

**SPECIAL COMMISSION OF INQUIRY INTO OFFENDING BY
FORMER CORRECTIONS OFFICER WAYNE ASTILL AT
DILLWYNIA WOMEN'S CORRECTIONAL CENTRE**

Written Submissions on Behalf of Witness Ms Deborah Wilson

1. Having read Counsel Assisting's written submissions, my understanding is that no adverse findings are sought to be made against my client, Ms Deborah Wilson. In view of this, I do not propose to address the evidence of Ms Wilson except in relation to one issue raised by Counsel Assisting.
2. Counsel Assisting has submitted that Ms Wilson did not report the 'Sheiles Disclosure' to the IB and thereby failed to follow her own practice of reporting these serious allegations to the IB by lodging an IR¹.
3. It is requested that the Commission not make this finding for the following reasons:
 - a. Ms Wilson said in evidence that it was her obligation and practice to report such issues involving alleged impropriety of officers to the IB².
 - b. There is no dispute that Ms Wilson as Intelligence Officer created a report in relation to the 'Sheiles Disclosure'.
 - c. The fact that Ms Wilson gave this report to Ms Martin (*as Counsel Assisting has submitted and is not challenged by Ms Wilson*) does not mean that Ms Wilson did not also send it to the IB.
 - d. There was no motive put to Ms Wilson in cross-examination as to why she would not have adopted her usual practice of sending the report to the IB.

¹ Counsel Assisting Submission at 1197.

² Transcript 1736.45 to 1737.2.

- e. The fact that the report has not been produced to the Commission from Corrective Services does not prove that Ms Wilson did not send the report to the IB. The report may have been mislaid or simply not located. It is noted and it is of particular significance in this context, that up until the last day of the hearing a similar issue arose in relation to the discovery of documents proving that Ms Wilson did scan and send diary notes to Ms Casey concerning disclosures by witnesses B and R which were not apparent when Ms Wilson gave evidence³.
- f. Ms Wilson made no admission in evidence of not having sent the report to the IB. She was unable to remember. In this regard, I refer to the following evidence of Ms Wilson⁴:

MR LLOYD: And that disclosure required you, in the proper discharge of your obligations, to make a report to the SIU. Do you agree with me? I object to that too, Commissioner.

MR WHITE: I object.

COMMISSIONER: Yes, I require you to answer.

MS D. WILSON: **I'm unsure whether I did a report to the SIU on that or whether I did a report to the Governor.**

MR LLOYD: Just dealing with what was required and then I'll come to your memory in a minute. What was required on your part with a disclosure of this kind was a report by you to the SIU. Do you agree?

MR WHITE: I do object.

COMMISSIONER: I require you to answer.

MS D. WILSON: Yes.

MR LLOYD: But what you're telling us is **you can't remember whether you did a report to the SIU - let me make sure I understand what you're saying. You either did a report to the SIU or to the Governor, is your recollection?**

MS D. WILSON: **That's correct.**

MR LLOYD: **I need to put this to you: That did you not make a report to the SIU about this.** I object.

MR WHITE: I object.

³ Counsel Assisting Submission at 993.

⁴ Transcript at 1759.29 to 1760.23.

COMMISSIONER: I require an answer.

MS D. WILSON: **Well, in that case, I probably - I would have done a report to the Governor.**

MR LLOYD: Could I ask you this, then: on your best recollection, that's one of the documents that would have resided, if you did a report to the Governor, in the Governor's safe?

MS D. WILSON: I would have handed that to the Governor.

Ms Wilson said she was **unsure** whether she sent a report to the SIU or reported to the Governor. The questions then developed on the assumption that Ms Wilson had either reported to the Governor or the SIU in circumstances where Ms Wilson was **unable to remember**. When it was put to Ms Wilson that she did not report to the SIU, she chose the option of reporting to the Governor even though she could not remember. This was more in the form of a compromise to the proposition put to her.

The fact that Ms Wilson does not recall whether she sent the report to the SIU does not prove that she did not send the report to the SIU. Reporting to the Governor and sending a report to the SIU are not mutually exclusive. There is no reason why Ms Wilson would not have done both.

4. The insufficiency of evidence to prove that the report was sent to the IB does not prove to the required standard the contrary that the report was not sent to the IB.
5. It is submitted that the Commission would not be satisfied to the required standard that Ms Wilson did not report the 'Sheil's Disclosure' to the IB and that the finding sought by Counsel Assisting in this regard should not be made.



Mr Hugh White

Barrister

Instructed by Mr Andrew Harris, Solicitor

Dated: 13 December 2023