

Standing Committee on Social Issues

Inquiry into issues relating to Redfern/Waterloo

Interim report

Ordered to be printed according to the Resolution of the
House

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Terms of reference

1. That the Standing Committee on Social Issues inquire into and report on:
 - (a) policing strategies and resources in the Redfern/Waterloo areas,
 - (b) other existing government programs in the Redfern/Waterloo areas, including local, state and federal programs,
 - (c) non-government services and service provision in the Redfern/Waterloo areas,
 - (d) strategies under the current New South Wales Government “Redfern/Waterloo Partnership Project”, and the effectiveness in meeting the needs of local indigenous and other members of the community,
 - (e) proposals for the future of the area known as “The Block”,
 - (f) any other matters arising from these terms of reference.
2. That the Committee table an interim report by 31 July 2004 and a final report by 30 November 2004.

These terms of reference were referred to the Committee by resolution of the Legislative Council 26 February 2004 [Item 12, Legislative Council Minutes No. 41].

Committee membership

- Jan Burnswoods, MLC, Australian Labor Party (**Chair**)
- The Hon Robyn Parker, MLC, Liberal Party (**Deputy Chair**)
- The Hon Dr Arthur Chesterfield-Evans, MLC, Australian Democrats
- The Hon Kayee Griffin, MLC, Australian Labor Party
- The Hon Greg Pearce, MLC, Liberal Party
- The Hon Ian West, MLC, Australian Labor Party

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Chair's foreword

I am pleased to present this Interim Report of the Committee's Inquiry into issues relating to Redfern/Waterloo. The terms of reference for this Inquiry arose out of the tragic death of Thomas 'TJ' Hickey and the subsequent riot in Redfern in February this year. For many participants it has been a challenging Inquiry, and I would like to express my thanks to the 89 submission makers and 60 witnesses who have participated in the Inquiry so far. I would also especially like to thank members of the Aboriginal community for their participation.

In this Interim Report the Committee has examined several significant issues that were raised during the first stage of the Inquiry and in relation to which we received sufficient evidence to enable a comprehensive examination. Our broad terms of reference raise many other issues which we will further examine in the second stage of the Inquiry and address in the Final Report, due on 30 November.

The issues facing the Australian people and the NSW and Commonwealth governments in relation to the Aboriginal community go back to the beginning of European settlement in 1788. Many would say we have little to be proud of in that long history. The time is long overdue for us to face the deep-rooted problems of poverty, disadvantage and racism, which beset many Aboriginal people in Redfern and Waterloo and throughout NSW. If the events of 14-16 February and the work of the Committee ultimately contribute to addressing these issues, then we will have gone some way towards reconciliation.

My thanks are due to the Committee members for their hard work and dedication in participating in what has been, at times, a difficult Inquiry. Their commitment has been manifest in the hours of debate, drafting and redrafting we have put into trying to achieve an Interim Report we can all agree on. I am proud that in the end we have adopted 17 of our 22 recommendations unanimously, and that there are only a few places in the report where we have needed to record the differing views of some Committee members.

On behalf of the Committee I would also like to extend thanks to Julie Langsworth, Rachel Callinan, Victoria Pymm and other members of the Secretariat for the dedication, skill and sheer hard work they contributed to the report. Without their patience and good humour this report could not have been produced.

I commend this Interim Report to the Government



Jan Burnswoods MLC

Chair

Executive summary

The terms of reference for the Inquiry were referred to the Standing Committee on Social Issues by the Legislative Council on 26 February 2004. The terms of reference are broad and require the Committee to examine a range of issues that relate to the suburbs of Redfern and Waterloo, with a particular focus on the Aboriginal community.

The terms of reference require the Committee to table an Interim Report by 31 July 2004 and we have taken this opportunity to address several significant issues that were raised in submissions and in evidence. The Final Report is due on 30 November and the Committee has much work to do to complete its examination of the remaining aspects of the terms of reference.

The Committee has understood the importance of engaging the Redfern and Waterloo communities, particularly the Aboriginal community, to ensure that a broad range of views are heard and that effective, practical recommendations can be made. We are grateful for the considerable input by members of the Redfern and Waterloo communities as well as other inquiry participants. The Committee has to date received 89 submissions and heard evidence from 60 witnesses.

Redfern and Waterloo

The suburbs of Redfern and Waterloo have been identified as being among the most disadvantaged postcodes in NSW with low employment, high drug and alcohol misuse and poor health. The two suburbs, however, have a diverse ethnic and linguistic make-up and a concomitant richness of culture and community spirit. The Committee acknowledges that, as emphasised by many inquiry participants, the two suburbs have as many differences as similarities and often cannot be considered together. An overview of the demographics of the suburbs of Redfern and Waterloo is set out in Chapter 1.

Redfern and Waterloo are also unique in their significance to Aboriginal people. According to the 2001 Census, 311 people living in Redfern and 403 in Waterloo identified as 'Indigenous persons'. This represents 4.4% of the population of those suburbs, compared to 1% of Sydney as a whole. These statistics only tell part of the story. As many Aboriginal people who participated in our inquiry told us, Redfern is a place of great importance to Aboriginal culture. It is the birthplace of many autonomous Aboriginal services, including the Aboriginal Medical Service and the Aboriginal Legal Service and it holds a central place in the Aboriginal civil rights movement. The Block has been described as the 'black heart' of Australia with Aboriginal people all over the State maintaining strong connections with the area, coming to Redfern to visit family and to access Aboriginal specific services not available elsewhere.

Chapter 1 Introduction

The Inquiry was precipitated by the tragic events that occurred on 14-16 February 2004. We would like to express our heartfelt sympathies to TJ Hickey's family and friends and to the local community. A number of inquiries were established to investigate the circumstances of TJ's death and the police response during the riot. Our terms of reference do not deal directly with these events but an overview is contained in Chapter 1.

Chapter 2 Redfern/Waterloo Partnership Project

The terms of reference require the Committee to examine the Redfern/Waterloo Partnership Project (RWPP) and the effectiveness of its strategies in meeting the needs of the local Aboriginal community and other members of the community. The Committee received much evidence about the work of the RWPP and a range of views were expressed about its effectiveness. Further examination is required before the Committee can draw conclusions about the overall effectiveness of the RWPP and the issue will be further examined during the second stage of the Inquiry.

There were, however, several important aspects of the RWPP's work that required examination in this Interim Report. The Committee received a substantial amount of criticism of the Project in relation to its consultation and communication processes and slowness in the implementation of programs. The Committee has recommended that the RWPP develop and implement a comprehensive strategy to ensure there is effective consultation and communication with the Redfern and Waterloo communities. The Committee has also recommended that the RWPP expedite the completion of the Human Services Review.

The Committee has considered the evidence outlining the difficult task facing the RWPP, and the need for a long-term commitment from government, non-government and community partners if the complex issues confronting the area are to be adequately addressed. While there was considerable criticism of the RWPP, the majority of inquiry participants did not suggest disbanding the Project. There was broad support for the whole of government, place-based approach to service delivery in the area. The Committee has recommended that the Government continue the place-based approach represented by the RWPP and make a long-term financial commitment to the Project beyond the funding already committed up to 2006.

Some members of the Committee strongly believe, however, that the RWPP has not been successful, is not appropriately resourced and is not the appropriate lead agency to coordinate the urgent response needed to address the significant problems in Redfern and Waterloo.

Chapter 3 Redevelopment of the Block

The terms of reference require the Committee to examine proposals for the future of the Block. The Committee is aware that the long-term future of the Block and its residents is a complex issue requiring initiatives to address social and economic disadvantage experienced by the local Aboriginal community. These issues will be examined in the second stage of the Inquiry and addressed in the Final Report.

In this Interim Report, the Committee has focused on the future of the Block in terms of the redevelopment of housing. The Committee's purpose is not to decide what the future of the Block is to be, since that must be determined by the Aboriginal Housing Company (AHC) and the Aboriginal community. Rather, the Committee has gathered together the views expressed during the Inquiry, to explore the issues surrounding the AHC's Pemulwuy Redevelopment Project and its progress.

It is clear to the Committee that the redevelopment of the Block is an important and iconic project for Aboriginal Australians and the local Aboriginal community in particular. The Committee believes that it is of the utmost importance that the redevelopment be completed and that the Block remain under the ownership and control of Aboriginal people. The Committee has recommended that the NSW, Federal and local governments join together to assist the AHC to undertake the redevelopment, by providing funding and other forms of assistance.

The Committee is aware, however, that the AHC is currently facing financial and management difficulties. The Committee has recommended that the NSW Government continue assisting the AHC to improve its governance and management practices. The Committee has also recommended that the provision of government funding must be contingent upon the AHC agreeing to certain conditions regarding the management of the Pemulwuy Project, community consultation and other matters.

Some Committee members believe that a decision about a funding commitment and the source of funding is premature until these issues are resolved.

A great deal of uncertainty about the redevelopment project and scepticism about its fruition has been expressed during the Inquiry. The Committee has recommended that the RWPP provide assistance to the AHC to keep the local Aboriginal community, as well as the wider community in Redfern and Waterloo, regularly and comprehensively informed as to the progress of the redevelopment of the Block.

Chapter 4 Policing strategies and resources

The terms of reference require the Committee to examine policing strategies and resources in the Redfern and Waterloo areas. The Committee received a great deal of evidence on this and has identified some issues to be addressed in this Interim Report including violence against police, resources, staffing, and strategies to deal with robberies.

A number of other issues fall within this term of reference, including the relationship between police and the Aboriginal community, policing strategies dealing with drug related crime and coordination between NSW Police and other services. These issues will be examined in the Final Report.

On 16 July 2004 the NSW Police Minister released a package of initiatives based on the recommendations of Strike Force *Coburn* (the internal police investigation of the police response to the riot) that are aimed at addressing policing issues in the Redfern Local Area Command. The Committee has not yet received a copy of the Strike Force *Coburn* report and has called upon the Minister to release the report as soon as possible. Some of the Minister's initiatives relate to the issues examined in the Interim Report. The Minister announced that the initiatives will be reviewed in six months time and the Committee has recommended that certain matters be taken into account in that review. The Committee has also recommended that an 18 month review be undertaken to assess the longer-term effect of the initiatives on policing and the local community.

Chapter 5 Mobile needle and syringe service

Drug and alcohol use and misuse in Redfern and Waterloo has been the subject of some debate. The Committee has heard a range of views on the extent and the seriousness of drug related problems, the impact of government policy and service delivery. The substantial debate about the adequacy of government and non government drug and alcohol services in Redfern and Waterloo will be dealt with in the Final Report.

In this Interim Report we have examined the Redfern/Waterloo Anti-Drug Strategy, an important initiative aimed at addressing many of the serious drug problems in the area. The Committee is concerned about the slow pace with which a number of elements of the Strategy have been implemented. The Committee has recommended that the RWPP, NSW Health and the City of Sydney Council work together to ensure that the Strategy is fully implemented.

One particular area of concern for the local community is the mobile needle and syringe service currently located on the Block. The Committee has addressed this issue in the Interim Report due to the level of concern expressed. The Committee has examined the range of views put forward on the needle van, including its location, the image of a drug culture at the Block, the potential 'honey pot' effect, the number of needles provided and referral services.

The Committee strongly supports the principles of harm minimisation. There is overwhelming evidence that needle and syringe programs are effective in terms of health outcomes for drug users and the broader community. We believe that there is currently a role for a needle van in the Redfern/Waterloo area though the current location of the van is causing significant problems for the local community.

There was a great deal of evidence that the service should not be located directly adjacent to children's play areas or near the Redfern Community Centre and preferably should not be located in a residential area. The Committee is also concerned that the location of the van near the Block gives the impression that the Aboriginal culture is a 'drug culture'. The majority of the Committee believes that the needle van should be relocated. The Committee has therefore recommended that the van be relocated within three months to Hudson Street, which is an industrial area around the corner from the Block. The Committee has also recommended that an education campaign be conducted to alert users to the change of location and that a review process and evaluation of the impact of the relocation of the van be undertaken.

Concluding remarks

In this Interim Report the Committee has examined several issues that were raised during the first stage of the Inquiry and in relation to which we received sufficient evidence to enable a comprehensive examination. Our broad terms of reference raise many other issues which we will further examine in the second stage of the Inquiry and address in the Final Report.

We are conscious of the important task we have in finding solutions to some very difficult problems. We are aware of the need to address many of the systemic issues that lie beneath the considerable disadvantage experienced by a high proportion of the Redfern and Waterloo population, particularly the Aboriginal community. In the second stage of our Inquiry, we will look particularly at the adequacy of government and non-government services, identify where there are gaps and propose recommendations to improve service provision.

The Committee welcomes further submissions based on the information contained in this Interim Report, or on any other issue arising out of the terms of reference.

Summary of recommendations

- Recommendation 1** 33
That the NSW Government continue the place-based approach represented by the Redfern/Waterloo Partnership Project, despite the criticisms made of the Project, and make a long-term financial commitment to the Project beyond the funding already committed up to 2006.
- Recommendation 2** 33
That the NSW Government, through the Redfern/Waterloo Partnership Project, take all possible steps to achieve genuine partnership between State and Commonwealth agencies, the City of Sydney Council, the non government sector and the local community in order to address the issues facing Redfern and Waterloo.
- Recommendation 3** 33
That the Redfern/Waterloo Partnership Project develops and implements a comprehensive strategy to ensure there is effective consultation and communication with the Redfern and Waterloo communities. In addition, to improve its relationship with the local community, particularly the Aboriginal community, the Redfern/Waterloo Partnership Project should establish mechanisms to facilitate capacity building within the Aboriginal community.
- Recommendation 4** 33
That the Redfern/Waterloo Partnership Project expedites the completion of the Human Services Review, and that the NSW Government provide a copy of the Human Services Review report to the Committee as soon as it is completed. Further, that the plans for reform of government and non government services and their coordination which arise from the Human Services Review be communicated to all the partners in Redfern and Waterloo and to the Committee as soon as possible.
- Recommendation 5** 65
That the NSW Government, through the Redfern/Waterloo Partnership Project, continue its constructive working relationship with the Aboriginal Housing Company and the provision of in-kind assistance to the Company, with the aim of ensuring that the Company is able to redevelop and manage the Block.
- Recommendation 6** 65
That the NSW Government expedite the completion of the audit of the financial affairs of the Aboriginal Housing Company and the valuation of its properties.
- Recommendation 7** 65
That the three tiers of government make a firm commitment to the redevelopment of the Block by the Aboriginal Housing Company, subject to the requirements set out in Recommendation 8, and in particular that:
- the NSW Government make a substantial funding contribution to enable the completion of the Pemulwuy Redevelopment Project, and that it facilitate access by the Aboriginal Housing Company to other funding sources
 - the Federal Government be approached by the NSW Government to make a substantial funding contribution to the Pemulwuy Redevelopment Project
 - the City of Sydney Council make a substantial contribution to the Pemulwuy Redevelopment Project, which might take the form of in-kind assistance, such as handing over freehold title to laneways or waiving rates for a period of time.

- Recommendation 8** **66**
That the commitment of funds to the Aboriginal Housing Company for the Pemulwuy Redevelopment Project identified in Recommendation 7 should be made dependent upon strict requirements relating to:
- creation of a representative development control structure to manage and oversee the Pemulwuy Redevelopment Project
 - continued involvement by the NSW Government in improving the governance structure and management practices of the Aboriginal Housing Company and ensuring its sustainability
 - the incorporation of Crime Prevention Through Environmental Design principles in the design of the redevelopment
 - extensive consultation with the local community
 - the transparent and equitable allocation of housing to tenants
 - establishment of an ongoing program for maintenance of the new housing stock
 - the employment, where possible, of Aboriginal people in the Pemulwuy Redevelopment Project
- Recommendation 9** **66**
That the Redfern/Waterloo Partnership Project provide assistance to the Aboriginal Housing Company to keep the local Aboriginal community, as well as the wider community in Redfern and Waterloo, regularly and comprehensively informed as to the progress of the redevelopment of the Block.
- Recommendation 10** **75**
That the Minister for Police establish a specific system of recording incidents of violence against police sustained in the course of duty. The system should enable the type and location of each incident to be recorded, as well as the details of the officer(s) concerned (and any other relevant details). The system should enable statistics to be collated and monitored in relation to each Local Area Command and State-wide and comparisons between Local Area Commands to be made.
- Recommendation 11** **78**
That the Minister for Police initiate a review of the level and type of violent incidents against police officers in the Redfern Local Area Command over the past 10 years, in order to ascertain the precise extent and nature of problem and to identify measures to minimise the number of violent acts against police officers. The review should compare Redfern with other Local Area Commands where violence against police is similarly a problem.
- Recommendation 12** **78**
That NSW Police take into account the level of violence against police when considering the allocation of resources to the Redfern Local Area Command in the future.
- Recommendation 13** **84**
That the Minister for Police, as part of the six month review of the initiatives announced on 16 July 2004, carefully examine the impact of the increase in officers on the ability of the Redfern Local Area Command to investigate crime and on the local community. The review should also identify the actual and authorised strength of the Redfern Local Area Command, the number of officers on leave and whether the new positions and secondments and the existing vacancies have been filled.
- Recommendation 14** **93**
That the Minister for Police, as part of the six month review of the initiatives announced on 16 July 2004, carefully re-examine the level of experience among officers stationed at the Redfern Local Area Command, including:

- whether it is in the interest of the Redfern Local Area Command and the local community to extend the suspension of the placement of probationary constables beyond the initial 12 month period
- whether any 'directed transfers' have been made
- whether any other measures or incentives to encourage officers to go to the Redfern Local Area Command and/or to remain there for a constructive length of time are necessary.

Recommendation 15 **95**

That the Minister for Police undertake an audit of the implementation of the initiatives contained in the *NSW Police Aboriginal Strategic Direction 2003-2006* in the Redfern Local Area Command and that where relevant initiatives have not been implemented the Minister make their implementation a matter of priority.

Recommendation 16 **95**

That the Minister for Police, as part of the six month review of the initiatives announced on 16 July 2004, consider the impact of the initiatives on the local Aboriginal community with reference to the *NSW Police Aboriginal Strategic Direction 2003-2006*.

Recommendation 17 **105**

That the Minister for Police, as part of the six month review of the initiatives announced on 16 July 2004, should incorporate an assessment as to whether sufficient resources at the Redfern Local Area Command are dedicated to robberies, with regard to crime statistics and the views of the officers working to target robberies.

Recommendation 18 **106**

That the Minister for Police, in addition to the six month review of the initiatives announced on 16 July 2004, undertake an 18 month review of the initiatives. As part of the 18 month review the matters addressed in Recommendations 13, 14, 16 and 17 should be examined.

Recommendation 19 **106**

That the Minister for Police release the final report of Strike Force *Coburn* as soon as possible with, if necessary, parts relating to the Coroner's Inquiry into the death of TJ Hickey or to sensitive operational matters, kept confidential.

Recommendation 20 **136**

That the Redfern/Waterloo Partnership Project, NSW Health and the City of Sydney Council work together to ensure that the Redfern/Waterloo Anti-Drug Strategy is fully implemented including:

- the relocation, within the next three months, of the mobile needle and syringe service away from the residential areas to a nearby industrial area on Hudson Street, Redfern, with comprehensive information to users of the needle and syringe service about the relocation
- a comprehensive review process and evaluation of the impact of the relocation of the mobile needle and syringe service, including the changes in demand patterns for Redfern and Waterloo
- as a matter of urgency, a Memorandum of Understanding between NSW Health and NSW Police on the mobile needle and syringe service with appropriate guidelines and operating procedures for front line police and health workers
- adherence to the limit set on the number of needles distributed to users per contact
- continuation of the needle and syringe clean-up program and review of services provided in other jurisdictions including the installation of disposal units in all public toilets and 'sharps sweeps'

- appropriate maintenance of the syringe bins currently in place in two locations in Redfern and Waterloo
- ensuring there is access to the overdose management response team.

Recommendation 21**136**

That the NSW Government, through the Redfern/Waterloo Partnership Project, liaise with the Central Sydney Area Health Service, relevant Aboriginal organisations and representatives from the Aboriginal community, to ensure there are adequate referral services for Aboriginal people with drug and alcohol problems in Redfern and Waterloo. In particular, consideration should be given to the feasibility of establishing detoxication and other drug and alcohol related services, particularly for Aboriginal people, at the Rachel Foster Hospital site or another appropriate site.

Recommendation 22**136**

That the NSW Government, together with the City of Sydney Council, undertake a community education campaign in the Redfern and Waterloo area providing information on the rationale for harm minimisation, the Redfern Anti-Drug Strategy and the needle and syringe service with a view to improving community understanding of the benefits to the health of illicit drug users as well to the wellbeing of the broader community.

Acronyms

AHC	Aboriginal Housing Company
AHO	NSW Aboriginal Housing Office
AMS	Aboriginal Medical Service Co-operative Ltd
ATSIC	Aboriginal and Torres Strait Islander Commission
BOCSAR	NSW Bureau of Crime Statistics and Research
CDEP	Community Development and Employment Projects scheme
COPS	Computer Operations Program System
CSAHS	Central Sydney Area Health Service
LAC	Local Area Command
LACACC	Local Area Command Aboriginal Consultative Committee
NCOSS	Council of Social Service of New South Wales
NPSs	Needle and Syringe Programs
OSG	Operational Support Group
RED Strategy	Redfern Eveleigh Darlington Strategy
RWPP	Redfern/Waterloo Partnership Project
SCC	City of Sydney Council

Chapter 1 Introduction

The terms of reference require the Committee to provide this Interim Report by 31 July 2004 and the Final Report by 30 November 2004. This chapter sets out the background and conduct of the Inquiry and reports on the Committee's progress. The events of 14-16 February 2004 that prompted the Legislative Council to refer this Inquiry to the Committee are also briefly examined. The chapter also provides an outline of other inquiries being conducted into issues relating to Redfern and Waterloo, and a brief overview of the suburbs of Redfern and Waterloo. The content and structure of this Interim Report, and the issues to be discussed in the second stage of the Inquiry and Final Report, are outlined at the end of this chapter.

Background to the Inquiry

- 1.1 The terms of reference for this Inquiry were referred to the Committee by resolution of the House on 26 February 2004. After intense debate in the House, a motion to establish a select committee to examine the events of 14-16 February 2004 was amended and the House voted to refer wider terms of reference to the Standing Committee on Social Issues. The terms of reference for the Inquiry are set out at the commencement of this report.

Conduct of the Inquiry

- 1.2 The Committee advertised the Inquiry and called for submissions on 6 March 2004. The closing date for submissions was 16 April 2004, however the Committee has continued to accept submissions since that time. The Committee has to date received 89 submissions from a range of individuals and non government organisations as well as a whole-of-government submission representing the views of approximately 30 agencies.
- 1.3 All public submissions were placed on the Committee website following consideration by the Committee. A number of submission authors requested confidentiality, and others asked that their submission be made public with their name suppressed. The Committee granted all requests for confidentiality and name suppression. In a small number of cases, the Committee decided to suppress material in submissions in order to protect the privacy of individuals mentioned. Committee documents, submissions and evidence remain confidential to protect witnesses and maintain the integrity of Committee proceedings until the Committee decides to make them public after proper consideration and advice on procedural fairness issues. The unauthorised release of a Committee document has the potential to interfere with the operations and effectiveness of a Committee.
- 1.4 The Committee notes that there was an unauthorised disclosure of a Committee document during the early stages of this Inquiry. This means that a document was released by persons other than the Committee without the authority of the Committee to do so. The unauthorised disclosure of confidential committee documents can impede the effectiveness of parliamentary committees and lower confidence in the Parliament. Any person who discloses confidential committee documents may be deemed guilty of contempt of Parliament. While the Committee considers the issue of unauthorised disclosure seriously, we have decided to take no further action at this stage.

- 1.5** The Committee held seven days of hearings in May and June at which 60 witnesses appeared. Five hearing days were held at Parliament House, one at the Redfern Community Centre and the other at the Redfern Town Hall. With the exception of witnesses representing two organisations who requested confidentiality, all the hearings were conducted in public.
- 1.6** The Committee has encouraged participation in the Inquiry from people living in and around Redfern and Waterloo to ensure that the Committee hears the range of views that naturally exist in such a diverse inner-city area. In particular, the Committee has sought to encourage members of the local Aboriginal community as submission makers and witnesses. The Committee is grateful to the Aboriginal and Torres Strait Islander Commission for engaging the Jumbunna House of Indigenous Learning to assist members of the community to understand the Inquiry process and write submissions and participate in hearings.
- 1.7** This Inquiry has investigated many complex and difficult issues. These issues have been confronting for Committee Members and also for many of the participants in the Inquiry. The Committee's terms of reference require us to examine what is working in Redfern and Waterloo and what is not working and make positive recommendations in relation to a way forward. We reminded witnesses giving evidence to the Committee that the privilege to speak freely as part of a parliamentary proceeding exists so that Parliament can properly investigate matters such as this. The privilege is not intended, however, to provide a forum for people to make attacks or adversely reflect on others. The Committee also requested that witnesses avoid mention of other individuals in the community unless it was absolutely essential in addressing the terms of reference.
- 1.8** The Committee thanks the witnesses in this Inquiry for respecting and adhering to our requests for the instructive way in which they approached the Inquiry and assisted Committee Members in the task given to them by the House.

Events of 14-16 February 2004

- 1.9** In this section the events of 14-16 February 2004 that led to this Inquiry are briefly outlined. While the terms of reference do not relate to these events specifically, they tragically underpin this Inquiry and provide a focus for many of the issues examined in this Report. The Committee wishes to express its deep regret for the death of Thomas 'TJ' Hickey and we extend our sympathy to the Hickey family and friends, and the community generally.
- 1.10** TJ Hickey was a 17 year old Aboriginal youth who was fatally injured when he fell off his bicycle while riding in Waterloo on the morning of Saturday 14 February 2004. Mr Hickey had been riding fast when he hit a kerb, his speed projecting him onto a nearby iron fence. Police in the area arrived at the scene and an ambulance was called to take Mr Hickey to Westmead Children's Hospital. He died the following day.
- 1.11** It has been alleged that police were chasing Mr Hickey at the time of his accident, and this speculation quickly spread throughout the Aboriginal community at Redfern. The Coroner's Court is currently holding an inquest into TJ Hickey's death (see paragraph 1.19).

- 1.12 There is a longstanding history of poor relations between the Aboriginal community and the police. Mr Hickey's death roused strong feelings of anger and resentment toward police among some members of the Aboriginal community, and during the day of 15 February tension in the Redfern Aboriginal community grew. By that evening a group of people in Lawson Street had started throwing bricks, rocks and broken bottles at trains passing through Redfern Station. The station was closed down and police were called; the group then began to throw missiles at police, injuring several officers.
- 1.13 Police attempts to negotiate with the group were unsuccessful and late on Sunday night the Operational Support Group (OSG) or 'riot squad' was called in. By this stage a car had been set on fire and small petrol bombs were being thrown as well as loose pavers from a nearby house. The Fire Brigade was contacted, as police were concerned Redfern Station was going to be set alight. Members of the Aboriginal community attempted to calm the situation, but were unable to intervene successfully.
- 1.14 Police from other metropolitan commands had also been deployed to Redfern, until over a hundred police were in the area. When the OSG and equipment arrived, a line of approximately 30 police with riot equipment was formed and attempted to move forward to disperse the group. After seven hours of rioting and a number of attempts to disband the crowd, the police were finally able to disperse the group at about 4 o'clock Monday morning. The Committee understands that 36 officers have reported some form of injury as a result of the riot. Approximately 35 people have been arrested as a result of the riot at the time of writing this Interim Report.

Other inquiries

- 1.15 The day after the riot the Premier announced three inquiries into the events leading up to the riot and the night of the riot itself. An additional investigation by WorkCover NSW was also subsequently initiated. As the Committee has been alerted to some confusion about the various inquiries being conducted, they are described briefly here in order to distinguish them from this Inquiry.

NSW Police

- 1.16 Soon after the riot, the New South Wales Police Commissioner requested an investigation into 'the decision making, the activities, the response, the resources used on the night of the riot.'¹ The investigation was also to look more widely at the capacity of NSW police generally to respond to similar incidents. The team conducting the investigation was called Strike Force *Coburn*.
- 1.17 In early July the Committee wrote to NSW Police Minister, the Hon John Watkins MP requesting a copy of Strike Force *Coburn's* final report. In response, Minister Watkins told the Committee that NSW Police has provided the report to the Coroner. According to correspondence from the Minister, as the report contains operationally sensitive material,

¹ Deputy Commissioner David Madden, Deputy Commissioner Operations, NSW Police, Evidence, 18 May 2004, p66

which may be of relevance to the Coroner, advice is being sought from the Coroner and the Crown Solicitor about how the report might be disseminated.²

- 1.18** On 16 July 2004, the NSW Police Minister, the Hon John Watkins MP, Commissioner Ken Moroney and Deputy Commissioner David Madden released a package of initiatives aimed at addressing policing issues in Redfern. The initiatives were based on the recommendations of Strike Force *Coburn*. Matters relating to the Strike Force *Coburn* report and the initiatives announced by the Minister are discussed in Chapter 4.

NSW State Coroner

- 1.19** The NSW Coroner John Abernethy commenced the inquest into the death of TJ Hickey on 5 July 2004. The purpose of the inquest is to clarify the circumstances of his death and determine if any police misconduct occurred. Approximately 20 witnesses appeared before the Coroner with the proceedings conducted in public. The Coroner completed hearings on Friday 16 July and while he had indicated he would hand down his findings on that date, the Coroner is now expected to deliver his findings on 27 August 2004. The Coroner's findings will be given publicly.

NSW Ombudsman

- 1.20** The NSW Ombudsman has a monitoring role for police investigations into the conduct of police officers. In relation to the Hickey investigation, this has involved Ombudsman officers being present as independent observers during police interviews of witnesses and police officers involved 'to ensure the integrity of those interviews.'³ Though the Ombudsman does not have an investigative role in relation to these cases, the Ombudsman may make recommendations to the Police Commissioner about the conduct of the investigations.

WorkCover NSW

- 1.21** WorkCover NSW, under the auspices of the *Occupational Health and Safety Act 2000*, has commenced an investigation in response to the riot, into the adequacy of the systems of work and other safety-related controls applied by NSW Police. The primary focus of WorkCover's investigation will be to establish whether NSW Police, in responding to and managing the riot, fulfilled its OHS obligations to police officers who were in attendance at the riot. The indicative timeframe for completion of the investigation is October 2004 but this is dependent on the availability of witnesses and legal advice.⁴
- 1.22** These four inquiries impact on our inquiry processes in a number of ways. The Committee has not been able to cover some of the issues addressed by these inquiries until their completion and reporting. While our Interim Report addresses policing and refers to some of the material resulting from these inquiries, a number of other policing issues will be dealt with in our Final Report after the Committee has had time to review the findings of these

² Correspondence from John Watkins MP, Minister for Police to Chair, 15 July 2004

³ Correspondence from Mr Bruce Barbour, Ombudsman, NSW Ombudsman, to Chair, 19 April 2004

⁴ Email from Ms Jenny Thomas, A/Director, Industry Programs Group, WorkCover NSW, to Senior Project Officer, 13 July 2004

inquiries. Some of the issues addressed by these inquiries are outside our terms of reference.

The suburbs of Redfern and Waterloo

- 1.23** This section provides a brief overview of the suburbs of Redfern and Waterloo.⁵ The Committee notes the point made strenuously by several inquiry participants that the two suburbs, while often linked, are quite distinct. This point has informed much of the Committee's analysis of the terms of reference, except in relation to issues that have equal relevance or implications for each suburb.
- 1.24** The suburbs of Redfern and Waterloo are located just to the south of the Sydney central business district. Redfern covers 1.2 square kilometres and Waterloo covers 1.9 square kilometres. The two suburbs are within the expanded City of Sydney Council boundaries, which commenced on 6 February 2004.
- 1.25** Redfern and Waterloo are considered inner city suburbs, with a mix of 19th century buildings as well as more modern architectural styles, a result of recent gentrification due to the increased popularity of inner city living. There is a broad range of high and low income households in the area, particularly in Redfern.
- 1.26** Redfern holds particular significance for Aboriginal people. Aboriginal presence in the area dates back 40,000 years, evidenced by archaeological findings discovered during the excavation of the Alexandra Canal in the 1960s.⁶ The traditional owners are the Gadigal people of the Eora Nation, which extended from South Head to Botany Bay and west to Petersham. One of the most significant sites in Redfern is the area known as the Block. The history of the Block is discussed in Chapter 3.
- 1.27** Waterloo supports one of the highest concentrations of public housing in Sydney. This is a result of the replacement in the 1960s of terrace housing with high-rise flats. The flats, initially known as the Endeavour Estate, comprise two thirty-storey towers. They are now called the Matavai and Turanga buildings. A large proportion of dwellings in Waterloo are owned by the Department of Housing. Waterloo has more than 2,000 units of public housing and a large proportion of tenants are older residents from non-English speaking backgrounds.⁷ It is worth noting also, that while Redfern is identified with Aboriginal culture, according to the 2001 Census, Waterloo has a larger number of Aboriginal residents.
- 1.28** With the establishment of the Redfern/Waterloo Partnership Project in 2002, the suburbs of Redfern and Waterloo have been linked together in the public mind as two communities facing the same issues. A number of people told this Inquiry that the populations of Redfern and Waterloo are extremely diverse. The table below provides an overview of some of the similarities and differences between the two suburbs. Aspects of the

⁵ See Appendix 3 for maps of Redfern and Waterloo

⁶ Submission 55, NSW Government, p10

⁷ City of Sydney Council, *Redfern-Waterloo Community Safety Plan 10 March 2004*, p22

Redfern/Waterloo Partnership Project, and issues regarding the differences and complexity of issues in Redfern and Waterloo, are discussed in Chapter 2.

Table 1.1 Redfern and Waterloo community profile

Indicator	Redfern	Waterloo
Area (sq km)	3.1 combined	
Population	11,206	5,745
Aboriginal / Torres Strait Islander	311	411
NESB Background	31%	41%
Families with children under 15	22%	35%
Single parent families with children under 15	8.5%	22.8%
School attendance		
Pre-school	59	45
Infants/Primary	266	310
Secondary	236	263
Total	561	618
Highest Educational levels – Year 10 or below	25%	38%
Public Housing (% of Suburb)	23%	67%
Weekly income less than \$300	39%	66%
Disability Support Pension	1,600 combined	
Newstart Allowance	1,000 combined	
Single Parenting Payment	460 combined	
Age Pension	2,500 combined	
Unemployed	7.6%	16.6%
Total employed	5,348	1,414
Types of Employment		
Management/Professional/Associate Professional	53%	37%
Clerical/Sales/ service workers	29%	35%
Tradespersons and related workers	6%	8%
Labourers and related workers	5%	8%
Production and Transport workers	4%	8%

This summary, based on the key statistics for the area from the 2001 Census, is from the *Redfern-Waterloo Community Safety Plan*, 10 March 2004, pp18-19

The structure of the Interim Report

- 1.29** The terms of reference require the Committee to complete an Interim Report by 31 July 2004 and a Final Report by 30 November 2004. The Committee has used the opportunity of presenting an Interim Report to address several issues. Evidence presented to the Committee in submissions and during hearings focused on four main areas which are addressed in this Report: aspects of the Redfern/Waterloo Partnership Project, the redevelopment of the Block, the Mobile Needle and Syringe Service located near the Block and some aspects of policing strategies and resources. The chapters are discussed in detail below.
- 1.30** In **Chapter 2** the Committee considers aspects of the Redfern/Waterloo Partnership Project (RWPP). The chapter briefly overviews the establishment and progress of the RWPP. The chapter provides a summary of the feedback from inquiry participants on the RWPP consultation processes and the effectiveness or otherwise of its communication with members of the Redfern and Waterloo communities. While this chapter considers some aspects of the RWPP, issues relating to its role in the coordination of government and non government service delivery in Redfern and Waterloo will be dealt with in the second stage of the Inquiry and addressed in the Final Report.
- 1.31** In **Chapter 3**, the Committee examines proposals for the future of the Block. The long-term future of the Block and its residents is a complex issue requiring initiatives to address social and economic disadvantage experienced by the local Aboriginal community. These issues will be examined in the second stage of the Inquiry and will be addressed in the Final Report. This chapter commences with a brief history of the Block and the Aboriginal community in Redfern and Waterloo. The chapter focuses on the future of the Block in terms of the redevelopment of housing. The Committee canvasses a range of views expressed by members of the community and local organisations to explore the issues surrounding the Aboriginal Housing Company's Pemulwuy Redevelopment Project and the progress of the redevelopment.
- 1.32** In **Chapter 4** the Committee examines several issues that arose out of the first term of reference to examine policing strategies and resources in the Redfern and Waterloo area. The chapter considers violence against police, police resources including staffing issues, and police strategies to deal with robberies. A brief overview of policing in Redfern and Waterloo is provided by way of introduction. A number of other issues fall within this term of reference, including the important issue of the relationship between police and the Aboriginal community, police strategies to deal with drug related crime and coordination between NSW Police and other services, including DoCS and NSW Health. These issues will be examined in the Final Report, after further consideration by the Committee.
- 1.33** In **Chapter 5** the Committee considers the issues surrounding the mobile needle and syringe service currently located at the Block. This chapter begins with an overview of the Government's approach to drug and alcohol issues in Redfern and Waterloo. The chapter then covers the range of views put forward in evidence on the needle van, including its location, the image of a drug culture at the Block, the potential 'honey pot' effect, the number of needles provided and referral services. The Committee believes it is important

to address the issue of the needle van at this stage of the inquiry process given the degree of community interest and concern. The Committee will continue to investigate the complex issues surrounding drug and alcohol use in Redfern and Waterloo as they relate to our terms of reference.

The second stage of the Inquiry

- 1.34** The Committee received a considerable amount of information on other aspects of its terms of reference, especially on the adequacy of government and non government services in the area. In particular, the Committee heard evidence on the effectiveness or otherwise of the Department of Community Services, the need for a 24 hour youth crisis centre and an Aboriginal women's refuge, the relationship between police and the Aboriginal community, and proposals for a safe injecting room. The Committee has determined, however, that further information is required before the Committee can adequately address these issues. In particular, we note that the Final Report of the Human Services Review due in the next several months will be important in the consideration of the adequacy of government and non government service delivery in Redfern and Waterloo. These issues will be the focus of the second stage of the Committee's Inquiry. The Committee is aware that the issues addressed in this Interim Report may also give rise to further discussion and debate and therefore may be raised again in the second stage of the Inquiry.
- 1.35** The Committee would be pleased to receive further submissions based on the information contained in this Interim Report, or on any other issue arising out of the terms of reference.
- 1.36** The terms of reference for this Inquiry are extremely broad and complex. The Committee is mindful of the important job it has to do in helping to find solutions to some very difficult problems facing the residents living in Redfern and Waterloo. In this Interim Report we decided to deal with some of the specific issues that need to be addressed. We are aware that there is still much work for us to do. We are aware of the need to address many of the systemic issues that lie beneath the considerable disadvantage experienced by a significant proportion of the Redfern and Waterloo community, particularly the Aboriginal community.
- 1.37** In the second stage of our Inquiry and Final Report, we will canvass some of the serious problems facing people in the area, such as poverty, drug and alcohol abuse and racism. Our Final Report will consider the adequacy of government and non government services aimed at addressing social disadvantage in Redfern and Waterloo.