

REPORT ON PROCEEDINGS BEFORE

STANDING COMMITTEE ON SOCIAL ISSUES

**INQUIRY INTO GAY AND TRANSGENDER HATE CRIMES
BETWEEN 1970 AND 2010 - 57TH PARLIAMENT**

CORRECTED

At Macquarie Room, Parliament House, Sydney, on Friday 13 November 2020

The Committee met at 10:20.

PRESENT

The Hon. Shayne Mallard (Chair)

Ms Abigail Boyd

The Hon. Ben Franklin

The Hon. Rose Jackson

The Hon. Taylor Martin

Reverend the Hon. Fred Nile

The Hon. Mark Pearson

The Hon. Natalie Ward

CORRECTED

GELINA TALBOT, Commander, Professional Standards Command, NSW Police Force, sworn and examined

The CHAIR: Welcome back to the Social Issues Committee's Inquiry into Gay and Transgender hate crimes between 1970 and 2010 - 57th Parliament. I welcome our next witness, Assistant Commissioner Gelina Talbot. Thank you for coming in today. Would you like to make an opening statement? We do not have a submission from you so we would welcome an opening statement.

Assistant Commissioner TALBOT: I would like to. Thank you.

The CHAIR: Please go ahead. We have an hour with you so take your time. I hear this is your first parliamentary inquiry, by the way.

Assistant Commissioner TALBOT: It is. I am not intimidated at all!

The Hon. NATALIE WARD: Welcome.

The CHAIR: This is a pretty soft inquiry compared to others. Do not worry; we will not maul you.

Assistant Commissioner TALBOT: I am not sure that takes away the nerves at all, but thank you very much. Firstly, I thank the Committee for extending the opportunity for the NSW Police Force to return to this Inquiry into Gay and Transgender hate crimes between 1970 and 2010 - 57th Parliament. Noting your terms of reference and having had an opportunity to read earlier from some evidence provided to this Committee, I acknowledge that being a witness in this inquiry on behalf of the NSW Police Force is valuable in contributing to your report and to the pending recommendations. It also allows me to highlight the changes and improvements undertaken by the NSW Police Force, especially since Assistant Commissioner Crandell appeared here in November 2018.

By way of introduction, I am Assistant Commissioner Gelina Talbot. I am the commander of Professional Standards Command. It sets and embeds the professional standards of performance, conduct and integrity for the NSW Police Force. I have held that position since April 2018. I am the NSW Police Force Corporate Sponsor-Sexuality, Gender Diversity and Intersex and I assumed that position following Assistant Commissioner Crandell in mid last year. He is a very hard act to follow.

The CHAIR: He is indeed.

Assistant Commissioner TALBOT: I am also the ambassador for the LGBTIQ employees on the NSW Police Force Inclusion and Diversity Council, which was established in 2019. I would like to rely on the NSW Police Force submission in 2018 and Assistant Commissioner Crandell's evidence when he appeared before this Committee on Friday 9 November 2018. They are detailed and reflective accounts of the work undertaken by the NSW Police Force to that point in time. They address past issues and highlight the progress made in relation to engagement and rebuilding trust with LGBTIQ communities. If the Committee is agreeable then I will start by addressing the one recommendation for police that came from this inquiry in 2018, which was to ensure that officers had the skills and knowledge needed to engage with LGBTIQ people respectfully and equally.

I advise this Committee that the LGBTIQ awareness mandatory training program was developed and delivered last financial year. It has been completed by 22,456 employees. A key aim of the Gay and Lesbian Liaison Officers program is to build the overall capacity and skills of the commands to better meet the needs of their local LGBTIQ communities. I believe that those initiatives, when combined with other initiatives undertaken by the NSW Police Force, are addressing the concerns from the LGBTIQ community and the recommendation made. There is a volume of training and education packages along with policies and guidance already implemented within the NSW Police Force around LGBTIQ issues, awareness, expectation, bias and hate crime. More are being developed. Students are exposed to training in their first and second years and undertake a presentation prior to their exit from the academy.

We have LGBTIQ awareness embedded in other training programs, including domestic violence and custody, and we remain committed to making sure that our officers understand the various issues faced by the many communities with which they are required to interact. The answer is not training alone. Yes, there should be ongoing awareness programs and all levels of our organisation must understand the history and the issues facing our communities. This is about the application of that training that we deliver. The NSW Police Force continues to deliver mandatory and self-sought training on a wide range of issues every year. This is about prioritisation and our capability given the volume of information that we are required to put out to police. This can easily turn into white noise if not well considered, and I think that is something that should be avoided at all costs.

CORRECTED

Awareness training should be about impact, delivery and the application of the learning objectives. We should make sure that our training is contemporary. It is about our supervisors, commanders and leaders standing up and holding our people to account. It is about ensuring that our investigation processes, systems and practices are robust and constantly scrutinised to ensure continual improvement in how we deliver our service to the people of New South Wales—whether that is engagement or investigation. We should be doing this because the people of New South Wales deserve that from us. We are committed to being a learning organisation that continues to take significant steps to learn from the past and make sure that appropriate change is undertaken, to ensure that the organisation is responsive to the needs of all of the communities that it serves.

We are, and should be, held to a higher account given our role to protect and serve. Everyone should be confident, when they can report a matter to the police, that it will be recorded and investigated where appropriate. I accept that we have not met that standard at times in the past. We now treat failures to investigate as misconduct matters, which are monitored by my command. I sit here today acknowledging the victims of the past and their families. I acknowledge the past inadequacies of the NSW Police Force in responding, recording and investigating hate crimes against the LGBTIQ community. Unfortunately I cannot go back and change that. What is important is that we learn from our failings and mistakes.

It is important that we ensure that we have robust systems, processes and governance in place that identify inappropriate behaviour and inadequate recording and investigations quickly so that corrective behaviour and action can be undertaken. It is equally important that our officers are held to account and perform their duties professionally. As stated by Ms Foy in the earlier hearings of this Committee on 9 November:

Any individual in ... this State should be able to deal with any New South Wales police officer ... with confidence knowing that they will be treated equally and respectfully.

It is for this reason that we cannot rely solely on GLLOs to build relationships with and take reports of matters from the LGBTIQ community. Every police officer must be able to deal with any member of the community with dignity, respect and care—it is just fundamental human right—and must be able to assist and investigate matters reported to them. I do not know what the culture looked like in 1970 and 1980, but I am confident as I sit here that when I joined in 1990 it was a culture that does not exist today. We are a significantly different organisation. But there are still parts of our culture that we will continue to have to work on. We will not reach utopia: No organisation will. But we must ensure that officers abide by their oath, by the *Code of Conduct and Ethics*, by the values of the NSW Police Force and what is expected of them by the NSW Police Force.

We are a diverse organisation, and we will continue to drive diversity and inclusion so that we are reflective of the community we serve, and our people can be their authentic selves in the workplace. I would like to submit to this Committee that COVID-19 has had a significant impact on us as an organisation to be able to physically engage with the LGBTIQ community this past nine months and it has made it difficult as the regions' Corporate Sponsor to be able to engage with all key stakeholders, but always the health and safety of that community was important to us and we have undertaken other ways of being able to engage using technology.

In closing my opening statement, I ask the Committee to accept that when and if I preface "the community" today, I am referring to all communities and the LGBTIQ community. Given the importance and desire to be accurate during this inquiry, and given it is my first one, I would like to refer to my notes at various times during the inquiry, if you do not mind.

The CHAIR: You are welcome to do that. Thank you for that opening statement, Assistant Commissioner. I am pretty sure you were reading a prepared statement, so I wonder if your office might be able to email that to our secretariat for Hansard so they ensure that they get all that accurately. That can be organised through the secretariat. Thank you for that.

Assistant Commissioner TALBOT: Thank you.

The CHAIR: Also I want to assure you that all of the evidence from the last inquiry from Inspector Crandell and his submission will be incorporated as evidence in this inquiry. All of that material has been brought forward so you can be assured of that as well. You probably did not get to hear much of the ACON discussion when we had from ACON for the last hour, but one of the areas we talked about was training and awareness in the Police Force. This was part of the evidence in the last inquiry as well. I think Mr Alex Greenwich raised it. We understand that police officers are given their training at the academy at the beginning of their career but there is no refresher or revisitation of training in terms of dealing with the LGBTIQ communities, specifically; hate crimes more broadly.

There have been suggestions that every three years there needs to be a refresher on that issue and also when police are promoted that may be is a good time to refresh on hate, and hate more broadly in dealing with

CORRECTED

LGBTIQ communities specifically for us in this inquiry. Would you like to comment on that in terms of the level of training and regularity of it?

Assistant Commissioner TALBOT: As I mentioned in my opening statement there is a lot of training and education that is being undertaken across the organisation. If we talk about promotion, we currently have a new promotion process that has come out. It has a number of training components within that. We do talk around the expectations of leaders across the organisation but I think it is important that, given that is a new process, I take that question on notice around our promotion process so that you can see what is the type of training that we are putting in place. We do have the LGBTIQ Ally training, which is for a range of officers. It is covered in our peer support officers course. It is covered in our domestic violence family course as well is custody, there are significant different ways that we put this training in and across the organisation.

We also have now, as I said before, that awareness training that was mandatory. It went out last year. Given everything else and all the other communities that we deal with, I think it is important that we are well measured when we do that training and that awareness training. But I do not disagree that awareness training is required.

The CHAIR: Because, I mean, I imagine that for some police officers, you leave the academy and you are out there at the coalface. After a few years you get a little desensitised to what is going on. I mean, it would have to be a factor of the engagement in some of these situations. Would you not think that a refresher of some of those core issues like hate crimes and dealing with the LGBTIQ community relationships should occur not just at the beginning but regularly through their career?

Assistant Commissioner TALBOT: On a regular basis, yes.

The CHAIR: All right. ACON's view—and they have always had a good or strong relationship with the New South Wales police, or not always but in the last decade or so they have had a very good relationship, on my understanding—is that they would like to see more transparency in the training and maybe some auditing of the training. I notice you mentioned how many officers had been through the program.

Assistant Commissioner TALBOT: The awareness manager training, yes.

The CHAIR: Was it 22,000 you said?

Assistant Commissioner TALBOT: Yes, 22,456.

The CHAIR: That is in the last—

Assistant Commissioner TALBOT: The last financial year. It was a mandatory training package.

The CHAIR: So 22,000 in the last financial year?

Assistant Commissioner TALBOT: Correct.

The CHAIR: Wow. And what is the size of the force?

Assistant Commissioner TALBOT: Can I take it on notice as to exact numbers?

The CHAIR: Broadly?

Assistant Commissioner TALBOT: Broadly, it is about 23,000.

The CHAIR: Okay. So it is nearly every officer?

Assistant Commissioner TALBOT: Or 22,000.

Reverend the Hon. FRED NILE: Approximately.

Assistant Commissioner TALBOT: Approximately, yes.

The CHAIR: So nearly every officer has been through that program?

Assistant Commissioner TALBOT: Yes. I could confidently state that about 99 per cent of officers have done that training and the 1 per cent who have not would be those who are not in the workplace.

The CHAIR: Can you explain that training to us? What is it—one day or half a day?

Assistant Commissioner TALBOT: It is an online package that is undertaken.

The CHAIR: Right.

Assistant Commissioner TALBOT: It might be good if I have that delivered to you.

CORRECTED

The CHAIR: That would be good, yes.

Assistant Commissioner TALBOT: You can then see that.

The CHAIR: Take that on notice as well. We will have a look at that. If that is not confidential, we can add it to the evidence, but let us know beforehand if there is some sensitivity about it. That is encouraging to hear that. Perhaps other members of the Committee have questions? We are fairly informal here, unlike other inquiries, I assure you. The Hon. Mark Pearson from the Animal Justice Party?

The Hon. MARK PEARSON: Thank you very much. We had evidence just this morning that it appears—so we have to understand it more because it is a report that has just been released—there is probably about a 10 per cent increase.

Reverend the Hon. FRED NILE: Could you speak into the microphone?

The Hon. MARK PEARSON: Oh, sorry. There is actually a 10 per cent increase, approximately, in assaults or harm to this community that this inquiry is about since the last report was provided. I think we are looking at probably about seven or eight years ago. I know this is new and it is new to us, but is that something that has come to the attention of the NSW Police Force over that period of time?

Assistant Commissioner TALBOT: Could I just clarify the question around what year it was? Is it a new report?

The CHAIR: It is the Latrobe study that has been released today so it is fair enough that you would not know about it. Its title is *Private Lives 3*. Six thousand community members have been researched about their experiences. Apparently there has been an increase. We got evidence from the last witnesses.

The Hon. MARK PEARSON: But I am not expecting you to be across that. I am just wondering if that is something that has come to your attention by information that the police themselves are seeing?

Assistant Commissioner TALBOT: So in respect of that report, I would have to take any question on notice around that. I have not seen that report. It is the first that I have heard about it except now. In regard to rates of reporting of hate crimes, if I could just talk to that.

The Hon. MARK PEARSON: Yes.

Assistant Commissioner TALBOT: Over the past 12 months the rate of hate crime incidents reported for LGBTIQ community members was 79 in our records. This accounts for 16 per cent of all recorded hate crime involvement, events and information reports are received by us.

The Hon. ROSE JACKSON: Is that an increase on previous years or a decrease? Do you have any information about whether it is about the same, or—

Assistant Commissioner TALBOT: I would say it is about the same, if I am being honest. For the period 2018 to 2020 there were 211 reported incidents so that is accounting for about 13 per cent of all recorded hate crimes. So we are not seeing what is suggested is that increase in spike.

The Hon. MARK PEARSON: Okay, I think that we will probably see that information more clearly as we study the report. At the moment, according to the NSW Police Force, we have 23 unresolved murders that seem to be directly related to hate crime, as opposed to other crimes. Considering that there has been an arrest undertaken in relation to the murder of Scott Johnson, have the NSW Police Force looked at what was put in place and how the investigation continued with the support of his brother, and therefore has got to a point now where a person has been arrested? Have the NSW Police Force turned their mind to what that process was, which got to the point of enough evidence to arrest somebody in relation to Scott Morrison's murder—

The CHAIR: Scott Johnson.

The Hon. MARK PEARSON: Sorry, Scott Johnson's murder, and is the NSW Police Force turning its mind to the other 23 unresolved murders?

Assistant Commissioner TALBOT: Yes, absolutely. Our State Crime Command and Unsolved Homicide Unit review those matters that are deaths on a regular basis. I have met with the commanders of the State Crime Command and the Unsolved Homicide Unit, and I am satisfied that they have a robust system in place to consider and review the power of all matters. Some matters have been reviewed and are listed as undetermined as to the cause of manner of death at this time, or are inactive due to there being no new identified suspects, witnesses or forensic evidence, and no new lines of inquiry available. But they will be reactivated if new and compelling evidence becomes available.

CORRECTED

With all homicide investigations, there is a team-based task force approach that is undertaken. I am confident that in every investigation that the commander of State Crime Command and others look at, they go back and review them on a regular basis, and if there is new and compelling evidence, the investigations are reopened and investigated.

The Hon. MARK PEARSON: How actively do the investigators pursue the new evidence?

Assistant Commissioner TALBOT: Every time those matters come up for review, they look for new and compelling evidence.

The CHAIR: But the whole problem is that historically so often they are misclassified as a misadventure or suicide—I think it was claimed that Scott Johnson's death was as a result of misadventure—and inadequate evidence collection takes place, so it is hard to find new evidence. ACON and others have suggested in recommendations to us that we make a recommendation for a judicial inquiry to investigate those unsolved deaths, but perhaps others more broadly, which would probe the events around the time as well. Would that give more—for want of a better word—muscle to drive outcomes for these murders if they are driven by judicial rather than police investigation processes that are ongoing. A judicial inquiry really puts pressure on these situations.

This would recognise, as we spoke about earlier, that the perpetrators are living amongst us today. Some of them are known to the police, as we heard that at the last inquiry, and they are getting older. The families and partners of the 30 victims, some of whom gave evidence at the last inquiry, are still wanting closure—for want of a better word—so we want to try to drive some outcomes and this. Does a judicial inquiry give more muscle to drive some justice in these situations?

Assistant Commissioner TALBOT: Not so much muscle but exposure. I note the trauma that has passed and the impact that has had on the individuals and their families. It is important that people get to tell their story in an environment where they feel safe and supported. If that is through that process, then that is through that process. Regarding any proposed alternate independent mechanism to reinvestigate historical LGBTIQ hate crimes, it would be difficult for me to provide feedback without further details on that, except yes—it does give exposure. However, we would be willing to provide the Committee any further assistance or feedback if it was requested.

The Hon. ROSE JACKSON: Thanks for coming along. I wanted to ask a little bit more about the training that you are rolling out. I was interested in two particular things at first. Firstly, you mentioned in your opening statement that the police need to be responsive to local needs and the local community that you are working with has particular needs that police need to be responsive to. I suppose a good example would be working in Kings Cross is quite difficult to working in Brewarrina, which is again quite different to working in Mount Druitt. That also plays out in this context. When you are dealing with LGBTI communities in those different areas, you are going to get very different experiences with people's willingness to come forward as gay and lesbian, and people's willingness to identify harassment or violence that they have been the victim of as linked to their sexuality.

Is that embedded in the training that police are receiving? Or is it very general—when someone says that they are a gay or lesbian person, this is how you respond? Are you going into the different lived experiences that community members across the State are going to be having, and how that might affect their interaction with police?

Assistant Commissioner TALBOT: Each operational commander—and when you talk about differences between regional, metro and rural, I worked in metro and regional and was the commander of the Barwon local area command, which covered 80,000 square kilometres in remote and special remote New South Wales. Each community is different, and it is the responsibility of commands to have an induction package that enables those new officers—whether they are recruits or people transferring into the command—have an understanding of the services that are in that community. We do have a sexuality and gender diversity and intersex induction package that is on our intranet site that people can use, but it is a general guide as to how to do it.

It is the responsibility of each command to be able to tailor it to their own communities. It is important for me to state that I have seven regional corporate sponsors that work with me. Their responsibility in those regional and metropolitan areas is to work with commanders to make sure that they are being responsive to the needs of those communities with regard to LGBTIQ.

The Hon. ROSE JACKSON: What is your sense of how that is going in terms of your commanders' professional standards? That is their responsibility in those areas. Do you think that is going well? Do you see lots of room for improvement? What is your sense of how well officers who are moving into different areas are understanding the particular LGBTI experiences and needs in those areas?

CORRECTED

Assistant Commissioner TALBOT: In metro areas it is easier, because we have a more open—if I can say that—less anonymous LGBTIQ community. Is it different in rural and regional New South Wales? It is different, because the communities are not so open and transparent in the sense of needing police or other services. So we could do that better.

The Hon. BEN FRANKLIN: In terms of the police officers themselves, rather than the differences between the communities from an urban and regional perspective, have you determined any differences between police officers? In the last session I asked a question about whether there was an issue from the ACON representatives, and if they think that some regional police officers may be less engaged and understanding in this space? The evidence that they gave was that there was some anecdotal evidence to that effect. Do you have a response to that. They were not strong and this, by the way. There was not a substantial criticism, it was just raised as an issue. Secondly, do you do anything differently in this area with regard to training and engagement for regional police officers compared to urban officers?

Assistant Commissioner TALBOT: Having lived experience of being out in rural and remote areas, I am not sure that is exactly right in the sense of the difference in the police. We have those regional sponsors, and they provide that regional and rural leadership. That is the first part of it. The second part is that we run the GLLO program. We went to our northern region in 2019, so there were additional GLLOs trained out there. I am going to Dubbo next week for a GLLO course that we are running with about 15 or 16 participants. If I can just talk about that one, because that it is important that I outline what that looks like.

The upcoming course will focus on specific challenges facing regional and rural LGBTIQ communities, including First Nations LGBTIQ people. We will have a panel which will be conducted that includes members of the NSW Police Force Aboriginal Employment Unit, our Aboriginal community liaison officer, a representative from First Nations Rainbow and a local GLLO. The aim is to discuss issues facing regional and rural LGBTIQ communities relevant to police. We do hope that the ideas and suggestions that come from that helps us with that engagement out in the community and building trust with the community in rural and regional New South Wales. We also have a networking event at that course to encourage informal interaction and engagement between the new GLLOs and the local LGBTIQ communities.

With that GLLO course, we have also converted it—and COVID has probably given us the opportunity to do this—into an online and interactive model, so that that content can be produced and available to officers to increase levels of awareness, training and knowledge across the entire organisation. So it does not have to be face-to-face at times that officers can actually go in and do this training. That is important when you look at regional and rural New South Wales. It is a significant impact on a command to draw police out and bring them to one location to do training. It takes police out of their local community and sometimes that can be for various days instead of—when in the metro—a couple of hours. There are different impacts on the organisation depending on where you do this training.

The Hon. BEN FRANKLIN: I take all of that as fact, but obviously there is nothing more important than building a face-to-face personal relationship as well.

Assistant Commissioner TALBOT: Sorry, with the community?

The Hon. BEN FRANKLIN: Yes.

Assistant Commissioner TALBOT: Yes, absolutely.

The Hon. ROSE JACKSON: One of the things that ACON thought would be useful as part of training is a really explicit understanding of the historical context. Is that something that is included? I think your words today were really important and really powerful in your understanding of the failings of the past and the reason that this is important. I can see why that is important because perhaps it is not just about saying that police represent the entire community and it is important that they are able to interact with everyone but that there have been specific issues in the past and this is what that looked like and that is the reason why it is really important that officers are responsive. Is that historical context discussed or included? Is there honesty and openness in the conversations that are happening with new recruits about what has happened in the past?

Assistant Commissioner TALBOT: Absolutely. It is the point of what we do. We have to acknowledge the past to make sure that we do not do it again. We have to make sure that officers coming through—who are from a different generation. When you talk about 1970, I was not born. Sorry I do not want to throw it out, I know I look young, but it is important to acknowledge that such a period of time has passed that we have to make sure that we are continually talking about that so that people understand the context and the reason and the drive of why we do what we do. It is probably at this time that I would like to mention to the Committee that we did a *Standing Together* film. I am not sure whether you have seen it or you know about it. *Standing Together* is the result of a call to action by a 78er at the NSW Police Force Commissioner's apology in August 2018.

CORRECTED

The CHAIR: For the purposes of the Committee, a 78er is someone who participated in what is called the first Mardi Gras, but what was actually a protest which was—

The Hon. MARK PEARSON: I think Rev. the Hon. Fred Nile might be one too, actually.

The CHAIR: For other reasons. I am sorry I interrupted you, Assistant Commissioner.

Assistant Commissioner TALBOT: No, it is alright. That film was a collaboration between—and please excuse me while I read it because it is very important that I explain it. It is a collaboration between NSW Police Force and a small group of 78ers to raise awareness and show how much has changed since the first Mardi Gras. The aim was to utilise this awareness to encourage young people in the community, LGBTQI in particular, to reach out and seek help if they are encountering homophobic or transphobic bullying or harassment. It was a collaborative piece of work with many community stakeholders like PCYC, Twenty10, Wear it Purple, PFLAG and a small group of 78ers.

That film was formerly launched within the NSW Police Force and on Facebook on Wear it Purple Day, so it had some significance. This video helps raise awareness among our own officers, especially to share the historical relationship with members of the LGBTQI communities, to assist them to better understand those community concerns. A number of police, including myself and Mr Crandell, were on that video talking about how we got it wrong and how we need to do it better. Importantly, it does show wonderful young officers who are coming through our organisation who are open and proud to be out in our organisation as LGBTQI and to work with that community. They are just phenomenal and I would really like to be able to send this Committee that link.

The Hon. ROSE JACKSON: Please do.

The Hon. NATALIE WARD: Yes, please.

Assistant Commissioner TALBOT: Equally important, too, is in early 2020, ABC journalist Monique Schafter approached us to produce a short video demonstrating how much progress had been made by gay-identifying officers. The result was an episode of *Generations Apart*, which featured a recently retired gay officer who joined the NSW Police Force in 1980 and a wonderful young officer who has always been out and proud as gay within our organisation. Again, I would like to share that. I think they give a good story about how we have changed over time and will continue to do so.

The CHAIR: That is very encouraging.

Ms ABIGAIL BOYD: Thank you so much for everything you have been doing to raise awareness within the organisation. With the online training that is provided, when you say online, do you mean a video link or a program with training modules?

Assistant Commissioner TALBOT: An interactive-type module.

Ms ABIGAIL BOYD: How long does it take to complete the training?

Assistant Commissioner TALBOT: Can I come back to your question for each one? Because there are different modules.

Ms ABIGAIL BOYD: Can you give a ballpark figure? Are we talking an hour, half a day or a day?

Assistant Commissioner TALBOT: Again, I do not want to mislead the inquiry, but each module would be about half an hour or 45 minutes and there are a number of different modules within that.

Ms ABIGAIL BOYD: What sort of monitoring is done to ensure that the people who have undertaken that are actually absorbing the information?

Assistant Commissioner TALBOT: As I mentioned in my opening statement, that is our greatest challenge. In everything that we teach, it is the application of the learning that we give, so that is very hard for me to answer. I guess, if I look at it from my current position as Commander of Professional Standards Command, that is very much reflected in the complaints that we receive around customer service, how we investigate matters or any that are LGBTQI-related. That is how I see it.

Ms ABIGAIL BOYD: What is being done to identify and support those people who just do not get it? It does not matter how much training they are given online, they need an extra level of support and training in order to not be homophobic and transphobic. Is there additional training of any kind that is offered?

Assistant Commissioner TALBOT: Yes, so, if I look at it in my space, if any officer comes before us in the sense that they have not met the standards that are expected of a NSW Police Force officer—if it is in LGBTQI, any customer service or failure to investigate—there are a number of management actions and

CORRECTED

reviewable and non-reviewable action that can be taken against an officer. Some of that is education and training. It can be a performance enhancement plan. It can be a conduct management plan, and they are monitored and have specific strategies to address behaviour. What they do is enable an officer to reflect on their behaviour and change, and if they do not then there is other management action that can occur.

Ms ABIGAIL BOYD: How many complaints have been received and how many of those complaints have led to an improvement? It would be really good to see the figures of how successful that behaviour management strategy has been. How many people actually had to be let go or put in a different role and how many were actually successfully managed through that?

Assistant Commissioner TALBOT: If you do not mind, I will take that on notice because there is a lot of work that is done and there are different management actions that are put in place, different plans. I guess the measure for me for success is that someone does not come back before me. Those that are given certain action will come before an internal review panel or the commissioner's advisory panel. If you are talking about misconduct matters that are related to LGBTIQ issues, I can tell this inquiry that in 2019 we received 16 misconduct matters where LGBTIQ issues were identified, and in 2020 we had 20 misconduct matters that we received where LGBTIQ issues were identified. If I can explain to the Committee, that is internal and external complaints that are lodged with the NSW Police Force and some of those are still the subject of current investigations.

Eighty-one per cent of the incidents that were reported to police in 2019 came from an external source and 50 per cent in 2020. So I am not sure whether that is a measure of success in the sense of less complaints from the community, but again, I can only base it on the figures that I have. If you look at fail to investigate allegations, so if we are here talking about investigations—and take out that I cannot break that down into whether it is LGBTIQ-related or hate crime—we sit around, for this year, 422 fail to investigate out of around between 5,000 and 8,000 complaints a year.

The Hon. ROSE JACKSON: I accept that you are unable to identify the suggestion that fail to investigate occurred, but is that not something that might be a useful measure that you were able to undertake if there was some capacity to look back on, okay, there were 420 suggestions that an officer failed to investigate and that we are able to identify that a certain number of them or none of them was because there was a suggestion that the officer was biased or homophobic?

Assistant Commissioner TALBOT: That can be done, but I cannot give you that here in the inquiry. It is about the capture of that information at the time that it goes in, but each investigation that is done is reviewed entirely through the investigation process and looked at by the delegate or the commander that has that matter. It is hard to break that down here now.

The Hon. ROSE JACKSON: Are you able to provide that information to us on notice or is that something that is simply not available?

Assistant Commissioner TALBOT: I cannot give you the answer to that specifically at this time. So I will take that on notice as to the breakdown of those complaints.

The CHAIR: We will move on to Reverend Nile.

Ms ABIGAIL BOYD: Sorry, I was interrupted.

The CHAIR: Then Reverend Nile and then the Hon. Natalie Ward.

Ms ABIGAIL BOYD: Back to my original question. What I am trying to get at is out of those people who have had complaints made against them, some of those will have been dealt with in different ways. I am interested in the data showing how effective that is, how many of those went into further training, how many were disciplined. You said that the measure of success is they do not come back before you, and I accept that that might be true in a number of cases, but given how hard it is to identify homophobic and transphobic attitudes within the force, are there any other measures taken to ensure that those people, once identified to have had a lack of awareness, were actually able to improve in their behaviour and attitudes?

Assistant Commissioner TALBOT: If I give the example if you are put on a conduct management plan, that can be for a period of time—it can be three months, it can be six months, it can be 12 months. Once they come off that plan they have to successfully complete that plan to come off it. In the sense of effectiveness, yes, for me, it is about they do not come back before me. That tells me that the command is monitoring that person and that hopefully they have reflected on their behaviour and they have changed. But there is a wide range of education and training, there is formal counselling, advice and guidance—there is such an array of management action that can be taken and I can provide the management action taken—and we make sure that it is proportionate and consistent in what we do. But effectiveness, for me, is about that they do not repeat the behaviour. If I can put

CORRECTED

this to the inquiry: what has really significantly changed is 211F of the *Police Act*, which is about a positive obligation that you must report misconduct.

Ms ABIGAIL BOYD: Because that is what hinges on, I guess, the effectiveness. When you say that they do not come before you, that is not necessarily that they are not repeating the behaviour but that the behaviour has not been notified to you. So I guess what I am getting from your answer is that that is something for the direct management to be monitoring.

Assistant Commissioner TALBOT: Correct, and all investigations are monitored. Back if we say from 1990, when I joined, the different types of reporting then, which was paper-based, is completely different now to what we have got in place as an organisation and there is that review monitoring and verification of events. If we look at hate crime, they are also now monitored by the Engagement and Hate Crimes Unit, so there is an extra layer of supervision that now sits over the investigations.

The CHAIR: I am going to go to Reverend Nile because there are 10 more minutes to go.

Reverend the Hon. FRED NILE: Thank you again for attending our inquiry. I raised this question earlier with the AIDS Council of NSW witnesses, of the need for a judicial inquiry following up this inquiry because this is a political parliamentary inquiry and we lack a lot of the powers that a judicial inquiry would have. I am just wondering if there is any view on that proposal to have a judicial inquiry headed by, say, three judges—one nominated by ACON, one by the Bar Association and one by NSW Police Force—to ensure neutrality as far as possible for those three judges. Do you have any opinion on that?

Assistant Commissioner TALBOT: As I said, we would just be willing to provide any inquiry with information and assistance as required. As I said before, I think it is important that the trauma of the past is discussed and families are allowed to tell their story in an environment where they feel safe and supported, but I think it is difficult for me to provide that feedback outside. If it gives exposure it is an important process and it is open and transparent.

Reverend the Hon. FRED NILE: That is mainly in regard to those 23 unsolved murders. As you probably know, two of my sons served in the NSW Police Force and found it a very positive experience—Stephen and David.

Assistant Commissioner TALBOT: So do I, sir.

Reverend the Hon. FRED NILE: I note in the earlier background material we had that the hate crimes coordinators had a very uncertain situation or position. It was disestablished in 2009, re-established in 2012 and then it has gone through a number of transitions—different titles and so on. Whether it is just my observation, but it gives the impression that the position was sort of downgraded in its importance. Would that be a wrong assumption?

The CHAIR: Reverend Nile, I am just checking if you are reading from the police submission at the last inquiry.

Reverend the Hon. FRED NILE: Yes.

Assistant Commissioner TALBOT: I never want to tell you that you are wrong, sir, but we do consider that hate crime is a serious issue. The hate crimes portfolio has been established and is overseen now by the Engagement and Hate Crimes Unit. The Bias Crime Unit only had four officers in it before; this new unit has 12, with three extra resources that will come online. It does have now a Senior Intel Analyst and is led by an experienced Chief Inspector. So I think that shows that we have put the resources into that area.

Reverend the Hon. FRED NILE: It has been upgraded.

Assistant Commissioner TALBOT: Absolutely, and that is located within our Counter Terrorism and Special Tactics Command. That unit—if I could just explain what it is doing now, if you would allow me?

The CHAIR: Yes, of course.

Assistant Commissioner TALBOT: That unit conducts monitoring and analysis of hate-motivated incidents that occur in New South Wales and it provides support and advises the NSW Police Force on hate-motivated crime. I was recently invited, as Corporate Sponsor, to the LGBTIQ hate crime forum, which was hosted by that unit and it had representatives from ACON, the Gay and Lesbian Rights Lobby, the University of New South Wales and Dowson Turco Lawyers. This was a really productive meeting. We spoke about, obviously, that unit, but the importance of community engagement, beats, and working collaboratively to develop LGBTIQ hate crime educational resources so they have a very big educational drive for our organisation. I am advised that

CORRECTED

that unit receives, or it has disseminated to them, all those incidents that are hate crime-motivated that are flagged on our Computerised Operational Policing System [COPS].

They get them and they make the decision or determine if the incident is wholly or partially motivated as bias or hatred on specific protected grounds. So there is that extra oversight that this unit can now do and has more resources to do that. They also provide advice to affected commands. They support brief preparation, ensure incidents are recorded, assessed and disseminated appropriately and provide feedback on hate crime trends. They disseminate a range of intelligence products, operational briefings and risk assessments. Hopefully I have shown you there is actually a real drive in that area and a commitment by the organisation.

Reverend the Hon. FRED NILE: Good. Thank you for that.

The Hon. NATALIE WARD: Thank you very much for coming along today, Assistant Commissioner. It has been very helpful—

The CHAIR: Absolutely.

The Hon. NATALIE WARD: —and most impressive for your first occasion.

Assistant Commissioner TALBOT: Thank you.

The Hon. NATALIE WARD: You have been an extremely helpful witness. If all witnesses were as prepared as you, it would be amazing. We appreciate all of their input. Thank you for all you are doing. One of our terms of reference is to look at the extent to which past impediments are identified in relation to the criminal justice system and at how effectively those have been addressed by current policy and practice. On my part at least, it is fair to say that you have been extremely reassuring in some of the things that have been done. It is incredible that we have the police now represented and marching at Mardi Gras. We have a 78er here and we have Reverend the Hon. Fred Nile. How things have changed! That is one very visual, very public way of representing just how much the police are doing, so thank you for that.

I was not aware, though, of two aspects—my questions are about those—that demonstrate that you are dealing very seriously with these issues. The conduct management plan is a very serious demonstration of just what you are doing in this space. But also prior to participating in these inquiries I was not aware of the GLLOs—their existence, what they do and their role. I wondered—and I put this to ACON earlier—if you might consider working with ACON perhaps to give some promotion to just how much you are doing in this space: the existence of the GLLOs, that they are available. One of the things we have heard about is the reticence of people to report crimes still today. Do you want to comment on that and on whether that is a possibility? Because I think you are doing a lot of good stuff that even those of us who think we are aware of it clearly are not across some of the things that you are doing.

Assistant Commissioner TALBOT: Can I be honest that I think we do not promote enough of what we do. I think that sometimes come forward; that people think that we are not doing a lot of work. I will get to your question, if you do not mind. I am supported by a very small but wonderful group of people. Even in preparing for today, the amount of work that has been undertaken and the commitment by my organisation towards trying to make sure we do not make the same mistakes, working closely with the LGBTI community, but also our stakeholders—ACON are phenomenal. They have been wonderful to work with, even in just the short time that I have been in this role. I have no objections to working closely with them because they are knowledgeable. Their history and their knowledge and their connection to that community and other key stakeholders is vital for us. The GLLO program—I do have a number and, I apologise, it has just dropped out of my head, if you could excuse me for two seconds.

The Hon. NATALIE WARD: Is this the number of officers? I think we have received some information about that.

Assistant Commissioner TALBOT: You have received that?

The Hon. NATALIE WARD: At least in the previous inquiry I had some numbers.

Assistant Commissioner TALBOT: If I could throw—230 GLLOs across the State, and including allies as well. We have allies that are trained. And they come to—when you talk about Mardi Gras, the excitement of being involved and being part of the community. But it is not only just GLLOs; it is any officer who is LGBTIQ. They love coming to Mardi Gras because it enables them to link in with the community and be proud of what they do.

The Hon. NATALIE WARD: The visual of that is so impactful.

Assistant Commissioner TALBOT: Absolutely.

CORRECTED

The Hon. NATALIE WARD: For everyone.

Assistant Commissioner TALBOT: Thank you.

The Hon. NATALIE WARD: I thank you so much for your work. If there is anything else—you might want to take it on notice if there are other things that you think the Committee could be assisted with in terms of what you are doing or what you might potentially consider. I know you have others to consider running that through but if there are other suggestions you have for what you might be able to do or that you would like us to recommend or consider recommending, we would appreciate those on notice also.

Assistant Commissioner TALBOT: No, thank you very much. I just want to reassure this inquiry. I cannot think of more than what we are doing now. It is a portfolio for me but it takes up a significant amount of work as well because it is that important and the commissioner is really driven by it

The Hon. NATALIE WARD: I am not waxing lyrical. There is more to do.

Assistant Commissioner TALBOT: Absolutely.

The Hon. NATALIE WARD: That is why we are. There is far more to do. We are not glossy-eyed about it and we appreciate that you are on board to walk alongside us to do that.

Assistant Commissioner TALBOT: Absolutely.

The Hon. MARK PEARSON: Were you in your position when the plebiscite was occurring?

The Hon. BEN FRANKLIN: The marriage equality plebiscite.

Assistant Commissioner TALBOT: I do not—was that 2017?

The Hon. ROSE JACKSON: It was 2017.

Assistant Commissioner TALBOT: No, I was not.

The Hon. MARK PEARSON: Okay. I was going to ask a question about how—you probably can answer the question. How do the police prepare themselves for a situation or an event that is likely to incite violence or harm to a group of people, whether it be people for or against, which I think was the case in the situation.

Assistant Commissioner TALBOT: That is very much about us linking in to our key stakeholders in the community to make sure that we are looking after them. So it really is about that. That is the first—the most important part is knowing things are going to happen. It is about linking in with that community to make sure that they know that we are there for them. It is a bit like what we have done with COVID in the sense of the communication that we put out around that, and our concern that maybe there was going to be domestic violence increases. So it was about that awareness and making sure that they knew that we were going to be there.

The Hon. MARK PEARSON: I have one final question. Did you work in the Barwon local area command?

Assistant Commissioner TALBOT: I did, from 2013 to 2015.

The Hon. MARK PEARSON: So you were not there when *The Adventures of Priscilla, Queen of the Desert* was shot?

Assistant Commissioner TALBOT: No, I was not.

The Hon. MARK PEARSON: I was going to ask: What was the community response to that? You do not know?

The CHAIR: No.

Assistant Commissioner TALBOT: It is a very accepting community.

The Hon. MARK PEARSON: Thank you.

The CHAIR: Assistant Commissioner, unfortunately that is the end of our time with you. I thank you for your frank and candid evidence today. It has been really—

The Hon. NATALIE WARD: Impressive.

The CHAIR: —impressive, for want of a better word. During your opening comments you said you had big shoes to fill for Assistant Commissioner Crandell. From what I have seen, there is no issue there at all. We look forward to working with you going forward.

CORRECTED

The Hon. BEN FRANKLIN: Hear, hear!

Assistant Commissioner TALBOT: You are very kind, thank you.

The CHAIR: The first inquiry that I was thrown in front of as a member was the inquiry into Operation Prospect, where we had about 30 police. It was pretty tough. So this has been a very easy introduction for you into upper House inquiries. You have taken quite a few questions on notice. I ask that your office provide answers to those questions within 21 days. Members may submit additional questions before then. Thank you very much for coming today, for being so well prepared and for informing us so well.

Assistant Commissioner TALBOT: Thank you, Chair, and thank you, all.

(The witness withdrew.)