
- 37 Q. I want to make sure I understand that: you say your
38 sister, Clara, was a bit closer to your mother than you

A.S. CAMPBELL XXN (MS PYKE)

1 were.

2 A. Yes.

3 Q. You talk about your father, Allan Campbell, at p.2 of
4 your statement, going across to Hindmarsh Island.

5 A. That's right.

6 Q. When you were growing up.

7 A. Yes.

8 Q. Did he ever talk to you about any significance of
9 Hindmarsh Island, or why he would go over there.

10 A. When we - when they used to pick us up, after they
11 finished all day whatever they was doing there, when we
12 was travelling back to the mission, he used to tell me
13 like I said in the earlier part, that he was there to
14 visit his ancestral family in spirit. You know, he
15 wanted to just be there, so he could see. There was no
16 graves. So, I mean, he was just there on the highland
17 to know that - to let them know that he was there. Just
18 like I was - I still go to Point McLeay and I still
19 visit the graves. I never go past my Grandfather David
20 and my Grandfather Creighton and Grandfather Tolley on
21 Point McLeay. I always visit the graves, because it is
22 our custom to do that, although we live off the mission.

23 Q. Allan Campbell would go there for spiritual reasons to
24 be near his family.

25 A. To be close to the family. That was the same as the
26 Gollans. The Gollans are the Kulindjeri. Peter Gollan
27 has changed his name to Gollan. Allan Campbell changed
28 his name to Campbell, because the white fellow couldn't
29 spell the name Kulindjeri. It is in the book, the
30 Tasmanian book that brother Greg Sinclair got at his
31 house and it is also in the Campbell book, if you look
32 properly at the Campbell history.

33 Q. Allan Campbell, your brother, has told the Commission
34 that he first found out about the connection with
35 Hindmarsh Island of his family from Daisy Rankine in
36 October 1993.

37 A. That's what Daisy told them, but Daisy never told me
38 nothing. It was my grandfather told me. Because I had

A.S. CAMPBELL XXN (MS PYKE)

1 this blockage in my head, I know what my grandfather
2 told me. And now I am glad that this Commission has
3 been on, because at least I can remember a lot of things
4 now, which I couldn't before.

5 Q. Did your grandfather tell you about Hindmarsh Island.

6 A. No, he never mentioned anything about Hindmarsh Island,
7 but he told me of women's business, but he never
8 mentioned anything whatsoever about Hindmarsh Island.
9 How could he? Because, you know, he told me where the
10 business were, but he never mentioned anything about
11 Hindmarsh Island. Not to my knowledge, anyway. Neither
12 of them.

13 Q. When you say he told you about where business was -
14 again, I don't want you to tell me.

15 A. No, I won't.

16 Q. Did he tell you about women's business to do with
17 somewhere not Hindmarsh Island.

18 A. Yes.

19 Q. But it had to do - it had to relate to a particular
20 place, did it.

21 A. Yes, it did.

22 Q. When did you first become aware that the Campbells were
23 connected or related in some way to Hindmarsh Island.
24 That that was significant for the Campbells.

25 A. Me and Chirpy always got together and tried to find out
26 our family history. But, like I said, me and my brother
27 had so much hate against one another, so there was a
28 distance there. But, if we didn't have that hate
29 against one another, at that time, maybe we would have
30 found out long before this would have happened.

31 Q. Did you found out - you call him Chirpy - did you find
32 out from Chirpy that the Campbells had a connection with
33 Hindmarsh Island after he found out in October 1993.

34 A. Chirpy did. No, me and Chirpy used to talk about our
35 history long before the Hindmarsh Island, when we used
36 to be in speaking terms to one another, about the - our
37 own history. Our own, like, where we come from or, you
38 know, but, because of my Grandfather David's confusion

A.S. CAMPBELL XXN (MS PYKE)

1 there and other things that went wrong between me and
2 Chirpy's personal life -

3 COMSR

4 Q. I don't know that we really need to go into personal
5 history.

6 A. But it did refreshen our memory when it did brought up
7 about the Hindmarsh Island, yes. That did take a lot of
8 things off.

9 XXN

10 Q. You have referred in your statement to your family being
11 the custodiate family in relation to Hindmarsh Island.

12 Why do you say that.

13 A. Because what I have said custodiate, because Allan
14 Campbell used to take us down there to Goolwa and I used
15 to tell my brother this, because he didn't know. He was
16 taken off the mission, him and my other brother Peter,
17 and put into McNalley's Boys Home Training Centre for
18 Youth. And, because -

19 COMSR: We are going into a lot. Is it
20 necessary to find out this family -

21 MS PYKE: No, except that, of course, this family
22 is coming to the Commission telling you they have a
23 particular relevance and significance. And I think it
24 is - I don't think I will take the question any further.

25 But, as I understood it, that is one of the reasons that
26 this family are alleging that they are relevant.

27 But, in any event, I will move on from that topic.

28 XXN

29 Q. I want to now get to the topic of the meeting at Rocky
30 Marshall's.

31 A. Yes.

32 COMSR: There is certain sensitivty about this
33 recounting the family history, in that other people's
34 names are mentioned, other than the witness herself.

35 MS PYKE: Yes, just in relation to that comment, I
36 mean, I accept that, but a lot of criticism has been
37 made about genealogies and who is connected and not
38 connected. It is hard to -

A.S. CAMPBELL XXN (MS PYKE)

- 1 COMSR: No, I wasn't just talking about the
2 genealogy itself.
- 3 MS PYKE: No, I understand what you are saying.
4 XXN
- 5 Q. Do you remember that Dr Deane Fergie was at the meeting
6 at Rocky Marshall's house.
- 7 A. No, I didn't know her and that was the first time I ever
8 met her, when she said that to me, because I asked one
9 of the other ladies who that was and she told me. And,
10 when I did ask her who that was she was sitting in the
11 courtroom here and I said 'That's the lady that was with
12 Doreen.'
- 13 Q. At that meeting at Rocky Marshall's, do you remember,
14 did people stand up and introduce themselves to the
15 meeting.
- 16 A. Doreen Kartinyeri, Vi Deuschle and Shirley Peasley
17 opened the meeting and everybody said their names at
18 that meeting. And I was still stunned for words,
19 because of the men and women were mixed. So, everything
20 was more like a shock to me, at first, before I started
21 to wake up to myself. What is it, this meeting? Is it
22 supposed to be an Aboriginal meeting? But we did get up
23 and we said our names and everything, naturally, because
24 I like to know who is who.
- 25 Q. Did Shirley Peasley make a short speech about the need
26 for reconcilliation and for Aboriginal and nonAboriginal
27 people to respect each other.
- 28 A. It was a meeting for the - we was told, before we left
29 Adelaide, that there was a meeting for Ngarrindjeri
30 Aboriginal women to attend at Goolwa there. And that's
31 the only meeting I went down there for. But, yes,
32 Shirley Peasley did say it - say something - got up and
33 said something there at the meeting when she opened the
34 meeting. But I was shocked, because there was white men
35 and there was white women and there was Aboriginal women
36 that was over there, you know, because I couldn't
37 understand what this meeting was all about. It was
38 supposed to be for a meeting for the Ngarrindjeri women.

- 1 Q. At that meeting, Doreen Kartinyeri criticised Mr Rocky
2 Marshall and was angry with him about the letter he had
3 written.
- 4 A. She asked about the letter, for him to apologise for
5 what he put in the papers about the Hindmarsh Island.
6 And that's when I woke up that this is only, you know,
7 for the Hindmarsh Island and not the Aboriginal women,
8 you know, meeting. So, that's, you know, that's when I
9 flew up and I said this meeting is, you know, did any of
10 the women have asked the tradition ownership of that,
11 you know, that was there, or any of them were invited to
12 this meeting after. And I never heard Rocky Marshall
13 apologise to Doreen. There was that many yelling and
14 screaming going on, so, I don't know.
- 15 Q. Did you hear Doreen say to Rocky Marshall that he had no
16 right to write that letter. He had no right.
- 17 A. She was a beautiful actress, the way she came over to
18 him, you know, I mean, she couldn't do it more perfect,
19 anyone. She waltzed over there asking him something.
20 You know, I mean, yes, she did ask him in that sort of a
21 manner.
- 22 Q. She was very angry with him.
- 23 A. To me she didn't look angry, angry at all.
- 24 Q. Did Rocky Marshall say that he was sorry for offending
25 the Aboriginal women.
- 26 A. I never heard that, because too many yelling and
27 screaming was there.
- 28 Q. He might have said that.
- 29 A. He might have said that, but I didn't hear him
30 apologising to Doreen.
- 31 COMSR
- 32 Q. Who was yelling and screaming.
- 33 A. The rest of the other Aboriginal women that was there
34 was yelling and screaming at me and told me to get out
35 of the shed and blah blah, you know.
- 36 XXN
- 37 Q. Yes, I will get to that, in a moment. I suggest to you,
38 or what I say happened was that, indeed, Aboriginal and

A.S. CAMPBELL XXN (MS PYKE)

- 1 nonAboriginal people at that meeting became upset after
2 that conversation between Doreen and Rocky Marshall.
- 3 A. They wasn't, you know, I don't know what they was there
4 for. Only them knew, but me and Merva thought
5 different. We were - just thought it was a women's
6 meeting and that's all we went there for. When we got
7 there, it was a different meeting altogether. So, I was
8 still confused, yes.
- 9 Q. I am just trying to find out what happened. And do you
10 remember various things being said. The general effect
11 of what was being said was a discussion about the need
12 for each culture to have respect for one another.
- 13 A. If each culture would have respect for one another, why
14 were they swearing and - at me, you know, and calling me
15 for everything? You know, I mean, I let it all go off
16 my head. They are still my relatives, you know. And -
- 17 Q. Did you hear someone say something, a nonAboriginal
18 woman, say that she didn't know how there could be
19 reconciliation, if Aboriginal people could not disclose
20 their secretes to nonAboriginal people.
- 21 A. No, I didn't hear that. No, I didn't hear that, at all.
22 All I heard that, after Doreen Kartinyeri got up and
23 said that to Rocky Marshall, and after Vi Deuschle and
24 Shirley Peasley opened the meeting and asked everybody
25 to say their names and who they were, where they come
26 from. And it went around the shed and then Doreen
27 waltzed in and said her piece with Rocky Marshall. And
28 that's when I caught on there was something wrong. And
29 that's when I said, you know, that any of the
30 traditional owners were invited or welcome to come to
31 this meeting.
- 32 Q. I will just get to that.
- 33 A. And I never heard anything after that, so, I am sorry,
34 because they all yelled and screamed and cursed me.
- 35 Q. I suggest to you this conversation happened before -
- 36 A. They all ran out of the shed after. They stayed there
37 for a while and, you know, they couldn't wait to get out
38 of the shed, being, you know, so, they was all swearing.

A.S. CAMPBELL XXN (MS PYKE)

1 So, I couldn't - if they had any respect, why couldn't
2 they talk to me in a proper way, instead of all yelling
3 and screaming at me and swearing at me? And that's the
4 divided rule they put down.

5 Q. Can I suggest, or say to you that, during the meeting
6 you complained to the meeting that you hadn't been
7 invited to the -

8 A. My sister Merva haven't been invited there, the
9 custodian of that area, yes, but not me. I took my
10 sister down there. We went there as a meeting - hang on
11 a minute. We went down there as a Ngarrandjeri woman
12 meeting to put our issues over. When I found out that
13 this was to do with Hindmarsh Island, then I jumped in
14 and said that. But we thought it was just a normal
15 meeting for Ngarrindjeri women to attend there. After I
16 found out, your Honour -

17 COMSR

18 Q. I think you have explained this to me a few times.

19 A. But she keeps referring to the same thing and I have to
20 say this, to make it clear to her.

21 COMSR: I think Ms Pyke wants to ask another
22 question.

23 CONTINUED

1 XXN

2 Q. Perhaps I can say this to you. Dr Fergie was at that
3 meeting and she remembers it a little bit differently to
4 you.

5 A. Well, I don't know Dr Fergie until I seen her in the
6 courtroom here.

7 Q. What I am saying to you is what Dr Fergie remembers
8 happens. Can I say this to you, that Dr Fergie
9 remembers that you became - you were upset that you
10 hadn't been invited to the meeting at Graham's Castle.

11 A. Sorry, I didn't say that at all.

12 Q. You were upset and said that only people on high, or
13 something like that, had been invited to Graham's
14 Castle.

15 A. Well, see, Dr Fergie was outside. Well, you say it was
16 Dr Fergie, was outside with Doreen Kartinyeri, outside
17 Rocky Marshalls' shed. I don't know who this white
18 woman was out there. There was a white woman standing
19 over Doreen at the time I walked out, me, Sarah and my
20 sister and Sarah was with us when we walked out. I said
21 to Doreen 'Where is the meeting going to be because the
22 rest of the women have left?' and when she said that,
23 'The rest of the women don't want you over there' that
24 hurt me, because they all left, they got the women and
25 then, after I argue with Doreen, then this woman
26 turned around and said 'Can't you be told, the rest of
27 the women don't want there.'

28 Q. Do you remember someone saying to you that there was
29 not sufficient funds for everyone to be paid to go to
30 the meeting but -

31 A. No, nothing was said.

32 Q. But you were welcome to stay.

33 A. When I rang Shirely Piersley up, I asked if I could get
34 a lift down there to go to the meeting. Shirley
35 Piersley said to me over the phone 'There is no room on
36 the bus and this is a private meeting.' So me and my
37 sister went to that private meeting, but we wasn't
38 allowed on the island for that private meeting, we got

A.S. CAMPBELL XXN (MS PYKE)

1 kicked out of the meeting from Rocky Marshalls' shed.

2 Q. What I am saying to you is at that meeting at Rocky
3 Marshalls', you were told you could go to the meeting at
4 Graham's Castle.

5 A. No, I wasn't told nothing.

6 Q. But you wouldn't be funded.

7 A. I wasn't told anything. All I was told, the women
8 didn't want us at the meeting.

9 Q. At that meeting at Rocky Marshalls', did you threaten to
10 tell the secrets to the meeting, saying 'I am going to
11 tell them, I am going to tell them.'

12 A. I beg your pardon, no, I didn't. When I went to - when
13 I ask can we go over there, and when me and Merva, from
14 Sarah telling us what was going on over the island, you
15 know, they having a women's meeting to stop the bridge,
16 Sarah told me, sitting down there telling me and Merva
17 and after all the women was gone out of the meeting, out
18 of the shed, now Sarah Milera - and I said to Sarah,
19 'Why can't me and Merva go over there to put our views
20 across, because there is no women's business there
21 anyway?' That's what I said to Sarah Milera in the shed
22 when she came over. And she sat next to me and Merva
23 while the rest of the women walked out and she explained
24 everything to us, me and Merva. And Merva just looking
25 at me and I was shocked and I said 'I have never ever
26 known there was any women's business on Hindmarsh
27 Island sister.'

28 Q. Dr Fergie will say that she remembers you saying, words
29 like, 'I'm going to tell them, I'm going to tell them'
30 and Doreen Kartinyeri getting very upset when you said
31 that.

32 A. No. Doreen was upset because I disturbed a little
33 meeting in Rocky Marshalls' shed. She was so
34 embarrassed because it went all off, everybody was all
35 swearing and cursing me, because I was like the victim.
36 I was like an outsider from my own people. It was a
37 divided rule between them and me and my sister Merva and
38 it is the same today. There is so much hate out there

A.S. CAMPBELL XXN (MS PYKE)

1 between the Aboriginal women in the community.

2 Q. Do you remember Shirley Piersley telling you, that you
3 would be welcome to go to the Graham's Castle meeting,
4 but you couldn't be funded because there wasn't enough
5 money.

6 A. Shirley Piersley never said anything to me on that
7 matter. All she said, when I rang her up, and she said
8 there was no room on the bus and it was a private
9 meeting. Then I heard Shirley Piersley down there and
10 there was plenty of room on that bus, because me and
11 Merva seen it. There was only three or four people on
12 that bus. It is a 12 seater bus. Me and my sister
13 could have got a lift down there and she opened the
14 meeting and her sister Vi Dulcer.

15 Q. Do you remember Sarah Milera saying to you, that she
16 also she said to you, amongst other things, she too
17 sometimes felt left out, but she didn't have any control
18 over the money.

19 A. She never said something about the money. I am sorry,
20 all she said was, there was a women's meeting going on
21 on Hindmarsh Island, to stop the bridge. That's all she
22 said. And I said, 'What women's business Sarah?' And
23 she filled me and Merva in about the women's business.
24 There is no women's business on that island, not to my
25 knowledge.

26 Q. Do you remember if Sarah said to you that you were
27 certainly welcome to come to the meeting.

28 A. She welcomed us over there, but when she inside the
29 shed, she welcomed me and Merva because that's Sarah's
30 ways. She is all twisted up at the moment, but I still
31 pray for my sister that she could come out with the
32 truth, you know. When I went out there I asked Doreen
33 'Can we go over to this meeting?' after Sarah telling us
34 about it. And well, she said, the rest of the
35 Ngarrindjeri women don't want you over there Amelia.
36 When I argued with her why, me and my sister is entitled
37 to go over there, because we are Ngarrindjeri Aboriginee
38 women me and my sister and she, Merva, you know, is the

1 tradition owner, she had more rights than anybody else
2 to be there, yes. But, Doreen said, 'No the rest of the
3 women couldn't go over there.' Then this white women
4 that was with her said, 'Can't you be told, the rest of
5 the women don't want you there.'

6 Q. I suggest to you that when you say that Deane Fergie
7 told you that the rest of the Ngarrindjeri women -

8 A. 'Can't you be told, the rest of the women don't want you
9 over there.'

10 Q. I suggest that you are mistaken, in that Dr Fergie
11 didn't say that.

12 A. I beg your pardon, she did. That is her point of view
13 to you, but this is my point of view to you.

14 CROSS-EXAMINATION BY MR KENNY

15 Q. I want to clarify my own understanding of this. The
16 reason, you say, that your family is the custodian of
17 the island, is because your father used to go there when
18 you were younger, is that correct.

19 A. He went there during the holidays, yes.

20 Q. That is why you say that you are the custodian of the
21 island.

22 A. Through, no - I'm not, because in my confusion on Point
23 McLeay, what was put, but my brothers and sisters are,
24 yes. Because, when we used to go there, either to my
25 mother's sister's place, wherever she lived on the
26 railways, or down to Goolwa, to meet my mother's Aunt
27 and Uncle and we used to stay there and other people
28 used to go to the island, and Uncle Ronnie used to go to
29 Mundoo Island, yes. We grew up with that, them stories
30 and singing coming back from the mission.

31 COMSR: 'Why is it that you say you are the
32 custodian of the island?' The family. She is not, that
33 is the question?

34 MR KENNY: Yes, that is the question.

35 A. The confusion on the Point McLeay mission with myself.

36 XXN

37 Q. The reason, as you understand, that your family say that
38 they are custodians of the island.

A.S. CAMPBELL XXN (MR KENNY)

- 1 A. Which they are, Alan Campbell.
2 Q. Your father used to go there.
3 A. Yes.
4 OBJECTION Mr Sykes objects.
5 MR SYKES: I don't think that is her evidence.
6 COMSR
7 Q. It is one thing to say you went there but -
8 A. That's where Alan Campbell come from. That's where all
9 of his ancestors' people were, that's his clan, that is
10 where his tribe was.
11 XXN
12 Q. This question about your father and that, who your
13 father is, has caused you some concern, has it.
14 A. Well, it has always been a divide, put that divide
15 between me and my brothers and sisters, yes. They tell
16 me Telmege Unaipon was my natural father.
17 Q. Did you ever ask your mother about that.
18 A. I did and there was no comment with her. I had been
19 asking her all these years but -
20 Q. I suggest to you that, in fact, your father is Allan
21 Bell Campbell Senior.
22 A. When I have my DNA test, I think it costs \$600 and I
23 haven't got the \$600 to get a DNA a test done, I am only
24 a pensioner.
25 COMSR: How is this going to help me?
26 MR KENNY: It is probably not, but I had some
27 instructions on that point and that is the only one I
28 wish to put. The witness obviously has some concerns
29 about it and is having a DNA test. I don't think I
30 will take it any further.
31 A. If you want to pay for it I will certainly go through
32 with it. I would like to say something.
33 COMSR: Just a moment I will have to see if
34 anyone else wants to ask some questions of you.
35 You have said a lot of things to me already Miss
36 Campbell.
37 A. The reason why I like to say one thing to you.
38 COMSR: Just a moment, perhaps can you answer

- 1 the questions Mr Abbott puts to you.
2 A. Yes.
3 CROSS-EXAMINATION BY MR ABBOTT
4 Q. I think she is actually concerned about reading
5 something to herself at present.
6 A. Yes, I am listening.
7 Q. I wanted to ask you about something that your sister
8 Clara said about women's business and there being a
9 place that relates to women's business. You sat here
10 and listened to what Clara was saying.
11 A. Yes, I did.
12 Q. Did you hear Clara tell the Commissioner, that she had
13 told you about what her mother had told her. Did you
14 hear Clara saying that.
15 A. Yes, I did.
16 Q. Is that true, did Clara tell you anything about what she
17 claims her mother had told her.
18 A. Well, her mother might have told her something but, no,
19 I didn't.
20 Q. Did Clara ever tell you anything that she claimed to
21 have got from her mother.
22 A. No.
23 Q. You would remember that sort of thing, wouldn't you, if
24 Clara came up to you and said 'Mum's told me about
25 secret business.'
26 A. I told everybody else that secret. I told a lot of
27 Ngarrindjeri women about that secret place, what my
28 grandfather told me. No, I never heard Clara say that.
29 Q. Clara never told you.
30 A. No, but I told everybody else, all the rest of the other
31 women.
32 Q. You told the Ngarrindjeri women.
33 A. Women, yes.
34 Q. About a place.
35 A. A place.
36 Q. That your grandfather told you.
37 A. Told me, yes.
38 Q. Was it in reference to women's business.

1 A. Women's business, yes.

2 COMSR

3 Q. I think your sister told us that it is outside the area
4 of the Ngarrindjeri -

5 A. It is not at Hindmarsh Island.

6 MR SMITH: She said not Hindmarsh Island or Goolwa,
7 and not in the area stretching from Victor Harbor down
8 to Hindmarsh Island and Goolwa, the lakes and up the
9 river, I think, to Wellington.

10 XXN

11 Q. In 1988, there was a public demonstration I think, by a
12 number of Ngarrindjeri people, in relation to a proposal
13 to put a tower on Mount Barker. Were you involved in
14 that.

15 A. No, I wasn't.

16 Q. Was your brother involved in that.

17 A. I don't know. I didn't know about that protest they had
18 or whatever they had there.

19 Q. Has your sister, Clara, discussed Mount Barker with you.

20 A. No, my grandfather told me everything and also in his
21 book, but I don't think, you know, I mean, if Doreen
22 could blab lies, this filthy lie that is going on with
23 women's business on Hindmarsh Island, I don't think that
24 I am going to open my mouth about this women's business,
25 because that is women's business and that should be kept
26 in with the Aboriginal women itself. I didn't know
27 there was a protest or whatever went on there, that's
28 not my concern, only what my I heard from the stories
29 that was told to me, yes.

30 Q. Is the story that your grandfather told you.

31 A. Yes.

32 Q. In relation to women's business.

33 A. It hasn't come up since this Royal Commission here, my
34 memory -

35 Q. I don't want to know what it was but it was referable to
36 Mount Barker.

37 A. Yes, it was.

38 Q. You say that it is published in a book.

1 A. Yes.

2 Q. What book is that.

3 A. My grandfather's book.

4 Q. What is the name of the book.

5 A. 'The Aboriginal Australia.' I would like to -

6 COMSR: I have to find out if anyone else wants
7 to ask you anything.

8 COMSR

9 Q. Is there something you wanted to tell me.

10 A. Yes, your Honour. I wrote it down here. I rang my
11 brother up, John Campbell.

12 Q. You are not going to tell me family secrets.

13 A. No, it is not. I rang my brother, John Campbell, at
14 Wellington, to see if he was all right, and when I rang
15 my brother Johnnie, John turned round and said, 'Guess
16 who is here?' and I said 'Who.', He said 'Douglas
17 Milera.' And I said 'Well, what is he doing there?' He
18 said 'He wants to tell the truth, about Hindmarsh
19 Island.' And I said, 'Well, can I talk to him?' and I
20 spoke to Douglas Milera. And he said 'Hello sister' and
21 I said 'Hello brother' that's how we always refer
22 ourselves to when we speaking to one another as
23 brothers as sisters. And, I said, before I could say
24 anymore, Doug said to me, 'Sister, you know, it would
25 be me, the one that would come out and speak the truth
26 about Hindmarsh Island, that it was fabricated.' And I
27 said to him, 'Well do you want to tell the rest of the
28 media this and if you want to speak the truth out?' And
29 he said, 'Yes, sister.' And I said 'Why do you want to
30 come out with the truth now, when you told so many lies,
31 you know?' And he said, 'Well sister, when they start
32 talking about milins' - milins means putting a curse
33 and death onto Dorrie - and bringing our brothers and
34 sisters down from the north to come down and point
35 the bone, the curse of death on to Dorrie, you know,
36 it would be me the one that would come out with the
37 truth.' I said 'Well, I will ring up this woman, in AN
38 radio programme' which I take a lot of Aboriginal women

A.S. CAMPBELL XXN (MR ABBOTT)
REXN (MR SMITH)

1 to speak the truth out, the abuse that they go through
2 here. And I said 'Would you be prepared to go on
3 radio?' And he said, 'Yes, sister.' So, I rang
4 Channel 2 up and got it fixed up with Channel 2 to put
5 him on radio. And, Doug got on and told the truth on
6 radio - because, and then - after I - because I believed
7 in AN radio, because when they took the women on. So I
8 put Doug on there, because I thought he was telling and
9 he made a fool out of me and he spoke on radio. And
10 then, after I found out that he lied. You see, your
11 Honour, I used to be on the South Australian Mental
12 Health Board, and also the Coalition Board that I speak
13 up for my people. I wanted to start a lot of things
14 here, but when I spoke to people from members of
15 parliament I was speaking to deaf ears, so I resigned,
16 and members of the board, they didn't want to know about
17 any black issues. I resigned with the racist attitude.
18 They got my letter. I was also the one that started
19 Mee Wee. Mee Wee, out of my grandfather's book, means
20 life raising up out of the death. The Aboriginal
21 organisation didn't help us in any way in the community,
22 where they get their money, God only knows where they
23 spend it on, but, they certainly not doing it to the
24 Aboriginal people, because of the drink and drug
25 situation. We talking to deaf ears. So I took them
26 all on radio and when I asked Doug to go on radio, he
27 did and he spoke the truth out, on that radio programme.

28 RE-EXAMINATION BY MR SMITH

29 Q. Whose radio programme was that.

30 A. That was Channel 2, in AN radio.

31 Q. Who is the man.

32 A. That was a man that put it on.

33 Q. Was it in the evening or the morning.

34 A. That was around about, around about midday or something.

35 Q. Is it Keith Conlon's programme.

36 A. Must be him, yes, because I thought he would go on
37 either Julia Lester, which I used to take the women on,
38 or -

1 Q. Murray Nicholl in the afternoon.

2 A. No, no, this other fellow took over Abraham, Matt
3 Abraham, but he went on to that Conlon fellow.

4 Q. You think it was Keith Conlon.

5 A. Yes. Then when I found out what they done to him over
6 the radio, they really railroad him over the radio and I
7 rang up and went off at one of the women, they didn't
8 know who. I was speaking to Jan Smith from the radio
9 programme. She said `Amelia, I didn't know it was you
10 that was the one that put him on the radio.' I said
11 `Well, you didn't have to treat him like that, you could
12 have asked him in a gentle way, you know, of the stories
13 from Hindmarsh Island.'

14 NO FURTHER QUESTIONS

15 WITNESS RELEASED

S.J. HEMMING XN (MR SMITH)

1 MR SMITH CALLS

2 STEPHEN JOHN HEMMING SWORN

3 EXAMINATION BY MR SMITH

4 Q. Just before we go to your statement, Exhibit 19, I think
5 you're a curator in the anthropology division of the
6 South Australian Museum, is that correct.

7 A. Yes, that's correct.

8 Q. You would title yourself as just that, curator,
9 Aboriginal History, I think.

10 A. Yes, that's my title in the museum.

11 Q. I think you, sometime ago, provided a statement dated 28
12 July 1995 to this commission to help it with its
13 enquiries.

14 A. Yes, I did.

15 Q. Looking at Exhibit 19 in front of you, would you confirm
16 that that is your statement and, in effect, your
17 evidence.

18 A. Yes, it is.

19 Q. Just looking at that document, and I will go into it in
20 detail in a moment, the first section of the document
21 sets out your present position and duties, does it not.

22 A. That's right, yes.

23 Q. Then the second page sets out your qualifications, your
24 formal qualifications.

25 A. That's right.

26 Q. Then p.3 is a list of all your publications.

27 A. Yes.

28 Q. That embraces videos and films as well, down to p.7.

29 A. Yes.

30 Q. At p.8, you set out your professional experience.

31 A. Yes.

32 Q. Employment record, teaching record, research and project
33 management details in summary form.

34 A. Yes, a summary of that sort of thing.

35 Q. That includes major exhibitions that you've been
36 involved in, key people that you've had contact with in
37 connection with your research.

38 A. Yes.

S.J. HEMMING XN (MR SMITH)

1 Q. And key organisations, Aboriginal organisations, that
2 you've had contact with.

3 A. Yes. I thought that might be relevant.

4 Q. I think at p.16 you embark upon an analysis of your
5 involvement in the Hindmarsh Island bridge dispute if
6 you like, although it didn't start as that, though, did
7 it.

8 A. No.

9 Q. 1990 onwards.

10 A. Yes. It's kind of since my contact with it, or my
11 knowledge of it, or things that relate to it.

12 Q. In a sense, we can say that's a narrative of your
13 contact with various people and organisations.

14 A. Yes, that's right.

15 Q. Including Deane Fergie, Neale Draper, etc.

16 A. Yes.

17 Q. You also briefly allude, at p.20, to some debate that's
18 plainly taken place in the museum about women's
19 business.

20 A. Absolutely, yes.

21 Q. To the extent that you have an opinion as an
22 historian/anthropologist.

23 A. I'm more a historian. I've outlined my trainings on a
24 list. I did some subjects in anthropology and, due to
25 my work at the museum, I've been involved in the
26 anthropological style of research. I would certainly
27 say more of a historian formally trained.

28 Q. I think from p.21 through to the end of your statement
29 fairly much sets out your opinion about the question of
30 women's business on Hindmarsh Island.

31 A. Yes, that's right. It was put together fairly quickly
32 at the beginning of the whole process, so it's just a
33 summary, as I say.

34 Q. Is this your position in summary, or is this too
35 generalised; that the thrust of your position is that
36 you say that there is a possibility that secret sacred
37 women's business, if I can call it that, exists on
38 Hindmarsh Island.

S.J. HEMMING XN (MR SMITH)

1 A. I guess in a general sense that's what I'd say. I argue
2 it in a couple of stages. I basically say that from the
3 perspective of the women who are arguing that it does
4 exist, a number of women have told me and I have heard
5 people say that these women have said that, and I
6 suggest to you I'm not in a position to not believe them
7 and, from my experience with those women, I do believe
8 them. So, from the perspective of the women who say it
9 does exist, I say for them it certainly does have a
10 reality. I was more investigating, I guess, the
11 possibility of evidence in the ethnography and
12 historical record that this type of women's business may
13 have existed, and also combining my experience working
14 with people over the last probably 15 years, and the
15 sorts of indications that I may have had that there may
16 have been women's knowledge that wasn't being talked
17 about to men, and particularly perhaps to myself, so I
18 was combining my experience, my knowledge of the
19 ethnography, and then being informed by the people who
20 were having a say today, so I guess that's a summary of
21 my position.

22 COMSR

23 Q. I'm just not sure; when you say women's business exists,
24 you say you believe the women who say women's business
25 exist.

26 A. I guess obviously the people who were arguing that
27 women's business exists. I mean my position is that I
28 believe that they honestly believe that, and they are
29 genuine, and from a perspective of an anthropologist or
30 an academic, I haven't been able to carry out field work
31 or investigate that issue properly, so I can only
32 believe them and, therefore, that has a reality for
33 those people. So in that sense it exists, certainly.

34 XN

35 Q. Could you go to p.21 of your statement, Exhibit 19, and
36 you've got a copy of it there. That sets out a summary
37 of your viewpoint, and I think there are really three
38 headings that you set out there as being supportive of

1 your viewpoint.

2 A. Is that p.19?

3 Q. Is it p.21.

4 A. It might be later on I think, yes.

5 Q. Page 21.

6 A. Yes.

7 Q. Am I right there, there are three matters, the

8 ethnography evidence.

9 A. Yes.

10 Q. Your own work with the Ngarrindjeri people.

11 A. Yes.

12 Q. And your confidence in those women who claim that there

13 is women's business.

14 A. Yes. I mean that's the three levels, in a sense.

15 Q. Can I take you, then, to a more detailed analysis of

16 your view. First of all, you deal with, on p.22, the

17 ethnography evidence, sources, and your interpretation

18 of the evidence, don't you.

19 A. Yes, I guess I'm going - I'm looking at some of the key

20 sources of information for that region, and giving a

21 very brief account of some of the key players in that

22 sense, people like starting from Sturt through to George

23 French Angas, Moorhouse, Edward John Eyre, so I'm just

24 giving a brief comment on the nature of those sources.

25 Q. You've dealt with Sturt and Moorhouse, neither of those

26 two people pinpoint any women's business, do they.

27 A. No.

28 Q. Faye Gale you talk about, and you say `Faye Gale (1989)

29 a long-term researcher in the Lower Murray region, has

30 argued that Eyre provides evidence that Aboriginal women

31 in the region had separate religious ceremonies'.

32 A. Yes.

33 Q. Again, that's really not disputed, is it, in the

34 literature.

35 A. Well, I think certainly the Berndts provide that

36 evidence, that there was separate religious ceremonies,

37 but I think Faye Gale's basically arguing for a

38 re-examination of the ethnography of the region, and she

S.J. HEMMING XN (MR SMITH)

1 is pointing to the fact that the majority of observers
2 didn't note separate women's religious ceremonies, and
3 that Eyre was fairly remarkable in that he did note that
4 type of thing going on, and she is basically calling
5 for, to some extent, a re-examination and making a few
6 comments from her own experience. Within that article
7 she makes a few comments.

8 Q. You don't extrapolate from that any evidence of secret
9 sacred women's business, do you.

10 A. No, I'm just drawing attention to that argument, and
11 given the fact that Faye Gale is a long term researcher
12 in the region, it's interesting that she was asking
13 similar questions back in the late 1980s.

14 Q. She was looking at that from a feminine perspective,
15 would you say that.

16 A. I guess she is saying that. She is bringing in a
17 perspective which allows for a more broad broach for
18 looking at the sources informed by feminist developments
19 over the last 20 or 30 years.

20 Q. You then turn to missionary accounts and refer to the
21 works of Meyer, for instance, and Taplin. Again there
22 is, you know, in an evidentiary or historian sense, no
23 evidence in any of that material that you refer to, is
24 there, of secret sacred women's business, or anything
25 akin to it.

26 A. Certainly not secret sacred women's business, but a
27 separation, Meyer records a separation of women from men
28 during childbirth and menstruation, but yes.

29 Q. You then move on, on p.23, to Ronald and Catherine
30 Berndt. Can I take you to your second last paragraph
31 where you deal with Catherine Berndt's assertion that,
32 in the Lower Murray, 'gender based differences in the
33 sense of inclusion/exclusion, in religious and other
34 affairs, were minimal'. Catherine Berndt asserts that.

35 A. Yes.

36 Q. Do you take issue with that.

37 A. Well, I do in the sense that the evidence that they
38 presented in the work 'A World That Was' to my mind

S.J. HEMMING XN (MR SMITH)

1 tends to contradict that, or at least place that in
2 question. I think that the argument that they, well,
3 that type of argument they present, the ethnography
4 doesn't tend to bear that out within examination, I
5 guess. That's my view.

6 Q. Does the ethnography support a contrary assertion, so
7 that, in other words, do you go so far as to say it
8 shows the opposite.

9 A. No, I don't go that far, but I would suggest that the
10 ethnography is not complete enough. The ethnography has
11 a number of major examples, like the fact that there
12 were separate women's initiations that very little
13 information is provided for, and given that those
14 separate women initiations did exist according to the
15 Berndts, that raises a major question about the actual
16 division of male and female knowledge, and the Berndts
17 don't explain that situation within their oral history
18 ethnography.

19 Q. It's correct, however, that, as far as the male and
20 female initiations are concerned, the same mythology
21 applies to both, doesn't it.

22 A. Well, it's very difficult to say whether that's exactly
23 the case. I mean from the perspective, a general
24 perspective within the book, it's referred to that
25 Waiyungari and various other mythology or dreamings
26 relate to initiation in general, but in terms of
27 documenting the process of women's initiation, there is
28 no actual account of what took place in women's
29 initiation, what was transferred during women's
30 initiation, other than just very basic physical details
31 and, as I think I've said further on, Pinkie Mack didn't
32 remember the songs she claims, or perhaps -

33 Q. Can I come to that in a minute.

34 A. Sure.

35 Q. Unless it influences the answer to your question.

36 A. No.

37 Q. Do you really take issue with the Berndts' assertion
38 that the same mythology explains both the men's

S.J. HEMMING XN (MR SMITH)

1 initiations and the women's initiations.

2 A. I wouldn't say - I don't issue with it necessarily, but
3 I don't think it fully explains the nature of the
4 women's initiation. It doesn't provide details of what
5 was really taking place from the perspective of the
6 learning and passing down of knowledge. It's really
7 just a very broad sweep which would have been available
8 in the broader community to men and women, perhaps, who
9 weren't fully initiated. It's not very specific.

10 Q. But isn't that, from your perspective at least, the most
11 that can be said about it.

12 A. Certainly, but what I guess I'm saying is if you make a
13 statement that 'Gender based differences in the sense of
14 inclusion and exclusion in religious and other affairs
15 were minimal', you would have to say in terms of the
16 question that we're looking at here, secret sacred
17 women's business, there is a big question over what was
18 actually being, or who was involved in the women's
19 secret life, if there was one, but there are certainly
20 initiation ceremonies that we don't know about. There
21 is a number of questions not answered for me. That
22 generalisation is one, to my mind, worth questioning.

23 Q. From an anthropological viewpoint, and you're
24 experienced in this area, the fact that there is similar
25 mythology in respect of both male and female initiation
26 is, however, extremely significant in terms of the
27 interpretation of men's and women's business.

28 A. Certainly, but men and women may have had different
29 interpretations in certain parts of that shared dreaming
30 and certain evidence of other bits of dreaming knowledge
31 within Philip Clarke's thesis that don't appear in the
32 Berndts book, for instance.

33 Q. Well, is it fair for me to say that's a mild criticism
34 by you of the Berndts' work.

35 A. Certainly. I mean I'm not saying it's a great criticism
36 of their work, I guess I'm drawing attention to a
37 generalisation that could present problems for this
38 Commission in the sense that if you go along with that

S.J. HEMMING XN (MR SMITH)

1 without being critical of it, then you may be
2 overlooking some of the possibilities.

3 Q. Well, it's one thing, I suppose, to look critically and
4 analytically at the Berndts' work, but to draw from that
5 any support - do you draw from that any support for the
6 existence of secret sacred women's business.

7 A. I guess what I've done is tried to find examples and be
8 critical within their evidence, try to find examples
9 that show that it was certainly possible that it existed
10 and, if you look, as I keep going back to the women's
11 initiations that we know nothing about really, there is
12 an example of something that stands out as being a
13 marker for the existence of secret women's business.

14 COMSR

15 Q. I just wonder if I can see if I'm following what you're
16 saying there. The fact that there were secret
17 initiation ceremonies was known, wasn't it. I mean the
18 men knew that the women had secret ceremonies, didn't
19 they.

20 A. It certainly appears that way from the evidence of the
21 Berndts, yes.

22 Q. And the women knew that the men had it.

23 A. Yes, but the knowledge within those ceremonies, the
24 actual knowledge that the women were perhaps gaining, is
25 not much in terms of evidence of what was going on in
26 that process within the Berndts' work. You find Pinkie
27 Mack saying she didn't remember the songs. Well, those
28 songs probably would have been critical, at least in the
29 aspect of what women were learning during that process
30 of initiation, and we don't know what they were.

31 XN

32 Q. Well, it's been suggested to this commission that Pinkie
33 Mack's failure to remember some of the songs is just
34 that, it's a memory problem rather than a problem which
35 has any significance in terms of excluding information
36 from her recipient.

37 A. I react to that -

38 Q. Can I ask you, first of all, Pinkie Mack was how old at

4720

TN 53E

S.J. HEMMING XN (MR SMITH)

- 1 the time that she was providing information to the
- 2 Berndts.
- 3 A. She was certainly up around the 80 years mark, somewhere
- 4 in that vicinity.
- 5 CONTINUED

S.J. HEMMING XN (MR SMITH)

1 Q. The Berndts don't ascribe any significance to her
2 failure to remember the songs beyond her lack of memory
3 of them, do they.

4 A. No, they don't. But they do make a note of the number
5 of places that Pinkie Mack didn't take the same approach
6 to the work that they were doing with Albert Karloan in
7 terms of recording the history and the culture, as
8 Albert Karloan did. Pinkie Mack was, as they describe
9 her, a song woman. She really enjoyed singing songs and
10 she knew a lot about songs. That was her expertise, and
11 that was what she was interested in doing. They do
12 record that there wasn't as much enthusiasm or
13 understanding of the reasons behind recording the
14 knowledge. She actually felt - Catherine Berndt records
15 that Pinkie Mack wasn't so sure about what use the
16 knowledge would be to future generations of Ngarrindjeri
17 people. So certainly there is an indication Pinkie Mack
18 wasn't the same enthusiastic worker in some areas as
19 Albert Karloan. I guess, going one step further, I am
20 basing some of my reactions to this in the sense that,
21 first of all, she was well known as a song woman and she
22 doesn't remember any of the songs that she learnt during
23 her initiation ceremonies. She was not as enthusiastic
24 about the work say as Albert Karloan. I have heard
25 people talk about Pinkie Mack in later years as someone
26 who was, I guess, bitter about her - the white blood in
27 her veins. She hasn't been characterised to me, in
28 stories about her, as someone who was open to white
29 people. So I guess there is a combination of things
30 there, but certainly I am surprised that someone who is
31 a person who is skilled at song singing and interested
32 in songs would not remember any of the songs relating to
33 her initiation. I would think that, by saying she
34 didn't remember them, that would be just the reaction
35 that someone would give to people who were asking
36 questions if they didn't want to upset those people,
37 insult those people. It would be a way of actually
38 steering the questions away.

1 COMSR

2 Q. Is it known at what age women were initiated.

3 A. It seems as if it started around the time of puberty and
4 went through for a period after that. I think Pinkie
5 Mack died in about 1951 or 52 in terms of a full life
6 span.

7 XN

8 Q. Pinkie Mack obviously had a considerable reservoir of
9 knowledge, in any event, that she conveyed to the
10 Berndts, didn't she.

11 A. Yes, she did.

12 Q. On what basis do you draw, from her failure to be able
13 to remember some of the initiation songs, that that
14 meant she was withholding knowledge, or is this just a
15 speculation by you.

16 A. I would say - I mean, it is certainly just a
17 speculation. It is not - I can't say for sure that is
18 the case, but I am looking at a range of different bits
19 of evidence that again maybe point towards that.

20 Q. It is a speculation the Berndts didn't make, isn't it.

21 A. No, they didn't, no.

22 Q. You then, at the bottom of p.23, alert us to Alison
23 Harvey.

24 A. Yes.

25 Q. You have heard Alison Harvey's evidence. Having heard
26 from the woman herself in evidence, do you accept that
27 she doesn't even notionally support any case for secret
28 sacred women's business.

29 A. Well, she certainly didn't from her experience, I have
30 to say, but a comment on her evidence, it was
31 interesting to see that Norman Tindale and Mountford -
32 particularly Norman Tindale, who had worked in the area
33 for 10 years - seemed to be interested in getting a
34 female anthropologist to talk to a woman, whom he
35 believed was a source of a lot of knowledge, in the
36 chance that some knowledge about women's business would
37 come out. So, I must admit, that was an aspect of
38 Alison Brookman's evidence that I found very

S.J. HEMMING XN (MR SMITH)

- 1 interesting, because it did indicate that an experienced
2 anthropologist in the region at the time, a male
3 anthropologist, did seem to think there was a
4 possibility that there was secret women's business to be
5 found. I guess that's something I found interesting
6 from her evidence, aside from this other point.
- 7 Q. Just from a purely scientific basis, Mountford and
8 Tindale - according to Alison Harvey, she went down to
9 that area as a very young girl with a brief to elicit,
10 if possible, women's business, and she says that she was
11 not able to do that, doesn't she.
- 12 A. Yes, that's right.
- 13 Q. Women's business, in the sense of secret knowledge or
14 restricted knowledge, why do you take solace from the
15 fact -
- 16 A. I don't take solace in it.
- 17 Q. That she was sent down there to do that as being some
18 support for the existence of it.
- 19 A. Because I guess I find it interesting that Norman
20 Tindale, who was one of the key workers in this region,
21 who had been working in the region for at least 10
22 years, he had written articles on songs from the region
23 by that stage, et cetera, believed that there was a
24 possibility. This is after 10 years of having contact
25 with people. I have had say 15 years now, and I have a
26 similar view, I guess, that there is a possibility.
- 27 Q. Dealing with the Berndts for a moment, it is correct,
28 isn't it, that the Berndts did most of their work in the
29 Lower River Murray in the 30s and 40s.
- 30 A. Yes, the late - Ronald Berndt in the 30s, and Catherine
31 Berndt coming in in the early 40s.
- 32 Q. Then they had a rich experience in the anthropology of
33 Australia in the ensuing years, to the publication of
34 their book in late 1993.
- 35 A. That's right, yes.
- 36 Q. So that when they published their book in 1993, do you
37 accept that they had the advantage of seeing the Lower

S.J. HEMMING XN (MR SMITH)

1 River Murray Aboriginal culture in relief against other
2 cultures that they'd experienced throughout Australia.

3 A. Yes, certainly, I would, absolutely.

4 Q. You wouldn't take issue with the distinctiveness that
5 they found in the culture of the Lower River Murray.

6 A. No. No, I think that there are a number of distinctive
7 aspects, but they relate to other cultures in the
8 vicinity too.

9 Q. They, as Professor Tonkinson points out in his foreword,
10 stamp the distinctiveness, amongst other things, with
11 the lack of secret society, a lack of secretness and
12 sacredness in the culture, don't they.

13 A. Tonkinson does in the foreword, mentions that, and they
14 talk about those issues in general on a number of
15 occasions, certainly.

16 Q. At p.24, you make some suggestions about Philip Clarke's
17 thesis, which I will not delve into, that has been
18 canvassed. Then at the bottom of p.24, you make
19 reference to Doreen Kartinyeri's work as an Aboriginal
20 historian. With respect to Dr Kartinyeri, it is the
21 case, isn't it, that she received her honorary doctorate
22 on the basis of her genealogy work.

23 A. Not really, no. She has published a number of general
24 works that relate to Aboriginal history.

25 Q. What are they.

26 A. She has published jointly with Peggy Brock; she has
27 written an article in Faye Gale's collections, 'We Are
28 Bosses Ourselves' which talk about genealogies, but
29 specifically talk about generalised Aboriginal history
30 as well. She also produces introductions in her family
31 histories that talk about the general history of the
32 regions or the people she is talking about. I don't
33 think you would specifically separate out genealogy from
34 history anyway. I mean, she talks - she is an expert,
35 or, in a sense, she publishes in family based history.
36 It is based around genealogies and families, but she
37 talks more generally than that about history, and she is
38 recognised as a source of historical information and

S.J. HEMMING XN (MR SMITH)

1 sought out in the museum for just that, as well as
2 genealogies.

3 Q. So you take issue with anyone who would suggest that
4 Doreen Kartinyeri's expertise lies merely in
5 genealogies.

6 A. I guess I would have to say that, because I know that
7 Doreen has been able to combine her own knowledge of her
8 culture and history with an actual academic interest in
9 it as well. She has carried out archival research, she
10 has carried out research that other historians would
11 carry out other than just genealogical research and
12 applied that in publications. So I certainly would have
13 to say that that's defining her too narrowly.

14 Q. Can I suggest to you that Doreen has not published a
15 purely historical work, has she.

16 A. Do you mean excluding genealogies in it?

17 Q. Yes.

18 A. I am just trying to think.

19 Q. They are genealogy based works, aren't they.

20 A. They always have an element of genealogy in them,
21 certainly, but that doesn't exclude her from being an
22 historian.

23 Q. She has no formal qualifications in history, has she.

24 A. No, but she has got her honorary doctorate.

25 Q. She has professed a lack of knowledge in her own culture
26 in one of her publications.

27 A. Yes, I think people have referred to a quote in one of
28 the publications which I think has been, to my mind, to
29 some extent taken out of context. I have heard Doreen
30 say similar things before, but she says those in
31 relation to the fact that she is still interested in
32 learning. She is actively trying to find out more
33 information about her culture and history, and there is
34 more for her to learn, in a sense. She is not saying -
35 certainly from my own experience, that is not the case,
36 because she does know a lot about her history and
37 culture.

38 Q. You know the one I am referring to, I think.

S.J. HEMMING XN (MR SMITH)

1 A. Yes.

2 Q. In 1983 the University of Adelaide published the Rigney
3 Family History or the Rigney Family Genealogy, and that
4 was a work of Doreen Kartinyeri's, wasn't it.

5 A. Yes, that's right.

6 Q. The document itself asserts 'collected by Doreen
7 Kartinyeri'.

8 A. Yes.

9 Q. In that document at p.15, under the heading 'How I
10 started this project to record family genealogies and
11 history', she says this 'In 1979 Lewis O'Brien came to
12 see me at my home and asked me if I could record Point
13 McLeay and Point Pearce family genealogies, and, if I
14 could, would I be interested in doing a project to
15 submit to the Australian Institute of Aboriginal Studies
16 in Canberra. Next I could ask for a grant to record
17 family genealogies, and he and Paul Hughes felt that it
18 should be recorded now. They both felt that the
19 Aboriginal identity, culture, customs and language were
20 fast dying out, and if it was not recorded now, then it
21 would be lost to our people forever. I told Lewis I did
22 not know much about the culture, customs and language,
23 but I said I do know the identities of the Point Pearce
24 and the Point McLeay people'.

25 A. Certainly.

26 Q. That is fairly categorical, isn't it.

27 A. I wouldn't say that. In comparison to what, that she
28 doesn't know much? Her perspective on that, and I think
29 a lot of Aboriginal people, when they talk about what
30 they know about their culture and Aboriginal history,
31 tend to underestimate the knowledge that they have. I
32 think you have seen that in the evidence in this
33 commission. That is the way I would put that into
34 context. I wouldn't see that as a categorical statement
35 she doesn't know much. It would be in a comparative
36 sense, in the sense of being lost to the things she
37 doesn't know, and that's from knowing her a long time, I
38 guess I can say that.

- 1 Q. I put it to you that Doreen requires assistance with
2 written work, does she not.
- 3 A. She requires assistance to get work to the final
4 publication stage, yes.
- 5 Q. To compose a letter of any sophistication she needs
6 assistance.
- 7 A. She usually calls upon it. I think she is more capable
8 than she believes, but -
- 9 Q. For instance, for her work in the family history unit at
10 the museum, Barry Craig, for instance, does a lot of her
11 writing, does he not.
- 12 A. He edits her writing, basically, in terms of grammar and
13 style.
- 14 Q. Grammar, style, composition.
- 15 A. Sometimes. Although, there is a lot of argument over
16 that usually. Doreen doesn't like the sense of what she
17 has to say changed.
- 18 Q. And Robert Foster is another one who is -
- 19 A. He is only just starting. He is a recent starter in
20 that sort of area.
- 21 Q. So that really exhausts, from pp.22, 23, 24, the
22 evidence to which you refer to support your position
23 that there is a possibility of secret sacred women's
24 business on Hindmarsh Island.
- 25 A. Through that section. Although, I guess there are other
26 things that I'm saying, and particularly my experience
27 in the field, a summary of that, and a summary of some
28 occasions when Doreen has said things to me that relate
29 to that.
- 30 Q. I have touched on all the areas of evidence that you
31 have referred to. You accept that. There is no other
32 category of evidence on which you rest your case for the
33 possibility, is there.
- 34 A. I don't know whether you have really emphasized the fact
35 that, on a number of occasions I have said - or Doreen
36 has said to me things like - 'There is things I can't
37 tell you because you're a man'. I have noted a couple
38 of occasions, and I have references in notebooks to

S.J. HEMMING XN (MR SMITH)

- 1 those things, and this is previous to Hindmarsh Island.
2 So I think that is an element of my evidence that hasn't
3 been mentioned so far. I think.
- 4 Q. You would say that the fact that she has done that from
5 time to time is some indication, is it.
- 6 A. Some indication.
- 7 Q. That there is some women's business.
- 8 A. Some indication, yes.
- 9 Q. You couldn't put it any higher than that, could you.
- 10 A. No. As I say, she has never told me any details or gone
11 any further than that.
- 12 COMSR
- 13 Q. When you say it hasn't been mentioned it, you have
14 mentioned it -
- 15 A. I have mentioned it but I don't think we have actually
16 mentioned it in -
- 17 Q. In your statement.
- 18 A. Yes.
- 19 XN
- 20 Q. Just going back to the Berndts for a moment, I think you
21 and Philip Clarke made arrangements for the Berndts, in
22 the late 80s, to visit the daughter of Pinkie Mack,
23 didn't you.
- 24 A. Yes, only very informal ones, yes.
- 25 Q. They went out to see her, both of them, at her home.
- 26 A. Yes, I think we found out later that they had visited.
- 27 Q. You weren't present.
- 28 A. No, no. I think we just gave her the address - gave
29 them the address basically, and encouraged them to
30 visit, told them that she was still alive, and really
31 felt that it would be a nice thing to do, for them to
32 get together.
- 33 Q. Is it your understanding that, whilst she was alive, the
34 daughter of Pinkie Mack was considered, shall I say, the
35 Queen of the Ngarrindjeri people.
- 36 A. I think that quite a few Ngarrindjeri people would have
37 recognised her as such, and certainly in a general sense

S.J. HEMMING XN (MR SMITH)

1 she was recognised as a really significant elder, one of
2 the major elders of the community.

3 Q. She was, can I suggest to you, one of the people you
4 would expect to be consulted if an anthropological
5 report was being done on the existence of secret sacred
6 women's business on Hindmarsh Island. Would that be
7 right.

8 A. She certainly should have, in the sense of being a
9 source, be consulted. I don't know whether she would be
10 directly brought in unless the family was happy for that
11 to happen. I mean, her health hasn't been that good, so
12 I think it would happen through a different process, not
13 directly approaching her.

14 Q. Just leaving the opinion you hold with this one last
15 topic, do you accept that the literature in respect of
16 the Lower Murray region - and I'm really just focusing
17 on the literature - leaves us with two areas of secrecy
18 only, sorcery and some aspects of men's and women's
19 initiation.

20 A. I think there are a couple of other indications of
21 secrecy within the Berndts - I wouldn't agree it was
22 just that. I would say that you have got -

23 Q. Can I just interrupt you. You can come to the
24 indications later. But do you accept that the
25 literature supports, in a scientific and evidential way,
26 just those two areas and no more. I am not talking
27 about possibilities or indications or inferences. I am
28 talking about scientific support for.

29 CONTINUED

S.J. HEMMING XN (MR SMITH)

1 A. There are a couple of other stated areas of secrecy that
2 are there. They are not - they don't come out as major
3 areas, but they certainly would be worth commenting on.

4 Q. What are they.

5 A. The area of secret names, which the Berndts relate to or
6 refer to. And that, in the Berndts' book, is very, very
7 brief, briefly mentioned. But the Berndts describe
8 people as having - are assigned secret names that only
9 the male relatives know, that they can't tell to women.
10 And that these names are specific to their country.
11 They are used as identifiers for their relationship to
12 the dreaming and country. And that's the way the
13 Berndts describe those. I think that is a fairly
14 interesting bit of evidence in the Berndts' book that
15 doesn't get taken any further than that. Also, I think
16 that the discussion about the doctors is very
17 interesting in the sense that the Berndts argue that
18 male doctors and female doctors took on apprentices and
19 that those apprentices went through a process of
20 learning. And Albert Karloan argues that that learning
21 wasn't just a learning process that related to physical
22 aspects. It was deeply connected with the building of
23 the Miwi or the spiritual aspect of the identity and
24 that would only be learnt through a series of stages.
25 So, I think the actual Miwi aspects of the religion too
26 seems to indicate an element of secrecy. And certainly,
27 when you relate it to the doctor situation, that is
28 something that would be worth noting. And that is not
29 just sorcery. When you use a term like `sorcery', I
30 think that is outside of those realms. So, they are a
31 couple of things that spring to mind that I would have
32 to say also.

33 Q. Perhaps I could reframe my proposition to you by saying
34 you argue that the literature focuses on two significant
35 areas of secrecy only in respect to the Lower River
36 Murray. That is, sorcery and the question of
37 initiations.

38 A. I think they are major areas, certainly.

S.J. HEMMING XN (MR SMITH)

- 1 Q. Can I take you away from that area to the narrative of
2 events surrounding the Hindmarsh Island bridge dispute.
3 In April, early April of 1994, was it the case that
4 Doreen Kartinyeri was working for the museum, but from
5 her home in the Mid North, at Port Germein.
6 A. I think that was the case, yes.
7 Q. In April 1994, where were you working.
8 A. I was based out at the Fullarton Road annex of the
9 museum so I wasn't at the main building very often.
10 Q. You came into the museum, from time to time, obviously.
11 A. Yes.
12 Q. Were you aware that, in early April of 1994, Doreen
13 Kartinyeri was making enquiries at the museum in respect
14 of information about Hindmarsh Island and that area.
15 A. I have a memory that, during that early period of 1994,
16 there was a growing interest in that. And I think
17 Doreen was starting to ask some questions in relation to
18 Hindmarsh Island, but I can't pin anything specifically
19 down for that period.
20 Q. So, you were aware, by April of 1994, that the
21 Aboriginal community, at least some sections of it, were
22 opposed to the construction of the bridge on Hindmarsh
23 Island, weren't you.
24 A. Yes, I think so, yes.
25 Q. I am not suggesting anything sinister in this: you
26 supported that.
27 A. I don't know whether I supported that, at that stage.
28 My involvement in the issue was fairly minimal right
29 through and I don't think I had a strong view on things
30 in that form in that period. I think I would have
31 generally supported the Aboriginal interest in
32 protecting sites in the region. That would be and
33 that's usually my standpoint.
34 Q. You had, since 1981, spent considerable time in the
35 field in the Lower River Murray area, had you not.
36 A. Yes.
37 Q. You had formed firm friendships with Aboriginal people
38 in that area.

1 A. Yes, I hope so.

2 Q. To the extent that Maggie Jacobs, for instance, was a
3 close friend of yours.

4 A. Yes, but from a later time. She was one of the people I
5 guess I met later on.

6 Q. Isn't it the case that you did involve yourself in
7 issues relating to the interests of the Aboriginal
8 people in the Lower River Murray area.

9 A. In what way do you mean? How would you define that?

10 Q. I will be a bit more specific. The extension of the
11 Tailem Bend Road, for instance.

12 A. At that stage, I was working on site recording in that
13 region. And, in fact, if I remember rightly, I think it
14 was the Highways Department that actually approached us
15 to do some work.

16 Q. Can I put this proposition to you first and you can
17 expand on it.

18 A. Yes.

19 Q. Wasn't it yourself who alerted the members of the Lower
20 Murray Aboriginal Heritage Committee to the prospect
21 that this road extension may effect some significant
22 sites.

23 A. That may have been the case, yes, given we were working
24 on site recording in the region and it was obvious that
25 a road was coming through.

26 Q. And you contacted a Phil Fitzpatrick, at the Aboriginal
27 Heritage Branch, about that.

28 A. I really don't remember, at all.

29 Q. That is a possibility. You would accept that that could
30 have happened.

31 A. It may have done.

32 Q. Is it the case then that you instigated - and I am not
33 saying this in any sinister way - but you alerted the
34 members of that Committee to some of the implications
35 that you saw that could be involved in the road
36 extension from Tailem Bend to Ashfield.

37 A. You are pushing my memory in terms of the details, but I
38 would certainly say, given I was working on the site

S.J. HEMMING XN (MR SMITH)

- 1 recording and the implications of the road coming
2 through, that I would have discussed that with people,
3 but I haven't a memory of the Highways Department making
4 contact with us. So, I am not quite sure of the balance
5 of the timing of that, I have to say. I really can't
6 say much more on it, more than that. And I think, if
7 you are involved in site recording and you see the
8 implications of - possible implications of sites coming
9 up in - against, say, a development like a road being
10 put through, I think there is a responsibility of
11 letting people know about that. Because, under the Act,
12 people can be charged for destroying sites, even in the
13 sense if they are ignorant of those sites. So, I think
14 it is people's responsibility, if they were aware of
15 that, to do it. But that is just my view now and the
16 way I would have been thinking then, I think. So, I
17 can't really say exactly the sequence of events.
- 18 Q. Can we extrapolate from that then that, in relation to
19 Hindmarsh Island and the bridge across the river to
20 Hindmarsh Island.
- 21 A. Yes.
- 22 Q. Before the bridge dispute erupted and the events of
23 1993/1994 took place, you had no view that there was
24 women's secret business on Hindmarsh Island, did you.
- 25 A. Yes, that's absolutely true, yes.
- 26 Q. Because, had you had that view, I suggest to you that
27 you might have alerted -
- 28 A. Certainly, yes.
- 29 Q. The Aboriginal interests down there that that was the
30 case.
- 31 A. I certainly would have, I would have pointed that out.
32 And we would have been asked, I would have thought, in
33 the process. I mean, people like Rod Lucas came to the
34 museum and asked about Hindmarsh Island. We provided
35 all the information we had, at that time. And that was
36 very minimal, really, in terms of general material. So,
37 in actual fact, that had happened, in a sense.
- 38 Q. You wouldn't suggest, though, that the literature on

S.J. HEMMING XN (MR SMITH)

1 this general area, as opposed to Hindmarsh Island, was
2 minimal, would you.

3 A. No, but, in the sense of in comparison to other, or of
4 extra things that we could add. I mean, in terms of the
5 contact with Rod Lucas, it was more what else do you
6 know that might be of relevance to that region. And, in
7 terms of the work you have done and the work I had done.
8 That would be extra, would be field-based oral
9 histories. And the amount of work I had done in that
10 region really wasn't much. It really only related to
11 comments of people shearing on the island. The odd
12 person having holidays on the island. Those sorts of
13 things.

14 Q. You saw the end result of Rod Lucas's work, in 1990, did
15 you.

16 A. Yes, I did.

17 Q. And he took pains to consult the museum, yourself,
18 Philip Clarke, didn't he.

19 A. Yes, I believe so, yes.

20 Q. Being obviously a place which had focused all the
21 material relating to the Lower River Murray. In other
22 words, if you were researching that area, you would go
23 to the museum, wouldn't you, for some help and advice.

24 A. It is a major area to talk to, I think, yes, and he did.

25 COMSR

26 Q. Is there a comparable other major area.

27 A. I think there are lots of places, if you were doing a
28 very broad research project, that you could go to. The
29 Institute of Aboriginal Studies. There are sources
30 relating to the Lower Murray in a lot of places, but the
31 South Australian Museum obviously has a major collection
32 of information and objects.

33 XN

34 Q. Where are the other sources in South Australia.

35 A. You have got oral history.

36 Q. In South Australia.

37 A. In South Australia? I am talking about other States.

38 Normally Catherine Berndt's notes would have been, if

S.J. HEMMING XN (MR SMITH)

- 1 you had access to them, would be a major source. There
2 would be the manuscripts that David Unaipon was said to
3 put together, that is held in the Mitchell Library. You
4 have got the oral history tapes or linguistic language
5 tapes from the Institute of Aboriginal Studies from
6 people like Luise Hercus and Kathy Ellis.
- 7 Q. Looking at Rod Lucas's report, Exhibit 15, now before
8 you, going to the heading '6. Conclusions', and it is
9 towards the end of the report. Do you have that.
- 10 A. Yes, I have.
- 11 Q. You see there Rod Lucas concludes, amongst a number of
12 other conclusions, but there is a conclusion 'There is
13 no extant mythology which specifies mythological sites
14 on Hindmarsh Island.' At the time of that report, did
15 you take issue with that.
- 16 A. No, I don't think so. When Rod Lucas, I guess, spoke to
17 myself and Philip Clarke, he was able to get a summary
18 of what we knew of the sources. And I guess we gave him
19 some short cuts.
- 20 Q. Can I take you back to April of 1994, or earlier. You,
21 I take it, had conversations with Doreen Kartinyeri,
22 about the bridge, did you.
- 23 A. Early 1994?
- 24 Q. Tell me when you first had a discussion with Doreen
25 Kartinyeri, that you can remember, about the
26 construction of a bridge on Hindmarsh Island.
- 27 A. The best my memory can work is that I was aware that
28 there was some interest in the Hindmarsh Island bridge
29 from Doreen prior to the letter that she wrote to
30 Tickner. I think that's what I was -
- 31 Q. Did you learn from Doreen Kartinyeri, at some stage
32 prior to the letter to Tickner, which we know was in May
33 of 1994, don't we.
- 34 A. Yes.
- 35 Q. That she was opposed to the construction of the bridge.
- 36 A. I would think I had that impression, yes.
- 37 Q. What, only an impression.
- 38 A. As I say, I can't remember specific conversations, I

S.J. HEMMING XN (MR SMITH)

1 have to say. I have got a general memory of the period
2 for that. And there are certain events that I can
3 remember.

4 Q. Philip Clarke told us, in both his statement and his
5 evidence, that, in early April 1994, Doreen Kartinyeri
6 telephoned him and said, amongst other things, to him,
7 that she had very little to stop the bridge and she was
8 looking for anything that might help.

9 A. Yes.

10 Q. She must have had some sort of conversation like that
11 with you.

12 A. As I say, I wasn't very - I wasn't in the museum very
13 often in that early period. I had been away at the
14 University of South Australia for two years just prior
15 to that and my contact with Doreen was really only
16 starting up again once I got back to the museum. So, I
17 mean, listening to Philip Clarke's evidence, it seems
18 fairly clear that he had more contact with Doreen in
19 relation to this situation than I was having. But, as I
20 say, I certainly had the impression that that was
21 happening, at that time. That Doreen had an interest in
22 the issue and she was collecting information, but it is
23 very general, my memory of that.

24 Q. You have indicated that, at some stage, when the Berndts
25 were visiting the museum, you have a memory of a
26 conversation with the Berndts, or one of them, was it.

27 A. My memory was Ronald Berndt. As far as I can remember,
28 that's my memory. And I think I have been consistent in
29 saying that. I haven't said 'Berndts', I have said
30 'Ronald Berndt'.

31 Q. That was about, when, that this conversation took place.

32 A. My memory of it was towards the end of the development
33 of Ngurunderi or maybe afterwards, just afterwards. It
34 was later, it wasn't earlier, let's put it that way.

35 Q. What year are we talking about here.

36 A. I'd say 1989, 1988, in that vicinity. That's my
37 impression.

38 Q. Your memory of the conversation is a discussion of the

S.J. HEMMING XN (MR SMITH)

1 mythology, or you tell us what is your memory.

2 A. It was very general. And I think, as I have said in my
3 statement, it really was just Ronald Berndt kind of
4 speculating, theorising on the possibilities that that
5 Lower Murray region had some connection with femininity.
6 Maybe the female body, but femininity and it was really
7 just a speculation. From memory, I think he was making
8 the comments in relation to having been working on his
9 book and just thinking generally about the topic. Now,
10 I don't - as far as I can remember, it certainly didn't
11 go any further than that. And, at the time of
12 discussing this with other people, I thought that Philip
13 Clarke may have been present, at the same time. And I
14 was actually fairly certain that Philip might have
15 something written down. So, that was my memory of the
16 conversation.

17 Q. Did that conversation deal with Hindmarsh Island, in any
18 specific way.

19 A. No, it was very generalised. Very generalised.

20 Q. When you saw, for instance, that Rod Lucas reported no
21 mythology.

22 A. Yes.

23 Q. In the light of that discussion with the Berndts, did
24 that -

25 A. No, it had no bearing on that.

26 Q. It had no bearing.

27 A. This was just a very general discussion. It didn't
28 mention Hindmarsh Island and it really didn't mention
29 mythology either. It really just talked about the
30 possibilities of some sort of connection with that
31 region. It was very general. It was something that I
32 wouldn't have applied to anything really very much at
33 all until much later in relation this issue that things
34 started to be a little bit of a comparison there. But I
35 didn't put much weight on it and I still don't in a
36 sense.

37 Q. Were you aware then, going back to Doreen and April of
38 1994, that Philip Clarke had provided Doreen with data

S.J. HEMMING XN (MR SMITH)

1 from his data base prepared for his thesis in relation
2 to Hindmarsh Island, or at least the Lower River Murray
3 area.

4 A. I don't think I was, in the sense that, when I spoke to
5 Philip over the phone, I was asking for access to his
6 records or help with tracking down a couple of specific
7 things. And I don't think Doreen gave me that
8 impression, but I wouldn't be surprised with that.
9 Doreen may have been looking for extra information.

10 Q. Did you, at around about this time, have any
11 conversations with Doreen about the Ngarrindjeri word
12 for pregnant and the Ngarrindjeri word for the island,
13 'Kumarangk'.

14 A. No, I didn't, actually, no.

15 Q. There has been evidence that following the arrival of
16 the Tindale collection.

17 A. Yes.

18 Q. At the museum.

19 A. Yes.

20 Q. That there were two visits by Aboriginal people to the
21 museum. First by Milera, Doug Milera and Victor Wilson.
22 And then later by some women. And I will come to that,
23 in a moment. Were you at the museum, at that time. And
24 I am talking of the first visit by Douglas Milera and
25 Victor Wilson.

26 CONTINUED

- 1 A. I have a memory of discussing with, I think, Victor
2 Wilson, the Tindale collection and the nature of the
3 Tindale collection.
- 4 Q. Did you suggest that he -
- 5 A. The sort of complexities of using it, those sorts of
6 issues, it is not a very specific timing of when.
- 7 Q. Was that in about April of 1994.
- 8 A. It may have been, but, as I say, I don't have a record
9 of it and I don't think I was actually - my vague
10 memory is that, I came in on a discussion and it wasn't
11 something that I was there at the beginning of, but, it
12 is a fairly vague memory.
- 13 Q. Did you encourage Victor Wilson, for instance, or Doug
14 Milera for that matter, to go and have a look at the
15 collection.
- 16 A. I think, in conversations over the years, I had said to
17 people, that the Tindale material was going to be very
18 interesting once it came to the museum. So, I wouldn't
19 be surprised that perhaps, if I had a conversation with
20 Victor, or probably not Doug, because I didn't talk to
21 Doug Milera very often at all, maybe Victor, more likely
22 George Trevorrow or John, I would be saying 'The Tindale
23 collection is something interesting, if you get time
24 come to the museum come and have a look at it.'
- 25 Q. What about in the context of the bridge dispute, did you
26 urge them to go and have a look at the collection.
- 27 A. I don't think I did, because I don't think I was
28 involved at that stage, in that period, very much with
29 that issue.
- 30 Q. Is it correct that, there was an occasion in early
31 April, or early to mid April 1994, when Doreen
32 Kartinyeri, Hilda Day, Sarah Milera, visited the Tindale
33 collection and were you present.
- 34 A. Again, I have a vague memory of more of hearing about
35 the visit than being there and I have racked my brains
36 on this one, because I know Hilda Day, and I can't
37 remember having seen Hilda Day at the museum for - I
38 don't know if I had even seen her there since maybe the

1 Ngurunderi exhibition. I haven't been able to pin
2 down being at that meeting. I haven't got a record of
3 it and I certainly wasn't - I would have had a record if
4 I was contacted to organise it and I think Phillip
5 Clarke gave evidence that he phoned me up to let me know
6 that they were coming and perhaps to come in, so.

7 Q. He said, I will put it specifically to you, that you
8 were present, when these ladies came and that, they
9 looked through some part of the collection.

10 Does that prod your memory at all.

11 A. No, I have thought about that.

12 Q. Sarah Milera went into a trance.

13 A. No, that is the part that reminds me because I have
14 heard a discussion of that in the museum in relation to
15 that event, but I can't remember whether I was actually
16 at the meeting, or whether I have just heard that that
17 took place. And I would have thought I would have
18 remembered it; a group of people coming in like that,
19 so.

20 Q. Do you remember, at least, then, being asked by a group
21 of women or one or other of them, or you and Phillip
22 Clarke being asked to work as quickly as possible to
23 find some material relating to Hindmarsh Island.

24 A. I have a memory that there was discussion that people,
25 if they have the opportunity, be looking for those sorts
26 of things at that time, but I really wasn't having much
27 of an opportunity to look through the Tindale
28 collection. And that's another thing, that I really
29 wasn't working with the Tindale collection much at that
30 stage and I was really jealous, in a sense, that others
31 were getting the opportunity. I was working on other
32 things and I wasn't getting an opportunity to delve
33 into that material.

34 Q. Phillip Clarke told us in his statement, he sets it out
35 that, Doreen Kartinyeri, at this gathering which he
36 says took place around the Tindale collection, said
37 words to the effect that, they now knew something
38 significant about Hindmarsh Island, this is about mid

- 1 April, and that, the business had become apparent to
2 them as Ngarrindjeri women.
- 3 A. I don't remember anything stated like that because I
4 don't remember the meeting.
- 5 Q. Did you share that view, that there might have been some
6 business, some women's business, in connection with
7 Hindmarsh Island, at that stage.
- 8 A. No, no, certainly not.
- 9 Q. You had a hint of it in the meeting with Ronald Berndt.
- 10 A. No, that is not a hint of women's business with
11 Hindmarsh Island, it is just a general direction with
12 the connection in that region with femininity, nothing
13 specific in relation to a region or women's business.
- 14 Q. Although, you did use that conversation in an academic
15 discussion with the two, Phillip Jones and Phillip
16 Clarke, didn't you, as some support for the notion of
17 women's business.
- 18 A. Yes, in a sense that, I had then, at that stage, once
19 and much later on in the debate and the fact that there
20 was women's business being argued for the region and its
21 relationship to body, that was when I mentioned that
22 conversation. It really only became significant to me
23 or came into my head, in a sense, within that context.
- 24 Q. So, you say that, you have got no memory of this
25 gathering of women in the museum, looking at the Tindale
26 collection.
- 27 A. I don't have a memory of being there, but I do, as I
28 say, I do remember having a memory of it being
29 discussed, but only vaguely in that sense. And I have
30 looked at my time lines of that period and there was
31 only a couple of days in April when it could
32 perhaps have occurred, because I was doing quite a lot
33 of field work and I was doing other things so.
- 34 Q. Were you asked about this time, by Doreen or anyone
35 else, to do a bit of research for them in respect to
36 Hindmarsh Island.
- 37 A. Well, as I said, during that early period, earlier
38 period, I certainly was aware Doreen was researching

1 some background information, trying to find information,
2 and I wouldn't be surprised if Doreen didn't ask me to
3 look as well. I would be fairly certain she probably
4 did.

5 Q. Did you.

6 A. Well, I didn't have much to look at. In a sense that, I
7 had very little information on that region for my
8 research. I didn't have an opportunity to look at the
9 Tindale material. I don't think I was doing much in the
10 way of searching in that period because, it really
11 didn't seem like I had anything to offer the process.

12 Q. Would you say that you were closer to Doreen than
13 Phillip Clarke.

14 MR MEYER: Than Phillip Clarke was to Doreen or
15 closer to Doreen than he was to Phillip Clarke?

16 COMSR

17 Q. Do you understand the question.

18 A. Well, when.

19 COMSR: Can we specify the period of time that
20 we are talking about?

21 XN

22 Q. We're talking about mid April of 1994. My question
23 really is this; would Doreen Kartinyeri go to you for
24 help rather than Phillip Clarke.

25 A. I think she came to both of us in that sense certainly.

26 Q. You, however, did set about helping her, didn't you, you
27 know, in the period from April to about mid May, you
28 telephoned Phillip Clarke, didn't you, for some
29 information.

30 A. Well, again, my memory of that is fairly specific. My
31 memory of that occasion was that, I had plans to meet
32 with Doreen in the museum to talk about Nurrunga family
33 history, and the night before I was going to meet with
34 Doreen I had a phone call from Doreen, saying that,
35 whether could I dig up anything that might help in terms
36 of providing information about Hindmarsh Island from any
37 of the material that I had. And that was - my memory is
38 - I phoned Phillip Clarke that night and so that is the

- 1 night before Doreen came into the museum.
- 2 Q. You requested -
- 3 A. That is a very strong memory, so.
- 4 Q. That was when Phillip Clarke was on his leave.
- 5 A. Yes, I think so. I certainly phoned him at home and in
- 6 the evening.
- 7 Q. Is he correct when he says that, you requested all his
- 8 Hindmarsh Island data in order, and you specifically
- 9 made the request in connection with you helping Doreen
- 10 Kartinyeri.
- 11 A. Yes, I would think that would be right. It wasn't all
- 12 his - I was asking had he. I was asking about specific
- 13 pieces of information. I think he had on data base,
- 14 certainly more than I had, in terms of material from the
- 15 area. It was easier for him to pull it out and it was a
- 16 particular reference to a burial ground on Hindmarsh
- 17 Island that I remembered in Bellchambers and I wanted to
- 18 get to that quickly. I also did discuss from my memory,
- 19 some material that was in the museum that was from
- 20 a burial platform, and that is actual skin that I had
- 21 seen in the museum a number of years before and on a
- 22 number of occasions which I remembered was collected by
- 23 Stirling, which I wasn't certain about the location of
- 24 it and that was something that I think I was asking
- 25 about during that conversation.
- 26 Q. Hindmarsh Island and the bridge dispute was very much in
- 27 the press at this stage, wasn't it.
- 28 A. I think it was in the press certainly at that stage,
- 29 yes.
- 30 Q. You must know that, surely.
- 31 A. It is pretty hard.
- 32 Q. All your Aboriginal contacts from the Lower River Murray
- 33 area were deeply involved in the campaign to stop the
- 34 construction of the bridge at that stage, weren't they.
- 35 A. Well, as I say, I wasn't having as regular - during
- 36 1993, I had not as regular contacts with people as I
- 37 have had normally. It was much more seldom sort of
- 38 contacts during that period, because I was teaching at

- 1 Underdale in Aboriginal studies, field work was
2 something I wasn't doing as often, and most of my work
3 was actually in the Mid Murray region around Swan Reach
4 and the Riverland. So that, my contacts with that area
5 were not as frequent at that stage.
- 6 Q. On that occasion that you telephoned Phillip Clarke,
7 requesting his data on Hindmarsh Island, did he question
8 you along the lines of querying why you were getting
9 involved.
- 10 A. I'm really not sure.
- 11 Q. Well, he told us and his statement records it that, that
12 he questioned you about why you were getting more deeply
13 involved. Do you agree that that happened.
- 14 A. It may have done, but in the sense - I mean, my
15 perspective on it, I wasn't getting more deeply involved
16 I was providing some information to somebody who was
17 asking for it.
- 18 Q. But, didn't he tell you that he had already provided
19 that same information directly to Doreen Kartinyeri.
- 20 A. Well, she obviously didn't seem to have it so.
- 21 Q. Did you say to him, in this telephone contact you had,
22 over this data, that, you needed - Mr Clarke tells and
23 his statement records, that you needed the information
24 again, as Doreen Kartinyeri had demanded your special
25 assistance in interpreting the information.
- 26 A. I may have said that I needed the information again,
27 perhaps because Doreen didn't seem to have everything at
28 her fingertips, but, in terms of special assistance
29 interpreting it, no, I don't think Phillip would have
30 seen my abilities to look at information and comment on
31 it as any different to Phillips, at that time.
- 32 Q. But, that would gel with his assertion that he queried
33 why you were getting more deeply involved, wouldn't it,
34 I am putting to you.
- 35 A. I mean, more deeply involved is an interesting thing. I
36 don't believe I was deeply involved at any stage.
- 37 Q. At all.
- 38 A. I mean, I think that Phillip Clarke's evidence shows

- 1 that he was having more contact with Doreen on this
2 issue at that time than I was.
- 3 Q. You must have had some contact with Doreen Kartinyeri at
4 this stage, to precipitate this telephone call.
- 5 A. As I said, I was going to have a meeting with Doreen
6 about Nurrunga families. I was working on the Nurrunga
7 family history project. I had been working on with
8 Doreen before, before I went away from the museum to go
9 and teach at Underdale. I came back and it was on
10 the timetable of things to get back to to actually work
11 on and it was in - that is what I was expecting to be
12 doing. And I got a telephone call from Doreen saying,
13 'Can you find, look for information on Hindmarsh Island?
14 Do you have anything that may be useful?' that type of
15 enquiry, the night before.
- 16 Q. It was about this time that you made arrangements for
17 Franchesca Alberts to take information from Doreen,
18 wasn't it.
- 19 A. Well, that was actually after the letter was typed and
20 had gone to Tickner, as far as I knew and I didn't - I
21 knew that the letter had gone off, because Margaret Amon
22 told me a couple of days later. I wasn't actually
23 around when it was being faxed, but, Franchesca, the
24 contact with her, was after that letter had been done.
- 25 Q. We will deal with the letter. Could you look at MFI
26 Exhibit 204. You recognise that letter, do you Mr
27 Hemming, as what is being called 'the museum letter.'
- 28 A. Yes, I do, yes.
- 29 Q. That is the letter, is it not, that you helped Doreen
30 with. I will come to what precisely you did, is that
31 right.
- 32 A. Well, I typed it out on the computer, yes.
- 33 Q. Did you assist Doreen with the construction of this
34 letter MFI 204.
- 35 A. Doreen dictated what she wanted to have said and I wrote
36 it down in rough hand form, what she was saying, as she
37 said it and then I took it away and typed it up. As I
38 have said in my statement, I may have changed a bit of

- 1 grammar perhaps, but, in terms of the actual ordering
2 of information, or thrust of it, or whatever else, I had
3 no input to that, that was Doreen's. It is Doreen's
4 letter.
- 5 Q. It is Doreen's letter.
- 6 A. Yes.
- 7 Q. I take it this took place in the tearoom at the
8 anthropology division.
- 9 A. No, I think that the actual dictating of the letter took
10 place - I think it took place in two areas, but, it
11 certainly didn't take place in the tearoom, it was done
12 before that and if I remember rightly, some of it was
13 actually where Margaret Amos sits and she was in the
14 vicinity and I think there was some dictating of the
15 letter in the family history area. Just prior to that,
16 they would have been up in Doreen's area, but I am not
17 actually - I am not certain of the balance of that or
18 exactly where. I know where I typed it up after that
19 and I know that it was in a couple of places.
- 20 Q. Is this correct and I am reading from the statement of
21 evidence of Kate Alport, that Steve was helping Doreen
22 with the wording of the letter and this was in the
23 lunchroom.
- 24 A. No, I wasn't. I mean, the letter was, as far as I can
25 remember, by the time we were in the lunchroom, the
26 letter was written. I mean, I may have been discussing
27 the letter or the implications of the letter with
28 Doreen and I think that discussion was fairly general at
29 the time.
- 30 Q. That letter there, you have read it, haven't you, on a
31 number of occasions, in connection with this matter.
- 32 A. Yes, yes.
- 33 Q. That is not a letter that Doreen - that finished
34 product there, is not Doreen's finished product, is it.
35 You helped her with that.
- 36 A. How do you mean?
- 37 Q. The composition of that letter, the grammar of the
38 letter, you had to help Doreen with, isn't that the

1 case.

2 A. No, Doreen dictated what she wanted to say in the
3 letter and I typed it out. And, as I have said, I may
4 have changed a bit of the grammar, but nothing to do
5 with the content or the ordering or anything else.

6 COMSR

7 Q. What is being put to you you may have edited the
8 expression a little as you typed it out.

9 A. There may have been a little tiny bit of grammar change,
10 but, as I said, I was writing things down from Doreen,
11 so I was spelling things as I was writing them down, in
12 that sense.

13 XN

14 Q. Looking at the letter, Exhibit MFI 204, there is a
15 paragraph. fifth para.: 'I have always known about the
16 stories associated with Raminyeri and Ngarrindjeri
17 women's business, but until recently I did not know the
18 exact place that they referred to my grandmother Sally
19 Kartinyeri, my great Aunt Laura Kartinyeri and my Auntie
20 Rose Kropinyeri passed on these stories about women's
21 business to me.'

22 A. Yes.

23 CONTINUED

S.J. HEMMING XN (MR SMITH)

- 1 Q. You remember that as being the letter that was faxed off
2 to the minister.
- 3 A. Yes, that's right.
- 4 Q. Or part of it, the bit I've just read. Can you give us
5 any assistance as to how it is that Doreen located the
6 exact place to which these stories related.
- 7 A. I'm not absolutely certain because I was a little bit
8 confused about that aspect.
- 9 Q. What do you mean.
- 10 A. But my understanding of it was that Doreen hadn't made
11 the connection to the exact location where the bridge
12 was to these stories, in a sense. I mean I think that's
13 what was going on there, because I think there was, I
14 remember some discussion about that, and I wasn't sure,
15 in a sense, what she was saying, but it didn't go very
16 far, but that would be my sort of memory of it.
- 17 Q. Those three people, at the time of writing this letter,
18 Sally Kartinyeri, Great Aunt Laura Kartinyeri and Auntie
19 Rose Kropinyeri were deceased, were they, all of them.
- 20 A. I don't think -
- 21 Q. Sorry, the daughter of Pinkie Mack wasn't, was she, but
22 two of those ladies mentioned there were deceased,
23 weren't they.
- 24 A. I think they would be, yes.
- 25 Q. Did you and Doreen have discussions about where these
26 stories relating to women's business might well attach.
- 27 A. No, she didn't, she wouldn't tell me anything about
28 details of stories, and I didn't ask her, nor location,
29 but what I did ask her about was, I did ask about the
30 sources when she outlined who the people were that gave
31 her the information, and she did say that she heard some
32 of the details of Point Pearce, from Auntie Rose that
33 would be.
- 34 Q. Some of the details about the location.
- 35 A. Some of the details about the women's business.
- 36 Q. But what about the exact place to which these stories
37 referred.
- 38 A. No, she didn't say anything about that. I mean she just

S.J. HEMMING XN (MR SMITH)

1 mentioned generally women's business.

2 Q. Did you provide her with any assistance in terms of
3 locating the stories.

4 A. No.

5 Q. In point of geography.

6 A. No. We didn't discuss anything like that.

7 Q. Although you subsequently sought to support the location
8 of those stories on Hindmarsh Island, didn't you.

9 A. No, I subsequently supported Doreen in her right to have
10 a say about this issue, and her right to express her
11 beliefs. That was my line, to support.

12 Q. I'm talking really about your conversation in the tea
13 room with Philip Jones and Philip Clarke in asserting -

14 A. In the tea room?

15 Q. At the anthropology division, and making the point about
16 your conversation with Ronald Berndt.

17 A. Yes, a general region statement, and I used that as an
18 example, that here is something that I'd heard that
19 provides a really slight glance at the fact that there
20 might have been some feminine aspect to that region, and
21 I'm not saying - that's certainly not locating it to
22 specifically Hindmarsh Island or anything like that.

23 Q. Did you convey that view that you held, as flimsy as it
24 is, to Doreen Kartinyeri.

25 A. No, I didn't, because it wasn't raised - the issue of
26 bodies and the rest of it wasn't raised during that
27 writing of that letter, it was really just women's
28 business was all that was raised, and Doreen wouldn't go
29 any further than that. I wasn't pushing her.

30 Q. Is Margaret Amon right when she said that, in connection
31 with the sending of this fax to the minister, Mr
32 Tickner, on 12 May, that you said words to Doreen to the
33 effect of 'I will back you up, Doreen'.

34 A. I'm not certain they'd be the exact words.

35 Q. Something like that.

36 A. I would have said that I would back Doreen or support
37 Doreen, as I've said, in her right to have this say, I
38 mean her belief that, as a Ngarrindjeri woman and a

S.J. HEMMING XN (MR SMITH)

1 researcher, that if she had these beliefs and views,
2 that she would be able to express them.

3 COMSR

4 Q. Why was there any doubt about her right to express her
5 views. Has that ever arisen, that there was some doubt
6 that she or anyone had the right to express their views.

7 A. I think certainly later on there was, I'm not sure in
8 the context of that discussion there was. In terms of
9 backing Doreen, my view has been supporting her with her
10 right to have a say.

11 XN

12 Q. I will go back to the chronology. You then made
13 arrangements for Franchesca Alberts, a student, to take
14 some details from -

15 A. Student?

16 Q. Well, was she a postgraduate student in anthropology at
17 that stage.

18 A. She is a curator at the museum. She was employed as a
19 curator in the division of anthropology, and she is
20 conducting studies at university as well.

21 Q. Did you make such arrangements, though, with Franchesca
22 Alberts.

23 A. Yes. After the letter was written, it was pretty
24 obvious that Doreen needed to talk to someone other than
25 a male in relation to this matter, so I approached
26 Franchesca, and I think it was with Doreen as well, to
27 see whether she'd be willing to talk to Doreen about the
28 situation.

29 Q. And Franchesca, you've heard what she said to us and
30 you've seen a statement I think, she made arrangements
31 to do that.

32 A. Yes.

33 Q. And the appointment was cancelled.

34 A. I guess so, I mean I didn't cancel appointments.

35 Q. Is it correct to your knowledge that you told Franchesca
36 that Doreen was now recording this information with Dr
37 Deane Fergie.

38 A. I remember having talked to Franchesca about the

S.J. HEMMING XN (MR SMITH)

- 1 situation on finding out that Doreen hadn't been to the
2 meeting, and I think my comment was, as far as I knew,
3 Doreen was going to be doing this with Dr Fergie, but it
4 was fairly vague, but I was under the impression that
5 Doreen had decided, or something had happened in
6 relation to working with Dr Fergie, perhaps, on it.
- 7 Q. How did you know that.
- 8 A. My memory is that I heard it, I may have heard it from
9 Kate Alport, but yes, again, I'm not certain about that.
10 I mean Franchesca was a student of Deane's at the time
11 too, but it doesn't seem like she heard it from Deane.
- 12 Q. At about this time a debate, a more than usual debate,
13 started to take place in the museum about what was
14 happening at Hindmarsh Island, between you and Philip
15 Clarke and Philip Jones amongst others, is that correct.
- 16 A. I don't think Philip Jones was so much involved. I
17 remember discussing things with Philip Clarke. Philip
18 Jones, I don't think I discussed, or had a debate with
19 really on this issue until later, is my memory of the
20 situation.
- 21 Q. Well, in about the middle of May of 1994, the minister,
22 the Federal minister, had put a temporary ban on the
23 construction of the bridge, hadn't he.
- 24 A. I think so, yes.
- 25 Q. It was common knowledge in the museum that you had given
26 some assistance to Doreen Kartinyeri in a submission, a
27 letter to the minister.
- 28 A. Well, it was common knowledge that I'd typed a letter
29 out for Doreen, and that one was sent by Doreen to the
30 minister, and I made that, there was no covering up of
31 that, it was known around the place and people were
32 talking about it, so certainly.
- 33 Q. Did a debate - if it was a continuing debate, tell me -
34 but did a debate then ensue between you and Philip
35 Clarke and, to some extent, with Philip Jones about -
- 36 A. I don't think Philip Jones really was involved in
37 debates at that stage much.
- 38 Q. Well, Philip Clarke. You and Philip Clarke, at about

S.J. HEMMING XN (MR SMITH)

1 this time, talked about women's business, didn't you,
2 and it's applicability to Hindmarsh Island.

3 A. I'm not quite sure of the timing of that talk. I'd have
4 to say I was trying to pin it down -

5 Q. Subsequent to the letter to the minister.

6 A. - because I was on leave from 15 June, I think, through
7 - I've got a series of times, and I was trying to work
8 out when it would be. I thought it may have just been
9 before I went on leave, or just after I went on leave,
10 or something like that.

11 Q. When did you first find out that women's business was an
12 issue on Hindmarsh Island.

13 A. Well, when the letter was sent to Tickner, it was
14 mentioned by Doreen that women's business was something
15 that needed to be discussed, so I guess that was the
16 time.

17 Q. Was that the first time that you realised that Doreen
18 and others, perhaps, were asserting that there was
19 women's business associated with Hindmarsh Island.

20 A. Yes. I mean it came as quite a surprise to me. I mean
21 I can remember it very clearly as that because it was a
22 shock in the sense that it was very sort of amazing
23 thing to be told, it wasn't something that I was aware
24 of at all and had any clues to, really, in terms of that
25 region or just the issue. It was a surprise, so I
26 remember.

27 Q. So 12 May 1994 was the first that you had ever discussed
28 women's business with Doreen Kartinyeri, is it, women's
29 business in connection with Hindmarsh Island.

30 A. In connection with Hindmarsh Island and, as I say, we
31 didn't really discuss that at all, it was just raised
32 that she wanted to raise this with the minister. She
33 didn't talk about details. The closest I got to talking
34 about details was really just asking about sources and
35 finding a little bit more out about that, and she
36 mentioned Auntie Rosy.

37 Q. My question is not focused on details of the women's
38 business, but the fact of the existence of the women's

S.J. HEMMING XN (MR SMITH)

1 business in connection with Hindmarsh Island. When was
2 the first time.

3 A. That day of the letter.

4 Q. 12 May.

5 A. Yes.

6 Q. Did you and Philip have a discussion which included you
7 conceding that some invention of tradition had taken
8 place, discussion with Philip Clarke.

9 A. I remember I was having a debate, and I remember that
10 Philip talked about the invention of tradition and the
11 book that that title comes from quite a bit. I'm not -
12 I don't like that term. I have a tendency to think that
13 it places a sort of value judgment on the change in
14 culture, so I wouldn't have conceded it in those terms
15 at all, and I don't think - the nature of our
16 discussions was such that often I was in a sort of a
17 position where most of the talking was being done by
18 Philip. I wouldn't - first of all I wouldn't have used
19 that or agreed with that term and, in relation to this
20 issue, I just wouldn't have known enough to make too
21 much comment, other than the actual notion or the nature
22 of women's business, if it exists, in the region
23 relating to Hindmarsh Island, would naturally have been
24 impacted on by circumstances since invasion contact, So
25 there may have been a discussion in relation to that,
26 but certainly not conceding some invention of tradition
27 in those terms at all, and I don't like that term, so I
28 wouldn't have used it.

29 Q. Well, what term would you use.

30 A. Well, in general, in relation to the concepts that are
31 within that particular book, I'd be just talking about
32 cultural change more generally, rather than using a term
33 like 'invention' which carries the sorts of judgments
34 that I guess, in a sense, mislead, and I was quite
35 surprised to see it in Philip Clarke's statement without
36 any context in relation to where that term had come
37 from, in the sense of a book and an academic
38 publication. I think that was incredibly misleading in

S.J. HEMMING XN (MR SMITH)

1 relation to the use of invention in this commission.

2 Q. Isn't that word used in some of the literature, though,
3 in relation to Aboriginal tradition.

4 A. It's been debated in some of the literature in relation
5 to reacting to that particular publication, but I think
6 quite a few people have a similar view to myself. I
7 think Philip Jones expressed his position on that fairly
8 clearly, that he wouldn't use that term, that he feels
9 that it has some, I think he used the used the term
10 `pejorative' connotation. I would agree with Philip
11 Jones on that.

12 Q. So was there a conversation, however, between you and
13 Philip Clarke, in which this issue of, whether you call
14 it invention of tradition, which you wouldn't like to
15 use that phrase - you would use what, cultural change,
16 is that what you think.

17 A. I don't think that was the hub of the conversation that
18 took place.

19 Q. Could you tell us what it was.

20 A. I would have thought it was more in terms of me arguing
21 in the sense that I believed that it was possible, and
22 that I also believed Doreen and had confidence in her
23 views, but I'm not sure when it took place, I'm not sure
24 when this conversation took place. It was more in a
25 sense me disagreeing with the position that Philip may
26 have been putting, that it was impossible for this to
27 exist.

28 Q. Let me give you the whole of what Philip Clarke says
29 passed between you, and I know you take issue with the
30 word `invention'. He says that `In a period around
31 about mid May 1994', that is after the letter to the
32 minister and after the temporary banning of construction
33 of the bridge, `A conversation, the gist of which was as
34 follows', took place between you, on the topic of the
35 validity of women's business. `Mr Hemming conceded some
36 invention of tradition had taken place. However,
37 overall, he validated it by stating "Auntie Maggie
38 Jacobs and Auntie Connie Roberts can remember something

S.J. HEMMING XN (MR SMITH)

1 too". Now does that help you with the conversation.

2 A. All that does is it brings questions into my mind about
3 the timing, because I don't think that I was aware that
4 Auntie Maggie and Mrs Connie Roberts had those views at
5 that time. I think it was at a later date when I was
6 actually aware that that was the case. I'm not really
7 certain about timing in that sense. I think I remember
8 having a conversation where I would have, where I said
9 something of that nature, but the timing of it, I'm not
10 certain about.

11 Q. Well, put aside the timing for a moment. Did a
12 conversation like that take place with Philip Clarke,
13 and the commissioner will bear in mind what you've said
14 about invention.

15 A. Yes, I believe a conversation like that took place.

16 Q. So you must therefore have had conversations with Auntie
17 Maggie and Auntie Connie.

18 A. No, that's why I'm doubting the timing, because I didn't
19 really talk to Auntie Maggie about what she was saying
20 until a much later date, and Auntie Connie, I've never
21 spoken to about that particular issue. It would be only
22 learning through, I don't know, someone else in general
23 conversation that I would have known, or would have made
24 those points.

25 Q. Well, you know these ladies, Maggie Jacobs and Connie
26 Roberts by the names Auntie Maggie and Auntie Connie.

27 A. Yes. That's a term of respect that people use in
28 general. I know Auntie Maggie very well, but Auntie
29 Connie I don't know as well, I've only met her on a few
30 occasions, and I know about her more than I sort of know
31 her, in a sense. She is an acquaintance.

32 Q. I take it that Margaret Jacobs wouldn't like me to call
33 her 'Auntie Maggie', would she.

34 A. Yes.

35 Q. Probably not now, but what I'm suggesting to you is that
36 you had some degree of familiarity with these two
37 ladies, such that you could call them 'auntie'.

38 A. Margaret Jacobs, absolutely, certainly, but not Auntie

S.J. HEMMING XN (MR SMITH)

1 Connie, as I say, but Connie Roberts, really I'd met her
2 a number of times over the years and I know her, but I
3 certainly don't have a close relationship with her at
4 all.

5 Q. You concede that this conversation took place with
6 Philip Clarke at some stage.

7 A. I think a conversation like that took place.

8 Q. A conversation about the validity of women's business,
9 where you mentioned Maggie Jacobs and Connie Roberts.

10 A. I think it did but, as I say, it was at a later time
11 when I mentioned Connie Roberts and Maggie Jacobs.

12 Q. Can you help us when it was, in what setting it was.

13 A. I'm not certain of the timing of it. I think it would
14 have been after I came back from leave, but I'm not
15 certain of the timing. So much has occurred in this
16 situation that it's very hard to pin down a specific
17 timing for these things.

18 Q. Did you convey to Philip Clarke that it was due to your
19 close association with these ladies, or these elderly
20 Aboriginal people, that you felt justified in backing
21 the efforts to stop the bridge.

22 A. No, I said that the fact that it appeared that Margaret
23 Jacobs and Connie Roberts also had some knowledge of
24 this situation, that there was a couple of other people
25 who were saying that, so that was also added weight to
26 the fact that there were a number of people who had this
27 belief. I was just basically putting that up as a
28 situation.

29 CONTINUED

S.J. HEMMING XN (MR SMITH)

- 1 Q. Was it your position that you felt justified in backing
2 efforts to stop the bridge.
- 3 A. No. I mean, I don't believe I was backing efforts to
4 stop the bridge. I wasn't in that sort of position. I
5 didn't put myself in that position. I put myself in a
6 position where I was fairly well apart from the
7 situation, and because it was being dealt with by
8 Aboriginal women that made that - directed that
9 situation. It wasn't something I was involved in or
10 trying to be involved in.
- 11 Q. You accept the possibility that Doreen asked you to help
12 her, do you. Going back -
- 13 A. In context -
- 14 Q. In her book.
- 15 A. I accept the possibility that she did ask, did I have
16 any information, yes.
- 17 Q. You knew that she had been supplied with data by Philip
18 Clarke, is that right.
- 19 A. No, I am not certain that I did know that.
- 20 Q. You agreed with me earlier in the conversation with
21 Philip Clarke where you requested his data on the
22 telephone -
- 23 A. That was later on, I'm sorry. That was much later.
- 24 Q. You knew that she had already got some data, because you
25 mentioned the word again. You wanted the data again.
- 26 A. I think I was under the impression that Doreen was
27 saying that. All I know is that, as I have said, I was
28 under the impression Doreen was looking things up in
29 that earlier period, and I was likely to have looked for
30 things then. The time that I recall specifically asking
31 for information was when Doreen phoned me up and then I
32 phoned Philip Clarke up.
- 33 Q. You got the data and looked at it, did you.
- 34 A. I got some references from Philip, yes.
- 35 Q. You examined those references.
- 36 A. Yes, yes, yes.
- 37 Q. Presumably you spoke with Doreen about your findings.

S.J. HEMMING XN (MR SMITH)

- 1 A. I mentioned those references to her, yes. That was
2 basically - I think it was Bell Chambers, and I was
3 looking for that reference to the burial platform
4 material and I'm not sure whether I found it. I don't
5 think I did. I've since found the reference, and the
6 material comes from a burial platform at Kantara Station
7 which is in Salt Creek.
- 8 COMSR: We don't need to go into that.
9 XN
- 10 Q. You looked at the material and you had some contact with
11 Doreen in connection with the material.
- 12 A. On that day, yes.
- 13 Q. You then helped Doreen with a letter to the Minister on
14 12 May.
- 15 A. I typed out what she wanted to put in the letter. She
16 dictated it.
- 17 Q. You accept that you said to Doreen, at about the time of
18 the faxing off the letter, that you supported her
19 efforts.
- 20 A. Yes.
- 21 Q. Words to that effect.
- 22 A. In a sense, supported her right to have a say on this
23 issue, and the fact that she felt strongly about it
24 obviously.
- 25 Q. I go back to my original question. You were providing
26 then assistance to these Aboriginal people, and I don't
27 say anything was wrong about that. I am not putting
28 that to you.
- 29 A. I was providing information, as I would as a museum
30 employee and a fellow colleague of another museum
31 employee, as others have said they have done. It is our
32 job.
- 33 Q. Philip Clarke took issue with the length to which you
34 were going. Whether he was right or not, he did, didn't
35 he.
- 36 A. At a later time I think he did, but that was his
37 perception of the situation.

S.J. HEMMING XN (MR SMITH)

1 Q. Did you, in defence of what you had been doing, say that
2 you've felt justified in backing efforts to stop the
3 bridge.

4 A. No. What I said was that I supported Doreen, but I
5 also, in this conversation we are talking about - I am
6 not sure of the timing - there were others who were
7 saying they knew information, so it wasn't just Doreen.

8 Q. I am not sure when this took place, but is it the case
9 that about this time, about May 1994, or thereabouts,
10 you put to Philip Clarke and Philip Jones that the
11 Berndts have recorded the fact that the lakes region
12 bore some resemblance in Ngarrindjeri mythology to a
13 woman's body.

14 A. No, I don't think it was that time at all.

15 Q. When was it.

16 A. My memory of discussions or a discussion like that was
17 this year, and in the evidence that Philip Jones gave,
18 as far as I can work out, he confirmed that because he
19 mentioned the fact that we were talking about an issue
20 relating to doing background research on native title
21 along the Murray River, specifically the Murray River.
22 That issue didn't come up until into this year, and I
23 know the dates of that, and that accords with my memory
24 of having a discussion with Philip Jones and Philip
25 Clarke.

26 Q. I am sorry, I gave you the wrong date. That took place
27 this year.

28 A. Yes.

29 Q. 1995.

30 A. Not exactly the way that Philip Jones describes it, as
31 you could well imagine. I said Ronald Berndt, for
32 instance, was the source of the information I had, and
33 he wasn't clear on that in his actual statement. He was
34 suggesting it was more the Berndts, I think.

35 Q. Is it the case that both Philip Jones and Philip Clarke
36 took strong issue with you about that.

37 A. By that stage, both Philip Jones and Philip Clarke were
38 taking strong issue in relation to the fact that I was

S.J. HEMMING XN (MR SMITH)

1 providing, in a sense, support for Doreen having the
2 view she had. So that any discussion like that was
3 myself on a back foot, and Philip Jones and Philip
4 Clarke on the front foot, in a sense. So that was the
5 relationship, in a sense, in that discussion.

6 COMSR

7 Q. I am not quite clear when you say they took issue about
8 you giving support to Doreen.

9 A. Their view was fairly clear that they didn't believe
10 that there was any evidence or any secret women's
11 business relating to Hindmarsh Island.

12 Q. Was the issue they were taking, that as an employee of
13 the museum, you were seen to be getting involved.

14 A. No, no. It was a debate about that issue. I was saying
15 that I believed that it was possible, and they were
16 saying they believed it wasn't.

17 Q. I can understand that academic dispute, if I can put it
18 that way, but are you saying that they weren't or didn't
19 appear, as far as you could tell, to be concerned that
20 you appeared to be getting involved in a matter of this
21 sort.

22 A. My memory was more of a debate over the possibility.
23 XN

24 Q. I take it you assert categorically that Ronald Berndt
25 told you, in one of those tea room meetings that the
26 Berndts had with the staff, that the landscape of the
27 Murray Mouth area was -

28 A. Not the Murray Mouth, no. It was a general discussion
29 about that region. Not the Murray Mouth at all
30 specifically.

31 COMSR

32 Q. When you say 'that region', what are we talking about.

33 A. The Lower Murray, the lakes, Coorong.

34 XN

35 Q. The lakes region -

36 A. And the Coorong and the river. That area.

37 Q. Was evocative of a woman's body. Is that your
38 categorical -

S.J. HEMMING XN (MR SMITH)

- 1 A. Not evocative of a woman's body, but had - he was
2 thinking there was some sort of feminine significance,
3 some sort of female significance to that region.
- 4 Q. To the landscape.
- 5 A. Yes, to the landscape.
- 6 Q. In Ngarrindjeri mythology, are you talking about.
- 7 A. He didn't go as far as to specify Ngarrindjeri
8 mythology, but he would have been talking about in
9 Ngarrindjeri beliefs, and I guess religious beliefs.
- 10 Q. You are categorical that the female body was talked of
11 by Ronald Berndt, are you.
- 12 A. I am, yes.
- 13 Q. You are not getting mixed up with the male body.
- 14 A. No, because I was surprised that he said that because.
- 15 COMSR
- 16 Q. Would any anthropologist, having heard that, have reason
17 to be surprised at such a remark.
- 18 A. It was something different, and he was just theorising.
19 It wasn't -
- 20 XN
- 21 Q. Do you agree that Philip Jones and Philip Clarke were
22 present.
- 23 A. No, I am not certain about that. I said I thought
24 Philip Clarke was around - was there at the time, but I
25 wasn't certain. But my first response was I thought
26 Philip Clarke was there, and I thought he must have
27 heard it as well if he was, but I am not certain that he
28 was there. I can't state categorically at all. Ronald
29 Berndt came into the museum a lot of times during the
30 80s in all sorts of circumstances, with his wife, by
31 himself. There were a number of occasions. They
32 weren't all in the tea room that we had discussions.
- 33 Q. Philip Clarke and Philip Jones assert that that
34 conversation did not take place, don't they.
- 35 A. They argue that they don't believe it did.
- 36 Q. Did you also tell Philip Jones that you felt there was
37 something in the literature that supported that view.

- 1 A. At that stage, I did have a feeling that I had seen
2 something written, and I went back after a time and
3 looked and found -
- 4 Q. This is in the Berndts volume.
- 5 A. I thought it could have been in the Berndt volume,
6 because I had spoken to Ronald Berndt and he had made
7 that sort of statement, that also led me to believe that
8 there was something possibly in there, but I thought I
9 had seen something in there. When I looked, the only
10 reference that I could find that was like that, was the
11 reference to the body and then the statement about the
12 general connection to Ngurunderi, so I didn't find a
13 reference to it, and, in fact, my view on the thing is
14 that I told Philip Jones that later, and I think I told
15 Philip Jones that at the time - around the period that
16 he went to Channel 10 for the interview.
- 17 Q. He has said categorically, hasn't he, in evidence that
18 you asked him to show him the evidence.
- 19 A. I asked him to show -
- 20 Q. And you have not done so.
- 21 COMSR: The other way around.
- 22 XN
- 23 Q. Philip Jones asked you to show him the evidence, and you
24 have not done that.
- 25 A. I think he did ask me to look - I am certain he would
26 have done, and I have a memory of that, but as far as I
27 am concerned, I told him that I hadn't found a
28 reference, but I certainly didn't back down at any stage
29 about hearing from Ronald Berndt.
- 30 Q. I am just talking about the provision of the evidence -
- 31 A. No, I know that I told him that, and it was around the
32 time of the Channel 10 interview, and I believe - I
33 think my memory is that it was just afterwards, when I
34 had a long conversation with him outside of the museum
35 the day after that, that he also hasn't referred to.
- 36 COMSR
- 37 Q. Just reverting to the conversation that you have given
38 evidence about with Berndt, you say that he mentioned

S.J. HEMMING XN (MR SMITH)

- 1 the region generally had some feminine quality.
- 2 A. He thought there was some connection with feminine
- 3 qualities or female body. It was a very general thing.
- 4 Q. That was something - a new concept that he had
- 5 introduced as far as you were concerned, was it.
- 6 A. Yes, and I think it was pretty new in his thinking. It
- 7 wasn't something that he was claiming he had lots of
- 8 evidence for.
- 9 Q. Just sort of a general comment.
- 10 A. A general comment. I have to make the point that the
- 11 fact that Ronald Berndt connects Ngurunderi to that
- 12 region as a body, the first time he does that with
- 13 Catherine Berndt is in 'The world that was'. They
- 14 published a long account of that particular dreaming
- 15 story before, but didn't make any reference to it having
- 16 any relationship to body or landscape, and stated that
- 17 Ngurunderi was a dreaming ancestor that came into the
- 18 scene after the creation of the landscape, as I say.
- 19 Q. He made a general comment, as you said -
- 20 A. Yes.
- 21 Q. It was unusual at least. It was something that hadn't
- 22 been mentioned before. Did you have a conversation with
- 23 Philip Clarke and Jones about it later.
- 24 A. Just after he had said that?
- 25 Q. Yes.
- 26 A. I don't recall, no. I am not certain either way on
- 27 that, I have to say.
- 28 XN
- 29 Q. The Channel 10 interview was on 30 May 1994 when Mr
- 30 Jones appeared on Channel 10 and spoke out. You saw
- 31 that.
- 32 A. Yes. The latter half of it, I think, at the time.
- 33 Q. Mr Jones told this commission that on the day following
- 34 that, Doreen Kartinyeri came into his office, she was
- 35 angry and an exchange took place. But, amongst other
- 36 things, he told us that Doreen Kartinyeri said to him
- 37 that you, and I will give you the gist of the words
- 38 'Steve Hemming told her that the lakes and Murray Mouth

S.J. HEMMING XN (MR SMITH)

1 were evocative mythologically of a woman's internal
2 organs, and that the authority for this analogy rests
3 with Catherine Berndt'. You heard Mr Jones say that.

4 A. Yes, I heard him give evidence, and I think he gave
5 evidence - his evidence was slightly different to his
6 statement in terms of what he was saying. My impression
7 of his evidence was that he said that I supported Doreen
8 in that conclusion in a general way. It wasn't clear in
9 terms of what he was saying. I would like to look at
10 the transcript to see exactly to comment on that,
11 because I certainly noticed a big - a difference between
12 his statement and the evidence that he gave.

13 Q. What do you say about that, that is, did you tell Doreen
14 anything like that, that is, that the lakes and the
15 Murray Mouth were evocative mythologically of a woman's
16 internal organs.

17 A. No.

18 Q. Did you say anything like that to Doreen.

19 A. At some stage, at a later stage in the sequence, I would
20 have said the same thing that I said to Philip and
21 Philip that Ronald Berndt had mentioned that there was a
22 female association with the region, but that was late in
23 the piece.

24 Q. This is 30 May 1995.

25 A. No, not that period. I reckon I would have said that to
26 Doreen before then, but I don't think it would have been
27 very early at all in the piece in terms of the sequence
28 of events.

29 Q. When do you say it was that you conveyed something like
30 that to Doreen.

31 A. It would have been after I became aware of the
32 significance of the female body, and the argument the
33 women were putting across through the media and through
34 discussions like that, that I would have made the
35 comment because that's when I actually started to think
36 about that.

S.J. HEMMING XN (MR SMITH)

- 1 Q. I am sorry, what do you mean by that. Do you mean that
2 you were encouraged to think that that was the case by
3 what you saw in the media.
- 4 A. No, what I am saying -
- 5 Q. That is, that the landscape was mythologically evocative
6 of a woman's body.
- 7 A. No. In terms of what had come out in the media in
8 relation to the argument about a woman's body in
9 connection with that region, after that, after I became
10 aware of it through that sort of form, this would be
11 when I was thinking, remembering and thinking about the
12 Ronald Berndt conversation, but, as I say, I had the
13 conversation with Philip and Philip this year and, as
14 you can see in Philip Clarke's evidence from the
15 conversations I had with him earlier this year, there is
16 no mention of that. I wasn't talking about that as an
17 idea until after it was well known through the media.
- 18 Q. What did you tell Doreen Kartinyeri about the landscape
19 and about the Berndts in connection with the landscape.
20 What did you tell Doreen.
- 21 A. All I would have mentioned to her would have been the
22 fact that I heard Ronald Berndt, not Catherine Berndt,
23 talking generally about the possibilities of feminine
24 connection with that region. That would have been it.
- 25 Q. When do you place that in point of time, that
26 conversation.
- 27 A. I would say it is late 1994, somewhere around that
28 period. It is late in the piece. That's all I know. I
29 can't really pin it down.
- 30 ADJOURNED 12.58 P.M.

1 RESUMING 2.15 P.M.

2 COMSR

3 Q. Before we go on, could I just get a little bit of
4 assistance with what you mean by a couple of terms, so
5 that I understand what you mean, because people use
6 different terms and they may mean different things. Is
7 there any difference between the evolution of tradition
8 and the invention of tradition, or are they just people
9 using different terms to imply the same thing.

10 A. I think there are subtle differences, but they are
11 basically the same sort of thing and it depends on the
12 context in which they are being used. If invention of
13 tradition is being used in the context that it was, I
14 guess, argued in the book of the same name, then it has
15 a - it is very much like evolution of tradition. It is
16 change, it is traditions evolving, recognising the
17 impact of various influences on people's beliefs and
18 culture and particular situations where things are
19 continuing to change.

20 Q. Is there any minimum time for the evolution of
21 tradition, or can it happen overnight or within a week:
22 what is meant by 'evolution'.

23 A. I mean, evolution in those terms is a funny term to use,
24 I think. But, I mean, there are occasions where major
25 events would take place that may mean that people
26 rethink particular practices. So, I guess things can
27 happen quickly that are important in a particular
28 society in general. I would say it is difficult to deal
29 with those definitions in that way. I don't know if
30 that is helping you that much.

31 Q. It is more that, you see, if I hear one witness using a
32 term and explaining it, I just like to know whether
33 another witness is using it in the same way or in
34 slightly a different manner.

35 A. Sure.

36 XN

37 Q. I take you again to the conversation that Philip Jones
38 alleges he had with Doreen Kartinyeri immediately

S.J. HEMMING XN (MR SMITH)

1 following the Channel 10 television interview of 30 May
2 1995. You suggested I think quite correctly that I
3 address myself to the transcript. It is at p.4,240. If
4 you look at the bottom of that page: in the middle, I
5 took Mr Jones to that television interview. Then, about
6 two-thirds of the way down the page, he tells how Doreen
7 subjected him to a standard haranguing. Then a
8 conversation took place. And, over the page, at the
9 top, 'She didn't go into many details, but did stress to
10 me that the lakes region and Hindmarsh Island bore this
11 resemblance to a woman's reproductive organs and I asked
12 her where on earth she got that idea from. I admit she
13 didn't give me a full answer, but I suppose in casting
14 around for an authority with which I might sort of
15 moderate, or in response to which I might moderate my
16 stance, she told me that she had heard it from Steve
17 Hemming. That he had supported her constructing that
18 analogy.'

19 A. Yes.

20 MISS NELSON: 'Supported her in constructing that
21 analogy.'

22 XN

23 Q. 'Supported her in constructing that analogy', indeed.
24 So, is that the case, that you had supported Doreen
25 Kartinyeri in constructing that analogy. That is, the
26 analogy that 'the lakes region and Hindmarsh Island bore
27 a resemblance to a woman's reproductive organs.'

28 A. No, I think, as I said before, at some stage later in
29 the sequence of events, I would have mentioned the
30 conversation with Ronald Berndt. But, again, that was a
31 general comment and it didn't talk about reproductive
32 organs. And I think just - I don't know if it is worth
33 making another comment - I did look at Philip Jones's
34 evidence, in relation to this, after cross-examination
35 and, again, there were differences, but I am just
36 reacting to the differences.

37 Q. My question is not that there are any variations in
38 Philip Jones's account of it.

1 A. Sure.

2 Q. But did a conversation like that take place between you
3 and Doreen Kartinyeri.

4 A. Not in the way that it is described there.

5 Q. Would you tell us on that topic what conversation passed
6 between you and Doreen and when.

7 A. I would say it was certainly after it was well-known
8 that the case in relation to Hindmarsh Island had some
9 involvement with a woman's body and organs and things
10 like that in the press. And I would have spoken to
11 Doreen, at some stage, in that context and said to her
12 that I had heard Ronald Berndt theorising about the
13 possible feminine significance of the region. That
14 would be the extent of that. That would be the
15 conversation that would be being referred to, I would
16 suggest, there.

17 Q. Did you suggest to Doreen that there was a burial
18 platform on Hindmarsh Island.

19 A. No, I suggested to Doreen that there was a possibility
20 that some material that had come off a burial platform
21 related to Hindmarsh Island and I remembered some
22 material in the museum. I wasn't sure exactly where it
23 had come from and I knew Sterling had collected it.
24 That stuck in my mind. It was unusual material, because
25 it was actually skin from a burial platform. I wasn't
26 able to locate the specimens and I don't think I was
27 able to locate the specific information because I hadn't
28 resolved it in my mind. But more recently before this
29 Royal Commission - just before the Royal Commission and
30 during I asked Andrew Hughes to have a look for the
31 material and also Deanne Hangent, who is working on
32 human remains in the museum putting together a catalogue
33 and they were able to find, particularly Deanne, I
34 think, that material from a burial platform, including
35 skulls and other bits and pieces, came from a burial
36 platform at Cantara Station, which is down towards
37 Kingston. I also found a reference in Tindale's
38 notebooks where he refers to a - he refers generally to

S.J. HEMMING XN (MR SMITH)

1 a platform, a burial platform in the landscape of a raft
2 that is in the museum that shows the style of burial
3 platforms in the Murray Mouth. But it is only a general
4 statement too. So, I haven't been able to pin it down
5 and I was never able to. So, I didn't suggest to Doreen
6 that there was a burial platform from Hindmarsh Island.
7 I think I thought there was possibly some material from
8 that. That that was about as far as I could go.

9 Q. The burial platform you are talking of mentioned by
10 Tindale is from Salt Creek, isn't it.

11 A. I haven't found a reference in the register to one from
12 Salt Creek yet, but I do remember in one of his
13 articles, I think, a mention of Salt Creek, but finding
14 the material from Cantara, which is nowhere near Salt
15 Creek, led me to some more confusion. All I have been
16 able to locate so far is Cantara as a location and a
17 general reference.

18 Q. But you know, don't you, that there is burial platform
19 material in the museum from Salt Creek.

20 A. I am not certain of that, I have to say. There is an
21 indication there is. I am not certain. I haven't been
22 able to find that specific reference myself recently, at
23 all.

24 Q. You know that Philip Jones says that Doreen told him
25 that you had told her that there was a burial platform
26 from Hindmarsh Island.

27 A. Yes, as I say -

28 Q. And that is not the case, is it.

29 A. No, and I didn't tell her there was one from Hindmarsh
30 Island. I was thinking there may be some material
31 actually associated with the platform anyway, not
32 actually a burial platform itself, possibly from that
33 region. I thought it may come from Hindmarsh Island,
34 because it was Sterling, but it was only a very vague
35 thing. And I was looking and trying to discover the
36 information on that. And it wasn't confirmed. As I
37 say, the only material I have been able to find and I
38 have got copies here, print outs from the register,

- 1 relates to Cantara, the material from a burial. That
2 was what I was looking for.
- 3 Q. I ask you to look at the Berndts' book, which is Exhibit
4 4 - I am coming to the end of my questioning -
- 5 A. I have got a copy of my own. I think it is the same
6 one.
- 7 Q. Can I take you to the foreword by Professor Tonkinson,
8 at p.29.
- 9 A. Yes.
- 10 Q. Do you have that.
- 11 A. Yes.
- 12 Q. The first paragraph is 'In the past decade'.
13 A. Yes.
- 14 Q. Can I ask you to read - and I won't read it to you - at
15 the second or the third paragraph down at 'base no
16 adequate consideration', down to the end of the page.
- 17 A. So, read the whole thing?
- 18 Q. Yes, those two paragraphs, down to the words
19 'potentially dangerous to others.'
- 20 A. Yes.
- 21 Q. Do you agree with that.
- 22 A. No, I don't, actually. It is only certain parts of it
23 that I don't agree with.
- 24 Q. Do you agree with this part, the central part in that
25 second last paragraph, 'Yaraldi ceremonial life was
26 public and there was apparently no secret sacred men's
27 religious domain, which is rare in Aboriginal
28 societies.'
- 29 A. No, I think, in terms of ceremonial ritual life, it
30 seems that the women's initiations were completely
31 separate from men. And there is no evidence that the
32 men had any access to the knowledge that was being
33 transmitted. I mean, there is just not enough evidence
34 on that side. And, secondly, the Berndts do refer to an
35 element of the men's initiation ceremony which they star
36 and say is a secret sacred interpretation of the status
37 of the initiate. And that is - they make the point of
38 saying it is not secret sacred, except. And that is

S.J. HEMMING XN (MR SMITH)

1 just the male one and we don't know enough about the
2 female side of it. So, I think Tonkinson is
3 overgeneralising in that statement. That is my view.

4 Q. You disagree with him.

5 A. Just that comment actually. The rest of it I am - you
6 know.

7 Q. Can you tell us again why you say Professor Tonkinson is
8 wrong about that.

9 A. I am just disagreeing in terms of the general comment.

10 Q. It is more of a general comment about Yaraldi ceremonial
11 life, is it.

12 Q. Yes.

13 A. It is not specifically male in the first part.

14 OBJECTION Miss Nelson objects.

15 MISS NELSON: I think my learned friend should make it
16 clear that, although he prefaced the question by taking
17 Mr Hemming to Berndts' book, what he was actually
18 quoting to him comes from the foreword, which isn't
19 written by Dr Berndt, it is written by someone else. I
20 am aware that Mr Hemming referred to the author in the
21 course of his answer and then Mr Smith adopted it, but I
22 just think it should be plain that he is not putting
23 something from -

24 COMSR: As being from Berndts.

25 MISS NELSON: As being from either of the Berndts.

26 XN

27 Q. You knew I was referring to Professor Tonkinson's
28 foreword.

29 A. Yes, that's right.

30 Q. The section I read to you was 'Yaraldi ceremonial life
31 was public and there was apparently no secret sacred
32 men's religious domain, which is rare in Aboriginal
33 societies.'

34 A. Yes.

35 Q. You take issue with that.

36 A. Yes, I do.

37 Q. Why.

38 A. Because there is that element that the Berndts

1 themselves say is secret sacred within the male
2 initiation.

3 Q. Would you -

4 A. And that's the interpretation of the status of the
5 Narambi initiate as being secret sacred. They say that
6 specifically.

7 COMSR

8 Q. Could you tell me what you mean when you say `secret
9 sacred'.

10 A. Do you want me to read out the passage?

11 Q. No, I want to know what you mean.

12 A. The Berndts say there is a secret sacred element which
13 suggests that it is restricted and suggests also that it
14 is restricted to that particular ceremony and those
15 people involved in it, which would be the men.

16 Q. So, it is restricted to men and the women would not know
17 the detail of it, although they might know that it
18 exists, but not the detail of what exists.

19 A. What they are implying is there is a public
20 interpretation and a secret sacred interpretation, which
21 they make a point of saying that. And I don't think
22 they would be doing that unless it related to the male
23 knowledge of that ritual. But also there is the
24 situation in that description of the initiation where
25 the actual processing of the initiate is clearly done
26 without any women around. The old woman they talk about
27 coming along during the or taking part in the ceremony,
28 she comes along after the initiates have actually been
29 transformed into the Narambi or sacred status and then
30 she looks after them during their period of seclusion.
31 So, as some people have said that there were women in
32 all parts of the initiation, that is not entirely
33 following the description the Berndts use in their
34 description. It was a very important point to make.

35 XN

36 Q. Would you direct us to that in the book.

37 A. Certainly I will try to, quickly.

38 MR ABBOTT: P.174 and p.175.

1 Q. P.174 onward.

2 A. Right.

3 OBJECTION Miss Nelson objects.

4 MISS NELSON: That may or may not be right. Mr Abbott
5 is not giving the evidence.

6 MR SMITH: It is under the heading of 'Initiation'.

7 It is going to be around about right.

8 WITNESS: I am just trying to find the point where
9 the old woman comes in. Basically that whole section is
10 describing the actual initiation process after they
11 leave and go to the place where the initiation is taking
12 place, or the plucking of the hair and other things that
13 occur in the initiation. And, during that process, it
14 is just the male Elders who go and do that. There is no
15 women there.

16 COMSR

17 Q. Just so that I am clear: you say that, in this account,
18 there is something left out, because it is secret.

19 A. No, I don't think it is left out. I am just saying
20 that, in terms of the argument that women had full
21 access to the actual initiation, that is not entirely
22 the case. There was a period, a significant period,
23 when the initiate was being made Narambi, where there
24 were no women present. And the Berndts make reference
25 to the interpretation of that transformation of the
26 initiate as being secret sacred.

27 XN

28 Q. Down the bottom of p.17 there is a reference to the
29 youth becoming, is it, Narambi sacred and taboo.

30 A. Yes.

31 Q. And that is canvassed again at p.185.

32 A. Yes.

33 Q. That's what you mean, is it.

34 A. There is that period, the section before, where it is
35 referred to being ochred and having the hair plucked out
36 and things like that and it goes on, I think, for a
37 couple of days.

38 Q. Looking at the statement of Philip Clarke, Exhibit 1,

1 p.8; in the evidence before lunch, you expressed
2 surprise that Philip Clarke had used the term 'invention
3 of tradition', I think, is that what you conveyed.

4 A. No.

5 Q. You said that it was an inappropriate term.

6 A. No, not at all. I said that I wouldn't use it myself,
7 because I felt that it has - it contains an intent, an
8 impression when you hear the term 'invention' that
9 perhaps is not the sort of impression that is intended
10 by the concept. It contains an emphasis that relates to
11 sort of an invention, a formal invention of a particular
12 situation. It is just - it contains, in a sense, an
13 emphasis that I just would - I feel misleads people when
14 it is used. I would go for, as I say, 'cultural
15 change', other sorts of terms. I wouldn't use
16 'invention of tradition' myself. That's all.

17 Q. I think that your objection to the use of the word was
18 based on it being used out of context.

19 A. Yes, in terms of the statement, because, basically it -
20 and, I mean, I can only say that - and I don't think
21 that this is necessarily any sort of intentional thing -
22 but the way it came across when it was presented, say,
23 for instance, in the media was that there had been some
24 invention of tradition. And the way the general public
25 interprets that is very different from an academic who
26 was familiar with the book 'An Invention of Tradition',
27 by historians or anthropologists. So, I thought that it
28 needed some context supplied with it, to make sense of
29 the statement.

30 Q. It would be, wouldn't it, a perfectly appropriate
31 term if women's secret sacred business simply did
32 not exist on Hindmarsh Island, or in its environs and
33 arose in 1994, it would be an appropriate term,
34 wouldn't it.

35 A. If that was the case, it probably would be, perhaps,
36 depending on the circumstances. But I would - you know,
37 it would be arising as an - yes, I would have to agree
38 with that.

- 1 Q. Looking at that section of Dr Clarke's statement there,
2 at the bottom of p.8, where he elaborates under a
3 heading 'The invention of tradition' and what he meant
4 by that.
- 5 A. Certainly but, in terms of the statements in relation to
6 the sequence of events that is what I was talking about,
7 not that section of his statement.
- 8 Q. Indeed, he refers to sources there, Baines, Bird Rose,
9 doesn't he.
- 10 A. Yes, certainly, but, I am talking about within the
11 context of the sequence of events, it would have been
12 probably just a little bit better if it was - that
13 particular comment in relation to the conversation with
14 myself and he, was referenced back to this particular
15 literature, because that was what was stated early on
16 in the Commission's, sort of, summing up of the
17 situation and was reported in the media in that form.
18 So, it wasn't put into that context. I guess that's
19 what was the problem.
- 20 Q. That is Dr Clarke's position isn't it, this is an
21 invention of tradition, in 1994 I mean, you know. Why
22 is it out of context, if that is his position.
- 23 A. Well, I am only saying it is out of context in relation
24 to what I was saying.
- 25 Q. It is out of context to you.
- 26 A. Not in relation to what he is saying.
- 27 Q. I just want to ask you a couple of questions before I
28 sit down about the Fergie report. You have seen that,
29 of course, haven't you.
- 30 A. Yes.
- 31 Q. Would you go to p.19 of the report, Exhibit 5. See the
32 top of p.19. This topic I am going to read
33 I assure you that it is in the public arena.
34 I just read this para. to you, 'But it is in relation to
35 Ngarrindjeri secret traditions about the function in the
36 area in cosmological terms, that the full extent of the
37 injury to Ngarrindjeri tradition can be grasped. My
38 informants believe that the construction of the bridge

- 1 will form a permanent link between two parts of the
2 landscape, whose cosmological efficacy is contingent on
3 separation. It is a link which would be undermining
4 cosmological and human reproduction and cause
5 Ngarrindjeri society and with its tradition
6 ultimately to disappear. In short, my informants
7 believe that the building will not simply injure and
8 desecrate their traditions, they believe it has the
9 clear capacity to destroy their culture.'
- 10 Would you agree with the assertions made in this
11 Commission, that that is an anthropological discovery of
12 mammoth proportions, bearing in mind the existing
13 literature about this area.
- 14 A. I would agree that it is very significant new
15 information certainly.
- 16 Q. It is surely more than that, isn't it.
- 17 A. I think it is very important, yes, very significant.
- 18 Q. It is much more than that, this belief. Assuming the
19 belief is in place, if the bridge is built, it would
20 destroy the culture and traditions of the Ngarrindjeri
21 people.
- 22 A. Well, that obviously appears to be the belief of the
23 people concerned.
- 24 Q. Would you agree that that is a new paradigm all
25 together in the Aboriginal tradition and culture and
26 beliefs of the Ngarrindjeri people.
- 27 A. It is something I haven't heard of before, as I have
28 said.
- 29 Q. Would you not agree that, it is totally remarkable, that
30 nothing in the literature alludes to this and nothing
31 until 1994 was known of this.
- 32 A. Well, I guess, in my - what I have done in my statement
33 is say that, it is not totally remarkable. I am not -
34 to me, as I have argued, I have tried to show that there
35 are some bits of evidence to show that there are
36 reasons why information from women, as important
37 information, wasn't recorded; the opportunities why - I
38 have talked a little bit about some of the experiences

S.J. HEMMING XN

- 1 in my field work, where particularly women have not been
2 or have not wanted to talk about particular issues.
3 I have looked at the Berndts' ethnography to find out if
4 there is any evidence of women's business in a sense,
5 that we don't have any real knowledge of through the
6 ethnography. So, I mean, that is basically my case, as
7 I said.
- 8 Q. My question is, is this not totally remarkable, that
9 nothing like this has emerged until early 1994.
- 10 OBJECTION Miss Nelson objects.
- 11 MISS NELSON: I have been thinking about the quotation
12 that my learned friend has put and the quotation is
13 predicated upon the building of the bridge. Now, I
14 don't understand, to begin with, that any of the
15 literature has ever addressed a situation of the island
16 and the mainland being linked. So, to start with, that
17 may be putting an unfair gloss on the question.
18 Secondly, I think the question has been put and
19 answered. It has just been put again.
- 20 COMSR: I think it has been put and answered.
21 XN
- 22 Q. You, Mr Hemming, have worked in the area doing field
23 studies and absorbing the culture since 1981, is that
24 right.
- 25 A. I have been working with people in the region since
26 then, yes.
- 27 Q. What, do you take issue with my 'absorbing.'
28 A. I have been learning things I guess.
- 29 Q. Absorbing the culture.
30 A. I guess so, I am just saying learning.
- 31 Q. Isn't that what you were doing.
32 A. I suppose. I mean, it is just - it is not a term I
33 would use, that's all.
- 34 Q. What term would you use.
35 A. I would say learning about the history and culture of
36 the people since then.
- 37 Q. In early 1994, it was the first hint you have had of
38 such a major belief, as is formulated in Dr Fergie's

1 report.

2 A. In the time of letter going to Tickner from Doreen,
3 that was the first hint that I had, in a sense, that
4 there was any major women's business of that
5 sort relating to that region.

6 Q. Just to complete a few housekeeping matters. Exhibit
7 74, a copy of which I produce to you, you acknowledge
8 that you edited that book, 'Troddin Thru Raukkan'.

9 A. Yes.

10 Q. I think there are two video tapes which touch upon
11 those matters.

12 A. The first one, if it is what I think they are -

13 Q. I will produce them to you.

14 A. The first one was called 'Camp Coorong, sharing our
15 culture' which I think was a combination of talking
16 about recording history and sites and the interest in
17 looking at history, and also, in a sense, publicising
18 the work that Camp Coorong have been doing, in terms of
19 running educational camps for people, taking people
20 through the region's history. So, it was a combination
21 of things and it was an opportunity to make a video that
22 gave some of the older people an opportunity to talk
23 about the history and it be used as a resource in
24 teaching programmes within the Education Department, it
25 is used and through Camp Coorong.

26 Q. I think one of those videos, is what I can call a
27 Lindsay Wilson video.

28 A. Lindsay Wilson I think is on both of them. The second
29 one is, basically, it was really mostly just a visual
30 record of a wurley making workshop that was held at Camp
31 Coorong. That is, basically, we put together a workshop
32 looking at material culture, from the earliest of
33 memories of some of the older people I was working with;
34 their days of having holidays on the Coorong, what were
35 the wurlies they were living in, how did they make them,
36 the use of things called blanket sails. It was putting
37 a material side to the oral history, so that when we
38 were talking about particular stories, we could actually

- 1 - the objects themselves had an impact on people's
2 memories and it also provided a better understanding of
3 just how people were living in the material culture and
4 Lindsay Wilson, I guess, was the main source of the
5 information on that. He basically conducted the
6 workshop in a sense and showed he was one of the main
7 people who showed how they built the wurlies, talked
8 about the process and there are a number of other
9 people, including Doreen, who came along as well on that
10 particular trip. Les Gollan, Bruce Carter.
- 11 Q. Are the videos different, one from the other.
- 12 A. Yes.
- 13 Q. One is the wurley building.
- 14 A. That is second in terms of sequence of time and 'Camp
15 Coorong, sharing our culture' I think it is called, is
16 the first one.
- 17 Q. What is the viewing time of those.
- 18 A. They're not very long. I think they are something like
19 15 to 20 minutes.
- 20 Q. Each.
- 21 A. I think so, yes. Maybe half an hour.
- 22 A. Leah Rankine, who has already been mentioned in this
23 Commission, is on the first one and Margaret Jacobs
24 and Marg Koolmatrie are also on both, I think. There
25 is a number of people.
- 26 EXHIBIT 232 Two video tapes tendered by Mr Smith.
27 Admitted.
- 28 Q. You would agree, would you, that Bertha Gollan is a
29 senior Ngarrindjeri lady.
- 30 A. Yes.
- 31 Q. Someone who, in ideal circumstances, would be consulted
32 about a tradition such as secret women's business.
- 33 A. I think she is certainly an elder who would be, you
34 know, on the list of people.
- 35 Q. Dulcie Wilson the same.
- 36 A. Yes, yes.
- 37 Q. Would you agree with me that, Sarah Milera has a
38 reputation, if I can put it neutrally, for fantasizing.

- 1 A. Well, I really don't know in terms of that person. I
2 can't comment on that.
- 3 Q. I am asking about her reputation.
- 4 A. Yes.
- 5 COMSR
- 6 Q. Anything you have heard about her.
- 7 A. Well, mostly through the Commission I have been hearing.
- 8 Q. Apart from that.
- 9 A. Comments like that, I mean, I don't know Sarah Milera
10 that well and I haven't had that much to do with her.
- 11 XN
- 12 Q. Would you agree that Shirley Piersley and Vi Deuschle
13 are not Ngarrindjeri women.
- 14 A. Well, no, I wouldn't really agree with that. I think
15 they certainly identify with the Kingston very strongly
16 but through their genealogies they have connections
17 with the Coorong. Certainly Vi Deuschle through the
18 Wimpie family has Coorong connections. And Shirley
19 Piersley has her family connections through the Bonnies.
20 Certainly had them living at Point - near Point McLeay
21 early on in the century basically, and had a lot to do
22 with the region. So, I don't think you could completely
23 rule them out as being Ngarrindjeri people at all.
- 24 COMSR
- 25 Q. Can an Aboriginal person identify with two different
26 communities.
- 27 A. For sure, depending on their family background and
28 where they have lived.
- 29 Q. Simultaneously could they be Ngarrindjeri.
- 30 A. Yes, I think, certainly, because it is their background.
31 Their mother's side might have come from the West Coast
32 of South Australia and the father may have come from
33 Point McLeay. It is just depending on those influences;
34 like Greek father/Italian mother.
- 35 XN
- 36 Q. It has been said that both those ladies are
37 Moandik, regarded as Moandik, rather than Ngarrindjeri.
38 Isn't that the case.

1 A. I have always known Vi Deuschle to associate her
2 heritage more with the Kingston area, which relates to
3 that area. But, I also know she is well aware she has
4 Coorong connections as well. Shirley, I am not
5 quite as sure in terms of discussions, with her origin.
6 She has strong Kingston connections and South East
7 connections. She is also aware of her connections with
8 Point McLeay historically. Certainly that is the way it
9 is I think.

10 Q. Your professional life has been spent with these people,
11 it is a simple proposition. Shirley Piersley and
12 Vi Deuschle, I suggest, are not regarded as
13 Ngarrindjeri women, but are Moandik.

14 MISS NELSON: By whom?

15 COMSR: By whom?

16 XN

17 Q. By you I am asking you.

18 A. By me. Well, by me I would say that they have got every
19 reason to claim Ngarrindjeri descent, that is from my
20 perspective and I am basing that on their genealogies
21 and other bits and pieces. I mean, other people within
22 the community may have different perspectives, depending
23 on the history they have had with those people. That's
24 the way it is.

25 Q. I think you would like to supplement your statement to
26 produce, wouldn't you, some - what would you call this
27 bundle of material.

28 A. Most of it is just the evidence of the references in my
29 statement, where I said that Doreen Kartinyeri has said
30 something or somebody else has said something. It is
31 just copies of references that I was able to locate that
32 I actually specifically related to my statement. Plus a
33 couple of extra little references that I have found
34 since the Commission started. Because, when I was
35 putting my statement together it was very quick. I had
36 very little time to actually do much preparation. So,
37 there is a couple of extra things. I think there is one
38 photocopy, if I can find it, from - there is just an

1 excerpt that I photocopied. I thought it was in there,
2 but I have got the book.

3 MISS NELSON: I have got it here.

4 A. Just a section from the book, myths and legends of the
5 Australian Aboriginees attributed to W Lindsay Smith,
6 who, it has been argued, is actually mostly written by
7 David Unaipon as - the source material is from David
8 Unaipon, which has a section in it which just talks
9 about the trade custom associated with the umbilical
10 cord. Basically, I thought I would put a copy of that
11 in because it provides a little bit more information in
12 relation to the meaning/significance of that particular
13 custom.

14 CONTINUED

S.J. HEMMING XN (MR SMITH)

1 MR SMITH: I haven't looked at these, I suggest
2 that we mark them for identification at this stage while
3 we all have a look at them, and perhaps at the end of
4 the day sort that out.

5 COMSR: How many have you got there?

6 MR SMITH: It's just a bundle of notes.

7 XN

8 Q. Is that right, contemporaneous notes.

9 A. Yes. What I put into my statement was only things that
10 I could actually locate in terms of the conversation
11 with Doreen Kartinyeri, for instance - mostly it's
12 Doreen Kartinyeri material - that I had an actual note
13 in a notebook or a rough note, so I photocopied those
14 pages, and they are very brief, and they only really
15 relate to comments like 'There are things I can't tell
16 you because you're a man', that sort of comment, that
17 Doreen made to me before any of this Hindmarsh Island
18 issue started, and a couple of just partial transcripts
19 of tapes where either something like that was being
20 said, or it relates to this particular -

21 Q. I think it's better if we go through it, there is no
22 quick way of doing this. That document is headed 'Tape
23 Index SH5'.

24 A. That's a very, very rough, quick transcript done of a
25 tape that was made during the work on producing the
26 Ngurunderi exhibition, dated 26.8.1988. It was actually
27 a discussion between myself, Winston Head, one of the
28 exhibition officers, and Philip Clarke, and during that
29 conversation, which was in the Ngurunderi gallery in
30 front of a case that had a seated model of a woman,
31 Doreen made some comments about the position of the
32 actual model, and the fact that it indicated an aspect
33 of menstruation. She actually had us turn the tape off,
34 and there is a little bit of a conversation on the tape
35 just prior to turning the tape off, and she indicated
36 after that - in another notebook I've just got a comment
37 saying there are things that she can't tell me because
38 I'm a man, or can't even tell me, so it just indicates

S.J. HEMMING XN (MR SMITH)

1 that Doreen Kartinyeri perhaps at least had a belief in
2 knowledge that she couldn't impart to men prior to
3 Hindmarsh Island becoming an issue, and I guess that
4 just follows my opinions.

5 MISS NELSON: I indicate that where Mr Hemming refers
6 to `transcript of tapes', and he has actually prepared a
7 transcript, the actual tapes are available.

8 A. Yes. I have the copy tapes here. That is a very rough
9 transcript, that one (INDICATES).

10 COMSR

11 Q. What do you mean, roughly written.

12 A. Very roughly done by myself. I've just put a few topics
13 in there, and just identified where the spot is on side
14 B, so that's not going to help you a huge amount.

15 XN

16 Q. The document dated 9 August 1988 headed `Marg
17 Koolmatrie, Doreen Kartinyeri and others', that's a
18 tape, is it.

19 A. Yes. It just refers to, in my statement, an occasion
20 where midwives were discussed in general terms, and I
21 was told to turn the tape down or off, and I have a note
22 in another little notebook, and this is just a
23 transcript of the beginning of the tape with a blank
24 section on it.

25 Q. That document there.

26 A. That's another extra. I don't know if you want to talk
27 about that at this stage.

28 Q. There is four pages of your handwriting, is it.

29 A. That's right, yes.

30 Q. Taken from where.

31 A. This is again from one of my notebooks from the period
32 of 1988 to do with site recording. I was keeping
33 notebooks when we were doing site recording style work.
34 It's my notes relating to an interview with Jean Gollan,
35 Doreen Kartinyeri and Marg Koolmatrie. In it there is a
36 section that refers to - just discussing, talking about
37 the delivery of babies just very generally, and the fact
38 that `That would be never spoken about on the street'

S.J. HEMMING XN (MR SMITH)

- 1 sort of comment. That relates to that tape.
2 Q. That original notebook is available, is it.
3 A. Yes, I've got that here.
4 Q. Looking at this bundle, this next bundle of six pages,
5 again that's -
6 A. That relates to one of the conversations in the tea room
7 that I was talking about with the people I've mentioned,
8 between Neva Wilson, and Suzy Hutching was there. It's
9 just a mention - Doreen was talking about, just
10 mentioned a bit about Mundoo Island in very, very brief
11 terms, and just said that 'At certain times of the year
12 you can see smoke coming off the island. This
13 represents smoking of the dead', that sort of comment,
14 so just a mention of Mundoo Island.
15 Q. When was that.
16 A. That was back in 1989.
17 Q. Then, looking at this -
18 A. I think. Yes, May 1989.
19 Q. Then there's two pages, again your notebook, is it.
20 A. Again that's just, that is just a spare thing. It
21 doesn't really matter.
22 Q. Then I produce to you is it two pages, 'Journal June to
23 August 1991'.
24 A. Yes, another conversation with Doreen where she said,
25 just again she said that she shouldn't tell me, a man,
26 about such things, but that she and plenty of others
27 know about the Ngarrindjeri way of childbirth. It's
28 just a conversation.
29 MISS NELSON: What is the date of that?
30 A. 8.8.1991.
31 XN
32 Q. Then this document, which is headed 'Murray Bridge,
33 Railway Terrace, Nanna Laura Kartinyeri, Auntie Maggie
34 Jacobs, 27.10.93', four pages of your handwriting, is
35 it.
36 A. Yes. I think I referred to that in my statement, but
37 it's just in terms of having a discussion with the
38 daughter of Margaret 'Pinkie' Mack more generally about

S.J. HEMMING XN (MR SMITH)

1 her life, in a sense, and I was interested in her
2 experiences at Swan Reach, but we also just briefly
3 touched on a couple of issues to do with pregnant women,
4 and the sorts of things that you didn't, you don't do,
5 like - well, nothing really detailed.

6 Q. This bundle, three sheets of paper headed `Ngarrindjeri
7 Meeting, 5 October'.

8 A. This was -

9 Q. What year would that be.

10 A. Yes, I've got the notebook here, but that actually
11 relates -

12 Q. It's the same year.

13 A. I have to look that up quickly. I think it's about
14 1988, but I better just check that to make certain -
15 yes, it's 1988, 5 October. It was a meeting, I think,
16 after the discussion in the gallery, and I just have a
17 note there saying that Doreen doesn't - Doreen also said
18 `There are some things I can't tell even Steve because
19 I'm not allowed to. It's what my old people would
20 want'. It's the sort of thing that Doreen said to me a
21 number of times over the years. Didn't go into any
22 details.

23 Q. This handwritten document, again your handwriting, two
24 pages dated 4 July 1988.

25 A. Yes.

26 Q. `Field trip to Victoria' etc. again.

27 A. Again this one is an extra I didn't mention in my
28 statement. This is one of the ones that I found since.
29 The same with the previous, I hadn't located that
30 before. This just is a reference where Doreen is just
31 talking to, I think it was Jean Gollan, and she says
32 `Doreen did a lot of talking about Salvation Army and
33 that she was the only girl that didn't convert, she was
34 too used to her grandmother's etc. religion'. It goes
35 on a little bit from that, so it's just referring to, I
36 guess, her beliefs, in a sense.

37 Q. Then finally that extract from `Myths of Australian
38 Aborigines'.

S.J. HEMMING XN (MR SMITH)

1 A. Yes. That's on the Ngia Ngiampe, or the trade and
2 customs. As far as I know, the source of this is David
3 Unaipon. It's a little bit more information in relation
4 to the practice in which mentions the fact that - it
5 says, I will quote from it, in relation to the piece of
6 cord that was actually central to the establishing of
7 the trade relationship, the umbilical cord, he says,
8 `Only a certain woman of the tribe is privileged to be
9 the giver of this piece of cord. She had to be the
10 daughter of a mother who also had been similarly chosen.
11 These mothers must be in direct line of noble womanhood
12 and must be pure of character'.

13 COMSR

14 Q. Is this something that -

15 A. It's just adding extra information to the understanding,
16 in a sense, or possible information.

17 Q. Yes, but is it information in the public domain.

18 A. It's published, yes.

19 Q. That's all I want to be assured of for these purposes.

20 A. Sure. It really just - it has slightly more information
21 about that process than the Berndts have, and it gives
22 women, I guess, slightly higher role in the process.

23 EXHIBIT 19A Bundle of documents tendered by Mr
24 Smith. Admitted as part of Exhibit 19.

25 A. I think I must just add this one, it's just - it's a
26 vocabulary card from the Tindale collection of language
27 from that region, and it's just a reference to a
28 particular plant that is said one way by, it appears to
29 be men and, when spoken by females, it says that the
30 plant is `Lalawath'. They add a `TH' or interdental on
31 the end. It was actually something that I did ask an
32 older Ngarrindjeri lady about, because she came from a
33 place call Lalawa, and she confirmed to me yes, in that
34 instance, the way that women said that particular place
35 was different from men, and that's the place. Tindale
36 has the actual plant name, and he says the similar
37 thing, that you add a `TH' on the end. It's not
38 conclusive of any sort, but it shows this is another

S.J. HEMMING XN (MR SMITH)
XXN (MR ABBOTT)

1 area where perhaps women had knowledge or even practices
2 that were separate from men's perhaps. It's just an
3 indication. I can talk more about that perhaps.

4 MR SMITH: Could that be added to that exhibit.
5 COMSR.

6 Q. I've heard evidence, of course, that there is men's
7 business and there is women's business.

8 A. Sure. It seemed like there was a connection to a place,
9 because when I asked this particular elderly lady 'Is
10 that term is used for a particular station', she said
11 that she used that term, and when she spoke it she has
12 used the 'TH' on the end, so that's an element of
13 women's practice, in a sense. Something the Berndts
14 don't record as well.

15 CROSS-EXAMINATION BY MR ABBOTT

16 Q. Who was your informant in relation to this regard.

17 A. A lady called Lola Sumner. I'm pretty sure I have a
18 note on that which I can dig out, of that conversation.

19 Q. You said a few minutes ago the effect of your statement
20 was, or your argument was - I think I've recorded it
21 correctly - that there was some bits of evidence to show
22 why some evidence was not recorded. Do you remember
23 saying something to that effect.

24 MISS NELSON: Why some knowledge was not recorded.
25 XXN

26 Q. Why some knowledge was not recorded.

27 A. Yes, something like that.

28 Q. That's really the high point of what you say, isn't it.
29 There is some bits of evidence to show why some
30 knowledge may not have been recorded.

31 A. That's a major part of it but, as I say, it's also on
32 the basis of what is recorded in the Berndts' book, and
33 also on the basis of my own experiences in the region,
34 so it's not just that, but that's certainly an element.

35 Q. You go no further than that, other than to come to this
36 commission and to say that your argument, your thesis,
37 is that there are some bits of evidence to show why some
38 knowledge may not have been recorded until recently, or

- 1 may not have been revealed until recently.
- 2 A. That's one aspect to my argument, yes.
- 3 Q. That's the high-water mark of your argument, isn't it.
- 4 A. I don't think that's the full crux of it.
- 5 Q. But you don't go any further than that, do you. You
- 6 don't say that you've presented proofs.
- 7 A. No.
- 8 Q. Or even probabilities, do you.
- 9 A. I say possibilities, but of course I haven't got
- 10 conclusive evidence other than - I guess the only
- 11 conclusive aspect of it is that a number of women
- 12 presently argue that they believe in the women's
- 13 business.
- 14 COMSR
- 15 Q. That's conclusive of what, that there is a present -
- 16 A. That's conclusive that there is a group of women that
- 17 argue that there is women's business.
- 18 Q. So that proves that there is a group that argues that
- 19 they believe in women's business, right. (NOT ANSWERED)
- 20 XXN
- 21 Q. I'd perhaps like to ask you a few basic questions.
- 22 Anthropology is a science, isn't it.
- 23 A. Well, I think a lot of anthropologists would argue that
- 24 it isn't.
- 25 Q. I knew I wouldn't get a straight answer to that.
- 26 A. I'm sorry. I mean there are different branches of
- 27 anthropology, and physical anthropology, we have a Colin
- 28 Pardoe in the museum who would argue that certainly it
- 29 is a science.
- 30 Q. Do you regard it as a science.
- 31 A. I think the more social aspects of anthropology I
- 32 wouldn't regard as a science.
- 33 Q. What would you regard it as.
- 34 A. I see it as a social -
- 35 Q. An art form.
- 36 A. No, it's more. I mean history isn't regarded as a
- 37 science either, it's a branch. It's placed in art
- 38 faculties, and it's a discipline that relates to the

- 1 study of society and social aspects of life, so I
2 wouldn't - it's not that precise, let's put it this way.
- 3 Q. There are, however, whether we call it a science or
4 whatever we call it, methods which have evolved over the
5 years by which an anthropologist, or indeed a social
6 historian, can test the validity of claims that are made
7 by people in any society.
- 8 A. Well, depends if you're going about trying to test
9 people's claims.
- 10 Q. Yes, sure.
- 11 A. Or whether you are actually adopting what they do claim.
- 12 Q. I haven't asked you the latter, I'm asking you about the
13 former. If you're in the business of, say, presenting a
14 view to some organisation, like this Royal Commission,
15 then you would want to test the theories and arguments
16 that you put forward by known and accepted processes,
17 wouldn't you.
- 18 A. Yes. Those processes are more along the lines, in this
19 context, of providing what this particular commission
20 sees as relevant evidence.
- 21 Q. We'll come to that. I mean, you understand that, at the
22 centre of this Royal Commission, is the question whether
23 or not women's business, as defined in the terms of
24 reference for the Royal Commission, was fabricated in
25 the sense of created, invented, in 1994. Do you
26 understand that's what we're getting at.
- 27 A. Sure, yes.
- 28 Q. Had you considered that as a possibility ever.
- 29 A. Yes.
- 30 Q. When.
- 31 A. Generally, I guess.
- 32 Q. When you prepared your statement, did you consider it a
33 possibility.
- 34 A. Well -
- 35 Q. Just 'Yes' or 'No'.
- 36 A. I would say I was but, in considering that, I prepared
37 my statement in the way that I have.
- 38 Q. In giving evidence today, have you considered that as a

1 possibility, and by `that' I mean that Doreen Kartinyeri
2 fabricated the women's business that's claimed in the
3 Royal Commission terms of reference, in March or early
4 1994. Have you considered that possibility.

5 A. Well, as I've said in my evidence -

6 Q. Just `Yes' or `No', have you considered it.

7 A. I guess I would have considered it, but I don't support
8 it.

9 Q. I suggest you haven't considered it.

10 A. Well, I'm not sure that's the case.

11 Q. You tell me, what consideration have you given to it.

12 A. Well, in terms of the consideration of preparing this
13 particular statement -

14 Q. No, giving your evidence. I've passed on from preparing
15 your statement. Giving evidence today, what
16 consideration have you given to that proposition, that
17 Doreen Kartinyeri invented women's business, as we have
18 been dealing with in this Royal Commission, in early
19 1994.

20 A. Well, as far as I have - in terms of my experience and
21 what I've seen. I had no involvement or ability to make
22 a comment on that in terms of what Doreen's done. What
23 I've -

24 OBJECTION Miss Nelson objects.

25 A. What I can only comment on is what I've had experience
26 with and what I've read and whatever, so in terms of
27 actually saying that I can make a comment on whether
28 Doreen did or didn't, I don't know that.

29 CONTINUED

S.J. HEMMING XXN (MR ABBOTT)

1 Q. But don't you understand that what you have done today
2 is come along here and tell this Royal Commission, in
3 effect, that in your opinion, you regard it as a
4 possibility that Doreen Kartinyeri didn't invent or
5 fabricate women's business in early 1994. Don't you
6 understand that to be the effect of what you are saying.

7 A. Yes, certainly. That doesn't mean to say I hadn't
8 considered various aspects before coming to that
9 particular presentation of evidence.

10 Q. Coming to that particular presentation of evidence
11 today, I want to know what regard you have had to the
12 alternative hypothesis, namely, that she did invent it
13 in 1994.

14 A. As I have said, I have worked with Doreen for 15 years,
15 and she is held in high regard by a number of people as
16 a researcher, and I have never found her to be anything
17 but truthful, and I couldn't imagine, in that sense,
18 that this would be the type of thing she would do. So
19 from one aspect, my knowledge of Doreen, I find that
20 improbable that that would be the case. And I have said
21 that in my statement, that I found her a truthful
22 person. So, other than that, I have moved into looking
23 at what evidence is available to make comments on this
24 particular issue, my own experience in the region,
25 comments Doreen has made to me over the years, and I
26 have come to the conclusion that I think it is possible.

27 Q. I am suggesting that the approach that you have taken is
28 to look at the evidence which supports the end that you
29 want to pedal, that is, that it is a possibility that
30 Doreen Kartinyeri is telling the truth. You have not
31 looked at the other side of the coin, the possibility
32 that she is not telling the truth about women's
33 business.

34 A. I mean, I am providing information to help the Royal
35 Commission come to its conclusion. This is the -

36 Q. Have you looked at the large body of evidence which has
37 been presented in this Royal Commission which would tend

S.J. HEMMING XXN (MR ABBOTT)

1 to show that Doreen Kartinyeri made up women's business
2 in early 1994.

3 A. I'm not sure I support that interpretation. I have
4 listened to the evidence.

5 Q. Have you looked at it.

6 A. Yes, I have.

7 Q. In your examination of this issue of whether or not it
8 was made up or fabricated in early 1994 by Doreen
9 Kartinyeri, what factors have you taken into account
10 that might support the view that it was made up.

11 OBJECTION Miss Nelson objects.

12 MISS NELSON: It is not the witness's function to do
13 that. It is yours, commissioner.

14 MR ABBOTT: I submit it is. He has come along here
15 with his opinion and I am entitled to ask, in presenting
16 an opinion, has he pursued what I would regard, and what
17 I think everyone in this room would regard, as the
18 appropriate methodology, that is, you look at both sides
19 of the coin and you don't go ahead with your eyes
20 blinkered with only one approach.

21 MISS NELSON: Isn't this the situation, there are two
22 sides of the anthropological argument? My friend
23 forgets that this witness has said in his evidence that
24 he accepts there is another anthropological point of
25 view, and that the majority of the evidence points that
26 way. He says there is a possibility that secret sacred
27 women's business exists, and he has given his reason for
28 that.

29 COMSR: One of which is that he accepts Doreen
30 Kartinyeri as a truthful person.

31 MISS NELSON: As a truthful person. But going beyond
32 that, and suggesting he should have embarked on an
33 examination of whether she was making it up or not, is
34 just totally inappropriate, and I object to the question
35 being put. It will not help you.

36 COMSR: Yes. The witness, I think, has made it
37 clear that, in examining the issue of whether or not the
38 women's business may have been fabricated, he has taken

S.J. HEMMING XXN (MR ABBOTT)

- 1 his assessment of Dr Kartinyeri into account.
- 2 MR ABBOTT: I know that, but I am going this far, I
3 am suggesting he hasn't properly examined the issue of
4 whether or not women's business was or was not invented
5 by Doreen Kartinyeri.
- 6 WITNESS: I have examined it as far as I -
- 7 MISS NELSON: Don't answer the question.
- 8 COMSR: As an historian, the issue he is more
9 concerned with is whether or not it is fabricated, not
10 fabricated by whom, but pieces of evidence he takes into
11 account and what he spoke about to Dr Kartinyeri.
- 12 XXN
- 13 Q. Are you concerned with the issue of whether or not
14 Doreen fabricated it.
- 15 OBJECTION Ms Nelson objects on the ground it is
16 exactly the same question.
- 17 MISS NELSON: Mr Abbott really has to stop that line
18 of questioning. It is entirely inappropriate, and he
19 knows it.
- 20 MR ABBOTT: It is not inappropriate at all.
- 21 COMSR: Perhaps you might be seeking to do this:
22 Suggest to the witness that, if he didn't accept Dr
23 Kartinyeri as a witness of truth, would that make some
24 difference to his assessment of whether or not it was
25 possible that women's business in respect of Hindmarsh
26 Island was fabricated.
- 27 MR ABBOTT: I understand you are at least impliedly
28 overruling my question.
- 29 COMSR: Yes.
- 30 MR ABBOTT: I will not adopt the approach that you
31 have suggested I should take, with respect. I will move
32 on to a slightly different aspect of the same area.
- 33 XXN
- 34 Q. You have heard the evidence of Mr Jones, have you not.
35 A. Yes.
- 36 Q. I think you have been here for most of the evidence of
37 Dr Clarke.
38 A. Yes.

- 1 Q. You realise that they have considered, in coming to
2 their opinions, the possibility of whether or not secret
3 sacred women's business of the type that we're
4 considering within this Royal Commission may have
5 existed, but not have been revealed until early 1994.
6 You realise that that's apparently what they have done.
7 A. Basically I'd agree with that.
8 Q. And they have come here and they have given their
9 professional opinions that, in their opinion, they don't
10 believe that is a possibility. I don't think I am doing
11 an injustice to their conclusions, am I.
12 A. They seem to be fairly -
13 Q. Fairly definite.
14 A. Fairly definite in their summary, yes.
15 Q. As I understand what you are doing, you are saying to
16 the commissioner 'I'm really just putting forward the
17 point of view, Madam Commissioner, that it might be a
18 possibility'. That's really all you are doing, isn't
19 it.
20 A. What I have said is that it is a possibility. I have
21 used particular words, and I'm doing that on the basis
22 of the evidence I have presented.
23 Q. But everything is possible in this world, isn't it.
24 A. No, not everything.
25 Q. Most things are possible in this world. I am suggesting
26 it is not helpful for you to come along and put forward
27 assumptions and speculations and say: that means, in the
28 end, that there is a possibility that this secret sacred
29 women's business, which we are dealing with in this
30 commission, may have remained unknown - that is,
31 unrevealed - until 1994. Do you accept that criticism.
32 OBJECTION Miss Nelson objects.
33 MISS NELSON: The question starts off 'It is not
34 helpful for you to come along to this Royal Commission'
35 and do certain things. Whether it is helpful or not,
36 ultimately is going to be a matter for you,
37 Commissioner. If my friend wants to put something else
38 he should phrase it a bit better.

1 QUESTION REPHRASED

2 XXN

3 Q. Let me go to your statement, p.21. It is entitled `My
4 views on the issue of whether it is possible that secret
5 women's knowledge associated with Hindmarsh Island could
6 exist'. Those words are carefully chosen, are they not.

7 A. I guess they are. It's a title.

8 Q. You don't purport to be telling us that you have views
9 on whether it did exist.

10 A. I'm arguing in there that I believe that it's possible
11 that it did exist.

12 Q. Did exist or could exist.

13 A. Well, I have also argued that there are a group of
14 people who argue that it does exist at the moment, so I
15 am providing a context, or trying to.

16 Q. Put aside post April 1994. Lets' leave aside the issue
17 as to whether or not people genuinely believe it now, or
18 whether they have a belief or not a belief, or whether
19 it is, by them believing in it, an invented tradition or
20 not an invented tradition. Do you have a view on the
21 issue of whether it is possible that secret women's
22 knowledge associated with Hindmarsh Island did exist
23 prior to 1994.

24 A. Yes, I think, as I have said here, that is entirely
25 possible.

26 Q. Possible. You do not assert that it is probable.

27 A. No, I say it's possible. That's what I say.

28 COMSR

29 Q. In coming to that conclusion that it's possible, what,
30 if any, part does the present assertion by a number of
31 women that they believe in it play.

32 A. That has certainly got some role in it. But I divided
33 up my analysis in terms of particular chunks, and I have
34 actually looked at the actual ethnographic record and
35 tried to look at information that relates to that. I
36 have looked at my own field experience, and I have done
37 that, to some extent, in isolation from the contemporary
38 context. I am trying to put an interpretation into the

1 other bits of evidence that are available.

2 XXN

3 Q. This opinion that you hold that it is possible that
4 secret women's knowledge associated with Hindmarsh
5 Island did exist prior to 1994, we are talking about the
6 same secret women's knowledge, aren't we. You intend
7 this section to be referable to the definition of
8 women's business in the Terms of Reference of the Royal
9 Commission.

10 A. Yes, yes.

11 Q. Don't you.

12 A. Yes.

13 Q. Women's business is defined in this Royal Commission as
14 being 'The spiritual and cultural significance of
15 Hindmarsh Island and Mundoo Island, the waters of the
16 Goolwa channel, Lake Alexandrina and the Murray Mouth,
17 within the Aboriginal tradition of the Ngarrindjeri
18 women which is crucial for the reproduction of the
19 Ngarrindjeri people and of the cosmos which supports
20 their existence.'

21 A. Yes, that's right.

22 Q. First of all, is there a shred of ethnographic evidence
23 in written form that says anything remotely like that
24 prior to April 1994.

25 A. As I've said, there is nothing that specifically relates
26 to that in the evidence. What there is, is a situation
27 where we have got information that shows us that there
28 is a body - likely to be a body, I would say, of
29 knowledge that women had that was separate from men that
30 hasn't been recorded, and there is evidence for that
31 within the Berndts manuscript - the Berndts book, for
32 instance.

33 Q. Maybe so. Let us go that step. Let us assume that
34 there was women's business, and indeed women's business
35 which was kept by the women secret to them. You would
36 readily accept that such issues as conception, birth,
37 pregnancy and menstruation may be such topics of such
38 business.

- 1 A. Yes, and particularly interpretations of those
2 particular things in relation to detailed Dreaming or
3 religious beliefs.
- 4 Q. It is a quantum leap, is it not, even if you accept the
5 proposition that there is some shred of evidence to
6 support the proposition that there may have existed some
7 women's business of the type that I have just referred
8 you to, to say that that provides support for the
9 existence of women's business of the type this
10 commission is involved with. It is a quantum leap,
11 isn't it.
- 12 A. Taken in that perspective it might be, but the way I
13 would see it is that I am putting the position, that is,
14 taking a look at the material that's available, and I am
15 not coming to a definite answer. I don't believe you
16 can say that it is not possible, because there is too
17 many bits of evidence in there to suggest that we don't
18 know enough, that the people who recorded the
19 information weren't asking the right questions, weren't
20 there at the time when these events were occurring. I
21 mean, the Berndts weren't around when the initiation
22 ceremonies were being held. There are too many
23 questions that haven't been answered for us to be making
24 very very clear-cut sort of decisions on the possibility
25 of women's business.
- 26 Q. But that, I suggest, is an unreal answer. We are
27 talking about your view that there is an absence of
28 information on the one hand, and yet you pray that, in
29 aid of a conclusion, it's possible that what is said in
30 April 1994 - in essence, that there is so much spiritual
31 and cultural significance to women in relation to
32 Hindmarsh and Mundoo Islands, that it is crucial for
33 their reproduction and the cosmos which supports their
34 existence - you can't make that connection, can you.
- 35 A. I can say it is possible.
- 36 Q. Of course you can.
- 37 A. With the evidence I have got, I believe I can argue
38 that, given the ethnographic interpretation of the

- 1 ethnographic material, my field work, and the fact we
2 have got a group of women now claiming the belief - a
3 series of women.
- 4 Q. A group of women now claim it. Unless they provide some
5 basis for their claim, we can disregard that, can't we,
6 because it happens all the time that people claim things
7 that turn out to be not correct or invented.
- 8 OBJECTION Ms Nelson objects on the ground of
9 question being too general.
- 10 A. I think that is up to someone else to decide those sorts
11 of issues.
- 12 Q. I invite you to put aside that a group of women now
13 claim or make claims in relation to the existence of -
- 14 A. We have heard evidence in the commission from people
15 recently who say that there was women's business and it
16 was secret and sacred.
- 17 Q. Put that aside as well.
- 18 COMSR
- 19 Q. You mean you have heard some evidence in relation to
20 this area.
- 21 A. Just yesterday. Not specifically in that area, but in
22 terms of the secret sacred women's business. The
23 question was put, I think, did someone's mother deny
24 that it related to Hindmarsh Island, and they said that
25 she didn't deny or support it, she said you need to look
26 at the future not the past. So that is just evidence
27 from yesterday. I will leave that aside as well.
- 28 XXN
- 29 Q. I want to deal with your argument, your thesis which you
30 put forward in your evidence. You acknowledge that
31 there is nothing in the written literature which
32 provides support for the existence, prior to early 1994,
33 of women's business of the type which is referred to in
34 the Terms of Reference of the Royal Commission. You
35 agree with that, don't you.
- 36 A. I agree there are no specific references that support
37 that exact detail.
- 38 Q. There is no general reference to Hindmarsh and Mundoo

- 1 Islands having spiritual and cultural significance to
2 women, is there.
- 3 A. No general reference to specifically spiritual beliefs
4 for women.
- 5 Q. No, no general reference to spiritual or cultural
6 significance of Hindmarsh and Mundoo Islands and women.
- 7 A. And women, or the first part?
- 8 Q. And women.
- 9 COMSR
- 10 Q. The combination of all.
- 11 A. No, I don't think there is anything specific.
- 12 Q. No, the question is: is there anything of a general
13 nature in relation to Hindmarsh Island and Mundoo
14 Island.
- 15 XXN
- 16 Q. You have agreed to specific, I am now turning to
17 generality.
- 18 A. Not that identifies that particular area, no.
- 19 Q. That identifies any place in the Ngarrindjeri nation
20 with women's business.
- 21 A. The only evidence we have for that within the
22 ethnographic material is the Berndts' manuscript and the
23 fact that there were separate initiation ceremonies for
24 women, that were held completely apart from men and that
25 related to women's business, and that we don't know
26 anything about the details of that material. That's one
27 of the key -
- 28 Q. But nothing else, is there.
- 29 A. There is nothing that relates specifically to that.
- 30 Q. I am asking you generally. Do you understand the
31 general concept I'm asking you to deal with. Women and
32 a particular place in the entire Ngarrindjeri nation
33 with reference to the ethnographic literature prior to
34 the beginning of 1994.
- 35 A. There are certainly Dreaming stories that relate to
36 women and have female ancestors doing particular things
37 and transforming into things like islands within the
38 Ngurunderi Dreaming story. There are a number of

4801

RF 530

S.J. HEMMING XXN (MR ABBOTT)

- 1 accounts like that that related to female Dreaming
- 2 ancestors and feminine aspects certainly.
- 3 COMSR
- 4 Q. And to specific places.
- 5 A. And to specific places, yes.
- 6 CONTINUED

1 XXN

2 Q. You have told us then -

3 A. I mean, we don't know how much further that goes, but
4 that is there.

5 Q. I want to know what the bottom line is as far as you say
6 what is in the literature to support the view that you
7 espouse. You say there are some references within the
8 wide corpus of literature about the Ngarrindjeri people.

9 A. Yes.

10 Q. Which supports the view that certain places had some
11 identification with women.

12 A. Yes.

13 Q. You provide for us the written references to the
14 Ngurunderi epic.

15 A. That's one, yes.

16 Q. The reference in Berndt to initiation grounds.

17 A. Yes.

18 Q. From female as distinct from male. Anything else.

19 A. There are other female figures in dreaming, dreaming
20 stories from the region.

21 Q. What references can you give us to those.

22 A. You have got a story or a dreaming story called Prupi
23 and Coramang from Tindale, which relates to a female
24 ancestor and activities around the McGrath Flat area.

25 You have got the Yungeri dreaming has women involved in
26 that.

27 Q. With reference to a particular site.

28 A. They are involved in the landscape and they do things at
29 particular places, yes. So, you have basically got
30 female dreaming ancestors who do things within a
31 dreaming context. And some, for instance, in the
32 Ngurunderi one, change into islands and become part of
33 the landscape.

34 Q. Accepting that body of literature to exist, none of that
35 is referable to Hindmarsh and Mundoo Islands, the
36 waters of the Goolwa channel, Lake Alexandrina and the
37 Murray Mouth, is it.

38 A. No, I haven't argued that.

1 Q. I think you say this, that it is your argument that
2 there might have been a dreaming, a story, a mythology,
3 that has been unrecorded that did relate to that area.

4 A. It appears that that is the case, given the evidence
5 that has been presented as being in sealed envelopes and
6 that sort of material. So, it appears that there is a
7 type of information available, or has been recorded.

8 Q. Not only that, but that it has remained available for
9 hundreds of years.

10 A. Yes.

11 Q. So, we are not talking about, if it is like the
12 literature that you have just spoken of, we are not
13 talking about something that was just made up yesterday
14 or even last year.

15 A. Sure.

16 Q. We are talking about something that has its roots deep
17 in Ngarrindjeri culture.

18 A. Yes, there is a reference in the Berndts' text, for
19 instance, to the stories about the moon. And they make
20 a particular point that the moon was very important for
21 pregnancy and menstruation. They also say that that
22 particular account wasn't available when they were
23 recording. And there was a long account relating to the
24 moon and that that particular moon who was a female
25 related to the region in the vicinity of Yankalilla, I
26 think, down to Cape Jervis. So, that is another account
27 of an area of the landscape that is associated with a
28 feminine type aspect. And they argue it was a very long
29 dreaming story and, again, wasn't available to them, at
30 the time, and seemed to relate to issues relating to
31 women. So, I mean, there is an account of a dreaming
32 that the Berndts seem to have identified as important in
33 the women's realm, but that they didn't get very much
34 information about, but certainly connected as having
35 importance to women's issues and business, in a sense.

36 Q. You put forward the thesis that if it is true and was
37 not just made up in early 1994 by Doreen Kartinyeri, you
38 put forward the view that somehow in some way this very

1 important dreaming, which has its basis in Ngarrindjeri
2 culture and mythology, escaped capture by the various
3 ethnographers and anthropologists and researchers in the
4 field.

5 A. Yes.

6 Q. For that to be a valid proposition, you would need to
7 know just what the secret sacred women's business is,
8 wouldn't you. Because, if there was an aspect of it,
9 for example, that raised questions, in your mind, which
10 you couldn't answer, you might have cause to doubt it.
11 To reject the possibility.

12 A. I don't know the details, so I can't really pursue that.

13 Q. I have asked you that.

14 A. As I have shown, there certainly are examples of things
15 like the Thukabi story, which aren't recorded in the
16 literature, but appear within the realms of people's
17 knowledge today. You have got the example, for
18 instance, of - no, I think it is fairly relevant. You
19 have got the example of, say, all the artefacts from the
20 museum from that region that have carved designs on them
21 that we know nothing at all about the meanings of, but
22 relate - are Ngarrindjeri artefacts and they are
23 physically there, but there is nothing recorded in the
24 literature that explains to us the meanings of the
25 designs on those artefacts. And, within southeastern
26 South Australia, those designs have been linked to
27 ceremonial practices and knowledge of landscape and
28 totems and things like that. So, in similar sort of
29 form to the western desert sort of art. So, we have a
30 great body of material, for instance, in the museum that
31 we know nothing about and Berndts and Tindale and a
32 range of other people haven't been able to help us out
33 with there. So, somebody was missing out somewhere down
34 the line.

35 Q. I am not suggesting that -

36 A. I am just showing examples.

37 Q. Could I just finish. I am not suggesting that those
38 researchers working in the Ngarrindjeri field managed to

- 1 capture everything and record it, either for public or
2 for private study. And I am not suggesting that, by the
3 time Berndt and Berndt were in the field, there were
4 traditions and mythologies which had disappeared.
- 5 A. Yes.
- 6 Q. That would seem to be axiomatic, would it not.
- 7 A. Sure.
- 8 Q. But, you see, what I am suggesting is that you need to
9 look at fairly carefully some of the changes that are
10 made about this secret sacred women's business, because
11 it is a rather unique and special secret sacred women's
12 business in respect of which Doreen Kartinyeri has been
13 making claims. You appreciate that, don't you.
- 14 A. Yes.
- 15 Q. Have you looked at the claims that she has made in
16 relation to this secret sacred women's business, to see
17 whether, in the light of those claims, it stacks up with
18 the theory that you are putting forward. Namely, that
19 there is some lost tradition. Not lost to women, but
20 unrecorded by both male and female researchers in the
21 field.
- 22 A. I don't really have access to enough information about
23 what that is.
- 24 Q. You have read the papers.
- 25 A. I have got media reports and things like that, but I
26 don't really think that they are providing enough
27 information to really have a sensible approach or attack
28 to that.
- 29 Q. You know what she is claiming, don't you.
- 30 A. Basically, yes.
- 31 Q. At least from the media.
- 32 A. And within the Fergie report.
- 33 Q. Take that as the parameters. There are two aspects to
34 this. One is fact and the other is myth. Because
35 certain factual allegations are being made about
36 Hindmarsh Island. You understand that. That is part of
37 the claim of the cosmological and significance and
38 reproductive significance. Do you understand certain

- 1 factual allegations are being made.
- 2 A. I am not really quite with you in terms of your
3 distinction between fact and myth.
- 4 Q. Some of the factual allegations that have been made in
5 the media are that Hindmarsh Island was a place to which
6 Aboriginal women went for the purposes of aborting
7 fetuses.
- 8 A. Yes.
- 9 Q. Which occurred after relationships, of one sort or
10 another, with white or partly white inhabitants of South
11 Australia.
- 12 OBJECTION Miss Nelson objects.
- 13 MISS NELSON: I simply rise to say this, there have
14 been lots of allegations made in the media and I
15 understand Mr Abbott to be purporting to put statements
16 made by Doreen Kartinyeri.
- 17 COMSR: Yes.
- 18 MISS NELSON: I'm not sure that she ever made that
19 particular statement.
- 20 COMSR: I think that probably is the one that
21 was on the Ray Martin programme.
- 22 MR ABBOTT: Ray Martin. That is straight out from
23 Ray Martin and I can get it. I am summarising it in the
24 interests of time.
- 25 MISS NELSON: All I am saying is, I would like Mr
26 Abbott to confine anything he does put in the comments
27 to statements allegedly made by Doreen Kartinyeri. And,
28 if there are statements made by anybody else, perhaps he
29 could identify them.
- 30 COMSR: This is a recorded statement?
- 31 MR ABBOTT: It is directly from the Ray Martin show.
- 32 MISS NELSON: I don't take issue with that.
- 33 WITNESS: Can I have a copy, just to put it into
34 context?
- 35 XXN
- 36 Q. Yes, looking at Exhibit 171A, now before you, the bottom
37 of p.2, I can comment on that, because I was told that,
38 Ray, when settlers first came to South Australia, there

S.J. HEMMING XXN (MR ABBOTT)

1 were very little women. Aboriginal people were used and
2 had become pregnant to white settlers. It would have
3 been a shameful thing for our women to take newborn
4 white babies back into their camps. Ray Martin: So,
5 the babies were aborted and/or buried out on the island?
6 Yes.' Do you understand that is one dimension of what
7 is being asserted as the secret sacred women's business
8 referable to Hindmarsh Island, which is essentially for
9 the reproduction and the cosmology of the Ngarrindjeri
10 people.

11 A. I don't know if that is part of the secret sacred
12 women's business. It is an element of what has been
13 asserted for Hindmarsh Island's significance. And I
14 think - I don't know whether it is a reference that
15 relates to that island being used as a place like that
16 for all Ngarrindjeri people, or whether it is just
17 people living in the Goolwa region. It is not really
18 that clear, in that context.

19 Q. Can I suggest then that you haven't taken into account
20 in promoting your thesis this factual allegation made by
21 Doreen Kartinyeri, have you.

22 A. I have thought about this one.

23 Q. You have.

24 A. And, as I have just said, I haven't really been able to
25 find out enough, in terms of the reference that has been
26 made, to say whether this is being alleged, as was
27 discussed in the Commission, I think, that all
28 Ngarrindjeri people at one time were using Hindmarsh
29 Island for this particular type of practice. Going
30 there to abort fetuses. It would be my understanding
31 that it could be certainly possible that was taking
32 place for people living within that Goolwa region. And
33 that was an area where there was, for instance, in the
34 early sort of contact periods, a lot of contact between
35 white people and Aboriginal people and would have set up
36 the circumstances for the use perhaps of the island in
37 that way.

38 Q. Again, you use the words 'It is my understanding that it

1 may be possible.'

2 A. Yes, sure.

3 Q. There is not a shred of evidence to suggest that it ever
4 happened, is there.

5 A. Not necessarily.

6 Q. At all.

7 A. There is evidence of white people and Aboriginal people
8 coming into contact in that area early on. There is
9 evidence that Aboriginal women -

10 Q. But -

11 OBJECTION Miss Nelson objects.

12 MISS NELSON: Could the witness finish the answer? If
13 you ask a question, you get the answer.

14 MR ABBOTT: The problem is, I don't get the answer
15 to the question. I am aware we have limited time and I
16 am anxious to get an answer to the question. I will
17 repeat it.

18 XXN

19 Q. Is there a shred of evidence to support the view that
20 Aboriginal women went to Hindmarsh Island, from whatever
21 area, for the purposes of aborting themselves, with or
22 without the assistance of other Aboriginal women, when
23 they had had relationships with white or partly white
24 people.

25 A. There is evidence of Aboriginal women undertaking
26 abortions. There is evidence of Aboriginal women not
27 wanting their husbands to find out that they have a
28 white child. But, in terms of Hindmarsh Island
29 specifically, no, I don't think there is.

30 Q. If -

31 A. But I don't think that is the sort of thing people would
32 have been widely telling everyone. If people were
33 trying to cover those things up from within their own
34 communities, I don't think it would be reported widely,
35 to ethnographers or Taplin or people like that. So, it
36 is not surprising to me that that doesn't appear, if it
37 is a possibility, if that's what is being stated.

38 Q. It is not surprising to you that that fact, if it be a

1 fact, has escaped collection by all those who worked in
2 the Ngarrindjeri nation from the 1800s onwards.

3 A. No, and, I mean, there are so many things I have come
4 across that have escaped people in terms of recording,
5 that, no.

6 Q. You heard some of the evidence, I think, that it would
7 require permission from the clans on the island,
8 presumably.

9 A. Yes, the clans on the island, there are a number of
10 clans on the island and they have a number of
11 connections with language groups. I think there is
12 several language groups connected with that sort of
13 area. And the people, as I say, you can't really pin it
14 down to a particular period. It is a very generalised
15 claim. It could well be related to the early camps
16 around Goolwa. People coming and living there in all
17 parts of the Ngarrindjeri territory and using it for
18 that purpose. People were travelling around that
19 country and living around in townships and other areas
20 and living together from different parts of the
21 Ngarrindjeri country from an early period.

22 Q. I am asking you to assume that this is one of the claims
23 made as an allegation of fact from which is asserted
24 that this gives the island and its relationship to the
25 mainland some cosmology and spiritual significance.

26 A. Some significance, some spiritual substance. Cosmology,
27 I am not sure it has been drawn that far.

28 Q. But, in any event, you tell us that you had considered
29 this as being one aspect of the secret sacred women's
30 business that was being asserted in 1994.

31 OBJECTION Miss Nelson objects.

32 MISS NELSON: He hasn't said that, at all. He has
33 said that that certainly is an allegation which may
34 relate to the significance of Hindmarsh Island, but he
35 couldn't see that it, of itself, had any relationship
36 with secret sacred women's business. That is as I
37 understand the evidence.

38 WITNESS: Yes.

1 XXN

2 Q. Is that your evidence. Is that how you understood it.

3 A. Yes, pretty much.

4 Q. If the claims are eventually made that Hindmarsh Island,
5 as a whole, and Mundoo was sacred, because it is alleged
6 as a fact that there was either infanticide practiced or
7 abortion practised, or is a birthing site, let's take
8 those three possibilities. There is no evidence, that
9 you are aware of, that would support those claims, is
10 there.

11 A. Not specific to that spot that I know of, no.

12 Q. If the next claim that is made -

13 A. Other than the claims that people are making now.

14 Q. If the next claim that is made is that Hindmarsh Island
15 and its environs, the Murray Mouth, in fact, that area
16 on the map up on the wall there resembles the shape of
17 women's reproductive organs, there is not a shred of
18 evidence to support that claim, is there.

19 A. Not within the ethnographic material. I think there are
20 a few women's place names in the region, but they are -
21 it doesn't support that, as a claim, within the
22 ethnographic material.

23 Q. To be more specific, that, if it is alleged that
24 Hindmarsh Island represented the ovaries of an ancestral
25 figure, no such support for that view, that you are
26 aware of, in the literature.

27 A. There is nothing specific that I am aware of.

28 COMSR: Is this taken from the published
29 material?

30 MR ABBOTT: Yes, it is the Rocky Marshall letter.

31 XXN

32 Q. If the further claim is made that all the waters around
33 including the channel right up to the entrance to the
34 lakes are a sacred site, that is, the waters are.

35 A. Yes.

36 Q. Because it is the meeting of the waters, that is, the
37 mix between salt and fresh, and that, to interfere with
38 the Goolwa channel and to join the island to the

4811

KC 53P

S.J. HEMMING XXN (MR ABBOTT)

- 1 mainland will effect women's fertility and or destroy
- 2 women's spirituality, not a shred of evidence to support
- 3 that, is there.
- 4 CONTINUED

- 1 A. If you take it that far and if you take the first part
2 - if you take the first part about waters and salt
3 water/fresh water, there are indications that that salt
4 water/fresh water dichotomy was important.
- 5 Q. I want you to take it that far first of all and answer
6 that question.
- 7 A. Well, no.
- 8 Q. Now, to return, in fairness, to what you were saying
9 about meeting of waters, it is common.
- 10 A. I am commenting generally on the water I suppose. Water
11 appears to have various significances to people within
12 the initiation ceremony for men, they cleanse themselves
13 in the water to destroy all the Narambi sacredness of
14 themselves and the objects they have used during
15 initiation in water.
- 16 Q. I suggest we can go further and say that, there are many
17 many tribes, or groups of tribes, across the world, who
18 attach some significance to where fresh and salt water
19 meet in estuarian conditions and it has some relevance
20 and importance to their culture.
- 21 A. Certainly, yes.
- 22 Q. None of it, to your knowledge, is secret or sacred or it
23 might have a secret sacred component.
- 24 A. I am not sure I can comment on the whole world in a
25 sense.
- 26 Q. Let's confine ourselves to Aboriginal Australia,
27 to your knowledge.
- 28 A. I don't think I could even comment on all of Aboriginal
29 Australia.
- 30 Q. The Murray.
- 31 A. I don't know of any secret sacred significance to that,
32 the Lower Murray, in the ethnographical literature of
33 course.
- 34 Q. Apart from your research into the ethnography, I think
35 you only rely upon your own discussions with
36 Ngarrindjeri women whom you have had dealings with, to
37 support the view that, this vital and important secret
38 sacred knowledge, being secret sacred women's business,

4813

MST 53Q

S.J. HEMMING XXN (MR ABBOTT)

- 1 might have survived. They are the two planks on which
2 you rest your thesis, are they not.
3 A. Yes, that's an important one of the planks I think.
4 Q. Your dealings with women Ngarrindjeri women and -
5 èp-p-p-

4814

MST 53Q

S.J. HEMMING XXN (MR ABBOTT)

- 1 early on in their field work careers, I think the fact
2 that -
3 Q. Inexperience in other words.
4 A. Yes, experience.
5 Q. Or lack of it.
6 A. It was very early on in their careers, so they hadn't
7 had a broad perspective of the sorts of questions to
8 ask, the approaches to take to particular issues.
9 Q. I want to identify -
10 A. That is one.
11 Q. On the basis that you say the Berndts may have missed
12 out on even having any hint of this important secret
13 sacred women's business, which is now being asserted,
14 first it is, the limited number of their informants.
15 A. Yes.
16 Q. Second is their inexperience.
17 A. That would be a small element in it I think.
18 Q. Anything else.
19 A. I think the theoretical slant that they took into the
20 field with them would have had an impact.
21 Q. The biased approach.
22 A. Everyone has a biased approach. Everyone works within
23 their own period.
24 Q. A particular biased approach.
25 A. Yes.
26 Q. Anything else.
27 A. I think there is an indication that their main female
28 informant was largely providing them with information
29 about songs, and didn't appear to be as committed to the
30 task of imparting knowledge as their male informant.
31 Q. You agree that that is speculation on your part.
32 A. Not entirely. I think there is some evidence there.
33 Q. No evidence at all. You can't argue from the fact that
34 she didn't provide information of her initiation songs
35 to a proposition that she was reticent about providing.
36 It may be the case.
37 A. Catherine Berndt characterised it in that way.
38 Q. It may be her reticence, but it may be her lack of

1 memory.

2 A. She certainly was described, by everybody I have heard,
3 as being - and by the Berndts themselves - as being an
4 extremely lively woman for her age and I don't -

5 Q. You have said what you -

6 A. That is a very well recognised story in the Ngarrindjeri
7 community, just how lively Pinkie Mack or Margaret Mack
8 was for her age at different times.

9 COMSR

10 Q. Do you deduce from that, that the fact that, say, 60
11 years after she might have learnt these stories, the
12 songs, that she is unable to record them in.

13 A. I would be surprised that she wouldn't have anything to
14 offer on it at all.

15 XXN

16 Q. The second -

17 A. I also have the other point, in terms of just specific
18 pieces of information, in that, the Berndts record a
19 song that was sung in the pre initiation ceremony
20 from Albert Karloan, which basically starts off I think,
21 'Parti Winamai' something like that. Now,
22 they argue that, both Albert Karloan and Pinkie Mack
23 didn't know the significance or meaning of that
24 particular song and I have certainly come across the
25 song myself and recorded versions of it from old
26 women from the region. They were able to talk about the
27 significance of it. And Pinkie Mack sung that song on a
28 number of occasions throughout her life. It was one of
29 her favourite songs. She sang it at the re-enactment
30 of the Sturt ceremony at Point McLeay in 1950 something.
31 It is just there is something I have come across myself
32 and I have obtained information.

33 Q. You said that p.28, it is evidence Pinkie Mack or Albert
34 Karloan deliberately withheld information from the
35 Berndts. From that you go on to argue that it is
36 therefore possible that they withheld, from the Berndts,
37 information of the sort that is being represented as
38 being the secret sacred women's business that we now

1 are addressing in this Commission. Is that right.

2 A. Yes, basically, that's right.

3 Q. But, you see, that is why I come back to my question
4 about it being a quantum leap. It is one thing to hold
5 back on a song, about one aspect of initiation. What we
6 have here, if one assumes that Albert Karloan and Pinkie
7 Mack held back on information they had, and in
8 particular Pinkie Mack, is information about the cosmos,
9 and the cosmological significance of the Murray Mouth,
10 Hindmarsh Island and the surrounding area, which was so
11 important to women, that any interference with it would
12 destroy the Ngarrindjeri nation as a whole, by affecting
13 the reproduction. It is an enormous corpus of
14 information.

15 A. Maybe that's why they didn't divulge that information.

16 If it is that important and that significant, well - and
17 women's information was kept away from men, then perhaps
18 that is why Pinkie Mack wasn't talking much about
19 women's perspectives of dreaming and those sorts
20 of areas. And Albert Karloan was providing more
21 information than her.

22 Q. The fact that this information is so supreme, so
23 significant to women, you say is another factor as to
24 why it was never recorded.

25 A. Well, it could be.

26 Q. I mean, you appreciate, do you not, that if this secret
27 sacred information is anything like what it is claimed
28 to be in the media, it would require the Berndt and
29 Berndt book to have another half a dozen chapters
30 written into it, to present anything like a balanced
31 picture of Ngarrindjeri life, wouldn't it.

32 A. I am not sure how much detail there is, but certainly
33 there would be major additions. But, I mean, also,
34 Catherine Berndt argues herself, that in terms of having
35 secret women's information revealed to her in other
36 regions, it took a considerable period of time and
37 trust, longer than the period she was able to work
38 specifically with the people like Pinkie Mack, and she

1 she said that she really had to work by herself and be
2 identified just with the women.

3 Q. I am not putting to you that it is not possible that
4 something may have been overlooked in the study of the
5 Ngarrindjeri culture. All I am putting to you is, as we
6 heard from previous evidence before the Commission, that
7 this is one of the most investigated groups of
8 Aboriginal people in Australia. But that -

9 A. No, it is not really what was put. It was put that this
10 is one of the most heavily documented groups in Southern
11 Australia. It is very different because -

12 Q. Do you agree with that.

13 A. Well, I think it is one.

14 MISS NELSON: With what?

15 Q. One of the most heavily documented groups in Southern
16 Australia.

17 A. Certainly in terms of the cultures in Southern
18 Australia, there is more recorded perhaps than other
19 cultures in Southern Australia, certainly not when you
20 talk about the Central Australian region or Arnhem Land
21 or that part of the country. It doesn't even come
22 close.

23 Q. The next ethnographical source that you pray in aid of
24 your thesis is Dr Alison Brookman. Having heard her
25 Evidence, do you still rely on it.

26 OBJECTION Miss Nelson objects.

27 MISS NELSON: This has already been put to the witness
28 through counsel assisting the Commission. It is not
29 necessary for Mr Abbott to go over it again.

30 A. I was interested in her evidence though.

31 XXN

32 Q. You then deal with Professor Faye Gale. That has
33 already been put to you by counsel assisting.

34 A. One point with -

35 Q. I am going on to the next in interest of time. I don't
36 have unlimited time.

37 A. I think this is an important point to make.

38 Q. Your counsel will be able to ask you.

1 A. Dr Clarke, you have mentioned, at p.24, you, in essence
2 dismiss his work, on the basis that he has ignored the
3 importance of gender in his ethnographical researches.

4 A. I don't say I dismiss it, but I criticize it for that.

5 Q. And you say that, because it appears to you, that he
6 ignored the importance of gender, in his investigations
7 and in his field work, that provides a reason why he was
8 unable to capture any hint of this important and
9 cosmologically significant information.

10 A. Yes, that's possibly true.

11 Q. You then, after providing a section on what you say is
12 your interpretation, what is really nothing more than
13 your personal view about the Berndts' work, that section
14 in your statement is it.

15 A. That section of interpretation of the evidence.

16 Q. The section that runs from p.25 3.2.2 `my interpretation
17 of this evidence.'

18 A. Yes and I related to some other material in terms of
19 that.

20 Q. It is basically - you say, these are some of the
21 significant things in the Berndts' book which you
22 think -

23 A. It is a very important course, there is no doubt about
24 that.

25 Q. What you have done there is take some material from the
26 Berndts' book and say `these references provide some
27 support' at least in your eyes `for your thesis.'
28 Namely, it is a possibility that this secret sacred
29 women's business has existed, in essence, from time in
30 memorial, certainly in the last 200 years.

31 A. Sure, okay.

32 COMSR: I think the witness has covered that has
33 he not?

34 XXN

35 Q. Can I just ask you then, about your personal
36 experiences, your personal experiences that you have
37 detailed. I suggest it is clearly what one would
38 describe as women's business, not secret sacred women's

4819

MST 53Q

S.J. HEMMING XXN (MR ABBOTT)

- 1 business.
2 A. No, certainly the experiences I have had only given
3 me glimpses of a situation where women aren't prepared
4 to talk about particular topics to me.
5 Q. To a man.
6 A. And to men, yes.
7 Q. That doesn't provide a basis for the existence of secret
8 sacred women's business, it merely reinforces the well
9 known fact, that women, of just about any culture, are
10 often reticent about talking about certain topics to
11 men, doesn't it.
12 A. I think this is specific experiences with the
13 Ngarrindjeri people. That's the way I am looking at it
14 and their beliefs and practices.
15 Q. I won't debate it. I will leave it there.
16 p-p-p- ."

4821

TN 53R

S.J. HEMMING XXN (MR ABBOTT)

- 1 COMSR: Do you in particular wish to get from
2 this witness his understanding, because these lines of
3 genealogy have been discussed quite frequently
4 throughout.
5 MR ABBOTT: Yes, I do. I won't spent much more
6 time.
7 XXN
8 Q. You've named the other informants to be the daughter of
9 Pinkie Mack and Auntie Rose, whom you know to be Rose
10 Kropinyeri.
11 A. Doreen Kartinyeri's mother's elder sister, I think.
12 Q. Dr Fergie has claimed that three other chosen people,
13 chosen women, had this knowledge, or some of this, or
14 most of it, or all of it, we don't know what distinction
15 she makes, and you're aware that those persons are
16 Connie Roberts.
17 A. Yes.
18 Q. Maggie Jacobs.
19 A. Yes.
20 Q. And Edith Rigney.
21 A. Yes.
22 Q. Have you addressed any thought to how it could be that
23 they were the four chosen people.
24 OBJECTION Ms Pyke objects.
25 MS PYKE: If they have been referred to as
26 `chosen', can you point me to where in Dr Fergie's
27 report she refers to that fact, that Dr Fergie's says
28 they are chosen people?
29 MR ABBOTT: They are the only women and they are the

30 ones that have had it since puberty.

31 MS PYKE: That's different from being `chosen', I
32 have no objection if Mr Abbott says that they have had
33 the knowledge since puberty, that's a different concept
34 completely.

35 XXN

36 Q. In view of Ms Pyke's objection, I will say the same
37 thing, but without using the word `chosen'. I ask you
38 to assume that Dr Fergie claims that she was told that,

1 of the Ngarrindjeri women whom she had spoken to or
2 with, it was asserted that only four had any of this
3 secret sacred knowledge, but that those four, Doreen
4 Kartinyeri, Connie Roberts, Maggie Jacobs and Edith
5 Rigney, had had it since their puberty.

6 A. Within that group of women that we're talking about?

7 Q. Yes.

8 A. I can comment on Connie Roberts to start with.

9 Q. Just pausing there, I invite you to assume that that's
10 what Dr Fergie says. Have you assessed or thought about
11 how it might be that those four, and only those four of
12 that group of 34, had that information.

13 A. Yes, I've certainly thought about the particular
14 individuals. I can't really comment on Edith Rigney
15 because I'm not as aware of her life history, but for
16 instance Connie Roberts, I've been hoping to interview
17 Connie Roberts in detail for years, because people have
18 been telling me, people like Marjorie Koolmatrie, Auntie
19 Maggie Jacobs, a number of people, that she is a person
20 who knows a lot of songs, language, traditions of
21 Ngarrindjeri people, and I've been pursuing that history
22 through her, the camps that she used to live at say, for
23 instance, on the Coorong.

24 Q. You know that she spent a lot of time in the Riverland.

25 A. Yes.

26 Q. That she left Raukkan at an early age.

27 A. She was actually more involved in the Coorong area. She
28 was born, I think, on Rabbit Island, I think. For
29 instance, she was living at Meningie One Mile camp, and
30 she actually spent a lot of time travelling around the
31 Ngarrindjeri country and outside of it, and wasn't
32 really a person who spent much time on missions as far
33 as I know, but she certainly recognises, as I said -

34 Q. Do you see that as significant, because that is one of
35 the other arguments that's put forward.

36 A. I think that is potentially significant.

37 Q. That is that those who were not on the mission might
38 have been favoured to be not chosen, but selected for

1 this information.

2 A. Yes. I don't fully follow that argument, but in terms
3 of Connie Roberts, I think I've had enough indications
4 put to me that she has a lot of information that others
5 don't in relation to traditions, and I've certainly
6 myself been keen to interview her for a number of years,
7 and haven't quite had the opportunity.

8 Q. You've said that.

9 A. Sure.

10 Q. We have dealt with Edith Rigney, we've dealt with Connie
11 Roberts. Maggie Jacobs, you know that she spent most of
12 her life out of the State.

13 A. Most? I don't know about most of her life, I think.

14 Q. A significant proportion.

15 A. A significant proportion, but she spent her years up to
16 around about the age of 20, 21 at Point McLeay for
17 instance, to start with.

18 COMSR

19 Q. Having been through all of that, are you able to say
20 whether or not you can discern any reason why that
21 particular group of women might have the knowledge, and
22 others of a similar age not have that knowledge.

23 A. Well I think, as I've said with Connie Roberts, I've
24 certainly heard that she has more knowledge than others,
25 and that might have been because of the fact that she
26 was travelling around a lot, living in camps away from
27 the mission, it may have been the knowledge of her
28 particular family, but I think, I think the majority -
29 it appears to me that the reasons why people have
30 information and don't have information are fairly
31 complex, and relate to a series of things, chance, who
32 your ancestors are, who your mother and father is, where
33 you are at particular times, the interest you take in
34 the past, I think that's an important one. Listening to
35 the evidence given in the commission, it's been fairly
36 evident that a number of people who have given evidence
37 have been very clear that when they were younger, they
38 were certainly looking towards living in the wider

S.J. HEMMING XXN (MR ABBOTT)

1 community, they were interested in getting on with their
2 lives at the time, they didn't talk to their older
3 people about their traditions and culture, and that
4 those topics weren't raised. Now people like Connie
5 Roberts, I think, has always had an interest in the
6 past, the same with Doreen Kartinyeri, and those are the
7 sorts of people who I think might have more of an
8 opportunity of receiving information, but I think it's a
9 range of possibilities. I don't think there is one
10 answer to that.

11 XXN

12 Q. I'm asking whether you can point out any single factor
13 that, in your view, is common to each of those four
14 women that would provide an explanation as to why they
15 have, or their claim that they have this information
16 should be accepted, when others have equal seniority,
17 experience, and say nothing whatever about it.

18 A. I think I've just answered that.

19 OBJECTION Miss Nelson objects.

20 MISS NELSON: It's been put in various forms, and the
21 witness has given his reasons, I don't think he can take
22 it any further.

23 XXN

24 Q. You know Dulcie Wilson.

25 A. Yes.

26 Q. She has taken an interest in her Ngarrindjeri background
27 all of her life.

28 A. I think she's been interested in her history, yes.

29 Q. I suggest that she has taken far more interest in her
30 Ngarrindjeri heritage consistently over the years than
31 Doreen Kartinyeri has.

32 A. I wouldn't agree with that conclusion. I think not far
33 more at all, no.

34 Q. You are aware, are you not, that Doreen Kartinyeri left
35 before puberty.

36 MISS NELSON: Left where?

37 XXN

38 Q. Left Raukkan.

- 1 A. Initially, yes. She was back again fairly soon
2 afterwards at different times.
- 3 Q. She went to some institution, presumably called
4 institutions in those days, Fullarton Girls Home, where
5 she remained for a number of years.
- 6 A. She did.
- 7 Q. Returning on holidays to Raukkan.
- 8 A. Yes. She also worked at Point McLeay in her teens and
9 lived there.
- 10 Q. As with many of the other women who say that they knew
11 nothing of this.
- 12 A. Certainly, but Doreen emphasises one of her sources as
13 being someone who lived at Point Pearce, and that's
14 where she raised her family as a woman.
- 15 COMSR: We have pretty well canvassed this
16 ground with a number of witnesses.
- 17 MR ABBOTT: We have.
- 18 XXN
- 19 Q. Looking at Exhibit 210, would you go to p.67. You were
20 aware of this article in 1992.
- 21 A. Actually I wasn't, no.
- 22 Q. When were you first aware of it.
- 23 A. I was actually first aware of it when it was raised in
24 the commission, I have to say.
- 25 Q. You're not aware, in some respects, of a very similar
26 claim being made in respect of the Onkaparinga estuary,
27 and what is at least reported in the media as being part
28 of the claim that is made in respect of Hindmarsh
29 Island.
- 30 A. I'm certainly aware of this type of issue and that area
31 being associated with it as a woman's site has been
32 discussed in the Kurna community for quite a while.
- 33 Q. You know Mr Lewis O'Brien well.
- 34 A. Yes.
- 35 Q. In this period, that is in 1992, you were working, I
36 think, at the South Australian Underdale Campus, were you
37 not.
- 38 A. Part of, let me see, part of 1992 I was.

- 1 Q. Was Mr Draper there, or Dr Draper.
2 A. No.
3 Q. Was he there at some stage when you were there.
4 A. No, he wasn't.
5 Q. You have not mentioned in your evidence Mrs Betty
6 Fisher. Have you had any contact with her.
7 A. I think I've had a couple of occasions to speak to her
8 since this commission started, when she came in.
9 Q. But not outside this commission.
10 A. No.
11 Q. You have heard her evidence.
12 A. Quite a bit of it, I haven't heard.
13 MISS NELSON: Some of it, because a lot of it was in
14 closed session.
15 XXN
16 Q. You've heard most of what was said in open session.
17 A. Yes.
18 Q. I take it you'd want to inspect the hard evidence,
19 namely her notebook and transcript -
20 A. It would be very interesting to see.
21 Q. - before passing any opinion on the validity of her
22 claims.
23 A. Yes. I mean it's hard for me to make a conclusive
24 statement on that at all.
25 Q. Hard for anyone really.
26 A. Well, other than the evidence she has presented, I mean
27 you can only go as far as what she has said.
28 COMSR
29 Q. Why do you require some evidence, some hard evidence to
30 back up what she has said before you're prepared to give
31 it any weight.
32 A. I'm only saying that I wouldn't make a conclusive
33 statement. I could make some comments on her evidence,
34 certainly, but I don't think I could be conclusive. It
35 would be far more valuable to see the original document,
36 I think, than hear the actual contents.
37 XXN
38 Q. You haven't mentioned it so you haven't given it any

1 weight.

2 A. This was prepared long before.

3 Q. I know, but you have produced additional sources and
4 mentioned additional matters.

5 A. Just a couple.

6 Q. You don't hold your thesis over Betty Fisher's evidence.

7 A. No, not really, I don't know enough about it. I
8 certainly would think that the person she spoke to was a
9 very senior woman, and the evidence I have heard hasn't
10 contained any major errors of accuracy or anything that
11 would make me think that it was totally implausible.
12 There is not enough for me to really comment.

13 Q. One of the other aspects -

14 A. I haven't had access to the major parts of that
15 evidence.

16 COMSR

17 Q. So on what you've heard, you haven't referred to it
18 because you think it would be unsafe, really.

19 A. Given that I haven't heard the main parts of the
20 evidence.

21 Q. You only know her claim in a general way.

22 A. I mean in terms of hearing her speak about the
23 interview, and knowing that perhaps she knew Gladys
24 Elphick very well, for instance people have talked about
25 that issue, I can make comments about the -

26 Q. I'm not asking you to make comments, but on what you've
27 heard, you haven't really taken it into account.

28 A. Well, not in my statement, and not really now.

29 Q. Is there some reason why you would take into account
30 anyone else's claim that wasn't backed up by hard
31 evidence.

32 A. I'm not discounting her evidence at all. I'm just
33 saying that I haven't heard all the evidence she was
34 presenting, and I can certainly make comments on what I
35 have heard, and I'm not - let's put it this way,
36 everything I've heard seems to suggest that she did know
37 the person she said she did know, and the fact that she
38 knew Gladys Elphick very well meant that she probably

- 1 had access to the knowledge that Granny Koomi had on the
2 basis of trust there, which is a question that people
3 have asked. They say that, 'Why would somebody suddenly
4 talk to someone very quickly on first meeting', but I
5 think with an introduction of that sort of standing,
6 it's a possibility.
- 7 Q. I wasn't really putting to you an examination of her
8 evidence, but her evidence such as it is.
- 9 A. It's very interesting evidence, but again -
10 CONTINUED

S.J. HEMMING XXN (MR ABBOTT)

1 Q. No doubt it is, but such as her evidence is, you haven't
2 thrown it into the balance in coming to your
3 conclusions.

4 A. It adds a little bit to it, because I wasn't privy to
5 the main sort of crux of the evidence.

6 MISS NELSON: I think the difficulty with this line of
7 examination is the fact that Mr Hemming was excluded
8 from the courtroom when a lot of that evidence was
9 given, as indeed was Mr Abbott.

10 COMSR: Yes.

11 MR ABBOTT: Only you and the female counsel know
12 whether we missed anything.

13 COMSR: Yes, that may well have been evidence
14 taken on the basis of the old authorities.

15 MISS NELSON: Yes, it was.

16 COMSR: Which might raise some arguable
17 question.

18 XXN

19 Q. I want to ask you about another thread in your thesis.
20 To admit the possibility, as you do, of the existence of
21 secret sacred women's business of the type we are
22 concerned with in this commission, and its existence
23 handed down from woman to woman over the last couple of
24 hundred years, does that predicate that men must have
25 known at least of the existence of there being secret
26 sacred women's business referable to Hindmarsh Island.

27 A. There may have been times in that history when they did
28 have some indication -

29 Q. No, it doesn't predicate, from what you know.

30 A. It depends from when you are talking about. We are
31 saying that now - we have got people arguing at the
32 moment that it can't be revealed to women and in those
33 sort of context, but there may have been different
34 circumstances 150 years ago.

35 Q. Maybe, but that is another possibility. I am asking, on
36 the basis of your knowledge, and your knowledge of other
37 Aboriginal cultures, isn't one thing at least fairly
38 constant, and that is, that even in Aboriginal societies

S.J. HEMMING XXN (MR ABBOTT)

1 where there was secret sacred women's business which was
2 site related, it was essential that the men knew at
3 least the general location of that site, so that they
4 wouldn't defile it, go into it, or could avoid it at the
5 appropriate time.

6 A. I'm not sure how much prohibition there is in terms of
7 the sites that are related. It is a very broad region
8 you are talking about. I don't think that all
9 restricted knowledge about particular areas has to
10 relate specifically to sites that then exclude access.

11 So from that perspective I'm -

12 Q. Let us get back to the nub of the issue. Do you accept
13 as a proposition that, at least at some point in time in
14 the evolution of this tradition, men had to know about
15 it, at least the generality of it, had to know of the
16 existence of this secret sacred women's business.

17 A. Men would have known that there was secret sacred
18 women's business that the women had, and maybe very
19 general realms at one stage.

20 Q. Attached to Hindmarsh Island. They would have to know
21 that, wouldn't they, that it was referable to Hindmarsh
22 Island and not Granite Island.

23 A. Possibly. Although, it may have been a regional thing
24 that they knew about. They knew of a different
25 perspective that the women may have had on a particular
26 area, but that may have been at a time when the culture
27 was functioning as it was prior to European contact or
28 earlier on.

29 Q. Does it concern you, in the sense of shake your faith in
30 your theory, that no hint of men knowing anything about
31 the existence of women's secret sacred site related
32 business occurs in any of the ethnography that is
33 referable to the Ngarrindjeri people.

34 A. I think that's - it certainly is - it has an impact on
35 how I approach the issue. It certainly does have an
36 effect and it does have - it is an important point if
37 that's the case, but I think what I do is look at, I
38 guess, evidence and reasons as to why that may be the

1 case. When I look at the Berndt book, and particularly
2 I see that there are some major aspects that are
3 recorded, like women's initiations, that we haven't any
4 information about in terms of the knowledge that was
5 associated, they're the sorts of bits of evidence that I
6 would put up to suggest that this is possible that that
7 sort of knowledge hasn't been recorded in the
8 ethnographies.

9 Q. If we are talking about site related business, in the
10 example you just postulate, the men would have to know
11 generally the location of the initiation site to avoid
12 it.

13 A. In the Berndts book they talk about women having -

14 Q. Is that not so.

15 A. In some parts of Australia, and in the Berndts book,
16 there seems to be an indication that it is not
17 necessarily permanent initiation grounds. That those
18 places become sacred and secret during the time and then
19 perhaps revert back. It is not clear exactly in that
20 case.

21 Q. Let us take that model, a moveable initiation ground.

22 MISS NELSON: It is not moveable. That is not what
23 the witness is saying. It is only sacred and secret
24 when the initiation ceremony takes place.

25 XXN

26 Q. Sacred and secret place at the time. The men would have
27 to know at the time.

28 A. Yes, they did, and the Berndts record that, that with
29 the women's initiations they went to a particular place
30 and the men didn't go near, they were excluded from it.

31 Q. This secret sacred women's business appears to apply 365
32 days of the year to Hindmarsh Island and its surrounds.

33 MISS NELSON: I am not sure that that is a fair
34 question. It may be an assumption that Mr Abbott has
35 made, but I am aware that that allegation has been put.

36 XXN

37 Q. I invite you to assume that the secret sacred women's
38 business applies to Hindmarsh Island and its surrounds

1 365 days of the year.

2 A. Yes.

3 Q. If that were the case, accepting that assumption, the
4 men would have to know at least the generality, and go
5 this far, that Hindmarsh Island was secret and sacred to
6 women.

7 A. Maybe the knowledge - see, you are jumping from place to
8 knowledge of place, and that's different.

9 Q. I ask it again. If secret sacred women's business of
10 the type that we are discussing in this Royal Commission
11 existed with reference to Hindmarsh Island, the men
12 would have to have known of the existence of secret
13 sacred knowledge and Hindmarsh Island.

14 A. I don't - I wouldn't go quite that far. I would say
15 that I am not aware of the - I don't know enough about
16 what's being claimed by the women as women's knowledge,
17 and if they're talking about a whole region and
18 interpretation of that region from a woman's
19 perspective, that may well be just a women's perspective
20 of the region that they keep to themselves.

21 Q. And don't tell the men.

22 A. Men have interpretations of areas for themselves. I
23 mean, if it is secret sacred maybe they don't tell them.

24 Q. This is the secret of the universe, this is the cosmos,
25 and I invite you to assume that any interference of the
26 type that this bridge presents - it is alleged will
27 destroy the reproductive faculties of all Ngarrindjeri
28 women. It is that type of secret sacred women's
29 business, site related, we are dealing with. If it was
30 to that order, men would have had to have known that
31 there was something serious.

32 A. Men weren't planning to build bridges -

33 Q. Something serious and sacred in relation to Hindmarsh
34 Island, wouldn't they, insofar as women were concerned.

35 OBJECTION Ms Nelson objects.

36 MISS NELSON: I don't understand it to be exclusive to
37 the island. Mr Abbott has to decide what he is putting.
38 I thought what he was originally suggesting was the

S.J. HEMMING XXN (MR ABBOTT)

- 1 linking of the island with the mainland was the
2 disturbance. Now he is saying it is the island which is
3 secret and sacred, therefore, the men must have known
4 about the island. I really do think, to get a helpful
5 answer, that needs to be clarified.
- 6 MR ABBOTT: I have clarified it, I am confining it
7 to the island.
- 8 XXN
- 9 A. I just don't have that interpretation or knowledge of
10 the implications of the so called women's business, as
11 you put it.
- 12 Q. It boils down to this, you really can't assist us as to
13 whether it is possible or likely that men would have to
14 have known about or known of the fact, if it be a fact,
15 that Hindmarsh Island was a secret sacred place for
16 women. You can't help us as to whether that is even a
17 possibility.
- 18 A. It is a bit hard for me to comment, given the amount of
19 information. It may have been from different times. It
20 is a possibility.
- 21 Q. You have accepted so many other things as possibilities.
22 I wonder why you won't accept that.
- 23 A. As I have said, I think it could be a possibility, but
24 it depends on the period you are talking about. There
25 may have been change in the beliefs, the interruption of
26 European invasion, in a sense, and the impact that has
27 had on the ways that people restrict knowledge.
- 28 Q. But if you bring that into the equation, you have to
29 make similar qualifications to the handing down of the
30 women's business, don't you.
- 31 A. Certainly.
- 32 Q. But the women's side of the tradition, if we accept the
33 proponent women, their knowledge has survived, but the
34 men's knowledge of the existence of it has apparently
35 vanished.
- 36 A. Apparently.
- 37 Q. Yes.
- 38 A. I mean, I don't know if it has. I haven't conducted

1 field work on that, and I haven't had a chance to really
2 investigate that myself, that question.

3 Q. As far as we can tell, it has apparently vanished and
4 you would expect it -

5 A. Well, I don't know.

6 COMSR: That is the same question, isn't it.

7 MR ABBOTT: Yes.

8 XXN

9 Q. You have referred to your notes. Have you made any
10 notes of your discussions with Doreen Kartinyeri, apart
11 from - that is, with reference to secret sacred women's
12 business and the Hindmarsh Island Bridge matter.

13 A. I have got some notes from early this year which relate
14 to a conversation where she was talking about the
15 sources of her information.

16 Q. Where are they.

17 A. I have copies of those at home. They were typed up
18 notes. In terms of this earlier period, the notes I
19 have for this - that I presented, I was keeping more
20 regular notes because I was doing field work on
21 particular sites. I haven't been -

22 Q. I am not talking about the field work. I am talking
23 about from 1994 onwards when you had contact with Doreen
24 Kartinyeri, and with reference to the Hindmarsh Island
25 Bridge matter.

26 A. I think I have got at least one set of notes, but not
27 for that early period -I don't think I have got anything
28 -

29 Q. Have you produced that one set of notes for counsel
30 assisting.

31 A. No, I haven't. At this stage, I mean, this is this year
32 and it might even be - no, it was before the commission
33 I think had started, yes. It was probably March.

34 Q. Can you produce them.

35 A. Yes, yes.

36 Q. Does your counsel have a copy of them.

37 A. No, no. I think it was the time when Doreen Kartinyeri
38 came to - was being congratulated for her - just before

S.J. HEMMING XXN (MR ABBOTT)

1 she was being congratulated for her honorary doctorate.

2 That was the time. It was just a general conversation.

3 Q. About the women's business and its relationship to
4 Hindmarsh Island.

5 A. No, it wasn't very specific. I think it was more - I
6 think it may have mentioned Mundoo Island, it may have
7 mentioned Hindmarsh Island, and it may have mentioned
8 sources, but only in a very basic way.

9 Q. Would you produce those notes tomorrow morning.

10 A. Yes.

11 MISS NELSON: On that note, I think I should perhaps
12 interject. Counsel assisting are well aware that I have
13 a longstanding commitment on a case interstate tomorrow
14 and for the rest of the week. It has always been my
15 position, and I have got an undertaking from counsel
16 assisting, that, in the event that Mr Hemming's evidence
17 did not conclude today, he would not be obliged to
18 resume until I could return, which is Monday at the
19 earliest.

20 COMSR: I wasn't aware of that, unfortunately,
21 or if I was, I had forgotten.

22 MISS NELSON: It is difficult, I know. I don't say
23 this critically, but I think I was the first person to
24 cross-examine the first witness in this commission, and
25 I resumed it six weeks later, but events are such that
26 it has really made it very difficult for everyone.

27 COMSR: Mr Abbott, have you got very much longer
28 to go with your cross-examination?

29 MR ABBOTT: No, but I have also let counsel
30 assisting know that I am not available on Monday.

31 COMSR: Are you able to finish your examination
32 before 5 o'clock?

33 CONTINUED

S.J. HEMMING XXN (MR ABBOTT)

- 1 MR ABBOTT: I doubt it.
2 COMSR: What areas do you have to go?
3 MR ABBOTT: I want to ask about the letter that he
4 typed.
5 COMSR: That has been covered pretty well.
6 MR ABBOTT: Yes.
7 OBJECTION Miss Nelson objects.
8 MISS NELSON: I would object to Mr Abbott taking that
9 any further, because it is not as though counsel
10 assisting approached his examination of Mr Hemming as
11 examination-in-chief. It really was cross-examination
12 on that topic.
13 MR ABBOTT: I seek permission to ask a couple of
14 questions on that topic. I emphasise only a couple of
15 questions.
16 COMSR: If it is not a matter that has already
17 been covered by counsel assisting.
18 MR ABBOTT: No, it is not.
19 XXN
20 Q. Looking at MFI 204, the letter, you said you typed it on
21 your computer.
22 A. No, I said I typed it on Francesca Alberts's computer is
23 where I typed it up, because I didn't have an office. I
24 don't have an office, or I didn't have an office in the
25 area, at the time.
26 Q. I thought I heard you say it was on your computer.
27 A. No.
28 OBJECTION Miss Nelson objects.
29 MISS NELSON: No, he didn't.
30 XXN
31 Q. Do you know whether it is able to be retrieved from that
32 computer.
33 A. I'm not sure, to tell you the truth. I don't know
34 whether it was saved or not. I printed it out via the
35 network connection to Margaret Amon's computer. So, I
36 am not sure.
37 Q. I am just wondering whether you told anyone what it was
38 filed under.

S.J. HEMMING XXN (MR ABBOTT)

- 1 A. I am not sure that I saved it. I think I just typed it
2 out and it was printed.
- 3 Q. You may have saved it.
- 4 A. It might be, yes. It might be worth having a look.
- 5 MR ABBOTT: I am wondering whether counsel assisting
6 should look.
- 7 WITNESS: Sure I can show you, if you want to have
8 a look.
- 9 XXN
- 10 Q. In any event, did you see a copy of this letter after
11 you had finished typing.
- 12 A. Yes.
- 13 Q. What were the circumstances in which you saw it.
- 14 A. It was printed out and I got it.
- 15 Q. Doreen signed it.
- 16 A. Yes.
- 17 Q. I don't know want to go step-by-step, but what I really
18 want to know is where did the letter end up when you
19 last saw it.
- 20 A. Margaret Amon a day or two later told me that it had
21 gone through and she had put it in my pigeonhole in the
22 museum and I said to her basically it wasn't my letter,
23 it was Doreen's. And I transferred it into Doreen's
24 pigeonhole. So, that's where the fax and the letter is,
25 with Doreen.
- 26 Q. So, the fax header sheet or whatever and the letter
27 itself -
- 28 A. I think they were stapled together, yes.
- 29 Q. To your knowledge, it was eventually returned internally
30 in the museum at least to a position where it is likely
31 that Doreen Kartinyeri got it.
- 32 A. Yes.
- 33 Q. And you have never seen it since.
- 34 A. No, except when I came to the Commission and was shown
35 it.
- 36 Q. You have not told us of any discussion you had with
37 Doreen about the claims she made in the letter.
- 38 A. No.

- 1 Q. Did you have such a discussion.
- 2 A. We certainly talked generally. I was, as I said before,
3 surprised that women's business was being mentioned.
4 That was something completely new to me, particularly in
5 relation to that area. But even in general terms it
6 wasn't something that was discussed. It was a new thing
7 for me to hear. It was interesting. And it was
8 surprising. We talked about it, in that sense.
- 9 Q. There was no doubt about it that she was claiming in
10 this letter to know about women's business site-related
11 to Hindmarsh and Mundoo Islands.
- 12 A. Yes.
- 13 Q. Did you ask her in what way women's business was
14 associated with Hindmarsh and Mundoo.
- 15 A. No, I didn't actually. I asked her about the sources of
16 the information, but I know Doreen well enough to not
17 pry into things like that. And she made it very clear
18 she wasn't going to tell me, or couldn't tell me.
- 19 Q. She has told Ray Martin.
- 20 A. That is, the detail she certainly didn't.
- 21 Q. She has given him some of the details and she has given
22 the newspaper reporters some of the details. Are you
23 telling us that she gave you no details.
- 24 A. All she told me was the existence of women's business
25 associated with that area and about the sources of where
26 she had got it from.
- 27 Q. She told you none of the detail at all.
- 28 A. Not at that stage, no.
- 29 Q. Did she ever tell you any of the detail.
- 30 A. As I have said, I have got some notes on a conversation
31 this year, from not very long ago in a sense
32 comparatively.
- 33 Q. Apart from that discussion and you are bringing those
34 notes in.
- 35 A. Yes.
- 36 Q. Any other occasion when she has told you any of the
37 detail associated with her claim of secret sacred
38 women's business and Hindmarsh and/or Mundoo Island.

- 1 A. No, I don't think so. Not in any more detail than that.
2 In terms of the original.
- 3 Q. That being the discussion you have got the notes of.
4 A. Yes, from then on.
- 5 Q. You have, I suggest, followed some of the published
6 utterances in the media.
- 7 A. More recently and certainly I have been through the
8 evidence in the Commission too and heard all sorts of
9 things basically.
- 10 Q. You are aware of what she said, if we are to accept what
11 the media say, on several occasions, that part of the
12 secret sacred women's business is the alleged
13 correspondence between an aerial view of this particular
14 area and women's reproductive organs.
- 15 A. I think she said that in the media. I am not sure.
- 16 Q. She has never said that to you.
17 A. No, she hasn't.
- 18 Q. Not even in this discussion you made the notes of.
19 A. No, she didn't. She just -
- 20 Q. As for Hindmarsh Island being a place where women went
21 to practice abortion or infanticide, did she ever
22 mention that to you.
- 23 A. No, I think Margaret Jacobs has mentioned that to me
24 since, yes.
- 25 Q. But not Doreen Kartinyeri.
- 26 A. I don't think so. No, I am not certain about that. I
27 am really just not certain about that.
- 28 Q. As for the necessity for Hindmarsh Island to be
29 separated from the mainland and for that separation via
30 the river not to be intruded upon by anything like a
31 bridge and that such intrusion will result in the
32 spiritual and reproductive destruction of the
33 Ngarrindjeri women, have you heard of that claim made by
34 her.
- 35 A. I have heard it through the media.
- 36 Q. Has she made that to you.
37 A. She certainly didn't make that in that time of the
38 letter and I don't recall her saying that since to me.

1 Q. She made other claims to you or other general claims to
2 you about this business that are in your notes.

3 A. She has talked - not necessarily in my notes. I have
4 had general conversations that just relate to the
5 significance that there is women's business that is
6 important in that region.

7 Q. Anything further that she said about it. I mean, that
8 is not very helpful.

9 A. No.

10 Q. Just women's business in relation to that area.

11 A. As I said, I think in that conversation that I had I
12 think it was just before she was being awarded her
13 doctorate she did mention Mundoo Island and Hindmarsh
14 Island. And I think she said one was men's and one was
15 women's, but that's - I think that's what's in there.
16 There is no great detail.

17 Q. And one was birth and one was death.

18 A. I don't - I am not sure about that. I don't know, so -
19 COMSR

20 Q. Do you consider that, in your conversations with Dr
21 Kartinyeri, that anything you told her, I suppose
22 individually or collectively, was reasonably capable of
23 being construed by her as an endorsement of her claim
24 that there was women's business related to Hindmarsh
25 Island.

26 A. I think that, as I say, later on I mentioned the Ronald
27 Berndt conversation. And I would think that she
28 probably took some solace in the fact that there might
29 have been a very generalised mention of female
30 significance to that region. But certainly not in - I
31 don't believe that it had an impact on how she viewed
32 the region or her beliefs at all.

33 XXN

34 Q. Tell me, has it ever crossed your mind that there, to
35 put it mildly, is an amazing coincidence between Doreen
36 Kartinyeri's claim of secret sacred women's business and
37 the stage at which the battle to stop the bridge going
38 to Hindmarsh Island had reached.

S.J. HEMMING XXN (MR ABBOTT)

- 1 OBJECTION Miss Nelson objects.
- 2 MISS NELSON: So what? What does it matter what he
3 answers? It is a matter of comment and no doubt Mr
4 Abbott will make it in due course.
- 5 MR ABBOTT: It matters quite a lot as to whether it
6 has crossed his mind, because it involves whether he has
7 considered and properly considered the other hypothesis.
8 Namely, that she is telling a pack of lies.
- 9 MISS NELSON: We have been down that path.
- 10 MR ABBOTT: I maintain my question. I want to know
11 whether he has considered the apparent coincidence
12 between the fight to stop the Hindmarsh bridge and the
13 time of Doreen Kartinyeri's revelation about secret
14 sacred women's business, with reference to his evidence.
- 15 COMSR: Mr Hemming has been sitting in this
16 Commission hearing and it would be, I suppose, very
17 unlikely that, by now, he hasn't noticed that the issue
18 has been raised. But I just don't see where that is
19 leading us.
- 20 MR ABBOTT: Could I refine the question?
- 21 QUESTION REPHRASED
22 XXN
- 23 Q. Have you considered that aspect with reference to coming
24 here today and giving evidence about the possibility
25 that you put forward as being a real possibility.
- 26 OBJECTION Miss Nelson objects.
- 27 MISS NELSON: I object to that question, because I
28 can't understand it and I bet the witness can't. And I
29 defy anyone else in this courtroom to understand it. Mr
30 Abbott has been on his feet for a long time. I think
31 he should reflect before he resumes his
32 cross-examination and get the question coherent.
- 33 COMSR: Mr Abbott, I am just trying to see where
34 we are going.
35 How much longer are you likely to be in
36 cross-examination?
- 37 MR ABBOTT: I have got a few more topics and I am
38 well-aware that, if this witness goes on to Monday, I

1 won't be able to ask him. And I am happy to leave it on
2 this basis, that I would like an answer to the question
3 I am now putting. That I will refine that question.
4 COMSR: The question you are now putting you
5 have yet to formulate, is that what you are putting?
6 MR ABBOTT: I think I can, with my last remaining
7 resources this afternoon, formulate it.
8 QUESTION REPHRASED
9 XXN
10 Q. You have come along here today and put forward a view
11 that there is a possibility that secret sacred women's
12 business, of the type we are dealing with, has continued
13 for the last couple of hundred years and has been passed
14 down until - and it was only revealed, at least to your
15 knowledge, in April 1994. In putting forward that view,
16 have you considered the apparent coincidence between the
17 revelation of that, of the existence of that knowledge
18 to you and the stage at which the fight had reached to
19 stop the Hindmarsh Island bridge.
20 OBJECTION Miss Nelson objects.
21 MISS NELSON: I object to that question. Really, it
22 is exactly the same proposition that Mr Abbott has put
23 this afternoon, which is 'Have you considered the
24 possibility that Doreen Kartinyeri was making it up?'
25 Now, simply because he has dressed it up in a
26 different way doesn't make it mean anything different.
27 He has been down that path and canvassed that and I
28 maintain my objection.
29 And, secondly, I object on the ground of relevance.
30 It seems to me it is a matter for you. It is irrelevant
31 what Mr Hemming thinks or considers in that respect.
32 COMSR: Yes, what is the relevance?
33 MR ABBOTT: The relevance is that this witness
34 purports, in giving evidence of his view, to have
35 considered all the matters that he regards as relevant
36 to take into account before putting forward the view
37 that he does put forward. I am asking whether he has
38 considered and given any weight to that aspect. And I

1 submit it is relevant.

2 MISS NELSON: He has answered that question. He said
3 he regards Doreen Kartinyeri as a witness of truth, but
4 he has also said he didn't give consideration to the
5 possibility that it had been fabricated. So, I mean,
6 what more can he say? All that Mr Abbott is seeking to
7 do is to put the question in a different way.

8 COMSR: Yes, Mr Abbott, I suppose, in the long
9 run, these will be issues of an assessment of credit as
10 much as anything.

11 MR ABBOTT: I regret to say that my learned friend
12 has made it a very long run, this particular question.

13 MISS NELSON: I will make it longer.

14 COMSR: We won't be making it longer this
15 afternoon. I will have to adjourn.

16 MR ABBOTT: I know there are some more topics, but I
17 will discuss with Mr Smith, I think, as to whether
18 someone else - it maybe that -

19 COMSR: Miss Nelson, you won't be available
20 tomorrow until Monday?

21 MISS NELSON: Until Monday morning.

22 COMSR: And, Mr Abbott, you won't be available
23 on Monday?

24 MR ABBOTT: I am not available on Monday.

25 MR SMITH: What about the balance of next week?

26 CONTINUED

S.J. HEMMING XXN (MR ABBOTT)

- 1 MR ABBOTT: I am available Thursday, Friday and
2 Saturday. I would have thought we should be able to get
3 through a couple more witnesses in that time.
- 4 COMSR: No doubt.
- 5 MR SMITH: Perhaps we shouldn't sort this out in
6 the hearing room. The Commission can't just go on
7 suiting everybody. We have got to wind up.
- 8 COMSR: I was anticipating proceeding straight
9 on with the witness, but I wasn't aware of the
10 situation. What do we have in mind for tomorrow?
- 11 MR SMITH: I will have to speak to my learned
12 friends about the programme.
- 13 COMSR: The best I can do is adjourn at the
14 present time.
- 15 MR SMITH: Before you do, Dr Draper is scheduled
16 for tomorrow, on the basis that I am hopeful he will be
17 concluded by Friday to return to Queensland.
- 18 COMSR: Any problems with that?
- 19 MR SMITH: There can't be any problems with that.
- 20 MR STEELE: The only problem is he has to leave to
21 go back to Queensland Friday night.
- 22 MR SMITH: We don't want to be forced to bring him
23 back.
24 I propose tendering the documents relating to his
25 evidence now, so people can have those overnight.
- 26 COMSR: Who is implicated - I mean, who has an
27 interest in his evidence, which parties?
- 28 MR SMITH: Just about everybody. In any event, to
29 save argument about it, everyone is going to get a
30 copy of his material, then they can argue their right to
31 question Dr Draper when their turn comes. I tender it
32 so that it goes into the record straight away for
33 protection of the witness.
- 34 COMSR: You are tendering it through Dr Draper?
- 35 MR SMITH: I will just tender it now from the bar
36 table.
- 37 COMSR: The contents will presumably have to be
38 kept. Is this subject to a suppression order?

S.J. HEMMING XXN (MR ABBOTT)

- 1 MR SMITH: These are matters that should be subject
2 to the utmost confidentiality, in accordance with the
3 undertakings in the normal way.
- 4 COMSR: They are not to be released.
- 5 MR SMITH: I just alert counsel to that. Certainly
6 not to be released to anybody other than counsel.
- 7 MR MEYER: It is suppressed until such time as he
8 gives his evidence.
- 9 MR SMITH: I tender the of Dr Neil Draper and two
10 bundles of documents that are ancillary to the
11 statement.
- 12 COMSR: Before we start handing them out too
13 far, what is the nature of Dr Draper's evidence.
- 14 MR SMITH: It covers the entire field of this
15 affair, the Hindmarsh Island bridge dispute. It is
16 anthropological, archaeological.
- 17 COMSR: Counsel understands then, that the
18 material is subject to the utmost confidentiality under
19 those circumstances. Not to be copied nor distributed
20 to anyone else.
- 21 MR KENNY: Mr Tilmouth is coming along, I would
22 like to copy another copy for him or provide him with a
23 copy of it. We are not allowed to copy it?
- 24 MR ABBOTT: We will need to copy it. My instructing
25 solicitor will need to have a copy. I will need to have
26 a copy.
- 27 COMSR: We lose track then of a number of
28 copies.
- 29 MR ABBOTT: I am happy to abide by any restrictions
30 by counsel assisting.
- 31 COMSR: It will be material of this sort I will
32 want it to be returned after the hearing so it can be
33 disposed of.
- 34 MR ABBOTT: Can we leave it on the basis that
35 counsel assisting tell us what restrictions are to go on
36 it?
- 37 COMSR: That material will be admitted and
38 marked Exhibit 233. It will be the subject of a

1 suppression order and the undertakings as to
2 confidentiality, required under the authorization of
3 s.35.

4 MR SMITH: There is a mixture of that requirement
5 and the ordering of confidentiality.

6 COMSR: That requirement involves a requirement
7 to return the material, that is why I want to know what
8 is happening in relation to any copies.

9 MR SMITH: We will speak to people that need to
10 supply a copy to other counsel for instance. So, we
11 will keep a track of that. There are two bundles of
12 documents and the statement, so there there are really,
13 perhaps you might mark the statement and then mark the
14 two bundles. One is a proofing document and the other
15 one is ancillary documents. If you mark it with one
16 number we will tidy it up.

17 COMSR: They are being admitted as a bundle at
18 this time.

19 MR SMITH: The statement could be the exhibit and
20 then if you could mark the two bundles, the proofing
21 document could be A and the bundle of ancillary
22 Documents B.

23 EXHIBIT 233 Statement of Dr Neil Draper, tendered
24 by Mr Smith. Admitted.

25 WITNESS STANDS DOWN.

26 ADJOURNED 5.06 P.M. TO THURSDAY 26 OCTOBER 1995 AT 9.30 A.M.