

General Purpose Standing Committee No 3

# **Review of Inquiry into Cabramatta Policing**

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Report on Review of Inquiry into Cabramatta Policing

Chair: The Honourable Helen Sham-Ho

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## Terms of Reference

That General Purpose Standing Committee No 3 inquire into and report on:

1. the adequacy of police resources in Cabramatta, especially in relation to drug crime;
2. the impact, if any, of the crime index on Cabramatta policing; and
3. the effectiveness of the Police Service in addressing the needs and problems of Cabramatta residents and in particular people from non-English speaking backgrounds.

In reviewing the Government's implementation of the recommendations of the *Cabramatta Policing Report*, the Committee will be addressing the following questions:

- What has changed with policing in the Cabramatta area since March 2001, including police/community relationships?
- What changes are still required in relation to policing in the Cabramatta area?

## **Committee Membership**

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**The Hon Helen Sham-Ho MLC** Independent (Chair)

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**The Hon John Hatzistergos MLC** Australian Labor Party (Deputy Chair)

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**The Hon Richard Colless MLC** National Party

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**The Hon Peter Primrose MLC** Australian Labor Party

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**The Hon Greg Pearce MLC** Liberal Party

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**Ms Lee Rhiannon MLC** Greens

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**The Hon Ian West MLC** Australian Labor Party

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## Chair's Foreword

Between October 2000 and July 2001 General Purpose Standing Committee No 3 conducted a major inquiry into policing in the Cabramatta area. The inquiry uncovered many problems with the management of the Local Area Command and its interaction with the community. During and after the *Cabramatta Policing* report was released the government committed a package of additional resources to the area; and at the same time changes have been made in the management of the NSW Police, at both the local area level and through various levels of management up to the office of the Police Commissioner.

This report represents a review of the progress that has been made in policing in the Cabramatta area over the last 12 months as a result of these changes in resource allocation and police management. The report examines three main questions: were the resources that were promised actually delivered to Cabramatta; has drug related crime in Cabramatta been reduced over the last 12 months; and has the relationship between local police and the community improved since the problems identified in the main inquiry?

In answer to the first question, the Committee found that the government has implemented most of the initiatives it announced for Cabramatta in March 2001, and continues to drive the process through a Cabinet sub-committee. The Committee believes the level of resources devoted to the Cabramatta package is an acknowledgement of the very serious problems the Cabramatta community identified during 1999-2000 and during the Committee's main inquiry.

Regarding the second question, the Committee concludes that drug related crime declined in Cabramatta between March 2001 and March 2002. While the Committee has no way of knowing the extent to which other factors, particularly the "drug drought" have contributed to this reduction, policing has been more appropriate to the needs of Cabramatta than the strategies followed in 1999 and 2000. Despite this, the area still has an unacceptably high level of serious crime compared to the rest of Sydney and New South Wales. There are no grounds for complacency, and any easing of pressure on policing of the problem or any sudden increase in supply of drugs could lead to the area's problems again spiralling out of control.

Finally, police and community relations still have some way to go in Cabramatta. Indicative of this may be that, while there appears to have been some progress in improving the youth liaison positions at the LAC, the ethnic community liaison officer role is still problematic. The Committee believes the NSW Police needs to rethink the current ethnic community liaison officer role and start again with a different approach to multicultural policing. The decline in numbers of police from a non-English speaking background over the last 12 months is of great concern as the Government continues to reject the setting of recruitment targets.

The Committee acknowledges that front line police not only played a key role in highlighting the problems faced in Cabramatta during the main inquiry, but that throughout the period of this inquiry front line police have always been diligent and their sense of duty is beyond reproach. As with front line officers across NSW, Cabramatta police have done and continue to put their own personal safety on the line for the sake of the community they serve.

The Committee is concerned to ensure that if a future situation recurs officers need to be able to report their concerns to parliamentary inquiries without interference from management. To that end the Committee recommends the NSW Police management implement measures recommended by the Standing Committee on Privileges and Ethics last year to ensure protection of frontline police appearing before parliamentary inquiries.

While conclusions have been drawn in this review report, the Committee acknowledges that circumstances change quickly, and that even now much still needs to be done in Cabramatta. The Committee believes the annual Budget Estimates process provides an opportunity, if effectively used, to review progress. The government must continue to sustain its focus on police resources in Cabramatta and surrounding areas. The problems that continue to be faced cannot be under-estimated.

I thanked many people in the report at the conclusion of the main inquiry, and need to do so briefly again at the end of this review. Firstly my thanks again to the other members of this Committee, who have approached this review in a constructive and co-operative manner and ensured that the good work of the main inquiry has been continued. The government has implemented or will implement all but six of the 25 recommendations made in the original report, and I believe the Committee members bi-partisan support for these recommendations has greatly contributed to this response. I also welcome the unanimous support by the Committee for this report and its recommendations.

Secondly, I would like to again thank Committee staff for their work on this review. In particular I wish to thank Committee Director Steven Reynolds for his advice and assistance during the course of the review and for drafting this report, and to Clerk Assistant Committees Warren Cahill for his advice on procedural issues and general assistance. Former Committee Director David Blunt and Senior Project Officer John Young also made contributions to this report. I would also like to thank the secretariat's Committee Officer Ashley Nguyen for her administrative support.

Thirdly, as with the main inquiry I would like to thank all those individuals and organisations who prepared supplementary submissions, gave evidence at hearings and the forum or otherwise participated in this review. Cabramatta is a rich and complex community. The Committee again commends the efforts of many individuals within and outside Cabramatta who have fought for an improved quality of life for their locality.

Hon Helen Sham-Ho MLC  
**Committee Chair**

## Summary of Recommendations

### **Recommendation 1** *Page 5*

That the evidence provided by Assistant Commissioner Small, Detective Sergeants Priest and Reitano and Dr Basham regarding the “James” investigation and ancillary matters contained in responses to adverse mention be referred by the Legislative Council to the Police Integrity Commission for their information and such action as the Commission sees fit.

### **Recommendation 2** *Page 10*

That NSW Police evaluate the enforceability of the ‘move-on’ legislation in terms of recidivist offenders with no assets, and develop strategies to address any deficiencies.

### **Recommendation 3** *Page 17*

That the responsible minister write to the Prime Minister, John Howard, highlighting the importance of Federal funding and support for local communities with drug crime problems and seek greater assistance for the Cabramatta community.

### **Recommendation 4** *Page 23*

That the Minister for Police report to Parliament in the current session on the progress in the implementation of recommendations 3, 4, 7, 8, 11 and 12 from the *Cabramatta Policing* report, being those recommendations supported but yet to be implemented from the Committee’s original report.

### **Recommendation 5** *Page 25*

That the current NSW Police Review of Police Promotions consider the feasibility of giving weight to the skills and experience of applicants that are relevant to specific command needs in the promotion selection process, including previous experience in a community with a significant NESB population.

### **Recommendation 6** *Page 39*

That the Local Area Command and the Government’s place management project, in partnership with Fairfield City Council, clearly communicate to the local community the strategy being pursued to deal with the problem of street prostitution in a small area of Cabramatta, and seek feedback from local residents in the area affected on the success of the strategies being pursued.

### **Recommendation 7** *Page 45*

That the NSW Police, without prejudicing operational matters, communicate to the Cabramatta community their strategy to address the potential effects of a breaking of the “drug drought” at the local level.

### **Recommendation 8** *Page 46*

That the Legislative Council in the 53<sup>rd</sup> Parliament consider using the Budget Estimates process, through an equivalent committee to the current General Purpose Standing Committee No.3, as a means for parliamentary oversight of the continued allocation of policing resources to Cabramatta.

**Recommendation 9** *Page 52*

That the current NSW Police policy of rotating officers every five years from specific areas be replaced by a policy which provides greater flexibility.

**Recommendation 10** *Page 53*

That the Minister for Police report to Parliament during the current session on the outcomes of the Cabramatta/Green Valley Quality of Service Survey, and progress on the PACT initiative.

**Recommendation 11** *Page 56*

That as a general principle CityWatch meetings be open to the public and the meeting times, dates and places be published.

**Recommendation 12** *Page 59*

That in addition to the positions of Chair and Secretary, currently occupied by the Local Area Commander and the Chair of the Community Relations Commission for a Multicultural NSW (CRC), the official position of Deputy Chair be added to the management of CityWatch.

That this official position be held by a representative of the Cabramatta community, elected by the members of the CityWatch link groups, and that this position be rotated annually.

**Recommendation 13** *Page 63*

That the Government reconsider setting targets for recruitment of persons from non-English speaking background communities by NSW Police, and develop an effective strategy to make it attractive as a career to people in these communities.

**Recommendation 14** *Page 64*

That the NSW Police establish a support group for officers from a non English speaking background, to facilitate the retention of existing recruits.

**Recommendation 15** *Page 66*

That the NSW Police should comprehensively review the structure, aims and resources of the Cultural Diversity Team so that it can ensure front line officers are adequately trained and supported to implement community policing initiatives developed by senior management.

That this comprehensive review should include the consideration of the need to appoint a serving or former sworn officer with cross cultural experience to head the Cultural Diversity Team.

**Recommendation 16** *Page 67*

That the NSW Police use its current review to abolish the formal positions of Ethnic Community Liaison Officers (ECLOs) and replace them with sworn officer positions. The skills of many current ECLOs could be retained within the NSW Police but used in different roles.

That the NSW Police develop a strategy by which a sworn officer has responsibility for driving cross cultural policing initiatives within a Local Area Command, supported by training and resources from the Cultural Diversity Unit.

**Recommendation 17** *Page 68*

That the Government provide annual reports to CityWatch on the expenditure of the \$150,000 per annum committed to interpreting and translation services for Cabramatta LAC; and that this also be monitored through the Budget Estimates process.

**Recommendation 18** *Page 68*

That the CRC conduct a short survey or focus group with Cabramatta LAC officers who have participated in courses in community languages to assess the value of the training to their policing; and that the results of this be provided to senior management of the NSW Police to assist in future decisions on allocating resources to such training.

**Recommendation 19** *Page 72*

That the NSW Police, Department of Public Works, Fairfield City Council and the CRC and other agencies consult the Cabramatta community as to their ideas on how the construction of the new Cabramatta police station can enhance police community relations in the area.

**Recommendation 20** *Page 75*

That the Police Minister report to Parliament during the current session on the response to the implementation of the recommendation 3 of Report 13 of the Standing Committee on Parliamentary Privilege and Ethics regarding the procedures for management when dealing with officers under their command who appear as witnesses before parliamentary inquiries.



# Chapter 1 Introduction

## Terms of Reference

### Terms of Reference for Main Inquiry

- 1.1** On 28 June 2000 the Director of the Legislative Council's General Purpose Standing Committees received correspondence signed by three members of General Purpose Standing Committee No 3 requesting that, in accordance with the procedure set out in paragraph 4 of the Resolution of the House of 13 May 1999 establishing that Committee, a meeting be convened to consider proposed terms of reference in relation to policing in Cabramatta.
- 1.2** At a meeting on 29 June 2000, the Committee resolved to adopt the following terms of reference:
- That General Purpose Standing Committee No 3 inquire into and report on:*
- 1. the adequacy of police resources in Cabramatta, especially in relation to drug crime;*
  - 2. the impact, if any, of the Crimes Index on Cabramatta policing; and*
  - 3. the effectiveness of the Police Service in addressing the needs and problems of Cabramatta residents and, in particular, people from non-English speaking backgrounds*
- 1.3** The findings of the ensuing inquiry are contained in the report *Cabramatta Policing* that was tabled by the Committee on 26 July 2001.

### Terms of Reference for Review of Inquiry

- 1.4** In the final chapter of the *Cabramatta Policing* report the Committee reported concerns of sections of the Cabramatta community that, once the inquiry had concluded, many of the promises made to the people of Cabramatta during the inquiry would be given a lower priority. Acknowledging these concerns, the Committee stated:

The Committee is conscious that while it has conducted hearings and consultations there has been a great deal of public, media and political pressure on the Government to address the problems of Cabramatta. There needs to be an opportunity for the Police, other agencies and the community to get on with the job of making Cabramatta a better, safer place, without energy and resources being directed towards responding to issues raised in hearings and the media. The Committee wants to make ensure, as much as it is able, that promises made to the community by the Government are delivered<sup>1</sup>.

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<sup>1</sup> General Purpose Standing Committee No 3, *Cabramatta Policing* Report 8 – July 2001 p169-170.

**1.5** For that reason the final recommendation of the report recommended that:

The Premier report to Parliament, on, or around 27 March 2002 on the outcomes of the implementation of the package of initiatives for Cabramatta announced on 27 March 2001, together with the implementation of the recommendations contained in this report.

It is the intention of the Committee to then consult with the Cabramatta community, to enable the community to have an opportunity to comment on the changes that have occurred as a result of the implementation of the Premier's initiatives and the implementation of the Committee's recommendations.<sup>2</sup>

**1.6** In conducting this current review the Committee has sought to implement this recommendation by seeking input on the following two issues:

*What has changed with policing in the Cabramatta area since March 2001, including police/community relationships?*

*What changes are still required in relation to policing in the Cabramatta area?*

**Process of Review**

**1.7** The Premier reported to Parliament on 9 April 2002 on progress in implementation of the Cabramatta package. During his statement he tabled an 85 page report, *Cabramatta: A Report on Progress* (available through [www.druginfo.nsw.gov.au](http://www.druginfo.nsw.gov.au)). The report also contained the Government's response to each of the Committee's 25 recommendations in the *Cabramatta Policing* report. This Government Response to the Committee is included as Appendix Three of this current report.

**1.8** The committee met on 10 April to begin its review. Following this, the Committee wrote to all participants in the main inquiry and gave them the opportunity to provide a supplementary submission on the changes that have occurred in policing in the area over the last 12 months. The Committee received 15 supplementary or additional submissions, listed in Appendix One.

**1.9** The Committee held two hearings and one public forum as part of its review (the purpose of a third hearing held on 13 August is discussed in the next section). The first hearing was held at Cabra Vale Diggers Club on 24 May 2002, and provided an opportunity for the Committee to hear in more detail from the Cabramatta community about the impact of the government's actions. The first part of the day was held as a public hearing, with evidence from community leaders; while a public forum was held in the afternoon with contributions from a more diverse range of the Cabramatta community.

**1.10** On 7 June 2002 the Committee held a second hearing at Parliament House to hear from the Police and various experts on their views on progress. The list of witnesses and

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<sup>2</sup> GPSC 3 *Cabramatta Policing* Recommendation 25 p170.



participants in the hearings and the forum appear as Appendix Two, and transcripts can be viewed at the Committee's website, reached via [www.parliament.nsw.gov.au](http://www.parliament.nsw.gov.au).

- 1.11** Following this a Chair's draft report was circulated, and considered by the Committee at its meeting on 24 September 2002. The Minutes of Proceedings of this and other meetings are reproduced as Appendix Five.

## **Adverse Mention**

- 1.12** During the hearing held on 7 June 2002 comments were made in evidence by Detective Sergeant Tim Priest and Dr Richard Basham which were judged by the Committee to constitute an adverse reflection on a number of persons. The Committee wrote to these persons offering them the opportunity to make a response in writing. Two of these persons, Mr Mike Carlton and Assistant Commissioner Clive Small, requested an appearance at a public hearing, and the Committee agreed to this request. The Committee published all written responses received on 13 August 2002, and has appended them to the transcript of the original hearing.
- 1.13** The hearing on adverse reflection was held on 13 August 2002 at Parliament House. During the evidence of Mr Carlton and Mr Small comments were made which were judged by the Committee to constitute an adverse reflection on Detective Sergeant Tim Priest, Detective Sergeant Frank Reitano and Dr Richard Basham, beyond simply a rebuttal of the original adverse mention. The Committee wrote to Dr Basham, Mr Priest and Mr Reitano, offering them an opportunity to make a response in writing. These responses have been received and will be tabled in the House with this report but not published by this Committee.
- 1.14** The Committee believes the various adverse comments made have done nothing to advance the purpose of the inquiry, and are irrelevant to the terms of reference of the Committee. The Committee has made no use of any of the adverse comments in preparing this report.

## **“James” and the Current Review**

- 1.15** During this review, a number of submission authors and witnesses have sought to raise various matters in connection with the young man who has come to be known as “James”. At the opening of the hearings on 7 June and 13 August 2002, the Committee clearly stated that any evidence witnesses may wish to give in relation to “James” was irrelevant to the review, as the Committee had not used or relied upon the submission or oral statements of “James” in its *Cabramatta Policing* report.
- 1.16** Despite these clear statements, a small group of witnesses sought to use the forum provided by the Committee's public hearings to, in effect, conduct a debate with one another by reference to “James”; his credibility; his appearances in the media; and the conduct of the police investigation into his claims. As well as being an unnecessary and unproductive distraction, the Committee is concerned that continued public debate about “James” is unlikely to be helpful to “James”, both in terms of his welfare and his personal safety.

- 1.17** Some of these witnesses made a significant contribution to the original inquiry into *Cabramatta Policing*, and have worked hard to improve the policing situation in Cabramatta. It is unfortunate that, during the course of this review, these witnesses have used the hearings as an opportunity to attack one another, particularly with reference to “James”, rather than addressing the policing situation in Cabramatta. It is to be hoped that, with the conclusion of this review, these witnesses will return their energies to making a constructive contribution.
- 1.18** As previously stated by the Committee, any concerns about the police investigation of “James” claims are the responsibility of the Police Integrity Commission. Furthermore, the Committee notes that legal proceedings have been commenced in relation to these matters. The Committee has taken the view that issues concerning “James” were irrelevant to this review. It is inappropriate for the Committee to adjudicate on the competing claims which have been made. “James” was not heard as a sworn witness; and the information provided to a private meeting of some members of the Committee by “James” at a late stage of the main inquiry was never used in the *Cabramatta Policing* report or in any other way by the Committee.
- 1.19** Despite this on the hearing on 7 June 2002 Assistant Commissioner Clive Small insisted James was central to the inquiry, despite instructions from the Chair to refrain from discussing the issue:
- CHAIR:** Very well, that is fine. I might just tell you, so that you are aware—and I want the public to know the truth—James appeared before the Committee in a private, informal meeting, and the evidence of James was taken in confidence by the Committee and it has never been made public.
- Mr SMALL:** Look, I understand that, Madam Chair, but the fact of the matter is that what happened after that appearance was that James was then touted around to the media, and legitimacy was given to his claims based on the fact that he had previously given this evidence to members of the Committee. So that gave legitimacy to the media reporting.<sup>3</sup>
- 1.20** The Committee does not accept this individual view of the relevance of the “James” investigation to the current review.
- 1.21** In Appendix Four of this Report a summary is provided of the details of the Committee’s involvement with “James” during the main inquiry. Although these details were contained in minutes published with the *Cabramatta Policing* report they are re-stated here for the public record, as there still appears to be misunderstanding of what occurred. Again the Committee restates its concern that public and media debate about “James” is unlikely to assist either his welfare or personal safety.
- 1.22** Finally, however, the Committee has been given a considerable volume of evidence from Assistant Commissioner Small, Detective Sergeants Priest and Reitano and Dr Basham. Much of this material raises issues which involve operational police matters which would be inappropriate for a parliamentary committee to pursue. The Committee believes the Police Integrity Commission is the appropriate agency to pursue these matters, and

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<sup>3</sup> Evidence 7 June 2002 p5.

recommends that the House refer these matters to the PIC. The referral is recommended by the General Purpose Standing Committee No.3 but will not be made directly by the Committee. This report will be tabled in the Legislative Council, and a motion moved that the House adopt the report. The referral would therefore be determined by the House.

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### **Recommendation 1**

That the evidence provided by Assistant Commissioner Small, Detective Sergeants Priest and Reitano and Dr Basham regarding the “James” investigation and ancillary matters contained in responses to adverse mention be referred by the Legislative Council to the Police Integrity Commission for their information and such action as the Commission sees fit.

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## **Structure of Report**

- 1.23** Chapter Two summarises the government initiatives that have been introduced over the last 12 months, and identifies any gaps in what was originally promised. Chapter Three of this Report examines the evidence for changes in crime, especially drug related crime, in Cabramatta from March 2001. Crime statistics are compared with perceptions of the community and police as expressed in submissions. Chapter Four examines changes in police and community relations in Cabramatta since March 2001.
- 1.24** Appendix One lists the supplementary submissions received during this review. Appendix Two lists the witnesses and other details of the hearings held during this review. Appendix Three contains the Government Response to the Committee’s recommendations in the *Cabramatta Policing* report. Appendix Four provides a summary of the Committee’s involvement with “James” during the main inquiry. Appendix Five contains the minutes of proceedings for the current review.



## **Chapter 2      Implementation of the Cabramatta Package and of the Recommendations of the Cabramatta Policing Report**

On 27 March 2001 the Premier announced in Parliament a plan to tackle the drug and crime problems in Cabramatta. At that time the Committee noted the content of the package, and that much of it was drawn from evidence put forward by community and police witnesses to the Inquiry into Cabramatta Policing. The details of this package were reported in Chapter Six of the *Cabramatta Policing* report. At the time the Committee considered that it was too early to draw any conclusions as to the effectiveness of the package.

In April 2002, the government released *Cabramatta – A Report on Progress*. This document reports on the implementation of the package of initiatives for Cabramatta announced on 27 March 2001, and also reports on the implementation of the recommendations contained within the *Cabramatta Policing* report. This current chapter examines the extent to which the original package has been implemented. Chapters Three and Four will examine the results of what has been implemented to date.

The Committee notes that in response to recommendation two of the *Cabramatta Policing* report the Premier announced on 21 June 2001 that the Cabinet Standing Committee on Drugs would oversee the implementation of the Cabramatta Package and that this matter is now a regular item on the Cabinet Standing Committee's agenda.

### **New Police Powers**

**2.1**      The first part of the Premier's 2001 package dealt with the introduction of new laws to provide police with better-targeted powers to attack drug crime and effectively counter new methods being adopted by drug dealers. Measures included drug house legislation; move-on powers; and new laws targeting the illegal trade in fire arms.

#### **Drug House Legislation**

**2.2**      The *Police Powers (Drug Premises) Act 2001* commenced on 1 July 2001. The Act creates new offences and gives police wider powers to stop the drug trade in premises identified at law as drug premises. Section 11 of the Act details a number of indicia that can be used as evidence by police in demonstrating to the court that premises are drug premises. Once it is established that premises at a location are drug premises, offences flow from being present on those premises; allowing their use as drug premises, and organising, conducting or assisting the operation of drug premises.

**2.3**      Fifteen drug houses in Cabramatta have been shut down from 1 July 2001 to April 2002 using the new drug premises legislation. Up to 21 March 2002, fifty people in Cabramatta had been charged with being in, entering or leaving a drug house, while fourteen people

had been charged with organising, conducting, or allowing a premises to be used as, a drug house.<sup>4</sup>

**2.4** During the current review comment was sought on the degree to which the new law has enhanced the ability of police to take action against drug premises:

**The Hon. GREG PEARCE:** One question from the Cabramatta report. On page 15 it states that since 1 January, 2001, 75 drug houses in Cabramatta were eliminated, including 15 shut down since 1 July, 2001, using the new drug premises legislation. We heard a lot of evidence that police had trouble shutting down these premises, and I am just a bit surprised to see that 60 of them were shut down using the old methods, which were landlord and tenancy sort of things, and only 15 under the very tough new laws. I would like your comment on that.

**Mr HANSEN:** In the first 6 months there was a lot of activity directed at the drug houses. I think it would be fair to say that us not being able to prosecute people properly was the basis of our concerns, and I would suggest that may well have led to the introduction of the drug house legislation. Whilst we could close them down, whilst we could take strong action along the lines you were talking about perhaps – when I say “strong action”, we could take some strong policing action in respect to real estate agents and search warrants – the problem was then actually taking evidence to prosecute these people. So we might have been able to attack them, we might have been able to close them down and we might have been able to get them to move on through our general policing actions, but then did not have anything under previous legislation that we could then prosecute them for. The drug house legislation has provided us with that opportunity to prosecute under the legislation. The 15 drug houses were there at the time of the report. We certainly did not suggest that people have stopped dealing from houses. We only, I think about 10 days ago, or even earlier – maybe five to ten days ago – prosecuted again under the drug house legislation. So it is there, and it is a very good piece of legislation as far as we are concerned.<sup>5</sup>

**2.5** The Committee also sought comment from a frontline officer at Cabramatta LAC on his appraisal of the new laws:

**The Hon. RON DYER:** Officer F, would an important reason for the improvement in police morale be that they believe that they now have the powers they need regarding the drug trade and drug houses to act, in other words, that they have enhanced legal powers. Is that an enhancement that the police on the ground appreciate?

**OFFICER F:** Yes.

**The Hon. RON DYER:** What is your impression as a locally serving police officer about the incidence of drug crime. I know you are not a statistician, but just looking at it as a serving officer dealing with these cases as they come up, is it your impression that matters are on the improve?

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<sup>4</sup> *Cabramatta A Report on Progress*, April 2002, p16

<sup>5</sup> Evidence 7 June 2002.

**OFFICER F:** Yes, and I will clarify it this way. From June 1999 I took over the role as field intelligence officer, which was a plainclothes covert role designed to investigate drug trade, medium level – supposed to investigate the drug trade at Cabramatta LAC. Unfortunately, management in their wisdom, or whatever you like – lack thereof – decided that there was going to be no supporting police to follow on from the intel or evidence that I was able to gather on the drug trade. As a result we had this sort of bottleneck, if you like, in the way that drug crime was investigated. In addition to that, when we did find the numbers or, if you like, the resources in order to mount involved investigations – say a search warrant or something like that – we were usually faced with the problem of premises being heavily fortified and by the time we actually got in, the drugs or any evidence was flushed down the toilet and we had no brief on anybody; we had no evidence to charge anyone.

The drug house legislation, what it effectively does is place a reverse onus on the occupants of the premises. What I used to do in the past was conduct covert surveillance on premises. I may even apply for a controlled operation on a particular address and, under the terms of this control operation, organise a few covert buys on the premises. Now, not only can we do that, but we can also use that evidence to suggest that those people are operating an illegal drug business from that location. That is something we could not do before. Before, the worst case scenario for a drug dealer working out of a house was they flushed their drugs down the toilet, so they lost the value of the drugs they had purchased off their wholesaler or supplier. Now, not only do they lose the drugs if they flush them, but they also then face the very real prospect of being charged with an offence that they have very great difficulty in disproving. They have no factor in not only the loss of the drugs, but also the legal costs that they did not have to factor in before. This makes the distribution of the drug far more expensive.<sup>6</sup>

### **Move-on Powers**

- 2.6** Amendments have been made to the *Summary Offences Act 1998* which provide police with a new ‘move-on’ power. Section 28(F) has been amended to provide police with the power, if they have a reasonable suspicion that a person is involved with the unlawful supply or purchase of a prohibited drug, to direct those persons to move from the area. Police have the power to arrest those who refuse to “move on”. Police in Cabramatta have issued move-on directions on 2,487 occasions since 1 July 2001.<sup>7</sup>
- 2.7** The Police Association submitted that while local police have used this power very effectively and recognise its usefulness there were concerns regarding the lack of ultimate enforceability:

Statistics regarding compliance with the “Move-on” legislation in the Cabramatta Local Area Command indicate that the majority of persons who receive such directions do comply. However, there is a ‘hard-core’ element of approximately 20% of individuals who breach the directions repeatedly and are prosecuted for ‘disobey direction’. These offenders are then subject to police action (infringement

<sup>6</sup> Evidence 7 June 2002 (published version of previously in camera evidence).

<sup>7</sup> *Cabramatta – A Report on Progress* April 2002 p16.

notice or arrest) resulting in fines, as there is no custodial sentence available to these offences.

The State Debt Recovery Office internet site states: "*If the State Debt Recovery Office decides that you don't have enough money or property to meet the fine and enforcement costs, you will be required to do community service to pay off your debt (including any enforcement costs). If you fail to comply with the community service order, you can be sent to gaol*". Nevertheless, it appears that no community service orders have so far issued nor have there ever been any commitment warrants issued.

It therefore appears that a significant group of recidivist offenders that police are targeting in Cabramatta as per Service policy (and by extension police elsewhere state-wide), who live a lifestyle devoid of assets, have no fixed place of abode, no drivers licences or registrable vehicles, appear to be beyond the reach of this legislation. Ultimately the powers are ineffective against the very group they are intended to target.<sup>8</sup>

- 2.8** Despite these limitations, the Committee accepts that arresting people for breaching move-on orders assists in removing of persons who refuse to comply with directions.

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### **Recommendation 2**

That NSW Police evaluate the enforceability of the 'move-on' legislation in terms of recidivist offenders with no assets, and develop strategies to address any deficiencies.

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### **Search Powers**

- 2.9** The *Cabramatta – A Report on Progress* noted that the commencement of the *Police Powers (Internally Concealed Drugs) Act 2001* has been delayed until the procedures of putting it into effect have been resolved. Arrangements are being finalised with one metropolitan and one regional hospital for these searches to be done in those facilities. The Government expected to implement the legislation by mid-2002.<sup>9</sup>

### **Firearms**

- 2.10** The *Firearms Amendment (Trafficking) Act 2001*, with its new laws to target the trade in illegal firearms and increase existing penalties, commenced on 1 July 2001. The impact of this Act in particular has a State-wide effect, as an illegal firearms trafficking operation while perhaps based in a specific location is a conduit for the entry and subsequent distribution of those firearms.

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<sup>8</sup> Police Association of NSW Submission 27 May 2002 p3.

<sup>9</sup> *Cabramatta – A Report on Progress* April 2002 p18.



**2.11** *Cabramatta – A Report on Progress* reported the following action taken under the new legislation:

- 447 charges laid State-wide for illegal firearms trafficking
- 12 persons charged with 184 charges for illegally supplying firearms
- 214 people charged with illegal possession since the penalty was increased
- 50 people, who may have escaped charges under previous legislation, successfully charged with the new extended definition of illegal possession.<sup>10</sup>

**2.12** Overall it appears that the government has implemented most of the increased police powers originally promised in March 2001.

### **Police Resources of Cabramatta Local Area Command**

**2.13** The second part of the March 2001 package addressed the resources of Cabramatta LAC. Cabramatta Police Station, at the Premier's direction, was reclassified as a Grade One command, reversing the earlier decision made by the Police Service to downgrade the station. Other initiatives included:

- Establishment of a Greater Hume Tactical Action Group, initially dedicated to Cabramatta, which would eventually comprise 90 officers.
- Ten extra drug detectives, addressing the concerns about the decline of the detective's office at Cabramatta and the need for a dedicated drug unit.
- Six extra bicycle patrols for rapid street level and alleyway response.
- A team of drug detection dogs.
- Ten interpreters contacted by the Community Relations Commission for a Multicultural NSW (CRC) to work with operational police at Cabramatta to provide rapid translations of telephone intercepts and assist investigations.

### **Police Numbers**

**2.14** In his submission to this review, the Commissioner of Police noted that the enhancement of the facilities and resources of the Cabramatta Local Area Command as part of the Government's Anti-Drug Strategy package has had a significant impact on the ability of police to be more effective. This includes:

- The bolstering of police numbers in the highly visible Bicycle Squad (6 to 12 officers);

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<sup>10</sup> *Cabramatta – A Report on Progress* April 2002 p20.

- The creation of additional Investigator and Duty Officer positions;
- The provision of an additional Youth Liaison Officer;
- Fully staffing the Region Target Action Group;<sup>11</sup> and
- The finalisation of recruitment and placement of officers in the remaining vacant Investigator positions (five of the ten have been filled to date and it is expected that another two will be filled within the next few weeks; recruitment action has been initiated for the three vacant positions) and Duty Officer position (four of five filled) will ensure a full staffing complement at the Cabramatta Local Area Command.<sup>12</sup>

**2.15** In his announcement of 27 March 2001, the Premier stated that to complement the new legislative powers the Police Service would saturate Cabramatta with 90 officers from the Greater Hume Tactical Action Group (TAG), or flying squad, dedicated to Cabramatta. He further stated that this plan would mean a potential police presence of over 200 police with new powers, when the legislation passes, to deal with street and drug house dealing:

With these new powers, the Police Service will saturate Cabramatta with 90 officers from the Greater Hume tactical action group, or flying squad, dedicated to Cabramatta; 108 officers currently in the local area command; 10 extra drug detectives; six extra bicycle patrols for rapid street-level and alleyway response; and a team of drug detection dogs, which were successfully trialled during the Olympic Games. In 1995 there were 84 police officers at Cabramatta. This plan means a police presence of over 200 police with new powers, when the legislation passes, to deal with street and drug house dealing.<sup>13</sup>

**2.16** As was apparent from the more detailed press statement released at the time, the TAG resource was only *initially* to be allocated to Cabramatta. The Committee is aware that some members of the Cabramatta community may have interpreted these comments of the Premier in his statement to the House to mean that the Cabramatta LAC was to receive a large permanent increase in police numbers. The Committee acknowledges that it was not the intention of the government or NSW Police to have the officers from the Target Action Group permanently assigned to Cabramatta LAC, but that they were to remain a resource that could be drawn upon for local or cross-command operations as required (see below).

**2.17** As part of the State-wide restructure, implemented on 1 July 2002, the Greater Hume Target Action Group will be working and deployed from Local Area Commands. The Team will retain the capacity for both cross-Command operations and single Command blitzes as have already been undertaken in Cabramatta<sup>14</sup>. Clearly if 200 police were ever

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<sup>11</sup> NSW Police Submission 17 May 2002 p4.

<sup>12</sup> NSW Police Submission 17 May 2002 p4.

<sup>13</sup> *LA Hansard* 27 March 2002.

<sup>14</sup> NSW Police Submission 17 May 2002 p4.

deployed at one time in Cabramatta the station strength is nowhere near that figure now, although it is higher than in March 2001.

**2.18** This ambiguous use of police numbers highlights the relevance of recommendations three and four of the *Cabramatta Policing* report regarding the need for NSW Police to develop and publish a clear, useable, and publicly available, Resource Allocation Formula to guide the distribution of resources for Local Area Commands. The Committee notes that work has begun on this recommendation.

**2.19** To update the information it received in May 2002 regarding staff resources at Cabramatta LAC the Committee wrote to the Police Commissioner on 21 August 2002 seeking the exact staffing level at Cabramatta LAC. The Commissioner advised that the station had an authorised strength of 130 compared to 111 when the inquiry began hearings in November 2000.<sup>15</sup>

### **Drug Detection Dogs**

**2.20** Drug detection dogs, while not permanently assigned to Cabramatta, are a State-wide resource that is available on request to the LAC.<sup>16</sup>

### **Physical Resources**

**2.21** During the public hearing on 7 June 2002 the issue of whether the need for resources at Cabramatta LAC, other than additional personnel, had been fully addressed was raised with the Commissioner of Police:

**The Hon. RICK COLLESS:** ... You would be aware that the original terms of reference for the Cabramatta inquiry were to investigate and report on the adequacy of police resources in Cabramatta. We had a submission today from the Police Association which indicated that staffing levels were now more than adequate, they had been increased dramatically, but some of the other physical resources, such as motor vehicles and computers and things like that, had not been. Are you aware of that issue and, if so, what steps are you going to take to make sure that it is resolved as quickly as possible?

**Mr MORONEY:** No, I am not aware of the physical resource issues. I am more than happy to receive a copy of the Association's submission. Independent of that and beyond my appearance here today, I will talk to Superintendent Hansen and see what his particular requirements are. Through minor capital works expenditure and the commissioner's discretionary fund, I am sure we will be able to address his resource needs.<sup>17</sup>

<sup>15</sup> Figure of 130 from Moroney, Answers to Questions on Notice from Committee, 23 September 2002; 111 figure taken from General Purpose Standing Committee No 3, *Cabramatta Policing* 26 July 2002 p105.

<sup>16</sup> *Cabramatta – A Report on Progress* April 2002 p21.

<sup>17</sup> Evidence 7 June 2002 p68.

### **Interpreting Services**

- 2.22** With respect to the provision of interpreting services to the Cabramatta LAC and the community, the government advised that in August 2001 a trial arrangement was set in place with a Vietnamese interpreter available at Cabramatta Police Station from 12.00pm to 8.00pm seven days a week. However, the experience of this four-month trial indicated that, in the view of the NSW Police, this may not be the most effective way of providing the interpreter services required at Cabramatta.<sup>18</sup>
- 2.23** The government reported it had adopted a new approach. The Local Area Command is using the CRC's on-call telephone interpreter services, and the Commission has employed an additional Vietnamese interpreter dedicated to giving priority to the interpreter needs of the Cabramatta Local Area Command.<sup>19</sup>
- 2.24** In submission to this review, the Community Relations Commission for a Multicultural NSW (CRC) advised of the City Watch Survey to be conducted among 350 residents in Cabramatta between May and August. Following this, more information will be available to inform improvements in the delivery of translation and interpreting services at the Cabramatta LAC. The survey is being implemented by the CRC and will capture data regarding access impediments and language service needs, to inform strategies to assist in the development of effective services for community members.<sup>20</sup> The Committee understands the CRC called for tenders for the survey in July 2002.

### **Improved Treatment Facilities**

- 2.25** The third part of the March 2001 package consisted of improving treatment facilities in Cabramatta and surrounding areas. The promised resources, said to total \$4.4 million included:
- Up to 500 extra treatment places, eight transitional rehabilitation beds, three acute care beds and four mental health beds.
  - Forty-seven crisis places through the Department of Housing; and
  - A three person team of health professionals working with police and Department of Community Services workers to identify the best method of treatment at the first point of contact.
- 2.26** It was announced these resources would complement the Police Drug Bail Scheme and a Magistrates Early Referral into Treatment (MERIT) Scheme to start from 1 July 2001. MERIT would enable magistrates to set compulsory treatment as a bail condition before final sentencing occurs. Police would be able to order adult drug offenders to attend drug assessment and treatment as a condition of bail. For non-resident offenders, police would

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<sup>18</sup> *Cabramatta – A Progress Report* April 2002 p22.

<sup>19</sup> *Cabramatta – A Progress Report* April 2002 p60.

<sup>20</sup> CRC Submission 16 May 2002 p1.

be able to impose a mandatory bail condition that the offender not return to Cabramatta area unless they had a legitimate reason to do so.

**2.27** The government reported that the Police Drug Bail Scheme and the MERIT Program commenced on at the beginning of July 2001, with an aim of directing addicts towards treatment. It provided the following information on activity of these programs:

- 33 offenders referred by Police to health services for assessment (as at 28 February, 2002)
- 70 persons referred to Cabramatta MERIT for assessment (as at March 20, 2002).<sup>21</sup>

**2.28** The government also reported on the provision of a range of resources to complement the MERIT and Police Bail Scheme, including:

- 100 additional drug treatment places at Liverpool Hospital.
- Four residential mental health treatment beds established with priority for Cabramatta.
- Fifty extra crisis accommodation places (managed by the non-government service provider, Hume Community Housing).
- Establishment of the new Central Assessment Service to coordinate the assessment and referral of people requiring drug treatment services.<sup>22</sup>

**2.29** The announcement by the Premier on 27 March 2001 indicated that up to 500 additional treatment places, eight transitional rehabilitation beds, and three acute care beds, would be made available. The Committee notes the government's advice in the progress report that extra treatment places had met demand to date.

**2.30** The government further reported that it was negotiating with Fairfield City Council to reach agreement on a comprehensive plan to expand drug treatment services in the area. These negotiations were said to take into account that poorly planned treatment services in the area had in the past caused community concern about new treatment facilities being established in local commercial and residential areas.<sup>23</sup>

**2.31** During its hearing on 7 June 2002, the Committee Chair sought comment from the Director of the Office of Drug Policy, Cabinet Office, on the expansion of drug treatment facilities:

...I think the most important, though, is that there have been 100 extra places in, I understand, the hospital for drug treatment, and I think that is all documented

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<sup>21</sup> *Cabramatta – A Report on Progress* April 2002 p28.

<sup>22</sup> *Cabramatta – A Report on Progress* April 2002 p30.

<sup>23</sup> *Cabramatta – A Report on Progress* April 2002 p29.

there [in the *Cabramatta – A Report on Progress*]. There has been increases in terms of acute care, a central assessment service set up to manage drug offenders who have been bailed by the police. I think there has also been some additional services which are provided by a non-government organisation called GROW in relation to mental health and drug issues as well. There is a whole range of services.<sup>24</sup>

**2.32** The Director of the Office of Drug Policy provided further advice to the Committee on the government's assessment of the initiatives provided to date in the area:

...I think Cabramatta has, of course, moved on a long way since those particular hearings and as far as we can assess, we have pretty good coverage of the situation now. It is early days, of course, but the impact of the additional services that have been put into place – and not merely health services but the early intervention services, the prevention services, the after-care services, the additional policing – and of course the heroin shortage, the new bail laws which enable police to refer people quickly to treatment and all the other initiatives have made a very significant difference. Of course, it has had a big impact on the demand for services and I think it is probably a fair comment – though again, we will have to wait until all the evidence is in – that there is a reduced demand for services. As a result of that, with the additional services and a reduced demand, I think we are finding a fairly good balance, though of course we still want to continue to roll out the commitments that have been made.<sup>25</sup>

...

...The most important thing is that the Government has committed an enormous amount of funds, \$18 million over four years; in addition, a \$12 million police station, which I think will be one of the best police stations in the State. It is a very significant funding. It has made a difference already and, of course, the law enforcement initiatives and the new legislation has made a very significant difference. The Government is committed to continuing this program and sustaining the program. My directions are very clear: we are to monitor it, we are to ensure that the commitments are implemented.<sup>26</sup>

**2.33** During the 24 May 2001 public hearings, Fairfield City Councillor Thang Ngo raised the issue of treatment facilities:

We do not have enough drug detox facilities in Cabramatta. Corella Lodge, which is a detox centre based in Fairfield Hospital, has 20 beds. Though it was promised before the last State election almost three years ago, we still cannot find the staff to maintain that 20-bed detox centre.<sup>27</sup>

**2.34** The Committee believes the rollout of promised treatment places is occurring slower than originally intended. However, the issue was not a major theme in evidence or submissions

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<sup>24</sup> Barnden Evidence 7 June 2002 p58.

<sup>25</sup> Barnden Evidence 7 June 2002 p60.

<sup>26</sup> Barnden Evidence 7 June 2002 p61.

<sup>27</sup> Evidence 24 May 2002 p4.

made to the Committee. This may support the view that the combination of a range of factors, including the additional services that have been put in place and the heroin drought, has resulted in a reduction in demand, so that the pace of the rollout is not a major cause for concern.

**2.35** Finally on this issue the Committee notes that there is also an important role for Federal funding of these services. This issue was raised in the Committee's public forum on 24 May by the Federal Member, Julia Irwin MP:

If I could give the Committee some figures that show how the problem in Cabramatta is ignored by the Federal Government. When you look at the Government's Tough on Drugs program, it has spent \$158 million over four years. Out of the \$158 million Cabramatta has received a total of \$153,736. That is less than 1 per cent of the amount spent. Here in the so-called drugs capital of Australia, all we got was 1 per cent of the money allocated to Tough on Drugs. You wonder why we still have a problem here in Cabramatta? If you look at the New South Wales funding allocation the picture gets worse. Out of \$17 million allocated to New South Wales in the non-government organisation treatment grants program not one project in this area was funded. In fact, not one project in the Fairfield or Liverpool local government area received any funding. Applications were made for more than \$2 million in funding for local treatment projects, but again not one project was funded.

We did get a very small amount of \$78,736 to provide recreational activities for 11- to 14-year-olds aimed at promoting a drug-free environment. That is a wonderful worthwhile project but it is a drop in the ocean compared to what this community needs when it comes to providing treatment and support for drug addicts and their families. It will do very little to reduce the high levels of illegal drug abuse that are the cause of much of our crime problem in our area. I think what we have to realise is that illegal drug abuse is causing our crime problems in the area, especially in Cabramatta. That funding came under the Community Partnerships initiative and works out at 8 per cent of the New South Wales funds and 2 per cent of the national figure.

In the first round of community partnerships funding, Chatswood, Manly and Byron Bay received similar amounts to Cabramatta. This definitely shows how this issue has been ignored by Canberra.<sup>28</sup>

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### **Recommendation 3**

That the responsible minister write to the Prime Minister, John Howard, highlighting the importance of Federal funding and support for local communities with drug crime problems and seek greater assistance for the Cabramatta community.

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<sup>28</sup> Irwin MHR, Forum 24 May 2002.

## Prevention and Early Intervention

- 2.36** The fourth part of the March 2001 package addressed prevention and early intervention. An additional \$270,000 was allocated to set up a mobile child care team and provide extra family counselling services to help a further 350 families per year. A six-person DOCS team was announced to address homelessness in the area. A \$600,000 community drug education team would be established to work in local high schools and the government's Families First program would provide support for 100 Cabramatta families
- 2.37** The government has indicated that it has implemented or would soon be implementing a range of prevention and early intervention initiatives in the Cabramatta area. These initiatives appear to address the fundamental objectives promised in March 2001. The reported initiatives include:
- The establishment of the Cabramatta Street Team on 1 July 2001. The Street Team works seven days a week in two shifts to make contact with runaway or homeless, and often drug or alcohol affected, young people and adults.
  - The Uniting *Care* Burnside's "Moving Forward" program commenced in November 2001 and provides intensive family support and therapeutic counselling for families affected by the impact of a family member using illicit drugs.
  - Establishment of the *Schools as Community Centres* (which is part of the Families First program) at Cabramatta, Canley Vale, Bonnyrigg, and Fairfield primary schools. Through this program, children aged 0-8 years and their families are being supported to connect to their schools, community and local services.
  - The *Primary Connect* program, to commence by mid 2002, will provide support for vulnerable 8-12 year old children and their families, particularly children at risk of leaving school early, drug use, criminal behaviour and self harming behaviour.
  - The establishment in June 2001 of the *Gateways* Program which targets students at risk of not completing Year 12 satisfactorily or who are at increased risk of drug misuse.
  - The Multicultural Drug Education Program, which is to produce comprehensive drug education programs and materials that target the Vietnamese, Khmer, Lao and Chinese communities. The first resources were scheduled for roll-out progressively from end April 2002.

## City Watch

- 2.38** In the *Cabramatta Policing* report, the Committee recommended that the CRC consult and discuss with representative organisations of the Cabramatta community how the City Watch initiative can be used to facilitate communication between residents, businesses, community workers, community leaders, senior police management and front line police.<sup>29</sup>

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<sup>29</sup> General Purpose Standing Committee No3, *Cabramatta Policing* 26 July 2001 p149.



- 2.39** The government reported that City Watch program had been operating since 4 July 2001, and that the City Watch Council had met on five occasions. The Council is supported by a network of link groups which represent particular community interests. The establishment of the link groups is a staged process and each is represented on the City Watch Council as they are established.<sup>30</sup>
- 2.40** Chapter Four of this report provides a more detailed assessment of the evolution of the City Watch program at Cabramatta including community perceptions of the degree to which the program appears to be achieving its objectives.

### **Conclusion: Implementation of the March 2001 Package**

- 2.41** The Committee believes that there is room for debate about what has been *achieved* by implementation of the Cabramatta Package, and this is the subject of the next two chapters. However, the Committee finds that the government has implemented most of the initiatives announced on 27 March 2001, and that significant new resources have been allocated to Cabramatta over the last 12 months. The Committee further notes that where initiatives have not yet been fully implemented, such as the provision of interpreting services and additional treatment places, the government reports it is working towards that implementation and has given its commitment to do so.
- 2.42** The Committee believes the level of attention and resources devoted to the Cabramatta package is an acknowledgement of the very serious problems the Cabramatta community identified during 1999-2000 and through the main inquiry. It is important to the future quality of life of residents of Cabramatta that the government has the commitment to sustain the ongoing implementation of the March 2001 package.

### **Response to Recommendations from the Inquiry into Cabramatta Policing**

- 2.43** General Purpose Standing Committee No. 3 in its *Cabramatta Policing* report made 25 recommendations. In April 2002, the government outlined its response and action to date with respect to those recommendations in the *Cabramatta – A Report on Progress*.
- 2.44** The government supported 19 of the recommendations, and 12 of these have already been implemented.<sup>31</sup> Of the six recommendations not endorsed, in some cases the government advised that it supported the intent of the recommendation but proposed alternative action.
- 2.45** Overall the Committee welcomes the government's response to the recommendations. In the following sections, some of the more notable responses to recommendations are briefly discussed.

<sup>30</sup> *Cabramatta – A Report on Progress* April 2002 p35.

<sup>31</sup> Recommendations 1, 2, 5, 6, 13, 14, 15, 16, 17, 23, 24, and 25. Recommendations 3,4,7,8,11 and 12 are supported but still in the process of implementation.

### **Cabramatta LAC Physical Resources**

**2.46** The Committee notes the unexpected initiative of the decision to construct a new Cabramatta Police Station. The government reported that tenders were expected to be called early in the second half of 2002 in order for construction to begin in late 2002. The new \$12.78 million building is planned for completion in the second half of 2003. The Police Minister repeated the government's intention to construct a new Cabramatta Police Station during the 2002-2003 Budget Estimates inquiry held on 20 June at Parliament House. The Committee believes that it will have law enforcement and other benefits for not only Cabramatta but also the surrounding areas.

### **Community Surveys**

**2.47** Recommendation 15 of the Inquiry was that the NSW Police Service use Cabramatta LAC to trial a process that will enable the community to have a role in the assessment of the performance of the LAC. The government response outlined a number of initiatives that are to provide the community with a mechanism by which to assess the service provided by the local police:

- Community Quality of Service survey which is being trialed in Cabramatta and Green Valley LACs and which will cover victims and witnesses who have had recent contact with police (yet to be completed)
- The proposal to create Police Accountability Teams (PACTs) in each Local Area Command; part of the PACT proposal includes the surveying and tracking of community perceptions of crime.
- The City Watch initiative, the aim of which is to provide an opportunity for direct community expressions of views about the performance of local police.
- The City Watch Survey, to be conducted by a consultant contracted by the CRC. This survey aims to gain a better understanding of community perceptions of police.

**2.48** A number of witnesses to the review<sup>32</sup> expressed interest in the results of the CRC survey once it had been conducted. The worth of any survey results are determined by the validity of the data collection methodology employed. There is an onus upon the CRC to ensure it develops an effective, representative survey model. This is further discussed in Chapter Four.

### **Youth Liaison Officers**

**2.49** The review notes the establishment and filling of a second Youth Liaison Officer (YLO) position at Cabramatta LAC. A number of witnesses to the review<sup>33</sup> reported some

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<sup>32</sup> Ngo Evidence 24 May 2002 p3; Diep Evidence 24 May 2002 p10.

<sup>33</sup> Ngo Evidence 24 May 2002 p5; Hankin Public Forum 24 May 2002 p3.

problems in interactions between police and Cabramatta youth during the increased police street activity. Therefore, the establishment of an additional YLO position with a focus on development of a training strategy for police on youth issues appears to be timely. This is further discussed in Chapter Four.

## **Recommendations still being implemented**

### **Distribution of Police Resources**

- 2.50** Recommendations 3 and 4 of the Inquiry concerned the development and publication of a clear, useable Resource Allocation Formula to guide the distribution of resources for each Local Area Command. It was recommended that the new formula include specific consideration of socio-economic factors and must be used in an open and transparent way so that the public is able to understand the basis of the allocation of resources.
- 2.51** The government advised that NSW Police has established a small full-time team to develop a Workforce Distribution System and it anticipates the WDS will be completed by the end of 2002. The NSW Police anticipates that the process used by the Workforce Distribution System will be published on the NSW Police website.

### **Interpreters**

- 2.52** Recommendation 7 of the Inquiry was that following the deployment of the additional ten interpreters for the Cabramatta LAC announced by the Premier on 27 March 2001, the Local Area Commander and the CRC were to ensure that there are interpreters available to assist police officers at the police station 24 hours a day.
- 2.53** The government advised that a trial arrangement was set in place in August 2001 in which a Vietnamese interpreter provided by the CRC was located at the Cabramatta Police Station from 12.00pm to 8.00 pm. The experience of this four-month trial indicated this was perhaps not the most effective way of providing the interpreter services required at Cabramatta. Following that, a new approach was adopted. The Local Area Command is using the CRC's on-call and telephone interpreter services, and the Commission has employed an additional Vietnamese interpreter dedicated to giving priority to the interpreter needs of the Cabramatta Local Area Command.
- 2.54** The government advised that the CRC will be surveying non-English speaking members of the Cabramatta community about their contact with police and will develop recommendations regarding interpreter services based on the survey results. The CRC advised that this survey is to be conducted between May and August 2002. Language issues are examined further in Chapter Four of this report.

### **Police Assistance Line**

- 2.55** Recommendation 8 of the Inquiry was that the CRC, or other agency independent of the Police Service, regularly conduct a random call survey to test the effectiveness of the PAL in assisting callers from a non-English speaking background. If problems are identified the

Police Service, working with the Commission, should take immediate steps to enhance the service before advertising again in the ethnic media.

**2.56** The government advised that NSW Police is in discussions with the CRC concerning issues of caller privacy and system of reporting which require resolution before being able to determine how the CRC could randomly assess the effectiveness of PAL. The government has taken other action, pending resolution of these issues. This action includes:

- A general review of the effectiveness of the PAL to better meet community expectations – announced by the Minister for Police on 12 February 2002.
- Focus groups and customer surveys, planned for 2002, to test the satisfaction level of callers to the PAL. These will involve callers from non-English speaking backgrounds. NSW Police will involve the CRC in the development of the surveys.

**2.57** The government response did not include a timeframe for completion of these activities.

### **Ethnic Community Liaison Officers**

**2.58** Recommendation 11 of the Inquiry was that the Police Service increase the number of ECLOs at Cabramatta from three to at least four by appointing an additional ECLO from an appropriate language or ethnic group; and that all police at Cabramatta LAC are educated about the role and revised work duties of the ECLO and similarly to the Cabramatta non-English speaking background community about the role of the ECLOs within the Cabramatta LAC. The government reported that a fourth ECLO for Cabramatta, who speaks Cantonese and Mandarin has been appointed.

**2.59** In its response to the Committee the government outlined a number of steps taken by NSW Police to ensure ECLOs are coordinated and supported, and awareness of their role is raised.<sup>34</sup> One of the steps mentioned was producing a Police Fact Sheet on ECLOs and their role, and that it was envisaged that the Fact Sheet would be available in 25 languages other than English.

**2.60** The comments of a number of submissions/witnesses to the review indicate that notwithstanding the work done to date uncertainty about the role of ECLOs still exists. This is examined further in Chapter Four, with a recommendation as to the future of the positions.

### **Support for Community Policing**

**2.61** Recommendation 12 of the Inquiry was that the NSW Police Service investigate the operation of Community Policing Support Units established in other police services, with a view to the establishment of such a unit in the NSW Police Service.

**2.62** The government advised that NSW Police has assessed the structure and functions of the key overseas model for Community Policing Units – the unit established in the Toronto

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<sup>34</sup> *Cabramatta – A Report on Progress* April 2002 p68.

Police in Canada. Building on this assessment, a comparative study of the Toronto model compared with the NSW Police structure is currently being undertaken.<sup>35</sup>

**2.63** No timeframe was provided for the anticipated completion of the comparative study. The eventual findings and recommendations of this comparative study will be of considerable interest, and is considered further in Chapter Four.

**2.64** The Committee believes that the implementation of the above-mentioned recommendations (3, 4, 7, 8, 11 and 12) could prove significant in terms of supporting the relationship between NSW Police and the Cabramatta community. With the exception of recommendation 7, which is specific to Cabramatta, the impact of these recommendations may also apply to local communities across the State.

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#### **Recommendation 4**

That the Minister for Police report to Parliament in the current session on the progress in the implementation of recommendations 3, 4, 7, 8, 11 and 12 from the *Cabramatta Policing* report, being those recommendations supported but yet to be implemented from the Committee's original report.

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#### **Cross-cultural training**

**2.65** Recommendation 10 of the Inquiry was that:

- (a) All officers who work at Cabramatta LAC must have completed in excess of the minimum requirements of the Service for training with a cross-cultural component.
- (b) No officer be employed at Cabramatta who has been the subject of substantiated complaints of a racially discriminatory nature; any officer who is the subject of a substantiated complaint of discriminatory behaviour should be immediately transferred to another LAC.
- (c) Junior officers stationed temporarily at Cabramatta, such as the TAG operations, have received in excess of the minimum Service requirements for cross-cultural training.
- (d) Where positions at Cabramatta LAC are being filled on a competitive, merit selection basis, weighting should be given to previous experience in Commands with large populations of non-English speaking background communities and to officers who have skills in a second language.
- (e) NSW Police develop incentives for officers to acquire skills in a second language and to enhance their level of cultural literacy generally.

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<sup>35</sup> *Cabramatta – A Report on Progress* April 2002 p69.

- 2.66** The government advised that the sub-recommendations (a), (c) and (e) had been implemented. It further advised it recognised the concern underlying parts (b) and (d) and had dealt with those concerns by alternative means.
- 2.67** NSW Police advised that to transfer an officer from one Local Area Command to another because of that officer's lack of competence in dealing with cultural diversity, or worse, an officer's racist action, merely transfers a problem from one area to another without dealing with it.
- 2.68** The NSW Police has an Employee Management (EM) policy which covers the range of management and disciplinary options in response to employee conduct. EM policy gives primary responsibility for dealing with complaints to the Local Area Commander and mandates that suitable discipline or corrective action be taken at the Local Area Command level according to the level of complaint made and whether it is substantiated.
- 2.69** This response places the responsibility squarely on NSW Police to ensure two things. Firstly, that Local Area Commanders are proficient and well supported in the implementation of the EM policy. Secondly, that community members, particularly those from non-English speaking backgrounds, are confident and comfortable in making complaints to the Local Area Commander in the expectation that equitable action will be taken and that action explained to them.
- 2.70** With respect to giving weight to cross-cultural experience and skills in merit-based selection, the government advised that having special qualifications for individual Local Area Commands is impractical. Positions in NSW Police are advertised in bulk, and recruitment is undertaken for promotions in various commands at the same time – this ensures that the police promotions system is efficient, as well as fair and equitable to all applicants.
- 2.71** It would, however, be fair to say that if two officers competing for a position were equal in all other respects except that one had, through skills or experience or cultural knowledge, a greater affinity for the community of a command – then that community would benefit by that officer having those details considered in the selection process.
- 2.72** The government advised that options for dealing with this recommendation were considered by the NSW Police Tripartite Committee. The favoured option was to develop a strategy to ensure that officers who are selected for positions in areas with large communities of non-English speaking background undertake early extensive training in the skills they require.
- 2.73** At present NSW Police report it is primarily a matter of efficiency that precludes individual characteristics of applicants that are relevant to specific Commands from being taken into consideration during the promotion process.
- 2.74** The Committee is aware that NSW Police is currently conducting a comprehensive review of the Police Promotions system. This review provides an opportunity for further consideration to be given to this issue.

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### **Recommendation 5**

That the current NSW Police Review of Police Promotions consider the feasibility of giving weight to the skills and experience of applicants that are relevant to specific command needs in the promotion selection process, including previous experience in a community with a significant NESB population.

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## **Recommendations Not Endorsed**

### **Recruitment of Police from Non-English Speaking Backgrounds**

- 2.75** Recommendation 9 of the Inquiry was that the Government establish targets for the Police Service in relation to the recruitment and retention of officers from non-English speaking backgrounds; and that the Police Service should report on progress in terms of numbers achieved and strategies used, in its annual report.
- 2.76** The government advised that in the NSW Police 2001-2002 Annual Report, and beyond, recruitment strategies will be reported on either as a key EAPS strategy or under a separate heading.
- 2.77** The government and NSW Police support the aim of increasing recruitment and retention of officers of non-English speaking backgrounds. The *Cabramatta – A Report on Progress* outlines the strategies recently undertaken and currently being developed in support of this objective. However, the government does not support the establishment of recruitment targets. This issue will be discussed in detail in Chapter Four.

### **Youth Protocol**

- 2.78** Recommendation 21 of the Inquiry was that the Police Service develop a youth protocol on the treatment of young people in arrest or interview situations. This should be developed in consultation with local youth workers and all frontline officers should be trained in its use.
- 2.79** The government advised that NSW Police already has in place sufficient processes and protocols to meet the concerns of the recommendation, and that these resources provide considerable guidance to officers in relation to the requirements of the law.
- 2.80** As with any issue where action is governed by protocol, legislation and guidelines, the on-going responsibility for NSW Police is the provision of effective training and guidance materials, and local management that is able to monitor and ensure compliance with Police policy and guidelines.
- 2.81** A number of witnesses to the review reported some problems in interaction between police and some Cabramatta young people during the increased police street activity. It was a timely initiative on the part of NSW Police to establish and appoint a second Youth Liaison

Officer position at Cabramatta Local Area Command. This officer is to be responsible, with the support of the Education and Development Officer, for the development of a training strategy for police on youth issues.

### **Interviews with Young People**

- 2.82** Recommendation 22 of the Inquiry was that the Government, in consultation with the Police Service and youth advocates, develop a protocol for para-legally trained local community volunteers to be present at police interviews of young people.
- 2.83** The government advised that it supported the intent of the recommendation but decided to take alternative action. From 8 March 2002, the Youth Legal Aid Hotline, that provides telephone legal advice for young people in police custody, was extended to provide 24-hour coverage over the weekend and on public holidays. The government approved funding of over \$400,000 for the 2001/2002 financial year and \$480,000 from 2002/2003 to enable this extension to occur.

### **Crime Report Form**

- 2.84** Recommendation 18 of the Inquiry was that Cabramatta LAC introduce a local crime report form, translated into ethnic languages, to enable local residents to make reports of crime when no interpreter is immediately available at the LAC. The Committee recommended that the NSW Police Service examine the potential for the application of third party reporting, as used in the United Kingdom, to make it easier for victims of crime who face language or cultural barriers to report crime.
- 2.85** The government advised that NSW Police does not use any written forms for the public to report crime. Reports of crime are taken orally at police stations or over the telephone, including through the emergency number, crimestoppers, and the Police Assistance Line. Oral reports mean that questions can be asked and information clarified without adding to paperwork for front line police.
- 2.86** The government further advised that NSW Police relies on interpreting services where a complainant is not proficient in English, and, that both telephone or, if necessary, in person interpreting services can be accessed.
- 2.87** This therefore highlights the importance of the government's response to recommendation seven of the Inquiry regarding provision of adequate interpreting services to the community. In its response to recommendation seven, the government advised that the CRC will be surveying non-English speaking members of the Cabramatta community about their contact with police and will develop recommendations regarding interpreter services based on the survey results. The CRC advised that this survey is to be conducted between May and August 2002. The Committee examines this issue further in Chapter Four.



### **Sharing Knowledge of Former Officers**

- 2.88** Recommendation 19 of the Inquiry was that the Cabramatta Local Area Commander organise a series of talks or discussions for officers at the LAC at which officers who formerly served at Cabramatta can speak about their successes and failures in establishing links with the Cabramatta community. The purpose of these talks would be to regain some of the lost collective knowledge about policing in Cabramatta and to assist junior police in understanding the area.
- 2.89** The government advised that new officers moving into Cabramatta undergo an induction program. The purpose of the program is to familiarise new staff with local issues. The induction program is led by experienced staff from the Local Area Command who share their experience and knowledge and ensure that junior officers are well informed.
- 2.90** During the Inquiry the Committee noted the knowledge and appreciation of community issues of a former Cabramatta Patrol Commander who appeared as a witness. It is of course always open to, and perhaps to be encouraged of, the current and future Local Area Commanders to informally approach officers who have had significant service experience in Cabramatta with a view to drawing on whatever additional knowledge they can and then arrange for any such knowledge gained to be passed on to the officers of their command.

### **Appointment of Senior Management at Cabramatta LAC**

- 2.91** Recommendation 20 of the Inquiry was that future appointments to senior management at Cabramatta LAC, including the Local Area Commander, be those who have voluntarily applied to serve in Cabramatta and won their position in a competitive interview process.
- 2.92** The government advised that NSW Police has a commitment to merit based selection. However, the Commissioner of Police has responsibility for the good management of NSW Police and has the statutory power to transfer officers according to the needs of the Police.
- 2.93** The Commissioner considers that there will be occasions when filling a vacancy, including vacancies at Cabramatta, may be best done by transferring an officer, rather than undergoing a merit based selection process.
- 2.94** In Chapter Four of this report the Committee further discusses the issue of the need for stability in appointments to senior management in areas such as Cabramatta.

### **Conclusion: Implementation of Committee's Recommendations**

- 2.95** The government has implemented the majority of recommendations from the *Cabramatta Policing Report*. The Committee acknowledges that consideration has been given to each recommendation, even in the case of those six recommendations where the government has ultimately not supported the proposal. Where the Committee has concerns about specific recommendations which have not been endorsed, or where there are concerns about the way the recommendations are being implemented, these are considered in Chapter Four.



## Chapter 3 Changes in Policing of Crime in Cabramatta

When the committee began its inquiry in policing in Cabramatta in mid 2000 the community had recently experienced a major outbreak of serious gang related violence. Perhaps even more oppressive for residents and workers was the daily influx of drug users and dealers into areas around Cabramatta railway station. Chapter 3 of the *Cabramatta Policing* report described many of the experiences of those living and working in a suburb beset by drug related crime on a scale not seen in most other areas of the State. On its return to Cabramatta the Committee has found a community which has regained some of the quality of life which was previously lacking. Drug related crime has been significantly reduced and is far less visible than it once was, although significant problems still remain.

### Crime Statistics

- 3.1** One of the main factors which led to the original inquiry was the way in which senior management of the NSW Police Service used the Crimes Index to suggest that policing in Cabramatta had improved. The Crimes index measured performance across the State in five categories of crime but excluded murders, kidnappings and all drug offences.
- 3.2** During the main inquiry the Director of the Bureau of Crime Statistics and Research, Dr Don Weatherburn, provided evidence to the Committee that police at Cabramatta Local Area Command had reduced the number of arrests made for drug offences.<sup>36</sup> Evidence from a number of officers based at the LAC suggested that allocation of policing tasks were influenced by the need to improve policing of categories of crimes in the Index rather than the most significant problem for the area, drug related crime. The Committee noted in its original report that with the appointment of Clive Small as Region Commander for Greater Hume and Frank Hansen as the Local Area Commander for Cabramatta combating drug related crime became the number one focus of the LAC.
- 3.3** During its review of the changes over the last 12 months, the Committee has received significant empirical evidence that the focus on drug related crime, as well as other factors such as the “drug drought”, have led to significant improvements in Cabramatta. The report tabled by the Premier on progress in Cabramatta quotes the following figures as evidence of improvement:
- 75 drug houses closed and 50 people charged with being in a drug house in Cabramatta.
  - 209 people charged in the Greater Hume region with 288 supply charges, a 54% increase from 2000.
  - 2,487 persons issued with “move-on” directions since 1 July 2001.

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<sup>36</sup> General Purpose Standing Committee No. 3 *Cabramatta Policing* Report 8, 26 July 2001 p14-17.

- 393 offenders being issued with bail conditions which prevent them from returning to Cabramatta.<sup>37</sup>

**3.4** Some of these figures have been criticised in a submission to the inquiry from the Cabramatta Chamber of Commerce as relying upon selective time comparisons:

By using carefully chosen words, selective omissions, a creative presentation, and an interesting selection of time comparisons, the Government has woven another tapestry designed to fool the public into believing that much more has been achieved than actually is the case.<sup>38</sup>

**3.5** A thorough analysis of changes which compares Cabramatta to the rest of NSW was conducted by the Bureau of Crime Statistics and Research, headed by Dr Don Weatherburn, in a paper recently published as "Recent Trends in Recorded Crime and Police Activity in Cabramatta."<sup>39</sup>

**3.6** The findings of this study, prepared partly in response to the Committee's current review, was that for the 24 months to the end of 2001, trends in recorded crime in Cabramatta for all major violent and property offence categories were downward or stable. The study also measured a substantial increase in police activity in the area, particularly from July 2001.

**3.7** To ensure that Cabramatta crime trends were seen in context, the Bureau compared the trends with the rest of NSW. As shown in Table 3.1 (below), the trend for Cabramatta was equal to or better than changes for NSW as a whole, with the exception of possession and trafficking in cocaine.<sup>40</sup> Summarising the findings, Dr Weatherburn stated that:

- Robbery without a weapon decreased 4.9% in Cabramatta at a time when it was stable across the State.
- Robbery with a fire arm was stable in Cabramatta yet went up 34% across the State.
- Robbery with a weapon other than a firearm (usually a knife) decreased 7% in Cabramatta while being stable across the State.
- Motor vehicle thefts decreased 37% in Cabramatta while being unchanged across the State.
- Stealing from a vehicle decreased 25% in Cabramatta while being stable across the State.

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<sup>37</sup> *Cabramatta- A Report on Progress* April 2002 p13, 16&25.

<sup>38</sup> Cabramatta Chamber of Commerce Submission p8-13.

<sup>39</sup> NSW Bureau of Crime Statistics and Research, *Contemporary Issues in Crime and Justice* Number 70, May 2002.

<sup>40</sup> Dr Weatherburn noted the major increases recorded reflected a very low base, and in part reflected former heroin users being forced to switch drugs as a result of the heroin shortage.

- In the eight other major categories of crime, rates were stable in Cabramatta and the State as a whole.<sup>41</sup>

**3.8** Although Cabramatta has made greater gains in reducing crime than other areas of NSW in recent months, Dr Weatherburn cautioned against losing sight of how much worse the problem still remains in Cabramatta compared to many other areas:

Now, have we reached the point where Cabramatta is as safe as Mount Ku-ring-gai? The answer is no. I have tried to highlight the figures where there is a difference that runs against Cabramatta. You can see that robbery without a weapon, the Cabramatta rate is 356 per 100,000 of population compared with the New South Wales rate of 122. So robbery without a weapon is clearly more prevalent in Cabramatta than it is across the State as a whole. Likewise, robbery with a firearm, 48 as against 13.5, although do bear in mind here that when I talk about Cabramatta, what I am saying is true of Cabramatta is probably true of four or five local government areas in that vicinity, Canterbury Bankstown, for example, has a bigger problem with armed robbery than Cabramatta does.<sup>42</sup>

**3.9** Dr Weatherburn said that rates for robbery with a weapon other than a firearm, break and enter and theft from a motor vehicle were higher than the State average, but not dramatically so. He concluded on a cautious note:

So the broad picture is one of either stability of crime in Cabramatta or fall in crime, and in the case of motor vehicle theft and stealing from a motor vehicle, substantial reductions in recorded crime, Nevertheless, it remains the case that for some of the major categories of crime, the rate in Cabramatta is higher than it is across the State as a whole.<sup>43</sup>

**3.10** This reminder that crime remains a very serious problem in Cabramatta compared to the rest of the State was echoed in the submission from the Cabramatta Chamber of Commerce: in its criticisms of “*Cabramatta: A Report on Progress*”:

The report says the suburb’s rate of robbery with a weapon (non-firearm) has fallen by 7% over the past two years, yet omits the fact that the incidence of this offence is still more than 350% higher than the State average, and completely omits any statistics of robbery with a firearm. The report states that “Cabramatta police have maintained their concentrated level of detecting narcotics (heroin) dealing compared to the statewide decline”, however it fails to say that heroin dealing in our suburb remains 41 times the NSW average. According to police data for the six months to February this year, Cabramatta rated as Greater Hume Region’s main hot spot for drug crime, assault, theft and malicious damage.<sup>44</sup>

<sup>41</sup> Evidence 7 June 2002 p.

<sup>42</sup> Weatherburn Evidence 7 June 2002 p33.

<sup>43</sup> Weatherburn Evidence 7 June 2002 p33-34.

<sup>44</sup> Cabramatta Chamber of Commerce Submission 7 June 2002 p12

**3.11** The table below from the Bureau of Crime Statistics and Research presents the trends in crime in Cabramatta compared to NSW over the last 12 months, and the overall crime rates in Cabramatta compared to the rest of NSW.

**Table 1: Recorded crime statistics in Cabramatta and NSW**  
Comparison of 24-month trends in 2000-2001, and 2001 crime rates per 100,000 population

<i>Offence categories</i>	<i>Cabramatta trend 2000-2001</i>	<i>NSW trend 2000-2001</i>	<i>Cabramatta rate 2001</i>	<i>NSW rate 2001</i>
<b>Group A offences:</b>				
Assault - not domestic violence related	Stable	Up by 6.4%	642.1	690.9
Robbery without a weapon	Down by -4.9%	Stable	356.1	122.3
Robbery with a firearm	Stable	Up by 34.1%	48.0	13.5
Robbery with a weapon not a firearm	Down by -7.1%	Stable	239.9	65.7
Break and enter – dwelling	Stable	Down by -3.2%	1,363.5	1221.6
Break and enter – non-dwelling	Stable	Stable	564.6	796.9
Motor vehicle theft	Down by -37.0%	Stable	893.0	822.5
Steal from motor vehicle	Down by -24.8%	Stable	878.3	1384.9
Steal from retail store	Stable	Stable	138.4	316.1
Steal from dwelling	Stable	Stable	234.3	481.5
Steal from person	Stable	Up by 27.8%	387.5	253.7
Malicious damage to property	Stable	Stable	819.2	1471.8
<b>Group B offences:</b>				
Possession and/or use of cocaine	Up by 384.2%	Up by 121.2%	169.8	7.0
Possession and/or use of narcotics	Down by -63.9%	Down by -55.9%	435.4	16.7
Possession and/or use of cannabis	Stable	Up by 29.4%	234.3	219.3
Possession and/or use of amphetamines	Stable	Stable	29.5	32.4
Dealing, trafficking in cocaine	Up by 1366.7%	Up by 146.0%	81.2	3.8
Dealing, trafficking in narcotics	Stable	Down by -45.9%	293.4	7.1
Dealing, trafficking in cannabis	Stable	Stable	14.8	15.1
Dealing, trafficking in amphetamines	Stable	Up by 36.0%	20.3	11.9
Offensive conduct	Stable	Stable	20.3	64.7
Offensive language	Stable	Stable	118.1	91.1
Weapons offences (all)	Down by -19.2%	Up by 12.5%	341.3	160.2
Weapons offences involving firearms	Stable	Stable	25.8	26.7

**3.12** One of the arguments presented to the Committee during its main inquiry was that intensive police activity in one area such as Cabramatta can lead to a displacement effect, simply spreading the problem to other areas. Whether it can be attributed to the heroin drought, effective policing or other factors, there does not appear to be any statistical evidence of a displacement effect:

There is one other comment I should make. We checked surrounding areas, that is to say, all the local area commands around Cabramatta, to see whether there has been any displacement into those areas. I had a suspicion people might ask me about that. There has been no displacement in evidence, except one offence in one area. Campbelltown experienced an increased in offences involving, I think, stealing from a person—I would have to check that. But there is certainly no massive increase in all these offences that reduced in Cabramatta; they have not all suddenly risen in surrounding areas.<sup>45</sup>

<sup>45</sup> Weatherburn Evidence 7 June 2002 p35.

## Drug User Statistics

**3.13** Drug abuse is a health issue as well as impacting on crime. Many measures of increases or decreases in illegal drug use are more effectively measured by changes in health statistics rather than crime figures, as was acknowledged in the first report. During the main inquiry the Committee heard from Health Department experts, an academic working with a drug intervention service and visited a Health funded facility known as the Drug Intervention Service – Cabramatta (DISC). During this review the Committee has not recalled these witnesses, but notes the figures provided in the report tabled by the Premier:

- The number of needles dispensed in the Cabramatta/Fairfield area dropped from 195,420 in October/December 2000 to 46,140 in the equivalent period for 2001.
- The number of needles dispensed from the Drug Intervention Service Cabramatta van dropped from 40,239 in January 2001 to 9,991 in January 2002.
- There were five drug related deaths in the Cabramatta area for the six months from 1 July 2001, compared to 24 in the corresponding period for 2000.
- The number of ambulance call-outs in Cabramatta to suspected overdose incidents has fallen dramatically. There were 15 call-outs in the six months after 1 July 2001 compared to 385 call-outs in the corresponding period for 2000.<sup>46</sup>

**3.14** In a submission to this review the Cabramatta Chamber of Commerce reported that overdose rates climbed in the period immediately after that quoted in the Premier's report, with 15 overdoses in eight days reported in January 2002.<sup>47</sup> The submission also notes that even at the reduced rate of needle distribution, 9,991 needles in a month equates to 7 needles being given to a drug user in Cabramatta every minute that the van service operates.<sup>48</sup>

**3.15** While there is little doubt Cabramatta still has a drug crime problem, equally there appears to have been a significant reduction in recorded drug use. Asked to speculate on reasons for the change in drug use in Cabramatta, Dr Weatherburn said:

My guess is that several things have happened. Firstly, I think people who might otherwise offend have, in some instances, not offended, simply stopped. They may not be drug dependent people, they are just people who are seizing opportunities where they presented themselves and who now do not see as many opportunities as they did previously. Some people will be active offenders still, but are offending at a lower rate. Bear in mind that your typical break, enter and stealer sitting in Long Bay Gaol at the moment, if he is drug dependent, will be churning out around 11 to 14 offences a month, probably more. That is what they tell us about. So there is plenty of room there for slowing up without leaving crime. You could slow down to five a month, and that would be a substantial drop

<sup>46</sup> *Cabramatta: A Report on Progress* April 2002 p10

<sup>47</sup> Cabramatta Chamber of Commerce Submission p12.

<sup>48</sup> Cabramatta Chamber of Commerce Submission p13.

without ceasing to be an offender. I would say there is a group there who have not left crime by any means, but are certainly committing it at a slower rate than they were previously.

Then there would be the group who are committing as much as they ever did, and have either moved elsewhere to do it, or stayed in Cabramatta. That is why you are still seeing reasonably high rates there for some categories of crime. So I would say all three. Some have given up—perhaps the ones without a serious drug problem.<sup>49</sup>

- 3.16** One significant change to drug use in Cabramatta is a switch by some users to cocaine use. Dr Weatherburn's evidence was that this was a state-wide trend, although more pronounced in Cabramatta:

My best guess at this situation is that both are happening—both an increase in cocaine as heroin users switch from heroin to cocaine and an increase in police activity associated with it. How much of it is responsible for the 384 per cent I would not know, but I would say both are going on. Possession and use of narcotics, 64 per cent. We have got abundant evidence that the consumption of narcotics in Cabramatta has dropped substantially. You can see that in a bulletin that I put together on the heroin shortage. It is manifest in the number of overdoses—that has dropped by more than 60 per cent. So has the number of needles exchanged in Cabramatta. So I think there has been a real reduction in the availability of heroin and the consumption of heroin. But I suspect in part it is true, too, that police are out there making life difficult with their move-on powers for people who might be in the business of hanging around Cabramatta to sell narcotics.<sup>50</sup>

- 3.17** The Committee has not received sufficient evidence in this review to draw conclusions regarding policing of cocaine use. It is not clear to what extent this is an issue in itself or a by-product of fluctuations in the availability of heroin.

- 3.18** What is apparent from several experts and from police is that the “drug drought” has had a major impact on drug use. The uncertainty with the improvements in Cabramatta over the last 12 months is to what extent they are cyclical. The threat of what may happen was summed up by Dr Richard Basham in evidence to the Committee:

Heroin related crime has declined throughout the country and, indeed, most of the world during this same period, primarily as a result of the so-called heroin drought in the Golden Triangle and the disruption in recent years of heroin production in Afghanistan. Since the beginning of the years reports from Chang Mai, long the drug distribution centre of the Golden Triangle, have suggested that the heroin drought has broken. This was confirmed by discussions I had a week before last in Singapore at the CIB with senior narcotics police from Burma and Thailand. Indeed, there was evidence that heroin is becoming more available on the streets of Cabramatta, although it may be some time before the purity rises and prices decline to the levels of several years ago.

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<sup>49</sup> Weatherburn Evidence 7 June 2002 p35.

<sup>50</sup> Weatherburn Evidence 7 June 2002 p34.



As the drought breaks we will have the opportunity to see if junkies who have been weaned off heroin, some onto substitute drugs including methadone, will resume their former addiction. We will also see if heroin, like crack in the United States, has lost some of its cool image amongst younger potential addicts who have seen the damage it has done to their elders. And, of course, we will be able to see if the new police initiatives, which we have been told have been put into place in the past year, have any substance. We can only hope they have.<sup>51</sup>

## Community Perceptions

**3.19** Chapter Three of the first report provided many examples of how Cabramatta residents were forced to endure unacceptable interferences with daily life as a result of street level drug crime and drug use. In this review the Committee received several submissions from members of the community, as well as hearing from residents at the 24 May hearing and forum at Cabramatta. The consistent view which emerges from these are that policing of drug crime has improved, although it is still a significant problem for the area. Some of the themes raised were:

- street level drug dealing had significantly decreased
- the number of fortified drug houses had declined
- police have a higher visibility, particularly through the police on bikes patrolling the CBD
- the railway station and bus shelters were no longer a focus for addicts and dealers
- the influx of drug users by rail from the rest of Sydney had largely ended.

**3.20** Despite this some problems remained:

- police response times, while improved, were still inadequate in some cases
- dealing has moved from street activity or drug houses to drive by dealing in suburban streets
- there is a growing problem of street level prostitution.

**3.21** The Member for Cabramatta, Ms Reba Meagher MP, stated in her submission:

Drugs are still a problem in Cabramatta, but we are making progress. The feedback indicates that shopkeepers, residents and visitors to Cabramatta feel safer on the streets of our town.<sup>52</sup>

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<sup>51</sup> Basham Evidence 7 June 2002 p42.

<sup>52</sup> Meagher Submission 15 May 2002 p1.

**3.22** The President of the Cabramatta Business Association, Dr Thomas Diep, was critical during the first inquiry of the breakdown in effective policing through 1999. In his supplementary submission to this inquiry, Dr Diep stated:

Over winter last year, Cabramatta had improved dramatically in the areas of drug related crime and confidence was being restored, but everybody questioned whether it could be maintained. The use of the new powers and innovative ideas such as having organisations like the DOCS street team work side by side with police seemed to have been successful in getting most of the drug dependent users off our streets. Since then, although drug and other related crimes seem to have increased a little again, (as no doubt it was impossible to keep that intensive campaign going for a very long time), our members indicate that it is still at a level where we believe we can say that, perhaps apart from isolated places and isolated times such as later at night and subject to our comments below, the community has been able to reclaim our CBD.<sup>53</sup>

**3.23** The Cabramatta Chamber of Commerce, which through its President Mr Ross Trevaud played a significant role in highlighting resident concerns in the main inquiry, made a submission to the Committee that was highly critical of the reporting of improvements in policing in Cabramatta by both the police and government agencies. A key message from the submission is to be wary of claims of success in fighting drug crime in Cabramatta, to prevent a recurrence of what occurred in 1999-2000:

The real fear for our community is that this will be repeated once again, once the focus is taken off Cabramatta. The Government will once again claim victory, police management will once again support that view, and once again the people of Cabramatta will suffer.<sup>54</sup>

**3.24** During its main inquiry the Committee conducted a consultation at Cabramatta High School which provided an important insight into conditions for students and parents living in the area. The Principal of Cabramatta High, in a supplementary submission commented that:

The hitherto uncontrolled and overt drug activity has been considerably reduced, especially at the Railway station, the Central Business District and nearby residential areas and fewer “young” addicts have been seen on the streets, however there is still dealing and harassment reported by staff and students in the CBD.

The introduction of bike patrols, the increase in car patrols and a higher police presence has made an impact, and have increased community confidence; it has also been reported that the local Patrol superintendent has been seen on the beat.

Some students remarked they felt “safer” moving about and using Cabramatta Railway station than hitherto, however concern was expressed about the lack of

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<sup>53</sup> Cabramatta Business Association Submission 24 May 2002 p1

<sup>54</sup> Cabramatta Chamber of Commerce Submission p4.

adequate surveillance cameras on the eastern side of the station and the continuing drug related prostitution activity.<sup>55</sup>

**3.25** The forum of Cabramatta residents conducted by the Committee on 24 May 2002 provided many valuable insights into the improvements in policing and of the need for further improvements. While the full transcript is available on the committee's website, comments made by three residents included:

Firstly, there has definitely been an improvement in the police response to crime in Cabramatta in a general sense. The level of crime and street-level drug dealing has decreased markedly since March 2001. I have to give credit where credit is due. However, I am concerned that within the last six to seven months the situation has started to go retrograde, in reverse again. Since shortly before Christmas last year I have noticed during my walks around Cabramatta that there seems to be a lot more drug dealing again. The level of drug activity has not returned to pre-March 2001 levels, but we are in a downhill spiral again out here. Why that would be the case, I am not really sure. It has been suggested in some quarters that a worldwide heroin shortage may have had something to do with the fluctuation.<sup>56</sup>

Without the effort put in by you and your excellent report we would certainly not have got the pressing issues in Cabramatta addressed. There is no doubt that there has been a major cleanup of drugs but there is still an underlying problem here, and that is the drug problem. It is advertised that 75 drug houses have been closed down. I read in last week's paper that they have all been eliminated. They are words attributed to the local area commander, Frank Hansen. I find that disturbing, because there are still drug houses operating even as I address you today.<sup>57</sup>

I definitely agree with the statements made by Mark Stevens about the usefulness of having this upper House inquiry, the recommendations and some of the positive changes that have occurred since those recommendations were brought down. That is true, that has happened. However, I am concerned about prostitution.<sup>58</sup>

**3.26** A summary of some of the changes that have resulted from policing was made by the Place Manager for Fairfield Council:

We would argue that the police are now more visible in Cabramatta. We regularly see beat police in the main street of Cabramatta and surrounds. We often see Superintendent Hansen walking the streets of Cabramatta. There is definitely a better police presence in Cabramatta. We would argue that not only has that increased the feeling of safety, the perception of safety and actual safety, but it has also improved the community's view of the police.

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<sup>55</sup> Cabramatta High School Submission, 17 May 2002 p2.

<sup>56</sup> Stevens Public Forum 24 May 2002 p2.

<sup>57</sup> Starr Public Forum 24 May 2002 p8.

<sup>58</sup> Heggie Public Forum 24 May 2002 p6.

...The council has also noted legislative changes. Again, I am not an expert on those legislative changes, but if I am trying to see what these changes might have done I would have to argue that the new move-along and drug house legislation has contributed or directly caused a particular beneficial outcome on the street in Cabramatta. We argue that those changes seem to be effective.

The changes we have seen so far have contributed to results including significant reductions in the number of drug-affected people seen on the street, drug use, visible street-level drug trafficking, robbery and the number of assaults. I make those statements based on the statistics we have been able to get from our own closed-circuit TV system that operates in the town centres of Cabramatta and Canley Vale. We believe that there has been an increase in the level of perceived and actual safety in Cabramatta.<sup>59</sup>

**3.27** The emerging problem of prostitution was frequently raised during the forum, and was also raised by Fairfield Council and the Member for Cabramatta in their submissions. Ms Meagher stated:

Concerned residents of the east side of Cabramatta have been complaining to me about the occurrence off street prostitution around Broomfield Street, Longfield Street, Fischer Street and Cabramatta Road. Not only are they upset by women walking the street touting for business, but also the curb-crawling customers who make law abiding residents feel unsafe.<sup>60</sup>

**3.28** A participant in the Forum on 24 May 2002 also commented on the problem:

Starting from the Stardust Hotel and proliferating into Fisher, Longfield and Cumberland streets, female prostitutes solicit males openly on the streets. Every day I have to walk to the station and walk home and bypass this. Everyday I see them ply their trades. I have rarely seen police there. I have seen them in the car park and around the Stardust Hotel occasionally. But I see the same prostitutes over and over again. In most cases prostitution has proliferated as a means to feed the person's heroin addiction. In my opinion as long as heroin is available in Cabramatta prostitution will worsen.<sup>61</sup>

**3.29** In her submission the Member for Cabramatta Ms Meagher advised that there was a detailed intervention plan in place in which police are working with the Cabramatta Drug Intervention Service and the Sex worker Outreach Program to target the problem, which is said to involve ten to fifteen women all with drug addiction problems. The Place Manager for Fairfield Council suggested there was a communication problem in that the community did not appear to fully understand the strategy being pursued by the Police in this matter:

It would be a good idea for police to be able to articulate their understanding of emerging issues. For example, the council is hearing that street-level prostitution may be an emerging issue. We believe that one of the ways in which the police could respond to this is by carrying out further investigation, then being able to

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<sup>59</sup> Da Chalain Evidence 24 May 2002 p18.

<sup>60</sup> Meagher Submission 15 May 2002 p6.

<sup>61</sup> Participant A, Public Forum 24 May 2002 p4.

articulate their understanding of the situation, and then suggesting the appropriate action that they propose to take. Responding to emerging issues is essential.<sup>62</sup>

- 3.30** The Committee is not clear whether the problem is lack of action or whether the Police have not effectively communicated the strategy they are pursuing. There are examples of other areas, such as in the Canterbury LGA, where the local council and police successfully worked together to reduce a significant problem with street prostitution.<sup>63</sup> Drawing upon these, the local Police through forums such as CityWatch and through liaison with Fairfield City Council, need to effectively publicise the strategy being pursued.

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### **Recommendation 6**

That the Local Area Command and the Government's place management project, in partnership with Fairfield City Council, clearly communicate to the local community the strategy being pursued to deal with the problem of street prostitution in a small area of Cabramatta, and seek feedback from local residents in the area affected on the success of the strategies being pursued.

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- 3.31** While most Cabramatta community members who contributed to the inquiry agreed policing of drug problems had improved, many expressed a fear that the problems of the past could recur. Should there be any ground for complacency, the following anecdote from a member of a local Neighbourhood Watch group illustrates the continuing problems which are faced by areas, such as Cabramatta, that have significant drug problems:

We also have the problem up one of our post office boxes being removed by Australia Post. I would like to thank Julia Irwin for making representations on behalf of our Neighbourhood Watch. In April 2002 we received this letter from Julia:

*Unfortunately, the Post Office box was withdrawn from service due to occupational health and safety reasons—needles.*

They were finding a lot of needles in and around the post office box on the corner of John Street and High Street. At the bottom of the letter is an indication to us that the post office box will not be reinstalled in that area. We have a high proportion of elderly people in the area. The Post Office says to go to another 800 metres to the other post office box at the corner of Cabramatta Road. That is a little bit too far for some people. The Post Office has pointed to the option of giving mail to the mailman, but I can assure you that he doesn't want it.<sup>64</sup>

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<sup>62</sup> De Chalain Evidence 24 May 2002 p17.

<sup>63</sup> Standing Committee on Law and Justice *Crime Prevention through Social Support* December 1999 p141.

<sup>64</sup> Chapman Public Forum 24 May 2002 p6.

## Police Perceptions

**3.32** One factor which the Committee notes as a significant difference from the first report is there is no longer as large a gap between the perceptions of the Police hierarchy and the Cabramatta community, or between senior police and front line officers as to the extent of the drug and crime problem in Cabramatta.

**3.33** In the first report the Committee noted how the Crimes Index was used as a public relations tool to promote the success of the new reformed Police Service in reducing crime:

The people were told crime was under control and that the streets were safe at a time when it was obvious to anyone in the area that drug crime and violent crime was at completely unacceptable levels. The bitterness this caused has had lingering effects which continue in some quarters of the community about the willingness of the Police Service to speak honestly to the community.<sup>65</sup>

**3.34** During this review there has been no repeat of attempts by the NSW Police to claim ultimate success for their actions, such as the claims made in early 2000 by the then Police Commissioner Ryan, during a major outbreak of gang related shootings and violence in the area, that:

“What we’ve done is have such a success at Cabramatta that it’s no longer regarded as dangerous or as difficult a place as it used to be”<sup>66</sup>

**3.35** Instead senior police from the new Commissioner down have made cautious statements of improvements, while recognising that more work needs to be done. The newly appointed Commissioner Ken Moroney stated in a submission to the inquiry:

The picture emerging with regard to Cabramatta is that owing to demonstrable increase in police street level presence there has been a commensurate decrease in the level of visible drug trading....Tackling the drug problem remains the number one operational priority as much of Cabramatta’s violence and property crime stems from this problem.<sup>67</sup>

**3.36** In evidence to the Committee, Commissioner Moroney said:

Very real and significant changes have taken place within the Cabramatta Local Area Command and, indeed, the NSW Police since this inquiry first convened. Certainly, within Cabramatta, there have been changes attributable to the deliberations of this inquiry, and I am confident that the progress that has been achieved to date has provided positive indications for even more positive progress.

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<sup>65</sup> Quote from *Daily Telegraph* 25 February 2000 p26 in General Purpose Standing Committee No 3, *Cabramatta Policing* 26 July 2002 p72.

<sup>66</sup> General Purpose Standing Committee No 3, *Cabramatta Policing* 26 July 2002 p73.

<sup>67</sup> NSW Police Submission 16 May 2002 p2.

There are clear, quantifiable, independent measures that criminal activity is being reduced. The Bureau of Crime Statistics and Research statistics, for example, provide independent confirmation that the strategies employed within Cabramatta are working and that crime generally is falling in most categories. Measuring fear and the perceptions of crime provides a significant challenge, whether it is in Cabramatta or in any other location. Nonetheless, there are a number of indicators that my officers are having success in this regard. Over time, the Cabramatta City Watch survey also will, I trust, provide and substantiate these claims. The commander and police at Cabramatta report increasingly positive exchanges at public meetings and when they interact with the public, and indeed, last night, when I visited Cabramatta that was very much evident. I note that most of the submissions to this inquiry also provide affirmation that much has improved.

I also acknowledge that much more needs to be done.<sup>68</sup>

**3.37** Assistant Commissioner Clive Small, who was Region Commander with responsibility for the Cabramatta LAC during most of the period under review, summarised the gains in policing in the area in the following terms:

... whilst I have not suggested that the work that needs to be done in Cabramatta is anywhere near finished, I think that from the perspective of both the community and police there will be a much greater deal of satisfaction with the reduced level of crime and violence and the increased feelings of safety that operate in Cabramatta now than operated some time ago. I believe that the people of Cabramatta have noticed that... the police have been far more operationally focused and have supported the community's efforts to drive down crime and fear in Cabramatta. In particular, the feedback I received when I was there, from local police and the community, was that the attack on drug houses under the new legislation was felt to be very effective and was very much appreciated.<sup>69</sup>

**3.38** Assistant Commissioner Small argued that major progress had been made in staff morale and in control of the drug trade:

In previous appearances before this Committee during the first part of 2001, I gave undertakings to the Committee, and separately to the community to the Cabramatta and local police, that: I would reduce crime, particularly the flagrant drug markets and dealing and the violence that attended that activity; I would increase community safety; I would make local policing more transparent, improving relations between sworn and unsworn police, front-line officers, their supervisors and managers, and improve police and community relations. With the support of a strong leadership team and the commitment of local police, I have delivered on each of these undertakings. Independent evaluations support these claims. Violence and crime are down; flagrant drug markets no longer exist; youth gang numbers and gang activities have been significantly reduced. As a result, Cabramatta is a much safer place than it was 15 to 18 months ago.<sup>70</sup>

<sup>68</sup> Moroney Evidence 7 June 2002 p62.

<sup>69</sup> Small Evidence 7 June 2002 p10.

<sup>70</sup> Small Evidence 7 June 2002 p3.

**3.39** Local Area Commander Frank Hansen, who has overseen the whole period over which the gains in policing have been made, stated in evidence to the Committee:

Let me also say that in the period I have been attached to Cabramatta I have seen the police work very hard and with commitment on the problems that have confronted the local community. In acknowledging their work and the gains they have made I am also very aware that there is still more to be done. The work is in progress, it is not completed, and I can assure you there is no suggestion of complacency. The achievements that have occurred will be built on.<sup>71</sup>

**3.40** The senior officers involved all therefore acknowledge the Cabramatta has improved but that more needs to be done. This also corresponds with the views of local leaders such as Dr Deip and Ms Reba Meagher quoted earlier in this chapter, and highlights the need for ongoing monitoring of efforts to sustain a focus on policing in Cabramatta.

**3.41** During the main inquiry the Police Association was critical of the way Cabramatta front line police had been managed and how this had contributed to increasing crime problems in the area. In its supplementary submission to this review the Association consulted its members at the Local Command. Based upon this, the Association said:

In the twelve months since the Parliamentary Standing Committee delivered its report into policing at Cabramatta there have been some significant changes at the location. Police report that morale at the Local Area Command has greatly increased. With a new management, the relationships among police and managers have improved, there is no reported in-fighting and communication among police seems to be very satisfactory.

Police also report that the previous denial of the drug problem is no longer evident. Police are encouraged to address drug and drug related crime and undercover operations appear to be regularly utilised.<sup>72</sup>

**3.42** A note of caution, shared by many witnesses, was also raised by front line officers the Association consulted:

There has been a significant impact on crime in Cabramatta, however police feel that a great deal of the reduction in crime is due to the ongoing heroin drought in Australia. This drought means that it is difficult to judge the effectiveness of the change of policing strategy on local crime. Despite a generally positive attitude among police to morale and their work, they remain concerned that the end of the heroin drought may find them unprepared for what they believe will be a resurgence of crime in the area. As with the community, Police remain concerned that a sudden glut of cheap, easily available heroin will see an increase in street level dealing.<sup>73</sup>

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<sup>71</sup> Hansen Evidence 7 June 2002 p19.

<sup>72</sup> Police Association of NSW Submission 27 May 2002 p1. Claims contradicting this view were made in the submission from the Cabramatta Chamber of Commerce, 7 June 2002 p17-18.

<sup>73</sup> Police Association of NSW Submission 27 May 2002 p1.



**3.43** In their evidence to the Committee, representatives of the Police Association stated that management at a local and regional level had contributed significantly to better morale and more effective policing at Cabramatta:

Well, I think what I alluded to before: a change in management approach. That is, a much more inclusive consultative approach, a move away from a command and control management style, people being very clear about what their direction is, what the role of police is in the local community, and a very clear focus on drug crime. That was one of our major criticisms initially, that the policing of drug crime was actively avoided, and people were told not to do that. So it is, all those sorts of things. It is largely management style, I would suggest, that has improved the climate.<sup>74</sup>

... I think prior to 12 months ago there were a lot of problems. They were almost entirely internal in terms of management style, in terms of a lack of focus about what people were supposed to be doing out in the streets, about lack of communication, about even factions emerging both at ground level and at management level. All those sorts of issues seem to have disappeared and I do believe—and it is a personal reflection—that a lot of the credit for that can be placed at senior management, new senior management, level. I give credit to Mr Small and Mr Hansen for what they have been able to achieve there.<sup>75</sup>

**3.44** During the Committee's main inquiry it was front line police at Cabramatta LAC, particularly Detective Sergeant Tim Priest and the "four officers", who at considerable personal cost spoke up about the problems experienced in Cabramatta LAC and the lack of focus on drug policing.<sup>76</sup> The Committee received evidence from one front line officer currently serving at Cabramatta during this review. Officer F gave evidence in camera at the Committee's hearing on 7 June 2002, and later agreed to the publication of his transcript. His evidence was that two factors had made a major difference to the effectiveness of policing in the area: improved morale by breaking down previous factionalism between management and operational staff,<sup>77</sup> and improved police powers such as the drug house legislation (see Chapter Two).<sup>78</sup>

**3.45** In his submission to the inquiry, Officer F stated:

Police management have finally acknowledged there is a drug problem in Cabramatta and have allocated resources to combat drugs in a way that previous managers failed to do. As a result the effect on the streets of Cabramatta has been positive in terms of a decrease in the number of junkies coming to Cabramatta as well as the number of street level dealers working on the street.<sup>79</sup>

<sup>74</sup> Chilvers Evidence 7 June 2002 p26.

<sup>75</sup> Chilvers Evidence 7 June 2002 p27.

<sup>76</sup> See Chapter Four for more discussion of this issue.

<sup>77</sup> Officer F Submission 20 May 2002 p3.

<sup>78</sup> Officer F Evidence 7 June 2002 p1.

<sup>79</sup> Officer F Submission 20 May 2002 p3.

**3.46** Finally, the Committee notes the comments by former Cabramatta detective Tim Priest on the changes that have occurred over the last 12 months. He summarised these changes as:

There is no doubt that much has changed in Cabramatta. There is no longer the blatant drug dealing that was once so recognisable within the CBD. There are no longer the numbers of drug-affected people staggering around the suburb, and at this stage there does not appear to have been a repeat of the violent offences of late 1999-2000. Cabramatta appears to be going through a revival. However, I caution that the battle is not won as some people would have you believe.<sup>80</sup>

**3.47** Like several other witnesses, he cautioned about the possible impact of a break in the “drug drought”:

As I have said, things have changed in Cabramatta. There are positive signs that change will at last mean that Cabramatta can shake off its unwanted tag as a drug and crime hot spot. But there are ominous signs on the horizon that may again impact heavily on Cabramatta. One of those signs is the resurgence of opium production in Myanmar in the Golden Triangle. We know that the heroin drought globally is the result of climatic conditions in South-East Asia. We also know that the war on terrorism has impacted on Afghanistani heroin supplies. But the good conditions have returned to Myanmar, and I fear that in recent weeks this has flowed through to Cabramatta.

I was told as late as only last night that there appear to be some 30 drug houses now evident within Cabramatta. There are also visible signs of addicts shooting up in laneways increasing by the week. Therefore, it is imperative that on the first signs of increased heroin availability in Cabramatta the police act swiftly to limit the impact of cheap, pure heroin to addicts. The police must quickly identify mid level dealers and distributors and attack them relentlessly, day and night, 24 hours a day, 7 days a week. For if these dealers get a stranglehold on Cabramatta, then again we will revisit the problems of the past.<sup>81</sup>

**3.48** The Committee believes that the concerns expressed about the breaking of the drug drought by many witnesses during this review, including community witnesses on 24 May 2002, warrant specific attention. It will probably never be possible to ascertain to what extent the gains in Cabramatta over the last 12 months have been the result of effective policing, additional resources or a drying up of supply. However it is certain that if the supply of heroin in NSW becomes more plentiful then the task of policing drug crime in Cabramatta will be more difficult.

**3.49** The Committee understands that some aspects of police operational matters need to remain confidential. However sections of the Cabramatta community would receive much greater re-assurance than they currently experience if the NSW Police was able to communicate to them at least part of the strategy the NSW Police has to address the potential effects of an increase in heroin supply. The Committee believes it is important the Police take the community into its confidence and approach the potential problem as a

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<sup>80</sup> Priest Evidence 7 June 2002 p48.

<sup>81</sup> Priest Evidence 7 June 2002 p49.

partnership. CityWatch should be a suitable forum for communicating the strategy, provided its meetings are open to the public (see next chapter).

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### **Recommendation 7**

That the NSW Police, without prejudicing operational matters, communicate to the Cabramatta community their strategy to address the potential effects of a breaking of the “drug drought” at the local level.

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- 3.50** As highlighted throughout this chapter, the concern of residents and indeed many police witnesses is that the gains of the 12 months to March 2002 may not be sustained. This raises the matter which was often raised during this review, of the need for further parliamentary oversight of the crime situation in Cabramatta.

### **Calls for Continuation of Parliamentary Oversight**

- 3.51** One indication of the continuing lack of trust in local police was that some community members attribute improvements in policing of the drug crime problem to the Committee’s commitment to revisit Cabramatta in 2002 rather than to a change in attitude by the Police Service. As a result, during the current review the Committee heard several pleas from community members for a continuation of the Committee’s oversight of policing in Cabramatta:

... while your Committee has been in existence there has been a strong incentive for the State Government to do something about the situation in Cabramatta. It is my personal belief that if it were not for your Committee there would have been no change out here whatsoever. The State Labor Government has been dragged, screaming and shouting, into the public arena and forced to do something about it. There is a State election pending next year in March, and there is an incentive between now and then to do something about it. But my huge fear is that once your Committee is wound up, once that State election in March next year is over, there is going to be no incentive for a continuation of cleaning up Cabramatta.<sup>82</sup>

- 3.52** The Committee understands these concerns. Cabramatta residents have seen before the ebb and flow of drug crime in their area. An improvement over 12 months, while important, can soon be lost if there is any complacency or a perception that the problems have been solved. Particular concerns have been expressed that “success” may be claimed now at a time when, if the “drug drought” breaks, the problems of the area may be about to enter a downward cycle.
- 3.53** The Committee also acknowledges that police/community relationships is an area where more still needs to be done, and the next chapter contains criticisms of the current situation. The best assurance of a future of continued improvement in drug policing lies in the community and police continuing to work at their current problems. An ongoing

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<sup>82</sup> Stevens, Public Forum 24 May 2002 p2.

parliamentary committee may ultimately obstruct the process by providing a forum for both parties to air their differences instead of working to resolve them. The answer to the concerns of residents is in an improved relationship between local police, and the police hierarchy, rather than ongoing parliamentary supervision of that relationship. If communication between the police and the community, and between senior police and front line police, is honest and open there need be no repeat of previous experience.

- 3.54** However the Committee does believe there is a need for parliamentary oversight of the resources allocated to Cabramatta and the ongoing implementation of programs to reduce its crime problems, particularly drug related crime. The Budget Estimates process provides a means by which General Purpose Standing Committee No3 (or rather its successor in the 53<sup>rd</sup> Parliament) can continue to monitor Cabramatta, or indeed other areas that experience similar problems.
- 3.55** The New South Wales Parliament first established a process for inquiry by committee into the budget estimates in the early 1990's, initially with both houses but since 1995 through Legislative Council committees. All Ministers appear before the estimates committees, including Ministers from the Legislative Assembly.
- 3.56** The annual budget estimates inquiry process now represents a regular opportunity for Ministers and officials to be questioned about particular matters of government activity. There is no reason why the budget estimates inquiry process cannot be used as a vehicle for annually questioning the Minister for Police and Commissioner of Police (and if required, other officers, such as the Cabramatta Local Area Commander) about Cabramatta policing.<sup>83</sup> Other Ministers and officials with responsibilities which impinge upon Cabramatta could also be questioned about these issues as well. In this way the Parliament can continue to monitor developments in Cabramatta and hold the Government to account for its performance in this area.

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### **Recommendation 8**

That the Legislative Council in the 53<sup>rd</sup> Parliament consider using the Budget Estimates process, through an equivalent committee to the current General Purpose Standing Committee No.3, as a means for parliamentary oversight of the continued allocation of policing resources to Cabramatta.

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## **Conclusion**

- 3.57** Drug related crime has declined in Cabramatta since March 2001. The targeted policing strategies used during this period have a reduction in drug related crime as a prime focus. While the Committee has no way of knowing the extent to which other factors, particularly

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<sup>83</sup> There is considerable flexibility in the use of questioning in the process – see *Budget Estimates Guide 2002-2003* p33.

the “drug drought” have contributed to this reduction, policing has certainly been more appropriate to the needs of Cabramatta than the strategies followed in 1999 and 2000.

**3.58**

While drug related crime has reduced in Cabramatta the area still has unacceptably high levels of drug related crime and some categories of other serious offences compared to the rest of Sydney and New South Wales. The Committee is encouraged that, compared to when it began its main inquiry, there is a smaller gap between the perceptions of the community and those of senior Police, from the Commissioner down, in regard to the ongoing problems of the area. However, there are no grounds for complacency, and any easing of pressure on policing of the problem, or any sudden increase in supply of drugs, could lead to the problem again spiralling out of control.



## Chapter 4 Changes in Police/Community Relationships

A major finding of the *Cabramatta Policing* report was that there had been a breakdown in the relationship between the Cabramatta community and the Local Area Command, and that the Police hierarchy mistakenly blamed the breakdown on the community's lack of co-operation rather than its own lack of understanding of the community. While the Police Service internal performance measures indicated it was performing well in Cabramatta, the community, who had no input into these performance measures, experienced a highly visible drug crime problem on a daily basis as well as an outbreak of violent crime in early 2000. The Committee argued that there was a greater need for the community to have input into the way in which police performance in a local area such as Cabramatta was measured, and that the Police Service needed to improve its interaction with communities with high non-English speaking background populations.

The Government's Response to the original report's recommendations indicates that some of the Committee's recommendations to improve the Police/community relationship in Cabramatta have been adopted, such as employment of a new ethnic community liaison officer, enhanced youth programs and increased training of staff. The decision to build a new Police station at Cabramatta also exceeds any recommendation made in the original report in regard to physical resources. However from evidence given to the Committee through submissions and at public hearings during this review it is apparent that a great deal of work still has to be done in rebuilding trust between the Police and the local community.

### Positive Community Perceptions

**4.1** During this review the Committee did hear some positive comments from members of the Cabramatta community on attempts by the Local Area Command to interact more effectively with the local community. The greater visibility of policing was noted, including the public participation of the Local Area Commander Frank Hansen in the community. For instance, the Place Manager for Fairfield City Council said:

We would argue that the police are now more visible in Cabramatta. We regularly see beat police in the main street of Cabramatta and surrounds. We often see Superintendent Hansen walking the streets of Cabramatta. There is definitely a better police presence in Cabramatta. We would argue that not only has that increased the feeling of safety, the perception of safety and actual safety, but it has also improved the community's view of the police.<sup>84</sup>

**4.2** While critical of some aspects of the police/community relationship, the President of the Cabramatta Business Association, Dr Thomas Diep, acknowledged progress had been made:

In so far as police and community relationships are concerned, we believe this has improved quite significantly. In our opinion, however, there is still a long way to

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<sup>84</sup> De Chalian Evidence 24 May 2002 p16.

move to achieve a good relationship and trust between police and non-English speaking background people.<sup>85</sup>

- 4.3** A local resident who had contributed to the main inquiry said in a submission to the current review:

The relationship of the police and the community has not changed that much but there has been more visual police patrolling on pushed-bikes, on horses etc in the town.<sup>86</sup>

- 4.4** The Principal of Cabramatta High, Mr Graham Kidd, stated that:

While school police links have always been strong, communication between the Local Command and the school(s) has improved with a more direct line of communication being established.<sup>87</sup>

- 4.5** Mr Kidd singled out the appointment of two police youth liaison officers as an important acknowledgement by the police of improving links with schools that had been well received by students and staff.

- 4.6** The Committee will note positive comments on specific initiatives during the discussion on these issues in the remainder of the Chapter. Improvements are widely acknowledged however there still exist some criticisms.

## **Tenure of Officers**

- 4.7** Some participants in the inquiry have said that the management style of Local Area Commander Frank Hansen has had a positive impact on police community relations. For instance the Local Member, Ms Reba Meagher MP, stated in her submission:

Mr Hansen interacts well with the community, is liked and respected. He regularly attends community functions and dinners and has been most co-operative in assisting with consultation and briefing community associations and organisations on local crime issues.<sup>88</sup>

- 4.8** Others, such as the Cabramatta Chamber of Commerce President Mr Ross Treyvaud, do not see any change in police culture or management at a local level. The submission from the Chamber of Commerce argues that there is still a concern by the LAC to minimise perceptions of the crime problem in the area.<sup>89</sup>

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<sup>85</sup> Cabramatta Business Association Submission 24 May 2002 p2.

<sup>86</sup> Dr Tai Huynh, Submission 15 May 2002 p1.

<sup>87</sup> Cabramatta High School Submission 15 May 2002 p2.

<sup>88</sup> Ms Reba Meagher MP Submission 15 May 2002 p3.

<sup>89</sup> Cabramatta Chamber of Commerce Submission 7 June 2002 p2-5.



**4.9** One of the issues raised during the main inquiry was the need for stability of relationships between the local Police and the community. Frequent change of senior management inhibits the development of relationships with community leaders, particularly in an area with a diverse and complex cultural mix such as Cabramatta. The Committee understands that the NSW Police has a policy of rotating staff appointments every five years (although the Commissioner has a discretion to make exemptions).

**4.10** The Local Member, Ms Reba Meagher MP wrote to the Committee on 15 July 2002 stating:

As you are aware, some of the problems in policing in Cabramatta were the direct result of poor management at the Local Area Command. In fact over the past four years there have been four different Commanders at Cabramatta LAC. The frequency of this turnover had obvious ramifications on the stability and focus on the Command. But perhaps more importantly it severely compromised the quality of relations and communication between the police and the community.<sup>90</sup>

**4.11** Ms Meagher went on to seek the Committee's support for extending Superintendent Frank Hansen's current term. The Committee notes that Mr Hansen's term concludes on 31 December 2002, as with many other Local Area Commanders. From questioning during the Committee's hearing on 7 June 2002 it appears Superintendent Hansen is willing to continue in his current role if the option is available:

**The Hon. GREG PEARCE:** And in terms of the local community, you did see that whilst there is a very strong feeling that things have improved, there are some issues in terms of response times and communications and so on and I think while you are there, we have some sort of confidence that they are being addressed. One of the major issues that we saw, obviously, was the revolving door in terms of management. I would hate to see that open up again, because that would give us the worry that we would have the some problems re-occur...

I would like you to tell us that you are going to be there for some time.

**Mr HANSEN:** Well, I cannot give you that assurance. I am there, of course, at the discretion of the Commissioner, but at this point in time my contract, if you like, at Cabramatta finishes on 31 December this year. Whether there is an extension to that will not be in my hands.

**CHAIR:** Do you have any options if you want to continue on?

**Mr HANSEN:** I would certainly be very happy to continue there. I have enjoyed the time at Cabramatta. Certainly the first six months were probably a little more difficult than the last six months, but certainly I have enjoyed it there and I would at this stage make myself available to stay.<sup>91</sup>

**4.12** Clearly a Committee has no role in recommending appointments, as this is a police operational matter. However it is very important that whoever is appointed as the Local

<sup>90</sup> Correspondence to Committee, 15 July 2002.

<sup>91</sup> Hansen Evidence 7 June 2002 p19-20.

Area Commander after 31 December understands the problems of the area and how to manage front line police and community relations effectively, to avoid a recurrence of inappropriate and frequent changes in appointments of senior management which were referred to in the *Cabramatta Policing* report.

- 4.13** The Committee understands that there is some flexibility regarding the Commissioner's discretion, but that the general policy is that no officer should serve more than five years in an area. Although the Wood Royal Commission supported a rotational policy as an appropriate corruption risk management policy, the Committee believes it may impede the development of ongoing relationships in complex communities such as Cabramatta. To address the type of concerns expressed by Ms Meagher the Committee believes there should be greater flexibility in length of appointments to particular areas.

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### **Recommendation 9**

That the current NSW Police policy of rotating officers every five years from specific areas be replaced by a policy which provides greater flexibility.

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## **Community Survey on Quality of Policing**

- 4.14** One of the crucial findings of the *Cabramatta Policing* report was the lack of opportunity for the community to have input into performance measures for the Local Area Command. As noted in Chapter Two, the NSW Police has accepted the need to adopt this recommendation, and has begun work at both the local level, through the Cabramatta and Green Valley Quality of Service survey, and statewide, through the Police Accountability Community Teams.
- 4.15** Unfortunately the results of these surveys are not available so the Committee is not able to comment on the effectiveness of the implementation of this recommendation. It is not clear how advanced this survey is, although from the comments of the Commissioner it appears it is still in progress:

...The two surveys to which you refer, of course, as you may know, are being conducted in the Cabramatta Local Area Command and Green Valley Local Area Command. I understand that these are early days. There is a much larger sample, something in the order of an 100- plus people who have been surveyed, and a numerically smaller sample taken in the Cabramatta Local Area Command. Early indications as a result of those surveys would indicate a level of positive approach and attitude by the police to the local community. However, I think one of the most fundamental issues—and again I hearken to my experiences in the country—is the simple capacity and the ability and, indeed, the willingness to be able to talk to people.<sup>92</sup>

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<sup>92</sup> Moroney Evidence 7 June 2002 p60.

- 4.16** Even if there have been improvements in Cabramatta policing, it is still crucial that local police receive input from the community in a structured way to avoid the repetition of the use of measures of performance that are irrelevant to the needs of the community, as occurred with the Crimes Index during 1999-2000. While CityWatch provides a means for the community to interact with police it is still important that the NSW Police follow through with the suggestion from the original report, which was based upon models used in the UK and recommendations previously made by the Ethnic Affairs Commission after an earlier problem in police/community relations. As a result of legislative requirements for consultation a number of UK police services have involved the community in planning and prioritising the work of police and assessing police performance.<sup>93</sup> The Committee is concerned to ensure its recommendation is seen through and considered as to its suitability for state-wide use.
- 4.17** The Committee also notes the Police Accountability Action Teams (PACT) which the government proposes to establish in Local Area Commands across the state. This proposal will see the Local Area Commander, the local member, a business representative and a community representative meet regularly to discuss crime hotspots and problem areas, and develop plans which will be made public. The initiative is also intended to track community perceptions of crime.<sup>94</sup>

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### **Recommendation 10**

That the Minister for Police report to Parliament during the current session on the outcomes of the Cabramatta/Green Valley Quality of Service Survey, and progress on the PACT initiative.

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## **CityWatch**

### **Community Perceptions of CityWatch**

- 4.18** As discussed in Chapter Two, CityWatch was an important initiative by the government to improve police community relations. The Committee in its *Cabramatta Policing* report expressed the hope that it could be used as a forum for complaints about any aspects of the police/community relationship, with the expectation that those making complaints are prepared to work with those complained about to achieve progress in their area.<sup>95</sup>
- 4.19** During the public hearing and Forum on 24 May 2002, and in submissions, there were differing views on the effectiveness of CityWatch. Dr Diep of the Cabramatta Business

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<sup>93</sup> *Cabramatta Policing* July 2001 p154-155.

<sup>94</sup> *Cabramatta – A Report on Progress* April 2002 p72-73.

<sup>95</sup> General Purpose Standing Committee No 3 *Cabramatta Policing* 26 July 2001 p149.

Association, despite reservations about its structure (see below) spoke positively of its contribution:

We would like to have some comment relating to the City Watch program. We have knowledge that many worthy projects have commenced, as indicated in the Government's response report. Many of these are due to the hard work of City Watch manager Sarah Ralston. We really appreciate her work. It takes an enormous amount of enthusiasm, energy and time to establish and keep active the various link groups and projects. We understand that Sarah has recently resigned and we hope that the person who takes over her position to continue Sarah's work has that combination of admirable qualities.<sup>96</sup>

**4.20** The Local Member, Ms Reba Meagher MP, argued that City Watch had led to significant improvements:

CityWatch has provided a formal and effective vehicle for communication and has been embraced by its stakeholders....CityWatch has been very effective in bringing police and the community back together.<sup>97</sup>

**4.21** The President of the Cabramatta Chamber of Commerce Mr Ross Treyvaud, argued that there had been little change in police community relations:

We are already experiencing a return to the bad old days in Cabramatta. Not because the streets are a-wash with cheap, pure heroin, but rather a return to the deliberate intimidation of residents who would dare to express concern over issues such as drugs or prostitution....It does not matter if it is the Mayor of Fairfield raising the issue of prostitution on our street corners, a father trying desperately to protect the welfare of his fifteen year old daughter, a City Councillor calling for action at a Council meeting, a resident complaining about curb crawlers or a Strata Management Agent asking for assistance to evict a tenant deliberately flaunting the law, the response is very similar and has the overall effect of intimidating the public and reducing the reporting of crime.<sup>98</sup>

**4.22** The Community Relations Commission for a Multicultural NSW (CRC) in its submission to the inquiry detailed a number of community events which had been organised by CityWatch, ranging from small business crime prevention seminars to an attempt to be held in the Cabramatta CBD during October 2002 to break the Guinness Book of Records record for largest number of active table tennis tables in the world.<sup>99</sup> The Commission also advised that CityWatch had, through link groups, initiated street lighting and community safety audits, and emergency contact sheets translated into ten languages.

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<sup>96</sup> Diep Evidence 24 May 2002 p10.

<sup>97</sup> Meagher Submission 15 May 2002 p4.

<sup>98</sup> Cabramatta Chamber of Commerce Submission 7 June 2002 p6.

<sup>99</sup> Submission 16 May 2002.

## Link Groups

**4.23** The Committee acknowledges that there are some concerns in the community; however CityWatch does represent an attempt to improve police and community relations. It has fostered a number of initiatives, as well as bringing under its umbrella existing activities. The role of link groups is particularly important, as explained by Superintendent Hansen:

I think that it has been an excellent way of consulting with the community, bearing in mind we had to develop a mechanism where we could include as many people as possible without it becoming unmanageable. The structure in place focuses, if you like, around a City Watch Council with permanent membership from various groups—the Vietnamese Association, for instance, the Chamber of Commerce, the Cabramatta Business Association, the schools. These groups are then in a position to talk to me, the local member and a member of council about the matters that concern them. But also feeding up into that particular council are representatives of the link groups. A number of link groups have been formed and they are continuing to be formed. An example might be the Neighbourhood Watch link group or the youth link group. They then send a representative to the council, which provides them with the opportunity to raise their concerns directly with those people, and share that information. Each link group has a police officer in attendance, although they do not run it, if you like. They attend it and can then react more immediately to the concerns of the link group, and perhaps take issues back up to me if they need to be addressed immediately, and certainly the representative gets to go to council, the City Watch Council, when they meet. The Community Relations Commission, of course, provides the secretariat support for that.<sup>100</sup>

**4.24** The link groups currently consist of the following:

- Neighbourhood watch link group.
- Educators link group (principals of primary and high schools in the area).
- Youth Link Group (young people).
- Media and Public relations group (persons interested in improving the image of the community).
- Khmer Elderly Link Group, where police meet with the members of the Khmer community in a local Buddhist Temple.
- Senior Citizens Link Group
- Youth and Policing Issues Link Group (a group for workers of youth-at-risk).

**4.25** Further link groups are planned for the Khmer, Lao, and Serbian communities, Vietnamese Women, community and health workers, a student representative group, a business link

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<sup>100</sup> Hansen Evidence 7 June 2002 p18-19.

group and a parents group. The range of groups linked to the police through CityWatch is a tribute to the efforts of the CRC and local police. From various comments made by community members on 24 May it appears that a project officer employed by the Commission was particularly effective in establishing many groups, although concern was expressed that this person had subsequently left the area.

- 4.26** However the Committee has two specific concerns regarding CityWatch: its lack of open access to the wider community at its peak level; and the lack of local leadership.

### **CityWatch closed to the Public**

- 4.27** The diverse communities in Cabramatta have many opportunities to participate in the specific link groups. However if any individual resident wishes to communicate with the police directly through the peak CityWatch meeting they are not able to do so. The CityWatch meetings are not held in public and do not provide an easily accessible means for local residents to communicate with the police:

The Committee recommended that a group be set up to liaise between the businesspeople and the community so the community could have input. City Watch does not achieve that at all. That is very sad. I was the outgoing president of the police trust at council meetings, and they were very good things. Ken Chapman and a number of other people in this room used to attend those meetings that were held every six to eight weeks. They were chaired by an ordinary person in the community. Police were present and we had direct liaison with police. No such thing in City Watch, unfortunately. We do not have that.<sup>101</sup>

- 4.28** While there may be good reasons to hold parts of meetings in private, generally CityWatch meetings should be open to the public and easily accessible by them, with or without being part of a link group.

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### **Recommendation 11**

That as a general principle CityWatch meetings be open to the public and the meeting times, dates and places be published.

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### **Lack of Local Leaders in Decision-making Roles**

- 4.29** From its inception CityWatch has had critics from the Cabramatta community who have argued that they have been locked out of the key decision-making roles. To date the two official positions on CityWatch are held by government appointments rather than community nominated persons: it is chaired by Superintendent Hansen as Local Area Commander while Mr Stepan Kerkysharian of the CRC is the Secretary. Mr Kerksharian argued that he was accessible to the community:

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<sup>101</sup> Starr, Public Forum 24 May 2002 p7.

I have come here personally as Chair of the Commission. I went and stood in Freedom Plaza to mix with people. We have linkages in the community. I would suggest to the people who are saying to the community that they feel disempowered or that there is someone they know who does not feel strong enough to come and speak to the City Watch council, let them approach me, let them approach our project officer, and we will facilitate that. We do not know every person who lives in Cabramatta, but we are available to every person who lives in Cabramatta.<sup>102</sup>

**4.30** However the President of the Cabramatta Business Association, Dr Diep, argued that the lack of representation of local leaders as office holders was a barrier to more active participation:

**CHAIR:** So, you think this is only an individual, personal matter to you or all of the City Watch leadership? I understand Superintendent Frank Hansen is the chair and Mr Stepan Kerkyasharian is the secretary. Do you think the community could take over the office bearers' positions?

**Dr DIEP:** I do not know. I understand from now on up to the next election there is some political sensitivity, I respect that, but after the State election the City Watch program, if it wants to achieve further, there should be a restructure of the City Watch. At least a community leader should be the deputy chairperson or a rotation in leadership between police and community leadership. I do not mean I should be there. I do not have enough energy to do it because we have to deal with a lot of local issues, but at least somebody should be there to take a turn at the leadership and in that way you can change the passive role into an active role. If you are active you can have so many initiatives and energy. You can see the difference.

**CHAIR:** The democratic process is election by the people. Do you think perhaps this kind of official position should be elected amongst the link groups?

**Dr DIEP:** I do not understand your question.

**CHAIR:** There is now a delegated position from the Government that Mr Hansen is chair and Mr Kerkyasharian is the secretary. I am suggesting that one way to change it is that these two positions are to be elected by members of City Watch and the link groups.

**Dr DIEP:** Yes, maybe, but you have to look at the membership of the council. At the moment, maybe yes. If you have many community leader representatives, the election would make sense, but if not many local representatives in the council it will not make sense. The council was highly criticised at the beginning. At the beginning only two or three community members were represented in the council, but if the majority of members of the council were police and politicians, you do not feel at ease in that situation to make any comment.

**CHAIR:** But is not the whole purpose of the exercise for the community to communicate with the police and the politicians?

**Dr DIEP:** Yes, that is why I highly criticised it at the beginning.

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<sup>102</sup> Kerkysharian Public Forum 24 May 2002 p13

**CHAIR:** Maybe Mr Hewlett may have some comments to make, seeing he is representing you in City Watch? He may even want to comment on what achievements or what changes still need to be done in City Watch.

**Mr HEWLETT:** I think with Dr Diep's comments, in so far as taking a passive role is concerned, of course if a person attends the council meeting of the City Watch and if all the items and documents are sent to him, and it is a matter then of just indicating approval or making some suggestions, you do not work as hard as if you are an initiator of documents. I am not sure myself how that can be changed, but that is what I think is an important difference there.<sup>103</sup>

**4.31** In her evidence to the Committee the Local Member Ms Reba Meagher argued that it was more appropriate for the current arrangements to continue for CityWatch:

The risk you run in a particularly diverse and sometimes fragmented community is that if you have one community leader elected as the chair of that you may disenfranchise other people who choose not to participate because they have some other issues, whether those issues have occurred in the local community or in an international situation. So we have to be mindful of that as well. So I think the sort of impartial agency approach to driving City Watch is the most appropriate way to move ahead with it.<sup>104</sup>

**4.32** The Committee understands the difficulties faced by CityWatch in ensuring as many groups as possible are heard and participate in its link groups and other activities. To date the work of CityWatch appears to have made largely a positive contribution to improving police community relations in Cabramatta, and the range of its activities are a tribute to the work of the CRC.

**4.33** As CityWatch evolves there may be a need to incorporate local leadership into official positions, perhaps by expanding the number of official positions. The Committee does not accept that participation is dependent on a person being an office holder. However to have a local leader as an office holder on an equal level to the Police and Community Relations representatives gives an important message that the organisation is owned by the community. To avoid unnecessary politicisation it would be preferable to rotate the additional position on a 12 month basis, and begin the position after the next election.

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<sup>103</sup> Evidence 24 May 2002 p10-11.

<sup>104</sup> Meagher Evidence 24 May 2002 p22.



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### **Recommendation 12**

That in addition to the positions of Chair and Secretary, currently occupied by the Local Area Commander and the Chair of the Community Relations Commission for a Multicultural NSW (CRC), the official position of Deputy Chair be added to the management of CityWatch.

That this official position be held by a representative of the Cabramatta community, elected by the members of the CityWatch link groups, and that this position be rotated annually.

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## **Policing Non-English speaking background Communities**

**4.34** The *Cabramatta Policing* report identified the lack of understanding of the policing of ethnic communities as a major contributor to problems experienced by the NSW Police in Cabramatta. Many of the recommendations of the report were aimed at addressing this, and the government's response is discussed in Chapter Two.

**4.35** The Committee acknowledges that some progress has been made over the last 12 months: an extra ethnic community liaison officer has been appointed; action on interpreters has been trialed; officers have been given specific language training; and several projects have been undertaken with the assistance of the CRC. However the Committee believes the NSW Police still has a very long way to go, both in Cabramatta and other non-English speaking background communities, before it has developed a culture that is responsive to culturally diverse communities.

### **Recruitment of NESB Police**

**4.36** The government advised in its response to the Committee that it does not support the establishment of recruitment targets for officers from a non-English speaking background. The only change made as a result of the Committee's recommendation is that in the NSW Police 2001-2002 Annual Report, and beyond, recruitment strategies will be reported on either as a key strategy or under a separate heading.

**4.37** The "*Cabramatta – A Report on Progress*" outlines the strategies recently undertaken and currently being developed to encourage recruitment of officers from a NES background, including:

- Research on the attitude of persons from non-English speaking backgrounds to policing as a career in January 2001.
- Part of the current NSW Police recruitment campaign targets language groups including Arabic, Chinese, Vietnamese, and Spanish. The advertisements target young potential recruits and their parents in their own languages and are designed to overcome the frequent reluctance of parents to

see their daughters and sons join the Police based on their experience in other countries.

- Encouraging serving officers from non-English speaking backgrounds to invite family members and friends to information sessions on policing as a career.
- Formation of a recruitment and retention working group on 18 December 2001. The working group reports to the Police Minister's Advisory Council and has among its terms of reference the need to recruit and retain persons from non-English speaking backgrounds.
- NSW Police has entered a national agreement with other police forces to encourage recruitment and retention of officers from non-English speaking backgrounds. The National Police Ethnic Advisory Bureau's *Culturally Competent Police Organisations: National Recruitment and Retention Strategic Framework* has been adopted by all Australian jurisdictions.
- Development of an action plan, which builds on the above framework, by NSW Police's Cultural Diversity Team. The action plan is to be finished by October 2002. The timeframe allows for extensive consultation within and outside NSW Police, including consultation with the CRC.

**4.38** Notwithstanding the government's statement regarding non-support of the establishment of recruitment targets, the "*Cabramatta – A Report On Progress*" also notes that the Premier asked the Minister for Police to consider the United Kingdom's experience of recruitment targets and plans. NSW Police's initial consideration of the experiences of the Metropolitan Police Service in the United Kingdom and its recruitment targets has indicated that there are difficulties with establishing targets. Further work is to be done by the Cultural Diversity Team researching international experience including that in New Zealand, the United Kingdom, the United States and Canada, as well as the experience of other Australian jurisdictions and other organisations (for example the defence forces).<sup>105</sup>

**4.39** It therefore appears that the government's position with respect to recruitment targets could be subject to change depending upon the outcomes of the research currently being undertaken. To date, the primary rationale provided for the reluctance to adopt targets has been that if targets were set they would be unlikely to be achieved. While international comparisons are always difficult to make, the evidence of Clr Thang Ngo, based on his Churchill Fellowship, and the experience gained by the Committee Chair on two Commonwealth Parliamentary Association study tours of community policing overseas<sup>106</sup> demonstrates that there are a number of responses that can be made by a police service to the challenges of increasing ethnic diversity in its officer strength.

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<sup>105</sup> *Cabramatta – A Report on Progress* April 2002 p63.

<sup>106</sup> Hon Helen Sham-Ho MLC *Community Based Policing – An International Perspective* 26 June 2001-13 July 2001 Commonwealth Parliamentary Association.; *Community Based Policing – An International Perspective No. 2 - New York and Hong Kong* July-August 2002 Commonwealth Parliamentary Association.

**4.40** In evidence to the Committee Clr Ngo said:

One of the things that I found could have been stronger with the Government's response to your inquiry was Recommendation No. 9 of your inquiry, which recommended the recruitment of police from diverse backgrounds. ...

It is a disappointment to me that the Government has chosen not to accept this recommendation. For me it is a major disappointment because, Madam Chair, as you know, that was one of the things I always called on. When we had this inquiry a year ago, out of 111 police officers in the Cabramatta area, not one speaks an Asian language. I hope that has improved since. The argument we have always had was that it is very difficult to recruit police from ethnic backgrounds. I do not dispute that for one moment. That is exactly what my findings were overseas when I talked to other police chiefs. However, I have found overseas there have been remarkable successes in recruitment of police from diverse backgrounds...

... For example, in San Jose, which has the highest concentration of Vietnamese-born residents than anywhere-else in the United States—in those terms it is not very different from Cabramatta, as we see it—out of the police force of over 1,000 there are 30 Vietnamese-speaking police officers. I personally think if they can achieve that, there is nothing to stop us from doing that. In the United Kingdom, they have set targets for the recruitment of police from non-English speaking backgrounds. In some police areas up to 25 per cent is the target. It is a disappointment to me that the Government has not endorsed that recommendation of the inquiry.<sup>107</sup>

**4.41** In evidence to the Committee the new Commissioner argued that targets are only useful if they are met:

I understand the theory behind the proposition, but I do not know that targets of themselves are necessarily helpful. They are informative.

...

... So we can have targets in one sense and, yes, they provide a point for which we can strive. But in another sense, if we are going to recruit white Anglo-Saxons, Aboriginal people, people from any diverse cultural group, an important part of the equation, an important part of the recruitment process, indeed has to be those particular communities themselves. They, too, have to come behind us to add support and encouragement and talk to young people in their community—and some not so young in age—and encourage them to join NSW Police because if we are to become a truly reflective organisation—that is, reflective of New South Wales, multicultural New South Wales—then indeed, we need people from a diverse range of skills and backgrounds and ethnicities.<sup>108</sup>

**4.42** However as pointed out by Clr Thang Ngo, the numbers of police from a non-English speaking background have actually *declined* over the last 12 months of available figures.

<sup>107</sup> Evidence 24 May 2002 p2-3.

<sup>108</sup> Moroney Evidence 7 June 2002 p55.

... in New South Wales the percentage of ethnic police has been dropping every year in the last three years. You will notice from my submission that in the year 1998-99 we had 280 ethnic police officers—that is, just over 2 per cent of the entire police force. The next year it dropped to 268, it went under 2 per cent, and in the last police annual report we have 234, which is 1.72 per cent of the entire Police Service of more than 13,000 officers.

So I think it is an alarming trend. If we do not have targets, that figure will go down further and there will be no checks on that<sup>109</sup>

**4.43** Clr Ngo argued that the value of targets was that it set a benchmark, and highlighted the failure of current strategies of the Police Service to effectively recruit from these communities:

**The Hon. JOHN HATZISTERGOS:** I would like to ask a question relating to recommendation 9, which you said the Government did not adopt. In fact, what the Government said was that it endorsed the intent of the recommendation but it would act on the recommendation by other means. In fact, it examined the overseas experience you have referred to, perhaps more extensively than you have. Initial considerations were that experiences in the metropolitan services of the United Kingdom showed that there were difficulties with targets and there was further work being done in the United Kingdom, the United States, Canada and other jurisdictions, as well as in the defence force.

The Government also indicated that there were not only difficulties but that it was contrary to the recommendations of the police royal commission to establish specific targets for recruitment within specific ethnic groups. For example, if you could not meet those particular targets, it prevented you from accessing other people who would add to the overall strength of the Police Service.

Bearing that in mind, are not the recruitment strategies which the Government has taken on board to try to encourage more people from non-English speaking backgrounds to join the Police Service an appropriate strategy to be taken at this point? Perhaps the door should not be closed on the issue you have raised; perhaps it should be looked at further down the track.

**Mr NGO:** Whatever strategies we have at the moment are not working, as you know. Just quoting the figures, it has been declining for the last three years. If we leave it the way it is—and I have raised it over the last three years, and each time the Police Service has said, "We are paying very close attention to recruitment of police of ethnic background," but it has declined over the last three years.

You are right. I do admit that the Government has acknowledged that it is important to recruit police of ethnic background, but I think it should adopt targets. In the United Kingdom, where they adopted targets, sure, they did not meet them, but from speaking with United Kingdom police they felt that the targets were still valuable because they provided the benchmark by which to measure whether you have been successful or not. If I do not have a target for what I need to achieve and I do not meet it, or if I reduce it year after year, there

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<sup>109</sup> Ngo Evidence 24 May 2002 p4. Later in his evidence Clr Ngo also pointed out that a typographical error in the Police Annual Report reproduced a figure from the previous year which meant figures quoted did not add up to the final figure.

is no accountability at all. And that has been a problem in Cabramatta. There has been little accountability because no-one knows what is going on, and I think that could be the same problem.<sup>110</sup>

- 4.44** The challenge for NSW Police is to change the image of policing in some communities, so that it becomes an attractive occupation to young members. The new Commissioner spoke of this in his evidence regarding targets:

However, your observation is best illustrated, I suspect, in a recruitment day that I attended last Sunday in rural New South Wales. One young man from a multicultural group approached me. On the basis of his description of his qualifications, he certainly sounded the sort of young man that we were looking for, both in terms of his intellectual skills, his commitment, his academic skills and his life experiences. But, indeed, his one prevailing concern when he spoke to me was not that he met the necessary academic or medical qualifications, but what his particular community—not necessarily the community in which he lived, but the cultural community from which he was drawn—would make of his application. I suspect that what was in his mind was that he felt enormous pressure, real or perceived, that his own cultural community would take an adverse view of his enrolment or potential enrolment at the New South Wales Police College.

I have encouraged him and I have given him the names of a number of officers from that particular cultural group to whom he can speak and talk about those pressures ...<sup>111</sup>

- 4.45** The Committee supports its original recommendation that targets be set, in the absence of any evidence that progress is being made in recruitment from non English speaking background communities.<sup>112</sup> Targets do not have to involve quotas; they can be set to increase the absolute numbers of recruits from a non-English speaking background, without seeking in any way to constrain overall recruitment numbers.

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### **Recommendation 13**

That the Government reconsider setting targets for recruitment of persons from non-English speaking background communities by NSW Police, and develop an effective strategy to make it attractive as a career to people in these communities.

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- 4.46** Bearing in mind the type of comments made by the Commissioner above, the Committee also believes there would be value in the NSW Police establishing a support group for

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<sup>110</sup> Evidence 24 May 2002 p5-6

<sup>111</sup> Moroney Evidence 7 June 2002 p55.

<sup>112</sup> Prior to this report being adopted the Committee received advice from the Commissioner that there were 143 police officers from a non- English Speaking background serving on 5 September 2002. Of these 21 identified an Asian language as their second language: Moroney, Answers to Questions on Notice from Committee, 24 September 2002.

NESB officers, so that at least the few already serving are retained while new recruits can be gained.

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**Recommendation 14**

That the NSW Police establish a support group for officers from a non English speaking background, to facilitate the retention of existing recruits.

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**Cross Cultural Policing Unit**

- 4.47** Recommendation 12 of the *Cabramatta Policing* report was that the NSW Police Service investigate the operation of Community Policing Support Units in other police services, with a view to the establishment of such a unit in the NSW Police Service. The unit would act as a driver of reform in the area of police and ethnic community relations. Its role should also be to provide a source of expert assistance to operational police officers in relation to cross-cultural issues, and to be a source of support for both ethnic community liaison officers and police officers from a non-English speaking background.
- 4.48** In the *Cabramatta – A Report on Progress* the government advised that, in response to recommendation 12 of the *Cabramatta Policing* report, NSW Police had assessed the structure and functions of the unit established in the Toronto Police in Canada (see Chapter Two). The government further advised that the main elements of the Toronto model, including elements identified by the Committee, were already present in NSW Police. Given the significance of the issue of community-police relations throughout the Cabramatta Inquiry and this review, the Committee has recommended that the Minister for Police report to Parliament during this current parliamentary session on the progress and outcome of the comparative study (see Chapter Two).
- 4.49** From 26 June to 13 July 2001, the Committee Chair undertook a Commonwealth Parliamentary Association Study Tour into the concept of community based policing, with particular reference to how it had been applied and adopted in countries overseas. In the report of that study tour, the Committee Chair reported on the various community-based policing programs that are available in Los Angeles, Toronto, London and Seoul with a view to comparing them with the nature and scope of community policing in Cabramatta.<sup>113</sup> The Chair undertook a follow up Commonwealth Parliamentary Association Study Tour in July 2002 to New York and Hong Kong.<sup>114</sup>
- 4.50** The overall *stated* objective of NSW Police and each of the four overseas jurisdictions with respect to community based policing are consistent with each other. The difference appears to be the level of support provided by central support units to frontline officers to assist

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<sup>113</sup> Hon Helen Sham-Ho MLC *Community Based Policing – An International Perspective* 26 June 2001-13 July 2001 Commonwealth Parliamentary Association.

<sup>114</sup> Hon Helen Sham-Ho MLC *Community Based Policing – An International Perspective New York and Hong Kong* July-August 2002 Commonwealth Parliamentary Association.

them in engaging with their local communities, and that in overseas jurisdictions the units are headed by sworn officers, in contrast to NSW where the cross cultural unit is headed by a civilian.

- 4.51** The Los Angeles Sheriff's Department (LASD) Community Policing Bureau or 'COPS' Bureau works closely with High Impact Community Policing Teams to initiate community surveys and to facilitate Town Hall meetings; directs and advises Community Advisory Committees and assists in the planning and execution of special programs.<sup>115</sup> The Community Policing Support Unit of the Toronto Metropolitan Police Service aims to promote race relations issues as an integral part of every officer's duties, rather than as the responsibility of a specialised unit. The Unit is responsible for providing practical support, assistance and resources to operational Units and monitoring ongoing liaison with individuals and organisations in the community. This includes providing administrative support and assisting in the facilitation of Community Consultative Committees. The CPSU consists of 66 members, which includes both police officers and civilian personnel.<sup>116</sup>
- 4.52** As noted by the government in *Cabramatta – A Report on Progress* the comparable central unit within the NSW Police is the Cultural Diversity Team. That report noted that the CDT initiates policies and programs, and advises on matters to do with the relationship between police and a variety of community groups including the diverse cultural and linguistic communities of NSW.
- 4.53** It therefore appears that, unlike the COPS in Los Angeles and the CPSU in Toronto, the CDT is not intended to provide frontline officers with on-site assistance with the implementation of the policies and programs that it initiates. The Committee acknowledges that this frontline expertise is meant to be provided by Ethnic Community Liaison Officers who are in turn supported by the CDT. However given concerns about the use of ECLOs in Cabramatta LAC raised during the main inquiry it may be that they do not play a comparable role to their North American counterparts, and that more "hands-on" assistance is required from the CDT. Given that the role of ECLOS are not defined clearly and the CDT is headed by a civilian, it may be that the NSW unit needs to be re-organised along overseas lines, where cross cultural issues are headed by a current or former sworn officer as a team leader.
- 4.54** The Committee is not in a position to judge whether or not it is essential to have a centralised unit that is capable of going out to commands and physically assisting them with initiatives such as facilitation of town meetings. What is essential is that frontline officers and commanders are adequately trained, equipped and supported to effectively implement community policing initiatives, and it is not clear that this can be achieved under the present structure. There is a comparative study being conducted by NSW Police to outline the structure by which this requirement may best be achieved, but the Committee believes this needs to consider making significant change to what currently exists.

<sup>115</sup> Hon Helen Sham-Ho MLC *Community Based Policing – An International Perspective* 26 June 2001-13 July 2001 Commonwealth Parliamentary Association p16-17.

<sup>116</sup> Hon Helen Sham-Ho MLC *Community Based Policing – An International Perspective* 26 June 2001-13 July 2001 Commonwealth Parliamentary Association p32-35.

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**Recommendation 15**

That the NSW Police should comprehensively review the structure, aims and resources of the Cultural Diversity Team so that it can ensure front line officers are adequately trained and supported to implement community policing initiatives developed by senior management.

That this comprehensive review should include the consideration of the need to appoint a serving or former sworn officer with cross cultural experience to head the Cultural Diversity Team.

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**Ethnic Community Liaison Officers**

**4.55** In line with implementing a recommendation of the *Cabramatta Policing* report, there is now a fourth ethnic community liaison officer at Cabramatta LAC. This officer is able to speak Cantonese and Mandarin: previously no officer had these skills despite one in five persons in Cabramatta speaking these languages.<sup>117</sup> This is a welcome addition to the resources available to the LAC.

**4.56** Nevertheless, it is not clear from the current review whether real progress has been made in clearly identifying the role of ECLOs in a local area command. It appears that these positions are being reviewed as part of a service-wide process.<sup>118</sup> This is of great concern to the Committee, because during the main inquiry, which concluded more than 12 months ago, the Committee was also then informed that the ECLO positions were being reviewed. In the *Cabramatta Policing* report the Committee examined the various problems highlighted during the inquiry, but refrained from making a definitive finding with the following statement:

The Committee is conscious that the Police Service appears to be entering a new stage in developing the ECLO position. It will be interested to see what progress has been made in Cabramatta LAC by 2002.<sup>119</sup>

**4.57** The Committee's conclusion at this point would have to be that no progress has been made, other than appointing an additional ECLO to the LAC. This contrasts with, for instance, significant progress in the youth liaison officer positions, described elsewhere in this chapter. The ECLO positions overall remain as problematic as they ever were, casting doubt on whether the position can be continued in its current form. In evidence to the Committee the new Commissioner said:

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<sup>117</sup> Premier's Department *Cabramatta Profile* 1999 p8-9, cited in *Cabramatta Policing* report p6.

<sup>118</sup> Moroney Evidence 7 June 2002 p56.

<sup>119</sup> *Cabramatta Policing* report p127.



There is a formal role statement, a job description, but I suspect it is like many job descriptions both in the public and the private sector. It is a very nebulous sort of document that does not give you any true feeling for what your job is all about. We will be redefining all of our job descriptions, whether they are for commissioners of police, ECLOs or any of the other functions within the Police Service. They have to be a living document. They have to be important in the sense of people understanding what their jobs are about.<sup>120</sup>

**4.58** The submission from the Police Association confirmed that there were still concerns at the LAC:

There is little if any feedback from this office to police at the frontline and the lines of accountability remain unclear. Perhaps this is a matter of promotion and process, but there is no forum for communication between police, the ECLOs and the community. The general consensus among police appears to be that this area is very underutilised.<sup>121</sup>

**4.59** Little or no progress in this area has been made since the main *Cabramatta Policing* report. The positions appear to be in a state of permanent review, despite only around 30 positions being involved. The community does not know what role ECLOs have; serving officers do not know what role ECLOs are supposed to play; and the Police Association has also expressed confusion as to their appropriate roles. The Committee believes the ECLO positions need to be abolished and a new start made. The responsibility for driving cross cultural policing within a LAC should be the responsibility of sworn police officers, drawing on support and training from a revamped Cultural Diversity Unit (as outlined in an earlier recommendation). The skills of many current ECLOs could be retained within the NSW Police but used in different roles.

**4.60** The Committee believes the reliance on ECLO positions may have become a barrier in the way of real progress in multicultural policing. The positions allow the NSW Police to pay lip service to the concept of policing NESB communities while effectively marginalizing those officers in a LAC who should have a key role in cross cultural policing.

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### **Recommendation 16**

That the NSW Police use its current review to abolish the formal positions of Ethnic Community Liaison Officers (ECLOs) and replace them with sworn officer positions. The skills of many current ECLOs could be retained within the NSW Police but used in different roles.

That the NSW Police develop a strategy by which a sworn officer has responsibility for driving cross cultural policing initiatives within a Local Area Command, supported by training and resources from the Cultural Diversity Unit.

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<sup>120</sup> Moroney Evidence 7 June 2002 p56.

<sup>121</sup> Submission 27 May 2002 p2.

### **Interpreters**

- 4.61** As indicated in Chapter Two, in response to the Committee's recommendation, NSW Police trialed the use of a Vietnamese interpreter at the Cabramatta LAC over a four month period. Because of dissatisfaction with this approach the Local Area Command has resumed to using the CRC's on call interpreter service, with an additional Vietnamese interpreter dedicated to giving priority to the needs of Cabramatta Local Area Command.
- 4.62** The Committee notes that, apart from the additional resource available to LAC, this approach does not differ greatly from that which existed before. The Committee notes that *Cabramatta – A Report on Progress* indicates that \$150,000 a year has been allocated for the next four years for interpreter services.<sup>122</sup> It is important that this commitment not be forgotten. The Committee believes that it would be appropriate for CityWatch to receive annual reports on the expenditure of this allocation; but it is also an issue which can be monitored during Budget Estimates hearings (see Chapter Three) to ensure the expenditure continues to go to Cabramatta.

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### **Recommendation 17**

That the Government provide annual reports to CityWatch on the expenditure of the \$150,000 per annum committed to interpreting and translation services for Cabramatta LAC; and that this also be monitored through the Budget Estimates process.

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- 4.63** The Committee notes that up to 30 officers at the LAC have undertaken or will be undertaking a TAFE course in Vietnamese language and culture, and a shorter course has been given to 122 other officers.<sup>123</sup> The Committee acknowledges these moves, and urges the management of the LAC to continue to upgrade the cultural skills of its officers.
- 4.64** The Committee also recognises that the value of new initiatives such as this needs to be assessed to ensure that it is of benefit to those participating.

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### **Recommendation 18**

That the CRC conduct a short survey or focus group with Cabramatta LAC officers who have participated in courses in community languages to assess the value of the training to their policing; and that the results of this be provided to senior management of the NSW Police to assist in future decisions on allocating resources to such training.

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<sup>122</sup> *Cabramatta – A Report on Progress* p22.

<sup>123</sup> *Cabramatta – A Progress Report* p64.

## Young People

**4.65** There appears to be more improvement in police relations with young people than in some other areas. The LAC has taken on an additional youth liaison officer and it appears, that as recommended by the Committee, a senior officer has acted as a mentor to the youth liaison officers to ensure they have not been marginalised. In evidence to the Committee Crime Manager Detective Chief Inspector Deborah Wallace explained some of the police/youth initiatives:

... one significant program is Kids At Risk Excursions, or KAREs, for kids referred through the PCYC and other agencies. It is focused on taking about 20 young people who we consider are at risk with police on an interactive social event, such as a bushwalk that has been organised, followed by a series of workshops to further nut out some issues that may be developing between us. So far we have put out expressions of interest for police who may be interested in attending that program together with the youth liaison officers [YLOs], and we have been overwhelmed with response from within the command so that we now have to do a selective process for those who can attend.

Another program we have is that of the positive contact sessions, in which troubled youths—youths who have had contact with police—are put together in two groups, with approximately eight in each group, to discuss any issues that might be emerging between them, and resolutions are obtained. At this stage, we have had one positive contact session and it is intended that they be ongoing.

We also have Operation Rollcall, in which our youth liaison officers are on regular patrol with the Department of Education home liaison officers to identify if there are any truants in the local area, to re-align them with schools and to inform schools of the situation so that the truants can be returned to mainstream before they engage in high-risk activities that truancy may lead to. One of our most successful programs is the Police School Links Program, which has been running between the police and Cabramatta High School since 1994. It involves police attending the school on a crime prevention workshop basis, to discuss crime and its consequences. Target groups are year 7 and year 10. The program has, I was informed as recently as yesterday by Mr Kidd, the school principal, been nominated for a National Crime Prevention Award. Another program involves police-student sport days. We have our first one organised for July. Again, that involves students at Canley Vale High engaging police in a friendly soccer match, at the end of which there will be a barbecue which everyone can join in. At this stage we anticipate to run one of those days every three to four months.

Finally, we are very excited about a submission that is being drafted at the moment for a \$50,000 grant from the police and community training team. Basically, the proposal has two primary objectives: to build, expand and sustain links with culturally diverse communities, and to provide them with information and access to local police.<sup>124</sup>

<sup>124</sup> Wallace Evidence 7 June 2002 p18.

**4.66** The relationship with local schools appears well established and positive:

Yes, a youth liaison officer is there on a regular basis if there is any instance that may occur, they want some advice from the police there. But also at the Links Program, in particular, I think our youth liaison officers are as well known to the students as some of their teachers.<sup>125</sup>

**4.67** This was confirmed in submissions from the Principal of Cabramatta High School<sup>126</sup> and from the local member Reba Meagher.<sup>127</sup> However there were concerns expressed by a local youth worker during the public forum on 24 May as to the way some officers had interacted with local youths suspected of an offence:

In regard to police and community relations it is still somewhat tenuous and many have claimed to me that police are not necessarily seen as being there to help them. Also young people have recently alleged inappropriate treatment in regard to the way they were spoken to or treated, including bad language, intimidation and coercion to make statements or provide information. That still occurs at times.

...

It is my opinion that as recommendation 21 suggests, procedures for youth, the Government suggests that it already has in place sufficient processes and protocols to meet the concerns of the recommendation. I do not feel that that is based in the reality of what is really happening. There are still issues around the way young people are being treated and that goes some way in pulling them away from seeing the police as being there to help them.<sup>128</sup>

**4.68** Despite concerns as to the treatment of young people by some officers and the problems of youth homelessness in the area, Mr Hamkin expressed some hope for a way forward:

As a matter of the Cabramatta youth team we have nine funded programs which provide services to young people in Fairfield and through to Liverpool. We have gone some way to do in joint projects, particularly with the Police Citizens Youth Club and also through a multicultural youth festival which was held here and run in conjunction with the Police Citizens Youth Club. Those sorts of activities seem to go a long way in breaching the gap between police and young people. We are looking to perform more of those, and there are some in the pipeline.<sup>129</sup>

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<sup>125</sup> Wallace Evidence 7 June 2002 p18.

<sup>126</sup> Cabramatta High School Submission 15 May 2002.

<sup>127</sup> Submission 15 May 2002 p4.

<sup>128</sup> Hankin Public Forum 24 May 2002 p3-4.

<sup>129</sup> Hamkin Public Forum 24 May 2002 p4.

- 4.69** The Committee notes that improvements appear to have been made in youth/police relationships, particularly in the strengthening of the police youth liaison positions which had previously been neglected in the LAC.

## **New Police Station**

- 4.70** At the start of the main inquiry, prior to hearing evidence, the Committee visited Cabramatta LAC. In the *Cabramatta Policing* report the Committee described the station as overcrowded and sub-standard, something on which members of the Cabramatta community also made comment.<sup>130</sup> An important demonstration of the increased commitment of the NSW Government is the decision to build a new \$12.78 million Police Station at Cabramatta, due for completion in the second half of 2003.<sup>131</sup>

- 4.71** The construction of a new police station, as with other major public works, can provide an opportunity for improved community relations. Fairfield Council, who have approved the development application for the new station, suggested that the location of the station in the centre of the CBD was a positive sign:

The other notable difference is the commitment to building a new police station in an appropriate place. It was pleasing to see that when the Police Service decided to look for a new site, they worked with the council to find a site that we, in conjunction with them, thought would be the most appropriate site. That site, I would argue, is the best. It is well connected to the town centre.<sup>132</sup>

- 4.72** The Council believes the new station may encourage new construction and business in the immediate vicinity:

Just as an aside, where the police station is going now is a fairly depressed area of Cabramatta; there is not much development occurring in that area. The police station will have the opportunity to improve the amenity of that, simply by being itself a good building. It will also improve the presence of the police and make a statement. I have already had inquiries from developers in that area who are interested in doing something around there. So it is triggering interest in that particular area, which is another benefit.<sup>133</sup>

- 4.73** The Committee believes the opportunity should be taken by the Police working with the Department of Public Works, Fairfield City Council, the CRC and other agencies to consult the wider community about ideas how a new station could improve community relations. This may be as small as some acknowledgement of the diverse cultures in Cabramatta in the public area of the station, or a community event to open the new station. The important principle is that the new station is an important event in the life of the community as a whole, that it is not only viewed as an internal matter. It may be that

<sup>130</sup> *Cabramatta Policing* July 2001 p111.

<sup>131</sup> *Cabramatta – A Report on Progress* April 2002 p57-58.

<sup>132</sup> De Culchain Evidence 24 May 2002 p16.

<sup>133</sup> De Culchain Evidence 24 May 2002 p16

existing planning requirements for community consultation provide the opportunity for such community input.

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**Recommendation 19**

That the NSW Police, Department of Public Works, Fairfield City Council and the CRC and other agencies consult the Cabramatta community as to their ideas on how the construction of the new Cabramatta police station can enhance police community relations in the area.

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## **Front Line Police and the Community**

### **Police Response Times**

**4.74** There was some indication in submissions and in the hearing and forum held in Cabramatta on 24 May 2002 that the relationship between the community and local police had improved, largely as a consequence of the perception that police were more visible and performing more effectively in reducing visible crime. However there were several participants at the forum held on 24 May who raised complaints which involved poor communication or lack of responsiveness. These complaints included:

- Slow response times to calls for assistance.
- Excessive force in arresting a young man (who was resisting arrest).
- Inappropriate intimidation and coercion of young people to obtain information, although at a reduced incidence from previously.
- Inappropriate response by a senior officer to expressions of concern from community leaders on local issues.
- Lack of responsiveness to a father whose runaway daughter who had become involved with an alleged local offender.

**4.75** Aside from the last issue, which appeared to involve an inappropriate response warranting further investigation, the complaints raised appeared to be of a type that may occur in any area.

**4.76** Regarding police response times, the Local Area Commander Frank Hansen told the Committee that the figures indicated that for the first quarter of 2002 computerised central records detail that urgent calls in Cabramatta were attended to within 5 minutes for 50 per cent of the time, and just over 10 minutes for 80 per cent of the time, with an overall average of 7 minutes and 38 seconds. Superintendent Hansen advised these times are in

line with State averages.<sup>134</sup> This compares favourably with the international example quoted by Councillor Thang Ngo in his evidence and submission, by which Singapore Police pledge to respond to urgent incidents within 15 minutes for 85 per cent of cases.<sup>135</sup>

- 4.77** Clearly the figures quoted by Superintendent Hansen are averages and there would be occasions when police would take longer to arrive, leading to dissatisfaction. The important aspect of this is that figures on response times continue to be made public, including when there is “bad news” as well as good news, so that the community can assess the service they are receiving. It is also important that when complaints are made they are taken seriously, properly investigated and feedback given to the person lodging the complaint. The priority is ensuring that the LAC serves the community it is situated in, something which was not occurring when the main inquiry was established.

### **Protection of Police Witnesses to Parliamentary Inquiries**

- 4.78** A crucial factor in ensuring the mistakes of the past are not repeated is the need to ensure that front line officers are valued by senior management; and that they are able to raise concerns with management about policing strategies at a local level without it being seen as a discipline issue by management.
- 4.79** One of the most notable aspects of the main inquiry was how front line officers at Cabramatta came forward, at considerable risk to their own careers, to speak of the problems within the Local Area Command that were contributing to the worsening of drug related crime being experienced by the community. Front line officers and the Cabramatta community agreed on much of what was wrong during the 1999-2000 period, against the views of management at the time. Their evidence did much to assist the Cabramatta community gain the improvements discussed in Chapters Two and Three.
- 4.80** The question raised by Mr Ross Trevyaud, President of the Cabramatta Chamber of Commerce, was whether the experience of those officers such as Tim Priest and the four officers who gave evidence before the committee was such as to discourage future front line officers from assisting their community in the same way. Speaking of the “courage, honesty and conviction of the men and women serving under the police force under the current Commissioner Mr Moroney”, the President of the Chamber of Commerce says:

The real fear for our community is that this will be repeated once again, once the focus is taken off Cabramatta. The Government will once again claim victory, police management will once again support that view, and once again the people of Cabramatta will suffer. The question is: Will the rank and file police officers put their careers at risk to assist the community as a number of them did in 2000/2002? Or will the memory of the victimization of those past brave officers allow police management to get away with ignoring the needs of the people of Cabramatta and other communities?<sup>136</sup>

<sup>134</sup> Hansen Evidence 7 June 2002 p17.

<sup>135</sup> Clr Thang Ngo Submission 15 May 2002 p14.

<sup>136</sup> Chamber of Commerce Submission 7 June 2002 p4.

**4.81** A similar point was made by Dr Richard Basham in his evidence:

One would have thought that senior police who claimed they have not been told the truth would have been grateful to the constables and sergeants who cut through layers of self-serving superiors to report what was really going on in Cabramatta. But for some reason, the command structure responded by relocating those who had told them the truth, and by retaining, and in many cases, rewarding those who had not.

In effect, those who saw the problems and had the courage to report them, were transferred, while those who neither saw them nor reported them were selected to fix them.<sup>137</sup>

**4.82** The Committee, through the House, referred its concerns about the treatment of the four officers to the Standing Committee on Privileges and Ethics, and found that the actions of Region Commander Clive Small and Local Area Commander Frank Hansen toward the four officers constituted a contempt of Parliament, albeit an inadvertent contempt.<sup>138</sup> That Committee found:

...This Committee is of the opinion from the evidence of the four police officers that they did feel intimidated or harassed because of the actions taken by Assistant Commissioner Small and Superintendent Hansen...Furthermore, in intimidating these officers there was a potential to obstruct the Committee in the performance of its functions by discouraging not only these officers, but other potential witnesses from appearing before the Committee in the future in relation to this or to any future inquiry.

While the actions of Assistant Commissioner Small and Superintendent Hansen may not have been intended to intimidate, intention is not the measure when determining contempt.<sup>139</sup>

**4.83** To avoid a recurrence of this situation in future the Privileges Committee recommended that the NSW Police develop procedures for management when dealing with officers under their command who appear as witnesses before parliamentary inquiries.<sup>140</sup>

**4.84** This Committee is not aware of any moves by the Police Service to implement this recommendation. It is not the Committee's role to follow up the recommendations of other Committees. However it is important that under the new Commissioner appropriate

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<sup>137</sup> Basham Evidence 7 June 2002 p43.

<sup>138</sup> *Report into Possible intimidation of witnesses before General Purpose Standing Committee No. 3 and unauthorised disclosure of committee evidence*, Standing committee on Privileges and Ethics, 1 November 2001.

<sup>139</sup> *Report into Possible intimidation of witnesses before General Purpose Standing Committee No. 3 and unauthorised disclosure of committee evidence*, Standing committee on Privileges and Ethics, 1 November 2001p70.

<sup>140</sup> Recommendation 3, *Report into Possible intimidation of witnesses before General Purpose Standing Committee No. 3 and unauthorised disclosure of committee evidence*, Standing committee on Privileges and Ethics, 1 November 2001.



messages are sent to front line officers that senior management supports the notion that their appearance before a parliamentary committee will not result in harassment or intimidation. The Committee believes action needs to be made on the recommendation.

- 4.85** The Committee also notes the recent case of *Wheadon v State of NSW*<sup>41</sup> which stated principles for an employer's duty of care to protect a "whistleblower". A NSW police officer was awarded damages of \$650,000 following a decade of harassment from colleagues and sections of management with inadequate support by the NSW Police as employer. Failure to protect those front line officers who speak out in the public interest is costly to the NSW Police in financial terms, in terms of morale and for the individual lives affected.

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### **Recommendation 20**

That the Police Minister report to Parliament during the current session on the response to the implementation of the recommendation 3 of Report 13 of the Standing Committee on Parliamentary Privilege and Ethics regarding the procedures for management when dealing with officers under their command who appear as witnesses before parliamentary inquiries.

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### **Change in Management Culture**

- 4.86** Aside from establishing procedures, the most important factor to address the fears raised by the President of the Cabramatta Chamber of Commerce and others is a change in the management culture of the Police from senior management down to the Local Area Command. At the local level the Police Association representatives, based upon consultation with local officers, were positive about the improved management style of the Local Area Command under Superintendent Hansen:

Well, I think what I alluded to before: a change in management approach. That is, a much more inclusive consultative approach, a move away from a command and control management style, people being very clear about what their direction is, what the role of police is in the local community, and a very clear focus on drug crime. That was one of our major criticisms initially, that the policing of drug crime was actively avoided, and people were told not to do that. So it is, all those sorts of things. It is largely management style, I would suggest, that has improved the climate.<sup>142</sup>

- 4.87** The Committee notes that the new Commissioner Ken Moroney agreed to appear before the Committee's hearing as one of his first public engagements. Much of his evidence addressed the issue of police morale. He indicated the importance he places on front line officers:

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<sup>141</sup> District Court Judge Cooper 2/2/01

<sup>142</sup> Chilvers Evidence 7 June 2002 p24.

They have to understand that they are valued, and I said in my opening address here today, that the importance of feeling valued as a police officer, that you provide value to your community, is absolutely crucial to how ultimately we drive down crime. I have been asked by a whole range of people, from the media to politicians to community members, how will I drive down crime. I suspect that in many ways that is the easy bit—difficult at times, but it is the easy bit.

What is so fundamental to your question, I believe, is how we approach a whole range of human resource issues: promotions, transfer, tenure, complaints management, health, welfare, rehabilitation, education, and the list goes on. My fundamental belief is that if we have the human resource issues of NSW Police right, including valuing your people—and I said that has to commence by their commissioner valuing them—we then move to the second stage and have a serious address to what I will simply call the compliance issues, those issues that are so fundamental to the good ordinance and governance of a police command. So if the human resource components are right, if the governance issues are right, then the rest is easy. We will be able to drive down crime, and so part of that image issue is about valuing your people.<sup>143</sup>

**4.88** The Commissioner stated that, apart from management, it was equally important to front line officers that the community valued their contribution. He spoke of the outpouring of community support for police in the wake of the recent deaths of two constables and the impact this had on morale:

Now, I go to police stations. After being in the police for 37 years, I think you get an understanding of morale. In part, that morale has come about, Mr Dyer, because of, and in part, the deaths of our two colleagues in more recent times, to which I referred earlier. It was not the deaths of those officers, but it was that the police have started to feel valued in the community because that morale was State high. It was demonstrated, as you well know, I suspect, all of you, by Blue Ribbon Day, which had never before been conducted in this State. It was a spontaneous reaction by the community of New South Wales. Now, each of these things are important in their own right, but collectively they are all adding to the morale of the police. Why is the issue of morale so important? I think that is how the police respond to driving down crime on the street.<sup>144</sup>

**4.89** The Committee is encouraged by the importance the new Commissioner places on the morale of front line officers. If he is able to pursue this as a priority an opportunity is finally presented for the NSW Police to move away from the command and control style of management that played such a part in the failures in Cabramatta which led to the original inquiry. The Committee has been concerned throughout the inquiry process about the authoritarian approach taken by some senior management.<sup>145</sup> The Committee believes that

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<sup>143</sup> Moroney Evidence 7 June 2002 p55.

<sup>144</sup> Moroney Evidence 7 June 2002 p56.

<sup>145</sup> The Committee believes that this approach is indicative of the old culture of the NSW Police. In particular the treatment of the four front line officers in the original inquiry indicated an inability to deal constructively with any perceived criticism of authority, as discussed in *Report into Possible intimidation of witnesses before General Purpose Standing Committee No. 3 and unauthorised disclosure of committee evidence*, Standing committee on Privileges and Ethics, 1 November 2001.

any continuation of this approach can only result in the recurrence of management problems such as occurred in Cabramatta during 1999-2000.

## **Conclusion**

- 4.90** There remain problems within the Police/community relationship at Cabramatta. In particular there are many aspects of the relationship with the many non-English speaking background communities in the area which still require a great deal of work. Indicative of this may be that while there appears to have been some progress in improving the youth liaison positions at the LAC the ECLO positions are still problematic. Also the rejection of targets for recruitment of non-English speaking background officers and the decline in numbers of these officers over the last 12 months is of great concern.
- 4.91** In regard to reductions in drug related crime in Cabramatta, many of the participants from the main inquiry would agree that progress has been made. However many in the community have long memories. They have seen improvements before, followed by the drug problem again spiralling out of control. While conclusions have been drawn in this review report, the Committee acknowledges that much has been done, but much is still to be done. The Government must continue to sustain its focus on police resources in Cabramatta and surrounding areas. The police and the Cabramatta community need to continue to work together to ensure the mistakes of the past are not repeated. The problems that continue to be faced by the residents of Cabramatta cannot be underestimated.



# **Appendix 1**

## **Submissions**



## Submissions

No	Author
1	STEVENS Mr Mark ( <i>Partially Confidential</i> )
2	KIDD Mr Grahame (Cabramatta High School)
3	TREYVAUD Mr Ross (Cabramatta Chamber of Commerce Inc) ( <i>Partially Confidential</i> )
4	CONFIDENTIAL
5	NGO Cr Thang (Fairfield City Council)
6	CHILVERS, Mr Greg (Police Association of New South Wales)
7	KERKYASHARIAN AM Mr Stepan (Community Relations Commission for a Multicultural NSW)
8	MORONEY, Commissioner Ken (NSW Police) ( <i>Partially Confidential</i> )
9	KHOSHABA Clr Anwar (Fairfield City Council)
10	DIEP Dr Thomas (Cabramatta Business Association Inc)
11	REITANO Detective Senior Constable Frank, (NSW Police Service) ( <i>Confidential</i> )
12	HUYUH Dr Tai (Cabramatta Occupational Rehabilitation Centre)
13	MEAGHER Ms Reba (Member for Cabramatta)
14	HANSEN Mr Frank (NSW Police)
15	Officer F ( <i>Confidential</i> )

All submissions received as part of the review were supplementary submissions to the main inquiry with the exceptions of Ms Meagher, Superintendent Hansen and Officer F.





## **Appendix 2**

### **Witnesses & Participants in the Public Forum**



## Witnesses

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### Friday, 24 May 2002 (CabraVale Diggers' Club)

<b>Clr Thang Ngo</b>	Councillor <i>Fairfield City Council</i>
<b>Dr Thomas Diep</b>	Representative <i>Cabramatta Business Association</i>
<b>Mr Keith Hewlett</b>	Solicitor <i>Cabramatta Business Association</i>
<b>Mr Gilbert De Chalain</b>	Place Manager <i>Fairfield City Council</i>
<b>Ms Reba Meagher MP</b>	Member for Cabramatta <i>NSW Parliament</i>

### Friday, 7 June 2002 (Parliament House, Sydney)

<b>Assist. Commissioner Clive Small</b>	Former Region Commander <i>NSW Police Service</i>
<b>Superintendent Frank Hansen</b>	Local Area Commander <i>Cabramatta Local Area Command</i>
<b>Det. Chief Inspector Debbie Wallace</b>	Crime Manager <i>Cabramatta Local Area Command</i>
<b>Mr Greg Chilvers</b>	Research Director <i>Police Association of NSW</i>
<b>Mr Luke Hannah</b>	Executive member <i>Police Association of NSW</i>
<b>Mr Don Weatherburn</b>	Director <i>Bureau of Crime Statistics and Research</i>
<b>Dr Richard Basham</b>	Senior Lecturer, Department of Anthropology <i>University of Sydney</i>

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**Mr Tim Priest** Former Cabramatta Police Officer

**Mr Geoff Barnden** Director  
*Office of Drug Policy*

**Commissioner Ken Moroney** *NSW Police Service*

**Tuesday, 13 August 2002 (Parliament House, Sydney)**

**Mr Mike Carlton** Radio Announcer  
*Radio 2UE Sydney*

**Assist. Commissioner Clive Small** Former Region Commander  
*NSW Police Service*

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## **Participants in the Public Forum**

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**Friday 24 May 2002 (Cabra Vale Diggers, Cabramatta)**

**Ms Julia Irwin MP** Federal Member for Fowler

**Mr Mark Stevens** Local resident

**Jenny** Local resident

**Mr Mark Hankin** Youth Development Councillor, South-West Sydney

**Person X** Local resident

**Clr Maria Heggie** Fairfield City Council

**Mr Ken Chapman** Neighbourhood Watch Group, CM8

**Mr Peter Starr** Local resident

**Mr John Argle** Local resident

**Ms Janina Anstee** Local resident

**Ms Anka Bevan** Local resident

**Mr Terry Apps** Volunteer Community Worker

**Mr Stepan Kerkyasharian** Community Relations Commission

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## **Appendix 3**

### **Government Response**

#### Report on Cabramatta Policing



## **Government Response**

Legislative Council  
General Purpose Standing Committee No 3

Report on

# **Cabramatta Policing**

## **Government response**

**April 2002**

## Government response

to the recommendations of the  
Legislative Council  
General Purpose Standing Committee No 3  
report into *Cabramatta Policing*

### ▪ recommendation 1 ▪ gang intelligence

The Committee recommends the Police Service take urgent steps to ensure that it has in place procedures and resources to ensure sufficient intelligence is available to Local Area Commands to investigate gang activity.

### Response & Action

The Government endorses this recommendation.

NSW Police has taken action to create and disseminate intelligence on gangs:

- The attack on gang crime has been consolidated by the recent formation of the Gangs and Organised Crime Strike Force in Crime Agencies. The Strike Force focuses on breaking up criminal gangs, and coordinating and assisting Local Area Commands to target their own resources to fight gang crime. The Strike Force currently has a staff of 23 detectives and a further five seconded staff. The staff have backgrounds in investigating drug dealing, firearms trafficking and ethnic based organised crime.
- The Greater Hume Region, which includes Cabramatta, has taken an intelligence based approach to youth gangs.

A tiered policing approach to gangs has been adopted, ranging from improving relationships between police and youth, to aggressive law enforcement against those gangs involved in drugs, weapons or violence.



- On 24 March 2002, the Ministers for Police and Education and Training announced a joint task force to tackle allegations of gang activity in south western Sydney High Schools.

The task force will thoroughly examine the trends and patterns of gang activity. It will consider: establishing a hotline for principals to directly contact senior police; enabling better exchange of information between local police and high schools; regular meetings between police and Department of Education and Training officials; and reinforcement of the truancy program.

- The Intelligence and Analysis Gangs Team, part of the Information and Intelligence Centre of NSW Police, analyses gang information collected from the COPS (Computerised Operational Policing System) database and provides tactical and operational intelligence to frontline Local Area Commands about gangs. Information provided includes gang profiles and reports of activities as well as "intelnets" - which include confidential reports of specific activity by particular people and their modus operandi.
- Enhancements to the COPS system were completed in January 2002. These have enabled better collection and assessment of information concerning gangs, covering youth gangs, street gangs, criminal gangs and outlaw motorcycle gangs. This will assist the Information and Intelligence Centre to provide an improved service.
- The Information and Intelligence Centre has also completed an Intelligence Assessment of Gang Activity in the Sydney metropolitan area. This is a major assessment of gangs operating in the Sydney area during January 2000 – July 2001. It includes regional assessments of key gangs, their members, the risks they pose and their activity. It is designed to help NSW Police to better target operations to shut the gangs down.
- The Minister for Police recently announced that, as part of the restructure of NSW Police, the Intelligence and Information Centre will merge with Crime Agencies, in order to increase the effectiveness of both units and ensure a strategic intelligence focus for the future. Planning for the merger has begun.
- Thirty nine Civilian Intelligence Analysts (CIAs) are being trained at the NSW Police College at Westmead. When deployed at the Local Area Commands, the analysts will collect and analyse information about local crime. They will specifically focus on helping to solve lingering crime problems by researching best practice and considering what works and what does not. The first CIAs will be deployed to Local Area Commands with the highest level crimes, in both metropolitan and rural areas (this does not include Cabramatta).
- Prevention of gang crime is another focus. A new Crime Prevention Workshop module on gangs and groups has been developed. It targets

year 8 students and will be delivered in a number of school districts in the coming year.

## ▪ recommendation 2

- reporting to premier
- reporting to cabinet committee on drugs
  - driving action

The Committee recommends that the Premier require the Ministers for Police, Health, Community Services, Housing and Juvenile Justice, together with the Special Minister of State, to regularly report to him on progress in the implementation of the package of initiatives for Cabramatta announced by the Premier on 27 March 2001.

The Committee recommends that the existing Cabinet sub-committee on Drugs, coordinate and drive the implementation of the package of initiatives for Cabramatta announced by the Premier on 27 March 2001.

## Response & Action

The Government endorses this recommendation.

The Government already has in place oversight arrangements for the Government's Cabramatta Anti-Drug Strategy. These arrangements ensure a coordinated, whole of government approach to drive progress on the initiatives and ensure they deliver benefits to the people of Cabramatta and New South Wales as a whole.

The Premier announced on 21 June 2001 that the Cabinet Standing Committee on Drugs would oversee the implementation of the Cabramatta Anti-Drug Strategy. This matter is now a regular item on the Committee's agenda.

Supporting the work of the Cabinet Committee is the Senior Officers' Coordinating Committee (SOCC) on Drugs, chaired by the Director, Office of Drug Policy in The Cabinet Office. The SOCC has met regularly to consider progress on the Government's Cabramatta Anti-Drug Strategy (in addition to its other meetings). At these meetings, all participating agencies provide detailed reports on implementation of the Government commitments. The meetings provide opportunities to identify and resolve issues, and assist the Cabinet Committee to ensure effective progress on the initiatives.

In addition, the Government has received regular reports on the implementation of the recommendations of the Legislative Council General

Purpose Standing Committee No 3. Because of the importance of the recommendations for NSW Police, this role has been undertaken by the Cabinet Committee on Police Reform.

## ▪ recommendations 3 and 4

### ▪ distribution of police personnel

3 The Committee recommends that the NSW Police Service develop and publish a clear, useable Resource Allocation Formula to guide the distribution of resources for each Local Area Command, such as Cabramatta LAC.

The new Resource Allocation Formula must be used in an open and transparent way, so that the public is able to understand the basis of the allocation of resources across the Service.

4 The Committee recommends that the new Resource Allocation Formula outlined in Recommendation 3 include specific consideration of the socio-economic factors facing Local Area Commands, together with the specific resource implications of the multicultural diversity of Local Area Commands.

## Response & Action

The Government endorses this recommendation.

The distribution of police officers to meet the needs of communities throughout the State should be done on a basis that is fair and clear. NSW Police is a large organisation and its Local Area Commands respond to a wide variety of geographic and socioeconomic conditions. Developing a formula is, therefore, a major undertaking.

NSW Police has established a small full-time team to develop a Workforce Distribution System, which is expected to be completed by the end of 2002.

The work in developing the Workforce Distribution System will take into account the conclusions of the Auditor General's report on staff rostering, tasking and allocation (January 2000). The system will also need to build in factors such as demographics, housing developments, shopping centres, railways stations and other local socioeconomic and infrastructural factors.

The Workforce Distribution System will be a computer-based model, with component databases of information about workloads, local environment, and socio-economic conditions. The model will provide a snapshot of the resources in each Local Area Command and the demands placed on them. It

will provide a decision-making tool for the Commissioner and his executive team to determine staffing levels.

NSW Police anticipates that the process used by the Workforce Distribution System will be published on the NSW Police website.

## ▪ **recommendation 5**

- night time services
- police overtime

- (a) The Committee recommends that the Cabramatta Project of the Premier's Department bring together all agencies providing services in the Cabramatta area to outline the need for services and staff resources outside 9 to 5 office hours, with particular reference to the effects of the implementation of the Premier's initiatives for Cabramatta announced on 27 March 2001 and Assistant Commissioner Small's Seven Point Plan. The LAC should identify the services it currently provides out of office hours which are more properly the responsibility of other agencies, and a strategy should then be drawn up with those agencies to address this issue.
- (b) Following the development of this strategy the Committee recommends the LAC prepare a revised overtime policy which gives priority to ensuring continuity of investigations and effective protection of the community. The policy needs to be clearly explained to all staff and to the wider community.

## **Response & Action**

The Government endorses both parts of this recommendation.

### **Night time services – 5(a)**

Twenty-four hour a day services are now provided to the Cabramatta community by two main government support services, apart from NSW Police:

- The Department of Community Services (DoCS) Street Team operates on a 24 hour a day basis, and is located at the Cabramatta Police Station. The team assists young people and others with drug problems and people who are homeless.
- The Central Assessment Service at Fairfield Hospital provides a 24 hour contact point for referral from police officers or DoCS. This service assesses and considers treatment plans, and can refer clients to health, drug treatment and welfare services.

Together these two services provide referral points for police officers under the *Intoxicated Persons Act 1979* and in relation to Police Drug Bail (as it operates under the Cabramatta package). Protocols have been developed and operate between NSW Police, DoCS and NSW Health to ensure appropriate referrals are made.

The services of numerous non-government agencies in Cabramatta, including services provided in the evening and at night, should also be acknowledged.

As recommended by the Committee, on 18 October 2001, the Premier's Department convened a meeting of all key Government and non-government agencies to discuss after hours services.

The meeting was attended by:

- Open Family Cabramatta
- Cabramatta Youth Team (a unit of the Cabramatta Community Centre)
- South Western Sydney Area Health service
- ADRACare Centre Cabramatta (a centre run under the auspices of the Adventist Development Relief Association)
- Department of Community Services (DoCS), Fairfield
- Cabramatta Local Area Command, NSW Police.

The purpose of the meeting was to identify after hours services provided to the Cabramatta community, identify any gaps, and consider action to ensure that the services worked well together.

As a result of the meeting, agencies have resolved to improve communication. The DoCS street team has revived the bi-monthly case management meetings of relevant Government and non-government agencies. These meetings provide a valuable opportunity for agencies to identify and resolve issues that impede working together. These meetings will develop joint protocols, where required, to ensure communication and to coordinate action.

Recommendation 5(a) responds to the specific issue identified by the Committee that police officers were being called on to deal with matters which should properly fall to other agencies. The Government called for specific advice from the Local Area Command on this issue. The Cabramatta Local Area Command advises that, although NSW Police are often the first agency to respond to crises, the Cabramatta Local Area Command Management Team considers that there are sufficient support services available out of hours as outlined above.

#### **Overtime and rostering – 5(b)**

NSW Police advises that there are no restrictions on overtime in the Cabramatta Local Area Command. Overtime is worked according to operational requirements. This position has been clearly communicated by the Local Area Commander to the officers of the Command, and overtime expenditure in the Command has increased significantly.

NSW Police also advises that mechanisms are in place in Local Area Commands, to ensure that police officers are deployed where they are needed. These include:

- Rostering. This is generally based on anticipated demand for services and the First Response Policing Agreement (a mechanism for ensuring that there are sufficient police officers on duty to respond to call outs).
- Intelligence based tasking. In setting rosters and "tasking" officers (that is, setting the duties and priorities for officers), Local Area Commands use intelligence to locate hotspots, and patterns in crime.
- Using computer technology. The NSW Police Enterprise Data Warehouse (EDW) computer database assists in using the intelligence effectively. The EDW takes information from other police systems, and uses it to assist in identifying patterns and predicting future risk areas.
- Crime management case notes. Crime hotspots, emerging crime trends, risk areas, and critical operational issues are discussed at regular crime management meetings. In Cabramatta, these meetings bring together the Crime Manager, intelligence staff, Youth Liaison Officers, crime prevention officer, DoCS street team staff, PCYC staff, the Ethnic Community Liaison Officers and duty officers.

- **recommendation 6**
  - police accommodation
  - audit of physical resources

The Committee recommends the Cabramatta Local Area Commander, together with representatives of the Police Association, undertake an immediate audit of the vehicles and other physical equipment available for use by frontline officers in the carrying out of their duties so that sufficient funding can be allocated to provide the necessary resources.

## Response & Action

The Government endorses the recommendation.

### A new police station for Cabramatta

The facilities at the Cabramatta Police Station were considered to be inadequate by the Committee. Echoing these concerns, the Member of

Parliament for Cabramatta, Ms Reba Meagher, has called for a new station to be built.

In response, the Government has decided to build a new police station at Cabramatta as the highest priority on the NSW Police building program for 2002/2003.

This reflects the Government's commitment to ensuring that the Local Area Command and its officers have adequate accommodation to do the job, and that facilities at the police station meet the needs of the community the station serves.

NSW Police and the Department of Public Works and Services have been working together to expedite the timeframe. A site has already been identified and acquisition is well underway. A development application was lodged with the Fairfield Council on 11 January 2002 and approved under delegation on 13 March 2002.

Tenders are expected to be called early in the second half of 2002 in order for construction to begin in late 2002. The new \$12.78 million building is planned for completion in the second half of 2003.

In the meantime, a new portable building will be located at the Police Station to provide overflow accommodation in April 2002.

#### **The audit of physical resources**

NSW Police Audit Group completed an audit of the physical resources at Cabramatta, in December 2001.

The audit aimed to identify whether the physical equipment is sufficient to meet maximum working capacity. It was benchmarked against other Local Area Commands and covered: radios, batons, torches, camera equipment, and alcometers. A small number of recommendations for additional purchases were made and resulted in the purchase of: 8 bullet resistant vests, 11 torches, and 3 extendable batons. The recommended purchase of additional radio batteries will be addressed as part of an ongoing equipment review in the Command.

In undertaking the audit, the Audit Group consulted with the Local Area Commander, and the local Police Association representative. The Local Area Commander advises that the Association agreed with the final report and audit.

In addition, the vehicle needs of the Local Area Command were reviewed, and reconfigured: a truck has been replaced by a marked police car, and one of the two buses is soon to be replaced with an unmarked police car for use by detectives. Existing station security has also been upgraded by installing a bullet resistant screen for the entry doors.

## ▪ recommendation 7

### ▪ interpreters

The Committee recommends that, following the deployment of the additional ten interpreters for the Cabramatta LAC announced by the Premier on 27 March 2001, the Local Area Commander and the Community Relations Commission for a Multicultural NSW (CRC) ensure that there are interpreters available to assist police officers at the police station 24 hours per day.

### Response & Action

The Government endorses the recommendation.

The Government has allocated \$150,000 per annum for 4 years to NSW Police to ensure that Cabramatta police are able to access interpreters as needed for community languages in Cabramatta.

Cabramatta Local Area Command – and other Local Area Commands – already have 24 hour access to the Community Relations Commission's two services:

- the 1300 number telephone interpreter service in 75 languages and dialects;
- the face to face call-out interpreter service.

Routine inquiries to Cabramatta Police by the members of the public can often be dealt with by general support officers or Ethnic Community Liaison Officers (ECLOs) with language skills.

Recognising Vietnamese is the most common community language in Cabramatta, a trial arrangement was set in place in August 2001. A Vietnamese interpreter provided by the Community Relations Commission was located at the Cabramatta Police Station from 12.00 pm to 8.00 pm seven days a week.

The experience of this four month trial indicated this may not be the most effective way of providing the interpreter services required at Cabramatta.

A new approach has been adopted. The Local Area Command is using the Community Relations Commission's on-call and telephone interpreter services, and the Commission has employed an additional Vietnamese interpreter dedicated to giving priority to the interpreter needs of the



Cabramatta Local Area Command.

The language skill needs of Cabramatta continue to be under consideration. The Community Relations Commission will be surveying non-English speaking members of the Cabramatta community about their contact with police and will develop recommendations based on the survey results. This will be completed in the coming months.

## ▪ recommendation 8

### ▪ police assistance line

The Committee recommends that the Community Relations Commission for a Multicultural NSW, or other agency independent of the Police Service, regularly conduct a random call survey to test the effectiveness of the Police Assistance Line in assisting callers from a non-English-speaking background. If problems are identified the Police Service, working with the Commission, should take immediate steps to enhance the service before advertising again in ethnic media.

## Response & Action

The Government supports the intent of the recommendation to ensure that the Police Assistance Line (PAL) is effective for all its client groups, including those from a non-English speaking background.

NSW Police advises it is in discussions with the Community Relations Commission (CRC) concerning how the CRC could randomly assess the effectiveness of the PAL.

Before this can happen, however, issues for callers and for the system of reporting need to be resolved. For example, if the CRC listens in to calls, how can the privacy of callers be protected.

However, pending resolution of these issues, the Government has taken other action.

To ensure that the PAL is as effective as it can be, the Minister for Police, as part of his 12 February 2002 announcement of the restructuring of NSW Police, announced a general review of the effectiveness of the PAL to better meet community expectations.

NSW Police also advises that the following action is underway or planned:

- Internal controls on service quality have recently been implemented. Under this system, Team Leaders monitor at least 10 calls per operator per month on a random basis to ensure that operators are providing good

quality customer service. Callers to the PAL will be told their calls may be listened to, and opt out, if desired.

- Focus groups and customer surveys are also planned for 2002 to test the satisfaction level of callers to the PAL. These will involve callers from non-English speaking backgrounds. NSW Police will involve the Community Relations Commission (CRC) in the development of the surveys.

NSW Police also advises that the PAL already has protocols in place for dealing with callers who have difficulty with English. These provide that:

- if callers have insufficient English to make an accurate and full report they are linked into a conference call with the CRC translating and interpreting service;
- the PAL has priority access to this service through a separate telephone number;
- the interpreter then assists in identifying the language involved and ascertains whether an interpreter of a particular sex is required;
- the interpreter then asks the standard questions normally asked by the PAL operators.

## ▪ **recommendation 9**

- **recruitment of police from diverse backgrounds**

- (a) The Committee recommends that the Government establish targets for the Police Service in relation to the recruitment and retention of officers from non-English speaking backgrounds, against which the Service should report progress in its annual reports to Parliament.
- (b) The Committee further recommends that the Police Service include in its annual reports the strategies put in place to raise the proportion of officers from a non-English speaking background to a level reflecting the proportion of the NSW population from such a background.

### **Response & Action**

The Government endorses the intent of the recommendation but is implementing this by other means.

### **Recruitment targets**

The Government supports the establishment of specific strategies for encouraging increased recruitment and retention of officers of non-English speaking backgrounds and reporting on these in the Annual Report, but does not support establishing recruitment targets.

The Government notes that the 1997 Final Report of the Royal Commission into the New South Wales Police Service considered and did not support the establishment of recruitment targets. Instead, it favoured a recruitment policy encouraging diversity in the NSW Police.

### **Recruitment strategies**

NSW Police advises the following action has been taken or is planned:

- NSW Police commissioned research on the attitude of persons from non-English speaking backgrounds to policing as a career in January 2001. This research has been used to formulate approaches to recruitment.
- NSW Police has moved, as part of the current recruitment advertising campaign, to improve recruitment from diverse ethnic groups. A key part of this campaign targets language groups including Arabic, Chinese, Vietnamese, and Spanish.

The campaign involves a mix of print advertisement and radio advertisements. Primarily, the advertisements target young potential recruits on radio stations and in print media, referring to cultural and language skills as a desirable attribute. The advertisements also target parents of potential recruits in their own languages. These advertisements outline the advantages of policing as a career and are designed to overcome the frequent reluctance of parents to see their daughters and sons join the Police based on their experience in other countries.

- Serving officers from non-English speaking backgrounds are encouraged to invite family members and friends to information sessions on policing as a career.
- Further work will be done by the Police Minister's Advisory Council which formed a recruitment and retention working group, chaired by Mr Peter Anderson, on 18 December 2001, which has amongst its terms of reference, the need to recruit and retain persons from non-English speaking backgrounds.
- NSW Police has entered a national agreement with other police forces to encourage recruitment and retention of officers from non-English speaking backgrounds. As a result, the National Police Ethnic Advisory Bureau's *Culturally Competent Police Organisations: National Recruitment and Retention Strategic Framework* has been adopted by all Australian

jurisdictions as the national framework for recruitment and retention of officers from non-English speaking backgrounds.

- Building on this framework, NSW Police's Cultural Diversity Team is developing an action plan which will be finished by October 2002. The timeframe for this project allows for extensive consultation within and outside NSW Police, including consultation with the Community Relations Commission.
- The NSW Police Annual Report includes reporting on key strategies under the Ethnic Affairs Priorities Statement (EAPS). NSW Police advises that, in the 2001-02 Annual Report, and beyond, recruitment strategies will be reported on either as a key EAPS strategy or under a separate heading. NSW Police is in the process of finalising its new 2001-2004 EAPS Plan.

#### **Overseas experience**

The Premier also asked the Minister for Police to consider the United Kingdom's experience of recruitment targets and plans. NSW Police's initial consideration of the experiences of the Metropolitan Police Service in the United Kingdom and its recruitment targets has indicated that there are difficulties with establishing targets. Further work is to be done by the Cultural Diversity Team researching international experience including that in New Zealand, the United Kingdom, the United States and Canada, as well as the experience of other Australian jurisdictions and other organisations (for example the defence forces).

### **▪ recommendation 10**

- cross-cultural training
- cross cultural skills for promotion
- dealing with complaints

- (a) The Committee recommends that all officers who work at Cabramatta LAC must have completed in excess of the minimum requirements of the Service for training with a cross cultural component.
- (b) The Committee further recommends that no officer be employed at Cabramatta who has been the subject of substantiated complaints of a racially discriminatory nature. Any officer who is the subject of a substantiated complaint of discriminatory behaviour should be immediately transferred to another LAC.

- (c) The Committee further recommends that the Cabramatta LAC liaise with the Regional Command to ensure junior officers stationed temporarily at Cabramatta, such as the TAG operations, have received in excess of minimum Service requirements for cross cultural training.
- (d) The Committee recommends that where positions at Cabramatta LAC are being filled on a competitive, merit selection basis, weighting should be given to previous experience in Commands with large populations of non English speaking background communities and to officers who have skills in a second language.
- (e) The Committee recommends that the NSW Police Service develop incentives for officers to acquire skills in a second language and to enhance their level of cultural literacy generally.

## Response & Action

The Government endorses parts (a), (c) and (e) of this recommendation. Though recognising the concerns underlying parts (b) and (d) of the recommendation, the Government has dealt with those concerns by alternative means.

### **Cross-cultural training for officers based or operating in Cabramatta - 10(a) and (c)**

NSW Police, recognising the special needs of Cabramatta, has instituted additional training for officers in the Cabramatta Local Area Command.

Cabramatta officers have the opportunity to attend a TAFE certificate course in Vietnamese language and culture. The course is delivered by Randwick TAFE and consists of three hours of face to face teaching each week for 18 weeks. It covers Vietnamese language tailored to police needs, broad Asian cultural awareness, and techniques to assist police to use interpreters well.

Graduates of the course will have a basic knowledge of Vietnamese sufficient to have a simple conversation and assist victims of crime, including names addresses and telephone numbers. They will also have an appreciation of Vietnamese culture and history.

In December 2001, the first 13 officers graduated from this course, with a further two to complete the final module in the first half of 2002. A second course commenced in February 2002 with 17 officers.

A second, shorter TAFE course was delivered to 122 officers from the Cabramatta Local Area Command and the Regional Target Action Group in 2001. This is based on the training provided to Olympic volunteers and is a two hour workshop for 15-20 participants at a time.

**Cross cultural training for all NSW Police officers – 10(a) and (c)**

All recruits to NSW Police receive training designed to increase their skills to deal with people from different cultures from their own and raise awareness of cultural and racial issues affecting members of the community. This is included in the Diploma in Policing Practice.

Specific subjects include:

- *Communication in policing 1 and 2*
- *Police and society*
- *Policing and vulnerable populations.*

NSW Police advises that this training exceeds the minimum of 22 hours, as recommended by the National Police Ethnic Advisory Bureau in 1997.

In addition, the Police and Community Training Program (PACT) aims to reduce crime by bringing together police, youth and community groups to increase awareness of policing and related issues. PACT develops and funds a number of local training and education projects each year. These projects assist ethnic groups by explaining the law and how it applies to them. They also help police understand the special needs of each community, break down barriers and improve police-community relations. Joint projects foster stronger relationships between police and the local community.

A successful project initiated by PACT was the Bankstown/Campsie Project, which is a five stage training framework that includes intensive cultural diversity training for police, as well as community forums. This project focuses on police and Arabic speaking communities.

Cabramatta's PACT project developed a video entitled *A Question of Trust* that highlights community perspectives on policing. Together with an education package, the video can be used by community workers and police as a training resource. The project was developed after discussions with the community and was launched in November 2001.

A number of requests have since been received from other communities wishing to be involved in similar projects. NSW Police advises that it has allocated \$485,000 to the PACT Program in 2001/2002.

**Incentives for language and cross cultural skills - 10(e)**

The courses outlined above for Cabramatta officers are offered in work time and at no cost to the officers. The longer TAFE course gives officers an external TAFE qualification. These opportunities are, in themselves, incentives to undertake training and develop language and cross-cultural skills.

In addition, NSW Police, in common with other public sector organisations, operates the Community Language Allowance Scheme (CLAS). Under this

scheme an allowance is available for officers competent in other languages, if they are recommended for it by their Local Area Commander or Manager, based on competence, need for the language and ability of the budget to support payment. This is available to sworn officers and civilian staff (unless second language skills are part of their job, as in the case of the Ethnic Community Liaison Officers).

Five Cabramatta staff speaking Serbian, Croatian, Thai, Cantonese, and Vietnamese currently receive this allowance.

**Officers with substantiated complaints of racial discrimination to be transferred from Cabramatta - 10 (b)**

New South Wales is a multicultural State with a diverse population. Police officers in all Local Area Commands must be able to deal with the wide range of cultures they encounter.

NSW Police has advised that to transfer an officer from one Local Area Command to another because of that officer's lack of competence in dealing with cultural diversity, or worse, an officer's racist action, merely transfers a problem from one area to another without dealing with it.

Officers with sustained complaints of racial discrimination are dealt with according to NSW Police's Employee Management policy (EM policy). This policy was developed to implement recommendation 71 of the 1996 Royal Commission into the NSW Police Service (the Wood Royal Commission).

EM policy gives primary responsibility for dealing with complaints to the Local Area Commander and mandates that suitable discipline or correction action be taken at the Local Area Command level according to the level of complaint made and whether it is substantiated.

This approach offers the chance of *immediate* remedial action of a type which is relevant to the complainant (eg an apology direct to the affected complainant). It also allows the Local Area Commander to monitor officers over time, and ensure that minor problems do not become major problems.

Serious complaints of misconduct of this nature are required in terms of the *Police Service Act* and the EM policy to be referred to the Internal Affairs Command, the Ombudsman and the Police Integrity Commission, as appropriate.

**Merit based selection to give weight to cross-cultural experience and skills - 10(d)**

The Government supports the intent of the recommendation.

The recommendation seeks to ensure that Cabramatta has officers with the skills and experience needed to operate in cross-cultural environments. The Government acknowledges this issue.

However, positions in NSW Police are advertised in bulk, and recruitment is undertaken for promotions in various commands at the same time. This ensures that the police promotions system is efficient.

NSW Police has advised that special qualifications for individual Local Area Commands are therefore impractical.

Options for dealing with this recommendation were considered by the NSW Police Tripartite Committee, which consists of representatives of the Ministry for Police, NSW Police, and the Police Association. The Committee's favoured option was to develop a strategy to ensure that officers who are selected for positions in areas with large communities of non-English speaking background undertake early extensive training in the skills they will require.

This approach will ensure that officers increase their communication and cross-cultural skills and the community is served by well-trained officers.

## ▪ recommendation 11

### ▪ ethnic community liaison officers

- (a) The Committee recommends that the Police Service increase the number of Ethnic Community Liaison Officers (ECLOs) at Cabramatta from 3 to at least 4 by appointing an additional Ethnic Community Liaison Officer to Cabramatta LAC from an appropriate language or ethnic group.
- (b) The Committee further recommends that all police at Cabramatta LAC are educated about the role and revised work duties of the ECLO and similarly to the Cabramatta non English speaking background community about the role of the ECLO's within the Cabramatta LAC.

## Response & Action

The Government endorses the recommendation.

### Ethnic Community Liaison Officers in Cabramatta

Three Ethnic Community Liaison Officers (ECLOs) are currently attached to Cabramatta Local Area Command. They have Vietnamese, Cambodian and Lao backgrounds.

A fourth ECLO for Cabramatta, who speaks Cantonese and Mandarin, has been appointed and is expected to start work in mid-April 2002.



### **Ethnic Community Liaison Officers across New South Wales**

In addition, NSW Police advises that they are currently implementing a phased increase in the number of ECLOs across New South Wales, as recommended by the ECLO review completed in October 2001.

This process resulted in an additional nine ECLOs last year, with an additional 11 expected this year.

At the end of this process, expected to be in March 2003, NSW Police expect to have 37 ECLOs across the state.

### **Raising awareness of ECLOs and their role**

ECLOs are recruited for their ability to assist police to provide services to the range of cultural groups in the communities they serve.

They are recruited primarily for their ability to liaise across cultures, rather than specific language skills. They are not interpreters, though the selection criteria for ECLOs include the proficiency in a community language.

NSW Police has taken steps to ensure ECLOs are coordinated and supported, and awareness of their role is raised. These steps include:

- development of a newsletter which includes features about the role of ECLOs. The first edition was distributed to Commands with ECLOs, including Cabramatta, in August 2001.
- Action by the Cabramatta Local Area Commander and the Cabramatta ECLOs have been active to ensure that officers are aware of ECLOs' role.

The ECLOs are active in the community including educating the community about their role.

- Appointment of an ECLOs coordinator in March 2001 to coordinate, support and promote the work of the ECLOs across the State.
- The first annual conference for ECLOs which was held in September 2001. This is a mechanism to develop the professionalism and skills of ECLOs and to enable them to share with each other.
- The Organisation and Policy Development Directorate is currently producing a Police Fact Sheet on ECLOs and their role. It is envisaged that the Fact Sheet will be available in 25 languages other than English.

## ▪ **recommendation 12**

### ▪ support for community policing

The Committee recommends that the NSW Police Service investigate the operation of Community Policing Support Units established in other police services, with a view to the establishment of such a unit in the NSW Police Service. The unit would act as a driver of reform in the area of police and ethnic community relations. Its role should also be to provide a source of expert assistance to operational police officers in relation to cross cultural issues, and to be a source of support for both ethnic community liaison officers and police officers from a non-English-speaking background.

## **Response & Action**

The Government supports the purpose of the recommendation to provide good support to community policing.

NSW Police has assessed the structure and functions of the key overseas model for Community Policing Units – the unit established in the Toronto Police in Canada. Building on this assessment, a comparative study of the Toronto model compared with the NSW Police structure is currently being undertaken.

NSW Police advises that the main elements of the Toronto model, including elements identified by the Committee, are already present in NSW Police.

These elements include:

- The Cultural Diversity Team within the Organisational Police and Development Unit which initiates policies and programs, and advises on matters to do with the relationship between police and a variety of community groups. These include:
  - the diverse cultural and linguistic communities of NSW
  - clients with disabilities
  - gay/lesbian clients
- The Ethnic Community Liaison Officers (ECLOs) program began in 1987 and is about to undergo major expansion. ECLOs work in Local Area Commands developing links into local communities, building relationships and assisting the community and the Police.
- Aboriginal Community Liaison Officers perform a similar role with respect to indigenous communities.
- The Police and Ethnic Communities Advisory Council (PECAC) which advises the Commissioner on initiatives concerning policing in a multi-

cultural society. It consists of nine senior representatives drawn from a variety of communities, as well as key NSW Police personnel.

## ▪ **recommendation 13**

### ▪ operations and crime reviews

- (a) The Committee recommends that the Police Service make public the report by Professor Davis on the evaluation of the Operations and Crime Review (OCR) process.
- (b) The Committee recommends that the Police Service take steps to ensure that the OCR process is flexible enough to enable the assessment of the performance of local area commands and their commanders to take into account the real crime problems in their areas, in addition to the five crimes that have been the focus of the assessment process to date.
- (c) The Committee further recommends that Local Area Commanders be encouraged by senior management to use the OCR process to provide input on the indicators that are to be used to assess their performance in the OCR process.

## **Response & Action**

The Government endorses the recommendation.

### **Professor Davis' report**

Professor Davis' report was finished late in 2001 and is publicly available.

The report's key conclusions include:

- that the Operational Crime Review (OCR) process is a powerful tool that focuses Local Area Commands on crime, creates accountability for action, and ensures that problems are explored and solved
- that OCRs allow the Commissioner and his Executive Team to demonstrate leadership, and improves communication between Local Area Commands and State headquarters
- that OCRs are likely to have helped reduce or slow the increase of crime

Professor Davis also identifies areas where the OCR process could be improved. For example, he suggests OCRs could be shorter but more frequent.

### **OCRs responding to Local Area Commands**

The OCR process has changed over time to reflect the conditions of each Local Area Command. In OCRs now, Local Area Commands are asked to provide case studies for discussion. This allows Local Area Commands to demonstrate local crime problems and how they have been resolved. In addition, OCRs draw from the Local Area Commands' Business Plans and require Local Area Commands to demonstrate how Business Plan objectives are met.

Local Area Commanders are also encouraged to contribute to OCR processes by attending Executive Briefings on OCRs, at which they have an opportunity to have input into the indicators they are assessed against. The Corporate Information Unit (which is responsible for supporting the OCR process) has also attended Region meetings to allow Local Area Commanders to discuss OCR indicators.

### **OCR review**

Improvements to the OCR process continue. The Minister for Police announced a review of the OCR process, as part of a major announcement concerning NSW Police restructuring on 12 February 2002. The purpose of the review is to: reduce the number of participants to key individuals, focus OCRs on a more rigorous analysis of local crime trends, and increase accountability through agreed action plans.

## **▪ recommendation 14**

### **▪ drug law enforcement indicators**

The Committee recommends that the Government make public the set of indicators to be adopted in relation to drug law enforcement, and that performance against these indicators be publicly reported upon on a regular basis.

### **Response & Action**

The Government endorses the recommendation, which was also a recommendation of the NSW Drug Summit.

Performance indicators have been developed. There are a wide range of indicators, grouped according to six key strategies for effective drug law enforcement:

- limiting supply
- limiting demand

- incapacitating those involved in drug related crime, violence and corruption
- reducing drug related community problems
- forming effective partnerships
- monitoring and assessing efforts

The indicators are in a range of forms including: statistical information about numbers of arrests and prosecutions, case studies on major enforcement operations, and community views on the effect of drugs on the local community.

The drug law enforcement performance indicators are measurable and are publicly available. It is expected that the first report measuring progress on the indicators will cover the full 2002/03 financial year, and will be released in the second half of 2003.

## ▪ recommendation 15

### ▪ community surveys

The Committee recommends that the NSW Police Service use Cabramatta LAC to trial a process that will enable the community to have a role in the assessment on the performance of the LAC. This should include a mechanism whereby the community is surveyed for its views on the performance of the Cabramatta LAC in (a) reducing crime, especially drug related crime; (b) quality of service in responding to community concerns; (c) the quality of the strategic partnerships being built between the Police and the community. The Committee recommends that the outcomes of this process of performance assessment including community satisfaction surveys be the subject of ongoing evaluation by an organisation independent of the Police Service (such as the Bureau of Crime Statistics and Research) and that the results of this evaluation be considered in the future development of the OCR process statewide.

## Response & Action

The Government endorses the recommendation.

On 22 March 2002, the Community Quality of Service survey was launched as a trial in Cabramatta and Green Valley Local Area Commands, as part of the Greater Hume Region's seven point plan and its commitment to community and business partnership. The survey will cover victims and witnesses who have had recent contact with the police.

At a broader level, the Minister for Police has announced the proposal to create Police Accountability Community Teams (PACTs) in each Local Area Command. While work is being done on the precise form of the PACTs, it is envisaged that the local PACT will consist of the Local Area Commander, the

local Member of Parliament, a business representative and a community representative. The PACT's proposed role will be to discuss crime hotspots and problem areas and agree plans, which will be made public. As part of this initiative, community perceptions of crime will be surveyed and tracked.

Also relevant to this recommendation is the direct contact between Cabramatta Local Area Command and the community through the City Watch Council (see recommendation 17 below). This process represents a significant opportunity for direct community expressions of views about the performance of local police.

Finally, as noted under recommendation 7, the Community Relations Commission advises that it intends to run a telephone survey to assess community dealings with police and any difficulties arising from language ability, perceptions, knowledge of interpreter services, or depth of understanding of the reporting process. This survey is also likely to give information about community views on policing in Cabramatta.

## ▪ recommendation 16

### ▪ community function

The Committee recommends the Cabramatta community initiate and invite representatives of the Local Area Command to a community function to signify an intention to begin improving police community relations in the area. The event needs to be a joint effort and conclusive, but the community needs to be the major organiser, rather than government agencies, Fairfield City Council or the local member, although all these should be invited to attend.

## Response & Action

The Government endorses the recommendation.

The recommendation is addressed to the Cabramatta community, rather than to the Government or NSW Police.

Involvement in the community and in community based events is encouraged in the Cabramatta Local Area Command (and other Local Area Commands) as one way of building and sustaining important relationships.

The Cabramatta community holds a number of community events and has invited local police to participate. For example, officers from the Cabramatta Local Area Command have been involved in major cultural and community events such as the September Moon festival, the Vietnamese food festival in October 2001, and the Youth Cultural Festival in March 2002.

Local Area Commander Superintendent Frank Hansen attends, on average, one official community function each week.

Events detailed below under the umbrella of City Watch Council are also relevant to this recommendation.

## ▪ recommendation 17

### ▪ city watch council

The Committee recommends that the Community Relations Commission for a Multicultural NSW consult and discuss with representative organisations of the Cabramatta community how the City Watch initiative can be used to facilitate communication between residents, businesses, community workers, community leaders, senior police management and front line police. City Watch should be a forum and a channel for complaints about any aspects of the Relationships involved. The expectation is that those making complaints are prepared to work with those complained about to achieve progress in their area. City Watch needs to be a partnership, with mutual respect between participants.

## Response & Action

The Government endorses the recommendation.

The NSW Community Relations Commission established and facilitates the Cabramatta City Watch initiative. Cabramatta Local Area Commander, Superintendent Frank Hansen, chairs the City Watch Council.

City Watch is designed to provide channels of communication between the Cabramatta community and the police and other Local and State Government agencies operating there. It is intended to foster a coordinated approach to resolution of issues of community safety and policing.

The City Watch Council has held five meetings since establishment in July 2001. The minutes of these meetings are published on the internet on the CRC site ([www.crc.nsw.gov.au](http://www.crc.nsw.gov.au)). These meetings have provided a forum for community members to raise their community safety and crime prevention concerns in a direct dialogue with the local police and council. The City Watch Council Meetings also provide community members from diverse cultural and linguistic backgrounds, as well as ages and concerns, with an opportunity to meet and discuss issues amongst themselves.

The City Watch Council is in the process of setting up a number of link groups through which community members are able to raise community safety concerns. These groups are composed of members of particular interest groups and appropriate representatives of the Local Area Command. The link

groups are intended to enable direct discussion of areas of particular interest. Six link groups have now been established: the Neighborhood Watch, Educators', Youth, Khmer Elderly, Media and Public Relations, and Senior Citizens Link Groups.

City Watch held a major Community Workshop in December 2001. This provided an opportunity for members of the community to discuss key concerns. The results of this forum were analysed and a set of outcomes were distributed to the Cabramatta Local Area Command, Fairfield Council and the Premier's Department. Over half of these outcomes have been completed, with other media, youth, elderly and parenting initiatives currently being implemented.

The City Watch Street Arts Factory was also run in December 2001 raising the profile of the City Watch initiative.

The CRC is also undertaking some basic information collection to enable a better understanding the community and its concerns. This includes a Cabramatta City Watch Whole-of-Community Mapping exercise, community safety audits and a City Watch Survey to gain further information about community concerns and safety needs, perceptions of policing and community-police relations to produce effective crime prevention strategies.

## ■ recommendation 18

- crime report form

The Committee recommends that the Cabramatta LAC introduce a local crime report form, translated into ethnic languages, to enable local residents to make reports of crime when no interpreter is immediately available at the LAC. The NSW Police Service should examine the potential for the application of third party reporting, as used in the United Kingdom, to make it easier for victims of crime who face language or cultural barriers to report crime.

## Response & Action

### Written report forms

NSW Police advises that it does not use any written forms for the public to report crime. Reports of crime are taken orally at police stations or over the telephone, including through the emergency number, crimestoppers, and the Police Assistance Line. Oral reports mean that questions can be asked and information clarified. NSW Police advise that this is a more effective way of obtaining full, clear and accurate information.



The NSW Police, therefore, prefers to rely on interpreting services where a complainant is not proficient in English. Both telephone or, if necessary, in-person interpreting services can be accessed.

A recent brochure distributed by the Fairfield City Council's Crime Prevention Program in partnership with the Fairfield Local Area Command explains how to report crime to the Police. The brochure was launched on 25 February 2002 and distributed to Fairfield City – including the Cabramatta area. The brochure is written in English, Vietnamese, Chinese, Spanish, Khmer, and Arabic and gives details of the police emergency telephone service, the Police Assistance Line and Crimestoppers

#### **Third party reporting**

NSW Police practice does not preclude third party involvement in reporting crime. Police would make use of any available third party assistance where there are barriers due to language difficulties, fear, lack of confidence or any other reason.

NSW Police advises that third party reporting in the United Kingdom is part of a multi-agency approach to "hate" crimes, the specific class of crime motivated by racial, religious or other prejudice. Reports can be made to a number of agencies and are intended to provide information about crime levels. However, NSW Police advice they are not complaints of crime that are used for evidentiary purposes.

## **■ Recommendation 19**

- sharing knowledge of the community

The Committee recommends that the Cabramatta Local Area Commander organise a series of talks or discussions for officers at the LAC at which officers who formerly served at Cabramatta can speak about their successes and failures in establishing links with the Cabramatta community. The purpose of these talks would be to regain some of the lost collective knowledge about policing in Cabramatta and to assist junior police in understanding the area.

### **Response & Action**

NSW Police advises that new officers moving into Cabramatta undergo an induction program. The purpose of the program is to familiarise new staff with local issues. The induction program is led by experienced staff from the Local Area Command who share their experience and knowledge and ensure that junior officers are well informed.

NSW Police also advises that there is no policy for moving any officer away from a command after a period of time. On the contrary, officers with

experience are encouraged to stay in Cabramatta. Officers may, of course, request a transfer in line with force wide policy.

## ▪ **recommendation 20**

- senior police in Cabramatta

The Committee recommends that future appointments to senior management at Cabramatta LAC, including the Local Area Commander, be those who have voluntarily applied to serve in Cabramatta and won their position in a competitive interview process.

### **Response & Action**

NSW Police advises that it has a commitment to merit based selection. However, the Commissioner of Police has responsibility for the good management of NSW Police and has the statutory power to transfer officers according to the needs of the Police.

The Commissioner considers that there will be occasions when filling a vacancy, including vacancies in Cabramatta, may be best done by transferring an officer, rather than undergoing a merit based selection process.

## ▪ **recommendation 21**

- procedures for youth

The Committee recommends that the Police Service develop a youth protocol on the treatment of young people in arrest or interview situations. This should be developed in consultation with local youth workers and all front line officers should be trained in its use.

### **Response & Action**

The Government supports the purpose of the recommendation. NSW Police advises that it already has in place sufficient processes and protocols to meet the concerns of the recommendation. These resources include:

- The CRIME Code of Practice which covers the requirements for dealing with young people

- The Police Service Handbook which includes considerable material on the *Young Offenders Act 1997*, as well as standing instructions to Police dealing with young people
- The Police intranet which has information for police officers in the form of "frequently asked questions", including flowcharts

Taken together, this information provides considerable guidance to officers of the requirements of the law.

In addition, the Organisational Policy and Development Directorate is continually developing resources to assist police training for dealing with young people and generic youth issues.

At a more general level, NSW Police recently updated its Youth Policy in consultation with young people and youth workers from Cabramatta Community Centre and Fairfield Council.

The Youth Policy seeks to reduce and prevent youth crime, divert young offenders, build partnerships and enhance relationships between police and young people.

## ▪ **recommendation 22**

### ▪ interviews with young people

The Committee recommends that the Government, in consultation with the Police Service and youth advocates, develop a protocol for para-legally trained local community volunteers to be present at police interviews of young people.

## **Response & Action**

The Government supports the intent of the recommendation. However, the Government has taken alternative action.

### **Youth Legal Aid Hotline extension**

From 8 March 2002, the Youth Legal Aid Hotline, that provides telephone legal advice for young people in police custody, has been extended to provide 24 hour coverage over the weekend and on public holidays.

The Government has approved funding of over \$400,000 this financial year and \$480,000 from 2002/2003 to enable this extension to occur.

Until 8 March 2002, the Hotline operated only from 9 am to 12 midnight Monday to Friday and 12 noon to midnight at the weekends. The extension means that it now operates 24 hours Saturdays, Sundays and public holidays. Weekend nights are times when there are significant numbers of young people taken into custody.

The under 18s Hotline is a legal advice line operated by NSW Legal Aid. Qualified, experienced criminal lawyers with expertise in juvenile justice and the *Young Offenders Act 1997* are available to provide advice to all young people who have committed, or are suspected of committing, a criminal offence.

Under the *Young Offenders Act 1997*, young people have the right to legal advice before they make an admission or a statement to the police.

The Hotline has proved very successful in providing timely advice to young people, and others in the criminal justice system. It has provided a vital adjunct to the operation of the *Young Offenders Act 1997* in diverting young people from the courts, in appropriate cases, by the use of cautions and youth justice conferencing. Use of the Hotline has continued to grow since its inception in October 1998, with over 13,000 calls being made to it in 2000/2001.

The extension of the service over the weekend will also mean that the Hotline is accessible to more young people across the whole state, including rural and regional areas.

In taking this action, the Government is consolidating appropriate support and safeguards for young people being interviewed by police. Other safeguards already exist, such as the rights to a support person at police interviews, under s 13 of the *Children (Criminal Proceedings) Act 1987*, and Part 10A of the *Crimes Act 1900* and the *Crime (Detention after Arrest) Regulation 1998*.

The Government was concerned that the Committee's recommendation may have caused young people to be given legal advice by people who are not trained lawyers. This is undesirable for the young person concerned, who may receive substandard or misleading advice. It is also undesirable from the community's perspective, since police interviews proceed best when practical, sound legal advice is given to those being interviewed.

In addition, there does not appear to be a group of volunteer trained paralegals currently in the local community. Identification, selection, screening, training, supervising and coordinating suitable people would be costly and complex. There is no guarantee that such a system would prove sustainable.

## ▪ recommendation 23

### ▪ youth liaison officers

The Committee recommends that a senior manager at the LAC, who is willing to undertake the position, be appointed as a mentor for the youth liaison officer at Cabramatta LAC, and that both officers report to the Local Area Commander on progress in the following areas:

- Progressively increasing the training of officers in use of the Young Offenders Act, with assistance from the Department of Juvenile Justice
- Training officers, particularly those new to the area, in appropriate interactions with young people including offenders
- Liaison with officers from outside the area such as TAG squads to ensure they are aware of services for young people in the area
- Building upon links with youth agencies and schools in the area, particularly
- encouraging officers other than the youth liaison officer to establish these links

The Committee further recommends that the youth liaison officer remain a full time dedicated position at the LAC, and that any future vacancies be promptly filled.

## Response & Action

The Government endorses the recommendation.

NSW Police advises that the Youth Liaison Officer (YLO) position at Cabramatta was filled on a permanent basis in September 2001.

A second YLO position has been established in the Cabramatta Local Area Command and a person was appointed to it in December 2001. The second YLO has a teaching background and will be responsible, with the support of the Education and Development Officer, for the development of a training strategy for police on youth issues.

As recommended by the Committee, the Crime Manager for the Cabramatta Local Area Command acts as a mentor for the YLOs of the Cabramatta Command. The Local Area Commander monitors progress on all issues through reports on the YLOs' activity.

At a broader level, NSW Police has force wide support mechanisms for YLOs. These include:

- a central Youth Policy Area, to which YLOs have access
- a YLO State Executive Group chaired by the Corporate Spokesperson on Youth Issues
- an annual YLO Forum to foster peer support and encourage sharing of ideas and developments amongst YLOs.

YLOs are responsible for establishing networks with key government agencies, and community based groups.

Actions undertaken by the YLOs include running crime prevention and drug education workshops at local schools, class visits, building relationships with school counsellors and community service workers, being involved in committees and organisations, and attending community events.

NSW Police advises that the training in the *Young Offenders Act 1997* was delivered throughout NSW Police by the local Education and Development Officers.

The addition of the second YLOs position provides an additional resource to ensure that youth justice conferencing is used where appropriate.

## ▪ recommendation 24

### ▪ police and community youth clubs

The Committee recommends that the Cabramatta LAC make a renewed commitment to the Cabramatta PCYC, and that the Local Area Commander encourage greater involvement by officers in the centre.

## Response & Action

The Government endorses the recommendation.

At the Cabramatta Local Area Command, the Youth Liaison Officers are actively involved with the local PCYC, and other agencies and community groups involved with young people.

In addition, local PCYC representatives advise on youth issues at the Command's regular crime management meetings, that discuss crime hotspots, trends, risks and operational issues.

The commitment to the PCYC movement is broader than Cabramatta.

In February 2002, the Minister for Police announced a package for revitalising the PCYC movement and ensuring its ongoing viability that includes:

- new civilian managers
- a \$5 million cash injection
- mobile PCYCs for country areas
- computers for PCYCs
- enabling PCYCs to offer learning opportunities, as well as recreational and sporting facilities
- establishing links between youth justice conferences and the PCYCs.

- **recommendation 25**
  - reporting to parliament

The Committee recommends that the Premier report to Parliament on, or around, 27 March 2002 on the outcomes of the implementation of the package of initiatives for Cabramatta announced on 27 March 2001, together with the implementation of the recommendations contained in this report.

It is the intention of the Committee to then consult with the Cabramatta community, to enable the community to have an opportunity to comment on the changes that have occurred as a result of the implementation of the Premier's initiatives and the implementation of the Committee's recommendations.

### **Response & Action**

This report implements recommendation 25.





# **Appendix 4**

## **James**



## James

- 1.1** During this review several submission writers raised the issue of a young man code named “James”. Prior to the start of the three hearings the Chair made an opening statement which advised witnesses that any evidence regarding “James” was irrelevant to the terms of the review, as the Committee did not use the evidence of “James” in its *Cabramatta Policing* report. Despite this guidance witnesses in both hearings, particularly on 7 June, continued to attempt to raise the issue, particularly to debate the credibility of James. Because the comments on James now appear on the public record the Committee has chosen to state the full extent of its contact with James, while still regarding the debate as irrelevant to an assessment of the implementation of the first report.

### **Committee Dealings with James during First Inquiry**

- 1.2** On 7 May 2001, at the last community consultation held by the Committee during the main inquiry, a then member of the Cabramatta Chamber of Commerce, Mr Peter Starr, sought to have the Committee hear from a young man who he claimed to have been involved in drug dealing in the area. Several members of the Committee raised concerns that the Committee had no notice of the young man appearing, that the young man may be endangering his personal safety by appearing, and that if he spoke about criminal activity there was some doubt as to how parliamentary privilege applied in a community consultation. The Chair upheld these concerns and ruled that the young man not address the Committee, though be invited, through Mr Starr, to make a written submission to the Committee. To protect the young man the Committee also resolved that the media be prohibited from publishing the image of the young man or his name.<sup>146</sup>
- 1.3** At a deliberative meeting on 14 May 2001 the Committee accepted from Mr Starr a submission from “James”. The Committee resolved that this be a confidential submission<sup>147</sup>, which had the effect, as with other confidential evidence, that the Committee was not able to use the material when preparing a final report. The Committee also resolved that the Committee chair, together with a small group of members of the Committee conduct an informal meeting with “James” to enable him to elaborate upon his submission, with a view to reporting back to the Committee as to whether there was a need to take formal evidence from him.
- 1.4** This informal meeting was held on 15 May 2001 at Parliament House. The Members present were the Chair, the Hon Helen Sham-Ho MLC, the Hon Richard Colless MLC, Ms Lee Rhiannon MLC and the Hon John Hatzistergos MLC. “James” was accompanied by Mr Starr and Dr Richard Basham.<sup>148</sup> The Committee members sought assurances from “James”, Mr Starr and Dr Basham that for the sake of the personal safety of “James” he

<sup>146</sup> Minutes of Proceedings No 35, 7 May 2001.

<sup>147</sup> Minutes of Proceedings No 37, 14 May 2001.

<sup>148</sup> Minutes of Proceedings No 38, 15 May 2001.

not seek to appear in the media. Mr Colless also undertook to seek assistance in relocating “James” from his current location, where his identity was known.

- 1.5** At its meeting on 6 June 2001 the Committee members present at the meeting with “James” reported back to the main committee, and recommended against conducting a formal hearing. The Committee also noted that Mr Colless had sought assistance from the Minister for Housing in relocating “James” so as to ensure his safety and protection.<sup>149</sup>
- 1.6** On 18 July 2001 the Committee received a request by Court and Legal Services, NSW Police, on behalf of then Region Commander Clive Small, to interview “James”. The Committee resolved that any decision by the Police Service to interview “James” was a matter for the Police, not the Committee.<sup>150</sup> The Committee is aware that, subsequent to the tabling of the *Cabramatta Policing* report, an investigation was conducted by Assistant Commissioner Small and other officers, arranged through Dr Basham and others in contact with “James”. It is this investigation and its aftermath that was frequently raised during the 7 June hearing and in the adverse mention hearing held on 13 August 2002.
- 1.7** The details listed above were all published in the Committee’s *Cabramatta Policing* report as part of the Minutes of Proceedings in Appendix Nine. The content of both James’ submission and the informal meeting with the Committee remain confidential, and were not used in any way by the Committee in reaching its findings in the initial report. The Committee has never made any judgement as to the credibility or otherwise of James. At all times the Committee sought to ensure the personal safety of “James”. The subsequent appearance of “James” on the national television program “Sixty Minutes” was contrary to the assurances given to the Committee, which had advised against media appearances. The Committee notes that in evidence given on 7 June 2002 Dr Basham advised that the contact with “Sixty Minutes” was not at his initiative or with his prior knowledge.<sup>151</sup>

### **James and the Current Review**

- 1.8** When the Committee began this current review it considered issues raised in several submissions regarding “James”, and resolved that
- Any discussion of the credibility of “James” in submission received or by witnesses before the Committee be regarded as not relevant to the current inquiry, as the Committee made no use of his evidence in the *Cabramatta Policing* report.<sup>152</sup>
- 1.9** In the hearing on 7 June 2002 Assistant Commissioner Small was the first witness to refer to “James”. He disputed the Committee’s view that the James investigation was outside the terms of the review, and in the process of making this argument put on the public

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<sup>149</sup> Minutes of Proceedings No 39, 6 June 2001.

<sup>150</sup> Minutes of Proceedings No 42, 25 July 2001.

<sup>151</sup> Evidence 7 June 2002 p2 of published version of previously in camera evidence.

<sup>152</sup> Minutes of Proceedings No 54, 23 May 2002

record some detail of the “James” investigation before the Committee resolved to go *in camera*.<sup>153</sup>

- 1.10** Subsequent witnesses Dr Basham and Mr Tim Priest also raised the matter, seeking to argue a contrary view to Assistant Commissioner Small as to “James” credibility. Most of this evidence was heard in camera at the Committee’s initiative.
- 1.11** During his evidence Mr Priest through his legal representative tendered an affidavit signed by “James” detailing concerns with the Police investigation into his claims and expressing immediate concern for his personal safety. This document was received by the Clerk Assistant Committees, and later hand delivered to Police Commissioner Moroney before any Committee members had read its content.
- 1.12** The Committee was in no position to assess the claims made by the affidavit or the various witnesses as to the investigation of “James”. However the Committee did not wish to ignore the concerns expressed by “James” for his personal safety. It raised these concerns with the Police Commissioner, Ken Moroney, at the conclusion of his evidence, and with his agreement, presented the signed affidavit to him to forward to the Police Integrity Commission.<sup>154</sup> The Commissioner undertook to take steps to ensure the young man was relocated and his identity disguised. The Committee has been assured that this commitment has been honoured.
- 1.13** On receiving the transcript of the public hearing of 7 June 2002 the Committee were concerned that while much of Mr Small’s evidence regarding the “James” investigation appeared on the public record the contrary version of the investigation given by Dr Basham was made in camera and not available on the public record. The Committee resolved to publish the in camera evidence of Dr Basham and Mr Small on the “James” investigation, subject to both Mr Small and Dr Basham’s agreement.<sup>155</sup>
- 1.14** Following the publication of these transcripts further evidence was provided by both Mr Small and Dr Basham providing conflicting views as to the conduct of the investigation.<sup>156</sup> The Committee has not heard anything in this evidence to change its view that the truth of such matters is best determined by the Police Integrity Commission.
- 1.15** The Committee also acknowledges that several individuals during this inquiry have called for the release of the so-called “James Report” as a way of clearing the claims and counter claims being made. Persons calling for its release include Tim Priest, Reba Meagher MP, Mr Mike Carlton of Radio 2UE, the Principal of Cabramatta High Mr Graham Kidd, and Assistant Commissioner Clive Small. None of these persons claims to have actually read the final report. The “James Report” is a confidential internal police document involving operational police matters. The Committee believes the Police Minister and the

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<sup>153</sup> Evidence 7 June 2002 p6.

<sup>154</sup> The Committee no longer holds a copy of the affidavit: all copies were returned to the Clerk Assistant-Committees at the conclusion of the hearing.

<sup>155</sup> Minutes of Proceedings No 1 July 2002

<sup>156</sup> Small Evidence 13 August 2002; Correspondence from Dr Basham dated

Commissioner are better placed than the Committee to determine whether to release this report; to date the Minister has chosen not to release the report.

- 1.16** Finally, as stated at the hearing on 13 August 2002 by the Committee Chair, the Committee believes that continued media attention and discussion by witnesses of “James” is not helpful to the young man personally and may endanger his personal safety. The Committee welcomes the fact that, with the tabling of this report, it can no longer be used by others as a forum for discussing “James” and the Committee hopes the media will take a similar view.

# **Appendix 5**

## **Minutes of Proceedings**





# Minutes of Proceedings

## Minutes No 51

10 April 2002

At room 1153, Parliament House at 10:00 am

### 1. Members Present

The Hon Helen Sham-Ho MLC (Chair)  
The Hon John Hatzistergos MLC  
The Hon Ron Dyer MLC  
The Hon Ian West MLC  
The Hon Greg Pearce MLC  
Ms Lee Rhiannon MLC

### 2. Apologies

The Hon Richard Colless MLC

### 3. Confirmation of Minutes

Resolved on motion of Mr Pearce that the minutes of meeting number 50 be confirmed.

### 4. Cabramatta Policing: Review of Progress

The Committee deliberated.

Resolved, on the motion of Mr Dyer, that Dr Don Weatherburn and Assistant Commissioner Clive Small be added to the persons to be invited to the second hearing, but that otherwise the program circulated be adopted by the Committee.

Resolved, on the motion of Mr Dyer, that a hearing (morning) and consultation be held at Cabramatta on 24 May; a hearing be held at Parliament House on 7 June, and a deliberative be held at 11 am on 17 June 2002.

### 5. Next meeting

The Committee adjourned at 10:35 am until Friday 12 April at 10:00 am at Parliament House.

**Steven Reynolds**

Director

**Minutes No 54**

23 May 2002

At Room 1136, Parliament House, at 1:00 pm

**6. Members Present**

The Hon Helen Sham-Ho MLC (Chair)  
The Hon Amanda Fazio MLC (Hatzistergos)  
The Hon Ian West MLC  
The Hon Peter Primrose MLC  
The Hon Richard Colless MLC  
Ms Lee Rhiannon MLC

**2. Apologies**

The Hon Greg Pearce MLC

**3. Substitutions**

The Chair advised that she had been advised by the Government Whip that Ms Fazio would substitute for Mr Hatzistergos

**4. Previous Minutes**

Resolved, on the motion of Mr Colless, that the minutes of meeting no 51 be confirmed.

**5. Review of Cabramatta Policing Inquiry**

**5.1 Tabled correspondence**

Resolved, on the motion of Ms Rhiannon, that the correspondence noted in the agenda be accepted.

**5.2 Submissions**

The Committee deliberated.

Resolved, on the motion of Mr West, that the Committee publish all submissions excepting:

- the submission made by Detective Sergeant Frank Reitano, and
- submissions by those who have requested confidentiality

**5.3 Possible unauthorised disclosure of submission**

The Clerk Assistant-Committees tabled a briefing paper on the principles governing unauthorised disclosure of parliamentary proceedings.

The Committee deliberated on the reporting of the submission by Ms Reba Meagher MP prior to the submission being distributed to the Committee.

Resolved, on the motion of Mr Primrose, that the Committee write to Ms Reba Meagher MP enclosing the briefing paper, and circulate it to all members and their staff so that in future there could be no basis for not understanding the status of submissions to an inquiry.

**5.4 Possible Unauthorised Disclosure of confidential Committee meeting with James**

The Committee concluded that the article in the Herald of 16 May 2002 did not contain any information already publicly available through tabled minutes of the Committee's *Cabramatta Policing* report.

Resolved, on the motion of Mr Primrose, that any discussion of the credibility of "James" in submissions received or by witnesses appearing before the Committee be regarded as not relevant to the current inquiry, as the Committee made no use of his evidence in the *Cabramatta Policing* report.

**6. Next meeting**

The Committee adjourned at 1:45 pm until 10:15 am on 24 May 2002 at CabraVale Diggers Club, Cabramatta.

**Steven Reynolds**

Clerk to the Committee

**Minutes No 55**

24 May 2002

At CabraVale Diggers Club, Cabramatta at 10:15 am

**1. Members Present**

The Hon Helen Sham-Ho MLC (Chair)  
The Hon John Hatzistergos MLC  
The Hon Ian West MLC  
The Hon Peter Primrose MLC  
The Hon Greg Pearce MLC  
Ms Lee Rhiannon MLC

**2. Apologies**

The Hon Richard Colless MLC

**3. Review of Cabramatta Policing Inquiry**

**3.1 Public Hearing**

The Committee Chair advised the media of the rules governing broadcasting of proceedings.

The Chair also advised all those present of the rules governing unauthorised disclosure of documents before the committee.

Councillor Thang Ngo, Fairfield City Council, was sworn and examined.

Evidence concluded and the witness withdrew.

Dr Thomas Diep, President, and Mr Keith Hewlett, Secretary, Cabramatta Business Association were sworn and examined.

Dr Diep tendered a submission from the Cabramatta Business Association.

Evidence concluded and the witnesses withdrew.

Mr Gilbert Blandin Da Chalain, Place Manager, Fairfield City Council, was sworn and examined.

Evidence concluded and the witness withdrew.

Ms Reba Meagher, MP, Member for Cabramatta, was invited to give evidence.

Evidence concluded and the witness withdrew.

**3.2 Community Consultation**

The Chair invited members of the public to participate in a community consultation.

The following persons spoke during the consultation:

- Ms Julia Irwin MHR, Federal Member for Fairfield
- Mr Mark Stevens
- Ms Jenny

- Mr Mark Hamkin
- Person X
- Clr Marie Heggie, Fairfield City Council
- Mr Ken Chapman
- Mr Peter Starr, Cabramatta Chamber of Commerce
- Mr John Argle
- Ms Janina Anstee
- Ms Anka Bevan
- Mr Terry Apps
- Mr Stepan Kerkysharian, Secretary, CityWatch

The public and the media withdrew.

The Committee deliberated.

### **3.3 Publication of Proceedings and submission**

Resolved, on the motion of Mr Primrose, that that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 252, the committee authorises the Clerk of the Committee to make the corrected transcripts of today's committee hearing and community consultation, and the submission by the Cabramatta Business Association, publicly available.

Resolved, on the motion of Mr Pearce, that participants in the community consultation who identified their children be given the opportunity, if they so wish, to remove their surnames from the transcript.

## **4. Next meeting**

The Committee adjourned at 4:10 pm until 7 June 2002 at Parliament House.

### **Steven Reynolds**

Clerk to the Committee

**Minutes No 56**

7 June 2002

Jubilee Room, Parliament House at 10:00 am

**1. Members Present**

The Hon Helen Sham-Ho MLC (Chair)  
The Hon Ron Dyer MLC (for John Hatzistergos MLC)  
The Hon Ian West MLC  
The Hon Peter Primrose MLC  
The Hon Greg Pearce MLC  
Ms Lee Rhiannon MLC  
The Hon Richard Colless MLC

**2. Apologies**

The Hon John Hatzistergos MLC

**3. Substitutions**

The Chair advised that she had been informed by the Government Whip that Mr Dyer would substitute for Mr Hatzistergos.

**4. Review of Cabramatta Policing Inquiry**

**4.1 Hearing**

The public and the media were admitted.

The Committee Chair advised the media of the rules governing broadcasting of proceedings.

The Chair also advised all those present of the rules governing unauthorised disclosure of committee documents and in camera evidence.

Assistant Commissioner Clive Small, former Regional Commander Greater Hume was sworn and examined.

Resolved, on the motion of Mr Dyer, that the Committee hears Assistant Commissioner Small's evidence regarding "James" in camera.

The media and the public withdrew  
[Persons present other than committee: Mr Warren Cahill, Mr Steven Reynolds, Ms Ashley Nguyen (Legislative Council Committee staff), Mr Ian Pringle (Legislative Council attendant), Mr Tony Boado and Ms Dina Budiarto, sound recordists ]

The in camera evidence concluded and the media and the public were re-admitted.

The Chair advised the Committee that questions on notice to the witness should be lodged with the secretariat.

Evidence concluded and the witness withdrew.

Superintendent Frank Hansen and Chief Inspector Deborah Wallace, Cabramatta Local Area Command, were sworn and examined.

Evidence concluded and the witnesses withdrew.

The Chair advised the Committee that questions on notice to the witness should be lodged with the secretariat.

The Chair advised that the next witness had requested that his evidence be given in camera.

Resolved, on the motion of Mr Dyer, that the witness be heard in camera.

The media and the public withdrew.

[Persons present other than committee: Mr Warren Cahill, Mr Steven Reynolds, Ms Ashley Nguyen (Legislative Council Committee staff), Mr Ian Pringle (Legislative Council attendant), Mr Tony Boado and Ms Dina Budiarto, sound recordists, Mr Greg Chilvers and Mr Luke Hannah, NSW Police Association]

The witness was sworn and examined.

Evidence concluded and the witness withdrew.

The media and the public were re-admitted.

Mr Greg Chilvers, Research Manager, and Mr Luke Hannah, Vice President, NSW Police Association, were sworn and examined.

Evidence concluded and the witnesses withdrew.

The Chair advised the Committee that questions on notice to the witness should be lodged with the secretariat.

Dr Don Weatherburn, Director, NSW Bureau of Crime Statistics and Research, was sworn and examined.

Dr Weatherburn tendered "Recent trends in recorded crime and police activity in Cabramatta".

Evidence concluded and the witness withdrew.

The Chair advised the Committee that questions on notice to the witness should be lodged with the secretariat.

The Committee agreed to a request from Assistant Commissioner Small to re-appear to provide further information regarding a question asked by Mr Pearce.

Mr Small tendered, on a confidential basis:

- the terms of reference for Strike Force Portville
- the revised terms of reference for Strike Force Portville

[No copies were made of the documents.]

Evidence concluded and the witness withdrew.

Dr Richard Basham, Department of Anthropology, University of Sydney, was sworn and examined.

Resolved, on the motion of Mr Dyer, that the Committee hears Dr Basham's evidence regarding "James" in camera.

The public and the media withdrew.

[Persons present other than committee: Mr Warren Cahill, Mr Steven Reynolds, Ms Ashley Nguyen (Legislative Council Committee staff), Mr Ian Pringle (Legislative Council attendant), Mr Tony Boado and Ms Dina Budiarto, sound recordists]

The in camera evidence concluded and the media and the public were re-admitted.

Evidence concluded and the witness withdrew.

The Chair advised the Committee that questions on notice to the witness should be lodged with the secretariat.

Mr Tim Priest, former detective, Cabramatta LAC, was sworn and examined.

Resolved, on the motion of Ms Rhiannon, that the Committee hears Mr Priest's evidence in camera.

The media and the public withdrew.

[Persons present other than committee: Mr Warren Cahill, Mr Steven Reynolds, Ms Ashley Nguyen (Legislative Council Committee staff), Mr Ian Pringle (Legislative Council attendant), Mr Tony Boado and Ms Dina Budiarto, sound recordists, Mr John Marsden, solicitor and Mr Paul Kenny, solicitor (advisers to Mr Priest)]

The in camera evidence concluded and the media and the public were re-admitted.

Mr Priest resumed his evidence.

Mr Priest tendered an affidavit signed by the young man named "James", dated 6 June 2002. The affidavit was accepted by Mr Cahill Clerk Assistant-Committees.

Resolved, on the motion of Mr Colless, that all names and addresses be deleted from the affidavit by Mr Cahill before making copies for the Committee.

Mr Cahill amended the affidavit and distributed the amended copies to Committee members.

Evidence concluded and the witness withdrew.

The Chair advised the Committee that questions on notice to the witness should be lodged with the secretariat.

Mr Geoff Barnden, Director, Office of Drug Policy, was sworn and examined.

Mr Barnden tendered the following documents:

- *Cabramatta: A Progress Report*
- *NSW Illicit Drug Enforcement Performance Indicators*

Evidence concluded and the witness withdrew.

The Chair advised the Committee that questions on notice to the witness should be lodged with the secretariat.

Commissioner Ken Moroney, NSW Police, was sworn and examined.

The Committee congratulated Commissioner Moroney on his appointment.



Resolved, on the motion of Mr Pearce, that the Committee hears evidence from Commissioner Moroney regarding “James” in camera.

The media and the public withdrew.

[Persons present other than committee: Mr Warren Cahill, Mr Steven Reynolds, Ms Ashley Nguyen (Legislative Council Committee staff), Mr Ian Pringle (Legislative Council attendant), Mr Tony Boado and Ms Dina Budiarto, sound recordists, Mr Glenn Bartley, barrister, Mr Bob Redfern solicitor, Mr Paul Akon, solicitor, Court and Legal Services, NSW Police (advisers to Commissioner Moroney)]

Resolved, on the motion of Mr Colless, that the original affidavit of 6 June 2002 signed by “James” be given to the Commissioner to be forwarded to the Police Integrity Commission.

The Commissioner accepted receipt of the affidavit from Mr Cahill. All copies of the amended affidavit held by the committee were returned to Mr Cahill.

Evidence concluded and the witness withdrew.

The Chair advised the Committee that questions on notice to the witness should be lodged with the secretariat.

Chief Inspector Wallace returned with the permission of the Committee to tender, on a confidential basis, the terms of reference for Strike Force Varda, in response to claims in evidence by the Police Association.

No copies were made of the document.

The Committee deliberated.

#### **4.2 Publication of Proceedings and submission**

Resolved, on the motion of Mr Primrose, that that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 252, the committee authorises the Clerk of the Committee to make the corrected transcripts of today’s public evidence and public documents publicly available.

Resolved, on the motion of Mr Primrose, that the committee hold a deliberative meeting as soon as is practical after a transcript is prepared to consider the treatment of the in camera evidence, and to consider any requests from individuals who wish to respond to the public evidence given.

Resolved, on the motion of Ms Rhiannon that that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 252, the committee authorises the Clerk of the Committee to make the submission from the NSW Police Association publicly available.

#### **5. Next meeting**

The Committee adjourned at 5:35 pm until 17 June 2002 at Parliament House.

**Steven Reynolds**

Clerk to the Committee

**Minutes No 57**

17 June 2002

At Room 1108, Parliament House, at 1:00 pm

**1. Members Present**

The Hon Helen Sham-Ho MLC (Chair)  
The Hon John Hatzistergos MLC  
The Hon Ian West MLC  
The Hon Peter Primrose MLC  
The Hon Richard Colless MLC (items 2-3)  
The Hon Greg Pearce MLC  
Ms Lee Rhiannon MLC  
The Hon John Ryan MLC (item 4)

**2. Previous Minutes**

Resolved, on the motion of Mr West, that the minutes of meetings no 53,54,55 and 56 be confirmed.

**3. Review of Cabramatta Policing Inquiry**

**3.1 Tabled correspondence**

Resolved, on the motion of Ms Rhiannon, that the correspondence noted in the agenda be accepted.

**3.2 In Camera transcripts of 7 June hearing**

The Committee deliberated.

Resolved, on the motion of Mr West, that the Committee seek confirmation from the Clerks as to the appropriate warning to be given to witnesses regarding later publication of in camera evidence, in particular whether the warning should concern the power of the committee or the House as a whole to later publish.

The Committee deliberated.

Resolved, on the motion of Mr West, that the in camera evidence of Mr Moroney remain confidential.

Resolved, on the motion of Mr Primrose, that

1. the Clerks review the public evidence to ensure that what was said in camera is not already on the public record;
2. the Committee writes to those who gave their evidence in camera, saying the Committee is considering making their transcript public and asking them to identify any concerns of any sections of the transcript; and
3. the Committee then meets to reconsider the in camera transcripts, and the comments made, in relation to a future draft report

**3.3 Adverse mentions during Priest Evidence**

The Committee deliberated.

Resolved, on the motion of Mr Hatzistergos, that the Committee write to Mike Carlton, David Dixon and any others adversely mentioned, requesting them to make a written response but also indicating that if they wish to appear at a hearing they may also be accommodated.

The Committee agreed to consider the need for an additional hearing at its meeting on 1 July 2002.

4 ...

5. **Next meeting**

The Committee adjourned at 1:05 pm until 5:30 pm on Thursday 20 June 2002 (Budget Estimates).

**Steven Reynolds**

Clerk to the Committee

**Minutes No 63**

1 July 2002

At Room 1108, Parliament House, at 11:00 am

**1. Members Present**

The Hon Helen Sham-Ho MLC (Chair)  
The Hon John Hatzistergos MLC  
The Hon Ian West MLC  
The Hon Peter Primrose MLC  
The Hon James Samios MLC (items 2-4)  
The Hon Greg Pearce MLC  
Ms Lee Rhiannon MLC  
The Hon John Ryan MLC (item 5)

**2. Substitutions**

The Chair advised that the Opposition whip had informed her that Mr Samios would be representing Mr Colless.

**3. Previous Minutes**

Resolved, on the motion of Ms Rhiannon, that the minutes of meeting no 57 be confirmed.

**4. Review of Cabramatta Policing Inquiry**

**4.1 Tabled correspondence**

Resolved, on the motion of Ms Rhiannon, that the following correspondence be accepted.

Letters from Committee Chair to Mike Carlton, Morag Ramsay; Neil Mercer, Assistant Commissioner Clive Small and Professor David Dixon, dated Monday 24 June 2002 .

Letters from Committee Director to Assistant Commissioner Clive Small, Dr Richard Basham, Commissioner Ken Moroney, Tim Priest and Officer F regarding their in camera evidence, dated 24 June 2002.

Letter from Mike Carlton, Radio 2UE, dated 26 June 2002, requesting the opportunity to appear at a hearing.

Letter from Clr Frank Sartor, Lord Mayor of Sydney, dated 19 June 2002, correcting statements made about the funding of CCTV in George Street Sydney during the hearing held on 24 May 2002.

Letter from Professor David Dixon, UNSW, dated 1 July 2002, responding to adverse mention.

Letter from Mr Graham Kidd, Principal Cabramatta High, dated 19 June 2002 requesting release of the "James" Report.

**4.2 In Camera transcripts of 7 June hearing**

The Committee deliberated.

Resolved, on the motion of Ms Rhiannon, that the Committee publish the in camera evidence of Mr Small, Dr Basham and Mr Priest, once confirmation has been received from these witnesses that they have no objection to publication.

The Committee Director advised that the officer who gave in camera evidence on 7 June had no objection to his evidence being published.

Resolved, on the motion of Mr Pearce, that the Committee publish the in camera evidence of Officer F, without identifying his name or previous positions held.

#### **4.4 Treatment of “James” in final report**

The Committee considered a proposal of how the issue of “James” could be addressed in the final report.

The Committee supported the general approach suggested, although wished to emphasize further that his evidence did not form part of the original *Cabramatta Policing* report.

#### **4.5 Adverse mentions during Priest Evidence**

The Committee Director informed the meeting that David Dixon, Neil Mercer and Morag Ramsay did not wish to appear at a hearing; that Clive Small and Mike Carlton wished to appear; and that Peter and Adrienne Ryan had yet to respond.

The Committee deliberated.

Resolved, on the motion of Mr Hatzistergos, that the Committee hold a supplementary hearing at which Mr Carlton, Mr Small and, should they wish, Mr and Mrs Ryan be invited to respond to the adverse mention by Tim Priest at the hearing held on 7 June 2002. However any witness must provide a written statement to the Committee within the next two weeks as a condition of their appearing at the hearing.

#### **4.6 Possible Special Report – Operation Portville**

Mr Pearce tabled his memorandum dated 28 June, which had previously been circulated.

The Committee deliberated.

Resolved, on the motion of Mr Primrose, that the Committee write to Mr Small requesting that he provide an explanation for his evidence regarding the Operation Portville document in his written statement to the Committee prior to the supplementary hearing.

5. ...

#### **6. Next meeting**

The Committee adjourned at 1:02 pm *sine die*.

**Steven Reynolds**

Clerk to the Committee

**Minutes No 65**

13 August 2002

Room 1108; thence Room 814/815 Parliament House at 9:20 am

**1. Members Present**

The Hon Helen Sham-Ho MLC (Chair)  
The Hon John Hatzistergos MLC  
The Hon Ian West MLC  
The Hon Peter Primrose MLC  
The Hon Greg Pearce MLC  
Ms Lee Rhiannon MLC  
The Hon John Jobling MLC (Colless)

**2. Apologies**

The Hon Richard Colless MLC

**3. Substitutions**

The Chair advised that she had been informed by the Opposition Whip that Mr Jobling would substitute for Mr Colless.

**4. Review of Cabramatta Policing Inquiry**

**4.1 Written Statement from Clive Small**

The Committee considered the written statement provided to the Committee by Clive Small, which had been circulated.

Resolved, on the motion of Mr Primrose, that the Committee agree to any request by witnesses to go in camera but otherwise their evidence be heard in public.

The meeting closed and resumed in room 814/815.

**4.2 Hearing**

The public and the media were admitted.

The Committee Chair advised the media of the rules governing broadcasting of proceedings.

Mr Mike Carlton, journalist, 2UE Radio, was sworn and examined.

Evidence concluded and the witness withdrew.

Assistant Commissioner Clive Small, Premier's Department, was sworn and examined.

Mr Small tendered the following documents:

- "Some Thoughts on investigative Data Management and Analysis"
- one page document 21 February 2002 by Detective Appleton re distribution of interviews of "James".
- Document by Detective Appleton acknowledging receipt of money for travel for "James"
- Duty book of Keith West, Court and Legal Services NSW Police, for 21 February 2002.

The Chair directed that the public record expunge the mention of the real name of “James” from Mr Small’s evidence, and that the media be prohibited from broadcasting his name.

Mr Small requested to go in camera.

The media and the public withdrew

[Persons present other than committee: Mr Warren Cahill, Mr Steven Reynolds, Ms Ashley Nguyen (Legislative Council Committee staff), Hansard reporters]

The in camera evidence concluded and the witness withdrew.

#### **4.3 Publication of Proceedings**

Resolved, on the motion of Mr Hatzistergos, that that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 252, the committee authorises the Clerk of the Committee to make the transcripts of today’s public evidence publicly available.

Resolved, on the motion of Mr Jobling, that the apology which began Mr Small’s in camera evidence be inserted into the public transcript, but that the remainder of the in camera transcript remain in the possession of the Clerk Assistant Committees and not be circulated to members or published.

#### **4.4 Request from Dr Basham for Response to Adverse Mention**

The Committee deliberated on the correspondence from Dr Richard Basham, dated 12 August 2002, requesting a response to adverse mention from Clive Small.

Resolved, on the motion of Mr West, that Dr Basham and Detective Sergeant Frank Reitano be asked to respond in writing to the adverse mention made in the hearing on 13 August 2002, and that, following receipt of written responses, the Committee will determine whether to publish the responses.

#### **4.5 Correspondence**

The Chair tabled letters received from Mr Peter and Mrs Adrienne Ryan and from Ms Morag Ramsay, Four Corners program, in response to adverse mention on 7 June.

The Committee noted the following correspondence, which had been previously circulated:

##### **Correspondence received**

- Letter from Mr Chris Masters, Four Corners Program, dated August 2002 re adverse mention by Tim Priest
- Letter from Ms Reba Meagher MP, dated 15 July 2002, re the position of Superintendent Frank Hansen
- Letter from Mr Michael Holmes, General Manager, Court and Legal Services, NSW Police Service, dated 11 July 2002, re written statement by Clive Small.
- Letter from Mr Michael Holmes, General Manager, Court and Legal Services, NSW Police Service, dated 18 July 2002, re written statement by Clive Small.

##### **Correspondence sent**

- Letter from Deputy Chair, dated 5 July 2002, to Mr Graham Kidd, Principal, Cabramatta High School re request for publication of “James” report.

- Letter from Deputy Chair, dated 5 July 2002, to Clr Frank Sartor, Lord Mayor of Sydney, re CCTV in George St, Sydney.
- Letter from Deputy Chair, dated 5 July 2002, to Mr Neil Mercer, Sydney Morning Herald, regarding adverse mention.
- Letter from Deputy Chair, dated 5 July 2002, to Dr David Dixon, University of NSW, regarding adverse mention.
- Letter from Deputy Chair, dated 5 July 2002, to Assistant Commissioner Clive Small, Premier's Department, regarding publication of previously in camera evidence.
- Letter from Committee Director dated 11 July 2002 to Assistant Commissioner Clive Small regarding Committee resolution re Operation Portville.
- Letter from Committee Director dated 25 July 2002 to Mr Mike Carlton, Radio 2UE, regarding the hearing on 13 August 2002.
- Letter from Committee Director dated 25 July 2002 to Assistant Commissioner Clive Small regarding the hearing on 13 August 2002.
- (Confidential) Letter from Chair, dated 9 August 2002 to Commissioner Ken Moroney, NSW Police.
- Letter from Chair dated 9 August 2002 to Ms Reba Meagher MP regarding the position of Superintendent Frank Hansen.

#### **4.5 Publication of Responses to Adverse Mention from 7 June 2002**

The Committee deliberated.

Resolved, on the motion of Mr Primrose, that, pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 252, the committee authorises the Clerk of the Committee to publish the letters received in response to adverse mentions on 7 June 2002.

#### **4.6 Submission from Cabramatta Chamber of Commerce**

The Committee deliberated.

Mr Primrose moved that the Clerk's advice to publish the submission, omitting pages 5,6 & 7 and the appendices, be accepted by the Committee.

Mr Pearce moved that the motion be amended so that only the specific references to the three officers on pages 6 and 7 be deleted, together with the appendices.

Resolved, on the motion of Mr Primrose, that pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 252, the committee authorises the Clerk of the Committee to make the submission from the Cabramatta Chamber of Commerce publicly available, excepting the references to the three officers on pages 6 and 7 and the appendices.

### **5. Next meeting**

The Committee adjourned at 1:35 pm until 21 August 2002 at Parliament House.

**Steven Reynolds**

Clerk to the Committee



**Minutes No 68**  
Thursday 19 September 2002  
Room 1108, Parliament House at 1:00 pm.

**1. Members Present**

The Hon Helen Sham-Ho MLC (*Chair*)  
The Hon John Hatzistergos MLC (*Deputy Chair*)  
The Hon John Jobling MLC  
The Hon Peter Primrose MLC  
Ms Lee Rhiannon MLC  
The Hon Ian West MLC

**2. Apologies**

The Hon Greg Pearce MLC  
The Hon Rick Colless MLC

**3. Substitution**

The Chair was advised by the Opposition Whip that he would be substituting for Mr Colless.

**4. Postponement of Deliberative Meeting**

The Committee agreed to postpone the meeting scheduled for Monday 23 September 2002 until Tuesday 24 September at 1:00 pm to enable members to attend the funeral of Mr Jack Ferguson.

**5. Review of Cabramatta Policing**

The Committee deliberated.

Resolved, on the motion of Mr Hatzistergos, that the written statements of Dr Basham, Mr Priest and Mr Reitano be received and tabled in the House at the conclusion of the inquiry but *not* published under the authority of Standing Order 252.

**6. Adjournment**

The Committee adjourned at 1:35pm until Tuesday 24 September 2002 at 1:00 pm.

Steven Reynolds  
**Clerk to the Committee**

**Minutes No 69**

Tuesday 23 September 2002

Room 1108, Parliament House at 1:00 pm.

**1. Members Present**

The Hon Helen Sham-Ho MLC (*Chair*)  
The Hon John Hatzistergos MLC (*Deputy Chair*)  
The Hon Greg Pearce MLC  
The Hon Peter Primrose MLC  
The Hon Ian West MLC  
The Hon Rick Colless MLC

**2. Apologies**

Ms Lee Rhiannon MLC

**3. Previous Minutes**

Resolved, on the motion of Mr West, that minutes numbers 68, 65 and 63 be confirmed.

**4. Review of Cabramatta Policing**

**4.1 Adoption of Draft Report**

The chair tabled her draft report which, having been circulated, was taken as being read.

The Committee deliberated.

Resolved, on the motion of Mr Hatzistergos, that the Committee insert the following sentence after the quote in paragraph 2.7:

Despite these limitations the Committee accepts that arresting people for breaching move-on orders assists in removing persons who refuse to comply with directions.

Resolved, on the motion of Mr Hatzistergos, that the following recommendation be inserted after paragraph 2.34:

That the responsible Minister write to the Prime Minister, John Howard, highlighting the importance of Federal funding and support for local communities with drug crime problems and seek greater assistance for the Cabramatta community.

Resolved, on the motion of Mr Hatzistergos, that the words “generally however it has been easier to find criticisms than praise” be deleted from paragraph 4.6 and replaced with:

Improvements are widely acknowledged, however there still exists some criticisms.

Resolved, on the motion of Mr Hatzistergos, that the reference in Recommendation 11 to “Co-chair” of CityWatch be changed to “Deputy Chair”.

Resolved, on the motion of Mr Hatzistergos, that the words “Assistant Commissioner Clive Small, the most senior officer to appear before the Committee after the Commissioner” be deleted from paragraph 4.90 and replaced with “some senior management”; and that the next two sentences be put into a footnote

which replaced reference to Mr Small with a reference to the report by the Standing Committee on Privileges and Ethics.

Mr Pearce moved that the quote from Ms Julia Irwin MHR in paragraph 2.34 be deleted and the following sentence inserted:

The Committee agrees that the Federal government should give priority to funding allocations to drug affected local communities and the Federal government should be encouraged to contribute to relevant programs benefiting the Cabramatta area.

Question put.

Ayes: Mr Colless  
Mr Pearce

Noes: Mr Hatzistergos  
Mr West  
Mrs Sham-Ho

Question resolved in the negative.

Resolved, on the motion of Mr Hatzistergos, that the report as amended be adopted as the report of the Committee.

#### **4.2 Tabling**

Resolved, on the motion of Mr Hatzistergos, that submissions, transcripts of evidence, tabled documents and correspondence be tabled in the House with the report.

#### **4.3 Publication**

Resolved, on the motion of Mr Hatzistergos, that the report, together with correspondence (excepting those which the Committee has resolved remain confidential), transcripts (excepting in camera transcripts), submissions (excepting those which the Committee has resolved remain confidential) and documents tabled during hearings (excepting those which the Committee has resolved remain confidential) be published by the Clerk pursuant to the provisions of section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and under the authority of Standing Order 252.

#### **4.4 Launch**

Mr Hatzistergos and Mr West requested that the minutes record their objection to the report launch date co-inciding with National Police Remembrance Day (Mr Primrose had left the meeting for other parliamentary business).

### **5. Adjournment**

The Committee adjourned at 2:00 pm *sine die*.

**Steven Reynolds**  
**Clerk to the Committee**