



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

**PUBLIC HEARING
SYDNEY**

**WEDNESDAY, 18 OCTOBER 2023
AT 9.40 AM**

DAY 5

APPEARANCES

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

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<THE HEARING RESUMED AT 9.48 AM

COMMISSIONER: Yes, Mr Lloyd.

5

MR LLOYD: Thank you, Commissioner. Before I call the first witness, can I just deal with two things. First, to announce that Mr Buterin of counsel appears for the first witness and other inmates and former inmates in place of Mr Villa.

10 **COMMISSIONER:** Very well. Thank you.

15 **MR LLOYD:** And next, I mentioned yesterday a variation for the order, the non-publication order you made on 28 September by the substitution of a varied pseudonym list. There's a further variation with respect to this first witness who has determined that that order should be varied so that she does not have that non-publication order with respect to her identity. Can I hand up a list that reflects the change with respect to this witness and the witness yesterday, Ms Sheiles.

20 **COMMISSIONER:** Yes, but you were going to give me a document which I can commemorate the change in the orders.

MR LLOYD: We will have something drawn up which, by way of a variation to order 1, made on 28 September to reflect -

25 **COMMISSIONER:** Very well but you need to make it plain to anyone who might be listening what the changes are now so that they know what to report or not to report.

30 **MR LLOYD:** Yes. Just pardon me. The variation is to order 1 made on 28 September which was that persons referred to in Annexure A be allowed to appear using the pseudonyms listed in Annexure A. The variation is the substitution of Annexure A in the form that I've just handed up and which will be distributed to those with interests; that is, deleting from annexure A Ms Sheiles, who gave her evidence yesterday, and Ms Ward, who is about to give her evidence this morning.

35

COMMISSIONER: Very well.

MR LLOYD: But I will have it drawn up and have -

40 **COMMISSIONER:** Yes, I think we should formalise it.

MR LLOYD: Thank you, Commissioner. I call Sarah Ward. Ms Ward will take an affirmation.

45 **<SARAH WARD, AFFIRMED 9.51 AM**

<EXAMINATION BY MR LLOYD:

MR LLOYD: You can hear and see me clearly, Ms Ward?

MS WARD: I can, yes. I can.

5

MR LLOYD: Your name is Sarah Ward?

MS WARD: Correct.

10 **MR LLOYD:** And, Ms Ward, you have given a statement to this Commission, and you did that on 9 October 2023?

MS WARD: Correct, yes.

15 **MR LLOYD:** And what you say in that is the truth?

MS WARD: Yes, it is.

20 **MR LLOYD:** You gave two statements to the police for the prosecution of Astill and what you said in those statements is the truth?

MS WARD: Yes, correct.

25 **MR LLOYD:** And you gave evidence at the criminal trial of Astill and what you said when you gave your evidence there was the truth?

MS WARD: Correct.

30 **MR LLOYD:** Commissioner, Ms Ward's statement to the Commission is found behind tab 14A in volume 5 of exhibit 3.

COMMISSIONER: Thank you.

35 **MR LLOYD:** Ms Ward, have you got there with you in the room a copy of your statement to the Commission?

MS WARD: I do. I have - yes, my statement to the Commission and my statement - two statements that I gave the police.

40 **MR LLOYD:** Thank you. And have you also got a document headed Pseudonym List?

MS WARD: Yes, I do. Yes.

45 **MR LLOYD:** You have made a decision that you don't want one of those pseudonyms and so I will refer to you by your name, but just understand, that when I ask you about other inmates who are recorded on that list, I'll do it by their

letter and just take your time when I refer to them by letter to just match up the letter to the name so you know who I'm talking about.

5 **MS WARD:** Yes, sure. I understand.

MR LLOYD: And if you slip up and mention the name, it's not a disaster. We can cut the feed so don't be concerned. It does happen.

10 **MS WARD:** Okay. Thank you.

MR LLOYD: Can I ask you this, if you have your statement to the Commission in front of you: You have been in custody in Corrective Services New South Wales system since 2008?

15 **MS WARD:** Correct, yes.

MR LLOYD: You transferred to Dillwynia in 2015?

20 **MS WARD:** That's right.

MR LLOYD: And you had been there since that time?

25 **MS WARD:** I actually went to Clarence Correctional Centre in 2021 and I've just since come back to Dillwynia.

MR LLOYD: Thank you. Can I ask you, in your Commission statement -

MS WARD: Yes.

30 **MR LLOYD:** - in paragraph 4.

MS WARD: Yes.

35 **MR LLOYD:** You describe some events where you mentioned an officer, some of the things that Astill had been doing to you, when he was sexually abusing you. You see that?

MS WARD: Yes. Yes.

40 **MR LLOYD:** Now, Ms Ward, I think you know it's not necessary in giving your evidence here to go into the details of that sexual abuse. You remember that was the subject of the criminal trial?

45 **MS WARD:** Yes.

MR LLOYD: But I want to just ask you some questions about the background so that I can ask you then some questions about what information became known to people at Dillwynia about Astill's conduct. Do you understand?

5 **MS WARD:** Yes. That's fine, yes.

MR LLOYD: In your first police statement, is it right that the first major interaction you had with Astill came about because you were told some complaint had been made by an officer at Dillwynia about something you had said to that officer?
10

MS WARD: That's correct, yes.

MR LLOYD: You were told there was some pretty minor complaint that had been made against you by an officer or at least that's what you believed had happened?
15

MS WARD: So, yes, I - well, no, I actually thought that - I was concerned about being charged with something that I had said to an officer, and yeah. So that - that was the situation.
20

MR LLOYD: And is what happened - when you say "charged" of course, are you talking about an internal charge.

25 **MS WARD:** Yeah.

MR LLOYD: We're not talking about criminal charges?

MS WARD: No, it's an internal charge due to your conduct in the facility, in custody, yep.
30

MR LLOYD: That event made you nervous that you might lose a job that you had in the reception area?

35 **MS WARD:** Correct, yes. I was a reception sweeper.

MR LLOYD: Sorry, and you wanted to keep that job?

MS WARD: Yes. It was a good job.
40

MR LLOYD: Yes. You were told by another inmate that there was an officer, Wayne Astill, who might be able to help you deal with the complaint.

MS WARD: Yes, correct.
45

MR LLOYD: And is what happened that Astill arranged for you to go to his office to talk - for you to talk to him about that complaint?

MS WARD: Correct, yes. Yes, that's right.

5 **MR LLOYD:** And did he have some paperwork that he said was relevant to the complaint with him when you went to see him?

MS WARD: Yes, he some paperwork sitting on his desk.

10 **MR LLOYD:** And what did he say to you that he was prepared to do with the paperwork about the complaint?

15 **MS WARD:** So my concern was that I would be charged and lose my job over a comment that I made, and Mr Astill said to me, when I went into the office with him and the other inmate, that he would be able to get rid of it, in effect, shred it.

MR LLOYD: Did he say to you about the paperwork, "Why don't we just put it in the shredder".

20 **MS WARD:** Yes, I recall him saying something along those lines, yes.

MR LLOYD: And you understood, I take it, that in Astill bringing you to his office and saying "Why don't we just put the complaint in the shredder" that that was him in effect saying he would do a favour for you to make the complaint go away?

25 **MS WARD:** I - when I - I guess I came to the realisation that yeah, that's what he was doing, and yeah, because I mean staff members can't just eliminate a charge like that.

30 **MR LLOYD:** And was it the case that as you were leaving his office, that that was the first occasion that he sexually assaulted you?

MS WARD: That's correct, yes.

35 **MR LLOYD:** And after that, you continued to work at the reception area, you held your job there?

40 **MS WARD:** Yes. So it turned out that it wasn't a charge. I wasn't charged for the comment I made. It was actually just a case note on my file, which - on the system.

45 **MR LLOYD:** So, as you understood it, when Astill was saying he would shred the complaint, that that was false; that, in fact, there wasn't a complaint or a charge?

MS WARD: So at the time I was in Astill's office, I was - I was not aware it was a complaint. I got told by another officer later that I shouldn't worry about it. It's

just, yeah, someone - the officer has just gone and put a case note on your file about what you said. But I didn't know that till after I - after the office - after I left the office.

5 **MR LLOYD:** Is that because Astill, in effect, was telling you it was a complaint?

MS WARD: He actually told me it was a charge. I was charged.

10 **MR LLOYD:** Thank you. Can I ask then the next period of time when you continued to work in reception, did Astill start leaving you notes?

MS WARD: Correct, yes. He left - yes, personal - yeah, notes, at my work desk.

15 **MR LLOYD:** And started to come to see you in areas near the reception where you were working?

20 **MS WARD:** Yes. So the main area I worked was a big room at the back of the reception front desk, where all of the shelves for clothing and everything that I packed for the new receptions and what have you, that was out the back there.

MR LLOYD: When he was coming to see you in those areas, more sexual assaults by him?

25 **MS WARD:** No, but he - he - he did talk to me and, you know, he was very close to me, and I felt very uncomfortable in situations. But he - he didn't - he hadn't grabbed me out the back there, no.

30 **MR LLOYD:** But there were other occasions in this period after the shredding event in the offices where he was sexually assaulting you by grabbing you on the bum?

MS WARD: Yes, there was.

35 **MR LLOYD:** And one occasion when you were doing your work sweeping and kneeling down where - and he came to stand next to you and put his hand on the zipper of his fly and said, "That's exactly where I want you."

MS WARD: Yes, he did that to me on two occasions.

40 **MR LLOYD:** I will come to ask you more questions about this, Ms Ward, but is it right that you didn't know how to deal with that conduct by Astill in terms of being told how to make a complaint or do anything about it within the gaol; is that right?

45 **MS WARD:** I didn't know there was any official process that you could make a complaint. I was never told about an official process, and I didn't feel that I could, I guess, trust staff members to help me, I think was my issue, yeah.

MR LLOYD: I'll come back and ask you more questions about this, Ms Ward, but there was an occasion where this was happening over a period of time where you actually spoke to Astill directly about it?

5

MS WARD: I did, yes. Yeah, so I didn't like the attention. I told him that I didn't like it. I was uncomfortable and I was concerned that I would be, as an inmate, the one that would be judged and sent out of the gaol, and I asked him not to do it, and I recall saying to him You know, I said to him look, because his de facto or whatever she was worked in the system, in the centre and I said that I would hate for her to find out what he was doing. It would concern me, as I liked her, as an officer. She was another officer.

10

MR LLOYD: That's Ms Hockey?

15

MS WARD: Yes, her name is Tania Hockey, correct.

MR LLOYD: Could I just ask you, and I will remind you if you need to be reminded of some things you said in your first police statement about two things that happened after you confronted Astill. Is one of those things that he stopped assaulting you? At least for a time?

20

MS WARD: He did for a while, yeah.

MR LLOYD: And is another of the things that happened that you lost your job in reception?

25

MS WARD: Yes, I did.

MR LLOYD: Can I ask you, then, you made your first statement to the police on 18 December 2018?

30

MS WARD: Correct, yes.

MR LLOYD: And that was at a time when Astill was still working at the gaol?

35

MS WARD: Yes, he was still in - in the centre working, yep. He had gone on a holiday.

MR LLOYD: He was away from the centre physically but still employed there?

40

MS WARD: Yes, correct.

MR LLOYD: Just out of interest, did the fact that he was physically away, did that make it more possible for you to speak to the police because he wasn't there?

45

MS WARD: Yes. For me, I felt a lot more comfortable about speaking up, yes.

MR LLOYD: And it's right, isn't it, that in your supplementary statement made to the police on 28 April 2021 -

5 **MS WARD:** Yeah.

MR LLOYD: - that was at a period when Astill no longer worked at Dillwynia?

10 **MS WARD:** I think he had - yes, been, arrested at that stage.

MR LLOYD: And in that statement you were able to disclose some of the things that I will ask you about, that you had told some officers about Astill's offending?

15 **MS WARD:** Yes.

MR LLOYD: And is what allowed you to do that at that point the fact that he had been arrested and was out of Dillwynia, so it seemed, for good?

20 **MS WARD:** Yes. Yes, so I - yes. I had spoken to some staff members about what was - had happened to me, and I then was asked to make a statement in regards to what officers I had told and what I - what I had told them.

25 **MR LLOYD:** Thank you. And could you go back and just look at paragraph 4 of your statement to this Commission, and just read that to yourself and then I'll ask you some things about it.

MS WARD: Yep.

30 **MR LLOYD:** So I just want to ask about this event. There was an officer, Ms Renee Berry?

MS WARD: Correct.

35 **MR LLOYD:** And there was a time when you were working as a sweeper in the reception area, and she was the senior officer in that area and you said some things to her?

MS WARD: That's correct, yes.

40 **MR LLOYD:** What did you tell her about what Astill had been doing?

MS WARD: So I told Ms Berry that he had been grabbing me on the backside, and yeah, touching me, that I didn't like it, and yeah, I didn't like the attention. I wanted it to stop.

45 **MR LLOYD:** What was Ms Berry's response when you said those things to her?

MS WARD: So, Ms Berry, she was concerned. She believed me. You know, she did believe what I was telling her and she told me that she felt that if she was to say anything that the management of the centre at the time would probably shut her down and not believe her. And she told me that when he comes around to reception, stay close to her and the office and make sure I was, you know, in close proximity to where she was.

MR LLOYD: Thank you. Can I ask you, you mentioned her saying to you she was worried about telling the management. Was it -

MS WARD: Yes.

MR LLOYD: - was it the management or was it more particular a reference to the general manager?

MS WARD: I would say it was more a reference to the general manager at the time.

MR LLOYD: Just so we can understand your recollection. It's Ms Berry saying that she was worried if she passed it on to the general manager at the time that she wouldn't be believed and she would be shut down. Is that right?

MS WARD: Yes. Correct.

MR LLOYD: And do you remember at the time of this discussion with Ms Berry, was the general manager Shari Martin or someone else?

MS WARD: The general manager was Shari Martin. She was running the gaol, yep, correct.

MR LLOYD: Can you remember whether Ms Berry in this discussion said something to you to this effect, and if you again look at the fourth last line of paragraph 4 in your statement, "I know what he's like."

MS WARD: Yes. Yep.

MR LLOYD: Did you have any discussion with Ms Berry on this occasion or at any other time about Astill generally. So that is not just about what he was doing to you but Astill's conduct generally?

MS WARD: No. I didn't have other conversations with her about his conduct, no. That was the only -

MR LLOYD: Thank you, can I - thank you.

MS WARD: Yes.

MR LLOYD: You say in paragraph 4 that you think that Astill bullied Ms Berry and that you saw him being rude to her. Can you just tell us something more about that?

5 **MS WARD:** Yes, so there was an occasion when I had actually just started in reception and an inmate was leaving the centre and he turned up at reception area and he was rude to her about the inmate's property and - yeah, he was just very rude. I found it, you know, for an officer to speak to another officer like that, it was not okay, I guess, yeah.

10 **MR LLOYD:** Could I ask you just to read, or re-read to yourself paragraph 5 of your statement to this Commission?

15 **MS WARD:** Yep. Yep.

MR LLOYD: You are there talking about a time after the conversation you've just told us about with Ms Berry, where you were in the storage room at the back of the reception area and Astill was in there with you; correct?

20 **MS WARD:** Yes, correct.

MR LLOYD: And you've got a reference here, "Ms Barry walked through and saw you and Astill". Now that is not a typo, that's a different officer, Ms Barry?

25 **MS WARD:** Yes. Yes, different officer.

MR LLOYD: And you say that Ms Barry saw you with Astill and left. Just tell us what happened between you and Ms Barry after you were in that area with Astill and you believed that Ms Barry saw you two?

30 **MS WARD:** After - after Astill was there talking to me or, is that what - what was the question, can you repeat the question?

35 **MR LLOYD:** Yes. You had a discussion with Ms Barry after she had seen you and Astill together, I'm just asking you about what you discussed with Ms Barry?

40 **MS WARD:** So I - Ms Barry walked past the area at the back. I was there - Astill was talking to me, and Ms Barry then walked past and into the front reception area. And then Astill left and I walked into the front reception area and Ms Barry said, "Are you all right, Ward? You looked very uncomfortable?" And I told her that I wasn't okay, and I also told her, you know, that he keeps grabbing me on the backside and I don't like it, and saying inappropriate stuff to me and I don't like it.

45 **MR LLOYD:** Are those two broad things that you just mentioned, that is his grabbing you on the backside and saying inappropriate things, they're things you told to Ms Barry in this discussion?

MS WARD: Yes.

MR LLOYD: And was there another officer present during this discussion?

5 **MS WARD:** Yes. So Ms Berry, the officer that I had previously told, was also
there and we were in the office and she confirmed what I had said, yes, you know,
and yeah, that was Ms Barry then said to me that she also believed me. She - she
said to me along the lines that she had had issues with Astill in the workplace, and
10 she said that if she said anything to the general manager, Shari Martin, I don't
think she specifically said Shari Martin but she said "the manager" that she
probably would be - her comment, if she was reporting to them about the
behaviour that they would think that she's taking the situation that she has with
Astill personally. So the problem she has with -

15 **MR LLOYD:** No, you go.

MS WARD: Yeah. So she made it clear that she had a problem with Astill in the
workplace, an argument of some sort.

20 **MR LLOYD:** And I think you just told us that she was, Ms Barry, was saying to
you that she felt that if she told the Governor what you had said, that the Governor
might think, in effect, that this was just Ms Barry complaining about Astill
because of that dispute in the workplace. Have I got it right?

25 **MS WARD:** Correct. Yes. Yes.

MR LLOYD: Did anything else happen during this discussion involving you and
Ms Barry and Ms Berry?

30 **MS WARD:** No, not that I recall. It was just - no, she just said she had
a problem - issues with him in the past and, yeah.

MR LLOYD: That's okay.

35 **MS WARD:** That was -

MR LLOYD: I'll ask you - sorry, you go.

40 **MS WARD:** Yeah, no, continue, sorry, yep.

MR LLOYD: I'm going to ask you some questions about what you understood to
be the system at Dillwynia for you making complaints about the kinds of sexual
assault Astill was committing, and the inappropriate behaviour. I'll ask you about
the detail in a minute. But can I just ask you this question, Ms Ward. What did
45 you think were your options to make a complaint in circumstances where, on what
you have told us today, you've mentioned his conduct to two Officers, both of
whom, I think, in effect, what you have said were saying to you that they were

nervous about making reports. What did you think was your option to make a complaint?

5 **MS WARD:** I didn't think I had any options. I - I was - yeah, I felt that I couldn't - nothing could be done about him, I guess. I felt a bit shut down, even though it was acknowledged and they, in effect, said that they believed me, I just felt that I had no other alternative. I had nowhere to go.

10 **MR LLOYD:** In terms of what information you were given when you arrived at Dillwynia about a system allowing someone in your position, who has been sexually assaulted to make a complaint, what were you told?

15 **MS WARD:** So when I came into custody, it was quite some time ago, and you're told nothing. In those days I was told nothing. I was aware of Official Visitors that used to come into the centre. However, I always thought that the Official Visitor, whatever complaint you took to her, then that - everything went to management.

20 **MR LLOYD:** Did you -

MS WARD: Sorry, I -

MR LLOYD: Go on.

25 **MS WARD:** So, in effect, my concern was that the management of the centre at the time was not interested, was shutting people down, staff as well as inmates, and nothing could be done. And then there was also - yeah, sorry.

30 **MR LLOYD:** No, you go. I interrupted you.

MS WARD: And my concern also was that the officer would find - that Astill would find out as well.

35 **MR LLOYD:** Were you told about what confidentiality process was in place if you were to go to the Official Visitor, how your complaints would be treated?

40 **MS WARD:** I do recall asking the Official Visitor and she said that not in regards to what happened with Astill but for other things, and she said that it goes to management first and then she does a report every six months or something and that goes to the Commissioner. So I was aware of that, yeah. But - yeah.

MR LLOYD: Keep talking, keep telling us.

45 **MS WARD:** Yeah, but my - my concern was that it would go to the management.

MR LLOYD: Well, Ms Ward, I think in terms of that concern, what you've just told us is that, as I understand it, that the Official Visitor had told you that the first place that that person would go with a complaint is to management.

5 **MS WARD:** Correct.

MR LLOYD: Have I got that right?

MS WARD: Yes.

10

MR LLOYD: Can I ask you, then, what, if anything, you knew about the Ombudsman as an available option?

15 **MS WARD:** So I knew about the Ombudsman. But do you know that I actually only found out the other day that if I got on the phone and rang the Ombudsman, I found out that it would not be monitored. So I've been in custody for a long time, and the whole time I have thought that every phone call I make on the system is monitored. So that's where I was with that.

20 **MR LLOYD:** So let me just understand that. You had been, you told us earlier, in custody since 2008.

MS WARD: Yes.

25 **MR LLOYD:** Having sexual offending perpetrated on you in 2017 and I think you say 2018, and at no point in that period of time did anyone within New South Wales Correctives tell you that if you telephoned the Ombudsman to make a complaint that that would not be a monitored call?

30 **MS WARD:** That's correct. I was told by a staff member two days ago.

MR LLOYD: In terms of other options, so the Ombudsman, in theory, is to make a complaint going outside the gaol. You've told us about the problems that you understood about making complaints to people within the gaol. What about
35 writing letters to people outside? Did you have an understanding about whether your mail was read?

MS WARD: Yes. Yes. Everything in custody is monitored. So our mail is monitored and our phone calls are monitored. And then I've also had some
40 examples where Astill came to me after I was on the phone to my mother, trying to - I was very upset and I was trying to explain to her what was going on in the centre and my wing I was living in at the time, without giving out too much information. And I was approached by Astill about three days after that phone call and he said to me, you know, "Your poor mother, what are you telling your
45 mother, you know, things that are going on in the centre. You know, she doesn't need to hear that. Why are you saying that?" And I was like, you know, oh, okay. So now he's telling me that he is listening to my phone calls or whoever is, they're

listening to my calls and they're giving him information. So, you know, those sort of things intimidate you and you feel you can't speak up.

5 **MR LLOYD:** You mentioned a service, the Prisoners' Legal Service, and I think you say that it didn't occur to you that that was an option, and is it right, I think you say in your statement, if you need a look at it, paragraph 31, that that was not an option because of what you have just told the Commissioner; that is, concern about Astill either listening to your phone calls or being told what you were saying?

10 **MS WARD:** That's correct. There was a lot of - you know, and I also was concerned of making a complaint and it not being believed. In effect, you know, being shut down. And then I would be punished in some way and that would be, you know, being sent out of the centre to another gaol. My classification at the
15 time this was going on was a Cat 4 and the only gaol I could go to, if it didn't work out in Dillwynia, was back to Silverwater, which was maximum security. I had been there for seven years and I hated it. Dillwynia was a much more pleasant - well, when he wasn't around, it was a nice gaol, you know, you live in a house, it's grass, it's trees. That was also a concern. I didn't want to get, you
20 know, sent out of the gaol.

MR LLOYD: Can I ask you, Ms Ward, to go back in your statement to the Commission, to paragraph 15, because I will ask you about another possible reporting option.

25 **MS WARD:** Yes.

MR LLOYD: You have told us about the two reports you did make to officers there.

30 **MS WARD:** Yes.

MR LLOYD: And you've told us about the problems with making reports outside the gaol or to the Governor, Ms Martin. What about to other more senior officers; for example, you mentioned the Manager of Security, Ms O'Toole.

MS WARD: Yes.

40 **MR LLOYD:** Was a report to someone of her seniority, was that a viable option in your mind?

MS WARD: So Astill made it clear to me that he was very close to Ms O'Toole, and that his partner, Tania Hockey, was also, they were best friends. So that wasn't an option.

45 **MR LLOYD:** And what about Tania Hockey, was she a viable option for you to go and speak to, in your mind?

MS WARD: Definitely not. She was his partner.

MR LLOYD: Why?

5

MS WARD: Because they in were a de facto relationship and, yeah, she wasn't a very pleasant woman to me, at times.

MR LLOYD: So not pleasant to you but also, I think you mentioned, a concern obviously that if she was in a de facto relationship with the person you wanted to make a complaint about.

MS WARD: Exactly. That would not have been an option.

15 **COMMISSIONER:** Mr Lloyd, is she still an officer in the prison?

MR LLOYD: Just pardon me. Still employed, not at the centre itself, on a workers compensation period of leave.

20 **COMMISSIONER:** But the substantive position at Dillwynia still, is it?

MR LLOYD: Yes. I'm told, yes.

COMMISSIONER: And when is it expected that she would come back to work?

25

MR LLOYD: I am told, I will formalise this, but I am told she is not expected to return there to work.

COMMISSIONER: Not expected to return to Dillwynia?

30

MR LLOYD: Or anywhere, I'm told.

COMMISSIONER: Well -

35 **MR LLOYD:** I'll explain.

COMMISSIONER: You will confirm that in due course.

MR LLOYD: I will. Ms Ward, I want to talk about some other options within the gaol. What about another person who came into the position of Manager of Security, Ms Deborah Wilson?

40

MS WARD: Yes.

45 **MR LLOYD:** Was she a viable option, in your mind?

MS WARD: I didn't feel she was, no.

MR LLOYD: Can you just re-read to yourself paragraph 18 of your statement to the Commission and then I'll ask you some questions about that.

5 **MS WARD:** Yeah. Yes. Yes, I recall it.

MR LLOYD: Just tell us about that particular incident that you describe there.

10 **MS WARD:** So I was working at reception as a sweeper and there's a laundry to the right of the reception desk and it's a small room, and I was in there doing the inmates' clothing and Mr Astill came in, and he shut the door. And he was talking to me about - I can't remember, really - and I felt very uncomfortable. He was at - I sort of went to the back of the wall and I was just talking to him. I used to just talk to sort of keep him appeased and not - so he would not bother me too
15 much. I said - I can't remember how I got out of there but I did and I opened the door and walked out and he walked out and Ms Wilson, the Manager of Security was standing at the reception desk. She looked at me and she looked at Astill, and I - she looked at me in a very - I felt like she was looking at me like I was doing the wrong thing, you know. I felt that she, yeah, wasn't happy with - I just felt she,
20 yeah, wasn't happy with the situation but that I was the issue. She never asked me anything. I was - I was visibly upset, I think. I wasn't crying but I probably looked stressed about the situation, and she never said anything.

25 **MR LLOYD:** Can I just ask you some things. That laundry room, I think you've described it as being small, a small space?

MS WARD: Yes. Yes.

30 **MR LLOYD:** How small? How good are you with dimensions?

MS WARD: Look, it's probably about five metres, four metres across, and - a washing machine and a dryer sits against one wall, and you know it's probably about three metres in width.

35 **MR LLOYD:** Thank you. And can I ask you this: Is there any reason that you're aware of, any legitimate reason, why an officer would close the door of that laundry room while the officer was in it with an inmate?

40 **MS WARD:** There is no legitimate reason. An officer shouldn't be doing that.

MR LLOYD: Did Ms Wilson, you've described to the Commissioner so far you coming out of that room in a state where you think you were visibly upset and Ms Wilson looking at you in the way you've described. Can I ask you this: Did Ms Wilson ever -
45

MS WARD: Yes.

MR LLOYD: - say to you what was going on in the laundry room?

MS WARD: Never. She never asked me. Nothing.

5 **MR LLOYD:** In terms of your attitude about whether Ms Wilson was someone who you could make a report to, had you been told by some other inmates about experiences they had when making reports with her?

MS WARD: Yes.

10

MR LLOYD: And what were you told?

MS WARD: So there was an inmate that I knew, and she had issues with Astill. And she had - I know - I knew that the problem had been put before Ms Wilson, and not a lot was - nothing was really done. Nothing was done about it. I think
15 the inmate did tell me that she was pretty much shut down, what she was saying was, you know - yeah, there was - nothing was done about it. And also I had Astill tell me on a few occasions that they've been complaints about him. However, nothing becomes of it. Nothing happens. Yeah.

20

MR LLOYD: Did he ever tell you he formerly was a police officer?

MS WARD: Yes. So - and I find this was the intimidation that he was good at. He came around to my workplace one day with a photo of himself dressed - he
25 was in a police uniform. He was a lot younger and he told me that he was in the police force and I said, "Oh yeah, okay" and I asked him "Well, why did you leave?" Because - you know, I wondered why someone would leave the police force to be a Correctional officer and he told me he got out of the force before there was an investigation into him. He didn't elaborate but I just immediately
30 thought, "Ah, okay, so you were probably corrupt."

MR LLOYD: Can I ask you, when he said the things to you about being in the police force, was that done in the presence of other officers?

35 **MS WARD:** It might have been. So he - I was in - I remember, in the office, at reception. There's the front desk and then there's a small office where there's a desk and a printer. I used to get the synopsis printouts there. I can't recall if there was another officer around. But there would have been my boss - a senior officer somewhere because I worked there always with another officer. So they
40 might not have been in the office, but they would have been somewhere.

MR LLOYD: Thank you. Can I ask you, Ms Ward, please to re-read to yourself paragraph 19 of your statement.

45 **MS WARD:** Yes.

MR LLOYD: And then I'll ask you some questions.

MS WARD: Yes.

5 **MR LLOYD:** This event that you described in paragraph 19 occurred when you were in the office in the Behavioural Intervention Unit?

MS WARD: Correct.

10 **MR LLOYD:** Correct?

MS WARD: Yes.

15 **MR LLOYD:** And you told us earlier that there were two occasions when you were doing your sweeping job while kneeling on the ground and Astill had come up with his crotch in your face and said, in effect "That's how or that's where I like you."

MS WARD: Yes.

20 **MR LLOYD:** Is this one of those times?

25 **MS WARD:** Yes, so I was on the - I would go to BIU and clean, and clean in the office. And I was on the floor with the dustpan and broom. The kitchenette area was like linoleum tiled area and I was on the floor. And the office door was open. Mr Brumwell was in the office at the desk area, he did have his back to me. And Astill walked in and walked straight up to me with his crotch in my face and then he kind of puts his hand on his zip kind of, but didn't pull it down or anything and he said, "Yeah, that's where I like you." He said that on two occasions.

30 **MR LLOYD:** This occasion where Mr Brumwell was in the position you've described, can I ask you how far away was he from where you were?

MS WARD: Maybe a couple of feet. It's not a big area.

35 **MR LLOYD:** And how loudly did Astill say what he said to you?

40 **MS WARD:** So he didn't - he didn't say it loud, but I could, you know, I could hear it. I would have thought - I can't say what Mr Brumwell heard, what he didn't hear. But I would have thought he would have heard it.

MR LLOYD: Did you know anything about, or believe anything about the relationship between Astill and Officer Brumwell? Brumwell?

45 **MS WARD:** I - so I didn't know that they were particularly close. I did know that Astill used to come through reception and go and sit with him a lot in the BIU area where he was stationed. I didn't know that they were that good a friends until I found out they had gone overseas together.

COMMISSIONER: Ms Ward, you described Mr Brumwell as a "good officer".

MS WARD: Yeah, he was a good officer.

5

COMMISSIONER: What makes him a good officer, in your mind?

MS WARD: I found him to be fair, friendly, you know, there's - I suppose there's officers that, you know, you - that will help you if you ask them, if you need something, then they're quite willing to help. He was, you know, pretty helpful. He never ignored you or - a lot of officers, you know, there's officers that, you know, do their job and then there's officers that don't do - you know, do the bare minimum, I guess you could say. You know, and he was always very polite and friendly. Yeah, I found him a reasonably good officer.

15

MR LLOYD: Ms Ward, you mention in paragraph 23 of your statement to the Commission an officer called Dolly.

MS WARD: Yes.

20

MR LLOYD: Is that Jean Dolly?

MS WARD: Yes, I think. I don't know her first name, I just know her as Dolly.

MR LLOYD: You say that she used to stand up to Astill a bit and he made her life hell and she left. Can you just tell us some more about that?

MS WARD: So I don't know if that's why she left, exactly. You know, no one told me. But I know she had some issues with him, and I also - Astill used to come to me and run Dolly down. You know, he used to come and say really, you know - yeah, he would tell me something that he shouldn't be telling me, you know, about officers, about inmates. It was - yeah, he would tell me that he couldn't stand her. I mean she was pretty tough, Dolly. She wasn't the most popular officer by the inmates but I didn't mind her. You know, she was - I like an officer that's consistent, you know what you get, you know, they might be tough or strict but at least they're consistent like that. They don't, you know, have favourites and do things for one inmate and not for another. Yeah, I mean, I know she had problems with him. There were times, yeah, that she had issues with him and I know because he used to tell me that he couldn't stand her, and she's done this and that and - yeah.

40

MR LLOYD: Was there a practice that you knew about of Astill bringing contraband into the gaol?

MS WARD: I am very aware of it, yes.

MR LLOYD: Can you just tell us what you know?

MS WARD: So I know - we were living in a unit and a particular inmate I know - well, there are a few inmates but the one I was living with, inmate N, was receiving contraband from Astill. And it wasn't just tobacco, it was other things.
5 And -

MR LLOYD: What other things?

MS WARD: She had make-up and what have you, that you don't get in the system. You can't buy on your activity buy-up. Jewellery, and - but the issue really was the tobacco, because it gave her a lot of power in the unit, and she, you know, was wheeling and dealing and selling it and all the rest of it, and it caused a lot of problems.

MR LLOYD: And can I ask you about what you know about Astill's power or ability to get inmates who he didn't like transferred to other Centres?

MS WARD: So as the reception sweeper, I was very aware of inmates going to court and not coming back. There was a particular inmate who I lived with, and her - she's M, and I know that she went to his office, came back very upset. She was extremely upset. And I knew something had happened. I didn't want to push her, you know, press her for any information but I knew he had obviously done something. Then the next thing she was going to court, she was meant to come back to the centre. However, she didn't. She ended up somewhere, and I did ask, I think it was Ms Berry, "Is this inmate coming back to the centre?" And she said, "No, she won't be coming back." So I knew there was an issue. I also know there was a problem with another inmate I. I didn't know what had happened but I knew something had happened in regards to her and Astill. She also went off to court and she never came back.

MR LLOYD: Thank you. Could I ask you, Ms Ward, to go back to paragraph 6 of your statement to the Commission.

MS WARD: Yes, paragraph 6, did you say?

MR LLOYD: 6, yes.

MS WARD: Yes.

MR LLOYD: This is moving forward in time to the year 2018, I think you will recognise -

MS WARD: Yes.

MR LLOYD: Just read paragraph 6 to yourself and then I will ask you some questions.

MS WARD: Yep.

MR LLOYD: Now, this is at a time when you were in the Behavioural Intervention Unit?

5

MS WARD: Correct.

MR LLOYD: And Astill came to your cell and opened the door?

10 **MS WARD:** Yes, twice he did it. Two nights in a row.

MR LLOYD: First, in relation to him being in the BIU, was that normal for him to be there for any purpose associated with his work?

15 **MS WARD:** He shouldn't have. No. It was late. I believe it was like about 6.30, 7 o'clock maybe.

MR LLOYD: In the evening?

20 **MS WARD:** In the evening, and BIU, it's segro, in effect. There's nothing down there, there's, yeah, and he shouldn't have been done there. I'd had my dinner.

MR LLOYD: Who ran the BIU?

25 **MS WARD:** Well, I'm not sure who was working there at the time, however, I thought it might have been an officer called Mr Clark. So there's an officer that stays in the area but I don't think they have to stay - once we're all locked in, sometimes trucks turn up. Yeah, I don't know if they stay in the reception area. But at this stage, you know, we had been given our meals. We had locked in,
30 muster and all that sort of thing. Well, there was no muster in BIU. So there was no need to be an officer opening my cell.

MR LLOYD: After Astill came and opened the door to your cell -

35 **MS WARD:** Yeah.

MR LLOYD: - did something happen with Mr Clark?

40 **MS WARD:** Yes. So this was the second night because Astill came to my cell the first night and I gave him some excuse and he left. But the second night he came and opened my cell door and was talking to me. I can't even remember the conversation. He was telling me that he was going overseas, he was having an operation. Told me - he used to fixate on my bum and he told me to look after "That arse of yours". And then he actually grabbed me around the waist and tried
45 to pull me into him and I pulled back. And then Mr Clark turned up. He come out of nowhere and said, "What's going on?"

MR LLOYD: And what happened?

MS WARD: So I think he - he asked what was going on, what's happening. What's happening? He looked - and he wasn't impressed. And Astill gave
5 him - told him that I think something to the effect that my - so my property was still sitting in a tub outside the cell. The officers hadn't gone through that yet. They go through your property before they give it to you when you are in segro and he told Mr Clark that "Oh, she wanted something from her property" or something like that. And then Mr Clark asked me if I was all right. And I think
10 the door - he shut the door and him and Astill walked - they must have gone but, yeah, my cell door was closed.

MR LLOYD: And after that event when Astill came to your cell in BIU two
15 nights in a row -

MS WARD: Yes.

MR LLOYD: - and just to make sure I understand, the second night was when
20 Mr Clark came in and, in effect, have I got this right, challenged Astill about why he was there and what he was doing?

MS WARD: Yes.

MR LLOYD: Is that the sense of it, Mr Clark came to challenge him?
25

MS WARD: Yes. He was, "What's going on?" Yeah.

MR LLOYD: After -

MS WARD: "Are you" - yes. Yeah, he said, "What's going on? And are you all
30 right, Ward, what's going on?"

MR LLOYD: Did something happen then in terms of that event being escalated
35 by Mr Clark to other people within Dillwynia? Can you just tell us about that?

MS WARD: Yeah. So about two days, maybe, later, two officers and Ms Kellett
and a Mr Virgo had come to my cell. So Mr Virgo was the new Manager of
Security. He had not long been in the job. They came to my cell and took me to
40 the small office in BIU, and Mr Virgo said, "I believe you had a visitor the other night." And I played dumb. So I said, "No, I don't know what you're talking about?" I was scared. I didn't want to say anything. And I'd also been told by Astill that there's a new Manager of Security coming to the centre, and he told me his name and he said, "We are good friends. We go way back. We have known
45 each other for 20 years, I started working with him at some gaol" blah, blah, blah, you know, "We're good mates." So I felt at the time that he was a friend of Astill's, Virgo, and that I couldn't trust him so I didn't tell him.

MR LLOYD: Just so we can understand - sorry, Ms Ward, what is happening here, is your understanding is that Mr Clark had reported to Mr Virgo, the new Manager of Security, what he had seen? And Mr Virgo and Ms Kellett came to see you?

5

MS WARD: I wasn't aware but I assumed that that - yeah, I hadn't been told but I assumed. And then after that period - after that - I didn't talk to them. I didn't tell them anything. I did - Mr Clark spoke to me and said, "Sarah, I have - I went to Virgo. I told him what I had seen." He said, "You need to tell Virgo what happened, what's going on" and I said - I told Mr Clark that I didn't feel I could trust Virgo because he was good friends with him. And Mr Clark said to me that I can trust him and that I need to speak up. Like, this has to be stopped.

10

MR LLOYD: So the first time Mr Virgo came, you weren't prepared to trust him because Astill had been saying that they were mates?

15

MS WARD: Correct.

MR LLOYD: But then Mr Clark set you straight and said that Mr Virgo, in effect, could be trusted. Is that what's happening?

20

MS WARD: Correct, yes.

MR LLOYD: And after Mr Clark told you that, then you spoke to Mr Virgo again?

25

MS WARD: Yes. So I think it took Mr Virgo a couple of times to convince me to speak up. I was very reluctant to say anything. I did not want to say anything. I was - I was concerned about a lot of things. And I was convinced that other women had - I was told other women have spoken up, and that in order to get him out of the centre and for it to stop, I had to make a statement. Yeah, Mr Virgo convinced me that, you know, it needs to stop.

30

MR LLOYD: And so at the time that he convinced you about that, you told Mr Virgo about what Astill had been doing?

35

MS WARD: Yeah. I didn't go into a lot of detail, but I don't think I had to. I mean, Mr Virgo pretty much knew what - what was going on. I think, you know, he - I'm sure he, you know, he was aware of what's happening. Well, I think he had started to hear stuff and he was like, yeah, this is not right. So, yeah, Mr Virgo told me that he had organised for some detective to come to the centre and get a statement off me.

40

MR LLOYD: Could I just ask you this, Ms Ward - before I do that, you then spoke to the detectives and I will come and ask you some details about that in a minute.

45

MS WARD: Yes.

MR LLOYD: Could I just ask you this: You've told us about all of the problems with being unable to find anyone in Dillwynia before now, that is September 2018, who you could trust to get a complaint up to the Governor or outside of Dillwynia to any of those people I asked you about, Ombudsman, et cetera. You've got, on what you are telling the Commissioner, a situation here where, by September 2018, you felt able to trust Mr Clark first and then after a few meetings, Mr Virgo second. Is that a fair description so far?

MS WARD: Yes. I had already told Ms Barry and Ms Berry had had - what was happening. And I guess the situation was that a new - Virgo, a new Manager of Security turned up. Yes, Mr Clark convinced me that I could trust Virgo, and Astill was not - he was overseas, so he wasn't in the centre and his wife was gone and I felt, yeah, now's the time to speak up.

MR LLOYD: It's really what I wanted to ask. Was one of the things that changed at this time compared to the previous times when you had made complaints to officers like Officer Berry and Officer Barry.

MS WARD: Yes.

MR LLOYD: Was one of the changes here was someone in a position of seniority, like Mr Virgo being a different person to the two people I asked you about before, Ms O'Toole and Ms Deborah Wilson, was that a significant factor, do you think?

MS WARD: Yes, very much so. Yes. I felt - you know, because I knew that there was a friendship with O'Toole and I actually knew that I was - Astill told me that Shari Martin was also one of his good buddies too. So, yeah, I felt that, you know, they all had this connection and, you know, I'm not going to get any help. But yeah, as the new Manager of Security came, I felt it was time to speak up and say, yeah - yeah.

MR LLOYD: I take it for you, after having endured what you have told us about for a lengthy period of time up until September 2018, to get to the point where you were prepared to go to the police and meet with those detectives, was a very big deal for you to be able to overcome all the things that you've told us about; is that right?

MS WARD: Very much so, yes.

MR LLOYD: And we get to the point -

MS WARD: It was -

MR LLOYD: You go.

MS WARD: Yeah, it was difficult. There are, you know, a lot of things that concerned me about speaking up.

5 **MR LLOYD:** And you described in your evidence one of those things being concerns that multiple people have told you about the Governor, Shari Martin, not being interested in hearing about complaints about Astill? Is that fair?

MS WARD: That's fair. Very fair, yes. Yes.

10

MR LLOYD: So we are at the point where you have worked up with Mr Clark and Mr Virgo to the point where you are prepared to go and sit down with the detectives and tell them about Astill's offending?

15 **MS WARD:** Yes. I found the courage and - yeah.

MR LLOYD: You went over to that meeting with the detectives with an intention of telling them what had been happening. Could I just ask you this:

20 **MS WARD:** Yes.

MR LLOYD: Who was at the meeting?

25 **MS WARD:** Yes. So I walked into Shari Martin's office and there was a table, round table, in the office and her desk. And she was in the office when I sat down with the detectives. What was it, I don't know, they walked - but she was there and I didn't want to talk. I was scared to say anything. So I said, "Oh, you know," something to the effect "I don't want to say anything. I don't want to get an officer in trouble" or something like that. I just, I couldn't get out there quick enough.

30

MR LLOYD: And did you say while Shari Martin was there at this meeting, did you actually say in her presence to the detectives that Astill was a nice guy?

35 **MS WARD:** Yes, I did. I recall saying that. "Oh yeah, he's a great. Oh, I don't want to - yeah. I don't wanna, you know, upset him or him to lose his job." Yes, I said that in front of Shari Martin. She said, "Oh that's good, Ward" or something to that effect, "Good on you, Ward" and then I got up and I walked out of there, in front of the detectives.

40 **MR LLOYD:** I take it it's clear enough from what you told us that you didn't think Astill was a good guy and, in fact, you did want him to lose his job?

MS WARD: Yes. Definitely.

45 **MR LLOYD:** And so the reason you said those things was, I take it from your evidence, the presence of Shari Martin at the interview?

MS WARD: Yes, I freaked out. I was - I couldn't - yeah, I wasn't going to say anything in front of her.

5 **MR LLOYD:** Is what happened after that, to your knowledge, that Mr Virgo found out about what had happened at the meeting and that Shari Martin was there?

10 **MS WARD:** So I got out of that office very quickly and I was walking out towards the back, to the door to get on to the compound and Virgo appeared and he said did you talk to them and I said, "No I didn't". And I think he said, "Why, what's going on". And I just said, "I'm not talking" and then I walked out. And then there was another occasion I think that Mr Virgo called me to his office and asked me to speak up. And he said that he would make arrangements for me to get picked up and taken to Windsor police station.

15 **MR LLOYD:** And that happened?

MS WARD: Yes. That did happen.

20 **MR LLOYD:** And you spoke to them?

MS WARD: I cannot - yes.

25 **MR LLOYD:** Sorry, you go.

MS WARD: Yes, I can't recall how long after. It didn't take long. So I didn't - yeah. That happened.

30 **COMMISSIONER:** Ms Ward, on the occasion when you went to Shari Martin's office and the police officers were there -

MS WARD: Yes. They were - sorry.

35 **COMMISSIONER:** - were you given the impression or were you -

MS WARD: Sorry.

40 **COMMISSIONER:** Were you given the impression or were you told that Shari Martin would remain while you spoke with the police officers?

MS WARD: She sat at her desk. So they weren't police, they were detectives, I think, they were in plain clothes and she sat at her desk. She had a desk in there. And then there's a - in her office there's a round table where you can sit, and so yeah, I'm pretty sure she was sitting at her desk.

45 **COMMISSIONER:** And did you sit at the round table?

MS WARD: Yes, I sat at the round table.

COMMISSIONER: With the detectives?

5 **MS WARD:** Yes, they were there. They sat down and then I said what I said and got up and walked out.

COMMISSIONER: Did anyone ask you to start explaining your story?

10 **MS WARD:** No. I hadn't - as in to reveal my statement or speak about my -

COMMISSIONER: Yes.

15 **MS WARD:** No, it hadn't got to that stage yet, no.

COMMISSIONER: Was any indication given to you that Shari Martin would leave the office and leave you with the detectives?

20 **MS WARD:** I don't know. It never got to that point. She was just in there and I didn't want to speak. So no one told me - yeah, no one told me that she was going to leave the office while I gave my statement. No, it didn't get to that stage, I just got out of there quickly.

25 **COMMISSIONER:** Yes.

MR LLOYD: I think you told the Commissioner earlier at some later time you understood Mr Virgo arranged for you to be taken to Windsor Police Station to speak to detectives?

30 **MS WARD:** Correct.

MR LLOYD: And it was on that occasion, wasn't it, that you told those detectives about Astill's sexual misconduct?

35 **MS WARD:** That's correct, yes.

MR LLOYD: I take it the fact that you were away from Dillwynia and that the Governor of the gaol wasn't in the room were at least two of the factors that allowed you to speak the truth?

40 **MS WARD:** Correct, yes. Yes.

MR LLOYD: Could I ask you this: just -

45 **COMMISSIONER:** Mr Lloyd, are you going to be much longer?

MR LLOYD: I will probably be another 10 minutes.

COMMISSIONER: Is anyone else going to have questions?

MR SELLER: I'm going to have questions, yes.

5

COMMISSIONER: We might take a short adjournment now, Mr Lloyd. We will adjourn for about 10 minutes.

<THE HEARING ADJOURNED AT 11.05 AM

10

<THE HEARING RESUMED AT 11.15 AM

MR LLOYD: Thank you, Commissioner. Ms Ward, can you still hear me and see me?

15

MS WARD: Yes, I can.

MR LLOYD: I think before that break we were up to the point where you spoke to the detectives at Windsor Police Station to make your statement.

20

MS WARD: Yes.

MR LLOYD: Just look at paragraph 12 of your statement to the Commission and then I'll ask you some questions about that paragraph.

25

MS WARD: Yep.

MR LLOYD: In coming forward to the police and telling them about Astill's sexual assaults on you, you say -

30

MS WARD: Yes.

MR LLOYD: - that you didn't feel any negative repercussions.

35

MS WARD: No, I felt - well, I was concerned, I guess, but I felt that he had to be stopped, you know. It was getting too much. So I was also informed that he - I don't know if I was informed at the time of doing my statement but I was told that he would be - because my concern was doing a statement and he was coming back to the centre naturally and would find out that I had, and I was told by a new GM, actually - there was a new general manager, Mr Schreiber, that turned up, and he told me that he would be reassigned to certain areas in the centre and not be allowed on the compound; that he was coming back but, however, he wouldn't be able to come on the compound.

40

45

MR LLOYD: So let me just ask you some things about that. Your belief, when you made your statement, was that you weren't the only woman who was coming forward making complaints.

MS WARD: Yes, correct.

5 **MR LLOYD:** And so - sorry, and so with you and, to your knowledge, other women coming and making complaints, you believed that, in effect, you wouldn't see Astill at Dillwynia again?

10 **MS WARD:** I didn't believe that. I was concerned - like I knew he was coming back to his job, but it made me feel a bit more confident that other women were speaking up. I knew other things had gone on. I didn't know the extent, but I did know other things were going on with other women, and I felt - I think I did feel a bit more empowered to, you know, finally say something when I was told that other women are also speaking up, yes.

15 **MR LLOYD:** But after you had told the police about what had happened and that other women had come forward, I think you said you were told he would not come back on to the compound, but -

20 **MS WARD:** Yes.

MR LLOYD: - but it was the case wasn't it, you saw him again at the gaol?

MS WARD: Yes, he came back to work at the centre, yes.

25 **MR LLOYD:** And did you have -

MS WARD: Yes, all the - yes. Yes.

30 **MR LLOYD:** Did you have to deal with him when he came back? Did you see him?

35 **MS WARD:** Yes. Yes, he - so I was asleep in my room, in my unit one night and I was in bed. It was 3am in the morning, and I had this light, this torch shining on my face, and I woke up of course and I could hear his - it was Astill and he was outside my window but it must have been further away because he wasn't right at my window and he was standing outside my window, and I could hear him saying, "Don't" - to the effect, I don't exactly know the exact words but it sounded to the effect of, "You had better tell them we're not in a relationship" or words to that those effect. Yeah. And I was freaking out.

40 **MR LLOYD:** Ms Ward, was Astill on that night leading into this morning at 3am you just told the Commissioner about, was he rostered on to look after the unit that you were in at that time?

45 **MS WARD:** He wasn't looking - so I assume he was roster - he was in the centre. So I'm assuming he was rostered on. I think maybe it was a night shift that he was - and he was - so officers do rounds around the centre at night. And then they

come and check the doors and make sure they're locked and all that sort of thing. So I'm assuming that that was the case. But he was - it was him.

5 **MR LLOYD:** But whatever his rostering, he had access that morning to the cell block that you were in?

MS WARD: So it wasn't in a - it's a, it's like a unit. Dillwynia is not cell blocks. It's, yeah, they're like big houses that you live in, big units that you live -

10 **MR LLOYD:** Were you in one -

MS WARD: Independent living.

15 **MR LLOYD:** Were you in one of the independent living units?

MS WARD: Correct, yes.

20 **MR LLOYD:** And so whatever the position about his rostering, he had access to the independent living unit that you were in?

MS WARD: Yes. He was obviously walking around the grounds of the centre, yes.

25 **MR LLOYD:** And this is at a time, I think you us, after you've come forward to the police?

MS WARD: Yes.

30 **MR LLOYD:** How did you take what he was saying to you about, "You had better not tell them we're in a relationship"?

35 **MS WARD:** Yeah. I was petrified. I was petrified. And I remember I waited until it stopped, he stopped, and the light was off my face and then I crawled - opened my door, crawled out into the hallway, concerned that he was going to come around to the front, the door of the house and let himself in. I crawled on the floor to my friend who is in another room and I tried to open her door but her door was locked. She was asleep in her room. So then I sat in the hallway like squatting down, and I waited till I could hear footsteps pass around
40 our - the unit and then I heard someone - they checked the door. So I assume that was him. And then I crawled on the floor back into my room, and tried to compose myself and sleep. And then the following morning, I told Mr Schreiber.

MR LLOYD: The person you have identified as the Acting Governor?

45 **MS WARD:** Yes.

MR LLOYD: Can I just ask you, Ms Ward, back to the - what you just told us about, in the independent living unit after Astill came to the window at about 3 am -

5 **MS WARD:** Yes.

MR LLOYD: - were you scared for your safety?

10 **MS WARD:** Yes, very much so. Yes. I was - yeah. I thought, okay, he must know that I've made a statement, or he must know something because he was reassigned to other duties so he's obviously aware something's going on and I was very concerned, yeah, I was really scared.

15 **MR LLOYD:** Can I just ask you about one other thing in your statement? Paragraph 25, just re-read that.

MS WARD: Yes.

20 **MR LLOYD:** You've described there for the period you've been in custody that Astill is not the first officer you are aware of who has behaved inappropriately with female inmates that he is probably the worst.

MS WARD: I'm afraid that's -

25 **MR LLOYD:** Can you just tell us how big a problem it is, in your experience, inappropriate conduct towards female inmates by officers?

30 **MS WARD:** So there was an incident at Silverwater regarding another inmate. You know, I don't want to go into detail because, it, you know, it wasn't - it's not my story to tell. But I do know of a female inmate that was having a sexual relationship with an officer. They had caught him out and he - he was stood down. But he had, you know, there were times when he had taken a female inmate out of the cells after lock-in and she quite freely told us that he had - that was when smoking was allowed in the centre, he had given her a pouch of tobacco, let her make phone calls, and other things were going on, I guess. She
35 said other things were happening. Yeah, she told us about it. And I was there to witness him coming to get her out of the cell after we were all locked in. So I saw that happen.

40 **MR LLOYD:** Could I just ask you about one thing that is not in your statement to the Commission. I just want to see if you have a recollection of an event -

MS WARD: Yes.

45 **MR LLOYD:** - that I will describe to you? Do you remember an Acting Governor, Thomas Woods, being at Dillwynia toward the end of the year 2017 and the first couple of months or thereabouts of the year 2018?

MS WARD: Yes. So I think he was the Governor that dealt with my friend's issues, yes, I think he was a Governor there. He -

5 **MR LLOYD:** Do you remember - you go.

MS WARD: Yes. Shari Martin, I think, left for a period of time. I don't know what - and I do recall my friend telling me, another inmate, that he was the - the general manager in charge that actually dealt with her complaint about Astill.

10

MR LLOYD: Was there ever an occasion you can remember when you spoke to Thomas Woods about anything that had been happening from Astill toward you?

15 **MS WARD:** So I don't recall - I remember he was on duty and I had had a disagreement with one of the women in my unit, and I think it was in regards to - at the time there were some girls in my unit that wanted me to speak up about what had happened to me and I wasn't ready to. I didn't want to. And that actually caused a bit of a wedge in our friendship because they wanted me to say something and I was not ready to. And I do recall that Governor having to talk to
20 me and this other inmate about our behaviour. Because we had an argument.

MR LLOYD: Ms Ward, just to prompt your memory. Have a look at the pseudonym list. The inmate who you had the argument with, just look at Witness V and tell me if that's the person?

25

MS WARD: Yes, that's correct.

MR LLOYD: Now, you mentioned -

30 **MS WARD:** Yes.

MR LLOYD: - Thomas Woods having to deal with that argument that you had had with Witness V.

35 **MS WARD:** Yes.

MR LLOYD: Can you remember whether you met with Mr Woods and, if you did, what happened at the meeting?

40 **MS WARD:** So I don't recall it being a meeting. We were in - so I - we both were taken to - God, my memory. We both were taken to the office area and he just - I can't - you know what? I cannot really recall. He, I think, told us, you know, to behave and not to say too much or - I just felt like we were told not to speak about what was going on and, you know, behave, basically. Yeah.

45

MR LLOYD: Ms Ward, if you don't remember the detail, please tell me.

MS WARD: Yes.

5 **MR LLOYD:** But I'm really trying to get from you whether - I withdraw that and ask you this. The argument you had had with Witness V, I think you've told us was broadly about the issue of whether you were going to come forward to the people within the prison to say what Astill was doing to you.

MS WARD: Yep. Yes. So -

10 **MR LLOYD:** Can I ask you this -

MS WARD: That - yes.

15 **MR LLOYD:** Do you have a recollection when you went to Mr Woods about telling him any of the details about what the argument was about or any of the things that had been happening with Astill?

MS WARD: I can't recall. I don't think I said too much to this man.

20 **MR LLOYD:** Thank you.

MS WARD: He was only there for a few months - I'm not sure. He wasn't there for long.

25 **MR LLOYD:** Thank you. Those are my questions, Commissioner. Thank you, Ms Ward.

COMMISSIONER: Yes, does anyone else have any questions.

30 **MR LLOYD:** Commissioner, if it was convenient to you, amongst those at the Bar table at least we thought Mr Sheller, Ms Ghabrial and then Mr Buterin.

COMMISSIONER: I think probably Mr Buterin should go first.

35 **MR BUTERIN:** I have no questions.

COMMISSIONER: That solves that problem. Mr Sheller, probably I think Mr Sheller.

40 **<EXAMINATION BY MR SHELLER:**

MR SHELLER: Ms Ward, my name is James Sheller and I'm one of the representatives for the Corrective Services.

45 **MS WARD:** Yes.

MR SELLER: Now could I ask you, I think you have got open at the moment your October 2023 statement.

MS WARD: Yes.

5

MR SELLER: Could I just ask you to go back to the beginning of the statement. I just wanted to see if it's possible just to specify some rough dates on some of these dealings you had with officers at Dillwynia. If you go to paragraph 4.

10

MS WARD: Yep.

MR SELLER: And you will see reference there to discussions you had with Ms Berry.

15

MS WARD: Yes.

MR SELLER: Then paragraph 5 is where you refer to your discussions with Ms Berry and Ms Barry.

20

MS WARD: Yes.

MR SELLER: And then at paragraph 6 you address the segregation or the period of time that you were in segregation in the BIU.

25

MS WARD: Yes.

MR SELLER: If you just accept from me that your December 2018 statement, your first police statement, describes that period of segregation as having occurred, I think in either September or October 2018?

30

MS WARD: You know what? I couldn't really tell you. To be honest - yes, that's what the statement says, 2018.

35

MR SELLER: Yes.

MS WARD: Yes.

MR SELLER: Just on the basis of that period of segregation you referred to in paragraph 6 of your most recent statement was in September/October 2018, does that enable you to tell the Commission roughly when it was that you were talking to Ms Berry, as you've identified in paragraph 4 -

40

MS WARD: Yes.

45

MR SELLER: - and Ms Berry and Ms Barry in paragraph 5. Do you think it was in 2018?

MS WARD: So the time I spoke to Ms Berry and Barry was before I ended up in BIU.

5 **MR SELLER:** Yes, and do you have any recollection now as to whether it was a few months before or in a different year?

MS WARD: I don't know. I couldn't tell you.

10 **MR SELLER:** All right.

MS WARD: Yeah, it - I couldn't - I can't remember, I'm sorry.

15 **MR SELLER:** So you don't have a memory as to whether those discussions with Ms Barry and Ms Berry were close in time to the period in segregation in BIU or a long time beforehand?

20 **MS WARD:** Maybe it was - to be honest, if I was to be factual, I cannot remember. I know it was before I ended up in BIU because I lost my job as a sweeper a few times, as a reception sweeper.

MR SELLER: Then if you go back to paragraph 9, or forward to paragraph 9.

25 **MS WARD:** Yes.

MR SELLER: In your statement, you've already been asked both by Mr Lloyd and the Commissioner concerning this planned meeting with the detectives that was held in this office when Ms Martin was present and there was a round table. Can I just ask, do you recall whether the detectives, before you told them that you wouldn't be proceeding with anything -

MS WARD: Yeah.

35 **MR SELLER:** - whether the detectives told you or in the presence of Ms Martin why they were there?

MS WARD: I don't think they did. I knew why they were there, but I - I don't think the detectives got to say much when I -

40 **MR SELLER:** You say - you don't recall them even getting to the point of saying, "We're here to talk to you about Mr Astill"?

MS WARD: Maybe they did. Yeah, they might have.

45 **MR SELLER:** And but you don't have a very clear recollection of whether that occurred or not?

MS WARD: I recall the detectives being in the room, yes, but whether they said, "We're here about Astill", I can't recall. I knew why they were there. I had been foretold that -

5 **MR SELLER:** Was it -

MS WARD: Sorry.

10 **MR SELLER:** Sorry, you were about to say you were foretold what the purpose was?

MS WARD: Well, I knew they were coming to do a statement, so I was aware, yeah, that's what they were there for, yeah.

15 **MR SELLER:** And do you recall whether you had an impression that Ms Barry knew why the detectives were there?

MS WARD: Ms Barry?

20 **MR SELLER:** Sorry, Ms Barry. I apologise, Ms Martin.

MS WARD: I'm assuming she did. It was her gaol. I'm assuming she knew. They were in her office.

25 **MR SELLER:** Do you recall her saying anything about why the detectives were there to you before, at the start of the meeting?

MS WARD: No, I can't recall.

30 **MR SELLER:** Now, then just going forward in the statement now to paragraph 12 and this is the time where you described -

MS WARD: This is my first - hang on, this is my first statement?

35 **MR SELLER:** Your October statement, the one you've just done.

MS WARD: Yeah, yeah.

40 **MR SELLER:** At paragraph 12 you talk about this incident where Mr Astill had returned from overseas and was - came to your cell window at 3 o'clock in the morning.

MS WARD: Yeah.

45 **MR SELLER:** I think you've told us in evidence that at this time you were living in the independent living unit, is that right?

MS WARD: Correct, yes.

MR SHELLER: And that's an area that's very much at the front of Dillwynia; is that correct?

5

MS WARD: No. It's actually in the middle of the centre.

MR SHELLER: Is it the case that at the time - so you weren't in the medium or the low needs area; is that right?

10

MS WARD: No, I was in medium needs. It's medium needs. It's M Right and it's called medium needs.

MR SHELLER: I see. So at the time that Astill came to your window or shone a light into your window and said these words -

15

MS WARD: Yes.

MR SHELLER: - you were in the medium needs section; is that right?

20

MS WARD: Yes, I was - yes, that's the unit.

MR SHELLER: You described it as either M, the letter M, Right or Left that you were in at the time; is that correct?

25

MS WARD: It was M Right. M Right. I lived there for about three or four years. I lived there for a while.

MR SHELLER: You are aware there's another area which is called the Independent Living Unit which is effectively outside the walls of Dillwynia; are you familiar with that?

30

MS WARD: Yes. So, sorry, the unit I'm in is called the Therapeutic Unit, the M Right is therapeutic, sorry, and the Independent Living Unit is ILU and it's out the front, yes. So that's probably where the -

35

MR SHELLER: You weren't in that facility, that one out the front?

MS WARD: No, I was not in Independent Living Unit. I was in the centre and it's, yeah, medium needs, M Right and it's actually called the Therapeutic Unit.

40

MR SHELLER: And the M Right is part of a building and there are the cells within that building; is that right?

MS WARD: Yes. So it is a long hallway with rooms on either side, or the rooms go down the hallway, there's a lounge room and a kitchen area.

45

MR SELLER: And you have described how officers who are on night shift would do walk-around the area, to your observation. Was it the practice of those officers, leaving aside what Astill did on this particular night or morning, was it the practice -

5

MS WARD: Yes.

MR SELLER: - of officers doing their round to come into the actual buildings or did they stay outside?

10

MS WARD: No, they did not come into the buildings, no, they stayed outside, and they would walk around and check the doors and that sort of - there's a fire door in the lounge room, and then the door in the hallway that you go - you enter the unit. They will come around and check those doors and make sure they're locked and everything's secure.

15

MR SELLER: And they certainly wouldn't come - if, for whatever reason they came into the building, they wouldn't be shining lights into cells; is that right?

20

MS WARD: No, they shouldn't be but this occasion it happened.

MR SELLER: Thank you. Now, could I then ask you to go to paragraph 25. This is the most recent statement on page 6.

25

MS WARD: Yes.

MR SELLER: This is where you refer to the fact that you've been asked if things had changed.

30

MS WARD: Yes.

MR SELLER: Do you see that?

MS WARD: Yes.

35

MR SELLER: And I think the only thing you observed is that after Astill was arrested, that things became more peaceful.

MS WARD: Yes, definitely.

40

MR SELLER: Then is this right, that in the last couple of years, I think you told us this before, that you had been up at Clarence?

MS WARD: Correct, yes.

45

MR SELLER: And is it right you went up there a couple of years ago?

MS WARD: Yes, in August '21, I think.

MR SELLER: And obviously you are now back in Dillwynia. Have you only just gone back to Dillwynia in the last little while; is that right?

5

MS WARD: I arrived on Saturday.

MR SELLER: That is your understanding that this is where you are going to stay for a while?

10

MS WARD: I'm hoping to, yes. I am hoping to.

MR SELLER: So obviously it's not - you are not familiar with what has been happening in Dillwynia in the last couple of years; is that right?

15

MS WARD: Correct. I haven't been here.

MR SELLER: All right. Up at Clarence, can I just ask, have you, or did you receive in recent times a tablet or access to a tablet?

20

MS WARD: Yes.

MR SELLER: That is a computer tablet.

25 **MS WARD:** Yes, we do have -

MR SELLER: When did you receive that?

MS WARD: In Clarence?

30

MR SELLER: Yes.

MS WARD: So as soon as you get into the centre, they give a tablet. And you have your TV channels on it and other apps. Your buy-up and all that sort of thing.

35

MR SELLER: Has the tablet also been a means by which you can communicate by telephone with persons outside?

40 **MS WARD:** Correct, yes.

MR SELLER: - the gaol.

MR SELLER: Yes, you can call your family on the tablet at night and that sort of thing, yes.

45

MR SHELLER: And you also understand that the tablet enables you to contact agencies if you've got concerns or complaints?

MS WARD: Yes.

5

MR SHELLER: Has, to your observation, the tablet operated as a substitute to using the phone or the landline that existed both when you were at Dillwynia previously and at Clarence?

10 **MS WARD:** Yes. So it's just another means, yes, to make phone calls, correct.

MR SHELLER: And at Clarence, were you allowed to keep the tablet inside your cell up until later in the evening?

15 **MS WARD:** In Clarence, we're allowed the tablet 24 - yeah, 24 hours. We get a charger to charge it, yeah. In this centre, they - you give the tablet to them in the morning to charge.

20 **MR SHELLER:** And to your observation, has the provision of the tablet been a significant improvement?

MS WARD: Yes. Though I've been here since Saturday, and I can't use my tablet. I haven't been able to, I don't know what they have got to do, on-board me or something, I haven't been able to use it. Yeah, it's good to be able to make
25 phone calls at night to family members, yeah, it's great.

MR SHELLER: Now, just going back to paragraph 25, you make some observations about areas of improvement.

30 **MS WARD:** Yes.

MR SHELLER: For officers, both in terms of training - or in terms of training, awareness, and respect. Do you see that at the last two sentences?

35 **MS WARD:** 33?

MR SHELLER: Sorry, back, end of paragraph 25.

40 **MS WARD:** 25 - yes. Yes, I did say that.

MR SHELLER: Have you seen, in recent times, either up at Clarence or at Dillwynia before you went to Clarence improvements in those areas, to your observation? That is, for example, have the officers appeared to be more aware of issues confronting women in custody and their backgrounds?
45

MS WARD: So custodial - the staff in Clarence are very different to the staff in Correctional Centres. I find the staff in Clarence actually treat - like they address

you by your first name and I find that, you know, something that's positive because, you know, you feel like a person, an individual. I've always been referred to as 'Ward' in Corrections and I've gotten, you know, I'm back doing it again. I - look, I've just landed in maximum and I'm not going to say it's great there, you know. I'm not going to say that Correctional Officers are that - they're pleasant enough but, you know, sometimes you don't - you need things done, you know. In custody, you kind of need your needs met. So, you need medication sorted, this sorted, phones sorted, and that sort of thing and it can be really difficult. In the maximum system I'm in at the moment, Officers only come near us to call women out of the yard and it's very hard to get things done. So I'm actually finding it very difficult in the maximum here. But I think there could be more for Correctional staff to maybe, you know, be a little bit more understanding of, you know, the situation - of how, you know a lot of women are affected by traumatic things when, you know, when they come in. They've got a lot of issues, drug issues and that sort of thing and I think there could be, yeah, more - more understanding of those inmates.

MR SHELLER: Ms Ward, I just ask you to have a look at paragraph 26.

20 **MS WARD:** Yeah.

MR SHELLER: I am just wondering, amongst the papers that you've got on the table in front of you, do you have a document which is called a Handbook?

25 **MS WARD:** So I do. I do and I - yes, go on.

MR SHELLER: Have you ever seen that before in any form?

30 **MS WARD:** Yes, so I have seen this Women's Handbook and as a sweeper at reception, when I used to be able to get copies of it, I would try and give it to the women in their reception packs. However, it was not always easy to get a hold of.

35 **MR SHELLER:** So that was the question I was going to ask, because you tell us earlier in your statement that that role in reception included the preparation of the reception pack for new inmates?

MS WARD: Correct. That's correct, yes.

40 **MR SHELLER:** And you're telling us that as part of the process of preparing the reception pack, you used to try and make copies of the Women's Handbook, is that right.

45 **MS WARD:** I couldn't make copies of it but there were occasions when I came across some of - a few copies and I was trying to give them to the women in their new reception packs, yes. But then I ran out and then I couldn't get them, and yeah, that sort of didn't continue. It wasn't a regular thing. It wasn't like I was getting these books. My hands and knees would - I was getting my hands on them

and these were delivered to reception and I was able to distribute them to the women. Yeah, it wasn't the case, and when I came into - this was published in 2015. When I came into custody in 2008, you got nothing. You know. You got nothing.

5

MR SHELLER: That was at Silverwater. When you came across to Dillwynia in 2015 -

MS WARD: Yes.

10

MR SHELLER: - do you recall whether - what you got, if anything?

MS WARD: I never got a handbook in my - no. So I didn't, but, yeah, I do recall coming across a few when I was working. Yeah.

15

MR SHELLER: Do you have any other pieces of paper, do you have a piece of paper with some colourful images on it which tells you - which suggests what could be done if you have a complaint?

20

MS WARD: Yes, and so these actually, these forms - these are up around the centre near phones at times, yeah. So it's the Corrective Services Support Line.

MR SHELLER: And at your time in Dillwynia between 2015 and 2021, do you remember seeing those notices pinned up around the centre?

25

MS WARD: There might have been one or two or three, yeah, probably near the phone, maybe.

MR SHELLER: Now, before you left Dillwynia in 2021, I take it this is particularly when you were in the M Unit, you had access to the phone?

30

MS WARD: Yes.

MR SHELLER: And do you recall that near the phone was a list of numbers that could be dialled?

35

MS WARD: Yes.

MR SHELLER: And do you recall seeing one of the numbers would send you to the Ombudsman?

40

MS WARD: That's correct.

MR SHELLER: You talk about, in your statement, having had a dealing with the Ombudsman while you were at Silverwater.

45

MS WARD: Yes, I did. I contacted them in regards to a situation that I thought I wasn't being treated fairly. And I got a positive outcome, yes.

5 **MR SHELLER:** And so without going into the detail, was your complaint about officer conduct that you made to the Ombudsman?

10 **MS WARD:** No, it wasn't so much the conduct of a particular officer, but it was how I was being treated, yeah. So I was put on - I was put on a blue card and put in segregation and I was told it was from this date to this date and I signed off on it, and then the senior officer said, "You're going to stay in the segregation until a" - they were building like a place up at reception where you could give urines, like a metal - a box and he said - so I was in there for, you know, they thought I was doing drugs and he said to me that, "You'll be staying in segregation until this unit is built at reception and you can do a urine" and, you know, I felt that was not fair. So I rang the Ombudsman and the situation was changed.

20 **MR SHELLER:** And it follows from the fact that you telephoned the Ombudsman back while you were at Silverwater that you had some understanding of what a call to the Ombudsman might result in?

MS WARD: Yeah. Well, I was hoping they would help me, and they did. They contacted the centre.

25 **MR SHELLER:** And at the time you called the Ombudsman at Silverwater, did you have any understanding as to whether that call was private or monitored?

30 **MS WARD:** So I assumed it would be monitored, yes. Like as I told the other gentleman, it was only two days ago that I have been told that calling the Ombudsman is actually not monitored. It's a protected line. Yeah. So, I didn't know, that and I haven't known that for the whole time I've been in custody. Call me ignorant but I didn't know. I think we are, you know, under the impression that everything gets monitored and looked at. You don't have privacy in Corrections.

35 **MR SHELLER:** Those are my questions, thank you, Ms Ward.

COMMISSIONER: Yes, Ms Ghabrial.

40 **<EXAMINATION BY MS GHABRIAL:**

MS GHABRIAL: Ms Ward, my name is Ghabrial, I am appearing for a group of Correctional Officers, which includes Officers Barry, Berry, Mr Clark, Mr Virgo and Ms – I think Dolly and Jeans. I just wanted to ask you a couple of questions, if I could take you to your statement that you made to the Commission.

45

MS WARD: Yes.

MS GHABRIAL: In respect of paragraph 4 –

MS WARD: Sorry, which paragraph?

5 **MS GHABRIAL:** Paragraph 4 on the first page.

MS WARD: Yep.

10 **MS GHABRIAL:** There and also in your evidence today, you indicated that in your interactions with Ms Berry, Ms Berry had advised you to stay close to her after you had spoken to her about Officer Astill. Do you recall that?

MS WARD: I do, yes.

15 **MS GHABRIAL:** And do you recall Officer Berry also advising you, if you weren't able to stay close to her, to stay under the CCTV cameras, wherever they were in the reception centre?

20 **MS WARD:** Yes, I actually do. So she told me to stay close to her when – when Astill came around and yeah, stay – stay near the cameras, yes, or near the – yeah, her office area. Yes. But however, Astill came through the reception area one day and I was standing at the desk. Ms Berry was not far from where I was at the computer, and Astill had his jacket over his shoulder. I had a camera above me, and he walked past and grabbed me on the backside.

25 **MS GHABRIAL:** So you had tried to stay under the camera as she had advised?

MS WARD: Yes, I did, yes.

30 **MS GHABRIAL:** That wasn't the only occasion where she - in fact, I withdraw that. She had repeated on a number of occasions to either stay close to her or to keep under a camera each time you spoke to her, correct?

35 **MS WARD:** Yes. And, you know, there were occasions when I was - Astill had bailed me up out the back and Ms Berry would come out and call me. She would probably - she probably overheard my voice talking to someone and she would come out to the back area where I worked and say, "Ward, I need you" and I'm pretty sure, you know, she did that. She never said "I knew Astill was out there talking to you" but I knew she was trying to, you know, get me out of the
40 situation.

MS GHABRIAL: Sure. And just in relation - if I can take you also to paragraph 6 of your statement where you talk about the second night that Officer Astill comes to your cell, and Officer Clark turns up.

45 **MS WARD:** Yes.

MS GHABRIAL: I just want to ask you in relation to that, is this: Do you recall after Officer Astill left, Officer Clark coming to you to check on you? Do you recall that?

5 **MS WARD:** He might have come - yeah, he didn't open the cell but he might have come to the window and checked if I'm okay, yes.

MS GHABRIAL: Do you recall, just bear with me for a moment, Officer Clark asking you what had happened, what was going on and if you were okay during
10 that interaction after Astill left?

MS WARD: I - he did, yeah he was concerned, yeah. I think he asked me if I was all right. Yeah, he was concerned, without saying - yeah, he was concerned and he knew it was - it was not right. He shouldn't have had my cell door open
15 and he was concerned, yes.

MS GHABRIAL: Do you recall Officer Clark asking you something along the lines of "Has he done anything to you?"

20 **MS WARD:** Yes, he think he might have, yes.

MS GHABRIAL: Do you recall your response being something along the lines of, "No, thank Christ you got here when you did" or something along those lines?

25 **MS WARD:** This is probably another - maybe I did say something to that respect because I felt that - I have - feel and I think to this day, if Mr Clark hadn't turned up, then I feel something worse could have happened, yes.

MS GHABRIAL: Do you - please continue. Do you also -
30

MS WARD: Yeah. But there were no -

MS GHABRIAL: Please continue.

35 **MS WARD:** No, no, that's - that's all I've got to say, yeah.

MS GHABRIAL: Do you also recall Officer Clark asking something along the lines of whether you needed to attend the clinic or speak to anybody at that stage?

40 **MS WARD:** I don't recall him asking me if I needed to attend the clinic. No, I don't recall that.

MS GHABRIAL: But after expressing concern, checking that you were okay, he then secured the cell and left?
45

MS WARD: Yes. So I think I might have - he asked me if I was all right and Astill had his back to me and I sort of mouthed to him like, you know, help me,

like I'm not. And then he closed the cell and he walked - I assume he - I heard them walk away. And I think maybe later on he came just to my door and asked me if I was all right, yeah.

5 **MS GHABRIAL:** Thank you. Nothing further.

COMMISSIONER: Mr Lloyd, in relation to paragraph 4, I may have missed it. Paragraph 4 of the statement. Do we have a time when that event was, the telling to stay close. Do we have a time when that was spoken?

10

MR LLOYD: Just pardon me, Commissioner. Just pardon me before I answer that. I just want to look at one other -

15 **COMMISSIONER:** I may have missed it but I think we should try and pin that to -

MR LLOYD: No, no, I understand the - I might just try and clear it up. I don't think presently we have evidence.

20 **COMMISSIONER:** No. Okay, yes, I think we should try.

<EXAMINATION BY MR LLOYD:

25 **MR LLOYD:** Now, Ms Ward.

MS WARD: Yes.

MR LLOYD: Just have a look at paragraph 4 of your statement to the Commission, the October one.

30

MS WARD: Yes.

35 **MR LLOYD:** Mr Sheller asked you some questions about timing of when this event - that is when you had that conversation with Ms Berry occurred; do you remember that?

MS WARD: I remember the conversation, yes.

40 **MR LLOYD:** And what I'm going too to try and do is ask you some questions to see if I can jog your memory about your best evidence about when this conversation with Ms Berry occurred. Do you understand?

MS WARD: Yeah.

45 **MR LLOYD:** Just first, in terms of just sitting here - sitting there today, I think you told Mr Sheller you just were not sure when it occurred, except that it was

before the events in the Behavioural Intervention Unit that you've told us about, those two events?

MS WARD: Correct, yes.

5

MR LLOYD: Now, can we just get some things about the occasion when you told Ms Berry the things you describe in paragraph 4. Is it right that that discussion with Ms Berry happened in one of the periods when you were working as a sweeper in reception?

10

MS WARD: That's correct, yes.

MR LLOYD: Now, I think you told us earlier that you worked as a sweeper in reception at different times. There were periods when you lost that job?

15

MS WARD: Yes.

MR LLOYD: Is it right - I withdraw that. Do you remember when you first started working as an inmate sweeper?

20

MS WARD: What year do you -

MR LLOYD: Yes, yes.

25 **MS WARD:** I can't remember. I can't -

MR LLOYD: It's not a memory test so I will just remind you of something you said to the police about that.

30 **MS WARD:** Yep. Okay.

MR LLOYD: This is for those of us here, paragraph 4 of Ms Ward's first police statement:

35 "Whilst being housed at Dillwynia, I was working in the reception area as an inmate sweeper and I think I started this job in around late 2016."

MS WARD: Yeah, so I don't think that's correct. I don't know. I know -

40 **MR LLOYD:** Do you think when you first started working -

MS WARD: Because when I first got to the centre I was working in the kitchen. Then I went to buy-ups. Yeah, and then I went - and then I got my job as the reception sweeper. So I'm kind of not too sure about the dates.

45

MR LLOYD: But let me just remind you of some things that you've told us about in terms of the chronology. You came to Dillwynia in 2015?

MS WARD: Correct, yes.

MR LLOYD: I think you said your first job there was in the kitchen?

5

MS WARD: Yes.

MR LLOYD: And then after that job you moved to buy-ups?

10 **MS WARD:** Yes, that's correct, yes.

MR LLOYD: Do you remember roughly how long you worked in the kitchen for?

15 **MS WARD:** I don't. I'm sorry, I don't. I was living up in high needs, I think maybe for a good 12 months, 18 months. And then when I started working at reception, I was at high needs and then I went - I moved to medium needs. So I can't remember.

20 **MR LLOYD:** But whatever the time that you got into the reception job, that's the first time you held that job?

MS WARD: Yes.

25 **MR LLOYD:** That's the time I'm asking you about. Was Ms Berry your boss at that time?

30 **MS WARD:** Pretty much, yeah. Yes. Yeah, Ms Berry then, for the majority of the time I worked there, yes. Yeah, like, they have other officers that worked there too at times but I think she was, yeah, the main officer when I worked there, yes.

35 **MR LLOYD:** Do you remember - I'm just going to remind you of something you told us earlier to see if you can help us with the timing of the discussion with Ms Berry.

MS WARD: Yeah.

40 **MR LLOYD:** Do you remember what - you told us that what happened when you were in that position at reception as the sweeper.

MS WARD: Yes.

45 **MR LLOYD:** We had the incident where Astill told you there had been a complaint by the other guard and said that he would shred it. Do you remember that?

MS WARD: Yes, I was working in reception. I was working in reception when that happened.

5 **MR LLOYD:** And then immediately after he said the shredding, he, you've told us, assaulted you sexually by grabbing you on the bum for the first time?

MS WARD: Correct.

10 **MR LLOYD:** Just pausing there, we are still talking aren't we, about the first time you had the job as a sweeper at reception?

MS WARD: So at the time I went to his office with another inmate and that first incident happened, I was working as a sweeper at reception, yes.

15 **MR LLOYD:** And then you told us that after that first time when he assaulted you in the office, there was other conduct by Astill grabbing you on the bum on about four occasions; do you remember that?

20 **MS WARD:** Yes, there were a few occasions, yes.

MR LLOYD: And just to frame your memory, you also told us that you confronted Astill directly about it, his conduct?

25 **MS WARD:** Yes.

MR LLOYD: And after that, he stopped touching you and you lost your job at reception. Do you remember that?

30 **MS WARD:** So I asked him not to do it, and it did stop for a while, yeah. So I lost my job at reception three times. So - and then I got it back. I was put in the kitchen again for a while. Then I got it back. Yeah, so.

35 **MR LLOYD:** Ms Ward, I guess what I'm asking you just to try and jog your memory about timing here is -

MS WARD: Yeah.

40 **MR LLOYD:** - that these events leading up to the time you had lost your job at the reception, prior to that, there had been sexual misconduct by Astill towards you whilst you were working in that reception area?

MS WARD: Yes.

45 **MR LLOYD:** Can you now do your best to tell us whether the conversation that you had with Ms Berry where you passed on things to her about Astill's conduct, that -

MS WARD: Yeah.

5 **MR LLOYD:** - did that conversation occur during this time that you worked in the reception area or was it at some later time when you worked in the reception area?

MS WARD: I think it was a later time.

10 **MR LLOYD:** Do you remember how long it was that you weren't at reception after you lost your job there for the first time. When did you come back?

15 **MS WARD:** I don't know. I'd been working there for - I'd been working there, I worked there for like 18 months, two years and then I lost it for a couple of months, six months, then I came back. I don't know exact dates.

COMMISSIONER: Mr Lloyd, and Ms Ward, I understand how difficult it is to remember back over these events. It may be best if we leave the subject and we'll ask Ms Berry what her recollection is.

20 **MR LLOYD:** And I can tell you, Commissioner, I've obviously arrived at the timing issue. There is some evidence which is likely to bear on the timing and what I understand Ms Ward has been able to do is give evidence of events and some evidence about the sequence.

25 **COMMISSIONER:** Do you have any other questions?

MR LLOYD: I don't.

30 **COMMISSIONER:** Yes, thank you, Ms Ward. That ends your evidence. Thank you for coming forward and talking to us today.

MS WARD: Thank you.

35 <THE WITNESS WAS RELEASED

MR LLOYD: Commissioner, the next witness is W, Ms W. Her statement is in volume 6 of exhibit 3 behind tab 22A and I'm sorry to ask this but can I invite you to go off the bench for, I'm told, no more than five minutes just to establish the link.

40 **COMMISSIONER:** Very well. We'll take a short adjournment.

<THE HEARING ADJOURNED AT 12.14 PM

45 <THE HEARING RESUMED AT 12.26 PM

MR LLOYD: Commissioner, we have Witness W on the screen and we have tested the link. Witness W will swear an oath.

<WITNESS W, SWORN 12.27 PM

5

<EXAMINATION BY MR LLOYD:

MR LLOYD: Witness W, can you first tell me do you have there a pseudonym list?

10

WITNESS W: I do. I have it in front of me.

MR LLOYD: Can you just look at that list and confirm for me that you are witness W recorded on that list?

15

WITNESS W: Correct. I am.

MR LLOYD: Now, you have made a statement to this Commission and did you that on 14 October 2023?

20

WITNESS W: That's correct.

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

25

WITNESS W: Absolutely.

MR LLOYD: You made a statement to the police for the purposes of prosecution of Astill and what you say in that statement is also true?

30

WITNESS W: Correct, it is.

MR LLOYD: And you gave evidence at the criminal proceedings?

35

WITNESS W: Yes, I did in July of 2022.

MR LLOYD: And what you said when you gave that evidence was true?

WITNESS W: Yes, it was.

40

MR LLOYD: Can I just ask you some questions, if you can take up your statement that you made to the Commission.

WITNESS W: Yes.

45

MR LLOYD: You were in custody between 2006 and 2021?

WITNESS W: That's correct.

MR LLOYD: Between '06 and '17 you were at Brisbane Women's Correctional Centre?

5 **WITNESS W:** Yes, I was.

MR LLOYD: And then you came into the New South Wales system in March of '17?

10 **WITNESS W:** Yes.

MR LLOYD: Is it right that you moved to Dillwynia, or were moved to Dillwynia on 27 March 2017?

15 **WITNESS W:** Yes, that is right.

MR LLOYD: And you stayed there until you were released in August 2021?

20 **WITNESS W:** Yes, I did.

MR LLOYD: And during your time at Dillwynia, you came to know a - one of the Correctional Officers there named Wayne Astill?

25 **WITNESS W:** Yes, I did.

MR LLOYD: Could I just ask you to go to paragraph 10 of your statement and read that to yourself and then I will ask you questions about it

30 **WITNESS W:** Yes, I have, I've read that.

MR LLOYD: You describe there where you were located after your - you were moved from high needs, you were in, or moved to the M Right Unit?

35 **WITNESS W:** When I was moved from high needs area, I stayed briefly in two other units before moving into the M Right building. I moved into the M Right building in the beginning of May, and I think I moved from the high needs area in the late - late March. So I was sort of in a unit down the end of medium needs and then in a unit for a little while in the medium before I moved into the M Right house in early May 2017.

40 **MR LLOYD:** Thank you. When you came to be housed in the M Right Unit, you - that room had a window which allowed you to see an administration block close by?

45 **WITNESS W:** Right. The first room that I moved into in the M Right House was on the front side and it was a three-bedroom, three beds in that room and I was with two other inmates and after a while, when I was given my own single

room, that single room was on the back side of the house that looked out on to another building.

5 **MR LLOYD:** Did that other building, was that something that was referred to as The Hub?

10 **WITNESS W:** No. No, that was referred to as - the Chief's office was there. The Hub was close to the greyhound compound, quite a way away from the M Right House, but I didn't have any view of that from my single room that I eventually went into. But I could see the back of the building and the pathway and the traffic going to and from that building behind us. I can't tell you the name of that building but that's where Officer Astill had his office when he worked as the Chief.

15 **MR LLOYD:** So that building which housed the Chief's office, you saw that Astill occupied that office from time to time; correct?

WITNESS W: Yes. Quite a bit, actually.

20 **MR LLOYD:** And you say in paragraph 10, this is the last sentence, you noticed that he had many meetings with inmates in that building?

WITNESS W: Yes, I did.

25 **MR LLOYD:** Just tell us a bit more about that. How frequently did you see inmates going into that building?

30 **WITNESS W:** Well, it was quite regularly I would see inmates going to and from there. I didn't know a lot of the inmates, being that I hadn't completed all my time at that particular - at Dillwynia; I'd done the bulk of my time away at - in Queensland. So I really wasn't up to par with what actually went on in that area, or why there would be people going and coming from there. I would just see different people going there.

35 **MR LLOYD:** Can I ask you to look at paragraph 13?

WITNESS W: Yes.

40 **MR LLOYD:** Just read that to yourself.

WITNESS W: Yes.

45 **MR LLOYD:** What you are describing there is a meeting that happened on Saturday, 3 June with 11 people who were housed in M Right.

WITNESS W: Are you talking about 13 on my statement?

MR LLOYD: Yes.

WITNESS W: 13 on my statement -

5 **MR LLOYD:** If you need to go back and re-read paragraph 12, do that too.

WITNESS W: All right. So 11 - 11 I've got, I moved into the high needs, I kept my (indistinct) reference. 13, I outline in my statement - this is a house meeting?

10 **MR LLOYD:** Yes, that's what I'm asking you about.

WITNESS W: Okay, and that's on 3 June. Right, I've got it. Yes.

MR LLOYD: Yes.

15

WITNESS W: Yes.

MR LLOYD: So you're describing there a meeting between 11 people housed in M Right that happened on 3 June 2017?

20

WITNESS W: Correct.

MR LLOYD: And you say there in paragraph 13 that WWitness V - and look at the pseudonym list if you need to remind yourself of who I'm talking about.

25

WITNESS W: Yes, yes.

MR LLOYD: Said at that meeting that Astill was up to very inappropriate things with lots of younger girls -

30

WITNESS W: Yeah.

MR LLOYD: - wanting sexual favours from them and that he'd been investigated before?

35

WITNESS W: Yes.

MR LLOYD: Do you see that?

40 **WITNESS W:** Yes.

MR LLOYD: At the end of that meeting, this is at the end of paragraph 13, WWitness V had an anxiety attack. Do you see that?

45 **WITNESS W:** Yes.

MR LLOYD: And this information, or these allegations about Astill at this meeting, was that the first time you've heard that kind of thing about him?

5 **WITNESS W:** Yes, it was actually, that was the first time.

MR LLOYD: Do you know whether any of the women who were at that meeting passed on that information to an officer at that time?

10 **WITNESS W:** I couldn't tell you because none of them disclosed that information to me, that they had passed on that information. No, I couldn't confirm that they had at that particular time.

15 **MR LLOYD:** Can you have a look going forward, to paragraph 17 of your statement, just read that to yourself.

WITNESS W: Yes. Yes.

20 **MR LLOYD:** Is what - this is a couple of weeks after that house meeting amongst the women in M Right, and you and Witness GG went to speak to Astill on the compound?

25 **WITNESS W:** Yes, together with the two roommates that I was in the room with. So there was actually four of us. So GG, my two roommates - who are not on the code list but I can provide their names later if I'm asked. So there were four of us that went to meet with Mr Astill on the compound. And the three women, I believe, were trying to clear their name with me as a Witness.

30 **MR LLOYD:** By that do you mean telling Astill that you and the other three women who went to see him had not made any allegations about him at that meeting?

35 **WITNESS W:** No, it wasn't that I hadn't. One of them in particular, one of my roommates, Witness V, had confronted a witness - a Witness JJ and accused her of informing Mr Astill. And Witness JJ told Witness V that it hadn't been her, it was one of my roommates. So the two roommates and Witness GG got me to go along with them to meet with Mr Astill and we met him on the compound.

40 **MR LLOYD:** During this meeting with Astill, is this right: That he was saying that he understood that it was Witness V who had been making allegations about him at the meeting?

45 **WITNESS W:** Yes. Yes. One of the roommates put it to Mr Astill, and she said to him, "Look, it wasn't me who was saying those things about you or who went to you" something along the lines like that, "It wasn't me who told you about the meeting". and he said something along the lines of "No, it wasn't you, it wasn't you, but I'll get quits with her" - referring to Witness V - "about what she said about me" whilst thumping his thumb into his chest. And my roommate held up

her hands in prayer and pleaded with him, "Please Mr Astill, don't do anything. Please, Mr Astill, don't do anything."

5 **MR LLOYD:** And what did he say?

WITNESS W: Nothing. He just kept shaking his head and putting his thumb in his chest.

10 **MR LLOYD:** Can I just understand this, Ms W. This, to your understanding at the time of this discussion with Astill, is - the sequence of events was Witness V had made complaints to the inmates in M Right about Astill being sexually inappropriate with young inmates?

15 **WITNESS W:** Yes, that's correct.

MR LLOYD: That had come - that had come to Astill's attention in some way?

WITNESS W: And also that he had been previously investigated.

20 **MR LLOYD:** And what Witness V was saying had come to Astill's attention in some way?

WITNESS W: Yes.

25 **MR LLOYD:** And Astill was saying to you, in effect, that he was going to target Witness V because of what she'd said about him?

30 **WITNESS W:** Not - not specifically to me, the four of us that were there. It was very obvious. He was making it very obvious that he was terribly upset about it and that he would settle the score with her.

MR LLOYD: And can you just go to paragraph 19 of your statement -

35 **WITNESS W:** Yes.

MR LLOYD: - and re-read that to yourself?

WITNESS W: Yes.

40 **MR LLOYD:** This is something that you were told by Witness B, that she was putting together a report about Astill to give to the Governor -

WITNESS W: Yes.

45 **MR LLOYD:** - about Astill trying to kiss another inmate, witness M?

WITNESS W: That's correct, and other things as well.

MR LLOYD: When you say "other things", other misconduct by Astill, to your understanding?

5 **WITNESS W:** Yes, correct.

MR LLOYD: And you were told later by Witness B that she had, in fact, submitted a report to the Governor?

10 **WITNESS W:** Yes. Yes, they spent quite a bit of time getting that report together, and -

MR LLOYD: Did you see the report?

15 **WITNESS W:** I didn't see the report, no.

MR LLOYD: But, in any event, you were told by Witness B she was putting it together and then told that she had given it to the Governor; is that right?

20 **WITNESS W:** It had been submitted, yes.

MR LLOYD: And if you need to look at paragraph 20 to answer this, do so. But is this right: That your understanding from speaking to Witness V and Witness B about these complaints about Astill, was that after they'd been made, they were
25 waiting for action to be taken to stand Astill down?

WITNESS W: Yes, they were, in anticipation. Usually, if there's - well, I don't know, but usually if there's any sort of - what would you say - confrontation
30 between an officer and inmates or inmates, you know, between each other, they don't leave them together in areas. They - they really believed that Mr Astill would have been stood down until the matter was investigated. Now, I'm not sure where they would have gotten that information from but that's what they were really, really certain would happen.

35 **MR LLOYD:** Did anything happen in the nature of Mr Astill being stood down or moved away from where Witness B and Witness V were housed?

WITNESS W: No.

40 **MR LLOYD:** Could I ask you this, Ms W: In terms of the process for making a complaint about an officer, what did you understand in the period after you arrived at Dillwynia, about what the options were?

WITNESS W: Well, not necessarily about making a complaint against an officer.
45 If you were making a complaint or needed to make a complaint, that you filled out a request form. Well, no, I'm not telling you the right thing there. If you were to make a complaint you would have to report it. We did have like a case worker.

An officer would be assigned to us and that particular officer would be your case worker, or you would tell maybe a medical person if it was affecting you medically. I didn't realise you could go to the Ombudsman about a particular officer, I thought you would contact them about other matters in the gaol.

5 I thought maybe the Prisoner Legal Services -

MR LLOYD: Just pausing there. Just pausing there, Ms W before we come to Prisoner Legal Services, the Ombudsman -

10 **WITNESS W:** Yes.

MR LLOYD: I think you just said that you were not aware that you could make a complaint about misconduct or conduct by an officer to the Ombudsman. Is that what you said?

15

WITNESS W: Well, I wasn't personally aware that you could do that, no.

MR LLOYD: Were you given any information at any time that you were at Dillwynia about the sorts of things you could raise with the Ombudsman?

20

WITNESS W: At that particular time, I didn't have any issues, prior - prior to this thing with Mr Astill and the meeting and that escalating after the report went in. I didn't, at any time, ever have any issues that I needed to make complaints about officers. And I wasn't aware of it. I hadn't made inquiries to how I would go about making a complaint against an officer or the Correctional Centre. It hadn't been something that I had necessitated at any particular time.

25

MR LLOYD: But it wasn't necessary for you to know that my question was a bit different.

30

WITNESS W: I'm sorry.

MR LLOYD: Do you remember being told anything - no, that's all right - do you remember being told anything at Dillwynia?

35

WITNESS W: Well, I was aware that you could take issues to the Ombudsman. But, I mean, issues are a bit different to complaints, I suppose. I'm not real certain about that. But, no, I hadn't been aware. It was never sort of put to us, "If you have complaints about the centre or if you have complaints about officers, that you can seek assistance from the Ombudsman."

40

MR LLOYD: What about someone with the title "The Official Visitor", were you told about what that person did and what you could raise with them?

45 **WITNESS W:** No. We would just be told that the Official - a visitor would be visiting on a certain date. But as far as the capacity; no, not myself, no.

MR LLOYD: Could I ask you this: If you can go back to when you first came into the Brisbane Women's Correctional Centre back in '06.

WITNESS W: Yes.

5

MR LLOYD: Do you remember whether you were given any information about a complaint making or handling system up in Brisbane?

10 **WITNESS W:** When I came in, when I was incarcerated in Brisbane, I was suicidal, I was in a terrible mental state, and I was housed in a clinic, like in a mental facility for probably, two months. So, really, no, I wasn't given any information about what you can do or what happens here or anything like that, because I wasn't in a mental state to be able to even take any of that in.

15 **MR LLOYD:** Thank you. Could you go back to paragraph 21 of your statement?

WITNESS W: Yes.

20 **MR LLOYD:** You're talking here about a period after the report by Witness B -

WITNESS W: Yes.

MR LLOYD: - was, to your knowledge, passed on to the Governor.

25 **WITNESS W:** Yes.

MR LLOYD: And you say at some stage it became clear to you that Astill knew about that report?

30 **WITNESS W:** Yes.

MR LLOYD: How did it become clear to you that he knew?

35 **WITNESS W:** Well, we were anticipating that he would be stood down. He wasn't. He was still working, as usual. And the first time was when he attended an afternoon head count for lock-in and he came with - it was always like two, three, four other officers. And he was obviously very irate and upset and in a state. And he got up very, very close, both in Witness V and Witness B's faces and said, he made a remark, "It smells like dog in here". Now we would bring
40 home the greyhounds, we worked in the greyhound, but those dogs were immaculately clean and not smelly at all. So when people refer to "dog", it's an informant. That's meant to be an informant.

45 **MR LLOYD:** So let me understand this, Ms W.

WITNESS W: Yes.

MR LLOYD: There were, from time to time, dogs in that unit block, but I think what you're saying is they were very well cared for and they didn't smell; correct?

5 **WITNESS W:** That's correct. And normally they would be in that common area, half an hour at most, on a particular mat that we took out of the house. If they stayed overnight, they stayed in our cells with us.

10 **MR LLOYD:** And the event you're describing here is within that unit and one where there were all of the inmates present?

WITNESS W: Correct.

MR LLOYD: And they included Witness B and Witness V?

15 **WITNESS W:** Correct.

MR LLOYD: And what you described -

20 **WITNESS W:** And he directed those comments directly at those two people.

MR LLOYD: And what you describe, just tell me if I've got the sense of it right, is Astill says to the group, that I think you've just said directed at B and V -

25 **WITNESS W:** Yes.

MR LLOYD: - "Smells like dogs in here".

WITNESS W: Yes.

30 **MR LLOYD:** And you took that not to be a reference to the smell of the dogs but rather to be a reference to Astill knowing that they had, quote "dogged" end quote, on him by making complaints?

35 **WITNESS W:** 100 per cent.

MR LLOYD: That concept of dogging on someone, that was a term that was used in the gaol to refer to someone making a complaint or a report about you?

40 **WITNESS W:** Yes. That - that is a gaol term that's used commonly. If somebody is an informant of any kind, they're referred to as a dog, a prison dog.

MR LLOYD: After this time, that is what you've just described, Mr Astill saying, "Smells like dogs in here" directed at B and V, did you notice any change in the way Astill treated those two inmates?
45

WITNESS W: Definitely. It was very obvious.

MR LLOYD: What did you notice?

5 **WITNESS W:** He was always very aggressive towards them. He would get in their personal space, speak abruptly with them. He would often ramp their rooms and take some of their possessions away from them. He intimidated them very, very much.

10 **MR LLOYD:** Can I ask you one question I forgot to ask about the "Smells like dogs in here" occasion; was Astill the only officer present when that happened?

15 **WITNESS W:** No, he wasn't. There were - there would have been at least two others, maybe a third one. I couldn't tell you who they were. I have no idea, I've no recollection of who were on duty at that particular time. But he wasn't there on his own. Never ever was at head counts, there was always assisting officers.

20 **MR LLOYD:** And just speaking for yourself in terms of what you observed about the way he said those words to Witness B and V, how would you describe it? Was it in a friendly way or an aggressive way?

25 **WITNESS W:** It was in a very hateful, vindictive, nasty manner. Threatening manner. It was a threatening manner.

30 **MR LLOYD:** I think you've already said this: In your assessment designed to try and intimidate?

35 **WITNESS W:** Exactly 100 per cent. Exactly.

40 **MR LLOYD:** Could I ask you next, if you need to re-read paragraph 26, do so, and then I'll ask you a question about this event.

45 **WITNESS W:** Okay then. Right, I'm fine.

50 **MR LLOYD:** Now, this is a subsequent occasion when Astill said that you were no longer allowed to have the dogs in the M Unit?

55 **WITNESS W:** That is correct.

60 **MR LLOYD:** And he said that that the reason for that was that the dogs were making the units smelly for the other inmates?

65 **WITNESS W:** Yes, and at that particular time we had brought a dog back to the unit to keep over for the night. And we had to take that dog back to the greyhound yard that afternoon because we weren't allowed to keep the dog there any longer.

70 **MR LLOYD:** Did you think what he was saying as the reason for not being able to keep the dogs in there was true or was it made up?

WITNESS W: No, it wasn't true. There - there was no truth to it whatsoever. The dogs didn't smell. They never went to the toilet in the house. The officers used to - we'd buzz up and the officers would let us out to relieve the dogs. And they were never ever smelly. There was no smell. The women in the house were
5 smellier than what the dogs were.

MR LLOYD: And Witness B was particularly close to the dogs; is that right?

WITNESS W: Yes, she was my leading hand, and she was the head of that dog
10 program and had been working in it for several years.

MR LLOYD: And there were no complaints, to your knowledge, by other women in the unit about dogs being in there?

WITNESS W: Not at all. There wasn't any problem with allergies or asthma or anything like that, that would have affected. Had there been, well, we wouldn't have brought dogs in - into the unit, if there had have been anybody that had a complaint like that.

MR LLOYD: Why did you think Astill was making this decision to ban dogs from the unit?

WITNESS W: To stick it to Witness B.

MR LLOYD: I think -

WITNESS W: And probably to cover up the remark that he had made about "Smells like dogs in the unit". I'm sure that Witness B would have reported that to our officer, our supervisor, Mr Riddle, Officer Riddle, and I think he would have
30 been doing that to sort of cover up that he had insinuated that Witness V and B were dogs, informants. And he was trying to sort of push the point that it was smelly dogs and it wasn't good to be continuing letting them come into the house. And, I mean, this is after about three years of the program doing this.

MR LLOYD: I think I've got it right, haven't you: you regarded it as payback for Witness B making the complaint?

WITNESS W: Absolutely. And to cover up his comment.

MR LLOYD: Can I ask you to go - sorry

WITNESS W: And to cover up his remark that he made.

MR LLOYD: Can I ask you to go forward to paragraph 34?
45

WITNESS W: Yes, one moment. Okay.

MR LLOYD: Just read that to yourself.

WITNESS W: Yes. Yes, I have that.

5 **MR LLOYD:** Can I just ask you to describe what happened here on 27 April 2018?

10 **WITNESS W:** On 27 April. Okay. So this is when we had the lock-in, in that afternoon, and an announcement came over the PA system for inmate GG to report back to her house. Apparently she wasn't in the house when they did the house head count. And the PA, in the medium needs was calling for her whereabouts. Now, when that occurred, witnesses in my house, K and Witness N rushed to the smoke-out room that was on the end of the house, very close to where the offices - office was outside. And this call was coming over the PA
15 system several times, and Witness N called out a couple of times, "Where's Mr Astill? Where's Mr Astill?" And then I heard someone, and I didn't see who said it, but somebody called out, "You'll find her in Astill's office sucking his dick for tobacco."

20 **MR LLOYD:** That, I think, was a reference to Witness GG. That was what whoever it was that yelled that out was referring to?

WITNESS W: Correct. Yes.

25 **MR LLOYD:** You say here that you know there were definitely officers right outside who would have heard?

WITNESS W: Yes.

30 **MR LLOYD:** How loud was the comment?

WITNESS W: It was very loud and that particular smoke-out room has large louvre windows that were open. They were always open and it would have been very, very easy to hear that remark.

35 **MR LLOYD:** Did you see any of the officers you've identified come in and ask the person who yelled that out what they were talking about?

40 **WITNESS W:** No. No, nobody came in and - to check on what was going on. None of the officers came into the unit. It wasn't until the next day that there was a blow-up about it.

45 **MR LLOYD:** So one of the inmates, has yelled out, on your evidence, close to other officers, "You'll find Witness GG in Astill's office sucking his dick for tobacco."

WITNESS W: Correct.

MR LLOYD: Did you see any officers go to Astill's office?

WITNESS W: No, I didn't. I did not.

5

MR LLOYD: Would you have been able to see those officers you identified if they had?

WITNESS W: Yes, I wouldn't have been able to see that because, you know, my room was at the back. But, no, I didn't see any officers going there.

10

MR LLOYD: What did you make of that scene, Ms W? You have got an inmate making what was an extremely serious allegation, to your understanding, that would have been heard by more than one officer, and from what you have just told us, the officer or officers not doing anything. What did you think was going on?

15

WITNESS W: Well, it wasn't until the next day when we were having our lunchtime line-up that Mr Astill spoke to our line of women and he said that someone in the house was overheard, the day before, yelling out disrespectful remarks about him. Right? That's when it was obvious that it had been overheard and reported to him. Okay. So -

20

MR LLOYD: You took that to be him having been told what had been yelled out about GG?

25

WITNESS W: Yes, that's right. So that was the next day.

MR LLOYD: Were there other officers present when Astill -

WITNESS W: He did, yes. Always on a head count there's at least three or four officers in a group that come around and do a head count of all - of all the inmates in each house and before we go in and get locked down. It's never an Officer on their own.

30

MR LLOYD: You can't remember the officers who were outside who you say would have been able to hear this comment; is that right?

35

WITNESS W: No. No, because I couldn't see sort of outside. I was down the hallway, as such. I wasn't in the smoke-out room. Had I been in there I would have been able to see who or what was outside of the house. But I wasn't. I was still further in the house, but I can hear and I saw the two - it was N and K - rush up to that smoke-out room. But I couldn't see outside.

40

MR LLOYD: In the event the next day -

45

WITNESS W: The next day -

MR LLOYD: In the event the next day when Astill said, "Someone in this house yesterday was heard yelling out disrespectful remarks about me" -

WITNESS W: Yes.

5

MR LLOYD: - "I would respect them if they stand up and own up to it now." Did you hear or see the other officers present then saying or doing anything?

WITNESS W: They were just standing there, waiting to do the head count. He said that, and he was staring at me, looking at me in such a fashion to say, "I know it's you." He was - even though he said it to that line, he was referring it at me.

MR LLOYD: Thank you. Can you go forward to paragraph 38 in your statement?

15

WITNESS W: Yes.

MR LLOYD: Just look at that and I'll ask you some things.

WITNESS W: Okay. Right, I'm right.

20

MR LLOYD: You are describing here an event on 12 April 2018.

WITNESS W: Yes.

25

MR LLOYD: You went on a hospital escort and were taken to reception.

WITNESS W: Yes.

MR LLOYD: You have identified two officers at reception being a Ms Wilson - just pausing there: do you remember her first name?

30

WITNESS W: No, I don't. I wasn't on a first name basis with the officers.

MR LLOYD: Do you remember her position in the hierarchy? Was she a senior person at Dillwynia?

35

WITNESS W: No, I don't think she was senior. I think she was just a regular officer. She was a more mature woman.

40

MR LLOYD: And do you remember whether she was a person in a position, Manager of Security, or different - a different position within the gaol?

WITNESS W: No, I don't think she had a senior position. She worked all around the prison. On this particular day she was in the reception. She worked in the clinic quite a bit.

45

MR LLOYD: Thank you. Can you just go forward in this paragraph. You describe here that the Ms Wilson you are referring to was Witness K's case manager.

5 **WITNESS W:** Yes.

MR LLOYD: And asked you why Witness K had been down recently?

WITNESS W: Yes, she was concerned about Witness K.

10

MR LLOYD: In the course of your discussion with this officer, you disclosed to - is it right you disclosed to her that a different inmate, Witness N, had been selling her medication and buy-ups to other inmates?

15 **WITNESS W:** Yes. Yes, I did.

MR LLOYD: And that was a serious internal kind of offence for an inmate to do that; is that right?

20 **WITNESS W:** Yes, it was. But it was very common for the inmates to do that.

MR LLOYD: What happened after you made mention to this officer about what Witness N was doing?

25 **WITNESS W:** Witness N's medication was stopped being issued to her. She had to go to the clinic to get her medications instead of having it with her in her room. We could get monthly lots of medication, and it was taken from her.

30 **MR LLOYD:** Did you come to find out that Witness N had been told about that complaint?

WITNESS W: Yes.

MR LLOYD: And how did you find out that she had been told?

35

WITNESS W: She told me. She told the whole house group that somebody in the house had told on her and that she would find out who it was because we didn't realise the power that she had, and she would find out who it was.

40 **MR LLOYD:** By that, that something happened after that which led you to believe that Astill had been made aware that you'd made a complaint about Witness N?

WITNESS W: Yes.

45

MR LLOYD: And what happened? Just tell us.

WITNESS W: She confronted me and she said that she knows, she had it on very good authority, it couldn't come any higher, that it had been me who had informed on her.

5 **MR LLOYD:** Can I ask you this - if you go forward to paragraph 42 -

WITNESS W: Yes.

10 **MR LLOYD:** This is part of your statement where you are describing what you knew about the system for making complaints. You mention here an inmate request form.

WITNESS W: Yes.

15 **MR LLOYD:** And you didn't know of any other way in which to make a complaint?

20 **WITNESS W:** Well, I didn't. I didn't know of any other way to make a complaint or to request, to put a request in, other than using that request form.

MR LLOYD: And did you know, or were you told about who would read an inmate request form that you put in the box?

25 **WITNESS W:** No. Had no idea. No idea.

MR LLOYD: Did you have a view that it would be likely looked at, at least in the first instance, by an officer within the gaol?

30 **WITNESS W:** I would say that was very possible to happen.

MR LLOYD: Do you know either within your own belief or in discussion with any other inmates, whether there was faith in that system in that complaints would be treated properly and taken seriously?

35 **WITNESS W:** No, it's common knowledge. It was common knowledge that in Correctional Centres, there's no confidentiality whatsoever and that doesn't matter whether you're an officer on their side or whether you're an inmate. Nothing is confidential. Nothing.

40 **MR LLOYD:** In your experience, Ms W, was what happened, as you've described to us with Witness B making a complaint, and then you told us being targeted by Astill -

WITNESS W: Yes.

45

MR LLOYD: - after that complaint. Was that widely known amongst the inmates?

WITNESS W: That it was going on?

5 **MR LLOYD:** Yes, that is, she had made a complaint and then after that Astill had targeted her and intimidated her. Was that widely known amongst inmates?

WITNESS W: Well, I wouldn't say broadly across the centre but it was known by many inmates that that did happen. As again I say to you, there is no confidentiality in centres.

10

MR LLOYD: Thank you. Just pardon me. Those are my questions.

COMMISSIONER: Anyone else have any questions?

15 **MR BUTERIN:** I don't have any questions.

MR SELLER: Just a couple, if I may.

COMMISSIONER: Mr Sheller.

20

<EXAMINATION BY MR SELLER:

MR SELLER: My name is James Sheller, I'm one of the legal representatives for the Corrective Services.

25

WITNESS W: Yes, James.

MR SELLER: Could I just ask you to go to paragraph 36 of your statement, your October statement.

30

WITNESS W: One moment. Yes, okay, yes.

MR SELLER: This is where you describe discussions you had with Witness K.

35 **WITNESS W:** With - yes, right.

MR SELLER: Just for your information, Witness W, Witness K is happy to have her name used in these proceedings.

40 **WITNESS W:** Yes.

MR SELLER: So this is Ms Ward.

WITNESS W: Yes, that's correct.

45

MR SHELLER: We have just been trying to work out earlier today just again for your information, when Ms Ward might have had this interaction with Ms Berry which is referred to in paragraph 36 of your statement.

5 **WITNESS W:** Yes.

MR SHELLER: I know it's in a - there's different contexts to other parts of your statement, but you will see paragraph 34, you talk about events on 27 April 2018.

10 **WITNESS W:** Yes.

MR SHELLER: And in paragraph 38 you talk about an incident on 12 April 2018.

15 **WITNESS W:** One moment, on the 12th, is it? Yes. Yes, right. Okay.

MR SHELLER: Are you able to assist us whether you have a clear recollection as to when you were having these discussions with Ms Ward as set out in paragraph 36? Do you know what year or month it may have been in?

20

WITNESS W: It was 2017 and onward, different things would come up about that because Ms Ward worked in the reception area. That was her position. And Mr Astill was going there even when he wasn't working in that area.

25 **MR SHELLER:** It is fair to say you think these discussions you had with Witness K started in 2017 and may have continued until 2018?

WITNESS W: Yes.

30 **MR SHELLER:** Now, then just going to the very end of your statement, paragraph 48.

WITNESS W: Yes.

35 **MR SHELLER:** You will see there's a word at the end of the paragraph, Arunta. A-r-u-n-t-a.

WITNESS W: Yes.

40 **MR SHELLER:** Is that the phone system that was in the units?

WITNESS W: That's correct, that's the inmate phone system. I have no idea what the officers' phone system is called or referred to but that is the inmates' system.

45

MR SHELLER: And you remember a phone being available in the various units that you were housed in while in low or medium needs?

WITNESS W: There was a phone sort of in the high needs, in the houses. There were telephones in the areas in medium needs and low needs but not in the houses. There might have been a phone down in one of the houses in medium needs down
5 the bottom. It was like a double house. But in all the other houses there weren't phones available.

MR SHELLER: If you needed to use a phone or wanted to use a phone while
10 you were in medium and low, where would you go for that?

WITNESS W: Well, you would have to wait until unlock and then line up with all the other inmates and wait for your turn to get a phone. Many a time you couldn't get on to the phone and you had no privacy. Everybody could overhear what you were saying so really there was even no privacy when you were on the
15 telephones.

MR SHELLER: Yes, those are the questions, thank you.

COMMISSIONER: Ms Ghabrial.
20

<EXAMINATION BY MS GHABRIAL:

MS GHABRIAL: Thank you, Ms W, my name is Ms Ghabrial, I appear for a group of Correctional Officers that includes Officers Berry, Barry, Clark and
25 Dolly to whom you have referred to in your statement.

WITNESS W: Yes.

MS GHABRIAL: I wanted to ask you this question, with regard to the dog
30 program, the greyhound program.

WITNESS W: Yes.

MS GHABRIAL: Were you aware that Officer O'Toole was the boss of that
35 program?

WITNESS W: No, I wasn't. At the time I only had dealings with Officer Riddles and I was led to believe he was in charge of that program when I was working
40 there.

MS GHABRIAL: Nothing further, thank you.

COMMISSIONER: Thank you, Mr Lloyd?

MR LLOYD: Nothing further from me.
45

COMMISSIONER: Thank you, Witness W. That is the end of your evidence. Thank you for coming forward and you are now excused.

WITNESS W: Thank you very much. Thank you so much everybody.

5

<THE WITNESS WAS RELEASED

COMMISSIONER: Mr Sheller, as the evidence unfolds it's likely to become clear that some changes need to be made in the present system.

10

MR SHELLER: Yes.

COMMISSIONER: I will be looking to you and your people to bring forward those changes in due course.

15

MR SHELLER: Yes.

COMMISSIONER: I would be grateful therefore if someone was given responsibility for starting to think about those matters now given the confined timeframe for this inquiry.

20

MR SHELLER: Yes.

COMMISSIONER: Thanks, Mr Lloyd.

25

MR LLOYD: Commissioner, just some administrative things. I'm conscious of the time. Could I hand up a form of proposed variation to the non-publication orders that you made on 28 September.

30

COMMISSIONER: Yes, is everyone happy for me to make that order?

MR LLOYD: I'm not aware of any opposition.

COMMISSIONER: Very well. I will make that order which I have initialled.

35

MR LLOYD: Could I, just for an abundance of caution, I might just read out the order that you have just made, if that is convenient.

COMMISSIONER: Sure.

40

MR LLOYD: The order that has just been made is pursuant to section 8 of the Special Commissions of Inquiry Act, 1938 the Special Commission orders that Annexure A to the non-publication and pseudonym orders made by the Special Commission on 28 September 2023 is varied by substituting it with the document marked Annexure A to these orders which removes the pseudonyms for Trudy Sheiles and Sarah Ward.

45

5 Could I next hand up a form of proposed short minutes to extend some time about
the non-publication order issues that have been the subject of multiple discussions
between the Commission and the Department. In effect, extending orders that you
made on an earlier occasion and, if necessary, fixing for hearing whatever issues
remain next Monday at 3 pm in the earnest hope and belief that I have that it will
not be necessary to have that hearing because the remaining issues are likely, at
least on my estimation, to be resolved.

10 There's more than one version. I should make you have got the right one. Order 2
in the correct version needs to be Tuesday, 24 October.

COMMISSIONER: I've got the wrong one.

15 **MR LLOYD:** Sorry, so did I. Sorry.

COMMISSIONER: That's all right. Mr Sheller, this affects you, are you happy
for me to make this order?

20 **MR SELLER:** Yes, Commissioner.

COMMISSIONER: I will make both orders, which I have signed.

25 **MR LLOYD:** Thank you, Commissioner. One final matter just to record
publicly, it won't be possible to start at 10 am tomorrow and so I had proposed, if
it's convenient to you, to start at 11 am.

COMMISSIONER: I see. I guess I have no choice, do I?

30 **MR LLOYD:** Well, there is a ceremonial event at another court that I understand
a number of people -

COMMISSIONER: That leaves us with no choice.

35 **MR LLOYD:** - would like to attend.

COMMISSIONER: Very well. No one has any issue to raise. Very well, 11
o'clock tomorrow morning.

40 **<THE HEARING ADJOURNED AT 1.16 PM TO THURSDAY. 19
OCTOBER 2023 AT 11 AM**