

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 and 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.