

REPORT OF PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE NO. 3

Inquiry into Police Resources in Cabramatta

At Sydney on Tuesday, 27 February 2001

The Committee met at 11.30 a.m.

PRESENT

The Hon. Helen Sham-Ho (Chair)

The Hon. P. Breen
The Hon. R. H. Colless
The Hon. R. D. Dyer
The Hon. J. Hatzistergos
The Hon. G. Pearce
Ms Lee Rhiannon
The Hon. I. W. West
The Hon. Dr P. Wong

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CHAIR: Before I actually start I would just like to acknowledge besides the Committee members the other upper House members, the Hon. P. Breen and the Hon. Dr P. Wong, who are exercising their right to ask questions in this hearing. The Committee has established that they have this right. Before I ask the formal questions to Assistant Commissioner Small I want to make an opening statement.

This is the fifth hearing in the inquiry into Police Resources in Cabramatta. The Committee resolved, at a deliberative meeting earlier today, to convene this hearing in order to provide an opportunity for Assistant Commissioner Clive Small to appear before the Committee, in part to be able to respond to a number of allegations made by a witness before the Committee last Friday, 23 February.

Before commencing the hearing, I would like to make the following statement in order to set the record straight in relation to a number of things that have been said in correspondence from the New South Wales Police Service and the Minister for Police since Friday's hearing.

In relation to the calling of witnesses, the Committee has been keen to maintain the standard courtesies between the Parliament, Ministers and the public service. However, I also emphasise that at the commencement of the inquiry it was put to the Committee that the Police Service was sensitive not to be seen as in any way vetting police officers wishing to give evidence to the Committee and that it was up to the Committee what arrangements it made to take evidence from serving police officers, particularly those from the Cabramatta Local Area Command who had made submissions.

There appears to be some suggestion that the Committee should have been prepared for the evidence to be given by Mr Priest. Beyond the contents of a witness's submission, and in Mr Priest's case his earlier evidence, it is not possible to know what a witness intends to say at a hearing. The Committee did not know that Mr Priest would make certain allegations about Assistant Commissioner Small. However, now that such comments have been made, the Committee has taken the appropriate course of action: that is, the Committee has considered the evidence received and, having considered the evidence, has resolved to convene a hearing at the earliest possible opportunity for Assistant Commissioner Small to have an opportunity to respond. There has also been a suggestion that Mr Priest's evidence should have been taken in camera. There is a general presumption that parliamentary committees will conduct their hearings in public. As Odgers' *Senate Practice* notes:

Any proposal to take evidence in private session is always considered carefully by a committee. In camera hearings defeat the purpose of parliamentary inquiries of informing the public. The other main purpose of gathering evidence is that the evidence may be used to support conclusions and recommendations, and may be seen by the public to support those conclusions and recommendations. The vast majority of hearings of evidence by committees are therefore in public. (Eighth edition, page 413.)

Whilst parliamentary committees do take evidence in camera from time to time, this is generally in response to a request from a witness, such as a segment of the evidence of Mr Jarratt on 8 November 2000. I reminded Mr Priest of the capacity for the Committee to take evidence in camera, but he indicated that he wanted to give his evidence in public. Mr Priest's comments about Assistant Commissioner Small were relevant to the Committee's terms of reference and related to Assistant Commissioner Small's professional responsibilities as a public official. Had Mr Priest's comments been personal in nature or gratuitous I would not have hesitated to intervene and ask the Committee to resolve to go in camera. As it was, no point of order was taken by any member in relation to in-camera evidence. Assistant Commissioner Small, I also would remind you that the same procedures will apply to your evidence.

Officers of the Police Service had been present when Mr Priest had previously given evidence on 18 December 2000. The Police Service had been provided with a copy of Mr Priest's submission, together with all of the publicly available submissions prior to last week's hearing. No concerns were expressed about Mr Priest's submission and no objection was raised about Mr Priest's appearance before the Committee on 18 December or the procedures followed on that occasion. It is difficult to avoid the conclusion that the real issue here is not the procedures followed but, rather, the nature of the evidence that was given last Friday.

One matter raised by the Police Service that is of concern is the suggestion that "operational security and protection of informants may have been prejudiced" as a result of last Friday's hearing. That is a matter which the Committee takes very seriously. The Committee is keen to hear from you today, Mr Small, about it.

The tone of the correspondence received from the Police Service and from the Police Minister, and of a telephone conversation I had with the Minister yesterday, has been a matter of concern to me. I reiterate that the Committee has resolved to convene this hearing to enable you to give evidence at the earliest opportunity. That

has been a unanimous decision taken by the Committee as a matter of procedural fairness to you. The Committee has not been pushed into convening this hearing this morning. What is more, I will not allow this Committee to be bullied or intimidated in any way. I should note that at the commencement of this inquiry the Committee was accused of being "in the pocket" of the police when it sought to hear police views. No doubt the Committee will continue to be the subject of intense scrutiny. However, I will not allow this Committee to be diverted from undertaking this inquiry in a thorough and painstaking manner. It is the Committee's responsibility to thoroughly examine the evidence that is presented and to pursue the issues until the Committee is satisfied that it has answers to the problems and policing challenges facing Cabramatta.

I also wish to make a statement about Cabramatta High School. On 6 February of this year the Committee made a visit to Cabramatta High School as part of its consultations in Cabramatta that day. The consultation was well attended by teachers, students, ex-students, residents and parents. The Committee was very impressed by the commitment of the teachers and their care and concern for their students. The school has a very low turnover of staff, with many teachers being there for more than 10 years. The students were articulate and proud of their achievements but upset that they were often stigmatised and stereotyped because of the name of their school. The school itself is rigorous in pursuing a zero tolerance policy on drug use, and both teachers and students suggested there was virtually no illegal activity of this type within school grounds.

The Committee notes that Detective Sergeant Tim Priest gave evidence about an incident outside the school grounds. The Committee asks that any reporting or discussion of the school make the distinction between what happens within the school and any activity which happens outside the school.

Following this hearing the Committee will release the transcript of its consultation at Cabramatta High School so that this evidence is available to the public.

We will start with the formal questions of Assistant Commissioner Small.

Mr BARTLEY: I seek leave to appear, Madam Chair. My name is Glenn Bartley, and I seek leave to appear for the Police Service as junior counsel to Ian Temby, QC, in his place today. He very much regrets being unable to attend, but he has a longstanding professional commitment. I seek leave to appear on the same basis that Mr Temby was granted leave to appear on past occasions and for the same reasons as Mr Temby, including to assist the Committee, either directly or by way of advising Assistant Commissioner Small to identify operational matters that should be dealt with in confidential session so as to ensure, for example, that informers are not harmed or killed and that current or potential investigations are not jeopardised. On behalf of the Police Service, I would like to thank the Committee for convening urgently, and also on behalf of the Police Service in relation to the circumstances giving rise to this urgent session today, I would wish to express the Police Service's concern that the evidence of Detective Priest given on 23 February was not at least made the subject of short notice that he was going to give evidence.

The Hon. G. PEARCE: Point of order, Madam Chair. We have not resolved the issue as to whether the gentleman should be permitted to attend the hearings. My understanding was that the Committee did not actually grant leave to Mr Temby to appear as such but there was a hybrid basis on which Mr Temby was permitted to assist the police witness. I think the Committee has resolved this morning that the same basis would be extended to Mr Temby today and, I assume, his junior. That does not go to making submissions to the Committee.

The Hon. R. D. DYER: Madam Chair, on the point of order: Mr Temby, as I recall it, was given leave to appear but not to appear as a witness; he was given leave to appear to assist the witness, who at that stage was another person—Deputy Commissioner Jarratt—so I would suggest that an appropriate ruling would be that Mr Bartley is entitled to appear on the same basis as Mr Temby.

CHAIR: I will rule on that point. It is true that Mr Temby was here to assist Mr Jarratt at the time and he was not appearing as a witness, so Mr Bartley will not be sworn in as a witness. You are here only as an observer to the Committee hearing as counsel or assisting Mr Small today, so we will not hear from you any point you want to make at all.

Mr BARTLEY: If the Committee pleases, might I then finally and for very mundane purposes say that Assistant Commissioner Small would like to outline his CV at the start of giving evidence.

CHAIR: We will swear in Mr Small first and I will ask Mr Bartley not to participate in our hearing at all. You can talk to Mr Small but you certainly will not be asking questions or answering questions from Committee members.

CLIVE THOMAS SMALL, Assistant Commissioner of Police, and Commander, Greater Hume Region, New South Wales Police Service, Care of Greater Hume Region Office, Liverpool, sworn and examined:

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

Assistant Commissioner SMALL: I am appearing before this Committee as a senior police officer who has been adversely mentioned on previous occasions before this Committee.

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

Assistant Commissioner SMALL: I did.

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

Assistant Commissioner SMALL: I am.

CHAIR: I want to say this. I said it to Mr Priest as well. I say it to all the witnesses. 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 would be willing to accede to your request .

Assistant Commissioner SMALL: Thank you.

CHAIR: Do you want to make a short statement?

Assistant Commissioner SMALL: I would seek Madam Chair's support to read into evidence my response to the allegations raised by Detective Priest at this Committee. Further to that evidence, I would be presenting to the Committee, with your agreement, a written form of that evidence, with some supporting documentation, which I would seek to be treated as confidential. It is only the supporting documentation and not the evidence itself that I would seek to be treated confidentially by this Committee.

For the information of the Committee, I am currently Assistant Commissioner in charge of the Greater Hume Region. I took up that position officially on 1 January this year. Prior to that for about four years I was the Commander, Crime Agencies. I was appointed to that position by Commissioner Ryan following the Wood royal commission with the view to reforming and re-establishing the capabilities of the service's investigative capabilities into major crime and organised crime. Very briefly, in the periods before that I held positions as the Acting Region Commander North, the District Commander at St George-Sutherland and Local Area Commander at Liverpool Patrol, as it was then known. I have also led a number of major investigations, some of which are well known. I have been in the service since 19, and prior to that was in the police cadets. I provide that by way of background.

CHAIR: Thank you.

Assistant Commissioner SMALL: Do you wish me to proceed now?

CHAIR: Yes, please.

Assistant Commissioner SMALL: Thank you. I trust that the information I am providing is of assistance to the Committee and I am happy to provide additional information at any time. With your concurrence, I do wish to place before the Committee my serious concerns about the allegations made by Detective Sergeant Priest. It is grossly unfair to both me and the men and women of the New South Wales Police Service that from 23 February onwards we have been the subject of public and extensively publicised allegations of inactivity to which we have had no immediate right of reply.

That allegations of this nature go without an immediate right of reply is a gross dereliction of procedural fairness. Further, given the numbers of police officers subject to this slur, there can be no justifiable public interest associated with the procedures adopted to date, which have involved the lack of even short notice of the allegations and the immediate right of reply. The evidence I will give rebuts in turn each of the allegations made by Detective Sergeant Priest. They show the allegations for what they are—ill-informed falsehoods.

I appreciate the opportunity to address the Committee but regret that my officers and I have been subject to four days of the most negative public attention. To endure such attention, all based on the musings of a few questionably motivated people, is unfair to all Cabramatta police men and women and the community of Cabramatta generally.

If I can turn first to Detective Priest's allegations and summarise them, on 23 February 2001, Detective Tim Priest appeared before this Committee. During his appearance Detective Priest made the following direct allegations. He said that in October or November 1999, as the Commander of Crime Agencies, I received a confidential report from South East Asian Crime warning of the threat of escalating violence among Vietnamese gangs and that I hid the report. He said that I failed to act on the report and, as a consequence, "Over 40 shootings occurred, people were murdered, numerous people were seriously wounded, the community and public were placed in grave danger and this could have been prevented." He said that the report still remains hidden and not acted upon. He said that there was a failure to set up a dedicated strike force team of officers. He said that I was "almost [guilty of] criminal neglect" and "ought to be brought to account". There is no reasonable explanation for the detective's allegations against me other than they are deliberate and malicious distortions of the truth.

On 18 December 2000—just nine weeks ago—Detective Priest appeared before this Committee. During his appearance, the detective referred to my promotion to a senior rank in the service in terms of what might be described as at least faint praise. He said—and I quote from page 60 of the transcript:

It was almost an accepted fact that you could not trust detectives and detectives have never managed to reach the top spots within the Police Service over the last couple of years, with the exception of, say, Mr Small and Mr Brammer. The vast majority of positions of LACs [that is, local area commands] are filled by prosecutors, headquarters personnel and, to my knowledge, very few detectives or ex-detectives. As a result, I believe that you have just got a complete lack of talent among many of the LACs.

Elsewhere during his appearance before the Committee on 18 December, the detective referred to 40 shootings, which nine weeks later he said I could have prevented:

There is no question that 40 shootings, numerous people shot, murdered—I mean, it doesn't get any better than that!

That is a quote from page 66 of the transcript of that day. At no time during those December proceedings did he mention me, other than in the context I have described, let alone direct any criticism towards me. Detective Priest explains his reappearance before the Committee by saying that he only became aware of the hidden risk assessment report after his appearance before the Committee on 18 December. That is almost certainly true, but the real motive for the false evidence against me can be found in the following.

1. In late 2000, I refused to accede to his transfer to the Drugs and Organised Crime Strike Force Program within Crime Agencies. My reasons included unrelated and independent internal investigations of the detective, greatly pre-dating his first allegations affecting me.
2. When temporarily seconded to Crime Agencies in late 2000 to investigate allegations he raised of organised crime, including high-level drug trafficking and violence in Cabramatta, he was placed under supervision by Detective Superintendent Jones and "not allowed to run his own race".
3. The two-month investigation into his allegations found, generally speaking, that they were without substance and he has become aware recently of the findings of those inquiries.
4. Recently I refused to accede to his request that he be placed back at Cabramatta in plainclothes.
5. I had grave reservations about acceding to his request to work in plainclothes at any location, and he was aware of this.

6. The detective realised that his desire to set up his own investigative team responsible for targeting Asian crime—based on a belief that he alone is capable of leading such a team—was not going to eventuate.

Responding to the detective's allegations concerning the report is made difficult because of the need to ensure operational security and community wellbeing. However, I am able to produce some material that corroborates the events I am about to outline and disproves the allegations made by Detective Priest. In November 1999, Crime Agencies and local police set up a strike force to investigate a serious crime of violence involving members of rival Vietnamese gangs, and that investigation also involved other law enforcement agencies. At the direction of Crime Agencies' command, the strike force was required to, among other things, conduct a risk assessment of related organised crime activities and make operational recommendations. I will provide the Committee with an in confidence copy of those terms of reference.

That investigation and others disclosed tensions between a number of rival gangs extending over several years that had, in more recent times, manifested in a number of instances of tit for tat violence. A number of these incidents had not been reported to police. The assessment identified the likelihood of increasing violence between gangs. It did not, however, include the comprehensive and detailed analysis required for operational action.

On 18 November 1999, Detective Senior Constable Cook of the South East Asian Crime Unit in the Crime Agencies' Drugs and Organised Crime Strike Force program submitted that assessment with the recommendation:

That the attached document [that is the assessment] be forwarded to the Manager, Investigation Services, Crime Agencies for information and review.

On the same day, Detective Inspector Andy Day, the then acting officer in charge of South East Asian Crime, endorsed the report that "Consideration be given to formalising the gathering of intelligence in respect of the most active Asian crime groups." He also said, "Intelligence has been received that violence between these groups will escalate in the near future. Perhaps a working party, including OCSEA," which is Organised Crime South East Asian, "SSU", which stands for Strategic Support within Crime Agencies, "and representatives from affected LACs should review present practice and procedures with a view of establishing a central intelligence base." I will produce to this Committee a copy of both of those minutes on a confidential basis.

The assessment and report were forwarded to the Manager, Investigation Services, Crime Agencies, where they were received on 22 November. Over the next few days, the assessment was considered and a preliminary review was undertaken. Among others, this review involved Detective Chief Superintendent Rod Harvey, Operations Co-ordination, Detective Superintendent Ron Smith, Investigations Services, Detective Superintendent Paul Jones of the South East Asian Crime Unit and analysts from the Strategic Support Unit.

On 9 and 12 December, meetings were held between these police and others. At the meeting of 12 December, Acting Sergeant Tsung, the intelligence team leader, South East Asian Crime, was asked to, among other things, undertake further analytic work to develop a strategic picture of violent criminal activities in the Cabramatta area. This included searching the service's computerised operational policing system, liaising with Cabramatta and other local area commands, the analysis of data, the preparation of various charts to identify whether there are connections and the provision of verbal briefings. This is precisely what the risk assessment report asked be done. Clearly, neither I nor Crime Agencies command sat on or hid the risk assessment report as alleged by Detective Priest.

Subsequently, the analysis undertaken formed the basis of the formal creation of Strike Force Portville on 1 February 2000, though it had commenced operations informally a few days earlier. The strike force comprised 15 police at the time of start up, though this was later increased to 25. It included police from Crime Agencies, Cabramatta and other local area commands. Its charter was to investigate a number of shootings and other acts of violence and their connection with the drug trade, focusing particularly on Cabramatta. I will produce to this Committee the terms of reference of that strike force on a confidential basis.

Since its inception, the strike force has investigated around 50 incidents of violence. This includes a significant number of incidents that occurred prior to the commencement of the strike force, some going back as far as 1996. By April 2000, following the arrest of a number of key players, the frequency of incidents of violence had reduced from a number of incidents per week to where they were sporadic incidents only. These

arrests involved people identified in the November 1999 risk assessment, in the follow-up assessment of December and January and during the course of the investigation itself and from other sources.

The results of Portville include: 36 offenders charged; 25 firearms, mostly handguns seized; and 83 charges being laid. I have outlined the details of those charges. I do not wish to detail them here but we will simply say that they involved several counts of murder, several counts of attempted murder, several counts of kidnapping and numerous accounts of serious assault, demanding money with menaces, drug supply and other charges.

As a result of intelligence gathered during the course of Portville but not exclusively by Portville, Strike Force Scotsville was established on 8 October, 2000. Its focus has been specifically to target drug trafficking in and around the Cabramatta area. This strike force comprises 20 police from both Crime Agencies and local area commands. The results of Scotsville include: 39 offenders charged; 59 charges laid, again, including the supply of drugs, the possession of drugs and first instance warrant. It also includes the execution of warrants on a number of drug houses and as a result of which 24 heroin dealers, and we say heroin dealers based on strong intelligence and criminal histories, were evicted.

On 1 January this year I officially commenced duty as the Commander, Greater Hume Region. As a result of discussions with senior officers in the region, my own assessment of the situation at Cabramatta and taking into account a range of other operational issues, it was decided that the tactical action group or the TAG, the Region Anti-Theft Unit and Puccini would be amalgamated. This would provide a highly flexible and mobile force of around 90 police that would be capable of targeting trouble spots and problems across the region in support of local area commands.

It also meant that some resources would be released back to Cabramatta and they could be deployed to priority issues determined by the local area command. This arrangement has been accompanied by a new operational approach across the region that includes, but is not limited to, a new drug strategy. Essentially this strategy requires that drug offenders be arrested and charged. I need to draw the distinction here between people being issued with a field CAN notice or an on-the-spot fine almost in the field between being arrested, taken back to the police station and a court attendance notice issued. That is where you do not go through the formal charge procedures but you are given a notice to attend court and there are no bail conditions attached to that process. No fingerprints are taken.

Essentially, the strategy requires that offenders are arrested and charged. That means they go through the full process of fingerprinting, photographing and being considered for bail. Where they are on bail, probation, parole or the like for other offences at the time of their arrest, they are most likely to be refused bail on the basis of the likelihood of continuation of offences and risk to the community. Where appropriate, such as where the person does not live in Cabramatta, those who are bailed have, as a condition of bail, the requirement that they do not return to the area where the drug dealing is occurring. If they do return to that area, they are arrested and bailed refused for breaching their bail conditions.

The purpose of this new strategy is not to clog the gaols with users and user dealers but to disrupt the local drug markets, reduce visible drug using and dealing, improve the conditions for local residents and, for the drug dependent user, to try to coerce them into treatment. Essentially when they get into this situation, there is a crisis caused which requires them to make a decision. If they wish to go into treatment, which we would encourage, we would give them every support. If they do not wish to take those treatment options, they then have a choice of going to gaol. What they do not have a choice of is causing problems and harm to the community of Cabramatta through public dealing and threatening community residents.

While the TAG is still being formalised, the results to date include around 100 offenders being charged and 151 charges being laid. These include: 28 counts of supply prohibited drug; 32 counts of possessing drugs; 13 counts of robbery; 14 counts of stealing motor vehicles; 31 first-instance warrants being arrested; break enter and steal and other miscellaneous offences. I do mention those offences because they are not about users being arrested for small amounts of possession. They are serious offences and that shows the level of targeting that is occurring and the successes that are being achieved. It is important to also note that this does not include arrests made or charges preferred by the Cabramatta police as part of that command's day-to-day activities.

The November 1999 risk assessment needs to be put into context. Crime Agencies routinely conduct risk assessment of critical and potentially critical incidents. These assessments are always confidential because they contain operationally sensitive material. Public exposure of assessments would be damaging to operational

effectiveness. Public exposure has the potential to put at risk the lives of police and those assisting police, including citizens and informants. Publication would warn and confirm to criminals that they are of particular interest to police at that particular time. It would identify their areas of weakness and vulnerabilities, so the criminals could improve their effectiveness and the security of their illegal activities or even cause them to leave the jurisdiction as a procedure in safety from police arrest. Publication may identify incriminating evidence which can then be destroyed. Issues on which alibis or other exculpatory material might need to be manufactured could be identified. Potential witnesses could be influenced to be untruthful or unco-operative with police.

From time to time, these assessments do form the basis of media releases to warn the community of certain risks or threats or to advance police action. Where this occurs, the release is sanitised in such a way to ensure there is no breach or potential breach of operational security. Individual and community well being is also ensured.

Detective Priest told the Committee that the source of the information contained in the assessment was a "highly reliable informant", at page 1 of his evidence on 23 February. It was not. It was information and intelligence, including electronic intelligence, gathered from a number of investigations and a number of law enforcement agencies. The assessment did not identify specific threats of potential violence but highlighted the potential for violence in general. There were no specific threats to respond to.

The general and preliminary nature of the assessment was recognised by its author who correctly forwarded it for information and review and the then commander who endorsed it for the gathering of intelligence. This was done. Detective Priest says that the assessment was "hidden and not acted upon" at page 1 of his evidence of 23 February. That is not true. It formed the basis of intelligence analysis undertaken during December and January and the basis for Portville. Detective Priest told the Committee that "Other police have tried to get the report out to the public and have failed, so the worry is that the report may be destroyed", at page 14 on 23 February.

I have already described the nature of this report and the use to which reports of this type generally are put. I have also explained why they are not made public; there may be rare exceptions to this. I have spoken with Superintendent Jones, and he has no knowledge of any member of his team or Crime Agencies more generally who believes the report should be made public or who has tried to have the report made public. He knows of no concern by any person in Crime Agencies that the report might be destroyed. Indeed, copies of the report are kept in several different locations at Crime Agencies, and their existence is recorded on various systems. Destruction of the report would not be possible. It will not happen. It never would have happened. Superintendent Jones is available to give corroborative evidence on this to this Committee if required, and on other matters where I have referred to the superintendent during the course of my evidence and will refer to him later.

While the further analysis was conducted during December 2000 and January 2001, the investigation of Asian-related crime was being continued through at least eleven ongoing strike forces involving Crime Agencies and local commands. These strike forces were Paget, Milo, Pitten, Noranda, Outerville, Padua, Le Kidnap, Thunderbolt, Unicorn, Miday, Oldenburg. That shows that there was no cessation in the investigation of crime relating to these groups during that period. The results of these task or strike forces include 63 charges. I have listed them. I will not detail them, but in overview they include several counts of murder, attempted murder, shooting with intent to murder and robbery, also a number of drug offences, including 26 counts of supplying prohibited drugs, all of which relate to heroin.

Our new approach to the problems in Cabramatta is not limited to the operational matters I have outlined. I am in discussion with members of the Police Minister's office, the Health Minister's office and the Office of Drug Policy, Cabinet Office, about a number of strategies designed to complement operational policing in Cabramatta. However, given the sensitivity of these matters at this stage, I do not believe that I can discuss them, at least in open forums, before this Committee and would need approval from those departments to discuss them with the Committee more generally, in any case, but I do signal them and would suggest that there would be new programs implemented in the near future.

With respect to the allegations concerning Cabramatta High School, I simply wish to draw the Committee's attention to the media release by the "Staff of Cabramatta High School" and to a more recent document from that school that we have received, and I will produce those to you. The media release is obviously public, but the other document would be on an in-confidence basis. My own inquiries disclose that

while there was a minor incident at the school last week, there is no suggestion that the youths were there to recruit members to their gang; there was no display of jewellery, easy women or rolls of cash; there were no teachers' cars rocked and smashed.

Later in his evidence of the 23rd, the detective said that gangs had hired up to 50 students in the past six months from a variety of high schools in Sydney's west for gang-related crime, including selling drugs. I have caused inquiries to be conducted to determine whether there is any knowledge or record of these gangs attending schools to recruit members in the way described by Detective Priest. Detective Superintendent Jones advises me that at no time during the period Detective Priest worked with him did he ever bring any such allegations to his notice. The detective superintendent further advises that he has no knowledge of any such incidents from any source. A check of the service's Computerised Operational Policing System [COPS], on which all events are required to be recorded, failed to reveal any record of such event, at least since 1994. I am not saying they occurred before 1994; I am simply saying that that is the period the check went back to. A general inquiry made through the Commander of Cabramatta Local Area Command also failed to disclose any record or any knowledge of incidents of the type described by Detective Priest. Significantly, when describing that his career is finished, the detective says:

I was given a project under the sponsorship of the two deputy commissioners, Mr Moroney and Mr Jarratt, who are both fine honourable men, but it incurred problems with Commander Small from the very start.

I should make the point that I take no objection to his description of Mr Jarratt and Mr Moroney as fine, honourable men; it is the second part of this comment that I will be addressing. That occurs at page 2 of his evidence on 23 February.

The project to which the detective referred resulted in his temporary secondment to South East Asian Crime to test his claims. If the detective's problems with me were that I would not accede to his transfer to Crime Agencies and that, having read his claims, I was sceptical, he is correct. But to suggest that I in any way hindered the investigation of his claims is untrue. The detective goes on to say that he was given every assistance by Detective Superintendent Jones and other members of the South East Asian Strike Force, but:

I felt it was never going to go anywhere simply because Mr Small did not want it to go anywhere.

That is at page 2 of the evidence of 23 February. It is worth noting that Commander Graeme Morgan took over the command of Crime Agencies on 1 January 2001, so the majority of the project to which Detective Priest referred was under the overall command of Commander Graeme Morgan, not me. Second, it was Superintendent Jones, with whom Detective Priest apparently has no problem, who accepted the assessment of the project that it failed to identify a major organised crime group or groups who maintain a controlling influence over the drug trade in Cabramatta, essentially without going into detail that was the crux of Detective Priest's allegations—that such a group existed. This assessment is contained in a joint report completed on 7 February 2001 compiled by Detective Sato and Detective Priest. While Detective Priest has not signed the report, I understand he has read it and he accepts the findings. This seems contrary to his most recent evidence before this Committee. The Detective says that:

After less than two months [on the project], Mr Small made overtures to have me transferred out of South East Asian Crime to a general duties or uniform sergeant's job at Campbelltown . . . It was a punishment to remove me from a highly specialised job . . .

That is not true. First, Detective Priest was never attached to Crime Agencies. He was seconded to the agencies only to undertake a role in the investigation of allegations regarding organised crime in Cabramatta that he claimed he had knowledge of. On completion of that inquiry, it was always intended that he would be returned to the position he held at Campbelltown prior to undertaking the secondment. Second, the length of the detective's secondment was up to Superintendent Jones and Commander Morgan, not me. Third, I did not—and I emphasise "I did not"—make overtures to have him transferred. I was contacted by Crime Agencies, through my human resource manager, and informed that his duties at the agencies had been completed and he was to be returned to Greater Hume. The issue was then his placement at Greater Hume. Fourth, all this can be confirmed, not only by Crime Agencies and the staff at Greater Hume but also by Mr Ian Ball of the Police Association, with whom I had lengthy discussions regarding Detective Priest and whom Detective Priest approached for assistance.

In response to a question from the Hon. Mr Dyer, Detective Priest said that he has known me for 14 years. To the best of my recollection, the first time I met Detective Priest was in December 2000 at Crime Agencies when we met to discuss his temporary secondment to the agencies. To the best of my recollection, that

is the only time I have met the detective. If I have met him on any other occasion, it was only in passing and not of sufficient moment to make an impression that causes me to remember him. Detective Priest was also critical of me for closing down Operation Coltsfoot in 1999, and I quote:

So Cabramatta lost its real organised crime function shortly after that.

Coltsfoot was closed down as a result of the reform process and was replaced by the Joint Asian Crime Group, which is a group involving State and Federal law enforcement agencies and on which I sat as a member of the management committee, and the South East Asian Crime Unit in the Drugs and Organised Strike Force program at Crime Agencies.

In conclusion, I believe that the facts I have outlined rebut comprehensively and completely the allegations that I hid the report; that I failed to act upon it; that the report remains hidden and not acted upon; that there was a failure to set up a dedicated strike force; and that I am in any way guilty of any neglect, let alone criminal neglect. With perhaps one or two exceptions, the facts that I have outlined were well known to Detective Priest at the time he appeared before this Committee last week. His claims cannot be described as an honest mistake, nor can they be described as a false belief. Unfortunately, Detective Priest's evidence has caused injury, and did cause injury, to myself and others at Crime Agencies and Cabramatta, both police and the broader community and senior police generally. For example, he has caused stress to and harmed the students, their parents and friends, and teachers of those people at Cabramatta High School and the Education Department of this State more generally. I thank you, Madam Chair.

CHAIR: Thank you, Assistant Commissioner Small. Thank you very much for your very detailed explanation. Do you feel now that you have answered the allegation that was made by Mr Priest?

Assistant Commissioner SMALL: I feel that I have, Madam Chair, but if there are any matters that you or other members of the Committee feel require further clarification, I am happy to provide that.

CHAIR: I am sure the Committee members would like to ask some questions, but perhaps I will ask this question again. Has Mr Priest any knowledge of the description you were giving about the actions that you have taken in relation to the allegations?

Assistant Commissioner SMALL: Well, Mr Priest made the allegations, and he certainly asserted in making the allegations that he had knowledge of it. Detective Priest was, as I understand it, given a full briefing on what Crime Agencies was doing and had done at the time he went there by Superintendent Jones. His presence at Crime Agencies, while not attached there, should have given him an insight into what Crime Agencies was doing.

CHAIR: I am sorry, perhaps I did not make myself very clear. The events that happened subsequent to the report, did Mr Priest actually have any access to the operation that has been happening?

Assistant Commissioner SMALL: Detective Priest went to Crime Agencies in December 2000. I am sorry, I should clarify. He did not go to Crime Agencies in the sense of being transferred but was seconded to Crime Agencies for a short period of time in December 2000. The matters to which he referred occurred in, basically, December 1999, a year earlier. Whether Detective Priest had any connection with these matters at Cabramatta, I cannot say, but the actions of Portville, Scotsville and, more recently, the TAG unit have received wide media attention, both within the service and without, and if he was a person who was attached to Cabramatta, he should well have known, at least in broad outline, the sort of activity that was being undertaken by Crime Agencies around that period and in that area.

CHAIR: So you are saying that Mr Priest should have been aware with this task force being established of the responses to those assessments, or the report?

Assistant Commissioner SMALL: Well, what I am saying is that he should have been at least aware that there was an intelligence basis that resulted in the task forces being established. Whether he was aware that the particular report resulted or not, I do not know, but certainly if you take his evidence where he asserts that nothing was done, he was clearly ignorant. But I may make this point: Detective Priest is a detective sergeant, and with no disrespect to detective sergeants, it is not the case that he is involved as a matter of course in high-level strategy or decisions undertaken at an operational level in places like Crime Agencies, or even within the region.

CHAIR: Can you tell the Committee why was he being investigated by internal affairs? In your oral submissions you stated about six points in relation to Mr Priest. Why was that happening to him?

Assistant Commissioner SMALL: I do not know whether I should answer that in public or whether it should be taken in confidence. If it were the decision that it would be taken in open hearing, I would suggest it would be a broad-based answer.

The Hon. J. HATZISTERGOS: Perhaps we could have the broad-based answer first.

Assistant Commissioner SMALL: There are a number of investigations that certainly pre-date any involvement I had with him and are totally unconnected with me. They range from quite serious matters to managerial issues.

The Hon. J. HATZISTERGOS: At what stage are those proceedings against him?

Assistant Commissioner SMALL: I understand they are at various stages. I understand at least two of them are at a stage where final determination is being made, and I understand that at least another is more recent and ongoing.

The Hon. J. HATZISTERGOS: Do you have any input or involvement in any of those allegations or matters in any way?

Assistant Commissioner SMALL: No, not at all, none whatsoever. I am sorry, I should clarify. I have no input into those matters at all. Because they occurred when Detective Priest was in Greater Hume Region, it may well have been that in the normal course of events they would have come through me for a comment, but they have not and, given the events of the past week or so, I would exclude myself from any consideration of them.

The Hon. J. HATZISTERGOS: When would they have been brought to his attention?

Assistant Commissioner SMALL: He would have known about them for some time and he would have known about the more recent matters more recently.

The Hon. J. HATZISTERGOS: You have indicated there was at least a change in tone between the evidence he gave in December and the evidence that he gave last Friday. I am just wondering in terms of --

The Hon. G. PEARCE: On a point of order, Madam Chair.

The Hon. J. HATZISTERGOS: I have not asked my question yet.

The Hon. G. PEARCE: This attempt to discredit the witness has probably gone as far as it should. The issues that Commander Small has raised are well and truly on the record now. We have come here today at great pace to ensure procedural fairness to Commander Small. It will be a gross injustice now to deprive Sergeant Priest of procedural fairness by pursuing this line of questioning, and I think it is inappropriate.

The Hon. J. HATZISTERGOS: It is very important.

CHAIR: I would like to hear the end of the question.

The Hon. J. HATZISTERGOS: What I want to know, Mr Small, is at what stage in the sequence between Mr Priest giving evidence in December and February there was any reason for any change in the tone of the evidence that he gave regarding yourself?

Assistant Commissioner SMALL: I can answer that. As far as the internal matters are concerned, I would not wish to comment on them because I do not know, but in terms of the change in attitude to me between 18 December and 23 January, there are probably a number of matters that I can quite properly draw attention to. First of all, during that period he would have learned that I had refused to accede to him being transferred to Crime Agencies. He knew that the reasons for that refusal were on the basis of, among other things, certain current investigations. Secondly, he had made some very bold claims regarding organised crime

in Cabramatta. Those matters had been tested and were found to have been not sustained. Not only were they not sustained with one or two mid-level exceptions, but there was found to be no substance.

He was aware that that was occurring, that that finding was about to be made. That was not a finding on which I had been consulted. That was a finding by Detective Superintendent Jones with whom he says he has no problem. The last point which attaches to that is that he was made well aware not by me but by Crime Agencies—I cannot say exactly who—that his time at Crime Agencies was over and he was to be returned to Campbelltown. Those three incidents alone, I would suggest, would more than illustrate, and I would suggest that if you refer to his evidence on the last occasion, I think it was, where he talks about how he was pulled out of the highly specialised area, and give support to that claim.

The Hon. J. HATZISTERGOS: When was it that his secondment ceased and you advised him that he would be going to Campbelltown in plainclothes?

Assistant Commissioner SMALL: I cannot be precise, but it would have been about three weeks ago. There were negotiations going on with Mr Ian Ball, who can give details of that.

CHAIR: I remind Committee members that Assistant Commissioner Small indicated that he is satisfied with his statement in relation to the allegations made by Mr Priest. I would like Committee members to only ask questions to clarify the statement because I do not want another character assassination situation. I certainly want the truth, but the truth is not to defame the personality of witnesses. So we want to clarify only the situation as well as any questions that relate to our inquiry.

Ms LEE RHIANNON: Thank you very much for your evidence. Anything that you can present to us is obviously very much appreciated in terms of the work of the inquiry. I would like to take you to the end of 1999, again in that period that you have outlined for us, and ask you what was happening at Cabramatta in terms of the key positions there at that time, like, who was in charge and was there any change?

Assistant Commissioner SMALL: I could not tell you that because, I mean, quite frankly, at that time who was in command at Cabramatta was not a matter of particular focus of my attention. I am aware in general terms of the turmoil, and that is probably putting it nicely, that has been going on at Cabramatta for some time now, but in terms of specifics as to who was where when, I cannot answer.

Ms LEE RHIANNON: I would like to explore that a little more because I think it is relevant to the situation in regard to the actual report. I have information from Fairfield City Councillor Thang Ngo, who is in Peter Wong's office, and he is here today, who said that he has determined that the local area commander for the Cabramatta area, Mr Peter Horton, was actually removed from his post in December 1999 under secondment to the Parramatta policing area. He went there until March 2000, and that coincided with what has unfolded with this assessment report. So you were not aware of that?

Assistant Commissioner SMALL: Well, I was aware that Superintendent Horton had been removed from his command and went somewhere else. I was not in a position to recall the timing of those removals or the details of those actions here because there were a lot of things happening. But in general terms, I have a knowledge, if you like, of what was going on at Cabramatta. In terms of dates, specific timings and who made what decision when, I am sorry, I cannot help you.

Ms LEE RHIANNON: I appreciate that. I would like to take it a little further because I think the inquiry needs to know who was in charge. If Mr Horton was removed, who was in charge at this key time?

Assistant Commissioner SMALL: I cannot answer that at the moment, but I would certainly undertake to have an inquiry made and, indeed, it could be made rather quickly.

Ms LEE RHIANNON: Yes, I think we very much need that information.

Assistant Commissioner SMALL: I should just say that it is normal procedure when a commander of any section goes away for whatever reason, whether it is promotion, leave, say more than a few weeks, that an acting commander is formally appointed to that position. I would be very surprised if that did not occur on that occasion, but who it was I cannot say.

Ms LEE RHIANNON: Did that secondment impact in terms of the gathering of intelligence and how quickly that could be undertaken for the work at Cabramatta?

Assistant Commissioner SMALL: I can answer that. No, it would not have impacted adversely on the intelligence. It might have impacted a bit as, when there is any change at the top, if you like, there is always a slight adjustment in direction or different things receive different priorities, but the intelligence gathering would have occurred at the level of probably basically the constables and sergeants. For example, in Crime Agencies, the person appointed was a sergeant, an intelligence team leader. He would have liaised with the local intelligence officer and local police.

Ms LEE RHIANNON: Do I understand, and this probably comes about because I do not fully understand the chain of command, you are saying that the sergeants are still able to collect the information and you do not see that as being compromised, but if you have not got the commander there, is the information able to flow through and be acted on so that we do not have the gangs with the shootings and other actions?

Assistant Commissioner SMALL: Yes it would. The reality is that there are multiple lines of communication between various sections. If I can take, say, Crime Agencies and talk about Cabramatta, but this would apply equally to all local commands, the analyst in Crime Agencies would talk to the analyst in local area commands. So you have an intelligence flow operating at that level. The various people in Crime Agencies from inspector through to superintendent, the people in the investigations area and in the co-ordination area, would talk to both crime managers and to local area commanders and I might have talked to local area commanders when I was in that position. So you have a multiple chain of communication that should not be broken if one person were to go.

Ms LEE RHIANNON: Just one other question for when you get this information, can you inform us who actually authorised this secondment, please?

Assistant Commissioner SMALL: Yes, I will.

The Hon. R. D. DYER: Assistant Commissioner Small, at the time of the report referred to by Detective Sergeant Priest in his evidence, which, as you know, according to him, was supposedly suppressed and not acted upon and which requested that an urgent task force be set up, could you indicate to the Committee whether there was any other task force, or task forces, within the Police Service at the time of that report that had relevance for the Cabramatta area?

Assistant Commissioner SMALL: Yes, there were 11 other task forces in which Crime Agencies was involved that was targeting Asian crime, particularly Vietnamese drug dealing and violence issues, most of which centred around Cabramatta but was clearly not linked only to Cabramatta.

The Hon. R. D. DYER: It is my recollection that Detective Priest made some critical comment against the Police Service for not having a homicide squad. Could you comment on that particular claim and indicate to the Committee how the Police Service would investigate, in this case, murder and related offences if it does not have, according to his claim, specific resources dedicated to that particular class of offence?

Assistant Commissioner SMALL: Yes, sir. Last night I noticed, I believe it was in the transcript, Detective Priest's reference to the absence of the homicide squad on several occasions. The fact is that there is a homicide squad in Crime Agencies and there has been since Crime Agencies was set up. Indeed, one of the major reform issues in 1997 was the establishment of a centralised homicide squad which met the needs of coroners and other magistrates. That, I found very interesting, that he did not know about that, particularly given his constant reference to murders and other shootings, and it is made even all the more astounding given the prominence of the homicide squad's activities in Cabramatta and the fact that for about the past two years there have been guidelines of mandatory reporting of murders and attempted murders to the homicide squad. I think it just raises questions about the detective's knowledge.

The Hon. R. D. DYER: I realise that you have only been in your seat, so to speak, as Regional Commander of Greater Hume Region since the beginning of the year. In connection with the Committee's general inquiry into police resources in the Cabramatta area, are you able to tell the Committee in generalised terms, without giving classified information, what your strategy is to deal with perceived crime problems in that area?

Assistant Commissioner SMALL: Yes. In general, I suppose the first big change was the change in approach to the drug problem. Now, we do not suggest that that is going to solve all of the problems. Our strategy is a region-wide one, not limited to Cabramatta, but for the purpose of this Committee here, whenever I say Cabramatta, you can take it that I am referring also to Greater Hume. We do not suggest that we are going to solve the problems of Cabramatta overnight. What we believe is that the new approach to the drugs will result in a general cleaning up of drug dealing in the streets. The problem that we will mainly be faced with, and I have heard a lot said on the radio, and I have been to Cabramatta and spent a lot of time there, the difficulty we are reaching now even after this relatively short period of time is that drug users, not suppliers, are actually taking more time to buy drugs and, therefore, they are spending more time on the street and, in one sense, they are becoming more obvious. It is a problem. Now, part of the discussion I am having with the Ministry and others are options for removing and dealing with this problem of drug users who, at the moment, there is no law against. It is not an offence to stand somewhere to perhaps buy drugs at some time in the future, and that is the difficulty we are facing. There have been a number of options put. So what I am saying, I suppose, is that we know that the problems that we are going to face are going to change, and they will change very quickly, and we do have plans to deal with them, and those plans are being discussed at the moment.

The other thing is that we need to look at the way police are deployed, and there has to be an increased flexibility in the deployment of police. One of the difficulties we found, and I suppose it is a bit of a historical thing that not only relates to policing but to a lot of businesses generally, is that you like to reduce the up-front cost as much as you can, and part of that is using court attendance notices and perhaps not debriefing people as well as you should to get back on the street. The problem is that that has a long and substantial back-end cost. What we are trying to do at the moment is to say, "Right, we need to make a greater up-front investment in the way we investigate crime and the way we are tackling the drug problem. We know that is going to come with a cost, but the back-end cost will be then greatly reduced. The crime will go down and we will have more time to do these things." Another example is that Strike Force Scotsville has targeted drug-dealing from home units, which is essentially a more recent initiative. They identified round about 80 units that had been used for drug-dealing, but round about 40 to 50 of those were current. In other words, you have the people moving from one unit to another, and sometimes by the time we would identify them they had already moved. Twenty-four of those dealers from round about 20 units have already been evicted, so that is also a new strategy, and it is causing significant disruption.

The Hon. R. D. DYER: Could I ask you finally for my part does beat policing have an important or continuing role as part of the crime strategy in Cabramatta or is that something that has lessened?

Assistant Commissioner SMALL: Beat policing and a visible police presence does have an important role. I think the way it is conducted, however, and carried out needs to be refined, and we will be working on that.

The Hon. R. H. COLLESS: Commander Small, your command of Greater Hume Region commenced on 1 January this year. That is correct, is it?

Assistant Commissioner SMALL: That is correct.

The Hon. R. H. COLLESS: And your appointment was touted in the media as a clean-up operation. Do you see your role that way—to clean up the problem in Cabramatta or the Greater Hume Region?

Assistant Commissioner SMALL: If I can say this, sir, the media touted my appointment to that position in many ways. That was one of them. But certainly I see my role as the region commander is to engender a strategic direction across the region, and that includes Cabramatta, to get all of the police in the region, some of the 1,400 police in the region, to work together rather than to work in silos and so on, and part of that is cleaning up. It is not only about cleaning up in the sense of going out and let us make a lot of arrests; it is about making the place better for the community. Now, that includes establishing partnerships with the community. It is about arresting those offenders that are causing problems particularly, targeting the more serious crime and making the place better for the community.

The Hon. R. H. COLLESS: What was the date of your appointment as Crime Agencies Commander?

Assistant Commissioner SMALL: It was approximately February 1997.

The Hon. R. H. COLLESS: So in November 1999 you were still in that position?

Assistant Commissioner SMALL: That is correct.

The Hon. R. H. COLLESS: As Commander of Crime Agencies, did you receive the report that was written on gang warfare?

Assistant Commissioner SMALL: The report came to the office, yes.

The Hon. R. H. COLLESS: Did it come to you personally?

Assistant Commissioner SMALL: No, it does not come to me personally because it has gone to Investigation Services. Those people discuss the matter with me.

The Hon. R. H. COLLESS: Do you know how it was delivered to Crime Agencies?

Assistant Commissioner SMALL: It is not 100 per cent clear, but I understand that Detective Inspector Day believes that he actually took it by hand into Crime Agencies on 22 December, when he attended a Crime Agencies leadership or other meeting. That is his recollection.

The Hon. R. H. COLLESS: Inspector Day you said, I think?

Assistant Commissioner SMALL: Inspector Day.

The Hon. R. H. COLLESS: So he was located at Cabramatta at that stage?

Assistant Commissioner SMALL: No, Detective Inspector Day was located at the South-East Asian Organised Crime Unit.

The Hon. R. H. COLLESS: So that would explain why the report took four days to get into Crime Agencies, the fact that Detective Day brought it in personally?

Assistant Commissioner SMALL: It could, but I understand also, again, from Superintendent Jones, who has spoken to Inspector Day, that when the report was originally submitted there were a few matters that required a bit of tidying up—and we are talking here not about changing content; I am talking about spelling errors and a few bits and pieces and a couple of other points that required some clarification—and that took some days. Now, whether that happened before the 18th or explains the difference between the 18th and the 22nd, I cannot say.

The Hon. R. H. COLLESS: Would you explain to the Committee what the hierarchy for urgency reports is within the Police Service? What I am getting at is we have all seen movies where it is branded "top secret".

Assistant Commissioner SMALL: Yes.

The Hon. R. H. COLLESS: Could you give us a bit of an idea about the hierarchy of secrecy or urgency reports within the Police Service?

Assistant Commissioner SMALL: Well, I suppose they are two different things. A secrecy report—

The Hon. R. H. COLLESS: I am referring more to the urgency side rather than secrecy.

Assistant Commissioner SMALL: No, there is no formal hierarchy of urgency that says if it meets this criteria it goes A, if it meets this one it goes B. That is not the case. Rather, the reports are judged on an individual basis. There might be some sections of the department, such as Internal Affairs, that use a more formal mechanism, but I am not sure about that.

The Hon. R. H. COLLESS: Do you know how this particular report that we are referring to was branded in terms of its urgency?

Assistant Commissioner SMALL: There is no question it was an urgent document.

The Hon. R. H. COLLESS: So it was listed as urgent?

Assistant Commissioner SMALL: Yes.

The Hon. R. H. COLLESS: Were the words "highest priority", "urgent" and "extreme" placed on the report by the South-East Asian Task Force?

Assistant Commissioner SMALL: I am not sure where those words are said to come from. I can check that with the report. I think in the likelihood of escalating violence the word "extreme" was used. That is in, like, a matrix that attaches to the report to give it a category rating. Sorry, that is the likelihood of an event occurring.

CHAIR: Sorry to interrupt at this time. Maybe, Assistant Commissioner Small, do you think that you can make available to the Committee this report on a confidential basis?

Assistant Commissioner SMALL: I would have to consider all details of the report. Some parts of it maybe. I just have not had enough time to analyse each section of it to make a commitment one way or the other.

CHAIR: You do not have to give us the complete report. You can expunge whatever it is that is particularly sensitive or classified.

Assistant Commissioner SMALL: The basis of the report, if I can just talk about it in general terms, talks about the historical emergence of a number of individuals and their interactions over a period of time and, as I said, indicates some tit-for-tat violence that has been occurring between groups, or gangs, or whatever you want to call them, and the likelihood because of the occurrence at that time of there being an escalation.

CHAIR: It is possible that the report could be made available on a confidential basis to the Committee?

Assistant Commissioner SMALL: I will need time to follow that up.

The Hon. P. BREEN: Madam Chair, can I just clarify something about that? I understood the commander to say in his evidence that he would be tabling on a confidential basis an assessment of the report. Is that correct?

Assistant Commissioner SMALL: No. What happened is you had the formal assessment, then you had a covering report, which was prepared by the author of the assessment and signed by Detective Inspector Day, and it was the covering report of both those officers that I was producing today, not the assessment itself.

The Hon. P. BREEN: So what I wrote down that you would be producing or tabling on a confidential basis was an assessment of the report, but you meant the cover of the assessment?

Assistant Commissioner SMALL: Yes. Perhaps I can hand it out now?

CHAIR: Yes, it might be a very appropriate time that you table the three items of confidential documents that you are going to table to the Committee anyway, and also the media release from the Cabramatta High School on a non-confidential basis.

Assistant Commissioner SMALL: I have a number of hard copies of the evidence that I have given. The other public document that I referred to is the media release regarding the school, which is there. I am sorry I only have three copies of these.

Ms LEE RHIANNON: Just a procedural suggestion. This is obviously very important material. I think that we need a short break so that we can just acquaint ourselves with the material that we have been given and then come back.

CHAIR: That is procedural. I will deal with the procedure in a minute.

Assistant Commissioner SMALL: I have additional copies of my statement.

CHAIR: I understand that. I was going to say that because you already actually have addressed your submission orally and Hansard has taken down every word of it, I am sure, I do not think you need to submit the statement again. If it is okay with you, we will not table your submission per se because it has been already taken down by Hansard. Unless there were some changes you made during your address, I will not treat this as a tabling of your submission. I will take the tabling of your confidential documents that you mentioned at the beginning.

Assistant Commissioner SMALL: I am sorry, Madam Chair, the only issue is that the submission includes details of all the arrests and charges made, and I only provided a summary of those during the presentation, so there is additional information in there respecting arrests and charges which I did not outline.

CHAIR: This is confidential, is it?

Assistant Commissioner SMALL: No, that is public.

CHAIR: We will just take the submission with the further details attached to your statement.

Ms LEE RHIANNON: Can I just clarify are we about to obtain the submission now?

CHAIR: Yes, I will just clarify for the Committee. Mr Small actually wanted to table his opening address with extra information. I actually wanted to just have the extra information but not actually the address itself so that Hansard will not have to repeat the whole address again. Part of this submission is actually additional information that we will be giving to the Committee members.

Ms LEE RHIANNON: So there is the address and the submission?

CHAIR: There is no submission. The submission is the address.

Ms LEE RHIANNON: But are we going to get copies of that?

CHAIR: Yes, but it will be in the transcript, in any case, except for the additional information that Mr Small has not read out. That will be additional information that we will be taking as a submission. Every member will get a copy.

Ms LEE RHIANNON: I suggest that we have a short break.

The Hon. R. H. COLLESS: I still have some questions that I wish to ask before we have a break.

CHAIR: Because there are so many questions relating to our inquiry that I have not asked, perhaps today at this point of time before we have any break at all, members should ask questions in relation to the Friday hearing so that we can shorten the time considerably.

The Hon. R. H. COLLESS: My questions are related to that.

CHAIR: I have every intention, if it is possible, to recall Mr Small at a later hearing specifically on our terms of reference so that we have more time to go into his work or his views on our reference, particularly in relation to this new drug strategy that he mentioned in his address which is very important to our inquiry.

The Hon. R. D. DYER: Madam Chair, given that you may recall Mr Small, it would be my view that today we ought not to take a break, particularly as the House is due to sit at 2.30, but we should just press on with the oral evidence.

CHAIR: That is my intention.

Ms LEE RHIANNON: If that is the case, I ask that the written submission from Mr Small be tabled because there may have been changes. I think that is actually important. It is a little extra work for Hansard but it is already there. I think we do need to have that before us.

CHAIR: I need a motion from the Committee that the submission by Mr Small be received.

Motion by the Hon. R. D. Dyer agreed to:

That the submission by Mr Small be received.

Ms LEE RHIANNON: Just to clarify, we need to move that all the submissions given by Mr Small be accepted.

CHAIR: The submission as well as the other documents that he is going to table are confidential.

Assistant Commissioner SMALL: Except the Cabramatta media release.

CHAIR: Yes, I understand that.

Motion by Ms Lee Rhiannon agreed to:

That all submissions given by Mr Small be accepted.

Assistant Commissioner SMALL: I was in the process of tendering the documents that I still have. I was going through them to identify each document. Do you want me to do that now?

CHAIR: Yes, I think we have to deal with the procedure first. I apologise. I thought the director had already received those documents.

Assistant Commissioner SMALL: If I could do it in the order in which I referred to them. I have here the terms of reference, and I simply draw attention to the second paragraph, a quote that I have used in my evidence, and it is produced in confidence. I have a one-page report also that I have referred to in evidence, a report of Detective Cook dated 18 November on the top and the endorsement of Detective Inspector Day on the bottom, also dated 18 November. That is confidential, and that covers the next two items that I have referred to. That covers both the reference to Cook and the reference to Day in the evidence. I have not got it at the moment, but I have referred to the terms of reference for Portville. I was trying to get them down because the copy I had was not too good. I will have those produced before this afternoon.

CHAIR: Are the terms of reference confidential?

Assistant Commissioner SMALL: Yes. In broad terms, I have no problem with the discussion of the terms of reference in an open hearing and some parts of the terms are innocuous but in general terms we would seek that they be confidential.

Ms LEE RHIANNON: Madam Chair, just a point of clarification about the information that is being released today by Mr Small. I asked a number of questions of Mr Small who said he did not know the answers but he would ascertain them. He said he may be able to do that today and it would be useful to have them as soon as possible.

Assistant Commissioner SMALL: I have been advised that in December 1999, Superintendent Peter Horton was in fact the local area commander at Cabramatta and he remained there until May 2000. That is what I am told. At that time he was replaced by Superintendent John Sweeney. There is some doubt and I am having that checked again, but that is the telephone advice I have been given.

Ms LEE RHIANNON: Could I ask you to check it again because as well as from Thang Ngo, I was also given the information by a police officer. He said that it was in the media about the no confidence motion and he chose to actually leave before the second no confidence motion was put. So I understood that he left before that date. I appreciate you have made one phone call, but I would ask for it to be clarified because I have received that information from two sources.

Assistant Commissioner SMALL: On that basis, I will make an inquiry and confirm it in writing to the Committee as soon as practical. I tender the last document in confidence, the original terms of reference for Portville, which is the strike force set up in February.

CHAIR: That term of reference will be in confidence. I remind you, Mr Small, the documents you are tabling today will be in confidence, but I cannot guarantee that, at a later date, the Legislative Council or the Committee will not resolve to have them published. So I just want to remind you that at the conclusion of our inquiry the Committee may have to make the documents public if the Committee considers it is possible to make them public.

Assistant Commissioner SMALL: Just on that basis, then, that would certainly have to be taken into account in my deliberations as to whether we would accede to the assessment.

(Documents tabled.)

The Hon. R. H. COLLESS: Commander Small, you talked about a formal assessment of the report that we are discussing. Can you tell me when that assessment was done?

Assistant Commissioner SMALL: You are talking about the risk assessment?

The Hon. R. H. COLLESS: Yes.

Assistant Commissioner SMALL: I indicated that there was a preliminary review of the report undertaken in the days after it was received. Following the second meeting on 12 December there was a formal tasking to undertake a range of activities to build upon the information that had been provided in that report to try to gain an operational focus. That assessment is not a short job. Apart from talking to people who might know and be able to short cut your inquiries, it requires the looking at and reviewing of numbers of investigations which may appear to be unrelated, talking to the police about them, looking at the evidence that exists in relation to them to determine whether or not there may be connections.

The Hon. R. H. COLLESS: How long would that normally take?

Assistant Commissioner SMALL: It depends on the size of the job at hand. The formal assessment was tasked out on the 12th and was concluded at the end of January.

The Hon. R. H. COLLESS: I am just a little confused here. You say that it was tasked out and that was completed by the end of January?

Assistant Commissioner SMALL: Yes.

The Hon. R. H. COLLESS: So the report was received by the Crime Agencies on 22 November and it was tasked out on 12 December?

Assistant Commissioner SMALL: That is correct.

The Hon. R. H. COLLESS: That is, what, 20 days?

Assistant Commissioner SMALL: No, what I said was, having originally been received, there was a general review of it to work out where to go, which took 20 days.

The Hon. R. H. COLLESS: Normally, how long would it take to establish a task force to respond to the threats that were identified in that report?

Assistant Commissioner SMALL: In this case it is not simply a case of responding to a threat. For example, I can tell you that next year about 120 people will be murdered in New South Wales, but I do not know who they are. I do not know where the murders are going to be committed, and I cannot set up a task force to stop them, if I can put it that way. Similarly, in this case, what we had was an allegation that there was a likelihood of an escalating violence between numbers of people. There was not specific detail to say, "This person is going to shoot that person" or that "If you go to McDonald's at 5 p.m. on Friday night, someone is going to be shot." The information was not that detailed. It was that there is likely to be an increase in crime. It was not limited to Cabramatta but spread around a number of other suburbs as well, and we had to work out where we were going and where our starting point would be. That included liaison and discussion with local police, other law enforcement agencies and other bodies. So it is not just a matter of simply saying, "I have got a

report, let us start it." If the report had said, "Our intelligence suggests that person A is going to murder person B tomorrow", then a task force would have been set up in five minutes.

The Hon. R. H. COLLESS: So the task force did take almost three months to establish.

Assistant Commissioner SMALL: No, it did not take three months.

The Hon. R. H. COLLESS: From the time the report was received or sent to Crime Agencies, which I understand was 18 November, it was the end of January by the time Task Force Portville was set up?

Assistant Commissioner SMALL: That is correct, but it was two months, closer to two months, with Christmas in between.

The Hon. R. H. COLLESS: We understand that there had been the murder of one or two gang leaders and four people wounded, and an Inspector Smith was reported to have said—and I am not quoting this, but it is in principle what he said—"We are not sure what is going on and we are not sure what to do about it." That happened in, I think, February some time. Have you any recollection of that report?

Assistant Commissioner SMALL: Sorry, February of 2000?

The Hon. R. H. COLLESS: 2000, yes.

Assistant Commissioner SMALL: No, I am not sure of that comment, but I could undertake—I do not know of an Inspector Smith.

The Hon. R. H. COLLESS: Wayne Smith, I think his name was.

Assistant Commissioner SMALL: And where was he attached?

The Hon. R. H. COLLESS: Look, I am not sure. I believe it was at Cabramatta.

Assistant Commissioner SMALL: Well, I was not in charge of Cabramatta police at that time, so, generally speaking, I do not know who the police were at Cabramatta. If there was a Wayne Smith there, I am not aware of any comments, but what I need to make the point about here is that the fact that there was an assessment being done does not mean that crimes that had been or were being committed were not being investigated. People were assigned to them to look at matters as soon as incidents occurred, and there were, in fact, 11 strike forces actively targeting Asian crime in both a reactive and proactive way at the time that this was going on.

The Hon. R. H. COLLESS: There were a lot of press reports about the gang warfare from February 2000 onwards.

Assistant Commissioner SMALL: Yes.

The Hon. R. H. COLLESS: And many of those, of course, are press reports, and so on. I will put it to you, sir, that the response to the report that you received and the threat that was received on 18 November, that the response to that only started once the gang warfare really started in earnest.

Assistant Commissioner SMALL: No, that is not correct. The report suggested that there was going to be an increase in violence, and there was an increase in violence. I am not disputing that. What I am simply saying is that the information available at that time was not sufficient to set up a strike force that would operationally target particular individuals or knew where to go to prevent those crimes occurring. There were a number of—as I said, 11—strike forces operating at that time targeting individuals involved in Asian crime both in Cabramatta and elsewhere, and some of those were supported by other law enforcement agencies, and in general terms there was co-operation with other law enforcement agencies about investigations they were undertaking. Had there been any intelligence that came up that would have allowed us by way of electronic means or other to act to prevent violence occurring, whether it be to criminals or to members of the law-abiding community, we would have taken action. That intelligence was not there.

The Hon. G. PEARCE: Mr Small, thank you for that. I think that what you have just outlined to us is in some ways the crux of the issue we are grappling with here, and that is we know that there was a report of 18th November 1999 and we know that the police force was acting on it now in the way that you have outlined to us. We then saw a series of shootings—on 24 January a man was shot 11 times in Cabramatta—and all the rest of those shootings and things we have already heard about. You have just told us that you did not have the intelligence to be able to deal with those issues even though you were on notice that this build-up had occurred. So our concern as a Committee is did you have the resources to adequately cope with the crime problems in Cabramatta?

Assistant Commissioner SMALL: If I can answer that this way and say we need to put this whole matter into context of the reform of the Police Service. In late 1996 I think it was, or as a result of the Wood Royal Commission reports, the centralised investigative capacities of the service were to be dismantled. That was a clear recommendation of the report, and it was up to the commissioner to determine what approach we were going to take, and there were numerous consultations, including with members of the current Police Integrity Commission, Wood royal commission and others to discuss that. The proposal was to come up with Crime Agencies, which operated in a way that was very different from the past, but part of the consequences of all those events was that the 700-odd police that were then in centralised investigative commands had all their positions spilled and recruitment for the positions in Crime Agencies had to occur, and that was a very difficult time for the service, because while you were trying to recruit and build something new you were trying to respond also to the issues of the day.

Now, in 1999 we were probably just starting to really get over the hump of all of those changes. It was not a five-minute job spilling 700 positions and then recruiting 600 or so, and there was a range of additional requirements that took time. There were additional checks and integrity checks and personal checks that had to be carried out, and there were new procedures and systems being put in place. I am not trying to avoid your answer; I am trying to give a context to it. There was also a change again, recommended again very strongly by the Wood Royal Commission, that local area commands would be the centrepiece of policing and that by and large they were responsible for their own problems. What that meant in the short term was probably that communication between the local area commands and Crime Agencies was not as good as it could have been because of all the changes both at a local level and a central level occurring. And clearly we can argue we never have enough resources.

The Government promised an additional 150 to the 600 positions it had already allocated in the election. They are coming on board, as I understand, over the next 12 months, and that will make a huge difference. It will. There is no question it will make a huge difference. But the difficulty you have is that, particularly in a place like Crime Agencies, where the only crimes you are dealing with are major crimes, and quite serious crimes, it is always very difficult to determine your resource allocations, and the child protection issues were an extremely big issue, and we had an enormous amount of work that flowed from the royal commission that had to be addressed in child protection areas, so there was a whole range of competing issues. What was done at that time was the best that could be done with the resources available.

In terms of Cabramatta we need to understand that there was Puccini also operating in 1999. I just do not know when it actually started, but that was operating in full then and that was being supported not only across the region but by police from other regions as well. So I do not think the real issue at Cabramatta is resources per se. I think the real issue at Cabramatta is the way the resources are being deployed. But if I can just give one example of an issue, the local area commander currently is trying to put more police on the street and has civilianised the position of roster clerk. We now have a dispute over that by a local union representative, who says that needs to be a police position. Now, how can we get police on the street if we are having police sitting in an office and doing rosters and checking things and underlining things in red? Now, we cannot have it both ways. So the police themselves have to make some adjustments here. I do not suggest that that dispute is being put on by the Police Association either. I should distinguish. It is a local issue. I am simply saying that there are opportunities for the better deployment of police and we really need to move forward with those deployments.

I think that the way the police are targeted of a night time—for example, we have first-level response agreements that are a requirement. During the night time in Cabramatta, and I am talking late at night, say, one or two o'clock, through till six or seven in the morning, nothing happens but we are required to have two cars on duty. If I drive across the road to Fairfield late at night, nothing happens but we are required to have two cars on. So, essentially, we have four cars on in those two local area commands doing very little. Now, I am not suggesting that from time to time we do not have a crisis and we could not have done with five cars, but you

cannot run a business like that. You cannot deploy police according to that. What I am saying is that there are significant opportunities to better deploy the existing resources and put them at those times and places where they are most needed, and we have to get full co-operation, not only from management but from the police and, generally speaking, the police want to make those changes and view them in a very positive way.

The Hon. G. PEARCE: So I take it from what you are saying that the many complaints that we have heard about—the lack of resources, poor management, frustration, poor morale and no confidence motions—that took place during 2000 in Cabramatta did occur and they occurred because of that process that you have just outlined?

Assistant Commissioner SMALL: I shall qualify what I have said to this extent to say I am talking about Cabramatta presently and in the recent history. I am not passing a judgment on what happened. It is clear from my knowledge, even though a lot of it is second-hand, probably third-hand, that there were in times gone past, it is quite clear, serious problems at Cabramatta. Those problems, in my view, distracted significantly from the opportunities to achieve positive things in the local area and the region more generally. What I am saying is that we need to move on from those things, get everyone heading in the same direction, get arrangements that allow us to put police where they are most needed, where they are providing the best service to the community. The fact of the matter is also we need to articulate better what it is we are trying to do and how we are going about achieving it.

The Hon. G. PEARCE: So do you think that it might be reasonable to say that somebody like Sergeant Priest in those circumstances became frustrated and decided after a long period of time of seeing the lack of response in his view to the major problems out there, as the community have complained to us at length about what they see as a lack of response to the drug problem there, do you think it might have been reasonable that he came to us and told us what he thought?

Assistant Commissioner SMALL: No, and I say this: I am not saying it is not reasonable that he came to you. What I am saying is that what he presented to you was totally unreasonable and not based on fact, and that there is no excuse for that. I have another document that might shed some light on attitude and motives that I would tender to this Committee, and I am quite prepared to discuss it in more detail in confidence, not in a public forum. But I think that this would answer your question by saying that some of the actions of Detective Priest are clearly quite warranted. I noted, for example, his concern about certain aspects of a lack of attention on drugs, and I would not dispute things like that, but the way the local area operated, the relationships between people left anything but a desirable state, and that certainly cannot be supported. We seem to have got to a stage of nothing was worked through. It was absolute confrontation. I am not blaming him for that. I am simply saying it was an all-round thing, but I have a document here, which I would tender, which I think goes to issues of credit of what you are saying.

The Hon. G. PEARCE: Let me pursue that. The problems in Cabramatta have been well known for a considerable period of time. Here we were at the end of 1999 in November with what you have admitted is a report marked urgent, extreme, whatever the word was. It was processed, and I understand the process you have explained to us, but then through the early part of January and February, what was predicted in the report came to pass, and I thank the *Daily Telegraph* for its summary of the murders, attacks and shootings that it knows about. Now the community saw that and I think Mr Priest saw that, and I would have thought he was quite entitled to assume that nothing was being done.

Assistant Commissioner SMALL: I was not in charge of Detective Priest in 1999. In the newspaper article that you referred to, there are at least seven matters there that are totally unrelated. We need to be clear about that. Each matter that actually occurred was investigated. As I said before, I can tell you that roughly 120 homicides are going to occur during the next 12 months, and I can also tell you that those homicides will be reported in the newspaper, and in 12 months time you could say to me, "You knew there were going to be 120 homicides; why did you not stop them." The answer is because I do not have enough specific information to stop them. I can tell you that there will be 600 or 700 people killed on the roads and we will try to stop them but they will still occur. I can tell you that there will be ex number of house robberies occurring and I can tell you approximately where they are going to occur, but I cannot prevent them all. It is the same here. The information was of a generalised nature. It made a prediction that those things were going to occur and they occurred. Each matter was responded to in the best way we could. I suppose you could argue that if Mr Priest did not know, he could have asked and he would have been told. He was reckless in the allegations he made by not simply asking first.

The Hon. G. PEARCE: Mr Small, can I put it to you that what we are hearing is that either the Police Service does not have the commitment at management level to deal with the drug problem in Cabramatta and to deal with some of these major crimes or that there is a lack of resources or there is some other issue that is holding up dealing with what is a very significant community concern. One of our terms of reference is, of course, the crime index. Much of the evidence that has come to us is that the crimes index, which does not include drug-related crimes and murder, has had the effect that these issues are not issues that are important to the police.

Assistant Commissioner SMALL: You said at the start it was either this, that or the other, it was either management, resource numbers and I forget the third one, but all I would say is that it is probably to varying degrees a whole range of these things. It is not a simple saying of it is this or that. There is a whole range of issues impacting on our capability. One issue is the large number of very junior police that we have in the service at the moment who require training and support in terms of their field. There is no question that that is there. Once those people gain more experience, they will be a very big boon to our capabilities, but we have got to get them there first. Secondly, at Cabramatta there has been a whole range of internal fighting going on which I do not resile from and, certainly, that has not helped either the police or the community and it has not helped to clean up or address the issues there. I do not resile from that.

What I am saying at the moment is that since I have been there we have set a very clear direction. Our approach to the drug problem is quite different. It is not zero tolerance. I do not intend to get into the mess that they got themselves into in New York, Los Angeles and places like that, but it is a very hard problem. It needs to be complemented with a number of additional strategies, and I believe we can make a difference. What I would emphasise, and I have always said, is that this is not going to happen overnight. There has to be change and there has to be time.

The other thing we have to do is make sure that we correct people's perceptions about what happens. I think I indicated earlier that we are at a stage now where it is ironic that we have numbers of drug users who cannot score out at Cabramatta so they hang around the streets longer waiting to score. People see them from a distance and say, "There is drug dealing going on." In the broadest of broad senses it is because someone is waiting to score, but the fact is that the people are there waiting to score. It is a very difficult situation and we need some new initiatives to deal with, if I can call it, that residue of the drug problem that we cannot handle through law enforcement at the moment.

The Hon. R. D. DYER: On a point of order, Madam Chair. Although the line of questioning being pursued by Mr Pearce is relevant to the Committee's general terms of reference, it certainly transgresses the ruling that you gave earlier that we ought to concentrate today on matters arising out of Detective Sergeant Priest's evidence last Friday.

The Hon. G. PEARCE: I want to finish off in February 2000, which is the period of Detective Priest's complaint. Would it be fair to say that there was a perception among police that gang shootings were just a war between Lebanese gangs and that they did not affect the community, that drugs did not affect the community, that it was just druggies dying in the street? Would that sort of perception have influenced the way the police responded?

Assistant Commissioner SMALL: I cannot talk about all of the police but, certainly, from my point of view I can say that is not the case. I gave evidence before the drug summit. I have prepared and spoken publicly on a number of issues relating to drugs and drugs and violence were certainly very high on the Crime Agencies' priorities. When you look at the risk assessment we use internally within Crime Agencies, homicides, violence and injury to people rate the highest. So I cannot comment on the service generally. What I can say is that from a Crime Agencies point of view, priority was given to those matters of violence, homicides and other violence.

The Hon. G. PEARCE: The final question on the perception of Detective Sergeant Priest, and I am trying to understand that because there are other police who I understand have the same concerns, could I just play you this very short extract?

(Cassette tape played.)

The Hon. R. D. DYER: Madam Chair, I am not sure what sort of a stunt this is, but it is clearly out of order.

The Hon. G. PEARCE: It is not a stunt. Commissioner Ryan was asked on radio when he was in London on 22 February 2000, questions about the gang warfare in Cabramatta, the very things we are talking about and Detective Sergeant Priest's concerns and others. The response, among other things, that Commissioner Ryan gave was that "It is against each other so it is within the particular group. It is a Lebanese group. They are attacking each other. They are not attacking anyone else. It is not random for people walking down the street. The houses that are being shut up, the restaurants, the cars that are being attacked and others who are working down the street or on corners, it is tit for tat violence, so it is not against the broader community." My concern is if that is the attitude of the Commissioner speaking from London, what are police expected to think when they see the disorder at a place like Cabramatta and the perceived lack of any action?

The Hon. I. W. WEST: On a point of order. Is this out of the evidence from Friday? I have a number of questions I would like to ask Region Commander Small but I am assured that he will be coming back so I will not ask him.

CHAIR: The Hon. G. Pearce's question is about Mr Priest's perception and the confidence he has with the superiors of the Police Service. You may answer the question, Mr Small.

Assistant Commissioner SMALL: If I can say this, from what has been read to me, it is not clear to me whether Commissioner Ryan is expressing a view or putting a series of incidents into context, and they may be two entirely different things. My view would be from the way it did start that he was putting the matter into context rather than expressing a personal view that it was not a matter of concern. Beyond that I cannot say. What I can say is that my view and the view of people at Crime Agencies was that it did not matter whether it was an internal thing or an external thing, it was a serious thing that had to be addressed. Indeed, if you look at the response of Crime Agencies to the problems you have spoken about, you will see there has been very considerable success and a very positive law enforcement impact on those and other groups, with a major resource commitment to them.

The Hon. G. PEARCE: The interview I have just read to you, only a short extract, obviously, but the context was that there were then press releases put out claiming that the problems at Cabramatta had been cleared up. That was clearly not the case. It seems to me that added to the frustration. Do you think that would have added to the frustration?

CHAIR: I do not think you need to answer the question because it was not a question.

The Hon. I. W. WEST: I do not think at this stage I need to ask any questions on the assumption that Assistant Commissioner Small will be recalled.

CHAIR: There is a time constraint as well because the Legislative Council is about to commence.

Ms LEE RHIANNON: I have another question but I understand our colleague has a question.

The Hon. P. BREEN: I am concerned about the question of this assessment. I do not know whether in the documents you have tabled there is a cover sheet in relation to the assessment.

Assistant Commissioner SMALL: Not a cover sheet relating to the assessment. There was the covering report.

The Hon. P. BREEN: Is there only one document, a report?

Assistant Commissioner SMALL: There is the assessment, which is about eight or nine pages. There is a covering report which is one page, and that report has typed notes up the top from Detective Cook and handwritten notes at the bottom from Detective Inspector Day.

The Hon. P. BREEN: The question that arises in my mind is whether or not Detective Sergeant Priest was referring to the report or was he referring to an assessment of the report?

Assistant Commissioner SMALL: From what Detective Priest has said, I interpret it that he is referring to the assessment itself, the 8 - 9 page assessment.

The Hon. P. BREEN: Does the assessment have a name?

Assistant Commissioner SMALL: It has. I do not have it with me.

The Hon. P. BREEN: Does the report have a name?

Assistant Commissioner SMALL: No, the report I have referred to is, in a sense, the forwarding minute of the assessment.

The Hon. P. BREEN: So we should not regard the two documents as the same. He said document in his evidence. He began by saying an important document and then he referred to a report and you have referred to an assessment and a report.

Assistant Commissioner SMALL: I am sorry, I referred to the assessment and the report separately to distinguish between the two, but I think there Detective Priest is clearly referring to the whole of the document. Perhaps I have confused it by trying to distinguish between the two, but I think Detective Priest is referring to the whole of the document. I was trying to distinguish between the actual assessment itself and the covering or forwarding minutes.

The Hon. P. BREEN: In your original statement you said, I think, that Detective Sergeant Priest should have been aware that task forces were established. You went on to say that he was not involved as a matter of course and he would not have been privy to high level investigations. How would he come to have known about this report?

Assistant Commissioner SMALL: My belief is that he probably did not know. I think it is fair to say he did not know about the assessment or the report prior to him going to South East Asian Crime in December 2000. He would have learned about that report there because contrary to what the detective asserts, that document is a relatively open document within that circle. So it is not the sort of document that has top secret stamped on it, put in a case or a locker and I am the only person who would have access to it. It would be filed in the records of the investigations and anyone who has access to records of investigations will have access to the report. So I believe that in terms of Detective Priest being informed of what had gone on and of advancing his claims of organised crime in the area, he would have either been shown the assessment or would have had some access to it by having general access to the records of that section.

The Hon. P. BREEN: What was Detective Sergeant Priest's position at Crime Agencies and why was he seconded?

Assistant Commissioner SMALL: The detective sergeant made a number of claims regarding organised crime in the Cabramatta area and nominated a number of people and a number of arrangements, if I can put it that way. He was seconded to South East Asian Crime so that those allegations could be pursued. I am being careful here because it would not be wise to identify individuals. So he was seconded to Crime Agencies so that those matters could be pursued and they were pursued under Superintendent Jones. Detective Priest was, in fact, a part of that investigation. He was not kept out of it, and he was, as I understand it, part of the final report.

The Hon. P. BREEN: He was only there for a short period.

Assistant Commissioner SMALL: He was only there specifically for that job.

The Hon. P. BREEN: So he was there for a month.

Assistant Commissioner SMALL: No, probably a bit more; about a month to two months.

The Hon. P. BREEN: And was that the period that it was intended that he would be there before he was appointed or he was seconded?

Assistant Commissioner SMALL: No, the period of his secondment was exclusively to do one job, and when that job was finished it was made very clear that you would be returning to his previous position.

The Hon. P. BREEN: I think you said in your statement that you did not know him before his secondment in December 2000.

Assistant Commissioner SMALL: I met him just prior to his secondment to discuss his secondment.

The Hon. P. BREEN: So were you part of the secondment process? Were you one of the people who appointed him?

Assistant Commissioner SMALL: Yes, I was. What, in fact, happened is that Detective Priest had had conversations with a number of police, including Deputy Commissioners Jarratt and Moroney, and there had been a number of conversations between them that I was not a party to. Subsequently, I was made aware of those conversations and was asked my advice on how the matter should proceed forward. It was as a result of those discussions that I agreed that he should come to Crime Agencies to undertake that investigation only on a secondment basis. Even had I wanted to transfer him to Crime Agencies, there were practical reasons why that could not occur.

The Hon. P. BREEN: Do you know how in the course of his secondment he became aware of this document?

Assistant Commissioner SMALL: No, I do not. I can only imagine that it would have been during the general course of events.

The Hon. P. BREEN: Would he have been able to identify the author of the document?

Assistant Commissioner SMALL: Well, if he has had access to the document and he has made sufficient comments that would lead you to believe that he has had access to the document, I am not sure whether the author signed his name in the document or on the covering sheet or that was simply identified in the covering report.

The Hon. P. BREEN: But the author can be identified in the document?

Assistant Commissioner SMALL: No, that is what I am saying. I am just not 100 per cent sure of that.

The Hon. P. BREEN: Do you recall from your recollection of the document whether the author can be identified in it?

Assistant Commissioner SMALL: I cannot recall.

The Hon. P. BREEN: Do you recall who it was addressed to?

Assistant Commissioner SMALL: No. The report itself, as I understand it—I looked at it last night. I just cannot remember. The covering report, the forwarding minute, determined who the assessment went to, and the forwarding minute was addressed to, not by name, but to the superintendent in charge of South East Asian Crime, who at that time happened to be Detective Inspector Day, and he forwarded it to Crime Agencies.

The Hon. P. BREEN: Is there any process or system in place to review the report or check the information or further investigate the information in the report?

Assistant Commissioner SMALL: Well, there is, and that is what exactly happened once the report got to Crime Agencies command.

The Hon. P. BREEN: I have another question. You said also in your statement, "It is untrue that I hindered the investigation of his claims." And then you went on to say, "It is worth noting Commander Graeme Morgan was responsible for the project, not me."

Assistant Commissioner SMALL: No, what I said was that it was not true that I hindered the progress and that it is worth noting that Commander Morgan took over as the commander of Crime Agencies on 1 January and was, therefore, responsible for the majority of the project and its final findings, not me.

The Hon. P. BREEN: But if he went there in December 2000 and was only there for about a month, it seems to me that Commander Graeme Morgan would have only been overseeing him perhaps for a few days.

Assistant Commissioner SMALL: No. I just cannot recall the exact date that he went there, but it was around the middle of December, and the inquiry continued until recently. It was only about two weeks ago or so, two or three weeks ago, perhaps, that I received advice that the project was over and that he was due to come back, so to speak. Now, that was advice that I received. I did not initiate it. That was a decision by Superintendent Jones, with whom Priest says he has no problem, and Commander Morgan, not me.

The Hon. P. BREEN: Did you have any direct contact with Commander Morgan over it?

Assistant Commissioner SMALL: I do not think so.

The Hon. P. BREEN: Is this the same Commander Morgan who was advanced by Commissioner Ryan, advanced in terms of his position? I think he took over as commander at the same time that you went out to Liverpool.

Assistant Commissioner SMALL: Commander Graeme Morgan was appointed originally during 1997, I think, to the position of North Metropolitan.

The Hon. P. BREEN: Yes, but he has recently been promoted, I think.

Assistant Commissioner SMALL: Sorry, it is not so much a promotion; it is a lateral transfer.

The Hon. P. BREEN: His position has improved since 1 January this year?

Assistant Commissioner SMALL: Yes.

The Hon. P. BREEN: At the specific direction of Commissioner Ryan?

Assistant Commissioner SMALL: Well, some people would say that the position has improved and certainly some people argue that my move out to Greater Hume was a demotion and all of that sort of thing. The reality is that they were both lateral transfers. Some positions might be more desirable than others.

The Hon. P. BREEN: So there is no possibility that there would be any antipathy between you and Commander Morgan that would likely reflect or have repercussions on Detective Sergeant Priest?

Assistant Commissioner SMALL: I can assure you that there is absolutely no antipathy between Commander Morgan and myself. I have known Commander Morgan for many years. We get on very well. We do not socialise. He lives on the Central Coast and I live down here in Sydney, but we get on well, and there is no antipathy at all.

The Hon. P. BREEN: And one final question, Madam Chairman. You did say also in your statement that Operation Coltsfoot closed down as a result of the reform process.

Assistant Commissioner SMALL: Yes.

The Hon. P. BREEN: Can you just put that in context? Which reform process and what did Operation Coltsfoot relate to?

Assistant Commissioner SMALL: Operation Coltsfoot was a joint State-Federal police task force. If I can just distinguish, I use the word strike force to infer not a permanent arrangement because task force tends to be a more permanent arrangement, and the reason we moved from a task force to a strike force model was that they found that you need new people, new challenges, and it was a way of reinvigorating inquiries and making sure that people do not just get comfortable in their area and it becomes like a security blanket, and it is a far more efficient approach and use of resources. I cannot remember when it was started, but Coltsfoot was a joint State and Federal task force that was set up primarily to target Asian crime, and in particular Vietnamese crime.

The Hon. P. BREEN: When was it set up?

Assistant Commissioner SMALL: I cannot recall, but it was certainly well before 1997.

The Hon. P. BREEN: And when was it closed down?

Assistant Commissioner SMALL: Well, if I can just explain, it was set up under the then Drug Enforcement Agency. At the time of the reform and when I took command, the Federal Police were looking at new ways of doing business because they felt that there was a feeling that numbers of their resources were being directed to State issues rather than issues that, if you like, join the State and the Federal areas of activity, and with the demise of the Drug Enforcement Agency, the new arrangements for the Drugs and Organised Crime Strike Force program were put in place, and that involved the establishment of the South-East Asian Organised Crime Unit and also involved the establishment of the Joint Asian Crime Group, which is a high-level Commonwealth-State task force that operates in Sydney and targets particularly South-east Asian crime and, in particular, heroin importation. So those things, if you like, replaced Coltsfoot.

The Hon. P. BREEN: When exactly did it close down?

Assistant Commissioner SMALL: I could not tell you off the top. I can make some inquiries.

The Hon. P. BREEN: Was it in the period 1999-2000? Was it that recent?

Assistant Commissioner SMALL: Well, 1999 sounds too recent to me. I would have thought that it was disestablished about late 1997 or 1998.

The Hon. P. BREEN: See what I am trying to get to is the reform process. You said that Operation Coltsfoot closed down as a result of the reform process.

Assistant Commissioner SMALL: Yes.

The Hon. P. BREEN: I am just trying to work out what was that you referred to.

Assistant Commissioner SMALL: The reform process that I was referring to was the disestablishment of the Drug Enforcement Agency and the establishment of Crime Agencies and the establishment of the Joint Asian Crime Group. So they are the three things, if you like.

The Hon. P. BREEN: Is that reform process different from the reform process that is going on at the moment?

Assistant Commissioner SMALL: No, this was part of the general reform of the Police Service.

The Hon. P. BREEN: As a result of the Wood royal commission?

Assistant Commissioner SMALL: As a result of the Wood royal commission.

Ms LEE RHIANNON: Madam Chair, I seek some information that is relevant to what Mr Small told us earlier. It would not take me very long, and I have one brief question, please. Mr Small, earlier you said that you had received a phone call that Mr Horton had been the LAC, I understand, from December 1999 to May 2000. Now, while I am not one to believe everything I read in the papers, I do know that the *Fairfield Champion* on Wednesday, 1 March, last year was quoting Mr Horton saying that he had been away from the station for a couple of months and had only just returned at the end of February. So I think that considering your people have gone out while this inquiry has been sitting and gave us some information, I am concerned that we still have a conflict there. So, just to go to my question, firstly, I would ask that that be clarified. But then I certainly noted that in your verbal submission and in the materials you have circulated you have clearly gone to a great deal of preparation. I can take you to your work with us today, but what I would like to ask you is why you did not acquaint yourself with who was actually in charge at Parramatta at the end of this key period we are talking about, at the end of 1999. I would have thought that that would have been something that you would have—I can appreciate—

CHAIR: What is your question?

Ms LEE RHIANNON: Well, I have just asked it: why you did not acquaint yourself with who was in charge at the end of 1999? I can appreciate that you cannot keep everything in your head when you have a large area, but considering you knew what the controversy was after Mr Priest gave his evidence to this inquiry specifically about Cabramatta, I am surprised you did not have that information. I was just wondering why.

Assistant Commissioner SMALL: Back in 1999 I probably knew. It is just that I do not remember it now some years later. I mean, there are 80 local area commands. There are people being rotated through retirement, through promotions, through transfers and so on. It is not the sort of thing that was particularly critical to me, either throughout the year 2000, in a sense, or now because what I am trying to do at the moment is simply getting on with the job in Cabramatta. I cannot change what has happened in the past. All I can promise to do is try to make it better for the people of Cabramatta and Greater Hume generally now and in the future.

Ms LEE RHIANNON: Just in preparing for today, would that not have been something you were briefed about?

Assistant Commissioner SMALL: No, it was not. I did not see it as being critical to today. If I have missed a point that this Committee—

The Hon. G. PEARCE: The allegation was that there was inactivity. That is what it is all about.

CHAIR: Order! I think that the witness has already explained his reason to Ms Rhiannon's question.

Assistant Commissioner SMALL: Madam Chair, may I just add, because I have had a second phone call that might explain some of it, and I hasten to add, it is a second phone call, I am advised that Superintendent Horton was the Cabramatta local area commander throughout December 1999, apart from two days when he took annual leave on 9 and 10 December. I am also advised that in January 2000 he took annual leave from 3 January to 31 January inclusive, and Inspector John Stanioch was the acting local area commander at that time. As I understand, Inspector Stanioch was, until recently, a crime manager at Cabramatta. I do not know what position he held then except to say he was an inspector.

Ms LEE RHIANNON: So you are saying he was not seconded to Parramatta?

Assistant Commissioner SMALL: He was the acting area local commander while Superintendent Horton was away on annual leave. I am further informed that Superintendent Horton resumed his duties as the local area commander on January 31 and remained there until May 28 when he was replaced by Superintendent John Sweeney. Now, the reference to him having been away, I mean I am guessing, was probably a reference to him having been on annual leave. That is all I can suggest.

Ms LEE RHIANNON: I just leave you with the question: was he ever seconded to Parramatta or anywhere else?

Assistant Commissioner SMALL: I undertake to get that.

The Hon. J. HATZISTERGOS: Commander Small, you indicated that this report or assessment that Mr Priest was referring to, your analysis of it was that it did not identify specific threats. They are the words I think you used.

Assistant Commissioner SMALL: Specific or detailed threats.

The Hon. J. HATZISTERGOS: Are you able to elaborate as to the nature of the information as to whether it identified individuals?

Assistant Commissioner SMALL: There were numbers of individuals identified in the report, most of whom were well known to police at that time, some of whom were already suspects for various crimes at that time. The report outlined the historical nature of the development of certain groups from around the mid 80s through in a bit of an ad hoc way and reached the conclusion that because of events that had occurred and the incident that was being investigated at the time, which is identified in the in confidence material I have given you and which I do not want to identify publicly simply because it might cause problems for some people, was in fact a tit-for-tat incident. That is, one group of people had done something against group A so group A did

something against group B. The view was that this tit for tatting was going to continue and was likely to escalate, and that was right and there is no question about that. It was a matter of how you handle it. As I say, it is like saying 120 people are going to be murdered in New South Wales next year; what do I do about it. I am not saying that it was that broad, do not get me wrong. What I am saying is that to mount an operation of this type is quite resource intensive, not only in terms of human resources but in terms of a range of other resources you have to commit. Therefore, you have to have a sense of direction and purpose.

Ms LEE RHIANNON: Mr Small, you mentioned about Mr Stanioch being the acting LAC. I understood he was an inspector, that he was never actually acting, so I would also ask if you could confirm what his actual position was, please. I understood he was only an inspector.

Assistant Commissioner SMALL: Sorry, he is an inspector, but he would act in the superintendent's position when he was away.

Ms LEE RHIANNON: I suppose, again, I have trouble with my understanding of the chain of command, but was he actually formally the LAC or the acting LAC, or is that something that kicks in because he is an inspector? It is quite a different situation.

Assistant Commissioner SMALL: My understanding is that he was formally the local area commander. My understanding is that this is endorsed on the police records system which means he probably or almost certainly got paid superintendent money while he was in that position.

CHAIR: You outlined in your opening statement a range of activities in relation to the gathering of intelligence and subsequent operations to address organised crime in the Cabramatta area in late 1999 and 2000. However, it was during this very time that the relationship between the Cabramatta LAC and the Cabramatta community seemed to break down and the Cabramatta LAC became embroiled in turmoil.

Because of time constraints I ask you to take this question on notice. What went wrong in Cabramatta? Why did the community lose confidence in the Cabramatta LAC at this time? Why was not more done to assure the community that concerted action was being taken to address drug-related crime in Cabramatta at that time? Is there a way in which you can better take the community into your confidence?

On that note, on behalf of the Committee I thank you for coming. I do hope that you are satisfied with your statement to address the allegations made against you and, certainly, we hope that we can recall you for future hearings. Before you go, did you have another document that you wanted to tender?

Assistant Commissioner SMALL: Yes, I think it was this document.

CHAIR: Is that in confidence?

Assistant Commissioner SMALL: No, I think what I was asked was whether I would have a look at the risk assessment.

The Hon. G. PEARCE: To see whether you would table it. We wanted to see the actual report and risk assessment and you need to look at those to see if you can give them to the Committee.

Assistant Commissioner SMALL: There was one document that was not tabled, which was in response to either Mr Colless or Mr Pearce. I only have one copy of it and it is absolutely in confidence.

(Document tabled.)

CHAIR: Thank you very much.

(The witness withdrew)

(The Committee adjourned at 2.03 p.m.)