

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

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
ON WEDNESDAY, 10 SEPTEMBER 2003**

SESSION 3

Members

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

PEDLER, MR DAVID

**A/Assistant Director, Regional Management,
Department of Indigenous Affairs, examined:**

The CHAIRMAN: On behalf of the committee I welcome you to the meeting. You have signed a document entitled "Information for Witnesses". Have you read and understood that document?

Mr Pedler: I have.

The CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record and please be aware of the microphone and try to talk into it, as it is for recording. 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. Would you like to make an opening statement?

Mr Pedler: Yes, there are a couple of things. There is a matter I would like to raise in a closed session. Also, I have tendered a couple of documents, the first being a chronology of dates of which I have provided seven copies. That is really intended just for me to keep a track of meetings and things that I have had. The other document that you have got was provided by the department. In examining this document that was provided by the department I noticed when I was reading through it that one of the attachments had a reference to policy XXX and I realised it was actually not the final document.

[8.50 pm]

The Xs were there for me to get the correct terminology. I have also provided an updated version of that document, but it is essentially unchanged, apart from an attachment regarding the reserves program.

The CHAIRMAN: Is that this one?

Mr Pedler: That is right.

The CHAIRMAN: That is the attachment that I noted did not have a date on it. It is attachment 9.

Mr Pedler: I think it is attachment 8 in fact.

The CHAIRMAN: I have some other notes on that. It refers to the proposed closure, so obviously this document was prepared prior to the closure.

Mr Pedler: Yes. I was trying to work that out myself in terms of the schedule of meetings. On the second page that I have provided, which has "Swan Valley Noongar Community" at the top and the next line reads "Decision about Legislation is made", you will note that there is a meeting at the Department of Indigenous Affairs -

The CHAIRMAN: Which date are you referring to?

Mr Pedler: Wednesday, 14 May on this document. My best recollection is that at that time the director general indicated to me that he wanted some briefings covering certain issues.

The CHAIRMAN: This document says, "These notes are primarily concerned with the following aspects of the proposed of".

Mr Pedler: That should have been proposed closure.

The CHAIRMAN: I take you to the third page of that document, which refers to the coroner's report on the record of investigation. It states that the report of the coroner, although not reporting specifically on the SVNC settlement, clearly illustrates an environment characterised by dysfunction, sexual abuse of young girls, inappropriate power relationships and obvious dominance by Robert Bropho and the Bropho family. Did you prepare this?

Mr Pedler: Yes, I did.

The CHAIRMAN: What made you think the coroner was talking about the SVNC settlement when he did not specifically refer to it?

Mr Pedler: Perhaps I will put this in context for you. When I was asked to prepare this, I was asked to prepare it essentially by referring to files and documentation that was available at the time. That comment, I believe, was referred to in documentation that was either in DIA files or notes that accompanied the copy of the coroner's report that was there at the time.

The CHAIRMAN: Are you saying that the coroner was referring to it or that you think he must have been referring to it?

Mr Pedler: No; I believe that statement was referring to the coroner's report.

The CHAIRMAN: We are probably at cross-purposes. What I do not understand is how you could draw the conclusion that the coroner was obviously referring to the settlement when the statement in the coroner's report did not refer to the settlement. Just read that paragraph. It says that the report of the coroner, although not reporting specifically on the SVNC settlement, clearly illustrates an environment characterised by dysfunction. I will take you to another report. There was another meeting on 21 March 2003 that you attended and I have draft notes from it. It was attended by you, Bayman, Egan, Douglas, Parkinson, Price, Griffiths, Rebbeck, Villaflor, Lofthouse, Howson and Phelan from the Gordon implementation. Do you remember that meeting?

Mr Pedler: What date was that meeting?

The CHAIRMAN: It was the meeting you attended on 21 March. It was a meeting of senior officers, convened by the DIA for an information update. It had overall key points. You might not have seen this document, which was supplied to us by the Department of the Premier and Cabinet. The fourth dot point of the overall key points states that consensus is that there was more risk of something happening at two other camps - Cullacabardee and Saunders Street - than at the camp.

Mr Pedler: I was at that meeting. I know that there was discussion about the comparative risks associated with other areas. I certainly know that a view was expressed by the police and a couple of other agencies that in comparative terms there were other places where risk existed.

The CHAIRMAN: There was greater risk at some other places?

Mr Pedler: I know that that was certainly a view that was expressed by the then superintendent, David Parkinson, in terms of the greater Midland area. I am aware of the notes that you are referring to.

The CHAIRMAN: Do you know who made them?

Mr Pedler: The notes of that particular meeting?

The CHAIRMAN: Yes.

Mr Pedler: I understand it was someone from the Department of the Premier and Cabinet. One comment I will make about some of the notes that I have seen is that they are very brief. I personally believe there was no process whereby those notes were subject to any scrutiny by the people involved in the meeting.

The CHAIRMAN: I am not suggesting that they are minutes; they are one person's impression. However, according to the notes, there was no-one there from the Department of the Premier and Cabinet.

Mr Pedler: No, there was.

The CHAIRMAN: Who was there from the Department of the Premier and Cabinet?

Mr Pedler: If my memory serves me correctly, I believe Helen Phelan was at that meeting.

The CHAIRMAN: From the Gordon implementation?

Mr Pedler: Yes.

The CHAIRMAN: Do you think she made the notes?

Mr Pedler: Yes, she made the notes.

The CHAIRMAN: In fact, "Sec" means that she was the secretary or that was the secretariat she was from.

Mr Pedler: Yes.

The CHAIRMAN: She seems to have gained the impression that it was the consensus that there was more risk of something happening at the other two camps. That is what she wrote down. That is not your recollection.

Mr Pedler: No, that is not my recollection at all. Certainly the words that you have used are that it was worse elsewhere. I do not believe that was the discussion. I believe that what was talked about was that there was comparable risk associated with other areas.

The CHAIRMAN: Do you think there was?

Mr Pedler: Yes, I do.

The CHAIRMAN: The problem I have with this document is that it seems to have gone out of its way, especially at that stage because it had already been decided that there would be a closure, to characterise this community in a way that was probably more distinctive than people thought it was prior to this.

Mr Pedler: That may well be fair comment, I think.

The CHAIRMAN: You deal with all four urban communities.

Mr Pedler: Yes, I do.

The CHAIRMAN: Do they vary from time to time as to how approachable they are?

Mr Pedler: Certainly, yes; that is true.

The CHAIRMAN: What distinguishes them?

Mr Pedler: To clarify the involvement that we have had with the communities, the differentiating factor with the Swan Valley community was the tenure of the land in that the other three properties are Aboriginal Lands Trust land. We have a direct involvement with those properties in terms of the Aboriginal Lands Trust and the land branch, which is part of the Department of Indigenous Affairs. The nature of our involvement over the three years that I have been at the Midland office is cyclical. It has essentially been involved in trying to assist with governance issues and capacity building and often one of the triggers for that -

The CHAIRMAN: You are talking about all the communities at this stage.

[9.00 pm]

Mr Pedler: Yes, that is right. Often, the cyclical nature that I referred to comes about as a result of external complaints or internal complaints about various issues that are happening. I guess the pattern of our involvement was to try to engage with the management committees of the settlements

and to assist. I have to say that we have not done very well with that. I guess the difference with the Swan Valley Nyungah Community is that the Department of Indigenous Affairs was not brought into the equation through external complaints, which is partly due to the tenure of the land. As it was essentially a private lease arrangement we did not have cause to get involved with the Government's issues with that particular community.

The CHAIRMAN: Do you find that one of things you have to do is to establish trust with the community or to have some sort of relationship of trust between you?

Mr Pedler: Yes.

The CHAIRMAN: Is that easy?

Mr Pedler: Not at all.

The CHAIRMAN: How do you go about doing that?

Mr Pedler: I guess through engagement and by trying to build some kind of a relationship with the people involved and seeking to identify the issues that they want to deal with, such as what our role is, what we can do to assist and things of that nature. It is fair to say that that is more difficult in some circumstances than others.

The CHAIRMAN: Do you regard yourself as having a reasonable relationship with any of those four communities at this moment - well, I suppose the three communities that are left?

Mr Pedler: Yes, we have a very positive relationship with the Gngangara community and also the Saunders Street community. We have a relationship of sorts with Cullacabardee Village community, but that is hindered to some degree by personality and, once again, those governance issues.

The CHAIRMAN: How personalities get along is often the basic thing is it not; for example, who is running the camp and who is actually working for the Department of Indigenous Affairs? It is how you get on personally that makes a bit of a difference is it not?

Mr Pedler: That is a fair comment but it does go a little broader than that. It also depends on the participation and the nature of the community make-up at the time.

The CHAIRMAN: And that varies?

Mr Pedler: Yes, it does.

The CHAIRMAN: What sort of relationship do you have with Robert Bropho and other people in the Swan Valley Nyungah Community?

Mr Pedler: It is fair to say that in terms of a relationship with the Swan Valley community, and in particular with Mr Bropho, I have not had a close association with Mr Bropho. However, our office has had a close association with Mr Bropho and members of the Swan Valley community, which has essentially been through our role in the heritage and cultural area. I will illustrate what I mean by that. One of the things that I have been very clear about in dealing with my own staff regarding the Swan Valley community is to separate out the various issues that are going around at any given point in time. In terms of our role in heritage and culture, it is quite specific and clear. I have been contacted by Mr Bropho and other people representing that community to raise issues such as alleged site disturbance and things of that nature. We have always been very clear in that we seek to respond to those things in a timely fashion. In that context, the DIA at the Midland level has had a very positive relationship with Mr Bropho and members of that community on those issues.

The CHAIRMAN: Did you have anything to do with this submission?

Mr Pedler: Not in the preparation of it.

The CHAIRMAN: All you have done is to go through it and pick up the bits that are -

Mr Pedler: I read through the submission because some attachments referred to me. However, my involvement in terms of the community post-Gordon inquiry and the legislation, has been at the local level and involved with the interagency working group that was established back in November.

The CHAIRMAN: But you did not prepare the documents. In your timetable you left out a meeting of the Gordon implementation group that is referred to in the submission. Were you not on that group?

Mr Pedler: No I am not.

The CHAIRMAN: It has been put to us that the sort of community that existed at the Swan Valley Nyungah Community exists elsewhere. However, the community there was distinctive in that Mr Bropho was a dominating personality which meant it was not possible for a Government to provide services to the Lockridge community. Did you find the presence of Mr Bropho in any way prevented you or your department from providing services to the community?

Mr Pedler: I need to clarify that direct service provision to the Swan Valley community; it is pretty much restricted to the heritage and cultural side of things. Our only involvement in terms of trying to provide a more coordinated and collaborative provision of services came about around November following the release of the Gordon inquiry report. I guess it was at that point when my director general was very concerned about the community and was in close contact and saying that we needed to do more in terms of providing services to the community. In terms of the service provision to the community, the Midland office has never had any problem in dealing with the community. My experience of that from talking to fellow colleagues or regional managers is that the issue of access is defined by the nature of the service provision. Essentially, if the nature of the service provision is positive, there is not an issue. If the nature of the service provision is seen as coercive or negative, then problems arise.

The CHAIRMAN: Is that unusual?

Mr Pedler: No -

The CHAIRMAN: I would have thought that that is not specific to the Swan Valley Nyungah camp.

Mr Pedler: No, that is true. However, it is also fair to say that through discussion with colleagues and knowledge of my staff and other staff, there is definitely an image around the Swan Valley community that is essentially negative. People do not want to go there or they have reservations about going there.

[9.20 pm]

The CHAIRMAN: Is annexure 8 your document?

Mr Pedler: Is that the one we have been talking about?

The CHAIRMAN: No, that was annexure 9. I refer to the one before it.

Mr Pedler: I wonder if I have the same -

The CHAIRMAN: It is called "Department of Indigenous Affairs: Briefing Notes - Swan Valley Nyungah Community Inc". It is immediately before the other document you gave the committee a fresh copy of.

Mr Pedler: I am sorry, mine is showing annexure 8, so I do not know whether I have the same one.

The CHAIRMAN: The one you gave me shows it as 9.

Mr Pedler: I think I have an earlier version of the copy that I presented to the committee. I will put that aside. Yes, I am familiar with that.

The CHAIRMAN: Who prepared that?

Mr Pedler: I did.

The CHAIRMAN: It says it was prepared on 5 February 2003.

Mr Pedler: Yes.

The CHAIRMAN: Who was the briefing note to?

Mr Pedler: It was to the director general.

The CHAIRMAN: Page 2 says there was a need to draw on the lessons learnt from the Cullacabardee experience. What was the lesson learnt from the Cullacabardee experience?

Mr Pedler: The Cullacabardee experience referred to the issue of service provision to Cullacabardee, which was also identified as problematic. Some of the issues around that were basically about the difficulties in engaging with the chairperson of the corporation. Whenever you went to talk with the corporation, essentially the issues that it would raise would be around Government, government policy, funding, the Aboriginal and Torres Strait Islander Commission, ATSIC deficiencies - a whole range of matters. When we sat down to try to work through that, we concluded that somehow we needed to separate out the issues around the corporation, governance and funding and that sort of thing and actually try to talk about the needs of the people who resided at the settlement. In other words, we were trying to separate the population from organisation, if you like. At that time, we had a staff member in our department who was very good in that area of community development. She had managed to achieve that, to some degree. That is what that briefing note refers to. If I could add to that, going on from there, a reason the meeting was initially held at the Department of the Premier and Cabinet with the senior officers was to talk about the service provision. We recommended that because we were concerned about the residents of the settlements, we should try to engage the local area or local level officers. That is why the working group that was established was very deliberately made up of the officers who were providing the frontline services. With regard to the Swan Valley, the activities of Mr Bropho as the leader of that community are well known in terms of his role as an activist and political lobbying and things of that nature. We were trying to get beyond that to deal with the service level officers and to develop a relationship with the community on that basis. There was also a recognition, which was referred to in some notes somewhere, that the issues of governance and funding and all those things needed to be addressed at some point, but at a higher level. In fact, I had this discussion when I met with Mr Bropho at the Swan Valley camp. I told him that that was what we were trying to do. In that way we were not trying to diminish his views or arguments in terms of the broader political issues.

The CHAIRMAN: There were two levels of concern.

Mr Pedler: That is right.

The CHAIRMAN: What was his response to that?

Mr Pedler: We had discussions about those things. I personally did not feel that we were making too much progress. However, a letter is also part of that submission where I refer to that meeting as a positive first step. Unfortunately, we did not get far beyond that first step.

The CHAIRMAN: Page 3 of your submission has a heading called "Tentative Actions / Timeline". It sets out some dates and states -

It was appreciated the timelines above are very ambitious given the variables that could impact on the process.

I am a bit puzzled by this because it is dated February. It talks about tentative actions. It sounds almost prospective. It says the time lines are very ambitious but it also says it was appreciated. Is this an updated briefing note?

Mr Pedler: No. Those tentative actions and time lines have been added to this briefing note, but they were the intentions from earlier meetings. Essentially, in some ways what this briefing note is

doing, because it was prepared later on, is demonstrating that when we had started this process - it had actually started back -

The CHAIRMAN: Might you have cut and pasted that out of another document?

Mr Pedler: No. I appreciate that it is not clear. I was trying to indicate that we had tried to take this time line back in December but this briefing note - as you have pointed out - was prepared in February.

The CHAIRMAN: Okay.

Mr Pedler: This briefing note was being provided as an update in February on our progress to date.

The CHAIRMAN: Were those the dates you had set prospectively back in November?

Mr Pedler: Yes. When we set those dates, they were really set cognisant of the urgency, if you like, that was being pushed down to us.

The CHAIRMAN: Did the urgency come from above rather than from below? Was it a top-down urgency?

Mr Pedler: I would say it was top-down from a senior officer level, yes.

The CHAIRMAN: Contact was made with the SVNC by the DIA on 2 September 2003. Was that you?

Mr Pedler: Yes, it was.

The CHAIRMAN: With regard to how representatives of the organisation indicated that the earliest opportunity for the organisation to meet with government agencies would be in late January 2003, was this response unacceptable to government?

Mr Pedler: Yes.

The CHAIRMAN: Who was “government”?

Mr Pedler: When I say “government”, I would have been talking about my director general. I am not sure whether he had had discussions with the Department of the Premier and Cabinet.

The CHAIRMAN: Following discussion meetings of senior government agency staff, the audit inspection visit was carried out on 4 September 2002. Representatives from the Department for Community Development, the Department of Education and Training, the Department of Health and the Police Service carried out the audit inspection.

Mr Pedler: Yes.

The CHAIRMAN: A meeting was formed in the open space where each representative addressed a group about service provision and the desire for a better relationship with residents. It seems strange to lecture people about better relationships. It seems to me to be somewhat didactic to say we will have better relationships.

Mr Pedler: I take your point, yes.

The CHAIRMAN: Is that what it felt like?

Mr Pedler: I was not there, so I cannot comment on that. When I wrote this briefing note, Roley Bayman, who was the acting manager at Midland at the time, was involved in that audit inspection. That briefing was not based on my discussions with him. He indicated that that is what he had outlined in his submission.

[9.20 pm]

The CHAIRMAN: The bottom of page 4 states -

Mr Bropho and Margaret Jefferies were the only SVNC people to speak -

You were not present at that meeting, or was that the meeting on 18 December?

Mr Pedler: That was another meeting, and I was present at that one.

The CHAIRMAN: It further reads -

- and were essentially only concerned with airing their grievances over other issues including the Coroner, Aboriginal Heritage Act, MOU and the removal of the classroom. Mr Bropho provided written details of how individual agencies could assist SVNC however the substance of the content and assistance sought was not relevant to the specific issue of service provision and open and “threat free” access to residents.

Were you thinking in those terms at that time? Was that included in February when the matter was being pursued?

Mr Pedler: No, I think it is fair to say that that paragraph was essentially my assessment of how that meeting went.

The CHAIRMAN: Did you get the feeling that the Swan Valley Nyungah Community believed that they had a number of grievances that had not been addressed?

Mr Pedler: Absolutely, yes. If I can clarify: what we were seeking to do goes back to what I was talking about before. I thought that the comments by Roley Bayman at the previous meeting had set the scene for the meeting we were going to have. I had had the prior conversation when we tried to set up the first meeting indicating that it was going to be talking about service provision to the people who were resident there. That is essentially what we sought to do on that day. I acknowledged that at the time, as we were presented with a document, but the majority of the discussion was essentially around that issue of the coroner’s report, the unsatisfactory nature of it, the fact that a response had not been received, and there was a reference to the Aboriginal Heritage Act, and things of that nature. At that meeting, we allowed in lots of ways for the grievances to be aired. We took the documents away and said that we would respond to them. At the same time, we indicated that we wanted to talk about the local level service provision and essentially the needs of the people resident at the community. I guess my assessment was that we did not get very far on that.

The CHAIRMAN: You can see that if people feel they are not being listened to, it is very hard for them to listen to you.

Mr Pedler: That is true. I recall at the time that in speaking with Mr Bropho, I tried to point that out - I think, essentially, I described us as the small fish and what we were trying to do. He acknowledged that at the time. That is why when that meeting actually finished, we had raised the issue of having a further meeting.

The CHAIRMAN: Turning to the further documents down the back of this package, a couple of documents are headed “Attachment 10”. One is “Report on Service Provision”. Who prepared that?

Mr Pedler: I do not know.

The CHAIRMAN: Have you seen it before?

Mr Pedler: I have only seen it in this package.

The CHAIRMAN: You have not seen it before?

Mr Pedler: No, and I certainly did not prepare it.

The CHAIRMAN: There is another one attached to that: “Progress - Department Specific”. Have you not seen that either?

Mr Pedler: No.

The CHAIRMAN: It says in respect of your department the following -

DIA has regular contact with community in regard to heritage and cultural issues - primarily aboriginal site protection. This has established a good relationship on these issues.

That is consistent with what you have said. Could you have been the originator of some of that information?

Mr Pedler: The nature of the text looks like me. It may be that I provided the information in a different form and it was collated into something else.

The CHAIRMAN: How long have you been involved with working with Aboriginal people?

Mr Pedler: For a long time. I have been with the Department for Indigenous Affairs for the past five years. I have been out in the Midland area for the last three years, but I have essentially been around indigenous people all my life. I lived on Cundeelee Mission in the late 1950s east of the goldfields, and I worked for the Department of Community Development for over 20 years. I have worked in residential settings, country settings, managed a school hostel for Aboriginal children and things of that nature. It has been pretty much all of my life really.

The CHAIRMAN: It is a task that can sometimes be quite difficult if not properly handled.

Mr Pedler: I agree.

The CHAIRMAN: It is also an area that is capable of considerable misunderstanding if not properly handled.

Mr Pedler: Yes.

The CHAIRMAN: Do you think there is any history of government handling of the Swan Valley Nyungah Community that could be described as not very well handled in terms of establishing a good relationship between that community and various government agencies?

Mr Pedler: Sure. That is a fair comment. That applies to all communities and the Aboriginal population generally. History has not been very kind or fair.

The CHAIRMAN: As far as the standard of accommodation is concerned for communities, how would you rate Lockridge?

Mr Pedler: I have to say that I have not been inside any of the buildings. I have been only to the site. Certainly, I am very familiar with the buildings now by virtue of my role assisting the administrator of the site. I am familiar with a lot of the documentation provided.

The CHAIRMAN: Have you seen inside them now?

Mr Pedler: No, I have not.

The CHAIRMAN: Right.

Mr Pedler: When you go to the grounds themselves, it is quite a neat looking community. The buildings are unique. I know from the documentation and the building assessment, I would have thought that they would be in better condition than they are.

The CHAIRMAN: Having visited all four communities, I think from a visual aspect it looks to be pretty good.

Mr Pedler: I agree.

The CHAIRMAN: The buildings themselves seem to be of a high quality and standard; they are much higher than that found in many Aboriginal communities.

Mr Pedler: I probably would have agreed with you until I became involved with the administrator. The site looks really good to me, but, according to the environmental people, it is quite degraded and things of that nature. I am not an expert.

The CHAIRMAN: It might have been done by the administrator cutting down the trees at the front. It has gardens. You may regard gardens as being environmentally degraded. Are you talking about plants and things of that nature?

Mr Pedler: I am talking about the site and where it goes down to the river, and things of that nature.

The CHAIRMAN: Right. But the general living area looks pretty good to me. Take Saunders Street.

Hon ROBIN CHAPPLE: Or a comparison with Cullacabardee.

Mr Pedler: It is hard to comment because, as I said, it looks fine. I have certainly seen photos and processed the bills for removal of the wastes and seen the estimates for repairs and basic repairs to the buildings, which are very extensive. That is an indication that from the street it looks fine, but it is not. I certainly take your point in terms of the condition of the building at Cullacabardee.

Hon ROBIN CHAPPLE: Even Cundeelee for that matter.

[9.30 pm]

Mr Pedler: Well, if it was there!

The CHAIRMAN: I am sure that if any of those other ones were given the same sort of scrutiny that the administrator has given to Swan Valley, you would find all sorts of money needed to be spent on it.

Mr Pedler: Undoubtedly. I guess the only difference would be that if you make a comparison between Saunders Street and Swan Valley, you would find, for example, that the Swan Valley buildings are rammed earth and things of that nature and the Saunders Street buildings are all asbestos and that sort of thing.

The CHAIRMAN: The doors are pretty solid doors without holes in them. The windows have got glass in them.

Hon ROBIN CHAPPLE: Even the sliding doors work.

The CHAIRMAN: Even the sliding doors slide.

Mr Pedler: Which ones?

The CHAIRMAN: The ones at Swan Valley

Mr Pedler: They do now but it cost about \$19 000 to get those doors to slide.

The CHAIRMAN: I am sure it would cost a similar amount to get the doors in my house to slide. Is there anything particular you would like to comment on? Were you surprised when the decision was made to close the camp?

Mr Pedler: Not surprised really. It would be fair to say that people in my position had lots of questions about how it was going to happen. Part of some of our meetings were spent discussing some of the perhaps unforeseen consequences of doing that.

The CHAIRMAN: Such as?

Mr Pedler: Essentially, just not knowing what would happen once the decision was made to close the camp.

The CHAIRMAN: This has always puzzled me. You have people in an area where they appear to have better housing than usual. It is well placed. It is not like Cullacabardee, Saunders Street or Sydney Road where people cannot get anywhere. It is well placed for getting to the services. It has got, I would have thought, a better quality of premises. If you shift everybody out of there and do not change the underlying social problems, why are you better off?

Mr Pedler: I think where you are going is in the realms of government policy. The decision to close is not something that I was involved in.

The CHAIRMAN: I realise that. You say that you were not surprised that the decision was made. Were you not surprised because you could see the way government was heading or because it appeared to be the obvious solution?

Mr Pedler: I think a little bit of both. In some ways a lot of the issues that you have raised are the nature of the buildings, the properties, where they are located and the services. Clearly when the Government made the decision to close, they were not the factors it was concerned with. All I have heard about the closure is that it was essentially about the safety of the women and children. That is essentially why it was closed. The view was that while the social relationships or power relationships, if you like, remained as they were, nothing could be done. The difference between the communities - which is something that at a local level we are very aware of, which is why we have been trying to get the urban settlement program off the ground for some time - is that make-up of the community and access to the community.

The CHAIRMAN: There must be a lot of Aboriginal communities around the State in which there are dominant personalities.

Mr Pedler: Yes, there are.

The CHAIRMAN: There must be a lot of it in communities - I think that is one of the things that came out of the Gordon report - in which there are problems with domestic violence, child abuse and sexual abuse.

Mr Pedler: Yes. I think where you are going with this though is what makes Swan Valley different and why the drastic action has been taken. My understanding of it is that the thing that makes the community different is, as I referred to before, the total domination of one family grouping.

The CHAIRMAN: They are all members of that family?

Mr Pedler: Yes.

The CHAIRMAN: It is not that one family is dominating the group. The group is that family.

Mr Pedler: I think there are different views on that.

Hon DERRICK TOMLINSON: Do you mean they are not what -

Mr Pedler: No. In terms of the community, what has been described in this situation is that it is the domination of certain male members of that family.

Hon DERRICK TOMLINSON: Who?

Mr Pedler: I really do not want to name names.

Hon ROBIN CHAPPLE: I might do that in closed session.

The CHAIRMAN: Is that unusual in Aboriginal communities? I am not saying that I know a great deal about Aboriginal communities. However, the ones I have come across that work have dominant personalities; that is, one or more people who are reasonably dictatorial in their approach.

Mr Pedler: Sure.

The CHAIRMAN: Often that is why they work.

Mr Pedler: I can only talk for the communities that I know of and also make reference to discussions that I have had with colleagues, other regional managers, from other areas. Where they would take issue with you on that point is that there may be dominant people within communities but they are not necessarily the sole decision makers. Essentially, the issue that sets this community apart is the total dominance, if you like, of Mr Bropho over that community.

Hon ROBIN CHAPPLE: Are you saying that from personal observations or is this what you are being led to believe by other agencies?

Mr Pedler: It is a bit of both. In the three years that I have been at Midland, I have never been under any other impression than that Mr Bropho is the undisputed leader of that community. In any communication that we seek to have etc, we have an awareness that ultimately Mr Bropho is the person we are dealing with, even if we are talking with intermediaries. It is fair to say that that view is also informed by my contact with the broader Aboriginal community as well as other agencies.

Hon ROBIN CHAPPLE: Have you been to One Arm Point?

Mr Pedler: No. I have not been to northern -

Hon ROBIN CHAPPLE: Lombardina?

Mr Pedler: No, I have not.

Hon ROBIN CHAPPLE: Any of the remote desert communities?

Mr Pedler: No, basically my involvement with communities relates only to the some of the goldfields, the Murchison and the south west metropolitan area.

Hon DERRICK TOMLINSON: How many years have you been at Midland?

Mr Pedler: Three years.

Hon DERRICK TOMLINSON: Before the decision was made to close the Swan Valley Nyungah Community, how many times did you visit it?

Mr Pedler: Swan Valley? Probably not at all.

Hon DERRICK TOMLINSON: How then do you make that judgment about the standard of the facilities and environs of the community?

Mr Pedler: I have made those judgments only since my involvement with the administrator. Prior to that, my only knowledge of the community was by sight and information from other people.

Hon DERRICK TOMLINSON: Driving past in your vehicle?

Mr Pedler: Yes, that is right.

Hon ROBIN CHAPPLE: The media?

Mr Pedler: No. I make a point here. In terms of visiting the community, because of the tenure of the land and that kind of thing, essentially it has not been necessary for us to do that. Prior to the Gordon stuff, our focus was heritage and culture. The other communities are on Aboriginal Lands Trust land, so we have some involvement. We did not provide funding to the Swan Valley community.

[9.40 pm]

Essentially, our only involvement was with the heritage and culture side of things. One of the things we are very conscious of in the Aboriginal community is the conflict from time to time between groups - arguments and that sort of thing. One of the things that has been very clear in terms of the way my staff and I work is that we do not get into scuttlebutt and gossip and things of that nature. I have always been very clear that in terms of our responses to Mr Bropho and the community, we treated them in the same way as other customers, if you like, and that these other processes that we hear of could take their course. If issues and charges were laid, those things would run their course. It is fair to say that even through this process we have still been relating to Mr Bropho and his intermediaries on heritage and culture issues. That has remained constant.

Hon DERRICK TOMLINSON: I can understand that. The Department of Indigenous Affairs is about the former Aboriginal Affairs Planning Authority, the Aboriginal Lands Trust and the Aboriginal Cultural Material Committee, so it has a fairly restricted responsibility, plus the

responsibility for coordinating the activities of other government agencies. Such things as community welfare, education and health are the responsibility of other agencies. However, you do have a direct responsibility for Aboriginal heritage issues. Are there or have there been any controversies about Aboriginal heritage issues relating to the Swan Valley Nyungah Community Aboriginal Corporation?

Mr Pedler: Yes, I am aware of some of those, but I also need to differentiate in that the heritage and culture area is split into a couple of sections. Certainly, a lot of the issues of concern to Mr Bropho around the areas of heritage and culture are primarily concerned with the Aboriginal Cultural Material Committee and the actual central heritage and culture unit that deals with section 18s, approvals and things of that nature. Our role with heritage and culture at a local level is almost 100 per cent in responding to allegations of site disturbance - sending officers to visit particular sites that have been identified, doing the reporting and photographing and that sort of thing. In that sense the relationship that Mr Bropho has had with the staff out at the Midland office has been quite positive I think.

Hon DERRICK TOMLINSON: But there have been things like Bennett Brook and the Pryton land. Surely they are very important heritage issues. Your office never got involved in those things?

Mr Pedler: Not in terms of the approvals and things of that nature, no.

The CHAIRMAN: Success Hill?

Mr Pedler: No. Once again, our role -

The CHAIRMAN: Your department prosecuted over that, did it not?

Mr Pedler: I am not sure. As I say, it is a different section.

Hon DERRICK TOMLINSON: It was a long time ago. What about complaints received from the Metropolitan Nyoongar Circle of Elders, for example, about the disturbance of sites or the failure to acknowledge registered sites? You had nothing to do with those?

Mr Pedler: Essentially, regardless of who it comes from, if it relates to specific sites our office responds to them, and has done. Certainly, while I have been at Midland, I have not had any complaints that we have not locally responded to any issues raised with us.

Hon DERRICK TOMLINSON: In effect, given the nature of the Swan Valley Nyungah Community and the management order it had over the reserve, your relationship was different from other urban communities such as Cullacabardee, Saunders Street and Sydney Road. Therefore, you had very little direct contact with the Swan Valley Nyungah Community.

Mr Pedler: That is true. In terms of the management order and things of that nature, in my role at Midland I actually have not had anything do with those issues.

Hon DERRICK TOMLINSON: How can you make the judgment that it was an inferior community, in terms of the facilities, to other communities in the vicinity?

Mr Pedler: No, I do not think I was saying that it was an inferior community. If we are talking about the property and buildings and things of that nature now, I do not think that is the point.

Hon DERRICK TOMLINSON: What is the point?

Mr Pedler: My understanding is that this committee is about the decision taken to close the community.

Hon DERRICK TOMLINSON: Yes, but I am trying to get to your judgment that this community is dominated by a single individual.

Mr Pedler: Yes.

Hon DERRICK TOMLINSON: That judging by the amount of money that had to be expended by the administrator on cleaning up the camp it was in poor condition compared with others in the region.

Mr Pedler: No, I did not say that at all. The point that I was making was not that it is in poor condition compared with the others. All I am saying is that it was not in good condition. I am certainly not seeking to argue that the other communities are in a good condition at all, although substantial improvements have happened, certainly to Saunders Street and Cullacabardee.

Hon DERRICK TOMLINSON: But you never visited the community prior to the decision to close it?

Mr Pedler: No.

Hon DERRICK TOMLINSON: Are you familiar with the urban settlement project?

Mr Pedler: Yes, I am.

Hon DERRICK TOMLINSON: Can you tell us what the urban settlements project was about?

Mr Pedler: I am more than happy to tell you about that because it was actually generated out of our office some time ago. I think one of the first experiences I had at Midland was that there was a review happening around Cullacabardee. I asked the question at the time about whether the review needed to go ahead, because I recalled that something like 12 years earlier I had been on a bus with the then Minister for Community Development touring Cullacabardee and that all the issues were exactly the same except that they no longer had a bus. It was still the disgrace that it was 12 years prior. Also, we had had discussions with the elected representatives of the Aboriginal and Torres Strait Islander Commission. They had indicated their frustration about the state of some of the communities. In terms of its funding, it was not consistent. It would provide some funding to Swan Valley, nothing to Saunders Street, nothing to Cullacabardee but some money to Gngangara. One of the things that was stated by the then chair of the Perth Noongar Regional Council, which was Farley Garlett at the time, who is now the commissioner, was that it was time to look at the overall situation of urban settlements. From that, the urban settlements project was proposed to look at a longer term view. What we were actually trying to look at was whether we could at least get some discussion happening or some debate or consultation about a five-year or 10-year plan or whatever, because there were differing views about those communities. There are members of the Aboriginal community who see the urban settlements as a blight on their community. There are others who want to develop them into specific purpose facilities and things of that nature. The issue that we at the Midland office had was that we at least wanted to get this happening. In some ways this sort of came along and has impacted severely on that process.

The first meeting of the urban settlements project was essentially intended to be a scoping sort of exercise, where the director general of the Department of Indigenous Affairs and the director general of the Department of Housing and Works were getting together with the chairperson and commissioner from ATSIC to actually scope out how this project would look. From that I saw the letter that came back from ATSIC, which unfortunately started off by saying that the council was opposed to the wholesale closure of the urban settlements.

[9.50 pm]

Hon DERRICK TOMLINSON: Can I just interrupt at this stage and get this clear? You are talking about a letter dated 29 April 2003 from Gordon Cole, chairperson of ATSIC Perth Noongar Regional Council to Richard Curry, headed "Indigenous Urban Settlements Project"?

Mr Pedler: Yes, that is the letter I am referring to. At that meeting, in talking about that project, the representatives of ATSIC wanted to discuss the issue with their full regional council, and develop some kind of a position. That was on the project, and when the letter came back, where it opened up with being opposed to the wholesale closure, by inference that would indicate that

wholesale closure had been suggested, and that they were responding to that. That certainly was not the case.

The CHAIRMAN: So, you can say that that meeting did not mention that?

Mr Pedler: It did not, no.

The CHAIRMAN: I think we have been informed by somebody else who was there that they thought that is what it did say.

Mr Pedler: I certainly was there at that meeting, and I think that the only talk of closure related to the Cullacabardee settlement, and that was in the context of the discussion about the fact that it was on a priority 1 water mound, and that there had been discussion in the past due to the fact that a waste clean-up is required there. There has been talk in a review about possible land swaps and things of that nature, so that was the only reference to closure.

Hon DERRICK TOMLINSON: I will pass you a document. Can you tell me whether you have seen it previously?

Mr Pedler: Yes, I wrote it.

Hon DERRICK TOMLINSON: It is dated 4 December 2002. I have highlighted a paragraph there. Will you please read it to the committee?

Mr Pedler: It says:

On a related issue, the Hon Minister has accepted a "recommendation" that DIA liaise with ATSIC with a view to developing a position and strategy for addressing the issues and future of metropolitan communities. The Hon Minister advised Cullacabardee Aboriginal Corporation -

Then it cites a ministerial number -

"I have asked DIA to liaise with representatives of the Aboriginal and Torres Strait Islander Commission and prepare advice for me on the status and future of all the indigenous communities located in the metropolitan area. "

Hon DERRICK TOMLINSON: What does that ministerial number refer to?

Mr Pedler: That would be the ministerial, or a letter that the minister would have written to the chairperson of the Cullacabardee Aboriginal Corporation.

Hon DERRICK TOMLINSON: Are you able to provide a copy of that letter, or is it ministerial?

Mr Pedler: I guess it would be the minister's letter, essentially.

Hon DERRICK TOMLINSON: I accept that. What do you understand, from what you have just read, the intention to be?

Mr Pedler: I probably wrote the ministerial as well, so essentially my recollection of this was that the Cullacabardee Aboriginal Corporation was writing to the minister, presumably about resources and things of that nature. Essentially, in our advice to the minister, we would have indicated that we were trying to get this urban settlements project moving, and that reference would have been made to that in the briefing, and that essentially the minister, in his response, has indicated that he has asked the Department of Indigenous Affairs to liaise with ATSIC.

Hon DERRICK TOMLINSON: Is the minister Hon Alan Carpenter?

Mr Pedler: It was, yes.

Hon DERRICK TOMLINSON: Did you at any time while you were preparing the ministerials understand that one of the options being considered was closure of all or any of the camps?

Mr Pedler: No.

Hon DERRICK TOMLINSON: At any time prior to your preparing that ministerial had you been told or been given to understand that the minister intended the closure of the Swan Valley Nyungah camp?

Mr Pedler: No, not at all.

Hon ROBIN CHAPPLE: You said you liaised with ATSIC.

Mr Pedler: Yes.

Hon ROBIN CHAPPLE: Exactly who in ATSIC did you liaise with? Was it the ATSIC administration - Mick Gooda - or with ATSIC as a board or entity?

Mr Pedler: The reference to ATSIC there is to the elected arm of ATSIC, because the discussion around the communities had been with Farley Garlett, who was the chair of the Perth Noongar Regional Council at the time. When the scoping meeting was held - it might even be in that document there - the proposal was that the director general meet with the chair of the Perth Noongar Regional Council as well as the commissioner for the south west. It was the elected arm. Following that meeting with Gordon Cole and Farley Garlett, they took the issue back to the regional council, so it was the elected arm.

Hon ROBIN CHAPPLE: I must be repeating a little bit of what has gone on. In the proposed closure document, you say at the very bottom of the first page that the majority of the residents are dysfunctional and vulnerable and this has enabled Mr Robert Bropho and his family to intimidate residents. I would like to know how you came to that decision when you have never been to the community. Is it based on anecdotal information from other departments?

Mr Pedler: Yes, and in preparing that document I also went through all the files - essentially a file audit, if you like - looking to ensure precisely that - that I did not make any claims that were just -

Hon ROBIN CHAPPLE: You refer to the files. What was the nature of the files, and from where are they accessed? Are they your files?

Mr Pedler: No, these are central files, and are essentially general files, with miscellaneous information on them if you like - documentation, memos and things from other agencies. Also in that paragraph is anecdotal information from other agencies and also from the Aboriginal community generally.

Hon ROBIN CHAPPLE: Could we have the files from which you have created this document?

Mr Pedler: I am sure you could, yes. I would not see any reason why not.

Hon ROBIN CHAPPLE: I think that might be very useful. On what date was this document created?

Mr Pedler: To be honest, I am not sure.

Hon ROBIN CHAPPLE: Can you provide that information for us?

Mr Pedler: No, I cannot, unfortunately.

Hon ROBIN CHAPPLE: If it is a Word document it should be contained within the base of the document as to when it was established.

[10.00 pm]

The CHAIRMAN: If you look at the properties it will tell you when it was first created.

Mr Pedler: I have gone back through my schedule to try to pick up on that point. I had a meeting in my schedule for Wednesday, 14 May 2003, and I am pretty sure that is the time that I actually created that document, essentially because I cannot think of any time outside of that when that would have happened. It also fits in with the closure that was announced on 19 May.

The CHAIRMAN: We have got that on the record, but if it is a Word document and you still have it, if you go into it and check the properties you will find out when it was created, and that will give us an idea. If it was a cut and paste it might be a bit difficult.

Hon ROBIN CHAPPLE: So basically this document was created for your own purposes or for your minister?

Mr Pedler: No. It was for my director general.

Hon ROBIN CHAPPLE: So the director general made his assumptions based on this document?

Mr Pedler: I would not say that at all. I think what we were looking to do at that point in time was to actually get some of this information documented, in recognition that the sources were varied.

Hon ROBIN CHAPPLE: You state on the second page, in paragraph three, that -

SVNC is not a community in any sense other than the characteristic common to most residents, that is, social dysfunction.

Again it seems interesting that DIA, which has a role in looking at heritage issues and those sorts of things, is making an observation to your director general about areas in which it has no expertise.

Mr Pedler: I do not accept that. I believe that paragraph is an assessment of information that has been available to the department essentially from other agencies and from discussions with other people. Of most significance is the information that we receive from the Aboriginal community generally.

Hon ROBIN CHAPPLE: I will come to that. In paragraph five you state -

There is a wide spread acknowledgment in the broader Aboriginal community that sexual abuse is a problem at SVNC.

Can you elaborate on that?

Mr Pedler: Yes, but I would prefer to do that in private session.

Hon ROBIN CHAPPLE: Further down you state -

Despite the best intentions of service providers and considerable expenditure on infrastructure, the circumstances and life chances of the residents of the settlement over the years have not improved.

We have heard from other agencies and other people that it seemingly has improved. Again how do you come to that determination?

Mr Pedler: I guess I am going a bit over old ground again. It is from a number of sources, including the Aboriginal community and anecdotal evidence from other agencies, and I guess also from an awareness of the community and the circumstances of the people. Life chances as referred to there is primarily a social work term that I guess refers to how people are doing generally and how they are surviving in their circumstances in terms of their economic, social and physical wellbeing.

The CHAIRMAN: Not many communities are doing better.

Mr Pedler: As I said, I can only base my observations on what I know from discussions with colleagues and my knowledge of other communities.

The CHAIRMAN: One of the big problems that Aboriginal people experience is that they do not have services and places to live. We have been to these communities. The one thing that the Swan Valley community appeared to have is a considerably better standard of accommodation than almost everybody else - not just slightly better but significantly better. They have houses that would be regarded as perfectly acceptable houses in a perfectly good quality suburb. They might not have looked after them in exactly the same way as the people in those suburbs, but that is what

they had. In Saunders Street, the houses are derelict. In Cullacabardee some of the houses are okay, but they are like the low end of State Housing Commission homes. In Gnangara there is a motley group of houses. Lord Street was superb. They had their own electricity, with solar and wind power. That is not bad when we consider that most people in the metropolitan area do not have that. They seemed to have a number of things. We could probably say that they would get close to having the sorts of facilities that reasonably well off white families would have, which not many Aboriginal people can say they have. That is a life chance, is it not? One of the things is the standard of housing of Aboriginal people.

Mr Pedler: True.

The CHAIRMAN: Would you call that a life chance.

Mr Pedler: I do not necessarily agree with the position you are putting. I do not want to get into making comparisons between the communities, because from a personal perspective I think all the indigenous settlements leave a lot to be desired.

Hon ROBIN CHAPPLE: Would you say they are a failed experiment?

Mr Pedler: No, I would not.

Hon ROBIN CHAPPLE: That is a word that keeps coming up.

The CHAIRMAN: It is fair to say that they leave a lot to be desired, and there is very good reason for that.

Mr Pedler: I take your point, but I think another view is that there are a heck of a lot of Aboriginal people living in mainstream Perth who have far superior life chances to those people.

The CHAIRMAN: Sure, but the whole reason for this community is that they were fringe dwellers. They were known at the Swan Valley fringe dwellers. They were previously living under bridges and in tents. These were the people who were the most depressed. Of the people who were most depressed, the ones who have done the best in terms of accommodation at least would have to be the people in Lord Street. Now no-one is in there. It is a very good facility, yet now no-one is in there. The people who were in there are now in a far lower standard of accommodation.

Mr Pedler: I guess another issue - I am not sure whether you would consider it or not - is that the community as it existed prior to the closure was essentially occupied only by Bropho families.

The CHAIRMAN: At least they were benefiting from it. Now no-one is benefiting from it.

Mr Pedler: There were also itinerant people, who have been referred to in notes and things, who are now goodness knows where. I suspect they are probably moving around the other communities. That is the very reason that we have tried to get the urban settlements project taken seriously, by successive Governments, I might point out, to actually address some of this stuff. My personal view is that some of these communities are very convenient for mainstream agencies and Governments, because they can put all of their undesirable people together, and out of sight and out of mind, and they do not need to worry about providing appropriate services.

The CHAIRMAN: The one thing that Swan Valley was not was out of sight and out of mind.

Mr Pedler: Up to a point.

The CHAIRMAN: All the rest are stuck out where most people cannot see them.

Mr Pedler: The anecdotal evidence, which is overwhelming, is that essentially it was a closed-off community.

The CHAIRMAN: It is closed off, but the point I am trying to make to you is that if you want to put your finger on the one thing that makes this community different, it has a high-profile leader who is continually making himself unpopular, and it is right in the middle of all the other

communities. With Saunders Street and all the other communities you would be hard pressed to know where they are.

[10.10 pm]

How many people know where they are? They are out of sight and out of mind, but not Lord Street. It was right in the middle, and Mr Bropho made sure that everybody knew it was there. That was the difference with that community, and the fact that the standard of housing and other things was higher than the others. It is now empty.

Mr Pedler: Yes.

Hon ROBIN CHAPPLE: When did you hear that the safety of women and children was at risk, and from whom?

Mr Pedler: Once again, that is something I would prefer to discuss in private session.

Hon ROBIN CHAPPLE: Fine, we will do that. You identified that there were people who wanted specific purpose facilities as opposed to communities or camps. Can you identify who was proffering that view?

Mr Pedler: No, it is hard to say specifically who.

Hon ROBIN CHAPPLE: Was it coming out of ATSIC?

Mr Pedler: Yes, certainly ATSIC would have been one source, but what I need to clarify there is that no specific purpose for any particular community has been identified. They are very much more generic sorts of statements. For example, one comment that was made by an ATSIC councillor was, "You know, it would be good if we did something for young people and kids and something for older people" and things of that nature. So a lot of that discussion was very general. That is part of why we are trying to get this urban settlements project going, so that these discussions could at least take place. Other comments were also made. For example, things like, "Not one cent will go in here while this person is here" etc. Those kinds of things were unacceptable as well. That is some of the things we are trying to get up and running. This is ATSIC funds I am talking about, not state government agencies.

Hon JON FORD: Were you involved in any meetings with other agencies where a strategy was being developed to close this camp?

Mr Pedler: No, not at all. It is fair to say that when the announcement was made of the closure I was thinking, "Where to now? What is going to happen?" Very much the meetings I was involved with were on just that point - trying to look at various possibilities that might occur.

Hon JON FORD: So you were unaware of the direction that the senior directors were looking in?

Mr Pedler: Absolutely. Certainly at director general level I had no knowledge of the meetings that they were having.

Hon JON FORD: That information would not have been going down if it was not going to you, I suppose.

Mr Pedler: Certainly not to me at Midland. My only involvement, as I say, was with the sort of senior officers group which is around that sort of level 7, level 8 regional manager-type role.

Hon JON FORD: Were you involved in preparing any minutes or submissions from which you could have developed the view that perhaps it was a direction that somebody was going in?

Mr Pedler: No, certainly not with Swan Valley. The only document that I have been involved in preparing is the one that has been tabled and that a fair bit has been made of, and also the proposal for the urban settlements project. I have been involved in a number of ministerials with regard to Cullacabardee Aboriginal Corporation, but I think it is fair to say that certainly the only awareness I have that closure has ever been talked about was in a review on Cullacabardee, and at that point it

was concerning itself with the water mound, waste and all sorts of things. That was the only reference to it. No, as I say, in terms of Swan Valley, because of the tenure of the land, we have not really had that direct involvement with it.

Hon JON FORD: What sort of protocols exist for information sharing between the different agencies? Do you have one with the DCD or the police?

Mr Pedler: Not a specific protocol as such. Information sharing is achieved, I guess, through various forums, such as the Safer WA interagency working group where regional managers come together. There is also information sharing in terms of the relationships with regional managers, but one of the things that is characteristic of the Midland area is that there is an extremely high turnover of regional managers across government agencies in that area, so that is problematic.

Hon JON FORD: What sort of frequency would that be?

Mr Pedler: It varies. In terms of the superintendent at Midland district it seemed to be someone different in the seat every two weeks. Because the substantive occupant David Parkinson was off and called out on various things, the DCD was acting at the time - Roley Bayman. There have been changes in housing and justice during that time. So it is a fair bit I guess. Whether it is any more significant than other parts of the metropolitan area, I am not sure, but in terms of communications, I guess, in terms of exchange of information, there was a strong families pilot program out there. That actually did bring together the regional managers. There were some issues in terms of information sharing that were proving problematic, such as information sharing between the DCD, police and education - people like that - but those things were being worked through because part of the focus of the strong families program was to get that interagency cooperation happening.

Hon JON FORD: What about from a strategic level? You have talked about one program. Is it normally the case or not often the case that you have the DIA, the DCD and others getting together to say, "We have got all these problems with the different communities. What are your problems? How can we work together to resolve those issues?" Are they those sort of factors?

Mr Pedler: There is no simple answer to that. I guess that how it works in reality is that just about every agency calls a meeting of various agencies to talk about their particular issues, so that there is a lot of that happening.

The CHAIRMAN: What about the cyclic offending program?

Mr Pedler: Yes, that is a project that did experience some difficulties. So, yes, agencies did come together. Actually at this time agencies - possibly Swan Valley has been a contributing factor to this - are establishing a strategic management group, if you like, because the common view was that managers would go from meeting to meeting to meet the same managers and talk about different things. They are looking to consolidate that together with one agency. That is a positive.

The CHAIRMAN: That is happening now?

Mr Pedler: That is just happening.

The CHAIRMAN: Only just now?

Mr Pedler: Yes.

The CHAIRMAN: What is happening with the cyclic offending program; did it not have funding taken from it?

Mr Pedler: My understanding - I am not entirely sure - is that it was being reviewed about three months ago. I am not entirely sure what the outcome was. They had some problems with the coordinators.

[10.20 pm]

The CHAIRMAN: You mentioned earlier that you were planning for unforeseen consequences. What were those unforeseen consequences?

Mr Pedler: I guess the issue was when the closure of the camp was announced, there were some meetings about just how that would be put into effect. I guess the biggest unknown was going to be the response of the community members themselves and just how that would play itself out. So, the new role and the action that the administrator would take was quite straightforward, if you like, but it was a case of where to from there.

The CHAIRMAN: Where were the families going to go, for instance?

Mr Pedler: That is right. In those dates that I gave you, prior to the administrator going to the site, Jim Clarysse from Kiara and I actually visited the site on Tuesday, 10 June. Really what that was about was to try to speak with the families in terms of, I guess, essentially their health and wellbeing and to look at what their wishes were.

The CHAIRMAN: Did they seem happy about the situation?

Mr Pedler: At that time on the Tuesday the people had actually vacated the property. When we were there only Mr Bropho and one of his associates were there.

The CHAIRMAN: Was the fact that they might vacate the property one of the unforeseen circumstances?

Mr Pedler: I guess so, yes.

The CHAIRMAN: Was it or was it not? Did you think they might move out and not do as they were told?

Mr Pedler: No. I cannot speak for everyone, but in terms of the government agencies, I think most people at my level were surprised. It was not something that they had anticipated.

The CHAIRMAN: You have not read my debate, obviously, in that case?

Mr Pedler: No.

The CHAIRMAN: When did you become aware that a number of families had moved to Henley Brook?

Mr Pedler: I cannot give you the exact date. I was made aware of it by one of my staff members. I can provide you with that date.

The CHAIRMAN: Do you know why your department was giving people information that they were not there?

Mr Pedler: I am not aware of that happening.

Hon DERRICK TOMLINSON: I want to get clear in my mind the status of the document, attachment 8, from the Department of Indigenous Affairs that you presented in your submission tonight to the select committee. It is titled "Proposed Closure of Swan Valley Nyungar Community (SVNC) Settlement".

The CHAIRMAN: That is No 9.

Hon DERRICK TOMLINSON: Yes, it was presented as attachment 8 in the beginning but it is attachment 9. The identifying footnote is "1:\idms\open\djp\swan valley notes.doc". Are you the author of this document?

Mr Pedler: Yes, I am.

Hon DERRICK TOMLINSON: When was it prepared?

Mr Pedler: I am not sure.

Hon DERRICK TOMLINSON: Can you find out when it was prepared?

Mr Pedler: Yes, that is what I will attempt to do.

Hon DERRICK TOMLINSON: Was it before or after the decision to close?

Mr Pedler: My recollection of it is that it came about as a result of that meeting with the director general on Wednesday, 14 May, which was actually before the camp closure was announced. Clearly at the top I put “proposed closure”. My recollection of it is that in terms of the background to the community, essentially the first two pages were information that I sort of gleaned from files. Then from that point on it was attempting to be, I guess, a snapshot of where we are now.

Hon DERRICK TOMLINSON: I understand that the decision to close was a policy decision and, therefore, taken by others.

Mr Pedler: Yes.

Hon DERRICK TOMLINSON: My understanding is that it was taken on 1 May at a meeting of the strategic planning group, which was a meeting of the heads of department including your own?

Mr Pedler: Yes.

Hon DERRICK TOMLINSON: I am interested, however, in page 5 of this document. Under the heading “The different between SVNC and other Indigenous metropolitan settlements”, it states -

There are three . . . other Indigenous urban settlements located in the metropolitan area which share a number of problems common to Swan Valley . . . However the Swan Valley . . . has characteristics which make it different . . . and . . . these unique characteristics . . . have resulted in the move to close the settlement.

Mr Pedler: Yes.

Hon DERRICK TOMLINSON: My understanding is that you said the policy, which was taken by others, was motivated by concern about the welfare and safety of women and children at the camp.

Mr Pedler: Yes.

Hon DERRICK TOMLINSON: This document, however, states -

. . . these unique characteristics which have resulted in the move to close the settlement.

The subsequent paragraphs refer to the Swan Valley community being totally controlled by the Bropho family.

Mr Pedler: Yes.

Hon DERRICK TOMLINSON: On page 6 it goes on -

The other urban settlements also have problems in terms of dysfunction, social problems and governance issues. However these settlements have open access, residents can avail themselves of services and, they do not experience the same degree of domination and intimidation by management as that demonstrated at SVNC.

What I cannot resolve is the proposition that the motivation for the closure was to protect the women and children, yet the tenor of the argument is that it was the closed nature of the community that distinguished it from others and, therefore, resulted in the move to close the settlement.

Mr Pedler: Yes. My reading of that is that the closed nature of the community is contributing to the women and children being unsafe, essentially. That is my understanding of it.

Hon DERRICK TOMLINSON: The last two paragraph at page 6 state -

It is considered appropriate the future of the SVNC settlement site be considered in the context of the Urban Settlements Project and advice provided to Government as a matter of priority.

There is then a quite clear and emphatic statement -

The SVNC settlements should be closed forthwith, as endorsed by ATSIC, in the best interests of the broader Aboriginal community.

That is information which you think was prepared after the decision taken by the strategic group on 1 May, which ends with a very clear statement that the settlement should be closed forthwith.

Mr Pedler: Yes.

Hon DERRICK TOMLINSON: It goes on -

... as endorsed by ATSIC, in the best interests of the broader Aboriginal community.

I am puzzled by that conclusion in a document that purports to be a summing-up of the department's position after the decision to close had been made.

Mr Pedler: Yes, in putting that down there, I guess it is the department's statement supporting that decision.

Hon DERRICK TOMLINSON: Did the department ever reach a conclusion that the urban settlements, the Swan Valley Nyungah Community being one of them, were an experiment that had failed?

Mr Pedler: I am aware of the terminology "the failed experiment". I have not heard that used in a departmental context.

Hon DERRICK TOMLINSON: Have you not?

Mr Pedler: No.

[10.30 pm]

Hon DERRICK TOMLINSON: The first time I heard it was when your director general met with me; Hon Colin Barnett, the Leader of the Opposition; the Premier; and the Premier's chief of staff, Sean Walsh. Your head of department, Richard Curry, said to me, "The Swan Valley Nyungah Community is a failed experiment. When we started these programs 20 years ago, we had aspirations. I would do it differently now."

Mr Pedler: I certainly do not dispute what you say. I can respond only by saying that I have not heard the director general make that comment.

Hon DERRICK TOMLINSON: That is not an opinion that is common within your department?

Mr Pedler: I do not think it is the terminology that we would use.

Hon DERRICK TOMLINSON: However, what about the sentiment?

Mr Pedler: Not the experiment side of things, no.

Hon ROBIN CHAPPLE: However, it failed.

Mr Pedler: That is not the terminology I would use.

Hon DERRICK TOMLINSON: However, in terms of the sentiment, is it the current thinking of your department that these settlements, which began some 30 years ago - I think Cullacabardee began in 1967 or thereabouts - were an experiment that has failed?

Mr Pedler: That is not the way I would put it.

Hon DERRICK TOMLINSON: How would you put it?

Mr Pedler: The way I would put it is that essentially all the communities were established in response to social problems at the time. It had been seen as the answer to those social problems, and they have gone on to become further social problems. I think that is why we were very keen on the urban settlements program to get some discussion about that in terms of the future. As I have said previously in the evidence I have provided here, the view of a number of agencies is that

essentially the settlements are dysfunctional in just about every way and that it needs to be addressed.

The CHAIRMAN: Can I clarify that. That comes out as a recommendation supposedly from you that it be closed. In trying to find out where the idea came from - whose idea it was to close the Swan Valley Nyungah Community - it is becoming clear that it did not come from the coalface; that is, the people working with the community. It seems to have come from considerably further up, and possibly at a policy level from the very top. Was that your understanding?

Mr Pedler: I do not think it is ever that clear-cut. Certainly there was disquiet among the senior levels of a number of agencies in the light of the Gordon inquiry, which has sharpened the focus. I cannot comment on at what point and what advice was given and the decision that was made because I really do not know.

The CHAIRMAN: It certainly did not come from you.

Mr Pedler: Not from me, no.

The CHAIRMAN: When you wrote this, you were writing a briefing note on the basis that somebody was proposing that it be closed.

Mr Pedler: Yes. The proposal that it be closed was there. What I was doing in some ways was preparing a departmental position. I do not see this document as essentially my advice that it be closed.

The CHAIRMAN: Your job was to prepare the advice that was going from your department in the light of what the department had resolved it should do.

Mr Pedler: Yes.

The CHAIRMAN: Another point that seems a little hard to find is that at some stage it went from placing an administrator in there to remove the men who were seen as posing the problem and then deciding what was going to happen to the women and children - in other words, an instant move to protect the women and children and if the women wanted to move on, you would send them on over a period - to a much more rapid, almost immediate closure. Were you aware of that differing suggestion as to the staging of the closure?

Mr Pedler: No. I believe that may well have come about through circumstances more than anything else.

The CHAIRMAN: However, you were not aware of there being two stages of consideration; that is, one that it be slow and the other that it be fast.

Mr Pedler: No.

Hon ROBIN CHAPPLE: The Aboriginal and Torres Strait Islander Commission has expressed its support for the immediate closure of the Swan Valley settlement. Was that the ATSIC commissioners or the ATSIC administration?

Mr Pedler: I was not involved in any of that side of things in discussion about the ATSIC support for the closure. My awareness at the regional level was essentially that ATSIC supported it. I had heard that -

Hon ROBIN CHAPPLE: You obviously got it second-hand.

Mr Pedler: I think I heard on the media that Mick Gooda had made a statement of some kind.

Hon ROBIN CHAPPLE: I will not mention a failed experiment or anything like that, but are there other urban communities, maybe in Kalgoorlie or Newman, that have the same sorts of issues?

Mr Pedler: Essentially the urban settlements project, as it is now and as proposed, came out of the Midland office in response to the four settlements in the metropolitan area. That was about our direct involvement with those settlements based on comments that had been made locally by local

people and by ATSIC representatives. In terms of whether there is consideration of other communities, I am aware that there is considerable activity involvement in other parts of the State. There is the reserves normalisation program and a whole range of things whereby they are seeking to improve the communities and essentially normalise the service provision to those communities with a view to making them more efficient and effective and healthier.

The CHAIRMAN: We will now go into private session. For those in the gallery we will not be re-emerging from it this evening.

[The committee took evidence in private]

Committee adjourned at 11.07 pm