

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

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
ON MONDAY, 18 AUGUST 2003**

Session 1

Members

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

Committee met at 10.23 am.

CURRY, MR RICHARD

**Director General, Department of Indigenous Affairs,
197 St Georges Terrace,
Perth, examined:**

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

Mr Curry: Yes.

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 you refer to during the course of this hearing for the record. Could you please speak into the microphones, which are for recording. 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 public evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Before you start, are any people present who will be giving evidence later on? If so, I ask that they leave the room, please.

I will not ask you at this stage for your opening statement - and I will ask you later for a closing statement - because I wish to begin with some questions. I know we are starting a bit late. Who came up with the idea of this legislation, and when did you first hear about it?

Mr Curry: The legislation, from my recall, first appeared in discussion form, following the meeting that was held with the Premier's Strategic Management Council. I sit on that as the Director General of the Department of Indigenous Affairs. For your information, the Strategic Management Council meets every six to eight weeks, and is an opportunity for the Premier to engage with his directors general on a whole range of issues. At that meeting, the Premier raised the issue in other business. It was really a question about what was happening, and how things were travelling at the Lockridge site. I commented to the Premier that, in my view, agencies were doing all they possibly could, but there was still, in my view, a considerable risk to the women and children on that site. That meeting occurred on 1 May. On 2 May the Department of the Premier and Cabinet convened the first of three meetings to begin to talk about what should be done, given the sense of urgency arising around the Swan Valley Nyungah Community. At those three meetings the discussion shifted from a policy focus on dealing with issues of concern at the community to a focus on legislation.

The CHAIRMAN: You have spoken in very unattached terms. Who shifted it to that, and whose idea was it?

Mr Curry: I think it was a collective decision. I do not think that any one person specifically said that we will take a legislative approach. I can just qualify that a little. Clearly, my advice was strong in that process. What shifted our thinking - if you want to put it that way - was that at the first meeting, while there was a wide-ranging discussion on the issues, I was very clear that the discussion should not continue without input from the Aboriginal community via the Aboriginal and Torres Strait Islander Commission. It was decided that ATSIC would attend the next meeting

to give advice on its views about what the options should be. Clearly, at that meeting the advice from ATSIC was that there should have been a very strong response from government, and the nature of that comment, I am quite clear, coloured the thinking towards the idea that, if we were to have a strong response, it should be formed in a legislative framework. The assignment was then given by that meeting to the Department of the Premier and Cabinet and the former Department of Land Administration - given that the revocation of the management order would occur under the Land Administration Act - to go away and look at the framing of a legislative option.

The CHAIRMAN: It seems a little unusual to me. This is fairly drastic and unusual legislation. I find it rather hard to believe that there was the spontaneous and simultaneous response of "let's do legislation". You had three meetings. Was it at the first, second or third of those meetings that legislation was first mentioned?

Mr Curry: It was at the first.

The CHAIRMAN: At the first. Who was present at that?

Mr Curry: It was chaired by the chief of staff of the Department of the Premier and Cabinet; others present were myself; Jane Brazier, the Director General of the Department for Community Development; Mike Daube, the Director General of Health; and the Commissioner of Police, Barry Matthews. It may have been his delegate at that meeting; I cannot recall. I think his name might have been Castlehow, the official representative of the Commissioner of Police. There were one or two other directors general, but I cannot recall their names. It was attended by all those directors general who have a primary responsibility - health, education, ourselves, the Department for Community Development, police.

The CHAIRMAN: Do you think it just came up?

Mr Curry: I do not think it just came up. I think quite clearly that, given the concerns that were expressed about the community, legislation had always been an option. I might say that the meeting occurred only one day after the Strategic Management Council meeting, so if there was any sense of urgency, I think it would have been from what was said by ourselves at this Strategic Management Council, translated through to the Premier's office, and the Premier's office expressing some sense of concern - a considerable sense of concern - about what should be done in that camp. The discussion -

The CHAIRMAN: I understand all that. I do not know about you, but I have not been aware that legislation to remove people's rights and to deprive them of a number of civil rights is a usual option in discussions by civil servants. I am surprised that you do not recall who first suggested it at that meeting.

Mr Curry: No, I do not. It came up in discussion. I cannot pinpoint any one person who said this needs to be addressed through a legislative response.

The CHAIRMAN: Can you say that it was not you?

Mr Curry: It definitely was not me.

The CHAIRMAN: Right. I draw your attention to your submission. I realise it was sent on your behalf, but I assume you approved it.

Mr Curry: Oh, yes.

The CHAIRMAN: Paragraph 2 states that the role of the Department of Indigenous Affairs was to build and support partnerships with and between Aboriginal people, government and the broader community. It goes on with points "a)" to "e)". Do you have any concerns that passing legislation of this nature, whereby you use a legislative means to deprive people of what would otherwise be their legal rights, was in any way inconsistent with the role of your department?

[10.34 am]

Mr Curry: I acknowledge that the legislative approach was an extreme measure - is an extreme measure - but the role of my department is to provide advice to government on what we believe is in the interests of Aboriginal people or indigenous people in this State. The concerns I personally held were, in my mind, very serious, and all options needed to be considered about how women and children on the Swan Valley Nyungah site could be protected. If legislation was the way to do that, then really I would consider this to be an extreme response to an extreme situation through a means for which there was no other alternative.

The CHAIRMAN: Will you tell me what the extreme situation was that you regarded needed an extreme response?

Mr Curry: In a nutshell, since the handing down of the Gordon inquiry and since the implementation of the process to establish an agreement with the Swan Valley Nyungah Community, in essence nothing had changed. I believe that the governance of that committee was still manifestly corrupt. I believe we could, as government agencies, not give any level of significant reassurance that the women and children at that site were safe because we did not know who the possible perpetrators of abuse might have been. The coroner's inquiry was an open finding. Quite clearly, there was access to that site by a range of people, and the coroner's inquiry quite identifies Caucasian males who frequented that site for the purposes of gaining sexual favours with children on that site. There were a range of very express concerns relating to specific cases, particularly through the Department for Community Development. There was no, in my view, willingness shown by the governing body of the Swan Valley Nyungah Community to make any concession or any genuine effort to say that this is a problem that we jointly have to solve. I have given you a copy of the objects of the incorporation of the Swan Valley Nyungah Community, which quite clearly states that it has a responsibility for the health and welfare of people on that site. My view was that since Gordon nothing had changed; this was becoming nothing more than a window-dressing exercise and really wasting time.

The CHAIRMAN: As to the source of information, did you actually go to the camp yourself?

Mr Curry: No, I did not attend the camp at that time.

The CHAIRMAN: You have not been there yourself?

Mr Curry: I have been to the Swan Valley Nyungah Community on many occasions.

The CHAIRMAN: When?

Mr Curry: They go back from time to time, but since the camp was closed I have been there on a number of occasions -

The CHAIRMAN: Between the Gordon report and making that decision, had you visited the camp?

Mr Curry: Can you say that again?

The CHAIRMAN: Between the Gordon report and the closure of the camp, had you visited?

Mr Curry: No.

The CHAIRMAN: So you are relying upon what other people told you?

Mr Curry: My regional manager and intelligence from the Aboriginal community.

The CHAIRMAN: Can you give us names, please?

Mr Curry: The regional manager is the Acting Regional Manager, Mr David Pedler.

The CHAIRMAN: And the other source?

Mr Curry: The Aboriginal community in general.

The CHAIRMAN: People had been coming and talking to you?

Mr Curry: Yes, people had, over time, provided us with information that they remained concerned about what was happening on the site.

The CHAIRMAN: At some stage I will go into private session, but not now. I would like you to answer a question on that, which I will not put to you in an open session. That question is: who is the source of your information.

Mr Curry: May I make one comment on that?

The CHAIRMAN: Yes.

Mr Curry: It is difficult for me to do that, because the information that comes to us generally comes anecdotally. I could give you the names of two or three people who specifically have referred to me, but I find that difficult in the sense that that information is given the strictest of confidence -

The CHAIRMAN: I understand that.

Mr Curry: And in my business it is not good business -

The CHAIRMAN: We will move into private session for that purpose. While we are in an open session, will you confirm that some of the information you had was anecdotal, not from eye witnesses?

Mr Curry: That again is a bit difficult. My feeling is that no-one would have come to me and said that they had actually seen a child being physically abused or a woman being abused or whatever. The tone and tenor of the concerns following Gordon were what is government doing; nothing has changed; the same regime exists on that site -

The CHAIRMAN: Will you please answer the question because we do not have a lot of time? I do not want the bit around it. The question is that some of that was not direct evidence; it was from people who were complaining in general terms, not as witnesses.

Mr Curry: No.

The CHAIRMAN: Some of it was anonymous?

Mr Curry: Yes.

The CHAIRMAN: And you have no idea who it was.

Mr Curry: It was relayed to me through my staff.

The CHAIRMAN: Are you aware that some internecine types of disputes are going on within the Aboriginal community?

Mr Curry: I think that is taken as a matter of general practice.

The CHAIRMAN: It is. Are you aware that some of those relate to Mr Bropho?

Mr Curry: Yes.

The CHAIRMAN: Are you aware that some of the disputes relate to the fact that they believe Mr Bropho has taken land that is rightfully theirs?

Mr Curry: Not in recent times. That is not a current debate as far as I am concerned; it may have been something earlier.

The CHAIRMAN: I refer to attachments 9 and 10 of your submission. What is the date of attachment 9?

Mr Curry: Attachment 9 is not dated, but it would have been following 26 March, which was the meeting held with the Swan Valley Nyungah Community, and at that meeting there was an express view of a refusal to meet. It would have been before 11 April when the Swan Valley management plan was received.

The CHAIRMAN: What about attachment 10?

Mr Curry: It is dated April, and I do not have a specific date for that.

The CHAIRMAN: Do you know why it was drafted?

Mr Curry: These were drafted at my request to the manager, so requested by Mr Pedler, to ensure that we kept a good track on current events at the site for the purpose of the public record and also to inform me in written form about his views on the current status of the Swan Valley Nyungah Community.

The CHAIRMAN: Attached to attachment 10 is attachment one to attachment 10. What is that document?

Mr Curry: This is the summary, from a departmental point of view, of representatives at the time on their assessment in April of their agency's involvement and views around the Swan Valley Nyungah Community.

The CHAIRMAN: Have you read that?

Mr Curry: Yes.

The CHAIRMAN: It does not seem to me to indicate there had been progress since the Gordon report. Have a look at your own department. Would say anything in that is negative with regard to your department?

Mr Curry: This document needs to be taken in context. The answer to your question is no, I do not think it is expressly negative in this particular document. Whether other documents presented to me are negative -

The CHAIRMAN: I know. What is this document? What is it intended to be?

Mr Curry: It is just a summary document of what agencies were expressing at that time.

The CHAIRMAN: That is the point. This document was prepared in April shortly before the decision was made to introduce this legislation, and it purported to give information. What was the main document prepared for? It was prepared for you was it not?

Mr Curry: Yes.

The CHAIRMAN: You would expect to see something in this document that gave some hint that everything was pretty rotten. Can you see it in that document - it is your submission to this committee? This seems to be the latest document before the legislation was introduced, and it contains the summary of each department.

Mr Curry: I draw your attention to the Department for Community Development -

The CHAIRMAN: I will move onto that one. However, there is nothing in your department's summary, is there?

Mr Curry: No.

The CHAIRMAN: What about the DCD?

Mr Curry: For the DCD, the second dot point down refers to services being offered outside the camp. Mr Bropho responded that he did not like people having to leave the camp.

[10.45 am]

The CHAIRMAN: What about the sixth dot point on that page, which reads -

Recognises the good work of the Police Service, particularly Sgt Jim Clarysse. He has built a good relationship & DCD can contact him for information and knowledge about events or status of the camp.

There is not a huge amount there that says the camp must be closed immediately, is there?

Mr Curry: I do not think this particular document in itself is the sum total on which I would have relied.

The CHAIRMAN: I realise that; it was meant to be a summary.

Mr Curry: I think it needs to be put in context. This is a collection of dot points put together by people at that time. This in no way can represent an agency's position; it is purely just the thinking and points that were raised, as I understand it, by people at that time. I think it has elements that say it is not as well formed as it should have been at that point in time. There were still concerns about people leaving the camp. There was a current concern particularly, although it is not expressed here, of a particular family that wished to leave that camp - that was conveyed to us by the Director General of the Department for Community Development - who were being intimidated and threatened.

The CHAIRMAN: We will get to that one, but you can see my point.

Mr Curry: I can see your point, yes.

The CHAIRMAN: If this document, headed "Report on Service Provision to Swan Valley Nyungah Community: April 2003" was prepared just prior to the meeting in which it was decided that the legislation be introduced, you would expect to see something in summary that said, "We are having problems in providing services." I cannot see it there. Perhaps the point is made. All you can say is that it was not in there, but you had other reasons to think there was a problem?

Mr Curry: Yes.

Hon JON FORD: Getting back to the original meetings of the directors that you referred to, the purpose of those meetings in this case was not specifically to address the Nyungah reserve at Lockridge; it was just an item that came up among a number of other items.

Mr Curry: Yes. The Strategic Management Council was another business item; it was not on the agenda. The Premier asked under other business for a quick report on the Swan Valley Nyungah Community.

Hon JON FORD: There were a number of meetings of the directors just after that.

Mr Curry: Three.

Hon JON FORD: Were they specifically focused on the Swan Valley reserve?

Mr Curry: Yes, on understanding what the concerns were and what should be done about them.

Hon JON FORD: Who set it as a priority and how did it become such a priority if it was not even an agenda item at the first meeting?

Mr Curry: I think the simplest way to put that is that it would cause me considerable anxiety if I were the Premier at a meeting of directors general and someone said to me, "You have just invested \$75 million in a response to the Gordon inquiry, yet the point that it has emanated from, the Swan Valley Nyungah Community, is still having sufficient difficulties to enable all those directors general to say that they cannot give a reasonable reassurance that things are under control in that community and that women and children are safe."

Hon JON FORD: Along those lines, I could take you to a couple of communities in my electorate where you could say the women and children are not safe.

Mr Curry: Yes.

Hon JON FORD: What sets this particular community apart from the others, say, Saunders Street or Cullacabardee?

Mr Curry: Around the State are 49 what might loosely be called town reserves or fringe camps. There are four in the Perth metropolitan area: Gnangara, Saunders Street, Cullacabardee and the Swan Valley Nyungah Community. In the past 10 years the Government has had a strategy of regularising services to communities. All these communities arose from a position in which Aboriginal people were marginalised on the fringes of communities where it was convenient for them to be located in those places. They were essentially on the old native welfare reserves where

people had some connection with that land. The decision by government, and correctly so, is that services should be accessible by those people, as they are for any person living in the mainstream community. If people themselves chose to live in those communities, that was entirely their business. Of all those communities, you would have to say that there are concerns about domestic violence, violence against children and inter-familial disputes and alcohol as a factor. You name it, they are there; you know that. The one thing that differentiates the Swan Valley Nyungah Community from every single one of those communities is access. It is the only community to which you cannot get reasonable access. You can go to any of the communities where they may not like you and may not specifically welcome you there, but you can get access to the families and children. Generally our view is that rather than denying access to government services, those communities complain, or represent their views strongly, that they do not get enough service and support from government, and they want more. That is, in fact, the case in many of the more remote areas; those communities do not have good access to government services. Therefore, the one differentiation, which is highlighted in the Gordon response, is that the most important thing is to have access to services on that site. It is the only site where it is problematic.

The CHAIRMAN: But the Gordon report was not about just the Swan Valley Nyungah Community; it was about every single Aboriginal settlement around Western Australia, and it said the same problems were endemic.

Mr Curry: That is correct.

The CHAIRMAN: The only thing you can pick is access?

Mr Curry: What I am saying to you is that the one differentiation in the Gordon inquiry, which quite rightly identified the nature of the problem of abuse of children around this State, was that Gordon was required to address the issues in the Swan Valley Nyungah Community because that is where the Gordon inquiry stemmed from. The concern was that this community, and this community alone, was denying and controlling access to government services to the people living on that site. In trying to address child protection matters - if you would like me to expand on that just a little -

The CHAIRMAN: No, I do not actually. I want to deal with the question of access. You say that you did not have access. What rights of access do you believe you have?

Mr Curry: I believe that government authorities have the right, under their various statutory remits, to access children and families, as they need to, to discharge their responsibilities. I do not believe under any circumstances that the police should have to phone to make an appointment to deal with policing matters in the community.

The CHAIRMAN: That is it, is it? What do you think are your legal rights of access?

Mr Curry: Legal rights?

The CHAIRMAN: Yes, to a reserve for Aboriginal purposes.

Mr Curry: I believe most of those reserves are under a lease arrangement. A lease arrangement would require us to perform the necessary protocols and responsibilities, the same as for anybody in freehold property, and to have the courtesy and, where necessary, a warrant if it is required, so that those matters are fulfilled. There are therefore, quite clearly, responsibilities that government agencies have to fulfil. That is only one part of access. Access is about people themselves being able to engage with a government service. The overarching concern was that people were denied the opportunity themselves to access services. So, while police, education and DCD have responsibilities in legal terms of how they fulfil their responsibilities, as a citizen of this State you have the right to engage with any government agency you wish. In my view, the major concern is the denial of that access.

The CHAIRMAN: Was there any change between the time of the change of the management order and the present day?

Mr Curry: In my view minimal, if any.

The CHAIRMAN: Do you realise that view is by other people?

Mr Curry: Yes, I am aware of that.

The CHAIRMAN: When you first discussed it, were you aware that Mr Bropho was about to be rearrested on the original charges?

Mr Curry: No, not at all.

The CHAIRMAN: As we are moving on, we will ask you some more questions and then we might bring in the other people. You can answer some of the further questions together and we can choose the person best able to answer a particular question.

Hon LOUISE PRATT: Returning to attachment 10, I noted that the key concerns relate largely to child protection, do they not?

Mr Curry: Yes.

Hon LOUISE PRATT: The summary of the document states that the issues related to access to residents or cooperation in collaborative approaches and a lack of confidence in the residents being safe and free to seek and receive assistance without bias or intimidation. Were they the motivating factors behind giving the strong advice at the meetings to which you referred?

Mr Curry: On 14 March the directors general implementation committee met. The issue of access and concern about the Swan Valley Nyungah Community was raised. The directors general collectively, at that point, determined we would make a written submission to the standing committee on social policy advising the Premier of the concerns. At that point - and you will see from the other documentation I received from my manager in the area - there was a collective decision by the directors general to say, "We are concerned. There is nothing in here to us that is a glimmer of light. There is nothing in here which says that, as they are required under the objects of their governing authority to themselves as a community, they are taking responsibility for the welfare and betterment of the people in that community." I make that point because the governing body has a responsibility. It is not there just to audit and manage the financial accounts. The governing body must make sure - and it is charged to do that - that the health and welfare of the people living on that site are maintained and protected. Government services can do only so much. There was absolutely nothing that I could see that demonstrated that the management body of this community was in fact stepping up to the mark and doing all it possibly could to ensure that it was discharging its responsibilities to protect the women and children on that site.

Hon ROBIN CHAPPLE: I have a follow-up question on that point. Do you see a significant difference between that community and any other community in terms of its ability to manage and provide the services and wherewithal that you referred to? Was the Swan Valley community distinct from any other community, or did it merely want to have some process to vet people coming into the community?

Mr Curry: I have a couple of points in response to that. One is that we talk about this as a community. The Swan Valley Nyungah Community has always been a family community.

Hon ROBIN CHAPPLE: Most communities are.

Mr Curry: Not all; but they are generally not one family. They are generally a collection of people who live in relationship to each other. Their governing body is determined to enable them to resolve the matters they need to as a collection of people and to live harmoniously as a community.

[11.00 am]

This always has been just one family from the very days when it started in 1977 as a fringe camp. It has, in my view, developed very, very little over that time. The pervading element of that community has been the dominance of one particular individual; the manner in which the person controls that community; the view that family business stays in the family and does not exit the

community in any way, and when it does people are punished for doing so; and the strict control on access in and out of the community. In that regard the community is, in my view, significantly different from any other community around the State.

Hon LOUISE PRATT: Could I ask with respect to access -

The CHAIRMAN: Just a moment. I think we are getting a little bit away from evidence. I think we got quite early from you what you said was your knowledge. As I understand, it is nearly all anecdotal and second-hand reports.

Mr Curry: And from what I have been advised.

The CHAIRMAN: What you are stating is, again, not based on personal observation but on reports you have received.

Mr Curry: About the Swan Valley?

The CHAIRMAN: Yes.

Mr Curry: Not direct personal observation.

Hon LOUISE PRATT: I wanted to ask about access. We have had some evidence to say that some people said they had quite easy access to the site. Could you differentiate between, say, a government department trying to get access and other individuals coming and going?

Mr Curry: The notion of access was, if it was acceptable for you to be on site, you had access. If it was not acceptable for you to be on site, access was made exceptionally difficult.

Hon DERRICK TOMLINSON: You have made the point several times about the Gordon inquiry making the strong observation about the historical problems of access to the camp. Could you tell us whether the Gordon inquiry made a specific recommendation relating to the Swan Valley Nyungah camp?

Mr Curry: Recommendation No 141 of the Gordon inquiry. I have provided you with a copy of that -

The Inquiry recommends that urgent steps -

Emphasis on the words "urgent steps" -

be taken to develop Memoranda of Understanding (MOU) between the Swan Valley Nyoongar Community and those government agencies, which may reasonably seek access to that community. In developing those MOU, 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.

That in my view -

Hon DERRICK TOMLINSON: What do you understand a memorandum of understanding to be?

Mr Curry: A written document which outlines the objectives of the agreement; the protocols, if any, that will be established; the responsibilities, and it may include time frames in terms of discharging those responsibilities.

Hon DERRICK TOMLINSON: You use the term "agreement".

Mr Curry: Yes.

Hon DERRICK TOMLINSON: The two parties - the Swan Valley Nyungah Community and the relevant government departments - agreed on all of those protocols?

Mr Curry: Yes. You would not have signed it if you didn't agree.

Hon DERRICK TOMLINSON: Yes; it is essentially an agreement. It is quite different from a management order, is it not?

Mr Curry: Yes.

Hon DERRICK TOMLINSON: Why?

Mr Curry: A management order is prescribed in accordance with - for example, under the Land Administration Act it would indicate what the parameters of a management order were, plus it gives the minister some discretion in adding whatever else he thinks may be appropriate to ensure that the functions of the Act are discharged in relation to land matters or whatever.

Hon DERRICK TOMLINSON: It is more about instruction than an agreement?

Mr Curry: The memorandum of understanding?

Hon DERRICK TOMLINSON: The management order is an instruction?

Mr Curry: Yes.

Hon DERRICK TOMLINSON: The memorandum of understanding is an agreement?

Mr Curry: That is my view.

Hon DERRICK TOMLINSON: Did your department attempt to negotiate a memorandum of understanding with the Swan Valley Nyungah Community?

Mr Curry: There was a - it never got that far. It never got to the point of sitting down to actually put in place what that might look like. The point that could not be reached was to sit down and begin to talk about it. That was the difficulty to the point where the Swan Valley Nyungah Community refused to meet.

Hon DERRICK TOMLINSON: I refer to page 3 of attachment 8 and the tentative action time line to discuss correspondence seeking an MOU.

Mr Curry: Yes.

Hon DERRICK TOMLINSON: That is nothing more than a plan? An invitation -

Mr Curry: To participate. Yes.

Hon DERRICK TOMLINSON: Was correspondence ever received from Robert Bropho addressed to the Premier seeking memoranda of understanding?

Mr Curry: To the Premier, not as far as I know.

Hon DERRICK TOMLINSON: You have never seen such a document?

Mr Curry: Not as far as I - no, I haven't.

Hon DERRICK TOMLINSON: Did you ever get requests from Robert Bropho to negotiate a memorandum of understanding?

Mr Curry: My understanding is that Bropho's position was that he refused to continue to deal with agencies and the representatives and wished to deal directly with government. He may have communicated that in writing.

The CHAIRMAN: That is what a MOU is, isn't it? Did you follow the summit on Aboriginal deaths in custody in about 1995-96?

Mr Curry: The royal commission?

The CHAIRMAN: No, there was a national summit into Aboriginal deaths in custody that all Governments attended as well as leaders of Aboriginal people. One of the processes that was outlined as a way to deal with Aboriginal problems was to form agreements with government so that you would then coordinate all the services of government in providing services to those people. Are you aware of that?

Mr Curry: Not specifically, no.

The CHAIRMAN: It was a fairly significant meeting because all the States were represented as well as all the major Aboriginal groups. That was the process outlined as the way to go: actually sit

down with Aboriginal people at a plenary level and work out how you are going to deliver services. That is exactly what I would see an MOU as being. It is sitting down with government and saying how all the government services will be provided.

Mr Curry: My understanding of that is that is the intention of what this process was to achieve.

The CHAIRMAN: It did not happen, did it?

Mr Curry: No.

Hon DERRICK TOMLINSON: May I ask one more question, Mr Chairman? I ask permission to show Mr Curry this letter.

The CHAIRMAN: Yes.

Mr Curry: Yes, I am aware of this letter.

Hon DERRICK TOMLINSON: The letter is addressed to you, the Director General of the Department of Indigenous Affairs?

Mr Curry: That is correct.

Hon DERRICK TOMLINSON: It is signed by Mr Gordon Cole, the Chairperson of the Perth Noongar Regional Council and dated 29 April 2003. Correct?

Mr Curry: Yes, that is correct.

Hon DERRICK TOMLINSON: The letter states -

Dear Richard

INDIGENOUS URBAN SETTLEMENTS PROJECT

At the April 2003 meeting of the Perth Noongar Regional Council, a paper was presented to the Council advising that DIA -

Hon DERRICK TOMLINSON: Which I assume is the Department of Indigenous Affairs -

is seeking ATSIC advice on the Council's position on the future of four urban settlements: Cullacabardee, Henley Brook, Nyoongah Community Inc; and Swan Valley Nyungah Community.

Mr Curry: Yes.

Hon DERRICK TOMLINSON: Are you aware of the paper that was presented to the council?

Mr Curry: Not the specific paper itself but I am aware of what was behind this letter.

Hon DERRICK TOMLINSON: Did the DIA seek ATSIC's advice on the closure of those four communities?

Mr Curry: Yes.

Hon DERRICK TOMLINSON: When?

Mr Curry: It would have been just shortly before that. The exact date I would have to provide you.

Hon DERRICK TOMLINSON: I would like the exact date, please.

Mr Curry: I will have to check that for you.

The CHAIRMAN: And who was present.

Mr Curry: The meeting included myself, the Director General of Housing and Works, Mr Greg Joyce; Farley Garlett, the ATSIC regional commissioner; and Mr Gordon Cole, the ATSIC regional councillor; plus Mr David Pedler - I think. The meeting was convened at our request - Department of Indigenous Affairs' request - and held in the DIA offices in Perth.

Hon DERRICK TOMLINSON: The purpose was to request ATSIC's advice on the future of those four settlements?

Mr Curry: That is correct.

Hon DERRICK TOMLINSON: Did the future include the closure of all four?

Mr Curry: Closure was not mentioned.

Hon DERRICK TOMLINSON: It was not mentioned?

Mr Curry: No, and it was not the intention of that meeting at all. That was a separate process.

Hon DERRICK TOMLINSON: I draw your attention to the response -

"That the Perth Noongar Regional Council strongly oppose the wholesale closure of Cullacabardee, Henley Brook (Saunders Street), Nyoongah Community Inc Gnangara and Swan Valley Nyungah Community, and supports a review by ATSIC and DIA of the four settlements to include but not be limited to the following matters:

If closure is not mentioned, do you know why the response from the Perth Noongar Regional Council made that specific recommendation about the position.

Mr Curry: If I can explain, the purpose of the meeting as it was convened was to - they should be aware that the ATSIC regional council was just being established as a result of the ATSIC elections. We had a new commissioner and a new regional chair. The concerns we put to the ATSIC regional council was that it was an opportune time to look at the four urban settlements, as we loosely called them, with a view to adopting a policy position on how we should continue our engagement with those communities over time. It is as much an issue for ATSIC as it is for my department as it is for government in general. Those communities, all of them would have emerged in the late 1970s, early 80s. They were certainly reflective of the thinking of that time - that it was a good idea to congregate Aboriginal people on sites specific to some connection with land where they could be provided with housing. The issues that were emerging for us were that, certainly in some of those locations, there were and had been problems. We were trying to work out if it was a policy position we could continue to support for government and for ATSIC or if we should be looking at other options. There were, in one those sites, for example, Cullacabardee - I would like to correct myself in terms of closure. Cullacabardee some years ago accepted waste onto the site, which is a major problem, as it is on the No 1 water mound and has to be removed. The concern there is whether the community should continue to remain on that site because of that particular matter or whether it should be relocated. That is the only reference -

Hon DERRICK TOMLINSON: Are you referring to the septic waste?

Mr Curry: No, it is building waste. It was dumped there under an arrangement which has been problematic for us for many years. The remedy is that it will have to be removed entirely and refilled. Whether the community's proximity right on top of the No 1 water mound was an issue. That was the only context that we looked at - a relocation. That meeting was about policy, and what we were looking for, what we asked ATSIC to do, was to give us some guidance on the thinking of the regional council, which is what is contained in this letter.

Hon DERRICK TOMLINSON: Your contention is that it is quite separate from the other issue.

Mr Curry: Yes. Separate from that entirely.

Hon DERRICK TOMLINSON: You said you would give us the specific date of that meeting. I am not quite sure whether you are familiar with the paper or you are familiar with the matters.

Mr Curry: Very familiar with the matters, because I chaired the meeting.

Hon DERRICK TOMLINSON: You are not familiar with the paper?

Mr Curry: I do not remember us preparing a paper for that.

Hon DERRICK TOMLINSON: Can you find out whether your department prepared a paper and present a copy to this committee if you did?

Mr Curry: Yes, we will do that.

Hon DERRICK TOMLINSON: Thank you.

Hon ROBIN CHAPPLE: Arising out of that meeting and the minister's statement "a failed experiment" - were those words utilised at that meeting?

Mr Curry: No. The context of the meeting was that - for example, for the Department of Housing and Works, it is a major capital cost for that department annually to maintain the houses in a state of good repair. Many of the houses are empty - vacant. There was a question about whether we were getting the best value for money in terms of outcomes for Aboriginal people. There was never a view that this was a failed experiment. What we need to do is to test whether it still remains a good idea to continue that sort of approach of providing housing and infrastructure and supports to Aboriginal people on fringe camps.

[11.15 am]

Hon ROBIN CHAPPLE: It was still a good idea to continue with the notion, the experiment or the idea of camps?

Mr Curry: I would say I had my reservations about it, and others did as well.

Hon ROBIN CHAPPLE: In terms of your minister's statement when he used the words "a failed experiment", have you any idea where he got that idea from? Was he referring in that statement specifically to the Swan Valley Nyungah Community?

Mr Curry: Yes. I had certainly put the view in the meetings that were held by the Department of the Premier and Cabinet that we had to look at these urban settlements with a view to whether we should continue them in a policy sense. As I mentioned, at the very first meeting we discussed whether these issues, particular at the Swan Valley Nyungah Community, could be contained or managed in this policy context or whether they required a stronger response from government. That may have been where the minister got that view from, but there was no written correspondence from me and no expressed view to the minister to say that these four camps have failed and they need to be closed and some other alternative proposed. That was not the case at all.

Hon JON FORD: Earlier in your evidence you talked about Caucasian males going into the camp for the purpose of sexual favours. I have never heard of that before; it is a new one to me. Is what you were saying before based on intelligence or anecdotal evidence, or is there hard evidence? Have the police been made aware of it, and are you aware of whether they have carried out any investigations?

Mr Curry: I refer you to page 26 of the coroner's report, headed "Evidence of sexual abuse by Caucasian males". I have to tell you it is a very disturbing part of that report. The thing that I should point out about the community is that a lot is made about the fencing arrangements and the gate. Anybody can get into the Swan Valley Nyungah Community. It is not fenced on all four sides, as you would be aware. On one side there is the deserted Pyrton site, at the back there is the river, on the other side there is vacant open space - bushland - and at the front there is a major road screened by quite dense undergrowth. Also the coroner makes mention of abandoned houses on the site, so not all of the housing was occupied at any one time; at least three or four houses were vacant from time to time. I know the committee has visited the site so you will have some sense of how that housing is spread and that there are areas that are quite secluded and quite unobservable in terms of what you might normally expect to be seen by other members of the community. It has been known for some time - the coroner provides names of people, and we suspect there are more - that young vulnerable itinerant kids on that site have been exploited - again I can say that only from the knowledge that I have - by males, in many cases offering spray cans and whatever else to kids in exchange for sex. The coroner made that point very strongly. How do you supervise that? The

Government cannot provide workers on site 24 hours a day to police that. The community itself - this is my point about the governance - has to be sure that it takes up its responsibility to ensure that the children and people on that site are safe, and that never happened. White males going onto the site would have to be something that your attention would be drawn to, but it never was.

The CHAIRMAN: Mr Bropho said that he wrote to the Government asking it to deal with that question, and he has cited letters to that effect. Are you aware of that?

Mr Curry: He may have done. I do not have them with me, but I am not aware that they were directed specifically to me.

Hon JON FORD: But in the time between the Gordon inquiry and when the camp was closed there was no evidence of that continuing, was there?

Mr Curry: No; quite the opposite. In my view there was no change. I did not see anything that would reassure me that measures were put in place by that community to say, "This is what we are going to do to ensure that this sort of behaviour is addressed by our community and this is how we will link with you as government agencies to assist us to deal with it." Nothing was produced. The whole point of the Gordon inquiry arose from the urgency painted by the coroner. To me there never was in this whole process any demonstration by the management of the Swan Valley Nyungah Community to say, "This is such a serious problem for us as a community that we need to address it." The report that you will see from my manager was that what was being engaged in was nothing more than a stalling and delaying tactic to achieve at the end of the day nothing.

The CHAIRMAN: With due respect, the major recommendation of the Gordon inquiry was for an MOU, and you do not appear to have done anything on that. What had you done towards an MOU?

Mr Curry: What was required was engagement with the management of the Swan Valley Nyungah Community to start the process for the development of an MOU.

The CHAIRMAN: What had you done?

Mr Curry: There was the establishment of an inter-agency working group to convene. That had its first meeting on 21 November 2002.

The CHAIRMAN: Does not an agreement involve making a suggestion to the Swan Valley Nyungah Community as to what you think should be engaged in the agreement? I would have thought the first thing would be to say, "We think these are the things that should be in the MOU." Have you ever written to it saying that?

Mr Curry: But there was no engagement. How can you have a discussion with people if they do not participate in the discussion with you?

The CHAIRMAN: But you had not even written to them. When did you write to them and say, "We would like to start negotiations for an MOU"? Can you show me that letter?

Mr Curry: The letter from Mr David Pedler, regional manager of our Midland division, dated 20 December 2002, states -

I am writing to you regarding the meeting held at Swan Valley on 18 December 2002 and to respond to the two documents provided by SVNC . . .

So at that time discussions were under way. People were meeting to begin to try to at least get some engagement under way. The letter continues -

I consider the meeting was a positive first step towards establishing a better relationship between SVNC and local Government service providers.

With regard to the copy of the letter to the Coroner, the DIA Midland Office has not any involvement -

That is a matter that was raised. I will not go through all of that. The letter states also -

The issues raised in the "Preliminary Suggestions for Assistance" -

This is a document that was provided by the Swan Valley Nyungah Community, and it is contained in our submission -

. . . are concerned with the Aboriginal Heritage Act . . .

So what was coming back was that the areas where the Swan Valley Nyungah Community wanted to engage were around land and heritage matters. They were not around matters to do with providing a level of reassurance to government that it was engaging meaningfully in an approach to deal with the matters of urgent concern before us. The letter states also -

As agreed at the meeting, further discussions are required to look at the best way to provide services to the residents of SVNC.

I would say that is the first reference to beginning to engage with the community about how we can form some way of working meaningfully that will address our concerns. The letter continues -

It was also suggested the next meeting take place at a venue other than SVNC to demonstrate good faith with local service providers.

There was then an invitation for them to contact us to progress that.

The letter in response is contained in appendix No 7 and is from Mr Bropho personally - signed by him - to David Pedler. It states -

We received your letter of 20.12.02.

We are writing to correct and comment on some points you raised.

The first one was to do with the matter that the coroner raised; I will not go through that. The letter states also -

We did not suggest a meeting elsewhere. Only you suggested a meeting elsewhere. The other Departments present didn't indicate anything to support a meeting elsewhere.

In the past, some Departments (only two - DCD and Education) were complaining they couldn't get in here. Now they have been here twice and you have seen for yourselves it is not a closed community . . .

The CHAIRMAN: I think you are reading a lot of interesting correspondence and I would not mind having copies of that. What I am asking is this: the wording of recommendation 141 is that urgent steps be taken to develop a memorandum of understanding. Mr Bropho has given us a copy of a letter to the Premier of Western Australia dated 17 October 2002 on the Gordon inquiry recommendations and asking for help in negotiating a memorandum of understanding. He put out a media release on 3 December saying the same thing. He wrote again on 3 December asking for the Premier to meet with ATSIC to discuss the implementation of the Gordon inquiry, without actually meeting with him. He wrote another letter, he says, on 5 November on the need to deal directly with Aboriginal communities. It seems to me that you have an express recommendation - and as far as I can see the one that really deals with the Swan Valley Nyungah Community camp is that you should negotiate an MOU. It seems to me that you had your own agenda as to what you wanted to do and you were to some extent not recognising that Mr Bropho is a reasonably prickly character who insists on your doing things according to what was recommended by the Gordon inquiry. He is a prickly character, is he not?

Mr Curry: Robert Bropho?

The CHAIRMAN: Yes.

Mr Curry: I would say he is a difficult person to do business with.

The CHAIRMAN: You know he is a difficult person.

Mr Curry: Absolutely.

The CHAIRMAN: You cannot get a person to change his character, can you? You have got to deal with a person as he exists.

Mr Curry: The question that I would put is that we were dealing exclusively with Robert Bropho. There was no demonstration in any of this that we were dealing with the governing body of the Swan Valley Nyungah Community - none at all. This was Robert Bropho. You may criticise us to say that we had an agenda, but I would equally say that Robert Bropho has an agenda as to what he will and will not discuss and how he will divert things through correspondence with the Premier. The essence of it is that Gordon said it was urgent. We needed to get a working relationship in place with that community, regardless of whether it was formalised in an MOU. We were genuine about that, and it does say the Swan Valley Nyungah Community has to accept the genuineness of government services to deal with the issues at hand there, to get on with the business of trying to engage with that community so that people are getting services.

The CHAIRMAN: I understand that. The question I am asking, though, is what were you doing to develop an MOU?

Mr Curry: We were in the process of engaging with the Swan Valley Nyungah Community, because the MOU was not with Robert Bropho.

The CHAIRMAN: I want to ask you a question about the physical state of that settlement. In terms of Aboriginal settlements, how does the physical quality of the buildings and their maintenance rate?

Mr Curry: The amenity is first class. It would be one of the best facilities I have seen in relation to the standard of accommodation, the design of the accommodation, the sympathy to the needs of Aboriginal people living in that community, and also the robustness of the construction.

The CHAIRMAN: And its general maintenance?

Mr Curry: Poor.

The CHAIRMAN: In comparison with other Aboriginal communities?

Mr Curry: Poor. Other communities are poor as well in terms of their maintenance.

The CHAIRMAN: I am asking in comparison with other communities.

Mr Curry: In comparison it would be poor.

The CHAIRMAN: So you think it is worse than Saunders Street?

Mr Curry: Saunders Street is a little bit different. Saunders Street is six houses. They are older-style houses. They are currently in the process of being refurbished.

[11.30 am]

I think the people at Saunders Street have lived, as many Aboriginal people do, with very poor standard housing. When we try to make a comparison of the maintenance of an amenity when we go to communities, we find that many of those houses are old, dilapidated houses. This is new housing. This is purpose built, with every amenity imaginable that would be suitable to that style of housing. If you accept that the managing body had some responsibility to ensure that health, safety and a good amenity of that service were provided, the amenity was poorly maintained.

The CHAIRMAN: Do you also agree that the success of an Aboriginal community is often very much dependent on one or more strong individuals?

Mr Curry: If you mean leadership, yes.

The CHAIRMAN: If you lose one of those people, the whole community can go crashing in its endeavours.

Mr Curry: It is a common feature of Aboriginal communities. I mentioned the word leadership.

The CHAIRMAN: Yes, but often there are one or two strong people.

Mr Curry: Strong leaders, yes.

The CHAIRMAN: Often they are quite dictatorial, are they not?

Mr Curry: I would not say so.

The CHAIRMAN: Warburton, for instance?

Mr Curry: I think you would need to have some understanding of how Aboriginal people engage in the process of their business. You may have someone who is a good advocate as a spokesperson, but that person may not be the decision maker in that community.

The CHAIRMAN: Often there is one person who makes the decisions, is there not?

Mr Curry: Not makes the decision, but one person may relay those decisions. However, in most Aboriginal communities I know of, you would be a brave person to set yourself up as the sole spokesperson and decision maker for that community.

The CHAIRMAN: It is quite usual to have one person who is the spokesperson.

Mr Curry: You may have a person who speaks on women's matters, a person who speaks on men's matters, and another person who speaks on behalf of youth. Aboriginal communities, in my view, are quite sophisticated in the way they connect with government services. However, my experience is that you may approach an Aboriginal community with a particular matter to be discussed, but you may not necessarily get an immediate answer. A community may need to discuss that in its own way and determine its own thinking and decision, and that decision would be relayed back to you not necessarily by the person who made the decision.

The CHAIRMAN: When you speak to an Aboriginal community, does it often like to have a large number of people present?

Mr Curry: When I and my staff speak to Aboriginal communities, generally we speak as a matter of courtesy to the significant person or the elected chair of the committee as a first point of contact. Our next step would be to meet with the committee as a matter of courtesy. Our third step would be to meet with the administrators of that community. To get that in the wrong order is not good business.

The CHAIRMAN: When you talk to a group of Aborigines, is it often the case that some people will remain silent and others will speak?

Mr Curry: Frequently, but I say that in the context that they might be silent at that meeting, but they may not necessarily be silent in the decision-making process.

The CHAIRMAN: When you go to a community, do you usually call in at the office as a matter of courtesy to let them know that you will be there?

Mr Curry: Always.

The CHAIRMAN: Do you normally have to find out from them where people are located?

Mr Curry: Obviously, if we will be speaking with particular people, there is no point turning up if we do not know where people are. The courtesy is that we would explain our business, take advice on who from the community are the people we should be talking to, and then we ask the community to assist us to facilitate that meeting.

Hon DERRICK TOMLINSON: Is that not all that Robert Bropho asked?

Mr Curry: No, I do not believe so. I believe we were dealing with one person.

Hon DERRICK TOMLINSON: Can I clarify one point in Mr Curry's evidence relating to the coronial inquest report. Mr Curry drew attention to page 26, and the evidence of sexual abuse by Caucasian males. At the bottom of page 26 it states that a number of witnesses described a Paul Bradshaw, who was said to live at Altone Road, Lockridge, as one of these men taking advantage of

young Aboriginal females. Was it not the evidence that young Aboriginal females and others went to Mr Paul Bradshaw's home in Altone Road, Lockridge where he gave them the drugs?

Mr Curry: I understand that was the case.

Hon DERRICK TOMLINSON: He did not enter the community, did he?

Mr Curry: I do not know that.

Hon DERRICK TOMLINSON: However, the evidence was that the girls went there. As outlined on page 27, according to witnesses, this person, generally referred to as Paul, regularly sold paint to young Aboriginal persons but also was prepared to provide cans free of charge if sexual favours were provided. Are you aware that the evidence was that Paul lived in the house in Beechboro?

Mr Curry: I do not recall exactly where he lived, but I know he lived off the site, yes.

Hon DERRICK TOMLINSON: Yes; and the evidence given by Mr Ted Wilkes was that the people attended his home and the boys came out before the girls.

Mr Curry: I understand that is correct, yes.

Hon DERRICK TOMLINSON: Another Caucasian male described by several witnesses as falling into the category was a person regarded as the pig man. The pig man operates out of a utility called the pig van because he has a pig in the back of his utility. He is a very identifiable person who operates in Midland, does he not?

Mr Curry: I do not know the specifics of that, but I understand he is in the area.

Hon DERRICK TOMLINSON: In the area at Midland. It is quite some distance from Lockridge, is it not?

Mr Curry: It is accessible by vehicle.

Hon DERRICK TOMLINSON: However, most of the dealings with the pig man are done in Midland. That was the evidence to the coronial inquest.

Mr Curry: Yes.

Hon DERRICK TOMLINSON: Are you familiar with the term "bungee man"?

Mr Curry: Yes.

Hon DERRICK TOMLINSON: What does it mean?

Mr Curry: It means a person who is of low moral esteem and will sleep with anybody.

Hon DERRICK TOMLINSON: In return for?

Mr Curry: Sexual favours.

Hon DERRICK TOMLINSON: Sexual favours. Does the term "bungee man" refer also to people who sell substances to Aboriginal girls - paint and solvents - in return for sexual favours?

Mr Curry: The translation of the word may have changed in time, but my understanding of it is what I have just said.

Hon DERRICK TOMLINSON: Does the Swan Valley Nyungah Community response to the management order not refer to keeping bungee men out of the community?

Mr Curry: To which document are you referring?

Hon DERRICK TOMLINSON: I do not have with me a copy of the document to which I refer. The Swan Valley Nyungah Community presented a response -

Mr Curry: A draft management plan.

Hon DERRICK TOMLINSON: Yes, the draft management paper. Does it not make reference to the bungee man?

Mr Curry: Not that I recall. However, if you point me to it -

Hon DERRICK TOMLINSON: The reference is to keeping the gate closed to keep bungee men out. The reason for wanting to have identification of people entering the community was in relation to bungee men. It is referred to on page 5 under the heading "Access to". The very last sentence states that government workers, if they want to visit, are requested to carry easily seen identification on vehicles and on their person and to park in a designated parking area so they can be distinguished from the high-class bungee men and other law-breakers. By common courtesy, most first time visitors ring ahead. That suggests to me some concern within the Swan Valley Nyungah Community about protecting the residents from bungee men. Does it not make that same suggestion to you?

Mr Curry: You could draw that line, yes.

Hon DERRICK TOMLINSON: However, you said that there is nothing in the document that indicates they were concerned about the welfare.

Mr Curry: I am saying that that document does not in any way reflect the gravity of the situation.

The CHAIRMAN: You are saying that he is not concerned about it, yet you also are criticising him for supposedly restricting access. How else is he supposed to stop bungee men? You have said that people can get onto the site from all sides and that there are places that cannot be observed. We presume that these young girls were willing participants in this. Although perhaps they were not of an age to make that decision, they were nonetheless willing participants. How are you supposed to keep young people under control?

Mr Curry: I would have liked to see something to assist the families of those communities to better manage their children. One of the points made in the Gordon report is that the children who are at high risk are not supervised properly, are itinerant and spend considerable time away from their families unsupervised. One of the things I had hoped would happen very quickly was to assist those families to get the support they felt was required to help them manage their kids better. That is the first thing. I think also there are some things that could have been done internally about how they would establish a protocol with us to identify any particular child about whom the community felt concerned and who needed to be connected with government services to assist us to help and monitor that child and to provide the supports required to deal with that. They might have been very helpful in identifying some of these people they were concerned about - who they were and telling us that they could be dealt with.

The CHAIRMAN: You know from the coroner's report whom they are.

Mr Curry: Two people.

The CHAIRMAN: Did you do anything about them?

Mr Curry: My understanding is that they were investigated by the police.

The CHAIRMAN: And so?

Mr Curry: That is what should happen. It took the coroner to bring those names forward, not the Swan Valley Nyungah Community.

The CHAIRMAN: However, then what? Were they arrested?

Mr Curry: I do not know the outcome of the investigations.

The CHAIRMAN: You seem to have a great deal of keenness for them to do all sorts of bureaucratic things, but not a great deal of keenness to carry out the responsibilities that were put on you by the Gordon inquiry.

Mr Curry: Not at all. I am saying that the keenness I have is for them to do what I believe is the exercise of their responsibilities and for government similarly to exercise its responsibilities. What

is necessary is to have a connection between the two to ensure that government and the community are working in some degree of harmony to address that. That is not evident to me.

Hon DERRICK TOMLINSON: That is the nature of the memorandum of understanding, is it not?

Mr Curry: Exactly; formalisation of that memorandum of understanding.

The CHAIRMAN: Can I move the committee quickly into private session. Anybody who is not a member of staff or giving evidence is to leave.

[The committee took evidence in private]

The CHAIRMAN: We are now back in public session. Will you table the letter to which you referred?

Mr Curry: I will have that to the committee this afternoon.

The CHAIRMAN: Two more witnesses will be appearing before the committee. It may be helpful if you stayed on while they were giving their evidence. As we get further down there will be some things that you will be better able to answer than they do and vice versa. Would you like to take a five-minute break?

Mr Curry: I am fine to continue.

The CHAIRMAN: The committee would like a five-minute break and then we will start with the next witness.