

REPORT OF PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE No. 3

INQUIRY INTO POLICE RESOURCES IN CABRAMATTA

At Sydney on Monday 18 December 2000

The Committee met at 10.30 a.m.

PRESENT

The Hon. Helen Sham-Ho (Chair)

The Hon. R. H. Colless
The Hon. R. D. Dyer
The Hon. J. Hatzistergos
The Hon. J. R. Johnson
The Hon. G. S. Pearce
Ms Lee Rhiannon
The Hon. J. M. Samios
The Hon. I. W. West

CHAIR: It is my pleasure to declare open the third public meeting of the inquiry into police resources in Cabramatta. This is a formal committee hearing in which previously-arranged witnesses will receive a summons and give sworn evidence. Witnesses will be given the opportunity to make a brief opening statement. They will then be asked questions by members of the Committee. Because it is a formal hearing there is no opportunity for members of the audience to participate directly, either by addressing the Committee or by asking questions. Of course, anyone is welcome to write to the Committee with any comments or views that they wish to put in relation to the inquiry.

Members and staff present at the last hearing, at Cabramatta on Tuesday 12 December, may have noted the absence of the senior project officer to the Committee, Mr Stephen Reynolds. Stephen was not attempting to escape the intense heat that gripped most of Sydney on Tuesday but was helping to welcome his new baby daughter, Ella. Ella was almost one week overdue and was eventually born at 8.15 p.m. on Tuesday. I put on record our congratulations to Stephen, to his wife, Liz, and to his two children Benjamin and Desmond on their new addition to the family.

ALAN DOUGLAS LEEK, Retired Superintendent of Police and Former Local Area Commander, Cabramatta, 49 Wahroonga Road, Winmalee, affirmed and examined:

CHAIR: In what capacity are you appearing before the Committee?

Mr LEEK: As former commander of the Cabramatta patrol between 1991 and 1995.

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr LEEK: Yes.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mr LEEK: I am.

CHAIR: Will you please briefly outline your qualifications and experience as they are relevant to the terms of reference of this inquiry?

Mr LEEK: Between 1988 in 1991 I was the Staff Officer (Intelligence) to the commander of the Prospect Police District, whose responsibility included the Cabramatta patrol. In May 1991 I was appointed acting commander of the Cabramatta patrol and was appointed permanently to the position in October that year. I remained as patrol commander until my transfer in July 1995. I have also commanded the Penrith and Newtown patrols and Tamworth and St George-Sutherland districts. My last command was the Ku-ring-gai local area command. I hold an Associate Diploma in Justice Administration from the Mitchell College of Advanced Education and a Post-Graduate Diploma in Police Management from the Macquarie University. I am a graduate of the Federal Bureau of Investigation National Academy in the United States and the recipient of the 1987 Peter Mitchell Award for the most outstanding performance in any phase of police duty.

CHAIR: The Committee has received a written submission from you—just now. If you should consider at any stage during your evidence that in the public interest certain evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee will be willing to accede to your request. Do you wish briefly to make a short statement?

Mr LEEK: I will make a short statement.

The Hon. J. R. JOHNSON: Do I take it that you wish the submission to the Committee to be taken as part of your sworn evidence?

Mr LEEK: Yes, that is right.

Motion by the Hon. J. R. Johnson agreed to:

That the written submission of the witness the accepted as part of the witness's sworn evidence.

Mr LEEK: I suppose I am here to state that police and community relations in Cabramatta have been better. I do not wish to imply that the period of my command was faultless, but I believe what was achieved between 1991 and 1995 in many ways demonstrates that better things are possible. I have prepared my submission under a number of headings, and I think I should deal with them one by one as briefly as I can. The first is that Cabramatta is not an Asian enclave, nor is it a ghetto. Some commentators on Cabramatta, many of whom I do not think have been there, have talked about Cabramatta being a ghetto. Instead, I found it to be a wonderful community, made up of people from diverse parts of the world, with cultural differences that enhance the community. The relative ease with which its peoples co-exist provides a valuable lesson to the rest of the world.

The problem is that a great deal of emphasis is placed on the Asianness of the population to the detriment of many other people from other cultural backgrounds who live in the area. I am reminded of the influx of refugees post-war to the area—Yugoslavs, Italians, Dutch, Germans, and so on. There is none more sad than the Cambodians and the South Americans, 2,000 of whom lived in the Cabramatta area during my period there. These Spanish speakers were from Chile, El Salvador and Nicaragua, and many of them were traumatised by torture and cruelty by the State. If too much emphasis is put on one particular cultural group, others miss out. I just stress there are many cultural groups in Cabramatta, and the focus on the Asian component, for want of a better term, is probably not helpful.

I have said also that there is no such thing as Asian crime. It is an unfortunate appellation. Throughout our history we have managed to blame others for what should be a shared experience. The reality is that the culprit is xenophobia. The nature and type of crime does not alter from culture to culture. I know of no credible study that establishes a higher propensity in one culture to commit crime in this country than another. In short, crime is crime and should be dealt with accordingly. The only valid use of ethnicity is as a personal identifier. The pursuit and use of archaic and racist phantoms adds no value to professional policing and discredits our community as a whole. Somehow or other it sometimes serves an established community to have a scapegoat to prove that they are holier than thou, and there is certainly a feelgood

quality about blaming others for what rightfully should be a shared responsibility. I submit also that Asia does not exist. Ryckmans was the Professor of Chinese at Sydney University at the time of his publication in 1993. When discussing Asian studies he resolved:

... Asia does not exist. "Asia" is a purely western notion, an arbitrary fabrication; it has little or no basis in geography, culture and history. It is merely a legacy from the late imperialist-colonial era: it was then used as a convenient label to cover all-that-was-not-European, Eastern Europe; otherwise, it conveys no meaningful content ... Asia is hardly more than a Western prejudice, and the sooner we realise that there is a greater cultural distance between China and India, than between either one and Europe, the better chance we might have eventually to reach a certain degree of understanding of these widely different worlds.

I submit that the same may be said of policing and the general community. To probably provide access and equity to community members, there must be better understanding of just what that community is. Does the term "Caucasian" assist me to determine the needs of a particular group of people? I suggest not. Not only because of its white supremacy origin, but because it bundles together disparate groups of people with little in common. This is so with the term "Asian", and although I think it is impractical, its obsolescence cannot come quickly enough. Of more practical application perhaps is the use of country of origin as an identifier. After all, Thais, Laotians and Cambodians have little in common with Vietnamese and Chinese—too little in fact for the term "Asian" to be of consequence in policing or in the community generally. In other words, "Asia" is not an homogenous pot. It is an impediment to the proper understanding of the peoples of our region and of the Cabramatta constituency. People need to be dealt with as equals and for who they are. Individuals matter.

Integrity must be the platform from which all policing is launched in a multicultural area. It is true to say that that should be applied to all areas but it is far more important in a multicultural area, because many people who have lived under the yoke of totalitarianism have no concept of equality, no understanding of normal access to services and little grasp of the freedom of expression. Those who come from a feudal background or from a history of warfare and conflict have some difficulty coming to terms with living at peace. Also taken for granted in many communities is the doctrine of the separation of powers. In a community where my officers and ethnic community liaison officers would address every Adult Migrant English Service class on the role and function of policing, this is not widely understood. It was not uncommon to be asked by recent arrivals to Australia, "What can I be shot for?" Hearing these questions provides one with a stark reminder that we have a long way to go to make ourselves understood, let alone the complex issues such as the separation of powers.

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In other words, a very important role for me in Cabramatta was to explain to people that police were not an arm of government and that they act independently in accordance with the law and with discretionary and original authority. When speaking publicly, I used every opportunity to remind the community of those things. With my Vietnamese ethnic community liaison officer [ECLO], I conducted regular talkback radio programs on SBS radio station 2EA in Vietnamese. These programs were hugely successful, and we were required to stay back to take calls off air for up to 45 minutes after the broadcast. So much for the wall of silence! According to SBS, that program

enjoyed an audience of over 90 per cent of the Vietnamese community. The overriding message I pressed on these occasions was the separation of powers and access and equity to and from the Police Service. At the same time, that message was reinforced to my staff.

The message had to be reinforced internally. Swift action was taken against improper conduct, both managerially and criminally. I consider one corrupt officer a threat to all who have to work with him or her and crushingly destructive to positive efforts that have already been undertaken. I do not want to sound evangelical, but I consider it very important to emphasise this point to the Committee and to the police who have followed me at Cabramatta. The police under my command proved themselves as professionals time and time again. Their actions were the portent of the reform process which was demanded by the recent royal commission. Despite the informed opinion that Cabramatta would fall after the examination by the royal commission, the opposite was the case.

Cabramatta command has never had sufficient resources. I suspect that now, as it was in my time, staffing at Cabramatta is sufficient to meet the normal day-to-day requirements of a patrol of its size. However, staffing is insufficient because of the special circumstances that prevail at Cabramatta. Every task undertaken by a constable at this location takes double the usual time. A simple exchange becomes a time-consuming and difficult exercise. Where language is a barrier, interpreters have to be found. If a child or young person is being interviewed, a parent, guardian or nominated person has to be added to the equation. The volume of young people and children who are involved in the sale and distribution of heroin at Cabramatta exceeds the number in any other part of the State.

The oft-quoted and misguided judgment that police should be skilled in languages is a cross that Cabramatta police will have to bear for some time to come. The fact remains that over 90 cultural groups, using many more dialects, live in the Cabramatta area. It would never be possible to accommodate all languages and dialects. Even where officers have learned other languages, the pursuit of career opportunities will see them moving from one area to another. As for the niceties of greeting people in their native tongue, a simple "hello" is universally understood. I recall during my first week at Cabramatta walking through the streets with my Vietnamese ethnic community liaison officer. The officer greeted a man in Vietnamese, only to find that he was Cambodian. It was a great lesson for me to learn very early in my stay there.

Of far more importance than language are cultural mores. Much was done in my time by the ECLOs to expand the knowledge of police in the area. It would serve the Committee well to check the current authorised strength of Cabramatta command. I am not aware of it. Always hidden in that overall figure are people who are put into particular roles because they are not able or capable of performing duties on the street. Perhaps they should not be included in that number. The needs of the Cabramatta community have rarely been taken seriously by senior management of the Police Service. There seems to be a barrier to a real understanding of the issues in the area, and I suspect that barrier is as high as ever. The fact that the command has recently been downgraded from level one to level two indicates to me that whilst some formula may have been used, it is not the correct one for the ailment.

I concede that current crime investigation practices in the Police Service are a vast improvement on what they once were and that operations may be under way. However, there is no substitute for local knowledge and ownership of a particular area. Most of the police with expertise in this area during my time there between 1991 and 1995 are no longer there. They have either left the Police Service or have moved on to other areas. The loss of corporate knowledge has been profound. There is no doubt that Cabramatta has the highest incidence of heroin sales and administration in the country. I suspect this is because the source of the drug and those experienced in the supply and distribution combine to make a potent mix and form a natural conduit to Cabramatta. In other words, the drug is grown in south-east Asia and many of the people experienced in its distribution in staging camps and refugee camps have moved to Cabramatta.

I remember an anecdote about a local newsagent at Cabramatta who confronted a drug seller of oriental appearance out the front of his shop. The newsagent said, "Why are you selling here? Why don't you go somewhere else?" The seller agreed to do that. The newsagent said, "Why do you sell drugs in Cabramatta anyway?" He said, "Because I would stand out anywhere else." At best, efforts to curb the heroin distribution have been piecemeal and have been conducted post factum. To be effective, street level enforcement requires a high overt and covert police presence. This cannot be achieved with current staffing, nor can seconded police in special operations be expected to take the same interest in an area as officers attached to the area, who have a more possessive interest.

The Hon. J. R. JOHNSON: Why?

Mr LEEK: This is at street level, Mr Johnson. At street level it is a constant operation that goes on day after day after day. My experience has been that when police are brought in from, say, Chatswood or Rose Bay to enforce street level operations at Cabramatta, they know they are there for a short time and the main thing they want to do is get back home to their base. Police have an ownership of and belonging to their own territory. For higher level operations it is desirable to have police who are not working in the area—for anonymity and the area needs the extra resources which are not available at the local level.

The Hon. J. R. JOHNSON: Are you saying that it is a superfluous exercise?

Mr LEEK: No, anything helps. I am saying it can be done better if the police are stationed locally. I am not trying to empire build—that matters not to me any more. But if a command has control of a number of people who have a possessive interest in the area, I believe it will achieve better results at street level—not higher up the chain.

CHAIR: Thank you. You may return to your statement.

Mr LEEK: If there were, say, 20 or 30 extra personnel, it would not necessarily help the overall problem. It was my experience in 1991 to 1995 during the height of the drug law enforcement campaigns that I ran that I lost approximately 80 shifts per fortnight from police attending court. The more police, the more arrests. As Don Wetherburn has already addressed you, the more arrests, the more court down time, and the extra police dissipate. It does affect good order in the streets and achieves what the community has a right to expect, that is, a peaceful existence in the particular area. The

other problem is that high activity and high arrest rates are reflected in statistics, and it looks as though there is a crime wave. That has often been a problem with the media.

My operations in Cabramatta were guided by inferences drawn from a study done in 1988 by Ian Dobinson and others, called *Buying and Selling Heroin in Australia*. I inferred from the study that street level enforcement, which was all that I was resourced to do, would have a deleterious effect on the supply network right to the top. That was the way we operated during those years. As I have explained to some journalists, if I were to place a police officer outside every newsagency in a particular location and stop people buying particular newspapers, it would not be very long before certain media moguls would make noises about the distribution of newspapers. It works roughly along the same lines; you do have an impact.

At the same time—and I have not put this in the submission—we had operations against brothel keepers in Cabramatta, which caused one of them to write to the local newspaper to complain because the police activity had cut off his cash flow by sending prostitutes back to Thailand. It so severely affected his cash flow that he complained bitterly and publicly. The man is now serving 15 years for importation of heroin. These were legitimate exercises to try to thwart the supply of heroin. There are many, many ways to get into Cabramatta. There is no port or airport to check the influx of drugs. We must attack from within using our resources. That is the way we operated.

I no longer have access to official figures but I have retained some rough notes. They indicate that for the nine months between January 1993 and July 1994 my patrol personnel arrested 836 adults and 121 juveniles for 498 charges of supply heroin and 750 of possess heroin. These figures gradually increased, peaking at 150 heroin-related arrests in March 1995, probably due to Operation Hammer. I left shortly after that time.

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The Hon. J. R. Johnson: Are those figures in your submission?

Mr LEEK: Yes, on page 10, Mr Johnson. It should not be forgotten that while my people were doing these things they concurrently carried out other duties required of them, including the investigation of serious crimes, operations against robberies such as Operation First Floor, victim support programs and the normal day-to-day functioning of the patrol. It should also be noted that much of this work was carried out in the course of the royal commission, when police on the streets were assailed daily with invective that would have seen some in other industries down tools. They worked under very trying conditions. I must say here that I was very proud of them. I was very proud of the way they came through the royal commission and I was also very proud of the way they worked on through it. That applies to other areas as well. It was very embarrassing for many young police. I do not know what the current casualty rate for heroin overdoses is but my rough data indicates that 16 young people died from heroin overdose in Cabramatta in 1993, 19 in 1994, and 7 until early March 1995. This is nothing short of a national disgrace.

The Hon. J. R. JOHNSON: How do you define "young people"?

Mr LEEK: Not as the law would define them in this case, Mr Johnson. At my age I would describe them as anyone up to 40. I would think including mid-20s, 30s—not necessarily 18-year-olds or 16-year-olds. These people died unnecessarily. They were loved ones of different people. My primary role as a police officer was the protection of

life. It was incredibly frustrating to see these figures mount up, to see these people become statistics. Had they been killed in motor vehicle accidents there would have been an uproar. They were killed behind buildings. They died in disgusting conditions, amongst litter and needles. It was absolutely heartwrenching.

But we could not do any more than assail street level distribution of heroin. At the same time we were being advised by the Ambulance Service of approximately 40 heroin-related incidents a week. Ambulance officers would revive heroin overdose victims with Narcan. They became expert in their attempts to revive people who had no vital signs when perhaps others would have given up. They had some success but the hidden casualties in such instances are people who suffer brain damage or organ damage or limb damage. We do not seem to talk about them. It is a massive problem.

In Deborah Zardor's article—I cannot remember the date but it is readily available—there was reference to poly drug use. I have always failed to understand how the purity of something can kill you; it seemed to me that the impurities would be more dangerous, and I think that is the case. I do not pretend to be an expert. Zardor's study indicated that the narcotic deaths examined in, I think, 1992 showed that all of the people involved had another drug in their system, be it alcohol, amphetamines or something else. It appears that poly drug use may have been a factor in their deaths. I could not get any publicity for the problem. As I said, I approached the late Andrew Olle but his untimely death saw that go no further. I was transferred shortly after. The problem is now gaining some currency. It is very important to educate the community about the problem.

I suspect that what was happening at Cabramatta was that people were going to hotels, sitting there and having a few beers, perhaps already having amphetamines in their blood stream, and waiting to score with a dealer. They would then go to the nearest toilet or alleyway or wherever, inject heroin in large doses, because it was relatively cheap, and die because of the effects of the other drugs. I believe that Cabramatta needs the provision of a safe injecting facility, extended and culturally specific detoxification facilities and the maintenance of a needle exchange. I fail to see how any right-minded person can see the justification in refusing a safe injecting facility when so many of our youth have died in toilet blocks, stairwells and alleyways for want of such an amenity.

Another factor to be considered when looking at staffing is that Cabramatta is not like most other areas. It does not have any respite on Saturdays, Sundays and public holidays. It is full steam ahead. To visit Cabramatta on Christmas Day is quite a revelation. You can buy a pair of spectacles at Cabramatta on Christmas Day. The place is in full swing. And of course you can buy heroin there on Christmas Day. What makes me bristle is the accusations that Cabramatta police have been culturally insensitive and not met the needs of a diverse community. When I started work at Cabramatta in 1991 I had 66 police. Somewhere down the track I had 80 or perhaps a few more. One fifth, 20, came from a non-English-speaking background. I actively recruited administrative staff, general support officers who work the front counter, the first point of contact with the public, from Chinese and Vietnamese backgrounds. Louisa Cheung still attends the inquiry counter at Cabramatta. Belinda Nguyen is still employed at the station. Under my command she worked in the intelligence office. Eva Liang is still a very valuable asset as a clerical officer. I recruited those people and they are still there.

Police officers at the command included two Spanish speakers. They were invaluable in dealing with the South American community I mentioned earlier. One was Uruguayan and the other was Spanish. There was one Croatian speaker and there was one Chinese speaker. These were all constables. For short periods I gained the services of two Vietnamese police. They desperately wanted to be New South Wales police, not Cabramatta police. I employed a sergeant of Mauritian background, with fluent French. Many people from South-East Asia, particularly the older people, speak French. Other police included those with Italian, Greek, Malay and black South African backgrounds.

Since preparing the submission I have also remembered that I had a constable of a Syrian background. In time, police will recruit more members from the Chinese, Vietnamese, Lao, Cambodian, Thai, Indonesian and Philippine communities, but even then their own rights to access and equity in employment opportunity will never see them held in particular locations because of their ethnicity, nor should it. I believe that every possible effort has been made by the New South Wales Police Service to recruit from these communities. The major cultural obstacles cannot be overcome in the short-term, and I anticipate little response for at least another generation.

I was excited by the work that I had to perform at Cabramatta and I attended every cultural and religious function possible. As you would know, Madam Chair, we met at many of them. They extended from various Christian events, the opening of churches, to Ramadan, the opening of temples, Vesak Day, Vietnamese Martyr's Day, Chinese New Year, Lao and Cambodian New Year, and inauguration ceremonies for various community organisations, of which there were many. I was accompanied always by one or more of my ethnic community liaison officers and on many occasions by my peers, my senior and junior officers. This process built relationships and trust. It educated us whilst educating our guests and other observers. It was a two-way street that provided many benefits to the community.

Because I was able, I invariably attended these events unarmed, as I was when walking the streets. As a commissioned officer I was not required to wear a firearm. This was done in deference to those who had suffered terribly in Cambodia and South America. Not only was I saying that police were not puppets of the Executive but that their local leaders were prepared to meet them on an equal footing. This was a token on my part and could not or should not be expected of operational police in the field. The links forged in this way are strong to this day. I have a deep and abiding respect for the Cabramatta community and many there maintain contact with me. Proper behaviour, respect for the community and a vigilant protection of the work already undertaken were the key to successful interaction at Cabramatta.

Whilst fear of reprisal is still very high in the community, interaction and information were forthcoming. The "wall of silence" is sung like a credo but it has little basis in fact. I have worked in many communities, all with a degree of reluctance to become involved in the adversarial criminal justice system, to be witnesses or to inform on one's neighbour. The "never dob in your mate" of Australian lore would never be described as the wall of silence, but should it? Barriers still exist but they should not be entirely laid at the feet of police who have done much already to encourage open dialogue with the multicultural community. Our system of justice, the presumption of innocence and the presumption to bail are perplexing to people who come from communities in which these presumptions do not exist and the summary administration of justice is common. I do not see a lot happening in our nineteenth-century courts

administration, for instance, to educate the wider community. It is still the case that most citizens, no matter what their cultural background, are strangers in their own courts and alien to their processes.

I have been fortunate in being able to obtain a copy of an information kit that went hand-in-hand with a victim support program. I listened to recent evidence before the Committee in which it was claimed that we did not have a victim support program. I borrowed this program from Mount Druitt patrol, tailored it to meet our particular needs and made a multilingual package out of it. The Cabramatta Chamber of Commerce provided us with a computer in which to keep all the records, because in those days computers were fairly thin on the ground. We checked daily crime reports. The beats police were responsible for this activity. They took specific categories of crime—always personal injury and always individuals—break and enter, robbery, assault, and made contact with the victims, using the services of the ethnic community liaison officers in most cases.

The Hon. J. R. JOHNSON: Madam Chair, does Mr Leek wish to table the document he has just referred to?

Mr LEEK: Yes, I will do that. In other words, the beats police and the ethnic community liaison officers made telephone contact with victims, excluding rape victims, because they had another program and it was insensitive to send men around to follow up at the home in those cases. Thankfully, there were not many in Cabramatta anyway. The victims were contacted to see whether they wanted follow up from police and invariably they did. Police would go around and use that facility, not just drop a pamphlet on their doorstep but go around and talk to them and encourage them and leave that bundle of information for them, which served a few purposes. One of the things we did in that was explain the process of bail to them.

It is an unfortunate side effect of the presumption of bail that many in the community saw people arrested for serious crimes only to see them released a short time later. Police are then blamed for being corrupt because people do not understand the bail processes. So we included in that package an explanation to try to break through that barrier. I do not know when this service was discontinued. It may have been because of the demands of the inquiry into the death of John Newman, or it may have been after I left the command.

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The police at Cabramatta have supported harm minimisation programs. I doubt if any police officers at Cabramatta held the belief that their efforts alone would stem the tide of illicit drugs distribution and use. Their focus was on maintaining good order and disrupting the supply chain. The Police Service was a signatory to the protocol some years ago—I think in 1988—allowing for a needle exchange program to operate unhindered. This program, which also had the support of government, has been directly responsible for our community having one of the lowest HIV infection rates in the world, particularly among intravenous drug users. I recall a figure which is something in the order of 2 per cent in New South Wales compared to Edinburgh and San Francisco where 50 per cent of drug users were infected with the HIV virus. Those two cities now have needle exchange programs and their HIV rate has improved considerably.

I personally formed a particularly fruitful working relationship with Professor Ian Webster of the south-western Sydney clinical school of the University of New South

Wales. His advice and instruction to me was very, very helpful during the years of my command. I see the role of police, in reducing risk to people addicted to heroin, to be totally consistent with their larger role in society of protecting life. Ethnic community liaison officers [ECLOs] are one of the most valuable resources available to police managers. I cannot emphasise too much the importance of ethnic community liaison offices to local area commanders. I found them invaluable and I would go so far as to say that I could not have successfully managed the Cabramatta patrol without their assistance.

Cabramatta command has had four Vietnamese ethnic community liaison officers over a 12-year period. The ones known to me were Francis Tran, who is now a solicitor; Duy Nguyen; and the present incumbent, Vinh Nguyen, who is also a solicitor. Their performance has been of the highest standard. Vinh has been in his position for five years. Ninya Long is Laotian with a Thai background. She has been in her position for 12 years. She speaks Lao, Thai, French and excellent English. Phiny Ung has held her position for seven years. She is Cambodian and speaks Khmer and French. Like her colleagues, her command of English is excellent.

These people were as important to me as were my senior management team and they reported directly to me. They provided me with entree into various cultures, not only their own, and were responsible for spreading the police message to the community. They transcribed and transmitted my press releases and represented me at specific forums. Over protest from an entrenched public service hierarchy, I gave them free rein to pursue my objectives, which were largely to forge links with the community. They were hugely successful. They accompanied me to many functions and explained the cultural significance of them. They warned me of functions that it would not be appropriate for me to attend. There were not many of those, but they did arise on occasions. These officers were not constrained by office hours and their roster was as flexible as my own. I understand that that is not the case, and has not been the case in recent years.

My ECLOs were held in high regard in the community, but their roles were not always understood by junior police who saw their forays into the community as absences from the workplace. This is not surprising, given the regimentation that junior police were used to and which I spent a lot of time trying to undo. My ECLOs facilitated many meetings with cultural leaders. We did talkback programs. Those officers and police officers conducted high school programs and adult migrant English courses. My ECLOs would interview and advise, or refer individuals for assistance. They would brief police on impending problems in the community. A fourth position was promised by government, but it never eventuated. I would not blame any government for that. I blame the management of the Police Service.

However, ECLOs from Fairfield, one of whom is Chinese, were often called upon, as were Loc Tran, from Bankstown, and Peter Tran, from Marrickville. There was a lot of movement between those areas because the communities were basically the same. The ECLOs have been so prominent in the Cabramatta community that I find it hard to accept criticism of their profile or that their role is not widely known to the community. Originally, the ECLO positions were ministerial appointments but later became temporary positions. After 12 years, they are still temporary positions, although I am told that those positions will soon become permanent positions, grade 3-4 clerical

officer positions. I will believe that when I see it. That was happening in 1995 when I left the command.

For many years the ECLOs have been promised permanency and security of tenure. The fact that it has not yet come to pass is another reflection on the lack of concern shown for properly equipping the Cabramatta area. Their continued presence in Cabramatta is imperative. I am aware that they have not been able to work to their full capacity and I suspect that this is very frustrating for them. So much of what I see in Cabramatta currently appears to be the result of questionable management practices—at least at the local level and partly from higher levels. I do not pretend to know what has happened at Cabramatta over the past five years but I have maintained my interest in the area. The community seems not to have been engaged in a meaningful or spontaneous way which has reopened the chasms which were once narrowed or closed.

I know that the rank and file police officers will be unchanged in their attitude, that is, they simply want to work. But they need support and they need the appropriate resources to do the job properly. Properly led, these young people can achieve anything. I think we showed that in the early 1990s. I know that my comments will be taken as criticism of friends and former colleagues—and they are. However, I am more critical of a system which has placed the last two commanders at Cabramatta—not at their request or application, but at the whim of someone or a number of people who simply do not know the people or the area into which they are to be placed.

I understand that the new local area commander of Cabramatta has been announced. I know this amiable and capable man. I find it hard to believe that, given his background, he would willingly seek this position. I know that he would do his best, but I see his appointment, at best, ill advised and, at worst, an act of bastardry to the individual and the community. I cannot understand the appointment. The only way to seek proper management of the Cabramatta Local Area Command is to advertise the position. To attract the right people, the position should be maintained at a level that is commensurate with the responsibility that goes with the job, that is, a grade 1 command. That is not to say that there are not other commands that are in a similar position. Cabramatta is too valuable an asset to allow it to wither on the vine. It needs proper understanding and good management in all regards, not just in policing.

Too much should not be expected from police officers. They have far too many responsibilities. I support Peter Ryan in his efforts to reduce functions which should not be the province of police. I support his reform program and I support the need to close police stations whose boundaries were set in a different age. Crime knows no boundaries. Cabramatta, on the other hand, is so unique and so different to, for instance, the Fairfield Local Area Command and to others that it should remain a separate command. I conclude my remarks with a quote from Marcus Aurelius which is apposite to dealing with the current approach to heroin abuse: "We must be willing to carry out tasks in life where we have no chance of success." Such as the role of policing.

CHAIR: Mr Leek, thank you for sharing your experience and your expertise with the Committee. I acknowledge that I know Mr Leek very well from the years when he was the commander of the Cabramatta patrol. I recognise that and his achievement as the Cabramatta commander. He was a really well respected and highly regarded commander. He was even given an award from the community and I acknowledge that. He actually got an award from the community before his retirement. For a long period

during his submission, he took me down memory lane. I know Mr Leek very well. Even on a Sunday, I could ring him and I feel it is important to acknowledge that too.

I have to say that Mr Leek's statement is very full and extensive. I do not have enough time to deal with that in detail and I will have to be concise. Mr Leek, you very briefly outlined your approach to the relationship between the Cabramatta patrol and the local community, including the relationship with the various ethnic communities in Cabramatta during your period as commander. Can you contrast and compare your approach to the approach that has been taken in recent years? I know you have already mentioned it.

Mr LEEK: I did two things. I relied very heavily on my ethnic liaison officers, and I managed by walking around. I went into the CBD almost every day. There were occasions when I could not, but almost every day I went into the CBD. That is a measure, I believe. I would go there in uniform. I would sit down among the community and have my lunch in a noodle shop or wherever, and I changed the locations all the time. I would talk to people and I got very, very good information about what was happening in the town and that was not consistent with what I was been told by my own people. There is a propensity for your staff to tell you the good news, not the bad news. I would learn from the local jeweller that people were trading at the back of his shop and that people could not go to the banks safely—those sorts of things.

I would go to other areas in uniform and sit down in restaurants to have a meal—in uniform, with friends. In areas far removed from Cabramatta, I would be stared at, but I would not be stared at in Cabramatta. I was accepted, and I always thought that that was a measure of what the local area commander in those particular areas was not doing. He was not going into those areas in which I was a peculiarity. If he had been going into the restaurants or into those streets, I would not have been stared at. That was probably one of the most important things I did. I continually walked the streets, not to pretend that I was an operational police officer walking the beats, but because I needed to go out and find out first hand what was happening. I did that, and, of course, on top of that were all the functions that I went to, and there were many, many of those.

CHAIR: I, too, remember.

Mr LEEK: As you, Madam Chair, would know, there were no weekends and no public holidays.

CHAIR: I want to ask one more question which is very important to me. In your oral submission, you said that Cabramatta has never had sufficient resources. You also mentioned the fact that Cabramatta had 66 police in 1991-95.

Mr LEEK: No, in 1991. It did increase gradually.

CHAIR: I see. But, as you said, 20 per cent of them were from a non-English speaking background [NESB].

Mr LEEK: In those days, yes.

CHAIR: Can you tell the Committee how you recruited these NESB officers? Do you think that the number has increased? The strength is 111 and, compared to that, what is the strength?

Mr LEEK: I do not know what the current situation at Cabramatta is, but one is a senior constable who has been in the Police Service for a long while and another was a younger constable. The sergeant would have been in the service for many years. I remember him from the city when I worked here. It would have been difficult for people to recruit in the late 1940s and early 1950s but as generations passed and people became more comfortable in their environment, they joined the Police Service. I do not know what the figures are overall, but when I say that I recruited them, I actively recruited those people from other commands to get them into mine to be able to deal with matters.

I was very concerned about the Spanish-speaking community because they and the Cambodians in particular were alienated and they had suffered so much. Others just naturally flowed. It is not unusual to have police officers of an Italian, Greek, German, Dutch or Estonian background. That is a natural thing to occur now because they have fitted in easily to our community but we would not have got them years ago. This is why I think that it will take many years to get people from Vietnam or parts of China or wherever to come and join the Police Service.

I am reminded of meeting a young Vietnamese man at a moon festival at Cabramatta and he asked me about joining the Police Service. He was 22 years of age and I said, "Why don't you join?" He said, "Oh, my parents won't let me." I said, "But you are 22", and he said, "I cannot make my own decisions until I am 28." Even so, there is no way that he would have wanted to work at Cabramatta. People like him would see Cabramatta and they would be too fearful. Whether that is justified or not, they would be fearful and the family would be very fearful. They just do not want to work there.

It is not a short-term fix. It will take a long, long while. It will happen. I know that the Police Service has done a lot, contrary to what the Committee has been told here. The Police Service has done a tremendous amount to try to encourage people from those backgrounds to join. This will take time. There is no conscription. You cannot force them. And even when you do get them in, you cannot make them work in that area because of their particular ethnic background. If they want to be a detective at Murwillumbah, they have got to be given an opportunity to do that.

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The Hon. J. R. JOHNSON: You said that when you were in command a considerable number of your men were required to go to court following on from arrests and that this depleted your service in the area?

Mr LEEK: Yes.

The Hon. J. R. JOHNSON: Would night courts help that problem and is it the fact that because some of these cases are not brought before the courts for some considerable time additional resources are required as aid memoirs?

Mr LEEK: Yes. A lot of things have happened as far as aid memoirs go that were not about when I was giving evidence. Night court would only have one attraction

to me. There is not a lot of activity on the streets of Cabramatta after dark. It is often compared to Kings Cross but it is not like Kings Cross at all. There are no spruikers and glitz at Cabramatta so a night court would allow some respite, but it must be remembered that the reason so many of them were going to court were that the drug cadres were purposely trying to clog the processes. They appealed everything. We know that because at the same time they were appealing all decisions, there was no complaint about police impropriety. With all those hundreds and hundreds of arrests, we had no complaint of noble cause corruption, for instance, or complaints of assault. It was a procedure that was deliberately adopted to try to thwart our efforts. I do not know how that problem can be overcome because if you get another 30 police you exacerbate it.

The Hon. J. R. JOHNSON: Has that been overcome?

Mr LEEK: I do not know in recent times because I have been out of it too long. I cannot really comment about the specifics of the last five years since I left there. I have other priorities.

The Hon. R. D. DYER: Counsellor Thang Ngo of Fairfield City Council gave evidence to this Committee last week at Cabramatta. It would be a fair summary of his evidence to say that he placed a great deal of stress on the language problem. He said that the role of the ethnic community liaison officers [ECLOs] is not well understood in ethnic communities. Do you agree or disagree with that and if you agree, how could their role be better promoted?

Mr LEEK: I would accept what the councillor has said, except it was not my experience in my time there but over the last five years this could have diminished. I know that they have been restricted to nine to five and that they were put on the bottom of the organisational chart instead of at the top. This implies a particular attitude of the commander who was there when this chart was prepared.

Ms LEE RHIANNON: When did that happen?

Mr LEEK: It was not the last commander but the one prior—I am sorry, it was during the Olympics that that happened. That is the problem: They have not been promoted by their own boss. They should be seen and heard at functions. The boss' press releases should show their name and advertisements should be going into the paper. Press releases should show the ECLOs at different functions. It is an easy thing to achieve in a community like that because in most of those small communities newspapers are starving for information.

The Hon. R. D. DYER: My information is that there are ECLOs in the Cabramatta local command, one for the Vietnamese community, one for the Chinese community and one for the Cambodian community.

Mr LEEK: Vietnamese, Laos and Cambodian.

The Hon. R. D. DYER: That being the case, is there room for more ECLOs, perhaps twice as many?

Mr LEEK: Possibly. One was promised some time ago but I do not know that I suffered by not having four. They must be allowed to do their work; that is the first

thing. Also, it is important to remember that they are not interpreters, nor should their time be taken up as interpreters. They are not interpreters. We have a telephone interpreting service and Ethnic Affairs Commission interpreters who are available and who are called upon all the time in police interviews. Yes, if someone comes in and has a problem, of course you will use them but they are there for a far more important function.

The Hon. R. D. DYER: Councillor Ngo was also critical of the efforts of the police to recruit members of ethnic communities to the Police Service. I put it to him that the police might well experience difficulties in that regard on a largely cultural basis because, as you said a short time ago, some ethnic communities are not really comfortable with a police environment anyway. How do you think that the cultural barrier can be overcome?

Mr LEEK: Time, I think. I do not think that the Police Service could do any more than it has done to recruit various types of people, whether it is from cultural background, women, or members of the gay and lesbian community. It has done a tremendous amount and all that is humanly possible. Whilst I am critical in some respects I cannot be critical of that. It is just time. It cannot happen immediately. You cannot get refugees from Vietnam and expect them 10 years later to be police officers, because their parents will not let them or it is not the best occupation in their eyes when they are all striving for something better. Most people at Cabramatta are striving to get out. They want to achieve and move to Chatswood, Ashfield and Cherrybrook. They do not want to stay in Cabramatta.

The Hon. R. D. DYER: You said in your view Cabramatta has never had sufficient resources. I take it you mean general police staffing resources. I note you said this morning that there were 66 police in the Cabramatta LAC when you started in 1991. Deputy Commissioner Jarratt gave evidence to this Committee that the authorised strength is now 111, although there are some extras for one reason or another who are present there at the moment. I take on board what you said about police giving evidence in court in support of prosecutions. That inevitably will always be the case if police are doing their job. What are your views about police resourcing and the use of police? What is the optimum level of policing in Cabramatta?

Mr LEEK: I note from Mr Jarratt's evidence that he talked about the resource allocation formula. He could not explain it nor could I. I do not know how the decision was made to downgrade Cabramatta to a level two command but I see the problem being the fact that there is a formula at all because the areas differ so much. A generic formula will create problems. If that formula is to be applied to Mudgee and to Cabramatta that will cause a problem. There needs to be a proper understanding of the needs of a particular community before one can work on that figure. Cabramatta without heroin would be adequately resourced. It is that one problem, which is a massive problem, that seems to be given lip-service and thrown in the too-hard basket.

The Hon. R. D. DYER: Would you agree with me that 111 is a lot of police officers to be located in one relatively small suburb?

Mr LEEK: Yes, it is but it depends on what they are doing. It depends on how many of them are able-bodied, if any are on light duties or have other functions that will not allow them out of the office. There are still a lot of administrative tasks and there

seems to be more, such as youth liaison officers and domestic violence liaison officers. I am not saying that these roles are not necessary but it does take away from the available resources on a daily basis to do things. There are ways around it and working smarter can be a way around it, but sooner or later people will be run ragged. We used to have Operation Clean Sweep at Cabramatta and operational orders were perpetual, written and ready to go at any time.

When things quietened down, court eased off and no crisis management was required, detectives, beat police and the highway patrol officers used to get together, perhaps a dozen of them, and go into the streets of Cabramatta and do a clean sweep. They would check people for outstanding warrants, drugs, wanted people, whatever. We did that because we knew that once that was done for a week the streets would be peaceful. However, once that week was over we were back to square one. We may be otherwise occupied and be unable to do clean sweep but we revived it on many occasions and it seemed to keep the streets a little cleaner than they might otherwise have been. Looking at Cabramatta in recent times, to me the streets appear to be no different to what they were in 1991 and I am disappointed by that. I think the way the streets look is intolerable.

Ms LEE RHIANNON: When you say "look" are you referring to rubbish or people dealing drugs?

Mr LEEK: I am not referring to rubbish. In fact, Cabramatta is very different in that it does not have a lot of graffiti or malicious damage. People from those communities see that as worthless and they do not do it. I see people drug-affected, people who do not fit into that community who are there for obvious reasons. My intuition, if I was a police officer on the street looking for those people, they are bouncing out at me. They are there and their persona and the aura about them tells me they are drug users and they are searching and looking. They have this pace and freneticism about them that is saying, "I have to find this person who is selling me my next fix." I do not know how this Committee came about but I suspect that if that patrol was managed properly, it would not have been necessary.

The Hon. I. W. WEST: I take it from your evidence that community policing is very important?

Mr LEEK: Yes.

The Hon. I. W. WEST: You talk about getting out into the community, yet on the second last paragraph on page 17 of your submission you appear to be saying that the rank and file officers do not have a similar attitude; it does not seem to be permeating down through the ranks. Am I getting the right impression?

Mr LEEK: Not entirely. I think rank and file police officers do want to go out there and work. Of the 66 police that I had Cabramatta when I took over in 1991, 19 of them were probationary constables with under 12 months service. It had some terrible disadvantages but the advantage of it was that I could mold those people into good police and the majority of them did become very good police.

The Hon. J. R. JOHNSON: Did they stay?

Mr LEEK: They did not stay there, no. They moved on. Yet we heard evidence at the royal commission about probationary constables going to Kings Cross and having naked prostitutes sit on their laps. Young people want to join the Police Service because they want to be police officers and they want to work. If you get them and mold them the right way they will become good police officers. You can get them and spoil them in other ways, as other people have demonstrated, but they want to work and given the resources and the opportunity, they will work. It is the middle-management level that needs to train them and work on them. They need to be allowed to work. I gave them a lot of latitude. I am allowed them to go out and do their work provided they did it properly. They do want to work. There is just a misunderstanding at the senior levels in the Police Service about that place. They just cannot get into the minds of the community out there and understand what they are putting up with.

The Hon. I. W. WEST: Can you explain the difference between a G1 and a G2?

Mr LEEK: They are just different levels or grades; a pay rate, basically, and the seniority of your support staff. At the moment you go into an assessment centre process, you are assessed as being suitable or not suitable, you go into a draft to be told where to go. For instance, when I applied for Cabramatta in 1991 I was one of five applicants and I won it at interview and I did not have any appeals.

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The Hon. I. W. WEST: When you said that Cabramatta needed a grade 1 officer and not a grade 2 officer, I got the impression that there was a fundamental difference between the two, other than merely money.

Mr LEEK: No, I was saying that what makes me suspicious is that because it has been downgraded there has been a misunderstanding about what the needs of the command are. Busy commands and commands that have particular difficulties are basically grade 1. That area has been downgraded, which implies to me that someone is misunderstanding what is going on there. On the other hand, if you were to advertise it I suspect you would get a better applicant, and there would be a stronger test if it was a higher level of pay. In any organisation that would be the case.

The Hon. I. W. WEST: On the question of prevention I gleaned from your evidence that there is some idea, perhaps, in the back of the minds of police officers on the beat that arresting people is not a great idea because they will have to go to court. Is there some halfway between arrest and non-arrest? Is there something that policemen can do that does not necessarily involve arrest?

Mr LEEK: Arrest, even when I was there, was always considered to be the last resort. Court attendance notices were not in use when I was there. They were being proposed, but they were not in use and I do not have any experience with them. The general ruling in the Police Service at that time was that you bailed them and you kept people out of the court system. There were a lot of problems with deaths and injury in custody, and those sorts of things, and arrest was always to be used as a last resort. But, things were such in Cabramatta that my people would arrest a drug dealer—it might only be a cadre member, an unemployed youth who could not find anything else to do, which in itself is a problem—they would be bailed and would be back up in the street dealing again. To me that is the bottom rung.

I went against those instructions, quite blatantly went against those instructions, and I said to my people, "Check these people out. When you get them in, ask them where they live." Invariably, when they asked them where they lived and followed it up, they were telling lies. They did not live there. It became grounds for refusing bail, and we refused bail. The juvenile detention centre was bursting at the seams and the district court at Liverpool was bursting at the seams. We were given our own court days at Fairfield. I am not proud of it, but it had to happen that way because we had to regain control of the streets. The community demanded it and quite rightly so.

There is not a great deal of harm to the community by people dealing drugs on the street. Those people are intent on buying drugs and the others are intent on selling them. They are not particularly interested in the bystanders and they are not particularly dangerous, but a community, any community, has a right to expect a certain standard of behaviour in their streets. I do not think the community where I live would tolerate it. I am sure they would not tolerate it. If they have one break and enter in six months, they think it is a crime wave. It is the case on the North Shore or anywhere else that people expect a certain standard, and I think the people of Cabramatta have a right to expect the standard that they require as well. They are a very tolerant community, but they do not want to see that sort of activity in their town and it is very deleterious to commerce in the place.

The Hon. I. W. WEST: One phrase that the Committee hears all the time is: "The police come and get the dealers and they are back on the streets again the following day." The point I am trying to get at it is, is there something between arresting someone and, not necessarily putting them in gaol, but limiting their access to particular places? Is that not allowed?

Mr LEEK: I think you can go back further than that. We had difficulty finding unemployment levels at Cabramatta, but I do recall that one figure thrown around when I was there was 54 per cent youth unemployment in Cabramatta. It is supposed to be around 30 per cent now. If you have that and you have 600 kids living on the street in the Fairfield local government area—which is another figure that I have heard thrown around. I know that the youth workers bought 70 sleeping bags on one occasion and put them behind shops for the kids to sleep in, because they had nowhere to sleep and we would open the PCYC so they could have showers in the morning—that is a problem.

These people are ready fodder for drug dealers to send out on the street to sell a deal—in my day it was \$50 but I understand it is now \$25—and get a commission. It is better than the dole and that is the problem. It is a societal problem that needs to be addressed. It is a bit of a catch 22 situation as well. If you have an area that is being decimated by drugs and the wrong people are moving into it, commerce is not going to build. Cabramatta has the potential to be one of the most attractive and important tourist destinations in the State. I am a member of the Blue Mountains Tourist Association and President of the Leura Chamber of Commerce and I would not tolerate this with this interfering with business up there.

The Hon. I. W. WEST: The answer is no. You have to arrest them?

Mr LEEK: You have to arrest them, yes.

The Hon. R. H. COLLESS: I would first like to compliment you on the extent and scope of your submission. I found it most interesting. It has certainly given me an additional perspective on Cabramatta's problem to that which I had. In your submission you made the comment that police at the local level do not have the resources to investigate above that street level supply of heroin. What resources are needed in order to achieve the necessary control of the supply problem?

Mr LEEK: We did do it, to some extent, at Cabramatta. I borrowed undercover operatives from other commands, as far away as Chatswood and the eastern suburbs. I would do that by negotiation with the patrol commanders—as they were known in those days. I would talk to the patrol commander at, say, Waverley and say, "Send me a constable who has done the undercover operative course and I will give that person experience for you." I would borrow them for two, three or four days and they would do that sort of undercover work.

But, I had trouble getting what they call "show money", a wad of money that could be shown to a potential dealer to try to complete that cycle. An informant might say, "This person is going to sell half a kilo of heroin but we need some show money." I would say, "Yes, I can get that but I have to get it from the Drug Squad at the Regional Crime Squad North West." They would immediately drop off. They would say, "No, we are not going to deal with those people." I threw the Drug Squad out of my command. As the royal commission found, that was well and truly justified, but they boycotted me and would not come back in. So we had to do our own buying.

Don Weatherburn financed a two-year study at Cabramatta on the price and purity of heroin and I agreed to help him with that. He gave me \$5,000 at a time to buy heroin for the purposes of that study and I used that. The side effect of that was that I had "buy money", but otherwise I could not get it at that level. We did do it. It is properly trained people. It is the tools that you need, like wads of money or listening devices, perhaps. It is just too hard for a patrol to do when they have so many other things to do. They might have, at the same time, someone complaining about a stolen budgie. That is the nature of policing in a patrol.

The Hon. R. H. COLLESS: Is it a pipe dream to expect that the police will ever have a serious impact on supply?

Mr LEEK: Yes, I think it is. You will see Amanda Vanstone, for instance, talking up a large seizure. You cannot blame her for that, but if it was being successful, the price would not have gone down to \$25 a deal. I think we are fighting shadows; we are wrestling with a column of smoke. It is not going to happen. It is a health issue as well. It has to be dealt with in another way. The community has to be educated to that way of thinking as well, because it is reality.

The Hon. R. H. COLLESS: On the health side of it, one aspect I am interested in is the needle exchange program. I certainly recognise the health impacts that that program has had, and I support it in principle. I do have a problem, though. It has been brought to my attention that it is not really a needle exchange program, it is a needle hand-out program, because addicts are not required to hand in their used needles in order to get fresh needles. Do you think there is a problem there and a propensity for pushers to be actually supplying needles through that program?

Mr LEEK: No, I think that if you take the emotion out of discarded needles, it is a litter problem. It is for councils to maintain the cleanliness of parks and streets. Drug addicts are chaotic people. They will not return needles because they are chaotic. They do not have a well-ordered way of thinking, necessarily. I would not care if a million needles went out and three were returned. It does not matter. The public health issue is of far more significance. As I say, discarded needles are a litter problem; nothing more. If you take the emotiveness out of it, it is a litter problem—as long as the needles are getting out, as long as the people who have to hand those needles out are not continually applying for funding and provided there is an all-embracing stance so that you give out the needles and allow the public to enjoy better health. I mean, it does not take too much to imagine how intravenous [IV] drug users think. I locked a fellow up once for break and enter. He was a very important witness in a murder investigation I was conducting. I put him up in a motel room and he had people there who should not have been there because he was a protected witness. I said to him, "Who are these people?" He said, "Oh, just mates." I said, "They are junkies?" He said, "Yeah". I said, "Have you been using in there?" He said, "Amphetamines." I said, "Have you been injecting? Did you share needles?" He said, "Yeah, but it was only amphetamines."

He thought that it was from heroin that you caught HIV-AIDS from, not the needle. So, there is an education problem involved. I do not care how many needles go out. I think it is very important that they do go out. That man, who shared a needle because he thought it was all right because it was amphetamines and not heroin, has sex with his girlfriend; he goes to gaol and another man then has sex with the girlfriend and the problem is spread into another community—not an IV drug-using community. The spread of the disease in Edinburgh and San Francisco is monumental—like in Africa. It is awful. We have avoided that and we have avoided it largely because of the bipartisan stand in this State on needle exchange and police having that protocol. We have always had problems with exuberant police but, by and large, it works. The police stay away from the needle exchange areas. If nothing else, that is evidence of the way that these things should be dealt with.

The Hon. R. H. COLLESS: This may not be a really important point so far as this inquiry is concerned, but it is important in the way that the community views some of these issues. It may not be an issue in Cabramatta but it is certainly an issue in the community in which I live. The term "needle exchange program" implies that the needles will be returned and another will be handed out. Do you think that should be tidied up a bit and perhaps called a "needles for addicts" program rather than needle exchange program?

Mr LEEK: If you were a marketing person you would probably want to change the name. When the debate was on and hot about shooting galleries I thought, what a dreadful name. If you are trying to sell a safe injecting room, why would you call it a "shooting gallery"? It is a dreadful marketing exercise. So, yes, you may be right. There may be some other name for it, but the practicalities will not change. I do not think you should require people to return the needles. They will not. They will go back to unsafe practices.

The Hon. G. S. PEARCE: Thank you for your hard work and for your evidence today. You talked about the ethnic community liaison officers [ECLOs] and I notice that in your submission you state, "Over protests from an entrenched public

service hierarchy, I go for the full range and pursue my objectives." Would you expand on what you were referring to?

Mr LEEK: In those days we did not have autonomy as a command, as they do now. With local area commands there is much more autonomy to control an even higher staff. My administrative assistance would be in charge of all unsworn personnel in the state and that person would answer to somebody at the district office—which in those days was Prospect, at Blacktown. Public servants have a very regimented form of working. They have core hours, times when they can have lunch and times when they cannot, and they are fixed into that. There was a lot of unease about that, because I wanted them to work flexibly. I wanted them to come with me at nine o'clock at night. I wanted them to be with me on a Sunday and they were worried about spending the money. I was not worried about spending the money. I needed to do other things. So it was simply that. I mean, I won. I had the clout; they did not.

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The Hon. G. S. PEARCE: So you got them to work the way you wanted?

Mr LEEK: Yes.

The Hon. G. S. PEARCE: But subsequently that structure has changed?

Mr LEEK: It should be easier.

The Hon. G. S. PEARCE: The local commander now has control?

Mr LEEK: Yes, and it should be much easier.

The Hon. G. S. PEARCE: Has the result of that been, as you said earlier, that the ECLOs have been downgraded and not been given permanent employment and so their usefulness has been diminished by giving that control to the local area commander?

Mr LEEK: No, not because of that. It is because of the local area commander. If the local area commander was managing those resources properly, he would be using them as he wished, which means that he should be going out on a Sunday afternoon to an inauguration ceremony of the Tao Xious association or whatever, and he should be taking an ECLO with him. But I gather that has not been happening, which is frustrating them. There is nothing like doing something you feel is not going anywhere.

The Hon. G. S. PEARCE: In response to a question from the Hon. R. H. Colless you indicated basically that you thought that reducing the supply of heroin to the area was a pipedream. Why do you say that?

Mr LEEK: I did a lot of press and went on television. Journalists used to ask me, "Why can't you stop it coming into the area?" I said, "There's 16 streets coming into the place. How do I?" I do not have an airport. I do not have a dock. So, I do not have a barrier that allows me to check. There is absolutely no way I can stop heroin coming into the area. All I can do—or could do—is work from inside to affect that supply network. The Dobinson study indicated to me—I cannot remember the detail now. I tried to find it before I came here but I cannot put my hands on it—that if you attack it at street level you have an impact on the upper levels of supply. It is like any business: If

you start hacking away at the cash flow you are going to feel somebody squealing somewhere along the line. Somebody is not going to get paid.

The Hon. G. S. PEARCE: Would you expect then that the reason for the worsened position out there in the last 18 months—we have heard much evidence about how much worse it has become in the last 18 months— is pretty much because the streets are no longer under control and that sort of approach has not been working?

Mr LEEK: No, I do not think that approach has been adopted by other people. I think that has been the problem. It sounds a bit self-congratulating on my part, or a bit self-important, and it is a difficult thing to say—I do not have that intricate knowledge of what has happened there—but I know that certain things have not happened. Of course, the other thing is that the people that had tremendous knowledge in that area have dissipated. They are all gone. You do not do that in an organisation. If you have skilled people you try your hardest to hang onto them and reward them. If you want to promote a senior constable to sergeant, you try to do it in the area of his expertise. But there seems to be this attitude in the Police Service that you have to move people around to stop corruption. That is bunk! Corruption does not know boundaries either. You cannot tell me that a crook copper at Cabramatta is going to be suddenly honest because he is at Chatswood! He is going to come back to Cabramatta and pick up or whatever he is doing. It is very naive.

The Hon. G. S. PEARCE: Do you think there has been some sort of understanding, obviously unspoken, or strategy to effectively confine the drug problem to Cabramatta?

Mr LEEK: I heard that comment last week at Cabramatta and it is good to see the conspiracy theorists are still about and abounding. No, I do not think so at all. True, if it is attacked and attacked, there will be a certain displacement; but there is also the fact that if it is attacked and attacked, you injure the people supplying it and there will be some things that are not displaced. They will just stop. But you are not going to beat heroin distribution by law enforcement alone. You have to prevent it from being a commodity like sly grog and prohibition. If it suddenly becomes legal, it is not worth 50 bucks a bottle; it is worth one and six.

Ms LEE RHIANNON: You referred to a safe injecting facility and said that Cabramatta needs one. You are probably aware that that came up when we were out at Cabramatta and there was resistance to it in some quarters. Obviously you know the community well. Could you expand on what steps you believe would be needed to bring that about?

Mr LEEK: The approach I would take, if it was my responsibility, would be to offer an alternative to the community. If you said to the community, "If you want to use the toilet in the car park behind the supermarket and not have to step over bodies", unconscious or even dead bodies—I know quite a few people have died there; these figures are amazing—"when you park there or if you don't want to come home and find a blue body in the stairwell of your flats, let's look at an alternative." You have to market it. It is a bit the same as closing police stations. You have to show the community that it will benefit from it. They are going to have more police on the street being able to quickly respond. Police stations never have responded to crime; police do. You have to have bodies in cars or on foot out there to respond, not at the station. The same thing

applies with this instance. You have to sell a better alternative to the community. I think it absolutely defies logic that people can complain about it in a place like Cabramatta when so many people die unnecessarily and in the most grotesque places.

Ms LEE RHIANNON: When you say to sell it to the community, who are you thinking of is the best group or place to do that?

Mr LEEK: I think I mentioned in here somewhere, or I hinted at it, that there needs to be a multi-agency approach to the problems at Cabramatta: the South-west Area Health Service, Fairfield council, local police, whoever. Maybe there are other agencies. Certainly the people from Outreach, youth workers, social workers and others. For instance, Mr Doan and those sorts of people need to be able to get out and say, "We can clean this place up. We can do better for you if we have a clinic." What is wrong with a clinic? It is better than a shooting gallery, is it not?

The Hon. J. R. JOHNSON: You commented that from time to time you would borrow from another unit a specially trained officer in undercover operations?

Mr LEEK: Yes.

The Hon. J. R. JOHNSON: Was this facilitated or was it frowned upon by the one to whom you made the request or others in the service? Or was it a welcoming gift to you?

Mr LEEK: It was not a welcoming gift. It was not facilitated. As I recall, I think I spoke to my peers one at a time and I suggested to them, particularly if they were in areas that did not experience large heroin problems, that their people could gain valuable experience to take back to their home command if they worked with me for a week or whatever. I do not recall whether I had a swap arrangement. I may well have had a swap arrangement on occasions where I would send a constable in to fill the gap for them while they had their people trained.

The Hon. J. R. JOHNSON: Was there much red tape involved?

Mr LEEK: No, not at all. That is very much the desired way of acting now, but in those days I took the initiative to do that.

The Hon. J. R. JOHNSON: It seems very innovative.

Mr LEEK: It probably was for those days, but it is expected now. So much of what happened at Cabramatta I will say, patting my people and myself on the back, was what is now expected post-royal commission. We did it back then and we came through the royal commission with flying colours and extensively examined for three years.

The Hon. J. R. JOHNSON: It would appear that you have performed meritorious service on behalf of the people of New South Wales and are a credit to the force.

Mr LEEK: I would like to think so, Mr Johnson. I do not know. That is for others to say.

The Hon. J. R. JOHNSON: I have just said it.

CHAIR: Ideally, what would you like to see come from this inquiry?

Mr LEEK: I think I would like to see the deputy commissioner operations and regional commanders responsible for that area—I notice Clive Small is going out there. Clive understands fully what that area is about, so I think that is the start. Whilst he might not like to be there, I do not know, but he would be one person who understands what the problems are.

CHAIR: You want the position advertised, do you?

Mr LEEK: Not that one; the commander at Cabramatta. I would like to see that. I would like to see a succession of people going there who have the heart to do the job. I would like to see Jeff Jarratt open his heart to what the needs of that community are. I am not being unduly critical of Jeff, but I think he needs to really understand what is happening out there. It is very difficult for him to do that for some reason or other.

CHAIR: Are you suggesting that we should make a recommendation to that effect?

Mr LEEK: I do not know how you make people open their hearts. I really do not. Jeff is a friend but it has just been years and years of neglect. I know in 1988 there was a submission put in before my time there to say there was organised crime in the area and we have to do something about it. Region crime sent back and said there is no organised crime. But we know there is organised crime there. It just needs to be taken seriously. That is why I am here. I have no connection with the Police Service now apart from being a has-been, but that community is very important. They are a great model to the rest of the world in terms of living co-operatively. They are tremendous people, they really are, and they deserve better than they have got.

(The witness withdrew)

MICHAEL JAMES STRUTT, Computer Analyst Programmer, 1/724 Parramatta Road, Petersham, affirmed and examined:

CHAIR: In what capacity do you appear before the Committee?

Mr STRUTT: My regular employment is a computer analyst programmer, but I am appearing here as a volunteer researcher and spokesperson for Justice Action, which is a criminal justice advocacy organisation, and the person who wrote the submission Justice Action made to the Committee. I am appearing also as somebody who has had direct experience with policing on public transport around the Cabramatta area. That arose from a computer contract I had out at Liverpool with the Department of Housing for a fair period during a peak in Operation Puccini, which brought me into frequent contact with police in trying to use the trains. I have also travelled extensively in South-east Asia and I have seen the way the police interact with the communities in those places.

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CHAIR: Did you receive a summons issued under my hand in accordance with the Parliamentary Evidence Act 1901?

Mr STRUTT: Yes, I did.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mr STRUTT: Yes, I am.

CHAIR: I think you have just done so, but would you please briefly outline your qualifications and experience as they are relevant to the terms of reference of this inquiry?

Mr STRUTT: As I said, I have travelled extensively in South-east Asia. Added altogether it would probably come to about 5½ years I have spent in South-east Asia. About 3½ months of that was in Vietnam but it also includes Thailand. I suppose I should say South Asia in general, because it includes India, Sri Lanka, Malaysia, Singapore, Burma and Indonesia. My tertiary education qualifications are that I studied science at the University of Newcastle. I was focusing on psychology but most of the subjects were hard science. I have been a researcher with Justice Action now for a bit over two years.

CHAIR: The Committee has received a written submissions from you. If you should consider any stage during your evidence that in the public interest certain evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee will be willing to accede to your request.

Mr STRUTT: There is just one thing I would like to say about the submission. One typo, I suppose, could be misinterpreted. I make reference to a publication I call in my submission the *Police Service News*. The publication I meant is *Police News*, which is the official publication of the Police Association of New South Wales, and not *Police Service Weekly*, which is the publication of the Police Service itself.

CHAIR: Would you like to make a brief statement about your submission?

Mr STRUTT: Yes. I suppose I will do it more or less by using the terms of reference of the inquiry to traverse the points. With regard to the adequacy of police resources in Cabramatta, up until I heard Mr Leek's evidence I had not heard anyone suggest that what is needed is more police resources in Cabramatta. I had certainly heard a lot of people suggesting they need them to be used in different ways. Of course, the Committee would have heard more evidence that I have so perhaps what I have heard has not been representative, but it seems to me that most people in Cabramatta feel that the police there should be used in a better way. I tend to agree with that. I do not feel that throwing in extra police in terms of manpower rather than more intelligence-directed resources will make any difference.

I also tend to agree with some of the earlier witnesses to the inquiry that it is very difficult to estimate the effect that policing has on drug crime, because it has a paradoxical effect on statistics. The more police you throw into policing drug crime, the more drug crime you detect. So, most of the conventional methods of trying to capture the effectiveness of police in policing crime are not very useful when they are applied to drug crime. Basically I suggest that on sheer police numbers I am definitely with former superintendent Leek that it has to be a multidisciplinary approach to do with the problems of drug markets. The drug markets really spring from the socio-economic situation in Cabramatta.

The young people who have been historically involved in things like the 5T Triad and drugs on the street refer to themselves as the dust of life out there, both because they consider themselves to be fairly worthless and because they know that if they are swept away a whole new lot will replace them. I suggest the strict enforcing of street policing in regard to drug crime in Cabramatta of rotating the low-level suppliers in the drug market through the prison system and back out onto the streets is not really having a significant effect on the drug trade. I also suggest the decreasing price and increasing availability shows that whatever disruption that sort of policing may be having on the supply, it is not having a real impact on the overall market.

You have to keep in mind prison systems worldwide, where they have razor tape and walls and sniffer dogs and random urine tests and where visitors are searched, and there is a ratio of, say, one guard for every few dozen prisoners. No matter how many prohibition-oriented resources are thrown into a relatively restricted area and a relatively restricted group of drug users, it has still not been possible to eliminate the drug market. Drugs are rife in New South Wales prisons, at a level that most people would even consider acceptable to minimise the harm. So, what level of policing resources in Cabramatta might be expected to deal with the drug problem I cannot imagine, but I think we could push it a lot higher than it is without having a significant effect.

It seems that some very high intensity operations such as Operation Puccini have had some effect in a particular area of Cabramatta where they are focused, such as the central business district or around the railway station, but there is also a lot of evidence to suggest that those drug markets have moved, some to Marrickville, some to residential areas in Cabramatta where they are harder to manage and probably do more harm by bringing drug users and discarded syringes into contact with residential people. I am not suggesting it is better that the drug markets operate from the CBD than from residential areas but I am suggesting that a bit more thought needs to be given to exactly

what impact is meant to be made on the drug market by these sorts of policing methods.

The stated objectives of Puccini were to displace the drug market, which still mystifies me. I do not know why they wanted to displace it without any thought as to where it would be displaced to. I certainly see how they could cause some disruption to some criminal enterprises, but the drug market is really driven by the law of supply and demand. It seems almost certain that no matter what impact it might have on the 5T Triad, another group will be ready to pick up the market slack. So I really do not see how that sort of approach is going to reduce the drug problem there. I suggest the social conditions that provide groups to the drug market, both as users and as low level dealers are a far more appropriate channel through which to attack the problem.

Basically you need to provide a situation in Cabramatta where a large number of young people will not feel that participation in the drug market is their best chance for employment, for excitement and to avoid the monotony and lack of entertainment facilities out there. That is not to say it will eliminate all of them from the drug market but it should give a few more of them a choice in vulnerable periods of their lives, like adolescence and the early stages of moving to the job market and things like that.

I am with some of what Don Weatherburn has said to the inquiry. It is very hard to statistically capture what effect policing might be having on the drug market. He has proposed some new methods of statistical analysis that might be used to capture that. I must disagree with some of the methods he has suggested. I think it reveals a bit of the problem with the way policing in New South Wales is being approached. We hear a lot of talk about community policing and ethnic liaison as well, but we see policing is almost attempted to be micromanaged from very high in the command levels. I am looking for things like performance indicators on drug law enforcement that somehow can be fed into the process of planning that the Bureau of Crime Statistics and Research does. Yet, everyone who deals with policing seems to understand that good policing is more about the way in which the discretion of individual officers on the beat is used. Community policing is certainly about responding more to the needs of the particular community and I doubt I could add very much to what Alan Leek said about that today, and I agree with him entirely.

We do not see policing in New South Wales planned on that basis. We see philosophical resources and directions being controlled from a central area, as we have just seen with the appointment as opposed to the advertising of the local area commanders, and I think a lot of the impetus for this inquiry has come from local people in the Cabramatta community who have realised through long experience that what they say is not really likely to have any impact on how police will conduct their policies and procedures in Cabramatta. They will be dictated from somewhere else. The people feel they do not have any control over how the drug problem in their community is attacked, and the only avenue that is left for them is the mainstream statewide debate, as opposed to a community level debate, where a lot of their concerns are being subsumed. There is essentially the call for more police or more police powers. It really does seem to get simplified down to that in a statewide debate, as I am sure everyone here is aware from election campaigns. Sophisticated and locally sensitive results do not seem to be attainable when the planning is done at that level and the responsibility is held very firmly at that level.

Having said that, I do not think there is any call for throwing tonnes more resources in manpower into Cabramatta. There is a call for more resources in certain areas or a redirection of resources in certain areas. Without having the experience of Superintendent Leek, I could not say whether more ethnic community liaison officers in the area would make the job easier. I have heard that translation services in local areas often come out of the budgets of the local commands directly. No separate item, if you like, is allocated for them. So, police can essentially get that translation service for free, and that probably goes a long way towards explaining why the ethnic community liaison officers are misused. If the translators were allocated as separate items in the budget of the local area commands we would see less pressure on the ethnic community liaison officers to be misused.

With regard to the crime index on Cabramatta policing, again I am not in a position to say exactly how that is impacting on resourcing levels. No-one seems sure whether Cabramatta police station was downgraded as a result of the crime index although whether it was because of other factors. I certainly noticed from Jeff Jarratt's evidence earlier in the year that there seemed to be an intention to actually merge the Cabramatta and Fairfield police stations, which is certainly in accordance with the philosophy of Peter Ryan, but that does seem to have been dropped now—perhaps as a result of pressure from the community. Certainly the fact that the crime index, which receives a fair amount of publicity in the community, rates Cabramatta as more or less an average crime problem on a statewide basis also contributes to the feeling within the community that its problems are not being taken seriously, and that the crime index is being used to cover up what is happening in Cabramatta. Whether or not the fears that that is actually affecting resource levels in Cabramatta are founded, it certainly feeds that perception.

I also suggest that the crime index, as well as not particularly capturing the drug crimes—because it does not even have statistics for them—probably does not show minor property crimes or relatively minor assaults either. That is because there will be variations in reporting between communities. Obviously communities that have had negative experiences with the police—for example, a family who has a member who has had a problem with police—would be less inclined to report minor crimes because it might bring more trouble down on the vulnerable family members, and certainly linguistic and cultural difficulties can add to that as well. Rather than the crime index, for a lot of mid and lower-level property crime a better measure of what is happening in different Sydney local area commands might be the ratio between premiums and payments and coverage in insurance policies. It seems to me that the people who are attempting to insure these will have a fair idea of the likelihood of them having to pay out on insurance policies, and it would be very much in their interests to keep track of those sorts of probabilities.

I also suggest that the crime index almost seems to be a paralysing contradiction in the way police administration is handled in the State at the moment. Again, lip service is given to community-based policing but we get a lot of high-level statements, largely from, say, the commissioner or other senior police officers about how various local area commands will be managed and what the philosophy will be right down to street policing. I am not sure whether local area commanders are under the impression that they should have more autonomy, which seems to me to be the intention of breaking the New South Wales Police Service up into these various commands, to promote more local autonomy and create the environment for community policing, but it seems to me

that that autonomy is being denied to them. The string of appointments we have seen in Cabramatta lately, I think, is a symptom of that.

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It also seems to me that perhaps what is driving a lot of the upper level rhetoric about the way policing needs to be done are the metapolitical issues, the more or less simplified election campaign issues that can be presented in sound bytes in the media on a Statewide basis so that a few people can feel that they are engaging with them. The complexities of real policing in various areas in New South Wales will invariably fall through the net of the rhetoric.

With regards to the effectiveness of the Police Service in addressing the needs and problems of the Cabramatta residents, particularly those from non-English speaking [NSB] backgrounds, you have heard a lot about problems with the language gap. Obviously, residents will not be able to interact with the police very well if they cannot make themselves understood or cannot understand what is being said to them. The ability to ask for assistance also affects the relationship that local residents have with the police. People who are able to ask police simple questions for assistance are likely to develop a more comfortable relationship with them than people who know they cannot go to the police because they will not be understood when they attempt to ask a question.

I would agree with Alan Leek that the wall of silence stories that we tend to get from the media and senior police about investigations in ethnic areas are vastly overstated. I also suggest that the attitudes of various cultural groups towards police based on alleged experiences that they have had in their home countries is also vastly overstated. Most of the negative interaction between police and people in these communities comes from young people, most of whom were raised and educated in Australia. Quite a few studies—which I have brought a sample of and will table at this inquiry—indicate that young people in certain areas, such as young people of Asian descent in Cabramatta or of Lebanese descent in Bankstown, are shocked and outraged at how they are treated by Australian police. They do not have an expectation that they will be abused by police. That is not the reason why they are not co-operating with police. They are very surprised when they are subjected to abuse by police through breach of proper process or racial vilification. It is not something they have come to expect from their home countries.

I have certainly seen some strange policing practices in Vietnam and Burma and probably Sri Lanka where a large number of people live in terror of the police and the army. However, in general, I do not find it prevalent that those communities feel that police cannot be approached for any reason and that they need to raise a wall of silence against police. In fact, one usually sees factionalising within the community in regards to their relationship with the police. Sri Lanka is a good case in point. I have visited Sri Lanka on two occasions. On those occasions two different political parties were in government and they appointed two different groups of senior police. I noticed around Kandi, which is in the central hills district of Sri Lanka, that one group of local citizens were targeted by the police with the changeover in the political situation and the people who had been targeted before were now co-operating and dealing very well with the police. So I do not believe that the simplistic statements about allegedly despotic overseas regimes capture the experience of people in their home countries and certainly the experience of people who have been born in Australia or have come to Australia at a

very young age. It is not an explanation as to why these people feel they cannot cooperate fully with the police.

As to the effectiveness of resources, the upper level of management does not take ethnic relations seriously, except by way of lip service. For example, in the recently published Future Directions Statement by Peter Ryan the only reference that is made to multiculturalism is in the context of what he calls ethnic crime gangs. Again, I would agree with former Superintendent Leek that it is largely a media constructed. We do not really have Asian crime gangs. We have gangs of criminals, mostly Australian citizens, and, for varying reasons, the gangs have a varying balance of people from different ethnic backgrounds. Stories to suggest that recent standover tactics around Chatswood are connected to Asian triads—as suggested by the *Sydney Morning Herald* and by Dr Richard Basham, who has been an adviser in these matters to the Commissioner in the past—are not realistic at all and do not reflect what is happening on the ground. I do not think that Chatswood schoolboys, regardless of their ethnic descent, are part of a Hong Kong triad engaged in extortion. It is basically a fantasy that feeds into media and moral panic, which sells newspapers.

There does not seem to be even a token gesture in the Future Directions Statement to improving police and ethnic community relations. Peter Ryan has said what he believes the Ethnic Affairs Commission's function should be in terms of its interaction with police, that is, that police should be able to gain intelligence about ethnic crime gangs from the commission, support from the ethnic media about police initiatives and good reports in the ethnic media. That does not show very much commitment to understanding and working with ethnic communities. It is more about politically manipulating ethnic communities or at least what are seen to be the representatives or peak bodies of the ethnic communities.

The Committee has heard from quite a few witnesses. It is my understanding that operational police do not have much knowledge of the function of the ethnic community liaison officers [ECLOs]. They are not aware of the police ethnic affairs policy statement. They have never seen the educational material which is produced by the national police Ethnic Affairs Board, which includes many pamphlets which were designed to be used by police to help them come to an understanding of various cultural and religious issues which might be a factor of the multicultural communities they are working in. There has been a lot of wind, but not much else has come out of the various boards that are meant to bring policing in New South Wales closer to the needs of the various communities. That is not to say that those boards do not work very hard. It is just that they are not getting much credibility from senior police management and certainly not from police in the field. One of the reasons police do not give them much credibility is because they do not know anything about them.

Constables are expected to read ethnic affairs policy and the Police Service guidebook. There are a huge number of pamphlets and literature that police officers are often told they should read to be able to do their job. They are generally told to read them in their own time and very little guidelines are given as to which ones are important or the most relevant. One often sees bulletins contradicting what has been handed to police. The police union web site at the moment contains a bulletin about the shooting fleeing suspects. It advises police officers not to take the advice of the Police Service handbook. I suggest it is mostly in the breach or in the inadequacy of these various guides that police on the street come to be aware of what is in them. For that

reason, they have a very cynical view of what they do know of them. The studies done by the various groups are not reflected in street policing at all.

I will give some academic background about the police knowledge of the various ethnic community. An article by Scott Pointing, which appears in the Sydney's Institute of Criminology current version of *Criminal Issues* magazine called "Accounting for Cultural Diversity, the recent record of the New South Wales Police Service", focuses on police in the Bankstown area rather than on police in the Cabramatta area. Basically, through interviews with police, ethnic community liaison officers and people affected by policing in the Bankstown area, he tries to work out what changes have happened with police and ethnic relations since the murder of Edward Lee and the shooting at Lakemba Police Station. He has found that essentially there have been no noticeable changes for the better since that time.

At the moment the New South Wales Police Service seems to give lip service to community policing. Perhaps during the time of Alan Leek's service at Cabramatta there was a little bit more than lip service, although many people referred to it more as token gestures. For example, the beat police who were used in Cabramatta at that time were a sincere and functional move towards community policing. From what I have heard, the beat policing functions have been increasingly marginalised by other demands on the Police Service. Also, my understanding is that the beat police in Cabramatta found their position and their relationship with the communities severely compromised by the actions of police from other local area commands who were brought in for operations, such as Operation Puccini.

I will table another document which was presented to a 1995 conference on multicultural policing, which was run by the Australian Institute of Criminology. The document, which was written by a Fairfield youth worker named Quang Dgo, is called "Community Perspectives on Police Initiatives and Working with NSB Communities". He outlines a few problems that he had during his period of attempting to liaise with police while working as a youth worker in the Cabramatta area. He points out that he approved of the beat police, and he is not really sure why the function declined. He is of the opinion that a lot of the community bodies that are meant to liaise with police, which have been around since the mid-1980s, have failed in the past and will continue to fail in the future because they do not have any real impact on any ability to influence policy or practices. It may be a bit of style but it is not the way policing is done on the streets.

Invariably, the community members who dedicate their time to those bodies eventually leave in frustration and through lack of interest. That needs to be addressed and local area commands should be given more autonomy as to how they do their policing and, in turn, hand some of the responsibility down to representatives of the local community. It needs to be drawn as broadly as possible—not just liaising with a few business representatives who do their business from nine to five in Cabramatta and live on the North Shore, but with the people who live there. That includes the young people who are in the drug market as well as those who are in danger of being drawn into the drug market if more serious attempts to address the situation are not made.

I suggest that the big problem with the effectiveness of delivering police resources to Cabramatta is the unfortunate fact that, like a lot of other parts of Australian society, the Police Service's home to a great deal of racism. There is quite a

bit of evidence about this. I believe that the inquiry already has a great deal of material published by David Dixon and Lisa Maher which shows evidence of regular racial abuse, the use of terms such as nips and gooks on young people attempting to use public space in Cabramatta.

The Hon. I. W. WEST: Dogs?

Mr STRUTT: Yes. Also, in one of the documents I will submit there is a case of an Asian taxi driver who attempted to report a fare evasion. He went into the police station and found himself under wrongful arrest and on charges. I am not exactly sure why. I suspect that it was a case of mistaken identity. That may explain another reason why police are finding it difficult to get co-operation from the local community. A lot of police see it in terms of stereotypes. When I was researching recently, I saw on a police site the motto "If it looks like dirt it probably is."

CHAIR: Mr Strutt, I am sorry to interrupt you. Do you have a brief statement that you want to make, because we are running short of time?

Mr STRUTT: I will cut through this. One of the documents I will submit has been published by the New South Wales Police Association in the *Police News*. The article, written by Brett Stevens, an ex-police man and called "On the Beat in Cabramatta", contains a lot of statements that reveal the attitude that street police have towards the ethnic community. He says that south-east Asians have the world's greatest reputation for brutality and savagery. He quotes an inspector as saying, "Nobody resorts to guns and violence more quickly than the Vietnamese." That, in conjunction with other evidence you have seen from David Dixon and Lisa Maher's work, makes it fairly obvious that police perceive people superficially through their looks.

As someone who has been harassed a few times by police on the trains going past Cabramatta, I can testify to that. Police seem to look at people and develop an apprehension that they are a problem. They go with that view regardless of what input a person might offer. I explained to them that I was not going to Cabramatta, I was going to Liverpool to work at the Department of Housing as a computer programmer. My explanation did break their model. The police officer told me, "When you come back after buying drugs at Cabramatta I will be watching for you at the railway station." I could easily imagine how those sorts of visual stereotypes are applied to young people of Asian descent.

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I would also suggest that section 25 of the Drug Misuse and Trafficking Act, which Jeff Jarratt sung the praises of the during his evidence, is being abused in Cabramatta by undercover operatives as an entrapment measure. They know that it is being used against young people who are not seriously involved in the drug market. Yes, they are dealing and they are dealing on three or more occasions. That qualifies them for three strikes. But the penalties under this section of the Act are very severe. People who study penology know the effect that long prison sentences have on young people. Those young people eventually will be returning to Cabramatta. At this point of their life they may find that the drug market is a worthwhile option for them. But if they spend the time from when they are 18 to 28 in our prison system it will be the only option for them when they get out. They will have absolutely no choice. They have been removed from civil society, if you like.

These people are not high-level dealers, the sort of people this legislation was probably designed for. I also do not think that the way it is implemented is the way the drafters intended either. Generally, an undercover policeman lures someone to a surveillance camera. Three deals are done on three separate occasions. No warning is issued to the dealer. So it is three strikes but it is no one strike, two strike between them. Essentially, the person is entrapped into dealing on three occasions under a surveillance camera. The undercover operative then signals to another policeman who makes the arrest. As Alan Leek indicated, they end up filling up the detention centres.

I am not sure about the Dobinson article that Alan Leek referred to, but a study in America seems to show that high-intensity drug operations can have the effect of temporarily disrupting a drug market in a given area. They do not seem to have a significant effect on the supply chain. Even if the high-intensity operation is maintained, the effect on the drug market drops off. Basically, the police and the local drug dealers become used to each other's actions. That is what we are seeing in Cabramatta. Instead of the same person approaching the person, taking the money and handing over the drugs there is now a far more complex chain of drug selling operation that makes it much harder to gain convictions with the methods that the police use. So the intensity remains the same, certainly for young people trying to use Cabramatta railway station, but the effectiveness steadily drops off.

The same very respected study called "Preventing Crime: What works, what doesn't, what's promising", which was commissioned by the United States Justice Department, indicated that what is called procedural justice, the idea that police deal fairly and honestly with the people in the community, has a strong effect in reducing crime in that community over a long period. There is procedural injustice around Operation Puccini, which includes racial abuse of people who are not involved in the drug market. I would suggest that even if they were it would not be appropriate. The law society wrote a submission—it could have been immediately after Superintendent Leek's tenure—claiming that young people were regularly loaded up with heroin around Cabramatta police station. An ex-Cabramatta police officer then approached ABC television to confirm that.

You will also see in the material produced by David Dixon and Lisa Maher a large majority of young people who are arrested for heroin-related offences in Cabramatta report having been previously picked up by police but not charged, having had their drugs and the money stolen, having been beaten and then having been released. None of this is likely to increase respect for the law among young people in Cabramatta. This sort of behaviour goes a lot further to explaining why many people in the community at Cabramatta do not co-operate with police, with many stories about how they might have been treated in refugee camps or something.

CHAIR: Mr Strutt, we can read your submission. Do you have any other statement?

Mr STRUTT: I have a few statistics. I imagine you might already have access to that sort of stuff. In the three years of operation of Operation Puccini almost 7,500 people were arrested. Only 348 of those arrests were for supplying heroin. Of the 10,850 charges laid, 9,630 were railway infringement notices. So Operation Puccini is not targeting drug users; it is targeting young people who use public transport. It is making it harder for them to seek entertainment outside the Cabramatta area, and I

would suggest that it is tending to drive them towards the contempt of police and the lack of other options that is encouraging the drug market.

The Hon. G. S. PEARCE: What is the source of those statistics?

Mr STRUTT: I got those of the police web site. I did not bring the reference but I can look it up for you and pass it on. The statistics go from July 1997 to April 2000.

CHAIR: Thank you for your statement. We have already read the material in the submission. I am concerned that you say that anti-Asian racism enjoys a degree of official sanction in the New South Wales Police Service. Can you elaborate on this, and how can that be changed?

Mr STRUTT: I cannot say for sure that they do not discipline officers who have been shown to use racial abuse but one of the things I will be submitting today is a news article from last February. Police were captured on their own surveillance cameras racially abusing young people. I believe it was in the Bankstown area. I monitor a lot of police news. I have not seen any indication that those people have been disciplined yet. In quite a few cases in the past police have been shown to be racist and have not been disciplined. Whatever might be said specifically by local area commanders, many people get their guide from statements from the union in the *Police Service News*.

I have also pointed out many of the racist statements contained in that publication. You might recall that at the time of the drive-by shooting of Lakemba police station both the Premier and the commissioner were instantly into the press blaming Lebanese gangs. The Premier, under threat of a lawsuit from various community leaders, was forced to apologise and withdraw those statements. I did not see any such thing coming from the Commissioner of Police. When crimes of people of Middle Eastern or Asian appearance hit the media we still get statements along those lines from the police commissioner talking about ethnic crime or something like that. It is part of the philosophy that somehow the police can hive off a section of the community, call people in it criminals—because they are of a different colour, they are poor or they young—and direct all the policing against that small section of the community. I think there is a philosophy to do that in the police at the moment and—

CHAIR: How can they change it?

Mr STRUTT: First, I do not think that policing should be driven by high-level political motives. The upper management of police tend to do respond more sensitively to that than they do to day-to-day street policing. You could be forgiven for thinking, from the statements coming from high-level police managers, that they were not running a police service; they were running for office. Basically, the responsibility needs to be given back to the people who know what is going on on the ground. That includes the local area police and the local area community; their ability to interact with the police. That is really the key to developing appropriate delivery of police services in New South Wales. The politicisation in general of the law and order debate in this State in recent years is impairing that severely.

The Hon. R. H. COLLESS: Mr Strutt, in your submission you state that the murdered Tri Minh Tran instructed his dealers to always hand over drugs and money to

arresting police and promised to tell no-one of the arrest, hoping that they would not be charged. Are you suggesting that that there is still a degree of corruption within the police force?

Mr STRUTT: I would suggest that there is certainly a degree of corruption in the police force, yes, whether it is particularly endemic to Cabramatta or not I would not say. But, as I said earlier, David Dixon and Lisa Maher collected evidence that police in Cabramatta actually beat suspects up and take their drugs and money. That strikes me as corruption.

The Hon. R. H. COLLESS: How widespread do you think that practice is?

Mr STRUTT: It is very hard for me to estimate but word gets around on the street. It would not take many incidents of really blatant abuse and corruption before there was a general perception on the street that that was the case.

The Hon. R. D. DYER: Mr Strutt, one of the central themes of your submission appears to me to be that you argue that Operation Puccini has a displacement effect to other areas. You say rather vaguely, if I may say so, that Puccini has been blamed for rapid growth of the Marrickville heroin market. I say vaguely because there is no source given for that assertion. What evidence is there of displacement? Secondly, are you arguing that in the event that there is displacement that is wrong and that the drug trade should be centralised in Cabramatta?

Mr STRUTT: The evidence of displacement is not scientific. I have not seen any studies that attempt to scientifically gauge it, for a lot of similar reasons, two of which you have already heard from Don Weatherburn. That would be problematic. There is evidence, and some of it is given by David Dixon and Lisa Maher in the studies they have done in the area, that the Marrickville heroin market blossomed pretty much in conjunction with the crackdown on the Cabramatta heroin market. It might have been a result of people from the inner-city feeling it was no longer safe to travel out to Cabramatta to get drugs and perhaps arranging to meet their dealers in other suburbs instead. There were very few complaints from residents or anecdotal evidence from street people or police that a large amount of drug dealing was being done in the residential areas of Cabramatta until Puccini started to operate. It seems entirely rational that if police are targeting obvious junkie looking people hanging around the CBD even slightly rational drug dealers will try to present themselves in other ways. They are now basing themselves in residential areas. If there is anybody in the CBD it is just a tout, not somebody carrying cash or drugs. The transactions are done out of sight of the surveillance cameras and in residential areas.

The Hon. R. D. DYER: Are you saying that if the police "lay off" the position will improve itself?

Mr STRUTT: No, not at all. I am suggesting that a lot of resources have gone into Puccini and Hammer, and it has the effect of a temporary reduction in the amount of drug dealing in the CBD. Overseas studies attempting to model those sorts of police actions on other drug markets—the studies have been far better funded in America than here—show that they result in the displacement of the market. If you are not going to think about where the market is going to be displaced to, if you are just displacing it for the heck of it, it does not seem particularly likely that you will get an improved result. A

stable drug market sounds like trying to put a positive spin on a very negative thing, but one thing that is positive about it is that the various harm minimisation methods, resources and ways of dealing with the problems of the drug market—sharps bins, people collecting needles—will spring up in response to where the market is now. If that market is just moved on we will not see evidence that it will seriously interfere with how drugs are used in our society. But we have seen evidence that it does seriously interfere with the harm minimisation efforts for drugs.

The Hon. I. W. WEST: I understand all the difficulties that you are putting to us but I ask you to assume for the moment that you were put in charge—

Mr STRUTT: I think Frank Hanson will make a very competent commander for the Cabramatta LAC, whatever his own feelings about the appointment might be.

The Hon. I. W. WEST: Let us assume for the moment that you are in his position. What would you suggest or what would you do?

Mr STRUTT: Cabramatta is a bit of a hot seat and I would be working on two fronts. The first would be to gain greater autonomy for operational matters from the upper level police administration. That would include a greater ability to control my own resource levels, the number of police and what kind of police might be in my area. Of course, as Alan Leek pointed out, there are many practical problems with that. But I would be doing my best to achieve things in that area.

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I would be doing my best to achieve things in that area. The main thing I would be trying to do is improve relations, not just by ECLOs and the local area commander but also the police on the beat and the local community. I would be trying to get the police more involved with the local community, say, through cultural activities, through the police and citizens boys clubs, through basketball, as well as through more formal bodies that are meant to provide liaison and to give community direction to police. I would be attempting to ensure that whatever were the results of these meetings in terms of finding out what community really expects from policing that, within the limits of practicalities, those things would be implemented as well as possible. That is basically what I would be trying to do.

Ms LEE RHIANNON: Can you define "community policing"?

Mr STRUTT: I suppose that basically it is the idea that police should be really be reacting to the way that crime manifests itself. Of course, I should qualify that by saying that a lot of the work that police do is not concerned with crime: It is emergency services co-ordination; traffic; helping people out whose cats have gone missing; and all sorts of things. In general, the idea that the job of policing can best be served by making police more sensitive to the conditions of the local community as opposed to just a centralised hierarchical system in which maybe a philosophy developed in one particular spot and an attempt has been made to apply it all over. I think that Alan Leek has already indicated some of the problems with trying to inappropriately apply those sorts of philosophies. Above all, there should be sensitivity of the local police to how their actions are impacting on the community. This should be examined with the hope of building improved relations with the community to improve both the perceptions that the community have of the job that police are doing and to make the job of the police

easier because they will be able to count on a degree of co-operation and support from the community.

Ms LEE RHIANNON: Can you briefly give the Committee three top things that you would like to see happen in community policing at Cabramatta?

Mr STRUTT: The first of the three top things specifically in Cabramatta are that more resources need to be dedicated to reducing racism, basically. Something needs to be done about breaking the culture in the Police Service which seems to accept day-to-day racist behaviour by police on the beat. That does not seem to me to be something in the control of any local area commander in Cabramatta, but it is something that needs to be done. It needs to be led from the top as well as indoctrinated, if you like, into officers during training. Mechanisms need to be set up whereby the community—the whole community, and not a narrow representative group of it—will become involved in feeding back to the police, whether it is specifically about policing matters or other matters such as the basketball project or local cultural sports or things like that. But various types of liaison and interaction should be set up so that the police can be seen to be part of the community and not some sort of paramilitary force that has been imposed to control the local community.

Those mechanisms would obviously have to make sure that the people who participate from the community feel that it is worthwhile and that they are not talking about really nice aims that the police are just not going to act on, either because the local area commander is not paying attention or because he will not be able to get support from higher police management to implement any of the suggestions. I suppose that is really two things, but I would suggest that the general approach to the war on drugs—it is called a war on drugs, but it is really a war on drug users and drug dealers—should be examined. Of course, like any war, it is the minor foot soldiers who take the bulk of the casualties. I suggest that that whole approach is clearly wrong-headed. To seriously bring society back onto its feet in Cabramatta, we will really have to have another look at how we deal with drugs in society.

The Hon. G. S. PEARCE: The witness has already answered my questions.

CHAIR: Before this session concludes, I understand that you have studies and papers you want to table for the Committee. Just tell us what you are tabling.

Mr STRUTT: Yes. The first one is an article by Quang Dao who presented this paper to an Australian Institute of Criminology conference in 1995. He is a migrant access worker with the Fairfield Family Resource Centre. The article is titled "Community Perspectives on Police Initiatives and Working with the NESB Community". It is an attempt to get, if you like, feedback from people who are working on the street in the community about how the various police initiatives to implement community policing might work.

There is also a study by Scott Poynting of the Faculty of Education and Languages of the University of Western Sydney's Macarthur campus. The article is titled, "Bankstown Boys and the Boys in Blue". It basically looks into the experience of policing of ethnic groups mainly in the Bankstown area and points out that the interaction tends to be at the level of gangs that they are generally meant to be policing. It results essentially in a clash of young testosterone-fused masculine cultures, one of

which is wearing a blue uniform that is actually aggravating the perception that there are gangs and gang violence in the areas. For example, if people keep seeing police acting aggressively towards a group of people who hang around near the Bankstown cinema or something like that, then a lot of people will have the perception that a criminal group is hanging around the Bankstown cinema and they are likely to call on Parliament or the local members to do something about that.

There is also the Brett Stevens article on "Patrolling Cabramatta". This is from the April 1999 issue of *Police News* which is the magazine of the Police Association of New South Wales. I also have a copy of an article from the *Sydney Morning Herald* of March 2000 which details on how racist remarks by various police officers were caught on a surveillance video at Bankstown. It gives a bit of insight into at least the sort of language that street policemen use. I also have another article by Scott Poynting, "Accounting for Cultural Diversity—the Recent Record of the New South Wales Police Service". This article appears in the November issue—the current issue—of *Current Issues in Criminal Justice*, which is published by the Sydney Institute of Criminology. I believe that is all.

CHAIR: You have been most helpful and very informative. On behalf of the Committee, I thank you for attending and for your submission.

(Luncheon adjournment)

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GREGORY THOMAS CHILVERS, Director, Research and Resource Centre, Police Association of New South Wales, Level 4, 154 Elizabeth Street, Sydney, and

IAN ANDREW BALL, President, Police Association of New South Wales, Level 4, 154 Elizabeth Street, Sydney, sworn and examined:

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr CHILVERS: I did.

Mr BALL: Yes.

CHAIR: Are you conversant with the terms of reference for this inquiry?

Mr CHILVERS: I am.

Mr BALL: Yes.

CHAIR: Could you briefly outline your qualifications and experience as they are relevant to the terms of reference for this inquiry?

Mr CHILVERS: Yes. I am a lawyer by training. I have been with the Police Association of New South Wales as a legal officer and director of the Research and Resource Centre for some 12 years. In that capacity I have worked with police at Cabramatta and throughout the State in relation to the sorts of issues that are the subject of the inquiry.

Mr BALL: I have been a policeman for 25 years. I have been involved in working with the many police attached to the Cabramatta command.

CHAIR: The Committee has received a written submission from your association. If the association should consider at any stage during the evidence that in the public interest certain evidence or documents that the association may wish to present should be heard or seen only by the Committee, the Committee would be willing to accede to your request. Do you wish to make a brief statement to the Committee before questions are asked. If so, could the statement be brief.

Mr BALL: We are quite happy to allow our submission to be our opening and closing statements. We are quite happy to rely on our submission.

CHAIR: Do you wish to summarise your submission for the benefit of the Committee or highlight a few points?

Mr CHILVERS: Briefly, in summary, we point in our submission to the unique nature of the problems with policing in the Cabramatta local area command, which is not always appropriately summed up in relation to the statistics that are drawn up at the OCRs via the crime index. There are significant problems and we summarise them under resources, the criminal justice system itself and the legislative framework within which police have to operate, cultural issues that are central to policing problems at

Cabramatta and management of the local area command itself. We also place it in the context of the ongoing reform process that has occurred since the royal commission.

We see that many of the problems associated with policing at the local area command at Cabramatta actually relate to the way the organisation and police are managed within the New South Wales Police Service. We see Cabramatta as a unique policing situation. There are many unique policing situations throughout the State and we believe that the strategies that are developed to police each of these local area commands are best developed within the unique context of each local area command. Part of the difficulties police often face is that there is a management system and structure that almost mandates a sameness of policing strategies across the State and they are not always appropriate.

CHAIR: What do you see as the primary reason for the problems that have emerged in the Cabramatta local area command?

Mr BALL: I do not think you can encapsulate them into one single reason. It is a combination. I do not know that you can say that the problems at Cabramatta are because of "A". There are whole series of issues and we have eluded in our submission to the leadership issue, the lack of a whole-of-government approach and the notion of the public health issue of heroin. I do not know that is an issue that one can split away from any of those things. The problems at Cabramatta in terms of its attractiveness to drug users and obviously sellers are manifold. I do not think one can say there is just reason "A".

CHAIR: I will confine my questions to specifics. Page 11 of your submission refers to the need to change the legislation with respect to offences attached to premises. When the Committee visited the Cabramatta police station in November we were told that it is very difficult for police to charge any one person, even though they know there are drug dealings that go on underneath the screen doors. Can you elaborate on that and how it can be implemented?

Mr BALL: For example, premises can be declared as gaming houses, or under the old legislation one was to be able to do that. The problem for police officers is that when they execute a search warrant on premises and find drugs on the premises, it is very difficult sometimes to prove possession and therefore ownership, if there can be an owner. We suggest that perhaps there needs to be some legislative change that allows us to declare premises in a similar vein to the gaming houses situation.

It seems quite ludicrous to us anyway and it is extremely frustrating as a police officer, to walk into a place and find a quantity of drugs yet have enormous difficulty adopting the required legal approach. Of course, that has implications later on in the courts. It is a fact that if we could have some legislative change that would allow us to have premises declared, it would create a situation in which people could just automatically be held responsible. Obviously, someone in a house has put those drugs there and, quite frankly, we have to find a way of putting someone before the courts. It is all very well to say that the heroin has been seized and taken away; the fact is that people are committing a crime, which is having an insidious effect on many people. Our suggestion is that the premises should be declared, in a similar vein to the old declared gaming houses.

CHAIR: Page 12 of your submission refers to the urgent need for appropriate bridges to be built so that the problems at Cabramatta are addressed in a collaborative way. Can you inform the Committee how this can be done?

Mr BALL: Many years ago when it was first identified that there was going to be a large settlement of a particular ethnic group, police were sent away to undertake language courses, a very positive step. It is very difficult for a police officer and I would suggest for a member of the community who has come from an oppressive regime to engage in a meaningful way if they cannot communicate with each other. The training of police in a passable level of another language should be part of a whole process. That is the uniqueness that we are seeking. One would think it would be quite appropriate, for example, to ensure that those police officers who are sent to some country centres have an understanding, a set of skills and some training in Aboriginal cultural issues.

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The same applies to Cabramatta, but it may well be that there needs to be a language program. This was done years ago when quite a number of police were sent there. The bridging process is the sort of thing we are talking about. The lack of trust in police can be overcome if people can communicate. We see that as one of the things we need to deal with. It is pointless sending people into unique policing environments if they do not understand. A classic example would be to send to a police station in the far west of the State someone who does not understand how to operate a short side band radio. It is absurd. That is what we are suggesting.

Mr CHILVERS: There are a number of other roles, too. For example, the role of the ethnic community liaison officers [ECLOs] has the potential to be a very significant role, but they are not part of the local area command, really. They answer to no-one; they are not included in the planning as such. I suggest it is a position that could be radically re-evaluated as potentially a very significant position. The issue of recruitment has already been touched on a number of times and I think that councillor Ngo made the point that the only Chinese speaking officer ever posted to Cabramatta in fact sought a transfer because he was offered no support from the Police Service. We are attempting to address some of the significant human resource mechanisms ourselves in a different form, but that is a sad indictment on the lack of resources and support structures within the Police Service. As Ian said, if you do not have basic communication it is very difficult to build bridges.

The Hon. R. H. COLLESS: Going back to your earlier comments about the situation where you enter a premises and find a quantity of drugs and a number of people present. As I understand the current situation, if you walk in and find two kilograms of heroin on a table and five people present you are unable to charge any one of them until someone admits to ownership of the drug. Is that correct?

Mr BALL: That is pretty broadly the case, but it is of course dependent on some issues. For example, if you have run a surveillance situation you may well have seen person A convey property into those premises. Obviously you would be able to charge under those circumstances. But, in the broadest context, where no other evidence is available, that is quite so. Perhaps we need to think about the fact that there are some other offences that then come into play, for example, conspiracy type offences. But, so far as possession is concerned, that becomes almost impossible.

The Hon. R. H. COLLESS: Would it be a realistic option to have legislative change which, given that scenario, allows for all five people to be charged with the same offence?

Mr BALL: Which is where the conspiracy laws come into play, and that is what we are suggesting. With regard to the declared gaming house scenario, we are suggesting that it is all very well to take on a conspiracy theory, but that does not stop the supply. With regard to the onus on these houses, quite frankly people rent houses and there can be very little dispute that many landlords must be aware of what is going on, particularly when the house is continually searched. There may well be some thought given to that situation. It defies belief that landlords do not know these things.

Mr CHILVERS: In this area police often need a number of different tools to be able to police these things. As Ian said, depending on the circumstances, you may wish to lay responsibility on the owner of the property. Most people who operate out of rented premises simply move to other rented premises, often owned by the same person as owned the previous premises. We need a broad range of legislative tools to be able to address some of these issues and to use discretion to be able to choose whichever may be the most appropriate at the time.

The Hon. R. H. COLLESS: Have these legislative changes been discussed within your organisation and any information conveyed to legislators?

Mr CHILVERS: I think the start is through committee hearings such as this.

The Hon. R. H. COLLESS: I do not know whether this is appropriate, but at what stage do you think we should start delving into some of those changes that should be made and putting the bones around them, so to speak?

Mr CHILVERS: The association would be more than happy to put together a paper specifically directed at appropriate sections of the Crimes Act or whatever to deal with these issues. I would be more than happy to do that in the new year.

CHAIR: That would be a big help to the Committee.

The Hon. R. D. DYER: Could I focus on the police staffing issue. Former superintendent Leek, now retired, gave evidence to the Committee this morning. He indicated that when he started as local commander in 1991 there were 66 police at Cabramatta police station. Deputy Commissioner Jarratt told the Committee that the authorised strength is 111 now. You deal with this issue in the submission by the Police Association and one of the points you made is that the civilianisation program could well make some improvement. How many positions at a typical local area command, if possible at Cabramatta, could be freed up as a result of the civilianisation program?

Mr BALL: The position has always been taken that any form of work that does not require the skills, knowledge or power of a police officer is a civilian's job. Wherever you go, if you do not need the skills, knowledge or power of a police officer, as submission is that they should be civilianised jobs.

The Hon. R. D. DYER: Translating that to Cabramatta police station, how many positions might there be filling out summons or whatever that could be freed up as part of the civilianisation program?

Mr BALL: I do not know that I could give an accurate answer, to be honest. I have not been right through who is who and what is what but there are various jobs in some police stations, for example, I use the example of intelligence. In fact I would suggest that intelligence at Cabramatta should be a police officer's job, for no other reason than the sensitivity of the activity, and also the accountability it brings with it. Whereas, in some other police stations—in fact, a police station I recently worked at, the analyst is in fact a public servant—it is a bit difficult. As I said, I cannot give you an exact number at Cabramatta, but, certainly, using the test that we have applied, I am sure there would be situations where that could be the case.

Mr CHILVERS: I would be surprised if there were large numbers. We are talking about a very few positions. As we tried to point out in our submission, the greatest problem in terms of numbers relates to unfilled vacancies, long-term sick leave, officers on loan to other local area commands and other projects, and things like that. There are lies and lies as statistics, as we all know, and just to see the authorised strength does not always paint the correct picture.

The Hon. R. D. DYER: Councillor Ngo, when he gave evidence to the Committee at Cabramatta last week, was somewhat critical of the lack of appreciation or understanding in local ethnic communities of the role of ECLOs. You appear to approach the matter from another angle and suggest perhaps that their role is not sufficiently understood or not sufficiently well defined from the Police Service point of view. Would you like to say anything more to the Committee about that?

Mr CHILVERS: The only thing I would say is that it appears to us from our discussions, particularly with the members at Cabramatta, that it is underdeveloped as a role. In fact, it appears that ECLOs are often placed in the position of not having to answer to anyone. There is no direct line of accountability, with no direct link into the local area command strategic planning. More often than not police officers do not really know what they are doing and where they are doing it. That is not to suggest that they are not doing something valuable, but it certainly does not appear to fit in with any strategic planning going on within the local area command, certainly at Cabramatta.

Given that 60 per cent, I think councillor Ngo said, of languages in the local area command are English, Chinese and Vietnamese and a smattering of others, there is some suggestion that they may not have appropriate language bases in the ECLOs as well. Certainly it appears to us to be a very underdeveloped role that has the potential to be very significant in the bridge building process we mentioned before.

The Hon. R. D. DYER: To what extent do you think that language is a problem for policing in Cabramatta, from the police perspective—that is, the comparative lack of police who might speak local community languages—and what can be done about it?

Mr BALL: That goes back, as I said, to some years ago when police at Cabramatta were given training to a passable degree of communication in the Vietnamese language.

Ms LEE RHIANNON: When was that?

Mr BALL: I am going to be guessing but it was way back. I can still recall one or two offsidiers actually going to do that training. I think they actually did it down in Canberra.

Ms LEE RHIANNON: Do you know why it dropped away?

Mr BALL: I cannot answer that.

The Hon. R. D. DYER: That is interesting, but that is only one aspect of the problem. Is it not also arguably important to have native speaking Vietnamese, to take that example, recruited to the Police Service?

Mr BALL: Of course. There is no question but that the recruiting process has to extend itself beyond what it currently is. There is no doubt about that.

Mr CHILVERS: Mr David Landa, when he was Ombudsman some time ago, conducted an inquiry into police and ethnic communities. I cannot recall what it was called. He also mentioned this and there has been very little that has actually occurred in the Police Service to actually strongly develop the recruiting drive in the ethnic communities.

The Hon. R. D. DYER: A witness before the Committee this morning was very critical of Operation Puccini—I must add that it was not former Superintendent Leek. The witness was critical of Operation Puccini on the ground of its supposed displacement effect to other areas. Is it within the knowledge of the Police Association that drug crime in particular is being or has been displaced to neighbouring or other areas?

Mr CHILVERS: My understanding is that the statistics from the Bureau of Crime Statistics and Research indicates that there has been some displacement, and I think that is to be expected, depending on the strategies used. Part of the difficulty in Cabramatta is that the harm minimisation program, we feel, has been reduced to the provision of needles and a drop-in centre, and very little else. Whereas law enforcement strategies, as we pointed out, are not inappropriate in harm minimisation, but a holistic approach to the problem needs to be addressed, that is, the development of education programs, law enforcement, appropriate support mechanisms, needle exchange and counselling. Not all of them appear to be present at Cabramatta. We know that strong law enforcement approaches, as the Bureau of Crime Statistics and Research has also shown, can have one of two effects: displacement or, if they are displaced into other areas where similar strategies are being utilised, can actually force people into rehabilitation programs.

Mr BALL: I would just add that the Police Association has previously been critical of Operation Puccini, but only on the basis that to staff Operation Puccini has required the temporary movement of staff from other police stations that are in equally as difficult a situation, albeit probably not related to drugs. In my view, Puccini has been particularly successful and would be even more successful with some changes to how it operates.

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The Hon. R. D. DYER: The Committee was told at its first briefing by senior police officers at Cabramatta police station that from the community perspective beat policing is popular and well received. What is your comment regarding beat policing as an appropriate use of police resources particularly within a drug law enforcement context? Do you think it is useful or marginal?

Mr BALL: Under the current constraints I think it is extremely useful. Beat policing, particularly in the Cabramatta area, in my mind anyway, has enormous advantages in that you are able actually to put a presence very quickly and clearly in position. The way the law is currently structured you have to achieve certain objectives to get information and to be able to prosecute any sort of charge. It seems to me that from a community member's perspective, disregarding the criminality of the sale of heroin, the saturation of the area has to be far more effective with people on foot. It also has the advantage that the overdose located could actually be reached fairly quickly. This whole notion of the police officer's role being just about law enforcement is just not so. There is a lack of other services available, as has been spoken about here. The reality for our officers is that they are in the situation. If they have an overdose, they have to respond and deal with it as best they can. The point I make is that sometimes that may be a bit much for some of our officers, as Greg alluded to a while ago with lack of welfare support for them. Having said all that though, beat policing is a very effective tactical option. It is but one option though.

Mr CHILVERS: If I may draw a comparison with New York City. We were talking about this walking here today. New York City has had significant reduction in crime. My experience over there has been complete beat saturation of police on streets. You walk around the streets, there is literally a police officer on every corner. It is a very safe feeling in New York City. In the middle of Manhattan Island you feel very safe. There is that strong deterrent also of having a strong police presence on the street.

CHAIR: The Hon. R. D. Dyer asked about authorised strength. On page 6 of your submission you say that 159 is the current authorised strength. What does that mean? When did the authorised strength at Cabramatta reach its current level?

Mr BALL: When Puccini kicked off. That is where the extra numbers have come from.

CHAIR: Could you explain that further?

Mr BALL: I previously worked in the Greater Hume region. When staff members of, say, Mount Druitt police station get sent to Operation Puccini they are temporarily transferred to Cabramatta. And that is done to prevent members claiming their lawful and just industrial entitlements! But the reality is that they are transferred over there and they do not get travelling time etc. I could not resist, I am sorry! The Royal Easter Show is another one I hope to see you all about!

The Hon. J. R. JOHNSON: As a fellow trade union official, I appreciate your comments!

Mr BALL: What happens is they get transferred over there and that has boosted the numbers of staff at Cabramatta. This notion of authorised strength is quite

an interesting one. The vagaries of authorised strength I have to say are lost on me. I do not understand how it is arrived at and I doubt I ever will.

CHAIR: So you do not approve of it?

Mr BALL: There seems to be this fixation on authorised strength. Each police station is authorised to a number of. How they arrive at that number, I am sure there is a resource allocation formula. I understand in the *Future Directions* document of the commissioner that was released quite recently there is some discussion about projects to research, refine and develop appropriate resource allocation processes and formulas. How that works is beyond me. I do not understand it at all. Suffice to say though, when you have an authorised strength, and if you disregard for a moment the Puccini people, if you have a look at Cabramatta with 10 staff on loan to other local area commands [LACs] or projects, and if you bear in mind that over a six-week roster cycle that represents 190 shifts on a 12-our roster, in six weeks if you are on a 12-hour roster you work 19 shifts. To have 10 people on loan to other projects is 190 shifts.

There are also five on long-term sick leave. That is the next issue for you. It is not uncommon for people to be off on long-term sick leave for years before anything positive is done one-way all the other. There is also leave without pay and there may well be good reason for that; and suspended people. These people are all retained on the books of the authorised strength. The commander and managers out there have to deal with that authorised strength number. I wonder what the effect would be if, let us say, we doubled the long-term sick, the suspended and those on long service leave. All of a sudden when you take each one and every six weeks represents 19 shifts, that is an enormous impost.

CHAIR: So, 31 vacancies would represent an enormous number?

Mr BALL: The question is, where are those vacancies? Are they on the strength of Cabramatta or do they relate to Puccini? I do not know.

Mr CHILVERS: I think a large number of them are related to Puccini. There is no discount here either for contingencies on a daily basis. People ring in sick, are on annual leave and all these sorts of things. So, when you are looking at those available for duty, 110 spread over three shifts a day, there is not a great deal there.

Mr BALL: In 1995 some research was done in what was then the north-west region office. I can recall vividly that Cabramatta had the highest court attendance rate of any police station in the north-west metropolitan area. That took in the area from Cabramatta out to the Hawkesbury, out as far as Katoomba and out as far as Ermington. It had by far the highest court attendance rate. Again, managers have to send people to court from their authorised strength.

The Hon. I. W. WEST: There seems to be a great deal of frustration with the evidentiary problems you come across. Every section of the community seems to have stories about how it is the other one's fault why things are not rosy in Cabramatta. Is there a link somewhere for co-ordination of the various groups within the community? Who do you think should facilitate the groups coming together? Should it be the police or the council? All the different groups seem to have great ideas but do not seem to be able to come together.

Mr BALL: It is a very curious set of circumstances. The question is: What is the target? I do not accept that heroin is purely a policing issue, but it seems to me that police officers are required to, if you like, carry the can. They are the ones that have to deal with the mental health aspects and the overdoses. They have to arrange for people to deal with it because there are no real facilities available to encourage people to head towards rehab programs. They are the ones that have to put them before the courts. To me it seems logical, and again I note the *Future Directions* document of the Commissioner of Police. My recollection is that it talks about a group within the Premier's Department. I cannot recall its name off the top of my head. I think the real co-ordination of what is happening in Cabramatta should be very much in the hands of the local police. Community safety people are available and police officers are going to have to have that co-ordinated role. The violence of Cabramatta I would suggest would take Family and Community Services, for example, out of the game. At the sharp end, I think there is very much a role for Family and Community Services as there is for Health and various other agencies, but co-ordination and the activities of various other groups perhaps should be co-ordinated by police.

Mr CHILVERS: Cabramatta has a number of unique problems even with the drug program. I believe that was alluded to in the submission earlier. Another is the role of transport and the railway system. Unlike most LACs that can target recidivists because they know them all in the local area command and can spend a lot of time on a small group of people to solve some of the crime problems, Cabramatta has hundreds of people coming through everyday and then leaving. They come from all over Sydney, which makes it very difficult. Of course, the other problem is that if you are going to use law-enforcement strategies to push people into rehabilitation programs, for example, you have to have the programs available. They are not apparent at Cabramatta in large numbers. So, when you talk about co-ordinated services, police have difficulty finding services for people in these sorts of situations. We are not always clear about the amount of appropriate rehabilitation and support services available in the community.

The Hon. I. W. WEST: Because of the evidentiary problems, repeat offenders and the difficulties police have with language barriers et cetera, would you find it understandable that police on the beat get frustrated and actually start to accuse people of being dogs or rats?

Mr BALL: Which people are we talking about? The community?

The Hon. I. W. WEST: Yes, the community.

Mr BALL: There is lots of frustration in policing today. I might use an example of the Bail Act. I am going to wander away from Cabramatta and drugs just for a moment if you could bear with me. Domestic violence is one of the most insidious things happening in this world today and has been for many years. Yet, we have managed to turn the policing of domestic violence into a totally legalistic approach. If you, as I have done, regularly arrest offenders who continue to beat people for whatever their perverse reasons, people like me are more than happy to put them before the courts as soon as possible. It seems to me that there comes a time when our courts are going to have to take some social responsibility. I can only put people before the court; I cannot stop them beating partners. It seems to me that to some extent the frustration that that brings causes police officers to sometimes neglect their victims because there

comes a point when you say, what is the point? The same will apply when you are arresting the same supplier a couple of times in a week who is going to court and because it involves only a small amount they are getting reasonable bail or some form of bail. But where do you go?

The Hon. I. W. WEST: You understand then that police could get frustrated with that person?

Mr BALL: We all say things in anger and we all regret them. I regret, for example, the anger at teaching a daughter to drive! That has had a terrible effect at home. It has cost me a significant sum of money for driving lessons now because she will not get in the car. But we all say these things and we regret them later. Police officers are no different.

The Hon. I. W. WEST: You are not saying you swore at your daughter?

Mr BALL: I did not swear at her at all, but I just indicated to her that the brake pedal was not a prohibited zone! I just make the point that of course police officers are going to become frustrated and sometimes they may say things that they regret later. But I have to say that there comes a point also when people must start to understand why those police officers are getting so frustrated. The whole notion is that Cabramatta is a problem. The unfortunate reality is that the problem of Cabramatta has been heaped on the police and no-one else seems to want to take some responsibility for what is not purely a policing problem.

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The Hon. I. W. WEST: I understood you to say earlier that you thought the police should co-ordinate the various instrumentalities?

Mr BALL: There are all sorts of ways you could do it, but my personal view is that the local police should have a significant role in that, if not to co-ordinate the whole affair.

The Hon. G. S. PEARCE: Gentlemen, I just wanted to get an understanding of the basis of your submissions. It is something that has been drafted by you after discussions with the local police?

Mr CHILVERS: Actually, I might just explain the process we took. One of our research officers and I spent a number of days at Cabramatta, literally walking the beat with the police. We met with the Chamber of Commerce and with probably, off the top of my head, about a dozen business owners on their premises. We then met with the police officers in the local area command. We then had a day where we had a focus group of about 15 officers and the local area commander. We did a lot of talking, a lot of walking, a lot of discussion. We then had a draft document. We sent that to the local area commander, to the local officers, for their support and endorsement, got it back, tidied it up and sent it to you. That is it in a nutshell.

The Hon. G. S. PEARCE: So, it is pretty much the views of the police on the beat?

Mr CHILVERS: Yes.

The Hon. G. S. PEARCE: We have heard a lot about the police out there effectively giving up on the drug problem and that it cannot be solved. Is that a fair representation of the way they feel?

Mr CHILVERS: I think there is an enormous amount of frustration in them. I would not say they have given up on the drug problem, but they see the system as not being supportive of their efforts. It would be fair to say that the impression I got very strongly is that they feel they are not included in the planning of strategies that they feel are appropriate to deal with the issues.

The Hon. G. S. PEARCE: The planning of strategies by whom?

Mr CHILVERS: Local area command. I think part of the submission actually states that they do not feel there is a strategic direction for the local area command. There is no local area command plan, if you like, and if there is they certainly do not know about it and do not feel part of it.

The Hon. G. S. PEARCE: You identify that harm minimisation seems to be the strategy that is adopted even though that conflicts a little bit with the statement that there is no local plan. I think reading into it the harm minimisation strategy by itself is not sufficient to deal with the drug problem?

Mr CHILVERS: I think what we are trying to say is the avowed approach is harm minimisation. That is what everyone says we are aiming for. The police are saying there are three elements to harm minimisation. They are supply control, demand reduction and problem prevention. What harm reduction appears to have been reduced to is needle exchange and drop-in centre. All the literature seems to say if you are going to take a proper harm reduction approach, there are a number of different entry points for this. There is law enforcement, there are rehabilitation programs, there is education, all these sorts of things, and they appear to be missing.

The Hon. G. S. PEARCE: Whose responsibility is it to implement those things? Surely it is not the police?

Mr CHILVERS: It is a multiagency approach. Ian made the point earlier, and it is true, that part of the problem with contemporary policing is that anything that gets put into the too hard basket ends up at the feet of the police. Mental health is a good example. The schizophrenic who is wandering around the streets at 1 o'clock in the morning has the potential to do himself or herself a great deal of harm, but what does the police officer do? Police are the only ones called out to deal with the issue, and it is not appropriate.

The Hon. I. W. WEST: What do you do?

Mr BALL: With the mentally ill? Goodness me.

Mr CHILVERS: The police have to deal with it.

The Hon. G. S. PEARCE: Just following on with the harm minimisation issue, is there a feeling that there ought to be a much greater attempt to deal with the drug

lords, the supply issue, by perhaps a dedicated investigatory drug squad or whatever it might be called? Is that something that is missing at the moment?

Mr BALL: Scotsville, I understand, is operating out there and aiming at that mid to upper level. I think the harm minimisation approach is killing people, and there has to be some recognition that you have to deal with that level as well. You cannot just concentrate on one particular area. I do not think it would be incorrect to say that history has shown that we have traditionally concentrated most of our resources towards the major supplier, if you like. I think the time has come when we have to find that balance somewhere. There has to be this multiagency approach. It is no good locking up—or, I should say arresting—the user and getting him before a court, because he is going to be there again tomorrow. That is an absurdity. Where and when do you stop? This goes back to the question you asked before. The frustration that police officers have is that very issue. It just keeps coming and we are not using those innovative approaches that many of them have in their minds, because there is a fixation on a certain fixed way of dealing with things.

The Hon. G. S. PEARCE: The problem I am having is, yes, you have to deal with those problems, but why is it that the supply of heroin has increased out there and it is cheaper and supposedly better quality and all this sort of stuff? Is not part of the reason for the problem that there is a massive supply available? What is being done about that? Are you saying that is being addressed?

Mr BALL: One would be thinking also, for example, where is Customs, the Federal Police? There are all sorts of agencies. Someone asked the question what is happening with Coast Watch in northern Australia. Although it is not within this Committee's parameters, one would ask the question. I vividly recall some years ago an aeroplane, a little Cessna, flown by a fellow named Donald Tait flying over the top of Darwin and crash landing south of Katherine. The only reason he was detected was that fortunately at the time an Air Force Hercules was flying in the area. When it sought to identify the aircraft, the aircraft landed with God knows how many tonnes of cannabis on it. I do not know that the issue of how much heroin is in Cabramatta can be isolated down to what New South Wales does about it. There is the National Crime Authority and all these other agencies that we have to think about.

Mr CHILVERS: You raise an interesting question about the debate about the supply, and it is a hot topic, if you like, among criminologists throughout the world, and about the impact of supply and demand. I think the experience has been, irrespective of how much you take off the streets, there is no problem with getting it replaced very quickly. The price might fluctuate somewhat but there appears to be an endless supply of drugs available in one way or another throughout the world. That is because there is a large demand. Most of the big suppliers operate at an arms-length from the product and it is very difficult to get them. It is a high risk financial business but in terms of being caught there is very little chance of catching them, because of the way they operate. What can be addressed is the demand. A way to do that is by a multiagency approach and by giving police officers a whole range of legislative and strategic tools they can use their discretion to deal with. Also, they need to be supported by other agencies who provide, if you like, health and education parameters to the problem. What is generally becoming consensus in crime research is that the area to be addressed is the demand area, not the supply area, because there seems to be an endless supply.

The Hon. G. S. PEARCE: In your submission you mentioned Puccini was hampered by budget concerns, inflexible operation orders, and so on, and the police were not available after 11 p.m., and those sorts of issues. Are those operational constraints real contributors to the effectiveness of the police out there?

Mr BALL: Of course. Puccini was full of young people, and very committed people. We have spoken here today about the frustrations of it, but let us be frank about it. The reason they became police is that they want to do a job. To my way of thinking, Puccini was: here is a set of orders and you will stick to them. People have to be given the ability to be flexible. They have to be given the opportunity to use their own initiative. The minute you do that you actually achieve something. You create innovative solutions to the ground level problem. Just going back to some of the processes, I wonder whether anyone has ever thought, for example, putting a Department of Health drug counsellor in a charge room. It has never been done to my knowledge, and I have been around for a little while. I have never seen it done, but the time has to come. The Drug Court at Parramatta is doing some very good work and it needs to expand. We have to have people, once arrested, put before drug courts and put on bail conditions so if they do not comply they can be forced, legally.

Mr CHILVERS: Working with the police at Cabramatta I was impressed with two things. First was the incredible enthusiasm of those people. I am sitting here thinking why are those people being frustrated so much? They are so enthusiastic and they can do so much, with their skills level. That was the first thing that struck me. We have to be very conscious of that in whatever we plan.

The Hon. G. S. PEARCE: We have been told of no-confidence motions by police in the crime index figures that were published.

Mr BALL: The crime index only accounts for five category offences. The reality is that those motions of no-confidence were in the commander formerly there, not the current commander. Whether they related to crime statistics or not, I think is a debatable point. I do not know that is necessarily the case. I think they related to other issues.

The Hon. G. S. PEARCE: General management?

Mr BALL: There was a whole series of issues. It is a terribly sad day for me as a police officer when police officers feel so compelled that the only way they can get an organisation to take notice of their concerns is to move no-confidence motions in a fellow police officer. That is a very sad day for me. I take great pride in being a policeman and I know my colleagues do too. It is a very sad thing to have to go to that length, and I have to say that it caused enormous personal angst for a great number of police at Cabramatta.

Ms LEE RHIANNON: Just a clarification, what percentage of police officers in New South Wales are members of your union?

Mr BALL: About 99.4 per cent, or somewhere around that mark. We have a non-membership of about 143.

Ms LEE RHIANNON: I would like to go back to this issue of displacement that we talked about before and take it a little bit further. You mentioned that sometimes with displacement there might also be an overlap, if I understood you correctly, and therefore that has impact. I would imagine it is fairly rare that that happens. I want to flesh that out a bit more. One concern that has come up at times is that the crime just moves to another area or it may be hidden or it moves from the central business district into residential areas that do not have the same opportunities, facilities, resources to be able to take it up. I just want to see how police are responding to that?

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Mr CHILVERS: The one thing that strikes you when you walk out of Cabramatta is how contained the problem is in terms of how it presents. You walk a couple of hundred metres outside Cabramatta or go to Canley Vale, which is a few hundred metres down the track, and there is no visible presentation of these sorts of problems. So it is confined within a relatively small area. Also, the area has a low socioeconomic environment with a largely marginalised population in terms of communication and skill levels, all of things. They are not a very powerful group. There is a real danger that that becomes an easy way to deal with the problem. To improve the quality of life of the people who live in Cabramatta—and quality of life for these people is what it is really all about—will require a great deal of resources.

Law enforcement on its own may displace a lot of this stuff elsewhere. Law enforcement combined with good education processes, good communications tools, building up the local community's ability to take part in its community and good health and rehabilitation programs may push some of these people into rehabilitation programs, particularly if those areas to which the problems have been displaced are also adopting strategies along the same lines. So if it is displaced elsewhere people know they will be faced with the same sorts of problems from the coppers and the health agencies and maybe they will start to think seriously about going into a rehabilitation program. At the moment there is nothing or very little available.

Ms LEE RHIANNON: Do you consider that a safe injecting room in Cabramatta would reduce the number of deaths? In terms of police attitude, has this issue been considered and discussed and do you see it as assisting police on the ground?

Mr BALL: There are lots of problems with injecting rooms. Again, you will need some legislative change. If the policy is that injecting rooms are to happen, will someone please explain to me what I do at Mt Druitt when I intercept person A who is carrying heroin and he tells me that he is on his way to the injecting room? What do I do? As a police officer the last thing I need is any situation that will put me in a position where I can be doubted as to what I have done. What I, Ian Ball, view personally about injecting rooms is another issue. But in terms of the average police officer out on the street, we would be asking for the expedition of legislative change which ensures there is little, if any, confusion for police.

I probably should not do this but I will speak as me, Ian Ball citizen. If I never have to go into a family home and tell people that I found their kiddy dead in a gutter from a heroin overdose it will happen too soon. I have had to do it and all my colleagues, in the main, have had to do it. Until such time as everybody starts to get serious about this whole notion of dealing with the heroin problem and drugs generally,

it will keep happening. I will be quite honest, I hope that I never have to do it again, but I know that I will.

Ms LEE RHIANNON: Are you saying that directions for police have to go hand-in-hand with any decision on safety injecting rooms?

Mr BALL: Of course. Let us take it to its logical extreme. I am at Mt Druitt railway station with person A. I challenge him and find that he has got heroin on him. Because I have a certain view I allow him to leave. All of a sudden, I have got the Police Integrity Commission saying that I knocked off all his heroin. That confusion can never happen. Let me tell you, as a police officer, if I find people carrying heroin they are in the bin. It is as simple as that. For no other reason than I am not going to put myself in a position, nor should any police officer, where my integrity can be questioned.

Mr CHILVERS: There is a caveat with any of these sorts of things: there is no single panacea to any of these problems. That is the danger of going down the path and focusing on one solution. In any local area command, irrespective of whether it has specific problems, such as Cabramatta command, the local police generally know the area and the problems. They believe they know the strategies that can work to address these issues. They need to be intimately tied up with the planning and development of strategies in the local area command. I can tell you that local police at Cabramatta at the moment do not feel that they are part of it.

Ms LEE RHIANNON: Is your magazine the *Police News*?

Mr CHILVERS: Yes.

Ms LEE RHIANNON: Obviously, you would be aware of the comments about race issues and police at Cabramatta. In the April 1999 edition, Mr Brett Stevens, a police officer, quotes Inspector Raymond as allegedly saying, "Vietnamese resort to weapons and violence quicker than anyone I have ever seen." Would you comment on the relationship between articles in the *Police News* and the Police Association views? It seems to be an inflammatory statement. How did it end up in the magazine? That is why I asked earlier about the number of police officers who were members of the association. I understand that police officers are active within the union, therefore, your magazine has an impact on officers out in the field. Would you explain whether such articles represent the views of the association and how that sits with you?

Mr CHILVERS: Was it an article or a letter?

Ms LEE RHIANNON: An article.

Mr BALL: Brett Stephens was a police officer. I do not know when Brett Stevens left policing. He has been a freelance writer. I wish I had known that you were going to cite something that is nearly two years old because I would have brought a copy of the magazine with me.

Ms LEE RHIANNON: We can revisit the article. It was brought to our attention and as you are here I raised it.

Mr BALL: From an operational prospective, Brett Stevens is obviously writing about something that someone has said to him. He is a writer. We pay people to write articles for us. Brett Stevens has not been in the Police Service for some years. What a journalist writes is a matter for the journalist. We put stuff in our magazine all the time. People are very critical of some of the things that I write in our magazine.

Ms LEE RHIANNON: This article has a comment specific to one ethnic group about which inflammatory things have been said from time to time. It is in your magazine. That is why I was surprised to read it and I wanted to hear your response.

Mr BALL: My response to the fact that it was published or my response to the statement?

Ms LEE RHIANNON: First of all, your response to the statement and then to the fact it was published. They are both relevant. I understand that writers in our society have great leeway, which is important.

CHAIR: Your question is irrelevant to the terms of reference.

Ms LEE RHIANNON: We have had a great deal about discussion about race issues and this morning we discussed the issue of race and police relations. It is very relevant.

Mr CHILVERS: Any article that is written, unless it is a specific editorial, is not the viewpoint of the association. Even the viewpoints of executive members of the organisation always have a disclaimer at the bottom to say that they are the individual's viewpoint, not the viewpoint of the association. I am not aware of the article or the specific quote, but I will certainly have a look at it.

The Hon. J. R. JOHNSON: I apologise for coming in late. As I came in, President Ball said that he thought the ECLOs were not part of the operation. This morning we had a valuable submission from former Commander and now retired Superintendent Leek. At page 16 of his document he states:

I cannot emphasise too much the importance of the ethnic community liaison officers to local area commanders. I found them invaluable.

He goes so far as to say:

I could not have successfully managed the Cabramatta patrol without their assistance.

He continues on for a few pages, more or less re-emphasising those points. It would appear that he was not without some opposition. He states:

Over protests from entrenched public service hierarchy I gave them free rein to pursue my objectives, which were largely to forge links with the community. They were hugely successful. They accompanied me to many functions and explained the cultural significance of them. They warned of many of the functions that it would be inappropriate for me to attend, and there were many.

They were not constrained by office hours and their roster was as flexible as my own.

It seems with mentoring, which former Commander and now retired Superintendent Leek was prepared to advance, the ethnic community liaison officers can play an invaluable role. Would you comment on that?

Mr CHILVERS: Those are the very points we are making. It may be at the time of Mr Leek's term as Local Area Commander he was able to forge relationships with the ECLOs to be able to do that. Subsequent to that, the impression we are getting very strongly from the police at Cabramatta is that it has not continued. It may be there are problems in communication or with the individual personalities in the situation. But certainly something that has mitigated against it is that the ECLOs are not part of the formal structure of the local area command. If there is not a local area commander with the vision to be able to forge those sorts of relationships, they are not likely to occur. Certainly we would agree with Mr Leek that ECLOs are an incredibly important resource and have the potential to have a significant impact.

Mr BALL: That also demonstrates the tactical approach that some people were able to take. For example, you mentioned the flexibility of people's rostering as against public servants who must work certain hours and that sort of thing. It exemplifies the difference between a tactical approach and a bureaucratic approach.

The Hon. J. R. JOHNSON: On the issue of language, this morning we had documents tendered by the same gentleman. He was gracious enough to say that it was not all his own work. He had drawn from other stations and other commands for some of the material that he put together. For example, for interpreter services he tendered a card that is available for people of non-English-speaking background to have on their person. The card, which would appear to be available freely from the Ethnic Affairs Commission, states: "When presented with this card please contact the Ethnic Affairs Commission of New South Wales to arrange for an interpreter in the language shown below". The language is then inserted in a panel.

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CHAIR: Would you like to ask the question, please? I was not sure of the question.

The Hon. J. R. JOHNSON: I do not know whether the other documents in this portfolio are in general use but since we were on language and you were suggesting that people should undertake language courses, how many language courses would you have to undertake? They would have to be considerable. My son is a serving officer in the Central West of New South Wales. He has tried to improve the relationship with the Aboriginal community and apparently has worked wonders. A document was presented to us this morning, "Bail and You" in English, then in Chinese, then in Vietnamese. Whilst I cannot give you these documents because we have not yet agreed to publish them, they were presented. There is no doubt that we would publish them. They may be worth perusal by you gentlemen.

Mr BALL: A very good example is the bail issue you raised. It seems sensible that if you are working in a place where the predominant language is a language other than English, particularly since the detention after arrest amendments have come into force, these are the things you need to do. The review of bail situation is a very good

example. With people who are unable to speak the language spoken by the authorised officer in terms of bail, obviously, you would hope that sort of thing would have been done. The interpreter card is a classic example. You made the point of how many languages we need. I have a vivid recollection of trying to communicate at Cabramatta many years ago with a group of Tibetan gentlemen. I could not talk to them and we could not get an interpreter. This is an approach of lateral thinking and the tactical approach that some have taken in the past that should be replicated not only at Cabramatta but in many other places. For example, I would have thought that modern computers would allow storage on the police intranet site of various forms in hundreds of languages. They could then be printed and given to people if an interpreter is not available.

The Hon. J. R. JOHNSON: In the case of the Tibetan gentlemen, the Department of Foreign Affairs and Trade has interpreter services, as do some of the banks. Would you try to access them?

Mr BALL: Operationally?

The Hon. J. R. JOHNSON: Yes.

Mr BALL: Normally it would be the Ethnic Affairs Commission. The first port of call is the police radio. You would be amazed at how many foreign language speaking police officers there are. Next would be the Ethnic Affairs Commission interpreter services.

Mr CHILVERS: Interpreter services are available when people come into more than casual contact with police officers but what we are talking about is on the street day-to-day. You do not need to be fluent in a language. You can imagine being in a foreign country. If you can just get a "Hello, how are you?" or whatever "My name is so and so" that is sufficient for you to be able to start communication. You would then be able to hand out something written such as that. You may then start to build those bridges. Police need to have very basic language skills perhaps but certainly an understanding of the different cultures in which they are working so that they know the difference between approaching and dealing with ethnic Chinese or ethnic Vietnamese. Is there a difference? Police do not know often.

Mr BALL: It is the generic one size fits all police officer and it is just not good enough.

CHAIR: In your recent submission you talk about the crime index. One of our terms of reference relates it this. You obviously feel very negative about the crime index in relation to police morale. Can you explain that?

Mr BALL: In my view the crime index is a limited tool. In fact I think it adversely affects operational policing. Police commanders go to the operations crime review [OCR] and they are measured on this crime index. Your station may measure at No. 33 in New South Wales in terms of assault and No. 73 in terms of something else. It is all statistically driven. The problem is that if my commander has gone to the OCR and been bashed about the ears about knife searches or move on directions I can guarantee what will be the bane of my life succeeding the OCR. The commander will come back to the police station and all we will get for next couple of weeks is move on

and knife searches. The crime index of itself does not measure, in my view anyway, the crime problems of a place. It is subject to so many variables that it is just not a feasible method of evaluating. What do 80 local area commands mean? What does the crime index level of Mudgee really tell us? Does it tell us that because Mudgee is No. 80 it has the least number of police? Or does it tell us that because Bankstown is No. 1 that it should have the most number of police?

The crime index of itself does not measure the things that are really important to people, and particularly to police officers. When you view that in the context of the OCR process it becomes a useless exercise. There is no argument that there has to be a measure of police performance. But the crime index does not measure that. If it is decided not to charge anyone with street offences then it appears there is no problem with street offences. Yet on Friday night when I go to pick the kids up from wherever they are and there are drunks wandering about the streets from the hotel I say to myself, "Hang on, there is no street offence problem here but look at this." That is the problem with the crime index. I recently attended the OCR process. I was extremely pleasantly surprised to sit down and see some intelligent discussion about crime trends. A group of local area commanders from the same region sat down and talked through as a group some of the tactics that they have used, for example, in terms of domestic violence and problem solving generally. It was a refreshing change to see that the Police Service actually use the OCR as a moment for local area commanders to discuss the real problems that they confront operationally as police. Quite frankly, the crime index to my way of thinking does not achieve much at all.

CHAIR: Thank you very much for your very informative and interesting answers and your submission, which was very well prepared.

Mr BALL: This is why we created and retain our research division. This is the sort of thing that we ask our members. Whilst we have spoken about some of my personal views—I probably should not do that; I am sure I will be castigated suitably later—these people actually want to achieve a result out there.

CHAIR: Thank you very much for your time.

(The witnesses withdrew)

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MICHAEL TIMOTHY PRIEST, Detective Sergeant, Crime Agencies, Sydney, sworn and examined:

CHAIR: Do you want to give your evidence in camera?

Mr PRIEST: No. I am quite happy for it to be given in public.

The Hon. G. S. PEARCE: Does that mean that you want your submission to remain confidential?

Mr PRIEST: I will be guided by what the Committee wants. I certainly have no concerns about it being made public.

CHAIR: We will hold this session as a public hearing. Did you receive a summons issued under my hand in accordance with the Parliamentary Evidence Act 1901?

Mr PRIEST: I did.

CHAIR: Are you conversant with the terms of reference for this inquiry?

Mr PRIEST: I am.

CHAIR: Briefly outline your qualifications and experience as they are relevant to the terms of reference for this inquiry.

Mr PRIEST: I have spent 20 years as a police officer and 15 years as a qualified detective. I am in my fourth year at Cabramatta. My previous experience has been as an investigator on the National Crime Authority, the drug squad, the drug law enforcement bureau, and I have been on task forces for certain organised crime.

CHAIR: The Committee has received a submission from you. If you should consider at any stage during your evidence that, in the public interest, certain evidence or documents you may wish to present should be heard and seen only by the Committee, the Committee would be willing to accede to your request. In other words, we can still go into a private session later on if you so desire.

Mr PRIEST: Yes, I understand.

CHAIR: Do you wish to briefly elaborate on your submission or make a short opening statement?

Mr PRIEST: Suffice to say that I made that submission and I stand by it. Really, I do not think that I need to make an opening address. I think I would rather go straight into questions, if you have any.

The Hon. G. S. PEARCE: There is just a point I would like to clarify through you, Madam Chair. We need to clarify whether your submission is to be a public document or not. If it is not a public document, we cannot use any of the contents and we cannot publish any of the contents later on. I have questions that I want to ask you if

it is a public document. It is not a public document, I will elicit that information. I think we need to clear up whether you are happy for it to be public.

Mr PRIEST: Yes, I am. I am happy for it to be a public document.

CHAIR: The Hon. G. S. Pearce has overtaken the question I intended to ask. The submission that you sent to us will be published because the Committee made a decision that all submissions which are not confidential will be published.

Mr PRIEST: Yes.

CHAIR: You understand that?

Mr PRIEST: Yes.

CHAIR: I will begin by commenting on your submission. I think that all people should read it because it is very well written.

Mr PRIEST: Thank you.

CHAIR: Why did the Cabramatta Local Area Command [LAC] become totally obsessed with crime index figures? Deputy Commissioner Jarratt has downplayed the significance of the index and has told the Committee that it has no impact upon resource allocation.

Mr PRIEST: That is probably a difficult question to answer, bearing in mind what you have just said about Mr Jarratt's comments. I can only say what was evident when we were at Cabramatta and that was that the total focus of the police station was geared towards the annual operations crime review [OCR], or the twice-yearly OCR. Rather than worrying about the drug problem in Cabramatta or worrying about the number of shootings or stabbings, they were purely concerned with how they would appear at an OCR and how they would be gauged by the commissioner and the deputy commissioners. I am not privy to the basis of Mr Jarratt's comments on that but I am just saying what I saw, what I heard and what I see as fact as to what was occurring at Cabramatta. The crime index had an almost dominant part in the role that the police station played in Cabramatta.

CHAIR: I think you heard the two witnesses we heard earlier on. I saw you sitting in the room.

Mr PRIEST: Yes.

CHAIR: You heard their comments about the crime index. Do you agree with their comments?

Mr PRIEST: Yes, I do. Yes, in the main, I do agree with their comments.

CHAIR: So the crime index review should be quite irrelevant to police performance?

Mr PRIEST: I think the community perception or the community opinion of how police perform has to be the No. 1 gauge of, if you like, how police are performing. If the community feels safe, if they are happy and if they feel they have been well looked after, at the end of the day, that is what we should be about—making the community safe and happy—not bamboozling people with statistics, figures and all the solutions and the answers that apparently go with those figures and statistics. At the end of the day, it is what the community feels and that is what the police are supposed to do—make the community feel safe.

CHAIR: As a whole, in your submission I find that you have been very honest and very critical of the LAC, particularly his competence and management style.

Mr PRIEST: Yes.

CHAIR: Can you think of ways of addressing these problems?

Mr PRIEST: Well, I wish it was as easy as just sitting here and giving you an instant solution, but I think what we are going through is probably what was gone through in New York post the Moller inquiry and the Knapp commission. We have gone through a post royal commission phase and unfortunately detectives in general did badly at the royal commission, or at least there is the perception they did. It was almost an accepted fact that you could not trust detectives and detectives have never managed to reach the top spots within the Police Service over the last couple of years, with the exception of, say, Mr Small and Mr Brammer. The vast majority of positions of LACs are filled by prosecutors, headquarters personnel and, to my knowledge, very few detectives or ex-detectives. As a result, I believe that you have just got a complete lack of talent among many of the LACs.

I am not saying that all LACs are incompetent, but certainly the street-hardened and the street-wise police of yesteryear are no longer around or they are certainly not in positions of authority such as an LAC. How can I put it—they are mellowing and waiting for retirement in the sergeant ranks and there are some inspectors, but most of them have been kept down post royal commission. That is a tragedy because there is a great deal of talent and a great deal of knowledge, experience and skills which will never be used. Probably the majority of us will simply wait for our retirement and bow out. This new image or new-age policing as you are seeing it now is what you can look forward to and what the community can look forward to. That is as succinct as I can put it.

Ms LEE RHIANNON: Would you describe what you mean by "new-age policing" for the Committee?

Mr PRIEST: Academics—academics with very little feel for life and very little life experience. They have certainly never got their hands dirty. The only angry men they have probably ever seen are their work mates—that sort of person. I am not saying that that is completely right through the Police Service, but it certainly seems to be the majority these days. There are very few police who have actually done the hard yards and taken the knocks. It is funny but the sort of leaders that I would like to see at a police station are just wallowing in the ranks somewhere. They are just hopelessly marking time stop

CHAIR: Do you see this problem as attributable to the individuals in positions of authority at Cabramatta, or to the system—an actual structural reason those within the public service?

Mr PRIEST: Well, it must be the system. I would have thought that if you are going to appoint police to a place like Cabramatta, they would be ex-detectives, ex task force experienced and right through the whole of the management level—your LAC, your crime manager, your duty officers and anyone who makes policy or manages the direction of policing. In places like Cabramatta, where it is totally organised crime and drugs, shootings, murders et cetera, it is like sending a plumber to do an electrician's work: They might have a basic idea, but they do not know the intricacies of how organised crime works. If you do not know that, you cannot task and deploy your police the way they should be tasked and deployed.

The system should have been—in places like Cabramatta, Bankstown and Marrickville—to have specialised police. Those are the places that should have specialised police. It should be a very specialised location for police to be attached there and for police who are made commanders. They should be your very best, they should be your cream because they are the three most difficult areas to police in Sydney. But instead, we have got an ex-prosecutor who was in charge of Cabramatta; and ex tactical response group [TRG] and an academy person who was in charge of Bankstown, but he did do quite a reasonable job; and I am unsure of who is at Marrickville. I would suggest that they have to be people of task force experience, particularly in drugs and organised crime because they are the most prevalent things that keep cropping up and affecting management at those three police stations.

CHAIR: You are suggesting, as it was suggested before, that the position should be advertised and that that would result in a better person—a better qualified person—being appointed?

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Mr PRIEST: Yes. I think in 1996 a whole range of LOCs became available and superintendents were allocated. I am saying that in that allocation there should have been a perception that Cabramatta will need someone with a lot of organised crime or criminal investigation experience and that is the person who should have gone there. For example, Superintendent Sharp, who is now retired, was of the former head of task force 8, a detective of enormous experience and ability, particularly in Asian crime, and they sent him to Manly. Unless I am unaware of crime trends with Asians at Manly, he would have been the perfect choice to go to Cabramatta but they sent him to Manly.

CHAIR: Manly has the lowest ethnic figures in terms of diversity. I live there and I know.

The Hon. R. D. DYER: At one point in your submission you say that little resources are given to help run the police citizens youth club [PCYC] at Cabramatta. I take it that you see the police citizens youth club has being useful in building up police community relations?

Mr PRIEST: It is vital. One of the first calls for resources in that community should be the upgrading of the police youth club so that we can get these kids away from gangs, off the streets, as well as the interaction of police who work at the youth

club. There are so many positives for upgrading police youth clubs and very few negatives.

The Hon. R. D. DYER: Although I agree with what you are saying, could you tell the Committee has that been your experience over a period of years, namely, that the PCYC has been insufficiently resourced from the police side?

Mr PRIEST: Primarily through the Cabramatta and from what I have seen. It is my close experience with the police youth club that there were just no resources. There was no commitment and no interest by the LOC in the running of the club. I do not think that it even rated on their policies at the police station, when it should have.

The Hon. R. D. DYER: The Police Association gave evidence to the Committee earlier this afternoon. Among other things its submission said there has been a recent history of little or no interaction between local police decision makers/managers and frontline police. Is that a view with which you agree?

Mr PRIEST: Definitely.

The Hon. R. D. DYER: Why do you say that so readily?

Mr PRIEST: Because I have seen it firsthand. I have experienced it. I frequently talk to police from many other LOCs socially and in court, and it is the same story time and again, with the exception of probably be City Central police station but there are very few LOCs that actually get in with the troops, define a problem, and with the troops having their input, actually work out a solution. I will come back to the question you put to me. The crime index was the main priority for Cabramatta but it did not need any input from constables or sergeants because it had already been determined just exactly how the focus was to be at Cabramatta. The crime index completely took out any input that the lower ranks would give. If you take the crime index away from the station focus, there is a chance that you can ask the constables and sergeants the way they think the direction should go.

The Hon. R. D. DYER: So you are saying that there is not a ready interchange between the leadership and the troops, so to speak?

Mr PRIEST: No, there is not, or there was not at Cabramatta. I cannot say now.

The Hon. R. D. DYER: How long ago were you there?

Mr PRIEST: May of this year.

The Hon. R. D. DYER: I reread your submission last night and from my point of view it makes very interesting reading; it is well written. Do you think I would be justified in coming to the conclusion, though—and this is not necessarily meant to be critical—that you are part of the traditional face of policing and you feel uncomfortable with the changes that have occurred in recent years? Perhaps to put it a slightly different way, adopting something you said a short time ago, you would place a great deal of stress on street policing and would tend to be dismissive of university education?

Mr PRIEST: Are you saying that perhaps I am a dinosaur facing the Ice Age?

The Hon. R. D. DYER: Not necessarily. I want you to say how you see yourself?

Mr PRIEST: I am not anti-academic. I am not saying that there should be a revolution and we should run out and shoot all the academics. There is a place for academia in the police but there is certainly a position for street police. The university of hard life and hard knocks and the university of life itself will never give you a degree from any university. It is something you learn on the job. Some people are gifted as policemen and it is a natural thing for them. No matter how many degrees you give to some people and no matter how many universities they attend, they will never ever have the capabilities of grasping police work as such. If I can put myself in a position, certainly I am the traditional face of policing—white Anglo-Saxon, military service; I do not suppose you get more traditional than me but I certainly recognise that cultural changes have been made to the police that are excellent.

As far as corruption goes, I would not say it is non-existent but I have never seen the level of integrity that is evident these days. That was a great change but I do not think you could say that academics brought about that change. That was change brought about by a royal commission and ultimately the Police Service forced it upon itself. But many of the managers and leaders in the Police Service these days have numerous degrees that they can quote, Phds, masters, honours, but at the end of the day they are textbook leaders. They have never taken the knocks and have never been on the street. They do not understand organised crime or human frailties. They do not understand many things other than what is in the textbook and I have yet to see a police station run by a textbook because life is so diverse, so colourful, that experience is really the only teacher to make a good policeman.

The Hon. R. D. DYER: Given your own experience and your attachment to the value you place on experience in policing, what would you ideally like to see happening—and try to put it in a nutshell—in the Cabramatta LAC? What do you think should happen to come to grips with the drug problem to make a difference?

Mr PRIEST: I was listening to Greg Chilvers and Ian Ball. Heroin certainly is not just a police problem and a police problem only. It is a multifaceted problem but it always seems as though the police are the ones who are stuck with the problems that no-one else can fix. I would suggest that a zero tolerance approach on the streets of Cabramatta would be the number one priority to clean up Cabramatta. Having said that, there is going to be a fallout. There will be displacement because there is no doubt that they will scatter to Bankstown, Fairfield, Green Valley and Campbelltown, but if you are properly resourced and focused you should be aware well before that displacement starts to take effect that you have to be very mobile and flexible. With a zero tolerance on all forms of crime in Cabramatta there will be a displacement effect but there will also be other effects, such as the number of young children being wheeled in prams in the streets of Cabramatta. Their parents will be arrested and what do you do with the kids?

We have all had varying degrees of success with the Department of Community Services [DOCs] as far as looking after children of drug addicts and criminals. There will be a fallout in that direction. One of the terrible things that will happen if we have a

zero tolerance pushing Cabramatta is that many of the junkies will end up in the gaol system. Some deserve to go there, others do not. Unfortunately, the rehabilitation system that I have seen over the years has very marginal success, unless they can be compulsorily placed in rehabilitation as a form of bail, that is, if they leave, they are taken straight into the gaol system. Give them the opportunity.

In summary, if we again to hit Cabramatta in the way it should be hit, we should be armed and ready for all the other things that will occur as a result of that action, that is, DOCs, immigration, ethnic affairs, rehabilitation, the health system and the corrective system. Many people will have to come into the loop and it has to be done fairly quickly and in such a manner that whenever the police lock someone up and they can steer them in a direction other than a gaol, that they have the capacity to do that straightaway. We can clean Cabramatta up in two or three months by saturating the place with police, not just police numbers but have a proper policy and proper direction. You will still have problems next door in Bankstown and Fairfield. I am not saying I have the panacea to cure Cabramatta but there is certainly a solution to it.

The Hon. R. D. DYER: In your submission you appear to be arguing for a multiagency approach involving both Federal and State agencies. I can see there are arguments in favour of that. Do you think, though, that might possibly be very unwieldy, if you are bringing in customs, immigration, health, DOCs, police and perhaps I have not exhausted the field? Do you think that it would work in practice?

Mr PRIEST: When you say "unwieldy", do you mean unworkable?

The Hon. R. D. DYER: Possibly, given the turf wars that occur between bureaucracies and the unwillingness to co-operate even within bureaucracies. When we take on the one hand State agencies and Commonwealth agencies, try to put them all together and co-ordinate them, I suggest for some sort of response from you that possibly that would be rather difficult to operate in practice.

Mr PRIEST: We managed to put together the most successful Olympic Games in history through proper organisation. I am sure there would have been turf wars involved with Federal and State departments in the Olympic planning and they got through that. Why should not Cabramatta be any different from that? Why can it not be a state-of-the-art world leader as far as policing and a multiagency approach?

The Hon. R. D. DYER: I can confirm that there were turf wars regarding the Olympics.

The Hon. R. H. COLLESS: I picked up on your theme about quality of life and I can relate to that very closely. How do you see that the community and the police can work together in order to establish exactly what those quality of life issues are and how can they be incorporated into the policing structure?

Mr PRIEST: I have two elderly neighbours and I probably get more of an idea of the community's perception about police and crime in general from those two blokes that I get from anybody. They are just your average, run-of-the-mill citizens who have worked all their lives and who are now retired. They served in the Second World War. They have experienced life, they are realistic and when they tell you things like, "I would rather drive a car into the city and go through the traffic and put up with the parking

problems than catch a train because it is too dangerous", it tells you that there is a quality of life issue with transits. If they say they will not walk down the main street of Campbelltown (sic) after six o'clock there is something wrong. These are just ordinary people. You do not need to run a bus around the area asking people to filling forms. Police are very good at speaking to people in their travels and being told things. Your average citizen is the one you can best gauge how well a community is going and quality of life should be the best indicator of how your crime prevention and police service is going.

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The Hon. R. H. COLLESS: Do you think that what is driving the police would be a boardroom bottom-line figure, rather than that quality of life?

Mr PRIEST: Well, it appears so. It appears as though there is almost a corporate logic nowadays in the way the Police Service is run; that we must achieve this goal or we must achieve that goal. It is almost robotic and we just seem to have lost the very basis why we have the Police Service, that is, to protect the community and allow people to travel and live a normal, uncomplicated, safe and healthy life. Now we are completely focused on whether break and enters are up 2 per cent or 3 per cent, or down 1 per cent or 2 per cent. That means nothing to the bloke in the street.

If someone can say, "I can now catch a train from the city to Liverpool or Campbelltown at three o'clock in the morning without being worried about being attacked or robbed," that is the best crime indicator you could ever get. If someone can say, "Gee, I left the house unlocked yesterday and I was out all day and it did not get broken into," that is a crime index; that is an indicator. If you leave your keys in the car or have actually been able to park your car at Bankstown, Campbelltown or Liverpool, go away shopping for three or four hours and see your car sitting in the same spot when you return, that is your best indicator: not figures. As far as community involvement goes, Neighbourhood Watch took off years ago and, certainly, there were a lot of pluses for it but it has to be revamped. I think that people are probably more inclined than ever to get involved in a community consultative approach with police.

The Hon. R. H. COLLESS: Is that not happening at police management level? Are they not in fact relating to the community, to pick up on those quality of life issues? Or are they being driven by management above them to produce the statistics?

Mr PRIEST: I cannot comment on how they are driven or why; I can only comment on what I can see. Purely from the point of view of Cabramatta, there was very little community consultation, yet at Campbelltown under Superintendent Feszczuk there is an extraordinary amount of community consultation—completely different. Two totally different worlds, as far as community consultation is concerned, police actually taking on board what people are saying and dictating policy. Whereas Cabramatta, I got the impression that they paid lip service to Neighbourhood Watch; they paid lip service to the community in general. It is almost an arrogant approach—the Asians could not offer too much to them, so why speak to them? It is pretty terrible, after all, they are living there. They have a right to live there. They have also got their own solutions to problems in Cabramatta, which may well be better than the ones we have. But, you will never know unless you ask them and unless you give them an opportunity to speak to you.

The Hon. G. S. PEARCE: I hope you are not a dinosaur. If you are, you are a very well-read dinosaur. I was impressed with the extent of depth of the research you obviously have done and the various matters you have studied. One of the issues that has come up a few times before the Committee is the question of whether gangs operate at Cabramatta, or whether they are in fact a media beat-up. I note that in your submission in relation to the intelligence unit you state that gangs operate with impunity; that there is no idea of their strength, no idea about the extent of the extortion problem, if there is one, and so on. Could you give me a feel for whether these gangs do exist and what they are doing?

Mr PRIEST: They most certainly exist. I do not know their numbers. For example, last year and early this year with the shootings that were going on in Cabramatta, they were two distinct groups that were fighting a turf war, sort of like a business competition. They were two very well-organised, well-armed and vicious gangs. There is no question that 40 shootings, numerous people shot, murdered—I mean, it doesn't get any better than that! There are other gangs on the fringes of those. You have remnants of the 5T gang. The 5T in themselves do not necessarily form any great group these days, but the splinter groups that have broken away from the old 5T now run these other groups. In effect you have a franchise of the 5T, which is running around Cabramatta, Green Valley, Bankstown, Marrickville and Campbelltown.

I do not know if there is any great intelligence holding particularly on gangs at the moment because I do not think anyone has really come to grips with the problem that you certainly have to have a look at the gangs. You certainly have to have a gang task force, just like they have in Los Angeles and New York. We tend to only identify gangs once they have caused a problem, rather than identifying gangs as they are about to cause a problem. The gangs certainly do exist in Cabramatta. The numbers, I could not tell you but I would hazard a guess to say that they are substantial.

The Hon. G. S. PEARCE: I take it from your evidence that nothing specific is being done to identify these gangs and actually deal with them?

Mr PRIEST: No, not specifically. Not saying, "We are going to focus totally on gangs for the next six months. We are going to work out who they are, who their associates are, where they live, their vehicles, where they do their business and where they cause trouble." No, we do not do any of that. We tend to stick them as individuals. If they cause a problem we react individually; we do not react as a group or focus on a group, which we should be doing. We should be putting all these incidents together and seeing if we can collectively grab a whole lot of people at once for being conspirators, for aiding and abetting, et cetera.

The Hon. G. S. PEARCE: You mentioned that in late 1999 there was something called Operation Piton, which was to target gang and drug activity on a medium-level basis and you were critical of the officers who were appointed to that, but laudatory of the leader, Detective Griffiths. You conclude by saying that prior to the culmination of the operation with raids on suspect premises information was leaked to the media who were waiting outside the premises to be raided even before the police arrived. Could you elaborate on that?

Mr PRIEST: I do not know that I should because I think that is a matter before the Police Integrity Commission.

The Hon. G. S. PEARCE: In relation to Operation Puccini, you expressed the view that after Superintendent Houghton arrived it became a public relations exercise—cosmetic, little or no undercover operations took place and there was an emphasis on issuing field court attendance notices [CANS]. You took the view that these field court attendance notices are basically a toothless tiger. You said it is not uncommon for offenders to be issued with five or six in a day; that they have little or no impact on deterring offenders. Would you like to add anything to that?

Mr PRIEST: That is probably basically it. They are an embarrassment, handing out field court attendance notices, an absolute embarrassment. The crooks know as well as I do that they mean absolutely nothing. The most that can happen is that they will be fined. None of them have any money anyway, because they spend it on drugs. We are never going to get any money off them. They say that the revenue can be collected by the Sheriff or by the courts. If they have not got any assets, how can you take it? It is like handing out a piece of paper with your telephone number on it. It means nothing if you have not got the telephone on.

It seemed to be a system that you hand out the court attendance notice, they do not turn up, the magistrate fines them in their absence, but they have not got any money. Really, what does it achieve? Nothing. You do not identify the person in particular. They are not photographed and they are not fingerprinted. As an intelligence gathering exercise you are not sure whether that is the person that you issued the CANS to. There are a whole lot of problems associated with it, not least of all is the fact that it is no deterrent.

The Hon. G. S. PEARCE: A witness earlier today took the view that something of the order of nine tenths of the field CANS issued were for railway-type offences. Would that be correct?

Mr PRIEST: Not in my experience. I would have said that nine tenths of the CANS issued would be for trespass. That is certainly the Cabramatta experience, trespassing through flats. It has never worked and it never will work. The only deterrent is to make people properly punishable at court, otherwise they will just keep doing what they are doing now, that is, just abusing the residents of flats in Cabramatta. If you were to say to those people, "If you trespass on a block of flats, use heroin, or discard your syringe you will go to gaol," they would not be there—or, if they were, they would be fools.

If you say to them, "You will be issued with a field court attendance notice," you can see the smile break out on their face and chuckles everywhere, because it means nothing. All it is good for is when you quote figures for arrests. They are not really arrests; they are not actually physically arrested, they are detained and issued a notice. It seems a very good speech to give about how many arrests have been made by Operation Puccini—7,000, 10,000—but the great majority of those, 85 per cent, would have been field CANS. If you were really honest you would say that 85 per cent of those are really field court attendance notices, which means nothing.

The Hon. G. S. PEARCE: You quite strongly put the view that there ought to be a specific drug unit operating with investigative capacity to address the supply issue.

We have heard views quite opposite to that. Would you like to elaborate on why you believe there ought to be a specific drug investigative unit in Cabramatta?

Mr PRIEST: Every major police force in America has them, and that is where we should be looking. We should be looking to the United States of America because America has problems with Asian organised crime. I am not sure whether England does. I have certainly not read anything to suggest that England is the leader in fighting Asian organised crime. That is what we have at Cabramatta at the moment, Asian organised crime. We should be looking to America which has vast experience in dealing with Asian organised crime. They have any number of gang-busting projects, any number of strategies for fighting Asian crime, but the one common denominator that each of those police forces has is a drug squad. It is astonishing to think that you have a huge heroin problem in a location and you do not have a drug unit. It is astonishing, absolutely astonishing that there is no narcotics or drug unit.

Ms LEE RHIANNON: Based at Cabramatta Police Station?

Mr PRIEST: Yes, based at Cabramatta Police Station. The crime agency to some extent have drug investigative arms, but I am talking purely from a local area command or the Greater Hume Region. You have Green Valley, Cabramatta and Fairfield, which are major drug sources for the rest of New South Wales, and you have no drug unit. It just defies description.

The Hon. R. H. COLLESS: Where is the nearest drug unit located?

Mr PRIEST: There is none. There is no such thing as a drug unit in New South Wales. The Crime Agency does have drug strike task forces but they are upper echelon or middle echelon, not street level. You will be told that Operation Puccini was in fact a drug squad, but it never was because it did not have plain clothes police attached to Operation Puccini. That was a common answer, that Operation Puccini was Cabramatta's drug squad. That is a nonsense and it is an insult, because there were never any police trained in criminal investigation for drug offences. There is no drug unit anywhere.

I might suggest that the reason for that is that the royal commission has obviously caused a lot of paranoia amongst senior police and politicians. They think that whenever you have police mixing with drugs there is going to be corruption. Well, it has changed dramatically from what it was five or six years ago. The Police Service no longer bears any resemblance to what it was five, six, seven or eight years ago. At some point in time you must start trusting the police again because if you do not you will have Cabramatta's all over the shop.

The Hon. G. S. PEARCE: In its submission the Police Association said the area is a safe Labor seat and community facilities are in short supply; there is an amount of cynicism regarding the political process; doubt exists that there is the political will to seriously attack the problems contained in a relatively small area. Do you feel that that is the case, that there is at the moment a lacking in political will to deal with a whole-of-government, multidisciplinary approach on all these other issues? Is that part of the problem at the moment?

Mr PRIEST: I can only say that if I was the local member for Cabramatta I would have been banging on the police station door five times a day asking, "What is going on?" Surely the member for Cabramatta would have to drive past the drug dealers, the pushers, the addicts in the streets, vomiting and laying unconscious—the whole lot. She would have seen the whole myriad of problems Cabramatta has. Why she did not go to the police station and why she was not jumping up and down in Parliament, you can only draw your own conclusions from that. I mean, you could be really cynical, but there has to be a reason. There must be a reason.

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The Hon. G. S. PEARCE: I did not actually mean the local member. I was really addressing the issue of rehabilitation, education and all those other things that have been mentioned and the need to get government departments to work together back to the bureaucracy. Is the political will, in your view, to force in the resources that are needed to deal with all facets of the problem rather than just leave it to the police, which is what we have heard a couple of times?

Mr PRIEST: I will still go back to my answer: If your local member does not care, how are you going to get other agencies that need political push to get them there? There is a thing called the Cabramatta project. I am still trying to work out what it is. I do not know whether they are building something. It is a project of some description.

The Hon. G. S. PEARCE: One other witness thought it was a public relations exercise by the Premier's office.

Mr PRIEST: I thought they might have been building a building or something in Cabramatta as the Cabramatta project. Certainly there seems to be no will at the moment to try to fix the problems apart from what the police have to deal with. The police have to fix everything basically, that is, youth working, health care, mental health as well as policing issues. We are expected to do the whole lot.

CHAIR: You were very critical of the crime index. Can you elaborate on your comments on pages 16 and 17 of your submission about the intimidation, threatening or transfer of outspoken officers and the lack of opportunity for police initiatives falling outside of the crime index?

Mr PRIEST: Drugs did not come into the crime index. So there was just no focus whatsoever to deal with drugs, even though blind Freddy could see drugs were causing all the problems. I suppose all the categories of the crime index in some way in varying scales have their genesis with drug abuse. If we wanted to launch a drug raid on premises, use an operation, use a number of police and incur overtime, that was absolutely forbidden. You would not even be stupid enough to ask for it. Because it did not appear in the crime index they were not interested. If it was break and enters, robberies and the other things that were in the crime index you may have had a chance, but to actually come out and say, "Look, drugs are the reason why we have all these different crimes in the crime index", they could not see that. They could only see the cold hard facts that we only want to operate on crimes that are on the crime index, which we know we are going to be questioned about at the OCR. There was just this obsession only with a small group of offences. Surely they could have seen that drugs caused all of those problems, except for random breath testing [RBT] I suppose. You are just not allowed to do anything outside the crime index; there was an obsession and

that is probably as best as I can put it. They could not see the correlation between drugs and robberies.

If you have break and enters, robberies and car stealing occurring in Cabramatta at record rates, there is a reason for it and that is because drugs are freely available. Rather than try to fight three different crimes on three different fronts, it would have made sense to fight the one crime, which is drugs, and force supply underground or away. Then suddenly you would have seen a dramatic decrease in the other three things. The magnet that got these people to Cabramatta was the drugs. It was not, "We'll go to Cabramatta and we'll do robberies because they're easy." They are easy anywhere, but they occurred in Cabramatta because they were close to the source of the heroin supply. We could not impart upon the management to tackle drugs because it did not appear in the OCR. To my mind a great idea was to attack drugs to limit the other three, but they would not allow us to do that. They wanted us to attack three different categories because they appeared in the crime index.

CHAIR: Have you seen any improvement in the Cabramatta area in recent months since the adoption of the crime management model?

Mr PRIEST: No.

CHAIR: There has been no improvement?

Mr PRIEST: I am probably not the best person to ask because I am not actually there. However, there are other police there that would give you better information. Mine is hearsay and it is just a total disaster; an absolute disaster and is going to get worse.

The Hon. R. D. DYER: In your written submission and in your evidence today, unless I misunderstood you, you appear to be advocating a return to the old model of specialist detective squads: the arson squad, pillage squad, drugs squad, whatever it might happen to have been. You have said also, and I agree with you, that the Police Service now is less corrupt than it was. Would you not agree with me that one of the problem areas to a large extent revealed by the police royal commission focused upon those very specialist detective squads? Do you really advocate a return to the model?

Mr PRIEST: Well, you are looking at prior to the royal commission 100 years of unsupervised activity by a Criminal Investigation Branch [CIB]. I would like to think we are a lot smarter. We now have a Police Integrity Commission [PIC] which is very capable, well armed and well resourced. Those squads never had that to look for in the old days. Certainly with the PIC looking over people's shoulders, I could not imagine a return to the bad old days at all. The old days of the old squads have been completely broken. You no longer have the personalities that you had running those squads. You no longer have the methodology or the philosophy that those squads were tightly knit inside the CIB. It is a complete new world. There is time now to reinvent the wheel so to speak and bring back specialist squads because they are sadly lacking. They are expecting the local area detectives to handle every single specialisation of crime except for protracted inquiries, which the crime agency does. I do not know how many times police from other States ring up wanting to speak to someone from the murder squad.

There is not one. Or wanting to speak to someone in the armed hold-up squad. There is not one.

The Hon. R. D. DYER: If you were to reintroduce those specialist detective squads, how would they relate in a reporting sense to a local area command? To whom would they report? Do you follow what I mean?

Mr PRIEST: Yes. A region-based crime squad or a region-based target team, whatever you want to call it, where your region commander and internal affairs have some sort of supervisory capacity and an audit system. You have the Police Integrity Commission and the Ombudsman. There are umpteen number of people that profile the police at the moment. We must be the most scrutinised organisation in the world. If we cannot go back to drug squads and specialised detective agencies with some confidence, you would want to sack every one of those outside bodies because they cannot be doing their work. What I am saying is that there are so many checks and balances in place now I just do not think you would have the problems. You certainly would not have the problems you had years ago.

The Hon. R. H. COLLESS: Obviously you have given us your views of the problems and what needs to be done. Do you know if those views are shared amongst the rank-and-file members of the police that serve in those areas?

Mr PRIEST: Yes, pretty much. I sort of formed some of my submission on speaking to both younger and older police. It is surprising that 21 and 22-year-old police think in some ways very much similar to 45-year-old police in the fact that they have left a tertiary institution like the academy with academic ideas only to see them fail miserably in the first two or three months and then have to rely on picking up experience from older detectives and police. Yes, I think they are pretty much the norm.

(The witness withdrew)

(The Committee adjourned at 4.25 p.m.)