

REPORT ON PROCEEDINGS BEFORE

PORTFOLIO COMMITTEE NO. 4 – LEGAL AFFAIRS

EMERGENCY SERVICES AGENCIES

CORRECTED

At Macquarie Room, Parliament House, Sydney, on Friday, 10 November 2017

The Committee met at 11:40 am

PRESENT

The Hon. Robert Borsak (Chair)

The Hon. David Clarke
The Hon. Catherine Cusack
The Hon. Trevor Khan
Mr David Shoebridge
The Hon. Lynda Voltz

The CHAIR: Welcome to the third public hearing of the Portfolio Committee No. 4 inquiry into emergency services agencies. Before I commence, I acknowledge the Gadigal people who are the traditional custodians of this land. I pay respect to the elders past and present of the Eora nation and extend that respect to other Aboriginals present. Today we will hear from senior officers of the Police Association of NSW and the NSW Police Force.

I would like to make some brief comments about the procedures for today's hearing. Today's hearing is open to the public and is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the committee's website when it becomes available. I ask members of the audience to respectfully observe the discussion today. Please be aware that today's hearing is not an open forum for comment from the floor. Audience interruptions make it difficult for witnesses to communicate with the Committee. If there are interruptions from audience members I may stop the hearing and ask for quiet or for those making noise to leave the room.

The Committee may decide to hear confidential evidence in camera that is, in private, today. If this occurs I will ask for the public gallery to be cleared and audience members will leave the room for the duration of the in-camera proceedings. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind members of the media that you are not authorised to film outside this hearing room without permission. You may not film witnesses coming into and out of the hearing. I would also remind media representatives that you must take responsibility for what you publish about the Committee's proceedings. The guidelines for the broadcast of proceedings are available from the secretariat.

There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. I ask witnesses to please be careful when using individuals' names during the hearing and remind participants to respect the privacy of individuals. In order to avoid unnecessary harm to people's reputations, please ensure your comments are relevant to the terms of reference. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside their evidence at the hearing. I urge witnesses to be careful about any comments you may make to the media, or to others after you complete your evidence, as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation. Finally, could everyone please turn their mobile phones to silent for the duration of the hearing. I now welcome our witnesses from the Police Association of NSW.

SCOTT WEBER, President, Police Association of NSW, sworn and examined

ANGUS SKINNER, Research manager, Police Association of NSW, sworn and examined

CATHERINE WILLIAMS, Industrial officer, Police Association of NSW, sworn and examined:

The CHAIR: Would you like to start by making a short statement?

Mr WEBER: Yes. I am the President of the Police Association of New South Wales. With me today is Angus Skinner, research manager, and Catherine Williams an industrial officer with the Police Association. We represent 16,500 sworn members of the NSW Police Force and 6,000 retired members. Bullying is a major concern for our membership and it is something that the Police Association deals with every day. It affects many police officers. Police Association staff, the executive and branch officials deal with a large amount of these matters constantly through our networks and being contacted through the office. With bullying we find it occurs in the context of another issue such as: injury management or return to work plans, workers compensation claims, flexible working arrangements and disciplinary matters.

We believe the best practice is to minimise the conditions where bullying occurs. Our 26-page submission contains 21 recommendations. We will touch upon the major ones of those. One of the major issues is that bullying occurs where officers are overworked and stressed. In recent weeks the Police Association has pushed for 2,500 extra officers over the next five years, that is 500 officers each year. We want to ensure that the police officers out there keeping our community and the State of New South Wales safe have adequate resources and numbers and they do not reach those workload and pressure limits. New South Wales is going through a re-engineering that hopefully can alleviate some of the stressors.

From the Police Association's point of view and our members' point of view the critical issue for all our problems is an influx of staff, increasing numbers to deal with these issues, that is 2,500 over the next five years. The Police Association has a constant focus in regard to welfare, harassment, bullying, looking after the legal and industrial rights of members but also welfare. Since I have been the president in 2010 we have had an ongoing fund for welfare and we have increased our services by 200 to 300 per cent financially. We have a dedicated welfare officer and we have a brand new program of teaching our branch officials welfare and the inaugural program two weeks ago where 19 police officers who are serving have been trained by the Police Association.

For our industrial officers, Ms Williams will highlight that later. We support officers through the processes and policies that apply to their matters specifically around bullying allegations. We have Dr Kevin Gilmartin, a professor from the United States, who has been here recently for the Police Remembrance Day, 29 September. We started to work with NSW Police over the last five or six years. I thank the Committee and all parts of the New South Wales Government for a fund for four years of \$15.1 million to look at programs for the betterment of welfare practices for police officers in New South Wales. And a further \$17.1 million has been given to NSW Police over the next four years. Two million dollars of that has been given to Police Legacy to do the Backup for Life program and we just had our second expo.

The Backup for Life program is for retired police officers who have been on the front line supporting myself, other police officers and the community. Some of them have done it hard and they need support. We have a CARE program which is developed by the Police Association and has led the NSW Police to their Workplace Improvement Program [WIP] that deals with mental health and accessing support, workplace conflict, staying healthy and supporting others. Over the last five years there has been a dramatic change. We are not there, there is a lot more work to be done but NSW Police is probably the best public sector performer by far in this area and we will continue to work with NSW Police and our members to deal with that. To touch on our submission and the 21 recommendations. They cover four areas of intervention we believe is necessary for a complete response: prevention, response to individual cases, support services, addressing causes. We believe these strategies will help reduce and make a healthier work place in NSW Police.

The Hon. LYNDA VOLTZ: During your submission you said that bullying was a result of overwork and stress but we have certainly heard evidence of sexual harassment and women being particular victims. That is not overwork and stress; that is a cultural problem, is it not?

Mr WEBER: Previously in New South Wales you would have to get the details from NSW Police but we had Ronalds report that looked at sexual harassment. We do deal with those matters and take it extremely seriously. We have a conversation with the member as to what form of action they can take such as a part 8A complaint. Again when we are dealing mostly across the board, that bullying and harassment is more to deal with the issues I highlighted, the overwork stressors. We receive matters about sexual harassment.

The Hon. LYNDA VOLTZ: Can you elucidate, I did not understand what you said then because it was a bit mumbled.

Mr WEBER: We are dealing mostly with industrial matters, such as transfers, promotions, inter-station communication, hierarchy. We are still a paramilitary organisation, so we are seeing command and control issues. The bullying and harassment issues that we mostly see deal with industrial matters—deal with people's entitlements, leave, transfers, promotions.

Mr DAVID SHOEBRIDGE: And injury, workers compensation.

Mr WEBER: Yes.

The Hon. LYNDA VOLTZ: Are you saying that you are not getting complaints about women being singled out?

Mr WEBER: Yes, we do get complaints but not to the magnitude of workers compensation, hurt on duty, transfers, promotional issues. They would be the major part.

The Hon. LYNDA VOLTZ: When you say women complain about transfers and promotions, are they simply based on merit?

Mr WEBER: Promotions are based on merit and transfers can be based on merit. There are obviously issues in regards to leave—maternity leave, part-time work—and that does affect women more than men. We recently had a survey through the Police Federation of Australia about flexible working arrangements. It was highlighting that we have an ageing police force, so it is becoming a bit more prevalent for males. Again, it is mostly dealing with females, especially return-to-work plans, maternity leave and part-time arrangements.

The Hon. LYNDA VOLTZ: How many complaints by women would relate to those types of issues?

Mr WEBER: Off the top of my head I would not know.

The Hon. LYNDA VOLTZ: Will you take it on notice?

Mr WEBER: Yes.

Mr DAVID SHOEBRIDGE: It is a consistent theme. I think you mentioned four categories at the beginning, and one of them was flexible work. I assumed that unpacking that would be return to work when you have family responsibilities. I assume part of that is maternity leave and, given the way society is, a lot of women in the workforce would have those issues.

Mr WEBER: Definitely. I think, according to statistical data at the moment, New South Wales police is made up of 28 per cent women. They usually take up a lot more part-time work because they are the primary carer. That is why the Police Association, at least since I have been there for the last two decades, pushes extremely hard in regards to protecting part-time arrangements and return to work practices as well as maternity leave and other entitlements. They are of paramount concern for the Police Association.

The Hon. LYNDA VOLTZ: Let us go back to bullying and harassment being related to being overworked and stressed. Do you believe that for women that is possibly not the case, based on the types of complaints you are taking up on flexible working hours?

Mr WEBER: The reason I spoke about overwork was that it is extremely difficult in a very small command, or in any command, to deal with flexible working arrangements if you do not have enough officers to place into positions. That does cause conflict, and it is difficult for the commanders as well as the officers out on the street. They have to work out of balance and there needs to be a certain critical mass to deal with those issues. One thing we highlight is that instead of working at the bare minimum shift staffing needed to perform our role, it would be great to have extra numbers so that flexibility could be there without arguments about people returning to work or asking for part-time arrangements. It would give us more flexibility and there would be a lot more people we could fit into different roles because there would be sufficient numbers to respond to the communities' calls.

Mr SKINNER: That is why our submission contained a fair bit of focus on the principles of the psychosocial safety climate. The theory surrounding workplace health and preventing of bullying identifies that some of the key factors for improving workplace health in general and specifically preventing a culture conducive to bullying are things like, the primary one, management being able to prioritise worker health over or in accordance with work demand. In the case of injury management or flexible work arrangements and return to work, if you are struggling to meet some work demands then it is much more difficult to prioritise worker health in any of the contexts that we have raised. In regards to flexible work arrangements, as you say, there are a number of factors. Staffing is a major one, but not the only one. Other ones are mental resilience, adequate

training and resources to do your job, work design, worker control over work design and engagement between workers and the organisation. Those are some of the key factors in those principles, which are now the leading theories about bullying prevention. At the moment it is difficult to work with injury management, return to work and flexible work arrangements and strike the balance between work demands and prioritising worker health.

Mr WEBER: We recently held a women's forum. Most of the issues coming out of the forum dealt with work practices—leave, seven- and five-day workers, flexible rostering. It was organised by Catherine Williams, who may like to add something.

Ms WILLIAMS: Yes, sure. On the issue of women being bullied and flexible work arrangements and part-time agreements, sometimes there is a perception of bullying when, on the flip side, it can be work demand. If sergeants or inspectors make it unnecessarily hard to get a part-time agreement over the line, sometimes it is down to the psychosocial factors that were mentioned about the sheer lack of resources at the command, so how to meet first response when people are only working part-time.

The Hon. LYNDA VOLTZ: I take you back to the original statement about bullying and harassment being linked to overwork and stress. The evidence we have heard is that that is the case when some women go on to part-time work but that can be problematic and they can be singled out for their behaviour. My original question suggested that it is not just bullying and harassment but culture, is it not? Now that women make up 28 per cent of the police force, which was described by Mr Weber as being paramilitary—as you know I was in the regular army so I understand the culture—that is why I asked this question. We expect flexible workplaces, but that is not necessarily the nub of the problem people are running into.

Mr SKINNER: By no means do any of our recommendations address universally every category of bullying, harassment or discrimination that will come up. No recommendation could do that, but we were conveying that in our experience and according to leading research, the bulk of workplace equity matters are arising due to those factors. Are all of them arising due to those factors? No, but we have made recommendations to address the bulk. Of course, there are other factors that give rise to some of the matters you raise.

The Hon. LYNDA VOLTZ: Let us go to inbuilt resilience in a war on PTSD. Do you have peer-reviewed medical evidence that PTSD can be halted by inbuilt resilience?

Mr SKINNER: There is a lot of evidence about wellbeing programs that the police force is now using as evidence-informed programs to deliver a wide variety of services to our officers. Is there specific peer-reviewed material about police officers? Not as much, because it is an under-researched area specific to police. But we are using the leading research in regards to PTSD, depression and other factors.

The Hon. LYNDA VOLTZ: Given your paramilitary nature, you could pretty much assume the peer-reviewed evidence from defence forces would correlate.

Mr SKINNER: Yes.

Mr WEBER: That is probably why a decade ago we went down the path of our CARE program that Dr Gilmartin structured and having conversations with New South Wales police. They went down the WIP program and then we got the funding from the Parliament, the \$15.1 million and then the \$17.1 million. We highlighted those issues before, and a primary focus of the Police Association is to stop the problems before they start. That is something we are very keen on and the next facet of that is to train our branch officials to make sure we have welfare officers. Every day I will assist a member—financially, legally or industrially—but it would be great if we could reduce those numbers, and that is what we have been focusing on.

The Hon. LYNDA VOLTZ: When you say "resilience", do you mean resilience or recognising early symptoms and addressing those symptoms at the early stages?

Mr WEBER: Both.

Mr SKINNER: All the factors.

The Hon. LYNDA VOLTZ: People who have PTSD feel that their illness is not recognised and in some ways they are harassed for having it. Is the implication that in some way they do not have inbuilt resilience?

Mr SKINNER: No, we are not trying to communicate at all that PTSD is caused because somebody is a weaker person or does not have an inbuilt resilience—we are in no way trying to communicate that. What we are saying is the Police Force and the Police Association through the CARE Program and the Workforce Improvement Program have delivered a range of services and programs which increase resilience for the broader population of the Police Force, introduce early intervention and monitoring to track health and intervene before

it becomes irreversible, and then to provide services once it gets to that stage of a diagnosed psych injury. Our injury rates have improved. We continue to develop new programs and expand existing programs that have been successful and that is all informed by a lot of evidence.

The Hon. DAVID CLARKE: Mr Weber, in your recommendation 9 you talk about consideration being given to improving mediation processes. Please provide specific details of what you are suggesting.

Mr WEBER: One of the things we find is that once there has been an investigation—and police were skilled investigators—and the outcome is that there is nothing adverse, the complaints are being deemed to be finalised; well they still have not dealt with the perceptions. We want to see further conversations, further mediations where the officer involved and the person who perceives they have had conflict actually come to a suitable resolution. It is extremely difficult in some of the smaller areas or squads or regional areas.

When you have had an investigation, the allegations that have been put to you, or the allegations that you put against someone else, have been dismissed by the investigations then the biggest issue is, I still have to work with this person. I still have to go to the station or work out on the truck and I still have to rely on this person. Especially sometimes in life and death situations we find that the dealing with the member after that is poor, where they should be having further conversations and actually work out a resolution. It is not solely just to find if there is any criminality or any breach of the Police Act or our policies, but it also sometimes to deal with that perhaps lack of communication or the issues that have occurred. You note that is through our recommendations to have that further mediation, that further consultation.

The Hon. DAVID CLARKE: To be more specific, do you have a model in mind?

Mr SKINNER: Recommendation 9, in conjunction with the preceding recommendations 4 onwards, dealing with the situation where bullying unfortunately falls off then into this difficult gap where because of the evidentiary standard needed to sustain a complaint, bullying complaints will often not meet that standard. Therefore, it results in a non-sustained, whereas grievance policies are inadequate to deal with an allegation of that level of seriousness.

The Hon. TREVOR KHAN: What is that standard? It would only be on the balance of probabilities, would it not?

Mr SKINNER: Yes, but rising according to the seriousness of the allegation.

The Hon. TREVOR KHAN: You are starting to sound like a lawyer.

The Hon. DAVID CLARKE: Do you have a model with steps one, two, three and four for a mediation process?

Mr SKINNER: Firstly I think that mediation could potentially be used more. There are a number of bullying organisations that urge caution about mediation and so we were cognisant of that when making this recommendation. They say in some organisations mediation is over relied on and that is largely because the imbalance of power is not addressed in their mediation processes and, if that is the case, there is no point using it more. In our experience it could be used more in the Police Force in the context of our members and that is because of the issue that Mr Weber raised where if you do result in a non-sustained complaint, at the moment it, sort of, did not happen. So we need a strategy that okay, it has not sustained a complaint, but we still need to address the cause of it.

Mr DAVID SHOEBRIDGE: The Committee has heard a lot of evidence though about this one-on-one process. It is called straight talk in the Ambulance Service.

Mr SKINNER: Yes.

Mr DAVID SHOEBRIDGE: It is an unmitigated disaster. That is my summary but other Committee members may have a different view. That is a kind of early, one-on-one, just sort it out between you, bully victim, does not work.

The Hon. TREVOR KHAN: That is not what they are talking about. They are talking about at the other end of the process.

Mr DAVID SHOEBRIDGE: You are not talking about straight talk, and that sort of nonsense?

Mr WEBER: No. I do not like using the word "victim" but the aggrieved officer puts in a complaint about harassment or bullying, it gets investigated and the investigation says it has not been substantiated and could not find any evidence that way, we still have a person who has a perception in their mind that they are being harassed or bullied. We want to have some mechanism, and what that looks like we do not know because there is a lot of conflicting research, where they have a chat with Scott still and these are the issues that you

raise, how can we progress this forward and finalise it. So Scott can go back and work out on the truck and go to the same station and not feel that perception or the reality of harassment or being bullied.

The Hon. DAVID CLARKE: That is why I am trying to put this into some form. Every journey starts with a single step, to coin a phrase.

Mr WEBER: Would you like an example of best practice?

The Hon. DAVID CLARKE: Do you have something specific that you propose as a model for mediations within the police?

Ms WILLIAMS: I think what Mr Weber is describing in terms of there is a gap, there is a gap in support services available to someone who has experienced bullying if the complaint has not been sustained against the perpetrator. It is, like Mr Skinner mentioned too, it is almost like it did not occur and that does not solve the root cause of it or the perception that the person still feels that they have been bullied and it does not solve the workplace conflict when they have to still work together. I think one of the causes of that gap is the fact that you have got the workplace relations equity unit that does not offer a mediation service unless the complaint has been sustained. That is an issue from the get-go because obviously if there was not enough evidence to make a sustained complaint it therefore did not really occur, and therefore there is not a lot done. The workplace equity unit will not step in necessarily to assist.

The Hon. CATHERINE CUSACK: I want to support the question as I am also interested in it. I do not think the Hon. David Clarke is asking is it needed; I think he is asking what would it look like.

Ms WILLIAMS: And that is what I am getting to. I would say that is one solution. If they could extend their mediation services to include instances where it is not—

The Hon. DAVID CLARKE: Would you come back to the Committee with the specifics and say that is one solution—

Ms WILLIAMS: One other thing I would add, the police seem to have recently increased their reliance on external mediation services as well, and I have attended a couple of those in support of members and it has worked very well.

The Hon. DAVID CLARKE: Will you take my question on notice and come back with a model for mediation that you believe would be successful for the Police Force?

Mr DAVID SHOEBRIDGE: And when it would kick in, which is crucial.

Mr WEBER: Timing.

The Hon. TREVOR KHAN: I am not disagreeing, but any mediation, I would have thought, would start with there being some common factual ground between the parties. If you do not have that then one of the problems is, what do you mediate? If the sergeant at the station says, "What was said at that meeting is bullshit. The reason I did not transfer him from that shift to that shift was simply because it could not be done because the others would not agree." The senior constable says, "He's bullying me. He's doing it for various reasons" so that you have got a factual disconnect. When you mediate, what are you going to mediate because they are still in profound disagreement. The senior constable says, "I know why he did it. It is because he dislikes me." He has that view. The sergeant says "It's all just crap."

Ms WILLIAMS: I will go back to my previous comment that external mediators are highly skilled at drawing out not did it occur or did it not occur, but how did that make you feel so common grounds can be reached by reaching a common understanding of the way that the experience affected both parties.

Mr DAVID SHOEBRIDGE: There are thousands of successful mediations where the two parties go in one thinking black, one thinking white, and a mediator gets a solution that they can both live with.

Mr SKINNER: I think if we said mediation would not work because two parties go in disagreeing about the facts we would never mediate anything. Mediation is to deal with that very disagreement.

The Hon. TREVOR KHAN: But this is at the end of the process, once there has been a finding, a determination.

Mr WEBER: We find that NSW Police officers are extremely good mediators—I mean, that is our job, it is a major facet of it—and with that conversation we could go through the rosters, highlight the precedents that occurred before and have the conversation and physically show that is why it was not possible. Again, those misunderstandings or perceptions can be alleviated. But sometimes when it has been ongoing for such a long period of time and it has not been dealt with in a rapid manner, that is when the external mediator,

someone independent who is not linked to NSW Police, has been extremely helpful, because sometimes, in regards to these issues, it takes a long time to bubble through to the surface. We have seen the number of these issues being reported increasing because the NSW Police environment is a lot more open and transparent, but also our membership are more willing to step up because they can see mechanisms to try and rectify it. We have looked at numerous models. We do not have an answer and we will try and get back to you in 21 days.

The Hon. TREVOR KHAN: Is there some model in the UK? Is there any service in the UK that—

Mr SKINNER: We had not looked to the UK specifically. I think Ms Williams has more expertise in dealing with these individual matters, but we have had a lot of success, as she pointed out, with the use of external mediators, bringing them in to facilitate the process, and also some of the models like case conferencing and return to work have been really useful and have resulted in some much better outcomes. Those are the models that we look at and say this is where we can reach an outcome even if we do not have a finding.

The Hon. CATHERINE CUSACK: Mr Weber, you mentioned the Ronalds report. Can you tell us when that was done and is it something we can access? My follow-up question to that was going to be has there ever been an evaluation done of that report?

Mr WEBER: Yes and yes. That is more a question for NSW Police because a lot of it was very privy, but the main recommendations dealt with NSW Police HR. The Ronalds report was eight years ago.

The Hon. CATHERINE CUSACK: That would be really interesting because it would have produced some results.

Mr WEBER: NSW Police has had more oversight and more inquiries than nearly any other jurisdiction and we have learnt a lot of valuable lessons. Are we 100 per cent? No way. We are still heading down that path. But in saying that, this is where this House has done a sensational job; that is why you gave us \$15.1 million and the \$17.1 million, because you knew we were actually putting some things in place. Now we have other services looking at the programs we have in place. A primary example is our Reconnect—Recon. Scott Weber gets injured and instead of farming us out to a physio and I see a physio a week later and my injury has already seized up, the next day in work time we are going in and we are speaking with physios that are employed by NSW Police, we are speaking to psychs, we are getting on programs and getting people back to the workplace. It is all about making sure that we value our most important resource, which is every single police officer in New South Wales.

The Hon. CATHERINE CUSACK: Just on that issue, there is psychological injury that occurs because of the nature of the work and then there is injury that we are hearing about that has occurred internally because of bullying or whatever. With the two different causes of the injury, are there different paths that you go down in the treatment of that injury?

Mr WEBER: Yes. Again, I am not an expert on this, but I get out of a police car and I twist my ankle. Without these programs previously, I was sitting at home waiting to come back to work, waiting to see a physio, waiting for someone to clear me, and the only people that contacted me were my friends and colleagues. But from NSW Police it was a bit of a tick in the box. We have heard these conversations over a long period of time. That is where we have had these chats with NSW Police and—

The Hon. CATHERINE CUSACK: Sorry to interrupt but can we maybe stick with the psychological injury? You have got a highway patrol officer who is having a breakdown because—I know there was an awful one in Coffs Harbour where a man trod on a piece of brain and fell over and just could not go back to work—and then the other type of injury being the employee who feels bullied to the point of stress. I am just talking about psychological injury, one occurring internally and one—

Mr WEBER: I think they match up. We always talk about the cup too full, and the traumatic incidents that police officers go through their entire career, eventually that cup gets full and it overflows. What we find too is that when the cup does overflow, some of the poor management practices that have occurred in the past, all the bullying and harassment exacerbates the entire situation, where the focal point is not the traumatic incident, it is the way they are being dealt with. Mr Skinner has done a lot of research in regards to this and I will let him speak about it, but in my role as being a supervisor it is a traumatic incident that is the starter, the indication, and then how you are dealt with afterwards is really the exacerbating issue and the thing that actually pushes that police officer to exiting the force instead of returning to work. It is sometimes the perceived lack of support or the actual lack of support that has caused those problems. So I do understand what you are saying.

The Hon. CATHERINE CUSACK: One involves an allegation of bullying in addition to the injury they have sustained, whereas the other is an injury that is more meritorious, if I can put it like that, from the

force's point of view—"meritorious" is exactly the wrong word—is a less complicated one is maybe a better way of putting it.

Mr WEBER: Like the difference between a physical and a mental injury?

The Hon. CATHERINE CUSACK: You can see ordinary work has worn them down, as you have just described, and then there is the other. In terms of how you handle the two psychological injuries, one person is trying to prove that they have got a psychological injury because they have been bullied, whereas the other person is not in that position. Is the treatment and what they go through the same?

Mr SKINNER: In regards to the treatment, that will be up to their treating medical practitioners. We now have—apologies, I cannot remember the exact name of the title, but it is a long one—the expert guidelines into the treatment of PTSD for emergency service workers. It is along those lines; I can provide the exact title of it.

Mr WEBER: It was launched in this building 18 months ago.

Mr SKINNER: That was in collaboration with Dr Samuel Harvey and Black Dog and a number of the New South Wales universities and emergency service workers. That significantly informs the treatment that officers will get in those circumstances that you talk about. In terms of the different paths—

The Hon. TREVOR KHAN: Will get or do get now?

Mr DAVID SHOEBRIDGE: Should get when it is implemented.

Mr SKINNER: Yes. The treatment that they are receiving from a medical practitioner should be in accordance with those guidelines.

Ms WILLIAMS: The process for receiving that treatment in both cases would be the same. They would put in a 902 form, which commences the workers compensation process. Their claim would be assessed by a factual investigator from the insurer, EML. It would be approved or not, depending on what evidence is available. If approved, they access treatment in both cases, whether it is PTSD from an injury sustained through 17 years of general duties policing or whether it is an incident that has occurred in the workplace where we might see an outcome, like an adjustment disorder, for instance.

The Hon. TREVOR KHAN: It raises a point. The records of EML, including treatment documentation that EML has, has the police/professional standards access to that material, that you are aware of?

Ms WILLIAMS: I would imagine so, yes.

Mr WEBER: That would be a question for NSW Police. We have been having dealings, we have regular meetings with EML with their case managers and we are finding that it is increasing the benefits and also looking after our members. So we are quite happy where we are progressing—again, not to 100 per cent but we are a lot better than where we were previously, especially after the other providers.

The Hon. TREVOR KHAN: You have a regular line of communication with them?

Mr WEBER: Yes.

Mr DAVID SHOEBRIDGE: The concern has been raised—I know in my office—by a number of people that if you are dealing with your workers compensation insurer and the case manager and lining up medical reports and talking about maybe the trauma you suffered at work, that if that information then gets passed to your employer that is very traumatic and troubling for them and, indeed, the information has been given for your treatment for your injury but then it is passed on to the employer and might be used in a disciplinary process, and there are cases where that has happened. As a union surely you see the problem there?

Mr WEBER: That is right and that is why privacy and the protection of the members' rights is paramount in regard to these issues. So when it does occur we obviously step straight on it. But you are talking about incidents that previously occurred, because this does not come up too much—especially from my visibility, I do not see these issues occurring too much, but in the past.

Mr DAVID SHOEBRIDGE: How would somebody know about it?

Mr WEBER: They would have to raise it with us.

Mr DAVID SHOEBRIDGE: No—how would a police officer know about it if no-one is telling them? It seems to me you thought it was happening that the workers compensation insurer is sharing the

information with Professional Standards. You would not necessarily know about that unless something slipped. That is how we—

Mr WEBER: There would have to be requests and formal processes. There is a process around it, of course.

Mr DAVID SHOEBRIDGE: Are you saying this from knowledge or are you guessing?

Mr WEBER: I am guessing at the present moment—yes.

Mr DAVID SHOEBRIDGE: Perhaps it might be something—

The Hon. CATHERINE CUSACK: The concern is database access.

Mr WEBER: Okay.

Mr DAVID SHOEBRIDGE: Information that is given to the workers compensation insurer is being automatically shared on a common portal.

Mr WEBER: We will take this on notice but it is probably more a question for New South Wales police. In regard to the Police Association of NSW—

Mr DAVID SHOEBRIDGE: But you see it as problematic?

Mr WEBER: Yes. We would not want that. Unless there is a criminal investigation involved on some serious issues, no way would we want any member's medical records being passed over.

Mr DAVID SHOEBRIDGE: What if the standard workers compensation claim form included a box to tick where you purportedly consent to that?

Mr WEBER: Well, if you consented to it then it would be given, wouldn't it?

Mr DAVID SHOEBRIDGE: But if that has not been drawn to your attention and you are just filling in a medical certificate and it has a little box on there that says you consent, that would be a systemic problem, would it not?

Mr WEBER: That is where, obviously, we need to make sure that our members have a consultation with us. If there is a medical discharge process, or hurt on duty or a member is injured, that is why we head down this path of our welfare officer.

Mr DAVID SHOEBRIDGE: Perhaps have a close look at those—

Mr WEBER: On top of that, the Police Association provides financial legal assistance to members. They just need to request it. Therefore they can start to speak to a lawyer in regard to these issues as well or speak to someone like Catherine Williams in regard to their industrial and welfare rights. And we have organisers. We have gotten a lot better in regard to realising if someone has gone off sick, and we also follow up as a union as well. We are probably talking about issues in the past. Hopefully that does not occur any more. If it does, we need those members to come forward and actually speak to us, because then we can give them legal assistance and welfare assistance.

Mr DAVID SHOEBRIDGE: Just to be clear, Mr Weber, I am not talking about things in the past. I am talking about current practice with the current insurer.

Mr WEBER: Okay.

The Hon. LYNDA VOLTZ: Would they not be making an assumption when they are ticking that box that that information they expect may be about a return to work, not in relation to a complaint they have made about bullying and harassment—but the box does not define?

The Hon. TREVOR KHAN: We have not seen the certificate. Let's not speak dogmatically.

The Hon. LYNDA VOLTZ: Except we have had it explained to us. If the case is that you tick a box that says you can release information to your employer for workers compensation and that you can share it, what would you expect? You would expect that that is in regard to your medical condition, would you not?

Mr WEBER: You would expect that there are adequate protections of your information—that your consulting doctor or the people that you have been dealing with, whether it is the Police Association, a lawyer or your doctor, would be consulted and then you would be asked about that information. You would want to know what the information is being used for, how it is going to be used and what the request is actually based upon. We are talking about normal principles. Procedural fairness and natural justice are things we always talk about. The Police Association would be very adamant in making sure that the member's rights are totally protected.

Again, that is why we offer financial legal assistance. That is why people phone up and speak to the Police Association when they have those queries. Going down the path of a medical exit or even putting in a workers compensation form is extremely complicated. That is why we always strongly suggest that any member going down the path of those processes speaks to us.

Mr DAVID SHOEBRIDGE: One of the primary concerns is if it is an injury in relation to bullying that may also be the subject of an internal complaints process or an internal grievance process. We do not need to speculate about the form of the current consent on the medical certificate. It says: "I consent to my treating medical practitioner, my employer, the insurer and other treating practitioners, workplace rehabilitation providers and WorkCover exchanging information for the purposes of managing my injury and workers compensation claim. I understand this information will be used by WorkCover and insurers et cetera." The question is: How far does that use of information go and what checks and balances are required so that it does not just get uploaded into a central pool which Professional Standards has access to? Because that would be a problem.

Mr WEBER: That would be a problem. From my reading of that, that should not go to Professional Standards.

The Hon. TREVOR KHAN: That is right. It has to be for the management of the injury.

Mr WEBER: It is solely dealing with the medical issues. If that does occur then those matters need to stop straight away.

Mr DAVID SHOEBRIDGE: That should stop.

Mr WEBER: Also that member needs to come and see us and get some financial legal assistance for it.

Mr DAVID SHOEBRIDGE: Your recommendation 6 highlights where this would become a problem. I think recommendation 6 is excellent. It is:

Establish a process whereby workers' compensation claims which include allegations of bullying automatically generate a police complaint. One option to be considered is that a complaint is generated upon the acceptance of liability by the insurer.

This emphasises how the two process are interrelated. How do you see that working? It seems like a very good recommendation so that bullying complaints are actually formalised, but how do you see that working in practice, given these kinds of issues?

Mr WEBER: I think it is critically important to touch upon what the Hon. Lynda Voltz said before about culture too. It is a way of actually getting some statistical data about what the problem is and where it is, and dealing with it straight away. With that we can then go down the path of dealing with a proper investigation. Again, when someone has been bullied and harassed and we are talking about a workers compensation claim, the investigation can hopefully assist in rectifying or dealing with the issues that have been highlighted.

Mr DAVID SHOEBRIDGE: But you would see plenty of occasions whereby a whole bunch of findings have been made in a workers compensation matter but they do not automatically flow over into the workplace. It is like you have got two totally parallel processes going. There might be a finding of bullying and harassment in a workers compensation claim but the bully and the harasser is still ticking along like an eight-day clock in the police with no consequences.

Ms WILLIAMS: Absolutely.

The Hon. TREVOR KHAN: I raise this circumstance: supposing a claim is put in for psychological injury, the matter is a relatively short period of absence from work—let us say a couple of weeks—so that the insurer in the end accepts the claim simply on an economic basis. That happens. If what you propose happens, does it mean, even though the insurer accepted the claim for other than a proper assessment of the facts, that that would result in a report to police?

Mr DAVID SHOEBRIDGE: Just a complaint being generated.

Mr SKINNER: As we said, it would generate a complaint. It does not generate a finding. That complaint is then investigated and it might still—

The Hon. TREVOR KHAN: Potentially what it means is on somebody's file is then a complaint—

Mr SKINNER: But an unsustainable complaint.

The Hon. TREVOR KHAN: Yes. I think we all know of some circumstances where matters have been unsustainable and police officers have been very concerned that they were the subject of a complaint in the

first place. I can think of a big inquiry that a number of the Committee members were involved in previously where it caused all sorts of angst.

Mr DAVID SHOEBRIDGE: But the systemic concern is not so much about too many complaints about bullying. It is that for people who have been subject to bullying it would be a courageous moment in your career to raise a complaint and you need to find a mechanism to draw them out.

Ms WILLIAMS: It is a difficult thing.

The Hon. CATHERINE CUSACK: On that, I am concerned it might block people from getting help that they need because they do not want to generate a complaint.

Mr SKINNER: That is why we have not given a hard recommendation in relation to recommendation 6. We had some concerns around it because for injured officers it does take a lot of courage and they are often very apprehensive about transitioning from the workers compensation side into a complaint. As we know, many do not. But, as we said, the issue we are dealing with is underreporting of bullying, so on balance we included recommendation 6.

The Hon. CATHERINE CUSACK: Yes. I understand.

Mr DAVID SHOEBRIDGE: And if it has a package of support wrapped around it, they tell them they will be supported, you have the resources—it would have to come with that as well, would it not?

Mr SKINNER: Yes.

Ms WILLIAMS: It is a double-edged sword because the workers compensation process, as you know, is no-blame. It is not about attributing blame to one person or another; it is just: Did an injury occur in the workplace? It needs to be that lower standard so that people can get claims approved easily, quickly and what have you.

The Hon. TREVOR KHAN: Yes. I have got it. But I think if you use workers compensation as a trigger—

Ms WILLIAMS: That is what I am saying. That, as a starting point, definitely but it needs to stay and it is a no-blame process so it is not, did it actually occur or what have you. But in saying that, we do take your point because we have got instances where there have been three or four workers compensation claims sustained in a workplace but no investigation conducted by the police.

Mr DAVID SHOEBRIDGE: And, in fact, it would not surprise you that we have had evidence that someone might be in a senior position and routinely churning through junior police in that area who are almost routinely being injured under this person's supervision and nobody seems to be drawing that together and joining the dots.

Mr WEBER: And that is what recommendation 6 is about. Again there are pros and cons but what we probably want is a transparent process. We need to remember, this person has put in a workers comp claim, they are injured, they are taking time away from the workplace. Something needs to be done to make sure that that injury does not occur again and that that person comes back to the workplace as quickly as possible.

The Hon. CATHERINE CUSACK: To a better situation in the workplace.

Mr WEBER: Yes, and in saying that, obviously generating a complaint through workers comp, at least flagging it would be suitable and then having those conversations with a person who is on workers comp saying, "This is the procedure that we can go down; this is the support we can offer you. We are going to go down the path of a complaint, is this the way you wish to proceed?" And that is probably the question that we want. But at least NSW Police or that individual area realise that there could be systemic problems.

Mr DAVID SHOEBRIDGE: Another key recommendation you have to avoid and what has been described as the Catholic church problem, is your recommendation 8 which is:

Unless requested by the officer making an allegation of workplace bullying, outcomes other than moving the officer should be prioritised.

Do you raise that because of your knowledge in your industrial work that, if someone has raised complaints about bullying, rather than dealing with the bully, the complainant is being moved around and sent to another area. Is that a pretty common outcome?

Mr SKINNER: Yes. As I said before, recommendations 4 to 9 are dealing with this scenario where the bullying complaint falls between policies that could usefully resolve it. So you will get a case where a bullying complaint is not sustained and therefore the only way we can help this officer is—

The CHAIR: Move you along.

Mr SKINNER: And sometimes that is in their interest and they are satisfied with that; sometimes they are not. They may not have wanted to move but for the bullying claim.

Mr WEBER: Sometimes they request it, yes.

The Hon. TREVOR KHAN: There is the other way that the police potentially deal with a bullying matter and that is to move the perpetrator, that is, you get the problem out of your command.

The Hon. LYNDA VOLTZ: If you have got multiple complaints.

Ms WILLIAMS: There is a process for that. The transfers policy allows for that person to make a submission if they are being managerially transferred. So there are fairness procedures involved with that. Unless it has been sustained to the point that they are undertaking 173 action under the Police Act, then they might get a disciplinary transfer.

The Hon. TREVOR KHAN: Which is great for wherever they go.

Ms WILLIAMS: Somebody has got to have them.

Mr DAVID SHOEBRIDGE: We have had some submissions seeking greater family support. One of the recent innovations has been a family support coordinator. Because, if somebody has been bullied or harassed or discriminated against or injured in the workplace as a police officer, obviously the injury does not stop and start with them; often their family and kids are seriously impacted. Firstly, do you support the family support coordinator and secondly, do you think there is a case to be made out for increased resources to that office?

Mr WEBER: Yes and yes. There is a family support coordinator. The previous person left and now that role is being filled again by NSW Police. That part of our CARE program was informing families of the process, whether it be workers compensation, HODs, going down any path of investigations, it is all brand new to the family. On top of that, they are dealing with a loved one who is injured. So it is critically important that we support their support mechanisms as well, which is their internal family. They are looking into putting extra money into the Peer Support Officers Program, and that is why we have also gone down the path of not only of having—the Police Association has a welfare coordinator, but on top of that we have branch officials who have been trained in welfare as well. That is a part that has been missing for a period of time, the same way it has highlighted to NSW Police and the Government about retired police officers, that when they leave there is Backup for Life. I want to see more of a structure heading towards the Backup for Life, not run by NSW Police Legacy but run by NSW Police, where there are more resources and more people and there are conversations where families can meet up, get information, get the details and also speak to people who have gone through like situations.

Mr DAVID SHOEBRIDGE: Talking about cultural change, one of the key issues that is raised is psychological injuries not being treated with the same degree of seriousness as physical injuries. Your organisation was not traditionally a supporter of having psychologically injured officers who take their lives included on the Wall of Remembrance. What is your position now?

Mr WEBER: Our organisation is mainly focused in regard to prevention. I do not want to see another name on the wall, that is why we put money into financial legal assistance, industrial and welfare, and touching upon the programs, as I said before, Care and Resilience Education [CARE] and Gilmartin. We are getting the funding from this House. All those programs are about stopping at the present moment. To my understanding in regard to the law, that is still sitting with the Commissioner of Police and the committee. There have been six names put on there. Five of them were previously decided by the previous commissioner and there has been one added by the current commissioner. At the present moment we are still having conversations about that.

Mr DAVID SHOEBRIDGE: What is your position?

Mr WEBER: We are waiting for the NSW Police to come to us with a policy that they have finalised so I cannot make a comment at the present moment about it. We are still waiting for that to get to us.

The Hon. LYNDA VOLTZ: "Psychosocial safety climate ratings", is that a police term?

Mr WEBER: No. It is very difficult to say and you did very well.

The Hon. LYNDA VOLTZ: It is easy to say but I am fascinated to know what it actually means.

Mr SKINNER: As outlined in the submission, to sum it up, it is the ability of the organisation to prioritise their worker health over the work demands. So the factors that are relevant to that will be the support programs put in place—

The Hon. LYNDA VOLTZ: Well, I would never have got that from that sentence.

The Hon. TREVOR KHAN: You inform us.

Mr SKINNER: That direct sentence is in the submission; section 4 of the submission contains that description. Psychosocial safety climate is the theory that SafeWork Australia operates on and it underpins their workplace health reports and policies and their bullying recommendations.

The Hon. LYNDA VOLTZ: You did reference that in the footnotes but I did look at that document and could not see it in there, but I am willing to accept what you say.

Mr SKINNER: That workplace barometer that I think is published in 2016 uses the 2014-15 data. That report is referring to psychosocial safety climate, which is now their theory that they operate their recommendations for workplace health and for bullying strategies. I think it is a very long report, so we probably do not have time to go through it all right now.

The Hon. LYNDA VOLTZ: I will have a look at it.

The CHAIR: Thank you for coming today, you have been very informative. I note that you took one or two questions on notice. I have another question that I will give to you here on notice which you can deal with. The Committee has resolved that answers to questions taken on notice be returned within 21 days from the date they contact you. Thank you very much for coming.

Mr WEBER: Thank you.

(The witnesses withdrew)

MICHAEL JOHN FULLER, Commissioner of Police, NSW Police Force, sworn and examined

The CHAIR: I now welcome our next witness, the New South Wales Commissioner of Police, Mick Fuller. Thank you very much for coming again. Would you like to commence by making an opening statement?

Mr FULLER: Yes, thank you, Chair. From a NSW Police perspective, I will take the journey back to around 2006 and say that the then Commissioner, Ken Moroney, commissioned a Chris Ronalds report which primarily focused on sexual harassment and sexual discrimination. Out of that there were 79 recommendations. Obviously I will not pull that apart. I want to say that the policy guidelines, complaint and investigators' structure and training were the key. One of the key structural changes that came out of that was the Workplace Relations and Equity Unit that I hope to talk more about during today's session. The next significant issue was in 2011 when the Ombudsman undertook a review of the NSW Police Force workplace equity and resolution procedures to best align workplace equity and police complaints. In 2011 we also established a strategic plan in relation to women in policing. In 2013 another report into broadly workplace equity forwarded 19 recommendations, one of those being a Joint Human Resource Command and Professional Standards Command working party, which importantly changed the focus to culture, strengthening procedures and training. I think that has been significant in the past four years.

In terms of the ongoing work, in November 2013 a new committee was established at assistant commissioner level across a number of different areas of the organisation—again to strengthen a single position in terms of where we want to be culturally around workplace harassment and sexual harassment. In 2015 a new women's strategic plan also was implemented and is now being continually driven by a new female assistant commissioner, Karen Webb, and again developing an inclusive workplace culture and providing accessible training, networking, mentoring and development programs. In 2016 the Human Resource Command implemented our first cultural and linguistically diverse strategic plan with objectives of again inclusive workplace cultures promoting cultural and linguistic diversity. From my perspective the workplace and equity unit had really ramped up by this stage providing not just support for commanders and those who would be described, I suppose, as a victim, but also ongoing training and setting a key standard in terms of organisation and/or culture.

In 2017, as part of the respectful workplace behaviours campaign, all New South Wales employees completed mandatory training—and training, for mine, has been a significant part of that. The New South Wales Public Service Commission launched another Respect, Reflect and Reset campaign, which was driven by myself personally. When you talk about culture driven by the top and if you look at the Public Service Commission surveys, we continue to improve in performance and improve in terms of the number of officers responding to those surveys, which I think puts us in a strong position—a much, much better position than where we were in 2006—acknowledging that there is still much work to be done in the space of harassment as well as workplace injury and supporting police employees.

The Hon. LYNDA VOLTZ: Does the Professional Standards Command have access to the workers compensation medical records of officers?

Mr FULLER: I do not think they do. It is my understanding that unless that was part of the complaint—that is, it was a fraudulent claim and it was being investigated under part 8A—it is my understanding that the streams of workers compensation and complaints do run independently. But if I could just take that on notice as well, just to finite that answer?

The Hon. LYNDA VOLTZ: Particularly in regards to whether there have been complaints of harassment and bullying and there have been internal investigations in terms of those matters. That would be interesting to know. That would be great.

Mr DAVID SHOEBRIDGE: Commissioner, I think we should be clear, though. It has been raised with us that the data that is provided—the case notes and the interaction notes between the case managers and the workers compensation insurer, Employers Mutual Limited [EML], and injured police—are uploaded onto a database and a pool, to which database the Professional Standards Command has access.

Mr FULLER: Then again, that is obviously a second part, which I will take on notice and I can have an answer quickly.

The Hon. TREVOR KHAN: I would just like to be clear: That has been asserted.

Mr DAVID SHOEBRIDGE: That is what I said.

The Hon. TREVOR KHAN: That has been asserted.

Mr DAVID SHOEBRIDGE: I said it had been raised with us.

The Hon. TREVOR KHAN: It cannot be put any higher than that.

Mr DAVID SHOEBRIDGE: That is what I said.

The Hon. LYNDA VOLTZ: You have to listen, Trevor.

The Hon. TREVOR KHAN: No, I heard what he said.

Mr DAVID SHOEBRIDGE: The concern is that whilst it may be reasonable—and indeed workers compensation certificates indicate consent for the sharing of information for the purposes of dealing with the injury—obviously if Professional Standards has access to it, they can use it for many other purposes. In giving your answer, if there is a pool of information there, can you identify what checks and balances there are to ensure that it is not being inappropriately accessed?

Mr FULLER: Yes, I understand. I would just say that if an individual has an injury and they are not subject of a part 8A complaint, I cannot for the life of me think why people would be accessing their files. But I understand the statement you have made and I will take it on notice and answer that question.

Mr DAVID SHOEBRIDGE: Yes. It is more structures in place. Is there a structure in place with there is a common pool there?

Mr FULLER: I understand.

The Hon. LYNDA VOLTZ: Mr Fuller, there have been a lot of procedures in regards to sexual harassment and how you deal with that. Could you take me through the procedure of when a complaint is made? For example, you will have a natural power imbalance within the Police Force as it is: You know, the higher up the food chain you are, the more power you have. It is a typical command structure organisation. What happens particularly in regard to women at junior levels? There is greater emphasis now on getting more women into the Police Force. Where is the clear complaint process for those women? Could you take me through that?

Mr FULLER: Yes, absolutely. Sexual harassment, regardless of how an officer becomes aware of it, has mandatory reporting in relation to that behaviour in terms of part 8A. I will just go to the end of the process. Also, in terms of sustained matters of sexual harassment, there are mandatory reports to the Internal Review Panel, which is the panel that determines very serious sanctions. I suppose just end to end, the seriousness and how seriously the organisation takes it is that it is mandatory reporting under part 8A and, at the end of that matter, it is mandatory reporting to the Internal Review Panel, which determines whether or not officers are removed under my signature.

I guess I would like to say that we take it seriously end to end. In terms of how it would flow if an officer made a complaint in relation to sexual-based harassment, again under part 8A the officer receiving that information is obliged to action it. It would mean that if it was a matter that could be dealt with by the local area command, it would be scanned onto the Customer Assistance Tracking System [Cats.i], which is our complaint management system, then it is allocated to an investigator, and the matter would be investigated. If it was a more serious matter, then the Professional Standards Command would take the investigation; but, again, it would still be recorded on Cats.i and there would be a flow of statements and information taken. At the end of it, if the matter was sustained, then again it gets sent to the Internal Review Panel for some sense of sanction and/or removal.

The Hon. LYNDA VOLTZ: Herein might lie the problem, particularly at the local area command level. You have junior officers, who would find it difficult to make a report anyway. If it goes to the local area command and they decide that it is not a serious investigation, they will speak to the person at the time and the matter is resolved there. But if the officer themselves either is never informed of what action is taken or is not happy with that process, where do they go then?

Mr FULLER: Then it will go to the commander. If you say the commander is implicated each region or functional area has a professional standards command that sits independently from the command. They can go directly to Professional Standards Command or, as some officers do, they choose to go to what used to be the Ombudsman and is now the Law Enforcement Conduct Commission [LECC].

Mr DAVID SHOEBRIDGE: The trigger for whether it bounces to professional standards or LECC is the seriousness?

Mr FULLER: I am talking about the pathway. If an officer was junior and they were adamant they wanted to make the complaint and they felt their sergeant, inspector or superintendent was not taking it seriously I was talking about the other pathways. You are correct that if it was a serious matter then the Professional

Standards Command would pick that up as a review of Cats.i and take on the investigation and/or they would receive the job as a request for assistance to take on the investigation.

Mr DAVID SHOEBRIDGE: The inappropriate sharing of an intimate image of a female police officer would trigger to Professional Standards or external?

Mr FULLER: I missed the crime.

Mr DAVID SHOEBRIDGE: The non-consensual inappropriate sharing of the intimate image of a female police officer, where would that sit?

Mr FULLER: I imagine during the complexity of the investigation, because you would have to establish the crime at a level where hopefully you could interface to get the pictures off. It is a complex investigation. I would imagine there would be a request for Professional Standards to take it. If there were multiple officers that were implicated in the command it would make it very difficult for that command to keep it. It would be my suggestion as the commissioner that it would go to another command and/or Professional Standards Command.

The Hon. LYNDA VOLTZ: Are you aware of those instances occurring, the taking of an image of a female officer that was shared?

Mr FULLER: When I was the regional commander of southern region it was the opposite. But it was an officer who shared an image of themselves to another officer and that officer was suspended and removed from the organisation. This year I removed an officer from the organisation for continued inappropriate comments, bullying and harassment in the work place under 181D. As the commissioner I will continue to take strong action against those who have sustained findings for issues in this space. The Industrial Relations Commission has upheld the more senior you are the more serious this type of behaviour is.

Mr DAVID SHOEBRIDGE: The more senior an officer is, if they are engaged in bullying, the bigger pool of victims and damaged lives that sit under them. If there are bullying complaints made against senior officers, how do you ensure consistency in how that is dealt with?

Mr FULLER: It is difficult to talk about broad consistency because no two matters are the same. However, our policy documents need to be consistent, our training needs to be consistent and my language needs to be consistent to then bring some consistency to the victims of bullying and harassment.

Mr DAVID SHOEBRIDGE: Have you had a look at, reviewed, the outcomes in relation to sustained bullying complaints?

Mr FULLER: One of the benefits of jumping a rank into the commissioner's role is I came from an operational background. In the first week of my job as region commander I had to remove a commander for bullying and harassment and exit him out of the organisation. There are plenty of examples that I have personally taken strong action. More broadly, as the Commissioner of Police, I need to make sure there is consistency in that approach.

Mr DAVID SHOEBRIDGE: I am wondering how you go about that?

Mr FULLER: In this case I used Professional Standards Command but I used it in terms of a workplace review. We had a group of police, who are trained mediators, who essentially will set up camp in a local area command or a section and they will stay there for a week and people will tell them what the culture of the command is and what is happening and it gives you a reasonably clear picture of what is happening in the command. That is one way of getting to the bottom of the culture in a command and trying to work out is there bullying and harassment. Every day they are out pulling apart different commands to get to the bottom of potential claims. Some of these come in anonymously. If it meets part 8A it moves into the complaint stream, which we have spoken a little bit about, whether that is managed locally or by a different command or Professional Standards Command. We have the workplace equity unit that I spoke of in my opening, in terms of their ability to be called in to a command to mediate between parties hopefully for the best outcome possible.

Mr DAVID SHOEBRIDGE: These are reactionary responses. The complaint has been raised, the concerns have been raised?

Mr FULLER: Not always. Sometimes there are other indicators where a command would have higher than usual sick leave, you might have a command where there are lots of people trying to transfer out. There are other indicators for us to get a feel is there something wrong which can trigger things like workplace reviews, whether it is Professional Standards or the HR command with workplace equity in it.

Mr DAVID SHOEBRIDGE: Could you take that on notice and give us an indication of what things are being looked at and evidence that they are being used in this way to pro-actively send in to identify and deal with problems?

The Hon. TREVOR KHAN: Are workers comp claims used as a criteria?

Mr FULLER: Absolutely. Data is collected professionally because it does drive where our prevention strategy goes: fifteen years ago it was around physical injuries and now psychological injuries play a big part of that as well. We have sound data in relation to that.

Mr DAVID SHOEBRIDGE: What about connecting workers comp claims which, on review, are bullying claims? Is there a mechanism that would formalise them as complaints? There should be if someone has gone off because they say they have been bullied and injured in the workplace. That should generate a complaint.

Mr FULLER: In the past, we have by reasonable agreement with the Police Association, kept that separate. To generate a workers compensation claim you have to put in a form or someone has to put it in for you. If that constitutes a written complaint, I will take that on advice. This does not change your question, but bullying and harassment claims in overall workers compensation claims only make up 1 per cent of overall complaints. That does not change your position on it. Bullying, workplace harassment complaints are not consuming us in terms of workers compensation. I am happy to look at that. There is a theory that the report they fill out is a complaint under part 8A. I am happy to look into that.

Mr DAVID SHOEBRIDGE: They may go off on stress, anxiety, an adjustment disorder and it may not be picked up as a bullying complaint but the cause of the psychological injury when reviewed may well be bullying.

Mr FULLER: I do accept that and I will look into it and come back with exactly how that work flows and perhaps reasons why in the past we have not joined them. No doubt this would have been reflected on.

Mr DAVID SHOEBRIDGE: In doing that recommendation 6 from the Police Association is, "Establish a process whereby workers compensation claims, which include allegations of bullying, automatically generate a police complaint. One option to be considered is that a complaint is generated upon the acceptance of liability by the insurer". There has been some movement from the association.

Mr FULLER: The challenge is that there will be some police who do not want it to be a complaint. Putting aside the moral obligation we have to report corruption and misconduct, I think making something mandatory in workers compensation in terms of complaints, there is a dangerous aspect that it will stop people from making complaints.

Mr DAVID SHOEBRIDGE: There are a number of things to unpackage in that. Do you want to reflect on that and respond on notice?

Mr FULLER: Absolutely. I am not against everything you said, I am trying to balance.

The Hon. TREVOR KHAN: You are not the only one who has made that observation.

The Hon. LYNDA VOLTZ: Another thing that occurred to me is that quite often the person on the receiving end of the harassment and bullying is the person you are dealing with. I suspect that, particularly in the police, many people with PTSD who return to work are in management roles rather than being on patrol. Are you looking at the behaviours that trigger PTSD?

Mr FULLER: I would have to say that they are extremely varied. One thing the Police Force can be proud of is that we have come a long, long way in the PTSD space and that people are accepted back in the workplace. If people feel they are suffering from PTSD they will throw up their hands early on, because the stigmatisation around it has been seriously diminished. The Workforce Improvement Program, which Mr Weber probably spoke about, provides many avenues for people to put up their hands at different times in relation to psychological injuries including PTSD. The Recon program is all about making people better, whether they are physically or psychologically ill, and to get them back to work. The Workforce Improvement Program is about getting people back to work fully operational.

The Hon. LYNDA VOLTZ: That is good, but my question is about the symptoms of PTSD, and we know that one of them is anger. The people being bullied or harassed may be dealing with someone who is suffering from PTSD. As has been the case in other organisations, we tend to deal with the person on the receiving end but not the person about whom the complaint is being made. Do we not need to look at what is driving their behaviour?

Mr FULLER: As in the perpetrator of the poor behaviour?

The Hon. LYNDA VOLTZ: Yes.

Mr FULLER: From my perspective, part 8A makes it a bit more complex in that if it is misconduct then you are straight into Professional Standards. It is not all about accountability and/or potentially punishment for action, in a sense. In terms of the way in which part 8A is constructed, if it is misconduct then we have to deal with the misconduct. I spoke about the workplace equity unit and part of their job is providing training. That is not just training for people who are new commanders or new duty officers; they can work with individuals who may be experiencing behaviours in the workplace that are causing angst. But there are some 55-year-olds who are fixed in their ways—

The Hon. LYNDA VOLTZ: Have not yet got the cultural shift?

Mr FULLER: Not yet. Someone said to me that they will have to be on the bus at some stage or they will get run over by it.

Mr DAVID SHOEBRIDGE: It is not just in instances where someone is behaving like a bully. If they have a psychological injury, particularly if they have PTSD, they can have difficulty in working in management and in interpersonal relationships. That can result in low performance at work, which ends up generating complaints and disciplinary processes. That means that when they put in a claim for PTSD, you have to unpack whether the PTSD was caused by the management processes—it is chicken and egg.

Mr FULLER: We have come a long way in the training in early intervention we provide to sergeants and duty officers in terms of performance management. That starts at the academy, because not everyone is going to be a good police officer. People used to think that everyone had to be a lifer, had to stay for life. The reality is that we are not like any other organisation in that people tend not to leave even though they may not be enjoying the experience. In the next few years one of the things I really need to come to terms with is the need to have an attractive package for people to leave before other things happen. I am not suggesting we push out people with PTSD; I am saying that we do not have a wonderful record of people resigning because it is not the job for them. That is something I need to focus on, and it is only one small thing because it is not more important than PTSD, returning to work and preventing injuries. There needs to be a discussion around early intervention of performance management. If there are issues, I need to give police the confidence to put up their hand and say, "I am stressed." There are many programs in place—peer support, chaplaincy, connecting with families—and we have a family counsellor. I am doing the Recon program because I have an injury plus I want to market it to police. They might think, "If the Commissioner is doing Recon then you should put up your hand and say that you have an injury, whether it be physical or psychological." There are early intervention strategies.

The Hon. LYNDA VOLTZ: You talked about the 55-year-old who has missed the bus. As we know, in the 1980s and 1990s policing was very different from what it is today and the training was significantly different. What are you doing about the cultural shift and, in particular, the conflicts that will arise in a new era of part-time work and women being a significant part of the workforce? Different considerations have to be managed.

Mr FULLER: There are a couple of things in that. It is not about being disrespectful to police of the last generation or the generation before that, because the time is different; they all worked hard and they were all courageous. If I reflect back to when I was promoted to a superintendent, the superintendents around the table all looked very much the same. Now we have much younger people and a reasonable mix of women and men, and they all have young children, so the starting point for me is having generational change with our leadership. I have young kids, so I am sympathetic to part-time work because my wife works. In bringing about change you need to continue to renew the organisation. The other part is making sure that not just gender but ethnicity is represented across the senior ranks as well. We are doing much better in that space, but there is much more work to be done as well.

Mr DAVID SHOEBRIDGE: It is going to become increasingly challenging if you reduce the number of senior police, which is part of the force restructure, and that will put pressure on issues like career progression and diversity in leadership.

Mr FULLER: The reality is that most of the senior police who will retire over the next couple of years are men. There are very few women around that mark, which means that as long as I am providing development opportunities for female leaders then we will continue to bring female leaders to the table. As an assistant commissioner I ran my own women in leadership programs, because I got to one of the key struggles for them. They go off and have a family and when they come back they do not feel confident in engaging in the promotion process. I have done things as a leader to try to change that, but bringing a change to the table is

important. That is not being disrespectful, because you still need corporate knowledge at the same time. It is about getting a mix that self-perpetuates cultural change.

The Hon. LYNDIA VOLTZ: I was thinking that modern policing means you do not do long shifts and there has to be flexibility. That always creates conflicts in environments, where some people are doing more than others and that builds resentment.

Mr FULLER: Sometimes it is about the conversation with people to say why Mr Shoebridge gets to do A and Mr Borsak gets to do B. It is not because they are preferred; it is because this is the situation. The generation of police who are joining now need information. They want things to be explained to them, whereas when I joined you just did what you were told and it was a pretty simple world. There are some changes generationally that we need to come to terms with because people need more information to process things and to be happy. In terms of a flexible workplace, I am absolutely supportive of it. The union raised an issue with me in relation to crime management units and a potential change to the roster patterns, which I have stopped because it would have had a negative impact on, particularly, part-timers and women in the workplace. Having young children I will always be sympathetic, within reason and noting that there are massive challenges for commanders to keep down crime. We have an important job. There will always be another side to balancing the challenges in management versus the challenge of the individual.

The Hon. LYNDIA VOLTZ: Another point the Police Association raised was flexibility in staffing to allow changes to happen, and we know you are well versed in staffing.

Mr FULLER: I am a supporter of a flexible workforce but we have to respond to calls for service. We need to have a certain amount of police who are operational, and crime is down and I have got to keep it down. To do that I still have to support my managers and my leaders who, most of them, are doing an outstanding job.

The Hon. CATHERINE CUSACK: What statistics do you gather in relation to bullying allegations and the outcomes of them?

Mr FULLER: We capture those through the complaint process. We capture those through the workplace equity process just in case a matter does not progress to part 8A because it is not a complaint. We keep stats in terms of what is reported.

The Hon. CATHERINE CUSACK: Will you share those statistics with the Committee?

Mr FULLER: I am assuming that I can. I will double check and take that on notice.

The Hon. CATHERINE CUSACK: What do they tell you is happening if you look at them over the past couple of years?

Mr FULLER: Over the past five years, broadly, if we just talk about harassment as a broad issue there was a growth period for around three years. In the past two years that has stabilised. Sex-based harassment would make up around a quarter of all complaints, with just general bullying and harassment making up the rest. I think there is around 200 a year.

The Hon. TREVOR KHAN: That is 200 harassment?

Mr FULLER: Collectively, yes. I could be out by 10 or 20 per cent but it is around that and about 25 per cent are sex-based harassment.

The Hon. CATHERINE CUSACK: Could those figures be a little bit distorted in the sense that willingness to report, or make an allegation, might have increased over time and that could have caused the number of complaints to rise?

Mr FULLER: I think it is a positive that complaints did rise.

The Hon. CATHERINE CUSACK: They did rise.

Mr FULLER: They did, absolutely, and are we getting the full picture? I suggest we are probably not. The challenge for me is to continue to drive the language that gives people the confidence to come forward and then give examples of where people were supported. This notion that people who make a complaint get transferred out, I just do not agree with that, because there are so many avenues for people to highlight that with LAC and other areas. That may be packaged up with other problems in terms of it but there is a great deal of support for people who do come forward and make complaints, noting that it still takes great courage to do that.

The Hon. CATHERINE CUSACK: When you say you do not agree with it, do you mean you do not agree that that happened or you do not agree when it does happen?

Mr FULLER: I am saying that it is not a systemic problem in the organisation. Now I would never say that things do not happen that people are unhappy with. In terms of evidence that every person who makes a complaint in the organisation gets transferred or gets treated poorly, it is just not the fact.

The Hon. CATHERINE CUSACK: Do you agree though that it is perceived by many people that that is the case in your service?

Mr FULLER: No.

The Hon. CATHERINE CUSACK: The Committee has had a real sense that these sorts of complaints can be career ending or not career enhancing, if I can put it like that, particularly when it involves a superior officer. The Committee has been given an example of a person who made a complaint on behalf of other people, even though they were not a victim themselves; they just felt that that was the only way the matter was going to be resolved. Does it shock you that that is the situation?

Mr FULLER: It disappoints me. I would be shocked to say that it is systemic behaviour across the organisation. I am certainly not here suggesting that we are perfect. If I made it out that way, I apologise.

The Hon. CATHERINE CUSACK: I understand that these matters are handled internally within commands.

Mr FULLER: If a complaint is against a superintendent, an assistant commissioner or a deputy commissioner it would be done by Professional Standards Command or a command well, well away from that command so there was a cultural disconnect in terms of people knowing people. There are examples at the moment where I have got to make decisions about senior police on bullying and harassment, whether I demote or sack them. So there is evidence of people coming forward making complaints.

The Hon. CATHERINE CUSACK: Will you take on notice and check whether that always happens in relation to superintendents?

Mr FULLER: Yes I will.

The Hon. CATHERINE CUSACK: Would people who are lower in rank be dealt with within that command. Is that correct?

Mr FULLER: It depends on the seriousness of the allegation. If it was one where there was multiple pieces of information from multiple people that would suggest there is a systemic complex problem then Professional Standards Command is the best command. They have more time to pull things apart properly.

The Hon. CATHERINE CUSACK: In relation to the matters that are being handled internally—it could be a fight over lunch breaks or something, not everything needs to be a parliamentary inquiry—is there some means of assuring yourself that those matters are being handled consistently across commands?

Mr FULLER: There are two streams in a sense. One is the professional standards one which is reviewed, obviously something goes on the system. It is reviewed by Professional Standards Command. It is reviewed by independent inspectors so I feel as though our complaint process, like it or hate it, is very robust and transparent once the matter goes onto the system. If it is not a complaint then it goes into the workplace equity where workplace equity will monitor it. They will make a decision. Do they go out and engage? Do we engage an independent person to come in and negotiate on behalf of them? I think that is important because no two people are the same, and no two issues are the same. Whilst I think our policies and our culture needs to be going in the one direction you have to be flexible in terms of how you get to the bottom of some of these problems.

Mr DAVID SHOEBRIDGE: What goes to workplace equity and what goes to part 8A?

The Hon. CATHERINE CUSACK: I am trying to understand their role.

Mr FULLER: So part 8A complaint—well they can still be engaged a bit as a complaint.

The Hon. CATHERINE CUSACK: Will you explain that?

Mr FULLER: Part 8A is misconduct and/or corrupt type behaviour.

Mr DAVID SHOEBRIDGE: Under the Act.

Mr FULLER: Yes, and sometimes if someone makes a bullying complaint and it is poor performance because there is a percentage of those who are being performance managed—taking aside the PTSD matters—just accept that it is performance, it does not mean we walk away from the table. It means that there is still a problem. Even if the victim of the alleged bullying has got it wrong, we still need to bring someone in often to

work between that person and the commander and the sergeant or whoever it may be to get resolution. If you do not get some sense of a resolution it causes conflict in the workplace which then has an impact on sick leave and other issues.

Mr DAVID SHOEBRIDGE: Commissioner, you are on a unity ticket with the Police Association on that save for the fact that the Police Association say that often if it is a bullying complaint in particular, once it is not sustained that is it; it just sort of dies. Then you still have frictions in the workplace that have not been addressed. They suggested more needs to be done in that regard.

Mr FULLER: I am not suggesting more does not need to be done. Obviously in this space you could always do more but we have what we call facilitative discussions which means that someone who is trained will come into the workplace and try to make whatever is wrong, right. If it is an argument about rosters but that team is doing a certain roster then some people have to do that. Again there are many issues where management is not well received by an individual that gets classed as bullying and harassment but the facilitated discussion is about saying, okay, it is not bullying and harassment, let us talk about it. What is the root cause problem? Do I need more people doing that? Are we missing some of these? Yes, perhaps, but we do recognise as an organisation that you just cannot walk away from conflict because it causes other problems in the workplace.

The Hon. CATHERINE CUSACK: I return to the original question. How do you assure yourself of consistency in outcomes across the different commands?

Mr FULLER: I suppose from my perspective the policy documents need to be right, they need to be reviewed. The training needs to be right and needs to be reviewed. I broadly look at the statistics, I guess, to give me a feel, whether that is the Government's surveys on policing, our complaints statistics or workplace equity statistics. It is me as the commissioner looking at the broader trends. Of course, the most serious matters come to me for removal. I guess do I delve into every case—I know you are not suggesting that—no, I do not.

The Hon. CATHERINE CUSACK: No. I am actually asking about outcomes by different commands to ensure that a misdemeanour would take the same amount of time to investigate—one issue is how long these matters take to investigate—and would reach a commensurate outcome across all the different commands.

Mr DAVID SHOEBRIDGE: I think the assumption is a system other than yourself?

The Hon. CATHERINE CUSACK: Yes, what is your information system to reassure you on that?

Mr FULLER: I know we keep splitting this up, which probably does not help the conversation, but in terms of the complaint process we track the days they take to finalise. We do that by State, by region, by command.

Mr DAVID SHOEBRIDGE: Part 8A?

Mr FULLER: Yes. In terms of the others, whilst we do not track them by time we certainly keep data in terms of outcomes whether individuals are happy or unhappy which helps know, I guess, are we doing the right thing? Are we pulling the right levers? Can I guarantee perfect consistency? No, I cannot because people will apply things differently. Yes, we have more to learn, we have more to do but I think we are really going in the right direction.

The Hon. CATHERINE CUSACK: Who manages that information for you? For example, it sounds like people are surveyed after it is all over—"Were you satisfied with the process?"—and you get that feedback.

Mr FULLER: The HR command more broadly takes ownership of the strategy—Assistant Commissioner Carlene York and her team who, under Deputy Commissioner Dave Hudson, then were responsible for all the programs you would have heard about in the submission. From my perspective, I get a high-level briefing in terms of the performance of a number of areas in the organisation, including this.

The Hon. CATHERINE CUSACK: And what are you hearing about this? What are police saying? "We are happy with this", or is there a level of improvement?

Mr FULLER: The level of improvement is absolutely there, but there will always be a group of people that are not happy because they did not get the outcome they wanted. But, again, looking at the surveys, I go to commands, I talk to people—police in the past used to say "You are just ticking the box", there was no legitimacy to what we were doing in terms of this space and in the space around welfare, and I do not hear that anymore in the sense that there is legitimacy to what we are doing in the sense that people feel as though we care more in terms of what we are doing and how we have engaged than what we did 10 years ago.

The Hon. CATHERINE CUSACK: Do you have any records of how many police are in litigation against each other?

Mr FULLER: No. I would only have records in terms of who is litigating me.

The Hon. LYNDA VOLTZ: How many are doing that?

Mr DAVID SHOEBRIDGE: That's another hearing.

Mr FULLER: That's another hearing.

Mr DAVID SHOEBRIDGE: In terms of lifting the game, one of the long-running concerns that has been raised with my office is that it is not just the police themselves; that if a police officer is being bullied or has a psychological injury, having difficulties in the workplace, the repercussions spread to their family, their partner and their children. That has been partly responded to by a family service coordinator that has been put in place. It has been described as an under-resourced office and that a great deal more resources should be devoted to that. What are your thoughts on that?

Mr FULLER: I agree; I am a big supporter of it. I had my first Police Remembrance Day as the commissioner and I had to meet a lot of women who had unfortunately lost their husbands in circumstances that were all very difficult and challenging, and you see it in their eyes how much they are in pain. How much more do I need to do for families? I have one person employed—the police chaplains, I cannot tell you how much work they do. I think sometimes people do not connect that with the NSW Police Force, unfortunately, although they wear our uniform and they do amazing things. Police Legacy has kicked off Backup for Life—again, for those who have retired. I think there is more I need to do, and as we grow the WIP program—and at some stage I will have to come back for some more money—these are the things that we probably need to expand, noting that if someone is married to the job then their family is married to the job.

Mr DAVID SHOEBRIDGE: The one coordinator—given the numbers of family members and the extent of the problem, the resourcing and the issue do not seem to be commensurate with each other.

Mr FULLER: If I could have a look at the workload for the individual.

Mr DAVID SHOEBRIDGE: I am happy for you to come back on notice with some more detail on that.

Mr FULLER: I guess, in fairness, the WIP program was about trialling some things in this space.

Mr DAVID SHOEBRIDGE: Could you just expand that acronym of WIP?

Mr FULLER: The Workforce Improvement Program, which was the program that the Government provided money for. I have spoken to the head of Defence, I have spoken to my counterparts in States and Territories in terms of PTSD and the spike of injuries and all of these things. There is no-one around the world who is doing one single thing that has had a significant impact. I think there are just lots of little things that we are all trying to do. So there is only one person in there and I assume that that would have been because it is something new and we need to trial it. I will look at the workload in terms of how much is coming in and make an assessment if that is the area that we need to expand into for the Workforce Improvement Program going forward.

Mr DAVID SHOEBRIDGE: Particularly officers with psychological injuries, often they and their family feel like they have got a second-class injury and treat it as a second-class injury. If someone has a physical injury after they are injured in the workplace, the corridors of the hospital might be lined with cheering and supporting co-workers supporting somebody with a physical injury who got injured on the job, but there is next to silence if there is a psych injury—you suffer alone at home. In terms of leadership from you, what leadership are you giving to say that psych injuries are real injuries and "we are treating them as equal to physical injuries"?

Mr FULLER: Again, the Recon program is for officers with injuries; it is an important part of the Workforce Improvement Program, and we have psychologists, we have physios, we have strength and conditioning people. I am putting myself through that program to say, "If the commissioner is good enough to go through the program, if I do not fear being asked about my mental health and my injuries, then you shouldn't either." That is the starter. The other starter is that we have had three senior respected police in the last couple of years get PTSD, and as bad as you could get it, and we do bring some of them back to talk to probationary constables and other police because these were the tough guys—six-foot tall, big guys, strong guys, good work performance—and they talk about the bucket fills up and it overflows.

It is about bringing back, I guess, past heroes that have had PTSD to show the workforce that it is okay to talk about it, it is okay to put your hand up; just doing it earlier is a better outcome for everyone. So there is a range of things that I do. I talk about it at Goulburn when I talk to the probationary constables, it is in my speech. I say to them, "You will show great courage during your career, kicking in doors and locking up people,

but the greatest courage you will ever show is putting your hand up to say, 'I need help.' I talk about it all the time.

Mr DAVID SHOEBRIDGE: In terms of those key indicators of a clear statement from the commissioner that psychological injuries are every bit as real as physical injuries, the Wall of Remembrance, and ensuring that those police who lost their lives because of a psychological injury are treated the same as those who lost their lives because of a physical injury, what is your position on that?

Mr FULLER: Andrew Scipione made the decision that those officers who took their life as a result of a workplace injury would go on the wall, and I support that and I included someone just recently. There always needs to be a criteria in life for things, but the criteria is not about making it impossible to get on, I promise you that. I will commit to the decision that was made by my predecessor.

Mr DAVID SHOEBRIDGE: If someone has had an identifiable workplace injury which is a psychological injury and it has led to the taking of their life, because it was an injury that occurred on duty they should be on the wall?

Mr FULLER: Yes.

The Hon. CATHERINE CUSACK: Can I ask what happens when an officer does take his own life? Is there a report to you, is there automatically a coronial inquiry?

Mr FULLER: Automatically a coronial inquiry.

The Hon. LYNDA VOLTZ: But that is only for existing officers. What about former officers?

Mr FULLER: We would have to know about it and there would have to be some evidence collected for the coroner, I suppose—whether it be a family member. If they had left 10 years ago and it was not mentioned that they had depression because of other things—family break-ups—I cannot guarantee everyone is, but it is certainly something that we would not hide in our investigation, preparing information for the coroner.

The Hon. CATHERINE CUSACK: What would you do for someone who was on a disability pension and not working due to psychological injury who took their own life? What would happen then?

Mr FULLER: Again, it would still be reported for the coroner and then the coroner obviously makes a decision in terms of where that inquest goes and what is in the suicide note, what evidence is collected in terms of determining the cause of death. That has to happen for every death.

The Hon. CATHERINE CUSACK: How many coronial inquiries have there been?

The Hon. TREVOR KHAN: Are we on the same page in terms of the language? A coronial inquiry is a report to the coroner and an assessment by the coroner. That does not necessarily mean a hearing.

Mr FULLER: It does not necessarily mean a full inquest, but they still have to determine the cause of death. I would have to take it on notice and come back to you. Sorry, was the question how many police suicides have there been or was it a more—

The Hon. CATHERINE CUSACK: I am interested in inquiries by the coroner.

Mr FULLER: Because, obviously, what we do not know we do not know. But I know what is being reported to the coroner.

The Hon. CATHERINE CUSACK: As I understand, it triggers a report to the coroner but it does not trigger a coronial inquiry.

The Hon. TREVOR KHAN: Because that is determined under the Coroners Act on the basis of the coroner's determination, often in consultation with the family.

The Hon. LYNDA VOLTZ: Just the number of reports would be the information you would need.

Mr DAVID SHOEBRIDGE: And I suppose to get a full picture of it you would need to know those former police that you are aware of who have taken their lives, those that have been the subject of a report to the coroner and those that have been the subject of a coronial investigation. I suppose that is what you need to know.

The Hon. CATHERINE CUSACK: Who is in charge of preparing those reports for the coroner?

Mr FULLER: Depending on the matter, if they were serving, it would be more than likely that the Homicide Squad would do that investigation. It could be a critical incident type investigation if it was someone

who had been retired for some time. It could be local detectives or local police. But either way, the information that we need to provide is consistent. There are rules around what has to go in that.

The Hon. CATHERINE CUSACK: Would you expect to see all of those reports?

Mr FULLER: Me personally?

The Hon. CATHERINE CUSACK: Yes.

Mr FULLER: No, but I would expect to see the recommendations from the coroner, because that is the key to this. Obviously in a debrief in relation to it, if there was a glaring problem that I need to fix quickly around firearms security or something then we would act on that. That would come to me quickly. But in terms of me reading, in a sense, the papers of the inquest, that would not happen. But I would certainly be briefed on it through situation reports and other verbal briefings. It is a significant thing, but the key for me is that we act quickly to fix things if they are identified and also that recommendations that may be made by the coroner are acted upon.

The Hon. CATHERINE CUSACK: If you have an officer with a psychological injury off duty who commits suicide, is it not important to know why that happened, what the failings might have been in the treatment and what the learnings are that can come out of that?

Mr FULLER: It is. But the coroner has an important role. The challenge in the past is that we will rush in and make our determinations, which does not impress the coroner who has the job of working out how it worked. There is a fine line. Yes, there is a hot debrief from us to see if there are glaring things that we need to fix quickly. But then there is a coronial process that we need to let run as well. That does not mean we turn a blind eye and just forget about it until the coronial matter happens. That is simply not the case at all. That triggers a whole range of other things for support for police where the officer worked, for the family members of the officer who had lost their life. There is a whole range of things that do trigger. I guess I have been more focused on the coronial process, which may not have fully answered the question.

The Hon. CATHERINE CUSACK: I am actually focused on the process of writing the report. I cannot give you any details but we have just heard of one man who was trying to assist a colleague who subsequently killed himself and then never heard anything further.

The Hon. LYNDA VOLTZ: Catherine—

The Hon. CATHERINE CUSACK: I am not giving any details.

The Hon. LYNDA VOLTZ: You are giving details. Do you do exit interviews?

Mr FULLER: It depends. Yes, we do. There is a form that you fill out. I cannot remember how many pages it is, but there is an exit interview. People exit for a whole range of reasons. Some of those are ethically challenged and there is a small percentage who resign. There is a large percentage who retire medically unfit.

The Hon. LYNDA VOLTZ: Are you saying it is a very small group who resign from the Police Force—most are medically discharged or discharged for ethical reasons?

Mr FULLER: Yes.

The Hon. LYNDA VOLTZ: In that they are given the boot?

Mr FULLER: Or the boot is coming and they—

The Hon. TREVOR KHAN: Jump.

Mr FULLER: —jump.

The Hon. LYNDA VOLTZ: What percentage would be resignations?

Mr FULLER: I will take it on notice but I will give you an estimate to give you a feel.

The Hon. LYNDA VOLTZ: A guesstimate.

Mr FULLER: It would be 10 per cent or less.

The Hon. LYNDA VOLTZ: And do you do exit interviews on the 10 per cent?

Mr FULLER: We do exit interviews on everyone.

The Hon. LYNDA VOLTZ: And is that just a form or is it done by the local station they are at?

Mr FULLER: It is done by the local station they are at.

The Hon. LYNDIA VOLTZ: If people are leaving due to a problem in that station, you are not likely to gather that information on exit.

Mr FULLER: Can I take it on notice? I think this was raised at another time and the forms now get sent somewhere centrally. But I will take that on notice as far as the process and where that goes.

The Hon. LYNDIA VOLTZ: Yes—as well as the figures for how many people have actually filled in the form.

Mr FULLER: Absolutely.

Mr DAVID SHOEBRIDGE: Commissioner, I think you should take it as understood that there are significant numbers of police who may wish to raise a bullying complaint but do not because they are concerned about the repercussions of it on their career. Do you accept that that is a starting point—that in the nature of our hierarchical organisation that will be part of the problem?

Mr FULLER: Did you say "significant"?

Mr DAVID SHOEBRIDGE: Yes—a significant number of police who would be anxious about raising a bullying complaint because in any hierarchical organisation complaining about your superiors may well have negative career ramifications. That is a problem. And I am not singling out the NSW Police Force.

Mr FULLER: I am not splitting hairs with you, but are you talking about a significant number in a percentage or a significant number being 500 people?

Mr DAVID SHOEBRIDGE: Well, it is an issue. Why don't we just say it is an issue?

Mr FULLER: Okay.

Mr DAVID SHOEBRIDGE: Do you accept that is an issue?

Mr FULLER: In an organisation like ours—structure, rank, respect, leadership, strong—it would be more difficult than I am sure it would be at Google.

Mr DAVID SHOEBRIDGE: Perhaps. I am not sure about how they would raise it at Google—maybe when they are sharing jellybeans or something. Assuming that is an issue, can you provide on notice the information, the posters and the access points that are provided to police so that they can make a complaint?

Mr FULLER: Absolutely. There will be a long list of initiatives that I would be happy to provide.

Mr DAVID SHOEBRIDGE: Including what they would see when they came into their local area command. Is there any obvious example that you think you could put on the table? For instance, "When they walk into the crib room, this would be on the wall, and this is who they talk to."

Mr FULLER: Absolutely. And on top of that, things like peer support. We have officers that are trained in peer support. They wear badges to be easily identifiable meaning that they understand how to receive information and they know how to help people on the journey. Chaplains regularly go to police stations. There are posters. I put information out. We have information in *Police Service Weekly*. I could talk ad nauseam about it in a good way, but I will provide you with a list of things that we are doing and will continue to do.

The Hon. TREVOR KHAN: With *Police Service Weekly*—

Mr FULLER: It is *Police Monthly*, sorry.

The Hon. TREVOR KHAN: Sorry—there we go.

Mr FULLER: It has changed—I get it wrong all the time.

The Hon. TREVOR KHAN: Does it contain information of any disciplinary action that has been taken against officers?

Mr FULLER: What we put in there is some examples—not real examples necessarily, but we put in examples of when things are not appropriate. For example, it is okay for a supervisor to give a reasonable direction in this case but it is not okay for a supervisor to pat people on the back—

The Hon. TREVOR KHAN: The behind.

Mr FULLER: Yes—as a bad example. But we do put out information as to what is appropriate behaviour. We do put out information as to what is inappropriate.

Mr DAVID SHOEBRIDGE: Some of that is based upon real world examples and some of it is not.

Mr FULLER: They are but they would not be recognised by anyone. They are things that happen that are realistic examples of types of behaviour that are not tolerated. We also put in there what happens to people when these things happen. We are not hiding from some of the bad behaviour that is out there. I talk often about the police I have sacked and the police that I will continue to demote and remove who are engaged in this type of behaviour. I talk about it to other commanders, not because I fear that they are doing this but because it is about setting the tone from the top.

The Hon. LYNDA VOLTZ: It is the difference between being professional and unprofessional, is it not?

Mr FULLER: And it is crime in some cases.

Mr DAVID SHOEBRIDGE: Again this comes back to a question the Hon. Catherine Cusack was raising: What measures are there to ensure consistency when it is not coming across your desk? That is a concern.

Mr FULLER: The trend analysis is so important. I know sometimes you need to be more granular. But I have people who are reviewing it from Professional Standards Command and the Workplace Equity Unit. Can I give you a guarantee that we are getting it perfectly consistent? I cannot. But again every person is different. Every person wants a different outcome.

The Hon. CATHERINE CUSACK: I am not asking for that guarantee. I am asking whether it is being monitored.

Mr FULLER: But I do not understand—what aspect is being monitored? We monitor the statistics. We monitor the outcomes. We monitor how many people are happy or unhappy.

The Hon. CATHERINE CUSACK: Are you doing that across commands so that if there is inconsistency that would jump out at you? For instance: "In this command when there is a bullying allegation, none of them are being sustained." Would you find that out?

Mr FULLER: Yes.

The Hon. CATHERINE CUSACK: Who would tell you?

Mr FULLER: There would be trend analysis done at Professional Standards Command and/or the Workplace Equity Unit. Or complaints would continue to come in that would indicate there is something not right. Then we would send in Professional Standards Command and/or the Workplace Equity Unit to do a review independent of the command. There are examples of that. I feel I could give you examples of how many times we have done workplace reviews that have been forced upon the command—not asked by the command—that give a whole other level of independence.

The Hon. CATHERINE CUSACK: Please, if you could give us some examples, that would be great.

Mr FULLER: Yes. I have used it as—

Mr DAVID SHOEBRIDGE: Concerns have been raised: say, for example, with a superintendent over there, there might be one instance of clearly inappropriate conduct and bang—demotion, but there is a superintendent over here with ongoing patterns of poor behaviour who gets a slap on the wrist, and those kinds of inconsistencies.

Mr FULLER: I was an assistant commissioner for about seven years. I forced the workplace unit for Professional Standards Command into five commands because I was not happy with the outcome and consistency was not right, the indicators were not right. And I am just one assistant commissioner so I will give you some sense of how many workplace reviews they do. The commander does not ask for it, they get forced in there because the consistency is not there.

The Hon. LYNDA VOLTZ: Just within that, where does someone pick up on where the alarm bells should ring? A couple of the examples we have had, and they should have been ones where the alarm bells rang for the organisation, where somebody else actually made the report, meaning that the people who were the victims of what was happening obviously did not feel that they were in a position to make the report and it got to the stage where someone else had made the report—not just your organisation, other organisations. And to my mind alarm bells should ring when it has come to the case that someone else has had to make the report, rather than the person involved. So you might only have one allegation but that is because it has been made by an outside party, but the alarm bells should be ringing that people are not making the complaints themselves.

Mr FULLER: But I think sometimes there is a problem that you get a subculture in any organisation where there is support for the way an individual manages by a whole big group of people and there is another

group of people who do not support it. So there can be challenges in trying to work out quickly where the truth lies.

The Hon. LYNDA VOLTZ: Yes but sometimes that small group might be the women in the organisation.

Mr FULLER: I accept that, I am not suggesting it as a good thing. I am just saying that these are complex matters and that is why, when you look at the list of work that we are doing in the space, it is so diverse because every situation is slightly different.

The Hon. LYNDA VOLTZ: Yes possibly, although I do tend to think that it seems to be women who are less empowered to make the reports than men.

Mr FULLER: And I need to have more senior female police officers in senior positions, I need younger men with families, I need different people around the table to continue to drive that cultural change that we spoke about earlier.

The Hon. CATHERINE CUSACK: Can I ask about the guidelines for emergency services, the ones that were launched last year.

Mr DAVID SHOEBRIDGE: This is for health practitioners, PTSD treatment of emergency services personnel.

The Hon. CATHERINE CUSACK: It is new to me but are you familiar with those guidelines?

Mr FULLER: I am but I would not say that I have looked at them in the last week.

The Hon. CATHERINE CUSACK: It would be great to find out how those guidelines are being implemented and how the compliance is being monitored.

Mr FULLER: Yes. We are doing a significant amount of work for PTSD. The Workforce Improvement Program we have spoken about, the investment in that has been primarily around PTSD, setting up clinics, health checks, trying to build resilience—and there are people who are not a fan of that terminology—fitness passports and wellness checks. I will be happy to tick the boxes on how we reconcile that from a NSW Police Force perspective.

The Hon. CATHERINE CUSACK: With regard to the promotions system, I understand that the old way of promoting people has changed and there is a lot more merit selection involved now, is that correct? Is there psychological testing or the scope for doing that so that in your leadership positions you have people who have the, not skills, but the aptitude to be good leaders in terms of not being bullies and not being psychopaths.

Mr FULLER: We do not do psychometric testing, per se and I think I would struggle to get it in, in terms of knocking someone back on that. I would have to take that on advice. We do put in place a whole range of exams, tests and assessment centres where we test people in real-life situations. There is a whole range, the legislative process the Government took years to settle and then, once you get through and you are into the promotion pool, then we give you workplace equity training and a whole range of other things. That, I know, does not exactly answer your question about psychometric testing. No, we do not do it but we do test people significantly along the way. I could send you a list of the things that you need to do to prove that you have the ability to be promoted.

The CHAIR: Commissioner, in an article in the *Daily Telegraph* in April you were quoted as saying you were looking for officers with more mental resilience. What did you mean by that?

Mr FULLER: It was a 40-minute interview where they took one quote out of it. What I was talking about was, how do we build resilience in people? People want to be police, which is a wonderful thing, but on your first day you can see horrific things. Others might take 12 or 18 months and they have seen a couple of car crashes and had some minor experiences but that starts to build you up for the challenge of what you see. It was certainly never meant to be a comment around weakness. I was more talking about a personal experience in saying that death never stressed me out, it was only having to deliver the message of death to the people who were left behind that used to cause me stress. But unfortunately, out of a 40-minute interview, that was the one quote that went into the paper. So I am not suggesting that we do not have a resilient workforce.

The CHAIR: No, I am not taking your comment as being a negative comment anyway, I was just interested in terms of how you would test for that or how you could perhaps determine whether a person might be slightly better suited for the job in the longer term because of their being more mentally resilient.

Mr FULLER: I think it is about giving people the power to say, "I have been on the truck for two years. I love the police but going and seeing the deceased in car crashes and all these other things is not sitting

well with me and I would like to go and be a prosecutor." We say, "That is fantastic, great, we can keep you, we need more prosecutors" and they go down that road. I just think there are some challenges along the way where we need to continue to evolve our training at Goulburn to make sure it is as realistic as possible and we are best preparing people for what they are going to see but also to acknowledge that, if you throw your hand up early and say, "I have seen enough car crashes, I would really like to go to the water police or the mounties or something else", there is nothing wrong with that. And I think that is what I spoke about earlier, that it does not have to be resignation, there is a whole different journey that you can go on to continue to build personal resilience. And some people do not like looking at dead bodies. It does not mean you are going to be a bad police officer, it just means that general duties is not the life for you.

Mr DAVID SHOEBRIDGE: But it is not a question of resilience. You can be a very mentally resilient person and still become subject to PTSD. I take it you are not saying that you have a bunch of mentally resilient people over here, and they will not get PTSD and a bunch of less resilient people over here and they will get PTSD. You are not talking about that?

Mr FULLER: No, the second group is the group where the bucket fills up and they look resilient but—

The Hon. CATHERINE CUSACK: They are burning out.

Mr FULLER: They are burning out.

Mr DAVID SHOEBRIDGE: Well, they could be resilient but the forces, what they have been exposed to in the police, create PTSD.

Mr FULLER: Yes. But there are the people who come in very young and they may have had a very privileged life and, on their first shift, they can see some challenging things. So how do I build resilience in training, in the information that we provide, managing expectations in terms of what the organisation is about, starting the conversation early that it is okay to feel in a certain way?

Mr DAVID SHOEBRIDGE: But if we are not careful, this kind of discussion will lead to a conclusion that if you have got PTSD it is because you were not resilient and that would be very unhelpful.

Mr FULLER: That comment, the way it was reported, made a lot of people unhappy including myself because it was not contextualised in the way I wanted it to be. It was a good learning curve for me early in the piece.

The CHAIR: Commissioner, where are you up to with your active shooter training programs?

Mr FULLER: The Active Armed Offender Training program is still rolling out across the State. I think we will take on notice there have been around 6,000 to 7,000 police have been trained in that and in addition to that we are moving to longarms training for the Public Order and Riot Squad to increase our ability to put longarms on the street, if there was a critical incident, such as a terrorism incident.

The CHAIR: Thank you, Commissioner. I note there are a number of questions that have been taken on notice. The secretariat will be in contact with you and the answers to questions on notice will need to be returned within 21 days.

Mr FULLER: Thank you.

(The witness withdrew)

(The committee adjourned at 13:48)