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PROPOSED CLOSURE OF SWAN VALLEY NYUNGAR COMMUNITY (SVNC) SETTLEMENT

- update to App 8
of submission

These notes are primarily concerned with the following aspects of the proposed of the Swan Valley Nyungah Community (SVNC) Settlement;

- Origin of the Settlement
- Nature of the residents and problems
- Access to the SVNC settlement
 - Coroner's Report
 - Gordon Inquiry
- Responses following Gordon
- Difference between SVNC and other Urban Settlements

PUBLIC

Background

The Lockridge camp was established in 1977 as temporary accommodation site for a group of itinerant indigenous people known as the "Swan Valley Fringe Dwellers". The group were living in a "tent camp" at Stirling Street Guildford.

In 1979 temporary accommodation (cabins and ablutions) were installed by the Commonwealth DAA for short-term use (alternate sites were investigated – in 1980 no agreement had been reached on an alternative site).

In July 1994, the "care, control and management" of the land was vested in the Swan Nyungah Community Aboriginal Corporation which is incorporated under Commonwealth legislation.

SVNC Settlement (1977 – 2003)

The origins of the settlement and the characteristics of the residents are a significant factor in the problems experienced by the settlement over many years.

The residents that comprised the original settlement, as today, were primarily disempowered and often dysfunctional itinerant people experiencing a range of social and personal problems.

Due to the transient nature of the SVNC residents the community has proved difficult to define in terms of the numbers and identity of people residing at the settlement at any given time. (Records indicate movement of people between camps (3) and fluctuating numbers of residents in the camps). Estimates of the SVNC population at any given time have varied markedly and have ranged from 25 people (current local agency estimate) through to 110 (recent media report). Estimates such as 110 are considered to be greatly exaggerated. Fluctuation in numbers of residents is directly attributable to the control exercised by Mr Bropho.

The fact that the majority of residents are dysfunctional or vulnerable has enabled Mr Bropho and his family to intimidate residents and ensure ongoing domination of the

settlement. The difficulty for Government agencies in accurately defining and identifying the ever changing community has assisted Mr Bropho to dominate all aspects of "business" as it relates to SVNC.

The current argument regarding the interests and wellbeing of the "permanent residents of the settlement" portrays an image of long term or settled residents. This is misleading. The Bropho family are the only individuals who could be defined as "permanent residents" of SVNC however even the Bropho families have not resided continually at the settlement.

SVNC is not a community in any sense other than the characteristic common to most residents, that is, social dysfunction. The community is simply a facility that is dominated by the Bropho family, provides housing to selected transient people and provides office and other facilities, that cater solely for the activities of Mr Robert Bropho.

Substance abuse has been an ongoing concern. (1992 DCD funded Substance Abuse Program) and health and safety concerns are a recurring theme. The Department for Community Development, Midland Office, reports that requests for financial support services as a result of domestic violence are received from women residing at SVNC.

There is wide spread acknowledgment in the broader Aboriginal community that sexual abuse is a problem at SVNC. These claims are supported by the Derbaal Yerrigan Health Service (DYHS). There have been specific allegations made however these allegations have not led to successful prosecutions.

The problems experienced by residents of the community have remained constant over the years despite efforts by a range of service providers to address the issues. As is currently occurring, an interagency approach was adopted in 1994 with the establishment of the Interdepartmental Committee (IDC) to address health and safety concerns identified by service providers.

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.

There have been deaths at the camp including, the hanging death of a teenage girl at the entrance to the settlement in 1996, the death of a young man in a burnt out caravan and in 1999, the death of Susan Taylor, which led to the Gordon Inquiry.

Despite the tragic history of the camp and the public attention drawn to it as a consequence, there has been little or no shift in the power relationships of the settlement. Mr Bropho has dominated the community and any service provision or access to the community has been on his terms. As a consequence of this "conditional" access there has been little or no progress in the provision of proactive services to address the specific needs of the residents. A number of programs like playgroups and school classes have been initiated by service providers but cancelled due to disputes or intervention by Mr Bropho.

Access to SVNC - A “closed” Community

The issue of access and the dominance of Robert Bropho is the primary theme surrounding any discussion of Government agencies about SVNC. The property has the appearance of a closed community including substantial gates and “negative” signage. Apart from the appearance of physical barriers, access by service providers is viewed with suspicion or hostility and the involvement of Bropho family members is a prerequisite of any interaction with residents.

Ease of access to the site is determined solely by the attitude of Mr Bropho to the person or agency seeking access. The experience of agencies has been that access for reasons perceived to be negative to the Bropho family is problematic and negative, however there is an expectation that agencies will access the community for those purposes, which are seen as positive for the family.

SVNC is essentially a closed community. The “closed” nature of the community is primarily achieved by dominance and intimidation of SVNC residents by the Bropho family. Service providers are also “closed out” by lack of access to information about the community residents needs, an awareness of not being welcome to offer services to residents, and, an awareness of the menacing / aggressive demeanour and behaviour that has been displayed by Mr Bropho and other family members.

The majority of Government service providers do not feel safe visiting the settlement and are reluctant to do so.

The issue of access to the community is a common theme and has been discussed in the Coroners Report (Susan Taylor) and the Gordon Inquiry.

Coroner’s Report – Record of Investigation Death of Susan Taylor at SVNC – Lockridge Campsite

The Report of the Coroner while 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.

The issue considered specifically by the Coroner relates to appropriate access to the settlement. The evidence contributed by DYHS, DCD & WAPS clearly indicated access was restricted and resulted in lack of access to services by residents.

Coroner’s Report attached

P13 – sexual assaults

P19 – access denied to DYHS

P20 – ban on Health visits (immunisation)

P21 – access ban on DCD following CP investigation – playgroup terminated

P21 – resident requests to DCD for support as a result of domestic violence

Gordon Inquiry

In considering the response of Government agencies to complaints of family violence and child abuse in Aboriginal communities, the Gordon Inquiry recognised the issue of access to SVNC and the implications for service provision. The Inquiry recommended the development of an MOU to ensure reasonable access for Government agencies.

It is significant to note that the Department for Community Development had tried unsuccessfully to develop an MOU with SVNC for the purposes of providing services including child protection investigations.

Responses following the Gordon Inquiry

Following the Gordon Inquiry a concerted effort was made to address the issue of access to the settlement. The original unconditional vesting of the land with SVNC was replaced in October 2002 with a Management Order, which guaranteed access to Government workers to carry out their statutory functions. Conditions such as the installation of an unlocked gate were included as well as a number of provisions related to Government scrutiny of the governance of the community.

The response to the Management Order received from SVNC was unsatisfactory as it did not address any of the issues of concern to Government such as governance and social problems.

In November 2002, a number of meetings of service providers were held to explore new ways to attempt to provide services to SVNC settlement residents and address some of the issues facing the settlement. DIA took the lead role in establishing an Indigenous interagency group of local service providers for a concerted attempt at collaborative service provision. Attempts to engage with the community and Bropho family were attempted but these met with little success due to passive resistance and "political brinkmanship" by Robert Bropho. Following ongoing concern regarding the health and well being of the SVNC settlement's children, an audit inspection took place in December 2002. This action led to agreement for further meetings at the settlement. A further meeting took place but Mr Bropho did not address the matters of concern and ended the meeting after making statements that had no relevance to the issues of concern.

DIA is of the view that Mr Bropho is applying a passive resistance strategy to the attempts by Government agencies to "normalise" relationships and access arrangements to the residents of the settlement. Further attempts to "negotiate" with Mr Bropho would appear pointless.

It is clear that Mr Bropho dominates the community and this is evidenced by the absence of any participation in any discussion by SVNC residents. Since the meeting DCD has accessed the settlement to perform casework duties however this work has been carried out with the knowledge and approval of Mr Bropho. Mr Bropho displayed controlling behaviours which could be interpreted as intimidating or threatening by stipulating when and where interviews could take place and ensuring participants were in clear view.

Given the failure of the interagency group to engage with SVNC settlement residents, the group has focussed their efforts on the other urban settlements.

Despite the best efforts of the Government agencies, safety and health risks at the settlement remain unacceptably high. The protection of children is of concern while the nature of the settlement remains unchanged.

Protection of Children

(responsibility of the Department for Community Development)

As the status of the SVNC settlement remains unchanged due to the continued domination by Robert Bropho and his resistance to allowing social issues to be addressed at the settlement, the care and protection of children at SVNC remains a major concern to DIA.

the DIA view is that DCD is compromised in its ability to carry out its statutory responsibility due to the continued presence and intimidatory behaviour of Mr Bropho and other Bropho family members.

The Minister for Community Development will address this matter in detail.

Town Reserves & SVNC – The Difference

There are a large number of Indigenous reserves across the state. The difficulties created by reserves is well known and reflected in the policies established by the previous coalition Government for the “normalisation” of reserves. These policies involve investing in these communities to ensure they are equitable with the broader community both in terms of standard of infrastructure and access to services. This is based on the principle of inclusion and openness of community life and is strongly supported by participating communities and ATSIC.

Policy Framework for Town Reserve Communities is attached.

The direction and goal of SVNC under the control of Robert Bropho seeks to achieve the opposite to the reserves “normalisation” principles, that is a closed environment where access is limited and positive influences and scrutiny are avoided.

The different between SVNC and other Indigenous metropolitan settlements

There are three (3) other Indigenous urban settlements located in the metropolitan area which share a number of problems common to SVNC. However the SVNC settlement has characteristics which make it different from the other settlements and it is these unique characteristics which have resulted in the move to close the settlement.

The SVNC settlement is totally controlled by the Bropho family and access and residency is determined by the family. . Social service provision is actively discouraged and resisted. Service provision by Aboriginal workers and Aboriginal

service agencies are also rejected. These factors make the continued operation of SVNC untenable for Government.

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. In addition, following the Gordon Inquiry, the other urban settlements have agreed to the involvement of the local interagency working group to work with them in attempts to effectively address community social issues.

Urban Settlements (including SVNC) – A way Forward

The future of the four (4) Metropolitan Indigenous settlements has been an issue of discussion in recent of years and a number of issues have been considered. These include issues such as governance, sustainability, desirability, specific purpose use, social issues, costs and benefits etc.

The Gordon Inquiry has sharpened the focus on issue and DIA has established the Urban Settlements Project (USP). This project involves ATSIC and the project is concerned with providing advice and recommendations to Government on the status and desired future for the individual settlements. The ATSIC Perth Noongar Regional Council has provided feedback on the project including a draft “terms of reference” to be considered for the project. (attached)

ATSIC has expressed its support for the immediate closure of the SVNC settlement due to the unacceptable risk to the health and safety of the residents.

The Government has given a commitment to retaining the SVNC settlement site for the purpose of Aboriginal people and this is desirable. There are a number of potential uses for the site that would/will benefit Aboriginal people. These include but are not limited to;

- aged care
- accommodation for medical patients
- supported transitional accommodation
- student facilities
- cultural development

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.

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

ATTACHMENT

Policy Framework for Town Reserve Communities

Town Reserve communities originated in the 1920s as Aboriginal reserves administered by the Native Welfare Department. They provided a place for Aboriginal people to reside close to, but often excluded from major town centres. Most communities are situated on Crown Reserves that have been vested in the Aboriginal Lands Trust since 1986.

The history of each reserve is unique in terms of the circumstances by which the reserve was established and the origins of its residents. The vast majority of these communities, however, are characterized by a historical legacy of displacement and dislocation of residents. They suffer from poor environmental health conditions, a lack of social cohesion and limited skills and resources. Although termed "communities" many of these places are merely aggregations of people and houses.

The *Report of the Chief Executive Working Party on Essential Services to Aboriginal Communities* (June 1995) recommended that the disparity in services between town reserves and the adjacent town should be addressed. The Working Party recommended the normalisation of these communities in order that "services are provided and maintained for Aboriginal communities in the same way as they are for predominantly non-Aboriginal communities".

This principle was endorsed by the former State (Coalition) Government and endorsed in the *Agreement for the Provision of Essential Services to Indigenous Communities in Western Australia* that was signed by the Commonwealth, State and ATSIC in October 2000.

There are in the order of 49 Aboriginal communities in Western Australia that are close enough to mainstream towns to have access to town water and/or power supplies (see attachment 1).

It is an indictment on governments of all persuasions that so many of these places are characterised by substandard living conditions, high levels of social disorder and, although not geographically remote, isolation from the services and supports available to mainstream communities.

It is the State Government's intention that these places should not be excluded from access to the services and facilities enjoyed by the rest of the town. Nor should they be excluded from the planning and building regulations, social support structures and law and order that is available for the protection of the residents of mainstream communities but which have historically been denied the residents of these reserves.

A Town Reserves Regularisation Program (TRRP) has been put in place to progressively upgrade and normalise the delivery of essential and municipal services to these communities. The program is a joint program between the Department of Housing and Works, the Department of Indigenous Affairs and ATSIC. \$5.6 million has been allocated by the State and ATSIC to progress Stage 1 of the regularisation program.

The Government's response to the Gordon Inquiry is based on similar principles in order to tackle issues of child abuse and to provide safe, healthy communities for Aboriginal people.