



**SPECIAL COMMISSION OF INQUIRY INTO OFFENDING BY FORMER
CORRECTIONS OFFICER WAYNE ASTILL**

**PUBLIC HEARING
SYDNEY**

**FRIDAY, 6 OCTOBER 2023
AT 10AM**

HEARING DAY 3

APPEARANCES

**MR D. LLOYD SC appears with MS J. DAVIDSON as Counsel Assisting
MR J. SHELLER SC appears with MS C. MELIS for Corrective Services NSW
MR D. VILLA SC appears with MR BUTERIN for a group of current or former
inmates at Dillwynia
MS J. GHABRIAL appears for a group of Correctional Officers**

Any person who publishes any part of this transcript in any way and to any person contrary to a direction against publication commits an offence against section 31(2) of the Special Commission of Inquiry Act 1983.

<THE HEARING RESUMED AT 10.07 AM

MR LLOYD: Commissioner, before I call the witness, could I just give an update about the matter which I addressed when we last sat, namely, the orders that you made with respect to claims by public interest immunity and legal professional privilege by the Department. Could I say that those - or that issue has been resolved, and it has been resolved with the extremely helpful cooperation of the legal representatives for the Department, such that it was not necessary, as you know, to have any hearing to resolve those claims.

10

COMMISSIONER: Well, I'm pleased to hear all that, Mr Lloyd.

MR LLOYD: And there are some other issues that I will come to after we've dealt with the evidence about remaining non-publication order applications. They're less significant, but we need some orders to regularise that. Could I then, if it's convenient, call Fergal Molloy.

15

MS GHABRIAL: Commissioner, may I please mention my appearance and seek leave to appear before Mr Molloy gives his evidence. My name is Ghabrial, G-h-a-b-r-i-a-l, initial J. I seek leave to appear for the group of Correctional Officers. They now total eight. They are known to the Commission. And I'm instructed today by Ms Lucas, initial E.

20

COMMISSIONER: You have leave.

25

MS GHABRIAL: May it please.

COMMISSIONER: Yes. Will you take an oath on the Bible or -

MR MOLLOY: Oath, please.

30

COMMISSIONER: Oath.

35

<FERGAL MOLLOY, SWORN

<EXAMINATION BY MR LLOYD:

COMMISSIONER: Yes, Mr Lloyd.

MR LLOYD: Thank you, Commissioner. What is your name?

40

MR MOLLOY: My name is Fergal Molloy.

MR LLOYD: Your address? Business address?

45

MR MOLLOY: Business address, Strawberry Hills, Sydney, head office.

MR LLOYD: You made a statement on 5 October?

MR MOLLOY: Yes.

MR LLOYD: And it contains a number of tabs in the form of annexures?

5

MR MOLLOY: That's correct.

MR LLOYD: And what you say in that statement is true?

10 **MR MOLLOY:** That is correct.

MR LLOYD: Commissioner, I tender that statement and the annexures.

COMMISSIONER: That will become exhibit 1.

15

<EXHIBIT 1 TENDERED AND MARKED

MR LLOYD: Thank you, Commissioner. Could I, at this stage, deal with a separate document that I think is before you, Commissioner. It's a map entitled
20 Inspection Route Map. But, before I tender that, I seek a non-publication order in the form that I hope is before you with respect to that document.

COMMISSIONER: Does anyone want to be heard in relation to this matter? So everyone agrees that I make this order?

25

MR SELLER: Yes.

COMMISSIONER: Very well. I will make the order in the document that I've initialled and dated.

30

MR LLOYD: Thank you, Commissioner. That order having been made, I tender the map, noting that it is the subject of the non-publication order that you just made.

35 **COMMISSIONER:** That will become exhibit 2.

<EXHIBIT 2 TENDERED AND MARKED

MR LLOYD: I've just been asked to read onto the record the doc ID for that
40 document the subject of that non-publication order. It is CSNSW.0001.0075.0003.

COMMISSIONER: Yes. Mr Lloyd, I don't know how much detail I will need to know, but at the scale of this plan, it's not very easy to read. I don't know whether I will need it in a larger form, but -

45

MR LLOYD: I suspect at some point you will, Commissioner, and we'll make arrangements to have A3 -

COMMISSIONER: Yes.

5 **MR LLOYD:** I should just ask, Mr Molloy, I think you know the document we're talking about. Do you have a document entitled Inspection Route Map in the witness box?

MR MOLLOY: I do.

10 **MR LLOYD:** Thank you. And you have there your statement and the annexures?

MR MOLLOY: I do.

15 **MR LLOYD:** In paragraphs 6 and 7 of your statement, you describe your qualifications and relevant experience. Could you just briefly summarise for the benefit of those in the room and the Commissioner what your relevant experience and qualifications are?

20 **MR MOLLOY:** Yes. My experience of around 22 years working in correction environments in multiple jurisdictions. I've worked in the Irish prison system; I've worked in the Northern Territory prisons; I've worked in detention centres in Papua New Guinea; and I have extensive experience with New South Wales Corrections.

25 **MR LLOYD:** And particular expertise with respect to electronic security systems?

30 **MR MOLLOY:** Yes. I'm a qualified electronic security technician. I hold multiple qualifications, and I hold a certificate III, which is a trade qualified electronic security technician. I also have multiple other qualifications from various bodies, including project management and risk management qualifications.

35 **MR LLOYD:** Now, in paragraph 8, you say that you're currently the Business Partner to Infrastructure and Assets Manager of Technical Security at Corrective Services.

40 **MR MOLLOY:** Yes. So I'm a Technical Security Manager. My rank is Manager of Security. I'm - I'm on secondment to Infrastructure and Assets, and my role there is to manage electronic security projects, manage contracts. So I directly manage 22 contracts - fully comprehensive maintenance contracts in 22 centres. And my main role is to advocate for funding to replace levels of obsolescence in Correctional Centres.

45 **MR LLOYD:** Can you just explain a bit more about that. Does that involve having a look at electronic security systems in Correctional Centres and broadly to consider whether they are up to scratch?

MR MOLLOY: Yes. So we implement new standards - the Commissioner - the current - he was Acting Commissioner at the time, Mr Kevin Corcoran, initiated a company to draw up new standards. Prior to that, we didn't have any electronic security standards that were correctional specific within New South Wales
5 Corrections. Previously, all projects were carried out by the Office of Public Works. However, they dissolved and ceased to be around 2016. So it was a major shortfall in knowledge, and the IP died with them when they died. It disappeared. There was a change in intellectual property, so new standards needed to be drawn up. From those standards, we were able to then develop what our
10 standards - which essentially are a security operational requirement, what we need as an end user.

MR LLOYD: Are the standards that you're talking about those to be found behind
15 tab 2?

MR MOLLOY: They certainly are. They're called the Functional Performance - Electronic Security Functional Performance Specifications.

MR LLOYD: When did they first come in?
20

MR MOLLOY: The draft came in around 2017, and we've utilised them ever since. And they've certainly changed the landscape of service delivery and electronic security delivery in Corrective Services.

COMMISSIONER: Can I just understand, when you say "standards", are we talking about the capacity of the cameras or the screens, or are we talking about locations of cameras? What are we talking about?
25

MR MOLLOY: All of the above. All of it. So it would - standards include where we would place cameras, what type of cameras we utilise, standardisation of product. So we moved away from anything that was not proprietary. Basically, it's an overall document and guidelines for electronic security within Corrective Services.
30

MR LLOYD: I might ask you some questions about some things in those standards -
35

MR MOLLOY: Yes.

MR LLOYD: - in light of the Commissioner's question. Can you have a look at tab 2 -
40

MR MOLLOY: Yes.

MR LLOYD: - and turn first, please, to page 13.
45

MR MOLLOY: Yes.

MR LLOYD: You see the heading there, Location of Field Equipment?

MR MOLLOY: Yes.

5 **MR LLOYD:** And it talks about:

"Electronic security field equipment shall be located such that the electronic security equipment that requires scheduled maintenance/servicing is secured from unauthorised access."

10

Do you see that?

MR MOLLOY: I do.

15 **MR LLOYD:** And then it says:

"It shall be located outside of staff offices, critical operational spaces and inmate-accessible areas where there is no direct Correctional Centre staff supervision unless the electronic security equipment by its nature is required to be located within those spaces for its operation."

20

MR MOLLOY: Correct.

25 **MR LLOYD:** Can I just ask this first: the reference there to "electronic security field equipment", is that sort of the broad range of electronic security systems, including CCTV cameras?

30 **MR MOLLOY:** So that would be the digital recorders, so the network video recorders that record the cameras. It would also include the network switches and all the related infrastructure that hold the security systems. So the cameras are not included in that. It's the engine of the cameras, as such.

MR LLOYD: Could you have a look at page 33.

35 **MR MOLLOY:** Yes.

MR LLOYD: This is a section of this specification or standard which is addressed to the closed-circuit television or CCTV and video management system?

40 **MR MOLLOY:** Yes.

MR LLOYD: And do you see there recorded in six bullet points are things described as the general purpose of CCTV and the video management system?

45 **MR MOLLOY:** Yes.

MR LLOYD: And obviously you agree that those things that are identified in the bullet points accurately identify the general purpose of CCTV?

MR MOLLOY: It certainly does.

MR LLOYD: And if you look at the first one:

5

"Providing detection of the secure perimeter."

MR MOLLOY: Yes.

10 **MR LLOYD:** Obviously, when you're dealing with correctional facilities, it's important to have electronic security, including CCTV, which can allow the perimeter to be monitored so that it's secure?

15 **MR MOLLOY:** That's correct. We utilise video motion detection and other effective (indistinct) methodologies and detection systems for containment of inmates.

MR LLOYD: So as to ensure that the people who are inmates at the facility can't get out and also that things can't get in which ought not be going in?

20

MR MOLLOY: That's correct.

MR LLOYD: Can you have a look at the second bullet point:

25 "Identifying and tracking individuals throughout the centre to support an investigation or prosecution if required."

Do you see that?

30 **MR MOLLOY:** Certainly do.

MR LLOYD: Can I just ask you some questions about what you understand that to mean. I'll come to the detail, but where you've got CCTV cameras which record movement throughout the centre, you can be observing that which is recorded by the camera in real time, that is, real-time monitoring?

35

MR MOLLOY: Correct.

40 **MR LLOYD:** And when it talks about identifying and tracking individuals to support an investigation or prosecution, at least part of that identification and tracking might include real time, that is, at the time that the movement is actually happening, someone watching the screen, recording movements recorded by the cameras?

45 **MR MOLLOY:** Yes.

MR LLOYD: And that's important - an important aspect of CCTV. Do you agree?

MR MOLLOY: It's a very important aspect of CCTV. CCTV is our best management tool to utilise within a Correctional Centre.

5 **MR LLOYD:** Is one of the reasons why CCTV is so good is it, in effect, records things which can't be argued?

10 **MR MOLLOY:** It certainly can, and our CCTV utilise watermark technology. So if anyone makes any changes on it, it's easily identifiable. So to ensure the accuracy of that CCTV footage, we have standardised our CCTV platform. We utilise - 95 per cent of centres utilise one particular brand, a very high-end German product. And by standardising, it allows familiarity with staff who may move from one centre to another to know how to utilise the system.

15 **MR LLOYD:** And, again, I will come to the detail, but there's no doubt in your mind that a properly functioning CCTV system can, in real time, identify and track individuals moving throughout the centre, whether they be guards or inmates?

20 **MR MOLLOY:** Certainly can.

MR LLOYD: The next bullet point:

"Post-event assessment and investigation."

25 That - do you understand that to be a reference to the use of the footage obtained from the CCTV cameras in the event that there is an incident which warrants investigation?

30 **MR MOLLOY:** I do.

MR LLOYD: That is, you can - for something that may not have been observed in real time or at the time it was happening, you can nonetheless go back and review the footage, if available, in order to test what people are saying about what occurred or to see what happened if it's recorded?

35 **MR MOLLOY:** We certainly can, and at - in reference to Dillwynia, we had a minimum 28-days storage. And our new standard is a minimum 30 days.

40 **MR LLOYD:** I will come back and ask you some questions about that storage capacity. But just for the moment, looking at the bullet points:

"The provision of evidence and use as forensic evidence."

45 That really is a reference, you would understand, supporting the previous two bullet points, that is, if you've got the footage and it's relevant to an incident that's important, it can be used as evidence that would allow fact-finding or in a court case or something like that?

MR MOLLOY: That's correct.

MR LLOYD: "Situational awareness" is the fifth bullet point. Just explain what you understand that to mean.

5

MR MOLLOY: It certainly gives us an idea of the actions of inmates if you're looking at a yard full of inmates. They certainly can be viewed. We can see who is congregating with who, what's actually happening in the general location of an area you may be looking at and basically to see that everyone's behaving or is there interaction between certain inmates or some inmates aren't interacting with anybody. So it's utilised as a management tool to view the inmates around a centre.

MR LLOYD: I want to ask you some questions in a moment about a general description of where there were cameras at Dillwynia at the relevant times.

15

MR MOLLOY: Yes.

MR LLOYD: You understand, in asking those questions, I don't want you to specifically identify where they are, but they will be asked at a level of generality. Do you understand?

20

MR MOLLOY: Yes.

MR LLOYD: Before doing that, though, can I ask you to go to the document at tab 3.

25

MR MOLLOY: Yes.

MR LLOYD: That's titled Custodial Operations Policy and Procedures, 13.9 -

30

MR MOLLOY: That's correct.

MR LLOYD: - Video Evidence. Can you just tell me where that document fits in relation to the use of CCTV at places like Dillwynia?

35

MR MOLLOY: Basically it's a guide how to utilise the CCTV and the local operational procedures for video evidence, details of procedures and the processes required for managing video evidence and for gathering video evidence.

40

MR LLOYD: This document, at least in part, contains some information about where it would be appropriate to place cameras?

MR MOLLOY: Correct.

45

MR LLOYD: Just have a look. You tell me if there are other places, but I wanted to draw to your attention page 7, 2.1, When Video Recording Devices Must Not Be Used. Do you see that?

MR MOLLOY: I do.

5 **MR LLOYD:** Can I ask you this: When did this policy, to your knowledge, come into operation?

MR MOLLOY: I'm not too sure of the date.

10 **MR LLOYD:** 2.1:

"Video recording devices, including CCTV, HHV..."

That's hand-held video?

15 **MR MOLLOY:** Correct.

MR LLOYD:

20 "...and BWV..."

That's body-worn video?

MR MOLLOY: Correct.

25 **MR LLOYD:**

"...cameras must not be used in staff toilets, showers or bathing facilities, locker rooms or change rooms."

30 Do you see that?

MR MOLLOY: I do.

35 **MR LLOYD:** Is that the current position about the places in a correctional facility where it would not be permissible, as you understand it, to have CCTV cameras?

MR MOLLOY: That's correct.

40 **MR LLOYD:** But that obviously, in turn, does not identify offices which might be occupied by Correctional Services Officers working at the facility?

MR MOLLOY: Offices are not included in that list.

45 **MR LLOYD:** And is that because, at least at the time from this policy being in place, there's no prohibition, as you understand it, on CCTV cameras being located within staff offices?

MR MOLLOY: There is no prohibition. You can have a camera inside a staff - an officer's station.

5 **MR LLOYD:** And this might be too general, and tell me if it is. Do you think that in terms of the proper operation of an electronic security system, there should be CCTV cameras located in staff offices?

10 **MR MOLLOY:** My opinion is anywhere we have inmates, we should have cameras.

MR LLOYD: And you may not know this, so just make an assumption. If there are offices which are utilised at Dillwynia where it would be expected, from time to time, there would be interactions between Correctional Services Officers and inmates, including one on one, that is, one officer and one inmate, would that be a reason why it would be a good idea to have cameras within an office of that kind?

MR MOLLOY: Yes.

20 **MR LLOYD:** What about in the areas, for example, hallways, which lead to offices occupied by Correctional Services people?

MR MOLLOY: Well, in our new standards and all our new builds since 2019, the majority of all corridors leading into offices do have CCTV and, yes, they should have CCTV.

25 **MR LLOYD:** Could I just ask this: You have looked at material which reveals where cameras were located at Dillwynia in the period up to February '19 - February 2019?

30 **MR MOLLOY:** Correct.

MR LLOYD: How would you describe the adequacy, as in, number of cameras and locations at Dillwynia in that period?

35 **MR MOLLOY:** Inadequate and not meeting our functional performance specifications.

40 **MR LLOYD:** Can you tell the Commissioner in what way or ways they were inadequate?

MR MOLLOY: Volume. There isn't enough cameras, and the camera coverage is not sufficient for a centre that's - I'll just refer to my notes, please. Is that okay?

45 **MR LLOYD:** Certainly.

MR MOLLOY: So in the whole of Dillwynia at the moment, the new centre and the old centre, we currently have 974 CCTV cameras or images. Some of the

cameras may have two - two images from one camera. The new centre has 779, because it meets our security operational requirement and functional performance specifications. However, the old area, which is the old centre and area in question, has 195 cameras, of which 77 were installed since 2014. So in total we now have
5 974, but there's only 195 in the older section. And the older section by size is probably bigger than the newer section.

MR LLOYD: And just so people can follow old and new -

10 **COMMISSIONER:** Sorry, just so I understand. Are you saying, therefore, there aren't presently enough cameras in the older section?

MR MOLLOY: That is correct.

15 **COMMISSIONER:** By - looking at the numbers, by a significant margin.

MR MOLLOY: A very significant amount. However, we have been embarking on a - an upgrade of all centres to reduce obsolescence and improve - bring every centre to the standard required, and we have asked for funding for additional
20 cameras in that centre. And over the last two years, I have completed three projects - three CCTV projects in Dillwynia. So some of that number of 195, I would have installed over the last two years.

COMMISSIONER: So maybe Mr Lloyd is coming to this, but has there been
25 some general audit of prisons or of this prison in your time to see whether it was adequate or not?

MR MOLLOY: I haven't been informed of any - of any lack of cameras in that particular area during the period in question. However, since new managers have
30 come into that centre, they have requested additional cameras in areas of that centre. So where we have standards - the standards which I keep referring to are the functional performance specification standards, and they outline where we need cameras and where we should have cameras. And over the last two financial years, I have completed 203 electronic security upgrades state-wide.

35

MR LLOYD: Can I just ask some questions about that, Mr Molloy. Just so we can understand, when you talk about the new area, that's the area that was opened in the year 2020, which some of us might know as Area 1?

40 **MR MOLLOY:** That's correct.

MR LLOYD: The old area, some of us might know as Area 2?

MR MOLLOY: Correct.

45

MR LLOYD: Do you know, from things you've read, that it was in Area 2 where all of Astill's offending occurred?

MR MOLLOY: That's correct.

MR LLOYD: And so, for example, the J Unit - do you know what I mean?

5 **MR MOLLOY:** I do. I know where J Unit is.

MR LLOYD: The high needs area where high needs prisoners were housed, that was the J Unit?

10 **MR MOLLOY:** That's correct.

MR LLOYD: And you know the administration block adjacent to that J Unit, that's the I Block?

15 **MR MOLLOY:** I'm aware of that, yes.

MR LLOYD: That significant offending by Astill occurred in that I Block. Do you know that?

20 **MR MOLLOY:** That's correct. And to address that, we have recently upgraded the camera numbers in J Block.

MR LLOYD: Can I just ask, then: you said now, in that Area 2 generally, there's 195 cameras?

25 **MR MOLLOY:** 195 in total, yes.

MR LLOYD: And you told the Commissioner that you had installed some of those 195 since you've become involved?

30 **MR MOLLOY:** Correct.

MR LLOYD: So that is, of that 195, you've installed some of them post the period of Astill's offending, which went up to about the end of 2018; correct?

35 **MR MOLLOY:** That's correct.

MR LLOYD: How many have you installed since that period, the end of 2018? Just an approximate, you don't need -

40 **MR MOLLOY:** I'd say 20.

MR LLOYD: So the number of cameras in the area of Dillwynia where Astill was offending - committing sexual offences was something in the order of 175 at the time of that offending?

45 **MR MOLLOY:** That is correct.

MR LLOYD: Would you describe that number to be below - I think you've already said this - that which was required in order to have a properly functioning system in that area at that time?

5 **MR MOLLOY:** Correct.

MR LLOYD: Significantly below?

MR MOLLOY: Yes.

10

MR LLOYD: By how much? How much would you say - with your expertise, that if that area where Astill was committing his offending was properly manned by CCTV cameras, how many would have been in that area at the time of his offending?

15

MR MOLLOY: I'm taking a guess of around four to five hundred.

MR LLOYD: You know, don't you, that there is no record that was ever obtained of footage that recorded any of Astill's offending?

20

MR MOLLOY: I'm not aware of that, no.

MR LLOYD: Just assume for the purposes of my questions that for his criminal trial or otherwise, there's no footage that has been obtained. If that assumption is right, does that - having regard to what you know about the scale of the offences - and I take it you know about the scale of his offending?

25

MR MOLLOY: I'm aware, yes.

30 **MR LLOYD:** Does that speak of a serious failure, that there wouldn't be any footage that was obtained that would be relevant to that offending?

MR MOLLOY: I find it strange that there is no footage available.

35 **MR LLOYD:** And that -

COMMISSIONER: Can I just - sorry, can I go back a step. Mr Lloyd asked you how many cameras you thought would be necessary to do the job properly. I take it from your answers that you believe that Dillwynia is presently short by hundreds of the necessary cameras.

40

MR MOLLOY: That is correct. And I'm referring to our standards, which are functional performance specification standards which clearly state the amount of cameras we should have in Correctional Centres. However, they were only designed and commissioned, that particular document, around 2017 and enacted around 2018. And it's clear, if you look at a particular document - the functional performance specifications, if you look at one of the pages - I think it's point - can I refer to my notes?

45

COMMISSIONER: Certainly.

5 **MR MOLLOY:** Yes. Point 43, 44 and 45 in the functional performance specifications, it clearly states we must have cameras in the reception area. And one of the areas of this individual's offending was in the reception area where it's - if we had have had these standards previous to this and followed them, we would have had cameras in that particular area.

10 **COMMISSIONER:** Well, if you presently believe Dillwynia is short by some hundreds, what's being done about it?

15 **MR MOLLOY:** I have asked for substantial funding to the figure of nearly 500,000 to upgrade - to upgrade CCTV functionality in that particular centre. However, we have numerous requests for upgrades state-wide. I did complete three CCTV projects in that centre since 2016.

20 **COMMISSIONER:** Now, Mr Lloyd is asking you about the footage that reflects the cameras that were there at the time. Why wasn't that footage available?

MR MOLLOY: I can't answer that question.

COMMISSIONER: Does something need to be done to destroy it?

25 **MR MOLLOY:** I doubt very much if the - the footage was destroyed. There was a very limited amount of CCTV in that centre. All our - I have spoken to our incumbent service provider, which is Professional Security Engineering, and I have asked the question, "Was there ever any cameras disconnected in that centre?" And they're saying they're not aware of any camera disconnections. And
30 also, the system that previously ran the centre was an older - it wasn't a - management - security management system. If you did disconnect a camera, it would bring up an alarm on the screen.

35 **COMMISSIONER:** Mr Lloyd, I will hop out of it now. You had better sort out the complications in that.

40 **MR LLOYD:** I'm going to come back to that, Commissioner, I assure you. Can I just stay for one moment with the - I think you've said presently inadequate number of cameras at Dillwynia.

MR MOLLOY: Correct.

MR LLOYD: To be fair, that's, I think you're identifying, in Area 2?

45 **MR MOLLOY:** In Area 2, the older section of Dillwynia.

MR LLOYD: Area 1, is it fair that you think that the number of cameras there are adequate?

MR MOLLOY: Correct.

MR LLOYD: You know about other correctional facilities throughout the state?

5

MR MOLLOY: I do.

MR LLOYD: Are you able to tell the Commissioner whether the number of cameras now in the other correctional facilities throughout New South Wales are adequate or inadequate?

10

MR MOLLOY: They're becoming adequate, because we're - we have a constant process of upgrading and improving our electronic security state-wide through our opex program and minor capital works program we run with Department of Justice, and we have secured substantial funding for electronic security upgrades state-wide. As I stated, we did 203 electronic security projects in the last two years. And last year, my financial figure - I received \$10.5 million of electronic - funding for electronic security upgrades state-wide. So, yes, we do have some areas of obsolescence, but we're addressing that as - as - as we go where need be.

20

MR LLOYD: By "obsolescence", do you mean there are some other centre aside from Area 2 at Dillwynia that have inadequate security?

MR MOLLOY: Some - some would require more security, yes.

25

MR LLOYD: Is that because it's inadequate?

MR MOLLOY: Yes, we do have shortfalls in electronic security.

30

MR LLOYD: Who makes the decisions about funding and priorities?

MR MOLLOY: I work with Assistant Commissioner Craig Mason from Contracting and Commissioning, and we look at our - where we need electronic security, and we also then have submissions from each centre. Most centres would contact us and say, "We need additional cameras in certain areas." And we would also have consultation with our integrators who manage our centres for us, and they would tell us where there may be shortfalls in areas.

35

MR LLOYD: Is there enough funding, in your opinion, to bring those correctional facilities which have inadequate electronic security systems up to adequacy?

40

MR MOLLOY: Not at present, no.

45

MR LLOYD: Can I ask you, then: you know something from things you've read about the extent of Astill's offending at Dillwynia. I think you've already told the Commissioner that.

MR MOLLOY: Yes.

5 **MR LLOYD:** Do you know whether any priority has been given to bringing Area 2 at Dillwynia up to a state of adequacy in terms of electronic security in light of Astill's offending?

MR MOLLOY: Yes.

10 **MR LLOYD:** And what has been done specifically at Dillwynia?

MR MOLLOY: Well, just in - about six months ago, new CCTV was installed in J Block, which is an area of concern. And I've asked for funding from Justice - substantial funding from Justice for upgrades of electronic security in the
15 older section of Dillwynia.

MR LLOYD: I thought that from what you said to the Commissioner in terms of your preference, there would be another two to three hundred cameras required to bring Area 2 up to standard?
20

MR MOLLOY: Yes, but I have to be realistic. I have other centres state-wide that also require funding. So we do it in stages.

MR LLOYD: Do you know when the other cameras are likely to come into Area 2 at Dillwynia to bring it up to adequate standard?
25

MR MOLLOY: I'm awaiting confirmation of funding from the Department of Justice.

30 **MR LLOYD:** Thank you. Can I -

COMMISSIONER: Sorry, the funding you're awaiting, will that enable you to do the complete job on Dillwynia?

35 **MR MOLLOY:** For me to do the complete job on Dillwynia, probably not. But it would be a very good start.

COMMISSIONER: And you know of the areas where Mr Astill's offending occurred. Are the cameras that you will be able to fund initially to be placed in
40 areas where that offending occurred?

MR MOLLOY: That is correct.

COMMISSIONER: Does that include in offices?
45

MR MOLLOY: I would have to discuss with Corrections senior management in relation to that.

COMMISSIONER: What do you mean?

MR MOLLOY: I would have to discuss placement of cameras in offices, and I'm sure it would be supported by Corrections security management.

5

COMMISSIONER: Well, what's your view? Should they -

MR MOLLOY: Yes.

10 **MR LLOYD:** Sorry, Commissioner -

COMMISSIONER: I have finished.

15 **MR LLOYD:** Can I ask you here, Mr Molloy, to have regard to the map, which is exhibit 2. And just understand, I'm going to ask these questions in a fairly general way because I don't want you to be identifying precise locations. Do you understand?

MR MOLLOY: Yes.

20

MR LLOYD: On the map, you can see within Area 2 there's a reference to J?

MR MOLLOY: Yes.

25 **MR LLOYD:** That's the J Unit or J Block; correct?

MR MOLLOY: Yes.

30 **MR LLOYD:** Now, there is - I withdraw that. At the time of Astill's offending, there is CCTV camera or cameras which record movements within that block; correct?

MR MOLLOY: Correct.

35 **MR LLOYD:** Have a look just to the right, looking at the map. That is the - you can see I. That's the I Block?

MR MOLLOY: Yes.

40 **MR LLOYD:** And you know that to be the administration block that is adjacent to, and supportive of, the inmates who are housed in the J Block?

MR MOLLOY: Yes.

45 **MR LLOYD:** And I think you know that within that I Block, there is an office that Astill occupied from time to time?

MR MOLLOY: I'm unaware of that.

MR LLOYD: Just assume from me that there is.

MR MOLLOY: Thank you.

5

MR LLOYD: And that significant numbers of offences by Astill were committed in his office within that I Block. Just assume that.

MR MOLLOY: Yes, I'll assume that.

10

MR LLOYD: You know, don't you, that in that I Block at the time of Astill's offending, there were no CCTV cameras within the block itself, that is, that would record any inmates or Astill or other Officers walking down the hallway to his office?

15

MR MOLLOY: Yes.

MR LLOYD: Was that inadequate? That is, should there have been a camera in that hallway at the time of Astill's offending?

20

MR MOLLOY: Yes. And now we have our standards, and all those areas are now covered by those standards, and we have cameras in those type of locations.

MR LLOYD: What about at Dillwynia? Is there a camera which records movements?

25

MR MOLLOY: I'm unsure. I don't know.

MR LLOYD: Assume from me, if you don't know, that there was no camera within Astill's office where much of the offending occurred. Do you know that or -

30

MR MOLLOY: I wouldn't think there would be.

MR LLOYD: Would you have expected, if the system was adequate during the time of Astill's offending, say, 2015 to the end of 2018, that there ought to have been a camera within that office?

35

MR MOLLOY: Yes, particularly if there's inmates going into that office.

MR LLOYD: Could I ask you just on this map, again within Area 2, to find the section which is recorded M. Do you see that?

40

MR MOLLOY: M, yes. Top right-hand corner.

MR LLOYD: Yes. And do you see just below - sorry, M, that is the - what's known as the M Unit or M Block?

45

MR MOLLOY: Yes.

MR LLOYD: Housing medium needs inmates?

MR MOLLOY: Yes.

5

MR LLOYD: Just below M is an area which I think you know is known as The Hub?

MR MOLLOY: Yes.

10

MR LLOYD: And you know that The Hub was another area where significant offences were committed by Astill?

MR MOLLOY: I'm aware now, yes.

15

MR LLOYD: And in that area within The Hub, there is an office that Astill occupied from time to time and, adjacent to that office area, a common area. Do you know that?

20 **MR MOLLOY:** Yes.

MR LLOYD: Is it right, in your understanding, that there were no cameras which recorded either that common area or the office itself?

25 **MR MOLLOY:** I'm not specifically aware of the area, but -

MR LLOYD: If you take it from me the Commissioner is going to hear some evidence -

30 **MR MOLLOY:** Okay.

MR LLOYD: - to the effect that there were no cameras there.

MR MOLLOY: Okay.

35

MR LLOYD: Would you regard that as being inadequate in terms of the adequate functioning of an electronic security system if there's no cameras in either of those places?

40 **MR MOLLOY:** Yes, there was an inadequacy in that area.

MR LLOYD: And you probably need to know more details about the nature of the offending to answer this question, but if there was a camera which recorded footage of inmates going into that area, The Hub, and being in Astill's office for
45 lengthy periods of time, it would be pretty likely to be highly significant in any investigation into his offending. Would you agree?

MR MOLLOY: It certainly would.

MR LLOYD: Do you know presently whether there are cameras within that area known as The Hub?

5 **MR MOLLOY:** I don't, no.

MR LLOYD: Can I just ask you some questions about things that you've set out in paragraphs 21 and following of your statement. In this section, you're talking about the monitoring capability of the CCTV cameras. Do you see that?

10

MR MOLLOY: Paragraph 21, yes. 20 and 21, yes.

MR LLOYD: Yes. And you identify that one type of camera is a fixed position camera or a fixed camera?

15

MR MOLLOY: Correct.

MR LLOYD: Can you just tell the Commissioner what you mean when you're identifying a fixed camera?

20

MR MOLLOY: A fixed camera has a fixed image. So the area in view is all it sees.

MR LLOYD: What about the other type of camera you identify, a panning, tilting and zooming or PTZ camera?

25

MR MOLLOY: That is a camera with the functionality to be moved around. You can use a joystick or a mouse and digitally zoom in on areas or zoom out and aim the camera at specific locations.

30

MR LLOYD: Can I just understand, in terms of zooming in and zooming out and using a joystick, that would be done by a person or people in the Monitoring Control Room?

35

MR MOLLOY: That is correct.

MR LLOYD: So that is, in real time, if a person in that control room wanted to see a particular area where there was a PTZ camera, they could manipulate it so that it showed one part of the room and, if it was thought necessary, in closer?

40

MR MOLLOY: Yes, PTZ cameras are extensively used externally or in visits.

MR LLOYD: If - in terms of the manipulation by a - I withdraw that. "Manipulation" is the wrong word. In terms of the use of the joystick to move the camera, that, I take it, alters what that camera is going to record?

45

MR MOLLOY: It certainly does. However, with a PTZ camera, it has a pre-set - pre-fixed home position. So after around 60 seconds, the camera will go back to its original location if the joystick is not moved.

5 **MR LLOYD:** It would be possible to move it around so that it didn't record part of the room which it ordinarily would record?

MR MOLLOY: It would be possible, but that would take human intervention to do that.

10

MR LLOYD: Say that again.

MR MOLLOY: An officer would have to actually do that.

15 **MR LLOYD:** Someone sitting in the Monitoring Control Room?

MR MOLLOY: They could, yes.

20 **MR LLOYD:** The proper use of the PTZ cameras is if there's something going on that is of interest to the officer monitoring, they would be able to get a better and closer look?

MR MOLLOY: That is correct.

25 **MR LLOYD:** You go on - I withdraw that. If there was an investigation - take, for example, if an officer in the Monitoring Control Room was advised that a particular officer should be observed. You recall that second bullet point, I think, in the document that I showed you -

30 **MR MOLLOY:** I do, yes.

MR LLOYD: - identified specifically about capturing the movements - I will just get the precise language - tracking individuals throughout the centre. If an officer in the Monitoring Control Room wanted to track the movements, they could use the PTZ camera to aid that purpose?

35

MR MOLLOY: If there was a PTZ camera available. Most of the cameras are actually fixed cameras.

40 **MR LLOYD:** How many PTZ cameras were at Dillwynia, do you know, up until the end of -

MR MOLLOY: I don't know.

45 **MR LLOYD:** Do you know how many are there now?

MR MOLLOY: No idea.

MR LLOYD: Could I ask you, then, going on - in paragraph 24, the CCTV footage, you say, is presented on computer monitors in the MCR - that's the Monitoring Control Room - and is allocated according to the ESS Standards, and two monitors are dedicated to the display of images linked to perimeter alarms. Do you see that?

MR MOLLOY: Yes. This is after 2020.

MR LLOYD: What about before 2020?

MR MOLLOY: Before 2020, they didn't have an ISMS, which is an Integrated Security Management System. They had a system that didn't have all the security elements joined into it. It was a fairly basic system. So these points would not relate to that.

MR LLOYD: Thank you. In terms of what could be seen by people within the MCR prior to 2020, can you tell the Commissioner about that?

MR MOLLOY: From my recollection - I was in it a few times - it was a fairly basic electronic security set-up. They could view perimeter alarms. They could - they could utilise spot monitors to view certain - certain images and select certain images to be viewed on screen. And it would be nowhere near the standards of the current electronic security control room in the new Dillwynia.

COMMISSIONER: Just excuse me a minute, Mr Lloyd. I've lost the transcript altogether. I don't know what's going on. The transcript has completely stopped. I don't know whether we're receiving it, recording it or what.

MR LLOYD: Thank you. Could I just ask you, then, Mr Molloy: with respect to different features of the CCTV system as it stood at Dillwynia up to, say, the end of 2018 - do you understand the time period?

MR MOLLOY: Yes.

MR LLOYD: As I understand your evidence and that reference to the six bullet points in the standards document, one use of the CCTV aspect of the electronic system was there could be an investigation conducted by the prison itself using the footage and monitoring of it in real time?

MR MOLLOY: That is correct.

MR LLOYD: Is that, in your experience, common, that there would be an investigation which used monitoring of the footage in real time?

MR MOLLOY: Probably utilised on a daily basis throughout New South Wales Corrections.

MR LLOYD: So if you were to make an assumption - I think you at least know from what you've read that during the period of Astill's offending - assume the Commissioner is going to receive evidence of there being multiple allegations of inappropriate conduct by Astill against inmates. Are you able to say, making that
5 assumption of multiple allegations coming forward or information about inappropriate conduct by Astill towards inmates, was the system within the prison that there would be an investigation using the CCTV footage and monitoring of it in real time to explore those things?

10 **MR MOLLOY:** They certainly would use the CCTV to explore those - that.

MR LLOYD: Could I ask, do you know, in terms of the practicalities, how that would be done, who would be deployed or identified to conduct that type of investigation, examining - doing things like examining the movements or tracking
15 the movements of Astill and others throughout the prison?

MR MOLLOY: Normally be the intel officer or a senior manager. I believe they have Chiefs and Principals at Dillwynia. They would be asked to utilise the CCTV system and download footage.
20

MR LLOYD: Would they, to your understanding, go into the Monitoring Control Room themselves to monitor the footage or would that be done by someone else?

MR MOLLOY: They may not have to go into the control room at all. Most
25 centres would have a workstation with available CCTV. All the cameras are available on that workstation. However, I can't confirm whether that centre did at the time because I'm not familiar, but I would like to think they did. So they wouldn't have to go into the control room to download that footage or view that footage; it could be viewed in another area, normally the intel office.
30

MR LLOYD: And if an intel officer was doing that monitoring away from the Monitoring Control Room, that would mean that that monitoring could be done without the other officers in the Monitoring Control Room knowing about it?

35 **MR MOLLOY:** That is correct.

MR LLOYD: Would you expect, if allegations of inappropriate conduct was being made about Astill, that it was necessary for there to be an investigation of the kind I've just asked you about done?
40

MR MOLLOY: I would assume, yes.

MR LLOYD: If I give you an example of a particular inmate who was housed in the J Unit, and if you assume allegations were made about inappropriate conduct
45 by Astill toward her which occurred in the I Block. Making those assumptions, it would be your expectation that there would be an investigation by monitoring or tracking the movements of Astill and that particular inmate in real time?

MR MOLLOY: That is correct.

MR LLOYD: And if there wasn't an investigation of the kind that I've just asked you about, that would be a failure?

5

MR MOLLOY: Yes.

MR LLOYD: In terms of who could monitor that footage in real time - you understand at the moment I'm just asking you in real time as opposed to a review after the event. Do you understand?

10

MR MOLLOY: Yes.

MR LLOYD: You're aware of an office called the CIG?

15

MR MOLLOY: As part of - formerly part of Security and Intelligence, yes.

MR LLOYD: Are people at the - I withdraw that. Up until the end of 2018, were the officers in the CIG able to review footage in real time from Dillwynia?

20

MR MOLLOY: Yes. As far as I'm aware, yes.

MR LLOYD: How would they do it?

25

MR MOLLOY: Remote access to the system, and they were the only people to have remote access into our CCTV.

MR LLOYD: So if information came to the attention of people within CIG of allegations of inappropriate conduct, for example, by Astill, there was the capacity, was there, for those officers in CIG who became aware of those allegations to remotely view the footage from the CCTV at Dillwynia in real time?

30

MR MOLLOY: I believe there is a capacity and was a capacity at the time, yes.

35

MR LLOYD: And if allegations came to the attention of people within the CIG of inappropriate conduct by Astill, would you expect that that would be done by the CIG as part of any investigation of the complaints?

MR MOLLOY: Yes.

40

MR LLOYD: And if it wasn't done, that would be a failure?

MR MOLLOY: Yes.

45

MR LLOYD: Can I ask you, then, about a different use of the footage. Take a situation where allegations have been made and it might be necessary to obtain footage which has been recorded historically. Do you understand?

MR MOLLOY: Yes.

MR LLOYD: So different from a real - what I've called the real-time monitoring as part of an investigation.

5

MR MOLLOY: Yes.

MR LLOYD: If allegations of improper conduct by Astill came to light and it was thought necessary to obtain footage which had been recorded historically, as in, days, weeks before - I think you've identified that it was kept at that time for 28 days?

10

MR MOLLOY: Correct.

MR LLOYD: How would one at the - conducting an investigation within the prison - how would you go about reviewing that footage which had been obtained in that 28-day period?

15

MR MOLLOY: Going to the video recorder - network video recorder, download the footage, retain it - view it first, work out what timeframes you wish to retain and then download the footage onto a secure medium.

20

MR LLOYD: Is that a straightforward exercise?

MR MOLLOY: It's very straightforward, and I believe the officers doing it would be very familiar with the system in place because they've utilised the same type of system for many years at that centre.

25

MR LLOYD: Could that be done - you mentioned an intel officer reviewing footage in real time at a place other than the Monitoring Control Room.

30

MR MOLLOY: As far as I know, yes, but I'm not 100 per cent correct whether they had a workstation external to the control room, but most centres do.

MR LLOYD: And in terms of the practicalities of downloading the footage, is it possible - I withdraw that. Was it possible up to the end of 2018 to download all of the footage in, say, a 28-day period, recording the movements of Astill when he was working in that period?

35

MR MOLLOY: It could be done, but it's quite - quite time-consuming, and you would need lots of storage devices to put it on to.

40

MR LLOYD: In terms of storage devices, what's the barrier if it was thought that there was relevant footage obtained in that 28-day period? Is it viable to simply preserve all of the footage for that 28-day period for review at some later time?

45

MR MOLLOY: It's all about the finance, whether or not the hard drives are made available. Probably use a removable hard drive, so multiple numbers of those hard drives would need to be utilised to download that footage.

5 **MR LLOYD:** And is that simply a funding issue?

MR MOLLOY: That would be a funding issue, yes.

MR LLOYD: It can be done?

10

MR MOLLOY: It certainly can be done, yes. All footage can be retained for the whole 28-day period.

15 **MR LLOYD:** And at the end of that 28-day period, what happens? It's simply deleted?

MR MOLLOY: The new footage re-records over the old footage, so it's like a loop. It's a loop-recording mechanism.

20 **MR LLOYD:** Could I ask you this: There has been a project to try and allow footage to be retained for longer than 28 days or even 30 days in a digital form. Are you aware of that?

25 **MR MOLLOY:** I'm not aware of that, no.

MR LLOYD: There was an ICAC investigation into events at Lithgow Correctional Centre. Do you know about that one?

30 **MR MOLLOY:** I vaguely recall.

MR LLOYD: I will try and - I will just draw this to your attention. I will show you the document if I need to. Part of the response from Corrective Services to one of the recommendations records that the action taken was to develop a storage solution that will support Corrective Services to retain CCTV and relevant footage in relation to use of force incidents. Do you know anything about this?

35

MR MOLLOY: No.

40 **MR LLOYD:** And one of the things that's recorded is:

"An interim solution has been deployed state-wide, and a trial for a long-term digital storage solution is well advanced."

45 Do you know anything about that?

MR MOLLOY: No.

MR LLOYD: Who would we ask about that?

MR MOLLOY: Either IC&T, which is our IT people, or formerly Security and Intelligence, which previous members of that regime may know.

5 **COMMISSIONER:** Are the current camera systems in prisons generally compatible with digital storage?

MR MOLLOY: Most of our cameras now are actually digital cameras. They're - our cameras that we - we utilise and have been installing over the last
10 few years are all high definition, 1080p, really clear image cameras, and they record onto a digital platform.

COMMISSIONER: So there should be no problem in maintaining the digital record?
15

MR MOLLOY: There should be no problem. It's just a matter of storage and restoring the actual footage. However, I must say that a lot of our centres - yes, our minimum standards is - and our functional performance specifications is 30 days. However, lots of our centres are exceeding that - that number. But presently -

20 **COMMISSIONER:** Do I - my technical knowledge is very limited. But once it's in digital form, is it not possible to efficiently store it effectively forever?

MR MOLLOY: Yes, that is correct.
25

COMMISSIONER: And when you talk about an image going over the top of it or a later image, I don't understand that.

MR MOLLOY: A watermarked image -
30

COMMISSIONER: I thought you would record -

MR MOLLOY: No.

35 **COMMISSIONER:** You do keep the digital image and keep it?

MR MOLLOY: No, we don't.

COMMISSIONER: Why not?
40

MR MOLLOY: Because the storage implications and -

COMMISSIONER: What's the storage problem?

45 **MR MOLLOY:** Cost.

COMMISSIONER: Cost in maintaining -

MR MOLLOY: Cost in retaining video footage for very long periods of time. We would have to have huge banks of hard drives and video storage to enable that to happen.

5 **COMMISSIONER:** So it's a lack of hard drives, although it's in digital form?

MR MOLLOY: Yes, it goes onto the storage medium. Yes. So we need to be able to retain it in hard form.

10 **MR LLOYD:** Could I ask some questions about retrieval and storage of footage by drawing to your attention some of the policy documents, starting with tab 7. I know this is not your document, Mr Molloy, but you've helpfully annexed it, so I'm going to ask you about it. Do you understand this to be the Local Operating Procedure from 27 September 2018 at Dillwynia with reference to the electronic security system?
15

MR MOLLOY: That's correct.

20 **MR LLOYD:** And so this, I think you've said, sits alongside the tab 2 document, the electronic security systems functional performance specification?

MR MOLLOY: Yes. So the functional performance specifications were only coming in - were in its infancy at the time, and they weren't mature.

25 **MR LLOYD:** And so if officers at Dillwynia wanted to go to the place in documentary form which told them about what to do in terms of retrieving and storage of CCTV footage, is this the most obvious place?

MR MOLLOY: Yes.

30

MR LLOYD: And there's a - this one has a subject, Control Room Procedures and Security Equipment. Do you see that? That's five lines down from the top.

35 **MR MOLLOY:** So this is, sorry, page 2 of 15; is that correct?

MR LLOYD: Page 1 of 15.

MR MOLLOY: Sorry.

40 **MR LLOYD:** See the subject?

MR MOLLOY: Subject, Control Room Procedures and Security Equipment, yes.

45 **MR LLOYD:** Have you had a chance to look through this document?

MR MOLLOY: Yes. I've briefly looked at it, yes.

MR LLOYD: In terms of the information in here about the circumstances in which CCTV footage would be used either for that investigation tool, that is, real-time monitoring, or as part of an investigation by looking at footage which has been obtained, do you have a view about whether this policy adequately records information about those things?

MR MOLLOY: I haven't studied this document enough to answer that question.

MR LLOYD: Do you know where officers would go at Dillwynia, say at the end of 2018, if they wanted information about what to do in terms of retaining and reviewing CCTV footage?

MR MOLLOY: They should speak to their local managers.

MR LLOYD: As in, who?

MR MOLLOY: Their Chief or Principal or Manager of Security or Governor.

MR LLOYD: The Governor, Manager of Security -

MR MOLLOY: The Manager of Security would probably be the most appropriate person, or their Chief or Principal Officer in the centre. And this document is normally kept in the control room.

MR LLOYD: Are you aware of anything which identifies to people in the role of intel officer about how and in what circumstances they should use the CCTV real-time monitoring or post-event review?

MR MOLLOY: Normally at the direction of their senior managers.

MR LLOYD: So as you understand it, it's just left up to the senior manager of the individual facility to give those directions?

MR MOLLOY: Or if the direction came from another part of the organisation.

MR LLOYD: And would you expect that directions would be given by either - I think you've identified Governor or more likely Manager of Security. Would you expect directions to have been given?

MR MOLLOY: Correct.

MR LLOYD: Particular, specific directions about how you can use the CCTV to aid investigations?

MR MOLLOY: That is correct.

MR LLOYD: And would you expect those to be something that would find their way into a written document?

MR MOLLOY: Yes.

5 **MR LLOYD:** Do you know, from anything that you've seen or been told, whether there were documents which gave directions to staff at Dillwynia about how they could use the CCTV?

10 **MR MOLLOY:** I'm not aware. Just the Local Operating Procedure, just this document.

MR LLOYD: And I think you mentioned before something I wanted to pick up with you, that now in the reception area there is a camera?

15 **MR MOLLOY:** In the new reception of the new centre, there's multiple cameras.

MR LLOYD: In Area 1?

MR MOLLOY: In Area 1, yes.

20 **MR LLOYD:** What about in Area 2?

MR MOLLOY: I'm unaware of any cameras in Area 2 reception. I'm not too sure if it's utilised as a reception area anymore.

25 **MR LLOYD:** Thank you.

COMMISSIONER: I don't think it is, Mr Lloyd. I don't think it is. I think the reception has all been moved.

30 **MR LLOYD:** Could I ask you these questions about activation and deactivation. You deal with that in paragraphs 28 to 30. And is the effect of what you're saying there that in order, in effect, to deactivate CCTV cameras, the person would have to have a high degree of skill and technical knowledge?

35 **MR MOLLOY:** That is correct.

MR LLOYD: And you don't know whether, as a matter of fact, anyone with that kind of knowledge did deactivate CCTV cameras at Dillwynia, but is it fair to say you haven't seen any evidence of that?

40 **MR MOLLOY:** I haven't seen any evidence, and I've asked the incumbent service provider, Professional Security Engineering, who have been there since 2004 had they ever come across that, and they said no.

45 **MR LLOYD:** One aspect of the electronic security systems functional performance specification - and this is tab 2, page 57 - deals with what's called contraband detection systems?

MR MOLLOY: Correct.

MR LLOYD: Can you just explain what you understand to be the various options for contraband detection systems?

5

MR MOLLOY: Anyone attending the centre would go through a metal detector, and also any baggage they were bringing in with them would be screened. That includes all officers and visitors.

10 **MR LLOYD:** Could I ask you - you may know this. One thing that I expect the Commissioner will hear evidence about is that there was a significant problem with contraband in the form of tobacco and clothing, jewellery, being brought into Dillwynia by people, including Astill. Do you know that?

15 **MR MOLLOY:** I'm not aware of that, no.

MR LLOYD: Assume that some evidence will be heard to that effect. Just dealing with the contraband detection system, as you understand it, at Dillwynia in place up until the end of 2018, what capability did the system as at that time have to detect contraband of that kind being brought into the centre?

20 **MR MOLLOY:** I don't think it had any capability of detecting tobacco. However, anyone who walked through the main gate would have to go through a metal detector, and any baggage they had on them would be scanned and viewed by
25 Correctional Officers and the contents examined.

MR LLOYD: But Correctional Officers coming in would have to go through the metal detector?

30 **MR MOLLOY:** That is correct, yes.

MR LLOYD: But wouldn't have bags examined?

35 **MR MOLLOY:** They have clear bags, and their bags would go through the baggage scanner as well because - my memory of attending that centre, I've had to take my belt off, had to take my shoes off because the metal detector functioned quite well there.

40 **MR LLOYD:** Has the contraband detection system at Dillwynia changed, to your knowledge?

MR MOLLOY: The last time I attended the centre, it appeared to be the same. They had a metal detector, and they had a baggage X-ray scanner.

45 **MR LLOYD:** What kind of things, in terms of the usual contraband items, would show up in the X-ray?

MR MOLLOY: Everything. It's fairly clear. It's similar to the X-ray detection system that would be utilised in an airport. So the full contents of any bag would show up. And I believe they now have a body scanner which is utilised for scanning inmates and visitors, but I can't confirm that. I can't. I believe they do.

5

MR LLOYD: Just pardon me.

COMMISSIONER: Does that mean that an officer could bring a soft good, not something that would react to a metal detector, into the prison on their person and it wouldn't be detected?

10

MR MOLLOY: That is correct.

COMMISSIONER: So an officer could bring in cigarettes, drugs, anything that's in soft form -

15

MR MOLLOY: That is correct.

COMMISSIONER: - and not be detected?

20

MR MOLLOY: Correct.

MR LLOYD: The only way would be if a physical search managed to locate it?

25

MR MOLLOY: A physical search or use of drug detection dogs.

MR LLOYD: Do you know whether drug detection dogs are deployed at Dillwynia?

30

MR MOLLOY: I believe they're deployed on a regular basis. They're deployed in all Correctional Centres state-wide.

MR LLOYD: How much - if you don't know this, tell the Commissioner. But how much contraband is likely to be picked up in a metal detector, in the general course of things?

35

MR MOLLOY: Weapons, that type of stuff. I couldn't honestly tell you. It would be mostly metal items would be picked up in a metal detector.

40

MR LLOYD: You're not aware of there being a particular problem with contraband in the form of weapons being brought into jails, are you, or have I got that wrong?

MR MOLLOY: That's why we have the metal detector system coming in in the first place.

45

MR LLOYD: But there are a whole lot of contraband which would never be picked up on the metal detector?

MR MOLLOY: There certainly would be. Non-metallic items.

MR LLOYD: Or the X-ray?

5

MR MOLLOY: Or the - or the X-ray. However, that's why we've had a rollout of body scanners throughout the state in the last probably year and a half, and they've been very successful in reducing the amount of contraband entering centres.

10 **MR LLOYD:** Do the body scanners pick up, as the Commissioner has called it, soft items?

MR MOLLOY: They do, yes.

15 **MR LLOYD:** How do they do that? If you -

MR MOLLOY: It's like an X-ray that actually shows anything that's secreted on the body and in clothing.

20 **MR LLOYD:** Are they - are those body scanners in use at Dillwynia now, do you know?

MR MOLLOY: I think they are. However, I would need to confirm that.

25 **MR LLOYD:** What about at the other Correctional Centres?

MR MOLLOY: Most Correctional Centres now have body scanners, yes.

30 **MR LLOYD:** And do you know whether they have been effective to -

MR MOLLOY: They're very effective. I hear really good stories about - about their success, and they've been quite successful state-wide.

35 **COMMISSIONER:** Where is the contraband being found on the -

MR MOLLOY: Internally.

COMMISSIONER: Sorry?

40 **MR MOLLOY:** Internally.

COMMISSIONER: Internally?

45 **MR MOLLOY:** In people's mouths or other places.

COMMISSIONER: Officers as well as inmates?

MR MOLLOY: I'm unaware of officers, but visitors and inmates.

COMMISSIONER: And so, again, just so I understand, the scanning device that you're putting in now will examine something that's actually secreted internally in the person's body?

5

MR MOLLOY: That is correct.

COMMISSIONER: And will also pick up something soft that's external -

10 **MR MOLLOY:** Correct.

COMMISSIONER: - in their clothing?

MR MOLLOY: That is correct.

15

COMMISSIONER: And you say this has been successful in picking up contraband?

MR MOLLOY: Very successful.

20

COMMISSIONER: You've used the word "very". Can we have an understanding of what that means?

25 **MR MOLLOY:** I hear feedback from the multiple centres that I visit state-wide in the course of my duties, and I hear officers say how successful body scanners are at reducing contraband entering the centres. And you hear about them - they tell you, "We've had good success. We found something last week," or, "We found something yesterday." So they -

30 **COMMISSIONER:** What are they finding?

MR MOLLOY: They're finding prohibited items such as drugs.

35 **COMMISSIONER:** Drugs. Of course, again, like any system, I suppose, whether or not it's effective depends upon the integrity of the operator?

MR MOLLOY: Correct.

40 **MR LLOYD:** There's just one other matter not on the topic of contraband I overlooked asking you. In the J Unit that I asked you questions about, if you assume that there was a report made of Astill being within that area by himself at a time when he ought not have been there and not accompanied by another officer, that is, being there at a time when he should not be there and not accompanied as he ought to have been - just make those assumptions, that there was a complaint of
45 that kind that surfaced. If there had been an historical review of the CCTV footage such that it recorded movements within the J Unit, would you have expected in the period up to the end of 2018 that footage to have recorded whether, in fact, that allegation was accurate?

MR MOLLOY: That's correct.

5 **MR LLOYD:** And in terms of what you would expect in any investigation about an allegation of that kind, would you expect that any investigation would have required a review and retention of that CCTV footage?

MR MOLLOY: Correct.

10 **MR LLOYD:** And I think you've told the Commissioner that the actual process of reviewing something of that kind and retaining it was fairly straightforward. Is that fair?

MR MOLLOY: Correct.

15

MR LLOYD: And should have been done?

MR MOLLOY: Correct.

20 **MR LLOYD:** And if it wasn't done, that would be a failure?

MR MOLLOY: Correct.

MR LLOYD: Those are my questions. Yes.

25

COMMISSIONER: Does anyone else have any questions?

MR SELLER: I was going to ask a few questions, maybe after -

30 **COMMISSIONER:** Well, in that event, we will have a short break for a cup of tea.

MR SELLER: Thank you.

35 **<THE HEARING ADJOURNED AT 11.24 AM**

<THE HEARING RESUMED AT 11.40 AM

40 **MR LLOYD:** Commissioner, I think Mr Sheller is just outside and coming back in. I had a couple of questions I wanted to ask Mr Molloy, but I will wait till he comes back in, if that's convenient.

MR SELLER: I apologise, Commissioner. I was just taking some instructions on a matter.

45

COMMISSIONER: Yes, Mr Lloyd. Mr Lloyd, do you want to -

MR LLOYD: Thank you, Commissioner. Mr Molloy, I overlooked asking you questions about this topic: the cameras recording the footage, do they have a function which also would enable them to record sound?

5 **MR MOLLOY:** I believe our more modern cameras do have that functionality, yes.

MR LLOYD: So that is, at least some of the cameras, for example, at Dillwynia could, if activated, record sound?

10

MR MOLLOY: I believe that's correct, yes.

MR LLOYD: Some of the older ones might not?

15 **MR MOLLOY:** The older ones definitely wouldn't.

MR LLOYD: The policy at all times - tell me if I've got this right - is not to enable that capability, that is, to not record sound?

20 **MR MOLLOY:** Yes, we don't record sound because I don't believe we can legally do it, and there's a prohibition on that.

MR LLOYD: Is that in the form of a - you're not a lawyer, but do you understand that prohibition comes in an Act?

25

MR MOLLOY: I believe it comes in a video surveillance Act. I don't know.

MR LLOYD: And are there -

30 **MR MOLLOY:** Sorry.

MR LLOYD: Are there other states and/or territories in Australia where the footage that's recorded includes -

35 **MR MOLLOY:** I believe there may be, but I can't confirm that. I've just - hearsay.

MR LLOYD: There would be some storage issues, would there be, if it extended in this state to recording sound?

40

MR MOLLOY: Yes, certainly storage and infrastructure issues and obviously cost.

MR LLOYD: Those are my additional questions.

45

COMMISSIONER: Yes, Mr Sheller.

<EXAMINATION BY MR SHELLER:

MR SELLER: Yes. Thank you, Commissioner. Mr Molloy, just if you go back to the - what we've described as exhibit 2, which is the Inspection Route Map document. You've given some evidence about the number of cameras in the new section of Dillwynia, which is the Area 1; that's right?

MR MOLLOY: Correct. Yes.

MR SELLER: And is that right, that your understanding is that the number of cameras within Area 1 represents implementation of the standard as to how many - where cameras should be and their volume?

MR MOLLOY: That is correct. Area 1, the new section, has 779 images, and that's reflective of best practice and the functional performance specifications which came in around 2018.

MR SELLER: And is it the case that where the equivalent of Area 1 builds are occurring across the whole of the state system, that's the level of cameras one can expect to see?

MR MOLLOY: That is the expectation, and that has been met during the Prison Bed Capacity Program build, and that's the level and standard that we require, and that has certainly been addressed in those new builds.

MR SELLER: And in addition to the cameras going into the new builds, there's a program of bringing old builds up to the standard through the provision of additional cameras; is that right?

MR MOLLOY: That is correct. Our aim is to get all centres to meet the functional - the security operational functional standards state-wide, and we're on the way, but we still have a little bit - way to go.

MR SELLER: And is it right that a new camera, fully installed, costs approximately two and a half thousand dollars?

MR MOLLOY: Around two and a half thousand, depending on the infrastructure available and is there existing infrastructure or is there new cables required, and the type and choice of camera for the operational requirement. So we would use different type of cameras for different scenarios.

MR SELLER: But if I could just go back to your statement in that part where you deal with the distinction between, on the one hand, the fixed cameras and, on the other, the PTZ cameras.

MR MOLLOY: Correct.

MR SELLER: And can I just ask, in relation to the zooming capacity of the PTZ cameras, is it possible that - to go back to footage captured by one of those cameras after the event and zoom in?

5 **MR MOLLOY:** Not for utilising the joystick. However, you can - if it's a digital PTZ camera, the captured footage can be digitally zoomed in by using the mouse. But that's the same on fixed cameras as well.

10 **MR SELLER:** I see. Now - and you've described how the PTZ cameras are operated. Is it right that the - at least the modern cameras operate in such a way that whatever the PTZ camera can film is also being captured by a fixed camera?

15 **MR MOLLOY:** We have a tendency to use PTZ cameras and fixed cameras together, because with the PTZ camera, we may be viewing an incident, but that could be a diversion for another incident happening in another part. So we normally have criss-cross patterns of CCTV, so one camera will be looking at another and all areas are adequately covered. So we like to think in areas like yards, 100 per cent of the yard would be covered. And then if you needed to zoom in on a specific location, you would utilise the PTZ.

20 **MR SELLER:** So I think - is a reasonably common scenario for something to - an incident to happen in a yard which might be relatively minor but that incident is actually operating as a distraction?

25 **MR MOLLOY:** That could - that could be the case, yes.

MR SELLER: And may be a distraction not only for prisoners and prison officers present wandering in the yard but also for those monitoring by CCTV?

30 **MR MOLLOY:** Correct.

MR SELLER: And the benefit of having the system you've just described is that the fixed cameras and the PTZ cameras in combination will capture as many incidents as occurred?

35 **MR MOLLOY:** That is correct.

40 **MR SELLER:** Now, is it the case that - based on your long experience working in this area, that there has been a change in mentality concerning the usefulness of CCTV cameras?

45 **MR MOLLOY:** That is correct. We now have requests for cameras in locations previously CCTV was maybe frowned upon and wasn't exactly welcomed by some of our - some of our staff. However, our staff now embrace security technology because they can see the benefits of having CCTV in their area for their safety and inmates' safety.

COMMISSIONER: Why was it frowned upon before?

MR MOLLOY: Because officers - now, this is quite a long time ago - may have views that we were spying on them, but that wasn't the case and now they see the benefits.

5

COMMISSIONER: So when did the approach to them changed?

MR MOLLOY: The culture changed around - I believe around 2009. It changed because people saw the benefits of utilising CCTV as a great management tool that works for - you know, that complements the work that our officers do.

10

MR SELLER: One of the questions you were asked by Mr Lloyd related to CCTV cameras in offices.

15

MR MOLLOY: Yes.

MR SELLER: It's the case, isn't it, that the prisons' set-up have what are offices in certain blocks which are available for Senior Officers who are wandering around the prison; is that right?

20

MR MOLLOY: That's correct.

MR SELLER: Are they called works offices?

25

MR MOLLOY: We have, let's say, a - a - a part office, so our wing office, that the inmates in the wing are managed from. And then we may have individual managers' office - offices off them are nearby.

30

MR SELLER: And is it the case that now there are CCTV cameras by and large in relation to those mobile offices?

MR MOLLOY: Wing offices - most wing offices now have CCTV. Following the situation at Mid North Coast, we decided that we would put cameras inside those wing offices so if an inmate was to access that area, we then have footage.

35

MR SELLER: Just in relation to the question of having a CCTV camera in more senior staff offices, Governor and immediately below, I think one of the questions that was raised by Mr Lloyd was circumstances in which inmates go into those offices. From your long experience, is there at least an understanding, if not a protocol, in relation to what is to happen if an inmate is inside a Governor or immediately below that level's office?

40

MR MOLLOY: Well, in relation to Dillwynia and female inmates, the door would be left open and more than likely another officer would be in attendance.

45

MR SELLER: And have you actually yourself, through your work, engaged in that practice of having inmates in close proximity to (crosstalk)?

MR MOLLOY: I certainly have. Yes. That is correct.

MR SELLER: And what has your protocol been in relation to office (crosstalk)?

5

MR MOLLOY: Ensure - ensure we have another person present or at least the office door open.

MR SELLER: The other thing you've described in your evidence, Mr Molloy, is a service provider at Dillwynia.

10

MR MOLLOY: That's correct. Currently, the centre is managed by a facilities maintenance provider.

MR SELLER: And is that a private company?

15

MR MOLLOY: That is a private company, yes.

MR SELLER: And is a change about to occur in relation to that?

20

MR MOLLOY: Yes. So, Corrective Services and Infrastructure and Assets currently manage 22 centres state-wide on fully comprehensive maintenance contracts, which come along with lots of benefits. We're about to bring the remaining 14 centres into this contract, which is called a GC21 Fully Comprehensive Maintenance Contract. So currently Dillwynia is on a reactive maintenance contract with some preventive maintenance included. The new regime will include on-site technicians, a weekly testing regime, a - spare parts available, a monthly meeting with the end users. So that's - the Correctional Centre will have a monthly meeting. So if there's any shortfalls in service delivery, they're able to explain and say, "We need this," or, "We need that," or make requests, and it's fully comprehensive. So if anything breaks, it's covered under that contract.

25

30

MR SELLER: Yes, those are my questions. Thank you.

COMMISSIONER: Mr Molloy, you said that at Dillwynia if an inmate was present with an officer in an office, there should be another person there.

35

MR MOLLOY: Well, that would - that would be my practice, for another person to be there, yes.

40

COMMISSIONER: Well, I was going to ask you: is that a matter for you and your personal practice or is that a rule -

MR MOLLOY: Well -

45

COMMISSIONER: - or an obligation within the jail system?

MR MOLLOY: I'm unsure whether it's an obligation, but I think most people would probably do that, particularly me as a male and having a female inmate within an office.

5 **COMMISSIONER:** If you were to observe a male officer with a female in his office and say the door was shut but you knew that a male was in there with a female inmate, would that be a matter that would cause you to report or query what was going on?

10 **MR MOLLOY:** I would certainly query what's going on because it wouldn't be the norm, and I see that as unacceptable practice.

COMMISSIONER: Now, you say that's your view. Is there any general view in the prison system, as you understand it, about that practice?

15

MR MOLLOY: I would say that is a general view. My view would be - would reflect the thoughts of other people, of other Correctional Officers. However, I can't confirm that.

20 **COMMISSIONER:** Have you ever had any training or education within the prison system about how you are to interact with prisoners?

25 **MR MOLLOY:** Certainly. So, during primary training - and I've worked in multiple jurisdictions. It's a really big part of primary training, how - how you act around inmates, particularly female inmates. And regularly - I do courses on the intranet, and I have to complete courses in relation to ethical practice. And that's - they - they're quite regularly - I did one, I think, last year. And if you don't do it, you keep getting sent reminders to complete that - that training.

30 **COMMISSIONER:** And those courses, are there instructions as to how you are to interact with female prisoners -

MR MOLLOY: I - I -

35 **COMMISSIONER:** - in particular in relation to having a female prisoner in your office?

MR MOLLOY: I can't recall that. I don't know.

40 **COMMISSIONER:** Does anyone else have any questions?

MS GHABRIAL: No, Commissioner.

45 **COMMISSIONER:** Nothing further? Very well. Thank you, Mr Molloy. You are excused.

MR MOLLOY: Thank you.

<THE WITNESS WAS RELEASED

COMMISSIONER: Where do I go from here, Mr Lloyd?

5 **MR LLOYD:** I would ask you, Commissioner, to look at a short minutes of order document. You may have it already, or I think seen it's handy. Could I just invite you to read those. And, Commissioner, after you've read those, I'm going to ask you to go off the bench for a few minutes just so that Mr Sheller can obtain instructions.

10

COMMISSIONER: Right. So you don't know what your position is yet?

MR SHELLER: No. No. We just want to have a discussion with our friends as well about parts of those.

15

COMMISSIONER: All right. Well, I will adjourn. Let me know when you're ready.

MR SHELLER: Thank you.

20

<THE HEARING ADJOURNED AT 11.55 AM

<THE HEARING RESUMED AT 12.11 PM

25 **MR LLOYD:** Thank you for that time, Commissioner. There is agreement about the proposed short minutes, but I need to just read out - and it won't take long - two things which I merely ask you to note that the Special Commission and the Commissioner have agreed will occur prior to order 1 in the short minutes before you.

30

The first is that by 5 pm on 6 October 2023, the Commissioner of Corrective Services will provide updated schedules as defined in order 1, being schedules A and B, to the Special Commission. And then, next, by no later than 5 pm on 9 October 2023, the Special Commission will advise the Commissioner of Corrective Services of any documents in schedules A and B that it is not proposed to tender. And if you were to note the agreement in those two respects, then, as I understand it, the remaining orders are by consent.

35

COMMISSIONER: Mr Sheller?

40

MR SHELLER: Yes, that's correct.

COMMISSIONER: So I'm not quite sure how this operates. You two have agreed that certain things will happen.

45

MR LLOYD: Yes.

COMMISSIONER: Do these orders operate unless they happen or irrespective of whether they happen? How does it work?

5 **MR LLOYD:** These - the orders, in their terms, would operate irrespective of whether they happen. But if they don't happen, may I say, there would be an application for an extension of those orders which we would not be in a position to oppose or we wouldn't oppose.

10 **COMMISSIONER:** I'm not sure I follow that now. You say there would be an application for an extension?

MR LLOYD: Of the actual orders. A different way -

15 **COMMISSIONER:** You mean the time for compliance? Is that what you're saying or -

MR LLOYD: Yes. Perhaps could I suggest this, in light of what you've raised -

20 **COMMISSIONER:** Do I need to make the orders until such time as the events have passed?

MR LLOYD: May I respectfully suggest this: because the notation that I've asked you to make is the product of discussions which have only just finished -

25 **COMMISSIONER:** Yes.

MR LLOYD: - which is why it's not recorded in here, the parties can probably do better by recording those aspects of the agreement as orders, and we can supply those to you and ask you to make the orders, including the matters -

30 **COMMISSIONER:** I think that might be sensible. And, really, I think what you're asking for is that order 1 operate provided the pre-conditions have been met. Otherwise, order 1 is going to have to change.

35 **MR LLOYD:** Yes.

COMMISSIONER: Isn't that right?

40 **MR LLOYD:** Yes.

COMMISSIONER: Well, I think maybe it should be framed in that way and then I can make the orders without Mr Sheller being present, providing I understand through you, Mr Lloyd, that Mr Sheller agrees.

45 **MR LLOYD:** Thank you, Commissioner.

COMMISSIONER: All right.

MR LLOYD: We will do that.

COMMISSIONER: Does anyone else have an interest in this issue?

5 **MR LLOYD:** The only - we haven't burdened you with the detail of some of
these schedules. The only entity which may have an interest is - there are some
other agencies in one of the schedules, schedule C, who I think the Department is
waiting to hear from about whether they have an interest in the schedule C
documents. They aren't - those entities aren't represented, so there is no one here,
10 as I understand it, who has an interest in these orders.

COMMISSIONER: Well, I will leave that for the two of you to work out in
a responsible way. I won't make any orders now, but if you can provide me with
some minutes that are agreed, I will make the orders in due course.

15 **MR LLOYD:** Thank you, Commissioner.

COMMISSIONER: Where do we go from there?

20 **MR LLOYD:** If there is a hearing as contemplated by what is presently order 2, it
will be my submission probably that that hearing be conducted in private because
of the nature of it. The hearing would occur at 3 pm on 11 October, but it would
be limited to any argument about non-publication orders, which is why I anticipate
I will be contending that it's appropriate for you to exercise your power to have
25 that hearing in private. But then the resumption of the public hearing for the
purpose of taking evidence to occur at 10 am on 17 October.

COMMISSIONER: So, if the first hearing on the 11th is necessary, you believe
that should be a private hearing?

30 **MR LLOYD:** Yes.

COMMISSIONER: And who should be present for that?

35 **MR LLOYD:** At the moment, I would anticipate it would only be necessary for
the Special Commission and the Commissioner of Corrective Services to be
present, subject to whether any of those external agencies have an interest in any
of the documents. But we will give notice -

40 **COMMISSIONER:** Well, I think you had better to make sure that doesn't go off
the rails. All right. Well, at this stage, I will adjourn the hearing - the further
hearing until 17 October, but I'm mindful of the fact that it may be necessary
between then and now for there to be a further hearing in relation to documents.

45 **MR LLOYD:** Thank you.

COMMISSIONER: Anything else? Very well. I will adjourn.

**<THE HEARING ADJOURNED AT 12.17 PM UNTIL TUESDAY, 17
OCTOBER 2023**