

Standing Committee on Social Issues

Legacy report 56th Parliament

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Committee details

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The Hon Greg Donnelly MLC	Australian Labor Party	<i>Deputy Chair</i>
The Hon Wes Fang MLC	The Nationals	
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Chair's foreword

I am pleased to present the second Legacy report of the Standing Committee on Social Issues.

During the 56th Parliament, the committee conducted three inquiries. The first, into service coordination in communities with high social needs, provided the committee with the opportunity to make a suite of recommendations aimed at achieving better service coordination and a more holistic approach to addressing the needs of individuals and communities across the state. These included recommendations to improve information sharing and data collection, address privacy issues, increase the length of funding periods and support the implementation of best practice principles.

Our report on the second inquiry, into childhood overweight and obesity, made a number of recommendations aimed at strengthening the existing work of the NSW Government and also its collaboration with the non-government sector to support children and families to be healthy and active. In relation to schools, the committee made recommendations around the Fresh Tastes @ School Healthy Canteen Strategy, encouraging the NSW Premier's Sporting Challenge, and ensuring training for primary school teachers in physical education. Recommendations also supported a school kitchen garden pilot program, incorporating nutrition and cooking within the Personal Development, Health and Physical Education school curriculum, and the participation of children in sports.

The committee's final report, on Gay and Transgender hate crimes between 1970 and 2010, saw the committee examine a distressing time in our history for the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community. As the committee began to hear from victims, their families, advocates and others during the inquiry, it became very clear that we would not have sufficient time to thoroughly examine all aspects of the terms of reference. To this end, while the committee made several preliminary findings and recommendations, the committee's principal recommendation was that the NSW Legislative Council re-establish the inquiry in the 57th Parliament.

The committee is appreciative of the time and effort that many individuals, families and organisations have contributed to our inquiries. The personal stories and contributions made by our inquiry participants have assisted the committee to make informed recommendations and have left a lasting impression on all members.

The committee has a long tradition of cross-party bipartisanship where members work cooperatively to examine issues of social importance. I am pleased to report that this cooperative approach has continued during the life of this committee, producing three consensus reports containing well-articulated, thoughtful and meaningful recommendations to help improve the lives of people across New South Wales.

I trust that this report will assist our successor committee to continue the excellent work of the Standing Committee on Social Issues in the 57th Parliament.



Hon Shayne Mallard MLC
Committee Chair

Chapter 1 The committee

This chapter provides a brief overview of the committee, and outlines the purpose of this legacy report. The chapter also briefly discusses the work of the committee in the current parliament.

The purpose of a legacy report

- 1.1 The preparation of legacy reports by each of the three standing committees of the NSW Legislative Council was first recommended by the Chairs Committee of the NSW Legislative Council in 2014. The House agreed to the motion of the then Deputy President, the Hon Jenny Gardiner MLC, that such reports be produced.¹
- 1.2 Accordingly, this is the second legacy report prepared by the NSW Legislative Council's Standing Committee on Social Issues. The first report was prepared in 2014.
- 1.3 The purpose of this legacy report is to provide a summary of the committee's work during the 56th Parliament in order to inform the successor committee in the 57th Parliament of the committee's accomplishments. The report will also identify potential areas of further consideration for the successor committee.
- 1.4 Legacy reports have been prepared for the two other standing committees of the 56th Parliament, the NSW Legislative Council's Standing Committee on Law and Justice and the NSW Legislative Council's Standing Committee on State Development.

Background

- 1.5 The NSW Legislative Council's Standing Committee on Social Issues was first established on 9 June 1988 following the commencement of the 49th Parliament. The committee was reappointed in each of the subsequent parliaments, most recently on 6 May 2015 during the 56th Parliament.²
- 1.6 The committee conducts inquiries into matters concerned with the social development of the people of NSW, including health, education, housing, ageing, disability, children's services and community services, and matters concerned with citizenship, sport and recreation and gaming and racing.³
- 1.7 The committee consists of six Legislative Council members, comprising three government members, two opposition members, and one crossbench member.⁴ The membership of the committee throughout the 56th Parliament can be found on p iv.

¹ *Minutes*, Legislative Council, 13 August 2014, p 2654.

² *Minutes*, Legislative Council, 9 June 1988, pp 182-186; *Minutes*, Legislative Council, 6 May 2015, pp 62-65.

³ *Minutes*, Legislative Council, 6 May 2015, pp 62-65.

⁴ *Minutes*, Legislative Council, 6 May 2015, pp 62-65.

- 1.8** Between the 49th and 55th Parliaments, the committee tabled 52 reports and four issues papers inquiries on a wide range of issues, including:
- strategies to reduce alcohol abuse among young people in New South Wales (2013)
 - same-sex marriage law in New South Wales (2013)
 - domestic violence trends and issues in New South Wales (2012)
 - transition support for students with additional or complex needs and their families (2012)
 - substitute decision-making for people lacking capacity (2010)
 - overcoming Indigenous disadvantage in New South Wales (2008)
 - public disturbances at Macquarie Fields (2006)
 - issues relating to Redfern and Waterloo (2004)
 - adoption practices (2000)
 - enhancing Aboriginal political representation (1998)
 - suicide in rural New South Wales (1994)
 - juvenile justice in New South Wales (1992).

The 56th Parliament

- 1.9** During the 56th Parliament, the committee conducted three inquiries:
- service coordination in communities with high social needs
 - childhood overweight and obesity
 - Gay and Transgender hate crimes between 1970 and 2010.
- 1.10** The next chapter of this legacy report explores in greater detail the key findings and recommendations made by the committee in each of the three reports tabled during the 56th Parliament, together with the government's response to those recommendations.
- 1.11** Copies of the committee's reports and the government responses to those reports are available on the committee's website: www.parliament.nsw.gov.au/socialissues.

Chapter 2 Inquiries conducted

This chapter comprises a short summary of each of the three inquiries undertaken during the 56th Parliament, including how the inquiry was referred, a summary of key issues, and the key recommendations made by the committee. The chapter also briefly discusses the government response to those recommendations.

Service coordination in communities with high social needs

2.1 The inquiry into service coordination in communities with high social needs was referred to the committee by the Hon Troy Grant MP, the then Deputy Premier, Minister for Justice and Police, Minister for the Arts, and Minister for Racing. The committee resolved to undertake the inquiry on 25 June 2015. The committee was asked to examine:

(a) the extent to which government and non-government service providers are identifying the needs of clients and providing a coordinated response which ensures access to services both within and outside of their particular area of responsibility

(b) barriers to the effective coordination of services, including lack of client awareness of services and any legislative provisions such as privacy law

(c) consideration of initiatives such as the Dubbo Minister's Action Group and best practice models for the coordination of services, and

(d) any other related matter.⁵

2.2 The committee received a total of 50 submissions from a range of stakeholders. The committee held three public hearings at Parliament House; the first on 28 August 2015, the second on 8 October 2015 and the final on 6 November 2015. The committee conducted site visits during the inquiry, including a visit to The Hive in Mount Druitt on 7 October 2015; a visit to Claymore on 7 October 2015; and a visit to Bourke 5 November 2015.

2.3 The final report was tabled on 11 December 2015, and contained 19 recommendations aimed at enhancing service coordination in communities.

Summary of issues and recommendations

Service coordination

2.4 The committee acknowledged the complexity and entrenchment of disadvantage for many communities across New South Wales. It also noted the important work of the *Dropping off the Edge* report series in highlighting that much work remains to be done to address disadvantage, and identifying ways in which positive change can be achieved.

2.5 The committee noted that there was a lack of government coordination across agencies, with too many overlapping programs and little documented commitment to shared outcomes.

⁵ *Minutes*, NSW Legislative Council, 11 August 2015, p 268.

Information sharing and data collection

- 2.6** The committee heard that there are three aspects of information sharing that can both help and hinder service coordination:
- the existence of silos between government agencies
 - the geographical alignment of service boundaries
 - the lack of awareness of what services are available in any particular area of New South Wales and throughout the state.
- 2.7** To overcome these concerns, the committee's recommendations included:
- that the NSW Government develop a website that details the human services provided by both the government and non-government sector within particular geographic areas, and the eligibility requirements for the service
 - that the NSW Government introduce key performance indicators for Secretaries of all government agencies that encourage collaboration, planning, co-design and alignment of outcomes in human services programs delivered by government and non-government agencies
 - that the NSW Government implement a requirement in human service funding contracts to collect and measure data on program outcomes
 - that the NSW Government include a process for community consultation at the design and evaluation stage that involves those who live in the targeted areas
 - that the NSW Government on at least an annual basis publish de-identified data from the Data Analytics Centre similar to the approach taken by Community Indicators Victoria.

Privacy

- 2.8** The committee examined issues relating to privacy, including the existing legislative framework and the organisational aversion to information sharing that were identified as significant barriers to coordination. The committee also explored the importance of building trust with clients to facilitate information sharing.
- 2.9** To address organisations and practitioners reluctance to share information, the committee recommended that that the Privacy Commissioner develop guidelines for both government and non-government organisations on appropriate information handling and information sharing, and that the NSW Government establish the Privacy Commissioner as a central point of coordination with other bodies within the privacy field.
- 2.10** Furthermore, the committee considered that government agencies would be more inclined to share information if given explicit permission to do by the Secretaries of those agencies and thus recommended that the NSW Government require the Secretaries of all government agencies involved in the delivery of human services to enter into memorandums of understanding on information sharing practices.

Funding environment

- 2.11** A key concern raised throughout the inquiry was the impact that the funding environment has on service coordination. The committee examined the issues around funding for non-government service provision, including the impacts of a competitive tendering model and the length of funding periods.
- 2.12** The committee acknowledged stakeholders frustration with the competitive tendering process and recommended that the NSW Government undertake a review of the competitive tendering process for human services.
- 2.13** The committee concurred with the evidence that the current length of service funding is too short for service providers to effectively build and maintain relationships with clients and other organisations, or to implement long-term planning and strategies to build capability across the sector, and thus recommended that the NSW Government increase funding periods to a minimum of five years for human service providers, with the opportunity for an extension beyond this time. The committee also sought to increase cooperation between service providers, and recommended that the NSW Government allow longer lead-times in tender preparation to encourage joint tenders from human service providers.
- 2.14** The committee also recommended that the NSW Government mandate that a percentage of the value of human service contracts is targeted to undertake service coordination, and develop a key performance indicator to measure coordination and collaboration.

Best practice principles

- 2.15** The committee acknowledged that the NSW Government has attempted to create an environment that fosters service coordination for communities with high social needs. For example, establishing initiatives such as the Family Referral Service and the One Place Service Centre that allow the complex needs of clients to be addressed in a holistic way. The committee recommended that the NSW Government establish One Place Service Centres in communities with high social needs across New South Wales, with a particular focus on Brewarrina, Claymore, Lightning Ridge, Walgett, Wilcannia and Windale.
- 2.16** The committee was also optimistic about the potential outcomes from the co-design approach being pursued on the Central Coast and other locations, particularly in respect of government departments engaging in collaborative planning and funding allocation for specific geographic areas. The committee recommended that the NSW Government evaluate the co-design approach being pursued on the Central Coast, and that the NSW Government engage in collaborative planning and funding allocation for all specific geographic areas that have communities with high social needs.
- 2.17** The committee also made recommendations to extend funding to the Maranguka Initiative, Bourke and The Hive Mount Druitt.
- 2.18** The committee acknowledged that backbone organisations have a critical role to play in facilitating service coordination for communities with high social needs, and noted these organisations need to be embedded in the community they seek to serve. The committee therefore recommended:

- that the NSW Government support the establishment of a national Centre for Community Strengthening and Program Evaluation, together with linked state and territory counterparts
- that the NSW Government establish a state-based Centre for Community Strengthening and Program Evaluation, with the centre empowered to allocate funding for service coordination to backbone organisations.

NSW Government response

2.19 The NSW Government response was received on 15 June 2016.⁶ The government:

- supported six recommendations
- supported in principle five recommendations
- supported in part one recommendation
- supported in part, required further consideration one recommendation
- supported in principle, required further consideration one recommendation
- required further consideration of four recommendations
- did not support one recommendation.

Childhood overweight and obesity

2.20 The terms of reference for this inquiry were referred to the committee by the Hon Jillian Skinner MP, the then Minister for Health, on 23 June 2016. The terms of reference required the committee to inquire into and report on strategies to reduce childhood overweight and obesity, in particular:

- (a) current approaches to reduce childhood overweight and obesity in New South Wales
- (b) strategies to assist parents and carers in enabling their children to make healthier food and beverage choices and be active, including by participating in sport
- (c) measures to support 13 to 18 year olds to make healthier food and beverage choices and be active, including by participating in sport
- (d) strategies to support health professionals to identify and address childhood overweight and obesity

⁶ Correspondence from the Hon Victor Dominello MLC, Minister for Innovation and Finance, to the Clerk of the Parliaments, providing government response to the Inquiry into service coordination in communities with high social needs, 15 June 2016.

<https://www.parliament.nsw.gov.au/lcdocs/inquiries/1746/Government%20Response%20-%20Service%20coordination%20in%20communities%20with%20high%20social%20needs.pdf>

- (e) coordination between NSW Government agencies to reduce childhood overweight and obesity
- (f) the potential for collaboration on strategies to reduce childhood overweight and obesity with the non-government and private sectors
- (g) any other related matter.⁷

2.21 The committee received 42 submissions and three supplementary submissions. The committee held two public hearings at Parliament House. Committee members also visited Annandale Public School on Friday 21 October 2016.

2.22 The final report was tabled on 15 December 2016 and contained 16 recommendations.

Summary of issues and recommendations

Childhood overweight and obesity

2.23 The committee noted that since 2007 childhood overweight and obesity has remained at 22 per cent. The NSW Government has established a target of reducing childhood overweight and obesity by five per cent by 2025. Despite the availability of government programs to address this concern, it was apparent during the inquiry that a coordinated and multifaceted approach to tackling childhood overweight and obesity is required if the government's target is going to be met.

School and early childhood based strategies

2.24 The committee explored the key issues within schools and early childhood services that can impact on the prevalence of childhood overweight and obesity. The committee acknowledged the impact school canteens have on the eating habits of children and the importance of consistent healthy eating messages across the school. Moreover, it was noted that the NSW Government's Fresh Tastes @ School Healthy Canteen Strategy is aimed at ensuring the majority of food sold in canteens is healthy and nutritious. The committee recommended considering incorporating an audit and compliance process in the revised 2017 Fresh Tastes @ School Healthy Canteen Strategy.

2.25 Another concern discussed during the inquiry was incorporating nutrition and health into busy school curriculums. To overcome this concern, the committee recommended:

- that the NSW Government re-evaluate, further promote and encourage participation in the NSW Premier's Sporting Challenge to a broader range of schools and students
- that the NSW Government collaborate with secondary schools and non-government organisations to implement programs and initiatives that focus on reducing sedentary behaviour and promoting healthy eating habits to help reduce the prevalence of overweight and obesity amongst secondary school students
- that the NSW Government make available training for primary school teachers in physical education and implement programs to share resources between schools

⁷ *Minutes*, NSW Legislative Council, 23 June 2016, pp 1004-1005.

- that the NSW Government consider pursuing the incorporation of nutrition and cooking within the Personal Development, Health and Physical Education school curriculum
- that the NSW Government fund a pilot program, similar to the Stephanie Alexander Kitchen Garden program, to target areas with a high prevalence of childhood overweight and obesity.

- 2.26** The committee heard that the cost of organised sport can be a barrier for children's participation, especially for low socio-economic communities. The committee therefore recommended that the NSW Government investigate the options to reduce the cost of organised sport for children, such as through a voucher system.
- 2.27** Stakeholders noted that pre-conception, pregnancy and early childhood are important times in a child's life to help educate both child and family about healthy lifestyles and thus the committee recommended that this stage of life should be better incorporated in programs that address childhood overweight and obesity.
- 2.28** The committee recognised that parents are key to influencing the eating habits and physical activity of their children and noted that some parents and carers face challenges in providing healthier options and lifestyles. The committee recommended that the NSW Government continue to implement and promote family orientated programs, such as Making Healthy Normal and Go4Fun, to assist in reducing childhood overweight and obesity.

Social challenges

- 2.29** This committee received evidence about the key social challenges affecting childhood overweight and obesity, including urban planning, shared sports facilities, food labelling and the cost and accessibility of healthy food. It also considered arguments for and against a tax on sugar-sweetened beverages, as well as the potential for government collaboration with the private and non-government sector in approaches to address childhood overweight and obesity.
- 2.30** The committee concurred with suggestions by inquiry participants that health objectives need to be considered in the urban planning process to ensure that future developments are conducive to physically active lifestyles. The committee therefore recommended that the Department of Planning and Environment improve opportunities for cross-agency collaboration and contribution to the urban planning process.
- 2.31** The committee agreed with stakeholder views that active travel to school can assist in addressing and preventing childhood overweight and obesity and thus recommended that the NSW Government continue its work in the area of active travel to school to reduce childhood overweight and obesity.
- 2.32** The committee supported opportunities to improve access to sporting facilities and recommended that the NSW Government consider options to enable shared sports facilities, or increased opportunities for sharing of existing sports facilities, between state and local governments, schools and sporting organisations.
- 2.33** The committee received evidence noting that the system of corporate and private philanthropy which allows for the development of children's sport in New South Wales. The committee recommended that the NSW Government oppose any suggestions for bans on donations from restaurant chains and food or beverage producers to sporting clubs or organisations.

- 2.34** The committee received evidence that consumers need to be able to access clear, readily available information about the nutritional content of packaged and take away food options. While there are certain initiatives in place, such as the Health Star Rating system and Be treatwise®, the committee recommended that the NSW Government, through the Council of Australian Governments forum, seek to improve the food labelling systems in Australia.
- 2.35** Stakeholders highlighted a discrepancy between the availability of healthy food options especially fresh fruits and vegetables between lower and higher socioeconomic communities. Indeed, the *Beating Diabetes Together Prevention Strategy* identified some of the areas in western Sydney as healthy 'food deserts'. The committee recommended that the NSW Government further investigate the healthy 'food desert' concept and give consideration to mapping food deserts across New South Wales to better inform how to address the issue.
- 2.36** There was discussion during the inquiry about a tax on sugar-sweetened beverages in Australia. The committee noted that any implementation of a tax on sugar-sweetened beverages in Australia falls under the jurisdiction of the Commonwealth Government.
- 2.37** Inquiry participants emphasised that addressing the challenge of childhood overweight and obesity will require collaboration between the government, non-government and private sectors. While there were positive examples of existing collaboration between government, non-government and private sector partnerships, the committee recommended that the NSW Government, particularly the NSW Ministry of Health as the lead agency, continue to seek to collaborate with non-government organisations and private sector partners in approaches to support the Premier's priority to reduce childhood overweight and obesity.

NSW Government response

- 2.38** The NSW Government response was received on 13 June 2017.⁸ The government:
- supported 13 recommendations
 - supported in principle 2 recommendations
 - noted one recommendation.

Gay and Transgender hate crimes between 1970 and 2010

- 2.39** The terms of reference were referred to the committee by the House on 19 September 2018. The terms of reference required the committee to consider:

That with reference to the May 2018 report of ACON *In Pursuit of Truth and Justice* and the progress made by NSW Police Force through Strike Force Parrabell, the Standing Committee on Social Issues inquire into and report on the response to Gay and Transgender hate crimes between 1970 and 2010 and current developments in policy and practice in relation to such crimes, and in particular:

⁸ Correspondence from the Hon Brad Hazzard MP, Minister for Health, Minister for Medical Research, to the Clerk of the Parliaments, providing government response to the Inquiry into Childhood overweight and obesity, 13 June 2017.

<https://www.parliament.nsw.gov.au/lcdocs/inquiries/2405/Govt%20response%20-%20Childhood%20overweight%20and%20obesity.pdf>

- (a) the violent crimes committed in New South Wales between 1970 and 2010 where the victim of that crime was a member of the LGBTIQ community and where the relevant crime was the subject of a report to the NSW Police Force, including:
 - (i) whether there existed impediments within the criminal justice system that impacted the protection of LGBTIQ people in New South Wales and the delivery of justice to victims of LGBTIQ hate crimes and their families, with reference to case studies of particular matters including but not limited to Alan Rosendale, Scott Johnson, John Russell and Ross Warren,
 - (ii) to the extent that past impediments are identified, how effectively these have been addressed by current policy and practice,
- (b) in relation to LGBTIQ hate crimes more generally:
 - (i) what role the so-called 'Gay panic' defence played in the culture of LGBTIQ hate crimes between 1970 and 2010,
 - (ii) how the so-called 'Gay panic' defence impacted the delivery of justice and the treatment of Gay men during LGBTIQ hate crime investigations and court proceedings, and
- (c) any other related matter.

2.40 The committee received 36 public submissions and one supplementary submission. The committee also held three public hearings at Parliament House.

2.41 The committee received a private briefing from Everymind and ACON on the use of language and questioning approaches when speaking with people who have experienced trauma.

2.42 The final report was tabled on 26 February 2019 and contained two findings and four recommendations.

Summary of issues and recommendations

Views and attitudes towards the LGBTIQ community over time

2.43 The committee heard that factors such as the illegality of homosexual sex prior to 1984 and longstanding negative attitudes towards the LGBTIQ community encouraged stigmatisation of, and violence towards, gay and transgender people in the late 1980s and 1990s. It was suggested that the Grim Reaper AIDS campaign perpetuated these concerns.

2.44 The committee noted that during the 1980's the LGBTIQ community responded to gay hate violence via a number of campaigns to encourage people to be aware of, and report, violence.

2.45 The committee heard that negative attitudes within society coloured the perceptions of some police officers and this influenced the way those police responded to and investigated crimes against gay men and trans people.

Key responses to gay and transgender hate crimes

- 2.46 A number of responses to gay and transgender hate crimes provided important context for this inquiry, including:
- Operation Taradale – a police taskforce established in 2001 that examined the connection between the suspected death, disappearance and assault of several gay men
 - 'In Pursuit of Truth and Justice: Documenting Gay and Transgender Prejudice Killings in the Late 20th Century' – a report released by ACON in 2018 reviewed suspected anti-gay and related homicides, and drew thematic conclusions about the violence surrounding these deaths and the culture of violence against LGBTIQ communities more broadly
 - Operation Parrabell – a police taskforce initiated in 2013, and expanded in 2015 to conduct a thorough investigative review to determine whether the suspected deaths of 88 men between 1976 and 2000 could be classified as motivated by bias, including gay hate. The final report was released in 2018.⁹
- 2.47 The reports discussed above identified the cases of several gay men who were found dead, who disappeared or were violently attacked in the 1980s and 1990s. Following on, the committee briefly summarised the circumstances and details of the cases of Mr Scott Johnson, Mr Alan Rosedale, Mr Ross Warren and Mr John Russell.
- 2.48 The committee also considered the cases of Mr Gilles Mattaini, Mr David McMahon, Mr William Rudney/Mr William Rooney, Mr Kritchikorn Rattanjurathaporn and Mr Kenneth Brennan.

The nature of historic gay and transgender hate crimes

- 2.49 The committee considered the nature of historic gay and transgender hate crimes, including that:
- victims were attacked or murdered in three main spaces: their homes or a private residence, at gay beats, or other gay or social spaces
 - attacks and murders were committed by gangs of young men as well as lone assailants
 - motives included homophobia and transphobia, a peer or pack mentality, HIV/AIDS, robbery, alcohol and drugs, and conflating homosexuality with paedophilia
 - these crimes were committed in various ways, often depending on the location of the attack.

Unreported gay and transgender hate crimes

- 2.50 The committee heard that there is still much that is unknown about gay and transgender hate crimes because many crimes were never reported to the police, particularly in the years following the decriminalisation of homosexuality.

⁹ The report considered 88 cases but reviewed only 86, with one case having no records or material, and the other being a death outside of New South Wales. Additionally, the Parrabell report included an academic review of its findings by Flinders University in its final report.

Police culture and attitudes towards the gay and transgender community 1970 – 2010

- 2.51** A number of inquiry participants suggested that the homophobic attitudes of some police officers impacted negatively upon their responsiveness to the victims of the crimes reviewed during the inquiry.
- 2.52** The committee heard that police investigations into a number of suspected gay hate crimes during the 1970s, 1980s and 1990s were inadequate, ineffective and in some cases absent almost entirely, with victims and loved ones never receiving adequate justice.
- 2.53** The committee found that a prevailing acceptance of, and indifference towards, violence and hostility directed at gay men principally during the period prior to the mid-1990s impacted on the protection of and delivery of justice to victims of hate crime, including but not limited to Mr Alan Rosendale, Mr Scott Johnson, Mr John Russell and Mr Ross Warren.
- 2.54** The committee acknowledged that there were many more stories to be told about the LGBTIQ experience of hate crime that the committee did not hear owing to the limited time allocated to the inquiry. To this end, the committee recommended:
- That the NSW Legislative Council re-establish the inquiry into Gay and Transgender hate crimes between 1970 and 2010 in the 57th Parliament and that the terms of reference for further inquiry and report be subject to a decision of the House
 - That all evidence received and records produced by the Standing Committee on Social Issues during its inquiry into Gay and Transgender hate crimes between 1970 and 2010 in the 56th Parliament, be made available to the Standing Committee on Social Issues for further inquiry and report in the 57th Parliament.
- 2.55** The committee also recognised that the NSW Police Force, as with many other organisations in society, is the subject of constant cultural and attitudinal changes. It would therefore not be appropriate to consider the police culture and attitudes towards the LGBTIQ community in 1970 and suggest that that culture and those attitudes were the same in 2010. Indeed, the evidence received by the committee demonstrated that there were significant steps taken by the NSW Police Force over this period of time to address earlier shortcomings.

Training for police

- 2.56** The committee received evidence from some inquiry participants that more could be done across the NSW Police Force to ensure all officers respond to the needs of the LGBTIQ community equally and respectfully. In response, the NSW Police Force said that it has made a number of commitments to ensure the LGBTIQ community are included in diversity training for recruits and that officers can provide support for colleagues and community members.
- 2.57** The committee found that the NSW Police Force is responsible for ensuring that all interactions by police with the general public and the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community is done with both respect and professionalism. The committee further found that these are, and continue to be, key priorities for the NSW Police Force.
- 2.58** The committee recommended that the NSW Police Force ensure that all officers have the skills and knowledge to engage with LGBTIQ people respectfully and equally.

Community's response to Strike Force Parrabell

- 2.59** Some stakeholders observed that Operation Parrabell did not meet its stated objective '[t]o bring the NSW Police Force and the Lesbian, Gay, Bisexual, Transgender, Intersex and Queer community closer together ... [through a review of] 88 deaths of men between 1976 and 2000, each claimed as motivated, or potentially motivated, by anti-gay bias'.
- 2.60** In response to the perceived limitations of Parrabell, the committee received calls for an investigation into all suspected gay hate crimes, including those resulting in death. Stakeholders canvassed various options included a reinvestigation of the crimes the subject of Parrabell, a task force to investigate suspicious deaths that could be attributed to gay hate crimes, and the possibility of a Royal Commission into LGBTIQ hate crimes.
- 2.61** The committee was not able to reach a conclusion as to the most appropriate mechanism for the review of past gay and transgender hate crimes and therefore recommended that, should the inquiry be re-established in the 57th Parliament, the committee invite witnesses to provide further evidence on the issue.

COPS database and other data collection methods

- 2.62** The report also discussed evidence received regarding the need to improve the NSW Police Force's data collection methods and the computerised operational policing system (COPS) to better collect data regarding bias motivated crime. The committee noted that the NSW Police Force acknowledged that the classification of bias crime had been 'a difficult road' and they have employed an expert from Charles Sturt University to develop a 'contemporary Bias Crime identification tool' to ensure that data about bias motivated crimes is accurately captured.

'Gay panic' defence

- 2.63** The committee heard that the 'gay panic' defence referred to 'cases in which an accused person alleges that he or she acted either in self defence or under provocation in response to a homosexual advance made by another person'.¹⁰ Between 1993 and 1998, 16 accused and co-accused relied upon this defence in 13 cases in the Supreme Court of New South Wales. Two of these cases resulted in complete acquittal, two accused were found guilty of murder and four were found guilty of manslaughter.¹¹
- 2.64** In 2014, the *Crimes Amendment (Provocation) Act 2014* was enacted to amend section 23 of the *Crimes Act 1900* to provide for a 'partial defence' of 'extreme provocation' for trials of persons for murder allegedly committed from 13 June 2014. As a result the 'gay panic' defence was effectively abolished.
- 2.65** The committee received evidence regarding the manner in which the 'gay panic' defence had influenced the delivery of justice during the years prior to this legislative amendment.

¹⁰ Standing Committee on Social Issues, *Gay and Transgender hate crimes between 1970 and 2010*, (2019), p 61.

¹¹ Standing Committee on Social Issues, *Gay and Transgender hate crimes between 1970 and 2010*, (2019), p 61.

Recent reporting of gay hate crime

- 2.66** While many stakeholders agreed that the experiences of the LGBTIQ community had improved since the 1980s and 1990s, the committee heard that bias crimes are still prevalent, especially towards transgender people.
- 2.67** It was also noted that the present day relationship between the LGBTIQ community and police was improving but there was further work to be done to build trust, encourage the reporting of bias crimes to police and address historical issues.
- 2.68** The committee acknowledged the efforts of the NSW Police Force in generating cultural change, and its implementation of programs and support for transgender, gender diverse and young LGBTIQ people.
- 2.69** The committee acknowledged that there was a need to address the factors that contribute to the under-reporting of crime by the LGBTIQ community. The report noted that while the committee would have liked to have made recommendations to rectify this problem, the committee had not received sufficient evidence to identify the most appropriate solutions owing to the short inquiry timeframe. The committee stated that a future committee should prioritise seeking further evidence on these matters should the inquiry be re-established in the 57th Parliament.

Rural and regional experiences of the LGBTIQ community

- 2.70** The committee stated that it had received anecdotal evidence from stakeholders that many people who live in regional and rural areas experience hate crime and would like to share their story. However, in view of the limited timeframe accorded to the inquiry, the committee was unable to travel beyond Sydney to hear those stories. A future committee was encouraged to take evidence from rural and regional stakeholders should the Legislative Council agree with the recommendation to re-establish the inquiry.

Government response

- 2.71** The government response is due on 26 August 2019.

Appendix 1 At a glance

This appendix provides key statistics on the work of the committee during the 56th Parliament.

Table 1 Service coordination in communities with high social needs

No. of submissions	50
No. of hearings	3
No. of site visits	3
Tabling date	11 December 2015

Table 2 Childhood overweight and obesity

No. of submissions	45
No. of hearings	2
No. of site visits	1
Tabling date	15 December 2016

Table 3 Gay and Transgender hate crimes between 1970 and 2010

No. of submissions	37
No. of hearings	3
No. of site visits	-
Tabling date	26 February 2019