

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

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
ON WEDNESDAY, 22 OCTOBER 2003**

SESSION 1

Members

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

[7.00 pm]

GOODA, MR MICHAEL
State Manager, WA ATSIS
Aboriginal and Torres Strait Islander Services,
examined:

The CHAIRMAN: On behalf of the committee I welcome you. Have you seen a document entitled "Information for Witnesses", and have you read and understood it?

Mr Gooda: 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. Your transcript will become a matter of 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 or media in attendance will be excluded. Please note that until such time as a transcript of your evidence is finalised, it should not be made public. Premature publication of the transcript may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Everybody has been stumbling over the acronyms ATSIS and ATSIC. Could you explain the arrangement between the two?

Mr Gooda: It is more or less a formalisation of the separation between the elected arm and the administrative arm of ATSIC. The minister implemented a regime for the separation of powers on 1 July. That necessitated the creation of what we call an executive authority within the Commonwealth under the Public Service Act of the Commonwealth. Staff now work for that agency, and the elected arm is still ATSIC. Not all staff transferred; about 80 staff stayed within the ATSIC structure.

The CHAIRMAN: What does the "S" stand for?

Mr Gooda: Services.

The CHAIRMAN: What is your background?

Mr Gooda: My personal background?

The CHAIRMAN: So that we can get a bit of an idea of why you hold your position and what your experience is.

Mr Gooda: I have been in the public service for about 20 years. I started in social security and transferred to the DAA in the 1980s. I became a regional manager when ATSIC was first created 13 years ago. I held the position of regional manager in Rockhampton and Brisbane, deputy state manager in Brisbane for Queensland, and moved to Canberra for three years. I moved here as deputy state manager of ATSIC in those days, 1997. I transferred to the State Government for a period 18 months and worked for the Aboriginal Legal Service for 12 months following a restructure of ATSIC. I was invited to apply to come back. I am now the state manager.

Hon ROBIN CHAPPLE: When did you become state manager?

Mr Gooda: In September 2000.

The CHAIRMAN: Were you at a meeting with Richard Curry at ATSIC when the future of the metropolitan settlements was discussed?

Mr Gooda: No, I have had a couple of meetings with Richard.

The CHAIRMAN: We are having some trouble putting a date on it or a place where it happened, but it resulted in a letter being written by Mr Cole to the Department of Indigenous Affairs, indicating that ATSIC did not support the closure of the four metropolitan camps.

Mr Gooda: That would have been a meeting between the Nyoongah Regional Council, I would suggest, and Richard Curry. If that is the case, I would not have been at that meeting.

The CHAIRMAN: Were you aware that, as a result of that meeting, Gordon Cole had written a letter?

Mr Gooda: I was aware of the letter.

The CHAIRMAN: When did you become aware of that letter?

Mr Gooda: It was following a meeting when the issue of the Swan Valley Nyungah Community was discussed within ATSIC. Gordon Cole made me aware that they had put a position about the closure of the Nyungah community.

The CHAIRMAN: Can you give me a date?

Mr Gooda: I could not really; that happens.

The CHAIRMAN: I will pigeonhole that one for the time being. We might try to get a little more definite about when you became aware, but you did not become aware at the time it was written.

Mr Gooda: No.

The CHAIRMAN: You became aware of it later due to other events.

Mr Gooda: Can I just have a look at the date? I would have returned to Canberra. I spent 12 months in Canberra until just before May.

The CHAIRMAN: We will now try to work out what the occasion was when you became aware of it. Do you understand what was intended by the regional council with regard to its views on that?

Mr Gooda: I understand that the DIA put a position about the whole situation with those reserves around Perth, and that at that stage I do not think they were really concentrating on Swan Valley but were looking more at Cullacabardee about the closure. That is my personal view. It may be wrong. There was going to be a review about people moving out of Cullacabardee.

The CHAIRMAN: What I was really trying to understand is what was your understanding of the regional council's view of the closure of the camps?

Mr Gooda: I can only go on what they say in the letter.

The CHAIRMAN: Had you discussed it with them or did you just rely on that letter?

Mr Gooda: I relied on the letter.

The CHAIRMAN: How much was ATSIC spending at Lord Street?

Mr Gooda: In the vicinity of \$1.4 million or \$1.7 million.

The CHAIRMAN: Can you get us confirmation of what it was?

Mr Gooda: I will take that on notice.

The CHAIRMAN: Do you know what it was spent on?

Mr Gooda: On housing in terms of electricity supply and probably operating costs. We will provide that.

The CHAIRMAN: If you could let us have all that.

Mr Gooda: I will get advice about what is needed.

The CHAIRMAN: Yes, we will not do it now. We will write and tell you. What do you think of the standard of housing at Lord Street?

Mr Gooda: I have never been there.

The CHAIRMAN: Do you have any understanding of the legal status of the assets there?

Mr Gooda: The letter of offer from ATSIC went to the Swan Valley Nyungah Community. Although ATSIC still has an interest in those assets because they are given for a particular purpose, if that purpose is not relevant at a particular point in time, ATSIC still retains an interest in them and the Act at section 20 refers to that.

The CHAIRMAN: What does it provide?

Mr Gooda: It provides for the repayment of grant money.

The CHAIRMAN: By the grantee?

Mr Gooda: Yes.

The CHAIRMAN: Your actual interest in the assets is probably not looking too good at this stage.

Mr Gooda: We will take legal advice on that.

The CHAIRMAN: The reason I asked the question is this: is that a point that occurred to you prior to my asking you the question?

Mr Gooda: Absolutely.

The CHAIRMAN: When did it occur to you?

Mr Gooda: At the time that discussions were happening about the closure of the camp.

The CHAIRMAN: Did you raise it with anybody?

Mr Gooda: I raised it with our legal people in our regional office.

The CHAIRMAN: Did you raise it with the State Government?

Mr Gooda: Obviously we always raise it with the State Government because we have an interest in the community because of the money we provide.

The CHAIRMAN: When did you raise it with the State Government?

Mr Gooda: It would have been in the discussions we had during the time leading up to the closure.

The CHAIRMAN: Did you reach any understanding with the State Government about it?

Mr Gooda: Not really. We just said that we would retain an interest and that the interest would have to be sorted out at a later date. As far as we were concerned the ownership of the land would basically help determine the ownership of the assets. That is still in the melting pot waiting for issues to be sorted out.

The CHAIRMAN: My understanding is that the ownership is in the State.

Mr Gooda: As it is, if you follow the logic about the ownership of the assets following the ownership of the land, the assets are with the State.

The CHAIRMAN: Does it bother you at all or has it been a fairly minor concern?

Mr Gooda: We had a briefing with you and Derrick. I have met with Bob and others. We have briefed on the closure, when we briefed you on our support for the closure of the camp and said that one of the main undertakings we sought from the Premier at the time was that the assets and the land would remain for the benefit of Aboriginal people in Perth. We got that undertaking. Since the closure, the administrator has been in contact with the regional council about the future use of the land, so we felt satisfied with the assets and the protection of them today.

The CHAIRMAN: When did you first become aware that the Government wanted to take some action in respect of the Swan Valley Nyungah Community?

Mr Gooda: I could not pin it down to an exact date. I was invited to a meeting of departmental heads. We were talking about - forgive me if I get the terms wrong here - some management form of tenure that was renegotiated that was supposed to allow full and free access of departments to the community. I was invited along to be told that was not happening.

The CHAIRMAN: Were you given any evidence or was that just an assertion that was made and that you accepted?

Mr Gooda: Yes, it was an assertion that was made.

The CHAIRMAN: And you accepted it?

Mr Gooda: Yes.

The CHAIRMAN: Who first asked you to go along to that meeting?

Mr Gooda: I cannot recall. We have lots of contacts with the State Government. It could have been Richard Curry; it could have been Michael Thorn from the Premier's department - it could be any of those people. I do not keep records of who invites me to meetings.

The CHAIRMAN: Did you keep a note of the meeting at all?

Mr Gooda: Not really, I was just along there to participate in the meeting. I probably have times and dates in my diary.

The CHAIRMAN: Could you check those for us?

[7.10 pm]

Mr Gooda: I will. I think Sean Walsh has written to me asking for details of the meetings I attended that he was at.

The CHAIRMAN: That would help because we are getting differing accounts from different people and we are trying to piece together as many offerings as we possibly can.

Mr Gooda: Yes.

The CHAIRMAN: Do you recall who was at that first meeting?

Mr Gooda: Not off the top of my head. Sean Walsh was there, Kieran Murphy, Jane Brazier; that is probably all that I can recall.

The CHAIRMAN: Richard Curry?

Mr Gooda: Richard Curry would have been there.

The CHAIRMAN: Greg Joyce?

Mr Gooda: Perhaps.

The CHAIRMAN: Do you know how early it was? Could it have been 1 May?

Mr Gooda: I would have to check my diary.

The CHAIRMAN: The reason I ask is that I have a document that purports to be notes kept by Mr Wauchope. Do you remember Mr Wauchope?

Mr Gooda: Yes.

The CHAIRMAN: I cannot tell you what it means, but I can tell you what it says. It says -

Mick Gooda 1/5 -

which I assume means 1 May -

(1) Strategy to deal with people

(2) Have it happen quickly

(3) Attitude of Regional Council

It seems to go straight to (5) for some reason, without a (4) -

(5) ATSIC - OK.

need to look after women and kids.

Then it looks like some sort of allocation of jobs to do. It states, with arrows back to the names -

Mick - ATSIC support (Mick - Regional Councils)

Grahame Searle - Legal basis (Public interest)

Greg Joyce - Implementation

Does that sort of gel with any recollections of yours?

Mr Gooda: Yes, that rings a bell.

The CHAIRMAN: Were these the points that you raised: a strategy to deal with people?

Mr Gooda: Absolutely.

The CHAIRMAN: Have it happen quickly?

Mr Gooda: Yes.

The CHAIRMAN: Why was that?

Mr Gooda: You would not want something like this dragging on with women and children out there who, from the information I had been given, had been through a fair bit.

The CHAIRMAN: I will come back to the information you had been given, but what was the intent of it happening quickly when you wanted to achieve that?

Mr Gooda: Our position has always been clear on this and I will say it again for the benefit of the members here. We supported the action because if the Government could not guarantee the safety of women in the camp, we would support it. We would support it on the basis that the interests of the women and children would be looked after, that people would be provided with alternative accommodation and that the asset would stay for the benefit of Aboriginal people in Perth. That is the basis of that. If that advice was given, that is the basis that it would have been given.

The CHAIRMAN: There is another note and it is a bit difficult to tell, but it seems to be on the next day. Would you have gone to another meeting on the next day?

Mr Gooda: Yes; things were happening fairly quickly around about then.

The CHAIRMAN: On the second page of Mr Wauchope's notes on that day under "ATSIC View" it states -

- Willing to participate in review of camps
- "if cant guarantee safety - close the camp (safety paramount)"

I read that - and perhaps you can comment - as being that you said that if you cannot guarantee safety, close the camp, and safety is paramount.

Mr Gooda: Absolutely.

The CHAIRMAN: You then used the term "guarantee safety" in a letter you wrote to the Government.

Mr Gooda: No, we did not write a letter to the Government, we wrote a letter to the Opposition.

The CHAIRMAN: I am sorry, that is right, I beg your pardon. I have been trying to track down who first started to use that terminology, because to date all the people we have spoken to do not seem to know where it came from.

Mr Gooda: I would probably put my hand up for that.

The CHAIRMAN: One of the reasons that we had some trouble tracking down people is that they said it was not a term they would have used because they cannot actually guarantee the safety of women and children anywhere.

Mr Gooda: I suppose that is a position.

The CHAIRMAN: Can you understand that position: that you cannot guarantee?

Mr Gooda: Absolutely.

The CHAIRMAN: So, what was different about this one? Why was being able to guarantee the safety of women and children important at this camp when, in fact, they could not guarantee the safety of women anywhere?

Mr Gooda: Because this was the camp, the community in question. We were not talking about any other camp.

The CHAIRMAN: If the same question was put to you with regard to the other camps - can you guarantee the safety of women and children in there? - the answer would have to be no. Would you again say that should be closed?

Mr Gooda: I would have to look at the circumstances and whether they were the same as the circumstances around the Swan Valley.

The CHAIRMAN: Were you aware that there had been a note by the Gordon implementation group shortly before all this, indicating that it had thought that there were other settlements in the Swan Valley in the area that were at greater hazard?

Mr Gooda: No, I am not aware of that.

The CHAIRMAN: Did anybody tell you that?

Mr Gooda: No.

The CHAIRMAN: Would you have been in any way surprised to have learnt that?

Mr Gooda: Probably.

The CHAIRMAN: Would that have altered your opinion as to what action should have been done?

Mr Gooda: In what way?

The CHAIRMAN: If there were other ones more at risk than this one, would you not have said, "Why are we dealing with this one rather than the ones that are more at risk"?

Mr Gooda: Probably.

The CHAIRMAN: Did you say that?

Mr Gooda: No. I just said I was not aware that that advice was around.

The CHAIRMAN: There might be a whole lot of people who were not aware that advice was around. The question is: it was not disclosed to you, was it?

Mr Gooda: No.

The CHAIRMAN: In retrospect do you wish it had been?

Mr Gooda: Probably.

The CHAIRMAN: I am not going to ask you to hypothesise on what your attitude would have been if it had been, but you can see that there obviously had to be a question mark in our mind that, had you been given the facts that there had been in fact concerns expressed about other camps being at greater risk, you might have altered your opinion, might it?

Mr Gooda: It probably would have.

The CHAIRMAN: Did anybody say to you, as I have said to you, that they cannot guarantee the safety of women and children anywhere?

Mr Gooda: It was never put to me like that.

The CHAIRMAN: But when you put it in that term, did anybody say, "Of course we can't. We can't guarantee the safety of women and children anywhere."

Mr Gooda: No.

The CHAIRMAN: Nobody said that to you?

Mr Gooda: No.

The CHAIRMAN: In view of the fact that views have been expressed by Ms Brazier, do you think that would be something you would have liked to have been told at the time?

Mr Gooda: In the context of what happened, I would not have minded having that information to hand, yes.

The CHAIRMAN: Did you have any meetings specifically with Kieran Murphy?

Mr Gooda: No.

The CHAIRMAN: A concern that leapt immediately to my mind when I heard of this plan was that it was dispossessing Aboriginal people of their land. Was that a concern that occurred to you?

Mr Gooda: It is always a concern when Aboriginal are losing their land, but the board in March this year had implemented, developed, adopted or endorsed a family violence policy that said basically the protection of children is paramount. Even when it comes to a clash between lore and law, the rights of the child should be considered first.

The CHAIRMAN: Would that also agree with taking children away from their parents?

Mr Gooda: Obviously there are circumstances today where kids are being taken off their parents. Of course I agree with it. If the kid is endangered that is what has got to happen.

The CHAIRMAN: Were you aware of any amendments that took place in the upper House of the State Legislature?

Mr Gooda: No.

The CHAIRMAN: Before I tell you what the amendments were, did you ever see the Bill?

Mr Gooda: Yes, I saw the Bill.

The CHAIRMAN: Did you see the Bill deprived the Aboriginal inhabitants of a right to natural justice?

Mr Gooda: I think you raised it with us when we had the briefing actually.

The CHAIRMAN: Did you see that?

Mr Gooda: Yes.

The CHAIRMAN: Did that concern you?

Mr Gooda: In a sort of civil libertarian way it did. I do not think you want to take rights away from people. You made the point at that time that your job as a parliamentarian is to protect and make sure the processes are followed.

The CHAIRMAN: Do you not think that it is also ATSIC's and ATSI's job to advocate for Aboriginal people?

Mr Gooda: It is also our job to advocate for all Aboriginal people, including women and children - people who cannot advocate for themselves.

The CHAIRMAN: Are you also aware it took their rights away too?

Mr Gooda: Yes.

The CHAIRMAN: Did you understand that it took away the rights of the women and children?

Mr Gooda: What rights would they be?

The CHAIRMAN: To stay in the camp.

Mr Gooda: Did they have a right to stay there?

The CHAIRMAN: It took that right away. It did not just take the right away from the people who were supposedly the perpetrators; it took away the right from the people who were supposedly being perpetrated against. Did you understand that to be the case?

Mr Gooda: Not really.

The CHAIRMAN: At one stage it was suggested that only the people who were the so-called perpetrators would be removed. Is that your understanding?

Mr Gooda: That is not my understanding at all.

The CHAIRMAN: You thought the actual place was going to be completely closed?

Mr Gooda: Yes.

The CHAIRMAN: And that would remove both women and children as well as the supposed perpetrators?

Mr Gooda: Yes.

The CHAIRMAN: Did people explain to you how that was going to protect the women and children?

Mr Gooda: I think it was a way of making sure the agencies could get free and unfettered access to people they needed to deal with.

[7.20 pm]

The CHAIRMAN: It was suggested that Mr Bropho was able to stop that access.

Mr Gooda: That is what was suggested. Amongst others.

The CHAIRMAN: Amongst others. I think he was the person who was seen to be the ruler of the area.

Mr Gooda: There were others.

The CHAIRMAN: I accept that. He might have used other people. I think most people considered that he was that person. It was Mr Bropho and others. Do you know what happened? A number of those people moved to Saunders Street.

Mr Gooda: That is right.

The CHAIRMAN: Did anyone point out that they could not in fact tell people where to go and that they could only tell them to leave? Did anyone point that out?

Mr Gooda: To whom?

The CHAIRMAN: You.

Mr Gooda: I think that is natural that you cannot tell people where to go.

The CHAIRMAN: Are you aware of whether anyone planned for that contingency?

Mr Gooda: I go back to those three conditions. In order to support this, alternative accommodation would be offered and provided. If it was offered, and I understand that it was, and they did not take it, that is surely their decision.

The CHAIRMAN: Yes, but you can see my point, I think. If you take the assumption that Mr Bropho had this iron rule over these people, why was he not going to exercise that iron rule to take them all off to Saunders Street?

Mr Gooda: I do not know.

The CHAIRMAN: Maybe you thought that that was all going to be dealt with by the State.

Mr Gooda: Yes.

The CHAIRMAN: Did you hear the discussions going on about what they were going to do?

Mr Gooda: Not about moving to Saunders Street. I was not aware of any discussions about people moving to Saunders Street.

The CHAIRMAN: You said to me earlier that it was obvious that if they wanted to go there, they could. They could go there if Mr Bropho said, "We're all going to Saunders Street". Assuming that Mr Bropho had the control that you were told existed, he could have said, "Let's all go to Saunders Street." That would not protect them, would it?

Mr Gooda: It all depends. I do not know what happened after Saunders Street. As far as I know, people got access to the people they needed to in Saunders Street. That is what I have been informed.

The CHAIRMAN: Did they give you any idea of how many attempts at access there had been?

Mr Gooda: No, I was told that the people in the community were not meeting the requirements of the tenure of the agreement.

The CHAIRMAN: Were you told, for instance, that DCD had not gone out there for a whole year?

Mr Gooda: I was not told that.

The CHAIRMAN: Were you told that between the Gordon report and when the camp was closed they went only eight times?

Mr Gooda: I was not told that.

The CHAIRMAN: Were you told that six different people went on those eight occasions?

Mr Gooda: I was not told that.

The CHAIRMAN: Does that cause you some concern?

Mr Gooda: It causes me concern if it was not right. I must explain to you that during this time I didn't just rely on that; I went out and spoke to the workers. I mentioned to Mr Tomlinson when we had our briefing session in my office that I had gone out and spoken to the workers there.

The CHAIRMAN: Which workers were they?

Mr Gooda: Michel Poland and Donna Kickett. I attended the office of community services in Midland. When all the stuff was happening we had a woman living in this town in a safe house because of harassment from members of the Swan Valley community. It is fair enough to say that all the stuff was happening, but I attempted to go out. I have got to say that if people have to live in safe houses in a city like Perth because of harassment from people in the community, there has got to be problems.

The CHAIRMAN: I will give you credit; you are one of the few people who went out to talk to the workers. When you went out there did they tell you that for a whole year they did not actually go to the camp?

Mr Gooda: People told me that they were not allowed to go to the camp.

The CHAIRMAN: They did not even have contact.

Mr Gooda: I do not know. Are you saying that they did not attempt to go to the camp or that they just did not go?

The CHAIRMAN: Nothing was recorded.

Mr Gooda: Okay.

The CHAIRMAN: Between the Gordon inquiry and the closure of the camp there were only eight contacts. None of them expressed any major concerns. Did they tell you that when you went out to Midland?

Mr Gooda: No, I was more concerned with this young woman and her baby who had to live in a safe house. We were trying to arrange alternative accommodation. That was what my focus was.

The CHAIRMAN: That was outside the camp?

Mr Gooda: Absolutely. She told us that she had moved from the camp.

The CHAIRMAN: How was she going to be protected by the closure of the camp?

Mr Gooda: I think it would send a message that that sort of behaviour would not be tolerated.

The CHAIRMAN: If a person is being harassed, I think the police can arrest people for harassment.

Mr Gooda: I suppose they can.

The CHAIRMAN: That is probably a clearer message. Were you aware that the Gordon inquiry made a recommendation with regard to the Swan Valley Nyungah Community?

Mr Gooda: Broadly. At the time of the report of the Gordon inquiry I was not intensely involved because I was in Canberra.

The CHAIRMAN: You did not go back and have a look at it when this whole business came up?

Mr Gooda: Not really.

The CHAIRMAN: The recommendation of the Gordon inquiry was that the Government enter into a memorandum of understanding with the Swan Valley Nyungah Community.

Mr Gooda: That sounds familiar.

The CHAIRMAN: Does that seem a sensible move?

Mr Gooda: Yes.

The CHAIRMAN: Are you aware of the summit called by the federal Government on Aboriginal deaths in custody shortly after the Howard Government was appointed?

Mr Gooda: That was way back in 1996. I cannot recall.

The CHAIRMAN: I can tell you that there was one. It issued a communique that was signed by a number of ministers for health and Aboriginal affairs, Attorneys General, plus a lot of Aboriginal leaders representing mainly the various state Aboriginal Justice Advisory Committees. It recommended that the appropriate way to deal with the involvement of Aboriginal people in the justice system was to address all the underlying social issues, and that this should be done in coordination with national, state, regional and local Aboriginal communities by entering into memorandums of agreement to provide cooperation in services that the Aboriginal people themselves wanted. Does that sound like a good measure to you?

Mr Gooda: It sounds like a good approach to me.

The CHAIRMAN: We have had advice from the DCD that it has also done that as a method of dealing with some regional communities. They have entered into MOUs on how to deal with each other. Do you think it is a good idea?

Mr Gooda: It sounds like a good idea to me.

The CHAIRMAN: Do you know what the Government's response was to the Gordon inquiry?

Mr Gooda: I do not know.

The CHAIRMAN: It rejected that recommendation. It was one of the few recommendations it rejected. It proceeded to impose a changed management order. From the point of view of an Aboriginal person, which do you think is more likely to get a result - entering into a memorandum of agreement with them or imposing an order under an Act and enforcing it?

Mr Gooda: It all depends. To me it would involve the history of what has happened in the past. We do that all the time in our funding decisions. We would love to have cooperation and for people to be delivering outcomes, which they could get funded to do, but that does not always work. We sometimes have to take drastic action. You cannot look at it blandly by saying what is best here or what is best there. You have to look at the circumstances surrounding that decision.

The CHAIRMAN: Given that nobody ever tried to enter into any agreement with the Swan Valley Nyungah Community, can you see that perhaps that might be a good starting point? There has not been a history of not having a memorandum of agreement, there just has never been a memorandum of agreement.

Mr Gooda: I suppose that it would be a good starting point. I do not want to repeat what I have just said.

The CHAIRMAN: From an Aboriginal point of view, which do you think would be more welcomed or favourably received?

Mr Gooda: I will repeat what I said before: it would depend on the circumstances.

The CHAIRMAN: I am talking from the point of view of the recipient, not the government department that is making the decision. Put yourself in the position of the community. Which do you think they would respond to better?

Mr Gooda: I have seen both responses.

The CHAIRMAN: You have seen responses to both a memorandum of agreement and imposed orders?

Mr Gooda: Yes. They have equal results sometimes.

The CHAIRMAN: Did you hear about what was called the services' audit that took place at the Swan Valley Nyungah Community?

Mr Gooda: I am not aware of that.

The CHAIRMAN: All the government services went out. This was one of the first contacts between DCD and the camp in a year. DCD went out with all the departments. The Press was alerted to go out there - the visual and written media and everyone else. The departments publicly performed an audit on the services that were being provided there.

Mr Gooda: I was not aware of that.

The CHAIRMAN: Does that disturb you?

Mr Gooda: It probably would.

The CHAIRMAN: For what reason?

Mr Gooda: I have this view about people going out and gawking at black fellas.

The CHAIRMAN: To me it seemed a bit high-handed.

Mr Gooda: I would not do it.

The CHAIRMAN: Could you understand that perhaps the Swan Valley Nyungah Community was slightly upset by that and saw it as a political stunt?

Mr Gooda: I do not know how they would have seen it. I can understand that they would have been upset.

The CHAIRMAN: Especially as the Press was notified to go out while the Government did it. You have a partly political role to play. Even though you are a civil servant, you have to be aware of Aboriginal politics, do you not?

[7.30 pm]

Mr Gooda: I am intensely aware of Aboriginal politics.

The CHAIRMAN: Can you see that there might be a slight adverse reaction from the community to that sort of comment?

Mr Gooda: Yes, I said that I could see why people would be upset.

The CHAIRMAN: Were you aware that the schoolroom had been removed?

Mr Gooda: It happened when I was in the east, but I was aware of the circumstances.

The CHAIRMAN: Did you support that?

Mr Gooda: I did not have a view.

The CHAIRMAN: After this had all occurred, did any state ATSIC commissioners express a view?

Mr Gooda: The view you raised before about taking land off Aboriginal people was raised, but by that stage the commissioners had signed the family violence policy. I can leave a copy of the family violence policy that each commissioner signed, which talks about the issues that I spoke about before regarding the protection of children being paramount.

The CHAIRMAN: Did any of the commissioners express their concerns to you that they were not happy with what was happening?

Mr Gooda: Not to me.

The CHAIRMAN: Did any of them ring you from a meeting in Broome to say what was happening?

Mr Gooda: No.

The CHAIRMAN: Were you not aware that some of them were disturbed that it set a precedent?

Mr Gooda: I assumed Aboriginal people everywhere would be disturbed by that precedent. However, I guess you put that against the disturbance being felt by women and children not being protected.

The CHAIRMAN: Let us try to see if we can put that letter from Mr Cole into context. You did not know of it at the time it was sent. You became aware of it at a later stage. In the context of the events we have been talking about, where would you put it?

Mr Gooda: Probably at around about that meeting that you quoted Mal Wauchope's notes from earlier.

The CHAIRMAN: Can you think of what the circumstances were when you became aware of it?

Mr Gooda: Not really. I had numerous discussions with Commissioner Garlett and Chairperson Cole about the approach here.

The CHAIRMAN: Did you think they raised it because it involved the closure of Lord Street?

Mr Gooda: Swan Valley?

The CHAIRMAN: No. Did Chairperson Cole raise it with you?

Mr Gooda: I advised him that I had been invited to a meeting and that we had to sit down and talk about what their approach would be. He told me what his approach was. He said that we would participate in a review and it was articulated in a letter.

The CHAIRMAN: That related back to that letter. Do you think that comment that you are recorded as having made there referred to a review arising out of the discussion that had taken place with Mr Curry?

Mr Gooda: Which comment is that?

The CHAIRMAN: The comment I read to you in which you said you were willing to participate in a review of camps - that was the ATSIC view. Do you think that you would have had Cole's letter by that stage?

Mr Gooda: Probably.

The CHAIRMAN: Was it your understanding when you said that it was referring to the proposition that had been raised by Mr Curry of his concerns about the camps or what should happen to the camps -

Mr Gooda: If I said it, I would have raised it in the context of the letter sent to Mr Curry.

The CHAIRMAN: I am trying to refresh your memory rather than put words in your mouth.

Mr Gooda: I am not trying to be obtuse; I am trying to put it all in line with this. It was a fairly torrid time. There were lots of meetings going on at the time with the State Government and within ATSIC.

The CHAIRMAN: I understand that. Are you still not able to tell me at what stage you received a copy of that letter?

Mr Gooda: No.

The CHAIRMAN: Is there anything you can check to find out?

Mr Gooda: It would have been handed to me.

The CHAIRMAN: Do you know who handed it to you? Was it Cole?

Mr Gooda: Probably Gordon.

The CHAIRMAN: Can you check with him to find out when you got that letter?

Mr Gooda: Yes.

The CHAIRMAN: Going over the matters I have put to you, does it appear to you that perhaps there are a number of points that now you know about them, in hindsight, would have been nice to have known at the time they existed?

Mr Gooda: I think I have answered that; I said yes.

The CHAIRMAN: I just wanted to summarise that. I will not ask you to hypothesise - unless you want to - on what your decision would be. I do not know that I can ask you to do that in a fair way, because you are not in that position and you do not know. That is the conclusion that we can perhaps look at. Thank you very much.

Hon ROBIN CHAPPLE: I have a number of questions to ask you, which might not be in any particular chronological order. Mr Curry has informed us that the specific information with regard

to the instances of abuse in the community were provided to him by you. He says that you specifically referred to a number of incidents that people had raised with you, through your connections with the Aboriginal community. You have already indicated that. There is an indication that that might have been on 2 May.

Mr Gooda: I would not have a clue. I have said that Mr Foss has given us the dates and reminded me about the meeting with Mal Wauchope. I was in and out of Midland talking to people. I went there and talked to some of the women involved and the parents of some of those women.

The CHAIRMAN: I propose that we go into private session with you later. I would rather that you did not mention any names or details of that. We can deal with that in private session.

Mr Gooda: I will have to take advice before I mention any names, even in private session.

The CHAIRMAN: You have mentioned a couple of names already and I do not want you to mention any more until we go into private session.

Hon ROBIN CHAPPLE: Bearing that in mind, a lot of evidence has been given at different times that you were quite heavily engaged in discussions - initially through the senior officers' group - which had come out of the Gordon implementation inquiry. You were apparently at a number of those meetings as well.

Mr Gooda: No, that is not right. The meeting Mr Foss referred to is probably the first meeting I went to. I remind you of what I said before about my returning from Canberra at about that time. I would not have attended any of those senior officers' meetings.

Hon ROBIN CHAPPLE: It has been indicated that your concerns were based around ATSIC's family violence policy. That has been stated a number of times. In what way does that policy suggest that one proceeds in issues of family violence or -

Mr Gooda: It is very clear. I have referred a number of times to that part about the protection and safety - I will read it to the committee. It is worth reading because I think people need to be reminded of it. The preamble states -

Family violence has a deep and lasting effect on us physically, mentally and spiritually.

All Indigenous people have the right to enjoy life and security in our own country, free from violence, fear and conflict.

If that does not give you the basis to go forward on something, I have not seen a public policy that does.

Hon ROBIN CHAPPLE: I want to raise some further concerns with you in a minute. Mr Murphy has identified that you, who had connections with Colleen Egan, told him that he should speak to Colleen Egan in relation to the claims that were being made. Do you remember making that statement to Mr Murphy?

Mr Gooda: Absolutely. Colleen and I have a personal as well as a professional relationship. We know each other in a social sense and I was interested to know because I helped draft this policy, which is why I am fairly protective of it and will advocate it at every opportunity. I was interested to know what was actually being -

[7.40 pm]

Hon ROBIN CHAPPLE: In that same time did you offer to provide legal advice in relation to the young girl - and we do not mention any names - involved in one of the allegations?

Mr Gooda: I would prefer to talk about that in closed session.

Hon ROBIN CHAPPLE: We will ask those questions in closed session. It has been mentioned by Mr Murphy that he was sure that you were at one of those two meetings on 1 May. Mr Murphy advised -

Mick Gooda had said that he was aware of those allegations as well. He certainly expressed in very, very strong terms his concerns and ATSIC's concerns about that community; about the safety of women and children there.

It is interesting that we have come up with those words again. It seems that those words about the safety of women and children emanated from yourself to Mr Murphy.

Mr Gooda: I said that. If you read our family violence policy, you can see why that would be a concern.

Hon ROBIN CHAPPLE: Going on from there, what is your relationship and your knowledge and connection with Mr Jameson?

Mr Gooda: The administrator?

Hon ROBIN CHAPPLE: Yes.

Mr Gooda: I do not have a relationship with him.

Hon ROBIN CHAPPLE: You recommended him.

Mr Gooda: No, I did not.

Hon ROBIN CHAPPLE: That is interesting.

Mr Gooda: I gave a list of names. Our Registrar of Aboriginal Corporations has to intervene in organisations all over Australia. We were looking for someone with experience in that and I provided a list of names from our registrar's office to the State Government.

The CHAIRMAN: And it chose that one?

Mr Gooda: Yes.

The CHAIRMAN: You do not know on what basis that choice was made?

Mr Gooda: It was a private matter between Mr Jameson and the State Government. I have talked to Mr Jameson a couple of times. I have not met him personally.

Hon ROBIN CHAPPLE: In terms of the recommendations you put forward, you said there was a list of recommendations. Can you provide that list to us?

Mr Gooda: Yes.

Hon ROBIN CHAPPLE: That will be useful. Thank you.

Hon DERRICK TOMLINSON: I will call you Mr Gooda, I suppose.

Mr Gooda: Seeing as we are formal, Mr Tomlinson!

Hon DERRICK TOMLINSON: Mr Gooda, you indicated that you spent time in Canberra. Can you tell us when you were in Canberra?

Mr Gooda: I was in Canberra from April 2002 to April 2003.

Hon DERRICK TOMLINSON: April 2002 to April 2003.

Mr Gooda: Yes.

Hon DERRICK TOMLINSON: So you had only recently returned when these matters arose. What were you doing in Canberra?

Mr Gooda: I was acting deputy CEO of ATSIC at times and acting CEO at times. We had an intervening period when the CEO position was vacant and I acted there. I waited until the new CEO was appointed.

Hon DERRICK TOMLINSON: Were you asked to go to Canberra for a particular exercise that was being conducted?

Mr Gooda: To act as deputy CEO.

Hon DERRICK TOMLINSON: Just to act as deputy CEO?

Mr Gooda: The deputy CEO's position was vacant.

Hon DERRICK TOMLINSON: In that time, was the planning going on for the separation of AT SIS from ATSIC?

Mr Gooda: No. Not from April 2002. The separation of powers arose -

Hon DERRICK TOMLINSON: July this year.

Mr Gooda: - from about March onwards. I attended a meeting between the minister and the board at that stage.

Hon DERRICK TOMLINSON: You were there as acting deputy CEO and acting CEO.

Mr Gooda: Yes.

Hon DERRICK TOMLINSON: Did you keep in touch with Western Australia?

Mr Gooda: Absolutely. My family was still here. I was travelling backwards and forwards.

Hon DERRICK TOMLINSON: Okay. But did you keep in touch with ATSIC Western Australia, other than in your role as deputy CEO?

Mr Gooda: Constantly.

Hon DERRICK TOMLINSON: You were constantly keeping your finger on the pulse?

Mr Gooda: Not necessarily keeping the finger on the pulse but talking to the person acting in my job.

Hon DERRICK TOMLINSON: Who was acting in your job?

Mr Gooda: Colleen Hayward.

Hon DERRICK TOMLINSON: So, you would have been abreast of what was happening?

Mr Gooda: In broad terms. Mind you, acting CEO and acting deputy CEO does not leave you much time to do other stuff.

Hon DERRICK TOMLINSON: That is what I was thinking. You would have had a very, very busy job.

Mr Gooda: I was working long hours.

Hon DERRICK TOMLINSON: Okay. The \$1.4 million to \$1.7 million that was spent by ATSIC for housing and infrastructure at the Swan Valley Nyungah Community, when was that?

Mr Gooda: I could not tell you.

Hon DERRICK TOMLINSON: Was it immediately after the Swan Valley Nyungah Community got the management order for the reserve in about 1995?

Mr Gooda: I arrived in Perth in 1997. I think it was around the time the infrastructure for the alternative power energy supply was being finalised. I would have to get back to you on that.

Hon DERRICK TOMLINSON: While you are looking at when that money was allocated or provided -

Mr Gooda: Released.

Hon DERRICK TOMLINSON: - could you also find out whether \$600 000 was also provided from Homeswest at that time?

Mr Gooda: I will see if I can, but it may be more appropriate to ask Homeswest.

Hon DERRICK TOMLINSON: Homeswest has given us information that it spent \$600 000.

Mr Gooda: If it is on our files.

Hon DERRICK TOMLINSON: What I would like to know is whether it is \$1.4 million to \$1.7 million including the \$600 000 from Homeswest.

Mr Gooda: I will clarify that.

Hon DERRICK TOMLINSON: I would like that. When was the closure of the Swan Valley Nyungah Community first mooted?

Mr Gooda: It was around the dates that Mr Foss mentioned. I do not actually think it was at the first meeting or the second meeting. It was about, "What options do people have here?"

Hon DERRICK TOMLINSON: That was 1 May, and that was the first time you had ever heard of any proposal?

Mr Gooda: No, I did not say that. I said it would be around that time. The first meeting on 1 May talked about the issues of child protection and the access to people out there.

Hon DERRICK TOMLINSON: Sure; about that time. But before then, there had been no talk of -

Mr Gooda: Not with me.

Hon DERRICK TOMLINSON: You had not been involved in anything at all? You had not heard anything?

Mr Gooda: Not really.

Hon ROBIN CHAPPLE: Can I ask a question on that? On 14 March 2003 there was a meeting of the directors general group responsible for the implementation of the Government's response to the Gordon inquiry, which other people attended. During the meeting the issue of the Swan Valley Nyungah Community was discussed and the minutes record that there was considerable discussion on the issue. In questioning somebody who was at that meeting, it was said that -

It certainly at that stage was used by the minister in relation to DIA. In item . . . you refer to ATSIC as being engaged in discussions to get their support . . .

. . . the director generals asked that ATSIC be involved. Initially that was through the senior officers group, which has an administrative representative, Mr Gooda, who is the regional manager of ATSIC -

That is actually incorrect. It was also said that yourself and Mr Cole had been involved.

Mr Gooda: I would have to check that because I did not return to Perth until recently.

Hon ROBIN CHAPPLE: That is very interesting. It is not whether you are correct or they are correct. Obviously there must be some misleading information there.

Mr Gooda: I was backwards and forwards. Who knows?

The CHAIRMAN: Perhaps you can go and check that and let us know. What is your authority vis-a-vis the commission? What can you do independently of it? When do you have to do what it says?

Mr Gooda: I suppose it is a bit more clear now that we have a separation between ATSI and ATSIC. The minister issues directions, and I can give you a copy of those directions. It basically revolves around the spending of money.

The CHAIRMAN: And you decide that?

[7.50 pm]

Mr Gooda: Well, they -

The CHAIRMAN: It is in the budget?

Mr Gooda: We must spend our money in accordance with the policies and priorities determined by the board at a national level and regional councils at a regional level.

The CHAIRMAN: You obviously have a relationship with the entire State and the regional council as well.

Mr Gooda: Our office deals with regional council chairpersons.

The CHAIRMAN: You generally deal with regional councils. If you have to deal with ATSIC, you deal with regional councils? You do not go to the national level every time, do you?

Mr Gooda: No.

The CHAIRMAN: What is the most common body you deal with?

Mr Gooda: The regional council chair - well, it is what we call the ATSIC WA state council. It is made up of the nine regional council chairs and the four commissioners.

The CHAIRMAN: That is what I want to know - who do you normally deal with?

Mr Gooda: That is the level of the elected arm the state office deals with.

The CHAIRMAN: When you deal with the regional chairs, what sort of issues are involved?

Mr Gooda: Normally, it is in relation to state matters.

The CHAIRMAN: Do you believe that you had the authority to make the statement you made on behalf of ATSIC or ATSI?

Mr Gooda: ATSI was not in existence then.

The CHAIRMAN: Yes, but if you were doing it now. Were you doing it off your own bat or on behalf of the commission?

Mr Gooda: I took the view that the board had implemented and developed a family violence policy, and I took the view that we were abiding by that policy.

The CHAIRMAN: You did not go back and ask for opinions. You worked on the basis that it is the policy, so you had the direction to do it?

Mr Gooda: I would have lent towards that, but there were discussions with the chairperson of the regional council and the commission.

The CHAIRMAN: Is that the local Nyoongar region?

Mr Gooda: Yes. I was just thinking about that matter. It is a very technical argument or point to make. ATSIC is technically a board, and has a couple of positions like the CEO and the director of evaluation and audit and the director of the Office of Torres Strait Islander Affairs. As staff, we are directed by the policies of the board. I need to make that point. The board had this policy on family violence. We are more tied to the direction of the board than the direction of the regional council - as staff.

The CHAIRMAN: I understand that. Did you not feel any obligation to formally take it to either the state chairs and commissioners or to a regional council, or even to the national board, before making the decision? You felt you had the authority to do that.

Mr Gooda: I made no decision.

The CHAIRMAN: You wrote a letter indicating to the Government that you supported it.

Hon DERRICK TOMLINSON: The Opposition.

The CHAIRMAN: The Opposition, yes.

Mr Gooda: Before writing the letter, we certainly discussed it with the commission - the local commissioner and the -

The CHAIRMAN: Was it the national or State? Tell us who?

Mr Gooda: Gordon Cole and Farley Garlett.

The CHAIRMAN: Were they the only two?

Mr Gooda: I briefly discussed it with other people. Apart from the issues already canvassed about the dispossession of Aboriginal people and how it affects people, a lot of Aboriginal people I spoke to said it was a Nyoongar matter and did not want to comment.

The CHAIRMAN: They did not want to get involved. "Let the Nyoongars decide."

Mr Gooda: That was Farley Garlett and Gordon Cole.

The CHAIRMAN: Did any say that, "We are Nyoongars, but we do not want it done with us"?

Mr Gooda: No-one said that to me.

Hon DERRICK TOMLINSON: Can I follow through? You made the decision based on the family violence policy of ATSIC that the ATSIC Board would support the position you took.

Mr Gooda: I think the submission that the chairman made to the committee subsequently supported that.

Hon DERRICK TOMLINSON: Since the decision was taken, has there been any discussion at the board of the decision in the Swan Valley?

Mr Gooda: Not that I am aware of - I have not been at any board meetings.

Hon DERRICK TOMLINSON: You indicated that people said to you it was Nyoongar business to be sorted out by Nyoongars.

Mr Gooda: Yes, basically. That is the way it works. Unless it was a matter of significance, the way the state council works is that that is Nyoongar business and do not want to impose their views from outside the region on Nyoongar people. It is the same that Nyoongar people would not talk to Wongu or Yaniki or Yawru or Mardu - anyone.

Hon DERRICK TOMLINSON: That makes sense. Certainly some members of the board made it quite clear to me that this was Nyoongar business, not ATSIC business; that is, it was for the Perth regional council. Did any of the board members express to you concern about this being a precedent?

Mr Gooda: The only board member who expressed concern about that was the then, and still, chairman, Geoff Clark. You will see in the submission -

The CHAIRMAN: The national chairman.

Mr Gooda: The national chair.

Hon DERRICK TOMLINSON: None of the chairs of the regional councils expressed that concern.

Mr Gooda: Not to me personally.

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

Hon DERRICK TOMLINSON: I would like to follow through on a couple of things. You said in answer to Mr Foss that you had never been there - meaning the Swan Valley Nyungah Camp. Later on when Mr Foss was asking you about other camps and communities like Saunders Street, Cullacabardee and Sydney Row, you said you would look at the circumstances to see whether they were the same as those around the Swan Valley. What were the circumstances around the Swan Valley?

Mr Gooda: I think it is public record the number of people who died out there.

Hon DERRICK TOMLINSON: What were they?

Mr Gooda: It is public record. The death of Susan Taylor that prompted the inquiry, and the number of deaths in that place.

Hon DERRICK TOMLINSON: How many?

Mr Gooda: I could not tell you off the top of my head.

Hon DERRICK TOMLINSON: Well, was it three or four?

Mr Gooda: I said I could not tell you off the top of my head.

Hon DERRICK TOMLINSON: What else were the circumstances around the Swan Valley?

Mr Gooda: I rely on the circumstances that the coroner pointed out in the community: solvent abuse, children being offered sex for payment -

The CHAIRMAN: It was not claimed by people in the community, though. We have evidence that the community resented solvent abuse and was trying to stop it. It asked the Government. It was not people in the camp but people coming into the camp from outside who were doing that.

Mr Gooda: I am not going to argue about that.

The CHAIRMAN: I am not arguing - it was what you said to us.

Mr Gooda: I just read what the coroner said.

The CHAIRMAN: There was no suggestion by the coroner that it was the fault of the people in the camp.

Mr Gooda: It is not every day a two-and-a-half-year-old baby is being gang raped in a camp.

The CHAIRMAN: You will find also that the problem of solvent abuse is more of a problem in the rest of the area than it was at the camp. It was one of the places that something was being done by the local people to stop it. Were you aware of that?

Mr Gooda: I am aware of that. I am broadly aware of that. I have not gone out. I told you that -

The CHAIRMAN: The Midland area has a significant problem of solvent abuse and it is not concentrated on the Swan Valley Nyungah Community. They put people there to get them away from it.

Mr Gooda: I will take your word on it.

The CHAIRMAN: Does it concern you that it was a refuge from solvent abuse and not a place it was happening?

Mr Gooda: I will refer to the comments of the coroner on that.

The CHAIRMAN: He did not say that they were the cause of it, and nor does he talk about the rest of Midland. The point is, Mr Gooda, that there is a lot of gossip going on about it, that is not always well informed. The problem is that the evidence seems to indicate that if you put forward solvent abuse, but solvent abuse is probably worse elsewhere.

Mr Gooda: I will take your word on that then.

Hon DERRICK TOMLINSON: I pursue this. I am sorry. I know your personal commitment to the safety of women and children.

Mr Gooda: I will tell you about my personal background -

Hon DERRICK TOMLINSON: I know.

Mr Gooda: You asked me about my personal background before and I think it is worth noting.

Hon DERRICK TOMLINSON: It is worthwhile you telling us that.

Mr Gooda: I come from a family of 10. A former partner of mine's daughter was subject to child abuse. She ended up on the streets selling herself and sticking needles in her arm. When you go to

the jails and talk to people and see the effects of child abuse on the Aboriginal community, and you have the Prime Minister of this country pulling together 16 leaders to talk about child abuse, surely some message must get through that this is a problem.

[8.00 pm]

Hon ROBIN CHAPPLE: Absolutely.

The CHAIRMAN: We agree. Unfortunately, it is endemic throughout the State.

Mr Gooda: I do have a personal commitment to it, and I will not hide behind it. I have a personal commitment to it because we wrote this policy. We have considerable problems with it in traditional areas, and we have taken action against the legal service in the Northern Territory that wants to take to the High Court the right of a bloke to have sex with a 15-year-old because it is their culture. When the Australian Government signs international declarations on the rights of children, we have got to follow through with it, and of course it is a personal commitment of mine.

Hon DERRICK TOMLINSON: Good.

Mr Gooda: And I get emotional about it.

Hon DERRICK TOMLINSON: Yes, I know you do. I was making the point that you have a personal commitment to it. You have told me things about your own childhood and growing up, so I can understand that your personal commitment comes from not only intellectual awareness but also that it is a very personal thing.

Mr Gooda: I think every Aboriginal person in this country would have the same experience as me.

Hon DERRICK TOMLINSON: Yes, I agree. However, when we come to Swan Valley, yes, the Coroner's report described circumstances relating to the death of Susan Taylor that were horrible. Some of the people who provided the solvents were not in the Swan Valley Nyungah Community, according to the Coroner's report; they were in Lockridge, Beechboro and Midland, and the pigman. It is a horrible story. The Gordon report reaffirmed that horrible story and said that it is endemic amongst the indigenous community throughout Western Australia, and probably Australia. Therefore, we have a very serious problem to confront. However, when it comes to this decision to close the Swan Valley Nyungah Community, yes, people cite the Gordon report. You have raised the sexual violation of a two-and-a-half-year-old child, but we have people like you who say, "I've never been there. I've never been into the community." On what basis do you form the strong opinion that the safety of the women and children in that camp could not be guaranteed?

Mr Gooda: I have already answered that: on the advice that I was given.

Hon DERRICK TOMLINSON: By whom?

Mr Gooda: By people at that meeting that Mr Foss referred to.

The CHAIRMAN: Even so, why this community rather than all the other communities where it would appear that the problem is just as bad, if not worse? Why did we pick out this community?

Mr Gooda: It is an interesting point you make, Mr Foss, because we have other Aboriginal people saying, "When is the State Government going to close other communities down?" So rather than saying we do not want this to happen, I have people saying, "When are you going to come out to our community and close this down? When is the State Government going to be serious?"

The CHAIRMAN: Do you support that?

Mr Gooda: If the same circumstances existed - taking on the information that you pointed out to me before - if no-one can guarantee the safety of women and children.

The CHAIRMAN: Even amongst the white population, it is not, unfortunately, limited. It may be worse among the Aboriginal population, but, unfortunately, it is not confined to the Aboriginal

population, so it is a general problem that particularly blights Aboriginal people, and in some ways there are many social issues that have to be addressed. Amongst them is proper housing.

Hon LOUISE PRATT: Surely it is a case-by-case issue, depending on the resilience and circumstances of each particular community.

Mr Gooda: Absolutely.

Hon DERRICK TOMLINSON: Could I go back to this question of the information that the safety of the women and children in the camp could not be guaranteed. You said you -

Mr Gooda: No, I asked the question, "Can the safety of women and children be guaranteed?" and the answer was, "No". Therefore, you have got to do something.

Hon DERRICK TOMLINSON: That was the answer at that meeting that you went to on 1 May.

Mr Gooda: Yes. I would make the point to anyone that if the circumstances exist, someone has got to do something if there is a potential risk. That is what you do. You do it all the time as politicians. We do it weighing the options of one action against the other - weighing the options of doing something or not doing something.

Hon DERRICK TOMLINSON: Yes. Somebody has always got to make a decision.

Mr Gooda: Absolutely.

Hon DERRICK TOMLINSON: But you make the decision on the basis of the best information available to you?

Mr Gooda: I would assume that if I am talking to directors general, I am getting the best information available.

Hon DERRICK TOMLINSON: You said you went out to speak to the workers. You are one of the very few people amongst the directors general who gave you the information who has even spoken to the people on the ground - the case workers, the officers of DCD, Midland.

Mr Gooda: And the sad thing about that is that while they were horror stories, they are nothing new to me.

Hon DERRICK TOMLINSON: Sure. They are not new to me either. You referred to Michel Poland and Donna Kickett.

Mr Gooda: Yes.

Hon DERRICK TOMLINSON: Were they sources of information about what was happening to some of these people?

Mr Gooda: Absolutely. Mr Chairman, there are people in this room. I think you should remind them about the names. I have let those two names slip. I am now concerned about their safety because I have expressed it -

The CHAIRMAN: I was concerned when you said them in the first place. Their names have been said. I could try suppressing names, but I am not sure that that is really going to help enormously.

Mr Gooda: Okay.

Hon DERRICK TOMLINSON: The officers whom you spoke to out at Midland gave you information about the camp - the Swan Valley Nyungah camp - but they said they were not allowed to go to the camp. Now, that is capable of different constructions. If they were not allowed, they had an instruction from -

Mr Gooda: I think if we are going to explore the things about those people, I prefer to do it in private session.

Hon DERRICK TOMLINSON: What I am trying to get to -

Hon LOUISE PRATT: I think the witness has made his opinion clear on this, and we should defer to that.

Hon DERRICK TOMLINSON: Okay.

Hon ROBIN CHAPPLE: Can I just go back, if I may - it has nothing to do with this.

The CHAIRMAN: I would like to get into private session, if we could.

Hon ROBIN CHAPPLE: Just one clarification. I think we might have been at cross-purposes in one answer, and it is nothing specific. I referred to Mr Murphy saying, "Yes, in one of the meetings, Mick Gooda, who knew Colleen Egan himself, told me if so, I was to speak to Colleen." You were actually referring to Colleen Egan?

Mr Gooda: Yes.

Hon ROBIN CHAPPLE: Not another Colleen?

Mr Gooda: Not this Colleen here.

The CHAIRMAN: We will move into private session. Due to the arrangements we have made, we will not be re-emerging until 9.30 pm. That might seem too long for some of you, but that is just the way the witnesses have been arranged.

[Interruption from the public gallery.]

The CHAIRMAN: Mr Bropho, would you leave, please?

[Interruption from the public gallery.]

The CHAIRMAN: Mr Bropho, will you leave, please?

Mr Gooda: While Mr Bropho is here, I would like to point out that in this room, where we have security guards and police, someone is trying to intimidate me, and I would just like people to take that on - how women and children would have felt in that camp.

[Interruption from the public gallery.]

The CHAIRMAN: Mr Bropho, would you leave, please? If he does not, will you get the security people, please?

[Interruption from the public gallery.]

Mr Gooda: Mr Chair, I would like you to note that that is intimidation.

[The committee took evidence in private.]