

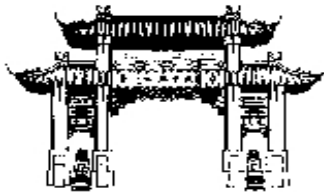
**A SUBMISSION**

TO THE

**HOUSE OF REPRESENTATIVES  
STANDING COMMITTEE  
ON LEGAL AND  
CONSTITUTIONAL AFFAIRS**

**INQUIRY INTO CRIME IN THE COMMUNITY:  
VICTIMS, OFFENDERS, AND FEAR OF CRIME**

By  
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On behalf of:



**The Cabramatta Chamber of Commerce Inc.**

**July 2002**

## Introduction

In this submission I will attempt to use the example of Cabramatta to illustrate how a Community can fall victim to crime and the fear of crime. Also how the State Government of NSW failed to listen to, or assist, a Community burdened with an inordinate level of illicit drug dealing and the violence and social issues that we discovered necessarily follows.

The Community of Cabramatta did not need to suffer the ongoing difficulties with the illicit drug trade the way it has over the last ten years, if the Commonwealth Government had a mechanism in place whereby some National Agency could step in and override the State Law Enforcement Agencies. The NSW Government was happy to see Cabramatta become the dumping ground for Sydney's drug problem. By allowing the heroin trade to flourish here they guaranteed the supply of this illicit substance to the rest of the country. Not that the increase in heroin addiction was necessarily their intention, however there is sufficient evidence to suggest that was the outcome. Reducing the supply of illicit drugs, especially the supply of heroin, if only because of its highly addictive nature, should be considered of national importance. The police from the various States have shown time and again their inability to effectively deal with the criminals involved with the importation and supply of hard drugs.

Much of this submission was used in evidence before a New South Wales Parliamentary Inquiry investigating: The adequacy of police resources in Cabramatta, especially in relation to drug crime; the impact if any, of the crime index on Cabramatta policing; and the effectiveness of the Police Service in addressing the needs and problems of Cabramatta residents and in particular people from non-English speaking backgrounds.

In order to fully understand what happened in Cabramatta in recent years I believe it is important to firstly understand how the relationships between the various stakeholders developed over time. The Cabramatta chamber of Commerce Inc repeatedly attempted to raise the issue of street level drug dealing with various State Government Departments for a number of years. The response of the State Government has remained consistent over the whole time; their constant fobbing-off and denial reduced our member's trust in the State Government. If there is a low level of trust between the community and the Police, or the community and the State Government, then this will obviously affect the way in which the different groups interact and communicate. This certainly happened to us.

Cabramatta has indeed proven to be a complex problem with far reaching implications for the broader Australian Community. The area has often

been described as Australia's Heroin capitol and hence has been held responsible by many for the increase in drug related crime throughout the country. I am not saying that Cabramatta supplied the whole country with heroin, however it has been thought for some time that a substantial portion of the drug has been either distributed through Cabramatta. Or distributed by people involved in the illicit trade in Cabramatta.

This submission will attempt to provide some insight into why many of those living and working in Cabramatta, and in particular the members of the Cabramatta Chamber of Commerce Incorporated, have reacted the way in which they have in trying to come to terms with the problems associated with the supply of heroin in our area, why we decided to resort to a media campaign to draw attention to our plight, and why we feel we have been let down by the NSW Police Service in their reaction and response to our requests to restore order on our streets.

In the following pages I hope to successfully show the chain of events that have led us to believe:

- a) The hierarchy of the NSW Police Service have deliberately under resourced the Cabramatta Local Area Command in the specific area of drug investigation in order to contain the Heroin problem in our area.
- b) That they used tools such as the Crime Index to change public perception to mask the true situation in Cabramatta. This was done not to improve public safety or reduce the risk factors for our youth but rather to stifle any public complaint.
- c) They have taken advantage of a community with an obvious difficulty with the English language and a lack of understanding of a basic right to law and order, and finally
- d) They have intentionally disregarded the needs of all Cabramatta residents by refusing to address the core problem being a total infestation of those involved in the supply of heroin.

To illustrate my arguments I have included with this submission some relevant press clippings, in chronological order, to provide an idea as to the succession of events.

## **Cabramatta, a Suburb of Sydney**

Cabramatta is one of the most ethnically diverse and culturally rich areas of Australia. For decades it has welcomed newly arrived migrants, living

side by side with a core of long-term residents many of whom have spent their whole lives in the district. The area is also both economically and socially disadvantaged<sup>1</sup>. The suburb is a part of the Fairfield Local Government Area in the South West of Sydney, is central to the State Electorate of Cabramatta and the Federal Electorate of Fowler. Politically the area is known to be one of the safest Labor Seats in NSW and many local residents believe this bias has contributed to the areas disadvantage.

Cabramatta has a population of roughly 55 000<sup>2</sup> almost three quarters of these speak a language other than English in their homes and three out of every five residents were born overseas. The area has a young population, with a median age two years lower than the State average of 34 years. More than 55% of its population is under 35 years, and just over 22% of Cabramatta's residents are under 15 years old. The area has a significantly higher proportion of single parent families when compared to the rest of Sydney.

Cabramatta suffers significant problems with unemployment, particularly youth unemployment. At the 1996 census it had an unemployment rate almost three times that of the rest of Western Sydney – 11.8% compared to 4.2%. Those who are employed often work in unskilled or lower skilled occupations: 18% of those employed work as labourers, compared to 7.1% for the rest of Sydney. The median weekly household income is in the range of \$160 to \$199, compared with \$200 to \$299 for the rest of NSW. One in five households in Cabramatta survive on an income of somewhere in the vicinity of \$120 to \$299 per week.

Cabramatta is unique. No other area in Sydney is as culturally diverse. It is a working class area with lower than average incomes, higher than average unemployment and a large number of young people. Levels of crime are known to be higher in communities with these characteristics than in less disadvantaged communities.

## **The Cabramatta Chamber of Commerce Inc.**

The Cabramatta Chamber of Commerce was established early in the 1960's to represent the local business community in dealings with Council, government departments and other entities. The Chamber has, since its formation, provided a valued forum for open discussion of all matters of relevance to those interested in the development of our local community. For almost forty years our organization has enjoyed a close, and for the

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<sup>1</sup> Cabramatta Policing, Report 8, July 2001. Legislative Council of NSW. General Purpose Standing Committee No: 3 Ch; 2 pp5-9.

<sup>2</sup> All figures in this chapter are from the 1996 Census Data, Australian Bureau of Statistics CD ROM Basic Population Profile Data, based upon the Cabramatta Postcode unless otherwise noted.

most part successful, working relationship with all levels of Government regardless of politics.

In 1999 the Chamber became an incorporated association under the provisions of the Associations Incorporation Act, 1984. The Chamber conducts its business in accordance with the Constitution and Rules lodged with, and approved by, the NSW Department of Fair Trading.

The Objects of the Cabramatta Chamber of Commerce Incorporated, as set out in our Constitution are as follows:

To promote the interests of business in the area defined by the geographical boundaries using the Australia Post postcode "2166" (hereinafter called "the Cabramatta area") and to that end: -

1. To carry the voice of business in the Cabramatta area to Local, State, and Commonwealth Governments.
2. To foster and encourage the establishment and the development of commercial, professional, manufacturing, and service organizations in appropriate locations in the Cabramatta area.
3. To encourage and promote a central business district that will faithfully, economically, and efficiently serve the requirements of bona fide residents of, and visitors to, the Cabramatta area, and endeavour to ensure that business proprietors, employees, customers, clientele, visitors, and other bona fide users of the Cabramatta CBD can transact business and shop in freedom and peace without fear or harassment.
4. To comment on and make recommendations to the appropriate authorities and service providers in relation to issues of development, planning, building and other community services. To further comment and make recommendations to other service providers, whether public or private organizations, whose services affect the interests of business in the Cabramatta area.
5. To encourage and develop communication and cooperation within the local business community, government at all levels, other service providers, other community groups, and the general community.
6. To take an active interest in the promotion, development, and growth of the cultural activities of the Cabramatta area and the welfare of its residents. To participate in projects or events which advance those ends.

7. To positively present the history to the Cabramatta business centres, foster appropriate celebration of the achievements of the Cabramatta Community and promote positive aspects of the Cabramatta business centres as worthy, unusual and enjoyable places to do business.
8. To promote competence, service, and integrity in business dealings in the Cabramatta area and to encourage best business practices.
9. To advise and assist members of the Cabramatta business community in matters of interest in the general conduct of trade or commerce within the Cabramatta area. To exchange, collect and communicate to member's information that will assist them.
10. To vigorously recruit for, and strive to maintain a large and active membership that is committed to achieving these objects.
11. To engage professional assistance of any kind, and to remunerate any person for services rendered or to be rendered in or about the formation or promotion of the association.
12. To raise money by subscription and to grant any rights and privileges to subscribers, and to invest and deal with such moneys not immediately required in such manner as may from time to time be determined.

I have been involved with the association for a period of nine years, two years as an ordinary member, three years on the management committee and the last four years as president. I hold to the objects of our association and believe I have an obligation as president to my fellow members to do my very best to see Cabramatta develop into a safe and prosperous community.

## **Police & heroin in Cabramatta**

Prior to his death in September 1994 John Newman MP was an active campaigner in the fight against the heroin trade in Cabramatta. As State Member for this area he was well known for his stand against the drug trade, the gangs, and associated violence and criminality. John was often known to be at odds with the police hierarchy and the State Government over the lack of resources made available for policing Cabramatta. After

his murder there was a noticeable escalation in street dealing and drug related gang activity<sup>3</sup>, which by early 1995 was crippling the town.

It has been alleged on numerous occasions, particularly by subsequent Police Local Area Commanders, a number of public servants and a few self serving politicians, that the increase in street level heroin dealing was a direct result of the media attention caused by John Newman's anti-drug campaigning and by the publicity surrounding his murder. This was certainly not the case. There was a definite increasing trend in drug activity starting in the mid-eighties and very evident prior to Mr Newman's campaigning. Even now the State Member for Cabramatta<sup>4</sup>, and those aligned with her, are attempting to re-write history and have the broader community believe that the most recent problems experienced here were a result of the Chamber's recent Media campaign.

Rather than the media attention being responsible for the increase in lawlessness after John Newman's murder I would suggest the increasing level of activity on the streets was more a result of the gangs feeling they could get away with anything in Cabramatta because someone could get away with murdering John Newman, a politician and anti-drug campaigner. A common saying by the youth involved in the illicit trade at the time was "...this is not Australia this is Cabramatta".

My experience of the area began in 1980 when I commenced employment as a bouncer at the Stardust Hotel Disco in Broomfield Street opposite Cabramatta Railway Station. After a period of twelve months I was promoted to Management and was responsible for the day-to-day operation of the Hotel until my departure in mid 1983, when the hotel property changed ownership. During those four years I experienced first hand the depths to which corrupt police could sink. Not only did I witness police collecting packaged liquor in large quantities, as payment for a level of protection, but also their involvement in extortion, illegal gambling, prostitution, soliciting bribes, stealing and other improper conduct involving firearms. I left the area after making several complaints against senior Detectives.

I returned to the area when I was transferred to the Cabramatta Inn Hotel on the 16<sup>th</sup> August 1993. My employer at the time was Austotel Management Pty Ltd, a large hotel company with properties in most States across Australia. I had been running another hotel in the City of Sydney for the Company since 1987. At the time of my transfer the company expressed concerns that the business in Cabramatta was experiencing some difficulties due to an inappropriate lenience towards, and an acceptance of, criminal behaviour. Upon arrival at the property it

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<sup>3</sup> Fairfield Champion article, Aug.20, 1997. Appendix 6.

<sup>4</sup> Fairfield Advance article, Mar. 27, 2002. Appendix 55.

was my observation that the hotel was managed in a relaxed fashion with very little effective supervision, security were employed however any behaviour was permitted as long as there was money going through the gaming machines and cash registers. Drunkenness, violence, prostitution, drug dealing, the sale of stolen goods, Strip Shows, irresponsible liquor and gaming promotions and gang activity were evident in one form or another each and every day.

I put an end to all these anti-social behaviours when I took control of the hotel license on the 6<sup>th</sup> September 1993. Cabramatta at this time had the appearance of a busy yet wild "boom-town". There was plenty of police activity amid the drug dealing and gang violence, however basically everyone just went about his or her own business. The shops in the town traded till late seven days a week as the area enjoyed the status of being a State Government proclaimed tourist area. There were often reports of police corruption in relation to the drug trade however the underlying philosophy of the time was live and let live. In the business I introduced responsible service practices, a zero tolerance policy towards anti-social behaviour and renovated the hotel. The local police were very supportive of the changes I introduced and assisted where necessary, through this a close and mutually beneficial working relationship developed.

In June 1995 I was transferred to another part of Sydney by my employer to manage another property for a period of time. I returned in April 1996 again at the request of my employer as, according to my superiors, the business in Cabramatta was out of control, was under significant threat due to gang and illegal activity, had become a liability to the company's national and international operations as it was being used as a base for various illegal activities, including the distribution of heroin.

My instructions were to stabilize the business, remove the criminal element from the property and prepare the hotel for sale as soon as possible. This was achieved within six months. The hotel changed ownership on the 30<sup>th</sup> September 1996 and I continued as licensee to the time of this submission.

Upon returning to Cabramatta in April 1996 I found that the police were of little assistance, as in their words they did not have the manpower<sup>5</sup> to deal with the overwhelming numbers involved with the drug trade on the streets. The organized gang operating in and around the hotel was estimated to be roughly forty strong, were well organized, and prepared to defend their territory. On my return to the hotel, during my first day, I was approached by members of this group who informed me that I was not to interfere with their activities, of how I was not to contact the police at any time and how it was in my best interest to ignore their presence.

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<sup>5</sup> Daily Telegraph article 1996. Appendix 1.



The initial altercations with this group proved violent and were usually followed by reprisal attacks against myself and other staff members or against customers that were thought to have given me information. I was attacked in the street on a number of occasions, my house was trashed three times, I was followed whenever I left Cabramatta, the windows of the hotel were often broken, I received death threats everyday, the bar areas were smashed or the furniture thrown around. Customers would often joke about not wanting to stand anywhere near me as they didn't want to be shot by mistake.

The police when called were usually unavailable or when they did show up they would simply escort the offending gang members from the premises and release them to go about their business again. This was a very different response compared to the way the police acted towards the hotel prior to 1995. One Detective Sergeant at the time actively interfered in the bringing to justice of any of the senior gang members. This same officer has since championed the cause of denial in our area and has achieved rapid promotion. I was warned by a number of police on different occasions not to leave the hotel alone as they feared for my safety. Maintaining adequate staffing levels became difficult as a number of employees resigned as a result of the constant violence.

It took three months of consistent daily effort to remove the gang from the hotel. This was achieved by banning all those identified as being involved in the gang, or the drug trade generally, at the earliest possible stage. If I suspected someone of being in possession of heroin I would search their clothing, if the drug found arrest them and call the police insisting they were charged. If the police would not attend then I would walk the offender to the Police Shopfront across the road. Occasionally when performing an arrest the offender would yell at me saying; "you can't touch me I'm looked after by Uncle Sam", or something similar. It turned out that this Uncle Sam was a well-known Detective Senior Constable that apparently gave the 'green light' to a number of drug dealers in Cabramatta. I reported this information to a Detective Chief Inspector, unfortunately I discovered later this senior officer was also corrupt. Uncle Sam was quietly transferred to a neighbouring Police Command and there was no further action taken.

Often I would find and confiscate small quantities of a substance I believed to be heroin hidden in and around the furniture of the hotel and other places. All quantities of the drug recovered were handed to the police at the Police Station or Police Shopfront, as it proved too difficult for the police to make the necessary time available to attend the hotel and pick up the drugs from me. During this three months of targeting the supply of heroin in and around the hotel more than a dozen offenders were successfully convicted and heroin in excess of \$50 000 street value

was seized. It was about this time that the police began irregular patrols through the hotel and began assisting with my clean-up programme.

There was a lot of talk amongst the business community at the time of police involvement<sup>6</sup> in the local heroin trade because of Officers like Uncle Sam, this and the memory of the late John Newman made it difficult to encourage other shop owners to join with me in my anti-drug campaign. Often I would be given private support but rarely any support publicly.

There was one thing obvious from the start; there was always going to be problems preventing those involved in the drug trade from entering the hotel while there was such an abundant supply on the street. Because of this I realized I needed to do I could to reduce the availability of heroin in Cabramatta. To achieve that end I became more involved in the Community<sup>7</sup>. I joined The Cabramatta Crime Task Force when this committee was first set up by the then Mayor of Fairfield City, Councillor Tony Compolongo. This committee was the driving force behind the installation of the CCTV system monitoring our streets to the present day, as well as community safety audits, and a range of other crime prevention strategies.

The CCTV system<sup>8</sup> began operating on the 16<sup>th</sup> September 1996 with great expectation, however it wasn't too long before we realized that the cameras were only as good as the police response to the information they provided. If the police did not have the resources, or the will, to respond with adequate force and intelligence then little would be achieved. Without the appropriate resources available we suspected that those involved with the heroin supply would simply move into the residential area surrounding the town centre to avoid detection.

The main achievement of the camera system in the first six months of operation was to effectively change the way the drug dealers went about their business. Instead of large groups visible in prominent locations around the Town Centre causing mayhem, we now had dealers in smaller groups and often working alone scattered everywhere. The police at this time appeared to be working both efficiently and effectively in dealing with the problem. A large number of arrests were being reported and there was an obvious reduction in street level crime. We were told that there were about eighty police working in Cabramatta at the time, we were told that half of all drug arrests for NSW were performed here in our town. We were also told that the police could not achieve any better results with the resources they had as they were encountering other problems due to the

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<sup>6</sup> Sydney Morning Herald, Dec. 10, 1997. Appendix 2.

<sup>7</sup> Fairfield Champion, article, Aug. 20, 1997. Appendix 6.

<sup>8</sup> Sunday Telegraph, Oct. 27, 1996. Appendix 2.

labour intensive processes after the arrest of the offender. It was all a question of numbers.

July 1997 saw an extra fifty police sent to Cabramatta with the commencement of the “much heralded” Operation Puccini. The problem the Chamber identified at the time was that we were experiencing a great influx of harm minimisation practices such as needle and food hand-outs, which in our opinion would cement the problem in Cabramatta by creating a comfortable environment for heroin users. The new police commissioner Mr Peter Ryan<sup>9</sup> was talking tough on drug supply however on the street we were seeing no evidence of this. The way we perceived the high profile Operation Puccini was at best a poor compromise. Puccini was explained as a high presence, visual, uniformed policing initiative, its goal was to restore confidence in the town centre by discouraging the supply of heroin and other anti-social activities.

The police ceased any undercover operations. There was no intention of investigating the supply of the drug and no intention of pursuing the suppliers once they transferred their operation to the residential areas. The way it was put to us at the time was that there were not sufficient resources<sup>10</sup> available to attack the supply and to police the town centre at the same time.

The questions we were asking were: What happens when, for whatever reason, the numbers of police working Puccini can no longer be sustained? What happens to the quality of life of the residents that inherit the supply problem outside the Town Centre? Why is there no policing in the town centre between 11pm and 7am when we know the supply continues through the night? Why allow the drug dealers any time or territory at all?

During this period of six months we were presented with an effective cosmetic approach to policing, everything possible was done without actually addressing the core issue, that of the supply of heroin. The drug dealers were fortifying themselves in the residential areas surrounding the town centre and virtually took control of the entire east side of Cabramatta. Of particular concern was the way in which one enterprising drug gang set up business in the Trung Dung Restaurant and the Star of Saigon Restaurant both on the east side. These locations were well known for their involvement in criminal activities as neither restaurant sold any food.

When the police were approached, on numerous occasions, to do something about this situation they constantly countered by claiming they were helpless, as the drug sellers in the shop would always hide the drugs

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<sup>9</sup> Fairfield Champion, article. 1997. Appendix 4.

<sup>10</sup> Fairfield Champion, article. 1997. Appendix 5.

as they could see the police approach in uniform. This sad affair continued for a period of approximately eighteen months. Fairfield Council attempted to close these premises under both the Health Act and the Local Government Act however found the legislation did not support such Council initiated action. The police were the only organization with the power to deal with the situation but unfortunately did not have the will. The community was becoming extremely frustrated at the lack of action.

In the end one dedicated police officer, Senior Constable Zoran Taseski, spent hours of work in his own time to put together a brief to close down the drug operation at these two restaurants. His efforts forced the police hierarchy to take action and this resulted in six individuals being charged with conspiracy to supply heroin as well as other related offences. This ultimately closed this drug supply operation. Whilst the Police Management were happy to take all credit for this successful operation, Snr Const. Taseski was victimized by the police hierarchy and shortly after these events transferred out of the area. This had the effect of putting to an end the possibility of any further police operations against the supply of heroin for many months.

Another sad event that took place in the later half of 1997 was the financial investment by a senior police officer in the Stardust Hotel Cabramatta. The officer had at one time been the local licensing sergeant and was known for his criminal ties and friendships. At the same time as his involvement in the hotel he was the acting Local Area Commander for Kings Cross LAC. Having some knowledge of Supt. Care's history I saw this as a direct threat to my community. The Police Superintendent's involvement in the hotel became common knowledge amongst police and had the effect of breeding mistrust and suspicion through the ranks at Cabramatta, especially as Peter Horton had previously worked for Superintendent Care at another command, also an Inspector from Cabramatta illegally controlled the security personnel working at the Stardust amidst the drug dealing and violence. I knew this to be true as this same police Inspector approached me to take over my hotel security on the basis I could have similar protection. There was some evidence of interference in the normal operation of the Cabramatta LAC and its relationship with the Stardust Hotel. This certainly deserves further investigation.

The NSW Police Integrity Commission investigated my claims and found Superintendent Care had a case to answer. This was documented in a report to State Parliament titled Operation Algiers 1998. The brief was handed to the DPP who to this day have failed to take any further action. Superintendent Care was allowed to retire with his pension intact. The PIC investigation in my opinion was far too narrow and focused to deal with any corrupt behaviour of the Police associated with Superintendent Care.

It appeared there was a political agenda at work here as well. My involvement in bringing these matters to the attention of the relevant authorities was well known to several high-ranking police officers. The threats I received from some officers at the time of my complaint were specific and to the point; that I should forget all about these matters or they would arrange my death, they wouldn't do it themselves but would get one of the gang members to shoot me on their behalf. These threats have been reported to the Police Integrity Commission for further investigation.

The Police Customer Council, a consultative body, was set up in Cabramatta September 1997; I was elected as inaugural Chairman and further developed my working relationship with Superintendent Peter Horton and other senior officers at Cabramatta. We never became friends however we seemed to be able to discuss issues and work together for the benefit of the community even though there was a certain level of suspicion on both sides due to my knowledge of police corruption.

In January of 1998 I was elected to the position of President of the Fairfield/Cabramatta Police and Community Youth Club which certainly caused me to have quite a bit more to do with Peter Horton and police issues generally. I also became a member of the Mayor's Crime Prevention Reference Group.

Unfortunately by the end of 1997 we saw politics interfering daily with police operations. The official line by late 1998, due to the influence of the Cabramatta Project, was to declare the area safe and under control. Any discussion to the contrary was regarded as heresy. The Cabramatta Project now claimed credit for everything positive that was happening in Cabramatta whether or not there was any actual involvement at all. It was now widely espoused by all those involved from the State Government Project that any media attention of our continuing heroin and crime problems would finish off our besieged area. The emphasis now was on tourism and development.

Commissioner Ryan was featured in the publication 'For The Record' declaring the virtues of the new crime index system of ranking areas from 1 to 80 to correspond with the number of Local Area Commands. Our area of course began to fall in the rankings and discussion started as to whether we could sustain the argument for Operation Puccini's continuation. Privately I started asking questions as to what was being done about the continuing problems associated with the supply of heroin in the area and the true role of Puccini, publicly at meetings I was questioning the validity of the approach adopted by the Cabramatta Project. The response I received from the police for my increasing involvement in the community was indeed an interesting one. The

message, delivered in person on several occasions, was again in the form of a direct warning; mind your own business or suffer the consequences, I was told these instructions came from the boss, I assumed that meant Supt. Horton though I never raised the issue with him. I must say that It didn't really bother me anyway as I had become accustomed to the constant threats from various levels within the police.

I was elected president of the Lions Club of Cabramatta in May 1998 and then also elected president of the Chamber of Commerce in August. My focus as head of these organizations was to support the police and assist them in any way possible. Some of the projects I was able to start, included:

- Publishing a monthly magazine, in English and Vietnamese called Cabramatta Business News with a distribution of around eight hundred copies, one to every business in the area. The main bias of this publication was crime prevention with the majority of articles to do with policing issues. There were also regular features by the State Member, the Mayor and other officials.
- Pushing for the establishment of a Business Watch programme. There seemed to be a need to improve communication between business operators and the police, there were often complaints on both sides about the other not being willing to impart necessary knowledge.
- Extending the hours and programmes of the Police and Community Youth Club and raising awareness of the services and activities available there.
- Setting up and running a festival called Multicultural Sportsfest designed to break down barriers between different cultural groups and the police. We were awarded a Police Commissioners Commendation for innovation in Youth Crime Prevention Programming.
- Organizing a youth careers day with an emphasis on careers in the Police Service, emergency services and the Australian military.
- Serving as chairman to establish a steering committee with Cabramatta police and a number of other community agencies to investigate the possibility, and eventually implement, the setting up of a training facility for local long term unemployed and troubled youth. This facility continues to run and is called Café Horizons, managed by the Salvation Army.

- Raising funds to purchase equipment for Cabramatta police, eg: Pushbikes, video equipment, vehicles, personal alarms for distribution to the elderly etc.

1999 saw the worsening of the problem in Cabramatta, shopkeepers and residents complained about the increasing numbers of injecting drug users causing problems around the town, although not too publicly. Senior Police, local politicians and public servants claimed when approached that we were simply mistaken, as there was no hard evidence of any increasing problem<sup>11</sup>. The crime index ranking showed Cabramatta was better off than it had been for many years, what we were learning in the Chamber was that crime was quite simply not being reported, often because of a history of poor police response combined with a widespread lack of property insurance. For a number of reasons people in Cabramatta stopped reporting crime, this silence was now being used against them. Concerns were raised with those in authority at every opportunity, however no one would listen<sup>12</sup>, no one wanted to listen.

The fears the Chamber raised in 1996 had, it seemed, become a reality. Inappropriate delivery of harm minimisation services coupled with a reluctance of the Police Service to tackle the supply of heroin in any meaningful way was turning Cabramatta into one big safe injecting room.

The campaign the Chamber had run in 1996 had proved totally ineffective. The petitions, public meetings, letters and delegations all met with the same response, they all proved to be a waste of time. Quiet negotiation, raising concern at meetings and lobbying over the last two years had also basically proved fruitless.

The State Government in September 1999 discussed dramatic budget cuts to the Police Service, Local Area Commanders were told to tighten their belts and Peter Horton was quite vocal as to how these proposed cuts would affect policing in Cabramatta. It was suggested that someone should speak to the NSW Opposition, specifically the Shadow Minister for Police Mr Andrew Tink, to raise this issue in State Parliament. Superintendent Horton briefed me as to the facts of the situation and I in turn, with his consent, passed the relevant information on to Mr Tink.

Another major point I raised with the Shadow Minister was how the crime index was being used to paint a false picture of the worsening situation in Cabramatta, how police resources were being dwindled away even though criminal activity was on the increase. The brief media campaign initiated by Mr Tink, armed with the information passed on from Supt. Horton succeeded. The government announced the cuts would not proceed.

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<sup>11</sup> Fairfield Advance, article. Jan. 12, 1999. Appendix 7.

<sup>12</sup> Fairfield Champion, article. Jan. 27, 1999. Appendix 8.

Shortly after this time, and in the months following, a number of police of the rank of Sergeant and Inspector contacted me seeking assistance due to my increasing reputation and profile in the local area. They claimed they were becoming unable to provide even a basic service due to the financial restrictions placed on the LAC. They insisted that even though the budget cuts were abandoned everywhere else in New South Wales, in Cabramatta there wasn't enough money to begin to police the suburb.

I was asked by these officers to expose the problem through the media and through the State Opposition<sup>13</sup> as they themselves were unable to speak publicly by virtue of their position as sworn officers. They suggested to me that there was little point in promoting Cabramatta as a tourist destination if tourists in Cabramatta were not going to be safe. I was reluctant to take these matters any further as in the past I had encountered sufficient threats and harassment for rocking the boat. I proceeded cautiously and quietly investigated these matters further.

After a number of similar approaches between September and December 1999 I found that one police officer Detective Sergeant Tim Priest had an honest concern for the Community of Cabramatta. We discussed what needed to be done and the possible personal cost to each of us if we did what was necessary. I agreed to do what I could to bring these matters to public attention, especially after being informed from a number of sources of a significant number of murders, shootings, stabbings and other violent incidents in our area<sup>14</sup> that hadn't been reported in the media for the most part. I agreed to spearhead a public campaign on the condition that I would first be provided with tangible evidence of the claims that were being made. Once the necessary evidence was provided through various sources I started the campaign. The story from there was well covered by the media. Television, radio and the newspapers all showed interest.<sup>15</sup>

As a local community leader with a long history of support for the Police and being well known for my participation in many proactive crime prevention projects; What should you do when you consult and advise the Commander of a Local Area Command about serious community concerns on drugs and crime<sup>16</sup>, you provide evidence such as locations, times, persons of interest and motor vehicle details and you receive no response? Furthermore, you identify the fact that a number of basic community based policing programs are non-existent at the Command and you still receive no response? I attempted in every way possible to bring a number of concerns to the attention of Superintendent Peter Horton, Fairfield City Council and the local Labor Party. There were some

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<sup>13</sup> Fairfield Advance, article. Feb. 29, 2000. Appendix 10.

<sup>14</sup> Fairfield Advance, article. Feb. 29, 2000. Appendix 9.

<sup>15</sup> Fairfield Champion, article. March. 1, 2000. Appendix 12.

<sup>16</sup> Daily Telegraph, article. March. 1, 2000. Appendix 11.



basic issues I thought should be addressed<sup>17</sup>, and indeed because these basic and common strategies were not in place I believe this demonstrated a general lack of concern and an uneven approach towards our community by the New South Wales Police and the State Government

In Cabramatta for example:

- There is no victim support program for victims of crime, of break and enters, of assault and of robbery.
- There were no volunteers in policing at this Command. Green Valley for example had a dozen volunteers.
- No target hardening security audits were done for the victims of armed robbery and stealing.
- There was no business watch program in place even though the community and council kept working to put something in place and neighbourhood watch was also suffering due to indifference from the Command.
- The Community safety officer was only working part-time in this role, he was also working as part-time licensing sergeant and part time general duties officer.

As a community leader in dispute with the Local Area Commander<sup>18</sup> I was then referred, as a matter of protocol, to the Region Commander<sup>19</sup>. What do you think the response was there? Denial of the problems and denial of the fact that the commands performance was second rate and denial of the fact that the approach taken to assess command performance, crime and the requirement for resources is problematic. If a dispute of any kind can't be solved at Region level then, as we have found, there is no further avenue for referral other than to the media.<sup>20</sup>

As I found then, and still believe the case is now, the approach by the Police in NSW was limited, inadequate<sup>21</sup> and was not open to performance assessment to anyone outside the command hierarchy – especially the community, and I would suggest very strongly that the community are indeed the most important shareholders in this public enterprise.

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<sup>17</sup> Fairfield Advance, article. March. 7, 2000 Appendix 14.

<sup>18</sup> Fairfield Advance, article. March. 14, 2000. Appendix 15.

<sup>19</sup> Fairfield Advance, article. March. 14, 2000. Appendix 16.

<sup>20</sup> Fairfield Champion, article. March. 15, 2000. Appendix 17.

<sup>21</sup> Fairfield Champion, article. March. 22, 2000. Appendix 18.

## The NSW Crime Index

A police commands performance was based on five issues apart from budgetary management. As you may well know, these were the Operational Crime Index reviews that were conducted every 3 months by the Commissioner. They were rated by ranking the Command on an overall scale of 1 – 80, to coincide with the number of Local Area Commands, for the five identified crime areas, and then individually for:

- Assault
- Robbery
- Stolen Motor Vehicles
- Break and Enters, and
- Stealing

This system excludes the following offences:

- Murder,
- Grievous bodily harm,
- Malicious Wounding,
- Firearm offences,
- Goods In Custody, or
- Any attempt offences for the more serious of these.
- Drug possession, supply or conspiracy to supply.

These are the type of crimes we were experiencing in our area that made Cabramatta a dangerous Suburb. This Crime Index system was flawed<sup>22</sup> and open to abuse and was purely based on raw reported numbers. The system did not take into account the size of the local population, the size of the Command, or the rate of crime per population, which would have been far more realistic. For example; take the category of break and enter, it is a fact that in many country areas, if we use the 1 – 80 scale in its present form, these areas were rated at the lower end of the scale due to the comparatively low number of reported incidents when compared to say more populated areas such as Green Valley or Bankstown.

The reality is that Bankstown and Wollongong etc will probably always be in the top 10 of the ratings of the NSW Crime Index simply due to the size of the population, the number of residences, number of commercial premises and urban demographics of the areas. However, for examples sake, lets look at Bourke in western NSW which has a population of 3000 and a low number of reported break and enters, but in reality when examined on the basis of the rate per 1000 population – they would

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<sup>22</sup> Fairfield Champion, article. March. 29, 2000. Appendix 19

actually be rated in the top 5 for break and enters – but under the Crime Index system Bourke was rated as number 60 something. Now surely there was something flawed about this system. I acknowledge that the system of rating commands, on a scale of 1- 80 for five crime areas, was indeed a way for the Police Service to start to focus on performance, say to have a starting point, however, the system hit its used by date almost as soon as it started and needed to be drastically reviewed. Unfortunately until the Crime Index Rankings was exposed to the public the system was allowed to continue, as it was far too useful as a propaganda tool.

Now if I examine Cabramatta, accepted research tells us that only 50% of crime is reported in areas predominated by ethnic communities, and that in respect to break and enters only 70% of incidents are reported. In an area like Cabramatta, after taking into account the that there is a low rate of insurance cover, and we know that once a victim has experienced two break and enters they don't bother reporting the crime to police, they don't believe it will do any good as they realize there is very little chance they will recover their stolen goods. Another point to be noted is that in Cabramatta because of past experiences of poor service from the police, expectations are much lower again.

Another way Police Management used the Crime Index Rankings to manipulate the truth in Cabramatta, was they would be careful in the way they classified individual crimes. As the Index was based on only five crime definitions they would reduce the number of those crimes by reclassifying them as something similar. If, for example, there was a number of assaults committed, the Crime Manager would recommend to the investigating Officers that a number of these were really attempted murder, malicious wounding, or grievous bodily harm. Break and enter offences could be reclassified as trespass and malicious damage to property etc. Stealing could be investigated as fraud. Even though through reclassifying crime there was a reduced chance of conviction, that didn't matter, what did matter was that the Command could be seen in a more favourable light by reducing its' position in the Crime Index Ratings.

Another particular concern to our community is that current police management systems, as well as business planning and performance assessment, are completely internally focussed. There is no mechanism for community input to any of these areas. If I compare the delivery of policing services to, for example, that of Local Government I would naturally think that there would be little difference in the overall strategic processes, unfortunately there is a great deal of difference. Governments and their instrumentalities and services must be accountable to the greater community the police however to date do not.

Local Government and many other State and Federal Government Departments have community and external stakeholder input into the business planning process. This enables the relevant Department to take into account the views of the public, the community as the shareholders if you like.

The Police Service at a corporate level has an element of community consultation, in a broader sense, in the form of surveys conducted throughout NSW, however, local commands have no local input into the planning process. This needs to be addressed urgently. How can a local command possibly present a future plan for action when the community hasn't been consulted about the problems?

Furthermore, the Command is not assessed by the number and type of strategic partnerships it has with local community groups or government agencies etc. In this day and age of policing surely we would be able to add significant value to the quality and extent of policing services if we were forcefully assessing the Command on strategic partnerships for crime prevention.

Strategic Partnerships for example can extend to:

- Local Government.
- Juvenile Justice.
- Health Agencies.
- Community Agencies.
- Chambers of Commerce.
- Shopping complexes.
- Any other legitimate stakeholder.

In addition, the Service at a local level has no mechanisms for community performance assessment of the Command. How can a Local Area Commander know if his command is meeting the needs of the community if there is no formal process for legitimate feed-back.

If I use an example for comparative purposes, it is part of legislation in England that a Committee consisting of community and other government officials not just the police assess Local Police Commands for their performance. This is an area of challenge but I think it is absolutely necessary to bring some trust and external scrutiny into the system as it currently stands. There must be a process in place so that a situation such as has taken place in Cabramatta does not happen again.

My recommendations in relation to police performance assessment are as follows:

- Drastically review the current system of command performance assessment.
- Broaden the key crime areas for performance assessment.
- Introduce the standard Bureau of Crime Statistics and Research methodology, which is the rate of offences per 100,000 people not the raw reported incidents by local area.
- Introduce additional performance criteria such as 'Quality of service ratings by the community', and assessment of 'strategic partnerships'.
- Introduce a mandatory community element into Local Area Command performance assessment.
- Introduce a quarterly requirement for Local Area Commands to report to the community and advise on performance progress.

In Cabramatta, from a community perspective, we have experienced what can happen if the Local Area Command lacks accountability, is driven by external demands and agendas irrelevant to the local area, and lacks adequate internal processes for dispute resolution. Illicit drug use and supply has obviously been out of control in this area and has been of great concern to this community. As we have found by our unfortunate experience, simple foolish denial of the facts by manipulating the level of reported crime, to support a particular political point of view, has done nothing to improve the situation or quality of life within our community.

The general feeling in our community has been, that without the continued interest of the media and the NSW Parliamentary Committee, our area would be allowed to slip back to the lawless situation experienced during the 1999 – 2000 period. The reasons for that continuing fear are many, including; the on-going selfish attitude of our State Member, the reluctance of Police management to work with or be accountable to the community, the way that Police Management have succeeded in victimizing any police officers prepared to work with our community, the prevailing Government policy of 'Harm Reduction' encouraging illicit drug use, and the perception that a number of suspected criminals have undue influence over local political identities<sup>23</sup>, and the way the police have been politicized in our area.

I do not believe the NSW Police Force or the State Government has to this day addressed the claims I made before the NSW Parliamentary Inquiry. I

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<sup>23</sup> Fairfield Advance Article, July 4, 2001. Appendix 45.

also believe that Assistant Commissioner Clive Small, in explaining what happened in Cabramatta during 1999 and 2000, whilst giving evidence before the NSW inquiry, and in subsequent media interviews<sup>24</sup>, could not be further from the truth, and has deliberately distorted the truth for his own personal gain. Mr Small alleged that the reason the Police took their eye off the ball in Cabramatta was that the police, both management and rank and file, were so distracted by internal disputes at the Station that they failed to address the worsening drug problem on our streets, and therefore failed the people of Cabramatta. This is a deliberate distortion of the truth, an example of someone in authority rewriting history in order to have himself, his associates, and his organization seen in a better light.

What really happened was quite the opposite of Mr Small's account of events. It is so much easier for Mr Small to blame the rank and file police at Cabramatta for the grief the community has been put through, rather than accept the truth that Police Management and the State Member for Cabramatta were in deliberate denial as to the true situation on the streets of Cabramatta and thereby they caused the people of Cabramatta to suffer. The NSW Government had claimed victory in Cabramatta after two years under the control of the Premier's Department Cabramatta Project. The Project management in partnership with the Local Member set about creating a false impression of the true situation in Cabramatta. Then the Police Management, for a number of reasons, set about reducing the appropriate statistics, decreasing the number of arrests to ensure that the government's claims were supported.

The real fear for our community is that this will be repeated once again, once the focus is taken off Cabramatta. The Government will once again claim victory, police management will once again support that view, and once again the people of Cabramatta will suffer. The question is: Will the rank and file police officers put their careers at risk to assist the community as a number of them did in 2000/2001? Or will the memory of the victimization of the five brave officers<sup>25</sup> that gave evidence on our community's behalf allow police management to get away with ignoring the needs of the people of Cabramatta.

When Mr Small says that what happened in Cabramatta, in that period, will never be allowed to happen again, I would hope that he has seriously underestimated the courage, honesty and conviction of the men and women serving in the police force, under the current Commissioner Mr Moroney.

How can the people of Cabramatta not be suspicious of the Government's intentions when no action has been taken against those responsible for

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<sup>24</sup> Sydney Morning Herald Article, July 11, 2001. Appendix 46.

<sup>25</sup> Daily Telegraph Article, October 16, 2001. Appendix 52.

Cabramatta's hardship? How can we believe that the Police will do the right thing for our community, when officers like Assistant Commissioner Chris Evans and Superintendent John Sweeney remain in positions of authority where they can continue to perpetrate harm? How can we have faith in a government that promotes a Local Member to a more responsible position<sup>26</sup> after that Local Member has continuously placed her comfort and career before the welfare of the community she supposedly represents? How can we accept the leadership of Ms Meagher<sup>27</sup> in light of; her inaction in the past, her reluctance to apologize to all those she attacked during the State Parliamentary inquiry, including the Committee's Chair<sup>28</sup>, and her total lack of performance in her electorate.<sup>29</sup> How can we respect or trust Ms Meagher knowing that she owes her pre-selection for the State Seat of Cabramatta directly to the branch stacking of Phoung Ngo, the convicted murderer of her predecessor? Again I repeat that there needs to be a mechanism in place whereby a Commonwealth Government Agency could step in and investigate serious crime at a State level including political corruption when the individual State is unwilling to do so.

## Is History repeating itself?

It is said that those who fail to learn from the past are condemned to re-live it. How much more is this so if those in authority are allowed to deny the past and re-write history? This is what we are seeing now from Ms Reba Meagher and Assistant Commissioner Clive Small in order to justify their actions of the past and possibly their future inaction. Unfortunately allowing these two to continue in this way will necessarily cause a flow on effect to management in the police force with responsibility over Cabramatta.<sup>30</sup>

We are already experiencing a return to the bad old days in Cabramatta. Not because the streets are a-wash with cheap, pure, heroin, but rather a return to the deliberate intimidation of residents who would dare to express concern over issues such as drugs or prostitution<sup>31</sup>. Those responsible for this intentional return to manipulating the community, and neglecting their duty, are Superintendent Frank Hansen<sup>32</sup>, Chief Inspector Debbie Wallace, and the new Crime Coordinator Senior Sergeant Mark Szalajko. Responses such as "mind your own business" or "you're the only one complaining" or "we don't have the money or resources to deal

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<sup>26</sup> Fairfield Advance Article, March 27, 2002. Appendix 55.

<sup>27</sup> The Sun Herald Article, July 29, 2001. Appendix 48.

<sup>28</sup> Fairfield Champion Article, Dec. 6, 2000. Appendix 41.

<sup>29</sup> Fairfield City Champion Article, April 3, 2002. Appendix 56.

<sup>30</sup> Fairfield Advance Article, June 27, 2001. Appendix 44

<sup>31</sup> Fairfield City Champion Article, April 24, 2002. Appendix 61.

<sup>32</sup> Fairfield Advance Article, May 8, 2002. Appendix 62.

with that” are now becoming common.

It would appear that Senior Sergeant Szalajko is the new bullyboy for local Police Management. It does not matter if it is the Mayor of Fairfield City raising the issue of prostitution on our street corners<sup>33</sup>, a father trying desperately to protect the welfare of his fifteen year old daughter, a City Councilor calling for action at a Council meeting, a resident complaining about curb crawlers, or a Strata Management Agent asking for assistance to evict a tenant deliberately flaunting the law, the response is very similar and has the overall effect of intimidating the public and reducing the reporting of crime. Even if we hadn’t, as a community, been through all that has been documented during the State Parliamentary Inquiry process. Even if we were living in the pre NSW Police Royal Commission era, this is a serious contempt and must be addressed immediately.

We saw in the past, police management blame the community of Cabramatta for the situation we found ourselves in, we heard the previous Police Commissioner say that the community was not reporting crime and therefore it was difficult to effectively police the area<sup>34</sup>. It has been my assertion all along that the police management in Cabramatta actively discouraged the reporting of crime, especially the reporting of drug related crime, today, this policy of police management manipulation continues unabated. The only way this trend could be reversed is to remove and penalize the three officers responsible for the current situation, that is honest replacements have to be found for Superintendent Frank Hansen, Chief Inspector Deborah Wallace, and Senior Sergeant Mark Szalajko. We need police management in Cabramatta that will put the welfare of the community first, not the will of someone in the Premier’s Department or the tainted Local State Member<sup>35</sup>.

## Propaganda Again

During the State Parliamentary Inquiry process a number of witnesses were critical of the Cabramatta Project for publishing glossy pamphlets that seemed designed to create false impressions of what was occurring on our streets, and the roll being played by the Premier’s Department in our area. Unfortunately we learnt from a number of sworn witnesses<sup>36</sup> that there was very little substance to the claims being made in those newsletters and press releases<sup>37</sup> by the Project Manager and the State Member for Cabramatta. We learnt that what was being done was at best

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<sup>33</sup> Appendix 67

<sup>34</sup> “Suburb’s crime in hand: Ryan” Daily Telegraph, March. 2, 2000. p12.

<sup>35</sup> Daily Telegraph, article. Feb. 9, 1995. Appendix A.

<sup>36</sup> Sydney Morning Herald Article, July 17, 2001. Appendix 47.

<sup>37</sup> Cabramatta Project Newsletter August 2000 volume 2 issue 1 p2.



tokenistic and that there was no real money provided for sustainable projects to improve the quality of life for local residents. We had a sincere hope that the State Government would have learnt from its mistakes and committed real resources and money for the rehabilitation of Cabramatta rather than the smoke, mirrors, false promises, and propaganda of the past.

During April this year the Premier of NSW launched a publication titled 'Cabramatta a Report on Progress', the most unfortunate omission from this report is the name of the author, obviously for reasons best known to the Premier's Department no one wishes to claim responsibility for this most interesting publication. By using carefully chosen words, selective omissions, a creative presentation, and an interesting selection of time comparisons, the Carr Government has woven another tapestry designed to fool the public into believing that much more has been achieved than actually is the case.

On page six of the report under the heading 'The Cabramatta Anti-Drug Strategy' there is reference made to the Premier's announcement on 27<sup>th</sup> March 2001<sup>38</sup> of a four year \$18.8 million comprehensive package of initiatives to tackle drugs and drug related crime in Cabramatta and across the state. How much of this money is to be spent specifically on initiatives for Cabramatta? It appears that this has been written to be deliberately misleading, to give the impression that the Government is committing substantial funds to assist our area. Evidence of this can be seen in the article that appeared in the Fairfield Advance newspaper 17<sup>th</sup> April 2002<sup>39</sup> which makes no reference to the money being spent anywhere other than in Cabramatta.

Further in the report on page 13 there is reference made to 'New Legislation to shut down drug houses and "move-on" drug dealers and users'. In the Highlights section on this page the proud claim is made that "about 75 drug houses eliminated in Cabramatta" this gives the impression that the police have actively participated in the closure of 75 drug houses, however on page 15 this point is clarified to say that only 15 have been shut down since 1<sup>st</sup> July 2001 using the new drug premises legislation. The majority of the remaining 60 drug premises closed with little or no direct police intervention. If the case was otherwise then the police did not need the new power, as they were more successful, without the legislation, prior to 1<sup>st</sup> July 2001. Page 16 continues to reinforce the false impression by again stating, without qualification that "About 75 drug houses eliminated from Cabramatta". These misleading statements are repeated, with even more deliberate bias, in the Local Member's glossy

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<sup>38</sup> See also, Press Release dated April 9, 2002. Appendix 66.

<sup>39</sup> Fairfield Advance Article, April 17, 2002. Appendix 60.

propaganda sheets currently being distributed throughout the electorate.<sup>40</sup>

What we are finding in Cabramatta today is that the drug dealers are no longer fortifying the premises they use, because of the legislation, but are rather using premises more casually to avoid detection. Another point displayed on page 13 in the highlights box is that police have charged 209 people in Greater Hume Region with 288 supply charges. How many of these were made in Cabramatta? The report conveniently fails to clarify that point. However on page 17 in the milestones box the point is expanded to illustrate that the 288 drug supply charges laid across Greater Hume was a 54% increase on 2000. This is again misleading as to the true situation in Cabramatta. Has Cabramatta itself had a rise or fall in the numbers charged with supply? Again slight of hand.

Another intentionally misleading point is the inter-mixing of not only Greater Hume statistics but also statewide statistics. Again on page 13 in the highlights box it states, without qualification, that there were 532 charges for illegal firearm trafficking in NSW, 214 people charged with illegal possession of firearms, 12 persons charged with 184 illegal firearms offences, 5,772 firearms surrendered to police, and 72,381 firearms newly registered. What was the time frame for this activity? Where did this all take place? How much of this relates to Cabramatta, Greater Hume Region, or even the Sydney basin? How much of this relates to organized crime or the street heroin market? If these figures apply for the six-month period ending December 2001 as implied by the way the report is written, then that means that there are 397 new firearm registrations every day.

In the section titled "Move-on Powers" on page 16, the claim is made that police in Cabramatta have issued move-on directions on 2487 occasions since 1<sup>st</sup> July 2001. If this is over the period ending March 2002 then that equates to 3 directions per shift. How many of these directions were given to the same people? What steps are taken to identify those previously given directions? To where are these people being moved on? Are the same three people being moved around Cabramatta three times a day every day? How does this number compare to the previous year? How does this compare to Greater Hume Region or the state for the same period? How does this compare to the Kings Cross area, or the Bankstown area? And finally, how were these statistics collected?

The example of "Operation Tira" on page 17 is also misleading in the way it has been used. On closer inspection you will find that almost 99% of drugs and assets seized, as portrayed on this page, actually relates to a drug operation accidentally stumbled upon whilst police attended a domestic violence complaint well away from the target area, and was totally unrelated to the rest of the operation. Press reports at the time did

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<sup>40</sup> Appendix 64.

not include the dubious extra figures<sup>41</sup>. Without absorbing the seizures from this unrelated accidental find, the supposedly well planned “Tira” would have appeared as a complete flop, illustrating the point that the approach to drug law enforcement in south western Sydney is at best ad-hoc, poorly managed, and lacking in any real intelligence effort.

Page 9 of the report again paints a misleading picture. The report says the suburb’s rate of robbery with a weapon (non-firearm) has fallen by 7% over the past two years, yet omits the fact the incidence of this offence is still more than 350% higher than the State average, and completely omits any statistics of robbery with a firearm. The report states that “Cabramatta police have maintained their concentrated level of detecting narcotics (heroin) dealing and trafficking offences compared to the statewide decline”, however it fails to say that heroin dealing in our suburb remains 41 times the NSW average. According to police data for the six months to February this year, Cabramatta rated as Greater Hume Region’s main hot spot for drug crime, assault, theft and malicious damage.

Another interesting manipulation appears on page 10 and refers to the number of ambulance call-outs, comparing the six-month periods ending 31<sup>st</sup> December 2000 and 2001 respectively. The report states that the figures have dropped from 385 to just 15, however fails to mention that overdose rates rose again in January 2002, to 15 in just 8 days, as reported by only one of the three ambulance stations that service this area, and stayed high until March 2002. This is a prime, and blatant example of selective comparison to mislead the public, especially as the rise was reported in the local press in January<sup>42</sup>, which drew an angry response from Assistant Commissioner Clive Small at the time.

Cabramatta needle and syringe clean up as highlighted on page 39 and expanded in the milestones on page 42 states that there were 8457 one ml syringes collected by the street clean-up teams<sup>43</sup>. Does that include the 3379 syringes accounted for in the multi-packs picked up? Over what period were these syringes collected, three months, six months, or nine months? Why is there no comparison periods in the report? What was the situation in other areas? Why is there no consistency in the way this report is written?

Another incredible claim is made on page 10 of the report in relation to the number of needles distributed by the Drug Intervention Service Cabramatta (DISC) van. The report states that “the number of needles dispensed dropped from 195420 in October – December 2000 to 46140 in the equivalent period for 2001.” Now if you consider that the DISC van

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<sup>41</sup> Fairfield City Champion Article, October 31, 2001. Appendix 53.

<sup>42</sup> Fairfield City Champion Article, January 23, 2002. Appendix 54.

<sup>43</sup> For an example of the continuing impact of discarded needles in our area see Appendix 70.

works for seven and a half hours a day, excluding weekends and public holidays, that would mean that the van was dispensing approximately 7 needles per minute. However, as there is no independent audit of the activities of his service, and as there is no clarification as to the service's policies in relation to how many multiple packs are given to each client, or whether or not that policy has changed at any time. Or whether clients' trends have changed, or not, in regards to taking multi-packs, and as there is no record of the number of clients being serviced for those periods. Then these figures can only be treated with suspicion. Regardless of whatever claim is being made by the report, with these dodgy figures, the fact remains that by their reporting there was an average 476 needles handed out by the van service, each day it operated, in January this year. This is still more than one needle per minute of operation of the van service. Why is there no comparison to other similar services operating in other areas during the same period? These figures do not take into consideration the needles dispensed by the local Pharmacies and other services in the Cabramatta area.

If the police and Government were serious about helping the people of Cabramatta, and reducing the availability of illicit drugs on our streets, then they would cease the syringe distribution programmes. The money saved could be used to fund real rehabilitation programmes with real and positive, and measurable outcomes.

Much more can be said about the way this report has been written and the way particular events and case histories have been used to present a misleading picture of the current situation in Cabramatta. Rather than spending any more time showing the deliberate perversion of the truth by the author. Rather than continuing to draw parallels with the dangerous propaganda campaign carried out by the Premier's Department, the Local Member and the Police Service from 1997 to 2000, when their deliberate manipulation of the truth caused our community to suffer, I will end the review of the report by saying that; if the directors of an Australian public company published an Annual Report, of a similar fashion to the Premier's Department's "Cabramatta a Report on Progress", then those directors would be summonsed to appear before the Australian Securities and Investment Commission, and after having the company's shares suspended from trading they would most likely be fined millions of dollars and then be banned from being company directors for a period of twenty years.

## **Failed Policy**

Harm minimization has been the cornerstone of Australian drug policy since 1985, and in theory appears to provide a well-rounded answer to the

difficulties society experiences when individuals choose to use illicit substances. The three components of Harm Minimization; supply reduction, demand reduction, and harm reduction, in balance, we are told, will address the negatives of drug addiction. Our experiences in Cabramatta over the last five years tell a completely different story.

We have seen the streets of our local area go from bad to worse from the time the government, and government health and social experts, were given a free and unhindered run in Cabramatta. If Cabramatta was an experiment to measure the success of harm reduction policies at work, then surely everyone involved must acknowledge the complete and dismal failure of their attempts. The theory sounds fine, however, in practice we encounter a number of difficulties in implementing the policy in any sort of intelligent or balanced way.

Supply reduction and demand reduction have proven difficult to implement in a meaningful way in a suburb such as Cabramatta. There are many practical difficulties encountered in attempting to provide the educational programmes, diversion activities, and law enforcement necessary to fulfill the needs of the theory. What we end up with, as we have seen in Cabramatta since 1997 to the present, is a policy of harm reduction being resourced as the overriding policy, with law enforcement unable to cope, and with diversion activities and education being dispensed with little more than tokenistic effort.

The theory that a percentage of the population is going to use illicit substances, such as heroin, and therefore we need to look after the welfare of those individuals, until some time in the future when they may decide to change their lifestyle and give up their addiction, is not working in practice.

Rather than harm reduction we need to be looking at a system of harm prevention. Rather than accepting responsible use, if there really is such a thing, we need to encourage abstinence. More resources need to be poured into detox, rehabilitation and training facilities with a zero tolerance approach to drug dealing at all levels, including user-suppliers. Instead of building and operating injecting rooms and participating in the wholesale distribution of injecting kits we would be better off placing addicts into rehabilitation homes for intensive life-skill and vocational training. NGO's such as the Salvation Army, AdraCare, and Hassler Australia would be well placed to run such programmes, as long as the appropriate funding was made available.

Instead of making it as easy as possible to obtain injecting equipment and inject, we should be making it as difficult as possible for prospective addicts to start injecting. Any suggestion that wholesale syringe

distribution is necessary to prevent the spread of blood-borne diseases should be dismissed in light of the Hep-C (HCV) epidemic being experienced by injecting users in Australia. It has been estimated that around 90% of the 210 000 people living with HCV infection in Australia were exposed to the virus through injecting drug use. This becomes even more alarming, when you consider, that HCV incidence in 2001, last year, was estimated to be between 11 000 and 19 000 new infections, 91% of whom were exposed through injecting drugs.<sup>44</sup> This also means that new infections each year have tripled since 1997 when there were an estimated 6000 new infections.<sup>45</sup> It is irrational to suggest that the needle distribution programme, around Cabramatta in particular, is anything other than a complete disaster.

I am not saying that the policy of harm reduction is not a noble idea, the notion that every life is valuable and every life deserves our assistance and care cannot be rationally argued against. However the practical application and delivery of that policy, in the real world, without harming the greater community, just simply does not work. I believe, we as a community, have a much greater responsibility to our young people, than to allow them to slide into a life of drug abuse, simply to justify the high salaries of a few self-proclaimed experts in the health system.

What is of even greater concern to our community; is that some senior officers in the police service/force are abrogating their sworn responsibility, to uphold the law, by siding with the pro-legalization/responsible use lobby. These officers not only hold the personal view that it is perfectly alright for individuals to possess and use heroin, and other drugs, they also influence operational orders within the police force, so that drug users are not arrested for possession. We saw this happen in 1999, the result was anarchy.

After Assistant Commissioner Chris Evans announced at the Fairfield drug forum, that police “are damned if they do and damned if they don’t” arrest addicts, we saw thousands of addicts converge on Cabramatta to buy the cheap, pure, heroin, knowing they wouldn’t be harassed, or arrested, by police. We are in danger of seeing the same situation come about again today. At a Fairfield City Council briefing by police at the end of May this year, Acting Region Commander Les Wales and Superintendent Frank Hansen, announced they would no longer arrest heroin users for possession in the Cabramatta area. If this policy is allowed to continue the residents of Cabramatta will continue to suffer.

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<sup>44</sup> Numbers obtained from the Australian National Council on Aids, Hepatitis and Related Diseases. Hepatitis C Sub-Committee May 2002.

<sup>45</sup> Sydney Morning Herald Article August 27, 1997 p7 Quoting Professor Geoff Farrell of the Gastroenterological Society of Australia

Cabramatta should not be seen as a testing ground for soft options on drugs, nor should Cabramatta be seen as a place to attempt to contain Sydney's heroin problem as appears to be the case in the past.

Cabramatta, just like every other community in NSW, is a real community, a place where people have, for many reasons, chosen to make their homes and raise their families. We do not deserve the contempt with which the Government of NSW, and its' agencies, have been treating us right up to the present day.

## What needs to happen now?

In Cabramatta, from a community perspective, we experienced, and are still experiencing, what can happen if the Police Local Area Command lacks accountability, is driven by external demands irrelevant to the local area and lacks adequate internal processes for dispute resolution. Illicit drug use and supply continue in the Cabramatta area and continue to be of great concern to this community. As we have found by our unfortunate experience, simple foolish denial of the facts to support a certain political or philosophical point of view does nothing to improve the situation<sup>46</sup> or experience of the community.

In spite of Ms Meagher's grandstanding protestations throughout the State Parliamentary Inquiry process<sup>47</sup>, that the Inquiry had been nothing but detrimental to Cabramatta and its' residents, and that the whole Inquiry had been free of any proposed solutions, there has been a number of ideas put forward that could help our area. Dr Thomas Diep from the Cabramatta Business Association suggested ways that communication between all levels of the police and the community could be improved<sup>48</sup>. Detective Sergeant Tim Priest put forward ideas that he considered would improve the function, efficiency, and success of police in serving the community, and therefore, improving their relationship with the community<sup>49</sup>. Councillor Thang Ngo suggested ways the police could be more responsive and understand the needs of our community<sup>50</sup>. The Chamber of Commerce suggested ways the police and the business community could improve their relationship, and ways the police could be encouraged to be more accountable to the community. The only negativity we experienced throughout the entire Parliamentary Inquiry process came from the Government and in particular the Local Member<sup>51</sup> for Cabramatta. Therefore the most positive single action that could be

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<sup>46</sup> Fairfield Advance Article, May 8, 2002. Appendix 62.

<sup>47</sup> Fairfield Advance, article. Nov. 28, 2000. Appendix 38.

<sup>48</sup> Diep Evidence to the NSW Parliamentary Inquiry, 23/2/01, p17.

<sup>49</sup> Priest Submission, 14/8/00

<sup>50</sup> Ngo Evidence, 6/2/01, p41.

<sup>51</sup> The Sun Herald Article, July 29, 2001. Appendix 48.

initiated for the community of Cabramatta would be the replacement of Ms Reba Meagher as State Local Member<sup>52</sup>.

The second important change that needs to take place, which will not only improve the quality of life in Cabramatta, but also improve the situation throughout NSW, is a change in the policy that continues to drag Cabramatta to the depths of despair; we need a complete re-working of current Drug Policy. We must change the principle policy from Harm Reduction, acceptance of responsible use, to Harm Prevention, acceptance that abstinence is the only acceptable treatment. This will take time, however, until this happens Cabramatta will continue to relapse, Police will continue to fail to meet the community's expectations<sup>53</sup>, and lives will continue to be destroyed. The community will certainly continue to suffer.<sup>54</sup>

Thirdly, there needs to be a Commonwealth Law Enforcement Agency set up to investigate serious crime. This Agency needs to be sufficiently resourced so that there is no need to rely on the individual States Law Enforcement bodies. This new Agency needs to have the powers of a Crime Commission to compel witnesses to tell the truth. The Agency needs to be able to give immunities to witnesses in order to obtain convictions against the most powerful criminal networks. This Agency also needs to have the power to investigate corruption at all government levels to at least act as a deterrent to the type of institutionalized corruption we are experiencing in this State at present. There also needs to be a mechanism whereby this Federal Agency can take over a State investigation to check the integrity of that investigation particularly in the area of Drug Investigation.

I would like to thank the Chair and Members of the Committee for initiating this inquiry and accepting my submission. If required I am available to expand upon or clarify any relevant points from my evidence.

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<sup>52</sup> Fairfield City Champion Article, April 24, 2002. Appendix 61.

<sup>53</sup> Fairfield City Champion Article, August 8, 2001. Appendix 49

<sup>54</sup> Daily Telegraph Article, September 8, 2001. Appendix 52.



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