

**REPORT OF PROCEEDINGS BEFORE**

**GENERAL PURPOSE STANDING COMMITTEE No. 3**

**INQUIRY INTO CABRAMATTA POLICING**

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**At Sydney on Friday 7 May 2002**

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**The Committee met at 10.00 a.m.**

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**PRESENT**

The Hon. Helen Sham-Ho (Chair)

The Hon. R. H. Colless  
The Hon. R. D. Dyer  
The Hon. G. S. Pearce  
The Hon. P. T. Primrose  
Ms Lee Rhiannon  
The Hon. I. W. West

**CHAIR:** I welcome everyone to this hearing. I acknowledge the presence of the local member for Cabramatta, Reba Meagher, who is the Parliamentary Secretary Assisting the Minister for Police. The media are advised that guidelines governing the broadcasting of proceedings of committees of the Legislative Council are available on the table near the entrance door, as are copies of the Committee's Cabramatta report.

Before commencing I wish to advise the public of a change in the program from the notice of hearing distributed yesterday. The witness at 3.30 p.m. until 4.00 p.m. will be Mr Geoff Barnden, Director of the Office of Drug Policy, representing the Hon. John Della Bosca, who is the Minister responsible for the implementation of the drug strategy. The Minister apologises for his inability to attend.

For the benefit of those who were not present at the Committee's hearing at Cabramatta on 24 May 2002, I would like to briefly outline the purpose of this inquiry and today's proceedings. When the Committee released its report on Cabramatta policing last July, it reported that sections of the Cabramatta community were concerned that once the inquiry had wound up, many of the promises made to the people of Cabramatta would then be forgotten. The Committee wanted to provide an opportunity for the police, other agencies and the community, to get on with the job of making Cabramatta a better, safer place without unnecessary energy and resources being diverted to responding to issues raised in hearings and the media. At the same time the Committee wanted to make sure the Government delivered on its promises.

For that reason the final recommendation of the report was that the Premier report to Parliament in March 2002 on the implementation of the package of initiatives announced in March 2001, and also report on the implementation of the recommendation of the Committee's report. The Committee also promised in its report to consult the Cabramatta community on the changes that have occurred. The Premier reported to Parliament on 11 April 2002 with a detailed report on progress on the implementation of this Cabramatta package. This report also contained the Government's response to each of the Committee's 25 recommendations.

Following this, the Committee wrote to all participants in the main inquiry and gave them the opportunity to provide a supplementary submission on the changes that have occurred in policing in the area over the last 12 months. Two weeks ago the Committee heard from the Cabramatta community as to its views on the changes that have occurred. The transcript of the hearing and public forum are now on the Committee's website, and a limited number of copies are also available on table.

This hearing today is an opportunity for the Committee to hear in more detail from the police and various experts. Following this, the Committee will present a second report reviewing the evidence given. I would emphasise that this is a review; the Committee is not re-opening its inquiry.

Before the last hearing, I raised two issues: the status of the submission to the inquiry and the way in which the Committee wished to treat requests to provide evidence relating to the young man called James. Rather than repeat these comments in detail, I wish to remind witnesses, media and others today, that if they tender a submission or document, it may not be disclosed or published, unless the Committee has authorised publication. Improper disclosure of a Committee's document can interfere with the operation of the Committee and constitute a contempt of the Committee. The primary motivation for deliberate and improper disclosure is always to gain maximum publicity for a particular and, more often than not, loaded or biased point of view.

In regard to James, as anyone who has read the Committee's report on Cabramatta policing dated July 2001 will appreciate, no reference was made to James in the evidence or the report. For that reason, the Committee will regard any debate regarding the credibility of James as not relevant to the purpose of this current review.

The final point I wish to raise is that the Committee has received a request to hear evidence in camera as part of the evidence of the Police Association. This is because a witness did not wish to be identified or given media attention. The Committee will hear evidence and consider later whether it is in the public interest to publish the transcript.

I want everyone to be completely clear about the importance of maintaining the integrity of evidence taken in private. By hearing evidence in private the Committee may inform itself fully on an issue and, at the same time, minimise any risk arising from the publication of evidence and provide procedural fairness to witnesses. Any proposal to take evidence in private is always considered very carefully by a committee because it defeats the purpose of a parliamentary committee of informing the public of the issues before it. However, when a committee decides to proceed with this course of action it is crucial that the integrity of this evidence is maintained. Any action by any person which compromises such evidence by unauthorised disclosure constitutes a very serious contempt of Parliament because it may not only endanger a witness but also limit the Committee's evidence by the effect such disclosure has on actual and potential witnesses.

I also want to emphasise that culpability is not confined to the source of any unauthorised disclosure. The recipients of such information, usually the media, have a stake in its provision. More often than not, it is not so much the content of the evidence that is of intrinsic interest to the media, rather it is the leaking that makes the material newsworthy and frequently leads to bias and distorted reporting. I therefore will need to ask the media and the public to clear the room after the morning break. Our first witness is Assistant Commissioner Clive Small.

**CLIVE THOMAS SMALL**, Police Officer, currently on secondment to the Premier's Department. Strategic Projects Division, Premier's Department, sworn and examined:

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

**Mr SMALL:** I am appearing before this Committee as the former Region Commander of Greater Hume, which includes the Cabramatta Local Area Command.

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

**Mr SMALL:** I am.

**CHAIR:** I remind you, Mr Small, that the inquiry today is confined to what has happened with policing in the Cabramatta area since March, 2001, including police and community relations and the changes that are still required for policing in that area.

**Mr SMALL:** Thank you.

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

**Mr SMALL:** Thank you.

**CHAIR:** The Committee welcomes you and thanks you for coming. Do you wish to make an opening statement?

**Mr SMALL:** Yes, I would. I appear before this Committee in response to an invitation issued by the Hon. Sham-Ho, Committee Chair. I was the Commander of the Greater Hume Police Region, which includes the Cabramatta Local Area Command, from 1 January 2001 until the end of February 2002. My comments, therefore, end with my departure from the region. My submission addresses the two questions posed by the Committee: what has changed since 2001, and what changes are still required?

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

These claims are supported by: one, "Cabramatta, A Report on Progress—April 2002", which was recently tabled in the Parliament by the Premier; two, "New South Wales Recorded Crime Statistics 2001", produced by the Bureau of Crime Statistics and Research; three, "Recent Trends in Recorded Crime and Police Activity in Cabramatta—May 2002", produced by the Bureau of Crime Statistics and Research; four, "Greater Hume Region: An Assessment of and Framework for Response to Youth Crime and Youth Gangs—July 2001"; and, last, "Greater Hume Region—Youth Gang Assessment—December 2001 Update".

Sworn and unsworn staff, front-line police, supervisors and managers at Cabramatta and across the region generally, say that under my leadership the workplace was increasingly seen as one in which honest behaviour is encouraged and dishonest behaviour is discouraged; the work environment is more open; there is a higher level of trust and higher regard is held for supervisors and managers; and management is more consultative and perceived to practise what they preach. These claims are based on the results of region-wide administration of the ethical culture survey developed by the Independent Commission Against Corruption.

On the third point—relations with the community—they have been improved. Three examples that support this claim are: the establishment of City Watch and the report of the progress of that committee; the Fairfield Cabramatta Police and Community Youth Club annual report for the year 2001, which discloses that compared with the previous year there was a significant increase in club membership during 2001, that membership is increasing

into the year 2002 and that income for the year 2001 more than doubled when compared with the previous year. I also note that Ms Reba Meagher, the MP State member for Cabramatta, who is now patron of that club, was responsible for raising considerable funds, and I congratulate her on that appointment. The third example of support was the introduction of a basic Vietnamese language and cultural awareness course for the Cabramatta Police. In addition, other constructive police community partnerships are outlined in "Cabramatta: A Report on Progress".

I turn now to the second question: What needs to be done? At its simplest, the achievements of 2001 and the first few months of this year need to be built upon. As Dr Weatherburn recently observed, "Cabramatta has a long way to go before it is as tranquil as Kuring-gai, but it has shown signs of real improvement in crime." The first thing that needs to be done if Cabramatta is to continue down the road to an even healthier and safer community is to use evidence-based knowledge as the basis for solutions to its problems. We cannot be alarmed or panicked into knee-jerk reactions or solutions. Care needs to be exercised to ensure that the public policies and practices are based on facts rather than doomsday prognosticators, their fears, their hostilities and their lack of perspective. These ideas ignore human limitations and invite the idea that a powerful, all intrusive government and police force can make life perfect. They cannot. But they can increasingly destroy civil rights and liberties. No greater harm can come from the concern about crime and violence than the creation of general policies and practices built upon and spread through fear and hostility.

The second thing that needs to be done is to acknowledge that police are not the first line of defence against crime and disorder. The true first lines of defence are families, friends, peers, teachers, schools and community groups, and organisations such as churches. Police are only the first line of deployment by the government against crime and disorder once those problems exist. We must acknowledge the root causes of crime and disorder are poverty, unemployment, racism, poor health care, truancy, failure to complete school, mental illness, alcohol, illicit drug dependency, poor parenting practices, child maltreatment and single parent families. These acknowledgments must not be used as an excuse for our problems, but as a means of improving our understanding of, and our response capabilities to, our problems.

This leads to the third thing that needs to be done. We must move the debate about policies and practices away from populace bandaid solutions towards sustainable evidence-based solutions. The focus of debate must shift to those economic social and cultural support programs that we know work to the benefit of society in the mid to longer term. The Cabramatta anti-drug package announced by the Government last year, and reported on recently, goes some significant way towards achieving this.

There is a fourth thing that needs to be done, but before I refer to that Madam Chair, I would like to make the point that this does refer to James. I will not proceed with it, but would make the point that, in my view, if Cabramatta is to move forward, the community is entitled to the truth and must be told the truth about the James matter—if there is to be a significant move forward.

**The Hon. GREG PEARCE:** Well, why don't you release the report?

**Mr SMALL:** I would strongly urge the release of the report. And in that regard I support Tim Priest in his call on the Channel 9 *Sunday* program, and that of the Hon. Reba Meagher when she appeared before this Committee on the last occasion, for the immediate release—

**The Hon. GREG PEARCE:** You have access to the Premier, why don't you get him to release it?

**CHAIR:** Order!

**Mr SMALL:** —for the immediate release of the report, or at least for a summary of the report. The report itself would contain matters that should not be released, perhaps. I am talking there about criminal histories and things of that nature.

**The Hon. GREG PEARCE:** Yes.

**Mr SMALL:** But I would certainly urge the call. My comments, even if you reject them, should be put on the record, as I believe they are critical to Cabramatta moving forward.

**CHAIR:** We will hear you until such time as we have to stop you.

**Mr SMALL:** Thank you. The fourth thing that needs to be done if Cabramatta is to move forward, is to set the record straight. I am referring to the young person known as James, who was presented to members of this

Committee by Dr Richard Basham. The matter is no way challenges the central findings of the Committee's report. The drug scene in Cabramatta, as at December 2000, was a disgrace, and was, in large part, a failure of police command, not front-line police. However, the James allegations were promoted publicly, not as a description of a series of crimes committed by a few youths in Cabramatta, but as a description of the scope and level of crime and violence in the community, how it had permeated all levels of Cabramatta society, and how our basic institutions, such as education, were failing.

**CHAIR:** Mr Small, may I stop you there? You are talking what happened previous to the last 12 months. As I reminded you earlier, the Committee is inquiring into what has happened in the last 12 months. What happened before the last 12 months is perhaps not directly linked—

**The Hon. GREG PEARCE:** A point of order, Madam Chair.

**CHAIR:** I have not finished. May I finish my statement? What happened before the last 12 months is perhaps not directly relevant to our term of inquiry. In addition, in my view, this is an operational matter. Therefore, I ask you—

**The Hon. GREG PEARCE:** Madam Chair, I have a point of order. The witness is simply putting in context what his statement is now, and in order to answer the two questions that he is addressing it is entirely appropriate for him to put in context what he is saying now. I do not see why you should, in any way, seek to limit what he wants to say in terms of putting in context his appearance today.

**CHAIR:** If I allow Mr Small to continue, I would ask him not to dwell on matters relating to operations, such as James's involvement with a police investigation. That is not directly relevant to our inquiry. I ask the witness also to refrain from making references to matters that took place before the last 12 months.

**Mr SMALL:** Madam Chair, if I can just give context to what I was trying to say?

**The Hon. GREG PEARCE:** Exactly.

**Mr SMALL:** I was trying to put in context how the James matter arose. My comments relate specifically to matters that have occurred since this inquiry sat, in particular the publication of the allegations of James. The events themselves occurred prior to the Committee hearing, but the allegations and the harm that has been caused to the Cabramatta community—to the students, to the teachers, to the institutions—has all occurred since this Committee sat, and I believe that the people of Cabramatta are entitled to know the truth. And I would think that this Committee is concerned to ensure that the people are told the truth, if the Cabramatta community is to move forward. They should not be asked to move forward with myths and legends and untruths saddled on their back.

**CHAIR:** I will allow the witness to continue in a moment. But first I feel I have to correct a misconception, and that is that the report of this Committee was based on James's evidence. As I said in my opening remarks, the Committee did not use James's evidence in its report.

**Mr SMALL:** Madam Chair, I never said that. I did not say that James appeared before the Committee. Rather what I said was that James had appeared before members of the Committee, and my understanding is that that is the truth.

**CHAIR:** Very well, that is fine. I might just tell you, so that you are aware—and I want the public to know the truth—James appeared before the Committee in a private, informal meeting, and the evidence of James was taken in confidence by the Committee and it has never been made public.

**Mr SMALL:** Look, I understand that, Madam Chair, but the fact of the matter is that what happened after that appearance was that James was then touted around to the media, and legitimacy was given to his claims based on the fact that he had previously given this evidence to members of the Committee. So that gave legitimacy to the media reporting.

**CHAIR:** I am not going to embark on a debate. I just want to state, as you say, the truth and the facts.

**The Hon. GREG PEARCE:** You are debating it.

**CHAIR:** I am not debating, I am just responding.

**The Hon. GREG PEARCE:** Let him give his statement.

**Mr SMALL:** The claims made were used to cause unwarranted fear and harm to the students of Cabramatta schools, to the teachers, to local school institutions, to parents and friends, to members of the Cabramatta community generally, and to pursue political and personal ends with no regard for the harms being caused. The public treatment of the allegations also harmed local police efforts and caused personal and professional harm to local front-line police, their supervisors and managers. Mr Basham tendered a statement, My Life as a Gang Member, on behalf of James, when he and James were given an informal hearing before the members of the Committee. James's evidence was not included in the Committee's report, and I acknowledge that, nonetheless, Dr Basham and others later presented James to various media outlets.

Among other things, James's presentation to members of this Committee was used to legitimise the claims that were then being made to the media. These claims included that James was unique in his knowledge of Vietnamese youth gangs as he was one of the few non-Asians to have been accepted as a member of an Asian crime gang; that as a gang member he had directly been involved in the sale of guns in schools, violence against those who offended against the gang, heroin trafficking on behalf of the gang; and that he had direct knowledge of gang recruitment in schools, murders and other violence. These are all publicly made statements that have occurred since—

**CHAIR:** Can I just stop you here, Mr Small? I think this is as far as we can go with James. But this is not a problem for the Committee; the media legitimised James. I do not think you should ascribe what James is doing is within the terms of the Committee's inquiry. So I will have to stop you there.

**Mr SMALL:** Well, Madam Chair, with all respect, the fact is that these allegations were made after the Committee sat on the last occasion, and they have caused considerable harm to the people of Cabramatta. Whether this Committee is involved or not does not matter. If the Cabramatta people and community are to move on, I believe they are entitled to know the truth. They should be told the truth. They should not be asked to move on with a whole series of unwarranted burdens place on their back. If the truth does not come out, that is what we will be asking the community of Cabramatta to do: to continue accepting a lie and to move on carrying a burden that they do not deserve, that the schoolchildren do not deserve, and that the institutions and Department of Education and other bodies do not deserve.

**CHAIR:** I ask you not to continue to refer to James's activity. In my view it is not relevant to our terms of reference, because it has never come up in evidence.

**Mr SMALL:** With all respect, I was asked my views on what needs to be done for the Cabramatta community to move forward.

**CHAIR:** But the Committee has never heard of some of the matters to which you are referring and which you say are evidence.

**The Hon. RON DYER:** Madam Chair, could I make this point: It is true, certainly, that James did not in fact give formal evidence to the Committee. It was an informal meeting in camera with some members of the Committee. However, it is also true that, by one means or another, James has been ferried around to various media outlets and evidently has said certain things, or other people have said certain things on his behalf. Certain notorious matters have arisen as a result of that, to which Assistant Commissioner Small is endeavouring to respond. Now, he is clearly not in a position to respond to what James might have said privately to members of the Committee, but I would have thought that natural justice and ordinary fairness would dictate that Mr Small is entitled to respond to notorious matters that have been ventilated publicly in the media.

**The Hon. RICK COLLESS:** Madam Chair, may I also make a comment please? I think we need to understand the reasons why James was not invited to appear before this Committee, and that was for James's own safety. He was in fear in of his life at that time, and James did not appear, officially, before this Committee for his own personal safety. Mr Small has already indicated that he wants the truth to come out about the James issue and the way it was handled, and I support him in that wish. Mr Small is giving that evidence now in line with the second objective of his being here—to outline what still needs to change in Cabramatta. I think we should proceed with it.

**CHAIR:** I have heard sufficient argument—

**The Hon. GREG PEARCE:** Madam Chair, just one other point: The reason that only a number of members of the Committee saw James was that we had genuine concerns about his safety and well being. As I recall it—and I was not one of those who saw James—we were given undertakings that he would be moved to a safe

location, and we did not expect him to be moved around in the media. The undertakings given to us were that he would be moved to a safe location where he would be looked after and not be exposed to this sort of problem.

**CHAIR:** I ask the Committee and the witness not to dwell on James, because it was not the Committee who legitimised James's activity; the media legitimised James's activity. We are not talking about the media or James, we are talking about how we should move on. What happened to James will remain confidential. I ask Mr Small not to go on about James. James was not an official, formal witness to the Committee, so I ask Mr Small not to dwell on the matter.

**Mr SMALL:** Madam, I am not suggesting he was a formal official witness of this Committee. I am suggesting—in the terms already expressed by Mr Dyer—that there were some notorious allegations made that have seriously and adversely impacted on the community of Cabramatta. The truth of those allegations needs to be put on the public record so that the people of Cabramatta receive, hear and know the truth. They have been adversely harmed by the unresponded to allegations, if I can put it that way. I would have thought that this Committee is most concerned to ensure that the people of Cabramatta are told the truth.

**CHAIR:** Mr Small, if you want to continue to refer to James, the Committee should decide whether—because of James's safety and other issues that are involved—to hear that part of your evidence in public. If you wish to continue, perhaps we should clear the room and hear your further evidence in camera.

**Mr SMALL:** Madam Chair, I can say this: nothing I will say will impact on the safety of James; nothing I will say will impact on his whereabouts; nothing I will say will not already be the subject of very public rumour and innuendo. And furthermore there are no operational matters that will be adversely impacted by my comments.

**The Hon. PETER PRIMROSE:** I believe we can trust Mr Small's assurances in this regard, and I think it is appropriate that he be allowed to continue giving his evidence.

**The Hon. GREG PEARCE:** I agree.

**The Hon. RON DYER:** Can I make what I hope will be a constructive suggestion? Is it possible for Mr Small to give his evidence in such a fashion that he can disconnect references to James from his dealing with the issues that he wishes to deal with? In other words, can he deal with what he might perceive as being the consequences of James's appearance without necessarily referring in terms to James himself?

**Mr SMALL:** That is almost impossible with all respect, sir, because they are matters that directly arise. I mean, no matter how I tried to do it, I would have to get back to the allegations that were made. I am trying to deal with the allegations in the broadest of senses and not take too much of this Committee's time, but I believe my comments are very important to the truth of the matter.

**The Hon. GREG PEARCE:** Just one further comment, Madam Chairman? One of the problems we have had from the outset is that we have had a number of absolutely essential documents and reports that have been kept hidden from the Committee and from the public. It is not just the James report, it is also the Cook report and the Premier has been the person who has hidden those reports or retained possession of them—

**CHAIR:** I do not think you should try to gain any further political mileage here.

**The Hon. GREG PEARCE:** We could make some real mileage here if the Premier released the Cook report and released the James report.

**CHAIR:** Order!

**The Hon. PETER PRIMROSE:** This is not time for you to speak. We want to hear Mr Small's answer, that is my simple argument.

**CHAIR:** Order!

**The Hon. PETER PRIMROSE:** He has given us a number of assurances, Madam Chair—

**CHAIR:** Order!

**The Hon. PETER PRIMROSE:** I do not want to score a political point, Madam Chair. I am here to listen to what Mr Small says. He has given us a number of assurances. Any member of the Committee can intervene at any



time if he or she believes Mr Small has transgressed those assurances, and I think it is appropriate that we now continue. We should allow him to give his evidence, and if we believe he has transgressed those undertakings, we can take points of order and suggest we continue in camera. But at the moment, given the time, I think it is appropriate that he be allowed to continue, and if necessary, I will be happy to move that way.

**CHAIR:** Mr Small, it seems that the Committee wants you to continue. I will accede to that request at this point of time.

**Mr SMALL:** Thank you, Madam Chair. I have already outlined in the broadest of senses the claims that were made. I subsequently caused the investigation of the allegations to be undertaken. Chief Inspector Matt Appleton undertook that investigation. During the course of the investigation, and up until the end of February 2002, I continued to liaise with the Inspector Appleton respecting that investigation. I am able to say that the inquiry found that while James had a good general knowledge of the local drug dealing and crime in Cabramatta, particularly during the years 1995 to 1997, and was himself involved in the sale of heroin and in violence and other crimes, he was never a member of a Vietnamese youth crime gang or any other gang; he did not sell guns in schools and has no knowledge or no direct knowledge of guns being sold in a school; he was not involved in any murders and—

**CHAIR:** Mr Small, I have to stop you here. You are talking about what James has said to you, and not what he said to the Committee. You are referring to criminal offences, and they are not within the Committee's terms of reference.

**The Hon. GREG PEARCE:** Did you conduct this investigation, Mr Small?

**Mr SMALL:** I did not, I was the supervising officer on the investigation up until February. What I am reporting here—

**The Hon. GREG PEARCE:** So, you are releasing, in effect, parts of the investigation?

**CHAIR:** Order!

**Mr SMALL:** Hang on. I explained that it was necessary in my view for the truth to come out.

**The Hon. GREG PEARCE:** But you did not conduct the investigation.

**Mr SMALL:** I supervised the investigation up until February.

**CHAIR:** Order!

**The Hon. RON DYER:** Madam Chair, I move that the Committee go into camera to consider the procedural issues.

**CHAIR:** Yes. The Committee will proceed in camera for a short time.

**(Evidence continued in camera)**

**(Public hearing resumed)**

**CHAIR:** Now that we are again in open session again I wish to thank and commend Mr Small in public for the many improvements he has achieved during the last year in Cabramatta. Mr Small, you have told us of the many changes that have been made in Cabramatta. In your view, what are the most significant changes that have taken place over the last 12 months for the people of Cabramatta?

**Mr SMALL:** I suppose I can answer that from a number of different points of view. I will deal with them generally, and if you have any specifics, I would be happy to respond. I have in fact covered most of them, if not all, in my statements already. I think there has been a very significant improvement in relations between police and the community in Cabramatta. That is very, very important, and from what I can see those improvements are continuing.

Secondly, whilst I have not suggested that the work that needs to be done in Cabramatta is anywhere near finished, I think that from the perspective of both the community and police there will be a much greater deal of satisfaction with the reduced level of crime and violence and the increased feelings of safety that operate in Cabramatta now than operated some time ago. I believe that the people of Cabramatta have noticed that, at least up until February—and by saying that I am not trying to suggest that things changed the moment I left; I am simply saying that my comments cut off in February. I do not want anyone to interpret what I am saying in that way. But what I should say is that I believe both the police and the community again feel that the police have been far more operationally focused and have supported the community's efforts to drive down crime and fear in Cabramatta. In particular, the feedback I received when I was there, from local police and the community, was that the attack on drug houses under the new legislation was felt to be very effective and was very much appreciated.

The other thing that I think we have learned with regard to Cabramatta is that you cannot simply keep pushing police into that small geographic area of Cabramatta and expect things will get better for Cabramatta. Crime does not limit itself to the Cabramatta boundaries and criminal activities and drug houses in areas surrounding Cabramatta are also impacting on Cabramatta. So there has to be a broader-based approach that talks about the improvement of crime, fear and disorder in the broader context of western Sydney as opposed to Cabramatta.

**CHAIR:** I wish to ask you a very specific question. It was established in the main inquiry that there is a communication problem within the force and also between police and the community. Are you able to comment on any improvement in communication?

**Mr SMALL:** I suppose in a formal sense I can point to the introduction of the basic language and cultural awareness course—which had been running up until the time I left—and others courses that, I understand, are being run now. As I understand it also, both at the time I was there and since that time, Superintendent Hansen and others in the command have paid particular attention to improved communication and, in an informal way, to improving communication and relationship with the whole of the community—not just any one particular part of it. Quite clearly, the Asian community is a significant part of the whole community and even that is very diverse.

I do not think there is any simple answer. I simply say, as I said at the time that I went to Greater Hume, that I would not suggest we could provide solutions overnight but that we could provide solutions that would make the community and the Greater Hume region generally safer day by day by day, and I believe that that sort of progress is still continuing.

**CHAIR:** Are you able to comment on communication between management and front-line police? You have not commented on that.

**Mr SMALL:** I think I did comment on it. I made the point that there were surveys conducted, which I believe the police will produce to you if required today. They were ethical culture surveys that were designed by the Independent Commission Against Corruption [ICAC]. They were administered twice during my time at Greater Hume region. They showed a very significant improvement in the environment and the relationships between sworn and unsworn officers and between them, their supervisors, managers and so on. The place was felt to be a far more open and trustworthy place than it was when I went there. Those surveys are available.

**The Hon. RON DYER:** Mr Small, would I be correct in assuming that police morale in the Cabramatta area has now improved substantially?

**Mr SMALL:** Every indication I had was that morale in Cabramatta had improved quite dramatically during the time I was there. If I can just refer back to those surveys: The ICAC analysis suggests that if you get positive results with these surveys, you have a strong positive morale in your command or in the organisation that is being

surveyed. At the time the first surveys were conducted—which was in the early to mid part of last year—not to put too fine a point on it, Cabramatta Command came in at the bottom of the region, well and truly. By the end of the year, when the survey was re-administered, Cabramatta came in I believe at the top of the region. So I think that shows a very dramatic change. The exact details are included in the survey. That survey was forwarded to all people within the region to complete, and it had about a 40 per cent return rate.

**The Hon. RON DYER:** You made some reference to the drug house legislation, the amendments that were made to the criminal law in that regard?

**Mr SMALL:** Yes.

**The Hon. RON DYER:** Would it be your view that those changes have been useful in promoting police morale and that the police appreciate that they have increased power to deal with the problems at Cabramatta?

**Mr SMALL:** I believe that the changes to the legislation, the drug house legislation in particular, the fact that a Department of Community Service street team was introduced at Cabramatta, and the improved focus of operational policing, have all combined to significantly improve the morale of police in Cabramatta and, I should say, more generally across the Greater Hume region.

**The Hon. RON DYER:** The Committee has a submission from the Police Association which I think I can correctly say is generally positive in tone. However, the association makes a couple of criticisms. Could I ask you about the ethnic community liaison officers [ECLOSs]? The Police Association appears to believe that the lines of accountability of the ECLOSs remain unclear. It says perhaps this is a matter of promotion and process. It thinks that ECLOSs are under-utilised. Do you have any views regarding the proper role for the ECLOSs and whether their role can be enhanced?

**Mr SMALL:** In terms of the specifics of Cabramatta I think it is best that Superintendent Hansen answer those questions. But if I can make a general observation, it seems to me that one of the challenges is to make sure that ECLOSs and other liaison officers—youth liaison officers, domestic violence liaison officers and so on—are incorporated into mainstream policing as opposed to being seen as sitting on the side. I do not suggest that is an issue only for New South Wales; I think it is a police issue across Australia. I believe it is well worth looking at how you can mainstream those positions.

**The Hon. RON DYER:** It appears to be the case that criminal activity in the Cabramatta area has decreased. What are the principal reasons for that?

**Mr SMALL:** There are a number of reasons. First of all, I believe the increased focus of operational policing—that is, the seven-point plan that was announced early last year, which simply made the way police were going very clear, simple and easily understood—has had a significant impact because police knew what was expected of them and knew what they could expect in return for doing that job. I believe the fact that police stopped issuing court attendance notices and went through the full bail procedures, which has resulted in an increasing number of recidivist offenders being refused bail, has also contributed to the decrease. There was also increased referral to other departments of the young and homeless through the streets teams. The principal reason for that—and this is not a criticism of police; it is simply the reality—was that prior to the establishment of the street teams somewhere around July police essentially had very little to do in terms of referring homeless people or runaway youths—and I use the term "runaway youths" very broadly—back to their homes and connecting them with services.

The reason for that is that it was simply a pragmatic issue. Police had a whole range of other core jobs to attend to. They felt that if they picked up these kids, they would spend hours trying to find someone who would take them or somewhere to refer them to. Within about six months of the street team being put in place, it had something in the order of 500 contacts. But the important part from my personal and professional point of view was that about 120-odd of those contacts were the direct result of police referrals. Police found that, once they knew there was somewhere they could refer these young people to, they took an active interest in dealing with the issue. I think that is an important point for police. Police cannot be left to solve the whole problem, but when they know they have contacts and liaisons that they can refer these young people to, they will act. From my point of view, in one sense that particular partnership is probably one of the most important that has emerged in Cabramatta.

There is one other thing I would like to say, so that it is clear that I am not, nor are police generally, claiming 100 per cent of the success for this Improvement. I want to acknowledge the partners in this activity; the other agencies that were involved. In addition, I would want to acknowledge the downturn in the heroin trade, but that does not account for all the improvements.

**The Hon. GREG PEARCE:** Mr Small, I congratulate you on being appointed a special adviser to Mr Carr, and I read that you are a major part of his re-election campaign strategy.

**The Hon. RON DYER:** Point of order, Madam Chair. That is obviously a political comment. It has nothing to do with the terms of reference of the Committee, and Mr Pearce really ought to restrain himself.

**The Hon. GREG PEARCE:** Mr Carr is an admirer of Mr Small's work. When Mr Carr finally made an admission of Cabramatta problems in March 2001 his plan was very much based on your seven-point plan, was it not, Mr Small?

**Mr SMALL:** I think it is fair to say the seven-point plan was taken into account, and I believe it ought to have been taken into account because it was already showing signs of working.

**The Hon. GREG PEARCE:** And you have worked closely with Mr Carr, and for that matter Ms Meagher and Mr Whelan when the strategy was to discredit Tim Priest.

**Mr SMALL:** No. Let me be clear on my comments on Mr Priest because they are being distorted.

**The Hon. GREG PEARCE:** Have you apologised to Tim Priest yet?

**CHAIR:** I ask the member to desist from that line of questioning and to confine his questions to matters relevant to the terms of reference of the review.

**The Hon. GREG PEARCE:** Madam Chair, the witness himself opened up—

**CHAIR:** Your questions have nothing to do with the substance of the inquiry.

**Mr SMALL:** I am quite happy to answer the question.

**The Hon. RON DYER:** I do think, Madam Chair, that Mr Small ought to be allowed to utter more than one sentence without interruption.

**The Hon. GREG PEARCE:** Then the Chair should stop interrupting him.

**The Hon. PETER PRIMROSE:** You are the one interrupting.

**CHAIR:** Order! Mr Small, you may answer the question if you wish.

**Mr SMALL:** Firstly, let me be clear on the comments that I made with respect to Mr Priest, or Sergeant Priest. First of all, I never at any time made any comments critical of Tim Priest when he brought to the fore the problems of Cabramatta, either in this Committee on the last occasion or on any other occasion. The criticisms that I made of Tim Priest were outlined point by point in my response to those criticisms when I appeared before this Committee on the last occasion. They related to matters that, if you like, had little to do with Cabramatta prior to the year 2000. Any check of the records will show that to be case. So, that is the first point that we need to be clear on.

The second point is whether I have apologised to Tim Priest. The fact of the matter is that in about four separate instances, which involved a number of occasions, I have met with Tim Priest, and on those occasions we agreed to disagree on some things and agreed to agree to other things. After each of those occasions, for reasons that are known to Tim Priest and not to me, he has decided to break off that agreement, if you like.

**The Hon. GREG PEARCE:** Mr Small, I am not going to debate the issue with you, but if anyone cares to look at the transcript of your appearance in February 2001 and again in May 2001, they will see that you did exactly to Mr Priest what you complained about: you deprived him of procedural fairness; you alleged that there were complaints against him; you said he was disgruntled; and you allege that he was motivated by some sort of payback because you failed to promote him. That is all in the transcript.

**CHAIR:** Order!

**The Hon. GREG PEARCE:** I will not proceed with it; I do not want to debate it, but Mr Small has not been accurate in what he has just said.

**Mr SMALL:** No, I have been accurate.

**The Hon. GREG PEARCE:** I do want to ask you a question, though. You were prepared to do virtually anything to discredit Tim Priest—

**The Hon. RON DYER:** Madam Chair, point of order. Mr Pearce made a gratuitous attack on the approach Mr Small took on the last occasion. Mr Small ought, at the very least, to be entitled to respond to that before Mr Pearce presses on with some other outrageous allegation.

**The Hon. GREG PEARCE:** No. I intend to just continue with one similar point and that is that Mr Small presented to this Committee a fraudulent, fabricated document in support of his attack on, and attempt to discredit, Mr Priest. Mr Small, the Portville terms of reference that you presented to this Committee on 27 February 2001 was a fabrication, was it not?

**Mr SMALL:** There are a number of questions there. First of all, if I can say this: The comments that I made prior to Mr Pearce commenting are in no way contradicted by what Mr Pearce said. The comments that I made a few moments ago still stand. My comments before this Committee on 27 February attacked or criticised Mr Priest for the claims that he made about me personally, and about Crime Agencies, not about matters that he had raised prior or about the status of the situation in Cabramatta. So we need to be clear on that. And when those criticisms are taken into account my claims are justified.

**The Hon. GREG PEARCE:** Mr Small, let us move to the point I have just asked you to address, and that is the fact that one of the key documents you presented to us—and you kept many of the other documents hidden away—was what you said was the terms of reference for Portville. Now, Portville, according to you, was the outcome of the Cook analysis, and that was supposed to be the answer to Mr Priest's claim that you did not act on the Cook report. The term of reference you presented to us 27 May 2001 was a fabrication, it was a fraud, and it was a document that was totally dishonest.

**Mr SMALL:** No. Can I—

**CHAIR:** Mr Small, before you attempt to answer the question, I am of the view that the question is out of order, because it is not relevant. The matters being referred to took place prior to the last 12 months.

**The Hon. GREG PEARCE:** I am sorry, Madam President, it is very relevant, because our report is out there—it is out in the public—and it contains statements that were based on a complete misunderstanding of the evidence that Mr Small gave, because he gave us a fraudulent document. It was a fraudulent document.

**CHAIR:** I will not debate the point with the member. He may ask another question, because the question he has just asked is irrelevant.

**The Hon. GREG PEARCE:** It goes to Mr Small's integrity. He gave us a fraudulent document. I think he should be entitled to explain why he gave us a document that was a fabrication; a document that was a key document in his explanation of what happened. I think he should be given the opportunity to respond, and I am happy to take him through the document.

**CHAIR:** I do not think this is relevant. The witness need not answer that question. Does the member have another question?

**The Hon. PETER PRIMROSE:** Is the witness allowed to answer the question, as opposed to not being allowed?

**The Hon. GREG PEARCE:** He may want to answer it.

**CHAIR:** It is not relevant.

**Mr SMALL:** Madam Chair, there is one allegation—

**CHAIR:** The question is out of order.

**Mr SMALL:** Look, there is one serious allegation that Mr Pearce has put to me which I think I should clarify, so that if it remains on the record, at least my response is there. I am talking about the claim by Mr Pearce that I have withheld documents.

**CHAIR:** I am sorry but you are out of order. Mr Small, I do not think you should debate a question—

**The Hon. GREG PEARCE:** You do not dispute that what you gave us was a fraudulent document, do you?

**CHAIR:** Order!

**The Hon. GREG PEARCE:** You do not dispute that you gave us a fabricated document—

**CHAIR:** Order!

**The Hon. PETER PRIMROSE:** He is haranguing witnesses, and now the witness is not allowed to respond to haranguing by a member of the Committee.

**CHAIR:** Order!

**The Hon. GREG PEARCE:** I am happy to have his response. I want his response, because I am saying he gave us a fabricated document and that his evidence to us was not true. I want him to respond.

**CHAIR:** Order! That is an allegation.

**The Hon. GREG PEARCE:** I want him to explain why he gave us a document that was a fabrication.

**CHAIR:** We are conducting an inquiry, not making accusations. I direct the member to ask another question.

**The Hon. PETER PRIMROSE:** Madam Chair, you cannot leave that hanging in the air. This is a scandalous allegation by a member under privilege.

**The Hon. GREG PEARCE:** I would like the witness to respond.

**The Hon. PETER PRIMROSE:** The only way this person can respond is by right of reply in Parliament in about 6 months' time. You just cannot leave it hanging in the air like that. If a member is irresponsible enough to make an allegation like that, then surely Mr Small should be allowed to respond.

**CHAIR:** Order! I do not think we should make a debate of the issue.

**The Hon. GREG PEARCE:** Point of order. Now you are making imputations against me. I will take the witness through the document—

**CHAIR:** Order! Order! I will ask for questions from other members if Mr Pearce has no further questions. Are there any other question?

**The Hon. GREG PEARCE:** Point of order, Madam Chair. I want the witness to respond to my question, and I do not want it to be left in the air. This was a key piece of evidence tendered to the Committee and it was a fraud, and I am prepared to take the Committee through the details of that fraud. We all know it was.

**CHAIR:** I am advised that on the principle of procedural fairness if Mr Small wants to answer the question, I will allow him to do so briefly. But there will be no more questions on that issue.

**Mr SMALL:** Madam Chair, there seems to me to be two parts to the question, or there seems to me to be two allegations. The first is that on the previous occasion when I appeared before this Committee I withheld documents. That is untrue. Any documents that were withheld were not withheld as a result of any decision or action by me. That decision was based on legal advice provided to the Police Department, not to me. So if Mr Pearce has any concern about the withholding of documents, he should address that to the Police Department, not me. I withheld nothing. Let us be clear about that. With regard to the second matter—Portville—I do not know what he is talking about. If I knew what he was talking about, perhaps I could provide an answer, but I do not.

**The Hon. GREG PEARCE:** May I then ask the witness to have a look at the terms of reference of Portville, which was handed to us on the 22 March.

**CHAIR:** I rule the question out of order. It is completely out of order.

**The Hon. GREG PEARCE:** In terms of Mr Small's comment, we sought the Cook report, and because Mr Small would not give it to us we had to go through the Premier's Department—

**CHAIR:** Order!

**The Hon. GREG PEARCE:** —and the Premier's Department withheld it and claimed privilege—

**CHAIR:** Order!

**The Hon. GREG PEARCE:** —and he has protected you on that, and he is still protecting you on that.

**CHAIR:** Order!

**Mr SMALL:** That is not true. It is an unfair aspersion on the Premier.

**CHAIR:** Order! You must desist.

**The Hon. GREG PEARCE:** It is true. We had to apply through the Premier's Department. He claimed privilege and he is withholding it.

**CHAIR:** Order! The procedures of the Committee should not be debated in public. If you want to let him have a look at the terms of reference for Pottville, he can.

**The Hon. GREG PEARCE:** Thank you.

**The Hon. RON DYER:** Point of order, Madam Chair. I am very concerned about the tack that is now being taken. The fact is that this Committee today, and on the previous occasion, was engaged in a review 12 months after the event of our last report, its recommendations, how those recommendations have been received, and what developments have occurred in Cabramatta. Mr Pearce is obviously trying to trawl through as much muck as he can.

**The Hon. GREG PEARCE:** With respect, Madam Chair.

**The Hon. RON DYER:** And he is successfully doing that to this point. But it seems to me that your ruling is correct and that we ought to be concentrating on developments in Cabramatta arising out of the decisions we made 12 months ago.

**CHAIR:** You are correct on that, and that is the end of that line of questioning.

**The Hon. GREG PEARCE:** Madam Chair, I should at least explain to Mr Small what I am concerned about. Mr Small, Dr Basham said you are a superb investigator, but I want you to look at the document that you handed to us on 27 February, and which you said was in relation to Portville, which began on 1 February. If you look on the front page of that document, you will see references to offences that occurred on 27 or 28 February—a month after it was supposedly dated—and another offence in March. It also relates to crime agencies. Now, I would have thought it is fairly evident that a document that purportedly is dated 1 February, but which refers to matters that occurred a month or 2 months later, is clearly on its face a fraud. Either the signatures and the date are wrong or the details on the front are wrong—and that is the document you gave us as the basis of your claims that Portville was the response to the Cook report.

**CHAIR:** I point out to the member that what he is referring to was included in the last main inquiry of the Committee. We are actually reviewing what has happened since. The member is referring to matters that occurred prior to our last report. I have asked members to ask questions about matters arising from our last report.

**The Hon. GREG PEARCE:** Mr Small, you came before us again in May and I asked you to look at that document again in May, because on the face of it, it was a fraud. You restated again in May, when you took the document and looked at it again, that it was accurate. But it is a fabrication, it is a fraud, and that was the basis of your evidence to us.

**Mr SMALL:** I do not accept the allegation or the complaint by Mr Pearce. Off hand I cannot explain it. I simply say that often these things are agreed to—the terms of reference are agreed to—and the typing up may occur

later. I just cannot explain why it happened. Sometimes they are adjusted and there should be adjusted dates put on them. But there was no fraud. Portville did arise as a result of the Cook report, and I did not withhold the Cook report from this Committee. That was based on legal advice, not my decision.

**The Hon. RICK COLLESS:** Mr Small, did you and Detective Appleton meet with a number of persons on 4 August, 2001?

**Mr SMALL:** Well, I cannot recall what I was doing on 4 August, but if you can tell me where I am supposed to have met people, or details of some meeting, perhaps I can identify it from that.

**The Hon. RICK COLLESS:** Well, there was a meeting with Detective Appleton and a number of other people, including Detective Ritanno and, I think, Mr Basham.

**Mr SMALL:** If you are asking me whether I met with Richard Basham, Frank Ritanno, Matt Appleton and James at a particular location on the north side, and that is the incident you are referring to and that meeting occurred on 4 August, then I met them.

**CHAIR:** I ask you, Mr Colless, not to continue this line of questioning, which is quite irrelevant to our current term of reference.

**The Hon. RICK COLLESS:** On what basis, Madam Chair, may I ask?

**CHAIR:** Mainly because it has nothing to do with our term of reference.

**The Hon. RICK COLLESS:** I thought we were discussing issues that happened after July 2000.

**The Hon. RON DYER:** Madam Chair, could I support your ruling. The clear position here this morning is that we are supposed to be reviewing 12 months later the recommendations we made in our report and how they have impacted on the ground in Cabramatta.

**The Hon. GREG PEARC:** That is what he is asking.

**The Hon. RON DYER:** He is clearly not doing that. It is a continuation of a muck raking exercise that does not relate to what we are supposed to be doing.

**The Hon. RICK COLLESS:** You have only heard the first part of the first question.

**The Hon. RON DYER:** That does not relate to what we are supposed to be doing.

**CHAIR:** We will hear your second question, Mr Colless.

**The Hon. RICK COLLESS:** Mr Small, what was the nature of that meeting, can you recall?

**Mr SMALL:** If it is the meeting that I have just described, I need to put this into context. Following James giving evidence to members of this Committee—

**The Hon. RICK COLLESS:** I am not referring to any names.

**Mr SMALL:** Well, I am not sure how I can respond to your question talking in some abstract terms about something that may or may not have occurred. We either need to talk about the issue or we do not.

**The Hon. RICK COLLESS:** Let me be a little bit more specific then, Mr Small. Can you tell me if a person at that meeting was promised immunity from prosecution?

**Mr SMALL:** He was told consistent with undertakings given to this Committee that the purpose of the inquiry was not to gather evidence or to prosecute him but to gain intelligence and an assessment of the claims he was making with respect to crime in Cabramatta.

**CHAIR:** Mr Colless, because of time constraints, your next question will be your last. Other members wish to ask questions.



**The Hon. RICK COLLESS:** I have one more question. At that meeting was that person made an offer to be relocated?

**Mr SMALL:** He was made an offer to be relocated, and he was relocated on at least, I believe, three perhaps four occasions.

**Ms Lee RHIANNON:** Last year a raft of police legislation went through this Parliament—I am referring to legislation relating to sniffer dogs, drug houses and the detection of internally concealed drugs. Do you think that such legislation was long overdue, and could you speak about the impact that legislation has had in Cabramatta in particular and also on a statewide basis. I realise that time is brief, but I would appreciate a comment.

**Mr SMALL:** I am just not in a position to comment on that matter.

**Ms Lee RHIANNON:** Could you explain why? Is this because of the nature of your job now?

**Mr SMALL:** No, it is not the nature of my job now, as such. For practical purposes, if I can put it that way, I left the Police Service in February—I am on secondment; but I am speaking in practical terms—and I think that any comment on current operational practices or that sort of legislation should be left to, if I can use the term, current active members.

**CHAIR:** Mr Small, I apologise for having detained you for so long. I will conclude your evidence now because we are well over time. If any member has further questions to ask you, I ask that the questions be put and taken by you on notice.

**The Hon. GREG PEARCE:** Has Mr Small agreed to take questions on notice?

**Mr SMALL:** I agree to take questions on notice.

**The Hon. GREG PEARCE:** And to reply?

**Mr SMALL:** And reply, of course.

**CHAIR:** Thank you Mr Small for your attendance.

**(The witness withdrew)**

**FRANK ROBERT HANSEN**, Superintendent of Police, Commander of the Cabramatta Local Area Command, and

**DEBORAH WALLACE**, Detective Chief Inspector, Crime Manager, Cabramatta Local Area Command, sworn and examined.

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

**Mr HANSEN:** I am.

**Ms WALLACE:** Yes, I am.

**CHAIR:** I remind the witnesses that the Committee is inquiring into what has changed in policing in the Cabramatta area since March 2001, including police community relations, and what changes, if any, are still required in relation to policing in the Cabramatta area. If either of you should consider at any stage during evidence that in the public's interest any evidence or document that you may wish to present should be heard or seen only by the Committee, the Committee will be willing to accede to your request.

**CHAIR:** Do either of you want to make any opening statement?

**Mr HANSEN:** By way of opening, on behalf of Detective Chief Inspector Wallace and myself, I would first wish to thank the Committee for the opportunity to appear again before you. As you are aware, we have provided the Committee with a joint submission, and without canvassing the contents of the submission in detail we would like to make some additional points. Firstly, it was pleasing to hear the overall positive comments from witnesses appearing before you at Cabramatta on the 24th of last month. We certainly formed the impression from the day of a general consensus that there had been some real improvement in the area, particularly in respect to street drug dealing and as it affects the community. Further, we felt the work being done to improve the relationship with the local community, and in that respect to provide opportunities to talk with local police about issues that concern them, was paying dividends. We were encouraged by what we heard, because it is consistent with comments coming to my officers and to me from a broad range of other quarters.

There were also some operational matters raised, mainly in the afternoon session, which were of concern to some of those present. These were noted and we are in a position to respond if you so require. There was, however, some underlying reference to response times in some of those concerns. Might I provide the following information in that respect. I recall one witness indicating that Singapore police responded to emergency calls within 15 minutes on 85 per cent of occasions. Based on figures for the first quarter of this year I can report that computerised central records urgent calls in Cabramatta were attended to within 5 minutes 50 per cent of the time, and just over 10 minutes 80 per cent of the time, with an overall average of 7 minutes and 38 seconds. These times are in line with State averages. Clearly they are averages, and there would be occasions when police would take longer to arrive for a range of reasons, but the figures are simply put forward for your information in light of the evidence given on the previous occasion.

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

**Ms WALLACE:** I would like to raise a brief point. It is clear from the evidence before you that we have maintained our focus on drugs as the number one priority. That is not to say, however, that we have not put a lot of effort into other priorities of our command. One of those priorities we consider in our command is emphasis on young people. To support that claim, the fact that we have two youth liaison officers appointed to that role to work and enhance our links with young people in our community is demonstrated. They have achieved outstanding results and developed a number of programs which I would be pleased to expand upon if you wish. However, I would like to take the opportunity to follow up on the point raised by Mr Small relating to the Police and Citizen's Youth Centre [PCYC]. Under the leadership and presidency of Father Pat McCauliff and the vice presidency of Hal Baker I believe that the ties with the PCYC, us and the Cabramatta community have strengthened in the last year. The annual general report provides a number of statistics in support of that. In addition, a testament to that fact is that it is now recognised as a local youth service provider, in that it is a referral point for police, juvenile justice, schools and a number of young people who use that facility.

In conclusion, I would like to acknowledge the efforts of three groups of people. Firstly, I acknowledge the co-ordination and the collaborative that has been taken by the agencies, both government and non-government, that have worked together to address the problems of the Cabramatta community. Secondly, I would like to commend to you the enthusiasm, energy and commitment of the Cabramatta police, who serve the community. They are truly an impressive team. Finally, I would like to pay tribute to the energy, vibrancy and resilience of the Cabramatta community. They have supported us in our endeavours, and we are committed to strengthening our relationship that has developed. This is not the end by any means; it is simply the beginning.

**CHAIR:** I am very interested for you to expand on that youth program. Could you tell the Committee how it works and how it benefits the community?

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

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

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

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

**CHAIR:** Do the police have any formal link with the local schools?

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

**CHAIR:** This is my last question at this point in time. Mr Hansen, in what way has the City Watch, of which you are the chairman, and its link group improved the relationship between the community and police in the area over the last 12 months.

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

the City Watch Council, when they meet. The Community Relations Commission, of course, provides the secretariat support for that.

**Ms LEE RHIANNON:** Is it true that when you conduct searches of individuals in public places sometimes you ask them to strip down totally?

**Mr HANSEN:** I do not know of that.

**Ms LEE RHIANNON:** Could I ask both of you? Do you know of any incidents when that has happened?

**Mr HANSEN:** In a public place?

**Ms LEE RHIANNON:** Yes.

**Mr HANSEN:** I do not know of any incident when that occurred.

**Miss WALLACE:** Again I can probably expand on that. If there are any emerging issues that may develop of that nature, we have developed such a good relationship with all agencies, they bring them to our attention immediately so we can investigate if that is the case. Following on from Mr Hansen, that has never been the case, to my knowledge, that it has ever been raised.

**Ms LEE RHIANNON:** So if police officers have to search somebody requiring, say, a positive reaction from a sniffer dog, how do they conduct it?

**Miss WALLACE:** I cannot speak for any other area. It is probably hypothetical, but I would hope it would be done under the guidelines, that is, with maximum discretion and modesty of person. I would suggest again, having not experienced it, I cannot really comment.

**The Hon. RON DYER:** Superintendent Hansen, a central task of this Committee, as you will appreciate, is to measure what has happened in the 12 months since the Committee reported with its various recommendations. You might have heard me ask Mr Small about police morale.

**Mr HANSEN:** Yes.

**The Hon. RON DYER:** Could the Committee have your view as to the state of police morale now, whether it has improved in the last 12 months and what the reasons for that might be?

**Mr HANSEN:** Yes. I also heard Mr Small discuss the ICAC survey, so I will not dwell on that. I think it would be fair to say that when I took up my appointment at Cabramatta, there was a certain amount of industrial tension. There was a certain amount of divisiveness within the command, and I do not think we can step back from that. It was a matter of rebuilding and restoring confidence in the management team. Certainly Deborah Wallace and my duty officers have worked hard with me to ensure that the problems that confronted us in those days have been resolved. I would like to think—and the impression certainly that I am getting from within the police station and the staff—is that morale, poor morale, is not an issue. I think that they are working very hard, and that has been reflected in the amount of work that is being produced within the police station. If police are disgruntled, if police are not happy in their work environment, they simply do not perform. I mean, there is a lot about that, and you cannot direct people to perform above and beyond their—than going through the motions, and we are seeing a much better response to all sorts of things within the police station, and to say it is a much happier place, I think would be the way we would probably sum it up.

**The Hon. RON DYER:** I also asked Mr Small this. The Police Association has made in my view a fairly positive submission to the Committee. However, it does have some criticisms of one sort or another in their submission. One relates to the ethnic community liaison officers. It apparently has a view, that is the Police Association, that the lines of accountability for ECLOs remain unclear and they say perhaps this is a matter of promotion and process. It says that the general consensus among police appears to be that this area, namely ECLOs, is somewhat under utilised. Could I have any views you might have regarding those comments?

**Mr HANSEN:** Yes. First of all, I was not aware of that, and I do not know the source of that information upon which the Police Association put that in its submission. Certainly I can make these observations. There is a clear line of reporting with ECLOs. They report up through the crime co-ordinator. That position has more recently been filled, but again still has not been resolved, in that there is a promotion system in place there. But more recently that line of command, if you like, has been clarified. I am not suggesting it was not there in the past, but

that has been more clarified. We have introduced work timetables, worksheets, so that we know what they are doing and where they are going. I think there is also a need to project drive ECLOs rather than just—they have got a very important role, in informal and attending, but we also need to provide them with projects.

I have just recently asked them to do some work on domestic violence, for example. I have had a concern that we may have some under reporting of domestic violence, particularly in the Cabramatta command. This might be a cultural thing, it might be a communication thing, it might be a range of things that are just affecting the reporting of the domestic violence. As a consequence, I have asked them to take that on as a project, and develop with community groups a strategy that we may overcome some of those issues.

Now, that is a very important role I think for them to take on, and it provides them with direction and projects. That could be the way I would see the ethnic community liaison officers operating, both doing their normal function of talking to the local communities, of interacting with the local communities and being a point of contact with the local communities, but also to have these projects which they need to work on. You would be aware, as a consequence of the recommendation from your report, that the fourth ECLO, a Chinese-speaking ECLO, commenced in May this year. She is on board, and has been, I think, a very, very good selection.

**The Hon. RON DYER:** On the issue of police community relations, the Police Association refer to the police and community training video, commonly called PACT it seems.

**Mr HANSEN:** Yes.

**The Hon. RON DYER:** Their association says that that is useful in that it is reaching police—

**Mr HANSEN:** Yes.

**The Hon. RON DYER:** —but it not really being promoted sufficiently to the community. Could you comment on that?

**Mr HANSEN:** I think, similarly, there is some work to be done there. We use the PACT project a lot with police and in induction days for police arriving at Cabramatta, but I think that we could probably take advantage of that PACT training more than we are doing at the moment.

**The Hon. GREG PEARCE:** Just on a personal note, I would like to congratulate you on the changes that have been implemented at Cabramatta. One of the good things about having been on the Committee is that we have been able to see a great improvement.

**Mr HANSEN:** Thank you.

**The Hon. GREG PEARCE:** I do not think anyone on the Committee ever had any concerns about the police officers on the ground. What we found was that the management and the spin doctoring let them down, so I guess our worry is still that the eye might be taken off the ball again. I just wonder whether you have seen the Police Association submission to us, because there are a number of negatives in it, some of which have been alluded to by Hon. Ron Dyer.

**CHAIR:** It has not been published, so I do not think you have a copy.

**The Hon. GREG PEARCE:** I wonder whether you could give us an assurance that you will deal with the issues that are raised in that Police Association—

**Mr HANSEN:** Most certainly, yes.

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

**CHAIR:** What is the question?

**The Hon. GREG PEARCE:** I would like you to tell us that you are going to be there for some time.

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

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

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

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

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

**The Hon. GREG PEARCE:** Can you give the Committee an assurance that there are not a large number of drug houses still operating in Cabramatta and surrounds?

**Mr HANSEN:** I can give you an assurance that the notion of the four to five drug premises—and I am talking about today and in the terms of an assurance—that I am at this point in time not aware of that traditional drug house operating at Cabramatta. I am talking there about the barred doors, the barred windows, the slot in the door. Now, to suggest that that is absolutely correct, I am just saying that I can give you an assurance that to my knowledge that type of property does not exist at the moment. I am not suggesting that people are not selling drugs from premises at Cabramatta, and as we are tracking them down, so we prosecute them.

**The Hon. RICK COLLESS:** Following on from that, where have the dealers gone? Surely you have not caught them all.

**Mr HANSEN:** No, there is no suggestion that we have caught them all. We probably charge about 24 or 25 maybe a month, and that has been on a continuing basis. So they are still there. I think their opportunities have been curtailed somewhat. I think we have been successful in disrupting that drug market, so their customer base is not what it was. It still does not suggest that we have eliminated them but where they have gone, I am not sure, and where the customers have gone—I would suggest they may well be purchasing their drugs in other parts of Sydney, but we certainly have not seen the numbers of drug users in Cabramatta that we previously experienced.

**The Hon. RICK COLLESS:** One of the concerns that was expressed to me by one of the locals out there was that all the focus that is on Cabramatta itself really pushes the dealers a little further out into the surrounding suburbs. Are you monitoring that situation at all?

**Mr HANSEN:** Yes, certainly. At a City Watch meeting last night—I do not want to go into the detail, but I did raise exactly that at a City Watch meeting last night and pointed out that we had received some good intelligence that a particular area within Cabramatta LAC has just become a little busier than normal, that there was some evidence and that we would be attending to it. So, yes, it will move. I mean, that is the very notion of the way we have provided that sort of consistent dual approach of combining high-visibility policing with undercover work so that we can attack it both in a balanced but consistent way. They do move—there is no doubt about that—and we need to then move on that area and that, as I say, was discussed in City Watch last night.

**The Hon. RICK COLLESS:** We hear a lot about the improving situation in Cabramatta and, as Hon. Greg Pearce said, we congratulate you for that. There has been some improvement, yet on the night before the last hearing out there—on 24 May I think it was—there was an armed invasion, the details of which were not released to the media until after our hearing. Can you explain why that occurred?

**Mr HANSEN:** The incident I believe you are alluding to was what we would be commonly calling now a home invasion. It occurred in Cabramatta. There was nothing particularly extraordinary about it in that I suppose, unfortunately, these things occurs, similar types of occurrences occur over Sydney; they certainly pop up from time to time everywhere. I can certainly assure you of this fact, that there was no deliberate suppression of that information. It was circulated through the normal course of the police network, through the COPS system and through to the media unit. The fact that it was not picked up was not in any way a deliberate strategy, to avoid that publicity. The fact that it was not, I would suggest, an incident of great note may be one of the reasons, but certainly at the time of the Friday, there were operational contingencies there that we needed to look at. The investigation was in the early stages as well, but there was certainly no deliberate attempt to suppress any of that information.

**CHAIR:** Because of time constraints we are very much over time. I have a few questions such has how effective the legislation relating to police powers has been. I wonder if you mind, if you have the time, taking questions from the Committee, particularly from myself, on notice.

**Mr HANSEN:** Yes.

**CHAIR:** Thank you. I am sure I can speak for all the Committee members when I congratulate Mr Hansen and Ms Wallace and the whole of the local command for all the work they have done in the last 12 months. They have certainly done very good work for the community, which has seen the improvement.

**(The witnesses withdrew)**

**(Short adjournment)**

**(Evidence continued in camera)**

**(Public hearing resumed)**

**GREGORY THOMAS CHILVERS**, Lawyer, Director of the Research and Resource Centre of the Police Association, 154 Elizabeth Street, Sydney, and

**LUKE GREGORY HANNON**, Sergeant of Police, Executive Member of the Police Association, Police Association, Elizabeth Street, Sydney, continued in public hearing:

**CHAIR:** Does Mr Chilvers or Mr Hannon have any statement to make. If either one has, I ask him to keep it brief?

**Mr CHILVERS:** I will be very brief. Madam Chair, the last time that I appeared before this Committee, we had prepared a submission that was the result of quite extensive consultation with membership at Cabramatta and also with the local community at Cabramatta. We have not had the opportunity to make quite such an extensive research program in relation to this hearing, but nevertheless we have had a number of conversations with members and a meeting which was attended by about 30 members at Cabramatta and that provides us with the background to this correspondence. It strikes me there are two areas that we are looking at, one of them is what has happened in changing in terms of the management of the organisation of Cabramatta Police Station, particularly how that has impacted on morale, and also what has changed in terms of the operational practices of the Cabramatta patrol.

The accepted wisdom for many years amongst criminologists has been that, in fact, practical policing does not have a great deal of impact on crime. Now, I think that Cabramatta and much of the experience overseas is starting to change that accepted wisdom. But it is not merely a matter of throwing numbers of police at high-crime areas. It is also in changing the way police operate and I reflect upon the New York Police Department, which has succeeded in the last 10 years, particularly under the stewardship of Bill Bratton and his seven-point plan, interestingly—which had nothing to do with zero tolerance, I might point out—in moving New York from the top of the list for the most dangerous large city in the United States to the bottom of the list. New York is now recognised by the FBI index as being the safest city.

Now, many, many things impacted on this. This rather long explanation is to show that the problems of reducing crime are not simple problems; they are not easily solved. They are not solved simply by policing; they are many many things that impact on them. Some of them are economic factors. Some of them, I dare say, are things like drug droughts. In the United States, certainly part of the reduction in crime across the country was due to the improved economic climate and also the reduction in the availability of crack cocaine. But certainly in New York it is very clear that the nature of the role of policing—the way it changed—had a significant impact and I have got no doubt that in Cabramatta that has also been the result. My reflection on Cabramatta is certainly that the morale has zoomed. There is very high morale amongst police out there at the moment. There seems to be good communication between management and staff. There seems to be a clear focus—an appropriate focus, according to the members—on the policing of drug crime, and that gives them a clear understanding of what their role and aim is out there.

Part of the problem in the past, which I will not dwell on—you already know about that; you have dealt with that in your last report—certainly was in relation to significant problems between management and staff out there. Many, many people were damaged by that. Most of those people who were significantly damaged in some instances are no longer at the patrol. A new regime, certainly under Mr Small and Mr Hansen, succeeded in raising morale and improving communication significantly. As well as that, the operational focus on drug crime and the enhanced powers have all helped to bring down crime rates and make Cabramatta a safer place and the local area command a much happier place in which to work. However, there are significant fears about the impact of the drug drought, the heroin drought, at the moment, and what is going to happen when—and there is no doubt that it will—it returns in the future. There are already indications that bumper crops overseas are preceding a massive increase in the availability of heroin. Now, that must have a significant impact on crime, particularly in Cabramatta, which is so uniquely affected by drugs. Apart from that, Madam Chair, we rely on our correspondence and are happy to take any questions.

**CHAIR:** My question is in relation to your submission. During the main inquiry, there were several submissions that were very critical of resources allocated to detective work in Cabramatta LAC and the lack of resources. In your submission this time, you say that officers indicated that physical resources such as vehicles remained at the same level as 2001. Why is there no change? Why did the police not raise the problem with the command?

**Mr CHILVERS:** I think that Mr Hannon may wish to comment on this, but I think this is not a problem that is unique to Cabramatta. I mean Cabramatta did have an increase in police numbers, which has certainly



assisted, but there have not been extra vehicles and things like that. This is I think a problem that probably applies across the State. However, the overall import of the submission is certainly not to be critical of what is happening there. In fact, these are more ideas for improvement of what can happen to improve the situation, but certainly the area of physical resources is one that could enhance the very real changes that have occurred in management practises.

**Mr HANNON:** Just to continue to with that, Madam Chair, I have been working in the Greater Hume region now for the last 10 years. I have seen the problems that did face Cabramatta, and I have also seen the members there. I am mainly concerned about the members, basically their welfare and their workload. The consultation process that now occurs between the union, the representatives out there and management is nothing but a benefit to the command and that has been proven in relation to what I have heard here today. As far as the resources that we have alluded to, it has been a problem again statewide, Greater Hume-wide, because of the transferring of troops. It does not matter how many troops you put into an area, if you do not have the equipment that goes with those troops, then the job cannot be done, to the effectiveness that we all want to see it get done.

So you can transfer of 10, 20 or 30 troops in, but if you do not give them a vehicle to drive, or if you do not give them the radios, the torches and the necessary resources to go with that, and the extra computers, and there are a whole list of other things that look after the people that work there at Cabramatta, then again you will fall into the old down in morale, because we are missing all these things. But I think with the consulting that is occurring there at Cabramatta now, the improvements that have occurred there through management and through the effectiveness of looking after the community out there, I think further consulting will see those things change and the Police Service will look after them by giving them the resources that are badly needed out there.

**CHAIR:** This is a basic term of reference of the inquiry, not only the number of policemen, that kind of resource, but the physical resources like police cars and computers, and they have not changed.

**Mr CHILVERS:** Perhaps there needs to be some sort of consideration given statewide to some sort of formula for allocation of resources according to numbers. I know that may be a bit trite. It is difficult, and certainly different areas require different resources, but one of the problems that was expressed to us was that we have had this influx of numbers, but no physical resources to support them.

**The Hon. RON DYER:** Mr Chilvers, on the issue of morale, I note that one of the early points you make in the Police Association submission is that police out there at Cabramatta report that morale at the local area command has greatly increased. What would you say the principal reasons for that are?

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

**The Hon. RON DYER:** So you say there is an appropriate focus on fighting drug crime?

**Mr CHILVERS:** Yes.

**The Hon. RON DYER:** You also say in the submission that with the new management relationships among police and managers have improved, there is no report of infighting, and communication amongst police seems to be very satisfactory. I take it you are drawing a contrast between the position now and the position pre-12 months ago?

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

**The Hon. RON DYER:** I asked Superintendent Hansen a question about the association's remarks concerning ethnic community liaison officers. He appeared to be a little unclear about what you actually mean. You say that the lines of accountability remain unclear, and you also say the general consensus among police appears to

be that this area is very under utilised. I understand the latter comment, but in what respect do you say that the lines of accountability remain unclear?

**Mr CHILVERS:** The impression that I am getting from members, and it has not changed a great deal since the initial inquiry, was that they do not feel that they are included in the loop, if you like, at any level. They feel that they are not getting feedback from the ECLOs, and they feel that they are unable to also engage the ECLOs in working with them, and I think that is the major problem. As I said, it may in fact be a matter of improving processes, of promoting the ECLOs more, of bringing them back into mainstream policing life, as Mr Small said, rather than having them as an add-on, something that is on the periphery. But it seems to me that if the ECLOs are going to operate effectively, they need to be very intimately tied up with front-line police, and working with them closely—not necessarily investigating crime with them, but working with them very closely to bridge the links between the community.

**The Hon. RON DYER:** Am I correct in thinking they are physically located in the police station?

**Mr CHILVERS:** Yes, I think—

**Mr HANNON:** They are included in the police station, but it is not isolated to—

**Mr CHILVERS:** Not smack bang in the middle, no.

**Mr HANNON:** It is not isolated just to Cabramatta. Front-line police do notice with the ECLOs, the ACLOs, it is a matter of communication between I think management, the ECLO/ACLO and the front-line police as to what and when they are available and what they can be used for, if that comes across. There are numerous situations where the ECLOs and ACLOs can be used, and I will stick with ECLOs on this one. They are not there for translation or interpreting; they are basically there to assist with the cultures. They are basically there to assist with their own community, which gives us that little bit of a— it is a lever, I suppose, that assists police in being able to know how we can approach these peoples and how we can get them to report the same way as with the youth and all the rest of it.

I suppose I can do a comparison with, say, Mount Druitt, where I am stationed. We have an ECLO there who assists with our young offenders again, much the same as was reported here from the crime manager. They get them involved with the police youth clubs and other programs where they can see that they are running high risk of getting into committing offences. Especially the first time offenders, when they come under the caution program, we can get them involved in police youth clubs and other programs and football games, et cetera. So I think it is something they have got to convey to the rest of the front-line police, that these are the programs they are running. I think it is just a lack of communication that brings this about.

**CHAIR:** It sounds to me that these ECLOs are running welfare offices in the police station. Do you think that perhaps sworn police officers performing doing some kind of liaison work, not what the ECLOs are doing, would be more effective than what the ECLOs are doing now?

**Mr HANNON:** No, because I think their position that they hold at the moment is very, very useful. I think being not sworn makes it easier for the public to relate to them, for the young offenders to relate to them, because they are a part of the community and most of them live within the community. I think having them as non-sworn people but working with the Police Service and those people out there knowing that they are not sworn officers, they are a lot more easy to approach and they can communicate the feelings back through to the commanders and the rest of the troops.

**CHAIR:** But this is the main problem with the police force at the moment, that the police are not engaging directly with the community. You need some kind of an agent or lever for the police to directly communicate with the community. You can avoid communicating with the community if there is an ECLO.

**Mr HANNON:** No, you can communicate with them. I think that is the best thing, to communicate with them. I have been with people at ten different meetings with police and it is through these people that we get to know the rest of the community that they are involved with. I think they are a great asset if they can be used with the front-line police. I know we have used them to locate family members, and it all reflects back on the police as to how these people are utilised in terms of deceased persons, in relation to court matters where some family members may have to attend court and getting them to understand what court is all about. A communication from me, with an English-speaking background, trying to talk to somebody of Vietnamese or other origin is a totally useless act because of the difference between us. So I think the communication lines are best suited by having these people there and I think they are just a total asset.

**CHAIR:** Is the image of the police not in question there?

**Mr HANNON:** No, because I think having these people working with us is where we increase our image, that we can have these people assisting. When you run places with 119 different nationalities like Cabramatta—and where I am is exactly the same—you need people from different backgrounds to assist us in knowing the culture of these people and how we can communicate with them. We cannot just read about it or watch a video, when it is actually getting out there and talking to them within their homes, within their groups, their schools, their chamber of commerce. We have people that can introduce us and get to know the backgrounds of them all. I think by getting more associated with the people from the different nationalities is only a way of improving policing, not going back the other way.

**Mr CHILVERS:** Can I also make a point that the organisation, I suppose, is struggling to come to grips with this very problem which you are talking about. Obviously a healthy organisation would be an organisation that also has within its ranks a truly representative police organisation, that is, I think, 50 per cent male and female, and ethnic representation according to the representation that we have. Now, that is not the case and it is unlikely to be for a long time, and in some communities there are very significant problems in respect to trust and images of what policing is all about which need to be broken down. Now, I guess it is a matter of finding the best way to do that. At this point in time I guess what we are saying is it is probably more appropriate ECLOs who are not sworn police officers assisting in that way. If at some stage in the future we will be able to build up trust to such an extent that sworn police officers will be able to carry out that function I think that would be wonderful, but we are probably not there at the moment.

**The Hon. RICK COLLESS:** In your submission you make the point that there still needs to be more policing into the middle level of drug trade in Cabramatta. You go on to say that the middle-level suppliers have not yet been targeted. What sort of programs of strategies would you put in place if you had the responsibility to make sure that that happened?

**Mr CHILVERS:** Can I first of all say that this is very purely feedback from members at the grass roots, who are saying that as far as they are concerned their interpretation of what is happening out there is that is the area that they feel more needs to be done. Now, in terms of operational policing issues, I think Mr Hannon is probably a better person to speak.

**Mr HANNON:** That is right. To answer your question, it is strategies being put in place and consultation again between the members that have raised these issues and the command. Once they know what these officers are thinking, once they talk to them, strategies can be put in place to address the issue. At this stage it appears from the members that have been consulted they do not think these strategies have yet been put in place. So I am sure that will be something that will be fixed and will be addressed.

**The Hon. RICK COLLESS:** Can you give the Committee some sort of indication of what you are referring to as middle-level drug suppliers?

**Mr CHILVERS:** My understanding of what the members at Cabramatta were talking about is that the street-level stuff is being dealt with, especially through the enhanced powers. A lot of it is equivalent to the drug house stuff too. The major imported stuff is a different area, but in between that, if you like, there is a distribution chain that emerges that is still a problem.

**The Hon. RICK COLLESS:** Now, would that be in Cabramatta, that distribution chain, or could it be in other parts of Sydney, indeed, other parts of Australia?

**Mr CHILVERS:** I think it could be throughout the State, yes. If I can take that question on notice and address that to the members again I would be very happy to come back with further information for the Committee.

**CHAIR:** We may have to ask you to take more questions on notice because of time constraints.

**The Hon. RICK COLLESS:** I have another question, if I may. I want to refer also to the CCTV. On a recent visit to Cabramatta some community members told me that it was basically a useless tool at the moment. Despite the fact that the infrastructure is there, the dealers know where the cameras are and they can just get out of the view of them and do their job. What needs to be done in that regard to make that a useful tool again?

**Mr CHILVERS:** I think that members out there were very clear that they felt that the CCTV was not being used effectively, that there needed to be closer links with the police on the front line, much quicker, perhaps expanded a bit further so that they can gather intelligence in relation to what is happening out there.

**The Hon. RICK COLLESS:** Would you say that police should be involved in the manning, the operational room of that facility?

**Mr CHILVERS:** It strikes me that that is something that that is something that could be very positive, and I think it is being used effectively in other parts of Australia. I think of the Queen Street Mall in Queensland, for example, in Brisbane. It seems to be used very effectively up there as a tool for crime investigation.

**Ms LEE RHIANNON:** An earlier witness, Councillor Thang Ngo, said that the number police of ethnic background has declined in the last three years. Could you inform this inquiry of the Police Association's attitude to people of ethnic backgrounds joining the police force, if it can be promoted and how it should be taken forward?

**Mr CHILVERS:** Our attitudes in—?

**Ms LEE RHIANNON:** Yes. Does the Police Association believe that the New South Wales Police Service should have more police officers who come from different ethnic backgrounds?

**Mr CHILVERS:** I have not got the submission in front of me, but my recollection is that in our initial submission to this Committee that was one of our strong recommendations, that we needed to increase the promotion and recruitment in all areas of society so that the organisation more truly reflected the society to which it was administering or servicing.

**Ms LEE RHIANNON:** That is what I would like you to comment on, how that is progressed.

**Mr CHILVERS:** I certainly cannot comment. I think there are all sorts of problems that the organisation is yet to overcome. Many communities such as Cabramatta and other communities that have high ethnic populations have populations that have recently arrived in Australia from communities and countries where policing is not held in high regard. In fact, policing is often an agent of repression of the government. It is very difficult to change that attitude initially, certainly in the first generation. So that is one of the difficulties. Police are often treated initially with distrust from many people in these communities. So that has to be worked at. I am not trying to defend the organisation, but it strikes me that you just cannot go out and say, "We want 10 people from this ethnic community to come in and join us, please join us." I think a lot of work needs to be done.

**Ms LEE RHIANNON:** Well, to ask the question slightly differently because we are running out of time, do you think there is enough proactive response from the New South Wales Police Service to address the problems that you have spoken about?

**Mr CHILVERS:** It strikes me that there has been a very definite attempt to do that. Whether it has been sufficient I cannot judge.

**The Hon. IAN WEST:** With your indulgence, Madam Chair, may I congratulate the Police Association on this submission and previous submissions to this Inquiry for its positive and constructive contribution. From the submission that you have given us today, could you just elaborate on the target action groups and the issue of them going from a regional resource to an independent investigative resource? Can you elaborate as to whether that is a good or a bad thing?

**Mr CHILVERS:** I think it is difficult to say. For the members at Cabramatta, they are saying to us that it is not meeting the expectations that they thought it would initially. They were initially told they would be a reasonable resource, that they would be available for them when the need arose, and it does not appear to have worked out. Now, whether that is a good or bad thing—it is certainly not a particularly good thing for the people at Cabramatta. That is what they are saying. Whether it is a good thing in other areas, I do not know. We are currently, as you know, going through a major restructuring of the organisation anyway, and what that is going to look like in the future, I do not think we are entirely sure.

**The Hon. IAN WEST:** Finally, from your expert knowledge, are you able to advise us as to whether there are any opportunities given to us or to the Police Service in regard to the drug drought? Does it give us valuable time to investigate opportunities arising from that, as opposed to it merely being seen as a respite?

**Mr CHILVERS:** It is difficult. Part of the difficulty with a review 12 months after your first review, and given everything that is happening with drug droughts and restructuring and changes of management style, it is very difficult to see how it is all going to pan out. I reflect back on New York. In the first 12 months of Bratton's changes in the NYPD there were significant changes in crime rates and people were saying all sort of things were happening—crack cocaine was drying up, the economy was changing, all this sort of thing, and 12 months was just simply too soon to start to make any judgments about what was happening. I guess that is really where we are at at the moment with Cabramatta.

**The Hon. IAN WEST:** With the ECLOs, I understand them to be performing more of a preventative role than an operational role. Obviously they overlap, but I see them more as in the preventative stage of things. Are there some more innovative ways for ECLOs to be used in that preventative role whilst we have this respite drug drought?

**Mr HANNON:** That is a very good question. I thought one was leading to the other. Definitely the last question, I think, should have led into the second-last one. I think you raise a good point. I think that while there is a drug drought the ECLOs will definitely be used. I mean, we have programs that are now running very effectively. Now, whether that increases the numbers that become involved in those programs—it would be a guess to say, yes, it is going to increase; yes, it is going to reduce crime; yes, these people are not going to go out and get themselves into trouble. You would like me to just say, no, it is not going to happen and yes, they are going to have a couple of thousand people for every different suburb and we are all going to belong to this program and there is not going to be any more crimes within Cabramatta or any other area. I would love to hear it. It would make it very easy on our members.

**The Hon. GREG PEARCE:** For clarification of the question asked earlier by the Hon. Ian West about TAG teams, does the Police Association consider that the TAG concept is important and useful in the overall structure in New South Wales, or do you think that it does not serve a purpose? It is highlighted as meant to be a highly flexible force that was going to target trouble spots across regions and support the local area commands and it sounded like a good idea at the time. I just wonder what the association's actual view on TAG teams is?

**Mr HANNON:** The original idea of the TAG teams was a great concept because they did target certain areas to try and have that impact, which they did within Cabramatta and they did within quite a few other different suburbs. But this restructure that we are going through now, to come on the 1 July, returning police back into the commands to be run by the commands, I think also has great benefits, because we are going to see these police who have learnt their investigative skills within these regional TAG teams. I think they will be an asset to most of the commands. I am sure there should be somebody within region, or within the commands, who will be able to organise police out of the local area commands back into units to tackle a problem that arises within any LAC, meaning they can also re-group to tackle a crime, but in the meantime put them back within the ranks where they are badly needed to address their own problems within their own areas.

**(The witnesses withdrew)**

**DONALD JAMES WEATHERBURN**, Criminologist, Director of the Bureau of Crime Statistics and Research, Level 8, 111 Elizabeth Street, Sydney, affirmed and examined:

**CHAIR:** Dr Weatherburn, are you conversant with terms of reference of this inquiry?

**Dr WEATHERBURN:** I am.

**CHAIR:** As you are aware, the Committee is focusing on what changes have occurred in the 12 months since you last appeared before the Committee. Should you consider at any stage during your evidence that in the public interest evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee will accede to your request. Do you want to tell us what is going on?

**Dr WEATHERBURN:** I was just going to walk you through a bulletin which I think you are about to be handed and which I submitted earlier on.

**CHAIR:** We have it.

**Dr WEATHERBURN:** But you are running out of time so if you feel you are sufficiently conversant with the contents of that I can just leave it to you to ask questions. If you would like me to walk you through it, I can.

**CHAIR:** I think it might be a good idea if you briefly walk us through some of it.

**Dr WEATHERBURN:** I will use the overhead projector if I can. You might recall last time I appeared before the Committee the general pattern was one of rising crime in Cabramatta, and you are better placed to summarise what has happened since then than I am. I am just going to tell you what has been happening over the last 24 months so far as we know. I say that because we were talking recorded crime. The broad picture here in Cabramatta is down this column here. These are the offenders that we are concerned about in the first instance, and that is the comparative trend for New South Wales. Then the third and fourth columns compare the rate of offending in Cabramatta per head of population with the New South Wales rate. I will just walk you through that.

The broad picture, as you know, is quite encouraging. In Cabramatta, we are seeing a 4.9 per cent downward trend in robbery without a weapon by comparison with stability across the State in that category of offence. Robbery with a firearm is stable in Cabramatta. It went up at the same time across the rest of the State by 34 per cent. Robbery with a weapon other than a firearm, which is mostly robbery with a knife, went down by 7 per cent in Cabramatta. It was stable across the State. Break and enter a dwelling was stable in Cabramatta; it went down a little bit across the State. Break and enter a non-dwelling is stable in both places. These are the big drops in Cabramatta: motor vehicle thefts have come down by 37 per cent over the last two years in Cabramatta. It did not come down at all across the State as a whole. Stealing from a motor vehicle has come down by 25 per cent in Cabramatta. It did not come down at all across the State.

The remaining major categories of crime in Cabramatta are stable by comparison across the State. Three of the four are stable but one of them, stealing from a person, went up by 28 per cent, although that steal from a person rise across the State, as I said in the release of crime statistics earlier this year, is partly a reclassification of crime rather than a real increase in it. So that is the broad pattern. Now, have we reached the point where Cabramatta is as safe as Mount Ku-ring-gai? The answer is no. I have tried to highlight the figures where there is a difference that runs against Cabramatta. You can see that robbery without a weapon, the Cabramatta rate is 356 per 100,000 of population compared with the New South Wales rate of 122. So robbery without a weapon is clearly more prevalent in Cabramatta than it is across the State as a whole. Likewise, robbery with a firearm, 48 as against 13.5, although do bear in mind here that when I talk about Cabramatta, what I am saying is true of Cabramatta is probably true of four or five local government areas in that vicinity, Canterbury Bankstown, for example, has a bigger problem with armed robbery than Cabramatta does.

Robbery with a weapon not a firearm, you can see the 239. So you can see it is a bit higher there. Likewise, break and enter dwelling, although 1,363 is not a lot higher than the 1,221 across the State. Motor vehicle theft, again it is a bit higher in Cabramatta but not dramatically higher. And the last one, steal from a person, 387 compared with 253. So the broad picture is one of either stability of crime in Cabramatta or fall in crime, and in the case of motor vehicle theft and stealing from a motor vehicle, substantial reductions in recorded crime. Nevertheless, it remains the case that for some of the major categories of crime, the rate in Cabramatta is higher than it is across the State as a whole.

I will jump to another set of figures. We call these, for the purposes of the bulletin, category B offences. Members of the Committee will recall that last time I talked about this I pointed out how hard it is interpreting offences, such as the drug offences, whose rate is determined by two things: the size of the crime problem and the level of police investment in trying to deal with it. So, for example, the recorded rate of possession and use of cocaine is determined partly by the number of people possessing and using it, but partly, too, by the effort police put into going out and arresting people for possession and use of cocaine. So do bear in mind as I walk through this that what you are seeing in some cases may be a reflection of reduced drug use or drug trafficking, and in other circumstances a reduction, or what could in some circumstances be seen as a reduction, in police activity. I will tell you my best guess as we go.

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

Possession and use of cannabis and amphetamine, stable; dealing and trafficking in cocaine, up by 1,366 per cent. Just in case the media are inclined to get excited about that, that is reasonably small numbers. I think we went from 22 to—it is in the bulletin. I will dig it out if it is important, but do bear in mind you are coming off, as they like to say, a small base there. It is quite a substantial jump up. With regard to cocaine trafficking again, I think it is partly increased selling of cocaine and increased enforcement against it. Dealing and trafficking in narcotics, cannabis and amphetamines has not changed. Offensive conduct and offensive language have not changed. I put those in, because again they are both a reflection of the problem and a reflection of police activity. Weapons offences I will come back to. Those offences are down 19 per cent, and weapons offences involving firearms are stable.

I will move on now to the next trend. That was the trend in possession and use, dealing and trafficking in narcotics, and you can see that it has essentially been falling for possession and use and not a lot of change in the dealing and trafficking arrests, but do bear in mind we are talking about recorded offences here still, so this is partly a reflection of police activity. The drop in possession and use, this big drop here, is, as I have said, partly a drop in consumption and probably partly a result of increased police activity.

This one shows the cocaine trend, and you will see what I mean about these small numbers. By the way, in case any of you are not familiar with this, the drought really started to take hold in the early months of 2001 if I remember rightly. So, you see a big jump in possession and use of cocaine. When I said there had been a huge increase in recorded offences for dealing and trafficking in cocaine, you can now see what I mean. There was not much in the way of recorded offences during 2000. It jumped quite substantially in 2001. But you are still only talking at around about 10 or less than 10 offences a month.

One of the other major changes that has occurred, which I am sure Commander Small is pleased about, is the change in the way in which police proceed against offenders. There has been quite a sizeable drop, around about 46 per cent, in the number of people proceeded against by way of court attendance notice, and at the same time quite a substantial increase in the number of people arrested and charged in Cabramatta over that period.

I now refer to move-on directions, which have been provided under the new police powers. You can see a tenfold increase essentially in the number of people against whom police have exercised their move-on powers over this time period. In some ways this is a clearer picture of the level of police activity than just the recorded offence rates. They are exercising these at very high rates as you can see, up around 400 a month, and there is a very substantial level of local area policing activity.

The last thing I wanted to show you is the table relating to knife searches. Probably the best way to look at this table is to look at the bottom line first. You can see that from January to June 2001 we had 349 knife searches. In the next six month period that went up to 503 searches. What effect did that produce? If you look at the top row relating to knives found, you can see that when the number of knife searches went up the number of knives actually found went down—149 to 103. Of course, the number of cases where no knife was found went up, from 200 to

400. Prima facie—this is certainly not conclusive—this suggests that there was some deterrent value in the stepping up of knife searches. I think that is all I wished to present.

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

**The Hon. I.W. WEST:** Did you say Campbelltown or Canley Vale?

**Dr WEATHERBURN:** No, Campbelltown. I think I have got that right. I had better check that. We went around each of the local area commands bordering on Cabramatta to check whether the offences that went down in Cabramatta went up in surrounding areas.

**CHAIR:** It is interesting, because I think the Hon. Rick Colless asked that question before. What is your view about this? Where has all this crime gone? Have the dealers reformed or they are hiding somewhere or moved on?

**Dr WEATHERBURN:** I do not think there would be too many on the road to Damascus, who would have seen the light and changed their ways totally. But it is important to bear in mind that people do not have a certain quantity of offences they have got to commit no matter what. I mean, they are going to pop up somewhere, no matter what. That is even true of drug dependent people. I think one of the things the drought has highlighted is that people, when they have to, can reduce their drug consumption. There have been a proportion of people who switched from heroin to cocaine, but the jump in cocaine use is not as big as the fall in heroin use.

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

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

**CHAIR:** Do you think then that the term "drug capital", which has been ascribed to Cabramatta, should be removed?

**Dr WEATHERBURN:** Well, I did not put it there. I do not know how one judges what part of Australia has the highest level of drug use and trafficking. I have frankly never actually seen a rank order, for example, of suburbs across New South Wales or Australia in terms of drug overdoses. I have never been comfortable with the notion that Cabramatta is the drug capital. There has never been any doubt that it is a major source of dealing and trafficking in drugs along with Kings Cross, along with a couple of other areas. Maybe it was the biggest, I would not know. All I do know is that there is good evidence that it is nowhere near as bad as it was.

**The Hon. RON DYER:** Dr Weatherburn, regarding the increase in cocaine use, I noticed on the graph you showed a moment ago there was quite a dramatic increase. Would I be correct in thinking though that it is an increase from a very low base, in absolute terms?

**Dr WEATHERBURN:** There has been a long-term trend up in the use of cocaine for quite a while in Australia, and it is not by any means less prevalent than heroin use. If you look at the national survey data, you will see that quite a sizeable proportion of the population use cocaine. What seems to be happening, and I suggest this tentatively, is that some of the people who would have been making most of their major drug purchases of heroin are shifting into cocaine. So there would be a large group of people for whom cocaine is just a recreational drug, and a growing group for whom it is a dependent drug.



**The Hon. RON DYER:** I formed the impression from the slide you showed that the absolute numbers were rather low.

**Dr WEATHERBURN:** That is of arrests.

**The Hon. RON DYER:** I see.

**Dr WEATHERBURN:** That is of arrests. The arrests were low, but the use I do not think was low, either in Cabramatta or throughout Australia. My reason for thinking that is that the national survey data shows that around about 3 per cent of the population self report use of cocaine over the last 12 months. But if that is important to the inquiry, I would like to check that.

**The Hon. RON DYER:** The most dramatic decreases in offences appear to be motor vehicle theft, down by 37 per cent, and steal from motor vehicle, down by 25 per cent?

**Dr WEATHERBURN:** Yes.

**The Hon. RON DYER:** Do you have any means of connecting that in any respect to drug crime?

**Dr WEATHERBURN:** Not directly.

**The Hon. RON DYER:** Well, indirectly?

**Dr WEATHERBURN:** I mean, for me it is the fact that it has occurred contemporaneously with big increases in police activity. But the same trends cannot be seen across the State, and to me that is prime facie evidence that the police and the heroin shortage are both contributing to it. But it is not conclusive evidence.

**The Hon. RICK COLLESS:** Dr Weatherburn, the increase in possession and use of cocaine in Cabramatta is about double what it is throughout the rest of the State, yet the dealing and trafficking is up by nine or 10 times the State average. How do you explain that?

**Dr WEATHERBURN:** You are talking about very big differences in the base rate, that is to say the 2000 rate. If I were the police, I would be probably more concerned to target dealers than purchasers. I mean, you are trying to strangle the supply so you would probably put more of your resources into the dealing and trafficking side. I am guessing here. I have not spoken to the police about where they put their resources, but the sensible thing would be to target the dealers rather than the users.

**The Hon. RICK COLLESS:** Can you draw from those figures that Cabramatta is becoming a centre for trafficking and dealing in cocaine? That is, people are going to Cabramatta and then taking it away to use it elsewhere?

**Dr WEATHERBURN:** No, it is happening in other parts of the country as well. It depends what you mean by a centre. I mean, it is happening in Bankstown, it is happening in Victoria, it is happening in Western Australia.

**The Hon. RICK COLLESS:** These figures refer to Cabramatta.

**Dr WEATHERBURN:** Sure.

**The Hon. RICK COLLESS:** If dealing and trafficking has gone up by nine or 10 times compared to the State average, that would indicate to me that many people are coming into the area but are not necessarily using it, or being caught anyway, on site. Heroin users were more inclined to come into Cabramatta from other parts of Sydney and use the drug before they went home.

**Dr WEATHERBURN:** Yes.

**The Hon. RICK COLLESS:** Is that a fair comment?

**Dr WEATHERBURN:** Police will arrest someone for dealing and trafficking if they have gone them with an amount that is sufficient to allow that charge, regardless of whether they plan to use it themselves or sell it on. I guess that is one point. Is there more dealing and trafficking in cocaine in Cabramatta? I would suspect so, as I would suspect it to be the case in Bankstown, and as I think it is going on in Victoria and Western Australia. I am

only responding to your point about the centre. I do not see Cabramatta as being somehow unique with this cocaine problem; it is springing up all over the place.

**The Hon. RICK COLLESS:** But these figures show trends in Cabramatta, do they not?

**Dr WEATHERBURN:** Sure.

**The Hon. RICK COLLESS:** And that is all I have got to go on.

**Dr WEATHERBURN:** Sure.

**CHAIR:** One last question Dr Weatherburn. In your evidence to the main inquiry last year you were quite critical of the lack of an effective performance indicator used by the Police Service. In the Government's response to the Committee's recommendations some progress is described. Can you comment on what progress has been made?

**Dr WEATHERBURN:** I do not know where the Government is up to on this. I gave it some advice about performance indicators in a series of meetings with senior police and policy people. Where it has gone since that time, I do not know. From the general public's perspective, it is as difficult as it ever was to gauge the scale of a drug problem in a local government area. I think that is a significant issue. You see it every day. You see journalists, even those with considerable experience, misreading and misunderstanding those arrest statistics; reading them uncritically as an indication of the scale of the problem, when it may be the result of increased enforcement activity.

I may be uninformed on this one, but I am yet to see a clear picture of what police are using to judge their success in dealing with drug trafficking. To me, at the moment, it is still focussed on your output rather than your outcome measures. By output, I mean how many arrests you make, how many drugs you seize, how many times you move people on. We have good indicators of the drop in crime but we do not yet have good indicators, as I understand it—or the police have not committed themselves to these indicators—of the drop in drug consumption, and so on and so forth.

**CHAIR:** I thank you, Dr Weatherburn, for your time and effort, and for your most useful crime and justice bulletin.

**Dr WEATHERBURN:** Thank you.

**(The witness withdrew)**

**(Luncheon adjournment)**

**CLIVE THOMAS SMALL**, Police Officer, currently on secondment to the Premier's Department. Strategic Projects Division, Premier's Department, on former oath:

**CHAIR:** Mr Small, who appeared before the Committee earlier this morning, wanted to deal with a number of matters raised in his evidence.

**Mr SMALL:** Thank you, Madam Chair. When I appeared earlier this morning Mr Pearce put to me that I produced a fabricated document, which he showed me. I indicated that it was not a fabricated document and that I would make inquiries as I could not explain some of the issues. I have since caused inquiries to be made, and I produce to the Committee two documents which can be discussed openly, but I would ask that the detail of them be kept confidential. The first is the terms of reference for Strikeforce Portville, which is dated 2 February. It relates to three matters only that were required to be investigated under Portville.

The second document is the revised terms of reference for Strikeforce Portville, which includes eight matters to be investigated. It is dated 28 March. It would appear—and I simply say that it appears to be an administrative oversight caused by a staple being stuck on the wrong documents—that what Mr Pearce showed me this morning were the first two pages of the March amended term of reference, with the third page signature from the 1 February term of reference. These two terms of reference, which have investigation agreements and amended investigation agreements with them, would clarify the concerns raised by Mr Pearce. How the oversight occurred I cannot explain, but this certainly clears it up. It demonstrates that there is no fabrication of material. What we have had is a staple put in the wrong document.

**CHAIR:** Mr Small, is the content of those documents confidential?

**Mr SMALL:** These documents would be tendered on the same basis as previous terms of references have been tendered—that is, if you like, the general discussion and reference to them is open but the detail is confidential, I understand. I tender those documents.

#### **Documents tabled.**

**The Hon. GREG PEARCE:** Thank you, Mr Small. So, as I asked you this morning, when you attended before the Committee on 27 February 2001 to respond to Mr Priest's claims you tendered to us the document that I showed you this morning: the document is marked, "Tendered by Mr Small 27/2/01" and is signed on most of the pages by the Committee Secretary, is that correct?

**Mr SMALL:** If you are telling me that is correct and that is what is recorded, I accept it. I am simply saying that if I made an error and stapled two pages incorrectly, I apologise. The fact of the matter is it is clarified by the documents I have produced now.

**The Hon. GREG PEARCE:** Mr Small, the issue is that on that date, on 27 February you made claims to us that Portville was a response to the Cook report and, in particular, that it dealt with various issues that were being considered by organised crime, South East Asian.

**Mr SMALL:** Yes.

**The Hon. GREG PEARCE:** And you tabled that document.

**Mr SMALL:** Yes.

**The Hon. GREG PEARCE:** As evidence of your assertion.

**Mr SMALL:** Yes.

**The Hon. GREG PEARCE:** You are now telling us that the document was not evidence of your assertion at all, because it was a compilation.

**Mr SMALL:** No.

**The Hon. GREG PEARCE:** It was a fabrication. Two documents were combined. One of them was basically what you said—the 1 February document, which you did not show us. The other was a later document. You see, your entire evidence falls apart on this.

**Mr SMALL:** With the greatest respect, Mr Pearce, I do not see how my evidence is affected at all by this other than to say that I made a mistake and two wrong pages were stapled together. The first document, which I have tendered now and which is the document dated 2 February, supports the evidence that I gave. The amendment to that document reinforces and further supports the evidence that I gave on that occasion. Nothing in the two documents changes the evidence that I gave then or in my appearance now.

**The Hon. GREG PEARCE:** When you came back in May, Mr Small, I asked you to have another look at that document because it was plainly apparent on the face of it that it was a fraudulent document, because it could not have been dated 1 February and include the items on the first page of it. I handed that document to you. I invite you to refer to the transcript of that proceeding. You had another look at it, you read it, and you confirmed once again that it was the original document.

**Mr SMALL:** Yes, and I made a mistake.

**The Hon. GREG PEARCE:** You misled the Committee.

**Mr SMALL:** No, I did not mislead, I made a mistake.

**The Hon. GREG PEARCE:** You left the Committee, and the public for that matter, with the expectation that your evidence that Portville was a response to the Cook report, could be relied upon; and that is not the case.

**Mr SMALL:** No, with the greatest respect, the evidence I gave regarding Portville is not changed by what I have produced here today—not one bit. The fact of the matter is whether you want to believe it or not, or it is convenient for you to believe it or not, Portville was established as a result of the Cook report. There are a number of other people in crime agencies who received the report, followed through on the report and established the strikeforce, and who were not called before this Committee. Had you wished to call them, they would corroborated the evidence.

**The Hon. GREG PEARCE:** Mr Small, do you recall that after you gave your evidence, which contained a number of errors in relation to Pitton and one of the other strikeforces, you went away, had everything checked and wrote to us—not once, but twice—correcting the errors. They were minor errors. Mr Small, this is a major error. This was your key document. It was apparent on its face that it was a fraud, yet you claimed that it was a correct document on 27 February and you reiterated that in May when you came before the Committee again. You did not correct it. You corrected other minor things, but you did not correct that.

**Mr SMALL:** I have made a mistake and I said that. There was no intention to mislead this Committee, and if there had been more time given rather than the rushes that occurred, probably some of these errors would not have occurred. If the Committee has been misled—

**The Hon. GREG PEARCE:** Well, the Committee has been misled.

**Mr SMALL:** Just a moment. If the Committee felt it had been misled or you had a concern, the most courteous inquiry would have corrected the matter.

**The Hon. GREG PEARCE:** It is not a matter of courtesy, Mr Small, it is a question of you telling the truth to this Committee and giving us documents that are not true documents.

**CHAIR:** Mr Pearce, I do not think it is very fair in this hearing to be talking about that.

**The Hon. GREG PEARCE:** In any event, Madam Chair, I think this is a matter that really should go to the Police Integrity Commission or to some other authority for proper review. Perhaps to the Standing Committee on Parliamentary Privileges and Ethics.

**CHAIR:** The Committee will make a decision about that; it is not relevant at this time. Your line of questioning related to material in the main inquiry and is not relevant to this review. Accordingly, there will be no further questions on the matter. I thank Mr Small for producing fresh copies of the terms of reference.

**(The witness withdrew)**

**RICHARD DALTON BASHAM**, Teacher, Department of Anthropology, University of Sydney, affirmed and examined:

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

**Dr BASHAM:** As an individual who has worked with police on these matters.

**CHAIR:** Are you conversant with the term of reference of this inquiry.

**Dr BASHAM:** Yes, I am.

**CHAIR:** I inform you, Dr Basham, that we are not re-opening the inquiry. We are reviewing what has happened in the last 12 months and what is going to happen in future.

**Dr BASHAM:** Very well.

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

**Dr BASHAM:** Thank you.

**CHAIR:** You have not made a written submission to us. Do you have a statement that you would like make?

**Dr BASHAM:** Yes, I have typed up a bit of a statement which I would like to read. The good news for the people of Cabramatta is that there has been a decline in heroin related problems during the past year, but the bad news is that we do not know how much, if any of this, is the result of new police initiatives. Heroin related crime has declined throughout the country and, indeed, most of the world during this same period, primarily as a result of the so-called heroin drought in the Golden Triangle and the disruption in recent years of heroin production in Afghanistan. Since the beginning of the year reports from Chang Mai, long the drug distribution centre of the Golden Triangle, have suggested that the heroin drought has broken. This was confirmed by discussions I had the week before last in Singapore at the CIB with senior narcotics police from Burma and Thailand. Indeed, there is evidence that heroin is becoming more available on the streets of Cabramatta, although it may be some time before the purity rises and prices decline to the levels of several years ago.

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

My principal worry on the policing front is based on two principal problems which emerged during the course of your hearings and their aftermath: the strong tendency of senior New South Wales police to focus on the politics rather than the substance of policing; and their knee-jerk attempts to destroy anyone who does not pander to their own rosy self-assessments. As members of this Committee are well aware, the horrific problems which beset the people the Cabramatta were common knowledge, at least among the local citizenry, local police and heroin users in Sydney, New South Wales, and even throughout all of Australia. Yet we were led to believe that senior police were unaware of the problem, and even believed that Cabramatta was safer than Roseville. From my own personal experience with senior police I know that that presentation of events was false. As I said in my testimony last year, they did not take their eyes off the ball; they hid the ball in the hope that no one would find it.

When junior police in Cabramatta had finally had enough with the hypocrisy, with dealing with the tragic loss of young lives to the heroin trade and the emotionally destroying process of having to notify parents that their children had died from drug overdoses, and revolted, senior police claimed that no one had told them. If these claims were true, there were clearly unsuited to lead. If they were false, they were unfit to lead. One would have thought that senior police who claimed they have not been told the truth would have been grateful to the constables and sergeants who cut through layers of self-serving superiors to report what was really going on in Cabramatta. But for some reason, the command structure responded by relocating those who had told them the truth, and by retaining, and in many cases, rewarding those who had not.

In effect, those who saw the problems and had the courage to report them, were transferred, while those who neither saw them nor reported them were selected to fix them. In this context, it is important that we view the rosy reports of those currently in place with a healthy degree of scepticism. In any event, it would have been better, I think, if we had reversed the process and transferred out the Pollyannas, who contributed so enthusiastically to the creation of pre-2001 Cabramatta as the jewel in the crown of the Police Service's chain of Potemkin villagers, and replaced them with the people who had actually spoken the truth.

Most worrying during the past year, especially for the viability of the public's right to expect that parliamentary committees will have free and full access to honest testimony from police, have been the attempts by some senior police to destroy the careers of the officers who appeared before your Committee. Here I am referring not just to the matter of contempt of Parliament arising from the in camera testimony of the four Cabramatta officers who testified, although it is important to look long and hard at what has happened to these four decent men, at least three of whom suffered dearly for their honesty. One wonders when, if ever, the Police Service is going to step up and apologise to them publicly, and try to heal the damage that has been done not only to them but to the relationship between the great mass of ordinary police and their institutions.

Far too many police already have no faith that serious complaints of junior police against their superiors will receive a fair hearing within the Police Service. And this most definitely includes Internal Affairs, Special Crimes and Internal Affairs, as it is known today, or even the Police Integrity Commission, which is seen to lack the resources and perhaps the will to address matters such as corruption in promotion and the rigging of crime statistics. Instead, for many police there is only one place they can turn—the media. In effect, this means Alan Jones and John Kidman, who are both admired for their integrity and their courage. Unknown to this Committee, the four officers who testified in camera have also been subjected to threats made by a more senior commander. I know, as some of these threats have been passed through me. In addition to threats made last June 21 and June 22 against these police officers, the same commander made repeated threats during the past year to get Tim Priest, Frank Ritanno, initially as payback for a submission to this Committee critical of crime agencies, and also Alan Jones.

In the calm surroundings of these Committee hearings it is difficult to convey the vituperative quality of these threats. One reporter who was subjected to a barrage against these police officers referred to the commander as feral—I cannot think of a better word. The commander's willingness to pass on threats to his subordinates through third parties, and to leak the details of supposedly negative internal affairs files, is, if not criminal, at least unethical in the extreme. Curiously, what seems to have most angered the senior commander was Tim Priest's ability to get his and his fellow front-line officers' versions of events out to the public via Alan Jones' morning radio program. Although at times this commander tried to belittle Jones. "Tim's only got Alan Jones", he said and, "If anyone in this town wants a story, who are they going to come to?"—making it very clear, as I was already aware, that he made no secret of the fact that he could shape most police stories that appeared in the Sydney Morning Herald and that his long-term cultivation of investigative journalists on television could be turned against his enemies. He also took to passing on threats: "Jones had better watch out if he knows what's good for him". And sure enough, it was not long before word spread that a senior media person was doing a job on Alan Jones.

What seemed to have most angered this commander was that a junior officer was able to stand up to him in the court of public opinion and be heard. Aside from the threats against dissident police who testified before this Committee and against Alan Jones, the theme of a number of conversations I had with this commander last year was, "What does Tim want?"

**CHAIR:** Dr Basham, I stop you at this point to warn you that although the evidence you have given to the Committee thus far is critical of people, generally, if you should mention anyone by name, the Committee will have to give that person the right of reply, as a matter of procedural fairness. In addition, the comments you are making are not directly relevant to our term of reference. I ask you to confine your comments to our term of reference.

**Dr BASHAM:** Could I tell you why I think it is? I think it is relevant because it goes directly to policing in Cabramatta. It also goes very directly to the ability and willingness of police to come before Parliament and to provide true evidence about the policing situation in Cabramatta. Given the fact that those officers who stood up and told the truth have been virtually destroyed, almost to a man, the message that has been conveyed to officers who remain is that the best thing to do is just to keep quiet and to go along with official versions of events.

**CHAIR:** I remind you also that with regard to the issues you have just raised a special report was published on a possible breach of privilege. I believe you are aware of it. Some of the issues you have have already been investigated by this Committee.

**Dr BASHAM:** Very well, I will stop mentioning that at this point then. I am sorry.

**The Hon. GREG PEARCE:** Madam Chair, Dr Basham is responding specifically to what has happened since March 2001 and what changes are required. They are the specific reasons we have asked him to attend here today, and I think he should be allowed to continue.

**The Hon. RON DYER:** Madam Chair, it seemed to me very much the case that Dr Basham is engaging in an ex post facto review of our previous inquiry. Whereas, what we are engaged in this afternoon is a review of the recommendations we made flowing out of that inquiry, what the response of the police force and others has been to that, and what the impact has been on crime rates and the general public amenity of Cabramatta. I think Dr Basham should be asked to direct his attention not to a critique of what might have happened in the past but what is happening right now.

**Dr BASHAM:** I suppose, in all due respect, that what I am trying to do is suggest that we may not know what is happening right now. Given the fact—or what I take is the fact from talking to many police officers—that people are frightened to come forward and frightened to provide a version of events that is separate from an official version. What worries me is that as heroin begins to hit the streets again you will not find anybody coming forward again to talk about the problem.

**The Hon. RICK COLLESS:** Who are they frightened of?

**Dr BASHAM:** They are frightened of senior officers who will simply come down on them. There are many ways to get people in the Police Service, and you rarely get them for what you really want them for. This whole episode, this whole odyssey, I think has reflected that. What I am trying to convey here is the situation that is future oriented rather than past oriented—but, of course, learning from the lessons of the recent past and to talk about it.

I do not intend to pursue it any further at this stage, although it is a matter that greatly concerns me. I wish to raise a second matter here, and if necessary, we can raise this in camera. But I think it is important to raise it because it also ties into important things about the Committee and the willingness of witnesses to come before the Committee. It relates to allegations that have been made that I coaxed or flogged to the media an individual who is known as James. I think it is important that I have a right of reply. I was not here this morning—I was not able to make it—but I gather that allegations were made similar to the allegations that have been planted in the media via Mike Carlton which are completely incorrect and which can be shown to be incorrect.

**The Hon. RON DYER:** Point of order, Madam Chair. If Dr Basham is going to deal with the matter of James, consistently with what we did this morning we should go into camera to consider his evidence in that regard.

**The Hon. RICK COLLESS:** To the point of order, Madam Chair. I think we need to ascertain from Dr Basham whether he is going to talk about the evidence that James may or may not have given and the crimes that he may or may not be guilty of, or whether he is going to talk about the procedural issues regarding the handling of the James issue.

**Dr BASHAM:** I am going to talk solely about the procedural issues.

**The Hon. RICK COLLESS:** I think he should be allowed to proceed on that basis.

**CHAIR:** I will allow Dr Basham to continue for the moment. I will stop him if what he is saying is irrelevant.

**Dr BASHAM:** Thank you. There is also the matter of the young man code name James, who first appeared before this Committee at the end of its long series of public hearings on 7 May last year. At the time, the Committee decided against hearing his testimony. Afterwards, Morgan Ogg from Channel 7 news interviewed James in some detail. Early the next morning Morgan rang me and asked me to come to the studio to view the tape and give him my opinion on his interview with James. After viewing the tape, I told Morgan that I thought the young man was telling the truth. I had never met the young man before that day although he looked familiar. I think I may have encountered him in the past selling drugs on the streets in Cabramatta or perhaps from viewing police surveillance tapes. He was quite distinctive and stood out. After viewing the tape together, Morgan and I contacted a police officer who immediately recognised James from our description and gave us his real name.

**The Hon. RON DYER:** Point of order, Madam Chair. The material Dr Basham is addressing now is clearly totally unconnected with the terms of reference today, and I ask you to rule accordingly.

**The Hon. GREG PEARCE:** To the point of order, Madam Chair. We have had far too much of this hiding of documents and hiding of evidence in this inquiry. It has gone on well and truly long enough. If Dr Basham

wants to make a statement about his role and the aspersions and various other comments that have been made about his role in relation to this person—who was not a witness—then he should be entitled to. He is making a comment about his own role, not anything to do with the young man himself.

**The Hon. PETER PRIMROSE:** Further to the point of order, Madam Chair. Dr Basham is perfectly at liberty to say whatever he wants wherever he wishes, but not in this Inquiry given Committee's terms of the terms of reference. That is the dilemma. The Committee is bound procedurally by its terms of reference, which were set by the Parliament. That is the problem that we have. To stray outside of those terms of reference would cause this Committee to be brought into disrepute. Accordingly, I support my colleague's point of order.

**The Hon RICK COLLESS:** To the point of order, Madam Chair. The terms of reference of this Committee relate to changes that need to be made in the future to improve the problems at Cabramatta. I believe that if we are suppressing procedural incidents that occurred within the Police Service with respect to any individual—and I am not talking about the actual details of the individual; I am talking about the procedures that have occurred—I do not believe that we will be able to improve the conditions that currently exist at Cabramatta.

**The Hon RON DYER:** Madam Chair, this morning when Assistant Commissioner Small started dealing with matters relating to James, the Committee decided to go into camera. Now, I am not saying that Dr Basham ought not to be able to address matters if the Committee is so minded, but we ought, consistently with what we did this morning, to adopt a similar procedure.

**The Hon. GREG PEARCE:** With respect, Madam Chair. Commissioner Small started to talk about—

**CHAIR:** Order! I have heard enough on the point of order. Consistent with this morning's proceedings and the proceedings generally, matters relating to James should be referred to in camera, and I so rule.

**(Evidence continued in camera)**

**(Public hearing resumed)**

**CHAIR:** Before Dr Basham completes his statement I want to remind the media during public hearings only the members of the Committee hearing the evidence and the witnesses appearing before the Committee may be filmed or recorded. People in the public galleries are not considered to be part of the proceedings and, therefore, may not be included in sound or video broadcasts. Dr Basham, you might now finish your statement.

**Dr BASHAM:** Sure. I will just finish the last bit. The efforts of this Committee to come to grips with the problem of Cabramatta were reflected in its thoughtful and detailed report. Unfortunately, what has transpired in the Police Service behind the scenes and behind the Committee's back leaves me with a very real sense that too many in the senior ranks of Police Service, both still in the service and recently departed from it, think that the real problem with Cabramatta was that junior police were somehow able to get the story of their superiors' incompetence and dishonesty out. They seem determined to make certain that that never happens again.

**Ms Lee RHIANNON:** You describe yourself as a teacher. I presume you are referring there to your work in the anthropology department of Sydney University?

**Dr BASHAM:** Yes.

**Ms Lee RHIANNON:** You also said that you have worked with police. Later in your remarks you said you have worked as a psychologist. I think that you would be aware at times some media outlets present you as an expert on crime matters. I have also heard you referred to as Professor Basham, as a crime expert, a police expert and a criminologist. Could you inform us what your academic training and experience is in areas of police and crime studies?

**Dr BASHAM:** My academic training is in anthropology and psychology. With regard to my training in police studies, first of all, I did a course at the Smithsonian in the 1960s on what would now be known as forensic anthropology. At Berkeley, my major adviser over many years was a clinical psychologist who worked extensively with the FBI, and in many cases matters were brought to seminars, for example, cases that involved either issues that occurred on Federal property and/or cases like the Sirhan Sirhan matter. I also worked on a project as a graduate student, which is a postgraduate here, on juvenile delinquency in California, working with black, white and Mexican delinquents. I worked on the psychological aspects of it, in terms of administering psychological protocols and analysing psychological protocols to people who were incarcerated. The administration was done by other people. I did the analysis of the psychological protocols. Then later on, while working in South-East Asia, in



Malaysia and Thailand, particularly up in Chang Mai, I became interested and worked in crime and policing matters. Principally because of the fact that my brother-in-law is a Thai police officer, I got very interested in policing matters overseas in South-East Asia.

I was brought into policing here in New South Wales by police in the late 1980s on Asian crime matters. I was asked to be involved in homicide issues, homicide investigation, and became involved in a number of number of activities with police after that. I was consulted regularly on Asian crime issues. I was an adviser to the comprehensive review of criminal investigation [CROCI]. At one time I was an analyst in organised crime running out of the State Intelligence Group.

**Ms Lee RHIANNON:** What period are we talking about?

**Dr BASHAM:** CROCI was about 1994 or 1995—1995 I think. The organised crime issue was probably from about 1994 to about 1996 or so. I was also involved with Task Force Air, doing profiling in 1994.

**The Hon. GREG PEARCE:** Was that Ivan Milat.

**Dr BASHAM:** Yes, Ivan Milat.

**The Hon. GREG PEARCE:** You were doing the profiling of Ivan Milat?

**Dr BASHAM:** Well, not a profile of him but a profile of whoever might be the offender. I also did, and was paid to do, cold case reviews by the Police Service of the Family Law Court bombings, and of a series of serial abductions and sexual assaults—Task Force Louie and Task Force Prophet—also by the Police Service. I was paid to write—

**CHAIR:** I am sorry to interrupt you Dr Basham. You may wish to send a copy of your CV to Ms Lee Rhiannan. We should proceed to deal with our terms of reference.

**Dr BASHAM:** I currently work with the Australian Federal Police, and that is what I was doing in Singapore, and I will be talking to them next month. I lecture in their Management of Serious Crime Course for senior detectives in Australia and overseas, and they flew me to Singapore to work with senior detectives there. I work as an anthropologist; I have never called myself a criminologist and I would not want to be a criminologist. I do not look at it from that perspective. I look at it from the perspective of a participant observer—someone who works with police, who works with the people that you are studying and then writes about it. It is a very different perspective. I would regard a criminologist as a typically more on the observer side than a participant side. You get a very different perspective. I cannot help when the media calls me. I ask them not to call me a criminologist various times. I have held the title at Berkeley, for example, of visiting professor—

**CHAIR:** I am sorry, I have to stop you again. You might prefer to send us a copy of your background; we would be happy to receive it. On behalf of the Committee members, Dr Basham, I thank you for your attendance.

**(The witness withdrew)**

**PATRICK TIMOTHY PRIEST**, Detective Sergeant of Police, City Central Detectives, Sydney, sworn and examined.

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

**Mr PRIEST:** As a witness.

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

**Mr PRIEST:** I am.

**CHAIR:** I want to remind you as I reminded the other witnesses that today's hearing focusing its attention on improvements at Cabramatta in the last 12 months, and what changes, if any, are still required in relation to policing in the Cabramatta area. Finally, if you should consider at any stage during your evidence that in the public interest certain evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee will be willing to accede to your request. Do you have any statement you want to make because I do not think we have any of your submissions?

**Mr PRIEST:** No, I have just a short statement to make, if I can read it.

**CHAIR:** Yes. Please do.

**Mr PRIEST:** Madam Chair, members of the Committee: on 23 February 2001 I gave evidence before this Committee on what I believed was the truth about policing in Cabramatta. I did so with no other purpose than to see the terrible mess in Cabramatta rectified. A lot has happened since 23 February 2001. As you know, I reappeared before the Ethics Committee with those courageous police from Cabramatta, Detective Sergeant Robert Francis, Sergeant Vincenzo Fusca, Sergeant Greg Byrne and Senior Constable Chris Laird—three of whom are in this Chamber today. Although I have not worked at Cabramatta since this inquiry started I still remain friends with a great many local people and I visit them regularly. There is no doubt that much has changed in Cabramatta. There is no longer the blatant drug dealing that was once so recognisable within the CBD. There are no longer the numbers of drug-affected people staggering around the suburb, and at this stage there does not appear to have been a repeat of the violent offences of late 1999-2000. Cabramatta appears to be going through a revival. However, I caution that the battle is not won as some people would have you believe.

I recently read the Government's report on the review of Cabramatta, and I note that on page 6 there is at least the admission that what I and other witnesses reported on the true state of Cabramatta has now been verified as fact. I refer to the visible and aggressive drug dealing in Cabramatta, the large number of visibly drug-affected people that swarm to Cabramatta in search of cheap heroin and the violent struggle by drug dealers in gangs for control of the drug trade. I am also amazed by the paragraph that puts into perspective what really occurred at the police station: the fact that community concerns influence local police to confront senior police about the way policing was conducted in Cabramatta, not the version given by Commander Small repeatedly that fights in the police station were bigger than the issues outside. That is a gross distortion of the truth and is offensive to all the police that served at Cabramatta at the time and who have paid the price of putting their community's welfare first.

I commend the honesty of that report in finally recognising what the true story was. In a sense, for many police, there could be closure on this whole dreadful mess. I say for some police but not for all. It would remiss of me not to mention the Government's actions in relation to Cabramatta, in particular legislation that has empowered police to attack the drug menace that for years grew out of control. It is through that legislation that the tide has begun to turn against the drug dealers and the criminals that have infested Cabramatta and elsewhere for so long.

I would also like to pay tribute to this Committee for its final report and recommendations, which made such an impact on a community that had all but given up hope. This Committee and its report has impacted far more than just on Cabramatta. Many changes to policing and to law and order have, I believe, had its origins from this Committee. It is most important that this Committee receives the recognition it deserves, not just from the Parliament but also from the community.

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

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

What concerns me here are two things: firstly, the reluctance of some senior police to tell it how it really is. To realise they no longer face a Commissioner of Police in Peter Ryan, who was more adept at covering up problems than solving them, gone are they days of dishonesty and deceit. If there is a problem it has to be identified and then fixed. Under Commissioner Ryan we saw some senior police take more action to cover up emerging problems than to solve them. With Commissioner Moroney, the opposite is the case. I know personally that he is a decent and honest man who has the interests of both the community and his police men and women foremost in his mind. There will be no deceit; there will be no cover-ups.

It is with that in mind that I urge all police from the junior ranks to the most senior: Your duty is to the community that you are sworn to protect. If there are problems in your community, let your commissioner know, if you cannot convince your commanders otherwise. I say this because unfortunately there are still a number of commanders who remain loyal to the old regime and will not embrace this new revitalised Police Service. They are disloyal to both the Government and to the community.

The second point I make is that in the long term health of Cabramatta, a vital component is missing, and that is the total lack of a long term strategy to address the issue of drugs and organised crime. I note the Government plans to build a new police station at Cabramatta. It is not before time. However, I caution that this police station should be large enough to house a special police unit that is purpose-built for the challenge of policing in Cabramatta and the surrounding suburbs of Green Valley and Liverpool. I have not seen anything in the way of long-term initiatives that I have seen in similar places in the United States, such as the New York Police Department, San Francisco, New Orleans and Fairfax County, Virginia, just to name a few. These are police departments that have innovation and imagination when dealing with the problems of Asian organised crime. Let us look at these departments to help us in providing real change for Cabramatta and elsewhere across the city.

What we see at the moment, with a number of these policing initiatives in Cabramatta, is the usual opportunistic strategies designed for media coverage and the personal gain of a few senior police. Let us do away with the policing by the media and begin to look seriously at how we can change the suburb's crime problems for good.

These long-term strategies will take years to research and implement. There will be no quick fixes or quick claims to success for senior police to use on their next job application. These will need to be strategies that need long-term commitment by senior police to their community. In other words, should they take on promotion at Cabramatta they should be prepared to stay there long term and be rewarded appropriately.

I would like to draw attention to the New York Police Department's web site where you will find statistics are available for every single borough or precinct within New York. That is, every member of the community can look straight to that web site and see what crimes are occurring within their borough or their precinct. There is no need for the Don Weatherburns and the rather confused messages that his analysis sends out. Citizens can look straight to the web site and see if their cars are being stolen more often, if the banks are being robbed, if their homes are being robbed, their people are being assaulted.

There should also be an acknowledgment by the Government and the Police Service to those police officers whose ideas and submissions for the success we now see at Cabramatta and not for those who stole their ideas and used them as their own. A specialist police unit that is multi-disciplined and multi-skilled is, I believe, the long-term answer to Cabramatta. The unit would address the organised crime and drug trafficking issues not only in Cabramatta but in the bordering suburbs of Green Valley, Liverpool and Fairfield. Cabramatta is unique and as such need innovation. Now is the time to begin to plan for the long-term health of Cabramatta. There is a window of opportunity whilst the drug importers and distributors wait for the increasing supply of heroin that surely will come.

As you would be aware, earlier this year I was seconded to the Police Ministry in an advisory role. I want to say at the outset that this secondment was an extraordinary experience. I worked closely with the Minister, Michael Costa, and his staff. Michael Costa is an extraordinary man who has contributed so much to the rebuilding of NSW Police in a very short time. Michael Costa is also a decent and honourable man, who must be supported in his attempts to get the New South Wales police force back on track.

I have already mentioned my personal views of the new commissioner, Ken Moroney. It is refreshing to see a police commissioner prepared to come to this parliamentary inquiry and be scrutinised. something that his predecessor was not prepared to do. This shows a strength of character that Ken Moroney possesses. Both Ken Moroney and Michael Costa deserve our support and our loyalty. They have an enormous job to reinvigorate the police force after five years of chaos. It is in this regard that I must draw your attention to the continued attempts by a small group of academics, media figures and some very senior police—some serving and one just left—who as we speak are undermining and plotting to discredit both Costa and Moroney.

If we travel back in history, just slightly, and reflect on the problems of Cabramatta we still do not know why things went so terribly wrong apart from the obvious. It is interesting to note that despite intense scrutiny by the royal commission no evidence of corruption was found at Cabramatta, despite the fact that according to most experts on police corruption Cabramatta should have been the very spot where it was found, but no, it was not. Enter the obscure academic from Wales, David Dixon and his wife, Lisa Maher, from the University of New South Wales. These two managed to find corruption, albeit by word of mouth from the drug addicts they met on the streets. This was duly reported by the *Four Corners* program nationally. From then on in Cabramatta things went downhill—few controlled operations; no drug enforcement focus, despite repeated pleas to Commander Chris Evans, then the Region Commander of Greater Hume. You will, of course, recall that Dr Dixon and Lisa Maher both addressed this Committee.

**Ms RHIANNON:** Point of order: we have had this problem before. If people's work is to be questioned we will have to give them the right of reply. That is all I can say at this stage if we are going to go down this track.

**CHAIR:** Yes.

**Ms RHIANNON:** I think we have already gone that far, but we are going to have to do it. I think we need to have some decision about where are we going with this.

**CHAIR:** I ask Mr Priest at this point in time not to go down the track of naming people, because in procedural fairness we have to give them the right of reply. If you are going to go on that track we may have to continue in camera.

**Mr PRIEST:** Well, I will just leave the names out, Madam Chair, if that would be okay.

**CHAIR:** You have identified the people already, so we cannot do that now. I want you to focus your attention away from that point, or we can go into camera if you prefer. If you go on we will have to go into camera.

**Mr PRIEST:** Well, the point I was going to make was that I believe the problems we saw at Cabramatta were deliberate. The solutions for fixing Cabramatta are now so obvious, and it goes to the administration of the police force at the time as to why things were bad in Cabramatta and why things now will be better under the current administration. However, I make the point that some very decent police and politicians are going to be undermined by certain people who I name in this, and I think it is imperative that we do not—

**CHAIR:** In that case the Committee will go into camera.

**(Evidence continued in camera)**

**(Public hearing resumed)**

**CHAIR:** Mr Priest, I have been advised that you can repeat what you just said before we opened the Committee to the public.

**Mr PRIEST:** So I will continue on from my last sentence.

**CHAIR:** Yes, that part of it can be repeated.

**Mr PRIEST:** Pardon?

**CHAIR:** The part on the James report, you can finish that. There is no reflection on any person. You may say it in public

**The Hon. GREG PEARCE:** I do not think you should mention the names of the journalists you mentioned.

**Mr PRIEST:** Pardon?

**The Hon. GREG PEARCE:** You should not mention the names of the journalists you mentioned but there is no objection to the—

**Mr PRIEST:** Organisation?

**The Hon. RON DYER:** Why not?

**The Hon. RICK COLLESS:** Why not?

**CHAIR:** I think we should preserve people's names.

**The Hon. RON DYER:** Everyone else is getting a spray.

**CHAIR:** I do not want any adverse reflection. As long as there is no adverse reflection on individuals, Mr Priest, you can repeat what you said.

**Mr PRIEST:** But since the departure of Peter Ryan, Dr Dixon has become increasingly outspoken on who has the right to contribute to police policy making and who has not. The view of Dr Dixon is that only academics or selected senior police have that right. He is dismissive to the point of being insulting when commenting on whether front-line police have a contribution to make to overall policy. This flies in the face of many of the recommendations and comments by this Committee. This Committee's final report discusses the very issue about the need to listen to front-line police and the community. No one person or group has the imprimatur on police policy, least of all some obscure academic.

Then it goes a lot deeper. Enter Sydney's version of Jerry Springer on Radio Station 2UE at 3 o'clock of a weekday afternoon, who, in conjunction with Dr Dixon and others, has launched a bitter and divisive campaign against Michael Costa, Dr Basham, myself and now Commissioner Moroney. I believe that both Peter and Adrienne Ryan are responsible for this, along with Commander Small, who I believe is sitting in this room. They are out to punish those responsible for the truth about Cabramatta and policing being brought out into the open. This is a payback campaign waged to destroy the credibility of those who came here to tell the truth. Already I have endured Mike Carlton referring to my internal affairs history as interesting reading. How did he get to read my Police Service history? Who gave it to him? Did he also read Peter Ryan's IA files or Clive Small's? Apparently not.

Dr Basham has had his professional and academic qualification called into question by both Carlton and this curious academic, Dr Dixon. This is a square-up. But where it gathers momentum is the appearance of the *Four Corners* program, who, along with the 2UE afternoon disk jockey, detailed their intimate knowledge of the so-called James report. This report was largely engineered by Clive Small and it discredits a young man called James. But it also discredits those that gave evidence to this Committee. In a sense it discredits this Committee and the great work it has achieved. This cannot go untested. The presenter of the *Four Corners* program has admitted seeing this highly sensitive report and, in fact, there are emails from this presenter indicating just that.

So how did this presenter get access to a highly sensitive and secret police document? Both Dr Basham, myself and Detective Ritanno were contacted by this presenter and after being told the contents of this James

report, all three of us corrected his version of events. But despite being told both verbally and by email prior to the broadcast of this program some weeks ago that material relating to the James report that was at best inaccurate and at worst malicious distortions of the truth, he went ahead and broadcast elements of the program that he had been clearly told were wrong. Why? Because of the agendas of Peter and Adrienne Ryan, Mike Carlton, Dr Dixon and Clive Small. It is not coincidental that Mike Carlton's girlfriend, Morag Ramsay, was the show's producer. Both Dr Basham and I have had to endure weeks of speculation over our integrity and our professional and academic qualifications and our motives with no recourse until now.

Dr Weatherburn has suddenly appeared on the forum as well. He appeared at the University of New South Wales recently, where he entered a debate on how policing should be run in this state. It was dutifully recorded by a reporter for the *Sydney Morning Herald*, Neil Mercer, who is a close friend of Clive Small, and I suppose is best known for having access to the Cook report when this Committee could not. Mercer recently wrote an article on Commissioner Moroney's Viking One Operation prior to the operation going ahead, thereby alerting every crook in town to stay home. It was clearly meant to undermine the integrity of the operation.

There are grave concerns over the James report and the leaking of that report to selected journalists. The report was not made available for scrutiny up until now and it clearly shows it was intended to be used to discredit myself and Dr Basham and for us to have no recourse before this Committee, except for one thing, that being James himself, who yesterday gave detailed affidavits— signed affidavit, which was signed and witnessed. The material in this affidavit causes me enormous concern as to the integrity of the taking of the James report and the integrity of those that played a part in the making of that report. That affidavit is in this room but not at this table. It causes me to believe that only a judicial inquiry will get to the bottom of what occurred with the James report. I do not believe that the PIC is capable of getting to the bottom of the truth.

I believe that this affidavit chronicles the lengths that some police will go to in an attempt to deceive the Government and a community in order that the truth about Cabramatta and, in fact, the New South Wales Police Service remains hidden. That various journalists and academics have been complicit with the leaking of this highly confidential report is nothing short of disgraceful. In that vein, they should be publicly exposed. The point to be made here is that there is a campaign to destabilise and destroy both Michael Costa and Ken Moroney. It is underwired by a group who have lost control of the NSW Police. That these people once had their hands on the controls and brought a Police Service to its knees is a disgrace in itself. That these people are determined to destroy those that want to see the community protected and the police force rebuilt is reprehensible. The mistakes at Cabramatta were not accidental. The cover-ups were deliberate and designed to prevent the truth coming out. The Government was deceived and the community of Cabramatta was sacrificed in an experiment that went horribly wrong.

In closing I want to make the point that just as there has to be checks and balances in regards to police corruption, there also has to be checks and balances on those people of influence, be it academics or journalists, that infiltrate police policy areas. There is every chance, as we have seen, that their personal agendas and views soon become policy with no regard to the impact that it might have on the individuals or society as a whole. When their experiments go wrong, they disappear to another theory and it is the police that are left to pick up the pieces, just as we have seen in Cabramatta.

I wish to pay tribute to those police and citizens that have since come forward and fearlessly supported both me and the community of Cabramatta. I refer to Detective Frank Ritanno, who has taken my place at the Police Ministry and is pushing ahead with a project that I am very passionate about, the DARE program—Frank Ritanno has now too become a target for corrupt police with his integrity being called into question by the usual suspects, certain journalists at the *Sydney Morning Herald*; to Dr Richard Basham, whose knowledge and expertise in Asian crime is unsurpassed; and to Ross Treyvaud, the tireless and fearless campaigner from Cabramatta, who probably is the real saviour of Cabramatta. To all those police who stood by me and encouraged me, and there are far too many to name here, the biggest compliment I can pay to them is simply they never lost the meaning of what it is to be a cop. Maybe we should adopt the Australian Army Infantry Regiment motto "Duty First" to make it clear to everyone, police and the community alike, that a police officer's first responsibility is to the community. That is his or her first duty.

**CHAIR:** Can I make the point. Mr Priest, that this Committee hearing is not a forum for those kind of investigations. Perhaps this issue should be referred to PIC. The Committee certainly does not have the power to investigate that kind of issues.

**Mr PRIEST:** I am afraid many of us have no confidence in the PIC.

**CHAIR:** To go back to our terms of reference, you mentioned the new police station in Cabramatta. What potential is created for improved police/community relations by the building of a new police station at Cabramatta?

**Mr PRIEST:** I suppose what is put inside the police station in terms of manpower and in terms of strategies is what will benefit the community the most. There has to be processes, policies and ideas such as we see overseas in San Francisco and New York, where there are large Asian populations. They have been through all this before many, many years ago and they have become very good at what they do. That is what we should be looking at. Community-based policing is absolutely paramount to good policing. Having specialist policing, as Mr Moroney and Mr Costa have announced, is absolutely imperative too. You will see the crime rates come down with great speed, I believe. The disaster of Crime Agencies has to be pushed aside and specialist police have to be put in. There is no area more evident than Cabramatta for the use of specialist police in terms of crime intelligence, drug law enforcement and organised crime. There should be a unit that is set up for life that polices Cabramatta in terms of organised crime, drug trafficking, and so forth.

**CHAIR:** In your last appearance before the Committee you were very critical about the communication and the management of the senior policemen with front-line policemen. Now you are outsider, have you observed any change or any improvement in relation to that particular criticism?

**Mr PRIEST:** I think Commissioner Moroney has set the agenda with his comments on radio and on TV and knowing the man personally, if that can flow all the way down to the commissioned officers, things will change dramatically and perhaps we will see a free and open sort of Police Service that is not frightened to confront problems rather than cover them up. I am sure that is going to happen under Mr Moroney.

**CHAIR:** Previously you talked about gang recruitment in schools. do you have any further view on this or do you want to explain a little further on that?

**Mr PRIEST:** I would have to say first what I said about Cabramatta High School was hijacked, and over a period of time the one mention I made about Cabramatta High School has steamrolled into people defending Cabramatta High School so much that everyone is going: well, what is going on at Cabramatta High School? I detailed an incident, one incident that occurred at the high school and from then—

**CHAIR:** It was outside the high school.

**Mr PRIEST:** That is right, outside the high school, not inside the high school. But those that sought to discredit my evidence then used Cabramatta High School as a weapon to attack me. In doing so they have done a dreadful disservice to Cabramatta High School and that is the very sorry part about it. As far as gang recruiting in high school goes, well, I have got to say that I have not paid much attention to it. I have had my mind on other things, but I suppose I look at that high school over at Narwee or wherever it was, and that worries me. It concerns me that students from one school on the eastern side of Sydney come across to the south-western side of Sydney to have a fight. It concerns me greatly, and that is the sort of thing that we need to look at very closely before we travel down the same track as the United States did with their gangs.

**The Hon. GREG PEARCE:** Mr Priest, one of the issues that was used to try to discredit you was the fact that you had not actually seen the Cook report and so you made a bit of a mistake in what you said about it. You have seen the Committee's report in which, in chapter 4, the Committee basically found that what you said was substantially true, and it also found that it was not satisfied that the Cook report was used as the basis of Strike Force Portville's terms of reference, which Mr Small had alleged. Is it any surprise to you that we still have not been able to release the Cook report because Mr Carr refuses to release it?

**Mr PRIEST:** Well, I am surprised. Maybe it should be leaked like the James report, then everyone can see it.

**The Hon. GREG PEARCE:** Do you now have a copy of the Cook report? Have you seen it?

**Mr PRIEST:** No, I do not.

**The Hon. GREG PEARCE:** Do you think that it might assist in cleaning up some of these loose ends and some of these concerns if the Premier actually finally now has the integrity to release the report?

**Mr PRIEST:** I think it should be, and there is in fact now a second Cook report, which is also highly interesting reading, I am told, which is at police headquarters. It goes back to referring to some of the history about the original Cook report. I am told it is very recommended reading for some.

**CHAIR:** You mentioned this specialist unit and you did not say very much about it. Can you elaborate on that?

**Mr PRIEST:** We have seen offences such as car stealing, car rebirthing, armed robbery, drugs, fraud—well, not so much fraud I suppose, but gang activities, particularly Middle-Eastern gang activity. There are a whole range of crimes that have gotten way out of control and no matter what spin Dr Weatherburn puts on it, they are bad compared to the rest of Australia. We need specialist units that deal with various categories of crime. If there are armed robberies we need—like Operation Nitsana, which has been going at Liverpool, Cabramatta and Fairfield I think, and Green Valley, for about the past five years. Great results out there because they are focused solely on armed robbery. That is what we need. We need a motor squad to focus on car rebirthing and stealing because it is so closely allied to the drugs and organised crime problems we have got in Sydney that it will variously pick up all the players in those areas as well.

A lot has been said negatively about specialisation by the usual suspects, Jerry Springer of 2UE and the *Sydney Morning Herald*. There is nothing wrong with specialisation. It was the culture that was present at the CIB at the time was what caused the problem. The idea of specialisation is present in most parts of western world police forces. They do not see anything wrong with it. What we have had with Crime Agencies is just an absolute and bizarre disaster where crime has got out of control in certain categories. I mean, nothing wrong with specialisation. I commend Mr Costa and Mr Moroney for introducing specialisation. It is what will bring us back to earth as far as crime stats go.

**Ms LEE RHIANNON:** I wanted to follow on up one of your comments about specialisation units. You said that what you call the usual suspects are critical of them. I am sure you would be aware that the Wood royal commission raised concerns about these units. Do you put the royal commission in with the usual suspects? Do you have a comment about the issue that I understand was central to the Wood royal commission's concerns? I think the commission made a recommendation that those units not be continued with because often the police end up being involved in corrupt practices.

**Mr PRIEST:** Well, as we have seen, we have not got specialisation at the moment but we have had corruption problems at Manly. So specialisation is not the sole reason for corruption.

**Ms LEE RHIANNON:** No, I was not linking them. Could answer the question as I put it.

**Mr PRIEST:** Well, I was using that as an example, that corruption just is not limited to specialisation. Corruption can occur anywhere. Now, who says that the royal commission got everything right? I think—

**Ms LEE RHIANNON:** No, I am not saying that. I am just asking you do you think it was wrong on that point?

**Mr PRIEST:** I think they were. I think they threw the baby out with the bathwater. As I said, I think the culture of what was going on at the CIB in the 70s, the 60s and the early 80s was the problem; it was not specialisation. Now, we have come a long way since then. I am sure there are checks and balances in place that if we revisit specialisation we will not have the same problems again. It was a cultural thing, not a speciality thing. And I just say that Police Internal Affairs have done an absolutely brilliant job with Strike Force Florida. They are the ones that deserve the credit for what has gone one—not the PIC, not anyone else. This was simply police internal affairs that did Operation Florida. Now, if they can do that, I am sure they can limit corruption in specialisation.

**The Hon. RICK COLLESS:** Mr Priest, I refer to the comments that you made about the presence of an affidavit. Can you tell us what the substance of that document is?

**Mr PRIEST:** I can, but I think we would have to go into camera because some of the allegations are fairly damaging.

**CHAIR:** In that case we have to go into camera. Is it relevant to our terms of reference, Mr Priest?

**Mr PRIEST:** Can we just have 10 minutes? It is very important.

**CHAIR:** We will adjourn for about five minutes.

**(Short adjournment)**



**CHAIR:** In relation to the affidavit, Mr Priest, I believe you want to submit to the Committee—

**Mr MARSDEN:** Just if I may, Madam Chair—

**CHAIR:** No, maybe Mr Priest should tell us.

**Mr MARSDEN:** Madam Chair, he wishes to tender an affidavit by the person James and leave it to the Committee to see what they wish to do about it, take whatever advice.

**CHAIR:** Mr Priest, you wish to do that?

**Mr PRIEST:** I wish to. -

**CHAIR:** Mr Priest, is it your wish to do that?

**Mr PRIEST:** I wish to.

**The Hon. GREG PEARCE:** That is an affidavit of the person known as—

**Mr PRIEST:** James, dated yesterday.

**The Hon. GREG PEARCE:** known as James, and the affidavit is dated yesterday.

**Mr PRIEST:** It is.

**The Hon. GREG PEARCE:** And you have tendered it to the Committee?

**Mr PRIEST:** I do.

**CHAIR:** The Committee will receive this affidavit and decide what should be done with it. The Commissioner, Mr Moroney, will be here later and we will certainly consult him in relation to this matter. I have to make it clear that it is not the Committee's role to make any operational investigation in relation to this area.

**Mr PRIEST:** I just might raise just two points. The first point is that the boy's solicitor is actually in court, Mr Kenny, and the second point is that—

**The Hon. GREG PEARCE:** Sorry, who is he?

**Mr PRIEST:** Mr Paul Kenny. The second point is that I have grave concerns about the boy's well-being and welfare. I want it sort of made known to the Committee that it be in his interests, and I think the interests of this Committee and the community that some attempt be made to relocate him as soon as possible.

**CHAIR:** It certainly is a very serious matter, Mr Priest.

**Mr PRIEST:** It is very serious.

**CHAIR:** The Committee notes what you have just said. There being no further questions, on behalf of the Committee, I thank you for being so forthcoming, frank and direct about the whole process. Thank you very much.

**Mr PRIEST:** Thank you.

**CHAIR:** I do not know whether this is appropriate, but we understand you are thinking of resigning from the police force. Is that correct?

**Mr PRIEST:** I am indeed to be medically retired shortly, Madam Chair.

**CHAIR:** We wish you all the best.

**(The witness withdrew)**

**GEOFFREY GREY BARNDEN**, Policy Manager, Justice Branch, Cabinet Office, and Director of the Office of Drug Policy, Level 37, Governor Macquarie Tower, Sydney, sworn and examined:

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

**Mr BARNDEN:** Yes, I am.

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

**Mr BARNDEN:** Thank you.

**CHAIR:** I do not think we have a recent submission from your branch. Do you wish to make statement?

**Mr BARNDEN:** No, Madam Chair, I do not have any particular submission. As you know, the Office of Drug Policy was responsible for co-ordinating the response to the Committee on behalf of the Government and that report, "Cabramatta—A Report on Progress", has been tabled by the Premier. I should mention also that at the same time as tabling that particular report the Premier tabled the report entitled "New South Wales Illicit Drug Law Enforcement—Performance Indicators", which was a recommendation of your Committee and also a recommendation of the Drug Summit. Perhaps I should just table them now for you.

**CHAIR:** The Committee will accept the tabling of the report. Because we have not had time to see the report entitled "New South Wales Illicit Drug Law Enforcement—Performance Indicators", would you care to elaborate on that, because that is the real question we are asking.

**Mr BARNDEN:** They have been under development for some time within the New South Wales Police Service. They have undergone considerable development within the service and I understand that all relevant parts of the service, including local commanders, were consulted in the development of those performance indicators. They will provide general guidance to the Police Service and commanders regarding the general performance indicators and outcomes, so they give a framework for the Police Service in terms of their drug law enforcement performance. We expect that the first report arising from those performance indicators will be available next year. I think, in fact, that the document indicates when the first report will be available. It is a very significant document because, in fact, it not only implements your recommendation and the Drug Summit recommendation, but I understand that they are the first formal drug law enforcement performance indicators in any jurisdiction in Australia. They are very extensive and substantial and they should make a difference, and for the first time they give a very important framework to the direction of policing in this area.

**CHAIR:** The Committee does not have time to read through the report. Would you care to just elaborate on how the performance indicators work?

**Mr BARNDEN:** I think that is probably a matter for the Commissioner of Police to make a comment on at a later point. As I said, they were tabled by the Premier at the time of tabling this particular report. They are publicly available.

**CHAIR:** Can you summarise the specific increases in drug treatment facilities available for residents in the Cabramatta area over the past 12 months?

**Mr BARNDEN:** These sorts of initiatives and their results in that particular area are well-documented in this particular report. I think the most important, though, is that there have been 100 extra places in, I understand, the hospital for drug treatment, and I think that is all documented there. There has been increases in terms of acute care, a central assessment service set up to manage drug offenders who have been bailed by the police. I think there has also been some additional services which are provided by a non-government organisation called GROW in relation to mental health and drug issues as well. There is a whole range of services. Frankly, I cannot remember them all because there just are so many.

**CHAIR:** In our main inquiry the point was made that inappropriate referrals—for example, drug overdoses—are often made to the police, who provide a 24-hour service. The Committee suggested that there should be some co-ordinated services for the people at Cabramatta. Would you care to tell the Committee what has happened?

**Mr BARNDEN:** Yes. If you turn to Chapter 2 in the report, we have got our compulsory treatment plan initiatives set out fairly clearly. On page 29 we have listed the expanded services for drug treatment: 100 drug treatment places in Liverpool Hospital; working with Fairfield Council to identify a further service outside residential areas which might cater for up to 300 people. We are developing alternative plans for after-care services, and as I mentioned, GROW is providing services for people referred. Other mental health services are being provided. On page 30 it mentions the new central assessment service established to co-ordinate the assessment and referral of people requiring drug treatment services. My understanding is that that is a 24-hour service which police can contact, and I understand it has had a significant impact in terms of referrals to detoxification programs.

**CHAIR:** When we visited the drug intervention service centre last time, the people there were questioned about the centre's resources, which were inadequate. That was why it could not provide a service after 6 o'clock. Has that been rectified?

**Mr BARNDEN:** Sorry, do you mean general service provisions?

**CHAIR:** No, I am referring specifically to this drug intervention service centre at Cabramatta. We visited the centre, and the question I asked arises from my first question. Often a drug addict comes in after hours, not between 9.00 a.m. and 5.00 p.m. There is no service available and the addict usually then goes to the police. The Police Service is not an inappropriate agency to deal with that kind of problem. It was suggested to the centre that it should provide a service after 6 p.m. We were told that the centre does not have adequate resources to do that. We suggested to the centre that perhaps it would be more appropriate for other agencies to be co-ordinated to look after the drug addicts, rather than the police, because it clogs up in the Police Service.

**Mr BARNDEN:** My understanding is we have addressed those sorts of issues. I think, if you turn to Chapter 4, "Prevention and Early Intervention", you will see that we now have a 24-hour Cabramatta street team which is located, I understand, within the police station. I might say that I also understand that there will be special arrangements to accommodate that team within the new police station, which will be completed next year. So the service will be sustained. The report notes that since 1 July the Cabramatta street team has been working seven days a week in two shifts to make contact with runaway, homeless and other drug or alcohol-affected young people and adults in Cabramatta streets. My responsibility is to ensure that the Government's commitments in these areas is maintained and sustained, and we do that through the senior officer's co-ordinating group, which I chair. We regularly get reports from all agencies so we monitor the implementation of the commitments and the undertakings that emerged from this Committee's recommendations. We will continue to do so, and we would expect that any issues that might arise can be addressed through that process.

**The Hon. RON DYER:** Mr Barnden, this afternoon you have tabled the report entitled "New South Wales Illicit Drug Law Enforcement—Performance Indicators". Obviously I have not totally absorbed its contents at this stage. Am I correct in thinking that this is a strategy applying to the suppression of drug trafficking and use generally? It is not obviously specific to Cabramatta.

**Mr BARNDEN:** Absolutely. You are quite correct. The document is intended for statewide application. It sets down very clear objectives in terms of suppressing, countering, detecting and apprehending in relation to drug offenders and drug offences. It is a very clear and useful document in that sense, and it designed to be able to be used by local police at the local level.

**The Hon. RON DYER:** There are referred to in the document what are termed output performance indicators. Now, they will generate statistics, I imagine. How are they collected—by the Bureau of Crime Statistics and Research or by the police or both? You made a reference earlier to something happening in about 12 months' time. I note this document was released in April this year. Can you tell me how you will keep track of what is happening?

**Mr BARNDEN:** I think, as I mentioned before, that it is essentially a matter for the Commissioner of Police and it is probably best that I leave those sorts of matters to him.

**The Hon. GREG PEARCE:** Mr Barnden, did you appear with Dr Wilson last time or was Dr Wilson from the Health—

**Ms LEE RHIANNON:** Dr Wilson is Health.

**The Hon. GREG PEARCE:** You would have read his evidence on 12 March when he said that he thought that "something in the order of 1000 additional places are needed." He was talking there in relation to rehabilitation places.

**Mr BARNDEN:** That was Dr Wilson's' comment, was it?

**The Hon. GREG PEARCE:** Yes. Do you think that the response so far is adequate, given that he is the chief of the Health Department or something, isn't he?

**The Hon. RON DYER:** Chief Health Officer.

**The Hon. GREG PEARCE:** Chief Health Officer.

**Mr BARNDEN:** I do not think you have called the Chief Health Officer, have you, to this particular hearing?

**The Hon. GREG PEARCE:** Well, do you know who the Dr Wilson is I am referring to? I am sorry, I only just got these papers. You know who he is though, do you not?

**CHAIR:** He is the Chief Medical Officer.

**Mr BARNDEN:** Yes, I do.

**The Hon. GREG PEARCE:** You do know who he is. We do not need to know—

**Mr BARNDEN:** Dr Wilson is no longer the Chief Health Officer of New South Wales. It is now Dr Greg Stewart. It is a reasonable question. I think that Cabramatta has, of course, moved on a long way since those particular hearings and as far as we can assess, we have pretty good coverage of the situation now. It is early days, of course, but the impact of the additional services that have been put into place—and not merely health services but the early intervention services, the prevention services, the after-care services, the additional policing—and of course the heroin shortage, the new bail laws which enable the police to refer people quickly to treatment and all the other initiatives have made a very significant difference. Of course, it has had a big impact on the demand for services and I think it is probably a fair comment—though, again, we will have to wait until all the evidence is in—that there is a reduced demand for services. As a result of that, with the additional services and a reduced demand, I think we are finding a fairly good balance, though of course we still want to continue to roll out the commitments that have been made.

**The Hon. GREG PEARCE:** Dr Wilson also said in March last year that as part of the Drug Summit there was a requirement to develop a drug treatment services plan for every area health service and as of March last year the health service responsible for the Cabramatta area, whichever health service that is, had not done that. Can you tell me whether you have now got around to developing a drug treatment services plan for the area health service?

**Mr BARNDEN:** My understanding is that the South Western Sydney Area Health Service completed its drug and alcohol treatment services plan some time ago.

**The Hon. GREG PEARCE:** Sometime between last March and now?

**Mr BARNDEN:** Quite some time ago—I cannot give you the exact date—yes.

**The Hon. GREG PEARCE:** So the service got a bit of a hurry on, did it, after it was asked about it? That is all.

**The Hon. RICK COLLESS:** In her evidence to the hearing on Friday, 24 May, the member for Fowler said:

If you look at the New South Wales funding allocation, the picture gets worse. Of the \$17 million allocated to New South Wales, not one project in this area was funded. In fact, not one project in the Fairfield or Liverpool local government area received any funding. Applications were made for more than \$2 million in funding for local treatment projects, but again not one project was funded.

How do you respond to that?

**Mr BARNDEN:** I am sorry, I am not quite sure which funding program you are referring to.

**The Hon. RICK COLLESS:** The non-government organisation treatment program.

**The Hon. GREG PEARCE:** Federal Government.

**CHAIR:** It is Federal.

**The Hon. RICK COLLESS:** She is not referring to the Federal Government.

**CHAIR:** She did.

**The Hon. RICK COLLESS:** I will repeat what she said. She was talking about the Federal Government funding, then she moved on to the State funding. She said:

If you look at the New South Wales funding allocation, the picture gets worse. Of the \$17 million allocated to New South Wales, not one project in this area was funded.

**The Hon. IAN WEST:** By the Federal Government.

**The Hon. RICK COLLESS:** I am just asking for his comments on that statement.

**Mr BARNDEN:** If it is a Federal Government program, which I think you are talking about—I think you are talking about the NGO program funded by the Commonwealth—it is a matter for the Commonwealth to determine which NGOs in New South Wales should be funded.

**The Hon. RICK COLLESS:** But of those applications, do you agree with what the member for Fowler is saying?

**Mr BARNDEN:** Because I have not seen the statement, I do not have the statistics available to me. I really would have to talk to my Commonwealth counterparts to ascertain that. I am happy to do that and consult with the Commonwealth Department of Health and Aged Care if the Committee wishes, to ascertain the reasons for that particular situation.

**The Hon. GREG PEARCE:** Last time you were good enough eventually to concede that the problem was a little bit more long term. I think you estimated it would take 10 years to do something about it. What is your current estimate?

**Mr BARNDEN:** That was, I think, allegorical. The most important thing is that the Government has committed an enormous amount of funds, \$18 million over four years; in addition, a \$12 million police station, which I think will be one of the best police stations in the State. It is a very significant funding. It has made a difference already and, of course, the law enforcement initiatives and the new legislation has made a very significant difference. The Government is committed to continuing this program and sustaining the program. My directions are very clear: we are to monitor it, we are to ensure that the commitments are implemented. I think that Cabramatta has already moved an awful long way. It is a quantum leap. I visited there two weeks ago. I found it an exciting, interesting, culturally aware, dynamic and thriving community. I think those comments are in the past.

**(The witness withdrew)**

**KENNETH EDWARD MORONEY**, Commissioner of Police, New South Wales, Level 18, 14-24 College Street, Darlinghurst, sworn and examined:

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

**Mr MORONEY:** Yes.

**CHAIR:** As I have said to all witnesses, we are looking at the differences between Cabramatta 12 months ago and now. We are also looking at what will happen in the future. If you consider at any stage during your evidence that in the public interest certain evidence or documents you may wish to present should be heard or seen only by the Committee, the Committee will be willing to accede to your request.

**Mr MORONEY:** Thank you, Chair.

**CHAIR:** You have made a submission to us. Would you like to make an opening statement?

**Mr MORONEY:** I would, thank you. Thank you, Chair, and members of the inquiry for the opportunity to address this inquiry. You have my submission and that of Superintendent Frank Hansen and Detective Chief Inspector Deborah Wallace. Accordingly, I will not specifically revisit the areas and the issues addressed in those submissions. Nonetheless, I would like to briefly take the opportunity to talk about what I believe has changed in Cabramatta and what changes are still required. Very real and significant changes have taken place within the Cabramatta Local Area Command and, indeed, the NSW Police since this inquiry first convened. Certainly, within Cabramatta, there have been changes attributable to the deliberations of this inquiry, and I am confident that the progress that has been achieved to date has provided positive indications for even more positive progress.

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

I also acknowledge that much more needs to be done. I have also noted several positive media reports quoting members of varied sections of the Cabramatta community. Indeed, I was heartened to see correspondence from the Chair of this inquiry to Superintendent Hansen with regard to the mutually supportive links that he has been part of, most particularly via the Cabramatta City Watch Council. Dr Don Weatherburn, the Director of the Bureau of Crime Statistics and Research, also recently acknowledged that the overall trends in Cabramatta are encouraging. I accept and simply re-affirm my commitment to do everything in my power to continue with the downward trend and further address those crime categories where trends remain high.

Across NSW Police, significant changes are also occurring, several of which will have flow-on effects in Cabramatta. The force is undergoing a restructure to take effect on 1 July next. This restructure is directed at restoring as many police as is possible to the front line under the direct control of local area commanders as opposed to regions or centralised units. We are exploring increased opportunities for high visibility. Operation Viking is an example of that which will recur on an ongoing and on a spontaneous basis. Rest assured that Cabramatta will see the presence of future Viking operations. Likewise, the police accountability community teams also known as PACTs are being trialed across a number of commands and will extend to the Cabramatta Local Area Command.

What assurances can I offer to this inquiry and the people of Cabramatta? Our experience in Cabramatta has reinforced many important lessons for me and my officers that have applicability to the whole of NSW Police. Key among those is the need to truly engage and effectively communicate with the whole of the community. As you may be aware, I am committed to a back-to-basics approach to policing in this State. Simply put, that means high-visibility deployment of police in areas of concern to the communities in which they work. On an intelligence basis, police are being focussed on the main task of driving down crime and reducing that equally important issue of the fear of crime.

I am committed to resourcing Cabramatta according to its needs. In part that means developing a sophisticated model to determine a fair allocation of human resources across each of the 80 local area commands, but that resourcing model needs to take account of input from the people in those communities. I am aware of speculation in the media that the interest in Cabramatta will disappear some time after the next election. I am truly reluctant to dignify it, other than to say that it is just that—it is purely speculation—and I would ask the Committee to ignore it and to judge us both on our commitment and, indeed, on our actions.

As mentioned, I am committed to doing more to measure the fear of crime within the community. We have access to quantifiable measures of crime, such as the independent BOCSAR statistics. Measuring perceptions of crime will provide a more significant challenge but an important one nonetheless. I am committed to working closely with our local area commanders as well as listening and responding to the issues that they face. I will do everything in my power to provide them with the autonomy they need to address the specific needs of their community while ensuring that they remain fully accountable. The methods we employ may be a little different in each command but, as I have already indicated, there must be opportunities for the community to convey their specific concerns.

Some of the problems and challenges we saw in Cabramatta, and still face, extend beyond the boundaries of Cabramatta. There must be a co-operative and a collaborative approach to the problems of Cabramatta, to the problems of all New South Wales communities. In fact the trafficking of illicit drugs and firearms must be faced by the whole of Australia, not just one community or one State-based agency, which NSW Police is. A whole-of-government approach is what is required. In fact, I am advised that this happening, indeed, in Cabramatta. NSW Police remains committed to a multi-agency approach to reducing crime and reducing the fear of crime.

So what then, it may be asked, can the community do to assist? NSW Police cannot address the needs of the community on its own. Perhaps and more importantly, my officers need to feel valued by the communities they serve. Equally, they need to be and will be valued by their Commissioner. The community needs to engage with their police and explore all opportunities for that to occur. The community needs to be realistic in its expectations. We need to carefully delineate those areas where police can reasonably have a pre-emptive or a proactive impact upon crime from those areas where perhaps the best police can do is respond quickly and professionally to an offence that has already occurred. All the will in the world, coupled with the very best of intelligence gathering, will not result in police pre-empting every single incident. Opportunistic, heat of the moment and even sometimes carefully planned offences will continue to occur.

This is not a defeatist stance, rather an honest and open statement. Equally, there are also societal influences that are beyond the control of the police, and there will, unfortunately, be people who will resort to violent and inappropriate means to resolve conflict, as we most disappointingly noted a couple of weeks ago during a shooting at a wedding reception in the area. Similarly, there are going to be people who feel the need to resort to the use of illegal drugs. With that will be those people who are willing to prey upon them and traffic in those illegal drugs. We have not consigned the problems of Cabramatta to the past. Accordingly, our commitment to driving down crime and the fear of crime in Cabramatta will continue unabated, but that must be a co-operative effort. In saying that, I am reminded of some words in an email sent by the former commissioner, Mr Peter Ryan, to all New South Wales police in April of this year. He said, and I quote:

The police work in a partnership with the people and with the government. To be an effective partnership, we all need to be moving in the same direction. Of course, we will fall out at times, and we will have disagreements, but without that basic unity, we will become so much the poorer, weaker and ineffectual.

With those comments I would end my opening comments.

**CHAIR:** Thank you, Commissioner. Before I ask my first question, I would like to congratulate you, on behalf of the Committee, on your appointment. From what we have heard from various witnesses and others, the appointment has been a very positive one.

**Mr MORONEY:** Thank you. A week on from my swearing of my oath of office, I indicated then, and even today, that I am excited, I am exhilarated, I am little daunted by the enormity of the task ahead but I feel enormously buoyed by the tremendous support I have had from both the police and the community.

**CHAIR:** In relation to recruitment to the Police Service of officers from non-English speaking backgrounds, at the hearing on 24 May, Councillor Thang Ngo was very critical of the continual lack of progress by the NSW Police in the recruiting of officers from non-English speaking backgrounds and, in particular, the refusal to adopt recruitment targets, as has been recommended by the Committee. Do you wish to respond to this criticism, and explain why the recommendation was not accepted?

**Mr MORONEY:** I understand the theory behind the proposition, but I do not know that targets of themselves are necessarily helpful. They are informative. You would be aware, I believe, that last Sunday NSW Police commenced a major recruitment drive across New South Wales. Within the first three days of that recruitment drive some 1500 recruitment packages were dispensed across New South Wales. In the corresponding period of the first three days, there were over 10,500 hits on the recruitment web site. That does not necessarily translate to 10,500 applications. I suspect our recruitment branch would be a little daunted by the task.

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

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

**CHAIR:** Is it not true, commissioner, that that leads to the image of policing as a career. Policing as a career seems to be not very attractive to many, not only those from diverse multicultural backgrounds. So far I have not heard that the police force has projected the image, particularly to people from non-English speaking backgrounds, that protecting the community as a whole is a good career.

**Mr MORONEY:** Possibly so. If I could take the Committee to more recent and tragic events, the deaths of Senior Constable Glen McEnally at Mascot and Senior Constable Chris Thornton on the Central Coast, only one week apart. In my 37 years of police service I have seen the unfortunate circumstance where police officers have been killed on duty. Public support, understandably, rises at that time, but it almost predictably dissipates and goes back to a particular level. With the deaths of Senior Constables McEnally and Thornton, however, the level of public support has remained high. I suspect it is always there. It is always there. But it is an unfortunate event such as that that brings it to the fore. I think what has overwhelmed all of my colleagues in New South Wales is the endorsement and the support, indeed, of the community. They have to understand that they are valued, and I said in my opening address here today, that the importance of feeling valued as a police officer, that you provide value to your community, is absolutely crucial to how ultimately we drive down crime. I have been asked by a whole range of people, from the media to politicians to community members, how will I drive down crime. I suspect that in many ways that is the easy bit—difficult at times, but it is the easy bit.

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

If you would give me one more small concession, why do I feel this way? It is a matter of public record that my wife on two occasions now has suffered from breast cancer. What was important on those two occasions was not only the skill of the surgeon—although that was important—but it was the rehabilitation and the care and the support that flowed for at least 12 months after each of those periods of surgery. I suspect that what we have got to do if I translate that to the human resource practices of NSW Police, and how we built up our image, it is not so much what we do at a particular time or a particular occurrence, but it is how we value our people and we provide the support mechanisms of health, welfare, rehabilitation, depending upon what the issue and the circumstance is of



course, and how we build them up. I suspect by the re-valuing of your people—our people and my people—the rest will happen. I am sorry to be so long-winded, but it is something that I feel quite passionate about.

**CHAIR:** Fair enough, it is a very important question in my mind. My last question at this point of time relates to the ethnic community liaison officers [ECLOs]. As a proponent of that concept for a long time until recently, I would like your comment, because there has been criticism, including from myself, that their role is undefined and vague, and there is no accountability.

**Mr MORONEY:** I believe there is a formal accountability. I think what is important— indeed, whether they are sworn officers or non-sworn officers, whether they are police or ethnic community liaison officers, Aboriginal community liaison officers or those who provide any of those support-type functions—is a greater level of definition, clarity and role responsibility. Exactly what is required of you? What are the accountability measures? What are the performance measures that are associated with your particular type of duty? I think once we make that level of definition as part of that focus on human resource management that I talked about a moment ago, within the valuing process, I think we get those definitions and we clearly articulate what is required of those officers—in this case ECLOs—and what they are responsible for, then I think they in turn start to feel valued. There is that level of definition. And it is part and parcel also I think of them being part of a bigger police family—of police officers themselves, whether they are commanders or the most junior constables, or whether they are commissioners of police, understanding where the ECLO fits in the context of how we focus on driving down crime and the fear of crime. They are not considered, and from my perspective, will never be considered to be apart of the organisation, they are part of the organisation, and it is that revaluing I think that has to occur.

**CHAIR:** Not many people understand what they do, and you ask them what they do and they do not seem to be able to tell you what they do. That is the problem.

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

**The Hon. RON DYER:** Commissioner, the previous witness, Mr Barnden, tendered to the Committee the report entitled "New South Wales Illicit Drug Law Enforcement—Performance Indicators". He confirmed, in response to my questioning, that this relates to the State generally and not only Cabramatta. The document contains, in the centre of it approximately, some output performance indicators. I asked him who collects these statistics, whether it is the Police Service or the Bureau of Crime Statistics and Research. Can you clarify that?

**Mr MORONEY:** Yes. The statistics are input by police officers through the COPS system— COPS being the Computerised Operational Policing System—and the bureau downloads its statistics from the COPS system, so the important issue is the initial input of that data by the police themselves.

**The Hon. RON DYER:** Earlier today, I asked both Assistant Commissioner Small and Superintendent Hansen what their perception is regarding police morale in the Cabramatta area since the Committee reported 12 months ago. They both responded positively that in their view it had improved. Is that your impression as well?

**Mr MORONEY:** Yes, I would observe that. I would observe that the morale of the New South Wales Police is high. This is a difficult thing to measure. It is almost like trying to measure the fear of crime in one sense, because one person's fear is not another's. One person's high morale is not necessarily somebody else's high morale, but in the various places that I go I am looking all of the time for indicators of the state of morale of a police station. Indeed, in my recent visits to Cabramatta—on Monday night, I attended Rotary's Police Officer of the Year Award. Those sorts of functions are, indeed, positive indicators of morale, because not only were there two officers nominated for that ultimate award but various officers were nominated for subgroup nominations.

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

**The Hon. RON DYER:** The comments made earlier by Mr Small and Mr Hansen were specific to Cabramatta, although I do not doubt they would agree with everything you just said. Given the troubled background, shall I say, at Cabramatta for various reasons over recent times, is it your view that morale has improved there as well?

**Mr MORONEY:** Yes. When I spoke to a number of officers there last night, as part of my attendance at the Cabramatta Community Council meeting. Some of them were just returning from a language induction course conducted nearby, and some of them spoke to me in Vietnamese—I think it was "Hello", but you can sense this sort of spring in the step. There is an assimilation going on now, and I think that is part of that valuing, but it is not only the valuing of the police. I suspect it is how the police in turn value their own community. As a policeman who has worked in country towns, one of the unique features of policing in a rural environment is that you do feel ownership of the town. You feel an ownership in the problems in the town, in the issues in the town, in the pride in the town. So we have got to take very much that rural policing ethos of ownership and pride and transfer it to a metropolitan base, and I believe that is being done. My predecessor Commissioner John Avery started doing this in 1984, and introducing what by and large were successful methods of rural based policing into the metropolitan area.

**The Hon. GREG PEARCE:** Mr Moroney, could I also congratulate you on your appointment.

**Mr MORONEY:** Thank you.

**The Hon. GREG PEARCE:** Thank you for coming along to the Committee so quickly. This Committee and most of us have been living with the problems out at Cabramatta for a couple of years. Other people in the room have been living it for quite some period beyond that. I think that there is a general feeling that we want a sense of closure out of a lot of this, but in order to do that you need to deal with the accountability issue in relation to the management of the problems that were identified. That is largely being done I think at the local level. But one of the central issues, one of the central complaints, in the whole exercise has been about the failure of Crime Agencies particularly to deal with the gang warfare issue and the period 1999-2000—the ongoing debate, the bitterness and the allegations of hiding documents and all the rest of it that has occurred in that period.

There has been no sense of closure on that; it is a festering sore. You have an opportunity to come clean on that. As you know, documents like the Cook report do not, once you take the names out, really have anything in them that ought to be hidden any more. On other occasions it has been admitted that there was no gang task force in place, the information was gathered on an ad hoc basis, COPS was not working properly, there was no index for COPS—all of those sorts of things. My question—in fact, my plea to you—is please come clean now, make a clean breast of that and introduce some accountability about that part of the Cabramatta controversy, otherwise it will continue as a festering sore.

**Mr MORONEY:** I agree with you that the issues of the past, the immediate past and the more distance past, do have to be put to rest—not put to rest in the sense of being hidden or denied. There has to be an acknowledgment that mistakes were made—honest mistakes, errors of judgement, if you will. Why that was so is again part of a reflection on that period of history. I see no value in pointing fingers at individuals. I believe that the motivation of a whole range of people, whatever their points of view are and were and whether those points of view were diverse, simply need to be acknowledged. What is fundamentally important here is the future of policing, in this particular context, in the Cabramatta area and its environs.

On 1 July next, we will move to a new structure. I think that has been sufficiently advertised and commented on. The key to that focus will be a new role and direction for the region commander. Principally, though, there will be a range of new accountabilities provided to the local area commander and these will be by way of contractual performance and performance indicators. That is, I believe, necessary because I need some definitive measures to judge how people are performing. But beyond those contractual issues, beyond performance indicators, there can be no greater measure for me than to move out of 14-24 College Street and move out and about—not only amongst police stations but in and about and amongst the community, because then you start to get a real feel, as I experienced in country New South Wales, for what is really happening.

So let me acknowledge that in terms of those issues that have ultimately led us here to this point in time, I believe that mistakes were made. I repeat myself when I say I believe some of those mistakes were not necessarily intended, but were as a consequence of egos, a consequence of diverse ranges of opinion. So what I would have observed in all of that time, which cannot be allowed to happen again, is the basic human characteristic that was absent in all of this time, and that is the ability to communicate and talk to each other. I have no difficulty with anybody telling me as the Commissioner of Police that I am wrong. Now, I do not bite, and those who know me know I do not jump. Mind you, if you tell me I am wrong, I tend to take a more active listening approach, but I will

listen. If I am wrong, either because I have misunderstood or because I have taken a wrong stance or because of some other issue, then I will change.

I have given a commitment publicly, and let me restate it here. If NSW Police commits an error of judgement, an organisational error of judgement, I will be the first to stand up and say, "I accept responsibility and we were wrong," whatever that issue is. And so it is that I would hope that that transmits itself down through the organisation, that if a region commander, if a local area commander, if the most junior constable in NSW Police makes an error of judgment, an honest mistake—and we are not here talking about the criminal or the conspiratorial, but honest errors of judgement based on beliefs that were assumed to be right at the time—then let us have the courage and the ability to be able to stand up and say so.

**The Hon. GREG PEARCE:** I want to be clear that what I am putting to you is that in relation to the failures at Crime Agencies level, that level of management during 1999 and 2000, we still do not have anybody saying, "I was responsible". We do not have a closure on that. We still have people in denial, disputing it, and we still have a great deal of angst amongst police officers who feel they have been intimidated, and witnesses who came here who feel they were intimidated. I do not see closure, I do not see that acceptance of responsibility and I do not see that accountability. It is a very important issue, because we saw were murders and all the rest of the crimes, plus the terrible deterioration that occurred in Cabramatta—the drug problems, the kids who died—and many people feel very, very strongly that there has to be some accountability for that massive lapse that occurred— not just for a couple of days, but for months and months. That is the issue that I ask you to perhaps go away and dwell on again in terms of closure.

**Mr MORONEY:** I am happy to take that on notice, and I will certainly do that.

**The Hon. GREG PEARCE:** During the course of the inquiry we witnessed a media reporting of the Stardust Hotel bust. Do you recall that?

**Mr MORONEY:** Yes, I have a vague recollection.

**The Hon. GREG PEARCE:** I think it was *60 Minutes* or one of those programs. It was a major program. They had hidden cameras and all that sort of stuff, and then they had a massive police exercise with a TAG team coming in and all the rest of it. We also heard about the media being tipped off to warrant execution and turning up to four or six places at 6 o'clock in the morning before the police got there to execute their warrants. More recently we have seen the PIC doing the same thing with Operation Florida, releasing evidence before it was even tabled at the PIC. Those sorts of things have the tendency to officially sanction policing as a media circus. Many of us have been very troubled by that; many of the people who came before this Committee, have been troubled by that. Can I have your undertaking that you are not going to continue to run policing as a media circus?

**Mr MORONEY:** No, I am not going to run policing in New South Wales as a media circus. You have that guarantee. The media, though, have a role to play in cost-effective, focused crime reduction in this State, but those working arrangements have to be done responsibly, because done in an irresponsible way, amongst other things, exposes my officers to physical danger. I cannot afford that to happen. I cannot afford to have police officers injured or killed out of what might have been an ill-conceived idea. I have no difficulty in providing accountability. I have no difficulty in providing that accountability through the media and the appropriate channels. I give you that commitment, but I am also giving a commitment that, understandably, we have to work with the media as part of an industry in this State

**The Hon. RICK COLLESS:** Commissioner, could I also take the opportunity to congratulate you. I come from rural New South Wales and the response from people in the bush to your appointment has been very positive.

**Mr MORONEY:** Thank you.

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

**Mr MORONEY:** No, I am not aware of the physical resource issues. I am more than happy to receive a copy of the association's submission. Independent of that and beyond my appearance here today, I will talk to

Superintendent Hansen and see what his particular requirements are. Through minor capital works expenditure and the commissioner's discretionary fund, I am sure we will be able to address his resource needs.

**The Hon. RICK COLLESS:** Madam Chair, I have some other questions which I would like to ask the Commissioner in camera.

**Ms LEE RHIANNON:** Thank you, Commissioner, for coming today. I understand that it was possibly at short notice, so we do appreciate it. I would like to join my colleagues in congratulating you.

**Mr MORONEY:** Thank you.

**Ms LEE RHIANNON:** Has the raft of police power legislation that has gone through—I am referring to the sniffer dogs, the drug houses and the detection of internally concealed drugs—provided you with the additional powers police need? Do you think in hindsight these laws were long overdue, and have they had the impact you would hope for in Cabramatta and also across the State?

**Mr MORONEY:** We welcome these additional powers, because what comes with those powers is an increased level of responsibility and accountability. The principal oversight agencies will, I am sure, ensure that we provide that level of accountability. In response to one of those questions, yes, we welcome those new laws. I think these are but early days in terms of the effectiveness of those laws in both how we drive down illicit drug related crime and how we drive down crime generally. I think that is part and parcel of the performance indicators to which Mr Dyer referred. I think that has got to be part of that overall evaluation mechanism, but early indications from my officers to me are they are a welcome addition to the policeman's toolbox. We will need to evaluate it, I think, minimally over the next 12 months to see their effectiveness.

**Ms LEE RHIANNON:** Commissioner, an earlier witness, Councillor Thang Ngo said that the number of police from ethnic backgrounds has declined over the past three years. Could you tell the inquiry how many police of Asian or Arabic speaking background have been recruited to the police force in total, and how many are still members of the police force?

**Mr MORONEY:** No. I will undertake to provide that information to you. I do not have it here at the moment.

**Ms LEE RHIANNON:** So you are happy to take that on notice?

**Mr MORONEY:** Yes, I am.

**Ms LEE RHIANNON:** I would like to ask a question about some of the methods that the police are now using, and I am asking this to help our inquiry to understand the public's attitude to the police. Are police in the Cabramatta area, and possibly elsewhere in New South Wales, undertaking strip searches in public places when police sniffer dogs show a positive reaction to a person?

**Mr MORONEY:** I am not aware of that practice, and I would be surprised if that were the case. If any person was exposed to that level of activity, they have available to them a mechanism of complaint to one of the two oversight agencies, the Police Integrity Commission or the Office of the Ombudsman. No such actions or complaints have been brought to my notice.

**Ms LEE RHIANNON:** Perhaps you could define strip searches, and then I can get an idea if you think that is appropriate action, because often when you use the word "strip" people think you take off all your clothes. Do you see this appropriate for police officers to ask people to take off individual items of clothes or to pull out their skirts or pants so the police officers can look down into them and then pat them down on their chest and between their legs as part of these searches, if a dog has shown a positive reaction?

**Mr MORONEY:** I would expect adherence to accepted police protocols for those issues to be addressed. I would expect, firstly, an element of privacy in respect of the person to be searched. If those searches were conducted to that extent, beyond the issues of privacy, and beyond adherence to accepted police protocols, I would expect that they were done by officers of same sex, and under appropriate supervision. It must be understood, however, that if those searches are conducted, there may well be an issue of officer safety because offenders are known to conceal weapons in all manner on their person.

**Ms LEE RHIANNON:** So you are saying, under those circumstances, you see those types of strip searches, for want of a better summary, as appropriate?

**Mr MORONEY:** Yes. It is difficult to get a blanket answer. Obviously common sense, good judgement and adherence to those protocols will dictate how, when and where those searches are conducted.

**CHAIR:** I would like to read an excerpt from the submission of the Police Association of New South Wales and I would like your comment on it. I quote:

There was also a feeling that more effort was needed to go into public relations. Police need to develop strategies to go out to the community. At this stage, many felt that they had no available mechanism to approach the local communities to find out their needs and address them.

It goes on, but I will stop there. You have this pilot trial of the community quality of service survey. Is it related to this submission? I am not clear about that, so I would like you to tell the Committee whether they are related, and would you also give us an update.

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

One of the focuses—or foci I think is the plural—of Operation Viking, was, as I have clearly indicated to my officers on the first occasion that the operation was conducted, and on every subsequent occasion that it will be conducted, that it is not about numbers. This is not about arresting people in numbers. This is about being out, being seen, being visible but above all else, talking to people. Talking to people does not mean walking along the street with your eyes lowered examining the shine on your shoes. It means literally that—the capacity to walk into shops, to talk to people, to inquire of people as to their wellbeing. I think that all adds to that level of reassurance and reaffirming that the police are focussed on driving down the fear of crime. The key of operations such as Viking is very much that: the capacity and, indeed, the willingness, to communicate. An essential component of the curriculum within the Police College at Goulburn and at its new annexe at Hawkesbury, is that: simply the ability to talk to people. I think that ability to communicate, to negotiate, then has the resultant effect of engendering trust within the community.

**CHAIR:** One issue that has been raised today is the James report. The Committee would like to ask you some questions about that, but of course we have to do it in camera.

**Mr MORONEY:** Yes.

**(Evidence continued in camera)**

**(Public hearing resumed)**

**DEBORAH WALLACE,** Detective Chief Inspector, Crime Manager, Cabramatta Local Area Command, on former oath:

**CHAIR:** I believe Detective Inspector Wallace wants to table some documents.

**Ms WALLACE:** It is simply a point of record. Some reference has been made to our strategies and our drug focus. I think the Police Association might have mentioned that there was a void in middle level. We have activated a strike force called Varda and contained in this document is the terms of reference of that strike force, which is particularly focused on middle-level drug dealing, organised crime and street gangs.

**CHAIR:** And is it a confidential document?

**Ms WALLACE:** Yes, I would like it to remain confidential. There is some operational things on there in relation to the size of the strike force. I just do not want to give those sort of things away.

**The Hon. GREG PEARCE:** That should be held with the others.

**CHAIR:** The Committee will receive that document as part of your evidence and it will be dealt with in confidence.

**(The witness withdrew)**

**(The Committee adjourned at 5.32 p.m.)**