

**SELECT COMMITTEE ON THE
RESERVES (RESERVE 43131) BILL 2003**

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
ON WEDNESDAY, 30 JUNE 2004**

SESSION 1

Members

**Hon Peter Foss (Chairman)
Hon Robin Chapple
Hon Jon Ford
Hon Louise Pratt
Hon Derrick Tomlinson**

Committee met at 6.55 pm

GORDON, MRS SUSAN
Magistrate, Perth's Children's Court,
160 Pier St,
Perth, examined:

The CHAIRMAN: Welcome to the committee. You have signed a document entitled "Information for Witnesses". Have you read and understood that document?

Mrs Gordon: Yes, I have.

The CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document to which you refer during the course of this hearing for the record and please be aware of the microphones and try to talk into them. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. Premature publication or disclosure of the transcript of public evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. Thank you very much for appearing before the committee and for the statement that you have provided to the committee. Would you like to make an opening statement?

Mrs Gordon: I would like to read my statement. My statement reads -

Statement of Mrs Susan Gordon AM to:
Select Committee on the Reserves (Reserve 43131) Bill 2003
Given on Wednesday 23 June 2004

That date needs to be corrected, because I had originally intended to make this statement last week. It continues -

I am a Magistrate currently exercising my oath of office at the Perth Children's Court.

I was appointed to the position of Children's Court Special Magistrate (now Magistrate) under the *Child Welfare Act* 1947, on May 24, 1988, which was listed in the Government Gazette of Western Australia number 57, dated June 17, 1988.

As stated at the commencement of these proceedings this evening, I am appearing before this Committee in my capacity as the former Chairperson of *The Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities* (known as the "Gordon Inquiry").

In a letter addressed to myself dated 15 January 2002, the then Acting Premier and Minister for Public Sector Management, the Honourable Eric Ripper MLA gave a formal direction to myself, Mrs Hallahan and Mr Henry -

That is exactly how it is quoted in the letter -

to conduct the previously mentioned Inquiry. The Terms of Reference for the Inquiry were contained in that direction. The Inquiry was established under section 11 of the *Public Sector Management Act 1994* and, as such, the powers conferred on the Inquiry under that statute were limited to an examination of matters relating to the Public Sector.

As per instructions in a letter to myself from Mr David Driscoll, Senior Committee Clerk, dated June 11 2004, I would advise the Committee that as I intend to refer, read or quote from sections of the abovementioned Inquiry Report which was presented to the Premier, the Honourable Geoff Gallop, MLA on 31 July 2002, as per the Inquiry Terms of Reference, I have provided seven copies which also include:

1. State Coroner, Alastair Neil Hope - Record of Investigation into Death of Susan Ann TAYLOR, Inquest held at Perth on 22-30 October, 2001, finding the death occurring on 12 February 1999 at Swan Valley Nyungah Community Aboriginal Corporation - Crown Reserve 43131 (also known as the Lockridge Campsite) in Caversham, Western Australia.

Note: The death and subsequent Investigation by the Coroner were the catalyst for the government setting up the Inquiry;
2. The cover of the Report titled *Putting the picture together*;
3. The Table of Contents at pages iv to xiii;
4. Inquiry personnel at page xviii;
5. Chairpersons Forward at pages xvii to xviii;
6. The Honourable Eric Ripper MLA, Acting Premier and Minister for Public Sector Management letter to myself dated 15 January 2002 at page xix;
7. Terms of Reference at page xx;
8. Executive Summary at pages xxi to xxvii;
9. Introduction and overview, Section 1, Chapter 1 *Inquiry methodology* at pages 4 to 15;
10. Responses to family violence and child abuse at the Swan Valley Nyungah Community, Chapter 14, which describes aspects of Government agency service delivery at the Swan Valley Nyungah Community as required by Term of Reference 1 at pages 367 to 381; and
11. *Public Sector Management Act 1994*, Section 11 to 15, and Schedule 2 to that Act. This is the relevant legislation the Inquiry was established under, as contained in the Terms of Reference of the Inquiry.

Importantly, I would point out to the Committee that the only Recommendation specifically referring to the Swan Valley Nyungah Community (Crown Reserve 43131), was at Recommendation 141 which read -

“Recommendation 141: The Inquiry recommends that urgent steps be taken to develop Memorandum of Understanding between the Swan Valley Nyungah Community and those government agencies which may reasonably seek access to the community. In developing those Memoranda of Understanding, the conclusion of the Inquiry as to the good faith of service providers and their legitimate exercise of government function, ought to be taken into account.”

I would like to further advise the Committee that while I accepted the invitation to appear, I should not have had to ask for copies of:

1. The Committee Hearings Information for Witnesses document;

2. The Terms of Reference for the Committee, and
3. A copy of:
 - a. Reserves (Reserve 43131) Bill 2003;
 - b. Explanatory Memorandum to the Bill; and
 - c. Debate in the Legislative Council on Friday, May 16 2003.

These documents should have been provided to myself, as a package, once I accepted the invitation.

The CHAIRMAN: Thank you very much. I will start with the final part of your submission. When you recommended in your report that there be an MOU for the Swan Valley Nyungah Community, what sort of process did you expect that to be?

Mrs Gordon: In the past few years a memorandum of understanding seems to have been the latest idea for government agencies in dealing with Aboriginal communities. Various government agencies in the State have a memorandum of understanding. For instance, the Department for Community Development has a memorandum of understanding with some of the remote Aboriginal communities in that they are working together to achieve a common aim. Based on those memorandums we felt that with the problems that the various agencies were experiencing with the Swan Valley Nyungah Community - some real and some perceived - a memorandum of understanding might solve some of those problems, because the people in the community have rights, but some government agencies felt that they had a more legitimate right to just go in and out of those communities, the Swan Valley community being one. We also took into account the fact that the police were the only ones who had good relationships with the Swan Valley Nyungah Community, basically through Sergeant Jim Clarysse. The community, on the two occasions they invited us out there, spoke highly of Sergeant Clarysse's work.

[7.05 pm]

The CHAIRMAN: I think Ms Brazier referred to the MOU and actually produced a sample one of those for us. I think I understand the reason for that, but I would like to get from you the sorts of things you think that would address. Perhaps I can put some words into your mouth and you can use that as a starting point to either agree or disagree with me; that is, Aboriginal people need to feel that they are working with government agencies, not that the government agencies are deciding their future for them.

Mrs Gordon: Perhaps I could give you the examples that we found around the State. Aboriginal people have told us that they were not sure where they stood with some government agencies, in as much as government agencies were telling Aboriginal communities when they would want to visit an Aboriginal community and really had gone over what was their role. In some areas it was a bit paternalistic. I told Aboriginal communities that if it was their community, their land, and they were running a business and community programs, they should tell government agencies when they wanted them to come and visit and set up meetings to resolve those issues. One person from a government agency would say that he could not come on a Monday but could come on Wednesdays. Someone from another government agency would say that he could come only on Tuesdays and could not come on Thursdays. Each government agency was expecting Aboriginal people to account for any grants that may have been given to them. In some cases Aboriginal communities were getting two or three grants to run six-month or 18-month programs by two or three different government agencies, commonwealth or state. They were very busy trying to account for the money and the program and were still expected to have meetings with government agencies, which in some cases were really just having a meeting for meeting's sake. Nothing was really being achieved. Somebody said, "We always go out to X community once a month." They would fill out their report to head office that they had been out to X community in that month, met with Fred Smith and Tom Jones and that was it. There did not seem to be any coordination or

planning. One government public servant would go out in vehicle A and another government officer would go out in vehicle B, all to the same meeting and all leaving at roughly the same time, hence the cover of our report had some seagulls circling an Aboriginal family.

The CHAIRMAN: That was why it was included!

Mrs Gordon: Aboriginal people - it is referred to in the community - say that public servants are like bloody seagulls; they drive in in their white car and go out again. They were treating Aboriginal people as cases and not people. They would say, "I have several communities on my case list. I need to go and see those people." That is where we felt the memorandum of understanding would be a better way for the community and government agencies to work together.

The CHAIRMAN: We had two people from DCD who had very minor dealings with the Swan Valley Nyungah Community. They had a good relationship with them and they told us -

Mrs Gordon: There was a young lass called Donna Birch who was working for DCD and she was from the Kimberley area; she was not a Nyoongah person. She had a very good working relationship with the Nyoongah people there. To some extent Gordon Cole had a bit of a working relationship. I do not know what happened in the end with that.

The CHAIRMAN: What they were saying was that unless you establish a relationship with people up-front and get the relationship going, you will not get anywhere with giving government services, because it would become a stand-off. Would you agree with that as an approach?

Mrs Gordon: I think it is treating people as you would want to be treated yourself. That is what the government agencies forget. It is a dictating role and, as I said before, paternalistic, instead of sitting down and working out how both parties can benefit. That is what we found.

The CHAIRMAN: The Government imposed a management order on the Swan Valley Nyungah Community. Were you aware of that?

Mrs Gordon: No.

The CHAIRMAN: One of the two recommendations it rejected was that there be an MOU.

Mrs Gordon: I am sorry, it rejected two?

The CHAIRMAN: It rejected only one. Sorry. It rejected two initially.

Mrs Gordon: I will just correct that. The Government said that it was picking up 195 of the 197 recommendations, but in fact the Government did not pick up 195; some of those are Claytons.

The CHAIRMAN: Yes. That is why I used the word "rejected". It definitely rejected your recommendation with regard to Swan Valley and instead said that it would move towards a management order.

Mrs Gordon: Yes.

The CHAIRMAN: I do not expect you to comment on the Government but I would like you to comment on how you see a management order as opposed to what you had in mind, which was the memorandum of agreement. Do you see them as being of similar value? What do you consider to be the differences between the two processes?

Mrs Gordon: I do not think there are any similarities whatsoever between a management order and a memorandum of understanding. We thought it was best if the government agencies worked with the Aboriginal community. The allegations of sexual abuse were not aimed at every member of the community. There were people who it was alleged were being abused, and there were people who allegedly were the abusers. We had not advocated anything like a management order that saw people being moved from their family grouping.

The CHAIRMAN: The original management order was not to that effect. Perhaps I have confused you with what I have said. Two things have happened. The first was a management

order, which kept the reserve in place with the Swan Valley Nyungah Community. That was this document.

Mrs Gordon: I think I know which one you mean.

The CHAIRMAN: Later on, this Bill, which we are inquiring into, was brought down. It is quite different from a memorandum of understanding. I am asking you to comment on that. That was the Government's alternative to a memorandum of understanding.

Mrs Gordon: I was aware of this, but I had not read this.

The CHAIRMAN: Perhaps what I might ask you to do, if you do not mind, is that we will give you a copy of the management order and a bit of the circumstances under which it came into effect and then we will get you to comment on the relative merits, as a process of dealing with the problems in that camp, of the two methods that were used, rather than asking you to do it now.

Mrs Gordon: I do not know -

The CHAIRMAN: If you have not read it, there is not much point asking you to comment on it at this stage.

Mrs Gordon: I was not involved in this, so I do not have any -

The CHAIRMAN: That was the Government's alternative. What I am trying to get to is whether that is likely to solve or address the problem, or whether it is contrary to what you thought would be the solution to that problem.

Mrs Gordon: No. On a brief perusal of this, under point 3 it says that a person representing or acting on behalf of a commonwealth, state or local authority is and will be entitled to enter and remain on the boundary. This management order is basically taking away the autonomy of the Swan Valley Nyungah Community and telling them what will happen. As I said, it takes away their autonomy as an Aboriginal organisation and from any say in anything. The memorandum of understanding was basically for all parties to sit down and reach an agreement on when they could go to the community, what were the issues they were looking at, and how they could get assistance from the different agencies that were dealing with the Swan Valley Nyungah Community.

[7.15 pm]

The CHAIRMAN: Now, there is another event that you may not be aware of. I will give you some idea of it. It was called the raid. It involved the government agencies and a television crew going to the Swan Valley Nyungah Community with eight policemen in four police cars. All the people in the Swan Valley Nyungah Community were called into the central area. The people described that they had the riot act read to them. They were told what had to be done by way of cooperation with government agencies. On first blush that appears to be almost the antithesis of your recommendation. Are you aware of that incident?

Mrs Gordon: No.

The CHAIRMAN: If that incident occurred, would you see that as being the antithesis of your recommendation?

Mrs Gordon: Yes.

The CHAIRMAN: Do you have any view about what can be achieved by an MOU such as you referred to and what the antithesis might have in terms of its impact?

Mrs Gordon: When the MOU - as we are now calling it - was first mooted, we had met with the Swan Valley Nyungah Community in the meeting building and had gone through what we were inquiring into and what we had seen in other areas. We gave them a broad background of what we were trying to cover. We were not there to take disclosures or to look for people to be charged. We had no such powers. Rather, we were there to try to see how we could stop this horrible scourge of

child sexual abuse happening to any Aboriginal child. We met at the community's request a second time in the school building. On both occasions, as with all meetings, there was some boisterousness at some stage. We had morning tea or whatever it was called, with soft drinks and cordial etc for the children. We provided some of that. The second meeting was just the same. We went back to go through some issues with the community at the invitation of Mr Bropho. Again we pointed out what we were trying to do regarding an MOU. I had said to every Aboriginal organisation that we met that they would get a copy of the transcript of what we said. Every Aboriginal community received a copy of the transcript and the idea of that was - because we recorded everything on the right equipment as if we were in court - they could go through the transcript to see if I had promised or said anything or if anything was not correct, another meeting could correct that. From those two meetings we clearly spoke to the community about an MOU and they were clearly happy with that idea.

The CHAIRMAN: Are you aware also that the school building in which you had the second meeting was removed?

Mrs Gordon: Yes.

The CHAIRMAN: What are your views on that?

Mrs Gordon: I was amazed because it was on a concrete block; it was not a transportable building. It was being used not only as a school but also for music lessons. It was clean; there was no graffiti on it. The whole community in fact was clean. What I saw on the television after the removal of the people was not what I would have seen when I was a commissioner of Homeswest, rather it looks like people who had to leave in a hurry. In the buildings that we were allowed to go through, which were all the buildings apart from the people's private residences at the community, there was no graffiti. Everything, as I said, was clean. The school building was not a transportable building. I am not a builder but when something is on a fixed concrete poured block, not one of those slabs that some of the communities up north used to have - small ones, which could have been transported so they could be jinkered out - this was poured concrete and it was fixed to that. I am not sure how it was removed.

The CHAIRMAN: I was going to ask you about that. Those of us who have actually been there were of the view that compared with many Aboriginal communities, the Swan Valley Nyungah Community was quite spruce.

Mrs Gordon: It was on quite a few occasions. Although Robert Bropho and I do not always see eye to eye, we always had a good working relationship as magistrate and as a former Commissioner for Aboriginal Affairs. The professional working relationship with Robert went back to 1986. When the community was first built, Robert took a long time to get the building that the community set up but it was always clean and tidy. As I said, there was no graffiti. Robert was very autocratic in his approach as to who came and went but at the same time if you have worked in Aboriginal affairs, you would know that he was trying to keep out the drunks and others, including people who just drive through willy-nilly just to sightsee. That happens in a lot of Aboriginal communities. It still happens. People drive through just to see how black people live.

The CHAIRMAN: I will ask you to make a few comparisons. Some people do not like to make comparisons. Members of this committee have seen a few of the metropolitan communities; that is, the three other major ones and, individually, we have all had experience with Aboriginal communities, which vary enormously in -

Mrs Gordon: When you say there are three other communities, do you mean Cullacabardee and Ngarara?

Hon DERRICK TOMLINSON: Sydney Road, Cullacabardee and the one in Saunders Street.

The CHAIRMAN: We have seen each of those. Individually, not as a committee, we have had experience of Aboriginal communities. Often they vary enormously from community to community.

Mrs Gordon: It depends who is running them at any given time.

The CHAIRMAN: It does. However, it seems to me from my point of view that the Swan Valley Nyungah Community is one of the better maintained and comfortable and supplied communities.

Mrs Gordon: It was built to their design. They asked what they wanted and they had some involvement in the style of it.

The CHAIRMAN: It seems to be good. I have seen a lot of pretty decrepit, abused and substandard housing.

Mrs Gordon: I always found that it was an adequate and reasonably well maintained facility.

The CHAIRMAN: You have talked about the scourge of child sexual abuse, which is very well detailed in your report. Again, I do not like to have to ask you to do this but did you see anything to single out the Swan Valley Nyungah Community from all the other communities that suffer from that scourge?

Mrs Gordon: I would not single out the Swan Valley Nyungah Community. I have just come back from two days in Broome at a Kimberley Aboriginal service health summit. Child sexual abuse is endemic in the Dampier Peninsula. The women were very openly speaking about it. People are speaking about it more now because of the inquiry and because they have taken a stand. However, I would not single out the Swan Valley Nyungah Community. That was just in the media the most because of Mr Bropho and the allegations made against him. There are allegations against a lot of other so-called leaders but they do not get as much publicity. It seems that Robert - or Mr Bropho as I should keep calling him - gets the most publicity.

The CHAIRMAN: He attracts it, does he not?

Mrs Gordon: Yes.

The CHAIRMAN: The Swan Valley Nyungah Community has been closed. Some people have expressed the view that the metropolitan Aboriginal communities are a failed experiment. That is, it was an attempt to deal with a problem of fringe dweller Aborigines in the metropolitan area and that those communities have failed. One person who has expressed that view is Mr Curry, who is the head of the Department of Indigenous Affairs.

Mrs Gordon: If he is going to make a statement like that, he needs to have some facts. He has never lived in an Aboriginal community. He does not belong to an Aboriginal extended family and he is non-Aboriginal. Mr Curry did not believe he had anything to offer the inquiry that I chaired until I pointed out - he was only the acting director general then - that they were the Department of Aboriginal Affairs, as it was known then. I am not enamoured with any statements that he might make about their failed experiments. I spoke with a couple of the people - I will not name them - from the Swan Valley Nyungah Community after Homeswest was given instructions to house everybody. Members can liken it to their own families. Homeswest found accommodation for one of the family members very quickly and one of the people came to see me and I went and saw the place. It was a group of eight units. The person was not planning to live in it because he did not know anybody. It was alien to him. He was suddenly having to buy furniture and effects for it and there was nowhere to keep his large dog. He did not have any of his extended family around him and suddenly he was isolated in white society, to put it bluntly. That is what the Aboriginal people feel if they get moved out of the so-called Aboriginal metropolitan communities. The closeness of the families who live there has a protective use as well in as much as if somebody is in trouble, that person can just go next door and somebody is there to help. However, if you live in a block of six or eight units and you do not know any of the neighbours and they do not like you because you are

Aboriginal, you become isolated and may just leave the house, which would then put you in the predicament of having your rent deducted but you do not live there.

[7.25 pm]

The CHAIRMAN: That is an interesting point. The standard thing to do with a non-Aboriginal woman who is the subject of domestic violence is take her out of the situation of violence and separate her from the violent offender. However, if that is done with an Aboriginal woman, she is taken away from her society and she is virtually turned into an outcast. It is not really a solution in those circumstances. You are outlining a very similar sort of circumstance. A number of these people had from time to time made application for a State Housing Commission house, had moved into it and then had been evicted because of non-payment of rent, damage and antisocial behaviour. The only place they could go after that was back to the camp. What do you think of that fact? Does it surprise you? Does it fit in with what you have said?

Mrs Gordon: It does not surprise me. Sometimes members of Aboriginal communities - albeit Swan Valley or one of the communities around the State - get a bit tired and want to move away for a little peace. They think it might be good for them to move, but when they get there they find that the relatives will still visit. Some will come and cause trouble. When they are living in a community, that is tolerated, not that it should be tolerated, and they find that when they have moved out into the wider community, it is not tolerated and people make complaints and then they get kicked out of the house. It is all part of an education program so that people can move and be on their own or, if they apply to Homeswest, Homeswest will try to get two houses together so that there is some company.

The CHAIRMAN: That education process might keep going on until they can actually stay out in the community. One of the ideas behind the camp's closure was to split up the people so that they would no longer be under the influence of Mr Bropho. That is the theory behind it. It is quite clear that many of the people from the Swan Valley Nyungah Community camp who have been settled have gone all over the place. Do you have a comment to make on the social consequences of that?

Mrs Gordon: I go back to the person who came to see me at the Children's Court and just point out that that person was not happy being isolated. The Government really did not have a right to just split up people who had been used to living with extended family around them and who are suddenly isolated. I did not like the idea. I was not involved. I did not talk to all the people. I spoke to only a couple of people who rang and asked whether they could come to see me, because they were well aware of the recommendation that we made. I just said to them that I had no idea what the Government was going to do.

The CHAIRMAN: I am probably asking the obvious, but this Act eventually gave the power for the camp to be closed and for everybody to be moved out. At the moment, there appears not to be any specific decision on what will happen with the camp, but it is certainly not being used for residential purposes by that community and I do not think it is ever intended that it will be. Going back to your original recommendation of an MOU and what you hoped to achieve by that, what do you see as being the impact of the actions that have been taken with the Swan Valley Nyungah Community?

Mrs Gordon: I can only guess. I have no first-hand evidence of the impact it has had, apart from the people who came to see me who said that they were not happy about being moved. They did not have a choice.

The CHAIRMAN: You certainly do not think Aboriginal people - or anybody - should be put in that position.

Mrs Gordon: I liken it to what happened when I was four years old and the Government took me from my family without asking.

Hon DERRICK TOMLINSON: Can you expand on your comment that they did not have a choice. The people were moved from the Swan Valley Nyungah Community before the Government had the opportunity to act. Did they not have a choice because they were directed by Robert Bropho to move or because they were anticipating the Government's action?

Mrs Gordon: I cannot answer that because I do not have any first-hand knowledge. I can go on only what people have said to me. It is only that people knew what the Government was going to do because that was virtually spelt out. Some people just started to leave. They really only moved in with other family members, so it created another problem for another Aboriginal family.

Hon DERRICK TOMLINSON: Certainly it created problems at Saunders Street, not directly with the people, but with government agencies that thought they had a right to direct who lived where.

Mrs Gordon: It goes back to the old native welfare days.

Hon DERRICK TOMLINSON: The Aborigines protection Act 1886, the Aborigines Act 1905, 1936, 1947 - it goes back a long way.

Hon ROBIN CHAPPLE: Hello, Sue. It has been a long time. I had a lot more hair when I knew you up in Port Hedland. It is very nice of you to come tonight. I thank you because, as somebody who has also worked on remote communities, I am aware of the values of community. That is something that you have expressed eloquently this evening.

The CHAIRMAN: I would like to move into private session.

Hon DERRICK TOMLINSON: I would like to explore some of the points that were raised with you. The Chairman talked about two DCD workers who had what appears to have been an excellent relationship with the Swan Valley Nyungah Community. They were two non-Aboriginal officers from the Cannington office. I have just been told that the evidence I am referring to was given in private and therefore I should not refer to it other than in private session.

The CHAIRMAN: We will move into private session.

[The committee took evidence in private.]

[7.40 pm]

Hon DERRICK TOMLINSON: Hon Robin Chapple wishes to ask a question, but I want to ask one more, just to finish off what we were. Are you familiar with the term “bungeeman”?

Mrs Gordon: Yes.

Hon DERRICK TOMLINSON: What do you understand it to mean?

Mrs Gordon: White men looking for sex with Aboriginal girls.

Hon DERRICK TOMLINSON: In return for what?

Mrs Gordon: Anything - glue, perhaps. In the cases of some people it was cannabis. In the Perth area, here, some of them were providing cannabis, some providing harder drugs, some providing substances for the purposes of sniffing, and some providing just straight money.

Hon DERRICK TOMLINSON: It has been said to us by witnesses from the Swan Valley Nyungah Community that they were guarding against bungeemen entering the community to procure Aboriginal girls and boys in return for volatile substances.

Mrs Gordon: That would fit under the “other people” that I mentioned.

Hon DERRICK TOMLINSON: In those terms, you could say that this community was protecting its members from the depredation of outsiders.

[7.45 pm]

Mrs Gordon: There were allegations of abuse from within the community, but what we heard from the people and what I have heard from around the State during the inquiry and since is that it is to keep other undesirables out - maybe the Aboriginal undesirables and the non-Aboriginal undesirables.

Hon ROBIN CHAPPLE: May I call you Sue?

Mrs Gordon: Yes.

Hon ROBIN CHAPPLE: In other communities you mentioned the provision of a “guardage” culture, such as Lombadina or somewhere like that, where they report to - I cannot remember the lady’s name - I think it is Frances who runs that community. In my understanding that is a fairly normal occurrence. Would you agree with that?

Mrs Gordon: In all Aboriginal communities there is usually an office and people go to the office. There is usually a sign that says “Office”. If people are familiar with the area and they know that the chairperson, be it a man or a woman, lives where their house is, they might just drop into their house first before they go to the office. Some communities prefer all the visitors, it does not matter how well they are known, to go to the office first and virtually book in that they are there, so the community knows who is there. If they have gone to a community, they have gone there for a reason. It might be because they have a meeting with the council of the community at 10 o’clock or whatever, so the community knows that the person is there. It is just normal for the communities because they have all been instilled with the white system of doing things - having their meetings, running an office. When they have the meeting, it might be run under Aboriginal guidelines, but calling in is just common courtesy and applies to all the communities. I did not find anybody who operated differently.

Hon ROBIN CHAPPLE: Were there any other communities where there were gates or barriers for entry?

Mrs Gordon: Well, there are gates at any of the big properties up north because of the cattle and sheep, if there are sheep. There are gates on the boundary to their premises and also to stop people driving in and driving through the communities because they do not have streetlighting in a lot of

places. It is to stop drunks and others from just driving through and perhaps running somebody over.

Hon ROBIN CHAPPLE: If, say, a young girl was found to have a large amount of money by a community worker and she was questioned by that person, would you expect that young person to identify where that money came from?

Mrs Gordon: This is hypothetical, is it?

The CHAIRMAN: It is based on something else but it is hypothetical.

Hon ROBIN CHAPPLE: It is generally hypothetical. Would you expect that person to say, "I got it from one of my relations", or would you expect them to say, "I got it from person A or B"?

Mrs Gordon: I know where you are heading, but I can only answer with an example. Unless the young girl has very good relationships with that public servant, they are hardly going to tell them something that could put somebody in a position of being charged with an offence; and also at the same time, given the nature of young girls, if the young girl had been sniffing or under the influence of drugs or something, it might be a throwaway line, because young people especially are not averse to making a joke about something just to get a reaction from a public servant.

Hon ROBIN CHAPPLE: Thank you very much indeed.

Hon LOUISE PRATT: We have just had a bit of a discussion about, I suppose, a mechanism for keeping non-Aboriginal predators outside of Aboriginal communities. In your own foreword to the inquiry you also talked about Aboriginal women and men standing up and saying, "No more family violence and no more child abuse."

Mrs Gordon: Yes.

Hon LOUISE PRATT: I suppose that is an issue of leadership within those communities. In relation to your knowledge of the Swan Valley Nyungah Community, what action was the community taking in that regard; and, if there was none, what action should it have been taking in partnership with the appropriate agencies or community support groups? What kind of support should those agencies have been giving to see that objective met?

Mrs Gordon: There are a whole lot of questions there. Communities can only take action if they feel safe in taking an action. If you are living within an extended family kinship group, it is very difficult to go outside of the square. You can use examples such as Warburton where you are more isolated than the Swan Valley Nyungah Community, yet the Swan Valley Nyungah Community residents could still be deemed to be very isolated because all the surrounding families are all a family and everybody knows everybody else's business because of the close proximity and because that is the nature of Aboriginal families. At Warburton some of the people there decided that they would just go bush if something happened, but they had a support group outside of the community, which is the NPY - the Ngaanyatjarra Pitjantjatjara Yankunytjatjara - women's group based in Alice Springs. They were a bit more sophisticated, even though they were traditional people, with satellite phones. They could ring up and stay in the bush until somebody managed to get a plane in to get the people out. If you are isolated in the Swan Valley Nyungah Community and you do not have a car, or you do not drive, how do you get out of the community if the perpetrator or somebody is there who is saying you cannot go, or perhaps there are threats of violence? But some of the women were talking to people outside of the community and that is how some of the issues arose, because people were talking to other people about it to find out how they could manage to solve some of the issues. They came together as a community because they had all been together for a long time with Mr Bropho back in the seventies when he made the movie *Fringedweller*. When people are together for a long time like that, be it family or not, it is very difficult to break out of the mould, but there are other women right around the State who are now examples of what women can do. I mentioned the Dampier Peninsular Women's Group, who do not have any funding and they have been going now for nearly two years. They have paid for everything

themselves, they are very professional. They have pamphlets and posters and balloons, and I have a T-shirt, which says "Child sexual abuse is not part of our culture". They have posters which say "We are watching our children and we are watching you". They have had some assistance from the Kimberley Aboriginal Medical Service. I have distributed their pamphlets right around Australia. Police officers have also given out pamphlets and they are going to meet up with the new superintendent from the area. They have had bush meetings, but what I am leading up to is the way that they are coming up with some solutions. At one of the bush meetings I went to last October at Lombadina-Djarindjin, it was strictly women and professional non-Aboriginal women, psychologists and doctors, and it was an outpouring of grief and how people felt. People then spoke about their abuse - older people, older women, older than me even, and that is old - and there were also other women who had different ways of expressing grief. One mother stood up and explained what it was like to be the mother of a paedophile. So those women are handling the issues. They have had marches. You talk about street marches in Perth: they had a protest march at Beagle Bay. They marched through the community with their banners and their T-shirts to just show everybody. Men are now supporting them. I have lost track of days. Yesterday I was in Broome, tomorrow morning I am speaking at an Aboriginal health conference and then on Saturday I am speaking to Trinity College at the university. I speak about the report and the child sexual abuse and what the current situation is, just to give the women more of a feeling that they are not isolated.

[7.55 pm]

It is common knowledge that I said I would follow the inquiry report, so the Department of the Premier and Cabinet keeps me up to date with what is happening regarding its implementation. However, a lot more things are happening that are giving women hope. Earlier this year, *The West Australian* said that Donna Kickett made the statement that she was trying not to encourage people to report sexual abuse. They were not actually her words; she was misreported. However, there had been a court case in which it was devastating for the family to have to explain what the abuse was in court before the perpetrator. She had been through it. The family had success, but in this case there had to be a retrial, so the family had to go through everything all over again, and the judge was making video arrangements. What I am leading to is the fact that it is all part of a big education program. Although the inquiry and its recommendations are hitting government agencies, they are not getting to the wider community. I say that because a lot of people in the community still think that if Aboriginal women are raped or if Aboriginal kids are sexually abused, it is okay because they are just blackfellas. That was highlighted by an article in the *The Geraldton Guardian* last week - you have probably seen it - in which a detective sergeant virtually put his job on the line after an Aboriginal lady went to court for a jury trial and had to go on for two years maintaining her story against an Aboriginal man. In a nutshell, the detective sergeant was saying that juries today are not sufficiently educated in all aspects of abuse. They do not understand forensics, which was very telling for anyone who works in the legal system. It was a huge criticism of the jury system, and this family is now devastated. However, it pointed out what we found during the inquiry; the support has to be there right through the whole process of the laying of charges, the trial and afterwards. We spoke to the DPP and pointed out that DPP staff need to be available to talk to Aboriginal families when there has been an acquittal on a technicality, because people do not understand that. If they are not from the legal system, they have no idea why the hell the person got off. If it is not explained to them, people will not come forward in the first instance. That is what this detective sergeant said in the article; he is fearful that people will not come forward. The police are building a very good rapport with Aboriginal people in getting them to report abuse. They are maintaining really good relationships, and I have heard that from Aboriginals. I also speak to the police a lot in this other hat that I wear. I have wandered off track a bit -

Hon LOUISE PRATT: No, that was all very relevant. My next question is still along the same theme. You have given quite a good explanation of the kinds of things that need to happen. How

should things be managed when someone who is in a position of leadership in a community may be perceived as perpetuating violence or sexual abuse or condoning or facilitating it in some way? You have talked about raising visibility and enabling women to come out from underneath that. I suppose the Government has a responsibility to implement the law, but they are difficult relationships to negotiate. Can you comment further about that in particular because that is really what was implied in relation to -

Mrs Gordon: I do not really know what the question is.

Hon LOUISE PRATT: It was implied that the women at the Swan Valley Nyungah Community could not get out from underneath that spectre of abuse and violence because of the leadership of the community; that has really been the argument that was put to us.

Mrs Gordon: It is not that they could not get out of it. We have to stop and look behind the Aboriginal community to see what the issues are; we cannot just keep looking at it from the front. We have to understand the unresolved grief that Aboriginal people feel, and the fact that some people think it is a normal situation because it has been going on for such a long time over quite a few generations in the same family. The abuse has been perpetrated by not only their families, but also missionaries, station people and others who were supposed to be looking after the welfare of Aboriginal people. Grandmothers were abused. I will give an example. I say to people that they see me as a person who has been a magistrate for 16 years, but they do not know what is behind me. They do not know the unresolved grief that I had to go through when my family found me 30 years after being taken away. It was not just that I had lost a family; it had lost me, and we both lost birthdays and the closeness of a big family of 11 people. We did not know how to interact with each other. I was virtually a stranger. I did not know what my family members had been through. There was all that unresolved grief and then the post-traumatic stress that people experience because of that. My first husband was in the SAS. We were 18-year-olds and both in the army when we met. He came back from Vietnam - he had already been to Borneo. Before he turned 20 years of age he had been killing people. However, coming back to the Aboriginal part of my story, that happened in the same period when we were newly married. My husband was going through post-traumatic stress from his experience and I was just finding out about my family and what it was like to be an Aboriginal. That is not a good cocktail, so we had huge issues that we could not resolve for a long period, and things ended in divorce. Now we know that we were suffering from post-traumatic stress disorder after all those experiences. Many Aboriginal people are going through that period in which they are wondering if there is something else; if this is how all families are. I will provide again the example of the Dampier Peninsular Women's Group that has been to meetings in Halls Creek, Fitzroy Crossing, Roebourne and Port Hedland. All the women in that group are all finding out what other women are doing, and they are getting strength from that. They now know that there is another life and that they do not have to put up with abuse. Nobody has the right to slap you around. They also see the ads on television - they might be remote but they still have television - and the posters. Although there is all this information, some Aboriginal communities do not know how to access it. The best example for the whole State is in Derby where there is a mobile playgroup that goes to all the communities up the Gibb River Road and in the Derby area. When the van is opened up there is an instant play school. The department says it has videos on family violence and child abuse in its library, but how can a person access the library if she is living at Mowanjum? How can she access the department's library in Perth? Agencies are spending hundreds of thousands of dollars on producing wonderful videos and great glossy pamphlets, but if you ask an Aboriginal person in a remote community if she has any of these; no, she does not even know about that.

[8.05 pm]

Hon LOUISE PRATT: You described some of your experiences and the frustrations that go with that. I suppose that the Swan Valley Nyungah Community has been characterised as a very

politicised community that has been political active because of some of those same kinds of experiences. In that sense, on occasion it has been put to us in evidence that the community is too politicised and that we cannot get past the political issues to talk to the community about basic issues, such as allowing child welfare officers access, because it is connected to the politicisation of their long family histories, in terms of being abused by the system.

Mrs Gordon: Also some of them may be state wards, and that is just the welfare taking children again. That is how the community views it. I did not answer part of your question, because it was such a long question, but you were talking about some of these communities. Some women have made allegations against some well-known names at their own expense. We did not have money for travel or anything like that. Some people brought themselves to Perth at their own expense to tell their story to us. In some instances, it is a whole family of abuse, and the person is well-known person in that region. One member of the family - one daughter - may want to do something about the abuse. In a couple of cases I was ready to have child abuse charges lined up, because we had a working relationship with police child abuse officers. The other sisters did not want to talk about it. Each one was finding out that the abuse had been going on for such a long time. Someone wanted to make a stand because they were now worried about their children. However, the others did not want to make a stand. That alleged perpetrator is wandering around strutting the stage and is free. Robert Bropho has always been political; however, he has tried to keep Aboriginal issues in the limelight, and that is the way he operates. Government agencies, as I said earlier, if they really want to get to some of those people, they have to make themselves available outside of office hours and encourage women to go and see them.

The CHAIRMAN: Robert Bropho is the man. He has achieved a lot for Aboriginal people because of his political activism; that is what he believes in. If you are going to deal with that man, you have to deal with that man as he is. On the question of leadership, we talked about the various communities and that the state of a community is, in large measure, due to the leadership at any one particular time. It has been said of Robert Bropho that he is dictatorial. That description has been used about another community in Perth. I certainly know of some successful communities in which one, two or maybe three people are particularly tough. They lay down the law - that is what happens - and often those communities are successful. Although I am not saying that you need to be tough in order to have a successful community, it seems to me that quite a lot of the communities that are successful are successful because they have a tough leader.

Mrs Gordon: I would liken that to some of our well-known millionaires. They have got there by being tough, making tough decisions and not giving in all the time. I know an Aboriginal man - Mr Chapple would know him too, although sadly he is going into the stages of dementia -

Hon DERRICK TOMLINSON: Mr Chapple?

Hon ROBIN CHAPPLE: I concur with that position!

Mrs Gordon: No, not Hon Robin Chapple. I refer to a great man from the Pilbara, Peter Coppin, who set up and ran Yandeyarra. He was part of the 1946 strike. He was a very hard man, but he had a hardworking background on pastoral properties. He knew that if you wanted something, you had to work hard for it, and if you wanted to make a statement about something, you had to be very clear about what you wanted to achieve. Even when I was working for the then Department of Employment and Industrial Relations and then the Aboriginal Development Commission, and even when I became the Commissioner of Aboriginal Affairs, I was told that even though I might be the big numball in Perth - that is number one - I still belonged to the community and I had to understand that everything would still work the same but I would just be down in Perth. That is how a lot of very senior Aboriginal people have got their communities to work. Djarindjin is virtually run by an Aboriginal lady.

The CHAIRMAN: The reality of the matter is that Mr Bropho has got a lot for his community by being tough and political.

Mrs Gordon: Aboriginal people have learnt to be political, because that is the only way that things could be achieved.

The CHAIRMAN: That is exactly the point. We can hardly blame Mr Bropho for expressing those views and being tough, because that is how he has got what he has.

Hon LOUISE PRATT: I certainly was not blaming him -

The CHAIRMAN: I understand that. It is a point that has to be raised, because it has been used as a criticism of Mr Bropho - probably it is a criticism - but it is also one of his strong characteristics.

Mrs Gordon: Given the issues that I was dealing with, it might be strange for me to say that I admire the stand that Robert Bropho took for Aboriginal people. I had seen that happening right around the State with some other very strong Aboriginal people. They achieved things because they made a stand. They became hated by lots of people, both black and white, but you have to look at what they achieved for their members.

The CHAIRMAN: There is some suggestion that the riverbank at Swan Valley Nyungah Community was being used by children generally as a place at which they could sniff without other people interfering. There are other areas where sniffing takes place in the middle of Midland - Tuohy Gardens was one such place. Did you hear any evidence that it was a useful place at which children could sniff without other people interfering in what they were doing?

Mrs Gordon: I cannot recall if I heard that specifically. I heard about lots of places that kids used to go to sniff or use drugs. I do not recall specifically the river.

The CHAIRMAN: I want to ask you a question in a private session. We will move into private session.

Hon DERRICK TOMLINSON: Before we do, I would like to ask one question. In answer to Hon Louise Pratt's question, you referred to the need for - I will use the term "support" - for women who want to escape violence or expose the violence that their children might be suffering. Do you think that police officers and welfare officers are the right people to provide that sort of support?

Mrs Gordon: It depends where you are. The three multifunctional remote police facilities will be going ahead. We already have Kintore, but the Northern Territory provided that. We will have Warburton and Balgo and Kalumburu. There will be a sergeant at Kalumburu and a senior constable. The police had me involved in the interviews for the officers, which I thought was very good. I have spoken to them on a few occasions. I know what they have asked for as well. At police request, I spoke separately to the 14 child protection family violence officers, who are sergeants or above, and to members of the Aboriginal sworn officers association. In terms of the multifunctional remote police facility, there will be a sergeant at Kalumburu and a senior constable. The sergeant, who I know, comes ex Meekatharra. He and the senior constable are very good people. The biggest issue at Kalumburu is cannabis, which is brought in mostly by the troops themselves. I understand second-hand from a police officer that federal minister Senator Chris Ellison will provide a boat that may be used - it will have to be stored in the police yard - for not only recreation, but also as part of prevention strategies for drugs coming in. At one stage - you are probably well aware of it - a bikie gang was looking to establish itself in Kalumburu. At the Balgo community, the people in the Kimberley are really happy because Sergeant Lindsay Greateorex, an Aboriginal police sergeant, applied for and got the position. He is a Derby man. He will have someone there. Senior Sergeant Yench will go to Warburton. He is a very respected sergeant and he will have more staff at Warburton. As you are aware, they will all have cross-jurisdictional ability. They will be sworn officers of the Northern Territory and South Australia. Part of that came from the Ngaanyatjaraku people's submission to the Attorney General. They gave that submission to us also. We used part of that and part of Inspector Keith Galton-Fienze's report - he was a senior sergeant - on remote policing. We also did some cross-jurisdictional work with South Australian police. The police officers who are going out to those areas are all very experienced and

have exceptional backgrounds and training. They will work to establish a good rapport with Aboriginal people so that they feel they can go to them. They will not become youth workers or anything like that. They will maintain their policing role, but they will be the front line. As you have seen in the papers yourselves, over the past two years the Department for Community Development has been trying to encourage people to go to those areas. It is now offering a salary package of 100 plus to place social workers and child protection officer in those areas. My own opinion is that perhaps that might attract the wrong person. I do not know about that. It will have to be a special person who goes out there. One thing of interest is that the police officers who are going out there asked for additional training in the forensic area. If incidents happened in remote areas, by the time forensic people get out there, it was too late, so police were to be given all that extra training. It was requested. Wise and smart officers went out to those areas. It was quite a good field actually.

[8.15 pm]

Hon DERRICK TOMLINSON: It is not a question of -

Mrs Gordon: It is not a question of whether they are the wrong people. I said all of that. However, having been involved in the selection and knowing some of the police officers, I know they will be very good people. They are getting very good support. I am not here to advocate for the police - not by any chance.

The CHAIRMAN: I think the point that Hon Derrick Tomlinson was trying to get to was that it is not so much that the police are right or community development are right - it is whether one can get the right trained people with the right experience there.

Mrs Gordon: Yes. I think it just depends on how each of the agencies approaches the personnel they put out there. I know the superintendents who look after the areas. Superintendent Collins in Kalgoorlie is a very good police officer. He will give as much support as he possibly can give to the remote people. Superintendent Steve Robbins in Broome covers the Kimberley. He has established a good rapport with Aboriginal people. They want to work closely with Aboriginal people. They see it as their role because Aboriginal people asked us in the inquiry for police stations.

The CHAIRMAN: That has been demanded for quite some time.

Mrs Gordon: They want police, because they see police as the people who can initially get some of the problems solved. Everywhere we went, they wanted police.

Hon DERRICK TOMLINSON: I find that interesting.

Mrs Gordon: It is a role reversal from the early days.

Hon DERRICK TOMLINSON: That was the point I was about to make.

Mrs Gordon: Police were the problem; now police are the answer.

Hon DERRICK TOMLINSON: I find it fascinating. All the literature says that the police and welfare officers are the ones with the residual -

Mrs Gordon: Welfare still have their hang-ups. People still do not trust welfare - they still call them welfare even if they change their names. This change is as a result of the police officers who have been going out there. For example, police who do the patrols in the central lands established a rapport. When they had back-to-back policing at Balgo, they established a rapport - they had discos and that sort of thing. They are not nine to five. A lot of the DCD people have established a role. There are also the senior Aboriginal officers who are not qualified with their piece of paper, but they are more qualified than the social workers in life; they work in their own areas. Those level 5 SAOS, as they call them - senior Aboriginal officer, services - are the people on the ground who know all the families and can virtually train the social workers who go in.

As a quick aside, I gave a lecture to Curtin University social worker students a few weeks ago. I was told that the Gordon inquiry will be used next semester as part of the social work curriculum.

Hon DERRICK TOMLINSON: Do you see evidence of the same sort of rapport between the police and Aboriginal communities in the metropolitan areas of Perth?

Mrs Gordon: I see it with JAG. I spoke to women police officers. Cheryl Edwardes followed me. We were there to do motivational talks. I said I thought it was amusing to invite the blackfella to talk about motivating you! The female officers who work in JAG have a good rapport. There is one South African officer who has a very good rapport with the Aboriginal kids. I think it is Constable Eaton. She talks to them about South African Aboriginal people. She said that their kids do not know much about other cultures. She is like an aunty to them. She is still a police officer. They relate to various police officers very well. There are some police officers who they do not relate to. That is obvious.

The CHAIRMAN: I would like to ask one question. I ask people in the gallery to leave the room as I want to ask a question in private session.

[The committee took evidence in private.]