

**Special Commission of Inquiry Into Offending by Former Corrections Officer  
Wayne Astill at Dillwynia Women's Correctional Centre**

**Submissions on behalf of Peter Severin**

**Introduction**

1. These submissions are filed on behalf of Peter Severin.
2. Mr Severin gave oral evidence on Monday 20 November 2023.<sup>1</sup>
3. These submissions address two topics:
  - a. The submission on behalf of Mr Corcoran at paragraph 24(b), under the heading "The Email had no causative influence on any failure to report the Astill allegations"
  - b. The submissions on behalf of Mr Corcoran at paragraphs 81(f)(i), 85(c)(i)-(iii), 85(d) and 85(e), relating to the performance of Ms Martin, the Performance Improvement Plan and responsibilities for oversight of performance

**Mr Severin's evidence**

4. Mr Severin presented as a truthful witness.
5. The Commissioner would find that Mr Severin was a credible and reliable witness who made relevant concessions, even if against his interests.

**Response to submission on behalf of Corcoran at paragraph 24(b), under the heading "The Email had no causative influence on any failure to report the Astill allegations"**

6. At paragraph 24(b), a submission was made on behalf of Mr Corcoran that "as Mr Severin explained (he seemed unaware of the Managing Misconduct Policy, and its terms were not put to him by Counsel Assisting), Mr Shearer decided to deal with the matter". It is contended that the Commissioner would place no weight on the words in parenthesis. There is no evidence that Mr Severin was unaware of the policy.

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<sup>1</sup> Transcript, 20 November 2023, T2668 to T2740

**The submissions on behalf of Mr Corcoran at paragraphs 81(f)(i), 85(c)(i)-(iii), 85(d) and 85(e) – evidence relating to Ms Martin and the Performance Improvement Plan, the Performance Improvement Plan and responsibilities for oversight**

7. Mr Corcoran gave evidence:
- a. That Mr Shearer sent him the PIP and that Mr Corcoran forwarded it to Mr Severin
  - b. That it came to pass that Ms Martin was in fact put on a PIP
  - c. That Mr Corcoran had a “belief that [the PIP] had happened.

(a) Whether Mr Corcoran sent the PIP to Mr Severin

8. It is contended the Commissioner would find that the PIP document was not forwarded to Mr Severin for the following reasons:
- a. Mr Corcoran gave evidence that he did not remember meeting with Ms Martin to “discuss the situation”, not did he remember that Ms Martin told him during that meeting, that Mr Shearer had been told by him that she was a “challenging” governor.<sup>2</sup>
  - b. Mr Corcoran gave evidence that he did not remember telling Ms Martin during the meeting that Mr Shearer was “down at human resources, HR, as [they] were speaking, organising to have an improvement plan done”.<sup>3</sup>
  - c. That the PIP was not in fact forwarded to Mr Severin. Mr Corcoran forwarded an email dated 1 December 2016.<sup>4</sup> Exhibit 41 shows that the PIP was not attached in the email that was forwarded to Mr Severin.
  - d. Once the issue of the PIP arose, the Commission issued two summonses in this regard. Of relevance is Summons 24. Summons 24 paragraph (1) called for the production of “Any performance improvement plan concerning Shari Martin in place between 2015 and 2018” and Summons 24 paragraph (2) called for production of “Any briefing note, email or other record of communication from Kevin Corcoran to Peter Severin relating to Shari

<sup>2</sup> Transcript, 23 November 2023, T3095.10-20

<sup>3</sup> Transcript, 23 November 2023, T3095.21-26

<sup>4</sup> Exhibit 41 – additional emails between Shari Martin and Hamish Shearer

Martin's performance as Governor/General Manager of Dillwynia Correctional Centre". The responses were:

- i. In response to Summons 24, Category 1, CSNSW produced a draft PIP in relation to Ms Martin (also provided by Mr Shearer's legal representative and became Exhibit 52)
- ii. In response to Summons 24, Category 2, CSNSW produced the 30 November 2016 email which predated the draft PIP. No other correspondence was produced response to Category 2.
- e. Whilst there was evidence of Mr Corcoran forwarding the email to Mr Severin on 1 December 2016<sup>5</sup>, there is no email produced under Summons 24 paragraph 2 to which the PIP was attachment. The Commission would find that Mr Corcoran forwarded the email, absent the draft PIP, to Mr Severin on a confidential basis in the event Mr Severin received communication from Ms Martin. The email included the following:
 

Dear Peter

I thought you should get a confidential copy of this email I received from Hamish in case you received some communication from Shari. I had a long talk to Hamish last night who appeared pretty drained from his Shari interactions.
- f. The email then provided information in relation to the lack of female beds.
- g. The Commission would find that there was no request from Mr Corcoran, who was responsible for the direct oversight of the performance of Ms Martin, that Mr Severin take any action. This accords with the evidence that there was not in fact a PIP put in place and that there was simply two draft version prepared, the first attached to the email of 2 March 2017 and the second attached to the email of 8 March 2017. The Commissioner would find that these draft PIPs were not forwarded to Mr Severin and the Commissioner would not accept the evidence of Mr Corcoran that a PIP was forwarded to Mr Severin. Finally, the evidence was that Mr Shearer determined not to proceed with the PIP in any event.

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<sup>5</sup> Exhibit 41 – additional emails between Shari Martin and Hamish Shearer

- h. The emails to which the draft PIPs were attached post-date the email that Mr Corcoran forwarded to Mr Severin on 1 December 2016. The supports the contention that Mr Corcoran did not forward a PIP to Mr Severin and did not request Mr Severin take action in relation to Ms Martin.

### Responsibilities for oversight of performance

9. It is accepted that Mr Severin dealt with some matters or issues relating to the performance management and discipline of senior managers (Governor level and above). However, it is not accepted that Mr Severin was responsible for the day-to-day management of Governors and above. This was the responsibility of line management.
10. The Commissioner heard evidence about matters brought to Mr Severin's attention on a formal basis.<sup>6</sup> That evidence included in relation to the reporting of incident "like an assault, for example", "anything criminal relating to, for example, misconduct would automatically be reported to me", in either a formal way or informally.
11. Mr Severin retained responsibility to deal with formal disciplinary issues.
12. In the case of Ms Martin, there were no formal disciplinary issues. There was no formal PIP and the evidence shows there were simply two draft PIPs in March 2017. Neither of which were provided to Mr Severin.
13. It is contended that the approach suggested by Mr Corcoran, that Mr Severin personally have responsibility for performance management of all senior staff, would be unworkable as Mr Severin would then have had performance management responsibility for in excess of 60 senior staff.
14. The evidence, as it stands, shows that Mr Corcoran never requested Mr Severin to consider commencing disciplinary action against Ms Martin due to her performance or any other reason.

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<sup>6</sup> Transcript, 20 November 2023, T2671 to T2672

**Conclusion**

15. The Commissioner would find that Mr Severin was a credible and reliable witness.
16. The Commissioner would find that Mr Severin was forthright and made relevant concessions.

A handwritten signature in black ink, appearing to be 'LB', with a small dot at the end.

**Linda Barnes**

**Sir Owen Dixon Chambers**

**16 January 2024**