

REPORT OF PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE NO. 3

Inquiry into Police Resources in Cabramatta

At Sydney on Friday, 30 March 2001

The Committee met at 10.00 a.m.

PRESENT

The Hon. Helen Sham-Ho (Chair)

The Hon. P. J. Breen
The Hon. R. D. Dyer
The Hon. J. Hatzistergos
The Hon. G. S. Pearce
The Hon. P. T. Primrose
Ms Lee Rhiannon
The Hon. I. W. West

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CHAIR: Good morning. I declare this meeting open. This is the seventh public hearing in the Inquiry into Police Resources in Cabramatta. The witnesses at today's hearing demonstrate the range of issues that the Committee needs to take into account in this inquiry. By way of background information, Dr Richard Basham has consulted for the New South Wales Police Service and, amongst other things, is regarded as an expert on organised crime and on police-community relations. The National Crime Authority and the New South Wales Crime Commission are lead agencies in tackling organised crime, including drug trafficking, of which much lower level activity occurs in Cabramatta. Mr Dean Hart and Mr Mark Hankin will provide evidence in relation to youth homelessness in Cabramatta. Mr Richard Acheson was the author of a landmark 1994 report on Police and Ethnic Communities. I should note that the retiring Commissioner of the Australian Federal Police [AFP], Mr Mick Palmer, was invited to attend the hearing but is unavailable. The Australian Federal Police have indicated that they will not be able to send another representative to appear at today's hearing. In relation to witnesses at future hearings, I would like to read onto the record part of the text of a letter received earlier this week from Mr Greg Chilvers, the Director of the Research and Resource Centre of the Police Association of New South Wales:

Further to my correspondence of 9 March last, I write to inform you that a further submission to the Inquiry has been prepared by myself on behalf of police at Cabramatta Local Area Command. This submission will be presented to a branch meeting at Cabramatta on April 3 2001 for endorsement.

Mr Chilvers went on to say that on Wednesday, 4 April he will be able to indicate which officers will be prepared to attend with him to speak to the submission.

Finally, I would like to make some brief comments in relation to the package of initiatives announced by the Premier on Tuesday, 27 March. I emphasise that the Committee has not had an opportunity to formally consider the Premier's announcement and that the comments that I am about to make are my own views and not necessarily those of the Committee. I would like to commend the Government for announcing a set of initiatives to tackle the problems faced by the Cabramatta community. A number of the initiatives appear to have been made in response to evidence received by this Committee. It is heartening to see that the Government is listening to the views put forward to this Committee and is responding to them. In relation to the details of the Premier's announcement, I look forward to hearing the views of the Cabramatta community and other expert witnesses as to the appropriateness of the measures announced. I also look forward to reviewing the outcomes arising from the implementation of the Government's initiatives. Following today's hearing, there will be hearings on 23 April, 7 May and 18 May. A particular focus of the remaining hearings will be police-community relations and how they may be improved. It is the Committee's responsibility to thoroughly examine the evidence that is presented and to continue to pursue the issues until the Committee is satisfied that it has answers to the problems and policing challenges facing Cabramatta.

RICHARD DALTON BASHAM, Department of Anthropology, University of Sydney, 42 Gottenham Street, Glebe, affirmed and examined:

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

Dr BASHAM: I am appearing here as an individual who has researched, published and worked with police on matters relating to this inquiry.

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

Dr BASHAM: Yes, I have.

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

Dr BASHAM: Yes, I am

CHAIR: 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.

Dr BASHAM: Thank you.

CHAIR: Would you like to make some brief statement?

Dr BASHAM: Yes, I have a brief statement here.

CHAIR: Thank you.

Dr BASHAM: Although the overwhelming majority of recent migrants to Australia, and their descendants, are not involved in organised criminal activity, such activity has found a firm foothold in many ethnic communities. Most curious to many Australians has been the extreme reluctance of even apparently law-abiding members of these communities to co-operate with police in their investigations of criminal matters. The lack of co-operation of innocents who know the particulars of crimes ranging from extortion through drug-dealing and murder not only hampers the police in their inquiries but provides a fertile field for further criminal activity as criminals can work with confidence that they are unlikely to be apprehended and punished. Coping with so-called ethnic crime is fraught with both political and cultural problems. Politically, mere mention of ethnic crime is likely to provoke the mantra that crime is crime no matter where it occurs. However, so-called ethnic crime carries with it difficulties in intercultural understanding which make it very difficult for those without the requisite cultural knowledge to deal effectively with it. Attempting to deal with crime perpetrated by people who are living in different cultural worlds without understanding those worlds is not only foolish; it is a waste of police resources.

CHAIR: Would you please speak a little slower.

Dr BASHAM: I was conscious of other witnesses being interrupted as they were going through and so I wanted to get mine in, but I will be happy to speak more slowly. Essentially, what I am arguing here, of course, is that police can only cope effectively with crime committed by people of different cultures and by descendants of people from different cultural traditions—people who are, in essence, bicultural, Australian and Vietnamese, for example, in terms of their background—if they understand something about the culture and traditions. Attempting to ignore it and act as if this is not important is quite foolish. There is no question, however, that any discussion of ethnic crime can have unfortunate consequences in further stigmatising people who are often already marginalised. Ultimately, however, it is far more dangerous for cultural cohesion to ignore or attempt to suppress the reality of such crime. Ordinary Australians are aware of its existence, and attempts to suppress discussion only play into the hands of extremist groups, which claim that the powers that be are engaged in a conspiracy of silence on the issue. It is far better to acknowledge that different peoples quite naturally follow different moral and legal codes and that recent migrants to Australia are unlikely to have a complete understanding of, or identification with, Australian law.

The policing of communities inhabited largely by people of non-English-speaking backgrounds needs to be seen as a fascinating challenge to a largely monocultural police force—the Police Service—to expand its horizons and respond to new challenges in new ways. I think ordinary rank-and-file police, and many senior police with real operational backgrounds, particularly operational police who have been involved in detective issues, investigations of crimes, would respond positively to such a challenge. In the matter of illegal drug usage, in particular, most experienced police knew that old-fashioned, move-them-on operations such as Puccini would, at best, provide a temporary improvement in the quality of life for a small number of non-drug users in a relatively limited area. They knew, or should have known, that such approaches would undoubtedly cause the problem to metastasise—to spread—to other areas. At best, they would spread the pain and lead other communities to insist on the development of real solutions to the myriad criminal and health problems associated with the use of illegal drugs.

Before Operation Puccini started, I spoke to Chris Evans, who indicated that such a program was going to take place. The best case I could make for it would be that it would provide temporary relief for a small area. Ironically, you could perhaps make a case that by spreading the crime to other areas, even though it would probably exacerbate the problem of drug abuse, you might get some response, but, in a sense, it was perhaps unfair to limit it to one particular area. This does not mean that the more sophisticated policing strategies which Assistant Commissioner Clive Small has instituted recently will not provide some relief to the long-suffering people of Cabramatta. However, to be truly effective over the long-term, they need to be supplemented by a range of other measures. Unfortunately, the scourge of drug use will remain in our society, at least until we are able to rethink our approaches to drug addiction and arrive at workable long-term solutions. Here, it is important to bear in mind that the use of drugs such as heroin cannot be tackled simply as chemical addiction and/or self-medication for personal problems, although approaching the chemical issues are very important. Users are

quickly inducted into drug subcultures and embrace cultural addictions which offer structure and meaning to otherwise drab lives. Often, this cultural addiction is far more difficult to fight than a purely chemical one. It is one of the reasons why methadone treatment frequently fails or has problems. Once they are in the lifestyle, the tendency to mess up, to play games with the operation, to bribe watchers, to substitute other urine for their urine, and to deal in methadone on the streets, is quite strong, so you have to realise that the cultural addiction, once it starts, is an additional overlay on top of the chemical addiction, and there are serious problems with that.

Clearly, quick fixes such as Puccini make it appear that the police are really doing something useful to combat the problems associated with illegal drug use, and attract great media attention. But when the cameras leave and the print reporters decide the story has lost its puff, it is all too tempting for politically-oriented police to declare victory and go home, hiding the mess that remains and hoping no-one of importance will notice. Unfortunately, this seems most likely to occur in areas populated by people who are deemed different to majority society. In Cabramatta, we had the additional absurdity of attempts to downgrade the status of the local area command on the basis of crime statistics that senior police must have known concealed as much as they revealed. Unfortunately, there has been a tendency at the very apex of the Police Service to blame ethnic groups for failures in policing admittedly difficult areas. In large part, this seems due to the threat such areas pose to a steady flow of good news stories in the media about their stewardship, and to efforts to prove their competence as police administrators by reducing crime rates, although not necessarily by reducing crime per se. Here it is important to remember that there are a whole series of issues about crime reporting and actual crime.

The gap between the incidence and reporting of crime is likely to be especially marked among minority ethnic groups. Thus, we have had challenges to ethnic communities to own their own gangs. Although such calls may play well in the majority community, they tend to estrange further those whose assistance is most needed by police. As well, blanket calls for an ethnic community to co-operate with police are, at best, a waste of time. At worst, they are a cynical attempt to escape blame for ineffectual policing. Of course, there are ethnic gangs. But stating the obvious is only impressive for those who have repeatedly vacillated on the point—naming the ethnic make-up of gangs on radio talk shows and taking bows for their supposed courage in doing so and then back-tracking in the face of criticism to remove worthwhile ethnic descriptions from the police vocabulary. Here I want to make it clear that I am not including retired Commissioner Mick Palmer. As I understand, the article that made it on the front page of the *Sydney Morning Herald* was merely part of a much larger discussion and he was particularly concerned about solutions rather than simply making a case. Obviously, as a retired commissioner, there was nothing in it for him to play to the gallery. What is needed is not repeated and socially divisive naming of what is, after all, a quite common stage in immigration and nation building. What are needed are solutions.

At this stage, I would like to offer a few suggestions as to where we might go from here. First and foremost, effective policing of a community requires that a community own its own police. That is, ordinary citizens must view the police as men and women who work for them and to whom they can turn for assistance. Above all, police must be able to protect the people whom they serve. If they cannot, they will receive neither respect nor co-operation from them. All too often, ethnic communities view police as remote, clueless and ineffectual. As well, it is often very easy for criminals to persuade co-ethnics that at least some police are corrupt and that information provided to police by informants will not be secure. Remote control policing strategies based on excessive centralisation of police resources will only help to exacerbate these problems. Although it is easy to understand the appeal of such ivory-tower approaches to office-bound administrators at headquarters, such strategies, even with all their accompanying high-tech bells and whistles, fail to acknowledge that policing, like politics, is ultimately local.

This is especially true for areas populated largely by people from non-English-speaking backgrounds. Ideally, a sense of community ownership of police will be enhanced by a willingness of local people to join the police as recruits and for the police to accept them as equals who will have real opportunities for successful police careers. Given attitudes towards policing held in much of Asia, uncertainty over the reception they would receive in the Police Service, and the dangers Asian police and their families face at present, however, this must be regarded as a medium to long-term goal. A more practical, immediate approach would be to acknowledge that excessive movement of police officers in ticket-stamping exercises, for corporate convenience or, even, in simplistic attempts to eliminate corruption, makes community ownership of and identification with police virtually impossible. Ideally, problematic ethnic commands should be treated as if they were partially autonomous police services in themselves, analogous to local police jurisdictions in the United States.

Police officers should be assigned to an area such as Cabramatta for many years and encouraged to set down roots in the local community. The officers assigned to the Cabramatta command need to be vetted to make

certain that they have a genuine interest in the people they will be serving, and that they can relate to them as individuals and not as members of an ethnic group. As well, they need thorough cultural training, both in general cultural issues and in matters related to criminal activity and the reporting of criminal activity. As I have argued elsewhere, including in a document I prepared a number of years ago for the police called "Coping with Asian Crime", all officers should be encouraged, indeed, required, so it will not be seen as a personal weakness to seek expert consultation on both regular and emergency bases. There are a number of investigations that have failed because police failed to seek assistance when it would have been appropriate.

In Cabramatta and similar areas, the difficulty police have in communicating with people with poor English-language skills is frequently noted as an obstacle to effective policing. Ideally, each officer should be encouraged to study at least one major language spoken in the community. We must bear in mind, however, that the learning of tonal languages, especially, will be very difficult for native-speakers of English and that few officers are likely to achieve real fluency in an Asian language. We do not fool ourselves that we are going to be able to train Australian officers to speak Vietnamese, Cantonese or any other language effectively, outside of sending them off for a couple of years to these areas. For most officers, the value of such training will be real, especially in reducing the social distance between them and the people they are policing. At least initially, areas such as Cabramatta need to be treated as plum assignments with opportunities for promotion and for occasional short-term secondment with groups such as crime agencies and State intelligence. In time, these officers will be able to make significant contributions which will greatly improve the working of the investigative capacity of crime agencies and also will lead to the development of worthwhile operational intelligence at State intelligence. It is important that their contribution to such centralised agencies be openly acknowledged and rewarded—there has been a tendency to punish rather than reward and to steal information and pass it off as one's own. If not, the long-standing problems the service has had with fear that interesting cases will be ripped off by the centre, and with information islands and the hoarding of intelligence will continue.

One learns very quickly in the Police Service how valuable information is and it is valuable if it is traded to people who will remember from where they got it. I believe effective implementation of policies which encourage communities to own their own police will go a long way towards improving the lives of ordinary men and women in Cabramatta. My experience with rank and file police, and most of their senior counterparts, convinces me that the New South Wales Police Service has the capacity to deliver the quality of policing that the people of Cabramatta deserve. It is time to look at the past four years as an unfortunately protracted learning experience and move on with workable solutions.

CHAIR: Thank you. The solutions you have given us sound very productive and useful. You spoke about the last four years in Cabramatta. Why do you think Cabramatta became the centre of drug distribution in New South Wales about that time? How would you characterise the criminal activity and the criminal organisations operating in Cabramatta?

Dr BASHAM: There are lots of reasons it became a centre for drug activity. Firstly, most of the drugs at the time were coming from the Golden Triangle. I spent a good deal of my career working in Chiang Mai, northern Thailand. I have dealt with drug dealers at the source in the Golden Triangle.

CHAIR: Perhaps it would be useful, Dr Basham, if you outlined your own professional experience relevant to our Committee.

Dr BASHAM: Sure. I did my PhD at Berkeley. My major advisor was a clinical psychologist who worked primarily in Asia. Although I did my PhD in the anthropology department, I have spent most of my career working in Asia. As a young man, I taught the highly sensitive topic of race and ethnic relations at a university in Malaysia. That was a real baptism of fire working, for the Malaysian Government on such a sensitive topic that local people were too frightened to teach. I then continued to work with overseas Chinese and Malays for a time, continued throughout my career working for Chinese communities, but I switched to Thailand as my primary base. I have worked in a number of places in Thailand, in particular, Bangkok and Chiang Mai.

Over the years, given my longstanding interest in crime that developed when I was an undergraduate in forensic work at the Smithsonian, I developed quite an interest in what was going on in Chiang Mai, very much drug related. The corruption in the Police Service there is phenomenal. The amount that it costs to buy positions in the Police Service is more than you could expect to make for the duration of your career. You literally buy your positions in the promotions and ranks. The impact of American drug use, western drug users had on the people of Chiang Mai is horrific. They have been given some of the worst criminal figures. It has also attracted

some of the most marginal people from China, the so-called Chin Haw which involved some of the most opportunistic Kuomintang figures and also the Muslim Chinese from far western China who have always operated on the fringe.

The relevance here is that, obviously, if you have people of a certain ethnic group controlling heroin operations at the source, the natural tendency is for them to deal with co-ethnics, with people of a similar group, people they can relate to. The most dangerous times for drug users are when you switch ethnic groups. You are most likely to be caught and arrested at that point. There is very little incentive to do that, particularly when you have well-established routes into Cholon in Saigon—Ho Chi Minh City—well-established routes during the Vietnam war for dealing with heroin. These networks, which had already been established, were certainly reactivated or continued to be activated.

We also got a number of migrants to Australia, young males, often from broken families who could not speak English very well. They were really caught between worlds. It was quite natural, given these various factors, for Cabramatta to become the centre for distribution at the lower levels at least of heroin. The problem was missed or barely attended to for a long period of time in the Police Service. It came up at various times. People were certainly aware of its existence. Of course, the problem had been going on for a long time and it was very severe. A police heroin summit was held at Cabramatta over a number of meetings from April through to June of 1997. I was a member of that small group. Certainly there was an awareness of what a serious problem there was. We had access to a number of documents that were not generally available, and we were trying to decide what to do about it. Unfortunately, what came out of that was a quick, political fix, Operation Puccini, which especially left on its own just exacerbated the problem.

In terms of the organisation, and I just want to outline this briefly—if you want to talk about it in more detail we will have to go into closed session—there was an attempt by a local figure to set up a criminally influenced Tong. Tongs can be normal, social organisations. Tong can be lots of things. It can be a Chinese social club. Its membership frequently involves members who, for mutual aid, mutual benefit from a particular region, come together overseas. Now, some tongs, not all tongs, are criminally influenced and they become controlled by triad figures pretty quickly. There had been attempts of varying success to do this sort of thing. If they take off, if they are successful, you are much more likely to have centralised, standardised, well-organised control of heroin distribution. There was a problem with this criminally influenced tong, and it broke up. It never was fully established, and there was never a real centralisation of heroin operations in Cabramatta. If there are any Mr Bigs, there are many Mr Bigs, a number of Mr Bigs, and the organisations, like a lot of modern triad organisations, are relatively loose anyway. Triad figures oftentimes come together for one operation, two operations, and then they basically do not associate with each other necessarily for years on criminal operations.

There is also the phenomenon, given the fact that drug dealers are always responding to law enforcement initiatives, of the tendency for law enforcement issues to become more sophisticated. Drug dealers use other ways of getting drugs in and oftentimes used individuals on a one-off basis to do it. It would take a while to explain how these lines operate. They operate according to criminal lines, although they oftentimes appear to be legitimate. The problem, I suppose, in some ways has been that if you are successful or for non-police reasons the organisation fails, then you tend to get a lot of little groups at each level that you kind of step on and capture, and the problem does not go away; it just becomes harder to get to. You start off swatting blowflies and before long you are swatting gnats. It becomes a very difficult sort of way of coping. The problem was also exacerbated, I think, by the neglect of what was going on at the casino. I think that sent a very negative message to the people of Cabramatta about the integrity and honesty of the police and the Government. I do not think it is right and I do not think—

Ms LEE RHIANNON: Did you say "casino"?

The Hon. G. S. PEARCE: Star City?

Dr BASHAM: Well, Sydney Harbour Casino, initially. I was brought in a number of years ago by the Casino Surveillance Authority to have a look at what was going on. When I walked into the high rollers room I immediately coined the term "country club for crooks". That is what was going on. Deals were being done. Huge amounts of money were being laundered through the casino. It was a socialising area. Given the appeal of the casino for many people in Cabramatta, you could not help but notice an individual come in with a Mercedes and park it in the red zone in front of the casino, walk on up, without providing any ID, to the high rollers room, letting everybody know how important he was. This guy was a drug dealer, so why was nobody doing anything about it. The casino surveillance people had a great deal of difficulty getting interest outside when they tried to

ban them. I took three senior police officers down to the casino to show them what was going on. Unfortunately, we did not get the kind of response one would have expected, and the reasons for that remain unexplained to this day.

This sent a negative message to the people in Cabramatta, just as, for example—and I cannot devote too much time to this but this is related to it—if people think that an individual existing in the community as an ethnic politician is well received by members of the majority of society and he is regarded as a very dangerous criminal by members of the ethnic group, that is a very worrying sort of thing. All these kinds of issues cause problems for co-operation with police. In my experience, the question is not why do people not co-operate with the police; it is why would they, especially when it seems very foolhardy to do so. I can give you a number of tales of people who have come to grief for co-operating with police, and not because I think the police are bribed. I do not believe that that is the issue involved. I just think that the police do not have the cultural nous, in a sense, to deal with such different cultures. Does that help? Obviously there are issues here which I cannot be too specific about, but if you wanted to get more detail, we can always talk about it later.

CHAIR: You have given us a solution to look at with community ownership of the police. Can you tell the Committee why this breakdown of trust and relationship occurred between the ethnic communities and the police at Cabramatta?

Dr BASHAM: Well, I do not think it was ever really established. I think that the assumption was that you police people of radically different cultures in more or less the same way that you police Australians. It did not really work for Dixon Street, but it might work for a very small group of people who are isolated and quickly acculturated to the majority of society. The kids go to school so they very quickly understand what Australia is all about and they understand the principles of Australian law, particularly issues like due process and so on, but it is very problematic if you are dealing with people who are coming from a different cultural tradition, particularly if they see on the streets and in every day interaction people they know to be criminals seeming to get ahead and become very successful in this new society. These criminals, particularly once they reach a certain level, always tell the co-ethnics and give impressions to the co-ethnics that they control the police, that they control local politicians, that they are gatekeepers to the majority of society. They appear with police, have photographs with the police, for example, around them, even putting, say, a police photograph on a business card.

Ms LEE RHIANNON: Are you saying that has happened?

Dr BASHAM: Of course. It always happens, and it is not the fault of the police.

Ms LEE RHIANNON: Are the police aware that these people have criminal links?

Dr BASHAM: I think they are now.

Ms LEE RHIANNON: But you have said there have been occasions when they were not aware who they were being photographed with.

Dr BASHAM: In the beginning, no. In the beginning people assume that general outreach to the community is good and that if somebody appears to be a community leader, having a relationship with this individual is good. It is a positive sort of thing. You have to remember that part of the problem is the regard in which the police are held in much of Asia, with the possible exception of Hong Kong. The police are seen as people you really have to be very wary of. Bribery is quite common. In fact, even in countries like Thailand it is legal for the police to accept bribes. They just cannot ask for them. Of course, what that means is that if you do not offer money you do not get any services, services for serious issues, or connections, so there is a very different attitude towards police. Police in much of Asia are successful in solving crimes by techniques of interrogation which we would not permit. I have seen these techniques, and I can assure you that they can be quite successful in solving crimes, given the techniques that were used.

The general attitude towards the police is one where most individuals are reluctant to co-operate with police. That is particularly true if people have been involved in what they regard as relatively minor violations of Australian law, immigration matters, taxation matters, social security matters and so on. That is, they are afraid that contact with the police will result in their exposure on these areas so they tend to hold back. Also, there is the fear that people have that if they are seen to be co-operating with police there will be the worry that they are obviously dobbing in criminals. Part of the problem, ironically, is that often you have to most worry

about the people who want to spend the most time with police. When I walk into a shop and see somebody with photographs of police in the shop—and it could be a local area commander—my initial response is that the guy is a criminal. It is very different from what you might assume here. It sends a chilling message.

The Hon. R. D. DYER: Dr Basham, could that not be a matter of police seeking to create better community relations?

Dr BASHAM: It is. That is what I said beforehand. I am not suggesting that police were doing the wrong thing from their point of view. The police initially started that. I think a number of local area commanders for example in Cabramatta began to realise something was wrong, and then they began to worry about how to handle it. Before I was cut off for criticising the commissioner by suggesting a number of years ago on Quentin Dempster's *Stateline* that he was in danger of becoming a Lear-like figure—like King Lear, responding to hollow praise which would not do him much good in the end—and making a couple of ancillary statements that were very similar and were meant to be supportive after the Nagano incident up in Japan—

The Hon. G. S. PEARCE: What was that?

Dr BASHAM: Nagano.

The Hon. G. S. PEARCE: No, what was the incident?

Dr BASHAM: The incident was where he accused senior officers of white-anting him. I was trying to put a positive spin on it by suggesting that paranoia increases directly with distance—this was also on the gay mardi gras issue—and that probably he would feel pretty sheepish when he got back, but I did say that there was a real thing that worried me, and that was that he was in danger of becoming a Lear-like figure and that I was worried about some of the promotion practices that I had observed. Before I was cut off, I was consulted regularly by the police. I cannot talk about any consultations since then because the one time they came to light was when I was in China working with the Chinese police a few years ago. An article appeared in the *Daily Telegraph*, and it created quite a stir to discover that I was still working with police. Before that, I had ready access and saw them. Since then, the access has been more circumspect and I have not made as many trips down to Strawberry Hills as I used to. But I think you are quite correct, Mr Dyer, in suggesting that the police operated with sincerity. I am not accusing the police of not being sincere. My experience with the police of New South Wales is that once the ordinary rank and file see there is a problem, they are quite willing to respond. I have the highest regard for a number of people in the service. I am particularly pleased that the most difficult job in the New South Wales Police Service has been given to Clive Small. I think he is one of the more capable people in the police. I just hope that it was done for the right reasons. But in any event, I think that if anybody can help, Clive can.

CHAIR: I have a last question. I still find it difficult to understand the paradox that you were presenting just now. You say we need the police to want to establish an ownership of the relationship but at the same time you say that when the police try to get friendly with the community that is not acceptable. How can you resource that?

Dr BASHAM: No, it depends on who you are getting friendly with. What happens, for example, if you get friendly only with a tiny number of the people who will greet you? Take it back to Vietnam, the Vietnamese situation, traditionally, in which every village was a corporate village surrounded by a bamboo hedge, the traditional village. You might have thousands of people in the village but only about a third of them will be usually on the rolls and listed as actually existing because taxation was based upon the number of people in the village, the number of people required to go into the military, the number of people required to provide public works. There was a very strong incentive for the people in the village not to co-operate with the State but they had to appear to co-operate with the State, otherwise the village would be destroyed by the State. Traditional punishment for a village was to cut down the bamboo hedge, disperse the village and even to dig up the graves of ancestors, so it was very important to keep the State sweet, essentially.

The State was represented typically by a mandarin and his group. They would come and visit the village. The village head man, who was usually the most junior of the village council of elders, which was usually 12, and who could not actually operate on his own, would go out to greet the mandarin when the mandarin came to the village. He would kowtow and show how happy he was to have the mandarin there and bring the mandarin in for a special meal at the head table. Much of the village was in hiding at the time, so he would not see the full population. The mandarin would sit at the head table with his party and with the village

council of elders. Other villagers would sit off to a distance. The only interaction would be between the mandarin and the village council of elders. The interaction with the villagers was minimal, if it existed at all. The mandarin would leave with whatever co-operation he could get, if he was investigating taxation or crimes. As he left, the village council of elders was out there kowtowing, saying effectively, "Do not be a stranger, come again. We really enjoyed your visit." When the mandarin left the State went with him. This kind of interaction with the State, this kind of distance with the State, requires that you not deal with ethnic communities in the colonial sense or in a sense like in Vietnam where you deal only with community leaders, that the way to solve it is to pick a community leader and rule through them. The British did this in Singapore and Malaysia very effectively, but the community leaders, the Kapitan Chinas, were always triad figures.

I am not suggesting that exists here today, but the problem is that in order to work with ethnic communities effectively, you need to work with individuals. In other words, the police setting down roots in the community, ideally living in a house in Cabramatta, having their kids go to Cabramatta schools and identifying with the community. You begin to relate to individuals and not necessarily to community leaders who may or may not be on the level. There are a number of them who are and some who are not. But the more important thing, anyway, is to police people like you would ordinary Australians, in a sense, but the difference is rather than police ordinary Australians, and you would not go through an Australian community leader to deal with an ordinary Australian, you deal with people as individuals. But you have to know something about their culture in order to do that. By doing this, in time you will begin to get co-operation from people.

In murder investigations that I have been involved in, it is often very difficult to get that extra sandwich to make the picnic and to get an informant to come in. Sometimes informants come in at real risk to themselves and you really worry about them. You feel sorry for those people. They want to co-operate with the police, they feel bad about it but the police are not fully aware as much as I am and the informants of what the dangers are. I have had police ring me up and say things like, "We went back to the informant's house and there was a white feather on the door screen and suddenly the informant will not talk any more, will not co-operate." I say, "Of course not, he has been threatened with death."

The Hon. R. D. DYER: Dr Basham, what is your professional discipline? I know you come from the Department of Anthropology at the University of Sydney. Are you an anthropologist or are you a sociologist?

Dr BASHAM: I am an anthropologist but I have been trained in psychology as well. My field is split between the two and I focus particularly in anthropology on complex societies. I wrote a textbook a number of years ago called "Urban Anthropology: The cross cultural study of complex societies", in which incidentally I also discussed the issue of drug addiction as I had published a few articles on the topic about 23 or 24 years ago.

The Hon. R. D. DYER: Earlier in your initial remarks you said that you have worked in the past with police on issues relevant to this inquiry. I deduced from something you said that more recently that relationship is no longer subsisting. Could you tell the Committee what caused the breakdown in your relationship with the Police Service? I take it that you do not consult with them any more?

Dr BASHAM: That is not true. You misunderstood what I said. I said that if you want to talk about this in camera I can, this part of it whether I am consulting with the police and what I am doing.

CHAIR: Doctor, would you prefer to go into private session?

Dr BASHAM: I would rather have it as public as possible, but I do not want to get police in trouble by acknowledging that I am actually consulting with them if they need assistance. I think there has been interference at the highest levels with investigations and this interference has been for personal reasons that have to do solely with ego and nothing else. Although I had an appointment to the executive advisory group which, in effect, was supposed to be a kind of toothless police board, we were supposed to keep meeting and after Nagano—

The Hon. R. D. DYER: What year was this?

Dr BASHAM: This would have been 1998. I think, probably February 1998. After that I was also involved with the Olympic security group and her majesty's envelope stopped arriving. I took that to mean that I had been cut off but I was not told what my sins were. I was not informed. I continued to work with ordinary police up until I finished the biannual meeting of the Police Association. I was invited to give the last talk and I gave my talk on crime and the politics of policing. That night my wife and I had dinner with officers of the

association and the police commissioner and his wife and during that time, Adrienne Ryan asked me what had gone wrong in our relationship. I did not think a great deal had gone wrong and she told me essentially that I would have to back down, that Peter would never back down, that if I wanted to continue working with the police I would have to straighten up. I thought this was a bit absurd. Peter Ryan chirped in and we began to have an argument and Adrienne Ryan turned to me and said, "King Lear, that was your mistake. You have been cut off." So I took that as a kind of as formal notice as one gets in the Police Service. I have continued to be consulted by police. I would rather not say about what reason or with whom or whatever. I do not want to get these people into trouble. I have done it at no cost except for one case where I testified as an expert witness in a triad matter. The police officer insisted that I accept a small cheque for testifying. He said, "We want to at least acknowledge something."

The Hon. R. D. DYER: You said earlier that move-on provisions can effect a temporary improvement. Would you accept that move-on provisions, if taken as part of a whole, that is as part of a larger package, can be a legitimate strategy for the police to use, including in the Cabramatta situation?

Dr BASHAM: Absolutely. I have read the package promoted by the Premier and although I have not had time to dissect every bit, and there are obviously civil liberty issues that one wants to think about, at least, in principle it is hard to disagree with a lot of the proposals. Of themselves I do not think there will be enough but I think if I and my family were living in Cabramatta right now, I would be appreciative of any help, any assistance.

The Hon. R. D. DYER: You also said earlier that law-abiding citizens can be reluctant to co-operate with the police, and I take it you made that remark within the Cabramatta context. If I am correct in assuming that you are saying cultural or ethnic factors are influencing that reluctance, what in your view can best be done to overcome the reluctance of people who might have come from a war-torn background or have a different view of police from what we do? What can realistically and legitimately be done to promote a better relationship between local citizens and the police?

Dr BASHAM: That is what I was proposing in terms of having the community own their own police. I think the most important issue is for people to feel that the police really care about them and for them to get to know police over a period of time where they can develop confidence in them. The thrust has to be in terms of the police actually protecting members of the community at all kinds of levels. One of the things that is quite interesting about policing in my experience is that even when you arrest, say, a child of a family for a crime, if you treat that child fairly and if you treat the family fairly, you can establish a relationship that may be productive later on. It is a process where, at the moment, the police can be very wary and very upset and they get upset by people not co-operating in investigations. I have seen police develop a negative attitude towards people who can help them because they have misunderstood. Part of my effort has been to try to explain to them to put themselves in that position.

The Hon. R. D. DYER: How about the code of experience or, to use your expression, the white feather syndrome? How can the police deal with that unwillingness for whatever reason to inform to police?

Dr BASHAM: Basically what has to be conveyed to people is that police care about them and they are also able to protect them. That is a process that requires time and it requires an understanding that people can actually co-operate with the police and not suffer the consequences, not be threatened with death and forced to leave the country, forced to go underground, for example. You find even a problem with roll-over witnesses. They are reluctant to go beyond a certain point because it is pretty risky. You have to realise the problem. Being married to an Asian and living much of my life in Asian worlds, I have lived in Chiang Mai and been threatened to death by drug dealers. I know what it is like. You do not necessarily go to the police. There are ways of coping with this, but they are difficult. What we need to let everybody know is that Australian law really cares about them, that they are really part of Australia. I think one of the important ways to do that is by making the police local so that the people really own them. Part of the problem is that even when you go to a station and look around, if you keep seeing new faces all the time and these new faces look at you and they cannot even recognise your face because you all look alike or whatever, you cannot expect people to feel any warmth or closeness.

The Hon. R. D. DYER: You referred earlier to the language problem and you suggested to the Committee that it is hardly realistic for police to be fluent in Cantonese, Cambodian or other south east Asian languages. Is it feasible, though, for greater reliance to be placed on ethnic community liaison officers and for

the police, perhaps, at least to be able to exchange greetings and say, "Hello, how are you" and that sort of thing in ethnic languages? Do you think that is a step in the right direction?

Dr BASHAM: I think being able to use ethnic languages a little bit is a step in the right direction. If nothing else, it is a good occasion for laughter. People can laugh and have a good time with each other as they probably have not said what they thought they said. You can teach them to go and order a meal in a restaurant and the laughter is a great way of levelling things and breaking down. The ethnic liaison office is a more complicated issue. It is an intermediate stage and it is difficult to do much else but, on the other hand, ethnic liaison officers can quickly become gatekeepers. Some ethnic liaison officers, by no means all, are running their own agenda. That can be a problem so that it can be one more barrier to direct communication with police, but it is an intermediate level. There is not a lot you can do.

You need people who can speak both languages and translate. But excessive reliance on ethnic liaison officers is just like excessive reliance on the theory that you can bring in police from overseas and they will be able to fit in and function effectively. I think that is a mistake and it is another kind of short-term solution, but it is short term and is not a complete solution. What I am looking at is a process over time and, unfortunately, I do not think the last four years have not been very well spent. There are myriad reasons for it, and at this stage for historical reasons and organisational reasons it is worthwhile to revisit them briefly, but I am more concerned about where we go now. I would have liked to have had this conversation four years ago.

The Hon. G. S. PEARCE: Dr Basham, what did you think of the reaction of the Government and senior police to Tim Priest's appearance at this Committee?

Dr BASHAM: Well, I had a mixed reaction. First of all, I take it that Tim Priest is sincere, although I find it difficult to believe his charges concerning Clive Small. Knowing Clive Small, I do not believe for a moment that he would have neglected this information. Also knowing the way the Police Service operates, I am not sure it made it all the way to Clive Small. The problem is that there is a tendency for things to operate along networks of influence. Junior officers who send things up might not always receive the response that they think their hard-earned work deserves. Part of the real problem is often those people do not get back to them and they do not tell them what has happened, what they have done. Part of what I think is really important here, and I did not include it, is that there needs to be a lot more trust between levels of the Police Service, a lot more interaction. I alluded to basically my crime agencies and state intelligence thing that these local police officers when seconded could provide valuable input to the hierarchy.

I think that that would help avoid some of these problems. The other issues about Tim Priest's testimony and the Cabramatta school incident worry me because they are the sorts of things that one might expect to occur. I have no personal knowledge of the incident, but in principle it does not shock me. I do not see it as saying anything negative about Cabramatta High School. Personally, it bewilders me. I do not think that the majority of students, or any significant number of students, in Cabramatta would be involved in this sort of thing, but gangs have to recruit somewhere, and they also enjoy intimidating and extorting money from school kids. There is a great deal of extortion of school kids and university students going on all over the place right here. What I find worrisome about that is that the Police Service is just not retaining the information so that even when numbers like 108, 36, 54 and so on are used in extortion demands, you have to explain to people what they mean. There is a whole series of issues like this.

My understanding of what Priest's testimony represents is an incredible frustration at the local area command level—the officers are actually on the street—with what they see as a discontinuity between the world they are living in and the world that the Police Service at the higher level tells them they are living in. I think that a lot of this is probably frustration, and you can understand why. But I think that the problems are communication and different agendas at different levels of the Police Service. On the issue of responding to crime statistics, while I was away on sabbatical leave in San Francisco, also working on Asian crime issues, I made a point of getting in touch with people back here to express my concern about the way in which police crime statistics might be used. Particularly worrisome to me was the announcement, or the discussion, that Cabramatta had become a safer place in which to live than Woollahra.

The Hon. G. S. PEARCE: Or Roseville.

Dr BASHAM: Or Roseville, yes, and also the decline in arrest for drugs, which surely did not suggest that drug dealing had gone down. You have to put yourself in the role of a police officer in Cabramatta, particularly given the fact that Cabramatta is not a plum area, that a lot of junior police officers serve there, and

it is their first introduction to the service. One of the things that also worries me is that it sends precisely the wrong message to these police officers. We have enough trouble with attrition in the Police Service anyway—people get very upset, lose heart—and there are a number of problems in the Police Service that are not the fault really of the Police Service itself. There is the tremendous problem between sergeant and inspector, moving from enlisted to officer rank. The difficulty of people squeezing through that hurdle can become a serious problem, particularly when it is coupled with the concern that lines of influence and lines of networks decide whether or not you make it through that hurdle. I think that these are the sorts of thing that underpin the sense from Tim Priest that something is not right.

The Hon. G. S. PEARCE: What messages do you think are being sent by the constant criticism of the Minister for Police and the member for Cabramatta of this Committee's work?

The Hon. R. D. DYER: Point of order, Madam Chair. This witness is here to give his own evidence regarding his own perceptions of the policing problems and the police resources issue in Cabramatta. He is not here to give a running commentary on the politics of the whole situation, nor is he here to comment on evidence given by other witnesses.

The Hon. G. S. PEARCE: To the point of order, Madam Chair. My question related to the attempts by certain political forces to disguise the problem in Cabramatta, to say that there was no problem at Cabramatta, to say that the problem was fixed in Cabramatta. That is what I want to address.

CHAIR: I uphold the point of order because of relevancy. At the moment we are talking about the expertise of Dr Basham and not necessarily about political forces, so I ask the member to ask relevant questions.

The Hon. G. S. PEARCE: Which police were involved in and what was the nature of the seminar, I think you called it, in 1997 in Cabramatta on the heroin issue?

Dr BASHAM: Well, it was not really a seminar; it was called a heroin summit, the Cabramatta Heroin Summit. It met over three months at various times in Cabramatta. It was to try to cope with the problem, to try to come up with an understanding of what was going on and what could be done about it. The local area commander at the time, Jeff Cavanagh, was there. For most of them Chris Evans was there. There was another policeman who I would rather not mention because he is involved in Asian crime issues and heroin issues—a very senior individual—and there were other police who came and went according to various things, to provide their input to it. I was there. There was the magistrate, Greg Thompson. That may have been it. There may have been one other. A couple of people came in at different times depending upon what the circumstances of what we were discussing were. It was basically just to try to come up with solutions that we might have. It was cut short by a decision because—I will try to avoid your previous question.

The Hon. G. S. PEARCE: You can answer any way you like.

Dr BASHAM: There seemed to be political pressures for a quick, high-level solution, and they seemed to be coming from the top pretty quickly down, and the discussion was essentially terminated. There was the decision to run operation Puccini, although it came about some time later—I am not sure exactly when Puccini began. The last meeting we held I believe was in June 1997. Puccini went on some time after that. I went to the commissioner's executive advisory group, which was founded just after that, and I was focused from that point afterwards on the establishment of crime agencies, on which I had also been interested in working with the police before the commissioner's arrival, in any event, to restructure a kind of cleaner version of the CIB. So that is where it was sort of left.

The Hon. G. S. PEARCE: What concerns me is the pattern of high-level, quick-fix public relations fixes instead of a real commitment to analysing and coming up with real solutions to the problem. I think that seems to have been the pattern of the last three years.

Dr BASHAM: The whole heroin area is a very difficult problem. As you would know, in politics it is a very difficult thing to get into. I think somebody at some stage is going to have to step up and bite the bullet on it. The tendency to punt and hope it works is extremely strong in this area. I suppose at that stage you might say that we have not really tried it with this force before. Let us see what happens. I am less willing to impugn really negative motives initially, even though I was not happy personally with it. As I told you, about the only possible justifications for it would really be, aside from the fact that something good might come out, that it might spread the problem and relieve the people of Cabramatta somewhat from it. What has worried me more is that we have

not really moved beyond that or have not moved far enough. We are moving some way beyond it but we have not moved really beyond it.

We declared victory and went home or, as someone said recently, we took our eyes off the ball. I think a more accurate characterisation is that we hid the ball and denied we had seen it. That is a problem. It is a natural response to something that fails, but we need to sort of get beyond it. I am not even interested so much at this stage in assessing blame. At least initially in the Puccini period, even though there was real political pressure to move on I do not think that you could necessarily see it as cynical, at least at that stage. I am not even sure that politicians deserve the blame, or a significant part of the blame, for what I regard as the more serious problem. Once it was realised that it was not working and that you would literally have to keep the troops on the ground all the time, a perpetual Puccini operation, just to keep a certain area more or less free from the problem, there was an attempt to downgrade and hide it. That, to me, is the core area of concern. I do not think that came from a political level as such or per se. I think that that was certainly more of an internal policing decision.

The Hon. I. W. WEST: Dr Basham, am I right in assuming from the evidence that you have given us this morning that it is obviously a very complex area and not an easy fix? You have attempted to give us some solutions to that complex area, which involves a whole lot of cultural lifestyle issues. It is a problem that the police on their own, as you have said, find great difficulty in trying to solve. Am I right in assuming from what you have said this morning that in trying to find the solutions, the ownership of policing, which was one of the fundamental tenets that you raised as a solution, has some very fundamental difficulties because of the issues you have raised in trying to liaise with the community? Are you saying that there is no answer to that problem, does the answer lie in the police having relationships with everybody in the community, or does the solution lie with the police having their own people as liaison officers?

Dr BASHAM: What I am saying is that just because it is a very difficult problem does not mean that we have to ignore it. We certainly have to give the police credit for coping with a very, very difficult policing issue, but you have to police the people you are dealt, not the people you want to police. If the police were asked to police the people they wanted to police, in America they might want to police the Amish except for that difficult period in 1670, so the answer, essentially, is that I think there are a number of answers. If we expand it and talk about heroin, of course we cannot look for a magic bullet here. We have to come up with a whole series of solutions, including what Mr Dyer said. These recent proposals are part of the solution, but what I think we especially need to do is to establish relationships between individual police and the community for policing and quit looking, at least in the long-term, to people who are intermediates, to have the police come to others who will sort of stand between them and the community.

The Hon. I. W. WEST: I thought you said that was a failure and you cannot do that.

Dr BASHAM: No, you can do it. No, what I am saying is likely to be a failure is if you are expecting to teach people to speak an Asian language and to have them operate in Vietnamese or whatever. You can get a certain number of people who will do it, but first of all the problem is that the difficulty of learning a tonal language for Europeans is quite strong. The best way you can do it, I think, is to take somebody to Vietnam, to Thailand, to Guangdong province in China, or to Hong Kong to have them learn Cantonese. There is, of course, a real problem when you remove people from the community in order to bring them back into the community. It is difficult for the police actually to make the jump between learning a difficult language and actually becoming fluent in the language in Australia. On the other hand, just because it is difficult, it does not mean that there are not some benefits from trying. The longer term situation will come when, like I said, police are seen as locals and vice versa. I come from San Francisco, and one of the interesting things about San Francisco, aside from the fact that there are actually more Asians in San Francisco now than there are Caucasians—the police chief is Chinese-American—is that there are huge numbers of Chinese in the Police Service. It is certainly not seen as a frightening place to go into or seen as a situation where police will not be accepted and cannot be more mobile in the Police Service. Local Caucasian police who have grown up in San Francisco seem to interact quite well with the Chinese community. For example, there is a real tendency to co-operate with the police that we do not have.

The Hon. I. W. WEST: Sorry, Dr Basham, you are losing me now. Can I get back to the issue? It appears from what you are telling us that the police are trying to do the impossible.

Dr BASHAM: No, sorry, if that is what I said, that is wrong. Police who are involved in criminal investigations frequently try everything that is possible, but for ordinary policing, part of the problem is that we

have a notion of policing here where you police all communities as if they were the same. You have also have a notion of policing of what I call remote control policing which is becoming more so and which you can—

The Hon. I. W. WEST: Sorry, Doctor, what have the police in Cabramatta not tried?

DR BASHAM: Well, they have not tried to become locals or to relate to ordinary people. Individual police have sometimes tried that, but they have not received administrative support at the higher levels. There has been a tendency to shunt people in and shunt people out. There is also talk of closing the local police station in Cabramatta and moving to super centres and justifying it by saying, "We can use these high tech bells and whistles. We can sit in a police car, type in somebody's name on a laptop computer and get their photographs with their tattoos from a previous arrest and so on and match them, all this wonderful technology", but that is not the way crimes are solved. I was on the backpacker task force—

The Hon. I. W. WEST: I do not want to know about that.

Ms Lee RHIANNON: Considering the attempts of many governments to prohibit drugs has failed, whether that is alcohol in the United States of America or heroin and cannabis in many countries, do you think pursuing a law and order approach to heroin use, as the Premier has outlined, will lower crime rates in Cabramatta and other areas? Do you think regulated availability of heroin would be a way to remove the criminal element in the heroin trade?

Dr BASHAM: Well, I think that the law and order approach by itself is not going to solve the problem. Whether or not it reduces crime rates depends on how you define crime rates. The more important issue, of course, is the issue you talked about, treating the problem as a medical problem or a multicultural problem. I think in the long run that is an important part of it. Even methadone was essentially providing addictive drugs to drug addicts under the guise of medical treatment. Given the fact that heroin was off the table, it was easier to put methadone in there and say, "Well, this is what we are doing." Ideally, and I realise there would be enormous community resistance to this and so it is a very difficult thing to do, we should acknowledge that the chemical addiction aspect of heroin can probably best be treated at the least possible cost, reducing the cost of crime, reducing of the cost of policing, reducing medical problems, including gangrene and the whole series of issues and overdoses that come with it and reducing the problems in source countries like northern Thailand and Burma by implementing as one strategy the provision of heroin to certain drug addicts as part of a whole, always with the goal of getting people off.

In fact, one of the interesting things about heroin is that if you use it over time under restricted circumstances, it is not as unhealthy as you might think. There are a few problems with it. Once people have been introduced to the drug life they want the high rather than just not getting sick, so there is a tendency for them to try to detox to a certain degree so they can get the high again, decrease their tolerance and go back and enjoy it. There are certain problems that would still be criminal and there will be a tendency to deal with heroin on the streets. People who are provided heroin will want to deal it and so on. On the other hand, after a certain age, if people are still alive, they tend to kick it in any event. You do not get that many older addicts. One of the reasons that you do not is that a lot of them kick it.

The ultimate vision should be to encourage people to leave. On the other hand, I think it is important to keep them alive and prevent them committing as few crimes as possible while they are using. The problem, of course, is to avoid spreading the problem and particularly for politicians it is a very difficult bullet to bite. If I were interested in running for Parliament for one term and I were not interested in being re-elected, I would be quite happy to advance a series of proposals, but I think the talk shows would do me for dinner and so that would the end of my career.

CHAIR: I am sorry to interrupt, but because of time constraints could you make your answer brief?

Dr BASHAM: This is a difficult question and I do not want to be quoted as saying legalise heroin because that is not my intent. In order to avoid making a brief answer, I have to be circumspect because it requires a circumspect answer. Solutions are going to come as part of a package. A number of years ago I wrote an article called "Methadone Maintenance in America: Using our heads in our search for solutions." The old slang term for addict was head at the time and so I was making a pun on it. What I was basically saying was watch how they live their lives and as much as possible as we can tailor our solutions to things they will accept, with the goal of trying to minimise the criminal consequences of heroin addiction and also to try to get people off the use of heroin for their own good as soon as we can.

The Hon. J. HATZISTERGOS: Why has Cabramatta become over the period of time that you have been involved with it a distribution centre for narcotics, apart from the fact that we all know people involved in it may be of a particular ethnic group but the people who are actually the users, the addicts, are simply more diverse in their ethnic composition and we have been informed may not necessarily all come from Cabramatta? A lot of them come from outside the region. So why is it that Cabramatta has this reputation and why did it develop as a distribution centre?

Dr BASHAM: I think the train station has been a major factor. Cabramatta is well situated for addicts to get to the area, so that it is a convenient point for heroin distribution with people coming from all over Sydney and other areas. That is one major factor. If you are dealing illegal drugs you would certainly rather have the purchasers come to you than the other way round, so I think that is probably the crucial factor involved. I do not think it is because people have developed an interest in going out to Cabramatta for noodles or anything like that. It is just that the word has been there for some time. There have been obviously subsets of distribution throughout Sydney. The Cross has always been a problem. Redfern has recently become a problem, particularly as Aboriginal kids have been in prison with young Vietnamese kids who have been involved in it and so on. Given the fact that the ethnic groups initially involved had ready access to it and the transportation networks and the infrastructure were well provided, people took to it.

As part of the heroin summit, there was even a proposal at one time to close the railway station at Cabramatta. I do not know if you remember it but at one time you literally could not get off the train at Cabramatta without being approached by dealer after dealer. It was fighting through dealers at the train station. The reason it has persisted is for lots of reasons. The most unfortunate reason has probably been that because these people are marginalised it has been easier for lots of reasons to let it stay in this particular area than to have it spread. Given the fact that Cabramatta and Roseville are sister cities, you could imagine that if it were to spread to Roseville there would be a great hue and cry to have the people of Roseville subjected to this. But you can understand why people of non-English background, people who may have attitudes about police and authorities that we think are not right but from their perspective are put up with it to a certain point. It is interesting that most of the complaints have actually come from Caucasian Australians who have led the sort of attack on the heroin problem in the last few years.

CHAIR: I wonder if you can recommend to the Committee some kind of solution in relation to our terms of reference? Can you do that for the Committee?

Dr BASHAM: To elaborate a little further?

CHAIR: Yes, any solution to the issues that the Hon. Ron Dyer and the Hon. Ian West were asking you about. The Committee would appreciate that. On behalf of the Committee, thank you very much for coming and for your elaborate answers.

(The witness withdrew)

(Short adjournment)

ADRIEN MELVILLE WHIDDETT, General Manager Operations, National Crime Authority, 201 Elizabeth Street, Sydney, sworn and examined:

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

Mr WHIDDETT: I appear as a representative for the National Crime Authority [NCA].

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

Mr WHIDDETT: I did indeed, Chair.

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

Mr WHIDDETT: Yes, I am

CHAIR: If you should consider at any stage during your evidence that in the public interest certain evidence or documents you may wish to present to the Committee should be heard or seen only by the Committee, the Committee will be willing to accede to your request

Mr WHIDDETT: Thank you, Chair.

CHAIR: Would you like to make a statement or clarify your own professional experience and position?

Mr WHIDDETT: Yes. Thank you, Chair. I brought some material which might be of assistance to the Committee in terms of what the National Crime Authority is about. It is the most recent annual report and some other material. But, generally speaking, my background is 36 years in law enforcement. Up until June of last year I was Deputy Commissioner of the Australian Federal Police. I resigned to take on the present position. The National Crime Authority, I guess, could be described as a pretty good example of co-operative federalism in that there is Commonwealth legislation that underpins it and also legislation in each of the States, so the purpose of the NCA is to assist in overcoming, if you like, the shortcomings of federalism in terms of jurisdiction. It came about in 1984 following several commissions of inquiry, which not only drew attention to the rise in organised crime in Australia but also talked about the difficulties of jurisdictions combating that phenomenon singly. That is generally the situation.

The National Crime Authority is effectively a permanent standing royal commission with coercive powers and extraordinary powers. It also has been operational arm. The two major involvements for us are really understanding the criminal environment and trying to achieve law reform. For my part particularly, it is investigating organised crime and providing an intelligence background, if you like, as to developments in organised crime. The National Crime Authority is represented in every jurisdiction save for the Northern Territory and Tasmania, although of course it works co-operatively with those jurisdictions. The organisation is small in comparison with conventional law enforcement agencies, numbering only some 400 people and, therefore, can only concentrate on, if you like, the higher echelon aspects of crime and does not involve itself at the street level.

CHAIR: Could you tell the Committee from your longstanding experience, particularly in organised crime, why Cabramatta has become the centre of drug distribution in New South Wales since about the 1980s?

Mr WHIDDETT: I think you have to understand that heroin is an imported drug. It comes chiefly from South-East Asia. Connections between people in those countries and some of the ethnic groups in Australia makes facilitates the movement of drugs. It just happens to be a situation of geography and circumstance, but that is the principal reason for it. So it is not just limited to places like Cabramatta, although for New South Wales Cabramatta is a phenomenon.

CHAIR: Can you describe for the Committee the South-East Asian organised crime network?

Mr WHIDDETT: I think when you look at the organisation of any group there are great similarities. While they certainly delve into criminality, there are also components of general organisation that would exist in

any formal organisation, whether it is transportation, finance and the movement of goods generally. The difficulty with organised crime generally is that South-East Asian organised crime does not differ an awful lot from what the intention is; the objective is always to gain profit, power and influence, and South-East Asian organised crime is no different. In each of these groups there are peculiar examples of how they operate, so there are slight differences in the way that, say, South-East Asian organised crime works compared with other areas, but language, culture, knowledge of their community, and a sense of understanding the dynamics of how they work is a part of the organised crime arrangement. But it is true to say that these groups will work with and alongside groups of other ethnicity, so it cannot just be confined purely to people of South-East Asian origins.

CHAIR: Are you saying that Cabramatta actually is controlled by groups of other than South-East Asian networks?

Mr WHIDDETT: It is not actually controlled, but where you have groups of people concentrated that are of like mind, it makes the law enforcement aspect on the ground that much more difficult.

CHAIR: How has the National Crime Authority been co-operating between the authorities with the local command in Cabramatta in relation to the crime network?

Mr WHIDDETT: The arrangement in the NCA is that we have police seconded to our offices from the jurisdictions, so there are New South Wales police seconded to the National Crime Authority, as indeed there are other police. Those police work with us in relation to references that the National Crime Authority has, and one of those is South-East Asian organised crime. We co-operate with crime agencies, and we co-operate from time to time with agencies on the ground in these areas but not on a regular basis. It is more the higher echelon of importation and distribution, getting understanding of, if you like, the pathology of these groups rather than actually working on the ground, although we will provide information to and collaborate with agencies that are directly involved at the sharp end.

CHAIR: From your experience, do you think that the Cabramatta local command has effectively used the intelligence that you provided?

Mr WHIDDETT: I think this is a difficult area to speak of. We provide intelligence and how that intelligence is used is a matter for agencies, but how police operate on the ground in real situations is not necessarily as a result of the success or failure of intelligence. It has to do with a lot of other dynamics. It can be a factor, but I know of no particular reason why that would be the case in Cabramatta.

The Hon. J. HATZISTERGOS: What success has the NCA had in Cabramatta?

Mr WHIDDETT: Since about 1998 there have been about eight or 10 operations involving people who have been sought from that area as a result of convictions. The precise details of which I do not have, but there has certainly been some notable successes in the last three or four years.

The Hon. J. HATZISTERGOS: What impact is the current shortfall in heroin supplies generally having to your knowledge on the drug problems in Cabramatta?

Mr WHIDDETT: There has been much written on this and debated. I do not think we can take comfort from figures that either show a reduction in supply or, for that matter, a heightened supply. There tends to be peaks and troughs in this regard, but the reality is that supply in Australia and in New South Wales in particular has been pretty constant and the purity has been pretty good. So I would take a lot more comfort if some of these figures for reduction were extended over a longer period. It is true to say that there has been a number of notable seizures of drugs both abroad and at the barrier which would contribute to reduction in supply, but my own view is that that would be very much a short-term reduction.

The Hon. J. HATZISTERGOS: Are you satisfied at the moment with the work that is being done to prevent the importation of illegal drugs into Sydney in particular?

Mr WHIDDETT: I think we have to be realistic. With Australia increasingly being interdependent with the rest of the world and globalisation continuing at a pace, trade will necessarily mean an increase in containerised goods that come into this country. The reality is that it will not be practical to be able to test every container that comes across our borders or every individual and every piece of cargo. It would be impossible to

stem the supply of drugs completely. I think that is just not within the capacity of any law enforcement agency, no matter what resources were thrown at it.

The Hon. J. HATZISTERGOS: Is there a response to the increasing globalisation and the increasing number of containers coming in?

Mr WHIDDETT: I think you would have to address that to the authorities involved in that area.

The Hon. J. HATZISTERGOS: Are you satisfied with the work they have been doing?

Mr WHIDDETT: I can say that the body such as Customs do the best they can in the circumstances that they presently confront. I think it is a case in every country in the world that it is not possible to stop this phenomenon simply by interdiction at the barriers.

The Hon. G. S. PEARCE: Has any of the information that you have supplied to the New South Wales police leaked or got back to any of the crime gangs?

Mr WHIDDETT: I have no knowledge of that, no.

The Hon. G. S. PEARCE: What impact do you think a real clean up of Cabramatta has had on the drug trade generally in Australia?

Mr WHIDDETT: I think that while every effort could be made to do something in Cabramatta and no doubt that would make an effort, make some result, the likelihood is that the dealers and addicts will move somewhere else. This has been the situation in many countries of the world where law enforcement can suppress the phenomenon but it can never, ever stop it. The people who ply this trade are wily because there is a lot of profit in it and as they gain more confidence and they gain more assets, they are able to use methods that thwart conventional law enforcement activities such as we have seen already with the fortification of premises. That phenomenon has occurred in other parts of the world as well where it is used, if you like, to cause an interruption in the flow of evidentiary material that might be capable of being used. So I do not think it is possible simply to eradicate this phenomena in a place like Cabramatta or anywhere else, for that matter. While there are people who want to use heroin and while heroin is available, people will use it.

The Hon. G. S. PEARCE: You mentioned the fortification of premises. Is that the pro-active information that you would supply to the New South Wales police?

Mr WHIDDETT: I think in that case it is palpably obvious when they confront these places but law enforcement agencies both here and abroad are aware of this particular thing. In some parts of the United States and elsewhere places are being fortified, using deadly weapons, traps, especially trained dogs, so it is not unusual for this to be confronted by law enforcement officials abroad and we are just seeing it here now.

The Hon. G. S. PEARCE: How long has it been going on in Cabramatta?

Mr WHIDDETT: I have no idea.

The Hon. J. HATZISTERGOS: You have heard of the recently announced initiative to effectively deal with that phenomenon by reversing the onus of proof on places that are suspected of being used as drug houses. What impact do you believe that could have?

Mr WHIDDETT: This gets into the area of public policy as to what sort of laws are to be tolerated by a civil society. I personally think that a lot of the laws that police work with in the area of drug investigations are inadequate. They need review. Certainly there needs to be oversight and monitoring of how they are used, but a lot of the laws that police work with are nineteenth century laws for a twenty-first century manifestation.

The Hon. R. D. DYER: I understood you to say earlier and to make it quite clear to the Committee that the NCA does not have an operational role regarding Cabramatta. How would you describe the NCA's role? Would it be one substantially of intelligence gathering?

Mr WHIDDETT: There are task forces. When I say we do not work in Cabramatta, that is not correct. We do not work on the ground in Cabramatta. We are not involved in what may be described as the buy bust or

regular activity, but we have an interest in key identities involved in the major upper echelon of the supply chain. In that regard, perforce we were led to places like Cabramatta but we work more at that upper end of the organised crime trail.

The Hon. R. D. DYER: I certainly do not expect you to tell the Committee any detail of operational sensitivity. However, could you describe for the Committee the general nature of the interaction between the NCA and the New South Wales Police Service as it might impact on the drug problem in Cabramatta?

Mr WHIDDETT: Because the National Crime Authority is effectively a creature of all the jurisdictions and it has coercive powers, when we are acting under the reference, we can use our coercive powers in terms of bringing people forward to hearings where they are interviewed at hearing level and for notices to be issued for people to appear and present documents or produce themselves at these hearings. So we can work in a task force arrangement. Because drug traffic generally is right across Australia, we have to work with task forces across New South Wales into other States. It is not unknown for many of the suppliers in New South Wales to travel as far away as Perth and other States for the purposes of the trade.

The Hon. R. D. DYER: You were asked a short time ago about drugs being imported into Australia. The Committee is not substantially inquiring into that. However, would you agree with me that an important element in the equation of dealing with the drug problem in Cabramatta would be to inhibit and, one would hope, ultimately stop drugs being imported at points of entry to Australia?

Mr WHIDDETT: Well, that would be the absolute ideal, but whether it is feasible, as I mentioned before, you would virtually have to interrupt and search every container, every person, every piece of cargo that entered the country, and that would be impossible, prohibitive and simply overbearing. It is not capable of being done. The best that can be done is a lot more interaction between law enforcement agencies at the international level and a lot more intelligence being achieved as to what we may be able to do in those countries at source. This does happen. The Australian Federal Police, for example, has an international network with representatives in some of these source countries. They work very closely with law enforcement agencies in those countries and there have been some outstanding successes over the past few years. In my own view, international co-operation has increased in the last 15 years. The only hope from a law enforcement point of view is a lot more collaboration between co-operative nations.

But the whole question of demand is an issue for society as a whole. Law enforcement alone will not counteract this problem. This is a major social issue, and law enforcement can only do so much. I am continually asked the question, why are we not doing more at the barrier. The reality is that it is impossible to do that.

The Hon. R. D. DYER: When you say it is impossible to do it, it may be impossible to totally prevent dangerous drugs being imported, but you are not saying to the Committee, I hope, that there should not be a maximum effort to inhibit heroin and other drugs being imported?

Mr WHIDDETT: No, I would not suggest that at all. But you have to understand that there is a change, too, in what may be of interest in the drug traffic itself in that a lot of the producing countries, countries that traditionally produce heroin, are now suffering from the growth of synthetic drugs, amphetamines. A lot of those drugs are created here in Australia. They are not imported. So the problem is right on our doorstep. Increasingly, there are polyusers of drugs and even in south east Asia, for example, in countries such as Thailand, Laos and Burma where the heroin trade is rife, they are finding there is a rise in the effect of synthetic drugs on their own populations, and this has now become another phenomenon. So those drugs are usually home grown, although some are sourced from Europe.

The Hon. R. D. DYER: I accept the truth of what you are saying. However, could I put this to you: you appear to be displaying some reluctance to confront the central problem of drugs being imported into Australia. In answer to the last two or three questions, you were saying in various ways why it is difficult. However, I am asking you to assent to the proposition that it is desirable and any reasonable steps ought to be taken to stop drugs being imported in the first place.

Mr WHIDDETT: I do not resile from that at all. That is self-evident. All I am saying is that as a matter of reality, the United States and other countries have thrown vast resources at this, including the full power of the military, if you like, and it still is not being stemmed.

The Hon. R. D. DYER: I refer briefly to the annual report of the NCA for 1999-2000. I only had access to it this morning and I have not properly absorbed it. However, there is a reference to what is apparently called Blade Task Force dealing with south east Asian organised crime.

CHAIR: What page is that?

The Hon. R. D. DYER: Page 32, chapter 3 of the annual report. The task force was apparently formed in August 1995. Could you indicate for the Committee how South-East Asian crime syndicates, or however one might properly describe them, operate, how one might perhaps distinguish them from other aspects of organised crime?

Mr WHIDDETT: As I mentioned earlier, I think that in investigating crimes that involve people of cultures and language that are not that familiar to the investigating agencies, whether it would be South-East Asian organised crime or perhaps Russian organised crime, there is the fundamental difficulty of really getting under the skin of the culture, the language and the dynamics of how these groups operate. It is part of the role of the NCA to do just that. So there is no particular type, but it is true to say that it is difficult for law enforcement agencies to, if you like, penetrate South-East Asian organised crime when there are as a reality so few police of those origins. There are a number of reasons for that. I have heard it said that police do not wish to recruit, but the reality is that many of these people come from countries where to be a member of a police force is not considered a good thing because the police in some of these countries are not held in high repute. So that is the first thing. They do not wish to be a part of policing.

The other issue is that often they would prefer to be seen as policeman in the whole, not a policeman who is simply being used to work in the communities from which they come. So there is a concern. They are alienated by the fact that they are being required to work in an environment that is of that nature. Those are the difficulties, I think, and we all confront those difficulties. A lot of the work that is involved, without going into the details, is proactive but requires electronic surveillance and other forms of surveillance. There are language barriers in that. Many of the groups use their own special dialects, or dialects that have been created over a period of time, which are very difficult to penetrate. It would not matter if it was South-East Asian organised crime or Russian organised crime; we would have the same problem. It is just that for Australia and for Cabramatta, if you like, at the present stage, it happens to be South-East Asians. Whether they came from the Middle East or whether they came from what was the former Soviet Union, law enforcement traditionally in this country would have some difficulties dealing with it.

The Hon. R. D. DYER: One of the continuing themes in this inquiry, in my view, is that it has been said, as you said just now, that many people in the Cabramatta area who come from a South-East Asian background do not respect policing as an occupation for various reasons. There is said to be a code of silence and there are other difficulties. How best, if at all, can that reluctance to co-operate with the police be overcome?

Mr WHIDDETT: I think it cannot be overcome overnight. In all those communities, whether they are South-East Asian or whatever, there has to be a core of individuals, and there always are—the citizens—who want things to be different, want things to be better. The police have to work with those people, and I am sure that they are in Cabramatta and elsewhere, and do their best to change it. What we find in this area, and people know this to be true, even with our own people, is that we are talking about an age group too that is not always accepting of the blandishments of their parents or their civic leaders, and that is an issue. A lot of these people, not just South-East Asians, come from impoverished circumstances. Drugs provide a very lucrative income. The risk is worth the prospect of being caught. Therefore, you have, I guess, an encircling problem. It is a problem on several levels. The best the police can do is simply to work closely with the community and try to understand the social dynamics as well as what are palpably the criminal ones. It is a very difficult area, and I suspect it will take a lot of time for this to change.

The Hon. R. D. DYER: Are you saying to the Committee this morning that essentially the Cabramatta drug trade is principally controlled by South-East Asian crime?

Mr WHIDDETT: I can say from my experience that the heroin market is dominated and controlled by South-East Asian organised crime figures. Now, as I say, I am not an expert in Cabramatta per se, but if there are people from those countries present there, the likelihood is that their dealers and others will be of that origin as well.

The Hon. R. D. DYER: It is said in the annual report to which I made reference a short time ago in regard to Task Force Blade, first formed in August 1995, that a principal objective of that task force is to disrupt South-East Asian organised crime [SEAOC] activity. What would your assessment be in the years that have come and gone since 1995 of the success or otherwise in disrupting, to use the term used in the annual report, SEAOC activity?

Mr WHIDDETT: Well, as I said previously, I have been with the National Crime Authority only since June last year. I have had the benefit of looking at what roughly 400 people have done over the last few years, including the period covered by the annual report. I think by any measure it is pretty impressive. You have to connect to Blade another reference called Swordfish, which was about money laundering fraud on the Commonwealth. The Swordfish reference has been about recovering the proceeds of crime, and it has also recovered quite a lot of proceeds over the period. You have to connect Blade with Swordfish, so, arguably, I think the result has been pretty good. As I mentioned previously, even since 1998, just reviewing some of the cases, we have had 10 major matters involving South-East Asian organised crime figures in the vicinity of the Cabramatta area and elsewhere. The organisation is very small—we are talking about 400 people spread across Australia in all States except Tasmania and the Northern Territory—so there is not a huge number of people thrown at this.

The Hon. R. D. DYER: You may well be aware that the Premier said earlier this week that the price of heroin had risen sharply in the last three months. If that is the case, is that a result of a reduction in the supply of heroin and, if so, what would you say the main causes of that reduction are?

Mr WHIDDETT: As I mentioned previously, in recent months there have been some fairly major seizures of heroin. That would account for a downturn in supply, but the reality is that I do not think, as I said earlier, that we can take much comfort from that until those figures are sustained over a period. The reality is that the supply of heroin seems to be reasonably constant over a period of time. The price is lowest in New South Wales. Over the period of years, the heroin price has got lower right across Australia, so I think you can take a bit from there. The purity level has increased. Of course, the price is associated with purity, so it is a bit misleading just to talk simply about price. You have got to talk about purity, but the trend has been towards higher purity, cheaper prices and a supply which has been fairly constant, with some interruptions, as spoken of earlier, but demand constant.

The Hon. R. D. DYER: Why is the price in New South Wales less than elsewhere? Is that a function of most of the heroin coming in through the port of Sydney?

Mr WHIDDETT: Well, Sydney, I have to say, is the hub for that and it is also, I have to say, the hub of organised crime generally.

The Hon. R. D. DYER: In answering my question, are you saying that the fact that it is said to be of a lower price here flows from the point of entry being Sydney?

Mr WHIDDETT: That is part of it. Without going into the operational details, there are a number of cases where identities from Sydney have plied their trade as far away as Perth and other States, but all roads lead to Sydney.

The Hon. R. D. DYER: You have said that the proposition I put to you is part of the problem. What are the other parts?

Mr WHIDDETT: I think you have to say that the centre of heroin distribution is here in New South Wales. You are probably seeing it in Cabramatta more because it is concentrated and it has been very highly publicised, but it exists everywhere. It is just that it is in a concentration which has drawn attention to itself more vividly than in perhaps other parts of the State.

The Hon. J. HATZISTERGOS: I was just curious reading the publication that you have given us, the annual report, about the drop off in the number of seizures relating to heroin from 1999 to 2000 from 59 to 49. The number of seizures for cocaine went down from 7 to 3; amphetamine about the same; cannabis went down from 41 to 31. What is the reason for the drop off in the statistics in one year to the most recent statistics that we have, which is last year?

Mr WHIDDETT: Well, they are simply statistics for the National Crime Authority. You have to look at statistics for Customs, the AFP and other bodies to get a picture of what procedures were across the board but, as I said, there are always peaks and troughs. If it was a factory turning out, say, toggle bolts and there was a reduction in a particular year, one would say, "Well, something has gone wrong here with the production line." We are not talking here about a trade that is so coherent that it gives rise to figures which are pretty much arithmetic or whatever. One year there will be a drop in what is seized and the next year there might be a huge increase. A lot of this is simply down to chance, good intelligence, just operational events that occur. So it is different if you are looking at it from the point of view of a factory or a manufacturing industry where there can be quite peculiar figures. You have to look at it over a number of years. But what we can say over a number of years is that there has been a steady increase in all indices to do with drugs. Seizures have increased, and that is a product of better intelligence, but it is also a product of more importations. There is no doubt about that. I see, at this point at least, no relent in the trade.

The Hon. G. S. PEARCE: Just one point of clarification. The Hon. R. D. Dyer was asking you about the increase in the price of heroin, and you said that it was primarily due to the recent seizures. I think that he was trying to get you to comment on whether that price increase has had anything to do with the increase in the arrest of suppliers and dealers particularly in Cabramatta.

Mr WHIDDETT: Again, that will occur. I cannot actually say that is the case in Cabramatta. It is true to say that heightened police activity in certain locations will cause a downturn of activity in that location, but data simply on arrests and seizures alone does not really give you a feel for the extent or depth of the problem. It is just simply a phenomenon of what you have located in a certain place at a certain time. We have figures that say that at a certain place at a certain time police did certain things, and a concentration of police activity will, of course, give a result that will show successes, but we have to look at these things, I guess, in the long-term—what will be the long-term effect of seizures; what is the long-term effect of sustained police action; will it decrease demand; will it have an effect in the long-term on supply; and, ultimately, will we get on top of this issue? That is the long-term question. But there are just so many social issues associated with this which I do not think, from my reading of a lot of the debate, get as much attention as perhaps they should. I am asked questions about interdiction at the barrier and I am asked about whether police can do more at Cabramatta, but there is a whole range of things that have to be addressed by society generally as to why we have such a high uptake of drugs by our young. Why has Australia got, for example, one of the highest suicide rates in the world amongst its young? These are the things that need appropriate attention. The police simply provide a reaction to a problem doing the best they can in the circumstances with the resources that they have, and that is the reality.

The Hon. I. W. WEST: Can I deduce from that, Mr Whiddett, that what you are saying is that after the National Crime Authority's investigations with Blade, Swordfish and Panzer, with Freshnet and the Cabramatta activities of the police in terms of Operation Puccini, Operation Hammer, Operation Portville, Operation Scotsville, the cameras, the dogs, all those activities, we really are getting to the stage where, if I am understanding what you are saying, the police are doing everything possible but we really need to get to the social issues.

Mr WHIDDETT: As I say, I cannot speak about what is happening on the ground in Cabramatta. I do not know and I am not involved in police tactics there, nor should I be. All I am saying is that you reach a point in the debate on drugs where law enforcement action can do so much and then there is really an end to it. Society has to make a decision on how far they are prepared to go with any action that needs to be taken. So a lot of the issues are very much bound up in social issues, but I am sure that the police pitted against these things do so in a way that is well-intentioned, working with the resources they have. I have found in the last 30-odd years of law enforcement that you are very much in the group of what is required by society, what resources are made available and the law you can work with at the time.

The Hon. P. J. BREEN: You indicated that the police operate on the ground with the benefit of intelligence from the NCA. Can you give an example of the kind of intelligence that you might have provided to the police at Cabramatta?

Mr WHIDDETT: I cannot give you that precisely, but I can say that we have provided information to bodies such as crime agencies and other agencies, both Commonwealth and State, over the years about pending importations of narcotics, pending distributions.

The Hon. P. J. BREEN: Importation would not directly affect police on the ground at Cabramatta, would it?

Mr WHIDDETT: Well, it has the effect that eventually it has to go somewhere. It comes from a foreign country across the border, it is picked up, taken to a place or places, broken up, distributed, cut and it spreads out from there in an ever descending cascade of individuals.

The Hon. P. J. BREEN: So the kind of information you provide would be at an international level and presumably at some kind of customs level. Would you provide information about who the local crime syndicate people are, who they might target, who are suspects and that kind of thing?

Mr WHIDDETT: Indeed, that information is provided and it is provided through the task force arrangements, not just to police in New South Wales and Cabramatta but to police everywhere. The dynamics of this industry are the same right across Australia. It just has different inflections in different jurisdictions.

The Hon. P. J. BREEN: Would you be providing information, for example, about fortified premises, how they operate and how to deal with them?

Mr WHIDDETT: We would not necessarily provide that because New South Wales would be familiar with it. I can say from my own knowledge that that type of approach by major distributors has been a long-standing issue in other parts of the world. The fact that it has been used at Cabramatta would be of no surprise to police who have been around a long time. It is just a method used to delay or deny police information or evidence.

The Hon. P. J. BREEN: Is the response of police at Cabramatta consistent with responses overseas?

Mr WHIDDETT: I have no idea. I cannot speak to that.

The Hon. P. J. BREEN: What about the question of evidentiary material and needing new powers? You said it was a matter of public policy, but do you have a view about whether police do need new powers at Cabramatta?

Mr WHIDDETT: It gets down to what the Legislature and what others think is required. For example, if police are not securing convictions based on the fact that evidence is being lost, destroyed or made unavailable through means such as those of fortification or other means, that is a judgment to be made based on tests. The tests are, yes, we are confronting this issue daily but we are not able to secure the evidence, or cases are failing because of the lack of evidence. Then, I guess, it is a matter for other others to decide whether or not police have been successful and whether they should try to increase their chances. So it is really a public policy issue.

The Hon. P. J. BREEN: Do you have any experience of the law overseas where they might as a matter of public policy change it to reduce the evidentiary requirements?

Mr WHIDDETT: I think every country of the world from time to time has to consider the nature of crime that besets them and make a decision as to whether the laws are currently sufficiently efficacious. As time moves on, crime becomes more sophisticated. A lot of the laws that exist on the statute books do not countenance the sort of behaviour that is occurring, so they have to be changed. That is just a matter of reality. I suppose every society confronts that all the time. It is a continual process of change.

The Hon. P. J. BREEN: Is it happening overseas that they are introducing laws where people are arrested on suspicion or without what would normally be regarded as a reasonable amount of evidence?

Mr WHIDDETT: I do not have great familiarity with all the laws overseas, but certainly in the United States, the United Kingdom and other parts of the northern hemisphere there have been changes to the laws to enable law enforcement agencies and police to deal more effectively with the drug traffic simply because in many parts of the world—it has not happened here yet so far—extreme measures are taken by drug trafficking groups abroad to counter law enforcement agencies, including the assassination of officials. So I think law has to change to reflect those realities in different parts of the world.

CHAIR: On pages 16 and 17 of the 1999-2000 annual report of the National Crime Authority, there is a discussion of understanding the criminal environment. On page 17 the following statement appears:

Traditional law enforcement powers and strategies are unlikely to achieve lasting results.

In your view, what are the implications of this for policing in Cabramatta?

Mr WHIDDETT: Again, there is controversy at the present stage about the NCA's powers and whether those powers should be increased. The likelihood is that, as crime becomes more sophisticated and more difficult to investigate, there needs to be bodies such as the National Crime Authority and the New South Wales Crime Commission to have extraordinary powers that would not normally be given to conventional policing to assist in investigation of crimes that cannot be investigated by conventional means. In other words, people called before hearings and questions demanded of them or demands that they bring forth documents and present themselves. It is true to say that over the years, police powers have increased and policing in Australia as it reached in Westminster in 1829 and the powers of police officers today are very similar to the powers of a magistrate in 1829. So whether or not the legislatures will provide police with greater powers to do their jobs without having to resort to bodies such as the National Crime Authority is a matter, again, for public policy. There is a lot to be said, though, for police discretion, if you like, and that is part of the police independence, to provide that additional discretion, providing that there is sufficient oversight. But for the time being, at least, those powers are not available to police. They repose in agencies such as the National Crime Authority that do have quasi-judicial people at the top. In summary, gradually by a process of osmosis and history, there will be an increase in police powers and, I suspect, given the nature of some of the crime today, it will be required.

CHAIR: Are you implying that there should be more joint task forces between local police, the National Crime Authority and the Crime Commission?

Mr WHIDDETT: The problem with the Federal system is that the sort of crime we are investigating now at so many levels does not respect boundaries and that is evidenced by what occurs internationally, apart from what occurs in Australia. Even the crime that occurs in Australia, unless it is Commonwealth crime, if it is State based, it can only be investigated by that State. But criminals move across borders quickly, and the NCA, because it is only a small body, can assist in being the glue, if you like, to allow the several jurisdictions to work co-operatively in relation to a handful of matters. But I emphasise that it is only in those matters probably at the highest level because we do not have the resources to do otherwise. It would be far better in many ways if a lot of the laws of Australia were harmonised so there was this capacity to move more readily across barriers. Quite frankly, we have to go through the same high jinks in Australia to go from one State to another as we would to go from Australia to a foreign country. It is almost as if we comprise a series of foreign countries in our own land. It makes law enforcement and many other areas of social life exceedingly difficult.

CHAIR: You are saying we should change some of our criminal codes between States?

Mr WHIDDETT: It is happening in some areas, but it needs to happen apace. Globalised crime is a serious phenomenon. It will increase and we will see a lot more of it in this State and elsewhere.

CHAIR: Thank you for giving your evidence to the Committee.

(The witness withdrew)

PHILLIP ALEXANDER BRADLEY, Commissioner, New South Wales Crime Commission, 453 Kent Street, Sydney, affirmed and examined:

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

Mr BRADLEY: I am appearing as the Commissioner of the New South Wales Crime Commission and the recipient of a summons.

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

Mr BRADLEY: I did.

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

Mr BRADLEY: I am.

CHAIR: If you should consider at any stage during your evidence that in the public interest any evidence or documents you may wish to present to the Committee should be seen or heard only by the Committee, the Committee will accede to your request. Would you like to make some brief statement about yourself and your role and perhaps the role of your agency?

Mr BRADLEY: It is probably useful if I say something about the Crime Commission because very few people know who we are and that is partly as a consequence of our deliberate policy of not publicising who we are and what we do. The Crime Commission is a statutory corporation. It has special powers of investigation which flow from references given to us by the management committee which consists of the Minister for Police, the Chair of the National Crime Authority, the Commissioner of Police and Commissioner of the Crime Commission, myself. The management committee is, in referring matters for investigation, to give high priority to drug trafficking as well as other organised crime. The commission also administers the Criminal Assets Recovery Act, which is a civil-based form of litigation for the confiscation of the proceeds of crime. We have a number of extant references which impact on the subject of this Committee's inquiry, including one into south east Asian organised crime and money laundering, another into arms trafficking, another into murders and a number of others which are less relevant.

We have the power, as you have heard in the case of the NCA, to compel witnesses, though in our case witnesses are not entitled to refuse to answer questions on the grounds of self-incrimination. We also have the power to compel production of documents. We can execute special search warrants, tap telephones, use listening devices and various other pieces of legislation, including controlled operations, assumed identities and witness protection. We do not employ any police but we work with police task forces that are usually assigned pursuant to arrangements under our Act to assist us in investigation of our references. Under the Criminal Assets Recovery Act, we have a range of powers which are exercised, usually through the Supreme Court, in getting documents, compelling people to answer questions, again, without the privilege of self-incrimination and we can confiscate the proceeds of crime and obtain proceeds assessment orders to compel people to pay money to the Crown. We are a small agency with less than 100 people. We have a budget of around \$10 million and we recover about \$12 million from criminals every year. We have been involved in matters touching Cabramatta from time to time, and I can deal with that in more detail if you wish. We are currently involved in broader inquiries which impact on Cabramatta because of the prominence of south east Asian heroin importers and distributors. I think that is a summary of what we are and what we do.

CHAIR: You were saying that you have investigations in Cabramatta. Will you be able to tell us in open session or in camera some of the activities in relation to our reference?

Mr BRADLEY: Yes. You have probably heard of a thing called Operation Coltsfoot, which started in 1995. That was a collaborative effort between the Commissioner of the New South Wales Police Service and the AFP, which looked at particular problems in Cabramatta. It took a number of forms in terms of the way in which the investigations were conducted. It seized quite a bit of heroin and apprehended quite a few offenders. Many of those, however, were street-level dealers, who were apprehended by the use of undercover police buying small quantities of heroin on the street and at the railway station and things like that. The commission played a modest part in that. We essentially saw the police activity as a source of information, a source of

witnesses and a source of informers, and that information was used to apprehend some others, the most significant of which was an operation called Tamarind, I think it was, in which 78 kilos of heroin were found to be contained in an importation of pineapple. That operation continued, I think, until about 1998, when the resources were more or less redeployed to a thing called the Joint Asian Crime Group, which is a joint effort by the Federal Police, the State police, the NCA, the Crime Commission, and the Customs. It focuses on Chinese importers and distributors, they being the main importers and distributors of heroin, and that has an impact on the subject matter that you are interested in, because it is mostly Chinese heroin that finds its way on to the streets of Cabramatta.

CHAIR: Mr Bradley, before you go on, I would like to clarify a point. Would you have preferred that you speak to the Committee in confidence in closed session or are you very clear that you are quite happy to speak in open hearing?

Mr BRADLEY: I think that a private session would be more conducive to candour, but I cannot really anticipate all the questions. I am happy for it to go on in this way for the moment, if you are.

CHAIR: Please continue. I am sorry to have interrupted.

Mr BRADLEY: That is okay. I have finished.

The Hon. R. D. DYER: Mr Bradley, I would like to put some matters to you that emerged from the annual report of 1999-2000 of the New South Wales Crime Commission. In paragraph 2.110, the commission says:

Like the UK, Australia has seen a significant level of organised crime involvement in private security firms and club ownership with clubs often acting as drug distribution points.

What are you able to tell the Committee about that comment and what success have you achieved in dealing with the perceived problem?

Mr BRADLEY: To answer the second part first, I do not think that a great deal of success has been achieved. I think it is fair to say that there have been a number of instances of illegal activity by security firms in places such as Kings Cross and clubs in places such as Kings Cross.

The Hon. R. D. DYER: Pardon me. We might be able to shorten this. This passage does not refer to south-west Sydney?

Mr BRADLEY: Not directly, no, although—and I can certainly provide more information on the subject—I am aware that there is one establishment in south-west Sydney which is thought to be involved in the process of distribution.

The Hon. R. D. DYER: The annual report states in paragraph 2.112:

There are a number of gangs in the south-western suburbs of Sydney with total membership comprising more than 100 youths aged between 15 and 20. The gangs are defined by territorial boundaries and members are often associated by family ties.

Mr BRADLEY: Yes.

The Hon. R. D. DYER: What do you have to say about that? What success has been achieved in dealing with that matter?

Mr BRADLEY: There are two types of gangs distinguished on the basis of ethnicity. There are the gangs who share Lebanese ethnicity and those who in the main have Vietnamese ethnicity. There are, or were, two main gangs in the Cabramatta area, Vietnamese gangs, headed by a couple of individuals, and there was a lot of violence arising out of rivalry between those, largely over drug patches. The precise size of those gangs was probably not as large as some of the Lebanese gangs. A good deal of success has been achieved against both groups, probably more in the Lebanese area than the Vietnamese area, in terms of apprehension and people presently in custody. There are prosecutions going on as we speak.

The Hon. R. D. DYER: In paragraph 2.118 of the commission's annual report it is stated:

Home invasions are also commonplace and not all of these are reported. The commission has noted an increase in the incidence of offenders resorting to serious assault using firearms including pistols and more recently, fully automatic weapons which are readily available at low cost.

To my knowledge pistols have always been required to be licensed and the firearms legislation in this State was tightened up some years ago regarding automatic weapons. What comment can you offer the Committee regarding the apparent ready availability of pistols and fully automatic weapons?

Mr BRADLEY: Semiautomatic pistols in particular, which are very potent, most of them being nine millimetre, are commonplace. They can be landed for about \$100 or so. They are usually Chinese copies of western arms such as the Sigau and the Glock and 22-millimetre equivalents. They sell for around \$2,500. The most common brand is Norinco. What I am saying is that there are lots of variants. They are relatively easy to import if the availability is any indication. There is detectable trafficking going on every day. There are far more of them around, it seems to me, than there ever used to be, and the legislation to which you referred has been substantially corrupted by dealers and others, some of whom are licensed dealers. Recently there was some action by the Commonwealth to amend the Customs prohibited import regulations to make it much more difficult to bring in these things and to subvert the other arrangements such as the importation of parts which are then reassembled into whole guns. There are a number of things happening on a number of fronts which should make it more difficult, but there are still a number in circulation, and importation illegally will always be a possibility having regard to the volume of goods that come into Australia and the way that they come in.

The Hon. R. D. DYER: Are the firearms to which the commission is making reference generally speaking prohibited imports?

Mr BRADLEY: Yes. They are not prohibited imports as defined in the Customs Act, because there are ways in which you can lawfully import semiautomatic pistols. The police can import them, sporting shooters can import them, and other people can. There is provision, and there was not previously, for a certification process by the Commonwealth agencies. There are a number of other weapons that are detected from time to time which are clearly prohibited imports, such as assault rifles and things like that. Even rocket launchers have been seized.

The Hon. R. D. DYER: I understood you to say a short time ago that the tightened firearms legislation in New South Wales has been, to use your expression, corrupted.

Mr BRADLEY: "Subverted" might be a better word—evaded.

The Hon. R. D. DYER: How has it been subverted by dealers and others?

Mr BRADLEY: There is provision for registration, provision for identification of weapons and provision for recording of transactions. I can give you some examples. If you import a box of parts, including barrels, slides and frames, which are the main components of automatic pistols, the level of control over those is somewhat limited. They will end up in the hands of a dealer. They can be reassembled into whole weapons, or parts can be distributed around the country by post, which is a common way of avoiding the registries, and whole weapons turn up in the hands of criminals. The mark-up is such that it is more profitable than drugs and less risky because of the penalties involved.

The Hon. R. D. DYER: In generalised terms, without giving any operational detail, how do you relate respectively to the National Crime Authority on the one hand and the New South Wales Police Service on the other? Are there formal protocols in existence?

Mr BRADLEY: Yes, there are a number of formal protocols. There are informal arrangements. There are regular informal meetings—in the case of the NCA, the New South Wales police and Customs every week. I personally meet with representatives of each of those agencies all together. We also have joint operations and we have a memorandum of understanding and formal agreements in relation to bigger things such as the Joint Asian Crime Group. The last couple of years have been the best in my experience in terms of collaboration, which I think is the critical thing that we have to get right in law enforcement. It has been as good as it has been because of the will of the personnel at the top of the respective agencies, and I am hopeful that we can continue to improve. It is not optimal, but it is getting there.

The Hon. G. S. PEARCE: Mr Bradley, one of the program objectives of the National Crime Commission, or its main program objective, is combating illegal drug trafficking and organised crime in New South Wales. Why do you think the Cabramatta situation has become so bad?

Mr BRADLEY: It is a question that can be answered over time. There are a number of components to the answer. I think that there are social and cultural problems that have contributed to the geographic concentration of the problem, but there is a range of other problems, many of which you have heard about—the volume of heroin, for example, coming into the country; the connections between the main importers and distributors and the people at Cabramatta, the criminals at Cabramatta; the willingness of young people in Cabramatta to become involved. There are some interesting features of that. I was reminded the other day that of all the people who were arrested in the street sweeps, as they called them, where the undercover police essentially round up as many dealers on the streets as they can in a short period of time, although there were large numbers of people apprehended, mostly young people, there were very few repeat offenders, which suggests that there is a very large pool of people prepared to become involved for the first time, and it also probably suggests that those who are apprehended are a bit wiser the next time.

There are some parallels, for example, between the problem in Cabramatta, which when we were looking at it more closely involved Vietnamese, Cambodians and others, and, for example, the problem with Romanians. They come from a society which was torn by internal trauma. Many of them were refugees, and they came to a country where people actively recruited them into illegal activity. The difference in the case between the Vietnamese and the Romanians is really basically proportions of the numbers because the Romanian migration, or however you wish to describe the way in which Romanian refugees arrived in Australia, was truncated after a short period of time, whereas the Vietnamese migration has gone on for some considerable period of time, and the reasons for that you would be familiar with. But it is a very complex thing to answer. One of the reasons that Cabramatta became attractive and why there was such visible trafficking going on is that the heroin was cheaper and of higher purity. There was a point at which a street deal was down below \$20, notwithstanding a fairly high police presence and a very high purity, sometimes uncut. At the same time, heroin of a lower purity available at Kings Cross was costing up to \$80 for a street deal. And so naturally a lot of people went to Cabramatta for their supplies and it became a very visible thing.

The Hon. G. S. PEARCE: The commission has very extensive powers to carry out its role but you do not have your own police force. I understood from what you said in your introduction that you work with the New South Wales police?

Mr BRADLEY: And others.

The Hon. G. S. PEARCE: Do the New South Wales police in those task forces effectively have the use of your coercive powers?

Mr BRADLEY: No. The Act says that, by arrangement between the management committee and the police commissioner, task forces are formed to assist the commission in the conduct of its investigation under the references. I am the only person who can dispense the coercive powers. I am the only person who can issue a summons, convene a hearing, issue a notice, et cetera. I do that in a way that I think furthers the investigation, but the police are often involved in components of the execution of the process. They might be involved in the service of the summons, supplying a significant amount of information for the purposes of the information and managing the witness recruited as a consequence. Those police remain under the command and control ultimately of the Commissioner of Police.

The Hon. G. S. PEARCE: I am concerned that, notwithstanding the broad powers the commission has and the objective you have to combat illegal drug trafficking, such a huge problem as Cabramatta could arise and not much seems to have been done about it. For example, why would you not have done anything about the fortified drug houses that we have been hearing about over the last week or so?

Mr BRADLEY: I think the fortified drug houses are a consequence of one form of police activity. If the police, in an effort to improve social amenity in and around the main streets of Cabramatta, apprehend as many drug traffickers as they can, then those dealers will find other ways in which to ply their trade. They will be careful not to be caught on video cameras or to be subject to undercover operations. One way of doing that is to establish a fortified house. People in Cabramatta are not the only people doing it, I should say. There is another operation that we are involved in at the moment where windows and doors are bricked up, where buckets are kept beside toilets so that even if the police turn off the plumbing, there is a ready way in which the

drugs can be flushed down the toilet. I think that it is important to understand that fortified drug houses are more of a response to police activity than anything else.

Now, you say we have done nothing about it. We do actually do things. We work in the way that I have described with the police in their efforts to apprehend persons who are operating these places. We use the coercive powers to get people in to interrogate them and to produce evidence from various sources as to what they have been up to, and we confiscate the proceeds of their crimes as we go along. What the commission can do, I suppose, is limited by its resources and the other demands on it. Cabramatta is but one and there are events at least as serious as Cabramatta, I would say more so, going on in a number of other areas, not necessarily defined by geography.

The Hon. G. S. PEARCE: One of the issues we are looking at is resources. We have heard from other witnesses that the drug houses have been known about for several years, that they have been identified, that various groups and people have gone to the police and said these are the addresses and they have complained that nothing much has happened. What I am concerned about is we have your Crime Commission and we have the New South Wales police, yet these issues have not been addressed for several years, even though the police and, I assume, yourself have been informed of them. Why is it that they were not addressed directly?

Mr BRADLEY: I do not think it is accurate to say that they have not been addressed. Part of the problem is the power to do anything about a fortified house, to use your example. It is not considered under the Search Warrant Act, as it presently stands, appropriate to do as you hear in some other jurisdictions what police have done by bulldozing buildings. I have heard about crack houses being knocked down by caterpillars. We do not think there is authority to do that in New South Wales and I am not sure that there should be.

The Hon. G. S. PEARCE: Not under your powers?

Mr BRADLEY: No, and I do not have a caterpillar in the basement. There are also significant limitations on what you can do once you enter premises because of what the law says about that. Essentially, to prove that a person is in possession of drugs, it is not sufficient to say that he was in a building where drugs were found and, whilst entry to premises might yield a seizure of drugs, it is unlikely in those sorts of circumstances, forcing entry, to result in the arrest or conviction of someone who happened to be in the same building as the drugs. Where the evidence can be easily disposed of by flushing it down the toilet, to use the example I mentioned before, then there will not be evidence of drugs once you have entered. There have been recommendations about amending the Search Warrants Act, and I think that needs to be pursued further and it is probably a matter that the Committee could address.

The Hon. P. J. BREEN: Mr Bradley, what other Acts do you think ought to be changed to give police better powers in relation to evidence and arresting people in circumstances where they are clearly involved in drugs?

Mr BRADLEY: I think the Search Warrant Act needs substantial reform because it is very out of date. It was drafted at a time that did not take account of computers. For example, what do you do when you enter premises where large amounts of material are stored electronically on a main frame off site in some other electronic repository? There is a whole range of things that need to be addressed in relation to the Search Warrants Act to bring it up to date and to recognise modern technology. Electronic surveillance is another area. Listening devices legislation was amended substantially in 1984 and there have been a few amendments of substance since then and there have been a lot of changes to the way in which criminals do business since that time and that needs substantial reform.

The Hon. P. J. BREEN: I think you were here when the previous witness was giving evidence.

Mr BRADLEY: For part of his evidence, yes.

The Hon. P. J. BREEN: I think you were here when he suggested that our laws were drafted in the nineteenth century and were inappropriate for investigating people involved with drugs. I think he was referring particularly to the question of the evidence trail and being able to convict people in circumstances which, based on current understanding of the law, would not be sufficient. Would you suggest amending the law about evidence in those circumstances so that, for example, someone might be arrested on the basis of supposition even rather than hard evidence as we know it now? What kind of reforms do you think we should be making?

Mr BRADLEY: The evidence laws in New South Wales and, indeed, throughout Australia have been substantially amended recently and I think they have got it pretty right. There are areas where I think that the ordinary person in the street would say that the law is an ass, to the extent to which, to give an actual example, persons cannot be apprehended in circumstances where they are riding along in their car with their feet on a box containing heroin. It is thought that in those circumstances there is insufficient evidence of possession and, if it is a substantial quantity of heroin, deemed supply. I have mixed views about that. The leading case on that is Fillipetti's case, but if you think about it and your own circumstances, if you are invited into somebody's house, you sit on the lounge and 10 minutes later someone comes through the door and discovers that the cushion you are sitting on contains a pound of heroin, you would not be too happy about being apprehended if you did not know it was there. So we need to be careful about changing the law of possession. It needs to be given a lot of thought. Reversing the onus is one approach. It has certainly been done in the area of confiscation, but we are not there talking about deprivation of liberty, only removing assets from people.

The Hon. P. J. BREEN: You may not be willing to answer questions about the Wood royal commission and if you are not I am sure you will tell me. Do you believe that the recommendations of the Wood royal commission have been substantially implemented? I notice it has been said in Parliament recently that 99 per cent of the recommendations have been implemented. Do you agree with that?

Mr BRADLEY: In the main I think that is true. There are hundreds of them and I am just trying to recall what some of them are, but in terms of police practices, the recommendations have been embraced at the highest levels. There is certainly evidence, the details of which I do not wish to go into, that at a lower level the implementation of the new rules have not been faithful to the recommendations and there are people subverting the rules about execution of search warrants and things like that which is corrupt conduct, of course.

The Hon. P. J. BREEN: Do you have any direct experience of the situation at Cabramatta which would suggest some contravention of the recommendations of the Wood royal commission in Cabramatta?

Mr BRADLEY: No.

The Hon. P. J. BREEN: There is a recommendation, I think it was the last recommendation under 174 which suggested an audit of the other recommendations. Do you have any direct experience of that audit or any observations to make about it?

Mr BRADLEY: This is the audit that was done under the auspices of the Police Integrity Commission recently?

The Hon. P. J. BREEN: Yes.

Mr BRADLEY: No, I do not have a view about that. I know there are mixed responses to the consultant's report.

The Hon. P. J. BREEN: Have you had an opportunity or the need to read the consultant report?

Mr BRADLEY: I have been through it but not in any detail. I have certainly been through a lot of the findings and recommendations but I have not read all of the text.

The Hon. P. J. BREEN: Would you be able to say that it is a good report in your opinion or would you prefer not to say?

Mr BRADLEY: I prefer not to because, to the extent to which the findings are disputed by people I know and respect, I have not had an independent opportunity to look at it.

CHAIR: Mr Bradley, this morning's evidence has indicated loud and clear the need for co-operation between the local command, the Crime Commission and the Federal Police. Can you tell the Committee what strategies pursued at a local level in Cabramatta are of most benefit to the commission and also what type of strategies by the police station at Cabramatta do most to reduce the involvement of organised crime in the drug trade?

Mr BRADLEY: Firstly, I think that when we act collaboratively we are much more potent than when we act separately. There are a number of agencies just in Sydney that have similar interests—the NCA, the

Crime Commission, the AFP, the New South Wales police—and there is a lot of potential for replication, duplication, of effort. In the cases where we have got together, we have done very well. The Joint Asian Crime Group is a very good example of that. I think that maybe that deals with that point. If it does not, please let me know. Something that needs to be kept in mind in terms of collaboration between agencies such as mine and local area police is that we do different things. We are involved in investigation of organised crime covertly using special powers and special techniques. We focus on organised criminals. We do not focus on people on railway stations and places like that doing street deals. Indeed, it is not uncommon for a National Crime Commission or a crime agencies operation to go into a local area and for the local area police to be unaware that they had people of that status within their area. Take somewhere like Gladesville and a dead organised crime figure as an example. It might be the case that constables in the Gladesville police station did not know that Lennie McPherson lived down the road.

There is a different focus. They are responding to things on an hourly basis and they are looking after peace, order and good government in a different way from the way we are. We are proactive; we are not reactive. We identify targets based on intelligence and we work around them by various means. It might start with street level information, but there is a different approach and, therefore, the capacity for us to contribute to what local area people do is somewhat limited. I am not saying that we should not relate to them, and we do whenever we can in both criminal investigation and confiscation, but it is important to understand that there are different functions there and decisions need to be made, obviously, about the relative impact of what is being done. Some people might say that doing street operations in Cabramatta simply shifts the problem to another area or causes fortified houses to spring up. Other people might say that attacking the highest level distributors will contribute to the availability of heroin and therefore impact on Cabramatta. There is always going to be tension between those two points of view. I think there is a place for both. It is just a question of getting the balance right.

CHAIR: I want to refer back to your annual report on page 24, in particular at 2.135, in relation to:

There has been an increasing diversity of people involved in heroin importations. Non-Asian persons have been used to a greater extent, though not at the highest levels. The stages of the process have become more discrete. Specialists such as safe house minders and money launderers are only aware of their role in the organisation so that if one part of the operation is apprehended the syndicate as a whole will not be adversely affected.

Can you elaborate on this, and does that apply in any way to Cabramatta?

Mr BRADLEY: It is probably more applicable to other types of operations than Cabramatta. Cabramatta is sort of one end of the chain, the supply chain, but even in Tamarind, I think it was called—the pineapple tin matter—which arose out of Cabramatta, there were a range of ethnicities there, including Chinese, Vietnamese, Cambodian, and another one which I now cannot remember. Someone has just been convicted of that last week. The last of them had to be extradited. The comments are more applicable to other forms of drug operations, particularly amphetamine distribution, which is a big problem, although there is an increasing number of South-East Asians involved in amphetamines, particularly ecstasy importations, and you will find that there will be a greater diversity of people in those operations than there is in heroin.

CHAIR: Also your annual report states in paragraph 2.116 on page 22 that poor interaction with police and authorities hindered investigations in the Bankstown area. Is this true in Cabramatta? Is there a wall of silence?

Mr BRADLEY: That comment refers to difficulties police experienced with members of the Lebanese community in Punchbowl and those areas, where there was antagonism towards the police and fear of criminals, which caused a very low level of appropriate interaction between police and citizens, it seemed to me. There is certainly evidence of people in the Cabramatta area being frightened to give evidence. We have had a number of witnesses mainly arising out of Portville operation, which you would be aware of, and they have been very reluctant to identify people or shop them, for example, even though they have known the identity of those persons, because the repercussions of giving evidence of that are not very pleasant. We have had some success there, but very limited success. There is one person in witness security at the moment. It is not uncommon for people not to wish to identify their assailants in shooting cases, and it is not limited to Cabramatta. It has also been the case with other shootings that we have been investigating.

CHAIR: Should consideration be given to the establishment of a joint task force between the New South Wales police, the Crime Commission, the NCA and the Federal Police specifically targeted at organised crime or drug crime in the geographical area of Cabramatta?

Mr BRADLEY: I think that it is always valuable to have the benefit of other agencies such as Federal agencies helping New South Wales agencies. The benefits are less obvious if the work of the task force were to be geographically defined as you have suggested. I think it would be much more appropriate to identify targets, people involved in high-level importation and distribution and to form a task force, as you suggested, to attack those people in a proactive way. I think that if you were to invite the AFP and the NCA into Cabramatta operations, which had as a large component street-type operations, they would be unattracted to that.

The Hon. G. S. PEARCE: I take it from what you have said that you know who those high level people are.

Mr BRADLEY: We know who some of them are, yes.

The Hon. G. S. PEARCE: But no-one is going after them.

Mr BRADLEY: I would not say that. I do not say that. There will always be more offenders than there are law enforcement resources to apprehend them and it is unrealistic to think of law enforcement in terms of cleaning up the entire problem, but in attacking targets with a view to imprisoning people, you have to do it in the most efficient way possible having regard to finite resources and all the usual things. We have demonstrated in the Joint Asian Crime Group (JACG) environment that that approach, especially when it is done collaboratively, is very efficient and very effective. Something like 700 kilos of heroin and a number of very important people were apprehended. In organised crime there is not a problem that resources will not solve essentially, but there are an awful lot of resources in law enforcement already.

CHAIR: Your answer to my question and Mr Pearce's question is that you know those criminals, as you were just stating, and you said that there are values in establishing a joint task force. Would you not think that it is useful to establish a joint task force anyway to target these people at this point of time?

Mr BRADLEY: That is what I said. I think that if you do proactive enforcement and you target people of value who are worthy of that sort of attention and those sorts of resources, then you will get results.

CHAIR: I mean at Cabramatta.

Mr BRADLEY: I do not think it would be a good idea to define it geographically because you might find that the people who are supplying heroin to that area and the places where you could have most impact are outside that geographical area.

CHAIR: On behalf of the Committee, Mr Bradley, thank you very much for your time.

(The witness withdrew)

(Luncheon adjournment)

MARK DAVID HANKIN, Youth Development Counsellor for South West Sydney, 63 Devlin Street, Ashcroft, and

DEAN GREGORY HART, Youth Community Projects Officer, Fairfield City Council, Avoca Road, Wakeley, sworn and examined:

CHAIR: I welcome Mr Hankin and Mr Hart. Mr Hankin, in what capacity are you appearing before the Committee?

Mr HANKIN: As a witness and as an employee. I have lived in the area all of my 40 years.

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

Mr HANKIN: I have.

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

Mr HANKIN: I have read them, yes.

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

Mr HART: Yes.

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

Mr HART: Yes.

CHAIR: 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 accede to your request. Do you want to make a brief statement?

Mr HART: Yes. Youth workers in Cabramatta for some time have recognised or have been concerned about homelessness among young people who are currently or have previously been involved in drug use. The issue was recognised in June 2000 by a youth forum conducted by Fairfield City Council focusing on illicit drugs. Providing accommodation services for this group of young people, that is, young people who are currently involved in drug use or have been previously is very difficult. The existing services in the area are not equipped for or in a position to provide that accommodation. Consequently, there are no accommodation services in the Fairfield local government area that can accommodate young people currently using or who have had previous drug problems.

Last year, Fairfield City Council established a project team to address this problem. The group is made up of various government and non-government organisations in the area and has been working on this issue since last year. So far, the group has developed and submitted a Supported Accommodation Assistance program [SAAP] cap funding. The group has also developed a brief for a research project to be undertaken into homelessness in Cabramatta and that research is about to start. That is all I have to say.

Mr HANKIN: I am employed to work with homeless and at-risk young people from the areas of Bankstown, Liverpool and Fairfield. I am based in Cabramatta and have been employed with the youth team for almost nine years. As I said, I grew up in the area, attended a local school and have worked or lived in the area for all of my 40 years. In that time I have seen great changes happen in a community of a once unassuming suburb to one that is now of great notoriety. In general, I feel the young people with whom I work have many unpleasant experiences in regard to police and policing practices. Many stories I have heard would correlate with numerous findings, particularly Adler and Sander in 1990, and very few speak of police in a positive manner. Reports of money being stolen are often common. It has been noted that many beat police officers in various patrols are quite young and are often not from the area or have little understanding of the issues involved in the area. Yet it would seem they are expected to be able to talk to and have an understanding of numerous situations and scenarios about which they are unfamiliar. It is impossible.

I think that better community links are needed with the police, more training involving workshops for police officers regarding the issues that these young people are involved in and the situations from which they come. I feel that they should establish closer links with the workers who are on the street, the coalface workers—and there is a lot to be learned there—thereby building greater links with the youth community itself. We have noticed that in the past police themselves have created some issues in regard to powers under section 632 of the Local Government Act, controlling loitering in public places and how this has been utilised in Cabramatta with some negative effects in regards to the way the community perceive the policing procedures. I believe that a lot of this misunderstanding often comes because most of the population in the local area is from backgrounds other than Australian Anglo and they carry with them many issues from their own countries. Many have escaped torture and trauma. In my experience the last person that many of them in need would turn to the police because of the history of the police in their own countries.

We have attempted numerous projects through the youth team. We work with young people from 12 years right up to the age of 24 years, and I am also involved in numerous projects to try to alleviate some of the problems. Indeed, the project is one that Dean has spoken about. Others include help for homeless youth project, the farm accommodation. Recently, through the drug summit, my project received some funding to work with young people referred to us through the juvenile justice system or younger people through probation and parole.

CHAIR: Can you give the Committee a profile of the homelessness, particularly youth homelessness, like the numbers, the gender and the background?

Mr HANKIN: I can give you a clear background of our experience within the youth team. We have two workers and one part-time worker now. We provide services strictly to the homeless and at-risk young people. We operate youth accommodation projects, one in Liverpool and Fairfield. They all house young people from non-English speaking backgrounds. Homelessness is something that is very difficult to measure if you are talking specifically about, say, Cabramatta because we have a lot of transient people whether it be to buy drugs, they stay for a while and often move on.

CHAIR: What is the proportion of the transient population compared to the local population?

Mr HANKIN: I would say probably about 40 per cent or 50 per cent would be transient population. Last year we case managed about 240 young people. An emergency provision was provided through the project to many others through other services that we provide small amounts of funding to, those being youth accommodation services, refuges and a youth-drop-in service in Liverpool which accesses and targets young homeless youth, many of whom are floating between Cabramatta and Liverpool. The great majority of clients who access the program would be 65 per cent to 75 per cent of the people who are accessing. We see a large proportion of young Aboriginal people. On Monday of this week, out of the nine clients I saw, eight were Aborigines. I believe it is somewhat peculiar in that they tend to be more transient.

A number of families with whom I work and have been working with for an extended period of time and the young people within those families often have come for the glitz, the glamour and the good heroin or good drugs they have been told they can get in Cabramatta and the life. They get to Cabramatta and realise that it is not what they thought it was and it ain't all that great and then they try to get out. Often that is when I see a lot of those people, when they are trying to get out, when other issues have developed through heroin use. It may be a criminal charge, it may be ill health, it may be just fear and intimidation that many of them suffer through living on the streets and in the squats in and around Cabramatta.

CHAIR: In your answers just now are you saying that the homeless people mainly had drug problems.

Mr HANKIN: I would say probably, again, about 50 per cent of the clients that we see have ongoing drug and alcohol issues, yes, and/or mental illness—a whole range of issues, actually, but at least that percentage.

CHAIR: What happens to that 50 per cent of homeless people who have drug problems?

Mr HANKIN: Well, because they are homeless, the first thing often we need to do to try to alleviate the problem is to try to settle them, find them somewhere stable where we can start to work on the issue. Housing is often only just the tip of the iceberg. There are often numerous health issues, maybe mental health issues, either developed during drug use or prior to drug use and they are using the drugs to cover that up. I

would also suggest that the majority of drug users are polydrug users—they use numerous drugs, not just heroin but, rather, whatever is available, and most recently heroin has not been available. It has been what they call ice or crack, cocaine, that has been on the streets.

CHAIR: Seeing that there are some illicit drugs being taken by these groups, what is the relationship between your accommodation, your housing, and the people in it to the police in Cabramatta?

Mr HANKIN: I do not think I understand the question.

CHAIR: Obviously they have taken some illicit drugs.

Mr HANKIN: Yes.

CHAIR: Do the police come and raid your housing or what is the relationship and your experience with that?

Mr HANKIN: Certainly. The accommodation service we provide does not provide access to using illicit drugs. If that does occur, yes, the police are called in and we deal with it as necessary. The young person is referred and given support and through our financial resources will acquire counselling and, indeed, detoxification if required.

CHAIR: Are there enough services for those people?

Mr HANKIN: There are very, very few services for those people, certainly in Cabramatta. There is nowhere to put them to sleep, for example, at night time. What I find often we are doing in the project is maintaining people for exacerbated periods of time in inappropriate accommodation. Indeed, I have kept people living in a drainpipe in Smithfield for two weeks through lack of any other option available.

CHAIR: What do you think of the new initiatives that the Government is putting in place at Cabramatta?

Mr HANKIN: I was fortunate enough yesterday to receive a copy of the Premier's statement and read it last night and, indeed, again on my way in here today. I think a lot of what is said is great and I would probably support the majority of what is being said, but I think it fails to look at the big picture. We have seen through Operation Puccini a dissolving of the in-your-face, shall we say, aspect of drug dealing in Cabramatta. It is not as evident. It still can be seen if you look. It is not as evident as it was a couple of years ago, but what has become more evident is the establishment of these drug houses, fortified situations, where drug dealers and a go-between operate for people who do approach Cabramatta on the street. I have also seen it trickle out, and indeed Warwick Farm, Bonnyrigg, Merrylands and Chester Hill even are experiencing increased drug sales. I have not obtained that information from the police but, rather, through the young people I work with, who say, "Hey, we can get it here now. We do not have to go there." So I suppose there is a reaction to the action that has been taken. Whilst availability has slowed down in the last couple of months and price has risen, as I explained, many of the drug users are polydrug users and they will substitute heroin for something else, which is what we have seen just now. They can obtain cocaine and Rohypnol and other prescription drugs, which often is worse for us frontline workers because they behave much differently when under the influence of those drugs.

CHAIR: I was wondering if Mr Hart has any comments or views on those questions that I just asked Mr Hankin.

Mr HART: In terms of the present accommodation services, as Mark mentioned and I mentioned in my opening comments, there are virtually no accommodation services that will take on young people who have existing drug problems or previous drug problems. When I say "previous", who have given up reasonably recently. They are not really equipped and do not have the resources to deal with young people. That is the particular gap that the project group that I mentioned is trying to work on because there is nowhere to accommodate those people. There are various support services available—and Mark works for one—and services that try to refer those people and try to work with those people, but there are no places where they can stay and be accommodated in the local area. That, in my mind, is the biggest single problem in terms of homelessness in Cabramatta.

CHAIR: Is this type of homelessness a new phenomenon in Cabramatta?

Mr HART: That is not my understanding. It seems to have become worse in the last six to 12 months and perhaps more public as the issues have been raised. Mark might want to comment on this as well, but as I understand it, youth workers have been experiencing these problems for years in Cabramatta. As I say, they seem to have got worse recently and they have been recognised perhaps more recently, but, no, they have been around for a long time.

CHAIR: My understanding of the people coming to Cabramatta in increased numbers, as you have just said, is that it is transient, many because of the drug deals that they want to have. Is that correct?

Mr HANKIN: I would consider that correct too, yes. As I say, my project takes in young people from Bankstown, Liverpool and Fairfield, which is a 500-square-kilometre area, but because of the geographical position of the project, based right in the heart of Cabramatta, we draw a lot of our clients from the local area. Yes, I would agree that the situation has always been there. I suggest that the vagrancy is mainly occurring among older young people, shall we say, who are travelling in and out, but some of them are younger. In Cabramatta yesterday I saw two of mine off their face who had been in Townsville for two years, so they have come back.

The Hon. R. D. DYER: Mr Hart, in regard to the comments you made a short time ago about accommodation services, I take it you were referring to drug affected and homeless young people. You would be aware, of course, that the Supported Accommodation Assistance program provides youth refuges and, for that matter, other refuges for homeless people. Is there a precedent anywhere in Australia for the type of accommodation service you have referred to?

Mr HART: Yes. In Sydney there are a number of services like that. How can I describe it? The accommodation service, or I suppose the older style accommodation service like Matthew Talbot House, the proclaimed place type of accommodation service, is probably the one that people would be most familiar with. The sort of accommodation service we are talking about is something similar to that. Obviously, there will be differences because the people who would be accommodated are not using alcohol but using illicit drugs, as we have discussed. I guess the other thing I have to say is that most of those sorts of accommodation services are for people who are on the road to recovery. Although we talk about present drug users, it is also people who have recently given up or who have been through detox and are trying to move away from the drugs.

The Hon. R. D. DYER: I think I am correct in saying that there is a proclaimed place in Campbelltown, operated by the Sydney City Mission. Are you aware of that?

Mr HART: No.

The Hon. R. D. DYER: Are you saying to the Committee that there should be something in the nature of a proclaimed place at Cabramatta to deal with drug-affected, homeless young people.

Mr HART: Something like that. One of the tasks that the project group that I have mentioned is working on is trying to work out the most appropriate model for the provision of accommodation services, but, yes, I am certainly talking about some type of accommodation service that can cater for young people who are using drugs, or who have recently given up use, is certainly required in the Fairfield-Cabramatta area.

The Hon. R. D. DYER: When the Premier made his statement in relation to the package he announced earlier in the week, as part of that announcement he said that to help police deal with homelessness, a six-person, 24-hour Department of Community Services [DOCS] team would be set up to help police on the streets. Would you see that as a useful advance on the facilities that are available at the moment?

Mr HART: It is hard for me to comment because it is unclear at this point what that service will actually be like. I assume I have read the same document that you are reading from, the Premier's speech, and it is very unclear what that actually is. I have discussed it with colleagues in the area and no-one seems to know any more about it than what is written in the speech. So it is difficult for me to comment until I really know what it is, if you know what I mean.

The Hon. R. D. DYER: Could I safely assume that, to the extent that there are six DOCS officers available on the streets 24 hours a day seeking to assist young people who might be homeless for whatever reason, that of itself is a useful addition to the resources available locally at Cabramatta?

Mr HART: I guess what I would say is that a number of programs already in the area provide crisis support, including Mark's program, including the Open Family Street Work program, to assist young people on the street. The big gap in terms of services for that group is actual accommodation services. If, as you have stated, it is a team of DOCS workers on the street working directly with those people, making referrals and providing some sort of immediate assistance, without there being some sort of accommodation for them to be referred to, it is very difficult to see how that makes a big difference.

The Hon. R. D. DYER: As you know, there are a large number of youth accommodation services around the State. Do I interpret your previous remarks to the Committee accurately in that you are saying drug affected young people who are also homeless do not qualify for assistance or admission to ordinary youth accommodation services?

Mr HART: The accommodation service has varied procedures and policies in terms of the young people they take into their services but in general terms the majority of them do not take in young people who have drug problems and they have varying policies. I am most familiar in the immediate area of Fairfield and Cabramatta, obviously, and I know that all those services have policies that do not allow those young people to come in. I know from time to time they have taken on one-off individuals in special circumstances, but have found it very difficult to support those young people and have had to use a variety of other services to provide the support required. But they are not really set up to do it. They do not have drug and alcohol specialists as part of their staff. The buildings they have are not designed to take on people with those sorts of problems and issues, et cetera.

The Hon. R. D. DYER: I suppose in an ordinary youth accommodation service, apart from perhaps the understandable lack of drug treatment services that such young people who might resort to, youth accommodation services of that type would be disruptive so far as the other residents are concerned?

Mr HART: That is right, and also they do not have the staffing to deal with the special needs of that client group.

The Hon. R. D. DYER: Mr Hankin, bearing in mind that this Committee is primarily inquiring into terms of reference targeting policing in Cabramatta, is it your view that, as a result of your day-to-day operations, a substantial proportion of the young homeless you come across pose a crime threat to other people?

Mr HANKIN: In certain situations, yes, I would say. Usually because of the nature of them being transient, obtaining any sort of income is very difficult and sustaining that income is very difficult if there is no where for them to receive mail or get information to attend appointments and so forth. The increased requirements to maintain that income support makes it very difficult for a homeless young person, so inevitably they may well turn to crime to eat or to get drugs or to survive, yes.

The Hon. R. D. DYER: Looking at it from the other side, young homeless people in Cabramatta are more likely to be victims of crime themselves?

Mr HANKIN: Very often almost all of the young people I would see who have been there for any period of time suggest they have been victims of crime, and that varies as well from rapes to bashings, stolen property and so forth.

The Hon. R. D. DYER: Would you tell the Committee what your observations have been regarding the interaction between local members of the Police Service and young homeless in Cabramatta and how the police might relate to you and your service?

Mr HANKIN: As I suggested earlier, almost all young people have a negative reaction when police are mentioned. They are negative to approach police even if they have been victims of crimes themselves. That is often their attitude towards police. I do not find often that this idea by these young people is challenged through the behaviour of the police. Rather, it is often enforced. For example, yesterday I was walking down the street with two homeless young people I had to take to another service and two police officers were walking up the street. As they approached us, one of them yelled out the man's name and said, "I hope you have been reporting as usual or you are going to be in strife again." Anyone within 30 metres could have heard what that police officer said, which should not have been said. Any member of the public could have heard that. That is an example. Unfortunately, we have very few dealings in regard to co-operative stuff with the police. There was a

Cabramatta community interagency with the police but when issues tended to be brought up, they were yelled down by the area commander. It was suggested at one point that it is not to be a whipping post for the police. Indeed, with youth liaison officers, they are not dedicated positions. Police work takes priority so, therefore, often very little time is given to those police officers to do the actual youth liaison stuff with agencies and with the young people in the area themselves.

The Hon. R. D. DYER: I take it that you would agree with me that the primary duty and function of the police is to protect the community and to act in a law enforcement role?

Mr HANKIN: I would definitely agree with that. Indeed, I worked at a youth refuge the other night and a young woman police officer rang looking for accommodation for a young person she had. She said, "I have called nearly every youth accommodation in the State and they are almost all full. This is not my job. I should be out doing real police work", to which I responded, "You are serving and protecting that young person. That is real police work."

The Hon. R. D. DYER: Having regard to some of the problems in the interaction between police and young homeless people, do you have any useful suggestions to the Committee as to how those relationships can be improved?

Mr HANKIN: Certainly. I think that the youth liaison positions are a very good idea. I think they are an opportunity for a member of the local police force to be very informed about what is happening with local youth agencies to build stronger ties with the local youth, even those who are offending. This has happened in the past in Cabramatta through the support of the police basketball night project that operated for some time also with the assistance of Father Chris Riley. It did build strong links. Indeed, a local detective came in her own free time. She suggested to me that it did assist her in the way she went about things because young people could put a name to her face and she had a direct relationship with those people.

CHAIR: What happened to the people at the police youth club?

Mr HANKIN: The police youth club still exists. When I first started many years ago, it was very difficult to gain access to the Police Citizens Youth Club [PCYC]. There were issues about membership and so forth. Certainly in the last couple of years that has changed a great deal and we have seen support being offered to us and, indeed, access being offered to us in regard to that through the changing, I think, to a large extent of the Committee that runs the organisation. So stronger links were being built there between the PCYC and the community. We are working on a couple of projects. One is called the summer series, a basketball project with the PCYC and 60 or 70 young people turn up to that each Friday night.

CHAIR: Do you think there could be an avenue whereby the general youth in the area could access the recreational activities of the youth club?

Mr HANKIN: I think it is possible, but we have to break down a lot of the issues that have come about over many years. As a young person myself, I used to attend the police boys club back in the 1960s. My recollection is that you could not move in Railway Parade or McBurney Road for all the fathers dropping off their sons. There were hundreds of us and it was the highlight twice a week to go there and be involved in that sort of activity. Sadly, that is not seen now.

CHAIR: Why not?

Mr HANKIN: Again, I go back to some of the issues about the police. The word "police" still exists in the name and also the culture of Cabramatta has changed. We are very diversified. Again, these people have come from situations where the police are not people you trust or go to if you need help. Here in Australia we need to build upon that. What we see in Cabramatta are those negative types of policing and those stereo types may be being reinforced to some extent.

CHAIR: Are you implying that the behaviour of the police towards young people should be more friendly?

Mr HANKIN: Exactly. Last night I was at Liverpool youth refuge and I was talking to a young girl who comes from the Cabramatta area, asking her about some of her problems. She said, "I deserve respect. Even if I am hanging with a group of people or even if this copper", as she said, "sees me as being a threat or sees me

as a druggie or whatever, I should get some form of respect. If I am given that respect I will give it back but when they are smart to me I will be smart back."

The Hon. R. D. DYER: You are not suggesting that respect is not given within the PCYC?

Mr HANKIN: No, within the PCYC we have found co-operation and certainly respect to be great over the last couple of years.

The Hon. G. S. PEARCE: Just to be clear on the homeless accommodation issue, what I understood you to say is that in the Fairfield, Liverpool and Cabramatta local government area there is no facility for youth affected by drugs or recently affected by drugs. Is that correct?

Mr HART: That is right. There is no place where they can be accommodated.

The Hon. G. S. PEARCE: Do we have any idea of how many young people are in that category in the area on a sort of permanent basis?

Mr HART: I am not really in a position to say. As I mentioned in my opening comments, we are undertaking some research into the problem in Cabramatta and part of our hope on that issue is to come up with some information about the numbers, although it is very difficult to come up with figures because the group is so transient and there are so many different issues. The whole issue of how you find people, how you know where they are, where they are staying and what their situation is is very difficult.

CHAIR: Can I just interrupt here? I think that under the new Government initiative 47 extra crisis places will be provided through the Department of Housing. I do not know whether you are aware of that.

Mr HART: Again, I have heard of that but I am very unclear as to what it actually means.

CHAIR: The crisis places, I gather, are something like refuges for homeless people.

Mr HART: As I understand it, that is all it says—47 accommodation places. Is that 47 beds or 47 houses? Is there supported accommodation? Are they 47 three-bedroom houses provided by the Department of Housing? Are they all going to be in Cabramatta or are they going to be all over the State? It is very difficult to say what that actually means.

CHAIR: We will come to that in the next stage.

The Hon. G. S. PEARCE: Are rehabilitation resources generally sufficient in the area?

Mr HART: No. Corella Lodge has recently been set up. That is a great service, and it is great to have that service, but it is very limited. One of the things that is often said by youth workers in the area is that once young people want to get off drugs it is very difficult to get them into detoxification places so that they can get off those drugs. Often the waiting periods are weeks or longer. When young people want to get off drugs you need to be able to put them into those services straightaway so that you can take the opportunity when it arises. There is also very little in the way of post-detox support. The Corella Lodge program currently is five days.

Mr HANKIN: Yes, 9.00 to 5.00.

Mr HART: Once they have been through the detoxification program for five days there is very little service to provide support to them after that so that they stay off drugs in the long-term.

The Hon. G. S. PEARCE: Where do they live for those five days?

Mr HART: The Corella Lodge program is live-in.

The Hon. G. S. PEARCE: Mr Hankin, you mentioned that heroin supplies had been reduced recently and you spoke about crack and ice—cocaine—as a replacement. Is it the case that even though heroin is more expensive at the moment and supply is limited there are ample other drugs available for anyone who wants them?

Mr HANKIN: I probably would not go so far as to say ample. Certainly the word I have been hearing is that some of the drug users are feeling the pinch, shall we say, of the shortage, but they will access something else, and they inevitably do. Some of them may even get some methadone just to alleviate the pain. It does not necessarily give them a high but will alleviate their pain until they are able to get a high, and that has always been the case. A few years ago when heroin supply dried up we saw the introduction of another substance which we were able to find out was a benzene-based type of speed, and that flourished for some time in Cabramatta. That sort of disappeared and the heroin came back in so we were wondering whether it might have even been a controlled shortage of heroin.

The Hon. I. W. WEST: Pardon my ignorance but did you say benzene?

Mr HANKIN: Yes.

The Hon. I. W. WEST: Do you know what that is?

Mr HANKIN: Benzene is a base in fuels.

The Hon. G. S. PEARCE: That is what I thought he said. You mentioned the Local Government Act and your experience of loitering provisions under that. Could you just expand on that. I was not quite sure what you were alluding to.

Mr HANKIN: Canterbury Council—I am not exactly sure of the year; it was 1997, I believe—was concerned about prostitution and loitering along Canterbury Road and introduced that section of the Local Government Act to deter that sort of stuff and to allow council officers and police to move people on whom they suspected of doing that. Indeed, Fairfield Council looked to introduce similar legislation. Various papers were sent around for comment on how that should be introduced to move on young people who were thought to be dealing in drugs and so forth from hanging around the square and the station area in Cabramatta and so forth.

The Hon. G. S. PEARCE: How long have the drug houses that you mentioned been around?

Mr HANKIN: I think there have always been a few around, certainly on a smaller scale than they seem to be today, but maybe the fortification that seems to be needed has made those drug houses more apparent. It was, as I say, a small time thing before and a lot of it was on the street. I think the houses were used more as a base to go and pick up and take away from whereas now they are used as a selling point.

The Hon. G. S. PEARCE: What has been the impact of the Barbara Street methadone clinic?

Mr HANKIN: I would probably agree with the Premier's statements that Barbara Street suffered the honey-pot effect. It probably was not clearly thought out when it was opened there. A development application was placed for a site that was obtained cheaply, and that was approved and it went ahead. I personally do not have real issues in regard to methadone. I believe that we should be doing whatever we can. I do agree that maybe the placing of that particular service was inappropriate, but I still think that it does not need to be far from the CBD. Now they are talking about even maybe finding somewhere in an industrial estate or somewhere like that, which would not be appropriate, I do not think.

The Hon. G. S. PEARCE: Just finally can I ask Mr Hart on the same issue, what the council's current attitude is to the Barbara Street clinic. What are you doing about that?

Mr HART: I am sorry, I am not in a position to answer that question. It is not my area.

The Hon. I. W. WEST: Mr Hart and Mr Hankin, I apologise that I have not heard all the evidence—I will pick it up in the transcript—although I did catch the concern about the issue of the mutual disrespect between the parties in terms of the police and people in the community. Can you give us any ideas as to what might break that cycle?

Mr HANKIN: There has been lots of evidence over the years to suggest that an area that has a huge youth population, large-scale unemployment, lots of people who are from non-English speaking backgrounds, so therefore a lot of socioeconomic disadvantage, is a breeding ground for crime. A lot of these young people indeed want to find their way out, so it has been very difficult. Indeed, a few years back we ran a program with a group of young boys, and at the end of that program, which was about lifestyle and choices in life, they were

asked to write the 10 top priorities in life that they would like to see, what they would like to happen in their lives. Sadly, out of the 14 boys who participated, nine listed only a handgun as their top priority in life, then having a happy family, a nice wife, a nice house, a motor car, all the normal things that everyone else has. On questioning afterwards, the young people did not see any way of obtaining those things other than through the power they would receive through having a handgun. They felt totally powerless otherwise and did not see any other way of obtaining that.

The Hon. I. W. WEST: I find that an extremely interesting answer, or comment. On the issue of respect for each other, I understand you are saying that the police are showing no respect to the people they come across, that the people they come across are showing no respect for the police and they are both saying, "It is not my fault." How do we break that cycle so that they start to show a bit of respect for each other?

Mr HANKIN: We initiated a program with Cabramatta police a couple of years ago in which we had a street video project, which was predominantly targeted at at-risk and homeless young people to give them some skills and show them different things. Also we incorporated numeracy and literacy. As part of that we filmed an open day at the local police centre and went on to show police in a different light. That created good bonds between the young people involved in the project and police. The stuff they had been talking about previously was not their perception after having dealt with that. I think young people on the street see police, see authority, see all that and fail to see the person on the other side of that. I think sometimes that is reciprocated by police in that they fail to see the person but, rather, a problem.

The Hon. I. W. WEST: Can I lastly just ask—it is probably an unfair question and there is probably not an answer to it—which one do you think comes first? Is it disrespect from the police or disrespect from the public?

Mr HANKIN: I believe that to get respect you need to give respect. I consider that both need to learn a lesson in that, and that is something that can be developed through closer links between the two.

CHAIR: How do you do that?

Mr HANKIN: Well, again, whilst the police need to do police work, they also need to be involved with the community with which they need to work. Often youth are the victims and the perpetrators of crime, especially in Cabramatta—the statistics would suggest that—but there is very little happening at any other level other than arrest and charge at criminal level.

CHAIR: It is not for me to give any answers, but this morning a witness, Dr Basham, suggested that police involvement very much locally if possible is the best.

Mr HART: Just on that issue, I think the police need to build much stronger relations with the community. The youth liaison position and a number of the other policing roles are quite key in building those relationships. Unfortunately, for some time at Cabramatta, in my opinion, those positions have not been given the status and given the priority that are due to them. I think the police need to put a lot more effort into giving the positions and the programs that they run much higher priority.

CHAIR: I am not very clear. You mean that the Police Service should give more recognition to this is one of the priorities?

Mr HART: Yes, the youth liaison position, for instance, is a nominated position within the station and that position has a number of responsibilities, particularly since the introduction of the new Juvenile Offenders Act, which involves cautioning and conferencing. Unfortunately, it seems that when the pressures of everyday policing are on the station, those officers are often referred to general duties rather than sticking with their community policing roles and in that way they are not able to do the amount of community policing and building relationships that is required of those positions. They also, unfortunately, tend to be low-ranking officers so they are not in a position within the police structure to put things in place that will improve those relationships.

The Hon. J. HATZISTERGOS: We heard this morning from Dr Basham that one of the problems that exists in this area is that young people who are addicted to narcotics can sometimes overcome the chemical addiction but there still is the cultural and environment addiction, which sucks them back into the chemical

addiction. I was just interested to know what your experience of that is and how you break the environment which forces them back to take narcotics.

Mr HANKIN: The ritual, as I tend to call it, of going out and scoring and using the needle becomes an intimate part of the drug use. I suggest that they will go on to shoot up anything if heroin is not available because it is all part of it. It is a very, very hard part to break, and indeed that is the hardest part of the cycle. The chemical detoxification is a short-term thing. It can happen through various means. It is the ongoing support beyond that that is very difficult. We piloted a program called the home detoxification program. Through working with a lot of people from non-English speaking backgrounds we found that typical clinical detoxification was not working because it was not appropriate. The language was different, the food they ate was different, the culture was different, the religious aspects of their background were not catered for or anything else, so to get by in that sort of situation was very hard. We initiated a program and employed a nurse to help young people detoxify in various situations through the support of their family or extended family or the support network that they had in place. This meant that they could detoxify, go cold turkey or through medicated detoxification. We had a doctor on board who used to assist us with that assistance and then chemical treatment. We then provided support to them and we did it on a roster basis through the youth team. A number of us volunteered to go out and spend some time with a person over a period of a week or two post-detoxification to help to try to alleviate some of that problem.

The Hon. J. HATZISTERGOS: The other thing we heard this morning was that some people who suffer from addiction, detox, not necessarily for the purposes of curing their addiction but for the purposes of them actually reducing their intake so that they can then resume their addiction and get high, which they were not able to previously obtain without overdosing. How acute is that a problem and when I say that is a problem, I am also talking about consuming rehabilitation resources that could otherwise be more usefully deployed to people who are generally interested in breaking the cycle of addiction?

Mr HANKIN: I would suggest that that is correct but it would take an in-depth assessment to work out who they were and who they were not, so to speak. You would need to know the person to some extent and need to have a history of their prior usage to be able to gauge best—

The Hon. J. HATZISTERGOS: I only say that because I often here the statement by people that if a person puts up their hand and says, "I want to be free of drugs" then that person should immediately be taken in and all the treatment thrown at them, yet the person may not be motivated genuinely to rehabilitate themselves and may be motivated by other factors. Is there any room for some screening, and there may not be, and if not, why not or can we do things better?

Mr HANKIN: I think we can do things better. I think there is room for that sort of screening. Indeed, I would probably support that sort of idea. You are wasting your time trying to work with someone who is not interested. They say that you have to hit rock bottom before you can start to climb back up, and rock bottom for many is a long way down. I think for others there is a stimulus. Many have seen friends or family overdose themselves and that has been the turning point for them. For others the birth of a child or an illness in a family or witnessing someone else's overdose is often enough for them to turn around. But then, again, that is not always enough on its own for some others. They need some assistance to get through and some, I would suggest, do not wish to detox, not because they do not want to get off heroin but because they do not see their ability to be able to do it because of a lack of other support systems that many of us take for granted, family for example.

The Hon. J. HATZISTERGOS: I know that youth liaison officers exist, but my experience when I was on Canterbury Council suggested that having youth liaison officers was in some respects regarded by some officers as a substitute for their own developmental relationships with young people. In other words, they regarded that as the soft end of policing and the hard edge of policing was for others. Instead of them having customer-related attitudes generally to young people, they thought that was the job of the youth liaison officer to establish the relationships and their job was to respond to the general law and order portion. What value do you see in youth liaison officers, bearing in mind those comments, and would it be more appropriate that, rather than having an officer dedicated to establishing those relationships, you would have that sort of function spread across a greater number of people to give them exposure to the sort of things that liaison officers see and do?

Mr HART: I would need someone to organise that and to me that is the role of the youth liaison officer. In my opinion, it is not the role of the youth liaison officer to be the only officer in the station to be youth friendly. Officers right across the station should take on those sorts of qualities. I guess the other thing I

would point out is that under the new Juvenile Offenders Act, youth liaison officers have particular duties to fulfil. I think if they were higher ranking officers in a higher position within the station they might be in a much better position to do what I was saying, that is, have some impact on the whole of the station in terms of their attitude towards young people.

The Hon. R. D. DYER: You will recall that some time ago we were discussing how relations between police and young people in Cabramatta might be improved. I assume that you would agree with me that one means might be by better using the PCYC facility. Am I correct in thinking that?

Mr HANKIN: Yes.

The Hon. R. D. DYER: What view do you take of beat policing on the street, of the police going around with a smile on their face saying, "Good morning" and popping into the shops and saying, "How are you? Is everything okay" and that sort of thing but also speaking to the young people as they move around? Do you think that has a useful role to play?

Mr HANKIN: I think it has a very useful role to play. I go back to the conversation I had with the young girl at the refuge last night. I said to her, "What do you think should happen?" She said, "Well, we know they have got a job to do but when they walk up to you and say, 'What are you doing here? Why are you hanging around' rather than saying, 'What is your name? I am constable such and such', treat us with respect and talk to us, don't speak at us."

The Hon. R. D. DYER: However, if that young person to whom the police officer was speaking was arrested by that police officer the previous week and the week before that and the week before that, their friendliness might wear thin after time.

Mr HANKIN: I do not know.

The Hon. R. D. DYER: You do not think so?

Mr HANKIN: No. For example, the guy I was walking down the street with, this cop yelled out and everyone could hear. I was more offended about it than the young man. He said, "Gee whiz, that guy remembered me. He got me a few weeks ago. That is why I have to keep reporting until the case comes up to court." I had a negative response but he certainly did not have that response, which sort of surprised me a little. The young people seem to think it was a fair cop. You hear that all the time, "I got caught." It is not, "Those rotten so-and-sos got me." It is rare that I hear that sort of stuff. Rather, it is an interaction that happened—they stole money off me; they bashed me, talked to me as if I was nothing.

The Hon. R. D. DYER: Police are human and if you come into regular contact with a particular young person known to police, to use a commonly used phrase, the friendliness aspect would wear rather thin over time, wouldn't it?

Mr HANKIN: I can understand that to a certain extent, but I think a professional aspect needs to be brought into play, too. Certainly I can vouch for that experience in my own work. I think you should be professional and open. We are not to judge but rather to provide a service within the scope of the regulations that apply.

Mr HART: If beat policing takes place in a positive manner and there is a process where those particular police officers do that policing on a regular basis and form relationships with the community in a positive way, I think it is a positive thing, but I wonder whether it actually happens that way in practice.

The Hon. I. W. WEST: It clearly does not.

CHAIR: Last year the Committee received a submission from the Department of Juvenile Justice which was critical of the Cabramatta local area command for a lack of use of the diversionary approaches available under the Young Offenders Act, like youth conferencing. Do you have any comments about this and is this your experience?

Mr HART: Yes, that is certainly my experience. I am not sure of the current status of this. When the Act was first enacted it was not able to be used in drug-related crime, as I understand it, although I think that might have been partly changed recently.

The Hon. J. HATZISTERGOS: Did it have any impact when you got young people doing pictures of owning a handgun?

Mr HANKIN: What do you mean, did we get a reaction to it? Yes, young people have handguns in Cabramatta now.

The Hon. J. HATZISTERGOS: Have you had youth conferencing?

Mr HANKIN: That was the reason for them being in the group.

Mr HART: I think it has been proved in various places that the conferencing and those diversionary methods of dealing with juvenile crime are very effective.

The Hon. I. W. WEST: How has your relationship with the police and your profession been?

Mr HART: I am pleased to say that recently a new youth liaison officer has been appointed to Cabramatta police and to date we have enjoyed good relations. That person is in the process of getting involved in various committees and with various youth services in the area. I think there is a lot of hope for improvement in relations.

Mr HANKIN: In the past it has not been good. Partly why it has not been good is that they are low ranking officers, maybe within the youth age range themselves, being under 24. They are often not from the area, so they have little understanding of the area and often little understanding about the issues that pertain to people from non-English speaking backgrounds.

CHAIR: Thank you very much for coming to the Committee and giving us your views and comments. It was most helpful. We have visited some of the youth places in Cabramatta. In the future we hope that the Committee will go back to Cabramatta and have another look and we will get your co-operation. Thank you very much for coming.

(The witnesses withdrew)

RICHARD JOHN ACHESON, Public Servant, 124 Cardigan Street, Stanmore, sworn and examined:

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

Mr ACHESON: I believe I am appearing before the Committee because the Committee is interested in the work I undertook in 1993 and 1994 and I am happy to help the Committee with any information I can or knowledge that I gleaned from that process.

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

Mr ACHESON: Yes, I did.

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

Mr ACHESON: Yes, I am.

CHAIR: 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.

Mr ACHESON: Thank you.

CHAIR: Do you have any opening statement that you want to make to the Committee?

Mr ACHESON: Yes. In 1993 there was an incident which occurred in Gough Whitlam Park in Canterbury during the Arabic Day Carnival at that time. As a result of that incident, there was a massive police response and as a result of that police response and the ensuing press coverage of it, the Government at the time decided to conduct an inquiry into the events surrounding it and at the same time the Ethnic Affairs Commission decided to conduct an inquiry into the relationship between police and ethnic communities. At that time I was an employee of local government at Marrickville Council and I was attached to the Ethnic Affairs Commission as an independent person to conduct those inquiries.

CHAIR: To the police?

Mr ACHESON: No, to the Ethnic Affairs Commission.

CHAIR: Would you like to outline some of your recommendations and the outcome, if you like, of that incident?

Mr ACHESON: As I said, there were two inquiries. The result of the first inquiry went to Cabinet and, as I said, the public document is this report on the police and ethnic communities.

CHAIR: Would you like to table that report as part of your evidence?

Mr ACHESON: Yes, I can provide a copy of that, preferably not this copy but I am happy to provide a copy afterwards.

CHAIR: Can we have a copy for each member of the Committee?

Mr ACHESON: I am sure we can find a copy for each member of the Committee. I should say a number of things about this inquiry. It was conducted in the shadow of an inquiry which was about to be conducted into the police by the New South Wales Ombudsman and the pending royal commission into the New South Wales Police Service. When we conducted this inquiry, we wanted something positive to come out of it. We were aware that I believe it is too easy to attack the police and to use the police as scapegoats at times. We knew there were problems between communities and, we assumed, at the level of some of those problems and issues. When we asked people to put submissions to the inquiries that we conducted, we asked them to identify what the problems and issues were, to give us examples and then to suggest solutions.

The most important aspect of the inquiry in my view was the fact that the communities suggested the solutions, so the recommendations contained within the report are in many ways an amalgamation of what communities in the State at that time thought was the way ahead. Those recommendations fell into a number of broad areas. They involved communication between communities and police, between communities themselves; they involved issues of prior history, of what had happened to people on their way to Australia and the baggage, if you like, that they have brought with them which influences the way they would behave to police in this State and, in return, which generates a behavioural relationship in terms of how police respond to them; they involved perception, how their own experience affects the way they see the police, how the police's experience and the experience of individual police officers affects the way that they see young people, for instance, from different ethnic backgrounds, and also quite often we found that it was not people's own experience with the police which affected their behaviour in relation to the police but that they had heard that someone else had an experience with the police and that coloured the way that people thought about it and affected their relationships that the police and the communities would have with each other.

The other area of recommendation that came out looked at the consultative mechanisms that the community had with the Police Service at that time, be they liaison officers, community consultative committees and so on. It touched on the support services available to the police in their attempts to communicate and engender better relationships with the community, and by that I mean that one of the things that came out very strongly both through the Police Association but also through observations and listening to what police and what the communities were saying was that the police are a frontline service, they are out there 24 hours a day, seven days a week. In the middle of the night they often have to deal with incidents and situations and their functional responsibility, and sometimes they do not do it well because they are not trained to do it, but there are limited support services available to police outside normal hours, and that is something that I think generally has to be addressed. They are the broad areas that came out.

One of the significant things in those recommendations, I think, was that everyone talked about the need for police to have cross-cultural training. Police said that the communities needed a better understanding of policing in Australia, policing in New South Wales and what police did. There were misconceptions. I have heard recently—I do not know whether it is true or not—through listening to reports from this inquiry that some people still seem to interpret bail to mean bribe. That was the perception then, and I think at times that is still the perception in some communities, though not in all. While everyone talked about the need for police to have cross-cultural training, no-one could actually identify what it was and how it could have a positive impact and ongoing impact. What came out of that in consultation with the police academy and others was a proposal called Police and Community Training [PACT] program.

The PACT program was a way in which police officers could work with their local communities around specific issues to improve the relationships, address those issues and in the process learn about each other, and that is where the cross-cultural training component comes in. It is focused around an outcome. I think it is fair to say that that has been highly successful. It is still happening now, and I think that the Government is committed to pursuing it. The second very valuable instructive thing that came out was the establishment of the Police Ethnic Communities Advisory Council [PECAC]. That allowed for people to be appointed to the council from various ethnic communities to directly advise the Commissioner of Police on matters of concern to those communities, to monitor the implementation of ethnic affairs policy statements [EAPS] within the service and to advise the commissioner and his officers on matters when it was required. That is a very positive and powerful tool for the service to have to allow the communities to provide input into what happens at the highest level.

The other findings within the report, and there are 52 of them, partially revolve around police training. At the time when this report was undertaken as part of the inquiry I actually reviewed the academy, the training methods and the information and knowledge base which was given to police. It looked also at the push in policing which at that time was—as it still is today—towards community-based policing. That is seen as both the most accountable means of delivery at the local area to people as well as the most successful to allow the community to have input. Some of the recommendations focused on that and looked at the structural interrelationships through community consultative committees, through senior police officers at the local level and through the liaison officer at the time. I will stop there.

CHAIR: Of all these recommendations, which ones are the most important?

Mr ACHESON: Which ones do I think are the most important? I think the recommendation which led to the establishment of PACT provides ongoing opportunity for police officers to engage with the community where resources are allocated so that real outcomes can be achieved and both the police and the community at

the local level can see a real tangible benefit. As I said, I think that the recommendation that led to PECAC to provide communities with the ability to provide input into the Police Service at the highest possible level is critical and very important. The recommendations contained within this report which address ethnic community liaison officers, the provision of interpreting and translating services and the whole nexus of communication between serving police officers and the community and looking at ways to assist in that process I think are critical. And the recommendations looking at structuring accountability into appointed officers to ensure that they liaise and consult with the community I think are fundamental to the success of any ongoing development of relationships.

CHAIR: What do you think is the main role of the ethnic community liaison officers [ECLOs]? It was suggested this morning in evidence that it would be preferable for the police to have some language skill of the community. Of course, it is impossible, or at least difficult. I have this feeling that ECLOs could probably provide better communication between the police and the ethnic communities. All along I think they have been very helpful. So what is your view on it?

Mr ACHESON: I do not quite follow in terms of ECLOs being a barrier, but that is okay. I perceive the role of the ethnic community liaison officers as central to forming the bridge. They are essential to helping police officers to develop trust between communities. They explain cultural differences, they provide information to police on what will offend and what will not offend. They can go into meetings at various times and because they are not serving officers other people may often, but not necessarily always, tell them about something else that has happened. They are advocates for their community and for all communities within the service, so they ensure, in part, that EAPS is kept on the agenda at local level and they do at times provide language services to local area police.

The Hon. I. W. WEST: Mr Acheson, how effective has the implementation of PACT been and where has it been implemented?

Mr ACHESON: I do not think it is really my position to measure the effectiveness and comment on this. I will say that I am aware that the police have done an evaluation on the effectiveness of PACT and that I am aware that that report is in a draft form. I do not know when the final form will be out, but I think it will be out in the near future. Where PACT has been effective and where it has been implemented at this stage is in Marrickville, where the communities and the police worked together to develop a CD-ROM, which is used in part with the induction and training of police when they come into the area or are going to come into the area, in part with police at the academy, it could be used for students and so on. I would recommend to the Committee that they take advantage of any opportunity to have a look at that CD-ROM. It is a good product and it is very worthwhile.

I am aware that an excellent video was produced at Kogarah through PACT, through police working with young people, in which they explore the complexities of the relationships that occur between police and young people. It is a good example, not because it resulted in a video at the end of it but because it got young people and police talking together, and that will impact on their relationships. Also, those young people then talk to other young people, so it has a flow-on effect. I am aware that in the Canterbury area another program has led to the community being involved in an induction program for police. When police go into the area they will now go with the community for the day to learn what the community is about and the various cultural differences and aspects within the community. It has taken on a different aspect in different areas depending upon the composition of the local community and the relationships that have been developed between the local community and the police and what they as a joint unit want to do.

The Hon. I. W. WEST: Are you aware of why Marrickville, Kogarah and Canterbury were selected and not some other area?

Mr ACHESON: There has also been work done in the Cabramatta area through PAT and a video is almost ready to be released. I am aware that the Minister and the Premier earlier this year announced to undertake a project in that area. Why those areas were chosen, no, I was not an employee either of the Ethnic Affairs Commission or the Police Service and at that time had no role in the decision making.

The Hon. I. W. WEST: Could you give us your professional assessment as to whether or not there would be any differences between Marrickville, Kogarah, Canterbury and Cabramatta?

Mr ACHESON: I think there are differences in terms of the demographic composition. There are differences in terms of the culture of individual stations and the history and how they have related to people. There are differences with respect to what communities in those areas say are the big issues that should be addressed and how they should be addressed.

The Hon. I. W. WEST: Do you see in Cabramatta there may be some additional things that might need to be done or do you think that PAT would apply?

Mr ACHESON: I think that PAT will apply to Cabramatta but I do not think it is the answer if you are looking for an answer. It is exceptionally complex. In recent times in this State we have seen co-ordination programs being developed through the Premier's Department which has a role in Cabramatta where you have various agencies coming together focusing on issues and supporting each other. I do not see that as the solution. I see it as part of the solution and a positive part of the solution.

CHAIR: I refer to your report, item 21, accommodation and item 24. Are you aware of any other jurisdiction where consultation with communities about operational priorities is a performance indicator for the Police Service and what is the rationale for these recommendations?

Mr ACHESON: With respect to recommendation 21, that the commanders consult with the consultative committees to assist in the determination of operational procedures, in the report I quoted Peter Moir in a paper he wrote in 1990. He also taught at the academy in Goulburn at that time. In his analysis of community-based policing, and that is the fundamental drive within the State, what Mr Moir wrote was that present arrangements do not allow the privacy of the community in establishing police policy and practice. The community must be empowered to make decisions concerning the way policing is carried out at a local level. What we were attempting to do was to move into the area of community-based policing at the local level where you develop powerful, effective relationships with your communities and the police, so that the community, all things being equal, and the police have their functional responsibilities. It was to allow the community to work with the police to say, "We think these are the three priorities in this area" and for the police to then say, "Yes, okay, we are working with you, we will work with you on those three priorities. We still have our other work to do but these are the three priorities we will work on." It was to try to engender that. My understanding is that police local area commanders do work with their local communities to a degree and listen to what they are saying. To what extent that recommendation has been implemented, you would need to talk to the Police Service. I cannot give a firm comment on that but that was the rationale behind it.

CHAIR: In other words, the local commander had really good communication with the community?

Mr ACHESON: That is right. The idea is to develop communication with the communities, allow them to assist you to identify the priorities and meet your other requirements that you must meet functionally. You can achieve an outcome for specific targets. There is no point in having wonderful ideals if you are not going to get any where. That is also one of the other things about this report, the recommendations that were put out were exceedingly practical and achievable. That is one of the key points. The second point, liaison and consultation activities be considered and included as performance measures, again, it is part of the push and through the royal commission of making local area commanders accountable for their business planning and so on. In this instance community-based policing strategies is the inclusion and the empowerment of the community in assisting to determine priorities. We do not want people paying lip service to it. We want to see the evidence of it. That also means from the other side of the fence, if you like, if the police are then challenged about they do not consult or they are not doing the right thing, the local area patrol commanders can say, "We sat down with you last week and the community said this", and so it allows, again, to stop, if you like, the police being blamed for things or criticised about things where they have attempted to do the right thing.

CHAIR: Often the police have good intentions to consult but the participation in the community is not enthusiastic, so what can you do?

Mr ACHESON: It is very difficult to get people to consult with you.

CHAIR: If they are not forthcoming, like at Cabramatta.

Mr ACHESON: There are different mechanisms to be used in terms of consultation. You can consult by letter box dropping, translation of information, radio programs, consult by conveying information to people and leaving the door open for them to come back to you and bring information back to you. I do not think in

areas where perhaps people are fearful for their own safety that you are necessarily going to get a whole lot of people coming into the room to consult. So you look for other means to do it.

The Hon. I. W. WEST: The method of communicating is vital.

Mr ACHESON: Yes.

The Hon. I. W. WEST: You have to work out the correct way of talking with people, otherwise it does not work.

Mr ACHESON: Yes. If I can add, that is where processes like PAT, processes like using ECLOs fit into it. As I said, there is not one answer. You have to keep moving and bringing them in and I do not think if you sat down and evaluated one small piece of it you will get the answer, yes, the thing is successful. You have to look at the totality of what you are attempting to do and draw the various parts together.

CHAIR: How do you educate or what kind of practical action is that that the commission or perhaps the community can initiate to generate this mutual understanding between the police and the communities and within the community itself?

Mr ACHESON: Again, I do not think I can say what I think the commission should do.

CHAIR: From your private view?

Mr ACHESON: There is a need for the development of ongoing communication strategies and of actually sitting down with people from perhaps a non-Police Service background and working out strategies for particular areas or strategies for the service as a whole. That may include working with community leaders. It may mean working with, say, the members of PECAC to influence their communities. It may mean working with religious leaders to convey the message. It may mean working with the schools, getting the school students to take the message home to parents who often do not read English. There is a variety of mechanisms and ways that could be used but I have not formulated that for hearing now.

CHAIR: Do you have any observations to offer the Committee about recent developments and strategies to improve police community relations from other States or from overseas?

Mr ACHESON: In terms of policing the community, this is not all that I do and I do not have a specific focus on it at the moment in terms of my employment, so I cannot sort of comment on what is happening overseas or to a degree interstate. I am aware that there may be some lessons to be learned from the peace keeping exercise in East Timor and it may be worth talking to senior police in the Northern Territory about that. I was in South Australia late last year and I had the opportunity to speak with police about a program that they have designed and are using to train detectives in the use of interpreters. I am aware of number of things going about. I think within that context perhaps it would be more appropriate to suggest that you speak to Ivan Kalorick, the Director of the National Police Advisory Bureau. It is more his job to pull all that stuff together and keep it in.

CHAIR: Do you have any comment about a quota to recruit police from ethnic communities?

Mr ACHESON: In the context of this inquiry we looked at a range of issues with respect to the recruitment of police and police of non-English speaking backgrounds. We noticed that there were attempts to recruit people from the Aboriginal community in the Police Service. There were opportunities for tutorial assistance while at the academy and we looked at those sorts of possibilities for people of non-English speaking backgrounds. I do not know that if a quota were established whether or not it would be achievable. If it is not achievable then I would ask why would you do it. I think one can have a target and measure performance against that target and see reasons why this is achieved or not would be a far better way. I know that the Victorian police have been looking at ways to improve the percentage of people of non-English speaking background in the service. One of the targets of any communication strategy or campaign on that must be parents of children of non-English speaking background because, as we know, the parents have a significant role to play in the career choices that children make, and perhaps that is one way of attempting to address the issue.

CHAIR: When Alan Leek, the former Cabramatta area commander, appeared before the Committee he said that during his time in the position the ECLO was directly responsible to him and acted as a key assistant

adviser, more or less the right-hand man. Do you think it would be helpful to enhance the role or the status of an ECLO by making them directly responsible to the local area commander, because at the moment they are not?

Mr ACHESON: When I conducted this inquiry Alan Leek was the patrol commander at Cabramatta, and I had discussions with him at that time about the conduct of the Moon Festival and other issues at Cabramatta. Whether or not the ECLO directly reports to the patrol commander, I think the status of the ECLO should be such that they are not pushed aside as an add-on. They are intrinsic to the way that the police see themselves communicating with the communities and are an exceptionally valuable tool for maintaining effective and positive relationships with those communities. I do not know whether that would be enhanced if they reported directly to the patrol commander. In terms of the business planning at the local area, perhaps ways of communicating what they have done and their performance measures as such, their involvement with other officers, could be looked at and measured to see what is occurring.

CHAIR: I am very interested in the subject of ethnic community liaison officers. It has been reported in evidence before the Committee that it appears that there is a conflict of interest in the ECLO's position in the organisation because the ECLO was very involved in the ethnic communities themselves. What is your comment about that? On the one hand they have to be involved and on the other hand the community looks at them differently.

Mr ACHESON: In part, that came out in the inquiry. It is an issue of loyalty. The officers and the operational members of the New South Wales Police Service are an exceptionally loyal group of people and support their colleagues in the workplace, which is understandable given the task that they have to undertake. Whether or not the ethnic community liaison officer is seen to be part of that or not is the question, and I do not know the answer. Since this report was completed, a large number of non-operational police officers have also gone into local area commands to perform some of the administrative tasks as part of the reform agenda. You get the operational police out in the street, and that has been the reference that has been undertaken. I do not know whether that applies to those people as well, because they are not operational police. I cannot answer that.

I do know that if I am sitting in a room with some of my friends who are of a different cultural background and they start speaking in their native language, which they occasionally do, and I cannot speak their native language, then I sometimes feel left out. If they have a joke, I wonder what is going on. But given that they are friends, I do not assume that it is at my expense. In policing, perhaps, because people cannot understand what is being said at times, they may feel that not everything is above board, but that may not necessarily be and probably is not necessarily the case. I think that again comes down perhaps to the training of the ethnic community liaison officers. If they are in situations with other police officers, they should make sure that those police officers, if they do not speak the language, are fully aware of what is going on as it happens.

CHAIR: Finally I just want to ask your personal view. To what extent have your recommendations in the report been implemented and how successful do you see the recommendations that have been implemented?

Mr ACHESON: Again, I have never been charged with doing an evaluation of this report. Given that it occupied my life for a significant period of time—I consider a year a significant period of time—I have taken an interest in what has happened. Without doing a full evaluation of this report, I would suggest that at least 80 per cent of the recommendations have been acted on in one way or another to various degrees and with various levels of success. Part of the reason for the degrees to which they have been acted upon and the success have involved resources from resource allocation. There are undoubtedly others. They involve personal differences between people; they involve the reform agenda. As I have said, this report came out prior to the royal commission. Given that I think, as I said, some 80 per cent have been acted upon in some shape or form, then I consider it to be a highly successful exercise.

CHAIR: You may not want to answer this question. If it was 80 per cent successful, how does that apply to Cabramatta?

Mr ACHESON: I cannot apply this report to Cabramatta without analysing what has happened in Cabramatta over a period of time, and that is what we were doing at that stage. When you finish your deliberations and your report comes out, I would like to then go back and say, "If this happened now and this had been done, would there be a difference? Would it have had some sort of impact if everything had been implemented in Cabramatta?" What it is true to say is that the implementation of the recommendations in this report or any other report are not necessarily consistently applied across the State and across commands. Part of that is related to the commitment of the patrol commanders involved, which goes back to the recommendations

where we talked about performance measures, including consultation and liaison, in part the resources allocated, and the police priorities in the areas at the time. I cannot really answer that.

CHAIR: I find the report very helpful and my personal view is that it very largely could be applicable to Cabramatta.

Mr ACHESON: If I can comment, I think that might be a useful start.

CHAIR: You cannot reinvent the wheel. I will put it that way. On behalf of the Committee, Mr Acheson, thank you very much for coming and giving us your time. Certainly I found it very useful. Because you were not here this morning I just want to tell you that the Committee is looking closely into the relationship between the police and the community because the Premier in his new initiative has not touched on that at this point of time. Thank you very much.

Mr ACHESON: Thank you very much for the opportunity.

(The witness withdrew)

(The Committee adjourned at 3.52 p.m.)