

**Special Commission of Inquiry into Offending by Former Corrections Officer Wayne
Astill at Dillwynia Correctional Centre**

Outline of Submissions provided on behalf of CSNSW Officers:

**Peter Barglik, Glenn Clark, Mirza Mohtaj,
Stephen Virgo, Kim Wilson and Mark Wilson**

Introduction

1. These submissions are provided on behalf of CSNSW Correctional Officers Peter Barglik, Glenn Clark, Mirza Mohtaj, Stephen Virgo, Kim Wilson and Mark Wilson.
2. By Letters Patent issued on 13 September 2023 under the *Special Commission of Inquiry Act 1983* ('the Act'), the Governor of New South Wales, Her Excellency the Honourable Margaret Beazley AC KC ('the Governor') established this Special Commission of Inquiry ('the Inquiry'), appointing and authorising The Honourable Peter McClellan AM KC ('the Commissioner') to inquire, report and make recommendations in respect of the circumstances relating to the sexual offences committed by former corrections officer Wayne Astill at the Dillwynia Correctional Centre ('DCC'), including the following matters (hereinafter referred to collectively as the 'Terms of Reference'):

A. Whether any other employee of Corrective Services NSW had knowledge or reasonable suspicion of the offending and if so, when, and what steps they took in relation to that knowledge or suspicion.

B. Whether any person engaged in the management of Dillwynia Women's Correctional Centre had knowledge or reasonable suspicion of the offending and, if so, when, and

what steps that person took either alone or as a member of the management team in relation to that knowledge or suspicion.

C. The systems of supervision and oversight that applied in relation to Wayne Astill at Dillwynia Women's Correctional Centre, their adequacy, and how they could be improved to reduce the risk of serious offending.

D. The policies and procedures available at Dillwynia Correctional Centre for inmates or staff to raise complaints about misconduct, including sexual offending by correctional officers.

E. Whether the circumstances related to Astill's offending and your findings require further consideration of broader site or case specific or Corrective Services wide investigations.

F. Whether the circumstances related to Astill's offending or any matter revealed by this inquiry related to Dillwynia Women's Correctional Centre indicate inadequacies in the policies and procedures for professional oversight and/or the conduct of professional standards investigations that apply in Corrective Services NSW, and whether, in particular, they are sufficiently independent and robust.

G. Whether any matters arising from the inquiry should be referred to the Independent Commission Against Corruption (ICAC) or the NSW Police Force for further investigation.

3. In conducting the Inquiry, the Commissioner held public hearings pursuant to section 7 of the Act, during which the Commissioner heard and received extensive oral and/or documentary evidence from numerous witnesses;

including oral and documentary evidence from Officers Clark, Mohtaj, Virgo, K Wilson and M Wilson, and documentary evidence from Officer Barglik.

4. After the hearings concluded, on 24 November 2023, Counsel Assisting the Inquiry (Mr David Lloyd SC and Ms Joanna Davidson) filed closing submissions on 6 December 2023 ('the Closing Submissions'). In the Closing Submissions, Counsel Assisting has comprehensively scrutinised and analysed the extensive oral and documentary evidence received by the Special Commission during the course of the Inquiry, so as to assist the Commissioner to make findings of fact and recommendations about the matters falling within the above Terms of Reference.
5. What has become patently clear from this Inquiry is that during Astill's period of offending (from March 2014 to October 2018) there were, broadly speaking, serious systemic issues in the NSW correctional system that operated to actively discourage and disincentivise correctional officers and inmates from making reports about the behaviour and conduct of officers.
6. The purpose of these submissions is to, where appropriate, provide additional assistance to the Commissioner in addressing the various issues raised in this Inquiry and by Counsel Assisting in the Closing Submissions. To that end, these submissions are prepared with reference to the Closing Submissions and, unless otherwise stated in these submissions, the proposed findings and recommendations made by Counsel Assisting in those submissions are adopted.
7. Having said this, it is of note that Counsel Assisting (Mr David Lloyd SC) stated, at the close of the inquiry on 24 November 2023 with the Commissioner's imprimatur, that a number of correctional officers would not be the subject of adverse comment in the Closing Submissions and, in those circumstances, would not be required to make submissions. Amongst those officers named were Officers Virgo and Mark Wilson. For this reason, these submissions will

only address, where necessary, the evidence of Officers Barglik, Clark, Mohtaj and Kim Wilson, and Counsel Assisting's analyses of same.

Evidence relating to Peter Barglik

8. In his opening address on 28 September 2023, Counsel Assisting had initially anticipated that Officer Barglik would give evidence in the Inquiry, stating (on page 27 at lines 30 to 45):

... I also anticipate that there will be evidence from Correctional Officer Peter Barglik about a conversation that he had with Astill about the allegations made by witnesses B and V about Astill's abuse of witness M.

I anticipate that officer will give evidence that Astill described to him the way that he and Governor Martin had dealt with the complaints and I quote what evidence I expect you will hear that Astill said to that officer:

"We interviewed both of them, and you know how I used to be a copper, well Shari Martin and I give it to them. We belittle them. We intimidated the fuck out of them and by the time we finish those two mutts won't fucking tell any more lies."

I anticipate Mr Barglik will also tell you that Astill said to him "Yeah, thanks to Shari mate, without her I reckon I would have been dragged out over the coals."

9. Ultimately, Officer Barglik was not required to give evidence in the Inquiry. Having said this, he:

- 9.1. provided and signed an official police statement to NSW Police during the criminal investigation of Astill (dated 13 October 2020 (contained in Exhibit 3, Volume 7, Tab 50)); and
 - 9.2. gave evidence in the Crown case in Astill's trial on 4 August 2022 (contained in Exhibit 3, Volume 1 Tab 1J pages 314 to 322), during which he was subjected to cross examination without issue; and
 - 9.3. provided and signed an extensive statement to those assisting the Inquiry (dated 18 September 2023 (contained in Exhibit 3, Volume 7 Tab 50A)).
10. In those circumstances, the Commissioner would have no difficulty relying on the contents of Officer Barglik's above statements and evidence in the criminal proceedings against Astill, as being a truthful, accurate and a reliable account of the matters discussed therein.
11. Of particular significance was the evidence that Officer Barglik gave in his statement to police (in Exhibit 3, Volume 7, Tab 50) at paragraphs 17 to 19 inclusive (reproduced below), which painted an unflattering characterisation of the manner in which Shari Martin and Astill conducted themselves at DCC:

17. Around 2015 - 2018, at the Behavioural Intervention Unit at Dillwynia Women's Correctional Centre I had a conversation with Wayne ASTILL regarding the then Governor Shari MARTIN and inmates Witness B and Witness V.

18. My recollection of this conversation with Wayne ASTILL includes;

I said, "This governor is shit, she does nothing for staff and staff can't talk to her"

He said, "Mate that's not right, you have no idea of how she looks after staff"

I said, "Amuse me please"

He said, "Two inmates have made allegations that I have touched an inmate"

I said, "Who?"

He said, "Witness B and Witness V they've made a complaint to the Governor, they said that an inmate has asked them for support because I've given her a touch up"

I said, "Shit"

He said, "Well Shari and I interviewed both of them, and you know how I used to be a copper, well Shari and I give it to them, we belittled them, we intimidated the fuck out of them, and by the time we finished I can tell you those two mutts won't fucking tell anymore lies"

I said, "Shit mate I had no idea, that you were going through this, are you ok"

He said, "Now, yeah thanks to Shari mate without out her I'd reckon I would have been dragged out over the coals"

19. The reason that I can remember this conversation so clear is that Ms Martin (former Governor) bullied and harassed staff and from a personal experience she was someone that was totally unapproachable, and had no regards for any concerns I had as a staff member, so when ASTILL told me that he had allegations made against him by the two inmates and that Shari had taken care of it, my opinion changed somewhat.

ASTILL told me that he had allegations made against him by the two inmates and that Shari had taken care of it, my opinion changed somewhat.

12. Moreover, whilst Counsel Assisting noted at page 97 [365] of the Closing Submissions that “Mr Barglik’s evidence was that Ms Martin was unapproachable, rarely present on parade or musters, and on the occasions that she would address staff on parade, it was not in a positive manner and her language and demeanour was intimidating to staff”, which was extracted from paragraph 73 of Officer Barglik’s statement to the Inquiry (in Exhibit 3, Volume 7, Tab 50), the Commissioner would also note that Officer Barglik also stated “I felt as if she bullied staff.”
13. Although Ms Martin denied Officer Barglik’s account of her, when it was put to her by Counsel Assisting (discussed at page 313 [1108] of the Closing Submissions), it is submitted that the evidence of Officer Barglik was amply supported by similar accounts by various inmates and officers throughout this Inquiry (discussed by Counsel Assisting throughout the Closing Submissions, including at page 96 [363] and [364] and page 97 [364] and [365]). Indeed, his evidence would be accepted as accurate and reliable; speaking to an environment that was neither encouraging of, nor conducive to, officers engaging in open and safe communications about any matters with Ms Martin, let alone about any sensitive matters.
14. Also, of significance in the context of this Inquiry is the fact that Officer Barglik, like many other correctional officers at DCC, did not know how to submit reports using the ‘SIU’ dropdown function on the IIS (see Officer Barglik’s statement to the Inquiry (in Exhibit 3, Volume 7, Tab 50A at paragraphs 67 and 68)).
15. Of even greater significance and concern, in the context of this Inquiry, is Officer Barglik’s account about how officers at DCC received no support or counselling

from the 'Department' in the wake of Astill's arrest, trial, and sentencing; despite the clear and far-reaching psychological impact that Astill's conduct had on many of the officers revealed throughout the course of this Inquiry. As Officer Barglik stated in his statement to the Inquiry at paragraph 85 (in Exhibit 3, Volume 7, Tab 50A):

85. There has been no support from the department, no debrief, no counselling, no support services. I was told nothing, before, during or after giving evidence. I feel I have been left in the dark. I don't know the scope of the offending. I have been made to feel like I must keep it all quiet within the gaol. We were told we couldn't talk to anyone about it before the trial, then you give evidence, and when you walk out you still have to keep quiet. After I gave evidence, I got the train home, and I didn't speak to anyone about it until the sentencing. When at court I saw other staff members, none of whom I knew would be there. I saw inmates as well. The other witnesses and I nearly ended up in the lift with Astill during the lunch break. How does that happen? I feel that the Astill matter is one of the biggest things to happen within corrective services, but I was told that this is nothing. Within the department the lower rank you are, the less respect you are given, and I have really felt that through this process.

16. This lack of support is clearly an issue that needs to be addressed by CSNSW and, to that end, the Commissioner is invited to make a **recommendation** that CSNSW provide counselling and support services to all correctional officers involved in an investigation or proceedings or inquiries relating to the unlawful conduct of another officer within the correctional centre in which they worked at the relevant time.

Evidence relating to Mirza Mohtaj

17. Officer Mohtaj's evidence to the Inquiry consisted of:
 - 17.1. his written statement to the Inquiry (dated 19 September 2023 and marked as exhibit 11); and
 - 17.2. his affirmed oral evidence on 25 October 2023 (pages 852 to 868) and 26 October 2023 (pages 872 to 890).
18. Mr Mohtaj had no involvement in the police investigation, trial proceedings, or sentence proceedings in relation to Astill.
19. In the Closing Submissions, Counsel Assisting mentions Officer Mohtaj on two occasions.
20. Firstly, on page 122 at [458] of the Closing Submissions, Counsel Assisting submits:

As detailed below, Witness B, Witness R and Witness V were involved in making a complaint about Astill's conduct towards Witness M. Following this, Astill and other officers, would refer to those involved in making the complaint as "dogs". Numerous inmates gave evidence about an occasion when Astill said "this place smells like dogs" at muster which the inmates understood to be directed at those who that reported Astill's conduct towards Witness M. This occurred in front of a number of officers, including Officers Mohtaj, Robinson, Hayley, Davis and Holyoak, Mr Mohtaj did not recall this occurring.

21. In relation to Officer Mohtaj's evidence that he could not recall the above-discussed incident occurring, it is submitted that the Commissioner would

accept Officer Mohtaj's evidence in that regard, particularly when the following matters are also accounted for:

- 21.1. Officer Mohtaj was not involved in the police investigation of Astill's offending conduct, nor was he involved in Astill's trial or sentence proceedings.
- 21.2. The first time Officer Mohtaj appears to have been asked to cast his mind back to the period of Astill's offending was when he was first spoken to by those assisting the Inquiry on 19 September 2023, after which he made his written statement to the Inquiry (Exhibit 11; also contained in Exhibit 3, Volume 8, Tab 72). Having said this, even when Officer Mohtaj was providing his statement to the Inquiry, it does not appear that he was asked whether he recalled the above-discussed "smells like dogs" incident. Indeed, it appears that the first time he was asked whether or not he recalled such an incident was during his oral evidence on 26 October 2023 (page 880.20 ff), during which the following exchanged occurred:

MR LLOYD: Do you remember an event sometime around the middle part of 2017 during muster where Astill was there and said something to the women at muster including Witnesses B and V, "Smells like dogs in here"?

MR MOHTAJ: No.

MR LLOYD: You don't remember any pointed exchange between Astill and Witness B at a muster where Astill was, in effect, accusing her of dogging him in?

MR MOHTAJ: No.

MR LLOYD: Are you sure?

MR MOHTAJ: Yes.

- 21.3. A short time later, Officer Mohtaj was asked the same question again and the following exchange occurred, which the Commissioner would accept was a truthful account given by Officer Mohtaj, in circumstances where he was being asked to recall an incident for the first time many years after the event (from page 881 line 35 to page 884 line 15):

[Page 881.35 ff]

MR LLOYD: ... Do you remember at a muster, Astill saying to women "Smells like dogs in here?"

MR MOHTAJ: No.

MR LLOYD: If you heard something like that said, would that be likely to be something to stick in your memory?

MR MOHTAJ: Yes, and I will report it.

MR LLOYD: Because you'd understand that –

[Page 882]

COMMISSIONER: Just a minute. You said and you would report it. Who would you report it to?

MR MOHTAJ: First I'll approach the person who said it to find what was the background of it and then if it's to do - if it's to do with anything that causes harm to the inmates then I have to report it because that is considered as a significant incident.

COMMISSIONER: Right. Who would you report it to?

MR MOHTAJ: I report, I will put in an incident report that an occasion of that kind has occurred, and I will send it to my immediate manager.

COMMISSIONER: Who was?

MR MOHTAJ: Who would be the Manager of Security.

COMMISSIONER: Who was?

MR MOHTAJ: At that time even though substantively was Leanne O'Toole we had others who were acting up to her role as she - as she was away on leave.

COMMISSIONER: So if you observed an officer say or do something that was adverse to an inmate, you would file a report that would go to Leanne O'Toole; is that right?

MR MOHTAJ: Yes, because she was our Manager of Security.

COMMISSIONER: Right. Yes.

MR LLOYD: And let me just - you said you don't recall the event but I just want to put some things to see to see if it jogs your memory. I want to put to you what happened in your presence, was that Astill said to women at muster, including Witnesses Band V, "Smells like dogs in here."

MR MOHTAJ: No recollection.

MR LLOYD: And I want to suggest to you that that event occurred in the M Unit?

MR MOHTAJ: Ms V and Ms BI - I recall and I'm aware that they used to live in M Right.

MR LLOYD: And they were involved in looking after the dogs in that program?

MR MOHTAJ: That's correct.

[Page 883]

MR LLOYD: Do you ever remember the M Right Unit being a unit that actually did smell like dogs?

MR MOHTAJ: They kept - there are certain days where the greyhounds will be kept there for the purpose of rehabilitating them. So, I was aware of canines being in that accommodation area.

MR LLOYD: But they were very well looked after and didn't smell, is that true?

MR MOHTAJ: I've had interaction with Ms V and Ms B while they are outside the accommodation with the greyhounds. So, I spent time with them and, yes, the place was kept clean.

MR LLOYD: And so if you assume from me the event that I'm asking you about, the M Right Unit at this muster that I'm putting to you these events occurred at, did not smell like dogs, and there was a statement by an officer, "Smells like dogs in here", you would take that to that mean an accusation that there had been a complaint made about him?

MR MOHTAJ: That's correct.

MR LLOYD: And I think you've told the Commissioner in answer to questions that he asked, that situation, if it

occurred, would have required you to make a report and I think you said to the Manager of Security?

MR MOHTAJ: I will start by asking and challenging the person who said it for clarification. If I don't get a - the answer - if I - if I'm not confident with the answer, then I'll have to report it for any future incidents.

MR LLOYD: So, if there was no good explanation for why it had been said, you'd make the report?

MR MOHTAJ: I will notate it, yes.

MR LLOYD: When you say notate it, write it down and give a report to the Manager of Security?

MR MOHTAJ: That's correct.

MR LLOYD: Could I just ask you to tell us why it is that that event that I have asked you about, which just to be fair, you don't have a recollection of; correct?

MR MOHTAJ: That's correct.

MR LLOYD: But the event that I have put to you, I just want to explore why it is that that would be serious enough to warrant a report to the Manager of Security.

[Page 884]

Is it because, if you had an officer openly accusing inmates of, in effect, doing the wrong thing by making a report, that would be a serious problem?

MR MOHTAJ: It will be.

MR LLOYD: Because that kind of behaviour by a senior officer might inhibit or deter inmates from feeling that they could make reports properly about things that had gone wrong; is that right?

MR MOHTAJ: My angle is to do with the Code of Ethics. We have to be professional at all times and it's on that basis that I will have to notate it.

MR LLOYD: And it would be unprofessional in your view for that to happen?

MR MOHTAJ: That's correct.

- 21.4. Having regard to the above evidence, it is entirely possible that Officer Mohtaj may not have been present when the above incident is said to have occurred, noting that when Officer Barglik discussed the “smells like dogs” incident in his statement to the police in 2020 (in Exhibit 3, Volume 7, Tab 50) he made no mention of Officer Mohtaj being present; stating the following at paragraph 15:

15. On a muster (prior to inmates being locked in) in Medium needs ASTILL stood in front of inmate Witness B and said “smells like fucking dog in here” Witness B said in a lower tone “you’d know”. At this time I didn’t think it strange as Witness B worked with the grey hounds and the grey hounds would frequent the units, and I thought that he was referring to the hygiene of the unit; Neither ASTILL or Witness B looked to be angry at each other.

- 21.5. Further, in Officer Barglik's evidence in Astill's trial (on 4 August 2022; see Exhibit 3, Volume 1, Tab 1J, on page 319 from lines 30 to 49), he again made no mention of Officer Mohtaj being present, stating:

Q. Was there an occasion that you have a particular recollection of where there was a muster involving Ms B?

A. Yes, there was--

Q. What was that? What happened then?

A. So, we went in at 4 o'clock, we would lock the - the category four inmates in in the medium needs area, and Mr Astill was the chief, and I was on the C watch. There was a conversation that took place between B and Mr Astill replied, "You'd know."

Q. How many women were there, to your best estimate, when Astill said that? That is, how many inmates were there when he said that?

A. Again, it was a while back. I think there would've been 11 inmates in that unit.

Q. Do you know the names of any of the other inmates who were there when he said that?

A. I - I can't recall. Actually, I'm sure there would've been inmate K. I think N. I - I think--

- 21.6. Moreover, despite witness V's statement to the Commission (dated 11 October 2022, in Exhibit 3, Volume 5, Tab 11A) that places Officer Mohtaj at this incident (at paragraph 12), it is of note that when V gave evidence about the same incident at Astill's trial, on 9 August 2022

(contained in Exhibit 3, Volume 2, Tab M), she said nothing about Officer Mohtaj being present, stating (at page 503 from lines 12 to 29):

Q. Was there ever a reference made to dogs during a muster line up?

A. Yes, sir. There was a - we were all in a muster line, the whole house. So, when we muster, we would muster in the lounge area, and the officers would come through and read our names out. Present was Mr Astill; Ms Michelle Robertson, or we call her Robbo; Mr Holyoakes(?); and another officer by the name of Ms Hayley, I'm not sure her - what her surname is. They were present during this muster, and he walked past us saying, "It smells like dogs in here."

Q. When you say, "he walked past us", who are you talking about when you say "us"?

A. So, basically, there were - if I can recall, there was almost ten or 11 of us in - that - that lived in that unit, and it was - I know I was here, and B was - B was in, like, further along, and then we had R and also Witness W. He just basically walked the whole line, and was, like - doing, like, a little smelling action like - "Smells like dogs in here." And that was loudly said in front of all the inmates that were present in the unit, and all the officers that was present in the unit, and everyone - yeah.

22. Secondly, Counsel Assisting references evidence of Officer Mohtaj in the footnote to the following submissions on page 135 at [496]:

The former OPM described an inmate application form as “the most important official document used by inmates to raise problems and issues relating to their lives while in custody. Such application forms are only to be used for significant issues affecting the inmate where it is important to record an official process.” Generally, the officer receiving the application from the inmate would take it directly to the Governor.⁶⁶³

23. In particular, footnote 663 states:

Ex. 3, TB2, Vol 7, Tab 62A, AST.002.013.0045_0003 [10]; Transcript, 17 November 2023, T2555.38T2556.6; Transcript, 30 October 2023, T1178.35-46. Cf the evidence of Mr Mohtaj: Transcript, 25 October 2023, T856.20-28 and the evidence of Mr Peek: Transcript, 1 November 2023, T1406.26-T1407.5.

[Emphasis added]

24. It is of note that the exchange between Counsel Assisting and Officer Mohtaj on page 856 (to which Counsel Assisting refers above), regarding the issue of the ‘line of reporting’ for inmate complaints against officers was more broadly discussed from lines 15 to 46 on that page; as follows:

MR LLOYD: Could I ask you some questions about the system, as you understood it, when you were at Dillwynia, about inmates making reports about misconduct by Officers. Can you just describe what you understood that system to be?

MR MOHTAJ: If an inmate wanted to make - if they wanted to make a report, usually the first person whoever receives the report, they can be afforded the inmate's application. If - if it's of sensitive nature and all that, the Officer then takes them to

the next manager, usually have been a Senior, then goes straight to a Chief.

MR LLOYD: Reporting to the one immediately above you in the hierarchy?

MR MOHTAJ: Exactly.

MR LLOYD: What about a report, to your understanding during the period you were at Dillwynia, by an inmate of serious misconduct of a sexual nature by an Officer toward an inmate? What would happen then?

MR MOHTAJ: Okay. I have never experienced it while I was in Dillwynia, but I will believe that it will go straight - whoever the person is receiving it has to make a report.

MR LLOYD: To who?

MR MOHTAJ: To the Governor. A briefing report -

MR LLOYD: Anywhere else? Sorry, I cut across you. Finish the sentence.

MR MOHTAJ: So a briefing report to the Governor. If it's the Chief, then the next one is the Governor. If it was a First Class or a Senior, they go to the manager. ...

25. It is of note that Officer Mohtaj's evidence is consistent with the evidence of Officer Mishelle Robinson in that regard. In her statement to the Inquiry (dated 3 October 2023, in Exhibit 24), Officer Robinson states at paragraph 21, in relation to inmate complaints about officers:

... that would have to go on an inmate application form. They could use the telephone system if they didn't want to report

inside (an officer to an officer), they could ring the ombudsman who comes in, they could see the official visitor who comes in, or they could verbally speak to the bosses about it. If it was really serious, they would go straight to the MOS or Governor. The inmate could ask the staff to speak to the MOS or Governor and the staff would call them and ask for an appointment for the inmate or send an email requesting the same. In saying that though, the chain of command should be followed. The first-class officer would go to their senior, who should go to the functional manager, who would go to the MOS, who would go to the Governor.

[Emphasis added]

26. Ms Gaynor also gave evidence on 26 October 2023 to the effect that reports about officer misconduct were also meant to be reported up the chain of command, stating at page 997 from lines 35 to 37:

... there's a chain of command that you are meant to follow which is report to your manager in the first instance, and then it would go from there up through the chain of command. ...

27. Similarly, Officer Dolly's evidence about the reporting of incidents involving an officer (on 27 October 2023 at page 1144 from line 20 to line 23) was as follows:

... At that time, I didn't know that I could go to the police; I didn't know that I could get them involved. I had always been trained that you follow your chain of command and, unfortunately, our chain of command didn't exist. ...

28. Moreover, Officer Barry's evidence on 30 October 2023 (at page 1180 line 34 to 1181 line 8), namely:

MR LLOYD: *Was your understanding that there ought to have been a direct line of communication about important matters between someone at your level of seniority and the director?*

MS BARRY: *No. It's not something that you would-you know, you wouldn't even know who your director was -nowadays, it's changed. But back then, you'd go through the chain of command. It was beaten into you that you go through your chain of command.*

MR LLOYD: *So it wasn't an available option for you or, as you understood it, even people at your level of seniority to be going to a person outside the qaol -*

MS BARRY: *Not unless they knew the person. No.*

[page 1181]

MR LLOYD: *It was chain of command; you go to the one -*

MS BARRY: *Basically, yes.*

MR LLOYD: *- above you? Can I ask you, then, in terms of the Integrated Intelligence System -*

MS BARRY: *Yes.*

[Emphasis added]

29. Moreover, at page 1209, from lines 7 to 27:

COMMISSIONER: *Did it occur to you that it could have been possible for you to have gone directly to those who might investigate?*

MS BARRY: Look, at the time, no. Now I know, I would not hesitate at all to go to anybody who will listen. Back then, like I said, it was always a chain of command.

COMMISSIONER: What's changed now in terms of your understanding of the chain of command?

MS BARRY: Because I've been through this and I'm not going to stand by this. I -I feel I've let so many people down, and I'll never ever do this again. I -

COMMISSIONER: Yes. I understand.

MS BARRY: I don't know. It's just that the chain of command has always been. It's very hard for people outside to understand that, and I get that because I probably would be the same. But when you're in there and you're amongst it, it's very difficult.

COMMISSIONER: I understand.

[Emphasis added]

30. Ultimately, what the evidence of the above officers, including Officer Mohtaj, has brought into sharp focus in this Inquiry was the very real problem faced by correctional officers, particularly non-executive officers, during the period of Astill's offending, being that there they were told there was a 'chain of command' when it came to complaints being made against officers, and that this was a chain that they were required to follow. In that regard, and most significantly in the context of this Inquiry, it is submitted that the Commissioner would not only consider making the **Recommendation** proposed by Counsel Assisting at [484] (on page 131) (being **Recommendation 8** on page 445) that "any training program for new recruits ensures they are made aware of the

opportunity to raise concerns or complaints in relation to other CSNSW staff in a safe manner”, but that there be face-to-face mandatory training for all officers (whether a new recruit or otherwise) to ensure all officers are aware of the opportunities to raise concerns or complaints in relation to other CSNSW staff, not only in a safe and confidential manner, but also as to all available avenues for doing so that are outside of the chain of command.

Evidence relating to Kim Wilson

31. Officer Kim Wilson’s evidence to the Inquiry consisted of:
 - 31.1. her written statement to the Inquiry (dated 18 September 2023 and marked as exhibit 22); and
 - 31.2. her sworn oral evidence on 1 November 2023 (from page 1446 to 1468).
32. Officer Kim Wilson had no involvement in the police investigation, trial proceedings, or sentence proceedings in relation to Astill.
33. There is only one submission made by Counsel Assisting relating to Officer Kim Wilson in the Closing Submissions that needs clarification.
34. At page 91 at [345], Counsel Assisting submitted:

Multiple officers gave evidence regarding the favouritism and preferential treatment demonstrated by Astill towards inmates. Officer Peter Barglik’s evidence was that in late 2018, Astill was biased towards some inmates and showed “extreme favouritism” towards inmates he liked. The Special Commission also heard evidence of favouritism shown by Astill to Ms Sheiles in him providing her with items such as tracing paper. Officer Kim Wilson’s evidence was that she was aware that

Astill would bring things in for his “favourite” inmates, such as colouring books. Mr Giles also gave evidence that Astill would provide preferential treatment to Witness GG, and would often respond over the radio when Witness GG had failed to present at muster, that Witness GG was on the phone to the Consulate.

[Emphasis added]

35. By way of clarification, in giving evidence about the ‘colouring books’, it was made clear by Officer Kim Wilson that the ‘colouring books’ were not, as she understood it, ‘contraband’ that Astill had brought from the community into the correctional centre to give to the inmates; rather they were items that were readily available in the gaol. More particularly, Officer Kim Wilson’s evidence in that regard can be found at page 1450, during which the following exchange occurred from lines 15 to 29:

MS DAVIDSON: ... You said that Witness P had told you that Astill would bring things in for his favourites. Was that something that caused you concern?

MS WILSON: Yes.

MS DAVIDSON: It was an allegation that contraband was being brought in?

MS WILSON: No. She just said he would leave things like colouring items, which were readily available in the gaol.

MS DAVIDSON: Did she refer to him bringing anything else in, apart from colouring items?

MS WILSON: No.

[Emphasis added]

Evidence relating to Glenn Clark

Introduction

36. Officer Clark's role in exposing Astill was critical and pivotal. But for his persistence and encouragement of Ms Sheiles to make a report about Astill's conduct, Astill's conduct may never have been investigated by police and the extent of his serious offending may never have been exposed.
37. Moreover, he not only assisted in the police investigation of Astill, by making a statement on 7 September 2020 (in exhibit 8), but he also gave evidence in the Crown case at Astill's trial (on 10 August 2022, in Exhibit 3, Volume 2, Tab N, from pages 564 to 578), which the Commissioner would accept was compelling, important and credible corroborative evidence in respect of the allegations made by Ms Sheiles and Ms Ward.
38. In addition to Officer Clark's integral involvement in the successful prosecution of Astill, Officer Clark provided an extensive statement to those assisting the Inquiry on 28 September 2023 (also in exhibit 8) and gave sworn evidence on 25 October 2023 (pages 730 to 788), which the Commissioner would have no difficulty accepting as truthful and credible.
39. The evidence about Officer Clark was very positive as a whole throughout the Inquiry. Indeed, it is clear from the evidence that he was not only very well regarded, trusted, and respected by the inmates, but also considered to be a good and decent man, who did his best to look out for, and take care of, the inmates.
40. Ms Sheiles described him as a "beautiful man" (17 October 2023, page 222.41) and her "guardian angel" (page 223.44); a "good man" (page 224.04).

41. Witness O described him as a “decent officer” who listened to them (24 October 2023, page 27. 29 to 27.32).
42. What was clear from Officer Clark’s evidence as a whole was that he took steps and made decisions, at all times, with the safety of the inmates at the forefront of his mind. As Counsel Assisting so aptly submitted at [513] on page 141 of the Closing Submissions:

Officer Glenn Clark gave evidence that at the time rumours were circulating about Astill, he did not feel like he could raise an inmate’s complaint about Astill with management without the inmate putting it in writing.⁷⁰¹ Mr Clark believed if he had put in a report unsupported by something in writing from the inmate, he would be “targeted”.⁷⁰² Mr Clark feared Astill because Astill had acted in an intimidating manner towards Mr Clark, approaching him in the carpark and standing over him, and had mentioned that he used to be a policeman and knew Roger Rogerson.⁷⁰³ He also feared for the complaining inmate’s safety.⁷⁰⁴

43. Moreover, in addressing the evidence about the disclosures made to Officer Clark by Ms Sheiles (which are accurately summarised by Counsel Assisting at [1036] on page 294 to [1040] on page 295), Counsel Assisting fairly points out and submits the following in relation to Officer Clark and his credibility, at [1042] on page 295:

... Mr Clark’s account was given in his statement to the NSWPF, dated 7 September 2020, and there was no reason for him to give that evidence dishonestly or inaccurately. Indeed, the evidence given by him (to his credit, voluntarily) was contrary to his own interests, which were better served by the

disclosures coming later. Further, it was clear that Mr Clark was badly affected by the disclosures made by Ms Sheiles and Astill's sexual offending against her. He had every reason to accurately recall the details of these disclosures.

The regulation 253(1)(a) issue

44. With regard to the submissions by Counsel Assisting, at [1209] to [1212], namely that the Commissioner should find that Officer Clark was in breach of regulation 253(1)(a) *Crimes (Administration of Sentences) Regulation 2014* ('CAS Regulation') because he did not report the information that Ms Sheiles disclosed to him within what Counsel Assisting describes as a 'reasonable period' of time, it is submitted that the Commissioner would account for the following matters in determining not to make such findings.
45. It is accepted that the obligation of a correctional officer, imposed by regulation 253(1)(a) CAS Regulation, is triggered by the making of an allegation to a correctional officer of a particular kind and that the officer's opinion about the veracity of the allegation is irrelevant (as submitted by Counsel Assisting at [196] on page 50). However, Counsel Assisting's submission that clause 253(1) imposes an obligation to make the required report within a "reasonable period" from the disclosure is not accepted. There is no such requirement. It must be remembered that when Ms Sheiles made the disclosures to Officer Clark, it is clear that she pleaded with him not to disclose what she had divulged to anyone, despite his encouragement and urgings of her to make a report. As Officer Clark clarified in his evidence on 25 October 2023 (at page 765 from lines 13 to 27):

MR LLOYD: I'll ask you something about that in a minute. But you say Ms Sheiles pleaded with you, said, "Mr Clark. Please,

Mr Clark. I trust you. When I summon enough courage, I'll make a statement."

MR CLARK: Yes.

MR LLOYD: This was her saying to you that at that time she didn't want to make a written statement?

MR CLARK: Yes.

MR LLOYD: And I think what you're recording here is her pleading with you not to take the things that she'd told you any further?

MR CLARK: Yes.

46. It is also clear that Officer Clark did not feel that there was anyone senior to him that he could trust to report her information to, in any event; noting his following evidence:

25 October 2023, page 741, lines 8 to 42:

MR LLOYD: In paragraph 16, you say during the Astill period you had a complete lack of trust of the management -

MR CLARK: Yes.

MR LLOYD: - due to personal experiences with senior staff. Can you tell us something about that?

MR CLARK: There's a lot of subtlety amongst - the Governor - or, sorry, the General Manager, Manager of Security, some senior staff members. Things like, I could query an order - be given a legitimate order and - and query it, not - saying, "I'm not going to do it," and the answer I'd receive

was, "Don't you like working here, mate? We can always get you moved."

MR LLOYD: Who would say things like that?

MR CLARK: Mr Paddison said that to me once.

MR LLOYD: What was that about?

MR CLARK: It was about a hospital escort, which was going out in an ambulance, and I - my - my recollection is they wanted me to travel in the back of the ambulance. Two - two - two Officer escort, where one would travel in a motor vehicle behind. And I just suggested I don't think it would be right for me to be in the ambulance with the inmate, I'll get in the car and was told, "Don't you like working here, mate?"

MR LLOYD: What other examples can you think of?

MR CLARK: Walking past the Manager of Security, Ms O'Toole, "Good morning, ma'am. How are you?" And just being grunted at.

MR LLOYD: Did that happen frequently?

MR CLARK: It happened often.

Page 743 from lines 1 to 17:

COMMISSIONER: How would you describe the management experience at Dillwynia compared with other gaols?

MR CLARK: At that time, very unprofessional. In - in other Centres, I've felt confident to approach my managers with whatever the issue was. I felt confident.

COMMISSIONER: *But you didn't feel that at Dillwynia?*

MR CLARK: *No, I didn't.*

COMMISSIONER: *Because?*

MR CLARK: *A lot of talk and - just talk goes around the Centre about certain - you know, on Mr Astill, that he - he was Teflon. Nothing would stick. You'd hear just talk of people of making complaints and nothing had happened. So it was just an environment of mistrust; certainly not an environment where people were confident in coming forward.*

[Emphasis added]

And, page 750 line 1 to page 751 line 10:

[750.01] LLOYD: Did you know between when - the period when you started at

Dillwynia until Astill's arrest, did you know what your obligations were to report up the line allegations or information that you had about serious misconduct by 5 other Officers?

[750.10] MR CLARK: At the time I didn't.

MR LLOYD: No one had ever told you?

MR CLARK: At - at primary training, I would have been -you know, part of the training is on how to act and - and the law, et cetera. As I've said, the culture at Dillwynia at the time made it very difficult to forward complaints.

[750.15] COMMISSIONER: Mr Clark, I understand- I do understand what you're saying

about the difficulty. But are you saying that if you had reported an oral complaint, but a serious one -

[750.20] MR CLARK: Yep.

COMMISSIONER: - which is what you received -

MR CLARK: Yes.

[750.25] COMMISSIONER: - are you saying that you were fearful that if the inmate wasn't prepared later to repeat the allegation that your own position in indicating to your superiors what you had been told would put you in jeopardy?

MR CLARK: Yes, sir.

[750.30] COMMISSIONER: So what you're saying is they weren't prepared to accept that you would be honest in reporting a complaint. Is that what you're saying?

MR CLARK: I don't know what their thinking would have been. All I knew that [line 35] I needed was something in writing to support me attempting to forward the complaint. And I realised how serious it was. As I said, I feared not only for myself but also for the inmate. And that's why if, for whatever reason, she wasn't prepared to put it in writing, it made my position very difficult.

[750.40] COMMISSIONER: You speak of a dysfunctional management. In your experience, was that centred upon the actions of Mr Astill?

MR CLARK: A lot of it. And I- and probably associated with Astill and associations he had around the place, which became widely known.

[750.45] COMMISSIONER: With whom?

[751.01] MR CLARK: That, you know, he holidayed overseas with Ms O'Toole, who was the Manager of Security, and that they were close friends, et cetera, et cetera. I didn't have - I don't have associations at Dillwynia. I didn't know who was who.

[751.05] COMMISSIONER: Right. Were there others, apart from Ms O'Toole, that you saw as being part of his associates?

MR CLARK: I believe he was very friendly with Shari Martin, the Governor. I believe he was friendly with Deborah Wilson and - and others, which I - friendly [line 10] with a few - a few Officers. I believe he holidayed overseas with Mr Brumwell.

47. It is also important to have regard to the evidence of the various officers about the 'chain of command' and how this impacted the way reports were made by correctional officers (discussed above at paragraphs 24 to 29); most pertinently Officer Dolly's evidence on 27 October 2023 (at page 1144 from line 20 to line 23):

... At that time, I didn't know that I could go to the police; I didn't know that I could get them involved. I had always been trained that you follow your chain of command and, unfortunately, our chain of command didn't exist. ...

Emphasis added

48. The Commissioner would also account for the following evidence about the precarious and very difficult position that Officer Clark he found himself in (page 767 line 11 to page 768 line 10):

MR LLOYD: You've told us in terms of if you wanted to go forward in some confidential way to advance the matter within the goal that you had no trust in any of the management?

MR CLARK: That's correct.

MR LLOYD: And I take it from that you believed if you had - contrary to Ms Sheiles' wishes, if you'd gone forward and reported to senior management, you would have had no faith in that being dealt with confidentially and properly?

MR CLARK: That's correct. And I also feared retribution if I made any type of allegation, certainly without a written statement to go along with it.

MR LLOYD: And you knew that you're dealing with a highly distressed and vulnerable inmate who's made these disclosures to you, that in terms of options to her to get some support that might be available to people in the community, for example, support of close family, husband, parent, that kind of thing, that that wasn't open either?

MR CLARK: Not that I was aware of.

MR LLOYD: She was in a desperate position?

MR CLARK: She was in a very bad position.

MR LLOYD: Did you have, in terms of any kind of guidance or training at any time throughout your career with Corrective Services, any clue that had ever been given to you about what you'd do in this situation?

MR CLARK: Not that I remember.

MR LLOYD: Did you just find yourself in a position where you were trying to work out for yourself how to manage what to do?

MR CLARK: I felt very much like that.

MR LLOYD: Had you ever been given any training about what might be called a trauma-informed approach to disclosures of this kind by a vulnerable person?

MR CLARK: Not at that time.

MR LLOYD: Did you have any person who, at that time in April 2018, you could go to in the gaol or elsewhere to refer Ms Sheiles to allow her to talk about what the options available to her might be?

MR CLARK: Not at that time.

49. Indeed, as recognised by Counsel Assisting at [1213] on page 337:

In making these submissions, we are mindful of the matters that we have set out at [1136] above. Mr Clark found himself in a very difficult situation he was not trained to manage. At DCC, he was operating in an environment which is properly described as hostile to officers making complaints about other officers.

50. As also summarised by Counsel Assisting in [513] on page 141:

513. Officer Glenn Clark gave evidence that at the time rumours were circulating about Astill, he did not feel like he could raise an inmate's complaint about Astill with management without the inmate putting it in writing.⁷⁰¹ Mr Clark believed if he had put in a report unsupported by

something in writing from the inmate, he would be "targeted".⁷⁰² Mr Clark feared Astill because Astill had acted in an intimidating manner towards Mr Clark, approaching him in the carpark and standing over him, and had mentioned that he used to be a policeman and knew Roger Rogerson.⁷⁰³ He also feared for the complaining inmate's safety.⁷⁰⁴

51. It is clear that against the background of Officer Clark's serious and legitimately founded mistrust of the officers senior to him, prior to Officer Virgo's arrival, and particularly those in executive positions, Officer Clark was also concerned for the safety of Sheiles and did not want to make any disclosure that would compromise Ms Sheiles' safety. In light of the extensive evidence about how hostile the workplace environment was for good and decent officers, like Officer Clark, the Commissioner could find that Officer Clark's concern in that regard appeared to be well-founded.
52. Ultimately, it was only when Officer Clark was finally able to trust his senior officer, being Officer Virgo, that he was able to convince Ms Sheiles make a report what she had told him. It was also not until that time, when Officer Virgo came into the picture in September 2018, that Officer Clark could take steps to safely make the report about Sheiles' disclosures. This is highlighted by the following exchange with Officer Clark during his evidence on 25 October 2023, on page 768 from lines 17 to 41:

MR LLOYD: Just imagine the same situation that occurred now -

MR CLARK: Yes.

MR LLOYD: - coming to your attention, that is, exactly the same things you've told us about and all of the problems you've told us about, an inmate, serious crime reported to you, believable allegations, reluctance to make a statement but involving

misconduct of an extreme nature by a senior person within the gaol. What's the system now?

MR CLARK: I would have every confidence and no hesitation in reporting the matter directly to the Governor.

MR LLOYD: So that's a personnel change in the sense that you would, if you were in this situation now, have trust and faith in the Governor, whereas you didn't have that trust and faith back then?

MR CLARK: Yes.

MR LLOYD: So the system itself is, in that respect, the same in that you would, dealing with the situation now, just take it straight to the Governor?

MR CLARK: I would take it straight to the Governor, but I'm also now well aware of this SIU function on our computer system to send a report directly to Professional Standards Branch.

53. In addition to the above, it is submitted that one cannot have regard to the terms of regulation 253 in a vacuum and that it ought to be considered in light of a correctional officer's intersecting and ultimate duty of care to inmates, not only under the Corrective Services NSW Operations Procedures Manual ('COPP'), but also at common law. Indeed, a strict and narrow reading of what is required by regulation 253 can be regarded as problematic when one has regard to the ultimate duty of a correctional officer to ensure the safety of inmates. Indeed, a narrow and strict application of regulation 253(1)(a) potentially gives rise to a conflict with an officer's ultimate duty to ensure an inmate's safety. That potential for conflict between the obligation to report and the exercise of an officer's duty of care is exacerbated by the fact that although protections are provided to a correctional officer who makes a report pursuant

to this regulation, under to sub-regulation (4), there is no such protection from retaliation, harm or reprisals for the original source of the disclosure, being the inmate in this case. Indeed, in the circumstances where the inmate is the source of the disclosure, there can be no person more at risk and more vulnerable to such detrimental conduct by other officers to whom the regulation 253(1)(a) 'report' is made.

54. Indeed, in the absence of specific protections also in place in that regulation for the inmate, as the source of the information to be reported, the correctional officer to whom the disclosure is made is inevitably placed in a conflicted position, particularly where the inmate has made the disclosure in confidence and is not willing to make the disclosure to any other person; as was the case with Ms Sheiles, despite Officer Clark's continued attempts prior to October 2018 to encourage, plead with, and urge Ms Sheiles to do so.
55. Ultimately, in circumstances where, prior to Officer Virgo's arrival, Officer Clark clearly felt that it was not safe to make a report to any correctional officer senior to him within the centre, he ultimately acted in what he considered to be the best interests of Mr Sheiles, accounting for the facts and circumstances of the entire situation. In doing so, it submitted that he was ultimately putting Ms Sheiles' safety and welfare first, making his duty of care towards her paramount in those very difficult facts and circumstances; in compliance with "Section 8.27 Duty of Care" of the COPP (in exhibit 58, Tender Bundle 3, Vol 18, Tab 622).
56. In fact, in the second last paragraph on page 4 of Section 8.27 (in exhibit 58, Tender Bundle 3, Vol 18, Tab 622), staff members are told that "... above all" they "need to use common sense and act according to the facts and circumstances of each case, always bearing in mind the general principles of law applying to duty of care." It is submitted that this is precisely what Officer Clark did. In making the decision to wait until Ms Sheiles was mentally willing and prepared to commit to a 'report' being made, Officer Clark was doing his best

to take reasonable care of her safety; using his 'common sense' and taking account the very difficult 'facts and circumstances' surrounding Ms Sheiles' disclosures to him and the potential ramifications for her if he were to make such a report absent her commitment to doing so. Clearly, Officer Clark did what he considered was the safest course for Ms Sheiles. Indeed, had Officer Clark made the 'report' under regulation 253(1)(a) immediately after Ms Sheiles made each disclosure to him, ignoring her pleas not to do so and ignoring her unwillingness to commit to her disclosures in writing and/or to a more senior officer, it could be said that a 'foreseeable consequence' of such a 'report' was that Ms Sheiles would deny the disclosures and Astill would become aware of the 'report', resulting in an increased risk to Ms Sheiles' safety, having regard to Officer Clark's inability to trust 'management' over that period to do anything about Astill; noting that Astill himself was not only more senior than Officer Clark but Astill also had access to intel, which potentially compromised the confidentiality of any 'report' that Officer Clark made, thereby increasing the risk to Ms Sheiles' safety.

57. In reality, what the situation that Officer Clark found himself in has revealed to this Inquiry is that the 'timing' of a 'report' under regulation 253(1)(a) can indeed be critical. Indeed, in the case of Astill, Officer Clark's decision to delay the report until he was able to convince Ms Sheiles to commit to the disclosure to a more senior and trusted officer was a 'critical' one that ultimately ensured that Astill could be held accountable for his offending conduct on the basis of admissible evidence, whilst also ensuring Ms Sheiles' safety at all times. In those circumstances, the Commissioner would not find that Officer Clark breached regulation 253(1)(a).
58. Moreover, even if the Commissioner accepted the submission of Counsel Assisting that the report under regulation 253(1)(a) must be made within a 'reasonable' period of time from the time of the disclosure, the Commissioner

could nevertheless find that the period it took for Officer Clark to make the report was indeed 'reasonable' in all of the very difficult circumstances that Officer Clark faced; particularly having regard to the acceptance by Counsel Assisting at [1215] on page 338 that "Mr Clark plainly had a reasonable excuse for not making the report, because he believed on reasonable grounds that Ms Sheiles did not want the allegations reported". Although this submission by Counsel Assisting was made in respect of an offence under section 316 *Crimes Act 1900*, it is submitted that what could be considered 'reasonable' in those circumstances, could also be considered 'reasonable' for the purpose of making a determination in respect of whether the timing of the 'report' under regulation 253(1)(a) was itself 'reasonable' in all the circumstances.

59. In relation to the other submissions of Counsel Assisting from [1213] to [1215] on pages 337 to 338, related to the regulation 253 issue, those submissions are agreed with and adopted; namely that:

1213. ... we do not consider it open to find that Mr Clark engaged in misconduct within s. 69 GSE Act in failing to comply with cl. 253(1) CAS Regulation or what he understood was the policy for reporting complaints.

1214. We have set out at [2.1.4] above the elements of the offence of misconduct in public office. There is no prospect of the elements being satisfied with respect to Mr Clark, because there was no deliberate failure by him to discharge his duties as a public officer.

1215. We have set out at [2.2.1] the elements of the offence under s. 316 of the Crimes Act 1900. We submit that it is open to find that (a), (b) and (c) of the elements recorded at [190] above may be satisfied with respect to Mr Clark's failure to

report the information he had about the alleged offences by Astill. However, we consider that Mr Clark plainly had a reasonable excuse for not making the report, because he believed on reasonable grounds that Ms Sheiles did not want the allegations reported.

60. The further submissions of Counsel Assisting at [1562] on page 440, namely that “there is no prospect of the elements being satisfied for either” an offence under section 316 *Crimes Act 1900* or the common law offence of misconduct in public office are also respectfully agreed with and adopted.

Recommendations

61. In addition to the Recommendations sought above at paragraphs [16] and [30] of these submissions, the Commissioner is invited to take particular care in accepting Counsel Assisting’s **Recommendation 5** on page 444, being that the:

... Special Commission should recommend that in urban areas, officers in intimate relationships with each other should not be permitted to work in the same correctional centres. In rural areas, where implementation of such a rule is not practical, clear and specific instructions accompanied by training in managing conflicts of interest should be mandatory for correctional centre management and officers themselves. There should be a requirement that such training be repeated at regular intervals.

62. It is submitted that a broad recommendation that “in urban areas, officers in intimate relationships with each other should not be permitted to work in the same correctional centres” potentially punishes many good officers, who are in functional and normal relationships, for the rogue and unacceptable behaviour

of the very few poor examples of 'couples' and the poor management of such officers by management.

63. As former Commissioner Severin indicated in his evidence on 20 November 2023, from page 2718.44 to 2719.08, in respect of the issue of 'couples' working together:

MR SEVERIN: I - again, I don't deny the fact that we have operations where you have couples working together.

MR LLOYD: In a hierarchical organisation, that obviously can lead, at least potentially, to problems?

MR SEVERIN: If you - it can, yes, but there are mechanisms in place, obviously, to proactively address that. So ultimately you can separate people by moving one of the partners to another facility or to another workplace. You can separate within the facility and do a whole range of things, as long as it is open and transparent and gets disclosed, of course, that there is a relationship and that the parties are aware of the behavioural expectations that that exactly results in.

MR LLOYD: And obviously movement of an officer away from a particular correctional centre because they're in an intimate relationship might create problems if you, say, take a regional -

MR SEVERIN: Absolutely.

64. In light of the above exchange, it is submitted that **Recommendation 5** ought to be modified so as to enable couples to remain within the same correctional centre, but not the same area of the centre, including in rural areas.

65. With regard to other Recommendations proposed by Counsel Assisting, the author of these submissions has had the benefit of reading the submissions filed on behalf of Officer Dolly (under the hand of Mr Deppeler of counsel). In keeping these submissions concise and efficient, the submissions of Mr Deppeler from paragraphs [16] to [31] are agreed with and adopted.

A handwritten signature in blue ink, appearing to read 'Jehane I. Ghabrial', with a small flourish at the end.

Ms Jehane I. Ghabrial
Trust Chambers

20 December 2023